



**Dr. M.G.R.**  
**EDUCATIONAL AND RESEARCH INSTITUTE**  
**DEEMED TO BE UNIVERSITY**  
★ University with Graded Autonomy Status ★  
(An ISO 21001 : 2018 Certified Institution)



## **LL.B.Hons.**

### **PROGRAM OUTCOMES (POs)**

- PO1. Legal Knowledge : To acquire & apply legal knowledge to the complex Socio-legal problems.
- PO2. Professional Practice: to make students eligible to practice in Courts, Industries, Companies as legal practitioner.
- PO3. Professional Skills: To possess professional skills required for legal practice such as Argument, Pleading, drafting, conveyancing etc.
- PO4. Professional Ethics: To understand and apply principles of professional ethics of legal profession.
- PO5. Legal research & legal reasoning: to develop legal research skills & legal reasoning and apply it during programme & in Legal practice.
- PO6. Self-reflection & lifelong learning : To develop an attitude of self-reflection while learning & Recognize the need for, and have the preparation and ability to engage in independent and life-long learning in the broadest context of changing legal contexts.
- PO7. Self-employability: To provide a platform of self-employability by developing professional skills in legal industry.
- PO8. Leadership skills: To develop leadership qualities amongst students.
- PO9. Lifelong Learning: To make awareness about Constitutional legislative & societal transformation in society & to develop clinical abilities.
- PO10. Lawyering skills: Every graduate will become skilled in legal research, written and oral communication, teamwork, advocacy, and problem-solving.

### **PROGRAM SPECIFIC OUTCOMES (PSOs)**

- PSO1. Should be able to Demonstrate understanding of substantive and procedural law sufficient to enter the legal profession and professions in which legal knowledge is an advantage.
- PSO2. Should be able to associate the learning from the courses related to Law and Management.
- PSO4. Should be able to Gather and interpret relevant facts and conduct legal research.
- PSO5. Should have the capability to understand the laws at national and global level and to solve the client's problem.



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PSO6. Should possess the skills to communicate in both oral and written forms and ability to formulate legal problems and using appropriate concepts and methods to solve them.

PSO7 should use skills in specific areas (e.g. Criminal, industrial-organizational, clinical, counselling, social, community).

PSO8 should analyze social problems and understand social dynamics.



### LLB (Hons.)

<b>First Year-1<sup>st</sup> Semester</b>	<b>Subject Code- H3L2001</b>	<b>Total Credits:4</b>
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Subject Code:	Subject Name: <b>JURISPRUDENCE</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2001</b>	Prerequisite : outline about the knowledge of law	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

#### OBJECTIVES

Jurisprudence is the study of Law of the Law and knowledge. Its philosophy and Science. it clarifies legal concepts and concerns. Different Schools of Law and their relevance in the contemporary legal world. The course gives a Radical outline about the knowledge of law by describing various jurist theories, concepts and State practice for good Administration.

#### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To demonstrate an advanced and integrated understanding of the political, social, historical, philosophical, and economic context of law.
<b>CO2</b>	To engage in identification, articulation and critical evaluation of legal theory and the implications for policy
<b>CO3</b>	To critically analyze and research complex problems relating to law and legal theory and make reasoned and appropriate choices amongst alternatives.
<b>CO4</b>	To understand the knowledge of law by describing various jurist theories, concepts and State practice for good Administration
<b>CO5</b>	To understand different Schools of Law and their relevance in the contemporary legal world

#### Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-



CO2	1	-	1	1	1	1	-	-	2	-	-	-
CO3	-	1	-	-	-	-	1	1	1	1	1	1
CO4	2	3	2	2	2	2	3	3	1	3	3	3
CO5	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
CO1	1				3				3			
CO2	1				3				3			
CO3	-				3				3			
CO4	2				1				1			
CO5	3				-				-			
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low												
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/Technical Skills	Internships/Technical Skills			
				✓								

## COURSE OUTLINE

### Module - I Nature and definition of jurisprudence, and Scope

- Definition, Nature and value of jurisprudence
- Definition, Nature and Purpose of Law
- Scope and Subject Matter of Jurisprudence

### Module- II various schools of jurisprudence and their methodology

Analytical School- Sociological School- Historical school- Natural law school- Philosophical school-Kelso pure theory of Law

### Module III – Miniature and definitions of Law- Different kinds, and classification, imperative theory of law-The law of Obligations

Law Meaning-Salient features of Law-international Law-Constitutional Law-Administrative Law- Law and Morality-Classification of Law; Law of Procedure/Rules of Evidence-sources of obligations-Kinds of obligations.

### Module - IV Legal concepts



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Legal Right- Theories of Legal Rights- Relationship between Rights and Duties-ownership- possession-Person or Juristic Personality-Liability of the Corporation- Legal Status of unborn Person-Legal Statues of Dead Person- Titles

### **Module - V Sources of Law – Legislation, Precedent and custom**

Legislation -Advantages and Disadvantages of Legislation-Supreme and Subordinate Legislation- Distinction between ‘Delegated Legislation’ and Conditional Legislation.- Codification-Meaning and important Rules of interpretation of Law.-Golden Rule of interpretation & Mischief Rule of interpretation Precedent;- kinds of precedent-original and Declaratory Precedents-Ratio Decidendi and Obiter Dicta-Stare Decisis. Custom-Custom as a sources of law-Distinction between custom and Prescription. Custom having force of Law.

### **Module -VI-Liability**

Liability- Mensrea-Act, intention and Motive-Nervous Shock-Strict Liability-Vicarious Liability- Theories of Punishment-Capital Punishment- Measurement of Punishment-conditions of Penal liability.

#### **Prescribed Books:**

- A Text book of Jurisprudence by G.W.Paton
- Paton- Jurisprudence
- Dr.Avatar Singh- Jurisprudence
- Salmond- Jurisprudence
- Mahajan-Jurisprudence
- G.C.V. Subba Rao- Jurisprudence and Legal Theory

#### **Books for Reference**

- Jurisprudence by Dias
- Jurisprudence by Bodenheimer
- Concept of Law by H.L.A. Hart



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**LLB(Hons.)**

<b>First Year – 1<sup>st</sup> Semester</b>	<b>Subject Code – H3L2002</b>	<b>Total Credits : 4</b>
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Subject Code:  <b>H3L2002</b>	Subject Name: <b>LAW OF CONTRACT – I (GENERAL PRINCIPLES)</b>	T/L/ETL	L	T / S.Lr	P/R	C
	Prerequisite : basic principles of commercial transactions with understanding of rights and obligations.	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

The Objective of the courses is to train the students to Contracts play a key role in carrying on commercial activities- be it trade, business, employment or even e-commerce. Hence study of Contract Act enables students to understand and facilitate the basic principles of commercial transactions with understanding of rights and obligations. A thorough understanding of concepts of Contract Law is foundation to a successful legal professional. The general principles that affect these contracts, and that allow their enforcement in case of breach, are given in sections 1 – 75 of the Indian Contract Act, 1872 (commonly known as 'ICA'). Contract remedies are also provided in the Specific Relief Act 1963 (commonly known as 'SRA'). These two laws form the main course for this paper. In these topics, we will decipher all the vivid aspects of the Contract Act. In this context, the course seeks to cover: The concepts of contract law and its relevance thorough decided cases. Essential aspects of contract with reference to General principles. Application of contract law in practical use cases.

**COURSE OUTCOMES (Cos)**

Students completing this course were able to

<b>CO1</b>	To define, distinguish and apply the basic concepts and terminology of the law of contract;
<b>CO2</b>	To develop, define and distinguish amongst the various processes involved in contract formation;
<b>CO3</b>	To develop basic ability to analyse and advice legal aspects
<b>CO4</b>	To identify the relevant legal issues that arises on a given set of facts in the area of contract law.



<b>CO5</b>	To understand Application of contract law in practical use cases.
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Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3

COs/PSOs	PSO1			PSO2			PSO3		
<b>CO1</b>	1			3			3		
<b>CO2</b>	1			3			3		
<b>CO3</b>	-			3			3		
<b>CO4</b>	2			1			1		
<b>CO5</b>	3			-			-		

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

## COURSE OUTLINE

### **MODULE I: INTRODUCTION AND FORMATION OF CONTRACT**

Basic Nature of Contract - Discussion on contracts, related parties to the contract, remedies available  
 - Purchase of goods/ services - Employment contracts - Bank loan - Renting a Bank Locker - Lease contract - Insurance contract - Contract formed by online purchase of goods. - Enforcement - Primary





purpose of contract law - Understanding the terms Agreement, Offer, Proposal, Acceptance and Contract - Difference between Agreement and Contract - Proposal and Acceptance - Proposal - essential elements, forms, invitations for proposals and tenders, communication of proposal, floating offers, Acceptance - essential elements, forms, requirement of communication, silence as acceptance - Auctions - essential elements and the requirement of communication - Revocation of proposal and acceptance - Express and Implied contracts - Formalities to be carried for a valid contract - draft of the contract, - signatures, - attestation, - registration, - notarization, - stamp duty.

## **MODULE II: CONSIDERATION**

Definitions, meaning, kinds and essential elements of consideration. - Privity as to consideration - Present, past and future consideration - Adequacy of consideration and effect of inadequacy – Rule in Pinner’s Case - Exceptions to the rule no consideration no contract - Capacity to Contract - Age of majority - Contracts with Minors - Doctrine of Necessaries-Estoppel- Restitution – Ratification (also refer to section 68 of ICA) - Contract with Persons of Sound minds - Competency of companies, statutory bodies, central and state governments. - Free Consent - Definition and Meaning of consent and free consent - Factors vitiating free consent - Coercion - Undue Influence - Misrepresentation - Fraud – Mistake - Remedies available to the party whose consent is not free: - rescission, - restoration - Loss of right of rescission.

## **MODULE III: PERFORMANCE OF CONTRACT**

Obligation to perform or offer to perform, who must perform, effect of death, personal contracts, rights, and liabilities under a contract. - Doctrine of privity, and exceptions to the doctrine - Joint rights and liabilities - Time of performance, right to terminate if time is of essence - Liability to pay interest for delay - Place of performance. - Reciprocal promises, effect of non-performance of one of reciprocal promises; unilateral and bilateral promises - Void agreements: Restraint of marriage, trade and legal proceedings, uncertain agreements, wagers - Effect of void and of unlawful agreements

## **MODULE IV: DISCHARGE OF CONTRACT**

Discharge of contract - by performance - by offer of performance- by non-performance by one party - by breach and rescission - anticipatory breach. - Doctrine of impossibility and effect - By agreement - novation, - alteration and rescission: By act of promise - dispensing, - remission and - waiver, - extension of time, Accord and satisfaction – Material Alteration – damages – Types and Measures. - Contingent contracts and their enforcement - Effect of non-happening of event -Enforcement of contingent contracts.

## **MODULE V: REMEDIES UNDER THE CONTRACT**

Remedies under contract law through court or arbitration - Compensation (damages): General and special, substantial, and nominal, aggravated, and punitive, liquidated and unliquidated –Causation - Contemplation and Remoteness - Duty of mitigation - Assessment - Quasi Contracts - Types of Quasi Contract - Doctrine of restitution - Effect of breach of quasi-contractual obligation - Claim for the agreed sum: viz. suit for price, return of loan amount - Claim in quantum meruit. - Specific Relief Act, 1963 - Specific performance - Cases in which it can and cannot be granted - Personal bars to relief -



Discretionary relief - Who can claim specific performance - Against whom can specific performance be claimed - Claim for compensation and other reliefs in a suit for specific performance - Injunctions in suits relating to contract - Discretionary relief - Kinds - Temporary and perpetual, prohibitory and mandatory - Injunction to enforce negative covenants - Claim for compensation in a suit for injunction - Rescission - Rectification of instruments - Cancellation of instruments

### **Recommended Readings:**

#### **Books:**

- Avtar Singh, Law of Contract and Specific Relief, 12th ed, 2017, Eastern Book Company.
- V Kesava Rao, Contract I: Cases and Materials, 2nd ed, 2014, Lexis-Nexis
- Ritu Gupta, Law of Contract – includes the Specific Relief Act 1963, 2015, Lexis-Nexis
- Anson's Law of Contract, Beatesen and Burrows ed. 29th ed., 2010, Oxford University Press.
- Mulla, The Indian Contract Act, Anirudh Wadhwa ed., 15th ed., 2015, Lexis-Nexis

#### **Journals:**

- Journal of Contract Law – Legal Publications / Lexisnexis
- Corporate Law Journal – ISN 2581-3592
- Company law Journal
- Indian Journal of International Economic Law – NLSIU, Bengaluru, India
- NLS Business Law Review

### **Further Readings:**

#### **Books:**

- Cheshire, Fifoot and Furmston's Law of Contract, Michael Furmston ed., 16th ed, 2012,
- Sarkar on Specific Relief, Sudipto Sarkar and R Yasho Vardhan eds, 17th ed, 2016, Lexis Nexis
- R K Singh, Law Relating to Electronic Contracts, 2nd ed, 2015, Lexis-Nexis.
- Sachin Rastogi, Insights into E-Contracts in India, 2013, Lexis Nexis
- Robert Cooter and Thomas Ulen, Law and Economics, 6th edition 2016, available for free download at <<http://scholarship.law.berkeley.edu/books>>, Chapters 1 and 9
- ShubhashisGangopadhyay and V Shantakumar, Law and Economics Vol I and II, 2013, Sage Publications, Chapter 5
- M. Krishnan Nair, Law of Contracts, 1998.
- Garima Tiwari, Understanding Laws – Contracts, 2014, Lexis-Nexis.
- G.H. Treitel, Outline of Law of Contract, 6th rev ed, 2005, Oxford University Press



- Atiyah's Introduction to the Law of Contract, Stephen Smith ed., 2nd ed, 1997 Oxford University Press 40

### **Journals/Journal Articles:**

- Offer and Acceptance in Modern Contract Law: A Needless Concept, Shawn J. Bayern, California Law Review, Vol. 103, No. 1 (February 2015), pp. 67-101, Published by: California Law Review, Inc.
- Minors in Contract: An Analysis of Rules Relating to Minors in Indian Contract Act, 1872, Journal of Constitutional Law and Jurisprudence Volume 1, Issue 1 RETRIEVED
- Standard form contracts and a smart contract future, Kristin B. Cornelius
- Department of Information Studies, University of California, Los Angeles, USA
- Contract, Consideration and the Critical Path, John Adams and Roger Brownsword, The Modern Law Review, Vol. 53, No. 4 (Jul., 1990), pp. 536-542
- The great Indian privity trick: hundred years of misunderstanding nineteenth century English contract law, Shivprasad Swaminathan O.P. Jindal Global University, Sonapat, Delhi (NCR), India.
- Doctrine of Privity of Contract Under Indian Law: Should it Be Abolished in Toto or Subject to Certain Proviso? , Ashalika Pandey, National Law School of India University
- Enforcement of Business Contracts in India: An Analysis of The Reforms on Specific Relief, DR. S. SETHURAM Assistant Professor, SRIT Business School, Sri Ramakrishna Institute of Technology, Coimbatore, Tamil Nadu, India
- The doctrine of frustration under section 56 of the Indian Contract Act, M. P. Ram Mohan, Promode Murugavelu, Gaurav Ray & Kritika Parakh, Pages 85-104 |
- IMPLEMENTATION WITH CONTINGENT CONTRACTS, Rahul Deb and Debasis Mishra, Econometrica, Vol. 82, No. 6 (November 2014), pp. 2371-239
- Remedies for Breach of Contract , Ruchi Tirkey, International Journal of Scientific Engineering and Research (IJSER) ISSN (Online): 2347-3878 Index Copernicus Value (2015): 56.67 | Impact Factor (2017): 5.156

### **Cases for Guidance:**

- Lalman Shukla v Gauridutt – [(1913) 11 ALJ 489]
- Harvey v. Facey – [(1893) A.C. 552 Privy Council]
- Balfour v Balfour - p [(1919) 2 K.B. 571]
- Mohori Bibee v Dharmodos Ghose - [(1903) 30 I.A. 114 (P.C.)]
- Carlill v Carbolic Smoke Ball Co. - [(1892) EWCA Civ 1: (1893) 1 QB 256]
- Felthouse v Bindley - [(1862) 11 Cb (NS) 869: EWHC CP J35: 142 ER 1037 : (1863) 7 LT 835]
- Kedarnath v. Gorie Mohamed – [(1887) ILR 14 Cal 64]
- Tweddle v. Atkinson – [(1861) EWHC QB J57: (1861) 1 B&S 393 : (1861) 121 ER 762]



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- Phillips v Brooks Ltd. – [(1919) 2 KB 243]
- Cundy V Linsay – [(1878) 3 AC 459]
- SatyabrataGohose v MugneeramBangur& Co. - [AIR 1954 SC 44: 1954 SCR 310]
- PannalalJankidas v Mohanlal - [AIR 1951 SC 144: 1950 SCR 979]
- Hadley v Baxendale - [(1854) 9 Ex Ch 341]
- Donoghue v Stevenson - [(1932) UKHL 100 :(1932) SC (HL) 31: (1932) AC 562 :(1932) All ER Rep 1]
- Dutton v Poole - [(1678) 2 Lev 210: 83 ER 523]

#### **Learning Out Come:**

- After completion of the course students will be able to – appreciate and criticize the Indian statutory position relating to important elements of Contract Law.
- Understand objects to a contract as an essential element and to understand the various case laws relating to it where the judiciary quashed enforceability of a contract.
- Learn other kinds of agreements which are expressly declared as void under Indian Contract Act, 1872.
- Understand the principles underlying the grant of specific reliefs and the different remedies provided under the Specific Relief Act.



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**LLB (Hons.)**

<b>First Year – 1<sup>st</sup> Semester</b>	<b>Subject Code – H3L2004</b>	<b>Total Credits : 4</b>
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Subject Code:  <b>H3L2004</b>	Subject Name: <b>LAW OF TORTS INCLUDING MV ACCIDENT ACT AND CONSUMER PROTECTION LAWS</b>	T/L/ETL	L	T / S.Lr	P/R	C
	Prerequisite : understand the sources and policy objectives of tort law.	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

Law is growing and developing, adapting itself to the changing needs- social, economic, and so on. "Law of torts is no exception to this phenomenon. the courts, vested with jurisdiction to interpret and declare" what the law is", have been discharging their obligation, bringing the consistent with the changing global developments. In so doing, they have been rendering important and landmark judgments. In civil litigation, contract and tort claims are by far the most numerous. The law attempts to adjust for harms done by awarding damages to a successful plaintiff who demonstrates that the defendant was the cause of the plaintiff's losses. Torts can be intentional torts, negligent torts, or strict liability torts. Employers must be aware that in many circumstances, their employees may create liability in tort. This subject explains the different



kind of torts, as well as available defenses to tort claims in various parameters. After undergoing the study the student will be able to understand the sources and policy objectives of tort law. Identifying and analyzing the elements of various substantive torts and related privileges/defenses. To resolving torts cases and to spot tort issues in everyday conduct.

### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To study the principles of Tortious liability, The defenses available in an action for torts, the capacity of parties to sue and be sued and matters connection there with.
<b>CO2</b>	To study and evaluate the specific torts against the individual and property. With rapid industrialization, inadequacy of the law to protect the individual is exposed
<b>CO3</b>	The students should reflect on the alternative forms, and also the remedies provided under the tort law.
<b>CO4</b>	To exercise judgment in the application of tort law to simulated client situations in an academic environment.
<b>CO5</b>	To analyze the impact of tort law from a policy perspective.

### Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
<b>COs/PSOs</b>	<b>PSO1</b>					<b>PSO2</b>				<b>PSO3</b>		
<b>CO1</b>	1					3				3		
<b>CO2</b>	1					3				3		



CO3	-	3	3
CO4	2	1	1
CO5	3	-	-

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

## COURSE OUTLINE

### MODULE I: General Principles

Evolution of Tort Law-Nature, Definition and Scope of Torts – Foundation of Tortious Liability-Essential of Torts- Wrongful act, Legal damage and Remedy – Injuria Sine Damno and Damnum Sine Injuria – Ubi jus ibi remedium – Distinction between Tort and Crime - Tort and Contract – Relevance of intention (mens-rea), motive and malice in law of torts – General Defences – Volenti non fit injuria – Plaintiff the Wrongdoer – Inevitable Accident – Act of God – Private Defense- Novus Actus Interveniens – Mistake – Necessity – Statutory Authority.

### MODULE II: Liability for wrong committed by other person

VICARIOUS LIABILITY – Meaning of Vicarious Liability – Principal and Agent, Master and Servant, Partners, Independent Contractor – Course of Employment, Doctrine of Common Employment, Vicarious Liability of the State –Position in England and India.

STRICT LIABILITY AND ABSOLUTE LIABILITY– Rule in Rylands v Fletcher, Essentials of Strict Liability, Exceptions to the Rule of Strict Liability, The Rule of Absolute Liability – M.C.Mehta v Union of India.

REMEDIES AVAILABLE UNDER LAW OF TORTS. - NO FAULT LIABILITY

### MODULE III: Specific Tort

NUISANCE – Meaning and Definition of Nuisance, Essentials of Nuisance, Kinds of Nuisance – Public Nuisance and Private Nuisance.

NEGLIGENCE – Meaning and Definition of Negligence, Essentials of Negligence - Duty of care and caution, Breach of Duty, Damage – foreseeability of Damage. Contributory Negligence.

REMOTENESS OF DAMAGE – Test of Reasonable Foresight, The Test of Directness.

### MODULE IV: Tort against Human Being and Property





Assault, Battery, - Conspiracy. - FALSE IMPRISONMENT - MALICIOUS PROSECUTION.- DEFAMATION – Meaning and Definition of Defamation, Essentials of Defamation, Libel and Slander, Defences – Truth, Fair Comment, Privilege. - TRESPASS- Trespass to Land- Trespass to Person- Trespass to Goods- Nervous Shock, passing off.

### **MODULE V: Motor Vehicles Act - Consumer Protection Act**

Motor Vehicles Act - Types of Accident, At road intersections, collision, involving children, excessive speed, in floods, pedestrian, Running over cyclist and Hit and run Case Consumer Protection Act- Concept and definition of Consumer and Service-Unfair trade practices. - Consumer protection redressal agencies-District forum-State commission- National commission.

### **Recommended Reading Books**

- R.K Bangia, Law of Torts including Motor Vehicles Act. (2020)
- Ramaswamy Iyer's The Law Of Torts, A Lakshminath , M Sridhar , LexisNexisIndia (2010)
- Ratanlal & Dhirajlal, The Law of Torts (2019)
- Philosophy and the Law of Torts, Gerald J. Postema, Cambridge University Press,2002
- Gandhi, B.M., Law of Tort, 4th Edition, Reprinted 2019, Eastern Book Company.
- Pillai, P.S.A., Law of Torts, 9 th Ed., Eastern Book Co., Lucknow (2017).
- Salmond, Law of Torts, 17th Ed., (Rev. by R.F.V. Henston) London, Sweet andMaxwell (1979).

### **Journals/ Articles**

- Philosophical Issues in Tort Law, John Oberdiek, Volume3, Issue 4, July 2008,Pages 734-748
- Toward a Test for Strict Liability in Torts, Guido Calabresi and Jon T. Hirschoff,The Yale Law Journal, Vol. 81, No. 6 (May, 1972), pp. 1055-1085
- Some Thoughts on Risk Distribution and the Law of Torts, Guido Calabresi, TheYale Law Journal, Vol. 70, No. 4 (Mar., 1961), pp. 499-553
- Principles of Torts, Harvard Law Review, vol. 56 Harv. L. Rev. 72 (1942-1943),Heinonline.
- A Critique of Torts, Richard. L. Abel ,vol 37 UCLA L. Rev. 785 (1989-1990),Heinonline.

### **Further Reading Books**

- Harold Luntz et al, Torts: Cases and Commentary (LexisNexis Butterworths, 8thed, 2017)
- Carolyn Sappideen and Prue Vines (eds), Fleming's The Law of Torts (LawbookCo, 12th ed, 2016);





- Martin Davies and Ian Malkin, Torts (LexisNexis Butterworths, 8th ed, 2017);
- Kit Barker et al, The Law of Torts in Australia (Oxford, 5th ed, 2012);
- RP Balkin and JLR Davis, Law of Torts (LexisNexis Butterworths, 5th ed, 2013);
- Horsey, K. & Rackley, E. Tort Law. (Oxford University Press, 2019).
- Ratan Lal and Dhirajlal, The Law of Torts, 25th Ed., Wadhwa and Co. Nagpur, 2017.
- Singh, S.P, Law of Tort, Fourth Edition, Universal Law Publishing Co. Reprint 2018
- Chakraborty, C., Law of Consumer Protection, New Delhi, Dwivedi Law Agency (2007).
- Lunney, M. and Oliphant, K. (2013) Tort law: text and materials. Fifth edition. Oxford, United Kingdom: Oxford University Press.

### Journal/ Articles

- The Enterprise Liability Theory of Torts, Howard C. Klemme, Vol 47 U. Colo. L.Rev. 153 (1975-1976), Heinonline.
- Conditional Fault in the Law of Torts, Robert E. Keeton, Harvard Law Review, Vol. 72, No. 3 (Jan., 1959), pp. 401-444
- Causation, Valuation, and Chance in Personal Injury Torts Involving Preexisting Conditions and Future Consequences, Joseph H. King, Jr., The Yale Law Journal, Vol. 90, No. 6 (May, 1981), pp. 1353-1397
- Advani, Poornima, "Duty to Care from Hippocrates to Consumer Forum." Global Health Law, Indian Law Institute & World Health Organization, South East Asia, New Delhi, 1998, pp. 160-168.
- Bijawat, Mahesh, Medical Negligence – Medical Malpractice- A Medical Experience (NC), JILI 37, 1995 page 390-397.
- The Strict Liability In Fault And The Fault In Strict Liability, John C.P. Goldberg, Benjamin C. Zipursky Harvard Law School
- Toxic Gas Leak Leads to OSHA Fines- McCann & Wall, LLC, Pennsylvania, <https://www.hg.org/legal-articles/toxic-gas-leak-leads-to-osha-fines-52718>
- Harvard Law Review Forum, New Private Law Theory and Tort Law: A Comment, Keith N. Hylton, 125 HARV. L. REV. 1757 (2012) May 18, 2012
- Tort Law, Southern California Law Review <https://southerncalifornialawreview.com/tag/tort-law/>
- Tort Law, Green, Leon – Hein Online [https://heinonline.org/HOL/AuthorProfile?collection=Journals&base=js&search\\_name=Green,%20Leon](https://heinonline.org/HOL/AuthorProfile?collection=Journals&base=js&search_name=Green,%20Leon)

### Cases for Guidance

- Ashby vs. White (1703) 2 Lord Raym 938
- Gloucester Grammar School case (1410) Y.B. 11 Hen. IV of 47



- Mayor of Bradford Corpn. vs. Pickles (1895) AC 587
- Smith v. Charles Baker and Sons (1891) AC 325 (HL)
- South Indian Industrial Ltd., Madras vs. Alamelu Ammal, AIR 1923 Mad. 565
- Hall vs. Brooklands Auto Racing Club (1932) 1 KB 205
- Rylands vs. Fletcher (1868) LR 3 HL 330.
- M. C. Mehta vs. Union of India, AIR 1987 SC 1086.
- State of Rajasthan vs. Vidyawathi (1962) Supp. 2 SCR 989
- Donoghue vs. Stevenson (1932) All ER Rep. 1
- Malton Board of Health vs. Malton Manure Co., (1879) 4 Ex D 302
- White vs. Bailey 1861 10 C.B. (ns) 227
- The Wagon Mound (No 1) (1961)
- Kamta Prasad vs National Buildings Constructions Corporation Pvt Ltd, A.I.R.1992 Delhi 275
- Livingstone vs Rawyards Coal Co (1880) 5 App Cas 25, 39
- Khenyei vs New India Assurnace Co.Ltd.& Ors on 7 May, 2015
- Ajay Kumar & Anr. vs Most. Ruby Devi & Ors. on 27 July, 2016
- Union Carbide Corporation Etc vs Union Of India Etc. Etc on 3 October, 1991
- Stanley vs. Powell, (1891) 1 QB 86
- Rural Transport Service vs. Bezlum Bibi (1980)

### Learning Outcomes

- To analyze the term “tort”, determine those affected by the law of tort and assessthe aims and rationale behind the law of tort.
- To apply tort law to complex problems using appropriate legal problem-solvingtechniques.
- To exercise judgment in the application of tort law to simulated client situations inan academic environment.
- To analyze the impact of tort law from a policy perspective.
- To undertake legal research at a foundational level and evaluate legal information.

### LLB (HONS)

<b>First Year -1<sup>st</sup> Semester</b>	<b>Subject Code- H3L2005</b>	<b>Total Credits:4</b>
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Subject Code:	Subject Name: <b>FAMILY LAW - I</b>	T/L/ ETL	L	T / S.Lr	P/R	C
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<b>H3L2005</b>	Prerequisite : various aspects of family unit starting with the sources of personal laws, marriage, matrimonial reliefs, family courts, maintenance, legitimacy of children, custody of children and guardianship	T	3	1	-	4
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L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

### OBJECTIVES

India being a land of multi religious and multi-cultural, the course helps in understanding the meaning of the concepts that are involved in family system in the Personal Laws of the Hindus, Christians and Muslims. The syllabus revolves on the various aspects of family unit starting with the sources of personal laws, marriage, matrimonial reliefs, family courts, maintenance, legitimacy of children, custody of children and guardianship. Therefore the study helps the students to understand the following. It equips the students with different personal Laws. It provides ability to the student community in realizing secular laws related to inter- religious marriage, dowry, adoption and maintenance. Appreciate the Conglomeration of the unmodified aspects of unisex marriage and live- in- relationship. Also motivates the students to equip with writing, reading and research skills.

### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the factors that determine the legality of domestic relationship,
<b>CO2</b>	To develop The learning of the subject gives an understanding of both the personal law and secular law that regulates domestic relationship.
<b>CO3</b>	To develop basic ability to compare the personal laws as it existed before codification and appreciate the welcoming changes after codification and subsequent developments.
<b>CO4</b>	To understand the helps to understand secularization of personal laws in the background of the Constitutional Law and to realize the feasibility of UCC
<b>CO5</b>	To understand ability to the student community in realizing secular laws related to inter- religious marriage, dowry, adoption and maintenance.

Mapping of Course Outcome with Program Outcome (POs)



Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
CO1	1	-	1	1	1	1	-	-	2	-	-	-
CO2	1	-	1	1	1	1	-	-	2	-	-	-
CO3	-	1	-	-	-	-	1	1	1	1	1	1
CO4	2	3	2	2	2	2	3	3	1	3	3	3
CO5	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
CO1	1				3				3			
CO2	1				3				3			
CO3	-				3				3			
CO4	2				1				1			
CO5	3				-				-			
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low												
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills			
				✓								

## COURSE OUTLINE

### MODULE I: SOURCES AND SCHOOLS OF PERSONAL LAWS

Application of various Personal Laws - Traditional and Modern Sources of Hindu Law and Muslim Law - The Classical Schools of Hindu Law and Muslim Law - Origin of the Schools - Main Schools and Sub-Schools – Differences - Effect of Migration.



## **MODULE II: LAW ON MARRIAGE**

Nature of Marriage - Various forms of marriage and requirements for a valid marriage on a comparative analysis – Ceremonies of marriage under various religious systems - Void, voidable and valid marriage in different religious texts and statutes - Laws and Issues on marriage under the Special Marriage Act – Unisex Marriage and question on living together – The demand of Dowry and the concept of Dower under the relevant Personal Laws.

## **MODULE III: LAW ON MATRIMONIAL RELIEFS**

Restitution of Conjugal Rights, - Judicial Separation, - Nullity of Marriage and Divorce under various personal Laws – Various Grounds for Divorce and procedure on a Comparative analysis – Court's jurisdiction and procedure for the issues raised on Marriage and Divorce- In Camera proceedings - Decree on Proceedings – Domestic Violence - Structure, Procedure and Jurisdiction of Family Courts - The Family Courts Act.

## **MODULE IV: LAW ON MAINTENANCE**

Maintenance under Hindu, Muslim and Christian Laws - Permanent Alimony – Maintenance during pendency of the Suit – Maintenance under the Special Marriage Act, - Maintenance under the Hindu Adoptions and Maintenance Act - Maintenance under the Code of Criminal Procedure- Maintenance of Parents and Aged Persons.

## **MODULE V: LAW ON LEGITIMACY OF CHILDREN AND ADOPTION**

Legitimacy of children born of Void and Voidable Marriages under various religious laws- Their Rights and Legal Issues - Adoption in different religious groups - Requisites, Conditions, Procedure of Adoption -Effect of Adoption - Inter-Country Adoptions Adoption under the Juvenile Justice (Care and Protection of Children) Act, 2015

## **MODULE VI: LAW ON MINORITY AND GUARDIANSHIP**

Guardian under the Hindu Minority and Guardianship Act, 1956 – Definition - Types of Guardians - Guardianship under Muslim Law - Procedure for appointment of Guardians and their powers - Guardian under the Guardian and Wards Act, 1890.

### **Recommended Readings:**

#### **Books:**

- Mulla, Hindu Law, (Lexis Nexis 23<sup>rd</sup> Edition, 2018)
- Tahir Mahmood & Saif Mahmood, Introduction to Muslim Law, (Universal Law Publishing Co., 2<sup>nd</sup> ed., 2017)
- Kusum, Family Law Lectures – Family Law – I, (Lexis Nexis, 5<sup>th</sup> ed. 2019)
- Paras Diwan, Law of Marriage and Divorce, ( A Comprehensive treatise on Matrimonial Law of including Hindus, Muslims, Christians, Parsis and



- Jews) (Universal Law Publishing Co. 7th ed. 2017)
- Prof. (Dr.) T. V. Subba Rao, Prof. (Dr.) Vijender Kumar, Prof. G.C.V. Subba Rao's Family Law in India, (Gogia & Co., 2018)

#### Articles from Journals:

- Family Law Special Issue, JILI Vol. 45 (2003) (Full Journal July - Dec)
- Kusum, Is a Restitution Decree Sexploitative? Need for Relook?, JILI Vol. 61 (2019) p.144 - 48
- Vijendar Kumar, Quest for Prenuptial Agreement in Institution of Marriage: A Socio- legal Approach, JILI Vol. 60 (2018) p.406 - 26
- Nanda Chiranjeevi Rao, Marriage Agreements Under Muslim Law – A weapon in the Hands of Muslim Women, JILI, Vol. 55 (2013) p.94 - 103
- Lucy Carroll, Religious Conversion and Polygamous Marriage, JILI Vol. 39 (1997) p.272 - 80

#### Further Readings:

##### Books:

- P.V. Kane, History of Dharma Sasthra, 5 Volumes, (1962)
- Mulla, Principles of Mahommedan Law , (Lexis Nexis, 22<sup>nd</sup> ed.2017)
- Mayne, Treatise on Hindu Law & Usage (Bharat Law House, 17th Ed.2014)
- Kusum, Cases and Materials on Family Law, (Lexis Nexis, 4<sup>th</sup> ed. 2015)
- Kumud Desai, Indian Law of Marriage & Divorce (11<sup>th</sup> ed. 2020)
- Paras Diwan, Law of Adoption, Minority, Guardianship and Custody, (Univrsal Publishing Co. 2016)
- P K Das, Law Relating to Cruelty to Husband - Divorce and Maintenance to Wife, (Universal Law Publishing Co. 4<sup>th</sup> ed. 2017)
- Universal Concise Commentary, Muslim Laws (With Exhaustive Case Law) (Universal Law Publishing Co. 2016)
- Hari Dev Kohli, Supreme Court on Hindu Law, (Universal Law Publishing Co. 2016)
- Srinivasan M.N. ,Commentaries on Hindu Law, (Delhi Law House, 5th Revised New Edition in 2 Vols.)

##### Journals

- Zoe Rathus (2020) A history of the use of the concept of parental alienation in the Australian family law system: contradictions, collisions and their consequences, Journal of Social Welfare and Family Law, 42:1, 5- 17, DOI: [10.1080/09649069.2019.1701920](https://doi.org/10.1080/09649069.2019.1701920) <https://www.tandfonline.com/action/showCitFormats?doi=10.1080%2F09649069.2019.1701920>
- Justin Jones (2020) Towards a Muslim Family Law Act? Debating Muslim women's rights and the codification of personal laws in India, Contemporary South Asia, 28:1, 1-14, DOI: [10.1080/09584935.2019.1684444](https://doi.org/10.1080/09584935.2019.1684444)





- <https://www.tandfonline.com/doi/full/10.1080/09584935.2019.1684444>
- Jaiswal & Arunima Singh, Decoding Same-Sex Marriage Under the ‘Holy’ Hindu Marriage Act, 1955 <https://www.manupatrafast.com/articles/articleSearch.aspx>
- Mahavir Singh Kalon, DNA Technology and Legal Issues in India, Delhi Law Review, Vol. XXV, 2003
- Stellina Jolly & M.S.Raste, Rape and Marriage : Reflections on the Past, Present and Future, Vol. 47 JILI, 2006
- Jyoti Rattan, Uniform Civil Code in India: A Binding Obligation under the International and Domestic Law, Vol 46 JILI 2004
- A.K.Bhandari, Adoption Amongst Mohammedans- Whether Permissible in Law, Vol.47 JILI 2005
- Lucy Carroll, Religious Conversion and Polygamous Marriages, Vol.39 JILI 1997
- Anjani Kant, Right of Maintenance to Indian Women, Vol.38, JILI 1996
- M.S.Balaganesan, Speedy Remedy or Murky Muddle? Tragedy of Divorce on Ground of Mutual Consent, Vol. 36 JILI, 1994

#### **Cases for Guidance:**

- Danial Latifi and another v. Union of India (2001) 7 SCC 740
- Sarala Mudgal v. Union of India, (1995) 3 SCC 635
- Mohd. Ahmed Khan v. Shah Bano Begum, 1985 (1) SCALE 767; AIR 1985 SC 945
- Pratibha Rani vs Suraj Kumar & Anr, 1985, 1985 AIR 628, 1985 SCR (3) 191
- Shoba Rani v. Madhukar Reddy, 1988 AIR SC 121
- Shamim Ara v. State of U.P. (MANU/SC/0850/2002)
- Shayara Bano v. Union of India and others, Writ Petition (C) No. 118 of 2016
- Lata Singh v. State of Uttar Pradesh, 2006 (6) SCALE 583
- Velusamy v. D. Patchaiammal, (2010) 10 SCC 469
- Seema v. Ashwani Kumar, AIR 2006 S.C 1158
- Dhanwanti Joshi v Madhav Unde (1998) 1 SCC 11
- T. Sareeta v. T. Venkata Subbaih, AIR 1983 AP 356
- Saroj Rani v Sudarshan Kumar, AIR 1984 SC 1562
- Githa Hariharan v. Reserve Bank of India (1999) 2 SCC 228
- N.G. Dastane v. S. Dastane, AIR 1975 SC 1534

#### **Learning Out Come:**

- After the completion of the course the students will be able to:
- A study of this course will enlighten the students on the factors that determine the legality of domestic relationship,



- The learning of the subject gives an understanding of both the personal law and secular law that regulates domestic relationship.
- The student will be able to compare the personal laws as it existed before codification and appreciate the welcoming changes after codification and subsequent developments.
- The study helps to understand secularization of personal laws in the background of the Constitutional Law and to realize the feasibility of UCC

**LLB(Hons.)**

<b>First Year – 1<sup>st</sup> Semester</b>	<b>Subject Code –H3L2007</b>	<b>Total Credits : 4</b>
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Subject Code: H3L2007	Subject Name: <b>LAW OF CRIMES PAPER – I: INDIAN PENAL CODE</b>	T/L/ ETL	L	T / S.Lr	P/R	C
	Prerequisite : codification of both the substantive and adjectival (Procedural) Criminal law	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

The Indian Penal Code is a Substantive law containing 511 sections. It was Lord Macaulay who moved the House of Commons in 1833 to codify the whole of Criminal Law in India. The Criminal Procedure Code was passed in 1860 (Amended in 1973). These two together constitute 'Criminal Law' of India. This codification of both the substantive and adjectival (Procedural) Criminal law brought uniformity and definiteness to the Criminal jurisprudence in India. Definition of offences, containing many ingredients must be remembered with abundant caution. Even if one ingredient is slipped, it will not amount to an offence.

**COURSE OUTCOMES (Cos)**

Students completing this course were able to

<b>CO1</b>	To analyze lacunas within the criminal justice system and suggest the amendments have to make to provide the justice according to the changing needs of the society.
<b>CO2</b>	To Summarize the process of judicial review and identify criteria used by courts to evaluate the constitutionality of criminal law of India.
<b>CO3</b>	To Identify and synthesize social theory about crime, justice, and social deviance and explain and address various obstacles and barriers experienced by individuals before, during, and





	after internment
<b>CO4</b>	To understand the codification of both the substantive and adjectival (Procedural) Criminal law brought uniformity and definiteness to the Criminal jurisprudence in India
<b>CO5</b>	To understand basic principles of criminal law.

Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

**COURSE OUTLINE**

**MODULE I: Nature and Scope of Criminal Law**



History of Criminal Law- Development, Nature, Commencement, Extent & Applicability-Principles of Criminal Law -Crime Definition - Elements of Crime: Mens Rea- Actus Reus Psychology of crime- Stages of Crime: Intention, Preparation, Attempt & Commission -Classification of crime: General-specific- Group- Joint and Constructive Liability-Corporate Liability- Jurisdiction: Territorial-Extra Territorial Jurisdiction

## **MODULE II: Punishment.**

Punishments-Theories of punishment - Types of punishment – Death Sentence- Life Imprisonment- Commutation of sentence Solitary confinement-Limit of solitary confinement -Enhanced punishment.

