



THE TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY

(State University Established by Act No.43 of 1997)

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Registrar i/c

Syllabus copy for all Courses offered by the
Institution for the Year

2020-2021 - 542


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THE TAMIL NADU DR. AMBEDKAR
LAW UNIVERSITY, "POOMPOZHIL"
No.5, DR. D.G.S. DINAKARAN SALAI
CHENNAI - 600 028



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



**SCHOOL OF EXCELLENCE IN LAW
REVISED CURRICULUM (2020-2021)**

For

B.A. LL.B Hons Degree Course

**Course of Law, Eligibility Conditions for Admission, Course
Component, Examination Regulations and Syllabus.**

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I. UNDER GRADUATE COURSE OF LAW

1. Under Graduate Courses of Law:

There shall be five under graduate courses of law leading to Bachelor's Degree in Law as hereunder:

(1) B.A., LL.B., (Bachelor of Arts and Bachelor of Laws): It shall be Integrated Double Degree Five Academic Years Course in Arts and Law.

(2) B.Com., LL.B., (Bachelor of commerce and Bachelor of Laws): It shall be an integrated Double Degree Five years degree course with a combination of commerce and Law.

(3) B.B.A., LL.B., (Bachelor of Business Administration and Bachelor of Laws): It shall be Integrated Double Degree Five Academic Years Course in Management and Law.

(4) B.C.A., LL.B., (Bachelor of Computer Application and Bachelor of Laws): It shall be an integrated five years course with a combination of computer applications and law.

The above five year courses shall be divided into ten semesters.

(5) LL.B., (Hons.): It shall be three Academic Years Degree Course in Law.

Three year course shall be divided into six semesters.

2. Objectives of Revised Curriculum:

The objectives of revised curriculum of courses of law are: (1) To reorient legal education by making provision for sufficient opportunity to the students for extensive as well as intensive study of law. (2) To enable students to acquire knowledge and skills gained from studying law and to facilitate students to analyse law to apply in practical situations. (3) To equip students with strong communication skills and to make them responsible to meet the needs of contemporary requirements of Bar, Bench and Industry in the globalised economic era. (4) To educate them of diverse backgrounds to become effective, ethical and expert personage who are employable in a variety of legal settings.

3. Extent and Application

The rules as to eligibility for admission, course component, curriculum, examination pattern and standard of passing for B.A., LL.B. Hons., B.Com., LL.B. Hons., B.B.A. LL.B. Hons., B.C.A. LL.B. Hons., and LL.B.Hons., given herein shall be applicable initially for the first year of B.A., LL.B. Hons., B.Com., LL.B. Hons., B.B.A. LL.B. Hons., B.C.A. LL.B. Hons., and LL.B. Hons. and will come into force w.e.f. the academic year 2020 - 2021.

II. ELIGIBILITY CONDITIONS FOR ADMISSION

BA/B.COM/ BBA/ BCA LL.B HONS AND LL.B HONS' COURSES:

The eligibility criteria for admission to five year courses and three year courses their duration, marks and the number of seats are mentioned hereunder:

S.No	Name of the course	Duration	Qualifying Exams	Minimum marks in Qualifying Exams		Seats
				SC/ST	Others & NRI	
1	B.A., LLB (Hons.) B.B.A., LL.B.,(Hons)	Five years	HSC(10+2)CBSE/ISC or any other exam recognised as equivalent.	60%	70%	156
			HSC(10+2)CBSE/ISC or any other exam recognised as equivalent. Candidate should have studied Commerce as a subject.	60%	70%	
			HSC(10+2)CBSE/ISC or any other exam recognised as equivalent. Candidate should have studied Computer science as a subject.	60%	70%	
2	B.COM., LL.B.,(Hons)					
3	BCA.,LLB., (Hons)					
4	LL.B., (Hons)	Three years	Any degree under any discipline. 10+2+3 stream alone are eligible	55%	60%	

III. COURSE COMPONENT OF B.A. LL.B. HONS'

- **B.A. LLB. Hons. Course: Number of Subjects**

The Course shall have the following subjects-

- Inter- Disciplinary - 14
- Core Law Papers - 23
- Ancillary Hon's Papers - 06
- Clinical Core Papers- 04
- Specialized Hon's Optional - 08

Total 55

- **Choosing Hons. Specialized Course in Law Subjects for B.A. LL.B. Hon's.**

The arrangement of Hons. Specialized Course in law for B.A LL.B. Hon's., course allows the student to have specialization, to some extent, in (a) International Law and Intellectual Property Rights Group, or (b) Constitutional Law and Property Law Group or (c) Criminal Law and Forensic Science Group or (d) Industrial and Commercial Law Group by choosing the optional subjects from the given list in each semester from Forth Year Onwards.

- **Explanation 1:**

A student willing to have specialization in International Law and Intellectual Property Rights Group can choose optional papers at serial number (a) in each semester from Fourth year onwards for Five Year Course

A student willing to have specialization in Constitutional Law and Property Law Group can choose optional papers at serial number (b) in each semester from Fourth year onwards for Five Year Course

A student willing to have specialization in Criminal Law and Forensic Science Group can choose optional papers at serial number (c) in each semester from Fourth year onwards for Five Year Course

A student willing to have specialization in Industrial and Commercial Law Group can choose optional papers at serial number (d) in each semester from Fourth year onwards for Five Year Course

▪ **Explanation 2:**

This arrangement of optional subjects in law is made to allow the student to have specialization to some extent in a specified group. It will be mandatory for the student to choose subjects as given in explanation 1.

• **Explanation: 3**

University may offer all or any of the groups of specialized Hon's course at its discretion. The student has to choose the group at the beginning of the semester and based on first come first serve basis the group will be allocated.

• **Practical Papers**

In the final semester, a student has to do two practical papers from the group which he/she has selected.

▪ **Explanation 1:**

If the student has selected group (a) International Law and Intellectual Property Law specialization, the student has to do two practical papers one on International Law and other one on Intellectual Property Rights in the final semester.

If the student has selected group (b) Constitutional Law and Property Law specialization, the student has to do two practical papers one on Constitutional Law and other one on Property Law in the final semester.

If the student has selected group (c) Criminal Law and Forensic Science specialization, the student has to do two practical papers one on Criminal Law and other one on Law and Forensic Science in the final semester.

If the student has selected group (d) Industrial and Commercial Law specialization, the student has to do two practical papers one on Industrial Law and other one on Commercial Law in the final semester.

• **Components of Practical Papers**

The following are the components of the practical papers:

1. Longish Paper(Research Oriented Paper): 50 marks
2. Case Comment: 15 marks

3. Book Review:	15 marks
4. Viva Voce:	20marks
Total:	100 marks

• **Miscellaneous Rules of Eligibility for Admission and Syllabus:**

The rules given herein are for the general understanding of the candidates. However, the admission to SOEL and syllabus shall be subject to the rules made and condition prescribed, from time to time, by the University, Central Government, State Government, Bar Council of India, University Grants Commission or any other authority empowered.

• **Removal of Doubts and Difficulties:**

Notwithstanding anything stated in the rules herein or any issue hereinabove, for any unforeseen issues arising, and not covered by the rules herein, or in the extent of differences of interpretation, the Hon'ble Vice Chancellor of the University may take a decision and the said decision of the Hon'ble Vice Chancellor shall be binding.

(*N.B: If there is any amendment or repeal or enactment of any law will be implemented in the next academic year without carrying out any revision of the syllabus.)

B. A. LL.B. HON'S COURSE

I YEAR

I-Semester :

S.No	Subject Code	Subjects
1.	HBA0101	Legal Language and Literature
2	HBA0102	Political, Social and Economic Transformation of India
3	HBA0103	Principles of Economics
4	HBA0104	Principles of Political Science
5	HLC0101	Introduction to Law, Legal Methods and Legal Research

II- Semester :

S.No	Subject Code	Subjects
6	HBA0205	Legal Language and Communication
7	HBA0206	Social Issues and Problems in India
8	HBA0207	Political Thought Indian and Western
9	HLC0202	Legal And Constitutional History
10	HLC0203	Law of Torts

II YEAR

III Semester:

S.No	Subject Code	Subjects
11	HBA0308	General Principles of Sociology
12	HBA0309	International Relations
13	HLC0304	Constitutional Law I
14	HLC0305	Law of Contracts I
15	HLC0306	Law of Crimes I (Indian Penal Code)

IV Semester :

S.No	Subject Code	Subject
16	HBA0410	Sociology and Social Research Methods
17	HBA0411	Law and Economics
18	HBA0412	Public Policy Governance and Law
19	HLC0407	Constitutional Law II
20	HLC0408	Law of Contracts II

III YEAR

V Semester :

S.No.	Subject Code	Subjects
21	HBA0513	Public Administration
22	HLC0509	Jurisprudence
23	HLC0510	Administrative Law
24	HLC0511	Family Law I
25	HLC0512	Company Law

VI Semester :

S.No.	Subject Code	Subjects
26	HBA0614	Political Obligations
27	HLC0613	Family Law II
28	HLC0614	Property Law
29	HLC0615	Law of Evidence
30	HLA0601	Interpretation of Statutes
31	HCC0601	Professional Ethics

IV YEAR

VII Semester :

S.No.	Subject Code	Subjects
32	HLC0716	Introduction to Public International Law
33	HLC0717	Labour Law I
34	HLC0718	Mediation and Conciliation
35	HLA0702	Intellectual Property Law
36	HS10701	a. International Economic Law
	HS10702	b. Comparative Constitutional Law
	HS10703	c. Correctional Process
	HS10704	d. Corporate Securitisation
37	HS20701	a. International Treaties & Conventions on IP
	HS20702	b. Introduction to Land Laws
	HS20703	c. Criminology
	HS20704	d. International Labour Organisation and Labour Jurisprudence

VIII Semester :

S.No.	Subject Code	Subjects
38	HLC0819	Labour Law II
39	HLA0803	Competition Law
40	HLA0804	Cyber Law and Information Technology
41	HS30801	a. International Human Rights Law
	HS30802	b. Human Rights in the Constitutional Law
	HS30803	c. Cyber Crime
	HS30804	d. Insurance Law
42	HS40801	a. IP on Traditional Knowledge and Genetic Resources
	HS40802	b. Land Laws of Tamil Nadu
	HS40803	c. Forensic Science and Investigation
	HS40804	d. Service Laws
43	HCC0802	Alternative Dispute Resolution Policy

V YEAR

IX Semester :

S.No.	Subject Code	Subjects
44	HLC0920	Civil Procedure Code and Limitation Act
45	HLC0921	Law of Crimes II (Criminal Procedure Code)
46	HLA0905	Banking Law
47	HS50901	a. Private International Law
	HS50902	b. Legal Process and Local Governance
	HS50903	c. Juvenile Justice system
	HS50904	d. International Commercial Arbitration
48	HS60901	a. Intellectual Property Litigations
	HS60902	b. RERA and Tenancy Law
	HS60903	c. Psychology of Crime
	HS60904	d. Social Security and Unorganised Labour
49	HCC0903	Drafting Pleading and Conveyancing

X Semester :

S.No.	Subject Code	Subjects
50	HLC1022	Environment Law
51	HLC1023	Law of Taxation
52	HLA1006	Comparative Law
53	HS71001	a. Practical Paper
	HS71002	b. Practical Paper
	HS71003	c. Practical Paper
	HS71004	d. Practical Paper
54	HS81001	a. Practical Paper
	HS81002	b. Practical Paper
	HS81003	c. Practical Paper
	HS81004	d. Practical Paper
55	HCC1004	Moot Court

- **Abbreviations used in Subject Codes :**

The abbreviations used in the subject codes in the course component shall have meaning as under:

- (a) HBA – Inter- disciplinary subject for B.A. LL.B HONS. Course
- (b) HLC – Core Law Papers
- (c) HLA – Ancillary Hon’s Papers
- (d) HCC – Clinical Core Papers
- (e) HS – Specialized Honours Course

IV. EXAMINATION REGULATIONS

These Regulations are made applicable for students joining Five year integrated Degree courses and Three year Degree Courses at the School of Excellence in Law. These regulations cover the following criteria:

1. Internal and External components will be in the ratio of 30:70.

Internal Components: 30 Marks

- Class test - 10 Marks
- Mid Semester - 10 Marks
- Assignment - 05 Marks
- Attendance - 05 Marks

External Components: 70 Marks (Question Paper pattern of the End Semester Exam)

- Part A – Essay Type-Answer any 3 out of 5 questions (10 Marks x 3= 30 Marks)
- Part B – Problems- Answer any 2 out of 4 questions (10 Marks x 2 = 20 Marks)
- Part C – Short Notes- Answer any 4 out of 7 (5 Marks x 4 = 20 Marks)

Internal components

- Mid semester test to be conducted after two months of teaching for 10 marks. Students shall compulsorily write the class test as directed by the subject faculty for each subject for 10 marks.
- Project assignment for 5 marks, Students shall submit the assignments to the subject faculty as directed by them within the stipulated time.
- Every student who has secured a minimum of 50% (15/30) in internals shall be considered to have passed the internals.
- Students who have not done any of the internal components for any valid reasons may be given an additional chance to complete the same during the respective semester on payment of fine of Rs.400 for the first chance and Rs.750 for the subsequent chance within the semester as instructed by the Director. The payment of fine shall be made through challan only.

- All the internal assessment components shall be completed prior to a fortnight before the commencement of the external examinations. No submission of assignments shall be entertained after the last date.
- Any student who has not completed the above said internal components will be allowed to write the external examinations in spite of they have secured the required attendance. Therefore the students are advised to successfully complete the internal components of each subject within the prescribed time as notified by the Director.

External:

- Every student has to secure a minimum of 75 percent attendance in the concerned semester for appearing in the external examinations.
- Candidates who have earned attendance between 67% to 75% on valid reasons are eligible to appear for the examinations provided the lack of attendance is recommended for condonation by Director, SOEL on payment of the prescribed fee of RS.2000/- The condonation fee must be paid by challan only. The condonation fee must be paid on or before the last working day of the concerned semester failing which the candidate has to pay 200 hundred rupees fine if the payment is made prior to the commencement of exams after the commencement of the external examinations the condonation fee will not be accepted and the candidates whose name found in the condonation list shall redo the semester.
- End semester examinations shall be conducted for 70 marks for each subject. Students who have secured 35 marks out of 70 shall be considered to be passed in the external examination.
- A student should secure 50% in both internal as well as external separately to have to be passed in the concerned paper.

2. Class attendance shall carry a maximum of 5 marks which is as follows:

I.	Less than 75%	No mark
II.	75% - 79%	1 marks
III.	80% -84%	2 marks
IV.	85% -89%	3 marks
V.	90% - 94%	4 marks
VI.	95% and above	5 marks

3. The special instructions for attendance is as follows:

- Students representing the university in any of the co-curricular and extracurricular activities will be provided the attendance make up to maximum of 20 percent of the total number of days based on the request made by the student concerned and duly signed and certified by the faculty advisor in charge of the co-curricular and extracurricular Activity before the student(s) concerned along with the certificate shall reach the director, school of excellence in law without any delay.
- In Exceptional cases where the students have to represent the university in any co-curricular or extracurricular activities without the necessary formalities, the same may be explained in their application for attendance make up within three days of their return to the university after such activity. The reason for such delay need to be specified and the same has to be certified by the faculty advisor in charge of such co-curricular or extracurricular activity and forwarded to the Director of SOEL without any further delay.
- A student who has been granted medical leave on the submission of medical certificate by a duly competent authority shall be allowed to appear in the end semester exams provided he/she has put in a minimum of 67 percent attendances in each course. Students securing less than 67% on any circumstances shall not be permitted to appear for the external examinations and they shall redo the semester.
- In any event, no claims for such attendance make up shall be entertained at the end of the semester.
- Attendance makeup shall be admissible, shall be subject to prior approval from the concerned committee in charge for participation in moot courts, seminars, university exchange programmes, conferences, internships, N.C.C., N.S.S., Y.R.C. or any other academic, cultural or sports activities

4. Instructions for Examinations

- Candidates should carefully fill in all the required details in the application form, including name of the candidate, correct register number, date of birth and subject codes, failing which their applications are liable to be rejected.
- Blind candidates are exempted from payment of examination fees. They should enclose copy of medical certificate in evidence of their handicap. However they

should pay the fee for statement of marks, provisional certificate and convocation.

- The fees once paid, will in not be refunded under any circumstances.
- The fees shall be remitted by way of Bank challan only and not by way of D.D.
- All candidates appearing for the examination should forward their applications, through the Director, SOEL and the exam applications will not be submitted to the controller of examinations under any circumstances.
- Candidates should obtain their hall tickets from the Director, SOEL, three days in advance of the commencement of examination, by producing relevant certificate of identity.
- Candidates will not be permitted to write the examination without the hall ticket.
- The answers must be legibly written either in blue or black ink.
- Special sketch pens or other pens should not be used for underlining points.
- The candidates should write the correct register number in the space provided in the first page of the answer book. No other part of the answer book shall contain the name or register number of the candidate.
- The candidates will not be permitted to enter the examination hall after 30 minutes from the commencement of the examinations. No candidate will be allowed to leave the examination hall, within the first 30 minutes from the commencement of the examination.
- Candidates who are intended to write the examination on the particular day/session are not permitted to be outside the examination hall specifically inside the campus of the university after the commencement of the examinations.
- Candidates are not permitted to borrow any stationers from any other candidate during the examination within the examination hall.
- Candidates are required to adhere discipline and rules of the examination within and outside the examination hall so as to facilitate the other candidates to write the examination in a peaceful manner.
- Candidates shall not cause any nuisance either to the co examinee or to the invigilators and they have to adhere the instructions of the hall superintendent.

- The candidates are required to be seated in the examination hall before the commencement of the examination. After the commencement they have to get the permission of the hall superintendent and they have to take their respective seat in the examination hall.
- The candidates should personally hand over the answer papers to the Hall superintendent before leaving the hall.
- Electronic gadgets like cellular phone, pager or other instruments for communication from outside will not be permitted inside the examination hall. Possession of such instruments will also be treated as malpractice in the examination hall and will be punished accordingly.
- Candidates are required to hand keep their belongings including their mobile in their respective cloak rooms and advised to get their token. On return of the token they can get back their belongings from the cloak rooms.
- If the above instructions are not followed or any other similar wrong/delinquency is committed, it will be considered as malpractice and penal action will be initiated against the delinquent student.
- Candidates who have failed any subject are eligible, applying for reevaluation, review and to get their photo copies of their answer books on payment of fees prescribed for the same.

5. Uniform Span Period System (N+2)

According to the system, the students of the various courses of 5 Year Integrated Hons' Degree Programme are permitted to pursue their higher classes and carry forward their backlog papers and has to clear their papers through the regular semester by the University.

The students those who joined in the various programmes from the academic year 2019-2020 onwards are eligible to complete their course of study within the normal period prescribed for such programme without detention.

As per the (N+2) norms, those students who are admitted in the academic year 2019-2020 onwards in various programme of the UG & PG will be given two additional years to complete their arrears of papers, if any, after the completion of the prescribed duration of the study to become eligible for award of degree from the time of joining in the programme.

During such extended period of two years of time span, such candidates (he/she) ceases to be a regular student of the University.

If a student he/she fails to clear the arrears of papers in the extended period (two years) after the normal programme of study shall not be eligible to be qualified for the degree.

SYLLABUS

B. A. LL.B. HON'S COURSE

I YEAR

I-Semester :

S.No	Subject Code	Subjects
1.	HBA0101	Legal Language and Literature
2	HBA0102	Political, Social and Economic Transformation of India
3	HBA0103	Principles of Economics
4	HBA0104	Principles of Political Science
5	HLC0101	Introduction to Law, Legal Methods and Legal Research

II- Semester :

S.No	Subject Code	Subjects
6	HBA0205	Legal Language and Communication
7	HBA0206	Social Issues and Problems in India
8	HBA0207	Political Thought Indian and Western
9	HLC0202	Legal And Constitutional History
10	HLC0203	Law of Torts

II YEAR

III Semester:

S.No	Subject Code	Subjects
11	HBA0308	General Principles of Sociology
12	HBA0309	International Relations
13	HLC0304	Constitutional Law I
14	HLC0305	Law of Contracts I
15	HLC0306	Law of Crimes I (Indian Penal Code)

IV Semester :

S.No	Subject Code	Subject
.		
16	HBA0410	Sociology and Social Research Methods
17	HBA0411	Law and Economics
18	HBA0412	Public Policy Governance and Law
19	HLC0407	Constitutional Law II
20	HLC0408	Law of Contracts II

III YEAR

V Semester :

S.No.	Subject Code	Subjects
21	HBA0513	Public Administration
22	HLC0509	Jurisprudence
23	HLC0510	Administrative Law
24	HLC0511	Family Law I
25	HLC0512	Company Law

VI Semester :

S.No.	Subject Code	Subjects
26	HBA0614	Political Obligations
27	HLC0613	Family Law II
28	HLC0614	Property Law
29	HLC0615	Law of Evidence
30	HLA0601	Interpretation of Statutes
31	HCC0601	Professional Ethics

IV YEAR

VII Semester :

S.No.	Subject Code	Subjects
32	HLC0716	Introduction to Public International Law
33	HLC0717	Labour Law I
34	HLC0718	Mediation and Conciliation
35	HLA0702	Intellectual Property Law
36	HS10701	a. International Economic Law
	HS10702	b. Comparative Constitutional Law
	HS10703	c. Correctional Process
	HS10704	d. Corporate Securitisation
37	HS20701	a. International Treaties & Conventions on IP
	HS20702	b. Introduction to Land Laws
	HS20703	c. Criminology
	HS20704	d. International Labour Organisation and Labour Jurisprudence

VIII Semester :

S.No.	Subject Code	Subjects
38	HLC0819	Labour Law II
39	HLA0803	Competition Law
40	HLA0804	Cyber Law and Information Technology
41	HS30801	a. International Human Rights Law
	HS30802	b. Human Rights in the Constitutional Law
	HS30803	c. Cyber Crime
	HS30804	d. Insurance Law
42	HS40801	a. IP on Traditional Knowledge and Genetic Resources
	HS40802	b. Land Laws of Tamil Nadu
	HS40803	c. Forensic Science and Investigation
	HS40804	d. Service Laws
43	HCC0802	Alternative Dispute Resolution Policy

V YEAR**IX Semester :**

S.No.	Subject Code	Subjects
44	HLC0920	Civil Procedure Code and Limitation Act
45	HLC0921	Law of Crimes II (Criminal Procedure Code)
46	HLA0905	Banking Law
47	HS50901	a. Private International Law
	HS50902	b. Legal Process and Local Governance
	HS50903	c. Juvenile Justice system
	HS50904	d. International Commercial Arbitration
48	HS60901	a. Intellectual Property Litigations
	HS60902	b. RERA and Tenancy Law
	HS60903	c. Psychology of Crime
	HS60904	d. Social Security and Unorganised Labour
49	HCC0903	Drafting Pleading and Conveyancing

X Semester :

S.No.	Subject Code	Subjects
50	HLC1022	Environment Law
51	HLC1023	Law of Taxation
52	HLA1006	Comparative Law
53	HS71001	a. Practical Paper
	HS71002	b. Practical Paper
	HS71003	c. Practical Paper
	HS71004	d. Practical Paper
54	HS81001	a. Practical Paper
	HS81002	b. Practical Paper
	HS81003	c. Practical Paper
	HS81004	d. Practical Paper
55	HCC1004	Moot Court

FIRST YEAR

I-SEMESTER

HBA0101: LEGAL LANGUAGE AND LITERATURE

English I

Objectives of the Course

The objective of the course is to train the student to obtain the basic knowledge of alphabets, words, parts of speech, phrases, clauses and sentences, apart from the need to upgrade English language skills for effective communication. This course focuses on strengthening the students' syntactical competence so as to bring quality and correct grammatical constructions in their writing and it is also meant to train them on how to study for various purposes. The prose lessons prescribed expose the students to different streams of higher thought in the realm of Politics, Law, Society and Literature. This course enables wholesome understanding of English language which plays a vital part in the acquisition of great advocacy skills.

COURSE OUTLINE

Module I: Legal Language and Grammar

- a. Defining Language
- b. Nature of Language
- c. Syntactical Competence (Introductory)
- d. Grammar and Usage-
 - Sentence Structure-Subject and Predicate
 - Concord
 - Tenses
 - Use of Articles
 - Accurate Use of Prepositions
 - Making Questions (Why-and yes-no questions and question tags)
 - Use of Modal Auxiliary Verbs (making requests, suggestions, seeking permission etc.)
 - Some Common Errors

Module II: Sentence Transformation

- a. Active and Passive Voice
- b. Types of Sentences (Statements, interrogative, exclamatory and imperative)
- c. Simple, complex and compound sentences
- d. Reported Speech
- e. Syntactic Ambiguity

Module III: Vocabulary Skills

- a. Idioms and Phrases

- b. One Word Substitution

Module IV: Communication Skills

- a. Communication- Verbal, Non-Verbal and Written
- b. Significance of Communication Skills for Lawyers-Listening, Speaking, Reading and Writing (Introductory)
- c. Electronic Communication and its types (Telephone, Facsimile, E-Mail, Voice Mail, Teleconferencing, Video-Conferencing, Word Processor, Internet, Social Media)
- d. Formal Correspondence
- e. Resume Writing

Module V: Study Skills for Law Students

- a. SQ3R(Survey Question Read, Recite and Review)
- b. Reading-Types-intensive and extensive; techniques-scanning, skimming and critical
- c. Note making
- d. Writing (Correct grammar, spelling, punctuation and clarity)
- e. Paragraph Writing

Module VI: Prose with Legal Themes:

- a. Of Judicature-Francis Bacon
- b. Some Reminiscences of the Bar-M.K. Gandhi
- c. Why the Indian Labor is Determined to Win the War-B R Ambedkar
- d. Joy of Reading- A P J Abdul Kalam
- e. M C Chagla- The Centenary of a Judicial Statesman- V R Krishna Iyer

Module VII: Poetry with Legal and Literature Themes:

- a. Law like love – W.H. Auden
- b. Freedom, Justice and Equality – Lonnie Hicks
- c. Where the Mind is without Fear – Rabindranath Tagore
- d. Stopping by the Woods on a Snowy Evening – Robert Frost.

APPENDIX I

Words Often Confused:

1. Affect - Effect
2. Adverse - Averse
3. Apprehend - Comprehend
4. Adapt - Adopt
5. Accept - Except
6. Advise - Advice
7. Beside - Besides
8. Bridal - Bridle
9. Canon - Cannon
10. Canvas - Canvass
11. Council - Counsel
12. Continual - Continuous
13. Childlike - Childish
14. Collision - Collusion
15. Confirm - Conform
16. Contagious - Contiguous
17. Dual - Duel
18. Elusive - Illusive
19. Eminent - Imminent
20. Facilitate - Felicitate
21. Industrial - Industrious
22. Judicial - Judicious
23. Metal - Mettle
24. Official - Officious
25. Popular - Populace
26. Principal - Principle
27. Stationary - Stationery
28. Wave - Waive
29. Sea - See
30. Momentary - Momentous
31. Junction - Juncture
32. Estimate - Esteem
33. Fain - Feign
34. Flagrant - Fragrant
35. Luxurious - Luxuriant
36. Emigrate - Immigrate
37. Destiny - Destination
38. Disease - Decease
39. Disposal - Disposition
40. Confident - Confidential
41. Corporal - Corporate
42. Congenial - Congenital
43. Compliment - Complement
44. Abstract - Extract
45. Avert - Invert
46. Accede - Exceed
47. Assent - Ascent
48. Attenuate- Extenuate
49. Artful - Artificial

Recommended Readings:

Books

- Smith, A.T.H. *Glanville Williams: Learning the Law*. Sweet and Maxwell Printing Press, 14th edition. 1945
- SP Bakshi. *Easily Accessible: Suitable for Beginners*. Descriptive Analysis.
- Bhatnagar. R. G. *Law and Language*. Trinity Press Private Limited, 2012. Print.
- Raymond Murphy, *Essential English Grammar*. 2nd Edition. Cambridge University: 1990, Print.
- Raymond Murphy. *English Grammar in Use*. 4th Edition. Cambridge University: 1995.
- Martin Hewings. *Advanced Grammar in Use*. 3rd Edition. Cambridge University: 2000.

- David Annousamy - *The Language Riddle*. 5th Edition. Sterling Publication, 2009.
- Lewis, Norman. *Word Power: The Complete Handbook for Building a Superior Vocabulary*.
- A.J. Thomsan. *Practical English Grammar*. Fourth Edition. 2015. Print.
- William Strunk, Jr. Richard De A'Morelli. *The Elements of Style*. Classic Edition: 2018. Print.
- Jane Straus. *The Blue Book of Grammar Punctuation: An Easy-to-Use with Clear rules and Real-World*. 2014. Print.

Further Readings

Books

- 1) Williams, Glanville. *Advanced English Grammar*. Cambridge University Press: New Delhi, 2008.
- 2) Denning, Lord. *Better English Pronunciation*. Cambridge University Press: New Delhi, 2008.
- 3) Jones, Daniel. *Better English Pronunciation*. Cambridge University Press: New Delhi, 2008.
- 4) Bhatnagar, R.P. *English Idioms*. Oxford University Press. 2002.
- 5) David Green - *Contemporary English Grammar Structure and Composition*
- 6) J.C. Nesfield - *English Grammar Composition and Usage*

Journals:

- Phonetics and Audiology Peer Reviewed Open Access Journal
- International Journal of Speech-Language Pathology and Audiology
- Journal of Language and Linguistic Studies.
- Journal of Language and Learning.
- Journal of English as an International Language.
- Journal of Effective learning.
- Journal of Computer-Mediated Communication.
- Electronic Journal of Foreign Language Teaching.

Web sources:

<https://www.easypacelearning.com/all-lessons/english-books-for-download-pdfs-free/1266-idioms-from-a-to-z-pdf-free-to-download>

<https://www.englishclub.com/vocabulary/figures.htm>

<https://www.britannica.com/science/phonetics>

<https://scholar.harvard.edu/files/adam/files/phonetics.ppt.pdf>

<https://www.thoughtco.com/phonetics-definition-1691622>

<https://www.dictionary.com/browse/phonetics>

Learning Outcome:

After undergoing this course, students should be able to:

1. *Comprehend the basic grammatical structure of English language and its proper usage.*
2. *Significantly enhance language skills, both spoken and written.*
3. *Understand the importance of honing advocacy skills.*

HBA0102: POLITICAL, SOCIAL AND ECONOMIC TRANSFORMATIONS OF INDIA

Objectives of the Course:

This paper traces the subaltern history and the movements of the depressed and oppressed sections of a deeply stratified Indian society from the ancient past to the present. An attempt is made to give the law students a glimpse of the changing political social and economic aspects of life from the perspective of the common man. The dynamic changes are perceived through the lens of the ruled. In-depth knowledge about this transformation helps the law students to understand the innumerable problems and issues in the present Indian society with clarity.

COURSE OUTLINE

Module I

Subaltern Movements in India

- a) Subaltern movement: Meaning and significance - Varna Ashrama system— Domination of upper caste –Deplorable condition of Sudras – Slaves (Dasas) and hired labourers– Emergence of Caste system (Jaatis) Anti-caste Historiography- Issue of untouchability
- b) Social Reform Movement and work of reformers
- c) Depressed Classes Movements – Satyashodhak Movement 1873 – Sri Narayana Dharma Paripalana Yogam Movement 1903 – Justice Part 1917 - Mahar Movement 1924 – Self-Respect Movement 1925— Vaikom Satyagraha (1924–25)
- d) Constitutional and statutory protection against untouchability

Module II

Status of women in India

- a) Status of Women In India ancient, medieval and modern periods, – Social exclusionary practises affecting women-Female foeticide – Child marriage – Taboos on widow remarriage –Sati – Dowry – Purdah system .
- b) Policies framed by the British administration to protect Indian women
- c) Women's movements in India – Pre-independence women's movements – Participation of women in the national movement.

Module III

Movements to emancipate women in post independence

- a) Rights of Women guaranteed under the Indian Constitution in Fundamental rights – Directive principles of state policy (Pro women and girl child policies).
- b) Important statutes related to protection of women .
- c) Chipko movement 1973 – Navanirman movement 1974.
- d) Question of Representation in Politics –Transgender politics – Third Gender – Issues of the rights of sexual minorities and transgender .

Module IV

Economic position in India before independence

- a) Barter system – Different occupations – Trade and Commerce –Feudalism – Guilds – Coins.
- b) Delhi sultanate: Agriculture – Trade and commerce – Setback – Mughals : Classification of lands – Jagirdari and Zamindari system.
- c) British Rule: Permanent revenue settlement – Ryotiwari and Mahalwari system – Impoverishment of peasantry – Deterioration of agriculture – Drain of wealth – Modern machine made goods –Ruining artisans and handicrafts industries.

Module V

Peasant and Agrarian Movement in India

- a) The Indigo Revolt (1859-60) – The Pabna Movement (1872-76) – The Deccan Peasants Uprising (1875) – The Punjab Peasants Discontent (1890-1900).
- b) The Champaran Satyagraha (1917) – The Kheda Satyagraha (1918) – The Moplah Rebellion (1921) – The Bardoli Satyagraha (1928) – All India Kisan Sabha 1936 – Oudh Kisan Sabha 1920 - AntiZamindari Struggle – Tebhaga Movement (1946) .
- c) Constitutional guarantees to peasant and agrarian sections – Green revolution .

Module VI

Economic position in India after independence

- a) Economic changes after Independence -Planning commission –Five year plans Industrialisation.
- b) Economic policies of Socialism, Nationalisation of Banks.
- c) Decline of Indian economy in the early 1980's.
- d) Adoption of Globalisation, Liberalisation, Privatisation- Impact of Globalisation.

Module VII

Political structure and institutions before Independence.

- a) Ancient Period: Origin of Kingship – Monarchy– Sabha and Samithi–Kula–Central–provincial and village administration.
- b) Medieval Period: Despotism – Dictatorship – Ministers –Provincial administration.
- c) British Period: East India Company's rule – British provinces and princely states – Partition of India into two sovereign states 1947.

Module VIII

Constitution of India- Political structure

- a) Establishment of Democratic Parliamentary system – Constituent assembly and drafting of the Constitution.
- b) Secular Federal Republic– Pluralistic society – Multi lingual – Multi ethnic society.
- c) Integration of the princely states.
- d) First National election 1951-52 – Reorganisation of states of linguistic basis – Emergence of multi party system.

Recommended Books:

Books :

1. D. P. Chattopadhyaya, History of Science and Technology in Ancient India, 1986
2. Guha, R. (2017). India after Gandhi: The history of the world's largest democracy. Pan Macmillan.
3. R.C.Majumdar, An Advanced History of India, Macmillan Publication
4. Bipan Chandra, History of Modern India, Orient Blackswan Private Ltd., New Delhi.
5. Rudolph, L. I., & Rudolph, S. H. (1967). The modernity of tradition: Political development in India. University of Chicago Press.

Journals:

1. Sameer, M. A., & Zhang, J. Z. (2018). A case study on intangible cultural heritage of indus valley civilization: Alteration and re-appearance of ancient artifacts and its role in modern economy. *Int J Recent Sci Res*, 9(12), 29898-28902.
2. Gupta, D. (1980). From Varna to Jati: The Indian caste system, from the Asiatic to the feudal mode of production. *Journal of Contemporary Asia*, 10(3), 249-271.
3. Nath, V. (2001). From'Brahmanism'to'Hinduism': Negotiating the Myth of the Great Tradition. *Social Scientist*, 19-50.
4. Desai, J. G. (1993). Metaphysical and ethical principles in Swami Vivekananda's thought. *Nidan: International Journal for Indian Studies*, 1993(v5), 17-32.
5. Vanina, E. (1989). Urban industries of medieval India: some aspects of development. *Studies in History*, 5(2), 271-286.

Further Readings:

Books :

1. Judith Brown, Gandhi's rise to Power, 1915-22
2. SumitSarkar, Modern India, 1885-1947. Anil Seal, Emergence of Indian Nationalism.
3. Bipan Chandra, Nationalism and Colonialism in Modern India, 1979.
4. V.D.Mahajan, History of India 3 Volumes, S.Chand and Company (Pvt.) Ltd., New Delhi.
5. M. Athar Ali, The Mughal Nobility under Aurangzeb. MuzaffarAlam and Sanjay Subramanian, eds, The Mughal State, 1526 - 1750.
6. Bipan Chandra, Nationalism and Colonialism in Modern India, 1979

7. Bipan Chandra, Rise and Growth of Economic Nationalism in India
8. R.S. Sharma, Indian Feudalism (circa 300 - 1200).
9. B.D. Chattopadhyaya, The Making of Early Medieval India. R.S. Sharma and K.M. Shrivastava, eds, Comprehensive History of India, Vol. IV (A & B).
10. Mohammad Habib and K.A. Nizami, eds, Comprehensive History of India, Vol. V, The Delhi Sultanate Hermann Kulke, ed., The State in India (AD 1000 - AD 1700).

Journals :

1. Rana, R. P. (1981). Agrarian Revolts in Northern India during the late 17th and early 18th Century. *The Indian Economic & Social History Review*, 18(3-4), 287-325.
2. Junejo, Z. I., & Dali, A. M. (2019). The Company Sarkar's Experimentation With Land Tenure And Land Revenue Systems Resulting In The Indian Rebellion Of 1857. *SARJANA*, 34(2), 26-34.
3. Shia, P. G. Analysis of Indian Economy: Before and After Independence Dr. Meesam Mubarak.
4. DeLong, J. B. (2003). India since independence: An analytic growth narrative. *In search of prosperity: Analytic narratives on economic growth*, 184-204.
5. Basu, S. (1998). Strikes and 'communal' riots in Calcutta in the 1890s: Industrial workers, Bhadrakol nationalist leadership and the Colonial state. *Modern Asian Studies*, 32(4), 949-983.
6. Skaria, A. (2002). Gandhi's Politics: Liberalism and the Question of the Ashram. *The South Atlantic Quarterly*, 101(4), 955-986.
7. Mawdsley, E. (2002). Redrawing the body politic: federalism, regionalism and the creation of new states in India. *Commonwealth & Comparative Politics*, 40(3), 34-54.
8. Kothari, R. (1971). The Political Change of 1967. *Economic and Political Weekly*, 231-250.
9. Farooqui, A., & Sridharan, E. (2016). Can umbrella parties survive? The decline of the Indian National Congress. *Commonwealth & Comparative Politics*, 54(3), 331-361.
10. Pendakur, M. (1988). Mass media during the 1975 National Emergency in India. *Canadian Journal of Communication*, 13(6).

Learning Outcomes

After completion of the course students will be able to -

- *Critically discuss major social, political, economic, and cultural structures, events, and themes shaping the later Middle Ages.*
- *Evaluate and analyse different medieval sources and modern historiography*
- *Students will learn about Mahatma Gandhi, the development of nonviolent mass action, and the Indian movement for independence. Students will retain strong mental images of Gandhi and the origins of nonviolent mass action.*
- *Rationale: Knowledge of nonviolent mass action and of the Indian independence movement is important for any student of modern world history*

HBA0103: PRINCIPLES OF ECONOMICS

Objectives of the Course

The basic objective of this course is to make the students to understand the various advance economic principles as well as their applications. In addition to that this course also enables the students to understand sectors specific and their impact in shaping trends in economic indicators in pursuit of Indian Constitution.

COURSE OUTLINE

Module I Introduction to Economics

- a) Meaning – Definitions- Wealth, Welfare and Scarcity Views of Economics
- b) Nature and Scope of Economics- Significance of the Study of Economics
- c) The Subject Matter of Economics - Difference between Micro and Macro Economics
- d) The Methodology of Economics - Deductive Method and Inductive Method
- e) A Positive and a Normative Economics.

Module II Demand and Supply Analysis

- a) Meaning – Definition- Types- Functions of Demand
- b) Factors Affecting Demand- Law of Demand
- c) Exceptions to the Law of Demand
- d) Elasticity of Demand – Types and Measurement of Elasticity of Demand
- e) Factors influencing Elasticity of Demand
- f) Meaning and Definition of Supply – Law of Supply- Factors determining Supply.
- g) Consumer's Surplus- Producers Surplus.

Module III Theory of Consumer Behaviour

- a) Meaning – Definition - Concept of Utility
- b) Cardinal - Ordinal Utility Approach
- c) Law of Diminishing Marginal Utility - Law of Equi-Marginal utility
- d) Meaning of Indifference Curve- Approach to Indifference Curve Technique
- e) Properties and Uses of Indifference Curve
- f) Budget Line and Consumer's Equilibrium.

Module IV Theory of Production

- a) Meaning - Factors of Production
- b) Theories of Production: Law of Variable Proportions – Law of Returns to Scale
- c) Equal Product Curves – MRTS
- d) Producer's Equilibrium
- e) Internal and External Economies and Diseconomies of Scale of Production.

Module V Cost and Revenue Analysis

- a) Meaning – Functions -Concepts of Cost
- b) Fixed Cost -Variable Cost -Total Cost Average Cost
- c) Marginal Cost - Average Cost Curves -Derivation of SAC and LAC
- d) Revenue Concepts - Total Revenue - Average Revenue and Marginal Revenue Curves
- e) Relationship between Average Revenue and Marginal Revenue

Module VI Price and Output Determination Under Different Market Structure

- a) Nature of Market -Structure – Characteristics of Market
- b) Price and Output Determination - Perfect Competition, Monopoly, Duopoly
- c) Oligopoly -Monopolistic Competition
- d) Price Discrimination
- e) Price Policy and Pricing Methods.

Module VII Principles – Money and Finance

- a) Nature and Definition of Money-Concepts of Money
- b) Function of Money - Demand for Money
- c) Classical Approach: The Keynesian Approach
- d) Public Finance- Source of Public Finance
- e) Tax and Non-Tax Revenue- Characteristic of Good Tax System
- f) Theories of Public Expenditure – Peacock -Wisemen Theory
- g) Public Debt- Classification of Public Debt

Recommended Readings:

Books:

1. N. Gregory Mankiw (2007), Economics: Principles and Applications, 4th edition, India edition by South-Western, a part of Cengage Learning, Cengage Learning India Private Limited, ISBN-13:978-81-315-0577-9 (hereafter Mankiw, 2007, 4e).
2. Karl E. Case and Ray C. Fair (2007), Principles of Economics, 8th edition, Pearson Education Inc., ISBN 81-317-1587-6.(hereafter Case & Fair, 2007, 8e).
3. Joseph E. Stiglitz and Carl E. Walsh (2006), Economics, International Student Edition, 4th Edition, W.W. Norton & Company, Inc., New York, ISBN 0-393-92622-2. (hereafterStiglitz& Walsh, 2006, 4e).
4. Ahuja H.L. (1996), Principles of Micro Economics, A New look at Economic Theory, S.Chand, New Delhi.
5. Jhingan M. L, Macro Economic Theory, 10th Revised edition, 2002, ISBN 81-87125-01-2, Vrinda Publication (P) Ltd, New Delhi.

Journal / Journal Articles:

1. Caplan, B., & Miller, S. (2012). Positive versus normative economics: What's the connection? Evidence from the "Survey of Americans and Economists on the Economy" and the "General Social Survey". *Public Choice*, 150(1/2), 241-261. Retrieved March 31, 2020, from www.jstor.org/stable/41406877
2. Kauder, E. (1965). The Law of Diminishing Utility. In *History of Marginal Utility Theory* (pp. 135-142). PRINCETON, NEW JERSEY: Princeton University Press. DOI:10.2307 /j. ctt 183pkm1.16
3. Barucci, E. (1998). Optimal Investments with Increasing Returns to Scale. *International Economic Review*, 39(3), 789-808. doi:10.2307/2527400
4. Turvey, R. (1969). Marginal Cost. *The Economic Journal*, 79(314), 282-299. doi:10.2307/2230169
5. Lewis, M., &Widerquist, K. (2001). Marginal Analysis. In *Economics for Social Workers: The Application of Economic Theory to Social Policy and the Human Services* (pp. 15-24). New York: Columbia University Press. doi:10.7312/lewi11686.5

Further Readings:**Books:**

1. Stonier and Hague, A Text Book of Economic Theory, (1958), Long Mans Green &Co., London.
2. Douglas B. Bernheim and Michael D. Whinston. (2009). Microeconomics, Tata McGraw-Hill (India).
3. Hal R. Varian (2010). Intermediate Microeconomics: A Modern Approach, W.W. Norton and Company/Affiliated East-West Press (India), 8th edition.
4. Joseph E. Stiglitz and Carl E. Walsh (2007). Economics, W.W. Norton & Company, Inc., New York, International Student Edition, 4th edition.
5. Gregory N Mankiw (2007). Economics: Principles and Applications, India edition by South Western, a part of Cengage Learning, Cengage Learning India Private Limited, 4th edition.
6. Sundharam KPM, M C Vaish, Principles of Economics-13th Revised Edition, Vikas Publishing House Pvt Ltd.
7. Tyagi B.P Public Finance 5st Edition, Jai Prakash&co.
8. Dominick Salvatore Eugene. A Duilio, Principles of Economics, Edition 2017, Tata McGraw Hill Publishing Company Ltd., New Delhi.
9. D.N. Dwivedi, 2000, Managerial Economics, Vikas Publishing House Pvt. Ltd., New Delhi
10. Baumol, William J., 1995, Economic Theory and Operation Analysis, Prentice Hall of India Pvt. Ltd., New Delhi.

Journal / Journal Articles:

1. Indian Journal of Economics
2. Economic and Political Weekly (EPW)
3. Kurukshetra and Yojana
4. Southern Economist
5. Indian Journal of Agriculture
6. Armstrong, M., & Vickers, J. (2001). Competitive Price Discrimination. *The RAND Journal of Economics*, 32(4), 579-605. Retrieved March 31, 2020, from www.jstor.org/stable/2696383
7. Frank, C. (1969). Substitution and Price Discrimination. In *Production Theory and Indivisible Commodities. (PSME-3)* (pp. 50-63). PRINCETON, NEW JERSEY: Princeton University Press. doi:10.2307/j.ctt183pr67.7
8. Lavoie, M. (1994). A Post Keynesian Approach to Consumer Choice. *Journal of Post Keynesian Economics*, 16(4), 539-562. Retrieved March 31, 2020, from www.jstor.org/stable/4538409
9. S. Kumarasundaram. (1986). India's Balance of Payment Prospects. *Economic and Political Weekly*, 21(8), 335-336. Retrieved March 31, 2020, from www.jstor.org/stable/4375360
10. Oum, T., Zhang, A., and Zhang, Y. (1993). Inter-firm Rivalry and Firm-specific Price Elasticities in Deregulated Airline Markets. *Journal of Transport Economics and Policy*, 27, 171–192.

Learning Outcomes:

After completion of the study students will be able to -

- *Reliable the application of legal principles in the field of economics in the precise manner, as a social engineer and uphold the goal of constitution to distribution of income and wealth of nation to ensure welfare of each individual.*
- *Give the first-hand information about the market structure how resource allocate various market situations and enable to change the decision making in accordance with global scenario.*
- *Comprehend how to use limited means to present and retain for the future unlimited wants and how the law can support and, at times conflict with, the functioning of the market and the government, the other two important organising forces of an economy.*
- *Develop an inter-disciplinary approach and enhance the employability of students.*

HBA0104: PRINCIPLES OF POLITICAL SCIENCE

Objectives of the Course:

Political Science has a very close link with legal studies. This course enables the students to learn basic principles connected with political science such as State- Origin of States- Elements of State- Citizenship- Liberty- Equality and Justice and also Classical Political Theory and Contemporary Political Thought.

COURSE OUTLINE

Module I: Introduction to Political Science and relationship with other social sciences

- a) Meaning- Nature and Scope of Political Science
- b) Methodology-Political Science and allied studies History & Political Science – Economics & Political Science – Sociology & Political Science – Geography & Political Science – Anthropology & Political Science- Jurisprudence & Political Science – Ethics & Political Science

Module II: Approaches to Political Analysis.

- a) Traditional approach - Modern Approach - Post-Modern Approach – Behavioralism.
- b) Post-Behavioralism - Systems Approach - Structural Functional Analysis - Marxist Approach.

Module III: State :Elements, theories of Origin.

- a) Meaning, Definitions and Elements of State.
- b) Theories of origin of State-Divine Right theory- Patriarchal and Matriarchal theories -Social Contract Theory.
- c) Evolutionary Theory- Evolution of Modern State and the Postmodern State-State and Nation.

Module IV: Sovereignty : Meaning , Characteristics and theories

- a) State and Sovereignty- Is sovereignty a waning concept – Characteristics of Sovereignty.
- b) Classification of Sovereignty- Legal and Political-Austin's Theory of Sovereignty- Sovereignty and Constitutional Law - Sovereignty in International Law.

Module V: Classical Political Theory and Contemporary Political Thought.

- a) Political Theory of Classical Greece; Republicanism- Political Theory and Political Economy- Political Theory and Social Theory.
- b) Modernity and its Critics- Marxian Thought- Critical Theory beyond Habermas- Liberal Pragmatist Political Theory.
- c) Feminism and Canon of Political Thought- Pluralist Construct- Regionalization and its challenges- Interpretations in Contemporary Islamic Thought.

Module VI: Evolution of Government and Forms of Government.

- a) Classification of Government - Aristotle's Classification – Modern Classification - Merits and Demerits of Democracy- Merits and Demerits of Monarchy- Merits and Demerits of Dictatorship.
- b) Role of Law in Governance - Laissez-Faire and Welfare Governments-Parliamentary and Presidential - Unitary and Federal.
- c) Separation of Powers and Checks and Balances - Unicameral and Bicameral Legislatures - Cabinet form of Government - Role of Political Parties - Public Opinion - Limits of Governments – Revolution.

Module VII: Meaning-Nature and Scope of Citizenship and Liberty- Equality and Justice.

- a) Justice - Meaning and kinds of Justice - Liberty –
- b) Meaning- Kinds of Liberty - Civil Liberty -Political Liberty -Safeguards of Liberty
- c) Equality -Meaning -Kinds of Equality -Extent of Equality in Modern Times - Citizenship.
- d) Rights and Duties -Fundamental Rights recognized by States - Human Rights recognized by International bodies.

Recommended Readings:

Books:

1. Sabine, G. H., & Thorson, T. L. (2018). A history of political theory. Oxford and IBH Publishing.
2. Kapoor, A. C. (1992). Principles of Political Science. Chand and Company. New Delhi.
3. Ray, A., & Bhattacharya, M. (1962). Political theory: Ideas and institutions. Eastern Publishers.Appadurai- The Substance of Politics
4. Gauba, O. P. (2003). An introduction to political theory. Macmillan.
5. Barker, E. (1955). Principles of social and political theory.

Journals:

1. Ford, H. J. (1906, December). The scope of political science. In *Proceedings of the American Political Science Association* (Vol. 2, pp. 198-206). Cambridge University Press.
2. Wahlke, J. C. (1979). Pre-Behavioralism in political science. *American Political Science Review*, 73(1), 9-31.
3. Skinner, B. F. (1963). Behaviorism at fifty. *Science*, 140(3570), 951-958.
4. Alvarez, M., Cheibub, J. A., Limongi, F., & Przeworski, A. (1996). Classifying political regimes. *Studies in Comparative International Development*, 31(2), 3-36.
5. Elazar, D. J. (1997). Contrasting unitary and federal systems. *International political science review*, 18(3), 237-251.

Further Readings:**Books:**

1. C.E.M. Joad, *Modern Political Theory*, Oxford University Press, London, 1946.
2. J.W. Garner, *Political Science and Government*, World Press, Calcutta, 1952.
3. Harold J. Laski, *A Grammar of Politics*, George Allen and Unwin, London, 1951.
4. N.P. Barry, *An Introduction to Modern Political Theory*, Macmillan, London, 1981.
5. G. E. G. Catlin, *A Study of the Principles of Politics*, Macmillan, New York,
6. Bhargava, R. (2008) 'What is Political Theory', in Bhargava, R and Acharya, A. (eds.) *Political Theory: An Introduction*. New Delhi: Pearson Longman, pp. 2-16
7. Leek, J. H. (1925). Joad, CEM, *Introduction to Modern Political Theory*. Price, \$1.00. New York: World's Manuals, Oxford University Press. *The American Academy of Political and Social Science*, 121(1), 193-193.
8. Rathore, L.S. and Haqqi, S.A.H : *Political Theory and Organization*
9. Verma, S. P. (1980). *Modern Political Theory*, New Delhi, Vikas Pub. House Ltd.
10. Bannett, J. (2004) 'Postmodern Approach to Political Theory', in Kukathas, Ch. and Gaus, G. F. (eds.) *Handbook of Political Theory*. New Delhi: Sage, pp. 46-54

Journals:

1. Bellamy, R. (1993) 'Introduction: The Demise and Rise of Political Theory', in Bellamy, R. (ed.) *Theories and Concepts of Politics*. New York: Manchester University Press, pp. 1-14.
2. Glaser, D. (1995) 'Normative Theory', in Marsh, D. and Stoker, G. (eds.) *Theory and Methods in Political Science*. London: Macmillan, pp. 21-40.
3. Sanders, D. (1995) 'Behavioral Analysis', in Marsh, D. and Stoker, G. (eds.) *Theory and Methods in Political Science*. London: Macmillan, pp. 58-75.
4. Chapman, J. (1995) 'The Feminist Perspective', in Marsh, D. and Stoker, G. (eds.) *Theory and Methods in Political Science*. London: Macmillan, pp. 94-114.
5. Bhargava, R, 'Why Do We Need Political Theory', in Bhargava, R. and Acharya, A. (eds.) *Political Theory: An Introduction*. New Delhi: Pearson Longman, pp. 17-36.
6. Laski, H. J. (1944). The parliamentary and presidential systems. *Public Administration Review*, 4(4), 347-359.

7. Strom, K., Budge, I., & Laver, M. J. (1994). Constraints on cabinet formation in parliamentary democracies. *American journal of political science*, 303-335.
8. Neumann, F. L. (1950). Approaches to the study of political power. *Political Science Quarterly*, 65(2), 161-180.
9. Dunning, W. A. (1896). Jean Bodin on sovereignty. *Political Science Quarterly*, 82-104.
10. Ready, S. S. R. (1980). Fundamentalness of fundamental rights and directive principles in the Indian Constitution. *Journal of the Indian Law Institute*, 22(3), 399-407

Learning Outcomes

After completion of the course the students will be able to -

- *Illustrate and evaluate concepts like state, nation and civil society and various other concepts*
- *Understand the elements and factors of state and nation*
- *Critically understand the meaning, types and characteristics of sovereignty Liberty-Equality and Justice*
- *A clear picture on the origin of the concepts such as Law, power, authority, and legitimacy.*
- *Understand the different forms of government in various countries and their working pattern*

HLC0101: INTRODUCTION TO LAW, LEGAL SYSTEMS & LEGAL RESEARCH

Objectives of the Course:

Introduction to Law, Legal Systems and Legal Research as a field of knowledge is essentially taught to the beginners of law. Contextually, it concentrates on the foundational dimensions of law at an introductory level. The core areas of dissemination include the role of law in human life and welfare, definitional elements of law, conceptual insights on legal terminologies and maxims, classification of law, basic views on legal systems, studying and interpreting legislations, understanding decisional law and fundamentals of legal research and methodology. The course work will be skill based. Enquiry cum learning by doing based approach is adopted to facilitate the students to imbibe intellectual abilities, self-evaluation and working culture towards accessing the teacher and law library. In sum, the course work ensures the transformation of a trainee into a student of law (ethical and knowledge dimensions). Importantly, the subject and related learning experience lays the platform for the students to evolve systematically towards the realisation of intellectual excellence in law.

COURSE OUTLINE

Module I: Introduction to Law, Classification and Legal Systems

- (a) Role of Law in Human Life and Welfare-Characterisation of Law-Classification of Law;
- (b) Basic Concepts in Legal Philosophy-Ancient Indian Legal Thought-Continental Law-Common Law-Comparative Laws-Notion of Public and Private Laws;
- (c) Principle based Approaches-Understanding Legal Terminologies and Maxims.

Module II: Skills to Learn Law and Methods of Legal Reasoning

- (a) Art of Questioning-Intellectual Enquiry-Developing Critical Thinking-Language Usage Skills;
- (b) Skills of Interpretation-to read, to write, deduce the hidden assumptions and test its accuracy-Texts of and about the Law-Improving Legal Insights on Contemporary Social Problems;
- (c) Methods of Legal Reasoning-Logic-Inductive and Deductive Reasoning-Analysis-Legal Fictions-Assumptions.

Module III: Understanding Legislations

- (a) Defining Statute Law-Kinds of Statutes-Legislative Drafters-Legal Writing and Legislative Drafting;

- (b) Stages of Legislative Drafting-Elements of Legislation-Principles of Legislation-Schools of Interpretation-General Clauses Act, 1897.

Module IV: Judicial Methods

- (a) Defining Justice-Concept of Dharma-Judicial Behaviour-Judicial Activism-Components of Judgment-Doctrine of Reasoned Decisions-Identifying *ratio decidendi*;
- (b) Judges make or declare Law-Hierarchy of Courts in India-Supreme Court-High Courts-District & Sessions Court-Metropolitan Courts-Subordinate Courts and Judges along with classifications.

Module V: Fundamentals of Legal Research and Methodology

- (a) Defining Research and Legal Research-Qualities of Legal Researcher-Doctrinal and Non-Doctrinal Modes of Research-Drafting Synopsis-Basic Components;
- (b) Principles of Data Collection-Modes of Data Collection-Questionnaire-Interview-Survey-Sampling-Statistical;
- (c) Research Manual-Utilising Law Library-Information Communication Assisted Legal Research-Multi-Disciplinary Approaches.

Module VI: Legal Education, Legal Ethics and Law Reforms

- (a) Salient Reports on Legal Education-Prof. Radhakrishnan Report on Reforms on Higher Education;
- (b) Introduction to Legal Ethics-Select Reports of the Law Commission of India.

Recommended Reading

Books :

1. V.C.R.A.C. Crabbe (1993), Legislative Drafting, Cavendish Publishing: United Kingdom.
2. Subhash C.Kashyap (1994), Our Constitution: An Introduction to India's Constitution and Constitutional Law, National Book Trust of India: India.
3. John Trayner (1998), Latin Maxims, W. Green/Sweet & Maxwell: United Kingdom.
4. Sharon Hanson (1999), Legal Method, Cavendish Publishing: United Kingdom.
5. S.K. Verma and M. Afzal Wani (Editors) (2001), Legal Research and Methodology, Indian Law Institute:India.

Further Reading

1. UpendraBaxi (1982), The Crisis of the Indian Legal System-Alternatives in Development: Law, Vikas Publishing House Pvt. Ltd.: India.
2. P.M. Bakshi (1993), Legal Interpretation: Ancient and Modern, The Indian Law Institute: India.
3. V.C.R.A.C. Crabbe (1994), Understanding Statutes, Cavendish Publishing: United Kingdom.

4. A.G. Noorani (2011), *Challenges to Civil Rights Guarantees in India*, South Asia Human Rights Documentation Centre, Oxford University Press: India.
5. Ian McLeod (2013), *Legal Method*, Macmillan Law Masters, Red Globe Press: United Kingdom.

Articles

1. J.K. Bhavnani (1962), *Legal Education in India*, *Journal of the Indian Law Institute*, Vol. No.4, PP. 167-190.
2. V.S. Deshpande (1969), *Extrinsic Aid in the Construction of Statutes*, *Journal of the Indian Law Institute*, Vol. No.11, Issue No. 2, PP. 123-158.
3. Rahmatullah Khan and Sushil Kumar (1975), *Comparative Law Research in India*, *Journal of the Indian Law Institute*, Vol. No. 12, PP. 505-510.
4. UpendraBaxi (1975), *Socio-Legal Research in India: A Programschrift*, Indian Council of Social Science Research: New Delhi, occasional monograph No.12.
5. D.N. Saraf (1982), *Relevance and Utility of Empirical Research in Law*, *Journal of the Indian Law Institute*, Vol. No. 24 Issue No. 2&3, PP. 611-634.
6. Rajeev Dhavan (1994), *Law As Struggle: Public Interest Law in India*, *Journal of the Indian Law Institute*, Vol. No. 36, Issue No.3, PP. 302-338.
7. Duncan Berry (1997), *Techniques for Evaluating Draft Legislation, The Loophole: Published by Common Wealth Association of Legislative Counsel*, PP. 31-47.
8. S.P. Sathe (2001), *Judicial Activism: Indian Experience*, *Washington University Journal of Law & Policy*, Vol. No. 6, PP. 29-109.
9. Ruth Sullivan (2001), *The Promise of Plain Language Drafting*, *McGill Law Journal*, Vol. No. 47, PP. 97-128.
10. Justice D.M. Dharmadhikari (2002), *Nature of Judicial Process*, Vol. No. 6, Issue No. 1, *Supreme Court Cases*.

Cases for Guidance

1. *Bangalore Water Supply and Sewerage Board v. A. Rajappa*, AIR 1978 SC 548.
2. *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.
3. *BanduaMuktiMorcha v. Union of India*, AIR 1984 SC 802.
4. *U.P. BhoodanYagnaSamiti v. Braj Kishore & Others*, AIR 1988 SC 2239.
5. *ParamanandKatara v. Union of India*, AIR 1989 SC 2039.
6. *State of Karnataka v. AppaBaluIngale and Others*, AIR 1993 SC 1126.
7. *Vellore Citizens Welfare Forum v. Union of India*, AIR 1996 SC 2715.
8. *Indian Council for Enviro-Legal Action v. Union of India*, AIR 1996 SC 1446.
9. *Bobby Art International, Etc. v. Om Pal Singh Hoon& Others*, AIR 1996 SC 1846.
10. *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.
11. *M.C. Mehta v. State of Tamil Nadu*, AIR 1997 SC 699.
12. *Samatha v. State of Andhra Pradesh*, AIR 1997 SC 3297.
13. *Gaurav Jain v. Union of India*, AIR 1997 SC 3021.
14. *M/s. Spring Meadows Hospital v. Hajrol Ahluwalia*, AIR 1998 SC 1801.
15. *Apparel Export Promotion Council v. A.K. Chopra*, AIR 1999 SC 625.
16. *Mr. 'X' v. Hospital 'Z'*, AIR 1999 SC 495.
17. *Chairman, Railway Board v. Chandrima Das*, AIR 2000 SC 988.

18. Murali S. Deora v. Union of India, AIR 2002 SC 40.
19. Rupa Ashok Hurra v. Ashok Hurra & Another, AIR 2002 SC 1771.
20. Harish Uppal (Ex-Capt.) v. Union of India, AIR 2003 SC 739.
21. Sakshi v. Union of India, AIR 2004 SC 3566.
22. Jameel v. State of Maharashtra, AIR 2007 SC 971.
23. Suchita Srivastava & Another v. Chandigarh Administration, AIR 2010 SC 235.
24. In Re: Networking of Rivers (2012) 4 SCC 51.

Select Reports of the Law Commission of India

1. Report No. 183 (2002) on “A Continuum on the General Clauses Act, 1897 with Special Reference to the Admissibility and Codification of External Aids to Interpretation of Statutes”.
2. Report No. 187 (2003) on “Mode of Execution of Death Sentence and Incidental Matters”.
3. Report No. 196 (2006) on “Medical Treatment to Terminally Ill Patients (Protection of Patients and Medical Practitioners)”.
4. Report No. 201 (2006) on “Emergency Medical Care to Victims of Accidents and during Emergency Medical Condition and Women under Labour”.
5. Report No. 210 (2008) on “Humanization and Decriminalization of Attempt to Suicide”.
6. Report No. 221 (2009) on “Need for Speedy Justice-Some Suggestions”.
7. Report No. 222 (2009) on “Need for Justice-dispensation through ADRetc”.
8. Report No. 223 (2009) on “Need for Ameliorating the lot of the Have-nots-Supreme Court’s Judgments”.
9. Report No. 234 (2009) on “Legal Reforms to Combat Road Accidents”.
10. Report No. 255 (2015) on “Electoral Reforms”.

Learning Outcomes

1. To get introduced to the conception of law and its relevance to human life.
2. To understand the classification of laws to resolve the identity crisis.
3. To systematically work on the skills of using general and legal language.
4. To imbibe analytical skills of enquiry and legal reasoning.
5. To be aware of the notion of jurisprudence and its intersectionality with social problems.
6. To systematically evolve as a legal mind, to earn intellectual self-respect and eventually, contribute to mankind and other creations.

FIRST YEAR

II-SEMESTER

HBA0205: LEGAL LANGUAGE AND COMMUNICATION

English II

Objectives of the Course

The course objective is to train the students to acquire effective communication skills including legal jargon. The students are given an understanding of various types of correspondence, writing reports, minutes, office order, etc. The modern forms of communication and the way it can be used for business purpose is also covered in this paper. Linguistics and Phonetics help in good articulation with intonation and rhythm in the spoken skills and increasing the word hoard both literal and legal for effective written skills. Students are introduced to the various clauses, phrases, syntax, and nuances of legal terminology in the interpretative context.

COURSE OUTLINE

Module I: Phonology and Morphology

- a. Use of English and its Significance for Communication in Indian Legal Context (in the Supreme Court, High Courts and Various Tribunals)
- b. Correct Pronunciation-Speech Sounds, Word Stress and Intonation
- c. Structure of Words
- d. Processes of Words Formation (Examples from Law)

Module II: Semantics and Role of Meaning in Law

- a. Concept of Meaning
- b. Types of Meaning (Denotative, Connotative, Social, Emotive, Reflected, Collative and Thematic)
- c. Semantic Ambiguity
- d. Components and Contrasts of Meaning- Synonyms, Antonyms and Hyponym and their Significance in Legal Language (focus on examples)
- e. Lexical Relations- Homographs, Homophones and Polysemy and their Significance in Legal Language (focus on examples)

Module III: Composition Skills

- a. Report Writing
- b. Précis Writing
- c. Notices of General Nature
- d. Essay Writing on Legal Topics
- e. Translation:
 - Definitions of Translation and its Nature
 - Techniques of Translation
 - The Significance of Translation in Law

Module IV: Understanding the Law

- a. Defining Law
- b. Meaning of Act, Bill, Custom, Law, Laws, Morality, Ordinance, Precedents, Rule, Statute
- c. Nature of Law
- d. Classification of Laws- Municipal Law and International Law, Public and Private Law, Civil Law and Criminal Laws
- e. Interpreting Law and Role of Language in Interpretation (Use of Definitions, Meanings of words, literal meaning and contextual meaning)
- f. Etymology, Significance, Meaning and Usage of Legal Terms in Procedural, Civil and Criminal Laws- Legal Terms (Appendix I)

Module V: Foreign Terminology in Law

- a. Use of Foreign Terms in Legal English- the Origin of Law and Reasons for their Use
- b. Foreign Words (Appendix II)
- c. Legal maxims (Appendix III)

Module VI: Use of Language in Drafting

- a. Use of Legal Language and its significance in drafts (Sale Deed, Gift Deed, Release Deed, General Power of Attorney and Will)
- b. Use of Legal Language in Drafting in Legal Notices (Notice to Tenant on behalf of Landlord and vice versa and Notice to Husband on behalf of Wife and vice versa)

Module VII: Advocacy Skills

- a. Meaning of Advocacy
- b. Advocacy as an Art
- c. Qualities of Lawyers (Good voice, Command of Words, Confidence, Practical wisdom etc)
- d. Use of Rhetoric- Figures of Speech (Euphemism, Hyperbole, Irony, Metaphor, Paradox, Simile, Synecdoche and Understatement)
- e. Etiquettes and Manners for Law Professionals
- f. Client Counselling and Interviewing

Module VI: Logical Reasoning for Legal Learners:

- a. General principles of Logic
- b. Deductive Logic and Inductive logic
- c. Proposition- Kinds and Types of proposition.
- d. Four-fold classification and its significance.
- e. Syllogism – Structure and Rules of Syllogism – Fallacies - Distribution of Terms and importance of Middle term.

APPENDIX: I

List of Legal Terms:

- | | | |
|--------------------------|------------------|-----------------------|
| 1. Accomplice | 19. Equity | 39. Partition |
| 2. Adjudication | 20. Evidence | 40. Plaintiff |
| 3. Adjournment | 21. Execution | 41. Power of attorney |
| 4. Admission | 22. Fraud | 42. Proof |
| 5. Affidavit | 23. Hearsay | 43. Proof |
| 6. Amendment | 24. Homicide | 44. Redemption |
| 7. Approver | 25. Injunction | 45. Remedy |
| 8. Breach of
Contract | 26. Issue | 46. Settlement |
| 9. Capital
Punishment | 27. Judgement | 47. Summons |
| 10. Coercion | 28. Jurisdiction | 48. Surety |
| 11. Compromise | 29. Liability | 49. Tenant |
| 12. Consent | 30. Licence | 50. Title |
| 13. Counter Claim | 31. Maintenance | 51. Transfer |
| 14. Damages | 32. Malafides | 52. Trespass |
| 15. Defamation | 33. Minor | 53. Trial |
| 16. Defence | 34. Murder | 54. Trust |
| 17. Deposit | 35. Necessaries | 55. Usage |
| 18. Distress | 36. Negligence | 56. Vakalat |
| | 37. Oath | 57. Verdict |
| | 38. Obscene | 58. Waiver |

APPENDIX II

List of Legal Terms:

- | | | |
|---------------|-------------------|--------------|
| Ab initio | Habeas Corpus | Quid Pro quo |
| Ad hoc | Homicide | Quo Warranto |
| Ad-Idem | In Camera | Resjudicata |
| Advalorem | In-forma Pauperis | Sine-die |
| Affidavit | In-Limine | Tort |
| Amicus Curiae | Magna Carta | Trespass |
| Bona-fide | Malafides | Ultra-vires |
| Cur.advelt | Mandamus | Usage |
| Cerciorari | Partition | Vakalat |
| De-facto | Persona designate | Vis-Major |
| De-jure | Perjury | Void |
| Equity | Privity | Voidable |
| Ex-parte | Proviso | Waiver |

APPENDIX: III

List of Latin Legal Maxims:

1. *Actio Personalis Moritur Cum Persona*
2. *Actus Non Facit Reum, Nisi Mens, Sit, Rea*
3. *Audi Alteram Partem*
4. *Damnum Sine Injuria Esse Potest*
5. *Delegatus Non Potest Delegate*
6. *Ex Nudo Pacto Non Ortiur Actio*
7. *Ex Turpi Causa Non Ortiur Actio*
8. *Falsus In Uno Falsus in Omnibus*
9. *Ignorantia Facit Excusant In ignorantia Juris Non Excusant (Ignorance Legis Neminem Excusant)*
10. *In Jure Non Remota Causa, Sed Proxima Spectatus*
11. *Injuria Sine Damno*
12. *Nemo Dat Quod Non Habet*
13. *Novus Actus (or Causa) Interveniens*
14. *Qui Facit Per Alium Facit Per Se*
15. *Res Ipsa Loquitur*
16. *Respondeat Superior*
17. *Rex Non Potest Peccare*
18. *Salus Populi Suprema Lex*
19. *Sic Utero Tuo Ut Alienum Non Leadas*
20. *Ubi Jus Ibi Idem Remedium (Or) Ubi Jus Ihi Remedium*
21. *Ut Res Magis Valeat Quam Pereat*
22. *Volenti Non Fit Injuria*

Recommended Readings

Books

- 1) Rajendra Pal and J. S. Korlahalli - *Essentials of Business Communication*. Sterling publication. 1971. Print.
- 2) Williams, Glanville. *Learning the Law*. Sweet and Maxwell Printing Press, 2006. Print.
- 3) Bhatnagar. R. G. *Law and Language*. Trinity Press Private Limited, 2012. Print.
- 4) Mill, John Stuart. *On Liberty*. London: John W. Parker and Son, West Strand, 1859. Print.
- 5) Dennings, Lord. *Due Process of Law*. London: Butterworths: Lexis Nexis, 2004. Print.
- 6) *Essentials of Business communication*- Rajendra Pal and JS Korlhalli, S. Chand and Co. New Delhi. Print.

- 7) Locker and McGraw Hill. *Business Communication: Building Critical Series*. 3rd edition. Print.
- 8) Herta A Murphy, Herbert W. Hiderbrandt & Jane P. Thomas. *Effective Business Communication*. McGraw Hill Education. 2017. Print.
- 9) Agarwal, Anurag. K. *Legal Language and Business Communication*. Macmillan Printing Press. 2019. Print.
- 10) R. S. Agarwal. *A Modern Approach to Verbal and Non-verbal Reasoning*. 2001. Print.
- 11) Dennis Q. McNerny. *Being Logical*. 2004. Print.

Further Readings

Books

- 1) Bovee, Thill, Schatzman- *Business Communication Today*
- 2) Penrose, Rasbery, Myers - *Advanced Business Communication*
- 3) Simon Collin - *Doing Business on the Internet*
- 4) Mary Ellen Guffey, *Business Communication-Process and Product*.
- 5) David Annousamy - *The Language Riddle*. 5th Edition. Sterling Publication, 2009.
- 6) Williams, Glanville. *Academic Writing*. Routledge New York: 2008.
- 7) David Annousamy, *Academic Writing*. Routledge New York: 2006.

Journals for Further Readings:

- Language and Intercultural Communication.
- Language and Speech.
- International Journal of Bilingualism.
- Journal of International Communication-Research Gate.
- Journal of Communication Management.

Web Sources:

<https://www.latestlaws.com/library/legal-maxims/>

<https://www.lawsociety.org.uk/for-the-public/legal-glossary/>

<https://www.justice.gov/usao/justice-101/glossary>

<https://www.marketing91.com/five-types-of-communication/>

<https://davidappleyard.com/english/vocabulary.htm>

<https://literarydevices.net/figure-of-speech/>

Learning Outcomes

- *Students would get basic knowledge of effective communication skills in English much needed for legal practice.*
- *Proper exposure to court room punctilios including selection of diction for drafting and presentation of arguments.*
- *Exposition of enacted laws from the perspective of linguistic complexities would strengthen the students in appreciation of invariable use words including personal pronouns (he includes she, use of may for shall and impact of improper juxtaposition of words.*
- *Advanced tutorship of verbal communication, drafting and composition exercises would add to the efficacy of the course in the law school parlance.*
- *For the beginners and budding lawyers introduction to innovative interpretative approaches in understanding the law from the perspective of linguistic communicative deficiencies is a boon for the courses in law in the coming four years in the law school.*

HBA0206: SOCIAL ISSUES AND PROBLEMS IN INDIA

Objective of the Course

Social Issues and Social Problems are a prevalent factor to any society. This paper is to introduce the students to the different social problems affecting society and enable to get acquainted with social change and development taking place in contemporary India.

This paper will enable the students to understand the following:

- 1. Enable to introduce the students to the different problems affecting contemporary society*
- 2. Equip the students to find solutions for solving the social problem*
- 3. Appreciate to get acquainted with social change and development and its attendant social problems.*
- 4. Understand and provide a glimpse about the remedial and legislative measures for solving the social problems.*
- 5. Analyze to get a better understanding of the society in order to bring forth stability and change through the legal mechanism.*

COURSE OUTLINE

. MODULE I

Introduction

- a) Social problem: Meaning - Definition - Characteristics - Causes and consequences of social problems
- b) Theoretical approach to social problem - Social Disorganisation Approach- Cultural Lag - Value-Conflict Approach - Personal Deviation Approach – Anomie Approach.

MODULE II

Issues Related to Nationhood

- a) Communalism: Meaning - Definition - Characteristics - Causes for the Growth of Communalism in India - Communalism as a Challenge to Secularism -Measures to Control and eradicate Communalism
- b) Casteism: Meaning – Causes – Consequences of Casteism - Solution to the problem of Casteism
- c) Terrorism: Meaning - Definition – Characteristics of terrorism - Causes of terrorism – Impact of terrorism – Remedial Measures for Terrorism

MODULE III

Structural Problems

- a) Scheduled Castes: Meaning - Definition -Problems of Scheduled Castes - Measures for the Welfare of Scheduled Caste.
- b) Scheduled Tribes: Meaning - Definition - Problems of Scheduled Tribes - Measures for the Welfare of Scheduled Tribes.

MODULE IV

Women and Child related Problems

- a) Female Infanticide - Female Feticide -Violence Against Women - Divorce – Dowry: Causes and Consequences - Legal and Constitutional Measures
- b) Child Labour: Meaning –Definition - Causes of Child labour - Measures to prevent Child Labour
- c) Child Abuse: Meaning –Definition -Causes of Child Abuse - Measures to prevent Child Abuse.

MODULE V

Individual Social Disorganisation

- a) Juvenile Delinquency: Meaning – Definition – Characteristics - Causes of Juvenile Delinquency - Preventive and legislative measures
- b) Crime: Meaning – Characteristics - Causes of Crime – Consequences of Crime - Measures to Control Crime
- c) Alcoholism and Drug Addiction: Meaning - Definition – Characteristics - Causes – Effect – Measures to Control Alcoholism and Drug Addiction

MODULE VI

Corruption

- a) Meaning - Definition – Characteristics of Corruption - Causes of Corruption – Impact of Corruption
- b) Legislative and other Measures to control Corruption

MODULE VII

Problems of the Aged

- a) Definition - Dimensions of Old Age - Changing Role of Aged in Family and Community - Problems of the Aged
- b) Remedial Measures for the problems of the Aged

Recommended Readings:**Books:**

1. Shankar Rao C.N., 2019. "*Indian Social Problems*" S Chand & Co.
2. Madan GR,1986. "*Indian Social Problems*" Allied Publishers.
3. Madan GR., 2002. "*Indian Social Problems*" Radha Publications.
- 4 Ram Ahuja ., 1992. "*Social Problems in India*" Rawat Publications, New Delhi.
- 5 Shankar Rao C.N., 2008. "*Introduction to Sociology*" S Chand & Co.

Journals:

1. Race and Social Problems
2. Gender and Society
3. Contemporary Sociology
4. Journal of Social Issues
5. Social Problems

Further Reading:**Books:**

1. Hortan Paul S.and Gerald P Leslie., 1987. *The Sociology of Social Problems* Appietar, NewYork,
2. Letnert Edwin., 1972.*Social Pathology*- Mcgrow Hill, New York
3. Madan G.R.,1986.*Indian Social Problems*. Allied Publishers, Bombay
4. Linda A. Mooney, David Knox Caroline Schactt, *Understanding Social Problems*., 8th Edition, Wadsworth Cengage Learning
5. William Kornblum, Joseph Julian., 1992. *Social Problems: Community, Policy, and Social Action*, Sage Pubication.
6. Anna Leon Guerrero, 2018. *Social Problems, Community, Policy and Social Action*, Sage Publication.
7. Joel Best, 2016. *Social Problems*, W.W. Norton and Company
8. Madan.G.R., 2002. *Indian Rural Problems*, Radha Publications
9. Varma P., 1982. *Pathology of Crime and Delinquency*-Sathitya Bhavan, Agra
10. John D.Carl, 2013. *Think Social Problems*., 2nd edition, Pearson Pubication

Learning Outcomes:

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

- *Equip students to learn various social problems affecting Indian society.*
- *Gain knowledge and develop a broader understanding of the causes for social problems*
- *Enhance the students to understand to apply the approaches and theories to evolve social intervention strategies.*
- *Enable the law students to understand and analyze the Indian society through a Sociological perspective.*

HBA0207: POLITICAL THOUGHT (INDIAN AND WESTERN)

Objectives of the Course

This course introduces the student to the idea of the political theory, its approaches, practices related to different form of political systems. Summarize conceptual argument or theoretical approaches, apply them to field-relevant situations, and support their application with appropriate evidence

COURSE OUTLINE

Module I

Nature of Political Thought.

- a) Political Thought and Political Philosophy – Importance of Study of Political Thought.
- b) History of Western Political Thought – History of Indian Political Thought.
- c) Sources and Features of Ancient Indian Political Thought.

Module II

Ancient Western Political Thought-: Thinkers and Themes.

- a) Plato- on: Justice, Communism, Education, and Ideal State
- b) Aristotle- on: State, Citizenship, and Revolution.

Module III

Main Currents of Medieval Western Political Thought & Modern Political Thinkers

- a) Natural Right – Liberalism. – Socialism. – Marxism. – Jeremy Bentham on Utilitarianism.
- b) Gramsci on Hegemony – Herald J. Laski on Rights.
- c) John Rawls on Justice – Isaiah Berlin on liberty.

Module IV

Politics and Society -Indian reflections

- a) Indian and Western Political Theory – Dharma and Karma.
- b) Swaraj– Resistance and Civil disobedience.
- c) Secularism in India – Social Justice.

Module V

Indian Thought: Thinkers and Themes

- a) Kautilya on State – Gandhi on Swaraj – Savitribai Phule on Women Rights in India.
- b) Ambedkar on Social Justice – Nehru on Secularism.
- c) Jayaprakash Narayan on Democracy – M.N. Roy on Humanism and Radical democracy – Lohia on Socialism.

Further Readings:

Books:

1. V.P. Verma: Modern Social and Political Thought of India, Agra: L.N. Agrawal Educational Publishers, 1961
2. T. Pantham, and K. Deutsch (eds.) (1986) , Political Thought in Modern India, New Delhi: Sage Publications.
3. R. Roy, (1991) 'The Precepts of Jesus, the Guide to Peace and Happiness', S. Hay, (ed.) Sources of Indian Tradition, Vol. 2. Second Edition. New Delhi: Penguin, pp. 24-29.
4. V. Mehta and T. Pantham (eds.), (2006) 'Modern India: Thematic Explorations, History of Science, Philosophy and Culture in Indian civilization' Vol. 10, Part: 7, New Delhi: Sage Publications, pp. xxvii-ixi.
5. B. Ambedkar, (1991) 'Constituent Assembly Debates', S. Hay (ed.), Sources of Indian Tradition, Vol. 2, Second Edition, New Delhi: Penguin, pp. 342-347.
6. Kohli, A., ed., The success of India's Democracy, Cambridge: CUP, 2001.
7. Vinod, M.J. and Deshpande, Meena, Contemporary Political Theory, Delhi: PHI Learning, 2013
8. Chatterjee, Partha., ed., States and Politics in India, Delhi: OUP, 1997
9. Gray, J. (2013). Isaiah Berlin: An interpretation of his thought. Princeton University Press.
10. J. Coleman, (2000) 'Introduction', in A History of Political Thought: From Ancient Greece to Early Christianity, Oxford: Blackwell Publishers.

Journals :

- 1) Rodrigues, Valerian (2007) 'Good society, Rights, Democracy Socialism', in Thorat, Sukhdeo and Aryama (eds.) *Ambedkar in Retrospect - Essays on Economics, Politics and Society*. Jaipur: IIDS and Rawat Publications
- 2) Laski, H. J. (2014). *Authority in the Modern State (Works of Harold J. Laski)*. Routledge.
- 3) Jahanbegloo, R. (1991). Conversations with Isaiah Berlin. *Jewish Quarterly*, 38(3), 15-26.
- 4) Sheth, D. L. (2002). Ram ManoharLohia on caste in Indian politics. *Caste and Democratic Politics in*
- 5) Parekh, B. (2001). Rethinking multiculturalism: Cultural diversity and political theory. *Ethnicities*, 1(1), 109-115.
- 6) Walker, R. B. (1993). *Inside/outside: international relations as political theory*. Cambridge University Press.
- 7) De Roover, J., Claerhout, S., & Balagangadhara, S. N. (2011). Liberal political theory and the cultural migration of ideas: The case of secularism in India. *Political Theory*, 39(5), 571-599.
- 8) Ambedkar, B. R. (1990). Dr BabasahebAmbedkar: Writings and Speeches Vol. 3. *Government of Maharashtra, Bombay*.
- 9) Jodhka, S. S. (2002). Nation and village: Images of rural India in Gandhi, Nehru and Ambedkar. *Economic and political weekly*, 3343-3353.
- 10) Mukherjee, A. P. (2009). BR Ambedkar, John Dewey, and the meaning of democracy. *New Literary History*, 40(2), 345-370.

Learning Outcomes

After completion of the course the students will be able to -

- *Demonstrate the knowledge of key thinkers and concepts*
- *Understanding on the nature, methods and significance of political thought.*
- *Analyze the theory of ancient & medieval political thought of Greek and India.*
- *Appreciating and critically look at the various social and political ideas of Indian political thinkers*

HLC0202:Legal and Constitutional history

Objectives of the Course:

The course is a foundation course for constitutional law paper. It traces the development of the legal system and judiciary from the ancient period through the advent of Britishers upto the framing of a constitution of the Independent India. The detailed discussion of legal and judicial system in India during different regime and the changing structure, are given in detail, an understanding of which is of vital importance to a law student.

COURSE OUTLINE

Module I

Ancient Period

- a) Ancient Sources of Law : Vedic Texts, Brahmanas, Sutras (Kalpa and Dharma), Dharma Shastra, Arthashastra – Custom as source of law – Thinkers - Manu, Brihaspati, Yajnavalkya, Narada, Katyayan
- b) Judicial System and Types of court: Pratishita, Apratishta, Mudrita, Sasita, Guilds, Panchayats, Kantakasodhana, Dharmasthiyaa – Procedures: Appointment of judges,
- c) Crimes and Punishments- Investigation, Trial, Witness, Pleaders, Role of judges, Secret agents, wergild and Punishment – Classification of disputes- Drawbacks of judicial administration in Hindu Sastras .

Module II

Legal system in South India

- a) Legal system in Sangam text – Legal code by Thirukkural – Legal system during Pallavas, cholas, Pandyas
- b) Legal system during Nayaks – Courts during Nayak period - Village Court -Special Court, and Temples Court.

Module III

Judicial system in Medieval India.

- a) Sources of Islamic Law: Sharia and Hadis – Salient features of Islamic Criminal Law – Judicial organization: King, Chief Qazi, Judicial Officers, Investigative Process and Punishments.
- b) Court System in Mughal empire ; Classification of Courts during Mughal rule, Court at Capital, Provincial court, District Courts, Parganah's Court, Village Courts.
- c) Crime and punishment in Mughal administration – Law with regard to non-Muslims – Evolution of Judicial Setup – Changes introduced by Akbar – Drawbacks in Muslim administration of Justice.

Module IV

Advent of British- Legal and constitutional changes

- a) Administration of Justice and developments of courts and Judicial institutions in the Presidency Towns of Madras, Bombay and Calcutta from 1600-1726- Mayor's Court at Madras; (*Cases-Pagoda oath case, Mayor Naish re-election case, Mayor and Secretary betting case- Bombay; Arab Merchant's case and Hindu woman's case*).
- b) Charters of the East India Company: 1600, 1661, 1726 and 1753 –Courts: Mayor's Court of 1726 and Supreme Court of 1774 (*Cases-The trial of Nanda Kumar - 1775, Case of Kamaluddin 1775, The Patna case 1777-1779, The Cossijuraj case*) - The Settlement Act of 1781.
- c) Warren Hastings plans 1772, 1774 and 1780 – Judicial Measure of Cornwallis- 1787, 1790 &1793.
- d) Working of the Adalat system- Pitts India Act of 1784- Charter Act of 1793.

Module V

Legislative changes in the 19th century.

- a) Development of Law in Presidency Towns –: Charter of 1833 1813,1833, 1853, Government of India Act of 1858. Indian Councils Act-1861 & 1892.
- b) Privy Council: Appeals and working of Privy Council its Jurisdiction- Abolition of the Jurisdiction of Privy Council, Appraisal of Privy Council.
- c) Establishment of High Courts 1861 as the highest court of appeals.

Module VI

Pre-Constitutional History

- a) Minto Morley Reforms 1909– Montague Chelmsford Reforms 1919 – Introduction of Dyarchy in provinces -Simon commission 1927– Nehru Report 1928.
- b) The Government of India Act, 1935 – Cripps mission 1942– Cabinet Proposal 1946 – Mountbatten Plan- Interim Government.
- c) Partition of India - Indian Independence Act 1947- Formation of the Constituent Assembly -The working of Constituent Assembly of India – Adoption of the British model of parliamentary government – Adoption of the Indian Constitution.

Recommend Readings:

Books :

1. Jain, M. P., Patnaik, G. B., Das, Y., Das, R., & Tiwary, A. K. (2014). *Outlines of Indian legal and constitutional history*. LexisNexis.
2. Jain, M. P. (2017). *Outlines of Indian legal history*. NM Tripathi Private Ltd. agency
3. Paranjape, N. V. (2006). *Indian Legal and Constitutional History*. Central Law Agency.
4. Kulshreshtha, V.D., *Landmarks in Indian Legal and Constitutional history*, Eastern Book Company.
5. Mittal, J. K. (1982). *Indian Legal Et Constitutional History*. Allahabad Law Agency.

Journals:

1. Frickey, P. P. (1993). Marshalling Past and Present: Colonialism, Constitutionalism, and Interpretation in Federal Indian Law. *Harvard Law Review*, 381-440.
2. Webster, A. (1990). The political economy of trade liberalization: the East India Company Charter Act of 1813. *Economic History Review*, 404-419.
3. Ehrlich, J. (2018). The Crisis of Liberal Reform in India: Public opinion, pyrotechnics, and the Charter Act of 1833. *Modern Asian Studies*, 52(6), 2013-2055.
4. Muldoon, A. (2016). *Empire, Politics and the Creation of the 1935 India Act: Last Act of the Raj*. Routledge.
5. Galanter, M., & Robinson, N. (2013). India's Grand Advocates: a legal elite flourishing in the era of globalization. *International Journal of the Legal Profession*, 20(3), 241-265

Further Readings:

Books:

1. Sharma, G. S. (2015). *Educational Planning: Its Legal and Constitutional Implications in India*. Indian Law Institute, New Delhi.
2. Jayaswal, K. P. (1924). *Hindu policy: A constitutional history of India in Hindu times*. Butterworth and Company, Calcutta.
3. Prof. Kailash Rai, *Indian Legal and Constitutional History*, Central Law Agency.
4. Jois, R. (2004). *Legal and Constitutional History of India: Ancient, Judicial and Constitutional System*. Universal Law Publishing.

5. Habib, Irfan, India- Studies in the History of an Idea, MunshiramManoharlal Publishers, Delhi, 2004.
6. Gandhi, B. M. (2005). Landmarks in Indian Legal and Constitutional History. Lucknow: Eastern Book Company.H.V. Sreeniwasmurthy – History (for law students)
7. Habib, M., &Nizami, K. A. (1970). *A Comprehensive History of India: The Delhi Sultanat (AD 1206-1526)*, ed. by Mohammad Habib and Khaliq Ahmad Nizami (Vol. 5). People's Publishing House.
8. Dhavan, S. S. The Indian judicial system: a historical survey.
9. Sethi, R. R., & Mahajan, V. D. (1956). *Constitutional history of India*. S. Chand.Singh,
10. M. P. (2006). *Outlines of Indian Legal & Constitutional History*. Universal Law Publishing.

Journals :

1. India. Constituent Assembly (Legislative). (1949). *The Constituent Assembly of India (Legislative) Debates: Official Report* (Vol. 1). Manager of Publications.
2. Rama, G. J., Ramakrishnan, A. G., Venkatesh, M. V., &Muralishankar, R. (2001). Thirukkural: a text-to-speech synthesis system. *Proc. Tamil Internet*, 92-97.
3. Sewell, R., Nunes, F., &Paes, D. (1900). *A Forgotten Empire:(Vijayanagar) a Contribution to the History of India*. London: S. Sonnenschein.
4. Zakariyah, L. (2015). *Legal maxims in Islamic criminal law: Theory and applications*. Brill.
5. Chiriyankandath, J. (2000). 'Creating a secular state in a religious country': The debate in the Indian constituent assembly. *Journal of Commonwealth & Comparative Politics*, 38(2), 1-24.
6. Kalhan, A., Conroy, G. P., Kaushal, M., & Miller, S. S. (2006). Colonial continuities: Human rights, terrorism, and security laws in India. *Colum. J. Asian L.*, 20, 93.
7. Kashikar, C. G. (1979). The idea of ultimate reality and meaning according to the KalpaSūtras. *Ultimate Reality and Meaning*, 2(3), 172-187.
8. Sinha, M. K. (2005). Hinduism and international humanitarian law. *International review of the red cross*, 87(858), 285-294.
9. Rama, G. J., Ramakrishnan, A. G., Venkatesh, M. V., &Muralishankar, R. (2001). Thirukkural: a text-to-speech synthesis system. *Proc. Tamil Internet*, 92-97.

10. Sewell, R., Nunes, F., & Paes, D. (1900). *A Forgotten Empire: (Vijayanagar) a Contribution to the History of India*. London: S. Sonnenschein.

Learning Outcomes:

After completion of the course students will be able to–

- *Students can trace the evolution of Western legal system and legal institutions juxtaposed on the existing eastern systems to fit into the common law system. It helps them to trace the growth and development of legal system and legal education from the ancient past to the present.*
- *Students will be able to illustrate the evolution of the different kind of judicial system and legal systems prevailed in India and its respective changes.*

HLC0203: LAW OF TORTS

(Including Motor Vehicles Act and Consumer Protection Act)

Objectives of the Course:

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 judgements. 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 defences to tort claims in various parameters.

After undergoing the study the student will be able to understand the following:

- *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 including the role of Judge, Burden of Proof issues.*
- *To spot tort issues in everyday conduct.*

COURSE OUTLINE

MODULE I: The Nature of a Tort

- a) Evolution of Tort Law-Nature, Definition and Scope of Torts
- b) Foundation of Tortious Liability- Essential of Torts- Wrongful act, Legal damage and Remedy – Injuria Sine Damno and Damnum Sine Injuria – Ubi jus ibi remedium
- c) Distinction between Tort and Crime - Tort and Contract
- d) Relevance of intention, motive and malice in law of torts
- e) Parties- Capacity to Sue and be Sued -Joint and Several Tort-feasors- Malfeasance, Misfeasance, Nonfeasance

MODULE II: Defences under Tort

- a) Specific Defences and General Defences
- b) Volenti non fit injuria- Act of God (Vis major)
- c) Inevitable Accident- Necessity
- d) Private Defense- Novus Actus Interveniens
- e) Statutory Authority- Judicial and Quasi-judicial Authority- Parental and Quasi-parental Authority.

MODULE III: Liability under Tort

- a) Strict Liability
- b) Absolute Liability
- c) Vicarious Liability- Vicarious Liability of State
- d) Liability for Dangerous Premises- Liability for Dangerous Chattels
- e) Liability for Animals- Liability for Misstatements

MODULE IV: Nuisance -Negligence - Trespass

- a) Essentials to constitute Nuisance- who may sue ?- who may be sued?
- b) Classification of Nuisance- Defences in Nuisance.
- c) Essentials of Negligence- Theories of Negligence- Medical and Professional Negligence
- d) Contributory Negligence- Composite Negligence- Proof of Negligence- Res ipsa loquitur
- e) Trespass- Trespass to Land- Trespass to Person- Trespass to Goods- Nervous Shock

MODULE V: Defamation- Malicious Prosecution - Remedies - Discharge of Torts

- a) Essentials of Defamation- Kinds of Defamation- Rules to test a Defamatory Statement- Defences for an action of Defamation
- b) Malicious Prosecution- Distinction between false Imprisonment and Malicious Prosecution- Damages for Malicious Prosecution
- c) Remedies- Kinds of Remedies-Judicial Remedies of Torts-Damage- kinds of damage- Remoteness of Damages- test of Remoteness of Damages- Rules relating to Remoteness of Damages
- d) Injunction – kinds of Injunction- Specific Restitution– Constitutional Remedies- Extra-judicial Remedies- Self-help- Expulsion of trespasser- Re-entry on Land – Recapture of Goods – Distress damage feasant – Abatement
- e) Discharge of Torts- Waiver- Accord and Satisfaction- Release- Acquiescence- Judgment Recovered and Res Judicata- Statutes of Limitation- Death

MODULE VI: Motor Vehicles Act - Consumer Protection Act

- a) 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
- b) Compensation and Right to Just Compensation- Claims and Claim Tribunal – Composition, Powers, Procedure and appeal against its orders - Liability
- c) Insurance company, Third Party, Vicarious Liability Fault and no Fault liability, Right to fixed compensation.
- d) Consumer Protection Act- Concept and definition of Consumer and Service- Unfair trade practices- Supply of essential commodities and services- Enforcement of consumer rights
- e) Consumer protection redressal agencies-District forum- State commission- National commission- Working of consumer protection law-Deficiency in service

Recommended Reading

Books

1. Ramaswamy Iyer's The Law Of Torts, A Lakshminath , M Sridhar , LexisNexis India (2010)
2. Philosophy and the Law of Torts, Gerald J. Postema, Cambridge University Press, 2002
3. Gandhi, B.M., Law of Tort, 4th Edition, Reprinted 2019, Eastern Book Company.
4. Pillai, P.S.A., Law of Torts, 9 th Ed., Eastern Book Co., Lucknow (2017).
5. Salmond, Law of Torts, 17th Ed., (Rev. by R.F.V. Henston) London, Sweet and Maxwell (1979).

Journals/ Articles

1. Philosophical Issues in Tort Law, John Oberdiek, Volume3, Issue 4, July 2008, Pages 734-748
2. 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
3. Some Thoughts on Risk Distribution and the Law of Torts, Guido Calabresi, The Yale Law Journal, Vol. 70, No. 4 (Mar., 1961), pp. 499-553
4. Principles of Torts, Harvard Law Review, vol. 56 Harv. L. Rev. 72 (1942-1943), Heinonline,
5. A Critique of Torts, Richard. L. Abel ,vol 37 UCLA L. Rev. 785 (1989-1990), Heinonline,

Further Reading

Books

1. Harold Luntz et al, *Torts: Cases and Commentary* (LexisNexis Butterworths, 8th ed, 2017)
2. Carolyn Sappideen and Prue Vines (eds), *Fleming's The Law of Torts* (Lawbook Co, 12th ed, 2016);
3. Martin Davies and Ian Malkin, *Torts* (LexisNexis Butterworths, 8th ed, 2017);
4. Kit Barker et al, *The Law of Torts in Australia* (Oxford, 5th ed, 2012);
5. RP Balkin and JLR Davis, *Law of Torts* (LexisNexis Butterworths, 5th ed, 2013);
6. Horsey, K. & Rackley, E. *Tort Law*. (Oxford University Press, 2019).
7. Ratan Lal and Dhirajlal, *The Law of Torts*, 25th Ed., Wadhwa and Co. Nagpur, 2017.
8. Singh, S.P, *Law of Tort*, Fourth Edition, Universal Law Publishing Co. Reprint 2018
9. Chakraborty, C., *Law of Consumer Protection*, New Delhi, Dwivedi Law Agency (2007).
10. Lunney, M. and Oliphant, K. (2013) *Tort law: text and materials*. Fifth edition. Oxford, United Kingdom: Oxford University Press.

Journal/ Articles

1. The Enterprise Liability Theory of Torts, Howard C. Klemme, Vol 47 U. Colo. L. Rev. 153 (1975-1976), Heinonline.
2. Conditional Fault in the Law of Torts, Robert E. Keeton, *Harvard Law Review*, Vol. 72, No. 3 (Jan., 1959), pp. 401-444
3. 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
4. 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.
5. Bijawat, Mahesh, Medical Negligence – Medical Malpractice- A Medical Experience (NC), JILI 37, 1995 page 390-397.
6. The Strict Liability In Fault And The Fault In Strict Liability, John C.P. Goldberg, Benjamin C. Zipursky Harvard Law School
7. 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>
8. [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
9. Tort Law, Southern California Law Review
<https://southerncalifornialawreview.com/tag/tort-law/>
10. Tort Law, Green, Leon – Hein Online
https://heinonline.org/HOL/AuthorProfile?collection=Journals&base=js&search_name=Green,%20Leon

Cases for Guidance

1. Ashby vs. White (1703) 2 Lord Raym 938
2. Gloucester Grammar School case (1410) Y.B. 11 hen. IV of 47
3. Mayor of Bradford Corpn. vs. Pickles (1895) AC 587
4. Smith v. Charles Baker and Sons (1891) AC 325 (HL)
5. South Indian Industrial Ltd., Madras vs. Alamelu Ammal, AIR 1923 Mad. 565
6. Hall vs. Brooklands Auto Racing Club (1932) 1 KB 205
7. Rylands vs. Fletcher (1868) LR 3 HL 330.
8. M. C. Mehta vs. Union of India, AIR 1987 SC 1086.
9. State of Rajasthan vs. Vidyawathi (1962) Supp. 2 SCR 989
10. Donoghue vs. Stevenson (1932) All ER Rep. 1
11. Malton Board of Health vs. Malton Manure Co., (1879) 4 Ex D 302
12. White vs. Bailey 1861 10 C.B. (ns) 227
13. The Wagon Mound (No 1) (1961)
14. Kamta Prasad vs National Buildings Constructions Corporation Pvt Ltd, A.I.R. 1992 Delhi 275
15. *Livingstone vs Rawyards Coal Co (1880) 5 App Cas 25, 39*
16. Khenyei vs New India Assurnace Co.Ltd.& Ors on 7 May, 2015
17. Ajay Kumar & Anr. vs Most. Ruby Devi & Ors. on 27 July, 2016

18. Union Carbide Corporation Etc vs Union Of India Etc. Etc on 3 October, 1991
19. Stanley vs. Powell, (1891) 1 QB 86
20. Rural Transport Service vs. Bezlum Bibi (1980)

Learning Outcomes

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

SECOND YEAR

III-SEMESTER

HBA0308: GENERAL PRINCIPLES OF SOCIOLOGY

Objectives of the Course

The prime objective of this subject is to introduce to the law students to the basic concepts in sociology and the functioning of various social institutions in the society. This paper is intended to familiarize the students with the social, political, economic and intellectual contexts in which sociology emerged as a distinctive discipline.

this paper will enable the students to understand the following:

- 1. study and observe the various ethical, moral and cultural values of the society.*
- 2. significant role played by social institutions in regulating the behavioural patterns of individuals in every society.*
- 3. analyse the social stratification system and their linkages with social development process.*
- 4. intended to acquaint to the students of law to various agencies of social control and understand the significance of social control in society.*
- 5. understand the impact and relationship on law and the importance of social aspects in law making.*

COURSE OUTLINE

MODULE – I

Introduction:

- a) Origin and Development of Sociology- Definition - Scope of sociology
- b) Relationship of Sociology with other Sciences: Anthropology - Social Psychology - Economics - Politics -Law

MODULE –II

Basic Concepts:

- a) Society and Community - Status and Role - Social Norms and Social Values
- b) Institutions: Kinship - Religion - Education - Polity -Definition - Characteristics and Functions

MODULE – III

Socialization and Culture:

- a) Socialization: Types – Stages - Agencies -Theories of Socialisation
- b) Culture: Characteristics – Functions -Types of Culture: Material Culture and Non-Material Culture - Cultural Lag - Role of Culture in Socialization

MODULE – IV

Social Groups:

- a) Definition - Characteristics - Importance of Group Life - Types of Groups: Primary Group and Secondary Group - Organised Group and Unorganised Group - Reference Group - Difference and Importance of Primary and Secondary Groups

MODULE – V

Social Institutions:

- a) Marriage: Meaning of Marriage - Types of Marriage: Polygamy and Monogamy
Changing trends in marriage - Marriage as a Social Institution.
- b) Family: Meaning and Characteristics of Family - Functions – Types of Family: Matriarchal Family - Patriarchal Family - The Nuclear Family – Recent trends in modern Nuclear family.

MODULE – VI

Social Stratification and Social Mobility:

- a) Social Stratification: Definition - Characteristics - Functions of Stratification - Forms of Social Stratification: Slavery - Estate - Caste – Class.
- b) Social Mobility: Types of Social Mobility: Horizontal Mobility and Vertical Mobility - Intra and Intergenerational Mobility - Some aspects of Social Mobility: Sanskritisation - Westernisation - Modernisation.

MODULE – VII

Social Control and Social Deviance:

- a) Social Control: Definition – Nature of Social Control - Types of Social Control: Formal and Informal Control – Agencies of Social Control.
- b) Social Deviance: Definition - Types of Deviance - Factors Facilitating Deviance- Social Significance of Deviant Behaviour.

Recommended Readings:

Books:

1. Ram Ahuja, 2014. *Society in India: Concepts, Theories and Recent Trends*, Jaipur: Rawat Publication., New Delhi.
2. Shankar Rao, C.N. 2018. *Sociology: Principles of Sociology with an Introduction to Social Thought*, S Chand and Company Pvt. Ltd
3. Vidhya Bhushan and Sachdeva, D.R.2006. *Introduction to Sociology*, Kitab Mahal
4. Malik and Raval, 2009. *Law & Social Transformation in India*, 2nd Edition, Allahabad Law Publishers.
5. Francis Abraham, M. 2006. *Studies in Sociology*. Orient Longman Ltd., Third Edition.

Journals:

1. Sociological Bulletin (Indian Sociological Society)
2. Social Change
3. Journal of Social Issue
4. Current Sociology
5. Indian Journal of Sociology.

Further Reading:**Books:**

1. Beteille, Andre, 2002, *Sociology: Essays in Approach and Method*, Oxford University Press.
2. Bottomore, T.B. 1972. *Sociology- A Guide to Literature and Problems*, New Delhi, Creavge Allen and Unwin.
3. Fiehter, J.H. 1971. *Sociology* (2nd Edn). London: The University of Chicago Press.
4. Giddens, Anthony, 2010. *Sociology*, Cambridge , Polity Press.
5. Gisbert Pausal, 1978. *Fundamentals of Sociology*, Orient Longman Ltd., Third Edition.
6. Harlambos J. 1988. *Introduction to Sociology*, New Delhi: Oxford University Press.
7. Inkless, Alex. 1987. *What is Sociology*, New Delhi: Prentice Hall.
8. Ogburn, W.F. and Nimkoff, M.F A 1964. *Hand Book Of Sociology*, London: Routledge and Keganpual.
9. Uberoi, Patricia, 1993. *Family, Kinship and Marriage in India*, Oxford University Press.
10. Anderson, W.A. and Parker, F.B. 1964. *Sociology: Its Organization and Operation*, New York, Van Noshaind Company.

Learning Outcomes

After completion of the course the students will be able to -

- *Introduce to the basic concepts and understand its cultural and social magnitude*
- *Understanding the roles and functions of Social Institutions*
- *Analysis the various bases of Social Stratification and Social Mobility*
- *Significance and role played by formal and informal institutions in Socialisation proces*

HBA0309: INTERNATIONAL RELATIONS

Objectives of the Course

International relations has very close link with International Law. Students are required to learn the basic principles connected with Realism, Political Power, National Power, Balance of Power and Cold War Alliances. The course also covers various regional arrangements in helping to settle the international disputes both diplomatically and disputes redressal mechanisms. Finally, the course focuses on the role of International and Regional Institutions in protecting Human Rights and Humanitarian Law.

COURSE OUTLINE

Module I

Introduction to International Relations:

- a) Meaning nature and scope of international relations – Evolution of State as a player in Industrial Relations.
- b) International Relations in Ancient, Medieval and Modern Periods.
- c) Relationship between International Relations and International Law.

Module II

Theories of International Relation

- a) Idealist Theory. – Realist Theory-Classical Realism & Neo-Realism.
- b) Hans J Morgenthau- Six Principles of Realism.
- c) System theory – Marxist theory. – Feminist – Post-Colonial and Post-Modern Theories.

Module III

Key Concepts in International Relations.

- a) Meaning and Elements of National Power – National interest and National power – Limitations on National power.
- b) World Public Opinion and International Morality – War as a method of Wielding Power - (Military, Economic and Cultural).
- c) Imperialism In International Relations – Two World Wars and their impact.

Module IV

Balance of Power, Cold War and Contemporary World

- a) Balance of Power in I.R. – Patterns and Methods of Balance of Power. – Limitations of Balance of Power – Changes in the Balance of Power –
- b) Cold War: Its origin, causes, nature and impact on international relations – Détente: Its meaning and impact on International relations.
- c) Non alignment: Its meaning, Non – Alignment Movement and impact on present International Scenario – Changing dynamics in international relations.

Module V

Diplomacy and Contemporary functions

- a) Diplomacy ,Meaning Nature and objectives – Functions and Types of Diplomacy
- b) Diplomacy and Terrorism – Human Security and Human Rights
- c) International Humanitarian Laws and Interventions.

Module VI

International Organisation and New International Economic Order.

- a) League of Nations and United Nations – Conventions and the development of International Law through international relations – SALT-I, II.
- b) Regional Organization European Union, SAARC, ASEAN, Arab League. – New International Economic Order.
- c) Need of New International Economic Order. – North-South divide. – G-7, G – 15, G – 20, BRIC.

Module VII

Globalisation, Science and technology advancements.

- a) Globalization and International Relations – Theories of Globalization (Realists, Liberalists, Marxist and Constructivist).
- b) Contemporary issues of International Relations – Impact of Nuclear Weapons on International Relations.
- c) Nuclear weapons as deterrent – Non Proliferation treaty (NPT) – Non-State Actors – Terrorism.

Recommended Readings:**Books:**

1. Norman D. Palmer and Howard C. Perkins - International Relations: The World Community in Transition. 2018
2. Jackson, R., Sørensen, G., & Møller, J. (2019). Introduction to international relations: theories and approaches. Oxford University Press, USA.
3. Charles W. Kegley JR and Eugene R. Wittkopf - World Politics: Trend and Transformation.
4. Timothy Dunne and Steve Smith, eds., International Relations Theories: Discipline and Diversity, Oxford University Press, 2007
5. Aron Raymond, Peace and War: A Theory of International Relations, New Brunswick, New Jersey, London, Transaction Publishers, 2003

Journals:

1. Sharp, P. (1999). For diplomacy: Representation and the study of international relations. *International Studies Review*, 1(1), 33-57.
2. Peters, A., & Preuss, U. K. (2013). International relations and international law. In *Routledge Handbook of Constitutional Law* (pp. 57-68). Routledge.
3. Keohane, R. O. (2003). International relations and international law: two optics 1996. In *Power and Governance in a Partially Globalized World* (pp. 131-145). Routledge.
4. Hart, J. (1976). Three approaches to the measurement of power in international relations. *International Organization*, 30(2), 289-305.
5. Haas, E. B. (1953). The balance of power: prescription, concept, or propaganda?. *World Politics*, 5(4), 442-477.

Further Readings:**Books:**

1. Trevor C. Salmon and Mark Imber, eds., Issues in International Relations, Routledge Publishers, 2008.
2. John Baylis and Steven Smith, eds., The Globalization of World Politics: An Introduction to International Relations. London: OUP, 2008.
3. Jill Steans, Lloyd Pettiford and Thomas Diez, eds., Introduction to International Relations: Perspectives and Themes, 2nd Edition, Pearson / Prentice Hall Publishers, 2005.

4. Richard Little and Steve Smith, eds., *Perspectives on World Politics*, 1st Edition, Routledge, 2005.
5. Hans J. Morgenthau - *Politics Among Nations: The Struggle for Power and Peace*,
6. Sprout and Sprout: *Foundations of International Politics*, Van Nostrand, New York.
7. Robert Art and Robert Jervis, eds., *International Politics: Enduring Concepts and Contemporary Issues*, 9th Edition, Pearson-Longman Publishers, 2009.
8. Joseph, J., & Wight, C. (Eds.). (2010). *Scientific realism and international relations*. Springer.
9. Kanti Bajpai and Siddharth Mallavarapu, eds., *International Relations in India: Theorizing the Region and Nation*, Orient Blackswan, 2005.
10. K.J. Holsti, *International Politics: A Framework of Analysis*, 7th Edition, Prentice Hall.

Journals:

1. Hocking, B., & Smith, M. (2014). *World politics: an introduction to international relations*. Routledge.
2. Steans, J., Pettiford, L., Diez, T., & El-Anis, I. (2013). *An introduction to international relations theory: Perspectives and themes*. Routledge.
3. John, B., Steve, S., & Patricia, O. (2011). The globalization of world politics: an introduction to international relations. Waltz, K. N. (1967). International structure, national force, and the balance of world power. *Journal of International Affairs*, 21(2), 215-231.
4. Cox, R. W. (1979). Ideologies and the new international economic order: reflections on some recent literature. *International Organization*, 33(2), 257-302.
5. Mayall, J. (1998). Globalization and international relations. *Review of International Studies*, 24(2), 239-250.
6. Epstein, W. (1976). Last change: nuclear proliferation and arms control.
7. Berg, M. (2015). East-West Dialogues: Economic Historians, the Cold War, and Détente. *The Journal of Modern History*, 87(1), 36-71.
8. Crenshaw, M. (1981). The causes of terrorism. *Comparative politics*, 13(4), 379-399.
9. Cox, R. W. (1981). Social forces, states and world orders: beyond international relations theory. *Millennium*, 10(2), 126-155.
10. Ayoob, M. (2002). Inequality and theorizing in international relations: the case for subaltern realism. *International Studies Review*, 4(3), 27-48.

Learning Outcomes

After completion of the course the students will be able to -

- *Able to understand the evolution, scope and significance of international relations and the rise of sovereign state system*
- *Analyze the history of international relational through the causes and phases of colonialism.*
- *Appreciate and critically understand the post war developments through the emergence of third world.*
- *Understand the importance of the concept of power, national, regional ,global and peace security*

HLC0304: CONSTITUTIONAL LAW – I

Objectives of the Course:

*The purpose of the course is to acquaint the students with the meaningful understanding of basic philosophical tenets of **Constitutional Law**, and to train them in the fundamental legal structures and concepts that are found in Constitutions across the world, such as Constitutional Supremacy, basic rights, rule of **law**, judicial review, systems.*

- 1. The Study emphasises the nature and fundamental principles enshrined in the Constitution.*
- 2. It helps to analyse critically the significant judicial decisions that highlights the development of Constitutional Jurisprudence.*
- 3. It enables the students to articulate their independent views over contemporary constitutional issues.*
- 4. It provides legal framework and the touchstone on the basis of which the constitutionality of laws are examined*

Course Outline

Module – I: Classification of Constitution and Governments

- Definition and meaning of Constitution
- Kinds of Constitution,
- Meaning of 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.

Module –III: Introduction to Fundamental Rights

- UDHR:** Influence of UDHR on the Indian Constitution
- State:** Definition and meaning, Article 12, New Judicial trends on concept of State –
- Law:** Definition and Meaning of Pre- Constitutional and Post- Constitutional Laws, Various Doctrines like Eclipse, Severability and Ultravires,
- Judicial Review and Article 13 –

- e. **Amendment:** 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

- a. **Right to Equality:** General Equality Clause under Article 14, Judicial Interpretation on Equality– Reasonable Classification.
- b. Protective Discrimination Clause, Reservation and Social Justice under Articles 15 and 16, Equality and Reservation,
- c. Equality of opportunity in public employment – Art 16,
- d. Constitutional Provisions on Untouchability and abolition of Titles.
- e. **Right to Freedom:** Freedom of Speech and Expression - Art 19, Scope and Ambit- Art 19(1) (a) and (2); other freedoms From 19 (1) (b) to (g) ,
- f. Balance between individual interest and collective interest,
- g. Reasonable restrictions on Right to Freedom under Article 19(2) to 19(6)
- h. Judicial interpretation on Right to Strike and Bandh - Right to Information.

Module – V: Fundamental Rights - II

- a. **Right to Liberty:** Art 21 - Right to Life and Personal Liberty, Meaning and Scope, Procedure established by law,
- b. Judicial Interpretation on Life and Liberty, Applicability of concept of reasonableness. Difference between Due Process and Procedure Established by Law
- c. **Rights of the Accused:** Article 20 - Rights of the arrested person, Ex-post Facto – Double Jeopardy – Self incrimination,
- d. Article 22 – Preventive Detention, Right against Preventive Detention, Exceptions, Safeguards against Preventive Detention.
- e. Right against exploitation – Forced labour and child employment

Module – IV: Fundamental Rights - III

- a. **Freedom of Religion:** Articles 25-28, Secularism, Judicial Interpretation, Restrictions on Freedom of Religion.
- b. **Cultural and Educational Rights:** Articles 29-30, Protection on Minorities, Recent trends on Minority Educational Institutions.
- c. **Right to Constitutional Remedies:** Article 32 and 226, Writ Jurisdiction – Definition, Nature, Scope and functions, PIL, Compensatory Jurisprudence, Various Writs

Module – VII: Directive Principles of State Policy and Fundamental Duties

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

Recommended Readings:

1. H.M.Seervai, Constitutional Law of India, Vol.1-3,Universal Law Publishing - An imprint of LexisNexis; 4th edition (2015)
2. D.D.Basu, Commentary on the Constitution of India (1-10 Volumes) Lexis Nexis Butterworths, Wadhwa, Nagpur (2009)
3. M.P.Singh (ed.), V.N.Shukla’s Constitution of India (EBC, Lucknow,2017)
4. M. P. Jain- Indian Constitutional Law- (Lexis Nexis2014)
5. 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.

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)
6. Mamta Rao, Constitutional Law, (EBC, Lucknow 2013)
7. Sathya Narayan (ed.), Selected Works of S.P.Sathe & Constitutionalism (2015), Oxford
8. M. Galanter, Competing Equalities - Law and the Backward Classes in India (1984) Oxford
9. N.A.Subramaniam – Case law on the Indian Constitution(1969)
10. Report of the National Commission to Review the Working of the Constitution (NCRWC)

Journals:

1. Bakshi, P. M. "Comparative Law: Separation of Powers in India." American Bar Association Journal 42, no. 6 (1956): 553-95..www.jstor.org/stable/25719656.
2. Kumar, Virendra. "Basic Structure of The Indian Constitution: Doctrine Of Constitutionally Controlled Governance [From KesavanandaBharati to I.R. Coelho]." JILI vol. 49, no. 3, 2007, pp. 365–398. JSTOR, www.jstor.org/stable/43952120.
3. Rao, P.P. "RIGHT TO EQUALITY AND THE RESERVATION POLICY." Journal of the Indian Law Institute, vol. 42, no. 2/4, 2000, pp. 193–203. JSTOR, www.jstor.org/stable/43953811
4. Bhat, P. Ishwara. "Tracing Right To Property In The Bosom Of Right To Life And Personal Liberty : Comparative Reflection On Recent Constitutional Developments In America, Canada And India."JILI, vol. 38, no. 1, 1996, pp. 13–37. JSTOR, www.jstor.org/stable/43951621
5. S. P. Sathe, Judicial Activism: The Indian Experience, 6 Wash. U. J.L. &Pol'y 29 (2001).<https://heinonline.org/HOL/P?h=hein.journals/wajlp6&i=33>.

6. Brian Z. Tamanaha, The History And Elements Of The Rule of Law, Singapore Journal of Legal Studies [2012]. <https://law.nus.edu.sg/sjls/articles/SJLS-Dec-12-232.pdf>.
7. Manoj Mate, The Origins Of Due Process In India: The Role of Borrowing In Personal Liberty And Preventive Detention Cases, 28 Berkeley J. Int'l L. 216 (2010). <https://heinonline.org/HOL/P?h=hein.journals/berkjintlw28&i=218>
8. Pillai, K. N. Chandrasekharan. "SUPREME COURT ON CASTE CONVERSION AND RESERVATION." Journal of the Indian Law Institute, vol. 47, no. 4, 2005, pp. 540–543. JSTOR, www.jstor.org/stable/43952001.
9. Lloyd I. Rudolph & Susanne Hoerber Rudolph (1981) Judicial review versus parliamentary sovereignty: The struggle over stateness in India, The Journal of Commonwealth & Comparative Politics. DOI: [10.1080/14662048108447387](https://doi.org/10.1080/14662048108447387)
10. Haqqi, S. A. H. "POSITION OF THE STATES UNDER THE INDIAN CONSTITUTION." The Indian Journal of Political Science, vol. 22, no. 1/2, 1961, pp. 43–52., www.jstor.org/stable/41853869

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:

After the completion of the course the students will be able to -

1. The study of Constitutional Law as a Transformative Document enhances ability to apply law in addressing social problems.
2. The study of Mother Document upholds democratic spirit and constitutional values promoting good governance and cultivating constitutional morality
3. It develops ability to design new social legislations and suggesting amendments to the existing legislations.
4. The study enables the students as to how the Constitution tries to bring democracy out of Public and extend it to private sphere and also ensures clear understanding of professional and ethical responsibility

HLC0305: LAW OF CONTRACT - I

Objectives of the Course

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 through decided cases;*
- *essential aspects of contract with reference to General principles;*
- *Application of contract law in practical use cases.*

COURSE OUTLINE

MODULE I: INTRODUCTION TO CONTRACT LAW

- a. The nature of contractual obligations
- b. Discussion on contracts, related parties to the contract, remedies available in day to day life
 - Purchase of goods/ services
 - Employment contracts
 - Bank loan
 - Renting a Bank Locker
 - Lease contract
 - Insurance contract
 - Contract formed by online purchase of goods
- c. Enforcement - Primary purpose of contract law

MODULE II: FORMATION OF CONTRACT

- a) Understanding the terms Agreement, Offer, Proposal, Acceptance and Contract
- b) Diversity between Agreement and Contract
- c) Proposal and Acceptance
 - Proposal - essential elements, forms, invitations for proposals and tenders, communication of proposal, floating offers, options
 - Acceptance - essential elements, forms, requirement of communication, silence as acceptance
 - Auctions - essential elements and the requirement of communication
 - Revocation of proposal and acceptance
 - E-contracts with reference to provisions of the Information Technology Act, 2000
- d) Express and Implied contracts
- e) Standard form contracts - advantages and disadvantages
- f) Formalities to be carried for a valid contract
 - draft of the contract,
 - signatures,
 - attestation,
 - registration,
 - notarization,
 - stamp duty.
- g) Difference between formalities of a contract with the Government and General contract – Refer to Article 299 of the Constitution of India

MODULE III: CONSIDERATION

- a) Definitions, meaning, kinds and essential elements of consideration
- b) Theories of consideration
- c) Privity of contract and of consideration
- d) Present, past and future consideration
- e) Adequacy of consideration and effect of inadequacy
- f) Exceptions to the rule no consideration no contract
- g) Charity and doctrine of consideration

MODULE IV: COMPETENCY OF PARTIES

- a) Age of majority under the Indian Majority Act 1875,
- b) Contracts with Minors - Doctrine of Necessaries-Estoppel- Restitution – Ratification (also refer to section 68 of ICA)
- c) Contract with Persons of Sound minds, incapacity arising out of Lunacy, Old age and other legally recognized incompetence's
- d) Competency of companies, statutory bodies, central and state governments

MODULE V: FREE CONSENT

- a) Definition and Meaning of consent and free consent
- b) Factors vitiating free consent
- c) Coercion
 - Law Commission report on Coercion
- d) Undue Influence
- e) Misrepresentation
- f) Fraud
- g) Mistake:
 - mutual and common mistake,
 - unilateral and bilateral mistake,
 - mistake of law and fact
- h) Effect of absence of free consent
- i) Doctrine of Economic duress
- j) Remedies available to the party whose consent is not free:
 - rescission,
 - restoration
 - Loss of right of rescission.

MODULE VI: LEGALITY OF OBJECT AND VOID AGREEMENTS

- a) Unlawful agreements, circumstances in which agreements enforced even if unlawful
- b) Void agreements: Restraint of marriage, trade and legal proceedings, uncertain agreements, wagers
- c) Effect of void and of unlawful agreements
- d) Contingent contracts and their enforcement

- e) Effect of non-happening of event
- f) Enforcement of contingent contracts
- g) Quasi Contracts
 - Types of Quasi Contract
 - Doctrine of restitution
 - Effect of breach of quasi-contractual obligation

MODULE VII: PERFORMANCE OF CONTRACT

- a) Obligation to perform or offer to perform; who must perform, effect of death, personal contracts, rights and liabilities under a contract
- b) Doctrine of privity, and exceptions to the doctrine
- c) Joint rights and liabilities
- d) Time of performance, right to terminate if time is of essence
- e) Liability to pay interest for delay
- f) Place of performance
- g) Reciprocal promises, effect of non-performance of one of reciprocal promises; unilateral and bilateral promises
- h) Appropriation of payments
- i) Discharge of contract
 - by performance;
 - by offer of performance:
 - by non-performance by one party
 - by breach and rescission
 - anticipatory breach
- j) Doctrine of impossibility and effect
- k) By agreement
 - novation,
 - alteration and
 - rescission
- l) By act of promise
 - dispensing,
 - remission and
 - waiver,
 - extension of time, accord and satisfaction
- m) Termination or discharge under contract provisions

MODULE VIII: REMEDIES UNDER THE CONTRACT

Remedies under contract law through court or arbitration

- a) Compensation (damages): General and special, substantial and nominal, aggravated and punitive, liquidated and unliquidated –Causation - Contemplation and Remoteness - Duty of mitigation - Assessment
- b) Claim for the agreed sum: viz. suit for price, return of loan amount
- c) Claim in quantum meruit

Remedies of Specific Relief through court or arbitration under Specific Relief Act:

- a) 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
- b) Injunctions in suits relating to contract:
 - Discretionary relief
 - Kinds - Temporary and perpetual, prohibitory and mandatory
 - When can injunction be granted?
 - When will injunction not be granted?
 - Injunction to enforce negative covenants
 - Claim for compensation in a suit for injunction
 - Rescission
 - Rectification of instruments
 - Cancellation of instruments

Recommended Readings:

Books:

1. Avtar Singh, Law of Contract and Specific Relief, 12th ed, 2017, Eastern Book Company.
2. V Kesava Rao, Contract I: Cases and Materials, 2nd ed, 2014, Lexis-Nexis

3. Ritu Gupta, Law of Contract – includes the Specific Relief Act 1963, 2015, Lexis-Nexis
4. Anson's Law of Contract, Beatesen and Burrows ed. 29th ed., 2010, Oxford University Press.
5. Mulla, The Indian Contract Act, Anirudh Wadhwa ed., 15th ed., 2015, Lexis-Nexis

Journals:

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

Further Readings:

Books:

1. Cheshire, Fifoot and Furmston's Law of Contract, Michael Furmston ed., 16th ed, 2012,
2. Sarkar on Specific Relief, Sudipto Sarkar and R Yasho Vardhan eds, 17th ed, 2016, Lexis Nexis
3. R K Singh, Law Relating to Electronic Contracts, 2nd ed, 2015, Lexis-Nexis.
4. Sachin Rastogi, Insights into E-Contracts in India, 2013, Lexis Nexis
5. 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
6. Shubhashis Gangopadhyay and V Shantakumar, Law and Economics Vol I and II, 2013, Sage Publications, Chapter 5
7. M. Krishnan Nair, Law of Contracts, 1998.
8. Garima Tiwari, Understanding Laws – Contracts, 2014, Lexis-Nexis.
9. G.H. Treitel, Outline of Law of Contract, 6th rev ed, 2005, Oxford University Press
10. Atiyah's Introduction to the Law of Contract, Stephen Smith ed., 2nd ed, 1997 Oxford University Press

Journals/Journal Articles:

- 1) 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.
- 2) 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
- 3) Standard form contracts and a smart contract future, Kristin B. Cornelius
Department of Information Studies, University of California, Los Angeles, USA
- 4) Contract, Consideration and the Critical Path, John Adams and Roger Brownsword, *The Modern Law Review*, Vol. 53, No. 4 (Jul., 1990), pp. 536-542
- 5) 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.
- 6) 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
- 7) 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
- 8) 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 |
- 9) IMPLEMENTATION WITH CONTINGENT CONTRACTS, Rahul Deb and Debasis Mishra, *Econometrica*, Vol. 82, No. 6 (November 2014), pp. 2371-2393
- 10) 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:

1. Lalman Shukla v Gauridutt – [(1913) 11 ALJ 489]
2. Harvey v. Facey – [(1893) A.C. 552 Privy Council]
3. Balfour v Balfour - p [(1919) 2 K.B. 571]
4. Mohori Bibee v Dharmodos Ghose - [(1903) 30 I.A. 114 (P.C.)]
5. Carlill v Carbolic Smoke Ball Co. - [(1892) EWCA Civ 1 : (1893) 1 QB 256]

6. Felthouse v Bindley - [(1862) 11 Cb (NS) 869 : EWHC CP J35 : 142 ER 1037 : (1863) 7 LT 835]
7. Kedarnath v. Gorie Mohamed – [(1887) ILR 14 Cal 64]
8. Tweddle v. Atkinson – [(1861) EWHC QB J57 : (1861) 1 B&S 393 : (1861) 121 ER 762]
9. Phillips v Brooks Ltd. – [(1919) 2 KB 243]
10. Cundy V Linsay – [(1878) 3 AC 459]
11. SatyabrataGohose v Mugneeram Bangur& Co. - [AIR 1954 SC 44 : 1954 SCR 310]
12. PannalalJankidas v Mohanlal - [AIR 1951 SC 144 : 1950 SCR 979]
13. Hadley v Baxendale - [(1854) 9 Ex Ch 341]
14. Donoghue v Stevenson - [(1932) UKHL 100 :(1932) SC (HL) 31 : (1932) AC 562 : (1932) All ER Rep 1]
15. 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.

HLC0306: LAW OF CRIMES I (INDIAN PENAL CODE)

Objective of the Course:

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. Further, the illustrations play a dominant role and should be studied again and again to comprehend the essentials of the offences. 'Mens rea' which is the subject of great discussion in England, is much simplified by the I.P.C. The subject is heavy but is worth its weight in gold.

After undergoing the study the student will be able to understand the following:

- *Analyze criminal acts, their elements, parties to offenses, and application to the criminal justice system*
- *Express an increased awareness of the legal principles of criminal law and its application*
- *Students will demonstrate an understanding of the origins of criminal behaviour, society's response to crime, and the consequences of crime to our society, utilizing multiple perspectives*
- *Students will articulate ethical implications of decision making in a professional capacity.*

COURSE OUTLINE

Module I: Nature and Scope of Criminal Law

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

Module II: General Exceptions

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

Module III: Punishment

- a) Punishments-Theories of punishment
- b) Types of punishment
- c) Commutation of sentence
- d) Solitary confinement-Limit of solitary confinement
- e) Enhanced punishment

Module IV: Offences against Human Body

- a) Culpable Homicide and Murder
- b) Rash and Negligent Act-Attempt and Abetment to Suicide
- c) Hurt and Grievous Hurt- Criminal Force and Assault-Wrongful Restraint and Wrongful Confinement
- d) Kidnapping and Abductions
- e) **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

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

Module VI: General Offences

- a) Offences against State -Offences against Election
- b) Offence Relating to Coins & Government Stamps
- c) Offences Relating to Religion-Defamation- Criminal Intimidation, Insult & Annoyance
- d) 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.

Recommended Reading

Books

1. K.I. Vibhuti, PSA Pillai's Criminal Law, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2017
2. K.D. Gaur, Textbook on Indian Penal Code, Universal Law Publishing Co., New Delhi, 2017
3. Ratanlal Dhiraj Lal, The Indian Penal Code, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2017
4. The Indian Penal Code 1860 (IPC) Bare Act with Illustrations 2020 Edition Paperback – 1 Jan 2020, [Government of India](#)
5. Glanville Williams, Text Book of Criminal Law, Universal Law Publishing Co., New Delhi, 2016

Journals/ Article

1. Murder-suicide: A review of the recent literature, Eliason S, Journal of the American Academy of Psychiatry and the Law (2009) 37(3) 371-376
2. Whose problem is it anyway? Crimes against women in India, Himabindu B Arora RPrashanth N, Global Health Action (2015) 8(1)
3. Mens Rea, Hampton J, Social Philosophy and Policy (1990) 7(2) 1-28
4. Intention, Parkinson CWheatley T, Elsevier Inc., (2012), 452-457
5. Trafficking in women and children in India: nature, dimensions and strategies for prevention, Ghosh B, The International Journal of Human Rights (2009) 13(5) 716-738

Further Reading

Books

1. Supreme Court on Penal Code Collection (in 5 Volumes), Surendra Malik and Sudeep Malik, 2018 Edition, Eastern Book Company
2. Indian Penal Code (IPC), C.K. Takwani, 2014 Edition, Eastern Book Company
3. Criminal Law (Indian Penal Code), K S N Murthy & K V S Sarma, 1st Edition, Lexis Nexis
4. Crime and Punishment– Trends and Reflections, N V Paranjape, 1st Edition, Lexis Nexis
5. Textbook on Criminal Law, Allen M, Oxford University Press, (2013)
6. The Language of Crime, Tiersma PSolan L, Oxford University Press, (2012)
7. Death sentence on taxonomy in India, Prathapan KRajan PNarendran TViraktamath CARavind, NPoorani JSee fewer, Current Science, 2008
8. Law of crimes: A hand book : a single volume commentary on Indian penal code, 1860 (Act no. XLV of 1860), V. V Raghavan, Orient Law House : sole selling agents, Orient Sales Organisation; 1st edition (1980)
9. Codification, Macaulay and the Indian Penal Code: The Legacies and Modern Challenges of Criminal Law Reform (International and Comparative Criminal Justice) ,Ashgate; 1 edition (February 28, 2013)
10. . R.C. Nigam, Law of Crimes in India (Vol. I) New York, Asia Pub. House (1965).

Journal/ Article

11. Macaulay and the Indian Penal Code of 1862: The Myth of the Inherent Superiority and Modernity of the English Legal System Compared to India's Legal System in the Nineteenth Century, David Skuy, *Modern Asian Studies*, Vol. 32, No. 3 (Jul., 1998), [Cambridge University Press](#), pp. 513-557
12. Justifiable Homicide: A Study of the Application of Nonculpable Deadly Force in Cuyahoga County (Cleveland), Ohio, 1958–1982,Challener RAdelson LRushforth N, *Journal of Forensic Sciences* (1987) 32(5) 11186J
13. Proportionality in Sentencing and the Restorative Justice Paradigm: 'Just Deserts' for Victims and Defendants Alike?,Kirchengast T, *Criminal Law and Philosophy* (2010) 4(2) 197-213
14. Dignity and Defamation: The Visibility of Hate, Waldron J, *Harvard Law Review* (2009) 123(1596) 1596-1657
15. Seditio, Monét V, Taylor and Francis, (2013), 217-222
16. Indian Perspective on the legal Status of Marital Rape: An Overview, Sindhu SThakur M, *International Journal of Multidisciplinary Approach & Studies* (2015) 2(1) 235-250
17. Criminal Law - Cases and Materials, O'Daly M, *Criminal Behaviour and Mental Health* (1995) 5(1) 53-54
18. Criminal Conspiracy, Sayre F, *Harvard Law Review* (1922) 35(4) 393
19. Capital punishment, Aggarwal K, *Medico-Legal Update* (2010) 10(1) 7-8
20. Sentencing Sex Offenders in India: Retributive Justice versus Sex-Offender Treatment Programs and Restorative Justice Approaches, Gill AHarrison K, *International Journal of Criminal Justice Sciences* (2013) 8(2) 166-181

Cases for Guidance

1. K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605
2. Tukaram v. State of Maharashtra, AIR 1979 SC 185
3. Suresh Kumar Koushal v. Naz Foundation, (2014) 1 SCC 1
4. Rawalpenta Venkalu v. State of Hyderabad, AIR 1956 SC 171
5. S.N. Hussain v. State of Andhra Pradesh, AIR 1972 SC 685
6. Ram Badan Sharma v. State of Bihar (2006) 10 SCC 115
7. Rambaran Mahton v. The State, AIR 1958 Pat. 452
8. S. Varadarajan v. State of Madras, AIR 1965 SC 942
9. State of Punjab v. Gurmit Singh (1996) 2 SCC 384
10. Bhupinder Singh v. UT of Chandigarh (2008) 8 SCC 531
11. Pyare Lal Bhargava v. State of Rajasthan, AIR 1963 SC 1094
12. Shri Bhagwan S.S.V.V. Maharaj v. State of A.P., AIR 1999 SC 2332
13. Indira Gandhi v Raj Narain– 1975
14. Priyadarshini Mattoo case - October 2006
15. Jessica Lal Murder Case - December 2006
16. **Nithari serial murders – 2009**
17. **Aarushi Talwar murder – 2008**
18. **Naz Foundation v Govt of NCT of Delhi) - July 2009**
19. **Ayodhya Ram Mandir Babri Masjid Case) - September 2010**
20. **Yakub Abdul Razak Memon V State of Maharashtra and Anr - July 2015**

Learning Outcomes

1. To analyse the principles of criminal responsibility, undertake self-directed legal research using primary and secondary materials, and analyse and evaluate legal information relating to criminal law and legal theory.
2. To apply principles of criminal law to complex legal problems, and critique the operation of criminal law from both a policy and theoretical/principled perspective.
3. To prepare persuasive written and oral arguments for a legal and lay audience on issues relating to the drafting of new criminal laws and the application of existing criminal laws to common scenarios that arise in criminal practice.
4. To demonstrate awareness of principles of ethical professional judgement in the management and conduct of a criminal law matter, relevant to both prosecution and defence.
5. To analyse the impact of criminal law from a policy perspective, with a focus on the impact of the law on those people who are vulnerable or outside mainstream culture.

SECOND YEAR

IV-SEMESTER

HBA0410: SOCIOLOGY AND SOCIAL RESEARCH METHODS

Objective of the Course

Introduction to Social Research Methods, a course designed to teach and train law students on a variety of research approaches available in sociology in order to best address a research question in the Criminal Justice area. The purpose of this paper is to familiarize the law students with the logic of social science inquiry, to develop research question, strategies of research design, and a variety of research methods.

This paper will enable the students to understand the following:

- 1. Enable to train the students to conduct original research using quantitative, qualitative and historical research methods.*
- 2. Identify to give a basic frame work about the identification of research problem.*
- 3. Equipped to conceptualize, framing of hypothesis strategies of research plan and the tools of data collection.*
- 4. Able to understand the students to learn the report writing procedures.*
- 5. Designed in such a way will encourage the students to develop and use higher order thinking skills, including analytical, synthetic and applied thinking.*

COURSE OUTLINE

MODULE 1

Introduction:

- a) Establishment of Sociology as a Science-Contributions of August Comte, Herbert Spencer, Karl Marx, Emile Durkheim and Max Weber.
- b) Three Major Theoretical perspectives of Sociology: Functionalist Perspective, Conflict Perspective and the Interactionist Perspective.

MODULE 1I

Methods of Sociology:

- a) Comparative method-Historical method-Statistical method-Case study-Survey method-Scientific method
- b) Limitations of Scientific method in Sociology- Sociology as a Science.

MODULE III

Social Research:

a) Meaning and definition of research and social research - Types of Research: Pure-Applied- Significance of social research- objectivity-subjectivity-deduction and induction method

MODULE IV

Research Problem and Hypothesis:

- a) Identification or selection of research problem - formulation of research problem - precautions to be taken while selecting a research problem- Steps in the research process
- b) Hypothesis: Definition and characteristics-types of hypothesis-sources of hypothesis-problems in formulation of hypothesis.

MODULE V

Research Design and Sampling Technique:

- a) Research Design: Definition- Types of research design-components of good research design.
- b) Sample: Definition- characteristics of good sample - advantages of sampling- types of sample – probability and non probability sampling.

MODULE VI

Sources of Data, and Tools of Data Collection:

- a) Sources of data: primary- secondary- tertiary -Tools of data collection: interview-questionnaire-schedule-observation.
- b) Interview: Meaning-advantages-steps involved in interview-qualities of an interviewer-advantage and limitation of interview
- c) Questionnaire: Types of questionnaire-form of a questionnaire-pretesting – factors affecting the responses - reliability and validity - advantage and limitation of questionnaire
- d) Schedule: Essentials of good schedule-procedure for framing a schedule-general form and layout-content-types of question-language-sequence of questions-pilot study - advantages and limitations of schedule – difference between schedule and questionnaire.
- e) Observations: Kinds: participant-non participant-controlled and non-controlled observations- importance – limitations.

MODULE VII

Report Writing:

- a) Meaning- types of report- requisite of good report- components of research report.

Recommended Readings:

Books:

1. Ahuja, Ram., 2001. *Research Methods*, Reprint, Rawat Publications. Jaipur.
2. Sharma, BAV., Prasad ,Ravindra., Sathyanarayana, P., 1985. *Research Methods in Social Science.*, New Delhi : Sterling.
3. Wilkinson and Bandarkar., 1999. *Methodology and Techniques of Social Research*, Ed.9 Himalaya Publishing House.
4. Kothari C.R , 2004.*Research Methodology, Methods and techniques*, New Age International publication, New Delhi – revised edition.
5. *Floyd J. Fowler Jr.'s* 2013. *Survey Research Methods.*, Sage Publications.,

Journals:

1. Journal of Research Practice
2. Sociological Methodology
3. Survey Research Methods
4. Quantity and Quality
5. Journal of Mixed Research Methods

Further Reading:

Books:

1. Lawrance Nueman., 2014. *Social Research Methods*, Pearson Publications, Delhi
2. Haralambos, and Holborn. 2007. *Sociology: Themes and Perspectives*, London: Collins.
3. Newman, Lawrence.2011. *Social Research Methods: Qualitative and Quantitative Approaches*, Pearson Education.
4. Beteille A and T.N. Madan 1975. *Encounter and Experience Personal Accounts of Fieldwork*, New Delhi: Vikas Publishing House
5. Goode, William J and P. K .Hatt 1952. *Methods in Social Research*, New Delhi: Mc Graw -Hill.
6. Young, P.V.1966. *Scientific Social Surveys and Research*, New Deli: Prentice Hall

7. Clause Adolf Moser , 2009. *Survey Methods in Investigation*, Ed. 2, reprint, Pub. Gower

8. Wilkinson, T.S and P.L Bhandarkar. 1984. *Methods and Techniques of Social Research*, Bombay: Himalaya Publishing House.

9. Bhandarkar, P. L. and Wilkinson. 2007. *Methodology and Techniques of Social Research*, Himalaya Publishing House, New Delhi.

10. Haralambos, and Holborn. 2007. *Sociology: Themes and Perspectives*, London: Collins.

Learning Outcomes

After completion of the course the students will be able to -

- *Identify steps in the research process and identify the basic elements of a good research design.*
- *Understand Sampling and apply various sampling techniques.*
- *Discuss characteristics of quantitative and qualitative measurement, and understand how to operationalize concepts using each approach.*
- *Apply various data collection techniques, for both quantitative and qualitative research.*

HBA0411: LAW AND ECONOMICS

Objectives of the Course

The basic objective of this course is to make the students to understand the relationship between Law and Economics, how legal rules are amenable to economic analysis and how different legal rules can lead to different outcomes in terms of efficiency and distribution. Indeed, legal rules can have astonishing effects on allocation and use of resources. In addition to that this course also enables the students to understand sectors specific and their impact of Economics on Law in pursuit of legal rules greatly affect the distribution of different forms of wealth.

COURSE OUTLINE

Module I Introduction to Law and Economics

- a) Meaning - Definition- Origin and Development of Law and Economics
- b) Features of Law- Economic Analysis of Law
- c) Economics and its Relevance to Law
- d) Why should Lawyers study Economics and Why should Economist study Law.

Module II Introduction to Law and Indian Legal Disputes

- a) Nature of Legal Disputes
- b) Courts systems of India
- c) Evolutions of Legal rules

Module III Legal Concept and Its Relevance to Economic Theory

- a) Legal Concept of Property – Bargaining Theory
- b) The Origins of the Institution of Property - Economic of Property
- c) Economic Theory of Contract – IPR
- d) Economic Theory of Tort Liability
- e) Economic Theory of Crime and Punishment.

Module IV Economic Institution of Population Governance

- a) Nature of Population- Demographic Transition Theory
- b) Causes of the Rapid Growth of Population- Poverty – Types of Poverty
- c) Concept - Causes of Poverty- Measures to Reduce Poverty- Alleviation Programmes
- d) Unemployment – Types- Causes of Unemployment
- e) Policies and Programmes to Reduce Unemployment in India.

Module V Institutions Related to Agriculture and Legal Remedies

- a) Introduction- Role of Agriculture in India- Problems of Indian Agriculture
- b) Measures to Raise Agricultural Productivity – Green Revolution
- c) Land Reforms in India
- d) Agricultural Marketing –AGMARK - Primary Agricultural Marketing
- e) Objectives of Agricultural Marketing – Cooperative Marketing
- f) Warehousing- Agriculture Credit.

Module VI Issues Related to Indian Industries and Legal Remedies

- a) Meaning – Classification of Industry- Role and Contributions of MSMEs
- b) Contributions of Large Scale Industries – Problems and Challenges
- c) Prevention of Concentration of Economic Power
- d) Industrial Dispute – Settlement Act – Social Security Schemes
- e) Trade Union Problem – Statutory Provisions
- f) National Wage Policy – National Commission on Labour
- g) Unorganised Sector and Umbrella Legislation.

Module VII Impact of Trade and Financial System on Law

- a) Introduction- Meaning of Trade- Composition of India's Foreign Trade
- b) Balance of Payment – EXIM Policy
- c) Special Economic Zone
- d) WTO –IMF- World Bank and GATT
- e) Indian Financial System – FERA – FEMA

Recommended Readings:

Books:

- 1 David Friedman (2000) "Law's Order: What Economics has to do with Law and Why It Matters", Princeton University Press. New Jersey.
- 2 Robert Cooter (2012) "*Law and Economics*" (6th Edition) Pearson Publishers.
- 3 Ishwar C. Dhingra., (2014) "The Indian Economy: Environmental and Policy" 28th Revised Edition, Sultan Chand and Sons Publishers, New Delhi. ISBN: 978-81-8054-990-8.
- 4 Shukla, M. B., (2012) "*Indian Economy*" Taxmann Publication (P) Ltd., New Delhi,
- 5 Misra, S. K. and Puri, V. K., (2012) "*Indian Economy – Its Development Experience*", Himalaya Publishing House, Mumbai.

Journals /Journal Articles:

1. Murthy, Ramana and SiddikRabiyath (2010) Disposal Rates, Pendency and Filing in Indian Courts: an Empirical Study of the Two States of Andhra Pradesh and Kerala, in Babu, P G, Thomas Eger, A V Raja, Hans Bernd Schafer and T S Somasekar (eds.) *Economic Analysis of Law in India: Theory and Application Oxford University Press*, New Delhi
2. Posner, Richard A. (2005) "Intellectual Property: The Law and Economics Approach" *JEP* 19(2): pp. 57-73.
3. Becker, Gary (1968) "Crime and Punishment: An Economics Analysis," *Journal of Political Economy*, Vol. 76, pp. 169-217.
4. Klein et al. (2002) "Economics of Copyright 'Fair Use' in a Networked World." *American Economic Review*.
- 6 Miceli, Thomas J. and Kathleen Segerson (2007) The Economics of Eminent Domain: Private Property, Public Use, and Just Compensation, *Foundations and Trends in Microeconomics*, Vol. 3, Issue 4.

Further Readings:

Books:

- 1 Babu, P G, Thomas Eger, A V Raja, Hans Bernd Schafer and T S Somasekar (eds.) (2010) "Economic Analysis of Law in India: Theory and Application" *Oxford University Press*, New Delhi.

- 2 Calabresi, Guido, (2016) *The Future of Law and Economics: Essays in Reform and Recollection*.
- 3 Polinsky, Mitchell A., (1983) *An Introduction to Law and Economics*.
- 4 Karl E. Case and Ray C. Fair (2007), *Principles of Economics*, 8th edition, Pearson Education Inc., ISBN 81-317-1587-6.(hereafter Case & Fair, 2007, 8e).
- 5 Joseph E. Stiglitz and Carl E. Walsh (2006), *Economics, International Student Edition*, 4th Edition, W.W. Norton & Company, Inc., New York, ISBN 0-393-92622-2. (hereafter Stiglitz & Walsh, 2006, 4e).
- 6 Ahuja H.L. (1996), *Principles of Micro Economics, A New look at Economic Theory*, S.Chand, New Delhi.
- 7 Jhingan M. L, *Macro Economic Theory*, 10th Revised edition, 2002, ISBN 81-87125-01-2, Vrinda Publication (P) Ltd, New Delhi.
- 8 Dominick Salvatore Eugene. A Duilio, *Principles of Economics*, Edition 2017, Tata McGraw Hill Publishing Company Ltd., New Delhi.
- 9 Stonier and Hague, *A Text Book of Economic Theory*, (1958), Long Mans Green &Co., London.
- 10 Douglas B. Bernheim and Michael D. Whinston. (2009). *Microeconomics*, Tata McGraw-Hill (India).

Journals:

1. Indian Journal of Economics
2. Economic and Political Weekly (EPW)
3. Kurukshetra
4. Southern Economist
5. Indian Journal of Agriculture
6. Reserve Bank of Indian Bulletin
7. Yojana
8. Journal of Economic Literature
9. Quarterly Journal of Economics
10. Asia Pacific Journal of Economics

Learning Outcomes:

After completion of the course students will be able to -

- *Enhance critical thinking and an inter-disciplinary approach towards the law, economics, and policymaking and Familiarise with the economic approach towards thinking about the law and public policy.*
- *Recognise the law as an important organising force that influences the actions of private citizens as well as government agencies.*
- *Learn how the law can support and, at times conflict with, the functioning of the market and the government, the other two important organising forces of an economy.*
- *Develop an inter-disciplinary approach and enhance the employability of students.*

HBA0412: PUBLIC POLICY, GOVERNANCE AND LAW

Objectives of the Course:

The course Public Policy, Governance and Law provide an opportunity to the student to learn the basic areas of public policy on the largest gamut of its canvas. The present course is aimed to provide an in-depth understanding of the basic tenets and trends of law and governance.

COURSE OUTLINE

Module I

Theories and Process of Public Policy Making.

- a) Meaning, Nature and Scope of Public Policy – Theories and Models of Policy Making.
- b) Perspectives of Policy Making – Process Institutions of Policy Making.
- c) Concept and Techniques of Policy Implementation and Policy Evaluation.

Module II

Introduction to Governance; Definitions, Issues and Controversies.

- a) Reinventing Government – Reforming Institutions– The State Market and Public domain.
- b) State and Governance – Origin and types of State – Democratic State and Democratic Administration – Governance as Government

Module III

Techniques of Governance.

- a) Rule of Law and Human Rights – Accountability – Participation – Representation.
- b) Techniques of Governance – Openness and Transparency.
- c) Citizen Charter –Social Audit.

Module IV

Legal Foundations.

- a) Fundamentals of Administrative Law – Relationship between Law and Administration.
- b) Governance as Execution of Law – Values and Context of Legal and Administrative Process –Constitution.
- c) Rule of Law and Administrative Law French, British and German Contexts.

Module V

Law and Governance.

- a) Concepts relating to administrative law – Rule of Law – Doctrine of Separation of Powers.
- b) Principles of Checks and Balances – Doctrine of Ultra-vires – Delegated Legislation –Principles of Natural Justice, Administrative Adjudication.
- c) Review of Administrative acts and redress of grievances –Vigilance and Control.
- d) Quasi-Judicial Governance; Administrative Tribunals , National Water Tribunal, National Green Tribunal.

Module VI

Engaged Policy and Governance.

- a) Participatory Governance – Democracy and Development –Political Regimes – Political Participation and Social Inclusion.
- b) Innovations and Pitfalls in Participatory Governance –Government Transparency in Policy Decisions.
- c) Engaging the Community at Grassroots – Level Issues in Engagement and Participation. Case Studies a) Grameen Bank in Bangladesh b) Participatory Budgeting, Brazil

Recommended Readings:

Books:

1. CUP. Bevir, Mark (2009), Key Concepts in Governance, Sage, London.
2. Bevir, Mark, ed. (2010) The Sage Handbook of Governance. Thousand Oaks, CA: Sage Publications. Bovaird, Tony and ElkeLöffler, eds. (2009) Public Management and Governance Second Edition. London: Routledge.
3. Farazmand, Ali and Jack Pinkowski, eds. (2006) Handbook of Globalization, Governance, and Public Administration. London: CRC/Taylor & Francis.
4. Hajer, Maarten, and HendrikWagenaar (2003) "Introduction." In Deliberative Policy Analysis: Understanding Governance in the Network Society, ed. Maarten A. Hajer and HendrikWagenaar. Cambridge, UK: Cambridge University Press.
5. Kjaer, A (2004) Governance. Cambridge, UK: Polity Press.

Journals:

1. Jayal, N. G., Amit, P., & Sharma, P. K. (2006). Local governance in India: decentralization and beyond. *Local governance in India: decentralization and beyond*.
2. Kumar, A., &Narain, V. (2014). Public policy and governance in India.
3. Naidu, G. M., Cavusgil, S. T., Murthy, B. K., &Sarkar, M. (1997). An export promotion model for India: Implications for public policy. *International business review*, 6(2), 113-125.
4. Monga, A. (2008). E-government in India: Opportunities and challenges. *JOAAG*, 3(2), 56.
5. Harriss, J. (2007). Antinomies of empowerment: observations on civil society, politics and urban governance in India. *Economic and Political Weekly*, 2716-2724.
6. Bhagat, R. B. (2005). Rural-urban classification and municipal governance in India. *Singapore Journal of Tropical Geography*, 26(1), 61-73.

Further Readings:

Books:

1. Hajer, Maarten, and HendrikWagenaar (2003) "Introduction." In Deliberative Policy Analysis: Understanding Governance in the Network Society, ed. Maarten A. Hajer and HendrikWagenaar. Cambridge, UK: Cambridge University Press.
2. Kjaer, A (2004) Governance. Cambridge, UK: Polity Press.

3. Kooiman, Jan ed. (1993) *Modern Governance: New Government-Society Interactions*. London: Sage. Kooiman, Jan. (2003) *Governing as Governance*. London: Sage.
4. Kooiman, Jan ed. (1993) *Modern Governance: New Government-Society Interactions*. London: Sage. Kooiman, Jan. (2003) *Governing as Governance*. London: Sage.
5. Morrison, Donald (1945) "Public Administration and the Art of Governance." *Public Administration Review* 5:1: 83-87
6. Anderson J.E., (2006) *Public Policy-Making: An Introduction*, Boston, Houghton Bardach,
7. Eugene (1977), *The Implementation Game: What Happens After a Bill Becomes a Law*, Cambridge,
8. MA: MIT Bergerson, Peter J. (ed.), (1991), *Teaching Public Policy: Theory, Research and Practice*, Westport, RI: Greenwood Press
9. Eugene (1977), *The Implementation Game: What Happens After a Bill Becomes a Law*, Cambridge,
10. MA: MIT Bergerson, Peter J. (ed.), (1991), *Teaching Public Policy: Theory, Research and Practice*, Westport, RI: Greenwood Press

Journals:

1. Bhagat, R. B. (2005). Rural-urban classification and municipal governance in India. *Singapore Journal of Tropical Geography*, 26(1), 61-73.
2. Lele, U. J. (1971). *Food grain marketing in India. Private performance and public policy*. Ithaca, NY/London: Cornell University Press.
3. Marcesse, T. (2018). Public policy reform and informal institutions: The political articulation of the demand for work in rural India. *World development*, 103, 284-296.
4. Joshi, A., & Aoki, M. (2014). The role of social capital and public policy in disaster recovery: A case study of Tamil Nadu State, India. *International Journal of Disaster Risk Reduction*, 7, 100-108.
5. Sabatier, P. A. (1991). Political science and public policy. *PS: Political Science & Politics*, 24(2), 144-147.
6. Spiller, P. T., & Tommasi, M. (2003). The institutional foundations of public policy: a transactions approach with application to Argentina. *Journal of Law, Economics, and Organization*, 19(2), 281-306.
7. Heikkila, T., & Gerlak, A. K. (2013). Building a conceptual approach to collective learning: Lessons for public policy scholars. *Policy Studies Journal*, 41(3), 484-512.

8. Preston, L. E., & Post, J. E. (1981). Private management and public policy. *California Management Review*, 23(3), 56-62.
9. Preston, L. E., & Post, J. E. (1981). Private management and public policy. *California Management Review*, 23(3), 56-62.
10. Lascoumes, P., & Le Galès, P. (2007). Introduction: understanding public policy through its instruments—from the nature of instruments to the sociology of public policy instrumentation. *Governance*, 20(1), 1-21.

Learning Outcomes

After completion of the course the students will be able to -

- *Clear understanding about the ideas, mechanisms, practices, and outcomes that comprise public policy*
- *Critically analyze the ideas, mechanisms, practices and outcomes that shape public policy and governance problems, programs and policies.*
- *Provide purposive solutions by framing problems, providing programmatic solutions, undertaking policy and governance research*
- *Develop meaningful and equitable solutions to contemporary problems in Public Policy and Governance*

HLC0407: CONSTITUTIONAL LAW OF INDIA – II
CONSTITUTIONAL STRUCTURE AND CENTRE - STATE
RELATIONS

Objectives of the Course

This course aims at a better understanding of the legal issues involved in the working of the Constitutional Law and the role played by the three organs in the same. It introduces the students to the stormy Centre-State relations and the conduct of elections. It is designed to impart the students about the composition, powers and functions of the Union and State Executives. It aims at educating the students all about the Parliament and state legislatures. It throws light on the working of the Judiciary, Supreme Court and High Courts and their writ jurisdictions. It discusses the most contentious issue of the Centre-State relations. It is also designed to discuss government contracts and the all-important aspects of the power of Centre-State fiscal relations, emergency provisions and elections in detail.

After undergoing the study of this paper the student should be able to understand the following:

1. *Identify the role played by the three organs of the Government.*
2. *Able to understand the relationship between the Centre and the States in various aspects.*
3. *Learn about the Emergency Provisions and the Election Commission of India.*

COURSE OUTLINE

MODULE I: EXECUTIVE STRUCTURE, POWERS AND FUNCTIONS

- a) The Union Executive – The President - Election, Qualifications & Terms of Office of President - Privileges, Powers and Duties of President - Impeachment of President.
- b) The Vice – President - Qualifications & Election of Vice-President – Functions & Terms of Office of Vice – President.
- c) Council of Ministers - Appointment of Ministers - Council of Ministers & Cabinet - The Individual, Collective, Legal & Ministerial Responsibility - President's relation with the Council of Ministers.
- d) Attorney General of India - Comptroller and Auditor General of India.
- e) The State Executive - Appointment, Powers & Qualifications of Governor - The Council of Ministers - The Advocate General.

MODULE II: PARLIAMENT AND THE STATE LEGISLATURE

- a) The Union Legislature – Parliament - Composition of Parliament & Houses of Parliament - Duration & Sessions of the Houses of Parliament - Qualification for Membership of Parliament.

- b) Powers of Speaker, Deputy speaker & Chairman.
- c) Ordinary, Money Bills & Financial Bills - Parliament's Control over Financial System.
- d) Committee on Estimates, Committee on Public Accounts, Consolidated Fund of India & Contingency Fund of India.
- e) The State Legislature - Composition & Duration of State Legislature - Qualification of Membership of State Legislature.

MODULE III: UNION & STATE JUDICIARY

- a) The Union – Supreme Court - Composition of Supreme court - Qualifications & Appointment of Supreme Court Judges & National Judicial Appointment Commission - Impeachment of Judge of the Supreme court.
- b) Jurisdiction of Supreme court- Original, Writ, Appellate, Advisory - Powers to Punish for Contempt & Concept of Curative Petition.
- c) The State – High Court - Appointment, Transfer of Judge of High Court - Terms of Office & Removal of Judge of High Court.
- d) Jurisdiction & Powers of High Court.

MODULE IV: RELATIONS BETWEEN UNION & THE STATES

- a) Distribution of Legislative, Administrative and Fiscal Powers & Freedom of Trade and Commerce.
- b) Legislative Relations - Doctrine of Territorial Nexus – Subject matter of laws made by Parliament and Legislatures of States - Doctrine of Harmonious Construction - Doctrine of Pith and Substance – Doctrine of Occupied Field – Doctrine of Colourable Legislation.
- c) Parliament's Power to Legislate in State List – Implied and Residuary Power - Doctrine of Repugnancy.
- d) Administrative relations – Full faith and credit clause – Centre and inter-state conflict management.
- e) Fiscal Relations – Sharing of tax – GST – Constitutional Limitations.

MODULE V: TRADE COMMERCE AND INTERCOURSE WITHIN THE TERRITORY OF INDIA

- a) Freedom of Trade, Commerce and Intercourse - Meaning of Freedom of trade, commerce and intercourse.
- b) Power of the Parliament to impose restrictions on trade commerce and intercourse.
- c) Goods and Service Tax (GST) - Impact of Globalization.

MODULE VI: EMERGENCY PROVISIONS

- a) National Emergency - Duty of the Union to protect the States against external aggression and internal disturbance - Power of Union Executive to issue directions and the effect of non-compliance.
- b) State Emergency - Imposition of President's Rule in States – Grounds, Limitations, Parliamentary Control, Judicial Review.
- c) Financial Emergency.
- d) Emergency and suspension of fundamental rights.

MODULE VII: OTHER CONSTITUTIONAL FUNCTIONARIES

- a) Organisation, powers and function of Election Commission of India.
- b) Union Public Service Commission, State Public Commission – Constitutional safeguards for Civil Servants Art 311 - Protection against arbitrary dismissal, removal, or reduction in rank – Exceptions to Art 311.
- c) Role of Finance Commission – Planning Commission – Inter-state Council – National Development Council - Local Self Government (Panchayat Raj).

Recommended Readings:

Books:

1. H.M. Seervai, Constitutional Law of India in 3 volumes, Universal Book Traders, 4th Edition 2019.
2. M.P.Jain Revised by Justice Jasti Chelameswar and Justice Dama Seshadri Naidu, Indian Constitutional Law, Lexis Nexis, 8th Edition 2018.
3. D.D.Basu, Commentary on the Constitution of India, Lexis Nexis, 9th Edition 2014.
4. Mahendra P. Singh, V. N. Shukla's Constitution of India (11th ed., 2008)
5. Granville Austin, Working a Democratic Constitution - A History of the Indian Experience (1999)
6. Constituent Assembly Debates Vol. 1 to 12 (1989)

Journals/Journal Articles:

1. Gary Jeffrey Jacobsohn , An unconstitutional constitution? A comparative perspective, INT'L J CON LAW 460, 474(2006).
2. Omar, I. (2002). Emergency powers and the courts in India and Pakistan (Vol. 53). MartinusNijhoff Publishers.
3. UpendraBaxi, The Indian Constitution as an Act of Theft and the Theft of the Indian Constitution: A Retrospect on Indian Constitutionalism'.
4. Dilip Dobb, India is Indira and Indira is India. Wholives if Indira dies?, India Today (Dec 26, 2005)
5. NilanjanMukhopadhyay, Past Continuous: How IndiraGandhi used Presidential Elections to cement her ownpower, THE WIRE(May25,2017).

Further Readings:**Books:**

1. D.D.Basu Revised by Justice A.K.Patnaik, Shorter Constitution of India, Lexis Nexis, 15th Edition 2018
2. P.M.Bakshi, The Constitution of India, Lexis Nexis, 17th Edition 2020.
3. Sudhanshu Ranjan, Justice versus Judiciary – Justice Enthroned or Entangled in India, Oxford University Press, 2019.
4. Samaraditya Pal, India's Constitution Origins and Evolution, Lexis Nexis, 1st Edition, 2017.
5. ConstituentAssembly Debates Vol. 1 to 12 (1989).

Journals:

1. Soroor Ahmed, The role that Syria, Sinai and Oil Pricesplayed in triggering Emergency, NATIONALHERALD, (Jun 25, 2017).
2. A Study of the Emergency Provisions in the Indian Constitution, The Emergency of 1975 and the Possibility of Recurrence thereof, 15126<https://www.nationalheraldindia.com/opinion/the-rolesyria-sinai-oil-prices-played-in-triggering-emergency>.
3. Seniority as the Norm to Appoint India's Chief Justice isa Dubious Convention, THE WIRE (Dec 22, 2016),<https://thewire.in/law/seniority-norm-cji-appointmentthakur-khehar>.
4. Report of the Commission on Centre–StateRelations(Sarkaria Commission)(1987).
5. Report of the National Commission to Review the Working of the Constitution(2002).
6. Report of the Commission on Centre-State Relations (M.M. Punchhi Commission)(2010).

Cases for Guidance:

1. S.P. Anand v. H.D. Deve Gowda, AIR 1997 SC 272.
2. Samsheer Singh v. State of Punjab, AIR 1974 SC 212.
3. M.P. Spl. Police Estab. v. State of M.P (2004) 8 SCC 788.
4. Epuru Sudhakar v. Govt. of A.P., AIR 2006 SC 338.

5. B. R. Kapur v. State of T. N. AIR 2001 SC 3435.
6. Anil Kumar Jha v. Union of India, (2005) 3 SCC 150.
7. Jaya Bachchan v. Union of India, AIR 2006 SC 2119.
8. In re Keshav Singh, AIR 1965 SC 745.
9. Raja Ram Pal v. Hon'ble Speaker, Lok Sabha (2007) 3 SCC 184.
10. D. C. Wadhwa v. State of Bihar, AIR 1987 SC 579.
11. A.K. Roy v. Union of India, AIR 1982 SC 710.
12. AutomobileTransport (Rajasthan) Ltd. v. State of Rajasthan, AIR 1962 SC 1406.
13. Jindal Stainless Ltd. v. State of Haryana, AIR 2006 SC 2550.
14. G.K. Krishnan v. State of Tamil Nadu, (1975) 1 SCC 375.
15. Shree Mahavir Oil Mills v. State of J. & K. (1996) 11 SCC 39.
16. Atiabari Tea Co. v. State of Assam, AIR 1961 SC 232.
17. State of Rajasthan v. Union of India, AIR 1977 SC 1361.
18. S. R. Bommai v. Union of India, AIR 1994 SC 1918.
19. Rameshwar Prasad v. Union of India, AIR 2006 SC 980.

Learning Out Come:

After completion of the course students will be able to-

1. *Understand the structure of the Government in the Centre and in the States and its governance.*
2. *Appreciate the role of judiciary and the different kinds of jurisdictions that can be exercised by the Supreme Court and High Courts.*
3. *Examine the relationship between the Centre and the States in various aspects.*
4. *Identify the circumstances under which emergency can be proclaimed under the Constitution.*

HLC0408: LAW OF CONTRACT - II

Objectives of the Course

As established in Contracts I through detailed study of General Principles of Contract, the students by now know that the essence of all commercial contracts is regulated by the Indian Contract Act, 1872.

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 and The Negotiable Instruments Act 1881 are discussed alongwith 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 it's relevance thorough decided cases;*
- *how to establish relationship of general principles with the special contracts;*
- *understand the growing importance of special contracts and to have understanding of the new forms of special contracts including technology transfer agreements, e-contracts, software licensing agreements, government contract etc.*

COURSE OUTLINE

MODULE I: CONTRACTS OF INDEMNITY - SECTIONS 124-125

- a) Concept of indemnity in general
- b) Need for indemnity to facilitate commercial transactions
- c) Definition of the contract of indemnity
- d) Formation and essential features of indemnity
- e) Purpose of the contract of indemnity, and its use in facilitating and supporting transactions
- f) Nature and extent of liability of the indemnifier
- g) Commencement of liability of the indemnifier
- h) Rights and Duties of the Indemnifier and the Indemnified.
- i) Difference between Indian and English Law as to Indemnity
- j) Distinction between an indemnity, a warranty and a representation

MODULE II: CONTRACTS OF GUARANTEE - SECTIONS 126 TO 147

- a) Definition of a contract of guarantee
- b) Formation and essential features of a contract of guarantee
 - Parties to the contract;
- c) Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety
- d) Consideration for a contract of guarantee
- e) Continuing guarantee, and its revocation
- f) Difference between Guarantee and independent liability
- g) Comparison between guarantee and indemnity
- h) Nature and extent of surety's liability;
 - commencement
 - duration and
 - termination
- i) Surety's rights against
 - the principal debtor
 - the creditor
 - co-surety
- j) Special position of a surety: a privileged debtor
- k) Letters of credit and bank guarantees
- l) Co-surety and manner of sharing liabilities and rights
- m) Discharge of surety's liability

MODULE III: CONTRACTS OF BAILMENT - SECTIONS 71, 148-171, 180-181

- a) Definition of a contract of bailment
- b) 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
- c) Lien:
 - General and
 - Particular Lien

- d) Types of Bailor and Bailee
- e) Examples of contracts of bailment: for benefit of bailor, for benefit of bailee
 - Rights, duties, disabilities and liabilities of a bailor and a bailee towards each other
- f) Termination of bailment, and consequences of termination
- g) Finder of goods as a bailee
- h) Liability towards the true owner
- i) Obligation to keep the goods safe
- j) Right to dispose off the goods

MODULE IV: CONTRACTS OF PLEDGE - SECTIONS 172 – 179

- a) Definition of a contract of pledge
- b) Essential features of a contract of pledge
 - Parties to the contract
 - Creation of a contract of pledge
- c) Distinction between contracts of pledge, lien, bailment, hypothecation
- d) 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 V: CONTRACTS OF AGENCY: SECTIONS 182 – 238

- a) Definition of a contract of agency
- b) Identification of different kinds of agency transactions in day to day life
- c) Kinds of agents and agencies
- d) Tests for determining existence of agency relationship
- e) Essential features of a contract of agency
 - Parties involved
 - Kinds of agents and agencies
- f) Creation of agency
- g) Distinction between agent, servant or employee, and independent contractor
- h) Agent's authority

- Scope and extent
- Express or implied
- apparent or ostensible authority and
- authority in an emergency
- Restrictions or limitations on authority
- i) Delegation of authority
- j) Relationship between a principal, agent, sub-agent and substituted agents.
- k) Doctrine of Unnamed, Undisclosed Principal and Foreign Principal
- l) Doctrine of Ratification and Relation back
- m) Duties, Rights and Liabilities of an Agent towards the Principal and Third Party
- n) Liability of the principal for acts of the agent including misconduct and tort of the agent
- o) Personal liability of an agent
- p) Pretended Agent
- q) Methods of termination of agency contract
 - Effects of termination
 - Liability of the principal and agent before and after such termination

MODULE VI: CONTRACTS OF SALE OF GOODS - THE SALE OF GOODS ACT 1930

- a) Definition of a contract of sale of goods
- b) Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods
- c) Essential features of a contract of sale
- d) Formation of Sale contract
- e) Sale differentiated from other type of contracts
- f) Sale as a transfer of property
- g) Conditions and Warranties
 - Implied conditions and warranties
 - Express conditions and warranties
- h) The rule ‘caveat emptor’ and exceptions thereto
- i) Passing of Property
- j) Transfer of Title-Nemo Dat Quod Non Habet
- k) Delivery of goods: various rules regarding delivery of goods

- l) Rights and liabilities of the buyer and seller
- m) Unpaid seller and his rights.
- n) Auction sales
- o) Remedies for breach of contract

MODULE VII: CONTRACTS OF PARTNERSHIP - THE INDIAN PARTNERSHIP ACT 1932 AND THE LIMITED LIABILITY PARTNERSHIP ACT 2008

- a) Definition of a contract of partnership
- b) Essential features of a contract of partnership:
 - the firm and the partners,
 - Parties to the contract,
 - Minor as partner
- c) Kinds of partnership
- d) Registration of Partnership Firm and consequences of non-registration
- e) Rights, Duties and Liabilities of Partners
- f) Mutual relationship between partners: their rights, liabilities and duties against each other
- g) Relationship of partners to third parties
- h) Partner as agent of firm, Partners' authority, Implied authority, Mode of exercising authority, Liability of the firm for acts of partners
- i) Property of the firm
- j) 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
- k) Dissolution of a firm
 - Modes of dissolution
 - Effect of dissolution
 - Agreements in restraint of trade
- l) Limited Liability Partnership
 - Essential features
 - Distinction between LLP and ordinary partnership

RECOMMENDED READINGS:

Books:

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

Journals/Journal Articles:

1. Journal of Contract Law – Legal Publications / Lexisnexis
2. Corporate Law Journal – ISN 2581-3592
3. Company Law Journal
4. Indian Journal of International Economic Law – NLSIU, Bengaluru, India
5. NLS Business Law Review

FURTHER READINGS:

Books:

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

Journals/Journal Articles:

- 1) Indemnities and the Indian contract act 1872, Wayne Courtney
NATIONAL LAW SCHOOL OF INDIA REVIEW 27 NLSI Rev. (2015)
- 2) Condition and Warranty in Contract Law of India, Harvard BlackLetter Law Journal,
- 3) 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,
- 4) 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.
- 5) Computing Damages in Hire purchase Agreements: A Re-Look BREACH OF CONTRACT, ICFAI University Publications,
- 6) 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
- 7) Partnership Formation: The Role of Social Status, Haimanti Bhattacharya & Subhasish Dugar, <https://pubsonline.informs.org/doi/abs/10.1287/mnsc.2013.1818>.
- 8) 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, Sonapat, International Research Journal of Social Sciences ISSN 2319–3565 Vol. 2(11), 46-48, November (2013)
- 9) Dissolution of Indian Firms - Various Modes, 33 Pages, SSRN, Raghvendra Singh Raghuvanshi, India, papers.ssrn.com/sol3/papers.cfm?abstract_id=1558970
- 11) Performance and Compensation: An Analysis of Contract Damages and Contractual Obligation, Charlie Webb, Oxford Journal of Legal Studies, Volume 26, Issue 1, Spring 2006.

Cases for Guidance:

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

LEARNING OUTCOME:

After completion of the course students will be able to –

1. *grasp the nuances of the contractual transactions involving Special forms of contracts.*
2. *analyse the implications of a contractual arrangement falling under any of the discussed head of special contracts.*
3. *determine the legality of the transactions and also the rights and duties of the parties.*
4. *deal with the disputes arising out of such contractual arrangements.*

THIRD YEAR

V-SEMESTER

HBA0513: PUBLIC ADMINISTRATION

Objectives of the Course

Public Administration as a discipline of study is basically known as the science of ruling and the study of the rulers and the ruled. The main objective of this course is to enable students to understand the basic concepts of administration. This course also helps the students to think, analyse and evaluate the Public Policy, Administration and Indian Administration.

COURSE OUTLINE

Module – I

Meaning, scope, evolution, relevance and importance of public administration.

- a) Meaning - Nature and Scope of Public Administration - Evolution of Public Administration.
- b) Public and Private Administration - Public Administration and Other Social Sciences.
- c) Public Administration: An Art or Science - New Public Administration.

Module – II

Principles of Organisation.

- a) Hierarchy, Unity of Command - Authority and Responsibility – Coordination - Span of Control- Supervision.
- b) Centralisation and Decentralisation - Delegation Structures of Organisation: Line, Staff and Auxiliary.
- c) Agencies–Departments–Corporations–Companies–Boards and Commissions.

Module – III

Trends in Public Administration and Personnel Administration.

- a) New Public Administration – New Public Management –Comparative Public Administration – Development Administration.
- b) Good Governance – Public Administration in the age of globalisation and liberalization – e governance/digital governance –Concept and Problems of Recruitment, Training and Promotion of Public Personnel.
- c) Civil Service Neutrality– Integrity in administration – Financial administration: Concept of Budget, Preparation and Execution of the Budget, Legislative Control.

Module – IV

Structure of Organization.

- a) Chief Executive - Functions of Chief Executive - Departments -Fundamental Units of Administration.
- b) Principles of Organization - Location of Authority - Autonomy / Independence and Accountability of Departments - Public Enterprises/ Corporations as Units of Administration.
- c) Growth of Public Enterprises / Corporation in India- Autonomy and Accountability.
- d) Nature, Scope and Extent of Ministerial Control - Parliamentary Control - Decentralized Administration – 73rd and 74th Constitutional Amendment.

Module – V

Management Issues, Decentralisation, Administrative reforms, changing role of public sector.

- a) Management Issues / Concepts - Participative Management - Planning -Planning Commission – NDC.
- b) Planning under 73rd and 74th Amendments - Coordination - Delegation - Audit and Accountability – Developed Legislation.
- c) Quasi Judicial and Administrative Powers – Administrative Tribunals - Contemporary Developments - 323A and B - Control over Public Administration - Executive, Legislative and Judicial.

Module VI

Good Governance: New Public Management,New public policy.

- a) Independent Regulatory Commissions - Growth of Regulatory Commissions in India - Contemporary Challenges of Public Administration.
- b) Right to Information - National Rural Employment Guarantee Act - Disaster Management Act - Protection of Human Rights Act.
- c) Statutory Commissions (Women's Commission / National Commissions for the Protection of the Rights of the Child)- Impact of Globalization on Administration - TRAI, IRDA, SEBI - NHRC / SHRC.

Recommended Readings :

Books :

1. Dimock, M. E., Dimock, G. O., Felse, J. W., Nigro, F. A., Nigro, L. G., Wilson, W., & White, L. D. Meaning, Nature and Scope of Public Administration.
2. Bellone, C. J. (1980). *Organization theory and the new public administration*. Boston, MA: Allyn and Bacon.
3. Bhattacharya, Mohit. 1987. *Public Administration- Structure, Process and Behaviour*. The World Press Private Ltd.: Calcutta
4. Maheshwari, S. (1994). *Indian Administrative System*. Jawahar Publishers & Distributors.
5. Agarwal, U. C., & Chaturvedi, T. N. (2003). *Public governance and decentralisation: essays in honour of TN Chaturvedi* (Vol. 1). Mittal Publications.

Journals:

1. Dahl, R. A. (1947). The science of public administration: Three problems. *Public administration review*, 7(1), 1-11.
2. Storing, H. J. (1965). Leonard D. White and the study of public administration. *Public Administration Review*, 38-51.
3. ShafiqulHuque, A. (1994). Public Administration in India: Evolution, Change, and Reform. *Asian Journal of Public Administration*, 16(2), 249-259.
4. Sayre, W. S. (1958). Premises of public administration: Past and emerging. *Public Administration Review*, 18(2), 102-105.
5. Walker, L. (1989). Woodrow Wilson, progressive reform, and public administration. *Political Science Quarterly*, 104(3), 509-525.

Further Readings:

Books:

1. Henry, N. (2015). *Public administration and public affairs*. Routledge.
2. Frederickson, H. G. (1980). *New public administration*. University, Ala.: University of Alabama Press.
3. Heady, F. (2001). *Public Administration, A Comparative Perspective*. CRC Press.
4. Chandler, R. C., & Plano, J. C. (1988). *The public administration dictionary*. Santa Barbara, CA: ABC-Clio.

5. Maheshwari, S. R. (2006). *Public administration in India: the higher civil service*. Oxford University Press.
6. Rhodes, R. A. W. (1979). *Public administration and policy analysis*. Saxon House.
7. Bellone, C. J. (1980). *Organization theory and the new public administration*. Boston, MA: Allyn and Bacon.
8. Avasti R. and Maheswari S.R., (2009). *Public Administration*, Agra, LaxmiNarainAgarwa.
9. Maheshwari S.R., (1991). *Issues and Concepts In Public Administration*, New Delhi, Allied Publishers.
10. Bellone, C. J. (1980). *Organization theory and the new public administration*. Boston, MA: Allyn and Bacon.

Journals:

1. Jain, R. B. (2001). *Public administration in India: 21st century challenges for good governance*. Deep and Deep Publications.
2. Swarup, H. L., &Sinha, N. (1992). Women in public administration in India. *Women & Politics*, 11(4), 13-30.
3. Munshi, S., & Abraham, B. P. (Eds.). (2004). *Good governance, democratic societies and globalization*. SAGE Publications India.
4. Moulton, E. C. (1968). *Lord Northbrook's Indian Administration* (p. 17). London.
5. Balfour, L. B. (1899). *The history of Lord Lytton's Indian administration, 1876 to 1880*. Longmans. Kriesberg, M. (1963). Public Administration Teaching in Developing Countries: Objectives and Methods. *International Review of Administrative Sciences*, 29(3), 247-251.
6. Siffin, W. J. (1976). Two decades of public administration in developing countries. *Public Administration Review*, 61-71.
7. Islam, N. (1993). Public enterprise reform: Managerial autonomy, accountability and performance contracts. *Public Administration and Development*, 13(2), 129-152.
8. Mehta, B. (1958). Public Enterprises and Parliamentary Control. *Indian Journal of Public Administration*, 4(2), 143-153.
9. Aucoin, P. (1990). Administrative reform in public management: paradigms, principles, paradoxes and pendulums. *Governance*, 3(2), 115-137.

10. Peters, B. G., & Pierre, J. (1998). Governance without government? Rethinking public administration. *Journal of public administration research and theory*, 8(2), 223-243

Learning Outcomes

After completion of the course the students will be able to -

- *Understanding on the nature and scope of Public Administration;*
- *Acquaint with the theories, approaches, concepts and principles of Public Administration;*
- *Develop meaningful insights into the administrative theories and concepts to make sense of administrative practices.*
- *Critical understanding of the public administration theory and concepts from multiple perspectives*

HLC0509: JURISPRUDENCE

Objectives of the Course:

Laws are rules, claims are supported by arguments, and decisions are conclusions. The rules, arguments and conclusions are bound to conform to the requirement of logic. They must be systematically coordinated and carried to their consequences. Thus the whole body of legal doctrines can be considered as often considered as a more or less closely woven tissue of prepositions and deductions. The ideas which constitute this tissue are not presented to society ready-made; they are gradually unfolded by processes of collective thought; sometimes particular points get generalized and subjected to principles; at other times inferences are drawn from general prepositions. These processes constitute the dialects of law. Those dialects become ever standing principles and thus the consolidation of all wisdom of law becomes Jurisprudence.

COURSE OUTLINE

Module I: Clarificatory Jurisprudence

- (a) Evolution of Law – Ancient India, Greek and Roman Civilization – Law, Morals, Ethics and Justice – Nature of law – Functions of Law
- (b) Rule of Law: Authority (or) Autonomy (or) Anarchy (or) Obligation (or) Opinion (or) Dictum – Law as a Social Fact
- (c) Nature and Scope of Jurisprudence – From Police State to Welfare State.

Module II: Evaluative Jurisprudence

- (a) Schools of Jurisprudence – Western Thoughts and Indian Jurisprudence – Concept of Dharma – Social Transformation and Social Justice
- (b) Jurisprudence and other fields of knowledge such as Art, Humanities, Social Sciences, Medicine, Science and Technology – Jurisprudence in Socio-Political context and Normative context – Discovery or formulation of “A common law of mankind”
- (c) Similarities and differences between – (i) Local Law & Global Law; (ii) Civil Law & Common Law; (iii) Cultural & Technical aspects; (iv) Micro & Macro aspects.

Module III: Classificatory Jurisprudence

- (a) Definition of Law – Kinds of Law – Nature and Functions of State – State and Sovereignty – Relationship with Law and State
- (b) Sources of Law – Classical and Modern Sources – Sruti, Smriti, Convention, Custom, Legislation, Precedent and its kinds – Stare Decisis, Ratio Decidendi and Obiter Dicta
- (c) Administration of Justice – Complete Justice – Theories of Justice – Basis of International Law and Constitutional Law.

Module IV: Conceptual Jurisprudence - I

- (a) Legal concepts: Meaning, Definition and kinds of Rights and Duties – Jural Correlatives and Jural Opposites
- (b) Person and its kinds – Status and Theories of Corporate personality
- (c) Title and its kinds – Ownership – meaning and its kinds – Possession – meaning and its kinds

Module V: Conceptual Jurisprudence - II

- (a) Liability – meaning and its kinds – Negligence – meaning and its kinds – Obligation – meaning and its kinds
- (b) Law of Procedure – Elements of Judicial Procedure – Evidence
- (c) Property – meaning and its kinds

Module VI: Functional Jurisprudence

- (a) Application of Law and Interpretation of Law
- (b) Codification of Customary Law and Enforcement mechanism – Writ Remedies
- (c) Public Interest Litigation – Justice Delivery System – Judicial Activism and Judicial process.

Module VII: Developmental Jurisprudence

- (a) Global Justice and Human Rights – Capitalism -Vs- Common good -Vs- International Law – Critical Legal Studies – Legal Formalism -Vs- Legal Realism – Solidarity and the Limitations of Liberalism
- (b) Economic Jurisprudence – Feminist Jurisprudence – Cyber Jurisprudence
- (c) Post-Modern legal theory – Pragmatism and Post-structuralism – Law & Justice in contemporary era.

RECOMMENDED READINGS (Hardcopy & E-Books):

Books:

1. Lloyd's Introduction to Jurisprudence, 2014, 9th Edition, Sweet & Maxwell.
2. S.N. Dhyani, "Fundamentals of Jurisprudence – The Indian Approach", 2015, 3rd Edition, Central Law Agency Publishers.
3. Avtar Singh, "Introduction to Jurisprudence", 2015, 4th Edition, LexisNexis Butterworths.
4. V.D. Mahajan, Jurisprudence and Legal Theory", 2017, 5th Edition, Eastern Book Company.
5. N.V. Paranjape, "Studies in Jurisprudence and Legal Theory", 2019, 9th Edition, Central Law Agency.

Journals / Journal Articles:

1. Anthony D'Amato, "On the Connection between Law and Justice, 26 U.C. Davis L. Rev.527-582 (1992-93)
2. Michael S. Green, "Legal Realism as Theory of Law", William & Mary Law Review, 2005, Volume 46, Issue 6, pp.1915-2000.
3. Herbert Hovenkamp, "Evolutionary Models in Jurisprudence", Texas Law Review, 1985, Volume 64, No.4, p.645.
4. Ruti Teitel, "Transitional Jurisprudence: The Role of Law in Political Transformation", 106 Yale L.J 2009 at <https://heinonline.org>
5. Howard T. Markey, "Jurisprudence or Juriscience?" 25 Wm & Mary L. Rev. 525 at <http://heinonline.org/HOL?Landingpage?handle=hein.journals/wmlr25&div=25&id=&page=>

FURTHER READINGS:

Books

1. Salmond on Jurisprudence, 2016, 12th Edition, Sweet & Maxwell.
2. Bruce D Sales, "The Psychology of Law: Human Behaviour, Legal Institutions and the Law", 2015, American Psychological Association.
3. Robert L. Hayman Jr., Nancy Levit and Richard Delgado, "Jurisprudence, Classical and Contemporary: From Natural Law to postmodernism, 2nd Edition, West Academic publishing
4. David Chan Smith, "Sir Edward Coke and the Reformation of the Laws: Religion, Politics and Jurisprudence", 2014, Cambridge University Press.
5. Paul Cliteur, Afshil Ellian, "A New Introduction to Jurisprudence: Legality, Legitimacy and the Foundations of the Law", 2019, 1st Edition, Routledge Publishers.
6. Jorg Kammerhofer and Jean D'Aspremont, "International Legal Positivism in a Post-Modern World", 2016, Cambridge University Press.

7. "Plato: The Complete Works", 2016, Titan Read Publishers.
8. "Aristotle: The Complete Works", 2017, Book House Publishing
9. Satis Chandra Vidyabhusana and Dr. Sukhram, "The Nyaya Sutras of Gautama", 2018, Parimal Publications.
10. James Christensen, "Global Justice", 2020, 1st Edition, Red Globe Press.

Journals/Journal Articles:

1. Jeffrey Goldsworthy, "The Real Standard Picture, and How Facts Make it Law: A response to Mark Greenberg", The American Journal of Jurisprudence, December 2019, Volume 64, Issue 2, pp.163-211 available at <https://doi.org/10.1093/ajj/auz011>.
2. Marc R. Johnson, "Legislative Sovereignty: Moving from Jurisprudence towards Metaphysics" An International Journal of Legal and Political Thought available at <https://doi.org/10.1080/20403313.2020.1744990>.
3. Angela P. Harris, "The Jurisprudence of Reconstruction", California Law Review, 1994, Volume 82, Issue 4, p.741.
4. Richard A. Posner, "The Jurisprudence of Skepticism", Michigan law Review, 1988, Volume 86, No.5, pp.827-891.
5. Beryl Harold Levy, "Realist Jurisprudence and Prospective Overruling", University of Pennsylvania Law Review, 1960, Volume 109, No.1, pp.1-30.
6. Robert H. Jackson, "Quasi-states, dual regimes and neoclassical theory: International Jurisprudence and the Third World", Cambridge University Press, 1987, Volume 41, Issue 4, pp.519-549 available at <https://doi.org/10.1017/S0020818300027594>.
7. John Comaroff, "Reflections on the Rise of Legal Theology: Law and Religion in the Twenty-First Century", Journal of Social Analysis, 2009, Volume 53 No.1, pp.193-216.
8. Harry W. Jones, "An Invitation to Jurisprudence", Columbia Law Review, 1974, Volume 74, No.6, pp.1023-1055
9. Fredrick Schauer, "The Jurisprudence of Reasons", Michigan Law Review, 1987, Volume 85. No.5/6, pp.847-870.
10. Edward Cavanagh, "Legal thought and empires: Analogies, Principles and Authorities from the ancients and the moderns", An International Journal of Legal and Political Thought, 2019, Volume 10, Issue 4, pp.463-501 available at <https://doi.org/10.1080/20403313.2020.1744990>

Learning Outcomes:

After Completion of the course, students will be able to –

1. *To become reflective and self-fulfilled professional who are able to integrate legal professionalism, ethics, values, doctrine, theory and skills to become outstanding professional in a broad variety of settings.*
2. *To understand some level of depth rather than mere breadth, with an emphasis on analysis of primary theoretical literature correlating with the social history.*
3. *To demonstrate orally and in writing, a critical understanding of major schools of legal theory that influenced the development of the western legal tradition and Indian legal system.*
4. *To critically evaluate multiple and contrasting perspectives on law and engage in open-minded academic discussion of them in an applied context.*

HLC0510: ADMINISTRATIVE LAW

Objectives of the Course:

The State's multifarious responsibilities have resulted in a vast array of functions devolving on state functionaries. In this bureaucratic raj, more powers, both quasi-legislative and quasi-judicial, vest in bureaucrats to enable them to ensure effective administration. Administrative Law is the branch of law that concerns itself with good governance that is based on compliance with the law, transparency and non-arbitrariness in the exercise of discretion and also with the delivery of administrative justice. This course lays emphasis on understanding the evolution, nature and scope of Administrative Law and its relation with Constitutional Law. Adequate systems of checks and balances, safeguards for procedural fairness, the availability of judicial review and remedies to aggrieved persons, and the general modus operandi of administration form the subject matter of this branch.

This course has been designed to:

- I. Investigate the historical development of the concept of administrative law;
- II. Explore and probe the evolution and current status of administrative law across various jurisdictions, both in civil and common law countries, such as UK, USA, France and India;
- III. Scrutinize the role, scope and intricacies involved in delegated legislation;
- IV. Ponder the basic requirements of procedural fairness and natural justice in administrative procedures;
- V. Survey the concept of judicial review and understand state accountability;
- VI. Critically analyse remedies available if case of maladministration and Provide a detailed study of public undertakings and the role of ombudsmen

The following syllabus prepared with this perspective will comprise of 6 modules.

COURSE OUTLINE

Module I - Introduction to Administrative Law and Constitutional Concepts

- (a) Role of State From Laissez-Faire to welfare State – Expansion Role of State - as Enabler, facilitator and Regulator.
- (b) Definition, Nature and Scope of Administrative Law.
- (c) Administrative Development Patterns in U.K., U.S.A., France and India
- (d) Relationship Between Administrative Law and Constitutional Law.
- (e) Basic Constitutional Principles - Rule of Law - Doctrine of Separation of Powers - System of checks and balances.

(f) Parliamentary Sovereignty in U.K., Limited Legislative Powers in U.S.A. and India.

(g) 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 - Rule Making Power of the Administration

(a) Need for Delegated Legislation.

(b) Delegated Legislation in UK and USA.

(c) Delegated Legislation in India- Pre and Post Constitutional Period.

(b) Constitutionality of Delegated Legislation.

(b) Types of Delegated Legislation - Administrative directions.

(c) Permissible and Impermissible Limits of Delegation.

(d) Control over Delegated Legislation – Judicial, Procedural and Legislative Control.

Module III - Administrative Adjudication and Procedural Fairness

(a) Need for Administrative Adjudication.

(b) Reason for growth of Administrative Tribunals

(c) Franks Committee.

(d) Mechanism for administrative Adjudication – Quasi – Judicial Bodies, Tribunals.

(e) Merits and Demerits of Administrative Tribunals.

(f) Procedure and powers of Administrative Tribunal.

(g) Tribunal under Constitution.

(h) High Court's Superintendence over Tribunals.

(i) Appeal to Supreme Court by Special Leave.

(j) Administrative Tribunals under Administrative Tribunals Act, 1985

(k) Domestic Tribunal.

(l) 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 – Judicial Review and Liability of the State

- (a) Need for Judicial Review.
- (b) Scope of Judicial Review Jurisdiction of the Supreme Court - Writ Jurisdiction - Appeal by Special Leave (Art. 136) - Scope and Object of Article 136.
- (c) Jurisdiction of the High Court.
- (d) Judicial Review of Administrative Action through Writs.
- (e) Scope of the Writ Jurisdiction - *Locus-standi* - Kinds of Writ - Grounds for issue of Writs - Alternative Remedy - Laches or Delay - *Res Judicata*.
- (f) Public Interest Litigation.
- (g) Statutory and Equitable Remedies – Injunction - Declaration against the Government - Exclusion of Civil Suits.
- (h) Administrative Discretion - Nature and need of Administrative discretion - Grounds and Extent of Judicial Review - Doctrine of Proportionality - Fundamental Rights and Discretionary Powers
- (i) 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.
- (j) Promissory Estoppel.
- (k) Doctrine of Legitimate Expectation.
- (l) Right to Information.
- (m) Liability of the State - Liability of the State in Torts and Contracts.

Module V - Maladministration and Alternative Remedies

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

Module VI – Public Undertakings

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

Recommended Reading

Books Prescribed:

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

Journals Prescribed

1. Chauhan, (V.S), “Reasoned Decision: A Principle of Natural Justice” JILI, Vol.37, (1995) pp. 92-104.
2. Saad Abdulbaqi Sabti and YP Rama Subbaiah, “Conceptual analysis of sub Delegation: An overview” International Journal of Law, Vol.3, Issue 3, (2017) p.75.
3. Seema Dalal, “Administrative law and judicial review of administrative action with a special emphasis on the writ of Certiorari” International Journal of Law, Vol.3, Issue 3, (2017) p.01.
4. Jarnail Singh and Dr. RK Gupta, “Doctrine of legitimate expectation: The emerging trends in Indian Judiciary” International Journal of Law, Vol.3, Issue 5, (2017) p.135.
5. Dr. Rahul Tripathi, “Judicial Review: A Study in Reference to Contemporary Judicial System In India” International Journal of Research – Granthaalayah, Vol. 4, No. 5 (2016), p.5.

Further Reading

Reference Books:

1. Durga Das Basu, "Administrative Law" (Kamal Law House, 2016).
2. C.K. Thakker, "Administrative Law" (Lucknow: Eastern Book Company, 2012).
3. William Wade and Christopher Forsyth, "Administrative Law" (Oxford University Press, 11th ed., 2014).
4. De Smith, "Constitutional Law and Administrative Law" (Penguin, 2000).
5. Foulkes, "Administrative Law" (Oxford University Press, 1995)
6. Indian Law Institute, "Cases and Material of Administrative Law" (1996).
7. Michael T Molan, "Administrative Law (London: Old Bailey Press, 2001).
8. David Stott & Alexandra Felix, "Principles of Administrative law" (London: Cavendish Publishing Limited, 1997).
9. Paul Craig, "Administrative Law" (London: Sweet & Maxwell, 2011).
10. J.A.G. Griffith and H. Street, "Principles of Administrative Law" (Sir Isaac Pitman, 1963).

Articles:

1. Seemeen Muzafar, "Doctrine of Legitimate Expectation in India: An Analysis", International Journal of Advanced Research in Management and Social Sciences, ISSN: 2278 – 6236.
2. A.Beula Chrimak Darius and Ms.R.Dhivya, "Applicability of Principles of Natural Justice to The Administrative Proceedings" International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.2013.
3. S. Saran and Ms. R. Dhivya, "Administrative Tribunals Under Indian Constitution" International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1939.
4. Siddharth.R and Prof. Dr. A. Sreelatha, "Principle of Natural Justice and Its Application in Indian Legal System" International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1669.
5. S.Shruthi Taarana and Ms.R.Dhivya, "Administrative Tribunals in India the Lights of the Decided Cases-In Constitutional Analysis" International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1921.
6. Ambuj Mishra, "Legitimate Expectations in India" IJJSR, Vol.1, Issue 1, (2019), p.30.

Cases for Guidance:

1. Express Newspapers Ltd v. Union of India, AIR 1986 SC 872.
2. Ridge v. Baldwin, 1964 AC 40.
3. Rampur Distillery Co. Ltd. v. Company Law Board, AIR 1970 SC 1789
4. Delhi Laws Act, 1912, re , AIR 1951 SC 332.
5. Hamdard Dawakhana v. Union of India, AIR 1960 SC 554.
6. Chintamanrao v. State of M.P., AIR 1951 SC 118.
7. Hiranath Mishra v. Rajendra medical College, AIR 1973 SC 1260.
8. Dhakeshwari Cotton Mills Ltd. v. CIT, AIR 1955 SC 65.
9. Union of India v. H.C.Goel AIR 1964 SC 364.
10. ADM Jabalpur v. Shivkant Shukla, AIR 1976 SC 1207.
11. SP Gupta v Union of India 1981 supp SCC 87.
12. N. Nagendra Rao v. Status A.P., (1994) 6 SCC 205.
13. Vineet Narain v. union of India AIR 1998 SC 889.
14. Sunil Kumar v. State of West Bengal, 1980 AIR 1170
15. Vishwarao v. Lok ayukta, Maharashtra, AIR 1985 Bom 136

Learning Outcome

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

1. Grasp the historical development of administrative law and gain conceptual clarity of this branch of law across various civil and common law jurisdictions;
2. Ponder the importance, powers, and limitations of delegated legislation;
3. Master the crucial concept of natural justice and the touchstone requirements of administrative procedures;
4. Perceive the criticality of judicial review and state accountability, and understand the available remedies;
5. Develop a keen understanding of the applicability of administrative law to public companies and be deeply aware of the importance of ombudsmen

HLC0511: FAMILY LAW - I

Objectives of the Course

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

- 1. It equips the students with different personal Laws*
- 2. It provides ability to the student community in realizing secular laws related to inter-religious marriage, dowry, adoption and maintenance.*
- 3. Appreciate the Conglomeration of the uncodified aspects of unisex marriage and live-in- relationship.*
- 4. Also motivates the students to equip with writing, reading and research skills.*

COURSE OUTLINE

MODULE I: SOURCES AND SCHOOLS OF PERSONAL LAWS

- a. Application of various Personal Laws
- b. Traditional and Modern Sources of Hindu Law and Muslim Law
- c. 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

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

MODULE III: LAW ON MATRIMONIAL RELIEFS

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

MODULE IV: LAW ON MAINTENANCE

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

MODULE V: LAW ON LEGITIMACY OF CHILDREN AND ADOPTION

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

MODULE VI: LAW ON MINORITY AND GUARDIANSHIP

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

Recommended Readings:

Books:

1. Mulla, *Hindu Law*, (Lexis Nexis 23rd Edition, 2018)
2. Tahir Mahmood & Saif Mahmood, *Introduction to Muslim Law*, (Universal Law Publishing Co., 2nd ed., 2017)
3. Kusum, *Family Law Lectures – Family Law – I*, (Lexis Nexis, 5th ed. 2019)
4. 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)
5. 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:

1. **Family Law Special Issue**, *JILI* Vol. 45 (2003) (Full Journal July - Dec)

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

Further Readings:

Books:

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

Journals

1. 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>
2. 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>

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

Cases for Guidance:

1. Danial Latifi and another v. Union of India (2001) 7 SCC 740
2. Sarala Mudgal v. Union of India, (1995)3 SCC 635
3. Mohd. Ahmed Khan v. Shah Bano Begum, 1985 (1) SCALE 767; AIR 1985 SC 945
4. Pratibha Rani vs Suraj Kumar & Anr, 1985, 1985 AIR 628, 1985 SCR (3) 191
5. Shoba Rani v. Madhukar Reddy, 1988 AIRSC 121
6. Shamim Ara v. State of U.P. (MANU/SC/0850/2002)
7. Shayara Bano v. Union of India and others, Writ Petition (C) No. 118 of 2016
8. Lata Singh v. State of Uttar Pradesh, 2006 (6) SCALE 583
9. Velusamy v. D. Patchaiammal, (2010) 10 SCC 469
10. Seema v. Ashwani Kumar, AIR 2006 S.C 1158
11. Dhanwanti Joshi v Madhav Unde (1998) 1 SCC 11
12. T. Sareeta v. T. Venkata Subbaih, AIR 1983 AP 356
13. Saroj Rani v Sudarshan Kumar, AIR 1984 SC 1562
14. Githa Hariharan v. Reserve Bank of India (1999) 2 SCC 228
15. 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:

1. A study of this course will enlighten the students on the factors that determine the legality of domestic relationship,
2. The learning of the subject gives an understanding of both the personal law and secular law that regulates domestic relationship.
3. 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.
4. The study helps to understand secularization of personal laws in the background of the Constitutional Law and to realize the feasibility of UCC

HLC0512: COMPANY LAW

Objectives of the Course:

Globalization has reduced the barriers to the movement of people, capital and technology across the globe. Today corporates are able to penetrate economies in virtually every part of the world. The result has been a fundamental shift in the relationship of corporate to both law and public policy. In today's globalised economy is governed by corporates wherein most of the enterprises are either private or public limited companies instead of partnership or proprietorship as in olden days.

In view of the developments that have taken place in the corporate sector this course is designed to understand the following:

- 1. The functions, management and other activities of the companies.*
- 2. Equipping the students to understand the corporate management control, possible abuses, the remedies and government regulations governing companies.*

COURSE OUTLINE

Module I Introduction – General principles of 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;

Module II Promotion and Formation of Company

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

- c) 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.
- d) 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.

Module III Corporate financing

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

Module IV Corporate Governance

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

Module V Winding Up of Companies

- a) Winding up and kinds of winding up.
- b) Procedure for different kinds of winding up - powers of liquidators
- c) Insolvency and Bankruptcy - Defunct companies and restoration, revival and rehabilitation of sick companies

Module VI Adjudicatory Bodies

- a) National Company Law Tribunal; National Company Law Appellate Tribunal – Administration of NCLT, CLAT Constitution, Powers, Jurisdiction, Procedure, Judicial Review

Module VII Corporate Governance and Social responsibility

- a) Importance of Corporate Governance; Legal Reforms of Corporate Governance in India; Reports of the various Committees on Corporate Governance;
- b) Corporate crimes; Corporate social and environmental Responsibility – theories and justification;
- c) CSR and multinational corporations; regulation of multinational corporations in India;
- d) 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, 16th 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, BlurringTheEdgesOfCorporate Law: Insider TradingAndTheMartoma Decision, Harvard Business Law reviewOnline,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 & Ryam: Company Law, Oxford, 31st 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.

Journals:

1. A Reassessment of the Fraud Exception. Cambridge Law Journal, 2(56), pp.284-290.
2. Hayton, D., 1977. Contractual Licences and Corporate Veils. The Cambridge Law Journal, pp.12-15.
3. Katharina Pistor, Yoram Keinan, Jan Kleinheisterkamp, Mark D. West. The Evolution of Corporate Law.
4. Sanger, A., 2012. Crossing the Corporate Veil: The Duty of Care Owed by a Parent Company to the Employees of Its Subsidiary. Cambridge Law Journal, pp.478-481.

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;
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. Muggerridge, (1860) 3 LT 651
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 & B 327)
15. Salomon v. Salomon & Co. Ltd., (1897) A.C. 22

Learning Outcomes:

After completion of the course students will be able to:

1. To examine and develop an understanding of the characteristics of a business corporation when compared to other forms of business structure.
2. To consider the conceptual framework within which companies operate, Corporate personality and the extent of the personal liability of members of corporations
3. To acquire the cognitive skills to analyse evaluate and synthesise information about corporations, corporate officers, shareholders and creditors so as to identify and resolve legal and business related issues.
4. To develop a commitment to engendering lawful, ethical and socially reasonable corporate behaviour

THIRD YEAR

VI-SEMESTER

HBA0614: POLITICAL OBLIGATION

Objectives of the Course

The course Political obligations are closely linked with philosophy of law. Students will learn the concept and theories, dimensions and ideas of political obligation, consent and political obligation. The course also analyses dilution of political obligations and the role of internal societies in political obligations.

COURSE OUTLINE

Module - I

Political Obligation: Introduction to Political Obligation.

- a) Law- Meaning and Nature; Sources of law; Kinds of law; laws and morality.
- b) Meaning, Nature and Scope of Political Obligation – Evolution of the concept of Political Obligation.
- c) Contemporary Developments –Types of Political Obligation – Moral or Ethical Foundations of Political Obligation

Module –II

Theories of Political Obligation.

- a) Legitimacy of Power- the Classical theory (Hobbes, Locke and Rousseau).
- b) Modern approaches to the notion of political obligation (Max Weber, Karl Marx, Emile Durkheim).
- c) Theories of political legitimacy – Voluntarism – Utilitarian Theory – Deontological Theory – Anarchist Theory.

Module –III

Utilitarianism, Idealism and Political Obligation.

- a) Utilitarianism as an approach to Political Obligation; Jeremy Bentham and J.S.Mill (in brief).
- b) Foundation of Promissory and Contractual liability –Idealism; its philosophy, merits and limitations- Kant, Hegel, (in brief).
- c) T.H. Green and D.D. Raphael on Political Obligation.

Module- IV**Modern State and political obligation.**

- a) Dimensions of Political Obligations in a Modern State.
- b) Political Obligation and Family – Political Obligation and Identity –Membership and Political Obligation.
- c) Nature and Extent of Consent –Ancient Indian Ideas and Institutions on Political Obligation.

Module V**Legal and Political Obligations & Nature of political obligation in Indian Constitution.**

- a) Legal and Political Obligations – Nature and Extent of the Authority in a State and Political Obligation –
- b) History and Theory of Justice – Justice theory of Rawls – Joseph Raz.
- c) Constitution of India and the nature of Political Obligation under the Constitution – Upendra Baxi on Crisis in the Indian Legal System

Module VI**Political Obligation and Right to dissent.**

- a) Political Obligation and the Right to Dissent – Right to disobey the Law – D.H. Thoreau.
- b) The Problems of Civil Disobedience and Political Obligation, with particular reference to Gandhian Principles and Neo-Gandhian thought.
- c) Edmund Burke– Martin Luther King (in brief).

Module VII**Revolution and Political Obligation & Power Authority and Legitimation.**

- a) Political Obligation and Revolution – Role of State in Balancing Political Obligations –Role of International Society in Political Obligation of a State.
- b) The problem of Punishment – Use of force by State against the citizen – The basis of criminal sanction –Theories of punishment.
- c) The contemporary crisis of legitimation –Power vs. Authority; authority and responsibility.
- d) Legitimation – Legitimation of power–Max Weber; theory of Bureaucracy and Authority – Durkheim – Policy obligation

Recommended Readings:**Books :**

1. L. S. Rathore and Haqqi- Political Theory and Organization
2. Goodin, R. E. (Ed.). (2009). *The Oxford handbook of political science* (Vol. 11). Oxford University Press.
3. Horton, J. (2010). *Political obligation*. Macmillan International Higher Education.
4. Gilbert, M. (2006). *A theory of political obligation: Membership, commitment, and the bonds of society*. Oxford University Press on Demand..
5. Raphael, D. D. (1990). *Problems of political philosophy*. Macmillan International Higher Education.

Journals:

1. Sabine, G. H. (1939). What is a political theory?. *The Journal of Politics*, 1(1), 1-16.
2. Pocock, J. G. A. (2009). Political thought and history: essays on theory and method.
3. Parekh, B. (1993). A misconceived discourse on political obligation. *Political Studies*, 41(2), 236-251.
4. Nayak, K. (2011). Power, Authority and Legitimacy. *Asian Journal of Management*, 2(4), 204-206.
5. Sartorius, R. (1981). Political authority and political obligation. *Virginia Law Review*, 3-17.

Further Readings :**Books:**

1. Barker, E. (1955). Principles of social and political theory
2. Kothari, R. (1976). *Democratic Polity and Social Change in India: Crisis and Opportunities*. Bombay: Allied Publishers.
3. Beran, H. (2019). *The consent theory of political obligation* (Vol. 7). Routledge.
4. Hirschmann, N. J. (2018). *Rethinking obligation: A feminist method for political theory*. Cornell University Press.
5. Flathman, R. E. (2019). *Political obligation* (Vol. 21). Routledge.
6. Leiser Burton (Ch. 12, Civil Disobedience), Liberty, Justice and Morals.
7. D. Entrives- the Nation of the State (Pages 1-10 Introduction, Part I, Ch. 10, pp. 141-155, Legality and Legitimacy.)
8. Raphael, D. D. (1990). Grounds of Political Obligation. In *Problems of Political Philosophy* (pp. 175-209). Palgrave, London.
9. Sabine, G. H. (1950). A History of Political Theory, rev. ed. *New York*, 455.

10. Johari, J. C. (1987). *Contemporary political theory: New dimensions, basic concepts and major trends*. Sterling Publishers Pvt. Ltd.

Journals:

1. Klosko, G. (2004). *The principle of fairness and political obligation*. Rowman & Littlefield.
2. Lang, M. (2007). Karl Loewenstein, Political Power and the Governmental Process, Chicago 1957. In *Schlüsselwerke der Politikwissenschaft* (pp. 262-265). VS Verlag für Sozialwissenschaften.
3. Dagger, R., & Lefkowitz, D. (2014). Political obligation. *The Stanford Encyclopedia of Philosophy*.
4. Klosko, G. (2009). Cosmopolitanism, Political Obligation, and the Welfare State. *Political Theory*, 37(2), 243-265.
5. Bonotti, M. (2012). Partisanship and political obligation. *Politics*, 32(3), 153-161
6. Wellman, C. H. (2001). Toward a liberal theory of political obligation. *Ethics*, 111(4), 735-759.
7. Klosko, G. (1989). Political obligation and gratitude. *Philosophy & public affairs*, 352-358.
8. Sartorius, R. (1981). Political authority and political obligation. *Virginia Law Review*, 3-17.
9. Chalk, P. (1998). The international ethics of refugees: A case of internal or external political obligation? *Australian Journal of International Affairs*, 52(2), 149-163.
10. Zhu, J. (2014). Fairness, political obligation, and the justificatory gap. *Journal of Moral Philosophy*, 4, 1-23.

Learning Outcomes

After completion of the course the students will be able to -

- *Illustrate and evaluate concept of political obligation, theories and contemporary development*
- *Understand the main concepts and debates in Political Obligation and Consent*
- *Apply philosophical concepts in order to understand and critically assess real-world political phenomena*
- *Appreciate and critically understand the Right to dissent and revolution*

HLC0613: FAMILY LAW-II

Objectives of the Course

The main objective of the paper is to apprise the students with the laws relating to family matters governing inheritance, succession, partition, with practical approach. The subject makes the students to identify and understand the scheme of succession under the Hindu, Muslim and Christian Laws. Further, with reference to uncodified Hindu Law, the matters relating to Joint Family System, Coparcenary, Karta and his powers, partition and the Hindu Religions Endowments are given in the syllabus for understanding the changes effected after the passing of the Hindu succession Act, 1956 and other related Laws. Under Muslim Law students can understand the principles behind the matters relating to Wakfs, Wills, Gifts and Pre- Emption and also the Sunni and Shia Law of Inheritance. The students can learn the details of Christian Law, a Part of the Indian Succession Act, 1925 and Law of Wills with reference to Christian Law of Inheritance.

After undergoing the study of this paper the Student should be able to understand the following:

- 1. Able to understand the personal laws relating to Succession, Partition and Religious Endowments.*
- 2. Identify the scheme of succession under various religious laws and able to understand the past and present legal systems.*
- 3. Analyse comparatively the testamentary and intestate succession under various religious laws and appreciate the limitations provided for the same.*
- 4. Able to understand the law relating to Hiba and Shuffa under Muslim Law.*

COURSE OUTLINE

Module I: HINDU JOINT FAMILY AND COPARCENARY

- a) Hindu Joint Family and Coparcenary – Meaning – Characteristics & Distinction.
- b) Rights of Coparceners and Position of Female Coparceners.
- c) Distinction between Mithakshara & Dayabhaga Coparcenary and Changes introduced by The Hindu Succession (Amendment) Act, 2005.
- d) Karta – Position – Powers - Rights and Duties.
- e) 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 unauthorised Alienation.

Module II: PARTITION

- a) Partition – Meaning - De Facto & De Jure Partition.
- b) Subject matter of Partition & properties not capable of partition.
- c) Persons having Right to Partition & Persons entitled only to Share in Partition.

- d) Partial Partition - Modes of effecting Partition.
- e) Re-opening and Re-union of Partition.

Module III: INTESTATE SUCCESSION UNDER HINDU LAW

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

Module IV: INTESTATE SUCCESSION UNDER MUSLIM LAW & CHRISTIAN LAW

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

Module V: TESTAMENTARY SUCCESSION

- a) Testamentary Succession under Hindu, Muslim and Christian Law.
- b) Limitation to Testamentation under various Religious and Statutory Law.
- c) Will and Administration of Will - Codicil.
- d) Lapse, Abatement and Ademption of Legacies.
- e) Probate, Letters of Administration and Succession Certificate.

Module VI: GIFT AND PRE-EMPTION UNDER ISLAMIC LAW

- a) Hiba - Nature and Characteristics of Hiba - Subject matter of Hiba – Effects of Hiba.
- b) Kinds of Hiba – Revocation of Hiba – Marz-ul-maut.
- c) Shuffa-Origin, Definition, Classification, Subject matter, Formalities, Procedure & Constitutional validity.

Module VII: RELIGIOUS ENDOWMENTS AND WAKF

- a) Hindu Religious Endowments.
- b) Wakf. - Meaning - Formalities of Creation –Types and Administration of Wakf.
- c) Mutawalli and his powers - Muslim religious Institutions and Offices.

Module VIII: PSDA (Professional Skill Development Activities)

- a) Exercises on Distribution of Property.
- b) Drafting a Deed of Hiba/Waqf/Wasiyat.
- c) Preparation of Pleading for a Partition Suit.

Recommended Readings:

Books:

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

Journals/Journal Articles:

1. Hindu Law - Daughter: A Coparcenar, Kulkarni, K.V. All India Reporter, 2004 Mar.
2. Hindu Succession (Amendment) Act 2005: An Appraisal, Dash, U.N., All Indian High Court Cases, 2007.
3. 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.
4. 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.
5. 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:

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

Journals:

1. S.23 of The Hindu Succession Act, 1956: A sober view point, Prasanna, C.Luxmi, All India High Court cases, 2006, Mar.
2. S.6 and 29-A of The Hindu Succession Act: A critic, Ramakoti, M., All India Reporter, 2003, Oct.
3. Some thoughts on Hindu Succession (Amendment) Act, Balasubramanian, K.G., Kerala Law Times, 2005 Oct.
4. State Amendment to Hindu Succession Act and conflict of Laws: Need for Law Reform, Bhadhhade, Nilima, Supreme Court Cases, 2001.
5. Status of women under The Hindu Succession Act, 1956, Gupta, Suman, All India Reporter, 2007, May.
6. Stridhana & Women's Property Rights critical view under Hindu Succession Act, 1956 and Customary Hindu Law, Chakravarty, Padmaja, Apex court Expression, 2003.
7. Study of the amendments made in The Hindu Succession Act, 1956, Davda, C.R., All India High Court Cases, 2008, Feb.
8. The Hindu Succession Act, 1956 should the legal riddle under S.14 of the Act continue forever? Kader, S.A., Madras Law Journal, 2008, Sep.
9. The Hindu Succession Act, 1956: Defects and anomalies in the Amending Act 39 of 2005, Murthy, A.S. Ramachandra, All India High Court Cases, 2007 Jul.
10. Whether the Right of a Female to claim partition in a dwelling house under S.23 of Hindu Succession Act, 1956 is a myth or reality, Jena, Krushna Chandra, Cuttack Law Times, 1999, Sep.
11. Women's Property Rights under traditional Hindu Law and The Hindu Succession Act, 1956: Some observations, Jain, Prakash Chand, Journal of the Indian Law Institute, 2003, Jul. - Dec.

Cases for Guidance:

1. P.G.Reddy v. Golla Obulamma AIR 1971 A.P.,363(F.B.).
2. Narain Devi v. Ramo Devi AIR 1976 SC 2198.
3. Rajeshwari Rani v. Nirja Guleri AIR 1977 P&H, 123.

4. Thotappa v. G.Gurusiddappa AIR 1977 Kant, 175.
5. Nawazish Ali Khan v. Ali Raza Khan 75 I.A. 62.
6. Commissioner of Income Tax, West Bengal v. Sri Jagannathji AIR 1977 SC 1523.
7. Yousuf Rawther vs. Sowramma, AIR 1971 Ker. 261.
8. Sri Jiauddin Ahmed vs. Mrs. Anwara Begum, (1981) GLR 358.
9. Must. Rukia Khatun vs. Abdul Khaliq Laskar, (1981) 1 GLR 375.
10. Masroor Ahmed vs. State (NCT of Delhi) & Anr. 2008 (103) DRJ 137.
11. Vaddeboyina Tulasamma v. Vaddeboyina Shesha Reddi, 1977 SCR (3).
12. Jiauddin Ahmed v. Anwara Begum (1981) 1 Gau.L.R. 358.
13. Masoor Ahmed v. State (NCT of Delhi), 2008 (103) DRJ 137, para 27.
14. Nasir v. Sheena 2017 (1) KLT 300.
15. Shamim Ara vs State of U.P. & Anr. (2002) 7 SCC 518.

Learning Out Come:

After completion of the course students will be able to-

1. *Understand the meaning and difference between intestate and testamentary succession under various religious laws.*
2. *Appreciate the Hindu Joint Family system and coparcenary and also learn about the Partition and its effects under Hindu Law.*
3. *Analyse comparatively the property rights of women in various Personal Laws.*
4. *Understand the concepts like Hiba and Shuffa under Muslim Law.*

HLC0614: PROPERTY LAW

Objectives of the Course

1. *The course intends to define the concept and nature of transfer of immovable property, and illustrate the different types of transfers and rules relating to it. It explains the transfer of immovable property between living persons.*
2. *The course covers various general principles of transfer and doctrines. Specific transfer explains about the transfer by way of sale, mortgage, lease, gift and actionable claims.*
3. *The Easement Act explains various modes of acquisition of easementary rights, rights and obligations of the dominant and servient owners, the extinction and suspension of the easementary right.*
4. *Registration Act explains the requirement to be complied for registration of any transfer of immovable property, and Stamp Act explains various kinds of stamps and mode of payment of stamp duties.*

COURSE OUTLINE

Module I: General Principles of Transfer

- a. Concept of Property – **possession**: essentials of possession – kinds of possession, modes of transfer of possession- **ownership**: rights of ownership- modes of acquisition of ownership- distinction between possession and ownership – theories of property
- b. Definition of Transfer of Property- Kinds of Interest- Conditional Transfer
- c. Doctrine of Election
- d. Transfer by Ostensible Owner
- e. Feeding the Grant by estoppel
- f. Improvement made by Bonafide Purchaser
- g. Lis Pendens
- h. Fraudulent Transfer
- i. Doctrine of Part Performance and other general principles of transfer.

Module II: Specific Transfers – Transfer of Absolute Interest

- A. Sale – Definition of Sale- Rights and Liabilities of Seller and Buyer
- B. Gift - Definition- Onerous Gift- Universal Donee- Death Bed – Gift- Suspension and Revocation of Gift.
- C. Exchange

Module III: Transfer of Limited Interest – Specific Transfer

- A. Mortgage: Different kinds of Mortgages- Redemption- - Clog on Redemption- Partial Redemption- Rights and Liabilities of Mortgagor and Mortgagee including Doctrine of Consolidation- Marshalling -Contribution- Subrogation.
- B. Charge
- C. Lease: Different Rights and Liabilities of Lessor and Lessee- Determination of Lease- Doctrine of Holding Over.
- D. Actionable Claim

Module IV: Law Relating To Easementary Right

- a. Definition-Acquisition of Easement
- b. Easement of Necessity and Quasi Easements
- c. Easement by Prescription
- d. Extinction, Suspension and Revival of Easements
- e. License.

Module V: Law of Registration

- a. Definitions - The Registration-Establishment
- b. The Duties And Powers Of Registering Officers, Enforcing The Appearance Of Executants And Witnesses, Refusal To Register
- c. The Fees For Registration, Searches And Copies Registrable Documents
- d. Time of presentation, place of registration, Presenting Documents for Registration
- e. Penalties.

Module VI: Registration of Will

Presenting Wills And Authorities To Adopt - The Deposit Of Wills- The Effects Of Registration And Non-Registration

Module VII : Stamp Act

Definitions – stamp duties - Adjudication as to Stamps - Instruments Not Duly Stamped-Allowances for Stamps in Certain Cases - Reference and Revision - Criminal Offences And Procedure

Recommended Readings:

Books Prescribed

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- GCV Subba Rao- Transfer of Property
- Mulla, “The Transfer of Property Act”, by Poonam Pradhan Saxena, Lexis Nexis, 13th edition
- K.Krishnamurthy’s, “The Indian Stamp Act”, 12th edition, Lexis Nexis
- Mulla, “Registration Act”, 13th Edition, Lexis Nexis

Statutory materials:

1. Transfer of Property Act, 1882
2. Indian Easement Act, 1882
3. The Registration Act, 1908
4. Indian stamp Act, 1899

Books Prescribed

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- GCV Subba Rao- Transfer of Property
- Mulla, “The Transfer of Property Act”, by Poonam Pradhan Saxena, Lexis Nexis, 13th edition
- K.Krishnamurthy’s, “The Indian Stamp Act”, 12th edition, Lexis Nexis
- Mulla, “Registration Act”, 13th Edition, Lexis Nexis

Statutory materials:

5. Transfer of Property Act, 1882
6. Indian Easement Act, 1882
7. The Registration Act, 1908
8. Indian stamp Act, 1899

Books for reference:

1. Goyle’s “A Commentary On The Transfer Of Property Act” , Eastern Law House
2. Darashaw’s Commentaries on the Transfer of Property Act” by Justice M.L.Singha, Lexis Nexis
3. B.B.Katiyar’s “Law of Easements and Licences”, Universal Law Publishing, 16th Edition
4. Sanjiva Row’s “Commentary On The Indian Easements Act, 1882 and Licences”, 6th Edition, Delhi Law House
5. Malik’s “Commentary On Registration Act, 1908 With State Amendments With Latest Case Laws, Delhi Law House, 2nd Edition
6. James E. Penner, Lecturer in Law J E Penner, “The Idea of Property in Law”, Clarendon Press Oxford, first edition, 1997
7. Cheshire and Burn's Modern Law of Real Property, by Edward Burn and John Cartwright, Eighteenth Edition, 4th edition 2011.
8. Barbara Bogusz and Roger Sexton, “Complete Land Law- texts, cases and materials”, oxford press, Sixth Edition, 2019.
9. Ben McFarlane and Sarah Nield, “Land Law - Text, Cases & Materials”, oxford press, Fourth Edition 2018

Case Laws for reference:

1. Marshall v. Green, 33 L.T.404
2. Thakur Paramanick Chunder v. Ram Dhone, 6 W.R. 228 (F.B)
3. Shamu Pattar v. Abdul Kadir, 35 Mad. 607 (P.C)
4. Rosher v. Rosher, (1884) 20 Ch.D. 801
5. Pannalal v. Fulmoni, AIR (1987) Cal 368
6. Sopher v. Administrator general of Bengal, (1944) P.C.67
7. Abdul Fata Mohommed v. Rasamaye, 22 Cal 619 P.C.
8. Whitby v. Mitchell,
9. Leake v. Robinson, 35 ER 979, Volume 35
10. Thalluson v. Woodford, (1805) 11 Ves. 112

11. Cooper v. Cooper, (1874) L.R. 7 H.L.53
12. Tulk v. Moxhay, [1848] 41 ER 1143
13. Ram Coomer v. McQueen, 11 B.L.R. 46
14. Bellamy v. Sabine, (1857) 1 Dc. G, and J., 566
15. Ebrahim v. Ful bai, 26 Bom 573
16. Walsh v. Lonsdale, (1882) 21 Ch.D 9
17. Webb v. Macpherson, 31 Cal 57 (P.C)
18. Muhammad Sher Khan v. Raja Seth Swami Dayal A.I.R. 1922 P.C. 17,
19. Noakes & Co v. Rice, (1902) A.C.24
20. Kreglinger v. New Patagonia Meat Gold Storage Co. Ltd. [1914] A.C. 25.

Articles:

1. Abraham Bell and Gideon Parchomovsky, *A Theory of Property*, 90 Cornell L. Rev. 531 (2005)
Available at: <http://scholarship.law.cornell.edu/clr/vol90/iss3/1>
2. Exclusion and Exclusivity in Property Law Author(s): Larissa Katz Source: The University of Toronto Law Journal, Vol. 58, No. 3 (Summer, 2008), pp. 275-315
Published by: University of Toronto Press Stable URL:
<http://www.jstor.org/stable/20109850>
3. The Rule against Perpetuities and Gifts to Classes, W. Barton Leach, Harvard Law Review, Vol. 51, No. 8 (Jun., 1938), pp. 1329-1353,
<https://www.jstor.org/stable/1333400>
4. Case Notes on Steadman v. Steadman, 10 Melb. U. L. Rev. 149 (1975-1976)
5. The Doctrine Of Part Performance In India by G. M. Sen, Journal of the Indian Law Institute, Vol. 11, No. 2 (APRIL-JUNE 1969), pp. 224-229,
<https://www.jstor.org/stable/43950022>
6. Claeys, Eric R., Property, Concepts, and Functions (March 10, 2018). Boston College Law Review, Vol. 60, No. 1, 2019; George Mason Legal Studies Research Paper No. LS 18-04. Available at <http://dx.doi.org/10.2139/ssrn.3136041>
7. The Registration Act, 1908: Critical Analysis of Registration Act by Shivam Goel, Available at: <https://www.researchgate.net/publication/314424567>
8. Overview Of Stamp Duty Acts available at
https://shodhganga.inflibnet.ac.in/bitstream/10603/130517/9/09_chapter%203.pdf
9. ESSERT, Christopher (2013). 'The Office of Ownership,' University of Toronto Law Journal, 63: 418-461.
10. Francis S. Philbrick, "Changing Conceptions of Property in Law", University of Pennsylvania Law Review And American Law Register, Volume 86 May, 1938 No. 7

Course Learning Outcomes:

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

1. Analyse and define the concept and nature of transfer of immovable property, and illustrate the different types of transfers and rules relating to it.
2. Evaluate the rules relating to general transfer of immovable property
3. Determine and analyse the rules of specific transfer and easements.
4. Determine, explain and apply the principles of property law to resolve complex problems and theoretical questions.
5. Apply property law to complex problems and critically examine its operation from a range of theoretical and social perspectives and to Prepare convincing written arguments for a legal audience.

HLC0615: LAW OF EVIDENCE

Objectives of the Course:

The Law of Evidence is one of the most important parts of the procedural law. The Law of Evidence plays a very important role in the effective functioning of the judicial system. The Law of Evidence is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum. 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. The concepts brought in by amendments to the Law of Evidence are significant parts of study in this course.

After undergoing the study the student will be able to understand the following:

- *To design, implement and review a plan for establishing each legal element of a given case to the required standard of proof with admissible evidence*
- *To plan and execute a witness examination that comports with evidentiary standards and that persuasively establishes a fact in issue in the case; anticipate and respond to evidentiary objections that may be raised during your examination*
- *To identify, articulate and assert appropriate evidentiary objections while listening to a witness examination, and respond appropriately to questions from the judge*
- *To draft and execute a witness examination for the introduction of a document or item of proof*

COURSE OUTLINE

Module I: Introduction to Evidence Law

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

Module II: Admission- Confession - Dying Declaration

- a) Admission- An Exception to Hearsay Rule-Requisites of an Admission-Party to the Proceedings-Kinds of Admission-Admission Regarding State of Mind or Body
- b) Oral Admission as to Content of Documents -Admission in Civil Cases- Evidentiary Value of Admission

- c) Confession-Conditions as to Confession –Kinds of Confession -Confession to Police -Retracted Confession-Distinction Between Admission And Confession-Evidentiary Value of Confession
- d) Dying Declaration-English and Indian Law Difference On Dying Declaration – Essential Conditions for the Applicability of Dying Declaration -FIR as Dying Declaration
- e) 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

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

Module IV: Of Proof- Burden of Proof

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

Module V: Presumption- Estoppel

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

Module VI: Witnesses - Examination of Witness

- a) Witnesses- Categories of Witnesses- Dumb Witness- Evidence of Prosecutix in Rape Case- Interested Witness- Parties to civil suit and their wives or husband etc- Judges and Magistrate as Witness

- b) Privileged Communications- Professional Communication-Order of Producing Witness- Judge to Decide Admissibility of Evidence
- c) Examination- In –Chief- Cross –Examination- Re –Examination- Distinction Between Examination -In- Chief, Cross- Examination And Re- Examination
- d) Order of Examination- Direction of Re Examination- Cross Examination of person called to produce as document- Question by party to his own witness
- e) Question tending to Corroboration- Former Statement as Corroboration- Refreshing Memory.

Recommended Readings:

Books:

1. M. Monir, Law of Evidence, Universal Law Publishing Co. Pvt. Ltd, 2018
2. Rattan Lal Dheeraj Lal, Law of Evidence, Lexis Nexis, 2018
3. Avtar Singh, Principles of Law of Evidence, Central Law Publications, 2016
4. Sarkar and Manohar, Sarkar on Evidence (1999), Wadha & Co., Nagpur 2017
5. Hong Kong Law of Evidence, Mike McConville, Dmitri Hubbard, and Arthur McInnis, 2nd Edition, 2014, Blue Dragon Press, Hong Kong

Journals/ Journal Articles:

1. Allen, R 1992, “The Myth of Conditional Relevancy”, Loyola of Los Angeles Law Review, 25: 871–884.
2. Allen, R 1994, “Factual Ambiguity and a Theory of Evidence”, Northwestern University Law Review, 88: 604–640.
3. Allen, R. and S. Jehl, 2003, “Burdens of Persuasion in Civil Cases: Algorithms v. Explanations”, Michigan State Law Review, 4: 893–944.
4. Accomplice Liability for Unintentional Crimes: Remaining within the Constraints of Intent by Audrey Rogers Loyola of Los Angeles Law Review (Vol 31:1351).
5. Dr. Nirpat Patel, "The Role of DNA in Criminal investigation – Admissibility in Indian legal system and future perspectives" IJHSSI Vol.2/Issue 7/July 2013/p. 15-21.

Further Readings:

Books:

1. Adrain Keane, Paul M.C. Keown, "The Modern Law of Evidence", 9th Edn, Oxford University Press.
2. Albert S. Osborn, "The problem of proof", 1st Indian reprint, Universal Law House, Delhi, 1998.
3. Bholeshwar Nath, "Cases and Material on Evidence Act, 1872", Eastern Books Publishers and Book Sellers, Lucknow.
4. 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).

5. M. Monir C.J., Dr. H.K. Saharay, "Law of Evidence" (Vol. I, II), 14 Edn, Universal Law Publishing Co. Pvt. Ltd.
6. P. Murphy, Richard Glover, "Evidence" 12 Edn, Oxford University Press.
7. Philips Edward, "Brief Case on Law of Evidence", Cavendish Publishing Limited, London, (1st Edn, 1996).
8. R.L. Gupta, "Law relating to identification and Expert Opinion" 4th Edn, Eastern Book Co, Lucknow.
9. R.S. Pillai, "Criminal Law", Lexis Nexis Butterworths Wadhwa Co., Nagpur, 10 Edn.
10. Sir Rupert Cross and Nancy Wilkins, "An Outline of the Law of Evidence", 4th Edn, London Butterworth, 1975.

Journal/ Journals Articles

1. Allen, R. and A. Stein, 2013, "Evidence, Probability and the Burden of Proof", Arizona Law Review, 55: 557–60
2. Allen, R, 1991, "The Nature of Juridical Proof", Cardozo Law Review, 13: 373–422.
3. Garrison, A.H. (2000). A review of the behavioural science theory and its admissibility in criminal trials" American Journal of Trial Advocacy, 23, 591- 657.
4. Kristina L. Needham, "Questioning the Admissibility of Non Scientific testimony after Daubert: The need for increased Judicial Gatekeeping to ensure the reliability of all Expert Testimony" 1997 FULJ Vol. 25 Issue 3, Pg. 541-578.
5. Mathiharan K, "Emergency Medicare: its Ethical and legal aspects" National Medical Journal of India, Vol. 17, No.1 January/ Feb, 2004, 31-35 at p. 33.
6. Neeraj Tiwari, "Fair trial vis-a-vis Criminal Justice Administration: A critical study of the Indian Criminal Justice System JLCR Vol.2(4) pp. 66-73
7. Nivedita Grover, "Development of forensic science and criminal prosecution-India" IJSRP Vol.4 Issue 12
8. Sonia Dutt Sharma, "DNA-Dignity and Dissolution of Marriage", Helix Vol.2 : 101-104 (2012).
9. Subhomoy Sarkar, "The Constitutional Mandate on the Right Against Self Incrimination: A Comparative Study on the Legitimacy of Narco Analysis 2009" Cr.L.J Vol 2 Journal/166.
10. Tess M.S. Neal, "Expert Witness preparation: What does the Literature tell us? American Society of Trial Consultants. 2009, pg. 82.

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

9. Veera Ibrahim vs. State of Maharashtra, AIR 1976 SC 1167
10. Aghnoo Nagesia vs. State of Bihar, AIR 1966 SC 119
11. Nageshwar Shri Krishna Ghobe vs. State of Maharashtra (1973) 4 SCC 23
12. National Textile Workers' Union vs. P.R. Ramakrishnan (1983) 1 SCC 228, 255
13. CIT v. Podar Cement (P) Ltd (1997) 5 SCC 482
14. State v. S.J. Choudhary (1996) 2 SCC 428
15. SIL Import, USA v. Exim Aides Silk Exporters (1999) 4 SCC 567

Learning Outcome:

After completion of the course students will be able to -

- *To identify, assert and support objections to items of proof, using appropriate evidentiary rules and tailoring objections to the facts at hand.*
- *To identify and use a range of legally specific research principles, methods and tools to make a coherent and persuasive argument for the admission or exclusion of a specific item of evidence, incorporating factual information and legal standards drawn from both evidentiary rules and substantive law .*
- *To research, analyse and apply evidentiary standards to complex issues and present a persuasive written and oral argument for the admission or exclusion of the evidence.*
- *Articulate the processes for the adversarial examination of evidence and differentiate between the roles of the district attorney and defense counsel in the presentation of evidence.*

HLA0601: INTERPRETATION OF STATUTES

Objectives of the Course

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.

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-MarginalNotes-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) *Ut res magis 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 Statues, 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. Kafaltiya (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.
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.

Learning Outcome

After the course students will be able to-

1. Understand the concerns of human communication and relevance of interpretation.
2. Learn the necessity of principles of interpretation as consistent source of man-made laws.
3. Develop the skills of reading and writing legislations and deducing hidden assumptions with accuracy.
4. Visualise the significance of principles of interpretation as tools of social change.

**HCC0601: PROFESSIONAL ETHICS,
ACCOUNTANCY FOR LAWYERS AND
BAR BENCH RELATIONS
(CLINICAL COURSE: I)**

Objectives of the Course

Legal profession is a noble profession. Every profession must have an ethics particularly legal profession is most ethical because an advocate is socially responsible and accountable. Professionally advocacy is an art and they have accountability towards court, parties and community at large. The Advocates and Judges should work interdependently each other. Judiciary is an important organ of a state and guardian of basic rights of an individual. As a part and parcel of Judicial system Bar (Advocates) Bench (Judicial Officers) relations is inseparable. This course is enlightening code of conduct of an Advocate, accountability and responsibility of legal profession and the contribution of Bar and Bench towards access to justice.

