

(CBCS BASED)

**ORDINANCE, REGULATION & SYLLABUS
For
LL.B. [3 YEAR'S]**



**NEHRU GRAM BHARTI
(DEEMED TO BE UNIVERVISITY),
KOTWA-JAMUNIPUR-DUBAWAL
PRAYAGRAJ-221505
UTTAR PRADESH**

**Session:
2019 – 2020**

Preamble

The Nehru Gram Bharati (Deemed to be University) is one of the prestigious universities in the country. In 2019-20 session, the Nehru Gram Bharati (Deemed To Be University) moved on from traditional marks and percentage system and introduced Choice Based Credit System. The talks on CBCS system went on for quite a long time created confusion among the Universities as to whether the syllabus, timetables and assessment procedures should be prepared as per the requirements of the CBCS or should they have continued with the previous marking system. But, the Nehru Gram Bharati (Deemed To Be University) has been able to implement the CBCS system with relative ease, while the students are finally coming to terms with the changes introduced by the UGC. Let's get into the details of this system

In LLB Syllabus of Faculty of Law Nehru Gram Bharati (Deemed To Be University) is designed in a way so that every aspect of law can be included in the three-year course of study. Various subjects like Crime, Labour Law, Administrative Law, Constitutional Law of India, Procedure Code, Legal Writing, Computer Application to name a few forms a part of the course's curriculum and are mostly covered by all top Universities providing admission into LLB course.

The University Grants Commission has come up with the Choice Based Credit System (CBCS) programme in which the students have a choice to choose from the prescribed courses, which are referred as core, elective or minor or soft skill courses and they can learn at their own pace and the entire assessment is graded-based on a credit system. The basic idea is to look into the needs of the students so as to keep up-to-date with development of higher education in India and abroad. CBCS aims to redefine the curriculum keeping pace with the liberalisation and globalisation in education. CBCS allows students an easy mode of mobility to various educational institutions spread across the world along with the facility of transfer of credits earned by students.

The Faculty of Law was established in 2008 by Nehru Gram Bharati (Deemed To Be University). Dr. K.P Mishra, was its first Vice Chancellor of the University. The Faculty of Law was initially located in the Hanumanganj G.T Road, Prayagraj UP, India.

The LL.B course is revised periodically and new subjects are included in the course to keep pace with the national and international social, legal and policy changes, innovations and technology. In the year 2014 and 2017 the LL.B. Course was revised, keeping in view the new developments in the field.

Features of CBCS

- This is a uniform CBCS for all Central and State and other recognised universities.
- There are three main courses: Core, Elective and Foundation.
- All the three main courses will be evaluated and accessed to provide for an effective and balanced result.

The LL.B. Programme is aimed at:

- Familiarising students with basic laws and judicial interpretations at the national and international level
- Apprising students of the legal system, rule of law, and administration of justice.
- Imparting professionally and socially relevant legal education
- Sensitising students towards the issues of access to justice of the deprived, marginalised and weaker sections of society
- Producing internationally competent litigating lawyers, corporate lawyers, judges, judicial officers, legal officers, researchers, law reformers, law teachers, etc.
- Imparting skills of legal reasoning, problem solving, research, legal writing, oral and written communication, persuasion, leadership and teamwork
- Promoting ethical practices in the profession of law
- Promoting inter-disciplinary approach to legal profession

Programme Specific Outcomes :

At the end of the LL.B. course, the students will be able to:

- Do legal research
- Understand, interpret, and apply law
- Evaluate and compare domestic and international laws Design, and formulate case theory and strategy
- Analyze and differentiate facts and law
- Solve problems by employing legal reasoning, research
- discharge their social responsibility.

विधि विभाग की अध्ययन परिषद की बैठक का कार्यवाही विवरण

दिनांक 25.05.2019 कोषहर 12:00 बजे विधि-विभाग की अध्ययन परिषद की बैठक सिविल लाइन्स परिसर नहर ग्राभ आरती भारी विश्वविद्यालय में आयोजित की गई। जिसमें निम्नलिखित सदस्य उपस्थित

हूँगे:-

1. डॉ० यू० अनंशुभा - अध्यक्ष
2. डॉ० मुहम्मद जफर - सदस्य
3. डॉ० स्वप्निल त्रिपाठी - सदस्य
4. डॉ० एस० आर० शमल - सदस्य
5. डॉ० आर० के० चौबे - सदस्य
6. डॉ० रम० पी० तिवारी - सदस्य


बैठक में सर्वप्रथम माननीय अध्यक्ष ने सभी सदस्यों का स्वागत किया। माननीय अध्यक्ष महोदय द्वारा विश्वविद्यालय की सत्र 2018-19 की उपलब्धियों एवं गतिविधियों की जानकारी करायी। इसके पश्चात निम्न रुझान बिन्दुओं पर विचार विमर्श करके निर्णय लिए गए।

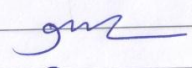
रुझान बिन्दु:

अध्ययन परिषद द्वारा विधि स्नातक (त्रिवर्षीय एवं पंचवर्षीय) एवं परास्नातक स्तर पर प्रस्तावित C.B.C.S पद्धति के अनुमोदन पर विचार।

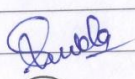
निर्णय: उपरोक्त रुझान बिन्दु पर उपस्थित सभी सदस्यों ने विस्तृत चर्चा करते हुए आगामी सत्र 2019-2020 से विधि स्नातक त्रिवर्षीय, पंचवर्षीय एवं परास्नातक कक्षाओं में C.B.C.S पद्धति संचालित करने का प्रस्ताव अनुमोदित किया। सत्र 2019-2020 से एल एल.बी., बी.ए. एल एल.बी.

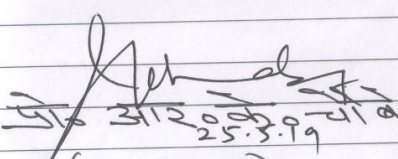
शुभ शल- शलं शुभं कक्षाओं हेतु CBCS पद्धति का प्रस्ताव अध्ययन परिषद से विषय की सम-कालीन उपेक्ष्यता और BCI तथा UGC के निर्देशों के अनुरूप CBCS पद्धति को सत्र 2019-2020 से कक्षाओं हेतु संचालित करने का प्रस्ताव अनुमोदित किया गया।

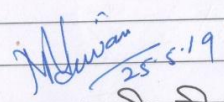

डॉ० मू० शुभ० शर्मा
Dean, Faculty of Law
Neeru Bharati (Deemed to be University), Prayagraj-221505


डॉ० मुहम्मद ज० ज०
Dr. Mohammad Zafar
HOD, Department of Law
Neeru Bharati (Deemed to be University), Prayagraj-221505

~~डॉ० सुनील त्रिपाठी~~
डॉ० सुनील त्रिपाठी
(सदस्य)


डॉ० सिमा राम शुक्ल
सदस्य


डॉ० आर० ए०
25.3.19
(सदस्य)


डॉ० शुभ० पी० तिवारी
25.3.19
(सदस्य)

विधि विभाग की संकाय परिषद की बैठक का कार्यवाही विवरण —

दिनांक 30/05/2019 को दोपहर 12 बजे विधि विभाग की संकाय परिषद की बैठक अनुसूचित परिषद के 270 भाग (मां विठ) में आयोजित की गयी जिसमें निम्नलिखित सदस्य उपस्थित रहे :-

1. डॉ. मूकेश एन. शर्मा	अध्यक्ष
2. डॉ. मुहम्मद जफर	सदस्य
3. डॉ. दिलीप कुमार	सदस्य
4. डॉ. हवामिल त्रिपाठी	सदस्य
5. प्रो० डारणकेच चौधरी	सदस्य

बैठक में ~~...~~ माननीय अध्यक्ष महोदय ने सदस्यों का स्वागत किया। माननीय अध्यक्ष महोदय द्वारा अध्यक्षता परिषद की बैठक का कार्यवृत्त (दिनांक 25/05/2019) को पढ़कर सुनाया

निर्णय :- संकाय परिषद ने सर्वसम्मति से निम्नलिखित निर्णय लिए :-

1. संकाय परिषद ने दिनांक 25/05/2019 को सम्पन्न हुयी अध्यक्षता परिषद के कार्यवृत्त को अनुमोदित किया।

30/05/19

डॉ. मूक एन शर्मा

Dear Faculty of Law
Nehru Gram Bharati (Deemed to be
University), Prayagraj-221505

30/05/19

30/05/19

डॉ. मोहम्मद जफर

Dr. Mohammad Zafar
Department of Law
Nehru Gram Bharati (Deemed to be
University), Prayagraj-221505

30-5-19

डॉ. दिलीप कुमार

(सदस्य)

~~डॉ. जयप्रकाश~~

डॉ. स्वातिता त्रिपाठी

(सदस्य)

प्रो. आर.के. चौबी

(सदस्य)

LL.B. Revised Syllabus as approved by Academic Council on 31 May, 201

	I Semester (CORE COURSES)	Page No.
LB-CC-101	Jurisprudence-I (Legal Method, Indian Legal System and Basic Theory of Law)	
LB-CC-102	Law of Contract	
LB-CC-103	Law of Torts including Motor Vehicles Act and Consumer Protection Act	
LB-CC-104	Law of Crimes-I: Indian Penal Code	
LB-CC-105	Family Law-I	
	II Semester (CORE COURSES)	
LB-CC-201	Law of Evidence	
LB-CC-202	Family Law – II	
LB-CC-203	Law of Crimes-II: Code of Criminal Procedure	
LB-CC-205	Property Law	
LB-CC-206	Public International Law	
	III Semester (CORE COURSES)	
LB-CC-301	Constitutional Law-I	
LB-CC-302	Company Law	
LB-CC-303	Special Contract	
LB-CC-304	Moot Court Mock Trial and Internship	
	IV Semester (CORE COURSES)	
LB-CC-401	Constitutional Law-II	
LB-CC-402	Administrative Law	
LB-CC-403	Alternate Dispute Resolution	
LB-CC-404	Labour Law	
	V Semester (CORE COURSES)	
LB-CC-501	Code of Civil Procedure and Limitation Act	
LB-CC-502	Drafting Pleadings and Conveyance	
LB-CC-503	Industrial Law	
	VI Semester (CORE COURSES)	
LB-CC-601	Professional Ethics & Accounting System	
LB-CC-602	Environmental Law	
LB-CC-603	Principles of Taxation Law	

	III Semester (ELECTIVE COURSES)	
LB-EC-301	International Institutions	
LB-EC-302	Legal Philosophy including Theory of Justice	
LB-EC-303	Legal Research and Writing	
	IV Semester (ELECTIVE COURSES)	
LB-EC-401	Interpretation of Statutes	
LB-EC-402	Media and Law	
LB-EC-403	Humanitarian and Refugee Law	
	V Semester (ELECTIVE COURSES)	
LB-EC-501	Information Technology Law	
LB-EC-502	Legislative Drafting	
LB-EC-503	Criminology	
LB-EC-504	International Trade Law	
LB-EC-505	Intellectual Property Rights Law-I	
LB-EC-506	Business Regulations	
	VI Semester (ELECTIVE COURSES)	
LB-EC-601	Intellectual Property Rights Law - II	
LB-EC-602	Insurance and Banking Law	
LB-EC-603	Election Laws	
LB-EC-604	Minor Acts and Supreme Court Rules	
LB-EC-605	International Investment Law	
LB-EC-606	Competition Law	

	III Semester (OPEN ELECTIVES)	
LB-OE-301	Law, Science and Technology	
LB-OE-302	Feminist Jurisprudence	
LB-OE-303	White Collar Crimes	
LB-OE-304	Application of Computer in Law (Skill Enhancement Course)	
	IV Semester (OPEN ELECTIVES)	
LB-OE-401	Bio-Technology and Law	
LB-OE-402	Gender Justice	
LB-OE-403	Social Offences Against Disadvantageous People	
LB-OE-404	Education Law	
	V Semester (OPEN ELECTIVES)	
LB-OE-501	Bio-Ethics, Health and the Law	
LB-OE-502	Jurisprudence-II	
LB-OE-503	Law and Development	
LB-OE-504	Sports Law	
LB-OE-505	Securities Law	

II. About the Department

The Faculty of Law was established in 2008 by Nehru Gram Bharati (Deemed To Be University). Dr. K.P Mishra, was its first Vice Chancellor of the University. The Faculty of Law was initially located in the Hanumanganj G.T Road, Prayagraj UP, India.

The LL.B course is revised periodically and new subjects are included in the course to keep pace with the national and international social, legal and policy changes, innovations and technology. In the year 2014 and 2017 the LL.B. Course was revised, keeping in view the new developments in the field.

III. Introduction to CBCS (Choice Based Credit System)

Choice Based Credit System:

The CBCS provides an opportunity for the students to choose courses from the prescribed courses comprising core, elective/minor or skill-based courses. The courses can be evaluated following the grading system, which is considered to be better than the conventional marks system. Grading system provides uniformity in the evaluation and computation of the Cumulative Grade Point Average (CGPA) based on student's performance in examinations which enables the student to move across institutions of higher learning. The uniformity in evaluation system also enables the potential employers in assessing the performance of the candidates.

Definitions:

- (i) 'Academic Programme' means an entire course of study comprising its programme structure, course details, evaluation schemes etc. designed to be taught and evaluated in a teaching Department/Centre or jointly under more than one such Department/ Centre
- (ii) 'Course' means a segment of a subject that is part of an Academic Programme
- (iii) 'Programme Structure' means a list of courses (Core, Elective, Open Elective) that makes up an Academic Programme, specifying the syllabus, Credits, hours of teaching, evaluation and examination schemes, minimum number of credits required for successful completion of the programme etc. prepared in conformity to University Rules, eligibility criteria for admission.
- (iv) 'Core Course' means a course that a student admitted to a particular programme must successfully complete to receive the degree and which cannot be substituted by any other course
- (v) 'Elective Course' means an optional course to be selected by a student out of such courses offered in the same or any other Department/Centre
- (vi) 'Open Elective' means an elective course which is available for students of all programmes, including students of same department. Students of other Department will opt these courses subject to fulfilling of eligibility of criteria as laid down by the Department offering the course.
- (vii) 'Credit' means the value assigned to a course which indicates the level of instruction; One-hour lecture per week equals 1 Credit, 2 hours practical class per week equals 1 credit. Credit for a practical could be proposed as part of a course or as a separate practical course
- (viii) 'SGPA' means Semester Grade Point Average calculated for individual semester.
- (ix) 'CGPA' is Cumulative Grade Points Average calculated for all courses completed by the students at any point of time. CGPA is calculated each year for both the semesters

clubbed together.

(x) 'Grand CGPA' is calculated in the last year of the course by clubbing together of CGPA of **three years, i.e., Six semesters**. Grand CGPA is being given in Transcript form. To benefit the student a formula for conversation of Grand CGPA into %age marks is given in the Transcript

IV. LL.B. Programme Details:

Programme Objectives :

The LL.B. Programme is aimed at:

- Familiarising students with basic laws and judicial interpretations at the national and international level
- Apprising students of the legal system, rule of law, and administration of justice.
- Imparting professionally and socially relevant legal education
- Sensitising students towards the issues of access to justice of the deprived, marginalised and weaker sections of society
- Producing internationally competent litigating lawyers, corporate lawyers, judges, judicial officers, legal officers, researchers, law reformers, law teachers, etc.
- Imparting skills of legal reasoning, problem solving, research, legal writing, oral and written communication, persuasion, leadership and teamwork
- Promoting ethical practices in the profession of law
- Promoting inter-disciplinary approach to legal profession

Programme Specific Outcomes :

At the end of the LL.B. course, the students will be able to:

- Do legal research
- Understand, interpret, and apply law
- Evaluate and compare domestic and international laws Design, and formulate case theory and strategy
- Analyze and differentiate facts and law
- Solve problems by employing legal reasoning, research
- Choose ethical practices in the profession of law
- and discharge their social responsibility.

Programme Structure:

The LL.B. programme is a three-year course divided into six-semester. A student is required to complete 150 credits for the completion of course and the award of degree.

Part – I	First Year	<i>Semester</i> Semester I	<i>Semester</i> Semester II
Part – II	Second Year	Semester III	Semester IV
Part - III	Third Year	Semester V	Semester VI

Course Credit Scheme

Semester	No. of papers	Core Courses			Elective Courses			Open Elective Course			Total Credits
		Credits (L+T/P)	Total Credits	No. of papers	Credits (L+T/P)	Total Credits	No. of papers	Credits (L+T/P)	Total Credits	No. of papers	
I	5	4+1	25	5	0	0	0	0	0	0	25
II	5	4+1	25	5	0	0	0	0	0	0	25
III	6	4+1	20	4	4+1	5	3 (1)	2	2	4 (1)	27
IV	6	4+1	20	4	4+1	10	3 (1)	2	2	4 (1)	27
V	6	4+1	15	3	4+1	10	6 (2)	2	2	5 (1)	27
VI	5	4+1	15	3	4+1	10	6 (2)	0	0	0	25
	33	5	120	24	4+1	30	9	2	6	3	156

- * For each Core and Elective Course there will be 4 lecture hours of teaching per week and one hour will be scheduled for tutorials/ moot courts / project work per week.
- * Three Open Elective Courses to be opted for total of 6 credits (2 credits each).

Semester I/II/III/IV/V/VI (individually for each semester)				
Number of core courses				se
Course		Theory	Tutorial/ Project / Moot Court	Credits
Semester I				
LB-CC-101	Jurisprudence-I (Legal Method, Indian Legal System and Basic Theory of Law)	4	1	5
LB-CC-102	Law of Contract	4	1	5
LB-CC-103	Law of Torts including Motor Vehicles Act and Consumer Protection Act	4	1	5
LB-CC-104	Law of Crimes-I: Indian Penal Code	4	1	5
LB-CC-105	Family Law-I	4	1	5
Semester II				
LB-CC-201	Law of Evidence	4	1	5
LB-CC-202	Family Law – II	4	1	5
LB-CC-203	Law of Crimes-II: Code of Criminal Procedure	4	1	5
LB-CC-204	Property Law	4	1	5
LB-CC-205	Public International Law	4	1	5
Semester III				
LB-CC-301	Constitutional Law-I	4	1	5
LB-CC-302	Company Law	4	1	5
LB-CC-303	Special Contract	4	1	5
LB-CC-304	Moot Court Mock Trial and Internship	4	1	5

Semester IV					
LB-CC-401	Constitutional Law-II	4	1	5	
LB-CC-402	Administrative Law	4	1	5	
LB-CC-403	Alternate Dispute Resolution	4	1	5	
LB-CC-404	Labour Law	4	1	5	
Semester V					
LB-CC-501	Code of Civil Procedure and Limitation Act	4	1	5	
LB-CC-502	Drafting Pleadings and Conveyance	4	1	5	
LB-CC-503	Industrial Law	4	1	5	
Semester VI					
LB-CC-601	Professional Ethics & Accounting System	4	1	5	
LB-CC-602	Environmental Law	4	1	5	
LB-CC-603	Principles of Taxation Law	4	1	5	
Total credits in core courses		120			
Number of elective courses offered			Number of Elective Courses Opted		Credits in each Elective Course
(Semester III) 3			1		5
(Semester IV) 3			1		5
(Semester V) 6			2		5
(Semester VI) 6			2		5
Credits in each elective course			Theory + Tutorial / Project / Moot Court		Credits

Semester III			
LB-EC-301	International Institutions	4+1	5
LB-EC-302	Legal Philosophy including Theory of Justice	4+1	5
LB-EC-303	Legal Research and Writing	4+1	5
Semester IV			
LB-EC-401	Interpretation of Statutes	4+1	5
LB-EC-402	Media and Law	4+1	5
LB-EC-403	Humanitarian and Refugee Law	4+1	5
Semester V			
LB-EC-501	Information Technology Law	4+1	5
LB-EC-502	Legislative Drafting	4+1	5
LB-EC-503	Criminology	4+1	5
LB-EC-504	International Trade Law	4+1	5
LB-EC-505	Intellectual Property Rights Law-I	4+1	5
LB-EC-506	Business Regulations	4+1	5
Semester VI			
LB-EC-601	Intellectual Property Rights Law - II	4+1	5
LB-EC-602	Insurance and Banking Law	4+1	5

LB-EC-603	Election Laws	4+1	5
LB-EC-604	International Investment Law	4+1	5
LB-EC-605	Competition Law	4+1	5
Total credits in Elective Courses			

= 45

Semester I/II/III/IV/V/VI (individually for each semester)				
Number of core courses		Credits in each core course		
Course		Theory	Tutorial/ Project / Moot Court	Credits
Semester I				
LB-CC-101	Jurisprudence-I (Legal Method, Indian Legal System and Basic Theory of Law)	4	1	5
LB-CC-102	Law of Contract	4	1	5
LB-CC-103	Law of Torts including Motor Vehicles Act and Consumer Protection Act	4	1	5
LB-CC-104	Law of Crimes-I: Indian Penal Code	4	1	5
LB-CC-105	Family Law-I	4	1	5
Semester II				
LB-CC-201	Law of Evidence	4	1	5
LB-CC-202	Family Law – II	4	1	5
LB-CC-203	Law of Crimes-II: Code of Criminal Procedure	4	1	5
LB-CC-204	Property Law	4	1	5
LB-CC-205	Public International Law	4	1	5
Semester III				
LB-CC-301	Constitutional Law-I	4	1	5
LB-CC-302	Company Law	4	1	5
LB-CC-303	Special Contract	4	1	5
LB-CC-304	Moot Court Mock Trial and Internship	4	1	5
Semester IV				
LB-CC-401	Constitutional Law-II	4	1	5
LB-CC-402	Administrative Law	4	1	5
LB-CC-403	Alternate Dispute Resolution	4	1	5
LB-CC-404	Labour Law	4	1	5
Semester V				
LB-CC-501	Code of Civil Procedure and Limitation Act	4	1	5
LB-CC-502	Drafting Pleadings ¹³ and	4	1	5

	Conveyance			
LB-CC-503	Industrial Law	4	1	5
Semester VI				
LB-CC-601	Professional Ethics & Accounting System	4	1	5
LB-CC-602	Environmental Law	4	1	5
LB-CC-603	Principles of Taxation Law	4	1	5
Total credits in core courses		120		
Semester III				
Number of elective courses offered		Number of Elective Courses to be Opted		Credits in each Elective Course
(Semester III) 3		1		5
(Semester IV) 3		1		5
(Semester V) 6		2		5
(Semester VI) 5		2		5
Credits in each Elective Course		Theory + Tutorials / Project / Moot Court		Credits
Semester III				
LB-EC-301	International Institutions	4+1		5
LB-EC-302	Legal Philosophy including Theory of Justice	4+1		5
LB-EC-303	Legal Research and Writing	4+1		5
Semester IV				
LB-EC-401	Interpretation of Statutes	4+1		5
LB-EC-402	Media and Law	4+1		5
LB-EC-403	Humanitarian and Refugee Law	4+1		5
Semester V				
LB-EC-501	Information Technology Law	4+1		5
LB-EC-502	Legislative Drafting	4+1		5

Department of Law, Nehru Gram Bharati (Deemed to be University)

LB-EC-503	Criminology	4+1	5
LB-EC-504	International Trade Law	4+1	5
LB-EC-505	Intellectual Property Rights Law-I	4+1	5
LB-EC-506	Business Regulations	4+1	5
Semester VI			
LB-EC-601	Intellectual Property Rights Law - II	4+1	5
LB-EC-602	Insurance and Banking Law	4+1	5
LB-EC-603	Election Laws	4+1	5
LB-EC-604	International Investment Law	4+1	5
LB-EC-605	Competition Law	4+1	5
Total credits in Elective Courses			

45

Number of Open Elective Courses offered		Number of Open Elective Courses to be Opted	Credits In Each Open Elective Course	
(Semester III) 4		1	2	
(Semester IV) 4		1	2	
(Semester V) 5		1	2	
Number of Open Electives		Credits in each Open Elective		
		Theory	Credits	
		Choose One		
LB-OE-301	Law, Science and Technology	2	2	
LB-OE-302	Feminist Jurisprudence	2	2	
LB-OE-303	White Collar Crimes	2	2	
LB-OE-304	Application of Computer in Law (Skill Enhancement Course)	2	2	
		Choose One		
LB-OE-401	Bio-Technology and Law	2	2	
LB-OE-402	Gender Justice	2	2	
LB-OE-403	Social Offences Against Disadvantageous People	2	2	
LB-OE-404	Education Law	2	2	
		Choose One		
LB-OE-501	Bio-Ethics, Health and the Law	2	2	
LB-OE-502	Jurisprudence-II	2	2	
LB-OE-503	Law and Development	2	2	
LB-OE-504	Sports Law	2	2	
LB-OE-505	Securities Law	2	2	
Total credits in Open Elective Courses		6		
Total Credits in Semester I/II/III/IV/V/VI		171		

Semester wise Details of LL.B. Course

S.No.	Paper No.	Subject Name
I TERM		
1	LB-CC-101	Jurisprudence-I (Legal Method, Indian Legal System and Basic Theory of Law)
2	LB-CC-102	Law of Contract
3	LB-CC-103	Law of Torts including Motor Vehicles Act and Consumer Protection Act
4	LB-CC-104	Law of Crimes –I – Indian Penal Code
5	LB-CC-105	Family Law-I
II TERM		
1	LB-CC-201	Law of Evidence
2	LB-CC-202	Family Law – II
3	LB-CC-203	Law of Crimes-II- Code of Criminal Procedure

4	LB-CC-204	Property Law
5	LB-CC-205	Public International Law
III TERM		
1	LB-CC-301	Constitutional Law-I
2	LB-CC-302	Company Law
3	LB-CC-303	Special Contract
4	LB-CC-304	Moot Court Mock Trial and Internship
1	LB-EC-301	International Institutions
2	LB-EC-302	Legal Philosophy including Theory of Justice
3	LB-EC-303	Legal Research and Writing
1	LB-OE-301	Law, Science and Technology
2	LB-OE-302	Feminist Jurisprudence
3	LB-OE-303	White Collar Crimes
4	LB-OE-304	Application of Computer in Law (Skill Enhancement Course)
IV TERM		
1	LB-CC-401	Constitutional Law-II
2	LB-CC-402	Administrative Law
3	LB-CC-403	Alternate Dispute Resolution
4	LB-CC-404	Labour Law
1	LB-EC-402	Interpretation of Statutes
2	LB-EC-403	Media and Law
3	LB-EC-404	Humanitarian and Refugee Law
1	LB-OE-401	Bio-Technology and Law
2	LB-OE-402	Gender Justice
3	LB-OE-403	Social Offences Against Disadvantageous People
4	LB-OC-404	Education Law
V TERM		
01	LB-CC-501	Code of Civil Procedure and Limitation Act
02	LB-CC-502	Drafting Pleadings and Conveyance
03	LB-CC-503	Industrial Law
1	LB-EC-501	Information Technology Law
2	LB-EC-502	Legislative Drafting
3	LB-EC-503	Criminology
4	LB-EC-504	International Trade Law
5	LB-EC-505	Intellectual Property Rights Law-I
6	LB-EC-506	Business Regulations
1	LB-OE-501	Bio-Ethics, Health and the Law
2	LB-OE-502	Jurisprudence-II
3	LB-OE-503	Law and Development
4	LB-OE-504	Sports Law
5	LB-OE-505	Securities Law
VI TERM		
1	LB-CC-601	Professional Ethics & Accounting System
2	LB-CC-602	Environmental Law
3	LB-CC-603	Principles of Taxation Law
1	LB-EC-601	Intellectual Property Rights Law - II

2	LB-EC-602	Insurance and Banking Law
3	LB-EC-603	Election Laws
4	LB-EC-604	International Investment Law
5	LB-EC-605	Competition Law

Selection of Elective Courses:

The LL.B course is a three year course divided into total six semesters. The Elective Courses shall be offered in the Semester III, IV, V and VI. The number of elective courses offered in Semester III is three, Semester IV is three, Semester V is six, Semester VI is six out of which the students will have to choose one, one, two and two respectively having 5 credits each. An Elective Course shall be taught only if minimum twenty students opt to study the course.

Selection of Open Elective Courses:

The Open Elective Courses are also offered from Semester III. The students will be offered four Open Elective Courses each in Semesters III and IV and Five Open Elective Courses in Semester V out which they shall have to opt **one Open Elective Course** in each semester having 2 credits for each paper. An Open Elective Course shall be taught only if minimum twenty students opt to study the course.

Eligibility for Admissions:

The eligibility criteria for admission, is as per the Bar Council of India Regulations-2009 and State Government Norms. The eligibility norms as prescribed by the University and approved by the Syndicate are as follows:

- (i) For **Unreserved Category** candidates: Graduate/Post-Graduate Degree from the NGBDU or any other Indian or Foreign University with at least 45% marks or an equivalent grade point in the aggregate in either of them. **LLB or Bachelor of Law/Laws** is an undergraduate law course offered by various Indian universities.
- (ii) For **Other Backward Classes (OBC) Category** candidates: Graduate/Post-Graduate Degree from the NGBDU or any other Indian or Foreign University with at least 42% marks or an equivalent grade point in the aggregate in either of them.
- (iii) For **Schedule Caste/Schedule Tribe (SC/ST) Category** candidates, Graduate/Post- Graduate Degree from the NGBDU or any other Indian or Foreign University with at least 40% marks or an equivalent grade point in the aggregate in either of them.

LL. B. Entrance Test:

1. The LL.B. Entrance Test is held OFFLINE (unless declared otherwise by the University) at various notified centres. The schedule of the test is also notified later. The Test is of two hours duration.
2. The Test Paper consists of one question paper containing 100 objective-type questions with multiple choice answers relating to English/Hindi Language Comprehension, Analytical Abilities, Legal Awareness & Aptitude, and General Knowledge.
3. The language of the Entrance Test is English/Hindi.
4. Each question carries four marks. For every correct answer, four marks are awarded and

Department of Law, Nehru Gram Bharati (Deemed to be University)

for every incorrect answer, one mark is deducted. No mark is awarded or deducted for a question which is left unanswered.

5. The general instructions to the candidates are supplied on the University website.

Assessment of Students' Performance and Scheme of Examinations:

- English shall be the medium of instruction, though answers in end semester examination may be written in Hindi.
- Five marks shall be given for attendance in all the Core, Elective, and Open Elective Courses (except three Clinical Education Core Courses) as per the following formula
 - 76%-80% attendance 1 Mark
 - 81%-85% attendance 2 Marks
 - 86%-90% attendance 3 Marks
 - 91%-95% attendance 4 Marks
 - 96%-100 attendance 5 Marks

Core Courses and Elective Courses (100 Marks, 5 credits):

- There shall be end-semester written exam for 80 marks in Core Courses and Elective Courses. The students will be required to make oral and written presentations/assignments/field visit reports/MCQ worth 15 marks. 5 marks will be given for attendance as mentioned above.

The duration of the written exam in Core Courses and Elective Courses shall be 3 hours for the end-semester exam for 80 marks. Each Question Paper will have eight questions of 16 marks each. The student shall be required to answer five questions.

Page Limit for written answers in Core and Elective Courses

- There shall be page limit for answers by the students. The students shall be given only one answer sheet containing not more than 28 pages.
- The students shall limit their answers ordinarily to not more than five pages. In no case an additional answer sheet will be given to the student.

Open Elective Courses (40 Marks, 2 credits)

- English shall be the medium of instruction, though oral presentations and submissions may be made in Hindi.
- Five marks shall be given for attendance in all the Core, Elective, and Open Elective Courses (except three Clinical Education Courses) as per the following formula
 - 76%-80% attendance 1 Mark
 - 81%-85% attendance 2 Marks
 - 86%-90% attendance 3 Marks
 - 91%-95% attendance 4 Marks
 - 96%-100 attendance 5 Marks

The evaluation in Open Elective Courses will be internal consisting of 15 marks for written submission of the project report on a topic assigned by the teacher to each student. 5 marks will be given for attendance as mentioned above.

Clinical Courses

- (i) The Scheme of Examinations in the following CLE papers will be determined by teachers from time to time:
 - 1. Moot Court, Mock Trial & Internship
 - 2. Alternate Dispute Resolution
 - 3. Professional Ethics & Accounting
- (ii) 10 marks have been kept for attendance in these three Clinical Courses as follows:

71-75% - 1 mark	76-80% = 2 marks	81-85% = 4 marks
86-90% = 6 marks	91-95% = 8 marks	96-100% = 10 marks

Pass Percentage & Promotion Criteria:

1. Pass percentage and Classification of Successful Candidates

The following shall be the percentage of marks for passing the examination and for classification of successful candidates admitted to the LL.B. course:

- (i) A candidate must secure 156 credits in total from **Twenty Four** Compulsory Courses, **Nine** Elective Courses and **Three** Open Elective Courses in six Terms to be eligible to obtain the LL.B. Degree;
- (ii) A candidate must secure not less than 40% marks to pass in each Paper;
- (iii) A candidate securing 60% or more marks in the aggregate in all the 36 courses taken together will be awarded First Division;
- (iv) A candidate securing less than 60% marks but not less than 50% marks in the aggregate in all the 36 courses taken together will be awarded Second Division;
- (v) No Division will be awarded to a candidate securing less than 50% marks in the aggregate in all the courses taken together;
- (vi) The Distinction in any paper(s) of a Term will be awarded only to those candidates who passed in all papers of the Term concerned in one attempt in normal course securing 75% marks in the paper(s) concerned.

Part I to Part II and from Part II to Part III Progression:

- (i) **No student shall be promoted to the next Term**, if he/she has been detained in the examination for shortage of attendance.
- (ii) **Subject to sub-rule (i) above**, a student of LL.B. First, Third or Fifth Term shall be eligible for promotion to Second, Fourth or Sixth Term, respectively irrespective of the number of courses in which he/she has failed to pass or failed to appear in the First, Third or Fifth Term examinations.
- (iii) **Subject to sub-rules (i) and (ii) above**, a student of LL.B. Second Term shall be eligible for promotion to Third Term if he/she has passed in at least five papers of First and Second Term examinations taken together and a student of Fourth Term shall be eligible for promotion to Fifth Term if he/she has passed in at least fifteen papers of First, Second, Third and Fourth Term examinations taken together inclusive of Open Elective Courses.

Note:- The students eligible for admission to III/V Term must seek admission not later than two weeks from the date(s) of announcement of the results of LL.B. II/IV Term Annual Examinations or within one week of commencement of teaching, whichever is later, failing which they will forfeit their right to be admitted to III/V Term in the particular year.

2. Improvement of Previous Performance

- 1. A student studying in the Third Term may be permitted to surrender his/her result of any subject of the First Term within one month of the commencement of the Term provided:
 - (a) he/she has passed that subject in the first attempt; and
 - (b) at the time of surrendering his/her result, he/she has passed at least 5 other subjects of the First and Second Terms taken together excluding the subjects the result of which he/she wishes to surrender.
- 2. A student studying in the Fourth Term may be permitted to surrender his/her result of any subject of the Second Term within one month of the commencement of that Term provided:
 - (a) he/she has passed that subject in the first attempt; and
 - (b) at the time of surrendering his/her result, he/she has passed at least 5 other subjects of the First and Second Terms taken together excluding the subjects the result of which he/she wishes to surrender.

3. A student studying in the Fifth Term may be permitted to surrender his/her result of any subject of the Third Term within one month of the commencement of that Term provided:
 - (a) he/she has passed that subject in the first attempt; and
 - (b) at the time of surrendering his/her result, he/she has passed at least 15 other subjects of the First, Second, Third and Fourth Terms taken together excluding the subjects the result of which he/she wishes to surrender.
4. A student studying in the Sixth Term may be permitted to surrender his/her result of any subject of the Fourth Term within one month of the commencement of that Term provided:
 - (a) he/she has passed that subject in the first attempt; and
 - (b) at the time of surrendering his/her result, he/she has passed at least 15 other subjects of the First, Second, Third and Fourth Terms taken together including the Open Elective Courses but excluding the subjects the result of which he/she wishes to surrender.
5. A student who has been promoted to the Sixth Term may be permitted to surrender the results of not more than two subjects of the Fifth Term within one month of the commencement of the Term or the publication of the result of the Fifth Term, whichever is later. In such a case, he/she will take the supplementary examination in those subjects to be held in that year subject to his/her being eligible for the benefit of supplementary examinations.
6. A student who has passed in all the subjects of the Sixth Term may, within one month of the declaration of the result of Sixth Term examination, surrender his/her result of not more than two subjects of the Sixth Term along with a declaration that he/she will not seek enrolment or employment or any other benefit on the basis that he/she has passed the LL.B. examination till such time the result of the subjects in which he/she wishes to improve his/her performance has been declared. He/she will take the examination at the next available opportunity.
7. Such candidates who surrender results in order to improve their performance will take the examination in the current question paper based on the latest syllabus along with the regular students of that year.

3. Supplementary Examination

A supplementary examination for students of LL.B. V and VI Terms would be held at the end of the VI Term examinations to give one more opportunity to such students who could not clear any one or more papers of V and VI terms. In case a student of V and VI Term had not cleared any paper of I, II, III and IV Terms he/she would clear the same by taking the respective examinations at the regular examination held at the end of each Term:

Provided that such students of V and VI Terms who could not clear any paper or papers of the V and VI Terms even after taking the supplementary examination, he/she would clear the same at the regular examinations of V and VI Terms held at the end of each Term.

Provided further that all the thirty-three papers, required for getting the LL.B. degree, have to be cleared within the over-all span of 6 years.

Conversion of Marks into Grades:

(specify the formula for conversion of marks into grades)

Grade Points:

Grade point table as per University Examination rule

CGPA Calculation:

As per University Examination rule

SGPA Calculation:

Grand SGPA Calculation:

Conversion of Grand CGPA into Marks

As notified by competent authority the formula for conversion of Grand CGPA into marks is: Final %age of marks = CGPA based on all four semesters \times 9.5

Division of Degree into Classes:

Post Graduate degree to be classified based on CGPA obtained into various classes as notified into Examination policy.

Attendance Requirement:

1. Attendance Rules in conformity with the BCI Legal Education Rules 2008

All the students of LL.B. shall have to put in minimum attendance of 70% of the lectures in each of the Core, Elective, and Open Elective courses as also in the moot courts, tutorials, projects, and practical training conducted or taught in a semester for taking the examination.

Provided that if a student for any exceptional reasons fails to attend 70% of the classes held in any subject or training course, the Dean of the Faculty of Law may allow the student to take the examination for the semester if the student concerned attended at least 65% of the classes held in the subject concerned and attended 70% of classes in all the subjects taken together in all the courses of the semester.

Provided further the Dean, Faculty of Law or a committee constituted by the Dean in this regard may allow attendance up to fifteen days in one semester or twenty days in a year for participation in recognized Moot Court / Quiz / Debates Competitions, Seminars and Conferences, N.S.S., Legal Aid Camps and activities, Cultural and Sports Competitions, sensitization programmes, Training Programmes relevant to Legal Education, soft-skills building activities, other co-curricular / extra-curricular activities, etc.

The Dean of the Faculty or Professor-in-Charge of the Law Centre shall have power to strike off the name of a student who is grossly irregular in attendance in spite of warning or when the absence of the student is for such a long period that he/she cannot put in requisite percentage of attendance for the semester.

Span Period:

Subject to the provisions contained in the Ordinance relating to ex-students as in force from time to time, all the thirty-three papers must be passed for getting the LL.B. degree. As per guidelines of the UGC a student may be allowed two years period beyond the normal period to clear the backlog to be qualified for the degree. In addition a further extension of one (1) year can be granted under exceptional circumstances to be spelt out clearly by the relevant

statutory body of the University. More so during the extended period the student shall be considered as a private/ external candidate and shall not be eligible for ranking.

No student shall be admitted as a candidate for any LL.B. examination after six years from the date of admission to the first year of the course.

Guidelines for the Award of Internal Assessment Marks LL.B. Programme (Semester Wise)

In the **Open Elective Courses**, the students will be required a written submission worth 15 marks on any case or any other contemporary legal issue / development relevant to the subject.

Marks for Attendance

10 marks shall be given for attendance in three CLE papers, namely, Moot Court, Mock Trial & Internship, Alternate Dispute Resolution, and Professional Ethics and Accounting System as follows:

71-75% - 1 mark	76-80% = 2 marks	81-85% = 4 marks
86-90% = 6 marks	91-95% = 8 marks	96-100% = 10 marks

IV: Course Wise Content Details for LL.B. Programme:

Semester - First

Course Name- Jurisprudence-I (Legal Method)

Course Code- LB-CC-101

Credits – 5

Total Classes 60+15

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 can 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 within law in all manifestations
- 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 evolution of law and legal systems in different countries.
- To familiarize the students with linkage of law with other social sciences such as psychology, history sociology, economics history etc.
- 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 in the given society.
- Knowledge of Law and Legal precepts will help the students to face exigencies of life boldly and courageously
- Students will be inculcated with standards of ideal for human conduct in terms of law for the maintenance of Public conscience.
- Students will be able to identify such pressing demand or problems which require solution within the parameters of the law, justice and other social norms.

Teaching Methodology:

- Classroom Teaching(Lecturing\Discussions)
- Class Presentations

Course Content:

Unit 1.a. Major Legal Systems of the World 6 Lectures

b. Indian Legal System

Unit 2 Structure of Indian Legal System, Basic Principles of Law and Rule of Law

14 Lectures

Department of Law, Nehru Gram Bharati (Deemed to be University)

(i) *Hierarchy of Courts and Jurisdiction*

(ii) *Legal Services and LokAdalat*

(iii) Rule of Law

W. Friedmann, *Welfare State and Rule of Law*

H.M. Seervai *“The Supreme Court of India and the Shadow of Dicey”*

The Position of the Judiciary under the Constitutional of India, (1970)

(iv) Doctrine of separation of powers and its applicability in India42

(v) Method of Legal study and Rules of interpretation.

Glanville Williams, *learning the law, Chapter 7, “The Interpretation of statutes”* pp. 97-108 (11th ed., 12th Indian Reprint 2006)

Unit 3. A Sources of law 8 Lectures

a. Custom

b. legislation

c. precedent

Legal profession in India

Unit 4. Positive/Analytical School of thought 8 Lectures

Unit 5. Hans Kelsen, *“Pure Theory of Law”* 6

Lectures

Unit 6. Historical and Sociological school of Thought 8

Lectures

- Karl von Savigny

- Roscoe Pound

Unit 7. Judicial Process applying theories of law 6 Lectures

Unit 8. Rights and Duties Dias, Jurisprudence, 4 Lectures

“Concept of Rights and Duties: Jurisprudential Analysis”

Teaching Plan:

Week 1:

Introduction to Jurisprudence. The major legal systems in the world and their acceptance in India.

Week 2:

The major legal systems in the world and their acceptance in India and introduction to basic principles of law which are relevant for understanding the Indian Legal System.

Week 3:

Heirachy of Courts in India, Powers of Supreme Court and High Courts of India Dicey’s Rule of Law and its applicability in India, Some cases to be discussed Keshavananda Bharti v UOI, Raj Narain v Indira Gandhi

Week 4:

Department of Law, Nehru Gram Bharati (Deemed to be University)

Monteque's Separation of Powers: Applicability in US, UK and India. To discuss Ram Jawayya v UOI, Asif Hamid v UOI. And Rules of Interpretation of Statutes

Week 5:

Legal Services and LokAdalat Act.

Week 6:

Introduction to sources of Law. Custom and Precedent as a Source of Law .

Week 7:

Legislation as Source of Law, Advocates Act, Evolution of the legal profession in India .

Week 8:

Introduction to Schools of Thought , The Command and Sovereignty theory of Austin and its relevance and applicability in the contemporary Indian Legal System.

Week 9:

Austin's theory to continue .H. L. A. Hart's Concept of Law and Foundation of a Legal System.The relevance and applicability of Hart's theory in Indian Legal System .

Week 10:

Hans Kelsen's Pure Theory of Law, heirarchy of norms , the concept of grundnorm in any legal system using the theory propounded by Kelsen.

Week 11:

The Pure Theory of Law, heirarchy of norms , the concept of grundnorm in any legal system using the theory propounded by Kelsen.

Week 12:

Introduction to Historical and Sociological School of Thought Theories propounded by Karl von Savignyand Roscoe Pound and their relevance in India.

Week 13 :

Discuss balancing of interests by taking issues like reservation, prostitution, divorce and separation, live-in relationship, etc.

Week 14:

The Seluncean Explorer's case as dicussed by Fuller. The rationale of the judgements delivered by the five judges. Distinction between Law and Morality, Positive and Natural Law, relevance of sociological school for judges. Discuss how the case acts as a window to judicial law making and interpretation.

Week 15 :

Concept of Rights and Duties: Jurisprudential Analysis.as given by Hohfeld. Discuss examples from Constitution and other laws specially family law, criminal law, Torts and Contract law. Summarise the course and discuss the applicability of theories of law to situations reported in the newspapers to make students realise the significance of critical thinking and analysis and relevance of the subject

Course Wise Content Details for LL.B. Programme:

Semester - First

Course Name- Law of Contract

Course Code- LB-CC-102

Credits – 5

Total Classes 60+15

Background

The law relating to contracts is one of the basic laws to be studied by every law student the world over. The law of contracts touches equally upon the lives of ordinary persons and the activities of business whether organized on small or large scale. For any lawyer this branch of law is extremely important and without a sound understanding of the underlying principles it is impossible to succeed in his career.

This branch of law deals with law relating to promises, their formation, performance and enforceability. It is scattered over several legislations. There are special legislations dealing with particular contractual relationships, e.g. The Sale of Goods Act, 1930, The Partnership Act, 1932. And there are various laws that contain certain special provisions for particular situations. However, this paper will include a study of general principles of contracts spelt out in sections 1-75 of the Indian Contract Act, 1872 together with certain provisions of related legislations and Common Law.

Objectives of the Course:

- To acquaint the students with fundamental concepts of law relating to contracts.
- To study the Indian statutes specifically relating to contracts and to analyse the legal provisions through case laws and the related reference material.
- To study the practical application of law relating to contracts.

Course Outcomes:

The students will be able to learn and understand:

- The system of formation and discharge of contracts in India and the role of courts in enforcing them.
- The concept of voluntarily created civil obligations.
- Synthesis of case laws, identification of issues, applicability of relevant provisions and critical analysis of the judicial decisions with reference to the Indian Contract Act, 1872, the Specific Relief Act, 1963, the Indian Majority Act, 1875, and the Information Technology Act, 2000.
- Tracing the existing legal framework through latest Judgments and applicability of provisions in the evolving as well as technological driven society.

Teaching Methodology:

- The course will be conducted through lectures, presentations and discussions.
 - Class Room Teaching – 60 classes

contents

Topic 1: 2 classes :General Introduction – History and Nature of Contractual Obligations

Topic 2: 7 classes: Formation of an Agreement Intention to create legal relationship; offer and invitation to treat; kinds of offer, communication, acceptance and revocation of offer and acceptance; modes of revocation of offer - Indian Contract Act, 1872, sections 2 – 10

Topic 3: 3 classes: Making of an Agreement – Special Situations Tenders and Auctions - Indian Contract Act, 1872, sections 2 – 10

Topic 4: 6 classes: Consideration Meaning; basis and the nature of consideration; Doctrine of Privity of Contract and of consideration, its exceptions; Exceptions of consideration – Indian Contract Act, 1872, sections 2(d), 2(f), 23 and 25

Topic 5: 6 classes: Capacity to Contract Legal disability to enter into contract - Minors, persons of unsound mind ; person under legal disability; lunatics, idiots; Restitution in cases of minor's agreement; Liability for necessaries supplied to the minor - Indian Contract Act, 1872, sections 10, 11, 12, 64, 65, 68; Specific Relief Act, 1963, section 33; Indian Majority Act, 1875

Topic 6: 9 classes: Free Consent Free consent ; Definition – Coercion, Undue influence, Fraud, Misrepresentation and Mistake; Effect on contracts influenced by any factor vitiating free consent - Indian Contract Act, 1872, sections 13 – 22

Topic 7: 5 classes: Limitations on Freedom of Contract Circumstances in which agreements become void or voidable, Distinction between void and voidable agreements; Unlawful Agreements; Public policy; Agreements with unlawful consideration in part and objects; Agreements without consideration; Agreements in restraint of marriage; Agreements in restraint of trade; Agreements in restraint of legal proceedings; Ambiguous and uncertain agreements & Wagering agreements - Indian Contract Act, 1872, sections 23 – 30

Topic 8: 9 classes: Discharge of a Contract Modes -Discharge by performance; Frustration; Supervening impossibility of performance; Grounds of Frustration and its effect; Discharge by Agreement and Novation - Indian Contract Act, 1872, sections 37 – 67

Topic 9: 7 classes: Remedies for Breach of Contract (a) Damages; Types of Damages ; Basis of Assessment of Damages; Remoteness of Damages and Measures of Damages; Mitigation of Damages; Penalty & Liquidated Damages – Indian Contract Act, 1872, sections 73 – 74

Cases to be studied:

Topic 10: 3 classes

Quasi – Contracts Obligations resembling those created by Contract (Quasi – Contracts) : Concept and classification - Indian Contract Act, 1872, sections 68 – 72

Topic 11: 3 classes

E-Contracts Nature and scope ; Formation of E-contracts ; Legislative Framework; Judicial Approach – The Information Technology Act, 2000, sections 3--5, 10--17.

**Course Wise Content Details for LL.B. Programme:
Semester - First**

Course Name- Law of Torts

Course Code- LB-CC-103

Credits – 5

Total Classes 60+15

Course Objectives

The course aims at:

1. Familiarize the students with basic concept of the torts, its origin, development and general principles of the Law of Torts.
2. Making students aware about the specific torts, defences and remedies available.
3. Giving an overview of the tortious liabilities under the Consumer Protection Act, 1986.
4. Preparing the students to apply their knowledge and critical legal thinking to explore and develop their own perspectives and interpretations and support them with logical arguments.
5. Preparing the students to conduct effective legal research and write research papers related to torts.

Learning Outcomes

On successful completion of this Course the students will be able to:

1. Read, interpret and apply the Law of Torts in Indian and international context.
2. Apply their knowledge to solve factual situations under tort law and support them with logical arguments.
3. Practice in this area in the law courts/consumer fora.
4. Write research papers/notes, case comments and work in research houses.

Teaching Pedagogy

The course is designed to not only cover the theoretical concepts through Lecture Methods but also to give a practical outlook to the students and ensure skill development through Moot Courts, Assignments, Presentations, Discussions, Quizzes/MCQs, etc. Case Method shall be adopted to hone the critical thinking skills of students and to illuminate ideas.

Course Contents

The course is primarily divided into two parts i.e. Part A and Part B. Both the parts comprise total 11 topics dealing with all the major elements of the Law of Torts as given below:

PART A

LAW OF

TORTS

Topic 1: Introduction: Definition, Nature and Scope (Lectures 6)

- Meaning, Origin and Development of Law of Torts in England and in India
- Definition of Tort; Constituents of Tort
- Legal Damage and Remedy: *Injuria Sine Damno* and *Damnum Sine Injuria – Ubi jus*

Department of Law, Nehru Gram Bharati (Deemed to be University)

ibiremedium

- Tort *vis-a-vis* other types of the wrongs, such as, crime, breach of contract, etc.
- Relevance of intention and motive in law of torts

Topic 2: Defences against Tortious Liability (Lectures 6)

- Essentials for the establishment of the defences
- General Defences- Statutory authority, Act of God/ *Vis Major*, Inevitable accident, Plaintiff-the wrong doer, Necessity, Mistake, Consent as Defence- *Volenti non fit injuria*
- Exceptions to the defence of *Volenti non fit injuria* – Rescue cases and Unfair Contract Terms Act, 1977 (U K)

Topic 3: Negligence (Lectures 8)

- Theories of Negligence
- Definition of Negligence
- Essential Ingredients
- Proof of Negligence- *Res ipsa loquitur*
- Manufacturer's Negligence
- Medical Negligence

Topic 4: Remoteness of Damage (Lectures 5)

- Causation - But for Test, Concurrent Causes, Consecutive Causes, Proof of Causation
- *Novus Actus Interveniens*;
- Tests of Remoteness of Damage – Natural and Proximate Consequence, Directness and Foreseeability
- Eggshell Skull Rule

Topic 5: Nervous Shock (Lectures 5)

- Meaning
- Impact Theory: From Personal Injury, From Property Damage
- Immediate aftermath test
- Foreseeability of Psychiatric illness; Primary Victims, Secondary Victims; Rescuers

Topic 6: No Fault Liability – Strict and Absolute Liability (Lectures 6)

- Strict Liability – Rule in *Rylands v. Fletcher* – Origin and nature, scope, defences
- Application of the rule in India
- Absolute Liability – Rule in *M. C. Mehtav. Union of India*
- *Bhopal Gas Leakage Case*
- Object and Salient features of the Public Liability Insurance Act, 1991
- No fault liability in hit and run cases under Motor Vehicles Act, 1988

Liability of State

- Meaning and Basis of Vicarious Liability
- Government Liability in Torts – Constitutional Provisions, Sovereign and Non-sovereign Functions
- Law Commission of India First Report, 1956
- Violation of Fundamental Rights and Sovereign Immunity; Concept of Constitutional Tort

Topic 7: Vicarious (Lectures 6)

Topic 8: Defamation (Lectures 5)

- Meaning - Libel and Slander

Department of Law, Nehru Gram Bharati (Deemed to be University)

- Essential Conditions
- Defences - Justification by Truth, Fair Comment, Privilege (Absolute and Qualified), Consent and Apology

Topic 9: Nuisance

(Lectures 5)

- Nuisance: Meaning
- Essential ingredients and types
- Environmental nuisance
- Defences and Remedy

PART - B

CONSUMERS AND TORTS

Topic 10: Consumer Protection Act, 1986

(Lectures 8)

- Objective and Salient Features of the Consumer Protection Act
- Definitions of “Consumer”, “Complaint”, “Complainant”, “Defect”, “Deficiency”, Goods, “RTP”, “UTP”, “Service”
- Establishment of Central, State and District Consumer Protection Councils
- Adjudicatory Bodies, Consumer Disputes Redressal Forums– Constitution, Powers, Jurisdiction, Procedure, Appeals

Teaching Plan

Week 1:

Meaning, Origin and Development of Law of Torts in England and in India; Basic Concepts about definition and nature of torts; Tort *vis-à-vis* other wrongs, such as, crime, breach of contract, *etc.* (4 Classes)

Week 2:

Constituents of Tort; Relevance of intention and motive in law of torts (2 Classes)

General and Specific Defences- Meaning and Kinds (2 Classes)

Week 3:

Consent as defence – *Volenti non fit injuria*– Essentials and Exceptions to the Defence; Statutory Authority and Act of God as General Defences (4 Classes)

Week 4:

Theories of Negligence; Meaning and Definition of Negligence; Essential Ingredients of Negligence; Proof of Negligence- *Res ipsa loquitur* (4 Classes)

Week 5:

Manufacturer’s Negligence; Duty in Medical Profession (4 Classes)

Week 6:

Causation and Remoteness of Damage; Tests of Remoteness of Damage (4 Classes)

Week 7:

Eggshell Skull Rule (1 Classes)

Nervous Shock- Meaning; Test of Foreseeability of Psychiatric Illness, Immediate Aftermath Test (3 Classes)

Department of Law, Nehru Gram Bharati (Deemed to be University)

Week 8:

Primary Victims, Secondary Victims; Rescuers (2 Classes)

No fault Liability: Meaning and Rationale; Strict Liability – Rule in *Rylands v. Fletcher* – Origin, Nature, Scope and Exceptions (2 Classes)

Week 9:

Application of the Rule of Strict Liability in India; Rule of Absolute Liability – Rule in *M.C. Mehta v. Union of India*; *Bhopal Gas Leak Disaster* case; Multinational Enterprise Liability; Object and Salient features of the Public Liability Insurance Act, 1991; No fault liability in hit and run cases under Motor Vehicles Act, 1988 (4 Classes)

Week 10:

Vicarious Liability of State: Meaning and Basis of Liability - Position in England and India; Government Liability in Torts – Constitutional Provisions; Sovereign and Non-sovereign Functions (4 Classes)

Week 11:

Law Commission of India First Report, 1956; Violation of Fundamental Rights and Sovereign Immunity; Concept of Constitutional Tort (2 Classes)

Defamation: Meaning - Libel and Slander; Defamation as a reasonable restriction on freedom of speech and expression under Article 19(1)(a) of the Constitution of India, 1950 (2 Classes)

Week 12:

Essential Conditions; Defences - Justification by Truth, Fair Comment, Privilege (Absolute and Qualified), Consent and Apology (3 Classes)

Nuisance: Meaning and Types (1 Classes)

Week 13:

Essential ingredients of nuisance; Environmental nuisance; Defences and Remedy (4 Classes)

Week 14:

Consumers and Torts, Objectives, Definitions and Salient Features of the Consumer Protection Act, 1986 (4 Classes)

Week 15:

Consumer grievance redressal mechanism (4 Classes)

Course Wise Content Details for LL.B. Programme:

Semester - First

Course Name- Law of Crimes- I : Indian Penal Code

Course Code- LB-CC-104

Credits – 5

Total Classes 60+15

Course Objectives:

The primary objectives of this course are:-

- To familiarise the students with the key concepts regarding crime and criminal law.
- To expose the students to the range of mental states that constitute *mens rea* essential for committing crime and to teach specific offences under the Indian Penal Code.
- To familiarise the students with the concept of criminal liability and the vastness of its horizons.
- To keep students abreast of the latest legislative and judicial developments and changes in the field of criminal law.