## **MODULE III: General Exceptions**

Object, Nature & Scope -Excusable & Justifiable-Whether Exhaustive-Burden of Proof Mistake- Judicial Acts –Accident-Necessity - Infancy-Insanity-Intoxication –Consent Good Faith-Compulsion or Threat -Trivial Acts -Right of Private Defence.

## **MODULE IV: Offences against Human Body**

Culpable Homicide and Murder - Rash and Negligent Act-Attempt and Abetment to Suicide -Hurt and Grievous Hurt- Criminal Force and Assault-Wrongful Restraint and Wrongful Confinement - Kidnapping and Abductions - Offences against Women -Outraging the Modesty of Women-cyber crime against women-Voyeurism-Stalking- Acid Attack-Rape and Unnatural Offences- Cruelty and Offences relating to Marriage.

## **MODULE V: Offences against Property**

Theft, Extortion, Robbery and Dacoity - Criminal Misappropriation and Criminal Breach of Trust - Cheating and Forgery-Mischief-Receiving Stolen Property - Fraudulent Deeds & Disposition of Property-Criminal Trespass -Offences Relating to Documents & to Property Marks.

## **MODULE VI: General Offences**

Offences against State -Offences against Election - Offence Relating to Coins & Government Stamps - Offences Relating to Religion-Defamation- Criminal Intimidation, Insult & Annoyance - Offence Relating to Weights & Measures-Offence Affecting the Public Health, Safety, Convenience, Decency & Morals -e) Offences Relating to the Army, Navy & Air Force-Offences against the Public Tranquillity - False Evidence & Offence against Public Justice.

## **Prescribed Text Books**

- Glanville Williams, Text Book of Criminal Law, Universal Law Publishing Co., New Delhi,
- Ratanlal Dhiraj Lal, The Indian Penal Code, Lexis Nexis, Butterworths Wadhwa, Nagpur,
- K.D. Gaur, Textbook on Indian Penal Code, Universal Law Publishing Co., New Delhi,



- J.W. Cecil Turner, Russel on Crime ,Vol I &2, Universal Law Publishing Co., New Delhi,
- K.I. Vibhuti, PSA Pillai's Criminal Law, Lexis Nexis, Butterworths Wadhwa, Nagpur,
- Dr. H.S. Gaur, Penal Law of India, Law Publishers , Allahabad, 2013
- John Dawson Mayne, Mayne's Criminal law of India, Gale, Making of Modern Law,
- Bare Act of Indian Penal Code, 1860

### Reference Books

- Supreme Court on Penal Code Collection (in 5 Volumes), Surendra Malik and Sudeep Malik, 2018 Edition, Eastern Book Company
- Indian Penal Code (IPC), C.K. Takwani, 2014 Edition, Eastern Book Company
- Criminal Law (Indian Penal Code), K S N Murthy & K V S Sarma, 1st Edition, Lexis Nexis
- Crime and Punishment– Trends and Reflections, N V Paranjape, 1st Edition, Lexis Nexis
- Textbook on Criminal Law, Allen M, Oxford University Press, (2013)

### Cases for Guidance

- K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605
- Tukaram v. State of Maharashtra, AIR 1979 SC 185
- Suresh Kumar Koushal v. Naz Foundation, (2014) 1 SCC 1
- RawalpentaVenkalu v. State of Hyderabad, AIR 1956 SC 171
- S.N. Hussain v. State of Andhra Pradesh, AIR 1972 SC 685
- Ram Badan Sharma v. State of Bihar (2006) 10 SCC 115
- RambaranMahton v. The State, AIR 1958 Pat. 452
- S. Varadarajan v. State of Madras, AIR 1965 SC 942
- State of Punjab v. Gurmit Singh (1996) 2 SCC 384
- Bhupinder Singh v. UT of Chandigarh (2008) 8 SCC 531
- Pyare Lal Bhargava v. State of Rajasthan, AIR 1963 SC 1094
- Shri Bhagwan S.S.V.V. Maharaj v. State of A.P., AIR 1999 SC 2332
- Indira Gandhi v Raj Narain– 1975
- Priyadarshini Mattoo case - October 2006
- Jessica Lal Murder Case - December 2006



**Dr. M.G.R**  
**EDUCATIONAL AND RESEARCH INSTITUTE**  
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★ University with Graded Autonomy Status ★  
(An ISO 21001 : 2018 Certified Institution)





**LLB (HONS.)**

First Year-1 <sup>st</sup> Semester		Subject Code- H3L2009		Total Credits:4		
Subject Code:	Subject Name: <b>CONSTITUTIONAL LAW – I</b>	T/L/ ETL	L	T / S.Lr	P/R	C
<b>H3L2009</b>	Prerequisite : basis of all laws enacted by any government in power	T	3	1	-	4
L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab						
<b>OBJECTIVES</b>						
<p>In every country across the globe, people are expected to revere their Constitution and feel that it is their duty to know what is in it. It is a vital document that is the basis of all laws enacted by any government in power. It is based on noble principles. As John Marshall, rightly said, “The Constitution is color blind, and it neither knows nor tolerates classes among citizens.” The course helps in knowing the various basic tenets of Constitutional law and helps to have insightful understanding of fundamental legal structure, basic rights, rule of law, judicial review and also to have a comparative perspective across the world. The study helps in understanding the evolving concept of Transformative Constitutionalism and Constitutional jurisprudence</p>						
<b>COURSE OUTCOMES (Cos)</b> Students completing this course were able to						
<b>CO1</b>	To have an elementary understanding and describe areas of constitutional justice, law and society through a critical analysis of the subject					
<b>CO2</b>	To analyze lacunas within the rule of law justice system and suggest the amendments have to make to provide the justice according to the changing needs of the society.					
<b>CO3</b>	To summarize the process of judicial review and identify criteria used by courts to evaluate the constitutionality of various law of India					
<b>CO4</b>	To understand the the evolving concept of Transformative Constitutionalism and Constitutional jurisprudence					



CO5	To understand fundamental legal structure, basic rights, rule of law, judicial review and also to have a comparative perspective across the world											
Mapping of Course Outcome with Program Outcome (POs)												
Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
CO1	1	-	1	1	1	1	-	-	2	-	-	-
CO2	1	-	1	1	1	1	-	-	2	-	-	-
CO3	-	1	-	-	-	-	1	1	1	1	1	1
CO4	2	3	2	2	2	2	3	3	1	3	3	3
CO5	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
CO1	1				3				3			
CO2	1				3				3			
CO3	-				3				3			
CO4	2				1				1			
CO5	3				-				-			
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low												
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/Technical Skills	Internships/Technical Skills			
				✓								

## COURSE OUTLINE

### Module – I: Introduction and Classification of Constitution

Definition and meaning of Constitution- Kinds of Constitution-Meaning of Constitutionalism- Transformative Constitutionalism-features of Indian Constitution-Conventions –Significance- Theory of Separation of Powers – Latimer House Principles –Co-operative Federalism – Essentials of Federalism -Executive – Parliamentary, Presidential – Combination of Both.



## **Module – II: Preamble, Union and its Territories and Citizenship**

Preamble: Meaning, Scope, Importance, Objectives and Values –Union and its Territories (Art1-4) Citizenship: (Art 5-11) – Citizenship at the commencement of the Constitution- Deprivation and the renunciation of the Citizenship-Parliament power to regulate – Citizenship under the Citizenship Act.Citizenship Amendment Act 2019 and its Constitutionality.

## **Module –III: Contours of Fundamental Rights**

Influence of UDHR on the Indian Constitution-Definition and meaning, Article 12, New Judicial trends on concept of State –Definition and Meaning of Pre- Constitutional and Post-Constitutional Laws, Various Doctrines like Eclipse, Severability and Ultravires,-Judicial Review and Article 13 – Constitutional Processes of Adaptation and Alteration (Article 368) - Methods of constitutional amendment- Power and Procedure to amend the Constitution - Limitations upon constituent power- Doctrine of Basic Structure - Development of the Basic Structure - Judicial Review of Legislations included in the Ninth Schedule

## **Module – IV: Fundamental Rights - I**

General Equality Clause under Article 14, Judicial Interpretation on Equality– Reasonable Classification-Protective Discrimination Clause, Reservation and Social Justice under Articles 15 and 16, Equality and Reservation,-Equality of opportunity in public employment – Art 16,- Constitutional Provisions on Untouchability and abolition of Titles- Freedom of Speech and Expression - Art 19, Scope and Ambit- Art 19(1) (a) and (2); other freedoms From 19 (1) (b) to (g)

-Balance between individual interest and collective interest,-Reasonable restrictions on Right to Freedom under Article 19(2) to 19(6)-Judicial interpretation on Right to Strike and Bandh - Right to Information.

## **Module – V: Fundamental Rights - II**

Art 21 - Right to Life and Personal Liberty, Meaning and Scope, Procedure established by law,- Judicial Interpretation on Life and Liberty, Applicability of concept ofreasonableness- Difference between Due Process and Procedure Established by Law- Article 20 - Rights of the arrested person, Ex-post Facto – Double Jeopardy – Self incrimination,-Article 22 – Preventive Detention, Right against Preventive Detention, Exceptions, Safeguards againstPreventive Detention.-Right against exploitation – Forced labour and child employment- Articles 25-28, Secularism, Judicial Interpretation, Restrictions on Freedom of Religion.-Articles 29-30, Protection on Minorities, Recent trends on Minority Educational Institutions.-Article 32 and 226, Writ Jurisdiction – Definition, Nature, Scope and functions, PIL, Compensatory Jurisprudence, Various Writs, Concept of Selective Prosecution.





## **Module – VI: Directive Principles of State Policy and Fundamental Duties**

Directive Principles- directions for social change- A new social order-Fundamental Rights and Directive Principles - inter-relationship - judicial balancing -Constitutional amendments – to strengthen Directive Principles-Reading Directive Principles into Fundamental Rights, Judicial Approach- The need and status in constitutional set up, Interrelationship with fundamental rights and directive principles,-Enforcement of Fundamental Duties.

### **Books for Readings:**

1. M.P.Singh (ed.), V.N.Shukla's Constitution of India (EBC, Lucknow,2017)
2. M. P. Jain- Indian Constitutional Law- (Lexis Nexis2014)
3. H.M.Seervai, Constitutional Law of India, Vol.1-3,Universal Law Publishing - An imprint of LexisNexis; 4th edition (2015)
4. Mahendra P. Singh(ed.) Comparative Constitutional Law- Festschrift in Honour of Prof.P.K.Tripathi, (EBC, Lucknow,2011)

### **Articles from Journals**

1. UpendraBaxi, the Rule of Law in India, 6 SUR - Int'l J. on Hum Rts. 7 (2007).<https://heinonline.org/HOL/P?h=hein.journals/surij6&i=7>
2. Journal: 50 years (1958 – 2008) JILI Special Issue, Volume 50, Oct-Dec, (2008)
3. Soli J Sorabjee (1999) Introduction to Judicial Review in India, Judicial Review, 4:2, 126-129, DOI: 10.1080/10854681.1999.11427060.
4. S. P. Sathe, Judicial Review in India: Limits and Policy, 35 Ohio St. L.J. 870 (1974).<https://heinonline.org/HOL/P?h=hein.journals/ohslj35&i=880>
5. Ramaswamy R. Iyer. "Public Enterprises as 'State' and Article 12." Economic and Political Weekly, vol. 25, no. 34, 1990, pp. M129–M134. JSTOR, [www.jstor.org/stable/4396678](http://www.jstor.org/stable/4396678).

### **Further Readings: Books:**

1. Dr. Narender Kumar, Constitutional Law of India(Allahabad Law Agency,2019)
2. Udai Raj Rai, Constitutional Law – I Structure, (EBC, 2016)
3. Udai Raj Rai, Fundamental Rights and Their Enforcement(EBC – e-Book –Amazon)
4. Constituent Assembly Debates Vol. 1 to 12 (1989)
5. Granville Austin, Working a Democratic Constitution - A History of the Indian Experience (Oxford University Press, 2014)

### **Landmark Cases for Guidance:**

1. In re Berubari AIR 1960 SC 858
2. Kesavananda Bharati v. State of Kerala AIR 1973 SC 1461
3. R.D.Shetty v. International Airport Authority of India, AIR 1979 SC1928
4. Marbury v. Madison , 21 Ed. 60





5. Visakha v. State of Rajasthan, AIR, 1997SC 3011
6. Air India v. Nargesh Meerza, AIR 1981 SC 1829
7. A.K.Gopalan v. State of Madras, AIR 1950 SC 27
8. A.K. Roy v. Union of India, AIR 1982, SC 710
9. Balaji v. Sate of Mysore, AIR 1963 SC 649
10. Express Newspapers v. Union of India, AIR 1958 SC 578
11. Maneka Gandhi v. Union of India AIR 1978 SC 597
12. D.K.Basu v. State of West Bengal, AIR 1997 SC 610
13. Bachapan Bachao Andolan v. Union of India, AIR 2011 SC 3361
14. S.R. Bommai v. Union of India, (1994) SCC 1
15. Sarala Mudgal v. Union of India, (1995) 3 SCC 635

### **Learning Outcome:**

The course, Constitutional law which is the fundamental law of the land helps the student in depth understanding of constitutional jurisprudence and also:

1. The study helps in understanding the concept of Transformative Constitutionalism and societal problem.
2. The study of fundamental law helps to uphold democracy and Constitutional values
3. The subject helps the student to promote good governance and nurture Constitutional morality.
4. It helps the student to create new social legislation according to the changing social needs
5. The study helps the student to explore the changing dimensions of Constitutional law and viable solution for it.



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### LLB(HONS)

<b>First Year -1<sup>st</sup> Semester</b>	<b>Subject Code- H3L2022</b>	<b>Total Credits:4</b>
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Subject Code:  <b>H3L2022</b>	Subject Name: <b><u>PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS ANDBAR BENCH RELATIONS</u></b>	T/L/ ETL	L	T / S.Lr	P/R	C
	Prerequisite : ethics form the foundation in the lives of the lawyers	T	3	1	-	4

L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C :  
Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab

#### OBJECTIVES

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.

### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To Familiarize the students with the legal provisions, guidelines, and judicial decisions on the subject of professional conduct for lawyers
<b>CO2</b>	To acquaint them with the opinions of the Bar Council of India on professional misconduct
<b>CO3</b>	To train them in the skills of client interviewing and counseling
<b>CO4</b>	To understand and teach them the basics of professional accountancy
<b>CO5</b>	To understand basic grammar and do transcription exercise 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.

### Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3



COs/PSOs	PSO1	PSO2	PSO3						
CO1	1	3	3						
CO2	1	3	3						
CO3	-	3	3						
CO4	2	1	1						
CO5	3	-	-						
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low									
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/Technical Skills	Internships/Technical Skills
				✓					



The course will be conducted through lectures, case method as well as participatory methods involving students in problem-solving, role plays, and simulation, 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

### **MODEL- I: INTRODUCTION**

Conceptual understanding of Ethics- Professional Ethics - Code of Conduct - Misconduct - Importance of Legal Education and Legal Profession in India - Historical Background and Significance – judicial process in India

### **MODEL – II: DETAILING THE RIGHTS AND DUTIES OF A LAWYER AND TRACING THE ACCOUNTABILITY**

Duties towards Court, Client, Opposite Attorney, himself, Public, etc., - duty towards legal fraternity and reforms, duty towards providing legal aid B. Rights towards right to practice, right to argue his case, right over his professional fees – certain limitation of rights such as restrictions on advertising, bar from carrying on any other profession etc.,

### **MODEL – III: LAW GOVERNING LEGAL PROFESSION AND RELATED PROCEDURED IN ENSURING ITS ACCOUNTABILITY**

Advocates Act, 1961 Advocate – Bar Council of India – Legal Practitioner – State Bar Council and its composition, powers and functions – Bar Council of India and its composition, powers and functions – Committees such as Disciplinary committee, Legal aid committee and other committees – Admission and Enrolment – Disqualification – Senior Advocate, Advocate on Record – Misconduct and its punishment for misconduct - Deficiency in Service and Negligent act of Advocacy – Liability and Remedy – Privileged Communication – Vicarious Liability – Advocate Clerk and his responsibility 80 B. Bar Council of India Rules, - BCI and its Committees – Directorate of Legal Education – All India Bar Examination – Legal Education (amendment) Rules, 2016 C. The Contempt of Courts Act, 1971 – Contempt of Court – Civil contempt and Criminal contempt Defenses and Punishments – Appeal

### **MODEL – IV: UNDERSTANDING THE BAR – BENCH RELATIONS**

Advocates and Judges – indispensable partners – composition of Bar Associations – Duties of the Bar B. Fair trial – Court Decorum, Discipline, attitude and sincerity – Duty of Judges – without bias, impartial and good conscience in justice delivery C. Academic Contribution – skills of lawyer seven lamps of advocacy

### **MODEL – V: EXPLORING THE FUNCTIONING OF LEGAL SERVICES IN THE GLOBALISED WORLD**

Impact of Foreign Legal Studies and legal services in India – Legal aid – Law firm and legal services – Legal Outsourcing – Law school in India and its legal ethics - dress code, need of practical litigating lawyer B. Legal services in modern era: – Techno legal lawyering – Digital India and Legal profession E courts – video conferencing - Alternative Disputes Resolution – Mediation and Conciliation



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## **MODEL VI: IMPLICATIONS OF INTERNATIONAL ISSUES IN LEGAL PROFESSION AND ITS ETHICAL CONCERNS**

Private International Law and legal issues – international crimes and legal opinion under ethical manner – cross border terrorism – human trafficking – Drug trafficking – B. Pleading of Foreign lawyering and its issues – Italian Marine Case – Jurisdictional issues in India – Commission of Foreign Witnesses

## **MODEL– VII: BAR COUNCIL AND ITS DEVELOPMENTAL CONTRIBUTION TO LEGAL EDUCATION**

Bar Council of India – Rules of Legal Education, 2019 – Centre of Legal Education – Legal Education Committee – Admission and Enrolment – Eligibility B. Maintenance of Standard of Legal Education – Inspection, Recognition and Accreditation – Inspectorate, Legal Education Inspection Board – Approval of Centre of Legal Education – Legal Education Accreditation Board – Directorate of Legal Education – Recognition of Foreign Law Degree – Equivalence – Miscellaneous provisions

Apart of class room teaching in this course, this course is a clinical course so the marks shall be allocated based on internal assessment only. For

- two project submission 25 marks each,
- for case study 25 marks (High Court and Supreme Court Judgments),
- for mid-semester 20 marks and a
- attendance 05 marks – total 100marks

## **LEGISLATIONS FOR REFERENCE**

1. Advocates Act, 1961
2. Contempt of Courts Act, 1971
3. Bar Council of India Rules
4. Legal Education Rules, 2008
5. Bar Council of India, Draft Rules on Legal Education, 2019

## **IMPORTANT CASES**

1. Vishram Singh Raghubanshi v. State of UP (AIR 2011 SC 2275)
2. Vijay Singh v. Murarilal AIR 1979 SC 1719
3. S J Chaudhary v. state of Delhi AIR 1984 SC 618



4. Chandra Shekhar Soni v. Bar Council of Rajasthan AIR 1983 SC 1012
5. Ex- Capt Harish Uppal v. Union of India AIR 2003 SC 739
6. John D' Souza v. Edward Ani AIR 1994 SC 975
7. Himalayan Cooperative Group Housing Society v. Balwan Singh AIR 2015 SC 170
8. Vishwanath Swami v. Bar Council of India AIR 2013 SC 3589
9. A S Mohammed Rafi v. State of tamil Nadu AIR 2011 SC 308
10. D Saibaba v. Bar Council of India AIR 2003 SC 2502
11. Pushpaben v. Narandas V Badiani AIR 1979 SC 1536
12. L D Jaikwal v. State of UP AIR 1984 SC 1734
13. Charan Lal Sahu v. Union of India AIR 1988 SC 107
14. P N Duda v. V P Shiv Shankar AIR 1988 SC 1202
15. Dr. Subramanian Swamy v. Arun Shourie AIR 2014 SC 3020 82

**Recommended Readings:**

**Books:**

1. K V krishnaswamy Iyer – Professional Conduct and Advocacy, Ingram Short title, (2015). available at <https://archive.org/details/professionalcond029273mbp>.
2. Dr. Kailash Rai, Legal Ethics- Accountancy for Lawyers and Bench and Bar Relations, Central Law Publication,(Reprint-2016).
3. B R Aggarwala, Supreme Court Practice and Procedure.
4. P Ramanath Iyer, Legal and Professional Ethics, (3rded.,).
5. Dr. S P Gupta, Professional Ethics, Accountancy for Lawyers and Bench bar Relations.
6. M P Jain, Outline of Indian Legal History-Chapter : Development of Legal Profession.





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7. M R Mallick- The Advocates Act 1961 with Professional Ethics, Advocacy and Bar-bench Relationship
8. Dr. B Malik: The Art Of alawyer
9. Nilendra Kumar and Neha Chaturvedi: M K Gandhi's : The Law and Lawyer
10. Saadiya Suleman: Professional Ethics & Advertising by Lawyers
11. GCV Subba Rao, Commentary on Contempt of Courts Act 1971 (2014)
12. Ranadhir Kumar De, Contempt of Court Law & Practice (2012) Wadhwa Book Company

Francis L. Wellman, The Art of Cross Examination, available at

[http://www.delhihighcourt.nic.in/library/articles/the%20art%20of%20cross%20examination\[1\].pdf](http://www.delhihighcourt.nic.in/library/articles/the%20art%20of%20cross%20examination[1].pdf)

### **Suggested Readings:**

1. Justice Mirza Hameedullah Beg, Role of the Bench and the Bar, available at <http://www.allahabadhighcourt.in/event/RoleoftheBenchandtheBarMHBeg.pdf>
2. J.W. Smyth Q.C, The Art of Cross Examination (1961), available at <http://www.allahabadhighcourt.in/event/RoleoftheBenchandtheBarMHBeg.pdf>
3. Champ S. Andrews, The Law A Business or a Profession (1908), available at <https://www.jstor.org/stable/pdf/784941.pdf>
4. 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)
5. Geoffrey C. Hazard Jr., Responsibilities of Judges and Advocates in Civil and Common Law: Some Lingerin Misconceptions Concerning Civil Lawsuits (2006), available at [http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2091&context=faculty\\_scholars](http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2091&context=faculty_scholars)

### **Learning Outcomes**

It is expected that at the end of semester, the students will be able to

1. Identify situations of professional dilemmas
2. Recall and explain the principles of professional ethics





3. Take appropriate decisions when faced with any dilemma of professional ethics.
4. Interview and counsel clients in a professional manner
5. Apply the basic principles of professional accountancy

**LLB (Hons.)**

<b>First Year – 2<sup>nd</sup> Semester</b>	<b>Subject Code – H3L2003</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b>LAW OF CONTRACT – II: SPECIAL CONTRACT</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2003</b>	Prerequisite : general principles that apply to each specific contractual relationship	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

The focal point of this course is the special contracts detailed in the Indian Contract Act, 1872. Further the course deals with general principles that apply to each specific contractual relationship. Provisions relating to The Sale of Goods 1930, The Indian Partnership Act 1872 are discussed along with the contracts of indemnity and guarantee, of bailment and pledge, and that of agency. The Law of Special Contracts can be classified under two very broad categories, viz. special contracts of personal relationships and special contracts of property related transactions. In this context, the course seeks to cover: The concepts and principles of special contracts and its relevance through decided cases. How to establish relationship of general principles with the special contracts. Understand the growing importance of special contracts and to understand the new forms of special contracts including technology transfer agreements, e-contracts, software licensing agreements, government contract etc.



### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	Identify the relevant legal issues that arise on a given set of facts in the area of contract law. CO2 Select and apply a range of approaches to written communication, and CO3
<b>CO2</b>	To develop, select and apply a range of approaches to written communication in contract law.
<b>CO3</b>	To develops apply the critical thinking required to bring about creative solutions to complex legal problems in the area of contract law.
<b>CO4</b>	To understand and formulate oral and written arguments in response to a given set of facts.
<b>CO5</b>	To understand basic tenets of basic specific contracts and its exercise

### Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low



Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

## COURSE OUTLINE

### MODULE I: CONTRACTS OF INDEMNITY AND GUARANTEE

Concept of indemnity - Need for indemnity to facilitate commercial transactions - Definition of the contract of indemnity - Formation and essential features of indemnity - Purpose of the contract of indemnity, and its use in facilitating and supporting transactions - Nature and extent of liability of the indemnifier - Rights and Duties of the Indemnifier and the Indemnified - Difference between Indian and English Law as to Indemnity - Distinction between an indemnity, a warranty and a representation Contract of guarantee -Formation and essentials features of a contract of guarantee - Parties to the contract - Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety - Consideration for a contract of guarantee - Continuing guarantee, and its revocation - Comparison between guarantee and indemnity - Nature and extent of surety's liability; Surety's rights against - the principal debtor - the creditor - co-surety -Discharge of surety's liability.

### MODULE II: CONTRACT OF BAILMENT

Definition - Formation and essential features of a contract of bailment - Parties to the contract - Creation of a contract of bailment - Obligations of bailment despite contract - Gratuitous bailments – Lien - General and Particular Lien: Types of Bailor and Bailee - Rights, duties, disabilities and liabilities of a bailor and a bailee towards each other -Termination of bailment, and consequences of termination - Finder of goods as a bailee - Liability towards the true owner

### MODULE III: CONTRACTS OF PLEDGE

Definition - Essential features of a contract of pledge - Parties to the contract - Creation of a contract of pledge - Distinction between contracts of pledge, lien, bailment, hypothecation - Rights, liabilities, duties, and disabilities of the - Pawnor (Pledger) - Pawnee (Pledgee) - Pawnee's right of sale e) Pledge by certain specified persons under sections 178, 178A, 179 of Contract Act, 1872.

### MODULE IV: CONTRACTS OF AGENCY:

Definition - Identification of different kinds of agency transactions in day-to-day life - Kinds of agents and agencies - Tests for determining existence of agency relationship. Essential features of a contract of agency - Parties involved - Kinds of agents and agencies - Creation of agency - Distinction between



agent, servant or employee, and independent contractor: Agent's authority - Scope and extent - Express or implied - apparent or ostensible authority and - authority in an emergency - Restrictions or limitations on authority - Delegation of authority - Relationship between a principal, agent, sub-agent and substituted agents - Duties, Rights and Liabilities of an Agent towards the Principal and Third Party - Liability of the principal for acts of the agent including misconduct and tort of the agent - Personal liability of an agent. Methods of termination of agency contract - Effects of termination - Liability of the principal and agent before and after such termination.

## **MODULE V: THE SALE OF GOODS ACT 1930**

Definition - Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods. Essential features of a contract of sale - Formation of Sale contract - Sale differentiated from other type of contracts - Sale as a transfer of property - Conditions and Warranties - Implied conditions and warranties - Express conditions and warranties - The effect of breach – Ex – post Facto Warranty – when condition is treated as Warranty. Rule 'caveat emptor' and exceptions - Passing off Property - Transfer of Title-Nemo Dat Quod Non Habet – Sale by Non –Owners Delivery of goods: various rules regarding delivery of goods - Rights and liabilities of the buyer and seller - Unpaid seller and his rights - Remedies for breach of contract

## **MODULE VI: CONTRACTS OF PARTNERSHIP**

Definition - Essential features of a contract of partnership - the firm and the partners - Parties to the contract - Minor as partner Kinds of partnership - Registration of Partnership Firm and consequences of non-registration - Rights, Duties and Liabilities of Partners Mutual relationship between partners: their rights, liabilities, and duties against each other - Relationship of partners to third parties - Partner as agent of firm, Partners' authority, Implied authority, Mode of exercising authority, Liability of the firm for acts of partners - Property of the firm Change in constitution of a firm – Admission, retirement, expulsion, death, and insolvency of any partner - - Public notice - Effect of change in constitution of the firm. Dissolution of a firm - Modes of dissolution - Effect of dissolution - Agreements in restraint of trade - Limited Liability Partnership - Essential features - Distinction between LLP and ordinary partnership

## **RECOMMENDED READINGS:**

### **Books:**

- Law of Contract & Specific Relief, by Avtar Singh, Eastern Book Company, 12th Edition, 2017, reprinted 2019.
- Law of Sale of Goods, by Avtar Singh, Eastern Book Company, 8th Edition, 2018.
- Introduction to Law of Partnership, by Avtar Singh, Eastern Book Company, 11th Edition, 2018.
- Palmer on Bailment, edited by Norman Palmer, Sweet & Maxwell Ltd, 03rd Edition, 2009.
- Anson's Law of Contract, Oxford University Press, 13th Edition, 2016.

### **Journals/Journal Articles:**



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- Journal of Contract Law – Legal Publications / Lexisnexis
- Corporate Law Journal – ISN 2581-3592
- Company Law Journal
- Indian Journal of International Economic Law – NLSIU, Bengaluru, India
- NLS Business Law Review
- Indemnities and the Indian contract act 1872, Wayne Courtney
- NATIONAL LAW SCHOOL OF INDIA REVIEW 27 NLSI Rev. (2015)
- Condition and Warranty in Contract Law of India, Harvard BlackLetter Law Journal,
- Commercial Utility of Bailment, Kartik Mandloi, Published in International Journal of Trend in Scientific Research and Development (ijtsrd), ISSN: 2456-6470, Volume-2 | Issue-5, August 2018, pp.1093-1098,
- Hire-Purchase Hardships and Hopes, J. W. A. Thornely, The Cambridge Law Journal, Vol. 20, No. 1 (Apr., 1962), pp. 39-68
- Published by Cambridge University Press on behalf of Editorial Committee of the Cambridge Law Journal.
- Computing Damages in Hire purchase Agreements: A Re-Look BREACH OF CONTRACT, ICFAI University Publications,
- Government Obligations in Public-Private Partnership Contracts, Journal of Public Procurement, Vol. 10, No. 4, Winter 2010, Sandeep Verma, Government of Rajasthan; Public Health Engineering & Ground Water Departments
- Partnership Formation: The Role of Social Status, Haimanti Bhattacharya & Subhasish Dugar, <https://pubsonline.informs.org/doi/abs/10.1287/mnsc.2013.1818>.
- Modes of Termination of Principal – Agent Relationship under the Indian Contract Act, 1872, Roshni Duhan and Vimal Joshi Department of law, B.P.S. Mahila Vishwavidyalaya, Khanpurkalan, Sonipat, International Research Journal of Social Sciences ISSN 2319–3565 Vol. 2(11), 46-48, November (2013)



## **FURTHER READINGS:**

### **Books:**

- The Law of Bailment, by Robert H. Tanha, Irwin Law Inc., 2019.
- Law of Guarantees, by The Hon Mrs. Justice Geraldine Andrews; Richard Millett, QC; John Robb, Sweet & Maxwell, 08th Edition, 2008.
- Principles of the Law of Agency, by Howard Bennett, Hart Publishing, 01st Edition, 2013.
- Agency and Partnership Law, edited by Mark J. Loewenstein and Robert W. Hillman, Edward Elgar Publishing Ltd., 2018. 68
- Bowstead & Reynolds on Agency, Sweet & Maxwell Ltd., 20th Edition, 2016.
- The Sale of Goods, by M.G. Bridge, Oxford University Press, 02nd Edition, 2009.
- Practical Guide to Limited Liability Partnership, by Pl. Subramanian, Snow White Publication, 14th Edition, 2018
- Bhashyam and Adiga, The Negotiable Instruments Act (1995), Bharath,
- Allahabad
- M.S. Parthasarathy (ed.), J. S. Khargamvala, The Negotiable Instruments Act

### **Cases for Guidance:**

- Ultzen v. Nicols [1894 1 QB 92]
- Morvi Mercantile Bank v. Union of India A.I.R. 1965 S.C. 1954
- Kaliaporumal Pillai vs. Visalakshmi AIR [1938 Mad 32]
- Adamson v. Jarvis (1827) 4 Bing.66:29 R.R.503
- Dugdale v. Lovering (1874-75) L.R. 10 C.P. 196
- Sheffield Corporation v. Barclay [1905] AC 392
- State of Gujarat vs. Memon Mahomed [AIR 1967 SC 1885]
- Duncan Fox & Co. v. North & South Wales Bank (1880) 6 AC 1, [1874-80] All ER Rep Ext 1406
- Lasalgaon Merchants Co-op Bank vs. PrabhudasHathibhai [AIR 1966 Bom 134]
- Ram Gulam vs. Govt. Of Uttar Pradesh [AIR 1950 All 106]
- Coouturier v. Hastie (1856) 5 HLC 673
- Phillipson v. Hayter L. R. 6 C. P. 41
- Graff v. Evans (1882) 8 Q.B.D. 373, 73
- Niblett v. Confectioners' Materials Co. [1921] 3 K.B. 387
- Summer Permain & Co. v. Webb & Co. [1922] 1 K.B. 55.

## **LEARNING OUTCOME:**

- After completion of the course students will be able to –
- grasp the nuances of the contractual transactions involving Special forms of contracts.
- analyze the implications of a contractual arrangement falling under any of the discussed head of special contracts.
- determine the legality of the transactions and the rights and duties of the parties.
- deal with the disputes arising out of such contractual arrangements.





**LLB(HONS)**

<b>First Year – 2<sup>nd</sup> Semester</b>	<b>Subject Code – H3L2006</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b>FAMILY LAW-II</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2006</b>	Prerequisite : family is one of the important and prime social institution upon which the society exist from time immemorial	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

The Objective of the courses is to train the students to acquaint family is one of the important and prime social institution upon which the society exist from time immemorial. The concept governing the family are inheritance, succession, partition. The course is of prime importance and helps the student to have depth understanding of the concept mentioned above and also across different religion such as Hindu, Muslim, Christian. The unique concept like Joint family property, coparcenary, Karta and their powers and duties under Hindu law are analyzed well. The scheme of succession, partition and religious endowments relating to all religion are discussed in depth. The concerned legislation regarding the above matters were also outlined to have a clear picture of the subject. The study of this paper helps in understanding the comparative approach between testamentary succession and intestate succession and limitation is provided for the same.

**COURSE OUTCOMES (Cos)**

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the Explore the meaning and difference between intestate and testamentary succession under various religious laws.
<b>CO2</b>	To analyse the concept of Hindu Joint Family system and coparcenary and also learn about the Partition and its effects under Hindu Law.
<b>CO3</b>	To develop the analytical approach regarding the women right under various personal laws
<b>CO4</b>	To understand the concepts like Hiba and Shuffa under Muslim Law
<b>CO5</b>	To understand and evaluate the concept like religious endowments and their functions in governing the respective religion





Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
CO1	1	-	1	1	1	1	-	-	2	-	-	-
CO2	1	-	1	1	1	1	-	-	2	-	-	-
CO3	-	1	-	-	-	-	1	1	1	1	1	1
CO4	2	3	2	2	2	2	3	3	1	3	3	3
CO5	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
CO1	1				3				3			
CO2	1				3				3			
CO3	-				3				3			
CO4	2				1				1			
CO5	3				-				-			
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low												
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/Technical Skills	Internships/Technical Skills			
				✓								

## COURSE OUTLINE

### MODEL- I: CONCEPT OF HINDU JOINT FAMILY AND COPARCENARY

Hindu Joint Family and Coparcenary – Meaning – Characteristics & Distinction- Rights of Coparceners and Position of Female Coparceners- Distinction between Mithakshara & Dayabhaga Coparcenary and Changes introduced by The Hindu Succession (Amendment) Act, 2005- Karta – Position – Powers - Rights and Duties- Ancestral - Separate or Self Acquired Property & its Sources - Concept of Gains of Learning - Alienation of Hindu Joint Family Property – Karta's & Coparcener's Power of Alienation- Right to Challenge unauthorized Alienation.



## **MODEL- II: CONCEPT OF PARTITION AND ITS CLASSIFICATION**

Partition – Meaning - De Facto & De Jure  
Partition-Subject matter of Partition & properties not capable of partition  
Persons having Right to Partition & Persons entitled only to Share in Partition  
Partial Partition  
- Modes of effecting Partition  
Re-opening and Re-union of Partition.

## **MODEL- III: INTESTATE SUCCESSION UNDER HINDU LAW**

General Principles of Succession under Hindu Law  
Succession to Separate/ Divided property of a Hindu Male dying intestate – class I - class II heirs - Agnates & Cognates  
Succession to Mithakshara Coparcener's undivided interest  
Disqualifications under the Hindu Succession Act & its effect on Succession  
Hindu Woman's Right to Property under the Hindu Succession Act, 1956 with the changes effected by the Hindu Succession Amendment Act, 2005.

## **MODEL- IV: INTESTATE SUCCESSION UNDER MUSLIM LAW & CHRISTIAN LAW**

Muslim Law of Succession – Sunni Law of Inheritance – Shia Law of Inheritance  
Christian Law of Inheritance – Relevant provisions under the Indian Succession Act, 1925  
Comparative analysis of right to property of women under different Religious and Statutory Law.

## **MODEL V: TESTAMENTARY SUCCESSION AND CONCEPT OF GIFT UNDER ISLAMIC LAW**

Testamentary Succession under Hindu, Muslim and Christian Law  
Limitation to Testamentation under various Religious and Statutory Law  
Will and Administration of Will – Codicil  
Lapse, Abatement and Ademption of Legacies  
Probate, Letters of Administration and Succession Certificate  
Hiba - Nature and Characteristics of Hiba - Subject matter of Hiba – Effects of Hiba  
Kinds of Hiba – Revocation of Hiba – Marz-ul-maut-Shuffa  
Origin, Definition, Classification, Subject matter, Formalities, Procedure & Constitutional validity.

## **MODEL- VI: RELIGIOUS ENDOWMENTS AND PSDA (Professional Skill Development Activities)**

Hindu Religious Endowments-Wakf. - Meaning - Formalities of Creation –Types and Administration of Wakf  
Mutawalli and his powers - Muslim religious Institutions and Offices-Exercises on Distribution of Property  
Drafting a Deed of Hiba/Waqf/Wasiyat-Preparation of Pleading for a Partition Suit.



## **Books for Readings:**

### **Books:**

- Dr. Poonam Pradhan Saxena, Family Law Lectures: Family Law II, LexisNexis Butterworth, India, 4<sup>th</sup> Edition 2018.
- ASAF A.A. Fyzee, Edited and Revised by Tahir Mahmood, “Outlines of Muhammadan Law”, Oxford University Press, 5<sup>th</sup> Edition 2009.
- Kusum, “Family Law Lectures”, 2003, Lexis Nexis, New Delhi.
- Mulla, “Principles of Mahomedan Law” by Hidayatullah, 19<sup>th</sup> Edition. LexisNexis Butterworth, New Delhi.
- Dr. Paras Diwan, “Modern Hindu Law”, Allahabad Law Agency, Faridabad (Haryana), 2018.

### **Journals/Journal Articles:**

- Hindu Law - Daughter: A Coparcener, Kulkarni, K.V. All India Reporter, 2004 Mar.
- Hindu Succession (Amendment) Act 2005: An Appraisal, Dash, U.N., All Indian High Court Cases, 2007.
- Hindu Women’s Right to Property (with special reference to The Hindu Succession Act, 1956), Roy, Sujoy, PRP Journal of Human Rights, 2004, Oct. –Dec.
- Law Commission of India: Proposal to amend The Hindu Succession Act, 1956 as amended by 39 of 2005: Editor- Madras Law Journal, Madras Law Journal, 2008, Feb.
- Right of a Female Heir to claim Partition in a dwelling house under S.23 of the Hindu Succession Act, 1956, Kumar, M.R. Pradeep, Madras Law Journal, 1993 184(1).

## **Further Readings:**

### **Books:**

- Dr. Paras Diwan, “Muslim Law in Modern India”, Allahabad Law Agency, Faridabad (Haryana), 2016.
- Dr. Qureshi, M.A. - “Muslim Law”, 3rd edn. 2007, Central Law Publications, Allahabad.
- Dr. Tahir Mahmood & Dr. Saif Mahmood, Introduction to Muslim Law, Universal Law Publishing – An imprint of Lexis Nexis, 2014.
- R.K. Agarwal, “Hindu Law”, Central Law Agency, 2019.
- B.M. Gandhi, “Family Law Vol II”, Eastern Book Company, Lucknow, 2013.
- Dr. Paras Diwan’s Family Law, Allahabad Law Agency, 2018.

### **Cases for Guidance:**

- P.G. Reddy v. Golla Obulamma AIR 1971 A.P., 363 (F.B.).
- Narain Devi v. Ramo Devi AIR 1976 SC 2198.
- Rajeshwari Rani v. Nirja Guleri AIR 1977 P&H, 123.
- Thotappav. G. Gurusiddappa AIR 1977 Kant, 175.
- Nawazish Ali Khan v. Ali Raza Khan 75 I.A. 62.



- Commissioner of Income Tax, West Bengal v. Sri Jagannathji AIR 1977 SC1523.
- Yousuf Rawther vs. Sowramma, AIR 1971 Ker.261.
- Sri Jiauddin Ahmed vs. Mrs. Anwara Begum, (1981) GLR358.
- Must. Rukia Khatun vs. Abdul Khaliq Laskar, (1981) 1 GLR375.
- Masroor Ahmed vs. State (NCT of Delhi) & Anr. 2008 (103) DRJ137.
- Vaddeboyina Tulasammav. Vaddeboyina Shesha Reddi, 1977 SCR(3).
- Jiauddin Ahmed v. Anwara Begum (1981) 1 Gau.L.R.358.
- Masoor Ahmed v. State (NCT of Delhi), 2008 (103) DRJ 137, para 27.
- Nasir v. Sheena 2017 (1) KLT300.
- Shamim Ara vs State of U.P. & Anr. (2002) 7 SCC518.