COURSE OUTLINE

Module I: Introduction

1. The meaning of Ethics
2. Professional Ethics
3. Code of Conduct
4. Misconduct
5. Importance of Legal Education and Legal Profession in India
6. Historical Background and Significance – judicial process in India

Module – II: Rights and Duties of a Lawyer / Lawyer's Accountability

- A. 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.,

Module – III: Law relating to Legal profession and its accountancy

- A. 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

- 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
Defences and Punishments – Appeal

Module – IV: Bar – Bench Relations

- A. 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

Module – V: Modern era (Globalisation) and Legal services in India

- A. 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

Module – VI: International concern on Legal profession and ethics

- A. 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

Module – VII: Contribution of Bar Council on Legal Education

- A. 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 Judgements), for mid-semester 20 marks and attendance 05 marks – total 100marks

Statute for Reading

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

Rule framed 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

Recommended Readings:

1. K V Krishnaswamy Iyer – Professional Conduct and Advocacy, Ingram Short title, (2015).
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, (3rd ed.,)
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
7. M R Mallick- The Advocates Act 1961 with Professional Ethics, Advocacy and Bar- bench Relationship
8. Dr. B Malik: The Art Of a Lawyer
9. Nilendra Kumar and Neha Chaturvedi: M K Gandhi's : The Law and Lawyer
10. Saadiya Suleman: Professional Ethics & Advertising by Lawyers

Learning Outcome

- *After completion of this course the student will be able to perform as good lawyering*
- *The student of law must be oriented with disciplined, well performed and socially ethically trained professional.*

FOURTH YEAR

VII-SEMESTER

HLC0716: INTRODUCTION TO PUBLIC INTERNATIONAL LAW

Objectives of the Course:

“Supra National Law” or otherwise popularly referred to as “International Law” aims to bring in peace and world order on the globe by mitigating the frictions between nation-states through peaceful legal means. It guides the nation-states to work for the betterment of human life, promotion of fundamental goals to peace, prosperity, advancement of human rights and the protection of human environment for sustainable development. Though it has numerous branches with in, as a main subject its orientation is to understand the functioning as a core law in addressing the international challenges. The syllabus aims to introduce the student to understand the basic concepts of international law, harmonization on with domestic law, its abidingness and application by the States in resolving their conflicting issues and to achieve international cooperation in working together to develop global institutional mechanisms.

Course Outline

Module- I: Introduction to International Law

- (a) Origin—Scope and Basis
- (b) Universalization of International Law- philosophical, political, ideological, cultural and cross- cultural approaches
- (c) Historical development and Jurisprudential theories – Greek, Roman, European, Asian, African, communist and Indian approach
- (d) Validity, Normativity and Enforcement through Sanctions
- (e) Codification and Progressive Development – Role of International Law Commission and International Institutions

Module -II: Sources of International Law

- (a) Source and its Genesis- Art 38 (1)(b) of the ICJ and Sources of International Law
- (b) Usage & Custom as a source; Elements of Custom; Jus Cogens and Ergaomnes
- (c) Treaties as primary and persuasive source; significance of Law making treaties and Treaty Contracts; Normative Treaties; Reservation and Revocation of Treaties
- (d) General Principles of International law (Equity in a global context)
- (e) Juristic Works of Eminent Authorities
- (f) Decisions of Judicial and Arbitral Tribunals (International and Municipal)
- (g) Subsidiary Sources- Decisions, Resolutions and Declarations of the United Nations and other organs; Non-treaty obligations - Good will and Reciprocity.

Module-III: Harmonizing International Law with Municipal Law and Subjects of International Law

- (a) Interaction between International and Municipal (domestic) law
- (b) Theories of Monism, Dualism, Incorporation or Transformation, Specific Adoption and Delegation – State Practice- UK, USA and India
- (c) Subjects of International law – State- Different types of States - Essentials of Statehood- Lifting the State veil – Individual as a Subject and object - International organizations and Non- State actors as subjects of International law

Module - IV: Recognition and State Territory

- (a) State Recognition as a basis for International personality – Principles and Problems
- (b) Types of Recognition-- Legal nature; Theories of Recognition; Recognition of Governments – Belligerency and Insurgency
- (c) Legal effects of Recognition and Non Recognition
- (d) Concept of State Territory- Sovereignty and its significance
- (e) Acquisition and loss of State Territory; Territorial Integrity-Self-Determination and sundry claims- Doctrine of Uti possidetis
- (f) Law of Air and Outer Space

Module -V State Succession

- (a) State Succession – Definition & Conceptual Perspectives
- (b) Types- Universal and Partial Succession
- (c) Difference between Succession of States & Governments
- (d) Theories - Negativist & Modern Theories - An overview of States Succession to Treaties and to matters other than Treaties
- (e) Succession to the membership in International Organizations
- (f) State Succession -Contemporary issues- Yugoslavia- Dissolution of USSR- Reunification of Germany- Retrocession of Hong Kong.

Module – VI: Law of Sea

- (a) Historical Perspectives on Law of Sea
- (b) Concept of Territorial Sea – Internal waters - Innocent Passage – Rights and Duties of Coastal states
- (c) Continental Shelf & Exclusive Economic Zone –Rights and Duties of Coastal States Principle of Equidistance and its invocation, Special and Relevant Circumstances Rule
- (d) High Seas – Flag State Jurisdiction- Hot Pursuit- Pollution; Common Heritage of Mankind
- (e) Rights of Land locked States
- (f) Exploration and Exploitation of Resources in Area (Sea bed and Ocean floor)
- (g) Settlement of Disputes –Role of Sea Bed Authority-International Tribunal for Law of Sea.

Module VII: State Jurisdiction and Immunities from Jurisdiction

- (a) Jurisdiction in International perspectives – Prescriptive & Enforcement
- (b) Territorial-Nationality--Passive Personality-Protection and Universal Principles- War Crimes, Crimes Against Peace and Humanity
- (c) Extraditable offences- Double Criminality; Asylum and its importance
- (d) Nationality-Double Nationality Jurisdiction- MNCs
- (e) Sovereign Immunity- Absolute and Restrictive Approach
- (f) Diplomatic Immunities and Privileges- Privileges and Immunities of International organizations

Module – VIII: State Responsibility

- (a) State Responsibility-Nature and Scope
- (b) Obligations Erga Omnes - Notion of Immutability or Attribution to State- Breach of an International legal obligation
- (c) Draft articles of ILC - Liability for Lawful Acts- Circumstances excluding Wrongful Conduct of State- Legal Consequences of an Internationally Wrongful Act
- (d) Invocation of State Responsibility as part of Human Rights Standards
- (e) State Responsibility for Genocide: State Responsibility and Environmental Sustainability

Module- IX: International Human Rights Law & Humanitarian Law

- (a) Nature and Scope of Human Rights - Outline of Theoretical approaches to Human rights
- (b) Overview of Historical background –European, Asia, African and Indian approaches
- (c) International Accountability- Normative foundations laid under the United Nations UDHR & International Bill of Human Rights and other instruments
- (d) Transition to modern Human rights - Generational Human rights – Human rights and Right to Development; Human rights Council and Human Rights Committee
- (e) IHL –Scope and Significance-Geneva Conventions and Protocols –Wounded and Sick; Prisoners of War; Protection of Civilians; Armed Conflict and Non-Armed Conflict; Relationship between Human Rights and IHL

Module –X: Challenges to International Human Rights Law

- (a) Human Rights of Vulnerable and Disadvantage Groups; Women- Children Sexual Minorities Stateless Persons
- (b) Migrants - Epidemic Affected; Rights of Socially and Economically Disadvantaged People
- (c) Indigenous Peoples; Disabled & Minorities
- (d) Transnational Corporations and Human Rights, Terrorism & Counter-terrorism
- (e) Euthanasia and Human Rights; Right to Freedom from Torture and Inhuman or Degrading Treatment
- (f) Crimes against humanity, Role of International Criminal Courts and Tribunals

Recommended Readings: -

1. Crawford, J. *Brownlie's Principles of Public International Law* (8thed., 2013).
2. Jennings, R., and Watts, A. (eds.), *Oppenheim's International Law* [Vol. I –Peace] (9thed., 2008).
3. Shaw, M.N. *International law* (Cambridge University Press, 8th ed., 2017).
4. Shearer, I.A. *Starke's International Law* (1st Indian ed., 2007).
5. Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.

Further Readings: -

1. Anghie, A. 'Francisco de Vitoria and the Colonial Origins of International Law' in *Imperialism, Sovereignty and the Making of International Law* (CUP, 2004).
2. Bantekas and Oette, *International Human Rights: Law and Practice* (2013)
3. Boyle, A., and Chinkin, C. *The Making of International Law* (Oxford University Press, 2007).
4. Chimni, B.S. *International Law and World Order* (Cambridge University Press, 2017).
5. Connell, O. "State Succession in Municipal Law and International Law", Vol. II, pp. 212-219 (1967).
6. Dumberry, P. *State Succession to International Responsibility* (Graduate Institute of International Studies, Brill, 2007)
7. Kaul, J.L. & A. Jha, *Shifting Horizons of Public International Law*, (1st ed., 2018)
8. Kevin Boyle (ed.), *New Institutions for Human Rights Protection* (Oxford, 2009); Chapters 1-3.
9. Rynjaert, C. "Jurisdiction in International Law", (Oxford University Press, 2nd Ed., 2015).
10. Hugh Thirlway (2019), *The Sources of International Law*, Second Edition, Cambridge University Press: United Kingdom. Available at: <http://gen.lib.rus.ec/book/index.php?md5=6D495F5C2F501009703B4E97FC65676F>
11. Patrick Dumberry (2007), *State Succession to International Responsibility*, Martinus Nijhoff Publishers: The Netherlands. Available at: <http://gen.lib.rus.ec/book/index.php?md5=96F7331343E5503C4CC085EF56DA642D>
12. Robert Kolb (2016), *The Law of Treaties: An Introduction*, Edward Edgar Publishing Limited: United Kingdom. Available at: <http://gen.lib.rus.ec/book/index.php?md5=754DA9DA821BED6B24E322C8D448263A>

Journals: -

1. Akehurst, M. "Custom as a Source of International Law" 53 *British Yearbook of International Law* 1(1974-75).
2. Anthony D'Amato, "Treaties as a Source of General Rules of International Law"3 *Harvard International Law Journal* 1-43 (1962).
3. Thomas Buergenthal, "Lawmaking by the ICJ and Other International Courts" *Proceedings of the Annual Meeting (American Society of International Law)* Vol. 103, *International Law as Law* (2009), pp. 403-406(CUP, 2009)
4. K. R. R. Sastry, State Responsibility in International Law, 35 *Allahabad Law Journal* 31(1937).
5. C. Wilfred Jenks, "State Succession in Respect of Law-Making Treaties", 29 *British Yearbook Book International*105 (1952).
6. Keyuan, Z. "South China Sea Studies in China: Achievements, Constraints and Prospects", 11 *Singapore Yearbook of International Law* 85 (2007).
7. Babalola, A. "Extradition under International Law: Tool for Apprehension of Fugitives", 22 *Journal of Law Policy & Globalization* 25 (2014).
8. *Micheline Ishay, The History of Human Rights: From Ancient Times to the Globalization Era, 2004*
9. Jack Donnelly, *The Relative Universality of Human Rights*, *Human Rights Quarterly*, Volume 29, Volume 2 (2007): 281-306.
10. Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.

Cases for Guidance: -

1. S.S. Lotus Case, France V Turkey ICJ 1927
2. Asylum case Judgment (Columbia vs Peru)
3. North Sea Continental Shelf Case Judgment, I.C.J Reports 1969
4. Military and Paramilitary Activities in and against Nicaragua (Nicaragua vs United States of America), Judgment I.C.J Reports 1986.
5. Right of Passage over Indian Territory (Portugal vs India), 1960 I.C.J 6
6. The Nottebohm Judgment (Second Phase), 54 *AJIL* 536,557(1960)
7. The Wimbledon, P.C.I.J. Rep., Ser A, No.(1924)
8. Frontier Dispute [1986] ICJ Rep 554.
9. Serbian Loans case [1929] PCIJ (ser A) Nos 20/21, 5.
10. Temple of Preah Vihar (*Thailand v Cambodia*) [1962] ICJ Rep 6.
11. Gabcikovo Nagymaros Project case (*Hungary v Slovakia*) [1997] ICJ Rep 7.
12. Barcelona Traction case (*Belgium v Spain*) [1970] ICJ Rep 3.
13. Reparation of injuries suffered in the service of United Nations Advisory Opinion, 1949 I.C.J. 174 (Apr. 11)
14. Advisory Opinion of ICJ on Namibia, ICJ Rep. 1971, P. 16
15. Advisory Opinion of ICJ in Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo Case, ICJ Rep. 2010
- ❖ Advisory Opinion of Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, ICJ Rep. 2019 Italy v. India (Enrica Lexie case) (Pending)
16. West Rand Central Gold Mining company v R [1905] 2 KB 391
17. Regina v Keyn (1876) 2 Ex D 63

18. The Paquete Habana, 175 U.S. 677 (1900).
19. Vishakha and Ors. v State of Rajasthan and Ors, AIR 1997 SC 3011.
20. The Arantzazu Mendi case (UK) 1939
21. Luther v Sagor (UK) [1921] 3KB 532
22. Case Concerning Military and Para Military Activities in and Against Nicaragua
23. Case Concerning the Factory at Chorzow (Merits) [1928] PCIJ, Series A, No. 17, 47.
24. Corfu Channel (U.K. v. Alb.), 1949 I.C.J. 4 (Merits Apr. 9).
25. LaGrand (Germany v. United States of America), Provisional Measures [1999] ICJ Rep
26. Trail Smelter Case (U.S. v. Can.), 3 R.I.A.A. 1905 (Trail Smelter Arb. Trib. 1938 & 1941).
27. United States Diplomatic and Consular Staff in Tehran, Judgment, ICJ Reports 1980, Youmanscase.
28. Island of Palmas Arbitration (U.S. v. Netherlands), 2 R.I.A.A. 829, 839 (1928).
29. Anglo-Norwegian Fisheries Case (UK v. Norway), ICJ Reports 1951.
30. South China Sea Arbitration, (Philippines vs China), Case No 2013-19, Award of 12 July 2016 (PCA)
31. Factor v. Laubenheimer 290 U.S. 276 (1933)
32. Fiocon v. Att'y Gen., 462 F.2d475
33. Ker v. Illinois, 119 U.S.436 (1886)
34. United States v. Alvarez-Machain, 504 U.S. 655.
35. United States v. Rauscher, 119 U.S. 407 (1886).

Learning Outcomes: -

After completion of the course Students will be able to

1. Equip with the basic structural perspectives of International law and would able to understand its significance as a bedrock subject of international relations.
2. Trace the significance and influence of the normative principles involved in building the edifice and substance of international law.
3. Analyze and appreciate diversity of the subject and its impact on states and their subjects and the role and significance of International organs and able to create and defend principled legal arguments to carry further research.
4. Acquire academic contemplation and training primarily in Public international law blended with human rights law and IHL and their practical orientation.

HLC0717: LABOUR LAW-I

INDUSTRIAL RELATIONS AND WAGE LAWS

Objectives of the course

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 minimise 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.

This course has been designed to:

- I. Educate the student on the historical evolution of modern labour jurisprudence;
- II. Explain the importance of the International Labour Organisation and its role in the development of labour law;
- III. Elucidate the importance of, and laws governing, trade unions;
- IV. Create a broad and deep understanding of the law related to industrial relations in India;
- V. Examine the importance of standing orders;
- VI. Detail the various statutory requirements under legislations related to wages; and
- VII. Develop a keen awareness of labour rights under various situations.

The following syllabus prepared with this perspective will comprise 5 modules.

COURSE OUTLINE

Module I: Evolution of Labour Legislations

- (a) Historical Perspectives on Labour –Genesis of Labour Legislation - Modern Factory System- - Impact of Industrialisation.
- (b) Labour Policies in India.
- (c) Master and Servant Relationship.
- (d) Shift From Laissez Faire to Welfare Policy.
- (e) Role of the State in Industrial Relations.

- (f) Constitutional Perspectives on Labour Laws .
- (g) Workers Participation in Management .
- (h) Labour Law Reforms.
- (i) 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

- (a) Trade Union Movement in India - Development of Trade Union Legislation in India - Weakness of Trade Union Movement.
- (b) Out Siders in Trade Unions.
- (c) Inter-Union and Intra-Union Rivalries
- (d) 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.
- (e) Recognition of Trade Unions.
- (f) 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

- (a) Industrial Relations And Industrial Peace-Causes Of Industrial Disputes-System Of Adjudication Machinery Before 1947.
- (b) Industrial Disputes Act,1947 – Scope And Object - Definitions – Industry – Industrial Dispute – Workman - Lay Off – Retrenchment - Closure - Transfer of Under Takings - Kinds of Strike Regulation of Strike and Lock out -Unfair Labour Practices and Victimisation.
- (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

- (a) The Concept and Nature of Standing Orders.
- (b) 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.
- (c) 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

- (a) Concept Of Wages - Fair Wage, Living Wage, Minimum Wage.
- (b) Theories Of Wages
- (c) Wage Structure
- (d) Wage Policy In India.
- (e) 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.
- (f) Payment of Wages Act, 1936 - Definitions – Obligations of the Employer- Permissible Deductions-Authorities Under the Act - Inspectors and Their Powers – Offences and Penalties.
- (e) 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:

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/Journal Articles:

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 Readings:

Books:

1. K.D. Srivastava's Commentaries on Workmen's Compensation Act, 1923: with Supplement, (Lucknow: Eastern Book Co., 6th Revised ed., 1999).
2. K.D. Srivastava's Commentaries on Employees' State Insurance Act, 1948: with Supplement,

(Lucknow: Eastern Book Co., 5th Revised ed., 2001).

3. K.D. Srivastava's Employees' Provident Funds and Miscellaneous Provisions Act, 1952, Revised by S.C.Srivastava, (Lucknow: Eastern Book Co. 8th Edition, 2001).
4. K D Srivastava's Commentaries on Payment of Gratuity Act, 1972 with supplement, (Lucknow: Eastern Book Co., 5th ed., 2016).
5. K.D. Srivastava's Commentaries on Factories Act, 1948: with Supplement, (Lucknow: Eastern Book Co., 5th Revised ed., 2001).

Journals:

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.
6. 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.
7. 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.
8. 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.

9. Yashik, P. M. (2014). "A study about the Labour welfare and Social Security Measures in India", International Journal of Management, 2, p.23.

10. Sravanthi, B., "Social security in India: constitutional frame work" International Journal of Development Research, Volume 8, Article ID: 12929.

Cases for Guidance:

1. United 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, AIR 2000 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. American Express International Banking Corporation [AIR 1986 SC 458]
15. 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.*

HLC0718: MEDIATION AND CONCILIATION

Objective of the Course:

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 noncoercive and consensual processes of Mediation and Conciliation is the fastest growing dispute resolution remedy world-wide. 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.

After undergoing the study, the student will be able to understand the following:

- *Law on the subject and the precedents laid down by court annexed mediation in India and abroad are exhaustively dealt with.*
- *Nature of dispute, conflicts and make choice of appropriate settlement technique to and resolve them.*
- *Identification of real needs and interests resolves the disputes without undergoing arduous trial procedures.*
- *Enhancing the practical skills apart from theory, in long run shall reduce backlog and docket explosions before the Court of Law.*

COURSE OUTLINE

Module I: Introduction: Nature and Scope of Conflict and Disputes:

- a) 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.
- b) 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.
- c) 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.

Module II: Comparative study : Genesis of Mediation and Restorative Justice:

- a) Promoting dialogue, reconciliation, healing and mutual agreement in the pursuit of justice. Concept of *Ubuntu* and South Africa's Truth & Reconciliation Commission; The *Abunzi* mediators and the *Gacaca* courts of Rwanda.
- b) Mediation by *Mahajans*, *Panchasand* religious leaders. *Ahimsa*, *Satyagraha* and Gandhian principles of pragmatic, non-violent conflict resolution.
- c) Village elders in ancient Greece and interlocutors under Roman law, influence of Confucianism and Taoism on Mediation in China, the role of community/religious leaders: the *Ketua Kampong* (village headman) and the Imams in Malaysia, the *Ting* (local assembly) in Nordic countries.

Module 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.

Module IV: Techniques: Communication:

- a) Communication styles, Communicative behaviour, Compassionate or Collaborative Communication.
- b) Choice of words, clarity of thought and expression, right pitch, tone and emphasis, body language.
- c) Active listening skills, building rapport, empathy not sympathy. Use of open-ended questions, neutral rephrasing, factual summarizing.

Module V: Skill: Enhancement for Cumulative Efficiency:

- a) Summarizing the facts, understanding respective positions, discussing issues rationally, recognizing both individual and common interests, empathizing with underlying emotions and asking relevant open-ended questions.
- b) Neutral reframing of issues, identifying interests, moving parties away from issues towards interests, generating and exploring options, formulating objective criteria, conveying offers and proposals, applying reality checks. Assessing the alternatives to a negotiated settlement (BATNA, WATNA, MLATNA)
- c) Causes for impasse and effective intervention techniques: time-out, calculated adjournment, deadlines, refocusing attention, emphasizing relationships, brainstorming, using expert valuation, using other dispute resolution modes.
- d) Distributive v Integrative negotiation. Expanding the pie and developing win-win solutions.

Module VI: Process: Character Building

- a) Being neutral, impartial, objective, communicative, open-minded, quick-thinking, patient, amicable, diplomatic, honest and empathetic. Learning how to build rapport, gain trust, formulate creative solutions and deal with impasse.
- b) Importance of ethical conduct during Mediation. Ensuring impartiality and neutrality, no conflict of interest, dealing with power imbalance, preventing abuse, encouraging parties to reach their own solutions without any coercion or undue influence.
- c) 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

Module VII: 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.

Module VIII: Legislations and Statutory Authorities:

- a) All statutes and regulations on Mediation and Alternative Dispute Resolution; This includes: The Arbitration and Conciliation Act, 1996; Conciliation--Relevant Provisions and Case Law (sections 61-81); Arbitration--Relevant Provisions and Case Law (sections 30-37); Sec 89, CPC 1908; Model Rules under Sec 89: Model Civil Procedure ADR and Mediation Rules, 2003 (Parts I and II). Other Provisions of the CPC, 1908: Order X (Rules 1, 1A, 1B, 1C); Order XXIII
- b) Rules 3, 3A and 3B. Order XXVII (Rule 5B), Order XXXIIA (Rule 3); Commercial Courts Act 2015; The Commercial Courts (Pre-Institution Mediation and Settlement) Rules 2018 (the PIMS Rules). The Consumer Protection Act 2019 and relevant regulations.
- c) Panchayats, Lok Adalats, Ombudsmen, Police Authorities, Bureaucrats, Grievance Cells, Conciliation Officers

Module IX: 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; United 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 DisputeResolution, 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 KritikaKrishnamurthy,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 MediationSingapore. Academy (2009) (available at. <http://www.review.upeace.org/pdf>)
8. Christopher Moore,The Mediation Process: Practical Strategies for Resolving Conflict, Wiley, (2014)
9. RaminJahanbegloo, Introduction to Non-Violence, Red Globe Press (2014)

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 BogharaPolyfab 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 thEdn. (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).

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

Learning Outcomes:

At the end of the semester, the students will be:

1. Competent to practice Mediator skills and undertake legal research and promote legal reforms in theory and practice.
2. Gain skill and competency to decide and resolve ethical hitches in Conciliation and Mediation as settlement mechanism.
3. To analyze and apply the substantive techniques of mediation and conciliation
4. Choose right techniques and effective communication,gain success by bringing about consensus and draw up settlement agreement.
5. Practical trained via internship and training as observers at court-annexed mediation centers,atprivate mediation centres,with sitting/former Judges of Supreme Court and/or High Courts, and/or by senior and/or experienced Advocates (duly approved by Bar Council of India)

HLA0702: INTELLECTUAL PROPERTY RIGHTS

Objectives of the Course

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 OUTLINE

Module I Introduction to Intellectual Property Rights:

- k) Definition, Concept and Nature of Property, Kinds of Property;
- l) Intellectual Property - Meaning, Nature, and Concept;
- m) Theories of IPR- Natural Rights, Social Contract Theory, Incentive to Disclose Theory, Locke's Theory of property, utilitarian Theory, Marxian Theory and Theory of Cultural Relativism;
- n) Indian theory on Private Property and IP-Svatva, Svamitva and Svatantrya-MamedamIti (it is mine);
- o) Constitutional Values and Protection of Private Property and Intellectual Property- Need for Protection of Intellectual Property- Origin and Development of Intellectual Property Rights.

Module II: Internationalization of IP Protection

- a) Major Convention on IP-Paris Convention, Berne Convention, TRIPS Agreement;
- b) Principles of Reciprocity and Priority- Concept of Minimum Standards- Concept of National Treatment and Most Favoured Nation (MFN),
- c) Doctrine of Exhaustion with respect to Intellectual Property Rights;
- d) Intellectual property in Common Law and Civil Law (course of employment).

Module III: Law of Copyright and Neighbouring Rights

- k) Historical Origin of Law of Copyright and Neighbouring Rights;
- l) Subject Matter of Copyright and Neighbouring Rights- Minimum Standard requirements-Doctrine of merger-Doctrine of Sweat of the Brow- Economic and Moral Rights;
- m) Assignment and Licenses –Compulsory License – Statutory licence;
- n) Infringement of copyright-Limitation and Exception-fair use/fair dealing-Digitalization of copyrighted work- Anti Circumvention law-Remedial Mechanism for infringement of Copyright and Neighbouring Rights.

Module IV: Patent Law

- f) Origin and Development of Patent Law- Patentable Subject Matter- Patentability Criteria-Pharmaceutical, biotechnology, software -Invention not Patentable;
- g) Rights of Patent Holders – Limitations and Exceptions-compulsory license -Bolar Exception-parallel imports.
- h) Enforceability of Patent Rights- Claim interpretation and Construction- Doctrine of Equivalents – Doctrine of Pith and Marrow- remedies for Patent Infringement.

Module V: Protection of Plant Varieties and Farmers' Right

- k) International Undertaking on Plant Genetic Resources for Food and Agriculture, Convention on Biological Diversity, ITPGRFA 2001.
- l) The Protection of Plant Varieties and Farmers' Rights, 2001- Definition of Plant Varieties and Farmer's Rights- Registrable varieties- Genetically modified varieties- Protection of Breeders and Farmers Rights- Researcher's Rights –Benefit Sharing.

Module VI: Trademarks and Geographical Indications:

- a) Origin and development of Trademark-Meaning and definition of Trademarks- Types of Trademark.
- b) Basic principles of registration of trade mark- Absolute and relative ground for refusal of registration of trademark.
- c) Infringement of trade mark -deceptive similarity-concept of Dilution- Passing off- Remedies.
- d) Geographical Indications - International Protection under TRIPS- Meaning and Definition of Geographical Indications, Indication of Source and Appellation Of Origin- Producer or authorised user of GI.

Module VI: Industrial Designs:

- a) Origin and development of Industrial Designs- Definition of Design- requirements of originality or novelty- Copyright in Registered Designs - Piracy of Registered Design- Remedies.
- b) Definition of Layout Design and Integrated Circuit- Subject matter scope of Semiconductor and integrated Circuit-Overlapping between Designs, Copyright and Trademark.

Module VII: Contemporary Issues of IPR

- a) IPR and Cultural Property-Traditional Knowledge and Traditional Cultural Expression/ Folklore; Protection of the rights of Indigenous people- Access to Genetic Resources, Prior Informed Consent and Benefit Sharing- Harmonization of CBD and TRIPS; Inter-relationship between IPR and Human Rights (Art 17 and 27 of UDHR; Art 15(1) of ICESCR).
- b) IP protection for Artificial Intelligence output, algorithm and data – Ownership/ Inventorship Issue;
- c) Protection of Database- EU Database Directive.
- d) Patenting of Gene- Doctrine of Product of Nature;
- e) Private International Law and Intellectual Property- Choice of Court, Choice of Law, Recognition and Enforcement of Foreign Judgment.

Statutory Materials:

The Copyright Act 1957

The Patent Act 1970

The Trade Mark Act 1999

Industrial Designs Act 2000

The Geographical Indication of Goods (Registration and Protection) Act 1999

The Protection of Plant Variety and Farmers right Act 2001

The Semiconductor Integrated Layout Design Act 2000

Recommended Readings:**Books:**

1. R.S. Bhalla, The Institution of Property: Legally, Historically and Philosophically Regarded, Eastern Book Co., (1984)
2. Dr. Mathew Thomas, Understanding Intellectual Property, Eastern Book Company, Lucknow (2016).
3. V.K. Ahuja, Law Relating to Intellectual Property Rights (Lexis Nexis) 2015
4. Elizabeth Verkey, Intellectual Property law and Practice (Eastern Book Company)2015
5. Taraporevala V J, Law of Intellectual Property,(2nd Edition) Thomason Reuters, 2013.

Case Book:

1. LTC Harms: Enforcement of IPR: A case BOOK WIPO Publication (3rdedn) 2012 availableat 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/>

Further Readings:

Books:

1. Philippe Cullet, Human Rights and Intellectual Property Protection in the TRIPS Era, 2007. HUMAN RIGHTS QUARTERLY, Vol. 29 403-430
2. 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
3. Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle(15th ed. 2005) Indian Reprint 2008
4. Terrel on Patents, Sweet and Maxwell (1994)
5. Kerly's Law on Trademarks and Trade Names, Sweet and Maxwell. Wolters Kluwer (2015)
6. Graeme Austin: Private International Law and IPR Common Law : An Over View, WIPO 2001, available at http://webcache.googleusercontent.com/search?q=cache:jP2I70OixS4J:www.wipo.int/edocs/mdocs/mdocs/en/wipo_pil_01/wipo_pil_01_5.doc+&cd=1&hl=en&ct=clnk&gl=in
7. ABC of Copy Right UNESCO Publication; available at http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC_Copyright_en.pdf
8. Russell Clarke, Industrial Design, Sweet and Maxwell, 9th Ed., (2016).
9. Resource Book on TRIPS and Development, UNCTAD- ICTSD (2004)
10. Gopalkrishnan N S, & Agitha T G, Principles of Intellectual property. Lucknow: Eastern Book Company (2014)

Journals

- 1 EIPR- European Intellectual Property Review (Westlaw)
- 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.
2. Assess and critique some basic theoretical justification for each form of intellectual property protection
3. Discuss the effects of intellectual property right on society as a whole.
4. Examine the relation between the Private International law and IP with respect to online piracy of copyrighted work and counterfeit trademark products where registration is not mandatory.
5. Compare and contrast the laws in other countries like US and EU mainly UK and also from the Human Rights perspective.

SPECIALIZED HON'S COURSE

(a) -INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS10701: INTERNATIONAL ECONOMIC LAW

Objectives of the Course:

International Economic Law as a branch of law is interested in the development of states through trade, investment and economic legal policies. In the quest for development, many states have caused damages to the ecosystem which now constitutes a threat to humanity. This subject helps to understand the role played nations of North-South and East-West hemisphere. It consolidates the finer version of International Economic Law, the object of economic integration with that of the pragmatic approaches of the international trade regime. International Trade Agreements and Conventions explore the balanced growth with the regulatory effect in transacting international trade in municipal spheres. This subject provides the basic understanding of the theory and practical application of International Economic Law in balanced movement of the world economy forward.

COURSE OUTLINE

Module - I:Genesis of International Economic Law

- (a) Origin and Development – International Trade and Customary Law – Concept and Scope of International Economic Law – Significance of International Economic Law – Unification of International Trade Law
- (b) Theories of International Trade - Economic Fundamentals – New International Economic Order (NIEO) – Economic Sovereignty
- (c) UN Conventions – Charter of Economic Rights and Duties of States – North-South Dialogue and East-West Dialogue – Global Economic Forums.

Module - II:International Economic Institutions

- (a) Structure and Functions of International Economic Institutions – International Trade Organisation (ITO) – General Agreement on Tariff and Trade (GATT)
- (b) Brettonwood Conference – Various Rounds of WTO and its impact.
- (c) International Monetary Fund (IMF) – International Bank for Reconstruction and Development (IBRD) – Millennium Development Goals

Module - III: Institutional Framework of World Trade Organisation (WTO)

- (a) Structure and Functions of WTO – WTO and Covered Agreements – Protection of Domestic Industries – Dumping and Anti-dumping – Subsidies and countervailing measures
- (b) Most Favoured Nation (MFN) Clause – National Treatment – Trade Related Aspects of Intellectual Property Rights (TRIPS) – Trade Related Investment Measures (TRIMs) – Trade in Agriculture – Regulation of Non-Tariff Barriers – Import Licensing – Technical Barriers of Trade (TBT)
- (c) General Agreements of Trade and Services (GATS) – Expanding horizons of WTO

Module – IV: Trade and Environmental Protection

- (a) Historical Overview of International Environmental Protection – Permanent Sovereignty over Natural Resources – Agreement on Sanitary and Phytosanitary (SPS) Measures
- (b) United Nations Committee on Trade and Environment (UNCTE) – United Nations Committee on Trade and Development (UNCTAD) – Summits of the WTO
- (c) Trade and Environment Controversies – Sustainable Development – Environmental Exemptions under Article XX of GATT – Doha Round – Enforcement and Compliance.

Module – V: Regulation of Foreign Investments

- (a) International Investments – Foreign Direct Investments (FDI) – Foreign Institutional Investors (FII) – Transnational Corporations
- (b) International Commercial Contracts – International Sale of Goods – Electronic Business Transactions – Crypto Currencies – Monetary System – Exchange Rates – Balance of Payments
- (c) Elements of International Taxation – Risk Analysis in International Trade.

Module - VI: Bilateral and Regional Trade

- (a) Regional Trade Agreements (RTA) and Free Trade Area (FTA)
- (b) Regional Arrangements under the United Nations – Multilateralism – European Union (EU) – South Asian Association for Regional Cooperation (SAARC) – Association for South Eastern Asian Nations (ASEAN)
- (c) Organisation for Petroleum Exporting Countries (OPEC) – North American Free Trade Agreement (NAFTA) – South Asian Free Trade Agreement (SAFTA)

Module - VII: Settlement of Disputes in International Trade

- (a) Methods of Dispute Settlement – Alternative Dispute Resolution (ADR) and International Trade
- (b) UNCITRAL – International Arbitration, Conciliation, Mediation and Litigation
- (c) Dispute Settlement Body in WTO – Appellate Body (AB) – Consultation – Online Dispute Resolution

Recommended Readings

Books

1. Indira Carr & Peter Stone, “International Trade Law”, 2017, 6th Edition, Routledge Publishers.
2. Ralph Folsom, “Principles of International Trade Law”, 2017, 2nd Edition, West Academic Publishing.
3. Peter Van Den Bossche and Warner Zdouc, “The Law and Policy of the WTO: Texts, Cases and Materials, 2017, 4th Edition, Cambridge University Press
4. Oumar Arabov and Lea Recasens, “International Trade Law: Lecture Notes”, 2019.
5. Simon Lester and Bryan Mercurio, “World Trade Law: Text, Materials and Commentary”, 2018, 3rd Edition, Hart Publishing.
6. Autar Krishen Koul, “Guide to the WTO and GATT”, 2018, Springer

Further Readings

1. Raj Bhala, “International Trade Law: Interdisciplinary Theory and Practice, 3rd Edition, Lexis Nexis.
2. Daniel Bethlehem and Van Damme, “The Oxford Handbook of International Trade Law”, Oxford.
3. Peter Van Den Bossche and Denise Prevoost, “Essentials of WTO Law”, 2016, Cambridge University Press.
4. Jayanta Bagchi, “World Trade Organisation: An Indian Perspective”, Eastern Law House
5. David Collins, “Foundations of International Economic Law”, 2019 Edward Elgar Publisher
6. Adamu Kyuka Usman, “Theory and Practice of International Economic Law”, Malthouse Law Books
7. Paul Kragman, “International Trade: Theory and Policy”, 2017, Pearson Publication.
8. David Collins, “The Public International Law of Trade in Legal Services”, 2018, Cambridge University Press.
9. Dani Rodrik, “Straight Talk on Trade: Ideas for a Sane World Economy”, 2017, Princeton University Press.
10. Mitsuo Matsushita, “The World Trade Organisation: Law, Practice and Policy”, 2017 3rd Edition, Oxford University Press.

Journals:

1. "Indian Journal of International Economic Law" by NLSIU Publication.
2. "Trade, Law and Development Journal" by NLU, Jodhpur
3. "Indian Journal of Law and Economics", by NALSAR Publication.
4. "Journal of International Economic Law" by Oxford University Press
5. "Global Trade and Customs Journal" by Wolters Kluwer
6. "World Trade and Arbitration Materials" by Wolters Kluwer
7. "International Trade Law and Regulation" by Westlaw UK
8. "World Trade Review" by Cambridge University Press
9. "Trade, Law and Development" by Hein Online Law Journal
10. "Common Market Law Review" by Wolters Kluwer law

E-JOURNALS with ARTICLES and WEBSITE sources

1. Steve Charnovitz, "What is International Economic Law?" 14 J. Int'l. Econ. L. 3 (2011) available at http://scholarship.law.gwu.edu/faculty_publications
2. John H. Jackson, "Reflections on International Economic Law", Published by Penn Law, Legal Scholar Repository, 2014.
3. James Bacchus, "The Willing World: Shaping and Sharing a Sustainable Global Prosperity" Cambridge University Press, 2018 pp 515.
4. Collin Picker, "International Trade and Development Law: A Legal Cultural Critique" Article 4 in Volume 4, Number 2, The law and Development Review, 2011 available at <http://www.bepress.com/ldr/vol4/iss2/art4>
5. C.O.Neal Taylor, "Interrelationships: International Economic Law and Developing Countries", Number 2, Volume 7, Boston College International and Comparative Law Review, 2004 pp.187 – 194
6. Aleksander Savanovic, "Economic Sovereignty", IISES, September 2014 <http://proceedings.iises.net/index.php?action=proceedingsIndexConference&id=7>
7. Pang Zhongying, "Globalisation Vs. Economic Sovereignty", Yale Global Online, December 2005.
8. Jong Bum Kim, "Cross-Cumulation Arrangement as FTA under GATT Article XXIV", Journal of International Economic Law, published by Oxford Academic, 2019.
9. Malcolm Langford, "The Revolving Door in International Investment Arbitration", Journal of International Economic Law, Oxford, June 2017, Volume 20, Issue 2, pp 301-332.
10. Anne Van Aaken, Chad P Bown, Andrew Lang, "Introduction to the special issue on Trade Wars", Journal of International Economic Law, Oxford, December 2019, Volume 22, Issue 4, pp 529-533.
11. Anthea Roberts, "Toward a Geoeconomic Order in International Trade and Investment", December 2019, Volume 22, Issue 4, pp 655-676.
12. Ehring,L, "De facto Discrimination in World Trade Law, National Treatment and Most-Favoured Nation Treatment - or Equal Treatment?", Journal of World Trade, 2002, pp 921-977.
13. A. K. Sanders, "Principle of National Treatment in International Economic Law: Trade, Investment and Intellectual Property", Edward Elgar publishing, 2014.
14. M. Krajewski, "Legal Issues of Economic Integration", Kluwer Law, 2005.
15. Jeanho, "State Responsibility for Breaches of Investment Contracts", Cambridge University Press, 2018, pp 330.

16. Fredrick M. Abbott, "The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO", *Journal of International Economic Law*, June 2002, Volume 5, Issue 2, pp 469-505.
17. Csongor Istvan Nagy, "Clash of Trade and National Public Interest in WTO Law: The Illusion of 'Weighing and Balancing' and the Theory of Reservation", *Journal of International Economic Law*, Oxford, January 2020.
18. Anne Van Aaken, Jurgen Kurtz, "Beyond Rational Choice: International Trade Law and The Behavioural Political Economy of Protectionism", Oxford, December 2019, Volume 22, Issue 4, pp 601-628.
19. Gilles Muller, "Troubled Relationships under the GATS: Tensions between Market Access (Article XVI), National Treatment (Article XVII) and Domestic Regulation (Article VI)", Cambridge University press, July 2017, Volume 16, Issue 3, pp 449-474.
20. Pauwelyn, "Distinguishing Domestic Regulation from Market Access in GATT and GATS", *World Trade Review*, 2005, pp 131-170.
21. Sabrina Shaw, Risa Schwartz, "Trade and Environment in the WTO State of Play", *Journal of World Trade*, 2002, 36(1), pp 129-154.
22. Brian R Copeland, "Trade and the Environment", *Palgrave handbook of International Trade*, 2013, pp 423-496.
23. Micheal Aklin, "Re-exploring the trade and environment nexus through the diffusion of pollution", *Environmental and Resource Economics*, Springer, 2016, 64(4), pp. 663-682
24. Diane A. Desierto, "Shifting sands in the International Economic System: 'Arbitrage' in International Economic Law and International Human Rights, *Georgetown Journal of International Law*, 2018 Volume 49, pp 1019 – 1115.
25. Anne van Aaken and Jurgen Kurtz, "Beyond Rational Choice: International Trade Law and the Behavioural Political Economy of Protectionism, *Journal of International Economic Law*, 2019, Volume 22, Issue 4, pp. 601-628.

Learning Outcomes:

By the end of this course, the students have advanced knowledge in the field of International Economic Law and must be able –

1. To analyse the various functional and theoretical bases for organizing economic relations at the international level;
2. To evolve the context in which the processes of and actors within international economic law operate;
3. To apply the rules and principles to solve problems presented in class and hypotheticals or cases decided by international dispute settlement bodies;
4. To appreciate the relationship between WTO law and bilateral and regional trade agreements;
5. To assess international economic law from multiple perspectives; in particular of individuals and organisations; in the public, private and third sectors; in relatively rich and relatively poor economic contexts; in terms of calm and crises; and on local, national, regional and global levels.

(b) CONSTITUTIONAL LAW AND PROPERTY LAW

HS10702: COMPARATIVE CONSTITUTIONAL LAW

Objectives of the Course:

A Constitution is being the supreme Law of the Land. It derives its directives from various aspects. Hence, it is obligatory on the part of a constituent assembly to refer the various customs and precedents that are in existence within an side the country. Hence an inquiry in the basic structural aspects and the differences that exist between the various constitutional perspectives need to be studies to give an understanding of the significance of the dictums of a constitution. For studying the subject it has following objectives.

- 1. To study a wide variety of approaches to constitutional issues in order to identify best practices that can be adopted everywhere;*
- 2. The comparative federalism uses a comparative approach to explore the contemporary nature and meanings of federalism and federation.*
- 3. The comparative judicial review helps to strengthen the liberty and fundamental freedom of individual and to understand the transnational migration of constitutional ideas*
- 4. The constitutional design on emergency powers & parliamentary privileges helps to understand the reflections of democracy*

COURSE OUTLINE

Module 1:Introduction:

- a) The significance and importance of Study of Constitution
- b) Types of Constitutions
- c) Forms of government-Parliamentary-Presidential-Monarchial forms

Module 2:Federalism: Comparative Study

- a) Principles of federalism
- b) Legal features of federalism.
- c) Co-operative federalism
- d) Transition from competitive federalism to co-operative federalism.
- e) Distribution of legislative and financial power in a federal system.

Module 3:Judicial Review

- a) Evolution and Concept of Judicial Review
- b) Meaning of Judicial Review
- c) Characteristics of Modern Constitutions and their impact on Judicial Review
- d) Constitutional growth in India under judicial Review and its impact
- e) Migration of Constitutional Ideas

Module 4:Impact of emergency under Indian Constitutions

- a) Express emergency provisions under constitutions
- b) Justiciability of the proclamation of emergency.
- c) Impact of Emergency on the rights

Module 5:Parliamentary Privileges

- a) Parliamentary privileges-comparative study with different countries
- b) Parliamentary privileges and anti-defection Law
- c) Need for Legislation on Parliamentary privileges in India

Module 6: Amenability of Constitution – Amendment under different Constitutions

- a) Process of amendment
- b) Types of Amendment
- c) Judicial scrutiny of Amendments to the constitution.

Books suggested:

1. Dr. Durga Das Basu – Comparative Constitutional Law, Second Edition Revised 2008 Wadhwa Nagpur.
2. Dr. Durga Das Basu – Comparative Federalism, Second Edition Revised 2008, Wadhwa Nagpur.
3. Dr. CD Jha's - Judicial review of Legislative Acts, Second Edition Revised 2009 Lexis Nexis, Butterworth, Wadhwa Nagpur.
4. Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, 1989).
5. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, Comparative Constitutionalism in South Asia (Oxford University Press, 2013).
6. Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law (Oxford University Press, 2009).
7. Surjit Choudhry, The Migration of Constitutional Ideas, (Cambridge University Press, 2009).

Articles Suggested:

- 1) Saunders, Cheryl (2006) "The Use and Misuse of Comparative Constitutional Law (The George P. Smith Lecture in International Law)," *Indiana Journal of Global Legal Studies*: Vol. 13: Iss. 1, Article 2. Available at: <http://www.repository.law.indiana.edu/ijgls/vol13/iss1/2>.
- 2) Tom Ginsburg & Rosalind Dixon, "Comparative Constitutional Law: Introduction" (University of Chicago Public Law & Legal Theory Working Paper No. 362, 2011). Available at: http://chicagounbound.uchicago.edu/public_law_and_legal_theory.
- 3) Antonia Baraggia, "Challenges in Comparative Constitutional Law Studies: Between Globalization and Constitutional Tradition. Special Issue - Comparative Law", *LaM* October 2017, DOI: 10.5553/REM/.000026.
- 4) Dann, Philipp. "Federal Democracy in India and the European Union: Towards Transcontinental Comparison of Constitutional Law." *Verfassung Und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, vol. 44, no. 2, 2011, pp. 160–176. JSTOR, www.jstor.org/stable/43239605.
- 5) Parikh, Sunita, and Barry R. Weingast. "A Comparative Theory of Federalism: India." *Virginia Law Review* 83, no. 7 (1997): pp.1593-615.
- 6) Uddin, Mohammad Moin, and Rakiba Nabi. "Judicial Review of Constitutional Amendments in Light of the "Political Question" Doctrine: A Comparative Study of the Jurisprudence of Supreme Courts of Bangladesh, India and the United States." *Journal of the Indian Law Institute* 58, no. 3 (2016): pp. 313-36.
- 7) Roznai, Yaniv. "Unconstitutional Constitutional Amendments—The Migration and Success of a Constitutional Idea." *The American Journal of Comparative Law* 61, no. 3 (2013): pp. 657-719.
- 8) Roznai, Yaniv. "The Theory and Practice of 'Supra-Constitutional' Limits on Constitutional Amendments." *The International and Comparative Law Quarterly* 62, no. 3 (2013): pp. 557-97.

Learning outcome:

After completion of the course the student will be able to

- Understanding the variety of constitutional systems across the world;
- Identifying reflection on the potentialities and limits of constitutional law in regulating the exercise of public power in contemporary society.
- Compare different government structures and their corresponding ways of protecting human rights;
- Gain knowledge on different types of government, federalism, judicial review, emergency and amendment practiced in other constitutions.

(c) CRIMINAL LAW AND FORENSIC SCIENCE

HS10703: CORRECTIONAL PROCESS

Objectives of the Course:

The object of the Criminal Justice Administration is to award penal sanctions to the offender. The primary aim of this discipline is to reform the offender rather than inflicting pain on them. The theories of punishment, various types of punishments, degrees of punishments are part of this course. The effective functionaries executing the punishments are Police and Prison Institution. The involvement of various correctional institutions such as Probation, Parole etc also included in the course. Though the criminal justice system mainly focusing on penal sanctions, the application of Criminology along with Penology will bring the expected outcome of the reformation.

COURSE OUTLINE

Module I Introduction:

- a. Concept of Penology – Punishments and its objective
- b. Historical evolution
- c. Theories of Punishments
- d. Types of Punishments
- e. International scenario on punishments – Death Penalty – Imprisonment – Fines – Transportation – Indeterminate Sentence
- f. International Instruments on Death Sentence
- g. Indian Perspective – Law Commissions Report - Arguments of Death Sentence
- h. Judicial approach
- i. International Criminal Justice System and Death Sentence – Other sentences.

Module II- Correctional Process and Law Enforcement:

- a. Correctional Philosophy
- b. Rehabilitation methodology – Rules and Regulations
- c. Prisons Act –Prison Manuals
- d. State Prison Manual
- e. Reformatory laws – Prison Reform Commissions
- f. Individualization of Offenders
- g. Significance of prison systems
- h. Alternative mechanism for punishment.

Module III- The Police System:

- a. Police Administration
- b. Types of Police System
- c. Women, Home Guard, Rural policing, Friend of Police
- d. Problems of Police
- e. Principles of Police System
- f. NHRC/SHRC & Police
- g. Judiciary & Police
- h. Functions of Police
- i. Malimath Committee Report - National Police Commission.

Module IV- Prison Administration:

- a. Prison Authorities
- b. Prisoner's Rights
- c. Prison Commission
- d. Prison Problem – Over Crowding – Prison Discipline
- e. Rehabilitative Measures – Prison Education
- f. Therapeutic Approach – Individualization & Imprisonment
- g. Vocational Training
- h. Prison Reform
- i. Women Prison
- j. Open Prison
- k. United Nations Standard Minimum Rules on Treatment of Prisoners – After care rehabilitation
- l. Role of Society – Judiciary – NGO.

Module V-Correctional Process – Probation& Parole

- a. After care process – Dr. Julius Augustus
- b. The Probation of Offenders Act –Probation Officer
- c. Functions of Probation Officers – Procedures of Probation
- d. Significance of Probation Officers Report
- e. Conditions to be released on Probation – Effects of violations of conditions
- f. Rights and Duties of Sureties
- g. Role of NGO's – Role of Family members – Role of Society
- h. Parole – Definition - Object
- i. Probation and Parole
- j. Parole in India – Legal Procedure
- k. Judiciary & Parole
- l. Parole Board – Functions of Parole Board – Conditions
- m. Parole Violations – Judicial Trends
- n. Parole & Indeterminate Sentence – Parole & Furlough
- o. International Scenario – USA & Parole

Module VI- Recidivism & Crime Prevention:

- a. Recidivist – Causes of Recidivism
- b. Mechanism to combat Recidivism
- c. Recidivism in India – Crime Prevention
- d. Distinguish Crime prevention and treatment
- e. Prevention of White-Collar Crimes
- f. Prevention of traditional crimes
- g. Prevention of Juvenile delinquency
- h. Challenges in crime prevention
- i. International perspectives – Role of the UN & Crime Prevention
- j. UN Congress on Crime Prevention 1955 – 2015.

Recommended Readings:

Books:

1. Ahmed Siddique, 2017, "*Criminology-Problems and Perspectives*" IInd Edition, Eastern Book House, Lucknow.
2. Prof N. V. Paranjape, 2014, "*Criminology and Penology with Victimology*" 16th Edition, Central Law Publications, Allahabad.
3. William Katharine.S, 2004, "*Criminology*", Oxford University Press.
4. Pifferi Michele 2016, "*Reinventing Punishments – A Comparative History of Criminology & Penology in the 19th and 20th Century*" Oxford University Press, UK.
5. Zara Georgia &Farrington P. David 2016, "*Criminal Recidivism – Explanation, Prediction and Prevention*" Routledge Publications, New York.

Journals/Journal Articles:

1. Amy Deline& Adair Crosley 2010, "A Century of Criminal Law and Criminology" *The Journal of Criminal Law and Criminology* Vol. 100, No:1, pp.1-6.
2. Malcom. M, Feeley & Jonathan Simon, 1992 "The New Penology: Notes on the Emerging Strategy on Corrections and its Implications", *Criminology*, VI.30, Issue.4, pp.449-474 <https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1745-9125.1992.tb01112.x>
3. Bruce R. Jacob & K.M. Sharma, 1969, "Justice After Trial: Prisoners Need for Legal Services in the Criminal Correctional Process", *Kansas Law Review*, pp.1270
4. Arie Freiberg, 2010, "Post Adversarial & Post Inquisitorial Justice: Transcending Traditional Penological Paradigms", *European Journal of Criminology*, Vol.8, Issue.1, pp.82-101.
5. Jean Paul Brodeur, 2007, "Comparative Penology in Perspective", *Crime and Justice*, Vol.36, Issue.1, pp.49-91
6. Lisa L. Miller, 2001, "Looking for Postmodernism in all the Wrong places: Implementing a New Penology", *The British Journal of Criminology*, Vol.41, Issue.1, pp.168-184

Further Readings:

Books:

1. Chakrabarthi. N.K., 2016, Institutional Corrections, Deep & Deep Publications, New Delhi.
2. Chaturvedi. JC. 2006, "*Penology & Correctional Administration*" Asha Books, New Delhi.
3. Haris Robert, 1992, "*Crime, Criminal Justice & The Probation Service*" Routledge Publications.

4. Guharoy Jay Tilak, 1999, "*Role of Police in Changing Society*", APH Publications, New Delhi.
5. Master Ruth, "*Counselling Criminal Justice Offenders*".
6. Pollack Joycelyn. N, "*Counselling Women in Prison*"
7. Sultan Adams, "*Crime Prevention*"
8. Stuttmann. H.S, "*Crime and Punishment*"
9. Malimath Committee Report
10. Bare Acts:
 - (i) The Prisons Act, 1984.
 - (ii) Model Prison Manual, 2016 – BPR&D
 - (iii) The Probation of Offenders Act, 1958

Journals:

1. Criminology, Criminal Justice, Law & Society
2. Death Penalty Reporter
3. European Journal of Criminology
4. Federal Prison Journal
5. Federal Probation
6. Federal Sentencing Reporter
7. International Journal of Restorative Justice
8. Journal of Delinquency
9. Prison Law Reporter
10. Prison Journal

Cases for Guidance:

1. Bachan Singh v. State of Punjab AIR 1980 SC 898
2. P. Rathinam v. Union of India AIR 1994 SC 1844
3. Mithu v. State of Punjab AIR 1983 SC 473
4. Rajendra Prasad v. Union of India AIR 1979 SC 916
5. T.V. Vatheeswaran v. State of TN 1983 SCC CrI 481
6. Machi Singh & Others v. State of Punjab AIR 1983 SC 957
7. Dhananjay Chatterji v. State of West Bengal AIR 2003 SC 3131
8. C. Muniyappan & Others v. State of TN (2010) 9 SCC 567
9. Priyadarshini Mattu Rape case (2010) 9 SCC 747
10. Tukaram v. State of Maharashtra AIR 1979 SC 185
11. Nilabati Behra v. State of Orissa AIR 1993 SC 1960
12. D. K. Basu v. State of West Bengal AIR 1997 SC 3017
13. Sheela Barse v. Union of India AIR 1988 SC 224
14. Sunil Batra II case 1980 CrLJ 1099
15. Sanjay Dutt v. State of Maharashtra AIR 2013 SC 2682
16. Laxmi v. Union of India (2014) 4 SCC 427

Learning Outcome:

After completing the course, the students will able to:

- *Understand the theories of punishments and development of concept of penology*
- *Analyze the concept of punishment and discuss about different perspective of punishment.*
- *Examine the legal framework on penal sanction and correctional process*
- *Understand the Principles of Sentencing and examine the scope of correctional process in reforming the wrong doer.*

(d): INDUSTRIAL AND COMMERCIAL LAW

HS10704:CORPORATE SECURITISATION

Objectives of the Course:

Since 1991, when from liberalisation policy has been adopted by India, the financial sector has evidenced much reforms, majorly allowing and encouraging foreign investment into the country. The legal structuring on securitisation began in 1991, leading to the enactment of the Securitisation and Reconstruction of Financial Assets & Enforcement of Securities Interest Act, 2002. Securitisation augments the benefits available to financial establishments, investors and on a broader spectrum to the society's economic progress, as a whole. It enables highly non-performing assets such as mortgages, vehicle loans and credit card non-payments to be transformed into more liquid financial instruments. Further, securitisation acts as a significant source of financing various businesses ranging from commercial real estate development to manufacturers and dealers. This area of Law plays a pivotal role in the economic progress of the nation.

The objective of the study of this subject is to provide the Students -

- i. Detailed understanding of the markets for asset-backed securities*
- ii. Knowledge of the Legal dimensions of the Law relating to Corporate Securitisation and allied matters.*
- iii. Comprehension and appreciation of the significance of how securitisation is a tool of utility to corporates dealing with finances.*
- iv. Significance of securitisation in relation to rehabilitation of sick companies etc.*

COURSE OUTLINE

MODULE – I: INTRODUCTION:

- a. Historical development.
- b. Objectives and Concept of Corporate Securitisation.
- c. Legal provisions Governing the recovery of debts in India.
- d. Meaning, nature and scope of securitisation.
- e. Securitisation as a funding and salvaging from non-performing assets mechanism.

MODULE – II: REHABILITATION OF SICK COMPANIES:

- a. Revival, reconstitution and rehabilitation of sick companies.
- b. Sick Companies and their Revival.
- c. The Law relating to sick companies.
- d. Procedure for rehabilitation of sick companies.

MODULE – III: SECURITISATION & RECONSTRUCTION:

- a. Securitisation and debt recovery.
- b. Overview of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and its amendment till the year 2013.
- c. Special Purpose Vehicle (SPV)
- d. Asset Reconstruction Companies (ARC)
- e. Qualified Institutional Buyers (QIB)
- f. Role and functions of the Board of Industrial & Financial Reconstruction (BIFR)
- g. Recovery of Debts due to Banks & Financial Institutions Act, 1993.
- h. Tribunal.
- i. Procedure, compromises and arrangements with Banks and creditors.

MODULE – IV: WINDING-UP OF COMPANIES:

- a. Winding-up companies.
- b. Modes and administrative machinery for winding-up of corporates.
- c. Liquidation procedure, meeting of members (shareholders) and creditors, managing the interests of stakeholders, managing the estate of the companies.
- d. Outsourcing of responsibilities relating to winding-up to professional service providers such as valuers and security agencies.
- e. Best practices adopted in performing liquidation and administrator functions, accountability, role of liquidators.
- f. Winding-up of unregistered companies – Consequences of winding-up.

MODULE – V: CROSS-BORDER INSOLVENCY:

- a. Cross-Border Insolvency.
- b. UNCITRAL Model Law on Cross-Border insolvency.
- c. UNCITRAL Legislative Guide to insolvency law.
- d. World Bank principles for effective insolvency and creditor rights.
- e. Asian Development Bank principles of corporate rescue and rehabilitation.
- f. Winding up of companies.

RECOMMENDED READING:

1. Introduction to Securitization, by Frank J. Fabozzi, John Wiley & Sons, 2008.
2. Law & Practice Relating to Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest, by M.R.Umarji, Taxmann, 7th Edition, 2017.
3. Securitisation & Debt Recovery Laws, by Justice A.B. Srivastava, Law Publishers (India) Pvt. Ltd. Allahabad, 10th Edition, 2018.
4. Securitization, Vols. I & II, by Tamar Frankel, Fathom Publishing Company, 2nd Edition, 2016.
5. Narasimham Committee II on Banking Sector Reforms - <https://rbidocs.rbi.org.in/rdocs/PublicationReport/Pdfs/24157.pdf>

JOURNALS:

1. Buchanan, Bonnie, Securitization: A Financing Vehicle for All Seasons?, Bank of Finland Research Discussion Paper No.31/2016.
2. Slaughter and May, Model guide to securitisation Techniques, PLC Cross-border Structured Finance and Securitisation Handbook, 2010 https://www.slaughterandmay.com/media/1429118/model_guide_to_securitisation_techniques.pdf
3. Ilham Riachi and Armin Schwienbacher, Overcollateralization in Corporate Securitisation, Finance, Vol.36, 2015, pp.7-52.
4. Diamond Hill, Mechanics and Benefits of Securitization, 2016 - <https://www.diamond-hill.com/mechanics-benefits-securitization/>
5. Suman Chakraborty, Securitization in India: A Strategic Tool for Competitiveness, Indian Journal of Applied Research, Vol.III, Issue.III, 2013, pp.29-32.

6. Vinod Kothari and Abhirup Ghosh, Indian Securitization Market: A Primer, the Journal of Structured Finance, Vol.23, Issue 1, 2017, pp.23-31.
7. Akhil M.P., Structured Finance and Securitization in India, SSRG International Journal of Economics Management Studies, Vol.5, Issue.6, 2018, pp.26-31.

FURTHER READING:

1. Securitization and the Global Economy-History and Prospects for the Future, by Buchanan, Bonnie, Palgrave Macmillan, 1st, Edition, 2016.
2. Securitization, Structured Finance and Capital Markets, by Steven L. Schwarcz, Bruce A. Markell, Lissa L. Broome, LexisNexis, 2001.
3. Securitization, by David G. Glennie, E.C. De Bouter, Randall D. Luke, Kluwer Law International, 1998.
4. The Mechanics of Securitization, by Moorad Choudhry, John Wiley & Sons Inc., 1st Edition, 2013.

CASE LAW:

- a) Mardia Chemicals Ltd. v. Union of India & Others (2004 D.R.T.C 1(SC3))
- b) Collector of Customs, Madras v. Nathella Samapathu 1962 (3) SCR 786 at pp.829-30.
- c) Transcore v. Union of India & Another. AIR 2007 SC 712, MANU/SC/5319/2006
- d) Ionic Metalliks v. Union of India no. 645 of 201 &. 10120 of 2014
- e) Sicom Ltd. v. Padmashri Mahipatrai J. Rajiv Subramaniyan & Another Civil Appeal No.3866/2014 S.L.P© No.25448/2012 SC2005 (64) SCL 18 (Bom)
- f) Indian Bank v. Nippon Enterprises 2011 (2) CTC 474 HC Madras
- g) Arun Jagannath Gedam v. State Bank of Hyderabad (2005) BC 217 DRT Nagpur
- h) Indian Oil Corporation Ltd. Nagpur v. Shikshak Sahakari Bank Ltd (2005) BC 50 DRT Nagpur
- i) M. Nagarajan v. The Deputy Commercial Tax Officer & Another MANU/TN/1292/2009
- j) ICICI Bank Ltd. v. The Official Liquidator, Liquidator of Vibrant Investments and Properties Ltd (2005) 124 Compas 550(Mad), (2005) 1 MLJ 309
- k) UTI Bank Ltd. v. The Deputy Commissioner of Central Excise & Another MANU/TN/0188/2007, 2007(115)ECCC323
- l) Baleshwar Dayal Jaiswal v. Bank of India & Others Supreme Court of India Civil Appeal No.5924 of 2015 (arising out of SLP (c) no.27674 of 2011)

- m) Kaveri Marketing, Bangalore v. Saraswathi Co-operative Bank Ltd., Koramangala Branch, Bangalore (2013 (1) D.R.T.C.804 (Knt.)) (HC Karnataka - Single Bench)
- n) Central Distillery & Chemical Works Ltd. v. Gurbharajeet Singh AIR 1993 P&H 25
- o) Union of India v. Debt Recovery Tribunal Bar Association & Ans Civil Appeal Nos.617-618 of 2013 SC

LEARNING OUTCOME:

After completion of the Course, Students will be able to -

1. Gain the capacity to interpret statutory provisions, identify legal issues impacting financial risk affecting business, for purposes of risk avoidance, to establish control mechanisms & evaluate alternative financing options.
2. Analyse and evaluate financial markets, how securities are traded, mutual funds, investment companies, and investor behaviour.
3. Analyse relevant case law for the purpose of finding legal precedents.
4. Gauge the economic environment and the impact of governmental economic policies on consumers and financial institutions and make investment policy recommendations.

(a)-INTERNATIONAL LAW AND INTELLECTUAL PROPERTY

RIGHTS

HS20701: INTERNATIONAL TREATIES AND CONVENTIONS ON INTELLECTUAL PROPERTY

Objectives of the Course:

International Intellectual Property is a part of public international law as one of many specialized areas within the universe of Public International Law. The purpose of the course is to examine rules on intellectual property in the wider context of international law. The standards laid down in various intellectual property treaties and conventions to harmonize the laws of different countries and to promote international trade.

COURSE OUTLINE

Module I Structural Framework, Basic Principles and Policies

- a) The International IP as a discipline-Trends in the International IP System - Harmonization, Integration and Countervailing
- b) International IP Institutions- WIPO, WTO and other Multilateral Institutions;
- c) Basic Principles-National Treatment, MFN, Exhaustion of Rights, Uniform Standard, Independence, Public Interest Doctrine, Territoriality and Extraterritoriality, Human Rights and Sustainable Development-Policies

Module II: International Copyright System

- a) Copyright as an Intellectual Property Form- Changing Technologies;
- b) Multilateral Copyright Norms- Berne Convention, Universal Copyright Convention, Rome Convention TRIPS Agreement- TRIPS Agreement and its relationship to the Berne Conventions, The WIPO Copyright Treaty (WCT)- Neighbouring Rights and the WIPO Performance and Phonograms Treaty (WPPT)-Beijing Treaty on Audio visual Performance -The Marrakesh Treaty to facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled;
- c) Exhaustion and the Movement of Copyrighted works in Trade;
- d) Copyright in Software and Open Source.

Module III International Patent System

- a) The Multilateral Patent Agreements-Paris Convention-Independence of Nation, Compulsory Licensing; The Patent Cooperation Treaty (PCT), Budapest Treaty, European Patent Convention, TRIPS Agreement- Safeguards and exceptions, Doha Declaration on Public Health,;
- b) Patent and the Convention on Biological Diversity;
- c) Patent Licensing, Transfer of technology and Competition.
- d) Plant Variety as an IP-Multilateral Agreements-TRIPS Agreement, The International Union for the Protection of New Varieties of Plants (UPOV) 1991, 1978 &1961 Act, International Treaty on Plant Genetic Resources for Food and Agriculture 2001 (ITPGRFA).

Module IV International Trademark and Identifier System

- a) Basic Characteristic of the Trademark, Domain Name and Geographical Indication- Trademark at the Multilateral level-Paris Convention and Trademarks, and Well Known Mark, Paris Convention and Indication of Source and Appellation of Origin - TRIPS Agreement-The Interface Between Trademarks and GI
- b) Trademark Exhaustion and International Trade;
- c) Trademark Registration at the Multilateral Level-The Madrid Agreement and Protocol Relating to the Madrid Agreement- Madrid Agreement on false and deceptive indication of source- Lisbon Agreement on registration of Appellation of Origin. Trademark Law Treaty
- d) Internet Domain Name at the Multilateral Level- UDRP.

Module V: International Designs System

- a) The Multilateral System for Protection of Design- Paris Convention TRIPS Agreement-registered, unregistered and functional design-layout design;
- b) The Hague Agreement Concerning the International Deposit of Industrial Designs
- c) TRIPS Agreement and Washington Treaty on Intellectual Property in respect of Integrated Circuit, 1989.

Module VI: International System for the Protection of Trade Secret and Regulatory Data

- a) Trade secret and TRIPS Agreement – Regulatory Data and The TRIPS agreement
- b) Regional System for the protection of Regulatory data -Protection of Regulatory data & Pharmaceutical Regulatory data in the European Union.

Module VII: The International System for Enforcement of Intellectual Property Rights

- a) Multilateral IPRs Enforcement Agreements-the TRIPS Agreement- Enforcement Obligation- Enforcement in WTO Dispute Settlement Mechanism and Dispute Settlement Understanding- Violation and Non Violation Complaints, Withdrawal of Concession;
- b) Other Multilateral Agreement on Enforcement-Berne and Paris Convention, Activities of WIPO Arbitration and Mediation Centre, World Custom Organization, OECD Project on Counterfeiting and Piracy- EU Enforcement Regime- IP Enforcement Directive
- c) United States Sec 377 of The Tariff Act of 1930 – Sec 301 and Special 301 of US Trade Representative Act.

Recommended Readings

Books:

1. Grosse Ruse Khan, The Protection of Intellectual Property in International Law, University Press Oxford, United Kingdom (2016).
2. Jon O. Nelson, International Patent Treaties, Oxford, United Kingdom (2007).
3. Dennis Cohen, The International Protection of Designs, Kluwer Law International (2000).
4. Carlos M. Correa and Abdulaawi A. Yusuf, Intellectual Property and International Trade: The TRIPS Agreement, Wolters Kluwer Law International (2008).
5. Prof. P. R. Trivedi WIPO, WTO, GATT, TRIPS & IPR, Indian Institute of IP Rights, New Delhi (2017).

Journals/Articles:

1. John H Barton, The Economics of TRIPS: International Trade in Information - Intensive Products, 33 Geo. Wash. Int'l L. 473 (2001)
2. Keith E. Maskus & J. H. Reichman, The Globalization of Private Knowledge Goods and the Privatization of Global Public Goods, 7 J. Int'l Econ. L. 279 (2004)
3. Pamela Samuelson, The US Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997)
4. Frederick M Abbott, The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO, 5 J. Int'l Econ. L. 469 (2002)
5. Frederick M. Abbott, Non Violation Nullification or Impairment Causes of Action under the TRIPS Agreement and the Fifth Ministerial Conference: A Warning and Reminder, Quaker United Nations Office, Occasional Paper No 11 July 2003,

Further Readings:**Books**

1. India- Patent Protection for Pharmaceutical and Agricultural Chemical Products, AB-1997-5, WT/DS50/AB/R, 15 Dec 1997.
2. Davidson Wilson, International Patent Litigation: Developing an effective Strategy, Global Law and Business, London (2009).
3. Frederick M Abbott, Thomas Cottier and Francis Gurry, International Intellectual Property in an Integrated World Economy, Wolter Kluwer, Aspen Publishers, (2007)
4. UNCTAD-ICTSD Resource Book on TRIPS Agreement and Development, Cambridge University Press (2004)
5. Frederick M. Abbott, TRIPS and Human Rights: Preliminary Reflections, In International Trade and Human Rights Foundation and Conceptual Issues (F.M.Abbott, C Breining-Kaufmann & T Cottier eds.) (U. Mich. Press 2006)
6. Edith Tilton Penrose, The Economic of the International Patent System: Chapter IX Summary and Conclusion Pp:162-169 , John Hopkins Press 1951.
7. John Perry Barlow, The Economy of Ideas: A Framework for Patents and Copyrights in the Digital Age , Wired 2.03, March 1994.
8. Sam Ricketson, The Birth of the Berne Union, the Centenary of the Berne Convention, Conference (Intellectual Property Law Unit, University of London and British Literary and Artistic Copyright Association London) April 17-18 1986.

9. Thomas Cottier, The Agreement on Trade Related Aspects of IPR, in the World Trade Organization: Legal, Economic and Political Analysis, Vol I -1040-1120 at 1082-1085 (P Macroy, A Appleton and M. Plummer eds. 2005) (Springer: New York)
10. Lawrence Lessig, Open Source Baselines: Compared to what? In Govt Policy Toward Open Source Software (Robert W Hahn ed., 2003), at 50

Journals/Articles

1. Melvyn J. Simburg and et al., International Intellectual Property (2005) 39 International Lawyers, pp. 333-350.
2. Battling HIV -AIDS: A Decision Makers Guide to the Procurement of Medicines and Related Supplies, Y. Tayler, Ed., World Bank 2004
3. Sisule F. Musungu & Graham Dutfield, Multilateral Agreements and a TRIPS Plus World: The World Intellectual Property Organization (WIPO), TRIPS Issues Papers 3, Quaker United Nations Office (QUNO) Geneva Quaker International affairs Programme (QIAP) Ottawa.
4. John Barton, New Trends in Technology Transfer: Implications for National and International Policy, ICTSD Intellectual Property and Sustainable Development Series, Issue Paper No 18, Feb 2007
5. The Recognition of Rights and the Use of Names in the Internet Domain Name System, Report of the Second WIPO Internet Domain Name Process September 3, 2001, Available at <http://wipo2.wipo.int>
6. Office of United States Trade Representative 2006 Special 301 Report, Available at <http://www.ustr.gov>
7. Pamela Samuelson, The US Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997)
8. Frederick M Abbott, The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO, 5 J. Int'l Econ. L. 469 (2002)
9. Frederick M. Abbott, Non Violation Nullification or Impairment Causes of Action under the TRIPS Agreement and the Fifth Ministerial Conference: A Warning and Reminder, Quaker United Nations Office, Occasional Paper No 11 July 2003, available at <http://www.quno.org>
10. Carsten Fink & Patrick Reichenmiller, Tightening TRIPS: The Intellectual Property Provision of Recent US Free Trade Agreements, World Bank Trade Note 20, Feb7, 2005

Case for Guidance:

1. Revlon, Inc., and Others v. Cripps & Lee Ltd and Others [1980] FSR 85
2. NTP v. Research in Motion, 418 F.3d 1282 (Fed. Cir. 2005)
3. Canada -Patent Protection of Pharmaceutical Products, Report of the Panel, WT/DS114/R, March 17, 2000
4. Qualtex Company v Jacobson Products Company Inc, 514 US 159 (1995)
5. K Mart v Cartier, 486 US 281 (1988)
6. Pfizer Inc v. Martin Marketing Case No. D 2002-07793 WIPO Arbitration and Mediation Centre Administrative Panel Decision
7. Pfizer Inc v. Martin Marketing Case No. D 2003-0399 WIPO Arbitration and Mediation Centre Administrative Panel Decision
8. Metro Goldwyn- Mayer Studios v. Grokster 545 US 913 (2005)
9. John Wiley and Sons Inc v. Prabhat Chander Kumar Jain (2010)
10. Kapil Wadhwa v. Samsung Electronics Co. Ltd (2012) 53 PTC 112 (Del)
11. Quality King distributors v. L'anza Research International 523 US 135 (1998)
12. Computer Associates International v. Altai 982 F.2d 693 (2nd Cir. 1992)
13. Monsanto v Nuziveedu (2019)
14. J E M AG Supply v Pioneer Hi -Breed 534 US 124 (2001)
15. Akzo Chemie BV and Akzo Chemie UK Ltd v. Commission of the European Communities, Judgment of the Court (Fifth Chamber) of 24 June 1986 Case 53/85, Court of justice of European Commission

Learning Outcome:

After completion of the course students will be able to –

- Learn the various international system that regulates Intellectual Property Rights
- Discuss the different Multilateral Organizations where rules are negotiated and applied with subject matter interest in IPRs.
- Equip with the basic principles and policies underlying the protection of IPRs at the multilateral level to protect IP and harmonize the laws of the member nations.
- Examine the significant developments regarding the enforcement of IP at the international level.

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

HS20702: INTRODUCTION TO LAND LAWS

Objectives of the Course:

The objective of this specialized paper is to know about the

1. land system in pre-independence and the right to property under constitution of India, The right of the government to acquire land for public purpose under the doctrine of eminent domain and the right of the person interested to claim compensation

2. Laws relating to acquisition of land for companies, industrial purpose in the name of special economic zone and the rights of tribal over their property.

3. Land reform constitutes the most important package of measures to improve the economic condition of agricultural tenants.

Course Outline

Module– I: Concept of land and land movements in India:

Concept of land and real property –concept of ownership -land system in ancient India - Panchami Land – Gramdhan Land - Boodan Movement – Tamil Nadu Boodan Act, 1958

Module – II: Land Tenure System in Pre-Independent India:

Zamindari system- permanent settlement, Inamwari, Mahalwari, Ryotwari-melwaram-kudiwaram-rights and responsibilities of Ryotwari pattadar.

Module – III: Significance of land laws and constitutional provisions:

Constitutional protection relating to property –Eminent Domain- Article 31A – Article 31 B- Article 31 C- Article 300 A- Ninth Schedule- land and governance in the fifth schedule- legislative powers of center and state in enacting land laws.

Module – IV: Acquisition of Land:

- a. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [LARR Act]
- b. Establishment of Special Economic Zone- Constitution of Board of Approval – functions of Development Commissioner - Special Economic Zone Authority
- c. Acquisition Of Lands For Industrial Purposes

Module– V: Land rights of Tribes:

Definition of tribes, scheduled tribes- Title rights- use rights – forest management rights of tribes – process of recognition of rights – scheduled area – V schedule – prohibition of alienation of tribal land.

Statutory materials:

1. Constitution of India
2. LARR Act, 2013
3. Special Economic Zones Act, 2005
4. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
5. Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997

References:**Books**

1. Salmond on Jurisprudence, by P J Fitzgerald, Sweet & Maxwell, Universal Law Publishing co pvt ltd, 2016
2. Right to property in India by Naveen Sharma, Deep & Deep Publications
3. Baden Powell, "The Land Systems of British India", 1892
4. Land Reforms in India by M. L. Dantwala, 66 Int'l Lab. Rev. 419 1952, heinonline
5. Land System in India: A Historical Review, Rekha Bandyopadhyay, Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155

Articles:

1. Indian Law on Special Economic Zone (SEZ) by Mr. Anand Singh
<https://www.conservationindia.org/resources/facts-about-the-forests-rights-act>
2. Lovleen Bhullar, 'The Indian Forest Rights Act 2006: A Critical Appraisal', available at <http://www.lead-journal.org/content/08020.pdf>
3. Sanjana, "Forest Dwellers as Deemed Homeless", 4 J. Indian L. & Soc'y 130 2012-2013, Heinonline
4. E. Washburn Hopkins, "Land-Tenure in Ancient India", Political Science Quarterly, Vol. 13, No. 4 (Dec., 1898), pp. 669-686 available at <http://www.jstor.org/stable/2139978>
5. Rekha Bandyopadhyay, "Land System in India: A Historical Review", Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155 available at <http://www.jstor.org/stable/4400592>

Learning outcome:

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

1. Understand the concept of real property and the various movements of India
2. Determine the right to property under Indian constitution
3. Evaluate various land reformatory systems exists in pre-independence
4. Understand the doctrine of eminent domain and the power of acquisition of land by the government
5. Analyze the circumstances under which land can be acquired for industrial purposes
6. Understand the land rights of tribals.

(a) CRIMINAL LAW AND FORENSIC SCIENCE

HS20703: CRIMINOLOGY

Objectives of the Course:

Criminology is a scientific study of law that deals with criminal behavior of an offender. The theories of crimes, theories of crime causation, determining factors of commission of crime are discussed in this subject. Understanding of behavioral pattern of the accused shall be incorporated while imposing of punishment. Criminology and Criminal Law must apply parallelly while determining the sentence. The course also included new dimensions of the Criminal Justice System, Victimology. The need for equal participation in the trial process till the sentencing process raised two decades ago. Victimology permits the victims in to participate determining the remedy, compensatory jurisprudence etc .

Course Outline

Module I: Introduction, Nature and Scope of Criminology:

- a. Concept of crime – Development of crimes through ages
- b. Crime and Offence – Crime and sin
- c. Different types of Crimes – Penal Crimes – Victimless Crime – Organised Crimes – International Crimes – Human Organs Crimes
- d. Characteristic of Crimes
- e. Crime and Criminology – Criminology and Criminal Law – Criminology, Criminal Law and Penology
- f. Objectives of Criminology - Criminology in India Development of Criminal Law in India
- g. Modern Criminal Law and Criminology.

Module II: Schools of Criminology, Crime Causation – Societal and Individual Causes:

- a. Pre- Classical School
- b. Classical School
- c. Neo-Classical School
- d. Positive School – Cesare Lombroso – Enrico Ferri – Rafael Garofalo
- e. Clinical School
- f. Sociological School
- g. Modern Schools of Criminology
- h. Crime Causation - Hereditary – Mental Illness – Biological factors – Mc’Naghten Rule
- i. Donald Taft view on criminality
- j. Sigmund Freud’s view on criminality – Psychological concept of crime
- k. Aristotle Four theories of Crime

- l. Conflict Theory – Sociological Theory of Crime
- m. Multiple Factor Theory of Crime Causation -Mobility – Cultural Conflict – Peer group – Family – Poverty – Education – Unemployment – Political Ideology – Media – Urbanization
- n. Economic Factor and Bonger’s theory - Ecology.

Module III: Types of Crimes – Traditional Crimes

- a. Organised Crimes: Predatory crimes
- b. Criminal Rackets – Political Graft
- c. Wildlife Skin trading crimes
- d. Collective Violence – Communal Violence
- e. Terrorism
- f. Characteristics of Organised Criminals
- g. Sexual Offences – IPC and Sexual Offences – Rape Laws in India and other countries
- h. Alcoholism and Drug Addiction – International perspectives of Drug abuses
- i. Narcotic Drugs and Psychotropic Substances Act – IPC and Toxicities
- j. Measures to combat illicit trafficking – Enforcement agencies.

Module IV: New Era Crimes

- a. White Collar Crimes - Sutherland’s view on White Collar Crimes
- b. Types of White-Collar Crimes
- c. Cyber Crimes – Hacking – Spoofing – Cyber Terrorism – Cyber Defamation – Cyber Pornography – Online theft – Computer vandalism – IP Crimes - IT Act, 2000
- d. Human Organs Crime – Human Organs Transplantation Act, 1994
- e. Victimless Crimes – Suicide – Immoral Traffic Offences – Drug addiction
- f. International Crimes – Rome Statute 2000 – Genocide, War Crimes, Crimes against Humanity.

Module V: Crime Statistics

- a. Crime Statistics – Reliability of Crime Statistics
- b. Sources - National Crime Record Bureau – State Crime Record Bureau
- c. Pattern of Crimes against Women
- d. Crime Statistics of Crimes against Children
- e. Crime Records on Narcotic Drugs
- f. Crime Statistics on Cyber Crimes - Crime graph comparative
- g. Increase in crime rate – Agenda.

Module VI: Victimology

- a. Introduction – Theories of Victimology
- b. Definition – Victims

- c. Victims' Rights & Liabilities – International Instruments in Victimology
- d. Victimization of Victims– Consequences of victimizations
- e. Types of victims – Recurring Victims – Homicide & Genocide Victims – Sexual Offences Victims – Political Offences Victims – Property Offences Victims – Domestic Violence Victims
- f. Legal Remedy – Restorative Justice
- g. Victims Participation – Victims Assistance
- h. Justice Malimath Committee Report
- i. Criminal Law and Victims Rights.

Recommended Readings:

- Ahmed Siddique, 2017, Criminology-Problems and Perspectives, IInd Edition, Eastern Book House, Lucknow.
- Daigle, L. and Muftic, R. Lisa (2016). Victimology. Thousand Oaks, CA: SAGE Publications.
- Prof N. V. Paranjape, 2014, Criminology and Penology with Victimology, 16th Edition, Central Law Publications, Allahabad.
- William Katharine.S, 2004, Criminology, Oxford University Press.
- Bajpai. G.S, & Gauba Sbriga, “*Victims Justice: A Paradigm Shift in Criminal Justice System in India*”
- Robert Cryer, Hakan Friman, Darryl Robinson & Elizabeth Wilmshurst 2014, “*An Introduction to International Criminal Law and Procedure*”, 3rd Ed, Cambridge University Press.

Journals for scholarly articles:

- Canadian Journal of Criminology and Criminal Justice : 1958 – 2019
- Criminal Behavior and Mental Health : 1991 – 2019
- Criminal Justice and Behavior : 1974 – 2020
- Criminologist : 1972
- Criminology and Public Policy : 2001 – 2020
- Criminology, Criminal Justice, Law & Society : 1998 -2014
- Criminology : 1963 – 2020
- European Journal of Criminology : 2004 - 2020
- Issues in Criminology : 1965 – 1975
- Journal of Criminal Law and Criminology : 1910 – 2020
- Journal of Delinquency : 1916 – 1928
- War Crimes, Genocide and Crimes against Humanity : 2005 – 2011
- Western Criminology Review : 1998 – 2019

Further Readings:

- Chakrabarthy. N.K., 2016, Institutional Corrections, Deep & Deep Publications, New Delhi.
- Abhuja Ram, 2000, Criminology, Rawat Publications, New Delhi.
- E.H. Sutherland, 1968, Principles of Criminology, Times of India Press, Bombay.
- Crime in India Published by National Crime Record Bureau, Ministry of Home Affairs, New Delhi.
- Sachadev Updesh Singh, 1987, Fraudsters & Bankers: Prevention and Detection Techniques, UDH Publishing House.
- Padhy Prapullah, 2006, Organised Crimes, Isha Books, Delhi.
- Patnaik .B.N, “*Compensation to Victims of Crime*”
- Robert Albert. B, “*Helping Crime Victim*”
- Bare Acts:
 - (i) The Protection of Women from Domestic Violence Act, 2005.
 - (ii) The Immoral Traffic (Prevention) Act, 1956
 - (iii) The Sexual Harassment of Women at Workplace (Prevention and Prohibition and Redressal) Act, 2013.
 - (iv) The Information Technology Act, 2000
 - (v) The Narcotic Drugs and Psychotropic Substances Act, 1985.
 - (vi) The Human Organs Transplantation Act, 1994.
 - (vii) Statute of International Criminal Court

E-Books:

- Braithwaite. J (March 2000) “*New Regulatory State and the Transformation of Criminology*”, British Journal of Criminology, Vol.40. Issue 2, pp.222-238.
- Roufa Timothy, “*Criminology, the Study of Crime, Causes and Consequences*”, The Balance Careers, <https://www.thebalancecareers.com/what-is-criminology-974589>
- David, Christian Carsten 1972, “*Criminology-Crime*”, Northampton shrine, UK, <https://www.carsten-ulbrich.zymichost.com/crimeanalysis/10/html>
- Shokry El-Dakkak. M, “*Criminology and Penology*”, <https://www.adjd.gov.ae/sites/Authoring/AR/ELibrary%20Books/E-Library/PDFs/Criminology%20ANd%20Penology.pdf>
- Dr. Rajendra Kumar Sharma, 1998, “*Criminology and Penology*”, Atlantic Publications, New Delhi. https://books.google.co.in/books/about/Criminology_and_Penology.html?id=1pRJTw6EdtsC.
- Ross McGarry & Sandre Walklate, 2015, “*Victims: Trauma, Testimony & Justice*” Routledge Publications, London & New York. <https://books.google.co.in/books?hl=en&lr=&id=oifLCQAAQBAJ&oi=fnd&pg=PP1&dq=journal+on+victimology+and+victim+justice&ots=YfXGQi2-Ws&sig=0->

[gVVNojXpdWh2mlr21dtVC3rqM#v=onepage&q=journal%20on%20victimology%20and%20victim%20justice&f=false](https://books.google.co.in/books?hl=en&lr=&id=iJbBhqhEZY0C&oi=fnd&pg=P2&dq=scholarly+articles+on+on+victimology&ots=ek-H4xWmHR&sig=0cqVXEIXL9jiFpSP3GEL4_Et_5s#v=onepage)

- William. G Doerner & Steven P. Lab, 2012, “*Victimology*” 6th Ed, Elsevier Publications, USA.
https://books.google.co.in/books?hl=en&lr=&id=iJbBhqhEZY0C&oi=fnd&pg=P2&dq=scholarly+articles+on+on+victimology&ots=ek-H4xWmHR&sig=0cqVXEIXL9jiFpSP3GEL4_Et_5s#v=onepage
- William A. Schabas & Nadia Bernaz 2011, “*Routledge Handbook on International Criminal Law*”, Routledge Taylor and Francis Group Publications, New York.
<https://books.google.co.in/books?hl=en&lr=&id=usEtCgAAQBAJ&oi=fnd&pg=PP1&dq=William+Schabas+international+crime&ots=3j0k24bTit&sig=-P5PEBL8Qtixl8Yb9OIq-ygZgzE#v=onepage&q=William%20Schabas%20international%20crime&f=false>

Research Articles:

- Jean Jordan, 2011 “Professional Discretion and the use of Restorative Justice Programme in Appropriate Domestic Violence cases: An Effective Innovation”, *Chapman Journal of Criminal Justice*, 2011 Vol.2, No.1, pp.129 – 164.
- Hannah Ching, Michael Dafern and Stuart Thomas 2017, “A Comparison of Offending trajectories in violent youth according to violent type” *Criminal Behavior and Mental Health* Vol.27, pp.8-14.
- John Stratton, Michael Brook and Robert E. Hanlon 2017, “Murder & Psychosis: Neuropsychological Profiles of homicide offenders with Schizophrenia”, *Criminal Behavior and Mental Health* Vol.27, pp.146-161.
- Ashton.H 1927, “Languages and the Criminal” *The Criminologists* pp.8 & 9.
- Philip J. Cook 2016, “Behavioral Science Critique of HOPE”, *Criminology and Public Policy* Vol.15, Issue.4, pp.1155-1162.
- Jay S. Albanese & Kristine Artello 2019, “The Behavioral Corruption: An Empirical Typology of Public Corruption by Objective and Method” *Criminology, Criminal Justice, Law and Society* Vol.20, Issue.1, pp.1-20.
- Edwin M. Schur & Hugo Adam Bedau 1975, “Victimless Crimes: Two sides of a Controversy” *Issues in Criminology* Vol.10, Issue.1, pp.126-138.
- Amy Deline & Adair Crosley 2010, “A Century of Criminal Law and Criminology” *The Journal of Criminal Law and Criminology* Vol. 100, No:1, pp.1-6.
- David H. Jones 2005, “On the Prevention of Genocide: The Gap between Research and Education: *War Crimes, Genocide and Crimes Against Humanity* Vol.1, Issue.1, pp.5-46.
- Kieram McEvoy & Kristen McConnachie, 2012, “Victimology in Transitional Justice: Victimology, Innocence and Hierarchy”, *European Journal of Criminology*, Vol.9, Issue.5, pp.527-538.

- Tinneke Van Camp & Jo-Anne Wenimers, 2013, “Victims Satisfaction with Restorative Justice More than Simply Procedural Justice”, *International Journal of Victimology*, Vol.19, Issue.2, pp.117-143.
- E. A. Fattah, 1979, “Some Recent Theoretical Development in Victimology”, *Victimology*, Vol.4, Issue.2, pp.198-213.
<https://www.ncjrs.gov/App/publications/abstract.aspx?ID=64082>
- Manisha Sahay 2018, “Transplantation of Human Organs & Tissues Act: Simplified” *Indian Journal of Transplant* Vol.12, Issue.2, pp.84-89.
<https://www.ijtonline.in/text.asp?2018/12.2.84/235594>
- Susan A. Lentz, B. Grant Stitt 1996, “Women as Victims in “Victimless Crimes” The Case of Prostitution”, *Journal of Contemporary Criminal Justice*, Vol.12, Issue.2, pp.173-186
<https://www.journals.sagepub.com/doi.abs/10.1177/104398629601200204>

Web Sources for Scholarly Articles:

- <https://heinonline.org>
- <https://jstor.org>
- <https://shodganga.inflibnet.ac.in>
- <https://network.bepress.com/law/criminal-law>

Web Sources for referring latest decisions:

- <https://indiankanoon.org>
- <https://manupatrafast.com>
- <https://www.aironline.in>
- <https://scconline.com>

Related Cases:

- Paras Ram v. State of Punjab (1981) 2 SCC 508
- Meh Ram v. State 1994 CrLJ 1897 (Raj)
- Tola Ram v. State of Rajasthan 1996 CrLJ 8 (Raj)
- Vishaka v. State of Rajasthan AIR 1997 SC 3011
- Shreerangayee v. State of Madras (1973) 1 MLJ 205
- Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802
- R.K. Garg v. Union of India (1981) 133 ITR 239
- Subramaniya Swamy v. Dr. Man Mohan Singh AIR 2012 SC 1185
- Govt of Andra Pradesh v. P.V. Reddy AIR 2002 SC 3346
- Nimmagadda Prasad v. CBI AIR 2013 SC 2821
- M/s Sattyam Infoway Ltd v. M/s Sifynet Solutions (P) Ltd AIR 2004 SC 3549
- Dr. L. Prakash v. State of T.N. (2008) 3 MLJ CrI 406
- Gurdeep v. State of Punjab (2013) 10 SCC 395
- State of Haryana v. Janak Singh & Another AIR 2013 SC 3246
- Shyam Narin v. State of (NCT Delhi Administration) AIR 2012 SC 2209
- Mohd Iqbal v. State of Jharkhand AIR 2013 SC 3077

- Narendra Kumar v. State (NCT Delhi Administration) AIR 2012 SC 2281
- Deepak Gulait v. State of Haryana AIR 2013 SC 2071
- State of Maharashtra & Others v. Nagpur Distilleries 2006 (5) SCALE 77
- State of H.P. v. Asha Ram AIR 2006 SC 381
- Swamy Shradhananda @ Murali Manohar Mishra v. State of Karnataka AIR 2008 SC 3040
- Priyadharshini Mattu Rape case (2010) 9 SCC 747
- Tukaram v. State of Maharashtra AIR 1979 SC 185
- Nilabati Behra v. State of Orissa AIR 1993 SC 1960
- Prem Shankar Shukla v. Delhi Administration AIR 1980 SC 1535
- D. K. Basu v. State of West Bengal AIR 1997 SC 3017
- Sheela Barse v. Union of India AIR 1988 SC 224
- S.P. Anand v. State of M.P. AIR 2007 SC 166
- Sunil Batra II case 1980 CrLJ 1099
- Rameshdoss v. Raghunath & Others AIR 2008 SC 1298
- Sanjay Dutt v. State of Maharashtra AIR 2013 SC 2682
- Rudal Shah v. State of Bihar AIR 1983 SC 1986
- Laxmi v. Union of India (2014) 4 SCC 427

Learning Outcome

After completing the subject, the students will able to:

- Understand the historical development of concept of criminology and understand the interlink between criminology, criminal law and penology
- Understand the contributions of criminologists through scientific study to analyze the causative factors of crime causation
- Examine the behavioral pattern of offenders.
- Examine the types of crimes and its characterization.
- Acquaint with the contemporary development of crimes.
- Realize the importance of victim's participation and argue for the implementation of victims' protection measures under criminal justice system.

(d): INDUSTRIAL AND COMMERCIAL LAW

**HS20704: INTERNATIONAL LABOUR ORGANISATION AND
LABOUR JURISPRUDENCE**

Objectives of the course:

Industrial legislation is the child of industrial jurisprudence, which in itself, is a product of the industrial revolution in the 18th, 19th and 20th Centuries, it was a form of protest against the inhuman labour conditions that the industrial revolution ushered in. In India, pre-independence era industrial jurisprudence was rudimentary. Protection of labour has always been the primary goal of industrial laws (both those enacted by the legislature and those developed through judicial interpretation). However, well before Indian labour jurisprudence became robust, the International Labour Organisation, a multinational labour body, led the way.

This course has been designed to:

1. Introduce students to the ILO, its formation, charter documents, composition, membership and functioning;
2. Examine the international labour code and the role of India vis-à-vis the international labour code;
3. Study in detail the historical development of labour jurisprudence;
4. Elucidate the long and mutually beneficial relationship between ILO and India;
5. Instruct students various concepts of labour jurisprudence, including tripartism, and understand the role of the judiciary in this regard.

The syllabus has been prepared with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I: International Labour Organisation

- (a) Constitution and Declaration of Philadelphia.
- (b) Fundamental Principles.
- (c) Aims and Objectives.
- (e) Composition.
- (f) Functions.
- (g) Membership.

(h) Organs of the ILO.

(i) The International Labour Conference - The Governing Body and the International Labour Office - Regional Conference - Regional Advisory Committee - Industrial Committees and Analogous Bodies - Committee of Experts - Panels of Consultants and Special Ad-hoc Conferences and Meetings.

Module II: International Labour Code

(a) Meaning, Nature and Scope of International Labour Code.

(b) Development and Importance of ILC.

(c) International Labour Standards- Conventions and Recommendations.

(d) Ratification and System of enforcement.

(e) Technical Assistance Programme and the Special Fund, World employment programme, Women workers, International Peace, Human Rights.

(f) The ILO Century Project 1919-2019.

(g) ILC and India.

Module III: Labour Jurisprudence

(a) Evolution, Concept and Importance of Labour jurisprudence.

(b) Social Justice and Social welfare.

(c) Role of Tripartitism in Labour Jurisprudence.

(d) Role of Principles of Natural Justice.

Module IV: ILO and India

(a) Labour Movement in India.

(b) India's membership to ILO.

(c) Constitution and Labour -Preamble- Fundamental Rights- DPSP- VII Schedule- Constitutional Remedies and Constitutional validity of Labour Statutes.

(d) Human Rights of Labour.

(e) Women and Child Workers.

(f) Social Security and ILO.

(g) ILO and India's appraisal.

Module V: Tripartism

- (a) Concept and Forms.
- (b) Areas of Operation- Preconditions.
- (c) Machineries in India.
- (d) Indian Labour Conference and Standing Labour Committee, Industrial Committees, Wage Boards, State Labour Advisory Boards.
- (e) Voluntary Arbitration and Labour Policy- Code of Discipline in Industry.
- (f) Role of ACTRAV.

Module VI: Judiciary and Labour Jurisprudence

- (a) Nature and Scope of Industrial Jurisprudence.
- (b) Industrial Adjudication and Judicial Review – Powers of High Courts and Supreme Court.
- (c) Public Interest Litigation and Labour Jurisprudence.
- (d) Judicial Activism in developing Labour Jurisprudence.

Recommended Readings

Statutory Material:

1. The Constitution of India, 1950
2. Labour Laws (Relevant provisions-Industrial Laws, Social Security, Women and Children, 4 Labour Codes)
3. International Labour Organisation Constitution, 1919 and ILO Conventions and Recommendations
4. The Charter of United Nations Organisation, 1945, UNO-Treaties, Conventions and Recommendations.
5. Universal Declaration on Human Rights, 1948.

Books Prescribed:

1. N. Maheshwara Swamy, “Impact of I.L.O. Standards on Indian Labour Law” (Asia Law House, 2007).
2. Dhyani (S .N), “International Labour Organisation”, (New Delh: National Publishing House, 1997).

3. Prof. Ahmedullah Khan, "Commentary on International Organisation and the Indian Response", (Hyderabad: Asia Law House, 2005).
4. Vaidyanathan N, "I.L.O Conventions and India" (Minerva Associates: Calcutta, 1975).
5. Johnson, G.A., "The International Labour Organization" (London, 1970).
6. E.M. Rao, "Industrial Jurisprudence – A critical Commentary", (Lexis Nexis publication, 2015).

Journals:

- 1) P. Kalpakam, "The International Labour Organisation's Committee on Freedom of Association and International Protection of Trade Union Rights" 17 JILI 618-633 (1975).
- 2) Zafar Hussain and Afzal Wani, "Application and Enforcement of International Labour Standards in India: A Critique", 53 JILI 577-593 (2011).
- 3) C.S.Venkata Ratnam, "India and International Labour Standards", 35 IJIR 461-485 (2000).
- 4) N.L.Mitra, "Freedom of Association for Organised and Unorganised Workers-International Precept and Practice", 35 JILI 1-33 (1993).
- 5) O.P.Parmar, "ILO and India in Pursuit of Human rights through Labour Standards", 23 JILI 555-577 (1981).
- 6) Michael Hasenau, "ILO Standards on Migrant Workers: The Fundamentals of UN Convention and their genesis", 25 IMR 687-697 (1991).

Further Reading:

Reference Books:

1. Jinender N. Kumar & Ajay Bhola, "International Labour Organisation (ILO) (Regal Publications, 2008).
2. Galenson Walter, "The International Labour Organization: An American View" (Madison, 1981).
3. Sinha & Sinha, "Industrial Relations and Labour Legislation" (Oxford & I B H Publishing Co., New Delhi, 1977).
4. The ILO and the World of work, (ILO Pub. Geneva, 1984).

Articles:

1. Nagaraj, R., "Fall in Manufacturing Employment: A Brief Note", Economic and Political Weekly, Vol. 39, pp. 3387-90, July 24-30, 20004).
2. Kamala Sankaran, "Human Rights and the World of Work", 40 JILI 284-294 (1998).
3. C.S.Venkata Ratnam, "Impact of New Economic Policy on the Role of Trade Unions", 29 IJIR 55-78 (1993).
4. Ratna Sen, "Unionisation and Collective Bargaining in the Unorganised Sector", 47 IJIR 598-616 (2012).
5. Susan Hayter, "International Comparative Trends in Collective Bargaining", 45 IJIR 596-608 (2010).
6. Kamala Sankaran, "Fundamental Principles and Rights at work: India and the ILO", 46 EPW 68-74 (2011).

Cases for Guidance

1. Bandhua Mukti Morcha v. Union of India and others, (1997) (3) SCC 755.
2. Neeraja Chaudry v. State of MP, AIR 1984 SC 1099.
3. Peoples Union for Democratic Rights v. Union of India, AIR 1982 SC 1473.
4. Amristar v. State of Punjab & Ors., AIR 1981, SC 14
5. National Textile workers union v. P.R. Ramkrishnan & Ors, AIR 1982 SC 1473
6. Ram Kumar Misra v. state of Bihar, AIR 1984 SC 537
7. Consumer Education & Research Centre & Others v. Union of India, 1995 AIR 922.
8. M.C. Mehta v. State of Tamil Nadu, AIR 1991 SC 417
9. D.S. Nakara v. Union of India, AIR 1983 SC 130
10. Deena v. Union of India, AIR 1983 SC 115
11. S. Basudevan v. S.D. Mittal, AIR 1962 Bom 53
12. State of Gujarat v. Hon'ble High Court of Gujarat, (1998) 7 SCC 392
13. Chatisgarh Krishak Mazoor Sangh's v. State of Madhya Pradesh, (1987) Suppl. SCC 198
14. P. Siva Swamy v. State of Andhra Pradesh, AIR 1988 SC 1863
15. Balram v. State of Madhya Pradesh, AIR 1990 SC

Learning Outcome:

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

1. Appreciate the genesis of ILO in its historical context and its procedural complexities;
2. Understand the foundational role the ILO has played in labour jurisprudence, including through the international labour code;
3. Perceive India's long history of engaging with the ILO and implementing its decisions to uplift its workers; and
4. Discern the various keystone concepts of labour jurisprudence and also comprehend the role played by the judiciary in developing such jurisprudence.

FOURTH YEAR

VIII-SEMESTER

HLC0819: LABOUR LAW II

SOCIAL SECURITY AND LABOUR WELFARE LAWS

Objectives of the Course:

In the previous semester, students learnt the historical background and importance of labour rights and the basics of key labour legislations governing trade unions, industrial relations, standing orders and industrial disputes. While protection of labour rights in a dispute and permitting their unionisation is one side of the coin, taking proactive measures to promote the welfare and social security of labour is the other. As the Supreme Court of India has held, time and again, the right to life guaranteed under Article 21 is not merely animal existence, but the right to live with dignity. Therefore, taking steps to ensure that the labour force of our nation lives a life of security and dignity is of unspeakable importance and is part of the constitutional obligation of the State. The aim of social security legislation is to ensure freedom from want for our workers. This paper has been designed to help students understand the social security legislations in India in light of the above context.

This course has been designed to:

- I. Instruct the student on the concept of social security, its evolution, components, and objectives;
- II. Examine the role played by ILO in developing social security jurisprudence;
- III. Provide students with a critical and practical understanding of the rights of the employee in case of employment-related death, disablement, disease or accidents;
- IV. Educate students on the state insurance benefits available to employees under various circumstances;
- V. Examine the maternity benefit rights available to female employees;
- VI. Analyse, in-depth, the various retirement benefits made available to employees; and
- VII. Explore the provisions of law governing factories.

The syllabus has been prescribed with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I - Conceptual Framework of Social Security

- (a) Concept of Social security.
- (b) Evolution of Social Security.
- (c) Constituents of Social Security.
- (d) Object and Aim of Social Security.
- (e) Social Security and Labour Welfare.
- (f) ILO on social security.
- (g) Social Security and Constitution.
- (h) Classification of Social Security Legislations .

Module II - Social Security and Industrial Injuries

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

Module III - Social Security and Social Insurance

- (a) The Employee's State Insurance Act, 1948 - Objects, applications and 'Seasonal Factory' – Definitions.
- (b) E.S.I. Corporation, Standing Committee And Medica Benefit Council .
- (c) E.S.I. Fund.
- (d) Contributions.
- (e) Benefits.
- (f) Adjudication Of Disputes And Claims.
- (h) Penalties.

Module IV – Maternity Benefit

- (a) The Maternity Benefit Act, 1961 - Object, Application and Definitions .
- (b) Eligibility to Maternity Benefit.
- (c) Maternity Benefit and Other Benefits.
- (d) Notice Of Claim.
- (e) Prohibition Against Dismissal.
- (f) Powers And Duties of Inspectors.

Module V – Retiral Benefits

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

Module VI - Labour Welfare Legislation

- (1) (a) Factories Act, 1948 - Background and definitions.
- (b) Formalities to Start a Factory.
- (c) Occupier - Duties and Liabilities.
- (d) Inspecting Staff and Certifying Surgeons.
- (e) Health, Safety and Welfare measures,
- (f) Working Hours.
- (g) Employment of young persons.
- (h) Annual leave with wages.
- (2) (a) Regulation of Shops and Establishments - The Tamil Nadu Shops and Establishment Act, 1947 - Applicability and Coverage – Definitions.
- (b) Opening and closing hours.
- (c) Employment of young persons.
- (d) Hours of Work.
- (e) Health and Safety Measures.
- (f) Leave and Annual Leave with wages.
- (g) Authorised Deductions From Wages.
- (h) Inspectors – Powers and Functions.
- (i) Penalties for Offences.

Recommended Reading

Books prescribed:

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. K.D. Srivastava's Commentaries on Workmen's Compensation Act, 1923: with Supplement, (Lucknow: Eastern Book Co., 6th Revised ed., 1999).
2. K.D. Srivastava's Commentaries on Employees' State Insurance Act, 1948: with Supplement, (Lucknow: Eastern Book Co., 5th Revised ed., 2001).

3. K.D. Srivastava's *Employees' Provident Funds and Miscellaneous Provisions Act, 1952*, Revised by S.C.Srivastava, (Lucknow: Eastern Book Co. 8th Edition, 2001).
4. K D Srivastava's *Commentaries on Payment of Gratuity Act, 1972 with supplement*, (Lucknow: Eastern Book Co., 5th ed., 2016).
5. K.D. Srivastava's *Commentaries on Factories Act, 1948: with Supplement*, (Lucknow: Eastern Book Co., 5th Revised ed., 2001).\
6. Veer Singh, "*Employment Injury and Employees' State Insurance Scheme Functional Perspectives*" 29 *Journal of Indian Law Institute* 76-93 (1987).
7. Thomas Paul, "*Consumer Empowerment ESI Hospitals Under CP Act*" 49 *Journal of Indian Law Institute* 409-414 (2007).

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.
6. 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.
7. 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.

8. 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.

9. Yashik, P. M. (2014). "A study about the Labour welfare and Social Security Measures in India", International Journal of Management, 2, p.23.

10. Sravanthi, B., "Social security in India: constitutional frame work" International Journal of Development Research, Volume 8, Article ID: 12929.

Cases for Guidance:

1. United 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, AIR 2000 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. American Express 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. Appreciate the evolution and conceptual backbones of social security laws;
2. Recognise the pivotal role played by ILO in ensuring social security rights for workers;
3. Distinguish the rights of employees under various employment-related mishaps and consequences;
4. Understand the scope and reach of state insurance benefits to employees;
5. Critically analyse maternity benefits available to women employees and their adequacy/inadequacy;
6. Discern the nuances of retirement benefits payable to employees; and
7. Comprehend the compliances to be followed by factories and critically analyse relevant laws.

HLA0803: COMPETITION LAW

Objectives of the Course

In most countries of the world today competition has a key role to play in ensuring productive, efficient, innovative and responsive markets. Competitive forces drive firms to innovate, to develop more efficient production, processes and to adjust their products in response to changing consumer demand. Policies to stimulate competition are a key driver for improving the micro and macroeconomic performance of an economy.

The objective of the course is to provide the students:

- i. An understanding of the Legal Dimensions of the Competition Law;*
- ii. An insight into the Law, which provides a Fair Trade Practice which enhances healthy competition in the business arena.*
- iii. To comprehend and appreciate the impact of various Anti-Competition Policies.*

COURSE OUTLINE

Module I: Introduction

- a) Basic Concepts – definitions- Market- demand and supply theory Economic and legal concepts of competition; markets and market structure; competition theory
- b) perfect competition v. Monopoly need for regulation of competition- Relation between Competition Policy and Competition Law –Objectives of Competition Law
- c) Constitutional aspects competition law- Elimination of Concentration of Wealth and Distribution of Resources Article 39 (b) (c)

Module II : Evolution Of Competition Law

- a) Historical background – sources of competition law-
- b) Evolution in international arena – common law doctrine of restraint of trade- anti trust legislations – USA, UK, European Union
- c) 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
- d) Object and scope of Competition Act, 2002.

Module III: Anti-Competitive Agreement

- a) agreement definition – Rules for determining Appreciable adverse effect on competition(AAEC) - perse rule and rule of reason

- b) Relevant Market- relevant geographic and relevant product market- factors considered by CCI
- c) Horizontal Agreements- Vertical Agreements- exceptions – Intellectual Property rights and competition law
- d) Cartels – Landmark judgments decided by CCI- punishment for cartel- leniency programme

Module IV: Abuse Of Dominant Position

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

Module V: Combination

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

Module VI: Enforcement Mechanisms

- a) Establishment and Constitution of Competition Commission of India, Powers Functions and Jurisdiction of the CCI
- b) adjudication and appeals, -Competition Appellate Tribunal (CompAT)
- c) Director General of Investigation (DGI)- powers and functions – role of DG in investigation
- d) Competition Advocacy

Statutory Materials

Competition Act 2002

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*, 4thed.- 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, ICAFI University Press, 2007.

Further Readings:

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 UNITED 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. Balaire 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.
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]

Learning Outcomes

1. To provide a thorough background in the area of competition law and policy in India.
2. To understand the key issues in competition law, providing a strong overall background combined with an emphasis on recent (and potentially future) developments.
3. Review and understand the key economic considerations behind landmark competition cases on abuse of dominance, anti-competitive agreements, or mergers.

HLA0804: CYBER LAW AND INFORMATION TECHNOLOGY

Objectives of the Course

Advent of computers, followed by Internet has revolutionized the human existence and their conduct in the society. The information can be accessed, stored, retrieved and distributed speedily and easily. The traditional paper documents are now being replaced by their electronic equivalents. The commercial transactions and individual functioning are more driven by the digital technology. This transition has put forth need for a law to facilitate and govern activities in the information society and has thus led to the passing of the Information Technology Act, 2000 (IT Act).

The primary focus of this 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. In addition, there will be an insight into the applicability of other laws in the digital environment.

Course Outline

Module I: Introduction to Cyberspace

- a) Over view of computer and web technology –Evolution of cyberspace
- b) 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
- c) Jurisdictional issues in Cyberspace-Types of jurisdiction –Theories of Jurisdiction- The test evolved -Minimum contacts theory-Sliding scale theory-Jurisdiction under IT Act, 2000;.

Module II: Constitutional and Human Rights Issues in Cyberspace

- a) Freedom of Speech and Expression in Cyberspace
- b) Right to Access Cyberspace -Access to Internet
- c) Right to Privacy-Right to data Protection- Personal Data Protection Bill 2019.

Module III: Legal Recognition and Authentication of Electronic Records

- a) UNCITRAL Model Law -Concept of public and private key-Authentication of electronic records using digital signature -Asymmetric cryptosystem and encryption - Hash Function
- b) Public Key infrastructure and Hierarchy -Controller of certifying Authorities- Certifying authorities –Subscriber,

- c) Electronic records- Administrator of Electronic records- Electronic Health records-E-Governance and Electronic records Evidentiary value of Electronic records.

Module IV: New Dimensions of E-commerce

- a) Kinds of contracts-Email and Standard form of contracts- -Formation of E-Contracts- Application of Contract Act -Legal Validity of E-Contract-
- b) Electronic Data Interchange- E-Commerce - Models of E-Commerce;
- c) E-Governance- what is E-Governance-E-Governance project in India –The National e-Governance Plan(Ne-GP)- E-Courts Mission Mode Project of India;
- d) E-Banking transaction –Online payment Options -First Virtual-Cyber Cash-Secured electronic transaction;
- e) Taxation issues in Cyberspace –Permanent Establishment-Double Taxation Avoidance Agreement-Model Tax Treaty- OECD (Organization for Economic Co-operation and Development) Model Tax treaty and United Nation Model Tax Treaty.

Module V: Cyber Crimes

- a) Nature and scope of Cyber Crimes- *Mens rea* and *Actus reus* in cybercrime-
- b) Cyber contraventions and cyber offences under the IT Act
- c) Cybercrime against person, property and govt-Hacking, Hijacking, Digital forgery, Cyber pornography, Child pornography under IT Act and POSCO Act, Cyber Stalking, Cyber Bullying , Phishing, Identity theft and fraud, Cyber murder, Virus Attack, Cyber terrorism, Cyber warfare, Cyber defamation
- d) Adjudication under IT Act- Adjudicatory Officers- Cyber Appellate Tribunal

Module VI: Intellectual Property Issues in Cyberspace

- a) Interface with Copyright Law-Copyright Protection of Computer Programme-Reverse engineering of Computer Programme– Copyright Infringement in Cyberspace - Obligation Concerning Technological Protection Measures WCT and WPPT-Limiting the Liability of Internet Service Provider -EU Database protection Directive ;
- b) Interface with Patent law-Patentability of Software – Business Method Patent ;
- c) 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.

Module VII: Contemporary Issues in Cyberspace

- a) Cloud Computing-Essential characteristic- Deployment models –Service models
- b) Convergence of technology –definition- before and after Convergence of technology- Communication Convergence Bill 2001 – Spectrum Management Committee
- c) Block Chain Technology- peer-to-peer technology- Crypto currency-Distributed ledger
- d) Artificial Intelligence- Big data Analytica.

Recommended Readings:

Books:

1. Kamath Nandan, *Law Relating To Computers Internet &E-Commerce- A Guide To Cyberlaws &The Information Technology Act, Rules , Regulations And Notifications Along With Latest Case Laws* (2012).
2. Karnika Seth, *Computers Internet and New Technology Laws* (2013).
3. Kamlesh K. Bajaj, Debjani Nag, *E-Commerce: The Cutting Edge of Business*, 2nd Ed. (2005).
4. Apar Gupta, *Commentary on Information Technology Act* (2016).
5. N.S Nappinai – *Technology Laws*, 1st Ed LexisNexis (2017).

Journals/Articles:

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

Further Readings:**Books:**

1. Harish Chander, Cyber Law and IT Protection, PHI Learning Private Limited, Delhi (2015)
2. V. D. Dudeja, Information Technology and Cyber Law , Common wealth Publisher (2017)
3. Anirudh Rastogi, Cyber Law: Law of Information Technology and Internet, Lexis Nexis, (2014).
4. Mark A Lemley, Peter S. Menell, Robert P Merges, and Pamela Samuelson, Software and Internet Law, Aspen Publishers, New York, (2006).
5. Cohen, Lore, Okediji, and O'Rourke, Copyright in a Global Information Economy. Aspean Publisher, New York, (2010)
6. Abhivardhan, Artificial Intelligence Ethics and International Law: An Introduction, BPB Publisher, Delhi (2019)
7. Don Tapscott and Alex Tapscott, Block Chain Revolution, Penguin Random House, UK (2018).
8. Anne S.Y. Cheung, Privacy and Legal Issues in Cloud Computing, Edward Elgar Publishing, (2016).
9. Lawrence Lessig, *Code and Other Laws of Cyberspace 1999*, Code ersion 2.0, Basic Books Publication (2006).
10. Scott Charney & Kent Alexander, Computer Crime, 45 Emory L. J. 931, (1996)

Journals/ Articles

- 1 Stacey L. Dogan & Mark A. Lemley, Trademarks and Consumer Search Costs on the Internet, 41 Hous. L. Rev. 777 (2004).
- 2 Mark A. Lemley and R Anthony Reese, Reducing Digital Copyright Infringement without Restricting Innovation, 56 Stan. L. Rev. 1345 (2004).
- 3 Pamela Samuelson , intellectual Property and The Digital Economy: Why the Anti Circumvention Regulations Need to be Revised, 14 Berkely Tech. L. J. 519 (1999).
- 4 Julie Cohen, Reverse Engineering and the Rise of Electronic Vigilantism: Intellectual Property Implications of “Lock-Out” Technologies 68 S. Cal. L. Rev 1091 (1995)

- 5 Rochelle Cooper Dreyfuss, Are Business Method Patent Bad for Business? 16 Santa Clara Computer & High Tech. L.J. 263 (2000)
- 6 Mark A. Lemley, Intellectual Property and Shrinkwrap Licenses, 68 S. Cal L. Rev. 1239 (1995)
- 7 Jinku Huang, Is the ACPA a Safe Haven for Trade Mark Infringers? Rethinking the Unilateral Application of the Lanham Act 22 J. Marshall J. Comp. & Info. L. 655 (2004)
- 8 Jessica Litman, Sharing and Stealing, 26 Hastings Comm. & Entertainment L. (2004)
- 9 Neil W. Netanel, Impose a Non Commercial Use Levy to allow Free Peer-to-Peer File Sharing 17 Harv. J. L. & Tech. 1. (2003)
11. Pamela Samuelson, Did MGM Really Win the Grokster Case? 48 Communications ACM 19 (2005)

Cases for Guidance:

1. Casio India Co. Ltd., v. Ashita Telesystems Pvt Ltd, 106 (2003) DLT 554
2. India TV Independent News services Pvt Ltd., v. India Broadcast Live and Others (2007) 145 DLT 521
3. Cybersell Inc. v. Cybersell, Inc, 130 F.3d 414 (9th 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 SCC 73
6. Regina v Hicklin [1868] LR 3 QB 360
7. Miller v California 413 US 15 (1973)
8. Ranjit D. Udeshi v. state of Maharashtra AIR 1965 SC 881
9. Samresh Bose v. Amal Mitra (1985) 4 SCC 289
10. Ajay Goswami v. Union of India (2007) 1 SCC 169
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) DLT 427
14. Computer Associates international inc., v. altai 982 F.2d 693 (3rd Cir 1992)
15. Sega Enterprises Ltd v. Accolade Inc., (1992)
16. Sony Computer entertainment Inc v. Connectix Corp., (2000)
17. A & M Records v Napster Inc., 239 F. 3d 1004 (9th Cir. 2001)
18. Metro-Goldwyn-Mayer Studios Inc v. Grokster, Ltd 125 S. Ct. 2754 (2005)
19. Yahoo Inc v. Akash Arora & Anr, 78 (1999) DLT 285
20. Panavision International L. P. v. Toeppen 141 F.3d 1316 (9th Cir 1998)
21. Shields v. Zuccarini 254 F.3d 476 (3rd Cir. 2001)
22. Brookfield Communications inc v. West Coast Entertainment Corporation 174 F.3d 1036 (9th Cir 1999)
23. Playboy Enterprises v. Welles, 279 F.3d 796 (9th Cir 2002)
24. Diamond v. Diebr 450 US 175 (1981).
25. Bilski v. Kappos, 177 Fed 2d 792
26. Alice Corp v. CLS Bank (2014)
27. Tata Sons V Greenpeace International (2011)178 DLT 705
28. Super Cassettes Industries Ltd., v. Myspace Inc., (2011) 49 PTC 49 Del.

Learning Outcome:

After completion of the course students will be able to –

- Understand and explain the rudiments of internet technology and the Domain Name System
- Learn the scope and function of legal and technological regulation of the internet.
- Understand with the Social and Intellectual Property issues emerging from 'Cyberspace.
- Explore the legal and policy developments in various countries to regulate cyberspace
- Develop the understanding of relationship between commerce and cyberspace
- Give learners in depth knowledge of Information Technology Act and legal frame work of right to Privacy, Data Security and Data Protection.

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS30801: INTERNATIONAL HUMAN RIGHTS LAW

Objectives of the Course

The objective of the course is to introduce the human rights and facilitate the students to understand the working of international Human Rights Law. The international human rights institutions and laws are provided to understand the global discourse on human rights. The dynamics of modern human rights is introduced to student through two specific modules focussing on selected themes. Indian practice is studied through the contribution of all the organs of the state. All the major regional human rights mechanisms are introduced. The students shall understand the making of regional human rights mechanisms and work of NGOs. The students is expected to acquire following competencies after the course,

- 1. The students will understand the role and limitations of international law with historical and institutional background.*
- 2. The students will be able appreciate the application of human rights to complex social, political and economic situations.*
- 3. They will be in a position to apply human rights to real life situations to court crafts.*

COURSE OUTLINE

Module I: Background and Introduction

- A. Origin and Development – Concept of Human Rights – Ancient Europe - The Middle Ages – The Magna Carta – Bill of rights – American Revolution – French Revolution – Classification of Human Rights – Practice of Ancient Indian States - Vedas, Ashoka and Sangam Tamil Nadu
- B. Human Rights and Duties – the idea of duty in the ancient and modern era – duty of individuals to fellow human beings – Gandhian Ideas and human rights instruments on duties
- C. Sources of International Human Rights Law: Treaties, Customs and soft law instruments- role of international courts and tribunals – recognition of international human rights law by municipal systems

Module II: Development of International Human Rights Law

- A. ICRC and Evolution of International Humanitarian Law – abolition of slavery – national and international efforts to abolish slavery and apartheid
- B. Right of Self-Determination of People – Prohibition of Genocide – Prohibition of Torture – Prohibition of Racial Discrimination – Prohibition of Slavery – Prohibition of Human Traffic and modern forms of slavery
- C. Evolution of International Labour Organisation – Early conventions and subsequent development – rights of workers including women, children and migrant labour

Module III: United Nations and International Human Rights

- A. Evolution of Human Rights in the UN framework- Development of UDHR – Role of Commission on Human Rights
- B. International Bill of Human Rights – Universal Declaration of Human Rights – International Covenant on Civil and Political Rights – International Covenant on Economic, Social and Cultural Rights – Non-derogable rights – Progressive Realisation of Human Rights – Conventions on Rights of the Child, Women and Disabled
- C. Prevention of Terrorism –International efforts to counter terrorism –cyber warfare and human rights

Module IV: Enforcement Mechanisms

- A. General Assembly and Security Council on Human Rights - United Nations Charter based Human Rights Institutions- UNHRC –Committees under various human rights treaties – General Comments and Recommendations – Special Rapporteurs – UN High Commissioner for Human Rights
- B. Response of International Community to Human Rights Situations: South and South East Asia, Middle East, Africa, Latin America and Eastern Europe
- C. Asian, African and European Human Rights Instruments and their enforcement – Regional Judicial bodies. (European Court of Human Rights, Inter-American Court of Human Rights and African Court of Human Rights)

Module V: Civil and Political Rights

- A. Rights of elderly Persons, Tribes, Minorities (including Linguistic, Religious and Sexual Minorities)
- B. Rights of Victims of Crimes – Death Penalty – Rights of Accused and Convict
- C. Democracy and International Rule of Law – Right to Vote – Right to Take Part in the Governance
- D. Concept of NGO's and International NGO's – their participation in Human Rights issues – Selective case studies.

Module VI: Economic and Cultural Rights

- A. Right to Education – International law and national implementation
- B. Right to Health – International Law on Tobacco control, Narcotics - contagious diseases – World Health Organisation
- C. Right to Food, Water and Sanitation – eradication of hunger and malnutrition – role of Food and Agriculture Organisation
- D. Right to Environment – Sustainable Development Goals – economic development, environmental protection and human rights

Module VII: International Refugee Law

- A. Introduction – Refugees, Internally Displaced Persons, Forced Migration, Economic Migration, Asylum – Relationship between IHRL, IHL, and IRL
- B. International Standards in Refugee Law - 1951 UN Convention relating to the Status of Refugees (UNCSR) with its 1967 Additional Protocol, UNHCR – Statute, Mandate, Role, Functions, Responsibilities
- C. Concept of Non-Refoulement, Durable Solutions - voluntary repatriation, local asylum, and resettlement
- D. Contemporary Concerns and Challenges – Select case studies

Module VIII: Implementing International Human Rights in India

- A. India's ratification and response to Human Rights Treaties and mechanisms
- B. The Protection of Human Rights Act, 1993 – Paris Principles on National Human Rights Institutions – State and National Human Rights Commissions
- C. Commissions for Women, SC/ST, Minorities, Children etc.
- D. Constitutional and Legislative Framework: Fundamental Rights, Duties and Directive Principles – Right to Information
- E. Role of High Courts and Supreme Court in Protecting Human Rights

Recommended Readings:

Suggested Books

1. Rhona Smith – International Human Rights Law (Oxford, 2017)
2. M.K.Sinha – Implementation of Basic Human Rights (Lexis Nexis)
3. Michael Haas - International Human rights Law (Routledge, 2014)

Further Readings

- Amanda Alexander, “A Short History of International Humanitarian Law” The European Journal of International Law Vol. 26 no. 1 (2015)
- Aswini K. Ray, Human Right Movement in India: A Historical Perspective, Economic and Political Weekly, Vol. 38, No. 32 (Aug. 9-15, 2003), pp. 3409-3415
- Chetail, Vincent, Are Refugee Rights Human Rights? An Unorthodox Questioning of the Relations between Refugee Law and Human Rights Law (September 17, 2012). Human Rights and Immigration, Collected Courses of the Academy of European Law, pp. 19-72, R. Rubio-Marin, ed., Oxford: Oxford University Press, 2014.; Criminal Justice, Borders and Citizenship Research Paper No. 2147763. Available at SSRN: <https://ssrn.com/abstract=2147763>
- Guy S Goodwin-Gill “The Dynamic of International Refugee Law” International Journal of Refugee Law Vol. 25 no. 4 pp. 651–666 (2014)
- Kay Hailbronner, “Nationality in public international law and european law” in “Acquisition and Loss of Nationality Volume 1: Comparative Analyse” Rainer Bauböck(eds) Amsterdam University Press. (2006)
- Kjersti Skarstad, “Human rights through the lens of disability” Netherland Quarterly of Human Rights” Vol. 36(1) 24 (2018)

- Martti Koskenniemi , National Self-Determination Today: Problems of Legal Theory and Practice, The International and Comparative Law Quarterly, Vol. 43, No. 2 (Apr., 1994), pp.241-269
- Myongsei Sohn, Globalization of Public Health Law and Ethics, Asia-Pacific Journal of Public Health 24(5) 851-8 (2012)
- Philippe Cullet , The Right to Sanitation: Multiple Dimensions and Challenges in Philippe Cullet (ed) “the Right to Sanitation in India” (Oxford, 2019)
- S. Muralidhan, “Rights of Victims in the Indian Criminal Justice System” National Human Rights Journal (2004) <http://www.ielrc.org/content/a0402.pdf>
- S. Radhakrishnan, Development of Human Rights in an Indian Context, International Journal of Legal Information (Volume 39 , 2008)

Indian Cases

- NALSA v. Union of India
- Navtej Singh Johar v. Union of India
- Francis Coralie Mullin Vs. The Administrator (AIR 1981 SC 746)
- Madhav Hayawadanrao Hoskot Vs. State Of Maharashtra (1979 SCR (1) 192)
- Selvi Vs. State Of Karnataka ((2010) 7 SCC 263)
- Jolly George Varghese v. Bank of Cochin (1980) 2 SCC 360
- Justice K.S.Puttaswamy(Retd) vs Union Of India, (2019)1 SCC 1
- Kharak Singh v. State of Uttar Pradesh AIR 1963 SC 1295
- People’s Union For Democratic Rights Vs. Union Of India & Others AIR 1982 SC 1473
- Nilabati Behera Vs. State of Orissa 1993 SCR (2) 581
- Parmanand Katara v. Union of India ((1989) 4 SCC 286)
- Lakshmi Kant Pandey vs Union Of India (AIR 1984 SC 469)
- Chairman, Railway Board and others Vs. Mrs.Chandrima AIR 2000 SC 988
- Maneka Gandhi Vs. Union of India (1978) 1 SCC 248

International Court of Justice

- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, <https://www.icj-cij.org/en/case/131>
- Ahmadou Sadio Diallo (Republic of Guinea vDemocratic Republic of Congo) <https://www.icj-cij.org/en/case/103>
- Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970) <https://www.icj-cij.org/en/case/53>
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) <https://www.icj-cij.org/en/case/91>
- Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium) <https://www.icj-cij.org/en/case/121>

Regional Courts

- Advisory Opinion of Inter-American Court of Human Rights on ‘the right to information on consular assistance in the framework of the guarantees of the due process of law’
http://www.corteidh.or.cr/docs/opiniones/seriea_16_ing.pdf
- Case of Loizidou v. Turkey
<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58201%22%5D%7D>
- Lautsi v. Italy, Judgement of the Grand Chamber dated 18 March 2011
- Al-Adsani v United Kingdom (2002) 34 EHRR 273

Foreign Courts

- Jam et al v International Finance Corp (586 U.S.2019)
- *R (on the application of Edward Bridges) v The Chief Constable of South Wales* [2019] EWHC 2341
- Gillick vs West Norfolk and Wisbech Area Health Authority,
<https://www.lawteacher.net/cases/gillick-v-west-norfolk.php>

Learning Outcome

After undergoing this course,

1. Students will know the basics of international human rights law and its application at the municipal level
2. They will be in a position to understand the opportunities and limitations in the human discourse.
3. They will be in a position to apply the national and international human rights law to all human rights situations.

(b): CONSTITUTIONAL LAW & PROPERTY LAW

HS30802: HUMAN RIGHTS IN THE CONSTITUTIONAL LAW

Objectives of the Course:

Human Rights are essentially a product of Democracy. The Paper proposes to study the Bill of Rights as a Constitutional guarantee of Human Rights. It focuses on the nature and development of the concept of Human Rights and its applications in the Nation- States through their Constitutional and Ordinary Laws.

- 1. The study helps understand the origin, evolution and the growth of human rights*
- 2. It increases awareness of Human Right issues.*
- 3. It helps to realize the importance of International Conventions and their application into the constitutional scheme.*
- 4. It enables to understand the role of judiciary in the development of Human Rights Jurisprudence*

COURSE OUTLINE

Module I: Historical Development of Human Rights in India

- a. Origin 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.
- b. Nature, Definition and theoretical perspectives of Human Rights.
- c. Constitutionalism and Realization of Human Rights in India.
- d. Classification of Human Rights.
- e. Classification of Fundamental Rights.

Module II: Fundamental Rights as Human Rights

- a. Applicability of Human Rights.
- b. Influence of UDHR on Fundamental Rights
- c. Un-enumerated individual rights under the Constitution.
- d. Fundamental Rights as a limitation against State and Non-state Actors
- e. Fundamental Duties- Evolution and Relationship between Fundamental Duties and Fundamental Rights.

Module III: Directive Principles of State Policy as Human Rights

- a. Influence of UDHR on Directive Principles of State Policy
- b. Social-economic Rights- Distributive Justice.
- c. Social- Security and Welfare Provisions.
- d. Justiciability and enforceability of Directive Principles of State Policy.
- e. Relative Importance of Directive Principles of State Policy and Fundamental Rights.

Module IV: Ensuring Human Rights through Good Governance

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

Module V: Emerging Dimensions of Human Rights and Evolution of the Concept of Human Rights and Duties

- a. International enforcement of human rights,
- b. Impact of globalization on Human Rights
- c. Human rights, science and technology
- d. New rights: Rights of future generations,
- e. Human rights and duties in contemporary India

Module VI: Judicial Activism and Development of Human Rights Jurisprudence:

- a. Application of International Human Right Instruments in the domestic field
- b. Rights of Women
- c. Rights of children
- d. Rights of LGBT and queer community
- e. Rights of persons with disability
- f. Rights of prisoners and prison reforms
- g. Rights of senior citizens
- h. Rights of minorities

Module VII: Human Rights and Statutory Machinery in India

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

RECOMMENDED READINGS:

1. Upendra Baxi, The Future of Human Rights, (Oxford University Press, New Delhi, 2012)
2. Dr.D.D.Basu, Human Rights in Constitutional Law, 3rd Edition, {Lexis Nexis Butterworths Wadhawa, New Delhi, 2008.)
3. Daniel Moeckli, Sangeeta Shah, & Sandesh Sivakumaran (ed.), International Human Rights Laws, (3rd Edition, Oxford University Press, 2014)
4. Paras Diwan and Peeyushi Diwan, Human Rights and the Law, (Deep and Deep Publication, New Delhi, 1998)
5. Justice D M Dharmadhikari, Human Values & Human Rights, 2nd Edition, Universal Law Publications Company, New Delhi, 2016.

Articles from Journals:

1. 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.
2. T.K.TOPE, "Fundamental Duties and Justiciability", (1982) 2 SCC J-9
3. P.K.Tripathi, *Directive Principles of State Policy*, (1954) 17 SCJ 7
4. M.P.Singh, "The Statics and Dynamics of the Fundamental Rights and Directive Principles – A Human Rights Perspective", (2003) 5 SCC J -1
5. Human Rights Special issue, *JILI* vol. 40, 1998(Jan – Dec)

Further Readings:

1. Baxi, Upendra, *Inhuman Wrongs and Human Rights* (Har Anand Publications, Delhi, 1994)
2. V.R. Krishna Iyer, *Dialectics and Dynamics of Human Rights in India* (1999)
3. AV Dicey, *Law of the Constitution*, (Mac Millan &Co. Ltd. London, 1994)
4. *Human Rights and Duties in India : Law, Policy, Society and Enforcement Mechanism*, Dr. T. S. N. Sastry, Professor and Coordinator, HRE Programme, University of Pune
5. 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>
6. HM Seervai, *Constitutional Law of India – 3 Volumes* (1991)
7. Raj Kumar, Chockalingam (ed), *Human Rights, Justice and Constitutional Empowerment* (2nd Edition, Oxford University Press, 2010)
8. VenkatIyer (ed), *Democracy, Human Rights And The Rule Of Law*, (Essays in the Honour of Nani Palkhivala, Butterworths, New Delhi, 2000)
9. Chandra, Shailja, *Justice V.R. Krishna Iyer on Fundamental Rights and Directive Principles* (Deep and Deep, Delhi, 1998).
10. Nirmal, C.J., *Human Rights in India* (New Delhi: Oxford, 1999).

Landmark Cases for Guidance:

1. *A.K.Gopalan v. State of Madras*, AIR 1950 SC 27
2. *ADM Jabalpur v. S. Shukla*, AIR 1976 SC 1207
3. *Air India v. Nargesh Meerza*, AIR 1981 SC 1829
4. *Bachapan Bachao Andolan v. Union of India*, AIR 2011 SC 3361
5. *Chairman Railway Board v. Chandrimadas*, AIR, 2000 SC 988
6. *D.K.Basu v. State of West Bengal*, AIR 1997 SC 610
7. *Golak Nath v. State of Punjab*, AIR 1971 SC 1643
8. *Jolly George Varghese v. Bank of Cochin* AIR 1980 SC 470
9. *K.S. Puttaswamy and others v. Union of India*, 2017 SCC 1
10. *Kesavananda Bharati v. State of Kerala* AIR 1973 SC 1461
11. *Maneka Gandhi v. Union of India* AIR 1978 SC 597
12. *MC Mehta v. State of Tamil Nadu* AIR 1997 SC 699
13. *Md. Hanif Quareshi v. Bihar*, AIR 1958 SC 731
14. *NALSA v. Union of India* (2014) 5 SCC 438
15. *Nilabati Bahera v. State of Orissa*, (1993) 2 SCC 746
16. *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180
17. *Peoples Union for Democratic Rights v. Union of India*, AIR 1982 SC 1473
18. *Randhir Singh v. Union of India*, AIR 1982 SC 879
19. *Sankari Prasad v. Union of India*, AIR 1951 SC 455
20. *Sajjan Singh v. State of Rajasthan*, AIR, 1965 SC 845
21. *Sarala Mudgal v. Union of India*, (1995) 3 SCC 635
22. *Sunil Batra v. Delhi Administration*, (1 & 2) AIR 1980 SC1579
23. *Vineet Narain v. Union of India* AIR, 1998 SC 889
24. *Visakha v. State of Rajasthan*, AIR, 1997SC 3011
25. *Young Lawyers Association v. State of Kerala*(2018 SCC On Line SC 1690)

LEARNING OUTCOME:

1. The study will promote a good understanding of the provisions under the Constitution of India dealing with human rights.
2. The study will help the students to realize liberty, equality and fraternity- *a union of trinity* by ensuring that these values are applicable not only in the Public domain but also to the private sphere.
3. Demonstrate an understanding of the practical application of human rights law to specific human rights problems in India.
4. It ensures analysing complex human rights problems and applies relevant provisions of human rights law in India
5. The study promotes human right awareness and duties education among the student community by making them evaluate the role of judiciary in balancing individual liberty with social control.

(c): CRIMINAL LAW AND FORENSIC SCIENCE

HS30803: CYBER CRIME

Objectives of the Course:

Cyber world has come to occupy an important place in the history of mankind. As science advances, the knowledge also expands. It is undeniable fact that cyber world has thrown new vista but regrettably it has to be noted that it has also being misused and spreading undesirable information. It has become necessary to find out ways and means to curb this menace of spreading evil knowledge. The potential of the technology to be beneficial as well as detrimental to the society has cast obligation on the people to be aware of the two sides of the technology. It is still in a nascent stage and continuously evolving every passing day.

After undergoing the study the student will be able to understand the following:

- *To examine and discuss the history of computer crime.*
- *To examine various theoretical framework explaining computer crime.*
- *To educate about the regulation of cyber space at National and International level.*
- *To demonstrate knowledge of the different types of computer crime.*

COURSE OUTLINE

Module I: Concept of Cyberspace and Cyber crimes

- a) Definition and scope of Information Technology- Meaning and definition of Cyberspace- Cyberspace as an Internet Metaphor
- b) Convention on Cybercrime - UN & International Telecommunication Union (ITU) Initiatives- Council of Europe - Budapest Convention on Cybercrime- Asia-Pacific Economic Cooperation (APEC)- Organization for Economic Co-operation and Development (OECD)
- c) Origin and Development of Cyber crimes – Definition, Nature and Extent of Cyber Crimes in India
- d) cyber crimes under Indian Penal Code; Criminal Procedure Code; the Evidence Act and Information Technology
- e) A Trends in Cyber Crimes across the world.

Module II: Psychological , Sociological and Criminological Perspectives of Cyber Criminals

- a) Types of Cyber Criminals – Modus Operandi of Cyber Criminals – Causes of Cyber Crimes
- b) Profiling of Cyber Criminals
- c) Tools and Techniques adopted by Cyber Criminals
- d) Psychological theories relating to cyber criminals– Sociological and Criminological Perspectives
- e) Criminological Theories and Cyber Crime – Routine Activity Theory, Social Learning Theory, Differential Association Theory, Differential Opportunity Theory, Media and Crime and latest theories and other related theories.

Module III: Taxonomy of cyber crimes

- a) Cyber Crime Against Individual-Internet Grooming; Cyber Stalking; Cyber Harassment; Cyber Extortion; Online Pedophilia
- b) Cyber Crime Against Property- Illegal Access; Hacking And Cracking- Illegal Data Acquisition; Data Espionage-Illegal Interception; Data Interference; System Interference-Computer Threats
- c) Copyright And Trademark Related Offences- Computer Related Offences-
- d) Cyber Crime Against Nation; Cyber Terrorism; Cyber Warfare; Cyber Laundering; Content Related Offences
- e) Crimes Associated With Mobile Electronic Communication Devices.

Module IV: Privacy and Data Protection- Cyber-Enabled Intellectual Property Crime

- a) Privacy- Privacy and security
- b) Cybercrime that compromises privacy
- c) Data protection -Data breach -Enforcement of privacy and data protection
- d) Intellectual Property-Causes, reasons and perceived justifications for cyber-enabled copyright and trademark offences in Digital medium
- e) Domain Name Dispute and resolution issues in Digital Medium- Protection and prevention efforts.

Module V: Issues and challenges

- a) Cyber law and Jurisdiction-principles of Jurisdiction
- b) Theories of jurisdiction in cyberspace- the theory of up loader and the downloader ;the Minnesota theory; the theory of the server
- c) Internet jurisdiction – Indian context of Internet jurisdiction - International position of Internet jurisdiction
- d) Cyber Crime Present and the Future- Crypto currency-Bitcoin- Ethereum- Blockchain-Ransomware
- e) Deep Web and Dark Web- Deep Web And Its Challenges.

Module VI: Prevention of Cyber Crimes

- a) Statutory Provisions regarding Cyber Crimes in India- The Information Technology Act, 2000 and the Information Technology (Amendment) Act
- b) Judicial Perspective of India in cyber crime
- c) Global Perspective of Cyber Crimes and the related Laws-International cooperation to combat cyber crimes
- d) Conferences, Conventions, Summits, and Treaties cyber crimes and cyber laws- World Trade Organization (WTO), World Intellectual Property Organization (WIPO)
- e) Internet Cooperation for Assigned Names and Numbers (ICANN).

BIBLIOGRAPHY

RECOMMENDED READING

Books

1. Cyber Crime, Talat Fatima, 2nd Edition, Eastern Book Company
1. Cyber law and Cyber crime: Analytical Approach, Dr.M.K.Nagaraja, Sun Publishing House, Edition 2014
2. Solving the internet jurisdiction puzzle, Svantesson D, Oxford University Press, (2017)
3. Cyber Crime and Cyber Terrorism Investigator's Handbook, Akhgar B Staniforth ABosco F, Elsevier Inc., (2014)
4. Cyber Crime and Cyber Terrorism Investigator's Handbook, Akhgar B Staniforth ABosco F, Elsevier Inc., (2014)

Journals/ Article

1. Diffusion and effects of cyber-crime in developing economies, Kshetri N, Third World Quarterly (2010) 31(7) 1057-1079
2. Online "Predators" and Their Victims: Myths, Realities, and Implications for Prevention and Treatment, Wolak J Finkelhor DMitchell KYbarra M, American Psychologist (2008) 63(2) 111-128
3. The Perception Analysis of Cyber Crimes in View of Computer Science Students, Solak D Topaloglu M, Procedia - Social and Behavioral Sciences (2015) 182 590-595
4. Hate crimes in cyberspace, Choice Reviews Online (2015) 52(07) 52-3918-52-3918
5. Exploring and analyzing Internet crimes and their behaviours, Arora B, Perspectives in Science (2016) 8 540-542

FURTHER READING

Books

1. Cyber-Physical Attacks: A Growing Invisible Threat, Loukas G, Elsevier, (2015)
2. The psychology of cyber crime: concepts and principles, Kirwan G Power A Information Science Reference, (2012)
3. Security and the networked society, Ao M Owens R, Springer International Publishing, (2013)
4. Cyberspace and Cybersecurity, Trachtman J Trachtman J, Cambridge University Press, (2013), 85-117, Book Chapter

5. Virtually criminal: Crime, deviance and regulation online, Williams M, Routledge Taylor & Francis Group, (2006)
6. Corporate hacking and technology-driven crime: Social dynamics and implications, Holt TSchell B, IGI Global, (2010)
7. Crime, justice and social media, Salter M, Taylor and Francis, (2016)
8. Cybersecurity Law, Kosseff J, Wiley, (2019)
9. Cyber warfare: A multidisciplinary analysis, Green J, Taylor and Francis Inc., (2015)
10. International internet law, Kulesza J, Taylor and Francis, (2012)

Journal / Article

1. Internet development, censorship, and cyber crimes in China, Liang BLu H, Journal of Contemporary Criminal Justice (2010) 26(1) 103-120
2. Pattern of global cyber war and crime: A conceptual framework, Kshetri N, Journal of International Management (2005) 11(4) 541-562
3. The challenge of measuring cyber-dependent crimes, Furnell SEmm DPapadaki M, Computer Fraud and Security (2015) 2015(10) 5-12
4. Cyber terrorism challenges: The need for a global response to a multi-jurisdictional crime, Tehrani PAbdul Manap NTaji H, Computer Law and Security Review (2013) 29(3) 207-215
5. Impact of Cyber Crime: Issues and Challenges, Das SNayak T, International Journal of Engineering Sciences & Emerging Technologies (2013) 6(2) 142-153
6. Cyber Staking : Crime and Challenge at the Cyberspace, Thapa AKumar R, International Journal of Computing and Business Research (2011) 2(1)
7. Fear of cyber crime among college students in the United States: An exploratory study, Yu S, International Journal of Cyber Criminology (2014) 8(1) 36-46
8. Growing cyber crimes in India: A survey, Kumar P, Proceedings of 2016 International Conference on Data Mining and Advanced Computing, SAPIENCE 2016 (2016) 246-251
9. Effects of cyber security knowledge on attack detection, Ben-Asher NGonzalez C, Computers in Human Behavior (2015) 48 51-61
10. Cyber security challenges in smart cities: Safety, security and privacy, Elmaghraby ALosavio M, Journal of Advanced Research (2014) 5(4) 491-497

Cases for Guidance

1. Vyakti Vikas Kendra, India Public v. Jitender Bagga (Del HC) I.A. No. 8877/2012 in CS(OS) No.1340/2012 Order decided on : 09.05.2012
2. Shreya Singhal v. U.O.I (SC) Writ Petition (Criminal) No.167 OF 2012 24 March, 2015
3. Satyam Infoway Ltd. v. Siffynet Solutions Pvt. Ltd. 2004 Supp(2) SCR 465
4. Banyan Tree Holding (P) limited v. A. Murali Krishna Reddy CS (OS) No. 894/2008, Del(DB)
5. Neogen Corp. v. Neo Gen Screening, Inc., 282 F.3d 883, 890 (6th Cir. 2002)

6. National Association of Software v. Ajay Sood and ors. 119 (2005) DLT 596, 2005 (30) PTC 437 Del
7. Aveek Sarkar v. State Of West Bengal (SC) CRIMINAL APPEAL NO.902 OF 2004 decided on 3 February, 2014
8. State of Tamil Nadu v. Suhas Katti (decided on 5-11-2004) ADDL. CMM EGMORE, , C.C.NO.4680/2004 Source :<http://www.prashantmali.com/cyber-law-cases>
9. The State (Cyber Cell v. Yogisha @ Yogesh Pandurang Prabhu ADDL. Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai C.C. No. 3700686/PS/2009 (Delivered on 3rd July, 2015)
10. Maqbool Fida Husain v. Raj Kumar Pandey Delhi High Court, CRL. REVISION PETITION NO.114/2007 Decided on 8 May, 2008
11. Anvar P.V v. P.K.Basheer & Ors Civil Appeal No. 4226 of 2012 (SC) decided on 18 September, 2014
12. Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) ALD (Cri) 96; 2005 CriLJ 4314
13. Diebold Systems Pvt. Ltd. vs The Commissioner, ILR 2005 KAR 2210
14. Sanjay Kumar v. State of Haryana P & H High Court decided on 10/01/2013 CRM No.1353 of 2013 ;CRR No.66 of 2013 (O&M)
15. State of A.P. v.. Prabhakar Sampath VI Addl.Chief Metropolitan Magistrate, Hyderabad. CC. 489 of 2010 31st day of March, 2015 Available at:<http://www.prashantmali.com/cyber-law-cases>
16. Hyderabad v. Prabhakar Sampath, Add. CMM Hyderabad, decided on 31/03/2015, CC 489 Of 2010 available at: www.prashantmali.com/cyberlaw-cases 34
17. Naascom v. Ajay Sood, 119 (2005) DLT 596
18. Aveek Sarkar v. State of West Bengal (SC) Criminal Appeal no. 902 of 2004 decided on 3/2/2014
19. Anvar P.V v. P.K.Basheer, Supreme Court, decided on 18 September, 2014, Civil Appeal No.. 4226 of 2012, available at <http://indiankanoon.org/doc/187283766/>
20. My Space Inc. v. Super Cassettes Industries Ltd., Delhi (DB), FAO(OS) 540/2011, C.M. APPL.20174/2011, 13919 & 17996/2015 decided on 23 December, 2016 available at <http://indiankanoon.org/doc/12972852/>

Learning Outcomes

1. To analyze the ways in which information and communication technology is used to commit cyber organized crime
2. To spread awareness among the general public about the cyber law.
3. To demonstrate knowledge of the incidence, prevalence, distribution, and impacts of computer crime
4. To demonstrate knowledge of the investigation, prosecution, and sentencing of computer crimes
5. To examine the current trends in computer crime and future of computer crime.

(d): INDUSTRIAL AND COMMERCIAL LAW

HS30804: INSURANCE LAW

Objectives of the Course:

The concept of Insurance has been prevalent in India since ancient times. This is evidenced from the over-seas travel for business and commerce, wherein if any loss sustained in the transit, it was borne by the Joint family members doing business together. In the present times Insurance has taken a remarkably different structure and developed to a considerable extent. It is crucial to a Student of Law to have a comprehensive knowledge of Insurance Law, in the light of Insurance sector having expanded into all fields and having become an integral part of both the common man and the corporate sector.

The objective of the study of this subject is to provide the Students -

- i. An understanding of the Legal dimensions of the Law relating to the formation of insurance contracts.*
- ii. An insight into the Laws that buttress the operations of insurance.*
- iii. To comprehend and appreciate the significance of various types of insurances and the consequences of the happening of various perils insured against.*
- iv. To familiarise with the organisational set-up of the redressal mechanisms, functions and powers of the same, claim settlement procedural aspects, under the various Statutes pertaining to insurance.*

COURSE OUTLINE

MODULE – I: INTRODUCTION:

- a. Concept of Insurance.
- b. Nature and Scope of Insurance.
- c. Significance and utility of Insurance.
- d. Formation of Insurance Contract.
- e. Classification of Insurance.
- f. Insurance as an
 - Aleatory Contract;
 - Uberrima Fides;
 - Indemnity Contract;
 - Wager;
 - Adhesion.

MODULE – II: GENERAL PRINCIPLES OF INSURANCE:

- a. Insurable Interest.
- b. Premium.
- c. Risk.
- d. Assignment of Insurance policies
- e. Warranties.
- f. Representations and Disclosures.
- g. Ombudsman.
- h. Double Insurance and Reinsurance.
- i. The Insurance Act, 1938.
- j. Insurance Regulatory and Development Authority Act, 1999.

MODULE – III: LIFE INSURANCE:

- a. Definition of pertinent terms.
- b. Contract of Life Insurance and formation.
- c. Policy of Life Insurance.
- d. Comparison between life insurance and other insurances.
- e. Kinds of Life Insurance Contracts.
- f. Events insured against in Life Insurance.
- g. Felo De Se.
- h. Elements affecting the risk.
- i. Sums recoverable under Life Insurance policy.
- j. Persons entitled to Payment.
- k. Settlement of Claims.
- l. Life Insurance Corporation Act, 1956.
- m. Privatisation of Life Insurance industry.

MODULE – IV: MARINE INSURANCE:

- a. Nature of Marine Insurance.
- b. Marine Adventure.
- c. Classification of Marine Insurance policies.
- d. Voyage, Change of Voyage and Deviation.
- e. Maritime Perils.
- f. Excluded Losses.

- g. Warranties in Marine Insurance.
- h. Actual Total Loss.
- i. Constructive Total Loss.
- j. Abandonment.
- k. Slip and cover.
- l. General Average.
- m. Particular Average.
- n. Salvage.
- o. FPA Clause.
- p. Indian Marine Insurance Act, 1963.

MODULE – V: FIRE INSURANCE:

- a. Meaning of the term 'Fire'.
- b. Loss by Fire.
- c. Nature of Fire Insurance.
- d. Consequential Loss Coverage.
- e. Doctrine of Subrogation.
- f. Doctrine of Contribution.
- g. Doctrine of Re-instatement.

MODULE - VI: MOTOR VEHICLES INSURANCE:

- a. Nature and Scope of Motor Vehicle Insurance.
- b. Indemnity in Motor Vehicle Insurance Contracts.
- c. Types of Motor Vehicle Policies.
- d. Absolute and no fault liability.
- e. Amount payable in case of death and permanent disablement.
- f. Nature and Scope of Compulsory Insurance.
- g. Third party claims.
- h. Hit and Run Motor Accidents.
- i. Motor Accident Claims Tribunal.
- j. The Motor Vehicles Act, 1988.
- k. The Motor Vehicles (Amendment) Act, 2019.

RECOMMENDED READING:

- a) Modern Law of Insurance in India, by K.S.N. Murthy and K.V.S. Sharma – LexisNexis, 6th Edition, 2019.
- b) Law of Insurance, by Avtar Singh – Eastern Book Company, 3rd Edition, 2017, reprinted in 2018.
- c) Principles of Insurance Law, by M.N. Srinivasan – LexisNexis, 10th Edition, 2017.
- d) General Principles of Insurance Law, by E.R. Hardy Ivamy – Butterworth, 6th Edition, 1993.
- e) Modern Insurance Law, by John Birds – Sweet and Maxwell, 11th Edition, 2019

JOURNALS:

1. Rappaport, John, How Private Insurers Regulate Public Policy (February 15, 2016). Harvard Law Review, Vol.130, pp.1539-1614.
2. Feinman, Jay M., Contract and Claim in Insurance Law (2018), Connecticut Insurance Law Journal, Vol.25, No.1, 2018.
3. Dr. Pramod Deo, IRDA: Regulator of Insurance Sector in India, Indian Journal of Research, Volume:5, Issue:6, June 2016, pp.189-192.
4. Hay Bruce L, A No-Fault Approach to the Duty to Settle (October 1, 2015). Rutgers Law Review, Vol.68, No.3, 2016.
5. P.C. James, Leveraging Distribution For Mainstreaming Insurance, IRDAI Journal, Volume XIV, No.2, 2016, pp.11-15.

FURTHER READING:

6. Good Faith and Insurance Contracts, by Peter MacDonald Eggers (lloyd's Insurance Law Library), Informa Law from Routledge, 4th Edition, 2018.
7. Insurance Law & Policy: Cases Materials & Problems, by Tom Baker, Aspen Publishers, 3rd Edition, 2013.
8. Principles of Insurance Law, by Emeric Fischer, LexisNexis, revised 3rd Edition, 2001.
9. The Law of Liability Insurance, by Malcolm A. Clarke, Informa Law from Routledge, 2nd Edition, 2017.
10. Insurance Contract law between Business Law and Consumer Protection, by Helmut Heiss, Dike Publishers, 2012.
11. Kannan,N., A Study on the Growth of Indian Insurance Sector (2010). International Journal of Management, Volume 1, Issue 1, May 2010, pp.17-32.
12. Prashanth, V., Necessity of Insurable Interest in Insurance Contracts (August 1, 2008). Corporate Law Cases; August 2008 Edition; Published by All India Reporter, Nagpur, India.
13. Bennett Howard, Fortuity in the Law of Marine Insurance. Lloyds Maritime and Commercial Law Quarterly, pp.315, 2007.

LANDMARK CASE LAW:

14. Pim v. Reid
15. Dalby v. The Indian & London Assurance Co.
16. Tyrie v. Fletcher.
17. Law v. London Indisputable.
18. Stevenson v. Snow.
19. The Wilson Son's & Co. v. Xantho.
20. Beresford v. Royal Insurance Co. Ltd.
21. Oriental Life Insurance Co. v. Ammiraju.
22. Ibrahim vs Mackinnon Mackenzie & Co.
23. Hyderabad (Deccan) Co. v. Willoughby.
24. Bouillon v. Lupton.
25. Canada Rice Mills Ltd. v. Union Marine & General Insurance Co.
26. Harris v. Poland.
27. Everest v. London Assurance Co.
28. Brown v. Royal Insurance Co.
29. Moore v. Evans.
30. Pandurang v. New India Life Insurance Co.
31. Union of India v. Swarn Singh and Others.

LEARNING OUTCOME:

32. Demonstrate knowledge of the legal and ethical aspects of insurance Law.
33. Discern and appreciate the importance of the impact of globalisation and diversity in modern insurance based organisations.
34. Perceive how losses are measured and the various principles such as of indemnity, contribution, subrogation, reinstatement etc that are applied in accessing insurance claims.
35. Develop the ability of critical thinking and an analytical approach to the application of knowledge and skills to select viable solutions in resolving issues that may arise in execution of insurance contracts.

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS40801: INTELLECTUAL PROPERTY ON TRADITIONAL KNOWLEDGE AND GENETIC RESOURCES

Objectives of the Course:

The legal regimes that govern the relationship between intellectual property, traditional knowledge and bio diversity remain sources of significant tension in international intellectual property law making. A number of difficulties arise in efforts to reconcile legal and policy norms at the intersection of the three regimes. Such difficulties generally stem from perceived short comings of the globally recognized forms of intellectual property rights to accommodate traditional knowledge and biodiversity in providing sufficient protection.

The objective of the course is to study how at the international and national level address the Issue of TK and Genetic Resources

COURSE OUTLINE

Module I: Introduction to Traditional Knowledge

- a) Meaning and Scope of traditional Knowledge – Interface between IP and traditional Knowledge – Need and Significance of protection - Detailed analysis of traditional knowledge and traditional cultural expressions
- b) Cultural Property, Interface between Cultural Property and Intellectual Property, Converting Cultural Property into Intellectual Property and Ownership Issues WIPO Guidelines on Cultural Property-
- c) Folklore - – Conceptual Analysis –International and National Perspectives.

Module II: International Protection of TK and Human Right Perspectives

- a) International Development of Traditional Knowledge Protection – CBD – FAO International Treaty on Plant Genetic Resources
- b) Protection of Folklore/Cultural Expressions by UNESCO - Developments in WIPO on Traditional Knowledge and Traditional Cultural Expression
- c) Inter-relationship between IPR and Human Rights-An Overview of Art 17 (Right to Property) and Art 27 (Right to participate in Cultural Life of the Community) of UDHR and Art 15 (1) (To take part in Cultural Life) of ICESCR.

Module I11: Protection of TK in India

- a) Positive Protection of TK under Indian Laws – Patents – Plant Variety and Biodiversity – Geographical Indications Copyrights– Trade Secrets – Test data protection.
- b) Traditional Knowledge as Property -Nature of Property in Genetic Resources and Associated Traditional Knowledge
- c) Ownership in Traditional Knowledge: Nature and Elements of Ownership – Exclusivity and Protection –Benefit Sharing.

Module IV: Documentation of Traditional Knowledge

- a) Recognition and Documentation Recognition and Documentation of Traditional Knowledge – Databases – Traditional Knowledge Digital Library “TKDL” -AYUSH Systems of Medicines – Biodiversity Register.

Module V: Protection of Genetic Resources

- a) Genetic Resources and Associated TK as Property – Nature of Property in GR and Associated TK – Common Heritage of Mankind – CBD – Permanent Sovereignty
- b) Ownership in GR & TK – Elements of Ownership – Exclusivity and Possession – Nature of Ownership of GR and TK in CBD, Cartagena Protocol and Nagoya Protocol (PIC & BS)
- c) Patent on Genetically Modified Organisms, Patentability of GMOs,
- d) Product of Nature Doctrine, Chakrabarty’s Legacy, Position in Different Countries, US, UK, EC Directives and Position in India

Module VI: Benefit Sharing

- a) Benefit Sharing – Different types of Benefits and Benefit Sharing
- b) Beneficiaries – CBD, Nagoya Protocol and Indian Law- Bilateral vs. Multilateral Benefit Sharing – CBD, Nagoya Protocol and ITPGRFA
- c) Interface between IPR and GR and TK – TRIPS-CBD conflict and proposed solutions

Module VII: Protection of Plant Genetic Resources and Farmers’ Right

- a) Plant Genetic Resources- Common Heritage of Mankind-International Understanding of Plant Genetic Resources for Food and Agriculture-UPOV Convention 1961, 1978 &1991 Text
- b) Plant Varieties Protection-Distinctiveness, uniformity, stability and Novelty-Farmer's rights – GM Corps- International Treaty for Plant Genetic Resources for Food and Agriculture 2001 -Benefit Sharing- Mutually Agreed Terms-Prior Informed Consent- Access to Plant Genetic resources.

Recommended Readings

Books:

1. Christoph Belman and Graham Dutfield, Trading in Knowledge: development Perspectives on TRIPS, Trade and Sustainability, Earthscan Publications Ltd. (2003)
2. Patricia Lucia Marin, Providing Protection for Plant Genetic Resources: Patents, Sui Generis Systems and Bio-Partnerships, Kluwer Law International (2001)
3. Timothy M. Swanson (ed), Intellectual Property Rights and Biodiversity Conservation: An Interdisciplinary Analysis of the Values of Medicinal Plants, Cambridge University Press (1995)
4. Dr. N. S .Gopalakrishnan and Benoy K. Kadavan, Study on Test data Protection in India, Eastern Book Company, Lucknow (2005)
5. Christoph Antons (ed.) Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia Pacific Region, Kluwer Max Planck Series, (2009)

Journals/Articles:

1. Navigating Traditional Knowledge And IP – The Adventure of the Yakuanoi, Available at : <https://www.wipo.int/tk/en/tk/yakuanoi.html>
2. Inter- Governmental Committee on Traditional Knowledge, Traditional Cultural Expression and Genetic Resources, Available at: <https://www.wipo.int/tk/en/igc/>
3. Lorie Graham and Stephen Mc John, Indigenous Peoples and Intellectual Property, 19 Wash. U.L.J.L &Pol'y (2005) Pp: 313-338.
4. Bastida-Munoz, MindahiCrescencio& Geraldine A. Patrick, Traditional Knowledge and Intellectual Property Rights- Beyond TRIPS Agreements and Intellectual Property Chapter of FTA's., Journal of International Law Vol 14, No. 2, 2006 (259-290).
5. Sudhir Krishnaswamy, Intellectual Property and India Development Policy, Indian J L and Tech., (2015), Pg. 169.

Further Readings

Books

1. WIPO Reading Material on Intellectual Property, WIPO, Geneva
2. FAO, The State of World's Plant Genetic Resources for Food and Agriculture
3. Convention on Biological Diversity, 1992 and International Treaty on Plant Genetic Resources for food and Agriculture, 2002
4. UNESCO/WIPO Model Provisions for Protection of Folklore/ Cultural Expressions.
5. Documents of Inter Governmental Committee, WIPO on TK & TCE protection, WIPO. Geneva.
6. Daniel F. Robinson Confronting Biopiracy: Challenges, Cases and International Debates, Earthscan, (2010)
6. Jonathan Curci, Protection of Biodiversity and Traditional Knowledge in the International Law of Intellectual Property, Cambridge University Press, (2010)
7. Dutfield and Posey, Beyond Intellectual Property: Toward Traditional Resource Right for Indigenous Peoples and Local Communities, IDRC, (1996)
8. Geoff Tansey and Tasmine Rojotte (Eds.), The Future Control of Food: A Guide to International Negotiations and Rules on Intellectual Property, Earth Scan, London (2008)
9. Gerald Moore and Witold Timousky, Explanatory Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture, IUCN, Gland, Switzerland and Cambridge, (2005)
10. Graham Dutfield, Intellectual Property Rights, Trade and Biodiversity, Earthscan Publications Ltd, London (2000)

Journals

1. Rebecca Tsosie, An Essay on Cultural Appropriation and Cultural Rights, Arizona State Law Journal Vol -34, No. 1, (2002), pp. 259-358
2. Charles R Mc Manis, Intellectual Property, Genetic Resources and Traditional Knowledge Protection Thinking Globally, Acting Locally (2003), Cardozo Journal of International Comparative Law 547.
3. L. Margulies, Protecting Biodiversity Recognizing International Intellectual Property Rights in Plant Genetic Resources (1993) Michigan Journal of International Law (322-356).
4. Marcus Goffe, Recent Developments in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional knowledge and Folklore, (2011) 1 Queen Mary J. Intell. Prop. Pp. 90-98.

5. Dennis S. Karjala, Sustainability and Intellectual Property Rights in Traditional Knowledge, (2012) 53 Jurimetrics 57.
6. Susan Scafidi, Intellectual Property and Cultural Products (2001) Boston University Law Review Vol. 81, pp. 793-842.

Learning Outcomes:

- Understand the nature, scope and ownership issue of traditional knowledge, traditional cultural expression and genetic resources
- Examine the protection of traditional knowledge and genetic resources at the International and National level.
- Study the impact of Cultural Property on the intangible cultural heritage of the country.

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

HS40802: LAND LAWS OF TAMIL NADU

Objectives of the Course:

Land rights are an integral part of Land Laws, as they socially enforce groups of individuals' rights to own land in concurrence with the land laws of a nation. Land Law addresses the legal mandates set forth by a country in regards to land ownership, while land rights refer to the social acceptance of land ownership. The knowledge about the land laws of Tamil Nadu helps to understand the local laws of the State. This subject is very much helpful for civil side practice.

COURSE OUTLINE

Module– I: Tamil Nadu Estate and Lease Holds Laws:

- a. 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: 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: 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: 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: 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: 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.

Note: All the legislations includes the time to time amendments and rules

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:

1. Students will be able to understand the local laws relating to land
2. They will be able to handle any civil cases relevant to land
3. Will be useful to learn procedure aspect in registration of land, obtaining patta, chitta etc

(c): CRIMINAL LAW AND FORENSIC SCIENCE

HS40803: FORENSIC SCIENCE AND INVESTIGATION

Objectives of the Course:

Forensic science is a versatile and enormously powerful tool in the investigation of a crime. Forensic investigation is vital to the mission of truth seeking, because the forensic evidence does not lie. Forensic investigation provide an overview of the field of forensic investigation whilst highlighting the interrelated principles and procedures of criminal investigation Moreover gathering and examining forensic evidence is the only way to ensure that false information is exposed, and ultimately kept from the gates of justice. The forensic evidence, the forensic investigator, and the forensic examinations are all linked in the service of these objectives. Forensic Science deals with the application of the knowledge and methodology of various disciplines of science to legal matters. It involves the use of multiple disciplines such as physics, chemistry, biology, computer science and engineering for evidence analysis. The role of forensic science in criminal justice and the legal system is highly commendable.

After undergoing the study the student will be able to understand the following:

- *To emphasize the methods of securing, searching and documenting crime scenes.*
- *To emphasize the students the legal importance of chain of custody.*
- *To emphasize the tools and techniques for analysis of different types of crime scene evidence.*
- *To emphasize the importance of forensic investigation in crime detection.*

COURSE OUTLINE

Module I: Forensic Science and its Development

- a) Crime- Criminal Investigation- forensic science-concepts-Scientific Criminal Investigation- - Need and Scope of Forensic Science
- b) Basic Principles of Forensic Science- Branches of Forensic Science- Forensic Science in International Perspectives- Constitutional validity of forensic investigation- Quality of Forensic Science in Criminal Investigation
- c) Law of Forensic Science -Validity and Admissibility of Scientific Evidence- Forensic investigation in Criminal Trials- Problem of Proof.
- d) Tools of Forensic Science- Forensic Science Laboratories- Chemical Examiners Laboratories-Document Examiners- Finger Print Bureau- Department of Explosives-Serologist to the Government of India- Mobile Laboratories- CID Scientific Sections- Computer Divisions
- e) Medico- Legal Institutes- Consultancies- National Crime Record Bureau- Central Forensic Science Laboratory- State Forensic Science Laboratories, Police & Detective Training Schools, Police Academies- Police dogs- Services of Crime Laboratories.

Module II: Crime Scene Examination

- a) Crime Investigation- Crime Scene- Its importance in Criminal Investigation- Collection of Sample or Materials
- b) Physical evidence- Classification of physical evidence- Types of physical evidences- Sources of physical evidence
- c) Signification and value of physical evidence- Linkage between Crime Scene, Victim and Criminal-
- d) Evaluation-Investigators Role- Surveillance- Sketching- Photography
- e) Crime Detection Devices- Crime Scene Documentation.

Module III: Forensic Analysis of Sample - Techno Analysis of Crimes

- a) DNA profiling- Finger prints-Tool Marks- Firearms- -Disputed Document- Narcotics- Alcohol
- b) Explosives- Voice Identification- Forensic Psychology
- c) Narco analysis- Evidentiary value of Narco analysis- Brain Mapping- Polygraph Analysis.
- d) Digital and Electronic forensic Investigation-Software Piracy- Spectrographic Forensic Identification- Artificial Intelligence
- e) IRIS and *fingerprint biometric* authentication - CCTV footage- Forensic Audio and Video Analysis.

Module IV: Forensic Medico Investigation

- a) Identification of Individual- Forensic Psychology- Interrogation
- b) Death Investigation- Causes of death- Determination of time since death- Medico-legal aspects of death
- c) Types and classification of injuries.
- d) Ante mortem and Post mortem injuries- Aging of injuries- Investigation of sexual offences –Toxic death
- e) Medico-Legal Aspects in the Admissibility of Scientific Evidence

Module V: Expert Testimony

- a) Expert- Role and Qualifications of Forensic Scientists- Code of conduct for Forensic Scientists
- b) Ethical issue in Forensic Science- Professional standards for practice of Criminalities-
- c) Sanction against Expert for Unethical Conduct- Value of Forensic Expert
- d) Forensic Expert and Ordinary Expert Difference- Admissibility of Expert Opinion
- e) Direct Evidence vs Circumstantial Evidence- Limits of Scientific influence.

Module VI: Relevancy, Admissibility and Probative Efficacy

- a) Principles of Relevancy and Admissibility
- b) Standard for Relevancy and Admissibility
- c) Reliability and probative efficacy
- d) Corroboration in admitting forensic evidence- Judicial Approach
- e) Comparative Analysis.

Recommended Readings:

Books:

1. A Textbook of Medical Jurisprudence and Toxicology, Modi 26th Edition 2018, Lexis Nexis
2. Forensic Science in Criminal Investigation and Trials, B R Sharma 6th Edition 2020, Lexis Nexis
3. Techniques of Crime Scene Investigation, Barry A. J. Fisher, David R. Fisher, 8th Edition, The CRC Press, Available on Taylor & Francis eBooks
4. Crime Scene Forensics, A Scientific Method Approach, Robert C Shaler, 1st Edition, The CRC Press, Available on Taylor & Francis eBooks.
5. Principles and Practice of Criminalistics, The Profession of Forensic Science, Keith Inman, Norah Rudin, 1st Edition, The CRC Press, Available on Taylor & Francis eBooks.

Journals/ Journal Articles:

1. *Lindquist, C. (1991). Forensic Science Education and the Role of the Forensic Science Educator. Proceedings of the Taipei Symposium on Forensic Sciences (Vol. Liu and Chen (edn.), pp. 79-85)*
2. *Lindquist (1994). Criminalistics in the Curriculum: Some Views From the Forensic Science Community. Journal of Criminal justice Education (Vol. 5, pp. 59-68)*
3. *Lindquist (1995). Criminalistics Education and the Role of the Criminalistics Educator. Forensic Science Review (Vol. 7, pp. 61-75)*
4. *Margot P., (2011). Forensic Science on Trial-What Is the Law of the Land? Australia J. Forensic sci. (Vol. 43, pp. 89, 92)*
5. *Tilstone, W. (1991). Education, Training, and Assessment in Forensic Science. Journal of the Forensic Science Society (Vol.31, pp. 95-100)*

Further Readings:

Books:

1. J. M. Butler, *Forensic DNA Typing: Biology, Technology, and Genetics of STR Markers*(London: Academic Press, 2005).
2. M. H. Houck and J. A. Siegel, *Fundamentals of Forensic Science* (Boston: Academic Press, 2006).
3. Cook, T., Hibbitt, S. & Hill, M. *Blackstone's crime investigators' handbook*. (Oxford University Press, 2016).
4. W. Goodwin, A. Linacre, and S. Hadi, *An Introduction to Forensic Genetics* (Chichester: Wiley, 2007).
5. Bell, J. Swenson-Wright, and K. Tybjerg (eds.), *Evidence* (Cambridge: Cambridge University Press, 2008).
6. R. Williams and P. Johnson, *Genetic Policing: The Use of DNA in Criminal Investigations* (Cullompton: Willan, 2008).
7. National Research Council, *Strengthening Forensic Science in the United States: A Path Forward* (Washington, DC: National Academies Press, 2009).
8. *Criminalistics, Introduction to Forensic Science* , Richard Saferstein, Prentice Hall College Div; 8 Edition
9. *Forensic Science Education and Training: A Tool-kit for Lecturers and Practitioner Trainers*, Editor(s): Anna Williams John P. Cassella Peter D. Maskell, 2017 John Wiley & Sons, Ltd.
10. *Forensic Science: Fundamentals & Investigations Hardcover* , Patricia Bertino, Cengage Learning Custom Publishing; 2nd Edition , 2015

Journal/ Journal Articles:

1. Giannelli, P. (1997). *The Abuse of Scientific Evidence in Criminal Cases: The Need for Independent Crime Laboratories*. *Virginia Journal of Social Policy and the Law* (vol. 4, pp. 439-478)
2. Grover, N.(2014). *Development of Forensic Science and Criminal Prosecution – India*. *International Journal of Scientific and Research Publications* (Vol. 4, Issue 12).
3. Julian R. and Kelty S. (2012). *Forensic Science and Justice: From Crime Scene to Court and Beyond*. *Current issues in Criminal Justice* (Vol. 24 No. 1, July)
4. Klinker M. (2009). *Forensic science expertise for international criminal proceedings: an old problem, a new context and a pragmatic resolution*. *The International Journal of Evidence & Proof* (Vol.13, Pg.102-129).
5. Lappas, N. (1978). *Forensic Science Laboratories in the United States: A Survey*. *Journal of Forensic Science Society* (Vol. 18, pp. 171-80)
6. Lambert E., Nerbonne T., Watson P.L., Buss J., Clarke A., Hogan N., Barton S., Lambert J. (2003). *The forensic science needs of law enforcement applicants and recruits: a survey of Michigan law enforcement agencies*. *Journal of Criminal Justice Education* (Vol. 14 No. 1, Spring).

7. Giannelli, P. (1997). The Abuse of Scientific Evidence in Criminal Cases: The Need for Independent Crime Laboratories. *Virginia Journal of Social Policy and the Law* (vol. 4, pp. 439-478)
8. Grover, N.(2014). Development of Forensic Science and Criminal Prosecution – India. *International Journal of Scientific and Research Publications* (Vol. 4, Issue 12).
9. Julian R. and Kelty S. (2012). Forensic Science and Justice: From Crime Scene to Court and Beyond. *Current issues in Criminal Justice* (Vol. 24 No. 1, July)
10. Klinker M. (2009). Forensic science expertise for international criminal proceedings: an old problem, a new context and a pragmatic resolution. *The International Journal of Evidence & Proof* (Vol.13, Pg.102-129).

Cases for Guidance:

1. Sushil Sharma vs. The State (Delhi Administration)1996 CriLJ 3944
2. Marachalil Chandra Tukaram Talekar vs. State of Gujarat, 1980 Cri.L.J.5 (Guj.)
3. The State of U.P. Through the C.B.I. vs. Rajesh Talwar & Another Sessions Trial No. 477 of 2012) (**Aarushi Talwar murder case**)
4. Manu Sharma vs. State (NCT of Delhi), (2010) 6 SCC 1 (**Jessica Lal murder Case**)
5. *Selvi & Ors vs. State of Karnataka & Anr* AIR 2010 SC 1974.
6. Alavandar murder case (<https://tvaraj.com/tag/alavandar-murder-case/>)
7. Surendra Koli vs State Of U.P. Ors on 15 February, 2011
8. Santokben Sharmanbhai Jadeja vs State Of Gujarat on 13 August, 2007." 13 Aug. 2007, <https://indiankanoon.org/doc/1561319/>.
9. State by the Inspector of Police vs. Manoharan, 2015 Cri. LJ 1215 : MANU/TN/0496/2014
10. Enamul Haque vs. State of West Bengal, CRM 17348 of 2010 & AST 1114 of 2010
11. Inspector of Police vs. John David (2011) 5 SCC 509
12. State of NCT Delhi vs. Sujeet Kumar, 2014 SCC Online Del 1952
13. *The State of Bombay vs. KathiKaluOghad & Others*, AIR 1961 SC 1808, 1962 SCR (3) 10.
14. **Pratim Alias Peter Mukherjea vs Union Of India And Anr on 19 January, 2018 (Sheena Bora murder case)**
15. Sr. Sephy vs Union Of India 1 January, 2009 (Sister Abhaya murder case)

Learning Outcomes:

After completion of the course students will be able to-

- *Identify and analyse a situation as constituting a crime, incident or transgression in order to determine the resources that must be activated and the procedures that must be followed.*
- *Differentiate the applied forensic methods used to evaluate various types of evidence.*
- *To disseminate information on the advancements in the field of forensic science.*
- *Evaluate the limitations of forensic techniques and interpretations. Define and recognize the techniques of crime scene searches, courtroom demeanor, and criminal investigation related to child abuse and sexual assault situations.*

(d): INDUSTRIAL AND COMMERCIAL LAW

HS40804: SERVICE LAW

Objectives of the Course

“Government service is not a contract. It is a status”. Laws related to Public service in India are governed by the Constitution. One of the basic features of Indian Constitution is the separation of powers, i.e., the presence of three distinct pillars of state – Legislature, Executive and Judiciary. The Constitution conceived and provided for Civil Services like the All India Services and Central Civil Services which form an integral part of the Executive’s machinery at the central and state level. Labour laws governing civil services are quite distinct from general labour laws. The service conditions of the government servants are regulated by the Constitution of India.

This course has been designed to:

1. Trace the historical evolution of laws to govern civil services, both in ancient kingdoms and in the modern world;
2. Analyse the concept of public service laws as they are enshrined in the Indian constitution;
3. Introduce the student to fundamental concepts in public service laws; and
4. Examine the laws governing civil services and the impact of factors as diverse as judicial review and globalisation.

The syllabus has been prepared with these objectives and consists of 5 modules.

COURSE OUTLINE

MODULE I – HISTORICAL BACKGROUND OF CIVIL SERVICES LAW

(1) Origin and Concept.

- a) Meritocracy v. Aristocracy .
- b) Religious connotations of Administration.
- c) Governance in Ancient India.
- d) Concept of Dharma and Duty.
- e) Arthashastra – Kautilya’s ‘Amatyas’.
- f) Centralised Administration of Mughals.
- g) Early centuries of Arab rule and Governance.

(2) Evolution of Modern Service Law

- a) British Civil Service.
- b) Spoils system.
- c) Max Weber's Analysis on Public servants.
- d) Organized Sector.
- e) Covenanted Civil Service.
- f) Regulating Act of 1773 - Pitt's India Act 1784 - Aitchison Commission - Lee Commission - Government of India Act 1935.
- g) Civil Services in Independent India.
- h) Modernising Civil Services in India.
- i) A.D. Gorwala Report on Public Administration (1951).

MODULE II – PUBLIC SERVICE AND THE CONSTITUTION

- a) Public employment and Constitutional Safeguards.
- b) Fundamental Rights of Civil Servants.
- c) Service conditions in Constitution.
- d) Recruitment to Retirement.
- e) Doctrine of Pleasure and Safeguards.
- f) All India Service – State Civil Services – Union Public Service Commission – State Public Service Commission

MODULE III – FUNDAMENTAL ASPECTS OF SERVICE

- a) Pleasure Relates to Tenure and Not to Other Conditions of Service – Exceptions.
- b) Security of Tenure in Public Interest.
- c) Arbitrariness in State Action Violates Equality.
- d) Other Fundamental Rights to Service.
- e) Extent of Positive Discrimination.
- f) Nature of Relationship Between State and its Servants.

MODULE IV – LAWS RELATING TO CIVIL SERVANTS

1. Laws Related to Administrative Services

- a) Service Law – Classification, Recruitment and Training in AIS and CCS.
- b) Division of Cadre and Management.
- c) Disciplinary Proceedings.
- d) Rules – Agencies – AIS Rules – CCS (CCA) Rules.
- e) Lateral Entry Scheme in Civil Services – Advantages and Challenges.
- f) Kothari Committee Report on Recruitment and Selection Methods.

2. Laws Related to Judicial Services

- a) Officers and Servants of Supreme and High Courts – Subordinate Judiciary – Collegium – Service conditions in Constitution.
- b) Supreme and High Court Rules
- c) All India Judicial Services – Avenues and Challenges – Constitutional Implication.
- d) Reforms in Judicial Service

MODULE V – JUDICIAL APPROACH TO CIVIL SERVICES AND IMPACT OF GLOBALIZATION ON BUREAUCRACY

1. Judicial Review in Service Matters

- a) Judicial Review.
- b) Service Tribunals – Central Administrative Tribunal – State Administrative Tribunal – Quasi Judicial tribunals.
- c) Powers and Functions Appeal Provision.
- d) Scope of Writs in Service Matters.

2. Impact of Globalization on Indian Administration

- a) Entrepreneurial Government.
- b) Changing Role of Bureaucracy.
- c) Reinventing the Government.
- d) Civil Service Reforms in India.
- e) Hota Committee Report on Civil Service Reforms.
- f) Good Governance – Public Accountability.
- g) Empowering Citizens – Capacity Building Initiatives.

RECOMMENDED READING

1. M.R. Mallick, *Service Law in India* (Eastern Law House, 2000).
2. N. Narayanan Nair, *The Civil Servant under the Law and the Constitution of India*, Academy of Legal Publications (Academy of Legal Publications, 2006)
3. Sunil Chhabra, *Administrative Tribunals* (Deep and Deep Publications, 1990).
4. Kamlesh Goyal, "Indian Administration in the Age of Globalization: An Analysis of Transformation from Governance to E-Governance", (IJRECT 2016), available at: <http://ijrect.com/issues/vol3issue4/kamlesh.pdf>.
5. Narender Kumar, "Law Relating to Government Servants and Management of Disciplinary proceedings (Service Law)" (Allahabad Law Agency, 2018)

Journals:

- 1) Rameshwar Dial, "Civil Servants under the Constitution", 2 JILI 481-508 (1960).
- 2) Om Prakash Motiwal, "Right of Equal Opportunity of Civil Servants", 11 JILI 328-343 (1969).
- 3) O.P.Motiwal, "Development of Legal Rights of Civil Servants in India", 17 JILI 437-445 (1975).
- 4) Sindhu Thulaseedharan, "Right to Public Services in India – A New Legal Scenario", 55 JILI 59-72 (2013).
- 5) P.Leelakrishnan, "Reviewing Decisions of Administrative Tribunal: Paternalistic Approach of the Indian Supreme Court and the need for Institutional reforms", 54 JILI 1-26 (2012).

FURTHER READING

Reference Books:

1. Brinda and Sanjeev Muthuswamy, *Swamy's Compilation of CCS (CCA) Rules* (Swamy Publishers (P) Ltd., 2016).
2. Brinda and Sanjeev Muthuswamy, *Swamy's Compilation on Central Administrative Tribunal (Act, Rules and Orders)* (Swamy Publishers (P) Ltd., 2016).
3. S.R. Maheshwari, *Evolution of Indian Administration* (Lakshmi Narain Aggarwal, Agra 1970).
4. P.N. Mathur, *The Civil Service of India (1731-1894)* (D.K. Publishers: New Delhi, 1977).

5. B.B Misra, *The Bureaucracy in India – An Historical Analysis of Development up to 1947* (Oxford University Press: New Delhi, 1977).
6. B.B. Misra, *The Administrative History of India (1834-1947) - General Administration*, (Oxford University Press: New Delhi, 1970).
7. L.S.S. O'Malley, *The Indian Civil Service 1601-1930* (Frank Case & Co. Ltd: London 1965).
8. B.N. Puri, *Some Aspects of the Evolution of Indian Administration* (IIPA: New Delhi, 1980).
9. Chandra Singh, *The Civil Services in India (1858-1947) – A Historical Study* (Atmaram & Sons Delhi (1989)).

Articles:

- 1) C.Basavaraju, “Reservation under the Constitution of India: Issues and Perspectives”, 51 JILI 267-274 (2009).
- 2) PP.Rao and Ananth Padmanabhan, “Legislative Circumvention of Judicial Restrictions on Reservations: Political Implications”, NLSIR 53-68 (2013).
- 3) P.Kalpapakam, “Dispensing with Departmental Enquiry”, 28 JILI 246-248 (1986).
- 4) A.M.Sarma, “Domestic Enquiry”, 20 JILI 122-132 (1978).
- 5) V.Krishna Murty, “Mr.Justice Gajendra Gadkar and the Law of Civil Servants”, 8 JILI 627-636 (1966).
- 6) S.N.Jain, “Validity of Retrospective Delegated Legislation- the Court develops a new principle”, 23 JILI 102-104 (1981).
- 7) K.C.Joshi, “Service Tribunals under Administrative Tribunals Act”, 28 JILI 207-212 (1986).
- 8) Mohammed Imam, “Power to initiate and conduct disciplinary proceedings: (A Comment on State of M.P. V. Shardul Singh)”, 12 JILI 170-176 (1970)

Cases for Guidance:

1. Dunn v. R, (1896) 1 QB 116
2. Mahesh v. State of U.P., AIR 1955 SC 70
3. Khem Chand v. Union of India, AIR 1958 SC 300
4. Union of India v. Tulsiram Patel, AIR 1985 SC 1416

5. Parshottam Lal Dhingra v. Union of India, AIR 1958 SC 36
6. State of Gujarat v. Umedhbai M. Patel, AIR 2001 SC 1109
7. Jatinder Kumar v. State of Punjab, (1985) 1 SCC 122
8. Bihar Public Service Commission v. S.J. Thakur, AIR 1994 SC 2466
9. R.T. Rangachari v. Secretary of State, AIR 1937 PC 27
10. L. Chandra Kumar v. Union of India, AIR 1997 SC 1125
11. S.P. Sampath Kumar v. Union of India, 1987 SCR (3) 233
12. P. Balkotiah v. Union of India, AIR 1958 SC 232
13. K. Rajendran v. State of Tamil Nadu, AIR 1982 SC 1107

Learning Outcome:

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

1. Understand the origin and development of services law and appreciate its current position in the appropriate historical context;
2. Appreciate the Constitutional provision governing services law;
3. Discern and comprehend key concepts in laws governing public services; and
4. Critically examine laws and judicial precedents governing services laws.

HCC0802: ALTERNATIVE DISPUTE RESOLUTION MECHANISM

(CLINICAL COURSE II)

Objectives of the Course:

Alternative Dispute Resolution, commonly known as ADR, refers to dispute resolution mechanisms outside the realm of traditional judicial processes. The objective of this paper is to acquaint students with various modes of ADR. ADR mechanism is less bound by procedural formalities and speedy in giving results. For this reason, ADR is appreciated by many countries around the world.

This course has been designed to:

- 1. Give students insightful knowledge about this emerging area.*
- 2. Help the students to understand practically the various methods of resolving disputes under ADR system, so that they can help their clients and society to select and employ the most effective and just methods.*
- 3. They get the ability to resolve disputes in a timely manner viscerates public and private rights obligations.*
- 4. To overcome this drastic situation ADR is highly recommended and accepted.*

COURSE OUTLINE

Module I: Alternative Dispute Mechanism

- a) Alternative Dispute Resolution – Definition, Scope and Genesis
- b) Overview of Alternative Dispute Resolution Process - Arbitration, Mediation, Conciliation, Lok Adalat and Judicial Settlements
- c) 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

Module II: Arbitration Agreement and Procedure

- a) Agreement based and Court annexed ADR processes - Arbitration and Conciliation Act 1996 and Amendments in 2015 and 2019
- b) Arbitrability and Non-Arbitrability of Disputes – Interim Measures by Court and Arbitral Tribunal
- c) Arbitration Agreement/Clause – Arbitration Procedure – Arbitration & Mediation Process – MED-ARB-MED - Decision/Award/Settlement

Module III: 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

Module IV: Negotiations and Conciliations

- a) Meaning, features, theories and types of Negotiations and Conciliations
- b) Appointment, Role and qualities of Negotiator and Conciliator
- c) Process of Negotiations and Conciliations.

Module V: Mediation and Procedure

- a) Meaning, Definition, theories and techniques of mediation, Court-annexed mediation
- b) Mediation process - Skills of a mediator Institutionalized mediation - Specialization sectors for mediation practice in India and Globally Models
- c) Drafting in Mediation – International
- d) Mediation and Singapore Convention

Module VI: Contemporary Trends

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

Marks Allocation	
Case Study in Arbitration Centre Marks (Practical / Simulation Exercise –Three Exercise 10 Marks each)	30
Test internal Marks	10
Visit to centres of Arbitration	10
Total	50 Marks

Student shall maintain a Record through the semester. The record will be assessed by the teacher and record shall contain the following drafts:

a) Case Study in Arbitration Centre-Practical/ Simulation Exercise:

- A domestic Arbitration agreement after a commercial dispute has arisen between the parties.
- An Arbitration clause in an international contract (having one Indian Company as a party) for referring matter to institutional arbitration of an institution situated outside India.
- A request by one party to other party requesting that their commercial dispute be referred to Arbitration.
- A letter requesting an arbitrator to act as Arbitrator in a case after dispute have arisen. Assume that the contract has an arbitrator clause with reference to one Arbitrator.
- An application to the appropriate court to appoint an arbitrator when parties have failed in their attempt to appoint one according to the arbitration agreement.

- An application to the court seeking interim injunction or appointment of receiver before the arbitral proceedings have begun.
- An interpretation among rules of various other regional or International Arbitration centres can be given.
- An application to the court for setting aside an award

b) Case study Practical/ Simulation Exercise:

- Drafting the Statement of Problems
- A request by one party to other party requesting that their commercial dispute be referred to Arbitrators
- Identification of both the party's problems
- Bargaining, and finally settlement
- An application to the court for setting aside the settlement
- An application to the appropriate court to appoint Arbitrator when parties have failed in their attempt to appoint one according to the agreement.
- An application to the court seeking interim injunction or appointment of receiver before the Arbitration have begun
- An interpretation among rules of various Institutional Arbitrations at the regional or International Arbitration centres.
- An application for enforcement of a settlement or arbitration awards

c) Visit to centers of Arbitration: Students shall visit, Arbitration office as observers, Follow the cases, study the Arbitration proceedings and submit a report of the visit to the teacher/faculty.

Recommended Readings:

Books:

1. Madhusudan Saharay, Text Book on Arbitration & Conciliation with Alternative
2. Dispute Resolution, 4th ed., Universal Law Publishing 2017.
3. N. V. Paranjpe, Law Relating to Arbitration and Conciliation in India, 7th ed., Central Law Agency, 2016.
4. Avtar Singh, Law of Arbitration and Conciliation, 10th ed., Lucknow 2013
5. 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.

FIFTH YEAR

IX-SEMESTER

HLC0920: CODE OF CIVIL PROCEDURE

Objectives of the Course:

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

The objective of the study of this subject is to provide the Students

- i. 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.*
- ii. To equip the students with various stages through which a civil cases passes in the court till its final order.*
- iii. To emphasizes on the electronic method of filing the civil suits including the e-vakalatnama.*
- iv. To comprehend the difficult nuances that revolves around civil suits in our country.*
- v. To understand the computation of limitation period for the Institution of suit, appeal and applications along with Exclusion.*

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

Further Readings:

- 1) Dinshaw Fardauzi Mulla, Mulla's Code of Civil Procedure(3 Vols) Lexis Nexis (19th Edition)
- 2) Sudipto Sarkar & V.R. Manohar, Sarkar's Code of Civil Procedure (2 Vols), Lexis Nexis (12th Edition 2017)
- 3) C.K. Takwani, Code of Civil Procedure, Eastern Book Company (8th 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 (3rd 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-4f84-89f6-8add782f069>
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
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
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.

HLC0921: LAW OF CRIMES-II

CODE OF CRIMINAL PROCEDURE 1973 (Including Juvenile Justice Act and The Probation of Offenders Act)

Objectives of the Course:

This 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 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. Vikramadhitya 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.

HLA0905: BANKING LAW

Objectives of the Course:

Banking Institutions have become important players in the present day economy. They play pivotal role in the growth of trade, commerce and industry. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions in to agents of social change. Appreciating the importance, the Government has enacted several enactments to direct, regulate and control the banks and banking operations, through Reserve Bank of India and Ministry of Finance. The course is designed to primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students in statutory as well as case – law in this area.

After undergoing the study of this subject the student should be able to understand the following:

- 1. The basic concepts related to banks in India and its related terminologies*
- 2. The nature and evolution of banking in India and also the types of banking in India*
- 3. The procedural aspects and the way of performance of banking sector in India*
- 4. The meaning, nature and various issues pertaining to Negotiable Instruments Act*
- 5. The changing dimensions of Banker customer relationship*
- 6. The recent changes in the Banking sector after globalization.*

COURSE OUTLINE

Module 1 – Introduction to Banking Law

- a) Origin and Development of the word ‘Bank’ – Early history of banking – Definition of Banking – Difference between banking and money lending.
- b) Functions of a Commercial Bank.
- c) Structure of a Banking System.
- d) Basic terminologies - DD, MT, TT, Traveler’s cheques, bank orders, credit card, debit/smart cards, safe deposit vaults, gift cheques, stock invest.
- e) Indian Banking Structure .

Module 2 – Nature and evolution of Banking

- a) Origin and Evolution of Banking Institutions in India
- b) 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

- c) Nationalizations of Major Banks.
- d) RBI's control over Commercial Banks – Special status of RBI and State Bank of India.
- e) Subsidiary Banks

Module 3 - Procedural aspects in banking sector

- 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.
- e) Banking Ombudsman.
- f) Debt Recovery Tribunal – The Sick Industrial Companies (Special Provisions) Act, 1985 - SARFAESI Act – Insolvency and Bankruptcy Code, 2016

Module 4 - Negotiable Instruments

- 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, Letteres 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.

Module 5 – Relationship between Banker and Customer & Statutory Rights of a Banker

- 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.

Module 6 – Modern Banking and Globalization of Banking Sector

- 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. Tannan- Law of Banking.
2. M. S. Parthasarathy (Ed.), Khergamvala - Negotiable Instruments Act.
3. Justice Bhaghabati Prasad Banerjee- Guide to Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
4. Avtar Singh – Negotiable Instruments Act.
5. Basu - Review of Current Banking: Theory and Practice. Paget- Law of Banking.

Journals with Articles :

1. Ankieth Vasisht, "Fundamental Principles of Cheque under the Banking Legislation",<http://lawtimesjournal.in/fundamental-principles-of-cheque-under-the-banking-legislation/>
2. ICSI, "Banking Law and Practice",<https://www.icsi.edu/media/webmodules/publications/9.1%20Banking%20Law%20Professional.pdf>
3. Law Times Journal, "Objectives and Organizational Structure of RBI",<http://lawtimesjournal.in/objectives-and-organizational-structure-of-reserve-bank-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. Harward 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
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)

Learning Out Comes:

After undergoing this course you will be able to :

1. *Understand the banking system and their regulations.*
2. *Compare the different nature of regulations for different types of banks and also analyse their needs and values.*
3. *Appreciate the law relating to negotiable instruments and also understand the various judicial and legislative perspectives.*
4. *Understand the different aspects of Banker customer relationship.*
5. *Ascertain the various issues and challenges pertaining to Modern Banking and related technology.*

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

**HS50901: PRIVATE INTERNATIONAL LAW
(CONFLICT OF LAWS)**

Objectives of the Course:

Private International Law (or) Conflict of Laws comes into play whenever a court or tribunal is faced with a case that contains a “foreign” element and adjudicates the following queries: (i) which court will have jurisdiction to decide the case? (ii) Which law will apply? (iii) How far it recognizes and enforces foreign judgments? (iv) At what extent, a company structures its cross border transactions? (v) With the strong social / cultural dimension, to what extent the States can regulate matters beyond their own borders? The subject gives students the opportunity to grapple with contemporary legal debates and issues in conflict of laws.

COURSE OUTLINE

Module – I: Genesis of Private International Law

- (a) Introduction – Nature and Scope – Relationship between International Commercial Law, Public International Law and Private International Law – Foreign Element – Operating areas – Extra Territorial Jurisdiction
- (b) Theories of Private International Law – Codification of Private International Law – Hague Conventions – UNCITRAL – International Institute for the Unification of Private Law (UNIDROIT)
- (c) Indian Scenario: Unitary and Federal features – Heterogeneous Society and Personal Laws – Conflicts in Personal Laws – Application of Customs and Usages – Expanding horizons of Private International Law.

Module – II: Choice of Law and its Jurisdiction, Characterisation and Renvoi

- (a) Choice of Law: Traditional and Modern Approaches – Substantial and Procedural aspects – Parties autonomy and their limitations
- (b) Jurisdiction of the Courts – Inherent Powers of the Court – Brussels Convention, Lugano Convention - Characterisation: Clearly inappropriate test, clearly appropriate test and traditional test
- (c) Doctrine of Renvoi and its kinds – Limitations.

Module – III: Conflict of Laws relating to Persons:

- (a) Residence: Domicile and its Nature and Status – lex domicilii, lex fori, lex patriae – Concept of Domicile in India – Kinds of Domicile: Origin, Choice and Dependence
- (b) Citizenship –Vs– Nationality –Vs– Habitual Residence
- (c) Corporate Personality – Nature and its conflicting rules

Module – IV: Conflict of Laws relating to Family:

- (a) Personal laws - Marriage – Formalities - Validity of Marriage – *lex loci celebrationis* and *lex regit actum* – Polygamous marriages – Matrimonial Home
- (b) Conflict in Matrimonial regime: Divorces, Separations and Annulments – Matrimonial Causes and Alimony – Custody of Children – Child care, Child abduction and Child Adoption – Succession – Overview of “The Foreign Marriage Act, 1969”
- (c) Public Policy and Contemporary issues related to Surrogacy, NRI and LGBT.

Module – V: Conflict of Laws related to Contracts and Torts (Action in Personam)

- (a) Proper Law of Contract – Capacity to Contract – *lex domicilii*, *lex loci contractus*, *lex fori* – Rome Convention – Domestic and International Prorogation – Party Reference and Incorporation – Application of Proper Law – Choice of Law, Party Autonomy, Public Policy – E-Contracts.
- (b) Law of Tort – Traditional and Modern Approach – Rome Convention – *lex fori*, *lex loci delicti commissi*
- (c) Proper law of tort and social environment – Tortious liability with respect to Drugs, Environment, Transport and Satellite Communication – Exceptions and Limitation.

Module – VI: Conflict of Laws related to Property

- (a) *Lex situs* principle and Property – Classification of Property – Movable and Immovable
- (b) Choice of law and Indian scenario – *lex fori* and *lex solutionis* – Government Seizure of Property
- (c) Transfer of Tangible and Intangible Property – Wills and Intestacy — Administration of Estates and Trusts – Insolvency and Restitution – Right of Succession.

Module – VII: Conflict of laws related to Procedure and Evidence

- (a) Proof of Foreign Law – Substance and Procedure – Parties and service of process – Evidence – remedy
- (b) Sovereign and Diplomatic Immunity: Foreign State and Foreign Diplomat – Recognition and Enforcement of Foreign Judgements, Decrees, Arbitral Awards and its reciprocity
- (c) Conflicting rules related to Cyber Space and Intellectual Property Rights: Issues and remedies – Indian Scenario.

Recommended Readings:

Books

1. Cheshire and North, “Private International Law”, 2017, 15th Edition, Oxford
2. Clarkson and Hill’s “Conflict of Laws”, 2016, Oxford.
3. Dicey, Morris & Collins, “The Conflict of Laws”, 2107, 15th Edition, Sweet and Maxwell.
4. F.E. Noronha, “Private International Law in India”, 2015, Universal Law Publishing.
5. Paras Diwan, “Private International Law”, 4th Edition, 1998, Deep & Deep Publishing.

FURTHER READINGS:

1. G.P. Tripathi, "Conflict of Laws", 2015, 1st Edition, Allahabad Law Agency.
2. V.C. Govindaraj, "The Conflict of Laws in India: Inter-Territorial and Inter-Personal Conflict", 2011, Oxford.
3. Mukarrum Ahmed, "The Nature and Enforcement of Choice of Court Agreements", 2017, Hart Publishing.
4. Alex Mills, "Party Autonomy in Private International Law", 2018, Cambridge.
5. Peter Hay, "Advanced Introduction to Private International Law and Procedure", 2018, Edward Elgar Publishing.
6. Adrian Briggs, "Agreements on Jurisdiction and Choice of Law", 2008, Oxford.
7. Maria Kaurakova, "Private International Law of Corporations", 2017, Spiramus Press.

E-JOURNALS with ARTICLES and WEBSITE sources

1. Hessel E. Yntema, "The Objectives of Private International Law" @ 35 Can.B.Rev.721(1957)
2. Joseph M. Cormack, "Renvoi, Characterisation, Localisation and Preliminary Questions in the Conflict of Laws: A Study of Problems involved in determining whether or not the Forum should follow its own Choice of a Conflict of Law Principle", 14 Southern California Law Review, 1940, pp.221-275 @ <http://scholarship.law.wm.edu/facpubs/1490>
3. Ralf Michaels & Joost Pauwelyn, "Conflict of Norms or Conflict of Laws?: Different Techniques in the Fragmentation of Public International Law", 22 Duke Journal of Comparative and International Law 349 (2011-2012).
4. John Robb, "Personhood and Status of Legal Persons in Private International Law", Journal of Private International Law, 2019, Volume 15, Issue 2, Taylor and Francis Group @ <https://doi.org/10.1080/17441048.2019.1645974>.
5. Matthias Lehmann, "Regulation, Global Governance and Private International Law: Squaring the Triangle", Journal of Private International Law, 2020 Volume 16, Issue 1, @ <https://doi.org/10.1080/17441048.2020.1744255>.
6. Sharon Shakargy, "Choice of Law for Surrogacy Agreements: In the in-between of Status and Contract", Journal of Private International Law, 2020, Volume 16, Issue 1, @ <https://doi.org/10.1080/17441048.2020.1741121>.
7. Jack Goldsmith, "Sovereign Difference and Sovereign Deference on the Internet", The Yale Law Journal, 2019, Volume 128 @ <https://www.yalelawjournal.org/forum>.
8. William S. Dodge, "Extraterritoriality and Conflict of Laws Theory: An Argument for Judicial Unilateralism", Harvard International Law Journal, 1998, Volume 39, p.101 @ <https://heinonline.org/HOL/LandingPage?handle=hein.journals/hilj39&div=7&id=&page=>
9. Friedrich K. Juenger, "Conflict of Laws: A Critique of Interest Analysis", American Journal of Comparative Law, 1984, Volume 32, No.1, pp.50, Oxford University Press
10. Donald Earl Childress III, "Comity as Conflict: Resituating International Comity as Conflict of Laws" @ 44 U.C. Davis Law Review 11 (2010-2011)

Learning Outcomes:

After completing these modules successfully, the students are able –

1. To demonstrate the conceptual necessity, contextual inevitability and the legal adaptability of trans-national transactions.
2. To critically appraise the compelling influence of different personal factors over beyond the boundaries transactions.
3. To know the worn-out deliberation on the most crucial aspect affecting the frontier activities.
4. To discuss the desirability and effectiveness of sovereign immunity and impact of foreign judgments.
5. To analyse and comprehend the complex issues arising out of trans-national matrimonial relationships; horizons of contract, tort, and property beyond domestic frontiers.
6. To demonstrate knowledge of a substantial range of major concepts, values, principles and rules of conflict of laws and explain the relationship between them in specified areas.
7. To discover the substantive and procedural aspects of litigation at the global levels.

(B): CONSTITUTIONAL LAW AND PROPERTY LAW

HS50902: LEGAL PROCESS AND LOCAL GOVERNANCE

Objectives of the course:

Constitution of India empowers the State to take steps to organise village Panchayats and endow the powers/authorities so as to enable them to function as units of self-government. In order to realise the objectives of Gram Swaraj, the idea cherished by Mahatma Gandhi, Constitutional Amendment has been passed to ensure democratic functioning at the grass root level and gave Constitutional Status to the Panchayat Raj. Students will be benefitted from deeper understanding of the subject on democratic decentralization.

After undergoing the study of this course the student should be able to understand the following:

1. Able to Understand the historical development and growth of Panchayat Raj in India.
2. Identify the Constitutional scheme for setting up of Panchayat Raj Institutions in various levels.
3. Able to analyse the modern dimensions with the role of various stakeholders.

COURSE OUTLINE:

Module I: Introduction and Historical Development

- a) Meaning and genesis of democratic decentralization.
- b) History, growth and development of Panchayat Raj in India.
- c) Lord Rippon's resolution, Royal Commission, Balwant Rai Mehta Committee Report, Ashok Mehta Committee Report.
- d) Gram *Swaraj*- Gandhian concept- Community Development Programme- Administrative framework.

Module II: Constitutional Scheme

- a) Federalism in India and Local Self Government.
- b) Directive Principles of State Policy- Art. 40.
- c) 73rd and 74th Constitutional Amendment, Schedules XI and XII of the Constitution.
- d) Second Administrative Reforms Commission, Sarkaria Commission, Punchi Commission, Justice Venkatachaliah Commission- Local Government.

Module III: Rural Local Self Government

- a) Gram Sabha- Meaning, importance, functions, meetings, Social Audit, Nyaya Panchayat.
- b) Gram Panchayat- Introduction, Composition, functions- Taluk/Block Panchayat- Introduction, Composition, functions, Chairman- Powers and functions.
- c) Zilla Panchayat- Introduction, Composition and functions.
- d) Financial administration- Devolution of financial powers, Composition of State Finance Commission.
- e) State Control over PRIs.

Module IV: Urban Local Self Government

- a) Municipal Corporation- Organisation and Functions.
- b) Municipal Council; Mayor-functions and powers;
- c) Committees - Wards Committees, District Planning Committee, Metropolitan Planning Committee.
- d) Municipal Commissioner- appointment, tenure, powers and functions - Municipal Finance - State Control and Supervision.

Module V: Panchayat Raj Institution

- a) Planning for rural development- Planning machinery at the National and State Levels.
- b) Role of Panchayat Raj Institutions in Planning- Panchayat Raj and Rural Development.

Module VI: Modern Dimensions

- a) Panchayats and NGOs.
- b) Food Security Act, MGNREGA.
- c) Panchayats Raj in Tribal Sub- Plan Areas.
- d) Right to Information and Panchayat Raj.
- e) Women Empowerment implementations.
- f) Reservation Policy in Local Government- Social (SC, ST)- Women Reservation- Horizontal and Vertical Reservation.

Recommended Readings:

Books:

1. Dicey, Introduction to the Law of the Constitution, Oxford University Press.
2. De Smith, Judicial Review of Administrative Action (1995).
3. Khanna, B.S: Panchayati Raj in India- National Perspectives and State Studies, Deep and Deep Publication, New Delhi, 1994.
4. M. Venketarangaia & M. Pattabhiram, Local Government in India (1969), Allied Publishers, New Delhi.
5. Maheshwari, S.R., State Governments in India. New Delhi: Macmillan(2000).

Journals/Journal Articles:

1. Srivastava, T. N. "Local 'Self' Government and the Constitution." Economic and Political Weekly, vol. 37, no. 30, 2002, pp. 3190–3198. JSTOR, www.jstor.org/stable/4412421.
2. Mohanty, P.K. 1995. Municipal Decentralization and Governance: Autonomy, Accountability and Participation. The Indian Journal of Public Administration.
3. Mallik, S. N. "Local Self-Government in India." The Annals of the American Academy of Political and Social Science, vol. 145, 1929, pp.36–44. JSTOR, www.jstor.org/stable/1016884.

4. Pal, M. 2000. Panchayats in Fifth Scheduled Areas. Economic and Political Weekly. pp. 4791–4810.
5. Venkatarangaiya, M. “THE REORGANISATION OF LOCAL SELF-GOVERNMENT.” The Indian Journal of Political Science, vol. 1, no. 2, 1939, pp. 143–154. JSTOR, www.jstor.org/stable/42742927.
6. V.R.Krishna Iyer, “Panchayati Perestroika?” Economic and Political Weekly, vol. 24, no. 37, 1989, pp. 2051–2054. JSTOR, www.jstor.org/stable/4395322.

Further Readings:

Books:

1. Friedman, The State and the Rule of Law in the Mixed Economy.
2. Ivor Jennings, Law and the Constitution.
3. Joshi, R.P., Narwani, G.S., Panchayat Raj in India: Emerging Trends across the States (Rawat Publication), Hyderabad, 2011.
4. Neville L. Brown and J.F. Garner, French Administrative Law.
5. Radha kumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.
6. Schwartz & Wade, Legal Control of Government.
7. Sivaramkrishnan, K.C., Courts, Panchayats and Nagapalikas (Academic Foundations), 2009.
8. W.Thornhill (ed.), the Growth and Reforms of English Local Self-Government (1971), Weidenfeld and Nierlson, London.
9. Bidyut Chakaraborty and Rajendra Kumar Pandey, Modern Indian Political Thought- Text and Context, Sage, New Delhi, 2009.
10. Niraja Gopal Jayal and others, Local Self Governance in India- Decentralization and beyond- Oxford University Press, 2006.

Journals:

1. Prabhakar, R. P. “LOCAL GOVERNMENT'S ADMINISTRATIVE SYSTEM IN INDIA.” The Indian Journal of Political Science, vol. 72, no. 4, 2011, pp. 943–952., www.jstor.org/stable/41856530.
2. Palanithurai, G. “GOOD GOVERNANCE AT GRASSROOTS.” The Indian Journal of Political Science, vol. 66, no. 2, 2005, pp. 289–312. JSTOR, www.jstor.org/stable/41856129.
3. Amitabh Behar. “Gram Swaraj: Experiment in Direct Democracy.” Economic and Political Weekly, vol. 36, no. 10, 2001, pp. 823–826. JSTOR, www.jstor.org/stable/4410370.
4. Mani Shankar Aiyar. “Panchayati Raj: The Way Forward.” Economic and Political Weekly, vol. 37, no. 31, 2002, pp. 3293–3297. JSTOR, www.jstor.org/stable/4412446.
5. Bhagwan, Vishnu. “NATIONAL RURAL EMPLOYMENT GUARANTEE ACT : A SWOT ANALYSIS.” The Indian Journal of Political Science, vol. 70, no. 1, 2009, pp. 139–150. JSTOR, www.jstor.org/stable/41856502.

6. Medha Kotwal Lele. "Local Government: Conflict of Interests and Issues of Legitimation." *Economic and Political Weekly*, vol. 36, no. 51, 2001, pp. 4702–4704. JSTOR, www.jstor.org/stable/4411498.
7. T. Brahmanandam. "Review of the 73rd Constitutional Amendment: Issues and Challenges" *Indian Journal of Public Administration* 64(1) 103–121. <https://journals.sagepub.com/doi/pdf/10.1177/0019556117735461>
7. Usha Vaidyanathan Salient Features of Law Commission of India 114th Report on Gram Nyayalaya (1987) 2 SCC (Jour) 25. https://www.ebc-india.com/lawyer/articles/87v2a2.htm#Note*
8. Pal, M. 2000. Panchayats in Fifth Scheduled Areas. *Economic and Political Weekly*. pp. 4791–4810.

Cases for Guidance:

1. K.Krishna Murthy & Ors. v. Union of India & Anr. 11th May, 2010 (Supreme Court of India).
2. Sujit Vasant Patil v. State of Maharashtra and Ors. 6th August, 2004 (Bombay High Court).
3. Rama Krishna Ramanath v. The Janpad Sabha, Gondia, 7th February, 1962 (Supreme Court of India).
4. Indus Towers Ltd. v. The Sub-Inspector of Police, 10th January, 2008 (Kerala High Court).
5. Maju Balakrishnan v. State of Kerala, 31st March, 2009 (Kerala High Court).
6. Richhpal Singh and Ors v. State of Rajasthan, 4th January, 2005 (Rajasthan High Court).
7. Sri.V.Shivaprasad v. State of Kerala, 9th February, 2011 (Kerala High Court).
8. Nagar Palika Parishad, Roorkee... v. State of Uttaranchal and Ors.28th September, 2001(Uttarakhand High Court).
9. D.Siddayya v. The State of Karnataka, 21st September, 2017 (Karnataka High Court).
10. Shri Subal Rabha v. The State of Assam and Ors. 27th January, 2012 (Gauhati High Court).

Learning Out Come:

After completion of the course the students will be able to-

1. *Understand the subject related concepts and the Historical Development of PRI's in India.*
2. *Analyse the operation of the Constitution of India from a policy perspective relating to federalism and Local Self Governance.*
3. *Critique the operation of Local Self Government from a theoretical and policy perspective.*
4. *Have the fundamental knowledge and understanding relating to the various tire PRIs*

(C): CRIMINAL LAW AND FORENSIC SCIENCE

HS50903: JUVENILE JUSTICE SYSTEM

Objectives of the Course

The UN Convention on the Child Rights, 1989, United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), The United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), 1990 are some of the initiatives taken by the UN to support the welfare of the Juveniles. This course aimed to cater the students to understand the application of Criminal Justice System with the Juvenile Justice System. Juvenile Justice (Care and Protection of Children) amended to enhance the rights and liabilities of juveniles, reformatory measures to be adopted by the government, rehabilitative process to be extend to the juveniles. The students will understand the background study of development of Juvenile Justice System nationally and internationally as a socio-legal issue.

COURSE OUTLINE

Module I: Introduction:

- a. Juvenile Justice System - Historical development
- b. Definitions - Child – Juvenile – Delinquent
- c. International Instruments – Child Rights Convention 1989
- d. ICCPR
- e. United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)
- f. The United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), 1990
- g. Role of UNECOSOC & UNICEF
- h. Doctrine of *Parens patriae* - National Commission for Children – State Commission for Children
- i. The National and State Human Rights Commission.

Module II: Juvenile Justice System in India

- a. Juvenile Delinquency
- b. Causative factors of juvenile delinquency
- c. Child Rights laws in India –Reformatory Schools Act, 1897 – The Tamil Nadu Children Act, 1920 – The Tamil Nadu Borstal School Act, 1925
- d. Juvenile Justice Act, 1986 – Salient features – Definitions
- e. Juvenile Justice (Care and Protection of Children) Act, 2000
- f. Modifications – Juvenility - Juvenile in Conflict with Law – Child in need of Care and Protection
- g. Comparison of 1986 and 2000 Act – Law Commission of India
- h. Juvenile Justice (Care and Protection of Children) Act, 2015– Information Technology Act, 2000
- i. The Protection of Children from Sexual Offences Act, 2019
- j. Juvenile Justice System and Criminal Justice System.

Module III: Juvenile Justice Acts:

- a. Juvenile Justice Act, 1986 – Definition – Child – Juvenility
- b. Statutory bodies – Amended laws
- c. Juvenile Justice Act, 2000 – Terminologies – Child in Conflict with Law – Child in need of Care and Protection
- d. Statutory bodies
- e. Reformatory Homes
- f. Tamil Nadu State Rules on JJ Act, 2000
- g. Justice Verma Commission Report on Juvenile Justice – Criminal Law Amendment Act, 2013
- h. Juvenile Justice Act, 2015 – Heinous Crime - Children Court – Child Sexual Abuse and Death Penalty.

Module IV: Statutory Bodies under Juvenile Justice Laws:

- a. Juvenile Justice Board – Composition
- b. Powers – Functions
- c. Special Juvenile Police Unit – Bail
- d. Burden of proving juvenility
- e. Children Court – Assessment report
- f. Orders may and may not be passed against juveniles
- g. Admonition – Community service – payment of fine – 3 years under supervision of Probation Officers
- h. Child Welfare Committee
- i. Members of the Committee – Functions
- j. Production of Child – Enquiry – Report of Probation and Social Workers
- k. Role of Social Defence Department.

Module V: Reformatory Institutions under Juvenile Justice Laws:

- a. Observation Homes – Temporary Stay
- b. Rehabilitative measures – classifications of inmates
- c. Education – Psychological Counselling
- d. Crime Statistics
- e. Vocational Training – Therapeutic approach
- f. Special Home – Safety Place
- g. Children Home – Protection for neglected children – Separate homes – Education
- h. Basic needs – Shelter Home – Rehabilitative mechanism - Girl Children Safety
- i. Role of Administrative bodies.

Module VI: After Care Process and Rehabilitations:

- a. Adoption – Foster care
- b. Social Reintegration – Sponsorship
- c. Reporting of implementation
- d. Psychological Approach – Cognitive Therapeutic treatment
- e. Plays and games
- f. Role of Society – Family – Educational Institution – NGO –Government.

Recommended Reading:

- Bajpai, A 2006, “*Child Rights in India: Law, Policy and Practise*” Oxford University Press, New Delhi.
- Kumari, V 2012, “*The Juvenile Justice in India: From Welfare to Rights*”, Oxford University Press, New Delhi.
- Ahmed Siddique’s *Criminology and Penology*, 2009, Eastern Book Company, Lucknow.
- Mamta Rao, 2012, “*Law Relating to Women and Children*”, Eastern Book Company, Lucknow.
- Prof N. V. Paranjapee, 2014, “*Criminology, Penology with Victimology*”, Central Law Publications, Allahabad.

Further Readings:

- Joseph G. Weis, Robert D. Crutchfield & George S. Bridges, 1996 “*Readings: Juvenile Delinquency*”, Crime and Society, Vol.2, Sage Publications, U.K. and India.
- Bueren, G. V. 1998, “*The International Law on the Rights of Child*”, Martinus Nijhoff Publications, The Hague.
- Bare Acts:
 - (i) The Tamil Nadu Children Act, 1920.
 - (ii) The Tamil Nadu Borstal School Act, 1925
 - (iii) The Reformatory Schools Act, 1827.
 - (iv) The Juvenile Justice Act, 1986
 - (v) The Juvenile Justice (Care and Protection of Children) Act, 2000
 - (vi) The Juvenile Justice (Care and Protection of Children) Act, 2015.
 - (vii) The Protection of Children from Sexual Offences Act, 2019.

Journals for research articles:

- Child and Family Law Quarterly : 1988 – 2018
- Child Law Practise : 1982 – 2017
- Children’s Legal Rights Journal : 1979 – 2019
- Journal of Child Law : 1988 - 2018
- Journal of Juvenile Law : 1977 – 2019
- Juvenile and Child Welfare Law Reporter : 1982 – 2017
- Juvenile Justice : 1993 – 2004
- Juvenile and Family Court Journal : 1949 – 2017
- National Juvenile Law Reporter : 1982 – 2017
- The International Journal of Children Rights : 1993 – 2019
- UC Davis Journal of Juvenile Law & Policy : 1996 – 2018

E- Books:

- Asha Bajpai (2006), “*Child Rights in India: Law, Policy and Practise*” Oxford University Press, <https://oxfordscholarship.com/view/10.1093/acprof-9780195670820.001.0001/acprof-9780195670820>
- Maharukh Adenwalla (2006), “*Child Protection and Juvenile Justice System – For Juvenile in Conflict with Law*”, ChildLine India Foundation, Mumbai. <https://www.childlineindia.org/pdf/CP-JuvenileJustice-Juvenileinconflictwithlaw.pdf>
- Marvin, D. Krohn & Jodi Lane (2015), “*The Handbook of Juvenile Delinquency and Juvenile Justice*”, Wiley Online Library. <https://www.onlinelibrary.wiley.com/doi/book/10.1002/9781118513217>
- Joan McCord, Cathy Spaty Widom & Nancy A. Crowdell, (2011) “*Juvenile Crime, Juvenile Justice – Panel of Crime Prevention, Treatment and Control*”, National Academy Press, Washington. <https://www.nap.edu/read/9747/>
- Lal Bahadur Shastri National Academy of Administration and UNICEF, (2017) “*Juvenile Justice Act, 2015 – A Handbook for Field Administrators*”, National Gender Studies, Uttarakhand, India. <https://www.jjb.bih.nic.in/pdf/JJActHandbookAdministrators.pdf>

Research Articles related to Juvenile Justice:

- Ved kumari, 1999, “Current Issues in Juvenile Justice in India” *Journal of Indian Law Institute* Vol.4, Issue. 3 & 4, pp.392-404.
- National Judicial Academy, 2018, “*Juvenile Justice in India: Understanding Non-Adversarial Nature of the System from Human Rights and Constitutional Perspectives*”.

- Shailesh Kumar, 2019, “Shifting Epistemology of Juvenile Justice in India” *Contexto Internacional* Vol.4, Issue.1, pp.113-140.
- Satyender Verma & Lakshman Singh Rawat, 2018 “Juvenile Justice System in India: An Overview” *International Journal of Law* Vol.4, Issue.3, pp.23-29
- Rachel Taylor, 2016 “Putting Children First? Children’s Interest as a Primary Consideration in Public Law”, *Child and Family Law Quarterly* Vol.28, Issue.1, pp.45-66.
- Shanna Knight, 2017 “Special Focus: Indian Child Welfare”, *Child Law Practise* Vol.36, No.1, pp.1-2.
- Scott Trowbridge, 2017 “Understanding the 2016 Indian Child Welfare Act Regulations”, *Child Law Practise* Vol.36, Issue.1, pp.6-10
- Jacob L. Zerkle, 2016, “Rehabilitate the Community by Rehabilitating its Youth – Cognitive Science, Incarceration and Jurisprudence Relate to the Criminal Justice System’s Treatment of Juveniles”, *Children’s Legal Rights Journal* Vol.36, No.3, pp.201-217.

Related Case laws for Modules I – VI:

- Sunil & Another v. State (2001) 1 CrLJ 149
- Pratap Singh v. State of Jharkhand AIR 2005 SC 3088
- Rajendra Chandra v. Chandigarh Administration AIR 2000 SC 748
- Umesh Chandra v. State of Rajasthan (1982) 1 SCALE 335 (SC)
- Dr. Subramaniya Swamy & Others v. Raju (Through Member, JJB & Another) (2013) 10 SCC 465
- Munna v. State of U.P. (1982) 1 SCC 545
- Gaurav Jain v. UOI AIR 1990 SC 292
- Vishal Jeet v. UOI AIR 1992 SC 1412
- Sheela Barse v. Union of India AIR 1986 SC 1773
- Sheela Barse v. State of Maharashtra AIR 1983 SC 378
- Krishna Bagwan v. State of Bihar AIR 1989 Pat 217
- Deoki Nandan Dayna v. State of U.P. (2001) 1 CrLJ 149
- Izaz Ahmad v. State of M.P. (2001) 1 SCC Cri 212
- Ajay Pratap Singh v. State of M.P. (2000) 1 SCC Cri 137
- Satbir Singh v. State of Haryana AIR 2005 SC 3549
- Arnit Singh v. State of Bihar AIR 2005 SC 2264
- Ramdeo @ Rajnath Chauhan v. State of Assam AIR 2001 SC 2231
- Rajender Chandra v. Chandigarh Administration AIR 2000 SC 748
- Hari Ram v. State of Rajasthan & Another (2009)13 SCC 211
- Bakthavatchalu v. State of Tamil Nadu AIR 2008 SC 1434
- Ajhar Ali v. State of West Bengal (2013) 10 SCC 31

- Jyothi Prakash Rai v. State of Bihar AIR 2008 SC 1696
- Babloo Pasi v. State of Jharkhand AIR 2009 SC 314
- Ram Suresh Singh v. Prabhaj Singh @ Chotu Singh & Another AIR 2009 SC 2805
- Dharambir v. State NCT Delhi Administration AIR 2010 SC 1801
- Mohan Mali & Another v. State of M.P. AIR 2010 SC 1790
- Ashwini Kumar Saxena v. State of M.P. 2012 AIR SCW 5377
- Nagoor Pitchai @ Badhusa v. State through S.I of Police (2013) 10 SCC 668.

Web Sources for Journals of Scholarly Articles:

- <https://heinonline.org>
- <https://jstor.org>
- <https://shodganga.inflibnet.ac.in>

Web Sources for referring latest decisions:

- <https://indiankanoon.org>
- <https://manupatrafast.com>
- <https://www.aironline.in>
- <https://www.scconline.com>

Learning Outcome:

At the end of the Course, the student will:

- Understand the theories of juvenile delinquency, causative factors of juvenile delinquency and its preventive measures.
- Understand the issues and challenges involved in implementing Juvenile Justice System.
- Equipped with development of Juvenile Justice related legal systems in India and motivate to involve themselves in reforming the juveniles in conflict with law.
- Critically analyse the implications of international instruments on Child Rights.
- Examine the application of reformatory and rehabilitative measures to turn the juveniles in conflict with law into a law-abiding citizen

(d): INDUSTRIAL AND COMMERCIAL LAW

HS50904: INTERNATIONAL COMMERCIAL ARBITRATION

Objectives of the course:

Arbitration is a suitable instrument to settle and solve international commercial disputes that arrive at a final and binding award. It is a universally admitted dispute resolution mechanism which furnishes an enforceable award. The objective of the course is to cater a fundamental outlook on the vital themes of international commercial arbitration. The course places utmost significance on arbitration of international commercial disputes. The course shall provide the students with a pragmatic vision of strategic obstacles arising out of the international arbitration proceedings.

After undergoing the study of this paper the student should be able to understand the following;

- 1. Able to understand the basic aspects of International Commercial Arbitration.*
- 2. Understand the concept of agreements related to International Commercial Arbitration.*
- 3. Gain an understanding of international commercial arbitration in the Indian context including international commercial arbitration held both in India and outside India;*
- 4. Analyse the various issues related to enforcement of foreign arbitral awards.*
- 5. Pros and cons of arbitration as a tool for resolving cross-border commercial disputes.*

COURSE OUTLINE

Module I: Introduction to International Commercial Arbitration

- a) Concept and Nature - Sovereign States, Claims Commissions, and Tribunals.
- b) Hybrid nature of Arbitral Process - Dispute Resolution in International Trade – Regulation of International Arbitration
- c) Regulation of International Arbitration – Kinds of Arbitration – Review.

Module II : Arbitration agreement & Validity of Arbitration Agreement

- a) Overview - the validity of an Arbitration Agreement –
- b) Parties to an Arbitration Agreement - Analysis of an Arbitration Agreement - Submission Agreement – Arbitrability.
- c) Confidentiality – Confidentiality - Defective Arbitration Clauses - Multi-Party Arbitrations – Review.

Module III : Arbitrators and Applicable Laws

- a) Meaning - Appointment of Arbitrators - Qualities Required in International Arbitrators - Impartiality and Independence of Arbitrators - Challenge and Replacement of Arbitrators.
- b) Powers of Arbitrators - Duties of Arbitrators – Jurisdiction – Review ‘
- c) Law Governing the Agreement to Arbitrate - Law Governing the Arbitration - Law Applicable to the Substance - Conflict Rules and the Search for the Applicable Law – Other Applicable Rules and Guidelines – Challenges.

Module IV: Nature and Categories of Arbitration

- a) Overview - Investment Arbitration – Construction – Maritime – Sports – IPR – *Ad hoc* Arbitration.
- b) Institutional Arbitration - Organisation of the Arbitral Tribunal - Fees and Expenses of the Arbitral Tribunal - Procedure & Evidence - Preliminary Steps - Written Submissions - Evidence Gathering - Hearings - Proceedings after the Hearing - Other Matters.

Module V: Arbitral Award

- a) Overview - Categories of Awards – Remedies- Validity of Awards - Effect of Awards— Res Judicata- Decision Making –
- b) Classification of Award – Review of Award – Challenge - Methods of Challenge – Grounds of Challenge - Time Limits and Effects of Challenge.
- c) Recognition and Enforcement - Enforcement under the New York Convention - Enforcement under the Washington Convention - Enforcement under Regional Conventions - Defence of State Immunity - Practical Considerations.

Module VI: Soft Laws on Arbitration

- a) General Overview
- b) IBA Guidelines on Conflicts of Interest in International arbitration – IBA Guidelines on Party Representation in International Arbitration - IBA Rules on the Taking of Evidence in International Arbitration .
- c) IBA Guidelines for Drafting International Arbitration Clauses

Recommended Readings:

Books:

1. A.K Bansal, Law of International Commercial Arbitration, Universal Law Publishing, 2003.
2. Margaret L. Moses, The Principles and Practice of International Commercial Arbitration, 2nd Edition, Cambridge University Press, 2012.
3. Gary B. Born, International Arbitration: Cases and Materials, 2nd Edition, Kluwer Law International, 2015.
4. Gary B. Born, International Commercial Arbitration, 2nd Edition, Kluwer Law International, 2014.
5. Emmanuel Gaillard, John Savage (eds.), *Fouchard Gaillard Goldman on International Commercial Arbitration*, Kluwer Law International, 1999

Journal Articles:

1. The Lex Mercatoria in International Commercial Arbitration, Ole Lando, The International and Comparative Law Quarterly Vol. 34, No. 4 (Oct., 1985), pp. 747-768 Published by: Cambridge University Press on behalf of the British Institute of International and Comparative Law <https://www.jstor.org/stable/759197>
2. Christopher R Darhozal, Commercial Norms, Commercial Codes, and International Commercial Arbitration 33 Vand. J. Transnat'l L. 79 (2000)
3. Park, W. (1983). The Lex Loci Arbitri and International Commercial Arbitration. International and Comparative Law Quarterly, 32(1), 21-52. doi:10.1093/iclqaj/32.1.21
4. Paulsson, J. (1983). Delocalisation of International Commercial Arbitration: When and why it Matters. International and Comparative Law Quarterly, 32(1), 53-61. doi:10.1093/iclqaj/32.1.53
5. Catherine A Rogers 54 U. Kan. L. Rev. 1301 (2005-2006) Transparency in International Commercial Arbitration

Further Readings:

Books:

1. International Commercial Arbitration, Gary B. Born, Wolters Kluwer 2nd edition. 1,2,3 volumes
2. International Commercial Arbitration - A Trans National Perspective, Tibor Varada; John J. Hareelo; Arthur T Von, Thomson west 3rd edition
3. Handbook on International Commercial Arbitration, Peter Ashford, Juris Net LLC, 2nd edition
4. International Commercial Arbitration and Arbitrators' contract - Emilia Onyema, Routledge Publishers
5. International Commercial Arbitration in Asia - Thomas B Ginsburg, Juris Net LLC 2nd edition
6. Law and practice of International Commercial Arbitration by Alan Redfern, Sweet & Maxwell
7. International Commercial Arbitration: Commentary and Materials by Gary Born Martinus Nijhoff; 2nd edition (February 1, 2001)
8. Combining Mediation and Arbitration in International Commercial Dispute Resolution by Dilyara Nigmatullina, Routledge
9. The Principles and Practice of International Commercial Arbitration by Margaret L. Moses, Cambridge University Press
10. Arbitration of Commercial Disputes: International and English Law and Practice by Karen Tweeddale, Andrew Tweeddale, Cambridge University Press

Journals:

1. Paolo Contini 8 Am. J. Comp. L. 283 (1959) International Commercial Arbitration: The United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards
2. Philip J McConaughay 93 Nw. U. L. Rev. 453 (1998-1999) Risks and Virtues of Lawlessness: A Second Look at International Commercial Arbitration

3. Hans Smit 25 Colum. J. Transnat'l L. 9 (1986-1987) The Future of International Commercial Arbitration: A Single Transnational Institution
4. W. Michael Tupman Challenge and Disqualification of Arbitrators in International Commercial Arbitration The International and Comparative Law Quarterly Vol. 38, No. 1 (Jan., 1989), pp. 26-52 Published by: Cambridge University Press on behalf of the British Institute of International and Comparative Law <https://www.jstor.org/stable/760425>
5. Filip De Ly 12 Nw. J. Int'l L. & Bus. 48 (1991-1992) The Place of Arbitration in the Conflict of Laws of International Commercial Arbitration: An Exercise in Arbitration Planning
6. Jasna Arsic 14 J. Int'l Arb. 209 (1997) International Commercial Arbitration on the Internet - Has the Future Come Too Early
7. Peter D Ehrenhaft 9 Law & Pol'y Int'l Bus. 1191 (1977) Effective International Commercial Arbitration
8. James M. Hosking 4 Pepp. Disp. Resol. L.J. 469 (2003-2004) The Third-Party Non-Signatory's Ability to Compel International Commercial Arbitration: Doing Justice without Destroying Consent
9. S.I. Strong Research in International Commercial Arbitration: Special Skills, Special Sources the American Review of International Arbitration, Vol. 20, p. 119, 2009 University of Missouri School of Law Legal Studies Research Paper No. 2010-15
10. 25 Colum. J. Transnat'l L. 717 (1986-1987) The Enforcement of Arbitral Awards under UNCITRAL's Model Law on International Commercial Arbitration

Cases for Guidance:

1. Henry Boot Construction Ltd. v. Malmaison Hotel, [1999] 70 Con LR 32
2. General Manager, Northern Railways v. Sarvesh Chopra, AIR 2002 SC 1272 (Supreme Court of India (SC))
3. Asian Techs Ltd. v. Union of India, (2009) 10 SCC 354 (SC)
4. Obrascon Huarte Lain SA v Her Majesty's Attorney General for Gibraltar, [2014] EWHC 1028 (TCC)

5. Esso and others v. Plowman (1995) 128 A.L.R. 391
6. Barmingo Indian Underground ... vs Hindustan Zinc Limited on 20 July, 2020 HIGH COURT OF JUDICATURE FOR RAJASTHAN
7. Trammo Dmcc (Formerly Known As ... vs Nagarjuna Fertilizers And ... on 9 October, 2017, HC BoMbay
8. International Tank & Pipe SAK v Kuwait Aviation Fuelling Co KSC (1975)
9. Jivraj v Hashwani [2010] EWCA Civ 712.
10. Mxrsk Olie, Algeriet A/S v. People's Democratic Republic of Algeria, ICSID Case No. ARB/09/14 (registered July 20, 2009).
11. Standard Chartered Bank (Hong Kong) Ltd. v. Tanzania Elec. Supply Co. Ltd., ICSID Case No. ARB/ 10/20 (registered on Oct. 1, 2010).
12. Millicom Int'l Operations B.V. v. Republic of Senegal, ICSID Case No. ARB/08/20, Award (Nov. 27, 2012).
13. Patrick Mitchell v. Democratic Republic of the Congo, ICSID Case No. ARB/99/7, Award (Feb. 9, 2004)
14. Russell Res. Int'l Ltd. v. Democratic Republic of the Congo, ICSID Case No. ARB/04/11 (discontinued on Feb. 10, 2009).
15. Cruz City 1 Mauritius Holdings v. Unitech Limited 2017 SCC OnLine Del 7810

Learning outcomes:

At the end of the course the students will be able to -

1. *Acquire knowledge on arbitration as a dispute settlement mechanism in international commercial disputes.*
2. *Analyse the forms and important aspects of International Commercial Arbitration.*
3. *Assess the cooperation between Arbitration and National Judicial Systems.*
4. *Compare and understand the relationship between UNCITRAL Model Law and International Commercial Arbitration.*

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS60901: INTELLECTUAL PROPERTY LITIGATIONS

Objectives of the Course

This course is intended to teach the application of law in terms of court's principles and procedures exclusively for deciding intellectual property cases. Most significantly, in deciding Intellectual property cases both Supreme Court and High Courts in India are apparently following foreign judgements in many occasions. Intellectual property laws confer monopoly to the owners of intellectual property so the enforcement of intellectual property rights is getting more crucial.

The main objective of the course is-

- a. *to impart practical perspective of IPR enforcement mechanism by discussing various tests, rules and procedures laid down by the courts in case of infringement of IPRs.*
- b. *to teach international and cross border litigations of intellectual property rights.*

COURSE OUTLINE

Module 1 Litigation Relating to Copy rights and Industrial Designs

- a) Copy right infringement- Acts constituting infringement- Direct infringement and indirect infringement (Vicarious liability and Contributory liability)
- b) Jurisdiction of the court -idea/expression dichotomy-abstraction test-Lay observer test -Infringement of Neighbouring rights –Infringement of Moral rights –Online Copyright Piracy-Peer to peer technology-liability of internet service provider
- c) Exception to Copyrighted work-Exhaustion of Copyrighted work -fair use/fair dealing-Test of transformation-Reverse engineering of Computer programme - Doctrine of staple articles-Doctrine of Copyright Misuse-
- d) Remedies-Criminal liability under anti circumvention law;
- e) Piracy of Design –Fraudulent or obvious imitation of design- Jurisdiction of the court – Remedies.

Module II Litigation Relating to Patent and Trade Secret

- a) Acts amount to infringement of patent-Jurisdiction of the Court –Claim interpretation or Construction(intrinsic and extrinsic aids)-Literal infringement-Doctrine of Equivalents/Doctrine of Pith and Marrow-Exception to DOE-All element rule, doctrine of public dedication, existence of prior art-prosecution history estoppel
- b) limitation and exception-doctrine of first sale-parallel import-Bollar exception- Patent Misuse-Remedies;
- c) Infringement of trade secrets- breach of trust- Springboard doctrine.

Module III Litigation Relating to Trade Marks and Geographical Indications

- a) Infringement of trademarks –jurisdiction of the court-Deceptive similarity-likelihood of confusion-Polaroid Factors-Concept of Dilution-Passing off and Reverse passing off Action
- b) Fair use of trademark-Comparative Advertisement-Counterfeit trademark-exhaustion of right in trademark-Remedies-functions of IPAB.
- c) Infringement of registered Geographical Indications- Special provision relating to Trademark and Prior user-Jurisdiction of the Court– Remedies.

