

# UNIVERSITY OF DELHI

**BACHELOR OF LAW  
(LL.B.)**  
(Effective from Academic Year 2019-20)

## PROGRAMME BROCHURE



LL.B. Revised Syllabus as approved by Academic Council on XXXX, 2018 and Executive Council on XXXX, 2018

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## **I. About the Department**

The Faculty of Law was established in 1924 by University of Delhi. Dr. Hari Singh Gaur, was its first Dean and was also the Vice Chancellor of the University. The Faculty of Law was initially located in the Prince's Pavilion in the Old Vice Regal Lodge Grounds. In the year 1963 it was moved to its present location on Chhatra Marg, North Campus, University of Delhi and one more building, Umang Bhawan, near the old premise on the Chhatra Marg is allotted by university of Delhi in 2015 to the Faculty of Law.

The Bachelor of Laws (LL.B.) Degree Course was initially a two-year, part-time, morning Course. The evening classes commenced in the year 1942. Two new courses, viz. Degree of Bachelor of Civil Laws (B.C.L.) and Certificate of Proficiency (Law) were made full-time Courses but after the enactment of the Advocates Act, 1961, the Certificate of Proficiency (Law) Course was abolished and the B.C.L. Degree Course was also discontinued in the year 1966.

In the year 1966 the then Dean, Prof. P.K. Tripathi adopted and implemented almost all the recommendations of the Gajendragadkar Committee on Legal Education, 1964 and transformed the legal education system of the country. The two-year LL.B. Course was converted into three-year (six semesters) Course. At present LL.B. is a full-time professional course recognised and regulated by the Legal Education Rules 2008 of the Bar Council of 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.

## **II. 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.

### **III. LL.B. Programme Details:**

#### **Programme Objectives (POs):**

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 (PSOs):**

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.

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

**Course Credit Scheme**

Semester	No. of papers	Core Courses			Elective Course			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	<b>25</b>	5	0	0	0	0	<b>0</b>	0	<b>25</b>
II	5	4+1	<b>25</b>	5	0	0	0	0	<b>0</b>	0	<b>25</b>
III	6	4+1	<b>20</b>	4	4+1	<b>10</b>	4 (2)	2	<b>2</b>	4 (1)	<b>32</b>
IV	6	4+1	<b>20</b>	4	4+1	<b>10</b>	4 (2)	2	<b>2</b>	4 (1)	<b>32</b>
V	6	4+1	<b>15</b>	3	4+1	<b>15</b>	6 (3)	2	<b>2</b>	5 (1)	<b>32</b>
VI	5	4+1	<b>15</b>	3	4+1	<b>10</b>	6 (2)	0	<b>0</b>	0	<b>25</b>
	<b>33</b>	<b>5</b>	<b>120</b>	<b>24</b>	<b>4+1</b>	<b>45</b>	<b>9</b>	<b>2</b>	<b>6</b>	<b>3</b>	<b>171</b>

- \* 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).



<b>Semester I/II/III/IV/V/VI (individually for each semester)</b>				
<b>Number of core courses</b>		<b>Credits in each core course</b>		
<b>Course</b>		<b>Theory</b>	<b>Tutorial/ Project / Moot Court</b>	<b>Credits</b>
<b>Semester I</b>				
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
<b>Semester II</b>				
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
<b>Semester III</b>				
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

<b>Semester IV</b>				
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
<b>Semester V</b>				
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
<b>Semester VI</b>				
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		<b>120</b>		
<b>Number of elective courses offered</b>				
<b>(Semester III) 4</b>		<b>Number of Elective Courses Opted</b>		<b>2</b>
<b>(Semester IV) 4</b>				<b>2</b>
<b>(Semester V) 6</b>				<b>3</b>
<b>(Semester VI) 6</b>				<b>2</b>
<b>Credits in each Elective Course</b>				
<b>Credits in each elective course</b>		<b>Theory + Tutorial / Project / Moot Court</b>		<b>5</b>
				<b>5</b>
				<b>5</b>
				<b>5</b>
				<b>5</b>

<b>Semester III</b>			
LB-EC-301	Rent Control and Slum Clearance	4+1	5
LB-EC-302	International Institutions	4+1	5
LB-EC-303	Legal Philosophy including Theory of Justice	4+1	5
LB-EC-304	Legal Research and Writing	4+1	5
<b>Semester IV</b>			
LB-EC-401	Private International Law	4+1	5
LB-EC-402	Interpretation of Statutes	4+1	5
LB-EC-403	Media and Law	4+1	5
LB-EC-404	Humanitarian and Refugee Law	4+1	5
<b>Semester V</b>			
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
<b>Semester VI</b>			
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	Minor Acts and Supreme Court Rules	4+1	5
LB-EC-605	International Investment Law	4+1	5
LB-EC-606	Competition Law	4+1	5
Total credits in Elective Courses		<b>(9 Elective Courses *5 Credits) = 45</b>	

<b>Semester I/II/III/IV/V/VI (individually for each semester)</b>				
<b>Number of core courses</b>		<b>Credits in each core course</b>		
Course		<b>Theory</b>	<b>Tutorial/ Project / Moot Court</b>	<b>Credits</b>
<b>Semester I</b>				
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
<b>Semester II</b>				
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
<b>Semester III</b>				
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
<b>Semester IV</b>				
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
<b>Semester V</b>				
LB-CC-501	Code of Civil Procedure and Limitation Act	4	1	5
LB-CC-502	Drafting Pleadings and	4	1	5

	Conveyance			
LB-CC-503	Industrial Law	4	1	5
<b>Semester VI</b>				
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		<b>120</b>		
<b>Semester III</b>				
<b>Number of elective courses offered</b>		<b>Number of Elective Courses to be Opted</b>		<b>Credits in each Elective Course</b>
<b>(Semester III) 4</b>		<b>2</b>		<b>5</b>
<b>(Semester IV) 4</b>		<b>2</b>		<b>5</b>
<b>(Semester V) 6</b>		<b>3</b>		<b>5</b>
<b>(Semester VI) 6</b>		<b>2</b>		<b>5</b>
<b>Credits in each Elective Course</b>		<b>Theory + Tutorials / Project / Moot Court</b>		<b>Credits</b>
<b>Semester III</b>				
LB-EC-301	Rent Control and Slum Clearance	4+1		5
LB-EC-302	International Institutions	4+1		5
LB-EC-303	Legal Philosophy including Theory of Justice	4+1		5
LB-EC-304	Legal Research and Writing	4+1		5
<b>Semester IV</b>				
LB-EC-401	Private International Law	4+1		5
LB-EC-402	Interpretation of Statutes	4+1		5
LB-EC-403	Media and Law	4+1		5
LB-EC-404	Humanitarian and Refugee Law	4+1		5
<b>Semester V</b>				
LB-EC-501	Information Technology Law	4+1		5
LB-EC-502	Legislative Drafting	4+1		5

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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
<b>Semester VI</b>			
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	Minor Acts and Supreme Court Rules	4+1	5
LB-EC-605	International Investment Law	4+1	5
LB-EC-606	Competition Law	4+1	5
Total credits in Elective Courses		<b>(9 Elective Courses * 5 Credits)= 45</b>	

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	Law of Carriage	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
<b><u>I TERM</u></b>		
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
<b><u>II TERM</u></b>		
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
<b>III TERM</b>		
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	Rent Control and Slum Clearance
2	LB-EC-302	International Institutions
3	LB-EC-303	Legal Philosophy including Theory of Justice
4	LB-EC-304	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	Law of Carriage
<b>IV TERM</b>		
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-401	Private International Law
2	LB-EC-402	Interpretation of Statutes
3	LB-EC-403	Media and Law
4	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
<b>V TERM</b>		
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
<b>VI TERM</b>		
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	Minor Acts and Supreme Court Rules
5	LB-EC-605	International Investment Law
6	LB-EC-606	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 four, Semester IV is four, Semester V is six, Semester VI is six out of which the students will have to choose two, two, three 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.

### **Teaching:**

The primary mode of teaching in Law Faculty for most Courses continues to be Case Method, supplemented with Lectures. With the introduction of practical courses since the mid-1990s, the participatory clinical teaching methods like group discussions, role plays, simulation, and internship have been integrated with other teaching methods. Use of multi-media has become common place in the teaching of law in the Faculty of Law, University of Delhi with the introduction of technology in the classrooms.

### **Eligibility for Admissions:**

- (i) For **Unreserved Category** candidates: Graduate/Post-Graduate Degree from the University of Delhi or any other Indian or Foreign University recognized as equivalent by the University of Delhi with at least 50% marks or an equivalent grade point in the aggregate in either of them.
- (ii) For **Other Backward Classes (OBC) Category** candidates: Graduate/Post-Graduate Degree from the University of Delhi or any other Indian or Foreign University recognized as equivalent by the University of Delhi with at least 45% 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 University of Delhi or any other Indian or Foreign University recognized as equivalent by the University of Delhi with at least 40% marks or an equivalent grade point in the aggregate in either of them.
- (iv) Relaxation of 5% marks in the minimum eligibility prescribed for general candidates is allowed to widows/wards of defence personnel (CW) category.
- (v) Relaxation of up to 5% marks in the minimum eligibility prescribed for general candidates is allowed to the candidates belonging to Person with Disability (PwD) category.

**Note:**

(a) The candidates securing marks prescribed above or appearing in the qualifying Degree examination or awaiting the results of any such examination are eligible to appear in the LL.B. Entrance Test for that year but the admission depends on their securing the minimum prescribed eligibility marks.

(b) Rounding of a fraction of marks is not allowed.

(c) No candidate on the rolls of LL.B. of any University including University of Delhi is allowed to take admission in the LL.B. Course irrespective of whether the candidate is an ex-student or regular in that University. Any candidate who had taken admission in any University including Delhi University LL.B. course may take the admission only if they have cancelled their admission in that University on the date of their admission in University of Delhi.

### **LL. B. Entrance Test:**

1. The LL.B. Entrance Test is held ONLINE (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 Language Comprehension, Analytical Abilities, Legal Awareness & Aptitude, and General Knowledge.

3. The language of the Entrance Test is English.

4. Each question carries four marks. For every correct answer, four marks are awarded and 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 75 marks in Core Courses and Elective Courses. The students will be required to make oral and written 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.

### 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 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.

### 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 171 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 45% 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 to make an oral presentation worth 15 marks and a written submission worth 20 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

*Rene David & J.E.C. Brierley, Major Legal Systems of the World Today (3<sup>rd</sup> ed. 1985)*

*Joseph Minattur, Indian Legal System, "Introduction vii-xiv (2<sup>nd</sup> ed. 2006)*

*N. R. Madhav Menon, Our Legal System*

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

14 Lectures

(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 India<sup>42</sup>

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

*Glanville Williams, learning the law, Chapter 7, "The Interpretation of statutes" pp. 97-108 (11<sup>th</sup> ed., 12<sup>th</sup> Indian Reprint 2006)*

Unit 3. A Sources of law

8 Lectures

a. Custom

b. legislation

c. precedent

B. Legal profession in India

*M.P. Jain, "Custom as a Source of Law in India", 3 Jaipur Law Journal 96 (1963)*

*Dias, Jurisprudence, Chapter 7, Justice in deciding disputes pp. 126-164 (Ed. 5, 2013)*

*Glanville Williams, Learning The Law, Chapter 6, Learning the Techniques PP. 67-79 (11<sup>th</sup> Ed., 12<sup>th</sup> Indian Reprint 2006)*

Advocates Act, 1961

*A.N. VeeraRaghavan, "Legal Profession and the Advocates Act, 1961, 14 Journal of the Indian Law Institute pp. 228-262 (1972).*

Unit 4. Positive/Analytical School of thought 8 Lectures

*John Austin, Province of Jurisprudence Determined 125*

*H.L.A. Hart, Concept of Law, "Law as the Union of Primary and secondary rules" and "The foundation of a legal system".*

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

*Lon. L. Fuller, the case of the Speluncan Explorers", 62 Harvard Law Review" 616-664 (1949).*

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

*"Concept of Rights and Duties: Jurisprudential Analysis"*

#### Recommended Readings

Joseph Raz, The Concept of a Legal System An Introduction to the Legal System, (2<sup>nd</sup> Edition, Clarendon Press, 1980)

Fali S. Nariman, India's Legal System : Can it be saved ? (2017, Penguin Books)

Zia Mody, 10 Judgments that changed India , 2013

Ashok K. Ganguly, Landmark Judgments That Changed India (2015, Rupa Publications)

Medical Council of India v The State of Kerala, SC ,September 12 , 2018 (Separation of Powers).

#### 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:

Hierarchy 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:

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

Week 5:

Legal Services and Lok Adalat 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, hierarchy of norms , the concept of grundnorm in any legal system using the theory propounded by Kelsen.

Week 11:

The Pure Theory of Law, hierarchy 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 Savigny and 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 discussed 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

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Learn about the major legal systems in the world and their acceptance in India.	Lectures, presentations, discussions, case studies, multimedia.	As given below
2.	Learn about the basic principles of law which are relevant for understanding the Indian Legal System .	Lectures, presentation, discussions, case studies, multimedia.	As given below
3.	Learn about the sources of law and the working of the legal profession in India and its evolution	Lectures, presentations, discussions, case studies, multimedia.	As given below
4.	Study critically the theory of Austin and Hart and their relevance and applicability in Indian Legal System	Lectures, presentations, discussions, case studies, multimedia.	As given below
5.	Study the Pure Theory of Law, heirarchy of norms and understood the concept of grundnorm in any legal system using the theory propounded by Kelsen	Lectures, presentations, discussions, case studies, multimedia.	As given below
6.	Learn about the Historical School of Thought.  Learn about the Sociological School of thought and the progressive outlook in India.	Lectures, presentations, discussions, case studies, multimedia.	As given below.

7.	Learn how the judiciary interprets the law using different schools and comes to different conclusions	Lectures, presentations, discussions, case studies, multimedia.	As given below
8.	Learn about the concept of Rights and Duties using examples from the Constitution and different Laws	Lectures, presentations, discussions, case studies, multimedia.	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.
- 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 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.

#### 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 - 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**

### **Prescribed Legislations:**

1. The Indian Contract Act, 1872
2. The Specific Relief Act, 1963
3. The Indian Majority Act, 1875
4. The Information Technology Act, 2000

### **Prescribed Books:**

1. Pollock & Mulla, Indian Contract & Specific Relief Acts (edited by R Yashodvardhan and Chitra Narayan) 15<sup>th</sup>Ed. 2017
2. J. Beatson, Anson's Law of Contract (29th ed., 2016)
3. H.K. Saharaj, Dutt on Contract – The Indian Contract Act, 1872 (10th ed., 2006)
4. Avtar Singh, Law of Contract and Specific Relief (11th ed., 2013)
5. SachinRastogi, Insights Into E-Contracts in India , 2014
6. R K Singh, Law Relating to Electronic Contracts , 2013

### **Recommended Reading:**

7. M.P.Furmston, Cheshire, Fifoot and Furmston's Law of Contract (17th ed., 2017)

### **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

### **Cases to be studied:**

1. Carlill v. Carbolic Smoke Ball Co. (1891-4) All ER Rep.127 1
2. Pharmaceutical Society of Great Britain v. Boots Cash Chemist (Southern) Ltd. (1952) 2 All ER Rep. 456 9
3. Balfour v. Balfour (1918-19) All ER 860 (CA) 11
4. LalmanShukla v. GauriDatt (1913) XL ALJR 489 (All.) 15
5. BhagwandasGoverdhandasKedia v. M/s. GirdharilalParshottamdas& Co., AIR 1966 SC 543 17
6. Harvey v. Facey (1893) AC 552 28
7. Felthousev.Bindley (1862) 11 CB 869 29

### **Topic 3: 3 classes**

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

**Cases to be studied:**

8. Union of India v. Maddala Thathiah, AIR 1966 SC 1724 30
9. Rajendra Kumar Verma v. State of M.P., AIR 1972 MP 131 36
10. Kanhaiya Lal Aggarwal v. Union of India, AIR 2002 SC 2766 37
11. Haridwar Singh v. Bagun Sumbrui (1973) 3 SCC 889 39
12. Indian Airlines Corporation v. Sm. Madhuri Chowdhuri, AIR 1965 Cal. 252 42

**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

**Cases to be studied:**

13. Kedarnath Bhattacharji v. Gorie Mahomed (1886) 7 I.D. 64 (Cal.) 54
14. Doraswami Iyer v. Arunachala Ayyar (1935) 43 LW 259 (Mad.) 56
15. Abdul Aziz v. Masum Ali, AIR 1914 All. 22 58
16. Venkata Chinnaya Rau v. Venkataramaya Garu (1881) 1 ID 137 (Mad.) 60
17. Nawab Khwaja Muhammad Khan v. Nawab Husaini Begam (1910) LR 37 I.A. 152 62

**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

**Cases to be studied:**

18. Mohori Bibee v. Dhurmodas Ghose (1903) 30 I.A. 114 65
19. Khan Gul v. Lakha Singh, AIR 1928 Lah. 609 69
20. Ajudhia Prasad v. Chandan Lal, AIR 1937 All. 610 78

**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

**Cases to be studied:**

21. Raghunath Prasad v. Sarju Prasad (1923) 51 I.A. 101 87
22. Subhas Chandra Das Mushib v. Ganga Prasad Das Mushib, AIR 1967 SC 878 90
23. Lakshmi Amma v. T. Narayana Bhatta, 1970 (3) SCC 159 94
24. Tarsem Singh v. Sukhminder Singh (1998) 3 SCC 471 100

**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

**Cases to be studied:**

25. Gherulal Parakh v. Mahadeodas Maiya, AIR 1959 SC 781 106
26. Niranjan Shankar Golikari v. Century Spinning & Manufacturing Co. Ltd., AIR 1967 SC 1098 119
27. Central Inland Water Transport Corpn. Ltd. v. Brojo Nath Ganguly (1986) 3 SCC 156 (Also see D.T.C. v. D.T.C. Mazdoor Congress, AIR 1991 SC 101; Bank of India v. O.P. Swarankar, AIR 2003 SC 858) 128
28. Dhurandhar Prasad Singh v. Jai Prakash University, AIR 2001 SC 2552 145

**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

**Cases to be studied:**

29. Satyabrata Ghose v. Mugneeram Bangur & Co., AIR 1954 SC 44 148
30. M/s. Alopiparshad & Sons Ltd. v. Union of India, AIR 1960 SC 588 158
31. Punj Sons Pvt. Ltd. v. Union of India, AIR 1986 Del. 158 162
32. Easun Engineering Co. Ltd. v. The Fertilizers & Chemicals Travancore Ltd., AIR 1991 Mad. 158 167

**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:**

33. Hadley v. Baxendale (1843-60) All ER Rep. 461 172
34. AKAS Jamal v. Moolla Dawood, Sons & Co. (1915) XX C.W.N. 105 175
35. Karsandas H. Thacker v. M/s. The Saran Engineering Co. Ltd., AIR 1965 SC 1981 178
36. Maula Bux v. Union of India, AIR 1970 SC 1955 182
37. Shri Hanuman Cotton Mills v. Tata Air Craft Ltd., 1969 (3) SCC 522 186
38. Ghaziabad Development Authority v. Union of India, AIR 2000 SC 2003 196
39. Oil & Natural Gas Corporation Ltd. v. Saw Pipes Ltd. (2003) 4 SCALE 92 200

**Topic 10: 3 classes**

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

**Cases to be studied:**

40. State of West Bengal v. B.K. Mondal & Sons, AIR 1962 SC 779 211

**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.

**Cases to be studied:**

41. P R Transport Agency v. Union of India, AIR 2006 ALL 23

42. Timex International Fze Ltd Dubai v. Vedanta Aluminium Ltd. (2010) 3 SCC 1

**TEACHING PLAN- (Hour-wise distribution of the syllabus)**

<b>Module</b>	<b>Topics</b>	<b>Hours/ Classes</b>
1	General Introduction – History and Nature of Contractual Obligations	2
2	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	7
3	Making of an Agreement – Special Situations Tenders and Auctions - Indian Contract Act, 1872, sections 2 – 10	3
4	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	6
5	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	6
6	Free Consent Free consent ; Definition – Coercion, Undue influence, Fraud, Misrepresentation and Mistake; Effect on contracts influenced by any factor vitiating free consent -	9

	Indian Contract Act, 1872, sections 13 – 22	
7	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	5
8	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	9
9	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	7
10	Quasi – Contracts Obligations resembling those created by Contract (Quasi – Contracts) : Concept and classification - Indian Contract Act, 1872, sections 68 – 72	3
11	E-Contracts Nature and scope ; Formation of E-contracts ; Legislative Framework; Judicial Approach – The Information Technology Act, 2000, sections 3--5, 10--17.	3

**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

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.

**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 - 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 ibi remedium*
- 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



**Topic 7: Vicarious Liability of State**

**(Lectures 6)**

- 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 8: Defamation**

**(Lectures 5)**

- Meaning - Libel and Slander
- 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

**Cases:**

- 1) White v. John Warrick & Co., Ltd., (1953) 2 All ER 1021
- 2) Town Area Committee v. Prabhu Dayal, AIR 1975 All. 132
- 3) P. Seetharamayya v. G. Mahalakshamma, AIR 1958 AP 103
- 4) State of A. P. v. Govardhanlal Pitti (2003) 3 SCALE 107
- 5) Ashby v. White (1703) 2 Lord Raym 938
- 6) Municipal Corpn. of Agra v. Asharfi Lal, AIR 1921 All. 202
- 7) Mayor of Bradford Corpn. v. Pickles (1895) AC 587
- 8) Gloucester Grammar School case (1410) Y.B. 11 Hen. IV of 47
- 9) Mohan Kumar v. State of M.P., (2017) 4 SCC 92
- 10) Sri M. Venkateshappa v. M/s. Nanda Earth Movers, MFA No. 382/2015(MV) Karnataka High Court on 21st July, 2017
- 11) Smith v. Charles Baker and Sons (1891) AC 325 (HL)
- 12) South Indian Industrial Ltd., Madras v. Alamelu Ammal, AIR 1923 Mad. 565
- 13) Haynes v. Harwood (1935) 1 K B 146
- 14) Ramchandram Nagaram Rice & Oil Mills Ltd. v. Municipal Commissioners of Purulia Municipality, AIR 1943 Pat. 408
- 15) Manindra Nath Mukherjee v. Mathuradas Chatturbhuj, AIR 1946 Cal. 175

- 16) Hall v. Brooklands Auto Racing Club (1932) 1 KB 205
- 17) T.C. Balakrishnan v. T.R. Subramanian, AIR 1968 Ker. 151
- 18) Donoghue v. Stevenson (1932) All ER Rep. 1
- 19) Municipal Corporation of Delhi v. Subhagwanti, AIR 1966 SC 1750
- 20) Pinnamaneni Narasimha Rao v. Gundavarapu Jayaprakas, AIR 1990 AP 207
- 21) Jacob Mathew v. State of Punjab (2005) 6 SCC 1
- 22) Malay Kumar Ganguly v. Sukumar Mukherjee & Ors AIR 2010 SC 1162
- 23) Khenyei v. New India Assurance Co. Ltd., (2015) 9 SCC 273
- 24) The Commissioner v. G. Ravindran, 30 November, 2017 before the Madurai Bench of Madras High Court in W.A. (MD) Nos.724 of 2015 and 1441 of 2016
- 25) U.P.S.R.T.C. v. Mamta And Ors., AIR 2016 SC 948
- 26) Montgomery v Lanarkshire Health Board [2015] UKSC 11
- 27) In Re an Arbitration between Polemis and Furness, Withy & Co. (1921) All ER Rep. 40
- 28) Overseas Tankship [UK] Ltd. v. Morts Dock & Engineering Co. [The Wagon Mound] (1961) 1 All ER 404
- 29) Hughes v. Lord Advocate (1963) AC 837
- 30) Smith v. Leech Brain & Co. (1961) 3 All ER 1159
- 31) Goodlife Foods Limited v. Hall Fire Protection Limited, (2018) EWCA civ. 1371.
- 32) Hambrook v. Stokes Bros. (1924) All ER Rep. 110
- 33) (Hay or) Bourhill v. Young (1942) 2 All ER 396 (HL)
- 34) McLoughlin v. O'Brian (1982) 2 All ER 907 (HL)
- 35) Alcock v. Chief Constable of the South Yorkshire Police, (1991) 4 All ER 907 (HL)
- 36) Page v. Smith (1995) 2 All ER 736
- 37) Dulieu v. White (1901) 2 KB 669
- 38) King v. Phillips (1953) 1 QB 429
- 39) Purcell vs Long [2015] IEHC 385
- 40) Rylands v. Fletcher (1868) LR 3 HL 330.
- 41) M. C. Mehta v. Union of India, AIR 1987 SC 1086.
- 42) M. P. Electricity Board v. Shail Kumar, AIR 2002 SC 551.
- 43) The Madras Railway Co. v. The Zemindar of Carvatenagarum, LR (1874) 1 IA 364
- 44) The Orient Insurance Co. Ltd. v. Hansraj Bhai V. Kodala and Ors., (2001) 5 SCC 175
- 45) National Insurance Company Ltd. v. Sinitha & Ors., (2012) 2 SCC 356
- 46) United India Insurance Co. Ltd. v. Sunil Kumar & Anr., AIR 2017 SC 5710
- 47) National Insurance Company Limited v. Pranay Sethi, 2017 SCC OnLine SC 1270
- 48) Reliance General Insurance Co. Limited v. Shalu Sharma & Ors. (2018) 2 SCC 753
- 49) Munusamy v. T.N. STC (Villupuram) Ltd., (2018) 2 SCC 765
- 50) Vohra Sadikabhai v. State of Gujarat, 2016 SCLT 911
- 51) State of Rajasthan v. Vidyawathi (1962) Supp. 2 SCR 989
- 52) Kasturilal Ralia Ram Jain v. State of U. P. (1965) 1 SCR 375
- 53) N. Nagendra Rao & Co. v. State of A. P., AIR 1994 SC 2663
- 54) Chairman, Railway Board v. Chandrima Das (2002) 2 SCC 465
- 55) S. Nambi Narayan v. Siby Mathew and Others etc., Civil Appeal Nos; 6637-6638 of 2018
- 56) Prof. Imtiazahmad vs. Durdana Zamir (2009) 109 DRJ 357
- 57) Tushar Kanti Ghosh v. Bina Bhaumic (1953) 57 CWN 378
- 58) Rustom K. Karanjia v. K. M. D. Thakersey, AIR 1970 Bom. 424.
- 59) Melepurath Sankunni Ezhuthassan v. Thekittil Geopalankutty Nair, (1986) 1 SCC 118
- 60) Subramanian Swamy v. Union of India, [2016] 7 SCC 221
- 61) Justice (Retd.) Markandey Katju v. The Lok Sabha & Anr., 2016 SCC OnLine SC 1484

- 62) Mohd. Rafat Khan v. M/S Teckinfo Solutions Pvt. Ltd., Suit no. 516800/16, on 28 September, 2016
- 63) Bowman v. Humphery, 6 LRA. NS, 1906
- 64) GMM Pfaudler Limited v. Tata AIG life Insurance Company, (2011), 1 Bom. CR 670
- 65) Crown River Cruises v. Kimbolton Fireworks, (1996) 2 Lloyd's Rep 533.
- 66) Re-Implementation of the law for Restricting use of loudspeakers and high-volume producing sound systems, (2005) 5 SCC 733.
- 67) Indian Council for Enviro-Legal Action v. Union of India, (2011) 8 SCC 161.
- 68) Arjun Gopal v. Union of India, (2017) 1 SCC 412 (Crackers Ban case)
- 69) Ram Ji Singh Patel v. Gyan Chandra Jaiswal, Civil Appeal No(s) 1799-1800/2018
- 70) Faqir Chand Gulati v. Uppal Agencies Private Ltd. (2008) 10 SCC 345
- 71) Indian Medical Association v. V. P. Shantha, AIR 1996 SC 550
- 72) Laxmi Engineering Works v. P.S.G. Industrial Institute, 1995 SCC (3) 583.
- 73) Lucknow Development Authority v. M.K. Gupta, 1994 SCC (1) 243
- 74) C.C.I. Chambers Co-op. Housing Society Ltd. v. Development Credit Bank Ltd., AIR 2004 SC 184 (Complicated questions of fact – not a ground to throw away the complaint)
- 75) State of Karnataka v. Vishwabarathi House Building Co-op. Society, AIR 2003 SC 1043 (Constitutional validity of the Consumer Protection Act, 1986)
- 76) Chief Administrator, H.U.D.A. & Anr. v. Shakuntla Devi, [2017] 2 SCC 301
- 77) Modern Dental College & Research Centre v. State of M.P, 2016(7) SCC 353

### **References**

1. W.V.H. Rogers, Winfield & Jolowicz on *Tort* (19<sup>th</sup> ed., 2015)
2. R.F.V. Heuston and R.A. Buckley, Salmond & Heuston on *The Law of Torts* (20<sup>th</sup> ed., 1992)
3. G.P. Singh, Ratanlal & Dhirajlal *The Law of Torts* (26<sup>th</sup> ed., updated re-print 2015)

### **Additional Readings**

1. Tony Weir, *A Casebook on Tort* (9<sup>th</sup> ed., 2004)
2. Avtar Singh (Rev.), P.S. Atchuthen Pillai *Law of Torts* (9<sup>th</sup> ed., 2004)
3. H.K. Saharay, *Consumer Protection Law*, (2017)
4. P.R. Jayrajan, *Consumer Rights and Consumer Protection Act* (2012)
5. Janak Raj Jai, *Motor Accident Claims-Law and Procedure* (2016)
6. R.K. Bangia, *A handbook of Consumer Protection Law and Procedure* (Allahabad Law Agency, 7<sup>th</sup> ed., 2013)
7. M. Brazier & Miola “Bye-Bye Bolam: A Medical Litigation Revolution”, (2000) 8 *Med LR* 85
8. G. Yethirajulu “Article 32 and the Remedy of Compensation”, (2004) 7 *SCC (J)* 49
9. First Report of the Law Commission of India on the Liability of the State in Tort (1956)
10. Dr. Shivani Verm; *Law of Torts*, Taxmann Publishers, 2018.
11. [Rehan Abeyratne](#); Ordinary Wrongs as Constitutional Rights: The Public Law Model Of Torts In South Asia, [Texas International Law Journal](#), Mar 2018.
12. Dr Madhav Madhusudan Singh, Dr Rajiv K Agarwal, Dr Pranav Choudhary; Vicarious Liability in Healthcare: A Medico Legal View, *International Journal of Scientific Research*, Vol 7, No 1, 2018.

13. Vijayalakshmi Suresh; Scope of Personality, Celebrity or Image Rights in India in the Light of Landmark Judgement of Justice Puttaswamy's Case (2017), Posted: 1 Jul 2018, available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3195644](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3195644)

## **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)

### **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)

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	To learn about the legal framework relating to the Law of Torts in India and its origin in the Common Law System; Essential of tort and Differences between Tort and various other types of wrongs.	A mix of lecture, discussion, case study method and class presentations.	As given below.
2.	To learn about the concept of the defences available in torts while emphasizing upon the essentials for the establishment of those defences	A mix of lecture, discussion, case study method and class presentations.	As given below.
3.	To learn about the theories of Negligence while defining Negligence; its essential ingredients; Proof of Negligence- <i>Res ipsa loquitur</i> ; Manufacturer's Negligence and Medical	A mix of lecture, discussion, case study method and class presentations.	As given below.

	Negligence.		
4.	To learn about the concept of Remoteness of Damage and the causation; and to understand the Tests of Remoteness of Damage and the Eggshell Skull Rule.	A mix of lecture, discussion, case study method and class presentations.	As given below.
5.	To learn about the meaning of Nervous Shock and liability of the defendant for nervous shock to the plaintiff due to his negligent act in different situations.	A mix of lecture, discussion, case study method and class presentations.	As given below.
6.	To learn about no fault liability principle and its application in England and in India. Be able to distinguish between Rule of Strict Liability as propounded in <i>Rylands v. Fletcher</i> and the Rule of Absolute Liability as propounded in <i>M. C. Mehtav. Union of India</i>  Knowledge of the Object and Salient features of the Public Liability Insurance Act, 1991; and No-fault liability in hit and run cases under Motor Vehicles Act, 1988.  .	A mix of lecture, discussion, case study method and class presentations.	As given below.
7.	Have adequate knowledge of the Meaning and Basis of the Vicarious Liability of State; Government Liability in Torts – Constitutional Provisions, Sovereign and Non-sovereign Function; Violation of Fundamental Rights and Sovereign Immunity and the Concept of Constitutional Tort.	A mix of lecture, discussion, case study method and class presentations.	As given below.
8.	To know about Defamation as a specific tort and differences between Libel and Slander along with the Essential Conditions and defences.	A mix of lecture, discussion, case study method and class presentations.	As given below.
9.	To know the meaning of Nuisance, its Essential ingredients and types; Environmental nuisance and the defences available.	A mix of lecture, discussion, case study method and class presentations.	As given below.
10.	To learn about the Objectives and Salient Features of the Consumer Protection Act, 1986; rights of the	A mix of lecture, discussion, case	As given

	consumers under the Act; Consumer Disputes Redressal Forums– Constitution, Powers, Jurisdiction, Procedure, Appeal as provided under the Act.	study method and class presentations.	below.
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**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 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.

**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 - 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***, (35<sup>th</sup> ed., 2017)
- 2) K.D. Gaur, ***Criminal Law : Cases and Materials***, (8<sup>th</sup> 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) (4<sup>th</sup> 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*** (13<sup>th</sup> 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* (2<sup>nd</sup> 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

1. *State of Maharashtra v. Mayer Hans George*, (1965) 1 SCR 123  
AIR 1965 SC 722
2. *State of M.P. v. Narayan Singh*, (1989) 3 SCC 596

### **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***

3. *Rawalpenta Venkalu v. State of Hyderabad*, AIR 1956 SC 171

#### ***Mens rea and actus reus-Relationship***

4. *Palani Goundan v. Emperor*, 1919 ILR 547 (Mad)
5. *In re Thavamani*, AIR 1943 Mad 571

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

6. *Emperor v. Mushnooru Suryanarayana Murthy*  
(1912) 22 MLJR 333 (Mad.)

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

7. *Kapur Singh v. State of PEPSU*, AIR 1956 SC 654
8. *Virsa Singh v. State of Punjab*, AIR 1958 SC 465
9. *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.

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

11. *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**

12. *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**

13. *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)

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

15. *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.

16. *State of U.P. v. Ram Swarup* (1974) 4 SCC 764 :AIR 1974 SC 1570
17. *Deo Narain v. State of U.P.* (1973) 1 SCC 347: AIR 1973 SC 473
18. *Kishan v. State of M.P.* (1974) 3 SCC 623 : AIR 1974 SC 244
19. *James Martin v. State of Kerala* (2004) 2 SCC 203

**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.

20. *S. Varadarajan v. State of Madras*, AIR 1965 SC 942
21. *Thakorlal D. Vadgama v. State of Gujarat*, AIR 1973 SC 2313
22. *State of Haryana v. Raja Ram*, (1973) 1 SCC 544 138

**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).

23. *Kanwar Pal Singh Gill v. State (Admn., U.T. Chandigarh) through Secy.*, (2005) 6 SCC 161
  24. *Tukaram v. State of Maharashtra*, AIR 1979 SC 185
- Reading** : An Open Letter to the Chief Justice of India (1979) 4 SCC (J) 17
25. *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384
  26. *Sakshi v. Union of India*, (2004) 5 SCC 518
  27. *Independent Thought v. Union of India*, (2017) 10 SCC 800.

28. *Navtej Singh Johar v. Union of India Ministry of Law and Justice Secretary*, 2018 SCC OnLine SC 1350

**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

30. *Suresh v. State of U.P.* (2001) 3 SCC 673
31. *Mizaji v. State of U.P.*, AIR 1959 SC 572
32. *Maina Singh v. State of Rajasthan* (1976) 2 SCC 827: AIR 1976 SC 1084

**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

33. *Asgarali Pradhania v. Emperor*, AIR 1933 Cal. 893
34. *Abhayanand Mishra v. State of Bihar*, AIR 1961 SC 1698
35. *Om Parkash v. State of Punjab*, (1962) 2 SCR 254 : AIR 1961 SC 1782
36. *State of Maharashtra v. Mohd. Yakub*, (1980) 3 SCC 57
37. *Gian Kaur v. State of Punjab*, (1996) 2 SCC 648

**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)

38. *Pyare Lal Bhargava v. State of Rajasthan*, AIR 1963 SC 1094
39. *Jadunandan Singh v. Emperor*, AIR 1941 Pat. 129
40. *Sekar v. Arumugham* (2000) Cr.L.J. 1552 (Mad.)
41. *State of Karnataka v. Basavegowda* (1997) Cr.L.J. 4386 (Kant.)

**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)

42. *Jaikrishnadas Manohardas Desai v. State of Bombay*,

AIR 1960 SC 889

43. *Mahadeo Prasad v. State of West Bengal*, AIR 1954 SC 724
44. *Akhil Kishore Ram v. Emperor*, AIR 1938 Pat. 185
45. *Shri Bhagwan S.S.V.V. Maharaj v. State of A.P.*, AIR 1999 SC 2332

## **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.

**Week13:** 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.

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Students will learn about civil and criminal liability; mens rea and strict liability.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below
2.	Students will learn about the importance of gradation of mens rea and the differentiation between bodily offences of culpable homicide not amounting to murder and murder.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below
3.	Students will learn about the specific exceptions attached with sec 300, IPC.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below
4.	Students will further learn about gradation of mens rea in criminality , concept of culpable negligence and causation of death by doing rash or negligent acts.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below
5.	Students will learn about General defenses contained in the IPC with emphasis on the right of private defense.	Class room lectures+class presentations+ field visit[if any, scheduled for the	As given below

		week]	
6.	Students will learn about the bodily offences of Kidnapping and Abduction.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below
7.	Students will learn about various sexual offences with the major thrust on rape.they will also learn about the sexual offences penalized by the recent 2013 Amendment to Criminal laws.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below
8.	Students will learn about the doctrines of Joint Liability and Group liability in criminal law.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below
9.	Students will learn about liability the doctrine of Inchoate liability and the various tests on attempt.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below
10.	Students will learn about the Property offences of theft, extortion, robbery and dacoity.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below
11.	Students will learn about the Property offences of misappropriation, criminal breach of trust and cheating.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	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.
- 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 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.

**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 - 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).

##### Cases:

1. Dr. Surajmani Stella Kujur v. Durga Charan Hansdah, AIR 2001 SC 938
2. S. Nagalingam v. Sivagami (2001) 7 SCC 487
3. Bhaurao Shankar Lokhande v. State of Maharashtra, AIR 1965 SC 1564 8
4. Lily Thomas v. Union of India, AIR 2000 SC 1650 12
5. Pinninti Venkataramana v. State, AIR 1977 AP 43
6. Asha Qureshi v. Afaq Qureshi, AIR 2002 MP 263

- 7 Court On Its Own Motion Lajja ... vs State, 2012 (193) DLT 61 37
8. Independent Thought v. Union of India & Anr., AIR 2017 SC 4904
9. P. v. K., AIR 1982 Bom. 400
10. BabuiPanmatoKuer v. Ram Agya Singh, AIR 1968 Pat. 190 66
11. Seema v. Ashwani Kumar (2006) 2 SCC 578

### **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.

Cases:

1. Kailashwati v. Ayudhia Parkash, 1977 C.L.J. 109 (P.& H.)
2. Swaraj Garg v. K.M. Garg, AIR 1978 Del. 296
3. Saroj Rani v. Sudarshan Kumar, AIR 1984 SC 1562
4. N.G. Dastane v. S. Dastane, AIR 1975 SC 1534
5. Samar Ghosh v. Jaya Ghosh, 2007 (3) SCJ 253
6. Bipinchandra Jaisinghbai Shah v. Prabhavati, AIR 1957 SC 176
7. Dharmendra Kumar v. Usha Kumar, AIR 1977 SC 2213
8. T. Srinivasan v. T. Varalakshmi, 1 (1991) DMC 20 (Mad.)
9. Hirachand Srinivas Managaonkar v. Sunanda, AIR 2001 SC 1285
10. Sureshta Devi v. Om Prakash, 1 (1991) DMC 313 (SC)
11. Anurag Mittal vs Shaily Mishra Mittal, 2018 SCC Online 1136

### **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

Cases:

1. Amar Kanta Sen v. Sovana Sen, AIR 1960 Cal. 438
2. D. Velusamy v. D. Patchaiammal, (2010) 10 SCC 469
3. Badshah v. Sou. Urmila Badshah Godse & Anr (2014) 1 SCC 188

4. Padmja Sharma v. Ratan Lal Sharma, AIR 2000 SC 1398

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

The Hindu Adoptions and Maintenance Act, 1956

Cases:

1. Brijendra v. State of M.P., AIR 2008 SC 1058
2. In Re: Adoption of Payal at Sharinee Vinay Pathak and his wife Sonika Sahay Pathak, 2010 (1) Bom CR 434
3. Shabnam Hashmi v. Union of India (UOI) and Ors. 2014(2)SCALE529

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

The Hindu Minority and Guardianship Act, 1956

Case:

1. Githa Hariharan v. Reserve Bank of India (1999) 2 SCC 228

**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.

Cases under Muslim law

1. Mt. Ghulam Kubra Bibi v. Mohd. Shafi Mohd. Din, AIR 1940 Pesh. 2
2. Chand Patel v. Bismillah Begum, 1 (2008) DMC 588 (SC)
3. Saiyid Rashid Ahmad v. Mt. Anisa Khatun, AIR 1932 PC 25
4. Shamim Ara v. State of U.P., 2002 Cr LJ 4726 (SC)
5. Masroor Ahmed v. Delhi (NCT) 2008 (103) DRJ 137 (Del.)

6. Ghulam Sakina v. Falak Sher Allah Baksh, AIR 1950 Lah. 45
7. A. Yousuf Rawther v. Sowramma, AIR 1971 Ker. 261
8. Itwari v. Asghari, AIR 1960 All. 684
9. Danial Latifi v. Union of India (2001) 7 SCC 740
10. Noor Saba Khatoon v. Mohd. Quasim, AIR 1997 SC 3280
11. Shayara Bano vs UOI, 2017( 9) SCALE 178

**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

**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

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Marriage under Hindu Law	Case Discussion; Lecture Method and Moot Court Methodolgy	As given below.
2.	Matrimonial Remedies under Hindu Law	Case Discussion; Lecture Method and Moot Court Methodolgy	As given below.
3.	Maintenance under Hindu Law	Case Discussion; Lecture Method and Moot Court Methodolgy	As given below.
4.	Adoption under Hindu Law	Case Discussion; Lecture Method	As given below.
5.	Minority and Guardianship under Hindu law	Case Discussion; Lecture Method	As given below.
6.	Sources and Schools of Muslim law	Lecture Method	As given below.
7.	Marriage under Muslim law	Case Discussion; Lecture Method and Moot Court Methodolgy	As given below.
8.	Divorce and talaq under Muslim Law	Case Discussion; Lecture Method	As given below.
9	Dower & Maintenance on Divorce under Muslim law	Case Discussion; Lecture Method	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.
- 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 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**

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## 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 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 Inquisitorial System of Justice?

**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
- 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 (7<sup>th</sup> ed. 2017)
2. M. Monir, Law of Evidence (11<sup>th</sup>ed. 20018)
3. Ratanlal&Dhirajlal's The Law of Evidence (26<sup>th</sup> ed. 2017)
4. BatukLal's The Law of Evidence (ed. 2015)

**Prescribed Legislation**

The Indian Evidence Act, 1872.