### LLB (Hons.)

<b>First Year-2<sup>nd</sup> Semester</b>	<b>Subject Code- H3L2010</b>	<b>Total Credits:4</b>
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Subject Code:	Subject Name: <b>CONSTITUTIONAL LAW-II</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2010</b>	Prerequisite : insightful understanding of the working of Constitutional law	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

### OBJECTIVES

The main object of this course is to give insightful understanding of the working of Constitutional law and role played by the three functionaries of the government. The subject mainly deals with the Center state relationship, powers and functions of center and state and the respective executives. The subject gives detail understanding about the function of the government all about Parliament and state legislatures. It puts light on the working of the judiciary and how independence of judiciary is maintained which is one of the basic structures of the constitution. The course outlines all the important aspects such as Conduct of election, Center State fiscal relations, emergency provisions, writ jurisdiction.



### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the Concept of 'State' in reference to the fundamental rights.
<b>CO2</b>	To develop the concept of fundamental rights and the procedure for compliance of fundamental rights and Writ jurisdiction of supreme court and high court under Article 32 and 226.
<b>CO3</b>	To develops and understand the duty of state and inter- relationship between fundamental rights and directive principles
<b>CO4</b>	To understand the important aspects such as Conduct of election, Center State fiscal relations, emergency provisions, writ jurisdiction.
<b>CO5</b>	To understand the basic structures of the constitution.

### Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			



CO5	3	-	-
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low			
Category	Basic Sciences	Engg.Science	Humanities & social Science
			✓

### COURSE OUTLINE

#### Module – I the Union & State Executive

##### The Union Executive –

##### The President

- Election, Qualifications& Terms of Office of President
- Privileges, Powers and Duties of President
- Impeachment of President

##### The Vice – President

- Qualifications & Election of Vice-President
- Functions& Terms of Office of Vice – President

#### Council of Ministers

- Appointment of Ministers
- Council of Ministers & Cabinet
- The Individual, Collective, Legal & Ministerial Responsibility
- President's relation with the Council of Ministers

#### Attorney General of India& Comptroller and Auditor-General of India

##### The State Executive

- Appointment, Powers & Qualifications of Governor
- The Council of Ministers
- The Advocate General

#### Module – II Union & State Legislature

##### The Union Legislature – Parliament

- Composition of Parliament & Houses of Parliament
- Duration & Sessions of the Houses of Parliament
- Qualification for Membership of Parliament
- Powers of Speaker, Deputy speaker & Chairman
- Ordinary, Money Bills& Financial Bills
- Parliament's Control over Financial System- Committee on Estimates, Committee on Public



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Accounts, Consolidated Fund of India & Contingency Fund of India

### **The State Legislature**

- Composition & Duration of State Legislature
- Qualification of Membership of State Legislature

### **Module – III Union & State Judiciary**

#### **The Union – Supreme Court**

- Composition of Supreme court
- Qualifications & Appointment of Supreme Court Judges & National Judicial Appointment Commission
- Impeachment of Judge of Supreme court
- Jurisdiction of Supreme court- Original, Writ, Appellate, Advisory
- Powers to Punish for Contempt & Concept of Curative Petition

#### **The State – High Court**

- Appointment, Transfer of Judge of High Court
- Terms of Office & Removal of Judge of High Court
- Jurisdiction & Powers of High Court

### **Module –IV Relations between Union & the State**

- Distribution of Legislative & Executive Powers
- Distribution of Financial Powers & Finance Commissions

- Administrative relations between the Union & States
- Inter-State Relations & Freedom of Trade & Commerce
- Emergency Provisions
- Proclamation of Emergency & its Termination
- Kinds of Emergency & Judicial Review

### **Module – V Trade commerce and intercourse within the territory of India**

- Freedom of Trade, Commerce & intercourse
- Power of the Parliament to impose restrictions on trade commerce and intercourse

### **Module – VI Services under the Union and the states**

- Recruitment and conditions of service of persons serving the Union or a state.
- Tenure of the office of persons serving the Union or a state.
- Dismissal, removal or reduction in rank of civil servants.

### **Module – VII Emergency Provisions**





- Proclamation of Emergency
- Provisions in case of failure of constitutional machinery in states
- Exercise of Legislative powers under proclamation issued under Art. 356
- Suspension of provisions of Art.19 and suspension of enforcement of fundamental rights.
- Financial Emergency

### **Module -VIII Amendment of the constitution**

- Art-368

#### **Suggested Reading:**

- N. Shukla, Constitution of India, Eastern Book Agency, 2014
- P. Jain, Indian Constitutional Law, Lexis Nexis, 2013
- D. Basu, Introduction to the Indian Constitution of India, (20<sup>th</sup> Ed. 2009)
- M. Seervai, Constitutional Law of India, Universal Law Publishing Co., Reprint 2013
- Glanville Austin, Indian Constitution – cornerstone of the Nations, Oxford University Press, 1999
- M. Bakshi, The Constitution of India, Universal Law Publishing Co., 2014
- D. Basu, Shorter Constitution of India (14<sup>th</sup> Ed. 2008, reprint 2010)

#### **Cases for Guidance:**

- S.P. Anand v. H.D. Deve Gowda, AIR 1997 SC272.
- Samsher Singh v. State of Punjab, AIR 1974 SC212.
- M.P. Spl. Police Estab. v. State of M.P (2004) 8 SCC788.
- Epuru Sudhakar v. Govt. of A.P., AIR 2006 SC338.
- B. R. Kapur v. State of T. N. AIR 2001 SC3435.
- Anil Kumar Jha v. Union of India, (2005) 3 SCC150.
- Jaya Bachchan v. Union of India, AIR 2006 SC2119.
- In re Keshav Singh, AIR 1965 SC 745.
- Raja Ram Pal v. Hon'ble Speaker, Lok Sabha (2007) 3 SCC184.
- D. C. Wadhwa v. State of Bihar, AIR 1987 SC579.
- A.K. Roy v. Union of India, AIR 1982 SC710.
- AutomobileTransport (Rajasthan) Ltd. v. State of Rajasthan, AIR 1962 SC1406.
- Jindal Stainless Ltd. v. State of Haryana, AIR 2006 SC2550.
- G.K. Krishnan v. State of Tamil Nadu, (1975) 1 SCC375.
- Shree Mahavir Oil Mills v. State of J. &K. (1996) 11 SCC39.
- Atiabari Tea Co. v. State of Assam, AIR 1961 SC232.
- State of Rajasthan v. Union of India, AIR 1977 SC1361.
- S. R. Bommai v. Union of India, AIR 1994 SC1918.
- Rameshwar Prasad v. Union of India, AIR 2006 SC980.

#### **Learning Out Come:**

The subject helps the student in depth understanding of the functions of government and various



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aspects relating to it and also kindles them to:

- Evaluate the relation between the centers and state especially the federal structure.
- Explore the role of judiciary and different writ jurisdiction related to it and also the concept of independence of judiciary
- Understand the fiscal relation between center and state
- Study the concept of emergency provision and various historical events related to it.
- Explore various Constitutional functionaries and their role in the country in harmonizing center state relationship.

### **LLB(HONS)**

<b>First Year – 2<sup>nd</sup> Semester</b>	<b>Subject Code – H3L2011</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b>PROPERTY LAW</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2011</b>	Prerequisite : transfer of immovable properties between living persons	T	3	1	-	4



L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

## OBJECTIVES

This course will explain about transfer of immovable properties between living persons. it covers various principles of transfer of property and doctrines for specific transfer. Subject matter of transfer restrictive covenants, future interest, conditional transfers-transfer to unborn persons, capacity to transfer, doctrine of elections, holding out, holders under defective titles, lis pendens part, Performance - fraudulent transfer, The Easement Act Explains various modes of acquisition of Easementary rights and its end.

## COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the various principles of transfer of property
<b>CO2</b>	To develop various levels of understanding in property laws in India
<b>CO3</b>	To develops basic ability to analyse and advice property law related legal aspects
<b>CO4</b>	To understand the various modes of acquisition
<b>CO5</b>	To understand basic tenets involving various transfer related covenants

## Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
<b>COs/PSOs</b>	<b>PSO1</b>				<b>PSO2</b>				<b>PSO3</b>			
<b>CO1</b>	1				3				3			



CO2	1	3	3
CO3	-	3	3
CO4	2	1	1
CO5	3	-	-

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

## COURSE OUTLINE

### Module – I

Concept and meaning of property-kinds of property-movable and immovable property-tangible and intangible, private and public property. General principles of transfer of property, transfer of property, what property cannot be transferred? Condition restraining alienation, condition restraining enjoyment, vested and contingent interest, Conditional transfers- condition precedent and condition subsequent, fulfilment of condition precedent, Doctrine of Acceleration, transfer to unborn person and rule against perpetuity, Accumulation of income, transfer for the benefit of public,

### Module- II

Doctrine of election-Covenants-transfer by ostensible owner, doctrine of feeding the grant by estoppels, improvements made by bonafide holders under defective titles, Doctrine of Lies Pendent, fraudulent transfer, Doctrine of part performance,

### Module- III

Mortgages; kinds of mortgages,-when registration is necessary?, method of effecting mortgages, Rights and liabilities of mortgagor-right to redeem, clog on redemption, partial redemption, rights and liabilities of mortgagee, consolidation of mortgages, right to foreclose or sale, right to sue for mortgage money, accession to the mortgaged property, rights of mortgages in possession, substituted securities, liabilities of a mortgagee in possession, marshalling and contribution, subrogation-legal subrogation and conventional, redeem up and foreclose down.

### Module – IV

Sale; Definition and essentials of sale-unpaid vendors lien, Rights and liabilities of buyer and seller-caveat emptor-Lease; Definition, rights and liabilities of lessor and lessee, kinds of leases, tenancy-at-will, tenancy by holding -over, tenancy-at sufferance. Determination of Lease, forfeiture of Lease, waiver



of forfeiture of lease, remedies against forfeiture, Notice to quit. Gifts; definition, Definition, essentials, onerous gift, conditional gifts, universal Donee, Donatio mortis causa, Exchange of properties and Assignment of actionable claims.

### **Module – V**

Easements; Definition, nature and characteristics of easements, acquisition or creation of easements, classification or kinds of easement, termination or determination of easements, difference between easement and licence.

### **Module VI:**

Definitions - The Registration-Establishment - The Duties and Powers of Registering Officers, Enforcing The Appearance Of Executants And Witnesses, Refusal To Register -The Fees For Registration, Searches And Copies Registrable Documents- Time of presentation, place of registration, Presenting Documents for Registration - Penalties. Presenting Wills And Authorities To Adopt - The Deposit Of Wills- The Effects Of Registration And Non-Registration

### **Prescribed Books:**

- G.Sanjiva Row-Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of property Act
- GCV Subba Rao-Transfer of property Act
- Dr.H.N.Tiwari-Transfer of property Act
- Shah- Principles of Transfer

### **Books for Reference**

- Goyle's 'A Commentary on The Transfer of Property Act', Eastern Law House
- Darashaw's Commentaries on the Transfer of Property Act' by Justice M.L.Singha.Lexis Nexis.
- Sanjiva Row's 'Commentary on The Indian Easements Act, 1882 and Licences' 6<sup>th</sup> Edition, Delhi Law House.
- Khatiar- Law of Easements
- Goyle- Transfer of Property
- G.C.V.Subba Rao- Law of Property

### **Case laws for Reference**

- Marshall v Green, 33 L.T.404
- Thakur Paramanick chunder v Ram Dhone, 6 W.R. 228 (F.B)
- Shamu Pattar v Abdul Kadir, 35 Mad, 607 (P.C)
- Cooper vs Cooper (1874) L. R. 7 H.L. 53



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- Tulkv Moxhay (1848)1 Dc. G, and J,,566
- Webb V Macpherson,31 cal57(pc)
- Kreglinger v New Patagonia Meat Gold Storage co .Ltd(1914)A.C,25



**LLB (Hons.)**

<b>First Year-2<sup>nd</sup> Semester</b>	<b>Subject Code- H3L2012</b>	<b>Total Credits:4</b>
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Subject Code:	Subject Name: <b>LAW OF EVIDENCE</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2012</b>	Prerequisite : identify the recognized forms of evidence and its sources	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

This paper enables the student to appreciate the concepts and principles underlying the law of evidence and identify the recognized forms of evidence and its sources. The subject seeks to impart to the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth. The art of examination and cross-examination, and the shifting nature of burden of proof are crucial topics.

**COURSE OUTCOMES (Cos)**

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding and analyse and define the concept and general nature of evidence
<b>CO2</b>	To analyse the rule relating to relevance of evidence and admissibility of evidence before the court.
<b>CO3</b>	To evaluate the rules relating to dying declaration and admissibility of dying declaration
<b>CO4</b>	To illustrate the different types of evidence and court procedures relating to evidence.
<b>CO5</b>	To impart to the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth

**Mapping of Course Outcome with Program Outcome (POs)**

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-





CO2	1	-	1	1	1	1	-	-	2	-	-	-
CO3	-	1	-	-	-	-	1	1	1	1	1	1
CO4	2	3	2	2	2	2	3	3	1	3	3	3
CO5	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
CO1	1				3				3			
CO2	1				3				3			
CO3	-				3				3			
CO4	2				1				1			
CO5	3				-				-			
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low												
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/Technical Skills	Internships/Technical Skills			
				✓								

## **COURSE OUTLINE**

### **Module – I : Introduction to Indian Evidence Act.**

Historical Perspective of the Indian Law of Evidence Act 1872- Scope, Object and Applicability of Indian Evidence Act- Indian Law of Evidence and English Law of Evidence -Golden Rule Evidence- Kinds of Evidence -Facts & Relevancy of Facts-Interpretation Clause-Facts in Issue – Relevancy of Facts -Distinguish Between Relevancy and Admissibility -Res Gestae -Occasion, Cause and Effect etc. -Motive, Preparation and Conduct -Facts Necessary to Explain or Introduce Relevant Facts -Proof of Conspiracy -When facts not otherwise relevant become relevant

### **Module - II: - Confession - Dying Declaration**

Admission- An Exception to Hearsay Rule-Requisites of an Admission-Party to the Proceedings-Kinds of Admission-Admission Regarding State of Mind or Body -Evidentiary Value of Admission Confession-Conditions as to Confession –Kinds of Confession -Confession to Police - Retracted Confession-Distinction Between Admission And Confession-Evidentiary Value of Confession -Dying Declaration-English and Indian Law Difference On Dying Declaration –Who can



record a Dying Declaration -Multiple Dying Declarations -Evidentiary Value of a Dying Declaration-  
Difference Between a Dying Declaration and a Dying Deposition

### **Module -III: Expert Evidence - Relevancy of Character**

Opinion of Third Person When Relevant-Expert Witness- Value of Expert Witness -Expert Opinion: Corroboration- Facts Bearing Upon Expert-Opinion -Opinion as to Handwriting- Opinion as to Digital Signature -Opinion as to Existence of Right or Custom- Opinion as to Usage, Tenets- Opinion on Relationship -Character When Relevant- Relevancy of Character in Civil and Criminal Cases.

### **Module: IV Of Proof- Burden of Proof**

Facts which need not be proved –Modes of Proof -Oral Evidence -Hearsay Evidence - Exceptions to the Rule of Hearsay Evidence- Hearsay and Circumstantial Evidence-Difference Between Direct and Hearsay Evidence -Primary and Secondary Evidence-Documentary Evidence- Public and Private Documents- Presumptions as to the Documents-Exclusion of Oral Evidence by Documentary Evidence -Burden of Proof -Burden and Proof Distinction- Burden of Proof and Onus Probandi -Proof of Fact On Which Evidence Becomes Admissible- Burden of Proving Exception In Criminal Cases

### **Module - V: Presumption- Estoppel**

Presumption- Kinds of Presumption- Proof and Presumption- Presumption as to Document- Presumption as to Survivorship-Presumption as to Death- Presumption of Certain Offences- Presumption of Legitimacy- Presumption in Suicide Cases-Presumption of Existence of Certain Facts- Presumption in Rape Cases -Doctrine of Estoppel- Kinds of Estoppel- Essential Conditions For Estoppel- Promissory Estoppel- Exception to the Doctrine of Estoppel- Estoppel by Tenants and Licensee- Estoppel of Acceptor of Bill of Exchange, Bailee and Licensee- Distinction Between Estoppel and Res Judicata- Distinction Between Estoppel and Waiver

### **Module - VI: Witnesses - Examination of Witness**

Witnesses- Categories of Witnesses- Dumb Witness- Evidence of Prosecutrix in Rape Case- Interested Witness- Parties to civil suit and their wives or husband etc- Judges and Magistrate as Witness -Privileged Communications- Professional Communication-Order of Producing Witness-



Judge to Decide Admissibility of Evidence - Examination- In –Chief- Cross –Examination- Re – Examination- Distinction Between Examination -In- Chief, Cross- Examination And Re- Examination -Hostile Witness-Impeaching Credit of Witness-Refreshing Memory-Court’s question-Appeal against Improper Admission and Rejection of Evidence.

### **Recommended Text books:**

1. Principle of the law of Evidence by Dr. Avtar Singh
2. Law Of Evidence by Dr. V. Krishnamachari.

3. Law of Evidence by Ratanlal Ratanlal and Dhirajlal
4. Law of Evidence by P.S. Achutan Pillai
5. Law of Evidence by Vepa Sarathi
6. B.R. Swarna : Forensic Science in criminal trial and Investigation

### **Books for Reference:**

- Sankar : Law of Evidence (2 Volumes)
- Sir John Woodroffe and Syed Amir Ali: Law of Evidence (4 Volumes)
- Walls H.J.: Forensic Science

### **Journals Articles:**

- Adrain Keane, Paul M.C. Keown, "The Modern Law of Evidence", 9th Edn, Oxford University Press.
- Albert S. Osborn, "The problem of proof", 1st Indian reprint, Universal Law House, Delhi, 1998.
- Bholeshwar Nath, "Cases and Material on Evidence Act, 1872", Eastern Books Publishers and Book Sellers, Lucknow.
- Bridges, B.C., Vollmer, August and Monir M., "Criminal Investigation Practical Fingerprinting, Thumb Impression, Handwriting expert testimony Opinion Evidence", The University Book Agency, Allahabad (2000).
- M. Monir C.J., Dr. H.K. Saharay, "Law of Evidence" (Vol. I, II), 14 Edn, Universal Law Publishing Co. Pvt. Ltd.

### **Cases for Guidance**

1. State of Maharashtra vs. Prafulla B. Desai (Dr.) (2003) 4 SCC 601
2. R. M. Malkani vs. State of Maharashtra, AIR 1973 SC 157
3. Mirza Akbar vs. Emperor, AIR 1940 PC 176
4. Badri Rai vs. State of Bihar, AIR 1958 SC 953
5. Mohd. Khalid vs. State of W.B. (2002) 7 SCC 334
6. Jayantibhai Bhenkerbhai vs. State of Gujarat (2002) 8 SCC 165



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7. Bishwanath Prasad vs. Dwarka Prasad, AIR 1974 SC 117
8. Central Bureau of Investigation vs. V.C. Shukla, AIR 1998 SC 1406



## LLB(HONS)

<b>First Year – 2<sup>nd</sup> Semester</b>	<b>Subject Code – H3L2032</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b><u>BANKING LAW</u></b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2032</b>	Prerequisite : prominent role of banks in ensuring growth and development in trade, commerce and industry.	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

### OBJECTIVES

Banking institutions in the current economy serves a prominent role by ensuring growth and development in trade, commerce and industry. Banks and various financial institutions have already changed their role as mere facilitator to the current status of driving economic growth in the economy. This was made possible by various policy initiatives and legislative amendments to bring socio-economic change. Majorly all these legal changes were made to ensure proper regulation and control of these financial institutions within the proper power ambit of RBI and the Ministry of finance. This course is designed to develop the understanding of banking law in students by teaching the prominent principles and developing the faculties of students with regard to the improvements made in the legal and judicial field.

### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the vitally important economic institution the banking system is deeply influenced by socio-political and economic changes.
<b>CO2</b>	To develop and understand the emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had moulded and affected the banking structure, policies, patterns and practices.
<b>CO3</b>	To develop and understand the significant development in the banking system is diversification in banks financing.



<b>CO4</b>	To understand the the conceptual and operational parameters of banking law, the judicial interpretation and the new and emerging dimensions of the banking system.
<b>CO5</b>	To understand and acquaint the commercial banks entered 'into the field of wide ranging financial assistance to industry, both large and small scale, requiring the need for social control of the bankingsystem eventually leading to the nationalization of banks.

Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					



## COURSE OUTLINE

### **MODEL 1 – DETAILING THE SKELETAL FRAMEWORK OF BANKING LAW**

Origin and Development of the word ‘Bank’ – Early history of banking – Definition of Banking-

Difference between banking and money lending- Functions of a Commercial Bank- Structure of a Banking System- Basic terminologies - DD, MT, TT, Traveler’s cheques, bank orders, credit card, debit/smart cards, safe deposit vaults, gift cheques, stock invest- Indian Banking Structure.

### **MODEL 2 – EVOLUTION OF BANKING SERVICES AND ITS HISTORY IN INDIA**

Origin and Evolution of Banking Institutions in India- Types and functions of banks – Commercial banks – Functions – Banking Companies in India – RBI - Constitution, Management and Functions - Banking Regulation Act, 1949 – State Bank of India- UTI, IDBI, RRBs’-Local banks - Nationalizations of Major Banks - RBI’s control over Commercial Banks Special status of RBI and State Bank of India - Subsidiary Banks

### **MODEL 3 – UNDERSTANDING THE SYSTEM OF BANKING AND ITS FUNCTIONAL FEATURES**

a) Subsidiary Business Operations of Bankers with special reference to Safety Deposit Lockers – Liability of Bankers in Case of Robberies and Fraud by Bank Employees – Vicarious Liability of the Bank Employees – Vicarious Liability of the Bank.

b) Employment of funds - Loans and Advances- Guarantees- Advances secured by Collateral securities- Agency Services- Financing of Exports- Special Banking Services – Advances to Priority Sectors and Credit Guarantee schemes.

c) Recovery of Loans and advances – Recovery of Debts Due to Banks, Financial Institutions Act, 1993 – Effects of Winding Up of Banking Companies – Rights of Customers on Winding Up of Companies.

d) Necessity for reforms in Indian Banking Law to meet Global Challenges. Banking Ombudsman.

e) Debt Recovery Tribunal – The Sick Industrial Companies (Special Provisions) Act, 1985 -





SARFAESI Act – Insolvency and Bankruptcy Code, 2016

#### **MODEL 4 – STUDY OF NEGOTIABLE INSTRUMENTS: STUDY, OVERVIEW AND LEGAL EFFECTS**

- a) Law relating to Negotiable Instruments, 1881 Act (Read with the amended Act of 2002) – Definition, Characteristics and categories of Negotiable Instruments – Promissory Note – Bill of Exchange – cheques – Difference between them – kinds of Bills, Hundis, Letter of Credit - Parties to Negotiable Instruments.
- b) Rights of Holder and Holder in Due Course against Banker – Capacity of Parties -Presentation – types of Acceptance – effects of non – presentation - Negotiation - Assignment–Endorsement-Discharge of Instruments – Modes of discharge – Material alteration – Dishonour of a Bill of Exchange – Modes of Dishonour – Notice of Dishonour – Effects of Dishonour - Noting and protest – Compensation – Acceptance for Honour – Payment for Honour – Drawee in case of need.
- c) Liability of various parties; Drawer, Maker, Drawee, Endorser, Liability for unjustified Dishonour – Banker justified in refusing payments on a cheque – Liability of transfer by delivery – Liability under Accommodation Bills – Liability on Foreign Instruments – Presumptions in favour of Negotiable Instruments - Various Kinds of Crossing – Effect of crossing a Cheque – Liability of parties – Payment in due course – Special rules of evidence –Paying banker and collecting banker - Penal provisions under NI Act - Civil and Criminal Liability for Dishonour of cheques under Section 138 to Section 142 of the Amended Negotiable Instruments Act –Banker’s book evidence Act.

#### **MODEL 5 – CONTRACT BETWEEN BANKER AND CUSTOMER: THEIR RIGHTS AND DUTIES, ROLE AND FUNCTIONS OF BANKING INSTITUTIONS.**

- a) Banker and customer Relationship - Definition of banker and customer – General relationship – Special relationship.
- b) Banker’s duty of secrecy, banker’s duty to honour cheques, banker’s lien, and banker’s right to set off - Appropriation of payments - Garnishee order - Customer’s duties towards his banker – Rule in Clayton’s Case -Statutory protection to paying banker.
- c) Dishonor of Cheque by a Paying Banker - Statutory protection to collecting banker. Cheque book, Pass book, Individual Account, Joint Account, Opening of New Accounts– Special types of customers.

#### **MODEL 6 –BANKING SECTOR IN THE GLOBALIZED ERA AND ITS CONTEMPORARY STRUCTURE**

- a) E-Banking - Definition – E-Banking includes - Internet banking, mobile banking, ATM



banking, computerized banking – Clearing System – RTGS – NEFT – IFSC – ATM – CBS – CTS – E- banking services – retail services – wholesale services – E- Cheque authentication.

b) Cyber Crime and Banking Frauds – Cyber Evidence .

c) Globalization of Banks – Banks as Investors – Banks and Mutual Fund – Banks in Stock Exchange – QIB – FII – FDI – International Banking Management – Forex Market – Legal Disputes and Settlement thereof.

### **Recommended Readings**

#### **Prescribed Books:**

1. M.L. Tannam, Banking Law and Practice in India (23rd ed., 2010)
2. C.R. Datta & P.M. Bakshi, M.L. Tannan's Banking - Law and Practice in India (21th ed., 2008)
3. R.K. Gupta, Banking - Law and Practice (2nd ed. 2008)
4. Mark Hapgood, Paget's Law of Banking (13th ed., 2007)
5. O. P. 'Faizi' & Ashish Aggarwal, Khargamvala on The Negotiable Instruments Act 6. (20th ed., 2008)
7. Ranganath Misra, Bhashyam & Adiga's The Negotiable Instruments Act (18th ed., 2008)
8. Avtar Singh, Negotiable Instruments (4th ed., 2005)
9. S. Krishnamurti Aiyar, Law Relating to the Negotiable Instruments Act (10th ed., 2009)

#### **Journals with Articles :**

1. Ankieth Vasisht, "Fundamental Principles of Cheque under the Banking Legislation", <http://lawtimesjournal.in/fundamental-principles-of-cheque-under-thebanking-legislation/>
2. ICSI, "Banking Law and Practice", <https://www.icsi.edu/media/webmodules/publications/9.1%20Banking%20Law%20-Professional.pdf>
3. Law Times Journal, "Objectives and Organizational Structure of RBI", <http://lawtimesjournal.in/objectives-and-organizational-structure-of-reservebank-of-india/>
4. Shivani Sethi, "Central Banking Institution and Regulatory Framework", <http://lawtimesjournal.in/central-banking-institution-and-regulatory-framework/>
5. S. Gopalan and Ramkishan, 'Financial Sector De-Regulation in Emerging Asia: Focus on Foreign Bank Entry' 11 Journal of World Investment and Trade 91 (2010)



**Further Readings:**

**Books:**

1. M.L.Tannan,, C.R. Datta & S.K. Kataria revised by - Banking Law and Practice, Wadhwa& Company, Nagpur
2. A.B. Srivastava and Elumalai - Seth's Banking Law, Law Publisher's India (P)Limited K.
3. R.K. Gupta : BANKING Law and Practice in 3 Vols.Modern Law Publications.
4. Prof. Clifford Gomez - Banking and Finance - Theory, Law and Practice, PHI Learning Private Limited
5. J.M. Holden - The Law and Practice of Banking, Universal Law Publishing.
6. Legal and Regulatory Aspects of Banking - JAIIB (3rd Edition) January 2015, published by Indian Institute of Banking and Finance
7. R.N.Chaudhary – Banking Law, Central Law Publication,India,January 2016.
8. Khergamvala on the Negotiable Instruments Act – As Amended by the Negotiable Instruments (Amendment) Act, 2015
9. Supreme Court on Banking Law by S N Gupta, Universal Law Publishing an imprint of LexisNexis,6th Edition
10. CIRP & Liquidation A Comprehensive Commentary As per Insolvency and Bankruptcy Code 2016 by Soumitra Lahiri, Wolters Kluwer.

**Journal:**

1. Indian Journal of Finance and Banking, ISSN: 2574-6081 (Print), ISSN: 2574-609X (Online) , Centre for Research on Islamic Banking & Finance and Business.
2. Journal of World Investment and Trade 91(2010)
3. Journal of Internet Banking and Commerce,India
4. Interdisciplinary Journal of Contemporary Research In Business
5. International Journal of Economics and financial issues
6. Journal of Internet Banking and Commerce
7. IOSR Journal of Economics and Finance



8. International Journal of Business & Information Technology

9. Harvard Business Review on Corporate Governance.

10. Journal of Computer and Internet Security

Cases for reference :

1. A.V.Murthy vs B.S Nagabajavanna ((2002) 2 SCC 642)
2. All India Bank Officers' Confederation vs Union of India, (1989) 4 SCC 90
3. Allahabad Bank vs Canara Bank AIR 2000 SC 1535
4. Ashok YeshwantBadeve vs Surendra MadhavraoNighojakar (2001)3 SCC 726  
231
5. Australia and New Zealand Bank vs Ateliers de Constructions Electriques de  
Cherleroi [1967] 1 AC 86 PC
6. Bank of Bihar vs Mahabir Lal (AIR 1964 Supreme Court 397)
7. Bank of India vs Vijay Ramniklal AIR 1997 Guj.75
8. Bank of Maharashtra vs M/s Automotive Engineering Co. (1993) 2 SCC 97.
9. Bank of Maharashtra vs. M/s. United Construction Co. and Others(AIR 1985 Bombay 432)
10. Bareilly Bank Ltd. vs Naval Kishore (AIR 1964 All 78)
11. Bhutoria Trading Company (BTC) vs Allahabad Bank (AIR 1977 Cal. 363)
12. Bihta Co-operative Development and Cane Marketing Union Ltd. vs bank of  
Bihar(AIR 1967 Supreme Court 389).
13. Brahammaya vs. K.P. Thangavelu Nadar, AIR (1956), Madras 570
14. Brahma Shumshere Jung Bahadur vs Chartered Bank of India, Australia and  
China(AIR 1956 Cal. 399)
15. Canara Bank vs. Canara Sales Corporation and Others (AIR 1987 SC 1603)



The Objective of the courses is to understand the advent of Globalization, liberalization, privatization has removed completely the trade barriers across the globe and facilitated movement of people, capital and transfer of technology across countries.

The world today is in the hands of corporate and they are indirectly ruling the world. The subject is of prime importance to have depth understanding of the relation between corporate and public policy. The course is outlines to have a good understanding of the function management and activities of the companies and equip the students to analyse the corporate management control, issues involved in it and workable remedies for it and also related government regulations governing companies.



### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the Examine the concept and comparative perspective of business structure
<b>CO2</b>	To develop and analyse the conceptual definition of corporate personality and liability of members init.
<b>CO3</b>	To evaluate the concepts like corporations, corporate officers, shareholders and creditors so as to identify and resolve legal and business-related issues
<b>CO4</b>	To Understand the evolving jurisprudence of competition law and more particularly corporate crimes and its impact
<b>CO5</b>	To Have insightful and interesting understanding of the corporate social responsibility and its relevance in contemporary society.

### Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
<b>COs/PSOs</b>	<b>PSO1</b>				<b>PSO2</b>				<b>PSO3</b>			



CO1	1	3	3						
CO2	1	3	3						
CO3	-	3	3						
CO4	2	1	1						
CO5	3	-	-						
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low									
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/T echnical Skills	Internships/T echnical Skills
				✓					

## COURSE OUTLINE

### MODEL-I: Introduction to Company law

Definition- Evolution, meaning and Functions of corporate law-Historical Development of Concept of Corporate Law in India-Meaning and Nature of Company with Emphasis on its Advantages and Disadvantages over other forms of Business organizations. Types of companies-Comparison between Company and Partnership and Company and Limited Liability Partnership; -Theory of ‘Corporate Personality’; concept under common law and statutory law; the company as a corporate body; ignoring of corporate personality; statutory exceptions to corporate personality

### MODEL- II: Company formation and its importance

Promotion of Company, Promoters their position, Powers, Duties and Liabilities -Formation of Company Procedure of registration including online registration of a company- Effects of Certificate of Incorporation - pre incorporation contracts- Liability of company-Company’s Constitutional





Documents- Memorandum of Association and Articles of Association, Doctrine of Ultra vires – A critical analysis of doctrine of Ultra Vires Alteration of Memorandum of Association and Articles of Association-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.

### **MODEL-III: Concept of Corporate financing**

Shares –Nature of shares- Application and allotment of shares-share capital- kinds of share capital, equity, preferential difference-prospectus – golden rule in issuing prospectus – Remedies against misrepresentation in the prospectus- -members and shareholders-debentures, charges and debenture holder, crystallization of floating charge, dividends.

### **MODEL- IV: Corporate Governance and the era of Internet**

Directors-independent directors, women directors and managerial personnel, meetings-Role of directors – Board of directors- duties and responsibilities- Insider Trading – Role of SEBI-accounts and audits-internal auditing, National financial reporting authority, E-filing, -majority powers and minority rights, prevention of oppression and mismanagement, investigation, powers of inspectors,

### **MODEL-V: Winding Up of Companies and Adjudicatory Bodies**

Winding up and kinds of winding up-Procedure for different kinds of winding up – powers of liquidators-Insolvency and Bankruptcy - Defunct companies and restoration, revival and rehabilitation of sick companies National Company Law Tribunal; National Company Law Appellate Tribunal – Administration of NCLT, CLAT Constitution, Powers, Jurisdiction, Procedure, Judicial Review

### **MODEL- VI: Corporate Governance and Social responsibility**

Importance of Corporate Governance; Legal Reforms of Corporate Governance in India; Reports of the various Committees on Corporate Governance; Corporate crimes; Corporate social and environmental Responsibility – theories and justification; -CSR and multinational corporations; regulation of multinational corporations in India-Corporate ethics and human rights – corporate governance in a human rights perspective; UN corporate Human Rights framework.

### **Recommended readings:**

#### **Books:**

1. A. Ramaiya, Guide to the Companies Act (17th ed., 2010)
2. Paul L. Davies, Gower and Davies Principles of Modern Company Law (Latest edition)
3. Palmer : Company Law, Stevens and sons, London



4. Hicks, Andrew & Goo S H, Cases and Material on Company Law, Oxford University Press (8th ed., 2008)
5. Avatar Singh: Company Law, Eastern Book Company, 16<sup>th</sup> ed 2018.

**Articles:**

1. David Millon, “Theories of the Corporation” Vol. 1990: 2001 Duke Law Journal 262
2. Harvard Law Review, 1982. Piercing the Corporate Law Veil: The Alter Ego Doctrine under Federal Common Law. 95(4), pp. 853-871.
3. Franklin Gevurtz, “The Globalization of Corporate Law: The End of History or a Never Ending Story?” Vol. 86: 475 Washington Law Review 475-521 (2011).
4. Azfer A. Khan, Blurring The Edges Of Corporate Law: Insider Trading And The Martoma Decision, Harvard Business Law review Online, 2018 volume 8, PP. 48-56.
5. Human rights through a corporate governance lens Posted by George s. Dall international corporate governance network, on Friday, may 22, 2015

**Further Readings:**

**Books:**

1. Gower’s and Davies’ Principles of Modern Company Law, (8th ed., 2008)
2. Kershaw, David, Company Law in Context, Oxford University Press, UK, (2nd ed., 2012)
3. Mayson, French & Ryamn: Company Law, Oxford, 31<sup>st</sup> edition, 2014-15
4. Saleem Sheikh & William Rees, Corporate Governance & Corporate Control, Cavendish Publishing Ltd., 1995
5. Charles Wild & Stuart Weinstein Smith and Keenan, Company Law, Pearson Longman, 2009
6. Institute of Company Secretaries of India, Companies Act 2013, CCH Wolter Kluwer Business, 2013.

**Cases for guidance:**

1. Ashbury Railway Carriage & Iron Co. Ltd. v. Riche, (1875) L.R. 7 H.L. 653,
2. Bharat Insurance Ltd. v. Kanhya Lal, A.I.R. 1935 Lah. 792
3. Case Study on Satyam Scandal
4. Daimler Co. Ltd. v. Continental Tyre & Rubber Co., (1916) 2 A.C. 307
5. Erlanger v. New Sombrero Phosphate Co. (1878) 3 AC 1218: (1874-80) All ER Rep. 271
6. Foss v. Harbottle 67 E.R. 189;



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7. Household Fire And Carriage Accident Insurance Co. Ltd. Grant (1879) 4 E.D.216]
8. Kotla Venkataswamy v. Chinta Ramamurthy, AIR 1934 Mad.579
9. Life Insurance Corporation of India v. Escorts Ltd., (1986) 59 AIR 1986 SC 1370
10. Menier v. Hooper's Telegraph Works, (1874) L.R. 9 Ch. App.350
11. New Brunswick, etc., Co. v. Muggeridge, (1860) 3 LT651
12. Peek v. Gurney (1873) 43 L.J. Ch.19
13. Percival v. Wright(1902) 2 Ch.421
14. Royal British Bank v. Turquand (1856) CI & B327)
15. Salomon v. Salomon & Co. Ltd., (1897) A.C.22



<b>Second Year – 3<sup>rd</sup> Semester</b>	<b>Subject Code – H3L2016</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b>PUBLIC INTERNATIONAL LAW</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2016</b>	Prerequisite : relations between actors on the global stage	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

### OBJECTIVES

This course provides students with an understanding of the system of public international law which regulates relations between actors on the global stage. Customary international law and general principles of law and soft law will also be covered. Analyse the nature of international law; sources of international law, in particular centring on treaty; interpretation, negotiation and compliance.

### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To demonstrate the knowledge and understanding of the international rights frame work, its origins and justifying theories;
<b>CO2</b>	To demonstrate capacity to assess how specific human rights may be asserted, enforced or violated
<b>CO3</b>	To critically evaluate the relationship between international and domestic law
<b>CO4</b>	To analyse the nature of international law; sources of international law, in particular centring on treaty; interpretation, negotiation and compliance.
<b>CO5</b>	To understand Customary international law and general principles of law and soft law

### Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-



CO2	1	-	1	1	1	1	-	-	2	-	-	-
CO3	-	1	-	-	-	-	1	1	1	1	1	1
CO4	2	3	2	2	2	2	3	3	1	3	3	3
CO5	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
CO1	1				3				3			
CO2	1				3				3			
CO3	-				3				3			
CO4	2				1				1			
CO5	3				-				-			
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low												
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/Technical Skills	Internships/Technical Skills			
				✓								

### Module – I: Definition & Scope of International Law

- Definition & Scope of International Law
- Nature of International Law
- International Law is a Weak Law
- Differences between Public & Private International Law

### Module- II: Subjects of International Law

Status of International Organizations - Place of Individuals in International Law - Holder of Rights – Duties of Individuals – Procedural Capacity of Individuals - Relationship between International Law & Municipal Law

### Module- III: Sources of International Law, Nationality, Treaties

International Customs - International Treaties - Concept-Definition of international treaties-



Formation of treaties and its stages-interpretation of treaties-suspension and termination of treaties.  
- General Principles of Law - Judicial Decisions & Juristic Works - Resolutions of General Assembly  
- Definition -Nationality-Double Nationality

#### **Module- IV: Recognition, Law of the Sea, Succession,etc**

Meaning & Theories of Recognition - De Facto & De Jure Recognition - Express, Implied & Conditional Recognition - Withdrawal & Retroactivity of Recognition - Territorial Sea, Contiguous Zone, Continental Shelf&Exclusive Economic Zone, High Seas - State Succession- Rights and liabilities of successor State (1)Treaty obligation (2) Contractual obligation

#### **Module- V: Extradition, Asylum, Diplomatic Agents, State Responsibility**

Meaning definition and basic principle of extradition - Consequence of no-extradition of political crimes - Meaning and definition of asylum - Types of asylum; territorial & non- territorial - Relationship between extradition and asylum - Nationality- the agents of international business-diplomatic envoys-consules and other Diplomatic Representatives (Consuls)-the law and practice of treaties. - Responsibility of states for the international delinquencies-Acts Governments-Acts of insurgents-Acts of multinational companies

#### **Module-VI: International Organizations**

The United Nations & its Organs - The International Court of Justice& And its Jurisdiction - International Criminal Court - International Tribunal - International Terrorism - world Trade organisations-Main features-international labour organisation

#### **Prescribed Books:**

- Oppenheim,International Law, Biblio Bazaar, LIC, 2010
- James Crawford Brownie, Principles of International Law, Oxford University Press, 2013
- Starke, Introduction to International Law ,Oxford University Press, 2013
- Shaw, International Law, Cambridge University Press, 2008 (6th Edn)
- Malcom. N. Shah- An introduction to international law, Cambridge university pres2003
- International law by K.K. Bahttacharya
- D.J. Haris -case materials in international law. Sweet & Max well 2010
- S.K. Kapoor, International Law, Human Rights, Central Law Agency, 2009
- Brownlie, International Law and the Use of Force by States, Oxford: Clarendon Press, 1991
- H.O. Agarwal, International Law & Human Rights, Central Law Agency 1<sup>st</sup> Ed. (Rep) 2014
- New states in international law by R.P. Anand



### LLB(Hons.)

<b>Second Year – 3<sup>rd</sup> Semester</b>	<b>Subject Code – H3L2018</b>	<b>Total Credits:4</b>
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Subject Code:	Subject Name: <b>ENVIRONMENTAL LAW</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2018</b>	Prerequisite : protection of the environment are collectively known as the environmental laws	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

#### OBJECTIVES

The Objective of the courses is to train the students to understand the laws, regulations and the agreements that are made and implemented by the government and the other various institutions for the protection of the environment are collectively known as the environmental laws. These laws are made to supervise human interaction with nature and to ensure that human activities are not endangering the natural habitats and the lives of the animals and species living there. The environmental laws are although taught in professional courses, the essence of protecting the environment and the awareness needs to be inculcated into students from a young age. The human race has exploited natural resources for so long that their existence has become a question for the future. The exploitation has led to the extinction of many animal species and has also degraded the quality of life that is impacted by the environment. The patterns of the natural phenomenon have changed over time only for us to realize that it is high time to protect the environment and to curb the activities that degrade the resources around us. The purpose of this paper is to familiarize environmental law and its related concept to the students by analyzing all the frontiers of the subject. The paper will provide a clear understanding of emerging concepts like disaster management, coastal regulation and biodiversity laws. With the help of various state legislations which has been cited for pedagogical reference the law student can understand the functioning and role of environmental governance in our country.

#### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of Students will understand the concepts and methods from ecological and physical sciences and their
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<b>CO2</b>	To develop students the will appreciate the concepts and methods from economic, political, and social analysis.
<b>CO3</b>	To develop students the will to be able to apply the ethical, cross-cultural, and historical context of environmental issues and the links between human and natural systems.
<b>CO4</b>	To understand the legal implications in application of environmental problem solving.
<b>CO5</b>	To understand the design and evaluation of environmental policies and institutions.

Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low



Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/Technical Skills	Internships/Technical Skills
				✓					

## COURSE OUTLINE

### MODULE I: INTRODUCTION AND HISTORICAL DEVELOPMENT OF ENVIRONMENTAL LAW

Historical Perspectives- Ancient India –Vedas –Kautilya -Sangam Tamil Classification

- Ashoka and Buddhism – Medieval India - Colonial Perspectives of Environment

Environmental History of Europe - Social, and Political dimensions of Natural Resources Use- Global commons – Rural and Urban Commons -Environmental Pollution – Poverty, Development and

Environment - consumerism and minimalism Ecological Footprint, Carbon Footprint, Water Footprint and Virtual Water - Factors Affecting Environment – Deforestation – Habitat Loss - Green House Gases Acid Rain – Climate Change

### MODULE -II DETAILING THE CONSTITUTIONAL PROTECTION GUARANTEED FOR ENVIRONMENTAL PROTECTION AND ITS RELEVANT PROVISIONS

- Environment and Fundamental Rights – Public Interest Litigations on Environmental Protection – Higher Judiciary and Environment – Fundamental Rights – Right to Environment, Health, Food, Nutrition, Water and Sanitation – Right to Environment vs Right to Development
- Directive Principles and Environment – Obligations of the State to Protect Environment
- Fundamental Duties to Protect Environment - Legislative Powers of Union and State over Environmental Aspects – Environmental aspects in VII Schedule – Role of Local Bodies in Protection of Environment

### MODULE III: DISCERNING THE FUNDAMENTAL PRINCIPLES OF ENVIRONMENTAL LAW



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Principles of Environmental Law - sustainable development - Public Trust - Environmental Impact Assessment - precautionary principle - polluters' pay - intergenerational equity - permanent sovereignty over natural resources – Equitable Utilisation

#### **MODULE IV: CONCEPTS, CONVENTIONS AND INSTITUTIONAL FRAMEWORK IN INTERNATIONAL ENVIRONMENTAL LAW**

United Nations and Environment– UN Institutions - UN conferences (from Stockholm to Rio+20)  
- Selected international legal regimes - Climate Change Convention –Convention on Biological Diversity – World Heritage Convention - Nuclear safety conventions and IAEA

#### **MODULE V: UNDERSTANDING THE CONCEPT OF POLLUTION CONTROL AND ITS RELATED LEGISLATIVE COVER**

- Water (Prevention and Control of Pollution) Act, 1974 –Air (Prevention and Control of Pollution) Act, 1981 –Environment (Protection) Act, 1986- –Noise Pollution Rules
- Rules relating to Hazardous wastes, Plastic Waste, Bio-Medical Waste, E-Waste, Solid Waste, and Batteries.

#### **MODULE - VI: LAWS RELATING TO ECOLOGICAL CONSERVATION AND ANIMAL WELFARE**

Enactments relating to Forests, Wildlife, Prevention of Cruelty to Animals and Biodiversity - Groundwater and surface water regulation – Rainwater Harvesting – Encroachment of Water bodies – Irrigation Laws - Laws and Policies relating to Food Security, Organic farming, Seeds and Pesticide

#### **MODULE – VII: REVISITING THE ILL EFFECTS OF ENVIRONMENTAL DEGRADATION, DISASTERS AND STUDYING THE PUBLIC HEALTH INFRASTRUCTURE**

Regulation of Fisheries - Coastal Regulation – Marine Environment - Energy Laws - Regulation of Mines and Minerals - Disaster Management Act – Public Health Laws – Laws relating to Communicable - Diseases in Human and Animal Population

#### **MODULE – VIII: LEGAL REMEDIES AVAILABLE FOR ENSURING PROTECTION FROM ENVIRONMENTAL POLLUTION**

Common Law Remedies/Remedies under Law of Tort –Penal Remedies –Indian Penal Code and Code of Criminal Procedure -Public Liability Insurance Act –The National Green Tribunal Act, 2010.

#### **Statutory Materials:**

##### **Bare Acts**



- The Water (Prevention and Control of Pollution) Act, 1974
- The Air (Prevention and Control of Pollution) Act, 1981
- The Environment (Protection) Act, 1986
- The Public Liability Insurance Act, 1991
- The National Green Tribunal Act, 2010
- The Biological Diversity Act, 2002
- The Wildlife (Protection) Act, 1972
- The Forest (Conservation) Act, 1980
- The Indian Forest Act, 1927
- The Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2006.

### **Policies and reports**

- The National Environment Policy, 2006
- The National Forest Policy, 1988
- The National Water Policy, 2012
- The Wildlife Conservation Strategy, 2002
- The World Commission on Environment and Development, Our Common Future, 1987
- IPCC Fifth Assessment Report (AR5). Synthesis Report: Climate Change 2014.
- International Conventions

### **Recommended Readings:**

#### **Books**

- P. Leelakrishnan, Environmental Law in India (Butterworths, 2019)
- S. Shanthakumar, Environmental Law –An Introduction (Butterworths 2004)
- ShyamDiwan and Armin Rosencranz, Environmental Law and Policy in India (Oxford 2002)
- NawneetVibhaw, Environmental Law: An Introduction (Lexis Nexis 2016)
- Alan Boyle and Patricia Bernie, International Law and Environment (Oxford 2009)
- Philippe Sands, Principles of International Environmental Law (Cambridge 2018)



## Selected Articles

- Armin Rosencranz(ed) Supreme Court and India's Forests, EPW (2008)  
<https://www.epw.in/journal/2008/05/commentary/supreme-court-and-indiasforests.html>
- Gitanjali Gill, "Precautionary principle, its interpretation and application by the Indian judiciary..." Environmental Law Review (2019)  
<https://journals.sagepub.com/doi/full/10.1177/1461452919890283>
- Glyn Williams and Emma Mawdsley, "Postcolonial environmental justice: Government and governance in India" Geoforum 37 (2006) 660–670
- Nupur Chowdhury(ed), the National Green Tribunal in India: Examining the question of jurisdiction, Asia Pacific Journal of Environmental Law, (2018)  
<https://www.teachenvirolaw.asia/sites/default/files/jurisdiction-ngt-nupur-nidhi2018.pdf>
- Philippe Cullet(ed), "Inter-Sectoral Water Allocation and Conflicts: Perspectives from Rajasthan" EPW (2015)  
<http://www.ielrc.org/content/a1503.pdf>
- Sakthivel.P (ed) "Managed aquifer recharge: the widening gap between law and policy in India," Water Supply (2015) <https://doi.org/10.2166/ws.2015.074>
- Sax, Joseph L. "Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention" Michigan Law Review (1970) <https://heinonline.org/HOL/LandingPage?handle=hein.journals/mlr68&div=32&id=&page=>
- Shibani Ghosh(ed), 'Appellate Authorities under Pollution Control Laws in India: Powers, Problems and Potential', 14/1 Law, Environment and Development Journal (2018), p. 45, available at <http://www.lead-journal.org/content/18045.pdf>
- Sujith Koonan, "Constitutionality of the Plachimada Tribunal Bill, 2011: An Assessment" Law, Environment and Development Journal (2011)  
<http://www.leadjournal.org/content/11151.pdf>

## RECOMMENDED CASE LAWS

### INDIA

1. M.C. Mehta v Union of India (Oleum Gas Leakage case) (1987) 1 SCC 395
2. Mrs. Susetha v State of T.N. (2006) 6 SCC 543,
3. T.N. Godavarman Thirumulpad v. Union of India (1997) 2 SCC 267
4. S. Jagannath v Union of India (1997) 2 SCC 87



5. Murli S. Deora v Union of India (2001) 8 SCC 765
6. Vellore Citizens' Welfare Forum v Union of India (1996) 5 SCC 647
7. Ratlam v. Vardhichand(1980) 4 SCC 162.
8. Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P AIR 1985 SC 652
9. Indian Council for Enviro-legal Action vs. Union of India 1996 AIR 1446
10. Tripur Dyeing Factory Owners Association V/s
11. NoyyalRiverAyacutdarsProtectionAssociation&Ors. AIR 2010 SC 3645
12. Almitra H. Patel v. Union of India  
<http://www.indiaenvironmentportal.org.in/files/Almitra%20Patel%20Corrected%20Order%202%20Jan%202017%20NGT.pdf>
13. Save Mon Region Federation v. Union of India  
<https://indiankanoon.org/doc/189583188/>
14. Samit Mehta v. Union of India  
<https://www.casemine.com/judgement/in/5b17d5604a932678010063da>
15. Srinagar BandhAapdaSangharshSamiti v. Alaknanda hydro Power
16. <https://www.casemine.com/judgement/in/5c062c18b338d16e11efe962>

## INTERNATIONAL

- Certain Activities Carried Out by Nicaragua in the Border Area  
<https://www.icjci.org/en/case/150>
- Pulp Mills on the River Uruguay <https://www.icj-cij.org/en/case/135>
- Nuclear Tests <https://www.icj-cij.org/en/case/58>
- Whaling in the Antarctic <https://www.icj-cij.org/en/case/148>
- South China Sea Arbitration Case <https://pca-cpa.org/wpcontent/uploads/sites/6/2016/07/PH-CN-20160712-Award.pdfz>
- Indus Waters Kishenganga Arbitration <https://pca-cpa.org/en/cases/20/>
- Urgenda Foundation v. The State of the Netherlands <https://elaw.org/nl/urgenda.15>
- Jam v. International Finance Corporation  
[https://www.supremecourt.gov/opinions/18pdf/17-1011\\_mkhn.pdf](https://www.supremecourt.gov/opinions/18pdf/17-1011_mkhn.pdf)

### Learning Outcome

After undergoing this course,

- Students will able to evaluate environmental law and policy and effectively engage the



- They will be able to assess the social and ecological impacts of environmental law and policy and formulate solutions to environmental law and policy problems.
- They will work effectively in a professional work environment within and across diverse groups of people with varying backgrounds and perspectives and developing the ability to produce a capstone project, research paper, scholarly article, or other work product that demonstrates expertise in specific area(s) of environmental law and policy.

Second Year – 3 <sup>rd</sup> Semester		Subject Code – H3L2019		Total Credits : 4			
Subject Code:  H3L2019	Subject Name: <b>LABOUR LAW-I INDUSTRIAL RELATIONS AND WAGE LAWS</b>		T/L/ ETL	L	T / S.Lr	P/R	C
	Prerequisite : labour as a mere factor of production, no more than a cost to minimize in the profit and loss account		T	3	1	-	4
L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab							
OBJECTIVES							





Labour rights are being integral to the social and economic development since the industrial revolution. Well balanced industrial development leads to increased productivity which in turn is a factor of national progress. Gone are the days when despotic industry-owners treated our precious labour as a mere factor of production, no more than a cost to minimize in the profit and loss account. As we grow to honour the crucial contribution of labour in society, studying, analysing and understanding system of labour laws, and exploring, with a keen and uncompromising eye, its flaws, failures, gaps and loopholes, is the key to combating rampant inequality and ensuring that labour has the right to live with dignity. The labour laws introduced for this course defines socio-legal control of labour relations and the history, the present norms, the emerging areas and possible future techniques of labour jurisprudence with reference to the tripartite responsibility of State, Workers and Employers.

### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To educate the student on the historical evolution of modern labour jurisprudence; Explain the importance of the International Labour Organization and its role in the development of labour law.
<b>CO2</b>	To elucidate the importance of, and laws governing, trade unions; Create a broad and deep understanding of the law related to industrial relations in India
<b>CO3</b>	To examine the importance of standing orders; Detail the various statutory requirements under legislations related to wages
<b>CO4</b>	To understand and develop a keen awareness of labour rights under various situations
<b>CO5</b>	To have an elementary understanding of the language and its relevance in understanding the nature of law

### Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3



COs/PSOs	PSO1	PSO2	PSO3						
CO1	1	3	3						
CO2	1	3	3						
CO3	-	3	3						
CO4	2	1	1						
CO5	3	-	-						
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low									
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/Technical Skills	Internships/Technical Skills
				✓					

## COURSE OUTLINE

### Module I: Evolution of Labour Legislations

Historical Perspectives on Labour – Genesis of Labour Legislation - Modern Factory System – Impact of Industrialisation. – Labour Policies in India. – Master and Servant Relationship. –Shift From Laissez Faire to Welfare Policy. – Role of the State in Industrial Relations. – Constitutional Perspectives on Labour Laws. – Workers Participation in Management .– Labour Law Reforms.  
- International Labour Organisation - Setting Labour Standards - Conventions and Recommendations - ILO and India - Conventions Ratified in India - Impact of ILO and Indian Labour Legislations.

### Module II : Regulation of Trade Unions and Collective Bargaining

Trade Union Movement in India - Development of Trade Union Legislation in India - Weakness of Trade Union Movement. - Out Siders in Trade Unions. Inter-Union and Intra-Union Rivalries  
-Trade Unions Act, 1926 – Scope and Object - Definitions - Registration of Trade Unions - Members - Office Bearers - Rights and Liabilities of Trade Union - Privileges and Immunities of Registered Trade Unions. Recognition of Trade Unions. Collective Bargaining - Pre-requisites for Effective Collective Bargaining - Advantages and Disadvantages of Collective Bargaining -Enforcement of Collective Bargaining in India.

### Module III: Regulation of Industrial Disputes



Industrial Relations And Industrial Peace-Causes Of Industrial Disputes-System Of adjudication Machinery Before 1947. Industrial Disputes Act,1947 – Scope And Object - Definitions – Industry – Industrial Dispute – Workman - Lay Off – Retrenchment - Closure - Transfer of Undertakings - Kinds of Strike Regulation of Strike and Lock out -Unfair Labour Practices and Victimization. (c)Dispute Settlement Authorities - Reference Power of the Government -Grievance Redressal Machinery - Works Committee-Conciliation – Arbitration - Adjudication:Labour Court, Industrial Tribunal and National Tribunal - Award – Settlement - Change of Conditions of Service During the Pendency of Proceedings.

#### **Module IV: Standing orders and Disciplinary Proceedings**

The Concept and Nature of Standing Orders. Industrial Employment (Standing Orders) Act, 1946 - Certifying Officers; Appointment, Jurisdiction and Powers and Duties- Procedure for Certification of Standing Orders - Duration - Modification of Certified Standing Orders - Appeal Against Certification - Registration of Standing Orders - Effect of Certified Standing Orders - Temporary Application of Model Standing Orders -Inspection Machinery. Misconduct - Domestic Enquiry - Stages Involved in Conducting Disciplinary Enquiry- Framing of Charges – Explanation to Charge Sheet – Conduct of Domestic Enquiry – Appointment of Enquiry Officer – Notice of Enquiry – Conduct of Proceedings – Rules of Natural Justice in the Context of Disciplinary Enquiry – Enquiry Report – Punishment.

#### **Module V : Wage Related Legislations**

Concept Of Wages - Fair Wage, Living Wage, Minimum Wage. Theories Of Wages Wage Structure - Wage Policy In India. Minimum Wages Act, 1948 - Definitions - Fixation and Revision of Minimum Wages; Methodology, Procedure, Advisory Boards – Authority to Hear and Decide Claims- Inspectors, Powers, Claims - Offences and Penalties. Payment of Wages Act, 1936 - Definitions – Obligations of the Employer- Permissible Deductions-Authorities Under the Act - Inspectors and Their Powers – Offences and Penalties. The Payment of Bonus Act, 1965 - Bonus Commission - Definitions and Coverage - Kinds of Bonus - Eligibility and Extent of Bonus - Calculation of Bonus: Available Surplus, Allocable Surplus, Set on and Set off - Forfeiture of Bonus – Machinery for Settlement of Bonus Disputes.

#### **Recommended Readings:**

##### **Books:**

- S.N.Mishra, “Labour and IndustrialLaw”, (Allahabad: Central Law Agency, 2019).
- Dr. V.G.Goswami, “Labour and Industrial Laws”, (Allahabad: Central Law Agency, 2019).
- MadhavanPillai, “Labourand IndustrialLaws”(Allahabad: AllahabadLaw Agency, 2017).
- S.C. Srivastava, “Industrial Relations and Labour Laws” (New Delhi: Vikas Publishing



House Pvt. Ltd., 2019).

- Meenu Paul, Labour and Industrial Law (Allahabad law Agency 2017).

### **Journals/Journal Articles:**

- Suresh C. Srivastava, “Labour Welfare and the Law” 17 Journal of Indian Law Institute 342-366 (1975)
- Manishi Pathak, “An Overview of Contract Labour Related Laws in India” NLS Bus. L.Rev. 20-35 (2017).
- Zubair Ahmad Khan & Hina Varshney, “Implementation of the Labour Welfare Provisions for Women Workers in the Unorganised Sector in India: A Critical Analysis” 21 Aligarh Law Journal 62 (2013).
- Usha Ramanathan, “Statute Law, Injury & Compensation” 47 Journal of Indian Law Institute 158-198 (2005).
- N.S.Kamboj, “Hazardous Industries Policy & the Law” 46 Journal of Indian Law Institute 449-462 (2004).

### **Further Readings:**

#### **Books:**

- K.D. Srivastava's Commentaries on Workmen's Compensation Act, 1923: with Supplement, (Lucknow: Eastern Book Co., 6<sup>th</sup> Revised ed., 1999).
- K.D. Srivastava's Commentaries on Employees' State Insurance Act, 1948: with Supplement, (Lucknow: Eastern Book Co., 5<sup>th</sup> Revised ed., 2001).
- K.D. Srivastava's Employees' Provident Funds and Miscellaneous Provisions Act, 1952, Revised by S.C. Srivastava, (Lucknow: Eastern Book Co. 8<sup>th</sup> Edition, 2001).
- K D Srivastava's Commentaries on Payment of Gratuity Act, 1972 with supplement, (Lucknow: Eastern Book Co., 5<sup>th</sup> ed., 2016).
- K.D. Srivastava's Commentaries on Factories Act, 1948: with Supplement, (Lucknow: Eastern Book Co., 5<sup>th</sup> Revised ed., 2001).

#### **Journals:**

- RP. Rangeela, Mrs. Girija Anil, “Welfare measures under the Factories Act: A Critical Appraisal” International Journal of Pure and Applied Mathematics, Vol.120, No.5, (2018) p.255.
- S. Gokulakrishnan, Dr. D. Vezhaventhan, “A Study on Maternity Benefit Scheme in India” International Journal of Pure and Applied Mathematics, Vol.120, No.5, (2018) p.4393.
- Priyanka. B, A. Sreelatha, “Effective Implementation of Maternity Benefit Act Of 1961” International Journal of Pure and Applied Mathematics, Vol.120, No.5, (2018) p.1329.



- K B Ravindra, “Labour Welfare and Social Security” Ushus J B Mgt 13, 1(2014), p.77.
- Manvendra Singh Jadon and Ankit Bhandari, “Analysis of the Maternity Benefits Amendment Act, 2017 and its Implications on the Modern Industrial Discourse” Christ University Law Journal, 2019 Vol. 8, No,2, p. 63.
- Mrs. Sumitra Pujari, “A Study on Welfare Schemes of ESI” International Journal of Engineering Technology Science and Research, Vol.5, Issue 1, (2018), p.761.
- Dr. A. Ananda Kumar, Dr. D. Porkalai & Mr. A. Savio Arokiadass, “Effective Utilization of Employee State Insurance (ESI) Policy at E-Publishing Sector” Global Journal of Management and Business Research: G Interdisciplinary Vol.17, Issue 5 (2017) p.35.
- Jerome Joseph and Srinath Jagannathan, “Employment Relations & Managerialist Undercurrents — The Case of Payment of Gratuity Act, 1972” Indian Journal of Industrial Relations Vol. 47, No. 2 (October 2011), p. 253.
- Yashik, P. M. (2014). ”A study about the Labour welfare and Social Security Measures in India”, International Journal of Management, 2, p.23.
- Sravanthi, B., “Social security in India: constitutional frame work” International Journal of Development Research, Volume 8, Article ID: 12929.

#### **Cases for Guidance:**

- United India Insurance Co. Ltd. v. (Smt.) Susheela, 2004 (101) FLR 393 (Karn HC)
- Employees State Insurance Corporation v. Jaipur Enterprises, (1988) 56 FLR 207 (Raj.)
- Employees State Insurance Corporation v. Hotel Kalpaka International, 1993 LLR 177 (SC)
- Fenner (India) Ltd. v. Joint Regional Director, Employees State Insurance Corporation, (2003) 2 LLJ 447 (Mad)
- Municipal Corporation of Delhi v. Female Workers (Muster Rolls) and Another, AIR 2000 SC 1274
- Ram Bahadur Thakur (P) Ltd. v. Chief Inspector of Plantations, [1982 (2) LLJ 20]
- Sri Rama Vilas Service Ltd. v. RPFC, 2000 I LLJ 709 (Mad)
- Hindustan Lever Employees Union v. RPFC, 1995 (71) FLR 46 (Bom)
- Mill Owners Association, Bombay v. Their Employees [1950 (II) LLJ 1247]
- Standard Vacuum Refining Co. of India v. Workmen, AIR 1961 SC 895, 901
- Mill Owners Association, Bombay v. Rashtriya Mazdoor Mill Sangh, [(1960) LLJ 1247]
- Kothari Corporation v. Appellate Authority (Deputy Commissioner of Labour), Karnool 1998 LLR 223
- Management of Sri Akilandeswari Mills Ltd. v. Asst. Commissioner of Labour (2000) I



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LLJ 1411 Mad

- Workmen of American Express International Banking Corporation v. American Express International Banking Corporation [AIR 1986 SC 458]
- Jayathilal Dhaniji & Co. Oil Mills v. Employees State Insurance Corporation [(1966) 2 LLJ 542]

### **Learning Out Come:**

After completion of the course students will be able to –

- Appreciate the evolution and conceptual backbones of social security laws and recognise the pivotal role played by ILO in ensuring social security rights for workers;
- Distinguish the rights of employees under various employment-related mishaps and consequences and understand the scope and reach of state insurance benefits to employees;
- Critically analyse maternity benefits available to women employees and their adequacy/inadequacy;
- Discern the nuances of retirement benefits payable to employees; and
- Comprehend the compliances to be followed by factories and critically analyse relevant laws.





<b>Second Year – 3<sup>rd</sup> Semester</b>	<b>Subject Code – H3L2027</b>	<b>Total Credits:4</b>
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Subject Code:	Subject Name: <b>INSURANCE LAW</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2027</b>	Prerequisite : aspiration of insurance is to compensate the aggrieved party, as far as money can, against loss arising from a variety of risks	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

### OBJECTIVES

Insurance law is a subject of key import to individuals & the business sector. The aspiration of insurance is to compensate the aggrieved party, as far as money can, against loss arising from a variety of risks. Thus, when a person enters into an insurance contract he purchases for an agreed Premium, financial coverage from loss sustained due to the peril insured against. Insurance can be sketchily categorized into life insurance and general insurance. The later covers a spectrum of insurances such as Marine insurance, an assortment of property insurances, liability insurance.

### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the Legal dimensions of the law relating to the formation of insurance contracts.
<b>CO2</b>	To develop an insight into the laws, which buttress the operations of insurance.
<b>CO3</b>	To develop, comprehend & appreciate the significance of various types of insurances & the consequences of the happening of the peril/s insured against.
<b>CO4</b>	To familiarize with the organizational set-up of the redressal mechanisms, functions & powers of the same, claim settlement procedural aspects, under the various statutes pertaining to insurance.





CO5	To understand basic tenets of insurance law and its implications.											
Mapping of Course Outcome with Program Outcome (POs)												
Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
CO1	1	-	1	1	1	1	-	-	2	-	-	-
CO2	1	-	1	1	1	1	-	-	2	-	-	-
CO3	-	1	-	-	-	-	1	1	1	1	1	1
CO4	2	3	2	2	2	2	3	3	1	3	3	3
CO5	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
CO1	1				3				3			
CO2	1				3				3			
CO3	-				3				3			
CO4	2				1				1			
CO5	3				-				-			
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low												
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/Technical Skills	Internships/Technical Skills			
				✓								

## COURSE OUTLINE

### MODULE I: INTRODUCTION:

**Nature & scope of insurance.**



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Constitutional perspectives-List I-Entries 24, 25,29,30, 47; List III-Entries 19, 23, 32, 35,47, 56. History of Marine, Fire & Life insurances. Legislations governing insurance- Insurance Act, 1938; IRDA Act, 1999; Consumer Protection Act, 1986.

## **MODULE II: GENERAL PRINCIPLES OF LAW OF INSURANCE:**

Essential elements of insurance contracts.

Classification of insurance.

Formation of insurance contracts.

Nature of insurance contracts

Contract is Aleatory;

Contract of Uberrima fide;

Contract of Indemnity;

Contract of Wager.

Insurable interest.

Premium.

Risk.

Assignment of Insurance policies.

Warranties & disclosures.

Double insurance & re-insurance.

Doctrine of Contribution, Subrogation & Reinstatement.

## **MODULE III: LIFE INSURANCE:**

Nature & scope of life insurance.

Kinds of life insurance contracts.

Events insured against in life insurance with special reference to Felo De Se.

Factors affecting risk in life insurance.

Amounts recoverable under life insurance.

Persons entitled to payment under life insurance.

Settlement of claims.

Legislations governing Life Insurance-LIC Act, 1956; The Fatal Accidents Act, 1855;

The Personal Injuries (Compensation Insurance) Act, 1963.

## **MODULE IV: MARINE INSURANCE:**



Nature & scope of marine insurance.

Salient features of the English & Indian Marine Insurance Acts.

Classification of marine insurance policies.

Change of voyage and deviation.

Maritime perils.

Warranties

Loss.

## **MODULE V: PROPERTY INSURANCE:**

Fire Insurance.

Burglary and theft insurance.

Livestock insurance.

Agricultural insurance.

Plate Glass insurance.

Goods in transit insurance.

Policies for accidental loss or damage to property.

The Emergency Risks (Factories) Insurance.

The Emergency Risks (Goods) Insurance.

The Motor Vehicles Act, 1988.

## **READING MATERIAL:**

### **Study Material:**

- K.S.N. Murthy & Dr. K.V.S. Sarma - Modern Law Of Insurance.
- M. N. Srinivasan - Principles Of Insurance Law (Life - Fire - Marine - Motor And Accident).
- Avtar Singh - Law Of Insurance.

### **Reference Material:**

- E.R. Hardy Ivamy - General Principles of Insurance Law.
- Eric M. Holmes, William F. Young – Insurance: Cases And Materials.
- Colinvaux – Law Of Insurance.
- Edwin W. Patterson – Cases And Materials On Law Of Insurance.



- John Birds – Modern Insurance Law.

**LLB (Hons.)**

<b>Second Year – 3<sup>rd</sup> Semester</b>	<b>Subject Code – H3L2028</b>	<b>Total Credits:4</b>
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Subject Code:  <b>H3L2028</b>	Subject Name: <b><u>INSOLVENCY AND BANKRUPTCY</u></b>	T/L/ ETL	L	T / S.Lr	P/R	C
	Prerequisite : aspiration of insurance is to compensate the aggrieved party, as far as money can, against loss arising from a variety of risks	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

The primary objective of the Insolvency and Bankruptcy Code (IBC) process is resolution of a distressed firm, but the recovery percentage also needs to be kept in mind. Financial and operational creditors owe money to companies facing insolvency proceedings and so recovery has to be an important factor while achieving resolution of stressed assets.

**COURSE OUTCOMES (Cos)**

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the Legal dimensions of the law relating to the formation of insolvency.
<b>CO2</b>	To develop an insight into the laws, which buttress the operations of insolvency.



<b>CO3</b>	To develop, comprehend & appreciate the significance of various types of insolvency & the consequences of the happening of the peril/s insured against.
<b>CO4</b>	To familiarize with the organizational set-up of the redressal mechanisms, functions & powers of the same, claim settlement procedural aspects, under the various statutes pertaining to insolvency.
<b>CO5</b>	To understand basic tenets of insolvency law and its implications.

Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low



Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/Technical Skills	Internships/Technical Skills
				✓					

### **COURSE OUTLINE**

**MODEL 1:** Insolvency – Concepts and Evolution: Bankruptcy/Insolvency– the Concept; Historical Developments of Insolvency Laws in India; Report of the Bankruptcy Law Reforms Committee, The recovery action by creditors, either through the Indian Contract Act, 1872, special laws such as the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 and the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, Action through the Sick Industrial Companies (Special Provisions) Act, 1985 and the winding up provisions of the Companies Act, 1956. Laws dealing with individual insolvency, the Presidential Towns insolvency Act, 1909 and the Provincial Insolvency Act. 1920, Need for the Insolvency and Bankruptcy Code, 2016; Overall scheme of the Insolvency and Bankruptcy Code; Important Definitions; Institutions under Insolvency and Bankruptcy Code, 2016.

**MODEL2 :**Corporate Insolvency Resolution Process: Legal Provisions; Committee of Creditors; Procedure; Documentation; Appearance; Approval. Contents of resolution plan; Submission of resolution plan; Approval of resolution plan.

Resolution Strategies- Restructuring of Equity and Debt; Compromise and Arrangement; Acquisition; Takeover and Change of Management; Sale of Assets. Fast Track Corporation Insolvency Resolution Process: Applicability; Time period and Procedure for fast track process.

**MODEL 3:** Voluntary Liquidation of Companies: Procedure for Voluntary Liquidation; Initiation of Liquidation; Effect of liquidation; Appointment; remuneration; powers and duties of Liquidator; Adjudicating Authority in relation to insolvency resolution and liquidation for corporate persons; Jurisdiction of NCLT; Grounds for appeal against order of liquidation; Appeal to Supreme Court on question of law; Penalty of carrying on business fraudulently to defraud traders.

**MODEL 4 :** Debt Recovery and Securitization: Non-performing assets; Asset Reconstruction Companies [ARC]; Security Interest (Enforcement) Rules, 2002; Options available with banks e.g. SARFAESI, DRT, etc., Application to the Tribunal/Appellate Tribunal.



MODEL 5 : Insolvency Resolution of Individual and Partnership Firms:Application for insolvency resolution process; Procedural aspects;Application for bankruptcy; Conduct of meeting of creditors; Discharge order;Background; Overview of the provisions; Adjudicating Authority; Appeal against order of DRT; Appeal to Supreme Court.Fresh Start Process:Professional and Ethical Practices for Insolvency Practitioners:Code of conduct; Case laws; Case Studies; and Practical aspects

Recommended Readings and References:

1. Bare Act                      \* insolvency And Bankruptcy Code, 2016,with Amendments 2020  
    \* Companies Act, 2013
2. Bharat Publication\*Insolvency and Bankruptcy Code alongwith NCLT Rules,
3. Taxmann’s                  \*Insolvency and Bankruptcy Code, 2016
4. V. S. Datey                  \*Guide to Insolvency and Bankruptcy Code, Taxmann’s  
PublicationsPrachiManekarWazalwar NCLT and NCLAT \* Law, Practice and Procedure,  
BloomsburyPublication
5. ICSI IIP Publications     \* 1. Practical aspects of Insolvency Law
2. Insolvency and Bankruptcy (Rules and Regulations)
3. Interim Resolution Professional – A handbook
4. Voluntary Liquidation – A handbook
7. A. Ramaiya                \*Guide to Companies Act, LexisNexis ButterworthsWadhwa,Nagpur
8. M.C. Bhandari            \*Guide to Company Law Procedures, LexisNexis ButterworthsWadhwa  
Nagpur





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### LLB (Hons.)

<b>Second Year – 3<sup>rd</sup> Semester</b>	<b>Subject Code – H3L2029</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b>LAW RELATING TO WOMEN AND CHILDREN</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2029</b>	Prerequisite : attention to the feeble condition of women, children, and their exploitation	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

#### OBJECTIVES

The Objective of the courses is to train the students to draw the attention to the feeble condition of women, children, and their exploitation. The legal limitation on their capacity and legal rights and protection provided in the constitution and in various laws are to be studied critically.



### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the language and its relevance in understanding the nature of law.
<b>CO2</b>	To develop written and oral communication skills
<b>CO3</b>	To develops basic ability to analyse and advice legal aspects
<b>CO4</b>	To understand the prose section
<b>CO5</b>	To understand basic grammar and do transcription exercise

### Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			



3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

## COURSE OUTLINE

### MODULE I: OFFENCES AGAINST WOMEN

Sexual crimes – Rape, Unnatural Offences, Indecent Assault, Matrimonial Offences – Mock Marriage, Bigamy, Adultery, Criminal Elopement, Dowry - Death, Harassment, Provisions relating to Dowry under IPC and Dowry Prohibition Act 1961, Offences relating to Miscarriage under IPC – The Medical Termination of Pregnancy Act 1971, The Preconception and Pre-natal Diagnostic Techniques (Provision of sex selection) Act, 1994, Offences relating to trafficking under IPC, Offences under Immoral Traffic (prevention) Act, 1956

### MODULE- II GENDER INJUSTICE AND WOMEN'S COMMISSION

Gender Injustice – A Global issue, Constitutional provision to protect gender injustice in India, Pre-natal sex – selective – Abortion – Sexual Harassments in workplace – Guidance laid down in Vishaka Vs. Rajasthan - Women's Commission - Constitution and procedure of Commission, Powers and Function of the Commission

### MODULE- III: LEGISLATIVE EMPOWERMENT OF WOMEN

International perspective - Constitutional provisions for Empowerment of Women - Empowerment of Women under Criminal Law -The Immoral Traffic (Prevention) Act, 1956 -Dowry Prohibition Act, 1961, Labour legislation, The medical Termination of Pregnancy Act, 1971 - The Commission of Sati (Prevention) Act, 1987.

### MODULE-IV: EXPLOITATION OF CHILDREN

Child Labour - Reason for child Labour - International Framework to eliminate Child Labour, - Constitutional Provision to eliminate child labour - Salient Features of Child Labour (Prohibition and Regulation) Act, 1986 - Child Labour and National Human Rights Commission - Role of Judiciary in Solving Labour Problem - Sexual Exploitation Of Children - Child Prostitution – Child Pornography - Child Trafficking - Incestuous Sexual Exploitation - Child Marriages.



## **MODULE - V: PROTECTION OF CHILD RIGHTS**

Child Marriage (Restraint) Act, 1929 – Adoption: Problems relating to Adoption in India – UN Convention on the Rights of Child 1989 - Hindu Adoption and Maintenance Act, 1956 – Inter Country Adoptions – Children and Education - Right to Education and Human Rights Instruments - Right to education in India - Art 21-A of the Indian Constitution - Policies of Government on Education, Problems relating to child Education – Establishment of National and State Commission for protection of child rights – Functions and powers of the Commission – Children’s courts

### **Recommended Readings:**

- Law Relating to Women and Children, Dr. Anjali Kant
- Law Relating to Women and Children, S.C. Tripathi
- Law Relating to Women and Children, Mamta Rao
- Law Relating to Women & Child, O.P. Mishra
- Women and Law in India, Sudhir Cha

### **Journals:**

- Tanja Herklotz, (2017), Law, Religion and Gender Equality: Literature on the Indian personal law system from a Women’s Rights perspective, Journal of the Indian Law Institute, Vol. 1,
- Mengia Hong Tschaler (2017), Muslim Women’s Quest for Justice: Gender, Law and Activism in India, Cambridge University Press
- Sally Engle Merry and Peggy Levitt, Vernacularization on the Ground: Local Uses of Global Women’s Rights in Peru, China, India and the United States’ (2009) 9 Global Networks 441
- Srimati Basu, The Trouble with Marriage: Feminists Confront Law and Violence in India (University of California Press 2015) 97.



- Jayashree Venkatesan, Women's Multiple Roles and Coping Strategies: Myths and Realities, Indian Journal of gender studies (1996)
- Ranjini Ram, Divorced Women's Right to custody and Guardianship of Children, Cochin University Law Review, 1998
- Asha Bajpai, Women's Right at workplace (Part 1) & (Part 2), Lawyer's Collective, Vol 12 1997
- Latika Sarkar, Rape: A human rights versus a patriarchal interpretation, Indian Journal of Gender Studies VI (1) 1994, Pg 69

### **Further Readings:**

- Women and the Law: Leader, Cases, and Documents (Non-series) , Ashlyn K. Kuersten
- Law Relating to Women and Children, Prof. Dr. G.S. Sharma
- Violence against Women and the Law, David L. Richards, Jillienne Haglund
- Women and Law : Critical Feminist Perspectives, Kalpana Kannabiran
- Law and Gender Inequality: the politics of Women's Rights in India (Law in India), Agnes Flavia
- Child Labour in India: Globalization, Power, and the politics of International Children's rights, Gurchathen S. Sanghera
- Child Labour in India, Lakshmidhar Mishra
- Child Labour in India, Usha Sharma
- Right to Education Act 2009: Its Implementation as to Social Development in India, Prof. K. Vijay Kumar

### **Cases For Guidance**

- Vishaka Vs. State of Rajasthan
- Laxmi Vs. Union of India
- Mukesh & Anr Vs. State for NCT of Delhi (Nirbhaya Rape case)
- Ritu Kohli Case – Cyber bullying Case
- Medha Kotwal Lele Vs. Union of India
- D. Velusamy Vs. D. Patchaiammal (Live in Relationship)
- Indian Young Lawyer's Association Vs. State of Karnataka (Sabarimala Case)
- Sabu Mathew George Vs. Union of India
- Suchita Srivastava & anr Vs. Chandigarh Administration, 2009 (Abortions Case)
- Pawan Kumar & Ors Vs. The state of Haryana (Dowry Death)
- Mrs. Neera Mathur Vs. LIC of India (Maternity Benefits case)
- Air India Vs. Nergesh Meerza
- C.B. Muthamma Vs. Union of India
- Shah Bano maintenance case



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- MC Mehta Vs. State of Tamilnadu (Sivakasi Case)



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- Seema Roy Vs. State Govt. of NCT Delhi (Child labour case)
- Gurcharan Singh Vs. state of Haryana (POSCO Act)
- Tuka Ram & Anr Vs. State of Maharashtra (Mathura Rape Case)
- Delhi Domestic Working Women's Forum Vs. Union of India
- Roop Kanwar Case (Sati in Rajasthan)





## LLB(HONS)

<b>Second year– 3<sup>rd</sup> Semester</b>	<b>Subject Code – H3L2031</b>	<b>Total Credits:4</b>
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Subject Code:	Subject Name: <b>INTELLECTUAL PROPERTY LAW</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2031</b>	Prerequisite : understand the new trends in International Trade ushered in by the WTO and the TRIPS Agreement	T	3	1	-	4

L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab

### OBJECTIVES

The Objective of the courses is to train the students to understand the new trends in International Trade ushered in by the WTO and the TRIPS Agreement demand for a serious rethinking on teaching Intellectual Property Laws. The new economic policies, it is assumed will facilitate the free movement of capital, technology and goods based on new technology across the borders to promote International Trade. This is expected to bring in new technology for the industrial and economic development of India. It is also expected that there is going to be more investment on the research and development by the local industries to face the new international competition. On the other hand development of science and technology result in cultural property violating the intangible cultural heritage/traditional cultural expression and traditional knowledge of the developing countries and Human Rights of Indigenous Communities. This demand, India to afford better protection for the Intellectual Property based on the TRIPS . Agreement and also to preserve and conserve the cultural heritage of the country. The course is designed with a view to create IPR consciousness; and familiarize the learners various issues and challenges relating to IPR.

### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the protection for the Intellectual Property based on the TRIPS
<b>CO2</b>	To develop IPR consciousness
<b>CO3</b>	To familiarize the learners various issues and challenges relating to IPR.