Module IV- Enforcement of IPR under TRIPS Agreement

- a) Prior to TRIPS Agreement –Berne Convention and Paris Convention- reference to International Court of justice
- b) TRIPS Provisions Articles 41 to 61 – Minimum standard protection – civil, Criminal & Administrative Remedies
- c) Dispute settlement mechanism –XXII and XXIII of GATT 1994-Violation, Non-Violation and Situation Complaints- Dispute Settlement Understanding (DSU) – Retaliation and cross-retaliation.

Module V: Cross–Border IPR Litigations

- 1 Private International Law and Intellectual property law –Hague Convention on Choice of Court and Choice of law- Recognition and enforcement of foreign judgment-issues relating to administrative or judicial cooperation in collecting evidence- Brussels Convention – Cross border litigation under European Union Frameworks.

Recommended Readings

Books:

1. Arnaud Nuyts –International Litigation in Intellectual Property and Information Technology,(1st Ed.,) Wolters Kluwer, New York, 2008
2. Cornish and Llewelyn- Intellectual Property, 6th Ed. Sweet &Maxwell, 2007
3. V.K. Ahuja, Law Relating to Intellectual Property Rights (Lexis Nexis) 2015
4. Elizabeth Verkey, Intellectual Property law and Practice ,Eastern Book Company, 2015
5. Taraporevala V J, Law of Intellectual Property,(2nd Edition) Thomason Reuters, 2013.
6. James J. Fawcett and Paul Torremans: Intellectual Property and Private International Law,2012, (oxford)

Journal/Articles:

1. Mark A Lemley & R. Anthony Reese, Reducing Digital Copyright Infringement Without Restricting Innovation 56 Stan L. Rev 1345 (2004)
2. Ruth Okediji, Towards an International Fair Use Doctrine 39 Colum J. Transnat'l L. 75 (2000)
3. Andrew S. Brown, Amgen v. HMR: A Case for Deference in Claim Construction (2007) 20 Harv. JL Tech 479
4. Raj S Dave , A Mathematical Approach to Claim Elements and the Doctrine Of Equivalents (2003) 16 Harv. J L Tech 508.
5. Hazel Carty, Dilution and Passing Off: Cause for Concern (1996) 112 LQR 632

Further Readings:**Books:**

1. 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
2. Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle(15th ed. 2005) Indian Reprint 2008
3. Rama Sarma, Commentary on Intellectual property Laws, Vol.2. Nagpur: Lexis Nexis Butterworths Wadhawa (2009)
4. Abbott, F., T. Cottier and F. Gurry (1999) The International Intellectual Property System: Commentary and Materials. The Hague, London and Boston, Kluwer Law International
5. Terrel on Patents, Sweet and Maxwell, London (1994)
6. Kerly's Law on Trademarks and Trade Names, Sweet and Maxwell. Wolters Kluwer (2015)
7. Russell Clarke, Industrial Design, Sweet and Maxwell, 9th Ed., (2016).
8. Julie E. Cohen and *Et al.*, Copyright in a Global Information Economy, Aspen Publisher, Wolters Kluwer, (2010)
9. Resource Book on TRIPS and Development, UNCTAD- ICTSD (2004)
10. John Cross, Global Issues in Intellectual Property Law- Cases and Materials, west Publisher (1st ed.,) 2010
11. Lemley, Menell, Merges and Samuelson, Software and Internet Law, (3rd Ed.,) Aspen Publishers, (2006).

Journals/Articles

1. N S Gopalakrishnan, Administrative Remedies in Intellectual Property Protection under TRIPs and Indian Law: Border Control Measures 2000 CLC 1 (Jr) 23
2. Mabel Tsui, Access to Medicine and The Dangers of Patent Linkage: Lesson From Bayer Corp v. Union of India (2011) 18 Journal of Law and Medicine 577-88
3. Ron A Bouchard et al., Structure Function Analysis of Global Pharmaceutical Linkage Regulations (2011) 12 Minn J L Sci & Tech 391-457.
4. Peter S. Menell, Economic Implication of State Sovereign Immunity from Infringement of Federal Intellectual Property Rights, 33 Loy. L. A. L. Rev. 1399 (2000)
5. Pamela Samuelson & Tara Wheatland, Statutory Damages in Copyright Law: A remedy in Need of Reform 51 Wm & Mary L. Rev. 495 (2009)
6. Alan Latman, Probative Similarity as Proof of Copying: Towards Dispelling Some Myths in Copyright Infringement? (1990) Colum L. Rev 1187.

7. Adam V. Vickers, Comment, Peering Beyond Today's Internet File sharing Concerns: The Future of Bit Torrent Technology, 8 Tul. J. Tech & Intell. Prop. 133 (2006)
8. Neil Weinstock Netanel, Impose a Non Commercial Use Levy to Allow Free Peer to Peer File Sharing 17 Harv. J. L. & Tech 1 (2003)
9. Michael J Madison, A Pattern Oriented Approach to Fair Use, 45 Wm & Mary L. Rev 1525 (2004)
10. Pamela Samuelson & Suzanne Scotcher, The Law and Economics of Reverse Engineering, Yale L. J. 1575 (2002)

Cases for Guidance

1. R. G. Anand v. Delux Films (1978) 4 SCC 118
2. Computer Associates International Inc v. Altai 982 F.2d 693 (3rd Cir 1992)
3. Kelly v. Arriba Soft Corp (2003)
4. Delhi University Photo Copying Case – The Chancellor Masters and Scholars of the University of Oxford v. Rameshwari Photocopy Services (2012)
5. Sega Enterprises Ltd v. Accolade Inc (1992)
6. A & M Records v. Napster Inc (2001)
7. Phillips v AWH Corporation (2005)
8. Larami Corp. v. Amron (1993)
9. Graver Tank v. Linde Air Products Co. 339 US 605 (1950)
10. Catnic Components Ltd v Hill & Smith Ltd (1982)RPC 183
11. Improver Corp. v Remington Consumer Products Ltd. (1990) FSR 181
12. Bajaj Auto Ltd v. TVS Motors Co Ltd (2008)
13. Monsanto v Nuziveedu (2019)
14. Britannia Industries Ltd v. Sara Lee Bakery AIR 2000 Mad 497
15. Erven Warnink v. J Townsend & Sons Ltd (1979)
16. S M Dyechem Ltd., v Cadbury (India) ltd (2000)
17. Cadila Health Care Ltd v Cadila Pharmaceutical Ltd (2001)
18. Scotch Whisky Assn., v Pravara Sahakar Shakar Karkhana Ltd AIR 1992 Bom 294
19. Syndicate of Press of University of Cambridge v B. D. Bhandari (2005) 31 PTC 58 (Del)
20. 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. Learn the practical application IP Laws
2. Examine different rules and tests laid down by the courts in different jurisdictions
3. Understand the interpretation of IP Laws
4. Discuss and learn about cross border IP litigations
5. Learn international IP enforcement mechanisms

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

HS60902: RERA AND TENANCY LAWS

Objectives of the Course:

- 1. RERA is a most significant legislative measure to regulate the field of Real Estate Projects. It aims to regulate and promote the real estate sector by regulating the transactions between buyers and promoters of residential as well as commercial projects.*
- 2. Tenancy laws bring within its ambit the rules for residential and non-residential premises and further develop the policies to promote balanced rental housing. It is aimed at ensuring better access to housing opportunities, while alleviating fears of the house owners in granting tenancy rights and also establishes a better structure for enforcing rights and responsibilities of property owners and tenants.*
- 3. The Tenancy Laws includes building tenancy and law relating to cultivating tenants in the state of Tamil Nadu. This subject is most significant for civil side practice.*

COURSE OUTLINE

Module – I: Law Relating to Real Estate Regulation

- 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
- Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018.

Module – II: Tenancy Laws in Tamil Nadu in relating to Buildings:

Definitions - Tenancy – Rent – Obligations of Landlord and Tenant – Repossession of the Premises by the Landlord –Rent Authorities: Appointment, Powers and Functions – Rent courts and Rent Tribunals.

Module – III: Laws relating to cultivating tenants in Tamil Nadu:

- Definition: cultivating tenant, landlord- rights and liabilities of landlords- grounds for eviction of tenant- protection available to member of armed forces- restrictions on restoration of possession - Cultivating Tenants Special Provisions Act, 1968 with amendments
- The TN Cultivating Tenants Arrears of Rent (Relief) Act, 1972 [including all amendments]
- The TN Cultivating Tenants Protection From Eviction Act, 1989 [including all amendments]

Module - IV

Definition- agricultural labourer - rent court and rent tribunal- kaieruvamdhar and mattuvamdhar- revision- record of tenancy rights – advisory committee.

Module- V:

Definitions – occupant of Kudiyiruppu – alternative site – payment and recovery of compensation – prohibition of alienation

Statutory Materials:

1. Real Estate (Regulation and Development) Act, 2016
2. The Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenants Act, 2017 [including amendments, rules]
3. The TN Cultivating Tenants Protection Act, 1955
4. The TN Cultivating Tenants (Payment of Fair Rent) Act, 1956
5. The TN Agricultural Land Record of Tenancy Rights Act, 1969
6. The TN Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971

Recommended Readings:

1. A handbook of Land Tenures in Tamil Nadu by Sambandham and V.S.Rajaram, 2017 edition, C.Sitaraman & Co.Pvt. Ltd.
2. Taxmann's Guide to RERA with RERA check lists, 3rd edition, 2017.
3. Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018 at https://www.tnrera.in/Downloads/Acts_Rules_Regulations/Regulations.pdf
4. Land laws of Tamil Nadu, Prof.A.Chandrasekaran, C.Sitaraman & Co.Pvt. Ltd, 2013 edition.
5. The Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenants Act, 2017 Bare Act

Cases for Guidance:

1. Anandan v. Lingam on 22 February, 2013
2. P.K.Selvaraj v. The Revenue Divisional Officer on 17 February, 2006
3. K.Thangammal vs R.Murugan on 24 September, 2018
4. Nachayee Ammal and others v. Sri Venugopalakrishnaswamy on 1 March, 2003
5. Somasundaram v. Subramanian on 20 March, 2019
6. E.K.M.G.Bakir Ali v. G.Sundarraaj on 20 June, 2011
7. Maria Seeman Nadar v. Anna Muthu Ammal on 18 December, 2006
8. Church Of South India Trust v. The District Revenue Officer on 30 March, 2010
9. Shanmugham vs Arulmigu Vinayagar And Arulmighu on 18 June, 2002
10. R. Jayakumar vs P. Kaliyaperumal And Ors. on 17 February, 1999
11. Jayaraman (Died) vs Eswaran on 10 February, 2012
12. T.K.Ayub vs Mohammed Hanif on 23 March, 2010
13. B.Venkatesh vs Nagarajan on 12 July, 2018
14. G.Surya Kumari vs The Government Of Tamil Nadu on 1 September, 2017

15. Sanjay phulwaria and 22 others v. Mumbai metropolitan region development authority and 4 others, Bombay high court on 16 October, 2018

Learning Outcome:

Students graduating with Land Laws will be able to:

1. Understand and describe legislative power to make laws relating to land and land ceiling is in the state list.
2. Different states have enacted their own laws on this subject and the application of these laws is varied from state to state.
3. The Constitutional perspectives relating to these subjects have to be taught as an essential part of this course.
4. Problem-solve complex issues in the land related matters and society related to policies, law enforcement, government bindings and etc.
5. Effectively apply knowledge to solve practical problems

(c): CRIMINAL LAW AND FORENSIC SCIENCE

HS60903: PSYCHOLOGY OF CRIME

Objectives of the Course:

The course is designed to bring out the link between crime and psychology. It will highlight the causes of crime for victims, offender and of the wider society. The basic promise of the course is that multiple variables affect human behavior, hence focuses its attention to personality factors and how they intersect with situational variables. Student will acquire a new framework for interpreting criminal behavior and will examine the usage of psychology in the criminal justice system.

At the end of the course, the student will have:

- *Knowledge of the key concepts and propositions of psychological models of Human behavior*
- *Inbuilt capacity to identify the varying perspectives of criminal behavior.*
- *Familiarity with research methodologies commonly employed in the field of criminal psychology.*

COURSE OUTLINE

Module I: Introduction to Psychology of Crime

- a) Nature and scope of psychology- Psychology of Soul;Mind;Consciousness;Behaviour
- b) Study of Criminal Behavior
- c) Concepts of Crime, Law and Criminology
- d) Theories of Crime Causation.
- e) Psychological Theories of Crime

Module II: Criminal Personality

- a) Meaning and Nature of Personality
- b) Theories and Factors of Personality
- c) Meaning and Types of Criminal Personality
- d) Criminal Personality and Non Criminal Personality
- e) Personality Disorder- Psychopathic Personality

Module III: Criminal Behavior

- a) Nature and Scope of Criminal Behavior
- b) Factors that lead to Criminal Behavior- Biological factors- Situational factors- Learned factors
- c) Theories of Criminal Behavior- Developmental theories- Critical criminology
- d) Evaluation of Criminal - Psychological Tests
- e) Criminal Psychology- Roles of Criminal Psychologists

Module IV: Criminal Typology

- a) Violent Crimes – Homicide- Suicide
- b) Stalking and Sexual Offenses
- c) Property Crimes
- d) Public Order Crimes
- e) Substance Abuse

Module V: The Criminal Justice System -The Psychological Approach

- a) Police Psychology
- b) Treatment of Victims and Witnesses
- c) Suspects of Crime
- d) Court proceedings -Prison- Probation services- Juvenile Corrections
- e) Social Perspective

Module VI: Correctional Psychology- Crime Prevention

- a) Forensic and Correctional Psychology
- b) Intervention
- c) Correctional Counseling Process
- d) Group Counseling and Resocialisation Programmes
- e) Treatment of Criminals – Custodial- Non-custodial

Recommended Reading

Books

1. Evolutionary Psychology: The New Science of the Mind, David Buss , 4th Edition, Pearson, 2011
2. Abnormal psychology and modern life, [James C Coleman](#), Scott, Foresman; 7th Edition (1984)
3. Contemporary Criminal Law: Concepts, Cases, and Controversies, Matthew Lippman, SAGE Publications, 5 Edition 2018
4. Sociology of Deviant Behavior, [Marshall B. Clinard](#) , [Robert F. Meier](#) , Cengage Learning, 15 Edition, 2015
5. Crime classification manual. Lexington Books/Macmillan, Douglas, J. E., Burgess, A. W., Burgess, A. G., & Ressler, R. K. (Eds.), 1992

Journals/ Articles

1. Criminal Psychology, K. EGross HKallen H, Columbia Law Review (1912) 12(1) 90
2. Rehabilitating Criminal Justice Policy and Practice, Andrews DBonta J, Psychology, Public Policy, and Law (2010) 16(1) 39-55

3. Forensic Psychology, Louw D, Elsevier Inc., (2015), 351-356
4. Once a criminal, always a criminal?: 'Redeemability' and the psychology of punitive public attitudes, Maruna SKing A European Journal on Criminal Policy and Research (2009) 15(1-2) 7-24
5. The Encyclopedia of Criminology and Criminal Justice, Choice Reviews Online (2014) 52(01) 52-0041-52-0041

Further Reading

Books

1. The Psychopathology of Crime: Criminal Behavior as a Clinical Disorder, Adrian Raine, Academic Press; 1 Edition 1997
2. Psychology and Crime: Myths and Reality (Longman Criminology Series), [Peter B. Ainsworth](#), Addison-Wesley Longman Ltd, 2000
3. Criminology & Psychology Today: Peering Inside Criminal Minds: Uncovering The Complex Relationships Between Criminals Psychology, Neuroscience & Neuro-criminology (criminal psychology books) Kindle Edition, Alice Cole, Chris McGarry. Kindle Edition
4. The Psychology of Criminal Conduct, D.A. Andrews, James Bonta, Elsevier Inc., 5th Edition, 2010
5. Psychology and Crime: An Introduction to Criminological Psychology, [Clive R. Hollin](#), Routledge; 2 Edition 2012
6. Criminal psychology, Pakes F Pakes S, Taylor and Francis, (2012).
7. Introduction to Forensic Psychology, Shipley S Arrigo B, Elsevier Inc., (2012)
8. Crime and criminal justice, Marsha I, Taylor and Francis, (2011)
9. Psychology and law: truthfulness, accuracy and credibility, Memon AVrij ABull R, (2003)
10. Applying Psychology to Forensic Practice, Needs ATowl G wiley, (2008)

Journal/ Articles

1. Handbook of Forensic psychology, Haward L, Behaviour Research and Therapy (1988) 26(4) 366
2. Offender profiling and investigative psychology, Canter D, Journal of Investigative Psychology and Offender Profiling (2004) 1(1) 1-15
3. Dennis Howitt, Introduction to Forensic and Criminal Psychology, Duff S, Psychology Learning & Teaching (2016) 15(1) 115-116
4. Applying Psychology to Criminal Justice, Carson DMilne RPakes, John Wiley and Sons, (2008), 1-314
5. Evolutionary theory and criminal behaviour, Quinsey V, Legal and Criminological Psychology, <https://doi.org/10.1348/135532502168324>
6. Psychology and crime, Kellogg A Psychological Bulletin (1917) 14(11) 379-387
7. History of forensic psychology, Bartol CBartol A, Edited by Weiner IOtto RWeiner (Ed) IOtto (Ed) R John Wiley & Sons Inc, (2014), 3-34

8. Offender coercion in treatment: A meta-analysis of effectiveness, [Parhar K](#), [Wormith J](#), [Derkzen D](#), *Criminal Justice and Behavior* (2008) 35(9) 1109-1135
9. Psychopathy and recidivism in adolescent sex offenders, Gretton HMcBride MHare, *Criminal Justice and Behavior* (2001) 28(4) 427-449
10. Does criminal offender treatment work, Simon L, *Applied and Preventive Psychology* (1998) 7(3) 137-159

Learning Outcomes

1. The student will have the ability to examine critically specific offenses and apply psychological models of criminality.
2. They will have an awareness on different perspectives to be employed in crime prevention, investigation, and treatment.

(d): INDUSTRIAL AND COMMERCIAL LAW

HS60904: SOCIAL SECURITY AND UNORGANISED LABOUR

Objectives of the Course

The bulk of India's labor force today is the unorganised sector. Suffering from poverty, without access to education, underpaid, unaware of their rights, and unable to enforce them, the odds are stacked against our unorganized sector. To address this problem, the legislature and the judiciary have, through laws and through judicial activism, repeatedly come to the rescue of these workers. This course is designed to introduce students to the challenges faced by this sector. The main objective is to instruct sector wise relevance which ensures the governance effectively. Other sectors can have identical/similar regulatory system and also be understood in the context of the treatment of the subject matter in this paper. The course work is within the viable framework.

This course has been designed to:

- I. Provide a broad-based understanding of the concept of the informal sector/unorganised labour – their nature, categories, industries, and the challenges and injustices they face;
- II. Instruct the student on the role of the ILO;
- III. Delve into the concept of social security for unorganised labour;
- IV. Focus on critical, India-specific sectors of unorganised workers and examine their individual challenges; and
- V. Survey the various legislations that target the upliftment of, and provision of benefits to, such workers.

The syllabus has been prepared with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I – Introduction to Unorganised Sector

- (a) Concept and Characteristics of Unorganized Sector.
- (b) Unorganised Labour Force in India.
- (c) Economic Contribution of Unorganised Workers.
- (d) Causes and Problems of Unorganized Workers.
- (e) Different Categories of Unorganized Workers-Beedi Workers, Construction Workers-Domestic Workers- Agricultural Workers- Plantation Labourers.
- (f) ILO and Minimum Conditions of Work.
- (g) Constitutional Safeguards.
- (h) Role of Judiciary in the Protection of Unorganized Workers.

Module II – Social Security for Unorganised Workers

- (a) The Unorganised Workers' Social Security Act, 2008 – Scope and Coverage.

- (b) Definition of Unorganised Sector and Unorganised Worker.
- (c) Social Security Benefits – Schemes.
- (d) Social Security Board.
- (e) Registration of Unorganised Workers.

Module III - Beedi Sector Workers and Specific Legislative Measures

1(a) Features of Beedi Industry

- (b) Production Process.
- (c) Living and Working Conditions.
- (d) Gender Discrimination.
- (e) Vulnerability of Children.
- (f) Occupational Health Hazard and Safety issues.

2(a) The Beedi And Cigar Workers (Conditions of Employment) Act, 1966 – Scope and Object – Definitions – Licenses - Appeals.

- (b) Health and Welfare Measures.
- (c) Working Hours.
- (e) Annual Leave with Wages.
- (f) Application of The Payment of Wages Act, 1936 and The Industrial Disputes Act, 1947.
- (g) Inspectors.
- (h) Offences and Penalty.

3(a) Beedi Workers Welfare Fund Act, 1976 – Scope and Object – Definitions.

- (b) Welfare Fund.
- (c) Advisory Committees.
- (d) Welfare Commissioner.
- (e) Power to make Rules.

4(a) Beedi Workers Welfare Cess Act, 1976 – Scope and Object.

- (b) Fund – Levy and Collection of Cess on Manufactured Beedis.
- (c) Consolidated Fund of India.
- (d) Protection of Action Taken in Good Faith.

Module IV – Construction Workers and Regulation of Conditions of Employment

1 (a) Construction Industry.

- (b) Outsourcing of Labour through Contractor and Intermediaries.
- (c) Types of Construction Workers.
- (d) Women and Child Workers.
- (e) Living and Working Conditions of the Workers.
- (f) Occupational, Health and Safety Issues.
- (e) ILO Conventions on Construction Workers.

2.(a) The Building And Other Construction Workers (Regulation Of Employment And Conditions of Service) Act, 1996 – Scope and Object - Definitions.

- (a) Advisory Committees and Expert Committees.

- (b) Registration of Establishment .
- (c) Registration of Building Workers as Beneficiaries.
- (d) Welfare Board.
- (e) Hours of Work.
- (f) Welfare Measures - Safety and Health Measures.
- (g) Responsibility of Employers.
- (h) Inspecting Staff.
- (i) Offences and Penalties.

3. (a) Building and Other Construction Workers Welfare Cess Act, 1996 – Scope and Object - Definitions.

- (b) Levy and Collection of Cess.
- (c) Furnishing of Returns
- (d) Assessment of Cess.
- (e) Recovery of Amount Due – Appeals.
- (f) Penalty – Offences by Companies.

Module V – Plantation Labour and Conditions of Employment

1.(a) Characteristics of Plantation industry.

- (b) Intensity of Labour.
- (c) Working and Living Conditions.
- (d) Occupational and Health Hazards.
- (e) Problems of Women and Child Workers.

2.(a) Plantation Labour Act, 1951 – Scope and Object – Definitions.

- (b) Inspecting Staff
- (c) Provisions as to Health and Welfare.
- (d) Hours and Limitation of Employment.
- (e) Leave with Wages.
- (f) Penalties And Procedure .

Module VI – Other Legislations Relating to Unorganised Workers

1.(a) The Bonded Labour System (Abolition) Act, 1976 – Object and Scope – Definitions.

- (b) Abolition of Bonded Labour System – Agreement, Custom, etc. to be Void.
- (c) Liability to Repay Bonded Debt to Stand Extinguished – Property of Bonded Labour to be Freed from Mortgage, etc., – Creditors not to accept Payment against Extinguished Debt –
- (d) Authorities for Implementation of the Act.

2.(a) Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act , 1979 – Scope and Object – Definitions.

- (b) Registering Offices-Registration and Revocation of Establishments.
- (c) licensing officers-Licensing of Contractors-Revocation, Suspension and Amendment of Licenses.
- (d) Duties and Obligations of Contractors.

- (e) Wages, Welfare and Other Facilities.
 - (f) Displacement Allowance.
 - (g) Liability of principal Employer.
 - (h) Inspecting Staff.
 - (i) Offences and Penalty.
- 3.(a) Contract Labour (Regulation & Abolition) Act, 1970 - Scope and Object -Definitions.**
- (b) Advisory Boards.
 - (c) Registration of Establishments.
 - (d) Licensing of Contractors.
 - (e) Health and Welfare Measure.
 - (f) Offences and Penalties.
- 4.(a) Child Labour (Prohibition and Regulation) Act, 1986 – Scope and Object – definitions.**
- (b) Prohibition of Employment of Children.
 - (c) Regulation of Conditions of Work.
 - (d) Procedure Relating to Offences.
- 5.(a) Mahatma Gandhi National Rural Employment Guarantee Act, 2005.**
- (b) Guarantee of Rural employment to House Holds.
 - (c) Conditions for Providing Guaranteed Employment.
 - (d) Payment of Unemployment Allowance.
 - (e) Non-Disbursement of Unemployment Allowance.
 - (f) Planning and Implementation of Schemes.
 - (g) Responsibilities of Gram Panchayaths.
 - (h) Grievance Redressal Mechanism.
 - (i) National Employment Guaranteed Fund.

Recommended Reading

Books Prescribed:

1. Dr. V.G. Goswami, "Labour & Industrial Laws" (Central Law Agency, 2019).
2. Prof. (Dr.) S.C. Srivastava, "Legal Protection and Social Security in Unorganised Sector" (The Book Line, 2017).
3. Suresh C Srivastava, "Labour Law in Factories, Mines, Plantation, Transportation, Shops and other Establishments" (Prentice Hall of India, 1992).
4. S.N.Mishra, "Labour and Industrial Law" (Central Law Publications, 29th ed., 2019).
5. Gupta N.H., "Social Security for Labour in India" (Deep and Deep Publications, Delhi, 1986).

Journals:

- 1) M. D. Pradeep, B. K. Ravindra, *et.al.*, "A Study on the Prospects and Problems of Unorganised Labour in India", 2 IJAASR 94-100 (2017).
- 2) Lee Tucker, "Child Slaves in Modern India: The Bonded Labour Problem", 19 HRQ 572-628 (1997).
- 3) Jeet Singh Mann, "Employment Rights Protection and Conditions of Domestic Workers: A Critical Appraisal", 57 JILI 216-243 (2015).
- 4) Thomas Paul, "Child Labour – Prohibition v. Abolition: Untangling the Constitutional Tangle", 50 JILI 143-176 (2008).
- 5) M.S.Ramanujam and K.L.Rawal, "Unorganised Workers' Welfare: Imperatives and Initiatives", 46 IJIR 16-31 (2010).
- 6) Suresh C. Srivastava, "Equal Remuneration for Men and Women", 32 JILI 82-92 (1990).

Further Reading

Reference Books:

1. Arun Monappa, Ranjeet Numbudiri, Patturaja Selvaraj, "Industrial Relations & Labour Laws" (Tata Mcgraw Hill, 2012).
2. S.C. Srivastava, "Social Security and Labour Laws" (Lucknow: Eastern Book Company, 1985).
3. R.W. Rideout, "Principles of Labour Law" (Sweet and Maxwell, 1988).
4. H.K. Saharay, "Industrial and labour Laws of India" (Calcutta: Eastern Law House, 1987).
6. Kanak Kanti Bagchi & Nirupam Gope, "Social Security for Unorganised workers in India" (Gurgoan: Madhav Books, 2012).
7. Nayan Barua, "Social Security and Labour Welfare in India" (New Delhi: Asish Publishing House, 1995).
8. Radhika.K, "Women in Agricultural Development" (New Delhi: Serials Publications, 2008).
9. Singh D.P, "Women Workers in Unorganised Sector" (New Delhi: Deep & Deep Publications, 2008).
10. Tripathy S.N, "Law for Unorganised Labour in India", (Delhi: Mangalam Publications, 2008).

Articles:

1. A.Dharmalingam, “Conditions of Brickworkers in South Indian Village”, 30 EPW 3014-3018 (1995).
2. K.R.Lakshmy Devi, “The Women Beedi Workers in a Kerala Village”, 21 IJIR 251-259 (1985).
3. Manishi Pathak, “An Overview of Contract Labour Related Laws in India” *NLS Bus. L.Rev.* 20 (2017).
4. Rashmi Tiwari and Shivani Tiwari, “Women Employment in Unorganised Sector: An Empirical Analysis”, 35 JRD 645-664 (2016).
5. Paramita Ray, “Contract Labour System in India: Issues & Perspectives”, 3 IJLLJS 297-306 (2016).

Cases for Guidance:

1. Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. &Ors., 1985 AIR 652.
2. People Union for Democratic Rights v. Union of India & Ors., 1982 AIR 1473.
3. Bandhua Mukti Morcha v. Union of India, 1984 SCR (2) 67.
4. Neeraja Chaudhary v. State of Madhya Pradesh, (1984) 3 SCC 243.
5. Daily Rated Casual Labour v. Union of India, 1988 SCR (1) 598.
6. State v. Banwari, 1957 CriLJ 539.
7. M.C. Mehta v. State of Tamil Nadu and Others, (1996) 6 SCC 756.
8. Delhi Jal Board v. National Campaign for Dignity and Rights of Sewerage and Allied Workers, 12 July, 2011.
9. KotchuVelu V. Joseph, 1987 II LLJ 174 (Kerala).
10. N Krishna Devi v. Vishnu Mitra, AIR 1982 Raj 281.
11. Bijay Cotton Mills v. State of Ajmer, (1955) 1 LLJ 129 (SC).
12. Municipal Corporation of Delhi v. Female Workers, (2000) 3 SCC 224.
13. Rajangam, Secretary, Dist. Beedi Worker's Union v. State of Tamil Nadu, 1992 SCC (1) 221.
14. B. M. Lakshmanamurthy v. The Employees' State Insurance, AIR 1974 SC 759.
15. Olga Tellis & Ors v. Bombay Municipal Corporation, 1985 SCR Supl. (2) 51.
16. Gammon India Ltd. v. Union of India &Ors., 1974 SCR (3) 66.
17. Salal Hydro Electric Project v. State of Jammu and Kashmir, 1983 (3) SCC 538.

Learning Outcome

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

1. Comprehend the complex issue of unorganised labour and their challenges;
2. Appreciate the crucial role played by ILO in their upliftment;
3. Critically analyse social security law through the lens of unorganised labour;
4. Discern and perceive the problems of unorganised labour in various specific sectors in India and critically examine the efforts taken to legislate for their improvements.

HCC0903: DRAFTING. PLEADING AND CONVEYANCING

(Clinical Course -III)

Objective of the Course:

Drafting 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 legalpractice.

COURSE OUTLINE

Module I: Introduction

- a. Drafting – the meaning, scope and significance
- b. Legal drafting – Legal notice, Sec.138 N.I Act notice, Suit Notice, Matrimonial issues Notice, M.V. Act cases Notice, Reply Notice –
- c. Complaint – depth knowledge in legal language and legal writing – use appropriate legal terminology – purpose of notice – time prescribed in notice – appropriate remedyrequired

Module – II: Pleadings – Civil Pleadings – Substantive provisions (theoretical approach) and Forms (practical exercise)

- a. Meaning, Scope and significance – civil pleadings
- b. Trial court pleadings : Complaint, Written Statement, L R Petition, Counter petition, Affidavit, Execution Petition, Interlocutory Application, Sub-Application,
- c. 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)

- a. Meaning, scope and significance – criminal pleadings
- b. Prosecution Pleading – Police custody petition, Petition for withdrawal from prosecution, Criminal Appeal from prosecution, Counter Affidavit filed by prosecution –
- c. Defence Pleading – Bail Petition, Anticipatory Bail, Discharge Petition, Criminal Appeal from conviction – other petitions – Quash Petition
- d. 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)

- a. Civil Miscellaneous Appeal,
- b. Civil Miscellaneous Petition,
- c. Writ Petitions and Habeas Corpus Petition, Writ Appeal
- d. Civil Suit, Original Petition,
- e. Company Petition, ,
- f. Criminal Original petition,
- g. Public Interest Litigation

Module – V: Pleadings – Other Pleadings – Substantive provisions (theoretical approach) and Forms (practical exercise)

- a. Private complaint,
- b. Matrimonial cases petition,
- c. Motor Accident Claimant Original Petition,
- d. Rent Control Original Petition,
- e. Labour Issues Petition

Module VI: Conveyancing – General principles

- a. Meaning, scope and significance, elements and components of deed, Registration – Compulsory registration, optional registration and not necessary to register –
- b. 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)

- a. Sale Deed – Agreement for sale and Agreement of sale,
- b. Gift Deed and Power of Attorney – within family members and others,
- c. Mortgage Deed – Classification of Mortgage, registration of Mortgage and its stamp duty –
- d. Lease and Licence –
- e. Testamentary deeds : Will – Partition Deed – Settlement Deed,
- f. Hire purchase Agreement,
- g. Cancellation Deed,
- h. 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 astudent.

Recommended Readings:

1. Murali Manohar, Conveyancing and Pleading, 2nd Edn -2004, EBC,Lucknow.
2. KS Gopalakrishnans Pleadings and Practice, ALT Publications, Hyderabad,2004.
3. MC Agarwal & GC Mogha, Mogha’s Pleading, 17th Edn - 2006, EBC,Lucknow.
4. GF Harwood, Odgers on Pleadings and Practice, 20th Edn- 1971, Universal Law Publishing Co. Pvt Ltd.,Delhi.
5. Justice Thakker, Code of Civil Procedure, 5th Edn - 2007, EBC,Lucknow

Statues for reference in substantive provisions and Forms

1. Code of Civil Procedure, 1908
2. Code of Criminal Procedure,1973
3. Transfer of Property Act,1872
4. Indian Contract Act,1872
5. Motor VehiclesAct
6. Appellate SideRules
7. Original SideRules
8. RegistrationAct
9. StampAct
10. Civil and Criminal Rules ofPractice

E – Source

www.tnregin.in(Guideline value, Encumbrance and other e services)

Cases for Guidance:

1. Lakshmi Narayan Deo Vasti Temple vs. Narayan F. Marathy (1995) 2 Bom CR610
2. Prabodh Verma vs. State of UP (1984) 4 SCC251
3. Someswer vs. Tribhuban AIR 1934 PC130
4. Narinder Nath vs. Jaswant Singh AIR 1994 P&H 111
5. Syed Muhammed vs. Fattah Muhammed ILR 22 Cal. 324(PC)
6. Viswanath vs. Ram Narayan AIR 1940 All405
7. Tika Khawas vs. Pasupathi AIR 1986 Sikk.6
8. Motilal vs. Yudhistir AIR 1950 PC73
9. Brijlal vs. Parvathy AIR 1982 Del.114
10. Firm Gopal & Co. Ltd vs. Firm Hazarilal AIR 1963 MP37
11. Keshab Rao vs. Chandrabhan AIR 1980 Bom380
12. Onkar Nath vs. Vedvyas 1978 Ren.CR 408 (HP)
13. Iyakku Matho vs. Julius Elias Metropolitan AIR 1962 Ker19
14. Roolpal vs. Nachhittar AIR 1982 SC1559
15. A K Gupta vs. DVC AIR 1967 SC961
16. G. Nagamma vs. Siromanamma (1996) 2 SCC25
17. Phula Devi vs. Mangtu Maharaj AIR 1969 Pat 284
18. Jagjiban Das vs. Gunan Bhai AIR 1967 Guj1
19. N.Naidu vs. K.Naidu AIR 1969 Mad329
20. N.Naidu vs. K.Naidu AIR 1969 Mad329
21. Jogeshwar vs. Sheopujan AIR 1986 Pat35
22. State of Maharatsra vs. Glaxo 1979 Bom CR321
23. Raghunath Das vs. Union of India AIR 1969 SC674
24. State of MP VS. Lajjaram AIR 1961 MP 339

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.

FIFTH YEAR

X-SEMESTER

HLC1022: ENVIRONMENTAL LAW

Objectives of the Course:

The objective of the course is to make environmental law familiar to the students by understanding all dimensions of the subject. This module addresses the UGC mandate to introduce the 'environmental studies' and Bar Council framework syllabus for the subject.

The paper chooses certain international legal regimes to introduce the interface between international and national laws. The module is aptly divided to have a comprehensive understanding of natural resource law and pollution control laws. Emerging regimes such as mining, nuclear energy and health laws are introduced. The module will also introduce disaster management, coastal regulation and biodiversity laws. An introduction to state laws is provided to highlight the role of states in the environmental governance. The student will have the following competencies after studying the subject:

- 1. Students will understand the interface amongst the academic disciplines in relation to environment and identify the relevance of law in the resource discourse.*
- 2. Students will appreciate the legal structure governing environmental concerns from global scale to individual level.*
- 3. Students will be able to apply the environmental law for situations that may arise in the judicial, administrative and political platforms.*

COURSE OUTLINE

Module I: Introduction¹

A. Historical Perspectives- Ancient India –Vedas –Kautilya -Sangam Tamil Classification - Ashoka and Budihism – Medieval India - Colonial Perspectives of Environment –Environmental History of Europe

¹ This module is framed in consonance with the UGC mandated 'environmental studies' paper for all the UG courses.

- B. 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
- C. Factors Affecting Environment – Deforestation - – Habitat Loss - Green House Gases – Acid Rain – Climate Change

Module II Constitution and Environment

- A. 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
- B. Directive Principles and Environment – Obligations of the State to Protect Environment - Fundamental Duties to Protect Environment
- C. Legislative Powers of Union and State over Environmental Aspects – Environmental aspects in VII Schedule – Role of Local Bodies in Protection of Environment

Module III Principles of Environmental Law

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

Module IV: International Environmental Law

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

Module V: Pollution Control Laws

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

Module VI: Ecological Conservation and Animal Welfare Laws

- A. 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
- B. Laws and Policies relating to Food Security, Organic farming, Seeds and Pesticide

Module VII Environmental Degradation, Disasters and Public Health

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

Module VIII Remedies for 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 International Conventions

Recommended Readings:

Books

1. P. Leelakrishnan, Environmental Law in India (Butterworths, 2019)
2. S. Shanthakumar, Environmental Law –An Introduction (Butterworths 2004)
3. ShyamDiwan and Armin Rosencranz, Environmental Law and Policy in India (Oxford 2002)
4. NawneetVibhaw, Environmental Law: An Introduction (Lexis Nexis 2016)
5. Alan Boyle and Patricia Bernie, International Law and Environment (Oxford 2009)
6. 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-indias-forests.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-nidhi-2018.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>
- SujithKoonan, "Constitutionality of the Plachimada Tribunal Bill, 2011: An Assessment" Law, Environment and Development Journal (2011) <http://www.lead-journal.org/content/11151.pdf>

Recommended Case Laws

India

- M.C. Mehta v Union of India (Oleum Gas Leakage case) (1987) 1 SCC 395
- Mrs.Susetha v State of T.N. (2006) 6 SCC 543,
- T.N. GodavarmanThirumulpad v. Union of India (1997) 2 SCC 267
- S. Jagannath v Union of India (1997) 2 SCC 87
- Murli S. Deora v Union of India (2001) 8 SCC 765
- Vellore Citizens' Welfare Forum v Union of India (1996) 5 SCC 647
- *Ratlam v. Vardhichand*(1980) 4 SCC 162.
- *Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P* AIR 1985 SC 652
- Indian Council for Enviro-legal Action vs. Union of India 1996 AIR 1446
- Tripur Dyeing Factory Owners Association V/s NoyyalRiverAyacutdarsProtectionAssociation&Ors. AIR 2010 SC 3645
- Almitra H. Patel v. Union of India <http://www.indiaenvironmentportal.org.in/files/Almitra%20Patel%20Corrected%20Order%20%20Jan%202017%20NGT.pdf>

- Save Mon Region Federation v. Union of India <https://indiankanoon.org/doc/189583188/>
- Samit Mehta v. Union of India <https://www.casemine.com/judgement/in/5b17d5604a932678010063da>
- Srinagar BandhAapdaSangharshSamiti v. Alaknanda hydro Power <https://www.casemine.com/judgement/in/5c062c18b338d16e11efe962>

International

- Certain Activities Carried Out by Nicaragua in the Border Area <https://www.icj-cij.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/wp-content/uploads/sites/6/2016/07/PH-CN-20160712-Award.pdfz>
- Indus Waters Kishenganga Arbitration <https://pca-cpa.org/en/cases/20/>

Foreign

- 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

Learning Outcome

After undergoing this course,

1. Students will know the basic environmental concerns from scientific, historical and political perspectives.
2. They will be able to identify the constitutional scheme and propositions relating to environmental management.
3. They will understand the complexities of institutions, stakeholders' interest and politics over natural resources from villages to globe.
4. The students will understand, apply and think on the laws and governance structure of pollution control and natural resources management laws. They will have a clear understanding of various remedies for environmental wrongs.

HLC1023: LAW OF TAXATION

Objective of the Course

Taxation plays 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.

The Course has been designed to:

- I. To explore and understand the concept of tax along with its relevance.
- II. To understand the relevance and importance of the Constitution of India in shaping the taxing statutes and tax system.
- III. To explore how direct taxes are being levied and to thoroughly investigate the steps in arriving at the taxable income.
- IV. To enhance the knowledge on Goods and Services Tax (GST), the new indirect tax regime in its true legal sense.
- V. 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.

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 Powers

- 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) - 101st 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
- 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 (35th 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 Singhanian, *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 101st 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 Singhania & Kapil Singhania, *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.clearnav.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
3. Indian Tax System – An Overview – Habibulla & Co., Chartered Accountants India - 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 Management Studies, 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.

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.*

HLA1006: COMPARATIVE LAW

Objectives of the Course

The evolution of national societies and their legal systems has progressively developed the insights on the science of universal legal philosophy and system based approaches. Comparative law as a field of knowledge is not a separate discipline in law. It has a substantive value in the sense of strengthening the role of rule of law and justice in human life by way of working on the uniformity, development and harmonisation of laws. The current universal legal system is based on the recognition of normative principles, effectively promoted by branches of public law systems such as international law and constitutional law. Moreover, the evolving nature of comparative legal thought process has lead to the formation of varied sub-systems of law and approaches. Therefore, learning comparative law and its extended horizons of knowledge signals a need and value based approach for the students of law.

COURSE OUTLINE

Module I: Introduction to Comparative Law

- (a) Philosophy of Comparison-laws of nature and human life-conceptualisation of comparison in law-macro and micro approaches;
- (b) Classification of laws and legal systems-issues on terminology and elements of comparative law-comparative law as a art or science or method;
- (c) Comparative Law and its kinds-functions and purposes of comparative law-sources of comparative law-comparative legal traditions-techniques and methods of comparative law movement.

Module II: Comparative Public Law

- (a) Introduction to principles of universality and human welfare, rights and duties, law as a element of social instrument and transformation;
- (b) Concepts of international public legislation and order-international common interest-realm of universal international law and organisations-constitutionalisation of law of united nations;
- (c) Constitutional ideology, law and governance-comparative constitutional law and its functions-doctrines of living law-democracy, constitutional rights and basic structure-convergence of international law and constitutional law.

Module III: Comparative Legisprudence

- (a) Relevance of Principle of unity and diversity in comparative legisprudence-concepts of legal pluralism and positivism-global legislative drafters-comparison of legislative-executive-judicial relations;
- (b) International law making-role of international law commission and drafting world constitutions-comparative legal reforms movement-law commissions of national legal systems.

Module IV: Judicial Comparativism

- (a) Justice as universal phenomenon-concepts of universal judicial integration, judicial conscience, integrity and power;
- (b) Comparative judicial process-role of judicial systems on the evolution of principles of law-impact of principles of international law on national judicial institutions-approaches to comparative judicial legislation-constitutional courts and comparative forms of judicial review-convergence of national and international legal disputes;
- (c) Comparative human rights jurisprudence of international, regional and national judicial bodies-comparative judicial impact assessment.

Module V: Comparative Legal Philosophy

- (a) Philosophy of comparative legal philosophy-epistemological approaches to legal philosophy-impact of comparative legal scholarship movement on the fundamental perspectives of law;
- (b) Normative legal science-impact of comparative public policy on law-comparative legal reasoning-comparative science of interpretation of statutes-role of interdisciplinarity in comparative legal thought;
- (c) Futurological insights on comparative law-harmonisation of laws and legal systems-comparative legal research methodology.

Recommended Readings:

Books

1. H C Gutteridge (1946), *Comparative Law*, Cambridge University Press: United Kingdom.
2. Rahmatullah Khan (1971), *An Introduction to the Study of Comparative Law*, Indian Law Institute: New Delhi.
3. R.P. Anand (1972), *Asian States and the Development of Universal International Law*, Vikas Publications: India.
4. M.P. Tandon and Rajesh Tandon (1984), *Text Book on Comparative Law*, Allahabad Law Agency: India.
5. Peter de Cruz (1999), *Comparative Law in a Changing World*, Cavendish Publishing Limited: Sydney.

Journals

1. Roscoe Pound (1951), *Philosophy of Law and Comparative Law*, *University of Pennsylvania Law Review*, Vol. No. 100, Issue No.1, Pp.1-19.
2. A.E. Papale (1951), *Why Comparative Law*, *Journal of Legal Education*, Vol. No.3, Issue No. 3. Pp. 384-387.
3. Rahmatullah Khan and Sushil Kumar (1975), *Comparative Law Research in India*, *Journal of the Indian Law Institute*, Vol. No. 12, Pp. 505-510.
4. Duncan Berry (1997), *Techniques for Evaluating Draft Legislation, The Loophole: Published by Common Wealth Association of Legislative Counsel*, Pp. 31-47.
5. Geoffrey Samuel (1998), *Comparative Law and Jurisprudence*, *International and Comparative Law Quarterly*, Vol. No. 47, Issue No.4, Pp. 817-836.

Further Readings:

Books

1. C.G. Weeramantry (2003), *Universalising International Law*, Martinus Nijhoff Publishers: Netherlands.
2. Werner F. Menski (2006), *Comparative Law in a Global Context: The Legal Systems of Asia and Africa*, Cambridge University Press:
3. T.K.Viswanathan (2007), *Legislative Drafting: Shaping the Law for the New Millinnium*, Indian Law Institute: India.
4. Bardo Fassbender (2009), *The United Nations Charter as the Constitution of the International Community*, Martinus Nijhoff Publishers: The Netherlands.
5. Guglielmo Verdirame (2011), *The UN and Human Right: Who Guards the Guardians?*, Cambridge University Press, United Kingdom.
6. M.P Singh (2011), *Comparative Constitutional Law*, Eastern Book Company Pvt. Ltd.: India.
7. Rosalind Dixon (2014), *Comparative Constitutional Law in Asia*, Edward Elgar: USA.
8. Onuma Yasuaki (2017), *International Law in a Transcivilizational World*, Cambridge University Press: United Kingdom.
9. Erin F. Delaney and Rosalind Dixon (2018), *Comparative Judicial Review*, Edward Elgar:USA.
10. George Mousourakis (2019), *Comparative Law and Legal Traditions: Historical and Contemporary Perspectives*, Springer Nature: Switzerland.

Articles

1. Linda C. Reif (2000), *Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection*, Harvard Human Rights Journal, Vol. No. 13, Pp.1-70.
2. Peter E. Quint (2001), *International Human Rights: The Convergence of Comparative and International Law*, Texas International Law Journal, Vol. No. 36, Issue No.3, Pp.605-610.
3. Caroline Nicholson (2008), *Some Preliminary Thoughts on a Comparative Law Model for Harmonisation of Laws in Africa*, Fundamina, Vol. No. 14, Issue No.2, Pp. 50-65.
4. V.G. Hegde (2010), *Indian Courts and International Law*, Leiden Journal of International Law, Vol. No. 23, Issue No.1, Pp. 53-77
5. Kenneth S. Gallani (2012), *Use of Comparative Law in Determining the Customary International Law of Human Rights*, Florida Journal of International Law, Vol. No. 24, Issue No. 2, Pp. 429-438.
6. Mathias Forteau (2015), *Comparative International Law within, Not against, International Law: Lessons from the International Law Commission*, American Journal of International Law, Vol. No. 109, Issue No, 3, Pp. 498-513.
7. O.O. Merezhko (2016), *The Idea of Comparative International Law*, Journal of Comparative Law, Vol. No. 11, Issue No. 1, Pp. 92-96.

8. Yvonne Tew (2017), Comparative Originalism in Constitutional Interpretation in Asia, Singapore Academy of Law Journal, Vol. No. 29, Special Issue, Pp. 719-742.
9. Dinesha Samararatne (2020), From South Africa to Sri Lanka: Prospects of Travel for ‘Transformative Constitutionalism’, Asian Journal of Comparative Law, Vol. No. 15, Pp. 45-68.
10. Jaclyn L. NEO (2020), A Contextual Approach to Unconstitutional Constitutional Amendments: Judicial Power and the Basic Structure Doctrine in Malaysia, Asian Journal of Comparative Law, Vol. No. 15, Pp. 69-94.

Cases for Guidance:

1. Keshavananda Bharathi V. State of Kerala, AIR 1973 SC 1461
2. Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789
3. Nakara v. Union of India, AIR 1983 SC 130
4. Velasquez Rodriguez v. Honduras (Case No. 7920), Judgment of 29 July 1988 of the Inter-American Court of Human Rights
5. Aldridge v. Booth (1988), 80 Australian Law Reports 1
6. Case of Soering v. The United Kingdom (Application No. 14038/88), Judgment of 7 July 1989 of the European Court of Human Rights
7. Case of Jersild v. Denmark (Application No. 15890/89), Judgment of 23 September 1994 of the European Court of Human Rights
8. National Human Rights Commission v. State of Arunachal Pradesh (1996), 1 SCC 742
9. Vellore Citizen’s Welfare Forum v. Union of India, (1996) 5 SCC 647
10. Vishaka v. State of Rajasthan (1997) 6 SCC 241
11. Sakshi v. Union of India (2004) 5 SCC 518
12. Jindal Stainless Steel Ltd. & Another v. State of Haryana & Others AIR 2006 SC 2550
13. In Re: Networking of Rivers (2012) 4 SCC 51
14. In the Matter of Femi Falana v. The African Union (Application No. 001/2011), Judgment of 26 June 2012 of the African Court on Human and People’s Rights
15. The Italian Republic v. The Republic of India Concerning The “Enrica Lexie” Incident (PCA Case No. 2015-28), Award of 2 July 2020 of the Permanent Court of Arbitration

Learning Outcome

After completion of the course students will be able to-

1. Get introduced to the specifics of the nature and scope of comparative law.
2. Understand evolutionary dimensions of law, principles of law and its relation with human societies.
3. Acquire the ability to examine the legal systems of the world.
4. Study comparative public law and develop insights on universal normative legal science and its applications

HCC1004: MOOT COURT EXERCISE AND INTERNSHIP

(CLINICAL COURSE: IV)

Objective of the Course:

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 for owning the skills of advocacy. Identification of facts, application of the laws, framing of issues, elicitation of evidence, oral presentation skills and organization of arguments with persuasive 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.

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, (14th 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) 5th 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, 1st Indian Reprint, Universal Law Publishing 2000
6. J Hill, Practical Guide to Mooting, 1st Indian Reprint, Palgrave Macmillan, 2009
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, 1st 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.



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



**SCHOOL OF EXCELLENCE IN LAW
REVISED CURRICULUM (2020-2021)**

For

B.B.A. LL.B Hons Degree Course

**Course of Law, Eligibility Conditions for Admission, Course
Component, Examination Regulations and Syllabus.**

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I. UNDER GRADUATE COURSE OF LAW

1. Under Graduate Courses of Law:

There shall be five under graduate courses of law leading to Bachelor's Degree in Law as hereunder :

(1) B.A., LL.B., (Bachelor of Arts and Bachelor of Laws) : It shall be Integrated Double Degree Five Academic Years Course in Arts and Law.

(2) B.Com., LL.B., (Bachelor of commerce and Bachelor of Laws): It shall be an integrated Double Degree Five years degree course with a combination of commerce and Law.

(3) B.B.A., LL.B., (Bachelor of Business Administration and Bachelor of Laws): It shall be Integrated Double Degree Five Academic Years Course in Management and Law.

(4) B.C.A., LL.B., (Bachelor of Computer Application and Bachelor of Laws): It shall be an integrated five years course with a combination of computer applications and law.

The above five year courses shall be divided into ten semesters.

(5) LL.B., (Hons.): It shall be three Academic Years Degree Course in Law.

Three year course shall be divided into six semesters.

2. Objectives of Revised Curriculum:

The objectives of revised curriculum of courses of law are: (1) To reorient legal education by making provision for sufficient opportunity to the students for extensive as well as intensive study of law. (2) To enable students to acquire knowledge and skills gained from studying law and to facilitate students to analyse law to apply in practical situations. (3) To equip students with strong communication skills and to make them responsible to meet the needs of contemporary requirements of Bar, Bench and Industry in the globalised economic era. (4) To educate them of diverse backgrounds to become effective, ethical and expert personage who are employable in a variety of legal settings.

3. Extent and Application

The rules as to eligibility for admission, course component, curriculum, examination pattern and standard of passing for B.A., LL.B. Hons., B.Com., LL.B. Hons., B.B.A. LL.B. Hons., B.C.A. LL.B. Hons., and LL.B.Hons., given herein shall be applicable initially for the first year of B.A., LL.B. Hons., B.Com., LL.B. Hons., B.B.A. LL.B. Hons., B.C.A. LL.B. Hons., and LL.B. Hons. and will come into force w.e.f. the academic year 2020 - 2021.

II. ELIGIBILITY CONDITIONS FOR ADMISSION

BA/B.COM/ BBA/ BCA LL.B HONS AND LL.B HONS' COURSES:

The eligibility criteria for admission to five year courses and three year courses their duration, marks and the number of seats are mentioned hereunder:

S.No	Name of the course	Duration	Qualifying Exams	Minimum marks in Qualifying Exams		Seats
				SC/ST	Others & NRI	
1	B.A., LLB (Hons.) B.B.A., LL.B.,(Hons)	Five years	HSC(10+2)CBSE/ISC or any other exam recognised as equivalent.	60%	70%	156
2	B.COM., LL.B.,(Hons)		HSC(10+2)CBSE/ISC or any other exam recognised as equivalent. Candidate should have studied Commerce as a subject.	60%	70%	
3	BCA.,LLB., (Hons)		HSC(10+2)CBSE/ISC or any other exam recognised as equivalent. Candidate should have studied Computer science as a subject.	60%	70%	
4	LL.B., (Hons)	Three years	Any degree under any discipline. 10+2+3 stream alone are eligible	55%	60%	

III. COURSE COMPONENT OF B.B.A. LL.B. HONS'

1. B.B.A. LL.B. Hons. Course: Number of Subjects

The Course shall have the following subjects-

- Inter- Disciplinary - 14
- Core Law Papers - 23
- Ancillary Hon's Papers - 06
- Clinical Core Papers- 04
- Specialized Hon's Optional - 08

Total 55

2. Choosing Hons. Specialized Course in Law Subjects for B.B.A. LL.B. Hon's.

The arrangement of Hons. Specialized Course in law for B.B.A LL.B. Hon's., course allows the student to have specialization, to some extent, in (a) International Law and Intellectual Property Rights Group, or (b) Constitutional Law and Property Law Group or (c) Criminal Law and Forensic Science Group or (d) Industrial and Commercial Law Group by choosing the optional subjects from the given list in each semester from Forth Year Onwards.

▪ **Explanation 1:**

A student willing to have specialization in International Law and Intellectual Property Rights Group can choose optional papers at serial number (a) in each semester from Fourth year onwards for Five Year Course

A student willing to have specialization in Constitutional Law and Property Law Group can choose optional papers at serial number (b) in each semester from Fourth year onwards for Five Year Course

A student willing to have specialization in Criminal Law and Forensic Science Group can choose optional papers at serial number (c) in each semester from Fourth year onwards for Five Year Course

A student willing to have specialization in Industrial and Commercial Law Group can choose optional papers at serial number (d) in each semester from Fourth year onwards for Five Year Course

- **Explanation 2:**

This arrangement of optional subjects in law is made to allow the student to have specialization to some extent in a specified group. It will be mandatory for the student to choose subjects as given in explanation 1.

- **Explanation: 3**

University may offer all or any of the groups of specialized Hon's course at its discretion. The student has to choose the group at the beginning of the semester and based on first come first serve basis the group will be allocated.

3. Practical Papers

In the final semester, a student has to do two practical papers from the group which he/she has selected.

- **Explanation 1:**

If the student has selected group (a) International Law and Intellectual Property Law specialization, the student has to do two practical papers one on International Law and other one on Intellectual Property Rights in the final semester.

If the student has selected group (b) Constitutional Law and Property Law specialization, the student has to do two practical papers one on Constitutional Law and other one on Property Law in the final semester.

If the student has selected group (c) Criminal Law and Forensic Science specialization, the student has to do two practical papers one on Criminal Law and other one on Law and Forensic Science in the final semester.

If the student has selected group (d) Industrial and Commercial Law specialization, the student has to do two practical papers one on Industrial Law and other one on Commercial Law in the final semester.

- **Components of Practical Papers**

The following are the components of the practical papers:

1. Longish Paper(Research Oriented Paper):	50 marks
2. Case Comment:	15 marks
3. Book Review:	15 marks
4. Viva Voce:	20marks
Total:	100 marks

4. Miscellaneous Rules of Eligibility for Admission and Syllabus:

The rules given herein are for the general understanding of the candidates. However, the admission to SOEL and syllabus shall be subject to the rules made and condition prescribed, from time to time, by the University, Central Government, State Government, Bar Council of India, University Grants Commission or any other authority empowered.

5. Removal of Doubts and Difficulties:

Notwithstanding anything stated in the rules herein or any issue hereinabove, for any unforeseen issues arising, and not covered by the rules herein, or in the extent of differences of interpretation, the Hon'ble Vice Chancellor of the University may take a decision and the said decision of the Hon'ble Vice Chancellor shall be binding.

(*N.B: If there is any amendment or repeal or enactment of any law will be implemented in the next academic year without carrying out any revision of the syllabus.)

B. B. A. LL.B. HON'S COURSE

I YEAR

I-Semester

S.No	Subject Code	Subjects
1	HBB0101	Legal Language and Literature
2	HBB0102	Financial and Management Accounting
3	HBB0103	Principles of Economics
4	HBB0104	Principles of Management & Organizational Behavior
5	HLC0101	Introduction to Law, Legal Methods and Legal Research

II- Semester

S.No	Subject Code	Subjects
6	HBB0205	Legal Language and Communication
7	HBB0206	Mobile Commerce
8	HBB0207	Business Communication
9	HLC0202	Legal And Constitutional History
10	HLC0203	Law of Torts

II YEAR

III Semester

S.No	Subject Code	Subjects
11	HBB0308	Social Issues and Social Research Methods
12	HBB0309	Human Resources Management
13	HLC0304	Constitutional Law I
14	HLC0305	Law of Contracts I
15	HLC0306	Law of Crimes I (Indian Penal Code)

IV Semester

S.No.	Subject Code	Subject
16	HBB0410	Managerial Economics
17	HBB0411	Public Policy, Governance and Law
18	HBB0412	Principles of Marketing
19	HLC0407	Constitutional Law II
20	HLC0408	Law of Contracts II

III YEAR

V Semester

S.No.	Subject Code	Subjects
21	HBB0513	Financial Services
22	HLC0509	Jurisprudence
23	HLC0510	Administrative Law
24	HLC0511	Family Law I
25	HLC0512	Company Law

VI Semester

S.No.	Subject Code	Subjects
26	HBB0614	Business Environment
27	HLC0613	Family Law II
28	HLC0614	Property Law
29	HLC0615	Law of Evidence
30	HLA0601	Interpretation of Statutes
31	HCC0601	Professional Ethics

IV YEAR

VII Semester

S.No.	Subject Code	Subjects
32	HLC0716	Introduction to Public International Law
33	HLC0717	Labour Law I
34	HLC0718	Mediation and Conciliation
35	HLA0702	Intellectual Property Law
36	HS10701	a. International Economic Law
	HS10702	b. Comparative Constitutional Law
	HS10703	c. Correctional Process
	HS10704	d. Corporate Securitisation
37	HS20701	a. International Treaties & Conventions on IP
	HS20702	b. Introduction to Land Laws
	HS20703	c. Criminology
	HS20704	d. International Labour Organisation and Labour Jurisprudence

VIII Semester

S.No.	Subject Code	Subjects
38	HLC0819	Labour Law II
39	HLA0803	Competition Law
40	HLA0804	Cyber Law and Information Technology
41	HS30801	a. International Human Rights Law
	HS30802	b. Human Rights in the Constitutional Law
	HS30803	c. Cyber Crime
	HS30804	d. Insurance Law
42	HS40801	a. IP on Traditional Knowledge and Genetic Resources
	HS40802	b. Land Laws of Tamil Nadu
	HS40803	c. Forensic Science and Investigation
	HS40804	d. Service Laws
43	HCC0802	Alternative Dispute Resolution Policy

V YEAR

IX Semester

S.No.	Subject Code	Subjects
44	HLC0920	Civil Procedure Code and Limitation Act
45	HLC0921	Law of Crimes II (Criminal Procedure Code)
46	HLA0905	Banking Law
47	HS50901	a. Private International Law
	HS50902	b. Legal Process and Local Governance
	HS50903	c. Juvenile Justice system
	HS50904	a. International Commercial Arbitration
48	HS60901	a. Intellectual Property Litigations
	HS60902	b. RERA and Tenancy Law
	HS60903	c. Psychology of Crime
	HS60904	a. Social Security and Unorganised Labour
49	HCC0903	Drafting Pleading and Conveyancing

X Semester

S.No.	Subject Code	Subjects
50	HLC1022	Environment Law
51	HLC1023	Law of Taxation
52	HLA1006	Comparative Law
53	HS71001	a. Practical Paper
	HS71002	b. Practical Paper
	HS71003	c. Practical Paper
	HS71004	d. Practical Paper
54	HS81001	a. Practical Paper
	HS81002	b. Practical Paper
	HS81003	c. Practical Paper
	HS81004	d. Practical Paper
55	HCC1004	Moot Court

- **Abbreviations used in Subject Codes :**

The abbreviations used in the subject codes in the course component shall have meaning as under:

- (a) HBB – Inter- disciplinary subject for B.B.A. LL.B HONS. Course
- (b) HLC – Core Law Papers
- (c) HLA – Ancillary Hon’s Papers
- (d) HCC – Clinical Core Papers
- (e) HS – Specialized Honours Course

IV. EXAMINATION REGULATIONS

These Regulations are made applicable for students joining Five year integrated Degree courses and Three year Degree Courses at the School of Excellence in Law. These regulations cover the following criteria:

1. The Internal and External components will be in the ratio of 30:70.

Internal Components: 30 Marks

- Class test - 10 Marks
- Mid Semester - 10 Marks
- Assignment - 05 Marks
- Attendance - 05 Marks

External Components: 70 Marks (Question Paper pattern of the End Semester Exam)

- Part A – Essay Type-Answer any 3 out of 5 questions (10 Marks x 3= 30 Marks)
- Part B – Problems- Answer any 2 out of 4 questions (10 Marks x 2 = 20 Marks)
- Part C – Short Notes- Answer any 4 out of 7 (5 Marks x 4 = 20 Marks)

Internal components

- Mid semester test to be conducted after two months of teaching for 10 marks. Students shall compulsorily write the class test as directed by the subject faculty for each subject for 10 marks.
- Project assignment for 5 marks, Students shall submit the assignments to the subject faculty as directed by them within the stipulated time.
- Every student who has secured a minimum of 50% (15/30) in internals shall be considered to have passed the internals.
- Students who have not done any of the internal components for any valid reasons may be given an additional chance to complete the same during the respective semester on payment of fine of Rs.400 for the first chance and Rs.750 for the subsequent chance within the semester as instructed by the Director. The payment of fine shall be made through challan only.

- All the internal assessment components shall be completed prior to a fortnight before the commencement of the external examinations. No submission of assignments shall be entertained after the last date.
- Any student who has not completed the above said internal components will be allowed to write the external examinations in spite of they have secured the required attendance. Therefore the students are advised to successfully complete the internal components of each subject within the prescribed time as notified by the Director.

External:

- Every student has to secure a minimum of 75 percent attendance in the concerned semester for appearing in the external examinations.
- Candidates who have earned attendance between 67% to 75% on valid reasons are eligible to appear for the examinations provided the lack of attendance is recommended for condonation by Director, SOEL on payment of the prescribed fee of RS.2000/- The condonation fee must be paid by challan only. The condonation fee must be paid on or before the last working day of the concerned semester failing which the candidate has to pay 200 hundred rupees fine if the payment is made prior to the commencement of exams after the commencement of the external examinations the condonation fee will not be accepted and the candidates whose name found in the condonation list shall redo the semester.
- End semester examinations shall be conducted for 70 marks for each subject. Students who have secured 35 marks out of 70 shall be considered to be passed in the external examination.
- A student should secure 50% in both internal as well as external separately to have to be passed in the concerned paper.

2. Class attendance shall carry a maximum of 5 marks which is as follows:

I.	Less than 75%	No mark
II.	75% - 79%	1 marks
III.	80% -84%	2 marks
IV.	85% -89%	3 marks
V.	90% - 94%	4 marks
VI.	95% and above	5 marks

3. The special instructions for attendance is as follows:

- **Students representing the university in any of the co-curricular and extracurricular activities will be provided the attendance make up to maximum of 20 percent of the total number of days based on the request made by the student concerned and duly signed and certified by the faculty advisor in charge of the co-curricular and extracurricular Activity before the student(s) concerned along with the certificate shall reach the director, school of excellence in law without any delay.**
- **In Exceptional cases where the students have to represent the university in any co-curricular or extracurricular activities without the necessary formalities, the same may be explained in their application for attendance make up within three days of their return to the university after such activity. The reason for such delay need to be specified and the same has to be certified by the faculty advisor in charge of such co-curricular or extracurricular activity and forwarded to the Director of SOEL without any further delay.**
- **A student who has been granted medical leave on the submission of medical certificate by a duly competent authority shall be allowed to appear in the end semester exams provided he/she has put in a minimum of 67 percent attendances in each course. Students securing less than 67% on any circumstances shall not be permitted to appear for the external examinations and they shall redo the semester.**
- **In any event, no claims for such attendance make up shall be entertained at the end of the semester.**
- **Attendance makeup shall be admissible, shall be subject to prior approval from the concerned committee in charge for participation in moot courts, seminars, university exchange programmes, conferences, internships, N.C.C., N.S.S., Y.R.C. or any other academic, cultural or sports activities**

4. Instructions for Examinations

- **Candidates should carefully fill in all the required details in the application form, including name of the candidate, correct register number, date of birth and subject codes, failing which their applications are liable to be rejected.**
- **Blind candidates are exempted from payment of examination fees. They should enclose copy of medical certificate in evidence of their handicap. However they should pay the fee for statement of marks, provisional certificate and convocation.**
- **The fees once paid, will in not be refunded under any circumstances.**
- **The fees shall be remitted by way of Bank challan only and not by way of D.D.**
- **All candidates appearing for the examination should forward their applications, through the Director, SOEL and the exam applications will not be submitted to the controller of examinations under any circumstances.**
- **Candidates should obtain their hall tickets from the Director, SOEL, three days in advance of the commencement of examination, by producing relevant certificate of identity.**
- **Candidates will not be permitted to write the examination without the hall ticket.**
- **The answers must be legibly written either in blue or black ink.**
- **Special sketch pens or other pens should not be used for underlining points.**
- **The candidates should write the correct register number in the space provided in the first page of the answer book. No other part of the answer book shall contain the name or register number of the candidate.**
- **The candidates will not be permitted to enter the examination hall after 30 minutes from the commencement of the examinations. No candidate will be allowed to leave the examination hall, within the first 30 minutes from the commencement of the examination.**
- **Candidates who are intended to write the examination on the particular day/session are not permitted to be outside the examination hall specifically inside the campus of the university after the commencement of the examinations.**
- **Candidates are not permitted to borrow any stationers from any other candidate during the examination within the examination hall.**

- Candidates are required to adhere discipline and rules of the examination within and outside the examination hall so as to facilitate the other candidates to write the examination in a peaceful manner.
- Candidates shall not cause any nuisance either to the co examinee or to the invigilators and they have to adhere the instructions of the hall superintendent.
- The candidates are required to be seated in the examination hall before the commencement of the examination. After the commencement they have to get the permission of the hall superintendent and they have to take their respective seat in the examination hall.
- The candidates should personally hand over the answer papers to the Hall superintendent before leaving the hall.
- Electronic gadgets like cellular phone, pager or other instruments for communication from outside will not be permitted inside the examination hall. Possession of such instruments will also be treated as malpractice in the examination hall and will be punished accordingly.
- Candidates are required to hand keep their belongings including their mobile in their respective cloak rooms and advised to get their token. On return of the token they can get back their belongings from the cloak rooms.
- If the above instructions are not followed or any other similar wrong/delinquency is committed, it will be considered as malpractice and penal action will be initiated against the delinquent student.
- Candidates who have failed any subject are eligible, applying for revaluation, review and to get their photo copies of their answer books on payment of fees prescribed for the same.

5. Uniform Span Period System (N+2)

According to the system, the students of the various courses of 5 Year Integrated Hons' Degree Programme are permitted to pursue their higher classes and carry forward their backlog papers and has to clear their papers through the regular semester by the University.

The students those who joined in the various programmes from the academic year 2019-2020 onwards are eligible to complete their course of study within the normal period prescribed for such programme without detention.

As per the (N+2) norms, those students who are admitted in the academic year 2019-2020 onwards in various programme of the UG & PG will be given two additional years to complete their arrears of papers, if any, after the completion of the prescribed duration of the study to become eligible for award of degree from the time of joining in the programme.

During such extended period of two years of time span, such candidates (he/she) ceases to be a regular student of the University.

If a student he/she fails to clear the arrears of papers in the extended period (two years) after the normal programme of study shall not be eligible to be qualified for the degree.

SYLLABUS

B. B. A. LL.B. HON'S COURSE

I YEAR

I-Semester

S.No	Subject Code	Subjects
1	HBB0101	Legal Language and Literature
2	HBB0102	Financial and Management Accounting
3	HBB0103	Principles of Economics
4	HBB0104	Principles of Management & Organizational Behavior
5	HLC0101	Introduction to Law, Legal Methods and Legal Research

II- Semester

S.No	Subject Code	Subjects
6	HBB0205	Legal Language and Communication
7	HBB0206	Mobile Commerce
8	HBB0207	Business Communication
9	HLC0202	Legal And Constitutional History
10	HLC0203	Law of Torts

II YEAR

III Semester

S.No	Subject Code	Subjects
11	HBB0308	Social Issues and Social Research Methods
12	HBB0309	Human Resources Management
13	HLC0304	Constitutional Law I
14	HLC0305	Law of Contracts I
15	HLC0306	Law of Crimes I (Indian Penal Code)

IV Semester

S.No.	Subject Code	Subject
16	HBB0410	Managerial Economics
17	HBB0411	Public Policy, Governance and Law
18	HBB0412	Principles of Marketing
19	HLC0407	Constitutional Law II
20	HLC0408	Law of Contracts II

III YEAR

V Semester

S.No.	Subject Code	Subjects
21	HBB0513	Financial Services
22	HLC0509	Jurisprudence
23	HLC0510	Administrative Law
24	HLC0511	Family Law I
25	HLC0512	Company Law

VI Semester

S.No.	Subject Code	Subjects
26	HBB0614	Business Environment
27	HLC0613	Family Law II
28	HLC0614	Property Law
29	HLC0615	Law of Evidence
30	HLA0601	Interpretation of Statutes
31	HCC0601	Professional Ethics

IV YEAR**VII Semester**

S.No.	Subject Code	Subjects
32	HLC0716	Introduction to Public International Law
33	HLC0717	Labour Law I
34	HLC0718	Mediation and Conciliation
35	HLA0702	Intellectual Property Law
36	HS10701	a. International Economic Law
	HS10702	b. Comparative Constitutional Law
	HS10703	c. Correctional Process
	HS10704	d. Corporate Securitisation
37	HS20701	a. International Treaties & Conventions on IP
	HS20702	b. Introduction to Land Laws
	HS20703	c. Criminology
	HS20704	d. International Labour Organisation and Labour Jurisprudence

VIII Semester

S.No.	Subject Code	Subjects
38	HLC0819	Labour Law II
39	HLA0803	Competition Law
40	HLA0804	Cyber Law and Information Technology
41	HS30801	a. International Human Rights Law
	HS30802	b. Human Rights in the Constitutional Law
	HS30803	c. Cyber Crime
	HS30804	d. Insurance Law
42	HS40801	a. IP on Traditional Knowledge and Genetic Resources
	HS40802	b. Land Laws of Tamil Nadu
	HS40803	c. Forensic Science and Investigation
	HS40804	d. Service Laws
43	HCC0802	Alternative Dispute Resolution Policy

V YEAR

IX Semester

S.No.	Subject Code	Subjects
44	HLC0920	Civil Procedure Code and Limitation Act
45	HLC0921	Law of Crimes II (Criminal Procedure Code)
46	HLA0905	Banking Law
47	HS50901	a. Private International Law
	HS50902	b. Legal Process and Local Governance
	HS50903	c. Juvenile Justice system
	HS50904	d. International Commercial Arbitration
48	HS60901	a. Intellectual Property Litigations
	HS60902	b. RERA and Tenancy Law
	HS60903	c. Psychology of Crime
	HS60904	d. Social Security and Unorganised Labour
49	HCC0903	Drafting Pleading and Conveyancing

X Semester

S.No.	Subject Code	Subjects
50	HLC1022	Environment Law
51	HLC1023	Law of Taxation
52	HLA1006	Comparative Law
53	HS71001	a. Practical Paper
	HS71002	b. Practical Paper
	HS71003	c. Practical Paper
	HS71004	d. Practical Paper
54	HS81001	a. Practical Paper
	HS81002	b. Practical Paper
	HS81003	c. Practical Paper
	HS81004	d. Practical Paper
55	HCC1004	Moot Court

FIRST YEAR

I-SEMESTER

HBB0101: LEGAL LANGUAGE AND LITERATURE

English I

Objectives of the Course

The objective of the course is to train the student to obtain the basic knowledge of alphabets, words, parts of speech, phrases, clauses and sentences, apart from the need to upgrade English language skills for effective communication. This course focuses on strengthening the students' syntactical competence so as to bring quality and correct grammatical constructions in their writing and it is also meant to train them on how to study for various purposes. The prose lessons prescribed expose the students to different streams of higher thought in the realm of Politics, Law, Society and Literature. This course enables wholesome understanding of English language which plays a vital part in the acquisition of great advocacy skills.

COURSE OUTLINE

Module I: Legal Language and Grammar

- a. Defining Language
- b. Nature of Language
- c. Syntactical Competence (Introductory)
- d. Grammar and Usage-
 - Sentence Structure-Subject and Predicate
 - Concord
 - Tenses
 - Use of Articles
 - Accurate Use of Prepositions
 - Making Questions (Why-and yes-no questions and question tags)
 - Use of Modal Auxiliary Verbs (making requests, suggestions, seeking permission etc.)
 - Some Common Errors

Module II: Sentence Transformation

- a. Active and Passive Voice
- b. Types of Sentences (Statements, interrogative, exclamatory and imperative)
- c. Simple, complex and compound sentences
- d. Reported Speech
- e. Syntactic Ambiguity

Module III: Vocabulary Skills

- a. Idioms and Phrases
- b. One Word Substitution

Module IV: Communication Skills

- a. Communication- Verbal, Non-Verbal and Written
- b. Significance of Communication Skills for Lawyers-Listening, Speaking, Reading and Writing (Introductory)
- c. Electronic Communication and its types (Telephone, Facsimile, E-Mail, Voice Mail, Teleconferencing, Video-Conferencing, Word Processor, Internet, Social Media)
- d. Formal Correspondence
- e. Resume Writing

Module V: Study Skills for Law Students

- a. SQ3R(Survey Question Read, Recite and Review)
- b. Reading-Types-intensive and extensive; techniques-scanning, skimming and critical
- c. Note making
- d. Writing (Correct grammar, spelling, punctuation and clarity)
- e. Paragraph Writing

Module VI: Prose with Legal Themes:

- a. Of Judicature-Francis Bacon
- b. Some Reminiscences of the Bar-M.K. Gandhi
- c. Why the Indian Labor is Determined to Win the War-B R Ambedkar
- d. Joy of Reading- A P J Abdul Kalam
- e. M C Chagla- The Centenary of a Judicial Statesman- V R Krishna Iyer

Module VII: Poetry with Legal and Literature Themes:

- a. Law like love – W.H. Auden
- b. Freedom, Justice and Equality – Lonnie Hicks
- c. Where the Mind is without Fear – Rabindranath Tagore
- d. Stopping by the Woods on a Snowy Evening – Robert Frost.

APPENDIX I

Words Often Confused:

1. Affect - Effect
2. Adverse - Averse
3. Apprehend - Comprehend
4. Adapt - Adopt
5. Accept - Except
6. Advise - Advice
7. Beside - Besides
8. Bridal - Bridle
9. Canon - Cannon
10. Canvas - Canvass
11. Council - Counsel
12. Continual - Continuous
13. Childlike - Childish
14. Collision - Collusion
15. Confirm - Conform
16. Contagious - Contiguous
17. Dual - Duel
18. Elusive - Illusive
19. Eminent - Imminent
20. Facilitate - Felicitate
21. Industrial - Industrious
22. Judicial - Judicious
23. Metal - Mettle
24. Official - Officious
25. Popular - Populace
26. Principal - Principle
27. Stationary - Stationery
28. Wave - Waive
29. Sea - See
30. Momentary - Momentous
31. Junction - Juncture
32. Estimate - Esteem
33. Fain - Feign
34. Flagrant - Fragrant
35. Luxurious - Luxuriant
36. Emigrate - Immigrate
37. Destiny - Destination
38. Disease - Decease
39. Disposal - Disposition
40. Confident - Confidential
41. Corporal - Corporate
42. Congenial - Congenital
43. Compliment - Complement
44. Abstract - Extract
45. Avert - Invert
46. Accede - Exceed
47. Assent - Ascent
48. Atenuate- Extenuate
49. Artful - Artificial

Recommended Readings:

Books

- Smith, A.T.H. *Glanville Williams: Learning the Law*. Sweet and Maxwell Printing Press, 14th edition. 1945
- SP Bakshi. *Easily Accessible: Suitable for Beginners*. Descriptive Analysis.
- Bhatnagar. R. G. *Law and Language*. Trinity Press Private Limited, 2012. Print.
- Raymond Murphy, *Essential English Grammar*. 2nd Edition. Cambridge University: 1990, Print.
- Raymond Murphy. *English Grammar in Use*. 4th Edition. Cambridge University: 1995.
- Martin Hewings. *Advanced Grammar in Use*. 3rd Edition. Cambridge University: 2000.

- David Annousamy - *The Language Riddle*. 5th Edition. Sterling Publication, 2009.
- Lewis, Norman. *Word Power: The Complete Handbook for Building a Superior Vocabulary*.
- A.J. Thomsan. *Practical English Grammar*. Fourth Edition. 2015. Print.
- William Strunk, Jr. Richard De A'Morelli. *The Elements of Style*. Classic Edition: 2018. Print.
- Jane Straus. *The Blue Book of Grammar Punctuation: An Easy-to-Use with Clear rules and Real-World*. 2014. Print.

Further Readings

Books

- 1) Williams, Glanville. *Advanced English Grammar*. Cambridge University Press: New Delhi, 2008.
- 2) Denning, Lord. *Better English Pronunciation*. Cambridge University Press: New Delhi, 2008.
- 3) Jones, Daniel. *Better English Pronunciation*. Cambridge University Press: New Delhi, 2008.
- 4) Bhatnagar, R.P. *English Idioms*. Oxford University Press. 2002.
- 5) David Green - *Contemporary English Grammar Structure and Composition*
- 6) J.C. Nesfield - *English Grammar Composition and Usage*

Journals:

- Phonetics and Audiology Peer Reviewed Open Access Journal
- International Journal of Speech-Language Pathology and Audiology
- Journal of Language and Linguistic Studies.
- Journal of Language and Learning.
- Journal of English as an International Language.
- Journal of Effective learning.
- Journal of Computer-Mediated Communication.
- Electronic Journal of Foreign Language Teaching.

Web sources:

<https://www.easypacelearning.com/all-lessons/english-books-for-download-pdfs-free/1266-idioms-from-a-to-z-pdf-free-to-download>

<https://www.englishclub.com/vocabulary/figures.htm>

<https://www.britannica.com/science/phonetics>

<https://scholar.harvard.edu/files/adam/files/phonetics.ppt.pdf>

<https://www.thoughtco.com/phonetics-definition-1691622>

<https://www.dictionary.com/browse/phonetics>

Learning Outcome:

After undergoing this course, students should be able to:

1. *Comprehend the basic grammatical structure of English language and its proper usage.*
2. *Significantly enhance language skills, both spoken and written.*
3. *Understand the importance of honing advocacy skills.*

HBB0102: FINANCIAL AND MANAGEMENT ACCOUNTING

Objectives of the Course

Practically universal agreement among practicing lawyers that the services required of the lawyer today demand a certain amount of accounting training for most competent performance. Financial and Management Accounting is an essential discipline for corporate management, as the information collected and presented to management based on its principles and techniques which helps management to solve specific problems and also guides them in decision making. The objective of the course is acquainting the students with the basic concepts used in Financial Accounting and Management Accounting having a bearing on managerial decision-making.

COURSE OUTLINE

Module I: Accounting Concepts and Conventions

- (a) Accounting – Meaning, Objectives and Scope of Accounting.
- (b) Basic Accounting Concepts and Conventions.
- (c) Methods of Accounting and Limitations of Financial Accounting.
- (d) Journal, Ledger, Double Entry Book Keeping – Preparation of Trial Balance.

Module II: Final Accounts

- a) Preparation of Final Accounts – Introduction and Format.
- b) Trading, Profit and Loss Account and Balance Sheet (Simple Problems only).

Module III: Management Accounting

- a) Management Accounting – Meaning, Definition, Objectives and Techniques of Management Accounting.
- b) Difference Between Management Accounting and Financial Accounting.
- c) Concept of Funds – Funds Flow Statement – Uses and Limitations of Funds Flow Statement.
- d) Preparations of Funds Flow Statement and Cash Flow Statement.

Module IV: Financial Statement Analysis

- a) Financial Statement Analysis – Objectives
- b) Ratio Analysis – Classification of Ratios
- c) Problems Related to Liquidity Ratios, Profitability Ratios, Activity Ratios and Solvency Ratios.

Module V: Budgeting & Budgeting Control

- a) Budget – Introduction, Meaning, Definition, Merits, Demerits and Types of Budget.
- b) Essentials of Successful Budgetary Control.
- c) Preparation of ZBB (Zero Based Budgeting), Production, Cash and Flexible Budget.

Module VI: Marginal Costing

- a) Marginal Costing – Meaning, Importance, Advantages and Disadvantages
- b) Marginal Cost Statement – Cost Volume Profit analysis – Profit Volume Ratio
- c) Break Even Analysis – Break Even Chart – Break Even Point – Margin of Safety.

Note: Marks Distribution: Problems 60% and Theory 40%

Recommended Readings:

Books:

1. Maheswari S.N. Management Accounting and Financial Control, Sultan Chand & Sons, New Delhi.
2. Jain & Narang: Advanced Accounts, Kalyani Publishers, Ludhiana
3. T.S.Reddy and Hari Prasad, Financial and Management Accounting, Margam Publication, 2015.
4. Gupta R.L. and Radhaswamy. M: Advanced Accounts, Vol. 1 Sultan Chand & Sons, New Delhi
5. Iyengar, S.P., Cost and Management Accounting, Sultan Chand and Co., 5th Edition, 2010.

Journals / Journal Articles:

1. Hamid Saremi and Behrad Moin Nejad, (2013), “Role of Management Accounting in Managerial the Decision Making of Enterprises”, Elixir International Journal, Elixir Financial Management. 65B (2013) 19859-19866; <http://www.elixirpublishers.com>
2. Pratik P. Valand, “An Empirical Study of Ratio Analysis”, Indian Journal of Applied Research, Vol II, Issue I October 2012.

3. Barnes, Paul. (2006), "The Analysis and Use of Financial Ratios: A Review Article". Journal of Business Finance & Accounting. 14.449-461.10.1111/j.1468-5957.1987.tb00106. x.
4. Manes, R. (1966), "A New Dimension to Breakeven Analysis", Journal of Accounting Research, 4(1), 87-100. DOI:10.2307/2490143
5. Nwanyanwu, Loveday. (2014). "Some Basic Concepts of Accounting: A Critical Appraisal", Research Journal of Finance and Accounting. 5. 197 - 204.

Further Readings:

Books:

1. B. S. Khanna, G. K. Ahuja, I. M. Pandey, S. C. L. Batra - Practical Costing - S. Chand & Company Ltd, 2015.
2. Dr. R. P. Rustagi - Management Accounting - Taxmann's Publications, 2nd Edition, 2015.
3. Manosh Dutta, "Cost Accounting", Dorling Kindersley (India) Pvt Ltd, 2010.
4. M.C. Shukla, T.S. Grewal, Dr. M.P. Gupta, "Cost Accounting", S. Chand & Company Ltd, 2018.
5. I.M. Pandey, "Management Accounting", Vikas Publishing, third Edition, 2018
6. T. Horngren and Gary L. Sundem, "Introduction to Management Accounting" – 16th Edition, Prentice-Hall, New Delhi.
7. Ambrish Gupta – Financial Accounting for Management: An Analytical Perspective, Pearson Education, 3rd Edition 2009.
8. S.K. Bhattacharya, John Dearden – Accounting for Management, Vikas Publishing House, Third Revised Edition, 2008.
9. Carl S. Warren, James M. Reeve, and Jonathan E. Duchac – Financial Accounting: Concepts, Methods, and Applications (Cengage Learning, 2009).
10. Robert Anthony & Hawkins- Accounting Test and Cases, Richard D. Irwin London.

Journals:

1. Journal of Accounting Education
<http://www.sciencedirect.com/science/journal/07485751/>
2. International Journal of Accounting and Finance
<http://www.inderscience.com/jhome.php?jcode=ijaf>

3. Journal of Accounting Research
[http://onlinelibrary.wiley.com/journal/10.1111/\(ISSN\)1475-679X](http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)1475-679X)
4. Journal of Finance and Accounting
<https://www.journalpressindia.com/servlet/MasterClass?query=journaldetail&id=5>
5. Asia-Pacific Journal of Accounting & Finance
<http://accounting.fe.ui.ac.id/apjaf>
6. The Journal of Cost Accounting Research
<http://www.worldcat.org/oclc/464005184>
7. International Journal of Managerial and Financial Accounting
<https://www.inderscience.com/jhome.php?jcode=ijmfa>
8. Journal of management Accounting Research
<http://www.atypon-link.com/AAA/loi/jmar>
9. Man, Mariana &Modrak, Vladimir &Grabara, Janusz. (2011). "Marginal Cost of Industrial Production". Polish Journal of Management Studies. 3. 62-69.
10. Cook, A. (1995), "Management Accounting", BMJ: British Medical Journal, 310(6976), 381-385. Retrieved April 23, 2020, from www.jstor.org/stable/29726306

Learning Outcomes:

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

- *Understand financial and management accounting practices of a company and to take of their client, as an intellectual competent lawyer.*
- *Comprehend the basic principles of accounting and preparing final accounts.*
- *Gain knowledge on management accounting practices such as Financial Statement Analysis and Marginal Costing.*
- *Apply the Budgetary Control techniques for an efficient cost control and maximization of productivity.*

HBB0103: PRINCIPLES OF ECONOMICS

Objectives of the Course

The basic objective of this course is to make the students to understand the various advance economic principles as well as their applications. In addition to that this course also enables the students to understand sectors specific and their impact in shaping trends in economic indicators in pursuit of Indian Constitution.

COURSE OUTLINE

Module I Introduction to Economics

- a) Meaning – Definitions- Wealth, Welfare and Scarcity Views of Economics
- b) Nature and Scope of Economics- Significance of the Study of Economics
- c) The Subject Matter of Economics - Difference between Micro and Macro Economics
- d) The Methodology of Economics - Deductive Method and Inductive Method
- e) A Positive and a Normative Economics.

Module II Demand and Supply Analysis

- a) Meaning – Definition- Types- Functions of Demand
- b) Factors Affecting Demand- Law of Demand
- c) Exceptions to the Law of Demand
- d) Elasticity of Demand – Types and Measurement of Elasticity of Demand
- e) Factors influencing Elasticity of Demand
- f) Meaning and Definition of Supply – Law of Supply- Factors determining Supply.
- g) Consumer's Surplus- Producers Surplus.

Module III Theory of Consumer Behaviour

- a) Meaning – Definition - Concept of Utility
- b) Cardinal - Ordinal Utility Approach
- c) Law of Diminishing Marginal Utility - Law of Equi-Marginal utility
- d) Meaning of Indifference Curve- Approach to Indifference Curve Technique
- e) Properties and Uses of Indifference Curve
- f) Budget Line and Consumer's Equilibrium.

Module IV Theory of Production

- a) Meaning - Factors of Production
- b) Theories of Production: Law of Variable Proportions – Law of Returns to Scale
- c) Equal Product Curves – MRTS
- d) Producer's Equilibrium
- e) Internal and External Economies and Diseconomies of Scale of Production.

Module V Cost and Revenue Analysis

- a) Meaning – Functions -Concepts of Cost
- b) Fixed Cost -Variable Cost -Total Cost Average Cost
- c) Marginal Cost - Average Cost Curves -Derivation of SAC and LAC
- d) Revenue Concepts - Total Revenue - Average Revenue and Marginal Revenue Curves
- e) Relationship between Average Revenue and Marginal Revenue

Module VI Price and Output Determination Under Different Market Structure

- a) Nature of Market -Structure – Characteristics of Market
- b) Price and Output Determination - Perfect Competition, Monopoly, Duopoly
- c) Oligopoly -Monopolistic Competition
- d) Price Discrimination
- e) Price Policy and Pricing Methods.

Module VII Principles – Money and Finance

- a) Nature and Definition of Money-Concepts of Money
- b) Function of Money - Demand for Money
- c) Classical Approach: The Keynesian Approach
- d) Public Finance- Source of Public Finance
- e) Tax and Non-Tax Revenue- Characteristic of Good Tax System
- f) Theories of Public Expenditure – Peacock -Wisemen Theory
- g) Public Debt- Classification of Public Debt

Recommended Readings:

Books:

1. N. Gregory Mankiw (2007), *Economics: Principles and Applications*, 4th edition, India edition by South-Western, a part of Cengage Learning, Cengage Learning India Private Limited, ISBN-13:978-81-315-0577-9 (hereafter Mankiw, 2007, 4e).
2. Karl E. Case and Ray C. Fair (2007), *Principles of Economics*, 8th edition, Pearson Education Inc., ISBN 81-317-1587-6.(hereafter Case & Fair, 2007, 8e).
3. Joseph E. Stiglitz and Carl E. Walsh (2006), *Economics*, International Student Edition, 4th Edition, W.W. Norton & Company, Inc., New York, ISBN 0-393-92622-2. (hereafter Stiglitz & Walsh, 2006, 4e).
4. Ahuja H.L. (1996), *Principles of Micro Economics, A New look at Economic Theory*, S.Chand, New Delhi.
5. Jhingan M. L, *Macro Economic Theory*, 10th Revised edition, 2002, ISBN 81-87125-01-2, Vrinda Publication (P) Ltd, New Delhi.

Journal / Journal Articles:

1. Caplan, B., & Miller, S. (2012). Positive versus normative economics: What's the connection? Evidence from the "Survey of Americans and Economists on the Economy" and the "General Social Survey". *Public Choice*, 150(1/2), 241-261. Retrieved March 31, 2020, from www.jstor.org/stable/41406877
2. Kauder, E. (1965). The Law of Diminishing Utility. In *History of Marginal Utility Theory* (pp. 135-142). PRINCETON, NEW JERSEY: Princeton University Press. DOI:10.2307 /j. ctt 183pkml.16
3. Barucci, E. (1998). Optimal Investments with Increasing Returns to Scale. *International Economic Review*, 39(3), 789-808. doi:10.2307/2527400
4. Turvey, R. (1969). Marginal Cost. *The Economic Journal*, 79(314), 282-299. doi:10.2307/2230169
5. Lewis, M., & Widerquist, K. (2001). Marginal Analysis. In *Economics for Social Workers: The Application of Economic Theory to Social Policy and the Human Services* (pp. 15-24). New York: Columbia University Press. doi:10.7312/lewi11686.5

Further Readings:

Books:

1. Stonier and Hague, A Text Book of Economic Theory, (1958), Long Mans Green &Co., London.
2. Douglas B. Bernheim and Michael D. Whinston. (2009). Microeconomics, Tata McGraw-Hill (India).
3. Hal R. Varian (2010). Intermediate Microeconomics: A Modern Approach, W.W. Norton and Company/Affiliated East-West Press (India), 8th edition.
4. Joseph E. Stiglitz and Carl E. Walsh (2007). Economics, W.W. Norton & Company, Inc., New York, International Student Edition, 4th edition.
5. Gregory N Mankiw (2007). Economics: Principles and Applications, India edition by South Western, a part of Cengage Learning, Cengage Learning India Private Limited, 4th edition.
6. Sundharam KPM, M C Vaish, Principles of Economics-13th Revised Edition, Vikas Publishing House Pvt Ltd.
7. Tyagi B.P Public Finance 5st Edition, Jai Prakash&co.
8. Dominick Salvatore Eugene. A Duilio, Principles of Economics, Edition 2017, Tata McGraw Hill Publishing Company Ltd., New Delhi.
9. D.N. Dwivedi, 2000, Managerial Economics, Vikas Publishing House Pvt. Ltd., New Delhi
10. Baumol, William J., 1995, Economic Theory and Operation Analysis, Prentice Hall of India Pvt. Ltd., New Delhi.

Journal / Journal Articles:

1. Indian Journal of Economics
2. Economic and Political Weekly (EPW)
3. Kurukshetra and Yojana
4. Southern Economist
5. Indian Journal of Agriculture
6. Armstrong, M., & Vickers, J. (2001). Competitive Price Discrimination. *The RAND Journal of Economics*, 32(4), 579-605. Retrieved March 31, 2020, from www.jstor.org/stable/2696383

7. Frank, C. (1969). Substitution and Price Discrimination. In *Production Theory and Indivisible Commodities. (PSME-3)* (pp. 50-63). PRINCETON, NEW JERSEY: Princeton University Press. doi:10.2307/j.ctt183pr67.7
8. Lavoie, M. (1994). A Post Keynesian Approach to Consumer Choice. *Journal of Post Keynesian Economics*, 16(4), 539-562. Retrieved March 31, 2020, from www.jstor.org/stable/4538409
9. S. Kumarasundaram. (1986). India's Balance of Payment Prospects. *Economic and Political Weekly*, 21(8), 335-336. Retrieved March 31, 2020, from www.jstor.org/stable/4375360
10. Oum, T., Zhang, A., and Zhang, Y. (1993). Inter-firm Rivalry and Firm-specific Price Elasticities in Deregulated Airline Markets. *Journal of Transport Economics and Policy*, 27, 171–192.

Learning Outcomes:

After completion of the study students will be able to -

- *Reliable the application of legal principles in the field of economics in the precise manner, as a social engineer and uphold the goal of constitution to distribution of income and wealth of nation to ensure welfare of each individual.*
- *Give the first-hand information about the market structure how resource allocate various market situations and enable to change the decision making in accordance with global scenario.*
- *Comprehend how to use limited means to present and retain for the future unlimited wants and how the law can support and, at times conflict with, the functioning of the market and the government, the other two important organising forces of an economy.*
- *Develop an inter-disciplinary approach and enhance the employability of students.*

HBB0104: PRINCIPLES OF MANAGEMENT AND ORGANIZATIONAL BEHAVIOR

Objectives of the Course

In this course, the students will learn to recognize the characteristics of proper management by identifying what successful managers do and how they do it. Understand how manager's work is just as beneficial for the subordinate employee as it is for the manager. This course is designed to teach the fundamentals of management as they are practiced today. This course will illustrate how management evolves as firms grow in size. It is based upon the idea that the essential purpose of a business is to produce products and services in order to meet the needs and wants of the marketplace. In this course, the students will explore the tasks that today's managers perform and delve into the key knowledge areas that managers need to master in order to run successful and profitable businesses.

COURSE OUTLINE

Module I: Introduction to Management

- a) Introduction to Management - Primary Functions of Management
- b) Types of Managers - Management Roles
- c) History of Management - Scientific Management - Bureaucratic Management - Humanistic Management
- d) Current Developments in Management Practices
- e) The Planning Cycle - Types of Plans and Common Planning Tools
- f) Introduction to Strategic Management - Organizational Strategic Planning - Stages and Types of Strategy - How Environment Affects Strategy

Module II: Decision Making

- a) Introduction to Making Decisions in Different Organizations
- b) The Decision Making Process - Rational Decision Making vs. Other Types of Decision Making - Evidence-Based Decision Making
- c) Using a Decision Tree - Group Decision Making
- d) Introduction to Data and Managerialism in Decision Making
- e) Using Data to Make a Decision - Big Data in Decision Making - Decision Making Tools

Module III: Organizational Structure

- a) Introduction to Organizational Structures
- b) Modern Organizational Design - Factors Impacting Organizational Design
- c) Current Trends in Organization and Job Design –
- d) Introduction to Choosing an Organizational Structure - Organic versus Mechanistic Models
- e) Factors of an Organizational Structure - Organizational Structure and Success

Module IV: Control in the Workplace

- a) Introduction to Control in the Business Setting
- b) The Control Process
- c) Levels and Types of Control
- d) The Need for a Balanced Scorecard
- e) Financial and Nonfinancial Controls

Module V: Introduction to Organizational Behavior

- a) Definition of Organizational Behavior - Three Levels of Influence
- b) Contemporary Issues - Telecommuting - Green Business Practices - Outsourcing - Workforce Generations
- c) Introduction to Personality and Behavior in the Workplace
- d) Personality Traits - Personality and Behavior - Situational Influences on Personality
- e) Introduction to Workplace Influence on Individuality - Individuality vs Conformity - Individualized Management
- f) Technology and Organizational Behavior

Module VI: Group Dynamics

- a) Introduction to Group Dynamics - Types of Groups - Group Development - Group Structure - Group vs. Individuals
- b) Groups vs. Teams - Types of Teams - Creating Effective Teams - Team Players
- c) Introduction to Theories of Group and Teamwork - Early Management Theories - Modern Management Theories - Managing Teams Today

Module VII: Organizational Culture and Motivation in the Workplace

- a) What is Organizational Culture? - Levels of Organizational Culture - External Factors of Organizational Culture - Internal Factors of Organizational Culture - Developing and Maintaining Culture - Workplace Design
- b) Introduction to Motivation in Organizational Behavior - What is Motivation? - Individual Components of Motivation - Work Components of Motivation - Organizational Components of Motivation - Theories of Motivation - The Hawthorne Effect - Need-Based Theories - McGregor's Theory X and Theory Y - Herzberg's Two-Factor Theory –
- c) Introduction to Motivation in the Workplace - Managerial Responses to Motivation - Motivation in Different Cultures - Motivation in the Workplace

Module VIII: Conflict and Negotiation

- a) Introduction to Conflict Management – Meaning of Conflict - Types of Conflict - The Conflict Process - Conflict Management Styles - Sources of Conflict in an Organization - Conflict Management
- b) Introduction to Negotiation - Negotiation vs. Conflict Management - Stages of Negotiation - Types of Negotiating Strategies - Issues in Negotiation - Third-Party Negotiations.

Recommended Readings:

Books:

1. Prasad, L. M.(2019). *Principles and Practice of Management*. New Delhi: Sultan Chand and Sons.
2. Drucker, P. F. (1991). *The Practice of Management*. Ahamadabad: Allied Publishers.
3. Tripathi, P. C., and Reddy, P. N. (2017). *Principles of Mngement*. New Delhi: Tata McGraw - Hill. 6th Edition
4. Nair, S. R. (2008). *Organizational Behaviour*. New Delhi: Himalaya Publishing House.
5. Prasad, L.M. (2007). *Organizational Behaviour*. New Delhi: S. Chand & Company.

Journals/Journal Articles:

1. Newburry, W., Deephouse, D. L., &Gardberg, N. A. (2019). Global Aspects of Reputation and Strategic Management', Global Aspects of Reputation and Strategic Management (Research in Global Strategic Management, Volume 18).
2. Bonacchi, M., Marra, A., &Zarowin, P. (2019). Organizational structure and earnings quality of private and public firms. *Review of Accounting Studies*, 24(3), 1066-1113.
3. Henri, J. F., &Wouters, M. J. (2017). Coexistence of management control practices and successful product innovation.
4. Hough, L., &Dilchert, S. (2017). Personality: Its measurement and validity for employee selection. In *Handbook of employee selection* (pp. 298-325). Routledge.
5. Kundu, S. C., Mehra, L., &Mor, A. (2017). Effect of Diversity Management on Employees Intention to Quit: Mediating Role of Employee Motivation. *Journal of Strategic Human Resource Management*, 6(3), 17.

Further Readings:

Books:

1. Morden, T. (2017). *Principles of management*. Routledge.
2. Rothaermel, F. T. (2016). *Strategic management: concepts* (Vol. 2). McGraw-Hill Education.
3. Berry, A. J., Broadbent, J., &Otley, D. T. (Eds.). (2016). *Management control: theories, issues and practices*. Macmillan International Higher Education.
4. Wallenstein, P. (2018). *Understanding conflict resolution*. SAGE Publications Limited.
5. Barry, N. (2016). *Business ethics*. Springer.

Journals/Journal Articles:

1. Weichhart, G., Molina, A., Chen, D., Whitman, L. E., & Vernadat, F. (2016). Challenges and current developments for sensing, smart and sustainable enterprise systems. *Computers in Industry*, 79, 34-46.
2. Strobl, A., Niedermair, J., Matzler, K., & Mussner, T. (2019). Triggering subordinate innovation behavior: the influence of leaders' dark personality traits and level 5 leadership behavior. *International Journal of Innovation Management*, 23(05), 1950045.
3. Cascio, W. F., & Montealegre, R. (2016). How technology is changing work and organizations. *Annual Review of Organizational Psychology and Organizational Behavior*, 3, 349-375.
4. Klonek, F. E., Quera, V., Burba, M., & Kauffeld, S. (2016). Group interactions and time: Using sequential analysis to study group dynamics in project meetings. *Group Dynamics: Theory, Research, and Practice*, 20(3), 209.
5. Klug, M., & Bagrow, J. P. (2016). Understanding the group dynamics and success of teams. *Royal Society open science*, 3(4), 160007.
6. Arditi, D., Nayak, S., & Damci, A. (2017). Effect of organizational culture on delay in construction. *International Journal of Project Management*, 35(2), 136-147.
7. Sekhar, C., Patwardhan, M., & Singh, R. K. (2016). Prioritising the dimensions of employee motivation using analytic hierarchy process. *International journal of business and emerging markets*, 8(1), 49-66.
8. Van Gramberg, B., Teicher, J., Bamber, G. J., & Cooper, B. (2017). A changing world of workplace conflict resolution and employee voice: An Australian perspective.

Learning Outcomes

After completion of this course, the students will be able to -

- Describe the primary functions of management and the roles of managers.
- Identify common organizational structures, discuss organizational culture, and benefits of diversity.
- Recognize the importance of employee motivation and how to promote it and explain group and team dynamics within organizations.
- Describe the methods of encouraging ethical behavior and the laws encouraging good corporate practices and the methods and need for control within an organization.

HLC0101: INTRODUCTION TO LAW, LEGAL SYSTEMS & LEGAL RESEARCH

Objectives of the Course:

Introduction to Law, Legal Systems and Legal Research as a field of knowledge is essentially taught to the beginners of law. Contextually, it concentrates on the foundational dimensions of law at an introductory level. The core areas of dissemination include the role of law in human life and welfare, definitional elements of law, conceptual insights on legal terminologies and maxims, classification of law, basic views on legal systems, studying and interpreting legislations, understanding decisional law and fundamentals of legal research and methodology. The course work will be skill based. Enquiry cum learning by doing based approach is adopted to facilitate the students to imbibe intellectual abilities, self-evaluation and working culture towards accessing the teacher and law library. In sum, the course work ensures the transformation of a trainee into a student of law (ethical and knowledge dimensions). Importantly, the subject and related learning experience lays the platform for the students to evolve systematically towards the realisation of intellectual excellence in law.

COURSE OUTLINE

Module I: Introduction to Law, Classification and Legal Systems

- (a) Role of Law in Human Life and Welfare-Characterisation of Law-Classification of Law;
- (b) Basic Concepts in Legal Philosophy-Ancient Indian Legal Thought-Continental Law-Common Law-Comparative Laws-Notion of Public and Private Laws;
- (c) Principle based Approaches-Understanding Legal Terminologies and Maxims.

Module II: Skills to Learn Law and Methods of Legal Reasoning

- (a) Art of Questioning-Intellectual Enquiry-Developing Critical Thinking-Language Usage Skills;
- (b) Skills of Interpretation-to read, to write, deduce the hidden assumptions and test its accuracy-Texts of and about the Law-Improving Legal Insights on Contemporary Social Problems;
- (c) Methods of Legal Reasoning-Logic-Inductive and Deductive Reasoning-Analysis-Legal Fictions-Assumptions.

Module III: Understanding Legislations

- (a) Defining Statute Law-Kinds of Statutes-Legislative Drafters-Legal Writing and Legislative Drafting;
- (b) Stages of Legislative Drafting-Elements of Legislation-Principles of Legislation-Schools of Interpretation-General Clauses Act, 1897.

Module IV: Judicial Methods

- (a) Defining Justice-Concept of Dharma-Judicial Behaviour-Judicial Activism-Components of Judgment-Doctrine of Reasoned Decisions-Identifying *ratio decidendi*;
- (b) Judges make or declare Law-Hierarchy of Courts in India-Supreme Court-High Courts-District & Sessions Court-Metropolitan Courts-Subordinate Courts and Judges along with classifications.

Module V: Fundamentals of Legal Research and Methodology

- (a) Defining Research and Legal Research-Qualities of Legal Researcher-Doctrinal and Non-Doctrinal Modes of Research-Drafting Synopsis-Basic Components;
- (b) Principles of Data Collection-Modes of Data Collection-Questionnaire-Interview-Survey-Sampling-Statistical;
- (c) Research Manual-Utilising Law Library-Information Communication Assisted Legal Research-Multi-Disciplinary Approaches.

Module VI: Legal Education, Legal Ethics and Law Reforms

- (a) Salient Reports on Legal Education-Prof. Radhakrishnan Report on Reforms on Higher Education;
- (b) Introduction to Legal Ethics-Select Reports of the Law Commission of India.

Recommended Reading

Books

1. V.C.R.A.C. Crabbe (1993), *Legislative Drafting*, Cavendish Publishing: United Kingdom.
2. Subhash C.Kashyap (1994), *Our Constitution: An Introduction to India's Constitution and Constitutional Law*, National Book Trust of India: India.
3. John Trayner (1998), *Latin Maxims*, W. Green/Sweet & Maxwell: United Kingdom.
4. Sharon Hanson (1999), *Legal Method*, Cavendish Publishing: United Kingdom.
5. S.K. Verma and M. Afzal Wani (Editors) (2001), *Legal Research and Methodology*, Indian Law Institute: India.

Further Reading

1. UpendraBaxi (1982), *The Crisis of the Indian Legal System-Alternatives in Development: Law*, Vikas Publishing House Pvt. Ltd.: India.
2. P.M. Bakshi (1993), *Legal Interpretation: Ancient and Modern*, The Indian Law Institute: India.
3. V.C.R.A.C. Crabbe (1994), *Understanding Statutes*, Cavendish Publishing: United Kingdom.
4. A.G. Noorani (2011), *Challenges to Civil Rights Guarantees in India*, South Asia Human Rights Documentation Centre, Oxford University Press: India.
5. Ian McLeod (2013), *Legal Method*, Macmillan Law Masters, Red Globe Press: United Kingdom.

Articles

1. J.K. Bhavnani (1962), Legal Education in India, Journal of the Indian Law Institute, Vol. No.4, PP. 167-190.
2. V.S. Deshpande (1969), Extrinsic Aid in the Construction of Statutes, Journal of the Indian Law Institute, Vol. No.11, Issue No. 2, PP. 123-158.
3. Rahmatullah Khan and Sushil Kumar (1975), Comparative Law Research in India, Journal of the Indian Law Institute, Vol. No. 12, PP. 505-510.
4. UpendraBaxi (1975), Socio-Legal Research in India: A Programschrift, Indian Council of Social Science Research: New Delhi, occasional monograph No.12.
5. D.N. Saraf (1982), Relevance and Utility of Empirical Research in Law, Journal of the Indian Law Institute, Vol. No. 24 Issue No. 2&3, PP. 611-634.
6. Rajeev Dhavan (1994), Law As Struggle: Public Interest Law in India, Journal of the Indian Law Institute, Vol. No. 36, Issue No.3, PP. 302-338.
7. Duncan Berry (1997), Techniques for Evaluating Draft Legislation, The Loophole: Published by Common Wealth Association of Legislative Counsel, PP. 31-47.
8. S.P. Sathe (2001), Judicial Activism: Indian Experience, Washington University Journal of Law & Policy, Vol. No. 6, PP. 29-109.
9. Ruth Sullivan (2001), The Promise of Plain Language Drafting, McGill Law Journal, Vol. No. 47, PP. 97-128.
10. Justice D.M. Dharmadhikari (2002), Nature of Judicial Process, Vol. No. 6, Issue No. 1, Supreme Court Cases.

Cases for Guidance

1. Bangalore Water Supply and Sewerage Board v. A. Rajappa, AIR 1978 SC 548.
2. Maneka Gandhi v. Union of India, AIR 1978 SC 597.
3. BanduaMuktiMorchav.Union of India, AIR 1984 SC 802.
4. U.P. BhoodanYagnaSamiti v. Braj Kishore & Others, AIR 1988 SC 2239.
5. ParamanandKatara v. Union of India, AIR 1989 SC 2039.
6. State of Karnataka v. AppaBaluIngale and Others, AIR 1993 SC 1126.
7. Vellore Citizens Welfare Forum v. Union of India, AIR 1996 SC 2715.
8. Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446.
9. Bobby Art International, Etc. v. Om Pal Singh Hoon& Others, AIR 1996 SC 1846.
10. Vishaka v. State of Rajasthan, AIR 1997 SC 3011.
11. M.C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699.
12. Samatha v. State of Andhra Pradesh, AIR 1997 SC 3297.
13. Gaurav Jain v. Union of India, AIR 1997 SC 3021.
14. M/s. Spring Meadows Hospital v. Hajrol Ahluwalia, AIR 1998 SC 1801.
15. Apparel Export Promotion Council v. A.K. Chopra, AIR 1999 SC 625.
16. Mr. 'X' v. Hospital 'Z', AIR 1999 SC 495.
17. Chairman, Railway Board v. Chandrima Das, AIR 2000 SC 988.
18. Murali S. Deora v. Union of India, AIR 2002 SC 40.
19. Rupa Ashok Hurra v. Ashok Hurra& Another, AIR 2002 SC 1771.
20. Harish Uppal (Ex-Capt.) v. Union of India, AIR 2003 SC 739.
21. Sakshi v. Union of India, AIR 2004 SC 3566.
22. Jameel v. State of Maharashtra, AIR 2007 SC 971.
23. Suchita Srivastava& Another v. Chandigarh Administration, AIR 2010 SC 235.
24. In Re: Networking of Rivers (2012) 4 SCC 51.

Select Reports of the Law Commission of India

1. Report No. 183 (2002) on “A Continuum on the General Clauses Act, 1897 with Special Reference to the Admissibility and Codification of External Aids to Interpretation of Statutes”.
2. Report No. 187 (2003) on “Mode of Execution of Death Sentence and Incidental Matters”.
3. Report No. 196 (2006) on “Medical Treatment to Terminally Ill Patients (Protection of Patients and Medical Practitioners)”.
4. Report No. 201 (2006) on “Emergency Medical Care to Victims of Accidents and during Emergency Medical Condition and Women under Labour”.
5. Report No. 210 (2008) on “Humanization and Decriminalization of Attempt to Suicide”.
6. Report No. 221 (2009) on “Need for Speedy Justice-Some Suggestions”.
7. Report No. 222 (2009) on “Need for Justice-dispensation through ADRetc”.
8. Report No. 223 (2009) on “Need for Ameliorating the lot of the Have-nots-Supreme Court’s Judgments”.
9. Report No. 234 (2009) on “Legal Reforms to Combat Road Accidents”.
10. Report No. 255 (2015) on “Electoral Reforms”.

Learning Outcomes

1. To get introduced to the conception of law and its relevance to human life.
2. To understand the classification of laws to resolve the identity crisis.
3. To systematically work on the skills of using general and legal language.
4. To imbibe analytical skills of enquiry and legal reasoning.
5. To be aware of the notion of jurisprudence and its intersectionality with social problems.
6. To systematically evolve as a legal mind, to earn intellectual self-respect and eventually, contribute to mankind and other creations.

FIRST YEAR

II-SEMESTER

HBB0205: LEGAL LANGUAGE AND COMMUNICATION

English II

Objectives of the Course

The course objective is to train the students to acquire effective communication skills including legal jargon. The students are given an understanding of various types of correspondence, writing reports, minutes, office order, etc. The modern forms of communication and the way it can be used for business purpose is also covered in this paper. Linguistics and Phonetics help in good articulation with intonation and rhythm in the spoken skills and increasing the word hoard both literal and legal for effective written skills. Students are introduced to the various clauses, phrases, syntax, and nuances of legal terminology in the interpretative context.

COURSE OUTLINE

Module I: Phonology and Morphology

- a. Use of English and its Significance for Communication in Indian Legal Context (in the Supreme Court, High Courts and Various Tribunals)
- b. Correct Pronunciation-Speech Sounds, Word Stress and Intonation
- c. Structure of Words
- d. Processes of Words Formation (Examples from Law)

Module II: Semantics and Role of Meaning in Law

- a. Concept of Meaning
- b. Types of Meaning (Denotative, Connotative, Social, Emotive, Reflected, Collative and Thematic)
- c. Semantic Ambiguity
- d. Components and Contrasts of Meaning- Synonyms, Antonyms and Hyponym and their Significance in Legal Language (focus on examples)
- e. Lexical Relations- Homographs, Homophones and Polysemy and their Significance in Legal Language (focus on examples)

Module III: Composition Skills

- a. Report Writing
- b. Précis Writing
- c. Notices of General Nature
- d. Essay Writing on Legal Topics
- e. Translation:
 - Definitions of Translation and its Nature
 - Techniques of Translation
 - The Significance of Translation in Law

Module IV: Understanding the Law

- a. Defining Law
- b. Meaning of Act, Bill, Custom, Law, Laws, Morality, Ordinance, Precedents, Rule, Statute
- c. Nature of Law
- d. Classification of Laws- Municipal Law and International Law, Public and Private Law, Civil Law and Criminal Laws
- e. Interpreting Law and Role of Language in Interpretation (Use of Definitions, Meanings of words, literal meaning and contextual meaning)
- f. Etymology, Significance, Meaning and Usage of Legal Terms in Procedural, Civil and Criminal Laws- Legal Terms (Appendix I)

Module V: Foreign Terminology in Law

- a. Use of Foreign Terms in Legal English- the Origin of Law and Reasons for their Use
- b. Foreign Words (Appendix II)
- c. Legal maxims (Appendix III)

Module VI: Use of Language in Drafting

- a. Use of Legal Language and its significance in drafts (Sale Deed, Gift Deed, Release Deed, General Power of Attorney and Will)
- b. Use of Legal Language in Drafting in Legal Notices (Notice to Tenant on behalf of Landlord and vice versa and Notice to Husband on behalf of Wife and vice versa)

Module VII: Advocacy Skills

- a. Meaning of Advocacy
- b. Advocacy as an Art
- c. Qualities of Lawyers (Good voice, Command of Words, Confidence, Practical wisdom etc)
- d. Use of Rhetoric- Figures of Speech (Euphemism, Hyperbole, Irony, Metaphor, Paradox, Simile, Synecdoche and Understatement)
- e. Etiquettes and Manners for Law Professionals
- f. Client Counselling and Interviewing

Module VI: Logical Reasoning for Legal Learners:

- a. General principles of Logic
- b. Deductive Logic and Inductive logic
- c. Proposition- Kinds and Types of proposition.
- d. Four-fold classification and its significance.
- e. Syllogism – Structure and Rules of Syllogism – Fallacies - Distribution of Terms and importance of Middle term.

APPENDIX: I

List of Legal Terms:

- | | | |
|--------------------------|------------------|-----------------------|
| 1. Accomplice | 19. Equity | 39. Partition |
| 2. Adjudication | 20. Evidence | 40. Plaintiff |
| 3. Adjournment | 21. Execution | 41. Power of attorney |
| 4. Admission | 22. Fraud | 42. Proof |
| 5. Affidavit | 23. Hearsay | 43. Proof |
| 6. Amendment | 24. Homicide | 44. Redemption |
| 7. Approver | 25. Injunction | 45. Remedy |
| 8. Breach of
Contract | 26. Issue | 46. Settlement |
| 9. Capital
Punishment | 27. Judgement | 47. Summons |
| 10. Coercion | 28. Jurisdiction | 48. Surety |
| 11. Compromise | 29. Liability | 49. Tenant |
| 12. Consent | 30. Licence | 50. Title |
| 13. Counter Claim | 31. Maintenance | 51. Transfer |
| 14. Damages | 32. Malafides | 52. Trespass |
| 15. Defamation | 33. Minor | 53. Trial |
| 16. Defence | 34. Murder | 54. Trust |
| 17. Deposit | 35. Necessaries | 55. Usage |
| 18. Distress | 36. Negligence | 56. Vakalat |
| | 37. Oath | 57. Verdict |
| | 38. Obscene | 58. Waiver |

APPENDIX II

List of Legal Terms:

- | | |
|-------------------|--------------|
| Ab initio | Perjury |
| Ad hoc | Privity |
| Ad-Idem | Proviso |
| Advalorem | Quid Pro quo |
| Affidavit | Quo Warranto |
| Amicus Curiae | Resjudicata |
| Bona-fide | Sine-die |
| Cur.advelt | Tort |
| Cerciorari | Trespass |
| De-facto | Ultra-vires |
| De-jure | Usage |
| Equity | Vakalat |
| Ex-parte | Vis-Major |
| Habeas Corpus | Void |
| Homicide | Voidable |
| In Camera | Waiver |
| In-forma Pauperis | |
| In-Limine | |
| Magna Carta | |
| Malafides | |
| Mandamus | |
| Partition | |
| Persona designate | |

APPENDIX: III

List of Latin Legal Maxims:

1. *Actio Personalis Moritur Cum Persona*
2. *Actus Non Facit Reum, Nisi Mens, Sit, Rea*
3. *Audi Alteram Partem*
4. *Damnum Sine Injuria Esse Potest*
5. *Delegatus Non Potest Delegate*
6. *Ex Nudo Pacto Non Ortiur Actio*
7. *Ex Turpi Causa Non Ortiur Actio*
8. *Falsus In Uno Falsus in Omnibus*
9. *Ignorantia Facit Excusant In ignorantia Juris Non Excusant (Ignorance Legis Neminem Excusant)*
10. *In Jure Non Remota Causa, Sed Proxima Spectatus*
11. *Injuria Sine Damno*
12. *Nemo Dat Quod Non Habet*
13. *Novus Actus (or Causa) Interveniens*
14. *Qui Facit Per Alium Facit Per Se*
15. *Res Ipsa Loquitur*
16. *Respondeat Superior*
17. *Rex Non Potest Peccare*
18. *Salus Populi Suprema Lex*
19. *Sic Utero Tuo Ut Alienum Non Leadas*
20. *Ubi Jus Ibi Idem Remedium (Or) Ubi Jus Ihi Remedium*
21. *Ut Res Magis Valeat Quam Pereat*
22. *Volenti Non Fit Injuria*

Recommended Readings

Books

- 1) Rajendra Pal and J. S. Korlahalli - *Essentials of Business Communication*. Sterling publication. 1971. Print.
- 2) Williams, Glanville. *Learning the Law*. Sweet and Maxwell Printing Press, 2006. Print.
- 3) Bhatnagar. R. G. *Law and Language*. Trinity Press Private Limited, 2012. Print.
- 4) Mill, John Stuart. *On Liberty*. London: John W. Parker and Son, West Strand, 1859. Print.
- 5) Dennings, Lord. *Due Process of Law*. London: Butterworths: Lexis Nexis, 2004. Print.
- 6) *Essentials of Business communication*- Rajendra Pal and JS Korlhalli, S. Chand and Co. New Delhi. Print.

- 7) Locker and McGraw Hill. *Business Communication: Building Critical Series*. 3rd edition. Print.
- 8) Herta A Murphy, Herbert W. Hiderbrandt & Jane P. Thomas. *Effective Business Communication*. McGraw Hill Education. 2017. Print.
- 9) Agarwal, Anurag. K. *Legal Language and Business Communication*. Macmillan Printing Press. 2019. Print.
- 10) R. S. Agarwal. *A Modern Approach to Verbal and Non-verbal Reasoning*. 2001. Print.
- 11) Dennis Q. McInerny. *Being Logical*. 2004. Print.

Further Readings

Books

- 1) Bovee, Thill, Schatzman- *Business Communication Today*
- 2) Penrose, Rasbery, Myers - *Advanced Business Communication*
- 3) Simon Collin - *Doing Business on the Internet*
- 4) Mary Ellen Guffey, *Business Communication-Process and Product*.
- 5) David Annousamy - *The Language Riddle*. 5th Edition. Sterling Publication, 2009.
- 6) Williams, Glanville. *Academic Writing*. Routledge New York: 2008.
- 7) David Annousamy, *Academic Writing*. Routledge New York: 2006.

Journals for Further Readings:

- *Language and Intercultural Communication*.
- *Language and Speech*.
- *International Journal of Bilingualism*.
- *Journal of International Communication-Research Gate*.
- *Journal of Communication Management*.

Web Sources:

<https://www.latestlaws.com/library/legal-maxims/>

<https://www.lawsociety.org.uk/for-the-public/legal-glossary/>

<https://www.justice.gov/usao/justice-101/glossary>

<https://www.marketing91.com/five-types-of-communication/>

<https://davidappleyard.com/english/vocabulary.htm>

<https://literarydevices.net/figure-of-speech/>

Learning Outcomes

- *Students would get basic knowledge of effective communication skills in English much needed for legal practice.*
- *Proper exposure to court room punctilios including selection of diction for drafting and presentation of arguments.*
- *Exposition of enacted laws from the perspective of linguistic complexities would strengthen the students in appreciation of invariable use words including personal pronouns (he includes she, use of may for shall and impact of improper juxtaposition of words.*
- *Advanced tutorship of verbal communication, drafting and composition exercises would add to the efficacy of the course in the law school parlance.*
- *For the beginners and budding lawyers introduction to innovative interpretative approaches in understanding the law from the perspective of linguistic communicative deficiencies is a boon for the courses in law in the coming four years in the law school.*

HBB0206: MOBILE COMMERCE

Objectives of the Course

M-Commerce can be used as any electronic commerce activity conducted over a wireless network through mobile devices. It includes such as buying and selling of goods, provision of services and information, online transactions etc. The main ideas behind M-Commerce are to enable various applications and services available on the internet to portable devices. Mobile Phones, Tablets, Laptops etc., to overcome the constraints of a desktop computer, M-Commerce aims to serve all information and material needs of the people in a convenient and easy way.

COURSE OUTLINE

Module 1: Mobile commerce Basics

- a) Introduction to mobile commerce - Mobile Frame Work - Mobile commerce Business models
- b) Payment Model, Advertiser Model, Shopping Model - M –Commerce Application - E-commerce (vs) M-Commerce
- c) Types of M-commerce services-Mobile portal -Mobile Commerce Applications
- d) Mobile Banking, Mobile Payments -Mobile commerce development.

Module II: Mobile Commerce Applications and Technology

- a) Financial sector -Retail sector-Telecommunication sector
- b) Entertainment sector-Mobile application development - Mobile commerce Technology - Wireless and mobile communication systems
- c) Satellite communication - Mobile communication systems – Broadband Technology, Wireless Broadband Internet, WAP

Module III: Mobile Devices and Access Systems

- a) Types of Mobile Devices - Mobile Computers- Mobile Internet Device (MID)
- b) Personal Digital assistance (PDA) - Portable Media Player- Tablet- Mobile phone – Mobile service providers.-Mobile access technology
- c) M-mobile communication standards - Evolution of M-commerce systems– Evolution of M-commerce Systems

Module IV: Mobile Products

- a) Mobile Banking- Business modules- Mobile Banking Technologies
- b) Mobile Banking services- Advantages of Mobile Banking- Challenges and Application of Mobile Banking - Tickets on Mobile
- c) Privacy and Security Issues- Ticketing Apps - Providers.

Module V: Mobile Payment

- a) Characteristics of Mobile payment systems - Mobile Payment Models-Types of mobile Payments
- b) Bank Centric Model, Operating Centric Model, Collaboration Model, Peer – To – Peer Model
- c) Types of Mobile Payment - Security Issues- Mobile Payment Service Providers.

Module VI : Mobile Security

- a) Mobile security concepts - Mobile security mechanism – Encryption, Digital Signatures
- b) Digital Certificates, PKT, Firewalls, Proxy Servers- Mobile network security
- c) Mobile information security - Mobile device security - Mobile application security - Precautionary Measures – Mobile Security Management

Module VII: Legal Aspects

- a) Mobile Device Related Laws - Mobile Phone Tapping, Mobile Copy Write Law, Mobile forensics
- b) Mobile Phone and Driving Safety, Mobile Surveillance and Tracking, Mobile Usage in Aircrafts, Mobile Devices and Health Hazards
- c) Cell Phone freedom Act 2010 - Information Technology Act 2000 of India - Privacy and Electronic Communication Regulation Act 2003 - Future of Mobile Commerce.

Recommended Readings:

Books :

1. E.BrianMennecke, J.TroyStrader, “Mobile Commerce: Technology, Theory and Applications”, Idea Group Inc., IRM press, 2003.
2. KarabiBandyopadhyay, “Mobile Commerce”, PHI, Learning Pvt. Ltd.,
3. Suman. M, Divakara Reddy. N, “Advanced E-Commerce & Mobile Commerce”, Mumbai, Himalaya Publishing House Pvt. Ltd., 2015.

4. E-Commerce And Mobile Commerce Technologies, Dr.U.SPandey, Er. SaurabhShukla,S. Chand and Company Ltd

5. Mobile Commerce: Technology, Theory and Application Troy J.Strader , Premier Reference source

Journals/Articles:

1. Precise Positioning of Marketing and Behavior Intentions of Location-Based Mobile Commerce in the Internet of Things Yao-Te Tsai 1 ,Shu-Ching Wang 2,* , Kuo-Qin Yan 2,* and Chih-Ming Chang

2. Mobile commerce: Promises, challenges and research agenda ,Keng SIAU.

3.The Role of M-Commerce Readiness in Emerging and Developed Markets, by Abdul

4. Investigating determinants of brand equity in mobile commerce by Pour, Mona Jamiy

5.Moving from Wired e-Commerce to Mobile e-Commerce and U-Commerce by Tawfik Jelass, Francisco J. Martínez-López

Further Readings:

Books:

1. M-Commerce: Technologies, Services, and Business Models by Norman Sadeh.

2. Mobile Commerce:Opportunities,Applications and Technologies of Wireless Business, Paul May,1st edition.

3. Mobile Commerce: Concepts, Methodologies, Tools, and Applications, Kijpokin

4. E-Commerce and M-Commerce Technologies, P. Candace Deans

5. Mobile Commerce Application,Nansi Shi

6. **E-Commerce: An Indian Perspective,P. T. Joseph,PHI Learning**

7. **.E-Business and E-commerce Management by Dave Chaffey.**

8. Mobile Communications, Second Edition by Jochen Schiller

9. *Frontiers of Electronic Commerce, Book by Andrew B. Whinston and Ravi Kalakota*

10. *E-Commerce: Strategy, Technologies and Applications, Book by David Whiteley.*

Journals and Articles:

<https://www.investopedia.com/terms/m/mobile-commerce.asp>

<https://www.tutorialpoint/m-commerce>

[http:// www.salesforce.com/in](http://www.salesforce.com/in)

[http:// www.microstrategy.com](http://www.microstrategy.com)

<https://www.sciencedirect.com/science/article>

Learning Outcome

After completion of the course students will be able to -

- *Knowledge on buying and selling of goods, provision of services and information, online transactions etc.,*
- *Enable various applications and services available on the internet to portable devices.*

Serve all information and material needs of the people

HBB0207: BUSINESS COMMUNICATION

Objectives of the Course

Make students learn how to effectively communicate in business, with an emphasis on the use of these skills as a manager. To introduce important elements of successful communication, providing examples of effective communication and providing students opportunities to practice the same. To familiarize on essentials of communication includes professional writing, visual aids, presentations, speeches, phone and online communication, and both getting hired and finding new hires.

COURSE OUTLINE

Module I: Communicating in Business

- a) Introduction to Effective Communication in Business - The Business Audience
- b) Introduction to Methods of Communication - Listening
- c) Verbal and Nonverbal Communication - Cross-cultural Communication - Formal communication – Informal communication – Grapevine communication
- d) Introduction to Ethics in Business Communication
- e) Guidelines for Ethical Communication - Being Ethical Online

Module II: Visual Media

- a) Introduction to Media and Message - Using Visual Media Resources - Visual Design Principles
- b) Introduction to Images - Images Overview - Using Images for Impact - Using Images Legally
- c) Introduction to Charts, Diagrams, and Graphic Organizers - Tables, Charts, and Infographics - Matching Graphics and Objectives - Placement, Style, and Coloring - Captions and Titles
- d) Introduction to Contemporary Visual Aids - Video as a Visual Aid - Designing a Video - Products and Resources for Creating Videos
- e) Introduction to Using Visuals - Visuals in a Report - Increasing Impact with Media - Revising and Enhancing Visual Media for Impact - Evaluating the Effectiveness of your Message

Module III: Reports

- a) Introduction to Business Reports - Types of Reports - Stakeholders
- b) Introduction to Informal Reports - Using Informal Reports - Organizing an Informal Report - How to Write an Informal Report
- c) Introduction to Formal Reports - Sections of Formal Reports - Front Sections of a Report - Body Sections of a Report - Back Matter - Organization of Formal Reports - How to Write a Formal Report

Module IV: Public Speaking

- a) Introduction to Effective Public Speaking - Benefits of Public Speaking - Audience Expectations - Developing an Effective Speech
- b) Introduction to Delivery Techniques - Starting the Speech - Body Language and Gestures
- c) Introduction to Audience Engagement - Audience Attention and Rapport - Audience Participation
- d) Introduction to Speech Tips and Techniques - Overcoming Fears and Anxiety - Pro Tips

Module V: Developing and Delivering Business Presentations

- a) Introduction to Visual Aids - Presentation Tools and Visual Aids
- b) Introduction to Using Microsoft PowerPoint - New Presentations - Editing and Enhancing a PowerPoint Presentation - Visuals: Images, Videos, and Objects
- c) Introduction to Using Google Slides - Creating and Organizing Presentations - Text Boxes and Themes - Images, Videos, and - Arranging Objects
- d) Introduction to Making a Presentation for a Meeting - Parts of a Good Presentation - What's my Presentation About - Bad Presentations - Making a Presentation for a Meeting

Module VI: Communicating Through Technology

- a) Introduction to Communication Tools - Audio Communication - Video Communication - Online Communication - Comparing Communication Tools
- b) Introduction to Scheduling a Meeting - Polling Tools - Scheduling Tools - Using Scheduling Platforms
- c) Introduction to Scheduling Remote Meetings - Using Technology for Meetings - Scheduling Remote Meetings
- d) Introduction to Video Conferences - Using Video in Business - One-on-One Video Calls - Group Video Calls - Video Meetings

- e) Introduction to Web Sharing - Using Web Sharing in Business - One-on-One Web Sharing Calls - Group Web Sharing Calls - Web Sharing Meetings
- f) Introduction to Common Social Media Platforms - Facebook - Instagram - Twitter - YouTube
- g) Introduction to Additional Social Media Platforms - LinkedIn - Pinterest - Snapchat - Google Plus

Module VII: Communicating Different Messages

- a) Introduction to Informative Business Messages - Short Informative Messages - Long Informative Messages
- b) Introduction to Team-Focused Messages - Short Team-Focused Message - Long Team-Focused Message
- c) Introduction to Professional Criticism - Types of Criticism - Criticism of Other Businesses- Criticism of Customers - Criticism of Employees - Criticism of Colleagues
- d) Introduction to Responding to Criticism - Responding to a criticism - Remaining Professional When Frustrated - Short Responses to Criticism - Long Responses to Criticism

Module VIII: Collaboration In and Across Teams

- a) Introduction to Team Communication in the Workplace - The Value of Teams in Business Communication - Teams and Team Dynamics - Group Communication Networks - Conflict Resolution
- b) Introduction to Collaborative Projects - Decision Making In Groups - Tools for Communicating with Groups - Collaborative Writing
- c) Introduction to Workplace Etiquette - Interaction in the Workplace - Company Events

Recommended Readings:

Books:

- 1 Scot Ober. (2005) Contemporary business communication, fifth edition, biztantra.
- 2 Lesiler&Flat lay, Basic Business communication. Tata McGraw Hill. *M.B.A. Hospital Management – 2015-16 onwards – CCII Annexure No.72A*
- 3 Raman, M., & Sharma, S. (2015). *Technical communication: Principles and practice*. Oxford University Press.
- 4 Scott Goodson, Brand Building for Law Firms, forbes, June 11,2011**
- 5 Bovée, C.L., Thill, J.V., & Raina, R. L. (2016). *Business communication today*. Pearson Education India.

Journals/Journal Articles:

1. Coffelt, T. A., Baker, M. J., & Corey, R. C. (2016). Business communication practices from employers' perspectives. *Business and Professional Communication Quarterly*, 79(3), 300-316.
2. Pikhart, M. (2017). Managerial communication and its changes in the global intercultural business world. In *SHS Web of Conferences* (Vol. 37, p. 01013). EDP Sciences.
3. Loglia, J. M., & Bowers, C. A. (2016). Emoticons in Business Communication: Is the:) Worth it?. In *Emotions, technology, and design* (pp. 37-53). Academic Press.
4. Argenti, P. A. (2017). Strategic communication in the c-suite. *International Journal of Business Communication*, 54(2), 146-160.
5. Veldeman, C., Van Praet, E., & Mechant, P. (2017). Social media adoption in business-to-business: IT and industrial companies compared. *International Journal of Business Communication*, 54(3), 283-305.

Further Readings:**Books:**

1. Hynes, G. E., & Veltsos, J. R. (2018). *Managerial communication: Strategies and applications*. Sage Publications.
2. Leathers, D. G., & Eaves, M. (2015). *Successful nonverbal communication: Principles and applications*. Routledge.
3. Carroll, C. E. (Ed.). (2015). *The handbook of communication and corporate reputation*. John Wiley & Sons.

Journals/Journal Articles:

1. Escobar-Rodríguez, T., & Bonsón-Fernández, R. (2017). Facebook practices for business communication among fashion retailers. *Journal of Fashion Marketing and Management: An International Journal*.
2. Sanina, A., Balashov, A., Rubtcova, M., & Satinsky, D. M. (2017). The effectiveness of communication channels in government and business communication. *Information Polity*, 22(4), 251-266.
3. MacDermott, C., & Ortiz, L. (2017). Beyond the business communication course: A historical perspective of the where, why, and how of soft skills development and job readiness for business graduates. *IUP Journal of Soft Skills*, 11(2), 7-24.
4. Peña-Acuña, B., & DelHénar Sánchez-Cobarro, P. (2017). Socio-emotional skills and business communication. *Procedia-Social and Behavioral Sciences*, 237, 914-918.
5. Apparaju, H. (2016). How effective are the persuasive and other communication abilities of MBA students in India: Implications for business communication courses. *IUP Journal of Soft Skills*, 10(3), 24.

6. Haylett, C. (2016). Use of social media for teaching online courses and enhancing business communication skills at the university level: Can this really be done?. *International Journal of Online Pedagogy and Course Design (IJOPCD)*, 6(4), 71-85.

Learning Outcomes

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

- Make effective Communication in Business and understand different processes and considerations involved in writing in business
- Use traditional and online tools and methods to find, evaluate, and process information including visual media and create various types of business reports
- Make effective public speaking and presentation using slides and other visual aids; and organize and participate in meetings using phone and video conferencing tools and social media
- Identify ways to collaborate in business within a team and across multiple teams

HLC0202: Legal and Constitutional history

Objectives of the Course:

The course is a foundation course for constitutional law paper. It traces the development of the legal system and judiciary from the ancient period through the advent of Britishers upto the framing of a constitution of the Independent India. The detailed discussion of legal and judicial system in India during different regime and the changing structure, are given in detail, an understanding of which is of vital importance to a law student.

COURSE OUTLINE

Module I

Ancient Period

- a) Ancient Sources of Law : Vedic Texts, Brahmanas, Sutras (Kalpa and Dharma), Dharma Shastra, Arthashastra – Custom as source of law – Thinkers - Manu, Brihaspati, Yajnavalkya, Narada, Katyayan
- b) Judicial System and Types of court: Pratishita, Apratishta, Mudrita, Sasita, Guilds, Panchayats, Kantakasodhana, Dharmasthiyaa – Procedures: Appointment of judges,
- c) Crimes and Punishments- Investigation, Trial, Witness, Pleaders, Role of judges, Secret agents, wergild and Punishment – Classification of disputes- Drawbacks of judicial administration in Hindu Sastras .

Module II

Legal system in South India

- a) Legal system in Sangam text – Legal code by Thirukkural – Legal system during Pallavas, cholas, Pandyas
- b) Legal system during Nayaks – Courts during Nayak period - Village Court -Special Court, and Temples Court.

Module III

Judicial system in Medieval India.

- a) Sources of Islamic Law: Sharia and Hadis – Salient features of Islamic Criminal Law – Judicial organization: King, Chief Qazi, Judicial Officers, Investigative Process and Punishments.
- b) Court System in Mughal empire ; Classification of Courts during Mughal rule, Court at Capital, Provincial court, District Courts, Parganah's Court, Village Courts.
- c) Crime and punishment in Mughal administration – Law with regard to non-Muslims – Evolution of Judicial Setup – Changes introduced by Akbar – Drawbacks in Muslim administration of Justice.

Module IV

Advent of British- Legal and constitutional changes

- a) Administration of Justice and developments of courts and Judicial institutions in the Presidency Towns of Madras, Bombay and Calcutta from 1600-1726- Mayor's Court

- at Madras; (*Cases-Pagoda oath case, Mayor Naish re-election case, Mayor and Secretary betting case- Bombay; Arab Merchant's case and Hindu woman's case*).
- b) Charters of the East India Company: 1600, 1661, 1726 and 1753 –Courts: Mayor's Court of 1726 and Supreme Court of 1774 (*Cases-The trial of Nanda Kumar - 1775, Case of Kamaluddin 1775, The Patna case 1777-1779, The Cossijuraj case*) - The Settlement Act of 1781.
 - c) Warren Hastings plans 1772, 1774 and 1780 – Judicial Measure of Cornwallis- 1787, 1790 & 1793.
 - d) Working of the Adalat system- Pitts India Act of 1784- Charter Act of 1793.

Module V

Legislative changes in the 19th century.

- a) Development of Law in Presidency Towns –: Charter of 1833 1813, 1833, 1853, Government of India Act of 1858. Indian Councils Act-1861 & 1892.
- b) Privy Council: Appeals and working of Privy Council its Jurisdiction- Abolition of the Jurisdiction of Privy Council, Appraisal of Privy Council.
- c) Establishment of High Courts 1861 as the highest court of appeals.

Module VI

Pre-Constitutional History

- a) Minto Morley Reforms 1909– Montague Chelmsford Reforms 1919 – Introduction of Dyarchy in provinces -Simon commission 1927– Nehru Report 1928.
- b) The Government of India Act, 1935 – Cripps mission 1942– Cabinet Proposal 1946 – Mountbatten Plan- Interim Government.
- c) Partition of India - Indian Independence Act 1947- Formation of the Constituent Assembly -The working of Constituent Assembly of India – Adoption of the British model of parliamentary government – Adoption of the Indian Constitution.

Recommend Readings:

Books :

1. Jain, M. P., Patnaik, G. B., Das, Y., Das, R., & Tiwary, A. K. (2014). *Outlines of Indian legal and constitutional history*. LexisNexis.
2. Jain, M. P. (2017). *Outlines of Indian legal history*. NM Tripathi Private Ltd. agency
3. Paranjape, N. V. (2006). *Indian Legal and Constitutional History*. Central Law Agency.
4. Kulshreshtha, V.D., Landmarks in Indian Legal and Constitutional history, Eastern Book Company.
5. Mittal, J. K. (1982). *Indian Legal Et Constitutional History*. Allahabad Law Agency.

Journals:

1. Frickey, P. P. (1993). Marshalling Past and Present: Colonialism, Constitutionalism, and Interpretation in Federal Indian Law. *Harvard Law Review*, 381-440.
2. Webster, A. (1990). The political economy of trade liberalization: the East India Company Charter Act of 1813. *Economic History Review*, 404-419.
3. Ehrlich, J. (2018). The Crisis of Liberal Reform in India: Public opinion, pyrotechnics, and the Charter Act of 1833. *Modern Asian Studies*, 52(6), 2013-2055.
4. Muldoon, A. (2016). *Empire, Politics and the Creation of the 1935 India Act: Last Act of the Raj*. Routledge.
5. Galanter, M., & Robinson, N. (2013). India's Grand Advocates: a legal elite flourishing in the era of globalization. *International Journal of the Legal Profession*, 20(3), 241-265

Further Readings:**Books:**

1. Sharma, G. S. (2015). *Educational Planning: Its Legal and Constitutional Implications in India*. Indian Law Institute, New Delhi.
2. Jayaswal, K. P. (1924). *Hindu policy: A constitutional history of India in Hindu times*. Butterworth and Company, Calcutta.
3. Prof.Kailash Rai, *Indian Legal and Constitutional History*, Central Law Agency.
4. Jois, R. (2004). *Legal and Constitutional History of India: Ancient, Judicial and Constitutional System*. Universal Law Publishing.
5. Habib, Irfan, *India- Studies in the History of an Idea*, MunshiramManoharlal Publishers, Delhi, 2004.
6. Gandhi, B. M. (2005). *Landmarks in Indian Legal and Constitutional History*. Lucknow: Eastern Book Company.H.V. Sreeniwasmurthy – History (for law students)
7. Habib, M., &Nizami, K. A. (1970). *A Comprehensive History of India: The Delhi Sultanat (AD 1206-1526)*, ed. by Mohammad Habib and Khaliq Ahmad Nizami (Vol. 5). People's Publishing House.
8. Dhavan, S. S. *The Indian judicial system: a historical survey*.
9. Sethi, R. R., & Mahajan, V. D. (1956). *Constitutional history of India*. S. Chand.Singh,
10. M. P. (2006). *Outlines of Indian Legal & Constitutional History*. Universal Law Publishing.

Journals :

1. India. Constituent Assembly (Legislative). (1949). *The Constituent Assembly of India (Legislative) Debates: Official Report* (Vol. 1). Manager of Publications.
2. Rama, G. J., Ramakrishnan, A. G., Venkatesh, M. V., & Muralishankar, R. (2001). Thirukkural: a text-to-speech synthesis system. *Proc. Tamil Internet*, 92-97.
3. Sewell, R., Nunes, F., & Paes, D. (1900). *A Forgotten Empire: (Vijayanagar) a Contribution to the History of India*. London: S. Sonnenschein.
4. Zakariyah, L. (2015). *Legal maxims in Islamic criminal law: Theory and applications*. Brill.
5. Chiriyankandath, J. (2000). 'Creating a secular state in a religious country': The debate in the Indian constituent assembly. *Journal of Commonwealth & Comparative Politics*, 38(2), 1-24.
6. Kalhan, A., Conroy, G. P., Kaushal, M., & Miller, S. S. (2006). Colonial continuities: Human rights, terrorism, and security laws in India. *Colum. J. Asian L.*, 20, 93.
7. Kashikar, C. G. (1979). The idea of ultimate reality and meaning according to the KalpaSūtras. *Ultimate Reality and Meaning*, 2(3), 172-187.
8. Sinha, M. K. (2005). Hinduism and international humanitarian law. *International review of the red cross*, 87(858), 285-294.
9. Rama, G. J., Ramakrishnan, A. G., Venkatesh, M. V., & Muralishankar, R. (2001). Thirukkural: a text-to-speech synthesis system. *Proc. Tamil Internet*, 92-97.
10. Sewell, R., Nunes, F., & Paes, D. (1900). *A Forgotten Empire: (Vijayanagar) a Contribution to the History of India*. London: S. Sonnenschein.

Learning Outcomes:

After completion of the course students will be able to–

- *Students can trace the evolution of Western legal system and legal institutions juxtaposed on the existing eastern systems to fit into the common law system. It helps them to trace the growth and development of legal system and legal education from the ancient past to the present.*
- *Students will be able to illustrate the evolution of the different kind of judicial system and legal systems prevailed in India and its respective changes.*

HLC0203: LAW OF TORTS

(Including Motor Vehicles Act and Consumer Protection Act)

Objectives of the Course:

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 judgements. 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 defences to tort claims in various parameters.

After undergoing the study the student will be able to understand the following:

- *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 including the role of Judge, Burden of Proof issues.*
- *To spot tort issues in everyday conduct.*

COURSE OUTLINE

MODULE I: The Nature of a Tort

- a) Evolution of Tort Law-Nature, Definition and Scope of Torts
- b) Foundation of Tortious Liability- Essential of Torts- Wrongful act, Legal damage and Remedy – Injuria Sine Damno and Damnum Sine Injuria – Ubi jus ibiremedium
- c) Distinction between Tort and Crime - Tort and Contract
- d) Relevance of intention, motive and malice in law of torts
- e) Parties- Capacity to Sue and be Sued -Joint and Several Tort-feasors- Malfeasance, Misfeasance, Nonfeasance

MODULE II: Defences under Tort

- a) Specific Defences and General Defences
- b) Volenti non fit injuria- Act of God (Vis major)
- c) Inevitable Accident- Necessity
- d) Private Defense- Novus Actus Interveniens
- e) Statutory Authority- Judicial and Quasi-judicial Authority- Parental and Quasi-parental Authority.

MODULE III: Liability under Tort

- a) Strict Liability
- b) Absolute Liability
- c) Vicarious Liability- Vicarious Liability of State
- d) Liability for Dangerous Premises- Liability for Dangerous Chattels
- e) Liability for Animals- Liability for Misstatements

MODULE IV: Nuisance -Negligence - Trespass

- a) Essentials to constitute Nuisance- who may sue ?- who may be sued?
- b) Classification of Nuisance- Defences in Nuisance.
- c) Essentials of Negligence- Theories of Negligence- Medical and Professional Negligence
- d) Contributory Negligence- Composite Negligence- Proof of Negligence- Res ipsa loquitur
- e) Trespass- Trespass to Land- Trespass to Person- Trespass to Goods- Nervous Shock

MODULE V: Defamation- Malicious Prosecution - Remedies - Discharge of Torts

- a) Essentials of Defamation- Kinds of Defamation- Rules to test a Defamatory Statement- Defences for an action of Defamation
- b) Malicious Prosecution- Distinction between false Imprisonment and Malicious Prosecution- Damages for Malicious Prosecution
- c) Remedies- Kinds of Remedies-Judicial Remedies of Torts-Damage- kinds of damage- Remoteness of Damages- test of Remoteness of Damages- Rules relating to Remoteness of Damages
- d) Injunction – kinds of Injunction- Specific Restitution– Constitutional Remedies- Extra-judicial Remedies- Self-help- Expulsion of trespasser- Re-entry on Land – Recapture of Goods – Distress damage feasant – Abatement
- e) Discharge of Torts- Waiver- Accord and Satisfaction- Release- Acquiescence- Judgment Recovered and Res Judicata- Statutes of Limitation- Death

MODULE VI: Motor Vehicles Act - Consumer Protection Act

- a) 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
- b) Compensation and Right to Just Compensation- Claims and Claim Tribunal – Composition, Powers, Procedure and appeal against its orders - Liability
- c) Insurance company, Third Party, Vicarious Liability Fault and no Fault liability, Right to fixed compensation.

- d) Consumer Protection Act- Concept and definition of Consumer and Service- Unfair trade practices- Supply of essential commodities and services- Enforcement of consumer rights
- e) Consumer protection redressal agencies-District forum- State commission- National commission- Working of consumer protection law-Deficiency in service

Recommended Reading

Books

1. Ramaswamy Iyer's The Law Of Torts, A Lakshminath , M Sridhar , LexisNexis India (2010)
2. Philosophy and the Law of Torts, Gerald J. Postema, Cambridge University Press, 2002
3. Gandhi, B.M., Law of Tort, 4th Edition, Reprinted 2019, Eastern Book Company.
4. Pillai, P.S.A., Law of Torts, 9 th Ed., Eastern Book Co., Lucknow (2017).
5. Salmond, Law of Torts, 17th Ed., (Rev. by R.F.V. Henston) London, Sweet and Maxwell (1979).

Journals/ Articles

1. Philosophical Issues in Tort Law, John Oberdiek, Volume3, Issue 4, July 2008, Pages 734-748
2. 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
3. Some Thoughts on Risk Distribution and the Law of Torts, Guido Calabresi, The Yale Law Journal, Vol. 70, No. 4 (Mar., 1961), pp. 499-553
4. Principles of Torts, Harvard Law Review, vol. 56 Harv. L. Rev. 72 (1942-1943), Heinonline,
5. A Critique of Torts, Richard. L. Abel ,vol 37 UCLA L. Rev. 785 (1989-1990), Heinonline,

Further Reading

Books

1. Harold Luntz et al, *Torts: Cases and Commentary* (LexisNexis Butterworths, 8th ed, 2017)
2. Carolyn Sappideen and Prue Vines (eds), *Fleming's The Law of Torts* (Lawbook Co, 12th ed, 2016);
3. Martin Davies and Ian Malkin, *Torts* (LexisNexis Butterworths, 8th ed, 2017);
 4. Kit Barker et al, *The Law of Torts in Australia* (Oxford, 5th ed, 2012);
 5. RP Balkin and JLR Davis, *Law of Torts* (LexisNexis Butterworths, 5th ed, 2013);
 6. Horsey, K. & Rackley, E. *Tort Law*. (Oxford University Press, 2019).
 7. Ratan Lal and Dhirajlal, *The Law of Torts*, 25th Ed., Wadhwa and Co. Nagpur, 2017.
 8. Singh, S.P, *Law of Tort*, Fourth Edition, Universal Law Publishing Co. Reprint 2018
 9. Chakraborty, C., *Law of Consumer Protection*, New Delhi, Dwivedi Law Agency (2007).
10. Lunney, M. and Oliphant, K. (2013) *Tort law: text and materials*. Fifth edition. Oxford, United Kingdom: Oxford University Press.

Journal/ Articles

1. The Enterprise Liability Theory of Torts, Howard C. Klemme, Vol 47 U. Colo. L. Rev. 153 (1975-1976), Heinonline.
2. Conditional Fault in the Law of Torts, Robert E. Keeton, *Harvard Law Review*, Vol. 72, No. 3 (Jan., 1959), pp. 401-444
3. 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
4. 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.
5. Bijawat, Mahesh, *Medical Negligence – Medical Malpractice- A Medical Experience (NC)*, JILI 37, 1995 page 390-397.
6. The Strict Liability In Fault And The Fault In Strict Liability, John C.P. Goldberg, Benjamin C. Zipursky Harvard Law School
7. 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>
8. [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
9. Tort Law, Southern California Law Review
<https://southerncalifornialawreview.com/tag/tort-law/>
10. Tort Law, Green, Leon – Hein Online
https://heinonline.org/HOL/AuthorProfile?collection=Journals&base=js&search_name=Green,%20Leon

Cases for Guidance

1. Ashby vs. White (1703) 2 Lord Raym 938
2. Gloucester Grammar School case (1410) Y.B. 11 hen. IV of 47
3. Mayor of Bradford Corpn. vs. Pickles (1895) AC 587
4. Smith v. Charles Baker and Sons (1891) AC 325 (HL)
5. South Indian Industrial Ltd., Madras vs. AlameluAmmal, AIR 1923 Mad. 565
6. Hall vs. Brooklands Auto Racing Club (1932) 1 KB 205
7. Rylands vs. Fletcher (1868) LR 3 HL 330.
8. M. C. Mehta vs. Union of India, AIR 1987 SC 1086.
9. State of Rajasthan vs. Vidyawathi (1962) Supp. 2 SCR 989
10. Donoghue vs. Stevenson (1932) All ER Rep. 1
11. Malton Board of Health vs. Malton Manure Co., (1879) 4 Ex D 302
12. White vs. Bailey 1861 10 C.B. (ns) 227
13. The Wagon Mound (No 1) (1961)
14. Kamta Prasad vs National Buildings Constructions Corporation Pvt Ltd, A.I.R. 1992 Delhi 275
15. *Livingstone vs Rawyards Coal Co (1880) 5 App Cas 25, 39*
16. Khenyei vs New India Assurnace Co.Ltd.&Ors on 7 May, 2015
17. Ajay Kumar &Anr. vs Most. Ruby Devi &Ors. on 27 July, 2016
18. Union Carbide Corporation Etc vs Union Of India Etc. Etc on 3 October, 1991

19. Stanley vs. Powell, (1891) 1 QB 86
20. Rural Transport Service vs. Bezlum Bibi (1980)

Learning Outcomes

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

SECOND YEAR

III-SEMESTER

HBB0308: SOCIAL ISSUES AND SOCIAL RESEARCH METHODS

Objective of the Course

Introduction to Social Research Methods, a course designed to teach and train law students on a variety of research approaches available in sociology in order to best address a research question in the Criminal Justice area. The purpose of this paper is to familiarize the law students with the logic of social science inquiry, to develop research question, strategies of research design, and a variety of research methods.

This paper will enable the students to understand the following:

- 1. Enable to train the students to conduct original research using quantitative, qualitative and historical research methods.*
- 2. Identify to give a basic frame work about the identification of research problem.*
- 3. Equipped to conceptualize, framing of hypothesis strategies of research plan and the tools of data collection.*
- 4. Able to understand the students to learn the report writing procedures.*
- 5. Designed in such a way will encourage the students to develop and use higher order thinking skills, including analytical, synthetic and applied thinking.*

COURSE OUTLINE

Module I: Social Problem

- a) Meaning - Definition - Characteristics - Causes and consequences of social problems
- b) Theoretical approach to social problem - Social Disorganisation Approach- Cultural Lag - Value-Conflict Approach - Personal Deviation Approach – Anomie Approach.

Module II: Methods of Sociology

- a) Comparative method- Historical method- Statistical method-Case study- Survey method-Scientific method-
- b) Limitations of Scientific method in Sociology- Sociology as a Science.

Module III: Social Research

- a) Meaning and definition of research and social research - Types of Research: Pure- Applied- Significance of social research- objectivity-subjectivity-deduction and induction method

Module IV: Research Problem and Hypothesis

- a) Identification or selection of research problem, - formulation of research problem, - precautions to be taken while selecting a research problem- Steps in the research process –
- b) Hypothesis: Definition and characteristics-types of hypothesis-sources of hypothesis-problems in formulation of hypothesis.

Module V: Research Design and Sampling Technique

- a) Research Design:Definition- Types of research design-components of good research design.
- b) Sample: Definition- characteristics of good sample - advantages of sampling- types of sample – probability and non probability sampling.

Module VI: Sources of Data, and Tools of Data Collection

- a) Sources of data: primary- secondary- tertiary -Tools of data collection: interview-questionnaire-schedule-observation.
- b) Interview: Meaning-advantages-steps involved in interview-qualities of an interviewer-advantage and limitation of interview
- c) Questionnaire: Types of questionnaire-form of a questionnaire-pretesting – factors affecting the responses - reliability and validity - advantage and limitation of questionnaire
- d) Schedule: Essentials of good schedule-procedure for framing a schedule-general form and layout-content-types of question-language-sequence of questions-pilot study - advantages and limitations of schedule – difference between schedule and questionnaire.
- e) Observations: Kinds: participant-non participant-controlled and non-controlled observations- importance – limitations.

Module VII: Report Writing

- a) Meaning- types of report- requisite of good report- components of research report.

Recommended Readings:

Books

1. Ahuja, Ram., 2001. *Research Methods*, Reprint, Rawat Publications. Jaipur.
2. Sharma, BAV., Prasad ,Ravindra., Sathyanarayana, P., 1985. *Research Methods in Social Science.*, New Delhi : Sterling.
3. Wilkinson and Bandarkar., 1999. *Methodology and Techniques of Social Research*, Ed.9 Himalaya Publishing House.
4. Kothari C.R , 2004.*Research Methodology, Methods and techniques*, New Age International publication, New Delhi – revised edition.
5. *Floyd J. Fowler Jr.'s 2013. Survey Research Methods., Sage Publications.,*

Journals:

1. Journal of Research Practice
2. Sociological Methodology
3. Survey Research Methods
4. Quantity and Quality
5. Journal of Mixed Research Methods

Further Reading:

1. LawranceNueman., 2014. *Social Research Methods*, Pearson Publications, Delhi
2. Haralambos, and Holborn. 2007. *Sociology: Themes and Perspectives*, London: Collins.
3. Newman, Lawrence.2011. *Social Research Methods: Qualitative and Quantitative Approaches*, Pearson Education.
4. Beteille A and T.N. Madan 1975. *Encounter and Experience Personal Accounts of Fieldwork*, New Delhi: Vikas Publishing House
5. Goode, William J and P. K .Hatt 1952. *Methods in Social Research*, New Delhi: Mc Graw -Hill.
6. Young, P.V.1966. *Scientific Social Surveys and Research, New Deli: Prentice Hall*
7. Clause Adolf Moser , 2009. *Survey Methods in Investigation*, Ed. 2, reprint, Pub. Gower

8. Wilkinson, T.S and P.L Bhandarkar. 1984. *Methods and Techniques of Social Research*, Bombay: Himalaya Publishing House.

9. Bhandarkar, P. L. and Wilkinson. 2007. *Methodology and Techniques of Social Research*, Himalaya Publishing House, New Delhi.

10. Haralambos, and Holborn. 2007. *Sociology: Themes and Perspectives*, London: Collins.

Learning Outcomes

After completion of the course the students will be able to –

- *Identify steps in the research process and identify the basic elements of a good research design.*
- *Understand Sampling and apply various sampling techniques.*
- *Discuss characteristics of quantitative and qualitative measurement, and understand how to operationalize concepts using each approach.*
- *Apply various data collection techniques, for both quantitative and qualitative research.*

HBB0309: HUMAN RESOURCES MANAGEMENT

Objectives of the Course

In this course, students are introduced to the field of human resources management and learn about the legal and social implications of managing employees. Students will learn strategies to plan, recruit, compensate, develop, and engage a company's workforce. The course covers additional topics including managing stress, unions, leadership and change.

COURSE OUTLINE

Module I: Introduction to Human Resources Management

- a) Defining Human Resources Management - Functions of Human Resources Management - Foundations of Human Resources Management
- b) Scientific Management Theories - Administrative Management Theories - Behavioral Management Theories - Modern Management Theories
- c) Human Resource Policies – Important policies
- d) Creating a Human Resources Department - Working in Human Resources - Getting a Job in Human Resources

Module II: Human Capital Trends and Diversity in the Workplace

- a) Introduction to People Analytics - Adoption Trends - Implications of People Analytics - Impact of People Analytics on Strategy - Challenges in People Analytics - Best Practices in People Analytics - Human Capital Trends
- b) Diversity in Workplace - Introduction to Legislation - The Law and Discrimination - Anti-Discrimination Legislation - Supreme Court Cases - Interpreting the Law
- c) Introduction to Equal Employment Opportunity - EEO Best Practices - EEO Complaints - EEO Violations - Introduction to Working with a Diverse Workforce - Diversity and Inclusion - Benefits of Diversity - Challenges of Diversity - Introduction to Promoting a Diverse Workforce - Developing a Diverse Workforce - Current Diversity Related Trends

Module III: Human Resource Planning

- a) Introduction to the HR Planning Process - Assessing Current Human Resources - Labor Supply and Demand - HR Planning Outcomes
- b) Introduction to Job Analysis - Job Analysis Process - Job Descriptions - Job Design - Job Design Theories - The Recruitment Process - Employer Branding - Writing a Job Advertisement
- c) Introduction to Recruitment Sources - Candidate Sourcing - Technology and Recruiting - Avoiding Discrimination in Recruiting - The Selection Process - Avoiding Bias in Selection - Interview Approaches

Module IV: Onboarding, Training, and Developing Employees

- a) Introduction to Onboarding Employees - Benefits of Onboarding - Methods of Onboarding
- b) Introduction to Training Employees - Identifying Training Gaps - The ADDIE Model - Employee Training Methods - Evaluating Training Effectiveness
- c) Employee Development - Career Management

Module V: Compensation and Benefits

- a) Introduction to Law and Compensation
- b) Legal provisions related to labour standards and equal pay - Pay Equity Issues
- c) Compensation and Motivation - Intrinsic vs Extrinsic Rewards
- d) Types of Compensation
- e) Developing a Pay Structure - Benefits - Benefit Trends

Module VI: Performance Management and Appraisal

- a) Introduction to Performance Management
- b) Steps in the Appraisal Process
- c) Appraisal Methods - Presenting an Appraisal
- d) Introduction to Appraisal Effectiveness
- e) Performance Management Errors - Improving Appraisal Effectiveness

Module VII: Employee Engagement and Termination

- a) Introduction to Employee Engagement - Results and Employee Engagement –People responsible for Engagement
- b) Measuring Employee Engagement –Reasons for failure of Engagement Efforts
- c) Introduction to Conflict at Work - The Impact of Conflict - Conflict Resolution at Work
- d) Emotional Intelligence
- e) Downsizing - Effects of Organizational Downsizing - Downsizing and Morale
- f) Introduction to Effects of Termination - Legal and Ethical Termination - Termination Laws - Layoffs vs. Firing - Navigating Employee Termination

Module VIII: Managing Stress and Emotions

- a) Introduction to Stress in an Organization
- b) Sources of Stress - Consequences and Costs of Stress
- c) Introduction to Workplace Stress Management
- d) Individual Approaches to Stress Management - Managerial Approaches to Stress Management - Organizational Approaches to Stress Management

Module IX: Leadership and Organizational Change

- a) Introduction to the History of Leadership Theories - The History of Leadership - Early Trait Approach - Behavioral Approach - Contingency Approach
- b) Introduction to Leadership Styles and Topics - Leadership Styles - Trust and Leadership
- c) Leadership Roles and Issues - Challenges to Leadership
- d) Introduction to Leadership vs Management - Leader vs Manager - Leader-Managers –
- e) Introduction to Change Management - Forces of Change - Types of Change - Resistance to Change - Models of Change Management.

Recommended Readings:

Books:

1. Aswathappa, K. (2013). *Human resource management: Text and cases*. Tata McGraw-Hill Education.
2. Patnaik, *Human Resource Management*, 3rd edition, PHI, 2009.
3. Jeffery Mello, *Human Resource Management*, Cengage Learning, India, 2008.
4. SubbaRao, *Essential of HRM and Industrial Relation*, 2008, Himalaya Pub. House.
5. Methis& Jackson, *Human Resource Management*, 12th edition, 2008Cengage Learning.

Journals/Journal Articles:

1. Rathore, A. (2018). Impact of human resource policies and practices on employees turnover with special reference to cement industry in Rajasthan.
2. Tamzid, M., &Parves, M. T. (2017). Human Resource Management Policies and Diversity Management (A Case Study on Sainsbury's). *Human Resource Management*, 8(4).
3. Ulrich, D., &Grochowski, J. (2018). Building a world class HR department. *Strategic HR Review*.
4. Tumasjan, A., Kunze, F., Bruch, H., &Welppe, I. M. (2020). Linking employer branding orientation and firm performance: Testing a dual mediation route of recruitment efficiency and positive affective climate. *Human Resource Management*, 59(1), 83-99.
5. Hennekam, S., Peterson, J., Tahssain-Gay, L., &Dumazert, J. P. (2019). Recruitment discrimination: how organizations use social power to circumvent laws and regulations. *The International Journal of Human Resource Management*, 1-29.

Further Readings:

Books:

1. Barak, M. E. M. (2016). *Managing diversity: Toward a globally inclusive workplace*. Sage Publications.
2. Western, S. (2019). *Leadership: A critical text*. SAGE Publications Limited.
3. Rosenbach, W. E. (2018). *Contemporary issues in leadership*. Routledge.
4. SubbaRao, *International Human Resource Management*, 2009, Himalaya Publishing House.
5. ShafiI.Kazi, *Legal Handbook for HR Manager*, Lawshikho.com

Journals/Journal Articles:

1. Parthiban, N., & Krishnan, S. A. (2017). A conceptual framework of human resources practices and policies in private sector. *ZENITH International Journal of Multidisciplinary Research*, 7(9), 1-9.
2. Bodie, M. T., Cherry, M. A., McCormick, M. L., & Tang, J. (2017). The law and policy of People Analytics. *U. Colo. L. Rev.*, 88, 961.
3. Davis, P. J., Frolova, Y., & Callahan, W. (2016). Workplace diversity management in Australia. *Equality, Diversity and Inclusion: An International Journal*.
4. Wang, J., & McLean, G. N. (2016). Promoting diversity in India: where do we go from here?. *Advances in Developing Human Resources*, 18(1), 102-113.
5. Hall-Jones, J., Simmons, T., Stermer, E., van Hemert, J. P., & Vogel, M. (2018). Onboarding Employees Through Shared Values. *Journal of Research, Assessment, and Practice in Higher Education*, 3(1), 9.
6. White, J., & Hamilton, L. (2018, June). Applying the ADDIE model to eAssessment in Applied Skills for Nursing. In *UWS Learning, Teaching & Research Conference 2018: Bridging Boundaries: Connecting Learning, Teaching & Research*.
7. Kohli, M. (2019). Structure of executive compensation in India. *Journal of Commerce & Accounting Research*, 8(4).
8. Sandhyavani, K. V., & Kumar, M. S. (2020). Effectiveness of Performance Appraisal System in Indian PSU. *Our Heritage*, 68(30), 5489-5505.
9. Kishori, B., & Vinothini, B. (2016). A Study on Work Stress Among Bank Employees in State Bank of India with Reference to Tiruchirappalli. *IJIRST–International Journal for Innovative Research in Science & Technology*, 2, 12.
10. Aggarwal, P. (2017). Examining the scope and regulatory framework concerning employees' benefit schemes in India. *NUJS L. Rev.*, 10, 109.

Learning Outcomes

After completion of the course students will be able to –

- Discuss the importance and the role of human resources management; people analytics and human capital trends; and identify the laws relevant to avoiding discrimination in human resources management and discuss how to develop and support a diverse workforce
- Describe the processes of job analysis, job design, and employment forecasting and discuss their importance in workforce planning; assess various recruitment and selection strategies, processes, and laws; and assess various on boarding, employee training & development and career management strategies
- Discuss various compensation and benefits plans and their effectiveness; strategies and methods to build and maintain positive employees relations; and legal and social ramifications of employee termination, as well as those of downsizing an organization
- Discuss the impact organizational change has on individuals and the workplace and recognize good and poor leadership and the varieties of leadership

HLC0304: CONSTITUTIONAL LAW – I

Objectives of the Course:

*The purpose of the course is to acquaint the students with the meaningful understanding of basic philosophical tenets of **Constitutional Law**, and to train them in the fundamental legal structures and concepts that are found in Constitutions across the world, such as Constitutional Supremacy, basic rights, rule of **law**, judicial review, systems.*

- 1. The Study emphasises the nature and fundamental principles enshrined in the Constitution.*
- 2. It helps to analyse critically the significant judicial decisions that highlights the development of Constitutional Jurisprudence.*
- 3. It enables the students to articulate their independent views over contemporary constitutional issues.*
- 4. It provides legal framework and the touchstone on the basis of which the constitutionality of laws are examined*

Course Outline

Module – I: Classification of Constitution and Governments

- Definition and meaning of Constitution Kinds of Constitution,
- Meaning of 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.

Module –III: Introduction to Fundamental Rights

- UDHR:** Influence of UDHR on the Indian Constitution
- State:** Definition and meaning, Article 12, New Judicial trends on concept of State –
- Law:** Definition and Meaning of Pre- Constitutional and Post- Constitutional Laws, Various Doctrines like Eclipse, Severability and Ultravires,
- Judicial Review and Article 13 –
- Amendment:** 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

- a. **Right to Equality:** General Equality Clause under Article 14, Judicial Interpretation on Equality– Reasonable Classification.
- b. Protective Discrimination Clause, Reservation and Social Justice under Articles 15 and 16, Equality and Reservation,
- c. Equality of opportunity in public employment – Art 16,
- d. Constitutional Provisions on Untouchability and abolition of Titles.
- e. **Right to Freedom:** Freedom of Speech and Expression - Art 19, Scope and Ambit- Art 19(1) (a) and (2); other freedoms From 19 (1) (b) to (g) ,
- f. Balance between individual interest and collective interest,
- g. Reasonable restrictions on Right to Freedom under Article 19(2) to 19(6)
- h. Judicial interpretation on Right to Strike and Bandh - Right to Information.

Module – V: Fundamental Rights - II

- a. **Right to Liberty:** Art 21 - Right to Life and Personal Liberty, Meaning and Scope, Procedure established by law,
- b. Judicial Interpretation on Life and Liberty, Applicability of concept of reasonableness. Difference between Due Process and Procedure Established by Law
- c. **Rights of the Accused:** Article 20 - Rights of the arrested person, Ex-post Facto – Double Jeopardy – Self-incrimination,
- d. Article 22 – Preventive Detention, Right against Preventive Detention, Exceptions, Safeguards against Preventive Detention.
- e. Right against exploitation – Forced labour and child employment

Module – IV: Fundamental Rights - III

- a. **Freedom of Religion:** Articles 25-28, Secularism, Judicial Interpretation, Restrictions on Freedom of Religion.
- b. **Cultural and Educational Rights:** Articles 29-30, Protection on Minorities, Recent trends on Minority Educational Institutions.
- c. **Right to Constitutional Remedies:** Article 32 and 226, Writ Jurisdiction – Definition, Nature, Scope and functions, PIL, Compensatory Jurisprudence, Various Writs

Module – VII: Directive Principles of State Policy and Fundamental Duties

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

Recommended Readings:

1. H.M.Seervai, Constitutional Law of India, Vol.1-3,Universal Law Publishing - An imprint of LexisNexis; 4th edition (2015)
2. D.D.Basu, Commentary on the Constitution of India (1-10 Volumes) Lexis Nexis Butterworths, Wadhwa, Nagpur (2009)
3. M.P.Singh (ed.), V.N.Shukla's Constitution of India (EBC, Lucknow,2017)
4. M. P. Jain- Indian Constitutional Law- (Lexis Nexis2014)
5. 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.

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)
6. Mamta Rao, Constitutional Law, (EBC, Lucknow 2013)

7. Sathya Narayan (ed.), Selected Works of S.P.Sathe & Constitutionalism (2015), Oxford
8. M. Galanter, Competing Equalities - Law and the Backward Classes in India (1984) Oxford
9. N.A.Subramaniam – Case law on the Indian Constitution(1969)
10. Report of the National Commission to Review the Working of the Constitution (NCRWC)

Journals:

1. Bakshi, P. M. "Comparative Law: Separation of Powers in India." American Bar Association Journal 42, no. 6 (1956): 553-95. www.jstor.org/stable/25719656.
2. Kumar, Virendra. "Basic Structure of The Indian Constitution: Doctrine Of Constitutionally Controlled Governance [From KesavanandaBharati to I.R. Coelho]." JILI vol. 49, no. 3, 2007, pp. 365–398. JSTOR, www.jstor.org/stable/43952120.
3. Rao, P.P. "RIGHT TO EQUALITY AND THE RESERVATION POLICY." Journal of the Indian Law Institute, vol. 42, no. 2/4, 2000, pp. 193–203. JSTOR, www.jstor.org/stable/43953811
4. Bhat, P. Ishwara. "Tracing Right To Property In The Bosom Of Right To Life And Personal Liberty : Comparative Reflection On Recent Constitutional Developments In America, Canada And India." JILI, vol. 38, no. 1, 1996, pp. 13–37. JSTOR, www.jstor.org/stable/43951621
5. S. P. Sathe, Judicial Activism: The Indian Experience, 6 Wash. U. J.L. & Pol'y 29 (2001). <https://heinonline.org/HOL/P?h=hein.journals/wajlp6&i=33>.
6. Brian Z. Tamanaha, The History And Elements Of The Rule of Law, Singapore Journal of Legal Studies [2012]. <https://law.nus.edu.sg/sjls/articles/SJLS-Dec-12-232.pdf>.
7. Manoj Mate, The Origins Of Due Process In India: The Role of Borrowing In Personal Liberty And Preventive Detention Cases, 28 Berkeley J. Int'l L. 216 (2010). <https://heinonline.org/HOL/P?h=hein.journals/berkjintlw28&i=218>
8. Pillai, K. N. Chandrasekharan. "SUPREME COURT ON CASTE CONVERSION AND RESERVATION." Journal of the Indian Law Institute, vol. 47, no. 4, 2005, pp. 540–543. JSTOR, www.jstor.org/stable/43952001.
9. Lloyd I. Rudolph & Susanne Hoeber Rudolph (1981) Judicial review versus parliamentary sovereignty: The struggle over stateness in India, The Journal of Commonwealth & Comparative Politics. DOI: [10.1080/14662048108447387](https://doi.org/10.1080/14662048108447387)

10. Haqqi, S. A. H. "POSITION OF THE STATES UNDER THE INDIAN CONSTITUTION." *The Indian Journal of Political Science*, vol. 22, no. 1/2, 1961, pp. 43–52., www.jstor.org/stable/41853869

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. NargeshMeerza*,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. *BachapanBachaoAndolan 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:

After the completion of the course the students will be able to -

1. The study of Constitutional Law as a Transformative Document enhances ability to apply law in addressing social problems.
2. The study of Mother Document upholds democratic spirit and constitutional values promoting good governance and cultivating constitutional morality
3. It develops ability to design new social legislations and suggesting amendments to the existing legislations.
4. The study enables the students as to how the Constitution tries to bring democracy out of Public and extend it to private sphere and also ensures clear understanding of professional and ethical responsibility

HLC0305: LAW OF CONTRACTS - I

Objectives of the Course

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 through decided cases;*
- *essential aspects of contract with reference to General principles;*
- *Application of contract law in practical use cases.*

COURSE OUTLINE

MODULE I: INTRODUCTION TO CONTRACT LAW

- a) The nature of contractual obligations
- b) Discussion on contracts, related parties to the contract, remedies available in day to day life
 - Purchase of goods/ services
 - Employment contracts
 - Bank loan
 - Renting a Bank Locker
 - Lease contract
 - Insurance contract
 - Contract formed by online purchase of goods
- c) Enforcement - Primary purpose of contract law

MODULE II: FORMATION OF CONTRACT

- a) Understanding the terms Agreement, Offer, Proposal, Acceptance and Contract
- b) Diversity between Agreement and Contract
- c) Proposal and Acceptance
 - Proposal - essential elements, forms, invitations for proposals and tenders, communication of proposal, floating offers, options
 - Acceptance - essential elements, forms, requirement of communication, silence as acceptance
 - Auctions - essential elements and the requirement of communication
 - Revocation of proposal and acceptance
 - E-contracts with reference to provisions of the Information Technology Act, 2000
- d) Express and Implied contracts
- e) Standard form contracts - advantages and disadvantages
- f) Formalities to be carried for a valid contract
 - draft of the contract,
 - signatures,
 - attestation,
 - registration,
 - notarization,
 - stamp duty.
- g) Difference between formalities of a contract with the Government and General contract – Refer to Article 299 of the Constitution of India

MODULE III: CONSIDERATION

- a) Definitions, meaning, kinds and essential elements of consideration
- b) Theories of consideration
- c) Privity of contract and of consideration
- d) Present, past and future consideration
- e) Adequacy of consideration and effect of inadequacy
- f) Exceptions to the rule no consideration no contract
- g) Charity and doctrine of consideration

MODULE IV: COMPETENCY OF PARTIES

- a) Age of majority under the Indian Majority Act 1875,
- b) Contracts with Minors - Doctrine of Necessaries-Estoppel- Restitution – Ratification (also refer to section 68 of ICA)
- c) Contract with Persons of Sound minds, incapacity arising out of Lunacy, Old age and other legally recognized incompetence's
- d) Competency of companies, statutory bodies, central and state governments

MODULE V: FREE CONSENT

- a) Definition and Meaning of consent and free consent
- b) Factors vitiating free consent
- c) Coercion
 - Law Commission report on Coercion
- d) Undue Influence
- e) Misrepresentation
- f) Fraud
- g) Mistake:
 - mutual and common mistake,
 - unilateral and bilateral mistake,
 - mistake of law and fact
- h) Effect of absence of free consent
- i) Doctrine of Economic duress
- j) Remedies available to the party whose consent is not free:
 - rescission,
 - restoration
 - Loss of right of rescission.

MODULE VI: LEGALITY OF OBJECT AND VOID AGREEMENTS

- a) Unlawful agreements, circumstances in which agreements enforced even if unlawful
- b) Void agreements: Restraint of marriage, trade and legal proceedings, uncertain agreements, wagers
- c) Effect of void and of unlawful agreements
- d) Contingent contracts and their enforcement

- e) Effect of non-happening of event
- f) Enforcement of contingent contracts
- g) Quasi Contracts
 - Types of Quasi Contract
 - Doctrine of restitution
 - Effect of breach of quasi-contractual obligation

MODULE VII: PERFORMANCE OF CONTRACT

- a) Obligation to perform or offer to perform; who must perform, effect of death, personal contracts, rights and liabilities under a contract
- b) Doctrine of privity, and exceptions to the doctrine
- c) Joint rights and liabilities
- d) Time of performance, right to terminate if time is of essence
- e) Liability to pay interest for delay
- f) Place of performance
- g) Reciprocal promises, effect of non-performance of one of reciprocal promises; unilateral and bilateral promises
- h) Appropriation of payments
- i) Discharge of contract
 - by performance;
 - by offer of performance:
 - by non-performance by one party
 - by breach and rescission
 - anticipatory breach
- j) Doctrine of impossibility and effect
- k) By agreement
 - novation,
 - alteration and
 - rescission
- l) By act of promise
 - dispensing,
 - remission and
 - waiver,
 - extension of time, accord and satisfaction
- m) Termination or discharge under contract provisions

MODULE VIII: REMEDIES UNDER THE CONTRACT

Remedies under contract law through court or arbitration

- a) Compensation (damages): General and special, substantial and nominal, aggravated and punitive, liquidated and unliquidated –Causation - Contemplation and Remoteness - Duty of mitigation - Assessment
- b) Claim for the agreed sum: viz. suit for price, return of loan amount
- c) Claim in quantum meruit

Remedies of Specific Relief through court or arbitration under Specific Relief Act:

- a) 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
- b) Injunctions in suits relating to contract:
 - Discretionary relief
 - Kinds - Temporary and perpetual, prohibitory and mandatory
 - When can injunction be granted?
 - When will injunction not be granted?
 - Injunction to enforce negative covenants
 - Claim for compensation in a suit for injunction
 - Rescission
 - Rectification of instruments
 - Cancellation of instruments

Recommended Readings:**Books:**

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

Journals:

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

Further Readings:**Books:**

1. Cheshire, Fifoot and Furmston's Law of Contract, Michael Furmston ed., 16th ed, 2012,
2. Sarkar on Specific Relief, Sudipto Sarkar and R Yasho Vardhan eds, 17th ed, 2016, Lexis Nexis
3. R K Singh, Law Relating to Electronic Contracts, 2nd ed, 2015, Lexis-Nexis.
4. Sachin Rastogi, Insights into E-Contracts in India, 2013, Lexis Nexis
5. 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
6. ShubhashisGangopadhyay and V Shantakumar, Law and Economics Vol I and II, 2013, Sage Publications, Chapter 5
7. M. Krishnan Nair, Law of Contracts, 1998.
8. Garima Tiwari, Understanding Laws – Contracts, 2014, Lexis-Nexis.
9. G.H. Treitel, Outline of Law of Contract, 6th rev ed, 2005, Oxford University Press
10. Atiyah's Introduction to the Law of Contract, Stephen Smith ed., 2nd ed, 1997 Oxford University Press

Journals/Journal Articles:

- 1) 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.
- 2) 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
- 3) Standard form contracts and a smart contract future, Kristin B. Cornelius
Department of Information Studies, University of California, Los Angeles, USA
- 4) Contract, Consideration and the Critical Path, John Adams and Roger Brownsword, *The Modern Law Review*, Vol. 53, No. 4 (Jul., 1990), pp. 536-542
- 5) 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.
- 6) 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
- 7) 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
- 8) 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 |
- 9) IMPLEMENTATION WITH CONTINGENT CONTRACTS, Rahul Deb and Debasis Mishra, *Econometrica*, Vol. 82, No. 6 (November 2014), pp. 2371-2393
- 10) 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:

1. Lalman Shukla v Gauridutt – [(1913) 11 ALJ 489]
2. Harvey v. Facey – [(1893) A.C. 552 Privy Council]
3. Balfour v Balfour - p [(1919) 2 K.B. 571]
4. Mohori Bibee v Dharmodos Ghose - [(1903) 30 I.A. 114 (P.C.)]
5. Carlill v Carbolic Smoke Ball Co. - [(1892) EWCA Civ 1 : (1893) 1 QB 256]

6. Felthouse v Bindley - [(1862) 11 Cb (NS) 869 : EWHC CP J35 : 142 ER 1037 : (1863) 7 LT 835]
7. Kedarnath v. Gorie Mohamed – [(1887) ILR 14 Cal 64]
8. Tweddle v. Atkinson – [(1861) EWHC QB J57 : (1861) 1 B&S 393 : (1861) 121 ER 762]
9. Phillips v Brooks Ltd. – [(1919) 2 KB 243]
10. Cundy V Linsay – [(1878) 3 AC 459]
11. SatyabrataGohose v MugneeramBangur& Co. - [AIR 1954 SC 44 : 1954 SCR 310]
12. PannalalJankidas v Mohanlal - [AIR 1951 SC 144 : 1950 SCR 979]
13. Hadley v Baxendale - [(1854) 9 Ex Ch 341]
14. Donoghue v Stevenson - [(1932) UKHL 100 :(1932) SC (HL) 31 : (1932) AC 562 : (1932) All ER Rep 1]
15. 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.

HLC0306: LAW OF CRIMES I

INDIAN PENAL CODE

Objective of the Course:

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. Further, the illustrations play a dominant role and should be studied again and again to comprehend the essentials of the offences. 'Mens rea' which is the subject of great discussion in England, is much simplified by the I.P.C. The subject is heavy but is worth its weight in gold.

After undergoing the study the student will be able to understand the following:

- *Analyze criminal acts, their elements, parties to offenses, and application to the criminal justice system*
- *Express an increased awareness of the legal principles of criminal law and its application*
- *Students will demonstrate an understanding of the origins of criminal behaviour, society's response to crime, and the consequences of crime to our society, utilizing multiple perspectives*
- *Students will articulate ethical implications of decision making in a professional capacity.*

COURSE OUTLINE

Module I: Nature and Scope of Criminal Law

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

Module II: General Exceptions

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

Module III: Punishment

- a) Punishments-Theories of punishment
- b) Types of punishment
- c) Commutation of sentence
- d) Solitary confinement-Limit of solitary confinement
- e) Enhanced punishment

Module IV: Offences against Human Body

- a) Culpable Homicide and Murder
- b) Rash and Negligent Act-Attempt and Abetment to Suicide
- c) Hurt and Grievous Hurt- Criminal Force and Assault-Wrongful Restraint and Wrongful Confinement
- d) Kidnapping and Abductions
- e) **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

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

Module VI: General Offences

- a) Offences against State -Offences against Election
- b) Offence Relating to Coins & Government Stamps
- c) Offences Relating to Religion-Defamation- Criminal Intimidation, Insult & Annoyance
- d) 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.

Recommended Reading

Books

1. K.I. Vibhuti, PSA Pillai's Criminal Law, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2017
2. K.D. Gaur, Textbook on Indian Penal Code, Universal Law Publishing Co., New Delhi, 2017
3. Ratanlal Dhiraj Lal, The Indian Penal Code, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2017
4. The Indian Penal Code 1860 (IPC) Bare Act with Illustrations 2020 Edition Paperback – 1 Jan 2020, [Government of India](#)
5. Glanville Williams, Text Book of Criminal Law, Universal Law Publishing Co., New Delhi, 2016

Journals/ Article

1. Murder-suicide: A review of the recent literature, Eliason S, Journal of the American Academy of Psychiatry and the Law (2009) 37(3) 371-376
2. Whose problem is it anyway? Crimes against women in India, HimabinduBAroraRPrashanth N, Global Health Action (2015) 8(1)
3. Mens Rea, Hampton J, Social Philosophy and Policy (1990) 7(2) 1-28
4. Intention, Parkinson CWheatley T, Elsevier Inc., (2012), 452-457
5. Trafficking in women and children in India: nature, dimensions and strategies for prevention, Ghosh B, The International Journal of Human Rights (2009) 13(5) 716-738

Further Reading

Books

1. Supreme Court on Penal Code Collection (in 5 Volumes), Surendra Malik and Sudeep Malik, 2018 Edition, Eastern Book Company
2. Indian Penal Code (IPC), C.K. Takwani, 2014 Edition, Eastern Book Company
3. Criminal Law (Indian Penal Code), K S N Murthy & K V S Sarma, 1st Edition, Lexis Nexis
4. Crime and Punishment– Trends and Reflections, N V Paranjape, 1st Edition, Lexis Nexis
5. Textbook on Criminal Law, Allen M, Oxford University Press, (2013)
6. The Language of Crime, TiersmaPSolan L, Oxford University Press, (2012)
7. Death sentence on taxonomy in India, PrathapanKRajanPNarendranTViraktamathCARavind, NPooraniJSee fewer, Current Science, 2008
8. Law of crimes: A hand book : a single volume commentary on Indian penal code, 1860 (Act no. XLV of 1860), V. V Raghavan, Orient Law House : sole selling agents, Orient Sales Organisation; 1st edition (1980)

9. Codification, Macaulay and the Indian Penal Code: The Legacies and Modern Challenges of Criminal Law Reform (International and Comparative Criminal Justice) ,Ashgate; 1 edition (February 28, 2013)
10. . R.C. Nigam, Law of Crimes in India (Vol. I) New York, Asia Pub. House (1965).

Journal/ Article

11. Macaulay and the Indian Penal Code of 1862: The Myth of the Inherent Superiority and Modernity of the English Legal System Compared to India's Legal System in the Nineteenth Century, David Skuy, *Modern Asian Studies*, Vol. 32, No. 3 (Jul., 1998), [Cambridge University Press](#), pp. 513-557
12. Justifiable Homicide: A Study of the Application of Nonculpable Deadly Force in Cuyahoga County (Cleveland), Ohio, 1958–1982,Challener RAdelsonLRushforth N, *Journal of Forensic Sciences* (1987) 32(5) 11186J
13. Proportionality in Sentencing and the Restorative Justice Paradigm: 'Just Deserts' for Victims and Defendants Alike?,Kirchengast T, *Criminal Law and Philosophy* (2010) 4(2) 197-213
14. Dignity and Defamation: The Visibility of Hate, Waldron J, *Harvard Law Review* (2009) 123(1596) 1596-1657
15. Sedition, Monét V, Taylor and Francis, (2013), 217-222
16. Indian Perspective on the legal Status of Marital Rape: An Overview, Sindhu SThakur M, *International Journal of Multidisciplinary Approach & Studies* (2015) 2(1) 235-250
17. Criminal Law - Cases and Materials, O'Daly M, *Criminal Behaviour and Mental Health* (1995) 5(1) 53-54
18. Criminal Conspiracy, Sayre F, *Harvard Law Review* (1922) 35(4) 393
19. Capital punishment, Aggarwal K, *Medico-Legal Update* (2010) 10(1) 7-8
20. Sentencing Sex Offenders in India: Retributive Justice versus Sex-Offender Treatment Programs and Restorative Justice Approaches, Gill AHarrison K, *International Journal of Criminal Justice Sciences* (2013) 8(2) 166-181

Cases for Guidance

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

14. Priyadarshini Mattoo case - October 2006
15. Jessica Lal Murder Case - December 2006
16. **Nithari serial murders – 2009**
17. **Aarushi Talwar murder – 2008**
18. **Naz Foundation v Govt of NCT of Delhi) - July 2009**
19. **Ayodhya Ram Mandir Babri Masjid Case) - September 2010**
20. **Yakub Abdul Razak Memon V State of Maharashtra and Anr - July 2015**

Learning Outcomes

1. To analyse the principles of criminal responsibility, undertake self-directed legal research using primary and secondary materials, and analyse and evaluate legal information relating to criminal law and legal theory.
2. To apply principles of criminal law to complex legal problems, and critique the operation of criminal law from both a policy and theoretical/principled perspective.
3. To prepare persuasive written and oral arguments for a legal and lay audience on issues relating to the drafting of new criminal laws and the application of existing criminal laws to common scenarios that arise in criminal practice.
4. To demonstrate awareness of principles of ethical professional judgement in the management and conduct of a criminal law matter, relevant to both prosecution and defence.
5. To analyse the impact of criminal law from a policy perspective, with a focus on the impact of the law on those people who are vulnerable or outside mainstream culture.

SECOND YEAR

IV-SEMESTER

HBB0410: MANAGERIAL ECONOMICS

Objectives of the Course

This course provides an overview of economic tools and analytic approaches available to the manager for business decision making. To make students equipped with the right attitudes and skills towards achieving greater levels of managerial effectiveness. It includes such topics as pricing, forecasting, demand analysis, production and cost analysis, and macroeconomic policy as it affects the business environment. The purpose of this course is to develop an economic perspective that is appropriate for students aspiring to manage business units or entire companies in a wide variety of industries.

COURSE OUTLINE

Module I: Introduction

- a) Meaning – Definition- Nature and Scope of Managerial Economics
- b) Importance of the study of Managerial Economics
- c) Role of a Managerial Economist
- d) Process of Business Decisions Making - Risk and Uncertainty.

Module II: Demand Forecasting

- a) Meaning – Definition – Types Demand Forecasting
- b) Objectives of Demand Forecasting
- c) Criteria for the Good Forecasting
- d) Methods of Demand Forecasting- Qualitative and Quantitative Techniques
- e) Steps Involved in Demand Forecasting for a New Products

Module III: Production Analysis

- a) Production Function - Returns to factors - Production Decision
- b) ISO-Quant – ISO- Cost Analysis - Production Possibility
- c) Expansion Path -Optimum Product Mix of Multi-Product Firm
- d) Cobb Douglas production function.

Module III: Cost Analysis

- a) Meaning of Cost- Applications and Types of Costs
- b) Derivation of Cost Functions is an associated with Production function
- c) Role of Cost in Managerial Decision Making
- d) Uses of Break Even Analysis (BEP)

Module IV: Objectives of Firm and Managerial Behaviour

- a) Introduction- Objectives of Firm- Profit Maximisation Model
- b) Utility Maximisation by Entrepreneur and Owner
- c) Baumol's Static and Dynamic Model
- d) Indian Sale of Goods Act 1930

Module V: Theories Product Pricing in Practice

- a) Meaning of Market- Characteristics of Market
- b) Collusive Oligopoly: Price and Output under Cartel- Price Leadership
- c) Types of Price Leadership
- d) Kinked Demand Curve- Cournot's Duopoly Model

Module VI: Macro Economic Policy

- a) Introduction - Economic Stability- Instruments of Economic Stability
- b) IS-LM Interaction
- c) Monetary Policy –Objectives – Tools and Effects
- d) Fiscal Policy - Issues and Challenges
- e) Business Cycles – Phases and Business Decisions.

Module VII: Inflation & Deflation and Capital Budgeting

- a) Inflation - Meaning and Kinds - Measures to Control Inflation
- b) Deflation - Capital Budgeting
- c) Meaning- Features - Methods and Its advantages and Limitations
- d) Implications Capital Budgeting Techniques.

Recommended Readings:

Books:

1. Dominic Salvatore, 2016, *Managerial Economics: Principles and worldwide Application*, Mc.Graw Hill Inc, New York
2. R.L. Varsney, &. K.L Maheswari, 2017, *Managerial Economics*, Sultan Chand & Sons., New Delhi.
3. H.L. Ahuja, 2007, *Business Economics*, Sultan Chand & Sons., New Delhi.
4. Baumol, William J., 1995, *Economic Theory and Operation Analysis*, Prentice Hall of India Pvt. Ltd., New Delhi.
5. P.L. Metha – *Managerial Economics*, Sulton Chand & Sons, New Delhi, Latest edition 1997.

Journal / Journal Articles:

- 1 Rubin, P., &Dnes, A. (2010). EDITORIAL: Managerial Economics: A Forward Looking Assessment. *Managerial and Decision Economics*, 31(8), 497-501. Retrieved March 31, 2020, from www.jstor.org/stable/40958978.
- 2 D. N. Sen Gupta. (1968). Long-Term Demand Forecasting: An Approach. *Economic and Political Weekly*, 3(48), M69-M76. Retrieved March 31, 2020, from www.jstor.org/stable/4359384.
- 3 Silva, E., &Stefanou, S. (2003). Nonparametric Dynamic Production Analysis and the Theory of Cost. *Journal of Productivity Analysis*, 19(1), 5-32. Retrieved March 31, 2020, from www.jstor.org/stable/41770103.
- 4 Stretton, H. (1999). Costs of production: Analysis. In *Economics: A New Introduction* (pp. 389-397). Pluto Press. doi:10.2307/jctt183q4wb.35.
- 5 Kite, R., &Steckler, A. (1974). A Cost Analysis Strategy for Education. *Educational Technology*, 14(7), 49-54. Retrieved March 31, 2020, from www.jstor.org/stable/44421727

Further Readings:**Books:**

1. D.N. Dwivedi, 2000, Managerial Economics, Vikas Publishing House Pvt. Ltd., New Delhi
2. H. Cohen, Kalman J and Richard M Cyert, The Theory of Firm: Resources Allocation in Market Economy, Prentice Hall of India Pvt. Ltd., New Delhi (Latest edition) .
3. Lipsey and Chrystal. (2008). Economics (11th edition). Oxford University Press.
4. Pindyck, Rubinfeld and Mehta. (2009). Micro Economics (7th edition). Pearson Publications.
5. Stonier and Hague, A Text Book of Economic Theory, (1958), Long Mans Green & Co., London.
6. Douglas B. Bernheim and Michael D. Whinston. (2009). Microeconomics, Tata McGraw-Hill (India).
7. Joseph E. Stiglitz and Carl E. Walsh (2007). Economics, W.W. Norton & Company, Inc., New York, International Student Edition, 4th edition.
8. Gregory N Mankiw (2007). Economics: Principles and Applications, India edition by South Western, a part of Cengage Learning, Cengage Learning India Private Limited, 4th edition.
9. Sundharam KPM, M C Vaish, Principles of Economics-13th Revised Edition, Vikas Publishing House Pvt Ltd.
10. Tyagi B.P Public Finance 5st Edition, Jai Prakash&co.

Journal / Journal Articles:

1. Ministries of MSME, GOI
2. Journal of Economics and Management strategies
3. Journal of Business Economics and Management
4. Journal of Management science
5. Journal of International Business and Economics
6. Winn, D., &Shoenhair, J. (1988). Compensation-Based (Dis)Incentives for Revenue-Maximizing Behavior: A Test of the "Revised" Baumol Hypothesis. *The Review of Economics and Statistics*, 70(1), 154-158. doi:10.2307/1928164
7. Martini, G. (2000). Price Competition with Discounting and Kinked Demand: An Experimental Study. *RivistaInternazionale Di ScienzeSociali*, 108(4), 377-408. Retrieved March 31, 2020, from www.jstor.org/stable/41624052

8. Rao, M. (2002). State Finances in India: Issues and Challenges. *Economic and Political Weekly*, 37(31), 3261-3271. Retrieved March 31, 2020, from www.jstor.org/stable/4412444
9. Klammer, T. (1972). Empirical Evidence of the Adoption of Sophisticated Capital Budgeting Techniques. *The Journal of Business*, 45(3), 387-397. Retrieved March 31, 2020, from www.jstor.org/stable/2351494
10. Brick, I., & Weaver, D. (1984). A Comparison of Capital Budgeting Techniques in Identifying Profitable Investments. *Financial Management*, 13(4), 29-39. Retrieved March 31, 2020, from www.jstor.org/stable/3665299

Learning Outcomes:

After completion of the course students will be able to -

- *Understand the internal and external decisions to be made by managers with legal principles through help of economics in the precise manner and distribution of income and wealth of nation to ensure welfare of each individual.*
- *Analysis the real-world business problems with a systematic theoretical framework and to make optimal business decisions by integrating the concepts of economics, mathematics and statistics in accordance with global scenario.*
- *Understand how to use limited means to present and retain for the future unlimited wants and how the law can support the functioning of the market and the government, the other two important organising forces of an economy.*
- *Develop an inter-disciplinary approach and enhance the employability of students.*

HBB0411: PUBLIC POLICY, GOVERNANCE AND LAW

Objectives of the Course:

The course Public Policy, Governance and Law provide an opportunity to the student to learn the basic areas of public policy on the largest gamut of its canvas. The present course is aimed to provide an in-depth understanding of the basic tenets and trends of law and governance.

COURSE OUTLINE

Module I

Theories and Process of Public Policy Making.

- a) Meaning, Nature and Scope of Public Policy – Theories and Models of Policy Making.
- b) Perspectives of Policy Making – Process Institutions of Policy Making.
- c) Concept and Techniques of Policy Implementation and Policy Evaluation.

Module II

Introduction to Governance; Definitions, Issues and Controversies.

- a) Reinventing Government – Reforming Institutions– The State Market and Public domain.
- b) State and Governance – Origin and types of State – Democratic State and Democratic Administration – Governance as Government

Module III

Techniques of Governance.

- a) Rule of Law and Human Rights – Accountability – Participation – Representation.
- b) Techniques of Governance – Openness and Transparency.
- c) Citizen Charter –Social Audit.

Module IV

Legal Foundations.

- a) Fundamentals of Administrative Law – Relationship between Law and Administration.
- b) Governance as Execution of Law – Values and Context of Legal and Administrative Process –Constitution.
- c) Rule of Law and Administrative Law French, British and German Contexts.

Module V

Law and Governance.

- a) Concepts relating to administrative law – Rule of Law – Doctrine of Separation of Powers.
- b) Principles of Checks and Balances – Doctrine of Ultra-vires – Delegated Legislation –Principles of Natural Justice, Administrative Adjudication.
- c) Review of Administrative acts and redress of grievances –Vigilance and Control.
- d) Quasi-Judicial Governance; Administrative Tribunals , National Water Tribunal, National Green Tribunal.

Module VI

Engaged Policy and Governance.

- a) Participatory Governance – Democracy and Development –Political Regimes – Political Participation and Social Inclusion.
- b) Innovations and Pitfalls in Participatory Governance –Government Transparency in Policy Decisions.
- c) Engaging the Community at Grassroots – Level Issues in Engagement and Participation. Case Studies a) Grameen Bank in Bangladesh b) Participatory Budgeting, Brazil

Recommended Readings:

Books:

1. CUP. Bevir, Mark (2009), Key Concepts in Governance, Sage, London.
2. Bevir, Mark, ed. (2010) The Sage Handbook of Governance. Thousand Oaks, CA: Sage Publications. Bovaird, Tony and ElkeLöffler, eds. (2009) Public Management and Governance Second Edition. London: Routledge.
3. Farazmand, Ali and Jack Pinkowski, eds. (2006) Handbook of Globalization, Governance, and Public Administration. London: CRC/Taylor & Francis.
4. Hajer, Maarten, and HendrikWagenaar (2003) “Introduction.” In Deliberative Policy Analysis: Understanding Governance in the Network Society, ed. Maarten A. Hajer and HendrikWagenaar. Cambridge, UK: Cambridge University Press.
5. Kjaer, A (2004) Governance. Cambridge, UK: Polity Press.

Journals:

1. Jayal, N. G., Amit, P., & Sharma, P. K. (2006). Local governance in India: decentralization and beyond. *Local governance in India: decentralization and beyond*.
2. Kumar, A., & Narain, V. (2014). Public policy and governance in India.
3. Naidu, G. M., Cavusgil, S. T., Murthy, B. K., & Sarkar, M. (1997). An export promotion model for India: Implications for public policy. *International business review*, 6(2), 113-125.
4. Monga, A. (2008). E-government in India: Opportunities and challenges. *JOAAG*, 3(2), 56.
5. Harriss, J. (2007). Antinomies of empowerment: observations on civil society, politics and urban governance in India. *Economic and Political Weekly*, 2716-2724.
6. Bhagat, R. B. (2005). Rural-urban classification and municipal governance in India. *Singapore Journal of Tropical Geography*, 26(1), 61-73.

Further Readings:**Books:**

1. Hajer, Maarten, and Hendrik Wagenaar (2003) "Introduction." In *Deliberative Policy Analysis: Understanding Governance in the Network Society*, ed. Maarten A. Hajer and Hendrik Wagenaar. Cambridge, UK: Cambridge University Press.
2. Kjaer, A (2004) *Governance*. Cambridge, UK: Polity Press.
3. Kooiman, Jan ed. (1993) *Modern Governance: New Government-Society Interactions*. London: Sage. Kooiman, Jan. (2003) *Governing as Governance*. London: Sage.
4. Kooiman, Jan ed. (1993) *Modern Governance: New Government-Society Interactions*. London: Sage. Kooiman, Jan. (2003) *Governing as Governance*. London: Sage.
5. Morrison, Donald (1945) "Public Administration and the Art of Governance." *Public Administration Review* 5:1: 83-87
6. Anderson J.E., (2006) *Public Policy-Making: An Introduction*, Boston, Houghton Bardach,
7. Eugene (1977), *The Implementation Game: What Happens After a Bill Becomes a Law*, Cambridge,
8. MA: MIT Bergerson, Peter J. (ed.), (1991), *Teaching Public Policy: Theory, Research and Practice*, Westport, RI: Greenwood Press

9. Eugene (1977), *The Implementation Game: What Happens After a Bill Becomes a Law*, Cambridge,
10. MA: MIT Bergerson, Peter J. (ed.), (1991), *Teaching Public Policy: Theory, Research and Practice*, Westport, RI: Greenwood Press

Journals:

1. Bhagat, R. B. (2005). Rural-urban classification and municipal governance in India. *Singapore Journal of Tropical Geography*, 26(1), 61-73.
2. Lele, U. J. (1971). *Food grain marketing in India. Private performance and public policy*. Ithaca, NY/London: Cornell University Press.
3. Marcesse, T. (2018). Public policy reform and informal institutions: The political articulation of the demand for work in rural India. *World development*, 103, 284-296.
4. Joshi, A., & Aoki, M. (2014). The role of social capital and public policy in disaster recovery: A case study of Tamil Nadu State, India. *International Journal of Disaster Risk Reduction*, 7, 100-108.
5. Sabatier, P. A. (1991). Political science and public policy. *PS: Political Science & Politics*, 24(2), 144-147.
6. Spiller, P. T., & Tommasi, M. (2003). The institutional foundations of public policy: a transactions approach with application to Argentina. *Journal of Law, Economics, and Organization*, 19(2), 281-306.
7. Heikkila, T., & Gerlak, A. K. (2013). Building a conceptual approach to collective learning: Lessons for public policy scholars. *Policy Studies Journal*, 41(3), 484-512.
8. Preston, L. E., & Post, J. E. (1981). Private management and public policy. *California Management Review*, 23(3), 56-62.
9. Preston, L. E., & Post, J. E. (1981). Private management and public policy. *California Management Review*, 23(3), 56-62.
10. Lascoumes, P., & Le Galès, P. (2007). Introduction: understanding public policy through its instruments—from the nature of instruments to the sociology of public policy instrumentation. *Governance*, 20(1), 1-21.

Learning Outcomes

After completion of the course the students will be able to -

- *Clear understanding about the ideas, mechanisms, practices, and outcomes that comprise public policy*
- *Critically analyze the ideas, mechanisms, practices and outcomes that shape public policy and governance problems, programs and policies.*
- *Provide purposive solutions by framing problems, providing programmatic solutions, undertaking policy and governance research*
- *Develop meaningful and equitable solutions to contemporary problems in Public Policy and Governance*

HBB0412: PRINCIPLES OF MARKETING

Objectives of the Course

As law firms begin their growth journeys and the legal marketplace gets more competitive, carving a piece of the market is vital to stay afloat. Law firm marketing can be scaled down, professional and intelligent. This course objective enables a student to understand the fundamentals of marketing concept, 'Marketing mix' elements and strategies and principles underlying the modern marketing practices.

COURSE OUTLINE

Module I: Introduction of Marketing and Law Firm Growth

- a) Marketing – Meaning, Concepts, Importance and Functions of Marketing.
- b) Marketing - Fundamentals and Approaches.
- c) Difference between Marketing, Market and Selling.
- d) Objectives of Marketing Management – New Thoughts in Marketing.

Module II: Market Segmentation

- a) Market Segmentation - Meaning and Definition, Merits, Demerits and Cost of Market Segmentation.
- b) Bases of Market Segmentation – Market Segmentation vs Product Differentiation.
- c) Marketing Mix – 4 P's of Marketing.
- d) Target Marketing – Product Positioning.

Module III: Product Decisions

- a) Product – Meaning and Concept of Product.
- b) Classification of Products.
- c) Major Product Decisions – Product Line and Product Mix.
- d) Product Life Cycle.
- e) New Product Development and Consumer Adoption Process.

Module IV: Branding

- a) Brand - Meaning of Brand and Branding, Importance of Brand Name and Brand Mark.
- b) Types of Brands – Trade Mark, Trade Name, Patents and Copyright.
- c) Characteristics of Good Brand Name.
- d) Pros and Cons of Branding.

Module V: Packaging and Labelling

- a) Packaging – Definition, Objectives and Functions of Packaging.
- b) Essentials of Good Packaging.
- c) Packaging Strategies.
- d) Labelling – Meaning, Purpose and Kinds.

Module VI: Pricing Decisions

- a) Pricing - Meaning, Objectives and Importance of Pricing.
- b) Methods of Price determination.
- c) Factors Affecting the Price Determination.
- d) Merits and Demerits of Price Fixations.
- e) Pricing policies and strategies – Discounts and rebates.

Module VII: Issues and Developments in Marketing

- a) Social, Ethical and Legal aspects of Marketing.
- b) Marketing of Services – International Marketing.
- c) Developments in Marketing – Green Marketing – Cyber Marketing – Relationship Marketing.

Recommended Readings:

Books:

1. Philip Kotler, Marketing Management, Prentice Hall of India (Pvt.) Ltd, New Delhi, 2016.
2. R.S.N. Pillai and Bagavathi, Modern Marketing, Sultan Chand & Sons, New Delhi.
3. Dr. L. Natarajan, Marketing Management, Margham Publications, Chennai, 2019.
4. Stanton, Etzel, Walker, Fundamentals of Marketing, Tata-McGraw Hill, New Delhi.
5. McCarthy, E.J., Basic Marketing: A Managerial Approach, Irwin, New York.

Journals / Journal Articles:

1. Camilleri, Mark. (2017). "Market Segmentation, Targeting and Positioning". 10.1007/978-3-319-49849-2_4.
2. Gupta, Suraksha&Gallear, David & Rudd, John &Foroudi, Pantea. (2020). "The Impact of Brand Value on Brand Competitiveness". Journal of Business Research. 112. 210-222. 10.1016/j.jbusres.2020.02.033.
3. Touzé, Florence. (2020). "The Brand". 10.4324/9781003010340-5.
4. S, Jayanthi& R, Velanganni& G, Santhosh. (2019). "A Study on Market Segmentation". Journal of Advanced Research in Dynamical and Control Systems. 11. 1356-1361. 10.5373/JARDCS/V11/20192749.
5. Remeňová, Katarína. (2019). "Pricing Decision Making Process".

Further Readings:**Books:**

1. Aaker, David A. etc., Advertising Management, 8th Edition, PHI, 2013.
2. Belch, George E. and Belch, Michael A.; Advertising and promotion, Tata McGraw Hill, New Delhi.
3. Ogilvy David, Ogilvy on Advertising, London, Longman.
4. Jones, John Philip, What's in a brand, Tata McGraw Hill, New Delhi.
5. Chunawalla, S.A., Advertising, Sales and Promotion Management, Himalaya Publishing House, Mumbai.
6. Mohan, Manendra, Advertising Management, Tata McGraw Hill, New Delhi.
7. Sandage and Fry burger, Advertising Management.
8. Kotler, Philip, "Marketing Management: Analysis, Planning, Implementations and Control", PearsonEducation, New Delhi, Latest Edition.
9. Douglas, J. Darymple& Leonard J. Parsons, "Marketing Management: Text and Cases", Seventh Edition, John Wiley and Sons, 2012.
10. Bull, Victor P., "Marketing Management: A Strategic Planning Approach", McGraw Hill, New York.

Journals:

1. International Journal of Marketing
<https://www.journals.elsevier.com/international-journal-of-research-in-marketing>
2. International Marketing Review
<http://emeraldgrouppublishing.com/products/journals/journals.htm?id=imr>
3. Asia Pacific Journal of Marketing and Retail Management(EAPJMRM)
<http://www.elkjournals.com/EAPJMRM.asp>
4. Journal of International Marketing
<https://www.ama.org/publications/JournalOfInternationalMarketing/Pages/About.aspx>
5. International Journal of Research in Marketing
<http://www.journals.elsevier.com/international-journal-of-research-in-marketing/>
6. Industrial Marketing Management
<http://www.journals.elsevier.com/industrial-marketing-management/>
7. Journal of Marketing Management
<http://www.tandfonline.com/loi/rjmm20>
8. Hasan, Jahid. (2020). "Green Marketing in Fashion: A Critical Analysis of Green Marketing for Apparel Mass Market". 10.13140/RG.2.2.25077.73447.
9. Ahmad, Nawaz &Biloo, Mohib&Lakhan, Asad. (2012). "Effect of Product Packaging in Consumer Buying Decision". Journal of Business Strategies, ISSN: 1993-5765. 6. 1-10.
10. Achrol, Ravi S. (1991), "Evolution of the Marketing Organization: New Forms for Dynamic Environments," Journal of Marketing, 55 (October), 77–93.

Learning Outcomes:

- After completion of the course, Students will be able to -
- *Understand the marketing world in order to have critical and creative thinking on developing various marketing strategies, so as to become a competent lawyer.*
- *Recognize the basic marketing principles and concepts and exposure on Brand wars going on among several companies.*
- *Have critical thinking on how to solve various marketing related cases, such as Advertisement Ethics Issues, Promotional Strategies Issues and Consumer Issues.*
- *Obtain constructive knowledge on Product Decisions, Market Segmentation, Pricing Strategies, Packaging and Labelling and Virtual Marketing Strategies.*

HLC0407: CONSTITUTIONAL LAW OF INDIA – II
CONSTITUTIONAL STRUCTURE AND CENTRE - STATE
RELATIONS

Objectives of the Course

This course aims at a better understanding of the legal issues involved in the working of the Constitutional Law and the role played by the three organs in the same. It introduces the students to the stormy Centre-State relations and the conduct of elections. It is designed to impart the students about the composition, powers and functions of the Union and State Executives. It aims at educating the students all about the Parliament and state legislatures. It throws light on the working of the Judiciary, Supreme Court and High Courts and their writ jurisdictions. It discusses the most contentious issue of the Centre-State relations. It is also designed to discuss government contracts and the all-important aspects of the power of Centre-State fiscal relations, emergency provisions and elections in detail.

After undergoing the study of this paper the student should be able to understand the following:

1. *Identify the role played by the three organs of the Government.*
2. *Able to understand the relationship between the Centre and the States in various aspects.*
3. *Learn about the Emergency Provisions and the Election Commission of India.*

COURSE OUTLINE

MODULE I: EXECUTIVE STRUCTURE, POWERS AND FUNCTIONS

- a) The Union Executive – The President - Election, Qualifications & Terms of Office of President - Privileges, Powers and Duties of President - Impeachment of President.
- b) The Vice – President - Qualifications & Election of Vice-President – Functions & Terms of Office of Vice – President.
- c) Council of Ministers - Appointment of Ministers - Council of Ministers & Cabinet - The Individual, Collective, Legal & Ministerial Responsibility - President's relation with the Council of Ministers.
- d) Attorney General of India - Comptroller and Auditor General of India.
- e) The State Executive - Appointment, Powers & Qualifications of Governor - The Council of Ministers - The Advocate General.

MODULE II: PARLIAMENT AND THE STATE LEGISLATURE

- a) The Union Legislature – Parliament - Composition of Parliament & Houses of Parliament - Duration & Sessions of the Houses of Parliament - Qualification for Membership of Parliament.

- b) Powers of Speaker, Deputy speaker & Chairman.
- c) Ordinary, Money Bills & Financial Bills - Parliament's Control over Financial System.
- d) Committee on Estimates, Committee on Public Accounts, Consolidated Fund of India & Contingency Fund of India.
- e) The State Legislature - Composition & Duration of State Legislature - Qualification of Membership of State Legislature.

MODULE III: UNION & STATE JUDICIARY

- a) The Union – Supreme Court - Composition of Supreme court - Qualifications & Appointment of Supreme Court Judges & National Judicial Appointment Commission - Impeachment of Judge of the Supreme court.
- b) Jurisdiction of Supreme court- Original, Writ, Appellate, Advisory - Powers to Punish for Contempt & Concept of Curative Petition.
- c) The State – High Court - Appointment, Transfer of Judge of High Court - Terms of Office & Removal of Judge of High Court.
- d) Jurisdiction & Powers of High Court.

MODULE IV: RELATIONS BETWEEN UNION & THE STATES

- a) Distribution of Legislative, Administrative and Fiscal Powers & Freedom of Trade and Commerce.
- b) Legislative Relations - Doctrine of Territorial Nexus – Subject matter of laws made by Parliament and Legislatures of States - Doctrine of Harmonious Construction - Doctrine of Pith and Substance – Doctrine of Occupied Field – Doctrine of Colourable Legislation.
- c) Parliament's Power to Legislate in State List – Implied and Residuary Power - Doctrine of Repugnancy.
- d) Administrative relations – Full faith and credit clause – Centre and inter-state conflict management.
- e) Fiscal Relations – Sharing of tax – GST – Constitutional Limitations.

MODULE V: TRADE COMMERCE AND INTERCOURSE WITHIN THE TERRITORY OF INDIA

- a) Freedom of Trade, Commerce and Intercourse - Meaning of Freedom of trade, commerce and intercourse.
- b) Power of the Parliament to impose restrictions on trade commerce and intercourse.
- c) Goods and Service Tax (GST) - Impact of Globalization.

MODULE VI: EMERGENCY PROVISIONS

- a) National Emergency - Duty of the Union to protect the States against external aggression and internal disturbance - Power of Union Executive to issue directions and the effect of non- compliance.
- b) State Emergency - Imposition of President's Rule in States – Grounds, Limitations, Parliamentary Control, Judicial Review.
- c) Financial Emergency.
- d) Emergency and suspension of fundamental rights.

MODULE VII: OTHER CONSTITUTIONAL FUNCTIONARIES

- a) Organisation, powers and function of Election Commission of India.
- b) Union Public Service Commission, State Public Commission – Constitutional safeguards for Civil Servants Art 311 - Protection against arbitrary dismissal, removal, or reduction in rank – Exceptions to Art 311.
- c) Role of Finance Commission – Planning Commission – Inter- state Council – National Development Council - Local Self Government (Panchayat Raj).

Recommended Readings:

Books:

1. H.M. Seervai, Constitutional Law of India in 3 volumes, Universal Book Traders, 4th Edition 2019.
2. M.P.Jain Revised by Justice JastiChelameswar and Justice Dama Seshadri Naidu, Indian Constitutional Law, Lexis Nexis, 8th Edition 2018.
3. D.D.Basu, Commentary on the Constitution of India, Lexis Nexis, 9th Edition 2014.
4. Mahendra P. Singh, V. N. Shukla's Constitution of India (11th ed., 2008)
5. Granville Austin, Working a Democratic Constitution - A History of the Indian Experience (1999)
6. Constituent Assembly Debates Vol. 1 to 12 (1989)

Journals/Journal Articles:

1. Gary Jeffrey Jacobsohn , An unconstitutional constitution? A comparative perspective, INT'L J CON LAW 460, 474(2006).
2. Omar, I. (2002). Emergency powers and the courts in India and Pakistan (Vol. 53). MartinusNijhoff Publishers.
3. UpendraBaxi, The Indian Constitution as an Act of Theft and the Theft of the Indian Constitution: A Retrospect on Indian Constitutionalism'.
4. Dilip Dobb, India is Indira and Indira is India. Wholives if Indira dies?, India Today (Dec 26, 2005)
5. NilanjanMukhopadhyay, Past Continuous: How IndiraGandhi used Presidential Elections to cement her ownpower, THE WIRE(May25,2017).

Further Readings:**Books:**

1. D.D.Basu Revised by Justice A.K.Patnaik, Shorter Constitution of India, Lexis Nexis, 15th Edition 2018
2. P.M.Bakshi, The Constitution of India, Lexis Nexis, 17th Edition 2020.
3. Sudhanshu Ranjan, Justice versus Judiciary – Justice Enthroned or Entangled in India, Oxford University Press, 2019.
4. Samaraditya Pal, India's Constitution Origins and Evolution, Lexis Nexis, 1st Edition, 2017.
5. ConstituentAssembly Debates Vol. 1 to 12 (1989).

Journals:

1. Soroor Ahmed, The role that Syria, Sinai and Oil Pricesplayed in triggering Emergency, NATIONALHERALD, (Jun 25, 2017).
2. A Study of the Emergency Provisions in the Indian Constitution, The Emergency of 1975 and the Possibility of Recurrence thereof, 15126<https://www.nationalheraldindia.com/opinion/the-rolesyria-sinai-oil-prices-played-in-triggering-emergency>.
3. Seniority as the Norm to Appoint India's Chief Justice isa Dubious Convention, THE WIRE (Dec 22, 2016),<https://thewire.in/law/seniority-norm-cji-appointmentthakur-khehar>.
4. Report of the Commission on Centre–StateRelations(Sarkaria Commission)(1987).
5. Report of the National Commission to Review the Working of the Constitution(2002).
6. Report of the Commission on Centre-State Relations (M.M. Punchhi Commission)(2010).

Cases for Guidance:

1. S.P. Anand v. H.D. Deve Gowda, AIR 1997 SC 272.
2. Samsher Singh v. State of Punjab, AIR 1974 SC 212.
3. M.P. Spl. Police Estab. v. State of M.P (2004) 8 SCC 788.
4. Epuru Sudhakar v. Govt. of A.P., AIR 2006 SC 338.

5. B. R. Kapur v. State of T. N. AIR 2001 SC 3435.
6. Anil Kumar Jha v. Union of India, (2005) 3 SCC 150.
7. Jaya Bachchan v. Union of India, AIR 2006 SC 2119.
8. In re Keshav Singh, AIR 1965 SC 745.
9. Raja Ram Pal v. Hon'ble Speaker, Lok Sabha (2007) 3 SCC 184.
10. D. C. Wadhwa v. State of Bihar, AIR 1987 SC 579.
11. A.K. Roy v. Union of India, AIR 1982 SC 710.
12. AutomobileTransport (Rajasthan) Ltd. v. State of Rajasthan, AIR 1962 SC 1406.
13. Jindal Stainless Ltd. v. State of Haryana, AIR 2006 SC 2550.
14. G.K. Krishnan v. State of Tamil Nadu, (1975) 1 SCC 375.
15. Shree Mahavir Oil Mills v. State of J. & K. (1996) 11 SCC 39.
16. Atiabari Tea Co. v. State of Assam, AIR 1961 SC 232.
17. State of Rajasthan v. Union of India, AIR 1977 SC 1361.
18. S. R. Bommai v. Union of India, AIR 1994 SC 1918.
19. Rameshwar Prasad v. Union of India, AIR 2006 SC 980.

Learning Outcomes:

After completion of the course students will be able to-

1. *Understand the structure of the Government in the Centre and in the States and its governance.*
2. *Appreciate the role of judiciary and the different kinds of jurisdictions that can be exercised by the Supreme Court and High Courts.*
3. *Examine the relationship between the Centre and the States in various aspects.*
4. *Identify the circumstances under which emergency can be proclaimed under the Constitution.*

HLC0408: LAW OF CONTRACTS- II

Objectives of the Course

As established in Contracts I through detailed study of General Principles of Contract, the students by now know that the essence of all commercial contracts is regulated by the Indian Contract Act, 1872.

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 and The Negotiable Instruments Act 1881 are discussed alongwith 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 it's relevance thorough decided cases;*
- *how to establish relationship of general principles with the special contracts;*
- *understand the growing importance of special contracts and to have understanding of the new forms of special contracts including technology transfer agreements, e-contracts, software licensing agreements, government contract etc.*

COURSE OUTLINE

MODULE I: CONTRACTS OF INDEMNITY - SECTIONS 124-125

- a) Concept of indemnity in general
- b) Need for indemnity to facilitate commercial transactions
- c) Definition of the contract of indemnity
- d) Formation and essential features of indemnity
- e) Purpose of the contract of indemnity, and its use in facilitating and supporting transactions
- f) Nature and extent of liability of the indemnifier
- g) Commencement of liability of the indemnifier

- h) Rights and Duties of the Indemnifier and the Indemnified.
- i) Difference between Indian and English Law as to Indemnity
- j) Distinction between an indemnity, a warranty and a representation

MODULE II: CONTRACTS OF GUARANTEE - SECTIONS 126 TO 147

- a) Definition of a contract of guarantee
- b) Formation and essential features of a contract of guarantee
 - Parties to the contract;
- c) Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety
- d) Consideration for a contract of guarantee
- e) Continuing guarantee, and its revocation
- f) Difference between Guarantee and independent liability
- g) Comparison between guarantee and indemnity
- h) Nature and extent of surety's liability;
 - commencement
 - duration and
 - termination
- i) Surety's rights against
 - the principal debtor
 - the creditor
 - co-surety
- j) Special position of a surety: a privileged debtor
- k) Letters of credit and bank guarantees
- l) Co-surety and manner of sharing liabilities and rights
- m) Discharge of surety's liability

MODULE III: CONTRACTS OF BAILMENT - SECTIONS 71, 148-171, 180-181

- a) Definition of a contract of bailment
- b) 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

- c) Lien:
 - General and
 - Particular Lien
- d) Types of Bailor and Bailee
- e) Examples of contracts of bailment: for benefit of bailor, for benefit of bailee
 - Rights, duties, disabilities and liabilities of a bailor and a bailee towards each other
- f) Termination of bailment, and consequences of termination
- g) Finder of goods as a bailee
- h) Liability towards the true owner
- i) Obligation to keep the goods safe
- j) Right to dispose off the goods

MODULE IV: CONTRACTS OF PLEDGE - SECTIONS 172 – 179

- a) Definition of a contract of pledge
- b) Essential features of a contract of pledge
 - Parties to the contract
 - Creation of a contract of pledge
- c) Distinction between contracts of pledge, lien, bailment, hypothecation
- d) 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 V: CONTRACTS OF AGENCY: SECTIONS 182 – 238

- a) Definition of a contract of agency
- b) Identification of different kinds of agency transactions in day to day life
- c) Kinds of agents and agencies
- d) Tests for determining existence of agency relationship
- e) Essential features of a contract of agency
 - Parties involved
 - Kinds of agents and agencies

- f) Creation of agency
- g) Distinction between agent, servant or employee, and independent contractor
- h) Agent's authority
 - Scope and extent
 - Express or implied
 - apparent or ostensible authority and
 - authority in an emergency
 - Restrictions or limitations on authority
- i) Delegation of authority
- j) Relationship between a principal, agent, sub-agent and substituted agents.
- k) Doctrine of Unnamed, Undisclosed Principal and Foreign Principal
- l) Doctrine of Ratification and Relation back
- m) Duties, Rights and Liabilities of an Agent towards the Principal and Third Party
- n) Liability of the principal for acts of the agent including misconduct and tort of the agent
- o) Personal liability of an agent
- p) Pretended Agent
- q) Methods of termination of agency contract
 - Effects of termination
 - Liability of the principal and agent before and after such termination

MODULE VI: CONTRACTS OF SALE OF GOODS - THE SALE OF GOODS ACT 1930

- a) Definition of a contract of sale of goods
- b) Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods
- c) Essential features of a contract of sale
- d) Formation of Sale contract
- e) Sale differentiated from other type of contracts
- f) Sale as a transfer of property
- g) Conditions and Warranties
 - Implied conditions and warranties
 - Express conditions and warranties
- h) The rule 'caveat emptor' and exceptions thereto

- i) Passing of Property
- j) Transfer of Title-Nemo Dat Quod Non Habet
- k) Delivery of goods: various rules regarding delivery of goods
- l) Rights and liabilities of the buyer and seller
- m) Unpaid seller and his rights.
- n) Auction sales
- o) Remedies for breach of contract

MODULE VII: CONTRACTS OF PARTNERSHIP - THE INDIAN PARTNERSHIP ACT 1932 AND THE LIMITED LIABILITY PARTNERSHIP ACT 2008

- a) Definition of a contract of partnership
- b) Essential features of a contract of partnership:
 - the firm and the partners,
 - Parties to the contract,
 - Minor as partner
- c) Kinds of partnership
- d) Registration of Partnership Firm and consequences of non-registration
- e) Rights, Duties and Liabilities of Partners
- f) Mutual relationship between partners: their rights, liabilities and duties against each other
- g) Relationship of partners to third parties
- h) Partner as agent of firm, Partners' authority, Implied authority, Mode of exercising authority, Liability of the firm for acts of partners
- i) Property of the firm
- j) 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
- k) Dissolution of a firm
 - Modes of dissolution
 - Effect of dissolution
 - Agreements in restraint of trade
- l) Limited Liability Partnership
 - Essential features
 - Distinction between LLP and ordinary partnership

RECOMMENDED READINGS:

Books:

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

Journals/Journal Articles:

1. Journal of Contract Law – Legal Publications / Lexisnexis
2. Corporate Law Journal – ISN 2581-3592
3. Company Law Journal
4. Indian Journal of International Economic Law – NLSIU, Bengaluru, India
5. NLS Business Law Review

FURTHER READINGS:

Books:

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

Journals/Journal Articles:

- 1) Indemnities and the Indian contract act 1872, Wayne Courtney
NATIONAL LAW SCHOOL OF INDIA REVIEW 27 NLSI Rev. (2015)
- 2) Condition and Warranty in Contract Law of India, Harvard Black Letter Law Journal,
- 3) 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,
- 4) 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.
- 5) Computing Damages in Hire purchase Agreements: A Re-Look BREACH OF CONTRACT, ICFAI University Publications,
- 6) 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
- 7) Partnership Formation: The Role of Social Status, Haimanti Bhattacharya & Subhasish Dugar,
<https://pubsonline.informs.org/doi/abs/10.1287/mnsc.2013.1818>.
- 8) 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)
- 9) Dissolution of Indian Firms - Various Modes, 33 Pages, SSRN, Raghvendra Singh Raghuvanshi, India, papers.ssrn.com/sol3/papers.cfm?abstract_id=1558970
- 11) Performance and Compensation: An Analysis of Contract Damages and Contractual Obligation, Charlie Webb, Oxford Journal of Legal Studies, Volume 26, Issue 1, Spring 2006.

Cases for Guidance:

1. Ultzen v. Nicols [1894 1 QB 92]

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

LEARNING OUTCOME:

After completion of the course students will be able to –

1. *grasp the nuances of the contractual transactions involving Special forms of contracts.*
2. *analyse the implications of a contractual arrangement falling under any of the discussed head of special contracts.*
3. *determine the legality of the transactions and also the rights and duties of the parties.*
4. *deal with the disputes arising out of such contractual arrangements.*

THIRD YEAR

V-SEMESTER

HBB0513: FINANCIAL SERVICES

Objectives of the Course

To make students to acquire the skills necessary to participate in managing a financial services company. Assess consumer financial needs and the mechanisms available for fulfilling these needs. Describe and apply financial concepts, theories and tools. Prepare students who wish to practice dealing with legal problems related to financial services.

COURSE OUTLINE

Module I: Introduction to Financial Services

- a) Concept of Financial Services – Objectives – Functions – Characteristics - Financial Service Market - Financial Service Market Constituents
- b) Growth of Financial Services in India - Problems in Financial Services Sector
- c) Banking and Non-Banking Companies - Regulatory Framework.
- d) Blockchain - Its impact on financial services

Module II: Factoring, Forfaiting and Bills Discounting

- a) Introduction to Factoring - Types of Factoring - Theoretical Framework - Factoring Cost - Advantages and Disadvantages of Factoring - Factoring in India
- b) Factoring v/s Forfaiting - Working of Forfaiting - Benefits and Drawbacks of Forfaiting - Practical Problems
- c) Bill Discounting – Introduction – Framework - Bill Market Schemes - Factoring V/s Bill Discounting in Receivable Management.

Module III: Issue Management

- a) Issue Management and Intermediaries – Introduction – Merchant Bankers – Lead Managers – Underwriters – Bankers to an Issue – Brokers to an Issue
- b) Introduction to Stock Broking – Stock Brokers – Sub-Brokers – Foreign Brokers – Trading and Clearing/Self Clearing Members – Stock Trading (Cash and Normal) Derivative Trading

Module IV: Securitization

- a) Definition of Securitization – Securitization v/s Factoring – Features of Securitization – Pass Through Certificates
- b) Securitization Mechanism – Special Purpose Vehicle - Securitisable Assets - Benefits of Securitization - New Guidelines on Securitization

Module V: Lease and Hire-Purchase

- a) Meaning of Lease - Types of Lease - Finance Lease, Operating Lease – Advantages and Disadvantages of Leasing
- b) Leasing in India – Legal Aspects of Leasing.
- c) Definition of Hire Purchase – Hire Purchase and Installment Sale Characteristics – Hire Purchase and Leasing – Advantages of Hire Purchase – Problems of Hire Purchase.

Module VI: Housing Finance

- a) Introduction to Housing Finance – Housing Finance Industry – Housing Finance Policy Aspect – Sources of Funds – Market of Housing Finance
- b) Housing Finance in India – Major Issues – Growth Factors – Housing Finance Institutions in India – National Housing Bank (NHB)
- c) Guidelines for Asset Liability Management System in HFC – Fair Trade Practice Code for HFC's – Housing Finance Agencies.

Module VII: Venture Capital

- a) Introduction to Venture Capital - Features of Venture Capital \
- b) Types of Venture Capital Financing Stages
- c) Disinvestment mechanisms
- d) Venture Capital Investment process – Indian Scenario
- e) The bitcoin ecosystem – impact on financial services

Module VIII: Consumer Finance

- a) Introduction to Consumer Finance – Sources – Types of Products
- b) Consumer Finance Practice in India – Mechanics of Consumer Finance – Terms – Pricing - Marketing and Insurance of Consumer Finance
- c) Consumer Credit Scoring – Case for and against Consumer Finance

Module IX: Plastic Money

- a) Growth of Plastic Money Services in India – Types of Plastic Cards – Credit card – Debit Card – Smart card – Add-on Cards
- b) Performance of Credit Cards and Debit Cards – Benefits of Credit Cards – Dangers of Debit Cards – Prevention of Frauds and Misuse – Consumer Protection – Indian Scenario.
- c) Smart Cards – Features – Types – Security Features and Financial Applications

Module X: Credit Rating

- a) Credit Rating – Meaning – Origin – Features – Advantages of Rating
- b) Regulatory Framework of Credit Rating Agencies – Credit Rating Process – Credit Rating Symbols
- c) Credit Rating Agencies in India – Limitations of Rating

Recommended Reading:

Books:

1. Pandey, I. M. (2015). *Essentials of Financial Management, 4th Edition*. Vikas publishing house.
2. Khan, M. Y. (2015). *Financial services*. Tata McGraw-Hill Education.
3. Padmalatha, S. (2017). *Management of Banking And Financial Services, 2/E*. Pearson Education India.
4. Gurusamy, S. (2017) *Essentials of Financial Services*. Vijay Nicole Imprints; 3rd edition
5. **Gordone, E &Natarajan, K. (2018).*Financial Services*.Himalaya Publishing House; 2018 edition**

Journals/Journal Articles:

1. Ouma, S. A., Odongo, T. M., & Were, M. (2017). Mobile financial services and financial inclusion: Is it a boon for savings mobilization?. *Review of development finance*, 7(1), 29-35.
2. Gomber, P., Kauffman, R. J., Parker, C., & Weber, B. W. (2018). On the fintech revolution: Interpreting the forces of innovation, disruption, and transformation in financial services. *Journal of Management Information Systems*, 35(1), 220-265.
3. Fanning, K., &Centers, D. P. (2016). Blockchain and its coming impact on financial services. *Journal of Corporate Accounting & Finance*, 27(5), 53-57.
4. Chanas, S., Myers, M. D., & Hess, T. (2019). Digital transformation strategy making in pre-digital organizations: The case of a financial services provider. *The Journal of Strategic Information Systems*, 28(1), 17-33.

5. Zachariadis, M., Hileman, G., & Scott, S. V. (2019). Governance and control in distributed ledgers: Understanding the challenges facing blockchain technology in financial services. *Information and Organization*, 29(2), 105-117.
6. Bachas, P., Gertler, P., Higgins, S., & Seira, E. (2018, May). Digital financial services go a long way: Transaction costs and financial inclusion. In *AEA Papers and Proceedings* (Vol. 108, pp. 444-48).
7. Tamilselvi, S., & Karpagavalli, V. (2018). Customer satisfaction with plastic money in Tirupur. *Indian Journal of Computer Science*, 3(3), 40-47.
8. Sangiorgi, F., & Spatt, C. S. (2017). The economics of credit rating agencies. *Foundations and Trends in Finance*, 12, 1-116.
9. Medina, P. C. (2017). Selective attention in consumer finance: Evidence from a randomized intervention in the credit card market. *Unpublished Manuscript*.
10. Burke, M., & Fry, J. (2019). How easy is it to understand consumer finance?. *Economics Letters*, 177, 1-4.

Learning Outcomes

After completion of the course students will be able to –

- Describe the dimensions of performance and risk relevant to financial services companies.
- Explain how the financial services component industries interact.
- Describe the various financial products, services, and strategies offered by the variety of financial services institutions.
- Describe the impact that financial innovation, advances in technology, and changes in regulations has had on the structure of the financial services industry.

HLC0509: JURISPRUDENCE

Objectives of the Course:

Laws are rules, claims are supported by arguments, and decisions are conclusions. The rules, arguments and conclusions are bound to conform to the requirement of logic. They must be systematically coordinated and carried to their consequences. Thus the whole body of legal doctrines can be considered as often considered as a more or less closely woven tissue of prepositions and deductions. The ideas which constitute this tissue are not presented to society ready-made; they are gradually unfolded by processes of collective thought; sometimes particular points get generalized and subjected to principles; at other times inferences are drawn from general prepositions. These processes constitute the dialects of law. Those dialects become ever standing principles and thus the consolidation of all wisdom of law becomes Jurisprudence.

COURSE OUTLINE

Module I: Clarificatory Jurisprudence

- (a) Evolution of Law – Ancient India, Greek and Roman Civilization – Law, Morals, Ethics and Justice – Nature of law – Functions of Law
- (b) Rule of Law: Authority (or) Autonomy (or) Anarchy (or) Obligation (or) Opinion (or) Dictum – Law as a Social Fact
- (c) Nature and Scope of Jurisprudence – From Police State to Welfare State.