Learning Outcomes

1. The students should be able to identify the concept of criminal liability as distinguished from the civil liability.
2. Identify the elements of crime in given factual situations entailing culpability.
3. Be familiar with the range of Specific Offences (Bodily offences and Property offences)

Teaching Methodology:

1. Classroom Teaching(Lecturing/Discussions)
2. Class Presentations

Course Content:

Classroom Teaching with help of Legislation and Case Material.

Prescribed legislation:

The Indian Penal Code, 1860

Prescribed Books:

- 1) K.T. Thomas, M.A. Rashid (Rev.), **Ratan Lal & Dhiraj Lal's *The Indian Penal Code***, (35th ed., 2017)
- 2) K.D. Gaur, ***Criminal Law : Cases and Materials***, (8th ed., 2015)
- 3) R.C. Nigam, ***Law of Crimes in India*** (Vol. I) (1965)
- 4) V.B. Raju, ***Commentary on Indian Penal Code***, 1860 (Vol. I & II) (4th ed., 1982)
- 5) K.N.C. Pillai & Shabistan Aquil (Rev.), ***Essays on the Indian Penal Code*** (The Indian Law Institute, 2005)
- 6) K. I. Vibhute (Rev.), **P.S.A. Pillai's *Criminal Law*** (13th ed., 2017)

7) Syed Shamsul Huda, *The Principles of the Law of Crimes in British India* (1902)

8) K.N. Chandrasekharan Pillai, *General Principles of Criminal Law* (2nd ed., 2011)

UNITS

Unit 1 : Principle of Mens Rea and Strict Liability

4 Lectures

Common Law principle of *actus non facit reum, nisi mens sit rea* and exceptions to this principle - Strict liability offences

Nature of crime

Elements of crime

Unit 2 : (a) Culpable Homicide and Murder

16 Lectures

(Sections 299-302, 304 read with sections 8-11, 21, 32, 33, 39, 52)

Offences of culpable homicide amounting and not amounting to murder distinguished. - culpable homicide of first degree provided in clause (a), second degree in clause (b) and third degree in clause (c) of section 299, IPC. Each clause of section 299 contains comparable clauses in section 300. Every murder is culpable homicide but not *vice versa*. Culpable homicide is the *genus* and murder is its *species*.

Intention - clause (a) of section 299 and clause (1) of section 300

Mens rea and actus reus-Relationship

Cause and effect relationship- The act of the accused must be the causal factor or direct cause of death (read with section 301, IPC)

Emperor v. Mushnooru Suryanarayana Murthy (1912) 22 MLJ 333 (Mad.)

Comparison of clause (b) of section 299 with clause (3) of section 300

Kapur Singh v. State of PEPSU, AIR 1956 SC 654

Virsa Singh v. State of Punjab, AIR 1958 SC 465

State of Andhra Pradesh v. R. Punnayya, AIR 1977 SC 45

Comparison of clause (c) of section 299 with clause (4) of section 300

Distinction between intention and knowledge and role of knowledge in S.300 secondly and then comparison of clause (c) of section 299 with clause (4) of section 300.

Emperor v. Mt. Dhirajia, AIR 1940 All. 486

Gyarsibai v. The State, AIR 1953 M.B. 61

Unit 3 : Specific Exceptions to section 300

2 Lectures

General and partial defences distinguished – general defences in Chapter IV, IPC, if applicable in a given case, negate criminality completely.

Partial defences such as exceptions to section 300 partly reduce the criminality, not absolving an accused completely. The law, based on sound principle of reason, takes a lenient view in respect of murders committed on the spur of the moment. Exceptions I to V to section 300 are illustrative of partial defences.

(a) *Exception I to section 300*

K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605

Reading

Katherine O'Donovan, 'Defences for Battered Women Who Kill', 18 (2)
Journal of Law and Society 219 (1991)

(b) *Exception IV to section 300*

Ghapoo Yadav v. State of M.P., (2003) 3 SCC 528

Unit 4 : Homicide by Rash or Negligent Act not amounting to Culpable Homicide

2 Lectures

(Section 304A) Distinction between negligence and rashness as forms of *mens rea*; *mens rea* required is criminal negligence (inadvertent negligence) or criminal rashness (advertent negligence)

Cherubin Gregory v. State of Bihar, AIR 1964 SC 205

S.N. Hussain v. State of Andhra Pradesh, AIR 1972 SC 685

Unit 5 : General Exceptions -Chapter IV of the Indian Penal Code

5 Lectures

General defences in Chapter IV, IPC, if applicable in a given case, negate criminality completely.

(a) Private Defence (Sections 96-106. IPC)

The right of private defence has come to be recognized by all civilized societies as a preventive and protective right where the state protection is not available; this right is essentially protective and preventive and never punitive. There are limitations on the exercise of this right both in relation to offences against human body and specific offences against property. The extent of this right, against whom it can be exercised, when this right commences and how long it lasts are dealt with elaborately in IPC.

Unit 6 : Kidnapping and Abduction (sections 359-363 read with sections 18, 82, 83, 90)

4 Lectures

Ingredients of the offence of kidnapping from lawful guardianship (section 362); distinction between taking, enticing and allowing a minor to accompany; Kidnapping from lawful guardianship is a strict liability offence (section 363) and distinction between 'Kidnapping' and 'Abduction'. Relevance of age, consent, force, deception and motive.

Unit 7 : Sexual Offences

8 Lectures

The offence of rape (sections 375, 376, 376A-E read with section 90); Section 377 – Unnatural Offences ;Comparison to be made with the definitions in The Protection of Children from Sexual Offences Act, 2012.

Section 354 (Assault or criminal force to woman with intent to outrage her modesty), section 354A (Sexual harassment), section 354B (Assault or use of criminal force to woman with intent to disrobe), section 354C (Voyeurism), section 354D (Stalking) and section 509 (Word, gesture or act intended to insult the modesty of a woman).

Unit 8 : Joint Liability and Group Liability (Section 34, Sections 141, 149 IPC)

5 Lectures

Provisions for providing for group liability in crimes including sections 34 and 149 of the IPC are exceptions to the general rule of criminal liability that a man should be held liable for his own criminal acts and not for those of others. These provisions providing for vicarious liability/group liability are intended to deter people from committing offences in groups and to spare the prosecution to prove specific *actus reus* of each member of the group

Unit 9 : Attempt (Sections 511, 307, 309 IPC)

5 Lectures

There are four stages in the commission of crime – (i) intention to commit an offence, (ii) preparation, (iii) attempt and (iv) forbidden consequence ensuing from the act of the accused after the stage of preparation is over. An attempt is direct movement towards the commission of an offence after the preparation is made. An accused is liable for attempting to commit an offence even if the forbidden consequence does not ensue for reasons beyond his control and he is to be punished for creating alarm and scare in the society

Unit 10 : Offences of Theft, Extortion, Robbery and Dacoity

5 Lectures

(Sections 378, 379, 383, 384, 390 and 391 read with sections 22-25, 27, 29, 30 and 44)

Unit 11 : Offences of Criminal Misappropriation, Criminal Breach of Trust and Cheating

4 Lectures

(Sections 403-405, 415-416 and 420 read with sections 29-30)

Jaikrishnadas Manohardas Desai v. State of Bombay

Teaching Plan

Week 1: to introduce the concept of civil and criminal liability and to discuss the elements of crime; and to discuss the strict liability with the help of cases.

Week 2: to wind up discussion on elements of crime and start with the discussion on homicide- lawful and unlawful; constructive homicide; and the types of homicide- amounting to murder and not amounting to murder.

Week 3: to discuss the concepts of murder and culpable homicide with the help of the ingredients of the sections 299 and 300 of the IPC.

Week 4: to discuss the concepts of murder and culpable homicide with the help of the ingredients of the sections 299 and 300 of the IPC- understanding the operation of various sets of corresponding clauses in secs 299 and 300, IPC. To discuss the relevant judicial decisions at the appropriate junctures.

Week 5: to discuss the concepts of murder and culpable homicide with the help of the ingredients of the sections 299 and 300 of the IPC with the help of the established doctrines of transferred malice and parts of the same transactions along with the cases.

Week 6: to discuss the specific exceptions attached to sec 300 IPC and the discussion of sec 304-A IPC - causation of death by rash or negligent act, along with the cases.

Week 7: to discuss the general exceptions in Chapter IV of the IPC and to discuss the exception of private defence in detail with the help of the cases.

Week 8: to discuss the offences of kidnapping and abduction along with the cases while drawing out the main differences between these crimes.

Week 9: to discuss the sexual offence of rape with the help of the cases and suggested readings while highlighting the recent amendments in the IPC. Also to bring out the difference in approaches of the IPC and POCSO Act.

Week 10: to discuss the sexual offences under secs 354, 377 IPC and other recently modified \ inserted sections with the help of the cases and suggested readings while highlighting the recent amendments in the IPC.

Week 11: to discuss the doctrine of combination of crimes indicating various types of complicity with crimes and discussing Joint liability under sec 34, IPC and the judicial decisions

Week 12: to further discuss the doctrine of combination of crimes indicating various types of complicity with crimes and discussing Group liability under secs 141 and 149, IPC and the judicial decisions.

Week 13: to discuss Inchoate liability and the relating secs on attempt in IPC- 511, 307, 308 and 309 while describing the tests on attempt and the judicial decisions.

Week 14: To wind up attempts with the discussion on Impossible attempts. To start with the discussion on Property crimes in the IPC; to discuss the property offences of theft and extortion under the IPC and the relevant judicial decisions.

Week 15: to discuss the property offences of misappropriation, Criminal breach of trust and cheating under the IPC and the relevant judicial decisions.

Course Wise Content Details for LL.B. Programme:

Semester - First

Course Name- Family Law - I

Course Code- LB-CC-105

Credits – 5

Total Classes 60+15

Course Objectives:

1. To create awareness and educate the students about rights and duties of members of family towards each other, with special reference to spousal relationship.
2. To give overview to the students and enhance their understanding on the current laws on marriage, divorce, maintenance, adoption and guardianship.
3. To give practical exposure to students by field visits of Family Courts, Mediation and Conciliation Centres etc.

Course Learning Outcomes:

1. Students will be able to know mutual rights and duties in law in the personal sphere of family.
2. Students will be enlightened, through case law, about the interpretation of statutory law by judiciary
3. Students will get exposure to legal institutions working for settlement of family disputes.

Contents:

Unit I: Marriage under Hindu Law (20 Lectures)

Concept of marriage in general; Nature of Hindu Marriage; Applicability of Legislation (Section 2 of HMA, 1955); Conditions for the validity of marriage (sections 3 and 5 of HMA, 1955); Solemnisation of marriage with special reference to live in relationship (section 7 of HMA, 1955 r/w Section 114 Indian Evidence Act); Registration of Marriage (section 8 of HMA, 1955); Void marriages (sections 11 r/w 17, 18 of HMA, 1955 r/w section 494 and 495 IPC); Voidable marriage (section 12).

Unit II: Matrimonial Remedies under Hindu Law (12 Lectures)

Restitution of Conjugal Rights (Section 9 of HMA, 1955); Judicial Separation [sections 10 and 13 (IA) of HMA, 1955]; Divorce [sections 13(1), (2), 13(1A), 13A, 13B of HMA, 1955] (a) Theories of Divorce (b) Grounds of Divorce with particular emphasis on Cruelty, Desertion, Option of Puberty, Breakdown of Marriage, Mutual Consent, Irretrievable Breakdown of Marriage; Seventy-first Report of Law Commission of India; Marriage Laws Amendment Bill 2013.

Unit III: Maintenance under Hindu Law (4 Lectures)

The Hindu Marriage Act, 1955, sections 24 and 25; The Hindu Adoptions and Maintenance Act, 1956, section 18; The Criminal Procedure Code, 1973, section 125; Protection of Women from Domestic Violence Act, 2005

Unit IV: Adoption under Hindu Law (Read with CARA Guidelines 2017) (8 Lectures)

Unit V: Minority and Guardianship under Hindu Law (2 Lectures)

The Hindu Minority and Guardianship Act, 1956

Unit VI: Sources and Schools of Muslim law (2 Lectures)

Unit VII: Marriage under Muslim law (4 Lectures)

Nikah - Solemnisation of Marriage – conditions for validity, classification and types; Dower

Unit VIII: Divorce and Talaq under Muslim law (4 Lectures)

Extra-judicial divorce - Talaq, Khula, Mubarat; Judicial divorce under The Dissolution of Muslim Marriages Act, 1939, Muslim Women (protection of Rights on marriage) Ordinance, 2018.

Unit IX: Dower & Maintenance on Divorce under Muslim law (4 Lectures)

Maintenance of a divorced Muslim woman under The Muslim Women (Protection of Rights on Divorce) Act, 1986 and under section 125 Criminal Procedure Code, 1973.

Prescribed Legislations:

1. The Hindu Marriage Act, 1955
2. The Hindu Adoptions and Maintenance Act, 1956
3. The Hindu Minority and Guardianship Act, 1956
4. The Dissolution of Muslim Marriages Act, 1939
5. The Muslim Women (Protection of Rights on Divorce) Act, 1986
6. Prohibition of Child Marriages Act, 2006
7. Protection of Women from Domestic Violence Act 2005

Prescribed Books:

1. Ranganath Misra (Rev.), Mayne's Treatise on Hindu Law & Usage
2. Satyajeet A. Desai, Mulla's Principles of Hindu Law
3. Paras Diwan, Law of Marriage and Divorce
4. M. Hidayatulla and Arshad Hidayatulla, Mulla's Principles of Mahomedan Law
5. Tahir Mahmood, Fyzee's Outlines of Muhammedan Law

Teaching Plan:

Week 1: Marriage under Hindu Law

Week 2: Marriage under Hindu Law

Week 3: Marriage under Hindu Law

Week 4: Marriage under Hindu Law

Week 5: Marriage under Hindu Law

Week 6: Restitution of Conjugal Rights and Judicial Separation under Hindu law

Week 7: Divorce under Hindu Law

Department of Law, Nehru Gram Bharati (Deemed to be University)

Week 8: Divorce under Hindu Law

Week 9: Maintenance under Hindu Law

Week 10: Adoption under Hindu Law

Week 11: Adoption, Minority and Guardianship under Hindu law

Week 12: Sources and Schools of Muslim law; Marriage under Muslim law

Week 13: Divorce under Muslim law

Week 14: Talaq under Muslim law

Week 15: Dower & Maintenance on Divorce under Muslim Law

Course Wise Content Details for LL.B. Programme:

Semester - Second

Course Name- Law of Evidence

Course Code- LB-CC-201

Credits – 5

Total Classes 60+15

LB- 201: LAW OF EVIDENCE

Course Objectives:

The objective is to help the students as future lawyers to understand, to prevent laxity and negligence in the presentation and admissibility of evidence. It introduces the students to a feel of the courts, and also while practicing, how the rules of procedure need to be followed. It is both a part of the substantive and procedural law in civil and criminal cases. Evidence law provides a dynamic set of principles, which annexed with other essential factors in a case, including the rules of substantive law, the rule of procedure and the substantive characteristics of many of the participants in the trial, through mock trials, help to comprehend the actual trials in courts. To make them understand that, a trial includes understanding the judges perception and how opinions may be formed, how the advocates skills, a witness and a party's demeanor in court is influential in the trials, the credibility of a person who is called as a witness to depose before the courts, the credibility of a witness, affecting the case on trial and personality traits of various persons involved in the trial forms a part and parcel of the legal system. All of these factors ultimately come together to make a basis for the court's decision in a trial.

Course Learning Outcomes:

By the conclusion of this course, it is intended that students will be able

- To acquire the knowledge of the basics of Law of evidence and develop an understanding of the law of evidence and its operation.
- To discuss the overview about the courts and various principles and provisions that govern the Law of Evidence.
- To contradict and contrast between the English law and the Indian law and the Adversarial and the Inquisitorial system of law
- To demonstrate a detailed knowledge of specific areas of current importance and to analyze the evolving nature of law of evidence.
- To ascertain and discuss the facts of complex legal problems including implementation of the involving question of Law of Evidence.

Contents:

PART – I: GENERAL ISSUES RELATING TO LAW OF EVIDENCE

Unit 1: Understanding the law and the legal systems of the world (Lectures: 11)

Re-enactment of past events for deducing blameworthiness or entitlements of the parties is the core enquiry of Evidence law. Similarities between the historians, authors, media persons and lawyers in their re-enactment of 'past events' enterprise.

Why rules of evidence have different significance under the Adversarial System and the

Unit 2: Historical Aspect

History of statutory Evidence Law of India-Pre and post Indian Evidence Act, 1872 realities- Role of Judiciary, particularly the appellate judiciary in updating the Evidence Law rules by judicial creativity.

Relationship between law of Evidence and substantive laws (Criminal and Civil laws) and procedural laws (Code of Criminal Procedure and Code of Civil Procedure).

Understanding the concepts such as: 'Fact', 'Fact in Issue', 'Relevant Fact', 'Relevancy', 'Evidence- Oral, Documentary, electronic records', 'Proved', 'Disproved' and 'Not Proved'.

PART II : RELEVANCY AND ADMISSIBILITY OF FACTS

(Lectures: 30)

Unit 3: Relevancy of facts

- (i) Logically relevant facts- sections 5-9, 11
- (ii) Special class of relevant facts relating to Conspiracy- section 10

Unit 4: Stated relevant facts

- i. Admissions- sections 17-31
- ii. Confessions-sections 24-30
- iii. Dying Declarations section 32(1)

Unit 5: Opinion of Third Person when relevant- sections 45-51

PART III : ON PROOF

(Lectures:05)

Unit 6: Proof and forms of Proof

- a) (i) Facts which need not be proved- sections 56-58
- (ii) Facts which the parties are prohibited from proving- Doctrine of Estoppel-sections 115-117
- (iii) Privileged communications-sections 122-129
- b) (i) Oral and Documentary evidence sections 59-78
- (ii) Exclusion of oral by documentary evidence-sections 91-92

PART – IV: ACCOMPLICE EVIDENCE

Unit 7: Accomplice evidence

(Lectures: 06)

Section 133 read with section 114 Illustration (b)

PART-V : WITNESSES: COMPETENCY AND EXAMINATION

(Lectures: 03)

Unit 8: Witnesses

- (a) Kinds of witnesses
 - i. Child Witness-section 118

Department of Law, Nehru Gram Bharati (Deemed to be University)

- ii. Dumb Witness- section 119
- iii. Hostile witness- section 154

Unit 9: (b) Procedure of examination of witnesses

Examination, cross-examination and re-examination and impeaching the credit of witness - sections 137-139, 155

PART VI: PRESUMPTIONS

(Lectures: 05)

Unit 10: Sections 4.41.105, 111-A, 112, 113, 113A, 113B, 114 and 114A

References

1. Vepa P. Sarthi, Law of Evidence (7th ed. 2017)
2. M. Monir, Law of Evidence (11thed. 20018)
3. Ratanlal&Dhirajlal's The Law of Evidence (26th ed. 2017)
4. BatukLal's The Law of Evidence (ed. 2015)

Teaching Plan:

Week 1:

Introducing the concept of evidence and the manner of re-enacting the past events from the legal point of view. Also stating how the law of evidence works in the scheme of the legal systems and the manner of conducting trials.

Week 2: History of the law of evidence, the British impact on the Indian legal systems, framing and implementation of the law during the British period and post Independence period. Start with the Indian evidence Act, 1872, an Introduction and the definitions.

Week 3: Difference between Relevancy and Admissibility, Relevancy of facts, sections 6, 7, 8, 9 and 11.

Week 4: Cases onrelevancy and the first two cases on the definition of evidence and the relevancy of provisions relating to relevancy of facts and their admissibility.

Week 5: Statements and their relevancy, Admissions by a party and how they are relevant and admissible.

Week 6: Confessional statements and their relevancy, Difference between Admissions and Confessions.

Week 7: Cases on Admissions and Confessions

Week 8: Dying Declarations and the cases

Week 9: On Proof, Facts which need not be proved, Oral evidence, Documentary evidence, exclusion of oral by documentary evidence

Week 10: Estoppel

Week 11: Privileged communications and cases

Week 12: Accomplice evidence and cases

Week 13: Of Witnesses, kinds of witnesses, trial and procedure of examination of witnesses

Week 14: Presumptions of Fact and the Law

Week 15:Presumption of Legitimacy ; Overall winding up of the law

Course Wise Content Details for LL.B. Programme:

Semester - Second

Course Name- Family Law - II

Course Code- LB-CC-202

Credits – 5

Total Classes 60+15

(Hindu Law of Joint Family, Partition and Debts, Gifts and Wills, Muslim Law of Gifts & Wills, Hindu Succession Act and Muslim General Principles of Inheritance)

Hindu law has the most ancient pedigree of any known legal system. Where, not modified or abrogated by legislation, Hindu law may be described to be the ancient law of the Hindus rooted in the *Vedas* and enounced in the *Smritis* as explained and enlarged in recognized commentaries and digests and as supplemented and varied by approved usages. The concept of Hindu law is deeply rooted in Hindu philosophy and Hindu religion. Till this day, no precise definition of the word 'Hindu' is available in any statute or judicial pronouncement; it has defied all efforts at definition. There are two main schools of Hindu law; *viz.* the Mitakshara school and the Dayabhaga school or Bengal school. They have emerged in the era of Digests and Commentaries. The codified Hindu Law lays down uniform law for all Hindus. In the codified areas of Hindu Law, there is no scope for existence of schools. The schools of Hindu law have relevance only in respect of the un-codified areas of Hindu Law.

Course Objectives:

- Endow the students with knowledge of both codified and uncodified portions of Hindu Law and Mohammedan Law relating to inheritance, intestate and testamentary succession, gifts, wills etc. in India.
- Focuses on the function of law in building and reinforcing a set of social values.
- Encourages students to examine the intersection of family, law and society by exploring cross cutting disciplines such as jurisprudence, property and constitutional law and gender studies.
- Explores the relationship between religion and law, law and society and law and gender.
- Encourages students to critically explore ideas for legal reform.

Course Learning Outcomes:

At the end of the course, the students will be able to:

1. Exhibit conceptual understanding of tackling family law problems.
2. Have adequate knowledge of relevant issues addressed by family law such as Hindu joint family, coparcenership, partition, succession of Hindu law and gift, will and inheritance of Muslim law.
3. Be equipped with tools to critically analyse family law and ascertain its social impact.
4. Be able to break down complex family law problems and come up with workable and welfare-enhancing solutions.

PART - A : HINDU LAW OF JOINT FAMILY

Unit I : Joint Hindu Family and Hindu Coparcenary (Lectures: 16)

The Mitakshara joint family is a unique contribution of Hindu law which has no parallel in any ancient or modern system of law. Whatever the sceptic may say about the future of the Hindu joint family, it has been, and still continues to be, the fundamental aspect of life of Hindus. In Hindu law, there is a presumption that every family is a joint Hindu family. The males in a joint Hindu family up to four generations from the last holder of the property are known as coparceners and they acquire a right by birth in the joint Hindu family property. This group of males is known as coparcenary. Hindu Succession (Amendment) Act 2005, has Confers on daughter the same status as that of a son as coparcener in Hindu joint family.

Kinds and Sources of property: Coparcenary and separate property, Gift from paternal ancestor and property inherited from maternal ancestor.

Karta -The position of karta in a joint Hindu family is *sui-generis*. Karta in a joint family occupies a very important position. His position is so unique that there is no office or institution in any other system of the world which is comparable with it. The Judicial Committee of the Privy Council in **Hunooman persaud Panday v. Mussumat Babooee Munraj Koonweree** (1856) 6 Moore's I.A. 393 had discussed the extent of karta's power in relation to joint Hindu family property.

- (a) Concept of joint Hindu family and coparcenary under Mitakshara and Dayabhagalaw and their incidents.
 - (b) Karta-(i) Position (ii) Power
 - (c) Judicial and Legislative Trends- Position Before 2005
 - (d) Daughter as a Coparcener – Position After 2005
 - (e) Property in Hindu Law
1. *Commissioner of Income- Tax v. Gomedalli Lakshminarayan*, AIR 1935 Bom. 412
 2. *Moro Vishwanath v. Ganesh Vithal* (1873) 10 Bom. 444
 3. *Muhammad Husain Khan v. Babu Kishva Nandan Sahai*, AIR 1937 PC 233
 4. *C.N. Arunachala Mudaliar v. C.A. Muruganatha Mudaliar*, AIR 1953 SC 495
 5. *Smt. Dipo v. Wassan Singh*, AIR 1983 SC 846
 6. *Commissioner of Wealth-Tax v. Chander Sen*, AIR 1986 SC 1753
 7. *M/s. Nopany Investments (P) Ltd. v. Santokh Singh (HUF)*, 2007 (13) JT 448
 8. *Mrs. Sujata Sharma v. Shri Manu Gupta* 226 (2016) DLT 647

Unit II : : Alienation of Joint Hindu Family Property (Lectures: 04)

Ordinarily, neither karta nor any other coparcener singly possesses full power of alienation over the joint family property or over his interest in the joint family property. It is now settled that karta can alienate the joint Hindu family property in exceptional circumstances, i.e. legal necessity and benefit of estate.

- (a) Alienation by karta - sale, mortgage, gifts and wills
 - (b) Alienation by father
 - (c) Alienee's rights duties and remedies
 - (d) Pious obligations of the son
9. *Hunoomanpersaud Panday v. Mussumat Babooee Munraj Koonweree*
(1854-1857) 6 Moore's IA 393 (PC) 36
 10. *Sunil Kumar v. Ram Prakash* (1988) 2 SCC 77

12. *Balmukand v. Kamla Wati*, AIR 1964 SC 1385
13. *Guramma Bhratar Chanbasappa Deshmukh v. Mallappa Chanbasappa*,
AIR 1964 SC 510
14. *R. Kuppayee v. Raja Gounder* (2004) 1 SCC 295
15. *Arvind & Abasaheb Ganesh Kulkarni v. Anna & Dhanpal Parisa Chougule*,
AIR 1980 SC 645

Unit III : : Partition (Lectures: 04)

Partition means bringing the joint status to an end. On partition, the joint family ceases to be joint, and nuclear families or different joint families come into existence. There are members of the joint family who can ask for partition and are entitled to a share also. There is another category of the members of the joint family who have no right to partition but, if partition takes place, they are entitled to share. A reunion can be made only between the parties to partition.

- (a) What is partition
- (b) Subject matter of partition
- (c) Partition how effected
- (d) Persons who have a right to claim partition and who are entitled to a share
- (e) Rules relating to division of property

16. *A. Raghavamma v. A. Chenchamma*, AIR 1964 SC 136
17. *Puttrangamma v. M.S. Ranganna*, AIR 1968 SC 1018
18. *Kakumanu Pedasubhaya v. Kakumanu Akkamma*, AIR 1968 SC 1042

PART - B : THE HINDU SUCCESSION ACT, 1956

The law of inheritance comprises rules which govern devolution of property, on the death of a person, upon other persons solely on account of their relationship to the former. The Hindu Succession Act came into force on 17 June 1956. It amends and codifies the law relating to intestate succession among Hindus and brings about some fundamental and radical changes in the law of succession. The Act lays down a uniform and comprehensive system of inheritance and applies *inter alia* to persons governed by Mitakshara and Dayabhaga schools, as also to those in certain parts of southern India who were previously governed by the Murumakkattayam, Alyasanatana and Nambudri systems of Hindu law. The Act was last amended in 2005, and has brought in major changes in the classical concept of coparcenary also in the class I heirs to the property of a male intestate.

Unit IV: General Introduction and the Application of the Hindu Succession Act, 1956 (Lectures: 08)

- (a) General principles of inheritance
- (b) Disqualifications of heirs
 19. *Vellikannu v. R. Singaperumal* (2005) 6 SCC 622
 20. *Nirmala v. Government of NCT of Delhi*, 170(2010) DLT 577
 21. *Archna v. Dy. Director Of Consolidation* (High Court of Allahabad on 27.03.2015)
 22. *Revanasiddappa v. Mallikarjun*, (2011) 11 SCC 1
 23. *Ganduri Koteswaramma and another v. Chakiri Yanadi & ors* (2011) 9 SCC 788

24. *Prakash v. Phulavati*, 2015 SCC Online SC 1114

25. *Danamma@Suman Surpur & anr v. Amar & Ors.* Civil Appeal Nos.188-189 of 2018

Unit V : Succession to the Property of Male Intestate (Lectures: 04)

- (a) Mitakshara property
- (b) separate property

26. *Gurupad Khandappa Magdum v. Hirabai Khandappa Magdum*,
AIR 1978 SC 1239

27. *Uttam v. Saubhag Singh* (2016) 4 SCC 68

Unit VI : Succession to the Property of Female Intestate (Lectures: 04)

28. *Bhagat Ram v. Teja Singh*, AIR 2002 SC 1

29. *Omprakash v. Radhacharan*, 2009(7) SCALE 51

Unit VII : Hindu Women's estate (Lectures: 04)

30. *Vaddeboyina Tulasamma v. Vaddeboyina Sesha Reddi*, AIR 1977 SC 1944

31. *Jagannathan Pillai v. Kunjithapadam Pillai*, AIR 1987 SC 1493

32. *Jupudy Pardha Sarathy v. Pentapati Rama Krishna* (2016) 2 SCC 56

PART – C : MUSLIM LAW

Unit VIII : Law Relating to Gifts (Lectures: 04)

- (b) Gift of Mushaa
- (c) Gift made during Marz-ul-Maut

33. *Mussa Miya walad Mahammed Shaffi v. Kadar Bax*, AIR 1928 PC 108 160

34. *Valia Peedikakkandi Katheessa Umma v. Pathakkalan Narayanath Kunhamu*,
AIR 1964 SCC 275 165

35. *Hayatuddin v. Abdul Gani*, AIR 1976 Bom. 23 171

36. *Abdul Hafiz Beg v. Sahebhi*, AIR 1975 Bom. 165 178

Unit IX: Law relating to Wills (Lectures: 04)

- (a). Capacity to make Will
- (b). Subject matter of Will
- (c) To whom Will can be made
- (d). Abatement of legacies

Unit X : Law relating to Inheritance (Lectures: 08)

- (a) General rules of inheritance of Sunnis and Shias
- (b) Classification of heirs
- (c) Entitlement of primary heirs

Prescribed Legislation:

The Hindu Succession Act, 1956 as amended by The Hindu Succession (Amendment) Act, 2005 (No.39 of 2005)

Prescribed Books:

1. Ranganath Misra, *Mayne's Treatise on Hindu Law & Usage* (17thed., 2014)
2. Satyajeet A. Desai, *Mulla Principles of Hindu Law*, Vol. I & II (21ST ed., 2010)
3. Tahir Mahmood, *Principles of Hindu Law* (2014).
4. Poonam Pradhan Saxena, *Family Law Lectures, Family Law– II*, (3rded., 2011)
5. Paras Diwan and Peeyushi Diwan, *Modern Hindu Law* (23rded., 2016)
6. Duncan M. Derrett, *A Critique of Modern Hindu Law* (1970)
7. Mulla, *Principles of Mahomedan Law* (22nded., 2017)
8. Asaf A.A. Fyzee, *Outlines of Muhammadan Law* (5thed.2008)

Teaching Plan:

Week 1: Joint Hindu Family and Hindu Coparcenary

Week 2: Joint Hindu Family and Hindu Coparcenary

Week 3: Joint Hindu Family and Hindu Coparcenary

Week 4: Joint Hindu Family and Hindu Coparcenary

Week 5: Alienation of Joint Hindu Family Property

Week 6: Partition

Week 7: General Introduction and the Application of the Hindu Succession Act, 1956

Week 8: General Introduction and the Application of the Hindu Succession Act, 1956

Week 9: Succession to the Property of Male Intestate

Week 10: Succession to the Property of Female Intestate

Week 11: Hindu Women's estate

Week 12: Law Relating to Gifts

Week 13: Law relating to Wills

Week 14: Law relating to Inheritance

Week 15: Law relating to Inheritance

Course Wise Content Details for LL.B. Programme:

Semester - Second

Course Name- Law of Crimes-II

Course Code- LB-CC-203

Credits – 5

Total Classes 60+15

Course Objectives

The primary objectives of this course are to:-

- To familiarise the students with the Criminal Justice administration and the various functionaries involve therein.
- To familiarise the students with the major stages in a criminal case .
- To familiarise the students with the crucial aspects relating to investigation and trial of offences (like initiation of criminal cases, powers and duties of police during investigation of offences, stages of criminal trial, functions, duties, and powers of criminal courts)
- To sensitise the students about critical issues in administration of criminal justice (like protection of human rights of accused, victims, principles of fair trial)

Learning Outcomes

The students should be able :

1. To appreciate the importance of criminal procedure and its indispensable attributes in a civilized society.
2. To be familiar with the powers, functions, and duties of police as one of the primary functionary of the criminal justice.
3. To be familiar with the stages of investigation and trial in criminal cases.

Teaching Methodology:

Classroom Teaching (Lecturing\Discussions)

Class Presentations

Course Content:

Classroom Teaching with help of Legislation and Case Material.

Prescribed Legislation:

The Code of Criminal Procedure, 1973

Prescribed Books:

1. K.N.Chandrsekharan Pillai (Rev.), **R. V. Kelkar's *Criminal Procedure***, (6th ed., 2014)
2. K.N.Chandrsekharan Pillai (Rev.), **R. V. Kelkar's *Lectures on Criminal Procedure***, (6th ed., 2017)

UNITS

1.Introduction to Cr PC

(6 Lectures)

- a. Importance of Criminal Procedure
- b. Stakeholders and Functionaries in the Criminal Justice Administration
- c. Hierarchy, powers and duties of Criminal Courts
- d. Definitions- Sections 2(a), (g), (h), (w), (wa), (x)

2. Initiation of Criminal Case - Ss. 2 (c) (d) and (1), 154-156, 160-164A, 167, 173, 176 of the Cr PC (10 lectures)

In the scheme of the Code of Criminal Procedure, 1973, for the purposes of setting criminal investigating agency into motion, offences are classified into two categories: (i) cognizable offences and (ii) non-cognizable offences. In case of cognizable offences, a police officer can arrest an accused without a warrant but in case of non-cognizable offences he cannot arrest or investigate into such an offence without authorization in this behalf by the magistrate. In case of cognizable offences, an F.I.R forms the basis for putting the investigative machinery into motion. A general overall view of investigation will be given to the students with special emphasis on the essentials of F.I.R and its evidentiary value, police officer's powers to investigate cognizable cases, procedure for investigation, police officer's powers to require attendance of witnesses, examination of witnesses by the police, recording of confessions and statements and report of police officer on completion of investigation.

3. Investigation - Ss. 157, 41-41D, 46-47, 93, 50-50A, 51-53, 53A, 54-54A, 55A, 56-57, 60A, (10 lectures)

- a. Procedure for Investigation
- b. Arrest – procedure and rights of arrested person
- c. Search and seizure (sections 165, 166 read with section 100)

4. Bail- Ss. 436 - 439 of the Cr PC. (8 lectures)

Criminal offences are further classified under the Cr.P.C. into bailable and non-bailable offences. In case of bailable offences, an accused is entitled to bail as a matter of right on furnishing of surety. In case of non-bailable offences, bail is a matter of discretion with the courts and the discretion becomes narrower depending upon the severity of the punishment that an offence entails. How this discretion is to be exercised and what are the principles governing grant of bail in such cases is discussed in the cases given below. The concept of anticipatory bail and the principles governing its grant are also a subject matter of study here. Further, principles governing cancellation of bail are also discussed here.

- a. Grant of Bail, including anticipatory bail
- b. Cancellation of Bail
- c. Compulsory release

Ved Kumari, "*Rustam and Sanjay Dutt: From Bail to Bondage*", 1 INDIAN JOURNAL OF CONTEMPORARY LAW, 50-56 (1997)

5. Pre-Trial Proceedings - Ss. 190, 193, 199, 200, 202, 204, 209-224, 228

(4 lectures)

- a. Cognizance of Offences
- b. Committal Proceedings
- c. Framing of Charges

19. *Mohan Singh v. State of Bihar*, (2011) 9 SCC 272

20. *Ajay Kumar Parmar v. State of Rajasthan*, (2012)9 SCALE 542

6. Trial - Ss. 2(w) (wa) and (x), 225-226, 230-231, 233-234, 242-244, 251, 260, 262 of the Cr PC. (4 lectures)

- a. Differences among warrant, summons, and summary trials

- b. Production of Witnesses - Summons and warrants
- c. S.321-Withdrawal of Prosecution
- 21. *Abdul Karim v. State of Karnataka*, (2000) 8 SCC 710
- 7. The Fair Trial and Rights of Accused and Victims** (7 lectures)
 - a) Features of Fair Trial – Ss.273, 300, 303-304, 313, 316, 317, 319, 321, 327, 406, 409; Articles 20 (1) (3), 22(1), 39A of the Constitution
 - b) Rights of Victims – Ss.357, 357A, 357B, 357C, 372, Proviso
 - c) Witness Protection - Delhi High Court Guidelines for Protection of Vulnerable Witnesses.
- 8. Judgment - Ss. 227, 229, 232, 235 353-355 of the Cr PC** (3 lectures)
 - a. Discharge and acquittal
 - b. Conviction
 - c. Hearing on sentence
 - d. Content of judgments

28. *Ajay Pandit @ Jagdish Dayabhai Patel v. State of Maharashtra*, (2012)
8 SCC 43
- 9. Other Means of Disposal of Cases - Ss. 265A-265L, 320, 360-361 of the Cr PC.** (4 lectures)
 - a. Plea Bargaining
154th Report of the Law Commission of India, 1996, pp. 51-54.
 - b. Compounding of cases
- 10. Appeals, Inherent Powers of the High Court - Ss. 372, 374 - 376, 482 of the Cr PC** (4 lectures)

Teaching Plan

Week 1: to introduce the importance of criminal procedure and to discuss the various functionaries of the criminal justice system. Also to introduce the classification of offences.

Week 2: to differentiate between the cognizable and non cognizable offences and to further discuss the various steps/stages involved in criminal procedure. To provide frame work of initiation of criminal cases- police and compliant cases and the reporting of offences in each case. To discuss the essentials of FIR and the evidentiary value.

Week 3:to discuss the powers of police officers and the procedure of investigation in cognizable and non cognizable cases- including the recording of confessions and other statements by the witnesses.

Week 4: to discuss the procedure when the accused is in custody pending

investigation. To discuss the investigation and inquest reports and forwarding the chargesheet.

Week 5: to discuss the procedure of investigation ; the procedure for arrest , search and seizure ; with the help of judicial decisions.

Week 6:to discuss the concepts of custody and arrest and rights of the arrested persons with the help of judicial decisions

Week 7:to discuss the concept of bail; the rule of “Bail not Jail” with the help of the judicial decisions.

Week 8 : To discuss the concept of anticipatory bail and judicial decisions on it. Also to discuss very lenient and stringent procedures for bail under certain special legislations.

Week 9: to discuss the pre trial proceedings of taking cognizance of the case; drawing the distinction between taking cognizance and committal; and the framing of charges.

Week 10: to discuss the concept of trial and the different types of trials; to discuss the withdrawal of prosecution.

Week 11: to discuss the basic features of the fair trial with the help of the cases while highlighting various sections of the CrPC and the constitutional provisions.

Week 12:to discuss the basic features of the fair trial with the help of the cases while highlighting the provisions for the protection of victims and the witnesses.

Week 13: to discuss the essentials of judgment; to differentiate between the discharge and acquittal with the help of Judicial decisions.

Week 14:To discuss the other means of disposal of cases like Plea bargaining, compounding and probation under the CrPC

Week 15: to discuss the powers of appeals and the inherent powers of the High Courts.

Course Wise Content Details for LL.B. Programme:

Semester - Second

Course Name- Property Law

Course Code: LB-CC-204

Credits – 5

Total Classes 60+15

Course Objectives: The primary objectives of this course are to:-

- Create an understanding about the rules affecting the ownership, possession, transfer and use of property.
- Explain the fundamental legal terminology of property law and principles governing the nature of property ownership.
- Analyse the socio-economic and political underpinnings of property law in India.
- Educate the students on the recent developments in property law in India

Course Learning Outcomes: At the end of the course, the students will:

5. Exhibit conceptual understanding of the doctrines stipulated under the Transfer of Property Act, 1882.
6. Have adequate knowledge regarding the modes of transfer of property including sale, mortgage, lease, gift etc.
7. Be equipped with tools to critically analyse property law and ascertain its social impact.
8. Be able to effectively apply the knowledge to built cohesive and logical arguments and solve practical problems.

Contents

Topic 1-Definition Clauses (Sec.3) (4 lectures)

Movable and Immovable Property: Concept of property; Definition of and distinction between movable and immovable property; meaning of “things attached to earth” and Concept of “Doctrine of fixtures”

Attestation : Importance of attestation; who may be a competent witness; mode of attestation; attestation by a Pardanashin woman (4 lectures)

Notice : Relevance of doctrine of notice; Actual and constructive notice; Wilful abstention from making an inquiry and gross negligence; Actual possession; Registration and notice to agent as constructive notice (4 lectures)

Actionable Claim : Definition, mode and effect of assignment, Conditions of Actionable Claim, Transfer of Actionable Claim Liability of transferee (Secs. 3, 130-137) (4 lectures)

Topic 2- Meaning of Transfer of Property (Sec. 5) (4 lectures)

Meaning of transfer of property under the Act; Transfer *intervivos*; Living person distinguished from juristic person; Status of partition of joint family property

Topic 3- What kind of property can be transferred (Secs. 6(a) and 43) (8 lectures)

Department of Law, Nehru Gram Bharati (Deemed to be University)

Transfer of “*Spec Successionis*”; Transfer by heir apparent; Chance of a relation obtaining a legacy on the death of a kinsman; Comparison with fraudulent and erroneous unauthorized transfers; Doctrine of feeding of grant by estoppels”; Status of bonafide transferee for consideration and without notice

Topic 4- Conditional Transfer (Secs. 10 and 11)

(4 lectures)

Transfers subject to a condition or limitation; Absolute and partial restraints on transfer; Exception in case of lease and married women; Restrictions repugnant to interests created; General principles; Restrictions for beneficial enjoyment of one’s own land; Positive and negative covenants

Topic 5-Transfer for the benefit of unborn persons (Secs. 13-18)

(4 lectures)

Creation of prior interests and absolute interests in favour of unborn persons; Rule against perpetuity; Period of perpetuity; Rule of possible and actual events; Transfer to a class; Transfer when prior interest fails; Directions for accumulation of income; Exceptions

Topic 6- Vested and Contingent Interests (Secs. 19 and 21)

(4 lectures)

Definition of and distinction between vested and contingent interests

Topic 7- Transfer during pendency of litigation (Sec. 52)

(8 lectures)

Concept of “*LisPendens*”, Meaning of proceedings; Collusive suits; Commencement and conclusion of suits; Specific rights in specific immovable property; Voluntary and involuntary alienations

Topic 8- Part Performance (Sec. 53A)

(2 lectures)

Doctrine of Part Performance; Essential requirement of sec. 53A, Nature of transferee’s rights, Period of limitation

Topic 9- Mortgage (Secs. 58-60, 100)

(3 lectures)

Definition of mortgage; Kinds of mortgages; Mode of execution of mortgages; Redemption and foreclosure of mortgages; Clog on equity of redemption; Distinction between mortgage and charge

Topic 10- Lease and License (Secs. 105, 106 and Indian Easement Act, 1882, Sec 52)

(5 lectures)

Definition of lease; Absolute and derivative lease; Lease for a specific time; Periodic lease and lease in perpetuity; Distinction between lease and license

Topic 11- Gift (Secs. 122-126)

(2 lectures)

Definition of gift; Mode of execution of gift; Suspension and revocation of gifts

Prescribed Legislations:

The Transfer of Property Act,1882; The Registration Act,1908 and The Indian Easement Act, 1882.

Prescribed Books:

1. Poonam Pradhan Saxena (Rev.), Mulla's The Transfer of Property Act (18th ed. 2018)
2. Poonam Pradhan Saxena, "Property and Easement", Halsbury Laws of India; Vol. 12 (2nd 2009).
3. Poonam Pradhan Saxena, Property Law (3rd ed. 2017)
4. A.Chandrasekaran (Rev.) G.C.V. SubbaRao's Law of Transfer of Property (16th ed., 2018)
5. B.B. Mitra & Sen Gupta, Transfer of Property Act (ed. 2017)
6. P.M.Bakshi, S.M. Lahiri 's Transfer of Property Act (11th ed., 1999)

Teaching Plan:

Week 1: Definition clause-Moveable and Immoveable property

Week 2: Attestation

Week 3: Notice

Week 4: Actinable claims

Week 5: Meaning of Transfer of Property , What kind of property can be transferred (Secs. 6(a) and 43)

Week 6: What kind of property can be transferred (Secs. 6(a) and 43)

Week 7: What kind of property can be transferred (Secs. 6(a) and 43), Conditional Transfer (Secs. 10 and 11)

Week 8: Conditional Transfer (Secs. 10 and 11), Transfer for the benefit of unborn persons (Secs. 13-18)

Week 9: Transfer for the benefit of unborn persons (Secs. 13-18),

Week 10: Vested and Contingent Interests (Secs. 19 and 21), Transfer during pendency of litigation (Sec. 52)

Week 11: Transfer during pendency of litigation (Sec. 52)

Week 12: Transfer during pendency of litigation (Sec. 52), Part Performance (Sec. 53A)

Week 13: Part Performance (Sec. 53A), Mortgage (Secs. 58-60, 100)

Week 14: Mortgage (Secs. 58-60, 100), Lease and License (Secs. 105, 106 and Indian Easement Act, 1992, Sec 52)

Week 15: Lease and License (Secs. 105, 106 and Indian Easement Act, 1992, Sec 52) , Gift (Secs. 122- 126)

Course Wise Content Details for LL.B. Programme:

Semester - Second

Course Name- Public International Law

Course Code- LB-CC-205

Credits – 5

Total Classes 60+15

Course Objectives:

- Introduction to the relevance and scope of the Course in the globalized world with special reference to India;
- Examine the jurisprudential doctrines, practices and legal instruments that have been instrumental in its formulation, development and functioning;
- Create awareness about the structures and characteristics of Public International Law with emphasis on specific areas of the discipline;
- Examine the position of India vis-à-vis Public International Law and its implementation in India; and
- Engage the students with the cases decided by ICJ and other relevant dispute settlement bodies.

Intended Learning Outcomes:

- Understand the meaning of Public International Law, its legal basis and its position vis-à-vis the Indian legal system;
- Distinguish between various sources of Public International Law and their respective use in any given dispute involving questions of law;
- Understand the relationship between Public International Law and the national legal system with special emphasis on India
- Understand and reflect upon the jurisprudential doctrines and law related to the principle of State Responsibility, Law of the Sea, State Jurisdiction, Diplomatic and Consular Immunities; and
- Appreciate the International Human Rights instruments and institutions laying down human rights standards and India's position on protection of human rights.

1. Teaching methodology

- (i) Lectures, Discussions and Presentations

Course Syllabus

Topic 1: Nature and Development of International Law (9 lectures)

Definition of International Law

Basis of International Law - Jurisprudential Theories

Codification of International Law: Work of International Law Commission

Sanctions of International Law

Subjects of International Law

Third World and International Law

Topic 2: Sources of International Law (10 lectures)

Statute of the International Court of Justice, 1945 (Article 38)

International Treaties and Conventions

International Custom

Judicial Decisions, Juristic Opinion

Ex aequo et bono

Other Sources of International Law

Resolutions of General Assembly

Topic 3 : Relationship Between International Law and Municipal Law (8 hours)

Theories

Monistic Theory

Dualistic Theory

3.2 Practice of States: India, United Kingdom, United States of America

Topic 4: State Responsibility (5 lectures)

Basis of International Responsibility

Constituent Elements of International Responsibility

Damage Theory

Fault Theory

Absolute Liability and Risk Theory

The Act of State (Rules of Attribution)

Forms of Reparation

Restitution

Indemnity

Satisfaction

Guarantee against Repetition

Rule of Exhaustion of Local Remedies

ILC Draft Code on Responsibility of States for Internationally Wrongful Acts, 2001

Topic 5: Law of the Sea (10 lectures)

Maritime Zones

Territorial Sea

Contiguous Zone

Continental Shelf

Exclusive Economic Zone

High Seas

Delimitation of Adjacent and Opposite Maritime Boundaries

Concept of “Common Heritage of Mankind” Relating to the Resources of International Seabed Area

International Seabed Mining – Parallel System of Mining

Indian Maritime Interests, Policy and Law

International Tribunal for the Law of the Sea

Treaties and Statutes

- Geneva Convention on Territorial Waters and Contiguous Zone, 1958
- Geneva Convention on Continental Shelf, 1958
- Geneva Convention on Conservation of Fishing Resources, 1958
- Geneva Convention on High Seas, 1958
- United Nations Convention on Law of the Sea, 1982
- Agreement relating to the Implementation of Part XI of the United Nations Convention of 1994 on the Law of the Sea of 10 December 1982 v
- The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976

Topic 6: State Jurisdiction (5 lectures)

Territorial Jurisdiction

Jurisdiction based on nationality, protective principle

Universal Jurisdiction

Extra territorial Jurisdiction of State

Extradition, Deportation, Asylum

Topic 7: International Human Rights Law (8 lectures)

Traditional Human Rights

Civil and Political Rights

Economic, Social and Cultural Rights

Third Generation Human Rights (Solidarity Rights)

Implementation of Human Rights at International Level

Human Rights Council

Regional Conventions on Human Rights

Protection of Human Rights in India

Treaties and Statutes

- Universal Declaration on Human Rights, 1948
- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social and Cultural Rights, 1966
- Optional Protocol of International Covenant of Civil and Political Rights, 1966
- European Convention on Human Rights, 1950, Protocol 9 of 1990 and Protocol 11 of 1994
- The Protection of Human Rights Act, 1993 (India)

Topic 8: Sovereign, Diplomatic, and Consular Immunity/Privileges (5 lectures)

Diplomatic agents- Types

Consuls

Sovereign and Non-Sovereign Acts

Diplomatic Immunity: personal and property

Consular Privileges and Immunities

Prescribed Books

- Malcolm N. Shaw, International Law (8th ed., 2018)
- D. Harris & Sandesh Sivakumaran, Cases and Materials on International Law (8th ed., 2015)
- Robert Jennings and Arthur Watts (eds.), Oppenheim's International Law [Vol. I – Peace] (9th ed., 2008)
- James Crawford, Brownlie's Principles of Public International Law (8th ed., 2013)
- I.A. Shearer, Starke's International Law (1st Indian ed., 2007)
- Gurdip Singh, International Law (3rd ed., 2015)
- V. K. Ahuja, Public International Law (1st ed. 2015)
- S. K. Verma, An introduction to Public International Law (2nd ed. 2012)
- Kaul, J.L. & A. Jha, Shifting Horizons of Public International Law, (1st ed. 2018)

Prescribed Treaties

- Charter of the United Nations
- Statute of the International Court of Justice

Course Wise Content Details for LL.B. Programme:

Semester - Third

Course Name- Constitutional Law-I

Course Code- LB-CC-301

Credits – 5

Total Classes 60+15

Course Objectives

The Constitution of India contains the fundamental law of the land. It is the source of all powers of, and limitations on, the three organs of State, viz. the executive, legislature and judiciary. No action of the state would be valid unless it is permissible under the Constitution. Therefore, it is imperative to have a clear understanding of the nature and working of the Constitution. This course is designed to orient the students towards said understanding and develop an analytical approach through case law. The course will also enable students to critically study and scrutinize the various provisions of the Constitution with the help of leading judicial pronouncements and help them develop profound understanding of the working of various organs of the State. The primary objectives of the course are:-

- To inculcate the foundation philosophy of the Constitution and to examine the different aspects of Constitution and Constitutionalism in the context of Indian legal system;
- To bring out the normative presuppositions of the Indian Constitution as revealed in the Constitution and the ways in which it has been interpreted by judiciary from time to time;
- To normatively assess the developments in the key areas of law and governance;
- To familiarize the students with the concept and working of the Indian federalism and the legislative and executive relationship between the Centre and the States under the Constitution;
- To expose the students to the independent judicial organ and its relation with other organs of the State in regard to judges' appointment and transfer;
- To develop an understanding of the freedom of trade and commerce and the reasonable restrictions imposed by the State on freedom of trade and commerce; and
- To study the various type of emergency under the Constitution, its effects and the judicial review of the proclamation of President's rule in the States

Learning Outcomes

The principal aim of the outcome of this course is that the students should be able to attain factual and theoretical knowledge and develop critical analytical thinking and articulation particularly on the following topics:-

- Nature of the Indian Constitution, theory of Basic Structure of the Constitution and the Indian federalism;
- Power to cede Indian territory to a foreign State, power to create and extinguish a State, alteration of name, area and boundary of existing States;

- Working of the three organs of the State;
- The President/Governor and the Council of Ministers;
- Legislative procedures and Privileges;
- Judicial review of Ordinances;
- The independence of judiciary and the appointment and transfer of Judges of Constitutional Courts; Distribution of legislative powers between the Centre and the State;
- Concept of freedom of trade and commerce and the regulatory and compensatory restrictions by the State;
- Judicial review of imposition of President's rule in the States; and
- To keep the students updated with the latest constitutional developments of India.