<b>CO4</b>	To understand traditional knowledge of the developing countries and Human Rights of Indigenous Communities.
<b>CO5</b>	To understand development of science and technology result in cultural property violating the intangible cultural heritage/traditional cultural expression

**Mapping of Course Outcome with Program Outcome (POs)**

<b>Cos/POs</b>	<b>PO1</b>	<b>PO2</b>	<b>PO3</b>	<b>PO4</b>	<b>PO5</b>	<b>PO6</b>	<b>PO7</b>	<b>PO8</b>	<b>PO9</b>	<b>PO10</b>	<b>PO11</b>	<b>PO12</b>
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
<b>COs/PSOs</b>	<b>PSO1</b>				<b>PSO2</b>				<b>PSO3</b>			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

<b>Category</b>	<b>Basic Sciences</b>	<b>Engg.Science</b>	<b>Humanities &amp; social Science</b>	<b>Program Core</b>	<b>Program Elective</b>	<b>Open Elective</b>	<b>Practical/Project</b>	<b>Internships/Technical Skills</b>	<b>Internships/Technical Skills</b>
				✓					



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## **COURSE OUTLINE**

### **MODULE - I: INTELLECTUAL PROPERTY**

Meaning and Concept of Intellectual Property - Need for Protection - The World Intellectual Property Organisation (WIPO) Convention - Origin and Functions of World Trade Organisation (WTO) - Trade Related Intellectual Property Rights (TRIPS) - Agreement of WTO and its effects of Intellectual Property Law in India -Dispute Settlement Mechanism.

### **MODULE - II: THE PATENTS ACT, 1970**

The Patents Act, 1970 & Patent Amendment Act 2005 · Definition - Salient Features - Patentable and Non - Patentable Inventions - Product and Process Patents  
- Procedure for obtaining Patent - Patent Office and Powers of Controller - Right of Patentees  
- Term of Patent - Remedies for Infringement of Patents - Register of Patents - Surrender and Revocation of Patents - Compulsory Licenses - Exclusive Marketing Rights - Patent Agents - International Agreements - Bio tech Patents .

### **MODULE - III: THE COPYRIGHT ACT, 1957 AND RECENT AMENDMENTS**

Meaning of Copyright - Works in which Copyright Subsists - The Copyright Act, 1957 - Ownership and Rights of the Owner - Term of Copyright - Powers and Functions of the Copyright Board -Registration of Copyright - Compulsory License - Copyright Societies - Fair Use doctrine - Rights and Remedies against Infringement - The Copyright (Amendment) Act 2012 - Rights of Broadcasting Organizational and of Performers - International Copyright Act, 1891.

### **MODULE - IV: TRADE OF MARKS, 1999**

Object - Definitions - Salient Features - Distinctiveness - Deceptive Similarity - Procedures and Conditions for Registration - Powers and Functions of Registrar - Concurrent Registration - Rectification and Correction of Register - Rights of Registered Trade Mark Owner - Protection of Trade Secrets and Deceptive Trade Practices - International perspective of Trade Mark protection - Appellate Board - Infringement Action - Passing Off Action.



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**MODULE -V: INDUSTRIAL DESIGNS, GEOGRAPHICAL INDICATION, TRADITIONAL KNOWLEDGE AND TRADE SECRETS.**



The Designs Act, 2000 - Registration of Designs - Copyright of Registered Designs- Remedies - Powers and Duties of Controller - The Semiconductor Integrated Circuit Layout-Design Act, 2000 - The Protection of Plant Variety and Farmers Right Act, 2001 (PPVFR Act) - The Geographical Indications of Goods (Registration and Protection) Act, 1999 - Object - Definitions - Procedures and Conditions for Registration - Traditional Knowledge - Modes of Protecting Traditional Knowledge - Importance of Benefit sharing - Turmeric case, Neem case, Basmati rice case - Trade Secrets.

### **Statutory Materials:**

1. The Copyright Act 1957
2. The Patent Act 1970
3. The Trade Mark Act 1999
4. Industrial Designs Act 2000
5. The Geographical Indication of Goods (Registration and Protection) Act 1999
6. The Protection of Plant Variety and Farmers right Act 2001
7. The Semiconductor Integrated Layout Design Act 2000

### **Recommended Readings:**

#### **Books:**

- Wadehra B.L, Law Relating to Intellectual Property (2020)
- Dr. S.R. Myneni, Law of Intellectual Property (2017)
- R.S. Bhalla, The Institution of Property: Legally, Historically and Philosophically Regarded, Eastern Book Co., (1984)
- Dr. Mathew Thomas, Understanding Intellectual Property, Eastern Book Company, Lucknow (2016).
- V.K. Ahuja, Law Relating to Intellectual Property Rights ( Lexis Nexis) 2015
- Elizabeth Verkey, Intellectual Property law and Practice (Eastern Book Company) 2015
- Taraporevala V J, Law of Intellectual Property, (2nd Edition) Thomson Reuters, 2013.

#### **Case Book:**

1. LTC Harms: Enforcement of IPR: A case BOOK WIPO Publication (3rd edn) 2012 available at  
[http://www.wipo.int/edocs/pubdocs/en/intproperty/791/wipo\\_pub\\_791.pdf](http://www.wipo.int/edocs/pubdocs/en/intproperty/791/wipo_pub_791.pdf)



### **Journals/Articles:**

1. Jane C. Ginsburg, No Sweat? Copyright and Other Protection of Works of Information After Feist v. Rural Telephone (1992) 92 Colum L. Rev 838.
2. Michael Abrahamowicz and John F Duffy, The Inducement Standard of Patentability, (2011) 120 Yale Law Journal 1590.
3. Jerre B Swann, Sr., Dilution Redefined for the Year 2000 (2001) 33 IPLR 343.
4. K Lipstein, Intellectual Property Jurisdiction or Choice of Law? The Cambridge Law Journal Vol- 61 No. 2, (July 2002) pp. 295-300.
5. Inter- Governmental Committee on Traditional Knowledge, Traditional Cultural Expression and Genetic Resources, Available at: <https://www.wipo.int/tk/en/igc/166>

### **Further Readings:**

#### **Books:**

- Philippe Cullet, Human Rights and Intellectual Property Protection in the TRIPS Era, 2007. HUMAN RIGHTS QUARTERLY, Vol. 29 403-430.
- Graeme Austin: Private International Law and IPR Common Law : An Over View (2001), [https://www.wipo.int/edocs/mdocs/mdocs/en/wipo\\_pil\\_01/wipo\\_pil\\_01\\_5.pdf](https://www.wipo.int/edocs/mdocs/mdocs/en/wipo_pil_01/wipo_pil_01_5.pdf)
- Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle (15th ed. 2005) Indian Reprint 2008.
- Terrel on Patents, Sweet and Maxwell (1994)
- Kerly's Law on Trademarks and Trade Names, Sweet and Maxwell. Wolters Kluwer (2015)
- Graeme Austin: Private International Law and IPR Common Law : An Over View, WIPO 2001, available at [http://webcache.googleusercontent.com/search?q=cache:jP2l70OixS4J:www.wipo.int/edocs/mdocs/mdocs/en/wipo\\_pil\\_01/wipo\\_pil\\_01\\_5.doc+&cd=1&hl=en&ct=clnk&gl=in](http://webcache.googleusercontent.com/search?q=cache:jP2l70OixS4J:www.wipo.int/edocs/mdocs/mdocs/en/wipo_pil_01/wipo_pil_01_5.doc+&cd=1&hl=en&ct=clnk&gl=in)
- ABC of Copy Right UNESCO Publication; available at [http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC\\_Copyright\\_en.pdf](http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC_Copyright_en.pdf)
- Russell Clarke, Industrial Design, Sweet and Maxwell, 9th Ed., (2016).
- Resource Book on TRIPS and Development, UNCTAD- ICTSD (2004)
- Gopalkrishnan N S, & Agitha T G, Principles of Intellectual property. Lucknow: Eastern Book Company (2014)

### **Journals**



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2 IPQ- Intellectual Property Quarterly (Westlaw )





- 3 J. Copyright Soc’y USA – Journal of the Copyright Society of the USA (Westlaw)
- 4 RPC – Report of Patent Cases (Westlaw)
- 5 FSR- Fleet Street Reporter (Westlaw)
- 6 ECDR- European Copyright and Design Reports (Westlaw) 7 PTC- Patent Trademark Cases
- 8 JIPR-Journal of Intellectual Property Rights (Nisclair) available at :  
<http://nopr.niscair.res.in/handle/123456789/4693>
- 9 The WIPO Journal available at:  
<https://www.wipo.int/publications/en/search.jsp?lang=EN&set4=132>
- 10 Yale Law Journal (Hein Online)

### **Cases for Guidance**

- 1. University of London Press Ltd v. University of Tutorial Press Ltd (1916) 2 Ch.601
- 2. Feist Publication Inc v. Rural Telephone Service Co. Inc, 499 US 340 (1991)
- 3. Eastern Book Company v. D. B. Modak (2008) 1 SCC 1
- 4. R. G. Anand v. Delux Films (1978) 4 SCC 118
- 5. Amarnath Sehgal v. Union of India (2005) 30 PTC 253
- 6. Indian Performing Right Society Ltd v. Eastern India Motion Picture Association (1977)
- 7. Indian Recording Manufacturing Company v. Ilayaraja (20, Feb. 2020)
- 8. Delhi University Photo Copying Case – The Chancellor Masters and Scholars of the University of Oxford v. Rameshwari Photocopy Services (2012)
- 9. Lallubhai Chakubhai Jarivala v. Shamaldas Sankalchand Shah AIR 1934 Bom 407
- 10. Bishwanath Prasad Radhey Shyam v. Hindustan Metal Industries (1979) 2 SCC 511
- 11. Novartis AG v Union of India (2013) 6 SCC 1
- 12. Bayer Corp v. Union of India (2012)
- 13. Monsanto v Nuziveedu (2019)
- 14. Britannia Industries Ltd v. Sara Lee Bakery AIR 2000 Mad 497
- 15. Daimler Benz Aktiegesellschaft v. Hybo Hindustan (1994)
- 16. S M Dyechem Ltd., v Cadbury (India) ltd (2000)
- 17. Syndicate of Press of University of Cambridge v B. D. Bhandari (2005) 31 PTC 58(Del)
- 18. Kapil Wadhwa v. Samsung Electronics Co. Ltd (2012) 53 PTC 112 (Del)

### **Learning Outcome:**

After completion of the course students will be able to –

- 1. Understand the different types of IPR and able to compare and contrast in terms of their key difference and similarities.



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2. Assess and critique some basic theoretical justification for each form of intellectual property protection
3. Discuss the effects of “intellectual property rights” on society as a whole.
4. Study the consequences of infringement and remedies available when piracy of copyrighted work and counterfeit of trademark products occur.
5. Compare and contrast the laws in other countries like US and EU mainly UK and also from the International bodies, treaties and conventions such as WTO, WIPO, TRIPS, Berne convention, Paris convention etc. perspective.



**LLB (Hons.)**

<b>Second Year -4<sup>th</sup> Semester</b>	<b>Subject Code- H3L2014</b>	<b>Total Credits:4</b>
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Subject Code:	Subject Name: <b>ADMINISTRATIVE LAW</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2014</b>	Prerequisite : shift from a police state to a welfare state	T	3	1	-	4

L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

The concept of state and the instrumentality of state had undergone various changes by making a shift from a police state to a welfare state. By adducing more responsibilities, the functions of the state had undergone a wave of change with multifarious effects. The executive organ with its bureaucratic approach is experiencing various roles both as a quasi-legislative authority and quasi-judicial authority thereby enabling a sound administration. Administrative Law is the branch of law guiding the governance activities of the administrative bodies to ensure good governance. The power of discretion needs guarded veil against arbitrariness and lack of transparent procedures. The administrative law can ensure justice by evolving procedures, principles which will align with established principles of natural justice. This course aims to provide a clear understanding of the evolution, nature and scope of Administrative Law and its relation with Constitutional Law. The principles of procedural fairness, judicial review and safeguards in maintaining the required separation of powers by regulating the modus operandi of the principles of administration will form the subject matter of this branch.

**COURSE OUTCOMES (Cos)**

Students completing this course were able to

<b>CO1</b>	To inquire about the evolution and historical development of the concept of administrative law;
<b>CO2</b>	To analyze the progressive development of administrative law across various jurisdictions, both in civil and common law countries, such as UK, USA, France and India;
<b>CO3</b>	To survey the origin, growth and developmental process involved in improving the status of delegated legislation;



<b>CO4</b>	To study the basic requirements of procedural fairness and natural justice in administrative procedures;
<b>CO5</b>	To evaluate the concept of judicial review and revisiting the concept of state accountability; Reviewing the effects of maladministration by providing the required remedies by analysing the role of public undertaking and ombudsmen

Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3

COs/PSOs	PSO1			PSO2			PSO3		
<b>CO1</b>	1			3			3		
<b>CO2</b>	1			3			3		
<b>CO3</b>	-			3			3		
<b>CO4</b>	2			1			1		
<b>CO5</b>	3			-			-		

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

**COURSE OUTLINE**

**Module I – Detailing the nature of Administrative Law and related Constitutional Concepts**



Analysing the Role of state as an Enabler, Facilitator and Regulator and the responsibilities of of State from Laissez-Faire domain to welfare domain-Definition, Nature and Scope of Administrative Law-Administrative Development Patterns in U.K., U.S.A., France and India

Relationship Between Administrative Law and Constitutional Law-Basic Constitutional Principles – Rule of Law - Doctrine of Separation of Powers - System of checks and balances. Parliamentary Sovereignty in U.K., Limited Legislative Powers in U.S.A. and India- Classification of Administrative Action - Nature of Powers; Executive, Legislative and Judicial - Legislative function and Quasi Legislative functions – Judicial function and Quasi- Judicial functions - Administrative Directions.

## **Module II – Delegated Legislation- Origin and Development**

Need for Delegated Legislation-Delegated Legislation in UK and USA-Delegated Legislation in India- Pre and Post Constitutional Period-Constitutionality of Delegated Legislation-Types of Delegated Legislation - Administrative directions-Permissible and Impermissible Limits of Delegation-Control over Delegated Legislation – Judicial, Procedural and Legislative Control.

## **Module III – Analysing the feasibility of Administrative Adjudication and its Procedural Fairness**

Need for Administrative Adjudication-Reason for growth of Administrative Tribunals Franks Committee-Mechanism for administrative Adjudication – Quasi – Judicial Bodies, Tribunals-Merits and Demerits of Administrative Tribunals-Procedure and powers of Administrative Tribunal-Tribunal under Constitution-High Court's Superintendence over Tribunals. (i)Appeal to Supreme Court by Special Leave-Administrative Tribunals under Administrative Tribunals Act, 1985-Domestic Tribunal-Principles of Natural Justice – Concept - Rule against Bias - Audi Alteram Partem – Ingredients of Fair Hearing - Institutional Decision - Post-Decisional Hearing - Reasoned Decisions - Exceptions to the Rule of Natural Justice - Effects of Breach of Natural Justice.

## **Module IV – Doctrine of Judicial Review and Principle of State liability**

Judicial Review-Scope of Judicial Review Jurisdiction of the Supreme Court -Writ Jurisdiction-Appeal by Special Leave (Art. 136) - Scope and Object of Article 136-Jurisdiction of the High Court-Judicial Review of Administrative Action through Writs-Scope of the Writ Jurisdiction - Locus-standi - Kinds of Writ - Grounds for issue of Writs - Alternative Remedy-Laches or Delay-Res Judicata-Public Interest Litigation-Statutory and Equitable Remedies – Injunction -



Declaration against the Government - Exclusion of Civil Suits.

Administrative Discretion - Nature and need of Administrative discretion - Grounds and Extent of Judicial Review - Doctrine of Proportionality - Fundamental Rights and Discretionary Powers-Privileges and Immunities of Government in Legal Proceedings – Privilege to withhold documents – Miscellaneous Privileges of the Government - Notice, Limitation, Enforcement of Court Order - Binding nature of Statutes over the States action- Promissory Estoppel-Docctrine of Legitimate Expectation-Right to Information.

Liability of the State - Liability of the State in Torts and Contracts.

### **Module V – Remedying the ill-effects of Maladministration**

Need and Utility-Origin and development of the Institution-Ombudsman in England (Parliamentary Commissioner)-Ombudsman in India – Lokpal - Lokayukta in States-Central Vigilance Commission.

### **Module VI – Understanding the working and functions of public undertakings**

Object, Importance and Characteristics of Public Corporation-Classification of Public Corporations- Rights, Duties and Liabilities of Public Corporations-Controls over Public Corporations, Government Control, Parliamentary Control, Judicial Control, Public Control-Role of Ombudsman in Public Undertaking.

### **Recommended Reading Books Prescribed:**

- M.P.Jain & S.N. Jain, “Principles of Administrative Law” (Gurgaon: Lexis Nexis, 2013).
- S.P. Sathe, “Administrative Law” (Butterworths, India 1998).
- De Smith, “Judicial Review of Administrative Action” (Sweet and Maxwell, 1995).
- I.P.Massey, “Administrative Law”, (Lucknow: Eastern Book Company, 2008).
- C.K.Takwani, “Lectures on Administrative Law” (Allahabad law Agency, 2014).
- 6.Kailash Rai, “Administrative Law” (Allahabad law Agency, 2014).

### **Reading Material:**

- 108th Report of the Law Commission of India on Promissory Estoppel (Excerpts)
- M. P. Singh, “The Constitutional Principle of Reasonableness”, 3 SCC (Jour.) 31 (1987)
- Stephen G. Breyer & Richard B. Stewart, The Problem of Administrative Discretion in Administrative Law and Regulatory Policy (2006) 103 – 135
- Constantine Stephanou, “Good Governance and Administrative Discretion”, Department of International & European Studies Panteion University, Athens Available at <https://www.unece.org/fileadmin/DAM/trade/workshop/OSCE.../Stephanou.doc>
- Tim Searchinger, “The Procedural Due Process Approach to Administrative



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Discretion: The Court's

- Inverted Analysis”, Vol. 95 The Yale Law Journal 1017 (1986)
  - Justice A. M. Ahmadi, “Judicial Process: Social Legitimacy and Institutional Liability”, 4 SCC (Jour) 1 (1996)
- “Judicial Review of Facts – Efficacy of Wednesbury’s Principles and Contemporary





Developments”(28 July 2007) available at [http://www.supremecourtindia.nic.in/speeches/speeches\\_2007/wednesday-%5B1%5D.28.7.07.pdf](http://www.supremecourtindia.nic.in/speeches/speeches_2007/wednesday-%5B1%5D.28.7.07.pdf)

- Sudish Pai, “Is Wednesbury on the Terminal Decline?” 2 SCC (Jour) 15 (2008)
- Sarbjit Kaur, “Principle of Proportionality- A Ground of Judicial Review”, 2 Journal of Law Teachers of India 36 (2011)
- Justice Sunil Ambwani, I R Coelho v. State of Tamil Nadu and others – A Case Study (Lecture delivered at the ‘Advocates Association’ on 9 February 2007)

### **Further Reading Reference Books:**

#### **Suggested Readings:**

- Harry Woolf, Jeffery Jowell and Andrew Le Sueur, De Smith’s Judicial Review (6th ed., 2007)
- H.W.R. Wade & C.F. Forsyth, Administrative Law (11th ed., 2014)
- Beatson, Matthews and Ellitto’s Administrative Law: Text and Materials (4th ed., 2011)
- J. Schwarze, European Administrative Law (1992)
- David Foulkes, Administrative Law (8th ed. 1995)
- P.P. Craig, Administrative Law (6th ed., 2008)
- B.L. Jones & J.F. Garner, Garner’s Administrative Law (8th ed., 1996)
- K.C. Davis, Administrative Law Treatise (2nd ed., 1980)
- M.P. Jain and S.N. Jain, Principles of Administrative Law (7th ed. revised, 2017)
- M.P. Jain, Cases and Materials on Indian Administrative Law (1994)

#### **Articles:**

- Aharon Barak, “The Supreme Court - Foreword: A Judge on Judging: The Role of a Supreme Court in a Democracy” Vol. 116:16 Harvard Law Review 16 (2002)
- D. Oliver, “Is the ultra vires rule the basis of judicial review?” Public Law 543 (1987)
- R. Williams, “When is an error not an error? Reform of jurisdictional review of error of law and fact”, Public Law 793 (2007)
- P Joseph, “The Demise of Ultra Vires – Judicial review in New Zealand Courts”, Public Law 354 (2001)
- Lord Diplock, “Administrative Law: Judicial Review Reviewed” 33 Cambridge Law Journal 233 (1974)
- H.F. Rawlings, “Judicial Review and Control of Government”, 64 Public Administration 135-145 (1986)
- T.R. Hickman, “The reasonableness Principle: Reassessing its place in Public Sphere” 63 Cambridge Law Journal 166 (2004)



- Le Sueur, A., “The Rise and Ruin of Unreasonableness?” 10 (1) Judicial Review 32 (2005)
- M.P. Singh, “The Constitutional principle of reasonableness” 3 SCC (Journal) 31 (1987)
- Markanday Katju, “Administrative Law and Judicial Review of Administrative Action” 8 SCC (Journal) 25 (2005)
- J. Black, “Constitutionalising Self-Regulation” 59 MLR 24 (1996)
- P.P. Craig, “Proportionality, Rationality and Review” New Zealand Law Review 265 (2010) Oxford Legal Studies Research Paper No. 5/2011
- G. Burca, “Proportionality and “Wednesbury” Unreasonableness: The Influence of European Legal Concepts on U.K. Law” Vol. 3, No. 4 European public law 561 (1997)

#### **Cases for Guidance:**

##### **List of Cases:**

- Hirday Narain v. ITO, AIR 1971 SC 33
- State of W.B. v. Anwar Ali Sarkar, AIR 1952 SC 75
- State of Punjab v. Khem Chand, AIR 1974 SC 543
- Air India v. Nargesh Meerza, AIR 1981 SC 1829
- Dwarka Prasad Laxmi Narain v. State of U.P., AIR 1954 SC 224
- A.N. Parsuraman v. State of Tamil Nadu, AIR 1990 SC 40
- Dr. Bonham’s case, 8 Co. Rep. 114a, 118a (1610)
- Marbury v. Madison, 1 Cranch 137 (1803)
- Anisminic Ltd. v. Foreign Compensation Commission, (1969) 1 All ER 208
- Padfield v. Minister of Agriculture, Fisheries & Food, (1968) AC 997
- Associated Provincial Picture Houses Ltd. v. Wednesbury Corp., (1947) 2 All ER 680
- Council of Civil Service Union v. Minister for Civil Service, (1985) AC 374
- Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461
- Minerva Mills v. Union of India, (1980) 3 SCC 625
- Indira Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299
- I.R. Coelho v. State of Tamil Nadu, (2007) 2 SCC 1
- T.N. Rangarajan v. Govt. of Tamil Nadu, AIR 2003 SC 3032
- L. Chandra Kumar v. Union of India, (1997) 3 SCC 261
- Vice-Chancellor, Utkal University v. S.K. Ghosh, AIR 1965 SC 217
- Mehboob Sheriff and Sons v. Mysore State Transport Authority, AIR 1960 SC 321



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### **Learning Outcomes:**

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

- Apply their knowledge and critical legal understanding to seek solutions to pressing problems in the area of public administration
- Conduct effective legal research in the subject using fundamental tools of legal research.
- Write research papers/notes and case comments and work in research houses.
- Practice in the matters related to exercise of administrative discretion and adjudication or in related matters in law courts/tribunals.
- Become law professionals or effectively work as administrator



**LLB(HONS)**

<b>Second Year -4<sup>th</sup> Semester</b>	<b>Subject Code- H3L2020</b>	<b>Total Credits:4</b>
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Subject Code:  <b>H3L2020</b>	<b>Subject Name: <u>LABOUR LAW- II SOCIAL SECURITY AND LABOUR WELFARE LAWS</u></b>	T/L/ETL	L	T / S.Lr	P/R	C
	Prerequisite : labour laws studied in the previous semester included within its ambit the historical development, labour rights and governing mechanisms involved in ensuring justice in various labour-related issues	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

The Objective of the courses is to train the students to understand the labour laws studied in the previous semester included within its ambit the historical development, labour rights and governing mechanisms involved in ensuring justice in various labour-related issues. The steps are taken to ensure the unionization and protecting labour rights though more reactive measures require some proactive step in ensuring welfare and protection of the labour community. The constitutional protection given under Art.21 aims for proactive measures in ensuring the right to live with dignity. It becomes pertinent on the part of the state to provide such social security measures to protect the life and dignity of the labour force of our nation since it is the constitutional obligation of the state. The aim of these labour legislations is to ensure social justice thereby safeguarding the want of our workers without providing space for exploitation. The paper aims at providing students in understanding the importance of social security legislation concerning the purpose explored above.



### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding and to educate the student about the concept of social security, its evolution, components, and objectives;
<b>CO2</b>	To develop and analyse the role played by ILO in developing social security jurisprudence
<b>CO3</b>	To develops and ensure the students with a critical and practical understanding of the rights of theemployee in case of employment-related death, disablement, disease or accidents
<b>CO4</b>	To understand and inculcate the students with the knowledge about the state insurance benefits available to theemployees under various circumstances;
<b>CO5</b>	To Examine the maternity benefit rights available to female employees; and Inquire, in-depth, the various retirement benefits made available to employees; and detailing the provisions of law governing factories.

### Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
<b>COs/PSOs</b>	<b>PSO1</b>				<b>PSO2</b>				<b>PSO3</b>			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			



CO5	3			-			-		
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low									
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/Technical Skills	Internships/Technical Skills
				✓					

## **COURSE OUTLINE**

### **MODEL I – Understanding the framework of social security legislations**

Concept of Social Security-Evolution of Social Security-Constituents of Social Security-Object and Aim of Social Security-Social Security and Labour Welfare-ILO on social security-Social Security and Constitution-Classification of Social Security Legislations.

### **MODEL II – Detailing the Industrial injuries and associated social security measures**

The Employees' Compensation Act, 1923 - Scope, Objects, Coverage and Definitions-Liability of The Employer To Pay Compensation-Arising Out of and in the Course of Employment-Doctrine Of Notional Extension-Occupational Diseases-Determination And Distribution Of Compensation-Principal Employer's Right Of Indemnity-Commissioner's Powers And Functions.

Factories Act, 1948 – Background and definitions-Formalities to Start a Factory-Occupier - Duties and Liabilities-Inspecting Staff and Certifying Surgeons-Health, Safety and Welfare measures, Working Hours-Employment of young persons-Annual leave with wages.

Regulation of Shops and Establishments - The Tamil Nadu Shops and Establishment Act, 1947 - Applicability and Coverage – Definitions-Opening and closing hours-Employment of young persons-Hours of Work-Health and Safety Measures-Leave and Annual Leave with wages-Authorised Deductions From Wages-Inspectors – Powers and Functions-Penalties for Offences.

### **MODEL III – Discerning the relation between social security and social insurance**



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The Employee's State Insurance Act, 1948 - Objects, applications and 'Seasonal Factory' – Definitions-E.S.I. Corporation, Standing Committee And Medical Benefit Council-E.S.I. Fund-Contributions-Benefits-Adjudication Of Disputes And Claims-Penalties.

#### **MODEL IV – Laws relating to maternity benefits and its applications**

The Maternity Benefit Act, 1961 -Object, Application and Definitions-Eligibility to Maternity Benefit-Maternity Benefit and Other Benefits-Notice Of Claim-Prohibition Against Dismissal-Powers And Duties of Inspectors.





### **MODEL V – Conceptualising the laws related to retiral benefits**

- The Employee's Provident Funds And Miscellaneous Provisions Act, 1952 - Scope, Coverage, Application And Definitions-Authorities to Administer the Fund-Contributions-Employees Provident Fund Scheme, Employees' Pension Scheme And Deposit Linked Insurance Scheme-Authorities to determine and Recover Money Due from Employer-Employees' Provident Fund Appellate Tribunal-Offences and Penalties.
- Payment Of Gratuity Act, 1972 - Background, Object And Definitions-Payment of Gratuity – Eligibility - Rate of Gratuity – Forfeiture-Compulsory Insurance-Determination of Gratuity-Recovery of Gratuity-Controlling Authority-offences and Penalties.

#### **Recommended**

#### **Reading Books :**

1. S.N.Mishra, “Labour and Industrial Law”, (Allahabad: Central Law Agency, 2019).
2. Dr. V.G.Goswami, “Labour and Industrial Laws”, (Allahabad: Central Law Agency, 2019).
3. Madhavan Pillai, “Labour and Industrial Laws” (Allahabad: Allahabad Law Agency, 2017).
4. S.C. Srivastava, “Industrial Relations and Labour Laws” (New Delhi: Vikas Publishing House Pvt. Ltd., 2019).
5. Meenu Paul, Labour and Industrial Law (Allahabad law Agency 2017).

#### **Journals**

1. Suresh C. Srivastava, “Labour Welfare and the Law” 17 Journal of Indian Law Institute 342-366 (1975)
2. Manishi Pathak, “An Overview of Contract Labour Related Laws in India” NLS Bus. L.Rev. 20-35 (2017).
3. Zubair Ahmad Khan & Hina Varshney, “Implementation of the Labour Welfare Provisions for Women Workers in the Unorganised Sector in India: A Critical Analysis” 21 Aligarh Law Journal 62 (2013).
4. Usha Ramanathan, “Statute Law, Injury & Compensation” 47 Journal of Indian Law Institute 158-198 (2005).
5. N.S.Kamboj, “Hazardous Industries Policy & the Law” 46 Journal of Indian Law Institute 449-462 (2004).

#### **Further Reading Reference Books:**

1. Indian Law Institute, Cases and Materials on Labour Law and Labour Relations
2. PL Malik, Industrial Law, Eastern Book Company, 2013
3. Dr. Goswami, Labour and Industrial Law, Central Law Agency, 2011



4. Surya Narayan Misra, An Introduction to Labour and Industrial Law, Allahabad Law Agency, 1978
5. S.C. Srivastava, Industrial Relations and Labour Law, Vikas PublishingHouse, 2004
6. S.C. Srivastava, Commentaries on the Factories Act, 1948, UniversalLaw Publishing House, Delhi
7. H.L. Kumar, Workmen's Compensation Act, 1923

### **Articles:**

1. RP.Rangeela, Mrs.Girija Anil, "Welfare measures under the Factories Act: A Critical Appraisal"  
International Journal of Pure and Applied Mathematics, Vol.120, No.5, (2018) p.255.
2. S.Gokulakrishnan , Dr.D Vezhaventhan, "A Study on Maternity Benefit Scheme in India"  
International Journal of Pure and Applied Mathematics, Vol.120, No.5, (2018) p.4393.
3. Priyanka.B, A.Sreelatha, "Effective Implementation of Maternity Benefit Act Of 1961"  
International Journal of Pure and Applied Mathematics, Vol.120, No.5, (2018)p.1329.
4. K B Ravindra, "Labour Welfare and Social Security" Ushus J B Mgt 13, 1(2014), p.77.
5. Manvendra Singh Jadon and Ankit Bhandari, "Analysis of the Maternity Benefits Amendment Act, 2017 and its Implications on the Modern Industrial Discourse" Christ University Law Journal, 2019 Vol. 8, No,2, p. 63.

### **Cases for Guidance:**

1. MODELed India Insurance Co. Ltd. v. (Smt.) Susheela, 2004 (101) FLR 393 (Karn HC)
2. Employees State Insurance Corporation v. Jaipur Enterprises, (1988) 56 FLR 207 (Raj.)
3. Employees State Insurance Corporation v. Hotel Kalpaka International, 1993 LLR 177 (SC)
4. Fenner (India) Ltd. v. Joint Regional Director, Employees State Insurance Corporation,(2003) 2 LLJ 447 (Mad)
5. Municipal Corporation of Delhi v. Female Workers (Muster Rolls) and Another, AIR2000 SC 1274
6. Ram Bahadur Thakur (P) Ltd. v. Chief Inspector of Plantations, [1982 (2) LLJ 20]
7. Sri Rama Vilas Service Ltd. v. RPFC, 2000 I LLJ 709 (Mad)
8. Hindustan Lever Employees Union v. RPFC, 1995 (71) FLR 46 (Bom)
9. Mill Owners Association, Bombay v. Their Employees [1950 (II) LLJ 1247]



10. Standard Vacuum Refining Co. of India v. Workmen, AIR 1961 SC 895, 901
11. Mill Owners Association, Bombay v. Rashtriya Mazdoor Mill Sangh, [(1960) LLJ 1247]
12. Kothari Corporation v. Appellate Authority (Deputy Commissioner of Labour),Karnool 1998 LLR 223
13. Management of Sri Akilandeswari Mills Ltd. v. Asst. Commissioner of Labour(2000)I LLJ 1411 Mad
14. Workmen of American Express International Banking Corporation v. AmericanExpress International Banking Corporation [AIR 1986 SC 458]
15. Jayathilal Dhaniji & Co. Oil Mills v. Employees State Insurance Corporation [(1966)2 LLJ 542]

### **Learning Outcome**

Upon completing this course, the student will be able to:

1. enables the students to analyze the judicial delineation of an employer's liability, as against an accident arising out of and in the course of employment with special reference to the notional extension of employment, to pay compensation in certain cases. Study of this MODEL cajoles the students to appreciate the maternity benefit in a holistic perspective.
2. Understand the development of social security laws;
3. Analysing the role played by ILO in protecting the social security welfare measures for the workers;
4. Delineating the rights of employees listed in various employment-related mishaps and consequences;
5. Evaluating the contours and ambit of state insurance benefits to employees;
6. Studying the maternity benefits available to women employees and addressing the issues in its enforcement
7. Developing a proper orientation in analysing the retirement benefits available to employees; and
8. Comprehending the procedures which are to be followed by factories with the assistance of relevant laws.



## LLB(HONS)

Second Year-4 <sup>th</sup> Semester	Subject Code- H3L2023	Total Credits:4
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Subject Code:	Subject Name: <b>ALTERNATE DISPUTE RESOLUTION</b>	T/L/ ETL	L	T / S.Lr	P/R	C
<b>H3L2023</b>	Prerequisite : to understand the judicial delay and arrears are the greatest form of causality in adversarial process	T	3	1	-	4

L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab

### OBJECTIVES

The Objective of the courses is to train the students to understand the judicial delay and arrears are the greatest form of causality in adversarial process. Adjudication through Court of Law are high in terms of time, expense and damage to relationships. With the introduction of Section 89, CPC and amendment in the Arbitration and Conciliation Act 1996 in 2015 and setting up of in-house mediation centers focus is shifting on non coercive and consensual processes of Mediation and Conciliation is the fastest growing dispute resolution remedy worldwide. Mediation and Conciliation shall provide for a Win-Win situation for the parties to the dispute, as the resolution takes place with the characteristic of amicability, peacefulness and mutual settlement between parties thus finality, without intervention of the Court. There is a need of blending judicial and non-judicial dispute resolution mechanism and bring mediation a primary method of resolution of dispute to the center of the Indian Judicial System. The subject is old but needs reassurance and learned in theory and practice, to be looked upon more as primary option than as Alternate dispute resolution (ADR) mechanism. This course will be learned under two basics. First, the theoretical understanding of the concepts and, the ethical and legal provisions relating to, mediation and conciliation. Secondly, the course is geared to train the students in the practical skills required to effectively participate and practice, mediation and conciliation processes.

### COURSE OUTCOMES (Cos)

Students completing this course were able to



<b>CO1</b>	To have an elementary understanding of the Law on the subject and the precedents laid down by court annexed mediation in India and abroad are exhaustively dealt with.
<b>CO2</b>	To develop and understand the nature of dispute, conflicts and make choice of appropriate settlement technique to and resolve them.
<b>CO3</b>	To develop basic ability to analyse and advise the identification of real needs and interests resolves the disputes without undergoing arduous trial procedures.
<b>CO4</b>	To understand and enhance the practical skills apart from theory, in long run shall reduce backlog and docket explosions before the Court of Law.
<b>CO5</b>	To understand, prepare and present an engaging informative presentation on a chosen area of ADR that expands upon the core themes of the course.

Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			



3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

## COURSE OUTLINE

### MODEL I: Introduction: Nature and Scope of Conflict and Disputes:

- Causes for conflict, Kinds of conflict, Escalation and De-escalation of conflict. Dispute as a manifestation or starting point of conflict. The role of Law and Society in ensuring settlement of disputes and effective conflict resolution.
- Negotiation, Mediation, Arbitration and Adjudication: scope and relative merits. Limitations of the adversarial process and need for consensual resolution. Mediation as the preferred ADR mode.
- Pendency of cases in India, its causes and consequences. The need for Alternative Dispute Resolution. Mediation as a flexible, timely, cost-effective mode of alternative dispute resolution.

### MODEL II: Alternative Dispute Mechanism and Arbitration Agreement and Procedure

- Alternative Dispute Resolution – Definition, Scope and Genesis
- Overview of Alternative Dispute Resolution Process -Arbitration, Mediation, Conciliation, Lok Adalat and Judicial Settlements
- Evolution of the concept of ADR with historical prospective -Position of ADR in Ancient India, Position of ADR in Mughal period, Position of ADR during British Period, Position after Independence
- Agreement based and Court annexed ADR processes - Arbitration and Conciliation Act 1996 and Amendments in 2015 and 2019
- Arbitrability and Non-Arbitrability of Disputes – Interim Measures by Court and Arbitral Tribunal
- Arbitration Agreement/Clause – Arbitration Procedure– Arbitration & Mediation Process – MED-ARB-MED - Decision/Award/Settlement

### MODEL III: ADR: Characteristics and Conceptual Analysis:



- a) Definitions and key characteristics, Fastest growing ADR mode. Nature of mediation as voluntary, consensual, non-coercive, confidential and risk-free. Parties retain control of the process.
- b) Problem-defining, Problem-solving and settlement stages. Opening round, joint sessions and private caucus. Gathering information, analysing issues and interests, generating options and proposals, resolving disagreements, reaching agreement.
- c) Facilitative, Evaluative and Transformative Mediation. Role of the Mediator as a neutral facilitator, impartial moderator, trusted interlocutor but never a legal advisor.

#### **MODEL IV: Contemporary Trends**

- a) Emerging Trends – Institutional Arbitrations - Online Dispute Resolution
- b) Dispute Resolution – Sector Specific ADR

#### **MODEL V: Negotiations and Conciliations, Mediation and Procedure, International Commercial Arbitration**

- a) Geneva Convention on Enforcement of Foreign Arbitral Awards
- b) New York Convention on Enforcement of Foreign Arbitral Award
- c) New Delhi International Arbitration Centre Ordinance Role of Courts in Arbitration
- d) Meaning, features, theories and types of Negotiations and Conciliations
- e) Appointment, Role and qualities of Negotiator and Conciliator
- f) Process of Negotiations and Conciliations.
- g) Meaning, Definition, theories and techniques of mediation, Court-annexed mediation
- h) Mediation process - Skills of a mediator Institutionalized mediation - Specialization sectors for mediation practice in India and Globally Models
- i) Drafting in Mediation – International
- j) Mediation and Singapore Convention
  - a) Confidentiality extends to all case info, identity of parties, proposals and offers made by parties, confidential revelations during private sessions, terms of the settlement and all case-related documents

#### **MODEL VI: Drafting Settlement and Agreements**

- a) Identifiable parties, unambiguous terms, clear language, specific outcomes, measurable commitments, provision for monitoring implementation and accepted mode for resolving future conflicts.
- b) Enforceability of arbitral agreements under Section 36 of the Arbitration and Conciliation Act of





1996. Court decree for court-annexed mediation settlements. Vitiating factors: fraud, coercion, corruption, incapacity of a party or the settlement being contrary to public policy or Indian law. Need for Mediation-specific legislation to regulate and give legal sanctity to mediated settlements.

### **MODEL VII: Hybrids UNCITRAL and ICT Enabled ADR**

- a) Arbitration and Conciliation Act, 1996 read with Information Technology Act, 2000 and Indian Evidence Act, 1872. And its advantages
- b) Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018. Speedy settlement of commercial cases through mediation. Settlement enforceable as deemed arbitral award (under Section 30(4) of Arbitration and Conciliation Act, 1996)
- c) UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, 2018; MODELed Nations Convention on International Settlement Agreements Resulting from Mediation (the Singapore Convention on Mediation). Mediation training and skill development, international accreditation and development of global mediation standards.

### **Recommended Reading:**

#### **Books:**

1. R.S. Bachavat : Law of Arbitration & Conciliation Act, Vol – I & II; LexisNexis Butter Worth, 5th Edition (2013)
2. Sriram Panchu ,Mediation Practice & Law: The Path to Successful Dispute Resolution, LexisNexis ( 2015)
3. Mediation and Conciliation Project Committee, Supreme Court of India, Mediation Training Manual of India,(available at.<https://main.sci.gov.in/pdf>)
4. Roger Fisher, William Ury and Bruce Patton,Getting to Yes: How to Negotiate Agreement Without Giving In, RHUK (2011)
5. Anuroop Omkar and Kritika Krishnamurthy ,The Art of Negotiation and Mediation - A Wishbone, Funnybone and a Backbone, Lexis Nexis (2015)
6. Rahul Banerjee and Amita Chatterjee, Indian Philosophy and Meditation: Perspectives on Consciousness (Routledge Studies in Asian Religion and Philosophy) Routledge (2015)
7. Joel Lee and The HweeHwee ,An Asian Perspective on Mediation Singapore. Academy ( 2009) (available at. <http://www.review.upeace.org/pdf> )
8. Christopher Moore,The Mediation Process: Practical Strategies for Resolving Conflict, Wiley, (2014)
9. Ramin Jahanbegloo, Introduction to Non-Violence, Red Globe Press (2014)
10. Madhusudan Saharay, Text Book on Arbitration & Conciliation with Alternative
11. Dispute Resolution, 4th ed., Universal Law Publishing 2017.



12. N. V. Paranjpe, Law Relating to Arbitration and Conciliation in India, 7th ed., Central Law Agency, 2016.
13. Avtar Singh, Law of Arbitration and Conciliation, 10th ed., Lucknow 2013
14. Malika Taly, Introduction to Arbitration, Eastern book Company, 2015

**Further Reading:**

1. Vishnu Warriar, Arbitration, Conciliation and Mediation, Lexis Nexis, 2015
2. K.V. Satyanarayana, Law of Arbitration and Conciliation in India, Asia Law House, 2017
3. Anirban Chakraborty, Law and Practice of Alternative Disputes Resolution in India, Lexis Nexis, 2016
4. Ashwinie Kumar Bansal, Arbitration and ADR, 5th ed, Universal law Publication 2016
5. Shriram Panchu, Mediation Practice and Law- the Path to successful Dispute Resolution 2nd ed, Lexis Nexis 2015
6. Anuroom Omkar and Kritika Krishnamurthy, the Art of Negotiations and Mediation, Lexis Nexis 2015.