Module II: Evaluative Jurisprudence

- (a) Schools of Jurisprudence – Western Thoughts and Indian Jurisprudence – Concept of Dharma – Social Transformation and Social Justice
- (b) Jurisprudence and other fields of knowledge such as Art, Humanities, Social Sciences, Medicine, Science and Technology – Jurisprudence in Socio-Political context and Normative context – Discovery or formulation of “A common law of mankind”
- (c) Similarities and differences between – (i) Local Law & Global Law; (ii) Civil Law & Common Law; (iii) Cultural & Technical aspects; (iv) Micro & Macro aspects.

Module III: Classificatory Jurisprudence

- (a) Definition of Law – Kinds of Law – Nature and Functions of State – State and Sovereignty – Relationship with Law and State
- (b) Sources of Law – Classical and Modern Sources – Sruti, Smriti, Convention, Custom, Legislation, Precedent and its kinds – Stare Decisis, Ratio Decidendi and Obiter Dicta

- (c) Administration of Justice – Complete Justice – Theories of Justice – Basis of International Law and Constitutional Law.

Module IV: Conceptual Jurisprudence - I

- (a) Legal concepts: Meaning, Definition and kinds of Rights and Duties – Jural Correlatives and Jural Opposites
- (b) Person and its kinds – Status and Theories of Corporate personality
- (c) Title and its kinds – Ownership – meaning and its kinds – Possession – meaning and its kinds

Module V: Conceptual Jurisprudence - II

- (a) Liability – meaning and its kinds – Negligence – meaning and its kinds – Obligation – meaning and its kinds
- (b) Law of Procedure – Elements of Judicial Procedure – Evidence
- (c) Property – meaning and its kinds

Module VI: Functional Jurisprudence

- (a) Application of Law and Interpretation of Law
- (b) Codification of Customary Law and Enforcement mechanism – Writ Remedies
- (c) Public Interest Litigation – Justice Delivery System – Judicial Activism and Judicial process.

Module VII: Developmental Jurisprudence

- (a) Global Justice and Human Rights – Capitalism -Vs- Common good -Vs- International Law – Critical Legal Studies – Legal Formalism -Vs- Legal Realism – Solidarity and the Limitations of Liberalism
- (b) Economic Jurisprudence – Feminist Jurisprudence – Cyber Jurisprudence
- (c) Post-Modern legal theory – Pragmatism and Post-structuralism – Law & Justice in contemporary era.

RECOMMENDED READINGS (Hardcopy & E-Books):

Books:

1. Lloyd's Introduction to Jurisprudence, 2014, 9th Edition, Sweet & Maxwell.
2. S.N. Dhyani, "Fundamentals of Jurisprudence – The Indian Approach", 2015, 3rd Edition, Central Law Agency Publishers.
3. Avtar Singh, "Introduction to Jurisprudence", 2015, 4th Edition, LexisNexis Butterworths.
4. V.D. Mahajan, Jurisprudence and Legal Theory", 2017, 5th Edition, Eastern Book Company.
5. N.V. Paranjape, "Studies in Jurisprudence and Legal Theory", 2019, 9th Edition, Central Law Agency.

Journals / Journal Articles:

1. Anthony D'Amato, "On the Connection between Law and Justice, 26 U.C. Davis L. Rev.527-582 (1992-93)
2. Michael S. Green, "Legal Realism as Theory of Law", William & Mary Law Review, 2005, Volume 46, Issue 6, pp.1915-2000.
3. Herbert Hovenkamp, "Evolutionary Models in Jurisprudence", Texas Law Review, 1985, Volume 64, No.4, p.645.
4. Ruti Teitel, "Transitional Jurisprudence: The Role of Law in Political Transformation", 106 Yale L.J 2009 at <https://heinonline.org>
5. Howard T. Markey, "Jurisprudence or Juriscience?" 25 Wm & Mary L. Rev. 525 at <http://heinonline.org/HOL?Landingpage?handle=hein.journals/wmlr25&div=25&id=&page=>

FURTHER READINGS:

Books

1. Salmond on Jurisprudence, 2016, 12th Edition, Sweet & Maxwell.
2. Bruce D Sales, "The Psychology of Law: Human Behaviour, Legal Institutions and the Law", 2015, American Psychological Association.
3. Robert L. Hayman Jr., Nancy Levit and Richard Delgado, "Jurisprudence, Classical and Contemporary: From Natural Law to postmodernism, 2nd Edition, West Academic publishing
4. David Chan Smith, "Sir Edward Coke and the Reformation of the Laws: Religion, Politics and Jurisprudence", 2014, Cambridge University Press.
5. Paul Cliteur, Afshin Ellian, "A New Introduction to Jurisprudence: Legality, Legitimacy and the Foundations of the Law", 2019, 1st Edition, Routledge Publishers.
6. Jorg Kammerhofer and Jean D'Aspremont, "International Legal Positivism in a Post-Modern World", 2016, Cambridge University Press.

7. "Plato: The Complete Works", 2016, Titan Read Publishers.
8. "Aristotle: The Complete Works", 2017, Book House Publishing
9. Satis Chandra Vidyabhusana and Dr. Sukhram, "The Nyaya Sutras of Gautama", 2018, Parimal Publications.
10. James Christensen, "Global Justice", 2020, 1st Edition, Red Globe Press.

Journals/Journal Articles:

1. Jeffrey Goldsworthy, "The Real Standard Picture, and How Facts Make it Law: A response to Mark Greenberg", The American Journal of Jurisprudence, December 2019, Volume 64, Issue 2, pp.163-211 available at <https://doi.org/10.1093/ajj/auz011>.
2. Marc R. Johnson, "Legislative Sovereignty: Moving from Jurisprudence towards Metaphysics" An International Journal of Legal and Political Thought available at <https://doi.org/10.1080/20403313.2020.1744990>.
3. Angela P. Harris, "The Jurisprudence of Reconstruction", California Law Review, 1994, Volume 82, Issue 4, p.741.
4. Richard A. Posner, "The Jurisprudence of Skepticism", Michigan law Review, 1988, Volume 86, No.5, pp.827-891.
5. Beryl Harold Levy, "Realist Jurisprudence and Prospective Overruling", University of Pennsylvania Law Review, 1960, Volume 109, No.1, pp.1-30.
6. Robert H. Jackson, "Quasi-states, dual regimes and neoclassical theory: International Jurisprudence and the Third World", Cambridge University Press, 1987, Volume 41, Issue 4, pp.519-549 available at <https://doi.org/10.1017/S0020818300027594>.
7. John Comaroff, "Reflections on the Rise of Legal Theology: Law and Religion in the Twenty-First Century", Journal of Social Analysis, 2009, Volume 53 No.1, pp.193-216.
8. Harry W. Jones, "An Invitation to Jurisprudence", Columbia Law Review, 1974, Volume 74, No.6, pp.1023-1055
9. Fredrick Schauer, "The Jurisprudence of Reasons", Michigan Law Review, 1987, Volume 85. No.5/6, pp.847-870.
10. Edward Cavanagh, "Legal thought and empires: Analogies, Principles and Authorities from the ancients and the moderns", An International Journal of Legal and Political Thought, 2019, Volume 10, Issue 4, pp.463-501 available at <https://doi.org/10.1080/20403313.2020.1744990>

Learning Outcomes:

After Completion of the course, students will be able to –

1. *To become reflective and self-fulfilled professional who are able to integrate legal professionalism, ethics, values, doctrine, theory and skills to become outstanding professional in a broad variety of settings.*
2. *To understand some level of depth rather than mere breadth, with an emphasis on analysis of primary theoretical literature correlating with the social history.*
3. *To demonstrate orally and in writing, a critical understanding of major schools of legal theory that influenced the development of the western legal tradition and Indian legal system.*
4. *To critically evaluate multiple and contrasting perspectives on law and engage in open-minded academic discussion of them in an applied context.*

HLC0510: ADMINISTRATIVE LAW

Objectives of the Course:

The State's multifarious responsibilities have resulted in a vast array of functions devolving on state functionaries. In this bureaucratic raj, more powers, both quasi-legislative and quasi-judicial, vest in bureaucrats to enable them to ensure effective administration. Administrative Law is the branch of law that concerns itself with good governance that is based on compliance with the law, transparency and non-arbitrariness in the exercise of discretion and also with the delivery of administrative justice. This course lays emphasis on understanding the evolution, nature and scope of Administrative Law and its relation with Constitutional Law. Adequate systems of checks and balances, safeguards for procedural fairness, the availability of judicial review and remedies to aggrieved persons, and the general modus operandi of administration form the subject matter of this branch.

This course has been designed to:

- I. Investigate the historical development of the concept of administrative law;
- II. Explore and probe the evolution and current status of administrative law across various jurisdictions, both in civil and common law countries, such as UK, USA, France and India;
- III. Scrutinize the role, scope and intricacies involved in delegated legislation;
- IV. Ponder the basic requirements of procedural fairness and natural justice in administrative procedures;
- V. Survey the concept of judicial review and understand state accountability;
- VI. Critically analyse remedies available if case of maladministration and Provide a detailed study of public undertakings and the role of ombudsmen

The following syllabus prepared with this perspective will comprise of 6 modules.

COURSE OUTLINE

Module I - Introduction to Administrative Law and Constitutional Concepts

(a) Role of State From Laissez-Faire to welfare State – Expansion Role of State - as Enabler, facilitator and Regulator.

(b) Definition, Nature and Scope of Administrative Law.

- (c) Administrative Development Patterns in U.K., U.S.A., France and India
- (d) Relationship Between Administrative Law and Constitutional Law.
- (e) Basic Constitutional Principles - Rule of Law - Doctrine of Separation of Powers - System of checks and balances.
- (f) Parliamentary Sovereignty in U.K., Limited Legislative Powers in U.S.A. and India.
- (g) 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 - Rule Making Power of the Administration

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

Module III - Administrative Adjudication and Procedural Fairness

- (a) Need for Administrative Adjudication.
- (b) Reason for growth of Administrative Tribunals
- (c) Franks Committee.
- (d) Mechanism for administrative Adjudication – Quasi – Judicial Bodies, Tribunals.
- (e) Merits and Demerits of Administrative Tribunals.
- (f) Procedure and powers of Administrative Tribunal.
- (g) Tribunal under Constitution.
- (h) High Court's Superintendence over Tribunals.

(i) Appeal to Supreme Court by Special Leave.

(j) Administrative Tribunals under Administrative Tribunals Act, 1985

(k) Domestic Tribunal.

(l) 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 - Judicial Review and Liability of the State

(a) Need for Judicial Review.

(b) Scope of Judicial Review Jurisdiction of the Supreme Court - Writ Jurisdiction - Appeal by Special Leave (Art. 136) - Scope and Object of Article 136.

(c) Jurisdiction of the High Court.

(d) Judicial Review of Administrative Action through Writs.

(e) Scope of the Writ Jurisdiction - *Locus-standi* - Kinds of Writ - Grounds for issue of Writs - Alternative Remedy - Laches or Delay - *Res Judicata*.

(f) Public Interest Litigation.

(g) Statutory and Equitable Remedies – Injunction - Declaration against the Government - Exclusion of Civil Suits.

(h) Administrative Discretion - Nature and need of Administrative discretion - Grounds and Extent of Judicial Review - Doctrine of Proportionality - Fundamental Rights and Discretionary Powers

(i) 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.

(j) Promissory Estoppel.

(k) Doctrine of Legitimate Expectation.

(l) Right to Information.

(m) Liability of the State - Liability of the State in Torts and Contracts.

Module V - Maladministration and Alternative Remedies

(a) Need and Utility.

(b) Origin and development of the Institution.

(c) Ombudsman in England (Parliamentary Commissioner).

(d) Ombudsman in India – Lokpal - Lokayukta in States.

(e) Central Vigilance Commission.

Module VI - Public Undertakings

(a) Object, Importance and Characteristics of Public Corporation.

(b) Classification of Public Corporations.

(b) Rights, Duties and Liabilities of Public Corporations.

(c) Controls over Public Corporations, Government Control, Parliamentary Control, Judicial Control, Public Control.

(d) Role of Ombudsman in Public Undertaking.

Recommended Reading

Books Prescribed:

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

Journals Prescribed

1. Chauhan, (V.S), "Reasoned Decision: A Principle of Natural Justice" JILI, Vol.37, (1995) pp. 92-104.
2. Saad Abdulbaqi Sabti and YP Rama Subbaiah, "Conceptual analysis of sub Delegation: An overview" International Journal of Law, Vol.3, Issue 3, (2017) p.75.
3. Seema Dalal, "Administrative law and judicial review of administrative action with a special emphasis on the writ of Certiorari" International Journal of Law, Vol.3, Issue 3, (2017) p.01.
4. Jarnail Singh and Dr. RK Gupta, "Doctrine of legitimate expectation: The emerging trends

in Indian Judiciary” International Journal of Law, Vol.3, Issue 5, (2017) p.135.

5. Dr. Rahul Tripathi, “Judicial Review: A Study in Reference to Contemporary Judicial System In India” International Journal of Research – Granthaalayah, Vol. 4, No. 5 (2016), p.5.

Further Reading

Reference Books:

- 1.Durga Das Basu, “Administrative Law” (Kamal Law House, 2016).
- 2.C.K. Thakker, “Administrative Law” (Lucknow: Eastern Book Company, 2012).
- 3.William Wade and Christopher Forsyth, “AdministrativeLaw” (Oxford University Press, 11th ed., 2014).
- 4.De Smith, “Constitutional Law and AdministrativeLaw” (Penguin, 2000).
- 5.Foulkes, “AdministrativeLaw” (Oxford University Press, 1995)
- 6.Indian Law Institute, “Cases and Material of Administrative Law” (1996).
- 7.Michael T Molan, “Administrative Law (London: Old Bailey Press, 2001).
- 8.David Stott & Alexandra Felix, “Principles of Administrative law” (London: Cavendish Publishing Limited, 1997).
- 9.Paul Craig, “Administrative Law” (London: Sweet & Maxwell, 2011).
- 10.J.A.G. Griffith and H. Street, “Principles of Administrative Law” (Sir Isaac Pitman, 1963).

Articles:

- 1.Seemeen Muzafar, “Doctrine of Legitimate Expectation in India: An Analysis”, International Journal of Advanced Research in Management and Social Sciences, ISSN: 2278 – 6236.
2. A.BeulaChrimak Darius and Ms.R.Dhivya, “Applicability of Principles of Natural Justice to The Administrative Proceedings” International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.2013.
3. S. Saran and Ms. R. Dhivya, “Administrative Tribunals Under Indian Constitution” International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1939.

4. Siddharth.R and Prof. Dr. A. Sreelatha, “Principle of Natural Justice and Its Application in Indian Legal System” International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1669.
5. S.ShruthiTaarana and Ms.R.Dhivya, “Administrative Tribunals in India the Lights of the Decided Cases-In Constitutional Analysis” International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1921.
6. Ambuj Mishra, “Legitimate Expectations in India” IJJSR, Vol.1, Issue 1, (2019), p.30.

Cases for Guidance:

1. Express Newspapers Ltd v. Union of India, AIR 1986 SC 872.
2. Ridge v. Baldwin, 1964 AC 40.
3. Rampur Distillery Co. Ltd. v. Company Law Board, AIR 1970 SC 1789
4. Delhi Laws Act,1912, re , AIR 1951 SC 332.
5. Hamdard Dawakhana v. Union of India, AIR 1960 SC 554.
6. Chintamanrao v. State of M.P., AIR 1951 SC 118.
7. Hiranath Mishra v. Rajendra medical College, AIR 1973 SC 1260.
8. Dhakeshwari Cotton Mills Ltd. v. CIT, AIR 1955 SC 65.
9. Union of India v. H.C.Goel AIR 1964 SC 364.
10. ADM Jabalpur v. Shivkant Shukla, AIR 1976 SC 1207.
11. SP Gupta v Union of India 1981 supp SCC 87.
12. N. Nagendra Rao v. Status A.P., (1994) 6 SCC 205.
13. Vineet Narain v. union of India AIR 1998 SC 889.
14. Sunil Kumar v. State of West Bengal, 1980 AIR 1170
15. Vishwarao v. Lok ayukta, Maharashtra, AIR 1985 Bom 136

Learning Outcome

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

1. Grasp the historical development of administrative law and gain conceptual clarity of this branch of law across various civil and common law jurisdictions;
2. Ponder the importance, powers, and limitations of delegated legislation;
3. Master the crucial concept of natural justice and the touchstone requirements of administrative procedures;
4. Perceive the criticality of judicial review and state accountability, and understand the available remedies;
5. Develop a keen understanding of the applicability of administrative law to public companies and be deeply aware of the importance of ombudsmen

HLC0511: FAMILY LAW - I

Objectives of the Course

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

- 1. It equips the students with different personal Laws*
- 2. It provides ability to the student community in realizing secular laws related to inter-religious marriage, dowry, adoption and maintenance.*
- 3. Appreciate the Conglomeration of the uncodified aspects of unisex marriage and live-in- relationship.*
- 4. Also motivates the students to equip with writing, reading and research skills.*

COURSE OUTLINE

MODULE I: SOURCES AND SCHOOLS OF PERSONAL LAWS

- a. Application of various Personal Laws
- b. Traditional and Modern Sources of Hindu Law and Muslim Law
- c. 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

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

MODULE III: LAW ON MATRIMONIAL RELIEFS

- a. Restitution of Conjugal Rights,
- b. Judicial Separation,
- c. Nullity of Marriage and Divorce under various personal Laws –

- d. Various Grounds for Divorce and procedure on a comparative analysis –
- e. Court’s jurisdiction and procedure for the issues raised on Marriage and Divorce- In Camera proceedings - Decree on Proceedings
- f. Domestic Violence - Structure, Procedure and Jurisdiction of Family Courts - The Family Courts Act.

MODULE IV: LAW ON MAINTENANCE

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

MODULE V: LAW ON LEGITIMACY OF CHILDREN AND ADOPTION

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

MODULE VI: LAW ON MINORITY AND GUARDIANSHIP

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

Recommended Readings:

Books:

1. Mulla, *Hindu Law*, (Lexis Nexis 23rd Edition, 2018)
2. Tahir Mahmood & Saif Mahmood, *Introduction to Muslim Law*, (Universal Law Publishing Co., 2nd ed., 2017)
3. Kusum, *Family Law Lectures – Family Law – I*, (Lexis Nexis, 5th ed. 2019)
4. 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)
5. Prof. (Dr.) T. V. Subba Rao, Prof. (Dr.) Vijender Kumar, *Prof. G.C.V. SubbaRAo's Family Law in India*, (Gogia & Co., 2018)

Articles from Journals:

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

Further Readings:

Books:

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

Journals

1. 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>

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2. 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>
3. Jaiswal & Arunima Singh, *Decoding Same-Sex Marriage Under the 'Holy' Hindu Marriage Act, 1955*<https://www.manupatrafast.com/articles/articleSearch.aspx>
4. Mahavir Singh Kalon, *DNA Technology and Legal Issues in India*, Delhi Law Review, Vol. XXV, 2003
5. Stellina Jolly & M.S. Raste, *Rape and Marriage : Reflections on the Past, Present and Future*, Vol. 47 JILI, 2006
6. Jyoti Rattan, *Uniform Civil Code in India: A Binding Obligation under the International and Domestic Law*, Vol 46 JILI 2004
7. A.K. Bhandari, *Adoption Amongst Mohammedans- Whether Permissible in Law*, Vol. 47 JILI 2005
8. Lucy Carroll, *Religious Conversion and Polygamous Marriages*, Vol. 39 JILI 1997
9. Anjani Kant, *Right of Maintenance to Indian Women*, Vol. 38, JILI 1996
10. M.S. Balaganesan, *Speedy Remedy or Murky Muddle? Tragedy of Divorce on Ground of Mutual Consent*, Vol. 36 JILI, 1994

Cases for Guidance:

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

Learning Outcome:

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

1. A study of this course will enlighten the students on the factors that determine the legality of domestic relationship,
2. The learning of the subject gives an understanding of both the personal law and secular law that regulates domestic relationship.
3. 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.
4. The study helps to understand secularization of personal laws in the background of the Constitutional Law and to realize the feasibility of UCC

HLC0512: COMPANY LAW

Objectives of the Course:

Globalization has reduced the barriers to the movement of people, capital and technology across the globe. Today corporates are able to penetrate economies in virtually every part of the world. The result has been a fundamental shift in the relationship of corporate to both law and public policy. In today's globalised economy is governed by corporates wherein most of the enterprises are either private or public limited companies instead of partnership or proprietorship as in olden days.

In view of the developments that have taken place in the corporate sector this course is designed to understand the following:

- 1. The functions, management and other activities of the companies.*
- 2. Equipping the students to understand the corporate management control, possible abuses, the remedies and government regulations governing companies.*

COURSE OUTLINE

Module I Introduction – General principles of 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;

Module II Promotion and Formation of Company

- Promotion:** Promotion of Company, Promoters their position, Powers, Duties and Liabilities.
- Formation:** 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.

Module III Corporate financing

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

Module IV Corporate Governance

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

Module V Winding Up of Companies

- a) Winding up and kinds of winding up.
- b) Procedure for different kinds of winding up - powers of liquidators
- c) Insolvency and Bankruptcy - Defunct companies and restoration, revival and rehabilitation of sick companies

Module VI Adjudicatory Bodies

- a) National Company Law Tribunal; National Company Law Appellate Tribunal – Administration of NCLT, CLAT Constitution, Powers, Jurisdiction, Procedure, Judicial Review

Module VII Corporate Governance and Social responsibility

- a) Importance of Corporate Governance; Legal Reforms of Corporate Governance in India; Reports of the various Committees on Corporate Governance;
- b) Corporate crimes; Corporate social and environmental Responsibility – theories and justification;
- c) CSR and multinational corporations; regulation of multinational corporations in India;
- d) 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, 16th 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, BlurringTheEdgesOfCorporate Law: Insider TradingAndTheMartoma Decision, Harvard Business Law reviewOnline,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, 31st 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.

Journals:

1. A Reassessment of the Fraud Exception. Cambridge Law Journal, 2(56), pp.284-290.
2. Hayton, D., 1977. Contractual Licences and Corporate Veils. The Cambridge Law Journal, pp.12-15.
3. Katharina Pistor, Yoram Keinan, Jan Kleinheisterkamp, Mark D. West. The Evolution of Corporate Law.
4. Sanger, A., 2012. Crossing the Corporate Veil: The Duty of Care Owed by a Parent Company to the Employees of Its Subsidiary. Cambridge Law Journal, pp.478-481.

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;
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 LT 651
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 & B 327)
15. Salomon v. Salomon & Co. Ltd., (1897) A.C. 22

Course outcomes:

After completion of the course students will be able to:

1. To examine and develop an understanding of the characteristics of a business corporation when compared to other forms of business structure.
2. To consider the conceptual framework within which companies operate, Corporate personality and the extent of the personal liability of members of corporations.
3. To acquire the cognitive skills to analyse evaluate and synthesise information about corporations, corporate officers, shareholders and creditors so as to identify and resolve legal and business related issues.
4. To develop a commitment to engendering lawful, ethical and socially reasonable corporate behaviour
- 5.

THIRD YEAR

VI-SEMESTER

HBB0614: BUSINESS ENVIRONMENT

Objectives of the Course

The objective of this paper is to familiarize the students with the business environment conditions prevailing in India and international and understand its implications to business. Also to provide knowledge of the environment in which businesses operate, the economic operational and financial framework with particular application to the transaction of insurance business.

Module I : Understanding Indian Business Environment

- a) Nature and structure of business environment; Macro and Micro Indicators; Assessing Risk in Business Environment - Emerging Sectors of Indian Economy
- b) Current industrialization trends and industrial policy; Environment for the SME sector - Infrastructure development and policy; Public sector reforms and Performance; Public -Private partnership
- c) Intellectual Property regime and the R&D environment; trends in service sector growth - Banking reforms and challenges - Business Opportunities in the Rural Sector

Module II: Indian Economic Environment

- a) Design and strategy of economic reforms - Current state of growth and investment–
- b) Interest rate structure and present monetary policy - Fiscal environment - Current inflationary position and its impact on business sector - Competitive environment

Module III: Indian Trade Policies

- a) Legislation for unfair trade practices - Consumer and investor protection
- b) Trends and Pattern of India's Foreign Trade & Balance of Payments - Export and Import policy - Agriculture policy, Latest Foreign Trade Policies

Module IV: International Business Environment

- a) Recent global trends in international trade and finance - Dimensions and modes of International Business - Structure of International Business environment
- b) Risk in International Business - Motives for internationalization of firms - World trading system and impact of WTO - Exchange rate systems - Global financial system

Module V: Conducting International Business

- a) Barriers to International Business; Foreign market entry strategies; Country evaluation and selection
- b) Factors affecting foreign investment decisions - Impact of FDI on home and host countries - Types and motives for foreign collaboration - Control mechanisms in International Business

Module VI: Operational Aspects of International Business

- a) Decisions concerning global manufacturing and material management; Outsourcing factors - Managing global supply chains - Product and branding decisions
- b) Managing distribution channels - International promotion mix and pricing decisions - Counter trade practices - Mechanism of international trade transactions

Module VII: Management Challenges in International Business

- a) Harmonizing accounting difference across countries - Currency translation methods for consolidating financial statements; the LESSARD-LORANGE Model
- b) Cross cultural challenges in International Business - International staffing decisions; Compensation and performance appraisal of expatriate staff
- c) Ethical dilemmas and social responsibility issues

Recommended Reading:

Books:

1. Justin Paul, *Business Environment : Text and Cases* , Tata McGraw Hill, New Delhi.
2. Cross & Miller, *the Legal Environment of Business: Text and Cases*, Cengage Learning.
3. M.B. Shukla, *Business Environment : Text and Cases*, Taxman.
4. Chidambaram, *Indian Business Environment*, Vikas, New Delhi.
5. Sundaram& Black, *International Business Environment – The Text and C ases*, Prentice Hall of India.
6. Pandey G.N., *Environmental Management*, Vikas Publishing House.

Journals/Journal Articles:

1. Aithal, P. S., & Aithal, S. (2016). Nanotechnological innovations & business environment for Indian automobile sector: a futuristic approach. *International Journal of Scientific Research and Modern Education (IJSRME)*, 1(1), 296-30.
2. Prajogo, D. I. (2016). The strategic fit between innovation strategies and business environment in delivering business performance. *International journal of production Economics*, 171, 241-249.
3. GUENTHER, M., SAUNDERS, C., & TAIT, P. (2016). Impacts of Changes in Consumption, Production and Trade Policies in China and India on the European Union and New Zealand. *Australian & New Zealand Journal Of European Studies*, 8(1).
4. Jain, H. (2017). Changing Structure of Indian Manufacturing Industries. In *Trade Liberalisation, Economic Growth and Environmental Externalities* (pp. 93-110). Palgrave Macmillan, Singapore.
5. Devadoss, S. (2018). Major Determinants of World Agricultural Trade.

Further Reading:

Books:

1. Saleem, *Business Environment*, Pearson, New Delhi.
2. Cherunilam, Francis; *Business Environment - Text and Cases*, Himalaya Publishing House, 2002, 12th revised edition.
3. Aswathappa, K.; *Essentials of Business Environment*, Himalaya Publishing House, 2000, 7th edition.
4. Barat, Nikhil, *Emerging Issues in Management, A Collection of Selected Case Studies*, Excel Books, New Delhi, 1998.
5. Sherlekar S. A. and Sherlekar V. S., *Case Studies in Marketing*, Himalaya Publishing House, Bombay, 1983.
6. Sandford C. T. / Bradbury, *Case Studies in Economics*, Economic Policy.
7. Chopra B. K., *Case Studies in Corporate Planning*, Times Research Foundation, Pune, 1989.
8. VratPrem, *Case Studies in Management*, Vikas Publishing House Pvt. Ltd, Delhi, 2011.
9. Kulkarni Vilas, AchuthanSarla, *Case Studies in Management*, Himalaya Publishing House, Bombay, 2016.
10. Ian Worthington and Chris Britton, *The Business Environment* (fifth edition), Pearson Education Limited, UK, (2006).

Journals/Journal Articles:

1. Veselovsky, M. Y., Izmailova, M. A., Bogoviz, A. V., Lobova, S. V., & Alekseev, A. N. (2017). Business environment in Russia and its stimulating influence on innovation activity of domestic companies. *Journal of Applied Economic Sciences*, 12(7).
2. Akhmetshin, E., Danchikov, E., Polyanskaya, T., Plaskova, N., Prodanova, N., & Zhiltsov, S. (2017). Analysis of innovation activity of enterprises in modern business environment. *Journal of Advanced Research in Law and Economics*, 8(8 (30)), 2311-2323.
3. Vasilev, V. L., Bakhvalov, S. I., Prikhod'ko, A. N., & Kazakov, A. V. (2017). Internal control in the system of innovation management in the modern business environment. *International Journal of Economic Research*, 14(15), 409.
4. Ištvančić, M., Crnjac Milić, D., & Krpić, Z. (2017). Digital marketing in the business environment. *International journal of electrical and computer engineering systems*, 8(2.), 67-75.
5. Chaowu, D. (2016). China's Policies towards the Withdrawal of Indian Trade Agencies in Tibet, 1961-1963. *Journal of Sichuan University (Philosophy and Social Science Edition)*, (1), 3.
6. Barik, T., Anand, B., & Medi, P. (2017). Trade Policy Implications, Revealed Comparative Advantages and Competitiveness: Evidence from Indian Industries. *Asian Journal of Research in Business Economics and Management*, 7(6), 337-359.

Learning Outcomes

After completion of the course students will be able to -

- Familiarize with the nature of Indian and global business environment and its components.
- The students will be able to demonstrate and develop conceptual framework of business environment and generate interest in international business.
- To make them understand about different trade policy on export and import
- To develop the knowledge about international business
- Create an awareness about various international trade institutions

HLC0613: FAMILY LAW-II

Objectives of the Course

The main objective of the paper is to apprise the students with the laws relating to family matters governing inheritance, succession, partition, with practical approach. The subject makes the students to identify and understand the scheme of succession under the Hindu, Muslim and Christian Laws. Further, with reference to uncodified Hindu Law, the matters relating to Joint Family System, Coparcenary, Karta and his powers, partition and the Hindu Religions Endowments are given in the syllabus for understanding the changes effected after the passing of the Hindu succession Act, 1956 and other related Laws. Under Muslim Law students can understand the principles behind the matters relating to Wakfs, Wills, Gifts and Pre- Emption and also the Sunni and Shia Law of Inheritance. The students can learn the details of Christian Law, a Part of the Indian Succession Act, 1925 and Law of Wills with reference to Christian Law of Inheritance.

After undergoing the study of this paper the Student should be able to understand the following:

- 1. Able to understand the personal laws relating to Succession, Partition and Religious Endowments.*
- 2. Identify the scheme of succession under various religious laws and able to understand the past and present legal systems.*
- 3. Analyse comparatively the testamentary and intestate succession under various religious laws and appreciate the limitations provided for the same.*
- 4. Able to understand the law relating to Hiba and Shuffa under Muslim Law.*

COURSE OUTLINE

Module I: HINDU JOINT FAMILY AND COPARCENARY

- a) Hindu Joint Family and Coparcenary – Meaning – Characteristics & Distinction.
- b) Rights of Coparceners and Position of Female Coparceners.
- c) Distinction between Mithakshara & Dayabhaga Coparcenary and Changes introduced by The Hindu Succession (Amendment) Act, 2005.
- d) Karta – Position – Powers - Rights and Duties.
- e) 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 unauthorised Alienation.

Module II: PARTITION

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

Module III: INTESTATE SUCCESSION UNDER HINDU LAW

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

Module IV: INTESTATE SUCCESSION UNDER MUSLIM LAW & CHRISTIAN LAW

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

Module V: TESTAMENTARY SUCCESSION

- a) Testamentary Succession under Hindu, Muslim and Christian Law.
- b) Limitation to Testamentation under various Religious and Statutory Law.
- c) Will and Administration of Will - Codicil.
- d) Lapse, Abatement and Ademption of Legacies.
- e) Probate, Letters of Administration and Succession Certificate.

Module VI: GIFT AND PRE-EMPTION UNDER ISLAMIC LAW

- a) Hiba - Nature and Characteristics of Hiba - Subject matter of Hiba – Effects of Hiba.
- b) Kinds of Hiba – Revocation of Hiba – Marz-ul-maut.
- c) Shuffa-Origin, Definition, Classification, Subject matter, Formalities, Procedure & Constitutional validity.

Module VII: RELIGIOUS ENDOWMENTS AND WAKF

- a) Hindu Religious Endowments.
- b) Wakf. - Meaning - Formalities of Creation –Types and Administration of Wakf.
- c) Mutawalli and his powers - Muslim religious Institutions and Offices.

Module VIII: PSDA (Professional Skill Development Activities)

- a) Exercises on Distribution of Property.
- b) Drafting a Deed of Hiba/Waqf/Wasiyat.
- c) Preparation of Pleading for a Partition Suit.

Recommended Readings:**Books:**

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

Journals/Journal Articles:

1. Hindu Law - Daughter: A Coparcenar, Kulkarni, K.V. All India Reporter, 2004 Mar.
2. Hindu Succession (Amendment) Act 2005: An Appraisal, Dash, U.N., All Indian High Court Cases, 2007.
3. 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.
4. 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.
5. 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:

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

Journals:

1. S.23 of The Hindu Succession Act, 1956: A sober view point, Prasanna, C.Luxmi, All India High Court cases, 2006, Mar.
2. S.6 and 29-A of The Hindu Succession Act: A critic, Ramakoti, M., All India Reporter, 2003, Oct.
3. Some thoughts on Hindu Succession (Amendment) Act, Balasubramanian, K.G., Kerala Law Times, 2005 Oct.
4. State Amendment to Hindu Succession Act and conflict of Laws: Need for Law Reform, Bhadhhade, Nilima, Supreme Court Cases, 2001.
5. Status of women under The Hindu Succession Act, 1956, Gupta, Suman, All India Reporter, 2007, May.
6. Stridhana & Women's Property Rights critical view under Hindu Succession Act, 1956 and Customary Hindu Law, Chakravarty, Padmaja, Apex court Expression, 2003.
7. Study of the amendments made in The Hindu Succession Act, 1956, Davda, C.R., All India High Court Cases, 2008, Feb.
8. The Hindu Succession Act, 1956 should the legal riddle under S.14 of the Act continue forever? Kader, S.A., Madras Law Journal, 2008, Sep.
9. The Hindu Succession Act, 1956: Defects and anomalies in the Amending Act 39 of 2005, Murthy, A.S. Ramachandra, All India High Court Cases, 2007 Jul.
10. Whether the Right of a Female to claim partition in a dwelling house under S.23 of Hindu Succession Act, 1956 is a myth or reality, Jena, Krushna Chandra, Cuttack Law Times, 1999, Sep.
11. Women's Property Rights under traditional Hindu Law and The Hindu Succession Act, 1956: Some observations, Jain, Prakash Chand, Journal of the Indian Law Institute, 2003, Jul. - Dec.

Cases for Guidance:

1. P.G.Reddy v. GollaObulamma AIR 1971 A.P.,363(F.B.).
2. Narain Devi v. Ramo Devi AIR 1976 SC 2198.
3. Rajeshwari Rani v. NirjaGuleri AIR 1977 P&H, 123.
4. Thotappa v. G.Gurusiddappa AIR 1977 Kant, 175.

5. Nawazish Ali Khan v. Ali Raza Khan 75 I.A. 62.
6. Commissioner of Income Tax, West Bengal v. Sri Jagannathji AIR 1977 SC 1523.
7. Yousuf Rawther vs. Sowramma, AIR 1971 Ker. 261.
8. Sri Jiauddin Ahmed vs. Mrs. Anwara Begum, (1981) GLR 358.
9. Must. Rukia Khatun vs. Abdul KhaliqueLaskar, (1981) 1 GLR 375.
10. Masroor Ahmed vs. State (NCT of Delhi) &Anr. 2008 (103) DRJ 137.
11. VaddeboyinaTulasamma v. VaddeboyinaSheshaReddi, 1977 SCR (3).
12. Jiauddin Ahmed v. Anwara Begum (1981) 1 Gau.L.R. 358.
13. Masoor Ahmed v. State (NCT of Delhi), 2008 (103) DRJ 137, para 27.
14. Nasir v. Sheena 2017 (1) KLT 300.
15. Shamim Ara vs State of U.P. &Anr. (2002) 7 SCC 518.

Learning Out Come:

After completion of the course students will be able to-

1. *Understand the meaning and difference between intestate and testamentary succession under various religious laws.*
2. *Appreciate the Hindu Joint Family system and coparcenary and also learn about the Partition and its effects under Hindu Law.*
3. *Analyse comparatively the property rights of women in various Personal Laws.*
4. *Understand the concepts like Hiba and Shuffa under Muslim Law.*

HLC0614: PROPERTY LAW

Objectives of the Course

1. *The course intends to define the concept and nature of transfer of immovable property, and illustrate the different types of transfers and rules relating to it. It explains the transfer of immovable property between living persons.*
2. *The course covers various general principles of transfer and doctrines. Specific transfer explains about the transfer by way of sale, mortgage, lease, gift and actionable claims.*
3. *The Easement Act explains various modes of acquisition of easementary rights, rights and obligations of the dominant and servient owners, the extinction and suspension of the easementary right.*
4. *Registration Act explains the requirement to be complied for registration of any transfer of immovable property, and Stamp Act explains various kinds of stamps and mode of payment of stamp duties.*

COURSE OUTLINE

Module I: General Principles of Transfer

- a. Concept of Property – **possession**: essentials of possession – kinds of possession, modes of transfer of possession- **ownership**: rights of ownership- modes of acquisition of ownership- distinction between possession and ownership – theories of property
- b. Definition of Transfer of Property- Kinds of Interest- Conditional Transfer
- c. Doctrine of Election
- d. Transfer by Ostensible Owner
- e. Feeding the Grant by estoppel
- f. Improvement made by Bonafide Purchaser
- g. Lis Pendens
- h. Fraudulent Transfer
- i. Doctrine of Part Performance and other general principles of transfer.

Module II: Specific Transfers – Transfer of Absolute Interest

- A. Sale – Definition of Sale- Rights and Liabilities of Seller and Buyer
- B. Gift - Definition- Onerous Gift- Universal Donee- Death Bed – Gift- Suspension and Revocation of Gift.
- C. Exchange

Module III: Transfer of Limited Interest – Specific Transfer

- A. Mortgage: Different kinds of Mortgages- Redemption- - Clog on Redemption- Partial Redemption- Rights and Liabilities of Mortgagor and Mortgagee including Doctrine of Consolidation- Marshalling -Contribution- Subrogation.
- B. Charge
- C. Lease: Different Rights and Liabilities of Lessor and Lessee- Determination of Lease- Doctrine of Holding Over.
- D. Actionable Claim

Module IV: Law Relating To Easementary Right

- a. Definition-Acquisition of Easement
- b. Easement of Necessity and Quasi Easements
- c. Easement by Prescription
- d. Extinction, Suspension and Revival of Easements
- e. License.

Module V: Law of Registration

- a. Definitions - The Registration-Establishment
- b. The Duties And Powers Of Registering Officers, Enforcing The Appearance Of Executants And Witnesses, Refusal To Register
- c. The Fees For Registration, Searches And Copies Registrable Documents
- d. Time of presentation, place of registration, Presenting Documents for Registration
- e. Penalties.

Module VI: Registration of Will

Presenting Wills And Authorities To Adopt - The Deposit Of Wills- The Effects Of Registration And Non-Registration

Module VII : Stamp Act

Definitions – stamp duties - Adjudication as to Stamps - Instruments Not Duly Stamped- Allowances for Stamps in Certain Cases - Reference and Revision - Criminal Offences And Procedure

Recommended Readings:

Books Prescribed

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- GCV Subba Rao- Transfer of Property
- Mulla, “The Transfer of Property Act”, by Poonam Pradhan Saxena, Lexis Nexis, 13th edition
- K.Krishnamurthy’s, “The Indian Stamp Act”, 12th edition, Lexis Nexis
- Mulla, “Registration Act”, 13th Edition, Lexis Nexis

Statutory materials:

1. Transfer of Property Act, 1882
2. Indian Easement Act, 1882
3. The Registration Act, 1908
4. Indian stamp Act, 1899

Books Prescribed

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- GCV Subba Rao- Transfer of Property
- Mulla, “The Transfer of Property Act”, by Poonam Pradhan Saxena, Lexis Nexis, 13th edition
- K.Krishnamurthy’s, “The Indian Stamp Act”, 12th edition, Lexis Nexis
- Mulla, “Registration Act”, 13th Edition, Lexis Nexis

Statutory materials:

5. Transfer of Property Act, 1882
6. Indian Easement Act, 1882
7. The Registration Act, 1908
8. Indian stamp Act, 1899

Books for reference:

1. Goyle’s “A Commentary On The Transfer Of Property Act” , Eastern Law House
2. Darashaw’s Commentaries on the Transfer of Property Act” by Justice M.L.Singha, Lexis Nexis
3. B.B.Katiyar’s “Law of Easements and Licences”, Universal Law Publishing, 16th Edition
4. Sanjiva Row’s “Commentary On The Indian Easements Act, 1882 and Licences”, 6th Edition, Delhi Law House
5. Malik’s “Commentary On Registration Act, 1908 With State Amendments With Latest Case Laws, Delhi Law House, 2nd Edition
6. James E. Penner, Lecturer in Law J E Penner, “The Idea of Property in Law”, Clarendon Press Oxford, first edition, 1997
7. Cheshire and Burn's Modern Law of Real Property, by Edward Burn and John Cartwright, Eighteenth Edition, 4th edition 2011.
8. Barbara Bogusz and Roger Sexton, “Complete Land Law- texts, cases and materials”, oxford press, Sixth Edition, 2019.
9. Ben McFarlane and Sarah Nield, “Land Law - Text, Cases & Materials”, oxford press, Fourth Edition 2018

Case Laws for reference:

1. Marshall v. Green, 33 L.T.404
2. Thakur ParamanickChunder v. Ram Dhona, 6 W.R. 228 (F.B)
3. Shamu Pattar v. Abdul Kadir, 35 Mad. 607 (P.C)
4. Rosher v. Rosher, (1884) 20 Ch.D. 801
5. Pannalal v. Fulmoni, AIR (1987) Cal 368
6. Sopher v. Administrator general of Bengal, (1944) P.C.67
7. Abdul Fata Mohommed v. Rasamaye, 22 Cal 619 P.C.
8. Whitby v. Mitchell,
9. Leake v. Robinson, 35 ER 979, Volume 35
10. Thalluson v. Woodford, (1805) 11 Ves. 112
11. Cooper v. Cooper, (1874) L.R. 7 H.L.53

12. Tulk v. Moxhay, [1848] 41 ER 1143
13. Ram Coomer v. McQueen, 11 B.L.R. 46
14. Bellamy v. Sabine, (1857) 1 Dc. G, and J., 566
15. Ebrahim v. Ful bai, 26 Bom 573
16. Walsh v. Lonsdale, (1882) 21 Ch.D 9
17. Webb v. Macpherson, 31 Cal 57 (P.C)
18. Muhammad Sher Khan v. Raja Seth Swami Dayal A.I.R. 1922 P.C. 17,
19. Noakes & Co v. Rice, (1902) A.C.24
20. Kreglinger v. New Patagonia Meat Gold Storage Co. Ltd. [1914] A.C. 25.

Articles:

1. Abraham Bell and Gideon Parchomovsky, *A Theory of Property*, 90 Cornell L. Rev. 531 (2005)
Available at: <http://scholarship.law.cornell.edu/clr/vol90/iss3/1>
2. Exclusion and Exclusivity in Property Law Author(s): Larissa Katz Source: The University of Toronto Law Journal, Vol. 58, No. 3 (Summer, 2008), pp. 275-315
Published by: University of Toronto Press Stable URL:
<http://www.jstor.org/stable/20109850>
3. The Rule against Perpetuities and Gifts to Classes, W. Barton Leach, Harvard Law Review, Vol. 51, No. 8 (Jun., 1938), pp. 1329-1353,
<https://www.jstor.org/stable/1333400>
4. Case Notes on Steadman v. Steadman, 10 Melb. U. L. Rev. 149 (1975-1976)
5. The Doctrine Of Part Performance In India by G. M. Sen, Journal of the Indian Law Institute, Vol. 11, No. 2 (APRIL-JUNE 1969), pp. 224-229,
<https://www.jstor.org/stable/43950022>
6. Claeys, Eric R., Property, Concepts, and Functions (March 10, 2018). Boston College Law Review, Vol. 60, No. 1, 2019; George Mason Legal Studies Research Paper No. LS 18-04. Available at <http://dx.doi.org/10.2139/ssrn.3136041>
7. The Registration Act, 1908: Critical Analysis of Registration Act by Shivam Goel, Available at: <https://www.researchgate.net/publication/314424567>
8. Overview Of Stamp Duty Acts available at
https://shodhganga.inflibnet.ac.in/bitstream/10603/130517/9/09_chapter%203.pdf
9. [Essert, Christopher \(2013\), 'The Office of Ownership,' University of Toronto Law Journal, 63: 418-461.](#)
10. Francis S. Philbrick, "Changing Conceptions of Property in Law", University of Pennsylvania Law Review And American Law Register, Volume 86 May, 1938 No. 7

Course Learning Outcomes:

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

1. Analyse and define the concept and nature of transfer of immovable property, and illustrate the different types of transfers and rules relating to it.
2. Evaluate the rules relating to general transfer of immovable property
3. Determine and analyse the rules of specific transfer and easements.
4. Determine, explain and apply the principles of property law to resolve complex problems and theoretical questions.
5. Apply property law to complex problems and critically examine its operation from a range of theoretical and social perspectives and to Prepare convincing written arguments for a legal audience.

HLC0615: LAW OF EVIDENCE

Objectives of the Course:

The Law of Evidence is one of the most important parts of the procedural law. The Law of Evidence plays a very important role in the effective functioning of the judicial system. The Law of Evidence is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum. 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. The concepts brought in by amendments to the Law of Evidence are significant parts of study in this course.

After undergoing the study the student will be able to understand the following:

- *To design, implement and review a plan for establishing each legal element of a given case to the required standard of proof with admissible evidence*
- *To plan and execute a witness examination that comports with evidentiary standards and that persuasively establishes a fact in issue in the case; anticipate and respond to evidentiary objections that may be raised during your examination*
- *To identify, articulate and assert appropriate evidentiary objections while listening to a witness examination, and respond appropriately to questions from the judge*
- *To draft and execute a witness examination for the introduction of a document or item of proof*

COURSE OUTLINE

Module I: Introduction to Evidence Law

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

Module II: Admission- Confession - Dying Declaration

- a) Admission- An Exception to Hearsay Rule-Requisites of an Admission-Party to the Proceedings-Kinds of Admission-Admission Regarding State of Mind or Body
- b) Oral Admission as to Content of Documents -Admission in Civil Cases- Evidentiary Value of Admission

- c) Confession-Conditions as to Confession –Kinds of Confession -Confession to Police -Retracted Confession-Distinction Between Admission And Confession-Evidentiary Value of Confession
- d) Dying Declaration-English and Indian Law Difference On Dying Declaration – Essential Conditions for the Applicability of Dying Declaration -FIR as Dying Declaration
- e) 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

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

Module IV: Of Proof- Burden of Proof

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

Module V: Presumption- Estoppel

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

Module VI: Witnesses - Examination of Witness

- a) Witnesses- Categories of Witnesses- Dumb Witness- Evidence of Prosecutix in Rape Case- Interested Witness- Parties to civil suit and their wives or husband etc- Judges and Magistrate as Witness
- b) Privileged Communications- Professional Communication-Order of Producing Witness- Judge to Decide Admissibility of Evidence
- c) Examination- In –Chief- Cross –Examination- Re –Examination- Distinction Between Examination -In- Chief, Cross- Examination And Re- Examination
- d) Order of Examination- Direction of Re Examination- Cross Examination of person called to produce as document- Question by party to his own witness
- e) Question tending to Corroboration- Former Statement as Corroboration- Refreshing Memory.

Recommended Readings:

Books:

1. M. Monir, Law of Evidence, Universal Law Publishing Co. Pvt. Ltd, 2018
2. Rattan Lal Dheeraj Lal, Law of Evidence, Lexis Nexis, 2018
3. Avtar Singh, Principles of Law of Evidence, Central Law Publications, 2016
4. Sarkar and Manohar, Sarkar on Evidence (1999), Wadha& Co., Nagpur 2017
5. Hong Kong Law of Evidence, Mike McConville, Dmitri Hubbard, and Arthur McInnis, 2nd Edition,2014, Blue Dragon Press, Hong Kong

Journals/ Journal Articles:

1. Allen, R 1992, “The Myth of Conditional Relevancy”, Loyola of Los Angeles Law Review, 25: 871–884.
2. Allen, R 1994, “Factual Ambiguity and a Theory of Evidence”, Northwestern University Law Review, 88: 604–640.
3. Allen, R. and S. Jehl, 2003, “Burdens of Persuasion in Civil Cases: Algorithms v. Explanations”, Michigan State Law Review, 4: 893–944.
4. Accomplice Liability for Unintentional Crimes: Remaining within the Constraints of Intent by Audrey Rogers Loyola of Los Angeles Law Review (Vol 31:1351).
5. Dr. Nirpat Patel, "The Role of DNA in Criminal investigation – Admissibility in Indian legal system and future perspectives" IJHSSI Vol.2/Issue 7/July 2013/p. 15-21.

Further Readings:

Books:

1. Adrain Keane, Paul M.C. Keown, "The Modern Law of Evidence", 9th Edn, Oxford University Press.
2. Albert S. Osborn, "The problem of proof", 1st Indian reprint, Universal Law House, Delhi, 1998.
3. Bholeshwar Nath, "Cases and Material on Evidence Act, 1872", Eastern Books Publishers and Book Sellers, Lucknow.

4. Bridges, B.C., Vollmer, August and Monir M., "Criminal Investigation PracticalFingerprinting, Thumb Impression, Handwriting expert testimony OpinionEvidence", The University Book Agency, Allahabad (2000).
5. M. Monir C.J., Dr. H.K. Saharay, "Law of Evidence" (Vol. I, II), 14 Edn, UniversalLaw Publishing Co. Pvt. Ltd.
6. P. Murphy, Richard Glover, "Evidence" 12 Edn, Oxford University Press.
7. Philips Edward, "Brief Case on Law of Evidence", Cavendish Publishing Limited,London, (1st Edn, 1996).
8. R.L. Gupta, "Law relating to identification and Expert Opinion" 4th Edn, Eastern Book Co, Lucknow.
9. R.S. Pillai, "Criminal Law", Lexis Nexis Butterworths Wadhwa Co., Nagpur, 10 Edn.
10. Sir Rupert Cross and Nancy Wilkins, "An Outline of the Law of Evidence", 4th Edn, London Butterworth, 1975.

Journal/ Journals Articles

1. Allen, R. and A. Stein, 2013, "Evidence, Probability and the Burden of Proof", Arizona Law Review, 55: 557–60
2. Allen, R, 1991, "The Nature of Juridical Proof", Cardozo Law Review, 13: 373–422.
3. Garrison, A.H. (2000). A review of the behavioural science theory and its admissibility in criminal trials" American Journal of Trial Advocacy, 23, 591- 657.
4. Kristina L. Needham, "Questioning the Admissibility of Non Scientific testimony after Daubert: The need for increased Judicial Gatekeeping to ensure the reliability of all Expert Testimony" 1997 FULJ Vol. 25 Issue 3, Pg. 541-578.
5. Mathiharan K, "Emergency Medicare: its Ethical and legal aspects" National Medical Journal of India, Vol. 17, No.1 January/ Feb, 2004, 31-35 at p. 33.
6. Neeraj Tiwari, "Fair trial vis-a-vis Criminal Justice Administration: A critical study of the Indian Criminal Justice System JLCR Vol.2(4) pp. 66-73
7. Nivedita Grover, "Development of forensic science and criminal prosecution-India" IJSRP Vol.4 Issue 12
8. Sonia Dutt Sharma, "DNA-Dignity and Dissolution of Marriage", Helix Vol.2 : 101-104 (2012).
9. Subhomoy Sarkar, "The Constitutional Mandate on the Right Against Self Incrimination: A Comparative Study on the Legitimacy of Narco Analysis 2009" Cr.L.J Vol 2 Journal/166.
10. Tess M.S. Neal, "Expert Witness preparation: What does the Literature tell us? American Society of Trial Consultants. 2009, pg. 82.

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. JayantibhaiBhenkerbhai vs. State of Gujarat (2002) 8 SCC 165
7. Bishwanath Prasad vs. Dwarka Prasad, AIR 1974 SC 117
8. Central Bureau of Investigation vs. V.C. Shukla, AIR 1998 SC 1406
9. Veera Ibrahim vs. State of Maharashtra, AIR 1976 SC 1167
10. AghnooNagesia vs. State of Bihar, AIR 1966 SC 119
11. Nageshwar Shri Krishna Ghobe vs. State of Maharashtra (1973) 4 SCC 23
12. National Textile Workers' Union vs. P.R. Ramakrishnan (1983) 1 SCC 228, 255
13. CIT v. Podar Cement (P) Ltd (1997) 5 SCC 482
14. State v. S.J. Choudhary (1996) 2 SCC 428
15. SIL Import, USA v. Exim Aides Silk Exporters (1999) 4 SCC 567

Learning Outcome:

After completion of the course students will be able to -

- *To identify, assert and support objections to items of proof, using appropriate evidentiary rules and tailoring objections to the facts at hand.*
- *To identify and use a range of legally specific research principles, methods and tools to make a coherent and persuasive argument for the admission or exclusion of a specific item of evidence, incorporating factual information and legal standards drawn from both evidentiary rules and substantive law .*
- *To research, analyse and apply evidentiary standards to complex issues and present a persuasive written and oral argument for the admission or exclusion of the evidence.*
- *Articulate the processes for the adversarial examination of evidence and differentiate between the roles of the district attorney and defense counsel in the presentation of evidence.*

HLA0601: INTERPRETATION OF STATUTES

Objectives of the Course

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.

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-MarginalNotes-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) *Ut res magis valeat quam pereat-Noscitur a sociis-Ejusdem generis*;
- (b) *Casus omissus-Reddendo singulis in 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. VepaSarathi (2003), Interpretation of Statues, Eastern Book Company: India
3. N.S Bindra, Revised by M.N. Rao and AmitaDhanda (2007), Interpretation of Statutes, Lexis Nexis Butterworths Wadhwa: India
4. P.M. Bakshi (2010), Interpretation of Statutes, Orient Publishers: India.
5. A.B. Kafaltiya (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.
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.

Learning Outcome

After the course students will be able to-

1. Understand the concerns of human communication and relevance of interpretation.
2. Learn the necessity of principles of interpretation as consistent source of man-made laws.
3. Develop the skills of reading and writing legislations and deducing hidden assumptions with accuracy.
4. Visualise the significance of principles of interpretation as tools of social change.

**HCC0601: PROFESSIONAL ETHICS,
ACCOUNTANCY FOR LAWYERS AND
BAR BENCH RELATIONS
(CLINICAL COURSE: I)**

Objectives of the Course

Legal profession is a noble profession. Every profession must have an ethics particularly legal profession is most ethical because an advocate is socially responsible and accountable. Professionally advocacy is an art and they have accountability towards court, parties and community at large. The Advocates and Judges should work interdependently each other. Judiciary is an important organ of a state and guardian of basic rights of an individual. As a part and parcel of Judicial system Bar (Advocates) Bench (Judicial Officers) relations is inseparable. This course is enlightening code of conduct of an Advocate, accountability and responsibility of legal profession and the contribution of Bar and Bench towards access to justice.

COURSE OUTLINE

Module I: Introduction

1. The meaning of Ethics
2. Professional Ethics
3. Code of Conduct
4. Misconduct
5. Importance of Legal Education and Legal Profession in India
6. Historical Background and Significance – judicial process in India

Module – II: Rights and Duties of a Lawyer / Lawyer’s Accountability

- A. 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.,

Module – III: Law relating to Legal profession and its accountancy

- A. 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

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
Defences and Punishments – Appeal

Module – IV: Bar – Bench Relations

A. 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

Module – V: Modern era (Globalisation) and Legal services in India

A. 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

Module – VI: International concern on Legal profession and ethics

A. 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

Module – VII: Contribution of Bar Council on Legal Education

A. 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 Judgements), for mid-semester 20 marks and attendance 05 marks – total 100marks

Statute for Reading

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

Rule framed 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

Recommended Readings:

1. K V krishnaswamyIyer – Professional Conduct and Advocacy, Ingram Short title, (2015).
2. Dr. Kailash Rai, Legal Ethics- Accountancy for Lawyers and Bench and BarRelations, Central Law Publication,(Reprint-2016)
3. B R Aggarwala, Supreme Court Practice andProcedure
4. P RamanathIyer, Legal and Professional Ethics, (3rded.)
5. Dr. S P Gupta, Professional Ethics, Accountancy for Lawyers and Bench-barRelations
6. M P Jain, Outline of Indian Legal History-Chapter : Development of LegalProfession
7. M R Mallick- The Advocates Act 1961 with Professional Ethics, Advocacy andBar- benchRelationship
8. Dr. B Malik: The Art Of alawyer
9. Nilendra Kumar and Neha Chaturvedi: M K Gandhi's : The Law andLawyer
10. Saadiya Suleman: Professional Ethics & Advertising byLawyers

LearningOutcome

- *After completion of this course the student will be able to perform as good lawyering*
- *The student of law must be oriented with disciplined, well performed and socially ethically trainedprofessional.*

FOURTH YEAR

VII-SEMESTER

HLC0716: INTRODUCTION TO PUBLIC INTERNATIONAL LAW

Objectives of the Course:

“Supra National Law” or otherwise popularly referred to as “International Law” aims to bring in peace and world order on the globe by mitigating the frictions between nation-states through peaceful legal means. It guides the nation-states to work for the betterment of human life, promotion of fundamental goals to peace, prosperity, advancement of human rights and the protection of human environment for sustainable development. Though it has numerous branches with in, as a main subject its orientation is to understand the functioning as a core law in addressing the international challenges. The syllabus aims to introduce the student to understand the basic concepts of international law, harmonization on with domestic law, its abidingness and application by the States in resolving their conflicting issues and to achieve international cooperation in working together to develop global institutional mechanisms.

Course Outline

Module- I: Introduction to International Law

- (a) Origin—Scope and Basis
- (b) Universalization of International Law- philosophical, political, ideological, cultural and cross- cultural approaches
- (c) Historical development and Jurisprudential theories – Greek, Roman, European, Asian, African, communist and Indian approach
- (d) Validity, Normativity and Enforcement through Sanctions
- (e) Codification and Progressive Development – Role of International Law Commission and International Institutions

Module -II: Sources of International Law

- (a) Source and its Genesis- Art 38 (1)(b) of the ICJ and Sources of International Law
- (b) Usage & Custom as a source; Elements of Custom; Jus Cogens and Ergaomnes
- (c) Treaties as primary and persuasive source; significance of Law making treaties and Treaty Contracts; Normative Treaties; Reservation and Revocation of Treaties
- (d) General Principles of International law (Equity in a global context)
- (e) Juristic Works of Eminent Authorities
- (f) Decisions of Judicial and Arbitral Tribunals (International and Municipal)
- (g) Subsidiary Sources- Decisions, Resolutions and Declarations of the United Nations and other organs; Non-treaty obligations - Good will and Reciprocity.

Module-III: Harmonizing International Law with Municipal Law and Subjects of International Law

- (a) Interaction between International and Municipal (domestic) law
- (b) Theories of Monism, Dualism, Incorporation or Transformation, Specific Adoption and Delegation – State Practice- UK, USA and India
- (c) Subjects of International law – State- Different types of States - Essentials of Statehood- Lifting the State veil – Individual as a Subject and object - International organizations and Non- State actors as subjects of International law

Module - IV: Recognition and State Territory

- (a) State Recognition as a basis for International personality – Principles and Problems
- (b) Types of Recognition-- Legal nature; Theories of Recognition; Recognition of Governments – Belligerency and Insurgency
- (c) Legal effects of Recognition and Non Recognition
- (d) Concept of State Territory- Sovereignty and its significance
- (e) Acquisition and loss of State Territory; Territorial Integrity-Self-Determination and sundry claims- Doctrine of Uti possidetis
- (f) Law of Air and Outer Space

Module -V State Succession

- (a) State Succession – Definition & Conceptual Perspectives
- (b) Types- Universal and Partial Succession
- (c) Difference between Succession of States & Governments
- (d) Theories - Negativist & Modern Theories - An overview of States Succession to Treaties and to matters other than Treaties
- (e) Succession to the membership in International Organizations
- (f) State Succession -Contemporary issues- Yugoslavia- Dissolution of USSR- Reunification of Germany- Retrocession of Hong Kong.

Module – VI: Law of Sea

- (a) Historical Perspectives on Law of Sea
- (b) Concept of Territorial Sea – Internal waters - Innocent Passage – Rights and Duties of Coastal states
- (c) Continental Shelf & Exclusive Economic Zone –Rights and Duties of Coastal States Principle of Equidistance and its invocation, Special and Relevant Circumstances Rule
- (d) High Seas – Flag State Jurisdiction- Hot Pursuit- Pollution; Common Heritage of Mankind
- (e) Rights of Land locked States
- (f) Exploration and Exploitation of Resources in Area (Sea bed and Ocean floor)
- (g) Settlement of Disputes –Role of Sea Bed Authority-International Tribunal for Law of Sea.

Module VII: State Jurisdiction and Immunities from Jurisdiction

- (a) Jurisdiction in International perspectives – Prescriptive & Enforcement
- (b) Territorial-Nationality--Passive Personality-Protection and Universal Principles- War Crimes, Crimes Against Peace and Humanity
- (c) Extraditable offences- Double Criminality; Asylum and its importance
- (d) Nationality-Double Nationality Jurisdiction- MNCs
- (e) Sovereign Immunity- Absolute and Restrictive Approach
- (f) Diplomatic Immunities and Privileges- Privileges and Immunities of International organizations

Module – VIII: State Responsibility

- (a) State Responsibility-Nature and Scope
- (b) Obligations ErgaOmnes - Notion of Immutability or Attribution to State- Breach of an International legal obligation
- (c) Draft articles of ILC - Liability for Lawful Acts- Circumstances excluding Wrongful Conduct of State- Legal Consequences of an Internationally Wrongful Act
- (d) Invocation of State Responsibility as part of Human Rights Standards
- (e) State Responsibility for Genocide: State Responsibility and Environmental Sustainability

Module- IX: International Human Rights Law & Humanitarian Law

- (a) Nature and Scope of Human Rights - Outline of Theoretical approaches to Human rights
- (b) Overview of Historical background –European, Asia, African and Indian approaches
- (c) International Accountability- Normative foundations laid under the United Nations UDHR & International Bill of Human Rights and other instruments
- (d) Transition to modern Human rights - Generational Human rights – Human rights and Right to Development; Human rights Council and Human Rights Committee
- (e) IHL –Scope and Significance-Geneva Conventions and Protocols –Wounded and Sick; Prisoners of War; Protection of Civilians; Armed Conflict and Non-Armed Conflict; Relationship between Human Rights and IHL

Module –X: Challenges to International Human Rights Law

- (a) Human Rights of Vulnerable and Disadvantage Groups; Women- Children Sexual Minorities Stateless Persons
- (b) Migrants - Epidemic Affected; Rights of Socially and Economically Disadvantaged People
- (c) Indigenous Peoples; Disabled & Minorities
- (d) Transnational Corporations and Human Rights, Terrorism & Counter-terrorism
- (e) Euthanasia and Human Rights; Right to Freedom from Torture and Inhuman or Degrading Treatment
- (f) Crimes against humanity, Role of International Criminal Courts and Tribunals

Recommended Readings: -

1. Crawford, J. *Brownlie's Principles of Public International Law* (8thed., 2013).
2. Jennings, R., and Watts, A. (eds.), *Oppenheim's International Law* [Vol. I –Peace] (9thed., 2008).
3. Shaw, M.N. *International law* (Cambridge University Press, 8th ed., 2017).
4. Shearer, I.A. *Starke's International Law* (1st Indian ed., 2007).
5. Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.

Further Readings: -

1. Anghie, A. 'Francisco de Vitoria and the Colonial Origins of International Law' in *Imperialism, Sovereignty and the Making of International Law* (CUP, 2004).
2. Bantekas and Oette, *International Human Rights: Law and Practice* (2013)
3. Boyle, A., and Chinkin, C. *The Making of International Law* (Oxford University Press, 2007).
4. Chimni, B.S. *International Law and World Order* (Cambridge University Press, 2017).
5. Connell, O. "State Succession in Municipal Law and International Law", Vol. II, pp. 212-219 (1967).
6. Dumberry, P. *State Succession to International Responsibility* (Graduate Institute of International Studies, Brill, 2007)
7. Kaul, J.L. & A. Jha, *Shifting Horizons of Public International Law*, (1st ed., 2018)
8. Kevin Boyle (ed.), *New Institutions for Human Rights Protection* (Oxford, 2009); Chapters 1-3.
9. Rynjaert, C. "Jurisdiction in International Law", (Oxford University Press, 2nd Ed., 2015).
10. Hugh Thirlway (2019), *The Sources of International Law*, Second Edition, Cambridge University Press: United Kingdom. Available at: <http://gen.lib.rus.ec/book/index.php?md5=6D495F5C2F501009703B4E97FC65676F>
11. Patrick Dumberry (2007), *State Succession to International Responsibility*, MartinusNijhoff Publishers: The Netherlands. Available at: <http://gen.lib.rus.ec/book/index.php?md5=96F7331343E5503C4CC085EF56DA642D>
12. Robert Kolb (2016), *The Law of Treaties: An Introduction*, Edward Edgar Publishing Limited: United Kingdom. Available at: <http://gen.lib.rus.ec/book/index.php?md5=754DA9DA821BED6B24E322C8D448263A>

Journals: -

1. Akehurst, M. "Custom as a Source of International Law" 53 *British Yearbook of International Law* 1(1974-75).
2. Anthony D'Amato, "Treaties as a Source of General Rules of International Law" 3 *Harvard International Law Journal* 1-43 (1962).
3. Thomas Buergenthal, "Lawmaking by the ICJ and Other International Courts" *Proceedings of the Annual Meeting (American Society of International Law)* Vol. 103, *International Law as Law* (2009), pp. 403-406(CUP, 2009)
4. K. R. R. Sastry, *State Responsibility in International Law*, 35 *Allahabad Law Journal* 31(1937).
5. C. Wilfred Jenks, "State Succession in Respect of Law-Making Treaties", 29 *British Yearbook Book International* 105 (1952).
6. Keyuan, Z. "South China Sea Studies in China: Achievements, Constraints and Prospects", 11 *Singapore Yearbook of International Law* 85 (2007).
7. Babalola, A. "Extradition under International Law: Tool for Apprehension of Fugitives", 22 *Journal of Law Policy & Globalization* 25 (2014).
8. *Micheline Ishay, The History of Human Rights: From Ancient Times to the Globalization Era, 2004*
9. Jack Donnelly, *The Relative Universality of Human Rights*, *Human Rights Quarterly*, Volume 29, Volume 2 (2007): 281-306.
10. Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.

Cases for Guidance: -

1. S.S. Lotus Case, France V Turkey ICJ 1927
2. Asylum case Judgment (Columbia vs Peru)
3. North Sea Continental Shelf Case Judgment, I.C.J Reports 1969
4. Military and Paramilitary Activities in and against Nicaragua (Nicaragua vs United States of America), Judgment I.C.J Reports 1986.
5. Right of Passage over Indian Territory (Portugal vs India), 1960 I.C.J 6
6. The Nottebohm Judgment (Second Phase), 54 AJIL 536,557(1960)
7. The Wimbledon, P.C.I.J. Rep., Ser A, No. (1924)
8. Frontier Dispute [1986] ICJ Rep 554.
9. Serbian Loans case [1929] PCIJ (ser A) Nos 20/21, 5.
10. Temple of Preah Vihar (*Thailand v Cambodia*) [1962] ICJ Rep 6.
11. Gabcikovo Nagymaros Project case (*Hungary v Slovakia*) [1997] ICJ Rep 7.
12. Barcelona Traction case (*Belgium v Spain*) [1970] ICJ Rep 3.
13. Reparation of injuries suffered in the service of United Nations Advisory Opinion, 1949 I.C.J. 174 (Apr. 11)
14. Advisory Opinion of ICJ on Namibia, ICJ Rep. 1971, P. 16
15. Advisory Opinion of ICJ in Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo Case, ICJ Rep. 2010
- ❖ Advisory Opinion of Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, ICJ Rep. 2019 Italy v. India (Enrica Lexie case) (Pending)
16. West Rand Central Gold Mining company v R [1905] 2 KB 391
17. Regina v Keyn (1876) 2 Ex D 63

18. The Paquete Habana, 175 U.S. 677 (1900).
19. Vishakha and Ors. v State of Rajasthan and Ors, AIR 1997 SC 3011.
20. The Arantzazu Mendi case (UK) 1939
21. Luther v Sagor (UK) [1921] 3KB 532
22. Case Concerning Military and Para Military Activities in and Against Nicaragua
23. Case Concerning the Factory at Chorzow (Merits) [1928] PCIJ, Series A, No. 17, 47.
24. Corfu Channel (U.K. v. Alb.), 1949 I.C.J. 4 (Merits Apr. 9).
25. LaGrand (Germany v. United States of America), Provisional Measures [1999] ICJ Rep
26. Trail Smelter Case (U.S. v. Can.), 3 R.I.A.A. 1905 (Trail Smelter Arb. Trib. 1938 & 1941).
27. United States Diplomatic and Consular Staff in Tehran, Judgment, ICJ Reports 1980, Youmanscase.
28. Island of Palmas Arbitration (U.S. v. Netherlands), 2 R.I.A.A. 829, 839 (1928).
29. Anglo-Norwegian Fisheries Case (UK v. Norway), ICJ Reports 1951.
30. South China Sea Arbitration, (Philippines vs China), Case No 2013-19, Award of 12 July 2016 (PCA)
31. Factor v. Laubenheimer 290 U.S. 276 (1933)
32. Fiocon v. Att'y Gen., 462 F.2d475
33. Ker v. Illinois, 119 U.S.436 (1886)
34. United States v. Alvarez-Machain, 504 U.S. 655.
35. United States v. Rauscher, 119 U.S. 407 (1886).

Learning Outcomes: -

After completion of the course Students will be able to

1. Equip with the basic structural perspectives of International law and would able to understand its significance as a bedrock subject of international relations.
2. Trace the significance and influence of the normative principles involved in building the edifice and substance of international law.
3. Analyze and appreciate diversity of the subject and its impact on states and their subjects and the role and significance of International organs and able to create and defend principled legal arguments to carry further research.
4. Acquire academic contemplation and training primarily in Public international law blended with human rights law and IHL and their practical orientation.

HLC0717: LABOUR LAW-I

INDUSTRIAL RELATIONS AND WAGE LAWS

Objectives of the course

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 minimise 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.

This course has been designed to:

- I. Educate the student on the historical evolution of modern labour jurisprudence;
- II. Explain the importance of the International Labour Organisation and its role in the development of labour law;
- III. Elucidate the importance of, and laws governing, trade unions;
- IV. Create a broad and deep understanding of the law related to industrial relations in India;
- V. Examine the importance of standing orders;
- VI. Detail the various statutory requirements under legislations related to wages; and
- VII. Develop a keen awareness of labour rights under various situations.

The following syllabus prepared with this perspective will comprise 5 modules.

COURSE OUTLINE

Module I: Evolution of Labour Legislations

- (a) Historical Perspectives on Labour –Genesis of Labour Legislation - Modern Factory System- - Impact of Industrialisation.
- (b) Labour Policies in India.
- (c) Master and Servant Relationship.
- (d) Shift From Laissez Faire to Welfare Policy.
- (e) Role of the State in Industrial Relations.
- (f) Constitutional Perspectives on Labour Laws .

- (g) Workers Participation in Management .
- (h) Labour Law Reforms.
- (i) 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

- (a) Trade Union Movement in India - Development of Trade Union Legislation in India - Weakness of Trade Union Movement.
- (b) Out Siders in Trade Unions.
- (c) Inter-Union and Intra-Union Rivalries
- (d) 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.
- (e) Recognition of Trade Unions.
- (f) 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

- (a) Industrial Relations And Industrial Peace-Causes Of Industrial Disputes-System Of Adjudication Machinery Before 1947.
- (b) Industrial Disputes Act,1947 – Scope And Object - Definitions – Industry – Industrial Dispute – Workman - Lay Off – Retrenchment - Closure - Transfer of Under Takings - Kinds of Strike Regulation of Strike and Lock out -Unfair Labour Practices and Victimisation.
- (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

- (a) The Concept and Nature of Standing Orders.
- (b) 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.
- (c) 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

- (a) Concept Of Wages - Fair Wage, Living Wage, Minimum Wage.
- (b) Theories Of Wages
- (c) Wage Structure
- (d) Wage Policy In India.
- (e) 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.
- (f) Payment of Wages Act, 1936 - Definitions – Obligations of the Employer- Permissible Deductions-Authorities Under the Act - Inspectors and Their Powers – Offences and Penalties.
- (e) 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:

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/Journal Articles:

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 Readings:

Books:

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

Journals:

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.DVezhaventhan, "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.
6. 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.
7. 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.

8. 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.

9. Yashik, P. M. (2014). "A study about the Labour welfare and Social Security Measures in India", International Journal of Management, 2, p.23.

10. Sravanthi, B., "Social security in India: constitutional frame work" International Journal of Development Research, Volume 8, Article ID: 12929.

Cases for Guidance:

1. United 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, AIR 2000 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. American Express International Banking Corporation [AIR 1986 SC 458]
- 15 JayathilalDhani& 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.*

HLC0718: MEDIATION AND CONCILIATION

Objective of the Course:

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 noncoercive 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.

After undergoing the study, the student will be able to understand the following:

- *Law on the subject and the precedents laid down by court annexed mediation in India and abroad are exhaustively dealt with.*
- *Nature of dispute, conflicts and make choice of appropriate settlement technique to and resolve them.*
- *Identification of real needs and interests resolves the disputes without undergoing arduous trial procedures.*
- *Enhancing the practical skills apart from theory, in long run shall reduce backlog and docket explosions before the Court of Law.*

COURSE OUTLINE

Module I: Introduction: Nature and Scope of Conflict and Disputes:

- a) 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.
- b) 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.
- c) 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.

Module II: Comparative study : Genesis of Mediation and Restorative Justice:

- a) Promoting dialogue, reconciliation, healing and mutual agreement in the pursuit of justice. Concept of *Ubuntu* and South Africa's Truth & Reconciliation Commission; The *Abunzi* mediators and the *Gacaca* courts of Rwanda.
- b) Mediation by *Mahajans*, *Panchasand* religious leaders. *Ahimsa*, *Satyagraha* and Gandhian principles of pragmatic, non-violent conflict resolution.
- c) Village elders in ancient Greece and interlocutors under Roman law, influence of Confucianism and Taoism on Mediation in China, the role of community/religious leaders: the *Ketua Kampong* (village headman) and the *Imams* in Malaysia, the *Ting* (local assembly) in Nordic countries.

Module 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.

Module IV: Techniques: Communication:

- a) Communication styles, Communicative behaviour, Compassionate or Collaborative Communication.
- b) Choice of words, clarity of thought and expression, right pitch, tone and emphasis, body language.
- c) Active listening skills, building rapport, empathy not sympathy. Use of open-ended questions, neutral rephrasing, factual summarizing.

Module V: Skill: Enhancement for Cumulative Efficiency:

- a) Summarizing the facts, understanding respective positions, discussing issues rationally, recognizing both individual and common interests, empathizing with underlying emotions and asking relevant open-ended questions.
- b) Neutral reframing of issues, identifying interests, moving parties away from issues towards interests, generating and exploring options, formulating objective criteria, conveying offers and proposals, applying reality checks. Assessing the alternatives to a negotiated settlement (BATNA, WATNA, MLATNA)
- c) Causes for impasse and effective intervention techniques: time-out, calculated adjournment, deadlines, refocusing attention, emphasizing relationships, brainstorming, using expert valuation, using other dispute resolution modes.
- d) Distributive v Integrative negotiation. Expanding the pie and developing win-win solutions.

Module VI: Process: Character Building

- a) Being neutral, impartial, objective, communicative, open-minded, quick-thinking, patient, amicable, diplomatic, honest and empathetic. Learning how to build rapport, gain trust, formulate creative solutions and deal with impasse.
- b) Importance of ethical conduct during Mediation. Ensuring impartiality and neutrality, no conflict of interest, dealing with power imbalance, preventing abuse, encouraging parties to reach their own solutions without any coercion or undue influence.
- c) 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

Module VII: 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.

Module VIII: Legislations and Statutory Authorities:

- a) All statutes and regulations on Mediation and Alternative Dispute Resolution; This includes: The Arbitration and Conciliation Act, 1996; Conciliation--Relevant Provisions and Case Law (sections 61-81); Arbitration--Relevant Provisions and Case Law (sections 30-37); Sec 89, CPC 1908; Model Rules under Sec 89: Model Civil Procedure ADR and Mediation Rules, 2003 (Parts I and II). Other Provisions of the CPC, 1908: Order X (Rules 1, 1A, 1B, 1C); Order XXIII
- b) Rules 3, 3A and 3B. Order XXVII (Rule 5B), Order XXXIIA (Rule 3); Commercial Courts Act 2015; The Commercial Courts (Pre-Institution Mediation and Settlement) Rules 2018 (the PIMS Rules). The Consumer Protection Act 2019 and relevant regulations.
- c) Panchayats, Lok Adalats, Ombudsmen, Police Authorities, Bureaucrats, Grievance Cells, Conciliation Officers

Module IX: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; United 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 DisputeResolution, 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 KritikaKrishnamurthy,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 MediationSingapore. Academy (2009) (available at. <http://www.review.upeace.org/pdf>)
8. Christopher Moore,The Mediation Process: Practical Strategies for Resolving Conflict, Wiley, (2014)
9. RaminJahanbegloo, Introduction to Non-Violence, Red Globe Press (2014)

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 BogharaPolyfab 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 thEdn. (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).

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

Learning Outcomes:

At the end of the semester, the students will be:

1. Competent to practice Mediator skills and undertake legal research and promote legal reforms in theory and practice.
2. Gain skill and competency to decide and resolve ethical hitches in Conciliation and Mediation as settlement mechanism.
3. To analyze and apply the substantive techniques of mediation and conciliation
4. Choose right techniques and effective communication, gain success by bringing about consensus and draw up settlement agreement.
5. Practical trained via internship and training as observers at court-annexed mediation centers, at private mediation centres, with sitting/former Judges of Supreme Court and/or High Courts, and/or by senior and/or experienced Advocates (duly approved by Bar Council of India)

HLA0702: INTELLECTUAL PROPERTY RIGHTS

Objectives of the Course

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 OUTLINE

Module I Introduction to Intellectual Property Rights:

- d) Definition, Concept and Nature of Property, Kinds of Property;
- e) Intellectual Property - Meaning, Nature, and Concept;
- f) Theories of IPR- Natural Rights, Social Contract Theory, Incentive to Disclose Theory, Locke's Theory of property, utilitarian Theory, Marxian Theory and Theory of Cultural Relativism;
- g) Indian theory on Private Property and IP-*Svatva, Svamitva and Svatantrya-MamedamIti* (it is mine);
- h) Constitutional Values and Protection of Private Property and Intellectual Property- Need for Protection of Intellectual Property- Origin and Development of Intellectual Property Rights.

Module II: Internationalization of IP Protection

- a) Major Convention on IP-Paris Convention, Berne Convention, TRIPS Agreement;
- b) Principles of Reciprocity and Priority- Concept of Minimum Standards- Concept of National Treatment and Most Favoured Nation (MFN),
- c) Doctrine of Exhaustion with respect to Intellectual Property Rights;
- d) Intellectual property in Common Law and Civil Law (course of employment).

Module III: Law of Copyright and Neighbouring Rights

- h) Historical Origin of Law of Copyright and Neighbouring Rights;
- i) Subject Matter of Copyright and Neighbouring Rights- Minimum Standard requirements-Doctrine of merger-Doctrine of Sweat of the Brow- Economic and Moral Rights;
- j) Assignment and Licenses –Compulsory License – Statutory licence;
- k) Infringement of copyright-Limitation and Exception-fair use/fair dealing-Digitalization of copyrighted work- Anti Circumvention law-Remedial Mechanism for infringement of Copyright and Neighbouring Rights.

Module IV: Patent Law

- e) Origin and Development of Patent Law- Patentable Subject Matter- Patentability Criteria-Pharmaceutical, biotechnology, software -Invention not Patentable;
- f) Rights of Patent Holders – Limitations and Exceptions-compulsory license -Bolar Exception-parallel imports.
- g) Enforceability of Patent Rights- Claim interpretation and Construction- Doctrine of Equivalents – Doctrine of Pith and Marrow- remedies for Patent Infringement.

Module V: Protection of Plant Varieties and Farmers' Right

- k) International Undertaking on Plant Genetic Resources for Food and Agriculture, Convention on Biological Diversity, ITPGRFA 2001.
- l) The Protection of Plant Varieties and Farmers' Rights, 2001- Definition of Plant Varieties and Farmer's Rights- Registrable varieties- Genetically modified varieties- Protection of Breeders and Farmers Rights- Researcher's Rights –Benefit Sharing.

Module VI: Trademarks and Geographical Indications:

- a) Origin and development of Trademark-Meaning and definition of Trademarks- Types of Trademark.
- b) Basic principles of registration of trade mark- Absolute and relative ground for refusal of registration of trademark .
- c) Infringement of trade mark -deceptive similarity-concept of Dilution- Passing off- Remedies.
- d) Geographical Indications - International Protection under TRIPS- Meaning and Definition of Geographical Indications, Indication of Source and Appellation Of Origin- Producer or authorised user of GI.

Module VI: Industrial Designs:

- a) Origin and development of Industrial Designs- Definition of Design- requirements of originality or novelty- Copyright in Registered Designs - Piracy of Registered Design- Remedies.
- b) Definition of Layout Design and Integrated Circuit- Subject matter scope of Semiconductor and integrated Circuit-Overlapping between Designs, Copyright and Trademark.

Module VII: Contemporary Issues of IPR

- a) IPR and Cultural Property-Traditional Knowledge and Traditional Cultural Expression/ Folklore; Protection of the rights of Indigenous people- Access to Genetic Resources, Prior Informed Consent and Benefit Sharing- Harmonization of CBD and TRIPS; Inter-relationship between IPR and Human Rights (Art 17 and 27 of UDHR; Art 15(1) of ICESCR).
- b) IP protection for Artificial Intelligence output, algorithm and data – Ownership/ Inventorship Issue;
- c) Protection of Database- EU Database Directive.
- d) Patenting of Gene- Doctrine of Product of Nature;
- e) Private International Law and Intellectual Property- Choice of Court, Choice of Law, Recognition and Enforcement of Foreign Judgment.

Statutory Materials:

The Copyright Act 1957

The Patent Act 1970

The Trade Mark Act 1999

Industrial Designs Act 2000

The Geographical Indication of Goods (Registration and Protection) Act 1999

The Protection of Plant Variety and Farmers right Act 2001

The Semiconductor Integrated Layout Design Act 2000

Recommended Readings:**Books:**

1. R.S. Bhalla, The Institution of Property: Legally, Historically and Philosophically Regarded, Eastern Book Co., (1984)
2. Dr. Mathew Thomas, Understanding Intellectual Property, Eastern Book Company, Lucknow (2016).
3. V.K. Ahuja, Law Relating to Intellectual Property Rights (Lexis Nexis) 2015
4. Elizabeth Verkey, Intellectual Property law and Practice (Eastern Book Company)2015
5. Taraporevala V J, Law of Intellectual Property,(2nd Edition) Thomason Reuters, 2013.

Case Book:

1. LTC Harms: Enforcement of IPR: A case BOOK WIPO Publication (3rdedn) 2012
available at 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/>

Further Readings:

Books:

1. Philippe Cullet, Human Rights and Intellectual Property Protection in the TRIPS Era, 2007. HUMAN RIGHTS QUARTERLY, Vol. 29 403-430
2. 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
3. Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle(15th ed. 2005) Indian Reprint 2008
4. Terrel on Patents, Sweet and Maxwell (1994)
5. Kerly's Law on Trademarks and Trade Names, Sweet and Maxwell. Wolters Kluwer (2015)
6. Graeme Austin: Private International Law and IPR Common Law : An Over View, WIPO 2001, available at http://webcache.googleusercontent.com/search?q=cache:jP2I70OixS4J:www.wipo.int/edocs/mdocs/mdocs/en/wipo_pil_01/wipo_pil_01_5.doc+&cd=1&hl=en&ct=clnk&gl=in
7. ABC of Copy Right UNESCO Publication; available at http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC_Copyright_en.pdf
8. Russell Clarke, Industrial Design, Sweet and Maxwell, 9th Ed., (2016).
9. Resource Book on TRIPS and Development, UNCTAD- ICTSD (2004)
10. Gopalkrishnan N S, & Agitha T G, Principles of Intellectual property. Lucknow: Eastern Book Company (2014)

Journals

- 1 EIPR- European Intellectual Property Review (Westlaw)
- 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 (Niscair) 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. LallubhaiChakubhaiJarivala v. ShamaldasSankalchand Shah AIR 1934 Bom 407
10. Bishwanath Prasad RadheyShyam 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.
2. Assess and critique some basic theoretical justification for each form of intellectual property protection
3. Discuss the effects of intellectual property right on society as a whole.
4. Examine the relation between the Private International law and IP with respect to online piracy of copyrighted work and counterfeit trademark products where registration is not mandatory.
5. Compare and contrast the laws in other countries like US and EU mainly UK and also from the Human Rights perspective.

SPECIALIZED HON'S COURSE

(a) -INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS10701: INTERNATIONAL ECONOMIC LAW

Objectives of the Course:

International Economic Law as a branch of law is interested in the development of states through trade, investment and economic legal policies. In the quest for development, many states have caused damages to the ecosystem which now constitutes a threat to humanity. This subject helps to understand the role played nations of North-South and East-West hemisphere. It consolidates the finer version of International Economic Law, the object of economic integration with that of the pragmatic approaches of the international trade regime. International Trade Agreements and Conventions explore the balanced growth with the regulatory effect in transacting international trade in municipal spheres. This subject provides the basic understanding of the theory and practical application of International Economic Law in balanced movement of the world economy forward.

COURSE OUTLINE

Module - I :Genesis of International Economic Law

- (a) Origin and Development – International Trade and Customary Law – Concept and Scope of International Economic Law – Significance of International Economic Law – Unification of International Trade Law
- (b) Theories of International Trade - Economic Fundamentals – New International Economic Order (NIEO) – Economic Sovereignty
- (c) UN Conventions – Charter of Economic Rights and Duties of States – North-South Dialogue and East-West Dialogue – Global Economic Forums.

Module - II :International Economic Institutions

- (a) Structure and Functions of International Economic Institutions – International Trade Organisation (ITO) – General Agreement on Tariff and Trade (GATT)
- (b) Brettonwood Conference – Various Rounds of WTO and its impact.
- (c) International Monetary Fund (IMF) – International Bank for Reconstruction and Development (IBRD) – Millennium Development Goals

Module - III : Institutional Framework of World Trade Organisation (WTO)

- (a) Structure and Functions of WTO – WTO and Covered Agreements – Protection of Domestic Industries – Dumping and Anti-dumping – Subsidies and countervailing measures
- (b) Most Favoured Nation (MFN) Clause – National Treatment – Trade Related Aspects of Intellectual Property Rights (TRIPS) – Trade Related Investment Measures (TRIMs) – Trade in Agriculture – Regulation of Non-Tariff Barriers – Import Licensing – Technical Barriers of Trade (TBT)
- (c) General Agreements of Trade and Services (GATS) – Expanding horizons of WTO

Module – IV : Trade and Environmental Protection

- (a) Historical Overview of International Environmental Protection – Permanent Sovereignty over Natural Resources – Agreement on Sanitary and Phytosanitary (SPS) Measures
- (b) United Nations Committee on Trade and Environment (UNCTE) – United Nations Committee on Trade and Development (UNCTAD) – Summits of the WTO
- (c) Trade and Environment Controversies – Sustainable Development – Environmental Exemptions under Article XX of GATT – Doha Round – Enforcement and Compliance.

Module – V : Regulation of Foreign Investments

- (a) International Investments – Foreign Direct Investments (FDI) – Foreign Institutional Investors (FII) – Transnational Corporations
- (b) International Commercial Contracts – International Sale of Goods – Electronic Business Transactions – Crypto Currencies – Monetary System – Exchange Rates – Balance of Payments
- (c) Elements of International Taxation – Risk Analysis in International Trade.

Module - VI : Bilateral and Regional Trade

- (a) Regional Trade Agreements (RTA) and Free Trade Area (FTA)
- (b) Regional Arrangements under the United Nations – Multilateralism – European Union (EU) – South Asian Association for Regional Cooperation (SAARC) – Association for South Eastern Asian Nations (ASEAN)
- (c) Organisation for Petroleum Exporting Countries (OPEC) – North American Free Trade Agreement (NAFTA) – South Asian Free Trade Agreement (SAFTA)

Module - VII :Settlement of Disputes in International Trade

- (a) Methods of Dispute Settlement – Alternative Dispute Resolution (ADR) and International Trade
- (b) UNCITRAL – International Arbitration, Conciliation, Mediation and Litigation
- (c) Dispute Settlement Body in WTO – Appellate Body (AB) – Consultation – Online Dispute Resolution

Recommended Readings

Books

1. Indira Carr & Peter Stone, “International Trade Law”, 2017, 6th Edition, Routledge Publishers.
2. Ralph Folsom, “Principles of International Trade Law”, 2017, 2nd Edition, West Academic Publishing.
3. Peter Van Den Bossche and Warner Zdouc, “The Law and Policy of the WTO: Texts, Cases and Materials, 2017, 4th Edition, Cambridge University Press
4. Oumar Arabov and Lea Recasens, “International Trade Law: Lecture Notes”, 2019.
5. Simon Lester and Bryan Mercurio, “World Trade Law: Text, Materials and Commentary”, 2018, 3rd Edition, Hart Publishing.
6. Autar Krishen Koul, “Guide to the WTO and GATT”, 2018, Springer

Further Readings

1. Raj Bhala, “International Trade Law: Interdisciplinary Theory and Practice, 3rd Edition, Lexis Nexis.
2. Daniel Bethlehem and Van Damme, “The Oxford Handbook of International Trade Law”, Oxford.
3. Peter Van Den Bossche and Denise Prevoost, “Essentials of WTO Law”, 2016, Cambridge University Press.
4. Jayanta Bagchi, “World Trade Organisation: An Indian Perspective”, Eastern Law House
5. David Collins, “Foundations of International Economic Law”, 2019 Edward Elgar Publisher
6. Adamu Kyuka Usman, “Theory and Practice of International Economic Law”, Malthouse Law Books
7. Paul Kragman, “International Trade: Theory and Policy”, 2017, Pearson Publication.
8. David Collins, “The Public International Law of Trade in Legal Services”, 2018, Cambridge University Press.
9. Dani Rodrik, “Straight Talk on Trade: Ideas for a Sane World Economy”, 2017, Princeton University Press.
10. Mitsuo Matsushita, “The World Trade Organisation: Law, Practice and Policy”, 2017 3rd Edition, Oxford University Press.

Recommended Journals:

1. "Indian Journal of International Economic Law" by NLSIU Publication.
2. "Trade, Law and Development Journal" by NLU, Jodhpur
3. "Indian Journal of Law and Economics", by NALSAR Publication.
4. "Journal of International Economic Law" by Oxford University Press
5. "Global Trade and Customs Journal" by Wolters Kluwer
6. "World Trade and Arbitration Materials" by Wolters Kluwer
7. "International Trade Law and Regulation" by Westlaw UK
8. "World Trade Review" by Cambridge University Press
9. "Trade, Law and Development" by Hein Online Law Journal
10. "Common Market Law Review" by Wolters Kluwer law

E-JOURNALS with ARTICLES and WEBSITE sources

1. Steve Charnovitz, "What is International Economic Law?" 14 J. Int'l. Econ. L. 3 (2011) available at http://scholarship.law.gwu.edu/faculty_publications
2. John H. Jackson, "Reflections on International Economic Law", Published by Penn Law, Legal Scholar Repository, 2014.
3. James Bacchus, "The Willing World: Shaping and Sharing a Sustainable Global Property" Cambridge University Press, 2018 pp 515.
4. Collin Picker, "International Trade and Development Law: A Legal Cultural Critique" Article 4 in Volume 4, Number 2, The law and Development Review, 2011 available at <http://www.bepress.com/ldr/vol4/iss2/art4>
5. C.O.Neal Taylor, "Interrelationships: International Economic Law and Developing Countries", Number 2, Volume 7, Boston College International and Comparative Law Review, 2004 pp.187 – 194
6. Aleksander Savanovic, "Economic Sovereignty", IISES, September 2014 <http://proceedings.iises.net/index.php?action=proceedingsIndexConference&id=7>
7. Pang Zhongying, "Globalisation Vs. Economic Sovereignty", Yale Global Online, December 2005.
8. Jong Bum Kim, "Cross-Cumulation Arrangement as FTA under GATT Article XXIV", Journal of International Economic Law, published by Oxford Academic, 2019.
9. Malcolm Langford, "The Revolving Door in International Investment Arbitration", Journal of International Economic Law, Oxford, June 2017, Volume 20, Issue 2, pp 301-332.
10. Anne Van Aaken, Chad P Bown, Andrew Lang, "Introduction to the special issue on Trade Wars", Journal of International Economic Law, Oxford, December 2019, Volume 22, Issue 4, pp 529-533.
11. Anthea Roberts, "Toward a Geoeconomic Order in International Trade and Investment", December 2019, Volume 22, Issue 4, pp 655-676.
12. Ehring.L, "De facto Discrimination in World Trade Law, National Treatment and Most-Favoured Nation Treatment - or Equal Treatment?", Journal of World Trade, 2002, pp 921-977.
13. A. K. Sanders, "Principle of National Treatment in International Economic Law: Trade, Investment and Intellectual Property", Edward Elgar publishing, 2014.
14. M. Krajewski, "Legal Issues of Economic Integration", Kluwer Law, 2005.
15. Jeanho, "State Responsibility for Breaches of Investment Contracts", Cambridge

- University Press, 2018, pp 330.
16. Fredrick M. Abbott, “The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO”, *Journal of International Economic Law*, June 2002, Volume 5, Issue 2, pp 469-505.
 17. Csongor Istvan Nagy, “Clash of Trade and National Public Interest in WTO Law: The Illusion of ‘Weighing and Balancing’ and the Theory of Reservation”, *Journal of International Economic Law*, Oxford, January 2020.
 18. Anne Van Aaken, Jurgen Kurtz, “Beyond Rational Choice: International Trade Law and The Behavioural Political Economy of Protectionism”, Oxford, December 2019, Volume 22, Issue 4, pp 601-628.
 19. Gilles Muller, “Troubled Relationships under the GATS: Tensions between Market Access (Article XVI), National Treatment (Article XVII) and Domestic Regulation (Article VI)”, Cambridge University press, July 2017, Volume 16, Issue 3, pp 449-474.
 20. Pauwelyn, “Distinguishing Domestic Regulation from Market Access in GATT and GATS”, *World Trade Review*, 2005, pp 131-170.
 21. Sabrina Shaw, Risa Schwartz, “Trade and Environment in the WTO State of Play”, *Journal of World Trade*, 2002, 36(1), pp 129-154.
 22. Brian R Copeland, “Trade and the Environment”, Palgrave handbook of International Trade, 2013, pp 423-496.
 23. MichealAklin, “Re-exploring the trade and environment nexus through the diffusion of pollution”, *Environmental and Resource Economics*, Springer, 2016, 64(4), pp. 663-682
 24. Diane A. Desierto, “Shifting sands in the International Economic System: ‘Arbitrage’ in International Economic Law and International Human Rights, *Georgetown Journal of International Law*, 2018 Volume 49, pp 1019 – 1115.
 25. Anne van Aaken and Jurgen Kurtz, “Beyond Rational Choice: International Trade Law and the Behavioural Political Economy of Protectionism, *Journal of International Economic Law*, 2019, Volume 22, Issue 4, pp. 601-628.

Learning Outcomes:

By the end of this course, the students have advanced knowledge in the field of International Economic Law and must be able –

1. To analyse the various functional and theoretical bases for organizing economic relations at the international level;
2. To evolve the context in which the processes of and actors within international economic law operate;
3. To apply the rules and principles to solve problems presented in class and hypotheticals or cases decided by international dispute settlement bodies;
4. To appreciate the relationship between WTO law and bilateral and regional trade agreements;
5. To assess international economic law from multiple perspectives; in particular of individuals and organisations; in the public, private and third sectors; in relatively rich and relatively poor economic contexts; in terms of calm and crises; and on local, national, regional and global levels.

(b) CONSTITUTIONAL LAW AND PROPERTY LAW

HS10702: COMPARATIVE CONSTITUTIONAL LAW

Objectives of the Course:

A Constitution is being the supreme Law of the Land. It derives its directives from various aspects. Hence, it is obligatory on the part of a constituent assembly to refer the various customs and precedents that are in existence within an side the country. Hence an inquiry in the basic structural aspects and the differences that exist between the various constitutional perspectives need to be studies to give an understanding of the significance of the dictums of a constitution. For studying the subject it has following objectives.

- 1. To study a wide variety of approaches to constitutional issues in order to identify best practices that can be adopted everywhere;*
- 2. The comparative federalism uses a comparative approach to explore the contemporary nature and meanings of federalism and federation.*
- 3. The comparative judicial review helps to strengthen the liberty and fundamental freedom of individual and to understand the transnational migration of constitutional ideas*
- 4. The constitutional design on emergency powers & parliamentary privileges helps to understand the reflections of democracy*

COURSE OUTLINE

Module 1:Introduction:

- a) The significance and importance of Study of Constitution
- b) Types of Constitutions
- c) Forms of government-Parliamentary-Presidential-Monarchial forms

Module 2:Federalism: Comparative Study

- a) Principles of federalism
- b) Legal features of federalism.
- c) Co-operative federalism
- d) Transition from competitive federalism to co-operative federalism.
- e) Distribution of legislative and financial power in a federal system.

Module 3:Judicial Review

- a) Evolution and Concept of Judicial Review
- b) Meaning of Judicial Review
- c) Characteristics of Modern Constitutions and their impact on Judicial Review
- d) Constitutional growth in India under judicial Review and its impact
- e) Migration of Constitutional Ideas

Module 4:Impact of emergency under Indian Constitutions

- a) Express emergency provisions under constitutions
- b) Justiciability of the proclamation of emergency.
- c) Impact of Emergency on the rights

Module 5:Parliamentary Privileges

- a) Parliamentary privileges-comparative study with different countries
- b) Parliamentary privileges and anti-defection Law
- c) Need for Legislation on Parliamentary privileges in India

Module 6: Amenability of Constitution – Amendment under different Constitutions

- a) Process of amendment
- b) Types of Amendment
- c) Judicial scrutiny of Amendments to the constitution.

Books suggested:

1. Dr. Durga Das Basu – Comparative Constitutional Law, Second Edition Revised 2008 Wadhwa Nagpur.
2. Dr. Durga Das Basu – Comparative Federalism, Second Edition Revised 2008, Wadhwa Nagpur.
3. Dr. CD Jha's - Judicial review of Legislative Acts, Second Edition Revised 2009 Lexis Nexis, Butterworth, Wadhwa Nagpur.
4. Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, 1989).
5. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, Comparative Constitutionalism in South Asia (Oxford University Press, 2013).
6. Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law (Oxford University Press, 2009).
7. Surjit Choudhry, The Migration of Constitutional Ideas, (Cambridge University Press, 2009).

Articles Suggested:

- 1) Saunders, Cheryl (2006) "The Use and Misuse of Comparative Constitutional Law (The George P. Smith Lecture in International Law)," *Indiana Journal of Global Legal Studies*: Vol. 13: Iss. 1, Article 2. Available at: <http://www.repository.law.indiana.edu/ijgls/vol13/iss1/2>.
- 2) Tom Ginsburg & Rosalind Dixon, "Comparative Constitutional Law: Introduction" (University of Chicago Public Law & Legal Theory Working Paper No. 362, 2011). Available at: http://chicagounbound.uchicago.edu/public_law_and_legal_theory.
- 3) *Antonia Baraggia, "Challenges in Comparative Constitutional Law Studies: Between Globalization and Constitutional Tradition. Special Issue - Comparative Law", LaM October 2017, DOI: 10.5553/REM/000026.*
- 4) Dann, Philipp. "Federal Democracy in India and the European Union: Towards Transcontinental Comparison of Constitutional Law." *Verfassung Und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, vol. 44, no. 2, 2011, pp. 160–176. JSTOR, www.jstor.org/stable/43239605.
- 5) Parikh, Sunita, and Barry R. Weingast. "A Comparative Theory of Federalism: India." *Virginia Law Review* 83, no. 7 (1997): pp.1593-615.
- 6) Uddin, Mohammad Moin, and Rakiba Nabi. "Judicial Review of Constitutional Amendments in Light of the "Political Question" Doctrine: A Comparative Study of the Jurisprudence of Supreme Courts of Bangladesh, India and the United States." *Journal of the Indian Law Institute* 58, no. 3 (2016): pp. 313-36.
- 7) Roznai, Yaniv. "Unconstitutional Constitutional Amendments—The Migration and Success of a Constitutional Idea." *The American Journal of Comparative Law* 61, no. 3 (2013): pp. 657-719.
- 8) Roznai, Yaniv. "The Theory and Practice of 'Supra-Constitutional' Limits on Constitutional Amendments." *The International and Comparative Law Quarterly* 62, no. 3 (2013): pp. 557-97.

Learning outcome:

After completion of the course the student will be able to

- Understanding the variety of constitutional systems across the world;
- Identifying reflection on the potentialities and limits of constitutional law in regulating the exercise of public power in contemporary society.
- Compare different government structures and their corresponding ways of protecting human rights;
- Gain knowledge on different types of government, federalism, judicial review, emergency and amendment practiced in other constitutions.

(c) CRIMINAL LAW AND FORENSIC SCIENCE

HS10703: CORRECTIONAL PROCESS

Objectives of the Course:

The object of the Criminal Justice Administration is to award penal sanctions to the offender. The primary aim of this discipline is to reform the offender rather than inflicting pain on them. The theories of punishment, various types of punishments, degrees of punishments are part of this course. The effective functionaries executing the punishments are Police and Prison Institution. The involvement of various correctional institutions such as Probation, Parole etc also included in the course. Though the criminal justice system mainly focusing on penal sanctions, the application of Criminology along with Penology will bring the expected outcome of the reformation.

COURSE OUTLINE

Module I Introduction:

- a. Concept of Penology – Punishments and its objective
- b. Historical evolution
- c. Theories of Punishments
- d. Types of Punishments
- e. International scenario on punishments – Death Penalty – Imprisonment – Fines – Transportation – Indeterminate Sentence
- f. International Instruments on Death Sentence
- g. Indian Perspective – Law Commissions Report - Arguments of Death Sentence
- h. Judicial approach
- i. International Criminal Justice System and Death Sentence – Other sentences.

Module II- Correctional Process and Law Enforcement:

- a. Correctional Philosophy
- b. Rehabilitation methodology – Rules and Regulations
- c. Prisons Act –Prison Manuals
- d. State Prison Manual
- e. Reformatory laws – Prison Reform Commissions
- f. Individualization of Offenders
- g. Significance of prison systems
- h. Alternative mechanism for punishment.

Module III- The Police System:

- a. Police Administration
- b. Types of Police System
- c. Women, Home Guard, Rural policing, Friend of Police
- d. Problems of Police
- e. Principles of Police System
- f. NHRC/SHRC & Police
- g. Judiciary & Police
- h. Functions of Police
- i. Malimath Committee Report - National Police Commission.

Module IV- Prison Administration:

- a. Prison Authorities
- b. Prisoner's Rights
- c. Prison Commission
- d. Prison Problem – Over Crowding – Prison Discipline
- e. Rehabilitative Measures – Prison Education
- f. Therapeutic Approach – Individualization & Imprisonment
- g. Vocational Training
- h. Prison Reform
- i. Women Prison
- j. Open Prison
- k. United Nations Standard Minimum Rules on Treatment of Prisoners – After care rehabilitation
- l. Role of Society – Judiciary – NGO.

Module V- Correctional Process – Probation& Parole

- a. After care process – Dr. Julius Augustus
- b. The Probation of Offenders Act – Probation Officer
- c. Functions of Probation Officers – Procedures of Probation
- d. Significance of Probation Officers Report
- e. Conditions to be released on Probation – Effects of violations of conditions
- f. Rights and Duties of Sureties
- g. Role of NGO's – Role of Family members – Role of Society
- h. Parole – Definition - Object
- i. Probation and Parole
- j. Parole in India – Legal Procedure
- k. Judiciary & Parole
- l. Parole Board – Functions of Parole Board – Conditions
- m. Parole Violations – Judicial Trends
- n. Parole & Indeterminate Sentence – Parole & Furlough
- o. International Scenario – USA & Parole

Module VI- Recidivism & Crime Prevention:

- a. Recidivist – Causes of Recidivism
- b. Mechanism to combat Recidivism
- c. Recidivism in India – Crime Prevention
- d. Distinguish Crime prevention and treatment
- e. Prevention of White-Collar Crimes
- f. Prevention of traditional crimes
- g. Prevention of Juvenile delinquency
- h. Challenges in crime prevention
- i. International perspectives – Role of the UN & Crime Prevention
- j. UN Congress on Crime Prevention 1955 – 2015.

Recommended Readings:

Books:

1. Ahmed Siddique, 2017, "*Criminology-Problems and Perspectives*" IIInd Edition, Eastern Book House, Lucknow.
2. Prof N. V. Paranjape, 2014, "*Criminology and Penology with Victimology*" 16th Edition, Central Law Publications, Allahabad.
3. William Katharine.S, 2004, "*Criminology*", Oxford University Press.
4. Pifferi Michele 2016, "*Reinventing Punishments – A Comparative History of Criminology & Penology in the 19th and 20th Century*" Oxford University Press, UK.
5. Zara Georgia &Farington P. David 2016, "*Criminal Recidivism – Explanation, Prediction and Prevention*" Routledge Publications, New York.

Journals/Journal Articles:

1. Amy Deline& Adair Crosley 2010, "A Century of Criminal Law and Criminology" *The Journal of Criminal Law and Criminology* Vol. 100, No:1, pp.1-6.
2. Malcom. M, Feeley & Jonathan Simon, 1992 "The New Penology: Notes on the Emerging Strategy on Corrections and its Implications", *Criminology*, VI.30, Issue.4, pp.449-474 <https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1745-9125.1992.tb01112.x>
3. Bruce R. Jacob & K.M. Sharma, 1969, "Justice After Trial: Prisoners Need for Legal Services in the Criminal Correctional Process", *Kansas Law Review*, pp.1270
4. Arie Freiberg, 2010, "Post Adversarial & Post Inquisitorial Justice: Transcending Traditional Penological Paradigms", *European Journal of Criminology*, Vol.8, Issue.1, pp.82-101.
5. Jean Paul Brodeur, 2007, "Comparative Penology in Perspective", *Crime and Justice*, Vol.36, Issue.1, pp.49-91
6. Lisa L. Miller, 2001, "Looking for Postmodernism in all the Wrong places: Implementing a New Penology", *The British Journal of Criminology*, Vol.41, Issue.1, pp.168-184

Further Readings:

Books:

1. Chakrabarthy. N.K., 2016, Institutional Corrections, Deep & Deep Publications, New Delhi.
2. Chaturvedi. JC. 2006, “*Penology & Correctional Administration*” Asha Books, New Delhi.
3. Haris Robert, 1992, “*Crime, Criminal Justice & The Probation Service*” Routledge Publications.
4. Guharoy Jay Tilak, 1999, “*Role of Police in Changing Society*”, APH Publications, New Delhi.
5. Master Ruth, “*Counselling Criminal Justice Offenders*”.
6. Pollack Joycelyn. N, “*Counselling Women in Prison*”
7. Sultan Adams, “*Crime Prevention*”
8. Stuttmen. H.S, “*Crime and Punishment*”
9. Malimath Committee Report
10. Bare Acts:
 - (i) The Prisons Act, 1984.
 - (ii) Model Prison Manual, 2016 – BPR&D
 - (iii) The Probation of Offenders Act, 1958

Journals:

1. Criminology, Criminal Justice, Law & Society
2. Death Penalty Reporter
3. European Journal of Criminology
4. Federal Prison Journal
5. Federal Probation
6. Federal Sentencing Reporter
7. International Journal of Restorative Justice
8. Journal of Delinquency
9. Prison Law Reporter
10. Prison Journal

Cases for Guidance:

1. Bachan Singh v. State of Punjab AIR 1980 SC 898
2. P. Rathinam v. Union of India AIR 1994 SC 1844
3. Mithu v. State of Punjab AIR 1983 SC 473
4. Rajendra Prasad v. Union of India AIR 1979 SC 916
5. T.V. Vatheeswaran v. State of TN 1983 SCC CrI 481
6. Machi Singh & Others v. State of Punjab AIR 1983 SC 957
7. Dhananjay Chatterji v. State of West Bengal AIR 2003 SC 3131
8. C. Muniyappan & Others v. State of TN (2010) 9 SCC 567
9. Priyadarshini Mattu Rape case (2010) 9 SCC 747
10. Tukaram v. State of Maharashtra AIR 1979 SC 185
11. Nilabati Behra v. State of Orissa AIR 1993 SC 1960
12. D. K. Basu v. State of West Bengal AIR 1997 SC 3017
13. Sheela Barse v. Union of India AIR 1988 SC 224
14. Sunil Batra II case 1980 CrLJ 1099
15. Sanjay Dutt v. State of Maharashtra AIR 2013 SC 2682
16. Laxmi v. Union of India (2014) 4 SCC 427

Learning Outcome:**After completing the course, the students will able to:**

- *Understand the theories of punishments and development of concept of penology*
- *Analyze the concept of punishment and discuss about different perspective of punishment.*
- *Examine the legal framework on penal sanction and correctional process*
- *Understand the Principles of Sentencing and examine the scope of correctional process in reforming the wrong doer.*

(d): INDUSTRIAL AND COMMERCIAL LAW

HS10704: CORPORATE SECURITISATION

Objectives of the Course:

Since 1991, when from liberalisation policy has been adopted by India, the financial sector has evidenced much reforms, majorly allowing and encouraging foreign investment into the country. The legal structuring on securitisation began in 1991, leading to the enactment of the Securitisation and Reconstruction of Financial Assets & Enforcement of Securities Interest Act, 2002. Securitisation augments the benefits available to financial establishments, investors and on a broader spectrum to the society's economic progress, as a whole. It enables highly non-performing assets such as mortgages, vehicle loans and credit card non-payments to be transformed into more liquid financial instruments. Further, securitisation acts as a significant source of financing various businesses ranging from commercial real estate development to manufacturers and dealers. This area of Law plays a pivotal role in the economic progress of the nation.

The objective of the study of this subject is to provide the Students -

- i. Detailed understanding of the markets for asset-backed securities*
- ii. Knowledge of the Legal dimensions of the Law relating to Corporate Securitisation and allied matters.*
- iii. Comprehension and appreciation of the significance of how securitisation is a tool of utility to corporates dealing with finances.*
- iv. Significance of securitisation in relation to rehabilitation of sick companies etc.*

COURSE OUTLINE

MODULE – I: INTRODUCTION:

- a. Historical development.
- b. Objectives and Concept of Corporate Securitisation.
- c. Legal provisions Governing the recovery of debts in India.
- d. Meaning, nature and scope of securitisation.
- e. Securitisation as a funding and salvaging from non-performing assets mechanism.

MODULE – II: REHABILITATION OF SICK COMPANIES:

- a. Revival, reconstitution and rehabilitation of sick companies.
- b. Sick Companies and their Revival.
- c. The Law relating to sick companies.
- d. Procedure for rehabilitation of sick companies.

MODULE – III: SECURITISATION & RECONSTRUCTION:

- a. Securitisation and debt recovery.
- b. Overview of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and its amendment till the year 2013.
- c. Special Purpose Vehicle (SPV)
- d. Asset Reconstruction Companies (ARC)
- e. Qualified Institutional Buyers (QIB)
- f. Role and functions of the Board of Industrial & Financial Reconstruction (BIFR)
- g. Recovery of Debts due to Banks & Financial Institutions Act, 1993.
- h. Tribunal.
- i. Procedure, compromises and arrangements with Banks and creditors.

MODULE – IV: WINDING-UP OF COMPANIES:

- a. Winding-up companies.
- b. Modes and administrative machinery for winding-up of corporates.
- c. Liquidation procedure, meeting of members (shareholders) and creditors, managing the interests of stakeholders, managing the estate of the companies.
- d. Outsourcing of responsibilities relating to winding-up to professional service providers such as valuers and security agencies.
- e. Best practices adopted in performing liquidation and administrator functions, accountability, role of liquidators.
- f. Winding-up of unregistered companies – Consequences of winding-up.

MODULE – V: CROSS-BORDER INSOLVENCY:

- a. Cross-Border Insolvency.
- b. UNCITRAL Model Law on Cross-Border insolvency.
- c. UNCITRAL Legislative Guide to insolvency law.
- d. World Bank principles for effective insolvency and creditor rights.
- e. Asian Development Bank principles of corporate rescue and rehabilitation.
- f. Winding up of companies.

RECOMMENDED READING:

1. Introduction to Securitization, by Frank J. Fabozzi, John Wiley & Sons, 2008.
2. Law & Practice Relating to Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest, by M.R. Umarji, Taxmann, 7th Edition, 2017.
3. Securitisation & Debt Recovery Laws, by Justice A.B. Srivastava, Law Publishers (India) Pvt. Ltd. Allahabad, 10th Edition, 2018.
4. Securitization, Vols. I & II, by Tamar Frankel, Fathom Publishing Company, 2nd Edition, 2016.
5. Narasimham Committee II on Banking Sector Reforms - <https://rbidocs.rbi.org.in/rdocs/PublicationReport/Pdfs/24157.pdf>

JOURNALS:

1. Buchanan, Bonnie, Securitization: A Financing Vehicle for All Seasons?, Bank of Finland Research Discussion Paper No.31/2016.
2. Slaughter and May, Model guide to securitisation Techniques, PLC Cross-border Structured Finance and Securitisation Handbook, 2010 https://www.slaughterandmay.com/media/1429118/model_guide_to_securitisation_techniques.pdf
3. Ilham Riachi and Armin Schwienbacher, Overcollateralization in Corporate Securitisation, Finance, Vol.36, 2015, pp.7-52.
4. Diamond Hill, Mechanics and Benefits of Securitization, 2016 - <https://www.diamond-hill.com/mechanics-benefits-securitization/>
5. Suman Chakraborty, Securitization in India: A Strategic Tool for Competitiveness, Indian Journal of Applied Research, Vol.III, Issue.III, 2013, pp.29-32.
6. Vinod Kothari and Abhirup Ghosh, Indian Securitization Market: A Primer, the Journal of Structured Finance, Vol.23, Issue 1, 2017, pp.23-31.
7. Akhil M.P., Structured Finance and Securitization in India, SSRG International Journal of Economics Management Studies, Vol.5, Issue.6, 2018, pp.26-31.

FURTHER READING:

1. Securitization and the Global Economy-History and Prospects for the Future, by Buchanan, Bonnie, Palgrave Macmillan, 1st, Edition, 2016.
2. Securitization, Structured Finance and Capital Markets, by Steven L. Schwarcz, Bruce A. Markell, Lissa L. Broome, LexisNexis, 2001.
3. Securitization, by David G. Glennie, E.C. De Bouter, Randall D. Luke, Kluwer Law International, 1998.
4. The Mechanics of Securitization, by Moorad Choudhry, John Wiley & Sons Inc., 1st Edition, 2013.

CASE LAW:

- a) Mardia Chemicals Ltd. v. Union of India & Others (2004 D.R.T.C 1(SC3))
- b) Collector of Customs, Madras v. NathellaSamapathu 1962 (3) SCR 786 at pp.829-30.
- c) Transcore v. Union of India & Another. AIR 2007 SC 712, MANU/SC/5319/2006
- d) Ionic Metalliks v. Union of India no. 645 of 201 &. 10120 of 2014
- e) Sicom Ltd. v. PadmashriMahipatrai J. Rajiv Subramaniyan& Another Civil Appeal No.3866/2014 S.L.P© No.25448/2012 SC2005 (64) SCL 18 (Bom)
- f) Indian Bank v. Nippon Enterprises 2011 (2) CTC 474 HC Madras
- g) Arun JagannathGedam v. State Bank of Hyderabad (2005) BC 217 DRT Nagpur
- h) Indian Oil Corporation Ltd. Nagpur v. ShikshakSahakari Bank Ltd (2005) BC 50 DRT Nagpur
- i) M. Nagarajan v. The Deputy Commercial Tax Officer & Another MANU/TN/1292/2009
- j) ICICI Bank Ltd. v. The Official Liquidator, Liquidator of Vibrant Investments and Properties Ltd (2005) 124 Compas 550(Mad), (2005) 1 MLJ 309
- k) UTI Bank Ltd. v. The Deputy Commissioner of Central Excise & Another MANU/TN/0188/2007, 2007(115)ECCC323
- l) Baleshwar Dayal Jaiswal v. Bank of India & Others Supreme Court of India Civil Appeal No.5924 of 2015 (arising out of SLP (c) no.27674 of 2011)
- m) Kaveri Marketing, Bangalore v. Saraswathi Co-operative Bank Ltd., Koramangala Branch, Bangalore (2013 (1) D.R.T.C.804 (Knt.)) (HC Karnataka - Single Bench)
- n) Central Distillery & Chemical Works Ltd. v. Gurbharajeet Singh AIR 1993 P&H 25
- o) Union of India v. Debt Recovery Tribunal Bar Association & Ans Civil Appeal Nos.617-618 of 2013 SC

LEARNING OUTCOME:

After completion of the Course, Students will be able to -

1. Gain the capacity to interpret statutory provisions, identify legal issues impacting financial risk affecting business, for purposes of risk avoidance, to establish control mechanisms & evaluate alternative financing options.
2. Analyse and evaluate financial markets, how securities are traded, mutual funds, investment companies, and investor behaviour.
3. Analyse relevant case law for the purpose of finding legal precedents.
4. Gauge the economic environment and the impact of governmental economic policies on consumers and financial institutions and make investment policy recommendations.

(a)-INTERNATIONAL LAW AND INTELLECTUAL PROPERTY
RIGHTS

**HS20701: INTERNATIONAL TREATIES AND CONVENTIONS ON
INTELLECTUAL PROPERTY**

Objectives of the Course:

International Intellectual Property is a part of public international law as one of many specialized areas within the universe of Public International Law. The purpose of the course is to examine rules on intellectual property in the wider context of international law. The standards laid down in various intellectual property treaties and conventions to harmonize the laws of different countries and to promote international trade.

COURSE OUTLINE

Module I Structural Framework, Basic Principles and Policies

- a) The International IP as a discipline-Trends in the International IP System - Harmonization, Integration and Countervailing
- b) International IP Institutions- WIPO, WTO and other Multilateral Institutions;
- c) Basic Principles-National Treatment, MFN, Exhaustion of Rights, Uniform Standard, Independence, Public Interest Doctrine, Territoriality and Extraterritoriality, Human Rights and Sustainable Development-Policies

Module II: International Copyright System

- a) Copyright as an Intellectual Property Form- Changing Technologies;
- b) Multilateral Copyright Norms- Berne Convention, Universal Copyright Convention, Rome Convention TRIPS Agreement- TRIPS Agreement and its relationship to the Berne Conventions, The WIPO Copyright Treaty (WCT)- Neighbouring Rights and the WIPO Performance and Phonograms Treaty (WPPT)-Beijing Treaty on Audio visual Performance -The Marrakesh Treaty to facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled;
- c) Exhaustion and the Movement of Copyrighted works in Trade;
- d) Copyright in Software and Open Source.

Module III International Patent System

- a) The Multilateral Patent Agreements-Paris Convention-Independence of Nation, Compulsory Licensing; The Patent Cooperation Treaty (PCT), Budapest Treaty, European Patent Convention, TRIPS Agreement- Safeguards and exceptions, Doha Declaration on Public Health,;
- b) Patent and the Convention on Biological Diversity;
- c) Patent Licensing, Transfer of technology and Competition.
- d) Plant Variety as an IP-Multilateral Agreements-TRIPS Agreement, The International Union for the Protection of New Varieties of Plants (UPOV) 1991, 1978 &1961 Act, International Treaty on Plant Genetic Resources for Food and Agriculture 2001 (ITPGRFA).

Module IV International Trademark and Identifier System

- a) Basic Characteristic of the Trademark, Domain Name and Geographical Indication- Trademark at the Multilateral level-Paris Convention and Trademarks, and Well Known Mark, Paris Convention and Indication of Source and Appellation of Origin - TRIPS Agreement-The Interface Between Trademarks and GI
- b) Trademark Exhaustion and International Trade;
- c) Trademark Registration at the Multilateral Level-The Madrid Agreement and Protocol Relating to the Madrid Agreement- Madrid Agreement on false and deceptive indication of source- Lisbon Agreement on registration of Appellation of Origin. Trademark Law Treaty
- d) Internet Domain Name at the Multilateral Level- UDRP.

Module V: International Designs System

- a) The Multilateral System for Protection of Design- Paris Convention TRIPS Agreement-registered, unregistered and functional design-layout design;
- b) The Hague Agreement Concerning the International Deposit of Industrial Designs
- c) TRIPS Agreement and Washington Treaty on Intellectual Property in respect of Integrated Circuit, 1989.

Module VI: International System for the Protection of Trade Secret and Regulatory Data

- a) Trade secret and TRIPS Agreement – Regulatory Data and The TRIPS agreement
- b) Regional System for the protection of Regulatory data -Protection of Regulatory data & Pharmaceutical Regulatory data in the European Union.

Module VII: The International System for Enforcement of Intellectual Property Rights

- a) Multilateral IPRs Enforcement Agreements-the TRIPS Agreement- Enforcement Obligation- Enforcement in WTO Dispute Settlement Mechanism and Dispute Settlement Understanding- Violation and Non Violation Complaints, Withdrawal of Concession;
- b) Other Multilateral Agreement on Enforcement-Berne and Paris Convention, Activities of WIPO Arbitration and Mediation Centre, World Custom Organization, OECD Project on Counterfeiting and Piracy- EU Enforcement Regime- IP Enforcement Directive
- c) United States Sec 377 of The Tariff Act of 1930 – Sec 301 and Special 301 of US Trade Representative Act.

Recommended Readings

Books:

1. Grosse Ruse Khan, The Protection of Intellectual Property in International Law, University Press Oxford, United Kingdom (2016).
2. Jon O. Nelson, International Patent Treaties, Oxford, United Kingdom (2007).
3. Dennis Cohen, The International Protection of Designs, Kluwer Law International (2000).
4. Carlos M. Correa and Abdulaawi A. Yusuf, Intellectual Property and International Trade: The TRIPS Agreement, Wolters Kluwer Law International (2008).
5. Prof. P. R. Trivedi WIPO, WTO, GATT, TRIPS & IPR, Indian Institute of IP Rights, New Delhi (2017).

Journals/Articles:

1. John H Barton, The Economics of TRIPS: International Trade in Information - Intensive Products, 33 Geo. Wash. Int'l L. 473 (2001)
2. Keith E. Maskus & J. H. Reichman, The Globalization of Private Knowledge Goods and the Privatization of Global Public Goods, 7 J. Int'l Econ. L. 279 (2004)
3. Pamela Samuelson, The US Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997)
4. Frederick M Abbott, The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO, 5 J. Int'l Econ. L. 469 (2002)
5. Frederick M. Abbott, Non Violation Nullification or Impairment Causes of Action under the TRIPS Agreement and the Fifth Ministerial Conference: A Warning and Reminder, Quaker United Nations Office, Occasional Paper No 11 July 2003,

Further Readings:**Books**

1. India- Patent Protection for Pharmaceutical and Agricultural Chemical Products, AB-1997-5, WT/DS50/AB/R, 15 Dec 1997.
2. Davidson Wilson, International Patent Litigation: Developing an effective Strategy, Global Law and Business, London (2009).
3. Frederick M Abbott, Thomas Cottier and Francis Gurry, International Intellectual Property in an Integrated World Economy, Wolter Kluwer, Aspen Publishers, (2007)
4. UNCTAD-ICTSD Resource Book on TRIPS Agreement and Development, Cambridge University Press (2004)
5. Frederick M. Abbott, TRIPS and Human Rights: Preliminary Reflections, In International Trade and Human Rights Foundation and Conceptual Issues (F.M.Abbott, C Breining-Kaufmann & T Cottier eds.) (U. Mich. Press 2006)
6. Edith Tilton Penrose, The Economic of the International Patent System: Chapter IX Summary and Conclusion Pp:162-169 , John Hopkins Press 1951.
7. John Perry Barlow, The Economy of Ideas: A Framework for Patents and Copyrights in the Digital Age , Wired 2.03, March 1994.
8. Sam Ricketson, The Birth of the Berne Union, the Centenary of the Berne Convention, Conference (Intellectual Property Law Unit, University of London and British Literary and Artistic Copyright Association London) April 17-18 1986.

9. Thomas Cottier, The Agreement on Trade Related Aspects of IPR, in the World Trade Organization: Legal, Economic and Political Analysis, Vol I -1040-1120 at 1082-1085 (P Macroy, A Appleton and M. Plummer eds. 2005) (Springer: New York)
10. Lawrence Lessig, Open Source Baselines: Compared to what? In Govt Policy Toward Open Source Software (Robert W Hahn ed., 2003), at 50

Journals/Articles

1. Melvyn J. Simburg and et al., International Intellectual Property (2005) 39 International Lawyers, pp. 333-350.
2. Battling HIV -AIDS: A Decision Makers Guide to the Procurement of Medicines and Related Supplies, Y. Tayler, Ed., World Bank 2004
3. Sisule F. Musungu & Graham Dutfield, Multilateral Agreements and a TRIPS Plus World: The World Intellectual Property Organization (WIPO), TRIPS Issues Papers 3, Quaker United Nations Office (QUNO) Geneva Quaker International affairs Programme (QIAP) Ottawa.
4. John Barton, New Trends in Technology Transfer: Implications for National and International Policy, ICTSD Intellectual Property and Sustainable Development Series, Issue Paper No 18, Feb 2007
5. The Recognition of Rights and the Use of Names in the Internet Domain Name System, Report of the Second WIPO Internet Domain Name Process September 3, 2001, Available at <http://wipo2.wipo.int>
6. Office of United States Trade Representative 2006 Special 301 Report, Available at <http://www.ustr.gov>
7. Pamela Samuelson, The US Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997)
8. Frederick M Abbott, The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO, 5 J. Int'l Econ. L. 469 (2002)
9. Frederick M. Abbott, Non Violation Nullification or Impairment Causes of Action under the TRIPS Agreement and the Fifth Ministerial Conference: A Warning and Reminder, Quaker United Nations Office, Occasional Paper No 11 July 2003, available at <http://www.quno.org>
10. Carsten Fink & Patrick Reichenmiller, Tightening TRIPS: The Intellectual Property Provision of Recent US Free Trade Agreements, World Bank Trade Note 20, Feb7, 2005

Case for Guidance:

1. Revlon, Inc., and Others v. Cripps & Lee Ltd and Others [1980] FSR 85
2. NTP v. Research in Motion, 418 F.3d 1282 (Fed. Cir. 2005)
3. Canada -Patent Protection of Pharmaceutical Products, Report of the Panel, WT/DS114/R, March 17, 2000
4. Qualtex Company v Jacobson Products Company Inc, 514 US 159 (1995)
5. K Mart v Cartier, 486 US 281 (1988)
6. Pfizer Inc v. Martin Marketing Case No. D 2002-07793 WIPO Arbitration and Mediation Centre Administrative Panel Decision
7. Pfizer Inc v. Martin Marketing Case No. D 2003-0399 WIPO Arbitration and Mediation Centre Administrative Panel Decision
8. Metro Goldwyn- Mayer Studios v. Grokster 545 US 913 (2005)
9. John Wiley and Sons Inc v. Prabhat Chander Kumar Jain (2010)
10. Kapil Wadhwa v. Samsung Electronics Co. Ltd (2012) 53 PTC 112 (Del)
11. Quality King distributors v. L'anza Research International 523 US 135 (1998)
12. Computer Associates International v. Altai 982 F.2d 693 (2nd Cir. 1992)
13. Monsanto v Nuziveedu (2019)
14. J E M AG Supply v Pioneer Hi -Breed 534 US 124 (2001)
15. Akzo Chemie BV and Akzo Chemie UK Ltd v. Commission of the European Communities, Judgment of the Court (Fifth Chamber) of 24 June 1986 Case 53/85, Court of justice of European Commission

Course Outcome:

After completion of the course students will be able to –

- Learn the various international system that regulates Intellectual Property Rights
- Discuss the different Multilateral Organizations where rules are negotiated and applied with subject matter interest in IPRs.
- Equip with the basic principles and policies underlying the protection of IPRs at the multilateral level to protect IP and harmonize the laws of the member nations.
- Examine the significant developments regarding the enforcement of IP at the international level.

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

HS20702: INTRODUCTION TO LAND LAWS

Objectives of the Course:

The objective of this specialized paper is to know about the

- 1. land system in pre-independence and the right to property under constitution of India, The right of the government to acquire land for public purpose under the doctrine of eminent domain and the right of the person interested to claim compensation*
- 2. Laws relating to acquisition of land for companies, industrial purpose in the name of special economic zone and the rights of tribal over their property.*
- 3. Land reform constitutes the most important package of measures to improve the economic condition of agricultural tenants.*

Course Outline

Module– I: Concept of land and land movements in India:

Concept of land and real property –concept of ownership -land system in ancient India - Panchami Land – Gramdhan Land - Boodan Movement – Tamil Nadu Boodan Act, 1958

Module – II: Land Tenure System in Pre-Independent India:

Zamindari system- permanent settlement, Inamwari, Mahalwari, Ryotwari-melwaram-kudiwaram-rights and responsibilities of Ryotwari pattadar.

Module – III: Significance of land laws and constitutional provisions:

Constitutional protection relating to property –Eminent Domain- Article 31A – Article 31 B- Article 31 C- Article 300 A- Ninth Schedule- land and governance in the fifth schedule- legislative powers of center and state in enacting land laws.

Module – IV: Acquisition of Land:

- a. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [LARR Act]
- b. Establishment of Special Economic Zone- Constitution of Board of Approval – functions of Development Commissioner - Special Economic Zone Authority
- c. Acquisition Of Lands For Industrial Purposes

Module– V: Land rights of Tribes:

Definition of tribes, scheduled tribes- Title rights- use rights – forest management rights of tribes – process of recognition of rights – scheduled area – V schedule – prohibition of alienation of tribal land.

Statutory materials:

1. Constitution of India
2. LARR Act, 2013
3. Special Economic Zones Act, 2005
4. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
5. Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997

References:**Books**

1. Salmond on Jurisprudence, by P J Fitzgerald, Sweet & Maxwell, Universal Law Publishing co pvt ltd, 2016
2. Right to property in India by Naveen Sharma, Deep & Deep Publications
3. Baden Powell, "The Land Systems of British India", 1892
4. Land Reforms in India by M. L. Dantwala, 66 Int'l Lab. Rev. 419 1952, heinonline
5. Land System in India: A Historical Review, Rekha Bandyopadhyay, Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155

Articles:

1. Indian Law on Special Economic Zone (SEZ) by Mr. Anand Singh
<https://www.conservationindia.org/resources/facts-about-the-forests-rights-act>
2. Lovleen Bhullar, "The Indian Forest Rights Act 2006: A Critical Appraisal", available at <http://www.lead-journal.org/content/08020.pdf>
3. Sanjana, "Forest Dwellers as Deemed Homeless", 4 J. Indian L. & Soc'y 130 2012-2013, Heinonline
4. E. Washburn Hopkins, "Land-Tenure in Ancient India", Political Science Quarterly, Vol. 13, No. 4 (Dec., 1898), pp. 669-686 available at <http://www.jstor.org/stable/2139978>
5. Rekha Bandyopadhyay, "Land System in India: A Historical Review", Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155 available at <http://www.jstor.org/stable/4400592>

Learning outcome:

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

1. Understand the concept of real property and the various movements of India
2. Determine the right to property under Indian constitution
3. Evaluate various land reformatory systems exists in pre-independence
4. Understand the doctrine of eminent domain and the power of acquisition of land by the government
5. Analyze the circumstances under which land can be acquired for industrial purposes
6. Understand the land rights of tribals.

(a) CRIMINAL LAW AND FORENSIC SCIENCE

HS20703: CRIMINOLOGY

Objectives of the Course:

Criminology is a scientific study of law that deals with criminal behavior of an offender. The theories of crimes, theories of crime causation, determining factors of commission of crime are discussed in this subject. Understanding of behavioral pattern of the accused shall be incorporated while imposing of punishment. Criminology and Criminal Law must apply parallelly while determining the sentence. The course also included new dimensions of the Criminal Justice System, Victimology. The need for equal participation in the trial process till the sentencing process raised two decades ago. Victimology permits the victims in to participate determining the remedy, compensatory jurisprudence etc .

Course Outline

Module I: Introduction, Nature and Scope of Criminology:

- a. Concept of crime – Development of crimes through ages
- b. Crime and Offence – Crime and sin
- c. Different types of Crimes – Penal Crimes – Victimless Crime – Organised Crimes – International Crimes – Human Organs Crimes
- d. Characteristic of Crimes
- e. Crime and Criminology – Criminology and Criminal Law – Criminology, Criminal Law and Penology
- f. Objectives of Criminology - Criminology in India Development of Criminal Law in India
- g. Modern Criminal Law and Criminology.

Module II: Schools of Criminology, Crime Causation – Societal and Individual Causes:

- a. Pre- Classical School
- b. Classical School
- c. Neo-Classical School
- d. Positive School – Cesare Lombroso – Enrico Ferri – Rafael Garofalo
- e. Clinical School
- f. Sociological School
- g. Modern Schools of Criminology
- h. Crime Causation - Hereditary – Mental Illness – Biological factors – Mc’Naghten Rule
- i. Donald Taft view on criminality
- j. Sigmund Freud’s view on criminality – Psychological concept of crime
- k. Aristotle Four theories of Crime

- l. Conflict Theory – Sociological Theory of Crime
- m. Multiple Factor Theory of Crime Causation -Mobility – Cultural Conflict – Peer group – Family – Poverty – Education – Unemployment – Political Ideology – Media – Urbanization
- n. Economic Factor and Bonger’s theory - Ecology.

Module III: Types of Crimes – Traditional Crimes

- a. Organised Crimes: Predatory crimes
- b. Criminal Rackets – Political Graft
- c. Wildlife Skin trading crimes
- d. Collective Violence – Communal Violence
- e. Terrorism
- f. Characteristics of Organised Criminals
- g. Sexual Offences – IPC and Sexual Offences – Rape Laws in India and other countries
- h. Alcoholism and Drug Addiction – International perspectives of Drug abuses
- i. Narcotic Drugs and Psychotropic Substances Act – IPC and Toxicities
- j. Measures to combat illicit trafficking – Enforcement agencies.

Module IV: New Era Crimes

- a. White Collar Crimes - Sutherland’s view on White Collar Crimes
- b. Types of White-Collar Crimes
- c. Cyber Crimes – Hacking – Spoofing – Cyber Terrorism – Cyber Defamation – Cyber Pornography – Online theft – Computer vandalism – IP Crimes - IT Act, 2000
- d. Human Organs Crime – Human Organs Transplantation Act, 1994
- e. Victimless Crimes – Suicide – Immoral Traffic Offences – Drug addiction
- f. International Crimes – Rome Statute 2000 – Genocide, War Crimes, Crimes against Humanity.

Module V: Crime Statistics

- a. Crime Statistics – Reliability of Crime Statistics
- b. Sources - National Crime Record Bureau – State Crime Record Bureau
- c. Pattern of Crimes against Women
- d. Crime Statistics of Crimes against Children
- e. Crime Records on Narcotic Drugs
- f. Crime Statistics on Cyber Crimes - Crime graph comparative
- g. Increase in crime rate – Agenda.

Module VI: Victimology

- a. Introduction – Theories of Victimology
- b. Definition – Victims
- c. Victims’ Rights & Liabilities – International Instruments in Victimology
- d. Victimization of Victims– Consequences of victimizations
- e. Types of victims – Recurring Victims – Homicide & Genocide Victims – Sexual Offences Victims – Political Offences Victims – Property Offences Victims – Domestic Violence Victims
- f. Legal Remedy – Restorative Justice
- g. Victims Participation – Victims Assistance
- h. Justice Malimath Committee Report
- i. Criminal Law and Victims Rights.

Recommended Readings:

- Ahmed Siddique, 2017, Criminology-Problems and Perspectives, IInd Edition, Eastern Book House, Lucknow.
- Daigle, L. and Muftic, R. Lisa (2016). Victimology. Thousand Oaks, CA: SAGE Publications.
- Prof N. V. Paranjape, 2014, Criminology and Penology with Victimology, 16th Edition, Central Law Publications, Allahabad.
- William Katharine.S, 2004, Criminology, Oxford University Press.
- Bajpai. G.S, &GaubasBriga, “*Victims Justice: A Paradigm Shift in Criminal Justice System in India*”
- Robert Cryer, HakanFriman, Darryl Robinson & Elizabeth Wilmshurst 2014, “*An Introduction to International Criminal Law and Procedure*”, 3rd Ed, Cambridge University Press.

Journals for scholarly articles:

- Canadian Journal of Criminology and Criminal Justice : 1958 – 2019
- Criminal Behavior and Mental Health : 1991 – 2019
- Criminal Justice and Behavior : 1974 – 2020
- Criminologist : 1972
- Criminology and Public Policy : 2001 – 2020
- Criminology, Criminal Justice, Law & Society : 1998 -2014
- Criminology : 1963 – 2020
- European Journal of Criminology : 2004 - 2020
- Issues in Criminology : 1965 – 1975
- Journal of Criminal Law and Criminology : 1910 – 2020
- Journal of Delinquency : 1916 – 1928
- War Crimes, Genocide and Crimes against Humanity : 2005 – 2011
- Western Criminology Review : 1998 – 2019

Further Readings:

- Chakrabarthi. N.K., 2016, Institutional Corrections, Deep & Deep Publications, New Delhi.
- Abhuja Ram, 2000, Criminology, Rawat Publications, New Delhi.
- E.H. Sutherland, 1968, Principles of Criminology, Times of India Press, Bombay.
- Crime in India Published by National Crime Record Bureau, Ministry of Home Affairs, New Delhi.
- Sachadev Updesh Singh, 1987, Fraudsters & Bankers: Prevention and Detection Techniques, UDH Publishing House.
- Padhy Prapullah, 2006, Organised Crimes, Isha Books, Delhi.
- Patnaik .B.N, “*Compensation to Victims of Crime*”
- Robert Albert. B, “*Helping Crime Victim*”
- Bare Acts:
 - (i) The Protection of Women from Domestic Violence Act, 2005.
 - (ii) The Immoral Traffic (Prevention) Act, 1956
 - (iii) The Sexual Harassment of Women at Workplace (Prevention and Prohibition and Redressal) Act, 2013.
 - (iv) The Information Technology Act, 2000
 - (v) The Narcotic Drugs and Psychotropic Substances Act, 1985.
 - (vi) The Human Organs Transplantation Act, 1994.
 - (vii) Statute of International Criminal Court

E-Books:

- Braithwaite. J (March 2000) “*New Regulatory State and the Transformation of Criminology*”, British Journal of Criminology, Vol.40. Issue 2, pp.222-238.
- Roufa Timothy, “*Criminology, the Study of Crime, Causes and Consequences*”, The Balance Careers, <https://www.thebalancecareers.com/what-is-criminology-974589>
- David, Christian Carsten 1972, “*Criminology-Crime*”, Northampton shrine, UK, <https://www.carsten-ulbrich.zymichost.com/crimeanalysis/10/html>
- Shokry El-Dakkak. M, “*Criminology and Penology*”, <https://www.adjd.gov.ae/sites/Authoring/AR/ELibrary%20Books/E-Library/PDFs/Criminology%20ANd%20Penology.pdf>
- Dr. Rajendra Kumar Sharma, 1998, “*Criminology and Penology*”, Atlantic Publications, New Delhi. https://books.google.co.in/books/about/Criminology_and_Penology.html?id=1pRJTw6EdtsC.
- Ross McGarry & Sandre Walklate, 2015, “*Victims: Trauma, Testimony & Justice*” Routledge Publications, London & New York. <https://books.google.co.in/books?hl=en&lr=&id=oifLCQAAQBAJ&oi=fnd&pg=PP1&dq=journal+on+victimology+and+victim+justice&ots=YfXGQi2-Ws&sig=0->

[gVVNojXpdWh2mlr21dtVC3rqM#v=onepage&q=journal%20on%20victimology%20and%20victim%20justice&f=false](https://books.google.co.in/books?hl=en&lr=&id=iJbBhqhEZY0C&oi=fnd&pg=P2&dq=scholarly+articles+on+on+victimology&ots=ek-H4xWmHR&sig=0cqVXEIXL9jiFpSP3GEL4_Et_5s#v=onepage)

- William. G Doerner& Steven P. Lab, 2012, “Victimology” 6th Ed, Elsevier Publications, USA.
https://books.google.co.in/books?hl=en&lr=&id=iJbBhqhEZY0C&oi=fnd&pg=P2&dq=scholarly+articles+on+on+victimology&ots=ek-H4xWmHR&sig=0cqVXEIXL9jiFpSP3GEL4_Et_5s#v=onepage
- William A. Schabas & Nadia Bernaz 2011, “Routledge Handbook on International Criminal Law”, Routledge Taylor and Francis Group Publications, New York.
<https://books.google.co.in/books?hl=en&lr=&id=usEtCgAAQBAJ&oi=fnd&pg=PP1&dq=William+Schabas+international+crime&ots=3j0k24bTit&sig=-P5PEBL8Qtixl8Yb9OIq-ygZgzE#v=onepage&q=William%20Schabas%20international%20crime&f=false>

Research Articles:

- Jean Jordan, 2011 “Professional Discretion and the use of Restorative Justice Programme in Appropriate Domestic Violence cases: An Effective Innovation”, *Chapman Journal of Criminal Justice*, 2011 Vol.2, No.1, pp.129 – 164.
- Hannah Ching, Michael Dafern and Stuart Thomas 2017, “A Comparison of Offending trajectories in violent youth according to violent type” *Criminal Behavior and Mental Health* Vol.27, pp.8-14.
- John Stratton, Michael Brook and Robert E. Hanlon 2017, “Murder & Psychosis: Neuropsychological Profiles of homicide offenders with Schizophrenia”, *Criminal Behavior and Mental Health* Vol.27, pp.146-161.
- Ashton.H 1927, “Languages and the Criminal” *The Criminologists* pp.8 & 9.
- Philip J. Cook 2016, “Behavioral Science Critique of HOPE”, *Criminology and Public Policy* Vol.15, Issue.4, pp.1155-1162.
- Jay S. Albanese & Kristine Artello 2019, “The Behavioral Corruption: An Empirical Typology of Public Corruption by Objective and Method” *Criminology, Criminal Justice, Law and Society* Vol.20, Issue.1, pp.1-20.
- Edwin M. Schur & Hugo Adam Bedau 1975, “Victimless Crimes: Two sides of a Controversy” *Issues in Criminology* Vol.10, Issue.1, pp.126-138.
- Amy Deline& Adair Crosley 2010, “A Century of Criminal Law and Criminology” *The Journal of Criminal Law and Criminology* Vol. 100, No:1, pp.1-6.
- David H. Jones 2005, “On the Prevention of Genocide: The Gap between Research and Education: *War Crimes, Genocide and Crimes Against Humanity* Vol.1, Issue.1, pp.5-46.
- Kieram McEvoy & Kristen McConnachie, 2012, “Victimology in Transitional Justice: Victimology, Innocence and Hierarchy”, *European Journal of Criminology*, Vol.9, Issue.5, pp.527-538.

- Tinneke Van Camp & Jo-Anne Wenimiers, 2013, “Victims Satisfaction with Restorative Justice More than Simply Procedural Justice”, *International Journal of Victimology*, Vol.19, Issue.2, pp.117-143.
- E. A. Fattah, 1979, “Some Recent Theoretical Development in Victimology”, *Victimology*, Vol.4, Issue.2, pp.198-213.
<https://www.ncjrs.gov/App/publications/abstract.aspx?ID=64082>
- Manisha Sahay 2018, “Transplantation of Human Organs & Tissues Act: Simplified” *Indian Journal of Transplant* Vol.12, Issue.2, pp.84-89.
<https://www.ijtonline.in/text.asp?2018/12.2.84/235594>
- Susan A. Lentz, B. Grant Stitt 1996, “Women as Victims in “Victimless Crimes” The Case of Prostitution”, *Journal of Contemporary Criminal Justice*, Vol.12, Issue.2, pp.173-186
<https://www.journals.sagepub.com/doi.abs/10.1177/104398629601200204>

Web Sources for Scholarly Articles:

- <https://heinonline.org>
- <https://jstor.org>
- <https://shodganga.inflibnet.ac.in>
- <https://network.bepress.com/law/criminal-law>

Web Sources for referring latest decisions:

- <https://indiankanoon.org>
- <https://manupatrafast.com>
- <https://www.aironline.in>
- <https://scconline.com>

Related Cases:

- Paras Ram v. State of Punjab (1981) 2 SCC 508
- Meh Ram v. State 1994 CrLJ 1897 (Raj)
- Tola Ram v. State of Rajasthan 1996 CrLJ 8 (Raj)
- Vishaka v. State of Rajasthan AIR 1997 SC 3011
- Shreerangayee v. State of Madras (1973) 1 MLJ 205
- Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802
- R.K. Garg v. Union of India (1981) 133 ITR 239
- Subramaniya Swamy v. Dr. Man Mohan Singh AIR 2012 SC 1185
- Govt of Andra Pradesh v. P.V. Reddy AIR 2002 SC 3346
- Nimmagadda Prasad v. CBI AIR 2013 SC 2821
- M/s SattyamInfoway Ltd v. M/s Sifynet Solutions (P) Ltd AIR 2004 SC 3549
- Dr. L. Prakash v. State of T.N. (2008) 3 MLJ CrI 406
- Gurdeep v. State of Punjab (2013) 10 SCC 395
- State of Haryana v. Janak Singh & Another AIR 2013 SC 3246
- ShyamNarin v. State of (NCT Delhi Administration) AIR 2012 SC 2209
- Mohd Iqbal v. State of Jharkhand AIR 2013 SC 3077

- Narendra Kumar v. State (NCT Delhi Administration) AIR 2012 SC 2281
- Deepak Gulait v. State of Haryana AIR 2013 SC 2071
- State of Maharashtra & Others v. Nagpur Distilleries 2006 (5) SCALE 77
- State of H.P. v. Asha Ram AIR 2006 SC 381
- Swamy Shradhananda @ Murali Manohar Mishra v. State of Karnataka AIR 2008 SC 3040
- PriyadharshiniMattu Rape case (2010) 9 SCC 747
- Tukaram v. State of Maharashtra AIR 1979 SC 185
- NilabatiBehra v. State of Orissa AIR 1993 SC 1960
- Prem Shankar Shukla v. Delhi Administration AIR 1980 SC 1535
- D. K. Basu v. State of West Bengal AIR 1997 SC 3017
- Sheela Barse v. Union of India AIR 1988 SC 224
- S.P. Anand v. State of M.P. AIR 2007 SC 166
- Sunil Batra II case 1980 CrLJ 1099
- Rameshdoss v. Raghunath & Others AIR 2008 SC 1298
- Sanjay Dutt v. State of Maharashtra AIR 2013 SC 2682
- Rudal Shah v. State of Bihar AIR 1983 SC 1986
- Laxmi v. Union of India (2014) 4 SCC 427

Learning Outcome

After completing the subject, the students will able to:

- Understand the historical development of concept of criminology and understand the interlink between criminology, criminal law and penology
- Understand the contributions of criminologists through scientific study to analyze the causative factors of crime causation
- Examine the behavioral pattern of offenders.
- Examine the types of crimes and its characterization.
- Acquaint with the contemporary development of crimes.
- Realize the importance of victim's participation and argue for the implementation of victims' protection measures under criminal justice system.

(d): INDUSTRIAL AND COMMERCIAL LAW

HS20704: INTERNATIONAL LABOUR ORGANISATION AND LABOUR JURISPRUDENCE

Objectives of the course:

Industrial legislation is the child of industrial jurisprudence, which in itself, is a product of the industrial revolution in the 18th, 19th and 20th Centuries, it was a form of protest against the inhuman labour conditions that the industrial revolution ushered in. In India, pre-independence era industrial jurisprudence was rudimentary. Protection of labour has always been the primary goal of industrial laws (both those enacted by the legislature and those developed through judicial interpretation). However, well before Indian labour jurisprudence because robust, the International labour Organisation, a multinational labour body, led the way.

This course has been designed to:

1. Introduce students to the ILO, its formation, charter documents, composition, membership and functioning;
2. Examine the international labour code and the role of India vis-à-vis the international labour code;
3. Study in detail the historical development of labour jurisprudence;
4. Elucidate the long and mutually beneficial relationship between ILO and India;
5. Instruct students various concepts of labour jurisprudence, including tripartism, and understand the role of the judiciary in this regard.

The syllabus has been prepared with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I: International Labour Organisation

- (a) Constitution and Declaration of Philadelphia.
- (b) Fundamental Principles.
- (c) Aims and Objectives.
- (e) Composition.
- (f) Functions.
- (g) Membership.
- (h) Organs of the ILO.

(i) The International Labour Conference - The Governing Body and the International Labour Office - Regional Conference - Regional Advisory Committee - Industrial Committees and Analogous Bodies - Committee of Experts - Panels of Consultants and Special Ad-hoc Conferences and Meetings.

Module II: International Labour Code

- (a) Meaning, Nature and Scope of International Labour Code.
- (b) Development and Importance of ILC.
- (c) International Labour Standards- Conventions and Recommendations.
- (d) Ratification and System of enforcement.
- (e) Technical Assistance Programme and the Special Fund, World employment programme, Women workers, International Peace, Human Rights.
- (f) The ILO Century Project 1919-2019.
- (g) ILC and India.

Module III: Labour Jurisprudence

- (a) Evolution, Concept and Importance of Labour jurisprudence.
- (b) Social Justice and Social welfare.
- (c) Role of Tripartitism in Labour Jurisprudence.
- (d) Role of Principles of Natural Justice.

Module IV: ILO and India

- (a) Labour Movement in India.
- (b) India's membership to ILO.
- (c) Constitution and Labour -Preamble- Fundamental Rights- DPSP- VII Schedule- Constitutional Remedies and Constitutional validity of Labour Statutes.
- (d) Human Rights of Labour.
- (e) Women and Child Workers.
- (f) Social Security and ILO.
- (g) ILO and India's appraisal.

Module V: Tripartism

- (a) Concept and Forms.
- (b) Areas of Operation- Preconditions.
- (c) Machineries in India.
- (d) Indian Labour Conference and Standing Labour Committee, Industrial Committees, Wage Boards, State Labour Advisory Boards.
- (e) Voluntary Arbitration and Labour Policy- Code of Discipline in Industry.
- (f) Role of ACTRAV.

Module VI: Judiciary and Labour Jurisprudence

- (a) Nature and Scope of Industrial Jurisprudence.
- (b) Industrial Adjudication and Judicial Review – Powers of High Courts and Supreme Court.
- (c) Public Interest Litigation and Labour Jurisprudence.
- (d) Judicial Activism in developing Labour Jurisprudence.

Recommended Readings

Statutory Material:

1. The Constitution of India, 1950
2. Labour Laws (Relevant provisions-Industrial Laws, Social Security, Women and Children, 4 Labour Codes)
3. International Labour Organisation Constitution, 1919 and ILO Conventions and Recommendations
4. The Charter of United Nations Organisation, 1945, UNO-Treaties, Conventions and Recommendations.
5. Universal Declaration on Human Rights, 1948.

Books Prescribed:

1. N. Maheshwara Swamy, "Impact of I.L.O. Standards on Indian Labour Law" (Asia Law House, 2007).
2. Dhyani (S .N), "International Labour Organisation", (New Delh: National Publishing House, 1997).
3. Prof. Ahmedullah Khan, "Commentary on International Organisation and the Indian Response", (Hyderabad: Asia Law House, 2005).
4. Vaidyanathan N, "I.L.O Conventions and India" (Minerva Associates: Calcutta, 1975).
5. Johnson, G.A., "The International Labour Organization" (London, 1970).
6. E.M. Rao, "Industrial Jurisprudence – A critical Commentary", (Lexis Nexis publication, 2015).

Journals:

- 1) P. Kalpakam, "The International Labour Organisation's Committee on Freedom of Association and International Protection of Trade Union Rights" 17 JILI 618-633 (1975).
- 2) Zafar Hussain and Afzal Wani, "Application and Enforcement of International Labour Standards in India: A Critique", 53 JILI 577-593 (2011).
- 3) C.S.Venkata Ratnam, "India and International Labour Standards", 35 IJIR 461-485 (2000).
- 4) N.L.Mitra, "Freedom of Association for Organised and Unorganised Workers-International Precept and Practice", 35 JILI 1-33 (1993).
- 5) O.P.Parmar, "ILO and India in Pursuit of Human rights through Labour Standards", 23 JILI 555-577 (1981).
- 6) Michael Hasenau, "ILO Standards on Migrant Workers: The Fundamentals of UN Convention and their genesis", 25 IMR 687-697 (1991).

Further Reading:**Reference Books:**

1. Jinender N. Kumar & Ajay Bhola, "International Labour Organisation (ILO) (Regal Publications, 2008).

2. Galenson Walter, "The International Labour Organization: An American View" (Madison, 1981).
3. Sinha & Sinha, "Industrial Relations and Labour Legislation" (Oxford & I B H Publishing Co., New Delhi, 1977).
4. The ILO and the World of work, (ILO Pub. Geneva, 1984).

Articles:

1. Nagaraj, R., "Fall in Manufacturing Employment: A Brief Note", Economic and Political Weekly, Vol. 39, pp. 3387-90, July 24-30, 20004).
2. Kamala Sankaran, "Human Rights and the World of Work", 40 JILI 284-294 (1998).
3. C.S.Venkata Ratnam, "Impact of New Economic Policy on the Role of Trade Unions", 29 IJIR 55-78 (1993).
4. Ratna Sen, "Unionisation and Collective Bargaining in the Unorganised Sector", 47 IJIR 598-616 (2012).
5. Susan Hayter, "International Comparative Trends in Collective Bargaining", 45 IJIR 596-608 (2010).
6. Kamala Sankaran, "Fundamental Principles and Rights at work: India and the ILO", 46 EPW 68-74 (2011).

Cases for Guidance

1. Bandhua Mukti Morcha v. Union of India and others, (1997) (3) SCC 755.
2. Neeraja Chaudry v. State of MP, AIR 1984 SC 1099.
3. Peoples Union for Democratic Rights v. Union of India, AIR 1982 SC 1473.
4. Amristar v. State of Punjab &Ors., AIR 1981, SC 14
5. National Textile workers union v. P.R. Ramkrishnan&Ors, AIR 1982 SC 1473
6. Ram Kumar Misra v. state of Bihar, AIR 1984 SC 537
7. Consumer Education & Research Centre & Others v. Union of India, 1995 AIR 922.
8. M.C. Mehta v. State of Tamil Nadu, AIR 1991 SC 417
9. D.S. Nakara v. Union of India, AIR 1983 SC 130
10. Deena v. Union of India, AIR 1983 SC 115
11. S. Basudevan v. S.D. Mittal, AIR 1962 Bom 53
12. State of Gujarat v. Hon'ble High Court of Gujarat, (1998) 7 SCC 392
13. ChatisgarhKrishakMazoor Sangh's v. State of Madhya Pradesh, (1987) Suppl. SCC 198
14. P. Siva Swamy v. State of Andhra Pradesh, AIR 1988 SC 1863
15. Balram v. State of Madhya Pradesh, AIR 1990 SC

Learning Outcome:

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

1. Appreciate the genesis of ILO in its historical context and its procedural complexities;
2. Understand the foundational role the ILO has played in labour jurisprudence, including through the international labour code;
3. Perceive India's long history of engaging with the ILO and implementing its decisions to uplift its workers; and
4. Discern the various keystone concepts of labour jurisprudence and also comprehend the role played by the judiciary in developing such jurisprudence.

FOURTH YEAR

VIII-SEMESTER

HLC0819: LABOUR LAW II

SOCIAL SECURITY AND LABOUR WELFARE LAWS

Objectives of the Course:

In the previous semester, students learnt the historical background and importance of labour rights and the basics of key labour legislations governing trade unions, industrial relations, standing orders and industrial disputes. While protection of labour rights in a dispute and permitting their unionisation is one side of the coin, taking proactive measures to promote the welfare and social security of labour is the other. As the Supreme Court of India has held, time and again, the right to life guaranteed under Article 21 is not merely animal existence, but the right to live with dignity. Therefore, taking steps to ensure that the labour force of our nation lives a life of security and dignity is of unspeakable importance and is part of the constitutional obligation of the State. The aim of social security legislation is to ensure freedom from want for our workers. This paper has been designed to help students understand the social security legislations in India in light of the above context.

This course has been designed to:

- I. Instruct the student on the concept of social security, its evolution, components, and objectives;
- II. Examine the role played by ILO in developing social security jurisprudence;
- III. Provide students with a critical and practical understanding of the rights of the employee in case of employment-related death, disablement, disease or accidents;
- IV. Educate students on the state insurance benefits available to employees under various circumstances;
- V. Examine the maternity benefit rights available to female employees;
- VI. Analyse, in-depth, the various retirement benefits made available to employees; and
- VII. Explore the provisions of law governing factories.

The syllabus has been prescribed with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I - Conceptual Framework of Social Security

- (a) Concept of Social security.
- (b) Evolution of Social Security.
- (c) Constituents of Social Security.
- (d) Object and Aim of Social Security.
- (e) Social Security and Labour Welfare.
- (f) ILO on social security.
- (g) Social Security and Constitution.
- (h) Classification of Social Security Legislations .

Module II - Social Security and Industrial Injuries

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

Module III - Social Security and Social Insurance

- (a) The Employee's State Insurance Act, 1948 - Objects, applications and 'Seasonal Factory' – Definitions.
- (b) E.S.I. Corporation, Standing Committee And Medica Benefit Council .
- (c) E.S.I. Fund.
- (d) Contributions.
- (e) Benefits.
- (f) Adjudication Of Disputes And Claims.
- (h) Penalties.

Module IV – Maternity Benefit

- (a) The Maternity Benefit Act,1961 -Object, Application and Definitions .
- (b) Eligibility to Maternity Benefit.
- (c) Maternity Benefit and Other Benefits.
- (d) Notice Of Claim.
- (e) Prohibition Against Dismissal.
- (f) Powers And Duties of Inspectors.

Module V – Retiral Benefits

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

Module VI - Labour Welfare Legislation

- (1) (a) Factories Act, 1948 - Background and definitions.
- (b) Formalities to Start a Factory.
- (c) Occupier - Duties and Liabilities.
- (d) Inspecting Staff and Certifying Surgeons.
- (e) Health, Safety and Welfare measures,
- (f) Working Hours.
- (g) Employment of young persons.
- (h) Annual leave with wages.
- (2) (a) Regulation of Shops and Establishments - The Tamil Nadu Shops and Establishment Act, 1947 - Applicability and Coverage – Definitions.
- (b) Opening and closing hours.
- (c) Employment of young persons.
- (d) Hours of Work.
- (e) Health and Safety Measures.
- (f) Leave and Annual Leave with wages.
- (g) Authorised Deductions From Wages.
- (h) Inspectors – Powers and Functions.
- (i) Penalties for Offences.

Recommended Reading

Books prescribed:

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. K.D. Srivastava's Commentaries on Workmen's Compensation Act, 1923: with Supplement, (Lucknow: Eastern Book Co., 6th Revised ed., 1999).
2. K.D. Srivastava's Commentaries on Employees' State Insurance Act, 1948: with Supplement, (Lucknow: Eastern Book Co., 5th Revised ed., 2001).
3. K.D. Srivastava's Employees' Provident Funds and Miscellaneous Provisions Act, 1952, Revised by S.C.Srivastava, (Lucknow: Eastern Book Co. 8th Edition, 2001).

4. K D Srivastava's Commentaries on Payment of Gratuity Act, 1972 with supplement, (Lucknow: Eastern Book Co., 5th ed., 2016).
5. K.D. Srivastava's Commentaries on Factories Act, 1948: with Supplement, (Lucknow: Eastern Book Co., 5th Revised ed., 2001).\
6. Veer Singh, "*Employment Injury and Employees' State Insurance Scheme Functional Perspectives*" 29 *Journal of Indian Law Institute* 76-93 (1987).
7. Thomas Paul, "*Consumer Empowerment ESI Hospitals Under CP Act*" 49 *Journal of Indian Law Institute* 409-414 (2007).

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.DVezhaventhan, "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.
6. 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.
7. 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.
8. 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.

9. Yashik, P. M. (2014). "A study about the Labour welfare and Social Security Measures in India", International Journal of Management, 2, p.23.

10. Sravanthi, B., "Social security in India: constitutional frame work" International Journal of Development Research, Volume 8, Article ID: 12929.

Cases for Guidance:

1. United 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, AIR 2000 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. American Express International Banking Corporation [AIR 1986 SC 458]
- 15 JayathilalDhani& 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. Appreciate the evolution and conceptual backbones of social security laws;
2. Recognise the pivotal role played by ILO in ensuring social security rights for workers;
3. Distinguish the rights of employees under various employment-related mishaps and consequences;
4. Understand the scope and reach of state insurance benefits to employees;
5. Critically analyse maternity benefits available to women employees and their adequacy/inadequacy;
6. Discern the nuances of retirement benefits payable to employees; and
7. Comprehend the compliances to be followed by factories and critically analyse relevant laws.

HLA0803: COMPETITION LAW

Objectives of the Course

In most countries of the world today competition has a key role to play in ensuring productive, efficient, innovative and responsive markets. Competitive forces drive firms to innovate, to develop more efficient production, processes and to adjust their products in response to changing consumer demand. Policies to stimulate competition are a key driver for improving the micro and macroeconomic performance of an economy.

The objective of the course is to provide the students:

- i. An understanding of the Legal Dimensions of the Competition Law;*
- ii. An insight into the Law, which provides a Fair Trade Practice which enhances healthy competition in the business arena.*
- iii. To comprehend and appreciate the impact of various Anti-Competition Policies.*

COURSE OUTLINE

Module I: Introduction

- a) Basic Concepts – definitions- Market- demand and supply theory Economic and legal concepts of competition; markets and market structure; competition theory
- b) perfect competition v. Monopoly need for regulation of competition- Relation between Competition Policy and Competition Law –Objectives of Competition Law
- c) Constitutional aspects competition law- Elimination of Concentration of Wealth and Distribution of Resources Article 39 (b) (c)

Module II : Evolution Of Competition Law

- a) Historical background – sources of competition law-
- b) Evolution in international arena – common law doctrine of restraint of trade- anti trust legislations – USA, UK, European Union
- c) 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
- d) Object and scope of Competition Act, 2002.

Module III: Anti-Competitive Agreement

- a) agreement definition – Rules for determining Appreciable adverse effect on competition(AAEC) - perse rule and rule of reason

- b) Relevant Market- relevant geographic and relevant product market- factors considered by CCI
- c) Horizontal Agreements- Vertical Agreements- exceptions – Intellectual Property rights and competition law
- d) Cartels – Landmark judgments decided by CCI- punishment for cartel- leniency programme

Module IV: Abuse Of Dominant Position

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

Module V: Combination

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

Module VI: Enforcement Mechanisms

- a) Establishment and Constitution of Competition Commission of India, Powers Functions and Jurisdiction of the CCI
- b) adjudication and appeals, -Competition Appellate Tribunal (CompAT)
- c) Director General of Investigation (DGI)- powers and functions – role of DG in investigation
- d) Competition Advocacy

Statutory Materials

Competition Act 2002

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*, 4thed.- 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:

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 UNITED 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. BrahmDutt 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. Autoele 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.
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]

Learning Outcomes

1. To provide a thorough background in the area of competition law and policy in India.
2. To understand the key issues in competition law, providing a strong overall background combined with an emphasis on recent (and potentially future) developments.
3. Review and understand the key economic considerations behind landmark competition cases on abuse of dominance, anti-competitive agreements, or mergers.

HLA0804: CYBER LAW AND INFORMATION TECHNOLOGY

Objectives of the Course

Advent of computers, followed by Internet has revolutionized the human existence and their conduct in the society. The information can be accessed, stored, retrieved and distributed speedily and easily. The traditional paper documents are now being replaced by their electronic equivalents. The commercial transactions and individual functioning are more driven by the digital technology. This transition has put forth need for a law to facilitate and govern activities in the information society and has thus led to the passing of the Information Technology Act, 2000 (IT Act).

The primary focus of this 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. In addition, there will be an insight into the applicability of other laws in the digital environment.

Course Outline

Module I: Introduction to Cyberspace

- a) Over view of computer and web technology –Evolution of cyberspace
- b) 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
- c) Jurisdictional issues in Cyberspace-Types of jurisdiction –Theories of Jurisdiction- The test evolved -Minimum contacts theory-Sliding scale theory-Jurisdiction under IT Act, 2000;.

Module II: Constitutional and Human Rights Issues in Cyberspace

- a) Freedom of Speech and Expression in Cyberspace
- b) Right to Access Cyberspace -Access to Internet
- c) Right to Privacy-Right to data Protection- Personal Data Protection Bill 2019.

Module III: Legal Recognition and Authentication of Electronic Records

- a) UNCITRAL Model Law -Concept of public and private key-Authentication of electronic records using digital signature -Asymmetric cryptosystem and encryption - Hash Function
- b) Public Key infrastructure and Hierarchy -Controller of certifying Authorities- Certifying authorities –Subscriber,
- c) Electronic records- Administrator of Electronic records- Electronic Health records-E-Governance and Electronic records Evidentiary value of Electronic records.

Module IV: New Dimensions of E-commerce

- a) Kinds of contracts-Email and Standard form of contracts- -Formation of E-Contracts- Application of Contract Act -Legal Validity of E-Contract-
- b) Electronic Data Interchange- E-Commerce - Models of E-Commerce;
- c) E-Governance- what is E-Governance-E-Governance project in India –The National e-Governance Plan(Ne-GP)- E-Courts Mission Mode Project of India;
- d) E-Banking transaction –Online payment Options -First Virtual-Cyber Cash-Secured electronic transaction;
- e) Taxation issues in Cyberspace –Permanent Establishment-Double Taxation Avoidance Agreement-Model Tax Treaty- OECD (Organization for Economic Co-operation and Development) Model Tax treaty and United Nation Model Tax Treaty.

Module V: Cyber Crimes

- a) Nature and scope of Cyber Crimes- *Mens rea* and *Actus reus* in cybercrime-
- b) Cyber contraventions and cyber offences under the IT Act
- c) Cybercrime against person, property and govt-Hacking, Hijacking, Digital forgery, Cyber pornography, Child pornography under IT Act and POSCO Act, Cyber Stalking, Cyber Bullying , Phishing, Identity theft and fraud, Cyber murder, Virus Attack, Cyber terrorism, Cyber warfare, Cyber defamation
- d) Adjudication under IT Act- Adjudicatory Officers- Cyber Appellate Tribunal

Module VI: Intellectual Property Issues in Cyberspace

- a) Interface with Copyright Law-Copyright Protection of Computer Programme-Reverse engineering of Computer Programme– Copyright Infringement in Cyberspace - Obligation Concerning Technological Protection Measures WCT and WPPT-Limiting the Liability of Internet Service Provider -EU Database protection Directive ;
- b) Interface with Patent law-Patentability of Software – Business Method Patent ;
- c) 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.

Module VII: Contemporary Issues in Cyberspace

- a) Cloud Computing-Essential characteristic- Deployment models –Service models
- b) Convergence of technology –definition- before and after Convergence of technology- Communication Convergence Bill 2001 – Spectrum Management Committee
- c) Block Chain Technology- peer-to-peer technology- Crypto currency-Distributed ledger
- d) Artificial Intelligence- Big data Analytica.

Recommended Readings:

Books:

1. Kamath Nandan, *Law Relating To Computers Internet &E-Commerce- A Guide To Cyberlaws &The Information Technology Act, Rules , Regulations And Notifications Along With Latest Case Laws* (2012).
2. Karnika Seth, *Computers Internet and New Technology Laws* (2013).
3. Kamlesh K. Bajaj, Debjani Nag, *E-Commerce: The Cutting Edge of Business*, 2nd Ed. (2005).
4. Apar Gupta, *Commentary on Information Technology Act* (2016).
5. N.S Nappinai – *Technology Laws*, 1st Ed LexisNexis (2017).

Journals/Articles:

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

Further Readings:

Books:

1. Harish Chander, *Cyber Law and IT Protection*, PHI Learning Private Limited, Delhi (2015)
2. V. D. Dudeja, *Information Technology and Cyber Law* , Common wealth Publisher (2017)
3. Anirudh Rastogi, *Cyber Law: Law of Information Technology and Internet*, Lexis Nexis, (2014).
4. Mark A Lemley, Peter S. Menell, Robert P Merges, and Pamela Samuelson, *Software and Internet Law*, Aspen Publishers, New York, (2006).

5. Cohen, Lore, Okediji, and O'Rourke, Copyright in a Global Information Economy. Aspean Publisher, New York, (2010)
6. Abhivardhan, Artificial Intelligence Ethics and International Law: An Introduction, BPB Publisher, Delhi (2019)
7. Don Tapscott and Alex Tapscott, Block Chain Revolution, Penguin Random House, UK (2018).
8. Anne S.Y. Cheung, Privacy and Legal Issues in Cloud Computing, Edward Elgar Publishing, (2016).
9. Lawrence Lessig, *Code and Other Laws of Cyberspace 1999*, Code ersion 2.0, Basic Books Publication (2006).
10. Scott Charney & Kent Alexander, Computer Crime, 45 Emory L. J. 931, (1996)

Journals/ Articles

- 1 Stacey L. Dogan & Mark A. Lemley, Trademarks and Consumer Search Costs on the Internet, 41 Hous. L. Rev. 777 (2004).
- 2 Mark A. Lemley and R Anthony Reese, Reducing Digital Copyright Infringement without Restricting Innovation, 56 Stan. L. Rev. 1345 (2004).
- 3 Pamela Samuelson , intellectual Property and The Digital Economy: Why the Anti Circumvention Regulations Need to be Revised, 14 Berkely Tech. L. J. 519 (1999).
- 4 Julie Cohen, Reverse Engineering and the Rise of Electronic Vigilantism: Intellectual Property Implications of "Lock-Out" Technologies 68 S. Cal. L. Rev 1091 (1995)
- 5 Rochelle Cooper Dreyfuss, Are Business Method Patent Bad for Business? 16 Santa Clara Computer & High Tech. L.J. 263 (2000)
- 6 Mark A. Lemley, Intellectual Property and Shrinkwrap Licenses, 68 S. Cal L. Rev. 1239 (1995)
- 7 Jinku Huang, Is the ACPA a Safe Haven for Trade Mark Infringers? Rethinking the Unilateral Application of the Lanham Act 22 J. Marshall J. Comp. & Info. L. 655 (2004)
- 8 Jessica Litman, Sharing and Stealing, 26 Hastings Comm. & Entertainment L. (2004)
- 9 Neil W. Netanel, Impose a Non Commercial Use Levy to allow Free Peer-to-Peer File Sharing 17 Harv. J. L. & Tech. 1. (2003)
11. Pamela Samuelson, Did MGM Really Win the Grokster Case? 48 Communications ACM 19 (2005)

Cases for Guidance:

1. Casio India Co. Ltd., v. Ashita Telesytems Pvt Ltd, 106 (2003) DLT 554
2. India TV Independent News services Pvt Ltd., v. India Broadcast Live and Others (2007) 145 DLT 521
3. Cybersell Inc. v. Cybersell, Inc, 130 F.3d 414 (9th 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 SCC 73
6. Regina v Hicklin [1868] LR 3 QB 360
7. Miller v California 413 US 15 (1973)
8. Ranjit D. Udeshi v. state of Maharashtra AIR 1965 SC 881
9. Samaresh Bose v. Amal Mitra (1985) 4 SCC 289
10. Ajay Goswami v. Union of India (2007) 1 SCC 169
11. Maqbool Fida Hussain v. Raj Kumar Pandey (2007)

12. State of Tamil Nadu v. SuhasKatti (2004)
13. Avinash Bajaj v. State (NCT) of Delhi, (2005) DLT 427
14. Computer Associates international inc., v. altai 982 F.2d 693 (3rd Cir 1992)
15. Sega EnterPrises Ltd v. Accolade Inc., (1992)
16. Sony Computer entertainment Inc v. Connectix Corp., (2000)
17. A & M Records v Napster Inc., 239 F. 3d 1004 (9th Cir. 2001)
18. Metro-Goldwyn-Mayer Studios Inc v. Grokster, Ltd 125 S. Ct. 2754 (2005)
19. Yahoo Inc v. Akash Arora &Anr, 78 (1999) DLT 285
20. Panavision International L. P. v. Toeppen 141 F.3d 1316 (9th Cir 1998)
21. Shields v. Zuccarini 254 F.3d 476 (3rd Cir. 2001)
22. Brookfield Communications inc v. West Coast Entertainment Corporation 174 F.3d 1036 (9th Cir 1999)
23. Playboy Enterprises v. Welles, 279 F.3d 796 (9th Cir 2002)
24. Diamond v. Diebr 450 US 175 (1981).
25. Bilski v. Kappos, 177 Led 2d 792
26. Alice Corp v. CLS Bank (2014)
27. Tata Sons V Greenpeace International (2011)178 DLT 705
28. Super Cassettes Industries Ltd., v. Myspace Inc., (2011) 49 PTC 49 Del.

Learning Outcome:

After completion of the course students will be able to –

- Understand and explain the rudiments of internet technology and the Domain Name System
- Learn the scope and function of legal and technological regulation of the internet.
- Understand with the Social and Intellectual Property issues emerging from ‘Cyberspace.
- Explore the legal and policy developments in various countries to regulate cyberspace
- Develop the understanding of relationship between commerce and cyberspace
- Give learners in depth knowledge of Information Technology Act and legal frame work of right to Privacy, Data Security and Data Protection.

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS30801: INTERNATIONAL HUMAN RIGHTS LAW

Objectives of the Course

The objective of the course is to introduce the human rights and facilitate the students to understand the working of international Human Rights Law. The international human rights institutions and laws are provided to understand the global discourse on human rights. The dynamics of modern human rights is introduced to student through two specific modules focussing on selected themes. Indian practice is studied through the contribution of all the organs of the state. All the major regional human rights mechanisms are introduced. The students shall understand the making of regional human rights mechanisms and work of NGOs. The students is expected to acquire following competencies after the course,

- 1. The students will understand the role and limitations of international law with historical and institutional background.*
- 2. The students will be able appreciate the application of human rights to complex social, political and economic situations.*
- 3. They will be in a position to apply human rights to real life situations to court crafts.*

COURSE OUTLINE

Module I: Background and Introduction

- A. Origin and Development – Concept of Human Rights – Ancient Europe - The Middle Ages – The Magna Carta – Bill of rights – American Revolution – French Revolution – Classification of Human Rights – Practice of Ancient Indian States - Vedas, Ashoka and Sangam Tamil Nadu
- B. Human Rights and Duties – the idea of duty in the ancient and modern era – duty of individuals to fellow human beings – Gandhian Ideas and human rights instruments on duties
- C. Sources of International Human Rights Law: Treaties, Customs and soft law instruments- role of international courts and tribunals – recognition of international human rights law by municipal systems

Module II: Development of International Human Rights Law

- A. ICRC and Evolution of International Humanitarian Law – abolition of slavery – national and international efforts to abolish slavery and apartheid
- B. Right of Self-Determination of People – Prohibition of Genocide – Prohibition of Torture – Prohibition of Racial Discrimination – Prohibition of Slavery – Prohibition of Human Traffic and modern forms of slavery
- C. Evolution of International Labour Organisation – Early conventions and subsequent development – rights of workers including women, children and migrant labour

Module III: United Nations and International Human Rights

- A. Evolution of Human Rights in the UN framework- Development of UDHR – Role of Commission on Human Rights
- B. International Bill of Human Rights – Universal Declaration of Human Rights – International Covenant on Civil and Political Rights – International Covenant on Economic, Social and Cultural Rights – Non-derogable rights – Progressive Realisation of Human Rights – Conventions on Rights of the Child, Women and Disabled
- C. Prevention of Terrorism –International efforts to counter terrorism –cyber warfare and human rights

Module IV: Enforcement Mechanisms

- A. General Assembly and Security Council on Human Rights - United Nations Charter based Human Rights Institutions- UNHRC –Committees under various human rights treaties – General Comments and Recommendations – Special Rapporteurs – UN High Commissioner for Human Rights
- B. Response of International Community to Human Rights Situations: South and South East Asia, Middle East, Africa, Latin America and Eastern Europe
- C. Asian, African and European Human Rights Instruments and their enforcement – Regional Judicial bodies. (European Court of Human Rights, Inter-American Court of Human Rights and African Court of Human Rights)

Module V: Civil and Political Rights

- A. Rights of elderly Persons, Tribes, Minorities (including Linguistic, Religious and Sexual Minorities)
- B. Rights of Victims of Crimes – Death Penalty – Rights of Accused and Convict
- C. Democracy and International Rule of Law – Right to Vote – Right to Take Part in the Governance
- D. Concept of NGO's and International NGO's – their participation in Human Rights issues – Selective case studies.

Module VI: Economic and Cultural Rights

- A. Right to Education – International law and national implementation
- B. Right to Health – International Law on Tobacco control, Narcotics - contagious diseases – World Health Organisation
- C. Right to Food, Water and Sanitation – eradication of hunger and malnutrition – role of Food and Agriculture Organisation
- D. Right to Environment – Sustainable Development Goals – economic development, environmental protection and human rights

Module VII: International Refugee Law

- A. Introduction – Refugees, Internally Displaced Persons, Forced Migration, Economic Migration, Asylum – Relationship between IHRL, IHL, and IRL
- B. International Standards in Refugee Law - 1951 UN Convention relating to the Status of Refugees (UNCSR) with its 1967 Additional Protocol, UNHCR – Statute, Mandate, Role, Functions, Responsibilities
- C. Concept of Non-Refoulement, Durable Solutions - voluntary repatriation, local asylum, and resettlement
- D. Contemporary Concerns and Challenges – Select case studies

Module VIII: Implementing International Human Rights in India

- A. India's ratification and response to Human Rights Treaties and mechanisms
- B. The Protection of Human Rights Act, 1993 – Paris Principles on National Human Rights Institutions – State and National Human Rights Commissions
- C. Commissions for Women, SC/ST, Minorities, Children etc.
- D. Constitutional and Legislative Framework: Fundamental Rights, Duties and Directive Principles – Right to Information
- E. Role of High Courts and Supreme Court in Protecting Human Rights

Recommended Readings:

Suggested Books

1. Rhona Smith – International Human Rights Law (Oxford, 2017)
2. M.K.Sinha – Implementation of Basic Human Rights (Lexis Nexis)
3. Michael Haas - International Human rights Law (Routledge, 2014)

Further Readings

- Amanda Alexander, “A Short History of International Humanitarian Law” The European Journal of International Law Vol. 26 no. 1 (2015)
- Aswini K. Ray, Human Right Movement in India: A Historical Perspective, Economic and Political Weekly, Vol. 38, No. 32 (Aug. 9-15, 2003), pp. 3409-3415
- Chetail, Vincent, Are Refugee Rights Human Rights? An Unorthodox Questioning of the Relations between Refugee Law and Human Rights Law (September 17, 2012). Human Rights and Immigration, Collected Courses of the Academy of European Law, pp. 19-72, R. Rubio-Marin, ed., Oxford: Oxford University Press, 2014.; Criminal Justice, Borders and Citizenship Research Paper No. 2147763. Available at SSRN: <https://ssrn.com/abstract=2147763>
- Guy S Goodwin-Gill “The Dynamic of International Refugee Law” International Journal of Refugee Law Vol. 25 no. 4 pp. 651–666 (2014)
- Kay Hailbronner, “Nationality in public international law and european law” in “Acquisition and Loss of Nationality Volume 1: Comparative Analyse” Rainer Bauböck(eds) Amsterdam University Press. (2006)
- KjerstiSkarstad, “Human rights through the lens of disability” Netherland Quarterly of Human Rights” Vol. 36(1) 24 (2018)

- Martti Koskenniemi, National Self-Determination Today: Problems of Legal Theory and Practice, *The International and Comparative Law Quarterly*, Vol. 43, No. 2 (Apr., 1994), pp.241-269
- Myongsei Sohn, Globalization of Public Health Law and Ethics, *Asia-Pacific Journal of Public Health* 24(5) 851-8 (2012)
- Philippe Cullet, The Right to Sanitation: Multiple Dimensions and Challenges in Philippe Cullet (ed) “the Right to Sanitation in India” (Oxford, 2019)
- S. Muralidhan, “Rights of Victims in the Indian Criminal Justice System” *National Human Rights Journal* (2004) <http://www.ielrc.org/content/a0402.pdf>
- S. Radhakrishnan, Development of Human Rights in an Indian Context, *International Journal of Legal Information* (Volume 39, 2008)

Indian Cases

- NALSA v. Union of India
- Navtej Singh Johar v. Union of India
- Francis Coralie Mullin Vs. The Administrator (AIR 1981 SC 746)
- Madhav Hayawadanrao Hoskot Vs. State Of Maharashtra (1979 SCR (1) 192)
- Selvi Vs. State Of Karnataka ((2010) 7 SCC 263)
- Jolly George Varghese v. Bank of Cochin (1980) 2 SCC 360
- Justice K.S. Puttaswamy (Retd) vs Union Of India, (2019) 1 SCC 1
- Kharak Singh v. State of Uttar Pradesh AIR 1963 SC 1295
- People’s Union For Democratic Rights Vs. Union Of India & Others AIR 1982 SC 1473
- Nilabati Behera Vs. State of Orissa 1993 SCR (2) 581
- Parmanand Katara v. Union of India ((1989) 4 SCC 286)
- Lakshmi Kant Pandey vs Union Of India (AIR 1984 SC 469)
- Chairman, Railway Board and others Vs. Mrs. Chandrima AIR 2000 SC 988
- Maneka Gandhi Vs. Union of India (1978) 1 SCC 248

International Court of Justice

- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, <https://www.icj-cij.org/en/case/131>
- Ahmadou Sadio Diallo (Republic of Guinea v Democratic Republic of Congo) <https://www.icj-cij.org/en/case/103>
- Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970) <https://www.icj-cij.org/en/case/53>
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) <https://www.icj-cij.org/en/case/91>
- Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium) <https://www.icj-cij.org/en/case/121>

Regional Courts

- Advisory Opinion of Inter-American Court of Human Rights on ‘the right to information on consular assistance in the framework of the guarantees of the due process of law’
http://www.corteidh.or.cr/docs/opiniones/seriea_16_ing.pdf
- Case of Loizidou v. Turkey
<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58201%22%5D%7D>
- Lautsi v. Italy, Judgement of the Grand Chamber dated 18 March 2011
- Al-Adsani v United Kingdom (2002) 34 EHRR 273

Foreign Courts

- Jam et al v International Finance Corp (586 U.S.2019)
- *R (on the application of Edward Bridges) v The Chief Constable of South Wales* [2019] EWHC 2341
- Gillick vs West Norfolk and Wisbech Area Health Authority,
<https://www.lawteacher.net/cases/gillick-v-west-norfolk.php>

Learning Outcome

After undergoing this course,

1. Students will know the basics of international human rights law and its application at the municipal level
2. They will be in a position to understand the opportunities and limitations in the human discourse.
3. They will be in a position to apply the national and international human rights law to all human rights situations.

(b): CONSTITUTIONAL LAW & PROPERTY LAW

HS30802: HUMAN RIGHTS IN THE CONSTITUTIONAL LAW

Objectives of the Course:

Human Rights are essentially a product of Democracy. The Paper proposes to study the Bill of Rights as a Constitutional guarantee of Human Rights. It focuses on the nature and development of the concept of Human Rights and its applications in the Nation- States through their Constitutional and Ordinary Laws.

- 1. The study helps understand the origin, evolution and the growth of human rights*
- 2. It increases awareness of Human Right issues.*
- 3. It helps to realize the importance of International Conventions and their application into the constitutional scheme.*
- 4. It enables to understand the role of judiciary in the development of Human Rights Jurisprudence*

COURSE OUTLINE

Module I: Historical Development of Human Rights in India

- a. Origin 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.
- b. Nature, Definition and theoretical perspectives of Human Rights.
- c. Constitutionalism and Realization of Human Rights in India.
- d. Classification of Human Rights.
- e. Classification of Fundamental Rights.

Module II: Fundamental Rights as Human Rights

- a. Applicability of Human Rights.
- b. Influence of UDHR on Fundamental Rights
- c. Un-enumerated individual rights under the Constitution.
- d. Fundamental Rights as a limitation against State and Non-state Actors
- e. Fundamental Duties- Evolution and Relationship between Fundamental Duties and Fundamental Rights.

Module III: Directive Principles of State Policy as Human Rights

- a. Influence of UDHR on Directive Principles of State Policy
- b. Social-economic Rights- Distributive Justice.
- c. Social- Security and Welfare Provisions.
- d. Justiciability and enforceability of Directive Principles of State Policy.
- e. Relative Importance of Directive Principles of State Policy and Fundamental Rights.

Module IV: Ensuring Human Rights through Good Governance

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

Module V: Emerging Dimensions of Human Rights and Evolution of the Concept of Human Rights and Duties

- a. International enforcement of human rights,
- b. Impact of globalization on Human Rights
- c. Human rights, science and technology
- d. New rights: Rights of future generations,
- e. Human rights and duties in contemporary India

Module VI: Judicial Activism and Development of Human Rights Jurisprudence:

- a. Application of International Human Right Instruments in the domestic field
- b. Rights of Women
- c. Rights of children
- d. Rights of LGBT and queer community
- e. Rights of persons with disability
- f. Rights of prisoners and prison reforms
- g. Rights of senior citizens
- h. Rights of minorities

Module VII: Human Rights and Statutory Machinery in India

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

RECOMMDED READINGS:

1. Upendra Baxi, The Future of Human Rights, (Oxford University Press, New Delhi, 2012)
2. Dr.D.D.Basu, Human Rights in Constitutional Law, 3rd Edition, {Lexis Nexis Butterworths Wadhawa, New Delhi, 2008.}
3. Daniel Moeckli, Sangeeta Shah, & Sandesh Sivakumaran (ed.), International Human Rights Laws, (3rd Edition, Oxford University Press, 2014)
4. Paras Diwan and Peeyushi Diwan, Human Rights and the Law, (Deep and Deep Publication, New Delhi, 1998)
5. Justice D M Dharmadhikari, Human Values & Human Rights, 2nd Edition, Universal Law Publications Company, New Delhi, 2016.

Articles from Journals:

1. 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.
2. T.K.TOPE, "Fundamental Duties and Justiciability", (1982) 2 SCC J-9
3. P.K.Tripathi, Directive Principles of State Policy, (1954) 17 SCJ 7
4. M.P.Singh, "The Statics and Dynamics of the Fundamental Rights and Directive Principles – A Human Rights Perspective", (2003) 5 SCC J -1
5. Human Rights Special issue, *JILI* vol. 40, 1998(Jan – Dec)

Further Readings:

1. Baxi, Upendra, *Inhuman Wrongs and Human Rights* (Har Anand Publications, Delhi, 1994)
2. V.R. Krishna Iyer, *Dialectics and Dynamics of Human Rights in India* (1999)
3. AV Dicey, *Law of the Constitution*, (Mac Millan &Co. Ltd. London, 1994)
4. *Human Rights and Duties in India : Law, Policy, Society and Enforcement Mechanism*, Dr. T. S. N. Sastry, Professor and Coordinator, HRE Programme, University of Pune
5. 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>
6. HM Seervai, *Constitutional Law of India – 3 Volumes* (1991)
7. Raj Kumar, Chockalingam (ed), *Human Rights, Justice and Constitutional Empowerment* (2nd Edition, Oxford University Press, 2010)
8. VenkatIyer (ed), *Democracy, Human Rights And The Rule Of Law*, (Essays in the Honour of Nani Palkhivala, Butterworths, New Delhi, 2000)
9. Chandra, Shailja, *Justice V.R. Krishna Iyer on Fundamental Rights and Directive Principles* (Deep and Deep, Delhi, 1998).
10. Nirmal, C.J., *Human Rights in India* (New Delhi: Oxford, 1999).

Landmark Cases for Guidance:

1. *A.K.Gopalan v. State of Madras*, AIR 1950 SC 27
2. *ADM Jabalpur v. S. Shukla*, AIR 1976 SC 1207
3. *Air India v. NargeshMeerza*, AIR 1981 SC 1829
4. *BachapanBachaoAndolan v. Union of India*, AIR 2011 SC 3361
5. *Chairman Railway Board v. Chandrimadas*, AIR,2000 SC 988
6. *D.K.Basu v. State of West Bengal*, AIR 1997 SC 610
7. *Golak Nath v. State of Punjab*, AIR 1971 SC 1643
8. *Jolly George Varghese v. Bank of Cochin* AIR 1980 SC 470
9. *K.S. Puttaswamy and others v. Union of India*, 2017 SCC 1
10. *Kesavananda Bharati v. State of Kerala* AIR 1973 SC 1461
11. *Maneka Gandhi v. Union of India* AIR 1978 SC 597
12. *MC Mehta v. State of Tamil Nadu* AIR 1997 SC 699
13. *Md. Hanif Quareshi v. Bihar*, AIR 1958 SC 731
14. *NALSA v. Union of India* (2014) 5 SCC 438
15. *Nilabati Bahera v. State of Orissa*, (1993) 2 SCC 746
16. *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180
17. *PeoplesUnion for Democratic Rights v. Union of India*, AIR 1982 SC 1473
18. *Randhir Singh v. Union of India*, AIR 1982 SC 879
19. *Sankari Prasad v. Union of India*, AIR 1951 SC 455
20. *Sajjan Singh v. State of Rajasthan*, AIR, 1965 SC 845
21. *Sarala Mudgal v. Union of India*, (1995) 3 SCC 635
22. *Sunil Batra v. Delhi Administration*, (1 & 2) AIR 1980 SC1579
23. *Vineet Narain v. Union of India* AIR, 1998 SC 889
24. *Visakha v. State of Rajasthan*, AIR, 1997SC 3011
25. *Young Lawyers Association v. State of Kerala*(2018 SCC On Line SC 1690)

LEARNING OUTCOME:

1. The study will promote a good understanding of the provisions under the Constitution of India dealing with human rights.
2. The study will help the students to realize liberty, equality and fraternity- *a union of trinity* by ensuring that these values are applicable not only in the Public domain but also to the private sphere.
3. Demonstrate an understanding of the practical application of human rights law to specific human rights problems in India.
4. It ensures analysing complex human rights problems and applies relevant provisions of human rights law in India
5. The study promotes human right awareness and duties education among the student community by making them evaluate the role of judiciary in balancing individual liberty with social control.

(c): CRIMINAL LAW AND FORENSIC SCIENCE

HS30803: CYBER CRIME

Objectives of the Course:

Cyber world has come to occupy an important place in the history of mankind. As science advances, the knowledge also expands. It is undeniable fact that cyber world has thrown new vista but regretfully it has to be noted that it has also being misused and spreading undesirable information. It has become necessary to find out ways and means to curb this menace of spreading evil knowledge. The potential of the technology to be beneficial as well as detrimental to the society has cast obligation on the people to be aware of the two sides of the technology. It is still in a nascent stage and continuously evolving every passing day.

After undergoing the study the student will be able to understand the following:

- *To examine and discuss the history of computer crime.*
- *To examine various theoretical framework explaining computer crime.*
- *To educate about the regulation of cyber space at National and International level.*
- *To demonstrate knowledge of the different types of computer crime.*

COURSE OUTLINE

Module I: Concept of Cyberspace and Cyber crimes

- a) Definition and scope of Information Technology- Meaning and definition of Cyberspace- Cyberspace as an Internet Metaphor
- b) Convention on Cybercrime - UN & International Telecommunication Union (ITU) Initiatives- Council of Europe - Budapest Convention on Cybercrime- Asia-Pacific Economic Cooperation (APEC)- Organization for Economic Co-operation and Development (OECD)
- c) Origin and Development of Cyber crimes – Definition, Nature and Extent of Cyber Crimes in India
- d) cyber crimes under Indian Penal Code; Criminal Procedure Code; the Evidence Act and Information Technology
- e) A Trends in Cyber Crimes across the world.

Module II: Psychological , Sociological and Criminological Perspectives of Cyber Criminals

- a) Types of Cyber Criminals – Modus Operandi of Cyber Criminals – Causes of Cyber Crimes
- b) Profiling of Cyber Criminals
- c) Tools and Techniques adopted by Cyber Criminals
- d) Psychological theories relating to cyber criminals– Sociological and Criminological Perspectives
- e) Criminological Theories and Cyber Crime – Routine Activity Theory, Social Learning Theory, Differential Association Theory, Differential Opportunity Theory, Media and Crime and latest theories and other related theories.

Module III: Taxonomy of cyber crimes

- a) Cyber Crime Against Individual-Internet Grooming; Cyber Stalking; Cyber Harassment; Cyber Extortion; Online Pedophilia
- b) Cyber Crime Against Property- Illegal Access; Hacking And Cracking- Illegal Data Acquisition; Data Espionage-Illegal Interception; Data Interference; System Interference-Computer Threats
- c) Copyright And Trademark Related Offences- Computer Related Offences-
- d) Cyber Crime Against Nation; Cyber Terrorism; Cyber Warfare; Cyber Laundering; Content Related Offences
- e) Crimes Associated With Mobile Electronic Communication Devices.

Module IV: Privacy and Data Protection- Cyber-Enabled Intellectual Property Crime

- a) Privacy- Privacy and security
- b) Cybercrime that compromises privacy
- c) Data protection -Data breach -Enforcement of privacy and data protection
- d) Intellectual Property-Causes, reasons and perceived justifications for cyber-enabled copyright and trademark offences in Digital medium
- e) Domain Name Dispute and resolution issues in Digital Medium- Protection and prevention efforts.

Module V: Issues and challenges

- a) Cyber law and Jurisdiction-principles of Jurisdiction
- b) Theories of jurisdiction in cyberspace- the theory of up loader and the downloader ;the Minnesota theory; the theory of the server
- c) Internet jurisdiction – Indian context of Internet jurisdiction - International position of Internet jurisdiction
- d) Cyber Crime Present and the Future- Crypto currency-Bitcoin- Ethereum-Blockchain-Ransomware
- e) Deep Web and Dark Web- Deep Web And Its Challenges.

Module VI: Prevention of Cyber Crimes

- a) Statutory Provisions regarding Cyber Crimes in India- The Information Technology Act, 2000 and the Information Technology (Amendment) Act
- b) Judicial Perspective of India in cyber crime
- c) Global Perspective of Cyber Crimes and the related Laws-International cooperation to combat cyber crimes
- d) Conferences, Conventions, Summits, and Treaties cyber crimes and cyber laws- World Trade Organization (WTO), World Intellectual Property Organization (WIPO)
- e) Internet Cooperation for Assigned Names and Numbers (ICANN).

Recommended Reading

Books

1. Cyber Crime, Talat Fatima, 2nd Edition, Eastern Book Company
1. Cyber law and Cyber crime: Analytical Approach, Dr.M.K.Nagaraja, Sun Publishing House, Edition 2014
2. Solving the internet jurisdiction puzzle,SvantessonD,Oxford University Press, (2017)
3. Cyber Crime and Cyber Terrorism Investigator's Handbook,AkhgarBStaniforthABoscoF,Elsevier Inc., (2014)
4. Cyber Crime and Cyber Terrorism Investigator's Handbook,AkhgarBStaniforthABosco F, Elsevier Inc., (2014)

Journals/ Article

1. Diffusion and effects of cyber-crime in developing economies, Kshetri N, Third World Quarterly (2010) 31(7) 1057-1079
2. Online "Predators" and Their Victims: Myths, Realities, and Implications for Prevention and Treatment, Wolak JFinkelhorDMitchellKYbarra M, American Psychologist (2008) 63(2) 111-128
3. The Perception Analysis of Cyber Crimes in View of Computer Science Students, SolakDTopaloglu M, Procedia - Social and Behavioral Sciences (2015) 182 590-595
4. Hate crimes in cyberspace, Choice Reviews Online (2015) 52(07) 52-3918-52-3918
5. Exploring and analyzing Internet crimes and their behaviours, Arora B, Perspectives in Science (2016) 8 540-542

FURTHER READING

Books

1. Cyber-Physical Attacks: A Growing Invisible Threat,Loukas G, Elsevier, (2015)
2. The psychology of cyber crime: concepts and principles, Kirwan GPowerA Information Science Reference, (2012)
3. Security and the networked society, AoMOwens R, Springer International Publishing, (2013)
4. Cyberspace and Cybersecurity, TrachtmanJTrachtman J, Cambridge University Press, (2013), 85-117, Book Chapter
5. Virtually criminal: Crime, deviance and regulation online, Williams M, Routledge Taylor & Francis Group, (2006)
6. Corporate hacking and technology-driven crime: Social dynamics and implications, Holt TSchell B, IGI Global, (2010)
7. Crime, justice and social media, Salter M, Taylor and Francis, (2016)
8. Cybersecurity Law, Kosseff J, Wiley, (2019)
9. Cyber warfare: A multidisciplinary analysis, Green J, Taylor and Francis Inc., (2015)
10. International internet law, Kulesza J, Taylor and Francis, (2012)

Journal / Article

1. Internet development, censorship, and cyber crimes in China, Liang BLu H, Journal of Contemporary Criminal Justice (2010) 26(1) 103-120
2. Pattern of global cyber war and crime: A conceptual framework, Kshetri N, Journal of International Management (2005) 11(4) 541-562
3. The challenge of measuring cyber-dependent crimes, Furnell SEmmDPapadaki M, Computer Fraud and Security (2015) 2015(10) 5-12
4. Cyber terrorism challenges: The need for a global response to a multi-jurisdictional crime, Tehrani PAbdulManapNTaji H, Computer Law and Security Review (2013) 29(3) 207-215
5. Impact of Cyber Crime: Issues and Challenges, Das SNayak T, International Journal of Engineering Sciences & Emerging Technologies (2013) 6(2) 142-153
6. Cyber Staking : Crime and Challenge at the Cyberspace, Thapa AKumar R, International Journal of Computing and Business Research (2011) 2(1)
7. Fear of cyber crime among college students in the United States: An exploratory study, Yu S, International Journal of Cyber Criminology (2014) 8(1) 36-46
8. Growing cyber crimes in India: A survey, Kumar P, Proceedings of 2016 International Conference on Data Mining and Advanced Computing, SAPIENCE 2016 (2016) 246-251
9. Effects of cyber security knowledge on attack detection, Ben-Asher NGonzalez C, Computers in Human Behavior (2015) 48 51-61
10. Cyber security challenges in smart cities: Safety, security and privacy, ElmaghrabyALosavio M, Journal of Advanced Research (2014) 5(4) 491-497

Cases for Guidance

1. Vyakti Vikas Kendra, India Public v. Jitender Bagga (Del HC) I.A. No. 8877/2012 in CS(OS) No.1340/2012 Order decided on : 09.05.2012
2. Shreya Singhal v. U.O.I (SC) Writ Petition (Criminal) No.167 OF 2012 24 March, 2015
3. Satyam Infoway Ltd. v. Siffynet Solutions Pvt. Ltd. 2004 Supp(2) SCR 465
4. Banyan Tree Holding (P) limited v. A. Murali Krishna Reddy CS (OS) No. 894/2008, Del(DB)
5. Neogen Corp. v. Neo Gen Screening, Inc., 282 F.3d 883, 890 (6th Cir. 2002)
6. National Association of Software v. Ajay Sood and ors. 119 (2005) DLT 596, 2005 (30) PTC 437 Del
7. Aveek Sarkar v. State Of West Bengal (SC) CRIMINAL APPEAL NO.902 OF 2004 decided on 3 February, 2014
8. State of Tamil Nadu v. SuhasKatti (decided on 5-11-2004) ADDL. CMM EGMORE, , C.C.NO.4680/2004 Source :<http://www.prashantmali.com/cyber-law-cases>
9. The State (Cyber Cell v. Yogisha @ Yogesh Pandurang Prabhu ADDL. Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai C.C. No. 3700686/PS/2009 (Delivered on 3rd July, 2015)
10. Maqbool Fida Husain v. Raj Kumar Pandey Delhi High Court, CRL. REVISION PETITION NO.114/2007 Decided on 8 May, 2008

11. Anvar P.V v. P.K.Basheer&Ors Civil Appeal No. 4226 of 2012 (SC) decided on 18 September, 2014
12. Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) ALD (Cri) 96; 2005 CriLJ 4314
13. Diebold Systems Pvt. Ltd. vs The Commissioner, ILR 2005 KAR 2210
14. Sanjay Kumar v. State of Haryana P & H High Court decided on 10/01/2013 CRM No.1353 of 2013 ;CRR No.66 of 2013 (O&M)
15. State of A.P. v.. Prabhakar Sampath VI Addl.Chief Metropolitan Magistrate, Hyderabad. CC. 489 of 2010 31st day of March, 2015 Available at:<http://www.prashantmali.com/cyber-law-cases>
16. Hyderabad v. Prabhakar Sampath, Add. CMM Hyderabad, decided on 31/03/2015, CC 489 Of 2010 available at: www.prashantmali.com/cyberlaw-cases 34
17. Naascom v. Ajay Sood, 119 (2005) DLT 596
18. Aweek Sarkar v. State of West Bengal (SC) Criminal Appeal no. 902 of 2004 decided on 3/2/2014
19. Anvar P.V v. P.K.Basheer, Supreme Court, decided on 18 September, 2014, Civil Appeal No.. 4226 of 2012, available at <http://indiankanoon.org/doc/187283766/>
20. My Space Inc. v. Super Cassettes Industries Ltd., Delhi (DB), FAO(OS) 540/2011, C.M. APPL.20174/2011, 13919 & 17996/2015 decided on 23 December, 2016 available at <http://indiankanoon.org/doc/12972852/>

Learning Outcomes

1. To analyze the ways in which information and communication technology is used to commit cyber organized crime
2. To spread awareness among the general public about the cyber law.
3. To demonstrate knowledge of the incidence, prevalence, distribution, and impacts of computer crime
4. To demonstrate knowledge of the investigation, prosecution, and sentencing of computer crimes
5. To examine the current trends in computer crime and future of computer crime.

(d): INDUSTRIAL AND COMMERCIAL LAW

HS30804: INSURANCE LAW

Objectives of the Course:

The concept of Insurance has been prevalent in India since ancient times. This is evidenced from the over-seas travel for business and commerce, wherein if any loss sustained in the transit, it was borne by the Joint family members doing business together. In the present times Insurance has taken a remarkably different structure and developed to a considerable extent. It is crucial to a Student of Law to have a comprehensive knowledge of Insurance Law, in the light of Insurance sector having expanded into all fields and having become an integral part of both the common man and the corporate sector.

The objective of the study of this subject is to provide the Students -

- i. An understanding of the Legal dimensions of the Law relating to the formation of insurance contracts.*
- ii. An insight into the Laws that buttress the operations of insurance.*
- iii. To comprehend and appreciate the significance of various types of insurances and the consequences of the happening of various perils insured against.*
- iv. To familiarise with the organisational set-up of the redressal mechanisms, functions and powers of the same, claim settlement procedural aspects, under the various Statutes pertaining to insurance.*

COURSE OUTLINE

MODULE – I: INTRODUCTION:

- a. Concept of Insurance.
- b. Nature and Scope of Insurance.
- c. Significance and utility of Insurance.
- d. Formation of Insurance Contract.
- e. Classification of Insurance.
- f. Insurance as an
 - Aleatory Contract;
 - Uberrima Fides;
 - Indemnity Contract;
 - Wager;
 - Adhesion.

MODULE – II: GENERAL PRINCIPLES OF INSURANCE:

- a. Insurable Interest.
- b. Premium.
- c. Risk.
- d. Assignment of Insurance policies
- e. Warranties.
- f. Representations and Disclosures.
- g. Ombudsman.
- h. Double Insurance and Reinsurance.
- i. The Insurance Act, 1938.
- j. Insurance Regulatory and Development Authority Act, 1999.

MODULE – III: LIFE INSURANCE:

- a. Definition of pertinent terms.
- b. Contract of Life Insurance and formation.
- c. Policy of Life Insurance.
- d. Comparison between life insurance and other insurances.
- e. Kinds of Life Insurance Contracts.
- f. Events insured against in Life Insurance.
- g. Felo De Se.
- h. Elements affecting the risk.
- i. Sums recoverable under Life Insurance policy.
- j. Persons entitled to Payment.
- k. Settlement of Claims.
- l. Life Insurance Corporation Act, 1956.
- m. Privatisation of Life Insurance industry.

MODULE – IV: MARINE INSURANCE:

- a. Nature of Marine Insurance.
- b. Marine Adventure.
- c. Classification of Marine Insurance policies.
- d. Voyage, Change of Voyage and Deviation.
- e. Maritime Perils.
- f. Excluded Losses.

- g. Warranties in Marine Insurance.
- h. Actual Total Loss.
- i. Constructive Total Loss.
- j. Abandonment.
- k. Slip and cover.
- l. General Average.
- m. Particular Average.
- n. Salvage.
- o. FPA Clause.
- p. Indian Marine Insurance Act, 1963.

MODULE – V: FIRE INSURANCE:

- a. Meaning of the term 'Fire'.
- b. Loss by Fire.
- c. Nature of Fire Insurance.
- d. Consequential Loss Coverage.
- e. Doctrine of Subrogation.
- f. Doctrine of Contribution.
- g. Doctrine of Re-instatement.

MODULE - VI: MOTOR VEHICLES INSURANCE:

- a. Nature and Scope of Motor Vehicle Insurance.
- b. Indemnity in Motor Vehicle Insurance Contracts.
- c. Types of Motor Vehicle Policies.
- d. Absolute and no fault liability.
- e. Amount payable in case of death and permanent disablement.
- f. Nature and Scope of Compulsory Insurance.
- g. Third party claims.
- h. Hit and Run Motor Accidents.
- i. Motor Accident Claims Tribunal.
- j. The Motor Vehicles Act, 1988.
- k. The Motor Vehicles (Amendment) Act, 2019.

RECOMMENDED READING:

- a) Modern Law of Insurance in India, by K.S.N. Murthy and K.V.S. Sharma – LexisNexis, 6th Edition, 2019.
- b) Law of Insurance, by Avtar Singh – Eastern Book Company, 3rd Edition, 2017, reprinted in 2018.
- c) Principles of Insurance Law, by M.N. Srinivasan – LexisNexis, 10th Edition, 2017.
- d) General Principles of Insurance Law, by E.R. Hardy Ivamy – Butterworth, 6th Edition, 1993.
- e) Modern Insurance Law, by John Birds – Sweet and Maxwell, 11th Edition, 2019

JOURNALS:

1. Rappaport, John, How Private Insurers Regulate Public Policy (February 15, 2016). Harvard Law Review, Vol.130, pp.1539-1614.
2. Feinman, Jay M., Contract and Claim in Insurance Law (2018), Connecticut Insurance Law Journal, Vol.25, No.1, 2018.
3. Dr. Pramod Deo, IRDA: Regulator of Insurance Sector in India, Indian Journal of Research, Volume:5, Issue:6, June 2016, pp.189-192.
4. Hay Bruce L, A No-Fault Approach to the Duty to Settle (October 1, 2015). Rutgers Law Review, Vol.68, No.3, 2016.
5. P.C. James, Leveraging Distribution For Mainstreaming Insurance, IRDAI Journal, Volume XIV, No.2, 2016, pp.11-15.

FURTHER READING:

6. Good Faith and Insurance Contracts, by Peter MacDonald Eggers (lloyd's Insurance Law Library), Informa Law from Routledge, 4th Edition, 2018.
7. Insurance Law & Policy: Cases Materials & Problems, by Tom Baker, Aspen Publishers, 3rd Edition, 2013.
8. Principles of Insurance Law, by Emeric Fischer, LexisNexis, revised 3rd Edition, 2001.
9. The Law of Liability Insurance, by Malcolm A. Clarke, Informa Law from Routledge, 2nd Edition, 2017.
10. Insurance Contract law between Business Law and Consumer Protection, by Helmut Heiss, Dike Publishers, 2012.
11. Kannan,N., A Study on the Growth of Indian Insurance Sector (2010). International Journal of Management, Volume 1, Issue 1, May 2010, pp.17-32.
12. Prashanth, V., Necessity of Insurable Interest in Insurance Contracts (August 1, 2008). Corporate Law Cases; August 2008 Edition; Published by All India Reporter, Nagpur, India.
13. Bennett Howard, Fortuity in the Law of Marine Insurance. Lloyds Maritime and Commercial Law Quarterly, pp.315, 2007.

LANDMARK CASE LAW:

14. Pim v. Reid
15. Dalby v. The Indian & London Assurance Co.
16. Tyrie v. Fletcher.
17. Law v. London Indisputable.
18. Stevenson v. Snow.
19. The Wilson Son's & Co. v. Xantho.
20. Beresford v. Royal Insurance Co. Ltd.
21. Oriental Life Insurance Co. v. Ammiraju.
22. Ibrahim vs Mackinnon Mackenzie & Co.
23. Hyderabad (Deccan) Co. v. Willoughby.
24. Bouillon v. Lupton.
25. Canada Rice Mills Ltd. v. Union Marine & General Insurance Co.
26. Harris v. Poland.
27. Everest v. London Assurance Co.
28. Brown v. Royal Insurance Co.
29. Moore v. Evans.
30. Pandurang v. New India Life Insurance Co.
31. Union of India v. Swarn Singh and Others.

LEARNING OUTCOME:

32. Demonstrate knowledge of the legal and ethical aspects of insurance Law.
33. Discern and appreciate the importance of the impact of globalisation and diversity in modern insurance based organisations.
34. Perceive how losses are measured and the various principles such as of indemnity, contribution, subrogation, reinstatement etc that are applied in accessing insurance claims.
35. Develop the ability of critical thinking and an analytical approach to the application of knowledge and skills to select viable solutions in resolving issues that may arise in execution of insurance contracts.

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS40801: INTELLECTUAL PROPERTY ON TRADITIONAL KNOWLEDGE AND GENETIC RESOURCES

Objectives of the Course:

The legal regimes that govern the relationship between intellectual property, traditional knowledge and bio diversity remain sources of significant tension in international intellectual property law making. A number of difficulties arise in efforts to reconcile legal and policy norms at the intersection of the three regimes. Such difficulties generally stem from perceived short comings of the globally recognized forms of intellectual property rights to accommodate traditional knowledge and biodiversity in providing sufficient protection.

The objective of the course is to study how at the international and national level address the Issue of TK and Genetic Resources

COURSE OUTLINE

Module I: Introduction to Traditional Knowledge

- a) Meaning and Scope of traditional Knowledge – Interface between IP and traditional Knowledge – Need and Significance of protection - Detailed analysis of traditional knowledge and traditional cultural expressions
- b) Cultural Property, Interface between Cultural Property and Intellectual Property, Converting Cultural Property into Intellectual Property and Ownership Issues WIPO Guidelines on Cultural Property-
- c) Folklore - – Conceptual Analysis –International and National Perspectives.

Module II: International Protection of TK and Human Right Perspectives

- a) International Development of Traditional Knowledge Protection – CBD – FAO International Treaty on Plant Genetic Resources
- b) Protection of Folklore/Cultural Expressions by UNESCO - Developments in WIPO on Traditional Knowledge and Traditional Cultural Expression
- c) Inter-relationship between IPR and Human Rights-An Overview of Art 17 (Right to Property) and Art 27 (Right to participate in Cultural Life of the Community) of UDHR and Art 15 (1) (To take part in Cultural Life) of ICESCR.

Module I11: Protection of TK in India

- a) Positive Protection of TK under Indian Laws – Patents – Plant Variety and Biodiversity – Geographical Indications Copyrights– Trade Secrets – Test data protection.
- b) Traditional Knowledge as Property -Nature of Property in Genetic Resources and Associated Traditional Knowledge
- c) Ownership in Traditional Knowledge: Nature and Elements of Ownership – Exclusivity and Protection –Benefit Sharing.

Module IV: Documentation of Traditional Knowledge

- a) Recognition and Documentation Recognition and Documentation of Traditional Knowledge – Databases – Traditional Knowledge Digital Library “TKDL” -AYUSH Systems of Medicines – Biodiversity Register.

Module V: Protection of Genetic Resources

- a) Genetic Resources and Associated TK as Property – Nature of Property in GR and Associated TK – Common Heritage of Mankind – CBD – Permanent Sovereignty
- b) Ownership in GR & TK – Elements of Ownership – Exclusivity and Possession – Nature of Ownership of GR and TK in CBD, Cartagena Protocol and Nagoya Protocol (PIC & BS)
- c) Patent on Genetically Modified Organisms, Patentability of GMOs,
- d) Product of Nature Doctrine, Chakrabarty’s Legacy, Position in Different Countries, US, UK, EC Directives and Position in India

Module VI: Benefit Sharing

- a) Benefit Sharing – Different types of Benefits and Benefit Sharing
- b) Beneficiaries – CBD, Nagoya Protocol and Indian Law- Bilateral vs. Multilateral Benefit Sharing – CBD, Nagoya Protocol and ITPGRFA
- c) Interface between IPR and GR and TK – TRIPS-CBD conflict and proposed solutions

Module VII: Protection of Plant Genetic Resources and Farmers' Right

- a) Plant Genetic Resources- Common Heritage of Mankind-International Understanding of Plant Genetic Resources for Food and Agriculture-UPOV Convention 1961, 1978 &1991 Text
- b) Plant Varieties Protection-Distinctiveness, uniformity, stability and Novelty-Farmer's rights – GM Corps- International Treaty for Plant Genetic Resources for Food and Agriculture 2001 -Benefit Sharing- Mutually Agreed Terms-Prior Informed Consent- Access to Plant Genetic resources.

Recommended Readings

Books:

1. Christoph Belman and Graham Dutfield, Trading in Knowledge: development Perspectives on TRIPS, Trade and Sustainability, Earthscan Publications Ltd. (2003)
2. Patricia Lucia Marin, Providing Protection for Plant Genetic Resources: Patents, Sui Generis Systems and Bio-Partnerships, Kluwer Law International (2001)
3. Timothy M. Swanson (ed), Intellectual Property Rights and Biodiversity Conservation: An Interdisciplinary Analysis of the Values of Medicinal Plants, Cambridge University Press (1995)
4. Dr. N. S .Gopalakrishnan and Benoy K. Kadavan, Study on Test data Protection in India, Eastern Book Company, Lucknow (2005)
5. Christoph Antons (ed.) Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia Pacific Region, Kluwer Max Planck Series, (2009)

Journals/Articles:

1. Navigating Traditional Knowledge And IP – The Adventure of the Yakuanoi, Available at : <https://www.wipo.int/tk/en/tk/yakuanoi.html>
2. Inter- Governmental Committee on Traditional Knowledge, Traditional Cultural Expression and Genetic Resources, Available at: <https://www.wipo.int/tk/en/igc/>
3. Lorie Graham and Stephen Mc John, Indigenous Peoples and Intellectual Property, 19 Wash. U.L.J.L &Pol'y (2005) Pp: 313-338.
4. Bastida-Munoz, MindahiCrescencio& Geraldine A. Patrick, Traditional Knowledge and Intellectual Property Rights- Beyond TRIPS Agreements and Intellectual Property Chapter of FTA's., Journal of International Law Vol 14, No. 2, 2006 (259-290).
5. Sudhir Krishnaswamy, Intellectual Property and India Development Policy, Indian J L and Tech., (2015), Pg. 169.

Further Readings

Books

1. WIPO Reading Material on Intellectual Property, WIPO, Geneva
2. FAO, The State of World's Plant Genetic Resources for Food and Agriculture
3. Convention on Biological Diversity, 1992 and International Treaty on Plant Genetic Resources for food and Agriculture, 2002
4. UNESCO/WIPO Model Provisions for Protection of Folklore/ Cultural Expressions.
5. Documents of Inter Governmental Committee, WIPO on TK & TCE protection, WIPO. Geneva.
6. Daniel F. Robinson Confronting Biopiracy: Challenges, Cases and International Debates, Earthscan, (2010)
6. Jonathan Curci, Protection of Biodiversity and Traditional Knowledge in the International Law of Intellectual Property, Cambridge University Press, (2010)
7. Dutfield and Posey, Beyond Intellectual Property: Toward Traditional Resource Right for Indigenous Peoples and Local Communities, IDRC, (1996)
8. Geoff Tansey and TasmineRojotte (Eds.), The Future Control of Food: A Guide to International Negotiations and Rules on Intellectual Property, Earth Scan, London (2008)
9. Gerald Moore and Witold Timousky, Explanatory Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture, IUCN, Gland, Switzerland and Cambridge, (2005)
10. Graham Dutfield, Intellectual Property Rights, Trade and Biodiversity, Earthscan Publications Ltd, London (2000)

Journals

1. Rebecca Tsosie, An Essay on Cultural Appropriation and Cultural Rights, Arizona State Law Journal Vol -34, No. 1, (2002), pp. 259-358
2. Charles R Mc Manis, Intellectual Property, Genetic Resources and Traditional Knowledge Protection Thinking Globally, Acting Locally (2003), Cardozo Journal of International Comparative Law 547.
3. L. Margulies, Protecting Biodiversity Recognizing International Intellectual Property Rights in Plant Genetic Resources (1993) Michigan Journal of International Law (322-356).
4. Marcus Goffe, Recent Developments in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional knowledge and Folklore, (2011) 1 Queen Mary J. Intell. Prop. Pp. 90-98.

5. Dennis S. Karjala, Sustainability and Intellectual Property Rights in Traditional Knowledge, (2012) 53 Jurimetrics 57.
6. Susan Scafidi, Intellectual Property and Cultural Products (2001) Boston University Law Review Vol. 81, pp. 793-842.

Learning Outcomes:

- Understand the nature, scope and ownership issue of traditional knowledge, traditional cultural expression and genetic resources
- Examine the protection of traditional knowledge and genetic resources at the International and National level.
- Study the impact of Cultural Property on the intangible cultural heritage of the country.

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

HS40802: LAND LAWS OF TAMIL NADU

Objectives of the Course:

Land rights are an integral part of Land Laws, as they socially enforce groups of individuals' rights to own land in concurrence with the land laws of a nation. Land Law addresses the legal mandates set forth by a country in regards to land ownership, while land rights refer to the social acceptance of land ownership. The knowledge about the land laws of Tamil Nadu helps to understand the local laws of the State. This subject is very much helpful for civil side practice.

COURSE OUTLINE

Module– I: Tamil Nadu Estate and Lease Holds Laws:

- a. 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: 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: 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: 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: 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: 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.

Note: All the legislations includes the time to time amendments and rules

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:

1. Students will be able to understand the local laws relating to land
2. They will be able to handle any civil cases relevant to land
3. Will be useful to learn procedure aspect in registration of land, obtaining patta, chittaetc

(c): CRIMINAL LAW AND FORENSIC SCIENCE

HS40803: FORENSIC SCIENCE AND INVESTIGATION

Objectives of the Course:

Forensic science is a versatile and enormously powerful tool in the investigation of a crime. Forensic investigation is vital to the mission of truth seeking, because the forensic evidence does not lie. Forensic investigation provide an overview of the field of forensic investigation whilst highlighting the interrelated principles and procedures of criminal investigation Moreover gathering and examining forensic evidence is the only way to ensure that false information is exposed, and ultimately kept from the gates of justice. The forensic evidence, the forensic investigator, and the forensic examinations are all linked in the service of these objectives. Forensic Science deals with the application of the knowledge and methodology of various disciplines of science to legal matters. It involves the use of multiple disciplines such as physics, chemistry, biology, computer science and engineering for evidence analysis. The role of forensic science in criminal justice and the legal system is highly commendable.

After undergoing the study the student will be able to understand the following:

- *To emphasize the methods of securing, searching and documenting crime scenes.*
- *To emphasize the students the legal importance of chain of custody.*
- *To emphasize the tools and techniques for analysis of different types of crime scene evidence.*
- *To emphasize the importance of forensic investigation in crime detection.*

COURSE OUTLINE

Module I: Forensic Science and its Development

- a) Crime- Criminal Investigation- forensic science-concepts-Scientific Criminal Investigation- - Need and Scope of Forensic Science
- b) Basic Principles of Forensic Science- Branches of Forensic Science- Forensic Science in International Perspectives- Constitutional validity of forensic investigation- Quality of Forensic Science in Criminal Investigation
- c) Law of Forensic Science -Validity and Admissibility of Scientific Evidence- Forensic investigation in Criminal Trials- Problem of Proof.
- d) Tools of Forensic Science- Forensic Science Laboratories- Chemical Examiners Laboratories-Document Examiners- Finger Print Bureau- Department of Explosives-Serologist to the Government of India- Mobile Laboratories- CID Scientific Sections- Computer Divisions
- e) Medico- Legal Institutes- Consultancies- National Crime Record Bureau- Central Forensic Science Laboratory- State Forensic Science Laboratories, Police & Detective Training Schools, Police Academies- Police dogs- Services of Crime Laboratories.

Module II: Crime Scene Examination

- a) Crime Investigation- Crime Scene- Its importance in Criminal Investigation- Collection of Sample or Materials
- b) Physical evidence- Classification of physical evidence- Types of physical evidences- Sources of physical evidence
- c) Signification and value of physical evidence- Linkage between Crime Scene, Victim and Criminal-
- d) Evaluation-Investigators Role- Surveillance- Sketching- Photography
- e) Crime Detection Devices- Crime Scene Documentation.

Module III: Forensic Analysis of Sample - Techno Analysis of Crimes

- a) DNA profiling- Finger prints-Tool Marks- Firearms- -Disputed Document- Narcotics- Alcohol
- b) Explosives- Voice Identification- Forensic Psychology
- c) Narco analysis- Evidentiary value of Narco analysis- Brain Mapping- Polygraph Analysis.
- d) Digital and Electronic forensic Investigation-Software Piracy- Spectrographic Forensic Identification- Artificial Intelligence
- e) IRIS and *fingerprint biometric* authentication - CCTV footage- Forensic Audio and Video Analysis.

Module IV: Forensic Medico Investigation

- a) Identification of Individual- Forensic Psychology- Interrogation
- b) Death Investigation- Causes of death- Determination of time since death- Medico-legal aspects of death
- c) Types and classification of injuries.
- d) Ante mortem and Post mortem injuries- Aging of injuries- Investigation of sexual offences –Toxic death
- e) Medico-Legal Aspects in the Admissibility of Scientific Evidence

Module V: Expert Testimony

- a) Expert- Role and Qualifications of Forensic Scientists- Code of conduct for Forensic Scientists
- b) Ethical issue in Forensic Science- Professional standards for practice of Criminalities-
- c) Sanction against Expert for Unethical Conduct- Value of Forensic Expert
- d) Forensic Expert and Ordinary Expert Difference- Admissibility of Expert Opinion
- e) Direct Evidence vs Circumstantial Evidence- Limits of Scientific influence.

Module VI: Relevancy, Admissibility and Probative Efficacy

- a) Principles of Relevancy and Admissibility
- b) Standard for Relevancy and Admissibility
- c) Reliability and probative efficacy
- d) Corroboration in admitting forensic evidence- Judicial Approach
- e) Comparative Analysis.

Recommended Readings:

Books:

1. A Textbook of Medical Jurisprudence and Toxicology, Modi 26th Edition 2018, Lexis Nexis
2. Forensic Science in Criminal Investigation and Trials, B R Sharma 6th Edition 2020, Lexis Nexis
3. Techniques of Crime Scene Investigation, [Barry A. J. Fisher](#), [David R. Fisher](#), 8th Edition, The CRC Press, Available on Taylor & Francis eBooks
4. Crime Scene Forensics, A Scientific Method Approach, Robert C Shaler, 1st Edition, The CRC Press, Available on Taylor & Francis eBooks.
5. Principles and Practice of Criminalistics, The Profession of Forensic Science, [Keith Inman](#), [Norah Rudin](#), 1st Edition, The CRC Press, Available on Taylor & Francis eBooks.

Journals/ Journal Articles:

1. *Lindquist, C. (1991). Forensic Science Education and the Role of the Forensic Science Educator. Proceedings of the Taipei Symposium on Forensic Sciences (Vol. Liu and Chen (edn.), pp. 79-85)*
2. *Lindquist (1994). Criminalistics in the Curriculum: Some Views From the Forensic Science Community. Journal of Criminal justice Education (Vol. 5, pp. 59-68)*
3. *Lindquist (1995). Criminalistics Education and the Role of the Criminalistics Educator. Forensic Science Review (Vol. 7, pp. 61-75)*
4. *Margot P., (2011). Forensic Science on Trial-What Is the Law of the Land? Australia J. Forensic sci. (Vol. 43, pp. 89, 92)*
5. *Tilstone, W. (1991). Education, Training, and Assessment in Forensic Science. Journal of the Forensic Science Society (Vol.31, pp. 95-100)*

Further Readings:

Books:

1. J. M. Butler, *Forensic DNA Typing: Biology, Technology, and Genetics of STR Markers*(London: Academic Press, 2005).
2. M. H. Houck and J. A. Siegel, *Fundamentals of Forensic Science* (Boston: Academic Press, 2006).
3. Cook, T., Hibbitt, S. & Hill, M. *Blackstone's crime investigators' handbook*. (Oxford University Press, 2016).
4. W. Goodwin, A. Linacre, and S. Hadi, *An Introduction to Forensic Genetics* (Chichester: Wiley, 2007).
5. Bell, J. Swenson-Wright, and K. Tybjerg (eds.), *Evidence* (Cambridge: Cambridge University Press, 2008).
6. R. Williams and P. Johnson, *Genetic Policing: The Use of DNA in Criminal Investigations* (Cullompton: Willan, 2008).
7. National Research Council, *Strengthening Forensic Science in the United States: A Path Forward* (Washington, DC: National Academies Press, 2009).
8. *Criminalistics, Introduction to Forensic Science* , Richard Saferstein, Prentice Hall College Div; 8 Edition
9. *Forensic Science Education and Training: A Tool-kit for Lecturers and Practitioner Trainers*, Editor(s): Anna Williams John P. Cassella Peter D. Maskell, 2017 John Wiley & Sons, Ltd.
10. *Forensic Science: Fundamentals & Investigations Hardcover* , Patricia Bertino, Cengage Learning Custom Publishing; 2nd Edition , 2015

Journal/ Journal Articles:

1. Giannelli, P. (1997). *The Abuse of Scientific Evidence in Criminal Cases: The Need for Independent Crime Laboratories*. *Virginia Journal of Social Policy and the Law* (vol. 4, pp. 439-478)
2. Grover, N.(2014). *Development of Forensic Science and Criminal Prosecution – India*. *International Journal of Scientific and Research Publications* (Vol. 4, Issue 12).
3. Julian R. and Kelty S. (2012). *Forensic Science and Justice: From Crime Scene to Court and Beyond*. *Current issues in Criminal Justice* (Vol. 24 No. 1, July)
4. Klinker M. (2009). *Forensic science expertise for international criminal proceedings: an old problem, a new context and a pragmatic resolution*. *The International Journal of Evidence & Proof* (Vol.13, Pg.102-129).
5. Lappas, N. (1978). *Forensic Science Laboratories in the United States: A Survey*. *Journal of Forensic Science Society* (Vol. 18, pp. 171-80)
6. Lambert E., Nerbonne T., Watson P.L., Buss J., Clarke A., Hogan N., Barton S., Lambert J. (2003). *The forensic science needs of law enforcement applicants and recruits: a survey of Michigan law enforcement agencies*. *Journal of Criminal Justice Education* (Vol. 14 No. 1, Spring).

7. Giannelli, P. (1997). The Abuse of Scientific Evidence in Criminal Cases: The Need for Independent Crime Laboratories. *Virginia Journal of Social Policy and the Law* (vol. 4, pp. 439-478)
8. Grover, N.(2014). Development of Forensic Science and Criminal Prosecution – India. *International Journal of Scientific and Research Publications* (Vol. 4, Issue 12).
9. Julian R. and Kelty S. (2012). Forensic Science and Justice: From Crime Scene to Court and Beyond. *Current issues in Criminal Justice* (Vol. 24 No. 1, July)
10. Klinker M. (2009). Forensic science expertise for international criminal proceedings: an old problem, a new context and a pragmatic resolution. *The International Journal of Evidence & Proof* (Vol.13, Pg.102-129).

Cases for Guidance:

1. Sushil Sharma vs. The State (Delhi Administration)1996 CriLJ 3944
2. Marachalil Chandra Tukaram Talekar vs. State of Gujarat, 1980 Cri.L.J.5 (Guj.)
3. The State of U.P. Through the C.B.I. vs. Rajesh Talwar & Another Sessions Trial No. 477 of 2012) (**Aarushi Talwar murder case**)
4. Manu Sharma vs. State (NCT of Delhi), (2010) 6 SCC 1 (**Jessica Lal murder Case**)
5. *Selvi&Ors vs. State of Karnataka &Anr*AIR 2010 SC 1974.
6. Alavandar murder case (<https://tvaraj.com/tag/alavandar-murder-case/>)
7. Surendra Koli vs State Of U.P. Ors on 15 February, 2011
8. Santokben Sharmanbhai Jadeja vs State Of Gujarat on 13 August, 2007." 13 Aug. 2007, <https://indiankanoon.org/doc/1561319/>.
9. State by the Inspector of Police vs. Manoharan, 2015 Cri. LJ 1215 : MANU/TN/0496/2014
10. Enamul Haque vs. State of West Bengal, CRM 17348 of 2010 & AST 1114 of 2010
11. Inspector of Police vs. John David (2011) 5 SCC 509
12. State of NCT Delhi vs. Sujeet Kumar, 2014 SCC Online Del 1952
13. *The State of Bombay vs. KathiKaluOghad& Others*, AIR 1961 SC 1808, 1962 SCR (3) 10.
14. **Pratim Alias Peter Mukherjea vs Union Of India And Anr on 19 January, 2018 (Sheena Bora murder case)**
15. Sr. Sephy vs Union Of India 1 January, 2009 (Sister Abhaya murder case)

Learning Outcomes:

After completion of the course students will be able to-

- *Identify and analyse a situation as constituting a crime, incident or transgression in order to determine the resources that must be activated and the procedures that must be followed.*
- *Differentiate the applied forensic methods used to evaluate various types of evidence.*
- *To disseminate information on the advancements in the field of forensic science.*
- *Evaluate the limitations of forensic techniques and interpretations. Define and recognize the techniques of crime scene searches, courtroom demeanor, and criminal investigation related to child abuse and sexual assault situations.*

(d): INDUSTRIAL AND COMMERCIAL LAW

HS40804: SERVICE LAW

Objectives of the Course

“Government service is not a contract. It is a status”. Laws related to Public service in India are governed by the Constitution. One of the basic features of Indian Constitution is the separation of powers, i.e., the presence of three distinct pillars of state – Legislature, Executive and Judiciary. The Constitution conceived and provided for Civil Services like the All India Services and Central Civil Services which form an integral part of the Executive’s machinery at the central and state level. Labour laws governing civil services are quite distinct from general labour laws. The service conditions of the government servants are regulated by the Constitution of India.

This course has been designed to:

1. Trace the historical evolution of laws to govern civil services, both in ancient kingdoms and in the modern world;
2. Analyse the concept of public service laws as they are enshrined in the Indian constitution;
3. Introduce the student to fundamental concepts in public service laws; and
4. Examine the laws governing civil services and the impact of factors as diverse as judicial review and globalisation.

The syllabus has been prepared with these objectives and consists of 5 modules.

COURSE OUTLINE

MODULE I – HISTORICAL BACKGROUND OF CIVIL SERVICES LAW

(1) Origin and Concept.

- a) Meritocracy v. Aristocracy .
- b) Religious connotations of Administration.
- c) Governance in Ancient India.
- d) Concept of Dharma and Duty.
- e) Arthashastra – Kautilya’s ‘Amatyas’.
- f) Centralised Administration of Mughals.

- g) Early centuries of Arab rule and Governance.

(2) Evolution of Modern Service Law

- a) British Civil Service.
- b) Spoils system.
- c) Max Weber's Analysis on Public servants.
- d) Organized Sector.
- e) Covenanted Civil Service.
- f) Regulating Act of 1773 - Pitt's India Act 1784 - Aitchison Commission - Lee Commission - Government of India Act 1935.
- g) Civil Services in Independent India.
- h) Modernising Civil Services in India.
- i) A.D. Gorwala Report on Public Administration (1951).

MODULE II – PUBLIC SERVICE AND THE CONSTITUTION

- a) Public employment and Constitutional Safeguards.
- b) Fundamental Rights of Civil Servants.
- c) Service conditions in Constitution.
- d) Recruitment to Retirement.
- e) Doctrine of Pleasure and Safeguards.
- f) All India Service – State Civil Services – Union Public Service Commission – State Public Service Commission

MODULE III – FUNDAMENTAL ASPECTS OF SERVICE

- a) Pleasure Relates to Tenure and Not to Other Conditions of Service – Exceptions.
- b) Security of Tenure in Public Interest.
- c) Arbitrariness in State Action Violates Equality.
- d) Other Fundamental Rights to Service.
- e) Extent of Positive Discrimination.
- f) Nature of Relationship Between State and its Servants.

MODULE IV – LAWS RELATING TO CIVIL SERVANTS

1. Laws Related to Administrative Services

- a) Service Law – Classification, Recruitment and Training in AIS and CCS.

- b) Division of Cadre and Management.
- c) Disciplinary Proceedings.
- d) Rules – Agencies – AIS Rules – CCS (CCA) Rules.
- e) Lateral Entry Scheme in Civil Services – Advantages and Challenges.
- f) Kothari Committee Report on Recruitment and Selection Methods.

2. Laws Related to Judicial Services

- a) Officers and Servants of Supreme and High Courts – Subordinate Judiciary – Collegium – Service conditions in Constitution.
- b) Supreme and High Court Rules
- c) All India Judicial Services – Avenues and Challenges – Constitutional Implication.
- d) Reforms in Judicial Service

MODULE V – JUDICIAL APPROACH TO CIVIL SERVICES AND IMPACT OF GLOBALIZATION ON BUREAUCRACY

1. Judicial Review in Service Matters

- a) Judicial Review.
- b) Service Tribunals – Central Administrative Tribunal – State Administrative Tribunal – Quasi Judicial tribunals.
- c) Powers and Functions Appeal Provision.
- d) Scope of Writs in Service Matters.

2. Impact of Globalization on Indian Administration

- a) Entrepreneurial Government.
- b) Changing Role of Bureaucracy.
- c) Reinventing the Government.
- d) Civil Service Reforms in India.
- e) Hota Committee Report on Civil Service Reforms.
- f) Good Governance – Public Accountability.
- g) Empowering Citizens – Capacity Building Initiatives.