Teaching Methodology:

Classroom Teaching(Lecturing\Discussions)

Class Presentations

Contents:

Topic 1 – General (6 Classes)

Constitution – Fundamental Law of the Land: Making of the Indian Constitution; Aims and Objectives; Essential Features of Constitution; Theory of Basic Structure; Principles of Federalism; Nature of the Indian Constitution – Federal, Unitary, Quasi-federal; Cooperative and Competitive Federalism, Scheduled and Tribal Areas.

Topic 2 – The Union and its Territory (3 Classes)

Power to cede Indian territory to a Foreign Nation; Power to create/extinguish a state; Alteration of name, area and boundary of existing states – Procedure (Articles 1 – 4)

Topic 3 – The Union and the State Executives (8 Classes)

- (a) The President and Vice President – Qualifications, Election, Term of Office, Powers, Impeachment (Articles 52-72); Governor – Appointment and Powers (Articles 153 – 161)
- (b) Nature, Scope and Extent of Executive Powers of the Union and States (Article 73, 162)
- (c) Union Council of Ministers – Powers and Position of the President (Articles 74-75); State Council of Ministers (Articles 163-164); Relationship of the President/Governor with the Council of Ministers; Scope and Extent of Judicial Review of Executive Actions (Articles 74, 75, 77, 78, 111, 102, 103(2), 217(3), 163)

Topic 4 – Parliament and State Legislatures (5 Classes)

Composition of Parliament and State legislatures; Qualification/Disqualification of Members; Legislative Procedure, Legislative Privilege (Articles 79 – 122, 168 – 212)

Topic 5 - Legislative Power of the Executive (Ordinances) (3 Classes)

Essential conditions for promulgation of an Ordinance: 'Ordinance' under Article 13; Judicial Review; Validity of successive promulgation of the same Ordinance (Articles 123, 213)

Topic 6 – Union and State Judiciary (12 Classes)

Part-I Composition, Appointment, Removal and Jurisdiction

- a) The Union Judiciary: the Supreme Court of India (Articles 124-147); Composition, Appointment and Removal of Judges (Articles 124-130); Procedure (Article 145); the High Courts in the States (Articles 214-231)
- b) Jurisdiction of Supreme Court: Original Exclusive (Articles 71, 131), Original Concurrent Jurisdiction of Supreme Court and High Courts (Articles 32, 226).
- c) Appellate Jurisdiction of Supreme Court: Civil, Criminal and in other matters (Articles.132-135); Enlargement of Jurisdiction (Article 138); Binding nature of the law declared by the Supreme Court, enforcement of decrees and orders, (Articles 141 and 142)
- d) Special Leave to Appeal (Article 136)
- e) Power of Review (Article 137)
- f) Advisory Jurisdiction (Article 143)
- g) Curative Petition
- h) Writs – *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*

Part-II Procedural requirements and innovations

- a) Judicial Activism and overreach/self-restraint, *Locus Standi*, Laches, Res Judicata, Exhaustion of Alternative Remedies and Public Interest Litigation- PIL (Concept of *pro bono publico*)
- b) Power to issue appropriate orders and directions; Power to award Compensation

Topic 7 – Distribution of Legislative Powers (14 Classes)

Articles 245 – 255, Schedule VII

- a) Doctrine of Territorial Nexus (Article 245)
- b) Subject-matter of laws made by Parliament/Legislatures of States; Position of Union Territories (Article 246)
- c) Interpretation of legislative lists:
 - i) Plenary and Ancillary Power of Legislation
 - ii) Effect of *Non Obstante Clause*
 - iii) Doctrine of Harmonious Construction
 - iv) Doctrine of Pith and Substance
 - v) Colourable Exercise of Legislative Power
- d) Residuary Power of Legislation (Article 248)
- e) Parliament's Power to Legislate in List II (State List) – (Articles 246 (4), 247, 249 – 253, 352, 356)
- f) Doctrine of Repugnancy (Article 254)

Topic 8 – Freedom of Trade, Commerce and Intercourse (4 Classes)

Concept of Trade and Commerce: Scope of Freedom of trade, commerce and intercourse; Fiscal measures; Direct and Immediate Restrictions; Regulatory Measures, Compensatory Taxes; Restrictions on trade, commerce and intercourse among states- Powers of Parliament and State Legislatures; State Monopoly (Articles 301 – 307)

Topic 9 – Emergency Provisions (5 Classes)

- (a) Proclamation of Emergency on grounds of war, external aggression and armed rebellion (Articles 352, 358, 359)
- (b) Power of Union Executive to issue directions (e.g. Articles 256, 257) and the effect of non-compliance (Article 365); Duty of the Union to protect the States against external aggression and internal disturbance (Article 355)
- (c) Imposition of President's Rule in States – Grounds, Limitations, Parliamentary Control, Judicial Review (Articles 356-357)
- (d) Financial Emergency (Article 360)

Prescribed Text: The Constitution of India, 1950

Prescribed Books:

- 1. H.M. Seervai, *Constitutional Law of India* [4th ed., 2016, *Silver Jubilee Edition* , Vol. 1, 2 & 3 (2016)]
- 2. M.P. Jain, *Indian Constitutional Law* (Revised by Justice Jasti Chelameswar and Justice Dama Seshadri Naidu) (8th ed., 2018)
- 3. Mahendra P. Singh, V. N. *Shukla's Constitution of India* (13th ed., 2017)
- 4. D.D. Basu, *Shorter Constitution of India* (Revised by Justice A K Patnaik) (Vol. 1 & 2, 15th ed., 2018)

Recommended Books:

- 1. Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (1966)
- 2. Granville Austin, **Working a Democratic Constitution - A History of the Indian Experience** (1999)
- 3. B. Shiva Rao, *The Framing of India's Constitution – Select Documents* (1967)
- 4. *Report of the Commission on Centre – State Relations*(Sarkaria Commission) (1987)
- 5. *Report of the National Commission to Review the Working of the Constitution* (2002)
- 6. *Report of the Commission on Centre-State Relations* (M.M. Punchhi Commission) (2010)

Course Wise Content Details for LL.B. Programme:

Semester - Third

Course Name – Company Law

Course Code- LB-CC-302

Credits – 5

Total Classes 60+15

Course Objectives

- This course is structured to understand company law and governance issues and to provide much needed clarifications on company laws, rules and regulations.
- To introduce students to the economic function of the company as a legal structure for business, to its advantages and disadvantages compared to other structures available such as the partnership and the limited liability partnership, and in particular to the company's limited liability thus provide a solid background for further studies of this subject.
- To encourage the development of student's skills in legal reasoning and analysis through study of statutes, case law and regulatory practice relating to Company Law. Therefore, the present course is designed to enable the students to take up professional practice in the field of company law in India and beyond.
- To provide students with knowledge and appreciation of the major core topics in Company Law including the legal nature of company, concept of the company as a business structure, the legal implications of separate corporate personality, the role of the board of directors and their legal duties as directors and the legal protection of shareholders and corporate social responsibility in India.

Learning Outcomes

By the conclusion of this course, it is intended that students will able

- To critically evaluate the existing legal framework relating to company and regulatory framework of companies in accordance with the Companies Act, 2013 including the Companies (Amendment) Act, 2017.
- To demonstrate a detailed knowledge of specific areas of current importance and to appreciate the evolving nature of company law.
- Enable the development of critical and analytical abilities in the area of Company Law, culminating into a presentation during the class sessions of the course.
- Familiar with the current policy trends and developments in Company Law in India, UK and USA and of the likely impact of these trends and developments on the major topics in Company Law.
- Describe the theoretical assumptions that underlie the way companies are regulated in India and the way changes to those assumptions might result in law reform.
- Identify and articulate complex legal issues that arise in business practice and demonstrate advanced analysis of statutory provisions and case-law; sophisticated

legal reasoning; and well-developed skills in creative thinking to generate appropriate legal and practical responses to those issues.

Course Content

Unit 1: Nature and Kinds of Companies (Lectures: 14)

(a) **'Company'** – Definition; Evolution; History of Company Legislation in India; Meaning and Nature of Company with Emphasis on its Advantages and Disadvantages over other forms of Business organizations. Comparison between Company and Partnership and Company and Limited Liability Partnership; Provisions of Companies Act, 2013; New changes introduced by Companies (Amendment) Act, 2017

(b) **Theory of 'Corporate Personality'**; Concept of Separate Legal Entity, Company not a citizen of India; Lifting of the Corporate Veil, Statutory Exceptions to Limited Liability

(c) **Kinds of Companies** – Public Sec.2(71) and Private Companies Sec.2(68); Holding Sec.2(46) and Subsidiary Companies Sec.2(87); Limited and Unlimited Companies Sec.2(92); Share-holding and Guarantee Companies Sec.2(21/22); Producer Companies; Small company Sec.2(85); One person company Sec.2(62); Government company Sec.2(45); and foreign company Sec.2(42).

Unit 2: Promotion and Formation of Company (Lectures: 02)

a) **Promotion:** Promotion of Company, Promoters Sec.2 (69), their position, Powers, Duties and Liabilities.

(b) **Formation:** Formation of Company (Sec.3), Procedure of registration including online registration of a company, Effects of Certificate of Incorporation And Registration of company (Sec.9).

Unit 3: Company's Constitutional Documents (Lectures: 10)

(a) **Memorandum of Association Section 4 and Articles of Association Section 5** – Importance, Registration and Its Effect; Binding Nature; Clauses in Memorandum of Association, Alteration of Memorandum of Association and Articles of Association **Section 10-16**

(b) **Doctrine of Ultra vires** – A critical analysis of doctrine of Ultra Vires.

(c) **Doctrine of Indoor Management;** Binding Nature of Articles of Association between members/shareholders *inter se* and also outsiders; Rule of Constructive Notice; Doctrine of Indoor Management and its exceptions.

Unit 4: Prospectus (Lectures: 02)

Prospectus Sec. 2(70), Kinds- Abridged Sec.2 (1), Deemed Sec.25, Shelf Sec. 31, Red-Herring Sec. 32, Information Memorandum, Registration Sec.26, Remedies against Misrepresentation, Liabilities- Civil and Criminal.

Unit 5: Company's Share Capital/Debenture (Lectures: 02)

a) **Equity Finance:** Shares Sec. 2(84), Kinds of Share capital Sec.43

(a) Equity share (b) Preference share

(b) **Debt Finance:** Debentures Sec. 2(30) Nature of shares or debentures Sec.44

Comparison Between Share and Debenture

Unit 6:Board of Directors

(Lectures: 10)

Corporate Governance; Appointment of Directors; Duties of Directors and their Criminal and Civil liabilities.

Director's Identification Number Sec.153-159 Independent

Director Sec.2 (47)

- **Case Study on Satyam Scandal**

Unit 7:General Meetings

(Lectures: 02)

Types / Kinds of Meetings, Essential Conditions of a Valid Meeting, Procedure for Calling Company Meetings.

Unit 8:Prevention of Oppression and Mismanagement

(Lectures: 10)

Protection of Minority Shareholders; Powers of Tribunal and Central Government; Prevention of Oppression and Mismanagement Sec.241-244;

Class Action Suit (Sec.245)

Foss v. Harbottle Rule - Exceptions – acts ultra vires, fraud on minority, acts requiring special majority, wrongdoers in control, etc.

Unit 9:Winding up of Companies

(Lectures: 04)

Modes of Winding up Sec.270 – Winding up by the Tribunal Sec.271-303; - Grounds, Procedure.

Unit 10:Adjudicatory Bodies

(Lectures: 02)

National Company Law Tribunal; National Company Law Appellate Tribunal- Constitution, Powers, Jurisdiction, Procedure, Judicial Review Sec. 407-433

Unit 11:Corporate Social Responsibility

(Lectures: 02)

Introduction to CSR; Need for CSR; CSR **Sec. 135** under Companies Act, 2013; Companies (Corporate Social Responsibility Policy) Rules 2014 (CSR Rules) and Schedule VII of Companies Act, 2013

Tutorial Classes

(Lectures: 15)

References

Paul L. Davies, **Gower and Davies***Principles of Modern Company Law* (Latest edition) Gower's and Davies' *Principles of Modern Company Law*, (8th ed., 2008)

A. Ramaiya, *Guide to the Companies Act* (17th ed., 2010)

Hicks, Andrew & Goo S H, *Cases and Material on Company Law*, Oxford University Press (8th ed., 2008)

Kershaw, David, *Company Law in Context*, Oxford University Press, UK, (2nd ed., 2012)

Avtar Singh, *Company Law* (17th ed., 2018)

Course Wise Content Details for LL.B. Programme:

Semester - Third

Course Name – Special Contracts

Course Code – LB CC 303

Credits – 5

Total Classes 60+15

Objectives of the Course

The law recognizes various Special Contracts, viz. (i) Partnership and (ii) Sale of Goods. The law relating to partnership has gone a drastic change with the enactment of the Limited Liability Partnership Act, 2008. The limited liability partnerships are more akin to companies but not exactly the same. The traditional concept of partnerships with unlimited liability, joint ownership and flexibility in registration permissible under the Indian Partnership Act, 1932 has been drastically modified under the Limited Liability Partnership Act, 2008. The need to have two kinds of partnerships along with registered companies deserves to be studied by keeping in mind the rationale in retaining these three forms of business associations.

The present course is aimed at a study of the Law relating to Agency particularly the provisions of sections 182-238 of the Indian Contract Act, 1872, the Indian Partnership Act, 1932, Limited Liability Partnership Act, 2008 and Sale of Goods Act, 1930 in the light of judicial pronouncements.

Learning Outcomes:

After this course students will-

- Demonstrate an advanced understanding of the underlying legal principles, rules and institutions which regulate partnership/ contracts, agreement.
- Increase the intellectual understanding of students regarding seller and buyer rights and also duties and partnership rights and duties.
- Know the rationale behind the formation of partnership agreements, limited liability partnerships and appreciate their contribution to laws in organizations.

Teaching Methodology:

- Classroom Teaching and discussions

Prescribed Legislations:

1. The Indian Partnership Act, 1932
2. The Limited Liability Partnership Act, 2008 (6 of 2009)
3. The Indian Contract Act, 1872
4. The Sale of Goods Act, 1930

Prescribed Books:

1. Sanjiv Agarwal and Rohini Agarwal, *Limited Liability Partnership: Law and Practice*, First Edition, 2009.
2. G.C ., Bharuka, *The Indian Partnership Act*, 7th Edition, Reprint 2011.
3. Avtar Singh, *Law of Partnership*, 11th Edition, 2018.
4. V.P. Verma (Rev.), S. D. Singh and J.P. Gupta, *Law of Partnership in India*, 6th Edition.
5. R.G. Padia (ed.), *Pollock & Mulla, Indian Contract and Specific Relief Acts*, 13th Edition 2006.
6. K. Ramamoorthy, *Pollock & Mulla The Sale of Goods Act*, Lexis Nexis, Edition 2001

7. V. Krishnamachari and Surender K. Gogia, **T.S. Venkatesa Iyer's Sale of Goods Act, 1930, 8th Edition, 2002.**

Topic 1 – Concept of Agency and the Nature of Partnership (Lectures 8)

'Agent' and 'Principal' defined; Who may employ an agent; who may be appointed as agent; Rights, duties and liabilities of principal and agent, scope and limitation, ratification and revocation of authority; appointment of sub-agent (The Indian Contract Act, 1872). Definition of "partnership", "partner", "firm" and "firm name" (section 4); partnership not created by status (section 5); Mode of determining existence of partnership (section 6); partnership at will (section 7); Particular partnership (section 8), Concept and nature of Unlimited Liability Partnerships; Distinction between a partnership, a limited liability partnership and a company;

Topic 2 - Relations of Partners to One Another and to the Third Parties (Lectures 10)

General duties of partners (section 9); duty to indemnify for loss caused by fraud (section 10); determination of rights and duties of partners by contract between the partners (section 11); the conduct of the business (section 12); Mutual rights and liabilities (section 13); The property of the firm (section 14); Application of the property of the firm (section 15); Personal profits earned by partners (section 16); Rights and duties of the partners (section 17). Partners to be agent of the firm (section 18); Implied authority of partner as agent of the firm (section 19); Extension and restriction of partner's implied authority (section 20); Partner's authority in an emergency (section 21); Mode of doing act to bind firm (section 22) Holding out (section 28); Right of transferee or a partner's interest (section 30); Minors admitted to the benefits of partnership.

Topic 3 - Incoming and Outgoing Partners (Lectures 4)

Introduction of a partner (section 31); Retirement of a partner (section 32); expulsion of partners (section 33); Insolvency of a partner liability of estate of deceased partner (section 35); rights of outgoing partner to carry on competing business (section 36)

Topic 4 - Registration and Dissolution of a Firm (Lectures 12)

Application for registration (section 58); Registration (section 59); Disabilities attach with non-registration (section 69), Dissolution of a firm (section 39); Dissolution by agreement (section 40); Compulsory dissolution (section 41); Dissolution on the happening of certain contingencies (section 42); Dissolution by notice of partnership at will (section 43); Dissolution by the Court (section 44); Liability for acts of partners done after dissolution (section 45); Right of partners to have business wound up after dissolution (section 46); Continuing authority of partners for purpose of winding up (section 47); Mode of settlement of accounts between partners (section 48).

Topic 5 - General : Formation of Contracts of Sale (Lectures 6)

The Sale of Goods Act, 1930 (sections 1-10)

(a) Concept of 'Goods'

(b) 'Sale' and 'Agreement to sell'

State of Madras v. Gannon Dunkerley & Co. (Madras) Ltd., 1959 SCR 379

(c) Statutory Transactions

Vishnu Agencies (P) Ltd. v. Commercial Tax Officer, AIR 1978 SC 449 : (1978) 1 SCC 520

Coffee Board, Karnataka v. Commr. of Commercial Taxes, AIR 1988 SC 1487

(d) Contract for 'Works'/'Labour'(Pre and Post 46th Constitutional Amendment)

Topic 6 : Conditions and Warranties (Lectures 8)

Stipulations as to time; Implied Conditions and Warranties – as to title, quality, fitness, etc., Sale by Description and by Sample; Treating conditions as warranties

The Sale of Goods Act, 1930 (sections 11-17, 62, 63)

Doctrine of Caveat Emptor

Jones v. Just (1868) 3 Q.B. 197

Topic 7: Effects of the Contract of Sale (Lectures 8)

Transfer of property; Doctrine of ‘Nemo dat quod non habet’ – sale by a person other than the owner, sale by joint owner, sale by mercantile agent, sale under voidable contract, sale by seller or buyer in possession after sale; sale in Market Overt v The Sale of Goods Act, 1930 (sections 18-30)

CIT v. Mysore Chromite Ltd. (1955) 1 SCR 849 : AIR 1955 SC 98

P.S.N.S. Ambalavana Chettiar v. Express Newspapers Ltd. (1968) 2 SCR 239 : AIR 1968 SC 741

Agricultural Market Committee v. Shalimar Chemical Works Ltd. (1997) 5 SCC 516 : AIR 1997 SC 2502

Pearson v. Rose & Young, Ltd. (1950) 2 Ch. D. 1027

Topic 8 : Rights of Unpaid Seller (Lectures 4)

Who is an un-paid seller ? Un-paid Seller’s Rights – Right of lien, Right of stoppage in transit; Transfer of goods by buyer and seller The Sale of Goods Act, 1930 (sections 45-54)

Mysore Sugar Co. Ltd., Bangalore v. Manohar Metal Industries, Chikpet, Bangalore
AIR 1982 Kant. 283278

Gopalakrishna Pillai v. K.M. Mani (1984) 2 SCC 83 : AIR 1984 SC 216

Teaching Plan- Week 1

This week will focus on the basic concept of agency, relationship of principal and agent, Rights, duties and liabilities of principal and agent. Any other issues related to the concept of agency will also be discussed.

Week 2

This week will focus on the concept of Partnership, definition, modes of determination of partnership, types of partnership and at the end of this week difference between partnership and limited liability partnership.

Week 3

This week will focus on duties, rights and liabilities of partners. What is the property of the firm and liability of the firm’s property will also be the part of this week.

Week 4

This week will focus on the topics- implied authority of partners, restriction on implied authority. What are the acts of the partner which binds the firm? Concept of holding out and the topic of Minors admitted to the benefits of partnership will be the part of this week.

Week 5

In this week the class will be focused on topic of incoming and outgoing partner. What will be the effect of insolvency of a partner? What will be the liability estate of deceased partner? Death as a notice to all.

Week 6

This week the whole discussion will be on the topic of ‘rights of outgoing partner to carry on competing business.’

Week 7

This week the focus of study will be the requirement of registration of Partnership, date of registration, effect of non registration of partnership.

Week 8

The concept of dissolution, modes of dissolution will be discussed in this week

Week 9

What are the rights of the partners after dissolution of partnership? What is the liability of the firm for the acts done by the partner after the dissolution of firm? Whether dissolution of firm winds up the partnership? How to settle the account between partners? The whole discussion will be focused to answer these questions.

Week 10

Historical background of The Sale of Goods Act, 1930. Why we need a separate act? Concept of goods, difference between Sale and Agreement to Sell, Statutory Transactions, and Contract of work will be discussed in this week.

Week 11

The whole concept and related issues of Conditions and Warranties will be discussed. What are the implied Condition and warranty in Sale by Description and sale by Sample? When conditions are treated as warranties?

Week 12

The classes in this whole week will be focused on the Doctrine of Caveat Emptor.

Week 13

The right to transfer of property and Doctrine of 'NEMO DAT QUOD NON HABET' i.e. sale by a person other than the owner will be thoroughly discussed in this week.

Week 14

The right to sale of joint owner and mercantile agent will be discussed. What will be the effect of sale under voidable contract? The right to sale of seller or buyer in possession after sale will be discussed too.

Week 15

This week the focus will be on the topics of 'Un-paid seller' and their right to sell the good, right to lien and right to stoppage in transit.

Course Wise Content Details for LL.B. Programme:

Semester - Third

Course Name – Moot Court Exercise and Internship

Course Code- LB-CC-304

Credits – 5

Total Classes 60+15

Course Objectives:

This Course aims to impart the practical skills of research, case analyses and strategy, witness handling, presentation of arguments at the trial and appellate stages of a case, and to draft and prepare different kinds of pleadings and conveyance. The course has been divided into four components dealing with Moot courts, Mock trials, Court visits and Viva Voce/attendance. The purpose is to expose the students to the system of administration of justice in real life by visiting various courts and chambers of practicing counsels. This learning is basic and essential for the study of professional course of Law. By learning the practical aspect throughout the Course, the students shall gain the expertise in legal drafting, filing and contesting the cases on strong grounds before the Courts of Law in India as well as in other countries.

Course Learning Outcomes:

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

1. practice at all the stages of any case/matter and at all the fora with critical thinking
2. do appellate advocacy by independent research, preparation of arguments and presenting arguments in a persuasive manner in appellate courts
3. do trial advocacy, i.e., case analysis, client interviewing and advise, how to conduct examination-in-chief and cross-examination of witnesses, preparation and presentation of arguments on facts and law in the trial courts.
4. interview clients and advise them on procedural aspects of litigation, costs and possible legal and social consequences, etc.
5. work in teams and develop the cooperative nature essential for the legal practice.

Contents:

Unit I: Mock Trial including Client Interviewing and Counselling and Case Analyses

The students will learn the basics of client interviewing and counseling through simulation exercises. They will be required to do case analyses in the mock trial exercise to be done by them. At least two mock trials, one Civil and one Criminal will be conducted during the course of the semester. The students will be divided in teams of lawyers and witnesses. Each student will be required to function as a lawyer and witness in the mock trials being simulated in the classroom. 30 marks for this component are divided equally (5 marks) among different tasks performed by each student including client interviewing and counselling, case analysis, written submissions, Examination-in-chief, Cross-examination, and final arguments.

Unit II: Moot Courts

The teacher teaching this course will supply three Moot Court problems to the students in the course of a single semester requiring them to work on all three problems assigned to them, prepare written submissions (memorials) and present oral arguments in a moot court setting. 30 marks for this component are divided equally between written submission and oral arguments. Students may be asked to work in teams at the discretion of teacher. Each student will prepare a case only on one side.

Department of Law, Nehru Gram Bharati (Deemed to be University)

A. Rules re Memorial submissions:

1. Each student / team must submit one typed and bound copy of the memorial on either side no later than the date fixed and announced in the class. Memorials will not be accepted after the prescribed date and time and the student will lose the marks assigned for that assignment.
2. Memorial specifications:
 - a) Memorials must be printed on A4 size white paper with black ink on both sides of the paper.
 - b) The body of the memorial must be in Fonts Times New Roman, Size 12 and footnotes in Fonts Times New Roman in Size 10.
 - c) Each page must have a margin of at least one-inch on all sides. Do not add any designs or borders on the pages.
 - d) Memorials should be submitted with differently coloured Title Page for each side:
 - Title page in red colour for Petitioner / Appellant
 - Title page in blue colour for respondent
 - e) The Memorial should not exceed 20 typed pages (line space 1.5) and shall consist of the following Parts:
 - Table of Contents
 - Statement of Facts
 - Statement of Jurisdiction
 - List of References and Cases
 - Statement of Issues
 - Summary of Arguments
 - Detailed Pleadings
 - Prayer
 - Affidavit, if necessary
 - f) Relevant Annexures may be kept by the student and may be used during oral arguments, if necessary.

B. Rules re Oral Arguments:

- Court Language shall be English unless prior permission is sought from the teacher to speak in Hindi.
- Each student would be given 10 minutes to present their oral arguments
- Judges may, at their discretion extend oral argument time, up to a maximum of 5 minutes.

- Rebuttal would be allowed only to the petitioner and they would have to specify in the beginning the time they want to set apart for rebuttal.
- Evaluation: The oral performance will be evaluated on the basis of communication skills, application of facts, persuasion / use of authorities, and response to questions.

Unit III: Internship - Court Visit / Chamber placements

This part will require the students to be attached with practicing lawyers with a minimum of ten years standing at the Bar. Preparation for this component has to begun from the first semester. Each student is required to spend at least one month doing internship during the summer vacation / winter break / mid-semester break. Full time internship during the semester is not permitted by the Bar Council of India and students may do only project work during the semester. During the internship, the students must keep record of client dealings, research and drafting done, fact investigations, etc. A certificate confirming the student's attendance and th work done during internship shall have to be attached with the internship diary to be submitted at the end of this semester.

During the court visits, the students are required to observe the following stages and write reports of their observation in the diary:

- Framing of charges/Issues
- Examination-in-Chief
- Cross-examination
- Final arguments

In the lawyer's chamber, they are required to do and record the following:

1. Read minimum of four case files to learn how files are prepared and maintained
2. Learn how to maintain records and accounts
3. Do legal research in at least two cases
4. Draft minimum of two documents in an ongoing case in the chamber
5. Observe client interviewing and counselling with the permission of the lawyer and clients in at least two cases

The students are expected to maintain a diary of their field visits, work done during placement and their observations. In the diary, they have to keep a log of the time spent by them each day including factual accounting of their experience of what they are doing, seeing and hearing. However, the diary should not be only descriptive of each day but should focus on what they learnt during the day. What were they thinking and feeling about their experiences? What is exciting or surprising? What is bothering them? What are their questions or insights about lawyering and judging? What criticism or praise do they have for the legal system? What else would they like to be taking place in their experience? They should be careful that while writing their accounts they do not reveal any confidential information.

The diary should contain two parts: (a) the factual and analytical information about their internship; and (b) two legal documents drafted by them during internship. Each part will be evaluated separately for 15 marks each. This part carries a total of 30 marks.

The diary is an integral part of the course and they will be evaluated in terms of thoughtfulness and reflections about their learning experience. They must be sure to write the journal in their own words even if they went with another class fellow or were in a group and observed the same things. ***If two or more students are found to have copied each other's language, both / all the students found to have copied will be given a zero for that work.***

Suggested Readings

1. NRM Menon (ed.) *Clinical Legal Education* (1998)
2. Don Peters, *The Joy of Lawyering: Readings for Civil Clinic* (1996)
3. B. Malik, *The Art of a Lawyer* (9th Ed. 1999)
4. Steven Lubet, *Modern Trial Advocacy: Analysis and Practice* (1993)
5. Thomas A. Mauet, *Trial Techniques* (1996)
6. Thomas A. Mauet, *Pre-trial* (1995)
7. Inns of School of Law, *Advocacy* (1999/2000)
8. Inns of School of Law, *Case Preparation* (1999/2000)

Readings Supplied in Course Material

1. "Interviewing" in Don Peters, *The Joy of Lawyering*, pp. 5-20
2. "Tips on Clients Interviewing and Counselling" by Margaret Barry and Brian Landsberg
3. "Advice" in Conference Skills, Inns of Court School of Law, pp 131 -150 (1999/2000).\
4. Kinds of Questions – Summary by Prof. Ved Kumari from Don Peters, *Joy of Lawyering*
5. "Advocacy Objectives"
6. "Case Analysis, Persuasion, and Storytelling" in Steven Lubet, *Modern Trial Advocacy: Analyses and Practice*, pp 1-13
7. Interview Questionnaire
8. "Case Planning Chart" by Jane Schukoske
9. Communication – Body Language
10. L. Spasova, "Paralinguistics as an Expression of Communicative Behaviour" in *Trakia Journal of Sciences*, Vol. 9, Suppl. 3, pp 204-209, 2011
11. "The Trial Advocate" in Roger Haydock and John Sonsteng, *Trial: Theories, Tactics, Techniques*
12. "D.S. Hislop's Advocacy Training" (Mimeo)
13. Gray's Inn Advocacy Course for Pupils: 1993-1994
14. Examination-in-Chief – Headlines
15. "Art of Interrogation" in B.K. Somasekhara (ed.) *Aiyar & Aiyar's The Principles and Precedents of the Art of Cross-Examination* (Tenth Edition, 2004) pp. 145-182
16. Witness Handling: Case 1 *State v. Monty Khanna* by Aman Hingorani
17. Witness Handling: Cae 2 *State v. Mukesh* by Aman Hingorani
18. Witness Handling: Case 3 *Raj Malhotra v. Shivani Malhotra* by Aman Hingorani
19. Witness Handling: Case 4 *Singer Consultants Pvt. Ltd v. WinSoft Telecommunications Pvt. Ltd.* by Aman Hingorani
20. Developing a Research Plan - Adopted from Kunz, et al. *The Process of Legal*

Research (4th ed. 1996)

21. “Researching a Legal Problem” by Ved Kumari
22. Appellate Argument Demonstration Exercise - *Narcotics Control Bureau v Elizabeth Brown*
23. Moot Court Problem – 1
24. Moot Court Problem – 2
25. Moot Court Problem – 3
26. Moot Court Problem – 4
27. Moot Court Problem – 5
28. Moot Court Problem – 6
29. Legal Drafting Rules

Week 1 – Week10: **Unit I**

Week 11 – Week 14: **Unit II**

Week 15: **Unit III**

Facilitating the achievement of Course Learning Outcomes

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Unit I is dedicated to training the students in skills of trial advocacy. The students will acquire the skills of doing research, case analysis, how to conduct examination –in-chief and cross-examination of witnesses, preparation and presentation of arguments in the trial courts. This is another basic skill to master for any person who wants to be an advocate.	Hypotheticals, Role Plays, and Simulation. The students will be working in teams. They will do the case analysis, prepare questions for witness and arguments for the case from their sides. They will also submit written arguments to support them after doing proper research.	As given below.
1.	Unit II consists of Moot courts focused on appellate advocacy. The students will acquire the skills of doing research, preparing arguments and presenting arguments in the courts. These skills are basic skills to do practice in higher courts.	They will prepare their arguments for one side of case after doing exhaustive research and then present it before the teachers who shall be acting like judges.	As given below.
3.	Unit III aims at discussing and analysing the practical experience of students through internship, court room and Chamber visits. They will get the exposure of real practice in the courts and thereby acquire the experience and expertise in drafting of the legal documents, clients handling, procedural aspects of litigation, ethical questions in practice etc.	Discussing and analysing the students diaries containing all these details and the legal documents drafted by them during this time.	As given below.

4.	This course requires 100% active participation of all the students that will create and maximise learning opportunities. They will further acquire the skill of working in teams and develop the cooperative nature which is essential for litigation.	The active participation of all students. Moreover, this subject requires team work so presence of all students is required for the activities.	As given below.
----	--	---	-----------------

Assessment of Students' Performance and Scheme of Examinations:

1. There is no written examination at the end of the semester in this paper.

The break up of marks in each unit may be changed in the paper from time to time. Broad division of marks is as follows:

Unit 1 = 30 marks

Unit 2 = 30 marks

Unit 3 – 30 marks

10 marks have been kept for attendance in these courses as follows:

71-75% - 1 mark	76-80% = 2 marks	81-85% = 4 marks
86-90% = 6 marks	91-95% = 8 marks	96-100% = 10 marks

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/cases/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 - IV

Course Name- Constitutional Law - II

Course Code- LB-CC-401

Credits – 5

Total Classes 60+15

Course Objectives:

- (i) To understand the jurisprudential aspects of the relevancy and foundation of fundamental rights, Directive Principles of State Policy and Fundamental Duties and to critically appraise the challenges and their significance in 21st century India.
- (ii) To explain the meaning, purpose, nature and importance of the concepts of 'State' and 'Law' prescribed in Part III of the Constitution of India and to discuss the impact of globalization and liberalization on the same.
- (iii) To develop an understanding of the constitutional values of equality, freedom, right to life and liberty as incorporated and recognized under various Articles of Part III of the Constitution of India and to analyze them in the light of contemporary socio-legal and political challenges with the help of landmark Supreme Court judgments.
- (iv) To evaluate the relationship between Fundamental Rights and Directive Principle of State Policy with special reference to jurisprudential analysis of social justice and equality.
- (v) To develop a fair idea of secularism, freedom of religion and minority rights, their utility and scrutinization through relevant provisions and judicial decisions.
- (vi) To discuss the extent of amending power of Parliament and limitations on it imposed through the judicial pronouncements and inherent structure.
- (vii) To teach and analyze the various doctrines evolved by the Supreme Court while interpreting various constitutional provisions with special reference to Fundamental Rights, constitutional amendments and rights of civil servants.

Course Learning Outcomes:

Following outcomes are intended after the completion of the Course from the Students

- (i) Understand the jurisprudence of Constitutional Law and its relationship with politics, society and economy.
- (ii) A comprehensive understanding of the complex relation among impact of liberalization, Role of State and the significance and utility of the Fundamental Rights, Directive Principles of State Policy and Fundamental Duties.
- (iii) Understanding the basic constitutional mandates on secularism socialism, judicial review, and rule of law, equality, liberty, social justice and economic justice.
- (iv) Adapt appropriate methods of analysis and interpretation of the constitutional provisions and application of Doctrines evolved by the judiciary while interpreting constitution.
- (v) To prepare them for their constructive participation in justice system and to grow

Contents:

Topic 1: Fundamental Rights (General) (14 Classes)

- (a) 'State' under Article 12
- (b) 'Law' under Article 13; Also Articles 31A, 31B, 31C, 368
 - (i) Doctrine of Eclipse
 - (ii) Waiver of Fundamental Rights
 - (iii) Severability
- (c) Power of Parliament to modify the fundamental rights (Article 33)
- (d) Martial Law (Article 34)

Topic 2: Right to Equality (Articles 14 – 18) (12 Classes)

- (a) Equality among Equals; Treating un-equals as equals violates equality clause
- (b) Classification as such not completely prohibited: Reasonable Classification Permissible
- (c) Single Person may be treated as a separate class
- (d) Establishment of Special Courts
- (e) Conferment and/or exercise of discretionary or arbitrary power is antithesis of right to equality
- (f) Distribution of state largesse
- (g) Special provisions for women and children; requirements relating to residence; requirement of a particular religion being professed by the incumbent of an office related to a religious or denominational institution
- (h) Protective Discrimination - Reservations in appointments and promotions; Special provisions for socially and educationally backward classes of citizens and for Scheduled Castes and Scheduled Tribes
- (i) The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- (j) The Central Educational Institutions (Reservation in Admission) Act, 2006
- (k) Abolition of Untouchability (Articles 17, 35)
 - 1. The Protection of Civil Rights Act, 1955
 - 2. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- (l) Abolition of Titles (Article 18)

Topic 3: Right to Freedom (Articles 19 - 22) (11 Classes)

- (a) Right to Freedoms available only to citizens of India; Foreign nationals and artificial persons like bodies corporate (companies) are not citizens either under Part II of the Constitution of India or under the Citizenship Act, 1955
 - 1. Freedom of speech and expression;
 - 2. Freedom to assemble peaceably and without arms;

3. Freedom to form association or unions;
4. Freedom to move freely throughout the territory of India;
5. Freedom to reside and settle in any part of the territory of India.
6. Freedom to practise any profession, or to carry on any occupation, trade or business.

The freedoms are not absolute but subject to reasonable restrictions which can be imposed by law made by the state for the purposes mentioned in clauses (2) to (6) of Article 19. The term 'reasonable restriction' includes total prohibition.

The Right to Information Act, 2005

The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007

- (b) Protection in respect of conviction for offences (Article 20)
 - (i) Ex-post Facto Law
 - (ii) Doctrine of Double Jeopardy
 - (iii) Right against Self Incrimination
- (c) Protection of life and personal liberty (Article 21)
- (d) Right to Education (Article 21A)
- (e) Protection against arrest and detention (Article 22)

Topic 4: Right against Exploitation (Articles 23, 24) (01 Class)

Topic 5: Right to Freedom of Religion (Articles 25 – 28) (08 Classes)

The Madhya Pradesh Dharma Swatantraya Adhiniyam, 1968; the Orissa Freedom of Religion Act, 1967; the T.N. Prohibition of Forcible Conversion Act, 2002; the Gujarat Freedom of Religion Act, 2003

Topic 6: Educational and Cultural Rights (Articles 29, 30) (04 Classes)

Right to establish and administer educational institutions – rights of minorities and non-minorities; Degree of State Control in aided and non-aided educational institutions

Topic 7 : Fundamental Duties (Article 51A) (01 Class)

Topic 8 : Directive Principles of State Policy (Articles 36 - 51) (02 Classes)

Importance; Relationship, and the effect of inconsistency, between the Fundamental Rights and legislations aimed at implementing the Directive Principles of State Policy.

Topic 9 : Civil Servants (Articles 308 - 323) (02 Classes)

Doctrine of Pleasure; Power to regulate the recruitment and conditions of service of civil servants; Constitutional Protection to Civil Servants; All India Services

Topic 10: Amendment of the Constitution (Article 368) (05 Classes)

Power and Procedure to amend the Constitution; Limitations on amending Power -Doctrine of Basic Feature/Structure; Judicial Review of Legislations included in the Ninth Schedule

Teaching Plan:

Week 1:

Introduction of the importance of the areas which will be discussed in this syllabus. A brief background of the previous year syllabus to fresh up the things in the minds of the students.

Department of Law, Nehru Gram Bharati (Deemed to be University)

Week 2, 3 &4:

Article 12 and 13 will be discussed in these three weeks which will include the analysis of importance of 'State' and its role in a welfare State. Meaning of State and its changing definition in the era of globalization and liberalization will be dealt in this time period. Power and purpose of judicial review to control the power of State will also be the part of lectures.

Week 5, 6 &7

Importance of 'Equality' will be discussed with the help of several cases and provisions. Jurisprudence of 'Reservation' and its utility as a tool of social justice will be discussed. "Reservation" and "Equality" in its present form will be discussed with the help of current judicial approach and landmark judgments. 'Abolition of Un-touchability and Titles' will also be the part of study.

Week 8, 9&10

"Right to Freedom" will be discussed in this time three week period covering different aspects of freedom including "Freedom of Speech and Expression", "Right to Life and Liberty", "Rights of Arrested Persons" and "Rights of Accused" will be discussed with the help of landmark case laws. Importance of art.21 and development of its different off shoots by the passage of time will also be the core area of study.

Week 11& 12

"Freedom of Religion" in secular India will be the topic of discussion in this time period. Actual meaning of 'Essentials of Religion' and 'Practices' in context to other rights of part III of the Constitution will be discussed. Use of Religion in the politics and conversion will be the other topics of discussion along with landmark and latest case laws. Managing religious affairs and the extent of interference of State in regulating the management of these affairs will also be discussed.

Week 13

Art.29 and 30 will be the topic of discussion which will deal with the purpose of keeping special provisions for minorities. Rights of Religious and Linguistic Minorities to establish and administer educational institutions will be discussed with the help of most relevant and recent cases.

Week 14

Rights against Exploitation (Art.23,24), Fundamental Duties (Art.51A), Directive Principle of State Policy (Art.36-51) and Civil Servants (Art.308-323) will be discussed with the help of relevant case laws.

Week 15

Power of Parliament and Procedure to amend the constitution will be discussed with special reference to Basic Structure Theory. Purpose of schedule 9 and the power of Judicial Review of the Supreme Court shall be discussed with latest landmark judgments. Overall winding up the syllabus, including all recent developments related with Executive direction, legislative actions and judicial pronouncements.

Course Wise Content Details for LL.B. Programme:

Semester - IV

Course Name- Administrative Law

Course Code- LB-CC-402

Credits – 5

Total Classes 60+15

Course Objectives

The paper aims at:

1. Familiarizing the students with the basic principles, relevant rules/legislative enactments and judicial decisions relating to administrative law in comparative manner.
2. Preparing the students to apply their knowledge and critical legal thinking to explore and develop their own perspectives and interpretations and support them with logical arguments.
3. Preparing the students to conduct effective legal research and write research papers.

Learning Outcomes

On successful completion of this Course, the students will be able to:

1. Explain the foundational concepts and basic principles of administrative law.
2. Apply their knowledge to solve factual situations relating to administrative law and support them with logical arguments.
3. Write research papers/notes and case comments and work in research houses.
4. Make appropriate administrative choices
5. Practice in this area in the law courts/tribunals

Teaching Methodology

The course is designed to not only cover the theoretical concepts through Lecture Method but also to give a practical outlook to the students and ensure skill development through Moot Courts, Assignments, Presentations, Discussions, Quizzes/MCQs, etc. Case Method shall be adopted to hone the critical thinking skills of students and for developing attitude and ethics along with knowledge.

Course Content

Topic 1 – Nature and Scope of Administrative Law (8 Classes)

Definition, Meaning and Reasons for Growth of Administrative Law; Nature and Scope of Administrative Law; Classification of Administrative Actions; Global Administrative Law; Rule of Law; Separation of Powers

Topic 2 – Delegated Legislation (10 Classes)

Meaning, Reasons for growth and Permissible limits of delegation of legislative powers; Control of Delegated Legislation- Judicial control, Legislative control and Procedural Control - Pre-and post-publication, consultation with affected interests

Topic 3 – Administrative Discretion (10 Classes)

Meaning and Need of discretion; Judicial Review of conferment and exercise of discretionary power; Nature, Scope and extent of Judicial Review; Grounds of Judicial Review: Abuse/Misuse of discretion, Non application of mind, Violation of the Principles of Natural Justice, Principles of proportionality; Judicial Activism and Judicial Overreach; Estoppel against the Government (Promissory Estoppel); and Doctrine of Legitimate Expectation

Topic 4 – Administrative Adjudication and Principles of Natural Justice (12 Classes)

Meaning and need for Administrative Adjudication; *lis inter partes*, concept of fairness, Difference between Judicial, Quasi-Judicial and Administrative Functions; Principles of Natural Justice- *Nemo iudex in causasua*(rule against bias), *Audi alteram partem*(rule of fair hearing), Reasoned Decision (Speaking Order); Exceptions to Rules of Natural Justice; Effect of non-observation of the Principles of Natural Justice; Requirement of supplying Enquiry Report – Effect of non-supply of such Report

Topic 5 – Judicial Review (6 Classes)

Review and Appeal; Power of Judicial Review of the Supreme Court and the High Courts– Articles 32, 136, 226 and 227 of the Constitution of India; Writs – *Certiorari*, *Mandamus*, Prohibition, *Habeas Corpus*, *Quo Warranto*; Ouster clauses (constitutional and statutory exclusion); and Curative Petition.

Topic 6 – Right to Information (4 Classes)

Significance and Source of the Right to Information; Objective and Salient Features of the Right to Information Act, 2005; and Grounds of refusal to disclose information

Topic 7 – Tribunals (3 Classes)

Concept; Justice by Tribunals – Advantages: Openness, Fairness, Impartiality, Absence of Technicalities of Evidence and Procedure, Cheapness; Administrative Tribunals established under Articles 323A and 323B of the Constitution of India; Overview of Tribunals in India with particular reference to Service Tribunals established under the Administrative Tribunals Act, 1985

Topic 8 – Commissions of Inquiry & Central Vigilance Commission (3 Classes)

The Commissions of Inquiry Act, 1952 - Object and Scope of the legislation; Power of Central/State Government to appoint a Commission of Inquiry – discretionary and mandatory nature of power; Powers and Procedure of the Commission of Inquiry; Compliance with the principles of natural justice; Submission of report and follow up action – effectiveness; The Central Vigilance Commission Act, 2003 - Object and Scope of the legislation; Constitution, Powers and Functions of the Commission.

Topic 9 – Regulatory Agencies (2 Classes)

Need of Regulatory Bodies; Composition, powers, functions and procedure of the Regulatory Bodies

Topic 10- Redressal of Complaints against the Administration: The Institution of Ombudsman (2 Classes)

Meaning, Need and Origin of Ombudsman; Development in India; and Critical Analysis of the Lokpal and Lokayukta Act, 2014

References

1. M.P. Jain and S.N. Jain's *Principles of Administrative Law Revised by Amita Dhanda* (7th ed., 2017)
2. I.P. Massey, *Administrative Law* (7th ed. 2008)
3. H.W.R. Wade and C.F. Forsyth, *Administrative Law* (10th ed., 2009)

Additional Readings

1. S.P. Sathe, *Administrative Law* reprint (7^h ed., 2013)
2. S.P. Sathe, *Tribunal system in India* (1996).
3. Justice Bhagwati Prasad Banerjee, *Judicial Control of Administrative Action* (3rd ed., 2016)
4. Harry Woolf, Jeffery Jowell and Andrew Le Sueur, *De Smith's Judicial Review* (6th ed., 2007)
5. *Report of the Committee on Ministers' Powers* (Donoughmore Committee), (Cmd. 4060) (1932)
6. H.M. Seervai "The Supreme Court of India and the Shadow of Dicey", *The Position of the Judiciary under the Constitution of India*, 83-96 (1970)
7. Justice H.R. Khanna, *Rule of Law* (1977) 4 SCC (Jour) 7.
8. Lord Bingham, *The Rule of Law*, Vol. 66, No. 1 *The Cambridge Law Journal*, (March 2007) 67-85
9. Sarbjit Kaur, Principle of Proportionality – A Ground of Judicial Review, 2 *Journal of Law Teachers of India* 36 (2011)
10. S.N. Jain, Administrative Law Aspects of *Maneka Gandhi*, 21 *Journal of India Law Institute* 382 (1979)
11. C.K. Thakkar, From Duty to Act Judicially to Duty to Act Fairly (2003) 4 SCC (Jour) 1
12. Law Commission of India Report on *L. Chandra Kumar* be Revisited by the Larger Bench of Supreme Court (December 2008)
13. Law Commission of India Report on Assessment of Statutory Framework of Tribunals in India (October 2017)

Teaching Plan

Week 1:

Definition, Meaning and Reasons for Growth of Administrative Law; Nature and Scope of Administrative Law; Classification of Administrative Actions; Global Administrative Law (4 Classes)

Week 2:

Rule of Law; Separation of Powers (4 Classes)

Week 3:

Meaning, Reasons for growth and Permissible limits of delegation of legislative powers (4 Classes)

Week 4:

Control of Delegated Legislation- Judicial control, Legislative control (4 Classes)

Week 5:

Procedural Control - Pre-and post-publication, consultation with affected interests (2 Classes)

Meaning and Need of discretion; Ministerial and discretionary powers (2 Classes)

Week 6:

Judicial Review of conferment and exercise of discretionary power; Nature, Scope and extent of Judicial Review; Grounds of Judicial Review: Abuse/Misuse of discretion, Non application of mind, Violation of the Principles of Natural Justice (4 Classes)

Week 7:

Principles of proportionality; Judicial Activism and Judicial Overreach; Estoppel against the Government (Promissory Estoppel); and Doctrine of Legitimate Expectation (4 Classes)

Week 8:

Meaning and need for Administrative Adjudication; *lis inter partes*, concept of fairness, Difference between Judicial, Quasi-Judicial and Administrative Functions; Aim of Principles of Natural Justice (4 Classes)

Week 9:

Principles of Natural Justice- *Nemo iudex in causasua*(rule against bias), *Audi alteram partem*(rule of fair hearing) (4 Classes)

Week 10:

Reasoned Decision (Speaking Order); Exceptions to Rules of Natural Justice; Effect of non-observation of the Principles of Natural Justice; Requirement of supplying Enquiry Report – Effect of non-supply of such Report (4 Classes)

Week 11:

Review and Appeal; Power of Judicial Review of the Supreme Court and the High Courts– Articles 32, 136, 226 and 227 of the Constitution of India; Writs – *Certiorari* and *Mandamus* (4 Classes)

Week 12:

Writs- Prohibition, *Habeas Corpus*, *QuoWarranto*; Ouster clauses (constitutional and statutory exclusion); and Curative Petition(2 Classes)

Significance and Source of the Right to Information; Role of judiciary towards recognition of right to know; (2 Classes)

Week 13:

Objective and Salient Features of the Right to Information Act, 2005; Grounds of refusal to

disclose information (2 Classes)

Concept; Justice by Tribunals – Advantages: Openness, Fairness, Impartiality, Absence of Technicalities of Evidence and Procedure, Cheapness; Administrative Tribunals established under Articles 323A and 323B of the Constitution of India; Overview of Tribunals in India with particular reference to Service Tribunals established under the Administrative Tribunals Act, 1985 (2 Classes)

Week 14:

Implications of *L. Chandra Kumar* Judgment; Law Commission of India Reports (1 Class)

The Commissions of Inquiry Act, 1952 - Object and Scope of the legislation; Power of Central/State Government to appoint a Commission of Inquiry – discretionary and mandatory nature of power; Powers and Procedure of the Commission of Inquiry; Compliance with the principles of natural justice; Submission of report and follow up action – effectiveness; The Central Vigilance Commission Act, 2003 - Object and Scope of the legislation; Constitution, Powers and Functions of the Commission(3 Classes)

Week 15:

Need of Regulatory Bodies; Powers, functions and procedure of the Regulatory Bodies (2 Classes)

Meaning, Need and Origin of Ombudsman; Development in India; and Critical Analysis of the Lokpal and Lokayukta Act, 2014 (2 Classes)

Course Wise Content Details for LL.B. Programme:

Semester - IV

Course Name-Alternate Dispute Resolution Course
Code- LB-CC-403

Credits – 5

Total Classes 60+15

A. Course Learning Outcome:

After the completion of the course, students will be able to:

1. Describe, analyse and apply the substantive rules of ADR
2. Choose appropriate ADR
3. Communicate effectively
4. Draw functional, legal settlement agreements
5. Choose appropriate negotiation strategy
6. Practice Mediator's skills
7. Solve the ethical dilemmas
8. Identify the relationship between present justice delivery system and various ADR mechanism and the growing dependence on the ADR process
9. Develop the understanding of the rules and principles operating the domestic arbitration, international arbitration in India and issues related thereto;
10. Apply various alternative dispute resolving techniques and their application through negotiation, mediation, lok-adalats and other ADR forums. To give overview to the students and enhance their understanding that how ADR can be used in to the specific kinds of disputes i.e. Matrimonial Disputes, Intellectual Property Right, Business disputes etc .

B. Objective of the Course and Teaching Methods

With the introduction of Section 89, CPC and amendment in the Arbitration and Conciliation Act 1996 in 2015, alternative dispute resolution methods have been given a primary role in reducing arrears and promoting fast and affordable settlement of disputes.

This course has two primary objectives. First is to provide the students with the *basic theoretical understanding* of the concepts and the legal provisions relating to ADR.

Secondly, the course is geared to train the students in the practical skills required to effectively participate in the ADR processes. The course has been designed for a class of about 50 students. It is desirable that the course is delivered by a team of teachers together for individualized learning and supervision.

The teaching methods to be employed by teachers include lectures, use of multi-media, simulation exercises, role plays, field visits, feedback and other CLE methods of teaching and learning.

The course focuses on instilling the following practical skills among the students: Communication including verbal, non-verbal, body language and para-linguistic; Case

and Dispute Analyses and Strategy; Distinguishing interests from rights; Persuasion; Skills of mediators; Drawing agreements; Negotiation skills; Ethical dilemmas.