### **Learning Out Come:**

After completion of the course students will be able to –Appreciation of the social relevance of ADR Mechanism

1. Understanding of the theoretical models of dispute resolution and capacity to analyse their operation in both legal and social context
2. Development of basic mediation skills, including communication, analysis and issue identification
3. Sophisticated understanding of the ethical and legal ethical issues surrounding dispute resolution models and practice
4. Prepare and present an engaging informative presentation on a chosen area of ADR that expands upon the core themes of the course.

### **Reports:**

1. 222nd Report of the Law Commission of India on “Need For Justice- Dispensation Through ADR, etc.” (2009).
2. 246th Report of the Law Commission of India on Amendments To The Arbitration And Conciliation Act 1996 (2014)

### **Key Cases:**

1. Afcons Infrastructure v Cherian Varkey., (2010) 8 SCC 24
2. National Insurance Co. Ltd. v Boghara Polyfab Pvt. Ltd., (2009) 1 SCC 267.(p.65)
3. ONGC Limited Vs Western Geco International Limited (2014) 9 SCC 263.

### **Further Reading:**

#### **Books:**

1. P. C. Markanda, Law relating to Arbitration and Conciliation. LexisNexis, ISBN – 8180388131, India; 8 th Edn. (2013)
2. O.P. Malothra, The law and practice of Arbitration & Conciliation ,2nd edn, LexisNexis Butterworths , New Delhi (2006)
3. P.C. Rao & William Sheffield, ed., Alternative Disputes Resolution- What it is and how it works? ,Universal Law Publishing Co. Pvt. Ltd., New Delhi, (2006).
4. P.C. Markanda, Law relating to Arbitration and Conciliation, 7th edn., LexisNexis Butterworths, Nagpur, (2009)
5. Basu. N.D, Law of Arbitration and Conciliation( 9th edn., Universal Law Publishing Co. Pvt. Ltd., New Delhi, 2000).
6. G.K.Kwatra , The Arbitration and Conciliation Law of India, Universal Law Publishing Co. Pvt. Ltd., New Delhi, (2000).
7. Surendra Malik, Supreme Court on Arbitration, Eastern Book Co, Lucknow, (2003).
8. A. Redfern and M. Hunter, Law and Practice of International Commercial Arbitration, Student Edition, Sweet and Maxwell, London, (2003).



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**Journal/ Article:**

1. Annual Survey of Indian Law, (ILI, New Delhi).Cases for Guidance
2. Need for Alternatives to the Formal Legal System (Special Address by Muralidhar S., International Conference on ADR, Conciliation, Mediation and Case Management Organised By the Law Commission of India at New Delhi on May 3-4, 2003)p.01
3. 'Comparison of Adjudication with ADR', Mediation Training Module of India Chapter 4 (2011) SC of India,p.08
4. 'Development of Mediation in India', Mediation Training Module of India Chapter 1 (2011) SC of India,p.11



**LLB(HONS)**

<b>Second Year-4<sup>th</sup> Semester</b>	<b>Subject Code – H5LA2025</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b><u>COMPETITION LAW</u></b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H5LA2025</b>	Prerequisite : understand the processes of globalization and liberalization have brought a considerable awareness towards improving the competitive process in developing economies such as India	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

The Objective of the courses is to train the students to understand the processes of globalization and liberalization have brought a considerable awareness towards improving the competitive process in developing economies such as India. Until recently most of the developing countries operated without a structured competition policy, and have justified the intervention by the state over economic activities. India owing to its WTO obligations enacted Competition Act, 2002. The course seeks provide fundamentals of market economy and extensive knowledge of application of competition policy in India. The course aims to study the developments of the policy of free and fair competition in India. The course will provide an analysis of the legal developments, from MRTP to the Competition Act. The course will analyze the progress of the Competition Law in various legal systems and also determine the role of WTO in its policies. The Competition Act, 2002 was enacted with a view that the Indian economy be enabled to allow competition in the market form within the country and outside. The Act seeks to ensure fair competition by providing for – (i) prohibition of anti-competitive agreements; (ii) prohibition of abuse of dominance; (iii) regulation of combinations; and (iv) competition advocacy

**COURSE OUTCOMES (Cos)**

Students completing this course were able to

<b>CO1</b>	The course aims to give a broad overview on the basics of Competition Law in India through a comparison of the main jurisdictions (especially U.S. and UK) and thus.
<b>CO2</b>	To develop and provide a solid background for further studies of this subject
<b>CO3</b>	This course on competition law has been structured in a manner to understand the objectives of anti-trust laws.
<b>CO4</b>	To appreciate the law of the land it is essential to also understanding of economic underpinnings of the legal framework.



CO5	This course initially seeks to reflect upon the competition law of the US and EU as a matter of understanding the historical and existing jurisprudence on the subject.											
Mapping of Course Outcome with Program Outcome (POs)												
Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
CO1	1	-	1	1	1	1	-	-	2	-	-	-
CO2	1	-	1	1	1	1	-	-	2	-	-	-
CO3	-	1	-	-	-	-	1	1	1	1	1	1
CO4	2	3	2	2	2	2	3	3	1	3	3	3
CO5	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
CO1	1				3				3			
CO2	1				3				3			
CO3	-				3				3			
CO4	2				1				1			
CO5	3				-				-			
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low												
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills			
				✓								

## COURSE OUTLINE

### MODEL I: Introduction

Basic Concepts – definitions- Market- demand and supply theory Economic and legal concepts of competition; markets and market structure; competition theory - perfect competition v. Monopoly need for regulation of competition- Relation between Competition Policy and Competition Law –



Objectives of Competition Law - Constitutional aspects competition law- Elimination of Concentration of Wealth and Distribution of Resources Article 39 (b) (c)

### **MODEL- II : History and Development of Competition Law**

Historical background – sources of competition law- Evolution in international arena – common law doctrine of restraint of trade- anti trust legislations – USA, UK, European Union - Evolution in India - MRTP Act, 1969 –Ragavan Committee Report, 2000 -Transformation of MRTP Act 1969 to Competition Act, 2002 –Distinction between MRTP Act and Competition Act - Object and scope of Competition Act, 2002.

### **MODEL III: Anti-Competitive Agreements**

Agreement definition – Rules for determining Appreciable adverse effect on competition(AAEC) - perse rule and rule of reason - Relevant Market- relevant geographic and relevant product market- factors considered by CCI - Horizontal Agreements- Vertical Agreements- exceptions – Intellectual Property rights and competition law - Cartels – Landmark judgments decided by CCI- punishment for cartel- leniency programme

### **MODEL IV: Regulation of Abuse Of Dominant Position**

Enterprise definition- dominant position – factors determining dominance- comparison with MRTP Act and Consumer Protection Act – market share and market power - difference - Abuse by enterprises– Unfair or discriminatory trade practices – –Limiting production or technical or scientific development – Denial of Access to market –Imposition of supplementary obligations –influence in other markets using dominance - predatory price – meaning – case studies to identify predatory pricing - factors to be considered by CCI for identifying abuse of dominance - Penalties for abuse – orders passed by CCI for abuse- division of enterprises.

### **MODEL V: Understanding the process of Combinations under the Act**

Combinations: Merger, Acquisition, Amalgamation and Takeover – Horizontal, Vertical and Conglomerate Mergers - Combinations covered under the Competition Act, 2002 - Procedure for regulation of combination- powers of CCI – orders passed by CCI - Penalties.

### **MODEL VI: Enforcement Mechanisms, Competition Advocacy and Emerging Trends in Competition**

Establishment and Constitution of Competition Commission of India, Powers, Functions and Jurisdiction of the CCI - adjudication and appeals, -Competition Appellate Tribunal (CompAT) -

Director General of Investigation (DGI)- powers and functions – role of DG in investigation - Competition Advocacy





### **Statutory Materials**

1. Competition Act 2002
2. MRTP Act, 1969 (India)
3. The Sherman Anti-Trust Act, 1890
4. The Clayton Act, 1914
5. Federal Trade Commission Act, 1914
6. Competition Act, 1998 (UK)
7. Enterprise Act, 2002 (UK)
8. The Competition Amendment Bill, 2012(India)
9. Notifications issued by Competition Commission of India

### **Recommended Readings**

1. Ramappa, Competition Law in India: Policy, Issues and Developments, 3rd ed.- 2013, Oxford University Press, New Delhi
2. Vinod Dhall (ed.), Competition Law Today, Oxford University Press, 2007
3. S.M. Dugar, Commentary on MRTP Law, Competition Law & Consumer Protection Law, 4th ed.- 2006, Wadhwa Nagpur
4. Abir Roy & Jayant Kumar, Competition Law in India, Eastern Law House, New Delhi.
5. P. Satyanarayana Prasad, Competition Law and Cartels, Amicus Books, ICFAI University Press, 2007.

### **Further Readings:**

#### **Books:**

1. Chauhan, B.S. "INDIAN COMPETITION LAW: GLOBAL CONTEXT." Journal of the Indian Law Institute, vol. 54, no. 3, 2012, pp. 315–323. JSTOR,.
2. Sethi, Rajat, and Simran Dhir. "Anti-Competitive Agreements Under the Competition Act, 2002." National Law School of India Review, vol. 24, no. 2, 2013, pp. 32–49.
3. Pierce, Richard J. "COMPARING THE COMPETITION LAW REGIMES OF THE MODELED STATES AND INDIA." National Law School of India Review, vol. 29, no. 1, 2017, pp. 48–69.



4. Dick, Andrew R. “When Are Cartels Stable Contracts?” The Journal of Law & Economics, vol. 39, no. 1, 1996, pp. 241–283.
5. “Cartels and Competition.” Organizing Control: August Thyssen and the Construction of German Corporate Management, by JEFFREY R. FEAR, Harvard University Press, Cambridge, Massachusetts; London, England, 2005, pp. 235–260.
6. Kaplow, Louis. “On the Meaning of Horizontal Agreements in Competition Law.” California Law Review, vol. 99, no. 3, 2011, pp. 683–818.
7. Levenstein, Margaret C., and Valerie Y. Suslow. “How Do Cartels Use Vertical Restraints? Reflections on Bork’s The Antitrust Paradox.” The Journal of Law & Economics, vol. 57, no. S3, 2014, pp. S33–S50.
8. Morse, M. Howard. “Vertical Mergers: Recent Learning.” The Business Lawyer, vol. 53, no. 4, 1998, pp. 1217–1248.
9. Gevurtz, Franklin A. “Vertical Restraints on Competition.” The American Journal of Comparative Law, vol. 54, 2006, pp. 357–384.
10. Kabir, Altamas. “Competition Laws and the Indian Economy.” National Law School of India Review, vol. 23, no. 1, 2011, pp. 1–8.

### **Cases for Guidance:**

1. Brahm Dutt v. Union of India, AIR 2005 SC 730
2. CCI v. Steel Authority of India Ltd. & Anr, (2010)10SCC 744
3. Builders Association of India v. Cement Manufacturers', Case No. 29/2010,CCI.
4. All India Tyres Dealers Federation v. Tyres Manufacturers, 2013 COMP LR 92 (CCI), Main Order dated October 30, 2012 and Minority Order by Mr. R Prasad (Member, CCI) dated October 30, 2012.
5. Exclusive Motors Pvt Ltd v. Automobile Lamborghini SPA, Case No. 52/2012,CCI
6. Belaire Apartment Owners' Association v. DLF Ltd & HUDA, 2011 Comp LR0239(CCI),
7. Surinder Singh v. Board of Control for Cricket in India, [2013]113CLA579(CCI)
8. Etihad Airways and Jet Airways Combination Order, CCI, Order dated November 12, 2013.



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9. Google Inc. & Ors v. Competition Commission of India & Anr., [2015]127CLA367(Delhi)

10. Telefonaktiebolaget LM Ericsson (PUBL) v. Competition Commission of India & Anr., [Writ Petition (Civil) No. 464/2014, Decision dated March 30,2016]

### **Prescribed Journals:**

- Indian Competition Law Review(ICLR)
- The Competition Law Review (CompLRev)
- Competition Law
- Insight Competition Law
- International OECD Journal of Competition Law and Policy
- European Competition Journal(ECJ)
- Antitrust Law Journal(ALJ)

### **Learning Outcomes**

- On the completion of this course the students will have clarity about evolution, object and functions of Competition law.
- Further, the students will have clarity about the types of anti-competitive agreements and testing its validity, the practices covered by abuse of dominant position and practices in connection with combinations.
- The students will be familiarised with an understanding about the role of the CCI. Students will have a clear understanding about the conflicting issues regarding the IPR and competition laws, the investment issues under the competition laws and also the different modern dimensions of competition law.



**LLB(HONS)**

<b>Second Year-4<sup>th</sup> Semester</b>	<b>Subject Code- H3L2030</b>	<b>Total Credits:4</b>
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Subject Code:	Subject Name: <b><u>INFORMATION AND TECHNOLOGY LAW</u></b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2030</b>	Prerequisite : era of globalization and computerization	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

The Objective of the courses is to train the students on the era globalization and computerization, with more and more nations computerizing their governance, and e-commerce seeing an enormous growth. Until then, most of international trade and transactions were done through documents being transmitted through post and by telex only. Evidences and records, until then, were predominantly paper evidences and paper records or other forms of hard-copies only. With much of international trade being done through electronic communication and with email gaining momentum, an urgent and imminent need was felt for recognizing electronic records i.e., the data what is stored in a computer or an external storage attached thereto. 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). The prime object of the course will be studying on electronic commerce, electronic signatures, electronic governance, data protection, cyber security, penalties and offences under the IT Act, dispute resolution and other contemporary issues.

**COURSE OUTCOMES (Cos)**

Students completing this course were able to

<b>CO1</b>	To have an elementary and deep understanding of nature of cyber space and related jurisdictional issues
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<b>CO2</b>	To explore and connect Information technology law with Constitutional law and its legal validity
<b>CO3</b>	To understand the emerging dimensions of E- commerce sector and its influence on theeconomy
<b>CO4</b>	To evaluate the legal validity of right to internet, right to privacy, Data Security, Data Protection
<b>CO5</b>	To explore contemporary influence of Artificial intelligence and related policy developments

Mapping of Course Outcome with Program Outcome (POs)

<b>Cos/POs</b>	<b>PO1</b>	<b>PO2</b>	<b>PO3</b>	<b>PO4</b>	<b>PO5</b>	<b>PO6</b>	<b>PO7</b>	<b>PO8</b>	<b>PO9</b>	<b>PO10</b>	<b>PO11</b>	<b>PO12</b>
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
<b>COs/PSOs</b>	<b>PSO1</b>				<b>PSO2</b>				<b>PSO3</b>			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			



3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

### **COURSE OUTLINE**

#### **MODEL-I: Cyberspace and its Jurisdictional issues**

Over view of computer and web technology –Evolution of cyberspace -Technology and its impact on Society and Politics- Growth and significance of Information Technology- Need for Cyber Law- Information Technology Act 2000 with recent Amendments- Jurisdictional issues in Cyberspace- Types of jurisdiction –Theories of Jurisdiction- The test evolved.

#### **MODEL-II: Constitutional, Legal perspective and Cyberspace**

Freedom of Speech and Expression in Cyberspace- Right to Access Cyberspace -Access to Internet- Right to Privacy- Right to data Protection- Personal Data Protection Bill 2019.- UNCITRAL Model Law -Concept of public and private key- Authentication of electronic records using digital signature -Asymmetric cryptosystem and encryption - Hash Function- and Hierarchy -Controller of certifying Authorities- Certifying authorities-Subscriber- Electronic records- Administrator of Electronic records- Electronic Health records- E- Governance and Evidentiary value of Electronic record

#### **MODEL-III: E-commerce and its emerging dimension**

E- Contract and its types- Formation and Application of E Contract- Legal validity- Electronic Data Interchange- Models of E-Commerce; E-Governance- E-Governance project in India –E-Courts Mission Mode Project of India; E-Banking transaction -First Virtual- Cyber Cash- Secured electronic transaction; Taxation issues in Cyberspace –Permanent Establishment- Double Taxation Avoidance Agreement- Model Tax Treaty- OECD (Organization for Economic Co- operation and Development) and Model Nation Model Tax Treaty.

#### **MODEL-IV: Intellectual Property and Cyberspace**

Copyright Protection of Computer Programme- Reverse engineering of Computer Programme- Copyright Infringement in Cyberspace - Technological Protection Measures- Patentability of



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Software; Trademarks and Domain Name Related issues- Cybersquatting -Anti Cybersquatting Consumer Protection Act- Metatagging-Pop Up Advertisements-Framing- Linking- Dispute Resolution under –ICANN Policy-UDRP-INDRP.

### **MODEL-V: Cyber Crimes and Contemporary Issues**

Mens rea and Actus reus incybercrime-and cyber offences under the ITAct-Adjudication under IT Act-Adjudicatory Officers- Cyber Appellate Tribunal-Cloud Computing-Convergence of technology – definition- before and after Convergence oftechnology-Communication Convergence Bill 2001 – Spectrum Management Committee-Block Chain Technology-Artificial Intelligence

### **Statutory Material**

Information Technology Act 2000

#### **Books Prescribed:**

1. Nandan Kamath, Law Relating to Computers Internet & E-Commerce
2. Dr.S.R. Myneni, Information technology Law
3. Vakul Sharma, Information Technology Law and Practice
4. Apar Gupta, Commentary on Information Technology Act(2016).
5. Karnika Seth, Computers Internet and New Technology Laws(2013).

#### **Books for reference**

1. Kamlesh K. Bajaj, Debjani Nag, E-Commerce: The Cutting Edge of Business, 2<sup>nd</sup> Ed.(2005).
2. N.S Nappinai – Technology Laws, 1<sup>st</sup> Ed LexisNexis(2017)
3. Briyan Graig-Cyber Law
4. Jyoti Ratan- Cyber Laws and Information Technology

#### **Journal and Articles:**

1. 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)
2. Christopher Reed, —Legally binding electronic documents: Digital





Signatures and Authentication 35(1) International Lawyer 89-106 available at <http://www.jstor.org/stable/40707597>

3. 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)
4. Amlan Mohanty, New Crimes under the Information Technology Amendment Act, 2008, Ind.J. L. & Tech. 103 (2011) available at Westlaw India.
5. 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)

### Cases for Guidance:

1. Casio India Co. Ltd., v. Ashita Telesystems Pvt Ltd, 106 (2003) DLT554
2. India TV Independent News services Pvt Ltd., v. India Broadcast Live and Others (2007) 145 DLT521
3. Cybersell Inc. v. Cybersell, Inc, 130 F.3d 414 (9<sup>th</sup> Cir 1997)
4. Zippo Manufacturing Co. v. Zippo Dot Com, Inc., 952 F. Supp 1119 (1997)
5. Shreya Singhal v. Union of India (2013) 12 SCC73
6. Regina v Hicklin [1868] LR 3 QB360
7. Miller v California 413 US 15 (1973)
8. Ranjit D. Udesi v. state of Maharashtra AIR 1965 SC881
9. Samresh Bose v. Amal Mitra (1985) 4 SCC289
10. Ajay Goswami v. Union of India (2007) 1 SCC169
11. Maqbool Fida Hussain v. Raj Kumar Pandey (2007)
12. State of Tamil Nadu v. Suhas Katti (2004)
13. Avinash Bajaj v. State (NCT) of Delhi, (2005) DLT427

### Learning Outcome:

The course gives insightful understanding to students about cyber space and Information Technology laws and also helps in:

1. Deep understanding of nature of cyber space and related jurisdictional issues



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2. Explore and connect Information technology law with Constitutional law and its legal validity
3. Understand the emerging dimensions of E- commerce sector and its influence on the economy
4. Evaluate the legal validity of right to internet, right to privacy, Data Security, Data Protection
5. Explore contemporary influence of Artificial intelligence and related policy developments



**LLB (Hons.)**

<b>Second Year-4<sup>th</sup> Semester</b>	<b>Subject Code- H3L2026</b>	<b>Total Credits:4</b>
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Subject Code:	Subject Name: <b>LEGAL RESEARCH METHODOLOGY</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2026</b>	Prerequisite : research will be indefinite and will help to make concrete law which improves the societalwelfare	T	3	1	-	4

L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

The Objective of the courses is to train the students when research is undertaken as a part of the process of law reform, the contributions through the research will be indefinite and will help to make concrete law which improves the societalwelfare. This paper is a tool and guidance for the legal research carried out by the students and scholarsin a simplified manner.

**COURSE OUTCOMES (Cos)**

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the language and its relevance in understanding the nature of law.
<b>CO2</b>	To develop written and oral communication skills
<b>CO3</b>	To develops basic ability to analyse and advice legal aspects
<b>CO4</b>	To understand the prose section
<b>CO5</b>	To understand basic grammar and do transcription exercise

**Mapping of Course Outcome with Program Outcome (POs)**

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-



CO3	-	1	-	-	-	-	1	1	1	1	1	1
CO4	2	3	2	2	2	2	3	3	1	3	3	3
CO5	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
CO1	1				3				3			
CO2	1				3				3			
CO3	-				3				3			
CO4	2				1				1			
CO5	3				-				-			
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low												
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills			
				✓								

## COURSE OUTLINE

### MODEL – I: LEGAL RESEARCH

Meaning of research – Legal Research – Characteristics – Objectives and Types of Legal Research – Qualities of Good Legal Researcher – nature, Scope and Objectives of Legal Research and Methodology – Methods of Legal Research – Collaborative Research – Doctrinal and Non-Doctrinal

### MODEL – II: RESEARCH DESIGN

Identification and Formulation of Research Problem – Hypothesis and Research Design Database for Legal Research: Legislations – judicial Decisions – Juristic Writings – Traditional and online Database.

### MODEL – III: RESEARCH TECHNIQUES



Methodology: Tool and Techniques for collection of data – Collection of case materials and juristic literature – Use of historical and comparative research material – Use of questionnaire and interview – Census and Survey – Sampling: Types – Merits and Demerits – Observation – Interview – Questionnaire.

### **MODEL – IV: DATA PROCESSING AND REPORT WRITING**

Data Analysis and Interpretation – Report Writing – Supervision – Guidelines for researchers – Research Ethics – meaning – Purpose – Importance of a Research Report – Preparation of the Legal Research Report – Content of Research Report.

### **MODEL – V: SAMPLING DESIGN FOR LEGAL RESEARCH**

Meaning of Sampling – Merits and Demerits of Sampling Method - Size of Sample – Procedure to select a Sample – Types of Sampling – collection of data in socio legal research – sources of data collection – original sources of law – method of legal research for law reforms – analytical research method – historical research method – comparative research method – ethical research method – statistical research method – critical research method.

### **Books prescribed**

- Legal Research and methodology by S.K.Verma and M.afzal Wani(Eds.), Indian Law Institute (2001) 2<sup>nd</sup> Edition.
- Methods in Social Research by Goode and Hatt, Mc.Graw Hill Book Co., 1985 (reprint), Singapore.

### **Books for Reference**

- Socio – Legal Research in India by Upendra Baxi, - A Program Schriff, ICSSR, Occasional Monograph, 1975.
- Legal Research by Cohen, Morris L, West Publishing co.Minnesota, 1985.
- Scientific Method and Social Research by Ghosh, B.N.Sterling Publishers Pvt. Ltd., New



Delhi, 1984.

- 'Introduction to the Method of Social Sciences' by Johari J.C.(ed), Sterling Publishers Pvt. Ltd., New Delhi, 1988.
- 'Research Methodology: Method and Techniques' by Kothari C.K., Wiley Eastern Ltd., New Delhi, 1980.

### LLB(HONS)

<b>Second Year-4<sup>th</sup> Semester</b>	<b>Subject Code – H3L2036</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b>HUMAN RIGHTS AND PRACTICE</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2036</b>	Prerequisite : standards of achievements and norms of behaviors of all members of society, in particular the government and its agencies	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

#### OBJECTIVES

The Objective of the courses is to train the students to explore Human rights which have been recognized as standards of achievements and norms of behaviors of all members of society, in particular the government and its agencies. Human Rights form the foundation of society, and without its observance, society would disintegrate. Society can be maintained only by protecting and promoting dignity of human beings. This paper attempts to study Bill of rights and also the nature, scope, of Human rights and its application. It explores the various dynamic aspects of Human rights and their Constitutional perspective.

#### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	The study of the subject helps to understand the nature, scope and definition of Human rights in depth
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<b>CO2</b>	The subject helps to explore the jurisprudential aspect of human rights and theories involved in it.
<b>CO3</b>	It kindles the student to have more insightful information regarding the relation between human rights and constitutional aspect involved in it
<b>CO4</b>	The subject explores the international perspective of human rights and its implication in state policies
<b>CO5</b>	The study promotes awareness about human rights of each and every individual and the emerging dimensions of the subject in a more interesting and effective manner.

Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low





Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

## COURSE OUTLINE

### MODEL-I: Nature and Development of Human Rights

History of human rights civilization, Magna Carta, Bill of Rights, French and American Declarations, International Bill of Rights, Contribution of UN, Universal Declaration of Human Rights, 1948-Nature, Definition and theoretical perspectives of Human Rights-Constitutionalism and Realization of Human Rights in India-Classification of Human Rights.

### MODEL-II: Human Rights and Constitutional perspective

Applicability of Human Rights- Impact of UDHR on Fundamental Rights-Un-enumerated individual rights under the Constitution- Limitation of Fundamental Rights on State and Non-state Actors-

Fundamental Duties- Evolution and Relationship between Fundamental Duties and Fundamental Rights-Influence of UDHR on Directive Principles of State Policy-Social-economic Rights-Distributive Justice-Social- Security and Welfare Provisions-Justifiability and enforceability of Directive Principles of State Policy.

### MODEL-III: Human Rights and good governance

Democracy- Guaranteed freedoms, People's Participation-Rule of Law- Non-Arbitrariness-Fairness-Due Process- Substantive and Procedural, Procedure established bylaw-Transparency- corrupt free governance, RTI, Whistle Blower Laws, Judicial Accountability.

### MODEL-IV: Human Rights and Legislative policies in India

Protection of Human Rights Act, 1992 -National Human Rights Commission-State Human Rights Commission-National Commission for Minorities; Women and Children-National Commission for SC, ST and OBC.

### MODEL-V: Contemporary and emerging Dimension of Human rights

International enforcement of human rights-Impact of globalization on Human Rights-Human rights, science and technology-New rights: Rights of future generations-Internet as a Human Right-Human rights and duties in contemporary India



## **MODEL-VI: Judiciary and Human Rights Jurisprudence:**

Application of International Human Right Instruments in the domestic field-Rights of Women-Rights of children-Rights of LGBT and queer comm. unity-Rights of persons with disability-Rights of prisoners and prison reforms-Rights of senior citizens-Rights of minorities

### **Books Prescribed**

- Upendra Baxi, The Future of Human Rights, (Oxford University Press, New Delhi, 2012)
- Dr.D.D.Basu, Human Rights in Constitutional Law, 3<sup>rd</sup>Edition, {Lexis Nexis Butterworths Wadhawa, New Delhi,2008.}
- Paras Diwan and Peeyushi Diwan, Human Rights and the Law, (Deep and Deep Publication, New Delhi,1998)

### **Further Readings:**

- Baxi, Upendra, Inhuman Wrongs and Human Rights ( Har AnandPublications,Delhi, 1994)
- V.R. Krishna Iyer, Dialectics and Dynamics of Human Rights in India(1999)
- AV Dicey, Law of the Constitution, (Mac Millan &Co. Ltd. London,1994)
- Human Rights and Duties in India : Law, Policy, Society and Enforcement Mechanism, Dr. T. S. N. Sastry, Professor and Coordinator, HRE Programme, University ofPune
- Gautam Bhatia, The Transformative Constitution: A Radical Biography in Nine Acts, (HarperCollins Publishers India, 2019)E-book available at <https://www.goodreads.com/book/show/43913429-the-transformative-constitution>

### **Articles from Journals:**

- Baxi, Upendra. “From Human Rights to the Right to Be Human: Some Heresies.” India International Centre Quarterly, vol. 13, no. 3/4, 1986, pp. 185–200. JSTOR,[www.jstor.org/stable/23001445](http://www.jstor.org/stable/23001445).
- T.K.TOPE, “Fundamental Duties and Justiciability”, (1982) 2 SCCJ-9
- P.K.Tripathi, Directive Principles of State Policy, (1954) 17 SCJ7
- M.P.Singh, “The Statics and Dynamics of the Fundamental Rights and Directive Principles – A Human Rights Perspective”, (2003) 5 SCC J-1
- Human Rights Special issue, JILI vol. 40, 1998(Jan –Dec)

### **Landmark Cases for Guidance:**

- A.K.Gopalan v. State of Madras, AIR 1950 SC27
- ADM Jabalpur v. S. Shukla, AIR 1976 SC1207
- Air India v. Nargesh Meerza,AIR 1981 SC1829
- Bachapan Bachao Andolan v. Union of India, AIR 2011 SC3361
- Chairman Railway Board v. Chandrimadas, AIR,2000 SC988
- D.K.Basu v. State of West Bengal, AIR 1997 SC610
- Golak Nath v. State of Punjab, AIR 1971 SC1643



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- NALSA v. Union of India (2014) 5 SCC438
- Nilabati Bahera v. State of Orissa, (1993) 2 SCC746
- Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC180
- PeoplesUnion for Democratic Rights v. Union of India, AIR 1982 SC1473
- Randhir Singh v. Union of India, AIR 1982 SC879

#### **Learning outcomes:**

- The study of the subject helps to understand the nature, scope and definition of Human rights in depth
- The subject helps to explore the jurisprudential aspect of human rights and theories involved in it.
- It kindles the student to have more insightful information regarding the relation between human rights and constitutional aspect involved in it
- The subject explores the international perspective of human rights and its implication in state policies
- The study promote awareness about human rights of each and every individual and the emerging dimensions of the subject in a more interesting and effective manner.



### LLB(Hons.)

<b>Third Year – 5<sup>th</sup> Semester</b>	<b>Subject Code – H3L2013</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b>CIVIL PROCEDURE CODE AND LIMITATION ACT</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2013</b>	Prerequisite : crucial and uniform procedure in civil cases	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

#### OBJECTIVES

The course intends to study a crucial and uniform procedure in civil cases which was enacted in 1908 along with its amendments which is fair and simple applicable to all the courts in the country. The Code of Civil Procedure 1908 guarantees fair justice by upholding the rights and liabilities of the parties. It makes the procedure to be followed in the Civil Courts very basic and compelling. It is one of the vital parts of procedural laws and it is the one regulating the method to be trailed by the Civil Courts in India. The course also highlights on the electronic method of filing the civil suits including the e-vakalatnama. The Limitation Act 1963 is an additional enactment and address a very key aspect of civil law. It is pivotal to a student of law to have an exhaustive knowledge of the code of civil procedure and the limitation law

#### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To understand an overall view of the Civil Procedure Code 1908 along with its amendments which is fair, simple and applicable to all the courts in the country.
<b>CO2</b>	To equip the students with various stages through which a civil cases passes in the court till its final order.
<b>CO3</b>	To develop and emphasize on the electronic method of filing the civil suits including the e-vakalatnama.
<b>CO4</b>	To understand and comprehend the difficult nuances that revolve around civil suits in our country.



<b>CO5</b>	To understand the computation of limitation period for the Institution of suit, appeal and applications along with Exclusion.

Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					



## **COURSE OUTLINE**

### **MODULE – I: Introduction to Civil Procedure Code**

- a) Genesis of civil procedure in India before the advent of British rule
- b) Features of the Civil Procedure Code-Extent, its application, Definitions
- c) Types of procedures-Inquisitorial and Adversarial, Difference between Substantive law and Procedural law
- d) Importance of Amendments in The Code of Civil Procedure

### **MODULE –II: Jurisdiction of The Courts**

- a) Meaning of Jurisdiction, Kinds of Jurisdiction-Pecuniary, Territorial, Jurisdiction as to subject matter, original and appellate jurisdiction
- b) Jurisdiction of the civil courts over commercial disputes with special reference to The Commercial Courts Act 2015
- c) Jurisdiction of the civil courts over IPR infringement and passing off action(Trademark, Copyright, Patent etc)
- d) Suits of civil nature- Place of suing, Res SubJudice, Res Judicata, Applicability of the ResJudicata on Right to information- Difference between Res Judicata and estoppel, Foreign Judgment, Finality of Foreign Judgment-Presumption as to Foreign Judgment.

### **MODULE –III: Pleadings and Summons**

- a) Meaning of pleadings generally, Complaint-Material Facts
- b) Traditional and the latest electronic trends involved in the filing of civil suits, summons and e-vakalatnama
- c) Presumptions of law, Striking out, Amendment of Pleadings, Rejection of complaint, Written statement, Showing of defendant's interest and liability, Grounds of limitation



- d) Set off-Counter claim - Misjoinder and Non-joinder of Parties.

#### **MODULE –IV: Appearance and Examination of Parties**

- a) Appearance of parties to the proceedings and consequences of their non appearance
- b) Discovery, Inspection and production of documents, Framing of issues, Admission, Affidavit, Adjournment
- c) Death, marriage and Insolvency of the parties
- d) Withdrawal and compromise of suits, cost and interest.

#### **MODULE –V: Orders, Judgment, Decrees, Execution and Appeals**

- a) Meaning of interim order, Appointment of Receiver, Commissioner, Injunction, Remand, Restitution, Transfer of suit, Caveat-Arrest before judgment, Attachment before judgment
- b) The concept of Judgment and Decree, Difference between order and decree
- c) The Concept of Execution, General principles of Execution, Questions to be determined by the executing court, Precept, Garnishee order, Procedure for Execution, Enforcement and Sale.
- d) Appeals from original decrees, First appeal, Second appeal, Appeals from orders, Appeals to Supreme court, Reference, Review, Revision and Inherent powers of court.

#### **MODULE –VI : Suits in particular cases**

- a) Suit by or against Government
- b) Suits by Alien, Suits by or against Foreign rulers, Ambassadors
- c) Suits relating to public matters, Incident and supplementary procedures
- d) Suits by (or) against minors, persons with unsound mind, indigent person, Interpleader Suits

#### **MODULE–VII: Overview of The Limitation Law**

- a) Scope, purpose and object of the Limitation Act
- b) Powers of the courts to condone delay, sufficient cause, legal disability, subsequent disability





c) Computation of period of limitation, Fraud or mistake in computation of limitation, Appeals

d) Meaning of Acknowledgement-Acknowledgment of liability in writing, Acknowledgment by part payment, Acknowledgment or payment made by another person, Acquisition of ownership by possession.

**Recommended Readings:**

1. M.P.Jain, The Code of Civil Procedure, Lexis Nexis India (5<sup>th</sup> Edition 2019)
2. Dr.Avtar Singh, The Code of Civil Procedure, Central Law Publications (5<sup>th</sup> Edition 2019)
3. Narayan Laxmanrao, Commentary on Code of Civil Procedure 1908, Asia Law House (2<sup>nd</sup> Edition 2019)
4. Basu's Law on Limitation Act 1963, Delhi Law House (10<sup>TH</sup> Edition 2020)
5. T R Desai, The Limitation Act, Lexis Nexis (12<sup>th</sup> Edition, 2019)

**Further Readings:**

- 1) Dinshaw Fardauzi Mulla, Mulla's Code of Civil Procedure (3 Vols) Lexis Nexis (19<sup>th</sup> Edition)
- 2) Sudipto Sarkar & V.R. Manohar, Sarkar's Code of Civil Procedure (2 Vols), Lexis Nexis (12<sup>th</sup> Edition 2017)
- 3) C.K. Takwani, Code of Civil Procedure, Eastern Book Company (8<sup>th</sup> Edition 2019)
- 4) M.R. Malik, Ganguly's Civil Court Practice and Procedure, Eastern Law House (2012).
- 5) Universal's Concise Commentary The Limitation Act, 1963 (36 of 1963) With Exhaustive case Law (3<sup>rd</sup> Edition 2018)

**JOURNALS FOR SCHOLARLY ARTICLES:**

1. Supreme Court Cases Civil
2. The MLJ Manual of the Civil Procedure Code
3. Madras Weekly Notes (Civil)
4. Current Civil Cases
5. Indian Civil Cases

**E-JOURNALS WITH RESEARCH ARTICLES AND WEBSITE SOURCES**



1. Doctrine of Res Sub-Judice-<http://lawtimesjournal.in/doctrine-of-res-sub-judice/>
2. Res Judicata And Right to Information-  
<https://cic.gov.in/sites/default/files/Res%20Judicata%20and%20RTI%20by%20Avni%20Tiwari.pdf>
3. India: Changing face of serving Summons: From Post to What's App-  
<https://www.lexology.com/library/detail.aspx?g=f9a5830e-239b-4f84-89f6-8addd782f069>
4. WORKSHOP FOR HIGH COURT JUSTICES ON INTELLECTUAL PROPERTY RIGHTS AT THE NATIONAL JUDICIAL ACADEMY 2 nd & 3rd November, 2019  
Jurisdictional Issues in Trademark, Copyright & Patent Disputes-  
[http://www.nja.nic.in/Concluded\\_Programmes/2019-20/P-1186\\_PPTs/6.Session-III%20IPR.pdf](http://www.nja.nic.in/Concluded_Programmes/2019-20/P-1186_PPTs/6.Session-III%20IPR.pdf)
5. Commission of examination of witnesses-<http://lawtimesjournal.in/commission-of-examination-of-witnesses/>
6. Enforcement of Foreign Judgments And Decrees In India,Jonathan Jose and Shruti Mania-<https://www.mondaq.com/india/Litigation-Mediation-Arbitration/434962/Enforcement-Of-Foreign-Judgments-And-Decrees-In-India>
7. Suits by indigent persons & Interpleader suits-<http://lawtimesjournal.in/suits-by-indigent-persons-interpleader-suits/>
8. Critical analysis of Provision for 'Cost' under civil procedure code, 1908,Saurabh KumarNational Law Institute University[https://www.researchgate.net/publication/332342958\\_Critical\\_analysis\\_of\\_Provision\\_for\\_'Cost'\\_under\\_civil\\_procedure\\_code\\_1908](https://www.researchgate.net/publication/332342958_Critical_analysis_of_Provision_for_'Cost'_under_civil_procedure_code_1908)
9. Process of Trial of Civil Cases/Suits In India,Vijay Pal Dalmia  
<https://www.mondaq.com/india/Litigation-Mediation-Arbitration/654652/Process-Of-Trial-Of-Civil-CasesSuits-In-India>
10. Suits With Basic Relief Of Challenging Decree Passed By DRT Not Maintainable: Supreme Court- <https://www.livelaw.in/top-stories/suits-challenging-decree-passed-by-drt-not-maintainable-153292>

#### **Cases for Guidance:**

1. A.N. Kumar vs Arulmighu Arunachaleswara Devasthanam Thiruvannamalai and Ors And A.N. Kumar vs Arulmighu Arunachaleswara Devasthanam Thiruvannamalai 2011 -2- L.W. 1 12
2. Amar Kumar Jha vs. CPIO, RTI Cell and Ors, CIC/IARMY/A/2017/189009/SD



3. Anser Bi vs Sherfunissa Begum Sahiba Mosque Wakf, rep. by its Secretary Fasiuddin and Ors (2011) 3 MLJ 44 14
4. C.S. Mani (deceased) by LR C.S. Dhanapalan Vs B. Chinnasamy Naidu (deceased) by LRs. (2011) 3 MLJ 506 (SC)
5. Essar Constructions Vs N. P. Rama Krishna Reddy [(2000) 6 SCC 94]
6. Anuradha Bhasin vs Union Of India Writ Petition (Civil) No. 1031 Of 2019
7. Board of Revenue Vs M/S Raj Brothers Agencies etc., 1973 (3) SCR 492
8. Deb Ratan Biswas and Ors vs Most. And Moyi Devi & Ors 2011 (4) SCALE 656
9. Gayathri Womens Welfare Association vs Gowramma & Anr 2011 2 – L.W. 481
10. Balkrishna Chatrabhuj Thacker v. Devabai, AIR 1985 Guj. 133.
11. Gurmukh Singh vs Jaswant Kaur 2011 (4) SCALE 221
12. BALCO Employees Union v. Union of India AIR 2002 SC 350
13. Chitivalase Jute Mills v. Jaypee Rewa Cement AIR 2004 SC 1687
14. Chandrabhai K. Bhoir v. Krishna A. Bhoir, AIR 2009 SC 1674. 13
15. GC Care Centre and Hospital v. OP Care Pvt. Ltd. AIR 2004 SC 2339

## **Learning Outcomes**

**After learning the subject, the students shall be able**

1. To achieve a complete grasp and understanding of the general principles of Civil Procedure and gain a mastery over the subject.
2. To accumulate a thorough explanation on all the essential aspects of civil procedure and practice, right from the inception of a civil suit until its finality, with reference to limitation laws.
3. To gain knowledge on the latest trends involved in the electronic filing of civil suits including e-vakalatnama.
4. To understand about the latest amendments incorporated along with its effects.
5. To train themselves as future advocates in civil side practice.