RECOMMENDED READING

1. M.R. Mallick, *Service Law in India* (Eastern Law House, 2000).

2. N. Narayanan Nair, *The Civil Servant under the Law and the Constitution of India*, Academy of Legal Publications (Academy of Legal Publications, 2006)
3. Sunil Chhabra, *Administrative Tribunals* (Deep and Deep Publications, 1990).
4. Kamlesh Goyal, "Indian Administration in the Age of Globalization: An Analysis of Transformation from Governance to E-Governance", (IJRECT 2016), available at: <http://ijrect.com/issues/vol3issue4/kamlesh.pdf>.
5. Narender Kumar, "Law Relating to Government Servants and Management of Disciplinary proceedings (Service Law)" (Allahabad Law Agency, 2018)

Journals:

- 1) Rameshwar Dial, "Civil Servants under the Constitution", 2 JILI 481-508 (1960).
- 2) Om Prakash Motiwal, "Right of Equal Opportunity of Civil Servants", 11 JILI 328-343 (1969).
- 3) O.P.Motiwal, "Development of Legal Rights of Civil Servants in India", 17 JILI 437-445 (1975).
- 4) Sindhu Thulaseedharan, "Right to Public Services in India – A New Legal Scenario", 55 JILI 59-72 (2013).
- 5) P.Leelakrishnan, "Reviewing Decisions of Administrative Tribunal: Paternalistic Approach of the Indian Supreme Court and the need for Institutional reforms", 54 JILI 1-26 (2012).

FURTHER READING

Reference Books:

1. Brinda and Sanjeev Muthuswamy, *Swamy's Compilation of CCS (CCA) Rules* (Swamy Publishers (P) Ltd., 2016).
2. Brinda and Sanjeev Muthuswamy, *Swamy's Compilation on Central Administrative Tribunal (Act, Rules and Orders)* (Swamy Publishers (P) Ltd., 2016).
3. S.R. Maheshwari, *Evolution of Indian Administration* (Lakshmi Narain Aggarwal, Agra 1970).
4. P.N. Mathur, *The Civil Service of India (1731-1894)* (D.K. Publishers: New Delhi, 1977).
5. B.B Misra, *The Bureaucracy in India – An Historical Analysis of Development up to 1947* (Oxford University Press: New Delhi, 1977).

6. B.B. Misra, *The Administrative History of India (1834-1947) - General Administration*, (Oxford University Press: New Delhi, 1970).
7. L.S.S. O'Malley, *The Indian Civil Service 1601-1930* (Frank Case & Co. Ltd: London 1965).
8. B.N. Puri, *Some Aspects of the Evolution of Indian Administration* (IIPA: New Delhi, 1980).
9. Chandra Singh, *The Civil Services in India (1858-1947) – A Historical Study* (Atmaram& Sons Delhi (1989).

Articles:

- 1) C.Basavaraju, “Reservation under the Constitution of India: Issues and Perspectives”, 51 JILI 267-274 (2009).
- 2) PP.Rao and Ananth Padmanabhan, “Legislative Circumvention of Judicial Restrictions on Reservations: Political Implications”, NLSIR 53-68 (2013).
- 3) P.Kalpam, “Dispensing with Departmental Enquiry”, 28 JILI 246-248 (1986).
- 4) A.M.Sarma, “Domestic Enquiry”, 20 JILI 122-132 (1978).
- 5) V.KrishnaMurty, “Mr.Justice Gajendra Gadkar and the Law of Civil Servants”, 8 JILI 627-636 (1966).
- 6) S.N.Jain, “Validity of Retrospective Delegated Legislation- the Court develops a new principle”, 23 JILI 102-104 (1981).
- 7) K.C.Joshi, “Service Tribunals under Administrative Tribunals Act”, 28 JILI 207-212 (1986).
- 8) Mohammed Imam, “Power to initiate and conduct disciplinary proceedings: (A Comment on State of M.P. V. Shardul Singh)”, 12 JILI 170-176 (1970)

Cases for Guidance:

1. Dunn v. R, (1896) 1 QB 116
2. Mahesh v. State of U.P., AIR 1955 SC 70
3. Khem Chand v. Union of India, AIR 1958 SC 300
4. Union of India v. Tulsiram Patel, AIR 1985 SC 1416
5. Parshottam Lal Dhingra v. Union of India, AIR 1958 SC 36
6. State of Gujarat v. Umedhbai M. Patel, AIR 2001 SC 1109

7. *Jatinder Kumar v. State of Punjab*, (1985) 1 SCC 122
8. *Bihar Public Service Commission v. S.J. Thakur*, AIR 1994 SC 2466
9. *R.T. Rangachari v. Secretary of State*, AIR 1937 PC 27
10. *L. Chandra Kumar v. Union of India*, AIR 1997 SC 1125
11. *S.P. Sampath Kumar v. Union of India*, 1987 SCR (3) 233
12. *P. Balkotiah v. Union of India*, AIR 1958 SC 232
13. *K. Rajendran v. State of Tamil Nadu*, AIR 1982 SC 1107

Learning Outcome:

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

1. Understand the origin and development of services law and appreciate its current position in the appropriate historical context;
2. Appreciate the Constitutional provision governing services law;
3. Discern and comprehend key concepts in laws governing public services; and
4. Critically examine laws and judicial precedents governing services laws.

HCC0802: ALTERNATIVE DISPUTE RESOLUTION MECHANISM

(CLINICAL COURSE II)

Objectives of the Course:

Alternative Dispute Resolution, commonly known as ADR, refers to dispute resolution mechanisms outside the realm of traditional judicial processes. The objective of this paper is to acquaint students with various modes of ADR. ADR mechanism is less bound by procedural formalities and speedy in giving results. For this reason, ADR is appreciated by many countries around the world.

This course has been designed to:

- 1. Give students insightful knowledge about this emerging area.*
- 2. Help the students to understand practically the various methods of resolving disputes under ADR system, so that they can help their clients and society to select and employ the most effective and just methods.*
- 3. They get the ability to resolve disputes in a timely manner viscerates public and private rights obligations.*
- 4. To overcome this drastic situation ADR is highly recommended and accepted.*

COURSE OUTLINE

Module I: Alternative Dispute Mechanism

- 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

Module II: Arbitration Agreement and Procedure

- 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

Module III: International Commercial Arbitration

- Geneva Convention on Enforcement of Foreign Arbitral Awards
- New York Convention on Enforcement of Foreign Arbitral Award
- New Delhi International Arbitration Centre Ordinance Role of Courts in Arbitration

Module IV: Negotiations and Conciliations

- a) Meaning, features, theories and types of Negotiations and Conciliations
- b) Appointment, Role and qualities of Negotiator and Conciliator
- c) Process of Negotiations and Conciliations.

Module V: Mediation and Procedure

- a) Meaning, Definition, theories and techniques of mediation, Court-annexed mediation
- b) Mediation process - Skills of a mediator Institutionalized mediation - Specialization sectors for mediation practice in India and Globally Models
- c) Drafting in Mediation – International
- d) Mediation and Singapore Convention

Module VI: Contemporary Trends

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

Marks Allocation	
Case Study in Arbitration Centre Marks (Practical / Simulation Exercise –Three Exercise 10 Marks each)	30
Test internal Marks	10
Visit to centres of Arbitration	10
Total	50 Marks

Student shall maintain a Record through the semester. The record will be assessed by the teacher and record shall contain the following drafts:

a) Case Study in Arbitration Centre-Practical/ Simulation Exercise:

- A domestic Arbitration agreement after a commercial dispute has arisen between the parties.
- An Arbitration clause in an international contract (having one Indian Company as a party) for referring matter to institutional arbitration of an institution situated outside India.
- A request by one party to other party requesting that their commercial dispute be referred to Arbitration.
- A letter requesting an arbitrator to act as Arbitrator in a case after dispute have arisen. Assume that the contract has an arbitrator clause with reference to one Arbitrator.
- An application to the appropriate court to appoint an arbitrator when parties have failed in their attempt to appoint one according to the arbitration agreement.

- An application to the court seeking interim injunction or appointment of receiver before the arbitral proceedings have begun.
- An interpretation among rules of various other regional or International Arbitration centres can be given.
- An application to the court for setting aside an award

b) Case study Practical/ Simulation Exercise:

- Drafting the Statement of Problems
- A request by one party to other party requesting that their commercial dispute be referred to Arbitrators
- Identification of both the party's problems
- Bargaining, and finally settlement
- An application to the court for setting aside the settlement
- An application to the appropriate court to appoint Arbitrator when parties have failed in their attempt to appoint one according to the agreement.
- An application to the court seeking interim injunction or appointment of receiver before the Arbitration have begun
- An interpretation among rules of various Institutional Arbitrations at the regional or International Arbitration centres.
- An application for enforcement of a settlement or arbitration awards

c) Visit to centers of Arbitration: Students shall visit, Arbitration office as observers, Follow the cases, study the Arbitration proceedings and submit a report of the visit to the teacher/faculty.

Recommended Readings:

Books:

1. Madhusudan Saharay, Text Book on Arbitration & Conciliation with Alternative
2. Dispute Resolution, 4th ed., Universal Law Publishing 2017.
3. N. V. Paranjpe, Law Relating to Arbitration and Conciliation in India, 7th ed., Central Law Agency, 2016.
4. Avtar Singh, Law of Arbitration and Conciliation, 10th ed., Lucknow 2013
5. 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.

FIFTH YEAR

IX-SEMESTER

HLC0920: CODE OF CIVIL PROCEDURE

Objectives of the Course:

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

The objective of the study of this subject is to provide the Students

- i. 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.*
- ii. To equip the students with various stages through which a civil cases passes in the court till its final order.*
- iii. To emphasizes on the electronic method of filing the civil suits including the e-vakalatnama.*
- iv. To comprehend the difficult nuances that revolves around civil suits in our country.*
- v. To understand the computation of limitation period for the Institution of suit, appeal and applications along with Exclusion.*

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

Further Readings:

- 1) Dinshaw Fardausi Mulla, Mulla's Code of Civil Procedure (3 Vols) Lexis Nexis (19th Edition)
- 2) Sudipto Sarkar & V.R. Manohar, Sarkar's Code of Civil Procedure (2 Vols), Lexis Nexis (12th Edition 2017)
- 3) C.K. Takwani, Code of Civil Procedure, Eastern Book Company (8th 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 (3rd 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-4f84-89f6-8add782f069>

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
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
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 ArulmighuArunachaleswara Devasthanam Thiruvannamalai and Ors And A.N. Kumar vs ArulmighuArunachaleswara 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. Chinnsamy 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.

HLC0921: LAW OF CRIMES -II

CODE OF CRIMINAL PROCEDURE 1973 (Including Juvenile Justice Act and The Probation of Offenders Act)

Objectives of the Course:

This 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 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. Vikramadhitya 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. IshaKansal 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.

HLA0905: BANKING LAW

Objectives of the Course:

Banking Institutions have become important players in the present day economy. They play pivotal role in the growth of trade, commerce and industry. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions in to agents of social change. Appreciating the importance, the Government has enacted several enactments to direct, regulate and control the banks and banking operations, through Reserve Bank of India and Ministry of Finance. The course is designed to primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students in statutory as well as well as case – law in this area.

After undergoing the study of this subject the student should be able to understand the following;

- 1. The basic concepts related to banks in India and its related terminologies*
- 2. The nature and evolution of banking in India and also the types of banking in India*
- 3. The procedural aspects and the way of performance of banking sector in India*
- 4. The meaning, nature and various issues pertaining to Negotiable Instruments Act*
- 5. The changing dimensions of Banker customer relationship*
- 6. The recent changes in the Banking sector after globalization.*

COURSE OUTLINE

Module I – Introduction to 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 .

Module II – Nature and evolution of Banking

- 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

- c) Nationalizations of Major Banks.
- d) RBI's control over Commercial Banks – Special status of RBI and State Bank of India.
- e) Subsidiary Banks

Module III- Procedural aspects in banking sector

- 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.
- e) Banking Ombudsman.
- f) Debt Recovery Tribunal – The Sick Industrial Companies (Special Provisions) Act, 1985 - SARFAESI Act – Insolvency and Bankruptcy Code, 2016

Module IV- Negotiable Instruments

- 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, Letteres 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.

Module V– Relationship between Banker and Customer & Statutory Rights of a Banker

- 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.

Module VI– Modern Banking and Globalization of Banking Sector

- 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. Tannan- Law of Banking.
2. M. S. Parthasarathy (Ed.), Khergamvala - Negotiable Instruments Act.
3. Justice Bhaghabati Prasad Banerjee- Guide to Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
4. Avtar Singh – Negotiable Instruments Act.
5. Basu - Review of Current Banking: Theory and Practice. Paget- Law of Banking.

Journals with Articles :

1. Ankieth Vasisht, "Fundamental Principles of Cheque under the Banking Legislation", <http://lawtimesjournal.in/fundamental-principles-of-cheque-under-the-banking-legislation/>
2. ICSI, "Banking Law and Practice", <https://www.icsi.edu/media/webmodules/publications/9.1%20Banking%20Law%20Professional.pdf>
3. Law Times Journal, "Objectives and Organizational Structure of RBI", <http://lawtimesjournal.in/objectives-and-organizational-structure-of-reserve-bank-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 SoumitraLahiri, 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. Harward Business Review on Corporate Governance.
10. Journal of Computer and Internet Security

Cases for Guidance:

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

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)

Learning Out Comes:

After undergoing this course you will be able to :

1. *Understand the banking system and their regulations.*
2. *Compare the different nature of regulations for different types of banks and also analyse their needs and values.*
3. *Appreciate the law relating to negotiable instruments and also understand the various judicial and legislative perspectives.*
4. *Understand the different aspects of Banker customer relationship.*
5. *Ascertain the various issues and challenges pertaining to Modern Banking and related technology*

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

**HS50901: PRIVATE INTERNATIONAL LAW
(CONFLICT OF LAWS)**

Objectives of the Course:

Private International Law (or) Conflict of Laws comes into play whenever a court or tribunal is faced with a case that contains a “foreign” element and adjudicates the following queries: (i) which court will have jurisdiction to decide the case? (ii) Which law will apply? (iii) How far it recognizes and enforces foreign judgments? (iv) At what extent, a company structures its cross border transactions? (v) With the strong social / cultural dimension, to what extent the States can regulate matters beyond their own borders? The subject gives students the opportunity to grapple with contemporary legal debates and issues in conflict of laws.

COURSE OUTLINE

Module – I: Genesis of Private International Law

- (a) Introduction – Nature and Scope – Relationship between International Commercial Law, Public International Law and Private International Law – Foreign Element – Operating areas – Extra Territorial Jurisdiction
- (b) Theories of Private International Law – Codification of Private International Law – Hague Conventions – UNCITRAL – International Institute for the Unification of Private Law (UNIDROIT)
- (c) Indian Scenario: Unitary and Federal features – Heterogeneous Society and Personal Laws – Conflicts in Personal Laws – Application of Customs and Usages – Expanding horizons of Private International Law.

Module – II: Choice of Law and its Jurisdiction, Characterisation and Renvoi

- (a) Choice of Law: Traditional and Modern Approaches – Substantial and Procedural aspects – Parties autonomy and their limitations
- (b) Jurisdiction of the Courts – Inherent Powers of the Court – Brussels Convention, Lugano Convention - Characterisation: Clearly inappropriate test, clearly appropriate test and traditional test
- (c) Doctrine of Renvoi and its kinds – Limitations.

Module – III: Conflict of Laws relating to Persons:

- (a) Residence: Domicile and its Nature and Status – *lexdomicilii*, *lexfori*, *lex patriae* – Concept of Domicile in India – Kinds of Domicile: Origin, Choice and Dependence
- (b) Citizenship –Vs– Nationality –Vs– Habitual Residence
- (c) Corporate Personality – Nature and its conflicting rules

Module – IV: Conflict of Laws relating to Family:

- (a) Personal laws - Marriage – Formalities - Validity of Marriage – *lex loci celebrationis* and *lexregitactum* – Polygamous marriages – Matrimonial Home
- (b) Conflict in Matrimonial regime: Divorces, Separations and Annulments – Matrimonial Causes and Alimony – Custody of Children – Child care, Child abduction and Child Adoption – Succession – Overview of “The Foreign Marriage Act, 1969”
- (c) Public Policy and Contemporary issues related to Surrogacy, NRI and LGBT.

Module – V: Conflict of Laws related to Contracts and Torts (Action in Personam)

- (a) Proper Law of Contract – Capacity to Contract – *lexdomicilii*, *lex loci contractus*, *lexfori* – Rome Convention – Domestic and International Prorogation – Party Reference and Incorporation – Application of Proper Law – Choice of Law, Party Autonomy, Public Policy – E-Contracts.
- (b) Law of Tort – Traditional and Modern Approach – Rome Convention – *lexfori*, *lex loci delicti commissi*
- (c) Proper law of tort and social environment – Tortious liability with respect to Drugs, Environment, Transport and Satellite Communication – Exceptions and Limitation.

Module – VI: Conflict of Laws related to Property

- (a) *Lex situs* principle and Property – Classification of Property – Movable and Immovable
- (b) Choice of law and Indian scenario – *lexfori* and *lexsolutionis* – Government Seizure of Property
- (c) Transfer of Tangible and Intangible Property – Wills and Intestacy — Administration of Estates and Trusts – Insolvency and Restitution – Right of Succession.

Module – VII: Conflict of laws related to Procedure and Evidence

- (a) Proof of Foreign Law – Substance and Procedure – Parties and service of process – Evidence – remedy
- (b) Sovereign and Diplomatic Immunity: Foreign State and Foreign Diplomat – Recognition and Enforcement of Foreign Judgements, Decrees, Arbitral Awards and its reciprocity
- (c) Conflicting rules related to Cyber Space and Intellectual Property Rights: Issues and remedies – Indian Scenario.

Recommended Readings:

Books

1. Cheshire and North, “Private International Law”, 2017, 15th Edition, Oxford
2. Clarkson and Hill’s “Conflict of Laws”, 2016, Oxford.
3. Dicey, Morris & Collins, “The Conflict of Laws”, 2107, 15th Edition, Sweet and Maxwell.
4. F.E. Noronha, “Private International Law in India”, 2015, Universal Law Publishing.
5. Paras Diwan, “Private International Law”, 4th Edition, 1998, Deep & Deep Publishing.

FURTHER READINGS:

1. G.P. Tripathi, "Conflict of Laws", 2015, 1st Edition, Allahabad Law Agency.
2. V.C. Govindaraj, "The Conflict of Laws in India: Inter-Territorial and Inter-Personal Conflict", 2011, Oxford.
3. Mukarrum Ahmed, "The Nature and Enforcement of Choice of Court Agreements", 2017, Hart Publishing.
4. Alex Mills, "Party Autonomy in Private International Law", 2018, Cambridge.
5. Peter Hay, "Advanced Introduction to Private International Law and Procedure", 2018, Edward Elgar Publishing.
6. Adrian Briggs, "Agreements on Jurisdiction and Choice of Law", 2008, Oxford.
7. Maria Kaurakova, "Private International Law of Corporations", 2017, Spiramus Press.

E-JOURNALS with ARTICLES and WEBSITE sources

1. Hessel E. Yntema, "The Objectives of Private International Law" @ 35 Can.B.Rev.721(1957)
2. Joseph M. Cormack, "Renvoi, Characterisation, Localisation and Preliminary Questions in the Conflict of Laws: A Study of Problems involved in determining whether or not the Forum should follow its own Choice of a Conflict of Law Principle", 14 Southern California Law Review, 1940, pp.221-275 @ <http://scholarship.law.wm.edu/facpubs/1490>
3. Ralf Michaels & Joost Pauwelyn, "Conflict of Norms or Conflict of Laws?: Different Techniques in the Fragmentation of Public International Law", 22 Duke Journal of Comparative and International Law 349 (2011-2012).
4. John Robb, "Personhood and Status of Legal Persons in Private International Law", Journal of Private International Law, 2019, Volume 15, Issue 2, Taylor and Francis Group @ <https://doi.org/10.1080/17441048.2019.1645974>.
5. Matthias Lehmann, "Regulation, Global Governance and Private International Law: Squaring the Triangle", Journal of Private International Law, 2020 Volume 16, Issue 1, @ <https://doi.org/10.1080/17441048.2020.1744255>.
6. Sharon Shakargy, "Choice of Law for Surrogacy Agreements: In the in-between of Status and Contract", Journal of Private International Law, 2020, Volume 16, Issue 1, @ <https://doi.org/10.1080/17441048.2020.1741121>.
7. Jack Goldsmith, "Sovereign Difference and Sovereign Deference on the Internet", The Yale Law Journal, 2019, Volume 128 @ <https://www.yalelawjournal.org/forum>.
8. William S. Dodge, "Extraterritoriality and Conflict of Laws Theory: An Argument for Judicial Unilateralism", Harvard International Law Journal, 1998, Volume 39, p.101 @ <https://heinonline.org/HOL/LandingPage?handle=hein.journals/hilj39&div=7&id=&page=>
9. Friedrich K. Juenger, "Conflict of Laws: A Critique of Interest Analysis", American Journal of Comparative Law, 1984, Volume 32, No.1, pp.50, Oxford University Press
10. Donald Earl Childress III, "Comity as Conflict: Resituating International Comity as Conflict of Laws" @ 44 U.C. Davis Law Review 11 (2010-2011)

Learning Outcomes:

After completing these modules successfully, the students are able –

1. To demonstrate the conceptual necessity, contextual inevitability and the legal adaptability of trans-national transactions.

2. To critically appraise the compelling influence of different personal factors over beyond the boundaries transactions.
3. To know the worn-out deliberation on the most crucial aspect affecting the frontier activities.
4. To discuss the desirability and effectiveness of sovereign immunity and impact of foreign judgments.
5. To analyse and comprehend the complex issues arising out of trans-national matrimonial relationships; horizons of contract, tort, and property beyond domestic frontiers.
6. To demonstrate knowledge of a substantial range of major concepts, values, principles and rules of conflict of laws and explain the relationship between them in specified areas.
7. To discover the substantive and procedural aspects of litigation at the global levels.

(B): CONSTITUTIONAL LAW AND PROPERTY LAW

HS50902: LEGAL PROCESS AND LOCAL GOVERNANCE

Objectives of the course:

Constitution of India empowers the State to take steps to organise village Panchayats and endow the powers/authorities so as to enable them to function as units of self-government. In order to realise the objectives of Gram Swaraj, the idea cherished by Mahatma Gandhi, Constitutional Amendment has been passed to ensure democratic functioning at the grass root level and gave Constitutional Status to the Panchayat Raj. Students will be benefitted from deeper understanding of the subject on democratic decentralization.

After undergoing the study of this course the student should be able to understand the following:

1. Able to Understand the historical development and growth of Panchayat Raj in India.
2. Identify the Constitutional scheme for setting up of Panchayat Raj Institutions in various levels.
3. Able to analyse the modern dimensions with the role of various stakeholders.

COURSE OUTLINE:

Module I: Introduction and Historical Development

- a) Meaning and genesis of democratic decentralization.
- b) History, growth and development of Panchayat Raj in India.
- c) Lord Rippon's resolution, Royal Commission, Balwant Rai Mehta Committee Report, Ashok Mehta Committee Report.
- d) Gram *Swaraj*- Gandhian concept- Community Development Programme- Administrative framework.

Module II: Constitutional Scheme

- a) Federalism in India and Local Self Government.
- b) Directive Principles of State Policy- Art. 40.
- c) 73rd and 74th Constitutional Amendment, Schedules XI and XII of the Constitution.
- d) Second Administrative Reforms Commission, Sarkaria Commission, Punchi Commission, Justice Venkatachaliah Commission- Local Government.

Module III: Rural Local Self Government

- a) Gram Sabha- Meaning, importance, functions, meetings, Social Audit, Nyaya Panchayat.
- b) Gram Panchayat- Introduction, Composition, functions- Taluk/Block Panchayat- Introduction, Composition, functions, Chairman- Powers and functions.
- c) Zilla Panchayat- Introduction, Composition and functions.
- d) Financial administration- Devolution of financial powers, Composition of State Finance Commission.
- e) State Control over PRIs.

Module IV: Urban Local Self Government

- a) Municipal Corporation- Organisation and Functions.
- b) Municipal Council; Mayor-functions and powers;
- c) Committees - Wards Committees, District Planning Committee, Metropolitan Planning Committee.
- d) Municipal Commissioner- appointment, tenure, powers and functions - Municipal Finance - State Control and Supervision.

Module V: Panchayat Raj Institution

- a) Planning for rural development- Planning machinery at the National and State Levels.
- b) Role of Panchayat Raj Institutions in Planning- Panchayat Raj and Rural Development.

Module VI: Modern Dimensions

- a) Panchayats and NGOs.
- b) Food Security Act, MGNREGA.
- c) Panchayats Raj in Tribal Sub- Plan Areas.
- d) Right to Information and Panchayat Raj.
- e) Women Empowerment implementations.
- f) Reservation Policy in Local Government- Social (SC, ST)- Women Reservation- Horizontal and Vertical Reservation.

Recommended Readings:

Books:

1. Dicey, Introduction to the Law of the Constitution, Oxford University Press.
2. De Smith, Judicial Review of Administrative Action (1995).
3. Khanna, B.S: Panchayati Raj in India- National Perspectives and State Studies, Deep and Deep Publication, New Delhi, 1994.
4. M. Venketarangaiah & M. Pattabhiram, Local Government in India (1969), Allied Publishers, New Delhi.
5. Maheshwari, S.R., State Governments in India. New Delhi: Macmillan(2000).

Journals/Journal Articles:

1. Srivastava, T. N. "Local 'Self' Government and the Constitution." Economic and Political Weekly, vol. 37, no. 30, 2002, pp. 3190–3198. JSTOR, www.jstor.org/stable/4412421.
2. Mohanty, P.K. 1995. Municipal Decentralization and Governance: Autonomy, Accountability and Participation. The Indian Journal of Public Administration.
3. Mallik, S. N. "Local Self-Government in India." The Annals of the American Academy of Political and Social Science, vol. 145, 1929, pp.36–44. JSTOR, www.jstor.org/stable/1016884.
4. Pal, M. 2000. Panchayats in Fifth Scheduled Areas. Economic and Political Weekly. pp. 4791–4810.

5. Venkatarangaiya, M. "THE REORGANISATION OF LOCAL SELF-GOVERNMENT." *The Indian Journal of Political Science*, vol. 1, no. 2, 1939, pp. 143–154. JSTOR, www.jstor.org/stable/42742927.
6. V.R.KrishnaIyer, "Panchayati Perestroika?" *Economic and Political Weekly*, vol. 24, no. 37, 1989, pp. 2051–2054. JSTOR, www.jstor.org/stable/4395322.

Further Readings:

Books:

1. Friedman, *The State and the Rule of Law in the Mixed Economy*.
2. Ivor Jennings, *Law and the Constitution*.
3. Joshi, R.P., Narwani, G.S., *Panchayat Raj in India: Emerging Trends across the States* (Rawat Publication), Hyderabad, 2011.
4. Neville L. Brown and J.F. Garner, *French Administrative Law*.
5. Radha kumudMookerji, *Local Government in Ancient India* (1985), Daya Publishing Delhi.
6. Schwartz & Wade, *Legal Control of Government*.
7. Sivaramkrishnan, K.C., *Courts, Panchayats and Nagapalikas* (Academic Foundations), 2009.
8. W.Thornhill (ed.), *the Growth and Reforms of English Local Self-Government* (1971), Weidenfeld and Nierlson, London.
9. BidyutChakarborty and Rajendra Kumar Pandey, *Modern Indian Political Thought- Text and Context*, Sage, New Delhi, 2009.
10. Niraja Gopal Jayal and others, *Local Self Governance in India- Decentralization and beyond- Oxford University Press*, 2006.

Journals:

1. Prabhakar, R. P. "LOCAL GOVERNMENT'S ADMINISTRATIVE SYSTEM IN INDIA." *The Indian Journal of Political Science*, vol. 72, no. 4, 2011, pp. 943–952., www.jstor.org/stable/41856530.
2. Palanithurai, G. "GOOD GOVERNANCE AT GRASSROOTS." *The Indian Journal of Political Science*, vol. 66, no. 2, 2005, pp. 289–312. JSTOR, www.jstor.org/stable/41856129.
3. Amitabh Behar. "Gram Swaraj: Experiment in Direct Democracy." *Economic and Political Weekly*, vol. 36, no. 10, 2001, pp. 823–826. JSTOR, www.jstor.org/stable/4410370.
4. Mani Shankar Aiyar. "Panchayati Raj: The Way Forward." *Economic and Political Weekly*, vol. 37, no. 31, 2002, pp. 3293–3297. JSTOR, www.jstor.org/stable/4412446.
5. Bhagwan, Vishnu. "NATIONAL RURAL EMPLOYMENT GUARANTEE ACT : A SWOT ANALYSIS." *The Indian Journal of Political Science*, vol. 70, no. 1, 2009, pp. 139–150. JSTOR, www.jstor.org/stable/41856502.

6. Medha Kotwal Lele. "Local Government: Conflict of Interests and Issues of Legitimation." *Economic and Political Weekly*, vol. 36, no. 51, 2001, pp. 4702–4704. JSTOR, www.jstor.org/stable/4411498.
7. T. Brahmanandam. "Review of the 73rd Constitutional Amendment: Issues and Challenges" *Indian Journal of Public Administration* 64(1) 103–121. <https://journals.sagepub.com/doi/pdf/10.1177/0019556117735461>
7. Usha Vaidyanathan Salient Features of Law Commission of India 114th Report on Gram Nyayalaya (1987) 2 SCC (Jour) 25. https://www.ebc-india.com/lawyer/articles/87v2a2.htm#Note*
8. Pal, M. 2000. Panchayats in Fifth Scheduled Areas. *Economic and Political Weekly*. pp. 4791–4810.

Cases for Guidance:

1. K.Krishna Murthy &Ors. v. Union of India &Anr. 11th May, 2010 (Supreme Court of India).
2. Sujit Vasant Patil v. State of Maharashtra and Ors. 6th August, 2004 (Bombay High Court).
3. Rama Krishna Ramanath v. The Janpad Sabha, Gondia, 7th February, 1962 (Supreme Court of India).
4. Indus Towers Ltd. v. The Sub-Inspector of Police, 10th January, 2008 (Kerala High Court).
5. Maju Balakrishnan v. State of Kerala, 31st March, 2009 (Kerala High Court).
6. Richhpal Singh and Ors v. State of Rajasthan, 4th January, 2005 (Rajasthan High Court).
7. Sri.V.Shivaprasad v. State of Kerala, 9th February, 2011 (Kerala High Court).
8. Nagar Palika Parishad, Roorkee... v. State of Uttaranchal and Ors.28th September, 2001(Uttarakhand High Court).
9. D.Siddayya v. The State of Karnataka, 21st September, 2017 (Karnataka High Court).
10. Shri Subal Rabha v. The State of Assam and Ors. 27th January, 2012 (Gauhati High Court).

Learning Out Come:

After completion of the course the students will be able to-

1. *Understand the subject related concepts and the Historical Development of PRI's in India.*
2. *Analyse the operation of the Constitution of India from a policy perspective relating to federalism and Local Self Governance.*
3. *Critique the operation of Local Self Government from a theoretical and policy perspective.*
4. *Have the fundamental knowledge and understanding relating to the various tier PRIs*

(C): CRIMINAL LAW AND FORENSIC SCIENCE

HS50903: JUVENILE JUSTICE SYSTEM

Objectives of the Course

The UN Convention on the Child Rights, 1989, United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), The United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), 1990 are some of the initiatives taken by the UN to support the welfare of the Juveniles. This course aimed to cater the students to understand the application of Criminal Justice System with the Juvenile Justice System. Juvenile Justice (Care and Protection of Children) amended to enhance the rights and liabilities of juveniles, reformatory measures to be adopted by the government, rehabilitative process to be extend to the juveniles. The students will understand the background study of development of Juvenile Justice System nationally and internationally as a socio-legal issue.

COURSE OUTLINE

Module I: Introduction:

- a. Juvenile Justice System - Historical development
- b. Definitions - Child – Juvenile – Delinquent
- c. International Instruments – Child Rights Convention 1989
- d. ICCPR
- e. United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)
- f. The United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), 1990
- g. Role of UNECOSOC & UNICEF
- h. Doctrine of *Parrens patriae* - National Commission for Children – State Commission for Children
- i. The National and State Human Rights Commission.

Module II: Juvenile Justice System in India

- a. Juvenile Delinquency
- b. Causative factors of juvenile delinquency
- c. Child Rights laws in India –Reformatory Schools Act, 1897 – The Tamil Nadu Children Act, 1920 – The Tamil Nadu Borstal School Act, 1925
- d. Juvenile Justice Act, 1986 – Salient features – Definitions
- e. Juvenile Justice (Care and Protection of Children) Act, 2000
- f. Modifications – Juvenility - Juvenile in Conflict with Law – Child in need of Care and Protection
- g. Comparison of 1986 and 2000 Act – Law Commission of India
- h. Juvenile Justice (Care and Protection of Children) Act, 2015– Information Technology Act, 2000
- i. The Protection of Children from Sexual Offences Act, 2019
- j. Juvenile Justice System and Criminal Justice System.

Module III: Juvenile Justice Acts:

- a. Juvenile Justice Act, 1986 – Definition –Child – Juvenility
- b. Statutory bodies – Amended laws
- c. Juvenile Justice Act, 2000 – Terminologies – Child in Conflict with Law – Child in need of Care and Protection
- d. Statutory bodies
- e. Reformatory Homes
- f. Tamil Nadu State Rules on JJ Act, 2000
- g. Justice Verma Commission Report on Juvenile Justice –Criminal Law Amendment Act, 2013
- h. Juvenile Justice Act, 2015 – Heinous Crime - Children Court – Child Sexual Abuse and Death Penalty.

Module IV: Statutory Bodies under Juvenile Justice Laws:

- a. Juvenile Justice Board – Composition
- b. Powers – Functions
- c. Special Juvenile Police Unit – Bail
- d. Burden of proving juvenility
- e. Children Court – Assessment report
- f. Orders may and may not be passed against juveniles
- g. Admonition – Community service – payment of fine – 3 years under supervision of Probation Officers
- h. Child Welfare Committee
- i. Members of the Committee – Functions
- j. Production of Child – Enquiry – Report of Probation and Social Workers
- k. Role of Social Defence Department.

Module V: Reformatory Institutions under Juvenile Justice Laws:

- a. Observation Homes – Temporary Stay
- b. Rehabilitative measures – classifications of inmates
- c. Education – Psychological Counselling
- d. Crime Statistics
- e. Vocational Training – Therapeutic approach
- f. Special Home – Safety Place
- g. Children Home – Protection for neglected children – Separate homes – Education
- h. Basic needs – Shelter Home – Rehabilitative mechanism - Girl Children Safety
- i. Role of Administrative bodies.

Module VI: After Care Process and Rehabilitations:

- a. Adoption – Foster care
- b. Social Reintegration – Sponsorship
- c. Reporting of implementation

- d. Psychological Approach – Cognitive Therapeutic treatment
- e. Plays and games
- f. Role of Society – Family – Educational Institution – NGO –Government.

Recommended Reading:

- Bajpai, A 2006, “*Child Rights in India: Law, Policy and Practise*” Oxford University Press, New Delhi.
- Kumari, V 2012, “*The Juvenile Justice in India: From Welfare to Rights*”, Oxford University Press, New Delhi.
- Ahmed Siddique’s *Criminology and Penology*, 2009, Eastern Book Company, Lucknow.
- Mamta Rao, 2012, “*Law Relating to Women and Children*”, Eastern Book Company, Lucknow.
- Prof N. V. Paranjapee, 2014, “*Criminology, Penology with Victimology*”, Central Law Publications, Allahabad.

Further Readings:

- Joseph G. Weis, Robert D. Crutchfield & George S. Bridges, 1996 “*Readings: Juvenile Delinquency*”, Crime and Society, Vol.2, Sage Publications, U.K. and India.
- Bueren, G. V. 1998, “*The International Law on the Rights of Child*”, MartinusNijhoff Publications, The Hague.
- Bare Acts:
 - (i) The Tamil Nadu Children Act, 1920.
 - (ii) The Tamil Nadu Borstal School Act, 1925
 - (iii) The Reformatory Schools Act, 1827.
 - (iv) The Juvenile Justice Act, 1986
 - (v) The Juvenile Justice (Care and Protection of Children) Act, 2000
 - (vi) The Juvenile Justice (Care and Protection of Children) Act, 2015.
 - (vii) The Protection of Children from Sexual Offences Act, 2019.

Journals for research articles:

- Child and Family Law Quarterly : 1988 – 2018
- Child Law Practise : 1982 – 2017
- Children’s Legal Rights Journal : 1979 – 2019
- Journal of Child Law : 1988 - 2018
- Journal of Juvenile Law : 1977 – 2019

- Juvenile and Child Welfare Law Reporter : 1982 – 2017
- Juvenile Justice : 1993 – 2004
- Juvenile and Family Court Journal : 1949 – 2017
- National Juvenile Law Reporter : 1982 – 2017
- The International Journal of Children Rights : 1993 – 2019
- UC Davis Journal of Juvenile Law & Policy : 1996 – 2018

E- Books:

- Asha Bajpai (2006), “*Child Rights in India: Law, Policy and Practise*” Oxford University Press, <https://oxfordscholarship.com/view/10.1093/acprof-9780195670820.001.0001/acprof-9780195670820>
- MaharukhAdenwalla (2006), “*Child Protection and Juvenile Justice System – For Juvenile in Conflict with Law*”, ChildLine India Foundation, Mumbai. <https://www.childlineindia.org/pdf/CP-JuvenileJustice-Juvenileinconflictwithlaw.pdf>
- Marvin, D. Krohn& Jodi Lane (2015), “*The Handbook of Juvenile Delinquency and Juvenile Justice*”, Wiley Online Library. <https://www.onlinelibrary.wiley.com/doi/book/10.1002/9781118513217>
- Joan McCord, Cathy SpatyWidom& Nancy A. Crowdell, (2011) “*Juvenile Crime, Juvenile Justice – Panel of Crime Prevention, Treatment and Control*”, National Academy Press, Washington. <https://www.nap.edu/read/9747/>
- Lal Bahadur Shastri National Academy of Administration and UNICEF, (2017) “*Juvenile Justice Act, 2015 – A Handbook for Field Administrators*”, National Gender Studies, Uttarakhand, India. <https://www.jjb.bih.nic.in/pdf/JJActHandbookAdministrators.pdf>

Research Articles related to Juvenile Justice:

- Vedkumari, 1999, “Current Issues in Juvenile Justice in India” *Journal of Indian Law Institute* Vol.4, Issue. 3 & 4, pp.392-404.
- National Judicial Academy, 2018, “*Juvenile Justice in India: Understanding Non-Adversarial Nature of the System from Human Rights and Constitutional Perspectives*”.
- Shailesh Kumar, 2019, “Shifting Epistemology of Juvenile Justice in India” *ContextoInternacional* Vol.4, Issue.1, pp.113-140.
- Satyender Verma & Lakshman Singh Rawat, 2018 “Juvenile Justice System in India: An Overview” *International Journal of Law* Vol.4, Issue.3, pp.23-29

- Rachel Taylor, 2016 “Putting Children First? Children’s Interest as a Primary Consideration in Public Law”, *Child and Family Law Quarterly* Vol.28, Issue.1, pp.45-66.
- Shanna Knight, 2017 “Special Focus: Indian Child Welfare”, *Child Law Practise* Vol.36, No.1, pp.1-2.
- Scott Trowbridge, 2017 “Understanding the 2016 Indian Child Welfare Act Regulations”, *Child Law Practise* Vol.36, Issue.1, pp.6-10
- Jacob L. Zerkle, 2016, “Rehabilitate the Community by Rehabilitating its Youth – Cognitive Science, Incarceration and Jurisprudence Relate to the Criminal Justice System’s Treatment of Juveniles”, *Children’s Legal Rights Journal* Vol.36, No.3, pp.201-217.

Cases for Guidance:

- Sunil & Another v. State (2001) 1 CrLJ 149
- Pratap Singh v. State of Jharkhand AIR 2005 SC 3088
- Rajendra Chandra v. Chandigarh Administration AIR 2000 SC 748
- Umesh Chandra v. State of Rajasthan (1982) 1 SCALE 335 (SC)
- Dr. Subramaniya Swamy & Others v. Raju (Through Member, JJB & Another) (2013) 10 SCC 465
- Munna v. State of U.P. (1982) 1 SCC 545
- Gaurav Jain v. UOI AIR 1990 SC 292
- Vishal Jeet v. UOI AIR 1992 SC 1412
- Sheela Barse v. Union of India AIR 1986 SC 1773
- Sheela Barse v. State of Maharashtra AIR 1983 SC 378
- Krishna Bagwan v. State of Bihar AIR 1989 Pat 217
- Deoki Nandan Dayna v. State of U.P. (2001) 1 CrLJ 149
- Izaz Ahmad v. State of M.P. (2001) 1 SCC Cri 212
- Ajay Pratap Singh v. State of M.P. (2000) 1 SCC Cri 137
- Satbir Singh v. State of Haryana AIR 2005 SC 3549
- Arnit Singh v. State of Bihar AIR 2005 SC 2264
- Ramdeo @ Rajnath Chauhan v. State of Assam AIR 2001 SC 2231
- Rajender Chandra v. Chandigarh Administration AIR 2000 SC 748
- Hari Ram v. State of Rajasthan & Another (2009)13 SCC 211
- Bakthavatchalu v. State of Tamil Nadu AIR 2008 SC 1434
- Ajhar Ali v. State of West Bengal (2013) 10 SCC 31
- Jyothi Prakash Rai v. State of Bihar AIR 2008 SC 1696
- BablooPasi v. State of Jharkhand AIR 2009 SC 314
- Ram Suresh Singh v. Prabhai Singh @ Chotu Singh & Another AIR 2009 SC 2805
- Dharambir v. State NCT Delhi Administration AIR 2010 SC 1801
- Mohan Mali & Another v. State of M.P. AIR 2010 SC 1790

- Ashwini Kumar Saxena v. State of M.P. 2012 AIR SCW 5377
- NagoorPitchai @ Badhusa v. State through S.I of Police (2013) 10 SCC 668.

Web Sources for Journals of Scholarly Articles:

- <https://heinonline.org>
- <https://jstor.org>
- <https://shodganga.inflibnet.ac.in>

Web Sources for referring latest decisions:

- <https://indiankanoon.org>
- <https://manupatrafast.com>
- <https://www.aironline.in>
- <https://www.scconline.com>

Learning Outcome:

At the end of the Course, the student will;

- Understand the theories of juvenile delinquency, causative factors of juvenile delinquency and its preventive measures.
- Understand the issues and challenges involved in implementing Juvenile Justice System.
- Equipped with development of Juvenile Justice related legal systems in India and motivate to involve themselves in reforming the juveniles in conflict with law.
- Critically analyse the implications of international instruments on Child Rights.
- Examine the application of reformatory and rehabilitative measures to turn the juveniles in conflict with law into a law-abiding citizen

(d): INDUSTRIAL AND COMMERCIAL LAW

HS50904: INTERNATIONAL COMMERCIAL ARBITRATION

Objectives of the course:

Arbitration is a suitable instrument to settle and solve international commercial disputes that arrive at a final and binding award. It is a universally admitted dispute resolution mechanism which furnishes an enforceable award. The objective of the course is to cater a fundamental outlook on the vital themes of international commercial arbitration. The course places utmost significance on arbitration of international commercial disputes. The course shall provide the students with a pragmatic vision of strategic obstacles arising out of the international arbitration proceedings.

After undergoing the study of this paper the student should be able to understand the following;

- 1. Able to understand the basic aspects of International Commercial Arbitration.*
- 2. Understand the concept of agreements related to International Commercial Arbitration.*
- 3. Gain an understanding of international commercial arbitration in the Indian context including international commercial arbitration held both in India and outside India;*
- 4. Analyse the various issues related to enforcement of foreign arbitral awards.*
- 5. Pros and cons of arbitration as a tool for resolving cross-border commercial disputes.*

COURSE OUTLINE

Module I: Introduction to International Commercial Arbitration

- a) Concept and Nature - Sovereign States, Claims Commissions, and Tribunals.
- b) Hybrid nature of Arbitral Process - Dispute Resolution in International Trade – Regulation of International Arbitration
- c) Regulation of International Arbitration – Kinds of Arbitration – Review.

Module II : Arbitration agreement & Validity of Arbitration Agreement

- a) Overview - the validity of an Arbitration Agreement –
- b) Parties to an Arbitration Agreement - Analysis of an Arbitration Agreement - Submission Agreement – Arbitrability.
- c) Confidentiality – Confidentiality - Defective Arbitration Clauses - Multi-Party Arbitrations – Review.

Module III : Arbitrators and Applicable Laws

- a) Meaning - Appointment of Arbitrators - Qualities Required in International Arbitrators - Impartiality and Independence of Arbitrators - Challenge and Replacement of Arbitrators.
- b) Powers of Arbitrators - Duties of Arbitrators – Jurisdiction – Review ‘
- c) Law Governing the Agreement to Arbitrate - Law Governing the Arbitration - Law Applicable to the Substance - Conflict Rules and the Search for the Applicable Law – Other Applicable Rules and Guidelines – Challenges.

Module IV: Nature and Categories of Arbitration

- a) Overview - Investment Arbitration – Construction – Maritime – Sports – IPR – *Ad hoc* Arbitration.
- b) Institutional Arbitration - Organisation of the Arbitral Tribunal - Fees and Expenses of the Arbitral Tribunal - Procedure & Evidence - Preliminary Steps - Written Submissions - Evidence Gathering - Hearings - Proceedings after the Hearing - Other Matters.

Module V: Arbitral Award

- a) Overview - Categories of Awards – Remedies- Validity of Awards - Effect of Awards— Res Judicata- Decision Making –
- b) Classification of Award – Review of Award – Challenge - Methods of Challenge – Grounds of Challenge - Time Limits and Effects of Challenge.
- c) Recognition and Enforcement - Enforcement under the New York Convention - Enforcement under the Washington Convention - Enforcement under Regional Conventions - Defence of State Immunity - Practical Considerations.

Module VI: Soft Laws on Arbitration

- a) General Overview
- b) IBA Guidelines on Conflicts of Interest in International arbitration – IBA Guidelines on Party Representation in International Arbitration - IBA Rules on the Taking of Evidence in International Arbitration .
- c) IBA Guidelines for Drafting International Arbitration Clauses

Recommended Readings:

Books:

1. A.K Bansal, Law of International Commercial Arbitration, Universal Law Publishing, 2003.
2. Margaret L. Moses, The Principles and Practice of International Commercial Arbitration, 2nd Edition, Cambridge University Press, 2012.
3. Gary B. Born, International Arbitration: Cases and Materials, 2nd Edition, Kluwer Law International, 2015.
4. Gary B. Born, International Commercial Arbitration, 2nd Edition, Kluwer Law International, 2014.
5. Emmanuel Gaillard, John Savage (eds.), *Fouchard Gaillard Goldman on International Commercial Arbitration*, Kluwer Law International, 1999

Journal Articles:

1. The Lex Mercatoria in International Commercial Arbitration, Ole Lando, The International and Comparative Law Quarterly Vol. 34, No. 4 (Oct., 1985), pp. 747-768 Published by: Cambridge University Press on behalf of the British Institute of International and Comparative Law <https://www.jstor.org/stable/759197>
2. Christopher R Darhozal, Commercial Norms, Commercial Codes, and International Commercial Arbitration 33 Vand. J. Transnat'l L. 79 (2000)
3. Park, W. (1983). The Lex Loci Arbitri and International Commercial Arbitration. International and Comparative Law Quarterly, 32(1), 21-52. doi:10.1093/iclqaj/32.1.21
4. Paulsson, J. (1983). Delocalisation of International Commercial Arbitration: When and why it Matters. International and Comparative Law Quarterly, 32(1), 53-61. doi:10.1093/iclqaj/32.1.53
5. Catherine A Rogers 54 U. Kan. L. Rev. 1301 (2005-2006) Transparency in International Commercial Arbitration

Further Readings:

Books:

1. International Commercial Arbitration, Gary B. Born, Wolters Kluwer 2nd edition. 1,2,3 volumes
2. International Commercial Arbitration - A Trans National Perspective, Tibor Varada; John J. Hareelo; Arthur T Von, Thomson west 3rd edition
3. Handbook on International Commercial Arbitration, Peter Ashford, Juris Net LLC, 2nd edition
4. International Commercial Arbitration and Arbitrators' Contract - Emilia Onyema, Routledge Publishers
5. International Commercial Arbitration in Asia - Thomas B Ginsburg, Juris Net LLC 2nd edition
6. Law and Practice of International Commercial Arbitration by Alan Redfern, Sweet & Maxwell
7. International Commercial Arbitration: Commentary and Materials by Gary Born Martinus Nijhoff; 2nd edition (February 1, 2001)
8. Combining Mediation and Arbitration in International Commercial Dispute Resolution by Dilyara Nigmatullina, Routledge
9. The Principles and Practice of International Commercial Arbitration by Margaret L. Moses, Cambridge University Press
10. Arbitration of Commercial Disputes: International and English Law and Practice by Karen Tweeddale, Andrew Tweeddale, Cambridge University Press

Journals:

1. Paolo Contini 8 Am. J. Comp. L. 283 (1959) International Commercial Arbitration: The United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards
2. Philip J McConaughay 93 Nw. U. L. Rev. 453 (1998-1999) Risks and Virtues of Lawlessness: A Second Look at International Commercial Arbitration

3. Hans Smit 25 Colum. J. Transnat'l L. 9 (1986-1987) The Future of International Commercial Arbitration: A Single Transnational Institution
4. W. Michael Tupman Challenge and Disqualification of Arbitrators in International Commercial Arbitration The International and Comparative Law Quarterly Vol. 38, No. 1 (Jan., 1989), pp. 26-52 Published by: Cambridge University Press on behalf of the British Institute of International and Comparative Law <https://www.jstor.org/stable/760425>
5. Filip De Ly 12 Nw. J. Int'l L. & Bus. 48 (1991-1992) The Place of Arbitration in the Conflict of Laws of International Commercial Arbitration: An Exercise in Arbitration Planning
6. JasnaArsic 14 J. Int'l Arb. 209 (1997) International Commercial Arbitration on the Internet - Has the Future Come Too Early
7. Peter D Ehrenhaft 9 Law &Pol'y Int'l Bus. 1191 (1977) Effective International Commercial Arbitration
8. James M. Hosking 4 Pepp. Disp. Resol. L.J. 469 (2003-2004) The Third-Party Non-Signatory's Ability to Compel International Commercial Arbitration: Doing Justice without Destroying Consent
9. S.I. Strong Research in International Commercial Arbitration: Special Skills, Special Sources the American Review of International Arbitration, Vol. 20, p. 119, 2009 University of Missouri School of Law Legal Studies Research Paper No. 2010-15
10. 25 Colum. J. Transnat'l L. 717 (1986-1987) The Enforcement of Arbitral Awards under UNCITRAL's Model Law on International Commercial Arbitration

Cases for Guidance:

1. Henry Boot Construction Ltd. v. Malmaison Hotel, [1999] 70 Con LR 32
2. General Manager, Northern Railways v. Sarvesh Chopra, AIR 2002 SC 1272 (Supreme Court of India (SC))
3. Asian Techs Ltd. v. Union of India, (2009) 10 SCC 354 (SC)
4. ObrasconHuarte Lain SA v Her Majesty's Attorney General for Gibraltar, [2014] EWHC 1028 (TCC)

5. Esso and others v. Plowman (1995) 128 A.L.R. 391
6. Barmingo Indian Underground ... vs Hindustan Zinc Limited on 20 July, 2020 HIGH COURT OF JUDICATURE FOR RAJASTHAN
7. Trammo Dmcc (Formerly Known As ... vs Nagarjuna Fertilizers And ... on 9 October, 2017, HC BoMbay
8. International Tank & Pipe SAK v Kuwait Aviation Fuelling Co KSC (1975)
9. Jivraj v Hashwani [2010] EWCA Civ 712.
10. MxrskOlie, Algeriet A/S v. People's Democratic Republic of Algeria, ICSID Case No. ARB/09/14 (registered July 20, 2009).
11. Standard Chartered Bank (Hong Kong) Ltd. v. Tanzania Elec. Supply Co. Ltd., ICSID Case No. ARB/ 10/20 (registered on Oct. 1, 2010).
12. Millicom Int'l Operations B.V. v. Republic of Senegal, ICSID Case No. ARB/08/20, Award (Nov. 27, 2012).
13. Patrick Mitchell v. Democratic Republic of the Congo, ICSID Case No. ARB/99/7, Award (Feb. 9,2004)
14. Russell Res. Int'l Ltd. v. Democratic Republic of the Congo, ICSID Case No. ARB/04/11 (discontinued on Feb. 10, 2009).
15. Cruz City 1 Mauritius Holdings v. Unitech Limited 2017 SCC OnLine Del 7810

Learning outcomes:

At the end of the course the students will be able to -

1. *Acquire knowledge on arbitration as a dispute settlement mechanism in international commercial disputes.*
2. *Analyse the forms and important aspects of International Commercial Arbitration.*
3. *Assess the cooperation between Arbitration and National Judicial Systems.*
4. *Compare and understand the relationship between UNCITRAL Model Law and International Commercial Arbitration.*

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS60901: INTELLECTUAL PROPERTY LITIGATIONS

Objectives of the Course

This course is intended to teach the application of law in terms of court's principles and procedures exclusively for deciding intellectual property cases. Most significantly, in deciding Intellectual property cases both Supreme Court and High Courts in India are apparently following foreign judgements in many occasions. Intellectual property laws confer monopoly to the owners of intellectual property so the enforcement of intellectual property rights is getting more crucial.

The main objective of the course is-

- a. *to impart practical perspective of IPR enforcement mechanism by discussing various tests, rules and procedures laid down by the courts in case of infringement of IPRs.*
- b. *to teach international and cross border litigations of intellectual property rights.*

COURSE OUTLINE

Module I Litigation Relating to Copy rights and Industrial Designs

- a) Copy right infringement- Acts constituting infringement- Direct infringement and indirect infringement (Vicarious liability and Contributory liability)
- b) Jurisdiction of the court -idea/expression dichotomy-abstraction test-Lay observer test -Infringement of Neighbouring rights –Infringement of Moral rights –Online Copyright Piracy-Peer to peer technology-liability of internet service provider
- c) Exception to Copyrighted work-Exhaustion of Copyrighted work -fair use/fair dealing-Test of transformation-Reverse engineering of Computer programme - Doctrine of staple articles-Doctrine of Copyright Misuse-
- d) Remedies-Criminal liability under anti circumvention law;
- e) Piracy of Design –Fraudulent or obvious imitation of design- Jurisdiction of the court – Remedies.

Module II Litigation Relating to Patent and Trade Secret

- a) Acts amount to infringement of patent-Jurisdiction of the Court –Claim interpretation or Construction(intrinsic and extrinsic aids)-Literal infringement-Doctrine of Equivalents/Doctrine of Pith and Marrow-Exception to DOE-All element rule, doctrine of public dedication, existence of prior art-prosecution history estoppel
- b) limitation and exception-doctrine of first sale-parallel import-Bollar exception- Patent Misuse-Remedies;
- c) Infringement of trade secrets- breach of trust- Springboard doctrine.

Module III Litigation Relating to Trade Marks and Geographical Indications

- a) Infringement of trademarks –jurisdiction of the court-Deceptive similarity-likelihood of confusion-Polaroid Factors-Concept of Dilution-Passing off and Reverse passing off Action
- b) Fair use of trademark-Comparative Advertisement-Counterfeit trademark-exhaustion of right in trademark-Remedies-functions of IPAB.
- c) Infringement of registered Geographical Indications- Special provision relating to Trademark and Prior user-Jurisdiction of the Court– Remedies.

Module IV- Enforcement of IPR under TRIPS Agreement

- a) Prior to TRIPS Agreement –Berne Convention and Paris Convention- reference to International Court of justice
- b) TRIPS Provisions Articles 41 to 61 – Minimum standard protection – civil, Criminal & Administrative Remedies
- c) Dispute settlement mechanism –XXII and XXIII of GATT 1994-Violation, Non-Violation and Situation Complaints- Dispute Settlement Understanding (DSU) – Retaliation and cross-retaliation.

Module V: Cross–Border IPR Litigations

- 1 Private International Law and Intellectual property law –Hague Convention on Choice of Court and Choice of law- Recognition and enforcement of foreign judgment-issues relating to administrative or judicial cooperation in collecting evidence- Brussels Convention – Cross border litigation under European Union Frameworks.

Recommended Readings

Books:

1. Arnaud Nuyts –International Litigation in Intellectual Property and Information Technology,(1st Ed.,) Wolters Kluwer, New York, 2008
2. Cornish and Llewelyn- Intellectual Property, 6th Ed. Sweet &Maxwell, 2007
3. V.K. Ahuja, Law Relating to Intellectual Property Rights (Lexis Nexis) 2015
4. Elizabeth Verkey, Intellectual Property law and Practice ,Eastern Book Company, 2015
5. Taraporevala V J, Law of Intellectual Property,(2nd Edition) Thomason Reuters, 2013.
6. James J. Fawcett and Paul Torremans: Intellectual Property and Private International Law,2012, (oxford)

Journal/Articles:

1. Mark A Lemley & R. Anthony Reese, Reducing Digital Copyright Infringement Without Restricting Innovation 56 Stan L. Rev 1345 (2004)
2. Ruth Okediji, Towards an International Fair Use Doctrine 39 Colum J. Transnat'l L. 75 (2000)
3. Andrew S. Brown, Amgen v. HMR: A Case for Deference in Claim Construction (2007) 20 Harv. JL Tech 479
4. Raj S Dave , A Mathematical Approach to Claim Elements and the Doctrine Of Equivalents (2003) 16 Harv. J L Tech 508.
5. Hazel Carty, Dilution and Passing Off: Cause for Concern (1996) 112 LQR 632

Further Readings:**Books:**

1. 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
2. Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle(15th ed. 2005) Indian Reprint 2008
3. Rama Sarma, Commentary on Intellectual property Laws, Vol.2. Nagpur: Lexis Nexis Butterworths Wadhawa (2009)
4. Abbott, F., T. Cottier and F. Gurry (1999) The International Intellectual Property System: Commentary and Materials. The Hague, London and Boston, Kluwer Law International
5. Terrel on Patents, Sweet and Maxwell, London (1994)
6. Kerly's Law on Trademarks and Trade Names, Sweet and Maxwell. Wolters Kluwer (2015)
7. Russell Clarke, Industrial Design, Sweet and Maxwell, 9th Ed., (2016).
8. Julie E. Cohen and *Et al.*, Copyright in a Global Information Economy, Aspen Publisher, Wolters Kluwer, (2010)
9. Resource Book on TRIPS and Development, UNCTAD- ICTSD (2004)
10. John Cross, Global Issues in Intellectual Property Law- Cases and Materials, west Publisher (1st ed.,) 2010
11. Lemley, Menell, Merges and Samuelson, Software and Internet Law, (3rd Ed.,) Aspen Publishers, (2006).

Journals/Articles

1. N S Gopalakrishnan, Administrative Remedies in Intellectual Property Protection under TRIPs and Indian Law: Border Control Measures 2000 CLC 1 (Jr) 23
2. Mabel Tsui, Access to Medicine and The Dangers of Patent Linkage: Lesson From Bayer Corp v. Union of India (2011) 18 Journal of Law and Medicine 577-88
3. Ron A Bouchard et al., Structure Function Analysis of Global Pharmaceutical Linkage Regulations (2011) 12 Minn J L Sci & Tech 391-457.
4. Peter S. Menell, Economic Implication of State Sovereign Immunity from Infringement of Federal Intellectual Property Rights, 33 Loy. L. A. L. Rev. 1399 (2000)
5. Pamela Samuelson & Tara Wheatland, Statutory Damages in Copyright Law: A remedy in Need of Reform 51 Wm & Mary L. Rev. 495 (2009)
6. Alan Latman, Probative Similarity as Proof of Copying: Towards Dispelling Some Myths in Copyright Infringement? (1990) Colum L. Rev 1187.

7. Adam V. Vickers, Comment, Peering Beyond Today's Internet File sharing Concerns: The Future of Bit Torrent Technology, 8 Tul. J. Tech &Intell. Prop. 133 (2006)
8. Neil Weinstock Netanel, Impose a Non Commercial Use Levy to Allow Free Peer to Peer File Sharing 17 Harv. J. L. & Tech 1 (2003)
9. Michael J Madison, A Pattern Oriented Approach to Fair Use, 45 Wm & Mary L. Rev 1525 (2004)
10. Pamela Samuelson & Suzanne Scotcher, The Law and Economics of Reverse Engineering, Yale L. J. 1575 (2002)

Cases for Guidance

1. R. G. Anand v. Delux Films (1978) 4 SCC 118
2. Computer Associates International Inc v. Altai 982 F.2d 693 (3rd Cir 1992)
3. Kelly v. Arriba Soft Corp (2003)
4. Delhi University Photo Copying Case – The Chancellor Masters and Scholars of the University of Oxford v. Rameshwari Photocopy Services (2012)
5. Sega Enterprises Ltd v. Accolade Inc (1992)
6. A & M Records v. Napster Inc (2001)
7. Phillips v AWH Corporation (2005)
8. Larami Corp. v. Amron (1993)
9. Graver Tank v. Linde Air Products Co. 339 US 605 (1950)
10. Catnic Components Ltd v Hill & Smith Ltd (1982)RPC 183
11. Improver Corp. v Remington Consumer Products Ltd. (1990) FSR 181
12. Bajaj Auto Ltd v. TVS Motors Co Ltd (2008)
13. Monsanto v Nuziveedu (2019)
14. Britannia Industries Ltd v. Sara Lee Bakery AIR 2000 Mad 497
15. Erven Warnink v. J Townsend & Sons Ltd (1979)
16. S M Dyechem Ltd., v Cadbury (India) ltd (2000)
17. Cadila Health Care Ltd v Cadila Pharmaceutical Ltd (2001)
18. Scotch Whisky Assn., v PravaraSahakarShakarKarkhana Ltd AIR 1992 Bom 294
19. Syndicate of Press of University of Cambridge v B. D. Bhandari (2005) 31 PTC 58 (Del)
20. 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. Learn the practical application IP Laws
2. Examine different rules and tests laid down by the courts in different jurisdictions
3. Understand the interpretation of IP Laws
4. Discuss and learn about cross border IP litigations
5. Learn international IP enforcement mechanisms

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

HS60902: RERA AND TENANCY LAWS

Objectives of the Course:

- 1. RERA is a most significant legislative measure to regulate the field of Real Estate Projects. It aims to regulate and promote the real estate sector by regulating the transactions between buyers and promoters of residential as well as commercial projects.*
- 2. Tenancy laws bring within its ambit the rules for residential and non-residential premises and further develop the policies to promote balanced rental housing. It is aimed at ensuring better access to housing opportunities, while alleviating fears of the house owners in granting tenancy rights and also establishes a better structure for enforcing rights and responsibilities of property owners and tenants.*
- 3. The Tenancy Laws includes building tenancy and law relating to cultivating tenants in the state of Tamil Nadu. This subject is most significant for civil side practice.*

COURSE OUTLINE

Module – I: Law Relating to Real Estate Regulation

- 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
- Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018.

Module – II: Tenancy Laws in Tamil Nadu in relating to Buildings:

Definitions - Tenancy – Rent – Obligations of Landlord and Tenant – Repossession of the Premises by the Landlord –Rent Authorities: Appointment, Powers and Functions – Rent courts and Rent Tribunals.

Module – III: Laws relating to cultivating tenants in Tamil Nadu:

- Definition: cultivating tenant, landlord- rights and liabilities of landlords- grounds for eviction of tenant- protection available to member of armed forces- restrictions on restoration of possession - Cultivating Tenants Special Provisions Act, 1968 with amendments
- The TN Cultivating Tenants Arrears of Rent (Relief) Act, 1972 [including all amendments]
- The TN Cultivating Tenants Protection From Eviction Act, 1989 [including all amendments]

Module - IV

Definition- agricultural labourer - rent court and rent tribunal- kaieruvamdhar and mattuvamdhar- revision- record of tenancy rights – advisory committee.

Module- V:

Definitions – occupant of Kudiyiruppu – alternative site – payment and recovery of compensation – prohibition of alienation

Statutory Materials:

1. Real Estate (Regulation and Development) Act, 2016
2. The Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenants Act, 2017 [including amendments, rules]
3. The TN Cultivating Tenants Protection Act, 1955
4. The TN Cultivating Tenants (Payment of Fair Rent) Act, 1956
5. The TN Agricultural Land Record of Tenancy Rights Act, 1969
6. The TN Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971

Recommended Readings:

1. A handbook of Land Tenures in Tamil Nadu by Sambandham and V.S.Rajaram, 2017 edition, C.Sitaraman&Co.Pvt. Ltd.
2. Taxmann's Guide to RERA with RERA check lists, 3rd edition, 2017.
3. Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018 at https://www.tnrera.in/Downloads/Acts_Rules_Regulations/Regulations.pdf
4. Land laws of Tamil Nadu, Prof.A.Chandrasekaran, C.Sitaraman&Co.Pvt. Ltd, 2013 edition.
5. The Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenants Act, 2017 Bare Act

Cases for Guidance:

1. Anandan v. Lingam on 22 February, 2013
2. P.K.Selvaraj v. The Revenue Divisional Officer on 17 February, 2006
3. K.Thangammal vs R.Murugan on 24 September, 2018
4. NachayeeAmmal and others v. Sri Venugopalakrishnaswamy on 1 March, 2003
5. Somasundaram v. Subramanian on 20 March, 2019
6. E.K.M.G.Bakir Ali v. G.Sundarraaj on 20 June, 2011
7. Maria Seeman Nadar v. Anna Muthu Ammal on 18 December, 2006
8. Church Of South India Trust v. The District Revenue Officer on 30 March, 2010
9. Shanmugham vs ArulmiguVinayagar And Arulmighu on 18 June, 2002
10. R. Jayakumar vs P. Kaliyaperumal And Ors. on 17 February, 1999
11. Jayaraman (Died) vs Eswaran on 10 February, 2012
12. T.K.Ayub vs Mohammed Hanif on 23 March, 2010
13. B.Venkatesh vs Nagarajan on 12 July, 2018
14. G.Surya Kumari vs The Government Of Tamil Nadu on 1 September, 2017

15. Sanjay phulwaria and 22 others v. Mumbai metropolitan region development authority and 4 others, Bombay high court on 16 October, 2018

Learning Outcome:

Students graduating with Land Laws will be able to:

1. Understand and describe legislative power to make laws relating to land and land ceiling is in the state list.
2. Different states have enacted their own laws on this subject and the application of these laws is varied from state to state.
3. The Constitutional perspectives relating to these subjects have to be taught as an essential part of this course.
4. Problem-solve complex issues in the land related matters and society related to policies, law enforcement, government bindings and etc.
5. Effectively apply knowledge to solve practical problems

(c): CRIMINAL LAW AND FORENSIC SCIENCE

HS60903: PSYCHOLOGY OF CRIME

Objectives of the Course:

The course is designed to bring out the link between crime and psychology. It will highlight the causes of crime for victims, offender and of the wider society. The basic promise of the course is that multiple variables affect human behavior, hence focuses its attention to personality factors and how they intersect with situational variables. Student will acquire a new framework for interpreting criminal behavior and will examine the usage of psychology in the criminal justice system.

At the end of the course, the student will have:

- *Knowledge of the key concepts and propositions of psychological models of Human behavior*
- *Inbuilt capacity to identify the varying perspectives of criminal behavior.*
- *Familiarity with research methodologies commonly employed in the field of criminal psychology.*

COURSE OUTLINE

Module I: Introduction to Psychology of Crime

- a) Nature and scope of psychology- Psychology of Soul;Mind;Consciousness;Behaviour
- b) Study of Criminal Behavior
- c) Concepts of Crime, Law and Criminology
- d) Theories of Crime Causation.
- e) Psychological Theories of Crime

Module II: Criminal Personality

- a) Meaning and Nature of Personality
- b) Theories and Factors of Personality
- c) Meaning and Types of Criminal Personality
- d) Criminal Personality and Non Criminal Personality
- e) Personality Disorder- Psychopathic Personality

Module III: Criminal Behavior

- a) Nature and Scope of Criminal Behavior
- b) Factors that lead to Criminal Behavior- Biological factors- Situational factors- Learned factors
- c) Theories of Criminal Behavior- Developmental theories- Critical criminology
- d) Evaluation of Criminal - Psychological Tests
- e) Criminal Psychology- Roles of Criminal Psychologists

Module IV: Criminal Typology

- a) Violent Crimes – Homicide- Suicide
- b) Stalking and Sexual Offenses
- c) Property Crimes
- d) Public Order Crimes
- e) Substance Abuse

Module V: The Criminal Justice System -The Psychological Approach

- a) Police Psychology
- b) Treatment of Victims and Witnesses
- c) Suspects of Crime
- d) Court proceedings -Prison- Probation services- Juvenile Corrections
- e) Social Perspective

Module VI: Correctional Psychology- Crime Prevention

- a) Forensic and Correctional Psychology
- b) Intervention
- c) Correctional Counseling Process
- d) Group Counseling and Resocialisation Programmes
- e) Treatment of Criminals – Custodial- Non-custodial

Recommended Reading

Books

1. Evolutionary Psychology: The New Science of the Mind, David Buss , 4th Edition, Pearson, 2011
2. Abnormal psychology and modern life, [James C Coleman](#), Scott, Foresman; 7th Edition (1984)
3. Contemporary Criminal Law: Concepts, Cases, and Controversies, Matthew Lippman, SAGE Publications, 5 Edition 2018
4. Sociology of Deviant Behavior, [Marshall B. Clinard](#) , [Robert F. Meier](#) , Cengage Learning, 15 Edition, 2015
5. Crime classification manual. Lexington Books/Macmillan, Douglas, J. E., Burgess, A. W., Burgess, A. G., & Ressler, R. K. (Eds.), 1992

Journals/ Articles

1. Criminal Psychology, K. EGrossHKallen H, Columbia Law Review (1912) 12(1) 90
2. Rehabilitating Criminal Justice Policy and Practice, Andrews DBonta J, Psychology, Public Policy, and Law (2010) 16(1) 39-55

3. Forensic Psychology, Louw D, Elsevier Inc., (2015), 351-356
4. Once a criminal, always a criminal?: 'Redeemability' and the psychology of punitive public attitudes, MarunaSKing A European Journal on Criminal Policy and Research (2009) 15(1-2) 7-24
5. The Encyclopedia of Criminology and Criminal Justice, Choice Reviews Online (2014) 52(01) 52-0041-52-0041

Further Reading

Books

1. The Psychopathology of Crime: Criminal Behavior as a Clinical Disorder, Adrian Raine , Academic Press; 1 Edition 1997
2. Psychology and Crime: Myths and Reality (Longman Criminology Series), [Peter B. Ainsworth](#), Addison-Wesley Longman Ltd, 2000
3. Criminology & Psychology Today: Peering Inside Criminal Minds: Uncovering The Complex Relationships Between Criminals Psychology, Neuroscience & Neuro-criminology (criminal psychology books) Kindle Edition, Alice Cole , Chris McGarry . Kindle Edition
4. The Psychology of Criminal Conduct, D.A. Andrews, James Bonta, Elsevier Inc., 5th Edition , 2010
5. Psychology and Crime: An Introduction to Criminological Psychology , [Clive R. Hollin](#), Routledge; 2 Edition 2012
6. Criminal psychology, Pakes F Pakes S, Taylor and Francis, (2012).
7. Introduction to Forensic Psychology, Shipley S Arrigo B, Elsevier Inc., (2012)
8. Crime and criminal justice, Marsha I, Taylor and Francis, (2011)
9. Psychology and law: truthfulness, accuracy and credibility, Memon AVrij ABull R, (2003)
10. Applying Psychology to Forensic Practice, Needs ATowl G wiley, (2008)

Journal/ Articles

1. Handbook of Forensic psychology, Haward L, Behaviour Research and Therapy (1988) 26(4) 366
2. Offender profiling and investigative psychology, Canter D, Journal of Investigative Psychology and Offender Profiling (2004) 1(1) 1-15
3. Dennis Howitt, Introduction to Forensic and Criminal Psychology, Duff S, Psychology Learning & Teaching (2016) 15(1) 115-116
4. Applying Psychology to Criminal Justice, Carson DMilne RPakes , John Wiley and Sons, (2008), 1-314
5. Evolutionary theory and criminal behaviour, Quinsey V, Legal and Criminological Psychology, <https://doi.org/10.1348/135532502168324>
6. Psychology and crime, Kellogg A Psychological Bulletin (1917) 14(11) 379-387
7. History of forensic psychology, Bartol CBartol A, Edited by Weiner IOtto RWeiner (Ed) IOtto (Ed) R John Wiley & Sons Inc, (2014), 3-34

8. Offender coercion in treatment: A meta-analysis of effectiveness, [Parhar K](#), [Wormith J](#), [Derkzen D](#), *Criminal Justice and Behavior* (2008) 35(9) 1109-1135
9. Psychopathy and recidivism in adolescent sex offenders, GrettonHMcBrideMHare, *Criminal Justice and Behavior* (2001) 28(4) 427-449
10. Does criminal offender treatment work, Simon L, *Applied and Preventive Psychology* (1998) 7(3) 137-159

Learning Outcomes

1. The student will have the ability to examine critically specific offenses and apply psychological models of criminality.
2. They will have an awareness on different perspectives to be employed in crime prevention, investigation, and treatment.

(d): INDUSTRIAL AND COMMERCIAL LAW

HS60904: SOCIAL SECURITY AND UNORGANISED LABOUR

Objectives of the Course

The bulk of India's labor force today is the unorganised sector. Suffering from poverty, without access to education, underpaid, unaware of their rights, and unable to enforce them, the odds are stacked against our unorganized sector. To address this problem, the legislature and the judiciary have, through laws and through judicial activism, repeatedly come to the rescue of these workers. This course is designed to introduce students to the challenges faced by this sector. The main objective is to instruct sector wise relevance which ensures the governance effectively. Other sectors can have identical/similar regulatory system and also be understood in the context of the treatment of the subject matter in this paper. The course work is within the viable framework.

This course has been designed to:

- I. Provide a broad-based understanding of the concept of the informal sector/unorganisedlabour – their nature, categories, industries, and the challenges and injustices they face;
- II. Instruct the student on the role of the ILO;
- III. Delve into the concept of social security for unorganisedlabour;
- IV. Focus on critical, India-specific sectors of unorganised workers and examine their individual challenges; and
- V. Survey the various legislations that target the upliftment of, and provision of benefits to, such workers.

The syllabus has been prepared with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I – Introduction to Unorganised Sector

- (a) Concept and Characteristics of Unorganized Sector.
- (b) UnorganisedLabour Force in India.
- (c) Economic Contribution of Unorganised Workers.
- (d) Causes and Problems of Unorganized Workers.
- (e) Different Categories of Unorganized Workers-Beedi Workers, Construction Workers-Domestic Workers- Agricultural Workers- Plantation Labourers.
- (f) ILO and Minimum Conditions of Work.
- (g) Constitutional Safeguards.
- (h) Role of Judiciary in the Protection of Unorganized Workers.

Module II – Social Security for Unorganised Workers

- (a) The Unorganised Workers' Social Security Act, 2008 – Scope and Coverage.

- (b) Definition of Unorganised Sector and Unorganised Worker.
- (c) Social Security Benefits – Schemes.
- (d) Social Security Board.
- (e) Registration of Unorganised Workers.

Module III - Beedi Sector Workers and Specific Legislative Measures

1(a) Features of Beedi Industry

- (b) Production Process.
- (c) Living and Working Conditions.
- (d) Gender Discrimination.
- (e) Vulnerability of Children.
- (f) Occupational Health Hazard and Safety issues.

2(a) The Beedi And Cigar Workers (Conditions of Employment) Act, 1966 – Scope and Object – Definitions – Licenses - Appeals.

- (b) Health and Welfare Measures.
- (c) Working Hours.
- (e) Annual Leave with Wages.
- (f) Application of The Payment of Wages Act, 1936 and The Industrial Disputes Act, 1947.
- (g) Inspectors.
- (h) Offences and Penalty.

3(a) Beedi Workers Welfare Fund Act, 1976 – Scope and Object – Definitions.

- (b) Welfare Fund.
- (c) Advisory Committees.
- (d) Welfare Commissioner.
- (e) Power to make Rules.

4(a) Beedi Workers Welfare Cess Act, 1976 – Scope and Object.

- (b) Fund – Levy and Collection of Cess on Manufactured Beedis.
- (c) Consolidated Fund of India.
- (d) Protection of Action Taken in Good Faith.

Module IV – Construction Workers and Regulation of Conditions of Employment

1 (a) Construction Industry.

- (b) Outsourcing of Labour through Contractor and Intermediaries.
- (c) Types of Construction Workers.
- (d) Women and Child Workers.
- (e) Living and Working Conditions of the Workers.
- (f) Occupational, Health and Safety Issues.
- (e) ILO Conventions on Construction Workers.

2.(a) The Building And Other Construction Workers (Regulation Of Employment And Conditions of Service) Act, 1996 – Scope and Object - Definitions.

- (a) Advisory Committees and Expert Committees.

- (b) Registration of Establishment .
- (c) Registration of Building Workers as Beneficiaries.
- (d) Welfare Board.
- (e) Hours of Work.
- (f) Welfare Measures - Safety and Health Measures.
- (g) Responsibility of Employers.
- (h) Inspecting Staff.
- (i) Offences and Penalties.

3. (a) Building and Other Construction Workers Welfare Cess Act, 1996 – Scope and Object - Definitions.

- (b) Levy and Collection of Cess.
- (c) Furnishing of Returns
- (d) Assessment of Cess.
- (e) Recovery of Amount Due – Appeals.
- (f) Penalty – Offences by Companies.

Module V – Plantation Labour and Conditions of Employment

1.(a) Characteristics of Plantation industry.

- (b) Intensity of Labour.
- (c) Working and Living Conditions.
- (d) Occupational and Health Hazards.
- (e) Problems of Women and Child Workers.

2.(a) Plantation Labour Act, 1951 – Scope and Object – Definitions.

- (b) Inspecting Staff
- (c) Provisions as to Health and Welfare.
- (d) Hours and Limitation of Employment.
- (e) Leave with Wages.
- (f) Penalties And Procedure .

Module VI – Other Legislations Relating to Unorganised Workers

1.(a) The Bonded Labour System (Abolition) Act, 1976 – Object and Scope – Definitions.

- (b) Abolition of Bonded Labour System – Agreement, Custom, etc. to be Void.
- (c) Liability to Repay Bonded Debt to Stand Extinguished – Property of Bonded Labour to be Freed from Mortgage, etc., – Creditors not to accept Payment against Extinguished Debt –
- (d) Authorities for Implementation of the Act.

2.(a) Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act , 1979 – Scope and Object – Definitions.

- (b) Registering Offices-Registration and Revocation of Establishments.
- (c) licensing officers-Licensing of Contractors-Revocation, Suspension and Amendment of Licenses.
- (d) Duties and Obligations of Contractors.
- (e) Wages, Welfare and Other Facilities.

- (f) Displacement Allowance.
- (g) Liability of principal Employer.
- (h) Inspecting Staff.
- (i) Offences and Penalty.

3.(a) Contract Labour (Regulation & Abolition) Act, 1970 - Scope and Object -Definitions.

- (b) Advisory Boards.
- (c) Registration of Establishments.
- (d) Licensing of Contractors.
- (e) Health and Welfare Measure.
- (f) Offences and Penalties.

4.(a) Child Labour (Prohibition and Regulation) Act, 1986 – Scope and Object – definitions.

- (b) Prohibition of Employment of Children.
- (c) Regulation of Conditions of Work.
- (d) Procedure Relating to Offences.

5.(a) Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

- (b) Guarantee of Rural employment to House Holds.
- (c) Conditions for Providing Guaranteed Employment.
- (d) Payment of Unemployment Allowance.
- (e) Non-Disbursement of Unemployment Allowance.
- (f) Planning and Implementation of Schemes.
- (g) Responsibilities of Gram Panchayaths.
- (h) Grievance Redressal Mechanism.
- (i) National Employment Guaranteed Fund.

Recommended Reading

Books Prescribed:

1. Dr. V.G. Goswami, “Labour& Industrial Laws” (Central Law Agency, 2019).
2. Prof. (Dr.) S.C. Srivastava , “Legal Protection and Social Security in Unorganised Sector” (The Book Line, 2017).
3. Suresh C Srivastava, “Labour Law in Factories, Mines, Plantation, Transportation, Shops and other Establishments” (Prentice Hall of India, 1992).
4. S.N.Mishra, “Labour and Industrial Law” (Central Law Publications, 29th ed., 2019).
5. Gupta N.H., “Social Security for Labour in India” (Deep and Deep Publications, Delhi, 1986).

Journals:

- 1) M. D. Pradeep, B. K. Ravindra, *et.al.* , “A Study on the Prospects and Problems of Unorganised Labour in India”, 2 IJAASR 94-100 (2017).
- 2) Lee Tucker, “Child Slaves in Modern India: The Bonded Labour Problem”, 19 HRQ 572-628 (1997).
- 3) Jeet Singh Mann, “Employment Rights Protection and Conditions of Domestic Workers: A Critical Appraisal”, 57 JILI 216-243 (2015).
- 4) Thomas Paul, “Child Labour – Prohibition v. Abolition: Untangling the Constitutional Tangle”, 50 JILI 143-176 (2008).
- 5) M.S.Ramanujam and K.L.Rawal, “Unorganised Workers’ Welfare: Imperatives and Initiatives”, 46 IJIR 16-31 (2010).
- 6) Suresh C. Srivastava, “Equal Remuneration for Men and Women”, 32 JILI 82-92 (1990).

Further Reading**Reference Books:**

1. Arun Monappa, Ranjeet Numbudiri, Patturaja Selvaraj, “Industrial Relations & Labour Laws” (Tata Mcgraw Hill, 2012).
2. S.C. Srivastava, “Social Security and Labour Laws” (Lucknow: Eastern Book Company, 1985).
3. R.W. Rideout, “Principles of Labour Law” (Sweet and Maxwell, 1988).
4. H.K. Saharay, “Industrial and labour Laws of India” (Calcutta: Eastern Law House, 1987).
6. Kanak Kanti Bagchi & Nirupam Gope, “Social Security for Unorganised workers in India” (Gurgaon: Madhav Books, 2012).
7. Nayan Barua, “Social Security and Labour Welfare in India” (New Delhi: Asish Publishing House, 1995).
8. Radhika.K, “Women in Agricultural Development” (New Delhi: Serials Publications, 2008).
9. Singh D.P, “Women Workers in Unorganised Sector” (New Delhi: Deep & Deep Publications, 2008).
10. Tripathy S.N, “Law for Unorganised Labour in India”, (Delhi: Mangalam Publications, 2008).

Articles:

1. A.Dharmalingam, “Conditions of Brickworkers in South Indian Village”, 30 EPW 3014-3018 (1995).
2. K.R.Lakshmy Devi, “The Women Beedi Workers in a Kerala Village”, 21 IJIR 251-259 (1985).

3. Manishi Pathak, “An Overview of Contract Labour Related Laws in India” *NLS Bus. L.Rev.* 20 (2017).
4. Rashmi Tiwari and Shivani Tiwari, “Women Employment in Unorganised Sector: An Empirical Analysis”, 35 *JRD* 645-664 (2016).
5. Paramita Ray, “Contract Labour System in India: Issues & Perspectives”, 3 *IJLLJS* 297-306 (2016).

Cases for Guidance:

1. Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. &Ors., 1985 AIR 652.
2. People Union for Democratic Rights v. Union of India&Ors., 1982 AIR 1473.
3. Bandhua Mukti Morcha v. Union of India, 1984 SCR (2) 67.
4. Neeraja Chaudhary v. State of Madhya Pradesh, (1984) 3 SCC 243.
5. Daily Rated Casual Labour v. Union of India, 1988 SCR (1) 598.
6. State v. Banwari, 1957 CriLJ 539.
7. M.C. Mehta v. State of Tamil Nadu and Others, (1996) 6 SCC 756.
8. Delhi Jal Board v. National Campaign for Dignity and Rights of Sewerage and Allied Workers, 12 July, 2011.
9. KotchuVelu V. Joseph, 1987 II LLJ 174 (Kerala).
10. N Krishna Devi v. Vishnu Mitra, AIR 1982 Raj 281.
11. Bijay Cotton Mills v. State of Ajmer, (1955) 1 LLJ 129 (SC).
12. Municipal Corporation of Delhi v. Female Workers, (2000) 3 SCC 224.
13. Rajangam, Secretary, Dist. Beedi Worker's Union v. State of Tamil Nadu, 1992 SCC (1) 221.
14. B. M. Lakshmanamurthy v. The Employees' State Insurance, AIR 1974 SC 759.
15. Olga Tellis&Ors v. Bombay Municipal Corporation, 1985 SCR Supl. (2) 51.
16. Gammon India Ltd. v. Union of India &Ors., 1974 SCR (3) 66.
17. Salal Hydro Electric Project v. State of Jammu and Kashmir, 1983 (3) SCC 538.

Learning Outcome

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

1. Comprehend the complex issue of unorganisedlabour and their challenges;
2. Appreciate the crucial role played by ILO in their upliftment;
3. Critically analyse social security law through the lens of unorganisedlabour;
4. Discern and perceive the problems of unorganisedlabour in various specific sectors in India and critically examine the efforts taken to legislate for their improvements.

HCC0903: DRAFTING. PLEADING AND CONVEYANCING

(Clinical Course -III)

Objective of the Course:

Drafting 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 legalpractice.

COURSE OUTLINE

Module I: Introduction

- a. Drafting – the meaning, scope and significance
- b. Legal drafting – Legal notice, Sec.138 N.I Act notice, Suit Notice, Matrimonial issues Notice, M.V. Act cases Notice, Reply Notice –
- c. Complaint – depth knowledge in legal language and legal writing – use appropriate legal terminology – purpose of notice – time prescribed in notice – appropriate remedyrequired

Module – II: Pleadings – Civil Pleadings – Substantive provisions (theoretical approach) and Forms (practical exercise)

- a. Meaning, Scope and significance – civil pleadings
- b. Trial court pleadings : Complaint, Written Statement, L R Petition, Counter petition, Affidavit, Execution Petition, Interlocutory Application, Sub-Application,
- c. 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)

- a. Meaning, scope and significance – criminal pleadings
- b. Prosecution Pleading – Police custody petition, Petition for withdrawal from

prosecution, Criminal Appeal from prosecution, Counter Affidavit filed by prosecution –

- c. Defence Pleading – Bail Petition, Anticipatory Bail, Discharge Petition, Criminal Appeal from conviction – other petitions – Quash Petition
- d. 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)

- a. Civil Miscellaneous Appeal,
- b. Civil Miscellaneous Petition,
- c. Writ Petitions and Habeas Corpus Petition, Writ Appeal
- d. Civil Suit, Original Petition,
- e. Company Petition, ,
- f. Criminal Original petition,
- g. Public Interest Litigation

Module – V: Pleadings – Other Pleadings – Substantive provisions (theoretical approach) and Forms (practical exercise)

- a. Private complaint,
- b. Matrimonial cases petition,
- c. Motor Accident Claimant Original Petition,
- d. Rent Control Original Petition,
- e. Labour Issues Petition

Module VI: Conveyancing – General principles

- a. Meaning, scope and significance, elements and components of deed, Registration – Compulsory registration, optional registration and not necessary to register –
- b. 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)

- a. Sale Deed – Agreement for sale and Agreement of sale,
- b. Gift Deed and Power of Attorney – within family members and others,
- c. Mortgage Deed – Classification of Mortgage, registration of Mortgage and its stamp duty –
- d. Lease and Licence –

- e. Testamentary deeds : Will – Partition Deed – Settlement Deed,
- f. Hire purchase Agreement,
- g. Cancellation Deed,
- h. 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 astudent.

Recommended Readings:

1. Murali Manohar, Conveyancing and Pleading, 2nd Edn -2004, EBC,Lucknow.
2. KS Gopalakrishnans Pleadings and Practice, ALT Publications, Hyderabad,2004.
3. MC Agarwal & GC Mogha, Mogha’s Pleading, 17th Edn - 2006, EBC,Lucknow.
4. GF Harwood, Odgers on Pleadings and Practice, 20th Edn- 1971, Universal Law Publishing Co. Pvt Ltd.,Delhi.
5. Justice Thakker, Code of Civil Procedure, 5th Edn - 2007, EBC,Lucknow

Statues for reference in substantive provisions and Forms

1. Code of Civil Procedure, 1908
2. Code of Criminal Procedure,1973
3. Transfer of Property Act,1872
4. Indian Contract Act,1872
5. Motor VehiclesAct
6. Appellate SideRules
7. Original SideRules
8. RegistrationAct
9. StampAct
10. Civil and Criminal Rules ofPractice

E – Source

www.tnregin.in(Guideline value, Encumbrance and other e services)

Cases for Guidance:

1. Lakshmi Narayan Deo Vasti Temple vs. Narayan F. Marathy (1995) 2 Bom CR610

2. Prabodh Verma vs. State of UP (1984) 4 SCC251
3. Someswer vs. Tribhuban AIR 1934 PC130
4. Narinder Nath vs. Jaswant Singh AIR 1994 P&H 111
5. Syed Muhammed vs. Fattah Muhammed ILR 22 Cal. 324(PC)
6. Viswanath vs. Ram Narayan AIR 1940 All405
7. Tika Khawas vs. Pasupathi AIR 1986 Sikk.6
8. Motilal vs. Yudhistir AIR 1950 PC73
9. Brijlal vs. Parvathy AIR 1982 Del.114
10. Firm Gopal & Co. Ltd vs. Firm Hazarilal AIR 1963 MP37
11. Keshab Rao vs. Chandrabhan AIR 1980 Bom380
12. Onkar Nath vs. Vedvyas 1978 Ren.CR 408 (HP)
13. IyakkuMatho vs. Julius Elias Metropolitan AIR 1962 Ker19
14. Rooplal vs. Nachhittar AIR 1982 SC1559
15. A K Gupta vs. DVC AIR 1967 SC961
16. G. Nagamma vs. Siromanamma (1996) 2 SCC25
17. Phula Devi vs. Mangtu Maharaj AIR 1969 Pat 284
18. Jagjiban Das vs. Gunan Bhai AIR 1967 Gujl
19. N.Naidu vs. K.Naidu AIR 1969 Mad329
20. N.Naidu vs. K.Naidu AIR 1969 Mad329
21. Jogeshwar vs. Sheopujan AIR 1986 Pat35
22. State of Maharatsra vs. Glaxo 1979 Bom CR321
23. Raghunath Das vs. Union of India AIR 1969 SC674
24. State of MP VS. Lajjaram AIR 1961 MP 339

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.

FIFTH YEAR

X-SEMESTER

HLC1022: ENVIRONMENTAL LAW

Objectives of the Course:

The objective of the course is to make environmental law familiar to the students by understanding all dimensions of the subject. This module addresses the UGC mandate to introduce the 'environmental studies' and Bar Council framework syllabus for the subject.

The paper chooses certain international legal regimes to introduce the interface between international and national laws. The module is aptly divided to have a comprehensive understanding of natural resource law and pollution control laws. Emerging regimes such as mining, nuclear energy and health laws are introduced. The module will also introduce disaster management, coastal regulation and biodiversity laws. An introduction to state laws is provided to highlight the role of states in the environmental governance. The student will have the following competencies after studying the subject:

- 1. Students will understand the interface amongst the academic disciplines in relation to environment and identify the relevance of law in the resource discourse.*
- 2. Students will appreciate the legal structure governing environmental concerns from global scale to individual level.*
- 3. Students will be able to apply the environmental law for situations that may arise in the judicial, administrative and political platforms.*

COURSE OUTLINE

Module I: Introduction¹

- A. Historical Perspectives- Ancient India –Vedas –Kautilya -Sangam Tamil Classification - Ashoka and Buddhism – Medieval India - Colonial Perspectives of Environment –Environmental History of Europe

¹ This module is framed in consonance with the UGC mandated 'environmental studies' paper for all the UG courses.

- B. 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
- C. Factors Affecting Environment – Deforestation - – Habitat Loss - Green House Gases – Acid Rain – Climate Change

Module II Constitution and Environment

- A. 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
- B. Directive Principles and Environment – Obligations of the State to Protect Environment - Fundamental Duties to Protect Environment
- C. Legislative Powers of Union and State over Environmental Aspects – Environmental aspects in VII Schedule – Role of Local Bodies in Protection of Environment

Module III Principles of Environmental Law

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

Module IV: International Environmental Law

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

Module V: Pollution Control Laws

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

Module VI: Ecological Conservation and Animal Welfare Laws

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

Module VII Environmental Degradation, Disasters and Public Health

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

Module VIII Remedies for 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 International Conventions

Recommended Readings:

Books

1. P. Leelakrishnan, Environmental Law in India (Butterworths, 2019)
2. S. Shanthakumar, Environmental Law –An Introduction (Butterworths 2004)
3. ShyamDiwan and Armin Rosencranz, Environmental Law and Policy in India (Oxford 2002)
4. Nawneet Vibhaw, Environmental Law: An Introduction (Lexis Nexis 2016)
5. Alan Boyle and Patricia Bernie, International Law and Environment (Oxford 2009)
6. 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-indias-forests.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-nidhi-2018.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>
- SujithKoonan, "Constitutionality of the Plachimada Tribunal Bill, 2011: An Assessment" Law, Environment and Development Journal (2011) <http://www.lead-journal.org/content/11151.pdf>

Recommended Case Laws

India

- M.C. Mehta v Union of India (Oleum Gas Leakage case) (1987) 1 SCC 395
- Mrs.Susetha v State of T.N. (2006) 6 SCC 543,
- T.N. GodavarmanThirumulpad v. Union of India (1997) 2 SCC 267
- S. Jagannath v Union of India (1997) 2 SCC 87
- Murli S. Deora v Union of India (2001) 8 SCC 765
- Vellore Citizens' Welfare Forum v Union of India (1996) 5 SCC 647
- *Ratlam v. Vardhichand*(1980) 4 SCC 162.
- *Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P* AIR 1985 SC 652
- Indian Council for Enviro-legal Action vs. Union of India 1996 AIR 1446
- Tripur Dyeing Factory Owners Association V/s NoyyalRiverAyacutdarsProtectionAssociation&Ors. AIR 2010 SC 3645

- Almitra H. Patel v. Union of India
<http://www.indiaenvironmentportal.org.in/files/Almitra%20Patel%20Corrected%20Order%20%20Jan%202017%20NGT.pdf>
- Save Mon Region Federation v. Union of India
<https://indiankanoon.org/doc/189583188/>
- Samit Mehta v. Union of India
<https://www.casemine.com/judgement/in/5b17d5604a932678010063da>
- Srinagar BandhAapdaSangharshSamiti v. Alaknanda hydro Power
<https://www.casemine.com/judgement/in/5c062c18b338d16e11efe962>

International

- Certain Activities Carried Out by Nicaragua in the Border Area <https://www.icj-cij.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/wp-content/uploads/sites/6/2016/07/PH-CN-20160712-Award.pdfz>
- Indus Waters Kishenganga Arbitration <https://pca-cpa.org/en/cases/20/>

Foreign

- 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

Learning Outcome

After undergoing this course,

1. Students will know the basic environmental concerns from scientific, historical and political perspectives.
2. They will be able to identify the constitutional scheme and propositions relating to environmental management.
3. They will understand the complexities of institutions, stakeholders' interest and politics over natural resources from villages to globe.
4. The students will understand, apply and think on the laws and governance structure of pollution control and natural resources management laws. They will have a clear understanding of various remedies for environmental wrongs.

HLC1023: LAW OF TAXATION

Objective of the Course

Taxation plays 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.

The Course has been designed to:

- I. To explore and understand the concept of tax along with its relevance.
- II. To understand the relevance and importance of the Constitution of India in shaping the taxing statutes and tax system.
- III. To explore how direct taxes are being levied and to thoroughly investigate the steps in arriving at the taxable income.
- IV. To enhance the knowledge on Goods and Services Tax (GST), the new indirect tax regime in its true legal sense.
- V. 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.

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 Powers

- 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) - 101st 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
- 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:

1. N.A. Palkiwala, *The Law and Practice of IncomeTax*, (2014), Lexis Nexis
2. T.N. Manoharan and G.R.Hari (35th 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 101st 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 Singhania & Kapil Singhania, *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.cleartav.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
3. Indian Tax System – An Overview – Habibulla & Co., Chartered Accountants India -

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 Management Studies, 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 BachaoAndolan&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. PelletiSridevamma* 1976 105 ITR 887 AP.
9. *Jagannath Hanumanbux v. ITO*, (1957) 31 ITR 603 Cal.
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.*

HLA1006: COMPARATIVE LAW

Objectives of the Course

The evolution of national societies and their legal systems has progressively developed the insights on the science of universal legal philosophy and system based approaches. Comparative law as a field of knowledge is not a separate discipline in law. It has a substantive value in the sense of strengthening the role of rule of law and justice in human life by way of working on the uniformity, development and harmonisation of laws. The current universal legal system is based on the recognition of normative principles, effectively promoted by branches of public law systems such as international law and constitutional law. Moreover, the evolving nature of comparative legal thought process has lead to the formation of varied sub-systems of law and approaches. Therefore, learning comparative law and its extended horizons of knowledge signals a need and value based approach for the students of law.

COURSE OUTLINE

Module I: Introduction to Comparative Law

- (a) Philosophy of Comparison-laws of nature and human life-conceptualisation of comparison in law-macro and micro approaches;
- (b) Classification of laws and legal systems-issues on terminology and elements of comparative law-comparative law as a art or science or method;
- (c) Comparative Law and its kinds-functions and purposes of comparative law-sources of comparative law-comparative legal traditions-techniques and methods of comparative law movement.

Module II: Comparative Public Law

- (a) Introduction to principles of universality and human welfare, rights and duties, law as a element of social instrument and transformation;
- (b) Concepts of international public legislation and order-international common interest-realm of universal international law and organisations-constitutionalisation of law of united nations;
- (c) Constitutional ideology, law and governance-comparative constitutional law and its functions-doctrines of living law-democracy, constitutional rights and basic structure-convergence of international law and constitutional law.

Module III: Comparative Legisprudence

- (a) Relevance of Principle of unity and diversity in comparative legisprudence-concepts of legal pluralism and positivism-global legislative drafters-comparison of legislative-executive-judicial relations;
- (b) International law making-role of international law commission and drafting world constitutions-comparative legal reforms movement-law commissions of national legal systems.

Module IV: Judicial Comparativism

- (a) Justice as universal phenomenon-concepts of universal judicial integration, judicial conscience, integrity and power;
- (b) Comparative judicial process-role of judicial systems on the evolution of principles of law-impact of principles of international law on national judicial institutions-approaches to comparative judicial legislation-constitutional courts and comparative forms of judicial review-convergence of national and international legal disputes;
- (c) Comparative human rights jurisprudence of international, regional and national judicial bodies-comparative judicial impact assessment.

Module V: Comparative Legal Philosophy

- (a) Philosophy of comparative legal philosophy-epistemological approaches to legal philosophy-impact of comparative legal scholarship movement on the fundamental perspectives of law;
- (b) Normative legal science-impact of comparative public policy on law-comparative legal reasoning-comparative science of interpretation of statutes-role of interdisciplinarity in comparative legal thought;
- (c) Futurological insights on comparative law-harmonisation of laws and legal systems-comparative legal research methodology.

Recommended Readings:

Books

1. H C Gutteridge (1946), *Comparative Law*, Cambridge University Press: United Kingdom.
2. Rahmatullah Khan (1971), *An Introduction to the Study of Comparative Law*, Indian Law Institute: New Delhi.
3. R.P. Anand (1972), *Asian States and the Development of Universal International Law*, Vikas Publications: India.
4. M.P. Tandon and Rajesh Tandon (1984), *Text Book on Comparative Law*, Allahabad Law Agency: India.
5. Peter de Cruz (1999), *Comparative Law in a Changing World*, Cavendish Publishing Limited: Sydney.

Journals

1. Roscoe Pound (1951), *Philosophy of Law and Comparative Law*, University of Pennsylvania Law Review, Vol. No. 100, Issue No.1, Pp.1-19.
2. A.E. Papale (1951), *Why Comparative Law*, Journal of Legal Education, Vol. No.3, Issue No. 3. Pp. 384-387.
3. Rahmatullah Khan and Sushil Kumar (1975), *Comparative Law Research in India*, Journal of the Indian Law Institute, Vol. No. 12, Pp. 505-510.
4. Duncan Berry (1997), *Techniques for Evaluating Draft Legislation, The Loophole: Published by Common Wealth Association of Legislative Counsel*, Pp. 31-47.
5. Geoffrey Samuel (1998), *Comparative Law and Jurisprudence*, International and Comparative Law Quarterly, Vol. No. 47, Issue No.4, Pp. 817-836.

Further Readings:

Books

1. C.G. Weeramantry (2003), *Universalising International Law*, MartinusNijhoff Publishers: Netherlands.
2. Werner F. Menski (2006), *Comparative Law in a Global Context: The Legal Systems of Asia and Africa*, Cambridge University Press:
3. T.K.Viswanathan (2007), *Legislative Drafting: Shaping the Law for the New Millinnium*, Indian Law Institute: India.
4. Bardo Fassbender (2009), *The United Nations Charter as the Constitution of the International Community*, MartinusNijhoff Publishers: The Netherlands.
5. Guglielmo Verdirame (2011), *The UN and Human Right: Who Guards the Guardians?*, Cambridge University Press, United Kingdom.
6. M.P Singh (2011), *Comparative Constitutional Law*, Eastern Book Company Pvt. Ltd.: India.
7. Rosalind Dixon (2014), *Comparative Constitutional Law in Asia*, Edward Elgar: USA.
8. Onuma Yasuaki (2017), *International Law in a Transcivilizational World*, Cambridge University Press: United Kingdom.
9. Erin F. Delaney and Rosalind Dixon (2018), *Comparative Judicial Review*, Edward Elgar:USA.
10. George Mousourakis (2019), *Comparative Law and Legal Traditions: Historical and Contemporary Perspectives*, Springer Nature: Switzerland.

Articles

1. Linda C. Reif (2000), *Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection*, Harvard Human Rights Journal, Vol. No. 13, Pp.1-70.
2. Peter E. Quint (2001), *International Human Rights: The Convergence of Comparative and International Law*, Texas International Law Journal, Vol. No. 36, Issue No.3, Pp.605-610.
3. Caroline Nicholson (2008), *Some Preliminary Thoughts on a Comparative Law Model for Harmonisation of Laws in Africa*, Fundamina, Vol. No. 14, Issue No.2, Pp. 50-65.

4. V.G. Hegde (2010), Indian Courts and International Law, Leiden Journal of International Law, Vol. No. 23, Issue No.1, Pp. 53-77
5. Kenneth S. Gallani (2012), Use of Comparative Law in Determining the Customary International Law of Human Rights, Florida Journal of International Law, Vol. No. 24, Issue No. 2, Pp. 429-438.
6. Mathias Forteau (2015), Comparative International Law within, Not against, International Law: Lessons from the International Law Commission, American Journal of International Law, Vol. No. 109, Issue No, 3, Pp. 498-513.
7. O.O. Merezhko (2016), The Idea of Comparative International Law, Journal of Comparative Law, Vol. No. 11, Issue No. 1, Pp. 92-96.
8. Yvonne Tew (2017), Comparative Originalism in Constitutional Interpretation in Asia, Singapore Academy of Law Journal, Vol. No. 29, Special Issue, Pp. 719-742.
9. DineshaSamararatne (2020), From South Africa to Sri Lanka: Prospects of Travel for ‘Transformative Constitutionalism’, Asian Journal of Comparative Law, Vol. No. 15, Pp. 45-68.
10. Jaclyn L. NEO (2020), A Contextual Approach to Unconstitutional Constitutional Amendments: Judicial Power and the Basic Structure Doctrine in Malaysia, Asian Journal of Comparative Law, Vol. No. 15, Pp. 69-94.

Cases for Guidance:

1. Keshavananda Bharathi V. State of Kerala, AIR 1973 SC 1461
2. Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789
3. Nakara v. Union of India, AIR 1983 SC 130
4. Velasquez Rodriguez v. Honduras (Case No. 7920), Judgment of 29 July 1988 of the Inter-American Court of Human Rights
5. Aldridge v. Booth (1988), 80 Australian Law Reports 1
6. Case of Soering v. The United Kingdom (Application No. 14038/88), Judgment of 7 July 1989 of the European Court of Human Rights
7. Case of Jersild v. Denmark (Application No. 15890/89), Judgment of 23 September 1994 of the European Court of Human Rights
8. National Human Rights Commission v. State of Arunachal Pradesh (1996), 1 SCC 742
9. Vellore Citizen’s Welfare Forum v. Union of India, (1996) 5 SCC 647
10. Vishaka v. State of Rajasthan (1997) 6 SCC 241
11. Sakshi v. Union of India (2004) 5 SCC 518
12. Jindal Stainless Steel Ltd. & Another v. State of Haryana & Others AIR 2006 SC 2550
13. In Re: Networking of Rivers (2012) 4 SCC 51
14. In the Matter of Femi Falana v. The African Union (Application No. 001/2011), Judgment of 26 June 2012 of the African Court on Human and People’s Rights
15. The Italian Republic v. The Republic of India Concerning The “Enrica Lexie” Incident (PCA Case No. 2015-28), Award of 2 July 2020 of the Permanent Court of Arbitration

Learning Outcome

After completion of the course students will be able to-

1. Get introduced to the specifics of the nature and scope of comparative law.
2. Understand evolutionary dimensions of law, principles of law and its relation with human societies.
3. Acquire the ability to examine the legal systems of the world.
4. Study comparative public law and develop insights on universal normative legal science and its applications

HCC1004: MOOT COURT EXERCISE AND INTERNSHIP

(CLINICAL COURSE: IV)

Objective of the Course:

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 for owning the skills of advocacy. Identification of facts, application of the laws, framing of issues, elicitation of evidence, oral presentation skills and organization of arguments with persuasive 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.

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, (14th 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) 5th 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, 1st Indian Reprint, Universal Law Publishing 2000
6. J Hill, Practical Guide to Mooting, 1st Indian Reprint, Palgrave Macmillan, 2009
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, 1st 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.



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



**SCHOOL OF EXCELLENCE IN LAW
REVISED CURRICULUM (2020-2021)**

For

B.C.A. LL.B Hons Degree Course

**Course of Law, Eligibility Conditions for Admission, Course
Component, Examination Regulations and Syllabus.**

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I. UNDER GRADUATE COURSE OF LAW

1. Under Graduate Courses of Law:

There shall be five under graduate courses of law leading to Bachelor's Degree in Law as hereunder:

(1) B.A., LL.B., (Bachelor of Arts and Bachelor of Laws) : It shall be Integrated Double Degree Five Academic Years Course in Arts and Law.

(2) B.Com., LL.B., (Bachelor of commerce and Bachelor of Laws): It shall be an integrated Double Degree Five years degree course with a combination of commerce and Law.

(3) B.B.A., LL.B., (Bachelor of Business Administration and Bachelor of Laws): It shall be Integrated Double Degree Five Academic Years Course in Management and Law.

(4) B.C.A., LL.B., (Bachelor of Computer Application and Bachelor of Laws): It shall be an integrated five years course with a combination of computer applications and law.

The above five year courses shall be divided into ten semesters.

(5) LL.B., (Hons.): It shall be three Academic Years Degree Course in Law.

Three year course shall be divided into six semesters.

2. Objectives of Revised Curriculum:

The objectives of revised curriculum of courses of law are: (1) To reorient legal education by making provision for sufficient opportunity to the students for extensive as well as intensive study of law. (2) To enable students to acquire knowledge and skills gained from studying law and to facilitate students to analyse law to apply in practical situations. (3) To equip students with strong communication skills and to make them responsible to meet the needs of contemporary requirements of Bar, Bench and Industry in the globalised economic era. (4) To educate them of diverse backgrounds to become effective, ethical and expert personage who are employable in a variety of legal settings.

3. Extent and Application

The rules as to eligibility for admission, course component, curriculum, examination pattern and standard of passing for B.A., LL.B. Hons., B.Com., LL.B. Hons., B.B.A. LL.B. Hons., B.C.A. LL.B. Hons., and LL.B.Hons., given herein shall be applicable initially for the first year of B.A., LL.B. Hons., B.Com., LL.B. Hons., B.B.A. LL.B. Hons., B.C.A. LL.B. Hons., and LL.B. Hons. and will come into force w.e.f. the academic year 2020 - 2021.

II. ELIGIBILITY CONDITIONS FOR ADMISSION

BA/B.COM/ BBA/ BCA LL.B HONS AND LL.B HONS' COURSES:

The eligibility criteria for admission to five year courses and three year courses their duration, marks and the number of seats are mentioned hereunder:

S.No	Name of the course	Duration	Qualifying Exams	Minimum marks in Qualifying Exams		Seats
				SC/ST	Others & NRI	
1	B.A., LLB (Hons.) B.B.A., LL.B.,(Hons)	Five years	HSC(10+2)CBSE/ISC or any other exam recognised as equivalent.	60%	70%	156
				60%	70%	
				60%	70%	
2	B.COM., LL.B.,(Hons)		HSC(10+2)CBSE/ISC or any other exam recognised as equivalent. Candidate should have studied Commerce as a subject.	60%	70%	
3	BCA.,LLB., (Hons)		HSC(10+2)CBSE/ISC or any other exam recognised as equivalent. Candidate should have studied Computer science as a subject.	60%	70%	
4	LL.B., (Hons)	Three years	Any degree under any discipline. 10+2+3 stream alone are eligible	55%	60%	

III. COURSE COMPONENT OF B.C.A. LL.B. HONS'

1. B.C.A. LL.B. Hons. Course: Number of Subjects

The Course shall have the following subjects-

- Inter- Disciplinary - 14
- Core Law Papers - 23
- Ancillary Hon's Papers - 06
- Clinical Core Papers- 04
- Specialized Hon's Optional - 08

Total 55

2. Choosing Hons. Specialized Course in Law Subjects for B.C.A. LL.B. Hon's.

The arrangement of Hons. Specialized Course in law for B.C.A LL.B. Hon's., course allows the student to have specialization, to some extent, in (a) International Law and Intellectual Property Rights Group, or (b) Constitutional Law and Property Law Group or (c) Criminal Law and Forensic Science Group or (d) Industrial and Commercial Law Group by choosing the optional subjects from the given list in each semester from Forth Year Onwards.

▪ **Explanation 1:**

A student willing to have specialization in International Law and Intellectual Property Rights Group can choose optional papers at serial number (a) in each semester from Fourth year onwards for Five Year Course

A student willing to have specialization in Constitutional Law and Property Law Group can choose optional papers at serial number (b) in each semester from Fourth year onwards for Five Year Course

A student willing to have specialization in Criminal Law and Forensic Science Group can choose optional papers at serial number (c) in each semester from Fourth year onwards for Five Year Course

A student willing to have specialization in Industrial and Commercial Law Group can choose optional papers at serial number (d) in each semester from Fourth year onwards for Five Year Course

- **Explanation 2:**

This arrangement of optional subjects in law is made to allow the student to have specialization to some extent in a specified group. It will be mandatory for the student to choose subjects as given in explanation 1.

- **Explanation: 3**

University may offer all or any of the groups of specialized Hon's course at its discretion. The student has to choose the group at the beginning of the semester and based on first come first serve basis the group will be allocated.

3. Practical Papers

In the final semester, a student has to do two practical papers from the group which he/she has selected.

- **Explanation 1:**

If the student has selected group (a) International Law and Intellectual Property Law specialization, the student has to do two practical papers one on International Law and other one on Intellectual Property Rights in the final semester.

If the student has selected group (b) Constitutional Law and Property Law specialization, the student has to do two practical papers one on Constitutional Law and other one on Property Law in the final semester.

If the student has selected group (c) Criminal Law and Forensic Science specialization, the student has to do two practical papers one on Criminal Law and other one on Law and Forensic Science in the final semester.

If the student has selected group (d) Industrial and Commercial Law specialization, the student has to do two practical papers one on Industrial Law and other one on Commercial Law in the final semester.

- **Components of Practical Papers**

The following are the components of the practical papers:

- | | |
|---|-----------|
| 1. Longish Paper(Research Oriented Paper): | 50 marks |
| 2. Case Comment: | 15 marks |
| 3. Book Review: | 15 marks |
| 4. Viva Voce: | 20marks |
| Total: | 100 marks |

4. Miscellaneous Rules of Eligibility for Admission and Syllabus:

The rules given herein are for the general understanding of the candidates. However, the admission to SOEL and syllabus shall be subject to the rules made and condition prescribed, from time to time, by the University, Central Government, State Government, Bar Council of India, University Grants Commission or any other authority empowered.

5. Removal of Doubts and Difficulties:

Notwithstanding anything stated in the rules herein or any issue hereinabove, for any unforeseen issues arising, and not covered by the rules herein, or in the extent of differences of interpretation, the Hon'ble Vice Chancellor of the University may take a decision and the said decision of the Hon'ble Vice Chancellor shall be binding.

(*N.B: If there is any amendment or repeal or enactment of any law will be implemented in the next academic year without carrying out any revision of the syllabus.)

B.C.A. LL.B Hon's Course **I YEAR**

I-Semester

S.No	Subject Code	Subjects
1	HBC0101	Legal Language and Literature
2	HBC0102	Business Statistics and Computer Applications
3	HBCB0103	Principles of Economics
4	HBC0104	Computer Fundamental and Legal Implications in Operating Systems
5	HLC0101	Introduction to Law, Legal Methods and Legal Research

II- Semester

S.No	Subject Code	Subjects
6	HBC0205	Legal Language and Communication
7	HBC0206	E-Commerce
8	HBC0207	Programming in C and Data Structures
9	HLC0202	Legal And Constitutional History
10	HLC0203	Law of Torts

II YEAR

III Semester

S.No	Subject Code	Subjects
11	HBC0308	Public Policy Governance- National &International Perspectives
12	HBC0309	Relational Database Management System and Legal Analytics
13	HLC0304	Constitutional Law I
14	HLC0305	Law of Contracts I
15	HLC0306	Law of Crimes I(Indian Penal Code)

IV Semester

S.No.	Subject Code	Subject
16	HBC0410	Law and Economics
17	HBC0411	Sociology and Social Research Methods
18	HBC0412	Software Engineering, Testing and its Legal Aspects
19	HLC0407	Constitutional Law II
20	HLC0408	Law of Contracts II

III YEAR

V Semester

S.No.	Subject Code	Subjects
21	HBC0513	Object Oriented Programming with Java , Web Technology and its Legal Requirements
22	HLC0509	Jurisprudence
23	HLC0510	Administrative Law
24	HLC0511	Family Law I
25	HLC0512	Company Law

VI Semester

S.No.	Subject Code	Subjects
26	HBC0614	Informational Security and Digital Forensics
27	HLC0613	Family Law II
28	HLC0614	Property Law
29	HLC0615	Law of Evidence
30	HLA0601	Interpretation of Statutes
31	HCC0601	Professional Ethics

IV YEAR

VII Semester

S.No.	Subject Code	Subjects
32	HLC0716	Introduction to Public International Law
33	HLC0717	Labour Law I
34	HLC0718	Mediation and Conciliation
35	HLA0702	Intellectual Property Law
36	HS10701	a. International Economic Law
	HS10702	b. Comparative Constitutional Law
	HS10703	c. Correctional Process
	HS10704	d. Corporate Securitisation
37	HS20701	a. International Treaties & Conventions on IP
	HS20702	b. Introduction to Land Laws
	HS20703	c. Criminology
	HS20704	d. International Labour Organisation and Labour Jurisprudence

VIII Semester

S.No.	Subject Code	Subjects
38	HLC0819	Labour Law II
39	HLA0803	Competition Law
40	HLA0804	Cyber Law and Information Technology
41	HS30801	a. International Human Rights Law
	HS30802	b. Human Rights in the Constitutional Law
	HS30803	c. Cyber Crime
	HS30804	d. Insurance Law
42	HS40801	a. IP on Traditional Knowledge and Genetic Resources
	HS40802	b. Land Laws of Tamil Nadu
	HS40803	c. Forensic Science and Investigation
	HS40804	d. Service Laws
43	HCC0802	Alternative Dispute Resolution Policy

V YEAR

IX Semester

S.No.	Subject Code	Subjects
44	HLC0920	Civil Procedure Code and Limitation Act
45	HLC0921	Law of Crimes II (Criminal Procedure Code)
46	HLA0905	Banking Law
47	HS50901	a. Private International Law
	HS50902	b. Legal Process and Local Governance
	HS50903	c. Juvenile Justice system
	HS50904	d. International Commercial Arbitration
48	HS60901	a. Intellectual Property Litigations
	HS60902	b. RERA and Tenancy Law
	HS60903	c. Psychology of Crime
	HS60904	d. Social Security and Unorganised Labour
49	HCC0903	Drafting Pleading and Conveyancing

X Semester

S.No.	Subject Code	Subjects
50	HLC1022	Environment Law
51	HLC1023	Law of Taxation
52	HLA1006	Comparative Law
53	HS71001	a. Practical Paper
	HS71002	b. Practical Paper
	HS71003	c. Practical Paper
	HS71004	d. Practical Paper
54	HS81001	a. Practical Paper
	HS81002	b. Practical Paper
	HS81003	c. Practical Paper
	HS81004	d. Practical Paper
55	HCC1004	Moot Court

- **Abbreviations used in Subject Codes :**

The abbreviations used in the subject codes in the course component shall have meaning as under:

- (a) HBC – Inter- disciplinary subject for B.C.A. LL.B HONS. Course
- (b) HLC – Core Law Papers
- (c) HLA – Ancillary Hon’s Papers
- (d) HCC – Clinical Core Papers
- (e) HS – Specialized Honours Course

IV. EXAMINATION REGULATIONS

These Regulations are made applicable for students joining Five year integrated Degree courses and Three year Degree Courses at the School of Excellence in Law. These regulations cover the following criteria:

1. The Internal and External components will be in the ratio of 30:70.

Internal Components: 30 Marks

- Class test - 10 Marks
- Mid Semester - 10 Marks
- Assignment - 05 Marks
- Attendance - 05 Marks

External Components: 70 Marks (Question Paper pattern of the End Semester Exam)

- Part A – Essay Type-Answer any 3 out of 5 questions (10 Marks x 3= 30 Marks)
- Part B – Problems- Answer any 2 out of 4 questions (10 Marks x 2 = 20 Marks)
- Part C – Short Notes- Answer any 4 out of 7 (5 Marks x 4 = 20 Marks)

Internal components

- Mid semester test to be conducted after two months of teaching for 10 marks. Students shall compulsorily write the class test as directed by the subject faculty for each subject for 10 marks.
- Project assignment for 5 marks, Students shall submit the assignments to the subject faculty as directed by them within the stipulated time.
- Every student who has secured a minimum of 50% (15/30) in internals shall be considered to have passed the internals.
- Students who have not done any of the internal components for any valid reasons may be given an additional chance to complete the same during the respective semester on payment of fine of Rs.400 for the first chance and Rs.750 for the subsequent chance within the semester as instructed by the Director. The payment of fine shall be made through challan only.

- All the internal assessment components shall be completed prior to a fortnight before the commencement of the external examinations. No submission of assignments shall be entertained after the last date.
- Any student who has not completed the above said internal components will be allowed to write the external examinations in spite of they have secured the required attendance. Therefore the students are advised to successfully complete the internal components of each subject within the prescribed time as notified by the Director.

External:

- Every student has to secure a minimum of 75 percent attendance in the concerned semester for appearing in the external examinations.
- Candidates who have earned attendance between 67% to 75% on valid reasons are eligible to appear for the examinations provided the lack of attendance is recommended for condonation by Director, SOEL on payment of the prescribed fee of RS.2000/- The condonation fee must be paid by challan only. The condonation fee must be paid on or before the last working day of the concerned semester failing which the candidate has to pay 200 hundred rupees fine if the payment is made prior to the commencement of exams after the commencement of the external examinations the condonation fee will not be accepted and the candidates whose name found in the condonation list shall redo the semester.
- End semester examinations shall be conducted for 70 marks for each subject. Students who have secured 35 marks out of 70 shall be considered to be passed in the external examination.
- A student should secure 50% in both internal as well as external separately to have to be passed in the concerned paper.

2. Class attendance shall carry a maximum of 5 marks which is as follows:

I. Less than 75%	No mark
II. 75% - 79%	1 marks
III. 80% -84%	2 marks
IV. 85% -89%	3 marks
V. 90% - 94%	4 marks
VI. 95% and above	5 marks

3. The special instructions for attendance is as follows:

- **Students representing the university in any of the co-curricular and extracurricular activities will be provided the attendance make up to maximum of 20 percent of the total number of days based on the request made by the student concerned and duly signed and certified by the faculty advisor in charge of the co-curricular and extracurricular Activity before the student(s) concerned along with the certificate shall reach the director, school of excellence in law without any delay.**
- **In Exceptional cases where the students have to represent the university in any co-curricular or extracurricular activities without the necessary formalities, the same may be explained in their application for attendance make up within three days of their return to the university after such activity. The reason for such delay need to be specified and the same has to be certified by the faculty advisor in charge of such co-curricular or extracurricular activity and forwarded to the Director of SOEL without any further delay.**
- **A student who has been granted medical leave on the submission of medical certificate by a duly competent authority shall be allowed to appear in the end semester exams provided he/she has put in a minimum of 67 percent attendances in each course. Students securing less than 67% on any circumstances shall not be permitted to appear for the external examinations and they shall redo the semester.**
- **In any event, no claims for such attendance make up shall be entertained at the end of the semester.**
- **Attendance makeup shall be admissible, shall be subject to prior approval from the concerned committee in charge for participation in moot courts, seminars, university exchange programmes, conferences, internships, N.C.C., N.S.S., Y.R.C. or any other academic, cultural or sports activities**

4. Instructions for Examinations

- **Candidates should carefully fill in all the required details in the application form, including name of the candidate, correct register number, date of birth and subject codes, failing which their applications are liable to be rejected.**
- **Blind candidates are exempted from payment of examination fees. They should enclose copy of medical certificate in evidence of their handicap. However they should pay the fee for statement of marks, provisional certificate and convocation.**
- **The fees once paid, will in not be refunded under any circumstances.**
- **The fees shall be remitted by way of Bank challan only and not by way of D.D.**
- **All candidates appearing for the examination should forward their applications, through the Director, SOEL and the exam applications will not be submitted to the controller of examinations under any circumstances.**
- **Candidates should obtain their hall tickets from the Director, SOEL, three days in advance of the commencement of examination, by producing relevant certificate of identity.**
- **Candidates will not be permitted to write the examination without the hall ticket.**
- **The answers must be legibly written either in blue or black ink.**
- **Special sketch pens or other pens should not be used for underlining points.**
- **The candidates should write the correct register number in the space provided in the first page of the answer book. No other part of the answer book shall contain the name or register number of the candidate.**
- **The candidates will not be permitted to enter the examination hall after 30 minutes from the commencement of the examinations. No candidate will be allowed to leave the examination hall, within the first 30 minutes from the commencement of the examination.**
- **Candidates who are intended to write the examination on the particular day/session are not permitted to be outside the examination hall specifically inside the campus of the university after the commencement of the examinations.**
- **Candidates are not permitted to borrow any stationers from any other candidate during the examination within the examination hall.**

- Candidates are required to adhere discipline and rules of the examination within and outside the examination hall so as to facilitate the other candidates to write the examination in a peaceful manner.
- Candidates shall not cause any nuisance either to the co examinee or to the invigilators and they have to adhere the instructions of the hall superintendent.
- The candidates are required to be seated in the examination hall before the commencement of the examination. After the commencement they have to get the permission of the hall superintendent and they have to take their respective seat in the examination hall.
- The candidates should personally hand over the answer papers to the Hall superintendent before leaving the hall.
- Electronic gadgets like cellular phone, pager or other instruments for communication from outside will not be permitted inside the examination hall. Possession of such instruments will also be treated as malpractice in the examination hall and will be punished accordingly.
- Candidates are required to hand keep their belongings including their mobile in their respective cloak rooms and advised to get their token. On return of the token they can get back their belongings from the cloak rooms.
- If the above instructions are not followed or any other similar wrong/delinquency is committed, it will be considered as malpractice and penal action will be initiated against the delinquent student.
- Candidates who have failed any subject are eligible, applying for revaluation, review and to get their photo copies of their answer books on payment of fees prescribed for the same.

5. Uniform Span Period System (N+2)

According to the system, the students of the various courses of 5 Year Integrated Hons' Degree Programme are permitted to pursue their higher classes and carry forward their backlog papers and has to clear their papers through the regular semester by the University.

The students those who joined in the various programmes from the academic year 2019-2020 onwards are eligible to complete their course of study within the normal period prescribed for such programme without detention.

As per the (N+2) norms, those students who are admitted in the academic year 2019-2020 onwards in various programme of the UG & PG will be given two additional years to complete their arrears of papers, if any, after the completion of the prescribed duration of the study to become eligible for award of degree from the time of joining in the programme.

During such extended period of two years of time span, such candidates (he/she) ceases to be a regular student of the University.

If a student he/she fails to clear the arrears of papers in the extended period (two years) after the normal programme of study shall not be eligible to be qualified for the degree.

SYLLABUS

B.C.A. LL.B Hon's Course

I YEAR

I-Semester

S.No	Subject Code	Subjects
1	HBC0101	Legal Language and Literature
2	HBC0102	Business Statistics and Computer Applications
3	HBC0103	Principles of Economics
4	HBC0104	Computer Fundamental and Legal Implications in Operating Systems
5	HLC0101	Introduction to Law, Legal Methods and Legal Research

II- Semester

S.No	Subject Code	Subjects
6	HBC0205	Legal Language and Communication
7	HBC0206	E-Commerce
8	HBC0207	Programming in C and Data Structures
9	HLC0202	Legal And Constitutional History
10	HLC0203	Law of Torts

II YEAR

III Semester

S.No	Subject Code	Subjects
11	HBC0308	Public Policy Governance- National &International Perspectives
12	HBC0309	Relational Database Management System and Legal Analytics
13	HLC0304	Constitutional Law I
14	HLC0305	Law of Contracts I
15	HLC0306	Law of Crimes I (Indian Penal Code)

IV Semester

S.No.	Subject Code	Subject
16	HBC0410	Law and Economics
17	HBC0411	Sociology and Social Research Methods
18	HBC0412	Software Engineering, Testing and its Legal Aspects
19	HLC0407	Constitutional Law II
20	HLC0408	Law of Contracts II

III YEAR

V Semester

S.No.	Subject Code	Subjects
21	HBC0513	Object Oriented Programming with Java , Web Technology and its Legal Requirements
22	HLC0509	Jurisprudence
23	HLC0510	Administrative Law
24	HLC0511	Family Law I
25	HLC0512	Company Law

VI Semester

S.No.	Subject Code	Subjects
26	HBC0614	Informational Security and Digital Forensics
27	HLC0613	Family Law II
28	HLC0614	Property Law
29	HLC0615	Law of Evidence
30	HLA0601	Interpretation of Statutes
31	HCC0601	Professional Ethics

IV YEAR

VII Semester

S.No.	Subject Code	Subjects
32	HLC0716	Introduction to Public International Law
33	HLC0717	Labour Law I
34	HLC0718	Mediation and Conciliation
35	HLA0702	Intellectual Property Law
36	HS10701	a. International Economic Law
	HS10702	b. Comparative Constitutional Law
	HS10703	c. Correctional Process
	HS10704	d. Corporate Securitisation
37	HS20701	a. International Treaties & Conventions on IP
	HS20702	b. Introduction to Land Laws
	HS20703	c. Criminology
	HS20704	d. International Labour Organisation and Labour Jurisprudence

VIII Semester

S.No.	Subject Code	Subjects
38	HLC0819	Labour Law II
39	HLA0803	Competition Law
40	HLA0804	Cyber Law and Information Technology
41	HS30801	a. International Human Rights Law
	HS30802	b. Human Rights in the Constitutional Law
	HS30803	c. Cyber Crime
	HS30804	d. Insurance Law
42	HS40801	a. IP on Traditional Knowledge and Genetic Resources
	HS40802	b. Land Laws of Tamil Nadu
	HS40803	c. Forensic Science and Investigation
	HS40804	d. Service Laws
43	HCC0802	Alternative Dispute Resolution Policy

V YEAR**IX Semester**

S.No.	Subject Code	Subjects
44	HLC0920	Civil Procedure Code and Limitation Act
45	HLC0921	Law of Crimes II (Criminal Procedure Code)
46	HLA0905	Banking Law
47	HS50901	a. Private International Law
	HS50902	b. Legal Process and Local Governance
	HS50903	c. Juvenile Justice system
	HS50904	d. International Commercial Arbitration
48	HS60901	a. Intellectual Property Litigations
	HS60902	b. RERA and Tenancy Law
	HS60903	c. Psychology of Crime
	HS60904	d. Social Security and Unorganised Labour
49	HCC0903	Drafting Pleading and Conveyancing

X Semester

S.No.	Subject Code	Subjects
50	HLC1022	Environment Law
51	HLC1023	Law of Taxation
52	HLA1006	Comparative Law
53	HS71001	a. Practical Paper
	HS71002	b. Practical Paper
	HS71003	c. Practical Paper
	HS71004	d. Practical Paper
54	HS81001	a. Practical Paper
	HS81002	b. Practical Paper
	HS81003	c. Practical Paper
	HS81004	d. Practical Paper
55	HCC1004	Moot Court

FIRST YEAR

I-SEMESTER

HBC0101: LEGAL LANGUAGE AND LITERATURE

English I

Objectives of the Course

The objective of the course is to train the student to obtain the basic knowledge of alphabets, words, parts of speech, phrases, clauses and sentences, apart from the need to upgrade English language skills for effective communication. This course focuses on strengthening the students' syntactical competence so as to bring quality and correct grammatical constructions in their writing and it is also meant to train them on how to study for various purposes. The prose lessons prescribed expose the students to different streams of higher thought in the realm of Politics, Law, Society and Literature. This course enables wholesome understanding of English language which plays a vital part in the acquisition of great advocacy skills.

COURSE OUTLINE

Module I: Legal Language and Grammar

- a. Defining Language
- b. Nature of Language
- c. Syntactical Competence (Introductory)
- d. Grammar and Usage-
 - Sentence Structure-Subject and Predicate
 - Concord
 - Tenses
 - Use of Articles
 - Accurate Use of Prepositions
 - Making Questions (Why-and yes-no questions and question tags)
 - Use of Modal Auxiliary Verbs (making requests, suggestions, seeking permission etc.)
 - Some Common Errors

Module II: Sentence Transformation

- a. Active and Passive Voice
- b. Types of Sentences (Statements, interrogative, exclamatory and imperative)
- c. Simple, complex and compound sentences
- d. Reported Speech
- e. Syntactic Ambiguity

Module III: Vocabulary Skills

- a. Idioms and Phrases
- b. One Word Substitution

Module IV: Communication Skills

- a. Communication- Verbal, Non-Verbal and Written
- b. Significance of Communication Skills for Lawyers-Listening, Speaking, Reading and Writing (Introductory)
- c. Electronic Communication and its types (Telephone, Facsimile, E-Mail, Voice Mail, Teleconferencing, Video-Conferencing, Word Processor, Internet, Social Media)
- d. Formal Correspondence
- e. Resume Writing

Module V: Study Skills for Law Students

- a. SQ3R(Survey Question Read, Recite and Review)
- b. Reading-Types-intensive and extensive; techniques-scanning, skimming and critical
- c. Note making
- d. Writing (Correct grammar, spelling, punctuation and clarity)
- e. Paragraph Writing

Module VI: Prose with Legal Themes:

- a. Of Judicature-Francis Bacon
- b. Some Reminiscences of the Bar-M.K. Gandhi
- c. Why the Indian Labor is Determined to Win the War-B R Ambedkar
- d. Joy of Reading- A P J Abdul Kalam
- e. M C Chagla- The Centenary of a Judicial Statesman- V R Krishna Iyer

Module VII: Poetry with Legal and Literature Themes:

- a. Law like love – W.H. Auden
- b. Freedom, Justice and Equality – Lonnie Hicks
- c. Where the Mind is without Fear – Rabindranath Tagore
- d. Stopping by the Woods on a Snowy Evening – Robert Frost.

APPENDIX I

Words Often Confused:

1. Affect - Effect
2. Adverse - Averse
3. Apprehend - Comprehend
4. Adapt - Adopt
5. Accept - Except
6. Advise - Advice
7. Beside - Besides
8. Bridal - Bridle
9. Canon - Cannon
10. Canvas - Canvass
11. Council - Counsel
12. Continual - Continuous
13. Childlike - Childish
14. Collision - Collusion
15. Confirm - Conform
16. Contagious - Contiguous
17. Dual - Duel
18. Elusive - Illusive
19. Eminent - Imminent
20. Facilitate - Felicitate
21. Industrial - Industrious
22. Judicial - Judicious
23. Metal - Mettle
24. Official - Officious
25. Popular - Populace
26. Principal - Principle
27. Stationary - Stationery
28. Wave - Waive
29. Sea - See
30. Momentary - Momentous
31. Junction - Juncture
32. Estimate - Esteem
33. Fain - Feign
34. Flagrant - Fragrant
35. Luxurious - Luxuriant
36. Emigrate - Immigrate
37. Destiny - Destination
38. Disease - Decease
39. Disposal - Disposition
40. Confident - Confidential
41. Corporal - Corporate
42. Congenial - Congenital
43. Compliment - Complement
44. Abstract - Extract
45. Avert - Invert
46. Accede - Exceed
47. Assent - Ascent
48. Atenuate- Extenuate
49. Artful - Artificial

Recommended Readings:

Books

- Smith, A.T.H. *Glanville Williams: Learning the Law*. Sweet and Maxwell Printing Press, 14th edition. 1945
- SP Bakshi. *Easily Accessible: Suitable for Beginners*. Descriptive Analysis.
- Bhatnagar. R. G. *Law and Language*. Trinity Press Private Limited, 2012. Print.
- Raymond Murphy, *Essential English Grammar*. 2nd Edition. Cambridge University: 1990, Print.
- Raymond Murphy. *English Grammar in Use*. 4th Edition. Cambridge University: 1995.
- Martin Hewings. *Advanced Grammar in Use*. 3rd Edition. Cambridge University: 2000.

- David Annousamy - *The Language Riddle*. 5th Edition. Sterling Publication, 2009.
- Lewis, Norman. *Word Power: The Complete Handbook for Building a Superior Vocabulary*.
- A.J. Thomsan. *Practical English Grammar*. Fourth Edition. 2015. Print.
- William Strunk, Jr. Richard De A'Morelli. *The Elements of Style*. Classic Edition: 2018. Print.
- Jane Straus. *The Blue Book of Grammar Punctuation: An Easy-to-Use with Clear rules and Real-World*. 2014. Print.

Further Readings

Books

- 1) Williams, Glanville. *Advanced English Grammar*. Cambridge University Press: New Delhi, 2008.
- 2) Denning, Lord. *Better English Pronunciation*. Cambridge University Press: New Delhi, 2008.
- 3) Jones, Daniel. *Better English Pronunciation*. Cambridge University Press: New Delhi, 2008.
- 4) Bhatnagar, R.P. *English Idioms*. Oxford University Press. 2002.
- 5) David Green - *Contemporary English Grammar Structure and Composition*
- 6) J.C. Nesfield - *English Grammar Composition and Usage*

Journals:

- Phonetics and Audiology Peer Reviewed Open Access Journal
- International Journal of Speech-Language Pathology and Audiology
- Journal of Language and Linguistic Studies.
- Journal of Language and Learning.
- Journal of English as an International Language.
- Journal of Effective learning.
- Journal of Computer-Mediated Communication.
- Electronic Journal of Foreign Language Teaching.

Web sources:

<https://www.easypacelearning.com/all-lessons/english-books-for-download-pdfs-free/1266-idioms-from-a-to-z-pdf-free-to-download>

<https://www.englishclub.com/vocabulary/figures.htm>

<https://www.britannica.com/science/phonetics>

<https://scholar.harvard.edu/files/adam/files/phonetics.ppt.pdf>

<https://www.thoughtco.com/phonetics-definition-1691622>

<https://www.dictionary.com/browse/phonetics>

Learning Outcome:

After undergoing this course, students should be able to:

1. *Comprehend the basic grammatical structure of English language and its proper usage.*
2. *Significantly enhance language skills, both spoken and written.*
3. *Understand the importance of honing advocacy skills.*

HBC0102: BUSINESS STATISTICS AND COMPUTER APPLICATIONS

Objectives of the Course:

This course provides a gentle introduction to statistical reasoning for a non-technical, legal audience. Its primary goal is to provide law students with the literacy necessary to be well-informed and critical consumers of statistical expertise in legal contexts. No mathematical background beyond high school is assumed, and when possible, graphical and concrete examples will be used instead of formulas..

COURSE OUTLINE

Module 1: Introduction to Business Statistics

- a) Introduction- meaning, definition, functions, objectives and importance of statistics
- b) Scope of Statistics in Economics, Management, Science and Industry
- c) Collection of data – primary & secondary – Methods collecting primary data, classification & tabulation – Graphs and Types of Graphs .

Module 2: Sampling

- a) Sample & Sampling - Need and Methods of Sampling - Types of sampling
- b) Sampling and Non Sampling Errors
- c) Sampling Techniques - Sampling distribution

Module 3: Central Tendencies and Dispersion

- a) Measures of central tendencies and Measures of dispersion (Review only)
- b) Criteria for good measures of central tendency
- c) Arithmetic Mean, Median, Mode for grouped and ungrouped data, combined mean - their relevance and application in business.

Module 4: Correlation and Regression

- a) Correlation-meaning and definition-Karl Pearson's co-efficient of correlation, Spearman's rank correlation - Concurrent deviation- Probable error
- b) Regression analysis- Regression lines- Regression equation under Algebraic method and their application in business-Types of Test.

Module 5: Probability

- a) Probability Concepts- Approaches to assigning Probability
- b) Theorems of Probability- Addition Theorem- Multiplication Theorem
- c) Conditional Probability- Random Variable and Expected value.

Module 6: Introduction to SPSS

- a) Introduction to SPSS - Tour of SPSS windows, menus, and dialogue boxes
- b) Open, save, and close SPSS data and output files - Preparing a data entry codebook
- c) Creating a SPSS data file - Enter data into an SPSS data file – Checking and Correction of data file for errors

Module 7: Operating Basics of SPSS

- a) Obtaining descriptive statistics - Create a variety of graphs (histograms, bar graphs)
- b) Choosing appropriate statistical techniques to address specific research questions
- c) Perform a variety of statistical procedures and interpret the output.

Recommended Reading:

1. Gupta.S.P. *Statistical Methods*, Himalaya Publishing House, Mumbai.
2. Elhance.D.L . *Fundamentals of Statistics*, Kitab Mahal, Allahabad.
3. Gupta.B.N. *Statistics - Theory and Practice*, Sahitya Bhawan Publications, Agra.
4. Sanchetti D.C and Kapoor V.K . *Statistics - Theory, Methods and Application*, Sultan Chand & Sons, New Delhi.
5. Nabendu Pal and Haded Sarkar S.A . *Statistics - Concept and Application*, PHI, New Delhi.
6. Agarwal.B.M. *Business Mathematics and Statistics*, Ane Books Pvt.Ltd., New Delhi.

Learning Outcomes:

1. Produce appropriate graphical and numerical descriptive statistics for different types of data.
2. Apply probability rules and concepts relating to discrete and continuous random variables to answer questions within a business context.
3. Conduct and interpret a variety of hypothesis tests to aid decision making in a business context.
4. Use simple/multiple regression models to analyse the underlying relationships between the variables through hypothesis testing.
5. Use a statistical package frequently used by practitioners to analyse the data using techniques from SPSS.

HBC0103: PRINCIPLES OF ECONOMICS

Objectives of the Course

The basic objective of this course is to make the students to understand the various advance economic principles as well as their applications. In addition to that this course also enables the students to understand sectors specific and their impact in shaping trends in economic indicators in pursuit of Indian Constitution.

COURSE OUTLINE

Module I Introduction to Economics

- a) Meaning – Definitions- Wealth, Welfare and Scarcity Views of Economics
- b) Nature and Scope of Economics- Significance of the Study of Economics
- c) The Subject Matter of Economics - Difference between Micro and Macro Economics
- d) The Methodology of Economics - Deductive Method and Inductive Method
- e) A Positive and a Normative Economics.

Module II Demand and Supply Analysis

- a) Meaning – Definition- Types- Functions of Demand
- b) Factors Affecting Demand- Law of Demand
- c) Exceptions to the Law of Demand
- d) Elasticity of Demand – Types and Measurement of Elasticity of Demand
- e) Factors influencing Elasticity of Demand
- f) Meaning and Definition of Supply – Law of Supply- Factors determining Supply.
- g) Consumer's Surplus- Producers Surplus.

Module III Theory of Consumer Behaviour

- a) Meaning – Definition - Concept of Utility
- b) Cardinal - Ordinal Utility Approach
- c) Law of Diminishing Marginal Utility - Law of Equi-Marginal utility
- d) Meaning of Indifference Curve- Approach to Indifference Curve Technique
- e) Properties and Uses of Indifference Curve
- f) Budget Line and Consumer's Equilibrium.

Module IV Theory of Production

- a) Meaning - Factors of Production
- b) Theories of Production: Law of Variable Proportions – Law of Returns to Scale
- c) Equal Product Curves – MRTS
- d) Producer's Equilibrium
- e) Internal and External Economies and Diseconomies of Scale of Production.

Module V Cost and Revenue Analysis

- a) Meaning – Functions -Concepts of Cost
- b) Fixed Cost -Variable Cost -Total Cost Average Cost
- c) Marginal Cost - Average Cost Curves -Derivation of SAC and LAC
- d) Revenue Concepts - Total Revenue - Average Revenue and Marginal Revenue Curves
- e) Relationship between Average Revenue and Marginal Revenue

Module VI Price and Output Determination Under Different Market Structure

- a) Nature of Market -Structure – Characteristics of Market
- b) Price and Output Determination - Perfect Competition, Monopoly, Duopoly
- c) Oligopoly -Monopolistic Competition
- d) Price Discrimination
- e) Price Policy and Pricing Methods.

Module VII Principles – Money and Finance

- a) Nature and Definition of Money-Concepts of Money
- b) Function of Money - Demand for Money
- c) Classical Approach: The Keynesian Approach
- d) Public Finance- Source of Public Finance
- e) Tax and Non-Tax Revenue- Characteristic of Good Tax System
- f) Theories of Public Expenditure – Peacock -Wisemen Theory
- g) Public Debt- Classification of Public Debt

Recommended Readings:

Books:

1. N. Gregory Mankiw (2007), *Economics: Principles and Applications*, 4th edition, India edition by South-Western, a part of Cengage Learning, Cengage Learning India Private Limited, ISBN-13:978-81-315-0577-9 (hereafter Mankiw, 2007, 4e).
2. Karl E. Case and Ray C. Fair (2007), *Principles of Economics*, 8th edition, Pearson Education Inc., ISBN 81-317-1587-6.(hereafter Case & Fair, 2007, 8e).
3. Joseph E. Stiglitz and Carl E. Walsh (2006), *Economics*, International Student Edition, 4th Edition, W.W. Norton & Company, Inc., New York, ISBN 0-393-92622-2. (hereafter Stiglitz & Walsh, 2006, 4e).
4. Ahuja H.L. (1996), *Principles of Micro Economics, A New look at Economic Theory*, S.Chand, New Delhi.
5. Jhingan M. L, *Macro Economic Theory*, 10th Revised edition, 2002, ISBN 81-87125-01-2, Vrinda Publication (P) Ltd, New Delhi.

Journal / Journal Articles:

1. Caplan, B., & Miller, S. (2012). Positive versus normative economics: What's the connection? Evidence from the "Survey of Americans and Economists on the Economy" and the "General Social Survey". *Public Choice*, 150(1/2), 241-261. Retrieved March 31, 2020, from www.jstor.org/stable/41406877
2. Kauder, E. (1965). The Law of Diminishing Utility. In *History of Marginal Utility Theory* (pp. 135-142). PRINCETON, NEW JERSEY: Princeton University Press. DOI:10.2307 /j. ctt 183pkml.16
3. Barucci, E. (1998). Optimal Investments with Increasing Returns to Scale. *International Economic Review*, 39(3), 789-808. doi:10.2307/2527400
4. Turvey, R. (1969). Marginal Cost. *The Economic Journal*, 79(314), 282-299. doi:10.2307/2230169
5. Lewis, M., & Widerquist, K. (2001). Marginal Analysis. In *Economics for Social Workers: The Application of Economic Theory to Social Policy and the Human Services* (pp. 15-24). New York: Columbia University Press. doi:10.7312/lewi11686.5

Further Readings:

Books:

1. Stonier and Hague, A Text Book of Economic Theory, (1958), Long Mans Green &Co., London.
2. Douglas B. Bernheim and Michael D. Whinston. (2009). Microeconomics, Tata McGraw-Hill (India).
3. Hal R. Varian (2010). Intermediate Microeconomics: A Modern Approach, W.W. Norton and Company/Affiliated East-West Press (India), 8th edition.
4. Joseph E. Stiglitz and Carl E. Walsh (2007). Economics, W.W. Norton & Company, Inc., New York, International Student Edition, 4th edition.
5. Gregory N Mankiw (2007). Economics: Principles and Applications, India edition by South Western, a part of Cengage Learning, Cengage Learning India Private Limited, 4th edition.
6. Sundharam KPM, M C Vaish, Principles of Economics-13th Revised Edition, Vikas Publishing House Pvt Ltd.
7. Tyagi B.P Public Finance 5st Edition, Jai Prakash&co.
8. Dominick Salvatore Eugene. A Duilio, Principles of Economics, Edition 2017, Tata McGraw Hill Publishing Company Ltd., New Delhi.
9. D.N. Dwivedi, 2000, Managerial Economics, Vikas Publishing House Pvt. Ltd., New Delhi
10. Baumol, William J., 1995, Economic Theory and Operation Analysis, Prentice Hall of India Pvt. Ltd., New Delhi.

Journal / Journal Articles:

1. Indian Journal of Economics
2. Economic and Political Weekly (EPW)
3. Kurukshetra and Yojana
4. Southern Economist
5. Indian Journal of Agriculture
6. Armstrong, M., & Vickers, J. (2001). Competitive Price Discrimination. *The RAND Journal of Economics*, 32(4), 579-605. Retrieved March 31, 2020, from www.jstor.org/stable/2696383

7. Frank, C. (1969). Substitution and Price Discrimination. In *Production Theory and Indivisible Commodities. (PSME-3)* (pp. 50-63). PRINCETON, NEW JERSEY: Princeton University Press. doi:10.2307/j.ctt183pr67.7
8. Lavoie, M. (1994). A Post Keynesian Approach to Consumer Choice. *Journal of Post Keynesian Economics*, 16(4), 539-562. Retrieved March 31, 2020, from www.jstor.org/stable/4538409
9. S. Kumarasundaram. (1986). India's Balance of Payment Prospects. *Economic and Political Weekly*, 21(8), 335-336. Retrieved March 31, 2020, from www.jstor.org/stable/4375360
10. Oum, T., Zhang, A., and Zhang, Y. (1993). Inter-firm Rivalry and Firm-specific Price Elasticities in Deregulated Airline Markets. *Journal of Transport Economics and Policy*, 27, 171–192.

Learning Outcomes:

After completion of the study students will be able to -

- *Reliable the application of legal principles in the field of economics in the precise manner, as a social engineer and uphold the goal of constitution to distribution of income and wealth of nation to ensure welfare of each individual.*
- *Give the first-hand information about the market structure how resource allocate various market situations and enable to change the decision making in accordance with global scenario.*
- *Comprehend how to use limited means to present and retain for the future unlimited wants and how the law can support and, at times conflict with, the functioning of the market and the government, the other two important organising forces of an economy.*
- *Develop an inter-disciplinary approach and enhance the employability of students.*

HBC0104: COMPUTER FUNDAMENTALS AND LEGAL IMPLICATIONS IN OPERATING SYSTEMS

Objectives of the Course

This course introduces the details about the:

- 1. Concepts of Computer fundamentals, MS-Office and Operating Systems.*
- 2. To bridge the fundamental concepts of computers along with the current knowledge of the students.*
- 3. The student learns the fundamental components used in a Digital computer which is essential for the programme.*

COURSE OUTLINE

Module 1: Introduction of Computers and Number Systems

- a) Fundamentals of Computers - Characteristics of Computers - Computer Language
- b) Generation of Computers – Introduction to Information Technology.
- c) Number Systems - Conversion from one number system to another.

Module II: Logic Gates and Flip Flops

- a) Complements - Binary Codes - Binary Logic - Logic Gates
- b) Truth Tables - Boolean Algebra -Axioms- Sequential Logic
- c) Flip Flop -RS, JK, D and T Flip Flops

Module III : K Map And Combinational Circuits

- a) Truth Table Simplification of Boolean Function – K-Map Method (Upto 5 Variables)
- b) Mc-Clausky Tabulation Method - Adders- Subtractors
- c) Decoder – Encoder - Multiplexer- Demultiplexer.

Module IV: Ms Office and Ms Powerpoint

- a) MS-Office - Introduction to MS Word-Menus- Shortcuts
- b) Create - Open – Saving - Editing Text Documents - Cut, Copy, Paste
- c) Creating Tables –Merging – Splitting - Mail Merge - Spell Check – Macros –Templates - Using Wizards.
- d) MS-Power Point- Creating - Formatting a Presentation - Adding Graphics to a Presentation.

Module 5: Ms Excel

- a) MS-Excel - Introduction-Working Spread Sheets
- b) Formatting Spread Sheets - Creating Charts
- c) Formula Usage.

Module VI: OS security problems and Microsoft warrant case

- a) The Security Problem - Program Threats - Cryptography as a Security Tool
- b) User Authentication – Firewalling to Protect Systems
- c) Microsoft warrant case – CLOUD ACT

Module-VII: The Laws Relating to Computers and the Internet

- a) Multimedia works - Copyright violation on the internet – Idea/Expression dichotomy in computer related works
- b) Software Piracy – Trademark issues in relation to computers and internet
- c) Domain name registration – Legal protection for database

Recommended Readings:

Books:

1. Mano M Morris, Digital logic and computer design, ISBN No. 9789332542525, Edition 1, Perarson Publisher, 2016.
2. V. Rajaraman, Fundamentals of computer, ISBN No. 9788120350670, Edition 2, PHI Learning Publisher, 1985.
3. Abraham Silberschatz, Operating system principles, 7th edition, ISBN No.978-8126509621, Wiley Publisher, 2006.
4. **L Thomas Floyd**, Digital logic fundamentals, ISBN-No: 0675084954, Merrill Publisher, December 2016
5. Butterworths, The Law Relating to Computers and the Internet, ISBN No. 81-87162-13-9, Lexis Nexis Publisher, 2000.

Journals:

1. IEEE Xplore, SMPTE Periodical - Digital Electronics Fundamentals for the User: Basic Logic Gates and Broadcast Applications, Publisher: SMPTE, ISSN: 0036-1682
2. Journal of Operating System Development and Trends, eISSN: 2454–9355
3. Computer Engineering & Information Technology, ISSN : 2324-9307.
4. International journal of Artificial Intelligence, ISSN: 0974-0635, Publisher - Elsevier
5. Communications of the ACM, ISSN: 0001-0782- Publisher – ACM

Further Readings:

Books:

1. T.C.Bartee, Computer Architecture and logic design, ISBN No. 0070039097, Edition 1, McGraw-Hill Publisher, 1990
2. **P. K. Sinha, Computer Fundamentals, ISBN No.-13:9788176567527, BPB Publications, 2004**
3. Joan, Microsoft office 2007, step by step, ISBN No. 978-0735623026, Edition 1, Microsoft press, 2016.
4. AbrahanSilberschatz, Operating System concepts, ISBN No.978-8126554270.
5. Lawyer's Deskbook, 2nd Edition, 2018 by Shilling.
6. Rajiv Chopra, Operating System – A Practical App, ISBN No. 8121931649, S. Chand Publishing, 2009.
7. Karnika Seth, Computers Internet and New Technology Laws, ISBN No. 9788180389030, Lex Cyberia2013

E – Books:

1. Digital Logic Design, course tutorial, training, a PDF book made by A.F. Kana.
2. Microsoft_word.pdf, Website: Microsoft word windows
3. Operating System by Steven Hand

Journals:

1. IEEE Transactions on Computers, 0018-9340 (print) 1557-9956 (web), Publisher – IEEE Computer Society
2. An Analysis of the CLOUD Act and Implications for India By: Elonnai Hickok and VipulKharbanda
3. The Computer Journal, 0010-4620 (print), 1460-2067 (web), Publisher – Oxford University.
4. IEEE Transactions on Computers, LCCN: 75642478, Publisher - IEEE
5. Legal implications of Operating system, Publisher – IEEE Computer Society

E-Learning:

Web Resources

6. <https://study.com/academy/lesson/what-is-office-automation-system-tools.html>
7. <https://learn.ni.com › teach › resources › teaching-digital-logic-fundamentals>

NPTEL Links and Online lectures

- 8 <https://nptel.ac.in/courses/117106086/>
- 9 <https://nptel.ac.in/courses/106/106/106106144/>
- 10 <https://swayam.gov.in/>

Learning Outcomes:

After completion of the course students will be able to:

- *Understanding the concepts of Information Technology.*
- *Simplifying Boolean expressions using K-Map method*
- *Complete knowledge in working with Microsoft Office*
- *Solving Operating system security threats*

LAB EXERCISES

MS- WORD

1. Text Manipulations.
2. Usage of Numbering, Bullets, Footer and Headers.
3. Usage of Spell check, and Find and Replace.
4. Text Formatting.
5. Picture insertion and alignment.
6. Creation of documents, using templates.
7. Creation templates.
8. Mail Merge Concepts.
9. Copying Text and Pictures from Excel.

MS - EXCEL

10. Cell Editing.
11. Usage of Formulae and Built-in Functions.
12. File Manipulations.
13. Data Sorting (both number and alphabets).
14. Worksheet Preparation.
15. Drawing Graphs.
16. Usage of Auto Formatting.

POWER POINT

17. Inserting Clip arts and Pictures.
18. Frame movements of the above.
19. Insertion of new slides.
20. Preparation of Organisation Charts.
21. Presentation using Wizards.
22. Usage of design templates.

HLC0101: INTRODUCTION TO LAW, LEGAL SYSTEMS & LEGAL RESEARCH

Objectives of the Course:

Introduction to Law, Legal Systems and Legal Research as a field of knowledge is essentially taught to the beginners of law. Contextually, it concentrates on the foundational dimensions of law at an introductory level. The core areas of dissemination include the role of law in human life and welfare, definitional elements of law, conceptual insights on legal terminologies and maxims, classification of law, basic views on legal systems, studying and interpreting legislations, understanding decisional law and fundamentals of legal research and methodology. The course work will be skill based. Enquiry cum learning by doing based approach is adopted to facilitate the students to imbibe intellectual abilities, self-evaluation and working culture towards accessing the teacher and law library. In sum, the course work ensures the transformation of a trainee into a student of law (ethical and knowledge dimensions). Importantly, the subject and related learning experience lays the platform for the students to evolve systematically towards the realisation of intellectual excellence in law.

COURSE OUTLINE

Module I: Introduction to Law, Classification and Legal Systems

- (a) Role of Law in Human Life and Welfare-Characterisation of Law-Classification of Law;
- (b) Basic Concepts in Legal Philosophy-Ancient Indian Legal Thought-Continental Law-Common Law-Comparative Laws-Notion of Public and Private Laws;
- (c) Principle based Approaches-Understanding Legal Terminologies and Maxims.

Module II: Skills to Learn Law and Methods of Legal Reasoning

- (a) Art of Questioning-Intellectual Enquiry-Developing Critical Thinking-Language Usage Skills;
- (b) Skills of Interpretation-to read, to write, deduce the hidden assumptions and test its accuracy-Texts of and about the Law-Improving Legal Insights on Contemporary Social Problems;
- (c) Methods of Legal Reasoning-Logic-Inductive and Deductive Reasoning-Analysis-Legal Fictions-Assumptions.

Module III: Understanding Legislations

- (a) Defining Statute Law-Kinds of Statutes-Legislative Drafters-Legal Writing and Legislative Drafting;
- (b) Stages of Legislative Drafting-Elements of Legislation-Principles of Legislation-Schools of Interpretation-General Clauses Act, 1897.

Module IV: Judicial Methods

- (a) Defining Justice-Concept of Dharma-Judicial Behaviour-Judicial Activism-Components of Judgment-Doctrine of Reasoned Decisions-Identifying *ratio decidendi*;
- (b) Judges make or declare Law-Hierarchy of Courts in India-Supreme Court-High Courts-District & Sessions Court-Metropolitan Courts-Subordinate Courts and Judges along with classifications.

Module V: Fundamentals of Legal Research and Methodology

- (a) Defining Research and Legal Research-Qualities of Legal Researcher-Doctrinal and Non-Doctrinal Modes of Research-Drafting Synopsis-Basic Components;
- (b) Principles of Data Collection-Modes of Data Collection-Questionnaire-Interview-Survey-Sampling-Statistical;
- (c) Research Manual-Utilising Law Library-Information Communication Assisted Legal Research-Multi-Disciplinary Approaches.

Module VI: Legal Education, Legal Ethics and Law Reforms

- (a) Salient Reports on Legal Education-Prof. Radhakrishnan Report on Reforms on Higher Education;
- (b) Introduction to Legal Ethics-Select Reports of the Law Commission of India.

Recommended Reading

Books

1. V.C.R.A.C. Crabbe (1993), *Legislative Drafting*, Cavendish Publishing: United Kingdom.
2. Subhash C.Kashyap (1994), *Our Constitution: An Introduction to India's Constitution and Constitutional Law*, National Book Trust of India: India.
3. John Trayner (1998), *Latin Maxims*, W. Green/Sweet & Maxwell: United Kingdom.
4. Sharon Hanson (1999), *Legal Method*, Cavendish Publishing: United Kingdom.
5. S.K. Verma and M. Afzal Wani (Editors) (2001), *Legal Research and Methodology*, Indian Law Institute: India.

Further Reading

1. Upendra Baxi (1982), *The Crisis of the Indian Legal System-Alternatives in Development: Law*, Vikas Publishing House Pvt. Ltd.: India.
2. P.M. Bakshi (1993), *Legal Interpretation: Ancient and Modern*, The Indian Law Institute: India.

3. V.C.R.A.C. Crabbe (1994), *Understanding Statutes*, Cavendish Publishing: United Kingdom.
4. A.G. Noorani (2011), *Challenges to Civil Rights Guarantees in India*, South Asia Human Rights Documentation Centre, Oxford University Press: India.
5. Ian McLeod (2013), *Legal Method*, Macmillan Law Masters, Red Globe Press: United Kingdom.

Articles

1. J.K. Bhavnani (1962), *Legal Education in India*, *Journal of the Indian Law Institute*, Vol. No.4, PP. 167-190.
2. V.S. Deshpande (1969), *Extrinsic Aid in the Construction of Statutes*, *Journal of the Indian Law Institute*, Vol. No.11, Issue No. 2, PP. 123-158.
3. Rahmatullah Khan and Sushil Kumar (1975), *Comparative Law Research in India*, *Journal of the Indian Law Institute*, Vol. No. 12, PP. 505-510.
4. UpendraBaxi (1975), *Socio-Legal Research in India: A Programmschrift*, Indian Council of Social Science Research: New Delhi, occasional monograph No.12.
5. D.N. Saraf (1982), *Relevance and Utility of Empirical Research in Law*, *Journal of the Indian Law Institute*, Vol. No. 24 Issue No. 2&3, PP. 611-634.
6. Rajeev Dhavan (1994), *Law As Struggle: Public Interest Law in India*, *Journal of the Indian Law Institute*, Vol. No. 36, Issue No.3, PP. 302-338.
7. Duncan Berry (1997), *Techniques for Evaluating Draft Legislation, The Loophole: Published by Common Wealth Association of Legislative Counsel*, PP. 31-47.
8. S.P. Sathe (2001), *Judicial Activism: Indian Experience*, *Washington University Journal of Law & Policy*, Vol. No. 6, PP. 29-109.
9. Ruth Sullivan (2001), *The Promise of Plain Language Drafting*, *McGill Law Journal*, Vol. No. 47, PP. 97-128.
10. Justice D.M. Dharmadhikari (2002), *Nature of Judicial Process*, Vol. No. 6, Issue No. 1, *Supreme Court Cases*.

Cases for Guidance

1. *Bangalore Water Supply and Sewerage Board v. A. Rajappa*, AIR 1978 SC 548.
2. *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.
3. *BanduaMuktiMorcha v. Union of India*, AIR 1984 SC 802.
4. *U.P. BhoodanYagnaSamiti v. Braj Kishore & Others*, AIR 1988 SC 2239.
5. *ParamanandKatara v. Union of India*, AIR 1989 SC 2039.
6. *State of Karnataka v. AppaBaluIngale and Others*, AIR 1993 SC 1126.
7. *Vellore Citizens Welfare Forum v. Union of India*, AIR 1996 SC 2715.
8. *Indian Council for Enviro-Legal Action v. Union of India*, AIR 1996 SC 1446.
9. *Bobby Art International, Etc. v. Om Pal Singh Hoon& Others*, AIR 1996 SC 1846.
10. *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.
11. *M.C. Mehta v. State of Tamil Nadu*, AIR 1997 SC 699.
12. *Samatha v. State of Andhra Pradesh*, AIR 1997 SC 3297.
13. *Gaurav Jain v. Union of India*, AIR 1997 SC 3021.
14. *M/s. Spring Meadows Hospital v. Hajrol Ahluwalia*, AIR 1998 SC 1801.
15. *Apparel Export Promotion Council v. A.K. Chopra*, AIR 1999 SC 625.

16. Mr. 'X' v. Hospital 'Z', AIR 1999 SC 495.
17. Chairman, Railway Board v. Chandrima Das, AIR 2000 SC 988.
18. Murali S. Deora v. Union of India, AIR 2002 SC 40.
19. Rupa Ashok Hurra v. Ashok Hurra & Another, AIR 2002 SC 1771.
20. Harish Uppal (Ex-Capt.) v. Union of India, AIR 2003 SC 739.
21. Sakshi v. Union of India, AIR 2004 SC 3566.
22. Jameel v. State of Maharashtra, AIR 2007 SC 971.
23. Suchita Srivastava & Another v. Chandigarh Administration, AIR 2010 SC 235.
24. In Re: Networking of Rivers (2012) 4 SCC 51.

Select Reports of the Law Commission of India

1. Report No. 183 (2002) on "A Continuum on the General Clauses Act, 1897 with Special Reference to the Admissibility and Codification of External Aids to Interpretation of Statutes".
2. Report No. 187 (2003) on "Mode of Execution of Death Sentence and Incidental Matters".
3. Report No. 196 (2006) on "Medical Treatment to Terminally Ill Patients (Protection of Patients and Medical Practitioners)".
4. Report No. 201 (2006) on "Emergency Medical Care to Victims of Accidents and during Emergency Medical Condition and Women under Labour".
5. Report No. 210 (2008) on "Humanization and Decriminalization of Attempt to Suicide".
6. Report No. 221 (2009) on "Need for Speedy Justice-Some Suggestions".
7. Report No. 222 (2009) on "Need for Justice-dispensation through ADRetc".
8. Report No. 223 (2009) on "Need for Ameliorating the lot of the Have-nots-Supreme Court's Judgments".
9. Report No. 234 (2009) on "Legal Reforms to Combat Road Accidents".
10. Report No. 255 (2015) on "Electoral Reforms".

Learning Outcomes

1. To get introduced to the conception of law and its relevance to human life.
2. To understand the classification of laws to resolve the identity crisis.
3. To systematically work on the skills of using general and legal language.
4. To imbibe analytical skills of enquiry and legal reasoning.
5. To be aware of the notion of legisprudence and its intersectionality with social problems.
6. To systematically evolve as a legal mind, to earn intellectual self-respect and eventually, contribute to mankind and other creations.

FIRST YEAR

II-SEMESTER

HBC0205: LEGAL LANGUAGE AND COMMUNICATION

English II

Objectives of the Course

The course objective is to train the students to acquire effective communication skills including legal jargon. The students are given an understanding of various types of correspondence, writing reports, minutes, office order, etc. The modern forms of communication and the way it can be used for business purpose is also covered in this paper. Linguistics and Phonetics help in good articulation with intonation and rhythm in the spoken skills and increasing the word hoard both literal and legal for effective written skills. Students are introduced to the various clauses, phrases, syntax, and nuances of legal terminology in the interpretative context.

COURSE OUTLINE

Module I: Phonology and Morphology

- a. Use of English and its Significance for Communication in Indian Legal Context (in the Supreme Court, High Courts and Various Tribunals)
- b. Correct Pronunciation-Speech Sounds, Word Stress and Intonation
- c. Structure of Words
- d. Processes of Words Formation (Examples from Law)

Module II: Semantics and Role of Meaning in Law

- a. Concept of Meaning
- b. Types of Meaning (Denotative, Connotative, Social, Emotive, Reflected, Collative and Thematic)
- c. Semantic Ambiguity
- d. Components and Contrasts of Meaning- Synonyms, Antonyms and Hyponym and their Significance in Legal Language (focus on examples)
- e. Lexical Relations- Homographs, Homophones and Polysemy and their Significance in Legal Language (focus on examples)

Module III: Composition Skills

- a. Report Writing
- b. Précis Writing
- c. Notices of General Nature
- d. Essay Writing on Legal Topics
- e. Translation:
 - Definitions of Translation and its Nature
 - Techniques of Translation
 - The Significance of Translation in Law

Module IV: Understanding the Law

- a. Defining Law
- b. Meaning of Act, Bill, Custom, Law, Laws, Morality, Ordinance, Precedents, Rule, Statute
- c. Nature of Law
- d. Classification of Laws- Municipal Law and International Law, Public and Private Law, Civil Law and Criminal Laws
- e. Interpreting Law and Role of Language in Interpretation (Use of Definitions, Meanings of words, literal meaning and contextual meaning)
- f. Etymology, Significance, Meaning and Usage of Legal Terms in Procedural, Civil and Criminal Laws- Legal Terms (Appendix I)

Module V: Foreign Terminology in Law

- a. Use of Foreign Terms in Legal English- the Origin of Law and Reasons for their Use
- b. Foreign Words (Appendix II)
- c. Legal maxims (Appendix III)

Module VI: Use of Language in Drafting

- a. Use of Legal Language and its significance in drafts (Sale Deed, Gift Deed, Release Deed, General Power of Attorney and Will)
- b. Use of Legal Language in Drafting in Legal Notices (Notice to Tenant on behalf of Landlord and vice versa and Notice to Husband on behalf of Wife and vice versa)

Module VII: Advocacy Skills

- a. Meaning of Advocacy
- b. Advocacy as an Art
- c. Qualities of Lawyers (Good voice, Command of Words, Confidence, Practical wisdom etc)
- d. Use of Rhetoric- Figures of Speech (Euphemism, Hyperbole, Irony, Metaphor, Paradox, Simile, Synecdoche and Understatement)
- e. Etiquettes and Manners for Law Professionals
- f. Client Counselling and Interviewing

Module VI: Logical Reasoning for Legal Learners:

- a. General principles of Logic
- b. Deductive Logic and Inductive logic
- c. Proposition- Kinds and Types of proposition.
- d. Four-fold classification and its significance.
- e. Syllogism – Structure and Rules of Syllogism – Fallacies - Distribution of Terms and importance of Middle term.

APPENDIX: I

List of Legal Terms:

- | | | |
|--------------------------|------------------|-----------------------|
| 1. Accomplice | 19. Equity | 39. Partition |
| 2. Adjudication | 20. Evidence | 40. Plaintiff |
| 3. Adjournment | 21. Execution | 41. Power of attorney |
| 4. Admission | 22. Fraud | 42. Proof |
| 5. Affidavit | 23. Hearsay | 43. Proof |
| 6. Amendment | 24. Homicide | 44. Redemption |
| 7. Approver | 25. Injunction | 45. Remedy |
| 8. Breach of
Contract | 26. Issue | 46. Settlement |
| 9. Capital
Punishment | 27. Judgement | 47. Summons |
| 10. Coercion | 28. Jurisdiction | 48. Surety |
| 11. Compromise | 29. Liability | 49. Tenant |
| 12. Consent | 30. Licence | 50. Title |
| 13. Counter Claim | 31. Maintenance | 51. Transfer |
| 14. Damages | 32. Malafides | 52. Trespass |
| 15. Defamation | 33. Minor | 53. Trial |
| 16. Defence | 34. Murder | 54. Trust |
| 17. Deposit | 35. Necessaries | 55. Usage |
| 18. Distress | 36. Negligence | 56. Vakalat |
| | 37. Oath | 57. Verdict |
| | 38. Obscene | 58. Waiver |

APPENDIX II

List of Legal Terms:

- | | | |
|---------------|-------------------|--------------|
| Ab initio | Habeas Corpus | Quid Pro quo |
| Ad hoc | Homicide | Quo Warranto |
| Ad-Idem | In Camera | Resjudicata |
| Advalorem | In-forma Pauperis | Sine-die |
| Affidavit | In-Limine | Tort |
| Amicus Curiae | Magna Carta | Trespass |
| Bona-fide | Malafides | Ultra-vires |
| Cur.advelt | Mandamus | Usage |
| Cerciorari | Partition | Vakalat |
| De-facto | Persona designate | Vis-Major |
| De-jure | Perjury | Void |
| Equity | Privity | Voidable |
| Ex-parte | Proviso | Waiver |

APPENDIX: III

List of Latin Legal Maxims:

1. *Actio Personalis Moritur Cum Persona*
2. *Actus Non Facit Reum, Nisi Mens, Sit, Rea*
3. *Audi Alteram Partem*
4. *Damnum Sine Injuria Esse Potest*
5. *Delegatus Non Potest Delegate*
6. *Ex Nudo Pacto Non Ortiur Actio*
7. *Ex Turpi Causa Non Ortiur Actio*
8. *Falsus In Uno Falsus in Omnibus*
9. *Ignorantia Facit Excusant In ignorantia Juris Non Excusant (Ignorance Legis Neminem Excusant)*
10. *In Jure Non Remota Causa, Sed Proxima Spectatus*
11. *Injuria Sive Damno*
12. *Nemo Dat Quod Non Habet*
13. *Novus Actus (or Causa) Interveniens*
14. *Qui Facit Per Alium Facit Per Se*
15. *Res Ipsa Loquitur*
16. *Respondeat Superior*
17. *Rex Non Potest Peccare*
18. *Salus Populi Suprema Lex*
19. *Sic Utero Tuo Ut Alienum Non Leadas*
20. *Ubi Jus Ibi Idem Remedium (Or) Ubi Jus Ihi Remedium*
21. *Ut Res Magis Valeat Quam Pereat*
22. *Volenti Non Fit Injuria*

Recommended Readings

Books

- 1) Rajendra Pal and J. S. Korlahalli - *Essentials of Business Communication*. Sterling publication. 1971. Print.
- 2) Williams, Glanville. *Learning the Law*. Sweet and Maxwell Printing Press, 2006. Print.
- 3) Bhatnagar. R. G. *Law and Language*. Trinity Press Private Limited, 2012. Print.
- 4) Mill, John Stuart. *On Liberty*. London: John W. Parker and Son, West Strand, 1859. Print.
- 5) Dennings, Lord. *Due Process of Law*. London: Butterworths: Lexis Nexis, 2004. Print.
- 6) *Essentials of Business communication*- Rajendra Pal and JS Korlahalli, S. Chand and Co. New Delhi. Print.

- 7) Locker and McGraw Hill. *Business Communication: Building Critical Series*. 3rd edition. Print.
- 8) Herta A Murphy, Herbert W. Hiderbrandt & Jane P. Thomas. *Effective Business Communication*. McGraw Hill Education. 2017. Print.
- 9) Agarwal, Anurag. K. *Legal Language and Business Communication*. Macmillan Printing Press. 2019. Print.
- 10) R. S. Agarwal. *A Modern Approach to Verbal and Non-verbal Reasoning*. 2001. Print.
- 11) Dennis Q. McNerny. *Being Logical*. 2004. Print.

Further Readings

Books

- 1) Bovee, Thill, Schatzman- *Business Communication Today*
- 2) Penrose, Rasbery, Myers - *Advanced Business Communication*
- 3) Simon Collin - *Doing Business on the Internet*
- 4) Mary Ellen Guffey, *Business Communication-Process and Product*.
- 5) David Annousamy - *The Language Riddle*. 5th Edition. Sterling Publication, 2009.
- 6) Williams, Glanville. *Academic Writing*. Routledge New York: 2008.
- 7) David Annousamy, *Academic Writing*. Routledge New York: 2006.

Journals for Further Readings:

- Language and Intercultural Communication.
- Language and Speech.
- International Journal of Bilingualism.
- Journal of International Communication-Research Gate.
- Journal of Communication Management.

Web Sources:

<https://www.latestlaws.com/library/legal-maxims/>

<https://www.lawsociety.org.uk/for-the-public/legal-glossary/>

<https://www.justice.gov/usao/justice-101/glossary>

<https://www.marketing91.com/five-types-of-communication/>

<https://davidappleyard.com/english/vocabulary.htm>

<https://literarydevices.net/figure-of-speech/>

Learning Outcomes

- *Students would get basic knowledge of effective communication skills in English much needed for legal practice.*
- *Proper exposure to court room punctilios including selection of diction for drafting and presentation of arguments.*
- *Exposition of enacted laws from the perspective of linguistic complexities would strengthen the students in appreciation of invariable use words including personal pronouns (he includes she, use of may for shall and impact of improper juxtaposition of words.*
- *Advanced tutorship of verbal communication, drafting and composition exercises would add to the efficacy of the course in the law school parlance.*
- *For the beginners and budding lawyers introduction to innovative interpretative approaches in understanding the law from the perspective of linguistic communicative deficiencies is a boon for the courses in law in the coming four years in the law school.*

HBC0206: ELECTRONIC COMMERCE

Objectives of the Course

This course aims that the students should have learnt to analyze the business model of firm and determine the role of internet in supporting the models. The students can understand the key issues involved in managing electronic payment commerce initiatives. The students can also utilize the internet to collect information to conduct research.

COURSE OUTLINE

Module I: Introduction to E-Commerce

- a) E-Commerce – Meaning, Definition and Features of E-Commerce Technology.
- b) Interdisciplinary Nature of Electronic Commerce.
- c) Impact of Electronic Commerce.
- d) Applications of Electronic Commerce and Benefits of E-Commerce to Businesses, Customers, Society.
- e) Drawbacks of E-commerce.

Module II: E-Commerce Models

- a) E-Commerce Models – Introduction and Concept.
- b) Business Models – E-business Models Based on the Relationship of Transaction Parties – B2C – B2B – C2B – C2C – B2G.
- c) E-Commerce Sales Life Cycle (ESLC) Model.

Module III: Electronic Payment Systems

- a) Electronic Payment System – Meaning of Electronic Payment, Traditional Payment System vs Electronic Payment System.
- b) Types of Electronic Payment System – Smart Cards and Credit Cards Based Electronic Payment Systems.
- c) Security Requirements in Electronic Payment Systems.

Module IV: Managing the E-Enterprise

- a) E-Enterprise – Introduction, Managing the E-Enterprise.
- b) Comparison between Conventional Design and E-organization.
- c) Organization of Business E-Enterprise.

Module V: E-Advertising and E-Marketing

- a) Introduction of E-Advertising– Models of Internet Advertising, Benefits and Weakness in Internet Advertising.
- b) E-Marketing in India.
- c) Online Marketing – Advantages of Online Marketing.
- d) Social Media Marketing – Advantages and Disadvantages.

Module VI: Legal and Ethical Issues in E-Commerce

- a) Security Issues in E-Commerce.
- b) Different Types of Factors Behind the Threats.
- c) Security Tools (Encryption, Digital Signatures and Digital Certificates).
- d) Regulatory Framework of E-Commerce – Provisions contained in Information Technology Act 2000 and Amendment Act 2008.

Recommended Readings:

Books:

1. Rayudu. C (2010). E-Commerce and E-Business. Mumbai: Himalaya Publishing House.
2. Rayport&Jaworeski B. J. (2009). Introduction to E-Commerce. Noida, UP: Tata McGraw Hill Publishing Company Limited.
3. Jaiswal.S (2000). E-Commerce (Electronic Communication for Business). New Delhi: Galgotia Publications Pvt. Ltd.
4. Joseph.P.T (2018), E-Commerce an Indian Perspective, PHI Private Limited, New Delhi.
5. C.S.V.Murthy, E-Commerce-Concepts, Models & Strategies, Himalaya Publishing house, Mumbai, 2018.

Journals / Journal Articles:

1. Bhat, Dr. Shahid&Kansana, Keshav&Majid, Jenifur. (2016). A Review Paper on E-Commerce.
2. Nagaty, Khaled. (2010). “E-Commerce Business Models: Part 1”. 10.4018/978-1-61520-611-7.ch034.
3. Ondrus, Jan & Lausanne, HEC. (2020). “Electronic Payment Systems Electronic Payment Systems”.

4. Kuscu, Rana&Cicekcisoy, Yasemin&Bozoklu, Umit. (2020). “Electronic Payment Systems in Electronic Commerce”. 10.4018/978-1-7998-0035-4.ch006.
5. Andreki, Paulus & Yazdanifard, Assc. Prof. Dr. Rashad. (2014). “Is E-Marketing the Future of Marketing Field”. American Journal of Industrial and Business Management. 04. 333-336. 10.4236/ajibm.2014.47040.

Further Readings:

Books:

1. Efraim Turban, David King, Jae Lee, Ting-Peng Liang & Deborah, Turban Electronic Commerce - A Managerial Perspective, Pearson Publication.
2. Kalakota and Whinston, Frontiers of E-commerce, Pearson Publication, Mumbai, 20012.
3. David Whiteley, E-Commerce- Strategy technologies and Applications, Tata Mac-Graw Hill, New Delhi, 2000.
4. Agarwala , K.N. and D. Agarwala, Business on the Net : What’s and How’s of E-Commerce, McMillan
6. Ravi Kalkota, Frontiers of E-Commerce, Tata McGraw Hill Publishing Company Limited.
7. O. Brien J., Management Information System, Tata McGraw Hill Publishing Company Limited.
8. Oberoi, Sundeep, E-Security and You, Tata McGraw Hill Publishing Company Limited.
9. Young, Margret Levine, The Complete Reference to Internet, Tata McGraw Hill Publishing Company Limited.
10. SrinivasVallabham, E-Commerce, Vijay Nicole Imprints Pvt. Ltd., 2018.

Journals:

1. Electronic Commerce Research and Applications
<https://www.scimagojr.com/journalsearch.php?q=15057&tip=sid>
2. International Journal of Electronic Commerce
<https://www.ijec-web.org/>
3. International journal of Electronic Commerce Studies
<http://ijecs.academic-publication.org/>
4. Electronic Commerce Research
<https://www.springer.com/journal/10660>
5. Journal of Electronic Commerce in Organizations

<https://www.scimagojr.com/journalsearch.php?q=130090&tip=sid>

6. International Journal of Electronic Business

<https://www.inderscience.com/info/ingeneral/forthcoming.php?jcode=ijeb>

7. Dehkordi, Goodarz&Rezvani, Samin&Rahman, Muhammad &Fouladivanda, Firoozeh&Jouya, Samaneh. (2012). “A Conceptual Study on E-marketing and Its Operation on Firm's Promotion and Understanding Customer’s Response”. International Journal of Business and Management. 7. 10.5539/ijbm.v7n19p114.
8. Ahmadi-Brooghani, Z. (2010). “Security Issues in E-Commerce: An Overview”. International Review on Computers and Software. 5. 575-580.
9. Gandhi, Sunil. (2006). “E-Commerce and Information Technology Act, 2000”.
10. Sumanjeet, Dr. (2010). “The State of E-Commerce Laws in India: A Review of Information Technology Act”. International Journal of Law and Management. 52. 265-282. 10.1108/17542431011059322.

Learning Outcomes

After completion of the course students will be able to -

- *Handle Electronic Payment Technology and requirements for internet-based payments.*
- *Understand and identify the security issues of E-Commerce.*
- *Understand the legal concept of E-Commerce.*
- *Describe the opportunities and challenges offered by E-Commerce.*

HBC0207: PROGRAMMING IN C AND DATA STRUCTURES

Objectives of the Course

This course introduces the basic programming concepts and fundamentals of Programming Language C and Data Structures. It is oriented to those who want to advance structured and procedural programming understanding and to improve C programming skills. The major objective is to provide students with understanding of code organization and functional hierarchical decomposition with using complex data types. Data structure is a specific method of storing and organizing system data in order to use it efficiently. Large amounts of data including internet indexing services and large databases can be efficiently managed with the implementation of data structures. It also has a major role to play in designing efficient algorithms and system software programs.

COURSE OUTLINE

Module I: Introduction to C Language

- a.) Introduction - Benefits of C - Character set - Identifier and Keywords
- b.) Data Types Variables- Declarations – Constants- Operators
- c.) Library Functions- Data Input Output Functions -Simple C Programs.

Module II: Branching and Looping

- a.) Decision making statements - If, If-Else, Switch
- b.) Looping statements - While, Do-While, For Loop - Nested Control Structures
- c.) Jumping statements - Break and Continue, Go To Statements.

Module III: Functions, Arrays and Strings

- a.) Function - Definition - Passing Arguments - Call by Value, Call by Reference
- b.) Recursions - Scope and lifetime of variables in functions - Storage Classes.
- c.) Arrays - Single Dimensional Arrays - Multi-Dimensional Arrays – String Manipulations

Module IV: Structures, Union , Pointers and Files.

- a.) Structures – Definition - Declaration - Structure within structure - Self-Referential Structures
- b.) Unions – Pointers - Declarations -Passing Pointers to Functions- Operation in Pointers - Arrays of Pointers
- c.) Files and its operations.

Module V: Introduction to Data Structures

- a) Data Structure - Definition - Primitive and Non Primitive Data type
- b) Abstract Data Types – Stacks – Queues - Linked List.

Module VI: Trees and Graphs

- a.) Tree - Binary Tree - Tree Traversals - Preorder, Inorder, Postorder.
- b.) Graph – Definition - Types of Graphs – Graph Traversal –BFS and DFS.

Module VII: Sorting and Searching Algorithms

- a.) Algorithm – Properties – Analysis of Algorithms
- b.) Asymptotic Notations - Time Complexity and Space Complexity
- c.) Sorting - Bubble Sort – Selection Sort - Insertion Sort - Merge Sort
- d.) Searching - Linear Search and Binary Search.

Recommended Readings:

Books:

1. E.Balagursamy-Programming in ANSI C, Eighth Edition, McGraw Hill,2019.
2. B.W. Kernighan and D.M. Ritchie- The C Programming Language, Second Edition, Pearson Education, 2015
3. Horowitz Ellis SahniSartaj& Anderson-Freed Susan - Fundamentals Of Data Structures In C,Second Edition,Orient BlackSwan, 2012
4. PradipDey and ManasGhosh, —Programming in C, Second Edition, Oxford University Press, 2011.
5. DataStructures Using C - A.S.Tanenbaum, Y. Langsam, and M.J. Augenstein, PHI/Pearson education.

Journals:

1. The C Programming language and a C Compiler
2. Algorithms
3. International Journal of Data Structures
4. JayeshKudase,Priyanka, “A Brief Study of Graph Data Structure – IJARCCCE,”International Journal of Advanced Research in Computer and Communication EngineeringVol. 5, Issue 6, June 2016
5. K. S. Al-Kharabsheh, I. M. AlTurani, A. M. I. AlTurani, and N. I. Zanoon, “Review on sorting algorithms a comparative study,” *International Journal of Computer Science and Security (IJCSS)*, vol. 7, no. 3, pp. 120–126, 2013.

Further Readings:**Books:**

1. Robert Kruse, C.L.Tondo, Bruce Leung, ShashiMogalla , — Data Structures and Program Design in C, Second Edition, Pearson Education, 2007
2. J.R.Hanly and E.B.Koffman- Problem solving and program design in C, Seventh Edition 2013.
3. H.Schildt, C -The Complete Reference, Fourth Edition, McGraw Hill,2017.
4. Seymour Lipschutz TMH - Data Structure with C, McGraw Hill Education; 1st edition (1 July 2017)
5. Jacqueline Jones & Keith Harrow: Problem Solving with C, 1st Edition, Pearson 2014.
6. Vikas Gupta: Computer Concepts and C Programming, Dreamtech Press 2013.
7. R S Bichkar, Programming with C, University Press, 2012.
8. V Rajaraman: Computer Programming in C, PHI, 2013.
9. Programming in C - Stephen G. Kochan, III Edition, PearsonEductaion.
10. C& Data structures - P. Padmanabham, B.S. Publications.

Course Outcomes:

After completion of the course students will be able to -

- *Understand the basic principles of Programming in C language.*
- *Ability to write a ‘C’programs for using different Data Structures and Algorithms.*
- *Design and develop modular programming skills.*
- *Demonstrate an understanding of basic data structures (such as an array-based list, linkedlist, stack, queue, binary search tree) and algorithms.*

PRACTICAL EXERCISES- C and Data Structures

I. Recursion

1. nPr,nCr
2. GCD of two numbers
3. Fibonacci sequence
4. Maximum & Minimum
5. Towers of Hanoi.

II Summation of Series

1. Sin(x)
2. Cos(x)
3. Exp(x) (Comparison with built in functions)

III String Manipulation

1. Counting the no. of vowels, consonants, words, white spaces in a line of text and array of lines
2. Reverse a string & check for palindrome.
3. Substring detection, count and removal
4. Finding and replacing substrings

IV Matrix Manipulation

1. Addition & Subtraction
2. Multiplication
3. Transpose, and trace of a matrix
4. Determinant of a Matrix

V Sorting and Searching

1. Insertion Sort
2. Bubble Sort
3. Linear Search
4. Binary Search

HLC0202: Legal and Constitutional history

Objectives of the Course:

The course is a foundation course for constitutional law paper. It traces the development of the legal system and judiciary from the ancient period through the advent of Britishers upto the framing of a constitution of the Independent India. The detailed discussion of legal and judicial system in India during different regime and the changing structure, are given in detail, an understanding of which is of vital importance to a law student.

COURSE OUTLINE

Module I

Ancient Period

- a) Ancient Sources of Law : Vedic Texts, Brahmanas, Sutras (Kalpa and Dharma), Dharma Shastra, Arthashastra – Custom as source of law – Thinkers - Manu, Brihaspati, Yajnavalkya, Narada, Katyayan
- b) Judicial System and Types of court: Pratishita, Apratishta, Mudrita, Sasita, Guilds, Panchayats, Kantakasodhana, Dharmasthiyaa – Procedures: Appointment of judges,
- c) Crimes and Punishments- Investigation, Trial, Witness, Pleaders, Role of judges, Secret agents, wergild and Punishment – Classification of disputes- Drawbacks of judicial administration in Hindu Sastras .

Module II

Legal system in South India

- a) Legal system in Sangam text – Legal code by Thirukkural – Legal system during Pallavas, cholas, Pandyas
- b) Legal system during Nayaks – Courts during Nayak period - Village Court -Special Court, and Temples Court.

Module III

Judicial system in Medieval India.

- a) Sources of Islamic Law: Sharia and Hadis – Salient features of Islamic Criminal Law – Judicial organization: King, Chief Qazi, Judicial Officers, Investigative Process and Punishments.
- b) Court System in Mughal empire ; Classification of Courts during Mughal rule, Court at Capital, Provincial court, District Courts, Parganah's Court, Village Courts.
- c) Crime and punishment in Mughal administration – Law with regard to non-Muslims – Evolution of Judicial Setup – Changes introduced by Akbar – Drawbacks in Muslim administration of Justice.

Module IV

Advent of British- Legal and constitutional changes

- a) Administration of Justice and developments of courts and Judicial institutions in the Presidency Towns of Madras, Bombay and Calcutta from 1600-1726- Mayor's Court at Madras; (*Cases-Pagoda oath case, Mayor Naish re-election case, Mayor and Secretary betting case- Bombay; Arab Merchant's case and Hindu woman's case*).
- b) Charters of the East India Company: 1600, 1661, 1726 and 1753 –Courts: Mayor's Court of 1726 and Supreme Court of 1774 (*Cases-The trial of Nanda Kumar - 1775, Case of Kamaluddin 1775, The Patna case 1777-1779, The Cossijuraj case*) - The Settlement Act of 1781.
- c) Warren Hastings plans 1772, 1774 and 1780 – Judicial Measure of Cornwallis- 1787, 1790 &1793.
- d) Working of the Adalat system- Pitts India Act of 1784- Charter Act of 1793.

Module V

Legislative changes in the 19th century.

- a) Development of Law in Presidency Towns –: Charter of 1833 1813,1833, 1853, Government of India Act of 1858. Indian Councils Act-1861 & 1892.
- b) Privy Council: Appeals and working of Privy Council its Jurisdiction- Abolition of the Jurisdiction of Privy Council, Appraisal of Privy Council.
- c) Establishment of High Courts 1861 as the highest court of appeals.

Module VI

Pre-Constitutional History

- a) Minto Morley Reforms 1909– Montague Chelmsford Reforms 1919 – Introduction of Dyarchy in provinces -Simon commission 1927– Nehru Report 1928.
- b) The Government of India Act, 1935 – Cripps mission 1942– Cabinet Proposal 1946 – Mountbatten Plan- Interim Government.
- c) Partition of India - Indian Independence Act 1947- Formation of the Constituent Assembly -The working of Constituent Assembly of India – Adoption of the British model of parliamentary government – Adoption of the Indian Constitution.

Recommend Readings:

Books :

1. Jain, M. P., Patnaik, G. B., Das, Y., Das, R., & Tiwary, A. K. (2014). *Outlines of Indian legal and constitutional history*. LexisNexis.
2. Jain, M. P. (2017). *Outlines of Indian legal history*. NM Tripathi Private Ltd. agency
3. Paranjape, N. V. (2006). *Indian Legal and Constitutional History*. Central Law Agency.
4. Kulshreshtha, V.D., Landmarks in Indian Legal and Constitutional history, Eastern Book Company.
5. Mittal, J. K. (1982). *Indian Legal Et Constitutional History*. Allahabad Law Agency.

Journals:

1. Frickey, P. P. (1993). Marshalling Past and Present: Colonialism, Constitutionalism, and Interpretation in Federal Indian Law. *Harvard Law Review*, 381-440.
2. Webster, A. (1990). The political economy of trade liberalization: the East India Company Charter Act of 1813. *Economic History Review*, 404-419.
3. Ehrlich, J. (2018). The Crisis of Liberal Reform in India: Public opinion, pyrotechnics, and the Charter Act of 1833. *Modern Asian Studies*, 52(6), 2013-2055.
4. Muldoon, A. (2016). *Empire, Politics and the Creation of the 1935 India Act: Last Act of the Raj*. Routledge.
5. Galanter, M., & Robinson, N. (2013). India's Grand Advocates: a legal elite flourishing in the era of globalization. *International Journal of the Legal Profession*, 20(3), 241-265

Further Readings:**Books:**

1. Sharma, G. S. (2015). *Educational Planning: Its Legal and Constitutional Implications in India*. Indian Law Institute, New Delhi.
2. Jayaswal, K. P. (1924). *Hindu policy: A constitutional history of India in Hindu times*. Butterworth and Company, Calcutta.
3. Prof.Kailash Rai, *Indian Legal and Constitutional History*, Central Law Agency.
4. Jois, R. (2004). *Legal and Constitutional History of India: Ancient, Judicial and Constitutional System*. Universal Law Publishing.
5. Habib, Irfan, *India- Studies in the History of an Idea*, MunshiramManoharlal Publishers, Delhi, 2004.
6. Gandhi, B. M. (2005). *Landmarks in Indian Legal and Constitutional History*. Lucknow: Eastern Book Company.H.V. Sreeniwasmurthy – History (for law students)
7. Habib, M., &Nizami, K. A. (1970). *A Comprehensive History of India: The Delhi Sultanat (AD 1206-1526)*, ed. by Mohammad Habib and Khaliq Ahmad Nizami (Vol. 5). People's Publishing House.
8. Dhavan, S. S. *The Indian judicial system: a historical survey*.
9. Sethi, R. R., & Mahajan, V. D. (1956). *Constitutional history of India*. S. Chand.Singh,
10. M. P. (2006). *Outlines of Indian Legal & Constitutional History*. Universal Law Publishing.

Journals :

1. India. Constituent Assembly (Legislative). (1949). *The Constituent Assembly of India (Legislative) Debates: Official Report* (Vol. 1). Manager of Publications.
2. Rama, G. J., Ramakrishnan, A. G., Venkatesh, M. V., & Muralishankar, R. (2001). Thirukkural: a text-to-speech synthesis system. *Proc. Tamil Internet*, 92-97.
3. Sewell, R., Nunes, F., & Paes, D. (1900). *A Forgotten Empire: (Vijayanagar) a Contribution to the History of India*. London: S. Sonnenschein.
4. Zakariyah, L. (2015). *Legal maxims in Islamic criminal law: Theory and applications*. Brill.
5. Chiriyankandath, J. (2000). 'Creating a secular state in a religious country': The debate in the Indian constituent assembly. *Journal of Commonwealth & Comparative Politics*, 38(2), 1-24.
6. Kalhan, A., Conroy, G. P., Kaushal, M., & Miller, S. S. (2006). Colonial continuities: Human rights, terrorism, and security laws in India. *Colum. J. Asian L.*, 20, 93.
7. Kashikar, C. G. (1979). The idea of ultimate reality and meaning according to the KalpaSūtras. *Ultimate Reality and Meaning*, 2(3), 172-187.
8. Sinha, M. K. (2005). Hinduism and international humanitarian law. *International review of the red cross*, 87(858), 285-294.
9. Rama, G. J., Ramakrishnan, A. G., Venkatesh, M. V., & Muralishankar, R. (2001). Thirukkural: a text-to-speech synthesis system. *Proc. Tamil Internet*, 92-97.
10. Sewell, R., Nunes, F., & Paes, D. (1900). *A Forgotten Empire: (Vijayanagar) a Contribution to the History of India*. London: S. Sonnenschein.

Learning Outcomes:

After completion of the course students will be able to–

- *Students can trace the evolution of Western legal system and legal institutions juxtaposed on the existing eastern systems to fit into the common law system. It helps them to trace the growth and development of legal system and legal education from the ancient past to the present.*
- *Students will be able to illustrate the evolution of the different kind of judicial system and legal systems prevailed in India and its respective changes.*

HLC0203: LAW OF TORTS

(Including Motor Vehicles Act and Consumer Protection Act)

Objectives of the Course:

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 judgements. 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 defences to tort claims in various parameters.

After undergoing the study the student will be able to understand the following:

- *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 including the role of Judge, Burden of Proof issues.*
- *To spot tort issues in everyday conduct.*

COURSE OUTLINE

MODULE I: The Nature of a Tort

- a) Evolution of Tort Law-Nature, Definition and Scope of Torts
- b) Foundation of Tortious Liability- Essential of Torts- Wrongful act, Legal damage and Remedy – Injuria Sine Damno and Damnum Sine Injuria – Ubi jus ibi remedium
- c) Distinction between Tort and Crime - Tort and Contract
- d) Relevance of intention, motive and malice in law of torts
- e) Parties- Capacity to Sue and be Sued -Joint and Several Tort-feasors- Malfeasance, Misfeasance, Nonfeasance

MODULE II: Defences under Tort

- a) Specific Defences and General Defences
- b) Volenti non fit injuria- Act of God (Vis major)
- c) Inevitable Accident- Necessity
- d) Private Defense- Novus Actus Interveniens
- e) Statutory Authority- Judicial and Quasi-judicial Authority- Parental and Quasi-parental Authority.

MODULE III: Liability under Tort

- a) Strict Liability
- b) Absolute Liability
- c) Vicarious Liability- Vicarious Liability of State
- d) Liability for Dangerous Premises- Liability for Dangerous Chattels
- e) Liability for Animals- Liability for Misstatements

MODULE IV: Nuisance -Negligence - Trespass

- a) Essentials to constitute Nuisance- who may sue ?- who may be sued?
- b) Classification of Nuisance- Defences in Nuisance.
- c) Essentials of Negligence- Theories of Negligence- Medical and Professional Negligence
- d) Contributory Negligence- Composite Negligence- Proof of Negligence- Res ipsa loquitur
- e) Trespass- Trespass to Land- Trespass to Person- Trespass to Goods- Nervous Shock

MODULE V: Defamation- Malicious Prosecution - Remedies - Discharge of Torts

- a) Essentials of Defamation- Kinds of Defamation- Rules to test a Defamatory Statement- Defences for an action of Defamation
- b) Malicious Prosecution- Distinction between false Imprisonment and Malicious Prosecution- Damages for Malicious Prosecution
- c) Remedies- Kinds of Remedies-Judicial Remedies of Torts-Damage- kinds of damage- Remoteness of Damages- test of Remoteness of Damages- Rules relating to Remoteness of Damages
- d) Injunction – kinds of Injunction- Specific Restitution– Constitutional Remedies- Extra-judicial Remedies- Self-help- Expulsion of trespasser- Re-entry on Land – Recapture of Goods – Distress damage feasant – Abatement
- e) Discharge of Torts- Waiver- Accord and Satisfaction- Release- Acquiescence- Judgment Recovered and Res Judicata- Statutes of Limitation- Death

MODULE VI: Motor Vehicles Act - Consumer Protection Act

- a) 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
- b) Compensation and Right to Just Compensation- Claims and Claim Tribunal – Composition, Powers, Procedure and appeal against its orders - Liability
- c) Insurance company, Third Party, Vicarious Liability Fault and no Fault liability, Right to fixed compensation.

- d) Consumer Protection Act- Concept and definition of Consumer and Service- Unfair trade practices- Supply of essential commodities and services- Enforcement of consumer rights
- e) Consumer protection redressal agencies-District forum- State commission- National commission- Working of consumer protection law-Deficiency in service

Recommended Reading

Books

1. Ramaswamy Iyer's The Law Of Torts, A Lakshminath , M Sridhar , LexisNexis India (2010)
2. Philosophy and the Law of Torts, Gerald J. Postema, Cambridge University Press, 2002
3. Gandhi, B.M., Law of Tort, 4th Edition, Reprinted 2019, Eastern Book Company.
4. Pillai, P.S.A., Law of Torts, 9 th Ed., Eastern Book Co., Lucknow (2017).
5. Salmond, Law of Torts, 17th Ed., (Rev. by R.F.V. Henston) London, Sweet and Maxwell (1979).

Journals/ Articles

1. Philosophical Issues in Tort Law, John Oberdiek, Volume3, Issue 4, July 2008, Pages 734-748
2. 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
3. Some Thoughts on Risk Distribution and the Law of Torts, Guido Calabresi, The Yale Law Journal, Vol. 70, No. 4 (Mar., 1961), pp. 499-553
4. Principles of Torts, Harvard Law Review, vol. 56 Harv. L. Rev. 72 (1942-1943), Heinonline,
5. A Critique of Torts, Richard. L. Abel ,vol 37 UCLA L. Rev. 785 (1989-1990), Heinonline,

Further Reading

Books

1. Harold Luntz et al, *Torts: Cases and Commentary* (LexisNexis Butterworths, 8th ed, 2017)
2. Carolyn Sappideen and Prue Vines (eds), *Fleming's The Law of Torts* (Lawbook Co, 12th ed, 2016);
3. Martin Davies and Ian Malkin, *Torts* (LexisNexis Butterworths, 8th ed, 2017);
4. Kit Barker et al, *The Law of Torts in Australia* (Oxford, 5th ed, 2012);
5. RP Balkin and JLR Davis, *Law of Torts* (LexisNexis Butterworths, 5th ed, 2013);
6. Horsey, K. & Rackley, E. *Tort Law*. (Oxford University Press, 2019).
7. Ratan Lal and Dhirajlal, *The Law of Torts*, 25th Ed., Wadhwa and Co. Nagpur, 2017.
8. Singh, S.P, *Law of Tort*, Fourth Edition, Universal Law Publishing Co. Reprint 2018
9. Chakraborty, C., *Law of Consumer Protection*, New Delhi, Dwivedi Law Agency (2007).
10. Lunney, M. and Oliphant, K. (2013) *Tort law: text and materials*. Fifth edition. Oxford, United Kingdom: Oxford University Press.

Journal/ Articles

1. The Enterprise Liability Theory of Torts, Howard C. Klemme, Vol 47 U. Colo. L. Rev. 153 (1975-1976), Heinonline.
2. Conditional Fault in the Law of Torts, Robert E. Keeton, *Harvard Law Review*, Vol. 72, No. 3 (Jan., 1959), pp. 401-444
3. 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
4. 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.
5. Bijawat, Mahesh, Medical Negligence – Medical Malpractice- A Medical Experience (NC), JILI 37, 1995 page 390-397.
6. The Strict Liability In Fault And The Fault In Strict Liability, John C.P. Goldberg, Benjamin C. Zipursky Harvard Law School
7. 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>
8. [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
9. Tort Law, Southern California Law Review
<https://southerncalifornialawreview.com/tag/tort-law/>
10. Tort Law, Green, Leon – Hein Online
https://heinonline.org/HOL/AuthorProfile?collection=Journals&base=js&search_name=Green,%20Leon

Cases for Guidance

1. Ashby vs. White (1703) 2 Lord Raym 938
2. Gloucester Grammar School case (1410) Y.B. 11 hen. IV of 47
3. Mayor of Bradford Corpn. vs. Pickles (1895) AC 587
4. Smith v. Charles Baker and Sons (1891) AC 325 (HL)
5. South Indian Industrial Ltd., Madras vs. Alamelu Ammal, AIR 1923 Mad. 565
6. Hall vs. Brooklands Auto Racing Club (1932) 1 KB 205
7. Rylands vs. Fletcher (1868) LR 3 HL 330.
8. M. C. Mehta vs. Union of India, AIR 1987 SC 1086.
9. State of Rajasthan vs. Vidyawathi (1962) Supp. 2 SCR 989
10. Donoghue vs. Stevenson (1932) All ER Rep. 1
11. Malton Board of Health vs. Malton Manure Co., (1879) 4 Ex D 302
12. White vs. Bailey 1861 10 C.B. (ns) 227
13. The Wagon Mound (No 1) (1961)
14. Kamta Prasad vs National Buildings Constructions Corporation Pvt Ltd, A.I.R. 1992 Delhi 275
15. *Livingstone vs Rawyards Coal Co (1880) 5 App Cas 25, 39*
16. Khenyei vs New India Assurnace Co.Ltd.& Ors on 7 May, 2015
17. Ajay Kumar & Anr. vs Most. Ruby Devi & Ors. on 27 July, 2016
18. Union Carbide Corporation Etc vs Union Of India Etc. Etc on 3 October, 1991
19. Stanley vs. Powell, (1891) 1 QB 86
20. Rural Transport Service vs. Bezlum Bibi (1980)

Learning Outcomes

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

SECOND YEAR

III-SEMESTER

HBC0308: PUBLIC POLICY GOVERNANCE- NATIONAL &INTERNATIONAL PERSPECTIVES

Objectives of the Course

This course provide an opportunity to the student to learn the basic areas of public policy on the largest gamut of its canvas. The present course is aimed to provide an in-depth understanding of the basic tenets and trends of law and governance. This course focuses on cyberspace and its implications for private and public, sub-national, national, and international actors and entities. Topics include legacies of the 20th-century creation of cyberspace, changes to the international system structure, and new modes of conflict and cooperation. Students will examine whether international relations theory accommodates cyberspace as a new venue of politics, and how cyberpolitics alters traditional international politics.

COURSE OUTLINE

Module I

Theories and Process of Public Policy Making.

- a) Meaning, Nature and Scope of Public Policy – Theories and Models of Policy Making.
- b) Perspectives of Policy Making – Process Institutions of Policy Making.
- c) Concept and Techniques of Policy Implementation and Policy Evaluation.

Module II

Introduction to Governance; Definitions, Issues and Controversies.

- a) Reinventing Government – Reforming Institutions– The State Market and Public domain.
- b) State and Governance – Origin and types of State – Democratic State and Democratic Administration – Governance as Government

Module III

Law and Governance.

- a) Concepts relating to administrative law – Rule of Law – Doctrine of Separation of Powers.
- b) Principles of Checks and Balances – Doctrine of Ultra-vires – Delegated Legislation – Principles of Natural Justice, Administrative Adjudication.
- c) Review of Administrative acts and redress of grievances –Vigilance and Control.
- d) Quasi-Judicial Governance; Administrative Tribunals, National Water Tribunal, National Green Tribunal.

Module IV

Participatory Governance.

- a) Democracy and Development –Political Regimes – Political Participation and Social Inclusion.
- b) Innovations and Pitfalls in Participatory Governance –Government Transparency in Policy Decisions.
- c) Engaging the Community at Grassroots – Level Issues in Engagement and Participation.

Case Studies i) Grameen Bank in Bangladeshii) Participatory Budgeting, Brazil.

Module V

Globalization and its impact on International Relations

- a) Introduction – Cyberspace & International Relations.
- b) Construction of Cyberspace – Links with International Relations
- c) Evolution of International Relations – Theory & Systems–Cyber Access– Globalization & World Order
- d) Evolving Global Agenda – WSIS & WCIT-2012 – Globalization and Cyber Security
- e) Cyber Cooperation & International Institutions – ICT’s Governance and Development

Module VI

State and Cyberspace

- a) State interaction in Cyberspace – Cyber espionage and reconnaissance – Counter espionage.
- b) Cyber power and its role as a crucial element of a state’s capability to defeat its adversaries.
- c) State using influence operations and information warfare

- d) State and non-state actors in cyberspace- State actors such as defence, foreign affairs and intelligence & Non state actors such as organised crime, multinational corporations and NGOs in cyberspace

Module VII

E Governance in India

- a) e-governance-meaning– definition and importance
- b) Types of e-governance-Government to Citizen– Government to business–Government to employee and government to government.
- c) Democracy and e-participation-goals of e-democracy, advantages and challenges
- d) National Informatics Centre– e-governance initiative in Tamil Nadu- Tamil Nadu e Governance Agency (TNeGA).

Recommended Readings

Books

- 1) Choucri, Nazli. 2012. Cyberpolitics in International Relations. Cambridge, MA: MIT Press.
- 2) Chadwick, Andrew and Philip N. Howard, eds. 2010. The Routledge Handbook of Internet Politics. New York: Routledge.
- 3) S.K Bansal, 2001, Cyber Millennium: Challenges and Opportunities, APH Publishing, New Delhi.
- 4) Bagga R K, Kenneth Keniston, Mathur RR: The state IT and Development, Sage publications, New Delhi 2005
- 5) David Osborne, Ted Gaebler: Reinventing Government. Prentice hall of India New Delhi 1992

Journals

1. Clark, David D. and Marjory S. Blumenthal. 2011. "The End-to-End Argument and Application Design: The Role of Trust." Federal Communications Law Journal. Volume 63-2.
2. Lessig, L. 1996. "The zones of cyberspace." Stanford Law Review. Vol. 48, 1403-1411, May.
3. Eriksson, Johan and Giampiero Giacomello. 2004. "The Information Revolution, Security, and International Relations: (IR) Relevant Theory? "International Political Science Review. July 2006, 221-244
4. Shepsle, Kenneth A. 1989. "Studying Institutions: Some Lessons from the Rational Choice Approach", Journal of Theoretical Politics 1(3) (April): 131---147.
5. Grieco, Joseph M, 1988. "Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism." International Organization 42(3): 485-507

Further Readings

Books

- 1) Diebert, Ronald J. 2013. "The geopolitics of Internet control: censorship, sovereignty and cyberspace." In Chadwick, Andrew and Philip N. Howard, eds. *The Routledge Handbook of Internet Politics*. New York: Routledge.
- 2) Castells, M. (2003): *The Internet galaxy: reflections on the Internet, business, and society*. New York: Oxford University Press.
- 3) Hill, Kevin and Hughes (1998): *Cyberpolitics: Citizen Activism in the Age of the Internet*, New York: Rowman and Little field.
- 4) Danier Amor, *The E-Business (R) Evolution*, Prentice Hall of India N J, 2000
- 5) Subash Bhatnagar; *Information technology and development-foundations and key issues*, Sage publications New Delhi 1991
- 6) Farazmand, Ali and Jack Pinkowski, eds. (2006) *Handbook of Globalization, Governance, and Public Administration*. London: CRC/Taylor & Francis.
- 7) Hajer, Maarten, and Hendrik Wagenaar (2003) "Introduction." In *Deliberative Policy Analysis: Understanding Governance in the Network Society*, ed. Maarten A. Hajer and Hendrik Wagenaar. Cambridge, UK: Cambridge University Press.
- 8) Kjaer, A (2004) *Governance*. Cambridge, UK: Polity Press.
- 9) Kooiman, Jan ed. (1993) *Modern Governance: New Government-Society Interactions*. London: Sage. Kooiman, Jan. (2003) *Governing as Governance*. London: Sage.
- 10) Jackson, Robert and Georg Sørensen. 2013. *International Relations: Theories and Approaches*. Oxford: Oxford University Press, Chapter 10 ("Key Issues in Contemporary IR").

Articles

1. Naidu, G. M., Cavusgil, S. T., Murthy, B. K., & Sarkar, M. (1997). An export promotion model for India: Implications for public policy. *International business review*, 6(2), 113-125.
2. Monga, A. (2008). E-government in India: Opportunities and challenges. *JOAAG*, 3(2), 56.
3. Harriss, J. (2007). Antinomies of empowerment: observations on civil society, politics and urban governance in India. *Economic and Political Weekly*, 2716-2724.
4. Cox, R. W. (1979). Ideologies and the new international economic order: reflections on some recent literature. *International Organization*, 33(2), 257-302.
5. Mayall, J. (1998). Globalization and international relations. *Review of International Studies*, 24(2), 239-250.
6. Epstein, W. (1976). Last change: nuclear proliferation and arms control.
7. Berg, M. (2015). East-West Dialogues: Economic Historians, the Cold War, and Détente. *The Journal of Modern History*, 87(1), 36-71.
8. Crenshaw, M. (1981). The causes of terrorism. *Comparative politics*, 13(4), 379-399.
9. Cox, R. W. (1981). Social forces, states and world orders: beyond international relations theory. *Millennium*, 10(2), 126-155.
10. Ayooob, M. (2002). Inequality and theorizing in international relations: the case for subaltern realism. *International Studies Review*, 4(3), 27-48.

Learning outcomes:

1. *Able to understand the evolution, scope and significance of international relations and the rise of sovereign state system.*
2. *Analyze the history of international relational through the causes and phases of colonialism.*
3. *Students will be able to examine whether international relations theory accommodates cyberspace as a new venue of politics, and how cyberpolitics alters traditional international politics.*
4. *Appreciate and critically understand the post war developments through the emergence of third world.*
5. *Clear understanding about the ideas, mechanisms, practices, and outcomes that*

HBC0309: RELATIONAL DATABASE MANAGEMENT SYSTEMS AND LEGAL ANALYTICS

Objectives of the Course

The amount of data available is increasing day by day. Creation and maintenance of database is an important for the analysis of data to incur the results from the data. This course presents an introduction to database management systems, with an emphasis on how to organize, maintain and retrieve information from a DBMS and to explain how it can be used in Legal Documents Analysis.

After undergoing the study of this paper, the student should be able to -

- 1) Understand the architecture Database Systems, the relational data model and the relational algebra.*
- 2) Identify the techniques for database design, Normalization and database recovery and protection.*
- 3) Understand the concept of query processing and optimization, database transactions and security.*
- 4) Understand the legal analytic tools used for analyzing the legal documents.*
- 5) Predict the outcomes using the computational model of legal arguments.*

COURSE OUTLINE

Module I: Introduction to Database Systems

- a) Purpose of Database System - Views of Data
- b) Data Models - Database Languages
- c) Database System Architecture - Database Users and Administrator
- d) Entity-Relationship Model - E-R Diagrams

Module II: Relational Model

- a) Introduction to Relational Databases-The Relational Model - Types
- b) Keys
- c) Relational Algebra - Domain Relational Calculus - Tuple Relational Calculus
- d) Fundamental Relational Algebra Operations

Module III: Structured Query Language

- a) SQL fundamentals - SQL Data Definition - Basic Structure of SQL Queries
- b) Set Operations- NULL values-Aggregate Functions
- c) Modification of the Database- Joins
- d) Views- Transactions- Integrity Constraints
- e) Triggers - Need for Triggers- Triggers in SQL

Module IV: Database Design

- a) Functional Dependencies - Non-Loss Decomposition
- b) Normalization- First, Second and Third Normal Forms
- c) Dependency Preservation - Boyce/Codd Normal Form
- d) Multivalued Dependencies and Fourth Normal Form
- e) Join Dependencies and Fifth Normal Form.

Module V- Transactions and Storage Management

- a) Transaction- A Simple Transaction Model- Storage Structure
- b) Schedules and Serializability
- c) Concurrency control- Lock based protocols- Time Stamp Based Protocols
- d) Database recovery concepts and techniques
- e) Indexing and Hashing .

Module VI- Introduction to Legal Analytics

- a) Legal Analytics Tools- Introduction to Artificial Intelligence,Big Data and Machine Learning
- b) Case based Legal Reasoning - The Legal Process-Role of Legal Concepts- Computational Models of legal concepts and cases
- c) Models for Predicting Legal Outcomes- Nearest Neighbour Approach
- d) Predicting Supreme Court Outcomes- Predicting Case Based Outcomes.

Module VII- Computational Model of Legal Arguments

- a) Introduction-The Carneades Argument Model
- b) Computational Model of Abstract Augmentation- CMLA to Compute Winners and Losers
- c) Value Judgement based Argumentative Prediction Model-
- d) Computational Model for Evidentiary Legal Argument.

Recommended Readings:

Books:

- 1) Silberschatz, Korth, Sudarshan, Database System Concepts, 6th Edition, McGrawHillInternational Edition, 2010.
- 2) RamezElmasri and Shamkant B. Navathe, Fundamentals of Database Systems, Fifth Edition,, Pearson Education, 2008.
- 3) Date, C.J, An introduction to database systems, Eighth Edition , Pearson Education,2006.
- 4) Kevin D Asley, Artificial Intelligence and Legal Analytics,Cambridge University Press,2017.
- 5) Eric Siegel, Predictive Analytics,John Wily & Sons ,2013.

Journals/Articles:

- 1) Medvedeva, M., Vols, M. &Wieling, M,Using machine learning to predict decisions of the European Court of Human Rights. ArtifIntell Law, 2019.
<https://doi.org/10.1007/s10506-019-09255-y>
- 2) Katz DM, Bommarito MJ II, Blackman J , A general approach for predicting the behavior of the Supreme Court of the United States, PLoS ONE 12(4),2017
<https://doi.org/10.1371/journal.pone.0174698>
- 3) K. Kowsrihawat, P. Vateekul and P. Boonkwan, Predicting Judicial Decisions of Criminal Cases from Thai Supreme Court Using Bi-directional GRU with Attention Mechanism,5th Asian Conference on Defense Technology (ACDT), Hanoi, 2018, pp. 50-55.
- 4) Caryn Devins, TeppoFelin, Stuart Kauffman& Roger Koppl, The Law And Big Data,Cornell Journal Of Law And Public Policy,Vol.27,Pp.357-413,2017.
- 5) Grabmair, Matthias & Ashley, Kevin,Argumentation with Value Judgments - An Example of Hypothetical Reasoning,Frontiers in Artificial Intelligence and Applications, 2010.

Further Readings:

Books:

- 1) K.Singh,Database Systems Concepts, Design and Applications, Pearson Education,2009.
- 2) Peter Rob and Carlos Coronel, Database System- Design, Implementation and Management , Seventh Edition,Cengage Learning, 2007.
- 3) Raghu Ramakrishnan and Johannes Gehrke, Database Management Systems, Third Edition,McGraw Hill, 2003.
- 4) Martin Gruber,Understanding SQL , BPB,2011
- 5) Hector Garcia-Molina, Jeff Ullman, and Jennifer Widom,*Database Systems: The Complete Book ,Second edition*,Pearson Prentice Hall, 2009
- 6) Catherine Ricardo and Susan Urban, Databases Illuminated ,Third Edition, *Jones & Bartlett* Learning,2017
- 7) Crawford, Kate,The Hidden Biases in Big Data, Harvard Business Review, 2013
- 8) Montgomery, Douglas C., and George C. Runger , Applied statistics and probability for engineers. John Wiley & Sons, 2010
- 9) Trevor Hastie ,RobertTibshirani and Jerome Friedman,The Elements of Statistical Learning, Data Mining, Inference, and Prediction,SecondEdition,Springer, 2014.
- 10) Stuart Russell and Peter Norvig, Artificial Intelligence:A Modern Approach, Third Edition ,Pearson Education,2010.

Journals:

- 1) Database Systems Journal
- 2) Applied Artificial Journal
- 3) International Review of Law,Computers& Technology
- 4) Journal of Advanced Database Management & Systems
- 5) International Journal of Intelligent Information and Database Systems
- 6) International Journal of Database Management Systems
- 7) Artificial Intelligence Law
- 8) Frontiers in Artificial Intelligence and Applications
- 9) International Journal of Big Data Intelligence
- 10) International Journal of Data Science and Analytics

Learning Outcomes:

After undergoing the course, the students will be able to

- *Demonstrate elementary and advanced features of DBMS and RDBMS.*
- *Develop a clear understanding of the conceptual frameworks and attain a good practical understanding of the SQL.*
- *Build, populate, and document a secure, normalized database that meets business requirements using industry standards and best practices.*
- *Analyze the legal documents and predict the outcomes from the legal arguments.*

LAB EXERCISES

Creation of a Database and performing the operations given below - Menu Driven Program.

a) Insertion b) Deletion c) Modification d) Generating a Simple report for the following:

- 1) Payroll
- 2) Mark sheet processing
- 3) Saving bank account for banking
- 4) Inventory system
- 5) Invoice system
- 6) Library information system
- 7) Student information system
- 8) Income tax processing system
- 9) Electricity bill preparation system
- 10) Telephone directory maintenance.

HLC0304: CONSTITUTIONAL LAW – I

Objectives of the Course:

*The purpose of the course is to acquaint the students with the meaningful understanding of basic philosophical tenets of **Constitutional Law**, and to train them in the fundamental legal structures and concepts that are found in Constitutions across the world, such as Constitutional Supremacy, basic rights, rule of law, judicial review, systems.*

- 1. The Study emphasises the nature and fundamental principles enshrined in the Constitution.*
- 2. It helps to analyse critically the significant judicial decisions that highlights the development of Constitutional Jurisprudence.*
- 3. It enables the students to articulate their independent views over contemporary constitutional issues.*
- 4. It provides legal framework and the touchstone on the basis of which the constitutionality of laws are examined*

COURSE OUTLINE

Module – I: Classification of Constitution and Governments

- a. Definition and meaning of Constitution
- b. Kinds of Constitution,
- c. Meaning of Constitutionalism, features of Indian Constitution
- d. Conventions –Significance,
- e. Theory of Separation of Powers – Latimer House Principles –
- f. Co-operative Federalism – Essentials of Federalism ,
- g. Executive – Parliamentary, Presidential – Combination of Both

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

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

Module –III: Introduction to Fundamental Rights

- a. **UDHR:** Influence of UDHR on the Indian Constitution
- b. **State:** Definition and meaning, Article 12, New Judicial trends on concept of State –
- c. **Law:** Definition and Meaning of Pre- Constitutional and Post- Constitutional Laws, Various Doctrines like Eclipse, Severability and Ultravires,
- d. Judicial Review and Article 13 –
- e. **Amendment:** 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

- a. **Right to Equality:** General Equality Clause under Article 14, Judicial Interpretation on Equality– Reasonable Classification.
- b. Protective Discrimination Clause, Reservation and Social Justice under Articles 15 and 16, Equality and Reservation,
- c. Equality of opportunity in public employment – Art 16,
- d. Constitutional Provisions on Untouchability and abolition of Titles.
- e. **Right to Freedom:** Freedom of Speech and Expression - Art 19, Scope and Ambit- Art 19(1) (a) and (2); other freedoms From 19 (1) (b) to (g) ,
- f. Balance between individual interest and collective interest,
- g. Reasonable restrictions on Right to Freedom under Article 19(2) to 19(6)
- h. Judicial interpretation on Right to Strike and Bandh - Right to Information.

Module – V: Fundamental Rights - II

- a. **Right to Liberty:** Art 21 - Right to Life and Personal Liberty, Meaning and Scope, Procedure established by law,
- b. Judicial Interpretation on Life and Liberty, Applicability of concept of reasonableness. Difference between Due Process and Procedure Established by Law
- c. **Rights of the Accused:** Article 20 - Rights of the arrested person, Ex-post Facto – Double Jeopardy – Self incrimination,
- d. Article 22 – Preventive Detention, Right against Preventive Detention, Exceptions, Safeguards against Preventive Detention.
- e. Right against exploitation – Forced labour and child employment

Module – IV: Fundamental Rights - III

- a. **Freedom of Religion:** Articles 25-28, Secularism, Judicial Interpretation, Restrictions on Freedom of Religion.
- b. **Cultural and Educational Rights:** Articles 29-30, Protection on Minorities, Recent trends on Minority Educational Institutions.
- c. **Right to Constitutional Remedies:** Article 32 and 226, Writ Jurisdiction – Definition, Nature, Scope and functions, PIL, Compensatory Jurisprudence, Various Writs

Module – VII: Directive Principles of State Policy and Fundamental Duties

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

Recommended Readings:

1. H.M.Seervai, Constitutional Law of India, Vol.1-3,Universal Law Publishing - An imprint of LexisNexis; 4th edition (2015)
2. D.D.Basu, Commentary on the Constitution of India (1-10 Volumes) Lexis Nexis Butterworths, Wadhwa, Nagpur (2009)
3. M.P.Singh (ed.), V.N.Shukla's Constitution of India (EBC, Lucknow,2017)
4. M. P. Jain- Indian Constitutional Law- (Lexis Nexis2014)
5. 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.

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)
6. Mamta Rao, Constitutional Law, (EBC, Lucknow 2013)

7. Sathya Narayan (ed.), Selected Works of S.P.Sathe & Constitutionalism (2015), Oxford
8. M. Galanter, Competing Equalities - Law and the Backward Classes in India (1984) Oxford
9. N.A.Subramaniam – Case law on the Indian Constitution(1969)
10. Report of the National Commission to Review the Working of the Constitution (NCRWC)

Journals:

1. Bakshi, P. M. "Comparative Law: Separation of Powers in India." American Bar Association Journal 42, no. 6 (1956): 553-95..www.jstor.org/stable/25719656.
2. Kumar, Virendra. "Basic Structure of The Indian Constitution: Doctrine Of Constitutionally Controlled Governance [From KesavanandaBharati to I.R. Coelho]." JILI vol. 49, no. 3, 2007, pp. 365–398. JSTOR, www.jstor.org/stable/43952120.
3. Rao, P.P. "RIGHT TO EQUALITY AND THE RESERVATION POLICY." Journal of the Indian Law Institute, vol. 42, no. 2/4, 2000, pp. 193–203. JSTOR, www.jstor.org/stable/43953811
4. Bhat, P. Ishwara. "Tracing Right To Property In The Bosom Of Right To Life And Personal Liberty : Comparative Reflection On Recent Constitutional Developments In America, Canada And India."JILI, vol. 38, no. 1, 1996, pp. 13–37. JSTOR, www.jstor.org/stable/43951621
5. S. P. Sathe, Judicial Activism: The Indian Experience, 6 Wash. U. J.L. &Pol'y 29 (2001).<https://heinonline.org/HOL/P?h=hein.journals/wajlp6&i=33>.
6. Brian Z. Tamanaha, The History And Elements Of The Rule of Law, Singapore Journal of Legal Studies [2012]. <https://law.nus.edu.sg/sjls/articles/SJLS-Dec-12-232.pdf>.
7. Manoj Mate, The Origins Of Due Process In India: The Role of Borrowing In Personal Liberty And Preventive Detention Cases, 28 Berkeley J. Int'l L. 216 (2010). <https://heinonline.org/HOL/P?h=hein.journals/berkjintlw28&i=218>
8. Pillai, K. N. Chandrasekharan. "SUPREME COURT ON CASTE CONVERSION AND RESERVATION." Journal of the Indian Law Institute, vol. 47, no. 4, 2005, pp. 540–543. JSTOR, www.jstor.org/stable/43952001.
9. Lloyd I. Rudolph & Susanne Hoerber Rudolph (1981) Judicial review versus parliamentary sovereignty: The struggle over stateness in India, The Journal of Commonwealth &Comparative Politics. DOI: [10.1080/14662048108447387](https://doi.org/10.1080/14662048108447387)

10. Haqqi, S. A. H. "POSITION OF THE STATES UNDER THE INDIAN CONSTITUTION." *The Indian Journal of Political Science*, vol. 22, no. 1/2, 1961, pp. 43–52., www.jstor.org/stable/41853869

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:

After the completion of the course the students will be able to -

1. The study of Constitutional Law as a Transformative Document enhances ability to apply law in addressing social problems.
2. The study of Mother Document upholds democratic spirit and constitutional values promoting good governance and cultivating constitutional morality
3. It develops ability to design new social legislations and suggesting amendments to the existing legislations.
4. The study enables the students as to how the Constitution tries to bring democracy out of Public and extend it to private sphere and also ensures clear understanding of professional and ethical responsibility

HLC0305: LAW OF CONTRACT - I

Objectives of the Course

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 through decided cases;*
- *essential aspects of contract with reference to General principles;*
- *Application of contract law in practical use cases.*

COURSE OUTLINE

MODULE I: INTRODUCTION TO CONTRACT LAW

- a) The nature of contractual obligations
- b) Discussion on contracts, related parties to the contract, remedies available in day to day life
 - Purchase of goods/ services
 - Employment contracts
 - Bank loan
 - Renting a Bank Locker
 - Lease contract
 - Insurance contract
 - Contract formed by online purchase of goods

- c) Enforcement - Primary purpose of contract law

MODULE II: FORMATION OF CONTRACT

- a) Understanding the terms Agreement, Offer, Proposal, Acceptance and Contract
- b) Diversity between Agreement and Contract
- c) Proposal and Acceptance
 - Proposal - essential elements, forms, invitations for proposals and tenders, communication of proposal, floating offers, options
 - Acceptance - essential elements, forms, requirement of communication, silence as acceptance
 - Auctions - essential elements and the requirement of communication
 - Revocation of proposal and acceptance
 - E-contracts with reference to provisions of the Information Technology Act, 2000
- d) Express and Implied contracts
- e) Standard form contracts - advantages and disadvantages
- f) Formalities to be carried for a valid contract
 - draft of the contract,
 - signatures,
 - attestation,
 - registration,
 - notarization,
 - stamp duty.
- g) Difference between formalities of a contract with the Government and General contract – Refer to Article 299 of the Constitution of India

MODULE III: CONSIDERATION

- a) Definitions, meaning, kinds and essential elements of consideration
- b) Theories of consideration
- c) Privity of contract and of consideration
- d) Present, past and future consideration
- e) Adequacy of consideration and effect of inadequacy
- f) Exceptions to the rule no consideration no contract
- g) Charity and doctrine of consideration

MODULE IV: COMPETENCY OF PARTIES

- a) Age of majority under the Indian Majority Act 1875,
- b) Contracts with Minors - Doctrine of Necessaries-Estoppel- Restitution – Ratification (also refer to section 68 of ICA)
- c) Contract with Persons of Sound minds, incapacity arising out of Lunacy, Old age and other legally recognized incompetence's
- d) Competency of companies, statutory bodies, central and state governments

MODULE V: FREE CONSENT

- a) Definition and Meaning of consent and free consent
- b) Factors vitiating free consent
- c) Coercion
 - Law Commission report on Coercion
- d) Undue Influence
- e) Misrepresentation
- f) Fraud
- g) Mistake:
 - mutual and common mistake,
 - unilateral and bilateral mistake,
 - mistake of law and fact
- h) Effect of absence of free consent
- i) Doctrine of Economic duress
- j) Remedies available to the party whose consent is not free:
 - rescission,
 - restoration
 - Loss of right of rescission.

MODULE VI: LEGALITY OF OBJECT AND VOID AGREEMENTS

- a) Unlawful agreements, circumstances in which agreements enforced even if unlawful
- b) Void agreements: Restraint of marriage, trade and legal proceedings, uncertain agreements, wagers
- c) Effect of void and of unlawful agreements
- d) Contingent contracts and their enforcement

- e) Effect of non-happening of event
- f) Enforcement of contingent contracts
- g) Quasi Contracts
 - Types of Quasi Contract
 - Doctrine of restitution
 - Effect of breach of quasi-contractual obligation

MODULE VII: PERFORMANCE OF CONTRACT

- a) Obligation to perform or offer to perform; who must perform, effect of death, personal contracts, rights and liabilities under a contract
- b) Doctrine of privity, and exceptions to the doctrine
- c) Joint rights and liabilities
- d) Time of performance, right to terminate if time is of essence
- e) Liability to pay interest for delay
- f) Place of performance
- g) Reciprocal promises, effect of non-performance of one of reciprocal promises; unilateral and bilateral promises
- h) Appropriation of payments
- i) Discharge of contract
 - by performance;
 - by offer of performance:
 - by non-performance by one party
 - by breach and rescission
 - anticipatory breach
- j) Doctrine of impossibility and effect
- k) By agreement
 - novation,
 - alteration and
 - rescission
- l) By act of promise
 - dispensing,
 - remission and
 - waiver,
 - extension of time, accord and satisfaction

- m) Termination or discharge under contract provisions

MODULE VIII: REMEDIES UNDER THE CONTRACT

Remedies under contract law through court or arbitration

- a) Compensation (damages): General and special, substantial and nominal, aggravated and punitive, liquidated and unliquidated –Causation - Contemplation and Remoteness - Duty of mitigation - Assessment
- b) Claim for the agreed sum: viz. suit for price, return of loan amount
- c) Claim in quantum meruit

Remedies of Specific Relief through court or arbitration under Specific Relief Act:

- a) 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
- b) Injunctions in suits relating to contract:
 - Discretionary relief
 - Kinds - Temporary and perpetual, prohibitory and mandatory
 - When can injunction be granted?
 - When will injunction not be granted?
 - Injunction to enforce negative covenants
 - Claim for compensation in a suit for injunction
 - Rescission
 - Rectification of instruments
 - Cancellation of instruments

Recommended Readings:

Books:

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

Journals:

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

Further Readings:

Books:

1. Cheshire, Fifoot and Furmston's Law of Contract, Michael Furmston ed., 16th ed, 2012,
2. Sarkar on Specific Relief, Sudipto Sarkar and R Yasho Vardhan eds, 17th ed, 2016, Lexis Nexis
3. R K Singh, Law Relating to Electronic Contracts, 2nd ed, 2015, Lexis-Nexis.
4. Sachin Rastogi, Insights into E-Contracts in India, 2013, Lexis Nexis
5. 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
6. Shubhashis Gangopadhyay and V Shantakumar, Law and Economics Vol I and II, 2013, Sage Publications, Chapter 5
7. M. Krishnan Nair, Law of Contracts, 1998.
8. Garima Tiwari, Understanding Laws – Contracts, 2014, Lexis-Nexis.
9. G.H. Treitel, Outline of Law of Contract, 6th rev ed, 2005, Oxford University Press

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

Journals/Journal Articles:

- 1) 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.
- 2) 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
- 3) Standard form contracts and a smart contract future, Kristin B. Cornelius
Department of Information Studies, University of California, Los Angeles, USA
- 4) Contract, Consideration and the Critical Path, John Adams and Roger Brownsword, *The Modern Law Review*, Vol. 53, No. 4 (Jul., 1990), pp. 536-542
- 5) 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.
- 6) 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
- 7) 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
- 8) 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 |
- 9) IMPLEMENTATION WITH CONTINGENT CONTRACTS, Rahul Deb and Debasis Mishra, *Econometrica*, Vol. 82, No. 6 (November 2014), pp. 2371-239
- 10) 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:

1. Lalman Shukla v Gauridutt – [(1913) 11 ALJ 489]
2. Harvey v. Facey – [(1893) A.C. 552 Privy Council]
3. Balfour v Balfour - p [(1919) 2 K.B. 571]
4. Mohori Bibee v Dharmodos Ghose - [(1903) 30 I.A. 114 (P.C.)]
5. Carlill v Carbolic Smoke Ball Co. - [(1892) EWCA Civ 1 : (1893) 1 QB 256]

6. Felthouse v Bindley - [(1862) 11 Cb (NS) 869 : EWHC CP J35 : 142 ER 1037 : (1863) 7 LT 835]
7. Kedarnath v. Gorie Mohamed – [(1887) ILR 14 Cal 64]
8. Tweddle v. Atkinson – [(1861) EWHC QB J57 : (1861) 1 B&S 393 : (1861) 121 ER 762]
9. Phillips v Brooks Ltd. – [(1919) 2 KB 243]
10. Cundy V Linsay – [(1878) 3 AC 459]
11. SatyabrataGohose v Mugneeram Bangur& Co. - [AIR 1954 SC 44 : 1954 SCR 310]
12. PannalalJankidas v Mohanlal - [AIR 1951 SC 144 : 1950 SCR 979]
13. Hadley v Baxendale - [(1854) 9 Ex Ch 341]
14. Donoghue v Stevenson - [(1932) UKHL 100 :(1932) SC (HL) 31 : (1932) AC 562 : (1932) All ER Rep 1]
15. 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.

HLC0306: LAW OF CRIMES -I

INDIAN PENAL CODE

Objective of the Course:

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. Further, the illustrations play a dominant role and should be studied again and again to comprehend the essentials of the offences. 'Mens rea' which is the subject of great discussion in England, is much simplified by the I.P.C. The subject is heavy but is worth its weight in gold.

After undergoing the study the student will be able to understand the following:

- *Analyze criminal acts, their elements, parties to offenses, and application to the criminal justice system*
- *Express an increased awareness of the legal principles of criminal law and its application*
- *Students will demonstrate an understanding of the origins of criminal behaviour, society's response to crime, and the consequences of crime to our society, utilizing multiple perspectives*
- *Students will articulate ethical implications of decision making in a professional capacity.*

COURSE OUTLINE

Module I: Nature and Scope of Criminal Law

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

Module II: General Exceptions

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

Module III: Punishment

- a) Punishments-Theories of punishment
- b) Types of punishment
- c) Commutation of sentence
- d) Solitary confinement-Limit of solitary confinement
- e) Enhanced punishment

Module IV: Offences against Human Body

- a) Culpable Homicide and Murder
- b) Rash and Negligent Act-Attempt and Abetment to Suicide
- c) Hurt and Grievous Hurt- Criminal Force and Assault-Wrongful Restraint and Wrongful Confinement
- d) Kidnapping and Abductions
- e) **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

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

Module VI: General Offences

- a) Offences against State -Offences against Election
- b) Offence Relating to Coins & Government Stamps
- c) Offences Relating to Religion-Defamation- Criminal Intimidation, Insult & Annoyance
- d) 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.