C. Course Syllabus

Sr.No	Topic
1.	Introduction to Alternate Dispute Resolution: Differences between litigation, arbitration, conciliation, mediation and negotiation (5 lectures)
	Supplied Readings
	1. Need for Alternatives to the Formal Legal System (Special Address by Muralidhar S. in International Conference on ADR, Conciliation, Mediation and Case Management Organised By the Law Commission of India at New Delhi on May 3-4, 2003) 2. ‘Comparison of Adjudication with ADR’, Mediation Training Module of India Chapter 4 (2011) SC of India 3. <i>Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. P. Ltd.</i> , (2010) 8 SCC 24
2.	Communication – Introduction, verbal, non-verbal communication, para linguistics (2 lectures)
	Supplied Readings
	1. Body Language – non-verbal communication 2. One and Two-Way Communication 3. Conflict-what is it?
	Simulation Exercises on communication, conflict situations (5 classes)
3.	Negotiation- Introduction, Style and Strategies (6 lectures)
	Supplied Readings
	1. Negotiation Strategies, Direct Negotiation versus facilitated Negotiation (mediation) 2. Negotiation: The Seven Elements Checklist 3. Negotiation styles-developing personal profile and debrief 4. BATNA, WATNA, MLATNA, ZOPA 5. Drafting Negotiation Agreement
	Simulation Exercises on Negotiation (8 Classes)
4.	Mediation – (8 lectures)
	(a) Difference between mediation/ conciliation and other ADRs
	(b) Private Medication versus Court Referred/Court Annexed Mediation

	(c) Mediator's Skills and Roles
	(d) Stages of Mediation: Mediator's Opening Statement; Parties' Opening Statement; Joint Session; Caucus or Separate Session; Final Negotiation/Deal-Making Round; Closure
	(e) Strategies and Techniques
	(f) Role of Silence/Apology
	(g) Handling Emotions/Impasse
	(h) Drafting Mediation Agreement, Eforceability of Mediation Agreements (both in case of court referred and private)
	(i) Ethical Dilemmas in Mediation
	Supplied Readings
	<p>1. Understanding Conflict by Aman Hingorani, 'Development of Mediation in India', Mediation Training Module of India Chapter 1 (2011) SC of India</p> <p>2. 'Concept & Techniques of Mediation', Mediation Training Module: Delhi Mediation Centre</p> <p>3. Thomas P Valenti and Tanima Tandon, Mediation in India-Practical Tips and Techniques, in Shashank Garg (ed.) Alternative Dispute Resolution, The Indian Perspective 187-248 (OUP 2018)</p> <p>4. Relevant Excerpts from the Mediation Training Manual Of India by Mediation and Conciliation Project Committee of Supreme Court Of India. Full text available at http://supremecourtfindia.nic.in/mediation</p> <p>5. Shriram Panchu, Mediation Practice Law - The Path to Successful Dispute Resolution Pages 90-111, 2nd Edition, LexisNexis 2015 (on the 'How to' of conducting Mediation and essentials of a mediation settlement agreement)</p> <p>6. Edited, relevant extracts from <i>Dayawati versus Yogesh Kumar Gosain</i>, Oct, 2017 Delhi HC (on legality of referral of criminal compoundable cases to mediation)</p>
	Simulation Exercises on Mediation (8 classes)
	Suggested Readings
	1. Justice Manju Goel, 'Successful Mediation in Matrimonial Disputes' available at http://www.delhimediationcentre.gov.in/articles.htm

5.	Arbitration
	<ul style="list-style-type: none"> • Overview of A&C Act, 1996 (1 lecture)
	<ul style="list-style-type: none"> • Arbitration: meaning, scope and types International Commercial, Domestic, Institutional, Ad Hoc, Statutory etc...
	<ul style="list-style-type: none"> • Arbitration agreement/clause, Drafting Arbitration Clause
	<ul style="list-style-type: none"> • Arbitral Tribunal (4 lectures in all)
	<ul style="list-style-type: none"> • Arbitral Award, Appeal and revision
	<ul style="list-style-type: none"> • Enforcement of foreign awards
	<ul style="list-style-type: none"> • Overview of International Rules (2 lectures)
	<ul style="list-style-type: none"> • Case Analysis (1 lecture)
	Supplied Readings
	<ol style="list-style-type: none"> 1. Aman Hingorani, “Alternative Dispute Resolution, including Arbitration, Mediation and Conciliation”, All India Bar Examination Preparatory Materials 2. Excerpts from Drafting Dispute Resolution Clauses A Practical Guide, American Arbitration Association 3. Steven Lubet, <i>Modern Trial Advocacy: Analyses and Practice</i>, pp 1-13. 4. P.C. Markanda, <i>Law Relating to Arbitration and Conciliation</i>, pp. 1-8, (8th Edn., 2013) Lexis Nexis.
	<p>Simulation Exercise (5 classes)</p> <p>(i) Drafting Arbitration Clause</p> <p>(ii) Identifying good and bad facts, issues, arguments-case and fact analysis</p>
	<p>Suggested Readings</p> <ol style="list-style-type: none"> 1. Vikramajit Sen and Satyajit Gupta, The Concept of Seat in International Arbitration-Developments in India, in Shashank Garg (ed.) <i>Alternative Dispute Resolution, The Indian Perspective</i> 187-248 (OUP 2018) 2. Sheila Ahuja, International Arbitration with an Indian Connection, in Shashank Garg (ed.) <i>Alternative Dispute Resolution, The Indian Perspective</i> 249-388 (OUP 2018) 3. Economic Laws Practice, Arbitration and Conciliation Act, 1996-An analysis of the Amendments
6.	Lok Adalat, Field Visit and Report (3 lectures)
	<ol style="list-style-type: none"> 1. Concept of Lok-Adalat, Permanent Lok Adalat

	2. Where does Lok Adalat fit into the Legal Services Authority Act, 1987 3. Lok Adalat in different areas (practical arena): Family Law, Consumer Law etc
	Supplied Reading Anurag K. Agarwal, Role of ADR Methods in development of society: Lok-Adalat in India, IIM-A, Working paper No. 2005-11-01
	Sanjeev Kumar, (Nodal Officer Computer)/A.D.J./F.T.C. Allahabad, Lok Adalat and Free legal Aid (on relevance of lok adalat in legal aid)
	Visiting Lok Adalats/ Visits to Delhi Mediation Centre/ Visiting Arbitration Centres (2 days)

E. Required General Readings

1. The Arbitration and Conciliation Act 1996 as amended in 2015
2. Section 89, Code of Civil Procedure
3. Legal Services Authorities Act, 1987
4. Mediation and Conciliation Rules 2004 of Delhi High Court
5. 222nd Report of the Law Commission of India on NEED FOR JUSTICE-DISPENSATION THROUGH ADR, etc. (2009)
6. 246th Report of the Law Commission of India on AMENDMENTS TO THE ARBITRATION AND CONCILIATION ACT 1996 (2014) *available at* <http://lawcommissionofindia.nic.in/reports/Report246.pdf>

F. Suggested General Readings

1. O.P. Malhotra and Indu Malhotra, 2006, The Law and Practice of Arbitration and Conciliation, Lexis Nexis Butterworths, Nagpur
2. Madabhushi Sridhar, Alternative Dispute Resolution: Negotiation and Mediation, Edition: 2006, Lexis Nexis Butterworths Wadhwa, Nagpur (India)
3. Shriram Panchu, Mediation Practice Law - The Path to Successful Dispute Resolution, 2nd Edition, LexisNexis 2015
4. Fisher, Roger, Ury, William, Getting to Yes: Negotiating an agreement without giving in, Penguin Audiobooks 1981
5. Daniel M. Kolkey (Editor), Richard Chernick (Editor), Barbara Reeves Neal (Editor) *Practitioner's Handbook on International Arbitration and Mediation Hardcover*, 3rdEd., (2012).

Facilitating the achievement of Course Learning Outcomes

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
----------	--------------------------	--------------------------------	------------------

1. Introduction to Alternate Dispute Resolution: Differences between litigation, arbitration, conciliation, mediation and negotiation (5 lectures)	Identify the relationship between present justice delivery system and various ADR mechanism and the growing dependence on the ADR process; understand the nuances of section 89 CPC; to give overview to the students and enhance their understanding that how ADR can be used in to the specific kinds of disputes i.e. Matrimonial Disputes, Intellectual Property Right, Business disputes etc	Teaching would be done on the basis of the reading materials provided to the students	As given below.
2. Communication – Introduction, verbal, non-verbal communication, para linguistics (2 lectures)	Communicate effectively, Learn different aspects/reasons behind conflict	Class-energisers and group activity to engage students	As given below.
3. Negotiation- Introduction, Style and Strategies (6 lectures)	Choose appropriate negotiation strategy; draw up proper and legal negotiation agreement	Class-energisers and group activity to engage students; also students to be given problems for simulating negotiation situations	As given below.
4. Mediation – (8 lectures)	Learn the process and discipline of mediation; draw up proper and legal negotiation agreement; practice Mediator’s skills	Class-energisers and group activity to engage students; also students to be given problems for simulating mediation situations	As given below.
5. Arbitration	Learn to draft intelligent arbitration clauses, learn about various type of arbitration etc	Lectures and presentations through PPT.	As given below.
6. Lok Adalat, Field Visit and Report (3 lectures)	Field Visit and Report	Field Visit and Report and classroom lectures	As given below.

Assessment of Students’ Performance and Scheme of Examinations:

- English shall be the medium of instruction, though answers in end semester examination may be written in Hindi.

D. Examination/ Evaluation Scheme

D1. End-semester written examination--50 marks covering the theoretical aspect of the course

The exam would be of 2 hours duration comprising 8 questions of 10 marks each, of which 5 would be required to be attempted by the examinee.

D2. Oral/ practical exercises--50 marks with division as follows:

- Arbitration (10 marks)
- Mediation (10 marks)
- Negotiation (10 marks)
- Lok Adalat Feild Visit Report [8-15 pages, A4, TNR font, 1.5 spacing] (10 marks)
- Attendance (10 marks)

Page Limit for written answers in Core and Elective Courses

- There shall be page limit for answers by the students. The students shall be given only one answer sheet containing not more than 28 pages. The students shall limit their answers ordinarily to not more than five pages. In no case an additional answer sheet will be given to the student.

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/cases/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 - IV

Course Name- Labour Law

Course Code- LB-CC-404

Credits – 5

Total Classes 60+15

Course Objectives

1. To familiarize the students with the need for enactment of Trade Unions Act, 1926 which declares trade unions as legitimate bodies
2. To familiarize the students with the basic concepts and definitions under the Industrial Disputes Act, 1947 that provides the settlement of disputes through various mechanisms and to bring home to the students the importance of the basic concepts used in it and the social responsibilities imposed on the employer in certain situations in tune with the constitutional mandate brought about by various amendments to the act in post constitutional period.

Learning Outcomes

1. Demonstrate an advanced understanding of the underlying legal principles, rules and institutions which regulate employer employee relationship in Indian industrial law.
2. Increase the intellectual understanding of students of labor law and individual employment rights, both in terms of black letter law and public policy as a labor lawyer.
3. Develop the understanding of rationale behind the formation of Trade Unions and their working and appreciate their contribution to labour laws in organizations.

Course Content:

Classroom Teaching with help of Case Material.

General Readings:

1. *Report of the National Commission on Labour* (1969)
2. *Report of the Second National Commission on Labour* (2002)

Prescribed Legislations:

1. The Trade Unions Act, 1926
2. The Industrial Disputes Act, 1947
3. The Industrial Employment (Standing Orders) Act, 1946

Prescribed Books:

1. E. M. Rao (rev) *O. P. Malhotra, The Law of Industrial Disputes* (7th ed., 2015)
2. P.K. Padhi, *Labour And Industrial Laws* (3rd ed., 2017)
3. H.L. Kumar, *Law Relating to Dismissal, Discharge and Retrenchment* (5th ed., 2016)
4. G.B. Pai, *Labour Law in India* (2001)
5. P.L. Malik, K.D. Srivastava's *Law Relating to Trade Unions and Unfair Labour Practices in India* (4th ed., 2002, with Supplement 2003)
6. S.C. Srivastava (Rev.) *Labour Law and Labour Relations : Cases and Materials* (Indian Law Institute, 2007)
7. K.D. Srivastava, *Industrial Employment (Standing Orders) Act, 1946* (4th ed., 1998 with Supplement 2003)

PART A

Unit 1: Trade Union – Definition, Registration and Recognition (10 lectures)

Definitions of 'trade union', 'workman' and 'trade dispute' - The Trade Unions Act, 1926, sections 2(g) and (h), 3-13, 15, 22

Rangaswami v. Registrar of Trade Unions, AIR 1962 Mad. 231

The Tamil Nad Non-Gazetted Government Officers' Union, Madras v. The Registrar of Trade Unions, AIR 1962 Mad. 234

In Re Inland Steam Navigation Worker's Union, AIR 1936 Cal 59

Unit 2: Immunities – Criminal and Civil (6 lectures)

The Trade Unions Act, 1926, sections 17 and 18; The Indian Penal Code, sections 120-A, 120-B, Dissolution of trade union.

R.S. Ruikar v. Emperor, AIR 1935 Nag. 149

Rohtas Industries Staff Union v. State of Bihar, AIR 1963 Pat. 170

(Also see *Rohtas Industries v. Its Union*, AIR 1976 S.C. 425)

PART – B

INDUSTRIAL DISPUTES

Unit 3: 'Industry' – Conceptual Analysis (8 lectures)

The Industrial Disputes Act, 1947, section 2(j)

Bangalore Water Supply and Sewerage Board v. A. Rajappa, AIR 1978 SC 548

State of U.P. v. Jai Bir Singh (2005) 5 SCC 1

Unit 4: 'Industrial Dispute' v. 'Individual Dispute' – Contrast (8 lectures)

The Industrial Disputes Act, 1947, sections 2(k), 2A
Workmen of Dimakuchi Tea Estate v. Management of Dimakuchi Tea Estate, AIR 1958 SC 353
Municipal Corporation of Delhi v. Female Workers (Muster Roll) AIR 2000 SC 1274 (2000) 3 SCC 224
J.H. Jadhav v. Forbes Gokak Ltd. (2005) 3 SCC 202

Unit 5: Concept of ‘Workman’ (10 lectures)

Distinction between contract for services and contract of service: Due control and super-vision test; Predominant nature of duty test, The Industrial Disputes Act, 1947, section 2(s)

Dharangadhra Chemical Works Ltd. v. State of Saurashtra, AIR 1957 SC 264
A. *Sundarambal v. Government of Goa, Daman & Diu*, AIR 1988 SC 1700
Adyanthaya v. Sandoz (India) Ltd. (1994) 5 SCC 737
Balwant Rai Saluja v. Air India Ltd., (2014) 9 SCC 407

Unit 6: ‘Strike & Lock out’ (8 lectures)

Concepts, legality and justification – The Industrial Disputes Act, 1947, sections 2(q), 2(l), 2(n), 10(3), 10A(3A), 22-28; The Industrial Employment (Standing Orders) Act, 1946; The Essential Services Maintenance Act, 1981

Management of Chandramalai Estate v. Its Workmen, AIR 1960 SC 902
Syndicate Bank v. K. Umesh Nayak (1994) 5 SCC 572 130
Essorpe Mills Ltd. v. P.O.; Labour Court (2008) 7 SCC 594

Unit 07: ‘Lay off’ ‘Retrenchment’ & ‘Closure’ (10 lectures)

Analysis of the Concepts, Pre-requisites, The Industrial Disputes Act, 1947, sections 2(cc), 2(kkk), 2(oo), Chapters VA, VB; The Industrial Employment (Standing Orders) Act, 1946

Punjab Land Development and Reclamation Corporation Ltd. v. Presiding Officer, Labour Court (1990) 3 SCC 682
The Workmen of Fire Stone Tyre & Rubber Co. Pvt. Ltd. v. Fire Stone Tyre & Rubber Co. Pvt. Ltd. (1976) 3 SCC 819 : AIR 1976 SC 1775
U.P. State Brassware Corporation Ltd. v. Uday Narain Pandey (2006) 1 SCC 479
Hari Nandan Prasad and another v. Employer I/R to Management of FCI and another; 2014 (2) SCT 234

Teaching Plan:

Week 1: Introduction of basic concept of Trade union. History and Evolution.

Week 2: Trade Unions Act : Definitions, Registration and Related procedures

Week 3: Recognition of trade union. Difference between registration and recognition. Benefits of registration

Week 4: Immunities of trade union- Civil and Criminal; Relevant case laws

Week 5: Dissolution of Trade union; Introduction to Industrial Disputes Act, 1947.

Week 6: History and Evolution of Industrial Disputes Act; Impact of International Labour Organisation (ILO) on Industrial Disputes Act in India; Need for Settlement of Disputes. Introduction to various disputes settlement mechanisms under the act.

Week 7: Concept of Industry; contrast with new definition

Week 8: Definition of industrial dispute; difference between trade disputes and industrial disputes.

Week 9: Individual Dispute; difference between industrial dispute and individual disputes.

Week 10: Distinction between contract for services and contract of service; Due control and super-vision test; Predominant nature of duty test

Week 11: Definition and concept of 'workman'; Status of workman vis-a vis full time, part time and daily wage workers.

Week 12: Concepts, legality and justification of Strike and Lock out; Constitutional Validity of strike and lock out.

Week 13: Right to Strike and Industrial Disputes Act, 1947

Week 14: Lay off, Retrenchment & Closure- Concepts and Pre-requisites. The Industrial Employment (Standing Orders) Act, 1946

Week 15: Difference between Lock out, Lay Off, Retrenchment and Closure and Case Analysis Chapters VA, VB of Industrial Disputes Act, 1947

Course Wise Content Details for LL.B. Programme:

Semester - V

Course Name- Code of Civil Procedure and Limitation Act

Course Code- LB-CC-501

Credits – 5

Total Classes 60+15

Course Objectives

1. To impart basic knowledge to the students of the difference between the civil laws and criminal laws by making them understand the key differences between the methodology of both the streams of law.
2. Having understood the same the students would be apprised of the key words used in civil laws for better understanding of the subject.
3. This course aims at making the students learn the procedure before the civil court and the mannerisms that needs to be followed in the court.
4. The course also aims at inculcating ethical values in the students by making them learn about those areas which they need to bear in mind to maintain legal propriety and ethics.

Course Outcomes:

1. The students will become well versed with the basic keywords used frequently in the civil courts such as plaint, written statement,,summons, plaintiff, defendant, judgement, decree, and so on.
2. The students would be able to locate the jurisdiction of the various civil courts after reading this subject by knowing the various jurisdictions that are there at every level as per the hierarchy of civil courts.
3. Since this subject is taught to second year students, they would be better equipped to deal with the papers like Moot Court, ADR, Professional Ethics etc. which are being taught in the final year.
4. The major outcome of this course is that the students would showcase ethical values by being taught the concepts of res-judicata, splitting of claims, adjournments etc.

Course Contents:

PART A: CIVIL PROCEDURE

Topic 1: Definitions (4 lectures)

This topic prepares the student to understand the terminology to be used in civil procedure. It includes definitions such as Decree, Judgement, Legal Representative, Mesne Profits, Order.

Topic 2: Jurisdiction of Courts, Principle of res subjudice and res judicata (8 lectures)

This topic helps the students learn about the subject matter jurisdiction and how to avoid multiplicity of litigation.

It includes Sections 9-11 of the Code and Order II Rules 1 and 2.

Topic 3 : Place of suing (2 lectures)

It tells the students about the territorial jurisdiction of the civil courts to let them know the forum they need to choose for filing the suit.

It includes Sections 15 to 21-A. of the Code.

Topic 4 : Suits by or against Government (1 lecture) ; Special Suit

This topic tells about the special procedure to be followed for filing the suit by or against the government which is different from the procedure for filing an ordinary suit.

Includes Sections 79, 80.

Topic 5: Appeals (8 lectures)

This topic tells the students about the appellate courts which they need to approach if they are not satisfied by the judgement of the trial or original court.

Includes Sections 96, 100, 107. Order 41

Topic 6 : Reference, Review , Revision (3 lectures)

Includes Sections 113, 114 and 115

Topic 7 : Inherent powers of Court (1 lecture)

To make the students understand about the plenary powers of the courts which are exercised to prevent miscarriage of justice and meet the ends of justice.

Includes Sections 148- 151.

Topic 8 : Amendment of pleadings (3 lectures)

Helps the students to understand that there is a certain stage upto which any mistake committed by the parties in their pleadings can be amended.

Includes Order 6 Rule 17

Topic 9 : Rejection of plaint (1 lecture)

This topic helps the students to understand the importance of being vigilant and cautious in submitting the very first document by the plaintiff before the court and the consequences that would follow.

Includes Order 7 Rule 11

Topic 10 : Appearance of Parties and Consequences of Non- appearance (4 lectures)

To understand the importance and value of time before the court.

Includes Order 9 Rules 6,7 and 13.

Topic 11 : Summary Procedure (4 lectures)

To make the students understand that ordinary procedure is not used when the relief claimed involves money matters. A different procedure is used all together in money suits known as summary procedure.

Includes Order 37 Rules 1 to 4.

Topic 12 : Temporary Injunction and Interlocutory Orders (3 lectures)

To understand the concept of stay order and other intermediate reliefs before the final decree.

Includes Order 39 Rules 1 to 5.

PART B : LIMITATION

Topic 1 : Limitation of suits, appeals and applications (6 lectures)

This topic outlines the basic importance of time within which a suit or an appeal or an application shall be made before the court to seek the relief or else the remedy stands barred.

Includes Sections 3 to 5 of Limitation Act

Topic 2 : Computation of Limitation (6 lectures)

This topic helps the students to understand the basics of calculating the limitation period so that the suit of the party is well within time.

Includes Sections 12, 17 to 21, Limitation Act.

Topic 3 : Acquisition of Ownership by Possession (2 lectures)

This topic helps the student to understand the difference between lawful and unlawful possession of the property. Includes Sections 25-27, Limitation Act.

Topic 4 : The Schedule - Period of limitation (4 lectures)

This topic contains the long list of various time periods within which the suit must be filed depending upon the nature of the suit.

Includes Article 113, Article 137 of the Limitation Act

This paper being the core paper will also have 15 tutorial classes in addition to the 60 lectures.

Prescribed Readings: Books:

1. C. K. Takwani 's Civil Procedure, Seventh Edition, 2013
2. B.M. Prasad & S.K. Sarvaria, Mulla's Code of Civil Procedure (17th edn., 2007)
3. M.R. Mallick, B.B. Mitra *The Limitation Act*, 1963 (22nd edn., 2011)
4. K. Shanmukham, Sanjiva Row's *The Limitation Act* (9th end., 2000)
5. Mulla The Code of Civil Procedure, Nineteenth Edition, 2017

Teaching Methodology

The subject would be essentially be taught through lectures in the classrooms but to give a practical overview of the subject there would also be presentations conducted in the tutorial classes. In all there will be 60 hours of classroom teaching and 15 tutorial classes in 15 weeks.

TEACHING PLAN

Week 1 :

Definitions Week 2

: Jurisdiction

Week 3 : Principles of Res Subjudice and Res

Judicata Week 4 : Appellate Courts

Week 5 : Continuation of Appeals and Appellate

Courts Week 6 : Reference, Review and Revision

Week 7 : Inherent Powers of Court and Special

Suits. Week 8 : Amendment of Pleadings

Week 9 : Rejection of Complaint and Summary Procedure

Week 10 : Appearance of Parties and Consequences of Non-

Appearance Week 11 : Temporary Injunction and Interlocutory Orders

Week 12 : Limitation of Suits, Appeals and

Applications Week 13 : Computation of Limitation

Period

Week 14 : Acquisition of Ownership by

Possession Week 15 : The Schedule and Revision

Course Wise Content Details for LL.B. Programme:

Semester - V

Course Name- Drafting, Pleadings and Conveyance

Course Code- LB-CC-502

Credits – 5

Total Classes 60+15

Objectives of the Course:

The art of drafting a good pleading or conveyance can be acquired only through practice. A well drafted document is not simply for the benefit of the parties but also assist the court in understanding the subject matter of the draft. This paper provides a good start to the students for acquiring the skills of drafting pleadings and conveyancing by familiarizing them with the fundamental rules. The students are acquainted with the nuances of drafting various pleadings, deeds and agreements.

Course Outcomes:

The students will be able to:

1. Apply fundamental/golden rules of Pleadings and Conveyancing while drafting.
2. Recall and apply the provisions of specific statute while drafting any petition/application under the said statute.
3. Draft civil pleadings, criminal pleadings, matrimonial pleadings and constitutional pleadings.
4. Comprehend the pleadings and prepare written replies for the same.
5. Draft notices for their clients under various statutes and replies to the notices.
6. Draft deeds and agreements.

Teaching Methodology:

The course will be conducted through lectures, presentations, discussions, drafting exercises, use of multi-media etc.

Contents:

Unit 1: PLEADINGS (3 Lectures)

- Meaning and Importance
- History of pleadings in India
- Functions of Pleadings
- Golden Rules of Pleadings
- Order VI, VII and VIII of the Code of Civil Procedure
- Jurisdiction of Civil Courts

Unit 2: CIVIL PLEADINGS (13 Lectures)

- Suit for recovery under Order XXXVII of the Code of Civil Procedure 1908
- Draft Affidavit
- Suit for Permanent Injunction.
- Application for Temporary Injunction Under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908
- Application under Order XXXIX, Rule 2-A of the Code of Civil Procedure, 1908
- Suit for Ejectment and Damages for Wrongful Use and Occupation.
- Model Draft Written Statement
- Caveat under section 148-A of the Code of Civil Procedure, 1908
- Transfer Petition (Civil) U/s 25 of the Civil Procedure Code, 1908
- Application for the Execution of Decree

Unit 3: MATRIMONIAL PLEADINGS (6 Lectures)

- Petition for Restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act, 1955
- Petition for Judicial Separation under Section 10 of the Hindu Marriage Act, 1955
- Petition for Dissolution of Marriage by Decree of Divorce under Section 13 of the Hindu Marriage Act, 1955
- Petition for Dissolution of Marriage by Decree of Divorce under Section 13B(1) of the Hindu Marriage Act, 1955

Unit 4: PETITIONS UNDER CONSTITUTIONAL LAW (6 Lectures)

- Writ Petition under Article 226 of the Constitution of India
- Writ Petition (Cri.) for Enforcement of Fundamental Rights
- Caveat for Special Leave Petition
- Special Leave Petition (Civil) under Article 136 of the Constitution of India
- Special Leave Petition (Criminal) under Article 136 of the Constitution of India.
- Curative Petition under Article 129, 137, 141, 142 of the Constitution of India

Unit 5: PLEADINGS UNDER CRIMINAL LAW (6 Lectures)

- Application for Regular Bail
- Application for Anticipatory Bail
- Complaint under section 138 of the Negotiable Instruments Act, 1881
- Application under section 125 of the Code of Criminal Procedure, 1972

Unit 6: OTHER MISCELLANEOUS PLEADINGS (6 Lectures)

- Contempt Petition under Section 11 and 12 of the Contempt of Courts Act, 1971.
- Complaint under section 12 of the Consumer Protection Act, 1986.

- Petition under section 12 of the Protection of Women from Domestic Violence Act, 2005.
- Petition for Grant of Probate under the Indian Succession Act, 1925.
- Petition for Grant of Letters of Administration under the India Succession Act, 1925.

Unit 7: CONVEYANCING (3 Lectures)

- Meaning and Importance.
- History of Conveyancing
- Component parts of a deed.

Unit 8: FORMS OF DEEDS (13 Lectures)

- Will
- General Power of Attorney and Special Power of Attorney
- Agreement to sell
- Sale Deed
- Lease Deed
- Mortgage Deed
- Partnership Deed
- Deed of Family Settlement
- Relinquishment Deed
- Gift Deed

Unit 9: NOTICES (4 Lectures)

- Notice under section 106 of the Transfer of Property Act, 1882
- Notice under section 80 of the Code of Civil Procedure, 1908
- Notice under section 138 of the Negotiable Instruments Act, 1881
- Reply to legal notice.

PRESCRIBED LEGISLATIONS:

1. Code of Civil Procedure, 1908
2. Code of Criminal Procedure, 1973
3. Specific Relief Act, 1963
4. Negotiable Instruments Act, 1881
5. Hindu Marriage Act, 1955
6. Family Courts Act, 1984
7. Indian Succession Act, 1925
8. Constitution of India, 1950
9. Supreme Court Rules, 2013

10. Contempt of Courts Act, 1971
11. Protection of Women from Domestic Violence Act, 2005
12. Consumer Protection Act, 1986
13. Negotiable Instruments Act, 1881
14. Transfer of Property Act, 1882
15. Registration Act, 1908
16. Indian Stamp Act, 1899
17. Indian Partnership Act, 1932

BOOKS:

1. G.C. Mogha and S.N. Dhingra, *Mogha's Law of Pleadings in India with Precedents* (Eastern Law House, 18th Edn., 2016).
2. M.C. Agarwal and G.C. Mogha, *Indian Conveyancer* (Eastern Law House, 14th Edn., 2016).
3. H.K. Saharay, *N.S. Bindra's Pleadings and Practice* (Universal Law Publishing, 2016).
4. C.R Datta and M.N. Das, *De Souza's Forms and Precedents of Conveyancing* (Eastern Law House, 2006)
5. S.P Agarwal, *Pleadings: An Essential Guide* (LexisNexis, Haryana, 2016).
6. S.P Agarwal, *Drafting and Conveyancing* (LexisNexis, Haryana, 2015).
7. Medha Kolhatkar, *Drafting, Pleading and Conveyancing* (LexisNexis, Haryana, 2015).
8. R.N. Chaturvedi, *Pleadings, Drafting and Conveyancing* (Central Law Publications, 5th Edn., 2018).

Teaching Plan:

Week 1: Unit 1: Pleadings: Meaning and Importance, History of pleadings in India, Functions of Pleadings, Golden Rules of Pleadings, Order VI, VII and VIII of the Code of Civil Procedure, Jurisdiction of Civil Courts. Unit 2: Civil Pleadings: Suit for recovery under Order XXXVII of the Code of Civil Procedure, 1908.

Week 2: Unit 2: Civil Pleadings: Suit for recovery under Order XXXVII of the Code of Civil Procedure 1908, Draft Affidavit and Suit for Permanent Injunction.

Week 3: Unit 2: Civil Pleadings: Application for Temporary Injunction Under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, Application under Order XXXIX, Rule of the Code of Civil Procedure, 1908, Suit for Ejectment and Damages for Wrongful Use and Occupation and Model Draft Written Statement.

Week 4: Unit 2: Civil Pleadings: Model Draft Written Statement, Caveat under section 148-A of the Code of Civil Procedure, 1908, Transfer Petition (Civil) U/s 25 of the Civil Procedure Code, 1908, Application for the Execution of Decree.

Week 5: Unit 3: Matrimonial Pleadings: Petition for Restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act, 1955, Petition for Judicial Separation under Section 10 of the Hindu Marriage Act, 1955, Petition for Dissolution of Marriage by Decree of Divorce under Section 13 of the Hindu Marriage Act, 1955.

Week 6: Unit 3: Matrimonial Pleadings: Petition for Dissolution of Marriage by Decree of Divorce under Section 13B(1) of the Hindu Marriage Act, 1955. Unit 4: Petitions under Constitutional Law: Writ Petition under Article 226 of the Constitution of India, Writ Petition (Cri.) for Enforcement of Fundamental Rights

Week 7: Unit 4: Petitions under Constitutional Law: Caveat for Special Leave Petition, Special Leave Petition (Civil) under Article 136 of the Constitution of India, Special Leave Petition (Criminal) under Article 136 of the Constitution of India, Curative Petition under Article 129, 137, 141, 142 of the Constitution of India.

Week 8: Unit 5: Pleadings under Criminal Law: Application for regular bail, Application for regular bail, Application for Anticipatory Bail, Complaint under section 138 of the Negotiable Instruments Act, 1881.

Week 9: Unit 5: Pleadings under Criminal Law: Application under section 125 of the Code of Criminal Procedure, 1972. Unit 6: Other Miscellaneous Pleadings: Contempt Petition under Section 11 and 12 of the Contempt of Courts Act, 1971,

Week 10: Unit 6: Other Miscellaneous Pleadings: Complaint under section 12 of the Consumer Protection Act, 1986, Petition under section 12 of the Protection of Women from Domestic Violence Act, 2005, Petition for Grant of Probate under the Indian Succession Act, 1925 and Petition for Grant of Letters of Administration under the India Succession Act, 1925.

Week 11: Unit 7: Conveyancing: Meaning and Importance, History of Conveyancing, Component parts of a deed. Unit 8: Forms of Deeds: Will.

Week 12: Unit 8: Forms of Deeds: General Power of Attorney and Special Power of Attorney, Agreement to sell and Sale Deed.

Week 13: Unit 8: Forms of Deeds: Lease Deed, Mortgage Deed and Partnership Deed.

Week 14: Unit 8: Forms of Deeds: Deed of Family Settlement, Relinquishment Deed and Gift Deed

Week 15: Unit 9: Notices: Notice under section 106 of the Transfer of Property Act, 1882, Notice under section 80 of the Code of Civil Procedure, 1908, Notice under section 138 of the Negotiable Instruments Act, 1881 and Reply to legal notice.

Course Wise Content Details for LL.B. Programme:

Semester - V

Course Name-Industrial Law

Course Code- LB-CC-503

Credits – 5

Total Classes 60+15

As labour legislations are to regulate the conditions of labour, in the industrial milieu, it is required to be adjusted as per the changing requirements of industry. The objectives of a labour legislation are a developing concept and require ceaseless efforts to achieve them on continuous basis. Regulation of employee-employer relationship is a condition precedent for planned, progressive and purposeful development of any society. No one legislation can suffice for achievement of these goals and a comprehensive study is required, in continuation of previous course work, to understand the nuances of industrial relations. Keeping this in mind the present coursework of Industrial Law has been devised with following objectives

Course Objectives

1. To examine whether present legal framework provided by the state is adequate to meet the challenges of globalization and to keep the students abreast of the latest developments in the present economic order.
2. To discuss critically the resultant changes that need to be made in industrial relations law for achieving higher economic growth tempered with social justice.
3. To acquaint the students with Social Security Frame-work prevailing in our country thereby sensitizing them towards the needs of both labour and the employer

Learning Outcomes

1. The student must be able to comprehend the categorisation of different labour legislation along with their full understanding and should have clarity as to how various legislations are in sync with the constitutional provisions of the country.
2. Understand the precisely the dispute settlement mechanisms in the Industrial Disputes Act, 1947 and working of various machineries.
3. Differentiate between the concept of social justice and general justice to appreciate the aims, objectives, interpretations and application of various social security legislations.

Course Content:

Classroom Teaching with help of Case Material.

General Readings:

1. Report of the National Commission on Labour (1969)
2. Report of the Second National Commission on Labour (2002)

Prescribed Legislations: Main Readings

1. The Industrial Disputes Act, 1947
2. The Industrial Employment (Standing Orders) Act, 1946
3. The Minimum Wage Act, 1948
4. Employees compensation Act, 1923
5. Employee State Insurance Act, 1948
6. Maternity benefit Act, 1961
7. Factories Act, 1948

Prescribed Books:

1. E M. Rao (rev.) *O. P. Malhotra, The Law of Industrial Disputes* (7th Ed., 2015)
2. P.K. Padhi, *Labour And Industrial Laws* (3rd Ed., 2017)
3. H.L. Kumar, *Law Relating to Disciplinary Proceedings in Industries* (10th Ed., 2017)
4. G.B. Pai, *Labour Law in India* (2001)
5. P.L. Malik (Rev.), *K.D. Srivastava's Industrial Employment (Standing Orders) Act, 1946* (4th ed., 2000)
6. P.L. Malik's *Industrial Law* (21st Ed., 2008)
7. S.C. Srivastava (Rev.) *Labour Law and Labour Relations : Cases and Materials* (3rd Ed., 2007).

Unit 1: Dispute Settlement under the Industrial Disputes Act, 1947 (10 Lectures)

- (a) Investigation & Settlement of Industrial Disputes – General (sections 3 – 15)

Bharat Bank Ltd. v. Employees, AIR 1950 SC 188

- (b) Dispute Settlement Machinery: Conciliation and Adjudication

(i) Conciliation/Mediation as a Dispute Settlement Mechanism

(ii) Adjudication: Voluntary Adjudication/Arbitration and

Compulsory Adjudication

Unit 2 : Reference of the Industrial Dispute (8 Lectures)

- (a) Nature & Scope of the Power of the Appropriate Government under section 10

- (b) Jurisdiction of Adjudicatory Authorities.

Unit 3: Awards and Settlements (a) Settlement: Nature, Duration and Termination (b) Awards: Nature and Duration (c) Judicial Review of Industrial Awards (8 Lectures)

**Unit – 5 : Powers of the Adjudicatory Authorities Power in cases of Discharge/Dismissal
(section 11A) (6 Lectures)**

Unit – 6 : Restraints on Managerial Prerogatives (section 33 and 33A) (6 Lectures)

The Management, Hotel Imperial v. Hotel Workers Union, AIR 1959 SC 1342

Fakirbhai Fulabhai Solanki v. Presiding Officer, AIR 1986 SC 1168

Ram Lakhan v. Presiding Officer (2000)10 SCC 201

**Unit 7 : Wage – Concept and Kinds of Wages (i) Concept; Kinds - (a) Minimum Wage;
(b) Fair Wage; (c) Living Wage (ii) The Minimum Wage Act, 1948 (iii) Machinery
under the Act for the Fixation of Minimum Wage (iv) The Payment of Wages Act, 1936
: Salient Features (v) Equal Remuneration Act, 1976 (4 Lectures)**

Crown Aluminum Works Ltd. v. Workmen, AIR 1958 SC 130

Greaves Cotton and Co. Ltd. v Workmen, AIR 1964 SC 639

The Workmen v. The Management of Reptakos Brett & Co. Ltd., AIR 1992 SC 504

**Unit 8 : Employees compensation Act, 1923 & Employee State Insurance Act, 1948 (4
Lectures)**

(a) Definitions

(b) Concept of injury — arising out of and in the course of employment

(c) Disablement : Partial and Total ; Temporary and Permanent

B.E.S.T. Undertaking v. Agnes (1964) 3 SCR 930

Royal Western India Turf Club Ltd. vs. E.S.I. Corporation, 2016(4) SCC 521

**Unit 9: Payment of Bonus Act 1965 & Payment of Gratuity Act, 1972 Salient features of
the Payment of Bonus Act, 1965 (4 Lectures)**

Jalan Trading Co. (P.) Ltd. v. Mill Mazdoor Sabha, AIR 1967 SC 69

Unit 10 : Social Security Legislations: Salient Features (4 Lectures)

Maternity benefit Act, 1961: Relevant Provisions

Factories Act, 1948 Salient features

Prag Narain v. The Grow AIR 1928 78

Aedeshir H. Bhiwandiwalla v. State of Bombay, AIR 1962 SC 29

Teaching Plan:

Week 1: Introduction to Dispute Settlement Mechanism under the Industrial Disputes Act, 1947

Week 2: Detailed analysis of these mechanisms (sections 3 – 15) Understand the difference and application of Conciliation, Adjudication and Arbitration.

Week 3: Discuss the nature & scope of the power of the ‘Appropriate Government’ under section 10 of the Act

Week 4: Appreciate the kinds of Jurisdiction of Adjudicatory Authorities.

Week 5: Discuss the nature of Awards and Settlements under the act; Discuss the difference of the applicability and enforceability of awards and settlements.

Week 6: Explain Judicial Review of Industrial Awards

Week 7: Discuss in details the powers and prerogative of management in terms of holding a disciplinary proceedings against an employee. Discuss the procedure and norms to be followed in such proceedings.

Week 8: Discuss the procedure and norms to be followed in such proceedings.

Week 9: Explain the Powers of the Adjudicatory Authorities Power in cases of Discharge/Dismissal (section 11A)

Week 10: Discuss the limits of such powers vis-a vis employers’ rights; introduction of other restraints on managerial prerogative.

Week 11: Discuss in detail the Restraints on Managerial Prerogatives (section 33 and 33A)

Week 12: Explain the Concept and Kinds of Wages along with machinery under Minimum Wages Act, 1948; Discuss the concepts of The Payment of Wages Act, 1936 and Equal Remuneration Act, 1976

Week 13: Discuss the concept of ‘Injury’ and ‘disablement’ under the Employees Compensation Act, 1923; Explain the nature of relief under the act; also discuss the difference in terms of extent and applicability of Employees Compensation Act, 1923 and Employees State Insurance Act, 1948.

Week 14: Explain the concepts of ‘bonus’ and ‘gratuity’; Discuss the difference with reference to Payment of Bonus Act, 1965 and Payment of Gratuity Act, 1972

Week 15: Explain the concept of Social Security; Discuss the salient features of Maternity benefit Act, 1961 and Factories Act, 1948.

Course Wise Content Details for LL.B. Programme:

Semester - VI

Course Name- Professional Ethics and Accounting System

Course Code- LB-CC-601

Credits – 5

Total Classes 60+15

Objectives of the Course:

Professional ethics form the foundation in the lives of the lawyers. Every person has been given the right to engage a lawyer of their choice to represent their case. It means that lawyers have the constitutional obligation to take up the case of every person who approaches them for legal representation. Does it mean that the lawyer is obligated to represent a self-confessed murderer, rapist, and other accused persons who are alleged to have committed very serious offences against the nation even though his conscience or his personal beliefs do not permit that? How can the lawyer do that when his inner conscience revolts at the thought of represent a certain category of persons? All clients approach the lawyer with hope and desire that their lawyers will zealously represent their case. Does zealous representation mean that the lawyers must get the relief sought by the clients by all means? Are there any boundaries set by law or professional ethics that a lawyer must not cross? What is the role of truth and morality in determining the standards of professional ethics for lawyers? What conduct amounts to professional misconduct? What are the repercussions if a lawyer does not follows the principles of professional ethics? What are the mechanisms set by law to deal with complaints of professional misconduct? These and many other similar other questions trouble the mind of new entrants to law practice. The lawyers have to adopt ethical practices in all spheres of their profession from meeting clients, giving them legal counselling, presenting their cases before appropriate bodies, managing client's accounts, etc.

This paper covers this wide spectrum of lawyers' conduct and specifically aims to:

1. Familiarize the students with the legal provisions, guidelines, and judicial decisions on the subject of professional conduct for lawyers and contempt of court.
2. Acquaint them with the opinions of the Bar Council of India on professional misconduct.
3. Train them in the skills of client interviewing and counselling.
4. Teach them the basics of professional accountancy.

Course Outcomes:

The students will be able to:

1. Identify situations of professional dilemmas and of contempt.
2. Take appropriate decisions when faced with any professional dilemma.
3. Recall and apply the principles of professional ethics in their professional life.
4. Interview and counsel clients in a professional manner.
5. Apply the basic principles of professional accountancy.

Teaching Methodology:

The course will be conducted through lectures, case method as well as participatory methods involving students in problem-solving, role plays, and simulation exercises etc. The full course is primarily class based but students are encouraged to focus on ethical issues during their internship in the other CLE course, namely, Moot Court, Mock Trial and Internship and raise those issues in the classes in this course.

Contents:

Unit 1: ADVOCACY (12 Lectures)

Meaning, Profession-Occupation-Employment, Seven Lamps of Advocacy, History of Legal Profession in India, the Advocates Act, 1961- Bar Council of India and State Bar Councils- Composition and Functions; Senior Advocates and other Advocates, Designation of Senior Advocates, Admission, Enrolment of Advocates and Disqualifications for enrolment, Right to Practice and Right to Appearance, Professional Misconduct and disciplinary powers of Bar Councils and appeals, Entry of Foreign Law Firms in India.

Unit 2: PROFESSIONAL ETHICS (16 Lectures)

Meaning, Ethics and Morals, Bar and Bench Relation, Part VI of the Bar Council of India Rules- Rules Governing Advocates- Restrictions on Senior Advocates, Duty to the court, Duty to the client, Duty to the opponent, Duty to colleagues, Duty in imparting training, Duty to render legal aid and section on other employments, Orders of Disciplinary Committee of Bar Council of India/Judgments of Supreme Court on Professional Misconduct.

Unit 3: CONTEMPT OF COURT (20 Lectures)

The Contempt of Courts Act, 1971- Historical Background, Constitutional Provisions, Definitions- Civil and Criminal Contempt, Mens Rea in contempt cases, Defences and Exceptions, Contempt by judges and magistrates, Punishment for contempt, purging of contempt, Procedure for initiating action for contempt, appeal provisions.

Unit 4: ACCOUNTANCY FOR LAWYERS (2 Lectures)

Importance of maintaining proper accounts by advocates, Fees and Expenses, Accountancy in Lawyers' office/firm: Basic financial statements, -Income & Loss account, Balance-sheet- Interpretation thereof, Bar Council of India Rules- Duties to the clients, Advocate on Record Rules.

Unit 5: CLIENT INTERVIEWING AND COUNSELLING (10 Lectures)

Meaning, Importance, Listening, Communication Techniques, Types of Questions, Advising and Counselling.

Note: There will be 15 Tutorials in this course, one per week.

PRESCRIBED LEGISLATIONS:

1. The Advocates Act, 1961
2. The Contempt of Courts Act, 1971

BOOKS:

1. Aiyar, K.V. Krishnaswami, *Professional Conduct and Advocacy* (Oxford University Press, 1945). Available at: <https://archive.org/details/professionalcond029273mbp>.
2. De, Ranadhir Kumar, *Contempt of Courts: Law & Practice* (Wadhwa Book Company, 2012).

3. Ghosh, Yashomati, *Legal Ethics and The Profession of Law* (Lexis Nexis, 2014).
4. ILI, *Restatement of Indian Law- Contempt of Court* (CCH India, 2011).
5. Parry, Judge Edward Abbott, *The Seven Lamps of Advocacy* (T. Fisher Unwin Ltd., London, 1923). Available at: <https://archive.org/details/sevenlampsfadvo00parr>.
6. Ramachandran, Raju, *Professional Ethics for Lawyers- Changing Profession, Changing Ethics* (Lexis Nexis, 2014).
7. Subbarao, G.C.V., *Commentary on Contempt of Courts Act, 1971* (ALT Publications, 2013).

REPORTS:

1. Law Commission of India, 266th Report on the Advocates Act, 1961 (Regulation of Legal Profession) (March, 2017).
2. Law Commission of India, 274th Report on the Review of the Contempt of Courts Act, 1971 (Limited to Section 2 of the Act) (April, 2018).

Teaching Plan:

Week 1: Unit 1: Advocacy: Meaning, Profession-Occupation-Employment, Seven Lamps of Advocacy, History of Legal Profession in India, the Advocates Act, 1961- Bar Council of India and State Bar Councils- Composition and Functions.

Week 2: Unit 1: Advocacy: Senior Advocates and other Advocates, Designation of Senior Advocates, Admission, Enrolment of Advocates and Disqualifications for enrolment, Right to Practice and Right to Appearance.

Week 3: Unit 1: Advocacy: Professional Misconduct and disciplinary powers of Bar Councils and appeals, Advocacy: Entry of Foreign Law Firms in India.

Week 4: Unit 2: Professional Ethics: Meaning, Ethics and Morals, Bar and Bench Relation, Part VI of the Bar Council of India Rules- Rules Governing Advocates- Restrictions on Senior Advocates, Duty to the court, Duty to the client.

Week 5: Unit 2: Professional Ethics: Duty to the opponent, Duty to colleagues, Duty in imparting training, Duty to render legal aid and section on other employments

Week 6: Unit 2: Professional Ethics: Cases and Orders of Disciplinary Committee of Bar Council of India/Judgments of Supreme Court on Professional Misconduct.

Week 7: Unit 2: Professional Ethics: Cases and Orders of Disciplinary Committee of Bar Council of India/Judgments of Supreme Court on Professional Misconduct.

Week 8: Unit 3: Contempt of Courts: The Contempt of Courts Act, 1971- Historical Background, Constitutional Provisions, Definitions- Civil and Criminal Contempt.

Week 9: Unit 3: Contempt of Courts: Mens Rea in contempt cases, Defences and Exceptions.

Week 10: Unit 3: Contempt of Courts: Contempt by judges and magistrates, Punishment for contempt.

Week 11: Unit 3: Contempt of Courts: Punishment for contempt, purging of contempt.

Week 12: Unit 3: Contempt of Courts: Procedure for initiating action for contempt, appeal provisions.

Week 13: Unit 4: Accountancy For Lawyers: Importance of maintaining proper accounts by advocates, Fees and Expenses, Accountancy in Lawyers' office/firm: Basic financial

Department of Law, Nehru Gram Bharati (Deemed to be University)

statements, -Income & Loss account, Balance-sheet- Interpretation thereof, Bar Council of India Rules- Duties to the clients, Advocate on Record Rules. Unit 5: Client Interviewing and Counselling: Meaning and Importance.

Week 14: Unit 5: Client Interviewing and Counselling: Meaning and Importance and Exercises

Week 15: Unit 5: Client Interviewing and Counselling: Meaning and Importance and Exercises.

Course Wise Content Details for LL.B. Programme:

Semester - VI

Course Name- Environmental Law

Course Code- LB-CC-602

Credits – 5

Total Classes 60+15

Course Objectives:

- To explain the role of law, policy and institution in the conservation and management of natural resources.
- To provide for answers to important matters as national development, policies concerning natural resources, injustice to communities and prevention of pollution.
- To introduce the laws and policies both at the national and international level relating to environment.
- To equip the students with the skills needed for interpreting laws, policies and judicial decisions.

Course Outcomes:

- Acquire the ability to evaluate the role of law and policy in conservation and management of natural resources and prevention of pollution.
- Acquire an overview of the major environmental statutes as well as relevant common law doctrines.
- Develop understanding of the variety of regulatory techniques that have been applied to deal with environmental problems and the attributes, advantages and disadvantages of each.

COURSE CONTENTS

Classroom Teaching with help of the Statutory Legislations and Case Material

Unit - 1 - Environment and Pollution (4 Lectures)

- Environment – Meaning and Scope
- Pollution – Air, Water, Environmental - Meaning, Causes and Effects
- Dimensions and Magnitude of the Problem of Environmental Degradation
- Need for Legal Control of Pollution

Unit - 2 – International Law relating to Environmental Protection (9 Lectures)

- U.N. Conference on Human Environment, 1972 – Stockholm Principles, Establishment of Environmental Institutions like UNEP
- World Charter for Nature, 1982
- Ozone Protection – Montreal Protocol for the Protection of Ozone Layer, 1987 as amended

- U.N. Conference on Environment and Development, 1992 - Rio Principles; U.N. Convention on Biological Diversity, 1992; Cartagena Protocol on Biosafety, 2000; U.N. Convention on Climate Change 1992, Kyoto Protocol, 1997; Forest Principles; Agenda 21
- Human Right to Healthy Environment; Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 1998 (Aarhus Convention)
- Johannesburg Conference, 2002 7.
- Rio+20-United Nations Conference on Sustainable Development

Unit - 3 - Fundamental Principles of Environmental Protection (10 Lectures)

- Development v. Environment
- Sustainable Development –Inter-generational and Intragenerational Equity
- Precautionary Principle
- Polluter Pays Principle
- Public Trust Doctrine

Unit - 4 - Constitutional Perspective (10 Lectures)

- Fundamental Rights - Article 14 (Right to equality, non-arbitrary and non-discriminatory treatment)
- Article 19(1)(g) (Freedom to carry on trade or business)
- Article 21 (Right to life, livelihood and wholesome environment) and Article 32 (Right to Constitutional remedies)
- Directive Principles of State Policy – Article 47, 48-A
- Fundamental Duty – Article 51-A(g)
- Article 226 (Powers of High Courts)
- Public Interest Litigation - Nature – Non-Adversarial, Collaborative, Co-operative and Investigative
- Locus Standi - *Pro Bono Publico*; Representative Standing; Citizens' Standing

Unit - 5 - Prevention and Control of Water and Air Pollution (8 Lectures)

- The Water (Prevention and Control of Pollution) Act, 1974
 - Water Pollution – Meaning
 - Central and State Pollution Control Boards –Constitution, Powers and Functions
 - Water Pollution Control Areas
 - Samples of Effluents – Procedure
 - Consent Requirement – Procedure, Grant/Refusal, Withdrawal, Review, Appeals, Revision
 - Restraint Order
 - Citizen Suit Provision; Offences and Penalties

- The Water Cess (Prevention and Control of Pollution) Act, 1977
- The Air (Prevention and Control of Pollution) Act, 1981
 - Air Pollution – Meaning, Causes and Effects
 - Central and State Pollution Control Boards – Functions
 - Air Pollution Control Area
 - Consent Requirement - Procedure, Grant/Refusal, Withdrawal; Restraint Orders
 - Citizen Suits
- Noise Pollution (Regulation and Control) Rules, 2000
 - Offences/Penalties
 - Vehicular pollution

Unit - 6 – Environment (Protection) Act, 1986 (7 Lectures)

- The Environment (Protection) Act, 1986
 - Aims and Objects
 - Meaning of “Environment” and “Environmental Pollutant”
 - Powers and Functions of the Central Government
 - Environment Authority – Constitution
 - Delegation Powers; Offences/Penalties
 - Effectiveness of the Act
 - Environmental Impact Assessment, 2006
 - Environmental Audit

Unit - 7 – National Green Tribunal (3 Lectures)

- The National Green Tribunal Act, 2010
 - Aims and Objects; Jurisdiction
 - Establishment of the Tribunal
 - Powers and Proceedings of the Tribunal
 - Penalty; Miscellaneous

Unit - 8 - Handling of Hazardous Substances – Legal Controls (5 Lectures)

- Hazardous Waste
- Bio-Medical Waste
- Industrial Accidents
 - Principle of No fault and Absolute Liability
 - Public Liability Insurance – The Public Liability Insurance Act, 1991

Unit - 9 - Protection and Conservation of Forests, Biodiversity and Wildlife (4 Lectures)

- The Indian Forest Act, 1927

- The Forest (Conservation) Act, 1980
 - Kinds of Forest Land - Private, Reserved, Village, Protected
 - Dereservation of Forests - Use of Forest Land for Non-Forest purposes
- Rights of Tribals, Forest Dwellers
- The Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2006
- Use of Forest Land - Mining, Eco-Tourism, Mega Projects.
- The Biological Diversity Act, 2002
- Regulation of genetically modified organisms
- The Manufacture, Use, Import, Export and Storage of Hazardous Micro-Organisms Genetically Engineered Organisms or Cells Rules, 1989.
- Protection of Wildlife - The Wildlife (Protection) Act, 1972
- Sanctuaries and National Parks
- Licensing of Zoos and Parks.

PRESCRIBED LEGISLATIONS

- A) The Water (Prevention and Control of Pollution) Act, 1974
- B) The Air (Prevention and Control of Pollution) Act, 1981
- C) The Environment (Protection) Act, 1986
- D) The Public Liability Insurance Act, 1991
- E) The National Green Tribunal Act, 2010
- F) The Biological Diversity Act, 2002 (18 of 2003)
- G) The Wildlife (Protection) Act, 1972
- H) The Forest (Conservation) Act, 1980
- I) The Indian Forest Act, 1927
- J) The Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2006.