**Additional Readings**

1. Law Commission of India, Eleventh Report on the Negotiable Instruments Act, 1881 (1958)
2. Law Commission of India, One hundred and twenty fifth Report relating to Establishment of Evening Courts (1988)
3. Law Commission of India, Two hundred thirteenth Report on Fast Track
4. Magisterial Courts for Dishonoured Cheque Case (2008)

**Case Study:**

1. State of Maharashtra v. Prafulla B. Desai (Dr.) (2003) 4 SCC 601.
2. R. M. Malkani v. State of Maharashtra, AIR 1973 SC 157
3. Mirza Akbar v. Emperor AIR 1940 PC 176

4. Badri Rai v. State of Bihar, AIR 1958 SC 953
5. Mohd. Khalid v. State of West Bengal, (2002) 7 SCC 334
6. Jayantibai Bhenkarbhai v. State of Gujarat, (2002) 8 SCC 165
7. Bishwanath Prasad v. Dwarka Prasad, AIR 1974 SC 117
8. Central Bureau of Investigation v. V. C. Shukla, AIR 1998 SC 1406
9. Veera Ibrahim v. State of Maharashtra, AIR 1976 SC 1167
10. Aghnoo Nagesia v. State of Bihar, AIR 1966 SC 119
11. Pulukuri Kottaya v. Emperor, AIR 1947 PC 67
12. Bodhraj v. State of J & K., (2002) 8 SCC 45
13. Khushal Rao v. State of Bombay, AIR 1958 SC 22
14. Sudhakar v. State of Maharashtra, (2002) 6 SCC 671
15. Patel Hiralal Joitram v. State of Gujarat, (2002) 1 SCC 22
16. Laxman v. State of Maharashtra, (2002) 6 SCC 710
17. Mukesh & Others v. State for NCT of Delhi & Ors. (2017) 6 SCC 1
18. Ram Narain v. State of U.P., AIR 1973 SC 2200: (1973) 2 SCC 86
19. Shafiqi Mohammad v. The State of Himachal Pradesh (SLP) CRL. No. 2302 of 2017
20. R. S. Maddanappa v. Chandamma, (1965) 3 SCR 283
21. Madhuri Patel v. Additional Commissioner, Tribal Development, AIR 1995 SC 94
22. Sanatan Gauda v. Behrampur University, AIR 1990 SC 1075
23. M. C. Verghese v. T. J. Ponnann, AIR 1970 SC 856
24. State of U.P. v. Raj Narain, AIR 1975 SC 865
25. Bhuboni Sahu v. The King, AIR 1949 PC 257
26. Haroon Haji Abdulla v. State of Maharashtra, AIR 1975 SC 856
27. Ravinder Singh v. State of Haryana, AIR 1975 SC 856
28. State of Bihar v. Laloo Prasad, (2002) 9 SCC 626
29. Vinod Kumar v. State of Punjab (Criminal Appeal No. 554 of 2012)
30. Gautam Kundu v. State of West Bengal, AIR 1993 SC 2295
31. Dipanwita Roy v. Ronobroto Roy AIR 2015 SC 418

**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 on relevancy 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

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Students will understand the basics of the systems of law and the manner of adducing evidence and the essential features and purpose of Indian Evidence Act, 1872.	A mix of lectures, case study method, and discussion.	As given below.
2.	Students will be able to understand the basic definitions used in Evidence law in India and the chain of events to re-enact the event in court. Students will be able to discuss the difference between Indian and English Law.	A mix of lectures, case study method, and discussion.	As given below.
3.	Students will understand the general provision related to the chapter of Relevancy.	A mix of lectures, case study method, and discussion.	As given below.
4.	Students will be able to understand the importance of Admission, Confession and Dying Declaration in the Criminal Justice System of India with the help of decided landmark cases.	A mix of lectures, case study method, and discussion.	As given below.
5.	Importance of Expert Opinion will be discussed with the help of relevant provisions of Cr.P.C. and	A mix of lectures, case study method, and discussion.	As given below.

	case laws.		
6.	Students will be able to ascertain the importance of Burden of proof, relevancy of proof, Estoppel and Privileged Communication. How they help in ascertaining the truth and how in certain circumstances witnesses can and cannot be compelled to dispose evidence before the courts.	A mix of lectures, case study method, and discussion.	As given below.
7.	To discuss the difference between Co-accused and Accomplice and also the relevancy and admissibility of the statement of Approver in the context of Sec.133, 114(b) and Sec.30 will be discussed.	A mix of lectures, case study method, and discussion.	As given below.
8.	Students will be able to understand the kind of witnesses and the value and relevancy of their statements before the court.	A mix of lectures, case study method, and discussion.	As given below.
9.	The manner of adducing evidence, their acceptance and rejection by the courts will be discussed in this Unit. Students will also be able to identify various kinds of Examinations made by both side of parties during the trial.	A mix of lectures, case study method, and discussion.	As given below.
10.	This Unit will deal with various kinds of Presumptions i.e. May Presume, Shall Presume and	A mix of lectures, case study method, and discussion.	As given below.

	Conclusive Proof and their relevancy in Indian Criminal Justice System		
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**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 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.

**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 - 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 conferred 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 ***Hunoomanpersaud Panday v. Mussumat Babooee Munraj Koonweree*** (1856) 6 Moore's L.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 Dayabhaga law 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) Alienor's rights duties and remedies
  - (d) Pious obligations of the son
9. *Hunoomanpersaud Panday v. Mussumat Babooee Munraj Koonweree*  
(1854-1857) 6 Moore's L.A. 393 (PC) 36
  10. *Sunil Kumar v. Ram Prakash* (1988) 2 SCC 77



11. *Dev Kishan v. Ram Kishan*, AIR 2002 Raj. 370
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. Chenamma*, AIR 1964 SC 136
17. *Puttramma v. M.S. Ranganna*, AIR 1968 SC 1018
18. *Kakumanu Pedasubhayya 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 as 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 Sessa 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. Sahebbi*, 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* (17<sup>th</sup> ed., 2014)
2. Satyajeet A. Desai, *Mulla Principles of Hindu Law*, Vol. I & II (21<sup>ST</sup> ed., 2010)
3. Tahir Mahmood, *Principles of Hindu Law* (2014).
4. Poonam Pradhan Saxena, *Family Law Lectures, Family Law– II*, (3<sup>rd</sup> ed., 2011)
5. Paras Diwan and Peeyushi Diwan, *Modern Hindu Law* (23<sup>rd</sup> ed., 2016)
6. Duncan M. Derrett, *A Critique of Modern Hindu Law* (1970)
7. Mulla, *Principles of Mahomedan Law* (22<sup>nd</sup> ed., 2017)
8. Asaf A.A. Fyzee, *Outlines of Muhammadan Law* (5<sup>th</sup> ed. 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**

Facilitating the achievement of Course Learning Outcomes

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	<b>Joint Hindu Family and Hindu Coparcenary</b>	Case Discussion; Lecture Method and Moot Court Methodolgy	As given below
2.	<b>Alienation of Joint Hindu Family Property</b>	Case Discussion; Lecture Method and Moot Court Methodolgy	As given below
3.	<b>Partition</b>	Case Discussion; Lecture Method and Moot Court Methodolgy	As given below
4.	<b>General Introduction and the Application of the Hindu Succession Act, 1956</b>	Case Discussion; Lecture Method	As given below
5.	<b>Succession to the Property of Male Intestate</b>	Case Discussion; Lecture Method	As given below
6.	<b>Succession to the Property of Female Intestate</b>	Lecture Method	As given below
7.	<b>Hindu Women's estate</b>	Case Discussion; Lecture Method and Moot Court Methodolgy	As given below
8.	<b>Law Relating to Gifts</b>	Case Discussion; Lecture Method	As given below
9	<b>Law relating to Wills</b>	Case Discussion; Lecture Method	As given below
10.	<b>Law relating to Inheritance</b>	Case Discussion; Lecture Method	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.
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**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 - 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**, (6<sup>th</sup> ed., 2014)
2. K.N.Chandrsekharan Pillai (Rev.), **R. V. Kelkar's Lectures on Criminal Procedure**, (6<sup>th</sup> 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.

- Cases:**
1. *Lalita Kumari v. Govt. of Uttar Pradesh*, 2008 (11) SCALE 154
  2. *Lalita Kumari v. Govt. of Uttar Pradesh*, 2008 (11) SCALE 157
  3. *Lalita Kumari v. Govt. of Uttar Pradesh*, 2013 (13) SCALE 559
  4. *State of Orissa v. Sharat Chandra Sahu*, (1996) 6 SCC 435
  5. *Lalita Kumari v. Govt. of Uttar Pradesh*, Cr.M.P no.5029(2014)
  6. *Youth Bar association of India v. Union of India*, Writ Petition (CRL) No.68 of 2016
  7. *Rakesh Kumar Paul v. State of Assam*, 2017 SCC OnLine SC 924
  8. *Madhu Bala v. Suresh Kumar*, (1997) 8 SCC 476
  9. *Sakiri Vasu v. State of Uttar Pradesh*, (2008) 2 SCC 409

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)

**Cases:**

10. *D.K.Basu v. State of West Bengal*, (1997) 6 SCC 642
11. *State of Haryana v. Dinesh Kumar*, (2008) 3SCC 222
12. *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273

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

**Cases:**

13. *State v. Captain Jagjit Singh*, (1962) 3 SCR 622
14. *Moti Ram v. State of M.P.*, (1978) 4 SCC 47
15. *Gurcharan Singh v. State (Delhi Admn.)*, (1978) 1 SCC 118
16. *Sanjay Chandra v. Central Bureau of Investigation*, (2012) 1 SCC 40
17. *Shri Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565
18. *State (Delhi Administration) v. Sanjay Gandhi*, (1978) 2 SCC 411

**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.

**Cases:**

22. *Zahira Habibulla H. Shiekh v. State of Gujarat*, (2004) 4 SCC 158  
23. *Mohammed Hussain v. State (Govt. of NCT Delhi)*, (2012) 9 SCC 408  
24. *Mohd. Ajmal Amir Kasab v. State of Maharashtra*, (2012) 9 SCC 1  
25. *Hardeep Singh v. State of Punjab*, (2014) 3 SCC 92  
26. *Mehmood Nayyar Azam v. State of Chhattisgarh*, (2012) 8 SCC 1 (2012) 9 SCC 1  
27. *Mrs. Neelam Katara v. Union of India*, ILR (2003) II Del 377
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  
154<sup>th</sup> 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)
29. *Gian Singh v. State of Punjab*, (2012) 10 SCC 303  
30. *State of M.P. v. Deepak*, (2014) 10 SCC 285

**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.

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Students will learn about the importance of criminal procedure; various functionaries in the criminal justice administration and classification of offences.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below.
2.	Students will learn about the initiation of a criminal case, the reporting of cognizable and non-cognizable cases; the essentials of FIR and its evidentiary value; the framework of investigation.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below.

3.	Students will learn further about the framework of investigation and the related powers of a police officer; the procedure for making arrest, search and seizure; and the difference between custody and arrest.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below..
4.	Students will learn about the provisions of bail and anticipatory bail in Chap XIII of CrPC and the leniency and stringencies adopted under special legislations.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below.
5.	Students will learn about the pre trial proceedings of taking cognizance, committal and framing of charges.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below.
6.	Students will learn about the process of trial and the different types of trials.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below.
7.	Students will learn about the basic features of the fair trial and rights of the victims and witnesses.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below.
8.	Students will learn about the essentials of the judgment ; difference between discharge and acquittal; and other means of disposal of cases.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below.
9.	Students will learn further about the Plea bargaining, compounding of offences and probation.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	As given below.
10.	Students will learn about the inherent powers of the High Courts and appeals.	Class room lectures+class presentations+ field visit[if any, scheduled for the week]	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.
- 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 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.

**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 - 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”

1. *Shantabai v. State of Bombay*, AIR 1958 SC 532 : (1959) SCR 265
2. *TarkeshwarSio Thakur Jiuvs Bar DassDey& Co. And Ors*, 1979 SCC (3) 106
3. *State of Orissa v. Titaghur Paper Mills Company Limited*, AIR 1985 SC 1293 : (1985) Supp SCC 280
4. *Municipal Corporation of grater Bombay vsThe Indian Oil Corporation Ltd* AIR 1991 SC 686
5. *Bamdev Panigrahi v. Monorama Raj*, AIR 1974 AP 226 28
6. *Duncans Industries Ltd. v. State of U.P.* (2000)1 SCC 633 36

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

7. *Kumar Harish Chandra Singh Deo v. Bansidhar Mohanty*, AIR 1965 SC 1738
8. *M.L. Abdul Jabbar Sahib v. H. Venkata Sastri*, AIR 1969 SC 1147
9. *Padarath Halwai v. Ram Narain*, AIR 1915 PC 21

**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)

10. *Ahmedabad Municipal Corporation v. Haji Abdul Gafur Haji Hussenbhai*, AIR 1971 SC 1201
11. *Md. Mustafa v. Haji Md. Isa*, AIR 1987 Pat 5
12. *H.N. Narayanswamy Naidu v. Deveeramma*, AIR 1981 Kant 93
13. *Ram Niwas v. Bano*, AIR 2000 SC 2921

**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)

14. *Dhunseri Tea & Industries Ltd. vs The Hanuman Estates Private Ltd.* AIR 1976 Cal 328
15. *United India Fire And General Insurance Co. Ltd. v. Pelaniappa Transport Carriers*, AIR 1986 AP 32

**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

16. *V.N. Sarin v. Ajit Kumar Poplai*, AIR 1966 SC 432
17. *Kenneth Solomon v. Dan Singh Bawa*, AIR 1986 Del 1
18. *N. Ramaiah v. Nagaraj*, AIR 2001 Kant 395

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

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

19. *Jumma Masjid, Mercara v. Kodimaniandra Deviah*, AIR 1962 SC 847
20. *Kartar Singh v. Harbans Kaur* (1994) 4 SCC 730
21. *Shehamal v. Hassan Khani Rawther* AIR 2011 SC 3609

**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

22. *Rosher v. Rosher*(1884)26Ch D 801
23. *Muhammad Razav. Abbas Bandi Bibi*(1932) I.A. 236
24. *Manohar Shivram Swami v. Mahadeo Guruling Swamy*, AIR 1988 Bom 116
25. *Zoroastrian Co-operative Housing Society Ltd. v. District Registrar, Co-op. Societies (Urban)* (2005) 5 SCC 632
26. *K. Muniswamy v. K. Venkataswamy*, AIR 2001 Kant 246
27. *Tulk v. Moxhay* (1948) 2 Ch. 774

**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

28. *Ram Newaz v. Nankoo*, AIR 1926 All 283
29. *Ram Baran v. Ram Mohit*, AIR 1967 SC 744
30. *R. Kempraj v. Burton Son & Co.*, AIR 1970 SC 1872

**Topic 6- Vested and Contingent Interests (Secs. 19 and 21)** (4 lectures)

Definition of and distinction between vested and contingent interests

31. *RajehKanta Roy v. ShantaDebi* , AIR 1957 SC 255
32. *Kokilamba l& Ors v. N.Raman*, AIR 2005 SC 2468

**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

33. *Jayaram Mudaliar v. Ayyaswamy*, AIR 1973 SC 569
34. *Supreme General Films Exchange Ltd. v. Maharaja Sir Brijnath Singhji Deo*, AIR 1975 SC 1810
35. *Govinda Pillai Gopala Pillai v. Aiyappan Krishnan*, AIR 1957 Ker. 10
36. *Sri Jagannath Mahaprabhu v. Pravathandra Chatterjee*, AIR 1957 Ker 10
37. *DalipKaur v. Jeewan Ram*, AIR 1996 P&H 158
38. *Hardev Singh v. Gurmaj Singh*, AIR 2007 2366
39. *Vinod Seth v. Devender Bajaj*, (2010)8SCC 1
40. *A. Nawab John &Ors v. N. Subramaniam*, 2012 7 SCC 738

**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

41. *Geeta Devi vs Sobha Agarwalla* AIR 2017 Jhar 24

**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

42. *Ganga Dhar v. Shankar Lal*, AIR 1958 SC 770
43. *Pomal Kanji Govindji v. VrajlalKarsandasPurohit*, AIR 1989 SC 436
44. *Shivdev Singh v. Sucha Singh*, AIR 2000 SC 1935
45. *SangarGaguDhula v. Shah LaxmibenTejshi*, AIR 2001 Guj. 329
46. *Allahabad Bank v. Ley Bros* AIR 2010 Ker 90
47. *Patel Ravjibhai Bhulabhai vs. Rahemanbhai M. Shaikh* AIR 2016 SC 2146

**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

37. *Associated Hotels of India v. R.N. Kapoor*, AIR 1959 SC 1262 193
38. *Quality Cut Pieces v. M. Laxmi*, AIRS 1986 Bom 359 204
39. *B.V. D'Souza v. Antonio FaustoFernandes*, AIR 1989 SC 1816 213
40. *Samir Kumar Chatterjee v. HirendraNathGhosh*, AIR 1992 Cal 129 216
41. *Delta International Ltd. v. Shyam Sunder Ganeriwalla*, AIR 1999 SC 2607
42. *Bharat Petroleum Corporation Ltd vsChembur Service Station*( 2011) 3 SCC 710.

**Topic 11- Gift (Secs. 122-126)**

(2 lectures)

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

48. *TilaBewa v. ManaBewa*, AIR 1962 Ori 130
49. *Kartari v. KewalKrishan*, AIR 1972 HP 117
50. *Balakrishnan Nambeesan vs A.P.Meenakshyamma* 2014(2)KLJ 158
51. *Sushama Rani Roy Chowdhury vs Bani Roy* AIR 2017 (NOC)24 Cal

**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 (18<sup>th</sup> ed. 2018)
2. Poonam Pradhan Saxena, "Property and Easement", Halsbury Laws of India; Vol. 12 (2<sup>nd</sup> 2009).
3. Poonam Pradhan Saxena, Property Law (3<sup>rd</sup> ed. 2017)
4. A.Chandrasekaran (Rev.) G.C.V. SubbaRao's Law of Transfer of Property (16<sup>th</sup> 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 (11<sup>th</sup> 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)

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Understand the identification and differentiation of moveable and immovable property; formalities mandatory for transfer of property.	Case Discussion; Lecture Method	As given below
2.	Understand the concept and constituents of transfer of property	Case Discussion; Lecture Method	As given below
3.	Understand the kinds of property that can be	Case Discussion;	As given below

	transferred	Lecture Method	
4.	Understand the right of transferee to use or further transfer the property( Conditional Transfer)	Case Discussion; Lecture Method	As given below
5.	Understand the creation of prior interests and absolute interests in favour of unborn persons; Rule against perpetuity.	Case Discussion; Lecture Method	As given below
6.	Understand Vested and contingent interest	Case Discussion; Lecture Method	As given below
7.	Understand the status of property with respect to which litigation is pending.( “ <i>LisPendens</i> ”)	Case Discussion; Lecture Method	As given below
8.	Understand the doctrine of Part Performance	Case Discussion; Lecture Method	As given below
9	Understand the definition of mortgage; Kinds of mortgages; Mode of execution of mortgages	Case Discussion; Lecture Method	As given below
10	Understand concept of lease and formalities required for it	Case Discussion; Lecture Method	As given below
11	Understand the concept of Gift ,legal procedure for making and revoking gift.	Case Discussion; Lecture Method	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.
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**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)**

1.1 Definition of International Law

1.2 Basis of International Law - Jurisprudential Theories

1.3 Codification of International Law: Work of International Law Commission

1.4 Sanctions of International Law

1.5 Subjects of International Law

*1. Reparation for Injuries Suffered in the Service of the United Nations Case. ICJ Rep.1949, p.174*

1.6 Third World and International Law

## **Topic 2: Sources of International Law (10 lectures)**

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

2.1.1 International Treaties and Conventions

2.1.2 International Custom

*2. Lotus Case (France v. Turkey), PCIJ, Ser. A, No. 10 (1927)*

*3. North Sea Continental Shelf Cases, ICJ Rep. 1969, p. 3*

*4. Right of Passage over Indian Territory (Merits) (Portugal v. India), ICJ Rep. 1960, p. 6*

*5. Asylum Case (Columbia v. Peru), ICJ Rep. 1950, p. 266*

2.1.3 General Principles of Law Recognized by Civilized Nations

*6. Advisory Opinion of ICJ on the Effect of Awards of Compensation made by the United Nations Administrative Tribunal, 1954 International Law Reports 310*

*7. Island of Palmas Case (Netherlands v. United States) (1928) Permanent Court of Arbitration, 2 R.I.A.A. 829*

*8. Temple of Preah Vihear Case (Merits) (Cambodia v. Thailand), ICJ Reports 1962, p.6*

2.1.4 Judicial Decisions, Juristic Opinion

2.1.5 Ex aequo et bono

2.2 Other Sources of International Law

2.2.1 Resolutions of General Assembly

*9. Advisory Opinion of ICJ on the Legality of the Threat or Use of Nuclear Weapons, 35 International Legal Materials 809 (1996)*

2.2.2 Resolutions of Security Council

*10. Advisory Opinion of ICJ on Namibia, ICJ Rep. 1971, p. 16*

*11. Advisory Opinion of ICJ in Western Sahara Case, ICJ Rep. 1975, p. 12*

*12. Advisory Opinion of ICJ in Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo Case, 2010*

2.2.3 Advisory Opinions of PCIJ and ICJ

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

3.1. Theories

3.1.1 Monistic Theory

3.1.2 Dualistic Theory

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

13. *In Re Berubari Union No. (I)*, AIR 1960 SC 845 : (1960) 3 SCR 250
14. *Ram Kishore Sen v. Union of India* (1966) 1 SCR 430 : AIR 1966 SC 644
15. *Jolly George Varghese v. Bank of Cochin*, AIR 1980 SC 470 (1980) 2 SCC 360
16. *Gramophone Company of India Ltd. v. Birendra Bahadur Pandey*, AIR 1984 SC 667: (1984) 2 SCC 534
17. *Union of India v. Sukumar Sengupta*, AIR 1990 SC 1692 : 1990 Supp. SCC 545
18. *Vellore Citizens' Welfare Forum v. Union of India* (1996) 5 SCC 647
19. *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011 : (1997) 6 SCC 241
20. *Justice K S Puttaswamy (Retd.) v. Union of India* (2017) 6 SCC 235

**Topic 4: State Responsibility (5 lectures)**

4.1 Basis of International Responsibility

21. *Corfu Channel Case*, ICJ Rep. 1949, p. 4
22. *Barcelona Traction, Light and Power Co. Ltd. Case*, ICJ Rep. 1964, p. 6
23. *Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*, ICJ Rep. 1980, p. 3
24. *Nicaragua Case (Nicaragua v. USA)* ICJ Rep. 1986, p. 14

4.2 Constituent Elements of International Responsibility

4.2.1 Damage Theory

4.2.2 Fault Theory

4.2.3 Absolute Liability and Risk Theory

4.3 The Act of State (Rules of Attribution)

25. *La Grand Case (Germany v. United States of America)* ICJ Reports 2001, p. 466

4.4 Forms of Reparation

4.4.1 Restitution

4.4.2 Indemnity

4.4.3 Satisfaction

4.4.4 Guarantee against Repetition

26. *Certain Activities Carried Out By Nicaragua in the Border Area (Costa Rica v Nicaragua)* ICJ Reports 2018

4.5 Rule of Exhaustion of Local Remedies

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

**Topic 5: Law of the Sea (10 lectures)**

5.1 Maritime Zones

5.1.1 Territorial Sea

27. *Anglo-Norwegian Fisheries Case (United Kingdom v. Norway)*, ICJ Rep. 1951, p. 116

28. *Corfu Channel Case*, ICJ Rep. 1949, p. 4

5.1.2 Contiguous Zone

5.1.3 Continental Shelf

5.1.4 Exclusive Economic Zone

5.1.5 High Seas

5.2 Delimitation of Adjacent and Opposite Maritime Boundaries

29. *North Sea Continental Shelf Cases*, ICJ Rep. 1969, p. 3

30. *Libya v. Tunisia Continental Shelf Case*, ICJ Rep. 1982, p. 17

31. *Republic of Italy v. Union of India (2013) 4 SCC 721*

32. *In the Matter of the Bay of Bengal Maritime Boundary Arbitration (between the People's Republic of Bangladesh and the Republic of India)*, PCA, 2014.

5.3 Concept of "Common Heritage of Mankind" Relating to the Resources of International Seabed Area

5.4 International Seabed Mining – Parallel System of Mining

5.5 Indian Maritime Interests, Policy and Law

5.6 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)**

6.1. Territorial Jurisdiction

6.2. Jurisdiction based on nationality, protective principle

6.3. Universal Jurisdiction

6.4. Extra territorial Jurisdiction of State

6.5. Extradition, Deportation, Asylum

33. *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)* ICJ Rep. 2002, p.3

34. *Abu Salem v. State of Maharashtra (2011) SCC 214*

35. *Arrest and Restoration of Savarkar (France/Great Britain, 1911)*

**Topic 7: International Human Rights Law (8 lectures)**

7.1. Traditional Human Rights

7.1.1. Civil and Political Rights

7.1.2. Economic, Social and Cultural Rights

7.2. Third Generation Human Rights (Solidarity Rights)

7.3. Implementation of Human Rights at International Level

7.4. Human Rights Council

7.5. Regional Conventions on Human Rights

7.6. Protection of Human Rights in India

7.7. General Comments made by Human Rights Committee on Articles 6, 7, 9 of ICCPR, 1966 (2008)

36. *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011

37. *Independent Thought v Union of India*, (2017) 10 SCC 800

**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)**

8.1. Diplomatic agents- Types

8.2. Consuls

8.3. Sovereign and Non-Sovereign Acts

8.4. Diplomatic Immunity: personal and property

8.5. Consular Privileges and Immunities

38. *The Schooner Exchange v. McFaddon* (1812) 7 Cranch 116

39. *Case Concerning U.S. Diplomatic and Consular Staff in Tehran*, ICJ Rep. 1980, p. 3

40. *Jurisdictional Immunities of the State (Germany v. Italy: Greece Intervening)* ICJ Rep. (2008)

41. *Request For the Indication of Provisional Measures of Protection (India v Pakistan)*, ICJ Reports 2017

**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 (3<sup>rd</sup> ed., 2015)
- V. K. Ahuja, Public International Law (1<sup>st</sup> ed. 2015)
- S. K. Verma, An introduction to Public International Law (2<sup>nd</sup> ed. 2012)
- Kaul, J.L. & A. Jha, Shifting Horizons of Public International Law, (1<sup>st</sup> ed. 2018)

### **Prescribed Treaties**

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

### **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 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.

**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 - 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)

**Case study**

1. *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461
2. *S. R. Bommai v. Union of India*, AIR 1994 SC 1918
3. *State of West Bengal v. Union of India*, AIR 1963 SC 1241
4. *Ram Jawaya Kapur v. State of Punjab*, AIR 1955 SC 549
5. *Kuldip Nayar v. Union of India*, AIR 2006 SC 3127
6. *State of Haryana v. State of Punjab*, AIR 2002 SC 685
7. *Government of NCT of Delhi v. Union of India*, (2018) SCC OnLine SC 661
8. *In re Berubari Union & Exchg. of Enclaves*, AIR 1960 SC 845
9. *Ram Kishore Sen v. Union of India*, AIR 1966 SC 644
10. *Union of India v. Sukumar Sengupta*, AIR 1990 SC 1692
11. *N. M. Sahib v. Chief Comnr. Pondicherry*, AIR 1962 SC 797
12. *R. C. Poudyal v. Union of India*, AIR 1993 SC 1804
13. *Babulal Parate v. State of Bombay*, AIR 1960 SC 51
14. *U. N. R. Rao v. Indira Gandhi*, AIR 1971 SC 1002
15. *S.P. Anand v. H.D. Deve Gowda*, AIR 1997 SC 272
16. *Samsher Singh v. State of Punjab*, AIR 1974 SC 212
17. *M.P. Spl. Police Estab. v. State of M.P.*, (2004) 8 SCC 788
18. *Epuru Sudhakar v. Govt. of A.P.*, AIR 2006 SC 338
19. *S.P. Anand v. H.D. Deve Gowda*, AIR 1997 SC 272
20. *B. R. Kapur v. State of T. N.*, AIR 2001 SC 3435
21. *Lily Thomas v. Union of India*, (2013) 7 SCC 653.
22. *Spl Ref. No. 1 of 2002 (Gujarat Assembly)*, AIR 2003 SC 87
23. *Anil Kumar Jha v. Union of India*, (2005) 3 SCC 150
24. *Jaya Bachchan v. Union of India*, AIR 2006 SC 2119
25. *In re Keshav Singh*, AIR 1965 SC 745
26. *Raja Ram Pal v. Hon'ble Speaker, Lok Sabha*, (2007) 3 SCC 184
27. *D. C. Wadhwa v. State of Bihar*, AIR 1987 SC 579
28. *A.K. Roy v. Union of India*, AIR 1982 SC 710
29. *Krishna Kumar Singh v. State of Bihar*, (2017) 3 SCC 1

30. *S. P. Gupta v. President of India*, AIR 1982 SC 149
31. *In re Special Reference No. 1 of 1998*, AIR 1999 SC 1
32. *SC Adv. on Record Association v. Union of India*, 2015 (11)SCALE 1
33. *L. Chandra Kumar v. Union of India*, AIR 1997 SC 1125
34. *Madras Bar Association v. Union of India*, (2014) 10 SCC 1
35. *Rupa Ashok Hurra v. Ashok Hurra*, AIR 2002 SC 1771
36. *Zakarius Lakra v. Union of India*, (2005) 3 SCC 161
37. *Mohd. Arif v. The Reg. Supreme Court of India*, (2014) 9 SCC 737
38. *Daryao v. State of UP*, AIR 1961 SC 1457
39. *Trilokchand Motichand v. H.B. Munshi* , AIR 1969 SC 966
40. *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802
41. *Rudul Sah v. State of Bihar*, AIR 1983 SC 1086
42. *M.C. Mehta v. Union of India*, AIR 1987 SC 1086
43. *State of Bihar v. Charusila Dasi*, AIR 1959 SC 1002
44. *State of Bombay v. R. M. D. C.*, AIR 1957 SC 699
45. *Tata Iron & Steel Co. Ltd. v. State of Bihar*, AIR 1958 SC 452
46. *G.V.K. Industries v. Income Tax Officer*, (2011) 4 SCC 36
47. *In Re C P & Berar Sales of Motor Spirit & Lubricants Taxation Act, 1938*, AIR 1939  
FC 1
48. *Gujarat University v. Krishna Ranganath Mudholkar*, AIR 1963 SC 703
49. *Prafulla Kumar v. Bank of Commerce, Khulna*, AIR 1947 PC 60
50. *State of Karnataka v. Drive-in Enterprises*, AIR 2001 SC 1328
51. *State of Rajasthan v. G. Chawla*, AIR 1959 SC 544
52. *K.C. Gajapati Narayan Deo v. State of Orissa*, AIR 1953 SC 375
53. *Union of India v. H. S. Dhillon*, AIR 1972 SC 1061
54. *Hoechst Pharmaceuticals Ltd. v. State of Bihar*, AIR 1983 SC 1019
55. *Zaverbhai v. State of Bombay*, AIR 1954 SC 752
56. *Vijay Kr Sharma v. State of Karnataka*, (1990) 2 SCC 562
57. *Jindal Stainless Ltd. v. State of Haryana*, (2016) SCC Online SC 1260
58. *G.K. Krishnan v. State of Tamil Nadu*, (1975) 1 SCC 375
59. *Shree Mahavir Oil Mills v. State of J. & K*, (1996) 11 SCC 39
60. *State of Rajasthan v. Union of India*, AIR 1977 SC 1361
61. *S. R. Bommai v. Union of India*, AIR 1994 SC 1918
62. *Rameshwar Prasad v. Union of India*, AIR 2006 SC 980
63. *Nabam Rebia, and Bamang Felix v. Deputy Speaker*, (2016) SCC OnLine SC 694

**Prescribed Text:** The Constitution of India, 1950

**Prescribed Books:**

1. H.M. Seervai, *Constitutional Law of India* [4<sup>th</sup> 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) (8<sup>th</sup> ed., 2018)
3. Mahendra P. Singh, *V. N. Shukla's Constitution of India* (13<sup>th</sup> ed., 2017)
4. D.D. Basu, *Shorter Constitution of India* (Revised by Justice A K Patnaik) (Vol. 1 & 2, 15<sup>th</sup> 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)

**Teaching Plan:**

Weeks	Unit	Topic	No. of Lectures	No. of Lectures Per Unit
Week 1	Unit 1	Discussing 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	4 (Four) Lectures	6 Lectures
	Week 2	Unit 1	Discussing Cooperative and Competitive Federalism, Scheduled and Tribal Areas	
	Unit 2	Power to cede Indian territory to a Foreign Nation; Power to create/extinguish a state;	2 (two) Lectures	3 Lectures
Week 3	Unit 2	Alteration of name, area and boundary of existing states – Procedure (Articles 1 – 4)	1 (one) Lectures	



	<i>Unit 3</i>	Discussing the provisions regarding the President and Vice President – Qualifications, Election, Term of Office, Powers, Impeachment (Articles 52-72)	3 (Three) Lectures	8 Lectures
<b>Week 4</b>	<i>Unit 3</i>	Powers of Governor (Articles 153 – 161) along with Nature, Scope and Extent of Executive Powers of the Union and States (Article 73, 162); 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;	4 (Four) Lectures	
<b>Week 5</b>	<i>Unit 3</i>	Scope and Extent of Judicial Review of Executive Actions (Articles 74,75,77,78,111,102,103(2), 217(3), 163).	1 (One) Lectures	
	<i>Unit 4</i>	Composition of Parliament and State legislatures; Qualification/Disqualification of Members; Legislative Procedure, Legislative Privilege (Articles 79 – 122, 168 – 212 )	3 (Three) Lectures	5 Lectures
<b>Week 6</b>	<i>Unit 4</i>	Composition of Parliament and State legislatures; Qualification/Disqualification of Members; Legislative Procedure, Legislative Privilege (Articles 79 – 122, 168 – 212 )	2 (Two) Lectures	
	<i>Unit 5</i>	Essential conditions for promulgation of an Ordinance:	2 (Two) Lecture	3 Lectures
<b>Week 7</b>	<i>Unit 5</i>	‘Ordinance’ under Article 13; Judicial Review; Validity of successive promulgation of the same Ordinance (Articles 123, 213)	1 (one) Lectures	
	<i>Unit 6</i>	Union Judiciary: the Supreme Court of India (Articles 124-147); Composition, Appointment and Removal of Judges	3 (three) Lectures	

		(Articles 124-130); Procedure (Article 145); the High Courts in the States (Articles 214-231)		
<b>Week 8</b>	<i>Unit 6</i>	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)	4 (Four) Lectures	12 Lectures
<b>Week 9</b>	<i>Unit 6</i>	Jurisdiction of Supreme Court: Original Exclusive (Articles 71, 131), Original Concurrent Jurisdiction of Supreme Court and High Courts (Articles 32, 226); 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); Special Leave to Appeal (Article 136); Power of Review (Article 137), Advisory Jurisdiction (Article 143) and Curative Petition	4 (Four) Lectures	
<b>Week 10</b>	<i>Unit 6</i>	Writs – <i>habeas corpus</i> , <i>mandamus</i> , prohibition, <i>quo warranto</i> and <i>certiorari</i> . <u>Dealing with Procedural requirements and innovation like</u> , Judicial Activism and overreach/self-restraint, <i>Locus Standi</i> , Laches, Res Judicata, Exhaustion of Alternative Remedies and Public Interest Litigation- PIL (Concept of <i>pro bono publico</i> ). Power to issue appropriate orders and directions; Power to award Compensation	1 (one) Lectures	
	<i>Unit 7</i>	Discussing Distribution of Legislative Powers Articles 245 – 255, Schedule VII, Doctrine of Territorial Nexus (Article 245),	3 (three) Lectures	
<b>Week 11</b>	<i>Unit 7</i>	Subject-matter of laws made by Parliament/Legislatures of States; Position of Union Territories (Article 246); Interpretation of legislative lists: Plenary and Ancillary Power of	4 (Four) Lectures	

		Legislation, Effect of <i>Non Obstante Clause</i> ,		
<b>Week 12</b>	<i>Unit 7</i>	Doctrine of Harmonious Construction; Doctrine of Pith and Substance; Colourable Exercise of Legislative Power,	4 (Four) Lectures	14 Lectures
<b>Week 13</b>	<i>Unit 7</i>	Residuary Power of Legislation (Article 248), Parliament's Power to Legislate in List II (State List) – (Articles 246 (4), 247, 249 – 253, 352, 356) Doctrine of Repugnancy (Article 254)	3 (Three) Lectures	
	<i>Unit 8</i>	Concept of Trade and Commerce: Scope of Freedom of trade, commerce & intercourse;	1 (One) Lectures	4 Lectures
<b>Week 14</b>	<i>Unit 8</i>	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)	3 (Three) Lectures	
	<i>Unit 9</i>	Emergency Provisions Proclamation of Emergency on grounds of war, external aggression and armed rebellion (Articles 352, 358, 359),	1 (One) Lectures	5 Lectures
<b>Week 15</b>	<i>Unit 9</i>	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), Imposition of President's Rule in States – Grounds, Limitations, Parliamentary Control, Judicial Review (Articles 356-357), Financial Emergency (Article 360)	4 (Four) Lectures	
Total Weeks : 15				Total Lectures : 60
Total Units : 9				

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Students will understand Constitution as Fundamental Law of the Land.	A mix of lectures, case study method, and discussion.	As given below.
2.	Students will understand Essential Features of Constitution; Theory of Basic Structure Principles of Federalism; Nature of the Indian Constitution – Federal, Unitary, Quasi-federal	A mix of lectures, case study method, and discussion.	As given below.
3.	Students will understand the general provision related to ___Union and its Territory including 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	A mix of lectures, case study method, and discussion.	As given below.
4.	Students will be able to understand the provisions regarding__The President and Vice President – Qualifications, Election, Term of Office, Powers, Impeachment	A mix of lectures, case study method, and discussion.	As given below.
5,6	Student will able to understand Nature, Scope and Extent of Executive Powers of the Union and States	A mix of lectures, case study method, and discussion.	As given below.
7.	Students will be able to understand Composition of Parliament and State legislatures; Qualification/Disqualification of Members; Legislative Procedure, Legislative Privilege	A mix of lectures, case study method, and discussion.	As given below.
8,9	Students will be able to understand Union Judiciary: the Supreme Court of India Composition, Appointment and Removal of Judges	A mix of lectures, case study method, and discussion.	As given below.
10,11,	Students will be able to understand the jurisdiction of SC and HC	A mix of lectures, case study method, and discussion.	As given below.

12,13,14	Students will understand Distribution of Legislative Powers and various doctrines of interpretation	A mix of lectures, case study method, and discussion.	As given below.
15.	Student will be able to understand the 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	A mix of lectures, case study method, and discussion.	As given below.
16.	Students will be able to understand Emergency Provisions in detail	A mix of lectures, case study method, and discussion.	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.
- 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 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.

**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 - 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 Companies Sec.2(71) and Private Companies Sec.2(68); Holding Companies 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 DaviesPrinciples of Modern Company Law** (Latest edition) Gower's and Davies' *Principles of Modern Company Law*, (8<sup>th</sup> ed., 2008)

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

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

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

Avtar Singh, *Company Law* (17<sup>th</sup> ed., 2018)

**Additional Readings**

- *Report of Companies Law Committees (February, 2016)*
- *The Companies (Amendment) Act, 2017*
- *Human Rights Responsibility of Multinational Corporations, Political Ecology of Injustice: Learning from Bhopal Thirty Plus?*

**Prof.Upendra BAXI**

**Case Study :**

1. Salomon v. Salomon & Co., Ltd. (1897) A.C. 22 (H.L.): (1895-95) All ER Rep. 33
2. State Trading Corporation v. CTO, AIR 1963 SC 811
3. TELCO v. State of Bihar, AIR 1965 SC 40
4. R.C. Cooper v. Union of India (1970) 3 SCR 530
5. Daimler Co., Ltd. v. Continental Tyre and Rubber Co. (Great Britain), Ltd., 1916 AC 307: (1916-17) All ER Rep. 191
6. Lee v. Lee's Air Farming, Ltd. (1960) 3 All E.R. 420
7. In re Sir DinshawManeckjee Petit, AIR 1927 Bom. 371

8. CIT v. Meenakshi Mills Ltd., AIR 1967 SC 819: (1967) 1 SCR 934
9. Workmen v. Associated Rubber Industries Ltd. (1985) 4 SCC 114: (1986) 59 Comp. Cas. 134 (SC)
10. Gilford Motor Co., Ltd. v. Horne (1933) 1 Ch. 935
11. Subhra Mukherjee v. Bharat Coking Coal Ltd. (2000) 3 SCC 312
12. KapilaHingorani v. State of Bihar (2003) 6 SCC 1
13. Erlanger v. New Sombrero Phosphate Co. (1878) 3 AC 1218: (1874-80) All ER Rep. 271
14. Ashbury Railway Carriage and Iron Co. Ltd. v. Riche (1875) L.R.7 H.L.: (1874-80) All ER Rep. 2219 (HL)
15. Cotman v. Brougham, (1918-19) All ER Rep. 265 (HL)
16. In re (Jon) Beuforte (London) Ltd. (1953) Ch. 131
17. Bell Houses, Ltd. v. City Wall Properties, Ltd. (1966) 2 All E.R.674
18. Re Introductions, Ltd., Introductions, Ltd. v. National Provincial Bank Ltd. (1969) 1 All ER 887
19. A. LakshmanaswamiMudaliar v. Life Insurance Corporation of India, AIR 1963 SC 1185
20. Royal British Bank v. Turquand (1856) 119 ER 886: (1843-60) All ER Rep. 435
21. Freeman & Lockyer (A Firm) v. Buckhurst Park Properties (Mangal) Ltd. (1964) 1 All ER 630
22. KotlaVenkataswamy v. Chinta Ramamurthy, AIR 1934 Mad. 579
23. Percival v. Wright (1902) 2 Ch. 421
24. Burland v. Earle (1902) AC 83: (1900-03) All ER Rep. 1452
25. City Equitable Fire Insurance Co., Re (1925) Ch. 407
26. Regal (Hastings) Ltd. v. Gulliver (1967) 2 A.C. 134 (HL)
27. Industrial Development Consultants Ltd. v. Cooley (1972) 1 WLR 443
28. Standard Chartered Bank v. Pakistan National Shipping Cop. (2003) 1 All ER 173 (HL)
29. Foss v. Harbottle (1843) 2 Hare 461: (1843) 67 ER 189
30. H.R. Harmer Ltd., Re (1958) 3 All E.R. 689
31. Scottish Co-operative Wholesale Society, Ltd. v. Meyer 1959 AC 324
32. Shanti Prasad Jain v. Kalinga Tubes Ltd., AIR 1965 SC 1535
33. Rajahmundry Electric Supply Corporation Ltd. v. A. Nageshwara Rao, AIR 1956 SC 213
34. Bharat Insurance Co. Ltd. v. Kanhaiya Lal, AIR 1935 Lah. 792
35. Needle Industries (India) Ltd. v. Needle Industries Newey (India) Holdings Ltd.,AIR 1981 SC 1298
36. M.S.D.C. Radharamanan v. M.S.D. ChandrasekaraRaqja (2008) 6 SCC 750: AIR 2008 SC
37. German Date Coffee Co., In Re (1882) 20 Ch. D. 169
38. Seth Mohan Lal v. Grain Chambers Ltd., AIR 1968 SC 772
39. Aluminum Corporation of India Ltd. v. M/s. Lakshmi Rattan Cotton Mills Co. Ltd., AIR 1970 All. 452
40. Yenidje Tobacco Co. Ltd., Re (1916) 2 Ch. D. 169
41. Madras Bar Association V. Union of India &Anr. Writ Petition (C) No. 1072 OF 2013 Decision on 14th May, 2015.