Recommended Reading

Books

1. K.I. Vibhuti, PSA Pillai's Criminal Law, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2017
2. K.D. Gaur, Textbook on Indian Penal Code, Universal Law Publishing Co., New Delhi, 2017
3. Ratanlal Dhiraj Lal, The Indian Penal Code, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2017
4. The Indian Penal Code 1860 (IPC) Bare Act with Illustrations 2020 Edition Paperback – 1 Jan 2020, [Government of India](#)
5. Glanville Williams, Text Book of Criminal Law, Universal Law Publishing Co., New Delhi, 2016

Journals/ Article

1. Murder-suicide: A review of the recent literature, Eliason S, Journal of the American Academy of Psychiatry and the Law (2009) 37(3) 371-376
2. Whose problem is it anyway? Crimes against women in India, Himabindu BArora RPrashanth N, Global Health Action (2015) 8(1)
3. Mens Rea, Hampton J, Social Philosophy and Policy (1990) 7(2) 1-28
4. Intention, Parkinson CWheatley T, Elsevier Inc., (2012), 452-457
5. Trafficking in women and children in India: nature, dimensions and strategies for prevention, Ghosh B, The International Journal of Human Rights (2009) 13(5) 716-738

Further Reading

Books

1. Supreme Court on Penal Code Collection (in 5 Volumes), Surendra Malik and Sudeep Malik, 2018 Edition, Eastern Book Company
2. Indian Penal Code (IPC), C.K. Takwani, 2014 Edition, Eastern Book Company
3. Criminal Law (Indian Penal Code), K S N Murthy & K V S Sarma, 1st Edition, Lexis Nexis
4. Crime and Punishment– Trends and Reflections, N V Paranjape, 1st Edition, Lexis Nexis
5. Textbook on Criminal Law, Allen M, Oxford University Press, (2013)
6. The Language of Crime, Tiersma PSolan L, Oxford University Press, (2012)
7. Death sentence on taxonomy in India, Prathapan KRajan PNarendran TViraktamath CARavind, NPoorani JSee fewer, Current Science, 2008
8. Law of crimes: A hand book : a single volume commentary on Indian penal code, 1860 (Act no. XLV of 1860), V. V Raghavan, Orient Law House : sole selling agents, Orient Sales Organisation; 1st edition (1980)
9. Codification, Macaulay and the Indian Penal Code: The Legacies and Modern Challenges of Criminal Law Reform (International and Comparative Criminal Justice) ,Ashgate; 1 edition (February 28, 2013)
10. . R.C. Nigam, Law of Crimes in India (Vol. I) New York, Asia Pub. House (1965).

Journal/ Article

1. Macaulay and the Indian Penal Code of 1862: The Myth of the Inherent Superiority and Modernity of the English Legal System Compared to India's Legal System in the Nineteenth Century, David Skuy, *Modern Asian Studies*, Vol. 32, No. 3 (Jul., 1998), [Cambridge University Press](#), pp. 513-557
2. Justifiable Homicide: A Study of the Application of Nonculpable Deadly Force in Cuyahoga County (Cleveland), Ohio, 1958–1982,Challener RAdelson LRushforth N, *Journal of Forensic Sciences* (1987) 32(5) 11186J
3. Proportionality in Sentencing and the Restorative Justice Paradigm: 'Just Deserts' for Victims and Defendants Alike?,Kirchengast T, *Criminal Law and Philosophy* (2010) 4(2) 197-213
4. Dignity and Defamation: The Visibility of Hate, Waldron J, *Harvard Law Review* (2009) 123(1596) 1596-1657
5. Sedition, Monét V, Taylor and Francis, (2013), 217-222
6. Indian Perspective on the legal Status of Marital Rape: An Overview, Sindhu SThakur M, *International Journal of Multidisciplinary Approach & Studies* (2015) 2(1) 235-250
7. Criminal Law - Cases and Materials, O'Daly M, *Criminal Behaviour and Mental Health* (1995) 5(1) 53-54
8. Criminal Conspiracy, Sayre F, *Harvard Law Review* (1922) 35(4) 393
9. Capital punishment, Aggarwal K, *Medico-Legal Update* (2010) 10(1) 7-8
10. Sentencing Sex Offenders in India: Retributive Justice versus Sex-Offender Treatment Programs and Restorative Justice Approaches, Gill AHarrison K, *International Journal of Criminal Justice Sciences* (2013) 8(2) 166-181

Cases for Guidance

1. K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605
2. Tukaram v. State of Maharashtra, AIR 1979 SC 185
3. Suresh Kumar Koushal v. Naz Foundation, (2014) 1 SCC 1
4. Rawalpenta Venkalu v. State of Hyderabad, AIR 1956 SC 171
5. S.N. Hussain v. State of Andhra Pradesh, AIR 1972 SC 685
6. Ram Badan Sharma v. State of Bihar (2006) 10 SCC 115
7. Rambaran Mahton v. The State, AIR 1958 Pat. 452
8. S. Varadarajan v. State of Madras, AIR 1965 SC 942
9. State of Punjab v. Gurmit Singh (1996) 2 SCC 384
10. Bhupinder Singh v. UT of Chandigarh (2008) 8 SCC 531
11. Pyare Lal Bhargava v. State of Rajasthan, AIR 1963 SC 1094
12. Shri Bhagwan S.S.V.V. Maharaj v. State of A.P., AIR 1999 SC 2332
13. Indira Gandhi v Raj Narain– 1975
14. Priyadarshini Mattoo case - October 2006
15. Jessica Lal Murder Case - December 2006
16. **Nithari serial murders – 2009**
17. **Aarushi Talwar murder – 2008**
18. **Naz Foundation v Govt of NCT of Delhi) - July 2009**
19. **Ayodhya Ram Mandir Babri Masjid Case) - September 2010**
20. **Yakub Abdul Razak Memon V State of Maharashtra and Anr - July 2015**

Learning Outcomes

1. To analyse the principles of criminal responsibility, undertake self-directed legal research using primary and secondary materials, and analyse and evaluate legal information relating to criminal law and legal theory.
2. To apply principles of criminal law to complex legal problems, and critique the operation of criminal law from both a policy and theoretical/principled perspective.
3. To prepare persuasive written and oral arguments for a legal and lay audience on issues relating to the drafting of new criminal laws and the application of existing criminal laws to common scenarios that arise in criminal practice.
4. To demonstrate awareness of principles of ethical professional judgement in the management and conduct of a criminal law matter, relevant to both prosecution and defence.
5. To analyse the impact of criminal law from a policy perspective, with a focus on the impact of the law on those people who are vulnerable or outside mainstream culture.

SECOND YEAR

IV-SEMESTER

HBC0410: LAW AND ECONOMICS

Objectives of the Course

The basic objective of this course is to make the students to understand the relationship between Law and Economics, how legal rules are amenable to economic analysis and how different legal rules can lead to different outcomes in terms of efficiency and distribution. Indeed, legal rules can have astonishing effects on allocation and use of resources. In addition to that this course also enables the students to understand sectors specific and their impact of Economics on Law in pursuit of legal rules greatly affect the distribution of different forms of wealth.

COURSE OUTLINE

Module I: Introduction to Law and Economics

- a) Meaning - Definition- Origin and Development of Law and Economics
- b) Features of Law- Economic Analysis of Law
- c) Economics and its Relevance to Law
- d) Why should Lawyers study Economics and Why should Economist study Law.

Module II: Introduction to Law and Indian Legal Disputes

- a) Nature of Legal Disputes
- b) Courts systems of India
- c) Evolutions of Legal rules

Module III: Legal Concept and Its Relevance to Economic Theory

- a) Legal Concept of Property – Bargaining Theory
- b) The Origins of the Institution of Property - Economic of Property
- c) Economic Theory of Contract – IPR
- d) Economic Theory of Tort Liability
- e) Economic Theory of Crime and Punishment.

Module IV: Economic Institution of Population Governance

- a) Nature of Population- Demographic Transition Theory
- b) Causes of the Rapid Growth of Population- Poverty – Types of Poverty
- c) Concept - Causes of Poverty- Measures to Reduce Poverty- Alleviation Programmes
- d) Unemployment – Types- Causes of Unemployment
- e) Policies and Programmes to Reduce Unemployment in India.

Module V: Institutions Related to Agriculture and Legal Remedies

- a) Introduction- Role of Agriculture in India- Problems of Indian Agriculture
- b) Measures to Raise Agricultural Productivity – Green Revolution
- c) Land Reforms in India
- d) Agricultural Marketing –AGMARK - Primary Agricultural Marketing
- e) Objectives of Agricultural Marketing – Cooperative Marketing
- f) Warehousing- Agriculture Credit.

Module VI: Issues Related to Indian Industries and Legal Remedies

- a) Meaning – Classification of Industry- Role and Contributions of MSMEs
- b) Contributions of Large Scale Industries – Problems and Challenges
- c) Prevention of Concentration of Economic Power
- d) Industrial Dispute – Settlement Act – Social Security Schemes
- e) Trade Union Problem – Statutory Provisions
- f) National Wage Policy – National Commission on Labour
- g) Unorganised Sector and Umbrella Legislation.

Module VII: Impact of Trade and Financial System on Law

- a) Introduction- Meaning of Trade- Composition of India's Foreign Trade
- b) Balance of Payment – EXIM Policy
- c) Special Economic Zone
- d) WTO –IMF- World Bank and GATT
- e) Indian Financial System – FERA – FEMA
- f) Banking Sector Reforms – SEBI – NBFCs.

Recommended Readings:

Books:

- 1 David Friedman (2000) “Law’s Order: What Economics has to do with Law and Why It Matters”, Princeton University Press. New Jersey.
- 2 Robert Cooter (2012) “*Law and Economics*” (6th Edition) Pearson Publishers.
- 3 Ishwar C. Dhingra., (2014) “The Indian Economy: Environmental and Policy” 28th Revised Edition, Sultan Chand and Sons Publishers, New Delhi. ISBN: 978-81-8054-990-8.
- 4 Shukla, M. B., (2012) “*Indian Economy*” Taxmann Publication (P) Ltd., New Delhi,
- 5 Misra, S. K. and Puri, V. K., (2012) “*Indian Economy – Its Development Experience*”, Himalaya Publishing House, Mumbai.

Journals /Journal Articles:

1. Murthy, Ramana and SiddikRabiyath (2010) Disposal Rates, Pendency and Filing in Indian Courts: an Empirical Study of the Two States of Andhra Pradesh and Kerala, in Babu, P G, Thomas Eger, A V Raja, Hans Bernd Schafer and T S Somasekar (eds.) *Economic Analysis of Law in India: Theory and Application Oxford University Press*, New Delhi
2. Posner, Richard A. (2005) “Intellectual Property: The Law and Economics Approach” JEP 19(2): pp. 57-73.
3. Becker, Gary (1968) “Crime and Punishment: An Economics Analysis,” *Journal of Political Economy*, Vol. 76, pp. 169-217.
4. Klein et al. (2002) “Economics of Copyright ‘Fair Use’ in a Networked World.” *American Economic Review*.
- 6 Miceli, Thomas J. and Kathleen Segerson (2007) The Economics of Eminent Domain: Private Property, Public Use, and Just Compensation, *Foundations and Trends in Microeconomics*, Vol. 3, Issue 4.

Further Readings:

Books:

- 1 Babu, P G, Thomas Eger, A V Raja, Hans Bernd Schafer and T S Somasekar (eds.) (2010) “*Economic Analysis of Law in India: Theory and Application*” *Oxford University Press*, New Delhi.

- 2 Calabresi, Guido, (2016) *The Future of Law and Economics: Essays in Reform and Recollection*.
- 3 Polinsky, Mitchell A., (1983) *An Introduction to Law and Economics*.
- 4 Karl E. Case and Ray C. Fair (2007), *Principles of Economics*, 8th edition, Pearson Education Inc., ISBN 81-317-1587-6.(hereafter Case & Fair, 2007, 8e).
- 5 Joseph E. Stiglitz and Carl E. Walsh (2006), *Economics, International Student Edition*, 4th Edition, W.W. Norton & Company, Inc., New York, ISBN 0-393-92622-2. (hereafter Stiglitz & Walsh, 2006, 4e).
- 6 Ahuja H.L. (1996), *Principles of Micro Economics, A New look at Economic Theory*, S.Chand, New Delhi.
- 7 Jhingan M. L, *Macro Economic Theory*, 10th Revised edition, 2002, ISBN 81-87125-01-2, Vrinda Publication (P) Ltd, New Delhi.
- 8 Dominick Salvatore Eugene. A Duilio, *Principles of Economics*, Edition 2017, Tata McGraw Hill Publishing Company Ltd., New Delhi.
- 9 Stonier and Hague, *A Text Book of Economic Theory*, (1958), Long Mans Green &Co., London.
- 10 Douglas B. Bernheim and Michael D. Whinston. (2009). *Microeconomics*, Tata McGraw-Hill (India).

Journals:

1. Indian Journal of Economics
2. Economic and Political Weekly (EPW)
3. Kurukshetra
4. Southern Economist
5. Indian Journal of Agriculture
6. Reserve Bank of Indian Bulletin
7. Yojana
8. Journal of Economic Literature
9. Quarterly Journal of Economics
10. Asia Pacific Journal of Economics

Learning Outcomes:

After completion of the course students will be able to -

- *Enhance critical thinking and an inter-disciplinary approach towards the law, economics, and policymaking and Familiarise with the economic approach towards thinking about the law and public policy.*

- *Recognise the law as an important organising force that influences the actions of private citizens as well as government agencies.*
- *Learn how the law can support and, at times conflict with, the functioning of the market and the government, the other two important organising forces of an economy.*
- *Develop an inter-disciplinary approach and enhance the employability of students.*

HBC0411: SOCIOLOGY AND SOCIAL RESEARCH METHODS

Objective of the Course

Introduction to Social Research Methods, a course designed to teach and train law students on a variety of research approaches available in sociology in order to best address a research question in the Criminal Justice area. The purpose of this paper is to familiarize the law students with the logic of social science inquiry, to develop research question, strategies of research design, and a variety of research methods.

This paper will enable the students to understand the following:

- 1. Enable to train the students to conduct original research using quantitative, qualitative and historical research methods.*
- 2. Identify to give a basic frame work about the identification of research problem.*
- 3. Equipped to conceptualize, framing of hypothesis strategies of research plan and the tools of data collection.*
- 4. Able to understand the students to learn the report writing procedures.*
- 5. Designed in such a way will encourage the students to develop and use higher order thinking skills, including analytical, synthetic and applied thinking.*

COURSE OUTLINE

Module I: Introduction

- a) Establishment of Sociology as a Science-Contributions of August Comte, Herbert Spencer, Karl Marx, Emile Durkheim and Max Weber.
- b) Three Major Theoretical perspectives of Sociology: Functionalist Perspective, Conflict Perspective and the Interactionist Perspective.

Module II: Methods of Sociology

- a) Comparative method-Historical method-Statistical method-Case study-Survey method-Scientific method
- b) Limitations of Scientific method in Sociology- Sociology as a Science.

Module III: Social Research

- a) Meaning and definition of research and social research - Types of Research: Pure- Applied- Significance of social research- objectivity-subjectivity-deduction and induction method

Module IV: Research Problem and Hypothesis

- a) Identification or selection of research problem - formulation of research problem - precautions to be taken while selecting a research problem- Steps in the research process
- b) Hypothesis: Definition and characteristics-types of hypothesis-sources of hypothesis-problems in formulation of hypothesis.

Module V: Research Design and Sampling Technique

- a) Research Design:Definition- Types of research design-components of good research design.
- b) Sample: Definition- characteristics of good sample - advantages of sampling- types of sample – probability and non probability sampling.

Module VI: Sources of Data, and Tools of Data Collection

- a) Sources of data: primary- secondary- tertiary -Tools of data collection: interview-questionnaire-schedule-observation.
- b) Interview: Meaning-advantages-steps involved in interview-qualities of an interviewer-advantage and limitation of interview
- c) Questionnaire: Types of questionnaire-form of a questionnaire-pretesting – factors affecting the responses - reliability and validity - advantage and limitation of questionnaire
- d) Schedule: Essentials of good schedule-procedure for framing a schedule-general form and layout-content-types of question-language-sequence of questions-pilot study - advantages and limitations of schedule – difference between schedule and questionnaire.
- e) Observations: Kinds: participant-non participant-controlled and non-controlled observations- importance – limitations.

Module VII: Report Writing

- a) Meaning- types of report- requisite of good report- components of research report.

Recommended Readings:

Books:

1. Ahuja, Ram., 2001. *Research Methods*, Reprint, Rawat Publications. Jaipur.
2. Sharma, BAV., Prasad ,Ravindra., Sathyanarayana, P., 1985. *Research Methods in Social Science.*, New Delhi : Sterling.
3. Wilkinson and Bandarkar., 1999. *Methodology and Techniques of Social Research*, Ed.9 Himalaya Publishing House.
4. Kothari C.R , 2004.*Research Methodology, Methods and techniques*, New Age International publication, New Delhi – revised edition.
5. *Floyd J. Fowler Jr.'s* 2013. *Survey Research Methods.*, Sage Publications.,

Journals:

1. Journal of Research Practice
2. Sociological Methodology
3. Survey Research Methods
4. Quantity and Quality
5. Journal of Mixed Research Methods

Further Reading:

Books:

1. Lawrance Nueman., 2014. *Social Research Methods*, Pearson Publications, Delhi
2. Haralambos, and Holborn. 2007. *Sociology: Themes and Perspectives*, London: Collins.
3. Newman, Lawrence.2011. *Social Research Methods: Qualitative and Quantitative Approaches*, Pearson Education.
4. Beteille A and T.N. Madan 1975. *Encounter and Experience Personal Accounts of Fieldwork*, New Delhi: Vikas Publishing House
5. Goode, William J and P. K .Hatt 1952. *Methods in Social Research*, New Delhi: Mc Graw -Hill.
6. Young, P.V.1966. *Scientific Social Surveys and Research*, New Deli: Prentice Hall

7. Clause Adolf Moser , 2009. *Survey Methods in Investigation*, Ed. 2, reprint, Pub. Gower

8. Wilkinson, T.S and P.L Bhandarkar. 1984. *Methods and Techniques of Social Research*, Bombay: Himalaya Publishing House.

9. Bhandarkar, P. L. and Wilkinson. 2007. *Methodology and Techniques of Social Research*, Himalaya Publishing House, New Delhi.

10. Haralambos, and Holborn. 2007. *Sociology: Themes and Perspectives*, London: Collins.

Learning Outcomes

After completion of the course the students will be able to -

- *Identify steps in the research process and identify the basic elements of a good research design.*
- *Understand Sampling and apply various sampling techniques.*
- *Discuss characteristics of quantitative and qualitative measurement, and understand how to operationalize concepts using each approach.*
- *Apply various data collection techniques, for both quantitative and qualitative research.*

HBC0412: SOFTWARE ENGINEERING, TESTING AND ITS LEGAL ASPECTS

Objectives of the Course:

1. *Introduce the Knowledge of basic Software engineering methods and practices.*
2. *Determine the cost estimation and requirements of software.*
3. *Design the Real Time and Distributed System by using different test plans.*
4. *Get Knowledge in Software Testing.*
5. *Design and develop a software testing project.*
6. *Understand legal aspects and legal issues of software engineering*

COURSE OUTLINE

Module I: Introduction to Software Engineering

- a) Definition - Size Factors, Quality and Productivity Factors
- b) Managerial Issue
- c) Planning a Software Project - Defining the Problem - Developing a Solution Strategy
- d) Planning the Development Process
- e) Planning an Organization Structure
- f) Other Planning Activities.

Module II: Software Cost Estimation

- a) Software Cost Factors
- b) Software Cost Estimation Techniques - Staffing Level Estimation - Estimating Software Maintenance Costs
- c) The Software Requirements Specification - Formal Specification Techniques
- d) Languages and Processors for Requirements Specification.

Module III: Software Design

- a) Fundamental Design Concepts
- b) Modules and Modularizing Criteria
- c) Design Notations - Design Techniques
- d) Detailed Design Consideration
- e) Real Time and Distributed System Design

- f) Test Plan -Mile Stones
- g) Walk Through and Inspection.

Module IV: Introduction to Testing

- a) Testing as an Engineering Activity
- b) Testing as a Process
- c) Testing Maturity Model
- d) Testing axioms – Basic definitions
- e) Software Testing Principles
- f) The Tester’s Role in a Software Development Organization.

ModuleV: Test Case Design Strategies

- a) Using the Black Box Approach to Test Case Design
- b) Random Testing - Equivalence Class Partitioning - Boundary Value Analysis
- c) Cause-effect graphing
- d) Using the White Box Approach to Test Case Design
- e) Coverage and Control Flow Graphs, Covering Code Logic
- f) Paths: Their Role in White Box–Based Test Design.

ModuleVI: Legal Aspects of Software Engineering

- a) Jurisdiction (international, federal, state laws)
- b) Intellectual property (copyright, patent, trademark, trade secrets)
- c) Contracts and licenses
- d) Privacy
- e) Free speech and its limitations (government secrets, obscenity)
- f) Complex areas (ISPs, e-commerce)
- g) Business law (personnel, your next job, etc.)

ModuleVII: Legal Issues Surrounding Software Engineering Professional Practice

- a) Standards
- b) Trademarks
- c) Patents
- d) Copyrights
- e) Trade Secrets
- f) Professional Liability
- g) Legal Requirements

- h) Trade Compliance
- i) Cybercrime.

Recommended Readings:

Books:

1. Richard E. Fairly - Software Engineering Concepts, A Practitioner's approach, Tata McGraw Hill Edition, 1997.
2. Pressman, R.S. "Software Engineering: A Practitioner Approach", 7th Edition Revised, McGraw Hill, Chennai, 2010.
3. Software Quality Assurance – From Theory to Implementation, Daniel Galin, Pearson Education, 2009.
4. Ilene Burnstein, "Practical Software Testing", Springer International Edition, 2003.
5. Software Testing – Principles and Practices, Naresh Chauhan, Oxford University Press, 2010.

Journals/Journal Articles:

1. IEEE Transactions on Software Engineering, ISSN:0098-5589.
2. Software Testing Verification and Reliability, Wiley, ISSN:0960-0833.
3. ACM Transactions on Software Engineering and Methodology, ISSN:1049-331X.
4. Darene B. Lewis, H. Joseph Wen & J. Michael Tarn (2002) Managing Legal Issues in the Software Development Life Cycle, Information Systems Management, 19:3, 25-31, DOI: 10.1201/1078/43201.19.3.20020601/37167.4
5. R. L. Upchurch and W. M. Serra, "A primer of legal issues for software engineering education," 30th Annual Frontiers in Education Conference. Building on A Century of Progress in Engineering Education. Conference Proceedings (IEEE Cat. No.00CH37135), Kansas City, MO, USA, 2000, pp. T1C/7-T1C12 vol.1.

Further Readings:**Books:**

1. F. Bott et al., Professional Issues in Software Engineering, 3rd ed., Taylor & Francis, 2000.
2. Sommerville, I. "Software Engineering, Global Edition", 10th Edition, Pearson Higher Education, New Jersey, 2016.
3. Rajib Mall -Fundamentals of Software Engineering, PHI Learning Pvt., Ltd., Edition, 2014.
4. PankajJalote, "Software Engineering : A Precise Approach", Wiley India, New Delhi, 2011.
5. Shari Lawrence Pfleeger and Joanne M. Atlee, "Software Engineering: Theory and Practice", Fourth Edition, Prentice Hall, 2010.
6. Ali Behforooz&Hudson,Software Engineering Fundamentals, PHI,1996.
7. SrinivasanDesikan -Software Testing Principles and Practices, Pearson Education, 2008.
8. B. Beizer -Software Testing Techniques, DreamTech India, 2003.
9. E.Kit, Software Testing in the Real World: Improving the process, Pearson Education, 1995.
10. Kinney and Lange, P.A., Intellectual Property Law for Business Lawyers, Thomson West, 2013.

Journals/Articles:

1. IEEE CS/ACM Joint Task Force on Software Engineering Ethics and Professional Practices, "Software Engineering Code of Ethics and Professional Practice".
2. Journal of Software Engineering Research and Development, Springer, ISSN 2195-1721.
3. International Review of Law Computers & Technology, Publisher: Taylor & Francis (Routledge), ISSN 1364-6885.
4. C. Kaner, Legal Issues Related to Software Quality, 1997, [online] Available: <http://www.badsoftware.com/asqtalk.html>.
5. L. Levy and S. Bell, "Software Product Liability: Understanding and Minimizing the Risks", Boalt Hall School of Law Review, Spring 1990.
6. <https://swayam.gov.in/>
7. <https://onlinecourses.nptel.ac.in/>
8. <https://www.edx.org/>

Learning Outcome:

After completion of the course students will be able to:

- *Recognize the importance of planning activities in software project development and use the appropriate methods and tools for estimating software cost.*
- *Expertise in designing, implementation and development of software system. Apply modern software testing processes in relation to software development and project management.*
- *Create test strategies and plans, design test cases, prioritize and execute them.*
- *Possess knowledge of Legal aspects and its issues in Software engineering.*

HLC0407: CONSTITUTIONAL LAW OF INDIA – II
CONSTITUTIONAL STRUCTURE AND CENTRE - STATE
RELATIONS

Objectives of the Course

This course aims at a better understanding of the legal issues involved in the working of the Constitutional Law and the role played by the three organs in the same. It introduces the students to the stormy Centre-State relations and the conduct of elections. It is designed to impart the students about the composition, powers and functions of the Union and State Executives. It aims at educating the students all about the Parliament and state legislatures. It throws light on the working of the Judiciary, Supreme Court and High Courts and their writ jurisdictions. It discusses the most contentious issue of the Centre-State relations. It is also designed to discuss government contracts and the all-important aspects of the power of Centre-State fiscal relations, emergency provisions and elections in detail.

After undergoing the study of this paper the student should be able to understand the following:

1. *Identify the role played by the three organs of the Government.*
2. *Able to understand the relationship between the Centre and the States in various aspects.*
3. *Learn about the Emergency Provisions and the Election Commission of India.*

COURSE OUTLINE

MODULE I: EXECUTIVE STRUCTURE, POWERS AND FUNCTIONS

- a) The Union Executive – The President - Election, Qualifications & Terms of Office of President - Privileges, Powers and Duties of President - Impeachment of President.
- b) The Vice – President - Qualifications & Election of Vice-President – Functions & Terms of Office of Vice – President.
- c) Council of Ministers - Appointment of Ministers - Council of Ministers & Cabinet - The Individual, Collective, Legal & Ministerial Responsibility - President's relation with the Council of Ministers.
- d) Attorney General of India - Comptroller and Auditor General of India.
- e) The State Executive - Appointment, Powers & Qualifications of Governor - The Council of Ministers - The Advocate General.

MODULE II: PARLIAMENT AND THE STATE LEGISLATURE

- a) The Union Legislature – Parliament - Composition of Parliament & Houses of Parliament - Duration & Sessions of the Houses of Parliament - Qualification for Membership of Parliament.

- b) Powers of Speaker, Deputy speaker & Chairman.
- c) Ordinary, Money Bills & Financial Bills - Parliament's Control over Financial System.
- d) Committee on Estimates, Committee on Public Accounts, Consolidated Fund of India & Contingency Fund of India.
- e) The State Legislature - Composition & Duration of State Legislature - Qualification of Membership of State Legislature.

MODULE III: UNION & STATE JUDICIARY

- a) The Union – Supreme Court - Composition of Supreme court - Qualifications & Appointment of Supreme Court Judges & National Judicial Appointment Commission - Impeachment of Judge of the Supreme court.
- b) Jurisdiction of Supreme court- Original, Writ, Appellate, Advisory - Powers to Punish for Contempt & Concept of Curative Petition.
- c) The State – High Court - Appointment, Transfer of Judge of High Court - Terms of Office & Removal of Judge of High Court.
- d) Jurisdiction & Powers of High Court.

MODULE IV: RELATIONS BETWEEN UNION & THE STATES

- a) Distribution of Legislative, Administrative and Fiscal Powers & Freedom of Trade and Commerce.
- b) Legislative Relations - Doctrine of Territorial Nexus – Subject matter of laws made by Parliament and Legislatures of States - Doctrine of Harmonious Construction - Doctrine of Pith and Substance – Doctrine of Occupied Field – Doctrine of Colourable Legislation.
- c) Parliament's Power to Legislate in State List – Implied and Residuary Power - Doctrine of Repugnancy.
- d) Administrative relations – Full faith and credit clause – Centre and inter-state conflict management.
- e) Fiscal Relations – Sharing of tax – GST – Constitutional Limitations.

MODULE V: TRADE COMMERCE AND INTERCOURSE WITHIN THE TERRITORY OF INDIA

- a) Freedom of Trade, Commerce and Intercourse - Meaning of Freedom of trade, commerce and intercourse.
- b) Power of the Parliament to impose restrictions on trade commerce and intercourse.
- c) Goods and Service Tax (GST) - Impact of Globalization.

MODULE VI: EMERGENCY PROVISIONS

- a) National Emergency - Duty of the Union to protect the States against external aggression and internal disturbance - Power of Union Executive to issue directions and the effect of non- compliance.
- b) State Emergency - Imposition of President's Rule in States – Grounds, Limitations, Parliamentary Control, Judicial Review.
- c) Financial Emergency.
- d) Emergency and suspension of fundamental rights.

MODULE VII: OTHER CONSTITUTIONAL FUNCTIONARIES

- a) Organisation, powers and function of Election Commission of India.
- b) Union Public Service Commission, State Public Commission – Constitutional safeguards for Civil Servants Art 311 - Protection against arbitrary dismissal, removal, or reduction in rank – Exceptions to Art 311.
- c) Role of Finance Commission – Planning Commission – Inter- state Council – National Development Council - Local Self Government (Panchayat Raj).

Recommended Readings:

Books:

1. H.M. Seervai, Constitutional Law of India in 3 volumes, Universal Book Traders, 4th Edition 2019.
2. M.P.Jain Revised by Justice Jasti Chelameswar and Justice Dama Seshadri Naidu, Indian Constitutional Law, Lexis Nexis, 8th Edition 2018.
3. D.D.Basu, Commentary on the Constitution of India, Lexis Nexis, 9th Edition 2014.
4. Mahendra P. Singh, V. N. Shukla's Constitution of India (11th ed., 2008)
5. Granville Austin, Working a Democratic Constitution - A History of the Indian Experience (1999)
6. Constituent Assembly Debates Vol. 1 to 12 (1989)

Journals/Journal Articles:

1. Gary Jeffrey Jacobsohn , An unconstitutional constitution? A comparative perspective, INT'L J CON LAW 460, 474(2006).
2. Omar, I. (2002). Emergency powers and the courts in India and Pakistan (Vol. 53). MartinusNijhoff Publishers.
3. UpendraBaxi, The Indian Constitution as an Act of Theft and the Theft of the Indian Constitution: A Retrospect on Indian Constitutionalism'.
4. Dilip Dobb, India is Indira and Indira is India. Wholives if Indira dies?, India Today (Dec 26, 2005)
5. NilanjanMukhopadhyay, Past Continuous: How IndiraGandhi used Presidential Elections to cement her ownpower, THE WIRE(May25,2017).

Further Readings:**Books:**

1. D.D.Basu Revised by Justice A.K.Patnaik, Shorter Constitution of India, Lexis Nexis, 15th Edition 2018
2. P.M.Bakshi, The Constitution of India, Lexis Nexis, 17th Edition 2020.
3. Sudhanshu Ranjan, Justice versus Judiciary – Justice Enthroned or Entangled in India, Oxford University Press, 2019.
4. Samaraditya Pal, India's Constitution Origins and Evolution, Lexis Nexis, 1st Edition, 2017.
5. ConstituentAssembly Debates Vol. 1 to 12 (1989).

Journals:

1. Soroor Ahmed, The role that Syria, Sinai and Oil Pricesplayed in triggering Emergency, NATIONALHERALD, (Jun 25, 2017).
2. A Study of the Emergency Provisions in the Indian Constitution, The Emergency of 1975 and the Possibility of Recurrence thereof, 15126<https://www.nationalheraldindia.com/opinion/the-rolesyria-sinai-oil-prices-played-in-triggering-emergency>.
3. Seniority as the Norm to Appoint India's Chief Justice isa Dubious Convention, THE WIRE (Dec 22, 2016),<https://thewire.in/law/seniority-norm-cji-appointmentthakur-khehar>.
4. Report of the Commission on Centre–StateRelations(Sarkaria Commission)(1987).
5. Report of the National Commission to Review the Working of the Constitution(2002).
6. Report of the Commission on Centre-State Relations (M.M. Punchhi Commission)(2010).

Cases for Guidance:

1. S.P. Anand v. H.D. Deve Gowda, AIR 1997 SC 272.
2. Samsher Singh v. State of Punjab, AIR 1974 SC 212.
3. M.P. Spl. Police Estab. v. State of M.P (2004) 8 SCC 788.
4. Epuru Sudhakar v. Govt. of A.P., AIR 2006 SC 338.
5. B. R. Kapur v. State of T. N. AIR 2001 SC 3435.
6. Anil Kumar Jha v. Union of India, (2005) 3 SCC 150.
7. Jaya Bachchan v. Union of India, AIR 2006 SC 2119.
8. In re Keshav Singh, AIR 1965 SC 745.
9. Raja Ram Pal v. Hon'ble Speaker, Lok Sabha (2007) 3 SCC 184.
10. D. C. Wadhwa v. State of Bihar, AIR 1987 SC 579.
11. A.K. Roy v. Union of India, AIR 1982 SC 710.
12. Automobile Transport (Rajasthan) Ltd. v. State of Rajasthan, AIR 1962 SC 1406.
13. Jindal Stainless Ltd. v. State of Haryana, AIR 2006 SC 2550.
14. G.K. Krishnan v. State of Tamil Nadu, (1975) 1 SCC 375.
15. Shree Mahavir Oil Mills v. State of J. & K. (1996) 11 SCC 39.
16. Atiabari Tea Co. v. State of Assam, AIR 1961 SC 232.
17. State of Rajasthan v. Union of India, AIR 1977 SC 1361.
18. S. R. Bommai v. Union of India, AIR 1994 SC 1918.
19. Rameshwar Prasad v. Union of India, AIR 2006 SC 980.

Learning Out Come:

After completion of the course students will be able to-

1. *Understand the structure of the Government in the Centre and in the States and its governance.*
2. *Appreciate the role of judiciary and the different kinds of jurisdictions that can be exercised by the Supreme Court and High Courts.*
3. *Examine the relationship between the Centre and the States in various aspects.*
4. *Identify the circumstances under which emergency can be proclaimed under the Constitution.*

HLC0408: LAW OF CONTRACT - II

Objectives of the Course

As established in Contracts I through detailed study of General Principles of Contract, the students by now know that the essence of all commercial contracts is regulated by the Indian Contract Act, 1872.

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 and The Negotiable Instruments Act 1881 are discussed alongwith 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 it's relevance thorough decided cases;*
- *how to establish relationship of general principles with the special contracts;*
- *understand the growing importance of special contracts and to have understanding of the new forms of special contracts including technology transfer agreements, e-contracts, software licensing agreements, government contract etc.*

COURSE OUTLINE

MODULE I: CONTRACTS OF INDEMNITY - SECTIONS 124-125

- a) Concept of indemnity in general
- b) Need for indemnity to facilitate commercial transactions
- c) Definition of the contract of indemnity
- d) Formation and essential features of indemnity
- e) Purpose of the contract of indemnity, and its use in facilitating and supporting transactions
- f) Nature and extent of liability of the indemnifier
- g) Commencement of liability of the indemnifier
- h) Rights and Duties of the Indemnifier and the Indemnified.
- i) Difference between Indian and English Law as to Indemnity

- j) Distinction between an indemnity, a warranty and a representation

MODULE II: CONTRACTS OF GUARANTEE - SECTIONS 126 TO 147

- a) Definition of a contract of guarantee
- b) Formation and essential features of a contract of guarantee
 - Parties to the contract;
- c) Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety
- d) Consideration for a contract of guarantee
- e) Continuing guarantee, and its revocation
- f) Difference between Guarantee and independent liability
- g) Comparison between guarantee and indemnity
- h) Nature and extent of surety's liability;
 - commencement
 - duration and
 - termination
- i) Surety's rights against
 - the principal debtor
 - the creditor
 - co-surety
- j) Special position of a surety: a privileged debtor
- k) Letters of credit and bank guarantees
- l) Co-surety and manner of sharing liabilities and rights
- m) Discharge of surety's liability

MODULE III: CONTRACTS OF BAILMENT - SECTIONS 71, 148-171, 180-181

- a) Definition of a contract of bailment
- b) 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

- c) Lien:
 - General and
 - Particular Lien
- d) Types of Bailor and Bailee
- e) Examples of contracts of bailment: for benefit of bailor, for benefit of bailee
 - Rights, duties, disabilities and liabilities of a bailor and a bailee towards each other
- f) Termination of bailment, and consequences of termination
- g) Finder of goods as a bailee
- h) Liability towards the true owner
- i) Obligation to keep the goods safe
- j) Right to dispose off the goods

MODULE IV: CONTRACTS OF PLEDGE - SECTIONS 172 – 179

- a) Definition of a contract of pledge
- b) Essential features of a contract of pledge
 - Parties to the contract
 - Creation of a contract of pledge
- c) Distinction between contracts of pledge, lien, bailment, hypothecation
- d) 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 V: CONTRACTS OF AGENCY: SECTIONS 182 – 238

- a) Definition of a contract of agency
- b) Identification of different kinds of agency transactions in day to day life
- c) Kinds of agents and agencies
- d) Tests for determining existence of agency relationship
- e) Essential features of a contract of agency
 - Parties involved
 - Kinds of agents and agencies

- f) Creation of agency
- g) Distinction between agent, servant or employee, and independent contractor
- h) Agent's authority
 - Scope and extent
 - Express or implied
 - apparent or ostensible authority and
 - authority in an emergency
 - Restrictions or limitations on authority
- i) Delegation of authority
- j) Relationship between a principal, agent, sub-agent and substituted agents.
- k) Doctrine of Unnamed, Undisclosed Principal and Foreign Principal
- l) Doctrine of Ratification and Relation back
- m) Duties, Rights and Liabilities of an Agent towards the Principal and Third Party
- n) Liability of the principal for acts of the agent including misconduct and tort of the agent
- o) Personal liability of an agent
- p) Pretended Agent
- q) Methods of termination of agency contract
 - Effects of termination
 - Liability of the principal and agent before and after such termination

MODULE VI: CONTRACTS OF SALE OF GOODS - THE SALE OF GOODS ACT 1930

- a) Definition of a contract of sale of goods
- b) Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods
- c) Essential features of a contract of sale
- d) Formation of Sale contract
- e) Sale differentiated from other type of contracts
- f) Sale as a transfer of property
- g) Conditions and Warranties
 - Implied conditions and warranties
 - Express conditions and warranties
- h) The rule 'caveat emptor' and exceptions thereto

- i) Passing of Property
- j) Transfer of Title-Nemo Dat Quod Non Habet
- k) Delivery of goods: various rules regarding delivery of goods
- l) Rights and liabilities of the buyer and seller
- m) Unpaid seller and his rights.
- n) Auction sales
- o) Remedies for breach of contract

MODULE VII: CONTRACTS OF PARTNERSHIP - THE INDIAN PARTNERSHIP ACT 1932 AND THE LIMITED LIABILITY PARTNERSHIP ACT 2008

- a) Definition of a contract of partnership
- b) Essential features of a contract of partnership:
 - the firm and the partners,
 - Parties to the contract,
 - Minor as partner
- c) Kinds of partnership
- d) Registration of Partnership Firm and consequences of non-registration
- e) Rights, Duties and Liabilities of Partners
- f) Mutual relationship between partners: their rights, liabilities and duties against each other
- g) Relationship of partners to third parties
- h) Partner as agent of firm, Partners' authority, Implied authority, Mode of exercising authority, Liability of the firm for acts of partners
- i) Property of the firm
- j) 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
- k) Dissolution of a firm
 - Modes of dissolution
 - Effect of dissolution
 - Agreements in restraint of trade
- l) Limited Liability Partnership
 - Essential features

- Distinction between LLP and ordinary partnership

RECOMMENDED READINGS:

Books:

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

Journals/Journal Articles:

1. Journal of Contract Law – Legal Publications / Lexisnexis
2. Corporate Law Journal – ISN 2581-3592
3. Company Law Journal
4. Indian Journal of International Economic Law – NLSIU, Bengaluru, India
5. NLS Business Law Review

FURTHER READINGS:

Books:

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

9. Allahabad

10. M.S.Parthasarathy (ed.), J. S. Khergamvala, The Negotiable Instruments Act

Journals/Journal Articles:

- 1) Indemnities and the Indian contract act 1872, Wayne Courtney
NATIONAL LAW SCHOOL OF INDIA REVIEW 27 NLSI Rev. (2015)
- 2) Condition and Warranty in Contract Law of India, Harvard BlackLetter Law Journal,
- 3) 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,
- 4) 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.
- 5) Computing Damages in Hire purchase Agreements: A Re-Look BREACH OF CONTRACT, ICFAI University Publications,
- 6) 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
- 7) Partnership Formation: The Role of Social Status, Haimanti Bhattacharya & Subhasish Dugar, <https://pubsonline.informs.org/doi/abs/10.1287/mnsc.2013.1818>.
- 8) 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, Sonapat, International Research Journal of Social Sciences ISSN 2319–3565 Vol. 2(11), 46-48, November (2013)
- 9) Dissolution of Indian Firms - Various Modes, 33 Pages, SSRN, Raghvendra Singh Raghuvanshi, India, papers.ssrn.com/sol3/papers.cfm?abstract_id=1558970
- 11) Performance and Compensation: An Analysis of Contract Damages and Contractual Obligation, Charlie Webb, Oxford Journal of Legal Studies, Volume 26, Issue 1, Spring 2006.

Cases for Guidance:

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

LEARNING OUTCOME:

After completion of the course students will be able to –

1. *grasp the nuances of the contractual transactions involving Special forms of contracts.*
2. *analyse the implications of a contractual arrangement falling under any of the discussed head of special contracts.*
3. *determine the legality of the transactions and also the rights and duties of the parties.*
4. *deal with the disputes arising out of such contractual arrangements.*

THIRD YEAR

V-SEMESTER

HBC0513: OBJECT ORIENTED PROGRAMMING WITH JAVA, WEB TECHNOLOGY AND ITS LEGAL REQUIREMENTS

Objectives of the Course

- 1. Understand Object Oriented Programming (OOP) concepts and basic characteristics of Java.*
- 2. Know the principles of packages, inheritance and interfaces.*
- 3. Develop a java application with threads and to define exceptions.*
- 4. Design simple web pages using mark-up languages like HTML.*
- 5. Design interactive web pages using Scripting languages.*
- 6. Address the legal requirements and issues involved with the creation of a web site.*

COURSE OUTLINE

Module I: Introduction to OOP

- a) Objects - Classes
- b) Abstraction and Encapsulation
- c) Inheritance
- d) Abstract Classes
- e) Polymorphism.

Module II: Fundamentals of JAVA

- a) Objects and Classes in Java
- b) Defining Classes, Methods
- c) Method Overloading, Method Overriding
- d) Access Specifiers, Static Members
- e) Constructors, Methods, Finalize Method
- f) Introduction to Java, byte code, Objects, Classes
- g) Arrays, Strings, Packages, Java-Doc Comments.

Module III: Inheritance and Exception Handling

- a) Inheritance – Types of Inheritance

- b) Class Hierarchy
- c) Interfaces- defining an interface, implementing interface
- d) Polymorphism, Dynamic Binding, Final Keyword
- e) Abstract Classes and methods
- f) Exception Handling, try-catch-finally
- g) Exception Hierarchy, Throwing and Catching Exceptions.

Module IV: Multi-Threading

- e) Multi-Threaded Programming
- f) Thread Life Cycle and Methods
- g) Interrupting Threads
- h) Thread States -Thread Properties.

Module V: Website Essentials, HTML and Javascript

- k) HTML History, Versions
- l) Some Fundamental HTML Elements, Relative URL, Lists, Tables, Frames, Forms, Cascading Style Sheets.
- m) Introduction to Java Script, History and Versions
- n) JavaScript, Variables, Data Types, Statements, Operators, Literal Values
- o) Functions, Objects, Arrays, Built-in Objects.

Module VI: Website Legal Requirements

- a) Privacy policies
- b) Copyright notices
- c) Terms and conditions of use
- d) Disclaimers
- e) Accessibility information
- f) Abuse or complaints contact information
- g) Trademarks
- h) Patents
- i) Corporate policies.

Module VI: Website Legal Issues

- a) Copyright concerns

- b) Domain name concerns
- c) Trademark concerns
- d) Defamation
- e) Linking and framing.

Recommended Readings:

Books:

1. Herbert Schildt, "Java: The Complete Reference", 11th Edition, McGraw-Hill Education, 2018.
2. Paul Deitel and Harvey Deitel, "Java - How to Program Early Objects", 11th Edition, Pearson Education, 2017.
3. Robert W. Sebesta, "Programming the World Wide Web", Addison-Wesley, 8th Edition, Boston, 2015.
4. Sachin Malhotra, SourabhChoudhary, "Programming in Java", Revised 2nd Edition, Oxford University Press, 2018.
5. Timothy Budd- "Understanding Object-Oriented Programming with Java", Updated Edition, Pearson Education, 2000.

Journals/ Journal Articles:

1. World Wide Web-Internet and Web Information Systems, Springer, ISSN 1386-145X
2. ACM Transactions on the Web, Assoc Computing Machinery, ISSN 1559-1131
3. Computer Law & Security Review, Elsevier Advanced Technology, ISSN 0267-3649
4. Tempero, Ewan & Noble, James & Melton, Hayden. (2008). How Do Java Programs Use Inheritance? An Empirical Study of Inheritance in Java Software. 5142. 667-691. 10.1007/978-3-540-70592-5_28.
5. Tingting Li, "Test of Exception Handling in Different Java Virtual Machine", Proceedings of the 2016 5th International Conference on Measurement, Instrumentation and Automation (ICMIA 2016), <https://doi.org/10.2991/icmia-16.2016.98>

Further Readings:

Books:

1. SachinMalhotra, SourabhChoudhary, "Programming in Java", Revised 2nd Edition, Oxford University Press, 2018.

2. Cay S. Horstmann, “Core Java - Vol. 1, Fundamentals”, 11th Edition, Pearson Education, 2018.
3. Jeffrey C. Jackson-Web Technologies-A Computer Science Perspective.”, Pearson Education, 2008.
4. Y. Daniel Liang, “Introduction to Java Programming and Data Structures, Comprehensive Version”, 11th Edition, Pearson Education, 2018.
5. K. Arnold and J. Gosling- “The JAVA Programming Language”, Second Edition.
6. Timothy Budd- “Understanding Object-Oriented Programming with Java”, Updated Edition, Pearson Education, 2000.
7. C. Thomas Wu, “An introduction to Object-oriented programming with Java”, Fourth Edition, Tata McGraw-Hill Publishing company Ltd., 2006.
8. E. Balagurusamy -Programming with Java – A PRIMER
9. <http://nptel.ac.in/>
10. <https://ocw.mit.edu/index.htm>

Journals/ Journal Articles:

1. A. L. Martins, S. Hanazumi and A. C. V. d. Melo, "Testing Java Exceptions: An Instrumentation Technique," 2014 IEEE 38th International Computer Software and Applications Conference Workshops, Vasteras, 2014, pp. 626-631.
2. Loiacono, E.T., Djasasbi, S. Corporate website accessibility: does legislation matter? Univ Access InfSoc 12, 115–124 (2013). <https://doi.org/10.1007/s10209-011-0269-1>
3. 3) Kolah, A. Legal and Regulatory Update: Does your website comply with legal requirements for accessibility? J Direct Data Digit Mark Pract 7, 65–71 (2005).<https://doi.org/10.1057/palgrave.dddmp.4340506>

Course Outcome

After completion of the course students will be able to:

- *Work with principles of packages, inheritance and interfaces.*
- *Develop a java application with threads and to define exceptions.*
- *Design simple web pages using mark-up languages like HTML.*
- *Design interactive web pages using Scripting langu*

HLC0509: JURISPRUDENCE

Objectives of the Course:

Laws are rules, claims are supported by arguments, and decisions are conclusions. The rules, arguments and conclusions are bound to conform to the requirement of logic. They must be systematically coordinated and carried to their consequences. Thus the whole body of legal doctrines can be considered is often considered as a more or less closely woven tissue of prepositions and deductions. The ideas which constitute this tissue are not presented to society ready-made; they are gradually unfolded by processes of collective thought; sometimes particular points get generalized and subjected to principles; at other times inferences are drawn from general prepositions. These processes constitute the dialects of law. Those dialects become ever standing principles and thus the consolidation of all wisdom of law becomes Jurisprudence.

COURSE OUTLINE

Module I: Clarificatory Jurisprudence

- (a) Evolution of Law – Ancient India, Greek and Roman Civilization – Law, Morals, Ethics and Justice – Nature of law – Functions of Law
- (b) Rule of Law: Authority (or) Autonomy (or) Anarchy (or) Obligation (or) Opinion (or) Dictum – Law as a Social Fact
- (c) Nature and Scope of Jurisprudence – From Police State to Welfare State.

Module II: Evaluative Jurisprudence

- (a) Schools of Jurisprudence – Western Thoughts and Indian Jurisprudence – Concept of Dharma – Social Transformation and Social Justice
- (b) Jurisprudence and other fields of knowledge such as Art, Humanities, Social Sciences, Medicine, Science and Technology – Jurisprudence in Socio-Political context and Normative context – Discovery or formulation of “A common law of mankind”
- (c) Similarities and differences between – (i) Local Law & Global Law; (ii) Civil Law & Common Law; (iii) Cultural & Technical aspects; (iv) Micro & Macro aspects.

Module III: Classificatory Jurisprudence

- (a) Definition of Law – Kinds of Law – Nature and Functions of State – State and Sovereignty – Relationship with Law and State
- (b) Sources of Law – Classical and Modern Sources – Sruti, Smriti, Convention, Custom, Legislation, Precedent and its kinds – Stare Decisis, Ratio Decidendi and Obiter Dicta
- (c) Administration of Justice – Complete Justice – Theories of Justice – Basis of International Law and Constitutional Law.

Module IV: Conceptual Jurisprudence - I

- (a) Legal concepts: Meaning, Definition and kinds of Rights and Duties – Jural Correlatives and Jural Opposites
- (b) Person and its kinds – Status and Theories of Corporate personality
- (c) Title and its kinds – Ownership – meaning and its kinds – Possession – meaning and its kinds

Module V: Conceptual Jurisprudence - II

- (a) Liability – meaning and its kinds – Negligence – meaning and its kinds – Obligation – meaning and its kinds
- (b) Law of Procedure – Elements of Judicial Procedure – Evidence
- (c) Property – meaning and its kinds

Module VI: Functional Jurisprudence

- (a) Application of Law and Interpretation of Law
- (b) Codification of Customary Law and Enforcement mechanism – Writ Remedies
- (c) Public Interest Litigation – Justice Delivery System – Judicial Activism and Judicial process.

Module VII: Developmental Jurisprudence

- (a) Global Justice and Human Rights – Capitalism -Vs- Common good -Vs- International Law – Critical Legal Studies – Legal Formalism -Vs- Legal Realism – Solidarity and the Limitations of Liberalism
- (b) Economic Jurisprudence – Feminist Jurisprudence – Cyber Jurisprudence
- (c) Post-Modern legal theory – Pragmatism and Post-structuralism – Law & Justice in contemporary era.

RECOMMENDED READINGS (Hardcopy & E-Books):

Books:

1. Lloyd's Introduction to Jurisprudence, 2014, 9th Edition, Sweet & Maxwell.
2. S.N. Dhyani, "Fundamentals of Jurisprudence – The Indian Approach", 2015, 3rd Edition, Central Law Agency Publishers.
3. Avtar Singh, "Introduction to Jurisprudence", 2015, 4th Edition, LexisNexis Butterworths.
4. V.D. Mahajan, Jurisprudence and Legal Theory", 2017, 5th Edition, Eastern Book Company.
5. N.V. Paranjape, "Studies in Jurisprudence and Legal Theory", 2019, 9th Edition, Central Law Agency.

Journals / Journal Articles:

1. Anthony D'Amato, "On the Connection between Law and Justice, 26 U.C. Davis L. Rev.527-582 (1992-93)
2. Michael S. Green, "Legal Realism as Theory of Law", William & Mary Law Review, 2005, Volume 46, Issue 6, pp.1915-2000.
3. Herbert Hovenkamp, "Evolutionary Models in Jurisprudence", Texas Law Review, 1985, Volume 64, No.4, p.645.
4. Ruti Teitel, "Transitional Jurisprudence: The Role of Law in Political Transformation", 106 Yale L.J 2009 at <https://heinonline.org>
5. Howard T. Markey, "Jurisprudence or Juriscience?" 25 Wm & Mary L. Rev. 525 at <http://heinonline.org/HOL?Landingpage?handle=hein.journals/wmlr25&div=25&id=&page>

FURTHER READINGS:

Books

1. Salmond on Jurisprudence, 2016, 12th Edition, Sweet & Maxwell.
2. Bruce D Sales, "The Psychology of Law: Human Behaviour, Legal Institutions and the Law", 2015, American Psychological Association.
3. Robert L. Hayman Jr., Nancy Levit and Richard Delgado, "Jurisprudence, Classical and Contemporary: From Natural Law to postmodernism, 2nd Edition, West Academic publishing
4. David Chan Smith, "Sir Edward Coke and the Reformation of the Laws: Religion, Politics and Jurisprudence", 2014, Cambridge University Press.
5. Paul Cliteur, Afshil Ellian, "A New Introduction to Jurisprudence: Legality, Legitimacy and the Foundations of the Law", 2019, 1st Edition, Routledge Publishers.
6. Jorg Kammerhofer and Jean D'Aspremont, "International Legal Positivism in a Post-Modern World", 2016, Cambridge University Press.
7. "Plato: The Complete Works", 2016, Titan Read Publishers.
8. "Aristotle: The Complete Works", 2017, Book House Publishing
9. Satis Chandra Vidyabhusana and Dr. Sukhram, "The Nyaya Sutras of Gautama", 2018, Parimal Publications.

10. James Christensen, "Global Justice", 2020, 1st Edition, Red Globe Press.

Journals/Journal Articles:

1. Jeffrey Goldsworthy, "The Real Standard Picture, and How Facts Make it Law: A response to Mark Greenberg", *The American Journal of Jurisprudence*, December 2019, Volume 64, Issue 2, pp.163-211 available at <https://doi.org/10.1093/ajj/auz011>.
2. Marc R. Johnson, "Legislative Sovereignty: Moving from Jurisprudence towards Metaphysics" *An International Journal of Legal and Political Thought* available at <https://doi.org/10.1080/20403313.2020.1744990>.
3. Angela P. Harris, "The Jurisprudence of Reconstruction", *California Law Review*, 1994, Volume 82, Issue 4, p.741.
4. Richard A. Posner, "The Jurisprudence of Skepticism", *Michigan law Review*, 1988, Volume 86, No.5, pp.827-891.
5. Beryl Harold Levy, "Realist Jurisprudence and Prospective Overruling", *University of Pennsylvania Law Review*, 1960, Volume 109, No.1, pp.1-30.
6. Robert H. Jackson, "Quasi-states, dual regimes and neoclassical theory: International Jurisprudence and the Third World", Cambridge University Press, 1987, Volume 41, Issue 4, pp.519-549 available at <https://doi.org/10.1017/S0020818300027594>.
7. John Comaroff, "Reflections on the Rise of Legal Theology: Law and Religion in the Twenty-First Century", *Journal of Social Analysis*, 2009, Volume 53 No.1, pp.193-216.
8. Harry W. Jones, "An Invitation to Jurisprudence", *Columbia Law Review*, 1974, Volume 74, No.6, pp.1023-1055
9. Fredrick Schauer, "The Jurisprudence of Reasons", *Michigan Law Review*, 1987, Volume 85. No.5/6, pp.847-870.
10. Edward Cavanagh, "Legal thought and empires: Analogies, Principles and Authorities from the ancients and the moderns", *An International Journal of Legal and Political Thought*, 2019, Volume 10, Issue 4, pp.463-501 available at <https://doi.org/10.1080/20403313.2020.1744990>

Learning Outcomes:

After Completion of the course, students will be able to –

1. *To become reflective and self-fulfilled professional who are able to integrate legal professionalism, ethics, values, doctrine, theory and skills to become outstanding professional in a broad variety of settings.*
2. *To understand some level of depth rather than mere breadth, with an emphasis on analysis of primary theoretical literature correlating with the social history.*
3. *To demonstrate orally and in writing, a critical understanding of major schools of legal theory that influenced the development of the western legal tradition and Indian legal system.*
4. *To critically evaluate multiple and contrasting perspectives on law and engage in open-minded academic discussion of them in an applied context.*

HLC0510: ADMINISTRATIVE LAW

Objectives of the Course:

The State's multifarious responsibilities have resulted in a vast array of functions devolving on state functionaries. In this bureaucratic raj, more powers, both quasi-legislative and quasi-judicial, vest in bureaucrats to enable them to ensure effective administration. Administrative Law is the branch of law that concerns itself with good governance that is based on compliance with the law, transparency and non-arbitrariness in the exercise of discretion and also with the delivery of administrative justice. This course lays emphasis on understanding the evolution, nature and scope of Administrative Law and its relation with Constitutional Law. Adequate systems of checks and balances, safeguards for procedural fairness, the availability of judicial review and remedies to aggrieved persons, and the general modus operandi of administration form the subject matter of this branch.

This course has been designed to:

- I. Investigate the historical development of the concept of administrative law;
- II. Explore and probe the evolution and current status of administrative law across various jurisdictions, both in civil and common law countries, such as UK, USA, France and India;
- III. Scrutinize the role, scope and intricacies involved in delegated legislation;
- IV. Ponder the basic requirements of procedural fairness and natural justice in administrative procedures;
- V. Survey the concept of judicial review and understand state accountability;
- VI. Critically analyse remedies available if case of maladministration and Provide a detailed study of public undertakings and the role of ombudsmen

The following syllabus prepared with this perspective will comprise of 6 modules.

COURSE OUTLINE

Module I - Introduction to Administrative Law and Constitutional Concepts

(a) Role of State From Laissez-Faire to welfare State – Expansion Role of State - as Enabler, facilitator and Regulator.

(b) Definition, Nature and Scope of Administrative Law.

- (c) Administrative Development Patterns in U.K., U.S.A., France and India
- (d) Relationship Between Administrative Law and Constitutional Law.
- (e) Basic Constitutional Principles - Rule of Law - Doctrine of Separation of Powers - System of checks and balances.
- (f) Parliamentary Sovereignty in U.K., Limited Legislative Powers in U.S.A. and India.
- (g) 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 - Rule Making Power of the Administration

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

Module III - Administrative Adjudication and Procedural Fairness

- (a) Need for Administrative Adjudication.
- (b) Reason for growth of Administrative Tribunals
- (c) Franks Committee.
- (d) Mechanism for administrative Adjudication – Quasi – Judicial Bodies, Tribunals.
- (e) Merits and Demerits of Administrative Tribunals.
- (f) Procedure and powers of Administrative Tribunal.
- (g) Tribunal under Constitution.
- (h) High Court's Superintendence over Tribunals.

(i) Appeal to Supreme Court by Special Leave.

(j) Administrative Tribunals under Administrative Tribunals Act, 1985

(k) Domestic Tribunal.

(l) 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 – Judicial Review and Liability of the State

(a) Need for Judicial Review.

(b) Scope of Judicial Review Jurisdiction of the Supreme Court - Writ Jurisdiction - Appeal by Special Leave (Art. 136) - Scope and Object of Article 136.

(c) Jurisdiction of the High Court.

(d) Judicial Review of Administrative Action through Writs.

(e) Scope of the Writ Jurisdiction - *Locus-standi* - Kinds of Writ - Grounds for issue of Writs - Alternative Remedy - Laches or Delay - *ResJudicata*.

(f) Public Interest Litigation.

(g) Statutory and Equitable Remedies – Injunction - Declaration against the Government - Exclusion of Civil Suits.

(h) Administrative Discretion - Nature and need of Administrative discretion - Grounds and Extent of Judicial Review - Doctrine of Proportionality - Fundamental Rights and Discretionary Powers

(i) 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.

(j) Promissory Estoppel.

(k) Doctrine of Legitimate Expectation.

(l) Right to Information.

(m) Liability of the State - Liability of the State in Torts and Contracts.

Module V -Maladministration and Alternative Remedies

(a) Need and Utility.

- (b) Origin and development of the Institution.
- (c) Ombudsman in England (Parliamentary Commissioner).
- (d) Ombudsman in India – Lokpal - Lokayukta in States.
- (e) Central Vigilance Commission.

Module VI – Public Undertakings

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

Recommended Reading

Books Prescribed:

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

Journals Prescribed

Chauhan,(V.S), “Reasoned Decision: A Principle of Natural Justice” JILI, Vol.37, (1995) pp. 92-104.

- 1.Saad Abdulbaqi Sabti and YP Rama Subbaiah, “Conceptual analysis of sub Delegation: An overview” International Journal of Law, Vol.3, Issue 3, (2017) p.75.
- 2.Seema Dalal, “Administrative law and judicial review of administrative action with a special emphasis on the writ of Certiorari” International Journal of Law, Vol.3, Issue 3, (2017) p.01.
- 3.Jarnail Singh and Dr. RK Gupta, “Doctrine of legitimate expectation: The emerging trends

in Indian Judiciary” International Journal of Law, Vol.3, Issue 5, (2017) p.135.

5. Dr. Rahul Tripathi, “Judicial Review: A Study in Reference to Contemporary Judicial System In India” International Journal of Research – Granthaalayah, Vol. 4, No. 5 (2016), p.5.

Further Reading

Reference Books:

- 1.Durga Das Basu, “Administrative Law” (Kamal Law House, 2016).
- 2.C.K. Thakker, “Administrative Law” (Lucknow: Eastern Book Company, 2012).
- 3.William Wade and Christopher Forsyth, “Administrative Law” (Oxford University Press, 11th ed., 2014).
- 4.De Smith, “Constitutional Law and Administrative Law” (Penguin, 2000).
- 5.Foulkes, “Administrative Law” (Oxford University Press, 1995)
- 6.Indian Law Institute, “Cases and Material of Administrative Law” (1996).
- 7.Michael T Molan, “Administrative Law (London: Old Bailey Press, 2001).
- 8.David Stott & Alexandra Felix, “Principles of Administrative law” (London: Cavendish Publishing Limited, 1997).
- 9.Paul Craig, “Administrative Law” (London: Sweet & Maxwell, 2011).
- 10.J.A.G. Griffith and H. Street, “Principles of Administrative Law” (Sir Isaac Pitman, 1963).

Articles:

- 1.Seemeen Muzafar, “Doctrine of Legitimate Expectation in India: An Analysis”, International Journal of Advanced Research in Management and Social Sciences, ISSN: 2278 – 6236.
2. A.Beula Chrismak Darius and Ms.R.Dhivya, “Applicability of Principles of Natural Justice to The Administrative Proceedings” International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.2013.
3. S. Saran and Ms. R. Dhivya, “Administrative Tribunals Under Indian Constitution” International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1939.
4. Siddharth.R and Prof. Dr. A. Sreelatha, “Principle of Natural Justice and Its Application in Indian Legal System” International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1669.

5. S.Shruthi Taarana and Ms.R.Dhivya, “Administrative Tribunals in India the Lights of the Decided Cases-In Constitutional Analysis” International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1921.

6. Ambuj Mishra, “Legitimate Expectations in India” IJJSR, Vol.1, Issue 1, (2019), p.30.

Cases for Guidance:

1. Express Newspapers Ltd v. Union of India, AIR 1986 SC 872.
2. Ridge v. Baldwin, 1964 AC 40.
3. Rampur Distillery Co. Ltd. v. Company Law Board, AIR 1970 SC 1789
4. Delhi Laws Act,1912, re , AIR 1951 SC 332.
5. Hamdard Dawakhana v. Union of India, AIR 1960 SC 554.
6. Chintamanrao v. State of M.P., AIR 1951 SC 118.
7. Hiranath Mishra v. Rajendra medical College, AIR 1973 SC 1260.
8. Dhakeshwari Cotton Mills Ltd. v. CIT, AIR 1955 SC 65.
9. Union of India v. H.C.Goel AIR 1964 SC 364.
10. ADM Jabalpur v. Shivkant Shukla, AIR 1976 SC 1207.
11. SP Gupta v Union of India 1981 supp SCC 87.
12. N. Nagendra Rao v. Status A.P., (1994) 6 SCC 205.
13. Vineet Narain v. union of India AIR 1998 SC 889.
14. Sunil Kumar v. State of West Bengal, 1980 AIR 1170
15. Vishwarao v. Lok ayukta, Maharashtra, AIR 1985 Bom 136

Learning Outcome

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

1. Grasp the historical development of administrative law and gain conceptual clarity of this branch of law across various civil and common law jurisdictions;
2. Ponder the importance, powers, and limitations of delegated legislation;
3. Master the crucial concept of natural justice and the touchstone requirements of administrative procedures;
4. Perceive the criticality of judicial review and state accountability, and understand the available remedies;
5. Develop a keen understanding of the applicability of administrative law to public companies and be deeply aware of the importance of ombudsmen

HLC0511: FAMILY LAW - I

Objectives of the Course

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

- 1. It equips the students with different personal Laws*
- 2. It provides ability to the student community in realizing secular laws related to inter-religious marriage, dowry, adoption and maintenance.*
- 3. Appreciate the Conglomeration of the uncodified aspects of unisex marriage and live-in- relationship.*
- 4. Also motivates the students to equip with writing, reading and research skills.*

COURSE OUTLINE

MODULE I: SOURCES AND SCHOOLS OF PERSONAL LAWS

- a. Application of various Personal Laws
- b. Traditional and Modern Sources of Hindu Law and Muslim Law
- c. 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

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

MODULE III: LAW ON MATRIMONIAL RELIEFS

- a. Restitution of Conjugal Rights,
- b. Judicial Separation,
- c. Nullity of Marriage and Divorce under various personal Laws –

- d. Various Grounds for Divorce and procedure on a comparative analysis –
- e. Court’s jurisdiction and procedure for the issues raised on Marriage and Divorce- In Camera proceedings - Decree on Proceedings
- f. Domestic Violence - Structure, Procedure and Jurisdiction of Family Courts - The Family Courts Act.

MODULE IV: LAW ON MAINTENANCE

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

MODULE V: LAW ON LEGITIMACY OF CHILDREN AND ADOPTION

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

MODULE VI: LAW ON MINORITY AND GUARDIANSHIP

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

Recommended Readings:

Books:

1. Mulla, *Hindu Law*, (Lexis Nexis 23rd Edition, 2018)
2. Tahir Mahmood & Saif Mahmood, *Introduction to Muslim Law*, (Universal Law Publishing Co., 2nd ed., 2017)
3. Kusum, *Family Law Lectures – Family Law – I*, (Lexis Nexis, 5th ed. 2019)
4. 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)

5. 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:

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

Further Readings:

Books:

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

Journals

1. 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)

[9.1701920](https://www.tandfonline.com/action/showCitFormats?doi=10.1080%2F09649069.2019.1701920)

2. 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>
3. Jaiswal & Arunima Singh, *Decoding Same-Sex Marriage Under the 'Holy' Hindu Marriage Act, 1955*<https://www.manupatrafast.com/articles/articleSearch.aspx>
4. Mahavir Singh Kalon, *DNA Technology and Legal Issues in India*, Delhi Law Review, Vol. XXV, 2003
5. Stellina Jolly & M.S.Raste, *Rape and Marriage : Reflections on the Past, Present and Future*, Vol. 47 JILI, 2006
6. Jyoti Rattan, *Uniform Civil Code in India: A Binding Obligation under the International and Domestic Law*, Vol 46 JILI 2004
7. A.K.Bhandari, *Adoption Amongst Mohammedans- Whether Permissible in Law*, Vol.47 JILI 2005
8. Lucy Carroll, *Religious Conversion and Polygamous Marriages*, Vol.39 JILI 1997
9. Anjani Kant, *Right of Maintenance to Indian Women*, Vol.38, JILI 1996
10. M.S.Balaganesan, *Speedy Remedy or Murky Muddle? Tragedy of Divorce on Ground of Mutual Consent*, Vol. 36 JILI, 1994

Cases for Guidance:

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

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

15. 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:

1. A study of this course will enlighten the students on the factors that determine the legality of domestic relationship,
2. The learning of the subject gives an understanding of both the personal law and secular law that regulates domestic relationship.
3. 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.
4. The study helps to understand secularization of personal laws in the background of the Constitutional Law and to realize the feasibility of UCC

HLC0512: COMPANY LAW

Objectives of the Course:

Globalization has reduced the barriers to the movement of people, capital and technology across the globe. Today corporates are able to penetrate economies in virtually every part of the world. The result has been a fundamental shift in the relationship of corporate to both law and public policy. In today's globalised economy is governed by corporates wherein most of the enterprises are either private or public limited companies instead of partnership or proprietorship as in olden days.

In view of the developments that have taken place in the corporate sector this course is designed to understand the following:

- 1. The functions, management and other activities of the companies.*
- 2. Equipping the students to understand the corporate management control, possible abuses, the remedies and government regulations governing companies.*

COURSE OUTLINE

Module I Introduction – General principles of Company law

- a) Definition- Evolution, meaning and Functions of corporate law;
- b) Historical Development of Concept of Corporate Law in India
- c) Meaning and Nature of Company with Emphasis on its Advantages and Disadvantages over other forms of Business organizations. Types of companies.
- d) Comparison between Company and Partnership and Company and Limited Liability Partnership;
- e) 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;

Module II Promotion and Formation of Company

- a) **Promotion:** Promotion of Company, Promoters their position, Powers, Duties and Liabilities.
- b) **Formation:** Formation of Company Procedure of registration including online registration of a company- Effects of Certificate of Incorporation - pre incorporation contracts- Liability of company.

- c) 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.
- d) 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.

Module III Corporate financing

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

Module IV Corporate Governance

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

Module V Winding Up of Companies

- a) Winding up and kinds of winding up.
- b) Procedure for different kinds of winding up - powers of liquidators
- c) Insolvency and Bankruptcy - Defunct companies and restoration, revival and rehabilitation of sick companies

Module VI Adjudicatory Bodies

- a) National Company Law Tribunal; National Company Law Appellate Tribunal – Administration of NCLT, CLAT Constitution, Powers, Jurisdiction, Procedure, Judicial Review

Module VII Corporate Governance and Social responsibility

- a) Importance of Corporate Governance; Legal Reforms of Corporate Governance in India; Reports of the various Committees on Corporate Governance;
- b) Corporate crimes; Corporate social and environmental Responsibility – theories and justification;
- c) CSR and multinational corporations; regulation of multinational corporations in India;
- d) 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, 16th 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 reviewOnline,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, 31st 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.

Journals:

1. A Reassessment of the Fraud Exception. Cambridge Law Journal, 2(56), pp.284-290.
2. Hayton, D., 1977. Contractual Licences and Corporate Veils. The Cambridge Law Journal, pp.12-15.
3. Katharina Pistor, Yoram Keenan, Jan Kleinheisterkamp, Mark D. West. The Evolution of Corporate Law.
4. Sanger, A., 2012. Crossing the Corporate Veil: The Duty of Care Owed by a Parent Company to the Employees of Its Subsidiary. Cambridge Law Journal, pp.478-481.

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;
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 LT 651
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 & B 327)
15. Salomon v. Salomon & Co. Ltd., (1897) A.C. 22

Learning outcomes:

After completion of the course students will be able to:

1. To examine and develop an understanding of the characteristics of a business corporation when compared to other forms of business structure.
2. To consider the conceptual framework within which companies operate, Corporate personality and the extent of the personal liability of members of corporations.
3. To acquire the cognitive skills to analyse evaluate and synthesise information about corporations, corporate officers, shareholders and creditors so as to identify and resolve legal and business related issues.
4. To develop a commitment to engendering lawful, ethical and socially reasonable corporate behaviour

THIRD YEAR
VI-SEMESTER

HBC0614: INFORMATION SECURITY AND DIGITAL FORENSICS

Objectives of the Course

The use of computers, mobile phones and other digital devices across the globe has increased dramatically. These devices are more susceptible to information security attacks and thus they also possess huge evidences which shall be used during crime scene investigation. This makes the course on digital forensics an inevitable one for the security professionals which provides better understanding on basic information about cyber security and different forms of evidences in many digital devices, collection and interpretation of the same. After undergoing the study of this paper, the student should be able to understand the following:

- 1) Understand the different types of internet crimes and law related to the corresponding crime*
- 2) Identify the investigation tools used for digital evidence collection and preservation*
- 3) Understand the tools and techniques used for data recovery from deleted files and duplicate and live system.*
- 4) Understand the types of wireless networks and the security problems associated with the networks*
- 5) Identify the methods used for securing the networks access and the information in the network.*

COURSE OUTLINE

Module I : Internet Crimes

- a) Cyber Crimes – Classification of Conventional and Cyber Crime
- b) Hacking-Cracking-Viruses-Virus Attacks
- c) Hardware and Software Piracy-Intellectual Property in Cyber Space
- d) Social Engineering-Mail Bombs-Bug Exploits -Application Attacks
- e) Financial Frauds - Money laundering - Commercial Espionage and Commercial Extortion Online.

Module II : IT Law

- a) Introduction to IT Law
- b) Offences and Penalties under Information Technology Act and its Adjudicating Bodies
- c) Offences Related with Electronic Signature under Information Technology Act
- d) Role of Certifying Authorities – Cyber Appellate Tribunal.

Module III: Cyber Crime Investigation

- a) Introduction to Cyber Crime Investigation-Investigation Tools
- b) E-Discovery-Digital Evidence Collection-Evidence Preservation
- c) E-Mail Investigation-E-Mail Tracking-E-Mail Recovery
- d) PasswordCracking

Module IV:Computer Forensics Analysis

- a) Discovery of Electronic Evidence - Identification of Data
- b) Introduction to Deleted File Recovery - Recover Swap Files, Temporary Files and Cache Files
- c) Formatted Partition Recovery
- d) Data Recovery Tools- Data Preservation - Complete Time Line Analysis of Computer Files- Forensic Tool Kit (FTK)
- e) Working on Duplicate System-Working on Live System- Presentation of Evidence.

Module V:Wireless Technologies

- a) Wireless Networks - Personal Area Networks, Wireless Local Area Networks, Metropolitan Area Networks, Wireless Wide Area Networks
- b) War Chalking, War Driving and War Flying
- c) Common Wi-Fi Security Recommendations
- d) Steganography
- e) VPN

ModuleVI: Crime and Mobile Phones

- a) Crime and Mobile Phones-Evidences - Forensic Procedures
- b) Files Present in SIM Card-Device Data-Evidences in Memory Card
- c) Android Forensics - Procedures for Handling an Android Device
- d) Imaging Android USB Mass Storage Devices-Logical and Physical Techniques.

Module VII :Information Security

- a) Network Security Management - Firewalls, Intrusion Detection System (IDS)
- b) Information Security Management- Access Control Models- Role-Based and Lattice Models ,Mandatory and Discretionary Access Controls
- c) Technical Controls for Authentication and Confidentiality -Password Management
- d) Key Management for Users

Recommended Readings:

Books:

1. The Information Technology Act, 2000 and Its Amendment and Allied Rules
2. Angus M.Marshall, Digital forensics: Digital evidence in criminal investigation, John Wiley and Sons, 2008
3. Iosif I. Androulidakis, Mobile phone security and forensics: A practical approach, Springer publications, 2012
4. Gregory Kipper, Wireless Crime and Forensic Investigation, Auerbach Publications, 2007.
5. John R. Vacca,Computer Forensics: Computer Crime Scene Investigation,SecondEdition,Charles River Media 2002.

Journal /Articles:

1. Mugisha, David. , Role And Impact of Digital Forensics in Cyber Crime Investigations,International Journal of Cyber Criminology,2019
2. NooraAlMutawa,JoanneBryce, Virginia N.L.Franqueira and AndrewMarrington ,Forensic investigation of cyberstalking cases using Behavioural Evidence Analysis,Digital Investigation,vol.16,2016.
3. DasariManendraSai et al,The Forensic process analysis of Mobile Device, International Journal of Computer Science and Information Technologies, Vol. 6 (5) , 2015.
4. Dogan and E. Akbal, Analysis of mobile phones in digital forensics, 2017 40th International Convention on Information and Communication Technology, Electronics and Microelectronics (MIPRO), Opatija, 2017, pp. 1241-1244.

5. Abboud, J. Marean and R. V. Yampolskiy, Steganography and Visual Cryptography in Computer Forensics, 2010 Fifth IEEE International Workshop on Systematic Approaches to Digital Forensic Engineering, Oakland, CA, 2010, pp. 25-32.

Further Readings:

Books:

1. Cryptography and Network Security Principles and Practices, William Stallings, Seventh Edition, Pearson, 2016.
2. Computer Forensics: Investigating Network Intrusions And Cyber Crime, Ec-Council Press Series: Computer Forensics, 2010
3. Eoghan Casey -Digital Evidence and Computer Crime: Forensic Science, Computers and the Internet, Third Edition, Academic Press, 2011.
4. Harlan Carvey ,Windows Registry Forensics: Advanced Digital Forensic Analysis of the Windows Registry , Syngress Inc, Feb 2011
5. Nelson, Phillips, Enfinger, Stuart, “Computer Forensics and Investigations”, Cengage Learning, India Edition, 2008.
6. John R. Vacca, Computer Forensics, Cengage Learning, 2005
7. Marjie T. Britz, Computer Forensics and Cyber Crime: An Introduction, 3rd Edition, Prentice Hall, 2013.
8. Jennifer Bayuk, Cyber Forensics: Understanding Information Security Investigations, Springer, 2010.
9. Albert J. Marcella and Frederic Guillosoy, Cyber Forensics, John Wiley, 2012.
10. Bil Nelson, Amelia Philips and Christopher Stuart, Guide to Computer Forensics and Investigations, Fifth Edition, Cengage Learning, 2016.

Journals:

1. Information Security Journal
2. Cyber Security
3. International Journal of Information Security
4. Computer Law and Security
5. Journal of Digital Forensic Practices
6. Journal of Information Security and Applications
7. Journal of Cyber Security and Technology
8. Network Security

9. Digital Investigation Journal

10. International Journal of Electronic Security and Digital Forensic

Learning Outcomes

After completion of the course students will be able to -

- *Conduct digital investigations that conform to accepted professional standards*
- *Analyze the investigative process: identification, preservation, examination, analysis, and reporting.*
- *Cite and adhere to the highest professional and ethical standards of conduct and the protection of data privacy.*
- *Identify and document potential security breaches of computer data that suggest violations of legal, ethical, moral, policy, and/or societal standards.*

HLC0613: FAMILY LAW-II

Objectives of the Course

The main objective of the paper is to apprise the students with the laws relating to family matters governing inheritance, succession, partition, with practical approach. The subject makes the students to identify and understand the scheme of succession under the Hindu, Muslim and Christian Laws. Further, with reference to uncodified Hindu Law, the matters relating to Joint Family System, Coparcenary, Karta and his powers, partition and the Hindu Religions Endowments are given in the syllabus for understanding the changes effected after the passing of the Hindu succession Act, 1956 and other related Laws. Under Muslim Law students can understand the principles behind the matters relating to Wakfs, Wills, Gifts and Pre- Emption and also the Sunni and Shia Law of Inheritance. The students can learn the details of Christian Law, a Part of the Indian Succession Act, 1925 and Law of Wills with reference to Christian Law of Inheritance.

After undergoing the study of this paper the Student should be able to understand the following:

- 1. Able to understand the personal laws relating to Succession, Partition and Religious Endowments.*
- 2. Identify the scheme of succession under various religious laws and able to understand the past and present legal systems.*
- 3. Analyse comparatively the testamentary and intestate succession under various religious laws and appreciate the limitations provided for the same.*
- 4. Able to understand the law relating to Hiba and Shuffa under Muslim Law.*

COURSE OUTLINE

Module I: HINDU JOINT FAMILY AND COPARCENARY

- a) Hindu Joint Family and Coparcenary – Meaning – Characteristics & Distinction.
- b) Rights of Coparceners and Position of Female Coparceners.
- c) Distinction between Mithakshara & Dayabhaga Coparcenary and Changes introduced by The Hindu Succession (Amendment) Act, 2005.
- d) Karta – Position – Powers - Rights and Duties.
- e) 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 unauthorised Alienation.

Module II: PARTITION

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

Module III: INTESTATE SUCCESSION UNDER HINDU LAW

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

Module IV: INTESTATE SUCCESSION UNDER MUSLIM LAW & CHRISTIAN LAW

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

Module V: TESTAMENTARY SUCCESSION

- a) Testamentary Succession under Hindu, Muslim and Christian Law.
- b) Limitation to Testamentation under various Religious and Statutory Law.
- c) Will and Administration of Will - Codicil.
- d) Lapse, Abatement and Ademption of Legacies.
- e) Probate, Letters of Administration and Succession Certificate.

Module VI: GIFT AND PRE-EMPTION UNDER ISLAMIC LAW

- a) Hiba - Nature and Characteristics of Hiba - Subject matter of Hiba – Effects of Hiba.
- b) Kinds of Hiba – Revocation of Hiba – Marz-ul-maut.
- c) Shuffa-Origin, Definition, Classification, Subject matter, Formalities, Procedure & Constitutional validity.

Module VII: RELIGIOUS ENDOWMENTS AND WAKF

- a) Hindu Religious Endowments.
- b) Wakf. - Meaning - Formalities of Creation –Types and Administration of Wakf.
- c) Mutawalli and his powers - Muslim religious Institutions and Offices.

Module VIII: PSDA (Professional Skill Development Activities)

- a) Exercises on Distribution of Property.
- b) Drafting a Deed of Hiba/Waqf/Wasiyat.
- c) Preparation of Pleading for a Partition Suit.

Recommended Readings:

Books:

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

Journals/Journal Articles:

1. Hindu Law - Daughter: A Coparcenar, Kulkarni, K.V. All India Reporter, 2004 Mar.
2. Hindu Succession (Amendment) Act 2005: An Appraisal, Dash, U.N., All Indian High Court Cases, 2007.

3. 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.
4. 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.
5. 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:

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

Journals:

1. S.23 of The Hindu Succession Act, 1956: A sober view point, Prasanna, C.Luxmi, All India High Court cases, 2006, Mar.
2. S.6 and 29-A of The Hindu Succession Act: A critic, Ramakoti, M., All India Reporter, 2003, Oct.
3. Some thoughts on Hindu Succession (Amendment) Act, Balasubramanian, K.G., Kerala Law Times, 2005 Oct.
4. State Amendment to Hindu Succession Act and conflict of Laws: Need for Law Reform, Bhadhade, Nilima, Supreme Court Cases, 2001.
5. Status of women under The Hindu Succession Act, 1956, Gupta, Suman, All India Reporter, 2007, May.
6. Stridhana & Women's Property Rights critical view under Hindu Succession Act, 1956 and Customary Hindu Law, Chakravarty, Padmaja, Apex court Expression, 2003.
7. Study of the amendments made in The Hindu Succession Act, 1956, Davda, C.R., All India High Court Cases, 2008, Feb.
8. The Hindu Succession Act, 1956 should the legal riddle under S.14 of the Act continue forever? Kader, S.A., Madras Law Journal, 2008, Sep.
9. The Hindu Succession Act, 1956: Defects and anomalies in the Amending Act 39 of 2005, Murthy, A.S. Ramachandra, All India High Court Cases, 2007 Jul.
10. Whether the Right of a Female to claim partition in a dwelling house under S.23 of Hindu Succession Act, 1956 is a myth or reality, Jena, Krushna Chandra, Cuttack Law Times, 1999, Sep.

11. Women's Property Rights under traditional Hindu Law and The Hindu Succession Act, 1956: Some observations, Jain, Prakash Chand, Journal of the Indian Law Institute, 2003, Jul. - Dec.

Cases for Guidance:

1. P.G.Reddy v. Golla Obulamma AIR 1971 A.P.,363(F.B.).
2. Narain Devi v. Ramo Devi AIR 1976 SC 2198.
3. Rajeshwari Rani v. Nirja Guleri AIR 1977 P&H, 123.
4. Thotappa v. G.Gurusiddappa AIR 1977 Kant, 175.
5. Nawazish Ali Khan v. Ali Raza Khan 75 I.A. 62.
6. Commissioner of Income Tax, West Bengal v. Sri Jagannathji AIR 1977 SC 1523.
7. Yousuf Rawther vs. Sowramma, AIR 1971 Ker. 261.
8. Sri Jiauddin Ahmed vs. Mrs. Anwara Begum, (1981) GLR 358.
9. Must. Rukia Khatun vs. Abdul Khalique Laskar, (1981) 1 GLR 375.
10. Masroor Ahmed vs. State (NCT of Delhi) & Anr. 2008 (103) DRJ 137.
11. Vaddeboyina Tulasamma v. Vaddeboyina Shesha Reddi, 1977 SCR (3).
12. Jiauddin Ahmed v. Anwara Begum (1981) 1 Gau.L.R. 358.
13. Masoor Ahmed v. State (NCT of Delhi), 2008 (103) DRJ 137, para 27.
14. Nasir v. Sheena 2017 (1) KLT 300.
15. Shamim Ara vs State of U.P. & Anr. (2002) 7 SCC 518.

Learning Out Come:

After completion of the course students will be able to-

1. *Understand the meaning and difference between intestate and testamentary succession under various religious laws.*
2. *Appreciate the Hindu Joint Family system and coparcenary and also learn about the Partition and its effects under Hindu Law.*
3. *Analyse comparatively the property rights of women in various Personal Laws.*
4. *Understand the concepts like Hiba and Shuffa under Muslim Law.*

HLC0614: PROPERTY LAW

Objectives of the Course

1. *The course intends to define the concept and nature of transfer of immovable property, and illustrate the different types of transfers and rules relating to it. It explains the transfer of immovable property between living persons.*
2. *The course covers various general principles of transfer and doctrines. Specific transfer explains about the transfer by way of sale, mortgage, lease, gift and actionable claims.*
3. *The Easement Act explains various modes of acquisition of easementary rights, rights and obligations of the dominant and servient owners, the extinction and suspension of the easementary right.*
4. *Registration Act explains the requirement to be complied for registration of any transfer of immovable property, and Stamp Act explains various kinds of stamps and mode of payment of stamp duties.*

COURSE OUTLINE

Module I: General Principles of Transfer

- a. Concept of Property – **possession**: essentials of possession – kinds of possession, modes of transfer of possession- **ownership**: rights of ownership- modes of acquisition of ownership- distinction between possession and ownership – theories of property
- b. Definition of Transfer of Property- Kinds of Interest- Conditional Transfer
- c. Doctrine of Election
- d. Transfer by Ostensible Owner
- e. Feeding the Grant by estoppel
- f. Improvement made by Bonafide Purchaser
- g. Lis Pendens
- h. Fraudulent Transfer
- i. Doctrine of Part Performance and other general principles of transfer.

Module II: Specific Transfers – Transfer of Absolute Interest

- A. Sale – Definition of Sale- Rights and Liabilities of Seller and Buyer
- B. Gift - Definition- Onerous Gift- Universal Donee- Death Bed – Gift- Suspension and Revocation of Gift.
- C. Exchange

Module III: Transfer of Limited Interest – Specific Transfer

- A. Mortgage: Different kinds of Mortgages- Redemption- - Clog on Redemption- Partial Redemption- Rights and Liabilities of Mortgagor and Mortgagee including Doctrine of Consolidation- Marshalling -Contribution- Subrogation.
- B. Charge
- C. Lease: Different Rights and Liabilities of Lessor and Lessee- Determination of Lease- Doctrine of Holding Over.
- D. Actionable Claim

Module IV: Law Relating To Easementary Right

- a. Definition-Acquisition of Easement
- b. Easement of Necessity and Quasi Easements
- c. Easement by Prescription
- d. Extinction, Suspension and Revival of Easements
- e. License.

Module V: Law of Registration

- a. Definitions - The Registration-Establishment
- b. The Duties And Powers Of Registering Officers, Enforcing The Appearance Of Executants And Witnesses, Refusal To Register
- c. The Fees For Registration, Searches And Copies Registrable Documents
- d. Time of presentation, place of registration, Presenting Documents for Registration
- e. Penalties.

Module VI: Registration of Will

Presenting Wills And Authorities To Adopt - The Deposit Of Wills- The Effects Of Registration And Non-Registration

Module VII : Stamp Act

Definitions – stamp duties - Adjudication as to Stamps - Instruments Not Duly Stamped-Allowances for Stamps in Certain Cases - Reference and Revision - Criminal Offences And Procedure

Recommended Readings:

Books Prescribed

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- GCV Subba Rao- Transfer of Property
- Mulla, “The Transfer of Property Act”, by Poonam Pradhan Saxena, Lexis Nexis, 13th edition
- K.Krishnamurthy’s, “The Indian Stamp Act”, 12th edition, Lexis Nexis
- Mulla, “Registration Act”, 13th Edition, Lexis Nexis

Statutory materials:

1. Transfer of Property Act, 1882
2. Indian Easement Act, 1882
3. The Registration Act, 1908
4. Indian stamp Act, 1899

Books Prescribed

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- GCV Subba Rao- Transfer of Property
- Mulla, “The Transfer of Property Act”, by Poonam Pradhan Saxena, Lexis Nexis, 13th edition
- K.Krishnamurthy’s, “The Indian Stamp Act”, 12th edition, Lexis Nexis
- Mulla, “Registration Act”, 13th Edition, Lexis Nexis

Statutory materials:

5. Transfer of Property Act, 1882
6. Indian Easement Act, 1882
7. The Registration Act, 1908
8. Indian stamp Act, 1899

Books for reference:

1. Goyle’s “A Commentary On The Transfer Of Property Act” , Eastern Law House
2. Darashaw’s Commentaries on the Transfer of Property Act” by Justice M.L.Singha, Lexis Nexis
3. B.B.Katiyar’s “Law of Easements and Licences”, Universal Law Publishing, 16th Edition
4. Sanjiva Row’s “Commentary On The Indian Easements Act, 1882 and Licences”, 6th Edition, Delhi Law House
5. Malik’s “Commentary On Registration Act, 1908 With State Amendments With Latest Case Laws, Delhi Law House, 2nd Edition
6. James E. Penner, Lecturer in Law J E Penner, “The Idea of Property in Law”, Clarendon Press Oxford, first edition, 1997
7. Cheshire and Burn's Modern Law of Real Property, by Edward Burn and John Cartwright, Eighteenth Edition, 4th edition 2011.
8. Barbara Bogusz and Roger Sexton, “Complete Land Law- texts, cases and materials”, oxford press, Sixth Edition, 2019.
9. Ben McFarlane and Sarah Nield, “Land Law - Text, Cases & Materials”, oxford press, Fourth Edition 2018

Case Laws for reference:

1. Marshall v. Green, 33 L.T.404
2. Thakur Paramanick Chunder v. Ram Dhone, 6 W.R. 228 (F.B)
3. Shamu Pattar v. Abdul Kadir, 35 Mad. 607 (P.C)
4. Rosher v. Rosher, (1884) 20 Ch.D. 801
5. Pannalal v. Fulmoni, AIR (1987) Cal 368
6. Sopher v. Administrator general of Bengal, (1944) P.C.67
7. Abdul Fata Mohommed v. Rasamaye, 22 Cal 619 P.C.
8. Whitby v. Mitchell,
9. Leake v. Robinson, 35 ER 979, Volume 35
10. Thalluson v. Woodford, (1805) 11 Ves. 112

11. Cooper v. Cooper, (1874) L.R. 7 H.L.53
12. Tulk v. Moxhay, [1848] 41 ER 1143
13. Ram Coomer v. McQueen, 11 B.L.R. 46
14. Bellamy v. Sabine, (1857) 1 Dc. G, and J., 566
15. Ebrahim v. Ful bai, 26 Bom 573
16. Walsh v. Lonsdale, (1882) 21 Ch.D 9
17. Webb v. Macpherson, 31 Cal 57 (P.C)
18. Muhammad Sher Khan v. Raja Seth Swami Dayal A.I.R. 1922 P.C. 17,
19. Noakes & Co v. Rice, (1902) A.C.24
20. Kreglinger v. New Patagonia Meat Gold Storage Co. Ltd. [1914] A.C. 25.

Articles:

1. Abraham Bell and Gideon Parchomovsky, *A Theory of Property*, 90 Cornell L. Rev. 531 (2005)
Available at: <http://scholarship.law.cornell.edu/clr/vol90/iss3/1>
2. Exclusion and Exclusivity in Property Law Author(s): Larissa Katz Source: The University of Toronto Law Journal, Vol. 58, No. 3 (Summer, 2008), pp. 275-315
Published by: University of Toronto Press Stable URL:
<http://www.jstor.org/stable/20109850>
3. The Rule against Perpetuities and Gifts to Classes, W. Barton Leach, Harvard Law Review, Vol. 51, No. 8 (Jun., 1938), pp. 1329-1353,
<https://www.jstor.org/stable/1333400>
4. Case Notes on Steadman v. Steadman, 10 Melb. U. L. Rev. 149 (1975-1976)
5. The Doctrine Of Part Performance In India by G. M. Sen, Journal of the Indian Law Institute, Vol. 11, No. 2 (APRIL-JUNE 1969), pp. 224-229,
<https://www.jstor.org/stable/43950022>
6. Claeys, Eric R., Property, Concepts, and Functions (March 10, 2018). Boston College Law Review, Vol. 60, No. 1, 2019; George Mason Legal Studies Research Paper No. LS 18-04. Available at <http://dx.doi.org/10.2139/ssrn.3136041>
7. The Registration Act, 1908: Critical Analysis of Registration Act by Shivam Goel, Available at: <https://www.researchgate.net/publication/314424567>
8. Overview Of Stamp Duty Acts available at
https://shodhganga.inflibnet.ac.in/bitstream/10603/130517/9/09_chapter%203.pdf
9. [Essert, Christopher \(2013\), 'The Office of Ownership,' University of Toronto Law Journal, 63: 418–461.](#)
10. Francis S. Philbrick, “Changing Conceptions of Property in Law”, University of Pennsylvania Law Review And American Law Register, Volume 86 May, 1938 No. 7

Learning Outcomes:

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

1. Analyse and define the concept and nature of transfer of immovable property, and illustrate the different types of transfers and rules relating to it.
2. Evaluate the rules relating to general transfer of immovable property
3. Determine and analyse the rules of specific transfer and easements.
4. Determine, explain and apply the principles of property law to resolve complex problems and theoretical questions.
5. Apply property law to complex problems and critically examine its operation from a range of theoretical and social perspectives and to Prepare convincing written arguments for a legal audience.

HLC0615: LAW OF EVIDENCE

Objectives of the Course:

The Law of Evidence is one of the most important parts of the procedural law. The Law of Evidence plays a very important role in the effective functioning of the judicial system. The Law of Evidence is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum. 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. The concepts brought in by amendments to the Law of Evidence are significant parts of study in this course.

After undergoing the study the student will be able to understand the following:

- *To design, implement and review a plan for establishing each legal element of a given case to the required standard of proof with admissible evidence*
- *To plan and execute a witness examination that comports with evidentiary standards and that persuasively establishes a fact in issue in the case; anticipate and respond to evidentiary objections that may be raised during your examination*
- *To identify, articulate and assert appropriate evidentiary objections while listening to a witness examination, and respond appropriately to questions from the judge*
- *To draft and execute a witness examination for the introduction of a document or item of proof*

COURSE OUTLINE

Module I: Introduction to Evidence Law

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

Module II: Admission- Confession - Dying Declaration

- a) Admission- An Exception to Hearsay Rule-Requisites of an Admission-Party to the Proceedings-Kinds of Admission-Admission Regarding State of Mind or Body
- b) Oral Admission as to Content of Documents -Admission in Civil Cases- Evidentiary Value of Admission

- c) Confession-Conditions as to Confession –Kinds of Confession -Confession to Police -Retracted Confession-Distinction Between Admission And Confession-Evidentiary Value of Confession
- d) Dying Declaration-English and Indian Law Difference On Dying Declaration – Essential Conditions for the Applicability of Dying Declaration -FIR as Dying Declaration
- e) 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

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

Module IV: Of Proof- Burden of Proof

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

Module V: Presumption- Estoppel

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

Module VI: Witnesses - Examination of Witness

- a) Witnesses- Categories of Witnesses- Dumb Witness- Evidence of Prosecutix in Rape Case- Interested Witness- Parties to civil suit and their wives or husband etc- Judges and Magistrate as Witness
- b) Privileged Communications- Professional Communication-Order of Producing Witness- Judge to Decide Admissibility of Evidence
- c) Examination- In –Chief- Cross –Examination- Re –Examination- Distinction Between Examination -In- Chief, Cross- Examination And Re- Examination
- d) Order of Examination- Direction of Re Examination- Cross Examination of person called to produce as document- Question by party to his own witness
- e) Question tending to Corroboration- Former Statement as Corroboration- Refreshing Memory.

Recommended Readings:

Books:

1. M. Monir, Law of Evidence, Universal Law Publishing Co. Pvt. Ltd, 2018
2. Rattan Lal Dheeraj Lal, Law of Evidence, Lexis Nexis, 2018
3. Avtar Singh, Principles of Law of Evidence, Central Law Publications, 2016
4. Sarkar and Manohar, Sarkar on Evidence (1999), Wadha & Co., Nagpur 2017
5. Hong Kong Law of Evidence, Mike McConville, Dmitri Hubbard, and Arthur McInnis, 2nd Edition,2014, Blue Dragon Press, Hong Kong

Journals/ Journal Articles:

1. Allen, R 1992, “The Myth of Conditional Relevancy”, Loyola of Los Angeles Law Review, 25: 871–884.
2. Allen, R 1994, “Factual Ambiguity and a Theory of Evidence”, Northwestern University Law Review, 88: 604–640.
3. Allen, R. and S. Jehl, 2003, “Burdens of Persuasion in Civil Cases: Algorithms v. Explanations”, Michigan State Law Review, 4: 893–944.
4. Accomplice Liability for Unintentional Crimes: Remaining within the Constraints of Intent by Audrey Rogers Loyola of Los Angeles Law Review (Vol 31:1351).
5. Dr. Nirpat Patel, "The Role of DNA in Criminal investigation – Admissibility in Indian legal system and future perspectives" IJHSSI Vol.2/Issue 7/July 2013/p. 15-21.

Further Readings:

Books:

1. Adrain Keane, Paul M.C. Keown, "The Modern Law of Evidence", 9th Edn, Oxford University Press.
2. Albert S. Osborn, "The problem of proof", 1st Indian reprint, Universal Law House, Delhi, 1998.
3. Bholeshwar Nath, "Cases and Material on Evidence Act, 1872", Eastern Books Publishers and Book Sellers, Lucknow.

4. Bridges, B.C., Vollmer, August and Monir M., "Criminal Investigation PracticalFingerprinting, Thumb Impression, Handwriting expert testimony OpinionEvidence", The University Book Agency, Allahabad (2000).
5. M. Monir C.J., Dr. H.K. Saharay, "Law of Evidence" (Vol. I, II), 14 Edn, UniversalLaw Publishing Co. Pvt. Ltd.
6. P. Murphy, Richard Glover, "Evidence" 12 Edn, Oxford University Press.
7. Philips Edward, "Brief Case on Law of Evidence", Cavendish Publishing Limited,London, (1st Edn, 1996).
8. R.L. Gupta, "Law relating to identification and Expert Opinion" 4th Edn, Eastern Book Co, Lucknow.
9. R.S. Pillai, "Criminal Law", Lexis Nexis Butterworths Wadhwa Co., Nagpur, 10 Edn.
10. Sir Rupert Cross and Nancy Wilkins, "An Outline of the Law of Evidence", 4th Edn, London Butterworth, 1975.

Journal/ Journals Articles

1. Allen, R. and A. Stein, 2013, "Evidence, Probability and the Burden of Proof", Arizona Law Review, 55: 557–60
2. Allen, R, 1991, "The Nature of Juridical Proof", Cardozo Law Review, 13: 373–422.
3. Garrison, A.H. (2000). A review of the behavioural science theory and its admissibility in criminal trials" American Journal of Trial Advocacy, 23, 591- 657.
4. Kristina L. Needham, "Questioning the Admissibility of Non Scientific testimony after Daubert: The need for increased Judicial Gatekeeping to ensure the reliability of all Expert Testimony" 1997 FULJ Vol. 25 Issue 3, Pg. 541-578.
5. Mathiharan K, "Emergency Medicare: its Ethical and legal aspects" National Medical Journal of India, Vol. 17, No.1 January/ Feb, 2004, 31-35 at p. 33.
6. Neeraj Tiwari, "Fair trial vis-a-vis Criminal Justice Administration: A critical study of the Indian Criminal Justice System JLCR Vol.2(4) pp. 66-73
7. Nivedita Grover, "Development of forensic science and criminal prosecution-India" IJSRP Vol.4 Issue 12
8. Sonia Dutt Sharma, "DNA-Dignity and Dissolution of Marriage", Helix Vol.2 : 101-104 (2012).
9. Subhomoy Sarkar, "The Constitutional Mandate on the Right Against Self Incrimination: A Comparative Study on the Legitimacy of Narco Analysis 2009" Cr.L.J Vol 2 Journal/166.
10. Tess M.S. Neal, "Expert Witness preparation: What does the Literature tell us? American Society of Trial Consultants. 2009, pg. 82.

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
7. Bishwanath Prasad vs. Dwarka Prasad, AIR 1974 SC 117
8. Central Bureau of Investigation vs. V.C. Shukla, AIR 1998 SC 1406
9. Veera Ibrahim vs. State of Maharashtra, AIR 1976 SC 1167
10. Aghnoo Nagesia vs. State of Bihar, AIR 1966 SC 119
11. Nageshwar Shri Krishna Ghobe vs. State of Maharashtra (1973) 4 SCC 23
12. National Textile Workers' Union vs. P.R. Ramakrishnan (1983) 1 SCC 228, 255
13. CIT v. Podar Cement (P) Ltd (1997) 5 SCC 482
14. State v. S.J. Choudhary (1996) 2 SCC 428
15. SIL Import, USA v. Exim Aides Silk Exporters (1999) 4 SCC 567

Learning Outcome:

After completion of the course students will be able to -

- *To identify, assert and support objections to items of proof, using appropriate evidentiary rules and tailoring objections to the facts at hand.*
- *To identify and use a range of legally specific research principles, methods and tools to make a coherent and persuasive argument for the admission or exclusion of a specific item of evidence, incorporating factual information and legal standards drawn from both evidentiary rules and substantive law .*
- *To research, analyse and apply evidentiary standards to complex issues and present a persuasive written and oral argument for the admission or exclusion of the evidence.*
- *Articulate the processes for the adversarial examination of evidence and differentiate between the roles of the district attorney and defense counsel in the presentation of evidence.*

HLA0601: INTERPRETATION OF STATUTES

Objectives of the Course

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.

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-MarginalNotes-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) *Ut res magis 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 Statues, 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. Kafaltiya (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.
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.

Learning Outcome

After the course students will be able to-

1. Understand the concerns of human communication and relevance of interpretation.
2. Learn the necessity of principles of interpretation as consistent source of man-made laws.
3. Develop the skills of reading and writing legislations and deducing hidden assumptions with accuracy.
4. Visualise the significance of principles of interpretation as tools of social change.

**HCC0601: PROFESSIONAL ETHICS,
ACCOUNTANCY FOR LAWYERS AND
BAR BENCH RELATIONS
(CLINICAL COURSE: I)**

Objectives of the Course

Legal profession is a noble profession. Every profession must have an ethics particularly legal profession is most ethical because an advocate is socially responsible and accountable. Professionally advocacy is an art and they have accountability towards court, parties and community at large. The Advocates and Judges should work interdependently each other. Judiciary is an important organ of a state and guardian of basic rights of an individual. As a part and parcel of Judicial system Bar (Advocates) Bench (Judicial Officers) relations is inseparable. This course is enlightening code of conduct of an Advocate, accountability and responsibility of legal profession and the contribution of Bar and Bench towards access to justice.

COURSE OUTLINE

Module I: Introduction

1. The meaning of Ethics
2. Professional Ethics
3. Code of Conduct
4. Misconduct
5. Importance of Legal Education and Legal Profession in India
6. Historical Background and Significance – judicial process in India

Module – II: Rights and Duties of a Lawyer / Lawyer's Accountability

- A. 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.,

Module – III: Law relating to Legal profession and its accountancy

A. 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

- 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
Defences and Punishments – Appeal

Module – IV: Bar – Bench Relations

- A. 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

Module – V: Modern era (Globalisation) and Legal services in India

- A. 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

Module – VI: International concern on Legal profession and ethics

- A. 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

Module – VII: Contribution of Bar Council on Legal Education

- A. 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 Judgements), for mid-semester 20 marks and attendance 05 marks – total 100marks

Statute for Reading

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

Rule framed 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

Recommended Readings:

1. K V krishnaswamy Iyer – Professional Conduct and Advocacy, Ingram Short title, (2015).
2. Dr. Kailash Rai, Legal Ethics- Accountancy for Lawyers and Bench and BarRelations, Central Law Publication,(Reprint-2016)
3. B R Aggarwala, Supreme Court Practice andProcedure
4. P Ramanath Iyer, Legal and Professional Ethics, (3rded.,)
5. Dr. S P Gupta, Professional Ethics, Accountancy for Lawyers and Bench-barRelations

6. M P Jain, Outline of Indian Legal History-Chapter : Development of Legal Profession
7. M R Mallick- The Advocates Act 1961 with Professional Ethics, Advocacy and Bar- bench Relationship
8. Dr. B Malik: The Art Of a lawyer
9. Nilendra Kumar and Neha Chaturvedi: M K Gandhi's : The Law and Lawyer
10. Saadiya Suleman: Professional Ethics & Advertising by Lawyers

Learning Outcome

- *After completion of this course the student will be able to perform as good lawyering*
- *The student of law must be oriented with disciplined, well performed and socially ethically trained professional.*

FOURTH YEAR

VII-SEMESTER

HLC0716: INTRODUCTION TO PUBLIC INTERNATIONAL LAW

Objectives of the Course:

“Supra National Law” or otherwise popularly referred to as “International Law” aims to bring in peace and world order on the globe by mitigating the frictions between nation-states through peaceful legal means. It guides the nation-states to work for the betterment of human life, promotion of fundamental goals to peace, prosperity, advancement of human rights and the protection of human environment for sustainable development. Though it has numerous branches with in, as a main subject its orientation is to understand the functioning as a core law in addressing the international challenges. The syllabus aims to introduce the student to understand the basic concepts of international law, harmonization on with domestic law, its abidingness and application by the States in resolving their conflicting issues and to achieve international cooperation in working together to develop global institutional mechanisms.

Course Outline

Module- I: Introduction to International Law

- (a) Origin—Scope and Basis
- (b) Universalization of International Law- philosophical, political, ideological, cultural and cross- cultural approaches
- (c) Historical development and Jurisprudential theories – Greek, Roman, European, Asian, African, communist and Indian approach
- (d) Validity, Normativity and Enforcement through Sanctions
- (e) Codification and Progressive Development – Role of International Law Commission and International Institutions

Module -II: Sources of International Law

- (a) Source and its Genesis- Art 38 (1)(b) of the ICJ and Sources of International Law
- (b) Usage & Custom as a source; Elements of Custom; Jus Cogens and Ergaomnes
- (c) Treaties as primary and persuasive source; significance of Law making treaties and Treaty Contracts; Normative Treaties; Reservation and Revocation of Treaties
- (d) General Principles of International law (Equity in a global context)
- (e) Juristic Works of Eminent Authorities
- (f) Decisions of Judicial and Arbitral Tribunals (International and Municipal)
- (g) Subsidiary Sources- Decisions, Resolutions and Declarations of the United Nations and other organs; Non-treaty obligations - Good will and Reciprocity.

Module-III: Harmonizing International Law with Municipal Law and Subjects of International Law

- (a) Interaction between International and Municipal (domestic) law
- (b) Theories of Monism, Dualism, Incorporation or Transformation, Specific Adoption and Delegation – State Practice- UK, USA and India
- (c) Subjects of International law – State- Different types of States - Essentials of Statehood- Lifting the State veil – Individual as a Subject and object - International organizations and Non- State actors as subjects of International law

Module - IV: Recognition and State Territory

- (a) State Recognition as a basis for International personality – Principles and Problems
- (b) Types of Recognition-- Legal nature; Theories of Recognition; Recognition of Governments – Belligerency and Insurgency
- (c) Legal effects of Recognition and Non Recognition
- (d) Concept of State Territory- Sovereignty and its significance
- (e) Acquisition and loss of State Territory; Territorial Integrity-Self-Determination and sundry claims- Doctrine of Uti possidetis
- (f) Law of Air and Outer Space

Module -V State Succession

- (a) State Succession – Definition & Conceptual Perspectives
- (b) Types- Universal and Partial Succession
- (c) Difference between Succession of States & Governments
- (d) Theories - Negativist & Modern Theories - An overview of States Succession to Treaties and to matters other than Treaties
- (e) Succession to the membership in International Organizations
- (f) State Succession -Contemporary issues- Yugoslavia- Dissolution of USSR- Reunification of Germany- Retrocession of Hong Kong.

Module – VI: Law of Sea

- (a) Historical Perspectives on Law of Sea
- (b) Concept of Territorial Sea – Internal waters - Innocent Passage – Rights and Duties of Coastal states
- (c) Continental Shelf & Exclusive Economic Zone –Rights and Duties of Coastal States Principle of Equidistance and its invocation, Special and Relevant Circumstances Rule
- (d) High Seas – Flag State Jurisdiction- Hot Pursuit- Pollution; Common Heritage of Mankind
- (e) Rights of Land locked States
- (f) Exploration and Exploitation of Resources in Area (Sea bed and Ocean floor)
- (g) Settlement of Disputes –Role of Sea Bed Authority-International Tribunal for Law of Sea.

Module VII: State Jurisdiction and Immunities from Jurisdiction

- (a) Jurisdiction in International perspectives – Prescriptive & Enforcement
- (b) Territorial-Nationality--Passive Personality-Protection and Universal Principles- War Crimes, Crimes Against Peace and Humanity
- (c) Extraditable offences- Double Criminality; Asylum and its importance
- (d) Nationality-Double Nationality Jurisdiction- MNCs
- (e) Sovereign Immunity- Absolute and Restrictive Approach
- (f) Diplomatic Immunities and Privileges- Privileges and Immunities of International organizations

Module – VIII: State Responsibility

- (a) State Responsibility-Nature and Scope
- (b) Obligations Erga Omnes - Notion of Immutability or Attribution to State- Breach of an International legal obligation
- (c) Draft articles of ILC - Liability for Lawful Acts- Circumstances excluding Wrongful Conduct of State- Legal Consequences of an Internationally Wrongful Act
- (d) Invocation of State Responsibility as part of Human Rights Standards
- (e) State Responsibility for Genocide: State Responsibility and Environmental Sustainability

Module- IX: International Human Rights Law & Humanitarian Law

- (a) Nature and Scope of Human Rights - Outline of Theoretical approaches to Human rights
- (b) Overview of Historical background –European, Asia, African and Indian approaches
- (c) International Accountability- Normative foundations laid under the United Nations UDHR & International Bill of Human Rights and other instruments
- (d) Transition to modern Human rights - Generational Human rights – Human rights and Right to Development; Human rights Council and Human Rights Committee
- (e) IHL –Scope and Significance-Geneva Conventions and Protocols –Wounded and Sick; Prisoners of War; Protection of Civilians; Armed Conflict and Non-Armed Conflict; Relationship between Human Rights and IHL

Module –X: Challenges to International Human Rights Law

- (a) Human Rights of Vulnerable and Disadvantage Groups; Women- Children Sexual Minorities Stateless Persons
- (b) Migrants - Epidemic Affected; Rights of Socially and Economically Disadvantaged People
- (c) Indigenous Peoples; Disabled & Minorities
- (d) Transnational Corporations and Human Rights, Terrorism & Counter-terrorism
- (e) Euthanasia and Human Rights; Right to Freedom from Torture and Inhuman or Degrading Treatment
- (f) Crimes against humanity, Role of International Criminal Courts and Tribunals

Recommended Readings: -

1. Crawford, J. *Brownlie's Principles of Public International Law* (8thed., 2013).
2. Jennings, R., and Watts, A. (eds.), *Oppenheim's International Law* [Vol. I –Peace] (9thed., 2008).
3. Shaw, M.N. *International law* (Cambridge University Press, 8th ed., 2017).
4. Shearer, I.A. *Starke's International Law* (1st Indian ed., 2007).
5. Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.

Further Readings: -

1. Anghie, A. 'Francisco de Vitoria and the Colonial Origins of International Law' in *Imperialism, Sovereignty and the Making of International Law* (CUP, 2004).
2. Bantekas and Oette, *International Human Rights: Law and Practice* (2013)
3. Boyle, A., and Chinkin, C. *The Making of International Law* (Oxford University Press, 2007).
4. Chimni, B.S. *International Law and World Order* (Cambridge University Press, 2017).
5. Connell, O. "State Succession in Municipal Law and International Law", Vol. II, pp. 212-219 (1967).
6. Dumberry, P. *State Succession to International Responsibility* (Graduate Institute of International Studies, Brill, 2007)
7. Kaul, J.L. & A. Jha, *Shifting Horizons of Public International Law*, (1st ed., 2018)
8. Kevin Boyle (ed.), *New Institutions for Human Rights Protection* (Oxford, 2009); Chapters 1-3.
9. Rynjaert, C. "Jurisdiction in International Law", (Oxford University Press, 2nd Ed., 2015).
10. Hugh Thirlway (2019), *The Sources of International Law*, Second Edition, Cambridge University Press: United Kingdom. Available at: <http://gen.lib.rus.ec/book/index.php?md5=6D495F5C2F501009703B4E97FC65676F>
11. Patrick Dumberry (2007), *State Succession to International Responsibility*, Martinus Nijhoff Publishers: The Netherlands. Available at: <http://gen.lib.rus.ec/book/index.php?md5=96F7331343E5503C4CC085EF56DA642D>
12. Robert Kolb (2016), *The Law of Treaties: An Introduction*, Edward Edgar Publishing Limited: United Kingdom. Available at: <http://gen.lib.rus.ec/book/index.php?md5=754DA9DA821BED6B24E322C8D448263A>

Journals: -

1. Akehurst, M. "Custom as a Source of International Law" 53 *British Yearbook of International Law* 1(1974-75).
2. Anthony D'Amato, "Treaties as a Source of General Rules of International Law" 3 *Harvard International Law Journal* 1-43 (1962).
3. Thomas Buergenthal, "Lawmaking by the ICJ and Other International Courts" *Proceedings of the Annual Meeting (American Society of International Law)* Vol. 103, *International Law as Law* (2009), pp. 403-406(CUP, 2009)
4. K. R. R. Sastry, *State Responsibility in International Law*, 35 *Allahabad Law Journal* 31(1937).
5. C. Wilfred Jenks, "State Succession in Respect of Law-Making Treaties", 29 *British Yearbook Book International* 105 (1952).
6. Keyuan, Z. "South China Sea Studies in China: Achievements, Constraints and Prospects", 11 *Singapore Yearbook of International Law* 85 (2007).
7. Babalola, A. "Extradition under International Law: Tool for Apprehension of Fugitives", 22 *Journal of Law Policy & Globalization* 25 (2014).
8. *Micheline Ishay, The History of Human Rights: From Ancient Times to the Globalization Era, 2004*
9. Jack Donnelly, *The Relative Universality of Human Rights*, *Human Rights Quarterly*, Volume 29, Volume 2 (2007): 281-306.
10. Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.

Cases for Guidance: -

1. S.S. Lotus Case, France V Turkey ICJ 1927
2. Asylum case Judgment (Columbia vs Peru)
3. North Sea Continental Shelf Case Judgment, I.C.J Reports 1969
4. Military and Paramilitary Activities in and against Nicaragua (Nicaragua vs United States of America), Judgment I.C.J Reports 1986.
5. Right of Passage over Indian Territory (Portugal vs India), 1960 I.C.J 6
6. The Nottebohm Judgment (Second Phase), 54 AJIL 536,557(1960)
7. The Wimbledon, P.C.I.J. Rep., Ser A, No.(1924)
8. Frontier Dispute [1986] ICJ Rep 554.
9. Serbian Loans case [1929] PCIJ (ser A) Nos 20/21, 5.
10. Temple of Preah Vihar (*Thailand v Cambodia*) [1962] ICJ Rep 6.
11. Gabcikovo Nagymaros Project case (*Hungary v Slovakia*) [1997] ICJ Rep 7.
12. Barcelona Traction case (*Belgium v Spain*) [1970] ICJ Rep 3.
13. Reparation of injuries suffered in the service of United Nations Advisory Opinion, 1949 I.C.J. 174 (Apr. 11)
14. Advisory Opinion of ICJ on Namibia, ICJ Rep. 1971, P. 16
15. Advisory Opinion of ICJ in Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo Case, ICJ Rep. 2010
- ❖ Advisory Opinion of Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, ICJ Rep. 2019 Italy v. India (Enrica Lexie case) (Pending)
16. West Rand Central Gold Mining company v R [1905] 2 KB 391
17. Regina v Keyn (1876) 2 Ex D 63

18. The Paquete Habana, 175 U.S. 677 (1900).
19. Vishakha and Ors. v State of Rajasthan and Ors, AIR 1997 SC 3011.
20. The Arantzazu Mendi case (UK) 1939
21. Luther v Sagor (UK) [1921] 3KB 532
22. Case Concerning Military and Para Military Activities in and Against Nicaragua
23. Case Concerning the Factory at Chorzow (Merits) [1928] PCIJ, Series A, No. 17, 47.
24. Corfu Channel (U.K. v. Alb.), 1949 I.C.J. 4 (Merits Apr. 9).
25. LaGrand (Germany v. United States of America), Provisional Measures [1999] ICJ Rep
26. Trail Smelter Case (U.S. v. Can.), 3 R.I.A.A. 1905 (Trail Smelter Arb. Trib. 1938 & 1941).
27. United States Diplomatic and Consular Staff in Tehran, Judgment, ICJ Reports 1980, Youmanscase.
28. Island of Palmas Arbitration (U.S. v. Netherlands), 2 R.I.A.A. 829, 839 (1928).
29. Anglo-Norwegian Fisheries Case (UK v. Norway), ICJ Reports 1951.
30. South China Sea Arbitration, (Philippines vs China), Case No 2013-19, Award of 12 July 2016 (PCA)
31. Factor v. Laubenheimer 290 U.S. 276 (1933)
32. Fioconni v. Att'y Gen., 462 F.2d475
33. Ker v. Illinois, 119 U.S.436 (1886)
34. United States v. Alvarez-Machain, 504 U.S. 655.
35. United States v. Rauscher, 119 U.S. 407 (1886).

Learning Outcomes: -

After completion of the course Students will be able to

1. Equip with the basic structural perspectives of International law and would able to understand its significance as a bedrock subject of international relations.
2. Trace the significance and influence of the normative principles involved in building the edifice and substance of international law.
3. Analyze and appreciate diversity of the subject and its impact on states and their subjects and the role and significance of International organs and able to create and defend principled legal arguments to carry further research.
4. Acquire academic contemplation and training primarily in Public international law blended with human rights law and IHL and their practical orientation.

HLC0717: LABOUR LAW-I

INDUSTRIAL RELATIONS AND WAGE LAWS

Objectives of the course

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 minimise 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.

This course has been designed to:

- I. Educate the student on the historical evolution of modern labour jurisprudence;
- II. Explain the importance of the International Labour Organisation and its role in the development of labour law;
- III. Elucidate the importance of, and laws governing, trade unions;
- IV. Create a broad and deep understanding of the law related to industrial relations in India;
- V. Examine the importance of standing orders;
- VI. Detail the various statutory requirements under legislations related to wages; and
- VII. Develop a keen awareness of labour rights under various situations.

The following syllabus prepared with this perspective will comprise 5 modules.

COURSE OUTLINE

Module I: Evolution of Labour Legislations

- (a) Historical Perspectives on Labour –Genesis of Labour Legislation - Modern Factory System- - Impact of Industrialisation.
- (b) Labour Policies in India.
- (c) Master and Servant Relationship.
- (d) Shift From Laissez Faire to Welfare Policy.
- (e) Role of the State in Industrial Relations.
- (f) Constitutional Perspectives on Labour Laws .

- (g) Workers Participation in Management .
- (h) Labour Law Reforms.
- (i) 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

- (a) Trade Union Movement in India - Development of Trade Union Legislation in India - Weakness of Trade Union Movement.
- (b) Out Siders in Trade Unions.
- (c) Inter-Union and Intra-Union Rivalries
- (d) 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.
- (e) Recognition of Trade Unions.
- (f) 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

- (a) Industrial Relations And Industrial Peace-Causes Of Industrial Disputes-System Of Adjudication Machinery Before 1947.
- (b) Industrial Disputes Act,1947 – Scope And Object - Definitions – Industry – Industrial Dispute – Workman - Lay Off – Retrenchment - Closure - Transfer of Under Takings - Kinds of Strike Regulation of Strike and Lock out -Unfair Labour Practices and Victimisation.
- (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

- (a) The Concept and Nature of Standing Orders.
- (b) 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.

(c) 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

(a) Concept Of Wages - Fair Wage, Living Wage, Minimum Wage.

(b) Theories Of Wages

(c) Wage Structure

(d) Wage Policy In India.

(e) 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.

(f) Payment of Wages Act, 1936 - Definitions – Obligations of the Employer- Permissible Deductions-Authorities Under the Act - Inspectors and Their Powers – Offences and Penalties.

(e) 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:

1. S.N.Mishra, “Labour and IndustrialLaw”, (Allahabad: Central Law Agency, 2019).
2. Dr. V.G.Goswami, “Labour and Industrial Laws”, (Allahabad: Central Law Agency, 2019).
3. MadhavanPillai, “Labour and IndustrialLaws” (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/Journal Articles:

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 Readings:**Books:**

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

Journals:

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.
6. 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.
7. 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.
8. 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.
9. Yashik, P. M. (2014). "A study about the Labour welfare and Social Security Measures in India", International Journal of Management, 2, p.23.
10. Sravanthi, B., "Social security in India: constitutional frame work" International Journal of Development Research, Volume 8, Article ID: 12929.

Cases for Guidance:

1. United 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, AIR 2000 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. American Express International Banking Corporation [AIR 1986 SC 458]
15. 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.*

HLC0718: MEDIATION AND CONCILIATION

Objective of the Course:

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 on noncoercive 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.

After undergoing the study, the student will be able to understand the following:

- *Law on the subject and the precedents laid down by court annexed mediation in India and abroad are exhaustively dealt with.*
- *Nature of dispute, conflicts and make choice of appropriate settlement technique to and resolve them.*
- *Identification of real needs and interests resolves the disputes without undergoing arduous trial procedures.*
- *Enhancing the practical skills apart from theory, in long run shall reduce backlog and docket explosions before the Court of Law.*

COURSE OUTLINE

Module I: Introduction: Nature and Scope of Conflict and Disputes:

- a) 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.
- b) 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.
- c) 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.

Module II: Comparative study : Genesis of Mediation and Restorative Justice:

- a) Promoting dialogue, reconciliation, healing and mutual agreement in the pursuit of justice. Concept of *Ubuntu* and South Africa's Truth & Reconciliation Commission; The *Abunzi* mediators and the *Gacaca* courts of Rwanda.
- b) Mediation by *Mahajans*, *Panchasand* religious leaders. *Ahimsa*, *Satyagraha* and Gandhian principles of pragmatic, non-violent conflict resolution.
- c) Village elders in ancient Greece and interlocutors under Roman law, influence of Confucianism and Taoism on Mediation in China, the role of community/religious leaders: the *Ketua Kampong* (village headman) and the Imams in Malaysia, the *Ting* (local assembly) in Nordic countries.

Module 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.

Module IV: Techniques: Communication:

- a) Communication styles, Communicative behaviour, Compassionate or Collaborative Communication.
- b) Choice of words, clarity of thought and expression, right pitch, tone and emphasis, body language.
- c) Active listening skills, building rapport, empathy not sympathy. Use of open-ended questions, neutral rephrasing, factual summarizing.

Module V: Skill: Enhancement for Cumulative Efficiency:

- a) Summarizing the facts, understanding respective positions, discussing issues rationally, recognizing both individual and common interests, empathizing with underlying emotions and asking relevant open-ended questions.
- b) Neutral reframing of issues, identifying interests, moving parties away from issues towards interests, generating and exploring options, formulating objective criteria, conveying offers and proposals, applying reality checks. Assessing the alternatives to a negotiated settlement (BATNA, WATNA, MLATNA)
- c) Causes for impasse and effective intervention techniques: time-out, calculated adjournment, deadlines, refocusing attention, emphasizing relationships, brainstorming, using expert valuation, using other dispute resolution modes.
- d) Distributive v Integrative negotiation. Expanding the pie and developing win-win solutions.

Module VI: Process: Character Building

- a) Being neutral, impartial, objective, communicative, open-minded, quick-thinking, patient, amicable, diplomatic, honest and empathetic. Learning how to build rapport, gain trust, formulate creative solutions and deal with impasse.
- b) Importance of ethical conduct during Mediation. Ensuring impartiality and neutrality, no conflict of interest, dealing with power imbalance, preventing abuse, encouraging parties to reach their own solutions without any coercion or undue influence.
- c) 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

Module VII: 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.

Module VIII: Legislations and Statutory Authorities:

- a) All statutes and regulations on Mediation and Alternative Dispute Resolution; This includes: The Arbitration and Conciliation Act, 1996; Conciliation--Relevant Provisions and Case Law (sections 61-81); Arbitration--Relevant Provisions and Case Law (sections 30-37); Sec 89, CPC 1908; Model Rules under Sec 89: Model Civil Procedure ADR and Mediation Rules, 2003 (Parts I and II). Other Provisions of the CPC, 1908: Order X (Rules 1, 1A, 1B, 1C); Order XXIII
- b) Rules 3, 3A and 3B. Order XXVII (Rule 5B), Order XXXIIA (Rule 3); Commercial Courts Act 2015; The Commercial Courts (Pre-Institution Mediation and Settlement) Rules 2018 (the PIMS Rules). The Consumer Protection Act 2019 and relevant regulations.
- c) Panchayats, Lok Adalats, Ombudsmen, Police Authorities, Bureaucrats, Grievance Cells, Conciliation Officers

Module IX: 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; United 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 DisputeResolution, 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 KritikaKrishnamurthy,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 MediationSingapore. Academy (2009) (available at. <http://www.review.upeace.org/pdf>)
8. Christopher Moore,The Mediation Process: Practical Strategies for Resolving Conflict, Wiley, (2014)
9. RaminJahanbegloo, Introduction to Non-Violence, Red Globe Press (2014)

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 BogharaPolyfab 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 thEdn. (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).

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

Learning Outcomes:

At the end of the semester, the students will be:

1. Competent to practice Mediator skills and undertake legal research and promote legal reforms in theory and practice.
2. Gain skill and competency to decide and resolve ethical hitches in Conciliation and Mediation as settlement mechanism.
3. To analyze and apply the substantive techniques of mediation and conciliation
4. Choose right techniques and effective communication, gain success by bringing about consensus and draw up settlement agreement.
5. Practical trained via internship and training as observers at court-annexed mediation centers, at private mediation centres, with sitting/former Judges of Supreme Court and/or High Courts, and/or by senior and/or experienced Advocates (duly approved by Bar Council of India)

HLA0702: INTELLECTUAL PROPERTY RIGHTS

Objectives of the Course

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 OUTLINE

Module I Introduction to Intellectual Property Rights:

- d) Definition, Concept and Nature of Property, Kinds of Property;
- e) Intellectual Property - Meaning, Nature, and Concept;
- f) Theories of IPR- Natural Rights, Social Contract Theory, Incentive to Disclose Theory, Locke's Theory of property, utilitarian Theory, Marxian Theory and Theory of Cultural Relativism;
- g) Indian theory on Private Property and IP-Svatva, Svamitva and Svatantrya-MamedamIti (it is mine);
- h) Constitutional Values and Protection of Private Property and Intellectual Property- Need for Protection of Intellectual Property- Origin and Development of Intellectual Property Rights.

Module II: Internationalization of IP Protection

- a) Major Convention on IP-Paris Convention, Berne Convention, TRIPS Agreement;
- b) Principles of Reciprocity and Priority- Concept of Minimum Standards- Concept of National Treatment and Most Favoured Nation (MFN),
- c) Doctrine of Exhaustion with respect to Intellectual Property Rights;
- d) Intellectual property in Common Law and Civil Law (course of employment).

Module III: Law of Copyright and Neighbouring Rights

- h) Historical Origin of Law of Copyright and Neighbouring Rights;
- i) Subject Matter of Copyright and Neighbouring Rights- Minimum Standard requirements-Doctrine of merger-Doctrine of Sweat of the Brow- Economic and Moral Rights;
- j) Assignment and Licenses –Compulsory License – Statutory licence;
- k) Infringement of copyright-Limitation and Exception-fair use/fair dealing-Digitalization of copyrighted work- Anti Circumvention law-Remedial Mechanism for infringement of Copyright and Neighbouring Rights.

Module IV: Patent Law

- i) Origin and Development of Patent Law- Patentable Subject Matter- Patentability Criteria-Pharmaceutical, biotechnology, software -Invention not Patentable;
- j) Rights of Patent Holders – Limitations and Exceptions-compulsory license -Bolar Exception-parallel imports.
- k) Enforceability of Patent Rights- Claim interpretation and Construction- Doctrine of Equivalents – Doctrine of Pith and Marrow- remedies for Patent Infringement.

Module V: Protection of Plant Varieties and Farmers' Right

- p) International Undertaking on Plant Genetic Resources for Food and Agriculture, Convention on Biological Diversity, ITPGRFA 2001.
- q) The Protection of Plant Varieties and Farmers' Rights, 2001- Definition of Plant Varieties and Farmer's Rights- Registrable varieties- Genetically modified varieties- Protection of Breeders and Farmers Rights- Researcher's Rights –Benefit Sharing.

Module VI: Trademarks and Geographical Indications:

- a) Origin and development of Trademark-Meaning and definition of Trademarks- Types of Trademark.
- b) Basic principles of registration of trade mark- Absolute and relative ground for refusal of registration of trademark .
- c) Infringement of trade mark -deceptive similarity-concept of Dilution- Passing off- Remedies.
- d) Geographical Indications - International Protection under TRIPS- Meaning and Definition of Geographical Indications, Indication of Source and Appellation Of Origin- Producer or authorised user of GI.

Module VI: Industrial Designs:

- a) Origin and development of Industrial Designs- Definition of Design- requirements of originality or novelty- Copyright in Registered Designs - Piracy of Registered Design- Remedies.
- b) Definition of Layout Design and Integrated Circuit- Subject matter scope of Semiconductor and integrated Circuit-Overlapping between Designs, Copyright and Trademark.

Module VII: Contemporary Issues of IPR

- a) IPR and Cultural Property-Traditional Knowledge and Traditional Cultural Expression/ Folklore; Protection of the rights of Indigenous people- Access to Genetic Resources, Prior Informed Consent and Benefit Sharing- Harmonization of CBD and TRIPS; Inter-relationship between IPR and Human Rights (Art 17 and 27 of UDHR; Art 15(1) of ICESCR).
- b) IP protection for Artificial Intelligence output, algorithm and data – Ownership/ Inventorship Issue;
- c) Protection of Database- EU Database Directive.
- d) Patenting of Gene- Doctrine of Product of Nature;
- e) Private International Law and Intellectual Property- Choice of Court, Choice of Law, Recognition and Enforcement of Foreign Judgment.

Statutory Materials:

The Copyright Act 1957

The Patent Act 1970

The Trade Mark Act 1999

Industrial Designs Act 2000

The Geographical Indication of Goods (Registration and Protection) Act 1999

The Protection of Plant Variety and Farmers right Act 2001

The Semiconductor Integrated Layout Design Act 2000

Recommended Readings:

Books:

1. R.S. Bhalla, The Institution of Property: Legally, Historically and Philosophically Regarded, Eastern Book Co., (1984)
2. Dr. Mathew Thomas, Understanding Intellectual Property, Eastern Book Company, Lucknow (2016).
3. V.K. Ahuja, Law Relating to Intellectual Property Rights (Lexis Nexis) 2015
4. Elizabeth Verkey, Intellectual Property law and Practice (Eastern Book Company)2015
5. Taraporevala V J, Law of Intellectual Property,(2nd Edition) Thomason Reuters, 2013.

Case Book:

1. LTC Harms: Enforcement of IPR: A case BOOK WIPO Publication (3rdedn) 2012 available at 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/>

Further Readings:

Books:

1. Philippe Cullet, Human Rights and Intellectual Property Protection in the TRIPS Era, 2007. HUMAN RIGHTS QUARTERLY, Vol. 29 403-430
2. 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
3. Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle(15th ed. 2005) Indian Reprint 2008
4. Terrel on Patents, Sweet and Maxwell (1994)
5. Kerly's Law on Trademarks and Trade Names, Sweet and Maxwell. Wolters Kluwer (2015)
6. Graeme Austin: Private International Law and IPR Common Law : An Over View, WIPO 2001, available at http://webcache.googleusercontent.com/search?q=cache:JP2I70OixS4J:www.wipo.int/edocs/mdocs/mdocs/en/wipo_pil_01/wipo_pil_01_5.doc+&cd=1&hl=en&ct=clnk&gl=in
7. ABC of Copy Right UNESCO Publication; available at http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC_Copyright_en.pdf
8. Russell Clarke, Industrial Design, Sweet and Maxwell, 9th Ed., (2016).
9. Resource Book on TRIPS and Development, UNCTAD- ICTSD (2004)
10. Gopalkrishnan N S, & Agitha T G, Principles of Intellectual property. Lucknow: Eastern Book Company (2014)

Journals

- 1 EIPR- European Intellectual Property Review (Westlaw)
- 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 (Niscair) 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.
2. Assess and critique some basic theoretical justification for each form of intellectual property protection
3. Discuss the effects of intellectual property right on society as a whole.
4. Examine the relation between the Private International law and IP with respect to online piracy of copyrighted work and counterfeit trademark products where registration is not mandatory.
5. Compare and contrast the laws in other countries like US and EU mainly UK and also from the Human Rights perspective.

SPECIALIZED HON'S COURSE

(a) -INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS10701: INTERNATIONAL ECONOMIC LAW

Objectives of the Course:

International Economic Law as a branch of law is interested in the development of states through trade, investment and economic legal policies. In the quest for development, many states have caused damages to the ecosystem which now constitutes a threat to humanity. This subject helps to understand the role played nations of North-South and East-West hemisphere. It consolidates the finer version of International Economic Law, the object of economic integration with that of the pragmatic approaches of the international trade regime. International Trade Agreements and Conventions explore the balanced growth with the regulatory effect in transacting international trade in municipal spheres. This subject provides the basic understanding of the theory and practical application of International Economic Law in balanced movement of the world economy forward.

COURSE OUTLINE

Module - I :Genesis of International Economic Law

- (a) Origin and Development – International Trade and Customary Law – Concept and Scope of International Economic Law – Significance of International Economic Law – Unification of International Trade Law
- (b) Theories of International Trade - Economic Fundamentals – New International Economic Order (NIEO) – Economic Sovereignty
- (c) UN Conventions – Charter of Economic Rights and Duties of States – North-South Dialogue and East-West Dialogue – Global Economic Forums.

Module - II :International Economic Institutions

- (a) Structure and Functions of International Economic Institutions – International Trade Organisation (ITO) – General Agreement on Tariff and Trade (GATT)
- (b) Brettonwood Conference – Various Rounds of WTO and its impact.
- (c) International Monetary Fund (IMF) – International Bank for Reconstruction and Development (IBRD) – Millennium Development Goals

Module - III :Institutional Framework of World Trade Organisation (WTO)

- (a) Structure and Functions of WTO – WTO and Covered Agreements – Protection of Domestic Industries – Dumping and Anti-dumping – Subsidies and countervailing measures
- (b) Most Favoured Nation (MFN) Clause – National Treatment – Trade Related Aspects of Intellectual Property Rights (TRIPS) – Trade Related Investment Measures (TRIMs) – Trade in Agriculture – Regulation of Non-Tariff Barriers – Import Licensing – Technical Barriers of Trade (TBT)
- (c) General Agreements of Trade and Services (GATS) – Expanding horizons of WTO

Module – IV : Trade and Environmental Protection

- (a) Historical Overview of International Environmental Protection – Permanent Sovereignty over Natural Resources – Agreement on Sanitary and Phytosanitary (SPS) Measures
- (b) United Nations Committee on Trade and Environment (UNCTE) – United Nations Committee on Trade and Development (UNCTAD) – Summits of the WTO
- (c) Trade and Environment Controversies – Sustainable Development – Environmental Exemptions under Article XX of GATT – Doha Round – Enforcement and Compliance.

Module – V : Regulation of Foreign Investments

- (a) International Investments – Foreign Direct Investments (FDI) – Foreign Institutional Investors (FII) – Transnational Corporations
- (b) International Commercial Contracts – International Sale of Goods – Electronic Business Transactions – Crypto Currencies – Monetary System – Exchange Rates – Balance of Payments
- (c) Elements of International Taxation – Risk Analysis in International Trade.

Module - VI :Bilateral and Regional Trade

- (a) Regional Trade Agreements (RTA) and Free Trade Area (FTA)
- (b) Regional Arrangements under the United Nations – Multilateralism – European Union (EU) – South Asian Association for Regional Cooperation (SAARC) – Association for South Eastern Asian Nations (ASEAN)
- (c) Organisation for Petroleum Exporting Countries (OPEC) – North American Free Trade Agreement (NAFTA) – South Asian Free Trade Agreement (SAFTA)

Module - VII :Settlement of Disputes in International Trade

- (a) Methods of Dispute Settlement – Alternative Dispute Resolution (ADR) and International Trade
- (b) UNCITRAL – International Arbitration, Conciliation, Mediation and Litigation
- (c) Dispute Settlement Body in WTO – Appellate Body (AB) – Consultation – Online Dispute Resolution

Recommended Readings

Books

1. Indira Carr & Peter Stone, “International Trade Law”, 2017, 6th Edition, Routledge Publishers.
2. Ralph Folsom, “Principles of International Trade Law”, 2017, 2nd Edition, West Academic Publishing.
3. Peter Van Den Bossche and Warner Zdouc, “The Law and Policy of the WTO: Texts, Cases and Materials, 2017, 4th Edition, Cambridge University Press
4. Oumar Arabov and Lea Recasens, “International Trade Law: Lecture Notes”, 2019.
5. Simon Lester and Bryan Mercurio, “World Trade Law: Text, Materials and Commentary”, 2018, 3rd Edition, Hart Publishing.
6. Autar Krishen Koul, “Guide to the WTO and GATT”, 2018, Springer

Further Readings

1. Raj Bhala, “International Trade Law: Interdisciplinary Theory and Practice, 3rd Edition, Lexis Nexis.
2. Daniel Bethlehem and Van Damme, “The Oxford Handbook of International Trade Law”, Oxford.
3. Peter Van Den Bossche and Denise Prevoost, “Essentials of WTO Law”, 2016, Cambridge University Press.
4. Jayanta Bagchi, “World Trade Organisation: An Indian Perspective”, Eastern Law House
5. David Collins, “Foundations of International Economic Law”, 2019 Edward Elgar Publisher
6. Adamu Kyuka Usman, “Theory and Practice of International Economic Law”, Malthouse Law Books
7. Paul Kragman, “International Trade: Theory and Policy”, 2017, Pearson Publication.
8. David Collins, “The Public International Law of Trade in Legal Services”, 2018, Cambridge University Press.
9. Dani Rodrik, “Straight Talk on Trade: Ideas for a Sane World Economy”, 2017, Princeton University Press.
10. Mitsuo Matsushita, “The World Trade Organisation: Law, Practice and Policy”, 2017 3rd Edition, Oxford University Press.

Recommended Journals:

1. "Indian Journal of International Economic Law" by NLSIU Publication.
2. "Trade, Law and Development Journal" by NLU, Jodhpur
3. "Indian Journal of Law and Economics", by NALSAR Publication.
4. "Journal of International Economic Law" by Oxford University Press
5. "Global Trade and Customs Journal" by Wolters Kluwer
6. "World Trade and Arbitration Materials" by Wolters Kluwer
7. "International Trade Law and Regulation" by Westlaw UK
8. "World Trade Review" by Cambridge University Press
9. "Trade, Law and Development" by Hein Online Law Journal
10. "Common Market Law Review" by Wolters Kluwer law

E-JOURNALS with ARTICLES and WEBSITE sources

1. Steve Charnovitz, "What is International Economic Law?" 14 J. Int'l. Econ. L. 3 (2011) available at http://scholarship.law.gwu.edu/faculty_publications
2. John H. Jackson, "Reflections on International Economic Law", Published by Penn Law, Legal Scholar Repository, 2014.
3. James Bacchus, "The Willing World: Shaping and Sharing a Sustainable Global Property" Cambridge University Press, 2018 pp 515.
4. Collin Picker, "International Trade and Development Law: A Legal Cultural Critique" Article 4 in Volume 4, Number 2, The law and Development Review, 2011 available at <http://www.bepress.com/ldr/vol4/iss2/art4>
5. C.O.Neal Taylor, "Interrelationships: International Economic Law and Developing Countries", Number 2, Volume 7, Boston College International and Comparative Law Review, 2004 pp.187 – 194
6. Aleksander Savanovic, "Economic Sovereignty", IISES, September 2014 <http://proceedings.iises.net/index.php?action=proceedingsIndexConference&id=7>
7. Pang Zhongying, "Globalisation Vs. Economic Sovereignty", Yale Global Online, December 2005.
8. Jong Bum Kim, "Cross-Cumulation Arrangement as FTA under GATT Article XXIV", Journal of International Economic Law, published by Oxford Academic, 2019.
9. Malcolm Langford, "The Revolving Door in International Investment Arbitration", Journal of International Economic Law, Oxford, June 2017, Volume 20, Issue 2, pp 301-332.
10. Anne Van Aaken, Chad P Bown, Andrew Lang, "Introduction to the special issue on Trade Wars", Journal of International Economic Law, Oxford, December 2019, Volume 22, Issue 4, pp 529-533.
11. Anthea Roberts, "Toward a Geoeconomic Order in International Trade and Investment", December 2019, Volume 22, Issue 4, pp 655-676.
12. Ehring.L, "De facto Discrimination in World Trade Law, National Treatment and Most-Favoured Nation Treatment - or Equal Treatment?", Journal of World Trade, 2002, pp 921-977.
13. A. K. Sanders, "Principle of National Treatment in International Economic Law: Trade, Investment and Intellectual Property", Edward Elgar publishing, 2014.
14. M. Krajewski, "Legal Issues of Economic Integration", Kluwer Law, 2005.
15. Jeanho, "State Responsibility for Breaches of Investment Contracts", Cambridge

- University Press, 2018, pp 330.
16. Fredrick M. Abbott, “The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO”, *Journal of International Economic Law*, June 2002, Volume 5, Issue 2, pp 469-505.
 17. Csongor Istvan Nagy, “Clash of Trade and National Public Interest in WTO Law: The Illusion of ‘Weighing and Balancing’ and the Theory of Reservation”, *Journal of International Economic Law*, Oxford, January 2020.
 18. Anne Van Aaken, Jurgen Kurtz, “Beyond Rational Choice: International Trade Law and The Behavioural Political Economy of Protectionism”, Oxford, December 2019, Volume 22, Issue 4, pp 601-628.
 19. Gilles Muller, “Troubled Relationships under the GATS: Tensions between Market Access (Article XVI), National Treatment (Article XVII) and Domestic Regulation (Article VI)”, Cambridge University press, July 2017, Volume 16, Issue 3, pp 449-474.
 20. Pauwelyn, “Distinguishing Domestic Regulation from Market Access in GATT and GATS”, *World Trade Review*, 2005, pp 131-170.
 21. Sabrina Shaw, Risa Schwartz, “Trade and Environment in the WTO State of Play”, *Journal of World Trade*, 2002, 36(1), pp 129-154.
 22. Brian R Copeland, “Trade and the Environment”, Palgrave handbook of International Trade, 2013, pp 423-496.
 23. Micheal Aklin, “Re-exploring the trade and environment nexus through the diffusion of pollution”, *Environmental and Resource Economics*, Springer, 2016, 64(4), pp. 663-682
 24. Diane A. Desierto, “Shifting sands in the International Economic System: ‘Arbitrage’ in International Economic Law and International Human Rights, *Georgetown Journal of International Law*, 2018 Volume 49, pp 1019 – 1115.
 25. Anne van Aaken and Jurgen Kurtz, “Beyond Rational Choice: International Trade Law and the Behavioural Political Economy of Protectionism, *Journal of International Economic Law*, 2019, Volume 22, Issue 4, pp. 601-628.

Learning Outcomes:

By the end of this course, the students have advanced knowledge in the field of International Economic Law and must be able –

1. To analyse the various functional and theoretical bases for organizing economic relations at the international level;
2. To evolve the context in which the processes of and actors within international economic law operate;
3. To apply the rules and principles to solve problems presented in class and hypotheticals or cases decided by international dispute settlement bodies;
4. To appreciate the relationship between WTO law and bilateral and regional trade agreements;
5. To assess international economic law from multiple perspectives; in particular of individuals and organisations; in the public, private and third sectors; in relatively rich and relatively poor economic contexts; in terms of calm and crises; and on local, national, regional and global levels.

(b) CONSTITUTIONAL LAW AND PROPERTY LAW

HS10702: COMPARATIVE CONSTITUTIONAL LAW

Objectives of the Course:

A Constitution is being the supreme Law of the Land. It derives its directives from various aspects. Hence, it is obligatory on the part of a constituent assembly to refer the various customs and precedents that are in existence within an side the country. Hence an inquiry in the basic structural aspects and the differences that exist between the various constitutional perspectives need to be studies to give an understanding of the significance of the dictums of a constitution. For studying the subject it has following objectives.

- 1. To study a wide variety of approaches to constitutional issues in order to identify best practices that can be adopted everywhere;*
- 2. The comparative federalism uses a comparative approach to explore the contemporary nature and meanings of federalism and federation.*
- 3. The comparative judicial review helps to strengthen the liberty and fundamental freedom of individual and to understand the transnational migration of constitutional ideas*
- 4. The constitutional design on emergency powers & parliamentary privileges helps to understand the reflections of democracy*

COURSE OUTLINE

Module 1:Introduction:

- a) The significance and importance of Study of Constitution
- b) Types of Constitutions
- c) Forms of government-Parliamentary-Presidential-Monarchial forms

Module 2:Federalism: Comparative Study

- a) Principles of federalism
- b) Legal features of federalism.
- c) Co-operative federalism
- d) Transition from competitive federalism to co-operative federalism.
- e) Distribution of legislative and financial power in a federal system.

Module 3:Judicial Review

- a) Evolution and Concept of Judicial Review
- b) Meaning of Judicial Review
- c) Characteristics of Modern Constitutions and their impact on Judicial Review
- d) Constitutional growth in India under judicial Review and its impact
- e) Migration of Constitutional Ideas

Module 4:Impact of emergency under Indian Constitutions

- a) Express emergency provisions under constitutions
- b) Justiciability of the proclamation of emergency.
- c) Impact of Emergency on the rights

Module 5:Parliamentary Privileges

- a) Parliamentary privileges-comparative study with different countries
- b) Parliamentary privileges and anti-defection Law
- c) Need for Legislation on Parliamentary privileges in India

Module 6: Amenability of Constitution – Amendment under different Constitutions

- a) Process of amendment
- b) Types of Amendment
- c) Judicial scrutiny of Amendments to the constitution.

Books suggested:

1. Dr. Durga Das Basu – Comparative Constitutional Law, Second Edition Revised 2008
Wadhwa Nagpur.
2. Dr. Durga Das Basu – Comparative Federalism, Second Edition Revised 2008,
Wadhwa Nagpur.
3. Dr. CD Jha's - Judicial review of Legislative Acts, Second Edition Revised 2009
Lexis Nexis, Butterworth, Wadhwa Nagpur.
4. Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, 1989).
5. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, Comparative
Constitutionalism in South Asia (Oxford University Press, 2013).

6. Vikram David Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford University Press, 2009).
7. Surjit Choudhry, *The Migration of Constitutional Ideas*, (Cambridge University Press, 2009).

Articles Suggested:

- 1) Saunders, Cheryl (2006) "The Use and Misuse of Comparative Constitutional Law (The George P. Smith Lecture in International Law)," *Indiana Journal of Global Legal Studies*: Vol. 13: Iss. 1, Article 2. Available at: <http://www.repository.law.indiana.edu/ijgls/vol13/iss1/2>.
- 2) Tom Ginsburg & Rosalind Dixon, "Comparative Constitutional Law: Introduction" (University of Chicago Public Law & Legal Theory Working Paper No. 362, 2011). Available at: http://chicagounbound.uchicago.edu/public_law_and_legal_theory.
- 3) Antonia Baraggia, "Challenges in Comparative Constitutional Law Studies: Between Globalization and Constitutional Tradition. Special Issue - Comparative Law", *LaM* October 2017, DOI: 10.5553/REM/.000026.
- 4) Dann, Philipp. "Federal Democracy in India and the European Union: Towards Transcontinental Comparison of Constitutional Law." *Verfassung Und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, vol. 44, no. 2, 2011, pp. 160–176. JSTOR, www.jstor.org/stable/43239605.
- 5) Parikh, Sunita, and Barry R. Weingast. "A Comparative Theory of Federalism: India." *Virginia Law Review* 83, no. 7 (1997): pp.1593-615.
- 6) Uddin, Mohammad Moin, and Rakiba Nabi. "Judicial Review of Constitutional Amendments in Light of the "Political Question" Doctrine: A Comparative Study of the Jurisprudence of Supreme Courts of Bangladesh, India and the United States." *Journal of the Indian Law Institute* 58, no. 3 (2016): pp. 313-36.
- 7) Roznai, Yaniv. "Unconstitutional Constitutional Amendments—The Migration and Success of a Constitutional Idea." *The American Journal of Comparative Law* 61, no. 3 (2013): pp. 657-719.

- 8) Roznai, Yaniv. "The Theory and Practice of 'Supra-Constitutional' Limits on Constitutional Amendments." *The International and Comparative Law Quarterly* 62, no. 3 (2013): pp. 557-97.

Learning outcome:

After completion of the course the student will be able to

- Understanding the variety of constitutional systems across the world;
- Identifying reflection on the potentialities and limits of constitutional law in regulating the exercise of public power in contemporary society.
- Compare different government structures and their corresponding ways of protecting human rights;
- Gain knowledge on different types of government, federalism, judicial review, emergency and amendment practiced in other constitutions.

(c) CRIMINAL LAW AND FORENSIC SCIENCE

HS10703: CORRECTIONAL PROCESS

Objectives of the Course:

The object of the Criminal Justice Administration is to award penal sanctions to the offender. The primary aim of this discipline is to reform the offender rather than inflicting pain on them. The theories of punishment, various types of punishments, degrees of punishments are part of this course. The effective functionaries executing the punishments are Police and Prison Institution. The involvement of various correctional institutions such as Probation, Parole etc also included in the course. Though the criminal justice system mainly focusing on penal sanctions, the application of Criminology along with Penology will bring the expected outcome of the reformation.

COURSE OUTLINE

Module I Introduction:

- a. Concept of Penology – Punishments and its objective
- b. Historical evolution
- c. Theories of Punishments
- d. Types of Punishments
- e. International scenario on punishments – Death Penalty – Imprisonment – Fines – Transportation – Indeterminate Sentence
- f. International Instruments on Death Sentence
- g. Indian Perspective – Law Commissions Report - Arguments of Death Sentence
- h. Judicial approach
- i. International Criminal Justice System and Death Sentence – Other sentences.

Module II- Correctional Process and Law Enforcement:

- a. Correctional Philosophy
- b. Rehabilitation methodology – Rules and Regulations
- c. Prisons Act –Prison Manuals
- d. State Prison Manual
- e. Reformatory laws – Prison Reform Commissions
- f. Individualization of Offenders
- g. Significance of prison systems
- h. Alternative mechanism for punishment.

Module III- The Police System:

- a. Police Administration
- b. Types of Police System
- c. Women, Home Guard, Rural policing, Friend of Police
- d. Problems of Police
- e. Principles of Police System
- f. NHRC/SHRC & Police

- g. Judiciary & Police
- h. Functions of Police
- i. Malimath Committee Report - National Police Commission.

Module IV- Prison Administration:

- a. Prison Authorities
- b. Prisoner's Rights
- c. Prison Commission
- d. Prison Problem – Over Crowding – Prison Discipline
- e. Rehabilitative Measures – Prison Education
- f. Therapeutic Approach – Individualization & Imprisonment
- g. Vocational Training
- h. Prison Reform
- i. Women Prison
- j. Open Prison
- k. United Nations Standard Minimum Rules on Treatment of Prisoners – After care rehabilitation
- l. Role of Society – Judiciary – NGO.

Module V- Correctional Process – Probation& Parole

- a. After care process – Dr. Julius Augustus
- b. The Probation of Offenders Act – Probation Officer
- c. Functions of Probation Officers – Procedures of Probation
- d. Significance of Probation Officers Report
- e. Conditions to be released on Probation – Effects of violations of conditions
- f. Rights and Duties of Sureties
- g. Role of NGO's – Role of Family members – Role of Society
- h. Parole – Definition - Object
- i. Probation and Parole
- j. Parole in India – Legal Procedure
- k. Judiciary & Parole
- l. Parole Board – Functions of Parole Board – Conditions
- m. Parole Violations – Judicial Trends
- n. Parole & Indeterminate Sentence – Parole & Furlough
- o. International Scenario – USA & Parole

Module VI- Recidivism & Crime Prevention:

- a. Recidivist – Causes of Recidivism
- b. Mechanism to combat Recidivism
- c. Recidivism in India – Crime Prevention
- d. Distinguish Crime prevention and treatment
- e. Prevention of White-Collar Crimes
- f. Prevention of traditional crimes
- g. Prevention of Juvenile delinquency
- h. Challenges in crime prevention
- i. International perspectives – Role of the UN & Crime Prevention
- j. UN Congress on Crime Prevention 1955 – 2015.

Recommended Readings:

Books:

1. Ahmed Siddique, 2017, "*Criminology-Problems and Perspectives*" IInd Edition, Eastern Book House, Lucknow.
2. Prof N. V. Paranjape, 2014, "*Criminology and Penology with Victimology*" 16th Edition, Central Law Publications, Allahabad.
3. William Katharine.S, 2004, "*Criminology*", Oxford University Press.
4. Pifferi Michele 2016, "*Reinventing Punishments – A Comparative History of Criminology & Penology in the 19th and 20th Century*" Oxford University Press, UK.
5. Zara Georgia &Farrington P. David 2016, "*Criminal Recidivism – Explanation, Prediction and Prevention*" Routledge Publications, New York.

Journals/Journal Articles:

1. Amy Deline& Adair Crosley 2010, "A Century of Criminal Law and Criminology" *The Journal of Criminal Law and Criminology* Vol. 100, No:1, pp.1-6.
2. Malcom. M, Feeley & Jonathan Simon, 1992 "The New Penology: Notes on the Emerging Strategy on Corrections and its Implications", *Criminology*, VI.30, Issue.4, pp.449-474 <https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1745-9125.1992.tb01112.x>
3. Bruce R. Jacob & K.M. Sharma, 1969, "Justice After Trial: Prisoners Need for Legal Services in the Criminal Correctional Process", *Kansas Law Review*, pp.1270
4. Arie Freiberg, 2010, "Post Adversarial & Post Inquisitorial Justice: Transcending Traditional Penological Paradigms", *European Journal of Criminology*, Vol.8, Issue.1, pp.82-101.
5. Jean Paul Brodeur, 2007, "Comparative Penology in Perspective", *Crime and Justice*, Vol.36, Issue.1, pp.49-91
6. Lisa L. Miller, 2001, "Looking for Postmodernism in all the Wrong places: Implementing a New Penology", *The British Journal of Criminology*, Vol.41, Issue.1, pp.168-184

Further Readings:**Books:**

1. Chakrabarthy. N.K., 2016, *Institutional Corrections*, Deep & Deep Publications, New Delhi.
2. Chaturvedi. JC. 2006, "*Penology & Correctional Administration*" Asha Books, New Delhi.
3. Haris Robert, 1992, "*Crime, Criminal Justice & The Probation Service*" Routledge Publications.
4. Guharoy Jay Tilak, 1999, "*Role of Police in Changing Society*", APH Publications, New Delhi.
5. Master Ruth, "*Counselling Criminal Justice Offenders*".
6. Pollack Joycelyn. N, "*Counselling Women in Prison*"
7. Sultan Adams, "*Crime Prevention*"
8. Stuttmen. H.S, "*Crime and Punishment*"

9. Malimath Committee Report
10. Bare Acts:
 - (i) The Prisons Act, 1984.
 - (ii) Model Prison Manual, 2016 – BPR&D
 - (iii) The Probation of Offenders Act, 1958

Journals:

1. Criminology, Criminal Justice, Law & Society
2. Death Penalty Reporter
3. European Journal of Criminology
4. Federal Prison Journal
5. Federal Probation
6. Federal Sentencing Reporter
7. International Journal of Restorative Justice
8. Journal of Delinquency
9. Prison Law Reporter
10. Prison Journal

Cases for Guidance:

1. Bachan Singh v. State of Punjab AIR 1980 SC 898
2. P. Rathinam v. Union of India AIR 1994 SC 1844
3. Mithu v. State of Punjab AIR 1983 SC 473
4. Rajendra Prasad v. Union of India AIR 1979 SC 916
5. T.V. Vatheeswaran v. State of TN 1983 SCC CrI 481
6. Machi Singh & Others v. State of Punjab AIR 1983 SC 957
7. Dhananjay Chatterji v. State of West Bengal AIR 2003 SC 3131
8. C. Muniyappan & Others v. State of TN (2010) 9 SCC 567
9. Priyadarshini Mattu Rape case (2010) 9 SCC 747
10. Tukaram v. State of Maharashtra AIR 1979 SC 185
11. Nilabati Behra v. State of Orissa AIR 1993 SC 1960
12. D. K. Basu v. State of West Bengal AIR 1997 SC 3017
13. Sheela Barse v. Union of India AIR 1988 SC 224
14. Sunil Batra II case 1980 CrLJ 1099
15. Sanjay Dutt v. State of Maharashtra AIR 2013 SC 2682
16. Laxmi v. Union of India (2014) 4 SCC 427

Learning Outcome:

After completing the course, the students will able to:

- Understand the theories of punishments and development of concept of penology
- Analyze the concept of punishment and discuss about different perspective of punishment.
- Examine the legal framework on penal sanction and correctional process
- Understand the Principles of Sentencing and examine the scope of correctional process in reforming the wrong doer.

(d): INDUSTRIAL AND COMMERCIAL LAW

HS10704: CORPORATE SECURITISATION

Objectives of the Course:

Since 1991, when from liberalisation policy has been adopted by India, the financial sector has evidenced much reforms, majorly allowing and encouraging foreign investment into the country. The legal structuring on securitisation began in 1991, leading to the enactment of the Securitisation and Reconstruction of Financial Assets & Enforcement of Securities Interest Act, 2002. Securitisation augments the benefits available to financial establishments, investors and on a broader spectrum to the society's economic progress, as a whole. It enables highly non-performing assets such as mortgages, vehicle loans and credit card non-payments to be transformed into more liquid financial instruments. Further, securitisation acts as a significant source of financing various businesses ranging from commercial real estate development to manufacturers and dealers. This area of Law plays a pivotal role in the economic progress of the nation.

The objective of the study of this subject is to provide the Students -

- i. Detailed understanding of the markets for asset-backed securities*
- ii. Knowledge of the Legal dimensions of the Law relating to Corporate Securitisation and allied matters.*
- iii. Comprehension and appreciation of the significance of how securitisation is a tool of utility to corporates dealing with finances.*
- iv. Significance of securitisation in relation to rehabilitation of sick companies etc.*

COURSE OUTLINE

MODULE – I: INTRODUCTION:

- a. Historical development.
- b. Objectives and Concept of Corporate Securitisation.
- c. Legal provisions Governing the recovery of debts in India.
- d. Meaning, nature and scope of securitisation.
- e. Securitisation as a funding and salvaging from non-performing assets mechanism.

MODULE – II: REHABILITATION OF SICK COMPANIES:

- a. Revival, reconstitution and rehabilitation of sick companies.
- b. Sick Companies and their Revival.
- c. The Law relating to sick companies.
- d. Procedure for rehabilitation of sick companies.

MODULE – III: SECURITISATION & RECONSTRUCTION:

- a. Securitisation and debt recovery.
- b. Overview of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and its amendment till the year 2013.
- c. Special Purpose Vehicle (SPV)
- d. Asset Reconstruction Companies (ARC)
- e. Qualified Institutional Buyers (QIB)
- f. Role and functions of the Board of Industrial & Financial Reconstruction (BIFR)
- g. Recovery of Debts due to Banks & Financial Institutions Act, 1993.
- h. Tribunal.
- i. Procedure, compromises and arrangements with Banks and creditors.

MODULE – IV: WINDING-UP OF COMPANIES:

- a. Winding-up companies.
- b. Modes and administrative machinery for winding-up of corporates.
- c. Liquidation procedure, meeting of members (shareholders) and creditors, managing the interests of stakeholders, managing the estate of the companies.
- d. Outsourcing of responsibilities relating to winding-up to professional service providers such as valuers and security agencies.
- e. Best practices adopted in performing liquidation and administrator functions, accountability, role of liquidators.
- f. Winding-up of unregistered companies – Consequences of winding-up.

MODULE – V: CROSS-BORDER INSOLVENCY:

- a. Cross-Border Insolvency.
- b. UNCITRAL Model Law on Cross-Border insolvency.
- c. UNCITRAL Legislative Guide to insolvency law.

- d. World Bank principles for effective insolvency and creditor rights.
- e. Asian Development Bank principles of corporate rescue and rehabilitation.
- f. Winding up of companies.

RECOMMENDED READING:

1. Introduction to Securitization, by Frank J. Fabozzi, John Wiley & Sons, 2008.
2. Law & Practice Relating to Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest, by M.R.Umarji, Taxmann, 7th Edition, 2017.
3. Securitisation & Debt Recovery Laws, by Justice A.B. Srivastava, Law Publishers (India) Pvt. Ltd. Allahabad, 10th Edition, 2018.
4. Securitization, Vols. I & II, by Tamar Frankel, Fathom Publishing Company, 2nd Edition, 2016.
5. Narasimham Committee II on Banking Sector Reforms - <https://rbidocs.rbi.org.in/rdocs/PublicationReport/Pdfs/24157.pdf>

JOURNALS:

1. Buchanan, Bonnie, Securitization: A Financing Vehicle for All Seasons?, Bank of Finland Research Discussion Paper No.31/2016.
2. Slaughter and May, Model guide to securitisation Techniques, PLC Cross-border Structured Finance and Securitisation Handbook, 2010 https://www.slaughterandmay.com/media/1429118/model_guide_to_securitisation_techniques.pdf
3. Ilham Riachi and Armin Schwienbacher, Overcollateralization in Corporate Securitisation, Finance, Vol.36, 2015, pp.7-52.
4. Diamond Hill, Mechanics and Benefits of Securitization, 2016 - <https://www.diamond-hill.com/mechanics-benefits-securitization/>
5. Suman Chakraborty, Securitization in India: A Strategic Tool for Competitiveness, Indian Journal of Applied Research, Vol.III, Issue.III, 2013, pp.29-32.
6. Vinod Kothari and Abhirup Ghosh, Indian Securitization Market: A Primer, the Journal of Structured Finance, Vol.23, Issue 1, 2017, pp.23-31.
7. Akhil M.P., Structured Finance and Securitization in India, SSRG International Journal of Economics Management Studies, Vol.5, Issue.6, 2018, pp.26-31.

FURTHER READING:

1. Securitization and the Global Economy-History and Prospects for the Future, by Buchanan, Bonnie, Palgrave Macmillan, 1st, Edition, 2016.
2. Securitization, Structured Finance and Capital Markets, by Steven L. Schwarcz, Bruce A. Markell, Lissa L. Broome, LexisNexis, 2001.
3. Securitization, by David G. Glennie, E.C. De Bouter, Randall D. Luke, Kluwer Law International, 1998.
4. The Mechanics of Securitization, by Moorad Choudhry, John Wiley & Sons Inc., 1st Edition, 2013.

CASE LAW:

- a) Mardia Chemicals Ltd. v. Union of India & Others (2004 D.R.T.C 1(SC3))
- b) Collector of Customs, Madras v. Nathella Samapathu 1962 (3) SCR 786 at pp.829-30.
- c) Transcore v. Union of India & Another. AIR 2007 SC 712, MANU/SC/5319/2006
- d) Ionic Metalliks v. Union of India no. 645 of 201 &. 10120 of 2014
- e) Sicom Ltd. v. Padmashri Mahipatrai J. Rajiv Subramaniyan & Another Civil Appeal No.3866/2014 S.L.P© No.25448/2012 SC2005 (64) SCL 18 (Bom)
- f) Indian Bank v. Nippon Enterprises 2011 (2) CTC 474 HC Madras
- g) Arun Jagnath Gedam v. State Bank of Hyderabad (2005) BC 217 DRT Nagpur
- h) Indian Oil Corporation Ltd. Nagpur v. Shikshak Sahakari Bank Ltd (2005) BC 50 DRT Nagpur
- i) M. Nagarajan v. The Deputy Commercial Tax Officer & Another MANU/TN/1292/2009
- j) ICICI Bank Ltd. v. The Official Liquidator, Liquidator of Vibrant Investments and Properties Ltd (2005) 124 Compas 550(Mad), (2005) 1 MLJ 309
- k) UTI Bank Ltd. v. The Deputy Commissioner of Central Excise & Another MANU/TN/0188/2007, 2007(115)ECCC323
- l) Baleshwar Dayal Jaiswal v. Bank of India & Others Supreme Court of India Civil Appeal No.5924 of 2015 (arising out of SLP (c) no.27674 of 2011)
- m) Kaveri Marketing, Bangalore v. Saraswathi Co-operative Bank Ltd., Koramangala Branch, Bangalore (2013 (1) D.R.T.C.804 (Knt.)) (HC Karnataka - Single Bench)
- n) Central Distillery & Chemical Works Ltd. v. Gurbharajeet Singh AIR 1993 P&H 25
- o) Union of India v. Debt Recovery Tribunal Bar Association & Ans Civil Appeal Nos.617-618 of 2013 SC

LEARNING OUTCOME:

After completion of the Course, Students will be able to -

1. Gain the capacity to interpret statutory provisions, identify legal issues impacting financial risk affecting business, for purposes of risk avoidance, to establish control mechanisms & evaluate alternative financing options.
2. Analyse and evaluate financial markets, how securities are traded, mutual funds, investment companies, and investor behaviour.
3. Analyse relevant case law for the purpose of finding legal precedents.
4. Gauge the economic environment and the impact of governmental economic policies on consumers and financial institutions and make investment policy recommendations.

(a)-INTERNATIONAL LAW AND INTELLECTUAL PROPERTY

RIGHTS

HS20701: INTERNATIONAL TREATIES AND CONVENTIONS ON INTELLECTUAL PROPERTY

Objectives of the Course:

International Intellectual Property is a part of public international law as one of many specialized areas within the universe of Public International Law. The purpose of the course is to examine rules on intellectual property in the wider context of international law. The standards laid down in various intellectual property treaties and conventions to harmonize the laws of different countries and to promote international trade.

COURSE OUTLINE

Module I Structural Framework, Basic Principles and Policies

- a) The International IP as a discipline-Trends in the International IP System - Harmonization, Integration and Countervailing
- b) International IP Institutions- WIPO, WTO and other Multilateral Institutions;
- c) Basic Principles-National Treatment, MFN, Exhaustion of Rights, Uniform Standard, Independence, Public Interest Doctrine, Territoriality and Extraterritoriality, Human Rights and Sustainable Development-Policies

Module II: International Copyright System

- a) Copyright as an Intellectual Property Form- Changing Technologies;
- b) Multilateral Copyright Norms- Berne Convention, Universal Copyright Convention, Rome Convention TRIPS Agreement- TRIPS Agreement and its relationship to the Berne Conventions, The WIPO Copyright Treaty (WCT)- Neighbouring Rights and the WIPO Performance and Phonograms Treaty (WPPT)-Beijing Treaty on Audio visual Performance -The Marrakesh Treaty to facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled;
- c) Exhaustion and the Movement of Copyrighted works in Trade;
- d) Copyright in Software and Open Source.

Module III International Patent System

- a) The Multilateral Patent Agreements-Paris Convention-Independence of Nation, Compulsory Licensing; The Patent Cooperation Treaty (PCT), Budapest Treaty, European Patent Convention, TRIPS Agreement- Safeguards and exceptions, Doha Declaration on Public Health,;
- b) Patent and the Convention on Biological Diversity;
- c) Patent Licensing, Transfer of technology and Competition.
- d) Plant Variety as an IP-Multilateral Agreements-TRIPS Agreement, The International Union for the Protection of New Varieties of Plants (UPOV) 1991, 1978 &1961 Act, International Treaty on Plant Genetic Resources for Food and Agriculture 2001 (ITPGRFA).

Module IV International Trademark and Identifier System

- a) Basic Characteristic of the Trademark, Domain Name and Geographical Indication- Trademark at the Multilateral level-Paris Convention and Trademarks, and Well Known Mark, Paris Convention and Indication of Source and Appellation of Origin - TRIPS Agreement-The Interface Between Trademarks and GI
- b) Trademark Exhaustion and International Trade;
- c) Trademark Registration at the Multilateral Level-The Madrid Agreement and Protocol Relating to the Madrid Agreement- Madrid Agreement on false and deceptive indication of source- Lisbon Agreement on registration of Appellation of Origin. Trademark Law Treaty
- d) Internet Domain Name at the Multilateral Level- UDRP.

Module V: International Designs System

- a) The Multilateral System for Protection of Design- Paris Convention TRIPS Agreement-registered, unregistered and functional design-layout design;
- b) The Hague Agreement Concerning the International Deposit of Industrial Designs
- c) TRIPS Agreement and Washington Treaty on Intellectual Property in respect of Integrated Circuit, 1989.

Module VI: International System for the Protection of Trade Secret and Regulatory Data

- a) Trade secret and TRIPS Agreement – Regulatory Data and The TRIPS agreement
- b) Regional System for the protection of Regulatory data -Protection of Regulatory data & Pharmaceutical Regulatory data in the European Union.

Module VII: The International System for Enforcement of Intellectual Property Rights

- a) Multilateral IPRs Enforcement Agreements-the TRIPS Agreement- Enforcement Obligation- Enforcement in WTO Dispute Settlement Mechanism and Dispute Settlement Understanding- Violation and Non Violation Complaints, Withdrawal of Concession;
- b) Other Multilateral Agreement on Enforcement-Berne and Paris Convention, Activities of WIPO Arbitration and Mediation Centre, World Custom Organization, OECD Project on Counterfeiting and Piracy- EU Enforcement Regime- IP Enforcement Directive
- c) United States Sec 377 of The Tariff Act of 1930 – Sec 301 and Special 301 of US Trade Representative Act.

Recommended Readings

Books:

1. Grosse Ruse Khan, The Protection of Intellectual Property in International Law, University Press Oxford, United Kingdom (2016).
2. Jon O. Nelson, International Patent Treaties, Oxford, United Kingdom (2007).
3. Dennis Cohen, The International Protection of Designs, Kluwer Law International (2000).
4. Carlos M. Correa and Abdulaawi A. Yusuf, Intellectual Property and International Trade: The TRIPS Agreement, Wolters Kluwer Law International (2008).
5. Prof. P. R. Trivedi WIPO, WTO, GATT, TRIPS & IPR, Indian Institute of IP Rights, New Delhi (2017).

Journals/Articles:

1. John H Barton, The Economics of TRIPS: International Trade in Information - Intensive Products, 33 Geo. Wash. Int'l L. 473 (2001)
2. Keith E. Maskus & J. H. Reichman, The Globalization of Private Knowledge Goods and the Privatization of Global Public Goods, 7 J. Int'l Econ. L. 279 (2004)
3. Pamela Samuelson, The US Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997)
4. Frederick M Abbott, The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO, 5 J. Int'l Econ. L. 469 (2002)
5. Frederick M. Abbott, Non Violation Nullification or Impairment Causes of Action under the TRIPS Agreement and the Fifth Ministerial Conference: A Warning and Reminder, Quaker United Nations Office, Occasional Paper No 11 July 2003,

Further Readings:**Books**

1. India- Patent Protection for Pharmaceutical and Agricultural Chemical Products, AB-1997-5, WT/DS50/AB/R, 15 Dec 1997.
2. Davidson Wilson, International Patent Litigation: Developing an effective Strategy, Global Law and Business, London (2009).
3. Frederick M Abbott, Thomas Cottier and Francis Gurry, International Intellectual Property in an Integrated World Economy, Wolter Kluwer, Aspen Publishers, (2007)
4. UNCTAD-ICTSD Resource Book on TRIPS Agreement and Development, Cambridge University Press (2004)
5. Frederick M. Abbott, TRIPS and Human Rights: Preliminary Reflections, In International Trade and Human Rights Foundation and Conceptual Issues (F.M.Abbott, C Breining-Kaufmann & T Cottier eds.) (U. Mich. Press 2006)
6. Edith Tilton Penrose, The Economic of the International Patent System: Chapter IX Summary and Conclusion Pp:162-169 , John Hopkins Press 1951.
7. John Perry Barlow, The Economy of Ideas: A Framework for Patents and Copyrights in the Digital Age , Wired 2.03, March 1994.
8. Sam Ricketson, The Birth of the Berne Union, the Centenary of the Berne Convention, Conference (Intellectual Property Law Unit, University of London and British Literary and Artistic Copyright Association London) April 17-18 1986.

9. Thomas Cottier, The Agreement on Trade Related Aspects of IPR, in the World Trade Organization: Legal, Economic and Political Analysis, Vol I -1040-1120 at 1082-1085 (P Macroy, A Appleton and M. Plummer eds. 2005) (Springer: New York)
10. Lawrence Lessig, Open Source Baselines: Compared to what? In Govt Policy Toward Open Source Software (Robert W Hahn ed., 2003), at 50

Journals/Articles

1. Melvyn J. Simburg and et al., International Intellectual Property (2005) 39 International Lawyers, pp. 333-350.
2. Battling HIV -AIDS: A Decision Makers Guide to the Procurement of Medicines and Related Supplies, Y. Tayler, Ed., World Bank 2004
3. Sisule F. Musungu & Graham Dutfield, Multilateral Agreements and a TRIPS Plus World: The World Intellectual Property Organization (WIPO), TRIPS Issues Papers 3, Quaker United Nations Office (QUNO) Geneva Quaker International affairs Programme (QIAP) Ottawa.
4. John Barton, New Trends in Technology Transfer: Implications for National and International Policy, ICTSD Intellectual Property and Sustainable Development Series, Issue Paper No 18, Feb 2007
5. The Recognition of Rights and the Use of Names in the Internet Domain Name System, Report of the Second WIPO Internet Domain Name Process September 3, 2001, Available at <http://wipo2.wipo.int>
6. Office of United States Trade Representative 2006 Special 301 Report, Available at <http://www.ustr.gov>
7. Pamela Samuelson, The US Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997)
8. Frederick M Abbott, The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO, 5 J. Int'l Econ. L. 469 (2002)
9. Frederick M. Abbott, Non Violation Nullification or Impairment Causes of Action under the TRIPS Agreement and the Fifth Ministerial Conference: A Warning and Reminder, Quaker United Nations Office, Occasional Paper No 11 July 2003, available at <http://www.quno.org>
10. Carsten Fink & Patrick Reichenmiller, Tightening TRIPS: The Intellectual Property Provision of Recent US Free Trade Agreements, World Bank Trade Note 20, Feb7, 2005

Case for Guidance:

1. Revlon, Inc., and Others v. Cripps & Lee Ltd and Others [1980] FSR 85
2. NTP v. Research in Motion, 418 F.3d 1282 (Fed. Cir. 2005)
3. Canada -Patent Protection of Pharmaceutical Products, Report of the Panel, WT/DS114/R, March 17, 2000
4. Qualtex Company v Jacobson Products Company Inc, 514 US 159 (1995)
5. K Mart v Cartier, 486 US 281 (1988)
6. Pfizer Inc v. Martin Marketing Case No. D 2002-07793 WIPO Arbitration and Mediation Centre Administrative Panel Decision
7. Pfizer Inc v. Martin Marketing Case No. D 2003-0399 WIPO Arbitration and Mediation Centre Administrative Panel Decision
8. Metro Goldwyn- Mayer Studios v. Grokster 545 US 913 (2005)
9. John Wiley and Sons Inc v. Prabhat Chander Kumar Jain (2010)
10. Kapil Wadhwa v. Samsung Electronics Co. Ltd (2012) 53 PTC 112 (Del)
11. Quality King distributors v. L'anza Research International 523 US 135 (1998)
12. Computer Associates International v. Altai 982 F.2d 693 (2nd Cir. 1992)
13. Monsanto v Nuziveedu (2019)
14. J E M AG Supply v Pioneer Hi -Breed 534 US 124 (2001)
15. Akzo Chemie BV and Akzo Chemie UK Ltd v. Commission of the European Communities, Judgment of the Court (Fifth Chamber) of 24 June 1986 Case 53/85, Court of justice of European Commission

Course Outcome:

After completion of the course students will be able to –

- Learn the various international system that regulates Intellectual Property Rights
- Discuss the different Multilateral Organizations where rules are negotiated and applied with subject matter interest in IPRs.
- Equip with the basic principles and policies underlying the protection of IPRs at the multilateral level to protect IP and harmonize the laws of the member nations.
- Examine the significant developments regarding the enforcement of IP at the international level.

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

HS20702: INTRODUCTION TO LAND LAWS

Objectives of the Course:

The objective of this specialized paper is to know about the

- 1. land system in pre-independence and the right to property under constitution of India, The right of the government to acquire land for public purpose under the doctrine of eminent domain and the right of the person interested to claim compensation*
- 2. Laws relating to acquisition of land for companies, industrial purpose in the name of special economic zone and the rights of tribal over their property.*
- 3. Land reform constitutes the most important package of measures to improve the economic condition of agricultural tenants.*

Course Outline

Module– I: Concept of land and land movements in India:

Concept of land and real property –concept of ownership -land system in ancient India - Panchami Land – Gramdhan Land - Boodan Movement – Tamil Nadu Boodan Act, 1958

Module – II: Land Tenure System in Pre-Independent India:

Zamindari system- permanent settlement, Inamwari, Mahalwari, Ryotwari-melwaram-kudiwaram-rights and responsibilities of Ryotwari pattadar.

Module – III: Significance of land laws and constitutional provisions:

Constitutional protection relating to property –Eminent Domain- Article 31A – Article 31 B- Article 31 C- Article 300 A- Ninth Schedule- land and governance in the fifth schedule- legislative powers of center and state in enacting land laws.

Module – IV: Acquisition of Land:

- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [LARR Act]
- Establishment of Special Economic Zone- Constitution of Board of Approval – functions of Development Commissioner - Special Economic Zone Authority
- Acquisition Of Lands For Industrial Purposes

Module– V: Land rights of Tribes:

Definition of tribes, scheduled tribes- Title rights- use rights – forest management rights of tribes – process of recognition of rights – scheduled area – V schedule – prohibition of alienation of tribal land.

Statutory materials:

- Constitution of India
- LARR Act, 2013
- Special Economic Zones Act, 2005
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
- Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997

References:**Books**

1. Salmond on Jurisprudence, by P J Fitzgerald, Sweet & Maxwell, Universal Law Publishing co pvt ltd, 2016
2. Right to property in India by Naveen Sharma, Deep & Deep Publications
3. Baden Powell, "The Land Systems of British India", 1892
4. Land Reforms in India by M. L. Dantwala, 66 Int'l Lab. Rev. 419 1952, heinonline
5. Land System in India: A Historical Review, Rekha Bandyopadhyay, Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155

Articles:

1. Indian Law on Special Economic Zone (SEZ) by Mr. Anand Singh
<https://www.conservationindia.org/resources/facts-about-the-forests-rights-act>
2. Lovleen Bhullar, "The Indian Forest Rights Act 2006: A Critical Appraisal", available at <http://www.lead-journal.org/content/08020.pdf>
3. Sanjana, "Forest Dwellers as Deemed Homeless", 4 J. Indian L. & Soc'y 130 2012-2013, Heinonline
4. E. Washburn Hopkins, "Land-Tenure in Ancient India", Political Science Quarterly, Vol. 13, No. 4 (Dec., 1898), pp. 669-686 available at <http://www.jstor.org/stable/2139978>
5. Rekha Bandyopadhyay, "Land System in India: A Historical Review", Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155 available at <http://www.jstor.org/stable/4400592>

Learning outcome:

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

1. Understand the concept of real property and the various movements of India
2. Determine the right to property under Indian constitution
3. Evaluate various land reformatory systems exists in pre-independence
4. Understand the doctrine of eminent domain and the power of acquisition of land by the government
5. Analyze the circumstances under which land can be acquired for industrial purposes
6. Understand the land rights of tribals.

(a) CRIMINAL LAW AND FORENSIC SCIENCE

HS20703: CRIMINOLOGY

Objectives of the Course:

Criminology is a scientific study of law that deals with criminal behavior of an offender. The theories of crimes, theories of crime causation, determining factors of commission of crime are discussed in this subject. Understanding of behavioral pattern of the accused shall be incorporated while imposing of punishment. Criminology and Criminal Law must apply parallelly while determining the sentence. The course also included new dimensions of the Criminal Justice System, Victimology. The need for equal participation in the trial process till the sentencing process raised two decades ago. Victimology permits the victims in to participate determining the remedy, compensatory jurisprudence etc .

Course Outline

Module I: Introduction, Nature and Scope of Criminology:

- a. Concept of crime – Development of crimes through ages
- b. Crime and Offence – Crime and sin
- c. Different types of Crimes – Penal Crimes – Victimless Crime – Organised Crimes – International Crimes – Human Organs Crimes
- d. Characteristic of Crimes
- e. Crime and Criminology – Criminology and Criminal Law – Criminology, Criminal Law and Penology
- f. Objectives of Criminology - Criminology in India Development of Criminal Law in India
- g. Modern Criminal Law and Criminology.

Module II: Schools of Criminology, Crime Causation – Societal and Individual Causes:

- a. Pre- Classical School
- b. Classical School
- c. Neo-Classical School
- d. Positive School – Cesare Lombroso – Enrico Ferri – Rafael Garofalo
- e. Clinical School
- f. Sociological School
- g. Modern Schools of Criminology
- h. Crime Causation - Hereditary – Mental Illness – Biological factors – Mc’Naghten Rule
- i. Donald Taft view on criminality
- j. Sigmund Freud’s view on criminality – Psychological concept of crime
- k. Aristotle Four theories of Crime

- l. Conflict Theory – Sociological Theory of Crime
- m. Multiple Factor Theory of Crime Causation -Mobility – Cultural Conflict – Peer group – Family – Poverty – Education – Unemployment – Political Ideology – Media – Urbanization
- n. Economic Factor and Bonger’s theory - Ecology.

Module III: Types of Crimes – Traditional Crimes

- a. Organised Crimes: Predatory crimes
- b. Criminal Rackets – Political Graft
- c. Wildlife Skin trading crimes
- d. Collective Violence – Communal Violence
- e. Terrorism
- f. Characteristics of Organised Criminals
- g. Sexual Offences – IPC and Sexual Offences – Rape Laws in India and other countries
- h. Alcoholism and Drug Addiction – International perspectives of Drug abuses
- i. Narcotic Drugs and Psychotropic Substances Act – IPC and Toxicities
- j. Measures to combat illicit trafficking – Enforcement agencies.

Module IV: New Era Crimes

- a. White Collar Crimes - Sutherland’s view on White Collar Crimes
- b. Types of White-Collar Crimes
- c. Cyber Crimes – Hacking – Spoofing – Cyber Terrorism – Cyber Defamation – Cyber Pornography – Online theft – Computer vandalism – IP Crimes - IT Act, 2000
- d. Human Organs Crime – Human Organs Transplantation Act, 1994
- e. Victimless Crimes – Suicide – Immoral Traffic Offences – Drug addiction
- f. International Crimes – Rome Statute 2000 – Genocide, War Crimes, Crimes against Humanity.

Module V: Crime Statistics

- a. Crime Statistics – Reliability of Crime Statistics
- b. Sources - National Crime Record Bureau – State Crime Record Bureau
- c. Pattern of Crimes against Women
- d. Crime Statistics of Crimes against Children
- e. Crime Records on Narcotic Drugs
- f. Crime Statistics on Cyber Crimes - Crime graph comparative
- g. Increase in crime rate – Agenda.

Module VI: Victimology

- a. Introduction – Theories of Victimology
- b. Definition – Victims
- c. Victims’ Rights & Liabilities – International Instruments in Victimology
- d. Victimization of Victims– Consequences of victimizations
- e. Types of victims – Recurring Victims – Homicide & Genocide Victims – Sexual Offences Victims – Political Offences Victims – Property Offences Victims – Domestic Violence Victims
- f. Legal Remedy – Restorative Justice
- g. Victims Participation – Victims Assistance
- h. Justice Malimath Committee Report
- i. Criminal Law and Victims Rights.

Recommended Readings:

- Ahmed Siddique, 2017, Criminology-Problems and Perspectives, IInd Edition, Eastern Book House, Lucknow.
- Daigle, L. and Muftic, R. Lisa (2016). Victimology. Thousand Oaks, CA: SAGE Publications.
- Prof N. V. Paranjape, 2014, Criminology and Penology with Victimology, 16th Edition, Central Law Publications, Allahabad.
- William Katharine.S, 2004, Criminology, Oxford University Press.
- Bajpai. G.S, & Gauba Sbriga, “*Victims Justice: A Paradigm Shift in Criminal Justice System in India*”
- Robert Cryer, Hakan Friman, Darryl Robinson & Elizabeth Wilmshurst 2014, “*An Introduction to International Criminal Law and Procedure*”, 3rd Ed, Cambridge University Press.

Journals for scholarly articles:

- Canadian Journal of Criminology and Criminal Justice : 1958 – 2019
- Criminal Behavior and Mental Health : 1991 – 2019
- Criminal Justice and Behavior : 1974 – 2020
- Criminologist : 1972
- Criminology and Public Policy : 2001 – 2020
- Criminology, Criminal Justice, Law & Society : 1998 -2014
- Criminology : 1963 – 2020
- European Journal of Criminology : 2004 - 2020
- Issues in Criminology : 1965 – 1975
- Journal of Criminal Law and Criminology : 1910 – 2020
- Journal of Delinquency : 1916 – 1928
- War Crimes, Genocide and Crimes against Humanity : 2005 – 2011
- Western Criminology Review : 1998 – 2019

Further Readings:

- Chakrabarthy. N.K., 2016, Institutional Corrections, Deep & Deep Publications, New Delhi.
- Abhujia Ram, 2000, Criminology, Rawat Publications, New Delhi.
- E.H. Sutherland, 1968, Principles of Criminology, Times of India Press, Bombay.
- Crime in India Published by National Crime Record Bureau, Ministry of Home Affairs, New Delhi.
- Sachadev Updesh Singh, 1987, Fraudsters & Bankers: Prevention and Detection Techniques, UDH Publishing House.
- Padhy Prapullah, 2006, Organised Crimes, Isha Books, Delhi.
- Patnaik .B.N, “*Compensation to Victims of Crime*”
- Robert Albert. B, “*Helping Crime Victim*”
- Bare Acts:
 - (i) The Protection of Women from Domestic Violence Act, 2005.
 - (ii) The Immoral Traffic (Prevention) Act, 1956
 - (iii) The Sexual Harassment of Women at Workplace (Prevention and Prohibition and Redressal) Act, 2013.
 - (iv) The Information Technology Act, 2000
 - (v) The Narcotic Drugs and Psychotropic Substances Act, 1985.
 - (vi) The Human Organs Transplantation Act, 1994.
 - (vii) Statute of International Criminal Court

E-Books:

- Braithwaite. J (March 2000) “*New Regulatory State and the Transformation of Criminology*”, British Journal of Criminology, Vol.40. Issue 2, pp.222-238.
- Roufa Timothy, “*Criminology, the Study of Crime, Causes and Consequences*”, The Balance Careers, <https://www.thebalancecareers.com/what-is-criminology-974589>
- David, Christian Carsten 1972, “*Criminology-Crime*”, Northampton shrine, UK, <https://www.carsten-ulbrich.zymichost.com/crimeanalysis/10/html>
- Shokry El-Dakkak. M, “*Criminology and Penology*”, <https://www.adjd.gov.ae/sites/Authoring/AR/ELibrary%20Books/E-Library/PDFs/Criminology%20ANd%20Penology.pdf>
- Dr. Rajendra Kumar Sharma, 1998, “*Criminology and Penology*”, Atlantic Publications, New Delhi. https://books.google.co.in/books/about/Criminology_and_Penology.html?id=1pRJTw6EdtsC.
- Ross McGarry & Sandre Walklate, 2015, “*Victims: Trauma, Testimony & Justice*” Routledge Publications, London & New York. <https://books.google.co.in/books?hl=en&lr=&id=oifLCQAAQBAJ&oi=fnd&pg=PP1&dq=journal+on+victimology+and+victim+justice&ots=YfXGQi2-Ws&sig=0->

[gVVNojXpdWh2mlr21dtVC3rqM#v=onepage&q=journal%20on%20victimology%20and%20victim%20justice&f=false](https://books.google.co.in/books?hl=en&lr=&id=iJbBhqhEZY0C&oi=fnd&pg=P2&dq=scholarly+articles+on+on+victimology&ots=ek-H4xWmHR&sig=0cqVXEIXL9jiFpSP3GEL4_Et_5s#v=onepage)

- William. G Doerner & Steven P. Lab, 2012, “*Victimology*” 6th Ed, Elsevier Publications, USA.
https://books.google.co.in/books?hl=en&lr=&id=iJbBhqhEZY0C&oi=fnd&pg=P2&dq=scholarly+articles+on+on+victimology&ots=ek-H4xWmHR&sig=0cqVXEIXL9jiFpSP3GEL4_Et_5s#v=onepage
- William A. Schabas & Nadia Bernaz 2011, “*Routledge Handbook on International Criminal Law*”, Routledge Taylor and Francis Group Publications, New York.
<https://books.google.co.in/books?hl=en&lr=&id=usEtCgAAQBAJ&oi=fnd&pg=PP1&dq=William+Schabas+international+crime&ots=3j0k24bTit&sig=-P5PEBL8Qtixl8Yb9OIq-ygZgzE#v=onepage&q=William%20Schabas%20international%20crime&f=false>

Research Articles:

- Jean Jordan, 2011 “Professional Discretion and the use of Restorative Justice Programme in Appropriate Domestic Violence cases: An Effective Innovation”, *Chapman Journal of Criminal Justice*, 2011 Vol.2, No.1, pp.129 – 164.
- Hannah Ching, Michael Dafern and Stuart Thomas 2017, “A Comparison of Offending trajectories in violent youth according to violent type” *Criminal Behavior and Mental Health* Vol.27, pp.8-14.
- John Stratton, Michael Brook and Robert E. Hanlon 2017, “Murder & Psychosis: Neuropsychological Profiles of homicide offenders with Schizophrenia”, *Criminal Behavior and Mental Health* Vol.27, pp.146-161.
- Ashton.H 1927, “Languages and the Criminal” *The Criminologists* pp.8 & 9.
- Philip J. Cook 2016, “Behavioral Science Critique of HOPE”, *Criminology and Public Policy* Vol.15, Issue.4, pp.1155-1162.
- Jay S. Albanese & Kristine Artello 2019, “The Behavioral Corruption: An Empirical Typology of Public Corruption by Objective and Method” *Criminology, Criminal Justice, Law and Society* Vol.20, Issue.1, pp.1-20.
- Edwin M. Schur & Hugo Adam Bedau 1975, “Victimless Crimes: Two sides of a Controversy” *Issues in Criminology* Vol.10, Issue.1, pp.126-138.
- Amy Deline & Adair Crosley 2010, “A Century of Criminal Law and Criminology” *The Journal of Criminal Law and Criminology* Vol. 100, No:1, pp.1-6.
- David H. Jones 2005, “On the Prevention of Genocide: The Gap between Research and Education: *War Crimes, Genocide and Crimes Against Humanity* Vol.1, Issue.1, pp.5-46.
- Kieram McEvoy & Kristen McConnachie, 2012, “Victimology in Transitional Justice: Victimology, Innocence and Hierarchy”, *European Journal of Criminology*, Vol.9, Issue.5, pp.527-538.

- Tinneke Van Camp & Jo-Anne Wenimers, 2013, “Victims Satisfaction with Restorative Justice More than Simply Procedural Justice”, *International Journal of Victimology*, Vol.19, Issue.2, pp.117-143.
- E. A. Fattah, 1979, “Some Recent Theoretical Development in Victimology”, *Victimology*, Vol.4, Issue.2, pp.198-213.
<https://www.ncjrs.gov/App/publications/abstract.aspx?ID=64082>
- Manisha Sahay 2018, “Transplantation of Human Organs & Tissues Act: Simplified” *Indian Journal of Transplant* Vol.12, Issue.2, pp.84-89.
<https://www.ijtonline.in/text.asp?2018/12.2.84/235594>
- Susan A. Lentz, B. Grant Stitt 1996, “Women as Victims in “Victimless Crimes” The Case of Prostitution”, *Journal of Contemporary Criminal Justice*, Vol.12, Issue.2, pp.173-186
<https://www.journals.sagepub.com/doi.abs/10.1177/104398629601200204>

Web Sources for Scholarly Articles:

- <https://heinonline.org>
- <https://jstor.org>
- <https://shodganga.inflibnet.ac.in>
- <https://network.bepress.com/law/criminal-law>

Web Sources for referring latest decisions:

- <https://indiankanoon.org>
- <https://manupatrafast.com>
- <https://www.aironline.in>
- <https://scconline.com>

Related Cases:

- Paras Ram v. State of Punjab (1981) 2 SCC 508
- Meh Ram v. State 1994 CrLJ 1897 (Raj)
- Tola Ram v. State of Rajasthan 1996 CrLJ 8 (Raj)
- Vishaka v. State of Rajasthan AIR 1997 SC 3011
- Shreerangayee v. State of Madras (1973) 1 MLJ 205
- Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802
- R.K. Garg v. Union of India (1981) 133 ITR 239
- Subramaniya Swamy v. Dr. Man Mohan Singh AIR 2012 SC 1185
- Govt of Andra Pradesh v. P.V. Reddy AIR 2002 SC 3346
- Nimmagadda Prasad v. CBI AIR 2013 SC 2821
- M/s Sattyam Infoway Ltd v. M/s Sifynet Solutions (P) Ltd AIR 2004 SC 3549
- Dr. L. Prakash v. State of T.N. (2008) 3 MLJ CrI 406
- Gurdeep v. State of Punjab (2013) 10 SCC 395
- State of Haryana v. Janak Singh & Another AIR 2013 SC 3246
- Shyam Narin v. State of (NCT Delhi Administration) AIR 2012 SC 2209
- Mohd Iqbal v. State of Jharkhand AIR 2013 SC 3077

- Narendra Kumar v. State (NCT Delhi Administration) AIR 2012 SC 2281
- Deepak Gulait v. State of Haryana AIR 2013 SC 2071
- State of Maharashtra & Others v. Nagpur Distilleries 2006 (5) SCALE 77
- State of H.P. v. Asha Ram AIR 2006 SC 381
- Swamy Shradhananda @ Murali Manohar Mishra v. State of Karnataka AIR 2008 SC 3040
- Priyadharshini Mattu Rape case (2010) 9 SCC 747
- Tukaram v. State of Maharashtra AIR 1979 SC 185
- Nilabati Behra v. State of Orissa AIR 1993 SC 1960
- Prem Shankar Shukla v. Delhi Administration AIR 1980 SC 1535
- D. K. Basu v. State of West Bengal AIR 1997 SC 3017
- Sheela Barse v. Union of India AIR 1988 SC 224
- S.P. Anand v. State of M.P. AIR 2007 SC 166
- Sunil Batra II case 1980 CrLJ 1099
- Rameshdoss v. Raghunath & Others AIR 2008 SC 1298
- Sanjay Dutt v. State of Maharashtra AIR 2013 SC 2682
- Rudal Shah v. State of Bihar AIR 1983 SC 1986
- Laxmi v. Union of India (2014) 4 SCC 427

Learning Outcome

After completing the subject, the students will able to:

- Understand the historical development of concept of criminology and understand the interlink between criminology, criminal law and penology
- Understand the contributions of criminologists through scientific study to analyze the causative factors of crime causation
- Examine the behavioral pattern of offenders.
- Examine the types of crimes and its characterization.
- Acquaint with the contemporary development of crimes.
- Realize the importance of victim's participation and argue for the implementation of victims' protection measures under criminal justice system.

(d): INDUSTRIAL AND COMMERCIAL LAW

HS20704: INTERNATIONAL LABOUR ORGANISATION AND LABOUR JURISPRUDENCE

Objectives of the course:

Industrial legislation is the child of industrial jurisprudence, which in itself, is a product of the industrial revolution in the 18th, 19th and 20th Centuries, it was a form of protest against the inhuman labour conditions that the industrial revolution ushered in. In India, pre-independence era industrial jurisprudence was rudimentary. Protection of labour has always been the primary goal of industrial laws (both those enacted by the legislature and those developed through judicial interpretation). However, well before Indian labour jurisprudence became robust, the International Labour Organisation, a multinational labour body, led the way.

This course has been designed to:

1. Introduce students to the ILO, its formation, charter documents, composition, membership and functioning;
2. Examine the international labour code and the role of India vis-à-vis the international labour code;
3. Study in detail the historical development of labour jurisprudence;
4. Elucidate the long and mutually beneficial relationship between ILO and India;
5. Instruct students various concepts of labour jurisprudence, including tripartism, and understand the role of the judiciary in this regard.

The syllabus has been prepared with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I: International Labour Organisation

- (a) Constitution and Declaration of Philadelphia.
- (b) Fundamental Principles.
- (c) Aims and Objectives.
- (e) Composition.
- (f) Functions.
- (g) Membership.
- (h) Organs of the ILO.

(i) The International Labour Conference - The Governing Body and the International Labour Office - Regional Conference - Regional Advisory Committee - Industrial Committees and Analogous Bodies - Committee of Experts - Panels of Consultants and Special Ad-hoc Conferences and Meetings.

Module II: International Labour Code

- (a) Meaning, Nature and Scope of International Labour Code.
- (b) Development and Importance of ILC.
- (c) International Labour Standards- Conventions and Recommendations.
- (d) Ratification and System of enforcement.
- (e) Technical Assistance Programme and the Special Fund, World employment programme, Women workers, International Peace, Human Rights.
- (f) The ILO Century Project 1919-2019.
- (g) ILC and India.

Module III: Labour Jurisprudence

- (a) Evolution, Concept and Importance of Labour jurisprudence.
- (b) Social Justice and Social welfare.
- (c) Role of Tripartitism in Labour Jurisprudence.
- (d) Role of Principles of Natural Justice.

Module IV: ILO and India

- (a) Labour Movement in India.
- (b) India's membership to ILO.
- (c) Constitution and Labour -Preamble- Fundamental Rights- DPSP- VII Schedule- Constitutional Remedies and Constitutional validity of Labour Statutes.
- (d) Human Rights of Labour.
- (e) Women and Child Workers.
- (f) Social Security and ILO.
- (g) ILO and India's appraisal.

Module V: Tripartism

- (a) Concept and Forms.
- (b) Areas of Operation- Preconditions.
- (c) Machineries in India.
- (d) Indian Labour Conference and Standing Labour Committee, Industrial Committees, Wage Boards, State Labour Advisory Boards.
- (e) Voluntary Arbitration and Labour Policy- Code of Discipline in Industry.
- (f) Role of ACTRAV.

Module VI: Judiciary and Labour Jurisprudence

- (a) Nature and Scope of Industrial Jurisprudence.
- (b) Industrial Adjudication and Judicial Review – Powers of High Courts and Supreme Court.
- (c) Public Interest Litigation and Labour Jurisprudence.
- (d) Judicial Activism in developing Labour Jurisprudence.

Recommended Readings

Statutory Material:

1. The Constitution of India, 1950
2. Labour Laws (Relevant provisions-Industrial Laws, Social Security, Women and Children, 4 Labour Codes)
3. International Labour Organisation Constitution, 1919 and ILO Conventions and Recommendations
4. The Charter of United Nations Organisation, 1945, UNO-Treaties, Conventions and Recommendations.
5. Universal Declaration on Human Rights, 1948.

Books Prescribed:

1. N. Maheshwara Swamy, “Impact of I.L.O. Standards on Indian Labour Law” (Asia Law House, 2007).
2. Dhyani (S .N), “International Labour Organisation”, (New Delh: National Publishing House, 1997).
3. Prof. Ahmedullah Khan, “Commentary on International Organisation and the Indian Response”, (Hyderabad: Asia Law House, 2005).
4. Vaidyanathan N, “I.L.O Conventions and India” (Minerva Associates: Calcutta, 1975).
5. Johnson, G.A., “The International Labour Organization” (London, 1970).
6. E.M. Rao, “Industrial Jurisprudence – A critical Commentary”, (Lexis Nexis publication, 2015).

Journals:

- 1) P. Kalpakam, "The International Labour Organisation's Committee on Freedom of Association and International Protection of Trade Union Rights" 17 JILI 618-633 (1975).
- 2) Zafar Hussain and Afzal Wani, "Application and Enforcement of International Labour Standards in India: A Critique", 53 JILI 577-593 (2011).
- 3) C.S.Venkata Ratnam, "India and International Labour Standards", 35 IJIR 461-485 (2000).
- 4) N.L.Mitra, "Freedom of Association for Organised and Unorganised Workers-International Precept and Practice", 35 JILI 1-33 (1993).
- 5) O.P.Parmar, "ILO and India in Pursuit of Human rights thorough Labour Standards", 23 JILI 555-577 (1981).
- 6) Michael Hasenau, "ILO Standards on Migrant Workers: The Fundamentals of UN Convention and their genesis", 25 IMR 687-697 (1991).

Further Reading:**Reference Books:**

1. Jinender N. Kumar & Ajay Bhola, "International Labour Organisation (ILO) (Regal Publications, 2008).
2. Galenson Walter, "The International Labour Organization: An American View" (Madison, 1981).
3. Sinha & Sinha, "Industrial Relations and Labour Legislation" (Oxford & I B H Publishing Co., New Delhi, 1977).
4. The ILO and the World of work, (ILO Pub. Geneva, 1984).

Articles:

1. Nagaraj, R., "Fall in Manufacturing Employment: A Brief Note", Economic and Political Weekly, Vol. 39, pp. 3387-90, July 24-30, 20004).
2. Kamala Sankaran, "Human Rights and the World of Work", 40 JILI 284-294 (1998).
3. C.S.Venkata Ratnam, "Impact of New Economic Policy on the Role of Trade Unions", 29 IJIR 55-78 (1993).
4. Ratna Sen, "Unionisation and Collective Bargaining in the Unorganised Sector", 47 IJIR 598-616 (2012).
5. Susan Hayter, "International Comparative Trends in Collective Bargaining", 45 IJIR 596-608 (2010).
6. Kamala Sankaran, "Fundamental Principles and Rights at work: India and the ILO", 46 EPW 68-74 (2011).

Cases for Guidance

1. Bandhua Mukti Morcha v. Union of India and others, (1997) (3) SCC 755.
2. Neeraja Chaudry v. State of MP, AIR 1984 SC 1099.
3. Peoples Union for Democratic Rights v. Union of India, AIR 1982 SC 1473.
4. Amristar v. State of Punjab & Ors., AIR 1981, SC 14
5. National Textile workers union v. P.R. Ramkrishnan & Ors, AIR 1982 SC 1473
6. Ram Kumar Misra v. state of Bihar, AIR 1984 SC 537
7. Consumer Education & Research Centre & Others v. Union of India, 1995 AIR 922.
8. M.C. Mehta v. State of Tamil Nadu, AIR 1991 SC 417
9. D.S. Nakara v. Union of India, AIR 1983 SC 130
10. Deena v. Union of India, AIR 1983 SC 115
11. S. Basudevan v. S.D. Mittal, AIR 1962 Bom 53
12. State of Gujarat v. Hon'ble High Court of Gujarat, (1998) 7 SCC 392
13. Chatisgarh Krishak Mazoor Sangh's v. State of Madhya Pradesh, (1987) Suppl. SCC 198
14. P. Siva Swamy v. State of Andhra Pradesh, AIR 1988 SC 1863
15. Balram v. State of Madhya Pradesh, AIR 1990 SC

Learning Outcome:

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

1. Appreciate the genesis of ILO in its historical context and its procedural complexities;
2. Understand the foundational role the ILO has played in labour jurisprudence, including through the international labour code;
3. Perceive India's long history of engaging with the ILO and implementing its decisions to uplift its workers; and
4. Discern the various keystone concepts of labour jurisprudence and also comprehend the role played by the judiciary in developing such jurisprudence.

FOURTH YEAR

VIII-SEMESTER

HLC0819: LABOUR LAW II

SOCIAL SECURITY AND LABOUR WELFARE LAWS

Objectives of the Course:

In the previous semester, students learnt the historical background and importance of labour rights and the basics of key labour legislations governing trade unions, industrial relations, standing orders and industrial disputes. While protection of labour rights in a dispute and permitting their unionisation is one side of the coin, taking proactive measures to promote the welfare and social security of labour is the other. As the Supreme Court of India has held, time and again, the right to life guaranteed under Article 21 is not merely animal existence, but the right to live with dignity. Therefore, taking steps to ensure that the labour force of our nation lives a life of security and dignity is of unspeakable importance and is part of the constitutional obligation of the State. The aim of social security legislation is to ensure freedom from want for our workers. This paper has been designed to help students understand the social security legislations in India in light of the above context.

This course has been designed to:

- I. Instruct the student on the concept of social security, its evolution, components, and objectives;
- II. Examine the role played by ILO in developing social security jurisprudence;
- III. Provide students with a critical and practical understanding of the rights of the employee in case of employment-related death, disablement, disease or accidents;
- IV. Educate students on the state insurance benefits available to employees under various circumstances;
- V. Examine the maternity benefit rights available to female employees;
- VI. Analyse, in-depth, the various retirement benefits made available to employees; and
- VII. Explore the provisions of law governing factories.

The syllabus has been prescribed with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I - Conceptual Framework of Social Security

- (a) Concept of Social security.
- (b) Evolution of Social Security.
- (c) Constituents of Social Security.
- (d) Object and Aim of Social Security.
- (e) Social Security and Labour Welfare.
- (f) ILO on social security.
- (g) Social Security and Constitution.
- (h) Classification of Social Security Legislations .

Module II - Social Security and Industrial Injuries

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

Module III - Social Security and Social Insurance

- (a) The Employee's State Insurance Act, 1948 - Objects, applications and 'Seasonal Factory' – Definitions.
- (b) E.S.I. Corporation, Standing Committee And Medica Benefit Council .
- (c) E.S.I. Fund.
- (d) Contributions.
- (e) Benefits.
- (f) Adjudication Of Disputes And Claims.
- (h) Penalties.

Module IV – Maternity Benefit

- (a) The Maternity Benefit Act, 1961 - Object, Application and Definitions .
- (b) Eligibility to Maternity Benefit.
- (c) Maternity Benefit and Other Benefits.
- (d) Notice Of Claim.
- (e) Prohibition Against Dismissal.
- (f) Powers And Duties of Inspectors.

Module V – Retiral Benefits

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

(g) Controlling Authority.

(h) offences and Penalties.

Module VI - Labour Welfare Legislation

(1) (a) Factories Act, 1948 - Background and definitions.

(b) Formalities to Start a Factory.

(c) Occupier - Duties and Liabilities.

(d) Inspecting Staff and Certifying Surgeons.

(e) Health, Safety and Welfare measures,

(f) Working Hours.

(g) Employment of young persons.

(h) Annual leave with wages.

(2) (a) Regulation of Shops and Establishments - The Tamil Nadu Shops and Establishment Act, 1947 - Applicability and Coverage – Definitions.

(b) Opening and closing hours.

(c) Employment of young persons.

(d) Hours of Work.

(e) Health and Safety Measures.

(f) Leave and Annual Leave with wages.

(g) Authorised Deductions From Wages.

(h) Inspectors – Powers and Functions.

(i) Penalties for Offences.

Recommended Reading

Books prescribed:

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

Books:

1. K.D. Srivastava's Commentaries on Workmen's Compensation Act, 1923: with Supplement, (Lucknow: Eastern Book Co., 6th Revised ed., 1999).
2. K.D. Srivastava's Commentaries on Employees' State Insurance Act, 1948: with Supplement, (Lucknow: Eastern Book Co., 5th Revised ed., 2001).
3. K.D. Srivastava's Employees' Provident Funds and Miscellaneous Provisions Act, 1952, Revised by S.C.Srivastava, (Lucknow: Eastern Book Co. 8th Edition, 2001).

4. K D Srivastava's Commentaries on Payment of Gratuity Act, 1972 with supplement, (Lucknow: Eastern Book Co., 5th ed., 2016).
5. K.D. Srivastava's Commentaries on Factories Act, 1948: with Supplement, (Lucknow: Eastern Book Co., 5th Revised ed., 2001).\
6. Veer Singh, "*Employment Injury and Employees' State Insurance Scheme Functional Perspectives*" 29 *Journal of Indian Law Institute* 76-93 (1987).
7. Thomas Paul, "*Consumer Empowerment ESI Hospitals Under CP Act*" 49 *Journal of Indian Law Institute* 409-414 (2007).

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.
6. 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.
7. 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.
8. 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.

9. Yashik, P. M. (2014). "A study about the Labour welfare and Social Security Measures in India", International Journal of Management, 2, p.23.

10. Sravanthi, B., "Social security in India: constitutional frame work" International Journal of Development Research, Volume 8, Article ID: 12929.

Cases for Guidance:

1. United 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, AIR 2000 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. American Express 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. Appreciate the evolution and conceptual backbones of social security laws;
2. Recognise the pivotal role played by ILO in ensuring social security rights for workers;
3. Distinguish the rights of employees under various employment-related mishaps and consequences;
4. Understand the scope and reach of state insurance benefits to employees;
5. Critically analyse maternity benefits available to women employees and their adequacy/inadequacy;
6. Discern the nuances of retirement benefits payable to employees; and
7. Comprehend the compliances to be followed by factories and critically analyse relevant laws.

HLA0803: COMPETITION LAW

Objectives of the Course

In most countries of the world today competition has a key role to play in ensuring productive, efficient, innovative and responsive markets. Competitive forces drive firms to innovate, to develop more efficient production, processes and to adjust their products in response to changing consumer demand. Policies to stimulate competition are a key driver for improving the micro and macroeconomic performance of an economy.

The objective of the course is to provide the students:

- i. An understanding of the Legal Dimensions of the Competition Law;*
- ii. An insight into the Law, which provides a Fair Trade Practice which enhances healthy competition in the business arena.*
- iii. To comprehend and appreciate the impact of various Anti-Competition Policies.*

COURSE OUTLINE

Module I: Introduction

- a) Basic Concepts – definitions- Market- demand and supply theory Economic and legal concepts of competition; markets and market structure; competition theory
- b) perfect competition v. Monopoly need for regulation of competition- Relation between Competition Policy and Competition Law –Objectives of Competition Law
- c) Constitutional aspects competition law- Elimination of Concentration of Wealth and Distribution of Resources Article 39 (b) (c)

Module II : Evolution Of Competition Law

- a) Historical background – sources of competition law-
- b) Evolution in international arena – common law doctrine of restraint of trade- anti trust legislations – USA, UK, European Union
- c) 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
- d) Object and scope of Competition Act, 2002.

Module III: Anti-Competitive Agreement

- a) agreement definition – Rules for determining Appreciable adverse effect on competition(AAEC) - perse rule and rule of reason

- b) Relevant Market- relevant geographic and relevant product market- factors considered by CCI
- c) Horizontal Agreements- Vertical Agreements- exceptions – Intellectual Property rights and competition law
- d) Cartels – Landmark judgments decided by CCI- punishment for cartel- leniency programme

Module IV: Abuse Of Dominant Position

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

Module V: Combination

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

Module VI: Enforcement Mechanisms

- a) Establishment and Constitution of Competition Commission of India, Powers Functions and Jurisdiction of the CCI
- b) adjudication and appeals, -Competition Appellate Tribunal (CompAT)
- c) Director General of Investigation (DGI)- powers and functions – role of DG in investigation
- d) Competition Advocacy

Statutory Materials

Competition Act 2002

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*, 4thed.- 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:

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 UNITED 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.
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]

Learning Outcomes

1. To provide a thorough background in the area of competition law and policy in India.
2. To understand the key issues in competition law, providing a strong overall background combined with an emphasis on recent (and potentially future) developments.
3. Review and understand the key economic considerations behind landmark competition cases on abuse of dominance, anti-competitive agreements, or mergers.

HLA0804: CYBER LAW AND INFORMATION TECHNOLOGY

Objectives of the Course

Advent of computers, followed by Internet has revolutionized the human existence and their conduct in the society. The information can be accessed, stored, retrieved and distributed speedily and easily. The traditional paper documents are now being replaced by their electronic equivalents. The commercial transactions and individual functioning are more driven by the digital technology. This transition has put forth need for a law to facilitate and govern activities in the information society and has thus led to the passing of the Information Technology Act, 2000 (IT Act).

The primary focus of this 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. In addition, there will be an insight into the applicability of other laws in the digital environment.

Course Outline

Module I: Introduction to Cyberspace

- a) Over view of computer and web technology –Evolution of cyberspace
- b) 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
- c) Jurisdictional issues in Cyberspace-Types of jurisdiction –Theories of Jurisdiction- The test evolved -Minimum contacts theory-Sliding scale theory-Jurisdiction under IT Act, 2000;

Module II: Constitutional and Human Rights Issues in Cyberspace

- a) Freedom of Speech and Expression in Cyberspace
- b) Right to Access Cyberspace -Access to Internet
- c) Right to Privacy-Right to data Protection- Personal Data Protection Bill 2019.

Module III: Legal Recognition and Authentication of Electronic Records

- a) UNCITRAL Model Law -Concept of public and private key-Authentication of electronic records using digital signature -Asymmetric cryptosystem and encryption - Hash Function

- b) Public Key infrastructure and Hierarchy -Controller of certifying Authorities- Certifying authorities –Subscriber,
- c) Electronic records- Administrator of Electronic records- Electronic Health records-E-Governance and Electronic records Evidentiary value of Electronic records.

Module IV: New Dimensions of E-commerce

- a) Kinds of contracts-Email and Standard form of contacts- -Formation of E-Contracts- Application of Contract Act -Legal Validity of E-Contract-
- b) Electronic Data Interchange- E-Commerce - Models of E-Commerce;
- c) E-Governance- what is E-Governance-E-Governance project in India –The National e-Governance Plan(Ne-GP)- E-Courts Mission Mode Project of India;
- d) E-Banking transaction –Online payment Options -First Virtual-Cyber Cash-Secured electronic transaction;
- e) Taxation issues in Cyberspace –Permanent Establishment-Double Taxation Avoidance Agreement-Model Tax Treaty- OECD (Organization for Economic Co-operation and Development) Model Tax treaty and United Nation Model Tax Treaty.

Module V: Cyber Crimes

- a) Nature and scope of Cyber Crimes- *Mens rea* and *Actus reus* in cybercrime-
- b) Cyber contraventions and cyber offences under the IT Act
- c) Cybercrime against person, property and govt-Hacking, Hijacking, Digital forgery, Cyber pornography, Child pornography under IT Act and POSCO Act, Cyber Stalking, Cyber Bullying , Phishing, Identity theft and fraud, Cyber murder, Virus Attack, Cyber terrorism, Cyber warfare, Cyber defamation
- d) Adjudication under IT Act- Adjudicatory Officers- Cyber Appellate Tribunal

Module VI: Intellectual Property Issues in Cyberspace

- a) Interface with Copyright Law-Copyright Protection of Computer Programme-Reverse engineering of Computer Programme– Copyright Infringement in Cyberspace - Obligation Concerning Technological Protection Measures WCT and WPPT-Limiting the Liability of Internet Service Provider -EU Database protection Directive ;
- b) Interface with Patent law-Patentability of Software – Business Method Patent ;

- c) 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.

Module VII: Contemporary Issues in Cyberspace

- a) Cloud Computing-Essential characteristic- Deployment models –Service models
b) Convergence of technology –definition- before and after Convergence of technology- Communication Convergence Bill 2001 – Spectrum Management Committee
c) Block Chain Technology- peer-to-peer technology- Crypto currency-Distributed ledger
d) Artificial Intelligence- Big data Analytica.

Recommended Readings:

Books:

1. Kamath Nandan, *Law Relating To Computers Internet &E-Commerce- A Guide To Cyberlaws &The Information Technology Act, Rules , Regulations And Notifications Along With Latest Case Laws* (2012).
2. Karnika Seth, *Computers Internet and New Technology Laws* (2013).
3. Kamlesh K. Bajaj, Debjani Nag, *E-Commerce: The Cutting Edge of Business*, 2nd Ed. (2005).
4. Apar Gupta, *Commentary on Information Technology Act* (2016).
5. N.S Nappinai – *Technology Laws*, 1st Ed LexisNexis (2017).

Journals/Articles:

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

Further Readings:

Books:

1. Harish Chander, *Cyber Law and IT Protection*, PHI Learning Private Limited, Delhi (2015)
2. V. D. Dudeja, *Information Technology and Cyber Law*, Common wealth Publisher (2017)
3. Anirudh Rastogi, *Cyber Law: Law of Information Technology and Internet*, Lexis Nexis, (2014).
4. Mark A Lemley, Peter S. Menell, Robert P Merges, and Pamela Samuelson, *Software and Internet Law*, Aspen Publishers, New York, (2006).
5. Cohen, Lore, Okediji, and O'Rourke, *Copyright in a Global Information Economy*. Aspean Publisher, New York, (2010)
6. Abhivardhan, *Artificial Intelligence Ethics and International Law: An Introduction*, BPB Publisher, Delhi (2019)
7. Don Tapscott and Alex Tapscott, *Block Chain Revolution*, Penguin Random House, UK (2018).
8. Anne S.Y. Cheung, *Privacy and Legal Issues in Cloud Computing*, Edward Elgar Publishing, (2016).
9. Lawrence Lessig, *Code and Other Laws of Cyberspace 1999*, Code ersion 2.0, Basic Books Publication (2006).
10. Scott Charney & Kent Alexander, *Computer Crime*, 45 Emory L. J. 931, (1996)

Journals/ Articles

- 1 Stacey L. Dogan & Mark A. Lemley, *Trademarks and Consumer Search Costs on the Internet*, 41 Hous. L. Rev. 777 (2004).
- 2 Mark A. Lemley and R Anthony Reese, *Reducing Digital Copyright Infringement without Restricting Innovation*, 56 Stan. L. Rev. 1345 (2004).
- 3 Pamela Samuelson, *intellectual Property and The Digital Economy: Why the Anti Circumvention Regulations Need to be Revised*, 14 Berkely Tech. L. J. 519 (1999).
- 4 Julie Cohen, *Reverse Engineering and the Rise of Electronic Vigilantism: Intellectual Property Implications of "Lock-Out" Technologies* 68 S. Cal. L. Rev 1091 (1995)
- 5 Rochelle Cooper Dreyfuss, *Are Business Method Patent Bad for Business?* 16 Santa Clara Computer & High Tech. L.J. 263 (2000)
- 6 Mark A. Lemley, *Intellectual Property and Shrinkwrap Licenses*, 68 S. Cal L. Rev. 1239 (1995)
- 7 Jinku Huang, *Is the ACPA a Safe Haven for Trade Mark Infringers? Rethinking the Unilateral Application of the Lanham Act* 22 J. Marshall J. Comp. & Info. L. 655 (2004)
- 8 Jessica Litman, *Sharing and Stealing*, 26 Hastings Comm. & Entertainment L. (2004)
- 9 Neil W. Netanel, *Impose a Non Commercial Use Levy to allow Free Peer-to-Peer File Sharing* 17 Harv. J. L. & Tech. 1. (2003)
11. Pamela Samuelson, *Did MGM Really Win the Grokster Case?* 48 Communications ACM 19 (2005)

Cases for Guidance:

1. Casio India Co. Ltd., v. Ashita Telesyatem Pvt Ltd, 106 (2003) DLT 554
2. India TV Independent News services Pvt Ltd., v. India Broadcast Live and Others (2007) 145 DLT 521

3. Cybersell Inc. v. Cybersell, Inc, 130 F.3d 414 (9th 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 SCC 73
6. Regina v Hicklin [1868] LR 3 QB 360
7. Miller v California 413 US 15 (1973)
8. Ranjit D. Udeshi v. state of Maharashtra AIR 1965 SC 881
9. Samaresh Bose v. Amal Mitra (1985) 4 SCC 289
10. Ajay Goswami v. Union of India (2007) 1 SCC 169
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) DLT 427
14. Computer Associates international inc., v. altai 982 F.2d 693 (3rd Cir 1992)
15. Sega EnterPrises Ltd v. Accolade Inc., (1992)
16. Sony Computer entertainment Inc v. Connectix Corp., (2000)
17. A & M Records v Napster Inc., 239 F. 3d 1004 (9th Cir. 2001)
18. Metro-Goldwyn-Mayer Studios Inc v. Grokster, Ltd 125 S. Ct. 2754 (2005)
19. Yahoo Inc v. Akash Arora & Anr, 78 (1999) DLT 285
20. Panavision International L. P. v. Toeppen 141 F.3d 1316 (9th Cir 1998)
21. Shields v. Zuccarini 254 F.3d 476 (3rd Cir. 2001)
22. Brookfield Communications inc v. West Coast Entertainment Corporation 174 F.3d 1036 (9th Cir 1999)
23. Playboy Enterprises v. Welles, 279 F.3d 796 (9th Cir 2002)
24. Diamond v. Diebr 450 US 175 (1981).
25. Bilski v. Kappos, 177 Led 2d 792
26. Alice Corp v. CLS Bank (2014)
27. Tata Sons V Greenpeace International (2011)178 DLT 705
28. Super Cassettes Industries Ltd., v. Myspace Inc., (2011) 49 PTC 49 Del.

Learning Outcome:

After completion of the course students will be able to –

- Understand and explain the rudiments of internet technology and the Domain Name System
- Learn the scope and function of legal and technological regulation of the internet.
- Understand with the Social and Intellectual Property issues emerging from ‘Cyberspace.
- Explore the legal and policy developments in various countries to regulate cyberspace
- Develop the understanding of relationship between commerce and cyberspace
- Give learners in depth knowledge of Information Technology Act and legal frame work of right to Privacy, Data Security and Data Protection.

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS30801: INTERNATIONAL HUMAN RIGHTS LAW

Objectives of the Course

The objective of the course is to introduce the human rights and facilitate the students to understand the working of international Human Rights Law. The international human rights institutions and laws are provided to understand the global discourse on human rights. The dynamics of modern human rights is introduced to student through two specific modules focussing on selected themes. Indian practice is studied through the contribution of all the organs of the state. All the major regional human rights mechanisms are introduced. The students shall understand the making of regional human rights mechanisms and work of NGOs. The students is expected to acquire following competencies after the course,

- 1. The students will understand the role and limitations of international law with historical and institutional background.*
- 2. The students will be able appreciate the application of human rights to complex social, political and economic situations.*
- 3. They will be in a position to apply human rights to real life situations to court crafts.*

COURSE OUTLINE

Module I: Background and Introduction

- A. Origin and Development – Concept of Human Rights –Ancient Europe - The Middle Ages – The Magna Carta – Bill of rights – American Revolution – French Revolution – Classification of Human Rights – Practice of Ancient Indian States - Vedas, Ashoka and Sangam Tamil Nadu
- B. Human Rights and Duties – the idea of duty in the ancient and modern era – duty of individuals to fellow human beings – Gandhian Ideas and human rights instruments on duties
- C. Sources of International Human Rights Law: Treaties, Customs and soft law instruments- role of international courts and tribunals – recognition of international human rights law by municipal systems

Module II: Development of International Human Rights Law

- A. ICRC and Evolution of International Humanitarian Law – abolition of slavery – national and international efforts to abolish slavery and apartheid

- B. Right of Self-Determination of People – Prohibition of Genocide – Prohibition of Torture – Prohibition of Racial Discrimination – Prohibition of Slavery – Prohibition of Human Traffic and modern forms of slavery
- C. Evolution of International Labour Organisation – Early conventions and subsequent development – rights of workers including women, children and migrant labour

Module III: United Nations and International Human Rights

- A. Evolution of Human Rights in the UN framework- Development of UDHR – Role of Commission on Human Rights
- B. International Bill of Human Rights – Universal Declaration of Human Rights – International Covenant on Civil and Political Rights – International Covenant on Economic, Social and Cultural Rights – Non-derogable rights – Progressive Realisation of Human Rights – Conventions on Rights of the Child, Women and Disabled
- C. Prevention of Terrorism –International efforts to counter terrorism –cyber warfare and human rights

Module IV: Enforcement Mechanisms

- A. General Assembly and Security Council on Human Rights - United Nations Charter based Human Rights Institutions- UNHRC –Committees under various human rights treaties – General Comments and Recommendations – Special Rapporteurs – UN High Commissioner for Human Rights
- B. Response of International Community to Human Rights Situations: South and South East Asia, Middle East, Africa, Latin America and Eastern Europe
- C. Asian, African and European Human Rights Instruments and their enforcement – Regional Judicial bodies. (European Court of Human Rights, Inter-American Court of Human Rights and African Court of Human Rights)

Module V: Civil and Political Rights

- A. Rights of elderly Persons, Tribes, Minorities (including Linguistic, Religious and Sexual Minorities)
- B. Rights of Victims of Crimes – Death Penalty – Rights of Accused and Convict
- C. Democracy and International Rule of Law – Right to Vote – Right to Take Part in the Governance
- D. Concept of NGO's and International NGO's – their participation in Human Rights issues – Selective case studies.

Module VI: Economic and Cultural Rights

- A. Right to Education – International law and national implementation
- B. Right to Health – International Law on Tobacco control, Narcotics - contagious diseases – World Health Organisation
- C. Right to Food, Water and Sanitation – eradication of hunger and malnutrition – role of Food and Agriculture Organisation
- D. Right to Environment – Sustainable Development Goals – economic development, environmental protection and human rights

Module VII: International Refugee Law

- A. Introduction – Refugees, Internally Displaced Persons, Forced Migration, Economic Migration, Asylum – Relationship between IHRL, IHL, and IRL
- B. International Standards in Refugee Law - 1951 UN Convention relating to the Status of Refugees (UNCSR) with its 1967 Additional Protocol, UNHCR – Statute, Mandate, Role, Functions, Responsibilities
- C. Concept of Non-Refoulement, Durable Solutions - voluntary repatriation, local asylum, and resettlement
- D. Contemporary Concerns and Challenges – Select case studies

Module VIII: Implementing International Human Rights in India

- A. India’s ratification and response to Human Rights Treaties and mechanisms
- B. The Protection of Human Rights Act, 1993 – Paris Principles on National Human Rights Institutions – State and National Human Rights Commissions
- C. Commissions for Women, SC/ST, Minorities, Children etc.
- D. Constitutional and Legislative Framework: Fundamental Rights, Duties and Directive Principles – Right to Information
- E. Role of High Courts and Supreme Court in Protecting Human Rights

Recommended Readings:

Suggested Books

1. Rhona Smith – International Human Rights Law (Oxford, 2017)
2. M.K.Sinha – Implementation of Basic Human Rights (Lexis Nexis)
3. Michael Haas - International Human rights Law (Routledge, 2014)

Further Readings

- Amanda Alexander, “A Short History of International Humanitarian Law” The European Journal of International Law Vol. 26 no. 1 (2015)
- Aswini K. Ray, Human Right Movement in India: A Historical Perspective, Economic and Political Weekly, Vol. 38, No. 32 (Aug. 9-15, 2003), pp. 3409-3415
- Chetail, Vincent, Are Refugee Rights Human Rights? An Unorthodox Questioning of the Relations between Refugee Law and Human Rights Law (September 17, 2012). Human Rights and Immigration, Collected Courses of the Academy of European Law, pp. 19-72, R. Rubio-Marin, ed., Oxford: Oxford University Press, 2014.; Criminal Justice, Borders and Citizenship Research Paper No. 2147763. Available at SSRN: <https://ssrn.com/abstract=2147763>
- Guy S Goodwin-Gill “The Dynamic of International Refugee Law” International Journal of Refugee Law Vol. 25 no. 4 pp. 651–666 (2014)
- Kay Hailbronner, “Nationality in public international law and european law” in “Acquisition and Loss of Nationality Volume 1: Comparative Analyse” Rainer Bauböck(eds) Amsterdam University Press. (2006)
- Kjersti Skarstad, “Human rights through the lens of disability” Netherland Quarterly of Human Rights” Vol. 36(1) 24 (2018)

- Martti Koskenniemi , National Self-Determination Today: Problems of Legal Theory and Practice, The International and Comparative Law Quarterly, Vol. 43, No. 2 (Apr., 1994), pp.241-269
- Myongsei Sohn, Globalization of Public Health Law and Ethics, Asia-Pacific Journal of Public Health 24(5) 851-8 (2012)
- Philippe Cullet , The Right to Sanitation: Multiple Dimensions and Challenges in Philippe Cullet (ed) “the Right to Sanitation in India” (Oxford, 2019)
- S. Muralidhan, “Rights of Victims in the Indian Criminal Justice System” National Human Rights Journal (2004) <http://www.ielrc.org/content/a0402.pdf>
- S. Radhakrishnan, Development of Human Rights in an Indian Context, International Journal of Legal Information (Volume 39 , 2008)

Indian Cases

- NALSA v. Union of India
- Navtej Singh Johar v. Union of India
- Francis Coralie Mullin Vs. The Administrator (AIR 1981 SC 746)
- Madhav Hayawadanrao Hoskot Vs. State Of Maharashtra (1979 SCR (1) 192)
- Selvi Vs. State Of Karnataka ((2010) 7 SCC 263)
- Jolly George Varghese v. Bank of Cochin (1980) 2 SCC 360
- Justice K.S.Puttaswamy(Retd) vs Union Of India, (2019)1 SCC 1
- Kharak Singh v. State of Uttar Pradesh AIR 1963 SC 1295
- People’s Union For Democratic Rights Vs. Union Of India & Others AIR 1982 SC 1473
- Nilabati Behera Vs. State of Orissa 1993 SCR (2) 581
- Parmanand Katara v. Union of India ((1989) 4 SCC 286)
- Lakshmi Kant Pandey vs Union Of India (AIR 1984 SC 469)
- Chairman, Railway Board and others Vs. Mrs.Chandrima AIR 2000 SC 988
- Maneka Gandhi Vs. Union of India (1978) 1 SCC 248

International Court of Justice

- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, <https://www.icj-cij.org/en/case/131>
- Ahmadou Sadio Diallo (Republic of Guinea vDemocratic Republic of Congo) <https://www.icj-cij.org/en/case/103>
- Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970) <https://www.icj-cij.org/en/case/53>
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) <https://www.icj-cij.org/en/case/91>
- Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium) <https://www.icj-cij.org/en/case/121>

Regional Courts

- Advisory Opinion of Inter-American Court of Human Rights on ‘the right to information on consular assistance in the framework of the guarantees of the due process of law’
http://www.corteidh.or.cr/docs/opiniones/seriea_16_ing.pdf
- Case of Loizidou v. Turkey
<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58201%22%5D%7D>
- Lautsi v. Italy, Judgement of the Grand Chamber dated 18 March 2011
- Al-Adsani v United Kingdom (2002) 34 EHRR 273

Foreign Courts

- Jam et al v International Finance Corp (586 U.S.2019)
- *R (on the application of Edward Bridges) v The Chief Constable of South Wales* [2019] EWHC 2341
- Gillick vs West Norfolk and Wisbech Area Health Authority,
<https://www.lawteacher.net/cases/gillick-v-west-norfolk.php>

Learning Outcome

After undergoing this course,

1. Students will know the basics of international human rights law and its application at the municipal level
2. They will be in a position to understand the opportunities and limitations in the human discourse.
3. They will be in a position to apply the national and international human rights law to all human rights situations.

(b): CONSTITUTIONAL LAW & PROPERTY LAW

HS30802: HUMAN RIGHTS IN THE CONSTITUTIONAL LAW

Objectives of the Course:

Human Rights are essentially a product of Democracy. The Paper proposes to study the Bill of Rights as a Constitutional guarantee of Human Rights. It focuses on the nature and development of the concept of Human Rights and its applications in the Nation- States through their Constitutional and Ordinary Laws.

- 1. The study helps understand the origin, evolution and the growth of human rights*
- 2. It increases awareness of Human Right issues.*
- 3. It helps to realize the importance of International Conventions and their application into the constitutional scheme.*
- 4. It enables to understand the role of judiciary in the development of Human Rights Jurisprudence*

COURSE OUTLINE

Module I: Historical Development of Human Rights in India

- a. Origin 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.
- b. Nature, Definition and theoretical perspectives of Human Rights.
- c. Constitutionalism and Realization of Human Rights in India.
- d. Classification of Human Rights.
- e. Classification of Fundamental Rights.

Module II: Fundamental Rights as Human Rights

- a. Applicability of Human Rights.
- b. Influence of UDHR on Fundamental Rights
- c. Un-enumerated individual rights under the Constitution.
- d. Fundamental Rights as a limitation against State and Non-state Actors
- e. Fundamental Duties- Evolution and Relationship between Fundamental Duties and Fundamental Rights.

Module III: Directive Principles of State Policy as Human Rights

- a. Influence of UDHR on Directive Principles of State Policy
- b. Social-economic Rights- Distributive Justice.
- c. Social- Security and Welfare Provisions.
- d. Justiciability and enforceability of Directive Principles of State Policy.
- e. Relative Importance of Directive Principles of State Policy and Fundamental Rights.

Module IV: Ensuring Human Rights through Good Governance

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

Module V: Emerging Dimensions of Human Rights and Evolution of the Concept of Human Rights and Duties

- a. International enforcement of human rights,
- b. Impact of globalization on Human Rights
- c. Human rights, science and technology
- d. New rights: Rights of future generations,
- e. Human rights and duties in contemporary India

Module VI: Judicial Activism and Development of Human Rights Jurisprudence:

- a. Application of International Human Right Instruments in the domestic field
- b. Rights of Women
- c. Rights of children
- d. Rights of LGBT and queer community
- e. Rights of persons with disability
- f. Rights of prisoners and prison reforms
- g. Rights of senior citizens
- h. Rights of minorities

Module VII: Human Rights and Statutory Machinery in India

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

RECOMMDED READINGS:

1. Upendra Baxi, The Future of Human Rights, (Oxford University Press, New Delhi, 2012)
2. Dr.D.D.Basu, Human Rights in Constitutional Law, 3rd Edition, {Lexis Nexis Butterworths Wadhawa, New Delhi, 2008.}
3. Daniel Moeckli, Sangeeta Shah, & Sandesh Sivakumaran (ed.), International Human Rights Laws, (3rd Edition, Oxford University Press, 2014)
4. Paras Diwan and Peeyushi Diwan, Human Rights and the Law, (Deep and Deep Publication, New Delhi, 1998)
5. Justice D M Dharmadhikari, Human Values & Human Rights, 2nd Edition, Universal Law Publications Company, New Delhi, 2016.