PRESCRIBED BOOKS

- Shyam Diwan and Armin Rosencranz, *Environmental Law and Policy in India – Cases, Materials and Statutes* (2nd Edition, 2001)
- P. Leelakrishnan, *Environmental Law Case Book* [2nd Edition, 2006 (Reprint 2010)]
- Gurdip Singh, *Environmental Law in India* (2nd Edition, 2016)
- Stuart Bell and Donald Mc Gillivray, *Environmental Law* (9th Edition, 2017)
- Justice T S Doabia, *Environmental and Pollution Laws In India*, (Vol. 1&2, 3rd Edition, 2017)

Department of Law, Nehru Gram Bharati (Deemed to be University)
TEACHING PLAN:

Weeks	Unit	Topic	No. of Lectures	No. of Lectures per Unit
Week 1	<i>Unit 1</i>	Environment and Pollution: Environment – Meaning and Scope; Pollution – Air, Water, Environmental - Meaning, Causes and Effects; Dimensions and Magnitude of the Problem of Environmental Degradation; Need for Legal Control of Pollution	4 (Four) Lectures	4 Lectures
Week 2	<i>Unit 2</i>	International Law relating to Environmental Protection - U.N. Conference on Human Environment, 1972 – Stockholm Principles, Establishment of Environmental Institutions like UNEP; World Charter for Nature, 1982 Ozone Protection – Montreal Protocol for the Protection of Ozone Layer, 1987 as amended; U.N. Conference on Environment and Development, 1992 - Rio Principles; U.N. Convention on Biological Diversity, 1992; Cartagena Protocol on Biosafety, 2000; U.N. Convention on Climate Change 1992, Kyoto Protocol, 1997; Forest Principles; Agenda 21	4 (Four) Lectures	9 Lectures
Week 3	<i>Unit 2</i>	International Law relating to Environmental Protection – Human Right to Healthy Environment; Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 1998 (Aarhus Convention); Johannesburg Conference, 2002; Rio+20-United Nations Conference on Sustainable Development;	4 (Four) Lectures	
Week 4	<i>Unit 2</i>	Rio+20-United Nations Conference on Sustainable Development	1 (one) Lecture	
	<i>Unit 3</i>	Fundamental Principles of Environmental Protection – Development v. Environment;	3 (Three) Lectures	
Week 5	<i>Unit 3</i>	Sustainable Development –Inter-generational and Intragenerational Equity;		

		Fundamental Principles of Environmental Protection – Precautionary Principle;	4 (Four) Lectures	10 Lectures
Week 6	<i>Unit 3</i>	Polluter Pays Principle; Public Trust Doctrine	3 (Three) Lectures	10 Lectures
	<i>Unit 4</i>	Constitutional Perspective – Fundamental Rights - Article 14 (Right to equality, non-arbitrary and non-discriminatory treatment);	1 (One) Lecture	
Week 7	<i>Unit 4</i>	Article 19(1)(g) (Freedom to carry on trade or business); Constitutional Perspective – Article 21 (Right to life, livelihood and wholesome environment) and Article 32 (Right to Constitutional remedies); Directive Principles of State Policy – Article 47, 48-A; Fundamental Duty – Article 51-A(g)	4 (Four) Lectures	
Week 8	<i>Unit 4</i>	Constitutional Perspective – Article 226 (Powers of High Courts); Public Interest Litigation - Nature – Non-Adversarial, Collaborative, Co-operative and Investigative;	4 (Four) Lectures	
Week 9	<i>Unit 4</i>	Locus Standi - <i>Pro Bono Publico</i> ; Representative Standing; Citizens' Standing	1 (One) Lecture	
	<i>Unit 5</i>	Prevention and Control of Water and Air Pollution – The Water (Prevention and Control of Pollution) Act, 1974; Water Pollution – Meaning; Central and State Pollution Control Boards –Constitution, Powers and Functions; Water Pollution Control Areas; Samples of Effluents – Procedure; Consent Requirement – Procedure, Grant/Refusal, Withdrawal, Review, Appeals, Revision; Restraint Order; Citizen Suit Provision; Offences and Penalties; The Water Cess (Prevention and Control of Pollution) Act, 1977.	3 (Three) Lectures	
Week 10	<i>Unit 5</i>	Prevention and Control of Water and Air Pollution – The Air (Prevention and Control of Pollution) Act, 1981 - Air Pollution – Meaning, Causes and Effects; Central and State Pollution Control Boards	4 (Four) Lectures	8 Lectures

Department of Law, Nehru Gram Bharati (Deemed to be University)

		– Functions; Air Pollution Control Area; Consent Requirement - Procedure, Grant/Refusal, Withdrawal; Restraint Orders; Citizen Suits		
Week 11	<i>Unit 5</i>	Prevention and Control of Water and Air Pollution – Noise Pollution (Regulation and Control) Rules, 2000 - Offences/Penalties; Vehicular pollution	1 (One) Lecture	
	<i>Unit 6</i>	Environment (Protection) Act, 1986 – The Environment (Protection) Act, 1986 - Aims and Objects; Meaning of “Environment” and “Environmental Pollutant”; Powers and Functions of the Central Government; Environment Authority – Constitution	3 (Three) Lectures	7 Lectures
Week 12	<i>Unit 6</i>	Environment (Protection) Act, 1986 – Delegation Powers; Offences/Penalties; Effectiveness of the Act; Environmental Impact Assessment, 2006; Environmental Audit	4 (Four) Lectures	
Week 13	<i>Unit 7</i>	National Green Tribunal – The National Green Tribunal Act, 2010 - Aims and Objects; Jurisdiction; Establishment of the Tribunal; Powers and Proceedings of the Tribunal Penalty; Miscellaneous	3 (Three) Lectures	3 Lectures
	<i>Unit 8</i>	Handling of Hazardous Substances – Legal Controls – Hazardous Waste;	1 (One) Lecture	5 Lectures
Week 14	<i>Unit 8</i>	Bio-Medical Waste; Industrial Accidents; Principle of No fault and Absolute Liability; Public Liability Insurance – The Public Liability Insurance Act, 1991	4 (Four) Lectures	
Week 15	<i>Unit 9</i>	Protection and Conservation of Forests, Biodiversity and Wildlife - The Indian Forest Act, 1927; The Forest (Conservation) Act, 1980; Kinds of Forest Land - Private, Reserved, Village, Protected; Dereservation of Forests - Use of Forest Land for Non-Forest purposes; Rights of Tribals, Forest Dwellers; The Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2006; Use of Forest Land - Mining,	4 (Four) Lectures	4 Lectures

Department of Law, Nehru Gram Bharati (Deemed to be University)

		Eco-Tourism, Mega Projects.; The Biological Diversity Act, 2002; Regulation of genetically modified organisms; The Manufacture, Use, Import, Export and Storage of Hazardous Micro-Organisms Genetically Engineered Organisms or Cells Rules, 1989; Protection of Wildlife - The Wildlife (Protection) Act, 1972; Sanctuaries and National Parks; Licensing of Zoos and Parks.		
	Total Weeks	15		
	Total Units	: 9		
	Total Lectures	60		

Course Wise Content Details for LL.B. Programme:

Semester - VI

Course Name- Principles of Taxation Law

Course Code- LB-CC-603

Credits – 5

Total Classes 60+15

Tax is a compulsory exaction of money by the government and has financial implications on the public at large. The paper on Taxation is aimed at studying the direct tax law viz. the Income Tax Act 1961 and case laws pertaining to the same.

Objectives:

The objectives of this course are as follows:

1. To impart understanding of the basic concepts and principles of Income Tax Act 1961.
2. To give an overview to the students of the Income Tax Act 1961.
3. To educate the students regarding the judicial interpretation of the various provisions of the Act.
4. To provide a broad understanding about computation of tax liability of an individual.
5. To provide the skill to at least file his/her income tax return.
6. To inculcate in the students a citizen's responsibility to pay tax by emphasising on the importance of tax.
7. To sensitise the students about the ways to curb evasion of tax and implications of evasion of tax.

Course Outcome

The following are the expected outcome of this Course. At the end of the Course, students shall be able to –

1. understand the basic concepts of taxation, the background, the general scheme of direct tax and interpretation of different provisions of the Income Tax Act;
2. compute the tax liability of an individual;
3. deal with court cases pertaining to tax;
4. file income tax return; and
5. understand the implications of non-payment of tax.

Teaching Methodology:

The following methods would be used to teach this course:

- Classroom Teaching(which will include lecture, experts' lecture, participatory method, mooted, practical activities such as learning to file return using appropriate form, quiz, test etc.) - **60 hrs**

- Tutorial (discussion of more case laws, solving application based questions etc.)
15 hrs

Course Content:

- a) Selected Provisions of Income Tax Act, 1961
- b) Case-laws shall be taught for each topic stated below

Taxation

Week 1:

1. Historical background of the Income Tax Legislation
2. Basic concept of tax; how tax is different from cess, toll and surcharge; direct and indirect taxes
3. Meaning of terms - Income, persons, Assessee, Previous year, Assessment year [sections 2(24), 2(31), 2(7), 3, 2(9) of the Income Tax Act, 1961]
4. Relevant cases

Week 2

1. Understanding the concept of 'application of income' and 'diversion of income', and tax implications through case laws.
2. Concept of 'capital receipts' and 'revenue receipts'; the differences between the two terms and their tax implications through case laws.

Week 3

1. Definition of 'agricultural income' [Section 2 (1A)], and its interpretation through case laws.
2. Exemption of agricultural income from Income Tax Act 1961 [Section 10(1)]

Week 4

1. Determination of residential status of an Assessee (individuals, HUF, Company, and other persons) (Section 6);
2. Meaning of Total Income of an Assessee and scope of 'total income' (Section 4 and 5);
3. Relevant cases

Week 5

1. Income that is deemed to accrue or arise in India (Section 9)
2. Understanding Place of Effective Management in respect of Control and Management of a company

Week 6

1. POEM Guidelines, Tax Jurisdictions in global perspective
2. Double Tax Avoidance Agreement and Glimpse of DTAA in Indian Context

3. Relevant cases

Week 7

1. Heads of income (Section 14)
2. Mutual exclusivity of each of the heads of income
3. Relevant cases

Week 8

1. Income chargeable to income tax under the head 'Salary', (Section 15)
2. Standard deductions available under the head 'salary' (Section 16)
3. Meaning of 'salary', 'perquisites' and 'profit in lieu of salary' (Section 17)
4. Relevant cases

Week 9

1. Income that come under head income from House Property (Sections 22)
2. Determination of annual value of house property (Section 23)
3. Deduction available with respect to interest paid on loan taken for the purpose of purchase or construction or repair or renewal or reconstruction of a residential house property (section 24)
4. Amounts not deductible from income from house property (section 25)
5. Tax liability w.r.t. property owned by co-owners (Section 26)
6. Deemed owners (section 27)
7. Relevant cases

Week 10

1. Income chargeable to income tax under the head income from Profits and Gains of Business or Profession (Sections 28)
2. How to compute income chargeable to income tax under this head (section 29)
3. Manner of computation (section 30 to 43D)
4. Presumptive taxation scheme
5. Deductions available under this head.
6. Relevant cases

Week 11

1. Income chargeable to income tax under the head income from Capital Gains (Section 45)
2. Definition of capital assets [section 2(14)];
3. Short term capital assets [section 2(42A)]; Short term capital gains [section 2(42B)];
4. Long term capital assets and Long term capital gain [section 2(29A) and 2(29B)];
5. Meaning of 'Transfer' [section 2(47)];
6. Computation (section 45);
7. Transactions not amounting to transfer (sections 46 and 47);
8. Relevant cases

Week 12

1. Mode of computation of income from capital gains (section 48);
2. Meaning of 'adjusted cost of improvement' and 'cost of acquisition' (section 55)

3. Income chargeable to income tax under the head income from Other Sources (Sections 56)
4. Deduction on income from other sources (section 57)
5. Deduction not allowable under income from other sources (section 58)
6. Applicability of sub-section (1) of section 41 while computing income of an assessee under section 56 (section 59)
7. Relevant cases

Week 13

1. Concept of clubbing of income and its justification (Sections 60 to 64)
2. Clubbing of income for transfer of income without transfer of asset (section 60)
3. Clubbing of income for revocable transfer of assets (section 61)
4. Income of individual to include income of spouse, minor child, etc. (section 64)
5. Relevant cases

Week 14

1. Return of income (section 139)
2. How to file return for individual assessee
3. Types of assessments: Self-assessment, Scrutiny assessment, Best Judgment assessment (Sections 139 to 145)
4. Relevant cases

Week 15

1. Income Escaping assessment (Sections 147)
2. Issuance of notice (section 148)
3. When not to issue notice under section 148 (section 149 - 151)
4. Income tax rate applicable on the escaped income (section 152)
5. Time limit for completion of assessment, reassessment and recomputation (section 153)

Suggested Readings Books

1. Kanga & Palkhiwala, The Law and Practice of Income Tax, Vol. I and II, 10th Edition
2. Vinod K. Singhania & Kapil Singhania, Taxmann's Direct Taxes – Law & Practice
3. Girish Ahuja & Ravi Gupta, Direct Taxes – Law and Practice

Course Wise Content Details for LL.B. Programme:

Semester - III

Course Name- Law of International Institutions

Course Code- LB-EC-301

Credits – 5

Total Classes 60+15

Course Objectives:

- It aims primarily to examine the international law applicable to international institutions (organizations).
- It envisions to study the constituent instruments, institutional structures, legal functions of key IOs such as UN (principal organs plus specialized agencies), World Bank, IMF, WTO, European Union (EU), African Union (AU), ASEAN, Asian Development Bank, SAARC, International Atomic Energy Agency (IAEA), Organization for Prohibition on Chemical Weapons (OPCW), Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), United Nations Environment Programme, (UNEP), Global Human Rights Organizations etc.
- It endeavours to comprehend the traditional topics associated with functioning of IOs such as immunity, privilege, along with responsibility of IO, decision-making, dispute resolution, relationship between International Institutions and International Courts.

Course Learning Outcomes:

Students who have successfully completed this course will be able to:

1. Apply the applicable international law in relation to selected international institutions.
2. Comprehend the role, function and structure of prominent IOs, and their utility within the international legal system.
3. Explain the decision making process within prominent IOs.
4. Analyse the problems in relation to the working of IOs and appropriate dispute resolution mechanism for resolving disputes between IOs and member states, and between IOs.

Contents:

Unit I: Attributes of International Institutions

(14 Lectures)

A. Origin and Development

B. Classification

C. Legal Personality

Reparation for Injuries Suffered in Services of UN, ICJ Rep.1949

Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, ICJ Rep.2010

D. Immunities and Privileges

Applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations, ICJ Rep. 1989

E. Responsibility

Reparation for Injuries Suffered in Service of UN, ICJ Rep.1949

ILC Draft Articles on IO Responsibility 2011

Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, ICJ Rep.1999

Certain expenses of the United Nations, ICJ Rep.1962

Unit II: Functions of International Law

(12 Lectures)

A. Legislative, Executive, Judicial Functions

Interpretation of Agreement between WHO and Egypt, ICJ Rep.1980

B. Constituent Instrument

Legality of the Use by a State of Nuclear Weapons in Armed Conflict, (WHO) ICJ Rep.1996

Effect of Award of Compensation Made by the UN Administrative Tribunal, ICJ Rep.1954

C. Decisions and Resolutions

D. Practice of International Institutions

Unit III: Universal Institutions (12 Lectures)

A. Political

United Nations, Principal Organs and Overview of Specialized Agencies

Security Council, General Assembly

Legal Structure

Functions, Powers and Role Played

Specialized Agencies (Brief Overview)

B. Economic and Trade

WTO, IMF, IBRD

Legal Structure

Functions, Powers and Role Played

Unit IV: Regional Institutions (10 Lectures)

A. European Institutions

Council of Europe, European Union, European Community

Legal Structure

Functions, Powers and Role Played

B. Asian Institutions

ASEAN, Asia Development Bank SAARC

Legal Structure

Functions, Powers and Role Played

C. Africa

African Union

Legal Structure

Functions, Powers and Role Played

Unit V: Other Institutions (6 Lectures)

A. Disarmament

IAEA, OPCW, CTBO

B. Human Rights

Human Rights Council

Human Right Committees

C. Environment

UNEP

Unit VI: Relationship between IOs and International Courts (6 Lectures)

International Court of Justice

Case concerning Questions of Interpretation and Application of the Montreal Convention

arising out of the Aerial Incident at Lockerbie (Prov. Measures) ICJ Rep. 1992

Legal Consequences for states of the continued presence of South Africa in Namibia (South West Africa) notwithstanding SC Resolution 276, ICJ Rep. 1971

International Criminal Court

Prescribed Readings

Treaties and Statutes

- Charter of the United Nations, 1945

- Statute of International Court of Justice, 1945
- ILC Draft Articles on IO Responsibility 2011
- Statute of International Criminal Court, 1998
- Convention on the Privileges & Immunities of the UN 1946
- Convention on the Privileges and Immunities of the Specialized Agencies of the United- Nations, 1947

Books

- Philippe Sands, Pierre Klein, BOWETT'S LAW OF INTERNATIONAL INSTITUTIONS (Sweet & Maxwell, 6thedn., 2015)
- Jan Klabbers, AN INTRODUCTION TO INTERNATIONAL INSTITUTIONAL LAW (Cambridge University Press, 2ndedn., 2009)

Suggested Readings

- C.F Amerasinghe, PRINCIPLES OF INSTITUTIONAL LAW OF INTERNATIONAL ORGANISATIONS, (Cambridge University Press, 2005)
- David Harris & Sandesh Sivakumaran, CASES AND MATERIALS ON INTERNATIONAL LAW (Sweet & Maxwell, 8thedn., 2015)
- Ian Hurd, INTERNATIONAL ORGANIZATIONS: POLITICS, LAW, PRACTICE (Cambridge University Press, 3rdedn., 2017)
- Diedre L. Badejo, THE AFRICAN UNION: GLOBAL ORGANIZATIONS SERIES (Infobase Publishing, 2008)
- Gerald W. Fry, THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS: GLOBAL ORGANIZATIONS SERIES (Infobase Publishing, 2008)
- Daniel Kenealy, John Peterson, Richard Corbett, THE EUROPEAN UNION: HOW DOES IT WORK? (Oxford University Press, 2015)
- G.S Prentzas, THE WORLD HEALTH ORGANIZATIONS (Chelsea House Publications, 2009)
- Ronald A Reis, THE WORLD TRADE ORGANIZATION ((Infobase Publishing, 2009)
- Henry G. Schermers, Niels M. Blokker, INTERNATIONAL INSTITUTIONAL LAW: UNITY WITHIN DIVERSITY (MartinusNijhoff Publishers, 5thedn., 2011)

Teaching Method: This will include lectures, case method, use of multi-media, field visit and interactive or participatory methods of teaching and learning.

Teaching Plan:

Week 1: Origin and Development of International Institution

Week 2: Classification, Legal Personality of IOs

Week 3: Immunities and Privileges of IOs

Week 4: Responsibility of IOs

Week 5: Legislative, Executive, Judicial Functions

Week 6: Constituent Instrument

Week 7: Decisions and Resolutions, Practice of International Institutions

Week 8: United Nations, Principal Organs and Overview of Specialized Agencies

Week 9: Security Council, General Assembly

Week 10: WTO, IMF, IBRD

Week 11: European Institutions

Week 12: Asian and African Institutions

Week 13: Institutions relating to Disarmament Human Rights and Environment

Week 14: Institutions relating to Human Rights and Environment

Week 15: Relationship between IOs and International Courts

Course Wise Content Details for LL.B. Programme:

Semester - III

Course Name- Legal Philosophy including theory of Justice

Course Code- LB-EC-302

Credits – 5

Total Classes 60+15

Course Objectives:

This Course aims to introduce to students the Legal philosophy, a branch of philosophy and jurisprudence, which is the general and fundamental study of law and legal systems. By learning the Legal Philosophy including Theory of Justice throughout the Course, the students shall gain the expertise in the realm of law and its various interconnectedness e.g. with society, economy, polity and also the culture in which it operates. Students will also learn the relationship between Law and morality which forms the core of good sense of natural law. The students will learn the moral values like impartiality, fairness, justice etc. which not only ward off the prejudice, conflict of interests and caprice but they are also instrumental in social control as they increase the obedience of legal rules, by the people. The students will have the exposure of principles like Liberty and equality that are other principles which form the bed rock of any just legal order in the light of various schools of thoughts like Utilitarianism, Realism, Marxism and Libertarianism. Further, the students shall discuss the concept of justice generally with the help of various theories and particularly in Indian context.

Course Learning Outcomes:

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

1. Have a deep knowledge of basic concepts in Legal Philosophy including Theory of Justice and to explain them in the legal field from a critical approach.
2. Identify the strengths and limitations of different theories and models in explaining the concepts like Law, Morality, Justice, Equality and Liberty and to develop the capacity to engage in lifelong learning.
3. Apply their specialist knowledge, skills and creativity to get the practical and appropriate solutions of legal problems.
4. Understand the relation between law and morality which is basis of any legal system and how the law serves social purpose.
5. Expertise this analytical skill in critically analysing the concept of justice and its applicability in India to remove various evil practices in society with the help of our Constitution and Indian Thought e.g. Gandhian Concept of Justice.

Contents:

Unit I:

Law and Morality

This unit examines the concept of law and explore the relation between law and morality. It further examines how this relationship has been framed in the Indian context.

Unit II:

Law, Equality and Liberty

The focus of this unit is to understand the concepts of equality and liberty and their relevance in the study of law. The concept of equality can be employed for achieving substantive equality in order to create a more equal society. The students will evaluate the moral and philosophical justifications for according preferential treatment to historically or socially disadvantaged groups. It also discusses the different concepts of liberty and their importance for democracy and individual fulfilment.

Unit III:

Theory of Justice

The purpose of this unit is to understand the various approaches to the concept of justice. It also seeks to discuss Constitutional and Gandhian Concept of justice in the Indian context.

Teaching Plan:

Week 1:a) H.L.A. Hart, *The Concept of Law* (2nd ed., 1994)

b) William C. Starr, *Law and Morality* in H.L.A. Hart's *Legal Philosophy*, 67 *MARQ. L. REV.* 673 (1984).

Week 2: Lon L. Fuller, *Positivism and Fidelity to Law: A Reply to Professor Hart*, *Harvard Law Review* Vol.71, No.4 (Feb.,1958), pp.630 -672

Week 3:a) Lon L. Fuller, *The Morality of Law* (1969, Indian reprint 2006) .

b) Lon L. Fuller, *The Case of the Speluncean Explorers*, *Harvard Law Review* 616-664 (1949)

Week 4:a) Roscoe Pound, *The Call for a Realist Jurisprudence*, *Harvard Law Review*, Vol. 44, No. 5 (Mar., 1931), pp. 697.

b) V.S Hegde 'Relationship Between Law and Morality: A Philosophical Appraisal of Gandhi's Views' *Indian Philosophical Quarterly* Vol. X, No. 3 April 1983

Week 5:a) Roscoe Pound, *The Call for a Realist Jurisprudence*, *Harvard Law Review*, Vol. 44, No. 5 (Mar., 1931), pp. 697 . **b)** Richard F. Bernstein, *Legal Utilitarianism*, *Ethics*, Vol. 89, No. 2 (Jan., 1979), pp. 127-146 .

Week 6:a) Ronald Dworkin, 'What is Equality? Part 1: Equality of Welfare' *Philosophy & Public Affairs* Vol. 10, No. 3 pp. 185-246 (1981) .

b) B. Sivaramayya, *Inequalities and the Law*, 1531, (1984)

Week 7:a) Sandra Fredman, *Discrimination Law*, Ch. 1 Equality: Concepts and Controversies p. 126 (2002)

b) Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (1984)

Week 8:a) B.R. Ambedkar, 'Caste in India', in Ghanshyam Shah (ed.) *Caste and Democratic Politics in India*, pp. 83-107 (2002).

b) Andre Beteille, *Caste Today*,

Week 9: Isaiah Berlin, 'Two Concepts of Liberty' in Isaiah Berlin, *Four Essays on Liberty*, (1969), pp 118-171

Week 10:A) Amartya Sen , *On The Status Of Equality*, *Political Theory* Vol.24 No. 3 Aug (1996) 394-400 .**Christopher Caudwell**, *The Concept of Freedom* (1977), pp. 51.**B)** Amartya Sen on the status of equality, *Harvard university* 75

Week 11:a) Amartya Sen, *Development as Freedom*, New Delhi, Oxford University Press, 2000, pp. 1334,5486. **B)** Marc Galanter *Equality and Protective Discrimination in India*, 1961 *Rutgers Law Review* Vol. XVI 42-74

Week 12:A) Upendra Baxi, 'Rule of Law in India: Theory and Practice' in Randall

Peerenboom (ed.) Asian Discourse of Rule of Law: Theories and Implementation of Rule of Law in Twelve Asian Countries, pp. 324345 (2004)

Week 13: Johan Rawls, A Theory Edition, (1999of Justice, Revised) Johan Rawls, A Theory Edition, (1999of Justice, Revised)

Week 14:a) Haroon Rashid, 'Making Sense of Marxian Concept of Justice' Philosophical Quarterly XXIX No. 4, Oct. 2002**B)**M.K. Gandhi, 'Speech at Dandi, April 5, 1930, from Collected Works of Gandhi, Vol49, pp 1519

Week 15 :Martha C. Nussbaum, Beyond the Social Contract: Capabilities and Global Justice

Week 1 - Week 5 (20 Lectures): **Unit I**

Week 6 – Week 12 (28 Lectures): **Unit II**

Week 13 – Week 15 (12 Lectures): **Unit III**

Course Wise Content Details for LL.B. Programme:

Semester - III

Course Name-Legal Research and Writing

Course Code- LB-EC-303

Credits – 5

Total Classes 60+15

Legal Research and Writing is an essential lawyering skill. There exists a complex interaction between law and society. Therefore, legal research is not only about understanding of law but also understanding of it in its operational facets. This makes legal research a very crucial task. The art of legal research and writing is not only important for a student taking up higher studies but also equally important for even a law graduate.

Course Objective

This course aims to provide students

- an understanding about legal research as well as the knowledge and skills necessary for conducting a research
- the sources of information available and the various methods of locating those
- the skill and art of legal writing with correct legal referencing

Learning Outcomes

On successful completion of this course, the students shall be able to:

1. Understand legal research and its various nuances
2. Recognise primary, secondary and tertiary sources of legal research material.
3. Use and authenticity of Online Available Materials.
4. Develop correct research strategies to critically evaluate the relevance, quality and authority of the research materials.
5. Correct way of citation.
6. Demonstrate good legal writing skills, including an understanding of the use and preparation of legal research material in legal writing and the correct methods of legal referencing.
7. Incorporate Ethics in Legal Writing through non-plagiarism and like.

Teaching Method

The course is designed to not only cover the theoretical concepts through Lecture Method but also to give a practical outlook to the students and skill development through Assignments and Presentations. The course is structured primarily to develop the writing skills of the students as well as inculcate ethics in Legal writing.

As the course is structured in a manner whereby different submissions are to be made, therefore for the submission of a report, the student would be undertaking field visits to any court, tribunal, lok adalat, etc.

COURSE CONTENTS

Unit 1: Introduction (Lectures 8)

Legal Research, Meaning, Evolution, Motivations, Significance, Contemporary and Global Trends of Legal Research, Method and Methodology, Deductive and Inductive Methods in Legal Research

Unit 2: Kinds of Legal Research (Lectures 4)

Doctrinal, Non-Doctrinal/Emperical/Socio-Legal, Inter-Multidisciplinary, Historical

Unit 3: Tools of Legal Research (Lectures 4)

Library, Books, Law Reports, Law Commission Reports, Legislative and Constituent Assembly Reports, Computer/Internet

Unit 4: Sources of Data (Lectures 10)

Primary and Secondary Sources, Online Resources: Uses, Authenticity and Applicability, Legal Research Portals like SCC, Manupatra, Lexis Nexis, Westlaw, Heinonline, Jstor, etc.

Unit 5: Referencing (Lectures 6)

Citations, Foot Notes, End Notes, References, Bibliography, Indexes and Appendixes

Unit 6: Research Ethics (Lectures 10)

Plagiarism, Copyright Infringement, Data Fabrication, Peer Review

Unit 7: Legal Research and Law Reforms (Lectures 4)

Role of Judges and Jurists, Recommendations of Commissions and Committees etc., Institutional Researches (UGC, ICSSR, ILI)

Unit 8: Technical Writing and Field Visit (Lectures 14)

Characteristics and Challenges to Legal Writing. Visit to any court, tribunal, lok adalat, etc. for observation of the proceedings and Report Writing

REFERENCES

1. Andrea B. Yelin and Hope Viner Samborn, *The Legal Research and Writing Handbook* (ASPEN Publishers, 4th edn, 2006).
 2. C. R. Kothari, *Research Methodology: Methods and Techniques* (New Delhi: Wiley Eastern Ltd. 1985).
 3. Goode and Hatt, *Methods in Social Research* (Singapore: McGrawHill Book Co., 1985)
 4. Jacobstein, J. Mayron & Merskey, Roy M, *Fundamentals of Legal Research* (Foundation Press, 8th edn. 2002).
 5. Manoj Kumar Sinha and Deepa Kharb (eds.), *Legal research Methodology* (Lexis Nexis and Indian Law Institute, New Delhi, 2016).
- S. K. Verma and M. Afzal Wani (eds.), *Legal research and Methodology* (Indian Law Institute, New Delhi, 2nd ed., Reprinted in 2010)

Teaching Plan:

Week 1:

Legal Research, Meaning, Evolution, Motivations, Significance, Contemporary and Global Trends of Legal Research,

Week 2:

Method and Methodology, Deductive and Inductive Methods in Legal Research

Week 3:

Doctrinal, Non-Doctrinal/Emperical/Socio-Legal, Inter-Multidisciplinary, Historical

Week 4:

Library, Books, Law Reports, Law Commission Reports, Legislative and Constituent Assembly Reports, Computer/Internet

Week 5:

Primary and Secondary Sources, Online Resources: Uses, Authenticity and Applicability

Week 6:

Legal Research Portals: SCC, Manupatra, Lexis Nexis, Westlaw

Week 7:

Legal Research Portals: Heinonline, Jstor

Citations

Week 8:

Foot Notes, End Notes, References, Bibliography, Indexes and Appendixes

Week 9:

Plagiarism

Week 10:

Copyright Infringement

Week 11:

Data Fabrication, Peer Review

Role of Judges and Jurists in Law Reform

Week 12:

Recommendations of Commissions and Committees etc., Institutional Researches (UGC, ICSSR, ILI)

Characteristics and Challenges to Legal Writing

Week 13:

Field Visit: Visit to any court, tribunal, lok adalat, etc. for observation of the proceedings and Report Writing

Week 14:

Field Visit: Visit to any court, tribunal, lok adalat, etc. for observation of the proceedings and Report Writing

Week 15:

Field Visit: Visit to any court, tribunal, lok adalat, etc. for observation of the proceedings and Report Writing.

Department of Law, Nehru Gram Bharati (Deemed to be University)

1	Article	40 marks (10 marks for the abstract and 30 mark for the article)
2	Case comment	20 marks
3	Report	20 marks
4	Book Review	15 marks
5	Attendance	5 marks

Course Wise Content Details for LL.B. Programme:

Semester - IV

Course Name- Interpretation of Statutes

Course Code- LB-EC-401

Course Objectives:

- To acquaint the students with essential function of legislature and judiciary
- To acquaint students with the basics of legislative lexicology
- To familiarize the students with various rules of interpretation
- To familiarize the students with internal and external aids of interpretation of statute
- To develop the critical thinking to analyze the judgments in the light of principles of interpretation
- To develop the skill to write a judgment and frame the arguments in the light of principles discussed
- To induce curiosity in the students as to how and why certain words or phrases in the statute are attributed certain meanings.
- To familiarize students with the concept of legislative intent and its intended and unintended consequences.

Course Learning Outcomes:

Students who have successfully completed this course will be able to:

- They should be able to identify the legislative intent and further it.
- They should be able to understand and read any statute which they may not have studied in the LL.B course.
- They should be in a position to apply various rules of interpretation to substantiate their argument and convince the judge in the court of law.
- Apply the rules of interpretation in course of their profession as a lawyer or as a judge
- Uncover the rule of interpretation on which the judgment of Judge on particular issue is based Criticize the judgments on the basis of rule of interpretation
- Provide a new interpretation of law by using various rules of interpretation in various facts and circumstances.
-

Unit I: INTRODUCTION: BASIC CONCEPT (10 Hours)

The students shall be taught the basic concepts 'Interpretation' and 'Construction'- Why to interpret – Role of judiciary in interpretation – Basic presumptions „- Kinds of Statutes – Effect of Repeal under S. 6 General clauses Act 1897

Role of judiciary

P.Ramachandra Rao v. State of Karnataka (2002) 4 SCC 578
Padma Sundra Rao v. State of Tamil Nadu Karnataka (2002) 3 SCC 533
D. M. Aravali Golf Club v. Chander Hass, 2007 (14) SCALE

Unit II: MAJOR PRINCIPLES OF INTERPRETATION (25 Hours)

The students shall be taught the major principles of Interpretation

- (i) Literal interpretation / Grammatical interpretation
Tej Kiran Jain v. N. Sanjiva Reddy (1970) 2 SCC 272
M.V. Joshi v. M.U. Shimpi AIR 1961 SC 1494
The Queen v. Charles Arthur Hill Heaven Ellis (1844) 6 Q.B. 499
B.N. Mutto v. T.K. Nandi (1979) 1 SCC 361

Words of common usage to be understood in their popular sense

Jugalkishore v. Raw Cotton Co. AIR 1955 SC 376
Ramavtar Budhaiprasad v. Assistant Sales Tax Officer AIR 1961 SC 1325
Motipur Zamindari Co. (Private) Ltd. v. State of Bihar AIR 1962 SC 660

- (ii) Golden rule of interpretation/ modified rule of interpretation
Lee v. Knapp (1967) 2 Q.B. 442
G. Narayanaswami v. Pannerselvan (1972) 3 SCC 717
Union of India v. Filip Tiago De Gama of Vedem Vasco De Gama AIR 1980 SC 981
Nokes v. Doncaster Amalgamated Collieries (1940) AC 1014
- (iii) Mischief Rule
Heydon's Case (1584) 3 Co. Rep. 7
R.M.D.C. v. Union of India AIR 1957 SC 628
Commissioner of Income Tax v. Smt. Sodhara Devi AIR 1957 SC 832
Smith v. Hughes (1960) 1 W.L.R. 830

(iv) Harmonious Construction

Sri Venkataramana Devaru v. State of Mysore AIR 1958 SC 255.
K. M. Nanavati v. State of Bombay AIR 1961 SC 112
Sirsilk Ltd. v. Govt. of A.P. AIR 1964 SC 160
The Remington Rand of India Ltd. v. The Workmen AIR 1968 SC 224
Calcutta Gas Co. v. State of West Bengal AIR 1962 SC 1044
Union of India v. Pfizer Limited (decided on 15 Dec 2017)

(v) Purposive Construction / Beneficent Construction

Rev. Stainislaus v. State of M.P. AIR 1977 SC 108
S.R. Chaudhary v. State of Punjab (2001) 7 SCC 126
State of Mysore V. R V Bidap, AIR 1973 SC 255
All India Reporter Karamchari Sangh v. All India Reporters Ltd. AIR 1988 SC 1325
Shashi Kant Laxman Kale v. Union of India AIR 1990 SC 2114

Ms.Eara Through Dr.Manjula v. State (Govt of NCT Delhi decided on 21 July 2017)

- (vi) Strict Construction of Penal and Taxing statutes
Bowers v. Gloucester Corporation (1963) 1 Q.B. 881
George Banerjee v. Emperor (1917) 18 Cr L J 45
The Empress Mills, Nagpur v. The Municipal Committee Wardha, AIR 1958 SC 314

Unit III: ANCILLARY PRINCIPLES OF INTERPRETATION (12 Hours)

The students shall be taught the ancillary principles of Interpretation

- (i) Principle *ut res magis valeat quam ereat*
Avatar Singh v. State of Punjab AIR 1955 SC 1107
- (ii) Principle *Noscitur a sociis*
Oswal Agro Mills Ltd. v. CCE 1993 Supp (3) SCC 716
- (iii) Principle *ejusdem generis*
Calcutta Municipal Corporation v. East India Hotels Ltd. AIR 1996 SC 419
- (iv) Statute must be read as a whole
Utkal Contractors v. State of Orissa, AIR 1987 SC 1454

Unit IV: INTERNAL AIDS AS TOOLS OF INTERPRETATION (8 Hours)

The students shall be taught the internal aids or tools of interpretation of a statute

- (i) Long title/Short Title, Preamble
Minority judgement in Queen v. Charles Arthur
Calcutta Gas Co. v. State of West Bengal AIR 1962 SC 1044
Manoharlal v. State of Punjab AIR 1961 SC 41
- (ii) Definitions
All India Reporter Karamchari Sangh v. All India Reporters Ltd. AIR 1988 SC 1325
- (iii) Provisos and exceptions
Sundaram Pillai v. Pattabiraman (1985) 1 SCC 591
Casio India Co.Pvt.Ltd v. State of Haryana, AIR 2016 SC 1690
- (iv) Explanations and illustrations
ShashiKant Laxman Kale v. Union of India AIR 1990 SC 2114

Unit IV: EXTERNAL AIDS AS TOOLS OF INTERPRETATION (5 Hours)

The students shall be taught the external aids or tools of interpretation of a statute

- (i) Dictionary Meaning
Motipur Zamindari Co. (Private) Ltd. v. State of Bihar AIR 1962 SC 660
Rev. Stainislaus v. State of M.P. AIR 1977 SC 108
- (ii) Parliamentary history

- Pepper v.Hart (1993) All ER 42 (HL)
State of Mysore v. R.V. Bidap AIR 1973 SC 255
R.M.D.C. v. Union of India AIR 1957 SC 628
- (iii) Constituent Assembly Debates
S.R. Chaudhary v. State of Punjab (2001) 7 SCC 126
- (iv) Statement of Objects and Reasons
Utkal Contractors v. State of Orissa, AIR 1987 SC 1454
Dissent in Commissioner of Income Tax v. Smt. Sodhara Devi AIR 1957 SC 832
- (v) Foreign judgements
Tej Kiran Jain v. N. Sanjiva Reddy (1970) 2 SCC 272

Prescribed Readings

Statutes

General clauses Act 1897

Books

G.P. Singh, *Principles of Statutory Interpretation* (11th ed. 2008)
F.A.R. Bennion, *Bennion on Statutory Interpretation* (7th Ed) Lexis Nexis
P. St. J. Langman, *Maxwell on Interpretation of Statutes* (12th ed. 1969)
S.G.G. Edgar, *Craies on Statute Law* (1999)
Vepa P. Sarathi, *Interpretation of Statutes* (4th ed. 2003)

1. **Teaching Method:** This will include lectures, case method, use of multi-media and interactive or participatory methods of teaching and learning.

Teaching Plan:

Week 1: Basic concept Interpretation' and 'Construction'

Week 2: Role of Judiciary in interpretation, Basic Presumptions of Interpretation

Week 3: Kinds of statutes, Effect of Repeal under S. 6 General Clauses Act 1897

Week 4: Literal interpretation / grammatical interpretation

Week 5: Golden rule of interpretation/ modified rule of interpretation

Week 6: Mischief Rule

Week 7: Harmonious Construction

Week 8: Purposive Construction

Week 9: Strict Construction of Penal and Taxing statutes

Week 10: Principle of *ut res magis valeat quam ereat*

Week 11: Principle of *Noscitur a sociis* and Principle of *ejusdem generis*

Week 12: Statute must be read as a whole

Week 13: Internal Aids of Interpretation

Week 14: External Aids of Interpretation

Week 15: External Aids continued

Course Wise Content Details for LL.B. Programme:

Semester - IV

Course Name- Media Law and Censorship (Incl. Self-Regulation)

Course Code- LB-EC-402

Credits – 5

Total Classes 60+15

A society that is not well-informed is not a truly free society. To make society well-informed is one of the most important function of media. Media acts as a medium between state and citizenry so that it can help both to make a better society. It not only provides information but educates citizenry so that the later can make 'informed choices'. It is people's unofficial auditor of government actions and omissions. It is on this account that freedom of media has been recognized as part of freedom of speech and expression. Like any other right, freedom of media has to be regulated so that its misuse can be reduced. Sometimes freedom of press has to give space to other rights in order to protect public interest and hence role of judiciary becomes very important. This course on media law will cover various constitutional and legal provisions governing media and censorship in India.

The **objective of this course** are:

1. To make students understand theoretical underpinning of media freedom and other concepts associated with media law.
2. To make students understand the relationship between freedom of speech, freedom of media and other freedoms/ rights.
3. To critically examine the various legal and constitutional restrictions applicable to media in India and examine whether they enhance or restrict media freedom.
4. To understand regulation of media in India.

Learning Outcomes

At the end of this course, the student will be able to:

1. Exhibit better understanding of media freedom, freedom of speech and censorship.
2. Have adequate knowledge of the constitutional and legal protection afforded to media freedom and the role, judiciary has played to protect media freedom in India
3. Understand the relationship of media freedom with other competing rights.
4. Be able to critically examine the policies regulating media in comparative perspective and understand the need and requirement of various grounds to impose restrictions on media in India.

Teaching Methodology:

Course will be completely classroom based. It will be a mix of lectures, case study method, discussion and tutorial etc.

1. Different forms of Media, History of Legislative Efforts (3 Lectures)

*Forms-Print media; Broadcast media; Social media
Legislative efforts in India*

2. Media, Free Speech and the Constitution

Freedom of speech and expression under Article 19 (1) (a) and the Reasonable restrictions under Article 19 (2); Derivative rights - right to know, right to broadcast; Hate Speech (4 Lectures)

1. *Bennett Coleman & Co. v. Union of India*, AIR 1973 SC 106
2. *Prabha Dutt v. Union of India*, 1982 SCR (1) 1184

Department of Law, Nehru Gram Bharati (Deemed to be University)

3. *Secy., Ministry of Broadcasting v. Cricket Association of Bengal*, (1995) SCC 161
4. *ABP Pvt Ltd. v. Union of India*, (2014) 3 SCC 327
5. *Shreya Singhal v. Union of India*, (2015) 5 SCC 1

Privacy, defamation and the sting operations (10 Lectures)

Privacy: Define “privacy”; Differentiating between right to privacy of a public figure and private figure; is there an expectation of reasonable amount of privacy; Paparazzi;

Publishing information obtained illegally; Right of Publicity

6. *Rajagopal v. State of Tamil Nadu*, 1994 SCC (6) 632
7. *Justice K S Puttaswamy v Union of India* (2017) 10 SCC 1
8. *Subramanian Swamy v. Union of India* (2016) 7 SCC 221

Defamation: Against public person; Publishing with knowledge of falsity or with reckless disregard for the truth; Right to Reply

9. *Swatanter Kumar v. The Indian Express Ltd*, 207 (2014) DLT 221

Sting Operations: Investigative Journalism; Leveson Report

10. *R.K.Anand v. Registrar, Delhi High Court*, (2009) 8 SCC 106
11. *Rajat Prasad v. CBI*, (2014) 6 SCC 495

Ref: *Consultation Paper-cum-Questionnaire on Undercover Sting Operations*, Law Commission of India

Right to Information (3 Lectures)

How far does public access to information go; Is there a right to gather news or attend meetings; Fairness doctrine and access to the media; Compelling journalist to disclose information related to crime and source

12. *CPIO, Supreme Court of India v. Subhash Chandra Aggarwal*, AIR 2010 Delhi 159

Trial by media and fair trial (3 Lectures)

Pre-trial publicity; Cameras in Courtroom; Restrictive Orders

13. *M P Lohia v. State of West Bengal*, (2005) 2 SCC 686
14. *Naveen Jindal v. Zee Media Corporation Ltd*, (2014) 2 SCC 1

Ref: *Trial by Media: Free Speech and Fair Trial under Criminal Procedure Code*, 1973, 200th Report, Law Commission of India

3. Contempt of Court (6 Lectures)

Scandalising, vilification of institution of Court; Unverified reporting; Fair comment and criticism

15. *In re S. Mulgaokar v. Unknown*, 1978 SCR (3) 162
16. *Rajendra Sail v. Madhya Pradesh Bar Association*, (2005)6 SCC109
17. *Sanjoy Narayan Editor-in-Chief Hindustan v. Hon. High Court of Allahabad through R.G.*, 2011 (9) SCALE 532
18. *Rajeev Dhawan v. Gulshan Kumar Mahajan*, (2014) 41 SCD 785, Contempt P. (Crl.)2/1994

Ref: Articles 129, 142 (2), 215; entry 77, List I, Seventh Schedule, Constitution of India

The Contempt of Court Act, 1971 (as amended)

Department-Related Parliamentary Standing Committee on Personnel, Public

Grievances, Law and Justice, the Contempt of Courts (Amendment) Bill, 2004
(Twelfth Report)

Paras 3.8.1 and 7.4, Report of the National Commission for the Review of the
Working of the Constitution

4. Media & Its Regulation (9 Lectures)

Regulation can occur at the Central, State, local or self-regulatory level

Regulation of the print media

Ref: Press Council of India Act

Resolution for a Media Council, Press Council of India, 2012

Regulation of the Broadcasting sector (Public and Private)

Secy., Ministry of Broadcasting v. Cricket Association of Bengal, (1995) 2 SCC 161

19. *In re Destruction of Public and Private Properties*, (2009) 5 SCC 119

Ref: Prashar Bharti Act 1990; Report of the Prasar Bharati's Expert Committee, 2013;
Cinematography Act 1952; Cable T.V. Networks (Regulation) Act of 1995

Consultation Paper on the Proposed Draft of the Broadcasting Services Regulation,
MI&B,

Self Regulatory Measures-BCCC Guidelines on Self Regulation; BCCC Report to the
MI&B; BCCC Orders and Advisories; NBSA Regulations; NBA Code of Ethics

Regulation of the Social Media

Sections 6,7, 8 and other relevant provisions of Information Technology Act, 2001

Shreya Singhal v. Union of India, (whether it would be asserted again- a need
of such power)

Ref: Section 66A, Information Technology Act of 2001;

- 52nd Report of the Parliamentary Standing Committee on Information Technology
- 31st Report of the Parliamentary Standing Committee on Subordinate Legislation,
2012-13
- Advisory on Implementation of Section 66-A of the Information Technology Act,
2000, Department of Electronics and Information Technology, 9 January, 2013
- Convergence Bill; Regulatory commissions of new media; Indian Telegraph Act of
1885

5. Media, Advertisement & the Law (4 Lectures)

Commercial speech: Commercial Speech Doctrine and protection provided under Art
19(1) (a); Regulating what is false or misleading / may regulate even truthful
advertising

Government advertisements and the media: broadcasting political messages

20. *Ajay Goswami v. Union of India*, AIR 2007 SC 493

21. *Common Cause v. Union of India*, (2015) 42 SCD 686

Ref: Advertisement Act of 1954

Indecent Representation (Prohibition) Act, 1986

The Drugs and Magic Remedies (Objectionable) Advertisements Act of 1954

6. Media, Censorship and the Gag Orders (9 Lectures)

Pre- and Post Restraint; Cinema and censorship; Variable obscenity - differing standards for
obscenity - adults/minors; Gag orders, print/broadcasting/social media; restraint on reporting
of judicial proceedings; Reporting on Women/ Juveniles

22. *Odyssey Communications Pvt Ltd. v Lokvidayan Sanghatana*, 1988 SCR
Supp. (1) 486

23. *S. Rangarajan v. P. Jagjivan Ram*,

1989 SCR (2) 204

24. *Bobby Art International v. Om Pal Singh Hoon*, (1996) 4 SCC 1
25. *Union of India v. Motion Picture Association*, AIR 1999 SC 2334
26. *Devidas Ramachandra Tuljapurkar v. State of Maharashtra*, 14 May 2015
(Criminal Appeal No. 1149 of 2010)
Shreya Singhal v Union of India, 24 March 2015
(whether it would be asserted again-need for such power)
27. *Reliance Petrochemicals Ltd v. Proprietors of Indian Express Newspapers, Bombay Pvt Ltd.*, 1988 SCR Supp. (3) 212
28. *Sahara India Real Estate Corp. Ltd. v. Securities & Exchange Board of India*, (2012) 10 SCC 603
29. *N.V. Sankaran v. State of Tamil Nadu* 2013 (1) CTC 686

Ref: The Dramatic Performances Act, 1876

Section 5D of the Cinematograph Act relating to the establishment and functioning of Film Certification Appellate Tribunal
Section 228 A, Indian Penal Code, 1860; Sections 4 and 7, Contempt of Courts Act

Section 151, Civil Procedure Code; Section 14, Official Secrets Act, 1923
Section 22, Hindu Marriage Act, 1955; Section 53, Indian Divorce Act, 1869
Section 33, Special Marriages Act, 1954; Section 33, Parsi Marriage and Divorce Act

Act

7. Reporting of Legislative Proceedings (3 Lecture)

30. *Jatish Chandra v. Hari Sadhan*, AIR 1951 SC 613
31. *MSM Sharma v. Krishna Sinha*, AIR 1959 SC 395
32. *C K Daphary v. O P Gupta*, (1971) 1 SCC 626
33. *Jawaharlal Darda v. M G Kapsikar*, (1998) 4 SCC 112

Ref: Article 361 A, Constitution of India

Parliamentary Proceedings (Protection of Publication) Act, 1977

8. Media and other contemporary issues (6 Lectures)

Paid news

34. *Ashok Shankarrao Chavan v. Madhavrao Kinhalakar*,
(2014) 7 SCC 99 281

Ref: Report on Paid News, PCI, 2010

Report of the Committee on Electoral Reforms, MoL&J, 2010

47TH Report of the Parliamentary Standing Committee on Information

Technology,

Press Council of India's Sub-Committee Report on "Paid News"

Issues Related to Paid News

Poll surveys

Ref: Guidelines on Pre-Poll and Exit Poll, PCI, 1996

Cross ownership: diversification of ownership

Ref: Recommendations on Issues relating to Media Ownership, TRAI, 12 August 2014

Recommendations on Cross Media Holdings, TRAI, 25 February 2009

TRAI Consultation Paper on Cross Media Ownership, 15 March 2013

Report of the Administrative Staff College of India, July, 2009 (MI&B)

Competition issues

Licensing issues; responsibility of licensee

Copyright issues

Prescribed Readings:

1. Jan Oster, "Theory and Doctrine of 'Media Freedom' as a Legal Concept" 5(1) *Journal of Media Law* 57-78 (2013).
2. Jan Oster, *Media Freedom as a Fundamental Right (Cambridge Intellectual Property and Information Law)*, Cambridge University Press, (2015).
3. Bhatia, Gautam, *Offend, Shock or Disturb: Free Speech under the Indian Constitution*, Oxford University Press: New Delhi (2016).
4. Divan, Madhavi Goradia, *Facets of Media Law*, Eastern Book Company: Lucknow (2013).
5. Ursula Smartt, *Media & Entertainment Law*, Routledge (2014).
6. Guha, Paranjoy, *Media Ethics*, Oxford University Press (2012).
7. Ninan, Sevanti and Chattarji, Subarno (ed.), *The Hoot Reader: Media Practice in Twenty-first Century India*, Oxford University Press: New Delhi (2013).
8. Barendt, Eric, *Media Law: Text, Cases and Materials (Longman Law Series)* Pearson Publications (2013).
9. Prasad, Kiran, *Media Law in India*, Kluwer Law International, (2011).
10. Bhatia, Udit (ed.) *The Indian Constituent Assembly: Deliberations on Democracy*, Routledge (2018).
11. Mehta, Nalin, *Behind a Billion Screens: What Television Tells Us About Modern India*, Harper Collins Publishers (2015).

Teaching Plan:

Week 1: Different forms of Media, History of Legislative Efforts

Week 2: Media, Free Speech and the Constitution: Freedom of speech and expression

Week 3: Privacy, defamation and the sting operations

Week 4: Privacy, defamation and the sting operations

Week 5: Right to Information

Week 6: Trial by media and fair trial

Week 7: Contempt of Court

Week 8: Media and its regulation: Regulation of Print Media

Week 9: Media and its regulation: Regulation of Broadcasting Sector (Public and Private)

Week 10: Media, Advertisement and Law

Week 11: Media Censorship and Gag Orders

Week 12: Media Censorship and Gag Orders

Week 13: Reporting of Legislative

Proceedings.

Week 14: Media and other Contemporary Issues.

Week 15: Media and other Contemporary Issues.

Course Wise Content Details for LL.B. Programme:

Semester - IV

Course Name-Humanitarian Law and Refugee Law

Course Code- LB-EC-403

Credits – 5

Total Classes 60+15

Course Objectives :

This paper is divided into two parts - Part A and Part B. Part A deals with Humanitarian Law and Part B deals with Refugee Law. The aim in the first part remains on the development of International Humanitarian law and protection of victims of armed conflict. It then discusses the rules on legality of warfare (*jus ad bellum*), but the main emphasis is on the rules that to be followed when the armed conflict is going on (*jus in bello*). Part –B consists of five topics, delineates the conceptual dimensions of refugees and various international instruments relating to the status of refugees, withdrawal of refugee status and the standard treatment of refugees in India.

Learning Outcomes :

At the end of the course, the student will be able to apply and understand humanitarian law and the institutional structure for its implementation. This apart, it will sensitize and enable them to examine the problems of human rights in times of conflict and issues relating to refugees, the reasoning for inclusion, exclusion, cessation and non-refoulement and denial of refugee law in India.

Teaching methodology

- Lectures & Discussion
- Assignments & Presentation

Course Content

(Total Lectures: 60)

Part A

(Humanitarian Law)

Topic I :Introduction(Total lectures: 09)

- (i) *Jus ad bellum* and *jus in bello*
- (ii) Origin and Development of International Humanitarian Law
- (iii) *Martens* Clause
- (iv) Geneva Conventions and Additional Protocols
- (v) Meaning of “armed conflict” – Common Article 2
- (vi) Non-international armed conflict - Common Article 3

(vii) International Human Rights Law and Humanitarian Law

Suggested Readings:

- 1 **Adam Mcbeth, Justine Nolan and Simon Rice, *The International Law of Human Rights* (2017)**
2. M.K. Balachandran and Rose Verghese(eds.), *Introduction to International Humanitarian Law*(1997)
3. Fleck, Dieter(ed.), *The Handbook of Humanitarian Law in Armed Conflict*(1998)
4. Durham, Helen McCormack, Timothy L. H., eds., *The Changing Face of Conflict and the Efficacy of International Humanitarian Law* (1999)
- 5 Lindsay Moir, “The Historical Development of the Application of Humanitarian Law in Non-International Armed Conflicts to 1949”, Vol. 47 *International and Comparative Law Quarterly* 337-61 (1998)
- 6 R. K. Dixit, R. K. P. Shankardass, C. Jayaraj, and Manoj K. Sinha, *International Criminal Law: Issues and Challenges* (2009)
- 7 1 V.S.Mani(ed.), *Handbook of International Humanitarian Law in SouthAsia*(2007)
8. Alejandro LoriteEscorihuela, “Humanitarian Law and Human Rights Law: The Politics of Distinction” Vol. 19, *Michigan State International Law Review* 299 (2013)
9. Kavin M. Cahill, *Basics of International Humanitarian Missions* (2003)
- 10 ICRC, *Summary of the Geneva Conventions of 12 August 1949 and their Additional Protocols* (Second Edition, 2012)

Topic II :Protection of Defenseless(Total lectures: 07)

- (i) *Hors de combat*, Wounded, Sick (both in field and sea) and Shipwrecked Members of Armed Forces
- (ii) Prisoners of War (POW)
 - (1) Who are Prisoners of war?
 - (2) Protection of Prisoners of War
 - (3) Internment of Prisoners of War
 - (4) Penal and Disciplinary Sanctions
 - (5) Repatriation and Release of POW
- (iii) Civilian Persons in Time of War

Suggested Readings:

1. 1 V.S.Mani(ed.), *Handbook of International Humanitarian Law in South Asia*(2007)
2. NaoremSanajaoba and Vincent Nicod, *A Manual of International Humanitarian Laws*(2004)
- 3.