**Students are advised to read articles relating to the syllabus topics from the journals such as:**

*Chartered Secretary: ICSI, New Delhi*

*Corporate Law Adviser*

*Company Law Journal*

Lecture	Unit	Learning outcome	Teaching & Learning Activity	HRS
1-14 (Week 1-4)	<b>Unit 1: Nature and Kinds of Companies</b>	<ul style="list-style-type: none"> <li>Understand the Concept of Company</li> <li>Analyse the theory of Corporate Personality</li> <li>Develop an idea about different kinds of Companies</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Discussions and Debates</li> </ul> <p>Learning: References to the different cases will help to develop an understanding regarding the matter.</p>	14
15-16 (Week 4)	<b>Unit 2: Promotion and Formation of Company</b>	<ul style="list-style-type: none"> <li>Understand the need of Promotion of Company.</li> <li>Analyse the Formation of Company</li> <li>Develop an understanding about Effects of Certificate of Incorporation</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Case Analysis</li> <li>Group Discussion</li> </ul> <p>Learning: To Understand Promotion and Formation of Company</p>	02
17-26 (Week 5-7)	<b>Unit 3: Company's Constitutional Documents</b>	<ul style="list-style-type: none"> <li>Develop the background and objective of preparing companies constitutional documents</li> <li>Understand the knowledge about the different doctrines</li> <li>Know the legal compliance required to follow in the process of preparing a basic documents for registration purpose.</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Case Analysis</li> <li>Draft of original MOA, AOA of companies</li> </ul> <p>Learning: Develop practical understanding of the process of formation of fundamental documents of a companies with the help of e-forms available at Ministry of Corporate Affairs website.</p>	10
27-28 (Week 7)	<b>Unit 4: Prospectus</b>	<ul style="list-style-type: none"> <li>Understand the meaning and usage of Prospectus and it's different kinds</li> <li>Develop an understanding about the regulatory</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Case Analysis</li> <li>Discussion of practical examples</li> </ul>	02

		<p>framework to draft Prospectus</p> <ul style="list-style-type: none"> <li>Gain knowledge about the process and compliances to be followed under the Companies Act</li> </ul>	<p>Learning: Understand the legal requirements in drafting a prospectus and issues of personal liability.</p>	
<p>29-30 (Week 8)</p>	<p><b>Unit 5: Company's Share Capital/Debture</b></p>	<ul style="list-style-type: none"> <li>Understand the legal and regulatory regime</li> <li>Analysing the provisions with the help of examples</li> <li>Develop an idea about raising of capital by public company</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Discussion of practical examples</li> </ul> <p>Learning:</p> <p>Understand the difference between Shares and Debentures.</p> <p>Understand the concept of Private Placement</p>	<p>02</p>
<p>31-40 (Week 8-10)</p>	<p><b>Unit 6: Board of Directors</b></p>	<ul style="list-style-type: none"> <li>Develop an understanding on the concept of Corporate Governance regime</li> <li>Gain knowledge regarding the different kinds of directors</li> </ul> <p>Understand the codified duties of director's under Companies Act, 2013.</p>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Case Analysis</li> <li>Discussion of practical examples</li> </ul> <p>Learning: Understand and analyse the importance of Independent director and corporate governance .</p>	<p>10</p>
<p>41-42 (Week11)</p>	<p><b>Unit 7: General Meetings</b></p>	<ul style="list-style-type: none"> <li>Understand the various kinds of Meetings</li> <li>Consider the essential conditions for meetings</li> <li>Analyse the procedure for calling Meetings</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Discussion of practical examples</li> <li>Role play on Board Meetings</li> </ul> <p>Learning: Examine and analuse the importance</p>	<p>02</p>

			of Meetings and Ethics involved in conducting the meetings.	
<b>43-52</b> (Week 11-13)	<b>Unit 8:Prevention of Oppression and Mismanagement</b>	<ul style="list-style-type: none"> <li>• Develop an understanding on the Majority Rule and Minority Protection.</li> <li>• Gain knowledge regarding the power of central government in protection of minority shareholders</li> <li>• Understand the newly enacted mode for suit filing (Class Action Suit) in case of mismanagement and oppression.</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Analysis</li> <li>• Discussion of practical examples</li> </ul> <p>Learning: How do the various provisions prevent oppression and mismanagement.</p> <p>Understand how minority shareholders can be protected by Companies Act, 2013.</p>	<b>10</b>
<b>53-56</b> (Week 14)	<b>Unit 9:Winding up of Companies</b>	<ul style="list-style-type: none"> <li>• Develop an idea of dissolution of company</li> <li>• Understand the knowledge about the different modes of winding up of company</li> <li>• Know the legal compliance required to follow in the process of compulsory winding up.</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Analysis</li> <li>• Discussion of practical examples</li> </ul> <p>Learning: Understand the procedure of winding up in Companies Act,2013.</p>	04
<b>57-58</b> (Week 15)	<b>Unit 10:Adjudicatory Bodies</b>	<ul style="list-style-type: none"> <li>• Understand the constitution of NCLAT and NCLT</li> <li>• Analysing the Procedure of Adjudication in Companies Act.</li> <li>• Develop an idea about working of Quasi-judicial bodies in Companies Act, 2013</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Analysis</li> </ul> <p>Learning: Understand the Adjudicatory Authorities in Companies Act.</p>	02
<b>59-60</b> (Week 15)	<b>Unit 11:Corporate Social Responsi</b>	<ul style="list-style-type: none"> <li>• Understand the need of CSR in India.</li> <li>• Analyse the Section 135 and Schedule 7</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Casesstudy</li> <li>• Discussion of</li> </ul>	02

	<b>bility</b>	<ul style="list-style-type: none"> <li>Develop an understanding about CSR policy of different companies.</li> </ul>	<p>practical examples</p> <p>Learning: Understand the importance of CSR.</p> <p>Understand the concept of CSR in global perspective.</p>	
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**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 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.

**IMPORTANT NOTE:**

- 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.
- 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 - 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*, 13<sup>th</sup> 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;

Narandas Morardas Gajiwala v. SPAM Papammal, AIR 1967 SC 333

Kuchwar Lime and Stone Co. v. Dehri Rohtas Light Rly. & Co. Ltd., AIR 1969 SC 193

Lakshminarayan Ram Gopal v. Govt. of Hyderabad, AIR 1954 SC 367

Snow White Indl. Corpn. v. Collector of Central Excise, AIR 1989 SC 1555

K.D. Kamath & Co. v. CIT (1971) 2 SCC 873

Cox v. Hickman (1860) 8 H.L.C. 268

Mollwo, March & Co. v. The Court of Wards (1872) L.R. 4 P.C. 419

**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.

Miles v. Clarke (1953) 1 All ER 779

Trimble v. Goldberg (1906) AC 494 (PC)

Holme v. Hammond (1872) L.R. 7 Ex. 218 : 41 L.J. Ex. 157

Rhodes v. Moules (1895) 1 Ch. 236 (CA)

Hamlyn v. Houston & Co. (1903) 1 K.B. 81

Tower Cabinet Co., Ltd v. Ingram (1949) 1 KBD 1032

Snow White Food Products Ltd. v. Sohan Lal, AIR 1964 Cal. 239

Scarf v. Jardine (1882) 7 A.C. 345

Shivgouda Ravji Patil v. Chandrakant Neelkanth Sadalge, AIR 1965 SC 212

**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)

Syndicate Bank v. R.S.R. Engg. Works (2003) 6 SCC 265

Vishnu Chandra v. Chandrika Prasad Agarwal, AIR 1983 SC 523

**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).

CIT v. Jaylakhmi Rice & Oil Mills Contractor Co., AIR 1971 SC 1015  
Jagdish Chandra Gupta v. Kajaria Traders (India) Ltd., AIR 1964 SC 1882  
Haldiram Bhujawala v. Anand Kumar Deepak Kumar (2000) 3 SCC 250  
Saligram Ruplal Khanna v. Kanwar Rajnath, AIR 1974 SC 1094  
Santiranjana Das Gupta v. Dasuram Murzamull, AIR 1973 SC 48  
M/s. Juggilal Kamalpat v. M/s. Sew Chand Bagree, AIR 1960 Cal. 463  
Sharad Vasant Kotak v. Ramniklal Mohanlal Chawda (1998) 2 SCC 171  
S.V. Chandra Pandian v. S.V. Sivalinga Nadar (1993) 1 SCC 589

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

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

(a) Concept of 'Goods'

R.D. Saxena v. Balaram Prasad Sharma, AIR 2000 SC 2912  
Commr. of Sales Tax, M.P. v M.P. Electricity Board, Jabalpur, AIR 1970 SC 732 :  
(1969) 1 SCC 200

(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)

Commr. of Commercial Taxes v. Hindustan Aeronautics Ltd., AIR 1972 SC 744 :  
(1972) 1 SCC 395  
Sentinel Rolling Shutters & Engg. Co. (P) Ltd. v. CST, AIR 1978 SC 545 : (1978) 4  
SCC 260  
Northern India Caterers (India) Ltd. v. Lt. Governor of Delhi (1978) 4 SCC 36 &  
(1980) 2 SCR 650  
State of Karnataka v. Udipikrishna Bhawan (1981) 3 SCC 76  
Larsen & Toubro Ltd. v. State of Karnataka, (2014) 1 SCC 708  
Kone Elevators v. State of Tamil Nadu (2014) 7 SCC 1  
State of Karnataka and Ors. v. Pro Lab and Ors. AIR 2015 SC 1098  
K.L. Johar & Co. v. Dy., C.T.O., AIR 1965 SC 1082 : (1965) 2 SCR 112  
Sundaram Finance Ltd. v. State of Kerala, AIR 1966 SC 1178 : (1966) 2 SCR 828

**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)

Priest v. Last (1903) 2 KB 148  
British Paints (India) Ltd. v. Union of India, AIR 1971 Cal. 393  
Niblett v. Confectioners Material Co. Ltd. (1921) 3 KB 387  
Wallis v. Patt (1911) AC 394 Baldry v. Marshall  
(1925) 1 KB 260 (CA)

Doctrine of Caveat Emptor

Jones v. Just (1868) 3 Q.B. 197  
Richard Thorold Grant v. Australian Knitting Mill, Ltd. AIR 1936 PC 34  
Bristol Tramways v. Fiat Motors Ltd. (1910) 2 KB 831

**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 an right to stoppage in transit.

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Concept of Agency and the Nature of Partnership	Lectures and presentations	As given below.
2.	Relations of Partners to One Another and to the Third	Lectures and presentations	As given below.
3.	Incoming and Outgoing Partners	Lectures and presentations	As given below.
4.	Registration and Dissolution of a Firm	Lectures and presentations	As given below.
5.	General : Formation of Contracts of Sale	Lectures and presentations	As given below.
6.	Conditions and Warranties	Lectures and presentations	As given below.
7.	Effects of the Contract of Sale	Lectures and presentations	As given below.
8.	Rights of Unpaid Seller	Lectures and presentations	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.
- 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 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.

**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 - 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.

**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* (9<sup>th</sup> 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: Case 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 (4<sup>th</sup> 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 – Tips”, by Aman Hingorani

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.
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**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

**Prescribed Legislation:**

The Constitution of India, 1950

**References**

1. Mahendra P. Singh, V. N. Shukla's Constitution of India (12th ed., 2016)
2. H.M. Seervai, Constitutional Law of India [4th ed., Vol. 1 (2005), Vol. 2 (2005), Vol. 3 (2015)]
3. M.P. Jain, Indian Constitutional Law (7th ed., 2014)
4. D.D. Basu, Shorter Constitution of India (15th ed., 2018)

**Additional Readings**

5. Constituent Assembly debate
6. Parliamentary debates.
7. Recommendation of Law Commissions of India

**Case Study:**

1. Som Prakash v. Union of India AIR 1981 SC 212 : (1981) 1 SCC 449
2. Pradeep Kumar Biswas v. Indian Institute of Chemical Biology (2002) 5 SCC 111
3. G. Basi Reddy v. International Crops Research Institute, JT 2003 (2) SC 180
4. Zee Telefilms Ltd. v. Union of India (2005) 4 SCC 649
5. State of U.P. v. Radhey Shyam Rai, 2009(3) SCALE 754
6. Jatya Pal Singh v. Union of India (2013) 6SCC 452
7. BCCI v. Cricket Association of Bihar (2015)3 SCC 251
8. Keshavan Madhava Menon v. State of Bombay, AIR 1955 SC 128 : 1951 SCR 228
9. State of Gujarat v. Sri Ambika Mills, AIR 1974 SC 1300 : (1974) 4 SCC 656
10. Bhikaji Narain Dhakras v. State of M. P., AIR 1955 SC 781 73
11. Dr. Janet Jeyapaul v. SRM University AIR 2016 SC 73.
12. Bashsher Nath v. CIT, AIR 1959 SC 149
13. State of Bombay v. F.N. Balsara, AIR 1951 SC 318
14. RMDC v. Union of India, AIR 1957 SC 628
15. Chiranjit Lal Chaudhary v. Union of India, AIR 1951 SC 41
16. State of W. B. v. Anwar Ali Sarkar, AIR 1952 SC 75
17. Kathi Raning Rawat v. State of Saurashtra, AIR 1952 SC 123
18. Indra Sawhney v. Union of India, AIR 1993 SC 477 88
19. Ashoka Kumar Thakur v. Union of India (2008) 6 SCC 1
20. Indra Sawhney v. Union of India, AIR 2000 SC 498
21. Ashoka Kumar Thakur v. State of Bihar (1995) 5 SCC 403 139
22. Gulshan Prakash v. State of Haryana, 2009 (14) SCALE 290 : AIR 2010 SC 2888
23. Avinash Singh Bagri v. Registrar, IIT, Delhi (2009) 8 SCC 220
24. M. Nagraj v. Union of India (2006) 8 SCC 212
25. Rohtas Bhankar v. Union of India (2014) 8 SCC 872

26. Pramati Educational & Cultural Trust v. Union of India (2014) 8 SCC 1
27. Modern Dental College & Res. Cen v. State of Madhya Pradesh (2016) 7 SCC 353
28. U.P. Power Corpn. Ltd. v. Rajesh Kumar (2012) 7 SCC 1
29. State of Karnataka v. Appa Balu Ingale AIR 1993 SC 1126
30. Safai Karmachari Andolan v. Union of India, 27 March 2014
31. Balaji Raghavan v. Union of India, AIR 1996 SC 770
32. Bennett Coleman & Co. v. Union of India, AIR 1973 SC 106
33. Secretary, Ministry of I & B, State of W. B v. Cricket Association (1995) 2 SCC 1
34. Shreya Singhal v. Union of India (2013)12 SCC 73
35. People's Union for Civil Liberties (PUCL) v. Union of India (2003) 4 SCC 399
36. Communist Party of India (M) v. Bharat Kumar (1998) 1 SCC 201
37. AIADMK v. Chief Secretary, Government of Tamil Nadu (2007) 1 SCALE 607
38. Chindamanrao v. State of M.P., AIR 1951 SC 118
39. Narendra Kumar v. Union of India, AIR 1960 SC 430
40. State of Gujarat v. Mirzapur Moti Qureshi Kasab Jamat, AIR 2006 SC 212 (Cow slaughter)
41. Smt. Selvi and Ors. v. State of Karnataka, AIR 2010 SC 1974
42. Maneka Gandhi v. Union of India, AIR 1978 SC 597 254
43. Puttuswamy v. Union of India. (2017) 10 SCC 1
44. National Legal Services Authority v Union of India (2014)5 SCC 438
45. Animal Welfare Board Of India vs A. Nagaraja & Ors. (2014)7 SCC 547
46. A K Roy v. Union of India, AIR 1982 SC 710
47. Pramati Educational and Cultural Trust v. Union of India, 2014.
48. D.K. Basu v. State of West Bengal (1997) 1 SCC 416
49. People's Union for Civil Rights v. Union of India, 2003 (10) SCALE 967
50. People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1473
51. Seshammal v. State of Tamil Nadu (1972) 2 SCC 11 284
52. N. Adithayan v. Travancore Devaswom Board (2002) 8 SCC 106
53. Adi Saiva Sivachariyargal Nala Sangam v. The Government of Tamil Nadu (2016)2 SCC 725
54. Commissioner of Police v. Acharya Jagadishwarananda Avadhuta (2004) 12 SCC 770
55. Bijoe Emmanuel v. State of Kerala (1986) 3 SCC 615
56. Rev. Stainislaus v. State of M.P., AIR 1977 SC 908
57. Islamic Academy of Education v. State of Karnataka, JT 2003 (7) SC 1
58. T.M.A. Pai Foundation v. State of Karnataka, AIR 2003 SC 355
59. P.A. Inamdar v. State of Maharashtra, AIR 2005 SC 3236



60. Hon'ble Shri Rangnath Mishra v. Union of India, JT 2003 (7) SC 206
61. Union of India v. Tulsiram Patel, AIR 1985 SC 1416 : (1985) 3 SCC 398
62. J.P. Bansal v. State of Rajasthan, AIR 2003 SC 1405 (2003) 5 SCC 134
63. Managing Director, ECIL v. B. Karunakar, AIR 1994 SC 1074
64. T.N. Rangarajan v. Govt. of Tamil Nadu, AIR 2003 SC 3032
65. I.R. Coelho v. State of Tamil Nadu, AIR 2007 SC 861 : (2007) 2 349 SCC 1
66. Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461
67. Kihoto Hollohon v. Zachillhu, AIR 1993 SC 4120
68. L. Chandra Kumar v. Union of India, AIR 1997 SC 1125
69. Madras Bar Association v. Union of India AIR 2015 SC 1571

### **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.

#### **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.

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Students will understand the basics of the constitution and importance of the 'State'. Basic theories of interpretation of the Constitution, meaning, relevancy and changing dimension of 'State' and the mechanism through which courts control the power of the State.	A mix of lectures, case study method, tutorial and discussion.	As given below.
2.	Students will be able to understand the fundamental meaning and purpose of equality and they will also understand that how with the help of positive discrimination equality can be attained.	A mix of lectures, case study method, tutorial and discussion.	As given below.
3.	Students will understand different provisions dealing with freedom and equality, their importance and role of judiciary in protecting and promoting them.	A mix of lectures, case study method, tutorial and discussion.	As given below.
4.	Students will be able to understand the provisions of the Constitution and other related legislations dealing with the protection of human beings, especially of women and children against exploitation.	A mix of lectures, case study method, tutorial and discussion.	As given below.
5.	Student will develop a better understanding of the term freedom of religion and the circumstances in which it could be regulated or restricted by the State. Discussion on meaning of secular state will also be better understood.	A mix of lectures, case study method, tutorial and discussion.	As given below.
6.	Meaning, definition and purpose of special protection to minorities will be discussed. Students will also be able to understand the meaning of administration of minority institution, especially professional institution in the light art.30	A mix of lectures, case study method, tutorial and discussion.	As given below.
7.	Students will better understand their duties as a citizen which will help them in growing as better	A mix of lectures, case study	As given below.

	citizens.	method, tutorial and discussion.	
8.	Students will be able to understand the meaning and purpose of DPSPs and will also learn the art of maintaining balance between FRs and DPSPs.	A mix of lectures, case study method, tutorial and discussion.	As given below.
9.	Students will understand the meaning of Civil Servants and the protection available to them in the Constitution with the help of case laws.	A mix of lectures, case study method, tutorial and discussion.	As given below.
10.	Students will understand the power of Parliament and the procedure to amend the Constitution. Increasing power of Judicial review and the restriction of basic structure on amending power of the Constitution will be better understood.	A mix of lectures, case study method, tutorial and discussion.	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.
- 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 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.

**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- 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**

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2. I.P. Massey, *Administrative Law* (7<sup>th</sup> ed. 2008)
3. H.W.R. Wade and C.F. Forsyth, *Administrative Law* (10<sup>th</sup> ed., 2009)

### **Additional Readings**

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2. S.P. Sathe, *Tribunal system in India* (1996).
3. Justice Bhagwati Prasad Banerjee, *Judicial Control of Administrative Action* (3<sup>rd</sup> ed., 2016)
4. Harry Woolf, Jeffery Jowell and Andrew Le Sueur, *De Smith's Judicial Review* (6<sup>th</sup> 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)

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1. *Rai Sahib Ram Jawaya Kapur v. State of Punjab*, AIR 1955 SC 549
2. *Asif Hameed v. State of J. & K.*, AIR 1989 SC 1899
3. *State of M.P. v. Bharat Singh*, AIR 1967 SC 1170
4. *ADM Jabalpur v. Shivkant Shukla*, AIR 1976 SC 1207
5. *Indira Gandhi (Smt.) v. Raj Narain*, AIR 1975 SC 2299
6. *Justice K S Puttaswamy (Retd.) and Another v. Union of India & Others*, Supreme Court of India, 26 September 2018, available at [https://www.sci.gov.in/supremecourt/2012/35071/35071\\_2012\\_Judgement\\_26-Sep-2018.pdf](https://www.sci.gov.in/supremecourt/2012/35071/35071_2012_Judgement_26-Sep-2018.pdf)

7. *In re Delhi Laws Act*, AIR 1951 SC 332
8. *LachmiNarainv. Union of India*, AIR 1976 SC 714
9. *DarshanLalMehrav. Union of India*, AIR 1992 SC 1848
10. *KeshavlalKhemchandv. Union of India*, Supreme Court of India, 28 January 2015, available at <https://www.sci.gov.in/jonew/judis/42329.pdf>
11. *Power Machines India Limited v. State of Madhya Pradesh &Ors.*, Supreme Court of India, 17 April 2017, available at <https://www.sci.gov.in/jonew/judis/44793.pdf>
12. *GovindLalv. A.P.M. Committee*, AIR 1976 SC 263
13. *Sonik Industries, Rajkot v. Municipal Corpn. of the City of Rajkot* (1986) 2 SCC 608 : AIR 1986 SC 1518
14. *Atlas Cycle Industries Ltd. v. State of Haryana*, AIR 1979 SC 1149
15. *Rajnarain Singh v. Chairman, Patna Administration Committee*, AIR 1954SC 519
16. *Dwarka Prasad LaxmiNarainv. State of U.P.*, (1954) SCR 803: AIR 1954 SC 224
17. *A.N. Parasuramanv. State of Tamil Nadu*, AIR 1990 SC 40: (1989) 4SCC 683
18. *J.R. Raghupathyv. State of A. P.*, AIR 1988 SC 1681
19. *Coimbatore District Central Cooperative Bank v. Coimbatore District Central Co-op. Bank Employees Assn.*, (2007) 4 SCC 669
20. *Om Kumar & Others v. Union of India*, AIR 2000 SC 3689
21. *State of Uttar Pradesh v. Achal Singh*, Supreme Court of India, 21 August 2018 available at [https://www.sci.gov.in/supremecourt/2018/11952/11952\\_2018\\_Judgement\\_21-Aug-2018.pdf](https://www.sci.gov.in/supremecourt/2018/11952/11952_2018_Judgement_21-Aug-2018.pdf)
22. *R. v. Secretary of State for the Home Department, Ex Parte Daly*, 2001JUKHL 26
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24. *G. Sadananadanv. State of Kerala*, AIR 1966 SC 1925: (1966) 3 SCR 590
25. *Express Newspapers (Pvt.) Ltd. v. Union of India*, AIR 1986 SC 872
26. *State of Bombay v. K.P. Krishnan*, (1961) 1 SCR 227: AIR 1960 SC 1223
27. *Ranjit Singh v. Union of India*, AIR 1981 SC 461
28. *NandlalKhodidasBarotv. Bar Council of Gujarat and others* AIR 1981 SC 477
29. *Shri Rama Sugar Industries Ltd. v. State of Andhra Pradesh*, (1974) 1SCC 534: AIR 1974 SC 1745
30. *Associated Provincial Picture House Ltd.v Wednesbury Corporation*(1947) 2 All ER 680
31. *D.M. Aravali Golf Club v.ChanderHass*, 2007 (14) SCALE 1
32. *Union of India v. Indo-Afgan Agencies Ltd.*, AIR 1968 SC 718
33. *MotilalPadmavat Sugar Mills v. State of U.P.*, AIR 1979 SC 621
34. *Union of India v. Godfrey Philips India Ltd.*, AIR 1986 SC 806



35. *G.N. Nayak v. Goa University*, AIR 2002 SC 790
36. *Amar Nath Chowdhury v. Braithwaite & Co. Ltd.*, (2002) 2 SCC 290: 173 AIR 2002 SC 678
37. *State of West Bengal v. Shivananda Pathak*, AIR 1998 SC 2050
38. *Hira Nath Mishra v. Principal, Rajendra Medical College*, (1973) 1 SCC 805: AIR 1973 SC 1260
39. *J.K. Aggarwal v. Haryana Seeds Development Corpn. Ltd.*, (1991) 2 SCC 283: AIR 1991 SC 1221
40. *Bharat Petroleum Corpn. Ltd. v. Maharashtra General Kamgar Union*, (1999) 1 SCC 626
41. *Maneka Gandhi v. Union of India* (1978) 1 SCC 248
42. *H.L. Trehan v. Union of India*, AIR 1989 SC 568
43. *K.I. Shepherd v. Union of India*, AIR 1988 SC 686
44. *S.N. Mukherjee v. Union of India*, AIR 1990 SC 1984
45. *Managing Director, ECIL, Hyderabad v. B. Karunakar*, (1993) 4 SCC 727
46. *Syed Yakoob v. K.S. Radha Krishanan* (1964) 5 SCR 64: AIR 1964 SC 477
47. *Surya Dev Rai v. Ram Chander Rai*, AIR 2003 SC 3044: (2003) 6 SCC 675
48. *Anadi Mukta Sadguru S.M.V.S.S.J.M.S. Trust v. V.R. Rudani*, AIR 1989 SC 1607
49. *Common Cause v. Union of India*, AIR 2003 SC 4493
50. *Rupa Ashok Hurra v. Ashok Hurra*, AIR 2002 SC 1771
51. *Secretary General, Supreme Court of India v. Subhash Chandra Agarwal*, 166 (2010) DLT 305 (FB)
52. *Disclosure of Accounts and Funding of Political Parties*, CIC Order Dated 3<sup>rd</sup> June 2013
53. *Ferani Hotels Private Limited v. The State Information Commissioner, Greater Mumbai & Ors.*, Supreme Court of India, 27 September 2018, available at [https://www.sci.gov.in/supremecourt/2015/38196/38196\\_2015\\_Judgement\\_27-Sep-2018.pdf](https://www.sci.gov.in/supremecourt/2015/38196/38196_2015_Judgement_27-Sep-2018.pdf)
54. *L. Chandra Kumar v. Union of India and others*, AIR 1997 SC 1125
55. *Union of India v. R. Gandhi, President, Madras Bar Association*, 2010 (5) SCALE 514
56. *Madras Bar Association v. Union of India*, (2014) 10 SCC 1
57. *Madras Bar Association v. Union of India*, 2015 (6) SCALE 331

## **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 causa sua*(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*, *Quo Warranto*; 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)

**Facilitating the achievement of Course Learning Outcomes**

<b>Unit No.</b>	<b>Course Learning Outcomes</b>	<b>Teaching and Learning Activity</b>	<b>Assessment Tasks</b>
1.	To understand the meaning and reasons for growth of the administrative law; importance of administrative law for establishment of an egalitarian and welfare society.  To learn about the concepts of Rule of Law and Separation of Power and check the State’s action on the altar of these doctrines.	A mix of lecture, discussion, case study method, presentations and assignments	As given below.
2.	To know the meaning and reasons for growth of delegated legislation; permissible limits of delegation of legislative power in UK, USA and in India; various controls over delegated legislation both at the level of delegation of law making power and at the level of the exercise of the law making power To decide upon the legality or illegality of the executive law making (orders, rules, regulations, notifications, bye-laws etc.)	A mix of lecture, discussion, case study method, presentations assignments and hypothetical problems solving	As given below.
3.	To learn about the mechanisms and processes through which administrative authorities	A mix of lecture, discussion, case	As given below.

	exercise their discretion  To know the nature, scope, extent and Grounds of judicial review of administrative powers	study method, presentations assignments and hypothetical problems solving	
4.	To learn about the legal framework relating to the principles of Natural Justice and their application in administrative and adjudicatory administrative actions	A mix of lecture, discussion, case study method, presentations assignments and hypothetical problems solving	As given below.
5.	To learn about the methods to grant relief to the aggrieved persons against arbitrary/unreasonable administrative actions	A mix of lecture, discussion, case study method, presentations assignments and hypothetical problems solving	As given below.
6.	To know the philosophical insights and legal and constitutional foundation of the right to information  To help themselves or any other needy person with the required information from the government establishment	A mix of lecture, discussion, case study method, presentations and assignments	As given below.
7.	To know the advantages offered by tribunal system; establishment of administrative tribunals under Article 323A and 323B of the Constitution of India, 1950 with special reference to service tribunals; their functioning in actual practice; the available avenues to challenge the decisions of the tribunals  Work out the reforms required in tribunal system in India in the light of judicial decisions, Law Commission reports and reforms taken place in other countries	A mix of lecture, discussion, case study method, presentations and assignments	As given below.
8.	To learn about the constitution, powers and functions of Commission of Inquiry under the Commission of Inquiry Act, 1952; the constitution, powers and functions of the Central Vigilance Commission under the Central Vigilance Commission Act, 2003.	A mix of lecture, discussion, case study method, presentations and assignments	As given below.
9.	To appraise the recently developed concepts of having regulatory bodies to particular sector and their withstanding in respect of many	A mix of lecture, discussion, case study method,	As given below.

	constitutional and administrative law principles.	presentations and assignments	
10.	To learn about the meaning and need of the institution of Ombudsman as a mechanism for Redressal of Complaints against the administration and many related concerns thereof.	A mix of lecture, discussion, case study method, presentations and assignments	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.
- 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 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.

**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-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
<b>1.</b>	<b>Introduction to Alternate Dispute Resolution: Differences between litigation, arbitration, conciliation, mediation and negotiation (5 lectures)</b>
	<b>Supplied Readings</b>
	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
<b>2.</b>	<b>Communication – Introduction, verbal, non-verbal communication, para linguistics (2 lectures)</b>
	<b>Supplied Readings</b>
	1. Body Language – non-verbal communication
	2. One and Two-Way Communication
	3. Conflict-what is it?
	<b>Simulation Exercises on communication, conflict situations (5 classes)</b>
<b>3.</b>	<b>Negotiation- Introduction, Style and Strategies (6 lectures)</b>
	<b>Supplied Readings</b>
	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
	<b>Simulation Exercises on Negotiation (8 Classes)</b>
<b>4.</b>	<b>Mediation – (8 lectures)</b>
	(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
	<b>Supplied Readings</b>
	<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 &amp; 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 <a href="http://supremecourtfindia.nic.in/mediation">http://supremecourtfindia.nic.in/mediation</a></p> <p>5. Shriram Panchu, Mediation Practice Law - The Path to Successful Dispute Resolution Pages 90-111, 2<sup>nd</sup> Edition, LexisNexis 2015</p> <p>(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>
	<b>Simulation Exercises on Mediation (8 classes)</b>
	<b>Suggested Readings</b>
	1. Justice Manju Goel, 'Successful Mediation in Matrimonial Disputes' available at <a href="http://www.delhimediationcentre.gov.in/articles.htm">http://www.delhimediationcentre.gov.in/articles.htm</a>



5.	<b>Arbitration</b>
	<ul style="list-style-type: none"> <li>• Overview of A&amp;C Act, 1996 (<b>1 lecture</b>)</li> <li>• Arbitration: meaning, scope and types International Commercial, Domestic, Institutional, Ad Hoc, Statutory etc...</li> <li>• Arbitration agreement/clause, Drafting Arbitration Clause</li> <li>• Arbitral Tribunal <span style="float: right;"><b>(4 lectures in all)</b></span></li> <li>• Arbitral Award, Appeal and revision</li> <li>• Enforcement of foreign awards</li> <li>• Overview of International Rules (<b>2 lectures</b>)</li> <li>• Case Analysis (<b>1 lecture</b>)</li> </ul>
	<b>Supplied Readings</b>
	<ol style="list-style-type: none"> <li>1. Aman Hingorani, “Alternative Dispute Resolution, including Arbitration, Mediation and Conciliation”, All India Bar Examination Preparatory Materials</li> <li>2. Excerpts from Drafting Dispute Resolution Clauses A Practical Guide, American Arbitration Association</li> <li>3. Steven Lubet, <i>Modern Trial Advocacy: Analyses and Practice</i>, pp 1-13.</li> <li>4. P.C. Markanda, <i>Law Relating to Arbitration and Conciliation</i>, pp. 1-8, (8<sup>th</sup> Edn., 2013) Lexis Nexis.</li> </ol>
	<p><b>Simulation Exercise (5 classes)</b></p> <p>(i) Drafting Arbitration Clause</p> <p>(ii) Identifying good and bad facts, issues, arguments-case and fact analysis</p>
	<p><b>Suggested Readings</b></p> <ol style="list-style-type: none"> <li>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)</li> <li>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)</li> <li>3. Economic Laws Practice, Arbitration and Conciliation Act, 1996-An analysis of the Amendments</li> </ol>
6.	<b>Lok Adalat, Field Visit and Report (3 lectures)</b>
	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
	<b>Supplied Reading</b> 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. 222<sup>nd</sup> Report of the Law Commission of India on NEED FOR JUSTICE-DISPENSATION THROUGH ADR, etc. (2009)
6. 246<sup>th</sup> 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, 2<sup>nd</sup> 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*, 3<sup>rd</sup> Ed., (2012).

### Facilitating the achievement of Course Learning Outcomes

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

### CONTENTS

**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* (3<sup>rd</sup> 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  
*H.R. 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

### **Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Develop the understanding of rationale behind the formation of Trade Unions and their working	Classroom Lectures and Field visits	As given below
2.	Understand the Immunities of the Trade Unions	Classroom Lectures and Field visits	As given below
3.	Comprehend the basic principles of Industrial Disputes Act and understand the concept of	Classroom Lectures and Field visits	As given below



	industry.		
4.	Know the difference between industrial dispute and individual dispute	Classroom Lectures and Field visits	As given below
5.	Figure out complex employer- employee relationships and develop an understanding of 'contract for service' and 'contract of service'. Also grasp the intricacies of concept of 'workman'	Classroom Lectures and Field visits	As given below
6.	Know the Concepts, legality and justification of Strike and Lock out	Classroom Lectures and Field visits	As given below
7.	Know the difference between Difference between Lock out, Lay Off, Retrenchment and Closure	Classroom Lectures and Field visits	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.
- 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 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.

**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 - 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

**Cases:**

1. Gundaji Shinde v. R.C. Joshi, AIR 1979 SC 653
2. Indian Bank v. Maharashtra State Cooperative Federation, AIR 1998 SC 1952
3. Iftikar Ahmad v. Meharban Ali, AIR 1974 SC 749
4. State of U.P. v. Nawab Hussain, AIR 1977 SC 1680
5. Sangeeta Khosla v. Sunil Kr. & others, Del HC, CA, 2017
6. Chunnilal Mehta v. Century Spinning and Manufacturing Co. AIR 1962 SC 1314
7. Kopi Setty v. Ratnam 2009 RLR 27
8. Gill & Co. v. Bimla Kumai, 1986 RLR 370
9. Haridas v. Usha Rani Banik 2006 SCALE 287
10. Amrisha Agarwal Trading v. Venus Home Appliances Pvt. Ltd, Del HC, CM(M)No. 238/2017
11. Mahant Ram Dass v. Ganga Dass AIR 1961 SC 882
12. Ram manohar lal v. National Building Material Supply Co. AIR 1969 SC 1267
13. Ganesh Trading Co. v. Moji Ram AIR 1978 SC 484
14. B.K. Narayana Pillai v. P. Pillai (2000) 1 SCC 712
15. Saleem Bhai v. State of Maharashtra AIR 2003 SC 759
16. Sangram Singh v. Election Tribunal AIR 1955 SC 425
17. Rajni Kumar v. Suresh Kumar 2003 (3) SCALE 434
18. Bhanu Kumar Jain v. Archana Kumar AIR 2005 SC 626
19. Santosh Kumar v. Bhai Mool Singh AIR 1958 SC 321
20. Mechlac Engineers and Manufacturers v. Basic Equipment Corporation AIR 1977 SC 577
21. ONGC Ltd v. SBI AIR 2000 SC 2548
22. Apollo Zipper India Ltd v. W. Newman & Co. Ltd, SC , C.A. No.4249 of 2018

23. Manohar Lal v. Seth Hiralal AIR 1962 SC 527
24. Dalpat Kaur v. Prahlad Singh AIR 1993 SC 276
25. R. B. Policies At Lloyds v. Butler (1949 ) 2 All ER 226
26. UOI v. West Coast Paper Mills Ltd. AIR 2004 SC 1596
27. PNB v. Surendra Prasad Sinha AIR 1992 SC 1815
28. Collector, Land Acquisition, Anantnag v. Katiji, AIR 1987 SC 1353
29. State of Nagaland v. Lipok AO (2005) 3 SCC 752
30. Commissioner Sales Tax U.P. v. Madan Lal Das and sons. AIR 1977 SC 523
31. State of U.P. v. Maharaj Narain AIR 1968 SC 960
32. Mahabir kishore v. State of M.P. AIR 1990 SC 313
33. Sampuran singh v. Niranjana Kumar AIR 1999 SC 1047
34. Rajinder Singh v. Santa Singh AIR 1973 SC 2537
35. State of Punjab v. Gurdev Singh (1991) 4 SCC1
36. Ajaib Singh v. Sirhind Cooperative Marketing-cum-Processing Service Society Ltd. AIR 1999 SC 1351

### **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

Facilitating the achievement of Course Learning Outcomes

<b>Unit Number</b>	<b>Course learning outcome</b>	<b>Teaching and learning activity</b>	<b>Assessment tasks</b>

1. Definitions	Understanding basic concepts and terminology	Lectures and presentations	As given below
2. Jurisdiction and res-judicata	Explaining the concept of various jurisdictions and the principle of res-subjudice and res-judicata	Lectures and presentations	As given below
3.Place of suing	Application of the understanding of territorial jurisdiction	Lectures and presentations	As given below
4.Appeals	Difference between original and appellate jurisdiction and the various appellate courts	Lectures and presentations	As given below
5.Refrence	Forums available with or without appeals. Concepts of review and revision also discussed	Lectures and presentations	As given below
6.Inherent powers of court and special suits	Understanding the plenary jurisdiction of civil courts over and above their other jurisdictions	Lectures and presentations	As given below
7.Parties to suits	Who is a plaintiff and who is a defendant: will be explained	Lectures and presentations	As given below
8.Amendment of pleadings	The students will be told about the stage up till when the plaint or the written statement can be amended to avoid any lenthly litigation	Lectures and presentations	As given below

9.Rejection of plaint	Essentials of order 7 rule 11 will be discussed and their effect om the filing of plaint	Lectures and presentations	As given below
10.Appearance of parties	Understanding of ex-parte orders and ex-parte decrees	Lectures and presentations	As given below
11.Summary procedure	Difference between summary suits and ordinary suits will be taught to the students for knwing the tools for speedy recovery of money	Lectures and presentations	As given below
12.Interlocutory orders	Explaining the kinds of injunctions and the reliefs available to the litigant before the final decree	Lectures and presentations	As given below
13.Limitation	Understanding of basic concepts of limitation of suits, appeals and applications	Lectures and presentations	As given below
14.Computation of limitation	Explaining the various time periods which needs to be excluded in determining the limitation period.	Lectures and presentations	As given below
15.Adverse possession	Students will learn as to how acquisition of ownership is made just by possession	Lectures and presentations	As given below
16.The schedule	Telling the students about Articles 113 and 137 of Limitation Act to deal with a situation when no limitation period is prescribed.	Lectures and presentations	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.
- 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 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.

**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 - 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, 18<sup>th</sup> Edn., 2016).
2. M.C. Agarwal and G.C. Mogha, *Indian Conveyancer* (Eastern Law House, 14<sup>th</sup> 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, 5<sup>th</sup> 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 2-A 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.

**Facilitating the achievement of Course Learning Outcomes**

<b>Unit No.</b>	<b>Course Learning Outcomes</b>	<b>Teaching and Learning Activity</b>	<b>Assessment Tasks</b>
1.	Apply fundamental/golden rules of Pleadings.	Lectures, presentations, case studies, discussions.	As given below.
2.	Recall and apply the provisions of specific statute while drafting any petition/application under the said statute. Draft civil pleadings. Comprehend the pleadings and prepare written replies for the same.	Lectures, presentations, case studies, drafting exercises, discussions.	As given below.
3.	Recall and apply the provisions of specific statute while drafting any petition/application under the said statute. Draft matrimonial pleadings.	Lectures, presentations, case studies, drafting exercises, discussions.	As given below.

4.	Recall and apply the provisions of specific statute while drafting any petition/application under the said statute. Draft criminal pleadings.	Lectures, presentations, case studies, drafting exercises, discussions.	As given below.
5.	Recall and apply the provisions of specific statute while drafting any petition/application under the said statute. Draft matrimonial pleadings.	Lectures, presentations, case studies, drafting exercises, discussions.	As given below.
6.	Recall and apply the provisions of specific statute while drafting any petition/application under the said statute.	Lectures, presentations, case studies, drafting exercises, discussions.	As given below.
7.	Apply fundamental rules of Conveyancing.	Lectures, presentations, case studies, discussions.	As given below.
8.	Draft deeds and agreements.	Lectures, presentations, case studies, drafting exercises, discussions.	As given below.
9.	Draft notices for their clients under various statutes and replies to the notices.	Lectures, presentations, case studies, drafting exercises, discussions.	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.
- 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
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  - 86%-90% attendance      3 Marks
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  - 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 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.

**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 - 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)
3. Report of the Committee on Fair Wages (1948)

**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* (3<sup>rd</sup> Ed., 2017)
3. H.L. Kumar, *Law Relating to Disciplinary Proceedings in Industries* (10<sup>th</sup> 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.

*The State of Madras v. C.P. Sarathy*, AIR 1953 SC 53

*State of Bombay v. K.P. Krishnan*, AIR 1960 SC 1223

*Telco Convoy Drivers Mazdoor Sangh v. State of Bihar*, AIR 1989 SC 1565

*Sharad Kumar v. Govt. of NCT of Delhi*, AIR 2002 SC 1724

*The Delhi Cloth & General Mills Co. Ltd. v. Workmen*, AIR 1967 SC 469

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

*Sirsilk v. Government of Andhra Pradesh*, AIR 1964 SC 160

*Remington Rand of India Ltd. v. Workmen*, AIR 1968 SC 224

**Unit 4 : Managerial Prerogative & Disciplinary Action (6 Lectures)**

*Delhi Cloth and General Mills Ltd. v. Kushal Bhan*, AIR 1960 SC 806

*Associated Cement Co. Ltd. v. Workmen* (1964) 3 SCR 652

*Tata Oil Mills Co. Ltd. v. Workmen*, AIR 1965 SC 155

*Indian Overseas Bank, Anna Salai v. P. Ganesan*, 2007 (13) SCALE 446

*Kusheshwar Dubey v. Bharat Coking Coal Ltd.*, AIR 1988 SC 2118)

*Prem Nath Bali v Registrar, High Court Of Delhi & Another* (2015) 16 SCC 415

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

*The Workmen of M/s. Firestone Tyre & Rubber Co. of India P. Ltd. v. The Management*, AIR 1973 SC 122

*Hombe Gowda Educational Trust v. State of Karnataka* (2006) 1 SCC 430

*Scooters India Limited v. Labour Court*, AIR 1989 SC 149

*J.K. Synthetics Ltd. v. K.P. Agrawal* (2007) 2 SCC 433

**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

*Municipal Cooperation of Delhi v. Female Workers (Muder Roll) & Anr* 2000 SCC (L&S) 331

*Balwant Rai Saluja v. Air India Ltd.*, (2014) 9 SCC 407

**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.

Facilitating the achievement of Course Learning Outcomes

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Develop the understanding of disputes settlement	Classroom Lectures and Field	As given below

	mechanism under the Industrial Disputes Act, 1947	visits	
2.	Understand the powers of the 'appropriate government' with respect to section 10 of the act.	Classroom Lectures and Field visits	As given below
3.	Understand the applicability and enforceability of awards and settlement under the act.	Classroom Lectures and Field visits	As given below
4.	Know the powers of and procedure followed by disciplinary committees of the employer.	Classroom Lectures and Field visits	As given below
5.	To comprehend the powers of adjudicatory authorities in cases of discharge or dismissal of a workman.	Classroom Lectures and Field visits	As given below
6.	Understand the provisions related to Restraints on Managerial Prerogatives	Classroom Lectures and Field visits	As given below
7.	Know the concept and kinds of wages, theories of wages and salient features of related statutes	Classroom Lectures and Field visits	As given below
8.	Comprehend the difference between Employees Compensation Act, 1923 and Employees State Insurance Act, 1948	Classroom Lectures and Field visits	As given below
9.	Know the difference between bonus and gratuity	Classroom Lectures and Field visits	As given below
10.	Appreciate the concept of social security.  Comprehend the salient features of Maternity benefit Act, 1961 and	Classroom Lectures and Field visits	As given below

	Factories Act, 1948		
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**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
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**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 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.

**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 - 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 representing 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 follow 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).

#### **ARTICLES:**

1. "Interviewing" in Don Peters, *The Joy of Lawyering*.
2. "Tips on Clients Interviewing and Counselling" by Margaret Barry and Brian Landsberg
3. "Advice" in Conference Skills, Inns of Court School of Law. (1999/2000).

#### **SUGGESTED READINGS:**

1. Beg, Justice Mirza Hameedullah, "Role of the Bench and the Bar", available at: <http://www.allahabadhighcourt.in/event/RoleoftheBenchandtheBarMHBeg.pdf>
2. Ben W. Heineman, Jr., William F. Lee, David B. Wilkins, "Lawyers as Professionals and as Citizens: Key Roles and Responsibilities in the 21st Century" (2014), available at: [https://clp.law.harvard.edu/assets/Professionalism-Project-Essay\\_11.20.14.pdf](https://clp.law.harvard.edu/assets/Professionalism-Project-Essay_11.20.14.pdf).
3. Champ S. Andrews, "The Law A Business or a Profession" (1908), available at: <https://www.jstor.org/stable/pdf/784941.pdf>.
4. Geoffrey C. Hazard Jr., "Responsibilities of Judges and Advocates in Civil and Common Law: Some Lingering Misconceptions Concerning Civil Lawsuits" (2006), available at: [http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2091&context=faculty\\_scholarship](http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2091&context=faculty_scholarship).
5. Gooptu, Suparna, *Cornelia Sorabji: India's Pioneer Woman Lawyer: A Biography* (Oxford University Press, New Delhi, 2010).
6. Taraporevala, V.J., *Tales from the Bench and the Bar* (Penguin India, 2010).