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### LLB(HONS)

<b>Third Year –5<sup>th</sup> Semester</b>	<b>Subject Code – H3L2008</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b>LAW OF CRIMES PAPER-II: CRIMINAL PROCEDURE CODE</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2008</b>	Prerequisite : various criminal procedures of investigation	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

#### OBJECTIVES

The Objective of the course is aimed to equip the students to understand the various criminal procedures of investigation, arrest, bail, charges, trial proceedings, sentencing process etc. The Principle of Natural Justice is sine qua non in proper implementation of CRPC. Though the objectives of maintenance are to provide monetary sanction, it is been



included in the Criminal Procedure for the achievement of social welfare measures. The Juvenile Justice (Care and Protection of Children) Act, 2015 discuss about the need for reformation and rehabilitation of Child in Conflict with Law and Child in need of care and protection, the statutory bodies, the reformatory mechanism etc. The Probation of Offenders Act, 1958 discuss about the correctional process of offenders.

### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the modes of execution of Substantive Criminal Law with the aid of Procedural law and Practical application of Criminal Laws. 1.
<b>CO2</b>	To develop and Familiar with the procedures of arrest, bail, trial and judgement.
<b>CO3</b>	To develop and understand the Appeal, Revision procedures under criminal jurisdiction.
<b>CO4</b>	To understand and analyse the procedure for claiming maintenance and Probation Laws.
<b>CO5</b>	To understand basic tenets of criminal functional jurisdiction in India.

### Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
<b>COs/PSOs</b>	<b>PSO1</b>				<b>PSO2</b>				<b>PSO3</b>			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			



<b>CO3</b>	-	3	3
<b>CO4</b>	2	1	1
<b>CO5</b>	3	-	-

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

## COURSE OUTLINE

### Module I: Introduction:

- a. Objective of CrPC.
  - b. Historical development of Criminal Law in India.
  - c. Contributions of Law Commission of India.
  - d. Classification of Offences.
  - e. Functionaries of the Code – Police – Prosecutor – Defence Counsel – Criminal Court – Correctional Institution.

### Module II: Investigation:

#### (a) Pre-Investigation and Investigation procedures

- a. FIR – Investigation
  - b. Search and Seizure
  - c. Summons and Warrants
  - d. Arrest
  - e. Recording Statement of Witnesses and accused
  - f. Case Diary and General Diary
  - g. Final Report
  - h. Inquest and Investigation on unnatural death and dowry death
  - i. Concept of bail
  - j. Types of Bail – Bail by Court of Sessions and High Court – Anticipatory Bail – Appeal



Bail – Bail Bonds – Sureties and Securities.

**(b) Post Investigation Procedures:**

- a. Limitation in taking cognizance
- b. Taking cognizance of case
- c. Dismissal of Complaint
- d. Local Jurisdiction of the Courts
- e. Commencement of Proceedings - Supply of copies of documents
- f. Committal Proceedings
- g. Charges - Forms and Content of Charges –Alteration of Charges – Joinder of Charges – Charges for doubtful offence and more than one offence
- h. Withdrawal of charges.

**Module III: Trial Procedure:**

- a. Common features of Trial - Fair Trial Principles
- b. Types of Trial – Trial of Warrant cases before the Court of Sessions – Trial of Warrant cases before the Magistrate
- c. Opening of case – Discharge – Framing of Charges – Pleading Guilty – Prosecution Witness – Examination of Accused – Defence Witness – Arguments – Previous conviction and acquittal.
- d. Summons Trial
- e. Summary Trial
- f. Disposal of cases without full trial
- g. Judgement
- h. Compensation
- i. Plea bargaining.

**Module IV: Execution, Suspension of Sentences & Appellate Jurisdiction:**

- a. Execution of Death Sentence – Postponement of execution of death sentence
- b. Execution of Life imprisonment
- c. Suspension of Sentence
- d. Remission of Sentence
- e. Commutation of Sentence
- f. Types of Appeal – Procedure for Appeal – Powers of Appellate Court
- g. Reference to High Court
- h. Revision – Call for records from lower Court – Power of High Court and Court of Session on Revision
- i. Transfer of cases





### **Module V: Preventive Measures and Security Proceedings:**

- a. Preventive actions of police
- b. Security Proceedings
- c. Dispersal of Unlawful Assemblies
- d. Removal of Public Nuisance – Urgent cases of apprehend danger or nuisance
- e. Disputes as to Immovable Property.

### **Module VI: Common Provisions of maintenance – Social welfare measures**

- a. Objective of maintenance procedures
- b. Invoking of Social Welfare Measures
- c. Persons entitled to claim maintenance
- d. Persons liable to pay maintenance
- e. Jurisdiction – Order of maintenance and enforcement
- f. Alteration to maintenance
- g. Cancellation of maintenance order.

### **Module VII: The Juvenile Justice Act, 2015 & Probation of Offenders Act, 1958**

- a. Objective of the Act – Definitions
- b. Statutory bodies
- c. Reformatory institutions – Powers and functions of Juvenile Justice Board
- d. Orders may be and may not be passed against Juvenile
- e. Heinous Crime – Children Court
- f. Child in need of Care and Protection
- g. Powers and functions of Child welfare Committee
- h. Reformatory homes
- i. Rehabilitation Process - Adoption, Foster care
- j. Offences against children and penalties – State Rules
- k. Probation of Offenders Act - Objective of the Act
- l. Procedural Law and Probation
- m. Conditions to release on Probation – Powers of Magistrate Court
- n. Role of Probation of Officers – Validity of Report of Probation Officers
- o. Condition and relaxation of Probation Conditions.

### **Recommended Reading:**

#### **Books:**

1. Ratanlal and Dhirajlal, Criminal Procedure Code, Lexis Nexis, Butterworth Wadhawa, Nagpur, 2017.



2. S.C. Sarkar, The Law of Criminal Procedure, Wadhawa & Co, Nagpur, 2017.
3. K.N. Chandrasekharan Pillai, R. V. Kelkar's Lecture on Criminal Procedure, Eastern Book Company, 2015.
4. Woodroffe John, Commentaries on Criminal Procedure Code, Vol.1 & 2, 1997, Law Publishers (India) Ltd, Ahmedabad.
5. Kathuria, Supreme Court on Code of Criminal Procedure, Vol 1 & 2, Professional Publishers.

#### **Journals/Journal Articles:**

1. Prakash Chandra Agarwal 2016, "Law Relating to Bail in India: A Study of Legislative and Judicial Trends", International Journal of Law Vol.2, Issue.4, pp.28- 30.
2. Vikramaditya S Khanna & Kartikey Mahajan 2016, "Anticipatory Bail in India: Addressing Misuse of the Criminal Justice Process?", Research Handbook on Comparative Criminal Procedure,
3. Ravinder Barn, Ved Kumari 2015, "Understanding Complaint Credibility in Rape Appeals: A Case Study of High Courts Judgements and Judge's Perspectives in India" The British Journal of Criminology" Vol.55, Issue.3, pp.435-453.
4. Dr. Prativa Panda 2016, "Right to maintenance of Hindu Women under Hindu Adoption and Maintenance Act", Global Journal for Research Analysis Vol.5, Issue.1, pp.130-132.
5. Isha Kansal 2017, "A Critical Study on Probation of Offenders Act, 1958", International Journal of Commerce and Management Research, pp.43-47

#### **Further Readings:**

##### **Books:**

1. Criminal Law Manual, 2017, Universal Publications
2. Aiyer, Mitter, Law of Bails – Practice and Procedure, Law Publishers (India) Pvt Ltd, 2016.
3. P.V. Majumdar, Law of Bail, Bonds and Arrest, Orient Publications, 2015.
4. Justice P.S. Narayana, Code of Criminal Procedure, ALT Publications, 2015.
5. Basu N.D, Code of Criminal Procedure, Ashoka Law House, Delhi, 2004.
6. Sprack John, Practical Approach to Criminal Procedure, Oxford University Press, 2015.
7. Bare Acts: (i) Code of Criminal Procedure, 1973.
  - i. (ii) Criminal Law Amendment Act, 2013.
  - ii. (iii) Juvenile Justice (Care and Protection of Children), Act 2015
  - iii. (iv) The Probation of Offenders Act, 1958.

##### **Law Commissions Report relating to Amendment:**

8. Report Numbers: 14, 32 & 33, 36 & 37, 41, 48, 73, 102, 132, 154, 200, 203, 212, 233, 237, 268 – Reports Relating to modifications in CrPC.
9. Justice Verma Commission Report on Amendment of Criminal Law.



### **Journals:**

1. American Criminal Law Quarterly
2. American Criminal Law Review
3. American Journal of Criminal Law
4. Buffalo Criminal Law Review
5. Crime and Justice: A Review of Research
6. Criminal Law Quarterly
7. European Criminal Law Review
8. Howard Journal of Crime and Justice
9. Howard Law Review
10. Journal of Criminal Law and Criminology

### **Case for Guidance:**

1. Khatri (2) v. State of Bihar, (1981) 1 SCC 627
2. Joginder Kumar v. State of U.P. (1994) 4 SCC 260
3. D.K. Basu v. State of West Bengal (1997) 6 SCC 642
4. Christian Community Welfare Council v. State of Maharashtra 1995 CrLJ 4223 (Bom)
5. Husainara Khatoon (4) v. State of Bihar, (1980) 1 SCC 98
6. Mohd. Ajmal Amir Kasab v. State of Maharashtra (2012) 9 SCC 1
7. Sheela Barse v. State of Maharashtra (1983) 2 SCC 96
8. Manu Sharma v. State (NCT of Delhi) (2010) 6 SCC 1
9. Nandhini Satpathy v. P.L. Dhani (1978) 2 SCC 424
10. Jagan Mohan Reddy v. CBI (2013) 3 SCC CrI 552
11. R. Rathinam v. State (2000) 2 SCC 391
12. Zahira Habibulla Sheikh (5) v. State of Gujarat (2006) 3 SCC 374
13. Mohd. Shahabuddin v. State of Bihar (2010) 4 SCC 653
14. K. Anbazhagan Raju v. Supt of Police 2004 SCC CrLJ 882
15. Bachan Singh v. State of Punjab (1980) 2 SCC 684

### **Learning Outcome:**

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

1. Understand the modes of execution of Substantive Criminal Law with the aid of Procedural law and Practical application of Criminal Laws.
2. Familiar with the procedures of arrest, bail, trial and judgement.
3. Understand the Appeal, Revision procedures under criminal jurisdiction.
4. Understand and analyse the procedure for claiming maintenance and Probation Laws.



**LLB(Hons.)**

<b>Third Year – 5<sup>th</sup> Semester</b>	<b>Subject Code – H3L2017</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b>PRINCIPLES OF TAXATION LAW</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2017</b>	Prerequisite : taxation playing a pivotal role in meeting a variety of public expenditure by generating major revenue to the government	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

The Objective of the courses is to train the students to understand the role of taxation playing a pivotal role in meeting a variety of public expenditure by generating major revenue to the government. While the direct taxes levied under the provisions of Income Tax Act has not been much on public domain for criticism, the indirect taxes levied under various statutes was criticized for its cascading effects, which was removed by the implementation of GST. The main object of this course is to create an understanding on the basic aspects of taxation, both direct and indirect taxing system in India along with the constitutional amendments.

**COURSE OUTCOMES (Cos)**

Students completing this course were able to

<b>CO1</b>	To explore and understand the concept of tax along with its relevance. I.
<b>CO2</b>	To understand the relevance and importance of the Constitution of India in shaping the taxing statutes and tax system.
<b>CO3</b>	To explore how direct taxes are being levied and to thoroughly investigate the steps in arriving at the taxable income.
<b>CO4</b>	To enhance the knowledge on Goods and Services Tax (GST), the new indirect tax regime in its true legal sense.



<b>CO5</b>	To appreciate the role of tax authorities and the importance of The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015.

Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

## COURSE OUTLINE

### Module-I - General Introduction

- a) Definition of Tax – Definition under the Constitution.



- b) Evolution of Tax - Distinction between Tax and Fee, Duty, Surcharge, Toll and Cess.

- c) Mutual Relationship between Income Tax Act and Finance Act - Difference Between Money Bill and Finance Bill.  
d) Canons of Taxation  
e) Taxing System – Types of Taxes – Direct – Proportional, Progressive, Regressive, Degressive Taxation – Indirect- Specific – Ad Valorem.  
f) Interpretation of Taxing Statutes – Event Theory and Aspect Theory.  
g) Tax Evasion v. Tax Avoidance.

## **Module-II - Constitutional Basis of Taxing Power**

- a) Constitutional Provisions relating to Taxation – Articles 246, 248, 265 & 286.  
b) Doctrines such as Taxation and Equity are Stranger – Pick and Choose Rule – Pith and Substance – Repugnancy and Inconsistency – Territorial Nexus – Unjust Enrichment – Immunity of Instrumentality – res extra commercium.  
c) Historical Development of Tax on Supply of Goods and Services (along with A comparative study of GST in India with Brazil, Canada, Singapore and Malaysia) - 101<sup>st</sup> Constitutional Amendment.  
d) Amendment of various Articles in Indian Constitution - Amendment of Sixth and Seventh Schedules.  
e) GST Council - Constitutional Limitations - Exemptions to the Levy of Goods and Services Tax on Petroleum Products and Alcoholic Liquor for Human Consumption - Power of the GST Council to Regulate these Goods by Notification.

## **Module-III - The Income Tax Act, 1961**

### **Part I –Steps in the Determination of Taxable Income**

- a) Preliminaries- Concepts: ‘Income’, ‘Agricultural Income’, ‘Casual Income’, ‘Assessee’, ‘Person’, Residential Status, ‘Previous Year and Assessment Year’.  
b) General Charging Section and Specific Charging Sections – Income: Received – Deemed to be Received – Arising – Accrual – Deemed to Arise or Accrue in India.  
c) Income which does not form part of Total Income (Exemptions).  
d) Taxability of Income under Specific Heads: i) Income from Salaries - ii) Income from House Property - iii) Profits or Gains from Business or Profession - iv) Income from Capital Gains - v) Income from Other Sources.  
e) Clubbing of Income: Income of other Persons to be included in



Calculating in Assessee's Total Income.

- f) Treatment of Losses - Set off and Carry Forward of Losses.
- g) Chapter VI-A Deductions

## Part II – Procedural Aspects

- a) Double Taxation - Double Taxation Relief.
- b) Procedure for Assessment of Tax - Assessment of Special Class of Assesses.
- c) Search, Seizure and Adjudication.
- d) Fines and Penalties – Demands & Recovery.
- e) Appeals & Revision.

## Module- IV – Goods and Services Tax

### A. Central Goods and services Tax Act, 2017

- a) Definitions
- b) Levy and collection of Tax - Composition Levy
- c) Scope of Supply – Kinds of Supply – Time, Place and Value of supply
- d) Input Tax Credit (ITC)
- e) Registration - Tax Invoice
- f) Credit and Debit Notes – Returns – Payment – Refunds – Assessment – Audit.
- g) Inspection, Search, Seizure and Arrest - Demand and Recovery - Liability to Pay in Special Cases.
- h) Advance Ruling, Appeals and Revision
- i) Offences and Penalties
- j) Transitional Provisions
- k) Anti-Profiteering Measures
- l) GST Compliance Rating.

### B. Tamil Nadu Goods and Services Tax Act, 2017

- a) Definitions
- b) Levy and Collection of Taxes – Composition Levy
- c) Scope of Supply - Tax Liability on Composite and Mixed Supplies - Time, Place and value of supply
- d) Power to Grant Exemption from Tax





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- e) Input Tax Credit
- f) Registration
- g) Tax Invoice - Credit and Debit Notes – Returns – Payment – Refunds –  
Assessment – Audit
- h) Inspection, Search, Seizure and Arrest, Demand and Recovery - Liability to Pay  
in Special Cases
- i) Advance Ruling, Appeals and Revision



- j) Offences and Penalties
- k) Transitional Provisions
- l) Anti-Profiteering Measures
- m) GST Compliance Rating.

**C. Integrated Goods and Services Tax Act, 2017**

- a) Collection and Levy of Integrated Goods and Services Tax
- b) Determination of Nature of Supply, Inter-state Supply and Intra-state Supply - Location of Supply - Place of Supply of Goods and Services or both - Zero Rated Supply.
- c) Cross Utilization of Credit - Utilization of IGST Credit
- d) Refund of Integrated Tax to International Tourist
- e) Apportionment of Tax Revenue.

**D. Significance of Union Territory Goods and Services Tax Act, 2017.**

**E. Significance of the Goods and Services Tax (Compensation to States) Act, 2017.**

**Module - V– Authorities under various Taxing Statutes**

- a) The Income Tax Act, 1961 – Income Tax Authorities, Powers and Functions.
- b) The Central Goods and Services Tax Act, 2017 – Officers under the Act, Powers and Functions.
- c) The Tamil Nadu Goods and Services Tax Act, 2017 – Officers under the Act, Powers and Functions.
- d) The Integrated Goods and Services Tax Act, 2017 – Appointment of Officers under the Act, Authorisation of Officers under SGST and UTGST as proper officers.
- e) The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015 – Tax Authorities, Powers and Functions.

**Recommended Readings:**

**Books Prescribed:**

1. N.A. Palkiwala, The Law and Practice of IncomeTax, (2014), Lexis Nexis
2. T.N. Manoharan and G.R.Hari (35<sup>th</sup> Edition, 2020) Students' Handbook on Taxation - Includes Income-Tax Law and Goods and Service Tax Law, Snow White Publications.
3. Sampath Iyengar, Law of Income Tax, Step by Step Guide to GST, Wolters Kluwer.
4. V S Datey, GST Ready Reckoner, Taxmann 2017.
5. Dr. Vinod K Singhania, Direct Taxes Ready Reckoner-As Amended by Taxation Laws (Amendment) Act 2019 (Taxmann Publications).



### Journal Articles:

1. Kotha, Ashrita Prasad, “Place of Effective Management Test in the Income Tax Act, 1961: Is It the Right Way Forward” 8 NUJS L. Rev. 13 (January-June 2015).
2. Andharia, Prateek, “Section 9 of the Income Tax Act, 1961: Defaced and Defiled” 25 Nat'l L. Sch. India Rev. 119 (2013).
3. Dr. S.V.Ramana Rao , “ Input Tax Credit under GST in India: An Overview”, International Journal of Exclusive Global Research - Vol 3 Issue 2 February.
4. Vartikasahu and Somesh Kumar Shukla, “A Revolutionary Reform for Indirect Tax with an Analysis of the GST Constitutional 101<sup>st</sup> Amendment Act, 2016”, International Research Journal of Commerce and Law, ISSN: 2349 – 705X, Vol 04, Issue 9, September 2017.
5. Anand Nayyar and Inderpal Singh, “A Comprehensive Analysis of Goods and Services Tax (GST) in India”, Indian Journal of Finance, Vol 12, Issue 2, Feb 2018.

### Further Reading:

#### Books:

1. Chaturvedi and Pithisaria, Companion to Chaturvedi & Pithisaria's Income Tax Law –Wealth Tax Act 1957, Eastern Book Company, Lucknow.
2. Girish Ahuja- (2019), Law and Procedure- Professional approaches to Direct Taxes and International Taxation, Wolters Kluwer India Pvt Ltd.
3. Vinod K Singhanian & Kapil Singhanian, Direct Taxes Law & Practice, (Taxmann).
4. Dr. Girish Ahuja & Dr. Ravi Gupta, Direct Taxes Law & Practice, (Wolters Kluwer).
5. CA.Ashok Batra, GST Ready Recknor, (Wolters Kluwer).
6. CA.Keshav Garg, GST Ready Recknor, (Bharat).
7. Jaya Vasudevan Suseela, Indirect Taxes (GST and other Indirect Taxes), (EBC Explorer).
8. K.Vaitheeshwaran, Students handbook on Indirect Taxes, (Snow White).
9. Karthik Sundaram, Tax, Constitution and the Supreme Court: Analysing the Evolution of Taxation Law in India.
10. Dr.Sanjiv Agarwal & Sanjeev Malhotra, Goods & Services Tax, Laws, Concepts and Impact Analysis, (Bloomsbury).

#### E-Books:

1. A Comprehensive Guide Book on GST India – Clear Tax GST - [www.clearartav.com/gst](http://www.clearartav.com/gst)
2. Case laws of the Honourable Supreme Court of India and the Honourable High courts of India in favour of Revenue - Sarita Mishra Kolhe - [www.nadt.gov.in](http://www.nadt.gov.in)
3. Indian Tax System – An Overview – Habibulla & Co., Chartered Accountants India - [http://www.hcoca.com/Pdf/Indian\\_Tax\\_System.pdf](http://www.hcoca.com/Pdf/Indian_Tax_System.pdf)



### Journal Articles:

1. R. Kalaivani, "Indian Constitutional Perceptive of Taxation", IOSR Journal of Humanities and Social Science (IOSR-JHSS), e-ISSN: 2279-0837, p-ISSN: 2279-0845, Volume 22, Issue 9, Ver. 15 (September. 2017) PP 75-78
2. B. Anbuthambi and N. Chandrasekaran, "Goods And Services Tax (GST) And Training For Its Implementation In India: A Perspective", Ictact Journal On ManagementStudies, ISSN: 2395-1664, May 2017, Volume: 03, Issue: 02.
3. Shely Rastogi , S. K. Agarwal, "Zero Rated GST on Indian SEZs: An Analysis", Journal of Advances and Scholarly Researches in Allied Education, Ignited Minds Journals , E-ISSN : 2230 – 7540, Volume 15, Issue 9 , Oct 2018 , Pg. 124 – 131.
4. SANJOY ROY, "Transition to Goods and Services Tax (GST) Regime: Rationale and Impasse", The NEHU Journal, ISSN. 0972 - 8406, Vol XIV, No. 1, January - June 2016, pp. 51-67.
5. Hedau Amit, "A Review of Canons of Taxation: India's Perspective", Asian Journal of Research in Social Sciences and Humanities, Online ISSN: 2249-7315, (2018), Volume : 8, Issue : 2, pp 41 - 53 .
6. Sanjay K. Radadiya, "Income Tax Act 1961 V/S Direct Tax Code 2009", Indian Journal of Applied Research, Vol.II, Issue.II November 2012.
7. Jasmine V.M, "GST & Evolution of Tax System in India", IRA-International Journal of Management & Social Sciences ISSN 2455-2267; Vol.07, Issue 01 (2017) Pg. no. 65-72.
8. Anand Deo, "Goods & Services Tax (GST) – Impact Analysis & Road Ahead", IBMRD's Journal of Management & Research, ISSN: 2277-7830, Online ISSN: 2348-5922, Volume 6, Issue 2, September 2017, pp 17 - 28.
9. Rakesh Chandra, "GST & cooperative federation: Through the eyes of Indian constitution", International Journal of Advanced Research and Development, ISSN: 2455-4030, Volume 2; Issue 6; November 2017; Page No. 607-610.
10. Nikhil Pilnu, "Interpretation of taxing statute as strict construction and exemption", Legal Service India, ISBN No: 978-81-928510-1-3.

### Cases for Guidance:

1. Indian Medical Association v. V.P. Shantha & Ors 1996 AIR 550, 1995 SCC (6) 651.
2. Mathuram Agrawal v. State of Madhya Pradesh Appeal (civil) 1990 of 1995.
3. UOI v. Azadi Bachao Andolan & Anr.(2004) 10 SCC 1.
4. A.V. Fernandez v. State of Kerala, [AIR 1957 SC 657].
5. Vodafone International Holdings BV v. Union of India, (2012) 6 SCC 613.
6. State of Travancore-Cochin v. Shanmugha Vilas Cashew Nut Factory 1953 AIR 333, 1954 SCR 53.
7. Chennai Properties and Investments Ltd. v. Commissioner of Income Tax [2015] 373 ITR 673 (SC).
8. CIT v. Smt. Pelleti Sridevamma 1976 105 ITR 887 AP.
9. Jagannath Hanumanbux v. ITO, (1957) 31 ITR 603 Cal.



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10. Jay Bee Industries v. UOI, (CWP No.2169 of 2018 order dt. 16.11.2019).
11. Amit Cotton Industries v. Principal Commissioner of Customs (Gujarat HC).
12. Royal Care Speciality Hospital Ltd. (AAR Tamil Nadu).
13. Vinod Kumar Jain v. CIT 344 ITR 501 (P & H).
14. Chennai Properties and Investments Ltd. v. Commissioner of Income Tax [2015] 373 ITR 673 (SC).
15. Cape Brandy Syndicate v. I.R.C. (1 KB 64, 71)

### **Learning Outcome:**

After completion of the course students will be able –

- To understand the meaning, nature and scope of tax along with its importance.
- To analyse the different kinds of taxes and understand the implications of them.
- To understand the sources of income and tax liability and exemption from tax liability.
- To analyse the taxable event under GST and determine the levy of tax and understand the procedural aspects embodied in both direct and indirect taxes.



**LLB(Hons.)**

Third Year – 5 <sup>th</sup> Semester		Subject Code – H3L2034		Total Credits : 4		
Subject Code:  <b>H3L2034</b>	Subject Name: <b>INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION</b>	T/L/ETL	L	T / S.Lr	P/R	C
	Prerequisite : the role of interpretation as a consistent source of legislation	T	3	1	-	4
L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab						
<b>OBJECTIVES</b>						
<p>Interpretation as a branch of legal science emerges out of the necessity triggered by the element of fallibility of human communications. It is part of laws of nature. The increase in the creation of human legislations further validates the role of interpretation as a consistent source of legislation. The primary aim of all interpretation is to provide clarity to the existing legislations. Judiciary as the custodian of statutes interprets the legislation. Thus, the students of law on a need based approach will be trained to learn the implications of the schools of textualism and purposivism in the context of statutory construction as a tool of social change.</p>						
<b>COURSE OUTCOMES (Cos)</b> Students completing this course were able to						
<b>CO1</b>	To have an elementary understanding and demonstrate an advanced and integrated understanding of the political, social, historical, philosophical, and economic context of law.					
<b>CO2</b>	To Engage in identification, articulation and critical evaluation of legal theory and the implications for policy					
<b>CO3</b>	To Critically analyze and research complex problems relating to law and legal theory and make reasoned and appropriate choices amongst alternatives.					
<b>CO4</b>	To understand the need based approach will be trained to learn the implications of the schools of textualism and purposivism in the context of statutory construction as a tool of social change					



CO5	To understand the role of interpretation as a consistent source of legislation											
Mapping of Course Outcome with Program Outcome (POs)												
Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
CO1	1	-	1	1	1	1	-	-	2	-	-	-
CO2	1	-	1	1	1	1	-	-	2	-	-	-
CO3	-	1	-	-	-	-	1	1	1	1	1	1
CO4	2	3	2	2	2	2	3	3	1	3	3	3
CO5	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
CO1	1				3				3			
CO2	1				3				3			
CO3	-				3				3			
CO4	2				1				1			
CO5	3				-				-			
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low												
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/Technical Skills	Internship s/Technical Skills			
				✓								

## COURSE OUTLINE

### Module I: Statutes: Philosophy, Principles and Process of Legislation





- (a) Separation of powers-principles of utility-social justice- welfare and development approach-Good Governance-Public Opinion-Social Control-Indigenous Influence (Native laws)-Morals;
- (b) Kinds of Statutes-Perpetual and Temporary-Penal-Taxing-Remedial-Concept of Statute Law-Interplay between Public Opinion-Legislators-Executives-Judiciary- Ancient Indian Philosophy on Interpretation.

### **Module II: Foundational Perspectives of Interpretation**

- (a) Concept, Meaning and Object of Interpretation-Values of Clarity and Analytical Ability-Textualism and Purposivism- Human Communication and Limitations;
- (b) Nature of Man Made Legislations-Common Sense-Linguistic deficiencies-Ambiguity- Interpretation and Construction;
- (c) Comparative Legal Philosophy-Skills of Interpretation-Stages of Interpretation.

### **Module III: Nature and Parts of Statutes**

- (a) Statutory, Non Statutory, Codified, Uncodified, State made and State Recognised Laws -Parts of a Statute - Commencement, Operation, Amendments and Repeal and Revival of Statute;
- (b) Basic Sources of Statutory Interpretation-The General Clauses Act, 1897: Nature, Scope and Relevance-Definitional Clause-Fundamental Concepts on Commencement, to Repeal of Statutes.

### **Module IV: Internal and External Aids to Interpretation**

- (a) Short Title-Preamble-Statement of Objects and Reasons-Long Title- Definitional or Interpretative Clause-Punctuations-Marginal Notes-Proviso-Explanations-Exceptions-Illustrations-Schedules-Removal of Difficulties Clause-Non Obstante Clause-Ouster Clause-Savings and Repeal Clauses;
- (b) Parliamentary History-Dictionaries (General and Specific)-Foreign Decisions-Text Books-Law Commission of India's Reports on Amending the General Clauses Act.

### **Module V: Rules of Statutory Interpretation**

- (a) Literal and Logical Rules of Interpretation-Statute must be read as whole- every word to be given a meaning-Legalism and Creativity-Legal Language, Legal Riddles and Logic-Golden Rule and Mischief Rule;
- (b) Strict construction of Penal Laws and Taxation Laws-Judicial Activism, Judicial Process and Judicial Restraint-Beneficial Construction of Social Security Legislations.

### **Module VI: Subsidiary Rules**

- (a) Utres mages valeat quam pereat-Noscitur a sociis-Ejusdem generis;



- (b) Casus omissus-Reddendo singula singulis-Contemporaneo expositio est optima fortissima sine lege.

### **Module VII: Interpretation of Constitution**

- (a) Principles and Theories-Preamble as a Tool-Reading Directive Principles and Fundamental Duties with Fundamental Rights;
- (b) Interpretation of International Instruments-Presumptions: Presumption against Ousting Established Jurisdiction-Presumption against Exceeding Territorial Nexus-Presumption against Ouster of Jurisdiction of Courts-Presumption against changes in Common Law-Presumption against including what is Inconvenient or Unreasonable-Presumption against Intending Injustice or Absurdity-Presumption against Retrospective Operation of Law-Presumption against Violation of International Law-Presumption in favour of Constitutionality of a Statute.

### **Module VIII: General Rules of Treaty Interpretation**

- (a) Statist and Principle based Approaches towards International Law-Sources of International Law-Interface between Custom and Treaty-International Treaty based Legal Framework-Supremacy of the UN Charter Obligations;
- (b) Law of Treaties and Vienna Convention on the Law of Treaties (VCLT)-Concept of Treaty of Treaties-Articles 31, 32 and 33 of VCLT-Principles of Treaty Interpretation-Relevant works of International Law Commission and Judicial Decisions of International Court of Justice on Treaty Interpretation.

### **Module IX: Legislative Drafting**

- (a) Principles and Process of Legislative Drafting-Qualities of Legislative Drafters-Simplicity, Preciseness, Consistency, Alignment with Existing Law, Brevity;
- (b) Drafting General Laws-Special Laws-Rules-Orders-India and Legislative Drafting and Research Movement in India-Department of Legislative Drafting-Ministry of Law and Justice.

### **Statutory Materials**

1. General Clauses Act, 1897
2. Constitution of India, 1950
3. Charter of United Nations and Statute of the International Court of Justice, 1945
4. Statute of the International Law Commission, 1947
5. Vienna Convention on the Law of Treaties, 1969



## **Recommended Readings:**

### **Books**

1. Maxwell (1969), Interpretation of Statutes, Sweet & Maxwell, United Kingdom.
2. Vepa Sarathi (2003), Interpretation of Statutes, Eastern Book Company: India
3. N.S Bindra, Revised by M.N. Rao and Amita Dhanda (2007), Interpretation of Statutes, Lexis Nexis Butterworths Wadhwa: India
4. P.M. Bakshi (2010), Interpretation of Statutes, Orient Publishers: India.
5. A.B. Kafaliya (2017), Text Book on Interpretation of Statutes, Universal Law Publishing Ltd.: India.

### **Journals**

1. Surendranath Ray (1913), Rules of Interpretation of Statutes, The Allahabad Law Journal, Vol. No. 11, Issue No. 5, Pp. 97-103.
2. Abdur Rahman Seoharvi (1916), The Interpretation of Law, The Allahabad Law Journal, Vol. No. 14, Issue No.1, Pp. 1-13.
3. H.M. Thornton (1994), Contrary Intention, Statute Law Review, Vol. No. 15, Issue No.3, Pp. 182-191.
4. Jack Stark (1995) Legislative Sentences, Statute Law Review, Vol. No. 16, Issue No.3, Pp. 187-194.
5. V.C.R.A.C. Crabbe (1997), Liversidge v. Anderson on the Anvil of Pepper v. Hart: An Exercise in Interpretation and Construction, Statute Law Review, Vol. No. 18, Issue No. 2, Pp. 113-149.

## **Further Readings:**

### **Books**

6. P.M. Bakshi (1993), Legal Interpretation: Ancient and Modern, The Indian Law Institute: India.
7. V.C.R.A.C. Crabbe (1993), Legislative Drafting, Cavendish Publishing: United Kingdom.
8. V.C.R.A.C. Crabbe (1994), Understanding Statutes, Cavendish Publishing: United Kingdom.
9. N.S.Bindra (2002), The General Clauses Act: Central and States, Lexis NexisButterworths: India.
10. Aharon Barak (2005), Purposive Interpretation in Law, Princeton University Press: United States of America.
11. Ulf Linderfalk (2007), On the Interpretation of Treaties, Springer Publications: The Netherlands.
12. Luc J. Wintgens (Editor) (2007), Legislation in Context: Essays in Legisprudence, Ashgate Publishing Limited: United Kingdom.
13. James Holland and Julian Webb (2010), Learning Legal Rules, Oxford University



Press: United Kingdom.

14. Justice G.P. Singh (2016), Principles of Statutory Interpretation, Lexis Nexis: India.
15. Oliver Dorr and Kirsten Schmalenbech (Editors) (2012), Vienna Convention on the Law of Treaties: A Commentary, Springer Publications: Heidelberg.

### **Journals**

1. Roscoe Pound (1907), Spurious Interpretation, Columbia Law Review, Vol. No. 7, Issue No.6, Pp. 379-386.
2. Frederick J. DeSloovere (1936), Contextual Interpretation of Statutes, Fordham Law Review, Vol. No.5, Pp. 219-239.
3. R.C. Beuthin (1965), General Principles of Interpretation of Statutes, Annual Survey of South African Law, Pp. 489-501.
4. Justice Vinelott (1982), Interpretation of Fiscal Statutes, Statute Law Review, Vol. No. 2, Pp. 78-86.
5. Jack Stark (1994), Should the Main Goal of Statutory Drafting Be Accuracy or Clarity, Statute Law Review, Vol. No. 15, Issue No.3, Pp. 207-213.
6. Stefan Vogenauer (1997), What is the Proper Role of Legislative Intention in Judicial Interpretation, Statute Law Review, Vol. No. 18, Issue No.3, Pp. 235-243.
7. Michael P. Healy (1999), Legislative Intent and Statutory Interpretation in England and the United States: An Assessment of the Impact of Pepper v. Hart, Stanford Journal of International Law, Vol. No. 35, Pp. 231-254.
8. Nirmal Kanti Chakrabarti (2012), Legislative Drafting and Law Reform: The Role of Indian Judiciary, International Journal of Legislative Drafting and Law Reform, Vol.No.1, Issue No.2, Pp.207-218.
9. Elizabeth M. Bakibinga (2015), A Global Perspective of Standardising Statutory Writing: Lessons from the Developing World, International Journal of Legislative Drafting and Law Reform, Vol. No. 4, Issue No.1, Pp. 60-90.
10. Khagesh Gautam (2019), The Use of International Law in Constitutional Interpretation in the Supreme Court of India, Stanford Journal of International Law, Vol. No. 55, Issue No.1, Pp. 27-68.

### **Cases for Guidance**

25. Heydons Case (1584), 76 ER 637.
26. Keshav Mills Company Limited v. CIT, Bombay North, AIR 1965 SC 1636.
27. Santa Singh v. State of Punjab, AIR 1976 SC 2386.
28. Bangalore Water Supply and Sewerage Board v. A. Rajappa, AIR 1978 SC 548
29. K.P. Varghese v. Income Tax Officer, Ernakulam, AIR 1981 SC 1922.
30. B. Prabhakar Rao and Others v. State of Andhra Pradesh & Others, AIR 1986 SC 120.
31. State of Kerala v. Mathai Verghese & Others, AIR 1987 SC 33.



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32. General Electric Co. v. Renusagar Power Co. (1987) 4 SCC 137.
33. U.P. Bhoodan Yagna Samiti v. Braj Kishore, AIR 1988 SC 2239.
34. Pepper v. Hart (1993), 1 ALLER 42 (HL).
35. Institute of Chartered Accountants of India v. Price Waterhouse, AIR 1998 SC 74.
36. Mr. 'X' v. Hospital 'Z', AIR 1999 SC 495.
37. S.R. Chaudhuri v. State of Punjab & Others (2001) 7 SCC 126.
38. Distt. Mining Officer v. Tata Iron and Steel Co. (2001) 7 SCC 358.
39. Rupa Ashok Hurra v. Ashok Hurra & Another, AIR 2002 SC 1771.



### LLB(Hons.)

<b>Third Year – 5<sup>th</sup> Semester</b>	<b>Subject Code – H3L2038</b>	<b>Total Credits : 4</b>
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Subject Code:  <b>H3L2038</b>	Subject Name: <b>LAND LAWS INCLUDING TENURE AND TENANCY SYSYTEM</b>	T/L/ETL	L	T / S.Lr	P/R	C
	Prerequisite : Land use agreements, including renting, are an important intersection of property and contract law	T	3	1	-	4

L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab

#### OBJECTIVES

The Objective of the courses is to train the students to Land law deals with the rights to use, alienate, or exclude others from land. Land use agreements, including renting, are an important intersection of property and contract law. Land rights refer to the inalienable ability of individuals to freely obtain, use, and possess land at their discretion, as long as their activities on the land do not impede on other individuals' rights. The purpose of the course, divided across two semesters, is to apprise the students about laws that govern the use and dealing with land and buildings, and regulation and control of activities concerning land. This paper deals with laws that mainly affect urban properties, their development and dealings. Although much of course content involves laws in force in the State of Tamilnadu, the principles governing these laws are common across laws on the subjects in other states. Although detail provisions might differ in laws of other states,

#### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding and to equip the student with all other laws that affect use and dealings of land, and activities that enable its best exploitation
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<b>CO2</b>	To develop and study of principles that underpin the laws forming part of this course will enable the student to apply these to similar laws in other states											
<b>CO3</b>	To develop basic ability to analyse laws in force in the State of Tamilnadu, the principles governing these laws are common across laws on the subjects in other states											
<b>CO4</b>	To understand the laws that mainly affect urban properties, their development and dealings.											
<b>CO5</b>	To understand the use and dealing with land and buildings, and regulation and control of activities concerning land											
Mapping of Course Outcome with Program Outcome (POs)												
<b>Cos/POs</b>	<b>PO1</b>	<b>PO2</b>	<b>PO3</b>	<b>PO4</b>	<b>PO5</b>	<b>PO6</b>	<b>PO7</b>	<b>PO8</b>	<b>PO9</b>	<b>PO10</b>	<b>PO11</b>	<b>PO12</b>
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
<b>COs/PSOs</b>	<b>PSO1</b>				<b>PSO2</b>				<b>PSO3</b>			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low												
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills			





				✓					
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## **COURSE OUTLINE**

### **MODULE– I: LAWS RELATING TO TAMIL NADU ESTATE AND LEASE HOLDS:**

- Estate, Inam Estate, Landholder, Principal Landholder, Settlement Officer, Under-tenure
- Estate, Zamindari Estate
- Grant of Ryotwari Pattas
- Protection of certain rights and enforceability of certain obligation
- Determination, apportionment and payment of Compensation
- Basic annual sum for Zamindari and Inam estates.

### **MODULE – II: UNDERSTANDING THE WORKING PROCESS OF CEILING ON LAND HOLDINGS:**

- Definitions: family, ceiling area, Stridhana land- fixation of ceiling on land holdings
- Ceiling on future acquisition and restrictions on certain transfer
- Constitution and functions of the land board
- Permission by government to hold excess land – cultivating tenant's ceiling area
- Exemptions
- Land tribunal
- Appeal
- Revision.

### **MODULE– III: REVISITING THE OWNERSHIP RIGHTS ON APARTMENTS:**

- Definitions: Apartment- apartment owner- competent authority
- Ownership, heritability and transferability of apartments
- Deeds of apartment and its registration
- Society or association of apartment owners, its bye-laws and functions
- Common profits, common expenses and other matters.

### **MODULE – IV: DETAILING THE LAW RELATING TO TOWN AND COUNTRY PLANNING:**

#### **A. Definitions –**

- constitution and incorporation of the Tamil Nadu town and country planning authorities



- constitution and incorporation of the metropolitan Development
- authority for the Chennai metropolitan (CMDA) Planning area and special provisions relating thereto
- planning areas, planning authorities and plans
- acquisition and disposal of land
- special provisions regarding new town development authority.

**B. Definitions:**

- proprietor
- survey mark
- survey of government lands
- powers of survey officer
- appeal
- revision
- survey of estates
- duties of village officer.

**C. Definitions**

- issue of Patta Pass Book
- making of entries of registration of alienation or transfer in Patta pass book
- prima facie evidence
- modification of entries in patta pass book
- appeal
- revision.

**MODULE– V: LEGAL NOTION BEHIND PROHIBITION OF  
LAND ENCROACHMENT:**

**a. Definitions**

- land encroachment
- liability for encroachment
- recovery of penalty
- power to make rules
- limitation for appeal and revision.

**b. Definitions:**

- Ayacut Area, Field Channel, Foreshore Area, Supply Channel, Surplus Course, Surplus Weir, Tank
- power to direct survey of tanks
- power of survey officer
- eviction of encroachment



- alienation of poramboke lands.