Topic III :Prohibition on the Use of Certain Weapons (Total lectures: 4)

- (i) General Limitations on the Conduct of War— Limits on the Choice of Methods and Means of Warfare
- (ii) Weapons of Mass Destruction — Chemical, Biological, Nuclear etc.
- (iii) Anti-personnel Land Mines

Suggested Readings:

- 4. Frits Kalshoven, Liesbeth Zegveld, Constraints on the Waging of War: An Introduction to International Humanitarian Law(2001)
- 5. V.S.Mani(ed.), Handbook of International Humanitarian Law in South Asia(2007)

Topic IV: Criminal Tribunals

(Total lectures: 8)

- (i) International Military Tribunal at Nuremberg
- (ii) International Military Tribunal for the Far East (Tokyo)
- (iii) International Criminal Tribunal for the Former Yugoslavia (ICTY)
- (iv) International Criminal Tribunal for Rwanda (ICTR)
- (v) Special Court for Sierra Leone
- (vi) Proposed *Ad hoc* Hybrid Special Court for Sri Lanka

Suggested Readings:

- 1 Adam McBeth, Justine Nolan and Simon Rice, *The International Law of Human Rights* (2017)**
- 2. Louis Doswaldet.al. *International Humanitarian Law: An Anthology*(2009)**
- 3. Larry Maybee et.al., *International Humanitarian Law: A Reader for South Asia*(2007)**
- 4 *Report of the OHCHR Investigation on Sri Lanka (OISL)*, A/HRC/30/CRP.2, 16 September, 2015.**

Topic V: International Criminal Court(Total lectures: 09)

- (i) Jurisdiction with respect to Crimes – (i) Genocide; (ii) Crimes against Humanity; (iii) War Crimes; (iv) Aggression
- (ii) Basis of Jurisdiction – (i) Jurisdiction *rationemateriae*; (ii) Jurisdiction *rationetemporis*; (iii) Jurisdiction *ratione loci*; (iv) Jurisdiction *ratione personae*
- (iii) General Principles of Criminal Law - (i) *Nullum crimen sine lege*; (ii) *Nulla poena sine lege*; (iii) Non-retroactivity *ratione personae*; (iv) Individual criminal responsibility; (v) Exclusion of jurisdiction over persons under eighteen; (vi) Irrelevance of official capacity; (vii) Responsibility of commanders and other superiors; (viii) Non-applicability of statute of limitations; (ix) Mental element
- (iv) Defences/Grounds for excluding criminal responsibility - (i) Mental incapacity; (ii) Intoxication; (iii) Self-defence; (iv) Duress and

necessity; (v) Mistake of fact or mistake of law; (vi) Superior orders and prescription of law.

Suggested Readings:

1. Wade Mansell and Karen Openshaw, *International Law: A Critical Introduction*(2013)
2. **Adam Mcbeth, Justine Nolan and Simon Rice, *The International Law of Human Rights* (2017)**

Part B

(Refugee Law)

Topic I: Introduction

(Total lectures :8)

- (i) Historical Background of Refugee Law
- (ii) Meaning of Refugee under various International Instruments - Statute of International Refugee Organization (IRO); Convention relating to the Status of Refugees, 1951 and Protocol Relating to the Status of Refugees, 1967; Bangkok Principles, 1966; OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969; Cartagena Declaration, 1984
- (iii) Exclusion and Cessation of Refugee Status
- (iv) Asylum-Seekers, Migrants, Stateless persons, Internally Displaced Persons and Refugees: Distinction
- (v) Refugee Law, Human Rights, and Humanitarian Law: Co-relation

Suggested Readings:

- 1 Adam Mcbeth, Justine Nolan and Simon Rice, *The International Law of Human Rights* (2017)
 1. Mark P.Lagon and Anthony Clark Arend (ed.), *Human Dignity and the Future of Global Institutions*(2014)
 2. B.C. Nirmal, "Refugee And Human Rights", ISIL Yearbook of International Humanitarian And Refugee Law(2001)
 - 3 JansuzSymnonides, *Human Rights: Concepts and Standards*(2000)
 - 4 B.S. Chimni(ed.) *International Refugee Law: A Reader*(2000)
 - 5 Carlier, Jean yves, et.al.,*Who is a Refugee? A Comparative Case Law Study*(1997)
 - 6 James C. Hathaway, *The Rights of Refugees under International Law*(2005)
 7. Arjun Nair, *National Refugee Law for India : Benefits And Roadblocks*(2007)
- 8 Matthew J Gibney, "Refugees and Justice Between States", Vol. 14(4), *European Journal of Political Theory* 448 (2015)

- 9 Francois Bugnion, "Refugees, Internally Displaced Persons, and International Humanitarian Law", Vol. 28 (5), *Fordham International Law Journal* 1397 (2004)
- 10 William Thomas Worster, "The Evolving Definition of the Refugee In Contemporary International Law", Vol. 30, *Berkeley Journal of International Law* 94 (2012)

Topic II: Protection of Refugees under 1951 Convention (Total lectures:3)

- (i) Principle of Non-refoulement
- (ii) Rights and Duties of Refugees
- (iii) Welfare measures for Refugees
- (iv) Administrative measures for the benefits of refugees

Suggested Readings:

1. Sanjay Parikh, "Refugees in the International and National framework", *ISIL Yearbook of International Humanitarian And Refugee Law*(2001)
2. A.H.Robertson and J.G.Merrills, *Human Rights In the World : An Introduction to the Study of International Protection of Human Rights*(2005)
3. James C. Hathaway, *The Rights of Refugees under International Law*(2005)

Topic III: Burden Sharing, Extradition of refugees, and Durable Solutions (Total lectures:3)

- (i) Burden Sharing
- (ii) Extradition of Refugee
- (iii) Durable Solutions: Voluntary Repatriation, Local-integration/Naturalization, Re-settlement in Third Country

Suggested readings:

1. K.P. Saksena(ed.), *Human Rights Perspective And Challenges*(1994)
2. RaginiTrakroo, et.al., *Refugee and Law*(2005)

Topic IV: Role of UNHCR (Total lectures:2)

- (i) Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR), 1950
- (ii) Role of UNHCR

Suggested Readings:

1 Sumbul Rizvi, “International Dimensions of Refugee Law” ISIL Yearbook of international humanitarian And Refugee Law.

2. UNHCR and IPU, *Refugee Protection : A Guide to International Refugee Law*(2001)

Topic V: Refugee Protection in India(Total lectures:7)

- (i) Constitution of India
- (ii) Registration of Foreigners Act, 1939, the Foreigners Act, 1946, and the Foreigners Order, 1948
- (iii) Role of National Human Rights Commission (NHRC)
- (iv) Judicial decisions interpreting rights of refugees in India

Suggested Readings:

- 1. Adam McBeth, Justine Nolan and Simon Rice, *The International Law of Human Rights* (2017)
- 2. Deepak K. Singh, “Lost in Transition: A Narrative of Non-existence”, *Economic and Political Weekly*(2016)
- 3. B.C. Nirmal, “Refugee And Human Rights”, *ISIL Yearbook of International Humanitarian And Refugee Law*(2001)
- 4. ShuvroProsunSarker, “Bangladeshi "Undocumented Migrants" (Refugees) in India: A Humanitarian Problem Requiring a Humanitarian Solution”, *Vol. 28(2), J.I.A.N.L.* 165 (2014)
- 5. Rajeev Dhawan, *Refugee Law and Protection in India*

Teaching Plan:

Week 1:

Introduction:

- (i) *Jus ad bellum* and *jus in bello*
- (ii) Origin and Development of International Humanitarian Law
- (iii) *Martens* Clause
- (iv) Geneva Conventions and Additional Protocols
- (v) Meaning of “armed conflict” – Common Article 2
- (vi) Non-international armed conflict - Common Article 3

Week 2

(i)International Human Rights Law and Humanitarian Law

(II) *Hors de combat*, Wounded, Sick (both in field and sea) and Shipwrecked Members of Armed Forces

- (iii) Prisoners of War (POW)
 - (2) Who are Prisoners of war?
 - (2) Protection of Prisoners of War
 - (3) Internment of Prisoners of War
 - (4) Penal and Disciplinary Sanctions

(5) Repatriation and Release of POW

Week 3

- (i) Civilian Persons in Time of War
- (i) General Limitations on the Conduct of War— Limits on the Choice of Methods and Means of Warfare

Week 4

- (i) Weapons of Mass Destruction — Chemical, Biological, Nuclear etc. Anti-personnel Land Mines
- (ii) International Military Tribunal at Nuremberg
- iii International Military Tribunal for the Far East (Tokyo)
- iv) International Criminal Tribunal for the Former Yugoslavia (ICTY)
- v) International Criminal Tribunal for Rwanda (ICTR)

Week 5

Special Court for Sierra Leone

Week 6

International Criminal Court:

- (i) Jurisdiction with respect to Crimes – (i) Genocide; (ii) Crimes against Humanity; (iii) War Crimes; (iv) Aggression

Week 7

- (i) Basis of Jurisdiction – (i) Jurisdiction *rationemateriae*; (ii) Jurisdiction *rationetemporis*; (iii) Jurisdiction *ratione loci*; (iv) Jurisdiction *ratione personae*
Week
- (ii) General Principles of Criminal Law - (i) *Nullumcrimen sine lege*; (ii) *Nullapoena sine lege*; (iii) Non-retroactivity *ratione personae*; (iv) Individual criminal responsibility; (v) Exclusion of jurisdiction over persons under eighteen; (vi) Irrelevance of official capacity; (vii) Responsibility of commanders and other superiors; (viii) Non-applicability of statute of limitations; (ix) Mental element

Week 8

- (i) Defences/Grounds for excluding criminal responsibility - (i) Mental incapacity; (ii) Intoxication; (iii) Self-defence; (iv) Duress and necessity; (v) Mistake of fact or mistake of law; (vi) Superior orders and prescription of law.

Week 9

Introduction

- (i) Historical Background of Refugee Law
- (ii) Meaning of Refugee under various International Instruments - Statute of International Refugee Organization (IRO); Convention relating to the Status of Refugees, 1951 and Protocol Relating to the Status of Refugees, 1967; Bangkok Principles, 1966; OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969; Cartagena Declaration, 1984
- (iii) Exclusion and Cessation of Refugee Status
- (iv) Asylum-Seekers, Migrants, Stateless persons, Internally Displaced Persons and Refugees: Distinction
- (v) Refugee Law, Human Rights, and Humanitarian Law: Co-relation

Week 10

- (i) Asylum-Seekers, Migrants, Stateless persons, Internally Displaced Persons and Refugees: Distinction
- (ii) Refugee Law, Human Rights, and Humanitarian Law: Co-relation

Week 11

Protection of Refugees under 1951 Convention

- (i) Principle of Non-refoulement
- (ii) Rights and Duties of Refugees
- (iii) Welfare measures for Refugees
- (iv) Administrative measures for the benefits of refugees

Week 12

- (v) Welfare measures for Refugees
- (vi) Administrative measures for the benefits of refugees

Burden Sharing, Extradition of refugees, and Durable Solutions

- (i) Burden Sharing
- (ii) Extradition of Refugee
- (iii) Durable Solutions: Voluntary Repatriation, Local-integration/Naturalization, Re-settlement in Third Country

Week 13

- (iv) Durable Solutions: Voluntary Repatriation, Local-integration/Naturalization, Re-settlement in Third Country

Role of UNHCR

- (i) Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR), 1950
- (ii) Role of UNHCR

Week 14

Refugee Protection in India

- (i) Constitution of India
- (ii) Registration of Foreigners Act, 1939, the Foreigners Act, 1946, and the Foreigners Order, 1948

Week 15

- (iii) Role of National Human Rights Commission (NHRC)
- (iv) Judicial decisions interpreting rights of refugees in India

Prescribed Books

1. Wade Mansell and Karen Openshaw, *International Law: A Critical Introduction*(2013)
2. Adam McBeth, Justine Nolan and Simon Rice, *The International Law of Human Rights* (2017)
3. A.H.Robertson and J.G.Merrills, *Human Rights In the World : An Introduction to the Study of International Protection of Human Rights*(2005)
4. B.C. Nirmal, "Refugee And Human Rights", *ISIL Yearbook of International Humanitarian And Refugee Law*(2001)
5. JansuzSymnonides, *Human Rights: Concepts and Standards*(2000)
6. B.S. Chimni(ed.) *International Refugee Law: A Reader*(2000)
7. Carlier, Jean yves, et.al., *Who is a Refugee? A Comparative Case Law Study*(1997)
8. James C. Hathaway, *The Rights of Refugees under International Law*(2005)
9. Arjun Nair, *National Refugee Law for India : Benefits And Roadblocks*(2007)
10. R. K. Dixit, R. K. P. Shankardass, C. Jayaraj, and Manoj K. Sinha, *International Criminal Law: Issues and Challenges* (2009)
11. V.S.Mani(ed.), *Handbook of International Humanitarian Law in SouthAsia*(2004)
12. NaoremSanajaoba and Vincent Nicod, *A Manual of International Humanitarian Laws*(2004)

Prescribed Treaties

- Geneva Conventions, 1949
- Rome Statute of International Criminal Court.
- The Refugee Convention And Protocol.
- Charter of the United Nations

Course Wise Content Details for LL.B. Programme:

Semester - V

Course Name- Information Technology Law

Course Code- LB-EC-501

Credits – 5

Total Classes 60+15

Background

Advent of computers, followed by Internet has revolutionized the human existence and their conduct in the society. The information can be accessed, stored, retrieved and distributed speedily and easily. The traditional paper documents are now being replaced by their electronic equivalents. The commercial transactions and individual functioning are more and more driven by the digital technology. This transition has put forth need for a law to facilitate and govern activities in the information society and has thus led to the passing of the Information Technology Act, 2000 (IT Act).

Course Objectives

1. To understand the concept of information technology, cyberspace and interface of information technology and law
2. To study the provisions of Information Technology Act, 2000
3. To provide insight into the applicability of other laws to cyberspace

Learning Outcomes

At the end of this paper, the students should be able to learn theoretical concepts, its practical applicability and understanding of gaps in existing legislation. The students learn

- i) the provisions of the Information Technology Act, 2000 in relation to e-commerce, e-governance and cybercrimes
- ii) the application of other laws viz. jurisdiction, contract and Trade mark to cyberspace
- iii) Synthesis of case laws, identification of issues, applicability of relevant provisions and critical analysis of the judicial decisions with reference to the Information Technology Act.
- iv) the gaps in the existing legal framework and countering these challenges thrown up by ever changing technological developments.

Teaching Methodologies – Lecture, presentations, case laws study, critical thinking, moot problems, field visits/ Classroom teaching/Field visits/Paper Presentations/workshops /Seminars/Moot/Mock Trial
Total 60 hours lecture plus 15 hours of tutorials

Course Content

PART A – The Information Technology Act, 2000

Unit I: INTRODUCTION

8 hours

Meaning of Information Technology;

Understanding cyberspace scope and regulation;

Interface of information technology and law, current challenges;
Information Technology Act, 2000, purpose and objective, applicability,
overriding effect;
Definitions, information, computer, computer network, computer resource,
computer system;
Case laws

UNIT 2 LEGAL RECOGNITION AND AUTHENTICATION OF ELECTRONIC RECORDS(a move to facilitate e- commerce and e governance) **10hours**

UNCITRAL Model Laws;

Legal Recognition of electronic records and electronic signatures;
Digital Signatures;
Electronic signatures;
Secured electronic record and secure electronic signature;
Presumptions and verification under the Evidence Act, 1872;
Public key infrastructure (PKI);
Offences relating to digital signatures;
Critical analysis of provisions;
Attribution, Acknowledgment and Despatch of Electronic Records

UNIT 3 CIVIL LIABILITIES/CYBER TORTS10 hours

Dispute Resolution, Adjudicating officer and cyber appellate tribunal under
the Information Technology Act, 2000;
Liabilities for Damage to computer and computer system, Legal provisions,
Case laws;
Data Protection, liability of body corporates for sensitive personal information
under the IT Act and the rules;
Privacy issues-use of personal information, preservation of information by
intermediaries;
Case laws;
Online defamation. case laws

UNIT 4 CRIMINAL LIABILITIES 12hours

Cyber Crimes, introduction, kinds;
Crimes Information Technology Act and Indian Penal Code, Tampering
with computer source code, Case Laws
Hacking, Case laws
Identity Theft and cheating by Personation, case Laws
Obscenity and Pornography, Voyeurism, case laws
Cyber Stalking, case laws
Cyber Terrorism (s.66F), case laws;
Admissibility of Electronic Evidence. legal provisions and case laws

UNIT 5

A. INTERNET SERVICE PROVIDERS LIABILITY

3hours

Definitions, Intermediary, cyber café;
Exemption from liability, due diligence, legal provisions and rules,
Case Laws

B.CYBER SECURITY5hours

National Security, Interception, Blocking, Protected System, procedure of Blocking and Interception under the rules, and its interface with freedom of speech and privacy, right to be forgotten;
Case Laws

PART B

UNIT 6. Applicability of other Laws on E-commerce

A. E- CONTRACTS

3hours

Kinds of Contracts,
Formation of E-contracts
United Nations Convention on the Use of Electronic Communications in International Contract 2005;
Case Laws

B. TRADE MARKS AND DOMAIN NAMES

4 hours

Domain names, functions, infringement/ passing off
Dispute resolution under – ICANN Policy-UDRP, INDRP
Case Laws

C. JURISDICTION IN CYBERSPACE 5hours

No geographical boundaries, applicability of traditional rules of jurisdiction on internet, rules of private international law, personal jurisdiction on defendant (CPC), Criminal jurisdiction (CRPC) ; Extraterritorial Jurisdiction under IT Act

Case Laws

Unit 1

Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) ALD (Cri) 96; 2005 CriLJ 4314
(meaning of computer)

Diebold Systems Pvt. Ltd. vs The Commissioner, ILR 2005 KAR 2210

Unit 3

Damage to Computer System

Vinod Kaushik v. Madhvika Joshi, WP(C) 160/2012, Delhi High Court, order dt. 27/01/2012 available at

<https://it.maharashtra.gov.in/Site/Upload/ACT/Madhvika%20Vs%20Kaushik-highcourt.PDF>

Amit Dilip Patwardhan v. Rud India Chains Pvt. Ltd., Adjudicating Officer, decided on 15/04/2013 complaint no. 1 of 2013 available at

<https://it.maharashtra.gov.in/Site/Upload/ACT/AmitPatwardhanVsRudIndiaVipinRao%2015Apr%202013%20Rajesh%20Aggarwal.pdf>

- Data Protection
Sanjay Dhande v. ICICI Bank and Vodafone decided on 16/01/2014
complaint no. 30 of 26th Sep. 2013 available at
https://it.maharashtra.gov.in/Site/Upload/ACT/DIT_Adjudication_SanjayDhande_vs_ICICI&Ors-16012014.pdf
Chander Kalani v. SBI Bank, complaint no. 1 of 2014 decided on 12/01/2015
available at
https://it.maharashtra.gov.in/Site/Upload/ACT/DIT_Adjudication_Chander%20Kalani_Vs_SBI_Ors-12012015.PDF
- Online defamation
SMC Pneumatics (India) Pvt. Ltd. v. Jogesh Kwatra, suit no. 1201/2001, New
Suit No. 65/14

Unit 4

- *Tampering with computer source code* (s.65)
 4. *Syed Asifuddin v. State of Andhra Pradesh*, 2006 (1) ALD (Cri) 96; 2005 CriLJ 4314
 5. *Sanjay Kumar v State of Haryana P &H CRR No. 66 of 2013 dt 10/01/2013(65, 66)*
- *Hacking* (s.43(a) read with s.66)
 6. *State of A.P. through Inspector of Police, Cyber Crimes P.S., CID, Hyderabad v. Prabhakar Sampath*, Add. CMM Hyderabad, decided on 31/03/2015, CC 489 Of 2010 available at: www.prashantmali.com/cyber-law-cases
- *Identity Theft and cheating by Personation* (ss.66C and 66D) (phishing, email spoofing, password theft etc.)
 7. *NAASCOM v. Ajay Sood*, 119 (2005) DLT 596 (Phishing)
- *Obscenity and Pornography* (ss.66E, 67, 67A, 67B, s.292 IPC)
Aveek Sarkar v. State of West Bengal (SC) Criminal Appeal no. 902 of 2004
decided on 3/2/2014 (Obscenity Test)
State of Tamil Nadu v. Suhas Katti, Decided by CMM, Egmore, decided on
Nov. 5, 2004 available at <http://www.prashantmali.com/cyber-law-cases;http://www.legalserviceindia.com/lawforum/index.php?topic=2238.0>
Avinash Bajaj v. State, Delhi HC decided on 29/05/2008 available at
<https://indiankanoon.org/doc/309722/>
Air Force Bal Bharti School Case
The State (Cyber Cell) ...Complainant v. Yogisha @ Yogesh Pandurang Prabhu, Addl. Chief Metropolitan Magistrate, 37th court, Esplanade,
Mumbai C.C. No. 3700686/ps/2009 decided on 3/07/2015 available at:
<http://www.cyberlawconsulting.com/Yogesh%20Prabhu%20Vs%20State-%20Cyber%20Stalking.pdf> (s.66E. S.67. S. 67A)
Maqbool Fida Husain v. Raj Kumar Pandey, Delhi HC decided on 8/5/2008
Vaibhav Jain v. Vice Chancellor Devi ahilya Vishwavidyalaya, decided on 3rd
Jan 2002, available at Indian Kanoon - <http://indiankanoon.org/doc/521882/>
State v. Rohit @ Rameshwar, SC No. 190/13 decided on 18/11/2014 ASJ
Delhi District Court (Special Fast Track Court, Dwarka) available at Indian
Kanoon - <http://indiankanoon.org/doc/152423696/>
State v. Jayanta Kumar Das, GR Case No. 739 of 2012, TR No. 21/2013, Sub
divisional Judicial Megistrate, Puri (Orissa) decided on 04/08/2017 available

at http://services.ecourts.gov.in/ecourtindia_v5/cases/display_pdf.php?filename=/orders/216300014342017_1.pdf&caseno=G.r.case/1434/2017&cCode=12&appFlag=web

- Cyber Stalking (ss.354D, 509 IPC)
Ritu Kohli Case (Del)
- Cyber Terrorism (s.66F)
Rakeshy..Central Bureau, Delhi District Court, 2011 5 February, 2011(Delhi Blast case -terror e-mail sent by hacking ~Wi Fi in Mumbai)

Admissibility of Electronic Evidence

Anvar P.V v.P.K.Basheer, Supreme Court, decided on 18 September, 2014, Civil Appeal No.. 4226 of 2012, available at <http://indiankanoon.org/doc/187283766/>

Unit 5

A INTERNET SERVICE PROVIDERS LIABILITY

Shreya Singhal v U.O.I, SC decided on 24/03/2015

My Space Inc. v. Super Cassettes Industries Ltd., Delhi (DB), FAO(OS) 540/2011, C.M. APPL.20174/2011, 13919 & 17996/2015 decided on 23 December, 2016 available at <http://indiankanoon.org/doc/12972852/>

Avinash Bajajv.State Delhi HC decided on 29/05/2008

Google India Pvt Ltd v. M/s Visaka Industries Ltd, A P High Court Crl P No, 7207 of 2009 dt 19/4/2011 available at <http://www.cyberlawconsulting.com/cyber-cases.html>

*Vyakti Vikas Kendra, Indian Public Charitable Trust v. Jitendra Bagga*Del HC CS(OS) No. 1340/2012decided on 09/05/2012

B CYBER SECURITY

Shreya Singhal v U.O.I, SC decided on 24/03/2015(s. 66A)

Ratan Tata v Union of India, Writ Petition (Civil)No. 98 of 2010

Sreekanth C. Nair v. Developer of Web-Site, Kerala High Court 28 August 2008, Cr. R.P. No.2900 of 2008 available at <https://indiankanoon.org/doc/1915848>

Unit 6

A. E- CONTRACTS

Trimex International Fze ... v. Vedanta Aluminium Limited,India decided on 22 January, 2010 (SC) Arbitration petition no. 10 of 2009 (email exchange between parties regarding mutual obligations constitute a contract)

World Wrestling entertainment v. Reshma Collections, FAO (OS) 506/2013 in CM Nos. 17627/2013, 18606/2013, Del(DB) decided on 15/10/2014

Agency v. Union of India, AIR 2006 All 23.

B, TRADE MARKS AND DOMAIN NAMES

Satyam Infoway Ltd v Sify net oSlutionsPvt. Ltd., AIR 2004 SC 3540

Aqua Minerals v. Pramod Barse, 2001 PTC 619 (Del)

C. JURISDICTION IN CYBERSPACE

Banyan Tree Holdings (P) Ltd v. A Murali Krishna Reddy, CS (OS) No. 894/2008, Del(DB), decided on 23/11/2009

P.R. Transport Agency v. Union of India, AIR 2006 All 23.

Super Cassettes Industries Ltd v. Myspace Inc., IA No.15781/2008 & IA No. 3085/2009 in CS (OS) No. 2682/2008(Del) decided on 29/07/2011

World Wrestling entertainment v. Reshma Collections, FAO (OS) 506/2013 in CM Nos. 17627/2013, 18606/2013, Del(DB) decided on 15/10/2014

Big Tree Entertainment v. Saturday Sunday Media Internet, CS (COMM) Nos. 53/2015 and 54/2015 (Del) decided on 21/12/2015

Impresario Entertainment v. S & D Hospitality, Del HC decided on 03/01/2018

Maqbool Fida Husain v. Raj Kumar Pandey, Delhi HC decided on 8/5/2008 **References**

Books

- Kamath, Nandan. (2012). *Law Relating to Computers Internet & E-commerce - A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws* (2012)
- Seth, Karnika. (2013). *Computers Internet and New Technology Laws* (2013)
- Bajaj, Kamlesh K & Nag, Debjani. (2005) *E-commerce: the cutting edge of business*, 2nd Ed.
- Gupta, Apar. (2016). *Commentary on Information Technology Act*.
- Viswanathan, Aparna. (2012). *Cyber Law (Indian & International Perspectives on key topics including Data Security, E-commerce, Cloud Computing and Cyber Crimes)* (2012)
- Mali, Prashant. (2015). *Cyber Law and Cyber Crimes*, 2nd Ed
- Halder, Debrati & Jaishanker, H. (2017) *Cyber Crimes Against Women*, 1st Ed. Sage Publications
- Reed, Chris. (2010). *Internet Law Text and Materials*
- Ferrera et al. (2012). *Cyber Law Text and Cases* 3rd Ed.
- *Internet Law and Practice by International Contributors*, West Thomson Reuters, South Asian Edition (2013)
- Verma, SK and Mittal, Raman (Eds.). (2004). *Legal Dimensions of Cyberspace*
- Lessig, Lawrence (2006). *Code and Other Laws of Cyberspace* 1999, Code version 2.0, Basic Books Publication
- Jeffrey Rosen and Benjamin Wittes, (ed), *Constitution 3.0: Freedom and Technology Change*, (2013)

WEEKLY TEACHING PLAN

WEEK	TOPIC
1st	Unit I: INTRODUCTION
2nd	Contd... Unit I: INTRODUCTION
3rd	UNIT 2 LEGAL RECOGNITION AND AUTHENTICATION OF ELECTRONIC RECORDS
4th	Contd. UNIT 2 LEGAL RECOGNITION AND AUTHENTICATION OF ELECTRONIC RECORDS
5th	Contd. UNIT 2 LEGAL RECOGNITION AND AUTHENTICATION OF ELECTRONIC RECORDS
	UNIT 3 CIVIL LIABILITIES/CYBER TORTS
6th	Contd. UNIT 3 CIVIL LIABILITIES/CYBER TORTS

Department of Law, Nehru Gram Bharati (Deemed to be University)

7th	Contd.UNIT 3 CIVIL LIABILITIES/CYBER TORT
8th	UNIT 4 CRIMINAL LIABILITIES
9th	Contd. UNIT 4 CRIMINAL LIABILITIES
10th	Contd. UNIT 4 CRIMINAL LIABILITIES
11 th	UNIT 5. A. INTERNET SERVICE PROVIDERS LIABILITY
12 th	Contd..UNIT 5 - B.CYBER SECURITY
13 th week	UNIT 6Applicability of other Laws on E-commerce A. E- CONTRACTS
14 th week	Contd.UNIT 6. B. TRADE MARKS AND DOMAIN NAMES
15 th week	Contd.. UNIT 6. Applicability of other Laws on E-commerce C. JURISDICTION IN CYBERSPACE

Course Wise Content Details for LL.B. Programme:

Semester - V

Course Name- Legislative Drafting

Course Code- LB-EC-502

Credits – 5

Total Classes 60+15

Course Objectives:

- It aims to provide the students with the theoretical understanding of the forms and conventions of legislative.
- It envisions to train the students in developing their drafting skills and attaining familiarity with approaches to legislative drafting typical in common law jurisdictions.
- It endeavours to familiarize students with the structure and organization of legislative texts, good legislative style and the legal context in which legislation operates in terms of its interpretation and constitutional limits, including fundamental rights and freedoms.

Course Learning Outcomes:

Students who have successfully completed this course will be able to:

- Apply the basic principles of legislative syntax and expression for writing legislative sentences.
- Comply with standard drafting conventions when punctuating legislative sentences.
- Compose simple legislative sentences that are unambiguous and free from common errors of expression.
- Apply a range of legislative drafting techniques to assist in the drafting of legislation and legislative instruments.
- Draft new legislation within the framework of the constitution as well as other existing law.

Contents:

Unit I: THE BASICS OF LEGISLATIVE DRAFTING (16 Lectures)

F. What is Legislative Drafting All About

- 1) Drafting and legislative counsel
- 2) Legislative expression

G. What is Legislation

- 1) Types of legislation
- 2) Classification of primary legislation (bill and acts)
- 3) Structure and format of bills and acts

4) Conventional arrangement of bills and acts

H. Why do we Draft as we do in Parliamentary Systems

- 1) Historical development of legislative drafting
- 2) Theoretical foundations of this form of drafting
- 3) What are the principal characteristics of this form of drafting
- 4) Drafting objectives

I. Preparation of Legislative Scheme

- 1) Clear concept of the legislative proposals
- 2) Preparation of conceptual outline and outlining the remedies proposed by the intended legislation
- 3) Check the current or existing statutes and the provisions of the Constitution and other general laws
- 4) Skeleton Legislation and Legislative Scheme

J. Basic Techniques of Legislative Drafting

- 1) Style
- 2) Legislative Sentence
- 3) Simplicity of Language
- 4) Over Drafting
- 5) Vagueness

Unit II: WRITING LEGISLATIVE SENTENCES (16 Lectures)

E. What do we need to know about grammar

- 1) Why is grammar important for the drafting
- 2) What grammatical terms do we need to know
- 3) What common grammatical mistakes should we watch for

B. What are the basics of writing legislative sentences

- 1) Starting to write
- 2) Basic components of legislative sentences
- 3) Types of legislative sentences

C. How do we put together the components of legislative sentences

- 1) Principal subject
- 2) Principal Predicate
- 3) Predicate modifiers

D. How do we punctuate and capitalise legislation

- 1) Punctuation
- 2) Capitalisation

E. What can go wrong in legislative expression

- 1) Subjects
- 2) Verbs
- 3) Modifiers

Unit III: LEGISLATIVE STRUCTURE (16 Lectures)

C. Main Parts of Legislation

The Long Title, Preamble, Short title, Topics or Parts, Headings, Definition or interpretation clause, Marginal Notes, Sections, sub-sections and clauses, Proviso Explanations and Illustrations, Schedules and forms.

D. Common Phrases and their Significance

- 1) As he deems fit; thinks necessary; consider necessary
- 2) Any other sufficient reason
- 3) Further and other relief
- 4) Non-obstante clause
- 5) Or any other public purpose
- 6) Having regard to
- 7) Means and includes
- 8) Subject to a contrary context
- 9) Against the provisions of this Act
- 10) As nearly as may be
- 11) As far as possible
- 12) As soon as possible
- 13) As the court shall see fit
- 14) In pursuance of any enactment
- 15) Except where otherwise expressly enacted
- 16) Record its reasons in writing
- 17) Ejusdem Generic
- 18) Conjective and disconjective words 'or' and 'and'
- 19) Safeguards Against Common Errors

C. How should we structure a legislative text

- 1) General considerations
- 2) Drafting sections
- 3) Drafting Sentences in Sections
- 4) Paragraphing
- 5) Numbering
- 6) Arranging and linking sentences in a section

- 7) Linking sections
- 8) Incorporation by reference
- 9) Grouping sections

D. How should we organise a legislative text

- 1) General considerations
- 2) Preparing an outline
- 3) Factors influencing an outline for a bill

Unit IV: LEGISLATIVE STYLE AND LIMITS (6 Lectures)

D. How can we develop good legislative style

- 1) General considerations
- 2) Developing good legislative style
- 3) Gender-neutral drafting
- 4) Some additional matters of style

Unit V: WORKING WITHIN LIMITS (6 Lectures)

D. How do we work with interpretive approaches and rules?

- 1) General considerations
- 2) Judicial approaches to interpretation
- 3) Interpretive assumptions and presumptions
- 4) Aids to interpretation.

B. How do we work with Interpretation Acts?

- 1) Importance of Interpretation Acts
- 2) Application of Interpretation Acts
- 3) Using Interpretation Acts to facilitate drafting

C. How do we work with the Constitution?

- 1) The Constitution and legislative counsel
- 2) Particular constitutional constraints

D. How do we work with fundamental rights and freedoms?

- 1) Drafting under a bill of rights
- 2) International standards

Prescribed Readings

Books

1. Lawrence E. Filson and Sandra L. Strokoff, *The Legislative Drafter's Desk Reference*, (2nd Edn.) CQ Press, Washington (2008)
2. Tobias A. Dorsey, *Legislative Drafter's Deskbook*, The Capitol Net. Alexandria VA. (2006)

3. B.R.Atre, *Legislative Drafting(Principles and Techniques)*, Universal Law Publishing - An imprint of LexisNexis; Fourth edition (2014).
4. T.K. Viswanthan, *Legislative Drafting*, Indian Law Institute, the Drafting of Laws (1980)
5. Vepa P. Sarathi, *Interpretation of Statutes*, Eastern Law Book Co. Lucknow (1981)
6. Allen, *Law in the making* (7thEdn.) Oxford University Press, (1966)
7. G.C. Thomson, *Legislative Drafting*, Butterworths, London (1987)
8. M. Zander, *The law Making Process*, (3rdEdn.) Widenfeld&Icholson, London (1989)

Teaching Method: This will include lectures, use of multi-media, practical exercises and other CLE methods of teaching and learning.

Teaching Plan:

Week 1: What is Legislative Drafting and Legislation all about

Week 2: Why do we Draft as we do in Parliamentary Systems

Week 3: Preparation of Legislative Scheme

Week 4: Basic Techniques of Legislative Drafting

Week 5: What do we need to know about grammar

Week 6: What are the basics of writing legislative sentences

Week 7: How do we put together the components of legislative sentences, what can go wrong

Week 8: Main Parts of Legislation

Week 9:Common Phrases and their Significance

Week 10: How should we structure a legislative text

Week 11: How should we organise a legislative text

Week 12: How can we develop good legislative style

Week 13: How do we work with interpretive approaches and rules

Week 14: How do we work with Interpretation Acts

Week 15: How do we work with Constitutionandfundamental rights and freedoms

Assessment of Students' Performance and Scheme of Examinations:

- English shall be the medium of instruction, though answers in end semester examination may be written in Hindi.
- Five marks shall be given for attendance in all the Core, Elective, and Open Elective Courses (except three Clinical Education Core Courses) as per the following formula
 - 76%-80% attendance 1 Mark
 - 81%-85% attendance 2 Marks
 - 86%-90% attendance 3 Marks
 - 91%-95% attendance 4 Marks
 - 96%-100 attendance 5 Marks

Core Courses and Elective Courses (100 Marks, 5 credits):

- There shall be end-semester written exam for 75 marks in Core Courses and Elective Courses. The students will be required to make oral and written

Department of Law, Nehru Gram Bharati (Deemed to be University)

presentations/assignments/field visit reports/MCQ worth 20 marks. 5 marks will be given for attendance as mentioned above.

- The duration of the written exam in Core Courses and Elective Courses shall be 2.5 (two and a half) hours for the end-semester exam for 75 marks. Each Question Paper will have eight questions of 15 marks each. The student shall be required to answer five questions.

Page Limit for written answers in Core and Elective Courses

- There shall be page limit for answers by the students. The students shall be given only one answer sheet containing not more than 28 pages.
- The students shall limit their answers ordinarily to not more than five pages. In no case an additional answer sheet will be given to the student.

Course Wise Content Details for LL.B. Programme:

Semester - V

Course Name-Criminology

Course Code- LB-EC-503

Credits – 5

Total Classes 60+15

Course Objective: The main objectives of the course are:

1. To introduce students to the science of criminology, its nature, extent, scope, role and different approaches to criminology.
2. To educate and familiarize students with different perspectives on crime and crime causation, its typology, characteristics and impact on victims of crime.
3. To create an understanding of how state responds to law breakers and the justifications behind the punitive and non-punitive measures.
4. To sensitize students to the therapeutic approach to criminal justice.

Course Learning Outcome:

At the end of the course the student will be able to :

1. Understand the role played by criminology in framing of criminal policy and penal laws.
2. Analyse the different perspectives of crime and models of crime control.
3. Exhibit conceptual understanding of the various theories of crime causation and apply them to varied crime situations vis-à-vis crime and the criminal.
4. Comprehend the therapeutic approach in criminal justice administration and appreciate the functional value of penal laws.
5. Assess the Indian Police system and Indian Prison system in the present scenario and suggest the way forward.
6. Evaluate the working of the criminal justice system and point out the problem areas in need of reforms.

Prescribed Readings:

1. Harry Elmer Barnes and Negley K. Teeters, *New Horizons in Criminology* (3rd ed., 1959)
2. George B. Vold, Thomas J. Bernard, Jeffrey B. Snipes, *Theoretical Criminology* (5th ed. 2002)
3. Ahmad Siddique, *Criminology Problems & Perspective* (5th ed., 2007)
4. N.V. Paranjape, *Criminology and Penology* (13th ed., 2008)
5. S. S. Srivastava, *Criminology and Criminal Administration* (3rd ed., 2007)
6. J.P.S. Sirohi, *Criminology and Penology* (6th ed., 2007)
7. Mike Maguire, Rod Morgan and Robert Reiner, 'The Oxford Handbook of Criminology' (5th ed, 2012)
- 8 S. S Srivastava, *Criminology, Penology & Victimology*(4th ed.2012)

9 Ved Kumari, **Juvenile Justice System In India: From Welfare to Rights** (2nd ed., 2010)

Topic 1 : Theoretical and Historical Perspectives of Criminology (6 Lectures)

- (i) Perspective of Crime and Criminal – Sin, Wrong and Crime – Changing concept of crime in varying social formations – Crime viewed through consensus or conflict perspectives
- (ii) Relationship between Criminal Policy, Criminal Law and Criminology

Readings:

1. Donald R. Taft and Ralph W. England, “Crime and Criminology”, *Criminology* 3-17 (1964)
2. David Garland, “Of Crimes and Criminals: The Development of Criminology in Britain”, in Mike Maguire, Rod Morgan, Robert Reiner (ed.), *The Oxford Handbook of Criminology* (2nd ed., 1997)
3. Nicola Lacey, “Criminology, Criminal Law and Criminalization”, in Mike Maguire, Rod Morgan, Robert Reiner (ed.), *The Oxford Handbook of Criminology*, (2nd ed., 1997)
4. George B. Vold, Thomas J. Bernard, Jeffrey B. Snipes, "Conflict Criminology", *Theoretical Criminology*, 227-247 (5th ed. 2002)
5. George B. Vold, Thomas J. Bernard, Jeffrey B. Snipes, "Marxist and Post-Modern Criminology", *Theoretical Criminology*, 248-266 (5th ed. 2002)

Topic 2 : Crime causation generally and in the context of specific offenses such as White Collar Crimes, Crime against Women and Children, Terrorism etc. (12 Lectures)

- (i) Prominent criminological thought currents – Classicalism, Positivism and Radicalism
- (ii) Learning Theories of Causation – Differential Association Theory of Sutherland
- (iii) Social Disorganization Theories – Durkheim, Merton
- (iv) Psychodynamic Theory - Freud
- (v) Economic Theory of Crime
- (vi) Female Criminality

Readings:

1. Harry Elmer Barnes and Negley K. Teeters, “The Eternal Quest for the Causes of Crime”, *New Horizons in Criminology* 116-119 (3rd ed., 1959)
2. George B. Vold, Thomas J. Bernard, Jeffrey B. Snipes, “Classical and Positivist Criminology”, *Theoretical Criminology* (5th ed., 2002)
3. Edwin H. Sutherland and Donald R. Cressey, “A Sociological Theory of Criminal Behavior”, *Criminology* (10th ed.).
4. Katherine S. Williams, ,“Anomie, Strain and Juvenile Subculture”, *Textbook on Criminology*, 343-367 (3rd ed., 1997)

5. George B. Vold, Thomas J. Bernard, Jeffrey B. Snipes, "Durkheim, Anomie and Modernization", *Theoretical Criminology*, (5th ed. 2002)
6. Geilbert Geis and Colin Goff, "The Problem of White Collar Crime", Edwin H. Sutherland, *White Collar Crime* ix-xxxiii, 3-10 (1983)
7. Ian Craib, "Freud: Psychic Structures, Internal Agencies and the Defences", *Psychoanalysis: A Critical Introduction*, 32-36 (2001)
- 8 S.S. Srivastava, "Female Criminality and Victimhood in Indian Context: Women and Crime", *Criminology and Criminal Administration* 89-99 (2nd ed., 2002)
- 9 Katherine S. Williams, "Positivist Explanations of Female Criminality" **Textbook on Criminology**, 501-519 (6th ed., 2012)

Topic 3 : The Indian Crime Reality (10 Lectures)

- A. Typology of crime and their characteristics (*mala in se & mala in prohibita*); Crime Statistics
- B. Traditional Crimes
- C. Social & Economic Offences:
 - (i) Organised Crimes: Cyber Crimes, Trafficking, Narcotic Trade, Money Laundering
 - (ii) Privileged Class Deviance

Readings:

1. 47th Law Commission Report on "The Trial and Punishment of Social and Economic Offences" (1972)
2. National Crime Records Bureau: Figures at a glance 2014 (<http://ncrb.gov.in/>)
3. B.B. Pande, "Privileged Class Deviance- Nature and Dimensions", *The Other Side of Development* (1987)
- 4 Prof. Usha Razdan, —Combating Trafficking of Women and Children in SAARC Countries : Issues and Intricacies, **Journal of Criminology and Criminal Justice** (2012)

Topic 4 : Juvenile Delinquency (8 Lectures)

- (i) Concept of Juvenile Delinquency
- (ii) Legal Framework in India

Statute:

- 1 The Juvenile Justice (Care and Protection of Children) Act, 2005.

Reading:

Ved Kumari, *Juvenile Justice (Care and Protection of Children) Act, 2015: Critical Analysis* (Universal Law Publishing, 2017).

Cases

1. *Raghubir v. State of Haryana*, AIR 1981 SC 2037
2. *Sanjay Suriv. Delhi Administration*, AIR 1988 SC 414
3. *Pratap Singh v. State of Jharkhand* 2005 (1) SCALE 763

4. *Sudesh Kumar v. State of Uttarakhand*(2008) 3 SCC 111
5. *Union of India (UOI) and Ors. v. Ex-GNR Ajeet Singh* (2013)4SCC186
6. *Subramanian Swamy v. Raju*, (2014) 8 SCC 390

Topic 5 : Punishment and its Justifications (10 Lectures)

- (i) Theories of Punishment – Retribution, Deterrence, Reformation and Prevention
- (ii) Kinds of Punishment – with a special emphasis on Capital Punishment S. 354 CrPC
- (iii) Probation as a form of Punishment

Readings:

1. Andrew Ashworth, “Sentencing” in Mike Maguire, Rod Morgan, Robert Reiner (ed.), *The Oxford Handbook of Criminology* (2nd ed. 1990)
2. B.B. Pande, “Face to Face with Death sentence: The Supreme Court’s Legal and Constitutional Dilemmas” (1979) 4 SCC 714
3. S.S. Srivastava, “Capital Punishment”, *Criminology and Criminal Administration* (2nd ed. 2002) 89-99
4. BushanTilakKaul, “Criminal Law”, XXXVIII *Annual Survey of Indian Law* 181-226, 195-20 (2002)
5. Law Commission of India 262nd Report on Death Penalty
6. Death Penalty India Report, 2016 by NLU Delhi (www.deathpenaltyindia.com)
- 8 Law Commission of India 262nd Report on Death Penalty.
- 9.The Probation of Offenders Act, 1958
10. Lewis Diana, “What is Probation?”, in Robert M. Carter, Leslie & T. Wilkins (eds.), *Probation and Parole* (1970)
- 11.S.C.Raina, *Probation, Philosophy, Law and Practice* (1996)

Case on Death Penalty:

- 6 *BishnuDeo Shaw v. State of West Bengal*, AIR 1979 SC 964 135
- 7 *Bachan Singh v. State of Punjab*, AIR 1980 SC 898 145
- 8 *Macchi Singh v. State of Punjab*, AIR 1983 SC 957 170
- 9 *AllauddinMianv. State of Bihar*, AIR 1989 SC 1456 175
- 10 *Mohd. Chamanv. State* (2001) 2 SCC 28
- 11 *Lehnav. State of Hanrayana*(2002) 3 SCC 76 181
- 12 *DhananjayChaterjeev. State of West Bengal*, JT 2004 (4) SC 242
- 13 *Sharaddhanandav. State of Karnataka*, AIR 2008 SC 3040
- 14 *Essa @ Anjum Abdul RazakMemonv. The State of Maharashtra* (2013)3SCALE1
- 15Sunil Dutt Sharma v. State (Govt.of NCT of Delhi) (2014) 4 SCC 375 229
- 16Santosh Kumar Satishbhushan v. State Of Maharashtra (2009) 6 SCC 498

17 Mukesh v. State (NCT of Delhi) (2017) 6 SCC 1

Cases on Probation:

- 18 *Jogi Nayak v. State*, AIR 1965 SC 106
- 19 *Abdul Qayum v. State of Bihar*, AIR 1972 SC 214 190
- 20 *State v. Bhola* (2003) 3 SCC 1
- 21 *Dalbir Singh v. State of Haryana* (2000) 5 SCC 82 193
- 22 *M.C.D. v. State of Delhi* (2005) 4 SCC 605 196
- 23 *Chhanniv. State of U.P.* (2006) 5 SCC 396 203

Topic 6 :Victimology meaning and scope of Victimology (6 Lectures)

Role of victim in criminal justice administration compensation under section 357 & 357 A CrPC; Distinct

Readings:

1. Lucia Zender, "Victims", in Mike Maguire, Rod Morgan, Robert Reiner (ed.), *The Oxford Handbook of Criminology*, (2nd ed. 1997)
2. S.P. Singh Makkar and Paul C. Friday (eds.), *Global Perspectives in Victimology* 147-163 (1993)
3. S.C. Raina, "Rights of Victims", in Renu Ghosh (ed.), *Branded* (2001) 213
- 24 *State of Punjab v. Ajaib Singh*, AIR 1995 SC 975 222
- 25 *Dr. Jacob George v. State of Kerala* (1994) 3 SCC 430 226
- 26 *Chairman, Railway Board v. Chandrima Das*, AIR 2000 SC 988 232
- 27 *Rachhpal Singh v. State of Punjab*, AIR 2002 SC 2710 238

Topic 7 : Indian Police System (4 Lectures)

- (i) Methods of Police Investigation
- (ii) Reforms in Police System
28. *Prakash Singh v. Union of India* (2006) 8 SCC 1 242

Topic 8 : Indian Prison System (4 Lectures)

- (i) Reforms in Prison System
- (ii) Open Prisons

Reading:

K.I. Vibhuti, *Open-Peno-Correctional Institutions in India-A Review of Fifty- Five Years' Experience and Expectations*-ISBN 3-86113-157-9 (2006) Max Plank Institute for Foreign and International Criminal Law.

Case

29. *Rama Murthy v. Karnataka*, AIR 1997 SC 1739 253

Teaching Plan:

Week 1: Theoretical and Historical Perspectives of Criminology

Week 2 : Crime causation generally and in the context of specific offenses such as White Collar Crimes, Crime against Women and Children, Terrorism etc.

Week 3: Crime causation generally and in the context of specific offenses such as White Collar Crimes, Crime against Women and Children, Terrorism etc.

Week 4: Crime causation generally and in the context of specific offenses such as White Collar Crimes, Crime against Women and Children, Terrorism etc.

Week 5: The Indian Crime

Reality Week 6: The Indian

Crime Reality Week 7: Juvenile

Delinquency Week 8: Juvenile

Delinquency

Week 9: Punishment and its justifications

Week 10: Punishment and its

justifications Week 11: Punishment and

its justifications Week 12: Victimology

Week 13: Victimology

Week 14: Indian Police System

Week 15: Indian Prison System

Course Wise Content Details for LL.B. Programme:

Semester - V

Course Name- International Trade Law

Course Code- LB-EC-504

Credits – 5

Total Classes 60+15

Course Objectives:

To gain knowledge and understanding of the following:

1. Structural aspects of the international trade law system
2. Functioning of the World Trade Organization including the erstwhile GATT System, and gain insight into the decision making process of WTO.
3. Mechanisms of dispute resolution under WTO.
4. Legal aspects of Dumping, Anti-Dumping, Subsidies and Countervailing Measures.
5. Types of International Contracts; Standard Trade Terms; Formation and Enforcement of International contracts; Rights & Liabilities of Parties to International Contracts; Payments in International Trade

Course Learning Outcomes:

Students who have successfully completed this course will be able:

1. To identify the key international agreements covered under the GATT/WTO multilateral trading framework.
2. To analyse and examine the several key areas of international trade law including trade in goods, services, technical barriers to trade, dumping, anti-Dumping, subsidies and countervailing measures etc.
3. To identify and explain the procedure of decision making and dispute resolution under WTO.
4. To apply skills, both orally and in writing, in the construction of legal argument and analysis on issues of international trade law.

Contents:

Part I

Unit 1: Origin and Evolution of GATT & WTO(8 Lectures)

Global Economics and International Trade Law

Protectionism vs Free Trade

Birth of GATT, 1947

GATT Rounds of Negotiation Including Doha Round and After

The WTO: Its Genesis (Uruguay Round 1986 to 1994)

The WTO Charter and GATT 1994, WTO Agreements, Understandings, Annexes

Objective, Function and Structure of WTO (Key Organs or Bodies), Membership, Decision Making Process, Voting, Amendment, Waiver etc.

Unit 2: The Principles of Non-Discrimination in GATT & WTO(9 Lectures)

Most-favoured-Nation Treatment (MFN) Article 1 of GATT 1947: its background and history, meaning, scope, significance & advantages,; meaning and scope of 'like product'. Exceptions to MFN (Annexes A to F of Article 1, Customs Unions and Free Trade Areas (Art. XXXIV), Generalized System of Preferences (Art XXV), Art. XXXV, Art XXV, Art. XX, Art XXI, XII-XVIII, Art. VI, Subsidies Code and Government Procurement Code, Art

XXIII, XIX (Escape Clause); Also Discuss Regional Associations like NAFTA, BRICS, SAFTA, TTIP etc.

National treatment principle (NT) Article III, GATT: its Origin & Scope, Meaning, Methodology.

Exceptions to National Treatment Principle.

Cases:-

1. *Application of Article 1:1 to Rebates on Internal Taxes [India Tax Rebates on Exports](1948);II GATT B.I.S.D. 12*
2. *Japan-Taxes on Alcoholic Beverages* case, Complaints by the European Communities, Canada, and the United States against Japan, (WT/DS8, DS10, DS11), Appellate Body and Panel Reports adopted on 1 November, 1996.
3. *US Taxes on Automobiles* case, Complaints by the European Community against US, WT/DS 31/R, 11 Oct., 1994
4. *European Communities – Regime for the Importation, Sale and Distribution of Bananas* case, Complaint by Ecuador, Guatemala, Honduras, Mexico, United States against European Community, WT/DS 27, 5 Feb., 1996
5. *Korea-Measures Affecting Imports of Fresh, Chilled and Frozen Beef* case (Korea-Beef case), Complaint by US & Australia against South Korea, WT/DS 161, 11 Dec., 2000
6. *India – Measures Affecting the Automotive Sector* case, Complaint by US & EU against India, WT/DS146/R, 5 April, 2002
7. *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products*, WT/DS400/AB/R and WT/DS401/AB/R (adopted 18 June 2014)

Unit 3: Dispute Settlement Procedures under GATT and WTO(6 Lectures)

Dispute settlement under GATT: Article XXII, Article XXIII, its merit & de-merit

Difference between the GATT and WTO dispute settlement procedures

Dispute Settlement Procedure under the WTO charter (refer Agreement on Dispute Settlement Understanding), Consultation, Dispute Panel Body, Appellate Body, Implementation of findings/decisions of WTO Dispute Settlement Body (Refer Article XXV GATT)

Unit 4: Agreement on Subsidies and Countervailing Measures(6 Lectures)

Identification of Subsidies that are subject to the SCM Agreement.

Definition of ‘Subsidy’, ‘Specificity’.

Regulation of Specific Subsidies

- i. Prohibited Subsidies
- ii. Actionable Subsidies
- iii. Non- actionable Subsidies

Dispute Settlement and Remedies

Cases:-

1. *U.S. –Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products From India*, WT/DS 436/AB/R (19 December 2014)
2. *Canada- Certain Measures Relating to the Renewable Energy Sector*, WT/DS412/AB/R (24 May 2013)
3. *European Communities – Measures Affecting Trade in Large Civil Aircraft*, WT/DS316/AB/R (adopted 18 May 2011)

Unit 5: Agreement on Dumping and Anti-Dumping Duties(7 Lectures)

Anti-dumping: A Basic Overview

Anti-dumping Investigations

- i) Initiation
- ii) Evidence used in the Investigation
- iii) Key substantive issues: Dumping, injury and causation

Anti-dumping Measures

- i) Provisional measures
- ii) Price undertakings
- iii) Duration & review of duties
- iv) The use of Anti-dumping Measures other than Tariff Duties

Challenging AD measures in WTO Dispute Settlement

- v) Standard of Review
- vi) The measures to be challenged
- vii) Good faith, Even-handedness, Impartiality

Cases

1. *United States-Anti-Dumping and Countervailing Measures on Steel Plate from India* case, Complaint by India against US, WT/DS 206, 19 Feb., 2003
2. *United States-Continued Dumping and Subsidy Offset Act of 2000* case, Complaint by Australia, Brazil, Chile, European Communities, India, Indonesia, Japan, Korea, Thailand against US, WT/DS 217, 21 Dec., 2000 (Authorization to retaliate granted on 26 November 2004)
3. *United States- Countervailing and Anti-dumping Measures on Certain Products from China* case, Complaint by China against US, WT/DS 449, 7 July, 2014.
4. *China-Anti-Dumping and Countervailing Duties on Certain Automobiles from the United States* case, Complaint by US against China, WT/DS 440, 18 June, 2014

Unit 6: General Agreement on Trade and Services (GATS)(6 Lectures)

The scope of GATS

General obligations and disciplines

- i. MFN Principle (GATS Article II & Annex)
 - ii. Domestic regulations (GATS Article VI)
 - iii. Exceptions (GATS Article XIV)
- Specific commitments (GATS Parts III-IV)

i) Market access

- ii) National treatment
- iii) Additional commitments

Cases:-

1. *US- Measures Affecting The Cross-Border Supply of Gambling and Betting Services*, WT/DS285/AB/R (adopted on 20 April 2005)

Unit 7: Agreement on Trade-Related Investment Measures (TRIMs)

(4 Lectures)

Objective and Coverage of TRIMs

National Treatment and Quantitative Restrictions, Inconsistent TRIMs

Notification & Transitional Agreements, Transparency

Provision for Developing Country

Members Case:

1. *India-Certain Measures Relating to Solar Cells and Solar Modules* case, Complaint by US against India, WT/DS 456, 6 Feb. 2013 (Panel Report has been appealed by India on 20 April, 2016)

Prescribed Readings

1. Mitsuo Matsushita et al., *The World Trade Organization: Law, Practice, and Policy* (3rd ed., OUP, 2017)
2. Raj Bhala, *International Trade Law: An Interdisciplinary Non-Western Textbook* (Vol. 1 & 2) (Lexis Nexis, 2015)
3. Schnitzer Simone, *Understanding International Trade Law* (2nd ed., Universal, 2010)
4. Autar Krishen Kaul, *A Guide to the W.T.O. and GATT: Economics, Law, and Politics* (6th ed., Satyam Law International, 2018)

PART- II

Unit 8: Export Trade Transactions and International Commercial Contracts

(5 Lectures)

Types of International Contracts
Standard Trade Terms (CIF, FOB, FAS)
Formation and Enforcement of International contracts
Rights Liabilities of Parties to Contracts

Unit 9: Payments in International Trade (5 Lectures)

Bills of Exchange
Law Relating to Bills of Exchange
Commercial Credit in International Trade
Letter of Credit: Types and the Law Relating to Commercial Credit

Unit 10: Carriage of Goods in Export Trade (4 Lectures)

Carriage of Goods by Sea
Bills of lading and Charter Parties
Rights and Liabilities of the Parties to Contract of Carriage

Prescribed Readings

1. Indira Carr, *International Trade Law* (5th ed., Routledge, 2014)
2. Carole Murray, David Holloway, *The Law and Practice of International Trade* (12th ed., Sweet & Maxwell, 2015)
3. Dr. S.R. Myneni, *International Trade Law (International Business Law)* (3rd ed., Allahabad Law Agency, 2014)

**The list of materials provided is not exhaustive and students are expected to be aware of latest developments in the field and go through other readings as further suggested in the class.*

Teaching Method: This will include lectures, case method, use of multi-media, and interactive or participatory methods of teaching and learning.