#### **CASES:**

1. *An Advocate v. Bar Council of India*, 1989 Supp (2) SCC 25.
2. *Anees Ahmed v. University of Delhi*, AIR 2002 Del. 440.

3. *Ashwini Kumar Upadhyay v. Union of India*, 2018 SCC Online SC 1644.
4. *B. Sunitha v. State of Telangana*, (2018) 1 SCC 638.
5. *Bal Thackery v. Harish Pimpa*, (2005) 1 SCC 254.
6. *Bar Council of India v. A.K. Balaji*, (2018) SCC Online SC 214.
7. *Bhupinder Kumar Sharma v. Bar Assn., Pathankot*, (2002) 1 SCC 470.
8. *Bhuramal Swami v. Raghuvveer Singh* (Judgment delivered on October 21, 2016).
9. *C. Ravichandran Iyer v. Justice A.M. Bhattacharjee*, (1995) 5 SCC 457.
10. *D.P. Chadha v. Triyugi Narain Mishra*, (2001) 2 SCC 221.
11. *Daroga Singh v. B K Pandey*, (2004) 5 SCC 26.
12. *E.M.S. Namboodiripad v. T. Narayana Nambiar*, AIR 1970 SC 2015.
13. *Ex-Capt. Harish Uppal v. Union of India*, (2003) 2 SCC 45.
14. *In Re Arundhati Roy*, AIR 2002 SC 1375.
15. *In Re Vinay Chandra Mishra*, (1995) 2 SCC 584.
16. *In Re, Hon'ble Shri Justice C.S. Karnan*, (2017) 7 SCC 1.
17. *Indira Jaising v. Supreme Court of India Through Secretary General*, (2017) 9 SCC 766.
18. *Indirect Tax Practitioner's Association v. R.K. Jain*, (2010) 8 SCC 281.
19. *Mahipal Singh Rana v. State of Uttar Pradesh*, (2016) 8 SCC 335.
20. *Maninderjeet Singh Bitta v. UOI*, (2011) 11 SCALE 634.
21. *Mrityunjy Das v. Sayed Rahaman*, AIR 2001 SC 1293.
22. *Narmada Bachao Andolan v. UOI*, AIR 1999 SC 3345.
23. *P.D. Gupta v. Ram Murti*, (1997) 7 SCC 147.
24. *Perspective Publication v. State of Maharashtra*, AIR 1970 SC 221.
25. *Pravin C. Shah v. K.A. Mohd. Ali*, (2001) 8 SCC 650.
26. *R.D. Saxena v. Balram Prasad Sharma*, (2000) 7 SCC 264.
27. *R.K. Anand v. Registrar, Delhi High Court*, (2009) 8 SCC 106.
28. *Salil Dutta v. T.M. and M.C. (P) Ltd.*, (1993) 2 SCC 185.
29. *SC Bar Association v. UOI*, AIR 1998 SC 1895.
30. *Shambhu Ram Yadav v. Hanuman Das Khatri*, (2001) 6 SCC 1.
31. *Pushpaben v. Narandas V Badani*, AIR 1979 SC 1536
32. *State of Maharashtra v. Budhikota Subbarao*, (1993) 3 SCC 71.
33. *Subramanian Swamy v. Arun Shourie*, (2014) 12 SCC 344.
34. *T.C. Mathai v. District & Sessions Judge, Thiruvananthapuram*, (1999) 3 SCC 614.

### **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 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.

**Facilitating the achievement of Course Learning Outcomes**

<b>Unit No.</b>	<b>Course Learning Outcomes</b>	<b>Teaching and Learning Activity</b>	<b>Assessment Tasks</b>
1.	Identify situations of professional dilemmas. Take appropriate decisions when faced with any professional dilemma.	Lectures, presentations, case studies, discussions.	As given below.
2.	Recall and apply the principles of professional ethics in their professional life.	Lectures, presentations, case studies, discussions, multi media	As given below.
3.	Identify situations of contempt.	Lectures, presentations, case studies and multi media	As given below.
4.	Apply the basic principles of professional accountancy	Lectures, presentations	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.

**Evaluation Method and Scheme:**

The students will be evaluated out of 100 marks. Considering that the course is aimed at providing theoretical knowledge and practical skills, evaluation for this course has three components:

(1) End-semester written examination for 80 marks, (60 marks theory paper for 2 hours + 20 marks MCQ's for 45 minutes).

(2) Classroom evaluation for Client Interviewing Exercise for 10 marks.

The end-semester written examination will consist of eight questions. Students will be required to answer 5 questions of 12 marks each. The question paper may have parts requiring a certain number of compulsory questions to be answered from each part. The students are required to self-study the prescribed opinions of the Bar Council of India. There will be an exam along with theory paper consisting of multiple choice questions based on the opinions of the Bar Council/Supreme Court on professional misconduct for 20 marks.

Students will be evaluated for ten marks on the basis of their performance in client interviewing and counselling.

(3) 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 - 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* (2<sup>nd</sup> Edition, 2001)
- P. Leelakrishnan, *Environmental Law Case Book* [2<sup>nd</sup> Edition, 2006 (Reprint 2010)]
- Gurdip Singh, *Environmental Law in India* (2<sup>nd</sup> Edition, 2016)
- Stuart Bell and Donald Mc Gillivray, *Environmental Law* (9<sup>th</sup> Edition, 2017)
- Justice T S Doabia, *Environmental and Pollution Laws In India*, (Vol. 1&2, 3rd Edition, 2017)

#### **SUGGESTED READINGS**

- Usha Tandon, Mohan Parasaran and Sidharth Luthra *et.al* (eds) *Biodiversity: Law , Policy and Governance* (2018) Routledge, Taylor & Francis Group , London, New York.
- Shabnam Mahlawat, “Revisiting the No-responsibility for Climate Change under Common but Differentiated Responsibility”, in *Climate Change: Law, Policy and Governance*, Eastern Book Company, 2016, ISBN: 9-789351-453376.
- Stanzin Chostak, “Climate Change and Human Rights: The Meeting of the Twains”: *Jamia Law Journal*, New Delhi, India: 2016: pp.55-63: ISSN: 2456-2718.
- Sujith Koonan “Legal Regime Governing Groundwater”, in P. Cullet et al eds., *Water Law for the 21<sup>st</sup> Century: National and International Aspects of Water Law Reforms in India* (Abington: Routledge, 2010), p. 182.
- Usha Ramanathan, ‘Bhopal: As the Law Develops’, 45(34) *Economic and Political Weekly* 82 (2010).
- Manju Arora Relan, “The Forest Rights Act, 2006: Victory and Betrayal”, vol. 52 *JILI* July-December 2010 p.484-521
- Neelam Tyagi, “Tribal Rights in India and the Impact of PESA: Issues and Challenges to Implementation” in *Social Action*, J. NO. 41612) Vol. 67, No. 3, 2017, July- September 2017, ISSN 0037-7627 (pp.203-212)

### **COMPULSORY CASES**

1. Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446 (Bichhri Village case)
2. Indian Council for Enviro-Legal Action v. Union of India, (2011) 12 SCC 768
3. Vellore Citizens’ Welfare Forum v. Union of India, AIR 1996 SC 2715
4. A.P. Pollution Control Board v. M.V. Nayudu, AIR 1999 SC 812 26
5. Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751
6. Goa Foundation, Goa v. Diksha Holding Pvt. Ltd AIR 2001 SC 184
7. M.C. Mehta v. Union of India, AIR 2002 SC 1696 (CNG Vehicles case)
8. T.N. Godavarman Thirumulkpad v. Union of India, AIR 2005 SC 4256
9. Intellectuals Forum, Tirupathi v. State of A.P., AIR 2006 SC 1350
10. Ms. Susetha v. State of Tamil Nadu, AIR 2006 SC 2893
11. Manoj Misra v Delhi Development Authority and Ors., (NGT, Principal Bench Original Application No. 65 Of 2016, Decided on 7 December 2017)
12. Subash Kumar v. State of Bihar, AIR 1991 SC 420 100
13. T.N. Godavarman Thirumulkpad v. Union of India, AIR 2006 SC 177
14. Rural Litigation and Entitlement Kendra v. State of U.P., AIR 1982 SC 652 (Dehradun-Mussourie Hills quarrying case)
15. M.C. Mehta v. Union of India, AIR 1997 SC 734 (Taj Trapezium case)
16. M.C. Mehta v. Kamal Nath (1997) 1 SCC 388 121
17. M.C. Mehta v. Kamal Nath, AIR 2000 SC 1997 132
18. M.C. Mehta v. Kamal Nath, 2002 (2) SCALE 654 135
19. Sachidanand Pandey v. State of West Bengal, AIR 1987 SC 1109 139
20. Tarun Bharat Sangh v. Union of India, AIR 1992 SC 514 (Sariska Case)
21. M/s. Abhilash Textiles v. Rajkot Municipal Corpn., AIR 1988 Guj. 57 153

22. M.C. Mehta v. Union of India, (2006) 3 SCC 399 (Closure of industries in Delhi)
23. Forum, Prevention of Env'n. & Sound Pollution v. Union of India AIR 2006 SC 348 157
24. Karnataka Industrial Areas Development Board v. C. Kenchappa, AIR 2006 SC 2038
25. M.C. Mehta v. Union of India, AIR 1988 SC 1037 (Kanpur Tanneries case) 170
26. M.C. Mehta v. Union of India, AIR 1988 SC 1115 (Municipalities case) 179
27. M/s. Delhi Bottling Co. Pvt. Ltd. v. Central Board for the Prevention and Control of Water Pollution, AIR 1986 Del. 152 186
28. Municipal Council, Ratlam v. Vardhichand, AIR 1980 SC 1622 189
29. State of M.P. v. Kedia Leather & Liquor Ltd., AIR 2003 SC 3236 197
30. M.C. Mehta v. Union of India, AIR 1997 SC 734 (Taj Trapezium case)
31. Murli S. Deora v. Union of India, AIR 2002 SC 40 201
32. Forum, Prevention of Environmental & Sound Pollution v. Union of India, AIR 2005 SC 3136 203 209
33. Orissa State Prevention and Control of Pollution Board v. M/s. Orient Paper Mills, AIR 2003 SC 1966 216
34. Church of God (Full Gospel) in India v. K.K.R. Majestic Colony Welfare Association, AIR 2000 SC 2773
35. Techii Tagi Tara v. Rajendra Singh Bhandari, (2018) 11 SCC 734
36. Arjun Gopal v. Union of India, (2017) 16 SCC 267
37. Vellore Citizens' Welfare Forum v. Union of India, AIR 1996 SC 2715
38. S. Jagannath v. Union of India, AIR 1997 SC 811 (Shrimp Culture case) 220
39. M.C. Mehta v. Union of India, AIR 2002 SC 1696 (CNG vehicles case)
40. F.B. Taraporawala v. Bayer India Ltd., AIR 1997 SC 1846
41. A.P. Pollution Control Board v. M.V. Nayudu, AIR 1999 SC 812
42. Aditya N. Prasad v. Union of India & ors., Application No. 82 of 2013
43. Techii Tagi Tara v. Rajendra Singh Bhandari & Ors, Civil Appeal No. 1359/2017, Judgement of 22 September 2017.
44. M.C. Mehta v. Union of India, AIR 1987 SC 965 (Oleum Gas Leakage)
45. M.C. Mehta v. Union of India, AIR 1987 SC 982
46. M.C. Mehta v. Union of India, AIR 1987 SC 1086 230
47. M.C. Mehta v. Union of India, AIR 1996 SC 2231 (Re-location of Industries in Delhi)
48. Union of India v. Union Carbide Corporation, AIR 1990 SC 273, AIR 1992 SC 248
49. Charan Lal Sahu v. Union of India, AIR 1991 SC 1480
50. Research Foundation for Science v. Union of India, 2007 (10) SCALE 594
51. Union of India v. Kamath Holiday Resorts, AIR 1996 SC 1040 248
52. Tarun Bharat Sangh v. Union of India, AIR 1992 SC 514 (Sariska Case)
53. T.N. Godavarman Thirumulkpad v. Union of India, AIR 1998 SC 769; AIR 2005 SC 4256

**TEACHING PLAN:**

<b>Weeks</b>	<b>Unit</b>	<b>Topic</b>	<b>No. of Lectures</b>	<b>No. of Lectures per Unit</b>
<b>Week 1</b>	<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
<b>Week 2</b>	<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
<b>Week 3</b>	<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	
<b>Week 4</b>	<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	
<b>Week 5</b>	<i>Unit 3</i>	Sustainable Development –Inter-generational and Intragenerational Equity;		

		Fundamental Principles of Environmental Protection – Precautionary Principle;	4 (Four) Lectures	10 Lectures
<b>Week 6</b>	<i>Unit 3</i>	Polluter Pays Principle; Public Trust Doctrine	3 (Three) Lectures	
	<i>Unit 4</i>	Constitutional Perspective – Fundamental Rights - Article 14 (Right to equality, non-arbitrary and non-discriminatory treatment);	1 (One) Lecture	
<b>Week 7</b>	<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	10 Lectures
<b>Week 8</b>	<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	
<b>Week 9</b>	<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	
<b>Week 10</b>	<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

		– Functions; Air Pollution Control Area; Consent Requirement - Procedure, Grant/Refusal, Withdrawal; Restraint Orders; Citizen Suits		
<b>Week 11</b>	<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	7 Lectures
	<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	
<b>Week 12</b>	<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	
<b>Week 13</b>	<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
<b>Week 14</b>	<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	
<b>Week 15</b>	<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

		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.		
		<b>Total Weeks : 15</b>		
		<b>Total Units : 9</b>		
		<b>Total Lectures : 60</b>		

**FACILITATING THE ACHIEVEMENT OF COURSE LEARNING OUTCOMES**

<b>Unit No.</b>	<b>Course Learning Outcomes</b>	<b>Teaching and Learning Activity</b>	<b>Assessment Tasks</b>
<b>1.</b>	To develop understanding of the meaning and scope Environment and Pollution, and its causes and effects; dimensions and magnitude of the problem of environmental degradation, and the need for legal control of pollution	Lectures, presentations, case studies and discussions	As given below.
<b>2.</b>	To acquire overview of the major International Environmental Law and International Conventions & documents relating to Environmental protection	Lectures, presentations, case studies and discussions	As given below.
<b>3.</b>	To develop understanding of the fundamental Principles of Environmental Protection that has evolved from various international convention and judicial decisions	Lectures, presentations, case studies and discussions	As given below.
<b>4.</b>	To develop understanding and to acquire skills of various Constitutional provisions relating to protection and conservation of environment	Lectures, presentations, case studies and discussions	As given below.
<b>5.</b>	To develop understanding of the Pollution Control Boards and the procedures relating to inspection and other procedures relating to abatement of air and water pollution	Lectures, presentations, case studies and discussions	As given below.

6.	To understand the scope and extent of umbrella legislation of the environment in India and the various bye-laws made under it, viz, Environmental Impact Assessment, Environmental Audit, etc.	Lectures, presentations, case studies and discussions	As given below.
7.	To familiarize with the jurisdiction, powers and procedures of the NGT	Lectures, presentations, case studies and discussions	As given below.
8.	To acquire overview of the laws relating to handling and management of hazardous substances and wastes	Lectures, presentations, case studies and discussions	As given below.
9.	To acquire overview of the laws relating of the various statutes relating to protection and conservation of forests, biodiversity and wildlife	Lectures, presentations, case studies and discussions	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.
- 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 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.

**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 - 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, mootings, 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, 10<sup>th</sup> Edition
2. Vinod K. Singhania & Kapil Singhania, Taxmann's Direct Taxes – Law & Practice
3. Girish Ahuja & Ravi Gupta, Direct Taxes – Law and Practice

### **Cases**

1. CIT v. G.R. Karthikeyan, 1993 Supp (3) SCC 222
2. CIT v. Sitaldas Tirathdas, (1961) 2 SCR 634
3. C.I.T. v. Sunil J. Kinariwala, (2003) 1 SCC 660
4. Bacha F. Guzdar v. C.I.T., Bombay, AIR 1955 SC 74
5. C.I.T. v. Benoy Kumar Sahas Roy, AIR 1957 SC 768
6. C.I.T. v. Maddi Venkatasubbayya, (1951) XX ITR 151 (Mad.)
7. Sakarlal Naranlal v. C.I.T., AIR 1965 Guj. 165

8. CIT v. Avon Organics Ltd. [2013] 55 SOT 260 (Hyd.)
9. Asst., CIT v. Col. Joginder Singh (2014) 059(II) ITCL 0039
10. K. Lakshmanan & Co. v. C.I.T. (1999) 239 ITR 597 (SC)
11. V.V.R.N.M. Subbayya Chettiar v. C.I.T., AIR 1951 SC 101
12. Narottam and Parekh Ltd. v. CIT, Bom. City, AIR 1954 Bom. 67
13. CIT v. Capricorn Food Products India Ltd. [2014] 61 SOT 196 (Chennai)
14. Vodafone International Holdings B.V. v. Union of India (UOI) and Anr, (2012) 6 SCC 613
15. Ram Pershad v. C.I.T. (1972) 2 SCC 696
16. C.I.T. v. L.W. Russel, AIR 1965 SC 49
17. C.I.T., West Bengal v. Biman Behari Shaw, Shebait (1968) 68 ITR 815 (Cal.)
18. East India Housing & Land Development Trust Ltd. v. C.I.T. (1961) 42 ITR 49 (SC)
19. R. B. Jodhamal Kuthiala v. C.I.T., AIR 1972 SC 126
20. B.D. Bharucha v. C.I.T., AIR 1967 SC 1505
21. Sanjeev Woolen Mills v. CIT (2005) 13 SCC 307: 279 ITR 434
22. Munjal Sales Corp. v. CIT (3 SCC 185) 2008,
23. Qureshi v. CIT (2006) 157 Taxman 514 (SC)
24. Rajasthan state warehousing corporation v. CIT, 242 ITR 450 (SC), AIR 2000 SC 972
25. C.I.T. v. Mysore Sugar Co. Ltd., AIR 1967 SC 723
26. C.I.T. v. Travancore Sugar & Chemicals Ltd., AIR 1973 SC 982
27. Empire Jute Co. v. C.I.T., AIR 1980 SC 1946
28. L.B. Sugar Factory & Oil Mills (P.) Ltd. v. C.I.T., AIR 1981 SC 395
29. C.I.T. v. Jalan Trading Co. (Pvt.) Ltd. (1985) 155 ITR 536 (SC)
30. Bikaner Gypsums Ltd. v. C.I.T., AIR 1991 SC 227
31. C.I.T. v. General Insurance Corporation, 2007 (1) SCJ 800
32. N. Bagavathy Ammal v. C.I.T., Madurai, JT 2003 (1) SC 363
33. M/s The Malabar Industrial Co. v. Commissioner of Income Tax (2000) 243 ITR 83 (SC)
34. Commissioner of Income Tax v. Punjab Warehousing Corporation (2009) 177 TAXMAN 237
35. U.P. State Brassware Corporation v. Commissioner of Income Tax (2005) 277 ITR 40 (ALL)
36. C.I.T. v. Rajendra Prasad Moody, (1978) 115 ITR 519 (SC)
37. CIT v. AR. RM. M. R. Subramaniam Chettiar (2001) 250 ITR 358 (Mad.)
38. Anju Mehra v. Union of India and Ors. 2013 (7) TMI 559 (P& H)
39. Philip John Plasket Thomas v. C.I.T., AIR 1964 SC 587
40. Batta Kalyani v. Commissioner of Income Tax, (1985) 154 ITR 59
41. J.M. Mokashi v. Commissioner of Income Tax, (1994) 207 ITR 252 (Bom)
42. Mohini Thapar v. C.I.T. (1972) 4 SCC 493

43. State of Kerala v. C. Velkuty, (1966) 60 ITR 239 (SC) 16  
 44. C.I.T. v. Burlop Dealers Ltd . (1971) 79 ITR 609 (SC)  
 45. Gemini Leather Stores v. The Income-tax Officer, AIR 1975 SC 1268  
 46. The Income Tax Officer v. LahkmaniMewal Das (1976) 3 SCC 757  
 47. Srikrishna (P) Ltd. v. Income-Tax Officer (1996) 9 SCC 534

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	To understand the basic concepts of taxation, the background, the general scheme of direct tax and interpretation of different provisions of the Income Tax Act;	<ul style="list-style-type: none"> <li>• Lecture</li> <li>• Case Study method</li> <li>• Quiz</li> <li>• Class presentations</li> </ul>	As given below
2.	- Do -	<ul style="list-style-type: none"> <li>• Lecture</li> <li>• Case Study method</li> <li>• Solving application based questions</li> </ul>	As given below
3.	- Do -	<ul style="list-style-type: none"> <li>• Lecture</li> <li>• Case Study method</li> <li>• Solving application based questions</li> </ul>	As given below
4.	To know how to compute tax liability of individual tax payer.	<ul style="list-style-type: none"> <li>• Classroom lectures</li> <li>• Seminars</li> <li>• Expert's guidance</li> <li>• First hand experience on computation of tax liability</li> </ul>	As given below
5.	To understand how law tries to curb avoidance of tax through various means	<ul style="list-style-type: none"> <li>• Lecture</li> <li>• Case Study method</li> </ul>	As given below
6.	To understand how to make assessment and file an income tax return of individual tax payer	<ul style="list-style-type: none"> <li>• Lecture</li> <li>• Case Study method</li> <li>• Practical training/workshop by Expert</li> </ul>	As given below

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

### Semester - III

#### Course Name- Rent Control and Slum Clearance

#### Course Code- LB-EC-301

**Credits – 5**

**Total Classes 60+15**

#### Course Objectives:

This course is structured to give a clear understanding and knowledge of Delhi Rent Control Act and the Slum Clearance Act in present context. The Students would be able to acquire knowledge in the legal & regulatory framework of the Rent control in the State of Delhi and the Slum Areas of Delhi and also understand the various laws and enactments affecting day-to-day application in India. This course will disseminate knowledge among the students inculcate in them their theoretical structures about the Rent governing laws.

#### Course Learning Outcomes:

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

- To acquire the knowledge of the basics of Rent governing laws and Slum clearance and rent controls in slums Law in Delhi and develop an understanding of the both the Acts and its operation.
- To comprehend the overview about Rent and various principles, provisions that govern the Law of having Rent Controls .
- To demonstrate a detailed knowledge of specific areas of current importance and to analyze the evolving nature of Rent law.
- To ascertain and analyse the facts of complex legal problem involving question of Landlords and tenants Laws relating to properties in Delhi.

#### Contents:

#### PART – I: GENERAL

(Lectures:08)

#### Unit-1.

Lease, License- Meaning; Distinction between Lease and License; Relevance of the distinction to the provisions of the Delhi Rent Control Act, 1958.

Tenancy by holding over, Notice for termination of tenancy under Transfer of Property Act, 1882.

#### PART II : THE DELHI RENTCONTROL ACT,1958 (Lectures: 09)

#### Unit-2.

(A) Definitions; Premises exempted from the applicability of Delhi Rent Control Act, 1958; Meaning and Scope of Contractual and Statutory Tenancies

(B) Control of Rent, Meaning, Scope and Applicability of Standard Rent

#### PART III : THE DELHI RENT CONTROL ACT, 1958

#### (A) Grounds of Eviction

#### Unit-3

(Lectures: 36)

Non- payment of Rent/Arrears of Rent [Section 14(1), Proviso Clause (a)]

**Unit-4**

Sub-letting the premises [Section 14(1), Proviso Clause (b)]

**Unit-5**

Impermissible use of the rented premises [Section 14(1), Proviso Clause (c)]

**Unit-6**

Non- occupation of rented premises by the tenant [Section 14(1), Proviso Clause (d)]

**Unit-7**

Bonafide requirement of the rented premises by the landlord [Section 14(1), Proviso Clause (e) read with Section 25-B]

**Unit-8**

Tenant building own premises, acquiring vacant possession or allotment of a residence [Section 14(1), Proviso Clause (h) and Clause (hh)]

**Unit-9**

Use of rented premises in violation of conditions of lease stipulated by D.D.A/M.C.D.[Section 14(1), Proviso Clause (k)]

**Unit-10.**

**(B)** Recovery of possession in case of limited period tenancy [Section 21]

**Unit-11**

**(C)** Remedy against cutting off or withholding essential supply or service [Section 45]

**PART – IV: The Slum Areas (Improvement and Clearance) Act, 1956**

**(Lectures:07)**

**Unit-12**

Impact of the Act on the Delhi Rent Control Act, 1958; Proceedings for eviction of tenant and Role of Competent Authority

**Case Study**

1. *Associated Hotels v. R.N.Kapoor*, AIR 1959 SC 1262
2. *M.N. Clubwala v. Fida Hussain Saheb* (1964) 6 SCR 642, 651
3. *C.M. Beena v. P.N. Ramachandra Rao*, AIR 2004 SC 2103
4. *Bhawanji Lakhamshi v. Himat Lal Jamnadas Dani*, AIR 1972 SC 819
5. *V. Dhanpal Chettiar v. Yesodai Ammal* (1979) 4 SCC 214
6. *Mohan Lal v. Shri Krishnan*, 1977 (2) RCJ 505
7. *Anand Niwas (P) Ltd. v. Anandji Kalyanji Pedhi* (1964) 4 SCR 892
8. *Jagdish Chander Chatterjee v. Kishan* (1973) 1 SCR 850
9. *Damadi Lalv. Paras Ram*, AIR 1976 SC 2229
10. *Gian Devi Anand v. Jeevan Kumar*, AIR 1985 SC 796
11. *Atma Ram Properties (P)Ltd. v. Federal Motors (P) Ltd.* (2005) 1 SCC 705
12. *D.C.Bhatia v. Union of India* (1995) 1 SCC 104
13. *Atma Ram properties (P) Ltd. v. P.S. Jain Co. Ltd.*, 57 (1995) DLT 131
14. *Sangat Singh v. Chaudhary P.N. Behl*. AIR 1970 SC 812
15. *Balbir Singh v. M.C.D.*, AIR 1985 SC 339

16. *Raghunandan Saran Ashok Saran (HUF) v. Union of India* 95 (2002) DLT 508
17. *Santosh Mehta v. Om Prakash* (1980) 3 SCC 610
18. *Hemchand v. D.C.M.* (1977) 3 SCC 483
19. *Ram Murti v. Bholanath*, AIR 1984 SC 1392
20. *Jagannath v. Ram Kishan Das*, AIR 1985 SC 265
21. *Kamla Devi (Smt.) v. Vasdev*, AIR 1995 SC 985
22. *Jain Motor Car Co., Delhi v. Swayam Prabha Jain (Smt.)*, AIR 1996 SC 2951
23. *G.K. Bhatnagar v. Abdul Alim* (2002) 9 SCC 516
24. *Mrs. Kapil Bhargava v. Subhash Chand Aggarwal*, 93 (2001) DLT 65
25. *South Asia Industries (P) Ltd. v. Sarup Singh*, AIR 1965 SC 1442
26. *Pushpa Devi v. Om Prakash*, 1979 Rajdhani LR 441
27. *Telu Ram v. Om Prakash Garg, P&H* 1971 RCJ 1
28. *Santram v. Rajinder Lal*, 1979 SC (1) RCJ 13
29. *Baldev Sahai Bagla v. R.C. Bhasin*, AIR 1982 SC 1091
30. *Miss S. Sanyal v. Gian Chand*, AIR 1968 SC 438
31. *Precision Steel and Engg. Works v. Prem Deva Niranjana Deva Tayal*, AIR 1982 SC 1518
32. *V.S. Talwar v. Prem Chandra Sharma*, AIR 1984 SC 664
33. *Ravi Dutt Sharma v. Ratan Lal Bhargava*, AIR 1984 SC 967
34. *Satyawati Sharma v. Union of India*, 2008 (6) SCALE 325
35. *V.K. Bhandari v. Sheikh Mohd. Yahya*, 158 (2009) DLT 124
36. *Shri Ramesh Ahuja v. Shri Ram Nath Jain*, 158 (2009) DLT 347
37. *Ganpat Ram Sharma v. Gayatri Devi*, AIR 1987 SC 2016
38. *S.P. Arora v. Ajit Singh*, 1970 RCR 628
39. *Faqir Chand v. Shri Ram Rattan Bhanot*, AIR 1973 SC 921
40. *Dr. K. Madan v. Krishnawati (Smt.)*, AIR 1997 SC 579
41. *Shri. Munshi Ram v. Union of India*, AIR 2000 SC 2623
42. *M/s. Bharat Sales Ltd. v. Smt. Laxmi Devi*, AIR 2002 SC 2554
43. *Inder Mohan Lal v. Ramesh Khanna*, AIR 1987 SC 1986
44. *Pukhraj Jain v. Padma Kashyap*, AIR 1990 SC 77
45. *Shrisht Dhavan v. M/s. Shaw Brothers*, AIR 1992 SC 1555
46. *Smt. Veera Rai v. S.P. Sachdeva*, AIR 1985 Del. 300
47. *Jyoti Pershad v. The Administrator for the Union Territory of Delhi*, AIR 1961 SC 1602
48. *C.R. Abrol v. Administrator under the Slum Areas* (1970) RCJ 899
49. *Lal Chand (Dead) by L.Rs v. Radha Krishan*, AIR 1977 SC 789
50. *Punnu Ram v. Chiranji Lal Gupta (Dead) by L.Rs*, AIR 1999 SC 1094

## References

5. G.C. Bharuka (Rev.) **Mulla's The Transfer of Property Act, 1882** (10<sup>1</sup> ed. 2011)
6. Jaspal Singh, **Delhi Rent Control Act** (6<sup>th</sup> ed. 2007).
7. Rameshwar Dial and Adarsh, **Law of Rent Control in Delhi** (2<sup>nd</sup> ed. 2005).

## Prescribed Legislation

1. The Delhi Rent Control Act, 1958.
2. The Slum Areas (Improvement and Clearance) Act, 1956.
3. The Delhi Rent Control Act, 1995.
4. The Transfer of Property Act, 1882.

5. The Indian Easements Act, 1882.

**Teaching Plan:**

**Week 1:**

Introducing the concept of Property law and the manner of re-enacting the past events from the legal point of view. Also stating how the Rent control law works in the scheme of the legal systems and the manner of understanding the property law first before introducing them to the Rent Control Act.

**Week 2**

Introducing the concepts of Landlords and tenants, Why the Rent Control Act was introduced?, The difference between various kinds of legal property contracts, Lease and License and the difference between them.

**Week 3**

Also giving them a background of Transfer of Property Act, 1882 for the purpose of understanding. How the system of tenancy works and sending notices with respect to termination of tenancy with the case laws

**Week 4**

Definitions; Premises exempted from the applicability of Delhi Rent Control Act, 1958; Meaning and Scope of Contractual and Statutory Tenancies

**Week 5**

Case laws on Contractual and Statutory tenancy

**Week 6**

Control of Rent, Meaning, Scope and Applicability of Standard Rent and the case laws

**Week 7**

Non- payment of Rent/Arrears of Rent [Section 14(1), Proviso Clause (a)] and the case laws.

**Week 8**

Sub-letting the premises [Section 14(1), Proviso Clause (b)] and the case laws

**Week 9**

Impermissible use of the rented premises [Section 14(1), Proviso Clause (c)], Non-occupation of rented premises by the tenant [Section 14(1), Proviso Clause (d)] and the relevant case laws.

**Week 10**

Bonafide requirement of the rented premises by the landlord [Section 14(1), Proviso Clause (e) read with Section 25-B]

**Week 11**

Cases on the Bonafide requirement of the rented premises by the landlord [Section 14(1), Proviso Clause (e) read with Section 25-B]

**Week 12**

Tenant building own premises, acquiring vacant possession or allotment of a residence [Section 14(1), Proviso Clause (h) and Clause (hh)] and the case law. Use of rented premises

in violation of conditions of lease stipulated by D.D.A/M.C.D.[Section 14(1), Proviso Clause (k)] and the case law.

**Week 13**

Recovery of possession in case of limited period tenancy [Section 21] and the case law.

**Week 14**

Remedy against cutting off or withholding essential supply or service [Section 45] and the case law.

**Week 15**

The Slum Clearance Act and the Impact of the Act on Delhi Rent Control Act. Under the Slum Clearance Act, the Proceedings for eviction of tenant and Role of Competent Authority

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Students will understand the basics of the Property Law and the features of different kinds of Contracts under the Property law to distinguish them for the purpose of applicability of the Law.	A mix of lectures, case study method, and discussion.	As given below.
2.	Students will able to distinguish between Lease and license for the purpose as to what forms a part of property law and what falls outside the purview of the law to define the basic definitions used in Banking Laws in India and also explain about the Reserve Bank of India as the Central Bank of the country plays different roles like the regulator, supervisor and facilitator of the Indian Banking System.	A mix of lectures, case study method, and discussion.	As given below.
3.	Students will understand the general provision related to the Rent Control law and to define the basics of Rent Control Act in Delhi and the role which it plays in defining jural relations between landlords and Tenants	A mix of lectures, case study method, and discussion.	As given below.
4.	Students will able to familiar with the giving of notices for the purpose of termination of tenancy with the decided cases.	A mix of lectures, case study method, and discussion.	As given below.
5.	Student will able to demonstrate differences between Contractual and Statutory tenancy with the help of various case laws.	A mix of lectures, case study method, and discussion.	As given below.
6.	Students will able to ascertain the nature and basics meaning of Rent and its applicability in the current scenario	A mix of lectures, case study method, and discussion.	As given below.
7.	Students will able to discuss the fall outs of nonpayment of rent.	A mix of lectures, case	As given below.

		study method, and discussion.	
8.	Students will able to explain the Consequences of subletting the rented premises	A mix of lectures, case study method, and discussion.	As given below.
9.	Students will able to discuss the liabilities and consequences of impermissible use of the rented premises.	A mix of lectures, case study method, and discussion.	As given below.
10.	Student will able to understand the consequences of non-occupying the rented premises or vacating the premises when the landlord files application for a bonafide personal use, or vacating premises when tenant purchases his personal property property or does not follow the rules and regulations of the government Authorities.	A mix of lectures, case study method, and discussion.	As given below.
11.	Students will able to explain the differential treatment to be meted out in case the contract is one of Limited period tenancy and also the difference between the Rent Control law and the Slum related laws.	A mix of lectures, case study method, and discussion.	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.
- 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 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.

**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 - III

#### Course Name- Law of International Institutions Course Code- LB-EC-302

**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, 6<sup>th</sup>edn., 2015)
- Jan Klabbers, AN INTRODUCTION TO INTERNATIONAL INSTITUTIONAL LAW (Cambridge University Press, 2<sup>nd</sup>edn., 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, 8<sup>th</sup>edn., 2015)
- Ian Hurd, INTERNATIONAL ORGANIZATIONS: POLITICS, LAW, PRACTICE (Cambridge University Press, 3<sup>rd</sup>edn., 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, 5<sup>th</sup>edn., 2011)

**Journal Articles**

- Anu Bradford, *How International Institutions Evolve* , Chicago Journal of International Law, Vol. 15: No. 1 (2014) pp. 47-83
- Stanimir A. Alexandrov, *The Compulsory Jurisdiction of ICJ: How Compulsory Is It?*, Chinese Journal of International Law, Volume 5: No. Issue 1 (2006) pp. 29-38
- Dapo Akande, *The Competence of International Organizations and the Advisory Jurisdiction of the International Court of Justice*, European Journal of International Law, Vol. 9 (1998) pp. 437-467

*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:** 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

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	To explain the attributes of International Institutions	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
2.	To describe the legislative, executive, judicial functions of an IO; To explain the decision making process within prominent IOs	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
3.	To describe the role, function and structure of prominent IOs, and their utility within the international legal system	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
4.	To describe the role, function and structure of prominent Regional International Organizations, and their utility within the international legal system	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
5.	To describe the role, function and structure of IOs relating to Disarmament Human Rights and Environment	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
6	To explain the relationship between IOs and International Courts (ICJ & ICC)	Lectures, Classroom Discussion, participatory method, Use of Multimedia	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.
- 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 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.

**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 - III

Course Name- Legal Philosophy including theory of Justice

Course Code- LB-EC-303

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* (2<sup>nd</sup> 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 of Justice, (1999) Edition, (1999) of Justice, Revised) Johan Rawls, A Theory of Justice, (1999) of 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, Vol 49, 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**

**Prescribed Readings:**

M. D. A. Freeman, Lloyd's Introduction to Jurisprudence (8th edn. Sweet & Maxwell, 2007).

Will Kymlicka, Contemporary Political Philosophy: An Introduction (2nd edn. OUP 2012).

R.W.M. Dias, Jurisprudence (5th ed. 1985).

H.L.A. Hart, The Concept of Law (2nd ed., 1994)

Fuller Fidelity to Law available on:

<http://people.brandeis.edu/~teuber/Positivism%20and%20Fidelity%20to%20Law%20%20A%20Reply%20to%20Professor%20Hart.pdf>. Source: Harvard Law Review, Vol.

71, No. 4 (Feb., 1958), pp. 630672.

Lon L. Fuller, The Morality of Law (1969, Indian reprint 2006)

Lon L Fuller, The Case of the Speluncean Explorers, Harvard Law Review 616664 (1949).

Roscoe Pound The Call for a Realist Jurisprudence, Source: Harvard Law Review, Vol. 44, No. 5 (Mar., 1931), pp. 697

Legal Utilitarianism, Richard F. Bernstein, Harvard Law School

V.S. Hegde 'Relationship Between Law and Morality: A Philosophical Appraisal of Gandhi's Views' Indian Philosophical Quarterly Vol. X, No. 3 April 1983.

William C. Starr, Law and Morality in H.L.A. Hart's Legal Philosophy, 67 MARQ. L. Rev. 673 (1984). Available at: <http://scholarship.law.marquette.edu/mulr/vol67/iss4/8>

Ronald Dworkin, 'What is Equality? Part 1: Equality of Welfare' Philosophy & Public Affairs Vol. 10, No. 3 pp. 185246 (1981).

B. Sivaramayya, Inequalities and the Law, 1531, (1984).

Sandra Fredman, Discrimination Law, Chp 1 Equality: Concepts and Controversies p. 126 (2002)

Marc Galanter, Competing Equalities: Law and the Backward Classes in India (1984).

Caste Today, Prof. André Béteille

B.R. Ambedkar, 'Caste in India', in Ghanshyam Shah (ed.) Caste and democratic Politics in India, pp. 83107 (2002).

Isaiah Berlin, 'Two Concepts of Liberty' in Isaiah Berlin, Four Essays on Liberty, (118171) (1969).

On the Status of Equality, AMARTYA SEN, Harvard University

Christopher Caudwell, The Concept of Freedom (1977), pp. 5175.

Amartya Sen, *Development as Freedom*, New Delhi, Oxford University Press, 2000, pp. 1334, 5486.

UpendraBaxi, 'Rule of Law in India: Theory and Practice' in Randall Peerenboom (ed.) *Asian Discourses of Rule of Law: Theories and Implementation of Rule of Law in Twelve Asian Countries*, pp. 324345 (2004)

John Rawls, *A Theory of Justice*, Revised Edition, (1999).

Amartya Sen, *The Idea of Justice* (2009).

Haroon Rashid, 'Making Sense of Marxian Concept of Justice' *Philosophical Quarterly* XXIX No. 4, Oct. 2002.

M.K. Gandhi, 'Speech at Dandi, April 5, 1930, from *Collected Works of Gandhi*, Vol49, pp 1519 available at <http://www.gandhiserve.org/cwmg/VOL049.PDF>

*Beyond the Social Contract: Capabilities and Global Justice*. An Olaf Palme Lecture, delivered in Oxford on 19 June 2003, Martha C. Nussbaum\*

Robert Nozick, *Anarchy, State and Utopia* Chapter 1 (1974).

### **Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Acquire a deep knowledge of the concept of law and its relationship with morality and develop the skill of examining and applying this relationship in the Indian context.	Primarily Lecture Project- and problem based activities	As given below.
2.	Acquire a deep knowledge of the concepts of equality and liberty from philosophical perspective and their relevance in the study of law. Further, develop the critical thinking approach as to how the concept of equality can be employed for achieving substantive equality to have more equal society. Also develop the skill of using the different concepts of liberty for democracy and individual fulfilment.	Primarily Lecture Project- and problem based activities	As given below.
3.	Acquire a deep knowledge to understand the various approaches to the concept of justice. Further develop the skill of discussing and applying the Constitutional and Gandhian Concept of justice in the Indian context for achieving social justice.	Primarily Lecture Project- and problem based activities	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.
- 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 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.

**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 - III

#### Course Name-Legal Research and Writing

#### Course Code- LB-EC-304

**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, 8<sup>th</sup> 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, 2<sup>nd</sup> 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.

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching Methodology
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1.	Understand legal research and its various nuances	Lecture Method, Brainstorming, Discussion
2.	Understand legal research and its various nuances	Lecture Method, Brainstorming, Discussion
3.	Develop correct research strategies to critically evaluate the relevance, quality and authority of the research materials. Use and authenticity of Online Available Materials.	Lecture Method, Library Visit, Discussion
4.	Recognise primary, secondary and tertiary sources of legal research material.	Lecture Method, Participatory Method,
5.	Correct way of citation. 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.	Lecture Method, Participatory Method
6.	Incorporate Ethics in Legal Writing through non-plagiarism and like.	Brainstorming, Lecture Method, Discussion Method, Experiential Learning
7.	Understand legal research and its various nuances	Lecture Method, Brainstorming, Discussion, Presentation
8.	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.	Field Visit, Small Groups, Presentations, Experiential Learning

**Assessment of Students' Performance and Scheme of Examinations:**

- 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

The Examination shall be for 100 marks. There shall be no end semester examination. Entire 100 marks shall be dedicated for internal assessment.

100 marks shall be allotted for internal assessment on the following basis:

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

**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 consult the latest editions of books.



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

### Semester - IV

#### Course Name-Private International Law

#### Course Code- LB-EC-401

**Credits – 5**

**Total Classes 60+15**

#### Course Objective:

- Despite its value as subject of academic interest Private International Law is a neglected subject in the legal education of the country and forms only an insignificant part of the curriculum of Law examinations.
- The purpose of the study is to examine in a systematic and critical manner, the entire gamut of Indian and English Private International Law so as to satisfy the needs of the students and also to familiarize the students with the legal rules so that they may have a better understanding of the rules of Private International Law which are in consonance with the need of our contemporary society and modern thought.

#### Course Learning Outcomes

Students after successfully completing this course will be able to pursue further studies in Private International Law

Students who join the legal profession will be able to solve the problems of persons living abroad and also be able to examine in a systematic manner the problems in the field of contracts, companies and insolvency which are likely to come up before the course, after liberalization and the expansion of international trade and cross border investment.

It will also help students in the field of personal laws i.e Marriage, Divorce, Succession and Adoption, in relation to problems that arise when Courts are dealing with persons domiciled in India

#### Content (Total 6 Units)

#### Unit I. DEFINITION, NATURE AND SCOPE OF PRIVATE INTERNATIONAL LAW (10 hrs.)

*The students will be able to know and understand the meaning of Private International Law. The range and the attendant complexities of the subject will also be taught.*

Definition, Nature, Scope, Foreign Element;

Unification of Private International Law, Hague Conventions of Private International Law; blurring the distinction between Public and Private International Law;

Indian Scenario -quasi federal nature of India – heterogeneous society and personal laws, inter personal conflict of laws

Expanding horizon of Private International Law- WTO and commercial transactions, Transactions through Cyberspace

Introduction to: Jurisdiction – lex fori

Immovable properties- S.16 CPC

Ct. A. Ct. Nachiappa Chettiar v. Ct. A. Ct. Subramaniam Chettiar, AIR 1953 Mad 492  
Admiralty - interim jurisdiction ; Carriage by Air – Carriage by Air Act, 1972 M. V. Elizabeth v. Harvan Investment and Trading Goa, 1993 AIR 2014 .

Essar Shipping Limited vs Aquavita International SA. & other, O/OJCA/537/2015

Matrimonial matters - as per the applicable law

Custody of child - Guardians and Ward Act, 1890–S.9 (ordinary residence) Ruchi Majoo v.