Articles from Journals:

1. 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.
2. T.K.TOPE, "Fundamental Duties and Justiciability", (1982) 2 SCC J-9
3. P.K.Tripathi, Directive Principles of State Policy, (1954) 17 SCJ 7
4. M.P.Singh, "The Statics and Dynamics of the Fundamental Rights and Directive Principles – A Human Rights Perspective", (2003) 5 SCC J -1
5. Human Rights Special issue, *JILI* vol. 40, 1998(Jan – Dec)

Further Readings:

1. Baxi, Upendra, *Inhuman Wrongs and Human Rights* (Har Anand Publications,Delhi, 1994)
2. V.R. Krishna Iyer, *Dialectics and Dynamics of Human Rights in India* (1999)
3. AV Dicey, *Law of the Constitution*, (Mac Millan &Co. Ltd. London, 1994)
4. *Human Rights and Duties in India : Law, Policy, Society and Enforcement Mechanism*, Dr. T. S. N. Sastry, Professor and Coordinator, HRE Programme, University of Pune
5. 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>
6. HM Seervai, *Constitutional Law of India – 3 Volumes* (1991)
7. Raj Kumar, Chockalingam (ed), *Human Rights, Justice and Constitutional Empowerment* (2nd Edition, Oxford University Press, 2010)
8. VenkatIyer (ed), *Democracy, Human Rights And The Rule Of Law*, (Essays in the Honour of Nani Palkhivala, Butterworths, New Delhi, 2000)
9. Chandra, Shailja, *Justice V.R. Krishna Iyer on Fundamental Rights and Directive Principles* (Deep and Deep, Delhi, 1998).
10. Nirmal, C.J., *Human Rights in India* (New Delhi: Oxford, 1999).

Landmark Cases for Guidance:

1. *A.K.Gopalan v. State of Madras*, AIR 1950 SC 27
2. *ADM Jabalpur v. S. Shukla*, AIR 1976 SC 1207
3. *Air India v. Nargesh Meerza*, AIR 1981 SC 1829
4. *Bachapan Bachao Andolan v. Union of India*, AIR 2011 SC 3361
5. *Chairman Railway Board v. Chandrimadas*, AIR, 2000 SC 988
6. *D.K.Basu v. State of West Bengal*, AIR 1997 SC 610
7. *Golak Nath v. State of Punjab*, AIR 1971 SC 1643
8. *Jolly George Varghese v. Bank of Cochin* AIR 1980 SC 470
9. *K.S. Puttaswamy and others v. Union of India*, 2017 SCC 1
10. *Kesavananda Bharati v. State of Kerala* AIR 1973 SC 1461
11. *Maneka Gandhi v. Union of India* AIR 1978 SC 597
12. *MC Mehta v. State of Tamil Nadu* AIR 1997 SC 699
13. *Md. Hanif Quareshi v. Bihar*, AIR 1958 SC 731
14. *NALSA v. Union of India* (2014) 5 SCC 438
15. *Nilabati Bahera v. State of Orissa*, (1993) 2 SCC 746
16. *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180
17. *Peoples Union for Democratic Rights v. Union of India*, AIR 1982 SC 1473
18. *Randhir Singh v. Union of India*, AIR 1982 SC 879
19. *Sankari Prasad v. Union of India*, AIR 1951 SC 455
20. *Sajjan Singh v. State of Rajasthan*, AIR, 1965 SC 845
21. *Sarala Mudgal v. Union of India*, (1995) 3 SCC 635
22. *Sunil Batra v. Delhi Administration*, (1 & 2) AIR 1980 SC 1579
23. *Vineet Narain v. Union of India* AIR, 1998 SC 889
24. *Visakha v. State of Rajasthan*, AIR, 1997 SC 3011
25. *Young Lawyers Association v. State of Kerala* (2018 SCC On Line SC 1690)

LEARNING OUTCOME:

1. The study will promote a good understanding of the provisions under the Constitution of India dealing with human rights.
2. The study will help the students to realize liberty, equality and fraternity- *a union of trinity* by ensuring that these values are applicable not only in the Public domain but also to the private sphere.
3. Demonstrate an understanding of the practical application of human rights law to specific human rights problems in India.
4. It ensures analysing complex human rights problems and applies relevant provisions of human rights law in India
5. The study promotes human right awareness and duties education among the student community by making them evaluate the role of judiciary in balancing individual liberty with social control.

(c): CRIMINAL LAW AND FORENSIC SCIENCE

HS30803: CYBER CRIME

Objectives of the Course:

Cyber world has come to occupy an important place in the history of mankind. As science advances, the knowledge also expands. It is undeniable fact that cyber world has thrown new vista but regretfully it has to be noted that it has also being misused and spreading undesirable information. It has become necessary to find out ways and means to curb this menace of spreading evil knowledge. The potential of the technology to be beneficial as well as detrimental to the society has cast obligation on the people to be aware of the two sides of the technology. It is still in a nascent stage and continuously evolving every passing day.

After undergoing the study the student will be able to understand the following:

- *To examine and discuss the history of computer crime.*
- *To examine various theoretical framework explaining computer crime.*
- *To educate about the regulation of cyber space at National and International level.*
- *To demonstrate knowledge of the different types of computer crime.*

COURSE OUTLINE

Module I: Concept of Cyberspace and Cyber crimes

- a) Definition and scope of Information Technology- Meaning and definition of Cyberspace- Cyberspace as an Internet Metaphor
- b) Convention on Cybercrime - UN & International Telecommunication Union (ITU) Initiatives- Council of Europe - Budapest Convention on Cybercrime- Asia-Pacific Economic Cooperation (APEC)- Organization for Economic Co-operation and Development (OECD)
- c) Origin and Development of Cyber crimes – Definition, Nature and Extent of Cyber Crimes in India
- d) cyber crimes under Indian Penal Code; Criminal Procedure Code; the Evidence Act and Information Technology
- e) A Trends in Cyber Crimes across the world.

Module II: Psychological , Sociological and Criminological Perspectives of Cyber Criminals

- a) Types of Cyber Criminals – Modus Operandi of Cyber Criminals – Causes of Cyber Crimes
- b) Profiling of Cyber Criminals
- c) Tools and Techniques adopted by Cyber Criminals
- d) Psychological theories relating to cyber criminals– Sociological and Criminological Perspectives

- e) Criminological Theories and Cyber Crime – Routine Activity Theory, Social Learning Theory, Differential Association Theory, Differential Opportunity Theory, Media and Crime and latest theories and other related theories.

Module III: Taxonomy of cyber crimes

- a) Cyber Crime Against Individual-Internet Grooming; Cyber Stalking; Cyber Harassment; Cyber Extortion; Online Pedophilia
- b) Cyber Crime Against Property- Illegal Access; Hacking And Cracking- Illegal Data Acquisition; Data Espionage-Illegal Interception; Data Interference; System Interference-Computer Threats
- c) Copyright And Trademark Related Offences- Computer Related Offences-
- d) Cyber Crime Against Nation; Cyber Terrorism; Cyber Warfare; Cyber Laundering; Content Related Offences
- e) Crimes Associated With Mobile Electronic Communication Devices.

Module IV: Privacy and Data Protection- Cyber-Enabled Intellectual Property Crime

- a) Privacy- Privacy and security
- b) Cybercrime that compromises privacy
- c) Data protection -Data breach -Enforcement of privacy and data protection
- d) Intellectual Property-Causes, reasons and perceived justifications for cyber-enabled copyright and trademark offences in Digital medium
- e) Domain Name Dispute and resolution issues in Digital Medium- Protection and prevention efforts.

Module V: Issues and challenges

- a) Cyber law and Jurisdiction-principles of Jurisdiction
- b) Theories of jurisdiction in cyberspace- the theory of up loader and the downloader ;the Minnesota theory; the theory of the server
- c) Internet jurisdiction – Indian context of Internet jurisdiction - International position of Internet jurisdiction
- d) Cyber Crime Present and the Future- Crypto currency-Bitcoin- Ethereum-Blockchain-Ransomware
- e) Deep Web and Dark Web- Deep Web And Its Challenges.

Module VI: Prevention of Cyber Crimes

- a) Statutory Provisions regarding Cyber Crimes in India- The Information Technology Act, 2000 and the Information Technology (Amendment) Act
- b) Judicial Perspective of India in cyber crime
- c) Global Perspective of Cyber Crimes and the related Laws-International cooperation to combat cyber crimes
- d) Conferences, Conventions, Summits, and Treaties cyber crimes and cyber laws- World Trade Organization (WTO), World Intellectual Property Organization (WIPO)
- e) Internet Cooperation for Assigned Names and Numbers (ICANN).

BIBLIOGRAPHY

RECOMMENDED READING

Books

1. Cyber Crime, Talat Fatima, 2nd Edition, Eastern Book Company
1. Cyber law and Cyber crime: Analytical Approach, Dr.M.K.Nagaraja, Sun Publishing House, Edition 2014
2. Solving the internet jurisdiction puzzle,Svantesson D,Oxford University Press, (2017)
3. Cyber Crime and Cyber Terrorism Investigator's Handbook,Akhgar BStaniforth ABosco F,Elsevier Inc., (2014)
4. Cyber Crime and Cyber Terrorism Investigator's Handbook,Akhgar BStaniforth ABosco F, Elsevier Inc., (2014)

Journals/ Article

1. Diffusion and effects of cyber-crime in developing economies, Kshetri N, Third World Quarterly (2010) 31(7) 1057-1079
2. Online "Predators" and Their Victims: Myths, Realities, and Implications for Prevention and Treatment, Wolak JFinkelhor DMitchell KYbarra M, American Psychologist (2008) 63(2) 111-128
3. The Perception Analysis of Cyber Crimes in View of Computer Science Students, Solak DTopaloglu M, Procedia - Social and Behavioral Sciences (2015) 182 590-595
4. Hate crimes in cyberspace, Choice Reviews Online (2015) 52(07) 52-3918-52-3918
5. Exploring and analyzing Internet crimes and their behaviours, Arora B, Perspectives in Science (2016) 8 540-542

FURTHER READING

Books

1. Cyber-Physical Attacks: A Growing Invisible Threat,Loukas G, Elsevier, (2015)
2. The psychology of cyber crime: concepts and principles, Kirwan GPower A Information Science Reference, (2012)
3. Security and the networked society, Ao MOWens R, Springer International Publishing, (2013)
4. Cyberspace and Cybersecurity, Trachtman JTrachtman J, Cambridge University Press, (2013), 85-117, Book Chapter
5. Virtually criminal: Crime, deviance and regulation online, Williams M, Routledge Taylor & Francis Group, (2006)
6. Corporate hacking and technology-driven crime: Social dynamics and implications, Holt TSchell B, IGI Global, (2010)
7. Crime, justice and social media, Salter M, Taylor and Francis, (2016)
8. Cybersecurity Law, Kosseff J, Wiley, (2019)
9. Cyber warfare: A multidisciplinary analysis, Green J, Taylor and Francis Inc., (2015)
10. International internet law, Kulesza J, Taylor and Francis, (2012)

Journal / Article

1. Internet development, censorship, and cyber crimes in China, Liang BLu H, Journal of Contemporary Criminal Justice (2010) 26(1) 103-120
2. Pattern of global cyber war and crime: A conceptual framework, Kshetri N, Journal of International Management (2005) 11(4) 541-562
3. The challenge of measuring cyber-dependent crimes, Furnell SEmm DPapadaki M, Computer Fraud and Security (2015) 2015(10) 5-12
4. Cyber terrorism challenges: The need for a global response to a multi-jurisdictional crime, Tehrani PAbdul Manap NTaji H, Computer Law and Security Review (2013) 29(3) 207-215
5. Impact of Cyber Crime: Issues and Challenges, Das SNayak T, International Journal of Engineering Sciences & Emerging Technologies (2013) 6(2) 142-153
6. Cyber Staking : Crime and Challenge at the Cyberspace, Thapa AKumar R, International Journal of Computing and Business Research (2011) 2(1)
7. Fear of cyber crime among college students in the United States: An exploratory study, Yu S, International Journal of Cyber Criminology (2014) 8(1) 36-46
8. Growing cyber crimes in India: A survey, Kumar P, Proceedings of 2016 International Conference on Data Mining and Advanced Computing, SAPIENCE 2016 (2016) 246-251
9. Effects of cyber security knowledge on attack detection, Ben-Asher NGonzalez C, Computers in Human Behavior (2015) 48 51-61
10. Cyber security challenges in smart cities: Safety, security and privacy, Elmaghraby ALosavio M, Journal of Advanced Research (2014) 5(4) 491-497

Cases for Guidance

1. Vyakti Vikas Kendra, India Public v. Jitender Bagga (Del HC) I.A. No. 8877/2012 in CS(OS) No.1340/2012 Order decided on : 09.05.2012
2. Shreya Singhal v. U.O.I (SC) Writ Petition (Criminal) No.167 OF 2012 24 March, 2015
3. Satyam Infoway Ltd. v. Siffynet Solutions Pvt. Ltd. 2004 Supp(2) SCR 465
4. Banyan Tree Holding (P) limited v. A. Murali Krishna Reddy CS (OS) No. 894/2008, Del(DB)
5. Neogen Corp. v. Neo Gen Screening, Inc., 282 F.3d 883, 890 (6th Cir. 2002)
6. National Association of Software v. Ajay Sood and ors. 119 (2005) DLT 596, 2005 (30) PTC 437 Del
7. Aweek Sarkar v. State Of West Bengal (SC) CRIMINAL APPEAL NO.902 OF 2004 decided on 3 February, 2014
8. State of Tamil Nadu v. Suhas Katti (decided on 5-11-2004) ADDL. CMM EGMORE, , C.C.NO.4680/2004 Source :<http://www.prashantmali.com/cyber-law-cases>
9. The State (Cyber Cell v. Yogisha @ Yogesh Pandurang Prabhu ADDL. Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai C.C. No. 3700686/PS/2009 (Delivered on 3rd July, 2015)

10. Maqbool Fida Husain v. Raj Kumar Pandey Delhi High Court, CRL. REVISION PETITION NO.114/2007 Decided on 8 May, 2008
11. Anvar P.V v. P.K.Basheer & Ors Civil Appeal No. 4226 of 2012 (SC) decided on 18 September, 2014
12. Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) ALD (Cri) 96; 2005 CriLJ 4314
13. Diebold Systems Pvt. Ltd. vs The Commissioner, ILR 2005 KAR 2210
14. Sanjay Kumar v. State of Haryana P & H High Court decided on 10/01/2013 CRM No.1353 of 2013 ;CRR No.66 of 2013 (O&M)
15. State of A.P. v.. Prabhakar Sampath VI Addl.Chief Metropolitan Magistrate, Hyderabad. CC. 489 of 2010 31st day of March, 2015 Available at:<http://www.prashantmali.com/cyber-law-cases>
16. Hyderabad v. Prabhakar Sampath, Add. CMM Hyderabad, decided on 31/03/2015, CC 489 Of 2010 available at: www.prashantmali.com/cyberlaw-cases 34
17. Naascom v. Ajay Sood, 119 (2005) DLT 596
18. Aveek Sarkar v. State of West Bengal (SC) Criminal Appeal no. 902 of 2004 decided on 3/2/2014
19. Anvar P.V v. P.K.Basheer, Supreme Court, decided on 18 September, 2014, Civil Appeal No.. 4226 of 2012, available at <http://indiankanoon.org/doc/187283766/>
20. My Space Inc. v. Super Cassettes Industries Ltd., Delhi (DB), FAO(OS) 540/2011, C.M. APPL.20174/2011, 13919 & 17996/2015 decided on 23 December, 2016 available at <http://indiankanoon.org/doc/12972852/>

Learning Outcomes

1. To analyze the ways in which information and communication technology is used to commit cyber organized crime
2. To spread awareness among the general public about the cyber law.
3. To demonstrate knowledge of the incidence, prevalence, distribution, and impacts of computer crime
4. To demonstrate knowledge of the investigation, prosecution, and sentencing of computer crimes
5. To examine the current trends in computer crime and future of computer crime.

(d): INDUSTRIAL AND COMMERCIAL LAW

HS30804: INSURANCE LAW

Objectives of the Course:

The concept of Insurance has been prevalent in India since ancient times. This is evidenced from the over-seas travel for business and commerce, wherein if any loss sustained in the transit, it was borne by the Joint family members doing business together. In the present times Insurance has taken a remarkably different structure and developed to a considerable extent. It is crucial to a Student of Law to have a comprehensive knowledge of Insurance Law, in the light of Insurance sector having expanded into all fields and having become an integral part of both the common man and the corporate sector.

The objective of the study of this subject is to provide the Students -

- i. An understanding of the Legal dimensions of the Law relating to the formation of insurance contracts.*
- ii. An insight into the Laws that buttress the operations of insurance.*
- iii. To comprehend and appreciate the significance of various types of insurances and the consequences of the happening of various perils insured against.*
- iv. To familiarise with the organisational set-up of the redressal mechanisms, functions and powers of the same, claim settlement procedural aspects, under the various Statutes pertaining to insurance.*

COURSE OUTLINE

MODULE – I: INTRODUCTION:

- a. Concept of Insurance.
- b. Nature and Scope of Insurance.
- c. Significance and utility of Insurance.
- d. Formation of Insurance Contract.
- e. Classification of Insurance.
- f. Insurance as an
 - Aleatory Contract;
 - Uberrima Fides;
 - Indemnity Contract;
 - Wager;
 - Adhesion.

MODULE – II: GENERAL PRINCIPLES OF INSURANCE:

- a. Insurable Interest.
- b. Premium.
- c. Risk.
- d. Assignment of Insurance policies
- e. Warranties.
- f. Representations and Disclosures.
- g. Ombudsman.
- h. Double Insurance and Reinsurance.
- i. The Insurance Act, 1938.
- j. Insurance Regulatory and Development Authority Act, 1999.

MODULE – III: LIFE INSURANCE:

- a. Definition of pertinent terms.
- b. Contract of Life Insurance and formation.
- c. Policy of Life Insurance.
- d. Comparison between life insurance and other insurances.
- e. Kinds of Life Insurance Contracts.
- f. Events insured against in Life Insurance.
- g. Felo De Se.
- h. Elements affecting the risk.
- i. Sums recoverable under Life Insurance policy.
- j. Persons entitled to Payment.
- k. Settlement of Claims.
- l. Life Insurance Corporation Act, 1956.
- m. Privatisation of Life Insurance industry.

MODULE – IV: MARINE INSURANCE:

- a. Nature of Marine Insurance.
- b. Marine Adventure.
- c. Classification of Marine Insurance policies.
- d. Voyage, Change of Voyage and Deviation.
- e. Maritime Perils.
- f. Excluded Losses.

- g. Warranties in Marine Insurance.
- h. Actual Total Loss.
- i. Constructive Total Loss.
- j. Abandonment.
- k. Slip and cover.
- l. General Average.
- m. Particular Average.
- n. Salvage.
- o. FPA Clause.
- p. Indian Marine Insurance Act, 1963.

MODULE – V: FIRE INSURANCE:

- a. Meaning of the term 'Fire'.
- b. Loss by Fire.
- c. Nature of Fire Insurance.
- d. Consequential Loss Coverage.
- e. Doctrine of Subrogation.
- f. Doctrine of Contribution.
- g. Doctrine of Re-instatement.

MODULE - VI: MOTOR VEHICLES INSURANCE:

- a. Nature and Scope of Motor Vehicle Insurance.
- b. Indemnity in Motor Vehicle Insurance Contracts.
- c. Types of Motor Vehicle Policies.
- d. Absolute and no fault liability.
- e. Amount payable in case of death and permanent disablement.
- f. Nature and Scope of Compulsory Insurance.
- g. Third party claims.
- h. Hit and Run Motor Accidents.
- i. Motor Accident Claims Tribunal.
- j. The Motor Vehicles Act, 1988.
- k. The Motor Vehicles (Amendment) Act, 2019.

RECOMMENDED READING:

- a) Modern Law of Insurance in India, by K.S.N. Murthy and K.V.S. Sharma – LexisNexis, 6th Edition, 2019.
- b) Law of Insurance, by Avtar Singh – Eastern Book Company, 3rd Edition, 2017, reprinted in 2018.
- c) Principles of Insurance Law, by M.N. Srinivasan – LexisNexis, 10th Edition, 2017.
- d) General Principles of Insurance Law, by E.R. Hardy Ivamy – Butterworth, 6th Edition, 1993.
- e) Modern Insurance Law, by John Birds – Sweet and Maxwell, 11th Edition, 2019

JOURNALS:

1. Rappaport, John, How Private Insurers Regulate Public Policy (February 15, 2016). Harvard Law Review, Vol.130, pp.1539-1614.
2. Feinman, Jay M., Contract and Claim in Insurance Law (2018), Connecticut Insurance Law Journal, Vol.25, No.1, 2018.
3. Dr. Pramod Deo, IRDA: Regulator of Insurance Sector in India, Indian Journal of Research, Volume:5, Issue:6, June 2016, pp.189-192.
4. Hay Bruce L, A No-Fault Approach to the Duty to Settle (October 1, 2015). Rutgers Law Review, Vol.68, No.3, 2016.
5. P.C. James, Leveraging Distribution For Mainstreaming Insurance, IRDAI Journal, Volume XIV, No.2, 2016, pp.11-15.

FURTHER READING:

6. Good Faith and Insurance Contracts, by Peter MacDonald Eggers (lloyd's Insurance Law Library), Informa Law from Routledge, 4th Edition, 2018.
7. Insurance Law & Policy: Cases Materials & Problems, by Tom Baker, Aspen Publishers, 3rd Edition, 2013.
8. Principles of Insurance Law, by Emeric Fischer, LexisNexis, revised 3rd Edition, 2001.
9. The Law of Liability Insurance, by Malcolm A. Clarke, Informa Law from Routledge, 2nd Edition, 2017.
10. Insurance Contract law between Business Law and Consumer Protection, by Helmut Heiss, Dike Publishers, 2012.
11. Kannan,N., A Study on the Growth of Indian Insurance Sector (2010). International Journal of Management, Volume 1, Issue 1, May 2010, pp.17-32.
12. Prashanth, V., Necessity of Insurable Interest in Insurance Contracts (August 1, 2008). Corporate Law Cases; August 2008 Edition; Published by All India Reporter, Nagpur, India.
13. Bennett Howard, Fortuity in the Law of Marine Insurance. Lloyds Maritime and Commercial Law Quarterly, pp.315, 2007.

LANDMARK CASE LAW:

14. Pim v. Reid
15. Dalby v. The Indian & London Assurance Co.
16. Tyrie v. Fletcher.
17. Law v. London Indisputable.
18. Stevenson v. Snow.
19. The Wilson Son's & Co. v. Xantho.
20. Beresford v. Royal Insurance Co. Ltd.
21. Oriental Life Insurance Co. v. Ammiraju.
22. Ibrahim vs Mackinnon Mackenzie & Co.
23. Hyderabad (Deccan) Co. v. Willoughby.
24. Bouillon v. Lupton.
25. Canada Rice Mills Ltd. v. Union Marine & General Insurance Co.
26. Harris v. Poland.
27. Everest v. London Assurance Co.
28. Brown v. Royal Insurance Co.
29. Moore v. Evans.
30. Pandurang v. New India Life Insurance Co.
31. Union of India v. Swarn Singh and Others.

LEARNING OUTCOME:

32. Demonstrate knowledge of the legal and ethical aspects of insurance Law.
33. Discern and appreciate the importance of the impact of globalisation and diversity in modern insurance based organisations.
34. Perceive how losses are measured and the various principles such as of indemnity, contribution, subrogation, reinstatement etc that are applied in accessing insurance claims.
35. Develop the ability of critical thinking and an analytical approach to the application of knowledge and skills to select viable solutions in resolving issues that may arise in execution of insurance contracts.

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS40801: INTELLECTUAL PROPERTY ON TRADITIONAL KNOWLEDGE AND GENETIC RESOURCES

Objectives of the Course:

The legal regimes that govern the relationship between intellectual property, traditional knowledge and bio diversity remain sources of significant tension in international intellectual property law making. A number of difficulties arise in efforts to reconcile legal and policy norms at the intersection of the three regimes. Such difficulties generally stem from perceived short comings of the globally recognized forms of intellectual property rights to accommodate traditional knowledge and biodiversity in providing sufficient protection.

The objective of the course is to study how at the international and national level address the Issue of TK and Genetic Resources

COURSE OUTLINE

Module I: Introduction to Traditional Knowledge

- a) Meaning and Scope of traditional Knowledge – Interface between IP and traditional Knowledge – Need and Significance of protection - Detailed analysis of traditional knowledge and traditional cultural expressions
- b) Cultural Property, Interface between Cultural Property and Intellectual Property, Converting Cultural Property into Intellectual Property and Ownership Issues WIPO Guidelines on Cultural Property-
- c) Folklore - – Conceptual Analysis –International and National Perspectives.

Module II: International Protection of TK and Human Right Perspectives

- a) International Development of Traditional Knowledge Protection – CBD – FAO International Treaty on Plant Genetic Resources
- b) Protection of Folklore/Cultural Expressions by UNESCO - Developments in WIPO on Traditional Knowledge and Traditional Cultural Expression
- c) Inter-relationship between IPR and Human Rights-An Overview of Art 17 (Right to Property) and Art 27 (Right to participate in Cultural Life of the Community) of UDHR and Art 15 (1) (To take part in Cultural Life) of ICESCR.

Module I11: Protection of TK in India

- a) Positive Protection of TK under Indian Laws – Patents – Plant Variety and Biodiversity – Geographical Indications Copyrights– Trade Secrets – Test data protection.
- b) Traditional Knowledge as Property -Nature of Property in Genetic Resources and Associated Traditional Knowledge
- c) Ownership in Traditional Knowledge: Nature and Elements of Ownership – Exclusivity and Protection –Benefit Sharing.

Module IV: Documentation of Traditional Knowledge

- a) Recognition and Documentation Recognition and Documentation of Traditional Knowledge – Databases – Traditional Knowledge Digital Library “TKDL” -AYUSH Systems of Medicines – Biodiversity Register.

Module V: Protection of Genetic Resources

- a) Genetic Resources and Associated TK as Property – Nature of Property in GR and Associated TK – Common Heritage of Mankind – CBD – Permanent Sovereignty
- b) Ownership in GR & TK – Elements of Ownership – Exclusivity and Possession – Nature of Ownership of GR and TK in CBD, Cartagena Protocol and Nagoya Protocol (PIC & BS)
- c) Patent on Genetically Modified Organisms, Patentability of GMOs,
- d) Product of Nature Doctrine, Chakrabarty’s Legacy, Position in Different Countries, US, UK, EC Directives and Position in India

Module VI: Benefit Sharing

- a) Benefit Sharing – Different types of Benefits and Benefit Sharing
- b) Beneficiaries – CBD, Nagoya Protocol and Indian Law- Bilateral vs. Multilateral Benefit Sharing – CBD, Nagoya Protocol and ITPGRFA
- c) Interface between IPR and GR and TK – TRIPS-CBD conflict and proposed solutions

Module VII: Protection of Plant Genetic Resources and Farmers' Right

- a) Plant Genetic Resources- Common Heritage of Mankind-International Understanding of Plant Genetic Resources for Food and Agriculture-UPOV Convention 1961, 1978 &1991 Text
- b) Plant Varieties Protection-Distinctiveness, uniformity, stability and Novelty-Farmer's rights – GM Corps- International Treaty for Plant Genetic Resources for Food and Agriculture 2001 -Benefit Sharing- Mutually Agreed Terms-Prior Informed Consent- Access to Plant Genetic resources.

Recommended Readings

Books:

1. Christoph Belman and Graham Dutfield, Trading in Knowledge: development Perspectives on TRIPS, Trade and Sustainability, Earthscan Publications Ltd. (2003)
2. Patricia Lucia Marin, Providing Protection for Plant Genetic Resources: Patents, Sui Generis Systems and Bio-Partnerships, Kluwer Law International (2001)
3. Timothy M. Swanson (ed), Intellectual Property Rights and Biodiversity Conservation: An Interdisciplinary Analysis of the Values of Medicinal Plants, Cambridge University Press (1995)
4. Dr. N. S .Gopalakrishnan and Benoy K. Kadavan, Study on Test data Protection in India, Eastern Book Company, Lucknow (2005)
5. Christoph Antons (ed.) Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia Pacific Region, Kluwer Max Planck Series, (2009)

Journals/Articles:

1. Navigating Traditional Knowledge And IP – The Adventure of the Yakuanoi, Available at : <https://www.wipo.int/tk/en/tk/yakuanoi.html>
2. Inter- Governmental Committee on Traditional Knowledge, Traditional Cultural Expression and Genetic Resources, Available at: <https://www.wipo.int/tk/en/igc/>
3. Lorie Graham and Stephen Mc John, Indigenous Peoples and Intellectual Property, 19 Wash. U.L.J.L &Pol'y (2005) Pp: 313-338.
4. Bastida-Munoz, MindahiCrescencio& Geraldine A. Patrick, Traditional Knowledge and Intellectual Property Rights- Beyond TRIPS Agreements and Intellectual Property Chapter of FTA's., Journal of International Law Vol 14, No. 2, 2006 (259-290).
5. Sudhir Krishnaswamy, Intellectual Property and India Development Policy, Indian J L and Tech., (2015), Pg. 169.

Further Readings

Books

1. WIPO Reading Material on Intellectual Property, WIPO, Geneva
2. FAO, The State of World's Plant Genetic Resources for Food and Agriculture
3. Convention on Biological Diversity, 1992 and International Treaty on Plant Genetic Resources for food and Agriculture, 2002
4. UNESCO/WIPO Model Provisions for Protection of Folklore/ Cultural Expressions.
5. Documents of Inter Governmental Committee, WIPO on TK & TCE protection, WIPO. Geneva.
6. Daniel F. Robinson Confronting Biopiracy: Challenges, Cases and International Debates, Earthscan, (2010)
6. Jonathan Curci, Protection of Biodiversity and Traditional Knowledge in the International Law of Intellectual Property, Cambridge University Press, (2010)
7. Dutfield and Posey, Beyond Intellectual Property: Toward Traditional Resource Right for Indigenous Peoples and Local Communities, IDRC, (1996)
8. Geoff Tansey and Tasmine Rojotte (Eds.), The Future Control of Food: A Guide to International Negotiations and Rules on Intellectual Property, Earth Scan, London (2008)
9. Gerald Moore and Witold Timousky, Explanatory Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture, IUCN, Gland, Switzerland and Cambridge, (2005)
10. Graham Dutfield, Intellectual Property Rights, Trade and Biodiversity, Earthscan Publications Ltd, London (2000)

Journals

1. Rebecca Tsosie, An Essay on Cultural Appropriation and Cultural Rights, Arizona State Law Journal Vol -34, No. 1, (2002), pp. 259-358
2. Charles R Mc Manis, Intellectual Property, Genetic Resources and Traditional Knowledge Protection Thinking Globally, Acting Locally (2003), Cardozo Journal of International Comparative Law 547.
3. L. Margulies, Protecting Biodiversity Recognizing International Intellectual Property Rights in Plant Genetic Resources (1993) Michigan Journal of International Law (322-356).
4. Marcus Goffe, Recent Developments in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional knowledge and Folklore, (2011) 1 Queen Mary J. Intell. Prop. Pp. 90-98.

5. Dennis S. Karjala, Sustainability and Intellectual Property Rights in Traditional Knowledge, (2012) 53 Jurimetrics 57.
6. Susan Scafidi, Intellectual Property and Cultural Products (2001) Boston University Law Review Vol. 81, pp. 793-842.

Learning Outcomes:

- Understand the nature, scope and ownership issue of traditional knowledge, traditional cultural expression and genetic resources
- Examine the protection of traditional knowledge and genetic resources at the International and National level.
- Study the impact of Cultural Property on the intangible cultural heritage of the country.

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

HS40802: LAND LAWS OF TAMIL NADU

Objectives of the Course:

Land rights are an integral part of Land Laws, as they socially enforce groups of individuals' rights to own land in concurrence with the land laws of a nation. Land Law addresses the legal mandates set forth by a country in regards to land ownership, while land rights refer to the social acceptance of land ownership. The knowledge about the land laws of Tamil Nadu helps to understand the local laws of the State. This subject is very much helpful for civil side practice.

COURSE OUTLINE

Module– I: Tamil Nadu Estate and Lease Holds Laws:

- a. 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: 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: 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: 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: 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: 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.

Note: All the legislations includes the time to time amendments and rules

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:

1. Students will be able to understand the local laws relating to land
2. They will be able to handle any civil cases relevant to land
3. Will be useful to learn procedure aspect in registration of land, obtaining patta, chitta etc

(c): CRIMINAL LAW AND FORENSIC SCIENCE

HS40803: FORENSIC SCIENCE AND INVESTIGATION

Objectives of the Course:

Forensic science is a versatile and enormously powerful tool in the investigation of a crime. Forensic investigation is vital to the mission of truth seeking, because the forensic evidence does not lie. Forensic investigation provide an overview of the field of forensic investigation whilst highlighting the interrelated principles and procedures of criminal investigation Moreover gathering and examining forensic evidence is the only way to ensure that false information is exposed, and ultimately kept from the gates of justice. The forensic evidence, the forensic investigator, and the forensic examinations are all linked in the service of these objectives. Forensic Science deals with the application of the knowledge and methodology of various disciplines of science to legal matters. It involves the use of multiple disciplines such as physics, chemistry, biology, computer science and engineering for evidence analysis. The role of forensic science in criminal justice and the legal system is highly commendable.

After undergoing the study the student will be able to understand the following:

- *To emphasize the methods of securing, searching and documenting crime scenes.*
- *To emphasize the students the legal importance of chain of custody.*
- *To emphasize the tools and techniques for analysis of different types of crime scene evidence.*
- *To emphasize the importance of forensic investigation in crime detection.*

COURSE OUTLINE

Module I: Forensic Science and its Development

- a) Crime- Criminal Investigation- forensic science-concepts-Scientific Criminal Investigation- - Need and Scope of Forensic Science
- b) Basic Principles of Forensic Science- Branches of Forensic Science- Forensic Science in International Perspectives- Constitutional validity of forensic investigation- Quality of Forensic Science in Criminal Investigation
- c) Law of Forensic Science -Validity and Admissibility of Scientific Evidence- Forensic investigation in Criminal Trials- Problem of Proof.
- d) Tools of Forensic Science- Forensic Science Laboratories- Chemical Examiners Laboratories-Document Examiners- Finger Print Bureau- Department of Explosives-Serologist to the Government of India- Mobile Laboratories- CID Scientific Sections- Computer Divisions

- e) Medico- Legal Institutes- Consultancies- National Crime Record Bureau- Central Forensic Science Laboratory- State Forensic Science Laboratories, Police & Detective Training Schools, Police Academies- Police dogs- Services of Crime Laboratories.

Module II: Crime Scene Examination

- a) Crime Investigation- Crime Scene- Its importance in Criminal Investigation- Collection of Sample or Materials
- b) Physical evidence- Classification of physical evidence- Types of physical evidences- Sources of physical evidence
- c) Signification and value of physical evidence- Linkage between Crime Scene, Victim and Criminal-
- d) Evaluation-Investigators Role- Surveillance- Sketching- Photography
- e) Crime Detection Devices- Crime Scene Documentation.

Module III: Forensic Analysis of Sample - Techno Analysis of Crimes

- a) DNA profiling- Finger prints-Tool Marks- Firearms- -Disputed Document- Narcotics- Alcohol
- b) Explosives- Voice Identification- Forensic Psychology
- c) Narco analysis- Evidentiary value of Narco analysis- Brain Mapping- Polygraph Analysis.
- d) Digital and Electronic forensic Investigation-Software Piracy- Spectrographic Forensic Identification- Artificial Intelligence
- e) IRIS and *fingerprint biometric* authentication - CCTV footage- Forensic Audio and Video Analysis.

Module IV: Forensic Medico Investigation

- a) Identification of Individual- Forensic Psychology- Interrogation
- b) Death Investigation- Causes of death- Determination of time since death- Medico-legal aspects of death
- c) Types and classification of injuries.
- d) Ante mortem and Post mortem injuries- Aging of injuries- Investigation of sexual offences –Toxic death
- e) Medico-Legal Aspects in the Admissibility of Scientific Evidence

Module V: Expert Testimony

- a) Expert- Role and Qualifications of Forensic Scientists- Code of conduct for Forensic Scientists
- b) Ethical issue in Forensic Science- Professional standards for practice of Criminalities-
- c) Sanction against Expert for Unethical Conduct- Value of Forensic Expert
- d) Forensic Expert and Ordinary Expert Difference- Admissibility of Expert Opinion
- e) Direct Evidence vs Circumstantial Evidence- Limits of Scientific influence.

Module VI: Relevancy, Admissibility and Probative Efficacy

- a) Principles of Relevancy and Admissibility
- b) Standard for Relevancy and Admissibility
- c) Reliability and probative efficacy
- d) Corroboration in admitting forensic evidence- Judicial Approach
- e) Comparative Analysis.

Recommended Readings:

Books:

1. A Textbook of Medical Jurisprudence and Toxicology, Modi 26th Edition 2018, Lexis Nexis
2. Forensic Science in Criminal Investigation and Trials, B R Sharma 6th Edition 2020, Lexis Nexis
3. Techniques of Crime Scene Investigation, Barry A. J. Fisher, David R. Fisher, 8th Edition, The CRC Press, Available on Taylor & Francis eBooks
4. Crime Scene Forensics, A Scientific Method Approach, Robert C Shaler, 1st Edition, The CRC Press, Available on Taylor & Francis eBooks.
5. Principles and Practice of Criminalistics, The Profession of Forensic Science, Keith Inman, Norah Rudin, 1st Edition, The CRC Press, Available on Taylor & Francis eBooks.

Journals/ Journal Articles:

1. *Lindquist, C. (1991). Forensic Science Education and the Role of the Forensic Science Educator. Proceedings of the Taipei Symposium on Forensic Sciences (Vol. Liu and Chen (edn.), pp. 79-85)*
2. *Lindquist (1994). Criminalistics in the Curriculum: Some Views From the Forensic Science Community. Journal of Criminal Justice Education (Vol. 5, pp. 59-68)*
3. *Lindquist (1995). Criminalistics Education and the Role of the Criminalistics Educator. Forensic Science Review (Vol. 7, pp. 61-75)*
4. *Margot P., (2011). Forensic Science on Trial-What Is the Law of the Land? Australia J. Forensic sci. (Vol. 43, pp. 89, 92)*
5. *Tilstone, W. (1991). Education, Training, and Assessment in Forensic Science. Journal of the Forensic Science Society (Vol.31, pp. 95-100)*

Further Readings:

Books:

1. J. M. Butler, Forensic DNA Typing: Biology, Technology, and Genetics of STR Markers(London: Academic Press, 2005).
2. M. H. Houck and J. A. Siegel, Fundamentals of Forensic Science (Boston: Academic Press, 2006).
3. Cook, T., Hibbitt, S. & Hill, M. Blackstone's crime investigators' handbook. (Oxford University Press, 2016).

4. W. Goodwin, A. Linacre, and S. Hadi, *An Introduction to Forensic Genetics* (Chichester: Wiley, 2007).
5. Bell, J. Swenson-Wright, and K. Tybjerg (eds.), *Evidence* (Cambridge: Cambridge University Press, 2008).
6. R. Williams and P. Johnson, *Genetic Policing: The Use of DNA in Criminal Investigations* (Cullompton: Willan, 2008).
7. National Research Council, *Strengthening Forensic Science in the United States: A Path Forward* (Washington, DC: National Academies Press, 2009).
8. *Criminalistics, Introduction to Forensic Science*, Richard Saferstein, Prentice Hall College Div; 8 Edition
9. *Forensic Science Education and Training: A Tool-kit for Lecturers and Practitioner Trainers*, Editor(s): Anna Williams John P. Cassella Peter D. Maskell, 2017 John Wiley & Sons, Ltd.
10. *Forensic Science: Fundamentals & Investigations Hardcover*, Patricia Bertino, Cengage Learning Custom Publishing; 2nd Edition, 2015

Journal/ Journal Articles:

1. Giannelli, P. (1997). *The Abuse of Scientific Evidence in Criminal Cases: The Need for Independent Crime Laboratories*. *Virginia Journal of Social Policy and the Law* (vol. 4, pp. 439-478)
2. Grover, N.(2014). *Development of Forensic Science and Criminal Prosecution – India*. *International Journal of Scientific and Research Publications* (Vol. 4, Issue 12).
3. Julian R. and Kelty S. (2012). *Forensic Science and Justice: From Crime Scene to Court and Beyond*. *Current issues in Criminal Justice* (Vol. 24 No. 1, July)
4. Klinker M. (2009). *Forensic science expertise for international criminal proceedings: an old problem, a new context and a pragmatic resolution*. *The International Journal of Evidence & Proof* (Vol.13, Pg.102-129).
5. Lappas, N. (1978). *Forensic Science Laboratories in the United States: A Survey*. *Journal of Forensic Science Society* (Vol. 18, pp. 171-80)
6. Lambert E., Nerbonne T., Watson P.L., Buss J., Clarke A., Hogan N., Barton S., Lambert J. (2003). *The forensic science needs of law enforcement applicants and recruits: a survey of Michigan law enforcement agencies*. *Journal of Criminal Justice Education* (Vol. 14 No. 1, Spring).
7. Giannelli, P. (1997). *The Abuse of Scientific Evidence in Criminal Cases: The Need for Independent Crime Laboratories*. *Virginia Journal of Social Policy and the Law* (vol. 4, pp. 439-478)
8. Grover, N.(2014). *Development of Forensic Science and Criminal Prosecution – India*. *International Journal of Scientific and Research Publications* (Vol. 4, Issue 12).
9. Julian R. and Kelty S. (2012). *Forensic Science and Justice: From Crime Scene to Court and Beyond*. *Current issues in Criminal Justice* (Vol. 24 No. 1, July)
10. Klinker M. (2009). *Forensic science expertise for international criminal proceedings: an old problem, a new context and a pragmatic resolution*. *The International Journal of Evidence & Proof* (Vol.13, Pg.102-129).

Cases for Guidance:

1. Sushil Sharma vs. The State (Delhi Administration)1996 CriLJ 3944
2. Marachalil Chandra Tukaram Talekar vs. State of Gujarat, 1980 Cri.L.J.5 (Guj.)
3. The State of U.P. Through the C.B.I. vs. Rajesh Talwar & Another Sessions Trial No. 477 of 2012) (**Aarushi Talwar murder case**)
4. Manu Sharma vs. State (NCT of Delhi), (2010) 6 SCC 1 (**Jessica Lal murder Case**)
5. *Selvi & Ors vs. State of Karnataka & Anr* AIR 2010 SC 1974.
6. Alavandar murder case (<https://tvaraj.com/tag/alavandar-murder-case/>)
7. Surendra Koli vs State Of U.P. Ors on 15 February, 2011
8. Santokben Sharmanbhai Jadeja vs State Of Gujarat on 13 August, 2007." 13 Aug. 2007, <https://indiankanoon.org/doc/1561319/>.
9. State by the Inspector of Police vs. Manoharan, 2015 Cri. LJ 1215 : MANU/TN/0496/2014
10. Enamul Haque vs. State of West Bengal, CRM 17348 of 2010 & AST 1114 of 2010
11. Inspector of Police vs. John David (2011) 5 SCC 509
12. State of NCT Delhi vs. Sujeet Kumar, 2014 SCC Online Del 1952
13. *The State of Bombay vs. KathiKaluOghad & Others*, AIR 1961 SC 1808, 1962 SCR (3) 10.
14. **Pratim Alias Peter Mukherjea vs Union Of India And Anr on 19 January, 2018 (Sheena Bora murder case)**
15. Sr. Sephy vs Union Of India 1 January, 2009 (Sister Abhaya murder case)

Learning Outcomes:

After completion of the course students will be able to-

- *Identify and analyse a situation as constituting a crime, incident or transgression in order to determine the resources that must be activated and the procedures that must be followed.*
- *Differentiate the applied forensic methods used to evaluate various types of evidence.*
- *To disseminate information on the advancements in the field of forensic science.*
- *Evaluate the limitations of forensic techniques and interpretations. Define and recognize the techniques of crime scene searches, courtroom demeanor, and criminal investigation related to child abuse and sexual assault situations.*

(d): INDUSTRIAL AND COMMERCIAL LAW

HS40804: SERVICE LAW

Objectives of the Course

“Government service is not a contract. It is a status”. Laws related to Public service in India are governed by the Constitution. One of the basic features of Indian Constitution is the separation of powers, i.e., the presence of three distinct pillars of state – Legislature, Executive and Judiciary. The Constitution conceived and provided for Civil Services like the All India Services and Central Civil Services which form an integral part of the Executive’s machinery at the central and state level. Labour laws governing civil services are quite distinct from general labour laws. The service conditions of the government servants are regulated by the Constitution of India.

This course has been designed to:

1. Trace the historical evolution of laws to govern civil services, both in ancient kingdoms and in the modern world;
2. Analyse the concept of public service laws as they are enshrined in the Indian constitution;
3. Introduce the student to fundamental concepts in public service laws; and
4. Examine the laws governing civil services and the impact of factors as diverse as judicial review and globalisation.

The syllabus has been prepared with these objectives and consists of 5 modules.

COURSE OUTLINE

MODULE I – HISTORICAL BACKGROUND OF CIVIL SERVICES LAW

(1) Origin and Concept.

- a) Meritocracy v. Aristocracy .
- b) Religious connotations of Administration.
- c) Governance in Ancient India.
- d) Concept of Dharma and Duty.
- e) Arthashastra – Kautilya’s ‘Amatyas’.
- f) Centralised Administration of Mughals.
- g) Early centuries of Arab rule and Governance.

(2) Evolution of Modern Service Law

- a) British Civil Service.
- b) Spoils system.
- c) Max Weber's Analysis on Public servants.
- d) Organized Sector.
- e) Covenanted Civil Service.
- f) Regulating Act of 1773 - Pitt's India Act 1784 - Aitchison Commission - Lee Commission - Government of India Act 1935.
- g) Civil Services in Independent India.
- h) Modernising Civil Services in India.
- i) A.D. Gorwala Report on Public Administration (1951).

MODULE II – PUBLIC SERVICE AND THE CONSTITUTION

- a) Public employment and Constitutional Safeguards.
- b) Fundamental Rights of Civil Servants.
- c) Service conditions in Constitution.
- d) Recruitment to Retirement.
- e) Doctrine of Pleasure and Safeguards.
- f) All India Service – State Civil Services – Union Public Service Commission – State Public Service Commission

MODULE III – FUNDAMENTAL ASPECTS OF SERVICE

- a) Pleasure Relates to Tenure and Not to Other Conditions of Service – Exceptions.
- b) Security of Tenure in Public Interest.
- c) Arbitrariness in State Action Violates Equality.
- d) Other Fundamental Rights to Service.
- e) Extent of Positive Discrimination.
- f) Nature of Relationship Between State and its Servants.

MODULE IV – LAWS RELATING TO CIVIL SERVANTS

1. Laws Related to Administrative Services

- a) Service Law – Classification, Recruitment and Training in AIS and CCS.
- b) Division of Cadre and Management.
- c) Disciplinary Proceedings.
- d) Rules – Agencies – AIS Rules – CCS (CCA) Rules.
- e) Lateral Entry Scheme in Civil Services – Advantages and Challenges.
- f) Kothari Committee Report on Recruitment and Selection Methods.

2. Laws Related to Judicial Services

- a) Officers and Servants of Supreme and High Courts – Subordinate Judiciary – Collegium – Service conditions in Constitution.
- b) Supreme and High Court Rules
- c) All India Judicial Services – Avenues and Challenges – Constitutional Implication.
- d) Reforms in Judicial Service

MODULE V – JUDICIAL APPROACH TO CIVIL SERVICES AND IMPACT OF GLOBALIZATION ON BUREAUCRACY

1. Judicial Review in Service Matters

- a) Judicial Review.
- b) Service Tribunals – Central Administrative Tribunal – State Administrative Tribunal – Quasi Judicial tribunals.
- c) Powers and Functions Appeal Provision.
- d) Scope of Writs in Service Matters.

2. Impact of Globalization on Indian Administration

- a) Entrepreneurial Government.
- b) Changing Role of Bureaucracy.
- c) Reinventing the Government.
- d) Civil Service Reforms in India.
- e) Hota Committee Report on Civil Service Reforms.
- f) Good Governance – Public Accountability.
- g) Empowering Citizens – Capacity Building Initiatives.

RECOMMENDED READING

1. M.R. Mallick, *Service Law in India* (Eastern Law House, 2000).
2. N. Narayanan Nair, *The Civil Servant under the Law and the Constitution of India*, Academy of Legal Publications (Academy of Legal Publications, 2006)
3. Sunil Chhabra, *Administrative Tribunals* (Deep and Deep Publications, 1990).
4. Kamlesh Goyal, “Indian Administration in the Age of Globalization: An Analysis of Transformation from Governance to E-Governance”,(IJRECT 2016), *available at: <http://ijrect.com/issues/vol3issue4/kamlesh.pdf>*.
5. Narender Kumar, “Law Relating to Government Servants and Management of Disciplinary proceedings (Service Law)” (Allahabad Law Agency, 2018)

Journals:

- 1) Rameshwar Dial, “Civil Servants under the Constitution”, 2 JILI 481-508 (1960).
- 2) Om Prakash Motiwal, “Right of Equal Opportunity of Civil Servants”, 11 JILI 328-343 (1969).
- 3) O.P.Motiwal, “Development of Legal Rights of Civil Servants in India”, 17 JILI 437-445 (1975).
- 4) Sindhu Thulaseedharan, “Right to Public Services in India – A New Legal Scenario”, 55 JILI 59-72 (2013).
- 5) P.Leelakrishnan, “Reviewing Decisions of Administrative Tribunal: Paternalistic Approach of the Indian Supreme Court and the need for Institutional reforms”, 54 JILI 1-26 (2012).

FURTHER READING

Reference Books:

1. Brinda and Sanjeev Muthuswamy, *Swamy's Compilation of CCS (CCA) Rules* (Swamy Publishers (P) Ltd., 2016).
2. Brinda and Sanjeev Muthuswamy, *Swamy's Compilation on Central Administrative Tribunal (Act, Rules and Orders)* (Swamy Publishers (P) Ltd., 2016).
3. S.R. Maheshwari, *Evolution of Indian Administration* (Lakshmi Narain Aggarwal, Agra 1970).
4. P.N. Mathur, *The Civil Service of India (1731-1894)* (D.K. Publishers: New Delhi, 1977).

5. B.B Misra, *The Bureaucracy in India – An Historical Analysis of Development up to 1947* (Oxford University Press: New Delhi, 1977).
6. B.B. Misra, *The Administrative History of India (1834-1947) - General Administration*, (Oxford University Press: New Delhi, 1970).
7. L.S.S. O'Malley, *The Indian Civil Service 1601-1930* (Frank Case & Co. Ltd: London 1965).
8. B.N. Puri, *Some Aspects of the Evolution of Indian Administration* (IIPA: New Delhi, 1980).
9. Chandra Singh, *The Civil Services in India (1858-1947) – A Historical Study* (Atmaram & Sons Delhi (1989)).

Articles:

- 1) C.Basavaraju, “Reservation under the Constitution of India: Issues and Perspectives”, 51 JILI 267-274 (2009).
- 2) PP.Rao and Ananth Padmanabhan, “Legislative Circumvention of Judicial Restrictions on Reservations: Political Implications”, NLSIR 53-68 (2013).
- 3) P.Kalpapakam, “Dispensing with Departmental Enquiry”, 28 JILI 246-248 (1986).
- 4) A.M.Sarma, “Domestic Enquiry”, 20 JILI 122-132 (1978).
- 5) V.Krishna Murty, “Mr.Justice Gajendra Gadkar and the Law of Civil Servants”, 8 JILI 627-636 (1966).
- 6) S.N.Jain, “Validity of Retrospective Delegated Legislation- the Court develops a new principle”, 23 JILI 102-104 (1981).
- 7) K.C.Joshi, “Service Tribunals under Administrative Tribunals Act”, 28 JILI 207-212 (1986).
- 8) Mohammed Imam, “Power to initiate and conduct disciplinary proceedings: (A Comment on State of M.P. V. Shardul Singh)”, 12 JILI 170-176 (1970)

Cases for Guidance:

1. Dunn v. R, (1896) 1 QB 116
2. Mahesh v. State of U.P., AIR 1955 SC 70
3. Khem Chand v. Union of India, AIR 1958 SC 300
4. Union of India v. Tulsiram Patel, AIR 1985 SC 1416
5. Parshottam Lal Dhingra v. Union of India, AIR 1958 SC 36
6. State of Gujarat v. Umedhbai M. Patel, AIR 2001 SC 1109
7. Jatinder Kumar v. State of Punjab, (1985) 1 SCC 122
8. Bihar Public Service Commission v. S.J. Thakur, AIR 1994 SC 2466
9. R.T. Rangachari v. Secretary of State, AIR 1937 PC 27
10. L. Chandra Kumar v. Union of India, AIR 1997 SC 1125
11. S.P. Sampath Kumar v. Union of India, 1987 SCR (3) 233
12. P. Balkotiah v. Union of India, AIR 1958 SC 232
13. K. Rajendran v. State of Tamil Nadu, AIR 1982 SC 1107

Learning Outcome:

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

1. Understand the origin and development of services law and appreciate its current position in the appropriate historical context;
2. Appreciate the Constitutional provision governing services law;
3. Discern and comprehend key concepts in laws governing public services; and
4. Critically examine laws and judicial precedents governing services laws.

HCC0802: ALTERNATIVE DISPUTE RESOLUTION MECHANISM

(CLINICAL COURSE II)

Objectives of the Course:

Alternative Dispute Resolution, commonly known as ADR, refers to dispute resolution mechanisms outside the realm of traditional judicial processes. The objective of this paper is to acquaint students with various modes of ADR. ADR mechanism is less bound by procedural formalities and speedy in giving results. For this reason, ADR is appreciated by many countries around the world.

This course has been designed to:

- 1. Give students insightful knowledge about this emerging area.*
- 2. Help the students to understand practically the various methods of resolving disputes under ADR system, so that they can help their clients and society to select and employ the most effective and just methods.*
- 3. They get the ability to resolve disputes in a timely manner eviscerates public and private rights obligations.*
- 4. To overcome this drastic situation ADR is highly recommended and accepted.*

COURSE OUTLINE

Module I: Alternative Dispute Mechanism

- a) Alternative Dispute Resolution – Definition, Scope and Genesis
- b) Overview of Alternative Dispute Resolution Process -Arbitration, Mediation, Conciliation, Lok Adalat and Judicial Settlements
- c) 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

Module II: Arbitration Agreement and Procedure

- a) Agreement based and Court annexed ADR processes - Arbitration and Conciliation Act 1996and Amendments in 2015 and 2019
- b) Arbitrability and Non-Arbitrability of Disputes – Interim Measures by Court and Arbitral Tribunal
- c) Arbitration Agreement/Clause – Arbitration Procedure– Arbitration& Mediation Process – MED-ARB-MED - Decision/Award/Settlement

Module III: International Commercial Arbitration

- a) Geneva Convention on Enforcement of Foreign Arbitral Awards
- b) New York Convention on Enforcement of Foreign Arbitral Awar
- c) New Delhi International Arbitration Centre Ordinance Role of Courts in Arbitration

Module IV: Negotiations and Conciliations

- a) Meaning, features, theories and types of Negotiations and Conciliations
- b) Appointment, Role and qualities of Negotiator and Conciliator
- c) Process of Negotiations and Conciliations.

Module V: Mediation and Procedure

- a) Meaning, Definition, theories and techniques of mediation, Court-annexed mediation
- b) Mediation process - Skills of a mediator Institutionalized mediation - Specialization sectors for mediation practice in India and Globally Models
- c) Drafting in Mediation – International
- d) Mediation and Singapore Convention

Module VI: Contemporary Trends

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

Marks Allocation	
Case Study in Arbitration Centre Marks (Practical / Simulation Exercise –Three Exercise 10 Marks each)	30
Test internal Marks	10
Visit to centres of Arbitration	10
Total	50 Marks

Student shall maintain a Record through the semester. The record will be assessed by the teacher and record shall contain the following drafts:

a) Case Study in Arbitration Centre-Practical/ Simulation Exercise:

- A domestic Arbitration agreement after a commercial dispute has arisen between the parties.
- An Arbitration clause in an international contract (having one Indian Company as a party) for referring matter to institutional arbitration of an institution situated outside India.
- A request by one party to other party requesting that their commercial dispute be referred to Arbitration.
- A letter requesting an arbitrator to act as Arbitrator in a case after dispute have arisen. Assume that the contract has an arbitrator clause with reference to one Arbitrator.
- An application to the appropriate court to appoint an arbitrator when parties have failed in their attempt to appoint one according to the arbitration agreement.

- An application to the court seeking interim injunction or appointment of receiver before the arbitral proceedings have begun.
- An interpretation among rules of various other regional or International Arbitration centres can be given.
- An application to the court for setting aside an award

b) Case study Practical/ Simulation Exercise:

- Drafting the Statement of Problems
- A request by one party to other party requesting that their commercial dispute be referred to Arbitrators
- Identification of both the party's problems
- Bargaining, and finally settlement
- An application to the court for setting aside the settlement
- An application to the appropriate court to appoint Arbitrator when parties have failed in their attempt to appoint one according to the agreement.
- An application to the court seeking interim injunction or appointment of receiver before the Arbitration have begun
- An interpretation among rules of various Institutional Arbitrations at the regional or International Arbitration centres.
- An application for enforcement of a settlement or arbitration awards

c) Visit to centers of Arbitration: Students shall visit, Arbitration office as observers, Follow the cases, study the Arbitration proceedings and submit a report of the visit to the teacher/faculty.

Recommended Readings:

Books:

1. Madhusudan Saharay, Text Book on Arbitration & Conciliation with Alternative
2. Dispute Resolution, 4th ed., Universal Law Publishing 2017.
3. N. V. Paranjpe, Law Relating to Arbitration and Conciliation in India, 7th ed., Central Law Agency, 2016.
4. Avtar Singh, Law of Arbitration and Conciliation, 10th ed., Lucknow 2013
5. 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.

FIFTH YEAR

IX-SEMESTER

HLC0920: CODE OF CIVIL PROCEDURE

Objectives of the Course:

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

The objective of the study of this subject is to provide the Students

- i. 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.*
- ii. To equip the students with various stages through which a civil cases passes in the court till its final order.*
- iii. To emphasizes on the electronic method of filing the civil suits including the e-vakalatnama.*
- iv. To comprehend the difficult nuances that revolves around civil suits in our country.*
- v. To understand the computation of limitation period for the Institution of suit, appeal and applications along with Exclusion.*

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 (5th Edition 2019)
2. Dr.Avtar Singh, The Code of Civil Procedure, Central Law Publications (5th Edition 2019)
3. Narayan Laxmanrao, Commentary on Code of Civil Procedure 1908,Asia Law House (2nd Edition 2019)
4. Basu's Law on Limitation Act 1963, Delhi Law House(10TH Edition2020)
5. T R Desai, The Limitation Act, Lexis Nexis (12th Edition,2019)

Further Readings:

- 1) Dinshaw Fardauzi Mulla, Mulla's Code of Civil Procedure(3 Vols) Lexis Nexis (19th Edition)
- 2) Sudipto Sarkar & V.R. Manohar, Sarkar's Code of Civil Procedure (2 Vols), Lexis Nexis (12th Edition 2017)
- 3) C.K. Takwani, Code of Civil Procedure, Eastern Book Company (8th 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 (3rd 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-4f84-89f6-8add782f069>
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
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
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.

HLC0921: LAW OF CRIMES-II

CODE OF CRIMINAL PROCEDURE 1973 (Including Juvenile Justice Act and The Probation of Offenders Act)

Objectives of the Course:

This 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 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. Vikramadhitya 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. IshaKansal 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.

HLA0905:BANKING LAW

Objectives of the Course:

Banking Institutions have become important players in the present day economy. They play pivotal role in the growth of trade, commerce and industry. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions in to agents of social change. Appreciating the importance, the Government has enacted several enactments to direct, regulate and control the banks and banking operations, through Reserve Bank of India and Ministry of Finance. The course is designed to primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students in statutory as well as case – law in this area.

After undergoing the study of this subject the student should be able to understand the following;

- 1. The basic concepts related to banks in India and its related terminologies*
- 2. The nature and evolution of banking in India and also the types of banking in India*
- 3. The procedural aspects and the way of performance of banking sector in India*
- 4. The meaning, nature and various issues pertaining to Negotiable Instruments Act*
- 5. The changing dimensions of Banker customer relationship*
- 6. The recent changes in the Banking sector after globalization.*

COURSE OUTLINE

Module I – Introduction to Banking Law

- a) Origin and Development of the word ‘Bank’ – Early history of banking – Definition of Banking – Difference between banking and money lending.
- b) Functions of a Commercial Bank.
- c) Structure of a Banking System.
- d) Basic terminologies - DD, MT, TT, Traveler’s cheques, bank orders, credit card, debit/smart cards, safe deposit vaults, gift cheques, stock invest.
- e) Indian Banking Structure .

Module II – Nature and evolution of Banking

- a) Origin and Evolution of Banking Institutions in India
- b) 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
- c) Nationalizations of Major Banks.
- d) RBI’s control over Commercial Banks – Special status of RBI and State Bank of India.

- e) Subsidiary Banks

Module III - Procedural aspects in banking sector

- 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.
- e) Banking Ombudsman.
- f) Debt Recovery Tribunal – The Sick Industrial Companies (Special Provisions) Act, 1985 - SARFAESI Act – Insolvency and Bankruptcy Code, 2016

Module IV- Negotiable Instruments

- 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, Letteres 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.

Module V – Relationship between Banker and Customer & Statutory Rights of a Banker

- 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.

Module VI– Modern Banking and Globalization of Banking Sector

- 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

Books:

1. M. L. Tannan- Law of Banking.
2. M. S. Parthasarathy (Ed.), Khergamvala - Negotiable Instruments Act.
3. Justice Bhaghabati Prasad Banerjee- Guide to Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
4. Avtar Singh – Negotiable Instruments Act.

5. Basu - Review of Current Banking: Theory and Practice. Paget- Law of Banking.

Journals with Articles :

1. Ankieth Vasisht, "Fundamental Principles of Cheque under the Banking Legislation", <http://lawtimesjournal.in/fundamental-principles-of-cheque-under-the-banking-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-reserve-bank-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. Harward 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
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)

Learning Out Comes:

After undergoing this course you will be able to :

1. Understand the banking system and their regulations.
2. Compare the different nature of regulations for different types of banks and also analyse their needs and values.
3. Appreciate the law relating to negotiable instruments and also understand the various judicial and legislative perspectives.
4. Understand the different aspects of Banker customer relationship.
5. Ascertain the various issues and challenges pertaining to Modern Banking and related technology.

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

**HS50901: PRIVATE INTERNATIONAL LAW
(CONFLICT OF LAWS)**

Objectives of the Course:

Private International Law (or) Conflict of Laws comes into play whenever a court or tribunal is faced with a case that contains a “foreign” element and adjudicates the following queries: (i) which court will have jurisdiction to decide the case? (ii) Which law will apply? (iii) How far it recognizes and enforces foreign judgments? (iv) At what extent, a company structures its cross border transactions? (v) With the strong social / cultural dimension, to what extent the States can regulate matters beyond their own borders? The subject gives students the opportunity to grapple with contemporary legal debates and issues in conflict of laws.

COURSE OUTLINE

Module – I: Genesis of Private International Law

- (a) Introduction – Nature and Scope – Relationship between International Commercial Law, Public International Law and Private International Law – Foreign Element – Operating areas – Extra Territorial Jurisdiction
- (b) Theories of Private International Law – Codification of Private International Law – Hague Conventions – UNCITRAL – International Institute for the Unification of Private Law (UNIDROIT)
- (c) Indian Scenario: Unitary and Federal features – Heterogeneous Society and Personal Laws – Conflicts in Personal Laws – Application of Customs and Usages – Expanding horizons of Private International Law.

Module – II: Choice of Law and its Jurisdiction, Characterisation and Renvoi

- (a) Choice of Law: Traditional and Modern Approaches – Substantial and Procedural aspects – Parties autonomy and their limitations
- (b) Jurisdiction of the Courts – Inherent Powers of the Court – Brussels Convention, Lugano Convention - Characterisation: Clearly inappropriate test, clearly appropriate test and traditional test
- (c) Doctrine of Renvoi and its kinds – Limitations.

Module – III: Conflict of Laws relating to Persons:

- (a) Residence: Domicile and its Nature and Status – lex domicilii, lex fori, lex patriae – Concept of Domicile in India – Kinds of Domicile: Origin, Choice and Dependence
- (b) Citizenship –Vs– Nationality –Vs– Habitual Residence
- (c) Corporate Personality – Nature and its conflicting rules

Module – IV: Conflict of Laws relating to Family:

- (a) Personal laws - Marriage – Formalities - Validity of Marriage – *lex loci celebrationis* and *lex regit actum* – Polygamous marriages – Matrimonial Home
- (b) Conflict in Matrimonial regime: Divorces, Separations and Annulments – Matrimonial Causes and Alimony – Custody of Children – Child care, Child abduction and Child Adoption – Succession – Overview of “The Foreign Marriage Act, 1969”
- (c) Public Policy and Contemporary issues related to Surrogacy, NRI and LGBT.

Module – V: Conflict of Laws related to Contracts and Torts (Action in Personam)

- (a) Proper Law of Contract – Capacity to Contract – *lex domicilii*, *lex loci contractus*, *lex fori* – Rome Convention – Domestic and International Prorogation – Party Reference and Incorporation – Application of Proper Law – Choice of Law, Party Autonomy, Public Policy – E-Contracts.
- (b) Law of Tort – Traditional and Modern Approach – Rome Convention – *lex fori*, *lex loci delicti commissi*
- (c) Proper law of tort and social environment – Tortious liability with respect to Drugs, Environment, Transport and Satellite Communication – Exceptions and Limitation.

Module – VI: Conflict of Laws related to Property

- (a) *Lex situs* principle and Property – Classification of Property – Movable and Immovable
- (b) Choice of law and Indian scenario – *lex fori* and *lex solutionis* – Government Seizure of Property
- (c) Transfer of Tangible and Intangible Property – Wills and Intestacy — Administration of Estates and Trusts – Insolvency and Restitution – Right of Succession.

Module – VII: Conflict of laws related to Procedure and Evidence

- (a) Proof of Foreign Law – Substance and Procedure – Parties and service of process – Evidence – remedy
- (b) Sovereign and Diplomatic Immunity: Foreign State and Foreign Diplomat – Recognition and Enforcement of Foreign Judgements, Decrees, Arbitral Awards and its reciprocity
- (c) Conflicting rules related to Cyber Space and Intellectual Property Rights: Issues and remedies – Indian Scenario.

Recommended Readings:

Books

1. Cheshire and North, “Private International Law”, 2017, 15th Edition, Oxford
2. Clarkson and Hill’s “Conflict of Laws”, 2016, Oxford.
3. Dicey, Morris & Collins, “The Conflict of Laws”, 2107, 15th Edition, Sweet and Maxwell.
4. F.E. Noronha, “Private International Law in India”, 2015, Universal Law Publishing.
5. Paras Diwan, “Private International Law”, 4th Edition, 1998, Deep & Deep Publishing.

FURTHER READINGS:

1. G.P. Tripathi, "Conflict of Laws", 2015, 1st Edition, Allahabad Law Agency.
2. V.C. Govindaraj, "The Conflict of Laws in India: Inter-Territorial and Inter-Personal Conflict", 2011, Oxford.
3. Mukarrum Ahmed, "The Nature and Enforcement of Choice of Court Agreements", 2017, Hart Publishing.
4. Alex Mills, "Party Autonomy in Private International Law", 2018, Cambridge.
5. Peter Hay, "Advanced Introduction to Private International Law and Procedure", 2018, Edward Elgar Publishing.
6. Adrian Briggs, "Agreements on Jurisdiction and Choice of Law", 2008, Oxford.
7. Maria Kaurakova, "Private International Law of Corporations", 2017, Spiramus Press.

E-JOURNALS with ARTICLES and WEBSITE sources

1. Hessel E. Yntema, "The Objectives of Private International Law" @ 35 Can.B.Rev.721(1957)
2. Joseph M. Cormack, "Renvoi, Characterisation, Localisation and Preliminary Questions in the Conflict of Laws: A Study of Problems involved in determining whether or not the Forum should follow its own Choice of a Conflict of Law Principle", 14 Southern California Law Review, 1940, pp.221-275 @ <http://scholarship.law.wm.edu/facpubs/1490>
3. Ralf Michaels & Joost Pauwelyn, "Conflict of Norms or Conflict of Laws?: Different Techniques in the Fragmentation of Public International Law", 22 Duke Journal of Comparative and International Law 349 (2011-2012).
4. John Robb, "Personhood and Status of Legal Persons in Private International Law", Journal of Private International Law, 2019, Volume 15, Issue 2, Taylor and Francis Group @ <https://doi.org/10.1080/17441048.2019.1645974>.
5. Matthias Lehmann, "Regulation, Global Governance and Private International Law: Squaring the Triangle", Journal of Private International Law, 2020 Volume 16, Issue 1, @ <https://doi.org/10.1080/17441048.2020.1744255>.
6. Sharon Shakargy, "Choice of Law for Surrogacy Agreements: In the in-between of Status and Contract", Journal of Private International Law, 2020, Volume 16, Issue 1, @ <https://doi.org/10.1080/17441048.2020.1741121>.
7. Jack Goldsmith, "Sovereign Difference and Sovereign Deference on the Internet", The Yale Law Journal, 2019, Volume 128 @ <https://www.yalelawjournal.org/forum>.
8. William S. Dodge, "Extraterritoriality and Conflict of Laws Theory: An Argument for Judicial Unilateralism", Harvard International Law Journal, 1998, Volume 39, p.101 @ <https://heinonline.org/HOL/LandingPage?handle=hein.journals/hilj39&div=7&id=&page=>
9. Friedrich K. Juenger, "Conflict of Laws: A Critique of Interest Analysis", American Journal of Comparative Law, 1984, Volume 32, No.1, pp.50, Oxford University Press
10. Donald Earl Childress III, "Comity as Conflict: Resituating International Comity as Conflict of Laws" @ 44 U.C. Davis Law Review 11 (2010-2011)

Learning Outcomes:

After completing these modules successfully, the students are able –

1. To demonstrate the conceptual necessity, contextual inevitability and the legal adaptability of trans-national transactions.
2. To critically appraise the compelling influence of different personal factors over beyond the boundaries transactions.
3. To know the worn-out deliberation on the most crucial aspect affecting the frontier activities.
4. To discuss the desirability and effectiveness of sovereign immunity and impact of foreign judgments.
5. To analyse and comprehend the complex issues arising out of trans-national matrimonial relationships; horizons of contract, tort, and property beyond domestic frontiers.
6. To demonstrate knowledge of a substantial range of major concepts, values, principles and rules of conflict of laws and explain the relationship between them in specified areas.
7. To discover the substantive and procedural aspects of litigation at the global levels.

(B): CONSTITUTIONAL LAW AND PROPERTY LAW

HS50902: LEGAL PROCESS AND LOCAL GOVERNANCE

Objectives of the course:

Constitution of India empowers the State to take steps to organise village Panchayats and endow the powers/authorities so as to enable them to function as units of self-government. In order to realise the objectives of Gram Swaraj, the idea cherished by Mahatma Gandhi, Constitutional Amendment has been passed to ensure democratic functioning at the grass root level and gave Constitutional Status to the Panchayat Raj. Students will be benefitted from deeper understanding of the subject on democratic decentralization.

After undergoing the study of this course the student should be able to understand the following:

1. Able to Understand the historical development and growth of Panchayat Raj in India.
2. Identify the Constitutional scheme for setting up of Panchayat Raj Institutions in various levels.
3. Able to analyse the modern dimensions with the role of various stakeholders.

COURSE OUTLINE:

Module I: Introduction and Historical Development

- a) Meaning and genesis of democratic decentralization.
- b) History, growth and development of Panchayat Raj in India.
- c) Lord Rippon's resolution, Royal Commission, Balwant Rai Mehta Committee Report, Ashok Mehta Committee Report.
- d) Gram *Swaraj*- Gandhian concept- Community Development Programme- Administrative framework.

Module II: Constitutional Scheme

- a) Federalism in India and Local Self Government.
- b) Directive Principles of State Policy- Art. 40.
- c) 73rd and 74th Constitutional Amendment, Schedules XI and XII of the Constitution.
- d) Second Administrative Reforms Commission, Sarkaria Commission, Punchi Commission, Justice Venkatachaliah Commission- Local Government.

Module III: Rural Local Self Government

- a) Gram Sabha- Meaning, importance, functions, meetings, Social Audit, Nyaya Panchayat.
- b) Gram Panchayat- Introduction, Composition, functions- Taluk/Block Panchayat- Introduction, Composition, functions, Chairman- Powers and functions.
- c) Zilla Panchayat- Introduction, Composition and functions.
- d) Financial administration- Devolution of financial powers, Composition of State Finance Commission.
- e) State Control over PRIs.

Module IV: Urban Local Self Government

- a) Municipal Corporation- Organisation and Functions.
- b) Municipal Council; Mayor-functions and powers;
- c) Committees - Wards Committees, District Planning Committee, Metropolitan Planning Committee.
- d) Municipal Commissioner- appointment, tenure, powers and functions - Municipal Finance - State Control and Supervision.

Module V: Panchayat Raj Institution

- a) Planning for rural development- Planning machinery at the National and State Levels.
- b) Role of Panchayat Raj Institutions in Planning- Panchayat Raj and Rural Development.

Module VI: Modern Dimensions

- a) Panchayats and NGOs.
- b) Food Security Act, MGNREGA.
- c) Panchayats Raj in Tribal Sub- Plan Areas.
- d) Right to Information and Panchayat Raj.
- e) Women Empowerment implementations.
- f) Reservation Policy in Local Government- Social (SC, ST)- Women Reservation- Horizontal and Vertical Reservation.

Recommended Readings:

Books:

1. Dicey, Introduction to the Law of the Constitution, Oxford University Press.
2. De Smith, Judicial Review of Administrative Action (1995).
3. Khanna, B.S: Panchayati Raj in India- National Perspectives and State Studies, Deep and Deep Publication, New Delhi, 1994.
4. M. Venketarangaiah & M. Pattabhiram, Local Government in India (1969), Allied Publishers, New Delhi.
5. Maheshwari, S.R., State Governments in India. New Delhi: Macmillan(2000).

Journals/Journal Articles:

1. Srivastava, T. N. "Local 'Self' Government and the Constitution." Economic and Political Weekly, vol. 37, no. 30, 2002, pp. 3190–3198. JSTOR, www.jstor.org/stable/4412421.
2. Mohanty, P.K. 1995. Municipal Decentralization and Governance: Autonomy, Accountability and Participation. The Indian Journal of Public Administration.
3. Mallik, S. N. "Local Self-Government in India." The Annals of the American Academy of Political and Social Science, vol. 145, 1929, pp.36–44. JSTOR, www.jstor.org/stable/1016884.
4. Pal, M. 2000. Panchayats in Fifth Scheduled Areas. Economic and Political Weekly. pp. 4791–4810.

5. Venkatarangaiya, M. "THE REORGANISATION OF LOCAL SELF-GOVERNMENT." *The Indian Journal of Political Science*, vol. 1, no. 2, 1939, pp. 143–154. JSTOR, www.jstor.org/stable/42742927.
6. V.R.Krishna Iyer, "Panchayati Perestroika?" *Economic and Political Weekly*, vol. 24, no. 37, 1989, pp. 2051–2054. JSTOR, www.jstor.org/stable/4395322.

Further Readings:

Books:

1. Friedman, *The State and the Rule of Law in the Mixed Economy*.
2. Ivor Jennings, *Law and the Constitution*.
3. Joshi, R.P., Narwani, G.S., *Panchayat Raj in India: Emerging Trends across the States* (Rawat Publication), Hyderabad, 2011.
4. Neville L. Brown and J.F. Garner, *French Administrative Law*.
5. Radha kumud Mookerji, *Local Government in Ancient India* (1985), Daya Publishing Delhi.
6. Schwartz & Wade, *Legal Control of Government*.
7. Sivaramkrishnan, K.C., *Courts, Panchayats and Nagapalikas* (Academic Foundations), 2009.
8. W.Thornhill (ed.), *the Growth and Reforms of English Local Self-Government* (1971), Weidenfeld and Nierlson, London.
9. Bidyut Chakarborty and Rajendra Kumar Pandey, *Modern Indian Political Thought- Text and Context*, Sage, New Delhi, 2009.
10. Niraja Gopal Jayal and others, *Local Self Governance in India- Decentralization and beyond-* Oxford University Press, 2006.

Journals:

1. Prabhakar, R. P. "LOCAL GOVERNMENT'S ADMINISTRATIVE SYSTEM IN INDIA." *The Indian Journal of Political Science*, vol. 72, no. 4, 2011, pp. 943–952., www.jstor.org/stable/41856530.
2. Palanithurai, G. "GOOD GOVERNANCE AT GRASSROOTS." *The Indian Journal of Political Science*, vol. 66, no. 2, 2005, pp. 289–312. JSTOR, www.jstor.org/stable/41856129.
3. Amitabh Behar. "Gram Swaraj: Experiment in Direct Democracy." *Economic and Political Weekly*, vol. 36, no. 10, 2001, pp. 823–826. JSTOR, www.jstor.org/stable/4410370.
4. Mani Shankar Aiyar. "Panchayati Raj: The Way Forward." *Economic and Political Weekly*, vol. 37, no. 31, 2002, pp. 3293–3297. JSTOR, www.jstor.org/stable/4412446.
5. Bhagwan, Vishnu. "NATIONAL RURAL EMPLOYMENT GUARANTEE ACT : A SWOT ANALYSIS." *The Indian Journal of Political Science*, vol. 70, no. 1, 2009, pp. 139–150. JSTOR, www.jstor.org/stable/41856502.

6. Medha Kotwal Lele. "Local Government: Conflict of Interests and Issues of Legitimation." *Economic and Political Weekly*, vol. 36, no. 51, 2001, pp. 4702–4704. JSTOR, www.jstor.org/stable/4411498.
7. T. Brahmanandam. "Review of the 73rd Constitutional Amendment: Issues and Challenges" *Indian Journal of Public Administration* 64(1) 103–121. <https://journals.sagepub.com/doi/pdf/10.1177/0019556117735461>
7. Usha Vaidyanathan Salient Features of Law Commission of India 114th Report on Gram Nyayalaya (1987) 2 SCC (Jour) 25. https://www.ebc-india.com/lawyer/articles/87v2a2.htm#Note*
8. Pal, M. 2000. Panchayats in Fifth Scheduled Areas. *Economic and Political Weekly*. pp. 4791–4810.

Cases for Guidance:

1. K.Krishna Murthy & Ors. v. Union of India & Anr. 11th May, 2010 (Supreme Court of India).
2. Sujit Vasant Patil v. State of Maharashtra and Ors. 6th August, 2004 (Bombay High Court).
3. Rama Krishna Ramanath v. The Janpad Sabha, Gondia, 7th February, 1962 (Supreme Court of India).
4. Indus Towers Ltd. v. The Sub-Inspector of Police, 10th January, 2008 (Kerala High Court).
5. Maju Balakrishnan v. State of Kerala, 31st March, 2009 (Kerala High Court).
6. Richhpal Singh and Ors v. State of Rajasthan, 4th January, 2005 (Rajasthan High Court).
7. Sri.V.Shivaprasad v. State of Kerala, 9th February, 2011 (Kerala High Court).
8. Nagar Palika Parishad, Roorkee... v. State of Uttaranchal and Ors.28th September, 2001(Uttarakhand High Court).
9. D.Siddayya v. The State of Karnataka, 21st September, 2017 (Karnataka High Court).
10. Shri Subal Rabha v. The State of Assam and Ors. 27th January, 2012 (Gauhati High Court).

Learning Out Come:

After completion of the course the students will be able to-

1. Understand the subject related concepts and the Historical Development of PRI's in India.
2. Analyse the operation of the Constitution of India from a policy perspective relating to federalism and Local Self Governance.
3. Critique the operation of Local Self Government from a theoretical and policy perspective.
4. Have the fundamental knowledge and understanding relating to the various tier PRIs

(C): CRIMINAL LAW AND FORENSIC SCIENCE

HS50903: JUVENILE JUSTICE SYSTEM

Objectives of the Course

The UN Convention on the Child Rights, 1989, United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), The United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), 1990 are some of the initiatives taken by the UN to support the welfare of the Juveniles. This course aimed to cater the students to understand the application of Criminal Justice System with the Juvenile Justice System. Juvenile Justice (Care and Protection of Children) amended to enhance the rights and liabilities of juveniles, reformatory measures to be adopted by the government, rehabilitative process to be extend to the juveniles. The students will understand the background study of development of Juvenile Justice System nationally and internationally as a socio-legal issue.

COURSE OUTLINE

Module I: Introduction:

- a. Juvenile Justice System - Historical development
- b. Definitions - Child – Juvenile – Delinquent
- c. International Instruments – Child Rights Convention 1989
- d. ICCPR
- e. United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)
- f. The United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), 1990
- g. Role of UNECOSOC & UNICEF
- h. Doctrine of *Parens patriae* - National Commission for Children – State Commission for Children
- i. The National and State Human Rights Commission.

Module II: Juvenile Justice System in India

- a. Juvenile Delinquency
- b. Causative factors of juvenile delinquency
- c. Child Rights laws in India –Reformatory Schools Act, 1897 – The Tamil Nadu Children Act, 1920 – The Tamil Nadu Borstal School Act, 1925
- d. Juvenile Justice Act, 1986 – Salient features – Definitions
- e. Juvenile Justice (Care and Protection of Children) Act, 2000
- f. Modifications – Juvenility - Juvenile in Conflict with Law – Child in need of Care and Protection
- g. Comparison of 1986 and 2000 Act – Law Commission of India
- h. Juvenile Justice (Care and Protection of Children) Act, 2015– Information Technology Act, 2000
- i. The Protection of Children from Sexual Offences Act, 2019
- j. Juvenile Justice System and Criminal Justice System.

Module III: Juvenile Justice Acts:

- a. Juvenile Justice Act, 1986 – Definition –Child – Juvenility
- b. Statutory bodies – Amended laws
- c. Juvenile Justice Act, 2000 – Terminologies – Child in Conflict with Law – Child in need of Care and Protection
- d. Statutory bodies
- e. Reformatory Homes
- f. Tamil Nadu State Rules on JJ Act, 2000
- g. Justice Verma Commission Report on Juvenile Justice –Criminal Law Amendment Act, 2013
- h. Juvenile Justice Act, 2015 – Heinous Crime - Children Court – Child Sexual Abuse and Death Penalty.

Module IV: Statutory Bodies under Juvenile Justice Laws:

- a. Juvenile Justice Board – Composition
- b. Powers – Functions
- c. Special Juvenile Police Unit – Bail
- d. Burden of proving juvenility
- e. Children Court – Assessment report
- f. Orders may and may not be passed against juveniles
- g. Admonition – Community service – payment of fine – 3 years under supervision of Probation Officers
- h. Child Welfare Committee
- i. Members of the Committee – Functions
- j. Production of Child – Enquiry – Report of Probation and Social Workers
- k. Role of Social Defence Department.

Module V: Reformatory Institutions under Juvenile Justice Laws:

- a. Observation Homes – Temporary Stay
- b. Rehabilitative measures – classifications of inmates
- c. Education – Psychological Counselling
- d. Crime Statistics
- e. Vocational Training – Therapeutic approach
- f. Special Home – Safety Place
- g. Children Home – Protection for neglected children – Separate homes – Education
- h. Basic needs – Shelter Home – Rehabilitative mechanism - Girl Children Safety
- i. Role of Administrative bodies.

Module VI: After Care Process and Rehabilitations:

- a. Adoption – Foster care
- b. Social Reintegration – Sponsorship
- c. Reporting of implementation
- d. Psychological Approach – Cognitive Therapeutic treatment
- e. Plays and games
- f. Role of Society – Family – Educational Institution – NGO –Government.

Recommended Reading:

- Bajpai, A 2006, “*Child Rights in India: Law, Policy and Practise*” Oxford University Press, New Delhi.
- Kumari, V 2012, “*The Juvenile Justice in India: From Welfare to Rights*”, Oxford University Press, New Delhi.
- Ahmed Siddique’s *Criminology and Penology*, 2009, Eastern Book Company, Lucknow.
- Mamta Rao, 2012, “*Law Relating to Women and Children*”, Eastern Book Company, Lucknow.
- Prof N. V. Paranjapee, 2014, “*Criminology, Penology with Victimology*”, Central Law Publications, Allahabad.

Further Readings:

- Joseph G. Weis, Robert D. Crutchfield & George S. Bridges, 1996 “*Readings: Juvenile Delinquency*”, Crime and Society, Vol.2, Sage Publications, U.K. and India.
- Bueren, G. V. 1998, “*The International Law on the Rights of Child*”, Martinus Nijhoff Publications, The Hague.
- Bare Acts:
 - (i) The Tamil Nadu Children Act, 1920.
 - (ii) The Tamil Nadu Borstal School Act, 1925
 - (iii) The Reformatory Schools Act, 1827.
 - (iv) The Juvenile Justice Act, 1986
 - (v) The Juvenile Justice (Care and Protection of Children) Act, 2000
 - (vi) The Juvenile Justice (Care and Protection of Children) Act, 2015.
 - (vii) The Protection of Children from Sexual Offences Act, 2019.

Journals for research articles:

- Child and Family Law Quarterly : 1988 – 2018
- Child Law Practise : 1982 – 2017
- Children’s Legal Rights Journal : 1979 – 2019
- Journal of Child Law : 1988 - 2018
- Journal of Juvenile Law : 1977 – 2019
- Juvenile and Child Welfare Law Reporter : 1982 – 2017
- Juvenile Justice : 1993 – 2004
- Juvenile and Family Court Journal : 1949 – 2017
- National Juvenile Law Reporter : 1982 – 2017
- The International Journal of Children Rights : 1993 – 2019
- UC Davis Journal of Juvenile Law & Policy : 1996 – 2018

E- Books:

- Asha Bajpai (2006), “*Child Rights in India: Law, Policy and Practise*” Oxford University Press, <https://oxfordscholarship.com/view/10.1093/acprof-9780195670820.001.0001/acprof-9780195670820>
- Maharukh Adenwalla (2006), “*Child Protection and Juvenile Justice System – For Juvenile in Conflict with Law*”, ChildLine India Foundation, Mumbai. <https://www.childlineindia.org/pdf/CP-JuvenileJustice-Juvenileinconflictwithlaw.pdf>
- Marvin, D. Krohn & Jodi Lane (2015), “*The Handbook of Juvenile Delinquency and Juvenile Justice*”, Wiley Online Library. <https://www.onlinelibrary.wiley.com/doi/book/10.1002/9781118513217>
- Joan McCord, Cathy Spaty Widom & Nancy A. Crowdell, (2011) “*Juvenile Crime, Juvenile Justice – Panel of Crime Prevention, Treatment and Control*”, National Academy Press, Washington. <https://www.nap.edu/read/9747/>
- Lal Bahadur Shastri National Academy of Administration and UNICEF, (2017) “*Juvenile Justice Act, 2015 – A Handbook for Field Administrators*”, National Gender Studies, Uttarakhand, India. <https://www.jjb.bih.nic.in/pdf/JJActHandbookAdministrators.pdf>

Research Articles related to Juvenile Justice:

- Ved kumari, 1999, “Current Issues in Juvenile Justice in India” *Journal of Indian Law Institute* Vol.4, Issue. 3 & 4, pp.392-404.
- National Judicial Academy, 2018, “*Juvenile Justice in India: Understanding Non-Adversarial Nature of the System from Human Rights and Constitutional Perspectives*”.
- Shailesh Kumar, 2019, “Shifting Epistemology of Juvenile Justice in India” *Contexto Internacional* Vol.4, Issue.1, pp.113-140.
- Satyender Verma & Lakshman Singh Rawat, 2018 “Juvenile Justice System in India: An Overview” *International Journal of Law* Vol.4, Issue.3, pp.23-29
- Rachel Taylor, 2016 “Putting Children First? Children’s Interest as a Primary Consideration in Public Law”, *Child and Family Law Quarterly* Vol.28, Issue.1, pp.45-66.
- Shanna Knight, 2017 “Special Focus: Indian Child Welfare”, *Child Law Practise* Vol.36, No.1, pp.1-2.
- Scott Trowbridge, 2017 “Understanding the 2016 Indian Child Welfare Act Regulations”, *Child Law Practise* Vol.36, Issue.1, pp.6-10
- Jacob L. Zerkle, 2016, “Rehabilitate the Community by Rehabilitating its Youth – Cognitive Science, Incarceration and Jurisprudence Relate to the Criminal Justice System’s Treatment of Juveniles”, *Children’s Legal Rights Journal* Vol.36, No.3, pp.201-217.

Cases for Guidance:

- Sunil & Another v. State (2001) 1 CrLJ 149
- Pratap Singh v. State of Jharkhand AIR 2005 SC 3088
- Rajendra Chandra v. Chandigarh Administration AIR 2000 SC 748
- Umesh Chandra v. State of Rajasthan (1982) 1 SCALE 335 (SC)
- Dr. Subramaniya Swamy & Others v. Raju (Through Member, JJB & Another) (2013) 10 SCC 465
- Munna v. State of U.P. (1982) 1 SCC 545
- Gaurav Jain v. UOI AIR 1990 SC 292
- Vishal Jeet v. UOI AIR 1992 SC 1412
- Sheela Barse v. Union of India AIR 1986 SC 1773
- Sheela Barse v. State of Maharashtra AIR 1983 SC 378
- Krishna Bagwan v. State of Bihar AIR 1989 Pat 217
- Deoki Nandan Dayna v. State of U.P. (2001) 1 CrLJ 149

- Izaz Ahmad v. State of M.P. (2001) 1 SCC Cri 212
- Ajay Pratap Singh v. State of M.P. (2000) 1 SCC Cri 137
- Satbir Singh v. State of Haryana AIR 2005 SC 3549
- Arnit Singh v. State of Bihar AIR 2005 SC 2264
- Ramdeo @ Rajnath Chauhan v. State of Assam AIR 2001 SC 2231
- Rajender Chandra v. Chandigarh Administration AIR 2000 SC 748
- Hari Ram v. State of Rajasthan & Another (2009)13 SCC 211
- Bakthavatchalu v. State of Tamil Nadu AIR 2008 SC 1434
- Ajhar Ali v. State of West Bengal (2013) 10 SCC 31
- Jyothi Prakash Rai v. State of Bihar AIR 2008 SC 1696
- Babloo Pasi v. State of Jharkhand AIR 2009 SC 314
- Ram Suresh Singh v. Prabhai Singh @ Chotu Singh & Another AIR 2009 SC 2805
- Dharambir v. State NCT Delhi Administration AIR 2010 SC 1801
- Mohan Mali & Another v. State of M.P. AIR 2010 SC 1790
- Ashwini Kumar Saxena v. State of M.P. 2012 AIR SCW 5377
- Nagoor Pitchai @ Badhusa v. State through S.I of Police (2013) 10 SCC 668.

Web Sources for Journals of Scholarly Articles:

- <https://heinonline.org>
- <https://jstor.org>
- <https://shodganga.inflibnet.ac.in>

Web Sources for referring latest decisions:

- <https://indiankanoon.org>
- <https://manupatrafast.com>
- <https://www.aironline.in>
- <https://www.scconline.com>

Learning Outcome:

At the end of the Course, the student will;

- Understand the theories of juvenile delinquency, causative factors of juvenile delinquency and its preventive measures.
- Understand the issues and challenges involved in implementing Juvenile Justice System.
- Equipped with development of Juvenile Justice related legal systems in India and motivate to involve themselves in reforming the juveniles in conflict with law.
- Critically analyse the implications of international instruments on Child Rights.
- Examine the application of reformatory and rehabilitative measures to turn the juveniles in conflict with law into a law-abiding citizen

(d): INDUSTRIAL AND COMMERCIAL LAW

HS50904: INTERNATIONAL COMMERCIAL ARBITRATION

Objectives of the course:

Arbitration is a suitable instrument to settle and solve international commercial disputes that arrive at a final and binding award. It is a universally admitted dispute resolution mechanism which furnishes an enforceable award. The objective of the course is to cater a fundamental outlook on the vital themes of international commercial arbitration. The course places utmost significance on arbitration of international commercial disputes. The course shall provide the students with a pragmatic vision of strategic obstacles arising out of the international arbitration proceedings.

After undergoing the study of this paper the student should be able to understand the following;

- 1. Able to understand the basic aspects of International Commercial Arbitration.*
- 2. Understand the concept of agreements related to International Commercial Arbitration.*
- 3. Gain an understanding of international commercial arbitration in the Indian context including international commercial arbitration held both in India and outside India;*
- 4. Analyse the various issues related to enforcement of foreign arbitral awards.*
- 5. Pros and cons of arbitration as a tool for resolving cross-border commercial disputes.*

COURSE OUTLINE

Module I: Introduction to International Commercial Arbitration

- a) Concept and Nature - Sovereign States, Claims Commissions, and Tribunals.
- b) Hybrid nature of Arbitral Process - Dispute Resolution in International Trade – Regulation of International Arbitration
- c) Regulation of International Arbitration – Kinds of Arbitration – Review.

Module II : Arbitration agreement & Validity of Arbitration Agreement

- a) Overview - the validity of an Arbitration Agreement –
- b) Parties to an Arbitration Agreement - Analysis of an Arbitration Agreement - Submission Agreement – Arbitrability.
- c) Confidentiality – Confidentiality - Defective Arbitration Clauses - Multi-Party Arbitrations – Review.

Module III : Arbitrators and Applicable Laws

- a) Meaning - Appointment of Arbitrators - Qualities Required in International Arbitrators - Impartiality and Independence of Arbitrators - Challenge and Replacement of Arbitrators.
- b) Powers of Arbitrators - Duties of Arbitrators – Jurisdiction – Review ‘
- c) Law Governing the Agreement to Arbitrate - Law Governing the Arbitration - Law Applicable to the Substance - Conflict Rules and the Search for the Applicable Law – Other Applicable Rules and Guidelines – Challenges.

Module IV: Nature and Categories of Arbitration

- a) Overview - Investment Arbitration – Construction – Maritime – Sports – IPR – *Ad hoc* Arbitration.
- b) Institutional Arbitration - Organisation of the Arbitral Tribunal - Fees and Expenses of the Arbitral Tribunal - Procedure & Evidence - Preliminary Steps - Written Submissions - Evidence Gathering - Hearings - Proceedings after the Hearing - Other Matters.

Module V: Arbitral Award

- a) Overview - Categories of Awards – Remedies- Validity of Awards - Effect of Awards— Res Judicata- Decision Making –
- b) Classification of Award – Review of Award – Challenge - Methods of Challenge – Grounds of Challenge - Time Limits and Effects of Challenge.
- c) Recognition and Enforcement - Enforcement under the New York Convention - Enforcement under the Washington Convention - Enforcement under Regional Conventions - Defence of State Immunity - Practical Considerations.

Module VI: Soft Laws on Arbitration

- a) General Overview
- b) IBA Guidelines on Conflicts of Interest in International arbitration – IBA Guidelines on Party Representation in International Arbitration - IBA Rules on the Taking of Evidence in International Arbitration .
- c) IBA Guidelines for Drafting International Arbitration Clauses

Recommended Readings:

Books:

1. A.K Bansal, Law of International Commercial Arbitration, Universal Law Publishing, 2003.
2. Margaret L. Moses, The Principles and Practice of International Commercial Arbitration, 2nd Edition, Cambridge University Press, 2012.
3. Gary B. Born, International Arbitration: Cases and Materials, 2nd Edition, Kluwer Law International, 2015.
4. Gary B. Born, International Commercial Arbitration, 2nd Edition, Kluwer Law International, 2014.
5. Emmanuel Gaillard, John Savage (eds.), *Fouchard Gaillard Goldman on International Commercial Arbitration*, Kluwer Law International, 1999

Journal Articles:

1. The Lex Mercatoria in International Commercial Arbitration, Ole Lando, The International and Comparative Law Quarterly Vol. 34, No. 4 (Oct., 1985), pp. 747-768 Published by: Cambridge University Press on behalf of the British Institute of International and Comparative Law <https://www.jstor.org/stable/759197>
2. Christopher R Darhozal, Commercial Norms, Commercial Codes, and International Commercial Arbitration 33 Vand. J. Transnat'l L. 79 (2000)
3. Park, W. (1983). The Lex Loci Arbitri and International Commercial Arbitration. International and Comparative Law Quarterly, 32(1), 21-52. doi:10.1093/iclqaj/32.1.21
4. Paulsson, J. (1983). Delocalisation of International Commercial Arbitration: When and why it Matters. International and Comparative Law Quarterly, 32(1), 53-61. doi:10.1093/iclqaj/32.1.53
5. Catherine A Rogers 54 U. Kan. L. Rev. 1301 (2005-2006) Transparency in International Commercial Arbitration

Further Readings:

Books:

1. International Commercial Arbitration, Gary B.Born, Wolters Kluwer 2nd edition. 1,2,3 volumes
2. International Commercial Arbitration - A Trans National Perspective, Tibor Varada; John J. Hareelo; Arthur T Von, Thomson west 3rd edition
3. Handbook on International Commercial Arbitration, Peter Ashford, juries net LIC, 2nd edition

4. International Commercial Arbitration and Arbitrators' contract - Emilia Onyema, Routledge Publishers
5. International Commercial Arbitration in Asia - Thomas B Ginsburg, Juries Net LLC 2nd edition
6. Law and practice of International Commercial Arbitration by Alan Redfern, Sweet & Maxwell
7. International Commercial Arbitration: Commentary and Materials by Gary Born Martinus Nijhoff; 2nd edition (February 1, 2001)
8. Combining Mediation and Arbitration in International Commercial Dispute Resolution by Dilyara Nigmatullina, Routledge
9. The Principles and Practice of International Commercial Arbitration by Margaret L. Moses, Cambridge University Press
10. Arbitration of Commercial Disputes: International and English Law and Practice by Karen Tweeddale, Andrew Tweeddale, Cambridge University Press

Journals:

1. Paolo Contini 8 Am. J. Comp. L. 283 (1959) International Commercial Arbitration: The United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards
2. Philip J McConaughay 93 Nw. U. L. Rev. 453 (1998-1999) Risks and Virtues of Lawlessness: A Second Look at International Commercial Arbitration
3. Hans Smit 25 Colum. J. Transnat'l L. 9 (1986-1987) The Future of International Commercial Arbitration: A Single Transnational Institution
4. W. Michael Tupman Challenge and Disqualification of Arbitrators in International Commercial Arbitration The International and Comparative Law Quarterly Vol. 38, No. 1 (Jan., 1989), pp. 26-52 Published by: Cambridge University Press on behalf of the British Institute of International and Comparative Law <https://www.jstor.org/stable/760425>
5. Filip De Ly 12 Nw. J. Int'l L. & Bus. 48 (1991-1992) The Place of Arbitration in the Conflict of Laws of International Commercial Arbitration: An Exercise in Arbitration Planning
6. Jasna Arsic 14 J. Int'l Arb. 209 (1997) International Commercial Arbitration on the Internet - Has the Future Come Too Early
7. Peter D Ehrenhaft 9 Law & Pol'y Int'l Bus. 1191 (1977) Effective International Commercial Arbitration

8. James M. Hosking 4 Pepp. Disp. Resol. L.J. 469 (2003-2004) The Third-Party Non-Signatory's Ability to Compel International Commercial Arbitration: Doing Justice without Destroying Consent
9. S.I. Strong Research in International Commercial Arbitration: Special Skills, Special Sources the American Review of International Arbitration, Vol. 20, p. 119, 2009 University of Missouri School of Law Legal Studies Research Paper No. 2010-15
10. 25 Colum. J. Transnat'l L. 717 (1986-1987) The Enforcement of Arbitral Awards under UNCITRAL's Model Law on International Commercial Arbitration

Cases for Guidance:

1. Henry Boot Construction Ltd. v. Malmaison Hotel, [1999] 70 Con LR 32
2. General Manager, Northern Railways v. Sarvesh Chopra, AIR 2002 SC 1272 (Supreme Court of India (SC))
3. Asian Techs Ltd. v. Union of India, (2009) 10 SCC 354 (SC)
4. Obrascon Huarte Lain SA v Her Majesty's Attorney General for Gibraltar, [2014] EWHC 1028 (TCC)
5. Esso and others v. Plowman (1995) 128 A.L.R. 391
6. Barmenco Indian Underground ... vs Hindustan Zinc Limited on 20 July, 2020 HIGH COURT OF JUDICATURE FOR RAJASTHAN
7. Trammo Dmcc (Formerly Known As ... vs Nagarjuna Fertilizers And ... on 9 October, 2017, HC BoMbay
8. International Tank & Pipe SAK v Kuwait Aviation Fuelling Co KSC (1975)
9. Jivraj v Hashwani [2010] EWCA Civ 712.
10. Mxrsk Olie, Algeriet A/S v. People's Democratic Republic of Algeria, ICSID Case No. ARB/09/14 (registered July 20, 2009).
11. Standard Chartered Bank (Hong Kong) Ltd. v. Tanzania Elec. Supply Co. Ltd., ICSID Case No. ARB/ 10/20 (registered on Oct. 1, 2010).
12. Millicom Int'l Operations B.V. v. Republic of Senegal, ICSID Case No. ARB/08/20, Award (Nov. 27, 2012).
13. Patrick Mitchell v. Democratic Republic of the Congo, ICSID Case No. ARB/99/7, Award (Feb. 9,2004)
14. Russell Res. Int'l Ltd. v. Democratic Republic of the Congo, ICSID Case No. ARB/04/11 (discontinued on Feb. 10, 2009).
15. Cruz City 1 Mauritius Holdings v. Unitech Limited 2017 SCC OnLine Del 7810

Learning outcomes:

At the end of the course the students will be able to -

1. *Acquire knowledge on arbitration as a dispute settlement mechanism in international commercial disputes.*
2. *Analyse the forms and important aspects of International Commercial Arbitration.*
3. *Assess the cooperation between Arbitration and National Judicial Systems.*
4. *Compare and understand the relationship between UNCITRAL Model Law and International Commercial Arbitration.*

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS60901: INTELLECTUAL PROPERTY LITIGATIONS

Objectives of the Course

This course is intended to teach the application of law in terms of court's principles and procedures exclusively for deciding intellectual property cases. Most significantly, in deciding Intellectual property cases both Supreme Court and High Courts in India are apparently following foreign judgements in many occasions. Intellectual property laws confer monopoly to the owners of intellectual property so the enforcement of intellectual property rights is getting more crucial.

The main objective of the course is-

- a. *to impart practical perspective of IPR enforcement mechanism by discussing various tests, rules and procedures laid down by the courts in case of infringement of IPRs.*
- b. *to teach international and cross border litigations of intellectual property rights.*

COURSE OUTLINE

Module 1 Litigation Relating to Copy rights and Industrial Designs

- a) Copy right infringement- Acts constituting infringement- Direct infringement and indirect infringement (Vicarious liability and Contributory liability)
- b) Jurisdiction of the court -idea/expression dichotomy-abstraction test-Lay observer test -Infringement of Neighbouring rights –Infringement of Moral rights –Online Copyright Piracy-Peer to peer technology-liability of internet service provider
- c) Exception to Copyrighted work-Exhaustion of Copyrighted work -fair use/fair dealing-Test of transformation-Reverse engineering of Computer programme - Doctrine of staple articles-Doctrine of Copyright Misuse-
- d) Remedies-Criminal liability under anti circumvention law;
- e) Piracy of Design –Fraudulent or obvious imitation of design- Jurisdiction of the court – Remedies.

Module II Litigation Relating to Patent and Trade Secret

- a) Acts amount to infringement of patent-Jurisdiction of the Court –Claim interpretation or Construction(intrinsic and extrinsic aids)-Literal infringement-Doctrine of Equivalents/Doctrine of Pith and Marrow-Exception to DOE-All element rule, doctrine of public dedication, existence of prior art-prosecution history estoppel
- b) limitation and exception-doctrine of first sale-parallel import-Bollar exception- Patent Misuse-Remedies;
- c) Infringement of trade secrets- breach of trust- Springboard doctrine.

Module III Litigation Relating to Trade Marks and Geographical Indications

- a) Infringement of trademarks –jurisdiction of the court-Deceptive similarity-likelihood of confusion-Polaroid Factors-Concept of Dilution-Passing off and Reverse passing off Action
- b) Fair use of trademark-Comparative Advertisement-Counterfeit trademark-exhaustion of right in trademark-Remedies-functions of IPAB.
- c) Infringement of registered Geographical Indications- Special provision relating to Trademark and Prior user-Jurisdiction of the Court– Remedies.

Module IV- Enforcement of IPR under TRIPS Agreement

- a) Prior to TRIPS Agreement –Berne Convention and Paris Convention- reference to International Court of justice
- b) TRIPS Provisions Articles 41 to 61 – Minimum standard protection – civil, Criminal & Administrative Remedies
- c) Dispute settlement mechanism –XXII and XXIII of GATT 1994-Violation, Non-Violation and Situation Complaints- Dispute Settlement Understanding (DSU) – Retaliation and cross-retaliation.

Module V: Cross–Border IPR Litigations

- 1 Private International Law and Intellectual property law –Hague Convention on Choice of Court and Choice of law- Recognition and enforcement of foreign judgment-issues relating to administrative or judicial cooperation in collecting evidence- Brussels Convention – Cross border litigation under European Union Frameworks.

Recommended Readings

Books:

1. Arnaud Nuyts –International Litigation in Intellectual Property and Information Technology,(1st Ed.,) Wolters Kluwer, New York, 2008
2. Cornish and Llewelyn- Intellectual Property, 6th Ed. Sweet &Maxwell, 2007
3. V.K. Ahuja, Law Relating to Intellectual Property Rights (Lexis Nexis) 2015
4. Elizabeth Verkey, Intellectual Property law and Practice ,Eastern Book Company, 2015
5. Taraporevala V J, Law of Intellectual Property,(2nd Edition) Thomason Reuters, 2013.
6. James J. Fawcett and Paul Torremans: Intellectual Property and Private International Law,2012, (oxford)

Journal/Articles:

1. Mark A Lemley & R. Anthony Reese, Reducing Digital Copyright Infringement Without Restricting Innovation 56 Stan L. Rev 1345 (2004)
2. Ruth Okediji, Towards an International Fair Use Doctrine 39 Colum J. Transnat'l L. 75 (2000)
3. Andrew S. Brown, Amgen v. HMR: A Case for Deference in Claim Construction (2007) 20 Harv. JL Tech 479
4. Raj S Dave , A Mathematical Approach to Claim Elements and the Doctrine Of Equivalents (2003) 16 Harv. J L Tech 508.
5. Hazel Carty, Dilution and Passing Off: Cause for Concern (1996) 112 LQR 632

Further Readings:

Books:

1. 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
2. Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle(15th ed. 2005) Indian Reprint 2008
3. Rama Sarma, Commentary on Intellectual property Laws, Vol.2. Nagpur: Lexis Nexis Butterworths Wadhawa (2009)
4. Abbott, F., T. Cottier and F. Gurry (1999) The International Intellectual Property System: Commentary and Materials. The Hague, London and Boston, Kluwer Law International
5. Terrel on Patents, Sweet and Maxwell, London (1994)
6. Kerly's Law on Trademarks and Trade Names, Sweet and Maxwell. Wolters Kluwer (2015)
7. Russell Clarke, Industrial Design, Sweet and Maxwell, 9th Ed., (2016).
8. Julie E. Cohen and *Et al.*, Copyright in a Global Information Economy, Aspen Publisher, Wolters Kluwer, (2010)
9. Resource Book on TRIPS and Development, UNCTAD- ICTSD (2004)
10. John Cross, Global Issues in Intellectual Property Law- Cases and Materials, west Publisher (1st ed.,) 2010
11. Lemley, Menell, Merges and Samuelson, Software and Internet Law, (3rd Ed.,) Aspen Publishers, (2006).

Journals/Articles

1. N S Gopalakrishnan, Administrative Remedies in Intellectual Property Protection under TRIPs and Indian Law: Border Control Measures 2000 CLC 1 (Jr) 23
2. Mabel Tsui, Access to Medicine and The Dangers of Patent Linkage: Lesson From Bayer Corp v. Union of India (2011) 18 Journal of Law and Medicine 577-88
3. Ron A Bouchard et al., Structure Function Analysis of Global Pharmaceutical Linkage Regulations (2011) 12 Minn J L Sci & Tech 391-457.
4. Peter S. Menell, Economic Implication of State Sovereign Immunity from Infringement of Federal Intellectual Property Rights, 33 Loy. L. A. L. Rev. 1399 (2000)
5. Pamela Samuelson & Tara Wheatland, Statutory Damages in Copyright Law: A remedy in Need of Reform 51 Wm & Mary L. Rev. 495 (2009)
6. Alan Latman, Probative Similarity as Proof of Copying: Towards Dispelling Some Myths in Copyright Infringement? (1990) Colum L. Rev 1187.
7. Adam V. Vickers, Comment, Peering Beyond Today's Internet File sharing Concerns: The Future of Bit Torrent Technology, 8 Tul. J. Tech & Intell. Prop. 133 (2006)
8. Neil Weinstock Netanel, Impose a Non Commercial Use Levy to Allow Free Peer to Peer File Sharing 17 Harv. J. L. & Tech 1 (2003)
9. Michael J Madison, A Pattern Oriented Approach to Fair Use, 45 Wm & Mary L. Rev 1525 (2004)
10. Pamela Samuelson & Suzanne Scotcher, The Law and Economics of Reverse Engineering, Yale L. J. 1575 (2002)

Cases for Guidance

1. R. G. Anand v. Delux Films (1978) 4 SCC 118
2. Computer Associates International Inc v. Altai 982 F.2d 693 (3rd Cir 1992)
3. Kelly v. Arriba Soft Corp (2003)
4. Delhi University Photo Copying Case – The Chancellor Masters and Scholars of the University of Oxford v. Rameshwari Photocopy Services (2012)
5. Sega Enterprises Ltd v. Accolade Inc (1992)
6. A & M Records v. Napster Inc (2001)
7. Phillips v AWH Corporation (2005)
8. Larami Corp. v. Amron (1993)
9. Graver Tank v. Linde Air Products Co. 339 US 605 (1950)
10. Catnic Components Ltd v Hill & Smith Ltd (1982)RPC 183
11. Improver Corp. v Remington Consumer Products Ltd. (1990) FSR 181
12. Bajaj Auto Ltd v. TVS Motors Co Ltd (2008)
13. Monsanto v Nuziveedu (2019)
14. Britannia Industries Ltd v. Sara Lee Bakery AIR 2000 Mad 497
15. Erven Warnink v. J Townsend & Sons Ltd (1979)
16. S M Dyechem Ltd., v Cadbury (India) ltd (2000)
17. Cadila Health Care Ltd v Cadila Pharmaceutical Ltd (2001)
18. Scotch Whisky Assn., v Pravara Sahakar Shakar Karkhana Ltd AIR 1992 Bom 294
19. Syndicate of Press of University of Cambridge v B. D. Bhandari (2005) 31 PTC 58 (Del)
20. 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. Learn the practical application IP Laws
2. Examine different rules and tests laid down by the courts in different jurisdictions
3. Understand the interpretation of IP Laws
4. Discuss and learn about cross border IP litigations
5. Learn international IP enforcement mechanisms

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

HS60902: RERA AND TENANCY LAWS

Objectives of the Course:

- 1. RERA is a most significant legislative measure to regulate the field of Real Estate Projects. It aims to regulate and promote the real estate sector by regulating the transactions between buyers and promoters of residential as well as commercial projects.*
- 2. Tenancy laws bring within its ambit the rules for residential and non-residential premises and further develop the policies to promote balanced rental housing. It is aimed at ensuring better access to housing opportunities, while alleviating fears of the house owners in granting tenancy rights and also establishes a better structure for enforcing rights and responsibilities of property owners and tenants.*
- 3. The Tenancy Laws includes building tenancy and law relating to cultivating tenants in the state of Tamil Nadu. This subject is most significant for civil side practice.*

COURSE OUTLINE

Module – I: Law Relating to Real Estate Regulation

- 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
- Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018.

Module – II: Tenancy Laws in Tamil Nadu in relating to Buildings:

Definitions - Tenancy – Rent – Obligations of Landlord and Tenant – Repossession of the Premises by the Landlord –Rent Authorities: Appointment, Powers and Functions – Rent courts and Rent Tribunals.

Module – III: Laws relating to cultivating tenants in Tamil Nadu:

- Definition: cultivating tenant, landlord- rights and liabilities of landlords- grounds for eviction of tenant- protection available to member of armed forces- restrictions on restoration of possession - Cultivating Tenants Special Provisions Act, 1968 with amendments
- The TN Cultivating Tenants Arrears of Rent (Relief) Act, 1972 [including all amendments]
- The TN Cultivating Tenants Protection From Eviction Act, 1989 [including all amendments]

Module - IV

Definition- agricultural labourer - rent court and rent tribunal- kaieruvaramdhar and mattuvaramdhar- revision- record of tenancy rights – advisory committee.

Module- V:

Definitions – occupant of Kudiyiruppu – alternative site – payment and recovery of compensation – prohibition of alienation

Statutory Materials:

1. Real Estate (Regulation and Development) Act, 2016
2. The Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenants Act, 2017 [including amendments, rules]
3. The TN Cultivating Tenants Protection Act, 1955
4. The TN Cultivating Tenants (Payment of Fair Rent) Act, 1956
5. The TN Agricultural Land Record of Tenancy Rights Act, 1969
6. The TN Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971

Recommended Readings:

1. A handbook of Land Tenures in Tamil Nadu by Sambandham and V.S.Rajaram, 2017 edition, C.Sitaraman & Co.Pvt. Ltd.
2. Taxmann's Guide to RERA with RERA check lists, 3rd edition, 2017.
3. Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018 at https://www.tnrera.in/Downloads/Acts_Rules_Regulations/Regulations.pdf
4. Land laws of Tamil Nadu, Prof.A.Chandrasekaran, C.Sitaraman & Co.Pvt. Ltd, 2013 edition.
5. The Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenants Act, 2017 Bare Act

Cases for Guidance:

1. Anandan v. Lingam on 22 February, 2013
2. P.K.Selvaraj v. The Revenue Divisional Officer on 17 February, 2006
3. K.Thangammal vs R.Murugan on 24 September, 2018
4. Nachayee Ammal and others v. Sri Venugopalakrishnaswamy on 1 March, 2003
5. Somasundaram v. Subramanian on 20 March, 2019
6. E.K.M.G.Bakir Ali v. G.Sundarraaj on 20 June, 2011
7. Maria Seeman Nadar v. Anna Muthu Ammal on 18 December, 2006
8. Church Of South India Trust v. The District Revenue Officer on 30 March, 2010
9. Shanmugham vs Arulmigu Vinayagar And Arulmighu on 18 June, 2002
10. R. Jayakumar vs P. Kaliyaperumal And Ors. on 17 February, 1999
11. Jayaraman (Died) vs Eswaran on 10 February, 2012
12. T.K.Ayub vs Mohammed Hanif on 23 March, 2010
13. B.Venkatesh vs Nagarajan on 12 July, 2018
14. G.Surya Kumari vs The Government Of Tamil Nadu on 1 September, 2017

15. Sanjay phulwaria and 22 others v. Mumbai metropolitan region development authority and 4 others, Bombay high court on 16 October, 2018

Learning Outcome:

Students graduating with Land Laws will be able to:

1. Understand and describe legislative power to make laws relating to land and land ceiling is in the state list.
2. Different states have enacted their own laws on this subject and the application of these laws is varied from state to state.
3. The Constitutional perspectives relating to these subjects have to be taught as an essential part of this course.
4. Problem-solve complex issues in the land related matters and society related to policies, law enforcement, government bindings and etc.
5. Effectively apply knowledge to solve practical problems

(c): CRIMINAL LAW AND FORENSIC SCIENCE

HS60903: PSYCHOLOGY OF CRIME

Objectives of the Course:

The course is designed to bring out the link between crime and psychology. It will highlight the causes of crime for victims, offender and of the wider society. The basic promise of the course is that multiple variables affect human behavior, hence focuses its attention to personality factors and how they intersect with situational variables. Student will acquire a new framework for interpreting criminal behavior and will examine the usage of psychology in the criminal justice system.

At the end of the course, the student will have:

- *Knowledge of the key concepts and propositions of psychological models of Human behavior*
- *Inbuilt capacity to identify the varying perspectives of criminal behavior.*
- *Familiarity with research methodologies commonly employed in the field of criminal psychology.*

COURSE OUTLINE

Module I: Introduction to Psychology of Crime

- a) Nature and scope of psychology- Psychology of Soul;Mind;Consciousness;Behaviour
- b) Study of Criminal Behavior
- c) Concepts of Crime, Law and Criminology
- d) Theories of Crime Causation.
- e) Psychological Theories of Crime

Module II: Criminal Personality

- a) Meaning and Nature of Personality
- b) Theories and Factors of Personality
- c) Meaning and Types of Criminal Personality
- d) Criminal Personality and Non Criminal Personality
- e) Personality Disorder- Psychopathic Personality

Module III: Criminal Behavior

- a) Nature and Scope of Criminal Behavior
- b) Factors that lead to Criminal Behavior- Biological factors- Situational factors- Learned factors
- c) Theories of Criminal Behavior- Developmental theories- Critical criminology
- d) Evaluation of Criminal - Psychological Tests
- e) Criminal Psychology- Roles of Criminal Psychologists

Module IV: Criminal Typology

- a) Violent Crimes – Homicide- Suicide
- b) Stalking and Sexual Offenses
- c) Property Crimes
- d) Public Order Crimes
- e) Substance Abuse

Module V: The Criminal Justice System -The Psychological Approach

- a) Police Psychology
- b) Treatment of Victims and Witnesses
- c) Suspects of Crime
- d) Court proceedings -Prison- Probation services- Juvenile Corrections
- e) Social Perspective

Module VI: Correctional Psychology- Crime Prevention

- a) Forensic and Correctional Psychology
- b) Intervention
- c) Correctional Counseling Process
- d) Group Counseling and Resocialisation Programmes
- e) Treatment of Criminals – Custodial- Non-custodial

Recommended Reading

Books

1. Evolutionary Psychology: The New Science of the Mind, David Buss , 4th Edition, Pearson, 2011
2. Abnormal psychology and modern life, [James C Coleman](#), Scott, Foresman; 7th Edition (1984)
3. Contemporary Criminal Law: Concepts, Cases, and Controversies, Matthew Lippman, SAGE Publications, 5 Edition 2018
4. Sociology of Deviant Behavior, [Marshall B. Clinard](#) , [Robert F. Meier](#) , Cengage Learning, 15 Edition, 2015
5. Crime classification manual. Lexington Books/Macmillan, Douglas, J. E., Burgess, A. W., Burgess, A. G., & Ressler, R. K. (Eds.), 1992

Journals/ Articles

1. Criminal Psychology, K. EGross HKallen H, Columbia Law Review (1912) 12(1) 90
2. Rehabilitating Criminal Justice Policy and Practice, Andrews DBonta J, Psychology, Public Policy, and Law (2010) 16(1) 39-55
3. Forensic Psychology, Louw D, Elsevier Inc., (2015), 351-356
4. Once a criminal, always a criminal?: 'Redeemability' and the psychology of punitive public attitudes, Maruna SKing A European Journal on Criminal Policy and Research (2009) 15(1-2) 7-24
5. The Encyclopedia of Criminology and Criminal Justice, Choice Reviews Online (2014) 52(01) 52-0041-52-0041

Further Reading

Books

1. The Psychopathology of Crime: Criminal Behavior as a Clinical Disorder, Adrian Raine , Academic Press; 1 Edition 1997
2. Psychology and Crime: Myths and Reality (Longman Criminology Series), [Peter B. Ainsworth](#), Addison-Wesley Longman Ltd, 2000
3. Criminology & Psychology Today: Peering Inside Criminal Minds: Uncovering The Complex Relationships Between Criminals Psychology, Neuroscience & Neuro-criminology (criminal psychology books) Kindle Edition, Alice Cole , Chris McGarry . Kindle Edition
4. The Psychology of Criminal Conduct,D.A. Andrews, James Bonta, Elsevier Inc., 5th Edition , 2010
5. Psychology and Crime: An Introduction to Criminological Psychology , [Clive R. Hollin](#), Routledge; 2 Edition 2012
6. Criminal psychology, Pakes F Pakes S, Taylor and Francis, (2012).
7. Introduction to Forensic Psychology, Shipley SArrigo B, Elsevier Inc., (2012)
8. Crime and criminal justice, Marsha I, Taylor and Francis, (2011)
9. Psychology and law: truthfulness, accuracy and credibility, Memon AVrij ABull R, (2003)
10. Applying Psychology to Forensic Practice, Needs ATowl G wiley, (2008)

Journal/ Articles

1. Handbook of Forensic psychology, Haward L, Behaviour Research and Therapy (1988) 26(4) 366
2. Offender profiling and investigative psychology, Canter D, Journal of Investigative Psychology and Offender Profiling (2004) 1(1) 1-15
3. Dennis Howitt, Introduction to Forensic and Criminal Psychology, Duff S, Psychology Learning & Teaching (2016) 15(1) 115-116
4. Applying Psychology to Criminal Justice,Carson DMilne RPakes , John Wiley and Sons, (2008), 1-314
5. Evolutionary theory and criminal behaviour, Quinsey V, Legal and Criminological Psychology, <https://doi.org/10.1348/135532502168324>

6. Psychology and crime, Kellogg A Psychological Bulletin (1917) 14(11) 379-387
7. History of forensic psychology, Bartol CBartol A, Edited byWeiner IOtto RWeiner (Ed) IOtto (Ed) R John Wiley & Sons Inc, (2014), 3-34
8. Offender coercion in treatment: A meta-analysis of effectiveness, [Parhar K](#), [Wormith J](#), [Derkzen D](#), Criminal Justice and Behavior (2008) 35(9) 1109-1135
9. Psychopathy and recidivism in adolescent sex offenders, Gretton HMcBride MHare, Criminal Justice and Behavior (2001) 28(4) 427-449
10. Does criminal offender treatment work, Simon L, Applied and Preventive Psychology (1998) 7(3) 137-159

Learning Outcomes

1. The student will have the ability to examine critically specific offenses and apply psychological models of criminality.
2. They will have an awareness on different perspectives to be employed in crime prevention, investigation, and treatment.

(d): INDUSTRIAL AND COMMERCIAL LAW

HS60904: SOCIAL SECURITY AND UNORGANISED LABOUR

Objectives of the Course

The bulk of India's labor force today is the unorganised sector. Suffering from poverty, without access to education, underpaid, unaware of their rights, and unable to enforce them, the odds are stacked against our unorganized sector. To address this problem, the legislature and the judiciary have, through laws and through judicial activism, repeatedly come to the rescue of these workers. This course is designed to introduce students to the challenges faced by this sector. The main objective is to instruct sector wise relevance which ensures the governance effectively. Other sectors can have identical/similar regulatory system and also be understood in the context of the treatment of the subject matter in this paper. The course work is within the viable framework.

This course has been designed to:

- I. Provide a broad-based understanding of the concept of the informal sector/unorganised labour – their nature, categories, industries, and the challenges and injustices they face;
- II. Instruct the student on the role of the ILO;
- III. Delve into the concept of social security for unorganised labour;
- IV. Focus on critical, India-specific sectors of unorganised workers and examine their individual challenges; and
- V. Survey the various legislations that target the upliftment of, and provision of benefits to, such workers.

The syllabus has been prepared with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I – Introduction to Unorganised Sector

- (a) Concept and Characteristics of Unorganized Sector.
- (b) Unorganised Labour Force in India.
- (c) Economic Contribution of Unorganised Workers.
- (d) Causes and Problems of Unorganized Workers.
- (e) Different Categories of Unorganized Workers-Beedi Workers, Construction Workers-Domestic Workers- Agricultural Workers- Plantation Labourers.
- (f) ILO and Minimum Conditions of Work.
- (g) Constitutional Safeguards.
- (h) Role of Judiciary in the Protection of Unorganized Workers.

Module II – Social Security for Unorganised Workers

- (a) The Unorganised Workers’ Social Security Act, 2008 – Scope and Coverage.
- (b) Definition of Unorganised Sector and Unorganised Worker.
- (c) Social Security Benefits – Schemes.
- (d) Social Security Board.
- (e) Registration of Unorganised Workers.

Module III - Beedi Sector Workers and Specific Legislative Measures

1(a) Features of Beedi Industry

- (b) Production Process.
- (c) Living and Working Conditions.
- (d) Gender Discrimination.
- (e) Vulnerability of Children.
- (f) Occupational Health Hazard and Safety issues.

2(a) The Beedi And Cigar Workers (Conditions of Employment) Act, 1966 – Scope and Object – Definitions – Licenses - Appeals.

- (b) Health and Welfare Measures.
- (c) Working Hours.
- (e) Annual Leave with Wages.
- (f) Application of The Payment of Wages Act, 1936 and The Industrial Disputes Act, 1947.
- (g) Inspectors.
- (h) Offences and Penalty.

3(a) Beedi Workers Welfare Fund Act, 1976 – Scope and Object – Definitions.

- (b) Welfare Fund.
- (c) Advisory Committees.
- (d) Welfare Commissioner.
- (e) Power to make Rules.

4(a) Beedi Workers Welfare Cess Act, 1976 – Scope and Object.

- (b) Fund – Levy and Collection of Cess on Manufactured Beedis.
- (c) Consolidated Fund of India.
- (d) Protection of Action Taken in Good Faith.

Module IV – Construction Workers and Regulation of Conditions of Employment

1 (a) Construction Industry.

- (b) Outsourcing of Labour through Contractor and Intermediaries.
- (c) Types of Construction Workers.
- (d) Women and Child Workers.
- (e) Living and Working Conditions of the Workers.
- (f) Occupational, Health and Safety Issues.
- (e) ILO Conventions on Construction Workers.

2.(a) The Building And Other Construction Workers (Regulation Of Employment And Conditions of Service) Act, 1996 – Scope and Object - Definitions.

- (a) Advisory Committees and Expert Committees.
- (b) Registration of Establishment .
- (c) Registration of Building Workers as Beneficiaries.
- (d) Welfare Board.
- (e) Hours of Work.
- (f) Welfare Measures - Safety and Health Measures.
- (g) Responsibility of Employers.
- (h) Inspecting Staff.
- (i) Offences and Penalties.

3. (a) Building and Other Construction Workers Welfare Cess Act, 1996 – Scope and Object - Definitions.

- (b) Levy and Collection of Cess.
- (c) Furnishing of Returns
- (d) Assessment of Cess.
- (e) Recovery of Amount Due – Appeals.
- (f) Penalty – Offences by Companies.

Module V – Plantation Labour and Conditions of Employment

1.(a) Characteristics of Plantation industry.

- (b) Intensity of Labour.
- (c) Working and Living Conditions.
- (d) Occupational and Health Hazards.
- (e) Problems of Women and Child Workers.

2.(a) Plantation Labour Act, 1951 – Scope and Object – Definitions.

- (b) Inspecting Staff
- (c) Provisions as to Health and Welfare.
- (d) Hours and Limitation of Employment.
- (e) Leave with Wages.
- (f) Penalties And Procedure .

Module VI – Other Legislations Relating to Unorganised Workers

1.(a) The Bonded Labour System (Abolition) Act, 1976 – Object and Scope – Definitions.

- (b) Abolition of Bonded Labour System – Agreement, Custom, etc. to be Void.
- (c) Liability to Repay Bonded Debt to Stand Extinguished – Property of Bonded Labour to be Freed from Mortgage, etc., – Creditors not to accept Payment against Extinguished Debt –
- (d) Authorities for Implementation of the Act.

2.(a) Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act , 1979 – Scope and Object – Definitions.

- (b) Registering Offices-Registration and Revocation of Establishments.
- (c) Llicensing officers-Licensing of Contractors-Revocation, Suspension and Amendment of Licenses.
- (d) Duties and Obligations of Contractors.

- (e) Wages, Welfare and Other Facilities.
 - (f) Displacement Allowance.
 - (g) Liability of principal Employer.
 - (h) Inspecting Staff.
 - (i) Offences and Penalty.
- 3.(a) Contract Labour (Regulation & Abolition) Act, 1970 - Scope and Object -Definitions.**
- (b) Advisory Boards.
 - (c) Registration of Establishments.
 - (d) Licensing of Contractors.
 - (e) Health and Welfare Measure.
 - (f) Offences and Penalties.
- 4.(a) Child Labour (Prohibition and Regulation) Act, 1986 – Scope and Object – definitions.**
- (b) Prohibition of Employment of Children.
 - (c) Regulation of Conditions of Work.
 - (d) Procedure Relating to Offences.
- 5.(a) Mahatma Gandhi National Rural Employment Guarantee Act, 2005.**
- (b) Guarantee of Rural employment to House Holds.
 - (c) Conditions for Providing Guaranteed Employment.
 - (d) Payment of Unemployment Allowance.
 - (e) Non-Disbursement of Unemployment Allowance.
 - (f) Planning and Implementation of Schemes.
 - (g) Responsibilities of Gram Panchayaths.
 - (h) Grievance Redressal Mechanism.
 - (i) National Employment Guaranteed Fund.

Recommended Reading

Books Prescribed:

1. Dr. V.G. Goswami, "Labour & Industrial Laws" (Central Law Agency, 2019).
2. Prof. (Dr.) S.C. Srivastava, "Legal Protection and Social Security in Unorganised Sector" (The Book Line, 2017).
3. Suresh C Srivastava, "Labour Law in Factories, Mines, Plantation, Transportation, Shops and other Establishments" (Prentice Hall of India, 1992).
4. S.N.Mishra, "Labour and Industrial Law" (Central Law Publications, 29th ed., 2019).
5. Gupta N.H., "Social Security for Labour in India" (Deep and Deep Publications, Delhi, 1986).

Journals:

- 1) M. D. Pradeep, B. K. Ravindra, *et.al.*, "A Study on the Prospects and Problems of Unorganised Labour in India", 2 IJAASR 94-100 (2017).
- 2) Lee Tucker, "Child Slaves in Modern India: The Bonded Labour Problem", 19 HRQ 572-628 (1997).
- 3) Jeet Singh Mann, "Employment Rights Protection and Conditions of Domestic Workers: A Critical Appraisal", 57 JILI 216-243 (2015).
- 4) Thomas Paul, "Child Labour – Prohibition v. Abolition: Untangling the Constitutional Tangle", 50 JILI 143-176 (2008).
- 5) M.S.Ramanujam and K.L.Rawal, "Unorganised Workers' Welfare: Imperatives and Initiatives", 46 IJIR 16-31 (2010).
- 6) Suresh C. Srivastava, "Equal Remuneration for Men and Women", 32 JILI 82-92 (1990).

Further Reading

Reference Books:

1. Arun Monappa, Ranjeet Numbudiri, Patturaja Selvaraj, "Industrial Relations & Labour Laws" (Tata Mcgraw Hill, 2012).
2. S.C. Srivastava, "Social Security and Labour Laws" (Lucknow: Eastern Book Company, 1985).
3. R.W. Rideout, "Principles of Labour Law" (Sweet and Maxwell, 1988).
4. H.K. Saharay, "Industrial and labour Laws of India" (Calcutta: Eastern Law House, 1987).
6. Kanak Kanti Bagchi & Nirupam Gope, "Social Security for Unorganised workers in India" (Gurgoan: Madhav Books, 2012).
7. Nayan Barua, "Social Security and Labour Welfare in India" (New Delhi: Asish Publishing House, 1995).
8. Radhika.K, "Women in Agricultural Development" (New Delhi: Serials Publications, 2008).
9. Singh D.P, "Women Workers in Unorganised Sector" (New Delhi: Deep & Deep Publications, 2008).
10. Tripathy S.N, "Law for Unorganised Labour in India", (Delhi: Mangalam Publications, 2008).

Articles:

1. A.Dharmalingam, “Conditions of Brickworkers in South Indian Village”, 30 EPW 3014-3018 (1995).
2. K.R.Lakshmy Devi, “The Women Beedi Workers in a Kerala Village”, 21 IJIR 251-259 (1985).
3. Manishi Pathak, “An Overview of Contract Labour Related Laws in India” *NLS Bus. L.Rev.* 20 (2017).
4. Rashmi Tiwari and Shivani Tiwari, “Women Employment in Unorganised Sector: An Empirical Analysis”, 35 JRD 645-664 (2016).
5. Paramita Ray, “Contract Labour System in India: Issues & Perspectives”, 3 IJLLJS 297-306 (2016).

Cases for Guidance:

1. Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. &Ors., 1985 AIR 652.
2. People Union for Democratic Rights v. Union of India & Ors., 1982 AIR 1473.
3. Bandhua Mukti Morcha v. Union of India, 1984 SCR (2) 67.
4. Neeraja Chaudhary v. State of Madhya Pradesh, (1984) 3 SCC 243.
5. Daily Rated Casual Labour v. Union of India, 1988 SCR (1) 598.
6. State v. Banwari, 1957 CriLJ 539.
7. M.C. Mehta v. State of Tamil Nadu and Others, (1996) 6 SCC 756.
8. Delhi Jal Board v. National Campaign for Dignity and Rights of Sewerage and Allied Workers, 12 July, 2011.
9. KotchuVelu V. Joseph, 1987 II LLJ 174 (Kerala).
10. N Krishna Devi v. Vishnu Mitra, AIR 1982 Raj 281.
11. Bijay Cotton Mills v. State of Ajmer, (1955) 1 LLJ 129 (SC).
12. Municipal Corporation of Delhi v. Female Workers, (2000) 3 SCC 224.
13. Rajangam, Secretary, Dist. Beedi Worker's Union v. State of Tamil Nadu, 1992 SCC (1) 221.
14. B. M. Lakshmanamurthy v. The Employees' State Insurance, AIR 1974 SC 759.
15. Olga Tellis & Ors v. Bombay Municipal Corporation, 1985 SCR Supl. (2) 51.
16. Gammon India Ltd. v. Union of India &Ors., 1974 SCR (3) 66.
17. Salal Hydro Electric Project v. State of Jammu and Kashmir, 1983 (3) SCC 538.

Learning Outcome

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

1. Comprehend the complex issue of unorganised labour and their challenges;
2. Appreciate the crucial role played by ILO in their upliftment;
3. Critically analyse social security law through the lens of unorganised labour;
4. Discern and perceive the problems of unorganised labour in various specific sectors in India and critically examine the efforts taken to legislate for their improvements.

HCC0903: DRAFTING. PLEADING AND CONVEYANCING

(Clinical Course -III)

Objective of the Course:

Drafting 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 legalpractice.

COURSE OUTLINE

Module I: Introduction

- a. Drafting – the meaning, scope and significance
- b. Legal drafting – Legal notice, Sec.138 N.I Act notice, Suit Notice, Matrimonial issues Notice, M.V. Act cases Notice, Reply Notice –
- c. Complaint – depth knowledge in legal language and legal writing – use appropriate legal terminology – purpose of notice – time prescribed in notice – appropriate remedyrequired

Module – II: Pleadings – Civil Pleadings – Substantive provisions (theoretical approach) and Forms (practical exercise)

- a. Meaning, Scope and significance – civil pleadings
- b. Trial court pleadings : Complaint, Written Statement, L R Petition, Counter petition, Affidavit, Execution Petition, Interlocutory Application, Sub-Application,
- c. 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)

- a. Meaning, scope and significance – criminal pleadings
- b. Prosecution Pleading – Police custody petition, Petition for withdrawal from prosecution, Criminal Appeal from prosecution, Counter Affidavit filed by prosecution –

- c. Defence Pleading – Bail Petition, Anticipatory Bail, Discharge Petition, Criminal Appeal from conviction – other petitions – Quash Petition
- d. 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)

- a. Civil Miscellaneous Appeal,
- b. Civil Miscellaneous Petition,
- c. Writ Petitions and Habeas Corpus Petition, Writ Appeal
- d. Civil Suit, Original Petition,
- e. Company Petition, ,
- f. Criminal Original petition,
- g. Public Interest Litigation

Module – V: Pleadings – Other Pleadings – Substantive provisions (theoretical approach) and Forms (practical exercise)

- a. Private complaint,
- b. Matrimonial cases petition,
- c. Motor Accident Claimant Original Petition,
- d. Rent Control Original Petition,
- e. Labour Issues Petition

Module VI: Conveyancing – General principles

- a. Meaning, scope and significance, elements and components of deed, Registration – Compulsory registration, optional registration and not necessary to register –
- b. 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)

- a. Sale Deed – Agreement for sale and Agreement of sale,
- b. Gift Deed and Power of Attorney – within family members and others,
- c. Mortgage Deed – Classification of Mortgage, registration of Mortgage and its stamp duty –
- d. Lease and Licence –
- e. Testamentary deeds : Will – Partition Deed – Settlement Deed,

- f. Hire purchase Agreement,
- g. Cancellation Deed,
- h. 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:

1. Murali Manohar, Conveyancing and Pleading, 2nd Edn -2004, EBC,Lucknow.
2. KS Gopalakrishnans Pleadings and Practice, ALT Publications, Hyderabad,2004.
3. MC Agarwal & GC Mogha, Mogha's Pleading, 17th Edn - 2006, EBC,Lucknow.
4. GF Harwood, Odgers on Pleadings and Practice, 20th Edn- 1971, Universal Law Publishing Co. Pvt Ltd.,Delhi.
5. Justice Thakker, Code of Civil Procedure, 5th Edn - 2007, EBC,Lucknow

Statues for reference in substantive provisions and Forms

1. Code of Civil Procedure, 1908
2. Code of Criminal Procedure,1973
3. Transfer of Property Act,1872
4. Indian Contract Act,1872
5. Motor Vehicles Act
6. Appellate Side Rules
7. Original Side Rules
8. Registration Act
9. Stamp Act
10. Civil and Criminal Rules of Practice

E – Source

www.tnregin.in(Guideline value, Encumbrance and other e services)

Cases for Guidance:

1. Lakshmi Narayan Deo Vasti Temple vs. Narayan F. Marathy (1995) 2 Bom CR610
2. Prabodh Verma vs. State of UP (1984) 4 SCC251

3. Someswer vs. Tribhuban AIR 1934 PC130
4. Narinder Nath vs. Jaswant Singh AIR 1994 P&H 111
5. Syed Muhammed vs. Fattah Muhammed ILR 22 Cal. 324(PC)
6. Viswanath vs. Ram Narayan AIR 1940 All405
7. Tika Khawas vs. Pasupathi AIR 1986 Sikk.6
8. Motilal vs. Yudhistir AIR 1950 PC73
9. Brijlal vs. Parvathy AIR 1982 Del.114
10. Firm Gopal & Co. Ltd vs. Firm Hazarilal AIR 1963 MP37
11. Keshab Rao vs. Chandrabhan AIR 1980 Bom380
12. Onkar Nath vs. Vedvyas 1978 Ren.CR 408 (HP)
13. Iyakku Matho vs. Julius Elias Metropolitan AIR 1962 Ker19
14. Rooplal vs. Nachhittar AIR 1982 SC1559
15. A K Gupta vs. DVC AIR 1967 SC961
16. G. Nagamma vs. Siromanamma (1996) 2 SCC25
17. Phula Devi vs. Mangtu Maharaj AIR 1969 Pat 284
18. Jagjiban Das vs. Gunan Bhai AIR 1967 Gujl
19. N.Naidu vs. K.Naidu AIR 1969 Mad329
20. N.Naidu vs. K.Naidu AIR 1969 Mad329
21. Jogeshwar vs. Sheopujan AIR 1986 Pat35
22. State of Maharatsra vs. Glaxo 1979 Bom CR321
23. Raghunath Das vs. Union of India AIR 1969 SC674
24. State of MP VS. Lajjaram AIR 1961 MP 339

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.

FIFTH YEAR

X-SEMESTER

HLC1022: ENVIRONMENTAL LAW

Objectives of the Course:

The objective of the course is to make environmental law familiar to the students by understanding all dimensions of the subject. This module addresses the UGC mandate to introduce the 'environmental studies' and Bar Council framework syllabus for the subject.

The paper chooses certain international legal regimes to introduce the interface between international and national laws. The module is aptly divided to have a comprehensive understanding of natural resource law and pollution control laws. Emerging regimes such as mining, nuclear energy and health laws are introduced. The module will also introduce disaster management, coastal regulation and biodiversity laws. An introduction to state laws is provided to highlight the role of states in the environmental governance. The student will have the following competencies after studying the subject:

- 1. Students will understand the interface amongst the academic disciplines in relation to environment and identify the relevance of law in the resource discourse.*
- 2. Students will appreciate the legal structure governing environmental concerns from global scale to individual level.*
- 3. Students will be able to apply the environmental law for situations that may arise in the judicial, administrative and political platforms.*

COURSE OUTLINE

Module I: Introduction¹

A. Historical Perspectives- Ancient India –Vedas –Kautilya -Sangam Tamil Classification - Ashoka and Buddhism – Medieval India - Colonial Perspectives of Environment –Environmental History of Europe

¹ This module is framed in consonance with the UGC mandated 'environmental studies' paper for all the UG courses.

- B. 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
- C. Factors Affecting Environment – Deforestation - – Habitat Loss - Green House Gases – Acid Rain – Climate Change

Module II Constitution and Environment

- A. 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
- B. Directive Principles and Environment – Obligations of the State to Protect Environment - Fundamental Duties to Protect Environment
- C. Legislative Powers of Union and State over Environmental Aspects – Environmental aspects in VII Schedule – Role of Local Bodies in Protection of Environment

Module III Principles of Environmental Law

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

Module IV: International Environmental Law

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

Module V: Pollution Control Laws

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

Module VI: Ecological Conservation and Animal Welfare Laws

- A. 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
- B. Laws and Policies relating to Food Security, Organic farming, Seeds and Pesticide

Module VII Environmental Degradation, Disasters and Public Health

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

Module VIII Remedies for 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 International Conventions

Recommended Readings:

Books

1. P. Leelakrishnan, Environmental Law in India (Butterworths, 2019)
2. S. Shanthakumar, Environmental Law –An Introduction (Butterworths 2004)
3. ShyamDiwan and Armin Rosencranz, Environmental Law and Policy in India (Oxford 2002)
4. NawneetVibhaw, Environmental Law: An Introduction (Lexis Nexis 2016)
5. Alan Boyle and Patricia Bernie, International Law and Environment (Oxford 2009)
6. 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-indias-forests.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-nidhi-2018.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>
- SujithKoonan, "Constitutionality of the Plachimada Tribunal Bill, 2011: An Assessment" Law, Environment and Development Journal (2011) <http://www.lead-journal.org/content/11151.pdf>

Recommended Case Laws

India

- M.C. Mehta v Union of India (Oleum Gas Leakage case) (1987) 1 SCC 395
- Mrs.Susetha v State of T.N. (2006) 6 SCC 543,
- T.N. GodavarmanThirumulpad v. Union of India (1997) 2 SCC 267
- S. Jagannath v Union of India (1997) 2 SCC 87
- Murli S. Deora v Union of India (2001) 8 SCC 765
- Vellore Citizens' Welfare Forum v Union of India (1996) 5 SCC 647
- *Ratlam v. Vardhichand*(1980) 4 SCC 162.
- *Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P* AIR 1985 SC 652
- Indian Council for Enviro-legal Action vs. Union of India 1996 AIR 1446
- Tripur Dyeing Factory Owners Association V/s NoyyalRiverAyacutdarsProtectionAssociation&Ors. AIR 2010 SC 3645
- Almitra H. Patel v. Union of India <http://www.indiaenvironmentportal.org.in/files/Almitra%20Patel%20Corrected%20Order%20%20Jan%202017%20NGT.pdf>

- Save Mon Region Federation v. Union of India <https://indiankanoon.org/doc/189583188/>
- Samit Mehta v. Union of India <https://www.casemine.com/judgement/in/5b17d5604a932678010063da>
- Srinagar BandhAapdaSangharshSamiti v. Alaknanda hydro Power <https://www.casemine.com/judgement/in/5c062c18b338d16e11efe962>

International

- Certain Activities Carried Out by Nicaragua in the Border Area <https://www.icj-cij.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/wp-content/uploads/sites/6/2016/07/PH-CN-20160712-Award.pdfz>
- Indus Waters Kishenganga Arbitration <https://pca-cpa.org/en/cases/20/>

Foreign

- 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

Learning Outcome

After undergoing this course,

1. Students will know the basic environmental concerns from scientific, historical and political perspectives.
2. They will be able to identify the constitutional scheme and propositions relating to environmental management.
3. They will understand the complexities of institutions, stakeholders' interest and politics over natural resources from villages to globe.
4. The students will understand, apply and think on the laws and governance structure of pollution control and natural resources management laws. They will have a clear understanding of various remedies for environmental wrongs.

HLC1023: LAW OF TAXATION

Objective of the Course

Taxation plays 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.

The Course has been designed to:

- I. To explore and understand the concept of tax along with its relevance.
- II. To understand the relevance and importance of the Constitution of India in shaping the taxing statutes and tax system.
- III. To explore how direct taxes are being levied and to thoroughly investigate the steps in arriving at the taxable income.
- IV. To enhance the knowledge on Goods and Services Tax (GST), the new indirect tax regime in its true legal sense.
- V. 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.

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 Powers

- 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) - 101st 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
- 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 Income Tax*, (2014), Lexis Nexis
2. T.N. Manoharan and G.R.Hari (35th 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 101st 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 Singhania & Kapil Singhania, *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.cleartav.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
3. Indian Tax System – An Overview – Habibulla & Co., Chartered Accountants India - 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 Management Studies, 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.
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.*

HLA1006: COMPARATIVE LAW

Objectives of the Course

The evolution of national societies and their legal systems has progressively developed the insights on the science of universal legal philosophy and system based approaches. Comparative law as a field of knowledge is not a separate discipline in law. It has a substantive value in the sense of strengthening the role of rule of law and justice in human life by way of working on the uniformity, development and harmonisation of laws. The current universal legal system is based on the recognition of normative principles, effectively promoted by branches of public law systems such as international law and constitutional law. Moreover, the evolving nature of comparative legal thought process has lead to the formation of varied sub-systems of law and approaches. Therefore, learning comparative law and its extended horizons of knowledge signals a need and value based approach for the students of law.

COURSE OUTLINE

Module I: Introduction to Comparative Law

- (a) Philosophy of Comparison-laws of nature and human life-conceptualisation of comparison in law-macro and micro approaches;
- (b) Classification of laws and legal systems-issues on terminology and elements of comparative law-comparative law as a art or science or method;
- (c) Comparative Law and its kinds-functions and purposes of comparative law-sources of comparative law-comparative legal traditions-techniques and methods of comparative law movement.

Module II: Comparative Public Law

- (a) Introduction to principles of universality and human welfare, rights and duties, law as a element of social instrument and transformation;
- (b) Concepts of international public legislation and order-international common interest-realm of universal international law and organisations-constitutionalisation of law of united nations;
- (c) Constitutional ideology, law and governance-comparative constitutional law and its functions-doctrines of living law-democracy, constitutional rights and basic structure-convergence of international law and constitutional law.

Module III: Comparative Legisprudence

- (a) Relevance of Principle of unity and diversity in comparative legisprudence-concepts of legal pluralism and positivism-global legislative drafters-comparison of legislative-executive-judicial relations;
- (b) International law making-role of international law commission and drafting world constitutions-comparative legal reforms movement-law commissions of national legal systems.

Module IV: Judicial Comparativism

- (a) Justice as universal phenomenon-concepts of universal judicial integration, judicial conscience, integrity and power;
- (b) Comparative judicial process-role of judicial systems on the evolution of principles of law-impact of principles of international law on national judicial institutions-approaches to comparative judicial legislation-constitutional courts and comparative forms of judicial review-convergence of national and international legal disputes;
- (c) Comparative human rights jurisprudence of international, regional and national judicial bodies-comparative judicial impact assessment.

Module V: Comparative Legal Philosophy

- (a) Philosophy of comparative legal philosophy-epistemological approaches to legal philosophy-impact of comparative legal scholarship movement on the fundamental perspectives of law;
- (b) Normative legal science-impact of comparative public policy on law-comparative legal reasoning-comparative science of interpretation of statutes-role of interdisciplinarity in comparative legal thought;
- (c) Futurological insights on comparative law-harmonisation of laws and legal systems-comparative legal research methodology.

Recommended Readings:

Books

1. H C Gutteridge (1946), Comparative Law, Cambridge University Press: United Kingdom.
2. Rahmatullah Khan (1971), An Introduction to the Study of Comparative Law, Indian Law Institute: New Delhi.
3. R.P. Anand (1972), Asian States and the Development of Universal International Law, Vikas Publications: India.
4. M.P. Tandon and Rajesh Tandon (1984), Text Book on Comparative Law, Allahabad Law Agency: India.
5. Peter de Cruz (1999), Comparative Law in a Changing World, Cavendish Publishing Limited: Sydney.

Journals

1. Roscoe Pound (1951), Philosophy of Law and Comparative Law, University of Pennsylvania Law Review, Vol. No. 100, Issue No.1, Pp.1-19.
2. A.E. Papale (1951), Why Comparative Law, Journal of Legal Education, Vol. No.3, Issue No. 3. Pp. 384-387.
3. Rahmatullah Khan and Sushil Kumar (1975), Comparative Law Research in India, Journal of the Indian Law Institute, Vol. No. 12, Pp. 505-510.
4. Duncan Berry (1997), Techniques for Evaluating Draft Legislation, The Loophole: Published by Common Wealth Association of Legislative Counsel, Pp. 31-47.
5. Geoffrey Samuel (1998), Comparative Law and Jurisprudence, International and Comparative Law Quarterly, Vol. No. 47, Issue No.4, Pp. 817-836.

Further Readings:

Books

1. C.G. Weeramantry (2003), Universalising International Law, Martinus Nijhoff Publishers: Netherlands.
2. Werner F. Menski (2006), Comparative Law in a Global Context: The Legal Systems of Asia and Africa, Cambridge University Press:
3. T.K.Viswanathan (2007), Legislative Drafting: Shaping the Law for the New Millennium, Indian Law Institute: India.
4. Bardo Fassbender (2009), The United Nations Charter as the Constitution of the International Community, Martinus Nijhoff Publishers: The Netherlands.
5. Guglielmo Verdirame (2011), The UN and Human Right: Who Guards the Guardians?, Cambridge University Press, United Kingdom.
6. M.P Singh (2011), Comparative Constitutional Law, Eastern Book Company Pvt. Ltd.: India.
7. Rosalind Dixon (2014), Comparative Constitutional Law in Asia, Edward Elgar: USA.
8. Onuma Yasuaki (2017), International Law in a Transcivilizational World, Cambridge University Press: United Kingdom.
9. Erin F. Delaney and Rosalind Dixon (2018), Comparative Judicial Review, Edward Elgar:USA.
10. George Mousourakis (2019), Comparative Law and Legal Traditions: Historical and Contemporary Perspectives, Springer Nature: Switzerland.

Articles

1. Linda C. Reif (2000), Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection, Harvard Human Rights Journal, Vol. No. 13, Pp.1-70.
2. Peter E. Quint (2001), International Human Rights: The Convergence of Comparative and International Law, Texas International Law Journal, Vol. No. 36, Issue No.3, Pp.605-610.
3. Caroline Nicholson (2008), Some Preliminary Thoughts on a Comparative Law Model for Harmonisation of Laws in Africa, Fundamina, Vol. No. 14, Issue No.2, Pp. 50-65.
4. V.G. Hegde (2010), Indian Courts and International Law, Leiden Journal of International Law, Vol. No. 23, Issue No.1, Pp. 53-77
5. Kenneth S. Gallani (2012), Use of Comparative Law in Determining the Customary International Law of Human Rights, Florida Journal of International Law, Vol. No. 24, Issue No. 2, Pp. 429-438.
6. Mathias Forteau (2015), Comparative International Law within, Not against, International Law: Lessons from the International Law Commission, American Journal of International Law, Vol. No. 109, Issue No, 3, Pp. 498-513.
7. O.O. Merezhko (2016), The Idea of Comparative International Law, Journal of Comparative Law, Vol. No. 11, Issue No. 1, Pp. 92-96.
8. Yvonne Tew (2017), Comparative Originalism in Constitutional Interpretation in Asia, Singapore Academy of Law Journal, Vol. No. 29, Special Issue, Pp. 719-742.
9. Dinesha Samararatne (2020), From South Africa to Sri Lanka: Prospects of Travel for 'Transformative Constitutionalism', Asian Journal of Comparative Law, Vol. No. 15, Pp. 45-68.
10. Jaclyn L. NEO (2020), A Contextual Approach to Unconstitutional Constitutional Amendments: Judicial Power and the Basic Structure Doctrine in Malaysia, Asian Journal of Comparative Law, Vol. No. 15, Pp. 69-94.

Cases for Guidance:

1. Keshavananda Bharathi V. State of Kerala, AIR 1973 SC 1461
2. Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789
3. Nakara v. Union of India, AIR 1983 SC 130
4. Velasquez Rodriguez v. Honduras (Case No. 7920), Judgment of 29 July 1988 of the Inter-American Court of Human Rights
5. Aldridge v. Booth (1988), 80 Australian Law Reports 1
6. Case of Soering v. The United Kingdom (Application No. 14038/88), Judgment of 7 July 1989 of the European Court of Human Rights
7. Case of Jersild v. Denmark (Application No. 15890/89), Judgment of 23 September 1994 of the European Court of Human Rights
8. National Human Rights Commission v. State of Arunachal Pradesh (1996), 1 SCC 742
9. Vellore Citizen's Welfare Forum v. Union of India, (1996) 5 SCC 647
10. Vishaka v. State of Rajasthan (1997) 6 SCC 241
11. Sakshi v. Union of India (2004) 5 SCC 518

12. Jindal Stainless Steel Ltd. & Another v. State of Haryana & Others AIR 2006 SC 2550
13. In Re: Networking of Rivers (2012) 4 SCC 51
14. In the Matter of Femi Falana v. The African Union (Application No. 001/2011), Judgment of 26 June 2012 of the African Court on Human and People's Rights
15. The Italian Republic v. The Republic of India Concerning The "Enrica Lexie" Incident (PCA Case No. 2015-28), Award of 2 July 2020 of the Permanent Court of Arbitration

Learning Outcome

After completion of the course students will be able to-

1. Get introduced to the specifics of the nature and scope of comparative law.
2. Understand evolutionary dimensions of law, principles of law and its relation with human societies.
3. Acquire the ability to examine the legal systems of the world.
4. Study comparative public law and develop insights on universal normative legal science and its applications

HCC1004: MOOT COURT EXERCISE AND INTERNSHIP

(CLINICAL COURSE: IV)

Objective of the Course:

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 for owning the skills of advocacy. Identification of facts, application of the laws, framing of issues, elicitation of evidence, oral presentation skills and organization of arguments with persuasive 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.

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, (14th 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) 5th 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, 1st Indian Reprint, Universal Law Publishing 2000
6. J Hill, Practical Guide to Mooting, 1st Indian Reprint, Palgrave Macmillan, 2009
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, Court man ship, Universal Law Publishing 2014
10. D. Pope and D Hill, Mooting and Advocacy Skills, 1st 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.



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



**SCHOOL OF EXCELLENCE IN LAW
REVISED CURRICULUM (2020-2021)**

For

B.Com. LL.B Hons Degree Course

**Course of Law, Eligibility Conditions for Admission, Course
Component, Examination Regulations and Syllabus.**

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I. UNDER GRADUATE COURSE OF LAW

1. Under Graduate Courses of Law:

There shall be five under graduate courses of law leading to Bachelor's Degree in Law as hereunder:

(1) B.A., LL.B., (Bachelor of Arts and Bachelor of Laws) : It shall be Integrated Double Degree Five Academic Years Course in Arts and Law.

(2) B.Com., LL.B., (Bachelor of commerce and Bachelor of Laws): It shall be an integrated Double Degree Five years degree course with a combination of commerce and Law.

(3) B.B.A., LL.B., (Bachelor of Business Administration and Bachelor of Laws): It shall be Integrated Double Degree Five Academic Years Course in Management and Law.

(4) B.C.A., LL.B., (Bachelor of Computer Application and Bachelor of Laws): It shall be an integrated five years course with a combination of computer applications and law.

The above five year courses shall be divided into ten semesters.

(5) LL.B., (Hons.): It shall be three Academic Years Degree Course in Law.

Three year course shall be divided into six semesters.

2. Objectives of Revised Curriculum:

The objectives of revised curriculum of courses of law are: (1) To reorient legal education by making provision for sufficient opportunity to the students for extensive as well as intensive study of law. (2) To enable students to acquire knowledge and skills gained from studying law and to facilitate students to analyse law to apply in practical situations. (3) To equip students with strong communication skills and to make them responsible to meet the needs of contemporary requirements of Bar, Bench and Industry in the globalised economic era. (4) To educate them of diverse backgrounds to become effective, ethical and expert personage who are employable in a variety of legal settings.

3. Extent and Application

The rules as to eligibility for admission, course component, curriculum, examination pattern and standard of passing for B.A., LL.B. Hons., B.Com., LL.B. Hons., B.B.A. LL.B. Hons., B.C.A. LL.B. Hons., and LL.B.Hons., given herein shall be applicable initially for the first year of B.A., LL.B. Hons., B.Com., LL.B. Hons., B.B.A. LL.B. Hons., B.C.A. LL.B. Hons., and LL.B. Hons. and will come into force w.e.f. the academic year 2020 - 2021.

II. ELIGIBILITY CONDITIONS FOR ADMISSION

BA/B.COM/ BBA/ BCA LL.B HONS AND LL.B HONS' COURSES:

The eligibility criteria for admission to five year courses and three year courses their duration, marks and the number of seats are mentioned hereunder:

S.No	Name of the course	Duration	Qualifying Exams	Minimum marks in Qualifying Exams		Seats
				SC/ST	Others & NRI	
1	B.A., LLB (Hons.) B.B.A., LL.B.,(Hons)	Five years	HSC(10+2)CBSE/ISC or any other exam recognised as equivalent.	60%	70%	156
				60%	70%	
				60%	70%	
2	B.COM., LL.B.,(Hons)		HSC(10+2)CBSE/ISC or any other exam recognised as equivalent. Candidate should have studied Commerce as a subject.	60%	70%	
3	BCA.,LLB., (Hons)		HSC(10+2)CBSE/ISC or any other exam recognised as equivalent. Candidate should have studied Computer science as a subject.	60%	70%	
4	LL.B., (Hons)	Three years	Any degree under any discipline. 10+2+3 stream alone are eligible	55%	60%	

III. COURSE COMPONENT OF B.Com. LL.B. HONS'

1. B.Com. LLB. Hons. Course: Number of Subjects

The Course shall have the following subjects-

- Inter- Disciplinary - 14
- Core Law Papers - 23
- Ancillary Hon's Papers - 06
- Clinical Core Papers- 04
- Specialized Hon's Optional - 08

Total 55

2. Choosing Hons. Specialized Course in Law Subjects for B.Com. LL.B. Hon's.

The arrangement of Hons. Specialized Course in law for B.Com LL.B. Hon's., course allows the student to have specialization, to some extent, in (a) International Law and Intellectual Property Rights Group, or (b) Constitutional Law and Property Law Group or (c) Criminal Law and Forensic Science Group or (d) Industrial and Commercial Law Group by choosing the optional subjects from the given list in each semester from Forth Year Onwards.

▪ **Explanation 1:**

A student willing to have specialization in International Law and Intellectual Property Rights Group can choose optional papers at serial number (a) in each semester from Fourth year onwards for Five Year Course

A student willing to have specialization in Constitutional Law and Property Law Group can choose optional papers at serial number (b) in each semester from Fourth year onwards for Five Year Course

A student willing to have specialization in Criminal Law and Forensic Science Group can choose optional papers at serial number (c) in each semester from Fourth year onwards for Five Year Course

A student willing to have specialization in Industrial and Commercial Law Group can choose optional papers at serial number (d) in each semester from Fourth year onwards for Five Year Course

▪ **Explanation 2:**

This arrangement of optional subjects in law is made to allow the student to have specialization to some extent in a specified group. It will be mandatory for the student to choose subjects as given in explanation 1.

• **Explanation: 3**

University may offer all or any of the groups of specialized Hon's course at its discretion. The student has to choose the group at the beginning of the semester and based on first come first serve basis the group will be allocated.

3. Practical Papers

In the final semester, a student has to do two practical papers from the group which he/she has selected.

▪ **Explanation 1:**

If the student has selected group (a) International Law and Intellectual Property Law specialization, the student has to do two practical papers one on International Law and other one on Intellectual Property Rights in the final semester.

If the student has selected group (b) Constitutional Law and Property Law specialization, the student has to do two practical papers one on Constitutional Law and other one on Property Law in the final semester.

If the student has selected group (c) Criminal Law and Forensic Science specialization, the student has to do two practical papers one on Criminal Law and other one on Law and Forensic Science in the final semester.

If the student has selected group (d) Industrial and Commercial Law specialization, the student has to do two practical papers one on Industrial Law and other one on Commercial Law in the final semester.

• **Components of Practical Papers**

The following are the components of the practical papers:

1. Longish Paper(Research Oriented Paper):	50 marks
2. Case Comment:	15 marks
3. Book Review:	15 marks
4. Viva Voce:	20marks
Total:	100 marks

4. Miscellaneous Rules of Eligibility for Admission and Syllabus:

The rules given herein are for the general understanding of the candidates. However, the admission to SOEL and syllabus shall be subject to the rules made and condition prescribed, from time to time, by the University, Central Government, State Government, Bar Council of India, University Grants Commission or any other authority empowered.

5. Removal of Doubts and Difficulties:

Notwithstanding anything stated in the rules herein or any issue hereinabove, for any unforeseen issues arising, and not covered by the rules herein, or in the extent of differences of interpretation, the Hon'ble Vice Chancellor of the University may take a decision and the said decision of the Hon'ble Vice Chancellor shall be binding.

(*N.B: If there is any amendment or repeal or enactment of any law will be implemented in the next academic year without carrying out any revision of the syllabus.)

B.COM. LL.B. HON'S COURSE **I YEAR**

I-Semester

S.No	Subject Code	Subjects
1	HBM0101	Legal Language and Literature
2	HBM0102	Computer Fundamentals and Office Automation
3	HBM0103	Principles of Economics
4	HBM0104	Financial and Corporate Accounting
5	HLC0101	Introduction to Law, Legal Methods and Legal Research

II- Semester

S.No	Subject Code	Subjects
6	HBM0205	Legal Language and Communication
7	HBM0206	Principles of Management & Human Resource Management
8	HBM0207	Financial Market & Services
9	HLC0202	Legal And Constitutional History
10	HLC0203	Law of Torts

II YEAR

III Semester

S.No	Subject Code	Subjects
11	HBM0308	Social Issues and Social Research Methods
12	HBM0309	Cost and Management Accounting
13	HLC0304	Constitutional Law I
14	HLC0305	Law of Contracts I
15	HLC0306	Law of Crimes I (Indian Penal Code)

IV Semester

S.No.	Subject Code	Subject
16	HBM0410	Managerial Economics
17	HBM0411	Public Policy, Governance and Law
18	HBM0412	Principle of Marketing
19	HLC0407	Constitutional Law II
20	HLC0408	Law of Contracts II

III YEAR

V Semester

S.No.	Subject Code	Subjects
21	HBM0513	Financial Management
22	HLC0509	Jurisprudence
23	HLC0510	Administrative Law
24	HLC0511	Family Law I
25	HLC0512	Company Law

VI Semester

S.No.	Subject Code	Subjects
26	HBM0614	Practical Auditing
27	HLC0613	Family Law II
28	HLC0614	Property Law
29	HLC0615	Law of Evidence
30	HLA0601	Interpretation of Statutes
31	HCC0601	Professional Ethics

IV YEAR

VII Semester

S.No.	Subject Code	Subjects
32	HLC0716	Introduction to Public International Law
33	HLC0717	Labour Law I
34	HLC0718	Mediation and Conciliation
35	HLA0702	Intellectual Property Law
36	HS10701	a. International Economic Law
	HS10702	b. Comparative Constitutional Law
	HS10703	c. Correctional Process
	HS10704	d. Corporate Securitisation
37	HS20701	a. International Treaties & Conventions on IP
	HS20702	b. Introduction to Land Laws
	HS20703	c. Criminology
	HS20704	d. International Labour Organisation and Labour Jurisprudence

VIII Semester

S.No.	Subject Code	Subjects
38	HLC0819	Labour Law II
39	HLA0803	Competition Law
40	HLA0804	Cyber Law and Information Technology
41	HS30801	a. International Human Rights Law
	HS30802	b. Human Rights in the Constitutional Law
	HS30803	c. Cyber Crime \
	HS30804	d. Insurance Law
42	HS40801	a. IP on Traditional Knowledge and Genetic Resources
	HS40802	b. Land Laws of Tamil Nadu
	HS40803	c. Forensic Science and Investigation
	HS40804	d. Service Laws
43	HCC0802	Alternative Dispute Resolution Policy

V YEAR

IX Semester

S.No.	Subject Code	Subjects
44	HLC0920	Civil Procedure Code and Limitation Act
45	HLC0921	Law of Crimes II (Criminal Procedure Code)
46	HLA0905	Banking Law
47	HS50901	a. Private International Law
	HS50902	b. Legal Process and Local Governance
	HS50903	c. Juvenile Justice system
	HS50904	d. International Commercial Arbitration
48	HS60901	a. Intellectual Property Litigations
	HS60902	b. RERA and Tenancy Law
	HS60903	c. Psychology of Crime
	HS60904	d. Social Security and Unorganised Labour
49	HCC0903	Drafting Pleading and Conveyancing

X Semester

S.No.	Subject Code	Subjects
50	HLC1022	Environment Law
51	HLC1023	Law of Taxation
52	HLA1006	Comparative Law
53	HS71001	a. Practical Paper
	HS71002	b. Practical Paper
	HS71003	c. Practical Paper
	HS71004	d. Practical Paper
54	HS81001	a. Practical Paper
	HS81002	b. Practical Paper
	HS81003	c. Practical Paper
	HS81004	d. Practical Paper
55	HCC1004	Moot Court

- **Abbreviations used in Subject Codes :**

The abbreviations used in the subject codes in the course component shall have meaning as under:

- (a) HBM – Inter- disciplinary subject for B.Com. LL.B HONS. Course
- (b) HLC – Core Law Papers
- (c) HLA – Ancillary Hon’s Papers
- (d) HCC – Clinical Core Papers
- (e) HS – Specialized Honours Course

IV. EXAMINATION REGULATIONS

These Regulations are made applicable for students joining Five year integrated Degree courses and Three year Degree Courses at the School of Excellence in Law. These regulations cover the following criteria:

1. The Internal and External components will be in the ratio of 30:70.

Internal Components: 30 Marks

- Class test - 10 Marks
- Mid Semester - 10 Marks
- Assignment - 05 Marks
- Attendance - 05 Marks

External Components: 70 Marks (Question Paper pattern of the End Semester Exam)

- Part A – Essay Type-Answer any 3 out of 5 questions (10 Marks x 3= 30 Marks)
- Part B – Problems- Answer any 2 out of 4 questions (10 Marks x 2 = 20 Marks)
- Part C – Short Notes- Answer any 4 out of 7 (5 Marks x 4 = 20 Marks)

Internal components

- Mid semester test to be conducted after two months of teaching for 10 marks. Students shall compulsorily write the class test as directed by the subject faculty for each subject for 10 marks.
- Project assignment for 5 marks, Students shall submit the assignments to the subject faculty as directed by them within the stipulated time.
- Every student who has secured a minimum of 50% (15/30) in internals shall be considered to have passed the internals.
- Students who have not done any of the internal components for any valid reasons may be given an additional chance to complete the same during the respective semester on payment of fine of Rs.400 for the first chance and Rs.750 for the subsequent chance within the semester as instructed by the Director. The payment of fine shall be made through challan only.

- All the internal assessment components shall be completed prior to a fortnight before the commencement of the external examinations. No submission of assignments shall be entertained after the last date.
- Any student who has not completed the above said internal components will be allowed to write the external examinations in spite of they have secured the required attendance. Therefore the students are advised to successfully complete the internal components of each subject within the prescribed time as notified by the Director.

External:

- Every student has to secure a minimum of 75 percent attendance in the concerned semester for appearing in the external examinations.
- Candidates who have earned attendance between 67% to 75% on valid reasons are eligible to appear for the examinations provided the lack of attendance is recommended for condonation by Director, SOEL on payment of the prescribed fee of RS.2000/- The condonation fee must be paid by challan only. The condonation fee must be paid on or before the last working day of the concerned semester failing which the candidate has to pay 200 hundred rupees fine if the payment is made prior to the commencement of exams after the commencement of the external examinations the condonation fee will not be accepted and the candidates whose name found in the condonation list shall redo the semester.
- End semester examinations shall be conducted for 70 marks for each subject. Students who have secured 35 marks out of 70 shall be considered to be passed in the external examination.
- A student should secure 50% in both internal as well as external separately to have to be passed in the concerned paper.

2. Class attendance shall carry a maximum of 5 marks which is as follows:

I.	Less than 75%	No mark
II.	75% - 79%	1 marks
III.	80% -84%	2 marks
IV.	85% -89%	3 marks
V.	90% - 94%	4 marks
VI.	95% and above	5 marks

3. The special instructions for attendance is as follows:

- **Students representing the university in any of the co-curricular and extracurricular activities will be provided the attendance make up to maximum of 20 percent of the total number of days based on the request made by the student concerned and duly signed and certified by the faculty advisor in charge of the co-curricular and extracurricular Activity before the student(s) concerned along with the certificate shall reach the director, school of excellence in law without any delay.**
- **In Exceptional cases where the students have to represent the university in any co-curricular or extracurricular activities without the necessary formalities, the same may be explained in their application for attendance make up within three days of their return to the university after such activity. The reason for such delay need to be specified and the same has to be certified by the faculty advisor in charge of such co-curricular or extracurricular activity and forwarded to the Director of SOEL without any further delay.**
- **A student who has been granted medical leave on the submission of medical certificate by a duly competent authority shall be allowed to appear in the end semester exams provided he/she has put in a minimum of 67 percent attendances in each course. Students securing less than 67% on any circumstances shall not be permitted to appear for the external examinations and they shall redo the semester.**
- **In any event, no claims for such attendance make up shall be entertained at the end of the semester.**
- **Attendance makeup shall be admissible, shall be subject to prior approval from the concerned committee in charge for participation in moot courts, seminars, university exchange programmes, conferences, internships, N.C.C., N.S.S., Y.R.C. or any other academic, cultural or sports activities**

4. Instructions for Examinations

- **Candidates should carefully fill in all the required details in the application form, including name of the candidate, correct register number, date of birth and subject codes, failing which their applications are liable to be rejected.**
- **Blind candidates are exempted from payment of examination fees. They should enclose copy of medical certificate in evidence of their handicap. However they should pay the fee for statement of marks, provisional certificate and convocation.**
- **The fees once paid, will in not be refunded under any circumstances.**
- **The fees shall be remitted by way of Bank challan only and not by way of D.D.**
- **All candidates appearing for the examination should forward their applications, through the Director, SOEL and the exam applications will not be submitted to the controller of examinations under any circumstances.**
- **Candidates should obtain their hall tickets from the Director, SOEL, three days in advance of the commencement of examination, by producing relevant certificate of identity.**
- **Candidates will not be permitted to write the examination without the hall ticket.**
- **The answers must be legibly written either in blue or black ink.**
- **Special sketch pens or other pens should not be used for underlining points.**
- **The candidates should write the correct register number in the space provided in the first page of the answer book. No other part of the answer book shall contain the name or register number of the candidate.**
- **The candidates will not be permitted to enter the examination hall after 30 minutes from the commencement of the examinations. No candidate will be allowed to leave the examination hall, within the first 30 minutes from the commencement of the examination.**
- **Candidates who are intended to write the examination on the particular day/session are not permitted to be outside the examination hall specifically inside the campus of the university after the commencement of the examinations.**
- **Candidates are not permitted to borrow any stationers from any other candidate during the examination within the examination hall.**

- Candidates are required to adhere discipline and rules of the examination within and outside the examination hall so as to facilitate the other candidates to write the examination in a peaceful manner.
- Candidates shall not cause any nuisance either to the co examinee or to the invigilators and they have to adhere the instructions of the hall superintendent.
- The candidates are required to be seated in the examination hall before the commencement of the examination. After the commencement they have to get the permission of the hall superintendent and they have to take their respective seat in the examination hall.
- The candidates should personally hand over the answer papers to the Hall superintendent before leaving the hall.
- Electronic gadgets like cellular phone, pager or other instruments for communication from outside will not be permitted inside the examination hall. Possession of such instruments will also be treated as malpractice in the examination hall and will be punished accordingly.
- Candidates are required to hand keep their belongings including their mobile in their respective cloak rooms and advised to get their token. On return of the token they can get back their belongings from the cloak rooms.
- If the above instructions are not followed or any other similar wrong/delinquency is committed, it will be considered as malpractice and penal action will be initiated against the delinquent student.
- Candidates who have failed any subject are eligible, applying for revaluation, review and to get their photo copies of their answer books on payment of fees prescribed for the same.

5. Uniform Span Period System (N+2)

According to the system, the students of the various courses of 5 Year Integrated Hons' Degree Programme are permitted to pursue their higher classes and carry forward their backlog papers and has to clear their papers through the regular semester by the University.

The students those who joined in the various programmes from the academic year 2019-2020 onwards are eligible to complete their course of study within the normal period prescribed for such programme without detention.

As per the (N+2) norms, those students who are admitted in the academic year 2019-2020 onwards in various programme of the UG & PG will be given two additional years to complete their arrears of papers, if any, after the completion of the prescribed duration of the study to become eligible for award of degree from the time of joining in the programme.

During such extended period of two years of time span, such candidates (he/she) ceases to be a regular student of the University.

If a student he/she fails to clear the arrears of papers in the extended period (two years) after the normal programme of study shall not be eligible to be qualified for the degree.

SYLLABUS

B.COM. LL.B. HON'S COURSE I YEAR

I-Semester

S.No	Subject Code	Subjects
1	HBM0101	Legal Language and Literature
2	HBM0102	Computer Fundamentals and Office Automation
3	HBM0103	Principles of Economics
4	HBM0104	Financial and Corporate Accounting
5	HLC0101	Introduction to Law, Legal Methods and Legal Research

II- Semester

S.No	Subject Code	Subjects
6	HBM0205	Legal Language and Communication
7	HBM0206	Principles of Management & Human Resource Management
8	HBM0207	Financial Market & Services
9	HLC0202	Legal And Constitutional History
10	HLC0203	Law of Torts

II YEAR

III Semester

S.No	Subject Code	Subjects
11	HBM0308	Social Issues and Social Research Methods
12	HBM0309	Cost and Management Accounting
13	HLC0304	Constitutional Law I
14	HLC0305	Law of Contracts I
15	HLC0306	Law of Crimes I (Indian Penal Code)

IV Semester

S.No.	Subject Code	Subject
16	HBM0410	Managerial Economics
17	HBM0411	Public Policy, Governance and Law
18	HBM0412	Principle of Marketing
19	HLC0407	Constitutional Law II
20	HLC0408	Law of Contracts II

III YEAR

V Semester

S.No.	Subject Code	Subjects
21	HBM0513	Financial Management
22	HLC0509	Jurisprudence
23	HLC0510	Administrative Law
24	HLC0511	Family Law I
25	HLC0512	Company Law

VI Semester

S.No.	Subject Code	Subjects
26	HBM0614	Practical Auditing
27	HLC0613	Family Law II
28	HLC0614	Property Law
29	HLC0615	Law of Evidence
30	HLA0601	Interpretation of Statutes
31	HCC0601	Professional Ethics

IV YEAR

VII Semester

S.No.	Subject Code	Subjects
32	HLC0716	Introduction to Public International Law
33	HLC0717	Labour Law I
34	HLC0718	Mediation and Conciliation
35	HLA0702	Intellectual Property Law
36	HS10701	a. International Economic Law
	HS10702	b. Comparative Constitutional Law
	HS10703	c. Correctional Process
	HS10704	d. Corporate Securitisation
37	HS20701	a. International Treaties & Conventions on IP
	HS20702	b. Introduction to Land Laws
	HS20703	c. Criminology
	HS20704	d. International Labour Organisation and Labour Jurisprudence

VIII Semester

S.No.	Subject Code	Subjects
38	HLC0819	Labour Law II
39	HLA0803	Competition Law
40	HLA0804	Cyber Law and Information Technology
41	HS30801	a. International Human Rights Law
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	HS30803	c. Cyber Crime
	HS30804	d. Insurance Law
42	HS40801	a. IP on Traditional Knowledge and Genetic Resources
	HS40802	b. Land Laws of Tamil Nadu
	HS40803	c. Forensic Science and Investigation
	HS40804	d. Service Laws
43	HCC0802	Alternative Dispute Resolution Policy

V YEAR**IX Semester**

S.No.	Subject Code	Subjects
44	HLC0920	Civil Procedure Code and Limitation Act
45	HLC0921	Law of Crimes II (Criminal Procedure Code)
46	HLA0905	Banking Law
47	HS50901	a. Private International Law
	HS50902	b. Legal Process and Local Governance
	HS50903	c. Juvenile Justice system
	HS50904	d. International Commercial Arbitration
48	HS60901	a. Intellectual Property Litigations
	HS60902	b. RERA and Tenancy Law
	HS60903	c. Psychology of Crime
	HS60904	d. Social Security and Unorganised Labour
49	HCC0903	Drafting Pleading and Conveyancing

X Semester

S.No.	Subject Code	Subjects
50	HLC1022	Environment Law
51	HLC1023	Law of Taxation
52	HLA1006	Comparative Law
53	HS71001	a. Practical Paper
	HS71002	b. Practical Paper
	HS71003	c. Practical Paper
	HS71004	d. Practical Paper
54	HS81001	a. Practical Paper
	HS81002	b. Practical Paper
	HS81003	c. Practical Paper
	HS81004	d. Practical Paper
55	HCC1004	Moot Court

FIRST YEAR

I-SEMESTER

HBM0101: LEGAL LANGUAGE AND LITERATURE

English I

Objectives of the Course

The objective of the course is to train the student to obtain the basic knowledge of alphabets, words, parts of speech, phrases, clauses and sentences, apart from the need to upgrade English language skills for effective communication. This course focuses on strengthening the students' syntactical competence so as to bring quality and correct grammatical constructions in their writing and it is also meant to train them on how to study for various purposes. The prose lessons prescribed expose the students to different streams of higher thought in the realm of Politics, Law, Society and Literature. This course enables wholesome understanding of English language which plays a vital part in the acquisition of great advocacy skills.

COURSE OUTLINE

Module I: Legal Language and Grammar

- a. Defining Language
- b. Nature of Language
- c. Syntactical Competence (Introductory)
- d. Grammar and Usage-
 - Sentence Structure-Subject and Predicate
 - Concord
 - Tenses
 - Use of Articles
 - Accurate Use of Prepositions
 - Making Questions (Why-and yes-no questions and question tags)
 - Use of Modal Auxiliary Verbs (making requests, suggestions, seeking permission etc.)
 - Some Common Errors

Module II: Sentence Transformation

- a. Active and Passive Voice
- b. Types of Sentences (Statements, interrogative, exclamatory and imperative)
- c. Simple, complex and compound sentences
- d. Reported Speech
- e. Syntactic Ambiguity

Module III: Vocabulary Skills

- a. Idioms and Phrases
- b. One Word Substitution

Module IV: Communication Skills

- a. Communication- Verbal, Non-Verbal and Written
- b. Significance of Communication Skills for Lawyers-Listening, Speaking, Reading and Writing (Introductory)
- c. Electronic Communication and its types (Telephone, Facsimile, E-Mail, Voice Mail, Teleconferencing, Video-Conferencing, Word Processor, Internet, Social Media)
- d. Formal Correspondence
- e. Resume Writing

Module V: Study Skills for Law Students

- a. SQ3R(Survey Question Read, Recite and Review)
- b. Reading-Types-intensive and extensive; techniques-scanning, skimming and critical
- c. Note making
- d. Writing (Correct grammar, spelling, punctuation and clarity)
- e. Paragraph Writing

Module VI: Prose with Legal Themes:

- a. Of Judicature-Francis Bacon
- b. Some Reminiscences of the Bar-M.K. Gandhi
- c. Why the Indian Labor is Determined to Win the War-B R Ambedkar
- d. Joy of Reading- A P J Abdul Kalam
- e. M C Chagla- The Centenary of a Judicial Statesman- V R Krishna Iyer

Module VII: Poetry with Legal and Literature Themes:

- a. Law like love – W.H. Auden
- b. Freedom, Justice and Equality – Lonnie Hicks
- c. Where the Mind is without Fear – Rabindranath Tagore
- d. Stopping by the Woods on a Snowy Evening – Robert Frost.

APPENDIX I

Words Often Confused:

1. Affect - Effect
2. Adverse - Averse
3. Apprehend - Comprehend
4. Adapt - Adopt
5. Accept - Except
6. Advise - Advice
7. Beside - Besides
8. Bridal - Bridle
9. Canon - Cannon
10. Canvas - Canvass
11. Council - Counsel
12. Continual - Continuous
13. Childlike - Childish
14. Collision - Collusion
15. Confirm - Conform
16. Contagious - Contiguous
17. Dual - Duel
18. Elusive - Illusive
19. Eminent - Imminent
20. Facilitate - Felicitate
21. Industrial - Industrious
22. Judicial - Judicious
23. Metal - Mettle
24. Official - Officious
25. Popular - Populace
26. Principal - Principle
27. Stationary - Stationery
28. Wave - Waive
29. Sea - See
30. Momentary - Momentous
31. Junction - Juncture
32. Estimate - Esteem
33. Fain - Feign
34. Flagrant - Fragrant
35. Luxurious - Luxuriant
36. Emigrate - Immigrate
37. Destiny - Destination
38. Disease - Decease
39. Disposal - Disposition
40. Confident - Confidential
41. Corporal - Corporate
42. Congenial - Congenital
43. Compliment - Complement
44. Abstract - Extract
45. Avert - Invert
46. Accede - Exceed
47. Assent - Ascent
48. Atenuate- Extenuate
49. Artful - Artificial

Recommended Readings:

Books

- Smith, A.T.H. *Glanville Williams: Learning the Law*. Sweet and Maxwell Printing Press, 14th edition. 1945
- SP Bakshi. *Easily Accessible: Suitable for Beginners*. Descriptive Analysis.
- Bhatnagar. R. G. *Law and Language*. Trinity Press Private Limited, 2012. Print.
- Raymond Murphy, *Essential English Grammar*. 2nd Edition. Cambridge University: 1990, Print.
- Raymond Murphy. *English Grammar in Use*. 4th Edition. Cambridge University: 1995.
- Martin Hewings. *Advanced Grammar in Use*. 3rd Edition. Cambridge University: 2000.

- David Annousamy - *The Language Riddle*. 5th Edition. Sterling Publication, 2009.
- Lewis, Norman. *Word Power: The Complete Handbook for Building a Superior Vocabulary*.
- A.J. Thomsan. *Practical English Grammar*. Fourth Edition. 2015. Print.
- William Strunk, Jr. Richard De A'Morelli. *The Elements of Style*. Classic Edition: 2018. Print.
- Jane Straus. *The Blue Book of Grammar Punctuation: An Easy-to-Use with Clear rules and Real-World*. 2014. Print.

Further Readings

Books

- 1) Williams, Glanville. *Advanced English Grammar*. Cambridge University Press: New Delhi, 2008.
- 2) Denning, Lord. *Better English Pronunciation*. Cambridge University Press: New Delhi, 2008.
- 3) Jones, Daniel. *Better English Pronunciation*. Cambridge University Press: New Delhi, 2008.
- 4) Bhatnagar, R.P. *English Idioms*. Oxford University Press. 2002.
- 5) David Green - *Contemporary English Grammar Structure and Composition*
- 6) J.C. Nesfield - *English Grammar Composition and Usage*

Journals:

- Phonetics and Audiology Peer Reviewed Open Access Journal
- International Journal of Speech-Language Pathology and Audiology
- Journal of Language and Linguistic Studies.
- Journal of Language and Learning.
- Journal of English as an International Language.
- Journal of Effective learning.
- Journal of Computer-Mediated Communication.
- Electronic Journal of Foreign Language Teaching.

Web sources:

<https://www.easypacelearning.com/all-lessons/english-books-for-download-pdfs-free/1266-idioms-from-a-to-z-pdf-free-to-download>

<https://www.englishclub.com/vocabulary/figures.htm>

<https://www.britannica.com/science/phonetics>

<https://scholar.harvard.edu/files/adam/files/phonetics.ppt.pdf>

<https://www.thoughtco.com/phonetics-definition-1691622>

<https://www.dictionary.com/browse/phonetics>

Learning Outcome:

After undergoing this course, students should be able to:

1. *Comprehend the basic grammatical structure of English language and its proper usage.*
2. *Significantly enhance language skills, both spoken and written.*
3. *Understand the importance of honing advocacy skills.*

HBM0102: COMPUTER FUNDAMENTALS AND OFFICE AUTOMATION

Objectives of the course

This course introduces the details about the concepts of Computer fundamentals and MS-Office. The main objectives of the paper are-

- 1. Present basics of computing principles and business practices for efficient use of Management information system and enterprise software.*
- 2. It helps students to work with MS office in effective manner.*
- 3. Students are exposed to information systems and business software.*
- 4. They understand binary, hexadecimal and octal number systems and their arithmetic.*
- 5. How legal protection is done using database related concepts.*

COURSE OUTLINE

Module 1: Introduction to Information Technology

- Computer - Characteristics of Computers - Input, Output, Storage units - CPU – Memory
- Secondary Storage Devices - Floppy and Hard Disks, Optical Disks CD - ROM, DVD
- Mass Storage Devices: USB thumb drive. Managing disk Partitions
- Input Devices - Keyboard, Mouse, joystick, Scanner, web cam
- Output Devices - Monitors, Printers- Number Systems - Conversion from one number system to another.

Module II: Operating System

- Introduction to Functions of Operating System - Types of operating system
- Microsoft Windows - An overview of different versions of Windows - Basic Windows- - System tools
- Disk cleanup - Disk defragmenter - Entertainment, Games, Calculator, Paint, Notepad- WordPad.

Module III: Word Processing

- Introduction - Saving, Closing, Opening an existing document
- Text editing - Selecting text, Editing text- Finding and Replacing text- Applying Bullets and Numbers

c) Printing & Formatting - Columns Formatting- Page Break- Adding Borders and Shading - Inserting Auto shapes and Pictures, Printing Documents-Creating and Printing Merged Documents, Character and Paragraph Formatting

d) Templates - Handling Graphics- Creating Tables and Charts- Document Protection- Working in Different Views- Document Templates and Wizards.

Module IV: Spreadsheet Package

a) Introduction- Creating, Saving and Editing a Workbook - Inserting and Deleting Work Sheets

b) Entering data in a cell - formula Copying and Moving from selected cells - Handling operators in Formulae

c) Functions-Mathematical, Logical, statistical, text, financial, Date and Time- Use of Function Wizard

d) Worksheet - Cell formatting – Graphics in Worksheet - Printing worksheets - Charts and Graphs- Cell data validation -Working in Different Views - Worksheet Protection.

Module V: Presentation Package

a) Presentation - Creating, Opening and Saving Presentations - Creating the Look of Your Presentation

b) Views - Working in Different Views - Working with Slides

c) Formatting - Adding and Formatting Text - Formatting Paragraphs - Checking Spelling and Correcting Typing Mistakes

d) Drawing and Working with Objects - Adding Clip Art and other pictures - Designing Slide Shows, Running and Controlling a Slide Show - Printing Presentations.

Module VI: MS Outlook& Legal Protection for Database

a) MS Outlook - Outlook Environment - Address, Compose and Send Messages

b) Managing Mail - Attach a File - Move or Copy Messages to a Folder

c) Networking -Types of Networking - Introduction to Internet - Webpage and Website

d) Legal protection for database - Search Engine Browsing- Copyright violation on the internet – Trademark issues in internet

Recommended Readings:

Books:

1. Mano M Morris, Digital logic and computer design, ISBN No. 9789332542525, Edition 1, Perarson Publisher, 2016.
2. V. Rajaraman, Fundamentals of computer, ISBN No. 9788120350670, Edition 2, PHI Learning Publisher, 1985.
3. Joan Lambert, Microsoft Word 2019, ISBN No. 9781509305872, Microsoft Press, US 2019.
4. **L Thomas Floyd, Digital logic fundamentals ,ISBN-No: 0675084954, Merrill Publisher, December 2016**
5. Butterworths, The Law Relating to Computers and the Internet, ISBN No. 81-87162-13-9, Lexis Nexis Publisher, 2000.

Journals:

1. IEEE Xplore, SMPTE Periodical - Digital Electronics Fundamentals for the User: Basic Logic Gates and Broadcast Applications, Publisher: SMPTE, ISSN: 0036-1682
2. Journal of Operating System Development and Trends, eISSN: 2454–9355
3. Computer Engineering & Information Technology, ISSN : 2324-9307.
4. International journal of Artificial Intelligence, ISSN: 0974-0635, Publisher - Elsevier
5. Communications of the ACM, ISSN: 0001-0782- Publisher – ACM

Further Readings:

Books:

1. T.C.Bartee, Computer Architecture and logic design, ISBN No. 0070039097, Edition 1, McGraw-Hill Publisher, 1990
2. **P. K. Sinha, Computer Fundamentals, ISBN No.-13:9788176567527, BPB Publications, 2004**
3. Joan, Microsoft office 2007, step by step, ISBN No. 978-0735623026, Edition 1, Microsoft press, 2016.
4. AbrahanSilberschatz, Operating System concepts, ISBN No.978-8126554270.
5. Lawyer’s Deskbook, 2nd Edition, 2018 by Shilling.
6. Rajiv Chopra, Operating System – A Practical App, ISBN No. 8121931649, S. Chand Publishing, 2009.
7. Karnika Seth, Computers Internet and New Technology Laws, ISBN No. 9788180389030, Lex Cyberia2013

E – Books

8. Digital Logic Design, course tutorial, training, a PDF book made by A.F. Kana.
9. Microsoft_word.pdf, Website: Microsoft word windows
10. Operating System by Steven Hand

Journals:

1. IEEE Transactions on Computers, 0018-9340 (print) 1557-9956 (web), Publisher – IEEE Computer Society
2. An Analysis of the CLOUD Act and Implications for India By: Elonnai Hickok and VipulKharbanda
3. The Computer Journal, 0010-4620 (print), 1460-2067 (web), Publisher – Oxford University.
4. IEEE Transactions on Computers, LCCN: 75642478, Publisher - IEEE
5. Legal implications of Operating system, Publisher – IEEE Computer Society

E-Learning:

Web Resources

6. <https://study.com/academy/lesson/what-is-office-automation-system-tools.html>
7. <https://learn.ni.com › teach › resources › teaching-digital-logic-fundamentals>

NPTEL Links and Online lectures

8. <https://nptel.ac.in/courses/117106086/>
- 9) <https://nptel.ac.in/courses/106/106/106106144/>
- 10) <https://swayam.gov.in/>

Learning Outcomes

After completion of the course students will be able to -

- *Understand the principles of Operating system*
- *Use Word, Excel and PowerPoint in more efficient manner*
- *Legal protection for Database*
Efficient use of MS Outlook and Search Engine

HBM0103: PRINCIPLES OF ECONOMICS

Objectives of the Course

The basic objective of this course is to make the students to understand the various advance economic principles as well as their applications. In addition to that this course also enables the students to understand sectors specific and their impact in shaping trends in economic indicators in pursuit of Indian Constitution.

COURSE OUTLINE

Module I Introduction to Economics

- a) Meaning – Definitions- Wealth, Welfare and Scarcity Views of Economics
- b) Nature and Scope of Economics- Significance of the Study of Economics
- c) The Subject Matter of Economics - Difference between Micro and Macro Economics
- d) The Methodology of Economics - Deductive Method and Inductive Method
- e) A Positive and a Normative Economics.

Module II Demand and Supply Analysis

- a) Meaning – Definition- Types- Functions of Demand
- b) Factors Affecting Demand- Law of Demand
- c) Exceptions to the Law of Demand
- d) Elasticity of Demand – Types and Measurement of Elasticity of Demand
- e) Factors influencing Elasticity of Demand
- f) Meaning and Definition of Supply – Law of Supply- Factors determining Supply.
- g) Consumer's Surplus- Producers Surplus.

Module III Theory of Consumer Behaviour

- a) Meaning – Definition - Concept of Utility
- b) Cardinal - Ordinal Utility Approach
- c) Law of Diminishing Marginal Utility - Law of Equi-Marginal utility
- d) Meaning of Indifference Curve- Approach to Indifference Curve Technique
- e) Properties and Uses of Indifference Curve
- f) Budget Line and Consumer's Equilibrium.

Module IV Theory of Production

- a) Meaning - Factors of Production
- b) Theories of Production: Law of Variable Proportions – Law of Returns to Scale
- c) Equal Product Curves – MRTS
- d) Producer's Equilibrium
- e) Internal and External Economies and Diseconomies of Scale of Production.

Module V Cost and Revenue Analysis

- a) Meaning – Functions -Concepts of Cost
- b) Fixed Cost -Variable Cost -Total Cost Average Cost
- c) Marginal Cost - Average Cost Curves -Derivation of SAC and LAC
- d) Revenue Concepts - Total Revenue - Average Revenue and Marginal Revenue Curves
- e) Relationship between Average Revenue and Marginal Revenue

Module VI Price and Output Determination Under Different Market Structure

- a) Nature of Market -Structure – Characteristics of Market
- b) Price and Output Determination - Perfect Competition, Monopoly, Duopoly
- c) Oligopoly -Monopolistic Competition
- d) Price Discrimination
- e) Price Policy and Pricing Methods.

Module VII Principles – Money and Finance

- a) Nature and Definition of Money-Concepts of Money
- b) Function of Money - Demand for Money
- c) Classical Approach: The Keynesian Approach
- d) Public Finance- Source of Public Finance
- e) Tax and Non-Tax Revenue- Characteristic of Good Tax System
- f) Theories of Public Expenditure – Peacock -Wisemen Theory
- g) Public Debt- Classification of Public Debt

Recommended Readings:

Books:

1. N. Gregory Mankiw (2007), *Economics: Principles and Applications*, 4th edition, India edition by South-Western, a part of Cengage Learning, Cengage Learning India Private Limited, ISBN-13:978-81-315-0577-9 (hereafter Mankiw, 2007, 4e).
2. Karl E. Case and Ray C. Fair (2007), *Principles of Economics*, 8th edition, Pearson Education Inc., ISBN 81-317-1587-6.(hereafter Case & Fair, 2007, 8e).
3. Joseph E. Stiglitz and Carl E. Walsh (2006), *Economics*, International Student Edition, 4th Edition, W.W. Norton & Company, Inc., New York, ISBN 0-393-92622-2. (hereafter Stiglitz & Walsh, 2006, 4e).
4. Ahuja H.L. (1996), *Principles of Micro Economics, A New look at Economic Theory*, S.Chand, New Delhi.
5. Jhingan M. L, *Macro Economic Theory*, 10th Revised edition, 2002, ISBN 81-87125-01-2, Vrinda Publication (P) Ltd, New Delhi.

Journal / Journal Articles:

1. Caplan, B., & Miller, S. (2012). Positive versus normative economics: What's the connection? Evidence from the "Survey of Americans and Economists on the Economy" and the "General Social Survey". *Public Choice*, 150(1/2), 241-261. Retrieved March 31, 2020, from www.jstor.org/stable/41406877
2. Kauder, E. (1965). The Law of Diminishing Utility. In *History of Marginal Utility Theory* (pp. 135-142). PRINCETON, NEW JERSEY: Princeton University Press. DOI:10.2307 /j. ctt 183pkml.16
3. Barucci, E. (1998). Optimal Investments with Increasing Returns to Scale. *International Economic Review*, 39(3), 789-808. doi:10.2307/2527400
4. Turvey, R. (1969). Marginal Cost. *The Economic Journal*, 79(314), 282-299. doi:10.2307/2230169
5. Lewis, M., & Widerquist, K. (2001). Marginal Analysis. In *Economics for Social Workers: The Application of Economic Theory to Social Policy and the Human Services* (pp. 15-24). New York: Columbia University Press. doi:10.7312/lewi11686.5

Further Readings:

Books:

1. Stonier and Hague, A Text Book of Economic Theory, (1958), Long Mans Green &Co., London.
2. Douglas B. Bernheim and Michael D. Whinston. (2009). Microeconomics, Tata McGraw-Hill (India).
3. Hal R. Varian (2010). Intermediate Microeconomics: A Modern Approach, W.W. Norton and Company/Affiliated East-West Press (India), 8th edition.
4. Joseph E. Stiglitz and Carl E. Walsh (2007). Economics, W.W. Norton & Company, Inc., New York, International Student Edition, 4th edition.
5. Gregory N Mankiw (2007). Economics: Principles and Applications, India edition by South Western, a part of Cengage Learning, Cengage Learning India Private Limited, 4th edition.
6. Sundharam KPM, M C Vaish, Principles of Economics-13th Revised Edition, Vikas Publishing House Pvt Ltd.
7. Tyagi B.P Public Finance 5st Edition, Jai Prakash&co.
8. Dominick Salvatore Eugene. A Duilio, Principles of Economics, Edition 2017, Tata McGraw Hill Publishing Company Ltd., New Delhi.
9. D.N. Dwivedi, 2000, Managerial Economics, Vikas Publishing House Pvt. Ltd., New Delhi
10. Baumol, William J., 1995, Economic Theory and Operation Analysis, Prentice Hall of India Pvt. Ltd., New Delhi.

Journal / Journal Articles:

1. Indian Journal of Economics
2. Economic and Political Weekly (EPW)
3. Kurukshetra and Yojana
4. Southern Economist
5. Indian Journal of Agriculture
6. Armstrong, M., & Vickers, J. (2001). Competitive Price Discrimination. *The RAND Journal of Economics*, 32(4), 579-605. Retrieved March 31, 2020, from www.jstor.org/stable/2696383

7. Frank, C. (1969). Substitution and Price Discrimination. In *Production Theory and Indivisible Commodities. (PSME-3)* (pp. 50-63). PRINCETON, NEW JERSEY: Princeton University Press. doi:10.2307/j.ctt183pr67.7
8. Lavoie, M. (1994). A Post Keynesian Approach to Consumer Choice. *Journal of Post Keynesian Economics*, 16(4), 539-562. Retrieved March 31, 2020, from www.jstor.org/stable/4538409
9. S. Kumarasundaram. (1986). India's Balance of Payment Prospects. *Economic and Political Weekly*, 21(8), 335-336. Retrieved March 31, 2020, from www.jstor.org/stable/4375360
10. Oum, T., Zhang, A., and Zhang, Y. (1993). Inter-firm Rivalry and Firm-specific Price Elasticities in Deregulated Airline Markets. *Journal of Transport Economics and Policy*, 27, 171–192.

Learning Outcomes:

After completion of the study students will be able to -

- *Reliable the application of legal principles in the field of economics in the precise manner, as a social engineer and uphold the goal of constitution to distribution of income and wealth of nation to ensure welfare of each individual.*
- *Give the first-hand information about the market structure how resource allocate various market situations and enable to change the decision making in accordance with global scenario.*
- *Comprehend how to use limited means to present and retain for the future unlimited wants and how the law can support and, at times conflict with, the functioning of the market and the government, the other two important organising forces of an economy.*
- *Develop an inter-disciplinary approach and enhance the employability of students.*

HBM0104: FINANCIAL AND CORPORATE ACCOUNTING

Objectives of the Course

The main objectives of the course are to enable the students to learn the principles and concepts of Accountancy, to prepare Final Accounts for Sole Traders, partnership firm and joint stock companies and make them to understand the process of liquidation and the concept of holding company. In overall the students can acquire conceptual knowledge of the financial accounting and to provide knowledge about the techniques for preparing accounts in different business organizations.

COURSE OUTLINE

Module I: Basics of Accounting

- a) Meaning, Objectives and Scope of Accounting – Basic Accounting Concepts and Conventions
- b) Preparation of Journal, Ledger and Trial Balance.
- c) Preparation of Trading, Profit & Loss Account and Balance Sheet

Module II: Hire Purchase

- a) Hire Purchase System – Introduction – Distinction between Hire Purchase Agreement and Instalment purchase agreement.
- b) Terms used in Hire Purchase agreement – Problems relating to Hire Purchase.
- c) Law relating to hire purchase System

Module III: Liquidation

- a) Liquidation – Meaning – Types – differentiation between dissolution and liquidation.
- b) Fixation of Liquidator remuneration.
- c) Preparation of Liquidator final Statement.

Module IV: Amalgamation, Absorption and Reconstruction

- a) Introduction to Amalgamation, Absorption and Reconstruction – Types of Amalgamation.
- b) Purchase Consideration – Accounting Problems relating to Amalgamation, Absorption and External Reconstruction of a Company – (Inter Company Investments Excluded).

Module V: Holding Company

- a) Definition and Meaning of Holding and Subsidiary Company.
- b) Holding and Subsidiary Company Accounts – Preparation of Consolidated Balance Sheet with Minority Interest.

Note: Marks Distribution:Problems 60% and Theory 40%

Recommended Readings:

Books:

1. S. P. Jain and K. L. Narang - Financial Accounting - Kalyani Publishers, New Delhi.
2. S. P. Jain and K. L. Narang - Corporate Accounting - Kalyani Publishers, New Delhi.
3. R.L. Gupta and V. K. Gupta – Advanced accounting – Sultan Chand & Sons, New Delhi.
4. M. C. Shukla, S. Grewal and S. C. Gupta – Advanced Accounts – S. Chand, New Delhi.
5. Iyengar, S.P., Cost and Management Accounting, Sultan Chand and Co., 5th Edition, 2010.

Journals/ Journal Articles:

1. Nwanyanwu, Loveday. (2014). Some Basic Concepts of Accounting: A Critical Appraisal. Research Journal of Finance and Accounting. 5. 197 - 204.
2. SlaheddineYagoubi, “Accounting Theories, Financialization Process and Neoliberalism”, Journal of Global Economics, Jul 28, 2014, 2:2, DOI:10.4172/2375-4389.1000116
3. R. AashishJaangda and M. Kannappan, A Study on Compulsory Liquidation of a Company and its Liability, International Journal of Pure and Applied Mathematics, Volume 119 No. 17 2018, 647-658, ISSN: 1314-3395 (on-line version) url: <http://www.acadpubl.eu/hub/>
4. Mohammad NaquiburRahman, Organized Retailing in Context with Amalgamation of Small Firms in Saudi Arabia, International Journal of Economics, Finance and Management Sciences. Vol. 3, No. 5, 2015, pp. 583-593.
DOI: 10.11648/j.ijefm.20150305.30
5. Fadahunsi, O. (1989), "The Holding Company Approach to Public Enterprise Management in Nigeria", International Journal of Public Sector Management, Vol.2, No. 2. <https://doi.org/10.1108/09513558910132756>

Further Readings:

Books:

1. R.L. Gupta and M. Radhaswamy – Advance Accountancy - Sultan Chand & Sons, New Delhi.
2. T.S. Reddy and A. Murthy- Financial Accounting - Margham Publications, Chennai.
3. T.S. Reddy and A. Murthy- Corporate Accounting – Margham Publications, Chennai.
4. P. C. Tulsian – Financial Accounting - S Chand, New Delhi.
5. Monga, J.R. Ahuja, Girish and ShehgalAsho - Financial Accounting - Mayur paper Back, Noida.
6. Mukherjee and Hanif – Modern Accountancy - McGraw-Hill Publishers, New Delhi.
7. RSN. Pillai, Bagavathi S. Uma, “Advanced Accounting”, S. Chand &Co, New Delhi.
8. Mukerjee and Haneef, Advanced Accountancy, Tata McGraw Hill, New Delhi.
9. Arulanandam, “Advanced Accountancy,” Himalaya Publication, Mumbai.
10. S.Manikandan&R.RakeshSankar,” Financial Accounting,” Scitech Publications Pvt Ltd, Chennai. Volume I & II.

Journals:

1. Asia-Pacific Journal of Accounting & Economics
2. Accounting & Finance
3. The Accounting Review
4. Ibtihaj Ismail Yaqoob and Riyadh Al-Abdullah, “The Role of accounting literature and professional training in enhancing common life-based characteristics held by a forensic accountant (an empirical investigation)”, International Journal of Accounting and Finance (IJAF), Vol. 7, No. 1, 2017, DOI: 10.1504/IJAF.2017.083930
5. Hendrickson, H. (1980). Journals for Accountants. The Accounting Review, 55(4), 707-718. Retrieved April 24, 2020, www.jstor.org/stable/245804
6. Gray S.J, Vint H.M (1995),“The Impact of Culture on Accounting Disclosures: Some International Evidence”, Asia-Pacific Journal of Accounting, Vol: 2, pp: 33-43.
7. [Dodds, G.](#) (1993), "Insolvent Liquidation: An Outline", [Property Management](#), Vol. 11 No. 2, pp. 134-140. <https://doi.org/10.1108/02637479310026695>
8. Cooper D.J, Sherer M. J (1984),“The Value of Corporate Accounting Reports: Arguments for a Political Economy of Accounting”, Account Organisation Society, Vol 9, pp 207-232.
9. Shoaib Khan, Y. S. (2012). Capital structure and managerial ownership: Evidence from Pakistan.
10. Davies, Mike & Paterson, Ron & Wilson, Allister. (1997). Leases and hire purchase contracts. 10.1007/978-1-349-13819-7_17.

Learning Outcomes

After completion of the course students will be able to -

- *Become familiar with various accounting concepts and conventions and accounting standards*
- *Understand the steps followed in hire purchase system and its legal complications.*
- *Learn the concepts of amalgamation, absorption and reconstruction of the business.*
- *Understand as to how to prepare liquidation final statements and holding company accounts.*

HLC0101: INTRODUCTION TO LAW, LEGAL SYSTEMS & LEGAL RESEARCH

Objectives of the Course:

Introduction to Law, Legal Systems and Legal Research as a field of knowledge is essentially taught to the beginners of law. Contextually, it concentrates on the foundational dimensions of law at an introductory level. The core areas of dissemination include the role of law in human life and welfare, definitional elements of law, conceptual insights on legal terminologies and maxims, classification of law, basic views on legal systems, studying and interpreting legislations, understanding decisional law and fundamentals of legal research and methodology. The course work will be skill based. Enquiry cum learning by doing based approach is adopted to facilitate the students to imbibe intellectual abilities, self-evaluation and working culture towards accessing the teacher and law library. In sum, the course work ensures the transformation of a trainee into a student of law (ethical and knowledge dimensions). Importantly, the subject and related learning experience lays the platform for the students to evolve systematically towards the realisation of intellectual excellence in law.

COURSE OUTLINE

Module I: Introduction to Law, Classification and Legal Systems

- (a) Role of Law in Human Life and Welfare-Characterisation of Law-Classification of Law;
- (b) Basic Concepts in Legal Philosophy-Ancient Indian Legal Thought-Continental Law-Common Law-Comparative Laws-Notion of Public and Private Laws;
- (c) Principle based Approaches-Understanding Legal Terminologies and Maxims.

Module II: Skills to Learn Law and Methods of Legal Reasoning

- (a) Art of Questioning-Intellectual Enquiry-Developing Critical Thinking-Language Usage Skills;
- (b) Skills of Interpretation-to read, to write, deduce the hidden assumptions and test its accuracy-Texts of and about the Law-Improving Legal Insights on Contemporary Social Problems;
- (c) Methods of Legal Reasoning-Logic-Inductive and Deductive Reasoning-Analysis-Legal Fictions-Assumptions.

Module III: Understanding Legislations

- (a) Defining Statute Law-Kinds of Statutes-Legislative Drafters-Legal Writing and Legislative Drafting;
- (b) Stages of Legislative Drafting-Elements of Legislation-Principles of Legislation-Schools of Interpretation-General Clauses Act, 1897.

Module IV: Judicial Methods

- (a) Defining Justice-Concept of Dharma-Judicial Behaviour-Judicial Activism-Components of Judgment-Doctrine of Reasoned Decisions-Identifying *ratio decidendi*;
- (b) Judges make or declare Law-Hierarchy of Courts in India-Supreme Court-High Courts-District & Sessions Court-Metropolitan Courts-Subordinate Courts and Judges along with classifications.

Module V: Fundamentals of Legal Research and Methodology

- (a) Defining Research and Legal Research-Qualities of Legal Researcher-Doctrinal and Non-Doctrinal Modes of Research-Drafting Synopsis-Basic Components;
- (b) Principles of Data Collection-Modes of Data Collection-Questionnaire-Interview-Survey-Sampling-Statistical;
- (c) Research Manual-Utilising Law Library-Information Communication Assisted Legal Research-Multi-Disciplinary Approaches.

Module VI: Legal Education, Legal Ethics and Law Reforms

- (a) Salient Reports on Legal Education-Prof. Radhakrishnan Report on Reforms on Higher Education;
- (b) Introduction to Legal Ethics-Select Reports of the Law Commission of India.

Recommended Reading

Books

1. V.C.R.A.C. Crabbe (1993), Legislative Drafting, Cavendish Publishing: United Kingdom.
2. Subhash C.Kashyap (1994), Our Constitution: An Introduction to India's Constitution and Constitutional Law, National Book Trust of India: India.
3. John Trayner (1998), Latin Maxims, W. Green/Sweet & Maxwell: United Kingdom.
4. Sharon Hanson (1999), Legal Method, Cavendish Publishing: United Kingdom.
5. S.K. Verma and M. Afzal Wani (Editors) (2001), Legal Research and Methodology, Indian Law Institute:India.

Further Reading

1. UpendraBaxi (1982), *The Crisis of the Indian Legal System-Alternatives in Development: Law*, Vikas Publishing House Pvt. Ltd.: India.
2. P.M. Bakshi (1993), *Legal Interpretation: Ancient and Modern*, The Indian Law Institute: India.
3. V.C.R.A.C. Crabbe (1994), *Understanding Statutes*, Cavendish Publishing: United Kingdom.
4. A.G. Noorani (2011), *Challenges to Civil Rights Guarantees in India*, South Asia Human Rights Documentation Centre, Oxford University Press: India.
5. Ian McLeod (2013), *Legal Method*, Macmillan Law Masters, Red Globe Press: United Kingdom.

Articles

1. J.K. Bhavnani (1962), *Legal Education in India*, *Journal of the Indian Law Institute*, Vol. No.4, PP. 167-190.
2. V.S. Deshpande (1969), *Extrinsic Aid in the Construction of Statutes*, *Journal of the Indian Law Institute*, Vol. No.11, Issue No. 2, PP. 123-158.
3. Rahmatullah Khan and Sushil Kumar (1975), *Comparative Law Research in India*, *Journal of the Indian Law Institute*, Vol. No. 12, PP. 505-510.
4. UpendraBaxi (1975), *Socio-Legal Research in India: A Programschrift*, Indian Council of Social Science Research: New Delhi, occasional monograph No.12.
5. D.N. Saraf (1982), *Relevance and Utility of Empirical Research in Law*, *Journal of the Indian Law Institute*, Vol. No. 24 Issue No. 2&3, PP. 611-634.
6. Rajeev Dhavan (1994), *Law As Struggle: Public Interest Law in India*, *Journal of the Indian Law Institute*, Vol. No. 36, Issue No.3, PP. 302-338.
7. Duncan Berry (1997), *Techniques for Evaluating Draft Legislation, The Loophole: Published by Common Wealth Association of Legislative Counsel*, PP. 31-47.
8. S.P. Sathe (2001), *Judicial Activism: Indian Experience*, *Washington University Journal of Law & Policy*, Vol. No. 6, PP. 29-109.
9. Ruth Sullivan (2001), *The Promise of Plain Language Drafting*, *McGill Law Journal*, Vol. No. 47, PP. 97-128.
10. Justice D.M. Dharmadhikari (2002), *Nature of Judicial Process*, Vol. No. 6, Issue No. 1, *Supreme Court Cases*.

Cases for Guidance

1. *Bangalore Water Supply and Sewerage Board v. A. Rajappa*, AIR 1978 SC 548.
2. *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.
3. *BanduaMuktiMorchav.Union of India*, AIR 1984 SC 802.
4. *U.P. BhoodanYagnaSamiti v. Braj Kishore & Others*, AIR 1988 SC 2239.
5. *ParamanandKatara v. Union of India*, AIR 1989 SC 2039.
6. *State of Karnataka v. AppaBaluIngale and Others*, AIR 1993 SC 1126.
7. *Vellore Citizens Welfare Forum v. Union of India*, AIR 1996 SC 2715.
8. *Indian Council for Enviro-Legal Action v. Union of India*, AIR 1996 SC 1446.
9. *Bobby Art International, Etc. v. Om Pal Singh Hoon& Others*, AIR 1996 SC 1846.
10. *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

11. M.C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699.
12. Samatha v. State of Andhra Pradesh, AIR 1997 SC 3297.
13. Gaurav Jain v. Union of India, AIR 1997 SC 3021.
14. M/s. Spring Meadows Hospital v. Hajrol Ahluwalia, AIR 1998 SC 1801.
15. Apparel Export Promotion Council v. A.K. Chopra, AIR 1999 SC 625.
16. Mr. 'X' v. Hospital 'Z', AIR 1999 SC 495.
17. Chairman, Railway Board v. Chandrima Das, AIR 2000 SC 988.
18. Murali S. Deora v. Union of India, AIR 2002 SC 40.
19. Rupa Ashok Hurra v. Ashok Hurra & Another, AIR 2002 SC 1771.
20. Harish Uppal (Ex-Capt.) v. Union of India, AIR 2003 SC 739.
21. Sakshi v. Union of India, AIR 2004 SC 3566.
22. Jameel v. State of Maharashtra, AIR 2007 SC 971.
23. Suchita Srivastava & Another v. Chandigarh Administration, AIR 2010 SC 235.
24. In Re: Networking of Rivers (2012) 4 SCC 51.

Select Reports of the Law Commission of India

1. Report No. 183 (2002) on "A Continuum on the General Clauses Act, 1897 with Special Reference to the Admissibility and Codification of External Aids to Interpretation of Statutes".
2. Report No. 187 (2003) on "Mode of Execution of Death Sentence and Incidental Matters".
3. Report No. 196 (2006) on "Medical Treatment to Terminally Ill Patients (Protection of Patients and Medical Practitioners)".
4. Report No. 201 (2006) on "Emergency Medical Care to Victims of Accidents and during Emergency Medical Condition and Women under Labour".
5. Report No. 210 (2008) on "Humanization and Decriminalization of Attempt to Suicide".
6. Report No. 221 (2009) on "Need for Speedy Justice-Some Suggestions".
7. Report No. 222 (2009) on "Need for Justice-dispensation through ADRetc".
8. Report No. 223 (2009) on "Need for Ameliorating the lot of the Have-nots-Supreme Court's Judgments".
9. Report No. 234 (2009) on "Legal Reforms to Combat Road Accidents".
10. Report No. 255 (2015) on "Electoral Reforms".

Learning Outcomes

1. To get introduced to the conception of law and its relevance to human life.
2. To understand the classification of laws to resolve the identity crisis.
3. To systematically work on the skills of using general and legal language.
4. To imbibe analytical skills of enquiry and legal reasoning.
5. To be aware of the notion of jurisprudence and its intersectionality with social problems.
6. To systematically evolve as a legal mind, to earn intellectual self-respect and eventually, contribute to mankind and other creations.

FIRST YEAR

II-SEMESTER

HBM0205: LEGAL LANGUAGE AND COMMUNICATION

English II

Objectives of the Course

The course objective is to train the students to acquire effective communication skills including legal jargon. The students are given an understanding of various types of correspondence, writing reports, minutes, office order, etc. The modern forms of communication and the way it can be used for business purpose is also covered in this paper. Linguistics and Phonetics help in good articulation with intonation and rhythm in the spoken skills and increasing the word hoard both literal and legal for effective written skills. Students are introduced to the various clauses, phrases, syntax, and nuances of legal terminology in the interpretative context.

COURSE OUTLINE

Module I: Phonology and Morphology

- a. Use of English and its Significance for Communication in Indian Legal Context (in the Supreme Court, High Courts and Various Tribunals)
- b. Correct Pronunciation-Speech Sounds, Word Stress and Intonation
- c. Structure of Words
- d. Processes of Words Formation (Examples from Law)

Module II: Semantics and Role of Meaning in Law

- a. Concept of Meaning
- b. Types of Meaning (Denotative, Connotative, Social, Emotive, Reflected, Collative and Thematic)
- c. Semantic Ambiguity
- d. Components and Contrasts of Meaning- Synonyms, Antonyms and Hyponym and their Significance in Legal Language (focus on examples)
- e. Lexical Relations- Homographs, Homophones and Polysemy and their Significance in Legal Language (focus on examples)

Module III: Composition Skills

- a. Report Writing
- b. Précis Writing
- c. Notices of General Nature
- d. Essay Writing on Legal Topics
- e. Translation:
 - Definitions of Translation and its Nature
 - Techniques of Translation
 - The Significance of Translation in Law

Module IV: Understanding the Law

- a. Defining Law
- b. Meaning of Act, Bill, Custom, Law, Laws, Morality, Ordinance, Precedents, Rule, Statute
- c. Nature of Law
- d. Classification of Laws- Municipal Law and International Law, Public and Private Law, Civil Law and Criminal Laws
- e. Interpreting Law and Role of Language in Interpretation (Use of Definitions, Meanings of words, literal meaning and contextual meaning)
- f. Etymology, Significance, Meaning and Usage of Legal Terms in Procedural, Civil and Criminal Laws- Legal Terms (Appendix I)

Module V: Foreign Terminology in Law

- a. Use of Foreign Terms in Legal English- the Origin of Law and Reasons for their Use
- b. Foreign Words (Appendix II)
- c. Legal maxims (Appendix III)

Module VI: Use of Language in Drafting

- a. Use of Legal Language and its significance in drafts (Sale Deed, Gift Deed, Release Deed, General Power of Attorney and Will)
- b. Use of Legal Language in Drafting in Legal Notices (Notice to Tenant on behalf of Landlord and vice versa and Notice to Husband on behalf of Wife and vice versa)

Module VII: Advocacy Skills

- a. Meaning of Advocacy
- b. Advocacy as an Art
- c. Qualities of Lawyers (Good voice, Command of Words, Confidence, Practical wisdom etc)
- d. Use of Rhetoric- Figures of Speech (Euphemism, Hyperbole, Irony, Metaphor, Paradox, Simile, Synecdoche and Understatement)
- e. Etiquettes and Manners for Law Professionals
- f. Client Counselling and Interviewing

Module VI: Logical Reasoning for Legal Learners:

- a. General principles of Logic
- b. Deductive Logic and Inductive logic
- c. Proposition- Kinds and Types of proposition.
- d. Four-fold classification and its significance.
- e. Syllogism – Structure and Rules of Syllogism – Fallacies - Distribution of Terms and importance of Middle term.

APPENDIX: I

List of Legal Terms:

- | | | |
|--------------------------|------------------|-----------------------|
| 1. Accomplice | 19. Equity | 39. Partition |
| 2. Adjudication | 20. Evidence | 40. Plaintiff |
| 3. Adjournment | 21. Execution | 41. Power of attorney |
| 4. Admission | 22. Fraud | 42. Proof |
| 5. Affidavit | 23. Hearsay | 43. Proof |
| 6. Amendment | 24. Homicide | 44. Redemption |
| 7. Approver | 25. Injunction | 45. Remedy |
| 8. Breach of
Contract | 26. Issue | 46. Settlement |
| 9. Capital
Punishment | 27. Judgement | 47. Summons |
| 10. Coercion | 28. Jurisdiction | 48. Surety |
| 11. Compromise | 29. Liability | 49. Tenant |
| 12. Consent | 30. Licence | 50. Title |
| 13. Counter Claim | 31. Maintenance | 51. Transfer |
| 14. Damages | 32. Malafides | 52. Trespass |
| 15. Defamation | 33. Minor | 53. Trial |
| 16. Defence | 34. Murder | 54. Trust |
| 17. Deposit | 35. Necessaries | 55. Usage |
| 18. Distress | 36. Negligence | 56. Vakalat |
| | 37. Oath | 57. Verdict |
| | 38. Obscene | 58. Waiver |

APPENDIX II

List of Legal Terms:

- | | | |
|---------------|-------------------|--------------|
| Ab initio | Habeas Corpus | Quid Pro quo |
| Ad hoc | Homicide | Quo Warranto |
| Ad-Idem | In Camera | Resjudicata |
| Advalorem | In-forma Pauperis | Sine-die |
| Affidavit | In-Limine | Tort |
| Amicus Curiae | Magna Carta | Trespass |
| Bona-fide | Malafides | Ultra-vires |
| Cur.advelt | Mandamus | Usage |
| Cerciorari | Partition | Vakalat |
| De-facto | Persona designate | Vis-Major |
| De-jure | Perjury | Void |
| Equity | Privity | Voidable |
| Ex-parte | Proviso | Waiver |

APPENDIX: III

List of Latin Legal Maxims:

1. *Actio Personalis Moritur Cum Persona*
2. *Actus Non Facit Reum, Nisi Mens, Sit, Rea*
3. *Audi Alteram Partem*
4. *Damnum Sine Injuria Esse Potest*
5. *Delegatus Non Potest Delegate*
6. *Ex Nudo Pacto Non Ortiur Actio*
7. *Ex Turpi Causa Non Ortiur Actio*
8. *Falsus In Uno Falsus in Omnibus*
9. *Ignorantia Facit Excusant In ignorantia Juris Non Excusant (Ignorance Legis Neminem Excusant)*
10. *In Jure Non Remota Causa, Sed Proxima Spectatus*
11. *Injuria Sine Damno*
12. *Nemo Dat Quod Non Habet*
13. *Novus Actus (or Causa) Interveniens*
14. *Qui Facit Per Alium Facit Per Se*
15. *Res Ipsa Loquitur*
16. *Respondeat Superior*
17. *Rex Non Potest Peccare*
18. *Salus Populi Suprema Lex*
19. *Sic Utero Tuo Ut Alienum Non Leadas*
20. *Ubi Jus Ibi Idem Remedium (Or) Ubi Jus Ihi Remedium*
21. *Ut Res Magis Valeat Quam Pereat*
22. *Volenti Non Fit Injuria*

Recommended Readings

Books

- 1) Rajendra Pal and J. S. Korlahalli - *Essentials of Business Communication*. Sterling publication. 1971. Print.
- 2) Williams, Glanville. *Learning the Law*. Sweet and Maxwell Printing Press, 2006. Print.
- 3) Bhatnagar. R. G. *Law and Language*. Trinity Press Private Limited, 2012. Print.
- 4) Mill, John Stuart. *On Liberty*. London: John W. Parker and Son, West Strand, 1859. Print.
- 5) Dennings, Lord. *Due Process of Law*. London: Butterworths: Lexis Nexis, 2004. Print.
- 6) *Essentials of Business communication*- Rajendra Pal and JS Korlhalli, S. Chand and Co. New Delhi. Print.

- 7) Locker and McGraw Hill. *Business Communication: Building Critical Series*. 3rd edition. Print.
- 8) Herta A Murphy, Herbert W. Hiderbrandt & Jane P. Thomas. *Effective Business Communication*. McGraw Hill Education. 2017. Print.
- 9) Agarwal, Anurag. K. *Legal Language and Business Communication*. Macmillan Printing Press. 2019. Print.
- 10) R. S. Agarwal. *A Modern Approach to Verbal and Non-verbal Reasoning*. 2001. Print.
- 11) Dennis Q. McNerny. *Being Logical*. 2004. Print.

Further Readings

Books

- 1) Bovee, Thill, Schatzman- *Business Communication Today*
- 2) Penrose, Rasbery, Myers - *Advanced Business Communication*
- 3) Simon Collin - *Doing Business on the Internet*
- 4) Mary Ellen Guffey, *Business Communication-Process and Product*.
- 5) David Annousamy - *The Language Riddle*. 5th Edition. Sterling Publication, 2009.
- 6) Williams, Glanville. *Academic Writing*. Routledge New York: 2008.
- 7) David Annousamy, *Academic Writing*. Routledge New York: 2006.

Journals for Further Readings:

- Language and Intercultural Communication.
- Language and Speech.
- International Journal of Bilingualism.
- Journal of International Communication-Research Gate.
- Journal of Communication Management.

Web Sources:

<https://www.latestlaws.com/library/legal-maxims/>

<https://www.lawsociety.org.uk/for-the-public/legal-glossary/>

<https://www.justice.gov/usao/justice-101/glossary>

<https://www.marketing91.com/five-types-of-communication/>

<https://davidappleyard.com/english/vocabulary.htm>

<https://literarydevices.net/figure-of-speech/>

Learning Outcomes

- *Students would get basic knowledge of effective communication skills in English much needed for legal practice.*
- *Proper exposure to court room punctilios including selection of diction for drafting and presentation of arguments.*
- *Exposition of enacted laws from the perspective of linguistic complexities would strengthen the students in appreciation of invariable use words including personal pronouns (he includes she, use of may for shall and impact of improper juxtaposition of words.*
- *Advanced tutorship of verbal communication, drafting and composition exercises would add to the efficacy of the course in the law school parlance.*
- *For the beginners and budding lawyers introduction to innovative interpretative approaches in understanding the law from the perspective of linguistic communicative deficiencies is a boon for the courses in law in the coming four years in the law school.*

HBM0206: PRINCIPLES OF MANAGEMENT AND ORGANIZATIONAL BEHAVIOR

Objectives of the Course

In this course, the students will learn to recognize the characteristics of proper management by identifying what successful managers do and how they do it. Understand how manager's work is just as beneficial for the subordinate employee as it is for the manager. This course is designed to teach the fundamentals of management as they are practiced today. This course will illustrate how management evolves as firms grow in size. It is based upon the idea that the essential purpose of a business is to produce products and services in order to meet the needs and wants of the marketplace. In this course, the students will explore the tasks that today's managers perform and delve into the key knowledge areas that managers need to master in order to run successful and profitable businesses.

COURSE OUTLINE

Module I: Introduction to Management

- a) Introduction to Management - Primary Functions of Management
- b) Types of Managers - Management Roles
- c) History of Management - Scientific Management - Bureaucratic Management - Humanistic Management
- d) Current Developments in Management Practices
- e) The Planning Cycle - Types of Plans and Common Planning Tools
- f) Introduction to Strategic Management - Organizational Strategic Planning - Stages and Types of Strategy - How Environment Affects Strategy

Module II: Decision Making

- a) Introduction to Making Decisions in Different Organizations
- b) The Decision Making Process - Rational Decision Making vs. Other Types of Decision Making - Evidence-Based Decision Making
- c) Using a Decision Tree - Group Decision Making
- d) Introduction to Data and Managerialism in Decision Making
- e) Using Data to Make a Decision - Big Data in Decision Making - Decision Making Tools

Module III: Organizational Structure

- a) Introduction to Organizational Structures
- b) Modern Organizational Design - Factors Impacting Organizational Design
- c) Current Trends in Organization and Job Design –

- d) Introduction to Choosing an Organizational Structure - Organic versus Mechanistic Models
- e) Factors of an Organizational Structure - Organizational Structure and Success

Module IV: Control in the Workplace

- a) Introduction to Control in the Business Setting
- b) The Control Process
- c) Levels and Types of Control
- d) The Need for a Balanced Scorecard
- e) Financial and Nonfinancial Controls

Module V: Introduction to Organizational Behavior

- a) Definition of Organizational Behavior - Three Levels of Influence
- b) Contemporary Issues - Telecommuting - Green Business Practices - Outsourcing - Workforce Generations
- c) Introduction to Personality and Behavior in the Workplace
- d) Personality Traits - Personality and Behavior - Situational Influences on Personality
- e) Introduction to Workplace Influence on Individuality - Individuality vs Conformity - Individualized Management
- f) Technology and Organizational Behavior

Module VI: Group Dynamics

- a) Introduction to Group Dynamics - Types of Groups - Group Development - Group Structure - Group vs. Individuals
- b) Groups vs. Teams - Types of Teams - Creating Effective Teams - Team Players
- c) Introduction to Theories of Group and Teamwork - Early Management Theories - Modern Management Theories - Managing Teams Today

Module VII: Organizational Culture and Motivation in the Workplace

- a) What is Organizational Culture? - Levels of Organizational Culture - External Factors of Organizational Culture - Internal Factors of Organizational Culture - Developing and Maintaining Culture - Workplace Design
- b) Introduction to Motivation in Organizational Behavior - What is Motivation? - Individual Components of Motivation - Work Components of Motivation - Organizational Components of Motivation - Theories of Motivation - The Hawthorne Effect - Need-Based Theories - McGregor's Theory X and Theory Y - Herzberg's Two-Factor Theory –
- c) Introduction to Motivation in the Workplace - Managerial Responses to Motivation - Motivation in Different Cultures - Motivation in the Workplace

Module VIII: Conflict and Negotiation

- a) Introduction to Conflict Management – Meaning of Conflict - Types of Conflict - The Conflict Process - Conflict Management Styles - Sources of Conflict in an Organization - Conflict Management
- b) Introduction to Negotiation - Negotiation vs. Conflict Management - Stages of Negotiation - Types of Negotiating Strategies - Issues in Negotiation - Third-Party Negotiations.

Recommended Readings:

Books:

1. Prasad, L. M.(2019). *Principles and Practice of Management*. New Delhi: Sultan Chand and Sons.
2. Drucker, P. F. (1991). *The Practice of Management*. Ahamadabad: Allied Publishers.
3. Tripathi, P. C., and Reddy, P. N. (2017). *Principles of Mngement*. New Delhi: Tata McGraw - Hill. 6th Edition
4. Nair, S. R. (2008). *Organizational Behaviour* . New Delhi: Himalaya Publishing House.
5. Prasad, L.M. (2007). *Organizational Behaviour*. New Delhi: S. Chand & Company.

Journals/Journal Articles:

1. Newburry, W., Deephouse, D. L., &Gardberg, N. A. (2019). Global Aspects of Reputation and Strategic Management', Global Aspects of Reputation and Strategic Management (Research in Global Strategic Management, Volume 18).
2. Bonacchi, M., Marra, A., &Zarowin, P. (2019). Organizational structure and earnings quality of private and public firms. *Review of Accounting Studies*, 24(3), 1066-1113.
3. Henri, J. F., &Wouters, M. J. (2017). Coexistence of management control practices and successful product innovation.
4. Hough, L., &Dilchert, S. (2017). Personality: Its measurement and validity for employee selection. In *Handbook of employee selection* (pp. 298-325). Routledge.
5. Kundu, S. C., Mehra, L., &Mor, A. (2017). Effect of Diversity Management on Employees Intention to Quit: Mediating Role of Employee Motivation. *Journal of Strategic Human Resource Management*, 6(3), 17.

Further Readings:

Books:

1. Morden, T. (2017). *Principles of management*. Routledge.
2. Rothaermel, F. T. (2016). *Strategic management: concepts* (Vol. 2). McGraw-Hill Education.
3. Berry, A. J., Broadbent, J., &Otley, D. T. (Eds.). (2016). *Management control: theories, issues and practices*. Macmillan International Higher Education.
4. Wallensteen, P. (2018). *Understanding conflict resolution*. SAGE Publications Limited.
5. Barry, N. (2016). *Business ethics*. Springer.

Journals/Journal Articles:

1. Weichhart, G., Molina, A., Chen, D., Whitman, L. E., & Vernadat, F. (2016). Challenges and current developments for sensing, smart and sustainable enterprise systems. *Computers in Industry*, 79, 34-46.
2. Strobl, A., Niedermair, J., Matzler, K., & Mussner, T. (2019). Triggering subordinate innovation behavior: the influence of leaders' dark personality traits and level 5 leadership behavior. *International Journal of Innovation Management*, 23(05), 1950045.
3. Cascio, W. F., & Montealegre, R. (2016). How technology is changing work and organizations. *Annual Review of Organizational Psychology and Organizational Behavior*, 3, 349-375.
4. Klonek, F. E., Quera, V., Burba, M., & Kauffeld, S. (2016). Group interactions and time: Using sequential analysis to study group dynamics in project meetings. *Group Dynamics: Theory, Research, and Practice*, 20(3), 209.
5. Klug, M., & Bagrow, J. P. (2016). Understanding the group dynamics and success of teams. *Royal Society open science*, 3(4), 160007.
6. Arditi, D., Nayak, S., & Damci, A. (2017). Effect of organizational culture on delay in construction. *International Journal of Project Management*, 35(2), 136-147.
7. Sekhar, C., Patwardhan, M., & Singh, R. K. (2016). Prioritising the dimensions of employee motivation using analytic hierarchy process. *International journal of business and emerging markets*, 8(1), 49-66.
8. Van Gramberg, B., Teicher, J., Bamber, G. J., & Cooper, B. (2017). A changing world of workplace conflict resolution and employee voice: An Australian perspective.

Learning Outcomes

After completion of this course, the students will be able to -

- Describe the primary functions of management and the roles of managers.
- Identify common organizational structures, discuss organizational culture, and benefits of diversity.
- Recognize the importance of employee motivation and how to promote it and explain group and team dynamics within organizations.
- Describe the methods of encouraging ethical behavior and the laws encouraging good corporate practices and the methods and need for control within an organization.

HBM0207: FINANCIAL MARKETS AND SERVICES

Objectives of the Course

The main objectives of the course are to impart the students with basic knowledge about the Indian financial system, concepts and to make them familiar with the functioning of stock market and various types of financial services in India. This subject will provide a better way to understand the concepts of Leasing, Factoring and Merchant Banking services.

COURSE OUTLINE

Module I: Introduction of Financial Services

- a.) Financial Services – Meaning – Importance – functions of Financial System – Financial Services and Economic Development.
- b) Financial Instruments – Financial Services Sector – Problems – Challenges – Reforms.
- c) Financial Markets and Capital Markets in India – SEBI -Functions of SEBI.

Module II: Types of Markets

- a) Capital Market – Importance – types – Primary Market – Features – Players in the Primary Market – Method of Floating New Issues.
- b) Secondary Market – Meaning – Origin and growth of Secondary Market – Purpose and features – Functions – Major Players in Secondary Market.
- c) Primary Vs Secondary market – NSE – BSE – Trading mechanism in NSE & BSE.

Module III: Money Market

- a) Money market – meaning – definition – objectives – characteristics and importance of money markets.
- b) composition of various money markets – call money market – commercial bill market – treasury bill market – acceptance markets – discount market – bill markets in India – Development of Money markets in India.

Module IV: Mutual Funds

- a) Meaning – Concept of Mutual Funds – Objectives and Importance of Mutual Funds
- b) legal structure of mutual funds in India - Kinds of Mutual Funds – Open-Ended and Closed-Ended Mutual Fund Schemes – Advantages and Disadvantages of Mutual Funds.

Module V: Leasing and Factoring

- a) Meaning of Leasing and Financing – Different types of Lease – Legal aspects of lease agreement – Merits and Demerits of Leasing –
- b) Meaning of Factoring – Types of Factoring – Domestic and International Factoring – Legal Aspects of Factoring.

Module VI: Merchant Banking and Venture Capital

- a) Definition, Meaning, Origin and Scope of Merchant Banking – Services and importance of merchant banking
- b) functions of merchant banking - SEBI Guidelines on merchant banking
- c) Venture Capital – Meaning – Functions and importance of venture capital – SEBI guidelines on venture capital.

Recommended Readings:

Books:

1. Varsheny.P.N, Indian Financial System, Sultan Chand & Sons, New Delhi.
2. Srivastara R.M., Management of Indian Financial Institution, Himalaya Publication House, Mumbai.
3. Gardon. E and Natarajan. K, Financial Markets and Services, Himalaya Publishing House, New Delhi.
4. S. Gurusamy, Financial Services for UG Students, Vijay Nicole Imprints Pvt Lt., 2018.
5. S. Gurusamy, Merchant Banking for UG Students, Vijay Nicole Imprints Pvt Lt., 2018.