Teaching Plan:

Week 1: Origin and Evolution of GATT & WTO

Week 2: Origin and Evolution of GATT & WTO

Week 3: The Principles of Non-Discrimination in GATT & WTO

Week 4: The Principles of Non-Discrimination in GATT & WTO

Week 5: Dispute Settlement Procedures under GATT and WTO

Week 6: Dispute Settlement Procedures under GATT and WTO

Week 7: Agreement on Subsidies and Countervailing Measures

Week 8: Agreement on Dumping and Anti-Dumping

Duties **Week 9:** Agreement on Dumping and Anti-

Dumping Duties **Week 10:** General Agreement on Trade

and Services

Week 11: Agreement on Trade-Related Investment Measures

Week 12: Export Trade Transactions and International Commercial

Contracts **Week 13:** Export Trade Transactions and International

Commercial Contracts **Week 14:** Payments in International Trade

Week 15: Carriage of Goods in Export Trade

Course Wise Content Details for LL.B. Programme:

Semester – V

Course Name-Intellectual Property Rights Law -I

Course Code- LB-EC-505

Credits – 5

Total Classes 60+15

Back Ground

The development in the society triggered by trade, innovation and technology saw emergence of Intellectual property laws. Generally, it means the legal rights which emanates from intellectual activity in the industrial, scientific, literary and artistic fields. Intellectual Property laws safeguard intellectual property for two broad reasons: One is to give impetus to creativity, innovation, scientific development, and dissemination to encourage fair trading which would contribute to economic and social development. The second is to give statutory expression to the moral and economic rights of creators and the rights of the public to access creations.

Course Objectives

- To get acclimatized with the rationale and general principles of Intellectual Property Laws (IPL),
- To understand specific IPL; Trade Marks, Domain Names, Geographical Indications, Designs and their convergence.
- To study the provisions of Trade Marks Act, 1999, Geographical Indications Act, 1999 and Designs Act 2000.
- To untangle enforcement of Intellectual Property Rights issues.
- To recognize relevancy of International Conventions in relation to Intellectual Property.

Learning Outcomes

At the end of this paper, the students should be able to learn theoretical concepts of evolution of Intellectual Property Laws *vis a vis* the international development, the emergence of different branches of Intellectual Property Laws. The students learn

- (i) the legal basis of the IPL and its impact in economic, social and technological context
- (ii) Synthesis of case laws, identification of issues, applicability of relevant provisions and critical analysis of the judicial decisions with reference to the Trade Marks Act, 1999, Geographical Indications Act, 1999 and Designs Act 2000
- (iii) Tracing the existing legal framework through latest Judgments and applicability of provisions in the evolving as well as technological driven society.

Teaching Methodologies – Lectures, presentations, case laws study, discussions

Classroom teaching 60 hours

Course Content

Unit I: INTRODUCTION - 8 classes

1. Introduction to Intellectual Property

General Principles, Nature and Concept of Intellectual Property Rights,

Evolution, Types of Intellectual Property, Enforcement of Intellectual Property Rights (Art. 9-39 WTO/TRIPs)

International legal instruments, Paris Convention, 1883, WTO (TRIPs Agreement) Reciprocity and Priority, Concept of Minimum Standards, Concept of National Treatment, Concept of Most Favored Nation Treatment, Madrid Agreement

UNIT 2 to UNIT 5 -TRADE MARKS

UNIT 2 -08classes

Introduction to Trademarks Act, 1999, Definition of Trade mark and Absolute Grounds for Refusal of Registration

Definitions: Mark, Trade mark, Service, Goods, Package, Well known trade mark

Functions, General Principles, Need for Protection of Trademarks, Registered and Unregistered Trade Marks

Use of trade mark on goods/services, in Advertisements and as Domain Names

2.2 Registration of trade mark - Procedure, Grounds of Refusal, Prior/Vested Rights, Rectification of register

2.2.1 Absolute Grounds for Refusal of Registration-Distinctive character, Descriptive, customary or bonafide practices of trade, and other absolute grounds for refusal under the Trade Marks Act, 1999, Acquired distinctiveness

UNIT 3 - 10 classes

Relative Grounds for Refusal of Registration

Later trade mark similar with Earlier Trade Marks

Earlier Trade mark and well Known Trade Marks, Prohibition of registration even for different goods/ services, Factors for determination, registered or used in good faith

Refusal of registration on grounds of passing off or under law of copyright

Prior/ Vested Rights, Honest and Concurrent user, Acquiescence

UNIT 4- 14 classes

Passing off and Infringement

Passing off and Infringement

Difference between passing off and infringement

Passing off- for similar goods/different goods/transborder reputation

Exceptions to Infringement Action

Trade Mark Dilution

UNIT 5 - 8 classes

Contemporary Areas

Protection of Trade Dress & colour combinations

Tarnishment of Trade marks/Comparative Advertising/Disparagement

Exhaustion of IPR

UNIT 6 -- 12 classes

Geographical Indications and Industrial Designs Law

6.1 Geographical Indications

6.1.1 Definitions, Concept of Indication of source, Geographical Indication, its kinds and appellations of origin

Registration, Grounds for Refusal of Registration of GI, Registration of homonymous GI, protection, duration and renewal

Infringement, penalties and remedies

Conflict of GI's with Trade marks

Industrial Designs

Rationale basis and Subject matter of protection of industrial designs

Registration, Cancellation and Piracy or Infringement of copyright in Designs

Overlap of Design, Copyright and Trade Marks

BOOKS: (arranged alphabetically)

1. Ahuja, V.K., (2007). *Law of Copyright and Neighbouring Rights: National and International Perspectives*, LexisNexis, Haryana.
2. Ahuja, V.K., (2017). *Intellectual Property Laws, Law Relating to Intellectual Property Rights* (3rdedn), LexisNexis, Haryana.
3. Bansal, Ashwani Kumar, (2004). *Materials on Copyright*.
4. Chawla, Alka,(2013). *Law of Copyright: Comparative Perspectives*, LexisNexis, Haryana.
5. Cornish, W.R. & Llewelyn, David (2010). *Intellectual Property: Patents, Copyright, Trademarks and Allied Rights*, Sweet and Maxwell.
6. Garnett, Kevin, Davies Gillian & Harbottle, Gwilym (2012). *Copinger and Skone James on Copyright*, Sweet and Maxwell.
7. Kankanala, K.C., Narasani, A.K. & Radha Krishna, V., (2012). *Indian patent Law and Practice*, Oxford University Press.
8. Mittal, Raman, (2011). *Licensing of Intellectual Property: Law and Management*, Satyam Law House.
9. Narayanan, P., (2007). *Law of Copyright and Industrial Designs*, Eastern Law House.

Teaching Plan:

Week 1: Unit 1: Introduction to Intellectual Property

Week 2: Contd...Unit 1: Introduction to Intellectual Property

Week 3: Unit 2: Introduction to Trademarks Act, 1999, Definition of Trade mark and Absolute Grounds for Refusal of Registration

Week 4: Contd...Unit 2: Introduction to Trademarks Act, 1999, Definition of Trade mark and Absolute Grounds for Refusal of Registration

Week 5: Contd...Unit 2: Introduction to Trademarks Act, 1999, Definition of Trade mark and Absolute Grounds for Refusal of Registration

Week 6: Unit 3: Relative Grounds for Refusal of Registration

Week 7: Contd...Unit 3: Relative Grounds for Refusal of Registration

Week 8: Contd...Unit 3: Relative Grounds for Refusal of Registration and Unit 4: Passing off and Infringement.

Week 9: Unit 4: Passing off and Infringement.

Department of Law, Nehru Gram Bharati (Deemed to be University)

Week 10: Contd...Unit 4: Passing off and Infringement.

Week 11: Contd...Unit 4: Passing off and Infringement and Unit 5: Contemporary Areas

Week 12: Unit 5: Contemporary Areas

Week 13: Contd...Unit 5: Contemporary Areas

Week 14: Unit 6: Geographical Indications and Industrial Design Law

Week 15: Contd...Unit 6: Geographical Indications and Industrial Design Law

Course Wise Content Details for LL.B. Programme:

Semester - V

Course Name- Business Regulations

Course Code- LB-EC-506

Credits – 5

Total Classes 60+15

Business is essentially an economic activity. However, business needs to be conducted within certain set norms and follow specific criteria in order to ensure that other aspects of the society and the stakeholders are not compromised. The legal framework is the set of laws and rules that govern and regulate the functioning of business. They aim to set standards and evolve systems which will ensure that the business activities are compliant with the best practices and more essentially are not detrimental to the health of the economy. Business regulations are also essential to promote, support and enhance the business environment of a nation. The ease of doing business, the flexibility in growth of a company, and the conduciveness of an economy in starting and operation of firms are certain important aspects that promote the economic growth. Business regulations are instrumental in controlling and managing these aspects for the best outcomes.

Freedom to carry on trade and business is a Fundamental Right guaranteed under the Indian Constitution. Additionally, there are a number of statutes that manage the legal and regulatory framework in Indian business. Moreover, with the liberalisation of our economy, it has now become all the more essential to synthesise our domestic laws to meet the international standards and pave a path for both domestic and foreign players to operate smoothly in the economy. In the context of the rapid evolution of business and its forms, a robust regulatory framework is crucial to promote the effectiveness and efficiency of business. Further, with the evolution in business, the legislature and the judiciary is also pacing in evolving a strong, rigorous and well-built, legal framework. Hence, it is essential that the students of law are exposed to these areas to corporate and business laws.

Objectives:

The objectives of the course are:

- To introduce the students to the regulatory framework of Indian business
- To enable students to understand the different laws that effect business
- To analyse the importance exercising a fundamental right and the reasonable restrictions that are posed on them
- To expose the students to the various nuances of operating business activities and the legal compliances pertaining to them
- To analyse the role of the regulators in the market and understand the fundamental principles involved.

Teaching Methodology:

- **Lecture method** - Classroom teaching will be the primary tool that will expose the students to the regulatory framework in the area of business regulations
- **Case analysis** – To enable the students to have a better understanding of the existing challenges and the judicial response towards the same
- **Group Discussion in class**- to enable the students to explore the ideas relating to the recent developments and the effectiveness of the regulatory authorities.

Course Outcome:

After successful completion of the course, the students will be able to:

- Develop an idea about the major regulations that facilitate business activities in India

Department of Law, Nehru Gram Bharati (Deemed to be University)

- Understand the legal framework involved and the role of the regulators
- Acquire knowledge about the legal compliances that companies are required to fulfil under various legal system.
- Develop a skill of legal research since the subject manifests the inter-relation of various legal regimes.
- Perceive the legal issues and complexities related with different business operations
- Understand the kind of disputes that may arise and the judicial response towards the matter

COURSE OUTLINE

Module 1: Right to Trade and Business under the Constitution

- **Concept of Trade and Business [A.19(1)(g) and Art. 301]**
 1. *Khoday Distilleries Ltd. v. State of Karnataka* (1995) 1 SCC
 2. *B R Enterprises v State of UP and Others* (1999) 9 SCC 700
- **Reasonable restrictions in public interest [Art. 19(6)]**
 3. *Chintaman Rao v. State of M.P.*, AIR 1951 SC 118 :1950 SCR 759
 4. *Narendra Kumar v. Union of India*, AIR 1960 SC 430 :(1960) 2 SCR 375
 5. *Xavier's Residency vs The State of Kerala*, 2014 (4) KLT419
- **Power to Carry on Trade by State and Government Contracts [Art 298-299]**
 6. *Raunaq International Ltd v. I.V.R. Construction Ltd.*, 1998 Supp(3) SCR 421
 7. *State of Punjab v. Devans Modern Breweries Ltd.*, (2004)11SCC26
 8. *Municipal Corporation, Ujjain v. BVG India Limited*, Supreme Court Judgement Dated: 28.03.2018

Module 2: The Securities and Exchange Board of India Act, 1992

- Need for protection of rights of investors
- Definitions
- Securities and Exchange Board of India
- Powers and Functions of the Board
- Collective Investment Scheme
- Investigations
- Prohibition of Manipulative and Deceptive Device, Insider trading and substantial acquisition of securities or control
- Penalties
- Fraudulent and Unfair Trade Practices Relating to Securities Market
- Regulation of Stock Exchanges
- *Sahara India Real Estate Corporation Limited & Ors v. Securities and Exchange Board of India*, 2012 Case Study

Module 4: The Takeover Code - SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2011

- Categories of Takeover
- Important Definitions
- Limits on acquisition of shares or voting rights
- Acquisition of 'control'
- Open Offer

Module 5: The Insolvency and Bankruptcy Code, 2016

- Insolvency Resolution Process
- Adjudication Authorities under the Code
- Insolvency Professionals
- Regulator under the Code

Module 6: The Prevention of Money Laundering Act, 2002

- Definition of 'Money Laundering', Section 3 & 2(1)(p)
- Punishment for Money Laundering (Section 4)
- Enforcement: Attachment (Section 5)
- Survey, Search, & Seizure (Sections 16, 17 & 18)
- Power to arrest (Section 19)
- Adjudication under the Act: Adjudication by Adjudicating Authorities (Section 8)
- Special courts (Sections 43 to 47)
- Vesting of Property in Central Government (Section 9)
- Preventive Mechanisms under the Act: Obligation of banking companies, financial institutions and Intermediaries (Sections 12 & 12A)

- Reciprocal Arrangements with other countries (Overview of Chapter IX i.e. Sections 55)

Module 7: Other Sector Regulators

- **Telecom Regulatory Authority of India Act, 1997**
 - Constitution, Jurisdiction, Role and Functions of TRAI
 - Telecom Disputes Settlement and Appellate Tribunal (TDSAT)
- **Real Estate (Regulation and Development) Act, 2016**
 - Registration of Real Estate Project and Registration of Real Estate Agents (Sec 3)
 - Real Estate Regulatory Authority (RERA) (Sec 20)
 - Offences, Penalties and Adjudication (Sec 59)
- **Insurance Regulatory and Development Authority Act, 1999**
 - Establishment and Incorporation of the Authority (Sec 3)
 - Duties, Powers and Functions of the Authority (Sec 14)

Suggested Readings:

1. Durga Das Basu, *Constitution of India*, (LexisNexis, 23rd Edition 2018)
2. M P Jain, *Indian Constitutional Law*, (LexiNexis; Eighth edition, 2018)
3. Vinod Kothari, *Securitisation, Asset Reconstruction and Enforcement of Security Interests*, (LexisNexis, 5th Edition 2017)
4. *Manual on SEBI Regulations Vol 1 & 2*, (LexisNexis, 1st Edition, 2017)

Department of Law, Nehru Gram Bharati (Deemed to be University)

5. *K Sekhar, Guide to SEBI – Capital Issues, Debentures and Listing, Vol 1 & 2, (LexisNexis, 4th Edition, 2017)*
6. *Sumit Agrawal, Robin Joseph Baby & Amit Agrawal, Agrawal and Baby on SEBI Act, (Taxmann Publications Private Limited; 2011 edition)*
7. *Tapash Ranjan Saha, Capital Market and SEBI Regulations, (Excel Books, 2009)*
8. *Kondaiah Jonnalagadda, Securities Law, (LexisNexis, 1st Edition, 2015)*

Course Wise Content Details for LL.B. Programme:

Semester - VI

Course Name- Intellectual Property Rights Law -II

Course Code- LB-EC-601

Credits – 5

Total Classes 60+15

Background

The development in the society triggered by trade, innovation and technology saw emergence of Intellectual property laws. Generally, it means the legal rights which emanates from intellectual activity in the industrial, scientific, literary and artistic fields. Intellectual Property laws safeguard intellectual property for two broad reasons: One is to give impetus to creativity, innovation, scientific development, and dissemination to encourage fair trading which would contribute to economic and social development. The second is to give statutory expression to the moral and economic rights of creators and the rights of the public to access creations.

Objectives of the Course:

- Comprehend the students with fundamental concepts of various types of Intellectual Properties, and study of related International Legal Instruments.
- To study the Indian statutes specifically relating to Copyright, Patents, Plant Variety Protection and Farmers' Rights and Semiconductor Integrated Circuits Layout Design and to analyse these legal provisions through case laws and the related reference material.
- To study the practical application of IP rights and their infringements.

Course Outcomes:

At the end of this course, students will be able to:

- Understand the implications of IP Regime in social, economic and technological context.
- Synthesize the case laws, relevant provisions and critical analysis of the judicial decisions with reference to the Copyright Act, 1957 and Patents Act, 1970.
- Trace the existing legal framework through latest Judgments and applicability of provisions in the evolving as well as technological driven society.
- Analyse the importance of protection of plant varieties, integrated circuits, trade secrets and traditional knowledge.

Teaching Methodology:

The course will be conducted through lectures, presentations, discussions and use of multi-media etc.

Class Room Teaching – 60 classes

Contents:

Unit 1: INTRODUCTION TO COPYRIGHT AND SUBJECT MATTER OF COPYRIGHT (10 Lectures)

Introduction to International Instruments on Copyright - Berne Convention, Rome Convention, Paris Convention, TRIPs Agreement, WCT and WPPT.

The Copyright Act, 1957- Important Definitions – work, literary work, musical work, artistic work, dramatic work, computer programme, cinematograph film, sound recording; Meaning of ‘Original’, Idea-Expression Dichotomy - Concept Notes

Unit 2: MEANING OF COPYRIGHT AND RIGHTS OF COPYRIGHTED WORKS, (12 Lectures)

Meaning of Copyright

Economic rights in all works-Bundle of Rights, Reproduction, issue copies, performance and communication to public, to make cinematograph film and sound recording, translation, Adaptation and Abridgement of work.

Rights in computer programmes, cinematograph films and sound recordings with special reference to rental rights, Meaning of Commercial Rental.

Author’s Moral Rights

UNIT 3 - OWNERSHIP, ASSIGNMENT, LICENSING AND INFRINGEMENT (10 lectures)

Ownership –Who is an author, Author as First Owner, When author is not first owner, Joint Authorship, Definition of Producer

Term of Copyright, Assignment and Licencing of Copyright

Collective Management of Copyright by Copyright Societies, Infringement, Circumvention of technological measures, Rights Management Information

Unit 4: NEIGHBOURING/RELATED RIGHTS; PERMITTED USES (8 Lectures)

A. Rights of Performers and Broadcasting organisations

B. Acts not infringing Copyright, Broadcast right and Performer’s Right

Unit 5: PATENTS (14 Lectures)

Meaning, Object of Patent System,

Patentable and Non-Patentable inventions,

Procedure for filing Patent Application- Provisional and Complete Specification, Pre Grant and Post Grant Opposition,

Licensing of Patents-special reference to public health issues and parallel imports

Rights of Patentee and Patent Infringement and Defences (specifically Gillette Defence).

Unit 6: INSIGHT INTO OTHER IP LAWS (6 classes)

A. LAW OF PLANT VARIETIES AND FARMERS’ RIGHTS (2 Lectures)

Definitions (breeder, farmer, variety, essentially derived variety, extant variety, farmer’s variety, essential characteristic, denomination, propagating material, seed), Registrable varieties Rights of Breeders, Farmers and Communities, Researchers’ Rights, Benefit Sharing, Introduction to UPOV-1976 and 1991.

B. CONFIDENTIAL INFORMATION/TRADE SECRET, TRADITIONAL KNOWLEDGE, FOLKLORE, AND INTERGRATED CIRCUITS (2 Lectures)

Legal Framework of Trade Secret Protection in India and at International Level, Subject Matter of Trade Secret Protection, Traditional Knowledge and Folklore, The Semiconductor Integrated Circuits Layout-Design Act, 2000- Meaning, Registration and Rights.

C. ABUSE OF IP (2 lecture)

Abuse of Intellectual Property—Concept, Redress under Art.40 TRIPs and Competition Law, Refusal to license Conditions of Exclusive Grant back Coercive Package Licensing or tie- in, Market Power and Dominance Horizontal and Vertical Restraints on license, Abuse of Dominant Position by right holder.

PRESCRIBED LEGISLATIONS:

1. The Copyright Act, 1957
2. The Patents Act, 1970
3. The Plant Variety Protection and Farmers' Rights Act, 2001
4. The Semiconductor Integrated Layout Design Act, 2000.

Teaching Plan:

Week 1:Unit 1: Introduction to Copyright and Subject Matter of Copyright

Week 2: contd..Unit 1: Introduction to Copyright and Subject Matter of Copyright

Week 3: Unit 2: Meaning of Copyright and Rights of Copyrighted Works

Week 4:contd..Unit 2: Meaning of Copyright and Rights of Copyrighted Works

Week 5: contd..Unit 2: Meaning of Copyright and Rights of Copyrighted Works

Week 6: contd..Unit 2: Meaning of Copyright and Rights of Copyrighted Works and Unit 3: Ownership, Assignment, Licensing and Infringement.

Week 7: Unit 3: Ownership, Assignment, Licensing and Infringement

Week 8: contd...Unit 3: Ownership, Assignment, Licensing and

Infringement Week 9: Unit 4: Neighbouring/Related Rights; Permitted Uses

Week 10:contd..Unit 4: Neighbouring/Related Rights; Permitted Uses

Week 11: Unit 5: Patents

Week 12: contd..Unit 5: Patents

Week 13: contd..Unit 5: Patents

Week 14: contd..Unit 5: Patents and Unit 6: Insight into Other IP Laws

Week 15: Unit 6: Insight into Other IP Laws

Course Wise Content Details for LL.B. Programme:

Semester - VI

Course Name- Banking, Insurance and Negotiable Instruments

Course Code- LB-EC-602

Credits – 5

Total Classes 60+15

Primarily, the banking laws governs the functioning of banks and financial institutions in an economy. Since the banking sector is at the core of all economic activities, it is essential to develop a robust legal framework that will be both flexible as well as strong to maintain the stability of the economy. Banking laws aim to imbibe transparency in the system, and ensure that the economy runs smoothly.

Insurance law, on the other hand is based on contract of indemnity where the risk is transferred to a third party. Insurance law is gaining importance in the present times since risk aversion is a nature of human beings. While corporates are growing to come forward to take the risk on behalf of other the insurers, the common people find it convenient and safer by insuring their uncertainties. Most common forms of insurances include life insurance, fire insurance and marine insurance.

The law of Negotiable Instrument is one of the most litigated aspects of law. Economic transactions being a primary part of business activities, in practical implementation, it is with negotiable instruments that such transactions mostly happen. As such, the law relating to such monetary transactions which is done in the form of instruments happen to be very crucial. The Indian law recognizes the dishonor of a negotiable instruments as a criminal offence. As such, understanding the practical aspects of the law is essential.

Objectives:

The objectives of the course are:

- To enable students to understand the regulatory framework governing the banking sector
- To provide an understanding regarding the functioning the banks and financial institutions and the role of the regulatory authorities
- To develop an idea about insurance contracts and the legal framework that operates in the field
- To analyse the importance, role and functions of the sector regulator in insurance
- To enable the students to understand the different kinds of negotiable instruments
- To give an opportunity to the students to explore the nuances of the legalities in the area and help them to develop legal knowledge in this field.

Teaching Methodology:

- **Lecture method** - Classroom teaching will be the primary tool that will expose the students to the regulatory framework in the area of Securities Law

- **Case analysis** – To enable the students to have a better understanding of the existing challenges and the judicial response towards the same
- **Group Discussion in class-** to enable the students to explore the ideas relating to the recent developments and the effectiveness of the regulatory authorities.

Course Outcome:

After successful completion of the course, the students will be able to:

- Understand the law of banking and its application
- Develop an idea about the regulatory framework in the banking sector
- Know the functioning of the banks and financial institutions and their role in the economy
- Develop an understanding about the insurance laws and the regulatory framework
- Understand the functioning of insurance agencies and their role in the economy
- Acquire knowledge about the legality of negotiable instruments
- Develop an edge in the practical nuances about the dishonor of negotiable instruments

COURSE OUTLINE:

PART – A: BANKING

Topic 1: The Evolution of Banking Services and its History in India **Sessions: 4 hrs**

- History of Banking in India,
- Bank Nationalization and social control over banking,
- Various types of Banks and their functions,
- Contract between banker and customer: their rights and duties,
- Role and functions of Banking Institutions

Topic 2: Banking System in India and Control by Reserve **Sessions: 6hrs**

Bank of India

- Definition of ‘bank’, ‘banker’, ‘banking’, ‘banking companies’;
- Development of banking business and companies;
- Regulations and restrictions;
- Powers and control exercised by the Reserve Bank of India (B.R. Act, sections 5-36AD)

Prescribed Legislation: The Banking Regulation Act, 1949 (B.R. Act)

Prescribed Books:

1. Dr. Bimal N. Patel, Dr. Dolly Jabbal, & Prachi V. Motiyani, *Banking Law* (1st ed.,2014)
2. C.R. Datta & P.M. Bakshi, *M.L. Tannan’s Banking - Law and Practice in India* (21th ed., 2008)
3. R.K. Gupta, *Banking - Law and Practice* (2nd ed. 2008)
4. Mark Hapgood, *Paget’s Law of Banking* (13th ed., 2007)
5. M.L. Tannan, Revised by Vinod Kothari, *Tannan’s Banking Law and Practice in India*, (26th ed., 2017)
6. S.N. Gupta, *The Banking law in Theory and Practice, Vol. 1,2&3*,(6th ed., 2017)

PART B: INSURANCE

Topic 3: Law of Insurance

- Nature and Scope of Insurance;
- Classification;
- General Principles – Proximate Cause

Topic 4: Doctrine of Utmost Good Faith

- Meaning of the doctrine
- Applicability of the doctrine

Topic 5: Rules of Construction of Insurance Policy

- Construction rules applicable
- Reasons

Prescribed Legislations:

1. The Insurance Act, 1938
2. The Marine Insurance Act, 1963
3. The Life Insurance Corporation Act, 1956
4. The General Insurance Business (Nationalization) Act, 1972
5. The Insurance Regulatory and Development Authority Act, 1999

Prescribed Books:

1. Sumeet Malik, *J.V.N. Jaiswal's Law of Insurance- Vols 1&2* (2nd edn., 2016)
2. Gaurav Varshney, *Insurance Laws*, (1st ed., 2017)
3. M.N. Srinivasan & K. Kannan (Revised by Justice K.Kannan) *Principles of Insurance Law* (10th ed., 2017)
4. M.N. Mishra, *Law of Insurance* (9th ed., 2012)
5. Birds, John, *Modern Insurance Law* (2003)
6. M.B. Shah, *Landmark Judgments on Insurance* (2004)
7. E.R. Hardy Ivamy, *General Principles of Insurance Laws*, (6th ed., 1993)
8. [Vandana Singh](#), [K. B. Agrawal](#), *Insurance Law in India*, (2012)
9. [Evan James MacGillivray](#), *MacGillivray on Insurance Law: Relating to All Risks Other Than Marine*, (1997)
10. K.S.N. Murthy & K.V.S. Sarma, *Modern Law of Insurance in India* (4th ed., 2002)

PART – C: NEGOTIABLE INSTRUMENTS

Topic 6: Kinds of Negotiable Instruments

Sessions: 6 hrs

- Promissory Note,
- Bill of Exchange,
- Cheque – Definition and Nature
- N.I. Act, sections 4-7, 13

Topic 7: ‘Holder’ and ‘Holder in Due Course’

Sessions: 6 hrs

- Definition of Holder and Holder in Due Course;
- Comparison between Indian and English Law;

Department of Law, Nehru Gram Bharati (Deemed to be University)

- Rights of holder in due course;
- Law Commission of India,
- Eleventh Report, 1958 (N.I. Act, section 8 read with 78; 9, 19-25, 53, 58, 59 and 118;
- English Bills of Exchange Act, 1882, sections 2, 29 and 90)

Topic 8: Transfer of Negotiable Instruments

- Modes - Negotiation (N.I. Act, sections 14, 46, 47, 48, 57);
- Assignment (The Transfer of Property Act, 1882, sections 130-132);
- Meaning of Indorsement - Who can indorse (N.I. Act, sections 15 and 51);
- Kinds of Indorsement – Indorsement in Blank and Full (N.I. Act, sections 16 and 54),
- Conditional Indorsement (N.I. Act, section 52),
- Restrictive Indorsement (N.I. Act, section 50),
- Sans Recourse Indorsement (N.I. Act, section 52);
- Partial Indorsement (N.I. Act, section 56)

Topic 9: Liability of Parties and Discharge of Parties from Liability on Promissory

Note, bill of exchange and Cheque

- Liability of Maker, Drawer, Drawee and Indorser (N.I. Act, sections 30, 31, 32, 35 and 36)
- Modes – Cancellation [N.I. Act, section 82 (a)];
- Release [N.I. Act, section 82 (b)];
- Payment [N.I. Act, section 82(c)];
- Material Alteration (N.I. Act, sections 87-89)

Topic 10: Crossing of Cheques

- Object of crossing;
- Kinds of crossing – general, special, not-negotiable & account payee crossing; who may cross;
- Rights and duties of paying banker;
- Protection of collecting banker (N.I. Act, sections 123-131-A)

- Dishonor of cheque for insufficiency etc. of funds;
- cognizance of offences (N.I. Act, sections 138-147)
- *The Negotiable Instruments (Amendment) II Ordinance, 2015*

Prescribed Legislations:

1. The Negotiable Instruments Act, 1881 (N.I. Act)
2. The Information Technology Act, 2000 (I.T. Act)

Prescribed Books:

1. Bimal N. Patel, Dolly Jabbal, Prachi V. Motiyani, *Banking Law and Negotiable Instruments Act*, (2015)
2. O. P. 'Faizi' & Ashish Aggarwal, Khergamvala on *The Negotiable Instruments Act* (20th ed., 2008)
3. Ranganath Misra, Bhashyam & Adiga's *The Negotiable Instruments Act* (18th ed., 2008)

Course Wise Content Details for LL.B. Programme:

Semester - VI

Course Name- Election Laws

Course Code- LB-EC-603

Credits – 5

Total Classes 60+15

Course Objectives:

The primary objective of this Course is to acquaint the students with the laws governing elections to both Houses of the Parliament and the State Legislatures, and to the offices of the President and the Vice-President of India. They will also be familiarised with the qualifications and disqualifications for candidates desirous of contesting these elections and the legal remedies for various electoral malpractices that candidates often resort to, in order to win elections. The role of the Election Commission of India, an independent constitutional authority, in ensuring a level playing field for all candidates will also be discussed.

Course Learning Outcomes:

(List of outcomes in terms of learnings which student will be able to acquire due to this course)

On successful completion of this Course the students will be able to:

- Identify the laws relating to elections to the Parliament, State Legislatures and to the offices of the President and Vice President of India.
- Explain the qualifications and disqualifications for Members of Parliament and State Legislatures in India.
- Recognise the corrupt practices that candidates often resort to in order to win elections to the Legislatures in India.
- Know the ambit of the right of voters' to know the antecedents of candidates at elections to Legislatures in India.

Teaching Methodology:

The teaching methodology for this Course will include lectures, case study method, presentations, discussions, use of multi-media, moot courts and quizzes.

Contents:

(Unit wise details of course contents)

Unit I: Introduction - Meaning of Election and Disputes Regarding Elections to Parliament and State Legislatures **10 Lectures**

- Meaning of election
- Election petition– forum, presentation, grounds and relief that may be claimed by the petitioner; time for presentation of an election petition- section 81 read with section 86(1) , The Representation of the People Act, 1951 (R.P. Act, 1951).
- Contents of an election petition-material facts and particulars- section 83, R.P. Act, 1951.
- Parties to an election petition- sections 82 read with sections 84, 86, R.P. Act, 1951.
- Recriminatory petition- section 97, R.P. Act, 1951
- Withdrawal (sections 109-111, R.P. Act, 1951), abatement(sections 112, 116, R.P. Act, 1951) and dismissal (section 86, R.P. Act, 1951) of election petitions; appeal (sections 116A, 116B,

116C, R.P. Act, 1951)

Unit II: Composition of Parliament and Election of President and Vice President 8 Lectures

- Composition and dissolution of Parliament and State Legislatures: The Constitution of India - Articles 79-83, 85, 168-172, 174, 330-334
- Delimitation of constituencies: The Constitution of India - Articles 329(a), 81, 82, 170, 330, 332
- R.P. Act, 1950- sections 3-13; The Delimitation Act, 2002
- Election of President and Vice-President of India: The Constitution of India, Articles 52, 54-59, 62-68, 71
- The Presidential and Vice-Presidential Elections Act, 1952

Unit III: Composition, Powers and Functions of the Election Commission 8 Lectures

- Composition of the Election Commission: The Constitution of India – Article 324
- The Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991
- Powers and functions of the Election Commission: The Constitution of India – Articles 324-328, 103(2), 192(2); R.P. Act, 1951- sections 8A, 10A, 11, 11A, 11B, 28A(read with section 13CC, R. P. Act, 1950), 29A, 77, 78, 146, 146A, 146B, 146C
- The Election Symbols (Reservation and Allotment) Order, 1968

Unit IV: Qualifications and Disqualifications of Candidates 10 Lectures

The Constitution of India - Articles 84, 101-104, 173, 190-193

R.P. Act, 1951- sections 3-6,7, 8, 8A, 9, 9A, 10, 10A, 11, 100(1)(a)

- **Disqualification for holding an office of profit**
 - The Constitution of India- Articles 102(1)(a), 191(1)(a)
 - R.P. Act, 1951 -section 10
 - The Parliament (Prevention of Disqualification) Act, 1959
- **Disqualification for government contracts**
 - The Constitution of India- Article 299
 - R.P. Act, 1951-section 9A
- **Disqualification on conviction for certain offences**
 - R.P. Act, 1951-section 8
 - Law Commission of India, 244th Report on Electoral Disqualifications (February, 2014).

Unit V: Anti-Defection Law 6 Lectures

- The Constitution (Fifty-second Amendment) Act, 1985
- The Constitution of India - Tenth Schedule, Articles 101(3), 102(2), 190(3), 191(2)
- The Constitution (Ninety-first Amendment) Act, 2003
- The Constitution of India- Articles 75(1A), 75(1B), 164(1A), 164(1B), 361B

Unit VI: Nominations 4 Lectures

- **Requirements of valid nomination of candidates for election-** procedure for filing nomination paper, number of proposers, security deposit, scrutiny of nomination papers, grounds of rejection of nomination papers, withdrawal of nomination papers etc.
 - R.P. Act, 1951 – sections 30-39, 100 (1) (c), 100 (1) (d) (i)
- **Consequences of improper rejection and improper acceptance of nomination papers**
 - R.P. Act, 1951 – sections 100 (1) (c) , 100 (1) (d) (i)

Unit VII: Corrupt Practices

10 Lectures

- **Distinction between corrupt practices** (section 123, R.P. Act, 1951) **and electoral offences:** Chapter IXA-sections 171A- 171 I, Indian Penal Code, 1860 and sections 125-136, R.P.Act, 1951
- **Corrupt Practices:** R.P. Act, 1951 – section 123 read with sections 8A, 79, 98, 99, 100(1)(b), 100(1)(d)(ii), 100(2), 101
 - **Bribery:** section 123(1), R.P. Act, 1951
 - **Undue influence:** section 123(2), R.P. Act, 1951
 - **Appeal on the grounds of religion, race, caste, community or language etc.; promotion of feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language:** sections 123(3), 123(3A), R.P. Act, 1951
 - **Publication of false statement of fact in relation to the personal character or conduct of any candidate:** section 123(4), R.P. Act, 1951
 - **Free conveyance of voters:** section 123(5), R.P. Act, 1951
 - **Incurring or authorising expenditure in excess of the permissible limit:** section 123(6), R.P. Act, 1951
 - **Booth capturing:** section 123(8), R.P. Act, 1951
 - **Obtaining or procuring the assistance of a government servant:** section 123(7), R.P. Act, 1951

Unit VIII: Voters' Right to Know the Antecedents of the Candidates

4 Lectures

- R.P. Act 1951 - sections 33A, 33B, 125A

Suggested Readings:

Prescribed Legislations:

- The Constitution of India, 1950
- The Representation of the People Act, 1950
- The Representation of the People Act, 1951 (R.P. Act, 1951)
- The Delimitation Act, 2002
- The Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991
- The Indian Penal Code, 1860 (Selected Relevant Provisions)
- The Parliament (Prevention of Disqualification) Act, 1959
- The Presidential and Vice-Presidential Elections Act, 1952

Books:

Department of Law, Nehru Gram Bharati (Deemed to be University)

- V.S. Rama Devi and S.K. Mendiratta, *How India Votes – Election Laws, Practice and Procedure* (3rd ed., 2013).
- Kiran Gupta and P.C. Jain, Chawla's *Elections - Law & Practice* (9th ed., 2009).

Law Commission Reports:

- Law Commission of India, 170th Report on Reform of the Electoral Laws (May, 1999).
- Law Commission of India, 244th Report on Electoral Disqualifications (February, 2014).
- Law Commission of India, 255th Report on Electoral Reforms (March, 2015).

Reports:

- The Goswami Committee Report on Electoral Reforms, 1990
- The Vohra Committee Report on Criminalisation of Politics, 1993

Course Wise Content Details for LL.B. Programme:

Semester - VI

Course Name-International Investment Law

Course

Code- LB-EC-604

Credits – 5

Total Classes 60+15

Course Objectives:

The objectives of this course are:

- 1) To expose the students about the core principles of the international law of foreign investment.
- 2) To make the students familiar with the disputes between foreign investors and sovereign States.
- 3) To develop their critical faculties by analysing and evaluating the policy arguments behind the formation of BITs and FTA investment chapters.
- 4) To make the students understand the importance of regulating foreign investments and also the dichotomy of sovereign States' obligation to protect foreign investments vis-à-vis public policy objectives.
- 5) To enable the students to form a reasoned opinion with regard to actual international investment law problems facing their States.
- 6) To enable the students to provide legal opinions on international investment law problems in practice.
- 7) To build the capacity of Indian legal fraternity for dealing with the issues of international investment law which may have public policy implications for our State, by training the students in classroom, with adequate theoretical and practical considerations.

Course Learning Outcomes:

At the end of this course, the Students will be able to:

- 1) Understand and explain the elements of BITs and the policy considerations underlying the formation of such treaties.
- 2) Apply the knowledge of the issues arising out of international investment agreements in front of the municipal courts of law.
- 3) Represent their clients – foreign investors/host States in international arbitrations involving issues of international investment law.
- 4) Provide legal opinions on the issues involving international investment law either the private foreign investors or the host States.
- 5) Demonstrate (both orally and in written) a detailed understanding of various aspects of investment treaties and their linkage with investor protection and the regulatory discretion of the sovereign countries.

Contents:

(Unit wise details of course contents)

- 1) **Topic I - The Nature and Significance of International Investments (4 hours)**

Department of Law, Nehru Gram Bharati (Deemed to be University)

- Meaning of Investment
- Nature of International Investment – Foreign Direct Investments (FDI), Portfolio Investments
- Nature of foreign investors
- Interests of States in foreign investments (host State and home State)

2) Topic II - International Investment Law – Introduction (8 Hours)

- Historical Background to Contemporary International Investment Law
 - Law of Diplomatic Protection
 - Customary International Law relating to State Responsibility for injury to aliens (*Neer v. Mexico*)
- Emergence of New International Economic Order (NIEO)
- Emergence of Bilateral Investment Treaties and their role in Investment Protection
- International Investment Arbitration Vis-à-vis International Commercial Arbitration
- Sources of International Investment Law
- BITs and Regulatory Sovereignty of Host States
- Role of BITs in attracting foreign investments
- Dispute settlement under the BITs

3) Topic III - Definition of Investment (8 Hours)

- Why is definition of investment important in BITs – A jurisdictional issue?
- Various approaches to definition of ‘investment’
 - Broad Asset based definition
 - Narrow Asset based definition
 - Advantages and Disadvantages of either approaches
 - FIIs as ‘investments’
 - ‘Reinvestments’ and ‘changes in the nature of investments’ as investments
- Arbitral Awards as ‘investments’
- Exceptions to limit the definition of ‘investments’ within BITs
- Definition of ‘investments’ in the Indian BITs and the 2016 Model Indian BIT

4) Topic IV - Most Favoured Nation (MFN) Treatment (8 Hours)

- Principle of MFN in International Investment Law
- How is different from the MFN in International Trade Law
- Economic Rationale behind MFN clause in International Investment Law
- Application of MFN
 - to substantive issues under BITs
 - to procedural issues under BITs

Department of Law, Nehru Gram Bharati (Deemed to be University)

- MFN and Treaty Shopping
- Treaty based exceptions to MFN i.e. like circumstances qualification
- MFN clauses in Indian BITs and 2016 Indian Model BIT

5) Topic V - Fair and Equitable Treatment (FET) (8 Hours)

- Origin and importance of the FET
- Constituents of the FET
- International Minimum Standard vis-à-vis FET (the NAFTA cases)
- The divided arbitral jurisprudence on FET
- Legitimate Expectations as a part of FET
- Treaty based exceptions to FET
- FET clauses in Indian BITs and 2016 Indian Model BIT

6) Topic VI - Expropriation (8 Hours)

- Expropriation under general international law
- Expropriation under international investment law vis-à-vis expropriation under national law
- Elements of expropriation under international investment law
- Kinds of expropriation
 - Direct Expropriation
 - Indirect Expropriation/Regulatory Taking
 - Difference between the direct expropriation and regulatory taking
- Indirect Expropriation/Regulatory Taking versus Legitimate Regulation
 - Sole Effects Doctrine
 - Police Power Doctrine
 - Proportionality Analysis
- Treaty based exception to expropriation
 - Environmental exceptions
 - Public health exceptions
 - Compulsory licensing
 - Taxation measures
- Expropriation clauses in Indian BITs and 2016 Indian Model BIT

7) Topic VII - Non-Precluded Measures (6 Hours)

- General Exceptions in BITs vis-à-vis general exception in GATT/GATS
- Importance of general exceptions
- Interpretation of the general exceptions clauses
 - Permissible Objectives
 - Nexus Requirement Links
- Defence of Necessity in BITs versus the concept of necessity in customary

Department of Law, Nehru Gram Bharati (Deemed to be University)

international law – art. 25 of the ILC Articles on State Responsibility.

- NPM clauses and regulatory space of the host States
- 8) **Topic VIII - Investor – State Dispute Settlement (ISDS) / Investment Treaty Arbitration (ITA) (4 Hours)**
- Nature of ISDS as a dispute settlement mechanism
 - How ISDS/ITA is different from International Commercial Arbitration
 - Issues of Transparency v. Confidentiality
 - Issues of systemic bias
 - Arbitrator bias
 - Moonlighting – Role of ICJ judges in ISDS
 - Revolving Door
 - Reform of ISDS
- 9) **Topic IX - International Investment Law – Integrationist Perspectives¹(4 Hours)**
- International Investment Law and Environmental Protection
 - International Investment Law, Lands Rights and Indigenous People
 - International Investment Law and Intellectual Property Rights
 - International Investment Law and Armed Conflict
 - Legitimacy Concerns in contemporary international investment law and the way forward
- 10) **Topic X - India and International Investment Law (2 Hours)**
- Foreign Investments in Indian Economy
 - Post 1991 – Economic Scene and Proliferation of BITs and FTA Investment Chapters
 - *White Industries* and beyond
 - 2016 Model Bilateral Investment Treaty

Suggested Readings:

Books

A) Jeswald Salacuse, *The Law of Investment Treaties* (Oxford 2010)

B) Kenneth J Vandeveld, *Bilateral Investment Treaties: History, Policy and Interpretation* (Oxford 2010)

¹ This topic of this module is inspired by the book edited by Freya Baetens, '*Investment Law within International Law – Integrationist Perspectives*'

C) Rudolf Dolzer and Christoph Schreuer, *Principles of International Investment Law* (Oxford 2012)

D) Gus van Harten, *Investment Treaty Arbitration and Public Law* (Oxford 2007)

Course Wise Content Details for LL.B. Programme:

Semester - VI

Course Name- Competition Law

Course Code- LB-EC-605

Credits – 5

Total Classes 60+15

Course Objectives

- This course is structured to understand the objectives of antitrust laws and to reflect upon the relevance of competition in the market, in light of changing economic paradigm, post liberalization.
- This course will examine and compare the application of competition law on anticompetitive, dominant and combining behaviour of enterprises and competition interface with sectorial regulators.
- To give a sound introduction to key legal rules and underlying economic concepts that make up the substance of Competition Law in India through a comparison of the main jurisdictions (especially EU and US) and thus provide a solid background for further studies of this subject.
- To encourage the development of student's skills in legal reasoning and analysis through study of statutes, decisions of the Indian competition authorities will be dealt exhaustively throughout the course. Therefore, the present course is designed to enable the students to take up professional practice in the field of competition law and policy in India and beyond.

Learning Outcomes

By the conclusion of this course, it is intended that students will able

- To identify and explain the founding principles of Indian Competition Law.
- To understand the types of behavior and the market circumstances that invoke competition law and policy.
- To demonstrate a detailed knowledge of specific areas of current importance and to appreciate the evolving nature of competition law.
- To ascertain and evaluate the facts of complex legal problem involving question of competition law.

Course Content

Unit 1: History and Development of Competition Law (Lectures: 05)

Basic Concepts, Constitutional aspect of Elimination of Concentration of Wealth and Distribution of Resources [Article 39 (b) (c)]; Relation between Competition Policy

and Competition Law; Objectives of Competition Law, History and Development of Competition Law, Raghavan Committee Report, Competition Act 2002; Difference between MRTP Act and Competition Act, Salient feature of Competition Act, Draft National Competition Policy, 2011, Important Definitions under the Competition Act, 2002

Unit 2: Prohibition of Certain Agreements (Lectures: 14)

Anti- Competitive Agreements, Horizontal and Vertical agreement, Rule of Perse and Reason, Appreciable Adverse Effect on Competition (AAEC) in India, Exemption, Prohibition of Anti competitive agreement/ Cartel/bid rigging.

Unit 3: Prohibition of Abuse of Dominant Position (Lectures: 14)

Enterprise, Relevant Market, Dominance in Relevant Market, Abuse of dominance, Predatory Pricing.

Unit 4: Regulation of Combinations: (Lectures: 12)

Combinations: Merger, Acquisition, Amalgamation and Takeover - Horizontal, Vertical and Conglomerate Mergers - Combinations covered under the Competition Act, 2002 – Regulations, Penalties.

Unit 5: Enforcement Mechanisms & Advocacy (Lectures: 05)

Establishment and Constitution of Competition Commission of India, Powers and Functions- Jurisdiction of the CCI – adjudication and appeals, Director General of Investigation (DGI)- Penalties and Enforcement., Competition Advocacy in India

Unit 6: Competition Law in Regulated Sectors (Lectures: 05)

Competition and Intellectual Property Rights Interface

Competition and Consumer protection Law Interface

Securities Exchange Board of India (SEBI)

Telecom Regulatory Authority of India (TRAI)

Banking Ombudsman

Insurance Regulatory Development Authority (IDRA)

Other Regulatory Authorities

Unit 7: Competition Law from International Perspective (Lectures: 05)

European Union Competition Law- Treaty on the Functioning of the European Union (TFEU)

United States Antitrust Law: Sherman Act of 1890, Clayton Act of 1914 and Federal Trade Commission Act of 1914

Tutorial Classes (Lectures: 15)

References

1. Whish, Richard & Bailey, David. (2015). Competition Law. 8th ed. Oxford University Press
2. Furse, Mark, (2008). Competition Law of the EC and UK. 6th ed. Oxford University Press
3. Roy, Abir& Kumar, Jayant (2016). Competition Law in India. Kluwer Law International B. V.
4. Ramappa, T. (2014). Competition Law in India: Policy, Issues and Developments. 3rded., Oxford University Press
5. Ezrachi Ariel (2018). EU Competition Law: An Analytical Guide to the Leading Cases, 6th ed., Hart Publishing

Additional Readings

1. Report of The Working Group on Competition Policy, Planning Commission, Government of India, February 2007
2. McEwin, R Ian, Competition Law in a Small Open Economy, (2003) 26(1) University of New South Wales Law Journal 246
3. Carlos M. Correa, Intellectual Property and Competition Law: Exploring Some Issues of Relevance to Developing Countries Published by International Centre for Trade and Sustainable Development (ICTSD)
4. Intellectual Property Rights and Competition Policy- Published by CUTS International, 1 June 2008
5. Politics Trumps Economics – Lessons and experiences on competition and regulatory regimes from developing countries - Published by CUTS International
6. Alden F. Abbott, A brief comparison of European and American Antitrust Law, The University of Oxford Centre for Competition Law and Policy, The Competition Law & Policy Guest Lecture Programme - Paper (L) 02/05
7. Why India Adopted a new Competition Law, Published by CUTS

Students are advised to read articles relating to the syllabus topics from the journals such as:

- European Competition Law Review
- International Review of Competition Law
- European Competition Journal (ECJ)
- Antitrust Law Journal (ALJ)
- European Journal of Law and Economics
- The Competition Law Review (CompLRev)
- OECD Journal of Competition Law and Policy
- Competition Law Journal (Jordan Publishing)
- Global Antitrust Review (GAR)
- Competition Law Reports (Manupatra)

Teaching Plan:

- **Week 1:** Basic Concepts, Constitutional aspect of Elimination of Concentration of Wealth and Distribution of Resources [Article 39 (b) (c)]; Relation between Competition Policy and Competition Law, Objectives of Competition Law, History and Development of Competition Law, Raghavan Committee Report, Competition Act 2002; Difference between MRTP Act and Competition Act, Salient feature of Competition Act.
- **Week 2:** Draft National Competition Policy, 2011, Important Definitions under the Competition Act, 2002, Anti- Competitive Agreements, Horizontal and Vertical agreement, Rule of Perse and Reason
- **Week 3:** Appreciable Adverse Effect on Competition (AAEC) in India, Exemption
- **Week 4:** Prohibition of Anti competitive agreement/ Cartel/bid rigging.
- **Week 5:** Cases on Anti- Competitive Agreements (Sec-3)
- **Week 6:** Enterprise, Relevant Market, Dominance in Relevant Market
- **Week 7:** Abuse of dominance, Predatory Pricing.
- **Week 8:** Cases on Abuse of dominance (Sec-4)
- **Week 9:** Combinations: Merger, Acquisition, Amalgamation and Takeover - Horizontal, Vertical and Conglomerate Mergers
- **Week 10:** Combinations covered under the Competition Act, 2002 – Regulations, Penalties.
- **Week 11:** Cases on Regulation of Combinations (Sec-5), Establishment and Constitution of Competition Commission of India, Powers and Functions- Jurisdiction of the CCI – adjudication and appeals
- **Week 12:** Director General of Investigation (DGI)- Penalties and Enforcement,
- **Week 13:** Competition Advocacy in India and Competition and Intellectual Property Rights Interface
- **Week 14:** Competition and Consumer protection Law Interface, Securities Exchange Board of India (SEBI) , Telecom Regulatory Authority of India (TRAI)
- **Week 15:** Banking Ombudsman , Insurance Regulatory Development Authority (IDRA) , Other Regulatory Authorities, European Union Competition Law- Treaty on the Functioning of the European Union (TFEU) , United States Antitrust Law: Sherman Act of 1890, Clayton Act of 1914 and Federal Trade Commission Act of 1914

Course Wise Content Details for LL.B. Programme:

Semester - III

Course Name - Law, Science & Technology

Course Code- LB-OE-301

Credits – 2

Total Classes 30

Target Group: Law, science, technology students

Background:

It took centuries for the law to evolve into the stage that it is in now. Notwithstanding law being the panacea for several complex societal issues, it is always perceived lagging in race with accelerating acceleration of change in the technologies. The technological changes and its vistas over the recent years have been phenomenal. Trends suggest faster and more profound technological changes in the future. Will law be ever able to cope with the ensuing and profound technological changes? A host of technologies such as **3D printing, Big Data, Quantum Computing, Artificial intelligence, Advanced Robotics, Virtual and Augmented Reality, Biotechnology, Nano-Technology** are growing rapidly and so are their legal issues in general and IPR issues in particular, which in turn leads to myriad legal challenges for the law makers and for other stakeholders. Such technologies are collectively referred to as Exponential Technologies.

Presently, the legal issues of Exponential Technologies cannot be understood since their nuances and implications are unknown. Their interaction and combination in innovative ways may amplify their disruptive or beneficial potential for human race. And hence it is necessary to envision such interactions and deliberate the legalities involved and to articulate a course where future technology leaders can brainstorm on the potential outcomes of the various unknown technologies. Law cannot remain isolated from the impact of Exponential Technologies and vice-versa, and there is substantial uncertainty about how intensely and how soon the legal issues especially IP issues will be felt and realized. Society in general and lawmakers in particular need to be prepared for a range of potential outcomes. This calls for continued engagement between government, industry, academia, technical and policy experts, and of course, public at large.

Course Objectives:

The objectives of this course are:

1. To make students familiar with the expositions of emerging trends in exponential technologies, general legal issues and Intellectual Property issues in particular.
2. To provide a platform for discussion to students in India with experts from abroad having expertise in these issues through online platform.
3. To impart the nuanced knowledge of this interface of law, science and technology to students of law, representatives of government, industry, academia and policy makers.
4. To develop their critical faculties by analysing and evaluating the policy arguments behind laws being framed for technological issues and challenges.
5. To make the students understand the importance of regulating the exponential technologies.