Sanjeev Majoo, AIR 2011 SC 1952

In Personam-S.20 CPC

Anti Suit Injunction

Modi Entertainment Network v. W.S. G. Cricket Pvt. Ltd., AIR 2003 SC 1177; Primal

Healthcare Ltd. v. DiaSorin S.p.A, Delhi HC, decided on 26 Aug, 2010

Choice of Law; Problematic scope of application-Characterisation, Renvoi

Foreign Law – nature, proof, application and exclusion

Enforcement of Foreign Judgements

## **Unit II. DOMICILE(12 Hrs.)**

*The students will be taught the nature and definition of domicile. Students will also be taught the different applicable rules of hindu personal laws, customary as well statutory, as also the applicable customary and personal law rules of other communities like Muslims , Christians etc.*

Meaning in General

Meaning in the Indian Context. -- Primary and secondary domicile

Domicile of Origin and Domicile of Choice

Dependants

Fugitives

Domicile of Corporation

Central Bank of India v. Ram Narain, AIR 1955 SC 36

Kedar Pandey v. Narain Bikram Sah, AIR 1966SC160

D.P. Joshi v. State of Madhya Pradesh, IR 1955 SC 334

Rashid Ilusun Roomi v. Union of India, AIR 1967 All 154

Prakash vs. Msi. Shuhni, AIR 1965 J&K 83

Chandigarh Housing Board v. Gurmeet Singh, AIR 2002 SC 587

Sankaran Govindan v. Lakshmi Bharathi, AIR 1974 SC 1764

Sondur Gopul v. Sondur Rajini, 2013 (9) SCALE 372

## **Unit III. PROPER LAW OF CONTRACT (12 Hrs.)**

*In this unit students will be taught the fundamental rules pertaining to proper law contract in problems arising in private international law in the field of contract, insolvency etc and also as to when and in what circumstances the rules will be applied by the courts.*

Evolution of modern proper law theory,

English Position

Vita Food Products v. Unus Shipping Company, (1939) 2 AC 277

Tzortzis v. Monarch Line, (1968) 1 All ER 909

Compagnie d'Armement Maritime SA v. Campaign Tunisienne de Navigation SA, (1971) AC 572-609 HL

Amin Rashid Shipping Corporation v. Kuwait Insurance Company, [1983] AC 50

1980 Rome Convention on the Law Applicable to Contractual Obligations

Indian Position

Dhanrajamal Gobindram v. Shamji Kalidas And Co., AIR 1961 SC 1285

Delhi Cloth and General Mills Co. v. Hurnam Singh AIR 1955 SC 590



British India Steam Navigation Company v. Shanmugha Vikas Cashew Industries, (1990) 35 SCC 481

36 NTPC v. Singer Company, (1992) 3 SCC 551

Renu Sagar Power Company v. General Electric Company, AIR 1994 SC 860

**Unit IV.TORT(12 Hrs.)**

*As the principles pertaining to proper of tort is still in a nascent stage, the students will be taught not only the rules recognized in India but also the principles of common law of The U.K recognized and applied by the courts in India*

Theories lex fori, lex loci delicti, proper law or social environmental theory, development of proper law of tort cases – UK and Indian Position

Philips v. Eyre, (1870) LR 681

Boys v. Chaplin, 1971 AC 356

Choice of Law in Tort Under the Private International Law (Miscellaneous Provisions) Act 1995 , Ss,9,10,11,12 & 14

Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) – Articles 1,4,8,9,11, 12,14,15  
Govindan Nair v. Achuta Menon, (1915) ILR 39 Mad 433

**Unit V. MARRIAGE AND MATRIMONIAL RELIEFS(10 hrs.)**

*The students will be taught about the problems that arise when courts are dealing with persons domiciled in India and also living abroad in relation to marriage, divorce, adoption, succession etc. They will also be taught about the customary statutory provisions applicable to different communities like Hindu, Muslims etc residing in India.*

Capacity and Formal validity of Marriage, Divorce, Adoption and custody of children, Lakshmi Sanyal v. S K Dhar, AIR 1972 SC 2667

Smt. Mira Devi v. Smt. Aman kumari, AIR 1962 Madhya Pradesh 212

Parvatava v. Channanna. AIR 1966 Mysore 100

Rosetta Evelyn Attaullah v. Justin Attaullah, AIR 1953 Calcutta 530

Joao Gloria Pires v. Mrs. Ana Joaquina Rodrigues e Pires, AIR 1967 Goa, Daman and Diu 113

Satya v. Teja Singh, AIR 1975 SC 105

Meeraja Saraph v. Jayant V. Saraph. 1994(4) SCALE 445

Dhamvanti Joshi v. Madhav, 1998 1 SCC 112

Kuldeep Sidhu v. Chaman Singh, AIR 1989 Punj & Har 103

Laxmikant Pandey v. Union of India, AIR 1984 SC 469(Rules for inter country adoption)

**Unit VI. FOREIGN JUDGEMENTS AND ARBITRAL AWARDS (4 Hrs)**

*The students will be taught comprehensively about the rules in limited legislations applicable in private international law like CPC, Limitation Act, Negotiable Instruments Act etc. They will be able to have a better understanding of the relevant provisions of the aforementioned acts related to recognition and enforcements of foreign judgments and arbitral awards*

Recognition and Enforcement - S.13 and S.44 A Civil Procedure Code, 1908

Y. Narasimha Rao v. Y. Venkatalakshmi, (1991) 3 SCC 451

Deva Prasad Reddy v Kamini Reddy, AIR 2002 Karnataka 356

Sankaran Govindan v. Lakshmi Bharathi, AIR 1974 SC 1764

Lalji Raja & Sons v. Hansraj Nathu Ram, AIR 1971 SC 974

108 Marggarate Maria Pulparampil Nee Feldman v. Dr. Chacko Pulparampil, AIR 1970 Kerela 1

V. Ravichandranv. Union of India, (2010) 1 SCC 174

Arati Bandi v. Bandi Jagadrakshaka Rao, AIR 2014 SC918  
Sina Vadanam v. State of Tamil Nadu & Ors., AIR 2015 SC 2243  
Recognition and Enforcement  
Badat and Company v. East India Trading Company, AIR 1964 SC 2826

### **BOOKS RECOMMENDED**

Paras Diwan, Private International Law, 4<sup>th</sup> Ed., Deep and Deep (1998)  
Atul M Setalvad, Conflict of Laws, 31<sup>st</sup> Ed., Lexis Nexis(2014)  
V C. Govindaraj, Conflict of Laws in India, Oxford University Press 2011  
Cheshire, North & Fawcett: Private International Law, 14<sup>th</sup> Ed. Oxford University Press (2008)

### **Teaching Plan:**

Week 1 – 3: Unit 1  
Week 4 – 6: Unit 2  
Week 7 – 9: Unit 3  
Week 9 – 11: Unit 4  
Week 12 – 14: Unit 5  
Week 15: Unit 6

### **Facilitating the achievement of course learning outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning activity	Assessment Tasks
1.	The students will be able to understand and will have a short and yet complete and update account of the entire gamut of Private International Law. It will also help students who join legal profession.	Lectures, use of multimedia and other CLE methods of teaching and learning	As given below
2.	The students will know and enable to appreciate the problems arising in matters of personal law as there is to uniformity in such laws. The importance of domicile will also be understood by them	Lectures, use of multimedia and other CLE methods of teaching and learning	As given below
3.	The students appreciate and understand the fundamental principles of proper law of contract and be able to resolve problems in the field of contract , companies etc arising in private	Lectures, use of multimedia and other CLE methods of teaching and learning	As given below

	international law.		
4.	The students will have an understanding of the limited scope of proper law of tort and the principles recognized and approved by the courts in India. He will also know about the common law principles applied by the courts in India.	Lectures, use of multimedia and other CLE methods of teaching and learning	As given below
5.	The students will be able to understand the principles applicable in matters of personal law of Marriage, Divorce etc of persons living abroad and also residing within India and belonging to various different communities.	Lectures, use of multimedia and other CLE methods of teaching and learning	As given below
6.	The students will be able to understand and apply comprehensive and statutory provisions in the context of recognition and enforcement of foreign judicial and arbitral awards. They will also know about the period of limitation and negotiability of instruments applicable in issues arising under private international law	Lectures, use of multimedia and other CLE methods of teaching and learning	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.
- 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 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.

**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- Interpretation of Statutes

#### Course Code- LB-EC-402

#### 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.
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#### 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 VenkataramanaDevaru 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* (11<sup>th</sup> ed. 2008)  
F.A.R. Bennion, *Bennion on Statutory Interpretation* (7<sup>th</sup> Ed) Lexis Nexis  
P. St. J. Langman, *Maxwell on Interpretation of Statutes* (12<sup>th</sup> ed. 1969)  
S.G.G. Edgar, *Craies on Statute Law* (1999)  
Vepa P. Sarathi, *Interpretation of Statutes* (4<sup>th</sup> ed. 2003)

#### Suggested Readings

1. Andrew Morisson Stumpff, "The Law is a Fractal: The Attempt to Anticipate Everything", 44 LOY. U. CHI. L.J. 649 (Spring 2013)
2. Frederick Schauer, "A Critical Guide to Vehicles in the Park", 83 NEW YORK UNIVERSITY LAW REVIEW 1109 (2008)
3. Jane S. Schacter, "Metademocracy: The Changing Structure of Legitimacy in Statutory Interpretation", 108 HARV. L. REV. 593 (1995), pp. 606-608; 611-646
4. William Baude & Stephen E.Sachs, "The law of Interpretation", 130 Harvard Law Review 1079-1147 (2017)
5. Interpretation of Statutes, Annual Survey of Indian Law, Vols.52 (2016) & 53 (2017)

**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

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	The Students shall be able to understand the basic concept of interpretation The students shall be able to differentiate between the essential function of the legislature and judiciary	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	As given below
2.	The Students shall be able to understand the major rules of interpretations The students shall be able to apply the rules of interpretation on various facts and circumstances	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	As given below
3.	The Students shall be able to understand the ancillary rules of interpretations  The students shall be able to apply the ancillary rules of interpretation on various facts and circumstances	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	As given below
4.	The students shall be able to interpret the statutes with the help of internal aids of interpretation of statute	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	As given below
5.	The students shall be able to interpret the statutes with the help of external aids of interpretation of statute	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	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.
- 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 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.

**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- Media Law and Censorship (Incl. Self-Regulation)

#### Course Code- LB-EC-403

**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)  
*1.1. Forms-Print media; Broadcast media; Social media*  
*1.2. Legislative efforts in India*
2. Media, Free Speech and the Constitution

**2.1. 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
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

**2.2. 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

**2.3. 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

**2.4. 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*, 200<sup>th</sup> 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 SCC 109
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. (CrI.)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

**4.1. Regulation of the print media**

Ref: Press Council of India Act

Resolution for a Media Council, Press Council of India, 2012

**4.2. 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

**4.3. 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;

- 52<sup>nd</sup> Report of the Parliamentary Standing Committee on Information Technology
- 31<sup>st</sup> 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)**

**5.1. Commercial speech: Commercial Speech Doctrine and protection provided under Art 19(1) (a);** Regulating what is false or misleading / may regulate even truthful advertising

**5.2. 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

#### 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 Dapthary 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)

##### 8.1. 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

47<sup>TH</sup> 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

##### 8.2. Poll surveys

Ref: Guidelines on Pre-Poll and Exit Poll, PCI, 1996

##### 8.3. 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)

##### 8.4. Competition issues

##### 8.5. Licensing issues; responsibility of licensee

## 8.6. 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, Paranjay, *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.

### Facilitating the achievement of Course Learning Outcomes

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Exhibit better understanding of media freedom, freedom of speech and censorship.	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
2.	Have adequate knowledge of the	Lectures, Classroom	As given

	constitutional and legal protection afforded to media freedom and the role, judiciary has played to protect media freedom in India	Discussion, participatory method, Use of Multimedia	below.
3.	Understand the relationship of media freedom with other competing rights.	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
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.	Lectures, Classroom Discussion, participatory method, Use of Multimedia	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.
- 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
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- 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 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.

#### 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-Humanitarian Law and Refugee Law

#### Course Code- LB-EC-404

**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-refoulment 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 Doswaldt.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. Shuvro Prosun Sarker, "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*(2007)
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

### Facilitating the achievement of Course Learning Outcomes

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	To analyse the legal basis of International Humanitarian Law, in particular the four Geneva	A mix of lectures, case study method, and discussion.	As given below

	Conventions of 1949 with their additional protocols of 1977, and the Hague Regulations of 1907. This apart, to examine the rules on the legality of warfare (jus ad bellum) and the the rules that apply when an armed conflict is going on (jus in bello)		
2.	To understand how IHL protects combatants, non combatants and civilians and how the parties to the armed conflict are required to distinguish between civilian and combatants and what treatment is to be meted out to th sick and injured members of the armed forces.	A mix of lectures, case study method, and discussion.	As given below
3.	Tot understand how IHL prohibits unnecessary sufferings by restricting the use of certain type of weapons and the way other weapons are used .	A mix of lectures, case study method, and discussion	As given below
4.	To understand the historical background of the creation of military tribunal, ad-tribunal and special court and the political environment in which they operated.	A mix of lectures, case study method, and discussion.	As given below
5.	Tolcritically examine and analyse the working of court and the major challenges and limitations in ensuring individual accountability for international crimes.	A mix of lectures, case study method, and discussion .	As given below
6.	To make them familiar with the conceptual dimensions of refugees and various international instruments for protection of rights of refugees. This apart what needs to be done in so far as the durable solutions to their	A mix of lectures, case study method, and discussion.	As given below

	problems .		
7.	To understand and address the problems relating to principle of non –refoulment, burden sharing.	A mix of lectures, case study method, and discussion.	As given below
8.	To sensitize them about the rights and obligations of refugees in a state of refuge.	A mix of lectures, case study method, and discussion.	As given below
9.	To assess the reasons of creation of UNHCR , its importance in protecting and assisting refugees and its contribution in providing solutions for the problem of refugees by assisting governments.	A mix of lectures, case study method, and discussion .	As given below
10.	To enable them to examine India’s commitment to refugee protection and how courts orders have filled legislative gaps. In addition, how NHRC has also worked effectively as a watchdog for the protection of refugees in India.	A mix of lectures, case study method, and discussion.	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.
- 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 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.

**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 - 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 TORTS**10 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 SECURITY 5hours**

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 26<sup>th</sup> Sep. 2013 available at [https://it.maharashtra.gov.in/Site/Upload/ACT/DIT\\_Adjudication\\_SanjayDhande\\_vs\\_ICICI&Ors-16012014.pdf](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](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](http://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 3<sup>rd</sup> 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](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)  
*Rakeshv..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**

##### **AINTERNET 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

*P.R. Transport 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*, 2<sup>nd</sup> 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*, 2<sup>nd</sup> Ed
- Halder, Debrati & Jaishanker, H. (2017) *Cyber Crimes Against Women*, 1<sup>st</sup> Ed. Sage Publications
- Reed, Chris. (2010). *Internet Law Text and Materials*
- Ferrera et al. (2012). *Cyber Law Text and Cases* 3<sup>rd</sup> 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)

### **e-Readings**

1. Nishith Desai, *E-commerce in India – Legal, tax and regulatory analysis* available at [http://www.nishithdesai.com/fileadmin/user\\_upload/pdfs/Research%20Papers/E-Commerce\\_in\\_India.pdf](http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/E-Commerce_in_India.pdf)
2. Hemali Shah and Aashish Srivastavat “Signature Provisions in the Amended Indian Information Technology Act 2000: Legislative Chaos”, 43 *Comm. L. World Rev.* 208 2014 available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2748441](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2748441)
3. Christopher Reed, “Legally binding electronic documents: Digital Signatures and Authentication 35(1) *International Lawyer* 89-106 available at <http://www.jstor.org/stable/40707597>
4. “Cyber Laws of India”, [www.iibf.org.in/documents/Cyber-Laws-chapter-in-Legal-Aspects-Book.pdf](http://www.iibf.org.in/documents/Cyber-Laws-chapter-in-Legal-Aspects-Book.pdf) (Book on IT security of IIBF published by Taxmann Publishers)
5. Amlan Mohanty, *New Crimes under the Information Technology Amendment Act*, 7 *Ind. J. L. & Tech.* 103 (2011) available at Westlaw India

6. Michael Gisler *et. Al.*, “Legal Aspects of Electronic Contracts”, available at <http://kavehh.com/my%20Document/Essex/Digital%20signature/legal%20aspect%20of%20Electronic%20Contracts.pdf>
7. Mayuri Patel and Subhasisaha, “Trade Mark in Digital Era”, 13 JIPR 118-128 (March 2008) available at <http://nopr.niscair.res.in/bitstream/123456789/425/1/JIPR%2013%282%29%20%282%2008%29%20118-128.pdf>
8. Frosio, Giancarlo, Internet Intermediary Liability: WILMap, Theory and Trends (October 16, 2017). 13(1) Indian Journal of Law and Technology (2017) ; Centre for International Intellectual Property Studies, Research Paper No. 2017-10. Available at SSRN: <https://ssrn.com/abstract=3053966>.

### 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
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 <sup>th</sup>	UNIT 5. A. INTERNET SERVICE PROVIDERS LIABILITY
12 <sup>th</sup>	Contd..UNIT 5 -  B. CYBER SECURITY
13 <sup>th</sup> week	UNIT 6 Applicability of other Laws on E-commerce A. E- CONTRACTS

14 <sup>th</sup> week	Contd.UNIT 6. B. TRADE MARKS AND DOMAIN NAMES
15 <sup>th</sup> week	Contd.. UNIT 6. Applicability of other Laws on E-commerce  C. JURISDICTION IN CYBERSPACE

**Facilitating the achievement of Course Learning Outcomes**

At the end of each unit the student is able to learn:

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	1. Key technologies which comprises “cyber space” 2. Significance of Information Technology Act, 2002 in the present day digital/ information driven society. 3. Requirement of regulation of “Information Technology”.	<b>Classroom teaching/ Field visits /Paper Presentations /workshops/ Seminar/ Moot/ MockTrial</b>	As given below
2.	1.The infrastructure required to facilitate E-commerce and E- governance 2. Recognise the relevance of electronic records and electronic signature 3. Identifying the relevant provisions in relation to Attribution, Acknowledgment and Despatch of Electronic Records .		
3.	1. Understand the relevancy/ importance of protecting digital information vis a vis stakeholders 2. the legal provisions of data protection and establishment of enforcement mechanism under the Information technology Act.		
4.	1.Changing dynamics of crimes due to digital technology. 2. Interface between terrestrial Laws (IPC, Evidence) and crimes under the Information Technology Act.		
5.	1. Legal provisions vis a vis role of Intermediary 2. a) Altering national security issues due to the emergence of cyber space.		

	b) Understanding of legal provisions on interception and blocking and their interface with Fundamental rights.		
6.	1. the paradigm shift in identifying procedural aspects, Intellectual Property issues and formation of contracts in the cyberspace.		

**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 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.

**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 - 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* (7<sup>th</sup> Edn.) Oxford University Press, (1966)
7. G.C. Thomson, *Legislative Drafting*, Butterworths, London (1987)
8. M. Zander, *The law Making Process*, (3<sup>rd</sup> Edn.) Widenfeld&Icholson, London (1989)

Select bibliography for further consultation

#### Legislative drafting

- Bergeron, Robert C (ed), *Essays on Legislative Drafting* (1999, Department of Justice, Canada, Ottawa - for the Canada-Ukraine Legislative Drafting program)
- Crabbe, VRAC, *Legislative Drafting* (1993, Cavendish Publishing, London)
- Crabbe, VCRAC, *Legislative Precedents* (1998, Cavendish Publishing, London)
- Dale, W, *Legislative Drafting: a New Approach*, (1977, Butterworths, London)
- Dick, Robert C, *Legal Drafting in Plain Language* (3rd ed, 1995, Carswell, Toronto)
- Dickerson R, *The Fundamentals of Legal Drafting* (2nd ed, 1986, Little, Brown & Co, Boston)
- *Drafting for the 21st Century*, ed. Moore, B (Law Reform Commission of Victoria and Bond University of Law, Melbourne: 1991)
- Driedger, Elmer A, *The Composition of legislation; Legislative Forms and Precedents* (1976, Dept of Justice, Ottawa)
- English Legislative Language Working Group, *Legistics*, (2002, Legislative Services Branch, Department of Justice (Canada)
- *Essays on Legislative Drafting*, ed. D. St. L. Kelly (University of Adelaide: 1978)
- New Zealand Law Commission, *Legislation Manual, Structure and Style* (Report No.35, 1996, Wellington)
- Office of Parliamentary Counsel, Canberra, [Plain English Manual](#) (1994, Commonwealth of Australia)
- Pigeon, L-P, *Rédaction et interpretation des lois* (Éditeur officiel du Québec: 1978)
- Salembier, Paul, *Legal and Legislative Drafting* (Lexis Nexis Canada, Markham: 2009)
- Seidman, A, Seidman, RB & Abeysekere, N, *Legislative Drafting for Democratic Social Change - a Manual for Drafters* (2001, Kluwer Law International, The Hague)
- Sparer, M et Schwab, W, *Redaction des lois : rendez-vous du droit et de la culture* (Éditeur officiel du Québec: 1980)
- Thornton, Garth C, *Legislative Drafting* (4th ed, 1996, Butterworths, London)
- Victoria Law Reform Commission, [Plain English and the Law](#), including a Drafting Manual (1986, Law Reform Commission, Victoria)

### Legislation process

- British Columbia, [Guide to Legislation and Legislative Process](#)
- Cabinet Office Better Regulation Unit, *The Better Regulation Guide and Regulatory Impact Assessment*, (1999, Cabinet Office, London)
- Department of the Prime Minister & Cabinet, *Legislation Handbook* (1999, AusInfo, Canberra) - [www.dpmc.gov.au/pdfs/LegislationHandbookMay00.pdf](http://www.dpmc.gov.au/pdfs/LegislationHandbookMay00.pdf)
- HM Treasury, *Appraisal and Evaluation in Central Government*, (1997, Stationery Office, London)
- Hansard Society Commission, *Report on the Legislative Process*, (1992, Hansard Society, London)
- Legislation Advisory Committee, *Legislative Change, Guidelines on Process and Content* (Revised ed, 1991, Wellington, New Zealand)
- Madelkern Group on Better Regulation, Final Report (November 2001) - [www.cabinet-office.gov.uk/regulation/Europe/eurodocs/Mandfinalreport.pdf](http://www.cabinet-office.gov.uk/regulation/Europe/eurodocs/Mandfinalreport.pdf)
- Office of Parliamentary Counsel, *Working with the Office of Parliamentary Counsel - A guide for clients* (1999, OPC, Canberra) [www.opc.gov.au/about/documents.htm](http://www.opc.gov.au/about/documents.htm)
- Privy Council Office, Government of Canada, *Guide to the Making of Federal Acts and Regulations* (2nd ed., 2001, Ottawa) - <http://www.pco-bcp.gc.ca/index.asp?lang=eng&page=information&sub=publications&doc=legislation/table-eng.htm>
- SIGMA/OECD, *Checklist on Law Drafting and Regulatory Management* [in Central and Eastern Europe], (SIGMA Paper 15, 1998, Paris) - <http://dx.doi.org/10.1787/5kml6g2zl0bw-en>

### Legislative Drafting Manuals and Style Guides

- Office of Parliamentary Counsel, *OPC Drafting Manuals* (Australia)
- Ministry of Justice, *A Guide to Legislation and Legislative Process in British Columbia* (British Columbia - Canada)
- Justice Canada, *Legistics* (Canada)
- Uniform Law Conference of Canada, *Uniform Drafting Conventions* (Canada)
- Department of Justice, *Drafting Legislation in Hong Kong A Guide to Styles and Practices* (Hong Kong)
- Parliamentary Counsel Office, *Principles of Clear Drafting* (New Zealand)
- Office of the Parliamentary Counsel, *Drafting Guidance* (United Kingdom)
- USAID, *Legislative Drafting Manual: A practitioner's guide to drafting laws in Kosovo* (United States)
- Office of the Legislative Counsel, *HOLC Guide to Legislative Drafting* (United States)
- Office of the Legislative Counsel, *House Legislative Counsel's Manual on Drafting Style* (United States)

### Statutory Interpretation

- Bastarache, M., *The Law of Bilingual Interpretation* (2008, Lexis Nexis, Canada)
- Beaupré, M., *Interpreting Bilingual Legislation* (2nd ed. 1986, Carswell, Canada)
- Burrows, JF, *Statute Law in New Zealand* (1992, Butterworths, New Zealand)
- Côté, PA, et al., *The Interpretation of Legislation in Canada* (4th ed, 2011, YvonBlais, Cowansville, Canada)
- Cross, R (ed, Bell, J & Engle, G), *Statutory Interpretation* (3rd ed, 1995, Butterworths, London)
- Dickerson, R, *The Interpretation and Application of Statutes* (1975, Little, Brown & Co, Boston)
- Pearce, DC & Geddes, RS, *Statutory Interpretation in Australia* (4th ed, 1996, Butterworths, Australia)
- Sullivan, R, *Sullivan on the Construction of Statutes* (6th ed, 2014, LexisNexis Canada)
- Sullivan, R, *Statutory Interpretation* (1997, Irwin Law, Canada)
- Bennion, FAR, *Statutory Interpretation* (3rd ed, 1997, Butterworths, London)

#### General Commentaries

- Bennion, FAR, *Statute Law* (3rd ed, 1990, Longman, London)
- Bennion, FAR, *Understanding Common Law Legislation - Drafting and Interpretation* (2001, OUP, Oxford)
- Miers, DR & Page, AC, *Legislation*, (2nd ed, 1990, Sweet & Maxwell, London)
- Parliament of the Commonwealth of Australia, *Clearer Commonwealth Law*, (Report of House of Representatives Standing Committee on Legal and Constitutional Affairs, 1993)
- Renton Committee, *The Preparation of Legislation*, (Cmnd.6053, 1975, HMSO, London)
- *Statute Law Review* (Oxford University Press, 3 issues annually)

#### Grammar and Usage

- Cholij, M, *English Basics* (1999, CUP, Cambridge)
- Crystal, D, *Rediscover Grammar* (1988, Longmans, London)
- Fowler, HW & Winchester, S, *Fowler's Modern English Usage* (2002, OUP, Oxford)
- Randolph Quirk & Sidney Greenbaum, *A University Grammar of English* (Longman Group, Harlow: 1973)
- Winch, G & Blaxell, G, *The Primary Grammar Handbook* (1994, Horwitz Publications, Australia)

#### Useful Web-sites

#### Worldwide

- Project Dial (Asian Development Bank) - links to legislation-related sources in 130 countries: [www.austlii.edu.au/links/2027.html](http://www.austlii.edu.au/links/2027.html)

**Department of Law, University of Delhi**

- Commonwealth Legal Information Institute (CommonLII) aims to provide one central Internet location from which it is possible to search - for free - core legal information from all Commonwealth countries: <http://www.commonlii.org/>

India

- Ministry of Law and Justice - links to Constitution, Indian Code and Central legislation: <http://lawmin.nic.in/welcome.html#>
- INCODIS, the India Code Information Service - links to: Indian Code and Acts of the Parliament of India: <http://indiacode.nic.in>

Australia

- LawSearch Online - access to Commonwealth (of Australia) legislation: <http://www.comlaw.gov.au/>
- Australasian Legal Information Institute - links to legislation data bases in Australasia and other countries, including Canada, India, Malaysia, New Zealand, Singapore and the United Kingdom: [www.austlii.edu.au](http://www.austlii.edu.au)
- Commonwealth (of Australia) legislation: [www.austlii.edu.au/au/legis/cth/consol\\_act](http://www.austlii.edu.au/au/legis/cth/consol_act)
- Office of (Commonwealth) Parliamentary Counsel - links to: Commonwealth, State and Territory legislation, drafting offices in Australia and elsewhere and plain language sites: [www.opc.gov.au](http://www.opc.gov.au)

Canada

- CanLII - a non-profit organization managed by the Federation of Law Societies of Canada. This website provides access to court judgments, tribunal decisions, statutes and regulations from all Canadian jurisdictions: <http://www.canlii.org/en/index.html>
- David Elliott's site provides a collection of articles on legislative drafting and plain language: <http://www.davidelliott.ca/>
- Federal Department of Justice - Justice Laws Site - Federal Acts and Regulations: <http://laws-lois.justice.gc.ca/eng/index.html>
- Uniform Law Conference: <http://www.ulcc.ca/>

New Zealand

- Office of Parliamentary Counsel - links to: New Zealand legislation, other drafting offices: [www.pco.parliament.govt.nz](http://www.pco.parliament.govt.nz)
- New Zealand legislation: <http://www.legislation.govt.nz/default.aspx>
- New Zealand Legal Information Institute: legal research web-site with links to legislation, other legal databases: <http://www.nzlii.org/>

Nigeria

- International Centre for Nigerian Law, Law Library: <http://www.nigeria-law.org/LawLibrary.htm>

United Kingdom

- Parliamentary Counsel - links to: UK primary legislation, UK web-sites related to legislative issues, model codes of practice, conduct, and procedure: <http://www.cabinetoffice.gov.uk/content/office-parliamentary-counsel>

- United Kingdom legislation: [www.legislation.hmsso.gov.uk](http://www.legislation.hmsso.gov.uk)
- United Kingdom primary legislation: [www.hmsso.gov.uk/acts.htm](http://www.hmsso.gov.uk/acts.htm)
- United Kingdom Statutory Instruments (including Scottish and Welsh): [www.hmsso.gov.uk/stat.htm](http://www.hmsso.gov.uk/stat.htm)
- United Kingdom Good Law Initiative: <https://www.gov.uk/good-law>
- Bills currently before Parliament: [www.publications.parliament.uk/pa/pabills.htm](http://www.publications.parliament.uk/pa/pabills.htm)
- British and Irish Legal Information Institute - databases for legislation for the United Kingdom (from 1988) and Ireland: [www.bailii.org/databases.html](http://www.bailii.org/databases.html)
- Hansard Society: <http://www.hansardsociety.org.uk/>
- Scottish Government, Plain Language and Legislation: <http://www.scotland.gov.uk/Publications/2006/02/17093804/5>

*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, 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 Constitution and fundamental rights and freedoms

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	To explain the attributes of legislative drafting, formulation of legislative scheme of a legislation	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	As given below.

2.	To comply with standard drafting conventions when punctuating legislative sentences; To compose simple legislative sentences that are unambiguous and free from common errors of expression	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	As given below.
3.	To order and link legislative sentences into a rational structure in a legislative text	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	As given below.
4.	To choose and apply a range of legislative drafting techniques to assist in the drafting of legislation and legislative instruments	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	As given below.
5.	To draft new legislation within the framework of the constitution as well as other existing law.	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	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.
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- 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.
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**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 - 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' (5<sup>th</sup> ed, 2012)
- 8 S. S Srivastava, *Criminology, Penology & Victimology* (4<sup>th</sup> ed.2012)

9 Ved Kumari, **Juvenile Justice System In India: From Welfare to Rights** (2<sup>nd</sup> 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. GeilbertGeis 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 Victimity in Indian Context: Womenand 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. UshaRazdan, —Combating Trafficking of Women and Children in SAARC Countries : Issues and Intricacies, **Journal of Criminology and Criminal Justice** (2012)

### **Topic 4 : Juvenile Delinquency (8 Lectues)**

- (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. *Raghibirv. 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 262<sup>nd</sup> Report on Death Penalty
6. Death Penalty India Report, 2016 by NLU Delhi ([www.deathpenaltyindia.com](http://www.deathpenaltyindia.com))
- 8 Law Commission of India 262<sup>nd</sup> 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 *Lehnv. 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. Bholu* (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

Facilitating the achievement of Course Learning Outcomes

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Understand the different approaches to criminology and definition of crime. Explain the relationship between criminology, criminal law and criminal policy.	Lecture, discussion, simulation exercise, case study.	As given below.
2.	Discuss various theories of crime causation and apply them to the different crimes reported in the media.	Video, multimedia, lecture, discussion, case law, role play	As given below.
3.	Distinguish between traditional and socio-economic crimes.	Discussion, Lecture, multimedia, simulation exercise.	As given below.
4.	Compare and contrast juvenile justice system with the regular justice delivery mechanism.	Case law, Discussion; Lecture, video, simulation	As given below.
5.	Critically analyse the different theories of punishment and their relevance in the present scenario. Demonstrate its application to specific cases discussed in the class.	Discussion; Lecture, simulation exercises.	As given below.

6.	Evaluate the status and treatment of victim in the Indian criminal justice system.	Case law, role play Discussion, Lecture Method	As given below.
7.	Give a critique of Indian Police system	Simulation exercise, discussion, lecture and case law	As given below.
8.	Explain Indian Prison system and examine its strength and weakness. Propose the requisite reforms.	Case law, Discussion, Lecture, simulation exercise, multimedia.	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.
- 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 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.

**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 - 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)

- 1.1 Global Economics and International Trade Law
- 1.2 Protectionism vs Free Trade
- 1.3 Birth of GATT, 1947
- 1.4 GATT Rounds of Negotiation Including Doha Round and After
- 1.5 The WTO: Its Genesis (Uruguay Round 1986 to 1994)
- 1.6 The WTO Charter and GATT 1994, WTO Agreements, Understandings, Annexes
- 1.7 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)

- 2.1. Most-favoured-Nation Treatment (MFN) Article 1 of GATT 1947: its background and history, meaning, scope, significance & advantages,; meaning and scope of 'like product'.
- 2.2. 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.

2.3. National treatment principle (NT) Article III, GATT: its Origin & Scope, Meaning, Methodology.

2.4. 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)**

- 3.1 Dispute settlement under GATT: Article XXII,Article XXIII, its merit & de-merit
- 3.2 Difference between the GATT and WTO dispute settlement procedures
- 3.3 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)**

- 4.1 Identification of Subsidies that are subject to the SCM Agreement.
- 4.2 Definition of ‘Subsidy’, ‘Specificity’.
- 4.3 Regulation of Specific Subsidies
  - i. Prohibited Subsidies
  - ii. Actionable Subsidies
  - iii. Non- actionable Subsidies
- 4.4 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)**

- 5.1 Anti-dumping: A Basic Overview
- 5.2 Anti-dumping Investigations

- i) Initiation
  - ii) Evidence used in the Investigation
  - iii) Key substantive issues: Dumping, injury and causation
- 5.3 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
- 5.4 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)**

- 6.1 The scope of GATS
- 6.2 General obligations and disciplines
- i. MFN Principle (GATS Article II & Annex)
  - ii. Domestic regulations (GATS Article VI)
  - iii. Exceptions (GATS Article XIV)
- 6.3. 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)**

- 7.1. Objective and Coverage of TRIMs
- 7.2. National Treatment and Quantitative Restrictions, Inconsistent TRIMs
- 7.3. Notification & Transitional Agreements, Transparency
- 7.4. 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* (3<sup>rd</sup> 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* (2<sup>nd</sup> ed., Universal, 2010)
4. Autar Krishen Kaul, *A Guide to the W.T.O. and GATT: Economics, Law, and Politics* (6<sup>th</sup> ed., Satyam Law International, 2018)

## PART- II

### Unit 8: Export Trade Transactions and International Commercial Contracts

(5 Lectures)

- 7.1 Types of International Contracts
- 7.2 Standard Trade Terms (CIF, FOB, FAS)
- 7.3 Formation and Enforcement of International contracts
- 7.4 Rights Liabilities of Parties to Contracts

### Unit 9: Payments in International Trade (5 Lectures)

- 8.1 Bills of Exchange
- 8.2 Law Relating to Bills of Exchange
- 8.3 Commercial Credit in International Trade
- 8.4 Letter of Credit: Types and the Law Relating to Commercial Credit

### Unit 10: Carriage of Goods in Export Trade (4 Lectures)

- 9.1 Carriage of Goods by Sea
- 9.2 Bills of lading and Charter Parties
- 9.3 Rights and Liabilities of the Parties to Contract of Carriage

### Prescribed Readings

1. Indira Carr, *International Trade Law* (5<sup>th</sup> ed., Routledge, 2014)
2. Carole Murray, David Holloway, *The Law and Practice of International Trade* (12<sup>th</sup> ed., Sweet & Maxwell, 2015)
3. Dr. S.R. Myneni, *International Trade Law (International Business Law)* (3<sup>rd</sup> 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

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	To account for and explain the evolution of global trade system	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
2.	To identify and distinguish the various principles of non-discrimination under WTO.	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
3.	To identify and distinguish the various methods of dispute resolution under WTO.	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
4.	To explain the meaning, scope and utility of subsidies and countervailing measures within the framework of WTO	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
5.	To explain the meaning, scope and utility of Dumping and Anti-Dumping Duties	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
6	To explain the meaning, scope and utility of 'Services' under WTO	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
7	To explain the meaning, scope and utility of Trade-Related Investment Measures under WTO	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
8	To explain the Standard Trade Terms; formation and enforcement of international commercial contracts along with rights liabilities of parties to such contracts.	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
9	To examine the methods of payment in international trade.	Lectures, Classroom Discussion, participatory method, Use of	As given below.

		Multimedia	
10	To explain the scope of carriage of goods by sea along with the rights and liabilities of the parties to contract of carriage.	Lectures, Classroom Discussion, participatory method, Use of Multimedia	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.
- 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
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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.
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## 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

##### 1.1. General Principles, Nature and Concept of Intellectual Property Rights,



Evolution, Types of Intellectual Property, Enforcement of Intellectual Property Rights (Art. 9-39 WTO/TRIPs)

1.2. 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**

2.1 **Definitions:** Mark, Trade mark, Service, Goods, Package, Well known trade mark

2.1.2 Functions, General Principles, Need for Protection of Trademarks, Registered and Unregistered Trade Marks

2.1.3 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**

3.1 Later trade mark similar with Earlier Trade Marks

3.2 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

3.3 Refusal of registration on grounds of passing off or under law of copyright

3.4 Prior/ Vested Rights, Honest and Concurrent user, Acquiescence

### **UNIT 4- 14 classes**

#### **Passing off and Infringement**

4.1 Passing off and Infringement

4.2 Difference between passing off and infringement

4.3 Passing off- for similar goods/different goods/transborder reputation

4.4 Exceptions to Infringement Action

4.5 Trade Mark Dilution

### **UNIT 5 - 8 classes**

#### **Contemporary Areas**

5.1 Protection of Trade Dress & colour combinations

5.2 Tarnishment of Trade marks/Comparative Advertising/Disparagement

5.3 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

6.1.2. Registration, Grounds for Refusal of Registration of GI, Registration of homonymous GI, protection, duration and renewal

6.1.3. Infringement, penalties and remedies

6.1.4. Conflict of GI's with Trade marks

## **6.2 Industrial Designs**

6.2.1 Rationale basis and Subject matter of protection of industrial designs

6.2.2 Registration, Cancellation and Piracy or Infringement of copyright in Designs

6.2.3 Overlap of Design, Copyright and Trade Marks

## **CASE STUDY**

### **UNIT 1**

1. *N. R. Dongre v. Whirlpool Corporation*, (1996) 5 SCC 714
2. *Satyam Infoway Ltd v. Sifynet Solutions Pvt. Ltd*, AIR 2004 SC 3540

### **UNIT 2**

3. *M/s Hindustan Development Corporation Ltd v. The Deputy Registrar of Trade Marks*, AIR 1955 Cal 319
4. *The Imperial Tobacco Co. of India v. The Registrar of Trade Marks*, AIR 1977 Cal 413
5. *Geep Flash Light Industries v. Registrar of Trade Marks*, AIR 1972 Del 179

### **UNIT 3**

6. *Jelineks Appln*, (1946) 63 RPC and *Panda Case*)
7. *K. R. Krishna Chettiar v. Sri Ambal & Co*, AIR 1970 SC 146
8. *Carrefour v. V. Subburaman*, 2007(35) PTC 225

### **UNIT 4**

9. *Parley Products v. J P & Co*, AIR 1972 SC 1359
10. *Cadila Health Care Ltd v. Cadila Pharmaceuticals Ltd*, 2001 PTC 541 (SC)
11. *Carrefour v. V. Subburaman*, 2007(35) PTC 225
12. *Bata India Ltd. v. Pyare Lal & Co.*, AIR 1985 All 242
13. *Milmet Oftho Industries v. Allergen Inc.*, (2004) 12 SCC 624
14. *Balakrishna Hatcheries v. Nandos International Ltd*, 2007(35) PTC 295(Bom)
15. *Health and Glow Retailing Pvt. Ltd v. Dhiren Krishna Paul, Trading as Health and Glow Clinic*, 2007(35) PTC 471(Mad)
16. *Hawkins Cookers Limited v Murugan Enterprises*, 2012(50)PTC389(Del)
17. *ITC Limited v Philip Morris Products S.A.*, 2010(42) PTC 572 (Del)

### **UNIT 5**

18. *N Ranga Rao v. Anil Garg*, 2006 (32) PTC 15 (Del)
19. *Pepsi Co Inc v. Hindustan Coca Cola Ltd.*, 2003 (27) PTC 305 (Del) (DB)
20. *Dabur India Ltd. v. Colgate Palmolive* 2004 (29) PTC 401 (Del)
21. *Pioneer HiBred v. Pioneer Seeds*, 1990 IPLR 17

22. *Baker Hughes Ltd v. Hiroo Khushalini*, 1998 PTC 580; 2004 PTC 153 (SC)
23. *MTV Holdings v. Mistrale Publishing Pvt. Ltd*, 2005 (30) PTC 489 (Del)
24. *Gujarat Bottling v. Coca Cola*, AIR 1995 SC 2372
25. *Kapil Wadhwa v. Samsung Electronics Co. Ltd.*, 194(2012)DLT23; MIPR2012(3)

#### **UNIT 6**

26. *Bharat Glass Tube Limited v. Gopal Glass Works Limited*, 2008 (37) PTC 1 (SC)
27. *Reckitt Benckiser(India) Ltd v. Wyeth Limited*, 2010 (44) PTC 589 (Del (DB))
28. *Samsonite Corporation v. Vijay Sales*, 1998 (18) PTC 372 (Del)

#### **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* (3<sup>rd</sup> edn), 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.

#### **READINGS:**

1. [A Philosophy of Intellectual Property](https://press.anu.edu.au/publications/philosophy-intellectual-property), Authored by: Peter Drahos, ISBN (online): 9781925022957, Publication date: June 2016, available at: <https://press.anu.edu.au/publications/philosophy-intellectual-property>
2. Developing Countries and International Intellectual Property Standard-Setting, Peter DRAHO, available at: <https://www.anu.edu.au/fellows/pdrahos/articles/pdfs/2002devcountriesandipstandards.pdf>
3. The Making of the TRIPS Agreement Personal insights from the Uruguay Round negotiations, Edited by Jayashree Watal and Antony Taubman, available at: [https://www.wto.org/english/res\\_e/booksp\\_e/trips\\_agree\\_e/history\\_of\\_trips\\_nego\\_e.pdf](https://www.wto.org/english/res_e/booksp_e/trips_agree_e/history_of_trips_nego_e.pdf)
4. Bansal, Ashwani Kumar, "Intellectual Property Rights: Judicial Law Making with Foreign Bias" *Journal of Law Teachers of India* II(1&2) 1.