## **MODULE– VI: STATUTORY REGULATIONS IN RURAL DEVELOPMENT:**

### **Tamil Nadu District Municipalities Act, 1920**

- Town Panchayats- establishment, constitution and Government of district municipalities
- Requisitioning of Property for Election Purposes
- Powers of Municipal Authorities in Respect Of Property, Contracts and Establishment
- Property tax
- Building regulations
- Building regulations in hill stations
- Nuisances: control over abandoned lands, untrimmed hedges, etc
- Licenses and fees
- Rules, by-laws and regulations.
- 

### **STATUTORY MATERIALS:**

1. Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948
2. The Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963
3. TN Land Reforms Fixation of Ceiling on Land Act, 1961 [including amendments]
4. The TN Apartment Ownership Act, 1994
5. Tamil Nadu Town and Country Planning Act, 1971
6. Tamil Nadu Survey and boundaries Act, 1923
7. Tamil Nadu Patta Pass Book Act, 1986
8. Tamil Nadu Land Encroachment Act, 1905
9. Tamil Nadu protection of Tanks and Eviction of Encroachments Act, 2007
10. Tamil Nadu District Municipalities Act, 1920

### **LEARNING OUTCOME:**

After completion of the course students will be able to-

- equips the student with all other laws that affect use and dealings of land, and activities that enable its best exploitation



- study of principles that underpin the laws forming part of this course will enable the student to apply these to similar laws in other states.

**LLB(Hons.)**

<b>Third Year-5<sup>th</sup> Semester</b>	<b>Subject Code – H3L2037</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b><u>RIGHT TO INFORMATION</u></b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2037</b>	Prerequisite : right to information which is one of the fundamental right implied under article 19(1)(a) of the constitution	T	3	1	-	4
L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab						
<b>OBJECTIVES</b>						



The Objective of the courses is to train the students to deal with law relating to right to information which is one of the fundamental right implied under article 19(1)(a) of the constitution and it emphasis on application to provide a strong understanding of the fundamental concepts related to RTI.

### **COURSE OUTCOMES (Cos)**

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the language and its relevance in understanding the nature of law.
<b>CO2</b>	To develop written and oral communication skills
<b>CO3</b>	To develops basic ability to analyse and advice legal aspects
<b>CO4</b>	To understand the prose section
<b>CO5</b>	To understand basic grammar and do transcription exercise

### **Mapping of Course Outcome with Program Outcome (POs)**

<b>Cos/POs</b>	<b>PO1</b>	<b>PO2</b>	<b>PO3</b>	<b>PO4</b>	<b>PO5</b>	<b>PO6</b>	<b>PO7</b>	<b>PO8</b>	<b>PO9</b>	<b>PO10</b>	<b>PO11</b>	<b>PO12</b>
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
<b>COs/PSOs</b>	<b>PSO1</b>				<b>PSO2</b>				<b>PSO3</b>			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			



CO4	2			1			1		
CO5	3			-			-		
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low									
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/T echnical Skills	Internships/T echnical Skills
				✓					

## COURSE OUTLINE

### Module-I :Transparency and Information:

Historical Evolution of Right to Information, Need for Information, The Need of Strengthening the process of transparency, Administrative Efficiency and Right to Information, Public Accountability and Right to Information, RTI and its relationship with Good Governance, International Perspective of Right to Information, UDHR, ICCPR, ICESCR etc, Position in other countries

### Module-II :Indian Constitution and Right to Information:

Freedom of Speech and Expression and Right to Know/ Information under Article 19(1)(a) of the Constitution, Right to Information and right to life and personal liberty (Article 21), From Right to Privacy to Right to Information, RTI and Rights of Arrested Person (Article 22), From Right to Vote , Right to Know the Antecedents of Election Candidates, From Right to Environment, Right to Know Environmental Information

### Module-III: Legislating the Right to Information:

History, Attempts to Breach the Officials Secrets Act, The Press Council, NIRD draft, The Freedom of Information Bill, 2000, State Laws and Administrative Instructions: The Goa Right to Information Act, Tamil Nadu Right to Information Act, The Madhya Pradesh Right to Information Act, 2000, The Rajasthan Right to Information Act, 2000, The Karnataka Right to Information Act, 2000, Delhi Government Orders on Right to Information, RTI and other Laws: The Indian Evidence Act, 1872 (Section 76), The Consumer Protection Act 1986 (Section 6), The Public Records Act, 1993, The Representation of Peoples Act, 1950

### Module-IV: Salient Features of the Right to Information Act 2005:



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Scope and applicability, Interpretation Clause, Information, Right to Information, Appropriate Government, Competent Authority, Public Authority etc, Citizens Right to Information (Section 3) and practical regime of RTI, Enforceability of RTI, Mechanism under the Act

### **Module-V: Public Authority under RTI Act:**

Definition of Public Authority, Comparison with definition of 'State' under Article 12 of the Constitution of India, Suo Motu Disclosure by Public Authorities, Obligations of Public Authority (Section 4), Judicial interpretation of Public Authority, Status of NGO's, Political Parties, Private Persons etc

### **Module-VI: Nature of RTI, Exemptions and Limitations:**

Nature of RTI, Whether absolute, Exemptions under Section 8 of the RTI, Act, Public Interest v. Protected Interest, Copyright exemption, Severability, Third Party Information, Impact of Exemptions, Exceptions and Limitations on the RTI

### **Module-VII: Implementing RTI Act and Composition of Commission:**

Procedure to Obtain Information, Application for Information (Section 6), Information Fee and Cost of Information, Role of APIOs and PIO, Time Schedule for disposal for Application, Disposal of Third Party Information and procedure, RTI and Human Rights, Constitution of Information Commissions: Central Information and State Information Commission, Qualification of Information Commissioners and Chief Information Commissioner, Powers and Functions of the Information Commissions, Working of the Information Commissions: Analysis, Activism from the Information Commission: Theory and Effect

### **Module-VIII: Ecological Perspective and Implementation Issues:**

RTI and Environmental Protection, Position under the Environmental Laws, Environmental Impact Assessment, Environmental Public Hearing, Indian Ecological Perspective of Right to Know, Right to Information Act and Environment, Case Study, Information Audit, Spreading RTI Awareness, Misuse of RTI, Role of RTI Activists/NGO's, Balancing Private Information and Public Interest, Achieving objects of RTI, The Way Forward.





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**Books for Readings:**

1. KM Shrivastava, The Right to Information: A Global Perspective (2013)
2. Sairam Bhat, Right to Information (2012)
3. Rajvir S Dhaka, Right to Information and Good Governance (2010)
4. J N Barowalia, Commentary on the Right to Information Act (2010)

**Books for reference:**

1. P.K Dass, Handbook on Right to Information Act
2. Niraj Kumar, Handbook on Right to Information Act 2005
3. S.K Agarwal , Right to Information

**LLB(Hons.)**

<b>Third Year – 5<sup>th</sup> Semester</b>	<b>Subject Code – H3L2039</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b>ELECTION LAW</b>							T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2039</b>	Prerequisite : responsive representatives forgood governance.							T	3	1	-	4
L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab												
<b>OBJECTIVES</b>												
The Objective of the courses is to train the students in Democracy as it is one of the basic features of the Constitution and free and fait elections is the cornerstone for constructive realization for democratic deals and aspirations of the people of a country. This paper is intended to acquaint the students regarding the significanceoffreeandfairelectionsandvariousintricaciesoftheElectionsLaw, including electoral corrupt practices, which will facilitate them to choose responsive representatives forgood governance.												
<b>COURSE OUTCOMES (Cos)</b> Students completing this course were able to												
<b>CO1</b>	To have an elementary understanding train the students in Democracy as it is one of the basic features of the Constitution											
<b>CO2</b>	To develop acquaint the students regarding the significance of free and fair elections and various intricacies of the Elections Law											
<b>CO3</b>	To develops basic ability to facilitate them to choose responsive representatives forgood governance.											
<b>CO4</b>	To understand the electoral section											
<b>CO5</b>	To understand basic constitutional guarantees.											
Mapping of Course Outcome with Program Outcome (POs)												
<b>Cos/POs</b>	<b>PO1</b>	<b>PO2</b>	<b>PO3</b>	<b>PO4</b>	<b>PO5</b>	<b>PO6</b>	<b>PO7</b>	<b>PO8</b>	<b>PO9</b>	<b>PO10</b>	<b>PO11</b>	<b>PO12</b>



CO1	1	-	1	1	1	1	-	-	2	-	-	-
CO2	1	-	1	1	1	1	-	-	2	-	-	-
CO3	-	1	-	-	-	-	1	1	1	1	1	1
CO4	2	3	2	2	2	2	3	3	1	3	3	3
CO5	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
CO1	1				3				3			
CO2	1				3				3			
CO3	-				3				3			
CO4	2				1				1			
CO5	3				-				-			
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low												
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/T echnical Skills	Internships/T echnical Skills			
				✓								

### MODULE-I: Meaning and Concept of Election and Election Dispute

- Democracy and Election
- Representation by People
- Adult suffrage
- Meaning of election and election disputes
- Challenge to Election: Whom and How to Make

f. Forum for filing Election Petition



- g. Parties to ElectionPetition
- h. Contents of ElectionPetition
- i. Grounds of Challenge to Election
- j. Trial of ElectionPetition
- k. RecriminatoryPetition
- l. Withdrawal, Abetment andAppeal
- m. Election to President and VicePresident
- n. CompositionandPowersofElectionCommission(PartXV-Article324-329ofthe Constitution ofIndia)

## **Module-II:**

### **COMPOSITION, POWERS AND FUNCTIONS OF ELECTION COMMISSION**

- a) Constitutional provisions,
- b) Representation of People's Act, 1950,
- c) Delimitation Act, 2002,
- d) Presidential and Vice-Presidential Act, 1952,
- e) Composition and dissolution of Parliament and State legislatures

## **MODULE-III:QualificationandDisqualificationofCandidates**

- a. Meaning and Distinction Between Qualification and Disqualification
- b. QualificationsandDisqualificationsProvisionsunderIndianConstitutio  
nandthe Representation of Peoples' Act,1951
- c. Office ofProfit
- d. GovernmentContract
- e. DisqualificationsonConvictionsundertheRepresentationofPeoples' Act,1951
- f. Anti-DefectionLaw

## **MODULE-IV:Nomination(Sections30-39,s100(1)(c),s100(1)(d)oftheRepresentationof Peoples' Act,1951**

- a. Meaning of ValidNomination
- b. Procedure for Filing of Nomination Security Depositsetc.
- c. Grounds of Rejection of and Withdrawal ofNominations



- d. Voter's Right to Know Antecedent of the Candidates
- e. Recognition of Political Parties and Election Symbols

### **MODULE-V: Corrupt Practices**

- a) Meaning and Distinction between Corrupt Practices and Electoral Offences
- b) Substantive Corrupt Practice: Bribery, Undue Influence, Character, Assassination of Candidates, Appeal on the Grounds of Religion, Race, Caste, etc.

### **MODULE-VI:**

#### **ELECTIONS TO PANCHAYATS AND MUNICIPALITIES**

- a) Constitutional provisions, Nominations – Requirements of valid nominations for candidates,
- b) Office of profit- Parliament (Prevention of Disqualification) Act, 1959,
- c) Disqualification for Government contracts,
- d) Disqualification on conviction of certain offences
- e) Representation of Peoples Act, 1951,
- f) Eligibility to contest elections

### **MODULE-VII:**

#### **ELECTORAL REFORMS**

- a) Representation of People Act – Sec 33A and 33B,
- b) 170th Report of Law commission on Electoral Laws, 1999,
- c) Goswami Committee Report on Electoral Reforms, 1990,
- d) Vohra Committee Report on Criminalization of Politics, 1993

### **Text Books:**

1. V.S.RamaDevi & S.K.Mehendiratta, Election Law, Practice and Procedure, Butterworths Publishers, 2013
2. P.C.Jain & Kiran Jain, Election Law and Practice, Chawla Publishers, 2012

### **References:**

1. P.M.Bakshi, The Constitution of India, Universal Publishing Company Ltd., 2014



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2. The Representation of Peoples' Act, 1950 (Bare Act), Universal Publishing Company Ltd.,



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2014

3. TheRepresentationofPeoples' Act,1951(BareAct),UniversalPublishingCompany Ltd.,2014
4. ThePresidentialandVice-Presidential(Election)Act,1952(BareAct),Universal  
Publishing Company Ltd.,2014
5. TheRegistrationofElectorRules,1960(BareAct),UniversalPublishingCompany Ltd.,2014
6. TheConductofElectionRules,1961(BareAct),UniversalPublishingCompanyLtd., 2014





### LLB(Hons.)

<b>Third Year – 6<sup>th</sup> Semester</b>	<b>Subject Code – H3L2021</b>	<b>Total Credits : 4</b>
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Subject Code:  <b>H3L2021</b>	Subject Name: <b><u>DRAFTING, PLEADING AND CONVEYANCING</u></b>	T/L/ETL	L	T / S.Lr	P/R	C
	Prerequisite : composition or writing of a document in common parlance	T	3	1	-	4

L : Lecture, T : Tutorial, SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL : Theory / Lab / Embedded Theory and Lab

#### OBJECTIVES

The Objective of the courses is to train the students on Drafting by understanding means a composition or writing of a document in common parlance. In a legal profession drafting is an art which means a legal drafting includes various form of legal composition. In a lawyering drafting of legal notice shall be an inevitable. In every lawyering preparation of legal notice shall be at a first level. In order to plead before the court drafting of pleading includes criminal, civil and other kind of pleadings it is to be prepared in accordance with provisions of law. Usually pleadings are statements drawn by parties either the party who sued or the opponent sometimes third party (Third Party Affidavit). The pleading shall be specific and must not be conflict with governed procedure allowed in the court. The purpose of pleadings rule shall be access to justice and to prevent multiplicity of proceedings. Conveyancing is the process in which parties are transferring their legal title or legal entitlement of a property. Conveyancing a document is governing under a prescribed form derived in a law of conveyancing like sale deed, gift deed and other form of documents. This course must be substantially considerable of a lawyering and legal practice.

#### COURSE OUTCOMES (Cos)

Students completing this course were able to



	To have an elementary understanding by cultivating the skills of document writer or an advocate who is empowered to draft deeds.
<b>CO2</b>	To develop written and oral communication skills by understanding deed which have certain legal conditions and other formalities these are governed by law of contracts, property law, land laws, registration act, stamp act and other legal provision of law
<b>CO3</b>	To develops basic ability to analyse and advice legal aspects of of conveyancing which has been digitalised and the registration department has uploaded alltype of deeds in their portal to make easy access of conveyancing to every citizen.
<b>CO4</b>	To understand the depth knowledge in this subject matter and to understand the nature of drafting in pleadings and conveyancing.
<b>CO5</b>	To understand and utilize the successful completion of lawdegree because students taking practice before the court find drafting and pleadings most necessary.

Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low



Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

## COURSE OUTLINE

### Module I: Introduction

Drafting – the meaning, scope and significance

Legal drafting – Legal notice, Sec.138 N.I Act notice, Suit Notice, Matrimonial issues

Notice, M.V. Act cases Notice, Reply Notice –

Complaint – depth knowledge in legal language and legal writing – use appropriate legal terminology – purpose of notice – time prescribed in notice – appropriate remedy required

**Module – II: Pleadings** – Civil Pleadings – Substantive provisions (theoretical approach) and Forms (practical exercise)

Meaning, Scope and significance – civil pleadings

Trial court pleadings : Complaint, Written Statement, L R Petition, Counter petition, Affidavit, Execution Petition, Interlocutory Application, Sub-Application,

Appellate court pleadings : Civil Appeal, First Appeal, Second Appeal, Civil Revision Petition, Appointment of Advocate Commissioner, Restoration Petition, Adjournment Petition

**Module – III: Pleadings** – Criminal Pleadings – Substantive provisions (theoretical approach) and Forms (practical exercise)

Meaning, scope and significance – criminal pleadings

Prosecution Pleading – Police custody petition, Petition for withdrawal from prosecution, Criminal Appeal from prosecution, Counter Affidavit filed by prosecution –

Defence Pleading – Bail Petition, Anticipatory Bail, Discharge Petition,

Criminal Appeal from conviction – other petitions – Quash Petition

Third party pleading - Return of Property petition, intervener petition, transfer of criminal cases, Direction petition,

**Module – IV: Pleadings** – Appellate Side, Original Side Pleadings and High court and Supreme Court pleadings (theoretical approach and practical exercise)

Civil Miscellaneous Appeal,



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Civil Miscellaneous Petition,

Writ Petitions and Habeas Corpus Petition, Writ Appeal

Civil Suit, Original Petition,

Company Petition, ,

Criminal Original petition,

Public Interest Litigation

**Module – V: Pleadings – Other Pleadings – Substantive provisions (theoretical approach) and Forms (practical exercise)**

Private complaint,

Matrimonial cases petition,

Motor Accident Claimant Original Petition,

Rent Control Original Petition,

Labour Issues Petition

**Module VI: Conveyancing – General principles**

Meaning, scope and significance, elements and components of deed, Registration

– Compulsory registration, optional registration and not necessary to register –

Stamp Act – types of stamps – judicial stamp and non-judicial stamp, impressed stamp and adhesive stamp – rights of property - transferable and non-transferable properties

**Module – VII: Conveyancing – Substantive provisions (theoretical approach) and Deeds (practical exercise)**

Sale Deed – Agreement for sale and Agreement of sale,

Gift Deed and Power of Attorney – within family members and others,

Mortgage Deed – Classification of Mortgage, registration of Mortgage and its stamp duty –

Lease and Licence –

Testamentary deeds : Will – Partition Deed – Settlement Deed,

Hire purchase Agreement,

Cancellation Deed,

Release Deed and other deeds

Apart from explaining the relevant substantive provisions of law in a theoretical method / lecture method of teaching, this is a practical and clinical course so class room exercise may include 15 practical exercise in pleadings and 15 practical exercise in conveyancing and each exercise may carry 3 marks, hence total 90 to be awarded in a practical approach of every student. 5 marks for mid – semester and 5 marks shall be for attendance. Hence total marks shall be 100. This course is a clinical paper hence it is a internal assessment of a student.

**Recommended Readings:**



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- Murali Manohar, Conveyancing and Pleading, 2nd Edn -2004, EBC,Lucknow.
- KS Gopalakrishnans Pleadings and Practice, ALT Publications, Hyderabad,2004.
- MC Agarwal & GC Mogha, Mogha's Pleading, 17th Edn - 2006, EBC,Lucknow.
- GF Harwood, Odgers on Pleadings and Practice, 20th Edn- 1971, Universal Law Publishing Co. Pvt Ltd.,Delhi.
- Justice Thakker, Code of Civil Procedure, 5th Edn - 2007, EBC,Lucknow
- Statues for reference in substantive provisions and Forms
- Code of Civil Procedure, 1908
- Code of Criminal Procedure,1973
- Transfer of Property Act,1872
- Indian Contract Act,1872
- Motor VehiclesAct
- Appellate SideRules
- Original SideRules
- RegistrationAct
- StampAct
- Civil and Criminal Rules ofPractice

- E – Source

[www.tnregin.in](http://www.tnregin.in)( Guideline value, Encumbrance and other e services)

- Cases for Guidance:
- Lakshmi Narayan Deo Vasti Temple vs. Narayan F. Marathy (1995) 2 Bom CR610
- Prabodh Verma vs. State of UP (1984) 4 SCC251
- Someswer vs. Tribhuban AIR 1934 PC130
- Narinder Nath vs. Jaswant Singh AIR 1994 P&H 111
- Syed Muhammed vs. Fattah Muhammed ILR 22 Cal. 324(PC)
- Viswanath vs. Ram Narayan AIR 1940 All405
- Tika Khawas vs. Pasupathi AIR 1986 Sikk.6
- Motilal vs. Yudhistir AIR 1950 PC73
- Brijlal vs. Parvathy AIR 1982 Del.114
- Firm Gopal & Co. Ltd vs. Firm Hazarilal AIR 1963 MP37
- Keshab Rao vs. Chandrabhan AIR 1980 Bom380
- Onkar Nath vs. Vedvyas 1978 Ren.CR 408 (HP)
- Iyakku Matho vs. Julius Elias Metropolitan AIR 1962 Ker19
- Rooplal vs. Nachhittar AIR 1982 SC1559
- A K Gupta vs. DVC AIR 1967 SC961
- G. Nagamma vs. Siromanamma (1996) 2 SCC25
- Phula Devi vs. Mangtu Maharaj AIR 1969 Pat 284
- Jagjiban Das vs. Gunan Bhai AIR 1967 Guj1
- N.Naidu vs. K.Naidu AIR 1969 Mad329



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- N.Naidu vs. K.Naidu AIR 1969 Mad329
- Jogeshwar vs. Sheopujan AIR 1986 Pat35
- State of Maharatsra vs. Glaxo 1979 Bom CR321
- Raghunath Das vs. Union of India AIR 1969 SC674
- State of MP VS. Lajjaram AIR 1961 MP 339



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## **Learning Outcomes**

It is a practical and clinical course hence the student community has to learn not only from the text but also practical approach must be required. Experienced and learned advocates are used to take part in teaching this course. After successful completion of this course, the students shall be equipped to start / establish a law firm and will co-ordinate registration work. Here the document writer or an advocate who is empowered to draft deeds. The deed shall have certain legal conditions and other formalities these are governed by law of contracts, property law, land laws, registration act, stamp act and other legal provision of law. In digital India, the form of conveyancing has been digitalised and the registration department has uploaded all type of deeds in their portal to make easy access of conveyancing to every citizen. The law students shall have depth knowledge in this subject matter and to understand the nature of drafting in pleadings and conveyancing. After successful completion of law degree students will take practice before the court drafting of pleading is most necessary.





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### LLB(Hons.)

<b>Third Year – 6<sup>th</sup> Semester</b>	<b>Subject Code – H3L2040</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b>MOOT COURT EXERCISE AND INTERNSHIP</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2040</b>	Prerequisite : English language, linguistic, phonetics.	T	3	1	-	4
L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab						
<b>OBJECTIVES</b>						
Moot court participation and exercise has become a vital component in the law course. This enables practical application of laws and the professional training to the students forowning the skills of advocacy. Identification of facts, application of the laws, framing of issues, elicitation of evidence, oral presentation skills and organization of arguments withpersuasive presentation are to be main emphasising components in the course. Internship will enable the students to gain experience of visiting courts, observe proceedings, take notes and watch advocates conducting trials, arguments, appreciation of evidence and logical reasoning.						
<b>COURSE OUTCOMES (Cos)</b> Students completing this course were able to						
<b>CO1</b>	To have an elementary understanding of the language and its relevance in understanding the nature of law.					
<b>CO2</b>	To enable practical application of laws and the professional training to the students forowning the skills of advocacy					
<b>CO3</b>	To develops basic ability in Identification of facts, application of the laws, framing of issues, elicitation of evidence, oral presentation skills and organization of arguments					



<b>CO4</b>	To understand trials, arguments, appreciation of evidence and logical reasoning
<b>CO5</b>	To understand basic grammar and do transcription exercise

Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3

COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			
<b>CO4</b>	2				1				1			
<b>CO5</b>	3				-				-			

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
				✓					

**Moot Court Exercise and Internship**



This paper may have three components of 30 marks each and a viva for 10 marks.

**(A) Moot Court (30 marks)**

Every student may be required to do at least three Moot Courts in a year with 10 marks for each. The Moot Court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral Advocacy.

**(B) Observance of Trial in two cases, one Civil and one Criminal (30 marks)**

Students may be required to attend two Trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the Court assignment. This scheme will carry 30 marks.

**(C) Interviewing Techniques and Pre-trial Preparations and Internship Diary (30 marks)**

Each student will observe two interviewing sessions of clients at the Lawyer's Office/ Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and Court papers by the Advocate and the procedure for the filing of the Suit/Petition. This will be recorded in the diary, which will carry 15 marks.

**(D) Viva Voce Examination**

The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

**Recommended Readings:**

1. Glanville Williams, Learning the Law, (14<sup>th</sup> ed.,) Sweet and Maxwell, UK.
2. Nomita Aggarwal, A Beginners's Path to Moot Court , Universal Law Publishing, 2014
3. Kailash Rai, Moot Court ( Pre-Trial Preparation and Participation in Trial Proceedings) 5<sup>th</sup> ed, Central Law Agency 2015
4. K.L.Bhatia, Moot court and Mock Trial –Art to and Art of Advocacy: Essential of Court Craft, Universal Law Publishing, 2013
5. K. Evans, Language of Advocacy, 1<sup>st</sup> Indian Reprint, Universal Law Publishing 2000
6. J Hill, Practical Guide to Mooting, 1<sup>st</sup> Indian Reprint, Palgrave Macmillan, 2009



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7. J Snape and G. Watt, How to Moot-A Student Guide to Mooting, Oxford University Press 2005
8. U Sakhalkar, Developing Skills through Moot Court and Mock Trial, Allahabad Law Agency, 2014
9. B. Malik, Art of a Lawyer-Cross Examination, Advocacy, Courtmanship, Universal Law Publishing 2014
10. D. Pope and D Hill, Mooting and Advocacy Skills, 1<sup>st</sup> South Indian edn, Sweet and Maxwell, 2014.

### **Learning Outcomes:**

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

- Enhance analytical as well as critical thinking of students over interesting and contemporary legal issues
- Demonstrate a thorough and contextual knowledge of the various laws particularly in its application to real and hypothetical legal problems
- Acquire skill in advocacy, legal research and writing skills
- Gain interest in advocacy and competence as an advocate.



Subject Code:	Subject Name: <b><u>INTELLECTUAL PROPERTY RIGHTS LITIGATION</u></b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2035</b>	Prerequisite : transfer of rights and enforcement of rights in case of infringement	T	3	1	-	4
L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab						
<b>OBJECTIVES</b>						
The Objective of the courses is to train the students to in Litigation in Intellectual Property Rights (IPR) is India is quite diverse because there are multiple Courts and different Courts have different practices. Such varied practices require the formulation of different strategies.This Course is intended to teach students the transfer of rights and enforcement of rights in case of infringement. Civil, Criminal and Administration remedies provided under the Law will be examined. The obligations under TRIPS and the Dispute settlementmechanism Under TRIPS will also be examined in the light of the cases.This Course is intended to teach the students the transfer of rights andenforcement of rights in case of infringement.						



### COURSE OUTCOMES (Cos)

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the Civil, Criminal and Administration remedies provided under the Law will be examined.
<b>CO2</b>	To develop and detailing the obligations under TRIPS and the Dispute settlement mechanism Under TRIPS will also be examined in the light of the cases.
<b>CO3</b>	To develops basic ability for the students with regard to the transfer of rights andenforcement of rights in case of infringement.
<b>CO4</b>	To understand the obligations under TRIPS and the Dispute settlementmechanism under TRIPS
<b>CO5</b>	To understand the formulation of different strategies

### Mapping of Course Outcome with Program Outcome (POs)

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
<b>CO1</b>	1				3				3			
<b>CO2</b>	1				3				3			
<b>CO3</b>	-				3				3			



CO4	2			1			1		
CO5	3			-			-		
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low									
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/T echnical Skills	Internships/T echnical Skills
				✓					

-

### **MODULE – I : LITIGATION RELATING TO PATENT AND TRADE SECRET**

- Infringement of patent
- literal infringement
- Interpreting claims
- Doctrine of equivalents
- Doctrine of pith and marrow doctrine
- Comparative test
- Defences
- Remedies
- IPAB
- Infringement of trade secret - Remedies.

### **MODULE – II : LITIGATION RELATING TO TRADE MARKS AND GEOGRAPHICAL INDICATIONS**

Infringement of trade mark

Right to sue

Facts to be established by the plaintiff

Test to determine deceptive similarity

Difference between passing off

Action and infringement of trade mark

Defences

Remedies





Passing off action Reverse passing off action IPAB  
offences and penalties

Infringement of registered geographical indications

Acts amount to an infringement

Remedies.

### **MODULE – III : LITIGATION RELATING TO COPYRIGHT AND INDUSTRIAL DESIGN**

Copyright infringement

- Right to sue
- Acts constituting infringement

Defences

Remedies

Appeal Procedures

Infringement of copyright on design

Piracy of design what amounts to piracy – factors to be established – Remedies.

### **MODULE – IV : ENFORCEMENT OF IPR UNDER TRIPS**

- TRIPS Provisions Arts 41 to 61
- Minimum standard of protection – civil, criminal, administrative remedies
- Dispute settlement Mechanism
  - Establishment
  - Procedure
  - scope of DSB
  - DSB under WIPO.

### **MODULE – V : FUTURE DEVELOPMENT RELATING TO IPR LITIGATIONS**

- Patent on Life forms
- Patent on nano technology
- Patent on software and issues relating to copyright
- Domain Name Disputes – patent thickets and licensing issues



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- Cloud computing in the Digital Era.

### **Statutory Materials :**

1. Patent Act 1970.
2. Trade Mark Act 1999.
3. Copyright Act 1957.
4. Design Act 2000.
5. TRIPS Agreement.

### **Book for Reference :**

1. Resource Book on TRIPS and Development (UNCTAO)
2. Terrell – “on the Law of patents” (sweet and max well) 1994
3. NARD, „The Law of patents“(Wolters Kluwer) ( Aspen Publication) 2007
4. Ginsburg, Trade Mark and Unfair Competition Law (Foundation Press) 2007
5. W.R. Cornish – Intellectual Property Patents, Copyright, Trademark and Allied Rights (1999) (Sweet and Maxwell London)

### **Learning outcomes**

After completion of the course students will be able to-

- Understand the Civil, Criminal and Administration remedies provided under the Law will be examined.
- Detailing the obligations under TRIPS and the Dispute settlement mechanism Under TRIPS will also be examined in the light of the cases.



**,LLB(Hons.)**

<b>Third Year – 6<sup>th</sup> Semester</b>	<b>Subject Code – H3L2033</b>	<b>Total Credits : 4</b>
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Subject Code:	Subject Name: <b>HEALTH LAW</b>	T/L/ETL	L	T / S.Lr	P/R	C
<b>H3L2033</b>	Prerequisite : who can and mustbe covered by health insurance companies.	T	3	1	-	4

L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab

**OBJECTIVES**

The Objective of the courses is to train the students to understand Healthcare Law which revolves asround individuals who can receive healthcare benefits and concerns that would pay for the healthcare services. Healthcare Law includes who can and mustbe covered by health insurance companies. Healthcare Law includes both litigious as well as non-litigious cases. Typically speaking litigious cases revolve around medical negligence cases, which can be in the form of claims made in clinical, dental or hospital negligence spheres. Non-litigious cases include transactional work in the field of healthcare. Topics include issues of healthcare need, cost and quality control, Medicare and Medicaid, access to health care, the business roles of health institutions, health care contracts and claims, right to treatment, and federal healthplans vs. private health coverage.

**COURSE OUTCOMES (Cos)**

Students completing this course were able to

<b>CO1</b>	To have an elementary understanding of the health law and its relevance in understanding the nature of law.
<b>CO2</b>	This course seeks to explore various areas of the law that deal with creating and maintaining and regulating ‘health.’
<b>CO3</b>	It incorporates broad theoretical basis behind the relationship between law and healthcare services.
<b>CO4</b>	The course aims to give comprehensive and practical approach to the students to make them aware of the developments in medical sciences
<b>CO5</b>	To understand and explore various issues and to enable them to be equipped to face the recent challenges raised by the modern issues in contemporary era.



Mapping of Course Outcome with Program Outcome (POs)												
Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
CO1	1	-	1	1	1	1	-	-	2	-	-	-
CO2	1	-	1	1	1	1	-	-	2	-	-	-
CO3	-	1	-	-	-	-	1	1	1	1	1	1
CO4	2	3	2	2	2	2	3	3	1	3	3	3
CO5	3	3	3	3	3	3	3	3	2	3	3	3
COs/PSOs	PSO1				PSO2				PSO3			
CO1	1				3				3			
CO2	1				3				3			
CO3	-				3				3			
CO4	2				1				1			
CO5	3				-				-			
3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low												
Category	Basic Sciences	Engg.Science	Humanities &social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internships/Technical Skills	Internships/Technical Skills			
				✓								

## COURSE OUTLINE

### MODULE-I-BASICS OF HEALTH LAW

Basic of Health and its provider - Origin & Evaluation -All Council Acts– Need for Health Law  
– Fraudulence, Negligence and Abuse– Human Rights– Rights & Duties of Health Care Provider



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(Public & Private Activities)

## **MODULE-II- LEGAL ASPECTS OF HEALTH LAW**

Role of Health Policy & Health Care Delivery -Functions and Interaction between court Legislation and Regulations – General Laws on Health Law (Medical Allied Agencies) - Specific Laws on Health Law (NDT, PWD/etc)-Medical Ethics & Etiquettes -Growth & Development of Hospital/Health Administration- Constitution, Powers & Functions of Medical Council of India -Constitution, Powers & Functions of Central Council of Indian Medicine -Problem of quackery and Role of Judiciary in preventing quackery- Right to Health as emergent from Constitution Parts III & IV 2. National Health Policy

## **MODULE-III– CONCEPT OF LICENSE AND REGISTRATION PROCEDURE**

Laws relating to Licence, -Registration & Certification of Health-Care Delivery Institutions- Institution for Treatment of Mentally ill Persons -Human Rights of Mentally ill Persons-Problem of Drug Abuse & Drug Addiction- Causes, Consequences & Remedial Measures -The Problem of AIDS and its Socio-Medico Legal Aspects

## **MODULE-IV- MEDICAL JURISPRUDENCE**

The relation between law and medicine – Forensic medicine – the significance of forensic medicine and forensic evidence – Hippocrat's oath – Medical ethics, Indian Medical Council Act, 1956, Bio-ethics, Medical Council

Legal Regulation of Transplantation & Human Organs- Legal Regulation of Prenatal Diagnostic Techniques- Medical Termination of Pregnancy, Artificial Insemination

## **MODULE-V- CONTEMPORARY ISSUES AND CHALLENGES**

Euthanasia - Reproductive technology –surrogate motherhood -Medical termination of pregnancy -Prenatal diagnostic techniques- Professional Accountability and Patient's Rights- Industrial Accidents (e.g. Bhopal Gas Tragedy) –Rail, Air, Eco disaster (Duties of Carriers as well)- Disposal and surgical waste –Liability of public and private health care Units

### **Books for reading:**

1. Health Care In India, An Introduction to law and Legal system- Sairam Bhat, Vinayak Bhat, Rohith Kamath



2. Health Law and Health Care system- Porkodi, Ansarul Haque
3. An Introduction to Health Law- Jyoti Bhakarar
4. Medical Negligence and the law in India, Duties, Responsibilities, Rights- Tapas Kumar Koley
5. Health Law, Ishita Chatterjee
6. Occupational Health Law, Diana Kloss

### LLB(Hons.)

Third Year – 6 <sup>th</sup> Semester	Subject Code – H3L2024	Total Credits : 4
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### LLB(Hons.)

Subject Code:  <b>H3L2024</b>	Subject Name: <b><u>REGULATORYLAW AND LEGISLATIVE DRAFTING</u></b>	T/L/ETL	L	T / S.Lr	P/R	C
	Prerequisite : applicability of various laws	T	3	1	-	4
L : Lecture, T : Tutorial,SLr : Supervised Learning, P: Project, R : Research, C : Credits, T/L/ETL :Theory / Lab / Embedded Theory and Lab						
<b>OBJECTIVES</b>						
The Objective of the courses is to train the students to understand REGULATORYLAW AND LEGISLATIVE DRAFTING which revolves around Governments to regulate the running of the business enterprises whether large or small.It is necessary for the students to have an enlightened awareness about these laws if not an expert knowledge of the same. It is also important for the students to learn how the laws are made in parliament and the rules behind enacting the statutes.						
<b>COURSE OUTCOMES (Cos)</b> Students completing this course were able to						
<b>CO1</b>	To have an elementary understanding of the health law and its relevance in understanding the nature of law.					
<b>CO2</b>	This course seeks to explore various areas of the law that deal with creating and maintaining and regulating ‘health.’					



<b>CO3</b>	It incorporates broad theoretical basis behind the relationship between law and healthcare services.
<b>CO4</b>	The course aims to give comprehensive and practical approach to the students to make them aware of the developments in medical sciences
<b>CO5</b>	To understand and explore various issues and to enable them to be equipped to face the recent challenges raised by the modern issues in contemporary era.

**Mapping of Course Outcome with Program Outcome (POs)**

Cos/POs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
<b>CO1</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO2</b>	1	-	1	1	1	1	-	-	2	-	-	-
<b>CO3</b>	-	1	-	-	-	-	1	1	1	1	1	1
<b>CO4</b>	2	3	2	2	2	2	3	3	1	3	3	3
<b>CO5</b>	3	3	3	3	3	3	3	3	2	3	3	3

COs/PSOs	PSO1			PSO2			PSO3		
<b>CO1</b>	1			3			3		
<b>CO2</b>	1			3			3		
<b>CO3</b>	-			3			3		
<b>CO4</b>	2			1			1		
<b>CO5</b>	3			-			-		

3/2/1 Indicates Strength Of Correlation, 3 – High, 2- Medium, 1- Low

Category	Basic Sciences	Engg.Science	Humanities & social Science	Program Core	Program Elective	Open Elective	Practical/Project	Internship s/T echnical Skills	Internship s/T echnical Skills
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## Module I

### **SEBI Act, 1992:**

Establishment of Securities & Exchange Board – Powers & functions of the Board

- Prohibition of manipulative & deceptive devices, Insider trading & substantial acquisition of securities or control - SEBI (Disclosure and Investor Protection) Guidelines, 2000 as amended in 2008 - Finance, Accounts & Audit — Indian Financial Code’, drafted by the Justice



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## **Module II**

### **The Telecom Regulatory Authority of India Act, 1997:**

TRAI Act, 1997 – Establishment and incorporation of TRAI – Powers and function of authority – Settlement of dispute – Amendment in 2000.

## **Module III**

### **The Electricity Act, 2003:**

Electricity Act 2003 – Licensing – National electricity policy and plan – Central electricity authority – Regulatory commissions – Powers – State Commissions – Tamil Nadu Electricity (Reorganisation and reforms) Transfer Scheme 2010.

### **Pension Fund Regulatory and Development Authority Act, 2013:**

PFRDA – Powers and functions.

## **Module IV -LAW RELATING TO REAL ESTATE REGULATION**

- a. Definitions – Registration of Real Estate Project and Registration of Real Estate Agents – Functions and Duties of Promoter- rights and duties of Allottees – The Real Estate Regulatory Authority – Central Advisory Council – The Real Estate Appellate Tribunal – offences and penalties b. Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018.

### **Module V- Legislative Drafting**

- a) Principles and Process of Legislative Drafting-Qualities of Legislative Drafters Simplicity, Preciseness, Consistency, Alignment with Existing Law, Brevity; (b) Drafting General Laws- Special Laws-Rules-Orders-India and Legislative Drafting and Research Movement in India- Department of Legislative Drafting-Ministry of Law and Justice.

### **Module VI- Process and preparation of legislative drafting**

Process and preparation of legislative drafting -General rules, words selection, syntax, style, punctuation - Reference of other related laws, and existing law –Conformity with constitutional provisions- Legislative Process : Preparatory Process , Conceptual Process , Consultative process , Green & White Papers , and Cabinet control



## **READING MATERIAL:**

### **A. Statutory Material:**

1. Securities & Exchange Board of India Act, 1992
2. Right to Information Act, 2005.
3. Telecom Regulatory Authority of India, 1997
4. The Electricity Act, 2003.
5. Pension Fund Regulatory & Development Authority Act, 2013.
6. The Real Estate (Regulation And Development) Bill, 2013.

### **B. Reference Material:**

1. An Introduction to Law & Regulation - by Bronwen Morgan, Karen Yeung [Cambridge University Press - 2007].
2. The Right to Information: A Global Perspective - by K.M. Shrivastava.
3. Leading Cases on Right to Information - by DivyaJyotiJaipurkar, JayashreeSatpute [Socio Legal Information Cent, 2009].
4. Manual of Right to Information Act - by Raj Pruthi [Pentagon Press, 2006].
5. Business Ethics: An Indian Perspective - by A.C. Fernando [Pearson Education India].
6. SEBI & Securities Market in India - by Sarkriya D.
7. Manual of SEBI, Notifications & Legislations - by Foreign Service Institute, New Delhi].
8. The Telecom Revolution in India: Technology, Regulation & Policy - by Indian Institute of Management, Bangalore (IIMB).
9. Consumers' Handbook on Telecommunications - by TRAI, MahanagarDoorsancharBhawan, Jawaharlal Nehru Marg, New Delhi.
10. Guide To The Electricity Laws - by NaushirBharucha [ISBN: 9788180382123, 2004].
11. Handbook of Electricity Laws - by P.L. Malik [Eastman Book Company].
12. A Critical Commentary on the Electricity Act, 2003 - by VivekSadashicDhamankar&SandeepSheshmal Jain [ISBN: 8181592816].
13. Law of Electricity in India - by Sarkar&Bhatnagar.
14. Law relating to Electricity in India - by AiyerKrishnamurty.
15. Commentary on Electricity Laws, with State Reforms - by S.K. Chatterjee.
16. A Guide to The Electricity Laws - by Justice Rajesh Tandon.



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17. Zander M., The law Making Process, Widenfeld & Icholson, England
18. Renton C' Hee Report. Preparation of Legislation, Sweet & Max Well
19. J. Bentham, Principles of Legislation 41
20. Indian law Institute, The Drafting of Laws (1980)
21. Allen, Law in the making, Sweet and Max Well
22. Renton C' Hee Report, Preparation of Legislation, Sweet and Max Well
23. W. Friedman, Law in a Changing Society (1970)
24. Viswanthan, T.K., Legislative Drafting