Course Learning Outcomes:

At the end of this course, the Students will be able to:

- 6) Discern the interface and philosophy of Law, science and Technology.
- 7) To use their knowledge in emerging area of litigation involving questions of law, science & technology.
- 8) To incorporate the best practices of other countries learnt from the course in the courts of law and in their respective professions.
- 9) Represent their clients – foreign States at international level in issues involving questions relating to emerging technologies.
- 10) Provide legal opinions on the issues involving technology laws.

Contents:

(Unit wise details of course contents)

11) Topic I - Law, Science & Technology and the related Philosophy. (2 hours)

- Law, Science & Technology: The Philosophy and Policy
- Nature, Scope & Interface of Law, Science & Technology
- Case Vignette

12) Topic II – Exponential Technologies: Introduction and legal challenges(2 Hours)

- Concept and legal issues surrounding exponential technologies.

13) Topic III – 3D Printing and Legal Issues (3 Hours)

- Why is 3D printing?
- Various approaches to legal definition
- 3D printing and Copyright
- 3D Printing and Trade Marks
- 3D Printing and Patents

14) Topic IV – Law Relating to Big Data (3 Hours)

- Definition, Scope & Importance
- Relevant Laws
- GDPR and Big Data

15) Topic V – Law relating to AI (2 Hours)

- Artificial Intelligence: Definition, Scope and Contemporary relevance
- AI and IP Inteface
- AI and Ethics

16) Topic VI - Advanced Robotics (1 Hour)

- Definition
- Human Rights of Robots

17) Topic VII – Law Relating to Virtual and Augmented Reality (2 Hours)

- Virtual Reality: Definition and legal issues
- Augmented Reality: Definition and legal issues

18) Topic VIII – Health Law, Biotechnology & Contemporary Law (5 Hours)

- Health Law and Policy
- Biotechnology: Definition, Scope and Importance
- Legal Issues
- Bioethics
- Guidelines in India
- Case Vignette
 - BT. Cotton
 - BT. Brinjal etc.
- International Standards

19) Topic IX - Nano-Technology & Contemporary Law (3 Hours)

- Nano Technology: Definition, Scope and Importance
- Legal Issues related to Nano-Technology
- Case Vignette

20) Topic X - Electronic Revolution, dilemmas of Legal Control & Civil Liberties (4 Hours)

- Cyber Law
- Challenge to Validity of certain Provisions
- Intermediary Liability and IP interface
- IP issues of contemporary relevance
- Privacy in Digital Age

21) Topic XI- Data Security/Information Assurance (3 Hours)

- Data/Information: Definition and Nature
- Comparative Study of U.S., U.K. and Europe
- Law in India
- GDPR and Challenges
- Case Vignette

Suggested Readings:

Books (Illustrative)

1. Bygrave, A. Lee; DATA PROTECTION LAW, Kluwer Law International, 2000
2. Carey, Peter; DATA PROTECTION: A PRACTICAL GUIDE TO UK AND EU LAW, 2nd Ed, Oxford University Press, 2004
3. Chris Reed & John Angel (Editors): Computer Law – THE LAW REGULATION OF INFORMATIONTECHNOLOGY, 6TH EDITION, Oxford University Press, NY, (2007); Chapter 10 – PRIVACY AND DATA PROTECTION, 10.3.3, page 479

Course Wise Content Details for LL.B. Programme:

Semester - III

Course Name – Feminist Jurisprudence

Course Code- LB-OE-302

Credits – 2

Total Classes 30

Target group: Students of law, Social Work, political science, sociology, anthropology, arts, history, women studies

Course Objectives:

1. To sensitize and impart knowledge to the students about the status of women in India and globally. Create awareness about the rights and duties of members of society including family towards each other, with special reference to rights of women.
2. To give overview to the students about different approaches of feminism to deal with women' concerns thereby enhancing their skills of critical analysis of various women specific laws in public and private realm.
3. To give practical exposure to students through field visits of Women Counselling Cells, Family/Mahila Courts, Mediation and Conciliation Centres etc.

Course Learning Outcomes:

At the end of the semester the students will be able to:-

1. Analyse the mutual rights and corresponding duties towards women.
2. Comprehend the various feminist approaches underlying the specific laws, with the help of judicial precedents and scholarly writings.
3. Critically evaluate the functioning of various statutory institutions working towards ameliorating the status of women.

Contents:

Unit I: INTRODUCTION

(4 LECTURES)

What is Feminist Jurisprudence?

Women in ancient, medieval and modern India: An overview

Current status of women in India

Indicators of status: Difference in - likelihood of survival; female foeticide, assigned human worth; and control over property, valued goods and services, working conditions, knowledge and information, political processes, symbolic representation, one's body, daily lifestyles, reproductive processes

Unit II: Liberal Feminism (4 LECTURES)

Individual Freedom and Autonomy, and Universalism

From Androgynous Equality to Difference

Public vs. Private Domains

Patriarchal Politics and Neutral State

Welfare and Distributive Justice

UNIT III: Socialist Feminism: (4 LECTURES)

Value of Housework and Reproduction Privileging

Class and Capitalism

Capitalist Patriarchy

From Androgyny to Gynocentrism Politics of Difference

UNIT IV Radical Feminism (4 LECTURES)

Sisterhood and Sexual Oppression

Radical Rejection of Patriarchy

Feminism of Difference Politics of

the Private Sphere

Control over and Celebration of Sexually Specific Body/Biology

UNIT V: Post-Structural/Post-Modern Feminism (4 LECTURES)

Rejection of Grand Narrative and Essentialism

Constitution of Meaning through Difference Difference
and Deconstruction

Death of the Subject

UNIT VI: Women's Movement in India (2 LECTURES)

Liberal, Socialist Marxist

Dalits, Muslims, Tribes

UNIT VII: Contemporary debates in the Women's Movement in India (8 LECTURES)

Dowry Deaths, Rape and Sexual Violence Domestic

Violence

Gender Wage Gaps and Glass Ceiling

Suggested Readings:

Kalpana Kannabhiran (ed), *WOMEN AND LAW CRITICAL FEMINIST PERSPECTIVES* (Sage Publications India 2014)

Kamla Bhasin, *What is Patriarchy*, Kali/Women Unlimited (2004)

Ratna Kapur and Brenda Cossman, *Subversive Sites: Feminist Engagements with Law in India* 43-75 (1996).

Heywood, —*Feminism in Political Ideology: An Introduction* pp. 252-265 (2004) Palgrave McMillan.

Rosemarie Tong: *Thought –A Comprehensive Introduction.*

Course Wise Content Details for LL.B. Programme:

Semester - III

Course Name – White-Collar Crime and Economic Offences

Course Code- LB-OE-303

Credits – 2

Total Classes 30

Target Group: Students of Social Work, political science, sociology, anthropology, arts, history

Course Objectives:

This Course aims to introduce to students a new kind of criminality which was earlier not considered as criminality at all and to explain them the reasons for the same. The students shall learn how dangerous the impact of this criminality on the economy of any country including India and that the impact is far graver than any traditional criminality whatsoever. Further, it has been so designed as to enable the students to understand the special principles of this criminality, to identify the ingredients of offences, to know about special mechanisms for investigation and trial, and special punishment policy, as well as to sensitize the students about need of studying these offences and its impact on common people of the country. The course will enable students to critically analyse the provisions of various Special Statutes related to these offences and to scrutinize the recent developments and changes that have taken place in this field. Students shall also learn how to use this expertise in filing and contesting the cases before the Courts of Law.

Course Learning Outcomes:

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

1. Learn a new kind of criminality, its nature and its basic concepts that are required for its better understanding and about the difference between this criminality and other kinds of criminalities.
2. Know about the history and the evolution of the White-Collar crimes and Economic offences with the help of different approaches taken by eminent criminologists/jurists in this regard for the better understanding of the need, purpose and urgency of enacting these laws.
3. Have knowledge of emergent areas of this criminality with special reference to Corruption, Money Laundering and NDPS offences.
4. Acquire expertise on the relevant legal mechanism which is different kind of investigation and trial of these cases and enforcement procedure specially required for combating such type of crimes.
5. Acquire the analytical skill in analysing provisions of various Special Statutes in this area of law and can use their knowledge and skills on the subject to build a just and human society.

Contents:

Unit I:

Introduction to the White-Collar Crime and Economic Offences

- (A) Concept and Evolution of White-Collar Crime and Economic Offences.
- (B) Nature and Extent of White-Collar Crime and Economic Offences.
- (C) Sutherland's theory of 'Differential Association.'
- (D) Distinction among Economic Offences, White-Collar Crimes and Traditional Crimes.
- (E) *Mens Rea*, Nature of Liability, Burden of Proof and Sentencing Policy.
- (F) These Offences in India: The Santhanam Committee Report, 1964 and the 47th Report of the Law Commission of India, 1972.

Unit II:

The Prevention of Corruption Act, 1988

- (A) Need of the Act (read with Santhanam Committee Report)
- (B) The Prevention of Corruption Act, 1988
- Definitions of 'public servant,' Section 2 (c) and 'gratification,' Section 7.
- Offence committed by public servant and bribe giver and their Penalties (Section 7 to 14)
- Punishment for attempts (Section 15)
- Sanction for prosecution (Section 19 r/w Section 197 of the Code of Criminal Procedure, 1973)
- Presumption where public servant accepts gratification (Section 20)

Unit III:

The Prevention of Money-Laundering Act, 2002

- (A) Need for combating Money-Laundering
- (B) Magnitude of Money-Laundering, its steps and various methods
- (C) The Prevention of Money-Laundering Act, 2002
- Definition of 'Money Laundering', Section 3 & 2(1)(p)
- Punishment for Money Laundering (Section 4)
- Enforcement:
- Attachment (Section 5)
- Survey, Search, & Seizure (Sections 16, 17 & 18)
- Power to arrest (Section 19)
- Adjudication under the Act:
- Adjudication by Adjudicating Authorities (Section 8)
- Special courts (Sections 43 to 47)
- Vesting of Property in Central Government

Department of Law, Nehru Gram Bharati (Deemed to be University)

(Section 9) Preventive Mechanisms under the Act:

Obligation of banking companies, financial institutions and Intermediaries (Sections 12 & 12A)

Reciprocal Arrangements with other countries (Overview of Chapter IX i.e. Sections 55 to 61)

Unit IV:

The Narcotic Drugs and Psychotropic Substances Act, 1985

Definition of Narcotic Drugs and Psychotropic Substances

Authorities and Officers (Section 4,6)

National Fund for Control of Drug Abuse (Section 7A)

Prohibition, Control and Regulation (Section 8, 9, 9A)

Offences and Penalties (Section 18, 19, 21, 22, 25A, 27, 27A, 30, 31, 31A, 32, 32A, 33, 35, 36, 36A, 37, 39)

Procedural Aspects (Section 41-43, 50, 52A, 54, 58, 60, 64)

Course Wise Content Details for LL.B. Programme:

Semester - III

Application of Computer in Law

Course Code- LB-OE-304

Credits – 2

Total Classes 30

Note:

- (a) Nine questions shall be set in all, two questions in each unit I-IV and one compulsory question in unit-V.
- (b) The compulsory question in unit-V shall consist of four parts, one from each Unit I-IV.
- (c) The Candidate shall be required to attempt five questions in all, selecting one question from each Unit I-IV and question no. 9 in Unit- V shall be compulsory.
- (d) Each question in Unit I-IV shall carry 15 marks and question no. 9 in Unit -V shall carry 20 Marks.

UNIT-I

Element of Computer Processing System, Hardware CPU, Storage Device & Media VDU, I/O Device, Disk concepts- formatting, booting, Partitioning, DAT, Directory, Data Communication Equipment.

Software, System Software, Application Software, DBMS, RDBMS & And ERP package

UNIT-II

Operating System: Concept as A Resource Manager and Coordinator of Processor, Device and Memory, Concept of Priorities, Protection and Parallelism, Command Interpreter, Typical Command of DOS & Unix GUI Windows.

UNIT-III

Computer and Communication: Single User, Multi-user, Workstation, Client Server System, computer Network, Network Protocols, LAN, MAN

UNIT-IV

Internet: Structure of Internet, Connectivity, Methods, Internet Service- E-mail, WWW, Mailing List, Usenet, DTP, Telnet, Chatting, Conferencing, Telephony.

Practical:

OFFICE 2000

Suggested Readings

1. Rajaraman V. : Fundamentals of Computers (3rd ed.) Prentice hall of India, New Delhi, 1999
2. Sander D.H. : Computers today Mc. Graw Hill, 1988
3. Trainer : Computers (4th ed.) Mc. Graw Hill, 1994
4. P.K. Shinha : Fundamental in Computing
5. Sushil Goel : Computer Fundamental
6. S. Jaiswal : Basic in Computers
7. S. Dasgupta : Computer Fundamental
8. Suresh K. Basandra : Computers Today
9. Peter- Notron's : Computers Today
10. A.K. Sharma : Fundamentals in Computers
11. Complete Reference in MS-Office

Course Wise Content Details for LL.B. Programme:

Semester - IV

Course Name – Biotechnology and Law

Course Code- LB-OE-401

Credits – 2

Total Classes 30

Target Group: Students of Law, All Science stream -B.Sc., M.Sc., biochemistry, etc., MBBS

Course Description

Biotechnology emerged as an important tool for biomedical researches in the twenty first century. Biotechnology is related to the use of genetic information of same or different species to solve a certain kind of problems. Decoding of genetic information and its use and application for various purposes had very serious legal implications. Impact of biotechnological innovations and its ramifications compelled scientist, philosopher, policy maker and users to examine its scope, limitations and viability, So there is utmost need of interdisciplinary study of biotechnology related issues which will provide a systematic understanding of law, policy, science and technology.

This course is designed to cover contemporary issues relating to biotechnology like use and misuse of gene, genetic material as well as genetic information and laws relating to that. There were huge debates across the globe on ethical acceptance of biotechnological inventions including patentability of biotechnological inventions, genetically modified crop, Ownership of biological material, privacy and human rights issues .

Objectives of the Course

This course is mainly designed to cover the legal implications of biotechnological innovations and law relating to that. The main objectives of this course are as follows.

- ❖ To learn the basic understanding about biotechnological inventions and its importance
- ❖ To discuss the theological and ethical aspects of biotechnological inventions.
- ❖ To impart legal skill to students who can be able to judge the interest of MNCs as well as the common mass of the country.
- ❖ To know the complicated ethico-legal issues like genetic ownership, human cloning as well as genetic data privacy.
- ❖ To develop critical understanding of a student who can protect the biotechnological interest of citizen at national level and interest of country at international level.

Group Work

You will have the opportunity to work with a small group of three-four students from class to do the assigned work and share your conclusions and observations through presentation before the class with the instructor and other students. At the end of the semester the group members will submit a research paper which should be of publishable quality.

Course Credit

This course would be of two credit. The distribution of credit is as follows:

Thirty two lectures = 2 credit

Target Discipline – Law / Science-B.Sc.,M.Sc./M.B.B.S.

The main target groups are LL.B. Students, BSc. Students or any interested graduate students of the University.

Learning Outcomes

After the completion of the course, the students will be able to

- Comprehend the basic understanding of interdisciplinary complexities involved in biotechnological invention
- Defend or criticise the certain issues on the ground of morality or theological basis.
- Protect the private right of individual as well as public interest if affecting issues are biotechnological.
- Protect the rights of farmers, patient, consumer and other person in cases of issues relating to genetically modified plant, food and misuse of genetic information etc.
- Provide valuable suggestions on various issues and related draft policy, proposal or Bill etc.
- Work with NGO, with deep understanding of the issues and may provide consultation to the parties.

Module One Introduction - Biotechnology and Law

This Module introduces the paper providing relationship between Biotechnology and Law. The module focuses on different stages of biotechnological development, its impact on society and legal implications. How does modern biotechnological innovations affect the existing legal norms are the main component of this section.

- *Meaning of biotechnology*
- *First, Second and Third Generation Biotechnology*
- *Biotechnological innovations and emerging challenges*
- *Relationship between law and Biotechnology*

Module Two Biotechnological inventions and Ethics

The divine concept of origin of life was challenged by new age biotechnological inventions and started a great ethical debate on artificial creation of life or modification of living organism deviating from its natural origin. The second module emphasises the theological and ethical discourse on the various issues like ownership over gene and genetically modified organism, artificial human organs, use and control of genetic information, stem cell research etc.

- *Ownership of human body, parts, life and biological processes*
- *Theological Perspective- Christian, Islamic and Hindu*
- *Ethical Perspective*

Module Three Patentability of Biotechnological Invention

Intellectual Property Rights protect scientific innovations and biotechnological inventions are mainly protected through patent. Patent does not protect all types of inventions. There are certain limitations and qualifications to be protected under patent law. The standards of patentability criteria for biotechnological innovations are different in various jurisdictions.

- *Patentability criteria*
- *Non Patentable inventions*
- *Gene, Microorganism, plant and animal patentability*
- *Genetically Modified Organism and plant*

Department of Law, Nehru Gram Bharati (Deemed to be University)

Module Four Genetic Data and Law

Genetic Material and related information is the raw material for any biotechnological inventions. These genetic information come from sequence of nucleotides. The rising demand to use these genetic data for research goes hand in hand with an increased awareness of privacy issues related to its use. Using human genetic data in a legally compliant way requires an examination of the legal basis as well as an assessment of potential disclosure risks.

- *Genetic material and Genetic Data*
- *Genetic data – Common heritage of mankind vs Private property*
- *Privacy*
- *Genetic Discrimination*

Module Five Legal Framework of Biotechnological Invention

There are national, regional and international regulations to regulate the biotechnological invention. The laws are different in different countries or interpreted defiantly by the court. The microscopic analysis gives the detail picture of comparative laws.

- *TRIPS Agreement*
- *EPO Examination Guidelines*
- *EU Directive*
- *US PTO Examination Guideline*
- *IPO Examination Guideline*
- *Cartagena Protocol*

Module Six Biotechnological Invention and Human Rights

Biotechnology permits our world to progress. It's a tool to better apprehend the human being, but as well to let him go ahead. Applied to the living, biotechnologies present the same finality. But since their matter concerns effectively the living, they are the sources of specific dangers and particularly of that one to use the improvements obtained on the human to modify the human species. The right of the persons has to find its place to avoid that the fundamental rights of the human personality shall undergo harm

- *Human Dignity*
- *Privacy*
- *Informed consent*

Course Wise Content Details for LL.B. Programme:

Semester - IV

Course Name – Gender Justice

Course Code- LB-OE-402

Credits – 2

Total Classes 30

Target Group: Any post graduate student

Course Objectives:

1. To create awareness among students about meaning and importance of gender and gender identity
2. To generate awareness about difference between sex and gender and impact of stereotyping on people
3. To create an understanding of the struggles of LGBTQIH community people
4. To focus on gender rights as basic human rights
5. To familiarise the students about various International and National laws in the field of Gender rights
6. To generate critical thinking on judicial decisions dealing with gender justice

Course Learning Outcomes:

At the end of the semester the students will be able to: -

1. Know the meaning of LGBTQIH
2. Identify the issues of the Third Gender and other sexual minorities
3. Critically evaluate international and national laws and judicial decisions regarding gender rights
4. Empathise with third gender and LGBTQIH community persons

Basic Readings:

1. Kalpana Kannabhiran (ed), WOMEN AND LAW CRITICAL FEMINIST PERSPECTIVES (Sage Publications India 2014)
2. Rajesh Talwar, “*The Third Sex and Human Rights*”, Gyan Publishing House, New Delhi, 2016
3. S. Nanjundaswamy, M.R Gangadhar, “*Transgender Challenges in India*”, Aayu Publications, 2016
4. Dr. Piyush Saxena, “*Life of a Eunuch*”, Shanta Publishing House, Navi Mumbai 2011

TOPIC ONE: Notions of Sex and Gender: Deconstructing ‘Man’, ‘Woman’, ‘Other’ (6 hours)

Readings:

1. Moira Gatens, “*A Critique of the Sex/Gender Distinction*” in A Phillips ed. FEMINISM AND SUBJECTIVITY, pp. 139-154
2. PUCL, Human Rights Violations against the Transgender Community : A study of kothi and hijra sex workers in Bangalore , India (September, 2003)

3. *National Legal Services Authority v. Union of India*, [(2014) 1 SCC 1]

TOPIC TWO: INTERNATIONAL LAW (6 HOURS)

1. UN Human Rights Council Resolution on Human rights, sexual orientation and gender identity, 2011
2. EXCERPTS: Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law (UN Human Rights Office of the High Commissioner) HR/PUB/12/06 (2012)
3. The Yogyakarta Principles 2007
4. UDHR, ICESCR, ICCPR

TOPIC THREE: SEXUAL ORIENTATION IN LAW (5 HOURS)

1. Arvind Narrain, “*That despicable specimen of humanity*’: Policing of homosexuality in India” in Kalpana Kannabiran (ed), CHALLENGING THE RULE(S) OF LAW: COLONIALISM, CRIMINOLOGY AND HUMAN RIGHTS IN INDIA (2008) Sage India
2. *Navtej Singh Johar v. Union of India* Ministry of Law and Justice Secretary, 2018 SCC OnLine SC 1350

TOPIC FOUR: ECONOMIC DISMPOWERMENT (5 HOURS)

1. Employment
2. Inheritance

Readings

Vanessa Sheridan, “Transgender Economic Equality: The New Frontier” in HUFFPOST available at https://www.huffingtonpost.com/vanessa-sheridan/transgender-economic-equality-the-new-frontier_b_3914614.html

TOPIC FIVE: HEALTH AND WELLBEING (4 HOURS)

Readings:

1. Subir K Kole, “Globalizing queer? AIDS, homophobia and the politics of sexual identity in India” in 3 (8) GLOBALIZATION AND HEALTH (2007) available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2018684/pdf/1744-8603-3-8.pdf>
2. UNDP India, Hijras/Transgender Women in India: HIV, Human Rights and Social Exclusion, 2010
3. Hà Lê Phan & Inga T. Winkler, “The private, the social, and the political: a human rights perspective on transgender bathrooms” (2016) in Open Global Rights available at <https://www.openglobalrights.org/private-social-and-political-human-rights-perspective-on-tr/>

TOPIC SIX: GENDER JUSTICE IN INDIA: AN OVERVIEW (4 HOURS)

1. Kalpana Kannabhiran, “*Judicial Meanderings in Patriarchal Thickets: Litigating Sex Discrimination in India*” in Kalpana Kannabhiran (ed), WOMEN AND LAW CRITICAL FEMINIST PERSPECTIVES (Sage Publications India 2014)
2. *NALSA v. Union of India*, Writ Petition (Civil) no.400 of 2012
3. Government of India, Report: *Expert Committee on the Issues relating to Transgender Persons*, (Ministry of Social Justice and Empowerment, 2013)
4. Transgender Persons (Protection of Rights) Bill 2016

5. “Over Two Years After Landmark Judgment, Transgender People Are Still Struggling” in *The Wire*, available at <https://thewire.in/gender/over-two-years-after-landmark-judgment-transgender-people-are-still-struggling>
6. Usha Ramanathan, “*Images (1920-1950) Reasonable Man, Reasonable Woman and Reasonable Expectations*” in Amita Dhanda, Archana Parashar (ed) *ENGENDERING LAW*, pp. 33-70 (1999). Eastern Book Company. <http://www.ielrc.org/content/a9906.pdf>

Teaching Plan:

Weeks 1-4: Developing basic understanding of gender, gender identity, issues of rights **Weeks 5-7: International developments**

Week 8-10: Dealing with Economic disempowerment

Weeks 11-13: Right to health and wellbeing

Weeks 14-15: Critical analyses of laws and judicial decisions

Course Wise Content Details for LL.B. Programme:

Semester - III

Course Name – Social Offences against Disadvantageous People

Course Code- LB-OE-403

Credits – 2

Total Classes 30

Target Group: Students of Law, Social Work, political science, sociology, anthropology, arts, history, police or prison officials

Course Objectives:

This Course aims:

1. To create awareness and educate the students about the social set up in Indian society and to sensitise them about the social conditions of the disadvantageous people in it and their rights and privileges. It is further to interlink it with other disciplines like history, sociology, philosophy and psychology for better understanding.
2. To expose students to the offences against women and other disadvantageous people in Indian society under special laws and to explain the students about the nature, the basic concepts and ingredients of these offences that are required for better understanding of these laws.
3. To discuss the history and the evolution of these law in order to emphasise on the need to enact these laws and to justify the requirement of these special legislations as IPC does not cover different aspects of this criminality against them.
4. To provide knowledge to the students on the relevant legal mechanism which is a different kind of enforcement procedure specially required for combating such type of crimes. To educate the students on the international developments related to these offences.
5. To inculcate in-depth knowledge of law and to develop the analytical skill of students in analysing provisions of various Special Statutes related to these offences and to apply them in practical/real problems whenever required.

Course Outcome:

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

1. Get exposure of the social set up in Indian society and social conditions of such people, their rights and privileges, and offences against them.
2. Acquire knowledge about the offences committed against women and other disadvantageous people in society and also about the special laws enacted by parliament to address these issues.
3. Get information about the history and the evolution of these law for understanding the need for these types of laws and for their justification.
4. Have expertise on the relevant legal mechanism which is a different kind of enforcement procedure specially required for combating such type of crimes.

5. Acquire the analytical skill in analysing provisions of various Special Statutes and International instruments and can use their knowledge and skills on the subject to build a just and human society.

Contents:

Unit I:

The Immoral Traffic (Prevention) Act, 1956

History, Development and Magnitude of Human Trafficking

Constitutional Provisions and Sections 370-373 of the Indian Penal Code, 1860

The 64th report of the Law Commission of India, 1975

The Immoral Traffic (Prevention) Act, 1956

Unit II:

The Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act, 2005

Definitions of 'Aggrieved person,' Section 2(a); 'Domestic Relationship,' Section 2(f);

'Respondent,' Section 2(q) and 'Shared Household,' Section 2(s)

Definition and Meaning of 'Domestic Violence,' Sections 2 (g) and 3

Protection Officer: Appointment, Duties and Functions (sections 8, 5 and 9)

Provisions related to various Orders and reliefs to the aggrieved persons (Sections 17, 18, 19, 20, 21, and 22)

Penalty for breach of protection order by respondent (Section 31)

Unit III:

The Protection of Civil Rights Act, 1955

Articles 14, 15, 16, 17, and 35(a)(ii) of the Constitution of India

The Untouchability (Offences) Act 1955

The Report of 'Committee on Untouchability, Educational & Economic Development of Scheduled Castes' under the chairmanship of L. Elayaperumal, 1965 (The Elayaperumal Report).

The Protection of Civil Rights Act, 1955

Case:

State of Karnataka v. Appa Balu Ingale and Others, AIR 1993 SC 1126; 1992 (3)

SCALE 339

Unit IV:

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

Meaning of 'atrocities,' Sections 2(1) (a) & 3

Presumption as to offences (Section 8)

Removal of person likely to commit offence (Section 10)

Power of State Government to impose collective fine (Section 16)

Department of Law, Nehru Gram Bharati (Deemed to be University)

Preventive action to be taken by the law and order machinery (Section 17)

Section 438 of the Code not to apply to persons committing an offence under the Act
(Section 18)

Prescribed Readings:

Relevant Provisions of Universal Declaration on Human Rights, 1948

Maresh Chandra, *Socio- Economic Offences* (1979)

J.S.P. Singh, *Socio- Economic Offences*, Allahabad Law Agency, (1st Ed., 2005, Reprint 2015)

K.D. Gengade, *Social Legislation in India*, (1978)

Rattan Singh and Varinder Singh, *Socio-Economic Offences in India*, Allahabad Law Agency, (2008)

Dr. B.K.Sharma & Dr. Vijay Nagpal, *A Treatise on Economic and Social Offences*, Allahabad Law Agency, Reprint in 2012.

Ahmed Siddiqui, *Criminology: Problems and Perspectives* (4th Ed., 1997)

International Convention for Suppression of Immoral Traffic in Persons and of the Exploitation of the prostitution of others, 1951

SAARC Convention on Preventing and Combating Trafficking in Women & Children for Prostitution, 2002

B.R. Boetra, *The Immoral Traffic (Prevention) Act 1956 (with state rules)* (4th Ed., 1988)

P.S. Narayan, *Commentary on Immoral Traffic Prevention Act, 1956* (2nd Ed., 2013)

Convention on Elimination of All Forms of Discrimination Against Women, 1979

Declaration on Elimination of Violence Against Women, 1993

Preeti Misra, *Domestic Violence against Women: Legal Control and Judicial Response*, Deep and Deep Publications, (2006).

Lawyers Collective (Ed. by Indira Jaising), *Handbook on Law of Domestic Violence*, (1stEd., 2009)

R.K. Kshirsagar, *Untouchability In India: Its Abolition and Implementation of Law*, Deep and Deep Publications, (1999)

K.D. Purane, *Untouchability and Law – A ground Reality*, Gyan Publishing House, (2000)

Ramesh Chandra & Mitra, Sangh, *Untouchability and the Law*, Commonwealth Publishers, (2003)

Nawal, *Legally Combating Atrocities against SC and ST*, (2004)

Teaching Plan:

Week 1 - Week 4: **Unit I**

Week 5 – Week 9: **Unit II**

Week 10 – Week 12: **Unit III**

Week 13 – Week 15: **Unit IV**

Course Wise Content Details for LL.B. Programme:

Semester - IV

Course Name- Education Law (Open Elective)

Course code- LB-OE-404

Credits – 2

Total Classes 30

Target Group: Students of Law, Education, Social Work, Arts, personnel of educational institutions

Background:

Education in India is undergoing transformation. It is seen as the most important tool for empowering people and for national development. Elementary education is now a fundamental right which is necessary for the exercise of other human rights. It is supported by the Right of Children to Free and Compulsory Education Act, 2009. Further, it is also characterized by principles and norms such as universal access to education, equality, nondiscrimination, freedom in education and social responsibility, social justice etc. Education Law not only guarantees the right to education but is also important as a basis for formulation of education policies and programmes, regulating the functioning of the educational institutions rights and responsibility of various stakeholders such as teachers, students, parents and local bodies and the community. It is incumbent upon the Government to ensure that the structure and content of education is in conformity with Education Laws. A fine balance between privatization and government funding of school education is to be ensured while ensuring access to quality education for all.

Who will benefit From the Course: Law students, students from other departments in the university like education, social work, psychology, sociology, economics and political science etc. This course will provide students with a comprehensive knowledge of the Education Law as it relates to the provision of school education in India. In the current educational environment, it is necessary that they are familiar with this legal matrix.

Teaching Hours : 32 Hrs

Learning Objectives:

1. To familiarise students with the legal framework of the right to education and Education Laws and Education System, Planning and Processes in India so that they become aware of education as a legal right and measures to secure it and its justiciability.
2. To sensitize them to the issues of equality of opportunity, discrimination and biases prevalent in the present education sector
3. To make them conversant with issues arising out of regulatory affairs of the education system as well as in the course of implementation of educational rights of the children especially in the time of growing privatisation and commercialization of school education.

Learning Outcomes: On completion of the course, students will :

- 1 Have adequate knowledge about the body of Education Laws and educational process and planning in India

- 2 Understand the legal framework as well as processes of delivery of education in schools and the manner in which it is carried out and its implication for the education system and structures and for the stakeholders.
- 3 Be sensitized to the issues of different stakeholders as far as equality of opportunity w.r.t. school education is concerned.
- 4 Critically analyse and explain the issues related to implementation and non implementation of education as a right in the Indian context.
- 5 Apply Education Law to varied factual situations and be aware of remedial action which can be taken for denial and violations of this right.

Teaching Methodology : Lecture, discussion, Case Law, Role play, Video sessions (mainly documentaries on issues pertaining to right to education), simulation exercises and experiential learning.

Resource Persons: Academicians, Lawyers, Experts from Organisations and Government officials working on the course related areas can be called for special lectures.

UNIT I: EDUCATION: AN INTRODUCTION 6Hrs

This section will deal with the philosophy of education and its traditions in India. It will trace the development of the social construction worldwide of schooling as a state project and child rights. Emphasis will be on the theoretical and philosophical foundations of this right as well as shift in policies related to education from being denied to being considered compulsory and a right of the child. In this context, UDHR, ICCPR, ICESCR, optional protocols and the CRC need to be discussed.

PHILOSOPHY OF EDUCATION, ITS TRADITIONS IN INDIA, PRESENT DAY SYSTEM OF EDUCATION

EDUCATION AS A HUMAN RIGHT

Universal Declaration of Human Rights, 1948

Convention Against Discrimination in Education, 1960

International Covenant on Economic Social and Cultural Rights 1966

International Covenant on Civil and Political Rights, 1966

Convention on Rights of the Child, 1989

Convention on Elimination of All Forms of Discrimination against Women 1970

Convention on the Rights of Persons with Disabilities 2006

Convention on Elimination of All Forms of Racial Discrimination

UNIT II RIGHT TO EDUCATION: CONSTITUTIONAL HISTORY, MANDATE AND LEGISLATION IN INDIA 7hrs

PRE-INDEPENDENCE AND POST-INDEPENDENCE
COMPULSORY ELEMENTARY EDUCATION

CONSTITUTIONAL ASSEMBLY DEBATE ON ELEMENTARY EDUCATION

DIRECTIVE PRINCIPLES OF STATE POLICY AND CONSTITUTIONAL
AMENDMENT ESTABLISHING THE RIGHT TO ELEMENTARY EDUCATION

RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

UNIT III EDUCATIONAL RIGHTS OF MINORITIES 4Hrs

Department of Law, Nehru Gram Bharati (Deemed to be University)

RIGHT TO CONSERVE DISTINCT SCRIPT AND CULTURE

RIGHT TO ESTABLISH AND ADMINISTER EDUCATIONAL INSTITUTIONS OF THEIR CHOICE

MINORITY INSTITUTIONS – RIGHT TO COMPENSATION

NO DISCRIMINATION IN GRANT IN AID

UNIT IV JUSTICIABILITY OF THE RIGHT TO

EDUCATION AND ITS ENFORCEMENT 9hr

The right to education is between the ages of 6-14, yet without knowledge of the structures of educational provisioning by the states it is impossible to appreciate the manner in which access and equity in education are compromised. It is important to know the issues in the enforcement of right to education like lack of equality of educational opportunity, the lack of linkage between stages of education, education in urban areas and cities, education of the disabled and issues of inclusion. On the other hand there are issues of violation of child rights within schools and include those of discrimination, segregation, especially of those from socially or economically depressed backgrounds, gender discrimination etc. While some issues such as corporal punishment, lack of attention to safety and security of children bring themselves to attention, the violation of issues related to quality are more difficult to recognize.

ISSUES IN THE **RIGHT TO EDUCATION** : ISSUES OF ACCESS AND EQUITY; DISABILITY AND INCLUSION

ISSUES OF RIGHTS IN EDUCATION: ISSUES OF DISCRIMINATION AND SEGREGATION; CORPORAL PUNISHMENT, VIOLENCE, AND SECURITY; QUALITY OF EDUCATION

QUASI-JUDICIAL MECHANISMS AND PROTECTION OF RIGHT TO EDUCATION

PUBLIC INTEREST LITIGATION

Course Wise Content Details for LL.B. Programme:

Semester - V

Course Name – Bioethics, Health and Law

Course Code- LB-OE-501

Credits – 2

Total Classes 30

Target Group:

Context & Objectives

With India opening its flood-gates in 1990s and embracing globalization, the health sector has grown tremendously. It has given rise to what is popularly known as ‘medical tourism’. This phenomenon however, cuts across all borders and is prevalent globally. A large number of people have been observed to travel abroad to cater to their respective ‘needs’ such as organ transplantation, reproduction, physician assisted death etc. With greater technological advancement, ethical issues are fast cropping up.

The course is aimed at examining the relationship and interface between health, bioethics and law. It shall delve into the plethora of issues that make their presence felt every now and then. Of the many issues, focus shall be on questions of autonomy, anonymity, informed consent, decision-making capacity of the patients and their kin, end of life decisions, assisted reproduction, religious and cultural differences and their interconnectedness to achieve the Sustainable Development Goals (SDGs). The course aims to equip students with research skills and serve as a platform to encourage further research.

Target group of students may include those studying the following courses:

- Law
- Medicine
- Social Work
- Anthropology
- Sociology

Teaching Methodology:

The lecture method shall be the dominant method in the course supplemented by case-study method, wherever relevant. In appropriate parts of the syllabus, short videos/documentaries would be showcased for the purposes of sensitisation as well as analysis by the students.

Course Outcome:

At the end of the course, the students would be:

1. able to recognise, apply and appraise the ethical underpinnings of the law vis-a-vis medicine;
2. able to examine the rights of individuals accessing healthcare facilities;
3. able to apply the bioethical principles in issues of the beginning and end of life decisions;

4. be sensitised towards the safeguarding and upholding of professional standards in healthcare sector.

Course Outline

I. Introduction 4 Lectures

1. Historical developments
2. Ethics
 - 2.1 What are ethics
 - 2.2 Universal sense of duty
 - 2.3 Universality and Variability of Human Morality
 - 2.4 Ethical method of reasoning
 - 2.4.1 Fact deliberation
 - 2.4.2 Value deliberation
 - 2.4.3 Duty deliberation

3. Bioethics

Defining bioethics

Bioethics vs Medical Ethics

Institutionalisation of Bioethics

Law and Bioethics

II. General Concepts & Justification Models 4 Lectures

1. Principlism

Autonomy

Non-maleficance

Beneficence

Justice

2. Casuistry
3. Informed Consent
4. Confidentiality
5. Religion & Theology

6. Relativism
7. Pragmatism

III. Health Care Sector in India

4 Lectures

1. Right to Health as a Fundamental Right
2. Indian Health Policies
 - Union Health Budget 2018-19
 - National Rural Health Mission
 - Rashtriya Swasthya Bima Yojana
3. Judicial Response

IV. Public Health

4 Lectures

1. Public Health
 - What is Public Health
 - Public Health Determinants

Population Education

Gender

2. Directive Principles of State Policy – Part IV, Constitution of India.
3. Infectious Diseases
4. The *Triage* Principle
5. Public Health Emergencies
 - Public Health (Emergency Provisions) Ordinance, 1944
 - Judicial Trends

V. Reproduction

8 Lectures

1. Right to Reproductive autonomy
2. Population Control
3. Reproductive Exile
4. Abortion

Woman's autonomy

Medical Termination of Pregnancy Act 1971

Indian Penal Code 1860

Status of a Foetus

Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994

5. Assisted Reproduction Techniques

AIH

AID

GIFT

IVF

6. Surrogacy

What is surrogacy

Types of surrogacy

Financial Basis

Altruistic

Commercial

Genetic Linkage

Traditional

Gestational

Surrogacy vs Adoption

Enforceability of surrogacy agreements

Reproductive Stratification

Woman's autonomy

Redefining Familial Concepts

Indian Council of Medical Research, (2005) National Guidelines for Accreditation, Supervision and Regulation of ART Clinics in India

The Surrogacy (Regulation) Bill 2016

VI. End of Life Decisions

6 Lectures

1. The Right to Die

2. What is death?

3. Suicide

Suicide

Physician Assisted Suicide

4. Euthanasia

What is euthanasia

Types of euthanasia

Hippocratic Oath

Code of Medical Ethics

The Nazi Regime

The Dutch Stance

Religious Viewpoints

Who's choice is it?

5. Incompetent patients

6. Palliative care & Hospices

Course Wise Content Details for LL.B. Programme:

Semester - V

Course Name-Jurisprudence - II

Course Code- LB-OE-502

Credits – 2

Total Classes 30

Target Group: Students of Law, Political Science, History, Sociology

Course Objectives:

This Course aims to introduce to students 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 throughout the Course, the students shall gain the expertise in analysing the other concepts also used in the field of Law with their rationale. 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.

Course Learning Outcomes:

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

1. Have a deep knowledge of basic concepts in jurisprudence and to explain them in the legal field from a critical approach.
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 specialist knowledge, skills and creativity to get the practical and appropriate solutions of legal problems.
4. Differentiate properly among various lookalike concepts and used them appropriately wherever required.
5. Expertise this analytical skill in critically analysing different type of Laws in case of any confusion and to provide a strong basis for their legal opinion.

Contents:

Unit I: The Concept of Rights and Duties: Jurisprudential Analysis

- (a) R.W.M. Dias, —Jural Relations, Jurisprudence, pp. 23-43 (1994).
- (b) Chhatrapati Singh, "The Inadequacy of Hohfeld's Scheme: Towards more Fundamental Analysis of Jural Relations", 27 JILI. 117 (1985).
- (c) Upendra Baxi, "Laches and the Rights to constitutional Remedies: *Quis Custodiet Ipsos Custodes?*", Alice Jacob (ed.), Constitutional Developments since Independence (1975).
- (d) 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).
- (e) Hart, H.L.A., "Bentham on Legal Rights", in A.W.B. Simpson (ed.), Oxford Essays in Jurisprudence, Second Series, Oxford: Clarendon Press, (1973).

Unit II: The Concept of Rights and Duties: Philosophical Analysis

- (a) Bhiku Parekh, "The Modern Conception of Right and Marxist Critique" in Upendra Baxi (ed.), The Right to be Human, pp. 1-22 (1987).

- (b) Allen Buchanan, “What is so Special about Rights,” *Social Policy & Philosophy*, pp. 61-75 (1984).
- (c) Ronald Dworkin, *Taking Rights Seriously*, Chapter 7, pp. 184-205.
- (d) Amartya Sen, “Culture and Human Rights”, in *Development as Freedom*, Chapter 10, pp. 227-48 (2000).

Unit III: Liability

- (a) P.J. Fitzgerald, *Liability in Salmond on Jurisprudence*, pp. 349-410 (1966).
- (b) P.J. Fitzgerald, *Civil and Criminal Justice in Salmond on Jurisprudence*, pp. 91-106 (1966).

Unit IV: Personality

- (a) Joel Feinberg, “The Rights of Animals and Unborn Generations” in *Philosophy & Environmental Crisis* by William T. Blackstone (ed.), pp. 43-68 (1974).
- (b) R.W.M. Dias, *Theories of the Nature of “Legal Person” in Jurisprudence*, pp. 265- 270 (1994).
- (c) 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 Kotecha vs. Branch Manager, United India Insurance Company Limited*, 2006 Indlaw SCMAH 5.
4. *Divisional Controller, B.T.S. Division, Karnataka State Road Transport Corporation vs. Vidya Shinde*, 2005 ACJ 69.
5. *Bhawaribai vs. New India Assurance Co. Ltd.*, 2006 ACJ 2085.
6. *Manikuttan vs. M.N. Baby*, 2009 ACJ 1497.

Teaching Plan:

- Week 1 - Week 5: **Unit I**
- Week 6 – Week 10: **Unit II**
- Week 11 – Week 13: **Unit III**
- Week 14 – Week 15: **Unit IV**

Course Wise Content Details for LL.B. Programme:

Semester - V

Course Name-Law and Development

Course Code- LB-OE-503

Credits – 2

Total Classes 30

Target Group: Students of Law, Economics, Sociology, Social Work, Political Science, Anthropology, Officials working in Public Sector Units, Private Organizations involved in developmental activities.

About the course:

‘Law and Development’ is an interdisciplinary course which looks at the relationship of law, economics and social development. The course will examine how law can be used as a tool for achieving socio-economic development of the weaker sections of the society.

Course type: Open Elective Course

For whom is this course:

Law and Development is an Open Elective Course which can be offered to students from different disciplines, such as Law, Economics, Sociology, Social Work, Political Science, Anthropology etc. The course can also be opened to officials who are working in Public Sector Units (NHPC, ONGC, NTPC, Coal India Ltd. etc.) and private organizations involved in developmental activities.

Course objectives:

The objectives of the course are to -

1. make students aware of the significance of law in development;
2. acquaint the students with various theories and perspectives of ‘development’;
3. sensitise them about the conflict of rights and interest of different sections/class of people in the context of development, and the need to protect the socio-economically weaker sections;
4. provide students hands on experience regarding development and its impact;
5. inculcate in the students to keep foremost the rights and interest of the poor and marginalised while examining developmental goals and policies.

Course outcome

At the end of the course, it is expected that the students shall -

1. be aware of the different perspectives of ‘development’ and have fair knowledge about the theories of development;
2. understand how law can be used as a tool to ensure that the fruits of development reaches the poor and marginalised;
3. be enabled to critique developmental policy or projects proposals;
4. be able to advise and assist PSUs and private companies to see to it that the benefit of development reaches the socio-economically weaker sections;
5. be able to advocate for and advise the development affected people and file petitions before the court for the sake of socio-economic justice for them.

Department of Law, Nehru Gram Bharati (Deemed to be University)
Teaching Methodology

The teaching methodology for this course shall consist of -

- (i) lectures, seminars, group discussions, class presentations etc. which will be within the setting of the Centre/institute; and
- (ii) fieldwork, drafting of project proposals and research component will be included to provide hands on experience to the students.

Course Content

I. INTRODUCTION :

- Concept of Development From Constitutional Perspective
 - Preamble of the Constitution of India
 - Fundamental Rights of the Constitution of India
 - Directive Principles of State Policy of the Constitution of India
 - Schedule V and VI of the Constitution of India
- Concept of sustainable development: International perspective

II. THEORIES OF DEVELOPMENT

- Economic theories of development
- Cultural theories of development
- Legal theories of development

III. LAW AND DEVELOPMENT RELATION

- Legislations relating to development
- Conflict of rights and interest of peoples
- Redressal mechanisms

IV. DEVELOPMENT AND ITS IMPACT

- Land acquisition for development and Displacement
- Humanising displacement through effective Rehabilitation & Resettlement
- Other impacts of development

V. ASSESSMENT OF DEVELOPMENT PROJECTS

- Environmental Impact Assessment
- Social Impact Assessment

Course Wise Content Details for LL.B. Programme:

Semester - V

Course Name- Sports Law

Course Code- LB-OE-504

Credits – 2

Total Classes 30

Target Group: Students of all postgraduate courses and sports professionals.

Course Objectives:

1. To examine the relationship between sport and law, including the principle of law having particular relevance to sporting contests.
2. To examine the domestic, European and international law covering the sport rules, regulation and institutions responsible for administering such rules and regulations.
3. To examine the role and function of sporting authorities of India and EU.
4. To examine issues of discrimination arising in sports.
5. To study the necessity of a comprehensive legislation dealing with all the dimensions of sports.

Course Learning Outcomes:

Students who have successfully completed this course will be able to:

- Familiarize themselves with the legal rights and liabilities of sports persons, fans, coaches, agents, and other key stakeholders.
- Explain the legal framework relating to sport in India.
- Identify the mechanism for resolving sporting disputes, and explain the role of Court of Arbitration for Sport (Switzerland) in this regard.
- Practically apply the knowledge gained under this course for solving sports-related problems.

Contents:

Unit I: Introduction to Sports Law (4 Lectures)

- History of sports and its relationship with the law
- Sports law and the rise of international autonomous sports law bodies
- Indian, EU,US Law and sport

Unit II: Sports and Disciplinary Issues (8 Lectures)

- Player contract and rights protection
 - *BCCI v. Prasar Bharati Broadcasting Corporation of India* 2015
 - *ESPN STAR Sports v. Global Broadcast News Ltd* 2008
- Disciplinary codes
- On-field offences

- Disputes Resolution Bodies
- International Body: The Court of Arbitration in Sports (CAS)
- Suspension and appeals
- Challenging Decisions

Unit III: Anti-Doping and World Anti-doping Code (4 Lectures)

- What is doping?
- World anti-doping code
- Responsibilities of sports person
- Case 1- *Maria sharapova and controversy of tour de france.*
- Case 2- *NarsinghYadav doping controversy*

Unit IV: Criminal law- Corruption, Match fixing, Betting and Gambling (8 Lectures)

- Indian law on Match fixing and spot fixing
- Betting – whether it should be legalized?
- Lodha Committee Report

Cases:

1. *Rex v. Fortier Que* K.B. 308
2. PIL for legalising sports betting

Unit V: Equality and Discrimination in Sports (4 Lectures)

- Equality and discrimination
- Gender Discrimination
- Sexual harassment issues in sports
- Case study of Caster Semenya and Dutee Chand

Unit VI: Sports law in India (2 Lectures)

- National Sports Policy 1984-2001
- Sports governing bodies in India
- Recommendation by Several committees
- Need for uniform sports code of India
- Indian sports League – law and issues

Cases:

- *Rahul Mehra and Anr v. Union of India*[2004]
- *Zee telefilms ltd and Anr v. Union of India* [2005]
- *M/s Narinderbatra v. Union of India* [2009]
- *Indian Olympic Association v. Union of India* [2014]

Prescribed Readings

Department of Law, Nehru Gram Bharati (Deemed to be University)

1. Mukul Mudgal, "Law and Sports in India: Development, issues and Challenges", LexisNexis Butterworths Wadhwa, Nagpur, 1stedn. 2012.
2. David Thrope, Antonio Buti, " Sports Law", Oxford university Press, 2nd edn., 2013.
3. Walter T. Champion, "Fundamentals of Sports Law", Thomson West Publishers, 2nd edn.2004.

Suggested Readings:

1. National sports policy 2001
2. National Sports Development code of India 2011
3. The copyright Act, 1957 as amended by copyright amendment act 2012.
4. Lodha committee Report 2016
5. International convention against doping in sport UNESCO, 2005

The material provided is not exhaustive and students are expected to be aware of latest developments in the field and go through other readings as further suggested in the class.

Teaching Method: This will include lectures, case method, use of multi-media, field visit and interactive or participatory methods of teaching and learning.

Teaching Plan:

Week 1-2: Introduction to Sports Law

Week 3-4: Sports and Disciplinary Issues

Week 5-6: Sports and Disciplinary Issues

Week 7-8: Anti-Doping and World Anti-doping Code

Week 9-10: Criminal law- Corruption, Match fixing, Betting and Gambling

Week 11-12: Criminal law- Corruption, Match fixing, Betting and Gambling

Week 13-14: Equality and Discrimination in Sports

Week 15: Sports law in India

Course Wise Content Details for LL.B. Programme:

Semester - V

Course Name-Securities Law

Credits – 2

Total Classes 30

Target Group: Students of Law, commerce, economics, Management

Securities Law

Securities are instruments that enable companies to mobilise their resources. A security denotes an investment in a business. It could be in the form of shares, debentures, bonds, a package of loans or mortgages offered for sale by a financial institution or a financial instrument representing investment in a company or an international project, or any other instrument that a company may issue for the purpose of securing capital from the market. The securities market thus, is the place where such instruments are bought and sold; traded. In the primary markets, securities are issued, and in the secondary markets, existing securities are traded based on the market demand and supply. In order to assure the efficiency of the market and smooth and fair access to the market, it is crucial to ensure that there is a robust legal framework that protects and promotes the interest of the players in the market. A mature and well-regulated securities market is not only instrumental in ensuring various corporate initiatives but it also acts as a catalyst in exploring new ideas that can facilitate the management of financial risk. Moreover, retail investors are increasingly placing an accelerating proportion of their money in mutual funds and other collective investments, as such, securities markets have become central to individual wealth. Further, with globalisation and integration of the financial markets, the challenges posed to the market regulators have increased multi-fold. Hence the regulators strive for strengthening transparency and accountability of the player involved. The Securities Market Regulator in India is the Securities and Exchange Board of India (SEBI) which has been extremely pro-active and sensitive towards the requirements of the development of securities market in India.

Objectives:

The objective of the course are:

- To enable students to have an understanding of the securities market in India
- To provide an understanding regarding the functioning of the securities market
- To analyse the role of the regulators in the market and understand the fundamental principles involved.
- To enable the students to analyse the existing issues and apply them to practical situations
- To give an opportunity to the students to explore the nuances of the legalities in the area and help them to develop the legal knowledge in this field.

Teaching Methodology:

- **Lecture method** - Classroom teaching will be the primary tool that will expose the students to the regulatory framework in the area of Securities Law
- **Case analysis** – To enable the students to have a better understanding of the existing challenges and the judicial response towards the same

- **Group Discussion in class-** to enable the students to explore the ideas relating to the recent developments and the effectiveness of the regulatory authorities.

Course Outcome:

After successful completion of the course, the students will be able to:

- Develop an idea about the Securities market and its effects on the economy
- Understand the legal framework involved and the role of the regulators
- Acquire knowledge about the legal compliances that companies are required to fulfil under the securities regime in India
- Develop a skill of legal research since the subject manifests a multidisciplinary approach
- Have an edge in litigation before the administrative tribunals like the SEBI, NCLT, etc. and have added understanding on the corporate law perspectives
- For non-law students, this course can provide an understanding on the legal issues and compliances that should be abided by, for the smooth running of the businesses

Suggested Readings:

1. Agrawal S, & Baby RJ, *SEBI Act* (Taxmann 2011)
2. Jonnalagadda K, *Securities Law* (LexisNexis 2015)
3. Kaushik L, *Unfair Trade Practices in Securities Market* (Taxmann 2013)
4. Mishra B, *Law relating to Insider Trading* (Taxmann 2015)
5. Parekh S, *Fraud, Manipulation and Insider Trading in The Indian Securities Markets* (CCH 2013)

COURSE OUTLINE:

Module 1: Introduction

Sessions: 3 hrs

- Origin and evolution of securities market
- Origin of Securities Law
- Meaning of securities
- Kinds of securities

Module 2: Securities Market and SEBI

Sessions: 6 hrs

- An introduction to the SEBI Act
- SEBI as a regulator of securities market
- Establishment of SEBI
- Jurisdiction, Powers and Functions of SEBI
- SEBI-Sahara Case analysis
- Brief idea about SEBI guidelines relating to Corporate Laws

Cases:

- S.R.B Ramesh Chandra V SEBI [2014]124 SCL STA Mumbai-89
- SPS Share Brokers (P) Ltd. V SEBI [2014]124 SCL 1

Module 3: Issue, Acquisition and Transfer of Securities

Sessions: 6 hrs

- Issue of securities and its kinds
- Transfer of Securities
- Acquisition including Takeover

- SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2011

Module 4: Regulation of Stock Exchanges

Sessions: 3 hrs

- SEBI's powers over stock exchanges
- Enforceability of Options Contracts
- Listing and Delisting of Shares

Module 5: Collective Investment Scheme

Sessions: 3 hrs

- Growth
- Investor protection measures
- SEBI (Collective Investment Scheme) Regulation, 1999

Module 6: Mutual Funds

Sessions: 2 hrs

- Growth in industry
- Regulation
- Challenges
- SEBI (Mutual Funds) Regulations, 1996

Module 7: Insider trading

Sessions: 2 hrs

- SEBI (Prohibition of Insider Trading) Regulations, 2015
- The USA Approach
- The Indian Approach

Assessment of Students' Performance and Scheme of Examinations:

- English shall be the medium of instruction, though oral presentations and submissions may be made in Hindi.
- Five marks shall be given for attendance in all the Core, Elective, and Open Elective Courses (except three Clinical Education Courses) as per the following formula
 - 76%-80% attendance 1 Mark
 - 81%-85% attendance 2 Marks
 - 86%-90% attendance 3 Marks
 - 91%-95% attendance 4 Marks
 - 96%-100 attendance 5 Marks

Open Elective Courses (40 Marks, 2 credits)

The evaluation in Open Elective Courses will be internal consisting of 15 marks for oral presentation and 20 marks for written submission of the project report on a topic assigned by the teacher to each student. 5 marks will be given for attendance as mentioned above.

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/cases/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.