#### **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.

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

**Facilitating the achievement of Course Learning Outcomes**

At the end of each unit the student is able to learn:

<b>Unit No.</b>	<b>Course Learning Outcomes</b>	<b>Teaching and Learning Activity</b>	<b>Assessment Tasks</b>
1.	1. Impact of evolution, nature, concept of IPRs on society 2. Requirement of International conventions in shaping of Intellectual Property laws	<b>i) Classroom teaching</b>  <b>i) Presentations/Discussions</b>	<b>As given below.</b>
2.	1. defitional Contours of Trade Marks Act,1999 in shaping up the enactment 2. the purpose/relevance/importance of use of distinctive trademark for goods/services 3. the procedure of registration of the Trade mark 4. clear understanding of absolute grounds on which the registrar can refuse registration of a trade mark		
3.	1. Understand the relative grounds on which registrar can refuse registration of trade mark of later applicant because of presence of an earlier trade mark/well known mark, identical/similar to later mark		
4.	1. clear understanding of the statutory and common law protection given to the trademarks in goods/services viz. infringement, passing off and trade mark dilution		

5.	1. the contemporary developments in trade mark law like Protection of Trade Dress, Disparagement of mark through advertising 2. economic exploitation of trade mark rights through Licencing Agreement 3. the concept of exhaustion of IP rights		
6.	1. Concept and Objectives of Protection of Geographical Indications (GI) and Designs, the process of registration and protection against violations 2. interplay of 'GI and Trade mark' 3. interface of Copyright, Design and Trade Mark		

**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 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.

**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 - 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
- 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**

**Sessions: 10 hrs**

- **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**  
**10 hrs**

**Sessions:**

- 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

**Cases:**

9. *Clariant International Ltd. &Anr v. Securities & Exchange Board of India*, (2004) 8 SCC 524
10. *Chairman, SEBI v. Shriram Mutual Fund* (2006) 5 SCC 361
11. *P.G.F. Ltd. vs Union of India*, AIR 2013 SC 3702
12. *SEBI v. Rakhi Trading Pvt. Ltd.*, Supreme Court Judgement dated: 08.02.2018

**Module 3: The Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002**  
**hrs**

**Sessions: 8**

- Background and objective of the Act
- Definitions (Sec 2)
  - Asset Reconstruction
  - Asset Reconstruction Company
  - Central Registry
  - Default
  - Non-performing Asset
  - Qualified Institutional Buyer
- Enforcement of Security Interest(Section 13)
- Application against measures to recover secured debts (Section 17)
- Central Registry (Section 20, 20A, 20B, 21)
- Civil Court not to have jurisdiction (Section 34)

**Cases:**

13. *Mardia Chemicals Ltd. Etc. Etc vs U.O.I. &Ors.*, (2004) 4 SCC 311
14. *KeshavlalKhemchand And Sons Pvt. Ltd. v. Union of India*,AIR 2015 SC 1168

15. *Agarwal Tracom Pvt. Ltd. v. Punjab National Bank & Ors.* Supreme Court  
Judgement dated: 27.11.2017
16. *ITC Limited v. Blue Coast Hotels Ltd. & Ors.*, Supreme Court Judgement dated:  
19.03.2018
17. *Sr. V.J. Dhanapal vs Union Bank Of India* Madras High Court Judgement dated:  
17.01.2018

**Module 4: The Takeover Code - SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2011**

**Sessions: 8 hrs**

- Categories of Takeover
- Important Definitions
- Limits on acquisition of shares or voting rights
- Acquisition of 'control'
- Open Offer

**Cases:**

18. *Nirma Industries Ltd. v. Securities & Exchange Board of India*, (2013) 8 SCC 20
19. *SEBI v. Akshya Infrastructure Pvt. Ltd.*, (2014) 11 SCC 112
20. *Kosha Investments Ltd v. Securities & Exchange Board of India*, Supreme Court  
Judgement dated: 18.09.2015

**Module 5: The Insolvency and Bankruptcy Code, 2016**

**Sessions: 8 hrs**

- Insolvency Resolution Process
- Adjudication Authorities under the Code
- Insolvency Professionals
- Regulator under the Code

**Cases:**

21. *Mobilox Innovations Private Ltd v. Kirusa Software Private Ltd.*, Supreme Court  
Judgement dated: 21.09.2017
22. *Surendra Trading Company v. Juggilal Kamalapat Jute Mills Co. Ltd.*, Supreme  
Court Judgement dated: 19.09.2017

**Module 6: The Prevention of Money Laundering Act, 2002**  
**hrs**

**Sessions: 6**

- 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 to 61)

**Cases:**

23. *B. Ramaraju v. Union of India*, W.P. No. 10765 of High Court of A.P. 2011 (164) Company Case 149
24. *J Sekar v. Union of India*, High Court of Delhi Judgement Dated: 11.01.2018
25. *Rohit Tandon v. The Enforcement Directorate*, Supreme Court Judgement Dated: 10.11.2017
26. *Rose Valley Real Estate v. Union of India*, Calcutta High Court Judgement dated: 30.03.2015

**Module 8: Other Sector Regulators**  
**10 hrs**

**Sessions:**

- **Telecom Regulatory Authority of India Act, 1997**
  - Constitution, Jurisdiction, Role and Functions of TRAI
  - Telecom Disputes Settlement and Appellate Tribunal (TDSAT)
- 27. *Cellular Operators Association of India v. Telecom Regulatory Authority of India*, Supreme Court Judgement dated: 11.05.2016
- 28. *Vodafone Mobile Services Limited v. Union of India*, Madras High Court Judgement dated:04.06.2018
- **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)

**TEACHING PLAN- (Hour-wise distribution of the syllabus)**

Lecture	Module	Learning outcome	Teaching & Learning Activity	HRS
1-10 (Week 1-3)	<b>1. Right to Trade and Business under the Constitution</b>	<ul style="list-style-type: none"> <li>Understand the Concept of Trade and Business</li> <li>Analyse the Reasonable restrictions in public interest</li> <li>Develop an idea about the power to Carry on Trade by State and Government Contracts</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Discussions and Debates</li> </ul> <p>Learning: Refences to the different cases will help to develop an understanding regarding the matter</p>	10
11-20 (Week 3-5)	<b>2. The Securities and Exchange Board of India Act, 1992</b>	<ul style="list-style-type: none"> <li>Understand the need of investor Protection</li> <li>Analyse the powers and functions of SEBI</li> <li>Develop an understanding about various unfair practices in the securities market, insider trading, Collective Investment schemes, etc.</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Case Analysis</li> <li>Group Discussion</li> </ul> <p>Learning: Understand SEBI and the legal framework relating to securities law</p>	10
21-28 (Week 6-7)	<b>3. The Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002</b>	<ul style="list-style-type: none"> <li>Develop the background and objective of the Act</li> <li>Acquire knowledge about the process of securitisation and asset reconstruction</li> <li>Know the legal compliance required to the followed in the process</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Case Analysis</li> </ul> <p>Learning: Develop practical understanding of the process of securitisation and asset reconstruction</p>	8
29-36 (Week 8-9)	<b>4. The Takeover Code - SEBI (Substantial Acquisition</b>	<ul style="list-style-type: none"> <li>Understand the nuances of the code</li> <li>Develop an understanding about the regulatory framework</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Case Analysis</li> <li>Discussion of practical examples</li> </ul>	8

	<b>of Shares and Takeovers) Regulations, 2011</b>	<ul style="list-style-type: none"> <li>Gain knowledge about the process and compliances to be followed under the Code</li> </ul>	<p>Learning: Understand the legal compliances involved in takeover of listed companies</p>	
37-44 (Week 10-11)	<b>5. The Insolvency and Bankruptcy Code, 2016</b>	<ul style="list-style-type: none"> <li>Understand the legal and regulatory regime</li> <li>Analysing the provisions with the help of examples</li> <li>Develop an idea about the Insolvency Resolution Process</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Case Analysis</li> <li>Discussion of practical examples</li> </ul> <p>Learning:</p> <p>Understand the different aspects and impacts of NPAs Understand the role of the regulator in sorting the issue</p>	8
45-50 (Week 12-13)	<b>6. The Prevention of Money Laundering Act, 2002</b>	<ul style="list-style-type: none"> <li>Develop an understanding about the legislation</li> <li>Gain knowledge regarding the prevention mechanisms under the Act</li> </ul> <p>Understand the enforcement processes under the statute</p>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Case Analysis</li> <li>Discussion of practical examples</li> </ul> <p>Learning: Understand the importance prevention of money laundering and its effects on the economy</p>	6
51-60 (Week 14-15)	<b>7. Other Sector Regulators</b>	<ul style="list-style-type: none"> <li>Understand the powers and functions of TRAI</li> <li>Consider the essence of a special sector regulator in the real estate</li> <li>Analyse the role and powers of the IRDA</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>Classroom lecture</li> <li>Case Analysis</li> <li>Discussion of practical examples</li> </ul> <p>Learning: Understand the importance of sector regulators and why they</p>	10

			are needed	
			Understand the functions and role of the different sector regulators	

### 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, 1<sup>st</sup> Edition, 2017)
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, 1<sup>st</sup> Edition, 2015)
9. Lawmann, *Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002*, (Kamal Publishers, 2017)
10. Ashish Makhija, *Insolvency and Bankruptcy Code of India*, (LexisNexis, 1st Edition 2018)
11. Virendra Pamecha, *A Short Commentary on the Law on Action under SARFAESI ACT and Recovery of dues under Insolvency and Bankruptcy Code*, (XcessInfostore Private Limited, 2018)
12. R G Chaturvedi, *Law and Practice of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest*, (LexisNexis, 7<sup>th</sup> Edition 2017)
13. Ashish Makhija, *Insolvency and Bankruptcy Code of India*, (LexisNexis, 1st Edition 2018)
14. V.S. Datey, *Guide To Insolvency and Bankruptcy Code*, (Taxmann, 6th Edition 2018)
15. *Insolvency and Bankruptcy Law Digest*, (Taxmann, 2018)
16. G Sekar FCA, *Handbook on The Insolvency and Bankruptcy Code* (2<sup>nd</sup> Edition, 2017)
17. G. Srinivasan Anand, *Law Relating to New Takeover Code 2011*, (Taxmann 2011)
18. Sridharan & Pandian, *Guide to Takeovers and Mergers* (Lexi Nexis, 4<sup>th</sup> edition, 2017)
19. Abha Jaiswal, *SEBI (Substantial Acquisition of Shares and Takeovers) Regulation 2011 Law and Practice* (Bharat Publishers, 2013)
20. Dinshaw Fardunji Mulla, *Law of Insolvency in India*, Lexis Nexis; (6th edition, 2017).

### 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.
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following formula

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**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.
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## 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.

**LIST OF CASES (UNITWISE):**

**Unit 1**

1. *Donoghue v. Allied Newspaper Ltd.*, (1937) 3 All ER 503.
2. *University of London Press Ltd. v. University Tutorial Press Ltd.*, (1916) 2 Ch.D 601.
3. *Eastern Book Company v. D.B. Modhak*, 2008 (36) PTC 1 (SC).
4. *Urmi Juvekar v. Global Broadcast News Ltd.*, 2008 (36) PTC 377 (Bom).
5. *Barbara Taylor Bradford v. Sahara Media Entertainment Ltd.*, 2004 (28) PTC 474 (Cal).
6. *Anil Gupta v. Kunal Dasgupta*, 2002 (25) PTC 1 (Del).
7. *Zee Telefilms Ltd. v. Sundial Communications*, 2003 (27) PTC 457 (Bom)(DB).
8. *Zee Entertainment Enterprises Ltd.v. Gajendra Singh*, 2008 (36) PTC 53 (Bom).

**UNIT 2**

9. *John Wiley and Inc.v. Prabhat Chander*, 2010 (44) PTC 675 (Del).
10. *R.G. Anand v. Delux Films*, AIR 1978 SC 1613.
11. *Warner Bros. Entertainment Inc. v. Mr. Santosh V.G.*, MIPR 2009 (2) 175.
12. *Macmillan v. KJ Cooper*, AIR 1924 PC 75.
13. *Amar Nath Sehgal v. Union of India*, (2005) 30 PTC 253.

**UNIT 3**

14. *Gee Pee Films Pvt. Ltd. v. Pratik Chowdhury*, 2002 (24) PTC 392 (Cal).
15. *The Gramophone Co.of India Ltd. v. Super Cassette Industries Ltd.*, 2010 (44) PTC 541 (Del).
16. *Entertainment Network (India) Limited v. Super Cassette Industries Limited*, (2008) 13 SCC 30.

17. *Event and Entertainment Management Association v. Union of India*, MIPR 2011 (2) 107.

#### **UNIT 4**

18. *Sap Aktiengesellschaft v. Sadiq Pasha*, 2011 (46) PTC 335 (Del).
19. *Akuate Internet Services Pvt. Ltd. v. Star India Pvt. Ltd.*, MIPR 2013 (3) 1 (Del).
20. *Super Cassettes Industries Ltd. v. Hamar Television Network Pvt. Ltd.*, 2011 (45) PTC 70 (Del).
21. *Devendra Kumar Ramchandra Dwivedi v. State of Gujarat*, 2010 (43) PTC 303 (Guj).
22. *The Chancellor, Masters and Scholars of the University of Oxford v. Rameshwari Photocopy Services*, 2016 SCC Online Del 5128.
23. *The Chancellor, Masters and Scholars of the University of Oxford v. Rameshwari Photocopy Services*, (2016) 235 DLT 409 (DB).

#### **UNIT 5**

24. *Canadian General Electric Co. Ltd. v. Fada Radio Ltd.*, AIR 1930 PC 1.
25. DIAMOND v. CHAKRABARTY, (1980)No. 79-136, Decided: June 16, 1980
26. *Diamond v. Diehr*, 450 U.S. 175 (1981)
27. *Dhanpat Seth v. Nil Kamal Plastic Crates Ltd.*, 2008 (36) PTC 123 (HP).
28. *Neon Laboratories Pvt. Ltd. v. Troikaa Pharma Limited*, 2011 (45) PTC 357 (Bom),
29. *J.Mitra & Co. Pvt. Ltd. v. Assistant Controller of Patents and Design*, 2008 (38) PTC 6 (SC).
30. *Indian Network for People Living with HIV/AIDS v. Union of India*, MANU/TN/1217/2008 (Mad).
31. *M/S UCB Farchim Sa v. M/S Cipla Ltd.*, MANU/DE/0297/2010.
32. *Novartis AG v. Union of India*, (2013) 6 SCC 1.
33. *Bayer Corporation v. Union of India*, 2014 (6) PTC 277 (Bom).
34. *F. Hoffman-La Roche v. Cipla Ltd.*, 2009 (40) PTC 125 (Del).
35. *Enercon Gmbh vs Yogesh Mehra And Anr on 3 March, 2017*, <https://indiankanoon.org/doc/72349990/> ON MULTPLICITY OF PROCEEDINGS.
36. SHAMNAD BASHEER v. UNION OF INDIA & ORS, W.P.(C) 5590/2015, ON WORKING OF PATENTS.

#### **BOOKS: (arranged alphabetically)**

10. Ahuja, V.K., (2007). *Law of Copyright and Neighbouring Rights: National and International Perspectives*, LexisNexis, Haryana.
11. Ahuja, V.K., (2017). *Intellectual Property Laws, Law Relating to Intellectual Property Rights* (3<sup>rd</sup>edn), LexisNexis, Haryana.
12. Bansal, Ashwani Kumar, (2004). *Materials on Copyright*.

13. Chawla, Alka,(2013). *Law of Copyright: Comparative Perspectives*, LexisNexis, Haryana.
14. Cornish, W.R. & Llewelyn, David (2010). *Intellectual Property: Patents, Copyright, Trademarks and Allied Rights*, Sweet and Maxwell.
15. Garnett, Kevin, Davies Gillian & Harbottle, Gwilym (2012). *Copinger and Skone James on Copyright*, Sweet and Maxwell.
16. Kankanala, K.C., Narasani, A.K. & Radha Krishna, V., (2012). *Indian patent Law and Practice*, Oxford University Press.
17. Mittal, Raman, (2011). *Licensing of Intellectual Property: Law and Management*, Satyam Law House.
18. Narayanan, P., (2007). *Law of Copyright and Industrial Designs*, Eastern Law House.

**READINGS:**

- Bansal, Ashwani Kumar, “Intellectual Property Rights: Judicial Law Making with Foreign Bias” *Journal of Law Teachers of India* II(1&2) 1.

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**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

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Learned the importance of copyright in international arena Understood the concept of copyrightis	Lectures, presentations, discussions, case studies, multimedia.	As given below.

2.	Learned the rights associated with all the copyrighted works.	Lectures, presentation, discussions, case studies, multimedia.	As given below.
3.	Learned the concept of ownership and practical aspects of exploitation of rights through agreements Is able to identify situations of infringement of copyright.	Lectures, presentations, discussions, case studies, multimedia.	As given below.
4.	Understood the rights conferred on Broadcasting Organisation and performers. Learned how the law is balanced by providing permitted/ public uses	Lectures, presentations, discussions, case studies, multimedia.	As given below.
5.	Learned the importance of inventions and its patentability under the Patents Act. Understanding of Exclusive rights and use for Commercial and non-commercial/public interest purpose (like public health) through licencing mechanism	Lectures, presentations, discussions, case studies, multimedia.	As given below.
6.	Learned the importance of protection of plant varieties, its procedure and the rights conferred on farmers, breeders, communities and researchers. Learned the importance of protection of other emerging IP's like Trade Secrets and Traditional Knowledge Mechanism. Learned the procedure for registration of integrated circuits. Learned how the IP rights can be abused through anti-competitive practices.	Lectures, presentations, discussions, case studies, multimedia.	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.
- 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 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.

**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 - 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)

**Cases:**

1. *Sajjan Bank (Pvt.) Ltd. v. Reserve Bank of India*, AIR 1961 Mad. 8
2. *Canara Bank v. P.R.N. Upadhyaya* (1998) 6 SCC 526
3. *Jayant Verma v. Union of India*, Supreme Court Judgement Dated: 16.02.2018



4. *Indian Bank v. K. Pappireddiyar* Supreme Court Judgement Dated: 20.07.2018

**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* (1<sup>st</sup> ed.,2014)
2. C.R. Datta & P.M. Bakshi, **M.L. Tannan's *Banking - Law and Practice in India*** (21<sup>th</sup> ed., 2008)
3. R.K. Gupta, *Banking - Law and Practice* (2<sup>nd</sup> ed. 2008)
4. Mark Hapgood, **Paget's *Law of Banking*** (13<sup>th</sup> 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**

**Sessions: 6hrs**

- Nature and Scope of Insurance;
- Classification;
- General Principles – Proximate Cause

**Cases:**

5. *Pink v. Fleming* (1890) 25 QBD 396

**Topic 4: Doctrine of Utmost Good Faith**

**Sessions: 4 hrs**

- Meaning of the doctrine
- Applicability of the doctrine

**Cases:**

6. *Mithoolal Nayak v. Life Insurance Corporation of India*, AIR 1962 SC 814

7. *Kasim Ali Bulbul v. New India Assurance Co.*, AIR 1968 J & K 39

8. *Smt. Krishna Wanti Puri v. Life Insurance Corporation of India*, AIR 1975 Del. 19

9. *Smt. Dipashri v. Life Insurance Corporation of India*, AIR 1985 Bom 192

10. *Life Insurance Corporation of India v. Asha Goel*, , AIR 2001 SC 549

11. *Contship Container Lines Ltd vs D.K. Lall & Ors*, (2010) 4 SCC 256

12. *The New India Assurance Company Ltd. v. M/S. Divya Laxmi Fabrics*, High Court of Rajasthan Judgement Dated: 01.12.2017

**Topic 5: Rules of Construction of Insurance Policy**

**Sessions: 4 hrs**

- Construction rules applicable
- Reasons

**Cases:**

13. *New India Assurance Co. Ltd. v. M/s Zuari Industries Ltd.*  
(2009) 9 SCC 70
14. *Simmonds v. Cockell* (1920) All ER Rep. 162
15. *Harris v. Poland* (1941) All ER 204: 1 K.B.D. 204

**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* (2<sup>nd</sup> edn., 2016)
2. Gaurav Varshney, *Insurance Laws*, (1<sup>st</sup> ed., 2017)
3. M.N. Srinivasan & K. Kannan (Revised by Justice K.Kannan) *Principles of Insurance Law* (10<sup>th</sup> ed., 2017)
4. M.N. Mishra, *Law of Insurance* (9<sup>th</sup> 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*, (6<sup>th</sup> 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* (4<sup>th</sup> 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

**Cases:**

16. *Mohammad Akbar Khan v. Attar Singh*, AIR 1936 PC 171

17. *Ponnuswami Chettiar v. P. Vellaimuthu Chettiar*,

AIR 1957 Mad. 355

18. *Ashok Yeshwant Badeve v. Surendra Madhavrao Nighojakar*, AIR 2001 SC 1315 : (2001) 3 SCC 726

**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;
- 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)

**Cases:**

19. *Lachmi Chand v. Madanlal Khemka*, AIR 1947 All. 52

20. *Singheshwar Mandal v. Gita Devi*, AIR 1975 Pat. 81

21. *Nunna Gopalan v. Vuppuluri Lakshminarasamma*,  
AIR 1940 Mad. 631

22. *S.D. Asirvatham v. G. Palniraju Mudaliar*, AIR 1973 Mad. 439

23. *U. Ponnappa Moothan Sons v. Catholic Syrian Bank Ltd.*  
(1991) 1 SCC 113

**Topic 8: Transfer of Negotiable Instruments**

**Sessions: 8 hrs**

- 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** Sessions: 4 hrs

- 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)

**Cases:**

24. *Canara Bank Ltd. v. I.V. Rajagopal* (1975) 1 M.L.J. 420
25. *London Joint Stock Bank, Ltd. v. Macmillan*  
(1918-19) All ER Rep. 30
26. *Shivalingappa v. P.B. Puttappa*, AIR 1971 Mys. 273

**Topic 10: Crossing of Cheques** Sessions: 4 hrs

- 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)

**Case:**

27. *M/s. Tailors Priya v. M/s. Gulabchand Danraj*, IR 1963 Cal. 36
28. *Great Western Rail Co. v. London & County Banking Co. Ltd.* (1900-3) All ER Rep. 1004 (HL)
29. *Bapulal Premchand v. Nath Bank Ltd.*, AIR 1946 Bom. 482
30. *Indian Overseas Bank v. Industrial Chain Concern* (1990)1 SCC 484

**Topic 11: Liabilities for Dishonour of Cheques**

**Sessions: 8 hrs**

- Dishonor of cheque for insufficiency etc. of funds;
- cognizance of offences (N.I. Act, sections 138-147)
- *The Negotiable Instruments (Amendment) II Ordinance, 2015*

**Cases:**

31. *Modi Cements Ltd. v. Kuchil Kumar Nandi* (1998) 3 SCC 249
32. *Kusum Ingots & Alloys Ltd. v. Pennar Peterson Securities Ltd.* (2000) 2 SCC 745: AIR 2000 SC 954
33. *Dalmia Cement (Bharat) Ltd. v. Galaxy Traders & Agencies Ltd.* (2001) 6 SCC 463: AIR 2001 SC 676
34. *MMTC Ltd. v. Medchl Chemicals & Pharma (P) Ltd.*, AIR 2002 SC 182
35. *Goaplast Pvt. Ltd. v. Chico Ursula D' Souza*, AIR 2003 SC 2035: (2003) 9 SCALE 791
36. *C.C. Alavi Haji v. Palapetty Muhammed*.2007 (7) SCALE 380
37. *Dashrath Rupsingh Rathod v. State of Maharashtra* (2014) 9 SCC 129
38. *Rangappa v. Sri. Mohan* (2010) 11SCC 441
39. *Laxmi Dyechem v. State of Gujarat and Ors.* (2012) 13 SCC 375
40. *The Negotiable Instruments (Amendment) II Ordinance,2015*
41. *Dayawati v. Yogesh Kumar Gosain*, 243 (2017) Delhi Law Times 117 (DB)
42. *Kishan Rao v. Shankargouda*, Supreme Court Judgement Dated: 07.02.2018
43. *N. Harihara Krishnan v. J. Thomas*, Supreme Court Judgement Dated: 30.08.2017
44. *N. Paraeswaran Unni v. G. Kannan and Another*, [2017] 138 CLA 54 (SC)

**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* (20<sup>th</sup> ed., 2008)
3. Ranganath Misra, Bhashyam & Adiga's *The Negotiable Instruments Act* (18<sup>th</sup> ed., 2008)
4. Dr. Rajesh Gupta & Dr. Gunjan Gupta, *Law of Dishonour of Cheques* (4<sup>th</sup> ed., 2016)
5. Avtar Singh, *Negotiable Instruments* (4th ed., 2005)
6. S. Krishnamurti Aiyar, *Law Relating to the Negotiable Instruments Act* (10<sup>th</sup> ed., 2009)
7. Dr. H.K. Saharay, *Negotiable instruments Act 1881 (With Special Emphasis on Dishonour of cheques)*, (3rd ed., 2011)
8. D.K. Sharma, *Dishonour of Cheques*, (2012)

**TEACHING PLAN- (Hour-wise distribution of the syllabus)**

Lecture	Module	Learning outcome	Teaching & Learning Activity	HRS
1-4 (Week 1)	1. The Evolution of Banking Services and its History in India	<ul style="list-style-type: none"> <li>• History of Banking in India,</li> <li>• Bank Nationalization and social control over banking,</li> <li>• Various types of Banks and their functions,</li> <li>• Contract between banker and customer: their rights and duties,</li> <li>• Role and functions of Banking Institutions</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Discussions</li> </ul> <p>Learning: Refences to historical facts related to the evolution of the system in the country</p>	4
5-10 (Week 2-3)	2. Banking System in India and Control by Reserve Bank of India	<ul style="list-style-type: none"> <li>• Definition of 'bank', 'banker', 'banking', 'banking companies';</li> <li>• Development of banking business and companies;</li> <li>• Regulations and restrictions;</li> <li>• Powers and control exercised by the Reserve Bank of India (B.R. Act, sections 5-36AD)</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Analysis</li> <li>• Group Discussion</li> </ul> <p>Learning: Understand the banking system and the regulatory framework in the country</p>	6
11-16 (Week 3-4)	3. Law of Insurance	<ul style="list-style-type: none"> <li>• Nature and Scope of Insurance;</li> <li>• Classification;</li> <li>• General Principles – Proximate Cause</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Analysis</li> </ul> <p>Learning: Develop practical understanding of the insurance laws and</p>	6

			their applicability	
17-20 (Week 5)	4. Doctrine of Utmost Good Faith	<ul style="list-style-type: none"> <li>• Meaning of the doctrine</li> <li>• Applicability of the doctrine</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Analysis</li> <li>• Discussion of practical examples</li> </ul> <p>Learning: Understand the doctrine and its applicability in insurance contracts</p>	4
21-24 (Week 6)	5. Rules of Construction of Insurance Policy	<ul style="list-style-type: none"> <li>• Construction rules applicable</li> <li>• Reasons</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Analysis</li> <li>• Discussion of practical examples</li> </ul> <p>Learning: Understand the rules of construction applied while interpreting insurance contracts</p>	4
25-30 (Week 7-8)	6. Kinds of Negotiable Instruments	<ul style="list-style-type: none"> <li>• Promissory Note,</li> <li>• Bill of Exchange,</li> <li>• Cheque – Definition and Nature</li> <li>• N.I. Act, sections 4-7, 13</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Analysis</li> <li>• Discussion of practical examples</li> </ul> <p>Learning: Understand the different NIs and their nature and mandates</p>	6
31-36 (Week 8-9)	7. Holder ' and 'Holder in Due Course'	<ul style="list-style-type: none"> <li>• Definition of Holder and Holder in Due Course;</li> <li>• Comparison between Indian and English Law;</li> <li>• Rights of holder in due course;</li> <li>• Law Commission of India, Eleventh Report, 1958 (N.I. Act, section 8 read with 78; 9, 19-25, 53, 58, 59 and 118;</li> <li>• English Bills of Exchange Act, 1882, sections 2, 29 and 90)</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Analysis</li> <li>• Discussion of practical examples</li> </ul> <p>Learning: Understand the concept of holder in due course and the effects and applicability of the concept in case of NIs</p>	6
37-44	8.	<ul style="list-style-type: none"> <li>• Modes - Negotiation (N.I.</li> </ul>	Teaching:	8

(Week 10-11)	Transfer of Negotiable Instruments	<p>Act,</p> <ul style="list-style-type: none"> <li>• Assignment (The Transfer of Property Act, 1882, sections 130-132);</li> <li>• Meaning of Indorsement - Who can indorse</li> <li>• Kinds of Indorsement – Indorsement in Blank and Full</li> <li>• Conditional Indorsement</li> <li>• Restrictive Indorsement</li> <li>• Sans Recourse Indorsement</li> <li>• Partial Indorsement</li> </ul>	<ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Analysis</li> <li>• Discussion of practical examples</li> </ul> <p>Learning: Develop an idea of the legal provisions in India relating to the transferability of NIs</p>	
45-48 (Week 12)	9. Liability of Parties and Discharge of Parties from Liability on Promissory Note, bill of exchange and Cheque	<ul style="list-style-type: none"> <li>• Liability of Maker, Drawer, Drawee and Indorser</li> <li>• Modes – Cancellation;</li> <li>• Release</li> <li>• Payment</li> <li>• Material Alteration</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Analysis</li> <li>• Discussion of practical examples</li> </ul> <p>Learning: Understand the liabilities of the parties</p>	4
49-52 (Week 13)	10. Crossing of Cheques	<ul style="list-style-type: none"> <li>• Object of crossing;</li> <li>• Kinds of crossing – general, special, not-negotiable &amp; account payee crossing; who may cross;</li> <li>• Rights and duties of paying banker;</li> <li>• Protection of collecting banker</li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Analysis</li> <li>• Discussion of practical examples</li> </ul> <p>Learning: Understand the importance and implications of crossing of cheques</p>	4
53-60 (Week 14-15)	11. Liabilities for Dishonour of Cheques	<ul style="list-style-type: none"> <li>• Dishonor of cheque for insufficiency etc. of funds;</li> <li>• cognizance of offences (N.I. Act, sections 138-147)</li> <li>• <i>The Negotiable Instruments (Amendment) II Ordinance, 2015</i></li> </ul>	<p>Teaching:</p> <ul style="list-style-type: none"> <li>• Classroom lecture</li> <li>• Case Analysis</li> <li>• Discussion of practical examples</li> </ul> <p>Learning: understand the</p>	8



			criminal liability of dishonouring a cheque and the rights and liabilities involved with it	
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**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 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.

**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 - 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, University of Delhi**

- V.S. Rama Devi and S.K. Mendiratta, *How India Votes – Election Laws, Practice and Procedure* (3<sup>rd</sup> ed., 2013).
- Kiran Gupta and P.C. Jain, Chawla's *Elections - Law & Practice* (9<sup>th</sup> 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

### **List of Cases:**

#### **Unit I:**

- *N.P. Ponnuswami v. The Returning Officer, Namakkal Constituency*, AIR 1952 SC 64
- *Mohinder Singh Gill v. Chief Election Commissioner, New Delhi*, AIR 1978 SC 851
- *Election Commission of India through Secretary v. Ashok Kumar*, AIR 2000 SC 2979
- *Indrajit Barua v. Election Commission of India*, AIR 1986 SC 103
- *G.V. Sreerama Reddy v. Returning Officer*, (2009) 9 SCC 736
- *Manohar Joshi v. Nitin Bhaurao Patil*, AIR 1996 SC 796
- *Raj Kumar Yadav v. Samir Kumar Mahaseth*, (2005) 3 SCC 601
- *Udhav Singh v. Madhav Rao Scindia*, AIR 1976 SC 744
- *Jyoti Basu v. Debi Ghosal*, AIR 1982 SC 983
- *Jabar Singh v. Genda Lal*, AIR 1964 SC 1200

#### **Unit II:**

- *Baburao v. Dr. Zakir Hussain*, AIR 1968 SC 904
- *Charan Lal Sahu v. Giani Zail Singh*, AIR 1984 SC 309
- *Special Reference No. 1 of 1974*, AIR 1974 SC 1682

#### **Unit III:**

- *S.S. Dhanoa v. Union of India*, AIR 1991 SC 1745
- *T.N. Seshan, Chief Election Commissioner of India v. Union of India*, (1995) 4 SCC 611
- *Mohinder Singh Gill v. Chief Election Commissioner, New Delhi*, AIR 1978 SC 851
- *Indian National Congress(I) v. Institute of Social Welfare*, AIR 2002 SC 2158
- *Union of India v. Association for Democratic Reforms*, AIR 2002 SC 2112
- *Special Reference No. 1 of 2002*, AIR 2003 SC 87

#### **Unit IV:**

- *Kuldip Nayar v. Union of India*, AIR 2006 SC 3127
- *Guru Gobind Basu v. Sankari Prasad Ghosal*, AIR 1964 SC 254
- *Biharilal Dobray v. Roshanlal Dobray*, AIR 1984 SC 385
- *Ashok Kumar Bhattacharya v. Ajoy Biswas* (1985) 1 SCC 151
- *Jaya Bachchan v. Union of India*, AIR 2006 SC 2119
- *Consumer Education & Research Society v. Union of India* (2009) 9 SCC 648
- *Konappa Rudrappa Nadagouda v. Viswanath Reddy*, AIR 1969 SC 447
- *Smt. Ashling v. L.S. John*, AIR 1984 SC 988
- *B.R. Kapur v. State of Tamil Nadu* (2001) 7 SCC 231

- *K. Prabhakaran v. P. Jayarajan* (2005) 1 SCC 754
- *Navjot Singh Sidhu v. State of Punjab*, (2007) 2 SCC 574
- *Lily Thomas v. Union of India*, (2013) 7 SCC 653

**Unit V:**

- *Kihoto Hollohon v. Zachillhu*, AIR 1993 SC 412
- *Ravi S. Naik v. Union of India*, AIR 1994 SC 1558
- *G. Viswanathan v. Hon'ble Speaker Tamil Nadu Legislative Assembly*, AIR 1996 SC 1060
- *Rajendra Singh Rana v. Swami Prasad Maurya*, AIR 2007 SC 1305
- *D. Sudhakar v. D.N. Jeevaraju*, (2012) 2 SCC 708
- *Balchandra L. Jarkiholi v. B.S. Yeddyurappa*, (2011) 7 SCC 1

**Unit VI:**

- *Rangilal Choudhury v. Dahu Sao*, AIR 1962 SC 1248
- *N.T. Veluswami Thevar v. Raja Nainar*, AIR 1959 SC 422
- *Vashist Narain Sharma v. Dev Chandra*, AIR 1954 SC 513
- *Chhedi Ram v. Jhilmit Ram*, AIR 1984 SC 146
- *Santosh Yadav v. Narender Singh*, AIR 2002 SC 241
- *Ram Phal Kundu v. Kamal Sharma*, AIR 2004 SC 1657

**Unit VII:**

- *H.V. Kamath v. Ch. Nitiraj Singh*, AIR 1970 SC 211
- *Ghasi Ram v. Dal Singh*, AIR 1968 SC 1191
- *Narbada Prasad v. Chhaganlal*, AIR 1969 SC 395
- *Manubhai Nandlal Amersey v. Popatlal Manilal Joshi*, AIR 1969 SC 734
- *Kultar Singh v. Mukhtiar Singh*, AIR 1965 SC 141
- *S. Harcharan Singh v. S. Sajjan Singh* (1985) 1 SCC 370
- *Manohar Joshi v. Nitin Bhaurao Patil*, AIR 1996 SC 796
- *Dr. Ramesh Yeshwant Prabhoo v. Prabhakar Kashinath Kunte*, AIR 1996 SC 1113
- *Abhiram Singh v. C.D. Commachen*, (2017) 2 SCC 629
- *Dev Kanta Barooah v. Golok Chandra Baruah*, AIR 1970 SC 1231
- *Gadakh Yashwantrao Kanakrao v. Balasaheb Vikhe Patil*, AIR 1994 SC 678
- *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC 2299

**Unit VIII:**

- *Union of India v. Association for Democratic Reforms*, (2002) 5 SCC 294
- *People's Union for Civil Liberties (PUCL) v. Union of India*, AIR 2003 SC 2363
- *Resurgence India v. Election Commission of India*, 2013 (11) SCALE 348
- *Lok Prahari v. Union of India*, 2018(3) SCALE 1

**Teaching Plan:**

**Week 1:** Meaning of election; election petition- forum, presentation, grounds and relief that may be claimed by the petitioner; time for presentation of an election petition.

**Week 2:** Contents of an election petition-material facts and particulars; parties to an election petition; recriminatory petition.

**Week 3:** Withdrawal, abatement and dismissal of election petitions.  
Composition of Parliament; delimitation of constituencies.

**Week 4:** Election to the office of President of India.

**Week 5:** Election to the office of Vice President of India;  
Composition of the Election Commission of India.

**Week 6:** Powers and functions of the Election Commission of India.

**Week 7:** Powers and Functions of the Election Commission of India.

Qualifications and Disqualifications of Candidates at elections to legislatures in India;  
Disqualification for holding an office of profit.

**Week 8:** Disqualification for holding an office of profit; disqualification for subsisting government contracts.

**Week 9:** Disqualification on conviction for certain offences.

**Week 10:** Anti defection law.

**Week 11:** Anti defection law.  
Requirements of a valid nomination.

**Week 12:** Consequences of improper acceptance and rejection of a nomination paper.  
Distinction between corrupt practices and electoral offences.

**Week 13:** Corrupt practices.

**Week 14:** Corrupt practices.

**Week 15:** Voters' right to know the antecedents of the candidates at elections.

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Understand the meaning of the term 'election' and the forum, time limit, grounds and <i>locus standi</i> for an election petition challenging an election to Legislatures in India	Lectures, presentations, moot courts, case studies, multi media	As given below
2.	Understand the process of delimitation of constituencies in India and examine the laws applicable to elections to the offices of the President and the Vice President of India	Lectures, presentations, moot courts, case studies, multi media	As given below
3.	Understand the composition, powers and functions of the Election Commission of India	Lectures, presentations, moot courts, case studies, multi media	As given below
4.	Critically analyse the qualifications and disqualifications for candidates at elections to legislatures in India	Lectures, presentations, moot courts, case studies, multi media	As given below
5.	Critically analyse the anti defection law in India	Lectures, presentations, moot courts, case studies, multi media	As given below
6.	Understand the procedure for filing nominations for elections to Legislatures in India and the legal consequences of improper acceptance and rejection of a nomination paper by the Returning Officer	Lectures, presentations, moot courts, case studies, multi media	As given below
7.	Recognise the various corrupt practices under the R.P.Act, 1951 and the loopholes in the existing legal	Lectures, presentations, moot	As given below

	provisions	courts, case studies, multi media	
8.	Know the ambit of the voters' right to know the antecedents of the candidates at elections to the legislatures in India	Lectures, presentations, moot courts, case studies, multi media	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.
- 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
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**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 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.
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**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 - VI

#### Course Name- Minor Acts and Supreme Court Rules

#### Course Code- LB-EC-604

**Credits – 5**

**Total Classes 60+15**

#### Course Objectives:

- It aims to provide the students with the understanding and knowledge of the minor acts and supreme court rules.
- It aims to familiarize the students with the legal rules relating to registrations of instruments.
- It aims to train the students in calculation of the Court Fees and Stamp Duty.
- It aims to familiarize the students with the rules followed in the Supreme Court in course of legal practice.

#### Course Learning Outcomes:

Students who have successfully completed this course will be able to:

- Apply the rules relating to registration of instruments in course of their practice.
- Comprehend the court fees in any given case; and also, the stamp duty which is payable on an instrument.
- Apply the Supreme Court rules in course of their practice/litigation career.

#### Contents: (TOTAL 4 UNITS)

#### Unit I: The Registration Act 1908 (22 Hours)

*The students shall be taught the entire statute of the Registration Act 1908, along with the allied legislations such as the Transfer of Property Act 1885.*

#### Compulsory Cases:

1. Hansia v. Bakhtawarmal, AIR 1958 Raj. 102 01
2. Ghulam Ahmad v. GhulamQadir, AIR 1968 J & K 35
3. Raghunath v. KedarNath, (1969) 1 SCC 497: AIR1969 SC 1316
4. Swaminathan v. Koonavalli, AIR 1982 Mad. 276
5. Budh Ram v. Ralla Ram, (1987) 4 SCC 75 19
6. Roshan Singh v. Zile Singh, AIR 1988 SC 881 21
7. Dina Ji v. Daddi, (1990) 1 SCC 1: AIR 1990 SC 1153
8. S.V. Chandra Pandian v. S.V. SivalingaNadar, (1993) 1 SCC 589
9. Sardar Singh v. Krishna Devi, (1994) 4 SCC 18
10. Bakhtawar Singh v. Gurdev Singh, (1996) 9 SCC 370
11. Harendra H. Mehta v. Mukesh H. Mehta, (1999) 5 SCC 108 49

12. ChiranjilalSrilalGoenka v. Jasjit Singh, (2001) 1 SCC 486 51
13. Ram Rattan v. BajrangLal, (1978) 3 SCC 236
14. Yellapu Uma Maheswari&Anr. v. Buddha Jagadheeswararao&Ors., Civil Appeal No. 8441 of 2015
15. Phool Patti and Anr. v. Ram Singh (Dead) Through Lrs. &Anr., 2015 3 SCC 164
16. Aspire Investments Private Ltd. v. NexgenEdusolutions Private Ltd., CS(OS) 192/2009 (Delhi High Court).
17. Subraya M.N. v. Vittala M.N. &Ors, AIR 2016 Supreme Court 3236

**Unit II: The Stamp Duty Act 1899 (15 Hours)**

*The students shall be taught the entire statute of the Stamp Duty Act 1899.*

Compulsory Cases:

1. SaiyedShaban Ali v. Sheikh Mohammad Ishaq, AIR 1939 All. 724 92
2. Member, Board of Revenue v. Arthur Paul Benthall, (1955) 2 SCR 842: AIR 1956 SC 35
3. Govt. of U.P. v. Raja Mohd. Amir Ahmad Khan, (1962) 1 SCR 97: AIR 1961 SC 787
4. Javer Chand v. PukhrajSurana, (1962) 2 SCR 333: AIR 1961 SC 1655
5. Board of Revenue v. RaiSahebSidhnathMehrotra, (1965) 2 SCR 269: AIR 1965 SC 1092
6. Hindustan Steel Ltd. v. Dilip Construction Co., (1969) 1 SCC 597: AIR 1969 SC 1238
7. The Madras Refineries Ltd. v. The Chief Controlling Revenue Authority, Board of Revenue, (1977) 2 SCC 308: AIR 1977 SC 500
8. TrideshwarDayal v. MaheshwarDayal, (1990) 1 SCC 357
9. HameedJoharan v. Abdul Salam, (2001) 7 SCC 573
10. Addl. District Sub-Registrar Siliguri V. Pawan Kumar Verma& Others, 2013 (7) SCC 537
11. Om Prakash v. Laxmi Narayan &Ors. VIII (2013) SCT 766
12. Black Pearl Hotels(Pvt.) Ltd. V. Planet M. Retail Ltd. III (2017) SLT 574

**Unit III: The Court Fees Act 1870 and the Suit Valuation Act 1887 (15 Hours)**

*The students shall be taught the entire statute of the Court Fees Act 1899 and Suit Valuation Act 1887.*

Compulsory Cases:

1. Nemi Chand v. Edward Mills Co. Ltd., 1953 SCR 97: AIR 1953 SC 28
2. SathappaChettiar v. RamanathanChettiar, 1958 SCR 1024: AIR 1958 SC 245
3. GopalakrishnaPillai v. MeenakshiAyal, 1966 Supp SCR 128: AIR 1967 SC 155
4. Shamsheer Singh v. RajinderPrashad, (1973) 2 SCC 524: AIR 1973 SC 2384
5. Ashok v. NarasinghRao, AIR 1975 MP 39
6. Tara Devi v. Sri Thakur Radha Krishna Maharaj, (1987) 4 SCC 69
7. Abdul Hamid Shamsi v. Abdul Majid, (1988) 2 SCC 575: AIR 1988 SC 1150

8. Commercial Aviation and Travel Co. v. VimlaPannalal, (1988) 3 SCC 423: AIR 1988 SC 1636
9. Gopal Chandra Jena v. Sri Laxmi Narayan Bijo Maura Alava, AIR 1990 Ori. 98
10. Ram Narain Prasad v. AtulChanderMittra, (1994) 4 SCC 349
11. Smt. Chintamani Devi v. Vijay Kumar, 2015 (3) Capital Law Judgement 115 (Delhi HC)
12. Suhrid Singh @ Sardool Singh v. Randhir Singh &Ors., 2010 (12) SCC 112
13. Hardeep Singh v. Baldev Singh &Ors., CM (M) No.476 of 2013 decided on 01.12.2014
14. Nand Kishore Kalra v. Harish Mathur, 2015 (3) Capital Law Judgement 612 (Delhi HC)

**Unit IV – Supreme Court Rules(10 Hours)**

*The students shall be taught the entire Supreme Court Rules 2013.*

**Prescribed Readings**

**Books**

- 1) ML Bhargava, *Lawmann’s Digest on the Registration Act 1908* (Kamal publisher, 3<sup>rd</sup>edn. 2017)
- 2) Sir DinshawFardunjiMulla (Revised by Justice K Kannan) *Mulla’s The Registration Act 1908* (Lexisnexis. 13<sup>th</sup>edn. 2016)
- 3) Vijay Malik and H L Tikku, *Malik’s commentary on Registration Act 1908* (Delhi Law House, 4<sup>th</sup>edn. 2013)
- 4) M N Basu, *Indian Stamp Act 1899* (Jain Book Agency, 9<sup>th</sup>edn. 2007)
- 5) M R Hariharan and Boris Paul, *The Indian Stamp Act 1899* (Lexisnexis, 12<sup>th</sup>edn. 2017)
- 6) A N Khanna, *Law of Court Fees & Suit Valuation* (Universal Law Publishing, 9<sup>th</sup>edn. 2017)
- 7) Justice M L Singhal, *The M L J Manual on Court Fees Act 1870* (LexisNexis, 1<sup>st</sup>edn. 2017)

*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, use of multi-media, practical exercises and other CLE methods of teaching and learning.

**Teaching Plan:**

**Week 1-6**– Unit I

**Week 6-10** – Unit II

**Week 10-14** – Unit III

**Week 14-15**– Unit IV

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	The Students shall be able to understand and apply the rules related to registration of instruments in day to day practice	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	As given below.

2.	The Students shall be able to understand the legal issues related to Stamp Duties and to calculate the same in practice.	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	As given below.
3.	The Students shall be able to calculate the Court Fees, and to value suits properly for jurisdictional purposes.	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	As given below.
4.	The students shall be able to comply with all the procedural rules relating to practice in Supreme Court.	Lectures, Use of multi-media, Practical exercises and other CLE methods of teaching and learning	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.
- 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 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.

**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 - VI

Course Name-**International Investment Law**

Course

Code- **LB-EC-605**

**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)**

- 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
  - 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 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 Perspectives<sup>1</sup>(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 Vandevelde, *Bilateral Investment Treaties: History, Policy and Interpretation* (Oxford 2010)

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<sup>1</sup> 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)
- E) Stephan Schill, *Multilateralization of International Investment Law* (Cambridge 2009)
- F) Eric de Brabandere, *Investment Treaty Arbitration as Public International Law*, (Cambridge 2014)
- G) Lukas Vanhonnaeker, *Intellectual Property Rights as Foreign Direct Investments from Collision to Collaboration* (Edward Elgar 2015)

### **Articles**

- A) K Vandeveld, 'The Economics of Bilateral Investment Treaties' (2000) 41 *Harvard International Law Journal*, 469-502
- B) Jorge E. Viñuales, 'The Sources of International Investment Law' in S. Besson and J. d'Aspremont (eds), *The Oxford Handbook on the Sources of International Law* (Oxford 2016)
- C) Yogesh K Tyagi, 'Permanent Sovereignty over Natural Resources', *Cambridge Journal of International and Comparative Law*, vol. 4, 2015
- D) Prabhash Ranjan (2015), 'Most Favoured Nation Treatment Principle in Indian Bilateral Investment Treaties: A Case for Reform', 55(1) *Indian Journal of International Law*, 39-64
- E) M Potesta, 'Legitimate Expectations in Investment Treaty Law: Understanding the Roots and the Limits of a Controversial Concept', (2013) 28 *ICSID Review*, 88
- F) Christopher Gibson, 'A Look at the Compulsory License in Investment Arbitration: The Case of Indirect Expropriation' (2010) 25 *American University International Law Review*, 358.
- G) B Kingsbury and Stephan Schill, 'Public Law Concepts to Balance Investors' Rights with State Regulatory Actions in the Public Interest - The Concept of Proportionality', in Stephan Schill (ed.), *International Investment Law and Comparative Public Law* (2010) 75
- H) Caroline Henckels, 'Indirect Expropriation and the Right to Regulate: Revisiting Proportionality Analysis and the Standard of Review in Investor-State Arbitration' (2012) 15 *Journal of International Economic Law* 223
- I) Prabhash Ranjan, 'Using Public Law Concept of Proportionality to Balance Investment Protection with Regulation in International Investment Law: A Critical Appraisal' (2014) 3 *Cambridge Journal of International and Comparative Law* 853.
- J) Prabhash Ranjan and Pushkar Anand (2016) 'Determination of Indirect Expropriation and Doctrine of Police Power in International Investment Law: A Critical Appraisal' in Leila Choukroune (ed.) *Judging the State in International Trade and Investment Law* (Springer 2016), 127-151
- K) W Burke-White and Andreas von Staden, "Investment Protection in Extraordinary Times: The Interpretation and Application of Non-Precluded Measures Provisions

- in Bilateral Investment Treaties” (2008) 48 Virginia Journal of International Law 314
- L) J Kurtz, ‘Adjudging the Exceptional at International Law: Security, Public Order and Financial Crisis’ (2010) 59 International and Comparative Law Quarterly 325
- M) Prabhash Ranjan, ‘Protecting Security Interests in International Investment Law’ in Mary Footer, Julia Schmidt and Nigel D White (eds) *Security and International Law* (Hart Publishing: Oxford: 2016), 273-300
- N) Julie A Maupin, ‘Transparency in International Investment Law: The Good, the Bad, and the Murky’, Andrea Bianchi and Anne Peters, eds, *Transparency in International Law* (Cambridge 2013)
- O) Nathalie Bernasconi-Osterwalder and Martin Dietrich Brauch, ‘Is “Moonlighting” a Problem? The role of ICJ judges in ISDS’, <http://www.iisd.org/sites/default/files/publications/icj-judges-isds-commentary.pdf>
- P) Valentina S. Vadi, ‘When Cultures Collide: Foreign Direct Investment, Natural Resources, and Indigenous Heritage in International Investment Law’ (2011) 42 Columbia Human Rights Law Review 797
- Q) The Double Life of International Law: Indigenous Peoples and Extractive Industries, 2015-2016 129 Harvard Law Review 1755
- R) Christoph Schreuer, ‘The Protection of Investments in Armed Conflicts’ in Freya Baetens, *Investment Law within International Law – Integrationist Perspectives* (Cambridge 2013)
- S) Prabhash Ranjan, ‘India and Bilateral Investment Treaties – A Changing Landscape’, 29 (2) ICSID Review – Foreign Investment Law Journal (Oxford University Press) (2014) 419-450
- T) Prabhash Ranjan and Pushkar Anand, ‘The 2016 Indian Model Bilateral Investment Treaty: A Critical Deconstruction’ (2017) Northwestern Journal of International Law and Business, Vol. 38(1) 1-55
- U) Prabhash Ranjan and Pushkar Anand, ‘Investor State Dispute Settlement in the 2016 Indian Model Bilateral Investment Treaty: Does It Go Too Far?’ in Julien Chaisse and Luke Nottage (eds.) *International Investment Treaties and Arbitration Across Asia*, (Brill Nijhoff, Leiden/Boston 2018)
- V) Prabhash Ranjan and Deepak Raju, ‘Bilateral Investment Treaties and Indian Judiciary’ (2014) 4 The George Washington International Law Review 809-847

### **Compulsory Cases**

- 1) Fedax v. Venezuela, 37 ILM 1378 (1998)
- 2) Salini v Morocco, Decision on Jurisdiction, 23 July 2001, 6 ICSID Reports 400
- 3) Malaysian Historical Slavors v Malaysia, Decision on Annulment, 16 April 2009
- 4) Saipem Spa v The People’s Republic of Bangladesh, ICSID Case No ARB/05/07 (Decision on Jurisdiction)
- 5) White Industries Australia Limited v Republic of India, Final Award UNCITRAL (30 November 2011)

- 6) Petrobart Limited v Kyrgyzstan (Award) SCC Case No 126/2003 (29 March 2005)
- 7) AMTO LLC v Ukraine (Final Award), SCC Case No 080/2005 (26 March 2008)
- 8) Maffezini v. Spain, ICSID Case No. ARB/97/7. Decision on Jurisdiction, 25 January 2000
- 9) Camuzzi International S.A. v. The Argentine Republic, ICISD Case No ARB/03/02
- 10) Siemens AG v. Argentina, 44 ILM 138 (2005)
- 11) Plama Consortium Limited v. Bulgaria, 44 ILM 721 (2005)
- 12) TECMED v. Mexico, 23 ILM 133 (2004)
- 13) CMS Gas Transmission Co v Argentina, ICISD Case No ARB/01/8
- 14) Enron Corporation v Argentina, ICSID Case No ARB/01/3
- 15) Enron Creditors Recovery Corp v Argentina ICSID Case No ARB/01/3 (Annulment Proceeding)
- 16) Sempra Energy International v Argentina, ICSID Case No ARB/02/16
- 17) Sempra Energy International v Argentina, ICSID Case No ARB/02/16 (Annulment Proceedings)
- 18) LG&E Energy Corporation v Argentina, ICISD Case No ARB/02/1
- 19) Continental Casualty Company v Argentina, ICSID Case No ARB/03/9
- 20) Methanex v United States (Final Award), UNCITRAL-NAFTA, 3 August 2005
- 21) SD Myers v. Canada, 40 ILM 1408 (2001)
- 22) Metalclad v. Mexico ICSID Case No ARB (AF)/97/1
- 23) Santa Elena SA v. Costa Rica, ICSID Case No. ARB/96/1 Award
- 24) Methanex v United States (Final Award), UNCITRAL-NAFTA, 3 August 2005
- 25) TECMED v Mexico, Award, 29 May 2003, 10 ICSID Reports 134
- 26) ADC Affiliate Ltd v Republic of Hungary, ICSID Case No ARB/03/16, 2 October 2006
- 27) El Paso v Argentina, ICSID Case No. ARB/03/15, 31 October 2011
- 28) Total SA v Argentina, ICSID Case No. ARB/04/01, 27 December 2010
- 29) Philip Morris v Uruguay, ICSID Case No. ARB/10/7, 8 July 2016
- 30) Eli Lilly v. Canada, NAFTA-UNCITRAL (2017)
- 31) CMS Gas Transmission Co v Argentina, ICISD Case No ARB/01/8;
- 32) Enron Corporation v Argentina, ICSID Case No ARB/01/3;
- 33) Enron Creditors Recovery Corp v Argentina ICSID Case No ARB/01/3 (Annulment Proceeding);
- 34) Sempra Energy International v Argentina, ICSID Case No ARB/02/16;

35) *Sempra Energy International v Argentina*, ICSID Case No ARB/02/16 (Annulment Proceedings);

36) *LG&E Energy Corporation v Argentina*, ICISD Case No ARB/02/1;

37) *Continental Casualty Company v Argentina*, ICSID Case No ARB/03/9.

**Teaching Plan:**

**Week 1:** Topic 1

**Week 2 & 3** – Topic 2

**Week 4 & 5**– Topic 3

**Week 6 & 7** – Topic 4

**Week 8 & 9** – Topic 5

**Week 10 & 11** – Topic 6

**Week 12 & 13** – Topic 7

**Week 13 & 14** – Topic 8 & 9

**Week 15** – Topic 9 & 10

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1	Understand and explain the elements of BITs and the policy considerations underlying the formation of such treaties	The teaching shall happen through lectures, and class presentations on investment arbitration cases.	As given below.
2	Apply the knowledge of the issues arising out of international investment agreements in front of the municipal courts of law.	The teaching shall happen through lectures, and class presentations on investment arbitration cases.	As given below.
3	Represent their clients – foreign investors/host States in international arbitrations involving issues of international investment law.	The teaching shall happen through lectures, and class presentations on investment arbitration cases.	As given below.
4	Provide legal opinions on the issues involving international investment law either the private foreign investors or the host States.	The teaching shall happen through lectures, and class presentations on investment arbitration cases.	As given below.
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.	The teaching shall happen through lectures, and class presentations on investment arbitration cases.	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.
- 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
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**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 presentations/assignments/field visit reports/MCQ worth 20 marks. 5 marks will be given for attendance as mentioned above.
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**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 - VI

#### Course Name- Competition Law

#### Course Code- LB-EC-606

**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. 8<sup>th</sup> ed. Oxford University Press
2. Furse, Mark, (2008). Competition Law of the EC and UK. 6<sup>th</sup> 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. 3<sup>rd</sup>ed., Oxford University Press
5. Ezrachi Ariel (2018). EU Competition Law: An Analytical Guide to the Leading Cases, 6<sup>th</sup> 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

**Case Study :**

8. BrahmDuttv. Union of India, AIR 2005 SC 730
9. CCI v. Steel Authority of India Ltd. &Anr, (2010) 10SCC 744
10. Excel Crop Care Ltd. v. CCI, [(2017) 8 SCC 47]

11. Builders Association of India v. Cement Manufacturers, Case No. 29/2010, CCI
12. All India Tyres Dealers Federation v. Tyres Manufacturers, 2013 COMP LR 92 (CCI)
13. Exclusive Motors Pvt. Ltd v. Automobile Lamborghini SPA, Case No. 52/2012, CCI
14. Express Industry Council of India v. Jet Airways Ltd & Ors., Case No. 30/2013, CCI
15. Glycols Limited Vs. Indian Sugar Mills Association & Ors. Order passed on 18/09/2018.
16. Shamsher Kataria v. Honda Siel Cars India Ltd., 2014 Comp LR 1 (CCI)
17. Belaire Apartment Owners' Association v. DLF Ltd & HUDA, 2011 Comp LR 0239(CCI)
18. Jagmohan Chhabra And Shalini Chhabra v. Unitech, 2011 Comp LR 31 (CCI)
19. Surinder Singh v. Board of Control for Cricket in India, [2013] 113CLA579(CCI)
20. National Stock Exchange Ltd. v. MCX Stock Exchange 2014 Comp LR 304 (CompAT)
21. Indian Trade Promotion Organisation v. CCI & Ors, CompAT Decision.
22. Fast Track Call Cab Pvt. Ltd. & Meru Travel Solutions Pvt. Ltd. v. ANI Technologies Pvt. Ltd., CCI, Case No. 6 & 74 of 2015
23. Ajay Devgn Films Informant v. Yash Raj Films Private Limited & Others.CCI
24. Matrimony.com Limited Vs. Google LLC & Others (30/2012) Consumer Unity & Trust Society (CUTS) Vs. Google LLC & Others Order passed on (31/01/2018)
25. Etihad Airways and Jet Airways Combination Order, CCI
26. Sun Pharma and Ranbaxy Combination Order, CCI
27. PVR and DT Cinemas Combination Order, CCI
28. Vodafone India and Idea Cellular Ltd. Combination Order, CCI (3/10/2017)
29. Wal-Mart International Holdings, Inc. and Flipkart Private Limited Combination Order, CCI (08/08/2018)
30. Google Inc. & Ors v. Competition Commission of India & Anr., [2015] 127CLA367(Delhi)
31. Suo Moto Case No. 03 of 2014, Cartelization in respect of tenders floated by Indian Railways for supply of Brushless DC Fans and other electrical items. Order passed on (18/01/2017)
32. Suo Motu Case No. 02 of 2013, Cartelisation by broadcasting service providers by rigging the bidsubmitted in response to the tenders floated by Sports Broadcasters. Order passed on (11/07/2018)
33. Telefonaktiebolaget LM Ericsson (PUBL) v. Competition Commission of India & Anr. [Writ Petition (Civil) No. 464/2014]

**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

### **Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Students will understand the paradigmatic shift from MRTP regime to current competition law regime in India. Also students will develop a basic knowledge regarding competition law and competition policy.	A mix of lectures, case study method, and discussion.	As given below.
2.	Students will be able to identify anticompetitive agreements, which covers horizontal as well as vertical agreements. Student will also evaluate the facts of complex legal problem involved in Cartels and the treatments given to them with the help of decided cases.	A mix of lectures, case study method, and discussion.	As given below.
3.	Students will understand the provision related to abuse of dominance in India and also ascertain the different forms of abuses by a dominant enterprise, which the Competition Act frowns upon.	A mix of lectures, case study method, and discussion.	As given below.
4.	Students will be able to be familiar with regulation of combination and can easily elucidate upon the financial thresholds, notification requirements and various procedural aspects for getting regulatory approvals from CCI.	A mix of lectures, case study method, and discussion.	As given below.
5.	Student will be able to demonstrate the jurisdiction, role and responsibilities of regulatory bodies under the Competition Act, 2002.	A mix of lectures, case study method, and discussion.	As given below.
6.	Students will be able to ascertain the complex interface an overlap between the competition commission and the sectoral regulators also able to discuss the issues with respect to the relationship between competition policy and IPRs.	A mix of lectures, case study method, and discussion.	As given below.
7.	Students will be able to discuss about internationalization of Competition law with special reference to EU and US.	A mix of lectures, case study method, and discussion.	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.
- 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

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.

**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 - 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, Kluwar 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 INFORMATION TECHNOLOGY, 6TH EDITION, Oxford University Press, NY, (2007); Chapter 10 – PRIVACY AND DATA PROTECTION, 10.3.3, page 479
4. Christopher Kuner, "DEVELOPING AN ADEQUATE LEGAL FRAMEWORK FOR INTERNATIONAL DATA TRANSFERS", in Serge Gutwirth et al. (eds), REINVENTING DATA PROTECTION? (Springer 2009).
  5. Christopher Kuner, TRANSBORDER DATA FLOWS AND DATA PRIVACY LAW 3-22 (2013) COMPUTERWORLD
  6. Gerd Leonhard's, "TECHNOLOGY VS. HUMANITY" is a classic work to be referred.
  7. Glenn Greenwald, NO PLACE TO HIDE: EDWARD SNOWDEN, THE NSA AND THE SURVEILLANCE STATE, (2008)
  8. Jean Slemmons Stratford & Juri Stratford , 'DATA PROTECTION AND PRIVACY IN UNITED STATES AND EUROPE', 21 May, 2001 (Available At [Http://Www.Iassist.Com/Quart\\_Docs/2001.Pdf](Http://Www.Iassist.Com/Quart_Docs/2001.Pdf))
  9. Lothar Determann, Determann's, FIELD GUIDE TO INTERNATIONAL DATA PRIVACY LAW COMPLIANCE 25-47 (2012).
  10. Monika Kuschewsky Van Bael & Bellis, DATA PROTECTION AND PRIVACY 226 (2012)
  11. Pavan Duggal, LAW OF BUSINESS PROCESS OUTSOURCING, 8, Saakshar Law Publications (2004)
  12. Peter Carey, DATA PROTECTION, 2nd Edition, (Oxford University Press), 2004; Chapter 6, DATA EXPORTS, page 116.
  13. Peter Carey, DATA PROTECTION: A PRATICAL GUIDE TO UK AND EU LAW 25 (2009)
  14. Reed, Chris and Angel, John (ed.); COMPUTER LAW: THE LAW AND REGULATION OF INFORMATION TECHNOLOGY, 6th Ed, Oxford University Press, N.Y., 2007
  15. Ritting House W. John and Hancock M. William, CYBERSECURITY OPERATIONS HANDBOOK, ELSEVIER DIGITAL PRESS, USA, (2003), 525, 538.
  16. Rowland, Daine and Macdonald, Elizabeth; INFORMATION TECHNOLOGY LAW, 2nd Ed, Cavendish Publishing Ltd, London, (2000) Chapter 1, HISTORY OF THE LAW AND INTRODUCTION TO TERMINOLOGY, pages 2-5.

**Articles (Illustrative)**

1. Adam Segal, *The Hacked World Order: How Nations Frigate, Trade, Maneuver, And Manipulate In The Digital Age* (Public Affairs 2016)
2. Arvind Narayanan and Vitaly Shmatikov, *Robust De-anonymization of Large Datasets (How to Break Anonymity of the Netflix Prize Dataset)*, The University of Texas at Austin, Available at: <https://arxiv.org/pdf/cs/0610105.pdf>
3. Bajaj, Kamlesh; *Stringent Data Protection Law to help maintain lead in IT sector*, The Wall Street Journal.
4. Bertram, Bryan; *Building Fortress India: Should a Federal Law be Constituted to govern the US and India Transborder Data Processing*, 29 B. C. INT'L & COMP.L. REV. 245, 2006.
5. Bryan Bertram, *Building Fortress India: Should a Federal Law be created to address Privacy concerns in the United States-Indian Business Process Outsourcing Relationship?* [2006], 29 B.C. INT'L & COMP. L. REV. 245
6. Bryan Clark, *Comcast: ISPs Should Be Able to Sell Web History To Advertisers*, The Next Web (Accessed 5-08-2016)
7. Dam, Shubhankar; *Remedying Technical Challenge in the Outsourcing of Personal Data*, 15 ALB. L. J. SCI & TECH. 337, 2005, February, 18, 2009
8. David Nield, *You Can Now Check How Healthy Your Sperm is Using Your Smartphone: The Ultimate Selfie*, Science Alert
9. Doe v. Netflix, Available at;  
[https://www.wired.com/images\\_blogs/threatlevel/2009/12/doe-v-netflix.pdf](https://www.wired.com/images_blogs/threatlevel/2009/12/doe-v-netflix.pdf)
11. Fiona Macdonald, *This \$34 Dollar Smartphone Accessory Diagnoses HIV in Fifteen Minutes*, Science Alert
12. Foivi Mouzakiti, *Transborder Data Flows 2.0: Mending the Holes of the Data Protection Directive*, p. 41, 1 Eur. Data Prot. L. Rev. 39 2015
13. Forbes.com, *India Controls 44 Percent of Outsourcing* (June 12, 2005),
14. Franziska Boehm, *Assessing the New Instruments in EU-US Data Protection Law for Law Enforcement and Surveillance Purposes*, Eur. Data Prot. L. Rev. 178 2016. Franziska Boehm is a law professor at the Karlsruhe Institute of Technology and the Leibniz Institute for Information Infrastructure.
15. Gartner, leading research firm rated India as the undisputed leader in the world in offshore business
16. George, Barbara Crutchfield and Gaut, Deborah Roach: *Offshore Outsourcing to India by US and EU Companies*, 6 U.C. DAVIS BUS. L.J. 13 (2006),
17. Gloria Gonzalez Fuster, *Fighting For Your Right to What Exactly? The Convoluted Case Law of The EU Court Of Justice On Privacy and/or Personal Data Protection*, 2 Birkbeck L. Rev. 263 2014

18. Gloria GonzdlezFuster, *Un mapping Personal Data Transfers*, 2 Eur. Data Prot. L. Rev. 160 2016, page 6, “Safe harbor” by US and lately “privacy shield” aretwo most pertinent examples of EU inquisitiveness in ensuring the protection of data being transferred to other nations.
19. Graham Greenleaf, *The Influence of European Data Privacy Standards Outside Europe: Implications for Globalization of Convention 108*, 2 Int'l Data Privacy L. 68, 77 (2012).
20. Hall. S. Timothy, *The Quantified Self Movement: Legal Challenges and Benefitsof Personal Biometric Data Tracking*, 7 Akron Intell. Prop. J. 27 2014-2015.
21. Henry v Forbes, 1976, As reported at "Electronic Privacy and Information Center: Choicepoint"(EPIC)
23. Hon’ble Justice Sinha, S.B.: *Outsourcing – a Strategic Move*,THE JOURNAL OF NATIONAL LAW UNIVERSITY, JODHPUR, Vol. 4, No. 1&2, Nov 2006, Pages 1-25.
24. *Indian Law may Satisfy EU Data Protection Concerns*, Deccan Herald, October,10, 2006
25. Ira S. Rubinstein, *Big Data: The End of Privacy or a New Beginning?*, 3 International Data Privacy Law Journal, Oxford University Press,74, 2012
26. JoseyPuliyenthuruthel and David Rocks, *The Soft Underbelly of Offshoring*, Bus.Wk. Online
27. Julia M. Fromholz, *The European Union Data Privacy Directive*, 15 Berkeley Tech. L.J. 471, 472 (2000); As referred in Data Protection Directive.
28. Katharina Pistor&ChenggangXu in *Beyond Law Enforcement: Governing Financial Markets in China and Russia*, in Building a Trustworthy State: Problems of Post-Socialist transition 167, 176(Janos Kornai et al. eds., 2004).
29. Kobayashi, Mark and Hillary; *Data Theft Scandal– What can we Learn from India*, November, 22, 2006
30. Kunbei Zhang, *Incomplete Data Protection Law*, 15 German L.J. 1071 201

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
I	<ul style="list-style-type: none"> <li>▪ Familiarising Students to the interface of law, science and technology</li> <li>▪ Introducing students to philosophy underlying the subject</li> <li>▪ Intrduction to policy issues.</li> </ul>	The teaching shall happen through lectures, and class presentations.	As given below.
II	<ul style="list-style-type: none"> <li>▪ Students shall be able to discern the Nature and potential of Exponential</li> </ul>	The teaching shall happen through	As given below.

	Technologies with examples of the newest technologies changing the world.	lectures, and class presentations	
III	<ul style="list-style-type: none"> <li>▪ Students shall learn the the functioning of 3D Printers and the related challenges of IPRs</li> </ul>	The teaching shall happen through lectures, and class presentations	As given below.
IV	<ul style="list-style-type: none"> <li>▪ Big data and its importance</li> <li>▪ Legal Issues with the case vignette</li> </ul>	The teaching shall happen through lectures, and class presentations.	As given below.
V	<ul style="list-style-type: none"> <li>▪ Artificial Intelligence: Definition, Scope and Contemporary relevance</li> <li>▪ AI and IP Inteface</li> <li>▪ AI and Ethics</li> </ul>	The teaching shall happen through lectures, and class presentations.	As given below.
VI	<ul style="list-style-type: none"> <li>▪ Niceties of Advanced Robotics</li> <li>▪ Human Rights of Robots through Videos</li> </ul>	The teaching shall happen through lectures, and class presentations.	As given below.
VII	<ul style="list-style-type: none"> <li>▪ Law Relating to Virtual and Augmented Reality</li> <li>▪ Virtual Reality: Definition and legal issues</li> <li>▪ Augmented Reality: Definition and legal issues</li> </ul>	The teaching shall happen through lectures, and class presentations.	As given below.
VIII	<ul style="list-style-type: none"> <li>▪ Students shall discern the Importance of Health Laws</li> <li>▪ Biotechnology &amp; Contemporary Law</li> <li>▪ Health Law in India and Policy</li> </ul>	The teaching shall happen through lectures, and class presentations.	As given below.
IX	<ul style="list-style-type: none"> <li>▪ Students shall appreciate the issues pertaining to Nano-Technology &amp; Contemporary Law</li> </ul>	The teaching shall happen through lectures, and class presentations.	As given below.
X	<ul style="list-style-type: none"> <li>▪ Electronic Revolution, dilemmas of Legal Control</li> <li>▪ Civil Liberties in digital ag</li> <li>▪ Challenge to Validity of certain Provision</li> <li>▪ Intermediary Liability and IP interfac</li> <li>▪ IP issues of contemporary relevance</li> </ul>	The teaching shall happen through lectures, and class presentations.	As given below.
XI	<ul style="list-style-type: none"> <li>▪ Data Security/Information Assurance</li> <li>▪ Data/Information: Definition and Nature</li> <li>▪ Comparative Study of U.S., U.K. and</li> </ul>	The teaching shall happen through lectures, and class presentations.	As given below.

	Europe <ul style="list-style-type: none"><li>▪ Law in India</li><li>▪ GDPR and Challenges</li><li>▪ Case Vignette</li></ul>		
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**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.

## 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:**

Kalapana 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).

Alison Jagar —*Introduction: Living with Contradictions: Controversies in Feminist Social Ethics* (1994) Westview Press

Heywood, —*Feminism in Political Ideology: An Introduction* pp. 252-265 (2004) Palgrave McMillan.

Rosemarie Tong: *Thought –A Comprehensive Introduction*.

Race and Essentialism in Feminist Legal Theory Author(s): Angela P. Harris Source: *Stanford Law Review*, Vol. 42, No. 3 (Feb., 1990), pp. 581-616 Published by: *Stanford Law Review*

I Am/I Am Not: On Angela Harris's "Race and Essentialism in Feminist Legal Theory"

Author(s): Mary Anne Franks Source: California Law Review, Vol. 102, No. 4 (August 2014), pp. 1053-1067

**Teaching Plan:**

**Weeks 1-2: Introduction**

**Weeks 3-4: Liberal Feminism**

**Weeks 5-6: Socialist Feminism**

**Weeks 7-8: Radical Feminism**

**Weeks 9-10: Post Modern Feminism**

**Week 11: Women's movements in India**

**Weeks 12-15 – Contemporary debates**

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Analyse the mutual rights and corresponding duties towards women.	Lecture, experiential learning, students presentations	As given below.
2.	Comprehend the various feminist approaches underlying the specific laws, with the help of judicial precedents and scholarly writings.	Lectures, Group work, students presentations	As given below.
3.	Recall the various statutory institutions working towards ameliorating the status of women and also empowering them.	Discussions, experience sharing, student presentations, field visits, multi-media clips	As given below.

**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.

## 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)

**Cases:**

- Kalicharan Mahapatra v. State of Orissa*, AIR 1998 SC 2595.
- Kanwarjit Singh Kakkar v. State of Punjab*, (2011) 6 S.C.R. 895.
- Abhay Singh Chautala v. C.B.I.*, (2011) 7 SCC 141.

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 (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)

**Cases:**

*Ram Jethmalani v. Union of India*, (2011) 9 SCC 761.

*Binod Kumar v. State of Jharkhand & Ors*, (2011) 11 SCC 463.

*B. Ramaraju v. Union of India*, W.P. No. 10765 of High Court of A.P. 2011 (164) Company Case.

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)

**Cases:**

*Harjit Singh v. State of Punjab* (2011) 4 SCC 441.

*Indian Harm Reduction Network v. Union of India*, 2012 Bom CR (Cri) 121

*Karnail Singh v. State of Haryana*, (2009) 8 SCC 539

*Vijaysinh Chandubha Jadeja v. State of Gujrat*, (2011) 1 SCC 609

*Uninon of India v. Mohanlal & Anr.*, (2016) 3 SCC 379

*Naresh Kumar @ Nitu v. State of Himachal Pradesh*, Criminal Appeal No. 1053 of 2016

Prescribed Readings:

Mahesh Chandra, *Socio- Economic Offences* (1979)

J.S.P. Singh, *Socio- Economic Offences* (1<sup>st</sup> Ed., 2005, Reprint 2015)

Ahmed Siddiqui, *Criminology: Problems and Perspectives* (4th Ed., 1997)

Relevant Provisions of Universal Declaration on Human Rights, 1948

UN Convention against Corruption, 2003

Seth and Capoor, *Prevention of Corruption Act with a treatise on Anti- Corruption Laws* (3<sup>rd</sup> Ed., 2000)

Santhanam Committee Report on Prevention of Corruption in Central Government (1964)

Upendra Baxi, *Liberty and Corruption Antulay Case and Beyond* (1989)

UN Political Declaration & Action Plan against Money Laundering 1998

Bhure Lal, *Money-Laundering: An Insight into the Dark World of Financial Frauds* (2003)

Pillai & Julian, Ed. *Prevention of Money Laundering Legal and Financial Issues* (2008)

M. C. Mehanathan, *Law on Prevention of Money Laundering in India* (2014)

Arun Kumar, *The Black Economy in India* (2014)

UN Convention against Illicit Traffic in Narcotic Drugs & Psychotropic Substances, 1988

G. S. Tiwari, *Drugs Trade and Terrorism: An Assault on Human Right*, Vol. 45, Journal of Indian Law Institute, 2003, pp. 25-37.

Dr. J. N. Barowalia, *Commentary on the Narcotics Drugs and Psychotropic Substances Act, 1985*, 2nd Edition, 2004.

*Loopholes in the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985*, SSRN – id2021750 NDPS Act. PDF

Facilitating the achievement of Course Learning Outcomes

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Acquire knowledge about a new kind of criminality, its history and evolution, its nature and basic concepts, its difference from other kinds of criminalities, and also about the need, purpose and urgency of enacting these laws.	Primarily classroom Lectures about the theoretical part of the topic.	As given below.
2.	Acquire knowledge about the law on prevention of corruption in India with international perspective and developments, its legal mechanism including investigation, trial and enforcement procedure. Further, acquire the skill to apply the provisions of this law in legal problems.	Primarily Classroom Lectures discussing relevant Legal Statutes and Landmark Cases sometimes by using Moot Court Techniques emphasising on latest developments in law. Participatory Methods. Discussion on current developments, on relevant news items from media, on Law Reports and on Statistics from other Reports.	As given below.
3.	Acquire knowledge about the law on prevention of money laundering in India with international perspective and developments, its legal mechanism including investigation, trial and enforcement procedure. Further, acquire	Primarily Classroom Lectures discussing relevant Legal Statutes and Landmark Cases sometimes by using Moot Court Techniques emphasising on latest	As given below.

	the skill to apply the provisions of this law in legal problems.	developments in law. Participatory Methods. Discussion on current developments, on relevant news items from media, on Law Reports and on Statistics from other Reports.	
4.	Acquire knowledge about the law on narcotic drugs and psychotropic substances in India with international perspective and developments, its legal mechanism including investigation, trial and enforcement procedure. Further, acquire the skill to apply the provisions of this law in legal problems.	Primarily Classroom Lectures discussing relevant Legal Statutes and Landmark Cases sometimes by using Moot Court Techniques emphasising on latest developments in law. Participatory Methods. Discussion on current developments, on relevant news items from media, on Law Reports and on Statistics from other Reports.	As given below.

**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.



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

### Semester - III

#### Course Name-Carriage by Land, Sea, Air and Law Relating to Motor Vehicles

#### Course Code- LB-OE-304

**Credits – 2**

**Total Classes 30**

**Target group:** Students of Law, commerce, personnel of traffic police

#### Background

In the age of Globalization, privatization and liberalization businesses are significantly dependent on transportation. Transportation these days has become one of the crucial game changer in the field of business. Therefore for the growth of any country and economy Law of Carriage has become one of the most important instruments in present International perspective.

#### Course Objectives

- To understand the concept of Law of Carriage by Sea, Air, Road , Railway
- To study the provisions of Law of Carriage in different modes
- To provide insight into the applicability of other laws to Carriage and Motor Accident Claim Cases

#### 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

- The provisions of the Law of Carriage in relation to e-commerce, e-governance and in global arena
- The application of other laws viz. jurisdiction, contract
- Synthesis of case laws, identification of issues, applicability of relevant provisions and critical analysis of the judicial decisions with reference to the Law of Carriage
- 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 30 hours**

**Unit 1- The Carriers Act, 1865 (Sections 1 to 11)**

**5 hour**

**The Act deals with the regulations of common carriers, limiting their liability and declarations of values of goods delivered to them to determine their liability for loss or damage to such goods due to the negligence or criminal acts carried out by themselves, their servants or agents.**

Common Carrier- Definition, Rights and Liabilities of Common Carrier

1.	<i>The River Steam Navigation Co. Vs. S.S. Tea Co., Ltd.</i> AIR 1962 SC 1276
2.	<i>R.R.N. Ramalinga Nadar Vs. Respondent: V.N Reddiar</i> AIR 1971 Ker 197

**Unit 2 The Carriage by Air Act, 1972 5 hour**

**The Carriage by Air Act 1961 was an Act of the parliament of the UK that brought the Amendment 1955 Warsaw Convention into British Law repealing the Carriage by Air Act 1932 which gives the original Convention 1929 effect.**

(Warsaw Convention 1929; Hague Protocol, 1955; Schedules 1 and 2 of the Act)

Documents of Air Carriage; Liability of Air Carriers for carriage of goods, passengers and personal luggage.

3.	<i>Agarwalla Air Transport Vs Md. Nasratulla and Another</i> AIR 1959 Cal 755
4.	<i>Vij Sales Corporation Vs Lufthansa, German Airlines</i> AIR 2000 Del. 220

**Unit 3 Railways Act, 1989 5 hour**

**Rail transportation is one of the most commonly, important and very cost effective modes of commuting and goods carriage over long as well as short distance, therefore law relating to rail should be promoted in present perspective.**

(Sections 61 to 87, 92 to 112 and 123 to 129) Documents of Rail carriage, Provision of risk rate, General responsibility of Railway as carrier of goods, Liability of railway in case of death or injury to passengers due to rail accidents)

5.	<i>Union of India Vs Sunil Kumar Ghosh, AIR 1984 SC 1737</i>
6.	<i>Rathi Menon Vs Union of India, AIR 2001 SC 1333</i>
7.	<i>Union of India Vs K Parvathamma, AIR 2005 AP 106</i>
8.	<i>Smt. Bhagwani Giri Vs Union of India, AIR 2005 Raj. 54</i>

**Unit 4 Carriage of Goods by Sea Act, 1925 6 hour**

**The Law of Carriage of goods by Sea is a body of law that governs the rights and duties of Shippers, Carriers and Consignees of Marine cargo. Primarily concerned with cargo claims, this body of law is an aspect of international commercial law and maritime law.**

**Following are the international rules**

**1- Hague Rules**

**2- In 2008 the final text of the Rotterdam Rules was agreed at UNCITRAL**

**3- Harter Act USA**

(Contract of Affreightment, Charterparty and Bill of Lading, Implied Conditions of Contract of Affreightment, Legal Incidents of Bill of Lading)



9. *Asiatic Steam Navigation Co.Ltd. Vs Jethanlal Dharamshi & Co. AIR 1959*

Cal.479
10. <i>The Mogu Liner Ltd. Vs Manipal Printers and Publishers Pvt.Ltd, AIR 1991</i>
Ker. 183

**Unit 5 Law Relating to Motor Vehicles (The Motor Vehicles Act, 1988)**

**Motor Vehicle Act is playing a pivotal role in stiffer penalties for varied traffic offences and it is increasing in the cap of insurance cover for specific accident type. This Act should be read by every common people so that they should aware of their basic rights.**

**Unit 5 Part A No Fault Liability** ( Sections 140 to 144 of the MV Act, 1988) 3 hour

11.	<i>Shivaji Dayanu Patil Vs Vatschala Uttam More, AIR 1991 SC 1769</i>
12.	<i>Sohan Lal Passi Vs P. Sesh Reddy (1996) 5 SCC 21</i>
13.	<i>Oriental Insurance Co. Ltd, Pollachi Vs Santha, AIR 2000 Ker 49</i>
14.	<i>Shamina Begum Vs Rajendra Waghmare, AIR 2000 MP 22</i>

**Unit 5 Part B- Insurance of Motor Vehicles Against Third Party**

**Risk**

(Sections 145 to 160 of MV Act, 1988)

2 hour

15.	<i>Oriental Insurance Co. Ltd. Vs Sunitha Rani, (1998) 1 SCC 365</i>
16.	<i>New India Assurance Co. Vs Satpal Singh, (2000) SCC 237</i>
17.	<i>New India Assurance Co. Vs A SHA Rani, AIR 2003 SC 607</i>

**Unit 5 part C- Hit and Run Motor Accidents** (Sections 161 to 163 of

MV

Act, 1988),(Solatium Fund Scheme)

2 hour

**Unit 6 Procedure for Claiming Compensation in Motor Accident Cases**

(Sections

- 176 of MV Act, 1988)

1 hour

**Part A -Principles for Assessment of Just Compensation** (Annual Dependency Theory, Interest Theory and the Suitable Multiplier Method)

18.	<i>Lachman Singh Vs Gurmeet Kaur, AIR 1979 P&amp;H 50</i>
19.	<i>N.Sivammal Vs Managing Director, Pandian Roadways Corporation, AIR</i>

	1985 SC 106
20.	<i>U.P.S. R. T. Corporation Vs Trilok Chandra</i> , (1996) 4 SCC 362
21.	<i>General Manager, Kerala State Road Transport Corporation Vs Susamma Thomas</i> (1994) 2 SCC 176
22.	<i>General Manager, Punjab Roadways, Nagpal Depot Vs Santosh Chadha</i> , AIR 1997 HP 36
23.	<i>Nagappa Vs Gurdayal Singh</i> , AIR 2003 SC 674.
	<b><u>Part B ROLE OF ADR IN MOTOR ACCIDENT CASES</u> -1Hr</b>

**Books**

- **Singh Lachmi, The Law of Carriage of goods by sea, Bloomsbery publication.**
- **Messant Andrew, Contract for the International Carriage of Goods by Road. Informa law.**
- **T.G. Carver, Carriage by Sea.**
- **Saharay, H.K. The Law of Carriage of Goods.**
- **Singh Avatar, The Law of Carriage (Air, Land and Sea), Eastern Law House.**

**Facilitating the achievement of Course Learning Outcomes**

At the end of each unit the student is able to learn:

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	1.Laws which comprises of Carriage 2. Significance of Law of Carriage in the present day digital/ information driven society. 3. Requirement of Regulation of Law of Carriage Eg, Carrier Act.	<b>i) Classroom teaching</b>  <b>ii)Field visits</b>  <b>iii)Paper Presentations/Moot/workshops/Mock Trial</b>	<b>As given below.</b>
2.	1.The infrastructure required to facilitate E-commerce and E- governance in Carriage regulation. 2. Recognise the relevance of Carriage Law in present perspective. 3. Identifying the relevant provisions in relation to Law of Carriage by Air Act.		
3.	1. Understand the relevancy/ importance of protecting rights of different stakeholders is Railway Act 2. The legal provisions of enforcement mechanism under the Law of Carriage by Railway Act.		
4.	1.Changing dynamics in carriage by Sea Act. 2. Interface between different carriage and procedural laws and carriage of good by sea Act.		
5.	1. Legal provisions and cases in law relating to Motor		

	Vehicle Act.		
6.	Procedure for claiming compensation in Motor Vehicle Act.		

**Assessment of Students' Performance and Scheme of Examinations:**

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- 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
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**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.
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## 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.

## Lecture Plan

Modules	Title	Number of Lectures (32)
Module One	Introduction- Biotechnology and Law	5 Lectures
Module Two	Biotechnological inventions and Ethics	5 Lectures
Module Three	Patentability of Biotechnological Invention	5 Lectures
Module Four	Genetic Data and Law	5 Lectures
Module Five	Legal Framework of Biotechnological Invention	5 Lectures
Module Six	Biotechnological Invention and Human Rights	5 Lectures

### **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*

### **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*

**Suggested Readings:**

- **BOOK** - 1. Law Relating to Biotechnology: Sreenivasulu N.S. (OUP-ISBN 9780199467488)
- 2. Biotechnology and Intellectual Property Rights Kshitij Singh (Springer -ISBN 978-81-322-2059-6)
- 3. Intellectual Property and Biotechnology : Biological Inventions Mathew Rimmer. (EE ISBN: 9780857933706.)

➤ **Articles**

1. <http://www.jstor.org/stable/pdf/4235723.pdf?refreqid=excelsior%3A8de45e4b07c482981037538796650594>
2. [http://www.heinonline.org/HOL/PrintRequest?handle=hein.journals/berktech1&div=14&start\\_page=233&collection=journals&set\\_as\\_cursor=0&men\\_tab=srchresults&print=section&format=PDFsearchable&submit=Print%2FDownload](http://www.heinonline.org/HOL/PrintRequest?handle=hein.journals/berktech1&div=14&start_page=233&collection=journals&set_as_cursor=0&men_tab=srchresults&print=section&format=PDFsearchable&submit=Print%2FDownload)
3. [http://www.heinonline.org/HOL/PrintRequest?handle=hein.journals/brazint113&div=51&start\\_page=292&collection=journals&set\\_as\\_cursor=10&men\\_tab=srchresults&print=section&format=PDFsearchable&submit=Print%2FDownload](http://www.heinonline.org/HOL/PrintRequest?handle=hein.journals/brazint113&div=51&start_page=292&collection=journals&set_as_cursor=10&men_tab=srchresults&print=section&format=PDFsearchable&submit=Print%2FDownload)
4. [http://www.heinonline.org/HOL/Page?handle=hein.journals/cblrt8&div=23&start\\_page=365&collection=journals&set\\_as\\_cursor=17&men\\_tab=srchresults](http://www.heinonline.org/HOL/Page?handle=hein.journals/cblrt8&div=23&start_page=365&collection=journals&set_as_cursor=17&men_tab=srchresults)
5. [http://www.heinonline.org/HOL/Page?handle=hein.journals/saclj22&div=54&start\\_page=931&collection=journals&set\\_as\\_cursor=24&men\\_tab=srchresults](http://www.heinonline.org/HOL/Page?handle=hein.journals/saclj22&div=54&start_page=931&collection=journals&set_as_cursor=24&men_tab=srchresults)
6. [http://www.heinonline.org/HOL/Page?handle=hein.journals/plr2&div=9&start\\_page=57&collection=journals&set\\_as\\_cursor=30&men\\_tab=srchresults](http://www.heinonline.org/HOL/Page?handle=hein.journals/plr2&div=9&start_page=57&collection=journals&set_as_cursor=30&men_tab=srchresults)
7. [http://www.heinonline.org/HOL/Page?handle=hein.journals/ohslj75&div=44&start\\_page=1225&collection=journals&set\\_as\\_cursor=1&men\\_tab=srchresults](http://www.heinonline.org/HOL/Page?handle=hein.journals/ohslj75&div=44&start_page=1225&collection=journals&set_as_cursor=1&men_tab=srchresults)
8. <http://www.heinonline.org/HOL/PrintRequest?collection=journals&handle=hein.journals/medeth23&div=56&print=section&format=PDFsearchable&submit=Print%2FDownload&id=322>

**LAWS, REGULATIONS AND REPORT**

- a. TRIPS AGREEMENT
- b. EUROPEAN PATENT CONVENTION
- c. US PATENT ACT
- d. INDIAN PATENT ACT
- e. BIOTECHNOLOGICAL INVENTION GUIDELINES ISSUED BY MAJOR

PATENT OFFICES OF THE WORLD f. BIOETHICS COUNCIL ANNUAL REPORT g. DEPARTMENT OF BIOTECHNOLOGY, GOVERNMENT OF INDIA GUIDELINES
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**Teaching Plan:**

<b>WEEKS</b>	<b>MODULES</b>
<b>WEEK-1</b>	<b>MODULE -1</b> ➤ <i>Meaning of biotechnology</i> ➤ <i>First, Second and Third Generation Biotechnology</i> ➤ <i>Biotechnological innovations and emerging challenges</i>
<b>WEEK-2</b>	<b>MODULE -1</b> ➤ <i>Relationship between law and Biotechnology</i> <b>MODULE -2</b> ➤ <i>Ownership of human body, parts, life and biological processes</i> ➤ <i>Theological Perspective- Christian, Islamic and Hindu</i>
<b>WEEK-3</b>	<b>MODULE -2</b> ➤ <i>Ethical Perspective</i>
<b>WEEK-4</b>	<b>MODULE -3</b> ➤ <i>Patentability criteria</i>
<b>WEEK-5</b>	➤ <i>Non Patentable inventions</i>
<b>WEEK-6</b>	<b>MODULE -3</b> ➤ <i>Gene, Microorganism, plant and animal patentability</i>
<b>WEEK-7</b>	➤ <i>Genetically Modified Organism and plant</i>
<b>WEEK-8</b>	<b>MODULE -4</b> ➤ <i>Genetic material and Genetic Data</i> ➤ <i>Common heritage of mankind vs Private property</i>
<b>WEEK-9</b>	➤ <i>Privacy</i> ➤ <i>Genetic Discrimination</i>
<b>WEEK-10</b>	<b>MODULE -5</b> ➤ <i>TRIPS Agreement</i> ➤ <i>EPO Examination Guidelines</i>
<b>WEEK-11</b>	➤ <i>EU Directive</i>



	➤ <i>US PTO Examination Guideline</i>
<b>WEEK-12</b>	➤ <i>IPO Examination Guideline</i>
<b>WEEK-13</b>	➤ <i>IPO Examination Guideline</i> ➤ <i>Cartagena Protocol</i>
<b>WEEK-14</b>	<b>MODULE -6</b> <i>Human Dignity</i>
<b>WEEK-15</b>	➤ <i>Privacy</i> ➤ <i>Informed consent</i>

**Facilitating the achievement of Course Learning Outcomes**

<b>Unit No.</b>	<b>Course Learning Outcomes</b>	<b>Teaching and Learning Activity</b>	<b>Assessment Tasks</b>
1.	Students will be able to correlate law and biotechnology and how this relation affects the society at	Teaching and discussion	Presentation-Open access search for different types of biotechnological research and its legal implications and acceptance in different jurisdictions
2.	Students will be able to discuss a what are complex ethico-legal issues and challenges of biotechnological inventions	Teaching, discussion, Movie Clip discussion and case laws	Drafting a model ethical guidelines for India (Group Exercise)
3.	Students will be able to write and comment on different jurisdiction biotech-patent laws	Teaching Discussion, case laws and Class exercise	Preparation of Comparative Laws, case laws of EU, USA and India
4.	Students will be able to comprehend the importance of genetic material and relating data and privacy issues	Teaching Discussion and case laws	Group Research on Sub-topics of the module and presenting the outcomes
5.	Students will be able to analyse national and international laws relating to biotechnological invention	Discussion and interpretation of laws and application in case laws	Drafting a model International Agreement on Biotechnological Invention.
6.	Students will be able to discuss the human rights perspective of	Issue based Discussion,	Issue based group presentation

	Biotechnological inventions		
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**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.

## 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. Kalapana 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](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**

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Developing understanding and empathy	Brainstorming, hypotheticals, experiential learning, group work, lecture	As given below.
2.	Awareness about International developments	Lecture and student presentations	As given below.
3.	Sensitisation about impoverishment	Case studies, student presentations,	As given below.
4.	Awareness about health related issues	Group discussions, hypotheticals, student presentations	As given below.
5.	Learning about national laws and judicial decisions	Case method, student presentations	As given below.

**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.

## 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 64<sup>th</sup> report of the Law Commission of India, 1975

The Immoral Traffic (Prevention) Act, 1956

**Cases:**

*Vishal Jeet v. Union of India & Ors*, (1990) 3 SCC 318; AIR 1990 SC 1412

*Gaurav Jain v. Union of India & Ors*, 1997 (8) SCC 114

*Krishnamurthy @ Tailor Krishnan v. Public Prosecutor, Madras*, AIR 1967 SC 567; 1967 SCR (1) 586

*Chitan J. Vaswani & Anr v. State of West Bengal & Anr.*, AIR 1975 SC 2473; 1976 SCR (2) 300

*Vinod @ Vijay Bhagubhai Patel v. State of Gujarat*, R/CR.MA/8156/2017

**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)

**Cases:**

*Indra Sarma v. V.K.V. Sarma*, AIR 2014 SC 309; 2013 (14) SCALE 448.

*Hiral P. Harsora and Ors v. Kusum Narottamdas Harsora and Ors*, 2016 (10) SCC 165

*S.R. Batra and Anr. v. Smt. Taruna Batra*, (2007) 3 SCC 169.

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)

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)

**Cases:**

*State of Kerala & Anr v. Chandra Mohanan*, 2004 (1) SCR 1155.

*Asmathunnisa v. State of A.P & Anr*, (2011) 11 SCC 259.

*Vilas Pandurang Pawar v. State of Maharashtra*, AIR 2012 SC 3316.

*Dr. Subhash Kashinath Mahajan v. State of Maharashtra & Anr.*, Criminal Appeal No. 416 of 2018

Prescribed Readings:

Relevant Provisions of Universal Declaration on Human Rights, 1948

Mahesh Chandra, *Socio- Economic Offences* (1979)

J.S.P. Singh, *Socio- Economic Offences*, Allahabad Law Agency, (1<sup>st</sup> 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)* (4<sup>th</sup> Ed., 1988)

P.S. Narayan, *Commentary on Immoral Traffic Prevention Act, 1956* (2<sup>nd</sup> 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, (1<sup>st</sup>Ed., 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)

T.V. 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**

Facilitating the achievement of Course Learning Outcomes

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Inculcate in-depth knowledge of law relating to prostitution and trafficking in human beings, the related Constitutional provisions and the IPC provisions with international perspective and developments, its legal mechanism including investigation, trial and enforcement procedure. Further, acquire the skill to apply the provisions of this law in legal problems and also about the need, purpose and urgency of enacting this law. The students will also be sensitized towards the victims of these offences.	Primarily Classroom Lectures discussing relevant Legal Statutes and Landmark Cases sometimes by using Moot Court Techniques emphasising on latest developments in law.  Participatory Methods. Discussion on current developments, on relevant news items from media, on Law Reports and on Statistics from other Reports.	As given below.
2.	Acquire knowledge about the law on protection of women from domestic violence in India with international perspective and developments, its legal mechanism including investigation, trial and enforcement procedure. Further, acquire the skill to apply the provisions of this law in legal problems and	Primarily Classroom Lectures discussing relevant Legal Statutes and Landmark Cases sometimes by using Moot Court Techniques emphasising on latest developments in law.  Participatory Methods. Discussion on current developments, on relevant news items from media, on Law Reports and on Statistics from other Reports.	As given below.

	also about the need, purpose and urgency of enacting this law. The students will also be sensitized towards the victims of these offences.		
3.	Inculcate in-depth knowledge of law relating to protection of civil rights of the disadvantaged people especially people belong to scheduled castes and the related Constitutional provisions with some Reports, its legal mechanism including investigation, trial and enforcement procedure. Further, acquire the skill to apply the provisions of this law in legal problems and also about the need, purpose and urgency of enacting this law. The students will also be sensitized towards the victims of these offences.	Primarily Classroom Lectures discussing relevant Legal Statutes and Landmark Cases sometimes by using Moot Court Techniques emphasising on latest developments in law.  Participatory Methods. Discussion on current developments, on relevant news items from media, on Law Reports and on Statistics from other Reports.	As given below.
4.	Inculcate in-depth knowledge of law relating to prevention of atrocities against the disadvantaged people especially people belong to scheduled castes and scheduled tribes with different amendments, its legal mechanism including investigation, trial and enforcement procedure. Further, acquire the skill to apply the provisions of this law in legal problems and also about the need, purpose and urgency of enacting this law. The students will also be sensitized towards the victims of these offences.	Primarily Classroom Lectures discussing relevant Legal Statutes and Landmark Cases sometimes by using Moot Court Techniques emphasising on latest developments in law.  Participatory Methods. Discussion on current developments, on relevant news items from media, on Law Reports and on Statistics from other Reports.	As given below.

**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

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- 96%-100 attendance 5 Marks

**Open Elective Courses (40 Marks, 2 credits)**

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**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- 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.

#### **1.1 PHILOSOPHY OF EDUCATION, ITS TRADITIONS IN INDIA, PRESENT DAY SYSTEM OF EDUCATION**

#### **1.2 EDUCATION AS A HUMAN RIGHT**

- 1.2.1 Universal Declaration of Human Rights, 1948
- 1.2.2 Convention Against Discrimination in Education, 1960
- 1.2.3 International Covenant on Economic Social and Cultural Rights 1966
- 1.2.4 International Covenant on Civil and Political Rights, 1966
- 1.2.5 Convention on Rights of the Child, 1989
- 1.2.6 Convention on Elimination of All Forms of Discrimination against Women 1970
- 1.2.7 Convention on the Rights of Persons with Disabilities 2006
- 1.2.8 Convention on Elimination of All Forms of Racial Discrimination

#### **SUGGESTED READINGS:**

1. Boli, J., Ramirez, F. O., & Meyer, J. W. (1985). Explaining the origins and expansion of mass education. *Comparative education review*, 29(2), 145-170
2. Ramirez, F. O., & Boli, J. (1987). The political construction of mass schooling: European origins and worldwide institutionalization. *Sociology of education*, 2-17.
3. Verhellen, Eugeen (2000) *Convention on the Rights of the Child: background, motivation, strategies, main themes*. Leuven-Apeldoorn: Garant

4. Singh, Kishore (2002) Standard setting Instruments for the right to education. Unesco
5. Tomasevski, K (2001). *Governmental Human Rights Obligation in Education. Right to Education Paper No. 3*. Lund: Raul Wallenburg Institute of Human Rights and Humanitarian Law.
6. Accountability from a human rights perspective: The incorporation and enforcement of the right to education in the domestic legal order-Background paper prepared for the 2017/8 Global Education Monitoring Report

**UNIT II RIGHT TO EDUCATION: CONSTITUTIONAL HISTORY, MANDATE AND LEGISLATION IN INDIA 7hrs**

2.1 PRE-INDEPENDENCE AND POST-INDEPENDENCE COMPULSORY ELEMENTARY EDUCATION

2.2 CONSTITUTIONAL ASSEMBLY DEBATE ON ELEMENTARY EDUCATION

2.3 DIRECTIVE PRINCIPLES OF STATE POLICY AND CONSTITUTIONAL AMENDMENT ESTABLISHING THE RIGHT TO ELEMENTARY EDUCATION

2.4 RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

Suggested Readings

1. Dreze, Jean and Sen, Amartya (1995). Basic Education as a Political Issue. *Journal of Educational Planning and Administration*. Vol. IX (1).
2. Weiner, Myron (1991). *The Child and the State in India: A Study of Child Labour and Education Policy in Comparative Perspective*, Princeton: Princeton University Press.
3. Juneja, Nalini (2003) Constitutional Amendment to make education a fundamental right: Issues for a follow up legislation. NIEPA Occasional Paper No. 33. New Delhi, National Institute of Educational Planning and Administration
4. Juneja, Nalini (2014) Understanding the RTE Act. Chapter in Santosh Sharma (ed) *What is RTE? A Handbook for Teachers*. New Delhi: NCERT pp.1-21
5. Juneja, Nalini (2015) Constitutional Mandate for Free and Compulsory Education: New Light on the Intention of the 'The Founding Fathers'. *Contemporary Education Dialogue*, 12 (2) 208-237
6. Juneja, Nalini (2018) Nation-Building, Fundamental Rights and Education: Centre-State Dynamics of Constitutional Status A.K. Singh (ed) *Peoples Participation and Decentralisation in Education: Policies and Practices*. New Delhi: Routledge. pp 241-258
7. Vaish Vinay (2014), *Education Sector In India - Legal Perspective & Analysis*. Vaish Associates Advocates, New Delhi, India. Available at <http://www.mondaq.com/india/x/316594/Education/Education>
8. Report of Knowledge Commission
9. Report of Kothari Commission
10. Yashpal Committee Report

Cases:

Unni Krishnan v State of AP (1993)1SCC645

Ashok Kumar Thakur v Union of India (2008)6SCC1

Social Jurist, A Civil Rights vs Govt. of NCT of Delhi and another on 27<sup>th</sup> Jan 2012

Adam B. Chaki vs Mr.Paras Kuhad,

Vinay N. Pandya vs Union of India, Unreported judgment dated 4.10.2005.

### **UNIT III EDUCATIONAL RIGHTS OF MINORITIES 4Hrs**

- 3.1 RIGHT TO CONSERVE DISTINCT SCRIPT AND CULTURE
- 3.2 RIGHT TO ESTABLISH AND ADMINISTER EDUCATIONAL INSTITUTIONS OF THEIR CHOICE
- 3.3 MINORITY INSTITUTIONS – RIGHT TO COMPENSATION
- 3.4 NO DISCRIMINATION IN GRANT IN AID

Cases:

State of Bombay v. Bombay Education Society AIR 1954 SC 561

*ReKerala Education Bill* AIR 1958 SC 979

S P Mittal v. Union of India AIR 1983 SC 1

Azeez Basha v. Union of India 1968 SC 6

Society for Unaided Private Schools of Rajasthan and Anrv. Union of India (2012) 6 SCC 102

Pramati Educational and Cultural Trust and Ors v. Union of India and Ors AIR 2014 SC 2114.

### **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.

4.1 ISSUES IN THE **RIGHT TO EDUCATION** : ISSUES OF ACCESS AND EQUITY; DISABILITY AND INCLUSION

4.2 **ISSUES OF RIGHTS IN EDUCATION**: ISSUES OF DISCRIMINATION AND SEGREGATION; CORPORAL PUNISHMENT, VIOLENCE, AND SECURITY; QUALITY OF EDUCATION

4.3 QUASI-JUDICIAL MECHANISMS AND PROTECTION OF RIGHT TO EDUCATION

4.4 PUBLIC INTEREST LITIGATION



**Suggested Readings:**

1. Donders, Y. and Vladimir Volodin (eds) (2007). *Human Rights in Education, Science and Culture: Legal Developments and Challenges*, UK, UNESCO Publishing.
2. Drèze J. and A. Sen (1995). *India Economic Development and Social Opportunity*, Oxford, Oxford University Press
3. K. Watkins (1998). *Economic Growth with Equity: Lessons from East Asia*, Oxford, Oxfam.
4. Juneja, Nalini (2011) *Access to what? Chapter in R. Govinda (ed.): Who Goes to school? Exploring Exclusion in Indian Education*. New Delhi: Oxford University Press.
5. Juneja, Nalini (2016) *Education Urban Areas*. Chapter in Krishna Kumar (ed) *Handbook on Education in India* New Delhi: Routledge. pp xxx-xxx  
UNICEF, Florence, Italy
2. Juneja, Nalini (2014) *India's New Mandate against Economic Apartheid in Schools*. *Journal of International Cooperation in Education* , 16 (2): 55-70
3. Juneja, Nalini (2013) *RTE and Issues related to Quality of Education*. *Journal of National Human Rights Commission*, 12(No.):201-224
4. Juneja, Nalini (2018) *Policy lessons for inclusion from the fate of CCE within the performativity culture in education*. *Vikalpa* 43(1) Jan – March 2018, 14-23
5. Juneja, Nalini (2005) *Exclusive Schools in Delhi: Their Land and the Law* *Economic and Political Weekly*, Vol. XL., No.33
- 6 Kishore Singh ( 2014) *Justiciability Of The Right To Education: Report Of The Special Rapporteur On The Right To Education*
- 7 Fons Coomans , *Justiciability Of The Right To Education*
- 8 Child Rights International Network (CRIN) *Using The Law For Children's Rights: An Introductory Guide*
- 9 Delphine Dorsi & Erica Murphy *The Role of Court Decisions in the Realisation of the Right to Education*
- 7 Reports by the United Nations Special Rapporteur on the Right to Education.  
A. "Promotion of Equality of Opportunity in Education" (A/HRC/17/29) 18 April, 2011.  
B. "Quality Education and Normative Action" (A/HRC/20/21), 2 May 2012.  
C. "The Justiciability of the Right to Education" (A/HRC/23/25) 11 May 11, 2013.  
D. "Financing of Basic Education and Legal Framework", (A/66/269), 5 August 2011.  
E. "Technical and Vocation Education and Training from a Right to Education Perspective", (A/67/310), 15 August 2012.

**Cases:**

- In Society For Unaided School Rajasthan v Union of India* (2012)6SCC1  
*In Federation of Public School v Govt of NCT of Delhi* 187(2012)DLT  
*Jatin Singh v Kendriyavidyalayasangthan* AIR2013Delhi12  
*Environmental & Consumer Protection Foundation v Delhi Administration & Others* [2012] INSC 584, (2012)6SCC1

**UNIT V PRIVATE PROVIDERS IN EDUCATION AND LEGAL REGULATIONS 4 hrs**

India has the largest number of private schools in the world, and nowhere else can such a large percentage of children be found rejecting government schools. It needs to be analysed as to whose right to education is more violated – those who have no resource but have to attend government schools plagued with shortage of teachers, their presence in the classroom, lack of teaching etc, or those who despite having a right to free education are compelled by

the situation to pay for their education. The contribution made by public private partnership is to be understood in this background.

**6.1 PRIVATISATION AND COMMERCIALISATION OF SCHOOL EDUCATION AND CHALLENGES OF PRESERVING EDUCATION AS A PUBLIC GOOD**

**6.2 PUBLIC PRIVATE PARTNERSHIP**

Suggested Readings:

1. Carol Anne Spreen & Sangeeta Kamat How the Privatisation and Commercialisation of Schools Undermines the Right to Education in India
2. Drèze J. and A. Sen (1995). India Economic Development and Social Opportunity, Oxford, Oxford University Press
3. J. Galbraith (1996). The Good Society: the Humane Agenda, Houghton Mifflin Company.

Cases:

- 1 Ardarsh Siksha Mahavidyalaya v Subhash Rahangdale (2012)2SCC425
- 2 State of Kerala v Tribal Mission (2012)8SCC775

**LESSON PLAN:**

Week No.	Topic	Methodology	Assessment Tasks
1	What is Education? Philosophy of Education Indian Tradition	Lecture Discussion	As given below
2	Education as a Right? International law and Right to education	Lecture Discussion Simulation exercise	As given below
3	Shift in the approach to education: National and International Scenario	-do-	As given below
4	Education in Pre-Independence Era Demand for free and compulsory education from the British Education Acts and their Implementation in British India	-do-	As given below
5	Education in Post-Independence Era Framing of the constitution and the status of education as a right Education under constitution of India: VII schedule-State list, Union List, Concur Right to Education Article 45 and 21A rent List	-do-	As given below
6	Right to Education Act, 2009	-do-	As given below
7	Equality of opportunity to Education, Article 14, 15, 16, 21, 41 and 45 Reasonable classification, Affirmative action and the deprived	-do- Case Law	As given below
8	Minority and Education Minority Rights-Right to conserve distinct	Lecture Discussion	As given below

	script and culture Right to establish and administer educational Institutions of their choice	Case Law	
9	RTE and Minority Rights No discrimination in grants-in-aid	Lecture Discussion Case Law	As given below
10	Issues of Right to Education Access Equality Disability and Inclusion Education in Urban areas and cities	Lecture Discussion Case Law Documentaries on these issues Simulation exercises in class	As given below
11	Issues of Rights In Education Discrimination and Segregation Corporal Punishment Violence Security Quality of Education	Lecture Discussion Case law Documentary on These issues Simulation exercises in class	As given below
12	Remedial Action Quasi-Judicial Mechanism Public Interest Litigation	Case Law Lecture Discussion	As given below
13	Shaping the Contours of RTE in India: Case Laws	Analysis of case law	As given below
14	Privatisation and Commercialisation of school education	Lecture Discussion	As given below
15	Public Private Partnersership	Lecture Discussion	As given below

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Develop an understanding of rights based approach to education.	Lecture, discussion, simulation exercises, case law	As given below.
2.	Able to trace and appreciate the development of education law in India. Be conversant with the statutory provisions and case law related to critical issues in RTE.	Lecture, Discussion, Case Law, group work in class.	As given below.
3.	Critically analyse the issues arising out of exclusion of minority institutions from the Purview of RTE	Lecture, discussion, Simulation exercise in class	As given below.

4.	Understand the issues related to implementation and non implementation of education as a right in the Indian context. Be sensitized to the need for inclusion, non-discrimination and equality in the education sector Engage with educational issues from rights perspective Be able to seek quasi judicial and constitutional remedies for denial and violation of this right.	Lecture, discussion, viewing documentaries on educational issues, simulation exercise in class	As given below.
5.	Appreciate the role of Government and private players in education and how it affects the right of the child to education.	Lecture, discussion, Case study.	As given below.

**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.

## 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
  - 3.1 Defining bioethics
  - 3.2 Bioethics vs Medical Ethics
  - 3.3 Institutionalisation of Bioethics
  - 3.4 Law and Bioethics

#### ***Essential Readings:***

- SHAUN D. PATTINSON, *MEDICAL LAW AND ETHICS* (1 ed. 2006).
- JONATHAN HERRING, *MEDICAL LAW AND ETHICS* (3d. ed. 2009).

#### ***Suggested Further Readings:***

- Leigh Turner, *Bioethics in a Multicultural World: Medicine and Morality in Pluralistic Settings* 11 *HEALTH CARE ANALYSIS* 99 (2003).
- Alexander M. Capron & Vicki Michel, *Law & Bioethics* 27 *LOYOLA AT LOS ANGELES LAW REVIEW* 25 (1993).

#### **II. General Concepts & Justification Models 4 Lectures**

1. Principlism
  - 1.1 Autonomy
  - 1.2 Non-maleficence
  - 1.3 Beneficence
  - 1.4 Justice
2. Casuistry
3. Informed Consent
4. Confidentiality
5. Religion & Theology

6. Relativism
7. Pragmatism

**Essential Readings:**

- JONATHAN HERRING, *MEDICAL LAW AND ETHICS* (3d. ed. 2009).
- David Lyons, *Ethical Relativism and the Problem of Incoherence* 86 *ETHICS* 107 (1976).
- Lisa Sowle Cahill, *Can Theology Have a Role in "Public" Bioethical Discourse?* 20 *THE HASTINGS CENTER REPORT* 10 (1990).

**Suggested Further Readings:**

- Daniel Fu-Chang, *Ancient Chinese Medical Ethics And The Four Principles Of Biomedical Ethics*, 25 *JOURNAL OF MEDICAL ETHICS* 315 (1999).

**III. Health Care Sector in India**

**4 Lectures**

1. Right to Health as a Fundamental Right
2. Indian Health Policies
  - 2.1 Union Health Budget 2018-19
  - 2.2 National Rural Health Mission
  - 2.3 Rashtriya Swasthya Bima Yojana
3. Judicial Response

**Essential Readings:**

- M.P. JAIN, *INDIAN CONSTITUTIONAL LAW* (5<sup>th</sup> ed. 2008).
- Ganapati Mudur, *India Launches National Rural Health Mission*, 330 *BRITISH MEDICAL JOURNAL* 920 (2005).
- Arun Kumar Sharma, *National Rural Health Mission: Time to Take Stock*, 34 *INDIAN JOURNAL OF COMMUNITY MEDICINE* 175 (2009).
- Sapna Desai, *Keeping the 'Health' in Health Insurance* 44 *ECONOMIC & POLITICAL WEEKLY* 18 (2009).

**Further Suggested Readings:**

- Yarlini Balarajan, S Selvaraj & S V Subramanian, *Health care and equity in India*, 377 *THE LANCET* 505 (2011).
- S. Agarwal & K. Sangar, *Need for Dedicated Focus on Urban Health within National Rural Health Mission* 49 *INDIAN JOURNAL OF PUBLIC HEALTH* (2005).

**IV. Public Health**

**4 Lectures**

1. Public Health
  - 1.1 What is Public Health
  - 1.2 Public Health Determinants
    - 1.2.1 Population
    - 1.2.2 Education

1.2.3 Gender

2. Directive Principles of State Policy – Part IV, Constitution of India.
3. Infectious Diseases
4. The *Triage* Principle
5. Public Health Emergencies
  - 5.1 Public Health (Emergency Provisions) Ordinance, 1944
  - 5.2 Judicial Trends

**Essential Readings:**

- Public Health (Emergency Provisions) Ordinance, 1944
- M. Rani *et al.*, *Tobacco Use In India: Prevalence And Predictors Of Smoking And Chewing In A National Cross Sectional Household Survey*, 12 TOBACCO CONTROL e4 (2003).
- Glorian Sorensen *et al.*, *Social Disparities in Tobacco Use in Mumbai, India: The Roles of Occupation, Education, and Gender*, 95 AMERICAN JOURNAL OF PUBLIC HEALTH 1003 (2005).
- Vivek Benegal, *India: Alcohol and Public Health*, 100 ADDICTION 1051 (2005).
- Charles Olweny, *Bioethics In Developing Countries: Ethics Of Scarcity And Sacrifice*, 20 JOURNAL OF MEDICAL ETHICS 169 (1994).

**Further Suggested Readings:**

- Vikram Patel *et al.*, *Gender, Poverty, and Postnatal Depression: A Study of Mothers in Goa, India*, 159 AMERICAN JOURNAL OF PSYCHIATRY 43 (2002).
- Don Nutbeam, *Health Literacy As A Public Health Goal: A Challenge For Contemporary Health Education And Communication Strategies Into The 21st Century*, 15 HEALTH PROMOTION INTERNATIONAL 259 (2000).
- Tommy LS Visscher & Jacob C Seidell, *The Public Health Impact Of Obesity*, 22 ANNUAL REVIEW OF PUBLIC HEALTH 355 (2001).
- Vikram Patel *et al.*, *Mental Health Of Young People: A Global Public-Health Challenge*, 369 LANCET 1302 (2007).
- Leslie P. Francis *et al.*, *How Infectious Diseases Got Left Out – And What This Omission Might Have Meant For Bioethics*, 19 BIOETHICS 307 (2005).
- Ryan M. Melnychuk, & Nuala P. Kenny, *Pandemic Triage: The Ethical Challenge*, 175 CANADIAN MEDICAL ASSOCIATION JOURNAL 1393 (2006).

**V. Reproduction**

**8 Lectures**

1. Right to Reproductive autonomy
2. Population Control
3. Reproductive Exile
4. Abortion
  - 4.1 Woman's autonomy



- 4.2 Medical Termination of Pregnancy Act 1971
- 4.3 Indian Penal Code 1860
- 4.4 Status of a Foetus
- 4.5 Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
- 5. Assisted Reproduction Techniques
  - 5.1 AIH
  - 5.2 AID
  - 5.3 GIFT
  - 5.4 IVF
- 6. Surrogacy
  - 6.1 What is surrogacy
  - 6.2 Types of surrogacy
    - 6.2.1 Financial Basis
      - 6.2.1.1 Altruistic
      - 6.2.1.2 Commercial
    - 6.2.2 Genetic Linkage
      - 6.2.2.1 Traditional
      - 6.2.2.2 Gestational
  - 6.3 Surrogacy vs Adoption
  - 6.4 Enforceability of surrogacy agreements
  - 6.5 Reproductive Stratification
  - 6.6 Woman's autonomy
  - 6.7 Redefining Familial Concepts
  - 6.8 Indian Council of Medical Research, (2005) National Guidelines for Accreditation, Supervision and Regulation of ART Clinics in India
  - 6.9 The Surrogacy (Regulation) Bill 2016

***Essential Readings:***

- Upendra Baxi, *Gender and Reproductive Rights: Problems And Prospects For The New Millennium* 4 KALI'S YUG – WOMEN AND LAW JOURNAL 23 (2000).
- Anu, Pawan Kumar, Deep Inder and Nandini Sharma, *Surrogacy and Women's Right to Health in India: Issues and Perspective* 57 INDIAN JOURNAL OF PUBLIC HEALTH 65 (2013).
- J.V.N. JAISWAL, *LEGAL ASPECTS OF PREGNANCY, DELIVERY & ABORTION* (1 ed. 2009).

- Maya Unnithan, *Thinking Through Surrogacy Legislation in India: Reflections on Relational Consent and the Rights of Infertile Women* 1 JOURNAL OF LEGAL ANTHROPOLOGY 287 (2013).
- Diksha Munjal-Shankar, *Autonomy, Choices & Consent in Commercial Surrogacy: Viewing Through the Indian Lens* 7 ASIAN BIOETHICS REVIEW 380 (2015).
- Diksha Munjal-Shankar, *Identifying the “Real Mother” in Commercial Surrogacy in India*, 18 GENDER, TECHNOLOGY AND DEVELOPMENT 387 (2017).
- The Surrogacy (Regulation) Bill 2016.
- 228<sup>th</sup> Report of the Law Commission of India

**Suggested Further Readings:**

- Lori B. Andrews, *The Stork Market: The Law of the New Reproduction Technologies*, 70 AMERICAN BAR ASSOCIATION JOURNAL 50 (1984).
- Mohan Rao, *Why All Non-Altruistic Surrogacy Should Be Banned*, 47 ECONOMIC & POLITICAL WEEKLY 15 (2012).
- LITA LINZER SCHWARTZ, ALTERNATIVES TO INFERTILITY – IS SURROGACY THE ANSWER? (1 ed. 1991).
- Jennifer Rimm, *Booming Baby Business: Regulating Commercial Surrogacy in India* 30 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL LAW 1429 (2009).
- ALISON DIDUCK & FELICITY KAGANAS, FAMILY LAW, GENDER AND THE STATE 107 (3d ed. 2012).
- Anita Allen, *The Black Surrogate Mother* 8 HARVARD BLACK LETTER JOURNAL 17 (1991).

**VI. End of Life Decisions**

**6 Lectures**

1. The Right to Die
2. What is death?
3. Suicide
  - 3.1 Suicide
  - 3.2 Physician Assisted Suicide
4. Euthanasia
  - 4.1 What is euthanasia
  - 4.2 Types of euthanasia
  - 4.3 Hippocratic Oath
  - 4.4 Code of Medical Ethics
  - 4.5 The Nazi Regime
  - 4.6 The Dutch Stance
  - 4.7 Religious Viewpoints
  - 4.8 Who's choice is it?
5. Incompetent patients

6. Palliative care & Hospices

**Essential Readings:**

- David J Roy & Charles-Henri Rapin, *Regarding Euthanasia*, 1 EUROPEAN JOURNAL OF PALLIATIVE CARE 1 (1994).
- 241<sup>st</sup> Report of the Law Commission of India

**Suggested Further Readings:**

- Andrej Michalsen & Konrad Reinhart, “Euthanasia”: *A Confusing Term, Abused Under The Nazi Regime And Misused In Present End-Of-Life Debate*, 32 INTENSIVE CARE MEDICINE 1304 (2006).
- Agnes van der Heide *et al.*, *Medical end-of-life decisions made for neonates and infants in the Netherlands*, 350 THE LANCET 251 (1997).
- Diane E. Meier *et al.*, *A national survey of physician-assisted suicide and euthanasia in the United States*, 338 NEW ENGLAND JOURNAL OF MEDICINE 1193 (1998).

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	The students would be oriented towards the subject and be familiar with its development through the years.	Lectures to be delivered	As given below.
2.	The students would be able to recognise and appraise key conceptual principles of bioethics.	Lectures to be delivered	As given below.
3.	The students would be able to identify the legal and policy framework of laws relating to healthcare in India.	Lectures to be delivered alongwith showcasing of short videos.	As given below.
4.	The students would be able to recognise the determinants of public health and the legal framework.	Lectures to be delivered	As given below.
5.	The students would be able to apply the bioethical principles to the niche area of reproduction and be sensitised towards gender perspectives as well as upholding of professional standards in reproductive healthcare. The students would also be able to identify the legal framework and appraise the social and legal repercussions of the different reproductive technologies.	Lectures to be delivered alongwith showcasing of videos. Field visits may be included as well.	As given below.
6.	The students would be able to apply the bioethical principles to the end-of-life decisions and be sensitised towards upholding of professional standards in reproductive healthcare. Further, they would be able to recognise the legal framework of such decisions and accordingly identify the rights of individuals accessing such healthcare.	Lectures to be delivered alongwith showcasing of videos. Field visits may be included as well.	As given below.

All seminar papers shall be subject to plagiarism test through the software subscribed to by the University.

**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

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**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 - 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**

Facilitating the achievement of Course Learning Outcomes

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	Acquire a deep knowledge of the concept of Right and Duty from jurisprudential perspective and develop the skill of applying it for solving practical legal problems in the related areas.	Primarily Lecture and Project- problem based activities	As given below.
2.	Acquire a deep knowledge of the concept of Right and Duty from philosophical perspective and develop the critical thinking approach.	Primarily Lecture and Project- problem based activities	As given below.
3.	Acquire a deep knowledge of the concept of Liability including Civil as well Criminal	Primarily Lecture	As given below.

	Liability and also Strict Liability with its exceptions. Further develop the skill of applying it for solving practical legal problems in the related areas.	Project- and problem based activities	
4.	Acquire a deep knowledge of the concept of Personality including the personality of natural and legal persons and develop the skill of applying it for solving practical legal problems in the related areas.	Primarily Lecture Project- and problem based activities	As given below.

**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.

## 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.

#### 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

**Suggested readings are as follows:**

William Easterly, To Help the Poor, *THE ELUSIVE QUEST FOR GROWTH: ECONOMISTS' ADVENTURES AND MISADVENTURES IN THE TROPICS* (MIT Press, 2002) pp. 5-15.

Amartya Sen, *DEVELOPMENT AS FREEDOM*, (New York: Knopf, 1999) pp. 3-53.

Upendra, Baxi "Notes on Constitutional and Legal Aspects of Rehabilitation and Displacement", in Walter Fernandes and Enakshi Ganguli (Ed) (1989) *DEVELOPMENT, DISPLACEMENT AND REHABILITATION*, Delhi: Indian Social Institute, pp. 164-170.

Jerome Segal, The Politics of Simplicity; American Way of Life, *TIKKUN*, July, 1996 Karl Polanyi, Satanic Mill, in *THE GREAT TRANSFORMATION: THE POLITICAL AND ECONOMIC ORIGINS OF OUR TIME* (1944), pp. 103-118.

H. W. Arndt, *ECONOMIC DEVELOPMENT: THE HISTORY OF AN IDEA* (1987), pp. 165-177 (and 1-48 for background reading only).

Arturo Escobar, *ENCOUNTERING DEVELOPMENT: THE MAKING AND UNMAKING OF THE THIRD WORLD* (Princeton U. P., 1995) pp. 3-10.

Mancur Olson, *Big Bills Left on the Sidewalk: Why Some Nations are Rich, and Others Poor*, 10 J. ECON. PERSP. 3-24 (1996).

Douglass C. North, *The New Institutional Economics and Third World Development*, in *THE NEW INSTITUTIONAL ECONOMICS AND THIRD WORLD DEVELOPMENT* 17-27 (J. Harriss et al. Eds., 1995).

James S. Coleman, *Social Capital in the Creation of Human Capital*, 94 AM. J. SOCIOL. (Supplement) (1988) pp. S95-S120.

Francis Fukuyama, *Social Capital*, in *CULTURE MATTERS: HOW VALUES SHAPE HUMAN PROGRESS* (Lawrence E. Harrison & Samuel P. Huntington, eds. 2000) pp. 98-111.

Aaron Wildavsky, *How Cultural Theory Can Contribute to Understanding and Promoting Democracy, Science and Development*, *CULTURE AND DEVELOPMENT IN AFRICA* (World Bank/IBRD 1994) pp. 137-144, 147-150, and 153-158.

Lawrence E. Harrison, *WHO PROSPERS? HOW CULTURAL VALUES SHAPE ECONOMIC AND POLITICAL SUCCESS* (Basic Books, 1992) pp. 106-116.

Daniel Etounga-Manguelle, *Does Africa Need a Cultural Adjustment Program?* In *CULTURE MATTERS: HOW VALUES SHAPE HUMAN PROGRESS* (Lawrence E. Harrison & Samuel P. Huntington, eds. 2000) pp. 65-77.

S. A. Marglin, *Towards the Decolonization of the Mind*, in *DOMINATING KNOWLEDGE: DEVELOPMENT, CULTURE, AND RESISTANCE* (Frédérique Apffel Marglin and Stephen A. Marglin, eds. (Oxford, 1990) pp. 3-28.

Ibrahim F.I. Shihata, *The World Bank and "Governance" Issues in its Borrowing Members*, in *THE WORLD BANK IN A CHANGING WORLD*, pp. 53-54 and 85.

Richard A. Posner, *"Creating a Legal Framework for Economic Development,"* 13 (1998) World Bank Research Observer 1.

William Easterly, *To Help the Poor*, *THE ELUSIVE QUEST FOR GROWTH: ECONOMISTS' ADVENTURES AND MISADVENTURES IN THE TROPICS* (MIT Press, 2002) pp. 5-15.

Joseph Stiglitz, *The Ethical Economist*, *FOREIGN AFFAIRS*, November/December, 2005.

Amartya Sen, *DEVELOPMENT AS FREEDOM*, (New York: Knopf, 1999) pp. 3-53.

Jerome Segal, *The Politics of Simplicity; American Way of Life*, *TIKKUN*, July, 1996 Karl Polanyi, *Satanic Mill*, in *THE GREAT TRANSFORMATION: THE POLITICAL AND ECONOMIC ORIGINS OF OUR TIME* (1944), pp. 103-118.

H. W. Arndt, *ECONOMIC DEVELOPMENT: THE HISTORY OF AN IDEA* (1987), pp. 165-177 (and 1-48 for background reading only).

Arturo Escobar, *ENCOUNTERING DEVELOPMENT: THE MAKING AND UNMAKING OF THE THIRD WORLD* (Princeton U. P., 1995) pp. 3-10.

### III: ECONOMIC THEORIES OF DEVELOPMENT

William Easterly, *THE ELUSIVE QUEST FOR GROWTH: ECONOMISTS' ADVENTURES AND MISADVENTURES IN THE TROPICS* (MIT Press, 2002) pp. 26-120).

Mancur Olson, *Big Bills Left on the Sidewalk: Why Some Nations are Rich, and Others Poor*, 10 J. ECON. PERSP. 3-24 (1996).

Douglass C. North, The New Institutional Economics and Third World Development, in THE NEW INSTITUTIONAL ECONOMICS AND THIRD WORLD DEVELOPMENT 17-27 (J. Harriss et al. Eds., 1995).

#### IV: CULTURAL THEORIES OF DEVELOPMENT

(Classes 6 and 7: Wednesday, September 17, and Monday, September 22)

James S. Coleman, Social Capital in the Creation of Human Capital, 94 AM. J. SOCIOL. (Supplement) (1988) pp. S95-S120.

Francis Fukuyama, Social Capital, in CULTURE MATTERS: HOW VALUES SHAPE HUMAN PROGRESS (Lawrence E. Harrison & Samuel P. Huntington, eds. 2000) pp. 98-111.

Aaron Wildavsky, How Cultural Theory Can Contribute to Understanding and Promoting Democracy, Science and Development, CULTURE AND DEVELOPMENT IN AFRICA (World Bank/IBRD 1994) pp. 137-144, 147-150, and 153-158.

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S. A. Marglin, Towards the Decolonization of the Mind, in DOMINATING KNOWLEDGE: DEVELOPMENT, CULTURE, AND RESISTANCE (Frédérique Apffel Marglin and Stephen A. Marglin, eds. (Oxford, 1990) pp. 3-28.

Alexander de Tocqueville, Relationships Between Civil and Political Associations and How the Americans Combat Individualism by Doctrine of Self-Interest Properly Understood in DEMOCRACY IN AMERICA, PP.520-528.

#### V: LEGAL THEORIES OF DEVELOPMENT

##### V (A) SEEING LIKE A LAWYER?

James Scott, SEEING LIKE A STATE, (Yale U. P., 1998), Introduction and Chapter 1, pp. 1-8, 11-15, 20-23, 30-37, 44-52.

Ibrahim F.I. Shihata, The World Bank and “Governance” Issues in its Borrowing Members, in THE WORLD BANK IN A CHANGING WORLD, pp. 53-54 and 85.

Hernando de Soto, The Costs and Importance of the Law, in THE OTHER PATH (1996), pp. 131-187. D. Kaufmann, A. Kraay, and P. Zoido-Lobaton, Governance Matters (World Bank Policy Research Working Paper 2196) (October, 1999)

##### V (B) THE LAW AND DEVELOPMENT MOVEMENTS

David M. Trubek & Marc Galanter, Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States, 4 WIS. L. REV. 1062 (1974). You need read only 1062-64 and 1070-end.

Richard A. Posner, “Creating a Legal Framework for Economic Development,” 13 (1998) World Bank Research Observer 1.

#### DEVELOPMENT AND DISPLACEMENT

Walter Fernandes and Gita Bharali, Development, Displacement and Deprivation in India, in UPROOTED FOR WHOSE BENEFIT? (NESRC, 2011) pp. 1-31.

Upendra Baxi, What Happens Next Is Up to You: Human Rights Risk in Dams and Development, 16 AUILR Iss. 6 (2001) 1507- 1527.

**Assessment of Students' Performance and Scheme of Examinations:**

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  - 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.
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## 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**

1. Mukul Mudgal, “Law and Sports in India: Development, issues and Challenges”, LexisNexis Butterworths Wadhwa, Nagpur, 1<sup>st</sup>edn. 2012.
2. David Thrope, Antonio Buti, “ Sports Law”, Oxford university Press, 2<sup>nd</sup> edn., 2013.
3. Walter T. Champion, “Fundamentals of Sports Law”, Thomson West Publishers, 2<sup>nd</sup> 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

**Facilitating the achievement of Course Learning Outcomes**

Unit No.	Course Learning Outcomes	Teaching and Learning Activity	Assessment Tasks
1.	To familiarize with the modern history and development of Sports Law.	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
2.	To describe the various legal issues arising the in sports arena, and to identify the liabilities of sports persons, fans, coaches, agents, and other key stakeholders, and also to identify the appropriate dispute resolution mechanisms.	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
3.	To identify the key responsibilities of a sports person with special reference to Anti-Doping and World Anti-doping Code	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.

4.	To identify the various malpractices with special reference to corruption, match fixing, betting and gambling.	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
5.	To explain the equality and discrimination issues in sports.	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.
6	To examine the emerging sports law in India, and to identify the need of uniform sports-related legislation.	Lectures, Classroom Discussion, participatory method, Use of Multimedia	As given below.

**Assessment of Students' Performance and Scheme of Examinations:**

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**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 - 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

TEACHING PLAN- (Hour-wise distribution of the syllabus)

Lecture	Module	Leaning outcome	Teaching & Learning Activity	Assessment Task	HRS
1-3 (Week 1-2)	<b>1. Introduction</b>	Develop the basic idea about the securities market Understand the essence of securities law Develop an idea about various forms of securities floating in the market	Teaching: Classroom lecture Learning: Refences to historical facts related to the evolution of the concept	As given below.	3
4-9 (Week 2-5)	<b>2. Securities Market and SEBI</b>	Develop an understanding about the regulatory framework in India relating to securities market Understand the role and functioning of SEBI Understand the interplay between securities law and companies law	Teaching: Classroom lecture Case Analysis Group Discussion Learning: Understand SEBI and the legal framework relating to securities law	As given below.	6
10-15 (Week 6-8)	<b>3. Issue, Acquisition</b>	Develop an idea about the Takeover	Teaching: Classroom lecture	As given below.	6

5-8)	<b>and Transfer of Securities</b>	Code Understand the applicability and importance of takeover code Know the legal compliance required to be followed by companies	Case Analysis  Learning: Develop practical understanding of the process of takeovers in the corporate structures		
16-23 (Week 8-12)	<b>4. Regulation of Stock Exchanges</b>	Understand the operations of the Stock exchanges Develop an understanding about listing and delisting of shares Gain knowledge about the validity and enforceability of options contracts in India	Teaching: Classroom lecture Case Analysis Discussion of practical examples Learning: Understand the legal compliances involved in listing of shares with stock exchanges and the extent of control of SEBI over the process	As given below.	8
24-26 (Week 12-13)	<b>5. Collective Investment Scheme</b>	Develop an understanding about Collective Investment Schemes Gain knowledge regarding the legality and validity of the same Understand the way SEBI oversees such processes	Teaching: Classroom lecture Case Analysis Discussion of practical examples  Learning: Understand the importance of investor protection and the way SEBI regulates the affairs in that regard	As given below.	3
27-29 (Week 14)	<b>6. Mutual Funds</b>	Understand the system of Mutual funds Know the challenges of the same in India Understand the compliances and the regulations of the process	Teaching: Classroom lecture Case Analysis Discussion of practical examples Learning: Understand the growth and limitations of the industry and the regulatory regime in its regard	As given below.	2
30	<b>7.</b>	Critically analyse the	Teaching:		2

(Week 15)	<b>Insider Trading</b>	sensitiveness of insider trading The regulations and the essence of the legal vigilance Understand the way it is useful in establishing transparency in the securities market	Classroom lecture Case Analysis Discussion of practical examples Learning: Develop an idea of the provisions in India and its comparative analysis with other matured and experienced economies like the USA		
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