Journals / Journal Articles:

1. ["Financial Services: Getting the Goods"](#). *IMF*. 28 March 2012. Retrieved 8 September 2015.
2. ["Access to a financial account or services"](#). *Our World in Data*. Retrieved 15 February 2020.
3. ["Bill Summary & Status 106th Congress \(1999 - 2000\) S.900 CRS Summary - Thomas \(Library of Congress\)"](#). Retrieved 2011-02-08.
4. Roberts, Richard (2008). [The City: A Guide to London's Global Financial Centre](#). *Economist*. p. 2.
5. [Prudential: Securities Processing Primer](#)" (PDF). *cm1.prusec.com*. Archived from [the original](#) (PDF) on 2007-03-16. Retrieved 2010-12-05.

Further Readings:

Books:

- 1) R.S.N. Pillai and Bagavathi, Modern Marketing, Sultan Chand & Sons, New Delhi.
- 2) S. Gurusamy - Financial services – Vijay Nicole Imprints limited, Chennai.
- 3) Investment Banking –PratapGiri.S., Tata McGraw Hill Education, New Delhi
- 4) Merchant Banking & Financial Services - Dr. S. Guruswamy- Tata McGraw Hill Education, New Delhi
- 5) Merchant Banking & Financial Services - S.B.Kulkarni&M.Govindaraj – NiraliPrakashan, Pune.
- 6) Financial services by E.Dharmaraj – S.Chand& Co., New Delhi
- 7) Financial Services by S.Mohan and R.Elangovan – Deep and Deep Publications, New Delhi
- 8) Lease Financing and Hire Purchase by Vinod Kothari – Wadhaw and Co., Nagpur.
- 9) Financial Market and Investment Management – Prof.V.P.Agarwal – SahityaBhawan Publications – UP state
- 10) Financial Markets and Services - B.S.Raman-Chethana Book House – Karnataka state

Journals:

1. Journal of Financial Markets
2. Recent Journal of Financial Markets
3. International Journal Financial Markets and Derivatives.
4. ["Price comparison sites face probe"](#). *BBC News*. 2008-01-22. Retrieved 2009-02-06.
5. Clark, David (2003). [Urban world/global city](#). *Routledge*. pp. 174–176. ISBN 0415320976; Shubik, Martin (1999). [The theory of money and financial institutions](#). *MIT Press*. p. 8. ISBN 0262693119.
6. Roberts, Richard (2008). [The City: A Guide to London's Global Financial Centre](#). *Economist*. pp. 1–22.
7. ["UK's financial services trade surplus biggest in the world, dwarfing its nearest rivals"](#). *The City UK*. 3 July 2014. Retrieved 5 June 2015.
8. ["Special report on services exports"](#) (PDF). *EY Item Club*. June 2014. Retrieved, 8th September 2015.
9. Ruppel, Warren. (2020). ACCOUNTING FOR LEASES. 10.1002/9781119596110.ch19.
10. Lekpek, Ahmedin. (2016). Venture capital and obstacles to the venture capital investments. *Ekonomskipogledi*. 18. 37-51. 10.5937/EkoPog1604037L.

Learning Outcomes

After completion of the course students will be able to -

- *Understand the Indian financial system and its role in economic development*
- *Learn the functioning of the capital market and its importance*
- *Understand the various financial services and its importance.*
- *Familiar with the functioning of stock market.*

HLC0202: Legal and Constitutional history

Objectives of the Course:

The course is a foundation course for constitutional law paper. It traces the development of the legal system and judiciary from the ancient period through the advent of Britishers upto the framing of a constitution of the Independent India. The detailed discussion of legal and judicial system in India during different regime and the changing structure, are given in detail, an understanding of which is of vital importance to a law student.

COURSE OUTLINE

Module I

Ancient Period

- a) Ancient Sources of Law : Vedic Texts, Brahmanas, Sutras (Kalpa and Dharma), Dharma Shastra, Arthashastra – Custom as source of law – Thinkers - Manu, Brihaspati, Yajnavalkya, Narada, Katyayan
- b) Judicial System and Types of court: Pratishita, Apratishta, Mudrita, Sasita, Guilds, Panchayats, Kantakasodhana, Dharmasthiyaa – Procedures: Appointment of judges,
- c) Crimes and Punishments- Investigation, Trial, Witness, Pleaders, Role of judges, Secret agents, wergild and Punishment – Classification of disputes- Drawbacks of judicial administration in Hindu Sastras .

Module II

Legal system in South India

- a) Legal system in Sangam text – Legal code by Thirukkural – Legal system during Pallavas, cholas, Pandyas
- b) Legal system during Nayaks – Courts during Nayak period - Village Court -Special Court, and Temples Court.

Module III

Judicial system in Medieval India.

- a) Sources of Islamic Law: Sharia and Hadis – Salient features of Islamic Criminal Law – Judicial organization: King, Chief Qazi, Judicial Officers, Investigative Process and Punishments.
- b) Court System in Mughal empire ; Classification of Courts during Mughal rule, Court at Capital, Provincial court, District Courts, Parganah's Court, Village Courts.
- c) Crime and punishment in Mughal administration – Law with regard to non-Muslims – Evolution of Judicial Setup – Changes introduced by Akbar – Drawbacks in Muslim administration of Justice.

Module IV

Advent of British- Legal and constitutional changes

- a) Administration of Justice and developments of courts and Judicial institutions in the Presidency Towns of Madras, Bombay and Calcutta from 1600-1726- Mayor's Court at Madras; (*Cases-Pagoda oath case, Mayor Naish re-election case, Mayor and Secretary betting case- Bombay; Arab Merchant's case and Hindu woman's case*).
- b) Charters of the East India Company: 1600, 1661, 1726 and 1753 –Courts: Mayor's Court of 1726 and Supreme Court of 1774 (*Cases-The trial of Nanda Kumar - 1775, Case of Kamaluddin 1775, The Patna case 1777-1779, The Cossijuraj case*) - The Settlement Act of 1781.
- c) Warren Hastings plans 1772, 1774 and 1780 – Judicial Measure of Cornwallis- 1787, 1790 & 1793.
- d) Working of the Adalat system- Pitts India Act of 1784- Charter Act of 1793.

Module V

Legislative changes in the 19th century.

- a) Development of Law in Presidency Towns –: Charter of 1833 1813, 1833, 1853, Government of India Act of 1858. Indian Councils Act-1861 & 1892.
- b) Privy Council: Appeals and working of Privy Council its Jurisdiction- Abolition of the Jurisdiction of Privy Council, Appraisal of Privy Council.
- c) Establishment of High Courts 1861 as the highest court of appeals.

Module VI

Pre-Constitutional History

- a) Minto Morley Reforms 1909– Montague Chelmsford Reforms 1919 – Introduction of Dyarchy in provinces -Simon commission 1927– Nehru Report 1928.
- b) The Government of India Act, 1935 – Cripps mission 1942– Cabinet Proposal 1946 – Mountbatten Plan- Interim Government.
- c) Partition of India - Indian Independence Act 1947- Formation of the Constituent Assembly -The working of Constituent Assembly of India – Adoption of the British model of parliamentary government – Adoption of the Indian Constitution.

Recommend Readings:

Books :

1. Jain, M. P., Patnaik, G. B., Das, Y., Das, R., & Tiwary, A. K. (2014). *Outlines of Indian legal and constitutional history*. LexisNexis.
2. Jain, M. P. (2017). *Outlines of Indian legal history*. NM Tripathi Private Ltd. agency
3. Paranjape, N. V. (2006). *Indian Legal and Constitutional History*. Central Law Agency.
4. Kulshreshtha, V.D., Landmarks in Indian Legal and Constitutional history, Eastern Book Company.
5. Mittal, J. K. (1982). *Indian Legal Et Constitutional History*. Allahabad Law Agency.

Journals:

1. Frickey, P. P. (1993). Marshalling Past and Present: Colonialism, Constitutionalism, and Interpretation in Federal Indian Law. *Harvard Law Review*, 381-440.
2. Webster, A. (1990). The political economy of trade liberalization: the East India Company Charter Act of 1813. *Economic History Review*, 404-419.
3. Ehrlich, J. (2018). The Crisis of Liberal Reform in India: Public opinion, pyrotechnics, and the Charter Act of 1833. *Modern Asian Studies*, 52(6), 2013-2055.
4. Muldoon, A. (2016). *Empire, Politics and the Creation of the 1935 India Act: Last Act of the Raj*. Routledge.
5. Galanter, M., & Robinson, N. (2013). India's Grand Advocates: a legal elite flourishing in the era of globalization. *International Journal of the Legal Profession*, 20(3), 241-265

Further Readings:**Books:**

1. Sharma, G. S. (2015). *Educational Planning: Its Legal and Constitutional Implications in India*. Indian Law Institute, New Delhi.
2. Jayaswal, K. P. (1924). *Hindu policy: A constitutional history of India in Hindu times*. Butterworth and Company, Calcutta.
3. Prof.Kailash Rai, *Indian Legal and Constitutional History*, Central Law Agency.
4. Jois, R. (2004). *Legal and Constitutional History of India: Ancient, Judicial and Constitutional System*. Universal Law Publishing.
5. Habib, Irfan, *India- Studies in the History of an Idea*, MunshiramManoharlal Publishers, Delhi, 2004.
6. Gandhi, B. M. (2005). *Landmarks in Indian Legal and Constitutional History*. Lucknow: Eastern Book Company.H.V. Sreeniwasmurthy – History (for law students)
7. Habib, M., &Nizami, K. A. (1970). *A Comprehensive History of India: The Delhi Sultanat (AD 1206-1526)*, ed. by Mohammad Habib and Khaliq Ahmad Nizami (Vol. 5). People's Publishing House.
8. Dhavan, S. S. *The Indian judicial system: a historical survey*.
9. Sethi, R. R., & Mahajan, V. D. (1956). *Constitutional history of India*. S. Chand.Singh,
10. M. P. (2006). *Outlines of Indian Legal & Constitutional History*. Universal Law Publishing.

Journals :

1. India. Constituent Assembly (Legislative). (1949). *The Constituent Assembly of India (Legislative) Debates: Official Report* (Vol. 1). Manager of Publications.
2. Rama, G. J., Ramakrishnan, A. G., Venkatesh, M. V., & Muralishankar, R. (2001). Thirukkural: a text-to-speech synthesis system. *Proc. Tamil Internet*, 92-97.
3. Sewell, R., Nunes, F., & Paes, D. (1900). *A Forgotten Empire: (Vijayanagar) a Contribution to the History of India*. London: S. Sonnenschein.
4. Zakariyah, L. (2015). *Legal maxims in Islamic criminal law: Theory and applications*. Brill.
5. Chiriyankandath, J. (2000). 'Creating a secular state in a religious country': The debate in the Indian constituent assembly. *Journal of Commonwealth & Comparative Politics*, 38(2), 1-24.
6. Kalhan, A., Conroy, G. P., Kaushal, M., & Miller, S. S. (2006). Colonial continuities: Human rights, terrorism, and security laws in India. *Colum. J. Asian L.*, 20, 93.
7. Kashikar, C. G. (1979). The idea of ultimate reality and meaning according to the KalpaSūtras. *Ultimate Reality and Meaning*, 2(3), 172-187.
8. Sinha, M. K. (2005). Hinduism and international humanitarian law. *International review of the red cross*, 87(858), 285-294.
9. Rama, G. J., Ramakrishnan, A. G., Venkatesh, M. V., & Muralishankar, R. (2001). Thirukkural: a text-to-speech synthesis system. *Proc. Tamil Internet*, 92-97.
10. Sewell, R., Nunes, F., & Paes, D. (1900). *A Forgotten Empire: (Vijayanagar) a Contribution to the History of India*. London: S. Sonnenschein.

Learning Outcomes:

After completion of the course students will be able to–

- *Students can trace the evolution of Western legal system and legal institutions juxtaposed on the existing eastern systems to fit into the common law system. It helps them to trace the growth and development of legal system and legal education from the ancient past to the present.*
- *Students will be able to illustrate the evolution of the different kind of judicial system and legal systems prevailed in India and its respective changes.*

HLC0203: LAW OF TORTS

(Including Motor Vehicles Act and Consumer Protection Act)

Objectives of the Course:

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 judgements. 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 defences to tort claims in various parameters.

After undergoing the study the student will be able to understand the following:

- *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 including the role of Judge, Burden of Proof issues.*
- *To spot tort issues in everyday conduct.*

COURSE OUTLINE

MODULE I: The Nature of a Tort

- a) Evolution of Tort Law-Nature, Definition and Scope of Torts
- b) Foundation of Tortious Liability- Essential of Torts- Wrongful act, Legal damage and Remedy – Injuria Sine Damno and Damnum Sine Injuria – Ubi jus ibiremedium
- c) Distinction between Tort and Crime - Tort and Contract
- d) Relevance of intention, motive and malice in law of torts
- e) Parties- Capacity to Sue and be Sued -Joint and Several Tort-feasors- Malfeasance, Misfeasance, Nonfeasance

MODULE II: Defences under Tort

- a) Specific Defences and General Defences
- b) Volenti non fit injuria- Act of God (Vis major)
- c) Inevitable Accident- Necessity
- d) Private Defense- Novus Actus Interveniens
- e) Statutory Authority- Judicial and Quasi-judicial Authority- Parental and Quasi-parental Authority.

MODULE III: Liability under Tort

- a) Strict Liability
- b) Absolute Liability
- c) Vicarious Liability- Vicarious Liability of State
- d) Liability for Dangerous Premises- Liability for Dangerous Chattels
- e) Liability for Animals- Liability for Misstatements

MODULE IV: Nuisance -Negligence - Trespass

- a) Essentials to constitute Nuisance- who may sue ?- who may be sued?
- b) Classification of Nuisance- Defences in Nuisance.
- c) Essentials of Negligence- Theories of Negligence- Medical and Professional Negligence
- d) Contributory Negligence- Composite Negligence- Proof of Negligence- Res ipsa loquitur
- e) Trespass- Trespass to Land- Trespass to Person- Trespass to Goods- Nervous Shock

MODULE V: Defamation- Malicious Prosecution - Remedies - Discharge of Torts

- a) Essentials of Defamation- Kinds of Defamation- Rules to test a Defamatory Statement- Defences for an action of Defamation
- b) Malicious Prosecution- Distinction between false Imprisonment and Malicious Prosecution- Damages for Malicious Prosecution
- c) Remedies- Kinds of Remedies-Judicial Remedies of Torts-Damage- kinds of damage- Remoteness of Damages- test of Remoteness of Damages- Rules relating to Remoteness of Damages
- d) Injunction – kinds of Injunction- Specific Restitution– Constitutional Remedies- Extra-judicial Remedies- Self-help- Expulsion of trespasser- Re-entry on Land – Recapture of Goods – Distress damage feasant – Abatement
- e) Discharge of Torts- Waiver- Accord and Satisfaction- Release- Acquiescence- Judgment Recovered and Res Judicata- Statutes of Limitation- Death

MODULE VI: Motor Vehicles Act - Consumer Protection Act

- a) 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
- b) Compensation and Right to Just Compensation- Claims and Claim Tribunal – Composition, Powers, Procedure and appeal against its orders - Liability
- c) Insurance company, Third Party, Vicarious Liability Fault and no Fault liability, Right to fixed compensation.

- d) Consumer Protection Act- Concept and definition of Consumer and Service- Unfair trade practices- Supply of essential commodities and services- Enforcement of consumer rights
- e) Consumer protection redressal agencies-District forum- State commission- National commission- Working of consumer protection law-Deficiency in service

Recommended Reading

Books

1. Ramaswamy Iyer's The Law Of Torts, A Lakshminath , M Sridhar , LexisNexis India (2010)
2. Philosophy and the Law of Torts, Gerald J. Postema, Cambridge University Press, 2002
3. Gandhi, B.M., Law of Tort, 4th Edition, Reprinted 2019, Eastern Book Company.
4. Pillai, P.S.A., Law of Torts, 9 th Ed., Eastern Book Co., Lucknow (2017).
5. Salmond, Law of Torts, 17th Ed., (Rev. by R.F.V. Henston) London, Sweet and Maxwell (1979).

Journals/ Articles

1. Philosophical Issues in Tort Law, John Oberdiek, Volume3, Issue 4, July 2008, Pages 734-748
2. 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
3. Some Thoughts on Risk Distribution and the Law of Torts, Guido Calabresi, The Yale Law Journal, Vol. 70, No. 4 (Mar., 1961), pp. 499-553
4. Principles of Torts, Harvard Law Review, vol. 56 Harv. L. Rev. 72 (1942-1943), Heinonline,
5. A Critique of Torts, Richard. L. Abel ,vol 37 UCLA L. Rev. 785 (1989-1990), Heinonline,

Further Reading

Books

1. Harold Luntz et al, *Torts: Cases and Commentary* (LexisNexis Butterworths, 8th ed, 2017)
2. Carolyn Sappideen and Prue Vines (eds), *Fleming's The Law of Torts* (Lawbook Co, 12th ed, 2016);
3. Martin Davies and Ian Malkin, *Torts* (LexisNexis Butterworths, 8th ed, 2017);
4. Kit Barker et al, *The Law of Torts in Australia* (Oxford, 5th ed, 2012);
5. RP Balkin and JLR Davis, *Law of Torts* (LexisNexis Butterworths, 5th ed, 2013);
6. Horsey, K. & Rackley, E. *Tort Law*. (Oxford University Press, 2019).
7. Ratan Lal and Dhirajlal, *The Law of Torts*, 25th Ed., Wadhwa and Co. Nagpur, 2017.
8. Singh, S.P, *Law of Tort*, Fourth Edition, Universal Law Publishing Co. Reprint 2018

9. Chakraborty, C., Law of Consumer Protection, New Delhi, Dwivedi Law Agency (2007).
10. Lunney, M. and Oliphant, K. (2013) Tort law: text and materials. Fifth edition. Oxford, United Kingdom: Oxford University Press.

Journal/ Articles

1. The Enterprise Liability Theory of Torts, Howard C. Klemme, Vol 47 U. Colo. L. Rev. 153 (1975-1976), Heinonline.
2. Conditional Fault in the Law of Torts, Robert E. Keeton, *Harvard Law Review*, Vol. 72, No. 3 (Jan., 1959), pp. 401-444
3. 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
4. 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.
5. Bijawat, Mahesh, Medical Negligence – Medical Malpractice- A Medical Experience (NC), *JILI* 37, 1995 page 390-397.
6. The Strict Liability In Fault And The Fault In Strict Liability, John C.P. Goldberg, Benjamin C. Zipursky Harvard Law School
7. Toxic Gas Leak Leads to OSHA Fines- McCann & Wall, LLC, Pennsylvania, <https://www.hg.org/legal-articles/toxic-gas-leak-leads-to-osa-fines-52718>
8. [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
9. Tort Law, Southern California Law Review <https://southerncalifornialawreview.com/tag/tort-law/>
10. Tort Law, Green, Leon – Hein Online https://heinonline.org/HOL/AuthorProfile?collection=Journals&base=js&search_name=Green,%20Leon

Cases for Guidance

1. Ashby vs. White (1703) 2 Lord Raym 938
2. Gloucester Grammar School case (1410) Y.B. 11 hen. IV of 47
3. Mayor of Bradford Corpn. vs. Pickles (1895) AC 587
4. Smith v. Charles Baker and Sons (1891) AC 325 (HL)
5. South Indian Industrial Ltd., Madras vs. Alamelu Ammal, AIR 1923 Mad. 565
6. Hall vs. Brooklands Auto Racing Club (1932) 1 KB 205
7. Rylands vs. Fletcher (1868) LR 3 HL 330.
8. M. C. Mehta vs. Union of India, AIR 1987 SC 1086.
9. State of Rajasthan vs. Vidyawathi (1962) Supp. 2 SCR 989
10. Donoghue vs. Stevenson (1932) All ER Rep. 1
11. Malton Board of Health vs. Malton Manure Co., (1879) 4 Ex D 302
12. White vs. Bailey 1861 10 C.B. (ns) 227
13. The Wagon Mound (No 1) (1961)

14. Kamta Prasad vs National Buildings Constructions Corporation Pvt Ltd, A.I.R. 1992 Delhi 275
15. *Livingstone vs Rawyards Coal Co (1880) 5 App Cas 25, 39*
16. Khenyei vs New India AssurnaceCo.Ltd.&Ors on 7 May, 2015
17. Ajay Kumar &Anr. vs Most. Ruby Devi &Ors. on 27 July, 2016
18. Union Carbide Corporation Etc vs Union Of India Etc. Etc on 3 October, 1991
19. Stanley vs. Powell, (1891) 1 QB 86
20. Rural Transport Service vs. Bezlum Bibi (1980)

Learning Outcomes

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

SECOND YEAR

III-SEMESTER

HBM0308: SOCIAL ISSUES AND SOCIAL RESEARCH METHODS

Objective of the Course

Introduction to Social Research Methods, a course designed to teach and train law students on a variety of research approaches available in sociology in order to best address a research question in the Criminal Justice area. The purpose of this paper is to familiarize the law students with the logic of social science inquiry, to develop research question, strategies of research design, and a variety of research methods.

This paper will enable the students to understand the following:

- 1. Enable to train the students to conduct original research using quantitative, qualitative and historical research methods.*
- 2. Identify to give a basic frame work about the identification of research problem.*
- 3. Equipped to conceptualize, framing of hypothesis strategies of research plan and the tools of data collection.*
- 4. Able to understand the students to learn the report writing procedures.*
- 5. Designed in such a way will encourage the students to develop and use higher order thinking skills, including analytical, synthetic and applied thinking.*

COURSE OUTLINE

Module I: Social Problem

- a) Meaning - Definition - Characteristics - Causes and consequences of social problems
- b) Theoretical approach to social problem - Social Disorganisation Approach- Cultural Lag - Value-Conflict Approach - Personal Deviation Approach – Anomie Approach.

Module II: Methods of Sociology

- a) Comparative method- Historical method- Statistical method-Case study- Survey method-Scientific method-
- b) Limitations of Scientific method in Sociology- Sociology as a Science.

Module III: Social Research

- a) Meaning and definition of research and social research - Types of Research: Pure- Applied- Significance of social research- objectivity-subjectivity-deduction and induction method

Module IV: Research Problem and Hypothesis

- a) Identification or selection of research problem, - formulation of research problem, - precautions to be taken while selecting a research problem- Steps in the research process –
- b) Hypothesis: Definition and characteristics-types of hypothesis-sources of hypothesis-problems in formulation of hypothesis.

Module V: Research Design and Sampling Technique

- a) Research Design:Definition- Types of research design-components of good research design.
- b) Sample: Definition- characteristics of good sample - advantages of sampling- types of sample – probability and non probability sampling.

Module VI: Sources of Data, and Tools of Data Collection

- a) Sources of data: primary- secondary- tertiary -Tools of data collection: interview-questionnaire-schedule-observation.
- b) Interview: Meaning-advantages-steps involved in interview-qualities of an interviewer-advantage and limitation of interview
- c) Questionnaire: Types of questionnaire-form of a questionnaire-pretesting – factors affecting the responses - reliability and validity - advantage and limitation of questionnaire
- d) Schedule: Essentials of good schedule-procedure for framing a schedule-general form and layout-content-types of question-language-sequence of questions-pilot study - advantages and limitations of schedule – difference between schedule and questionnaire.
- e) Observations: Kinds: participant-non participant-controlled and non-controlled observations- importance – limitations.

Module VII: Report Writing

- a) Meaning- types of report- requisite of good report- components of research report.

Recommended Readings:

Books:

1. Ahuja, Ram., 2001. *Research Methods*, Reprint, Rawat Publications. Jaipur.
2. Sharma, BAV., Prasad ,Ravindra., Sathyanarayana, P., 1985. *Research Methods in Social Science.*, New Delhi : Sterling.
3. Wilkinson and Bandarkar., 1999. *Methodology and Techniques of Social Research*, Ed.9 Himalaya Publishing House.
4. Kothari C.R , 2004.*Research Methodology, Methods and techniques*, New Age International publication, New Delhi – revised edition.
5. *Floyd J. Fowler Jr.'s* 2013. *Survey Research Methods.*, Sage Publications.,

Journals:

1. Journal of Research Practice
2. Sociological Methodology
3. Survey Research Methods
4. Quantity and Quality
5. Journal of Mixed Research Methods

Further Reading:

1. LawranceNueman., 2014. *Social Research Methods*, Pearson Publications, Delhi
2. Haralambos, and Holborn. 2007. *Sociology: Themes and Perspectives*, London: Collins.
3. Newman, Lawrence.2011. *Social Research Methods: Qualitative and Quantitative Approaches*, Pearson Education.
4. Beteille A and T.N. Madan 1975. *Encounter and Experience Personal Accounts of Fieldwork*, New Delhi: Vikas Publishing House
5. Goode, William J and P. K .Hatt 1952. *Methods in Social Research*, New Delhi: Mc Graw -Hill.
6. Young, P.V.1966. *Scientific Social Surveys and Research, New Deli: Prentice Hall*
7. Clause Adolf Moser , 2009. *Survey Methods in Investigation*, Ed. 2, reprint, Pub. Gower

8. Wilkinson, T.S and P.L Bhandarkar. 1984. *Methods and Techniques of Social Research*, Bombay: Himalaya Publishing House.

9. Bhandarkar, P. L. and Wilkinson. 2007. *Methodology and Techniques of Social Research*, Himalaya Publishing House, New Delhi.

10. Haralambos, and Holborn. 2007. *Sociology: Themes and Perspectives*, London: Collins.

Learning Outcomes

After completion of the course the students will be able to –

- *Identify steps in the research process and identify the basic elements of a good research design.*
- *Understand Sampling and apply various sampling techniques.*
- *Discuss characteristics of quantitative and qualitative measurement, and understand how to operationalize concepts using each approach.*
- *Apply various data collection techniques, for both quantitative and qualitative research.*

HBM0309: COST AND MANAGEMENT ACCOUNTING

Objectives of the Course

Practically universal agreement among practicing lawyers that the services required of the lawyer today demand a certain amount of accounting training for most competent performance. The objective of the course is acquainting the students with the basic concepts used in Cost Accounting and Management Accounting to solve specific problems and also guides them in managerial decision making.

COURSE OUTLINE

Module I: Introduction of Cost Accounting

- a) Introduction – Meaning and Definition of Costing and Cost Accounting.
- b) Cost Accounting – Scope, Objectives, Advantages and Limitations.
- c) Elements of Cost – Cost Accounting Standards – Installation of a Costing System – Practical Difficulties in Installing a Costing System.
- d) Preparation of Cost Sheet, Tenders and Quotations.

Module II: Material and Labour Cost

- a) Material Control – Introduction, Objectives and Techniques of Material Control.
- b) Methods of Purchasing Material – Level Setting, Re-order Level, Minimum Level, Maximum Level, Danger Level, Average Level – EOQ.
- c) Methods of Valuing Material Issues – FIFO, LIFO, Simple Average, Weighted Average.
- d) Labour Cost – Methods of Wage Payment – Time Wage System – Piece Rate System – Taylor's Differential Piece Rate System, Merrick's Multiple Rate System, Gantt Task Bonus Plan – Premium and Bonus Plan – Halsey Premium Plan, Rowan Plan.

Module III: Overheads

- a) Overheads – Introduction and Classification of Overheads – Factory, Administration, Selling and Distribution Overheads.
- b) Allocation and Apportionment of Overheads – Basis of Apportionment, Absorption of Overheads and Machine Hour Rate.

Module IV: Techniques of Management accounting

- a) Management Accounting – Meaning, Definition, Objectives.
- b) Tools and Techniques of Management Accounting.
- c) Difference between Management Accounting, Financial Accounting and Cost Accounting.
- d) Role of Management Accountant in Decision Making.

Module V: Financial Statement Analysis

- a) Financial Statement Analysis – Objectives.
- b) Ratio Analysis – Classification of Ratios, Problems Related to Liquidity Ratios, Profitability Ratios, Activity Ratios and Solvency Ratios.

Module VI: Marginal Costing

- a) Marginal Costing – Meaning and Importance – Marginal Cost Statement.
- b) Break Even Analysis – Break Even Chart and Assumptions.
- c) Cost Volume Profit Analysis – Profit Volume Ratio, Break Even Point, Margin of Safety.
- d) Decision Making – Simple problems in Key Factor & Make or Buy Decision.

Module VII: Budgetary Control

- a) Budget and Budgetary Control – Meaning and Importance
- b) Classification of Budgets – Preparation of ZBB (Zero Based Budgeting), Production, Cash and Flexible Budget.

Note: Marks Distribution: Problems 70% and Theory 30%

Recommended Readings:

Books:

1. S. P. Jain and K.L. Narang - Cost Accounting Principles & Practice - Kalyani publishers, New Delhi, 25th Edition, 2019.
2. Dr. S. N. Maheswari - Cost and Management Accounting - Sultan Chand & Sons, New Delhi, 14th Edition, 2018.
3. T. S. Reddy and Y. Hari Prasad Reddy – Cost Accounting – Margham Publications, Chennai, 2019.
4. M.Y. Khan, and P.K. Jain - Management Accounting: Text Problems and Cases - Tata McGraw Hill Publishing Co., New Delhi, 6th Edition, 2013.

5. V. K. Saxena and C. D. Vashist - Cost Accounting - Sultan Chand & Sons, 11th Edition, 2014.

Journals / Journal Articles:

1. Aleem, M., Khan, M.H. and Hamad, W. (2016), "A Comparative Study of the Different Costing Techniques and their Application in the Pharmaceutical Companies, Audit Financier", vol. XIV, no. 11(143)/2016, pp. 1253-1263, DOI: 10.20869/AUDITF/2016/143/1253
2. Brown, C. (1992). "Wage Levels and Method of Pay", The RAND Journal of Economics, 23(3),366-375.RetrievedApril8,2020, fromwww.jstor.org/stable/2555868
3. Anbarasu Joseph (2014), "Overhead", ResearchGate Journal, <https://www.researchgate.net/publication/278245051Overhead>
4. Hamid Saremi and BehradMoinNejad, (2013), "Role of Management Accounting in Managerial the Decision Making of Enterprises", Elixir International Journal, Elixir Fin. Mgmt. 65B (2013) 19859-19866; <http://www.elixirpublishers.com>
5. Pratik P. ValandAn Empirical Study of Ratio Analysis Indian Journal of Applied Research, VolIII, IssueI October 2012.

Further Readings:

Books:

1. B. S. Khanna, G. K. Ahuja, I. M. Pandey, S. C. L. Batra - Practical Costing - S. Chand & Company Ltd, 2015.
2. Dr. R. P.Rustagi - Management Accounting - Taxmann's Publications, 2nd Edition, 2015.
3. ManoshDutta, "Cost Accounting", Dorling Kindersley (India) Pvt. Ltd, 2010.
4. M.C. Shukla, T.S. Grewal, Dr.M.P. Gupta, "Cost Accounting", S. Chand & Company Ltd, 2018.
5. I.M. Pandey, "Management Accounting", Vikas Publishing, third Edition, 2018
6. T. Horngren and Gary L. Sundem, "Introduction to Management Accounting" – 16th Edition, Prentice-Hall, New Delhi.
7. Ambrish Gupta – Financial Accounting for Management: An Analytical Perspective, Pearson Education, 3rd Edition 2009.
8. S.K. Bhattacharya, John Dearden – Accounting for Management, Vikas Publishing House, Third Revised Edition, 2008.
9. Carl S. Warren, James M. Reeve, and Jonathan E. Duchac – Financial Accounting: Concepts, Methods, and Applications (Cengage Learning, 2009).
10. Robert Anthony & Hawkins- Accounting Test and Cases, Richard D. Irwin London.

Journals:

1. The Journal of Cost Accounting Research
<https://www.jstage.jst.go.jp/browse/jcar/-char/en>
2. The Journal for CMAs
<http://icmai-rnj.in/>
3. International Journal of Managerial and Financial Accounting
<https://www.inderscience.com/jhome.php?jcode=ijmfa>
4. Management Accounting Research
https://en.wikipedia.org/w/index.php?title=Management_Accounting_Research
5. Journal of Applied Management Accounting Research
<https://maaw.info/JAMAR.htm>
6. International Journal of Accounting Research
<https://www.longdom.org/international-journal-accounting-research/citations.html>
7. Barnes, Paul. (2006). The Analysis and Use of Financial Ratios: A Review Article. Journal of Business Finance & Accounting. 14. 449 - 461. 10.1111/j.1468-5957.1987.tb00106x.
8. Manes, R. (1966). A New Dimension to Breakeven Analysis. Journal of Accounting Research, 4(1), 87-100. doi:10.2307/2490143.
9. Kaplan, R.S. (1995). New roles for management accountants. Journal of Cost Management. 9. 6-13.
10. Cooper, R. (1987). Cost management concepts and principles. Journal of Cost Management. 45-49

Learning Outcomes

- After completion of the course, Students will be able to -
- *Gain knowledge on Cost Management and minimisation of Cost, without compromising on quality.*
- *Acquire Management Accounting knowledge and suggest their clients on efficient Financial Management.*
- *Have good exposure on various Cost Accounting aspects such as Material Costing, Overheads Costing and Marginal Costing techniques.*
- *Comprehend the Management Accounting aspects such as Financial Statement analysis and Budgetary Control.*

HLC0304: CONSTITUTIONAL LAW – I

Objectives of the Course:

*The purpose of the course is to acquaint the students with the meaningful understanding of basic philosophical tenets of **Constitutional Law**, and to train them in the fundamental legal structures and concepts that are found in Constitutions across the world, such as Constitutional Supremacy, basic rights, rule of law, judicial review, systems.*

- 1. The Study emphasises the nature and fundamental principles enshrined in the Constitution.*
- 2. It helps to analyse critically the significant judicial decisions that highlights the development of Constitutional Jurisprudence.*
- 3. It enables the students to articulate their independent views over contemporary constitutional issues.*
- 4. It provides legal framework and the touchstone on the basis of which the constitutionality of laws are examined*

Course Outline

Module – I: Classification of Constitution and Governments

- Definition and meaning of Constitution Kinds of Constitution,
- Meaning of 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.

Module –III: Introduction to Fundamental Rights

- UDHR:** Influence of UDHR on the Indian Constitution
- State:** Definition and meaning, Article 12, New Judicial trends on concept of State –
- Law:** Definition and Meaning of Pre- Constitutional and Post- Constitutional Laws, Various Doctrines like Eclipse, Severability and Ultravires,
- Judicial Review and Article 13 –
- Amendment:** 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

- a. **Right to Equality:** General Equality Clause under Article 14, Judicial Interpretation on Equality– Reasonable Classification.
- b. Protective Discrimination Clause, Reservation and Social Justice under Articles 15 and 16, Equality and Reservation,
- c. Equality of opportunity in public employment – Art 16,
- d. Constitutional Provisions on Untouchability and abolition of Titles.
- e. **Right to Freedom:** Freedom of Speech and Expression - Art 19, Scope and Ambit- Art 19(1) (a) and (2); other freedoms From 19 (1) (b) to (g) ,
- f. Balance between individual interest and collective interest,
- g. Reasonable restrictions on Right to Freedom under Article 19(2) to 19(6)
- h. Judicial interpretation on Right to Strike and Bandh - Right to Information.

Module – V: Fundamental Rights - II

- a. **Right to Liberty:** Art 21 - Right to Life and Personal Liberty, Meaning and Scope, Procedure established by law,
- b. Judicial Interpretation on Life and Liberty, Applicability of concept of reasonableness. Difference between Due Process and Procedure Established by Law
- c. **Rights of the Accused:** Article 20 - Rights of the arrested person, Ex-post Facto – Double Jeopardy – Self incrimination,
- d. Article 22 – Preventive Detention, Right against Preventive Detention, Exceptions, Safeguards against Preventive Detention.
- e. Right against exploitation – Forced labour and child employment

Module – IV: Fundamental Rights - III

- a. **Freedom of Religion:** Articles 25-28, Secularism, Judicial Interpretation, Restrictions on Freedom of Religion.
- b. **Cultural and Educational Rights:** Articles 29-30, Protection on Minorities, Recent trends on Minority Educational Institutions.
- c. **Right to Constitutional Remedies:** Article 32 and 226, Writ Jurisdiction – Definition, Nature, Scope and functions, PIL, Compensatory Jurisprudence, Various Writs

Module – VII: Directive Principles of State Policy and Fundamental Duties

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

Recommended Readings:

1. H.M.Seervai, Constitutional Law of India, Vol.1-3,Universal Law Publishing - An imprint of LexisNexis; 4th edition (2015)
2. D.D.Basu, Commentary on the Constitution of India (1-10 Volumes) Lexis Nexis Butterworths, Wadhwa, Nagpur (2009)
3. M.P.Singh (ed.), V.N.Shukla's Constitution of India (EBC, Lucknow,2017)
4. M. P. Jain- Indian Constitutional Law- (Lexis Nexis2014)
5. 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.

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)
6. Mamta Rao, Constitutional Law, (EBC, Lucknow 2013)

7. Sathya Narayan (ed.), Selected Works of S.P.Sathe & Constitutionalism (2015), Oxford
8. M. Galanter, Competing Equalities - Law and the Backward Classes in India (1984) Oxford
9. N.A.Subramaniam – Case law on the Indian Constitution(1969)
10. Report of the National Commission to Review the Working of the Constitution (NCRWC)

Journals:

1. Bakshi, P. M. "Comparative Law: Separation of Powers in India." American Bar Association Journal 42, no. 6 (1956): 553-95. www.jstor.org/stable/25719656.
2. Kumar, Virendra. "Basic Structure of The Indian Constitution: Doctrine Of Constitutionally Controlled Governance [From KesavanandaBharati to I.R. Coelho]." JILI vol. 49, no. 3, 2007, pp. 365–398. JSTOR, www.jstor.org/stable/43952120.
3. Rao, P.P. "RIGHT TO EQUALITY AND THE RESERVATION POLICY." Journal of the Indian Law Institute, vol. 42, no. 2/4, 2000, pp. 193–203. JSTOR, www.jstor.org/stable/43953811
4. Bhat, P. Ishwara. "Tracing Right To Property In The Bosom Of Right To Life And Personal Liberty : Comparative Reflection On Recent Constitutional Developments In America, Canada And India." JILI, vol. 38, no. 1, 1996, pp. 13–37. JSTOR, www.jstor.org/stable/43951621
5. S. P. Sathe, Judicial Activism: The Indian Experience, 6 Wash. U. J.L. & Pol'y 29 (2001). <https://heinonline.org/HOL/P?h=hein.journals/wajlp6&i=33>.
6. Brian Z. Tamanaha, The History And Elements Of The Rule of Law, Singapore Journal of Legal Studies [2012]. <https://law.nus.edu.sg/sjls/articles/SJLS-Dec-12-232.pdf>.
7. Manoj Mate, The Origins Of Due Process In India: The Role of Borrowing In Personal Liberty And Preventive Detention Cases, 28 Berkeley J. Int'l L. 216 (2010). <https://heinonline.org/HOL/P?h=hein.journals/berkjintlw28&i=218>
8. Pillai, K. N. Chandrasekharan. "SUPREME COURT ON CASTE CONVERSION AND RESERVATION." Journal of the Indian Law Institute, vol. 47, no. 4, 2005, pp. 540–543. JSTOR, www.jstor.org/stable/43952001.
9. Lloyd I. Rudolph & Susanne Hoerber Rudolph (1981) Judicial review versus parliamentary sovereignty: The struggle over stateness in India, The Journal of Commonwealth & Comparative Politics. DOI: [10.1080/14662048108447387](https://doi.org/10.1080/14662048108447387)

10. Haqqi, S. A. H. "POSITION OF THE STATES UNDER THE INDIAN CONSTITUTION." *The Indian Journal of Political Science*, vol. 22, no. 1/2, 1961, pp. 43–52., www.jstor.org/stable/41853869

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. NargeshMeerza*,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. *BachapanBachaoAndolan 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:

After the completion of the course the students will be able to -

1. The study of Constitutional Law as a Transformative Document enhances ability to apply law in addressing social problems.
2. The study of Mother Document upholds democratic spirit and constitutional values promoting good governance and cultivating constitutional morality
3. It develops ability to design new social legislations and suggesting amendments to the existing legislations.
4. The study enables the students as to how the Constitution tries to bring democracy out of Public and extend it to private sphere and also ensures clear understanding of professional and ethical responsibility

HLC0305: LAW OF CONTRACT - I

Objectives of the Course

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 through decided cases;*
- *essential aspects of contract with reference to General principles;*
- *Application of contract law in practical use cases.*

COURSE OUTLINE

MODULE I: INTRODUCTION TO CONTRACT LAW

- a) The nature of contractual obligations
- b) Discussion on contracts, related parties to the contract, remedies available in day to day life
 - Purchase of goods/ services
 - Employment contracts
 - Bank loan
 - Renting a Bank Locker
 - Lease contract
 - Insurance contract
 - Contract formed by online purchase of goods
- c) Enforcement - Primary purpose of contract law

MODULE II: FORMATION OF CONTRACT

- a) Understanding the terms Agreement, Offer, Proposal, Acceptance and Contract
- b) Diversity between Agreement and Contract
- c) Proposal and Acceptance
 - Proposal - essential elements, forms, invitations for proposals and tenders, communication of proposal, floating offers, options
 - Acceptance - essential elements, forms, requirement of communication, silence as acceptance
 - Auctions - essential elements and the requirement of communication
 - Revocation of proposal and acceptance
 - E-contracts with reference to provisions of the Information Technology Act, 2000
- d) Express and Implied contracts
- e) Standard form contracts - advantages and disadvantages
- f) Formalities to be carried for a valid contract
 - draft of the contract,
 - signatures,
 - attestation,
 - registration,
 - notarization,
 - stamp duty.
- g) Difference between formalities of a contract with the Government and General contract – Refer to Article 299 of the Constitution of India

MODULE III: CONSIDERATION

- a) Definitions, meaning, kinds and essential elements of consideration
- b) Theories of consideration
- c) Privity of contract and of consideration
- d) Present, past and future consideration
- e) Adequacy of consideration and effect of inadequacy
- f) Exceptions to the rule no consideration no contract
- g) Charity and doctrine of consideration

MODULE IV: COMPETENCY OF PARTIES

- a) Age of majority under the Indian Majority Act 1875,

- b) Contracts with Minors - Doctrine of Necessaries-Estoppel- Restitution – Ratification (also refer to section 68 of ICA)
- c) Contract with Persons of Sound minds, incapacity arising out of Lunacy, Old age and other legally recognized incompetence's
- d) Competency of companies, statutory bodies, central and state governments

MODULE V: FREE CONSENT

- a) Definition and Meaning of consent and free consent
- b) Factors vitiating free consent
- c) Coercion
 - Law Commission report on Coercion
- d) Undue Influence
- e) Misrepresentation
- f) Fraud
- g) Mistake:
 - mutual and common mistake,
 - unilateral and bilateral mistake,
 - mistake of law and fact
- h) Effect of absence of free consent
- i) Doctrine of Economic duress
- j) Remedies available to the party whose consent is not free:
 - rescission,
 - restoration
 - Loss of right of rescission.

MODULE VI: LEGALITY OF OBJECT AND VOID AGREEMENTS

- a) Unlawful agreements, circumstances in which agreements enforced even if unlawful
- b) Void agreements: Restraint of marriage, trade and legal proceedings, uncertain agreements, wagers
- c) Effect of void and of unlawful agreements
- d) Contingent contracts and their enforcement
- e) Effect of non-happening of event
- f) Enforcement of contingent contracts
- g) Quasi Contracts

- Types of Quasi Contract
- Doctrine of restitution
- Effect of breach of quasi-contractual obligation

MODULE VII: PERFORMANCE OF CONTRACT

- a) Obligation to perform or offer to perform; who must perform, effect of death, personal contracts, rights and liabilities under a contract
- b) Doctrine of privity, and exceptions to the doctrine
- c) Joint rights and liabilities
- d) Time of performance, right to terminate if time is of essence
- e) Liability to pay interest for delay
- f) Place of performance
- g) Reciprocal promises, effect of non-performance of one of reciprocal promises; unilateral and bilateral promises
- h) Appropriation of payments
- i) Discharge of contract
 - by performance;
 - by offer of performance:
 - by non-performance by one party
 - by breach and rescission
 - anticipatory breach
- j) Doctrine of impossibility and effect
- k) By agreement
 - novation,
 - alteration and
 - rescission
- l) By act of promise
 - dispensing,
 - remission and
 - waiver,
 - extension of time, accord and satisfaction
- m) Termination or discharge under contract provisions

MODULE VIII: REMEDIES UNDER THE CONTRACT

Remedies under contract law through court or arbitration

- a) Compensation (damages): General and special, substantial and nominal, aggravated and punitive, liquidated and unliquidated –Causation - Contemplation and Remoteness - Duty of mitigation - Assessment
- b) Claim for the agreed sum: viz. suit for price, return of loan amount
- c) Claim in quantum meruit

Remedies of Specific Relief through court or arbitration under Specific Relief Act:

- a) 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
- b) Injunctions in suits relating to contract:
 - Discretionary relief
 - Kinds - Temporary and perpetual, prohibitory and mandatory
 - When can injunction be granted?
 - When will injunction not be granted?
 - Injunction to enforce negative covenants
 - Claim for compensation in a suit for injunction
 - Rescission
 - Rectification of instruments
 - Cancellation of instruments

Recommended Readings:

Books:

1. Avtar Singh, Law of Contract and Specific Relief, 12th ed, 2017, Eastern Book Company.
2. V Kesava Rao, Contract I: Cases and Materials, 2nd ed, 2014, Lexis-Nexis

3. Ritu Gupta, Law of Contract – includes the Specific Relief Act 1963, 2015, Lexis-Nexis
4. Anson's Law of Contract, Beatesen and Burrows ed. 29th ed., 2010, Oxford University Press.
5. Mulla, The Indian Contract Act, Anirudh Wadhwa ed., 15th ed., 2015, Lexis-Nexis

Journals:

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

Further Readings:

Books:

1. Cheshire, Fifoot and Furmston's Law of Contract, Michael Furmston ed., 16th ed, 2012,
2. Sarkar on Specific Relief, Sudipto Sarkar and R Yasho Vardhan eds, 17th ed, 2016, Lexis Nexis
3. R K Singh, Law Relating to Electronic Contracts, 2nd ed, 2015, Lexis-Nexis.
4. Sachin Rastogi, Insights into E-Contracts in India, 2013, Lexis Nexis
5. 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
6. ShubhashisGangopadhyay and V Shantakumar, Law and Economics Vol I and II, 2013, Sage Publications, Chapter 5
7. M. Krishnan Nair, Law of Contracts, 1998.
8. Garima Tiwari, Understanding Laws – Contracts, 2014, Lexis-Nexis.
9. G.H. Treitel, Outline of Law of Contract, 6th rev ed, 2005, Oxford University Press
10. Atiyah's Introduction to the Law of Contract, Stephen Smith ed., 2nd ed, 1997 Oxford University Press

Journals/Journal Articles:

- 1) 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.
- 2) 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
- 3) Standard form contracts and a smart contract future, Kristin B. Cornelius
Department of Information Studies, University of California, Los Angeles, USA
- 4) Contract, Consideration and the Critical Path, John Adams and Roger Brownsword, *The Modern Law Review*, Vol. 53, No. 4 (Jul., 1990), pp. 536-542
- 5) 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.
- 6) 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
- 7) 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
- 8) 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 |
- 9) IMPLEMENTATION WITH CONTINGENT CONTRACTS, Rahul Deb and Debasis Mishra, *Econometrica*, Vol. 82, No. 6 (November 2014), pp. 2371-2393
- 10) 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:

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

8. Tweddle v. Atkinson – [(1861) EWHC QB J57 : (1861) 1 B&S 393 : (1861) 121 ER 762]
9. Phillips v Brooks Ltd. – [(1919) 2 KB 243]
10. Cundy V Linsay – [(1878) 3 AC 459]
11. SatyabrataGohose v MugneeramBangur& Co. - [AIR 1954 SC 44 : 1954 SCR 310]
12. PannalalJankidas v Mohanlal - [AIR 1951 SC 144 : 1950 SCR 979]
13. Hadley v Baxendale - [(1854) 9 Ex Ch 341]
14. Donoghue v Stevenson - [(1932) UKHL 100 :(1932) SC (HL) 31 : (1932) AC 562 : (1932) All ER Rep 1]
15. 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.

HLC0306: LAW OF CRIMES -I INDIAN PENAL CODE

Objective of the Course:

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. Further, the illustrations play a dominant role and should be studied again and again to comprehend the essentials of the offences. 'Mens rea' which is the subject of great discussion in England, is much simplified by the I.P.C. The subject is heavy but is worth its weight in gold.

After undergoing the study the student will be able to understand the following:

- *Analyze criminal acts, their elements, parties to offenses, and application to the criminal justice system*
- *Express an increased awareness of the legal principles of criminal law and its application*
- *Students will demonstrate an understanding of the origins of criminal behaviour, society's response to crime, and the consequences of crime to our society, utilizing multiple perspectives*
- *Students will articulate ethical implications of decision making in a professional capacity.*

COURSE OUTLINE

Module I: Nature and Scope of Criminal Law

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

Module II: General Exceptions

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

Module III: Punishment

- a) Punishments-Theories of punishment
- b) Types of punishment
- c) Commutation of sentence
- d) Solitary confinement-Limit of solitary confinement
- e) Enhanced punishment

Module IV: Offences against Human Body

- a) Culpable Homicide and Murder
- b) Rash and Negligent Act-Attempt and Abetment to Suicide
- c) Hurt and Grievous Hurt- Criminal Force and Assault-Wrongful Restraint and Wrongful Confinement
- d) Kidnapping and Abductions
- e) **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

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

Module VI: General Offences

- a) Offences against State -Offences against Election
- b) Offence Relating to Coins & Government Stamps
- c) Offences Relating to Religion-Defamation- Criminal Intimidation, Insult & Annoyance
- d) 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.

Recommended Reading

Books

1. K.I. Vibhuti, PSA Pillai's Criminal Law, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2017
2. K.D. Gaur, Textbook on Indian Penal Code, Universal Law Publishing Co., New Delhi, 2017
3. Ratanlal Dhiraj Lal, The Indian Penal Code, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2017
4. The Indian Penal Code 1860 (IPC) Bare Act with Illustrations 2020 Edition Paperback – 1 Jan 2020, [Government of India](#)
5. Glanville Williams, Text Book of Criminal Law, Universal Law Publishing Co., New Delhi, 2016

Journals/ Article

1. Murder-suicide: A review of the recent literature, Eliason S, Journal of the American Academy of Psychiatry and the Law (2009) 37(3) 371-376
2. Whose problem is it anyway? Crimes against women in India, HimabinduBAroraRPrashanth N, Global Health Action (2015) 8(1)
3. Mens Rea, Hampton J, Social Philosophy and Policy (1990) 7(2) 1-28
4. Intention, Parkinson CWheatley T, Elsevier Inc., (2012), 452-457
5. Trafficking in women and children in India: nature, dimensions and strategies for prevention, Ghosh B, The International Journal of Human Rights (2009) 13(5) 716-738

Further Reading

Books

1. Supreme Court on Penal Code Collection (in 5 Volumes), Surendra Malik and Sudeep Malik, 2018 Edition, Eastern Book Company
2. Indian Penal Code (IPC), C.K. Takwani, 2014 Edition, Eastern Book Company
3. Criminal Law (Indian Penal Code), K S N Murthy & K V S Sarma, 1st Edition, Lexis Nexis
4. Crime and Punishment– Trends and Reflections, N V Paranjape, 1st Edition, Lexis Nexis
5. Textbook on Criminal Law, Allen M, Oxford University Press, (2013)
6. The Language of Crime, TiersmaPSolan L, Oxford University Press, (2012)
7. Death sentence on taxonomy in India, PrathapanKRajanPNarendranTViraktamathCARavind, N PooraniJSee fewer, Current Science, 2008
8. Law of crimes: A hand book : a single volume commentary on Indian penal code, 1860 (Act no. XLV of 1860), V. V Raghavan, Orient Law House : sole selling agents, Orient Sales Organisation; 1st edition (1980)
9. Codification, Macaulay and the Indian Penal Code: The Legacies and Modern Challenges of Criminal Law Reform (International and Comparative Criminal Justice) ,Ashgate; 1 edition (February 28, 2013)
10. . R.C. Nigam, Law of Crimes in India (Vol. I) New York, Asia Pub. House (1965).

Journal/ Article

11. Macaulay and the Indian Penal Code of 1862: The Myth of the Inherent Superiority and Modernity of the English Legal System Compared to India's Legal System in the Nineteenth Century, David Skuy, *Modern Asian Studies*, Vol. 32, No. 3 (Jul., 1998), [Cambridge University Press](#), pp. 513-557
12. Justifiable Homicide: A Study of the Application of Nonculpable Deadly Force in Cuyahoga County (Cleveland), Ohio, 1958–1982,Challener RAdelsonLRushforth N, *Journal of Forensic Sciences* (1987) 32(5) 11186J
13. Proportionality in Sentencing and the Restorative Justice Paradigm: 'Just Deserts' for Victims and Defendants Alike?,Kirchengast T, *Criminal Law and Philosophy* (2010) 4(2) 197-213
14. Dignity and Defamation: The Visibility of Hate, Waldron J, *Harvard Law Review* (2009) 123(1596) 1596-1657
15. Sedition, Monét V, Taylor and Francis, (2013), 217-222
16. Indian Perspective on the legal Status of Marital Rape: An Overview, Sindhu SThakur M, *International Journal of Multidisciplinary Approach & Studies* (2015) 2(1) 235-250
17. Criminal Law - Cases and Materials, O'Daly M, *Criminal Behaviour and Mental Health* (1995) 5(1) 53-54
18. Criminal Conspiracy, Sayre F, *Harvard Law Review* (1922) 35(4) 393
19. Capital punishment, Aggarwal K, *Medico-Legal Update* (2010) 10(1) 7-8

20. Sentencing Sex Offenders in India: Retributive Justice versus Sex-Offender Treatment Programs and Restorative Justice Approaches, Gill AHarrison K, International Journal of Criminal Justice Sciences (2013) 8(2) 166-181

Cases for Guidance

1. K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605
2. Tukaram v. State of Maharashtra, AIR 1979 SC 185
3. Suresh Kumar Koushal v. Naz Foundation, (2014) 1 SCC 1
4. RawalpentaVenkalu v. State of Hyderabad, AIR 1956 SC 171
5. S.N. Hussain v. State of Andhra Pradesh, AIR 1972 SC 685
6. Ram Badan Sharma v. State of Bihar (2006) 10 SCC 115
7. RambaranMahton v. The State, AIR 1958 Pat. 452
8. S. Varadarajan v. State of Madras, AIR 1965 SC 942
9. State of Punjab v. Gurmit Singh (1996) 2 SCC 384
10. Bhupinder Singh v. UT of Chandigarh (2008) 8 SCC 531
11. Pyare Lal Bhargava v. State of Rajasthan, AIR 1963 SC 1094
12. Shri Bhagwan S.S.V.V. Maharaj v. State of A.P., AIR 1999 SC 2332
13. Indira Gandhi v Raj Narain– 1975
14. Priyadarshini Mattoo case - October 2006
15. Jessica Lal Murder Case - December 2006
16. Nithari serial murders – 2009
17. Aarushi Talwar murder – 2008
18. Naz Foundation v Govt of NCT of Delhi) - July 2009
19. Ayodhya Ram Mandir Babri Masjid Case) - September 2010
20. Yakub Abdul Razak Memon V State of Maharashtra and Anr - July 2015

Learning Outcomes

1. To analyse the principles of criminal responsibility, undertake self-directed legal research using primary and secondary materials, and analyse and evaluate legal information relating to criminal law and legal theory.
2. To apply principles of criminal law to complex legal problems, and critique the operation of criminal law from both a policy and theoretical/principled perspective.
3. To prepare persuasive written and oral arguments for a legal and lay audience on issues relating to the drafting of new criminal laws and the application of existing criminal laws to common scenarios that arise in criminal practice.
4. To demonstrate awareness of principles of ethical professional judgement in the management and conduct of a criminal law matter, relevant to both prosecution and defence.
5. To analyse the impact of criminal law from a policy perspective, with a focus on the impact of the law on those people who are vulnerable or outside mainstream culture.

SECOND YEAR

IV-SEMESTER

HBM0410: MANAGERIAL ECONOMICS

Objectives of the Course

This course provides an overview of economic tools and analytic approaches available to the manager for business decision making. To make students equipped with the right attitudes and skills towards achieving greater levels of managerial effectiveness. It includes such topics as pricing, forecasting, demand analysis, production and cost analysis, and macroeconomic policy as it affects the business environment. The purpose of this course is to develop an economic perspective that is appropriate for students aspiring to manage business units or entire companies in a wide variety of industries.

COURSE OUTLINE

Module I: Introduction

- a) Meaning – Definition- Nature and Scope of Managerial Economics
- b) Importance of the study of Managerial Economics
- c) Role of a Managerial Economist
- d) Process of Business Decisions Making - Risk and Uncertainty.

Module II: Demand Forecasting

- a) Meaning – Definition – Types Demand Forecasting
- b) Objectives of Demand Forecasting
- c) Criteria for the Good Forecasting
- d) Methods of Demand Forecasting- Qualitative and Quantitative Techniques
- e) Steps Involved in Demand Forecasting for a New Products

Module III: Production Analysis

- a) Production Function - Returns to factors - Production Decision
- b) ISO-Quant – ISO- Cost Analysis - Production Possibility
- c) Expansion Path -Optimum Product Mix of Multi-Product Firm
- d) Cobb Douglas production function.

Module III: Cost Analysis

- a) Meaning of Cost- Applications and Types of Costs
- b) Derivation of Cost Functions is an associated with Production function
- c) Role of Cost in Managerial Decision Making
- d) Uses of Break Even Analysis (BEP)

Module IV: Objectives of Firm and Managerial Behaviour

- a) Introduction- Objectives of Firm- Profit Maximisation Model
- b) Utility Maximisation by Entrepreneur and Owner
- c) Baumol's Static and Dynamic Model
- d) Indian Sale of Goods Act 1930

Module V: Theories Product Pricing in Practice

- a) Meaning of Market- Characteristics of Market
- b) Collusive Oligopoly: Price and Output under Cartel- Price Leadership
- c) Types of Price Leadership
- d) Kinked Demand Curve- Cournot's Duopoly Model

Module VI: Macro Economic Policy

- a) Introduction - Economic Stability- Instruments of Economic Stability
- b) IS-LM Interaction
- c) Monetary Policy –Objectives – Tools and Effects
- d) Fiscal Policy - Issues and Challenges
- e) Business Cycles – Phases and Business Decisions.

Module VII: Inflation & Deflation and Capital Budgeting

- a) Inflation - Meaning and Kinds - Measures to Control Inflation
- b) Deflation - Capital Budgeting
- c) Meaning- Features - Methods and Its advantages and Limitations
- d) Implications Capital Budgeting Techniques.

Recommended Readings:

Books:

1. Dominic Salvatore, 2016, *Managerial Economics: Principles and worldwide Application*, Mc.Graw Hill Inc, New York
2. R.L. Varsney, &. K.L Maheswari, 2017, *Managerial Economics*, Sultan Chand & Sons., New Delhi.
3. H.L. Ahuja, 2007, *Business Economics*, Sultan Chand & Sons., New Delhi.
4. Baumol, William J., 1995, *Economic Theory and Operation Analysis*, Prentice Hall of India Pvt. Ltd., New Delhi.
5. P.L. Metha – *Managerial Economics*, Sulton Chand & Sons, New Delhi, Latest edition 1997.

Journal / Journal Articles:

- 1 Rubin, P., &Dnes, A. (2010). EDITORIAL: Managerial Economics: A Forward Looking Assessment. *Managerial and Decision Economics*, 31(8), 497-501. Retrieved March 31, 2020, from www.jstor.org/stable/40958978.
- 2 D. N. Sen Gupta. (1968). Long-Term Demand Forecasting: An Approach. *Economic and Political Weekly*, 3(48), M69-M76. Retrieved March 31, 2020, from www.jstor.org/stable/4359384.
- 3 Silva, E., &Stefanou, S. (2003). Nonparametric Dynamic Production Analysis and the Theory of Cost. *Journal of Productivity Analysis*, 19(1), 5-32. Retrieved March 31, 2020, from www.jstor.org/stable/41770103.
- 4 Stretton, H. (1999). Costs of production: Analysis. In *Economics: A New Introduction* (pp. 389-397). Pluto Press. doi:10.2307/jctt183q4wb.35.
- 5 Kite, R., &Steckler, A. (1974). A Cost Analysis Strategy for Education. *Educational Technology*, 14(7), 49-54. Retrieved March 31, 2020, from www.jstor.org/stable/44421727

Further Readings:

Books:

1. D.N. Dwivedi, 2000, *Managerial Economics*, Vikas Publishing House Pvt. Ltd., New Delhi
2. H. Cohen, Kalman J and Richard M Cyert, *The Theory of Firm: Resources Allocation in Market Economy*, Prentice Hall of India Pvt. Ltd., New Delhi (Latest edition) .

3. Lipsey and Chrystal. (2008). Economics (11th edition). Oxford University Press.
4. Pindyck, Rubinfeld and Mehta. (2009). Micro Economics (7th edition). Pearson Publications.
5. Stonier and Hague, A Text Book of Economic Theory, (1958), Long Mans Green & Co., London.
6. Douglas B. Bernheim and Michael D. Whinston. (2009). Microeconomics, Tata McGraw-Hill (India).
7. Joseph E. Stiglitz and Carl E. Walsh (2007). Economics, W.W. Norton & Company, Inc., New York, International Student Edition, 4th edition.
8. Gregory N Mankiw (2007). Economics: Principles and Applications, India edition by South Western, a part of Cengage Learning, Cengage Learning India Private Limited, 4th edition.
9. Sundharam KPM, M C Vaish, Principles of Economics-13th Revised Edition, Vikas Publishing House Pvt Ltd.
10. Tyagi B.P Public Finance 5st Edition, Jai Prakash&co.

Journal / Journal Articles:

1. Ministries of MSME, GOI
2. Journal of Economics and Management strategies
3. Journal of Business Economics and Management
4. Journal of Management science
5. Journal of International Business and Economics
6. Winn, D., &Shoenhair, J. (1988). Compensation-Based (Dis)Incentives for Revenue-Maximizing Behavior: A Test of the "Revised" Baumol Hypothesis. *The Review of Economics and Statistics*, 70(1), 154-158. doi:10.2307/1928164
7. Martini, G. (2000). Price Competition with Discounting and Kinked Demand: An Experimental Study. *RivistaInternazionale Di ScienzeSociali*, 108(4), 377-408. Retrieved March 31, 2020, from www.jstor.org/stable/41624052
8. Rao, M. (2002). State Finances in India: Issues and Challenges. *Economic and Political Weekly*, 37(31), 3261-3271. Retrieved March 31, 2020, from www.jstor.org/stable/4412444
9. Klammer, T. (1972). Empirical Evidence of the Adoption of Sophisticated Capital Budgeting Techniques. *The Journal of Business*, 45(3), 387-397. Retrieved March 31, 2020, from www.jstor.org/stable/2351494

10. Brick, I., & Weaver, D. (1984). A Comparison of Capital Budgeting Techniques in Identifying Profitable Investments. *Financial Management*, 13(4), 29-39. Retrieved March 31, 2020, from www.jstor.org/stable/3665299

Learning Outcomes:

After completion of the course students will be able to -

- *Understand the internal and external decisions to be made by managers with legal principles through help of economics in the precise manner and distribution of income and wealth of nation to ensure welfare of each individual.*
- *Analysis the real-world business problems with a systematic theoretical framework and to make optimal business decisions by integrating the concepts of economics, mathematics and statistics in accordance with global scenario.*
- *Understand how to use limited means to present and retain for the future unlimited wants and how the law can support the functioning of the market and the government, the other two important organising forces of an economy.*
- *Develop an inter-disciplinary approach and enhance the employability of students.*

HBM0411: PUBLIC POLICY, GOVERNANCE AND LAW

Objectives of the Course:

The course Public Policy, Governance and Law provide an opportunity to the student to learn the basic areas of public policy on the largest gamut of its canvas. The present course is aimed to provide an in-depth understanding of the basic tenets and trends of law and governance.

COURSE OUTLINE

Module I

Theories and Process of Public Policy Making.

- a) Meaning, Nature and Scope of Public Policy – Theories and Models of Policy Making.
- b) Perspectives of Policy Making – Process Institutions of Policy Making.
- c) Concept and Techniques of Policy Implementation and Policy Evaluation.

Module II

Introduction to Governance; Definitions, Issues and Controversies.

- a) Reinventing Government – Reforming Institutions– The State Market and Public domain.
- b) State and Governance – Origin and types of State – Democratic State and Democratic Administration – Governance as Government

Module III

Techniques of Governance.

- a) Rule of Law and Human Rights – Accountability – Participation – Representation.
- b) Techniques of Governance – Openness and Transparency.
- c) Citizen Charter –Social Audit.

Module IV

Legal Foundations.

- a) Fundamentals of Administrative Law – Relationship between Law and Administration.
- b) Governance as Execution of Law – Values and Context of Legal and Administrative Process –Constitution.
- c) Rule of Law and Administrative Law French, British and German Contexts.

Module V

Law and Governance.

- a) Concepts relating to administrative law – Rule of Law – Doctrine of Separation of Powers.
- b) Principles of Checks and Balances – Doctrine of Ultra-vires – Delegated Legislation – Principles of Natural Justice, Administrative Adjudication.
- c) Review of Administrative acts and redress of grievances –Vigilance and Control.
- d) Quasi-Judicial Governance; Administrative Tribunals, National Water Tribunal, National Green Tribunal.

Module VI

Engaged Policy and Governance.

- a) Participatory Governance – Democracy and Development –Political Regimes – Political Participation and Social Inclusion.
- b) Innovations and Pitfalls in Participatory Governance –Government Transparency in Policy Decisions.
- c) Engaging the Community at Grassroots – Level Issues in Engagement and Participation. Case Studies a) Grameen Bank in Bangladesh b) Participatory Budgeting, Brazil

Recommended Readings:

Books:

1. CUP. Bevir, Mark (2009), Key Concepts in Governance, Sage, London.
2. Bevir, Mark, ed. (2010) The Sage Handbook of Governance. Thousand Oaks, CA: Sage Publications. Bovaird, Tony and ElkeLöffler, eds. (2009) Public Management and Governance Second Edition. London: Routledge.
3. Farazmand, Ali and Jack Pinkowski, eds. (2006) Handbook of Globalization, Governance, and Public Administration. London: CRC/Taylor & Francis.
4. Hajer, Maarten, and HendrikWagenaar (2003) “Introduction.” In Deliberative Policy Analysis: Understanding Governance in the Network Society, ed. Maarten A. Hajer and HendrikWagenaar. Cambridge, UK: Cambridge University Press.
5. Kjaer, A (2004) Governance. Cambridge, UK: Polity Press.

Journals:

1. Jayal, N. G., Amit, P., & Sharma, P. K. (2006). Local governance in India: decentralization and beyond. *Local governance in India: decentralization and beyond*.
2. Kumar, A., & Narain, V. (2014). Public policy and governance in India.
3. Naidu, G. M., Cavusgil, S. T., Murthy, B. K., & Sarkar, M. (1997). An export promotion model for India: Implications for public policy. *International business review*, 6(2), 113-125.
4. Monga, A. (2008). E-government in India: Opportunities and challenges. *JOAAG*, 3(2), 56.
5. Harriss, J. (2007). Antinomies of empowerment: observations on civil society, politics and urban governance in India. *Economic and Political Weekly*, 2716-2724.
6. Bhagat, R. B. (2005). Rural-urban classification and municipal governance in India. *Singapore Journal of Tropical Geography*, 26(1), 61-73.

Further Readings:**Books:**

1. Hajer, Maarten, and Hendrik Wagenaar (2003) "Introduction." In *Deliberative Policy Analysis: Understanding Governance in the Network Society*, ed. Maarten A. Hajer and Hendrik Wagenaar. Cambridge, UK: Cambridge University Press.
2. Kjaer, A (2004) *Governance*. Cambridge, UK: Polity Press.
3. Kooiman, Jan ed. (1993) *Modern Governance: New Government-Society Interactions*. London: Sage. Kooiman, Jan. (2003) *Governing as Governance*. London: Sage.
4. Kooiman, Jan ed. (1993) *Modern Governance: New Government-Society Interactions*. London: Sage. Kooiman, Jan. (2003) *Governing as Governance*. London: Sage.
5. Morrison, Donald (1945) "Public Administration and the Art of Governance." *Public Administration Review* 5:1: 83-87
6. Anderson J.E., (2006) *Public Policy-Making: An Introduction*, Boston, Houghton Bardach,
7. Eugene (1977), *The Implementation Game: What Happens After a Bill Becomes a Law*, Cambridge,
8. MA: MIT Bergerson, Peter J. (ed.), (1991), *Teaching Public Policy: Theory, Research and Practice*, Westport, RI: Greenwood Press

9. Eugene (1977), *The Implementation Game: What Happens After a Bill Becomes a Law*, Cambridge,
10. MA: MIT Bergerson, Peter J. (ed.), (1991), *Teaching Public Policy: Theory, Research and Practice*, Westport, RI: Greenwood Press

Journals:

1. Bhagat, R. B. (2005). Rural-urban classification and municipal governance in India. *Singapore Journal of Tropical Geography*, 26(1), 61-73.
2. Lele, U. J. (1971). *Food grain marketing in India. Private performance and public policy*. Ithaca, NY/London: Cornell University Press.
3. Marcesse, T. (2018). Public policy reform and informal institutions: The political articulation of the demand for work in rural India. *World development*, 103, 284-296.
4. Joshi, A., & Aoki, M. (2014). The role of social capital and public policy in disaster recovery: A case study of Tamil Nadu State, India. *International Journal of Disaster Risk Reduction*, 7, 100-108.
5. Sabatier, P. A. (1991). Political science and public policy. *PS: Political Science & Politics*, 24(2), 144-147.
6. Spiller, P. T., & Tommasi, M. (2003). The institutional foundations of public policy: a transactions approach with application to Argentina. *Journal of Law, Economics, and Organization*, 19(2), 281-306.
7. Heikkila, T., & Gerlak, A. K. (2013). Building a conceptual approach to collective learning: Lessons for public policy scholars. *Policy Studies Journal*, 41(3), 484-512.
8. Preston, L. E., & Post, J. E. (1981). Private management and public policy. *California Management Review*, 23(3), 56-62.
9. Preston, L. E., & Post, J. E. (1981). Private management and public policy. *California Management Review*, 23(3), 56-62.
10. Lascoumes, P., & Le Galès, P. (2007). Introduction: understanding public policy through its instruments—from the nature of instruments to the sociology of public policy instrumentation. *Governance*, 20(1), 1-21.

Learning Outcomes

After completion of the course the students will be able to -

- *Clear understanding about the ideas, mechanisms, practices, and outcomes that comprise public policy*
- *Critically analyze the ideas, mechanisms, practices and outcomes that shape public policy and governance problems, programs and policies.*
- *Provide purposive solutions by framing problems, providing programmatic solutions, undertaking policy and governance research*
- *Develop meaningful and equitable solutions to contemporary problems in Public Policy and Governance*

HBM0412: PRINCIPLES OF MARKETING

Objectives of the Course

As law firms begin their growth journeys and the legal marketplace gets more competitive, carving a piece of the market is vital to stay afloat. Law firm marketing can be scaled down, professional and intelligent. This course objective enables a student to understand the fundamentals of marketing concept, 'Marketing mix' elements and strategies and principles underlying the modern marketing practices.

COURSE OUTLINE

Module I: Introduction of Marketing and Law Firm Growth

- a) Marketing – Meaning, Concepts, Importance and Functions of Marketing.
- b) Marketing - Fundamentals and Approaches.
- c) Difference between Marketing, Market and Selling.
- d) Objectives of Marketing Management – New Thoughts in Marketing.

Module II: Market Segmentation

- a) Market Segmentation - Meaning and Definition, Merits, Demerits and Cost of Market Segmentation.
- b) Bases of Market Segmentation – Market Segmentation vs Product Differentiation.
- c) Marketing Mix – 4 P's of Marketing.
- d) Target Marketing – Product Positioning.

Module III: Product Decisions

- a) Product – Meaning and Concept of Product.
- b) Classification of Products.
- c) Major Product Decisions – Product Line and Product Mix.
- d) Product Life Cycle.
- e) New Product Development and Consumer Adoption Process.

Module IV: Branding

- a) Brand - Meaning of Brand and Branding, Importance of Brand Name and Brand Mark.
- b) Types of Brands – Trade Mark, Trade Name, Patents and Copyright.
- c) Characteristics of Good Brand Name.
- d) Pros and Cons of Branding.

Module V: Packaging and Labelling

- a) Packaging – Definition, Objectives and Functions of Packaging.
- b) Essentials of Good Packaging.
- c) Packaging Strategies.
- d) Labelling – Meaning, Purpose and Kinds.

Module VI: Pricing Decisions

- a) Pricing - Meaning, Objectives and Importance of Pricing.
- b) Methods of Price determination.
- c) Factors Affecting the Price Determination.
- d) Merits and Demerits of Price Fixations.
- e) Pricing policies and strategies – Discounts and rebates.

Module VII: Issues and Developments in Marketing

- a) Social, Ethical and Legal aspects of Marketing.
- b) Marketing of Services – International Marketing.
- c) Developments in Marketing – Green Marketing – Cyber Marketing – Relationship Marketing.

Recommended Readings:

Books:

1. Philip Kotler, Marketing Management, Prentice Hall of India (Pvt.) Ltd, New Delhi, 2016.
2. R.S.N. Pillai and Bagavathi, Modern Marketing, Sultan Chand & Sons, New Delhi.
3. Dr. L. Natarajan, Marketing Management, Margham Publications, Chennai, 2019.
4. Stanton, Etzel, Walker, Fundamentals of Marketing, Tata-McGraw Hill, New Delhi.
5. McCarthy, E.J., Basic Marketing: A Managerial Approach, Irwin, New York.

Journals / Journal Articles:

1. Camilleri, Mark. (2017). "Market Segmentation, Targeting and Positioning". 10.1007/978-3-319-49849-2_4.
2. Gupta, Suraksha&Gallear, David & Rudd, John &Foroudi, Pantea. (2020). "The Impact of Brand Value on Brand Competitiveness". Journal of Business Research. 112. 210-222. 10.1016/j.jbusres.2020.02.033.
3. Touzé, Florence. (2020). "The Brand". 10.4324/9781003010340-5.
4. S, Jayanthy& R, Velanganni& G, Santhosh. (2019). "A Study on Market Segmentation". Journal of Advanced Research in Dynamical and Control Systems. 11. 1356-1361. 10.5373/JARDCS/V11/20192749.
5. Remeňová, Katarína. (2019). "Pricing Decision Making Process".

Further Readings:**Books:**

1. Aaker, David A. etc., Advertising Management, 8th Edition, PHI, 2013.
2. Belch, George E. and Belch, Michael A.; Advertising and promotion, Tata McGraw Hill, New Delhi.
3. Ogilvy David, Ogilvy on Advertising, London, Longman.
4. Jones, John Philip, What's in a brand, Tata McGraw Hill, New Delhi.
5. Chunawalla, S.A., Advertising, Sales and Promotion Management, Himalaya Publishing House, Mumbai.
6. Mohan, Manendra, Advertising Management, Tata McGraw Hill, New Delhi.
7. Sandage and Fry burger, Advertising Management.
8. Kotler, Philip, "Marketing Management: Analysis, Planning, Implementations and Control", PearsonEducation, New Delhi, Latest Edition.
9. Douglas, J. Darymple& Leonard J. Parsons, "Marketing Management: Text and Cases", Seventh Edition, John Wiley and Sons, 2012.
10. Bull, Victor P., "Marketing Management: A Strategic Planning Approach", McGraw Hill, New York.

Journals:

1. International Journal of Marketing
<https://www.journals.elsevier.com/international-journal-of-research-in-marketing>
2. International Marketing Review
<http://emeraldgrouppublishing.com/products/journals/journals.htm?id=imr>
3. Asia Pacific Journal of Marketing and Retail Management(EAPJMRM)
<http://www.elkjournals.com/EAPJMRM.asp>
4. Journal of International Marketing
<https://www.ama.org/publications/JournalOfInternationalMarketing/Pages/About.aspx>
5. International Journal of Research in Marketing
<http://www.journals.elsevier.com/international-journal-of-research-in-marketing/>
6. Industrial Marketing Management
<http://www.journals.elsevier.com/industrial-marketing-management/>
7. Journal of Marketing Management
<http://www.tandfonline.com/loi/rjmm20>
8. Hasan, Jahid. (2020). "Green Marketing in Fashion: A Critical Analysis of Green Marketing for Apparel Mass Market". 10.13140/RG.2.2.25077.73447.
9. Ahmad, Nawaz &Biloo, Mohib&Lakhan, Asad. (2012). "Effect of Product Packaging in Consumer Buying Decision". Journal of Business Strategies, ISSN: 1993-5765. 6. 1-10.
10. Achrol, Ravi S. (1991), "Evolution of the Marketing Organization: New Forms for Dynamic Environments," Journal of Marketing, 55 (October), 77–93.

Learning Outcomes:

- After completion of the course, Students will be able to -
- *Understand the marketing world in order to have critical and creative thinking on developing various marketing strategies, so as to become a competent lawyer.*
- *Recognize the basic marketing principles and concepts and exposure on Brand wars going on among several companies.*
- *Have critical thinking on how to solve various marketing related cases, such as Advertisement Ethics Issues, Promotional Strategies Issues and Consumer Issues.*
- *Obtain constructive knowledge on Product Decisions, Market Segmentation, Pricing Strategies, Packaging and Labelling and Virtual Marketing Strategies.*

HLC0407: CONSTITUTIONAL LAW OF INDIA – II
CONSTITUTIONAL STRUCTURE AND CENTRE - STATE
RELATIONS

Objectives of the Course

This course aims at a better understanding of the legal issues involved in the working of the Constitutional Law and the role played by the three organs in the same. It introduces the students to the stormy Centre-State relations and the conduct of elections. It is designed to impart the students about the composition, powers and functions of the Union and State Executives. It aims at educating the students all about the Parliament and state legislatures. It throws light on the working of the Judiciary, Supreme Court and High Courts and their writ jurisdictions. It discusses the most contentious issue of the Centre-State relations. It is also designed to discuss government contracts and the all-important aspects of the power of Centre-State fiscal relations, emergency provisions and elections in detail.

After undergoing the study of this paper the student should be able to understand the following:

1. *Identify the role played by the three organs of the Government.*
2. *Able to understand the relationship between the Centre and the States in various aspects.*
3. *Learn about the Emergency Provisions and the Election Commission of India.*

COURSE OUTLINE

MODULE I: EXECUTIVE STRUCTURE, POWERS AND FUNCTIONS

- a) The Union Executive – The President - Election, Qualifications & Terms of Office of President - Privileges, Powers and Duties of President - Impeachment of President.
- b) The Vice – President - Qualifications & Election of Vice-President – Functions & Terms of Office of Vice – President.
- c) Council of Ministers - Appointment of Ministers - Council of Ministers & Cabinet - The Individual, Collective, Legal & Ministerial Responsibility - President's relation with the Council of Ministers.
- d) Attorney General of India - Comptroller and Auditor General of India.
- e) The State Executive - Appointment, Powers & Qualifications of Governor - The Council of Ministers - The Advocate General.

MODULE II: PARLIAMENT AND THE STATE LEGISLATURE

- a) The Union Legislature – Parliament - Composition of Parliament & Houses of Parliament - Duration & Sessions of the Houses of Parliament - Qualification for Membership of Parliament.

- b) Powers of Speaker, Deputy speaker & Chairman.
- c) Ordinary, Money Bills & Financial Bills - Parliament's Control over Financial System.
- d) Committee on Estimates, Committee on Public Accounts, Consolidated Fund of India & Contingency Fund of India.
- e) The State Legislature - Composition & Duration of State Legislature - Qualification of Membership of State Legislature.

MODULE III: UNION & STATE JUDICIARY

- a) The Union – Supreme Court - Composition of Supreme court - Qualifications & Appointment of Supreme Court Judges & National Judicial Appointment Commission - Impeachment of Judge of the Supreme court.
- b) Jurisdiction of Supreme court- Original, Writ, Appellate, Advisory - Powers to Punish for Contempt & Concept of Curative Petition.
- c) The State – High Court - Appointment, Transfer of Judge of High Court - Terms of Office & Removal of Judge of High Court.
- d) Jurisdiction & Powers of High Court.

MODULE IV: RELATIONS BETWEEN UNION & THE STATES

- a) Distribution of Legislative, Administrative and Fiscal Powers & Freedom of Trade and Commerce.
- b) Legislative Relations - Doctrine of Territorial Nexus – Subject matter of laws made by Parliament and Legislatures of States - Doctrine of Harmonious Construction - Doctrine of Pith and Substance – Doctrine of Occupied Field – Doctrine of Colourable Legislation.
- c) Parliament's Power to Legislate in State List – Implied and Residuary Power - Doctrine of Repugnancy.
- d) Administrative relations – Full faith and credit clause – Centre and inter-state conflict management.
- e) Fiscal Relations – Sharing of tax – GST – Constitutional Limitations.

MODULE V: TRADE COMMERCE AND INTERCOURSE WITHIN THE TERRITORY OF INDIA

- a) Freedom of Trade, Commerce and Intercourse - Meaning of Freedom of trade, commerce and intercourse.
- b) Power of the Parliament to impose restrictions on trade commerce and intercourse.
- c) Goods and Service Tax (GST) - Impact of Globalization.

MODULE VI: EMERGENCY PROVISIONS

- a) National Emergency - Duty of the Union to protect the States against external aggression and internal disturbance - Power of Union Executive to issue directions and the effect of non-compliance.
- b) State Emergency - Imposition of President's Rule in States – Grounds, Limitations, Parliamentary Control, Judicial Review.
- c) Financial Emergency.
- d) Emergency and suspension of fundamental rights.

MODULE VII: OTHER CONSTITUTIONAL FUNCTIONARIES

- a) Organisation, powers and function of Election Commission of India.
- b) Union Public Service Commission, State Public Commission – Constitutional safeguards for Civil Servants Art 311 - Protection against arbitrary dismissal, removal, or reduction in rank – Exceptions to Art 311.
- c) Role of Finance Commission – Planning Commission – Inter-state Council – National Development Council - Local Self Government (Panchayat Raj).

Recommended Readings:

Books:

1. H.M. Seervai, Constitutional Law of India in 3 volumes, Universal Book Traders, 4th Edition 2019.
2. M.P.Jain Revised by Justice JastiChelameswar and Justice Dama Seshadri Naidu, Indian Constitutional Law, Lexis Nexis, 8th Edition 2018.
3. D.D.Basu, Commentary on the Constitution of India, Lexis Nexis, 9th Edition 2014.
4. Mahendra P. Singh, V. N. Shukla's Constitution of India (11th ed., 2008)
5. Granville Austin, Working a Democratic Constitution - A History of the Indian Experience (1999)
6. Constituent Assembly Debates Vol. 1 to 12 (1989)

Journals/Journal Articles:

1. Gary Jeffrey Jacobsohn , An unconstitutional constitution? A comparative perspective, INT'L J CON LAW 460, 474(2006).
2. Omar, I. (2002). Emergency powers and the courts in India and Pakistan (Vol. 53). MartinusNijhoff Publishers.
3. UpendraBaxi, The Indian Constitution as an Act of Theft and the Theft of the Indian Constitution: A Retrospect on Indian Constitutionalism'.
4. Dilip Dobb, India is Indira and Indira is India. Wholives if Indira dies?, India Today (Dec 26, 2005)
5. NilanjanMukhopadhyay, Past Continuous: How IndiraGandhi used Presidential Elections to cement her ownpower, THE WIRE(May25,2017).

Further Readings:**Books:**

1. D.D.Basu Revised by Justice A.K.Patnaik, Shorter Constitution of India, Lexis Nexis, 15th Edition 2018
2. P.M.Bakshi, The Constitution of India, Lexis Nexis, 17th Edition 2020.
3. Sudhanshu Ranjan, Justice versus Judiciary – Justice Enthroned or Entangled in India, Oxford University Press, 2019.
4. Samaraditya Pal, India's Constitution Origins and Evolution, Lexis Nexis, 1st Edition, 2017.
5. ConstituentAssembly Debates Vol. 1 to 12 (1989).

Journals:

1. Soroor Ahmed, The role that Syria, Sinai and Oil Pricesplayed in triggering Emergency, NATIONALHERALD, (Jun 25, 2017).
2. A Study of the Emergency Provisions in the Indian Constitution, The Emergency of 1975 and the Possibility of Recurrence thereof, 15126<https://www.nationalheraldindia.com/opinion/the-rolesyria-sinai-oil-prices-played-in-triggering-emergency>.
3. Seniority as the Norm to Appoint India's Chief Justice isa Dubious Convention, THE WIRE (Dec 22, 2016),<https://thewire.in/law/seniority-norm-cji-appointmentthakur-khehar>.
4. Report of the Commission on Centre–StateRelations(Sarkaria Commission)(1987).
5. Report of the National Commission to Review the Working of the Constitution(2002).
6. Report of the Commission on Centre-State Relations (M.M. Punchhi Commission)(2010).

Cases for Guidance:

1. S.P. Anand v. H.D. Deve Gowda, AIR 1997 SC 272.
2. Samsher Singh v. State of Punjab, AIR 1974 SC 212.
3. M.P. Spl. Police Estab. v. State of M.P (2004) 8 SCC 788.
4. Epuru Sudhakar v. Govt. of A.P., AIR 2006 SC 338.

5. B. R. Kapur v. State of T. N. AIR 2001 SC 3435.
6. Anil Kumar Jha v. Union of India, (2005) 3 SCC 150.
7. Jaya Bachchan v. Union of India, AIR 2006 SC 2119.
8. In re Keshav Singh, AIR 1965 SC 745.
9. Raja Ram Pal v. Hon'ble Speaker, Lok Sabha (2007) 3 SCC 184.
10. D. C. Wadhwa v. State of Bihar, AIR 1987 SC 579.
11. A.K. Roy v. Union of India, AIR 1982 SC 710.
12. AutomobileTransport (Rajasthan) Ltd. v. State of Rajasthan, AIR 1962 SC 1406.
13. Jindal Stainless Ltd. v. State of Haryana, AIR 2006 SC 2550.
14. G.K. Krishnan v. State of Tamil Nadu, (1975) 1 SCC 375.
15. Shree Mahavir Oil Mills v. State of J. & K. (1996) 11 SCC 39.
16. Atiabari Tea Co. v. State of Assam, AIR 1961 SC 232.
17. State of Rajasthan v. Union of India, AIR 1977 SC 1361.
18. S. R. Bommai v. Union of India, AIR 1994 SC 1918.
19. Rameshwar Prasad v. Union of India, AIR 2006 SC 980.

Learning Out Come:

After completion of the course students will be able to-

1. *Understand the structure of the Government in the Centre and in the States and its governance.*
2. *Appreciate the role of judiciary and the different kinds of jurisdictions that can be exercised by the Supreme Court and High Courts.*
3. *Examine the relationship between the Centre and the States in various aspects.*
4. *Identify the circumstances under which emergency can be proclaimed under the Constitution.*

HLC0408: LAW OF CONTRACT - II

Objectives of the Course

As established in Contracts I through detailed study of General Principles of Contract, the students by now know that the essence of all commercial contracts is regulated by the Indian Contract Act, 1872.

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 and The Negotiable Instruments Act 1881 are discussed alongwith 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 it's relevance thorough decided cases;*
- *how to establish relationship of general principles with the special contracts;*
- *understand the growing importance of special contracts and to have understanding of the new forms of special contracts including technology transfer agreements, e-contracts, software licensing agreements, government contract etc.*

COURSE OUTLINE

MODULE I: CONTRACTS OF INDEMNITY - SECTIONS 124-125

- a) Concept of indemnity in general
- b) Need for indemnity to facilitate commercial transactions
- c) Definition of the contract of indemnity
- d) Formation and essential features of indemnity
- e) Purpose of the contract of indemnity, and its use in facilitating and supporting transactions
- f) Nature and extent of liability of the indemnifier
- g) Commencement of liability of the indemnifier

- h) Rights and Duties of the Indemnifier and the Indemnified.
- i) Difference between Indian and English Law as to Indemnity
- j) Distinction between an indemnity, a warranty and a representation

MODULE II: CONTRACTS OF GUARANTEE - SECTIONS 126 TO 147

- a) Definition of a contract of guarantee
- b) Formation and essential features of a contract of guarantee
 - Parties to the contract;
- c) Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety
- d) Consideration for a contract of guarantee
- e) Continuing guarantee, and its revocation
- f) Difference between Guarantee and independent liability
- g) Comparison between guarantee and indemnity
- h) Nature and extent of surety's liability;
 - commencement
 - duration and
 - termination
- i) Surety's rights against
 - the principal debtor
 - the creditor
 - co-surety
- j) Special position of a surety: a privileged debtor
- k) Letters of credit and bank guarantees
- l) Co-surety and manner of sharing liabilities and rights
- m) Discharge of surety's liability

MODULE III: CONTRACTS OF BAILMENT - SECTIONS 71, 148-171, 180-181

- a) Definition of a contract of bailment
- b) 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

- c) Lien:
 - General and
 - Particular Lien
- d) Types of Bailor and Bailee
- e) Examples of contracts of bailment: for benefit of bailor, for benefit of bailee
 - Rights, duties, disabilities and liabilities of a bailor and a bailee towards each other
- f) Termination of bailment, and consequences of termination
- g) Finder of goods as a bailee
- h) Liability towards the true owner
- i) Obligation to keep the goods safe
- j) Right to dispose off the goods

MODULE IV: CONTRACTS OF PLEDGE - SECTIONS 172 – 179

- a) Definition of a contract of pledge
- b) Essential features of a contract of pledge
 - Parties to the contract
 - Creation of a contract of pledge
- c) Distinction between contracts of pledge, lien, bailment, hypothecation
- d) 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 V: CONTRACTS OF AGENCY: SECTIONS 182 – 238

- a) Definition of a contract of agency
- b) Identification of different kinds of agency transactions in day to day life
- c) Kinds of agents and agencies
- d) Tests for determining existence of agency relationship
- e) Essential features of a contract of agency
 - Parties involved
 - Kinds of agents and agencies

- f) Creation of agency
- g) Distinction between agent, servant or employee, and independent contractor
- h) Agent's authority
 - Scope and extent
 - Express or implied
 - apparent or ostensible authority and
 - authority in an emergency
 - Restrictions or limitations on authority
- i) Delegation of authority
- j) Relationship between a principal, agent, sub-agent and substituted agents.
- k) Doctrine of Unnamed, Undisclosed Principal and Foreign Principal
- l) Doctrine of Ratification and Relation back
- m) Duties, Rights and Liabilities of an Agent towards the Principal and Third Party
- n) Liability of the principal for acts of the agent including misconduct and tort of the agent
- o) Personal liability of an agent
- p) Pretended Agent
- q) Methods of termination of agency contract
 - Effects of termination
 - Liability of the principal and agent before and after such termination

MODULE VI: CONTRACTS OF SALE OF GOODS - THE SALE OF GOODS ACT 1930

- a) Definition of a contract of sale of goods
- b) Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods
- c) Essential features of a contract of sale
- d) Formation of Sale contract
- e) Sale differentiated from other type of contracts
- f) Sale as a transfer of property
- g) Conditions and Warranties
 - Implied conditions and warranties
 - Express conditions and warranties
- h) The rule 'caveat emptor' and exceptions thereto

- i) Passing of Property
- j) Transfer of Title-Nemo Dat Quod Non Habet
- k) Delivery of goods: various rules regarding delivery of goods
- l) Rights and liabilities of the buyer and seller
- m) Unpaid seller and his rights.
- n) Auction sales
- o) Remedies for breach of contract

MODULE VII: CONTRACTS OF PARTNERSHIP - THE INDIAN PARTNERSHIP ACT 1932 AND THE LIMITED LIABILITY PARTNERSHIP ACT 2008

- a) Definition of a contract of partnership
- b) Essential features of a contract of partnership:
 - the firm and the partners,
 - Parties to the contract,
 - Minor as partner
- c) Kinds of partnership
- d) Registration of Partnership Firm and consequences of non-registration
- e) Rights, Duties and Liabilities of Partners
- f) Mutual relationship between partners: their rights, liabilities and duties against each other
- g) Relationship of partners to third parties
- h) Partner as agent of firm, Partners' authority, Implied authority, Mode of exercising authority, Liability of the firm for acts of partners
- i) Property of the firm
- j) 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
- k) Dissolution of a firm
 - Modes of dissolution
 - Effect of dissolution
 - Agreements in restraint of trade
- l) Limited Liability Partnership
 - Essential features

- Distinction between LLP and ordinary partnership

Recommended Readings:

Books:

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

Journals/Journal Articles:

1. Journal of Contract Law – Legal Publications / Lexisnexis
2. Corporate Law Journal – ISN 2581-3592
3. Company Law Journal
4. Indian Journal of International Economic Law – NLSIU, Bengaluru, India
5. NLS Business Law Review

Further Readings:

Books:

1. The Law of Bailment, by Robert H. Tanha, Irwin Law Inc., 2019.
2. Law of Guarantees, by The Hon Mrs. Justice Geraldine Andrews; Richard Millett, QC; John Robb, Sweet & Maxwell, 08th Edition, 2008.
3. Principles of the Law of Agency, by Howard Bennett, Hart Publishing, 01st Edition, 2013.
4. Agency and Partnership Law, edited by Mark J. Loewenstein and Robert W. Hillman, Edward Elgar Publishing Ltd., 2018.
5. Bowstead & Reynolds on Agency, Sweet & Maxwell Ltd., 20th Edition, 2016.
6. The Sale of Goods, by M.G. Bridge, Oxford University Press, 02nd Edition, 2009.

7. Practical Guide to Limited Liability Partnership, by Pl. Subramanian, Snow White Publication, 14th Edition, 2018
8. Bhashyam and Adiga, The Negotiable Instruments Act (1995), Bharath,
9. Allahabad
10. M.S.Parthasarathy (ed.), J. S. Khergamvala, The Negotiable Instruments Act

Journals/Journal Articles:

- 1) Indemnities and the Indian contract act 1872, Wayne Courtney
NATIONAL LAW SCHOOL OF INDIA REVIEW 27 NLSI Rev. (2015)
- 2) Condition and Warranty in Contract Law of India, Harvard Black Letter Law Journal,
- 3) 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,
- 4) 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.
- 5) Computing Damages in Hire purchase Agreements: A Re-Look BREACH OF CONTRACT, ICFAI University Publications,
- 6) 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
- 7) Partnership Formation: The Role of Social Status, Haimanti Bhattacharya & Subhasish Dugar,
<https://pubsonline.informs.org/doi/abs/10.1287/mnsc.2013.1818>.
- 8) 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, Sonapat, International Research Journal of Social Sciences ISSN 2319–3565 Vol. 2(11), 46-48, November (2013)
- 9) Dissolution of Indian Firms - Various Modes, 33 Pages, SSRN, Raghvendra Singh Raghuvanshi, India, papers.ssrn.com/sol3/papers.cfm?abstract_id=1558970

11) Performance and Compensation: An Analysis of Contract Damages and Contractual Obligation, Charlie Webb, Oxford Journal of Legal Studies, Volume 26, Issue 1, Spring 2006.

Cases for Guidance:

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

LEARNING OUTCOME:

After completion of the course students will be able to –

1. *grasp the nuances of the contractual transactions involving Special forms of contracts.*
2. *analyse the implications of a contractual arrangement falling under any of the discussed head of special contracts.*
3. *determine the legality of the transactions and also the rights and duties of the parties.*
4. *deal with the disputes arising out of such contractual arrangements.*

THIRD YEAR

V-SEMESTER

HBM0513: FINANCIAL MANAGEMENT

Objectives of the Course

The main objectives of the course are to make the students to understand the basic concepts of financial management, to decide optimum Capital Structure and to gain knowledge about Leverage and Dividend Policy. This study will also lead the students to acquire knowledge about the Working capital management.

COURSE OUTLINE

Module I: Introduction

- a) Meaning and Objectives of Financial Management
- b) Functions and Importance of Financial Management - Profit maximisation Vs Wealth Maximisation
- c) Role of Financial Manager in an organization – Sources of Finance.

Module II: Capital Budgeting Decision

- a) Introduction of Capital Budgeting – Objectives of Capital Budgeting – Types of Capital Budgeting Decisions
- b) Need and Significance of Capital Budgeting – Problems related to Capital Budgeting
- c) Pay Back Method, Net Present Value (NPV), Internal Rate of Return (IRR) and Accounting Rate of Return (ARR).

Module III: Cost of Capital

- a) Meaning of Cost of Capital – Components and Importance of Cost of Capital
- b) Computation of Cost of Capital, Cost of Equity, Cost of Preference Capital, Cost of Debt and Cost of Retained Earnings – Weighted Average Cost of Capital

Module IV: Capital Structure Decision

- a) Capital structures Planning – Meaning, Importance – Optimum Capital Structure
- b) Factors Affecting Capital Structures – Theories of Capital Structures
- c) Leverage – meaning – significance and types - Operating, Financial and Combined Leverage.

Module V: Dividend Decision

- a) Dividend – Meaning, Types - Dividend Policies – Factors affecting dividend payment
- b) Company law provisions related to dividend payment
- c) Computation of market price per share based on Walter’s model, Gordon’s Model and M.M Hypothesis.

Module VI: Working Capital Management

- a) Meaning, Concept and types of Working Capital – Components of working capital
- b) Working Capital Operating Cycle – Factors Influencing Working Capital requirement
- c) Preparation of statement of working capital requirements.

Recommended Readings:

Books:

1. I.M. Pandey – Financial Management, Vikas Publishing House, New Delhi.
2. Prasanna Chandra – Financial Management, Financial Management, Tata McGraw Hill Education Ltd, New Delhi.
3. M.Y.Khan and P.K. Jain – Financial Management, Tata McGraw Hill, New Delhi.
4. Srinivasan&Ramachandran – Financial Management, Sriram Publications, Trichy, 2010.
5. P. Periyasamy, Essential of Financial Management, Vijay Nicole Imprints Pvt Ltd., 2018.

Journals / Journal Articles:

1. Nguyen HuuAnh, Doan Thuy Duong and Sung Wook Yoon, “Capital Structure and Firm Financial Performance in Vietnam”, International Journal of Accounting and Finance,2018 Vol.8,No.2,pp.122-132,DOI: [10.1504/IJAF.2018.093255](https://doi.org/10.1504/IJAF.2018.093255),
<https://www.inderscience.com/info/inarticle.php?artid=93255>
2. K.M.K.N.S. Kulathunga; A.A. Azeez, “Ownership Structure and Dividend Policy: Application of Lintner’s Dividend Model in Sri Lanka”, International Journal of Accounting and Finance (IJAF), Vol. 7, No. 3, 2017, DOI: [10.1504/IJAF.2017.088026](https://doi.org/10.1504/IJAF.2017.088026)

3. Hamilton Elkins, Gary Entwistle, Ganesh Vaidyanathan and Ilona Bastiaansen, "[Investigating Capital Structure Through IAS 1: Variations in Disclosure and Measurement](#)", [International Journal of Accounting and Finance \(IJAF\)](#), Vol. 7, No. 3, 2017, DOI: [10.1504/IJAF.2017.088028](#)
4. Sadaf Anwar; Shveta Singh; P.K. Jain, "[Liquidity changes on and around cash dividend announcements: evidence from India](#)", [International Journal of Accounting and Finance \(IJAF\)](#), Vol. 6, No. 4, 2016, DOI: [10.1504/IJAF.2016.082314](#)
5. Divya Gupta, "Capital Budgeting Decisions and the Firm's Size", [International Journal of Economic Behavior and Organization](#). Vol. 4, No. 6, 2016, pp. 45-52.
DOI: [10.11648/j.ijebo.20160406.1](#)

Further Readings:

Books:

1. Horne J.C, Van, Fundamentals of Financial Management, 9th edition, 2004, Prentive Hall of India, New Delhi.
2. A. Murthy, Financial Management, Margham Publications, Chennai – 17, Edn 2019.
3. Elements of financial Management by S.N.Maheswari – Sultan Chand & Sons., New Delhi
4. Financial Management by R.K.Sharma –Kalyani publishers, New Delhi.
5. Financial Management by S.P.Gupta, SahityaBhavan Publication, New Delhi
6. Financial Management- Text & Cases by Brigham Eugene F. & Ehrhardt Michael C.-CengageLearning.
7. Investment Analysis and Portfolio Management by Prasanna Chandra- Tata McGraw Hill India.
8. Export Finance-Foreign Exchange Dealers' Association of India.
9. FEDAI Role and Rules of FEDAI & Foreign Exchange Rates and Risk Management-ForeignExchange Dealers' Association of India.
10. Applied Corporate Finance: A User's Manual by Aswath Damodaran-John Wiley & Sons.

Journals:

1. Journal of Multinational Financial Management
2. Indian Journal of Finance
3. International Journal of Financial Management
4. Journal of Accounting and Financial Management Research (JAFMR)
5. Sayan Banerjee, "Contravention Between NPV & IRR Due to Timing of Cash Flows: A Case of Capital Budgeting Decision of an Oil Refinery Company", [American Journal of Theoretical and Applied Business](#). Vol. 1, No. 2, 2015, pp. 48-52. DOI: [10.11648/j.ajtab.20150102.13](#)
6. Magambo Evelyne F., Determinants of Dividend Policy for Companies Listed at Dar Es Salaam Security Exchange (DSE), a Case of Selected Listed Companies, [Journal of](#)

- Finance and Accounting. Vol. 4, No. 4, 2016, pp. 202-211. Doi: 10.11648/j.jfa.20160404.16
7. NtuiPonsian, KiemiChripina, GwatakoTago, HalimMkiibi, The Effect of Working Capital Management on Profitability, International Journal of Economics, Finance and Management Sciences. Vol. 2, No. 6, 2014, pp. 347-355. DOI: 10.11648/j.ijefm.20140206.17
 8. DestaZelalem, The Impact of Financial Leverage on the Performance of Commercial Banks: Evidence from Selected Commercial Banks in Ethiopia, International Journal of Accounting, Finance and Risk Management. Vol. 5, No. 1, 2020, pp. 62-68. DOI: 10.11648/j.ijafrm.20200501.16
 9. David M. Kahando, TirusMuyaMaina, Charity Mweru Maina, An Appraisal of Financial Management Practices on the Growth of Micro Enterprise in Kenya, Journal of Business and Economic Development. Vol. 2, No. 1, 2017, pp. 63-70. DOI: 10.11648/j.jbed.20170201.18.
 10. Abor, J. (2005). The effect of capital structure on profitability: an empirical analysis of listed firms in Ghana. Journal of Risk Finance, 6(5), 438–445. <https://doi.org/10.1108/15265940510633505>.

Learning Outcomes

After completion of the course students will be able to -

- *Understand the significance of financial Management and utilization of funds.*
- *Become familiar with capital Budgeting decisions.*
- *Understand various capital structure theories.*
- *Prepare statement of working capital requirements.*

HLC0509: JURISPRUDENCE

Objectives of the Course:

Laws are rules, claims are supported by arguments, and decisions are conclusions. The rules, arguments and conclusions are bound to conform to the requirement of logic. They must be systematically coordinated and carried to their consequences. Thus the whole body of legal doctrines can be considered as often considered as a more or less closely woven tissue of prepositions and deductions. The ideas which constitute this tissue are not presented to society ready-made; they are gradually unfolded by processes of collective thought; sometimes particular points get generalized and subjected to principles; at other times inferences are drawn from general prepositions. These processes constitute the dialects of law. Those dialects become ever standing principles and thus the consolidation of all wisdom of law becomes Jurisprudence.

COURSE OUTLINE

Module I: Clarificatory Jurisprudence

- (a) Evolution of Law – Ancient India, Greek and Roman Civilization – Law, Morals, Ethics and Justice – Nature of law – Functions of Law
- (b) Rule of Law: Authority (or) Autonomy (or) Anarchy (or) Obligation (or) Opinion (or) Dictum – Law as a Social Fact
- (c) Nature and Scope of Jurisprudence – From Police State to Welfare State.

Module II: Evaluative Jurisprudence

- (a) Schools of Jurisprudence – Western Thoughts and Indian Jurisprudence – Concept of Dharma – Social Transformation and Social Justice
- (b) Jurisprudence and other fields of knowledge such as Art, Humanities, Social Sciences, Medicine, Science and Technology – Jurisprudence in Socio-Political context and Normative context – Discovery or formulation of “A common law of mankind”
- (c) Similarities and differences between – (i) Local Law & Global Law; (ii) Civil Law & Common Law; (iii) Cultural & Technical aspects; (iv) Micro & Macro aspects.

Module III: Classificatory Jurisprudence

- (a) Definition of Law – Kinds of Law – Nature and Functions of State – State and Sovereignty – Relationship with Law and State
- (b) Sources of Law – Classical and Modern Sources – Sruti, Smriti, Convention, Custom, Legislation, Precedent and its kinds – Stare Decisis, Ratio Decidendi and Obiter Dicta
- (c) Administration of Justice – Complete Justice – Theories of Justice – Basis of International Law and Constitutional Law.

Module IV: Conceptual Jurisprudence - I

- (a) Legal concepts: Meaning, Definition and kinds of Rights and Duties – Jural Correlatives and Jural Opposites
- (b) Person and its kinds – Status and Theories of Corporate personality
- (c) Title and its kinds – Ownership – meaning and its kinds – Possession – meaning and its kinds

Module V: Conceptual Jurisprudence - II

- (a) Liability – meaning and its kinds – Negligence – meaning and its kinds – Obligation – meaning and its kinds
- (b) Law of Procedure – Elements of Judicial Procedure – Evidence
- (c) Property – meaning and its kinds

Module VI: Functional Jurisprudence

- (a) Application of Law and Interpretation of Law
- (b) Codification of Customary Law and Enforcement mechanism – Writ Remedies
- (c) Public Interest Litigation – Justice Delivery System – Judicial Activism and Judicial process.

Module VII: Developmental Jurisprudence

- (a) Global Justice and Human Rights – Capitalism -Vs- Common good -Vs- International Law – Critical Legal Studies – Legal Formalism -Vs- Legal Realism – Solidarity and the Limitations of Liberalism
- (b) Economic Jurisprudence – Feminist Jurisprudence – Cyber Jurisprudence
- (c) Post-Modern legal theory – Pragmatism and Post-structuralism – Law & Justice in contemporary era.

RECOMMENDED READINGS (Hardcopy & E-Books):

Books:

1. Lloyd's Introduction to Jurisprudence, 2014, 9th Edition, Sweet & Maxwell.
2. S.N. Dhyani, "Fundamentals of Jurisprudence – The Indian Approach", 2015, 3rd Edition, Central Law Agency Publishers.
3. Avtar Singh, "Introduction to Jurisprudence", 2015, 4th Edition, LexisNexis Butterworths.
4. V.D. Mahajan, "Jurisprudence and Legal Theory", 2017, 5th Edition, Eastern Book Company.
5. N.V. Paranjape, "Studies in Jurisprudence and Legal Theory", 2019, 9th Edition, Central Law Agency.

Journals / Journal Articles:

1. Anthony D'Amato, "On the Connection between Law and Justice, 26 U.C. Davis L. Rev.527-582 (1992-93)
2. Michael S. Green, "Legal Realism as Theory of Law", William & Mary Law Review, 2005, Volume 46, Issue 6, pp.1915-2000.
3. Herbert Hovenkamp, "Evolutionary Models in Jurisprudence", Texas Law Review, 1985, Volume 64, No.4, p.645.
4. Ruti Teitel, "Transitional Jurisprudence: The Role of Law in Political Transformation", 106 Yale L.J 2009 at <https://heinonline.org>
5. Howard T. Markey, "Jurisprudence or Jurisprudence?" 25 Wm & Mary L. Rev. 525 at <http://heinonline.org/HOL?Landingpage?handle=hein.journals/wmlr25&div=25&id=&page=>

FURTHER READINGS:

Books

1. Salmond on Jurisprudence, 2016, 12th Edition, Sweet & Maxwell.
2. Bruce D Sales, "The Psychology of Law: Human Behaviour, Legal Institutions and the Law", 2015, American Psychological Association.
3. Robert L. Hayman Jr., Nancy Levit and Richard Delgado, "Jurisprudence, Classical and Contemporary: From Natural Law to postmodernism, 2nd Edition, West Academic publishing
4. David Chan Smith, "Sir Edward Coke and the Reformation of the Laws: Religion, Politics and Jurisprudence", 2014, Cambridge University Press.
5. Paul Cliteur, Afshin Ellian, "A New Introduction to Jurisprudence: Legality, Legitimacy and the Foundations of the Law", 2019, 1st Edition, Routledge Publishers.
6. Jorg Kammerhofer and Jean D'Aspremont, "International Legal Positivism in a Post-Modern World", 2016, Cambridge University Press.
7. "Plato: The Complete Works", 2016, Titan Read Publishers.
8. "Aristotle: The Complete Works", 2017, Book House Publishing
9. Satis Chandra Vidyabhusana and Dr.Sukhram, "The Nyaya Sutras of Gautama", 2018, Parimal Publications.
10. James Christensen, "Global Justice", 2020, 1st Edition, Red Globe Press.

Journals/Journal Articles:

1. Jeffrey Goldsworthy, "The Real Standard Picture, and How Facts Make it Law: A response to Mark Greenberg", *The American Journal of Jurisprudence*, December 2019, Volume 64, Issue 2, pp.163-211 available at <https://doi.org/10.1093/ajj/auz011>.
2. Marc R. Johnson, "Legislative Sovereignty: Moving from Jurisprudence towards Metaphysics" *An International Journal of Legal and Political Thought* available at <https://doi.org/10.1080/20403313.2020.1744990>.
3. Angela P. Harris, "The Jurisprudence of Reconstruction", *California Law Review*, 1994, Volume 82, Issue 4, p.741.
4. Richard A. Posner, "The Jurisprudence of Skepticism", *Michigan Law Review*, 1988, Volume 86, No.5, pp.827-891.
5. Beryl Harold Levy, "Realist Jurisprudence and Prospective Overruling", *University of Pennsylvania Law Review*, 1960, Volume 109, No.1, pp.1-30.
6. Robert H. Jackson, "Quasi-states, dual regimes and neoclassical theory: International Jurisprudence and the Third World", Cambridge University Press, 1987, Volume 41, Issue 4, pp.519-549 available at <https://doi.org/10.1017/S0020818300027594>.
7. John Comaroff, "Reflections on the Rise of Legal Theology: Law and Religion in the Twenty-First Century", *Journal of Social Analysis*, 2009, Volume 53 No.1, pp.193-216.
8. Harry W. Jones, "An Invitation to Jurisprudence", *Columbia Law Review*, 1974, Volume 74, No.6, pp.1023-1055
9. Fredrick Schauer, "The Jurisprudence of Reasons", *Michigan Law Review*, 1987, Volume 85. No.5/6, pp.847-870.
10. Edward Cavanagh, "Legal thought and empires: Analogies, Principles and Authorities from the ancients and the moderns", *An International Journal of Legal and Political Thought*, 2019, Volume 10, Issue 4, pp.463-501 available at <https://doi.org/10.1080/20403313.2020.1744990>

Learning Outcomes:

After Completion of the course, students will be able to –

1. *To become reflective and self-fulfilled professional who are able to integrate legal professionalism, ethics, values, doctrine, theory and skills to become outstanding professional in a broad variety of settings.*
2. *To understand some level of depth rather than mere breadth, with an emphasis on analysis of primary theoretical literature correlating with the social history.*
3. *To demonstrate orally and in writing, a critical understanding of major schools of legal theory that influenced the development of the western legal tradition and Indian legal system.*
4. *To critically evaluate multiple and contrasting perspectives on law and engage in open-minded academic discussion of them in an applied context.*

HLC0510: ADMINISTRATIVE LAW

Objectives of the Course:

The State's multifarious responsibilities have resulted in a vast array of functions devolving on state functionaries. In this bureaucratic raj, more powers, both quasi-legislative and quasi-judicial, vest in bureaucrats to enable them to ensure effective administration. Administrative Law is the branch of law that concerns itself with good governance that is based on compliance with the law, transparency and non-arbitrariness in the exercise of discretion and also with the delivery of administrative justice. This course lays emphasis on understanding the evolution, nature and scope of Administrative Law and its relation with Constitutional Law. Adequate systems of checks and balances, safeguards for procedural fairness, the availability of judicial review and remedies to aggrieved persons, and the general modus operandi of administration form the subject matter of this branch.

This course has been designed to:

- I. Investigate the historical development of the concept of administrative law;
- II. Explore and probe the evolution and current status of administrative law across various jurisdictions, both in civil and common law countries, such as UK, USA, France and India;
- III. Scrutinize the role, scope and intricacies involved in delegated legislation;
- IV. Ponder the basic requirements of procedural fairness and natural justice in administrative procedures;
- V. Survey the concept of judicial review and understand state accountability;
- VI. Critically analyse remedies available if case of maladministration and Provide a detailed study of public undertakings and the role of ombudsmen

The following syllabus prepared with this perspective will comprise of 6 modules.

COURSE OUTLINE

Module I - Introduction to Administrative Law and Constitutional Concepts

- (a) Role of State From Laissez-Faire to welfare State – Expansion Role of State - as Enabler, facilitator and Regulator.
- (b) Definition, Nature and Scope of Administrative Law.
- (c) Administrative Development Patterns in U.K., U.S.A., France and India
- (d) Relationship Between Administrative Law and Constitutional Law.
- (e) Basic Constitutional Principles - Rule of Law - Doctrine of Separation of Powers - System of checks and balances.

(f) Parliamentary Sovereignty in U.K., Limited Legislative Powers in U.S.A. and India.

(g) 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 - Rule Making Power of the Administration

(a) Need for Delegated Legislation.

(b) Delegated Legislation in UK and USA.

(c) Delegated Legislation in India- Pre and Post Constitutional Period.

(b) Constitutionality of Delegated Legislation.

(b) Types of Delegated Legislation - Administrative directions.

(c) Permissible and Impermissible Limits of Delegation.

(d) Control over Delegated Legislation – Judicial, Procedural and Legislative Control.

Module III - Administrative Adjudication and Procedural Fairness

(a) Need for Administrative Adjudication.

(b) Reason for growth of Administrative Tribunals

(c) Franks Committee.

(d) Mechanism for administrative Adjudication – Quasi – Judicial Bodies, Tribunals.

(e) Merits and Demerits of Administrative Tribunals.

(f) Procedure and powers of Administrative Tribunal.

(g) Tribunal under Constitution.

(h) High Court's Superintendence over Tribunals.

(i) Appeal to Supreme Court by Special Leave.

(j) Administrative Tribunals under Administrative Tribunals Act, 1985

(k) Domestic Tribunal.

(l) 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 - Judicial Review and Liability of the State

- (a) Need for Judicial Review.
- (b) Scope of Judicial Review Jurisdiction of the Supreme Court - Writ Jurisdiction - Appeal by Special Leave (Art. 136) - Scope and Object of Article 136.
- (c) Jurisdiction of the High Court.
- (d) Judicial Review of Administrative Action through Writs.
- (e) Scope of the Writ Jurisdiction - *Locus-standi* - Kinds of Writ - Grounds for issue of Writs - Alternative Remedy - Laches or Delay - *ResJudicata*.
- (f) Public Interest Litigation.
- (g) Statutory and Equitable Remedies – Injunction - Declaration against the Government - Exclusion of Civil Suits.
- (h) Administrative Discretion - Nature and need of Administrative discretion - Grounds and Extent of Judicial Review - Doctrine of Proportionality - Fundamental Rights and Discretionary Powers
- (i) 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.
- (j) Promissory Estoppel.
- (k) Doctrine of Legitimate Expectation.
- (l) Right to Information.
- (m) Liability of the State - Liability of the State in Torts and Contracts.

Module V - Maladministration and Alternative Remedies

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

Module VI - Public Undertakings

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

Recommended Reading

Books Prescribed:

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

Journals Prescribed

1. Chauhan, (V.S), "Reasoned Decision: A Principle of Natural Justice" JILI, Vol.37, (1995) pp. 92-104.
2. Saad Abdulbaqi Sabti and YP Rama Subbaiah, "Conceptual analysis of sub Delegation: An overview" International Journal of Law, Vol.3, Issue 3, (2017) p.75.
3. Seema Dalal, "Administrative law and judicial review of administrative action with a special emphasis on the writ of Certiorari" International Journal of Law, Vol.3, Issue 3, (2017) p.01.
4. Jarnail Singh and Dr. RK Gupta, "Doctrine of legitimate expectation: The emerging trends in Indian Judiciary" International Journal of Law, Vol.3, Issue 5, (2017) p.135.
5. Dr. Rahul Tripathi, "Judicial Review: A Study in Reference to Contemporary Judicial System In India" International Journal of Research – Granthaalayah, Vol. 4, No. 5 (2016), p.5.

Further Reading

Reference Books:

1. Durga Das Basu, "Administrative Law" (Kamal Law House, 2016).
2. C.K. Thakker, "Administrative Law" (Lucknow: Eastern Book Company, 2012).
3. William Wade and Christopher Forsyth, "Administrative Law" (Oxford University Press, 11th ed., 2014).
4. De Smith, "Constitutional Law and Administrative Law" (Penguin, 2000).
5. Foulkes, "Administrative Law" (Oxford University Press, 1995)
6. Indian Law Institute, "Cases and Material of Administrative Law" (1996).
7. Michael T Molan, "Administrative Law" (London: Old Bailey Press, 2001).
8. David Stott & Alexandra Felix, "Principles of Administrative law" (London: Cavendish Publishing Limited, 1997).
9. Paul Craig, "Administrative Law" (London: Sweet & Maxwell, 2011).
10. J.A.G. Griffith and H. Street, "Principles of Administrative Law" (Sir Isaac Pitman, 1963).

Articles:

1. Seemeen Muzafar, "Doctrine of Legitimate Expectation in India: An Analysis", International Journal of Advanced Research in Management and Social Sciences, ISSN: 2278 – 6236.
2. A. Beula Chrimak Darius and Ms. R. Dhivya, "Applicability of Principles of Natural Justice to The Administrative Proceedings" International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.2013.
3. S. Saran and Ms. R. Dhivya, "Administrative Tribunals Under Indian Constitution" International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1939.
4. Siddharth.R and Prof. Dr. A. Sreelatha, "Principle of Natural Justice and Its Application in Indian Legal System" International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1669.
5. S. Shruthi Taarana and Ms. R. Dhivya, "Administrative Tribunals in India the Lights of the Decided Cases-In Constitutional Analysis" International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1921.
6. Ambuj Mishra, "Legitimate Expectations in India" IJJSR, Vol.1, Issue 1, (2019), p.30.

Cases for Guidance:

1. Express Newspapers Ltd v. Union of India, AIR 1986 SC 872.
2. Ridge v. Baldwin, 1964 AC 40.
3. Rampur Distillery Co. Ltd. v. Company Law Board, AIR 1970 SC 1789
4. Delhi Laws Act, 1912, re , AIR 1951 SC 332.
5. Hamdard Dawakhana v. Union of India, AIR 1960 SC 554.
6. Chintamanrao v. State of M.P., AIR 1951 SC 118.
7. Hiranath Mishra v. Rajendra medical College, AIR 1973 SC 1260.
8. Dhakeshwari Cotton Mills Ltd. v. CIT, AIR 1955 SC 65.
9. Union of India v. H.C.Goel AIR 1964 SC 364.
10. ADM Jabalpur v. Shivkant Shukla, AIR 1976 SC 1207.
11. SP Gupta v Union of India 1981 supp SCC 87.
12. N. Nagendra Rao v. Status A.P., (1994) 6 SCC 205.
13. Vineet Narain v. union of India AIR 1998 SC 889.
14. Sunil Kumar v. State of West Bengal, 1980 AIR 1170
15. Vishwarao v. Lok ayukta, Maharashtra, AIR 1985 Bom 136

Learning Outcome

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

1. Grasp the historical development of administrative law and gain conceptual clarity of this branch of law across various civil and common law jurisdictions;
2. Ponder the importance, powers, and limitations of delegated legislation;
3. Master the crucial concept of natural justice and the touchstone requirements of administrative procedures;
4. Perceive the criticality of judicial review and state accountability, and understand the available remedies;
5. Develop a keen understanding of the applicability of administrative law to public companies and be deeply aware of the importance of ombudsmen

HLC0511: FAMILY LAW - I

Objectives of the Course

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

- 1. It equips the students with different personal Laws*
- 2. It provides ability to the student community in realizing secular laws related to inter-religious marriage, dowry, adoption and maintenance.*
- 3. Appreciate the Conglomeration of the uncodified aspects of unisex marriage and live-in- relationship.*
- 4. Also motivates the students to equip with writing, reading and research skills.*

COURSE OUTLINE

MODULE I: SOURCES AND SCHOOLS OF PERSONAL LAWS

- a. Application of various Personal Laws
- b. Traditional and Modern Sources of Hindu Law and Muslim Law
- c. 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

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

MODULE III: LAW ON MATRIMONIAL RELIEFS

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

MODULE IV: LAW ON MAINTENANCE

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

MODULE V: LAW ON LEGITIMACY OF CHILDREN AND ADOPTION

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

MODULE VI: LAW ON MINORITY AND GUARDIANSHIP

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

Recommended Readings:

Books:

1. Mulla, *Hindu Law*, (Lexis Nexis 23rd Edition, 2018)
2. Tahir Mahmood & Saif Mahmood, *Introduction to Muslim Law*, (Universal Law Publishing Co., 2nd ed., 2017)
3. Kusum, *Family Law Lectures – Family Law – I*, (Lexis Nexis, 5th ed. 2019)
4. 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)
5. Prof. (Dr.) T. V. Subba Rao, Prof. (Dr.) Vijender Kumar, *Prof. G.C.V. SubbaRAo's Family Law in India*, (Gogia & Co., 2018)

Articles from Journals:

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

Further Readings:**Books:**

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

Journals

1. 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>
2. 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>
3. Jaiswal & Arunima Singh, *Decoding Same-Sex Marriage Under the 'Holy' Hindu Marriage Act, 1955*<https://www.manupatrafast.com/articles/articleSearch.aspx>
4. Mahavir Singh Kalon, *DNA Technology and Legal Issues in India*, Delhi Law Review, Vol. XXV, 2003
5. Stellina Jolly & M.S.Raste, *Rape and Marriage : Reflections on the Past, Present and Future*, Vol. 47 JILI, 2006
6. Jyoti Rattan, *Uniform Civil Code in India: A Binding Obligation under the International and Domestic Law*, Vol 46 JILI 2004
7. A.K.Bhandari, *Adoption Amongst Mohammedans- Whether Permissible in Law*, Vol.47 JILI 2005
8. Lucy Carroll, *Religious Conversion and Polygamous Marriages*, Vol.39 JILI 1997
9. Anjani Kant, *Right of Maintenance to Indian Women*, Vol.38, JILI 1996
10. M.S.Balaganesan, *Speedy Remedy or Murky Muddle? Tragedy of Divorce on Ground of Mutual Consent*, Vol. 36 JILI, 1994

Cases for Guidance:

1. Danial Latifi and another v. Union of India (2001) 7 SCC 740
2. Sarala Mudgal v. Union of India, (1995)3 SCC 635
3. Mohd. Ahmed Khan v. Shah Bano Begum, 1985 (1) SCALE 767; AIR 1985 SC 945
4. Pratibha Rani vs Suraj Kumar & Anr, 1985, 1985 AIR 628, 1985 SCR (3) 191
5. Shoba Rani v. Madhukar Reddy, 1988 AIRSC 121
6. Shamim Ara v. State of U.P. (MANU/SC/0850/2002)
7. ShayaraBano v. Union of India and others, Writ Petition (C) No. 118 of 2016
8. Lata Singh v. State of Uttar Pradesh, 2006 (6) SCALE 583
9. Velusamy v. D. Patchaiammal, (2010) 10 SCC 469

10. Seema v. Ashwani Kumar, AIR 2006 S.C 1158
11. Dhanwanti Joshi v Madhav Unde (1998) 1 SCC 11
12. T. Sareeta v. T. Venkata Subbaih, AIR 1983 AP 356
13. Saroj Rani v Sudarshan Kumar, AIR 1984 SC 1562
14. Githa Hariharan v. Reserve Bank of India (1999) 2 SCC 228
15. 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:

1. A study of this course will enlighten the students on the factors that determine the legality of domestic relationship,
2. The learning of the subject gives an understanding of both the personal law and secular law that regulates domestic relationship.
3. 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.
4. The study helps to understand secularization of personal laws in the background of the Constitutional Law and to realize the feasibility of UCC

HLC0512: COMPANY LAW

Objectives of the Course:

Globalization has reduced the barriers to the movement of people, capital and technology across the globe. Today corporates are able to penetrate economies in virtually every part of the world. The result has been a fundamental shift in the relationship of corporate to both law and public policy. In today's globalised economy is governed by corporates wherein most of the enterprises are either private or public limited companies instead of partnership or proprietorship as in olden days.

In view of the developments that have taken place in the corporate sector this course is designed to understand the following:

- 1. The functions, management and other activities of the companies.*
- 2. Equipping the students to understand the corporate management control, possible abuses, the remedies and government regulations governing companies.*

COURSE OUTLINE

Module I Introduction – General principles of 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;

Module II Promotion and Formation of Company

- Promotion:** Promotion of Company, Promoters their position, Powers, Duties and Liabilities.
- Formation:** 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.

Module III Corporate financing

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

Module IV Corporate Governance

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

Module V Winding Up of Companies

- a) Winding up and kinds of winding up.
- b) Procedure for different kinds of winding up - powers of liquidators
- c) Insolvency and Bankruptcy - Defunct companies and restoration, revival and rehabilitation of sick companies

Module VI Adjudicatory Bodies

- a) National Company Law Tribunal; National Company Law Appellate Tribunal – Administration of NCLT, CLAT Constitution, Powers, Jurisdiction, Procedure, Judicial Review

Module VII Corporate Governance and Social responsibility

- a) Importance of Corporate Governance; Legal Reforms of Corporate Governance in India; Reports of the various Committees on Corporate Governance;
- b) Corporate crimes; Corporate social and environmental Responsibility – theories and justification;
- c) CSR and multinational corporations; regulation of multinational corporations in India;
- d) 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, 16th 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, BlurringTheEdgesOfCorporate Law: Insider TradingAndTheMartoma Decision, Harvard Business Law reviewOnline,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, 31st 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 Kluver Business, 2013.

Journals:

1. A Reassessment of the Fraud Exception. Cambridge Law Journal, 2(56), pp.284-290.
2. Hayton, D., 1977. Contractual Licences and Corporate Veils. The Cambridge Law Journal, pp.12-15.
3. Katharina Pistor, Yoram Keinan*, Jan Kleinheisterkamp, Mark D. West □□ The Evolution of Corporate Law.
4. Sanger, A., 2012. Crossing the Corporate Veil: The Duty of Care Owed by a Parent Company to the Employees of Its Subsidiary. Cambridge Law Journal, pp.478-481.

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;
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 LT 651
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 & B 327)
15. Salomon v. Salomon & Co. Ltd., (1897) A.C. 22

Learning outcomes:

After completion of the course students will be able to:

1. To examine and develop an understanding of the characteristics of a business corporation when compared to other forms of business structure.
2. To consider the conceptual framework within which companies operate, Corporate personality and the extent of the personal liability of members of corporations.
3. To acquire the cognitive skills to analyse evaluate and synthesise information about corporations, corporate officers, shareholders and creditors so as to identify and resolve legal and business related issues.
4. To develop a commitment to engendering lawful, ethical and socially reasonable corporate behaviour

THIRD YEAR
VI-SEMESTER

HBM0614: PRACTICAL AUDITING

Objectives of the Course

Auditing as a separate and distinct branch of study, is an instrument of financial control and involves critical and intelligent examination of financial statements to give in the form of certificate or report, an attestation, an expert opinion or an expert advice. It ensures that the accounts prepared truly represent facts and that expenditure has been incurred with due regularity and propriety. This course is designed to make the students to learn the theoretical legal framework of Auditing.

COURSE OUTLINE

Module I: Introduction of Auditing

- a) Auditing – Meaning and Definition, Objectives and Scope of Auditing.
- b) Significance and Types of Audit.
- c) Relationship of Auditing with other Disciplines.
- d) Auditor's Duty in relation to Errors and Frauds in Audit of Financial Statement as per SA 240 (Standards in Auditing).
- e) Fraud Reporting as per Sub-section 12 of Section 143 of Companies Act 2013.

Module II: Audit Planning and Programme

- a) Audit Planning – Introduction and Advantages of Audit Planning (SA 300: Planning an Audit of Financial Statement).
- b) Audit Programme – Meaning, Objectives, Types of Audit Programme, Merits and demerits of Audit Programme.
- c) Audit Note Book – Contents and Usefulness of Audit Note Book.
- d) Audit Working Papers – Merits and Demerits of Audit Working Paper – Essentials of Good Audit Working Papers.

Module III: Internal Control, Internal Check and Internal Audit

- a) Internal Control – Definition and Objectives Internal Control (SA 315).
- b) Internal Check – Meaning, Objectives, Importance and Advantages of Internal Check.
- c) Essentials of Good Internal Check System.
- d) Basics of Standards on Internal Audit – Difference between Internal Control, Internal Check and Internal Audit.

Module IV: Vouching

- a) Vouching – Meaning, Definitions, Objectives and Importance of Vouching.
- b) Vouching of Cash Receipts and Payments Transactions.
- c) Verification – Meaning and Objectives.
- d) Duties of an Auditor in Verification and Valuation of Assets and Liabilities.
- e) Distinction Between Vouching, Valuation and Verification.

Module V: Auditors Qualification, Appointment and Powers

- a) Appointment of Auditors – Appointment of First Auditor.
- b) Filling of Casual Vacancy – Audit Committee and Rotation Auditors.
- c) Appointment of Auditor by Central Government.
- d) Appointment by Special Resolution – Re-appointment and Compulsory Re-Appointment.
- e) Ceiling on the number of Auditorship.
- f) Qualifications and Qualities of Auditors – Disqualification of Company Auditor.
- g) Auditor's remuneration – Rights or Powers of Auditors.
- h) Duties and Liabilities of an Auditor – Removal of Auditor.

Module VI: Audit Report

- a) Audit Report – Meaning, Definition, Importance and Content of Audit Report (as per Reporting under Companies (Auditor's Report) Order, 2016).
- b) Types of Audit Report.
- c) Distinction between Auditor's Report and Auditor's Certificate.
- d) Preparation and Presentation of Audit Report (SA 700).

Module VII: Auditing of E-Commerce Transaction

- a) EDP Audit – Meaning, Division of Auditing in EDP Environment
- b) Impact of Computerization on Audit Approach
- c) Online Computer System Audit – Types of Online Computer Systems (Audit around and with the Computers)
- d) Procedure of Audit under EDP System.

Recommended Readings:

Books:

1. Natarajan - Practical Auditing – Margham Publication, 2018.
2. B.N. Tandon, S. Sudharsanam and S.Sudharabahu - Practical Auditing, S.Chand Publication, New Delhi, Reprint 2016.
3. DinkarPagare, Principles and Practices of Auditing, Sultan Chand and Sons, New Delhi, 2018.
4. Ravinder Kumar and Virender Sharma - Auditing, Principles and practice, PHI Learning Private Limited, New Delhi, Third Edition, 2016.
5. T.R. Sharma, Principles and Practice of Auditing, SahithyaBhavan Publication, Agra, 2010.

Journals / Journal Articles:

1. Gleeson, Patrick. (2020, April 8). “The Advantages and Disadvantages of a Financial Audit”. *bizfluent.com*. Retrieved from <https://bizfluent.com/info-12085459-advantages-disadvantages-financial-audit.html>
2. Dayton, Denise. "Types of Auditors" *bizfluent.com*, <https://bizfluent.com/info-7754377-types-auditors.html>. 8 April 2020.
3. LeBrun, Jake. (2020, April 8). “The Relationship Between Internal & External Audit”. *bizfluent.com*. Retrieved from <https://bizfluent.com/about-7379286-relationship-between-internal-external-audit.html>
4. Patrick, O. (2014). “Impact of Electronic Data Processing (EDP) on Auditing in School Management”. *ATBU Journal Of Science, Technology And Education*,1(2),6-11.Retrieved from <https://www.atbuftejoste.com/index.php/joste/article/view/22>
5. LajosZager, Sanja Sever Malis, Ana Novak, “The Role and Responsibility of Auditors in Prevention and Detection of Fraudulent Financial Reporting”, *Procedia Economics and Finance*, Volume 39, 2016, Pages 693-700, ISSN 2212-5671, [https://doi.org/10.1016/S2212-5671\(16\)30291-X](https://doi.org/10.1016/S2212-5671(16)30291-X)

Further Readings:

Books:

1. Alvin A. Arens, Elder and Beasley, "Auditing and Assurance Services, An Integrated Approach", 15th edition, Pearson Prentice Hall, New Jersey, 2018.
2. S.K. Basu, Fundamentals of Auditing, Pearson Education, First edition, 2009.
3. S. Vengadamani, Practical Auditing.
4. Institute of Chartered Accountants of India, Auditing and Assurance Standards, ICAI, New Delhi.
5. Singh, A. K. and Gupta Lovleen, Auditing Theory and Practice, Galgotia Publishing Company.
6. Spicer & Pegler's, "Practical Auditing", HFL Pubs. Ltd., London, 18th Edition, 1990.
7. Woolf, Emile, Auditing Today. Prentice Hall, New York, 6th Edition, 1997.
8. Aruna Jha, Auditing. Taxmann Publication, 3rd Edition, 2016.
9. Pankaj Kumar Roy, Auditing, Oxford University Press, 2017.
10. Kamal, Gupta and Ashok Arora, Fundamentals of Auditing, Tata McGraw Hill Publishing Company Ltd., New Delhi

Journals:

1. Journal of Accounting, Auditing, and Finance (JAAF) <http://jaf.sagepub.com/content/current>
2. International Journal of Auditing Technology <https://www.inderscience.com/jhome.php?jcode=ijaudit>
3. Journal of Accounting and Auditing: Research & Practice (JAARP) <https://ibimapublishing.com/journals/journal-of-accounting-and-auditing-research-practice/>
4. **Journal of Accounting, Finance and Auditing Studies** <https://jafas.org/>
5. International Journal of Auditing <https://www.scimagojr.com/journalsearch.php?q=19900192136&tip=sid>
6. Auditing: A Journal of Practice and Theory. <https://aaajournals.org/loi/ajpt>
7. Accounting, Auditing and Accountability Journal https://en.wikipedia.org/wiki/Emerald_Group_Publishing
8. Irene Buele Nugra, Dagmar Maldonado, Fabián Cuesta (2018), "Perception and Causality of Academic Performance and Professional Exercise of Graduates in Accounting and Auditing", Open Science Journal Index, Volume 3, Issue 4, DOI: <https://doi.org/10.23954/osj.v3i4.1779>.

9. Brent, Michael. (2020, April 8). “Advantages & Disadvantages of Internal Control”. *bizfluent.com*. Retrieved from <https://bizfluent.com/info-8064250-advantages-disadvantages-internal-control.html>
10. Lacoma, Tyler. (2020, April 8). “What Are the Types of Audit Reports?”. *bizfluent.com*. Retrieved from <https://bizfluent.com/about-5070237-types-audit-reports.html>

Learning Outcomes

After completion of the course, Students will be able to -

- *Understand the types of Audit and relationship of Auditing with other disciplines.*
- *Recognize practical exposure of Auditing practices such as Internal Control, Internal Check, Vouching and Verification.*
- *Comprehend the legal perspectives on Auditor’s Appointment, Audit Report preparation.*
- *Gain constructive knowledge on Audit of Computerised environment.*

HLC0613: FAMILY LAW-II

Objectives of the Course

The main objective of the paper is to apprise the students with the laws relating to family matters governing inheritance, succession, partition, with practical approach. The subject makes the students to identify and understand the scheme of succession under the Hindu, Muslim and Christian Laws. Further, with reference to uncodified Hindu Law, the matters relating to Joint Family System, Coparcenary, Karta and his powers, partition and the Hindu Religions Endowments are given in the syllabus for understanding the changes effected after the passing of the Hindu succession Act, 1956 and other related Laws. Under Muslim Law students can understand the principles behind the matters relating to Wakfs, Wills, Gifts and Pre- Emption and also the Sunni and Shia Law of Inheritance. The students can learn the details of Christian Law, a Part of the Indian Succession Act, 1925 and Law of Wills with reference to Christian Law of Inheritance.

After undergoing the study of this paper the Student should be able to understand the following:

- 1. Able to understand the personal laws relating to Succession, Partition and Religious Endowments.*
- 2. Identify the scheme of succession under various religious laws and able to understand the past and present legal systems.*
- 3. Analyse comparatively the testamentary and intestate succession under various religious laws and appreciate the limitations provided for the same.*
- 4. Able to understand the law relating to Hiba and Shuffa under Muslim Law.*

COURSE OUTLINE

Module I: HINDU JOINT FAMILY AND COPARCENARY

- a) Hindu Joint Family and Coparcenary – Meaning – Characteristics & Distinction.
- b) Rights of Coparceners and Position of Female Coparceners.
- c) Distinction between Mithakshara & Dayabhaga Coparcenary and Changes introduced by The Hindu Succession (Amendment) Act, 2005.
- d) Karta – Position – Powers - Rights and Duties.
- e) 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 unauthorised Alienation.

Module II: PARTITION

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

Module III: INTESTATE SUCCESSION UNDER HINDU LAW

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

Module IV: INTESTATE SUCCESSION UNDER MUSLIM LAW & CHRISTIAN LAW

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

Module V: TESTAMENTARY SUCCESSION

- a) Testamentary Succession under Hindu, Muslim and Christian Law.
- b) Limitation to Testamentation under various Religious and Statutory Law.
- c) Will and Administration of Will - Codicil.
- d) Lapse, Abatement and Ademption of Legacies.
- e) Probate, Letters of Administration and Succession Certificate.

Module VI: GIFT AND PRE-EMPTION UNDER ISLAMIC LAW

- a) Hiba - Nature and Characteristics of Hiba - Subject matter of Hiba – Effects of Hiba.
- b) Kinds of Hiba – Revocation of Hiba – Marz-ul-maut.
- c) Shuffa-Origin, Definition, Classification, Subject matter, Formalities, Procedure & Constitutional validity.

Module VII: RELIGIOUS ENDOWMENTS AND WAKF

- a) Hindu Religious Endowments.
- b) Wakf. - Meaning - Formalities of Creation –Types and Administration of Wakf.
- c) Mutawalli and his powers - Muslim religious Institutions and Offices.

Module VIII: PSDA (Professional Skill Development Activities)

- a) Exercises on Distribution of Property.
- b) Drafting a Deed of Hiba/Waqf/Wasiyat.
- c) Preparation of Pleading for a Partition Suit.

Recommended Readings:

Books:

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

Journals/Journal Articles:

1. Hindu Law - Daughter: A Coparcenar, Kulkarni, K.V. All India Reporter, 2004 Mar.
2. Hindu Succession (Amendment) Act 2005: An Appraisal, Dash, U.N., All Indian High Court Cases, 2007.
3. 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.
4. 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.
5. 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:

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

Journals:

1. S.23 of The Hindu Succession Act, 1956: A sober view point, Prasanna, C.Luxmi, All India High Court cases, 2006, Mar.
2. S.6 and 29-A of The Hindu Succession Act: A critic, Ramakoti, M., All India Reporter, 2003, Oct.
3. Some thoughts on Hindu Succession (Amendment) Act, Balasubramanian, K.G., Kerala Law Times, 2005 Oct.
4. State Amendment to Hindu Succession Act and conflict of Laws: Need for Law Reform, Bhadhhade, Nilima, Supreme Court Cases, 2001.
5. Status of women under The Hindu Succession Act, 1956, Gupta, Suman, All India Reporter, 2007, May.
6. Stridhana & Women's Property Rights critical view under Hindu Succession Act, 1956 and Customary Hindu Law, Chakravarty, Padmaja, Apex court Expression, 2003.
7. Study of the amendments made in The Hindu Succession Act, 1956, Davda, C.R., All India High Court Cases, 2008, Feb.
8. The Hindu Succession Act, 1956 should the legal riddle under S.14 of the Act continue forever? Kader, S.A., Madras Law Journal, 2008, Sep.
9. The Hindu Succession Act, 1956: Defects and anomalies in the Amending Act 39 of 2005, Murthy, A.S. Ramachandra, All India High Court Cases, 2007 Jul.
10. Whether the Right of a Female to claim partition in a dwelling house under S.23 of Hindu Succession Act, 1956 is a myth or reality, Jena, Krushna Chandra, Cuttack Law Times, 1999, Sep.
11. Women's Property Rights under traditional Hindu Law and The Hindu Succession Act, 1956: Some observations, Jain, Prakash Chand, Journal of the Indian Law Institute, 2003, Jul. - Dec.

Cases for Guidance:

1. P.G.Reddy v. GollaObulamma AIR 1971 A.P.,363(F.B.).
2. Narain Devi v. Ramo Devi AIR 1976 SC 2198.
3. Rajeshwari Rani v. NirjaGuleri AIR 1977 P&H, 123.
4. Thotappa v. G.Gurusiddappa AIR 1977 Kant, 175.
5. Nawazish Ali Khan v. Ali Raza Khan 75 I.A. 62.
6. Commissioner of Income Tax, West Bengal v. Sri Jagannathji AIR 1977 SC 1523.
7. Yousuf Rawther vs. Sowramma, AIR 1971 Ker. 261.
8. Sri Jiauddin Ahmed vs. Mrs. Anwara Begum, (1981) GLR 358.
9. Must. Rukia Khatun vs. Abdul KhaliqueLaskar, (1981) 1 GLR 375.
10. Masroor Ahmed vs. State (NCT of Delhi) &Anr. 2008 (103) DRJ 137.
11. VaddeboyinaTulasamma v. VaddeboyinaSheshaReddi, 1977 SCR (3).
12. Jiauddin Ahmed v. Anwara Begum (1981) 1 Gau.L.R. 358.
13. Masoor Ahmed v. State (NCT of Delhi), 2008 (103) DRJ 137, para 27.
14. Nasir v. Sheena 2017 (1) KLT 300.
15. Shamim Ara vs State of U.P. &Anr. (2002) 7 SCC 518.

Learning Out Come:

After completion of the course students will be able to-

1. *Understand the meaning and difference between intestate and testamentary succession under various religious laws.*
2. *Appreciate the Hindu Joint Family system and coparcenary and also learn about the Partition and its effects under Hindu Law.*
3. *Analyse comparatively the property rights of women in various Personal Laws.*
4. *Understand the concepts like Hiba and Shuffa under Muslim Law.*

HLC0614: PROPERTY LAW

Objectives of the Course

1. *The course intends to define the concept and nature of transfer of immovable property, and illustrate the different types of transfers and rules relating to it. It explains the transfer of immovable property between living persons.*
2. *The course covers various general principles of transfer and doctrines. Specific transfer explains about the transfer by way of sale, mortgage, lease, gift and actionable claims.*
3. *The Easement Act explains various modes of acquisition of easementary rights, rights and obligations of the dominant and servient owners, the extinction and suspension of the easementary right.*
4. *Registration Act explains the requirement to be complied for registration of any transfer of immovable property, and Stamp Act explains various kinds of stamps and mode of payment of stamp duties.*

COURSE OUTLINE

Module I: General Principles of Transfer

- a. Concept of Property – **possession**: essentials of possession – kinds of possession, modes of transfer of possession- **ownership**: rights of ownership- modes of acquisition of ownership- distinction between possession and ownership – theories of property
- b. Definition of Transfer of Property- Kinds of Interest- Conditional Transfer
- c. Doctrine of Election
- d. Transfer by Ostensible Owner
- e. Feeding the Grant by estoppel
- f. Improvement made by Bonafide Purchaser
- g. Lis Pendens
- h. Fraudulent Transfer
- i. Doctrine of Part Performance and other general principles of transfer.

Module II: Specific Transfers – Transfer of Absolute Interest

- A. Sale – Definition of Sale- Rights and Liabilities of Seller and Buyer
- B. Gift - Definition- Onerous Gift- Universal Donee- Death Bed – Gift- Suspension and Revocation of Gift.
- C. Exchange

Module III: Transfer of Limited Interest – Specific Transfer

- A. Mortgage: Different kinds of Mortgages- Redemption- - Clog on Redemption- Partial Redemption- Rights and Liabilities of Mortgagor and Mortgagee including Doctrine of Consolidation- Marshalling -Contribution- Subrogation.
- B. Charge
- C. Lease: Different Rights and Liabilities of Lessor and Lessee- Determination of Lease- Doctrine of Holding Over.
- D. Actionable Claim

Module IV: Law Relating To Easementary Right

- a. Definition-Acquisition of Easement
- b. Easement of Necessity and Quasi Easements
- c. Easement by Prescription
- d. Extinction, Suspension and Revival of Easements
- e. License.

Module V: Law of Registration

- a. Definitions - The Registration-Establishment
- b. The Duties And Powers Of Registering Officers, Enforcing The Appearance Of Executants And Witnesses, Refusal To Register
- c. The Fees For Registration, Searches And Copies Registrable Documents
- d. Time of presentation, place of registration, Presenting Documents for Registration
- e. Penalties.

Module VI: Registration of Will

Presenting Wills And Authorities To Adopt - The Deposit Of Wills- The Effects Of Registration And Non-Registration

Module VII : Stamp Act

Definitions – stamp duties - Adjudication as to Stamps - Instruments Not Duly Stamped-Allowances for Stamps in Certain Cases - Reference and Revision - Criminal Offences And Procedure

Recommended Readings:

Books Prescribed

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- GCV Subba Rao- Transfer of Property
- Mulla, “The Transfer of Property Act”, by Poonam Pradhan Saxena, Lexis Nexis, 13th edition
- K.Krishnamurthy’s, “The Indian Stamp Act”, 12th edition, Lexis Nexis
- Mulla, “Registration Act”, 13th Edition, Lexis Nexis

Statutory materials:

1. Transfer of Property Act, 1882
2. Indian Easement Act, 1882
3. The Registration Act, 1908
4. Indian stamp Act, 1899

Books Prescribed

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- GCV Subba Rao- Transfer of Property
- Mulla, “The Transfer of Property Act”, by Poonam Pradhan Saxena, Lexis Nexis, 13th edition
- K.Krishnamurthy’s, “The Indian Stamp Act”, 12th edition, Lexis Nexis
- Mulla, “Registration Act”, 13th Edition, Lexis Nexis

Statutory materials:

5. Transfer of Property Act, 1882
6. Indian Easement Act, 1882
7. The Registration Act, 1908
8. Indian stamp Act, 1899

Books for reference:

1. Goyle’s “A Commentary On The Transfer Of Property Act” , Eastern Law House
2. Darashaw’s Commentaries on the Transfer of Property Act” by Justice M.L.Singha, Lexis Nexis
3. B.B.Katiyar’s “Law of Easements and Licences”, Universal Law Publishing, 16th Edition
4. Sanjiva Row’s “Commentary On The Indian Easements Act, 1882 and Licences”, 6th Edition, Delhi Law House
5. Malik’s “Commentary On Registration Act, 1908 With State Amendments With Latest Case Laws, Delhi Law House, 2nd Edition
6. James E. Penner, Lecturer in Law J E Penner, “The Idea of Property in Law”, Clarendon Press Oxford, first edition, 1997
7. Cheshire and Burn's Modern Law of Real Property, by Edward Burn and John Cartwright, Eighteenth Edition, 4th edition 2011.
8. Barbara Bogusz and Roger Sexton, “Complete Land Law- texts, cases and materials”, oxford press, Sixth Edition, 2019.
9. Ben McFarlane and Sarah Nield, “Land Law - Text, Cases & Materials”, oxford press, Fourth Edition 2018

Case Laws for reference:

1. Marshall v. Green, 33 L.T.404
2. Thakur ParamanickChunder v. Ram Dhona, 6 W.R. 228 (F.B)
3. Shamu Pattar v. Abdul Kadir, 35 Mad. 607 (P.C)
4. Rosher v. Rosher, (1884) 20 Ch.D. 801
5. Pannalal v. Fulmoni, AIR (1987) Cal 368
6. Sopher v. Administrator general of Bengal, (1944) P.C.67
7. Abdul Fata Mohommed v. Rasamaye, 22 Cal 619 P.C.
8. Whitby v. Mitchell,
9. Leake v. Robinson, 35 ER 979, Volume 35
10. Thalluson v. Woodford, (1805) 11 Ves. 112

11. Cooper v. Cooper, (1874) L.R. 7 H.L.53
12. Tulk v. Moxhay, [1848] 41 ER 1143
13. Ram Coomer v. McQueen, 11 B.L.R. 46
14. Bellamy v. Sabine, (1857) 1 Dc. G, and J., 566
15. Ebrahim v. Ful bai, 26 Bom 573
16. Walsh v. Lonsdale, (1882) 21 Ch.D 9
17. Webb v. Macpherson, 31 Cal 57 (P.C)
18. Muhammad Sher Khan v. Raja Seth Swami Dayal A.I.R. 1922 P.C. 17,
19. Noakes & Co v. Rice, (1902) A.C.24
20. Kreglinger v. New Patagonia Meat Gold Storage Co. Ltd. [1914] A.C. 25.

Articles:

1. Abraham Bell and Gideon Parchomovsky, *A Theory of Property*, 90 Cornell L. Rev. 531 (2005)
Available at: <http://scholarship.law.cornell.edu/clr/vol90/iss3/1>
2. Exclusion and Exclusivity in Property Law Author(s): Larissa Katz Source: The University of Toronto Law Journal, Vol. 58, No. 3 (Summer, 2008), pp. 275-315
Published by: University of Toronto Press Stable URL:
<http://www.jstor.org/stable/20109850>
3. The Rule against Perpetuities and Gifts to Classes, W. Barton Leach, Harvard Law Review, Vol. 51, No. 8 (Jun., 1938), pp. 1329-1353,
<https://www.jstor.org/stable/1333400>
4. Case Notes on Steadman v. Steadman, 10 Melb. U. L. Rev. 149 (1975-1976)
5. The Doctrine Of Part Performance In India by G. M. Sen, Journal of the Indian Law Institute, Vol. 11, No. 2 (APRIL-JUNE 1969), pp. 224-229,
<https://www.jstor.org/stable/43950022>
6. Claeys, Eric R., Property, Concepts, and Functions (March 10, 2018). Boston College Law Review, Vol. 60, No. 1, 2019; George Mason Legal Studies Research Paper No. LS 18-04. Available at <http://dx.doi.org/10.2139/ssrn.3136041>
7. The Registration Act, 1908: Critical Analysis of Registration Act by Shivam Goel, Available at: <https://www.researchgate.net/publication/314424567>
8. Overview Of Stamp Duty Acts available at
https://shodhganga.inflibnet.ac.in/bitstream/10603/130517/9/09_chapter%203.pdf
9. ESSERT, Christopher (2013). 'The Office of Ownership,' University of Toronto Law Journal, 63: 418-461.
10. Francis S. Philbrick, "Changing Conceptions of Property in Law", University of Pennsylvania Law Review And American Law Register, Volume 86 May, 1938 No. 7

Learning Outcomes:

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

1. Analyse and define the concept and nature of transfer of immovable property, and illustrate the different types of transfers and rules relating to it.
2. Evaluate the rules relating to general transfer of immovable property
3. Determine and analyse the rules of specific transfer and easements.
4. Determine, explain and apply the principles of property law to resolve complex problems and theoretical questions.
5. Apply property law to complex problems and critically examine its operation from a range of theoretical and social perspectives and to Prepare convincing written arguments for a legal audience.

HLC0615: LAW OF EVIDENCE

Objectives of the Course:

The Law of Evidence is one of the most important parts of the procedural law. The Law of Evidence plays a very important role in the effective functioning of the judicial system. The Law of Evidence is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum. 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. The concepts brought in by amendments to the Law of Evidence are significant parts of study in this course.

After undergoing the study the student will be able to understand the following:

- *To design, implement and review a plan for establishing each legal element of a given case to the required standard of proof with admissible evidence*
- *To plan and execute a witness examination that comports with evidentiary standards and that persuasively establishes a fact in issue in the case; anticipate and respond to evidentiary objections that may be raised during your examination*
- *To identify, articulate and assert appropriate evidentiary objections while listening to a witness examination, and respond appropriately to questions from the judge*
- *To draft and execute a witness examination for the introduction of a document or item of proof*

COURSE OUTLINE

Module I: Introduction to Evidence Law

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

Module II: Admission- Confession - Dying Declaration

- a) Admission- An Exception to Hearsay Rule-Requisites of an Admission-Party to the Proceedings-Kinds of Admission-Admission Regarding State of Mind or Body
- b) Oral Admission as to Content of Documents -Admission in Civil Cases- Evidentiary Value of Admission

- c) Confession-Conditions as to Confession –Kinds of Confession -Confession to Police -Retracted Confession-Distinction Between Admission And Confession-Evidentiary Value of Confession
- d) Dying Declaration-English and Indian Law Difference On Dying Declaration – Essential Conditions for the Applicability of Dying Declaration -FIR as Dying Declaration
- e) 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

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

Module IV: Of Proof- Burden of Proof

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

Module V: Presumption- Estoppel

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

Module VI: Witnesses - Examination of Witness

- a) Witnesses- Categories of Witnesses- Dumb Witness- Evidence of Prosecutix in Rape Case- Interested Witness- Parties to civil suit and their wives or husband etc- Judges and Magistrate as Witness

- b) Privileged Communications- Professional Communication-Order of Producing Witness- Judge to Decide Admissibility of Evidence
- c) Examination- In –Chief- Cross –Examination- Re –Examination- Distinction Between Examination -In- Chief, Cross- Examination And Re- Examination
- d) Order of Examination- Direction of Re Examination- Cross Examination of person called to produce as document- Question by party to his own witness
- e) Question tending to Corroboration- Former Statement as Corroboration- Refreshing Memory.

Recommended Readings:

Books:

1. M. Monir, Law of Evidence, Universal Law Publishing Co. Pvt. Ltd, 2018
2. Rattan Lal Dheeraj Lal, Law of Evidence, Lexis Nexis, 2018
3. Avtar Singh, Principles of Law of Evidence, Central Law Publications, 2016
4. Sarkar and Manohar, Sarkar on Evidence (1999), Wadha& Co., Nagpur 2017
5. Hong Kong Law of Evidence, Mike McConville, Dmitri Hubbard, and Arthur McInnis, 2nd Edition,2014, Blue Dragon Press, Hong Kong

Journals/ Journal Articles:

1. Allen, R 1992, “The Myth of Conditional Relevancy”, Loyola of Los Angeles Law Review, 25: 871–884.
2. Allen, R 1994, “Factual Ambiguity and a Theory of Evidence”, Northwestern University Law Review, 88: 604–640.
3. Allen, R. and S. Jehl, 2003, “Burdens of Persuasion in Civil Cases: Algorithms v. Explanations”, Michigan State Law Review, 4: 893–944.
4. Accomplice Liability for Unintentional Crimes: Remaining within the Constraints of Intent by Audrey Rogers Loyola of Los Angeles Law Review (Vol 31:1351).
5. Dr.Nirpat Patel, "The Role of DNA in Criminal investigation – Admissibility in Indian legal system and future perspectives" IJHSSI Vol.2/Issue 7/July 2013/p. 15-21.

Further Readings:

Books:

1. Adrain Keane, Paul M.C. Keown, "The Modern Law of Evidence", 9th Edn, Oxford University Press.
2. Albert S. Osborn, "The problem of proof", 1st Indian reprint, Universal Law House, Delhi, 1998.
3. Bholeswar Nath, "Cases and Material on Evidence Act, 1872", Eastern Books Publishers and Book Sellers, Lucknow.
4. 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).

5. M. Monir C.J., Dr. H.K. Saharay, "Law of Evidence" (Vol. I, II), 14 Edn, Universal Law Publishing Co. Pvt. Ltd.
6. P. Murphy, Richard Glover, "Evidence" 12 Edn, Oxford University Press.
7. Philips Edward, "Brief Case on Law of Evidence", Cavendish Publishing Limited, London, (1st Edn, 1996).
8. R.L. Gupta, "Law relating to identification and Expert Opinion" 4th Edn, Eastern Book Co, Lucknow.
9. R.S. Pillai, "Criminal Law", Lexis Nexis Butterworths Wadhwa Co., Nagpur, 10 Edn.
10. Sir Rupert Cross and Nancy Wilkins, "An Outline of the Law of Evidence", 4th Edn, London Butterworth, 1975.

Journal/ Journals Articles

1. Allen, R. and A. Stein, 2013, "Evidence, Probability and the Burden of Proof", *Arizona Law Review*, 55: 557–60
2. Allen, R, 1991, "The Nature of Juridical Proof", *Cardozo Law Review*, 13: 373–422.
3. Garrison, A.H. (2000). A review of the behavioural science theory and its admissibility in criminal trials" *American Journal of Trial Advocacy*, 23, 591- 657.
4. Kristina L. Needham, "Questioning the Admissibility of Non Scientific testimony after Daubert: The need for increased Judicial Gatekeeping to ensure the reliability of all Expert Testimony" 1997 *FULJ* Vol. 25 Issue 3, Pg. 541-578.
5. Mathiharan K, "Emergency Medicare: its Ethical and legal aspects" *National Medical Journal of India*, Vol. 17, No.1 January/ Feb, 2004, 31-35 at p. 33.
6. Neeraj Tiwari, "Fair trial vis-a-vis Criminal Justice Administration: A critical study of the Indian Criminal Justice System *JLCR* Vol.2(4) pp. 66-73
7. Nivedita Grover, "Development of forensic science and criminal prosecution-India" *IJSRP* Vol.4 Issue 12
8. Sonia Dutt Sharma, "DNA-Dignity and Dissolution of Marriage", *Helix* Vol.2 : 101-104 (2012).
9. Subhomoy Sarkar, "The Constitutional Mandate on the Right Against Self Incrimination: A Comparative Study on the Legitimacy of Narco Analysis 2009" *Cr.L.J* Vol 2 Journal/166.
10. Tess M.S. Neal, "Expert Witness preparation: What does the Literature tell us? *American Society of Trial Consultants*. 2009, pg. 82.

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. JayantibhaiBhenkerbhai vs. State of Gujarat (2002) 8 SCC 165
7. Bishwanath Prasad vs. Dwarka Prasad, AIR 1974 SC 117
8. Central Bureau of Investigation vs. V.C. Shukla, AIR 1998 SC 1406
9. Veera Ibrahim vs. State of Maharashtra, AIR 1976 SC 1167
10. AghnooNagesia vs. State of Bihar, AIR 1966 SC 119
11. Nageshwar Shri Krishna Ghobe vs. State of Maharashtra (1973) 4 SCC 23
12. National Textile Workers' Union vs. P.R. Ramakrishnan (1983) 1 SCC 228, 255
13. CIT v. Podar Cement (P) Ltd (1997) 5 SCC 482
14. State v. S.J. Choudhary (1996) 2 SCC 428
15. SIL Import, USA v. Exim Aides Silk Exporters (1999) 4 SCC 567

Learning Outcome:

After completion of the course students will be able to -

- *To identify, assert and support objections to items of proof, using appropriate evidentiary rules and tailoring objections to the facts at hand.*
- *To identify and use a range of legally specific research principles, methods and tools to make a coherent and persuasive argument for the admission or exclusion of a specific item of evidence, incorporating factual information and legal standards drawn from both evidentiary rules and substantive law .*
- *To research, analyse and apply evidentiary standards to complex issues and present a persuasive written and oral argument for the admission or exclusion of the evidence.*
- *Articulate the processes for the adversarial examination of evidence and differentiate between the roles of the district attorney and defense counsel in the presentation of evidence.*

HLA0601: INTERPRETATION OF STATUTES

Objectives of the Course

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.

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-MarginalNotes-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) *Ut res magis valeat quam pereat-Noscitur a sociis-Ejusdem generis*;
- (b) *Casus omissus-Reddendo singulis in singulis-Contemporaneo expositione 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. VepaSarathi (2003), Interpretation of Statutes, Eastern Book Company: India
3. N.S Bindra, Revised by M.N. Rao and AmitaDhanda (2007), Interpretation of Statutes, Lexis Nexis Butterworths Wadhwa: India
4. P.M. Bakshi (2010), Interpretation of Statutes, Orient Publishers: India.
5. A.B. Kafaltiya (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

1. P.M. Bakshi (1993), Legal Interpretation: Ancient and Modern, The Indian Law Institute: India.
2. V.C.R.A.C. Crabbe (1993), Legislative Drafting, Cavendish Publishing: United Kingdom.
3. V.C.R.A.C. Crabbe (1994), Understanding Statutes, Cavendish Publishing: United Kingdom.
4. N.S.Bindra (2002), The General Clauses Act: Central and States, Lexis NexisButterworths: India.
5. Aharon Barak (2005), Purposive Interpretation in Law, Princeton University Press: United States of America.
6. Ulf Linderfalk (2007), On the Interpretation of Treaties, Springer Publications: The Netherlands.
7. Luc J. Wintgens (Editor) (2007), Legislation in Context: Essays in Legisprudence, Ashgate Publishing Limited: United Kingdom.
8. James Holland and Julian Webb (2010), Learning Legal Rules, Oxford University Press: United Kingdom.
9. Justice G.P. Singh (2016), Principles of Statutory Interpretation, Lexis Nexis: India.

10. 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.
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.

Learning Outcome

After the course students will be able to-

1. Understand the concerns of human communication and relevance of interpretation.
2. Learn the necessity of principles of interpretation as consistent source of man-made laws.
3. Develop the skills of reading and writing legislations and deducing hidden assumptions with accuracy.
4. Visualise the significance of principles of interpretation as tools of social change.

**HCC0601: PROFESSIONAL ETHICS,
ACCOUNTANCY FOR LAWYERS AND
BAR BENCH RELATIONS
(CLINICAL COURSE: I)**

Objectives of the Course

Legal profession is a noble profession. Every profession must have an ethics particularly legal profession is most ethical because an advocate is socially responsible and accountable. Professionally advocacy is an art and they have accountability towards court, parties and community at large. The Advocates and Judges should work interdependently each other. Judiciary is an important organ of a state and guardian of basic rights of an individual. As a part and parcel of Judicial system Bar (Advocates) Bench (Judicial Officers) relations is inseparable. This course is enlightening code of conduct of an Advocate, accountability and responsibility of legal profession and the contribution of Bar and Bench towards access to justice.

COURSE OUTLINE

Module I: Introduction

1. The meaning of Ethics
2. Professional Ethics
3. Code of Conduct
4. Misconduct
5. Importance of Legal Education and Legal Profession in India
6. Historical Background and Significance – judicial process in India

Module – II: Rights and Duties of a Lawyer / Lawyer’s Accountability

- A. 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.,

Module – III: Law relating to Legal profession and its accountability

- A. 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

- 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
Defences and Punishments – Appeal

Module – IV: Bar – Bench Relations

- A. 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

Module – V: Modern era (Globalisation) and Legal services in India

- A. 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

Module – VI: International concern on Legal profession and ethics

- A. 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

Module – VII: Contribution of Bar Council on Legal Education

- A. 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 Judgements), for mid-semester 20 marks and attendance 05 marks – total 100marks

Statute for Reading

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

Rule framed 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

Recommended Readings:

1. K V krishnaswamyIyer – Professional Conduct and Advocacy, Ingram Short title, (2015).
2. Dr. Kailash Rai, Legal Ethics- Accountancy for Lawyers and Bench and BarRelations, Central Law Publication,(Reprint-2016)
3. B R Aggarwala, Supreme Court Practice andProcedure
4. P RamanathIyer, Legal and Professional Ethics, (3rded.,)
5. Dr. S P Gupta, Professional Ethics, Accountancy for Lawyers and Bench-barRelations
6. M P Jain, Outline of Indian Legal History-Chapter : Development of LegalProfession

7. M R Mallick- The Advocates Act 1961 with Professional Ethics, Advocacy and Bar- bench Relationship
8. Dr. B Malik: The Art Of a lawyer
9. Nilendra Kumar and Neha Chaturvedi: M K Gandhi's : The Law and Lawyer
10. Saadiya Suleman: Professional Ethics & Advertising by Lawyers

Learning Outcome

- *After completion of this course the student will be able to perform as good lawyering*
- *The student of law must be oriented with disciplined, well performed and socially ethically trained professional.*

FOURTH YEAR

VII-SEMESTER

HLC0716: INTRODUCTION TO PUBLIC INTERNATIONAL LAW

Objectives of the Course:

“Supra National Law” or otherwise popularly referred to as “International Law” aims to bring in peace and world order on the globe by mitigating the frictions between nation-states through peaceful legal means. It guides the nation-states to work for the betterment of human life, promotion of fundamental goals to peace, prosperity, advancement of human rights and the protection of human environment for sustainable development. Though it has numerous branches with in, as a main subject its orientation is to understand the functioning as a core law in addressing the international challenges. The syllabus aims to introduce the student to understand the basic concepts of international law, harmonization on with domestic law, its abidingness and application by the States in resolving their conflicting issues and to achieve international cooperation in working together to develop global institutional mechanisms.

COURSE OUTLINE

Module- I: Introduction to International Law

- (a) Origin—Scope and Basis
- (b) Universalization of International Law- philosophical, political, ideological, cultural and cross- cultural approaches
- (c) Historical development and Jurisprudential theories – Greek, Roman, European, Asian, African, communist and Indian approach
- (d) Validity, Normativity and Enforcement through Sanctions
- (e) Codification and Progressive Development – Role of International Law Commission and International Institutions

Module -II: Sources of International Law

- (a) Source and its Genesis- Art 38 (1)(b) of the ICJ and Sources of International Law
- (b) Usage & Custom as a source; Elements of Custom; Jus Cogens and Ergaomnes
- (c) Treaties as primary and persuasive source; significance of Law making treaties and Treaty Contracts; Normative Treaties; Reservation and Revocation of Treaties
- (d) General Principles of International law (Equity in a global context)
- (e) Juristic Works of Eminent Authorities
- (f) Decisions of Judicial and Arbitral Tribunals (International and Municipal)
- (g) Subsidiary Sources- Decisions, Resolutions and Declarations of the United Nations and other organs; Non-treaty obligations - Good will and Reciprocity.

Module-III: Harmonizing International Law with Municipal Law and Subjects of International Law

- (a) Interaction between International and Municipal (domestic) law
- (b) Theories of Monism, Dualism, Incorporation or Transformation, Specific Adoption and Delegation – State Practice- UK, USA and India
- (c) Subjects of International law – State- Different types of States - Essentials of Statehood- Lifting the State veil – Individual as a Subject and object - International organizations and Non- State actors as subjects of International law

Module - IV: Recognition and State Territory

- (a) State Recognition as a basis for International personality – Principles and Problems
- (b) Types of Recognition-- Legal nature; Theories of Recognition; Recognition of Governments – Belligerency and Insurgency
- (c) Legal effects of Recognition and Non Recognition
- (d) Concept of State Territory- Sovereignty and its significance
- (e) Acquisition and loss of State Territory; Territorial Integrity-Self-Determination and sundry claims- Doctrine of Uti possidetis
- (f) Law of Air and Outer Space

Module -V State Succession

- (a) State Succession – Definition & Conceptual Perspectives
- (b) Types- Universal and Partial Succession
- (c) Difference between Succession of States & Governments
- (d) Theories - Negativist & Modern Theories - An overview of States Succession to Treaties and to matters other than Treaties
- (e) Succession to the membership in International Organizations
- (f) State Succession -Contemporary issues- Yugoslavia- Dissolution of USSR- Reunification of Germany- Retrocession of Hong Kong.

Module – VI: Law of Sea

- (a) Historical Perspectives on Law of Sea
- (b) Concept of Territorial Sea – Internal waters - Innocent Passage – Rights and Duties of Coastal states
- (c) Continental Shelf & Exclusive Economic Zone –Rights and Duties of Coastal States Principle of Equidistance and its invocation, Special and Relevant Circumstances Rule
- (d) High Seas – Flag State Jurisdiction- Hot Pursuit- Pollution; Common Heritage of Mankind
- (e) Rights of Land locked States
- (f) Exploration and Exploitation of Resources in Area (Sea bed and Ocean floor)
- (g) Settlement of Disputes –Role of Sea Bed Authority-International Tribunal for Law of Sea.

Module VII: State Jurisdiction and Immunities from Jurisdiction

- (a) Jurisdiction in International perspectives – Prescriptive & Enforcement
- (b) Territorial-Nationality--Passive Personality-Protection and Universal Principles- War Crimes, Crimes Against Peace and Humanity
- (c) Extraditable offences- Double Criminality; Asylum and its importance
- (d) Nationality-Double Nationality Jurisdiction- MNCs
- (e) Sovereign Immunity- Absolute and Restrictive Approach
- (f) Diplomatic Immunities and Privileges- Privileges and Immunities of International organizations

Module – VIII: State Responsibility

- (a) State Responsibility-Nature and Scope
- (b) Obligations ErgaOmnes - Notion of Immutability or Attribution to State- Breach of an International legal obligation
- (c) Draft articles of ILC - Liability for Lawful Acts- Circumstances excluding Wrongful Conduct of State- Legal Consequences of an Internationally Wrongful Act
- (d) Invocation of State Responsibility as part of Human Rights Standards
- (e) State Responsibility for Genocide: State Responsibility and Environmental Sustainability

Module- IX: International Human Rights Law & Humanitarian Law

- (a) Nature and Scope of Human Rights - Outline of Theoretical approaches to Human rights
- (b) Overview of Historical background –European, Asia, African and Indian approaches
- (c) International Accountability- Normative foundations laid under the United Nations UDHR & International Bill of Human Rights and other instruments
- (d) Transition to modern Human rights - Generational Human rights – Human rights and Right to Development; Human rights Council and Human Rights Committee
- (e) IHL –Scope and Significance-Geneva Conventions and Protocols –Wounded and Sick; Prisoners of War; Protection of Civilians; Armed Conflict and Non-Armed Conflict; Relationship between Human Rights and IHL

Module –X: Challenges to International Human Rights Law

- (a) Human Rights of Vulnerable and Disadvantage Groups; Women- Children Sexual Minorities Stateless Persons
- (b) Migrants - Epidemic Affected; Rights of Socially and Economically Disadvantaged People
- (c) Indigenous Peoples; Disabled & Minorities
- (d) Transnational Corporations and Human Rights, Terrorism & Counter-terrorism
- (e) Euthanasia and Human Rights; Right to Freedom from Torture and Inhuman or Degrading Treatment
- (f) Crimes against humanity, Role of International Criminal Courts and Tribunals

Recommended Readings: -

- 1) Crawford, J. *Brownlie's Principles of Public International Law* (8thed., 2013).
- 2) Jennings, R., and Watts, A. (eds.), *Oppenheim's International Law* [Vol. I –Peace] (9thed., 2008).
- 3) Shaw, M.N. *International law* (Cambridge University Press, 8th ed., 2017).
- 4) Shearer, I.A. *Starke's International Law* (1st Indian ed., 2007).
- 5) Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.

Further Readings: -**Book:**

- 1) Anghie, A. 'Francisco de Vitoria and the Colonial Origins of International Law' in *Imperialism, Sovereignty and the Making of International Law* (CUP, 2004).
- 2) Bantekas and Oette, *International Human Rights: Law and Practice* (2013)
- 3) Boyle, A., and Chinkin, C. *The Making of International Law* (Oxford University Press, 2007).
- 4) Chimni, B.S. *International Law and World Order* (Cambridge University Press, 2017).
- 5) Connell, O. "State Succession in Municipal Law and International Law", Vol. II, pp. 212-219 (1967).
- 6) Dumberry, P. *State Succession to International Responsibility* (Graduate Institute of International Studies, Brill, 2007)
- 7) Kaul, J.L. & A. Jha, *Shifting Horizons of Public International Law*, (1st ed., 2018)
- 8) Kevin Boyle (ed.), *New Institutions for Human Rights Protection* (Oxford, 2009); Chapters 1-3.
- 9) Rynjaert, C. "Jurisdiction in International Law", (Oxford University Press, 2nd Ed., 2015).
- 10) Hugh Thirlway (2019), *The Sources of International Law*, Second Edition, Cambridge University Press: United Kingdom. Available at: <http://gen.lib.rus.ec/book/index.php?md5=6D495F5C2F501009703B4E97FC65676F>
- 11) Patrick Dumberry (2007), *State Succession to International Responsibility*, MartinusNijhoff Publishers: The Netherlands. Available at: <http://gen.lib.rus.ec/book/index.php?md5=96F7331343E5503C4CC085EF56DA642D>
- 12) Robert Kolb (2016), *The Law of Treaties: An Introduction*, Edward Edgar Publishing Limited: United Kingdom. Available at: <http://gen.lib.rus.ec/book/index.php?md5=754DA9DA821BED6B24E322C8D448263A>

Journals: -

1. Akehurst, M. "Custom as a Source of International Law" 53 *British Yearbook of International Law* 1(1974-75).
2. Anthony D'Amato, "Treaties as a Source of General Rules of International Law" 3 *Harvard International Law Journal* 1-43 (1962).
3. Thomas Buergenthal, "Lawmaking by the ICJ and Other International Courts" *Proceedings of the Annual Meeting (American Society of International Law)* Vol. 103, *International Law as Law* (2009), pp. 403-406(CUP, 2009)
4. K. R. R. Sastry, *State Responsibility in International Law*, 35 *Allahabad Law Journal* 31(1937).
5. C. Wilfred Jenks, "State Succession in Respect of Law-Making Treaties", 29 *British Yearbook Book International* 105 (1952).
6. Keyuan, Z. "South China Sea Studies in China: Achievements, Constraints and Prospects", 11 *Singapore Yearbook of International Law* 85 (2007).
7. Babalola, A. "Extradition under International Law: Tool for Apprehension of Fugitives", 22 *Journal of Law Policy & Globalization* 25 (2014).
8. *Micheline Ishay, The History of Human Rights: From Ancient Times to the Globalization Era, 2004*
9. Jack Donnelly, *The Relative Universality of Human Rights*, *Human Rights Quarterly*, Volume 29, Volume 2 (2007): 281-306.
10. Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.

Cases for Guidance: -

1. S.S. Lotus Case, France V Turkey ICJ 1927
2. Asylum case Judgment (Columbia vs Peru)
3. North Sea Continental Shelf Case Judgment, I.C.J Reports 1969
4. Military and Paramilitary Activities in and against Nicaragua (Nicaragua vs United States of America), Judgment I.C.J Reports 1986.
5. Right of Passage over Indian Territory (Portugal vs India), 1960 I.C.J 6
6. The Nottebohm Judgment (Second Phase), 54 AJIL 536,557(1960)
7. The Wimbledon, P.C.I.J. Rep., Ser A, No. (1924)
8. Frontier Dispute [1986] ICJ Rep 554.
9. Serbian Loans case [1929] PCIJ (ser A) Nos 20/21, 5.
10. Temple of Preah Vihar (*Thailand v Cambodia*) [1962] ICJ Rep 6.
11. Gabcikovo Nagymaros Project case (*Hungary v Slovakia*) [1997] ICJ Rep 7.
12. Barcelona Traction case (*Belgium v Spain*) [1970] ICJ Rep 3.
13. Reparation of injuries suffered in the service of United Nations Advisory Opinion, 1949 I.C.J. 174 (Apr. 11)
14. Advisory Opinion of ICJ on Namibia, ICJ Rep. 1971, P. 16
15. Advisory Opinion of ICJ in Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo Case, ICJ Rep. 2010
- ❖ Advisory Opinion of Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, ICJ Rep. 2019 Italy v. India (Enrica Lexie case) (Pending)
16. West Rand Central Gold Mining company v R [1905] 2 KB 391
17. Regina v Keyn (1876) 2 Ex D 63

18. The Paquete Habana, 175 U.S. 677 (1900).
19. Vishakha and Ors. v State of Rajasthan and Ors, AIR 1997 SC 3011.
20. The Arantzazu Mendi case (UK) 1939
21. Luther v Sagor (UK) [1921] 3KB 532
22. Case Concerning Military and Para Military Activities in and Against Nicaragua
23. Case Concerning the Factory at Chorzow (Merits) [1928] PCIJ, Series A, No. 17, 47.
24. Corfu Channel (U.K. v. Alb.), 1949 I.C.J. 4 (Merits Apr. 9).
25. LaGrand (Germany v. United States of America), Provisional Measures [1999] ICJ Rep
26. Trail Smelter Case (U.S. v. Can.), 3 R.I.A.A. 1905 (Trail Smelter Arb. Trib. 1938 & 1941).
27. United States Diplomatic and Consular Staff in Tehran, Judgment, ICJ Reports 1980, Youmanscase.
28. Island of Palmas Arbitration (U.S. v. Netherlands), 2 R.I.A.A. 829, 839 (1928).
29. Anglo-Norwegian Fisheries Case (UK v. Norway), ICJ Reports 1951.
30. South China Sea Arbitration, (Philippines vs China), Case No 2013-19, Award of 12 July 2016 (PCA)
31. Factor v. Laubenheimer 290 U.S. 276 (1933)
32. Fiocon v. Att'y Gen., 462 F.2d475
33. Ker v. Illinois, 119 U.S.436 (1886)
34. United States v. Alvarez-Machain, 504 U.S. 655.
35. United States v. Rauscher, 119 U.S. 407 (1886).

Learning Outcomes: -

After completion of the course Students will be able to

1. Equip with the basic structural perspectives of International law and would be able to understand its significance as a bedrock subject of international relations.
2. Trace the significance and influence of the normative principles involved in building the edifice and substance of international law.
3. Analyze and appreciate diversity of the subject and its impact on states and their subjects and the role and significance of International organs and be able to create and defend principled legal arguments to carry further research.
4. Acquire academic contemplation and training primarily in Public international law blended with human rights law and IHL and their practical orientation.

HLC0717: LABOUR LAW-I

INDUSTRIAL RELATIONS AND WAGE LAWS

Objectives of the course

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 minimise 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.

This course has been designed to:

- I. Educate the student on the historical evolution of modern labour jurisprudence;
- II. Explain the importance of the International Labour Organisation and its role in the development of labour law;
- III. Elucidate the importance of, and laws governing, trade unions;
- IV. Create a broad and deep understanding of the law related to industrial relations in India;
- V. Examine the importance of standing orders;
- VI. Detail the various statutory requirements under legislations related to wages; and
- VII. Develop a keen awareness of labour rights under various situations.

The following syllabus prepared with this perspective will comprise 5 modules.

COURSE OUTLINE

Module I: Evolution of Labour Legislations

- (a) Historical Perspectives on Labour –Genesis of Labour Legislation - Modern Factory System- - Impact of Industrialisation.
- (b) Labour Policies in India.
- (c) Master and Servant Relationship.
- (d) Shift From Laissez Faire to Welfare Policy.
- (e) Role of the State in Industrial Relations.
- (f) Constitutional Perspectives on Labour Laws .

- (g) Workers Participation in Management .
- (h) Labour Law Reforms.
- (i) 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

- (a) Trade Union Movement in India - Development of Trade Union Legislation in India - Weakness of Trade Union Movement.
- (b) Out Siders in Trade Unions.
- (c) Inter-Union and Intra-Union Rivalries
- (d) 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.
- (e) Recognition of Trade Unions.
- (f) 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

- (a) Industrial Relations And Industrial Peace-Causes Of Industrial Disputes-System Of Adjudication Machinery Before 1947.
- (b) Industrial Disputes Act,1947 – Scope And Object - Definitions – Industry – Industrial Dispute – Workman - Lay Off – Retrenchment - Closure - Transfer of Under Takings - Kinds of Strike Regulation of Strike and Lock out -Unfair Labour Practices and Victimisation.
- (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

- (a) The Concept and Nature of Standing Orders.
- (b) 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.

(c) 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

(a) Concept Of Wages - Fair Wage, Living Wage, Minimum Wage.

(b) Theories Of Wages

(c) Wage Structure

(d) Wage Policy In India.

(e) 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.

(f) Payment of Wages Act, 1936 - Definitions – Obligations of the Employer- Permissible Deductions-Authorities Under the Act - Inspectors and Their Powers – Offences and Penalties.

(e) 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:

1. S.N.Mishra, “Labour and IndustrialLaw”, (Allahabad: Central Law Agency, 2019).
2. Dr.V.G.Goswami, “Labour and Industrial Laws”, (Allahabad: Central Law Agency, 2019).
3. MadhavanPillai, “Labour and IndustrialLaws” (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/Journal Articles:

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 Readings:**Books:**

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

Journals:

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.DVezhaventhan, "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.
6. 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.
7. 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.
8. 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.
9. Yashik, P. M. (2014). "A study about the Labour welfare and Social Security Measures in India", *International Journal of Management*, 2, p.23.
10. Sravanthi, B., "Social security in India: constitutional frame work" *International Journal of Development Research*, Volume 8, Article ID: 12929.

Cases for Guidance:

1. United 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, AIR 2000 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. American Express International Banking Corporation [AIR 1986 SC 458]
15. JayathilalDhaniji& 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.*

HLC0718: MEDIATION AND CONCILIATION

Objective of the Course:

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 noncoercive 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.

After undergoing the study, the student will be able to understand the following:

- *Law on the subject and the precedents laid down by court annexed mediation in India and abroad are exhaustively dealt with.*
- *Nature of dispute, conflicts and make choice of appropriate settlement technique to and resolve them.*
- *Identification of real needs and interests resolves the disputes without undergoing arduous trial procedures.*
- *Enhancing the practical skills apart from theory, in long run shall reduce backlog and docket explosions before the Court of Law.*

COURSE OUTLINE

Module I: Introduction: Nature and Scope of Conflict and Disputes:

- a) 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.
- b) 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.
- c) 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.

Module II: Comparative study : Genesis of Mediation and Restorative Justice:

- a) Promoting dialogue, reconciliation, healing and mutual agreement in the pursuit of justice. Concept of *Ubuntu* and South Africa's Truth & Reconciliation Commission; The *Abunz* mediators and the *Gacaca* courts of Rwanda.
- b) Mediation by *Mahajans*, *Panchasand* religious leaders. *Ahimsa*, *Satyagraha* and Gandhian principles of pragmatic, non-violent conflict resolution.
- c) Village elders in ancient Greece and interlocutors under Roman law, influence of Confucianism and Taoism on Mediation in China, the role of community/religious leaders: the *Ketua Kampong* (village headman) and the Imams in Malaysia, the *Ting* (local assembly) in Nordic countries.

Module 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.

Module IV: Techniques: Communication:

- a) Communication styles, Communicative behaviour, Compassionate or Collaborative Communication.
- b) Choice of words, clarity of thought and expression, right pitch, tone and emphasis, body language.
- c) Active listening skills, building rapport, empathy not sympathy. Use of open-ended questions, neutral rephrasing, factual summarizing.

Module V: Skill: Enhancement for Cumulative Efficiency:

- a) Summarizing the facts, understanding respective positions, discussing issues rationally, recognizing both individual and common interests, empathizing with underlying emotions and asking relevant open-ended questions.
- b) Neutral reframing of issues, identifying interests, moving parties away from issues towards interests, generating and exploring options, formulating objective criteria, conveying offers and proposals, applying reality checks. Assessing the alternatives to a negotiated settlement (BATNA, WATNA, MLATNA)
- c) Causes for impasse and effective intervention techniques: time-out, calculated adjournment, deadlines, refocusing attention, emphasizing relationships, brainstorming, using expert valuation, using other dispute resolution modes.
- d) Distributive v Integrative negotiation. Expanding the pie and developing win-win solutions.

Module VI: Process: Character Building

- a) Being neutral, impartial, objective, communicative, open-minded, quick-thinking, patient, amicable, diplomatic, honest and empathetic. Learning how to build rapport, gain trust, formulate creative solutions and deal with impasse.
- b) Importance of ethical conduct during Mediation. Ensuring impartiality and neutrality, no conflict of interest, dealing with power imbalance, preventing abuse, encouraging parties to reach their own solutions without any coercion or undue influence.
- c) 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

Module VII: 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.

Module VIII: Legislations and Statutory Authorities:

- a) All statutes and regulations on Mediation and Alternative Dispute Resolution; This includes: The Arbitration and Conciliation Act, 1996; Conciliation--Relevant Provisions and Case Law (sections 61-81); Arbitration--Relevant Provisions and Case Law (sections 30-37); Sec 89, CPC 1908; Model Rules under Sec 89: Model Civil Procedure ADR and Mediation Rules, 2003 (Parts I and II). Other Provisions of the CPC, 1908: Order X (Rules 1, 1A, 1B, 1C); Order XXIII
- b) Rules 3, 3A and 3B. Order XXVII (Rule 5B), Order XXXIIA (Rule 3); Commercial Courts Act 2015; The Commercial Courts (Pre-Institution Mediation and Settlement) Rules 2018 (the PIMS Rules). The Consumer Protection Act 2019 and relevant regulations.
- c) Panchayats, Lok Adalats, Ombudsmen, Police Authorities, Bureaucrats, Grievance Cells, Conciliation Officers

Module IX: 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; United 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 DisputeResolution, 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 KritikaKrishnamurthy,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 MediationSingapore. Academy (2009) (available at. <http://www.review.upeace.org/pdf>)
8. Christopher Moore,The Mediation Process: Practical Strategies for Resolving Conflict, Wiley, (2014)
9. RaminJahanbegloo, Introduction to Non-Violence, Red Globe Press (2014)

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 BogharaPolyfab 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 thEdn. (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).

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

Learning Outcomes:

At the end of the semester, the students will be:

1. Competent to practice Mediator skills and undertake legal research and promote legal reforms in theory and practice.
2. Gain skill and competency to decide and resolve ethical hitches in Conciliation and Mediation as settlement mechanism.
3. To analyze and apply the substantive techniques of mediation and conciliation
4. Choose right techniques and effective communication,gain success by bringing about consensus and draw up settlement agreement.
5. Practical trained via internship and training as observers at court-annexed mediation centers,atprivate mediation centres,with sitting/former Judges of Supreme Court and/or High Courts, and/or by senior and/or experienced Advocates (duly approved by Bar Council of India)

HLA0702: INTELLECTUAL PROPERTY RIGHTS

Objectives of the Course

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 OUTLINE

Module I Introduction to Intellectual Property Rights:

- d) Definition, Concept and Nature of Property, Kinds of Property;
- e) Intellectual Property - Meaning, Nature, and Concept;
- f) Theories of IPR- Natural Rights, Social Contract Theory, Incentive to Disclose Theory, Locke's Theory of property, utilitarian Theory, Marxian Theory and Theory of Cultural Relativism;
- g) Indian theory on Private Property and IP-Svatva, Svamitva and Svatantrya-MamedamIti (it is mine);
- h) Constitutional Values and Protection of Private Property and Intellectual Property- Need for Protection of Intellectual Property- Origin and Development of Intellectual Property Rights.

Module II: Internationalization of IP Protection

- a) Major Convention on IP-Paris Convention, Berne Convention, TRIPS Agreement;
- b) Principles of Reciprocity and Priority- Concept of Minimum Standards- Concept of National Treatment and Most Favoured Nation (MFN),
- c) Doctrine of Exhaustion with respect to Intellectual Property Rights;
- d) Intellectual property in Common Law and Civil Law (course of employment).

Module III: Law of Copyright and Neighbouring Rights

- h) Historical Origin of Law of Copyright and Neighbouring Rights;
- i) Subject Matter of Copyright and Neighbouring Rights- Minimum Standard requirements-Doctrine of merger-Doctrine of Sweat of the Brow- Economic and Moral Rights;
- j) Assignment and Licenses –Compulsory License – Statutory licence;
- k) Infringement of copyright-Limitation and Exception-fair use/fair dealing-Digitalization of copyrighted work- Anti Circumvention law-Remedial Mechanism for infringement of Copyright and Neighbouring Rights.

Module IV: Patent Law

- e) Origin and Development of Patent Law- Patentable Subject Matter- Patentability Criteria-Pharmaceutical, biotechnology, software -Invention not Patentable;
- f) Rights of Patent Holders – Limitations and Exceptions-compulsory license -Bolar Exception-parallel imports.
- g) Enforceability of Patent Rights- Claim interpretation and Construction- Doctrine of Equivalents – Doctrine of Pith and Marrow- remedies for Patent Infringement.

Module V: Protection of Plant Varieties and Farmers' Right

- k) International Undertaking on Plant Genetic Resources for Food and Agriculture, Convention on Biological Diversity, ITPGRFA 2001.
- l) The Protection of Plant Varieties and Farmers' Rights, 2001- Definition of Plant Varieties and Farmer's Rights- Registrable varieties- Genetically modified varieties- Protection of Breeders and Farmers Rights- Researcher's Rights –Benefit Sharing.

Module VI: Trademarks and Geographical Indications:

- a) Origin and development of Trademark-Meaning and definition of Trademarks- Types of Trademark.
- b) Basic principles of registration of trade mark- Absolute and relative ground for refusal of registration of trademark .
- c) Infringement of trade mark -deceptive similarity-concept of Dilution- Passing off- Remedies.
- d) Geographical Indications - International Protection under TRIPS- Meaning and Definition of Geographical Indications, Indication of Source and Appellation Of Origin- Producer or authorised user of GI.

Module VI: Industrial Designs:

- a) Origin and development of Industrial Designs- Definition of Design- requirements of originality or novelty- Copyright in Registered Designs - Piracy of Registered Design- Remedies.
- b) Definition of Layout Design and Integrated Circuit- Subject matter scope of Semiconductor and integrated Circuit-Overlapping between Designs, Copyright and Trademark.

Module VII: Contemporary Issues of IPR

- a) IPR and Cultural Property-Traditional Knowledge and Traditional Cultural Expression/ Folklore; Protection of the rights of Indigenous people- Access to Genetic Resources, Prior Informed Consent and Benefit Sharing- Harmonization of CBD and TRIPS; Inter-relationship between IPR and Human Rights (Art 17 and 27 of UDHR; Art 15(1) of ICESCR).
- b) IP protection for Artificial Intelligence output, algorithm and data – Ownership/ Inventorship Issue;
- c) Protection of Database- EU Database Directive.
- d) Patenting of Gene- Doctrine of Product of Nature;
- e) Private International Law and Intellectual Property- Choice of Court, Choice of Law, Recognition and Enforcement of Foreign Judgment.

Statutory Materials:

The Copyright Act 1957

The Patent Act 1970

The Trade Mark Act 1999

Industrial Designs Act 2000

The Geographical Indication of Goods (Registration and Protection) Act 1999

The Protection of Plant Variety and Farmers right Act 2001

The Semiconductor Integrated Layout Design Act 2000

Recommended Readings:**Books:**

1. R.S. Bhalla, The Institution of Property: Legally, Historically and Philosophically Regarded, Eastern Book Co., (1984)
2. Dr. Mathew Thomas, Understanding Intellectual Property, Eastern Book Company, Lucknow (2016).
3. V.K. Ahuja, Law Relating to Intellectual Property Rights (Lexis Nexis) 2015
4. Elizabeth Verkey, Intellectual Property law and Practice (Eastern Book Company)2015
5. Taraporevala V J, Law of Intellectual Property,(2nd Edition) Thomason Reuters, 2013.

Case Book:

1. LTC Harms: Enforcement of IPR: A case BOOK WIPO Publication (3rdedn) 2012
available at 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/>

Further Readings:

Books:

1. Philippe Cullet, Human Rights and Intellectual Property Protection in the TRIPS Era, 2007. HUMAN RIGHTS QUARTERLY, Vol. 29 403-430
2. 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
3. Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle(15th ed. 2005) Indian Reprint 2008
4. Terrel on Patents, Sweet and Maxwell (1994)
5. Kerly's Law on Trademarks and Trade Names, Sweet and Maxwell. Wolters Kluwer (2015)
6. 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
7. ABC of Copy Right UNESCO Publication; available at http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC_Copyright_en.pdf
8. Russell Clarke, Industrial Design, Sweet and Maxwell, 9th Ed., (2016).
9. Resource Book on TRIPS and Development, UNCTAD- ICTSD (2004)
10. Gopalkrishnan N S, & Agitha T G, Principles of Intellectual property. Lucknow: Eastern Book Company (2014)

Journals

- 1 EIPR- European Intellectual Property Review (Westlaw)
- 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 (Niscair) 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. LallubhaiChakubhaiJarivala v. ShamaldasSankalchand Shah AIR 1934 Bom 407
10. Bishwanath Prasad RadheyShyam v. Hindustan Metal Industries (1979) 2 SCC 511
11. Novartis AG v Union of India (2013) 6 SCC 1
12. Bayer Corpn 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.
2. Assess and critique some basic theoretical justification for each form of intellectual property protection
3. Discuss the effects of intellectual property right on society as a whole.
4. Examine the relation between the Private International law and IP with respect to online piracy of copyrighted work and counterfeit trademark products where registration is not mandatory.
5. Compare and contrast the laws in other countries like US and EU mainly UK and also from the Human Rights perspective.

SPECIALIZED HON'S COURSE

(a) -INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS10701: INTERNATIONAL ECONOMIC LAW

Objectives of the Course:

International Economic Law as a branch of law is interested in the development of states through trade, investment and economic legal policies. In the quest for development, many states have caused damages to the ecosystem which now constitutes a threat to humanity. This subject helps to understand the role played nations of North-South and East-West hemisphere. It consolidates the finer version of International Economic Law, the object of economic integration with that of the pragmatic approaches of the international trade regime. International Trade Agreements and Conventions explore the balanced growth with the regulatory effect in transacting international trade in municipal spheres. This subject provides the basic understanding of the theory and practical application of International Economic Law in balanced movement of the world economy forward.

COURSE OUTLINE

Module - I :Genesis of International Economic Law

- (a) Origin and Development – International Trade and Customary Law – Concept and Scope of International Economic Law – Significance of International Economic Law – Unification of International Trade Law
- (b) Theories of International Trade - Economic Fundamentals – New International Economic Order (NIEO) – Economic Sovereignty
- (c) UN Conventions – Charter of Economic Rights and Duties of States – North-South Dialogue and East-West Dialogue – Global Economic Forums.

Module - II :International Economic Institutions

- (a) Structure and Functions of International Economic Institutions – International Trade Organisation (ITO) – General Agreement on Tariff and Trade (GATT)
- (b) Brettonwood Conference – Various Rounds of WTO and its impact.
- (c) International Monetary Fund (IMF) – International Bank for Reconstruction and Development (IBRD) – Millennium Development Goals

Module - III :Institutional Framework of World Trade Organisation (WTO)

- (a) Structure and Functions of WTO – WTO and Covered Agreements – Protection of Domestic Industries – Dumping and Anti-dumping – Subsidies and countervailing measures

- (b) Most Favoured Nation (MFN) Clause – National Treatment – Trade Related Aspects of Intellectual Property Rights (TRIPS) – Trade Related Investment Measures (TRIMs) – Trade in Agriculture – Regulation of Non-Tariff Barriers – Import Licensing – Technical Barriers of Trade (TBT)
- (c) General Agreements of Trade and Services (GATS) – Expanding horizons of WTO

Module – IV : Trade and Environmental Protection

- (a) Historical Overview of International Environmental Protection – Permanent Sovereignty over Natural Resources – Agreement on Sanitary and Phytosanitary (SPS) Measures
- (b) United Nations Committee on Trade and Environment (UNCTE) – United Nations Committee on Trade and Development (UNCTAD) – Summits of the WTO
- (c) Trade and Environment Controversies – Sustainable Development – Environmental Exemptions under Article XX of GATT – Doha Round – Enforcement and Compliance.

Module – V : Regulation of Foreign Investments

- (a) International Investments – Foreign Direct Investments (FDI) – Foreign Institutional Investors (FII) – Transnational Corporations
- (b) International Commercial Contracts – International Sale of Goods – Electronic Business Transactions – Crypto Currencies – Monetary System – Exchange Rates – Balance of Payments
- (c) Elements of International Taxation – Risk Analysis in International Trade.

Module - VI :Bilateral and Regional Trade

- (a) Regional Trade Agreements (RTA) and Free Trade Area (FTA)
- (b) Regional Arrangements under the United Nations – Multilateralism – European Union (EU) – South Asian Association for Regional Cooperation (SAARC) – Association for South Eastern Asian Nations (ASEAN)
- (c) Organisation for Petroleum Exporting Countries (OPEC) – North American Free Trade Agreement (NAFTA) – South Asian Free Trade Agreement (SAFTA)

Module - VII :Settlement of Disputes in International Trade

- (a) Methods of Dispute Settlement – Alternative Dispute Resolution (ADR) and International Trade
- (b) UNCITRAL – International Arbitration, Conciliation, Mediation and Litigation
- (c) Dispute Settlement Body in WTO – Appellate Body (AB) – Consultation – Online Dispute Resolution

Recommended Readings

Books

1. Indira Carr & Peter Stone, "International Trade Law", 2017, 6th Edition, Routledge Publishers.
2. Ralph Folsom, "Principles of International Trade Law", 2017, 2nd Edition, West Academic Publishing.
3. Peter Van Den Bossche and Warner Zdouc, "The Law and Policy of the WTO: Texts, Cases and Materials, 2017, 4th Edition, Cambridge University Press
4. Oumar Arabov and Lea Recasens, "International Trade Law: Lecture Notes", 2019.
5. Simon Lester and Bryan Mercurio, "World Trade Law: Text, Materials and Commentary", 2018, 3rd Edition, Hart Publishing.
6. Autar Krishen Koul, "Guide to the WTO and GATT", 2018, Springer

Further Readings

1. Raj Bhala, "International Trade Law: Interdisciplinary Theory and Practice, 3rd Edition, Lexis Nexis.
2. Daniel Bethlehem and Van Damme, "The Oxford Handbook of International Trade Law", Oxford.
3. Peter Van Den Bossche and Denise Prevoost, "Essentials of WTO Law", 2016, Cambridge University Press.
4. Jayanta Bagchi, "World Trade Organisation: An Indian Perspective", Eastern Law House
5. David Collins, "Foundations of International Economic Law", 2019 Edward Elgar Publisher
6. Adamu Kyuka Usman, "Theory and Practice of International Economic Law", Malthouse Law Books
7. Paul Kragman, "International Trade: Theory and Policy", 2017, Pearson Publication.
8. David Collins, "The Public International Law of Trade in Legal Services", 2018, Cambridge University Press.
9. Dani Rodrik, "Straight Talk on Trade: Ideas for a Sane World Economy", 2017, Princeton University Press.
10. Mitsuo Matsushita, "The World Trade Organisation: Law, Practice and Policy", 2017 3rd Edition, Oxford University Press.

Journals:

1. "Indian Journal of International Economic Law" by NLSIU Publication.
2. "Trade, Law and Development Journal" by NLU, Jodhpur
3. "Indian Journal of Law and Economics", by NALSAR Publication.
4. "Journal of International Economic Law" by Oxford University Press
5. "Global Trade and Customs Journal" by Wolters Kluwer
6. "World Trade and Arbitration Materials" by Wolters Kluwer
7. "International Trade Law and Regulation" by Westlaw UK
8. "World Trade Review" by Cambridge University Press
9. "Trade, Law and Development" by Hein Online Law Journal
10. "Common Market Law Review" by Wolters Kluwer law

E-JOURNALS with ARTICLES and WEBSITE sources

1. Steve Charnovitz, "What is International Economic Law?" 14 J. Int'l. Econ. L. 3 (2011) available at http://scholarship.law.gwu.edu/faculty_publications
2. John H. Jackson, "Reflections on International Economic Law", Published by Penn Law, Legal Scholar Repository, 2014.
3. James Bacchus, "The Willing World: Shaping and Sharing a Sustainable Global Prosperity" Cambridge University Press, 2018 pp 515.
4. Collin Picker, "International Trade and Development Law: A Legal Cultural Critique" Article 4 in Volume 4, Number 2, The law and Development Review, 2011 available at <http://www.bepress.com/ldr/vol4/iss2/art4>
5. C.O.Neal Taylor, "Interrelationships: International Economic Law and Developing Countries", Number 2, Volume 7, Boston College International and Comparative Law Review, 2004 pp.187 – 194
6. Aleksander Savanovic, "Economic Sovereignty", IISES, September 2014 <http://proceedings.iises.net/index.php?action=proceedingsIndexConference&id=7>
7. Pang Zhongying, "Globalisation Vs. Economic Sovereignty", Yale Global Online, December 2005.
8. Jong Bum Kim, "Cross-Cumulation Arrangement as FTA under GATT Article XXIV", Journal of International Economic Law, published by Oxford Academic, 2019.
9. Malcolm Langford, "The Revolving Door in International Investment Arbitration", Journal of International Economic Law, Oxford, June 2017, Volume 20, Issue 2, pp 301-332.
10. Anne Van Aaken, Chad P Bown, Andrew Lang, "Introduction to the special issue on Trade Wars", Journal of International Economic Law, Oxford, December 2019, Volume 22, Issue 4, pp 529-533.
11. Anthea Roberts, "Toward a Geoeconomic Order in International Trade and Investment", December 2019, Volume 22, Issue 4, pp 655-676.
12. Ehring,L, "De facto Discrimination in World Trade Law, National Treatment and Most-Favoured Nation Treatment - or Equal Treatment?", Journal of World Trade, 2002, pp 921-977.
13. A. K. Sanders, "Principle of National Treatment in International Economic Law: Trade, Investment and Intellectual Property", Edward Elgar publishing, 2014.
14. M. Krajewski, "Legal Issues of Economic Integration", Kluwer Law, 2005.
15. Jeanho, "State Responsibility for Breaches of Investment Contracts", Cambridge University Press, 2018, pp 330.
16. Fredrick M. Abbott, "The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO", Journal of International Economic Law, June 2002, Volume 5, Issue 2, pp 469-505.
17. Csongor Istvan Nagy, "Clash of Trade and National Public Interest in WTO Law: The Illusion of 'Weighing and Balancing' and the Theory of Reservation", Journal of International Economic Law, Oxford, January 2020.
18. Anne Van Aaken, Jurgen Kurtz, "Beyond Rational Choice: International Trade Law and The Behavioural Political Economy of Protectionism", Oxford, December 2019, Volume 22, Issue 4, pp 601-628.
19. Gilles Muller, "Troubled Relationships under the GATS: Tensions between Market Access (Article XVI), National Treatment (Article XVII) and Domestic Regulation (Article VI)", Cambridge University press, July 2017, Volume 16, Issue 3, pp 449-474.
20. Pauwelyn, "Distinguishing Domestic Regulation from Market Access in GATT and

- GATS”, World Trade Review, 2005, pp 131-170.
21. Sabrina Shaw, Risa Schwartz, “Trade and Environment in the WTO State of Play”, Journal of World Trade, 2002, 36(1), pp 129-154.
 22. Brian R Copeland, “Trade and the Environment”, Palgrave handbook of International Trade, 2013, pp 423-496.
 23. MichealAklin, “Re-exploring the trade and environment nexus through the diffusion of pollution”, Environmental and Resource Economics, Springer, 2016, 64(4), pp. 663-682
 24. Diane A. Desierto, “Shifting sands in the International Economic System: ‘Arbitrage’ in International Economic Law and International Human Rights, Georgetown Journal of International Law, 2018 Volume 49, pp 1019 – 1115.
 25. Anne van Aaken and Jurgen Kurtz, “Beyond Rational Choice: International Trade Law and the Behavioural Political Economy of Protectionism, Journal of International Economic Law, 2019, Volume 22, Issue 4, pp. 601-628.

Learning Outcomes:

By the end of this course, the students have advanced knowledge in the field of International Economic Law and must be able –

1. To analyse the various functional and theoretical bases for organizing economic relations at the international level;
2. To evolve the context in which the processes of and actors within international economic law operate;
3. To apply the rules and principles to solve problems presented in class and hypotheticals or cases decided by international dispute settlement bodies;
4. To appreciate the relationship between WTO law and bilateral and regional trade agreements;
5. To assess international economic law from multiple perspectives; in particular of individuals and organisations; in the public, private and third sectors; in relatively rich and relatively poor economic contexts; in terms of calm and crises; and on local, national, regional and global levels.

(b) CONSTITUTIONAL LAW AND PROPERTY LAW

HS10702: COMPARATIVE CONSTITUTIONAL LAW

Objectives of the Course:

A Constitution is being the supreme Law of the Land. It derives its directives from various aspects. Hence, it is obligatory on the part of a constituent assembly to refer the various customs and precedents that are in existence within an side the country. Hence an inquiry in the basic structural aspects and the differences that exist between the various constitutional perspectives need to be studies to give an understanding of the significance of the dictums of a constitution. For studying the subject it has following objectives.

- 1. To study a wide variety of approaches to constitutional issues in order to identify best practices that can be adopted everywhere;*
- 2. The comparative federalism uses a comparative approach to explore the contemporary nature and meanings of federalism and federation.*
- 3. The comparative judicial review helps to strengthen the liberty and fundamental freedom of individual and to understand the transnational migration of constitutional ideas*
- 4. The constitutional design on emergency powers & parliamentary privileges helps to understand the reflections of democracy*

COURSE OUTLINE

Module 1:Introduction:

- a) The significance and importance of Study of Constitution
- b) Types of Constitutions
- c) Forms of government-Parliamentary-Presidential-Monarchial forms

Module 2:Federalism: Comparative Study

- a) Principles of federalism
- b) Legal features of federalism.
- c) Co-operative federalism
- d) Transition from competitive federalism to co-operative federalism.
- e) Distribution of legislative and financial power in a federal system.

Module 3:Judicial Review

- a) Evolution and Concept of Judicial Review
- b) Meaning of Judicial Review
- c) Characteristics of Modern Constitutions and their impact on Judicial Review
- d) Constitutional growth in India under judicial Review and its impact
- e) Migration of Constitutional Ideas

Module 4:Impact of emergency under Indian Constitutions

- a) Express emergency provisions under constitutions
- b) Justiciability of the proclamation of emergency.
- c) Impact of Emergency on the rights

Module 5:Parliamentary Privileges

- a) Parliamentary privileges-comparative study with different countries
- b) Parliamentary privileges and anti-defection Law
- c) Need for Legislation on Parliamentary privileges in India

Module 6: Amenability of Constitution – Amendment under different Constitutions

- a) Process of amendment
- b) Types of Amendment
- c) Judicial scrutiny of Amendments to the constitution.

Books suggested:

1. Dr. Durga Das Basu – Comparative Constitutional Law, Second Edition Revised 2008
Wadhwa Nagpur.
2. Dr. Durga Das Basu – Comparative Federalism, Second Edition Revised 2008,
Wadhwa Nagpur.
3. Dr. CD Jha's - Judicial review of Legislative Acts, Second Edition Revised 2009
Lexis Nexis, Butterworth, Wadhwa Nagpur.
4. Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, 1989).
5. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, Comparative
Constitutionalism in South Asia (Oxford University Press, 2013).

6. Vikram David Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford University Press, 2009).
7. Surjit Choudhry, *The Migration of Constitutional Ideas*, (Cambridge University Press, 2009).

Articles Suggested:

- 1) Saunders, Cheryl (2006) "The Use and Misuse of Comparative Constitutional Law (The George P. Smith Lecture in International Law)," *Indiana Journal of Global Legal Studies*: Vol. 13: Iss. 1, Article 2. Available at: <http://www.repository.law.indiana.edu/ijgls/vol13/iss1/2>.
- 2) Tom Ginsburg & Rosalind Dixon, "Comparative Constitutional Law: Introduction" (University of Chicago Public Law & Legal Theory Working Paper No. 362, 2011). Available at: http://chicagounbound.uchicago.edu/public_law_and_legal_theory.
- 3) Antonia Baraggia, "Challenges in Comparative Constitutional Law Studies: Between Globalization and Constitutional Tradition. Special Issue - Comparative Law", *LaM* October 2017, DOI: 10.5553/REM/.000026.
- 4) Dann, Philipp. "Federal Democracy in India and the European Union: Towards Transcontinental Comparison of Constitutional Law." *Verfassung Und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, vol. 44, no. 2, 2011, pp. 160–176. JSTOR, www.jstor.org/stable/43239605.
- 5) Parikh, Sunita, and Barry R. Weingast. "A Comparative Theory of Federalism: India." *Virginia Law Review* 83, no. 7 (1997): pp.1593-615.
- 6) Uddin, Mohammad Moin, and Rakiba Nabi. "Judicial Review of Constitutional Amendments in Light of the "Political Question" Doctrine: A Comparative Study of the Jurisprudence of Supreme Courts of Bangladesh, India and the United States." *Journal of the Indian Law Institute* 58, no. 3 (2016): pp. 313-36.
- 7) Roznai, Yaniv. "Unconstitutional Constitutional Amendments—The Migration and Success of a Constitutional Idea." *The American Journal of Comparative Law* 61, no. 3 (2013): pp. 657-719.

- 8) Roznai, Yaniv. "The Theory and Practice of 'Supra-Constitutional' Limits on Constitutional Amendments." *The International and Comparative Law Quarterly* 62, no. 3 (2013): pp. 557-97.

Learning outcome:

After completion of the course the student will be able to

- Understanding the variety of constitutional systems across the world;
- Identifying reflection on the potentialities and limits of constitutional law in regulating the exercise of public power in contemporary society.
- Compare different government structures and their corresponding ways of protecting human rights;
- Gain knowledge on different types of government, federalism, judicial review, emergency and amendment practiced in other constitutions.

(c) CRIMINAL LAW AND FORENSIC SCIENCE

HS10703:CORRECTIONAL PROCESS

Objectives of the Course:

The object of the Criminal Justice Administration is to award penal sanctions to the offender. The primary aim of this discipline is to reform the offender rather than inflicting pain on them. The theories of punishment, various types of punishments, degrees of punishments are part of this course. The effective functionaries executing the punishments are Police and Prison Institution. The involvement of various correctional institutions such as Probation, Parole etc also included in the course. Though the criminal justice system mainly focusing on penal sanctions, the application of Criminology along with Penology will bring the expected outcome of the reformation.

COURSE OUTLINE

Module I Introduction:

- a. Concept of Penology – Punishments and its objective
- b. Historical evolution
- c. Theories of Punishments
- d. Types of Punishments
- e. International scenario on punishments – Death Penalty – Imprisonment – Fines – Transportation – Indeterminate Sentence
- f. International Instruments on Death Sentence
- g. Indian Perspective – Law Commissions Report - Arguments of Death Sentence
- h. Judicial approach
- i. International Criminal Justice System and Death Sentence – Other sentences.

Module II- Correctional Process and Law Enforcement:

- a. Correctional Philosophy
- b. Rehabilitation methodology – Rules and Regulations
- c. Prisons Act –Prison Manuals
- d. State Prison Manual
- e. Reformatory laws – Prison Reform Commissions
- f. Individualization of Offenders
- g. Significance of prison systems
- h. Alternative mechanism for punishment.

Module III- The Police System:

- a. Police Administration
- b. Types of Police System
- c. Women, Home Guard, Rural policing, Friend of Police
- d. Problems of Police
- e. Principles of Police System
- f. NHRC/SHRC & Police
- g. Judiciary & Police
- h. Functions of Police
- i. Malimath Committee Report - National Police Commission.

Module IV- Prison Administration:

- a. Prison Authorities
- b. Prisoner's Rights
- c. Prison Commission
- d. Prison Problem – Over Crowding – Prison Discipline
- e. Rehabilitative Measures – Prison Education
- f. Therapeutic Approach – Individualization & Imprisonment
- g. Vocational Training
- h. Prison Reform
- i. Women Prison
- j. Open Prison
- k. United Nations Standard Minimum Rules on Treatment of Prisoners – After care rehabilitation
- l. Role of Society – Judiciary – NGO.

Module V- Correctional Process – Probation& Parole

- a. After care process – Dr. Julius Augustus
- b. The Probation of Offenders Act – Probation Officer
- c. Functions of Probation Officers – Procedures of Probation
- d. Significance of Probation Officers Report
- e. Conditions to be released on Probation – Effects of violations of conditions
- f. Rights and Duties of Sureties
- g. Role of NGO's – Role of Family members – Role of Society
- h. Parole – Definition - Object
- i. Probation and Parole
- j. Parole in India – Legal Procedure
- k. Judiciary & Parole
- l. Parole Board – Functions of Parole Board – Conditions
- m. Parole Violations – Judicial Trends
- n. Parole & Indeterminate Sentence – Parole & Furlough
- o. International Scenario – USA & Parole

Module VI- Recidivism & Crime Prevention:

- a. Recidivist – Causes of Recidivism
- b. Mechanism to combat Recidivism
- c. Recidivism in India – Crime Prevention
- d. Distinguish Crime prevention and treatment
- e. Prevention of White-Collar Crimes
- f. Prevention of traditional crimes
- g. Prevention of Juvenile delinquency
- h. Challenges in crime prevention
- i. International perspectives – Role of the UN & Crime Prevention
- j. UN Congress on Crime Prevention 1955 – 2015.

Recommended Readings:

Books:

1. Ahmed Siddique, 2017, “*Criminology-Problems and Perspectives*” IInd Edition, Eastern Book House, Lucknow.
2. Prof N. V. Paranjape, 2014, “*Criminology and Penology with Victimology*” 16th Edition, Central Law Publications, Allahabad.
3. William Katharine.S, 2004, “*Criminology*”, Oxford University Press.
4. Pifferi Michele 2016, “*Reinventing Punishments – A Comparative History of Criminology & Penology in the 19th and 20th Century*” Oxford University Press, UK.
5. Zara Georgia &Farrington P. David 2016, “*Criminal Recidivism – Explanation, Prediction and Prevention*” Routledge Publications, New York.

Journals/Journal Articles:

1. Amy Deline& Adair Crosley 2010, “A Century of Criminal Law and Criminology” *The Journal of Criminal Law and Criminology* Vol. 100, No:1, pp.1-6.
2. Malcom. M, Feeley & Jonathan Simon, 1992 “The New Penology: Notes on the Emerging Strategy on Corrections and its Implications”, *Criminology*, VI.30, Issue.4, pp.449-474 <https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1745-9125.1992.tb01112.x>
3. Bruce R. Jacob & K.M. Sharma, 1969, “Justice After Trial: Prisoners Need for Legal Services in the Criminal Correctional Process”, *Kansas Law Review*, pp.1270
4. Arie Freiberg, 2010, “Post Adversarial & Post Inquisitorial Justice: Transcending Traditional Penological Paradigms”, *European Journal of Criminology*, Vol.8, Issue.1, pp.82-101.
5. Jean Paul Brodeur, 2007, “Comparative Penology in Perspective”, *Crime and Justice*, Vol.36, Issue.1, pp.49-91
6. Lisa L. Miller, 2001, “Looking for Postmodernism in all the Wrong places: Implementing a New Penology”, *The British Journal of Criminology*, Vol.41, Issue.1, pp.168-184

Further Readings:

Books:

1. Chakrabarthy. N.K., 2016, Institutional Corrections, Deep & Deep Publications, New Delhi.
2. Chaturvedi. JC. 2006, “*Penology & Correctional Administration*” Asha Books, New Delhi.
3. Haris Robert, 1992, “*Crime, Criminal Justice & The Probation Service*” Routledge Publications.
4. Guharoy Jay Tilak, 1999, “*Role of Police in Changing Society*”, APH Publications, New Delhi.
5. Master Ruth, “*Counselling Criminal Justice Offenders*”.
6. Pollack Joycelyn. N, “*Counselling Women in Prison*”
7. Sultan Adams, “*Crime Prevention*”
8. Stuttmann. H.S, “*Crime and Punishment*”
9. Malimath Committee Report
10. Bare Acts:
 - (i) The Prisons Act, 1984.
 - (ii) Model Prison Manual, 2016 – BPR&D
 - (iii) The Probation of Offenders Act, 1958

Journals:

1. Criminology, Criminal Justice, Law & Society
2. Death Penalty Reporter
3. European Journal of Criminology
4. Federal Prison Journal
5. Federal Probation
6. Federal Sentencing Reporter
7. International Journal of Restorative Justice
8. Journal of Delinquency
9. Prison Law Reporter
10. Prison Journal

Cases for Guidance:

1. Bachan Singh v. State of Punjab AIR 1980 SC 898
2. P. Rathinam v. Union of India AIR 1994 SC 1844
3. Mithu v. State of Punjab AIR 1983 SC 473
4. Rajendra Prasad v. Union of India AIR 1979 SC 916
5. T.V. Vatheeswaran v. State of TN 1983 SCC CrI 481
6. Machi Singh & Others v. State of Punjab AIR 1983 SC 957
7. Dhananjay Chatterji v. State of West Bengal AIR 2003 SC 3131

8. C. Muniyappan & Others v. State of TN (2010) 9 SCC 567
9. Priyadharshini Mattu Rape case (2010) 9 SCC 747
10. Tukaram v. State of Maharashtra AIR 1979 SC 185
11. Nilabati Behra v. State of Orissa AIR 1993 SC 1960
12. D. K. Basu v. State of West Bengal AIR 1997 SC 3017
13. Sheela Barse v. Union of India AIR 1988 SC 224
14. Sunil Batra II case 1980 CrLJ 1099
15. Sanjay Dutt v. State of Maharashtra AIR 2013 SC 2682
16. Laxmi v. Union of India (2014) 4 SCC 427

Learning Outcome:

After completing the course, the students will be able to:

- *Understand the theories of punishments and development of concept of penology*
- *Analyze the concept of punishment and discuss about different perspectives of punishment.*
- *Examine the legal framework on penal sanction and correctional process*
- *Understand the Principles of Sentencing and examine the scope of correctional process in reforming the wrong doer.*

(d): INDUSTRIAL AND COMMERCIAL LAW

HS10704: CORPORATE SECURITISATION

Objectives of the Course:

Since 1991, when from liberalisation policy has been adopted by India, the financial sector has evidenced much reforms, majorly allowing and encouraging foreign investment into the country. The legal structuring on securitisation began in 1991, leading to the enactment of the Securitisation and Reconstruction of Financial Assets & Enforcement of Securities Interest Act, 2002. Securitisation augments the benefits available to financial establishments, investors and on a broader spectrum to the society's economic progress, as a whole. It enables highly non-performing assets such as mortgages, vehicle loans and credit card non-payments to be transformed into more liquid financial instruments. Further, securitisation acts as a significant source of financing various businesses ranging from commercial real estate development to manufacturers and dealers. This area of Law plays a pivotal role in the economic progress of the nation.

The objective of the study of this subject is to provide the Students -

- i. Detailed understanding of the markets for asset-backed securities*
- ii. Knowledge of the Legal dimensions of the Law relating to Corporate Securitisation and allied matters.*
- iii. Comprehension and appreciation of the significance of how securitisation is a tool of utility to corporates dealing with finances.*
- iv. Significance of securitisation in relation to rehabilitation of sick companies etc.*

COURSE OUTLINE

MODULE – I: INTRODUCTION:

- a. Historical development.
- b. Objectives and Concept of Corporate Securitisation.
- c. Legal provisions Governing the recovery of debts in India.
- d. Meaning, nature and scope of securitisation.
- e. Securitisation as a funding and salvaging from non-performing assets mechanism.

MODULE – II: REHABILITATION OF SICK COMPANIES:

- a. Revival, reconstitution and rehabilitation of sick companies.
- b. Sick Companies and their Revival.
- c. The Law relating to sick companies.
- d. Procedure for rehabilitation of sick companies.

MODULE – III: SECURITISATION & RECONSTRUCTION:

- a. Securitisation and debt recovery.
- b. Overview of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and its amendment till the year 2013.
- c. Special Purpose Vehicle (SPV)
- d. Asset Reconstruction Companies (ARC)
- e. Qualified Institutional Buyers (QIB)
- f. Role and functions of the Board of Industrial & Financial Reconstruction (BIFR)
- g. Recovery of Debts due to Banks & Financial Institutions Act, 1993.
- h. Tribunal.
- i. Procedure, compromises and arrangements with Banks and creditors.

MODULE – IV: WINDING-UP OF COMPANIES:

- a. Winding-up companies.
- b. Modes and administrative machinery for winding-up of corporates.
- c. Liquidation procedure, meeting of members (shareholders) and creditors, managing the interests of stakeholders, managing the estate of the companies.
- d. Outsourcing of responsibilities relating to winding-up to professional service providers such as valuers and security agencies.
- e. Best practices adopted in performing liquidation and administrator functions, accountability, role of liquidators.
- f. Winding-up of unregistered companies – Consequences of winding-up.

MODULE – V: CROSS-BORDER INSOLVENCY:

- a. Cross-Border Insolvency.
- b. UNCITRAL Model Law on Cross-Border insolvency.
- c. UNCITRAL Legislative Guide to insolvency law.

- d. World Bank principles for effective insolvency and creditor rights.
- e. Asian Development Bank principles of corporate rescue and rehabilitation.
- f. Winding up of companies.

RECOMMENDED READING:

1. Introduction to Securitization, by Frank J. Fabozzi, John Wiley & Sons, 2008.
2. Law & Practice Relating to Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest, by M.R. Umarji, Taxmann, 7th Edition, 2017.
3. Securitisation & Debt Recovery Laws, by Justice A.B. Srivastava, Law Publishers (India) Pvt. Ltd. Allahabad, 10th Edition, 2018.
4. Securitization, Vols. I & II, by Tamar Frankel, Fathom Publishing Company, 2nd Edition, 2016.
5. Narasimham Committee II on Banking Sector Reforms - <https://rbidocs.rbi.org.in/rdocs/PublicationReport/Pdfs/24157.pdf>

JOURNALS:

1. Buchanan, Bonnie, Securitization: A Financing Vehicle for All Seasons?, Bank of Finland Research Discussion Paper No.31/2016.
2. Slaughter and May, Model guide to securitisation Techniques, PLC Cross-border Structured Finance and Securitisation Handbook, 2010 https://www.slaughterandmay.com/media/1429118/model_guide_to_securitisation_techniques.pdf
3. Ilham Riachi and Armin Schwienbacher, Overcollateralization in Corporate Securitisation, Finance, Vol.36, 2015, pp.7-52.
4. Diamond Hill, Mechanics and Benefits of Securitization, 2016 - <https://www.diamond-hill.com/mechanics-benefits-securitization/>
5. Suman Chakraborty, Securitization in India: A Strategic Tool for Competitiveness, Indian Journal of Applied Research, Vol.III, Issue.III, 2013, pp.29-32.
6. Vinod Kothari and Abhirup Ghosh, Indian Securitization Market: A Primer, the Journal of Structured Finance, Vol.23, Issue 1, 2017, pp.23-31.
7. Akhil M.P., Structured Finance and Securitization in India, SSRG International Journal of Economics Management Studies, Vol.5, Issue.6, 2018, pp.26-31.

FURTHER READING:

1. Securitization and the Global Economy-History and Prospects for the Future, by Buchanan, Bonnie, Palgrave Macmillan, 1st, Edition, 2016.
2. Securitization, Structured Finance and Capital Markets, by Steven L. Schwarcz, Bruce A. Markell, Lissa L. Broome, LexisNexis, 2001.
3. Securitization, by David G. Glennie, E.C. De Bouter, Randall D. Luke, Kluwer Law International, 1998.
4. The Mechanics of Securitization, by Moorad Choudhry, John Wiley & Sons Inc., 1st Edition, 2013.

CASE LAW:

- a) Mardia Chemicals Ltd. v. Union of India & Others (2004 D.R.T.C 1(SC3))
- b) Collector of Customs, Madras v. NathellaSamapathu 1962 (3) SCR 786 at pp.829-30.
- c) Transcore v. Union of India & Another. AIR 2007 SC 712, MANU/SC/5319/2006
- d) Ionic Metalliks v. Union of India no. 645 of 201 &. 10120 of 2014
- e) Sicom Ltd. v. PadmashriMahipatrai J. Rajiv Subramaniyan& Another Civil Appeal No.3866/2014 S.L.P© No.25448/2012 SC2005 (64) SCL 18 (Bom)
- f) Indian Bank v. Nippon Enterprises 2011 (2) CTC 474 HC Madras
- g) Arun JagnathGedam v. State Bank of Hyderabad (2005) BC 217 DRT Nagpur
- h) Indian Oil Corporation Ltd. Nagpur v. ShikshakSahakari Bank Ltd (2005) BC 50 DRT Nagpur
- i) M. Nagarajan v. The Deputy Commercial Tax Officer & Another MANU/TN/1292/2009
- j) ICICI Bank Ltd. v. The Official Liquidator, Liquidator of Vibrant Investments and Properties Ltd (2005) 124 Compas 550(Mad), (2005) 1 MLJ 309
- k) UTI Bank Ltd. v. The Deputy Commissioner of Central Excise & Another MANU/TN/0188/2007, 2007(115)ECCC323
- l) Baleshwar Dayal Jaiswal v. Bank of India & Others Supreme Court of India Civil Appeal No.5924 of 2015 (arising out of SLP (c) no.27674 of 2011)
- m) Kaveri Marketing, Bangalore v. Saraswathi Co-operative Bank Ltd., Koramangala Branch, Bangalore (2013 (1) D.R.T.C.804 (Knt.)) (HC Karnataka - Single Bench)
- n) Central Distillery & Chemical Works Ltd. v. Gurbharajeet Singh AIR 1993 P&H 25
- o) Union of India v. Debt Recovery Tribunal Bar Association & Ans Civil Appeal Nos.617-618 of 2013 SC

LEARNING OUTCOME:

After completion of the Course, Students will be able to -

1. Gain the capacity to interpret statutory provisions, identify legal issues impacting financial risk affecting business, for purposes of risk avoidance, to establish control mechanisms & evaluate alternative financing options.
2. Analyse and evaluate financial markets, how securities are traded, mutual funds, investment companies, and investor behaviour.
3. Analyse relevant case law for the purpose of finding legal precedents.
4. Gauge the economic environment and the impact of governmental economic policies on consumers and financial institutions and make investment policy recommendations.

(a)-INTERNATIONAL LAW AND INTELLECTUAL PROPERTY

RIGHTS

HS20701: INTERNATIONAL TREATIES AND CONVENTIONS ON INTELLECTUAL PROPERTY

Objectives of the Course:

International Intellectual Property is a part of public international law as one of many specialized areas within the universe of Public International Law. The purpose of the course is to examine rules on intellectual property in the wider context of international law. The standards laid down in various intellectual property treaties and conventions to harmonize the laws of different countries and to promote international trade.

COURSE OUTLINE

Module I Structural Framework, Basic Principles and Policies

- a) The International IP as a discipline-Trends in the International IP System - Harmonization, Integration and Countervailing
- b) International IP Institutions- WIPO, WTO and other Multilateral Institutions;
- c) Basic Principles-National Treatment, MFN, Exhaustion of Rights, Uniform Standard, Independence, Public Interest Doctrine, Territoriality and Extraterritoriality, Human Rights and Sustainable Development-Policies

Module II: International Copyright System

- a) Copyright as an Intellectual Property Form- Changing Technologies;
- b) Multilateral Copyright Norms- Berne Convention, Universal Copyright Convention, Rome Convention TRIPS Agreement- TRIPS Agreement and its relationship to the Berne Conventions, The WIPO Copyright Treaty (WCT)- Neighbouring Rights and the WIPO Performance and Phonograms Treaty (WPPT)-Beijing Treaty on Audio visual Performance -The Marrakesh Treaty to facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled;
- c) Exhaustion and the Movement of Copyrighted works in Trade;
- d) Copyright in Software and Open Source.

Module III International Patent System

- a) The Multilateral Patent Agreements-Paris Convention-Independence of Nation, Compulsory Licensing; The Patent Cooperation Treaty (PCT), Budapest Treaty, European Patent Convention, TRIPS Agreement- Safeguards and exceptions, Doha Declaration on Public Health,;
- b) Patent and the Convention on Biological Diversity;
- c) Patent Licensing, Transfer of technology and Competition.
- d) Plant Variety as an IP-Multilateral Agreements-TRIPS Agreement, The International Union for the Protection of New Varieties of Plants (UPOV) 1991, 1978 &1961 Act, International Treaty on Plant Genetic Resources for Food and Agriculture 2001 (ITPGRFA).

Module IV International Trademark and Identifier System

- a) Basic Characteristic of the Trademark, Domain Name and Geographical Indication- Trademark at the Multilateral level-Paris Convention and Trademarks, and Well Known Mark, Paris Convention and Indication of Source and Appellation of Origin - TRIPS Agreement-The Interface Between Trademarks and GI
- b) Trademark Exhaustion and International Trade;
- c) Trademark Registration at the Multilateral Level-The Madrid Agreement and Protocol Relating to the Madrid Agreement- Madrid Agreement on false and deceptive indication of source- Lisbon Agreement on registration of Appellation of Origin. Trademark Law Treaty
- d) Internet Domain Name at the Multilateral Level- UDRP.

Module V: International Designs System

- a) The Multilateral System for Protection of Design- Paris Convention TRIPS Agreement-registered, unregistered and functional design-layout design;
- b) The Hague Agreement Concerning the International Deposit of Industrial Designs
- c) TRIPS Agreement and Washington Treaty on Intellectual Property in respect of Integrated Circuit, 1989.

Module VI: International System for the Protection of Trade Secret and Regulatory Data

- a) Trade secret and TRIPS Agreement – Regulatory Data and The TRIPS agreement
- b) Regional System for the protection of Regulatory data -Protection of Regulatory data & Pharmaceutical Regulatory data in the European Union.

Module VII: The International System for Enforcement of Intellectual Property Rights

- a) Multilateral IPRs Enforcement Agreements-the TRIPS Agreement- Enforcement Obligation- Enforcement in WTO Dispute Settlement Mechanism and Dispute Settlement Understanding- Violation and Non Violation Complaints, Withdrawal of Concession;
- b) Other Multilateral Agreement on Enforcement-Berne and Paris Convention, Activities of WIPO Arbitration and Mediation Centre, World Custom Organization, OECD Project on Counterfeiting and Piracy- EU Enforcement Regime- IP Enforcement Directive
- c) United States Sec 377 of The Tariff Act of 1930 – Sec 301 and Special 301 of US Trade Representative Act.

Recommended Readings

Books:

1. Grosse Ruse Khan, The Protection of Intellectual Property in International Law, University Press Oxford, United Kingdom (2016).
2. Jon O. Nelson, International Patent Treaties, Oxford, United Kingdom (2007).
3. Dennis Cohen, The International Protection of Designs, Kluwer Law International (2000).
4. Carlos M. Correa and Abdulaawi A. Yusuf, Intellectual Property and International Trade: The TRIPS Agreement, Wolters Kluwer Law International (2008).
5. Prof. P. R. Trivedi WIPO, WTO, GATT, TRIPS & IPR, Indian Institute of IP Rights, New Delhi (2017).

Journals/Articles:

1. John H Barton, The Economics of TRIPS: International Trade in Information - Intensive Products, 33 Geo. Wash. Int'l L. 473 (2001)
2. Keith E. Maskus & J. H. Reichman, The Globalization of Private Knowledge Goods and the Privatization of Global Public Goods, 7 J. Int'l Econ. L. 279 (2004)
3. Pamela Samuelson, The US Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997)
4. Frederick M Abbott, The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO, 5 J. Int'l Econ. L. 469 (2002)
5. Frederick M. Abbott, Non Violation Nullification or Impairment Causes of Action under the TRIPS Agreement and the Fifth Ministerial Conference: A Warning and Reminder, Quaker United Nations Office, Occasional Paper No 11 July 2003,

Further Readings:**Books**

1. India- Patent Protection for Pharmaceutical and Agricultural Chemical Products, AB-1997-5, WT/DS50/AB/R, 15 Dec 1997.
2. Davidson Wilson, International Patent Litigation: Developing an effective Strategy, Global Law and Business, London (2009).
3. Frederick M Abbott, Thomas Cottier and Francis Gurry, International Intellectual Property in an Integrated World Economy, Wolter Kluwer, Aspen Publishers, (2007)
4. UNCTAD-ICTSD Resource Book on TRIPS Agreement and Development, Cambridge University Press (2004)
5. Frederick M. Abbott, TRIPS and Human Rights: Preliminary Reflections, In International Trade and Human Rights Foundation and Conceptual Issues (F.M.Abbott, C Breining-Kaufmann & T Cottier eds.) (U. Mich. Press 2006)
6. Edith Tilton Penrose, The Economic of the International Patent System: Chapter IX Summary and Conclusion Pp:162-169 , John Hopkins Press 1951.
7. John Perry Barlow, The Economy of Ideas: A Framework for Patents and Copyrights in the Digital Age , Wired 2.03, March 1994.
8. Sam Ricketson, The Birth of the Berne Union, the Centenary of the Berne Convention, Conference (Intellectual Property Law Unit, University of London and British Literary and Artistic Copyright Association London) April 17-18 1986.

9. Thomas Cottier, The Agreement on Trade Related Aspects of IPR, in the World Trade Organization: Legal, Economic and Political Analysis, Vol I -1040-1120 at 1082-1085 (P Macroy, A Appleton and M. Plummer eds. 2005) (Springer: New York)
10. Lawrence Lessig, Open Source Baselines: Compared to what? In Govt Policy Toward Open Source Software (Robert W Hahn ed., 2003), at 50

Journals/Articles

1. Melvyn J. Simburg and et al., International Intellectual Property (2005) 39 International Lawyers, pp. 333-350.
2. Battling HIV -AIDS: A Decision Makers Guide to the Procurement of Medicines and Related Supplies, Y. Tayler, Ed., World Bank 2004
3. Sisule F. Musungu & Graham Dutfield, Multilateral Agreements and a TRIPS Plus World: The World Intellectual Property Organization (WIPO), TRIPS Issues Papers 3, Quaker United Nations Office (QUNO) Geneva Quaker International affairs Programme (QIAP) Ottawa.
4. John Barton, New Trends in Technology Transfer: Implications for National and International Policy, ICTSD Intellectual Property and Sustainable Development Series, Issue Paper No 18, Feb 2007
5. The Recognition of Rights and the Use of Names in the Internet Domain Name System, Report of the Second WIPO Internet Domain Name Process September 3, 2001, Available at <http://wipo2.wipo.int>
6. Office of United States Trade Representative 2006 Special 301 Report, Available at <http://www.ustr.gov>
7. Pamela Samuelson, The US Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997)
8. Frederick M Abbott, The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO, 5 J. Int'l Econ. L. 469 (2002)
9. Frederick M. Abbott, Non Violation Nullification or Impairment Causes of Action under the TRIPS Agreement and the Fifth Ministerial Conference: A Warning and Reminder, Quaker United Nations Office, Occasional Paper No 11 July 2003, available at <http://www.quno.org>
10. Carsten Fink & Patrick Reichenmiller, Tightening TRIPS: The Intellectual Property Provision of Recent US Free Trade Agreements, World Bank Trade Note 20, Feb7, 2005

Case for Guidance:

1. Revlon, Inc., and Others v. Cripps & Lee Ltd and Others [1980] FSR 85
2. NTP v. Research in Motion, 418 F.3d 1282 (Fed. Cir. 2005)
3. Canada -Patent Protection of Pharmaceutical Products, Report of the Panel, WT/DS114/R, March 17, 2000
4. Qualtex Company v Jacobson Products Company Inc, 514 US 159 (1995)
5. K Mart v Cartier, 486 US 281 (1988)
6. Pfizer Inc v. Martin Marketing Case No. D 2002-07793 WIPO Arbitration and Mediation Centre Administrative Panel Decision
7. Pfizer Inc v. Martin Marketing Case No. D 2003-0399 WIPO Arbitration and Mediation Centre Administrative Panel Decision
8. Metro Goldwyn- Mayer Studios v. Grokster 545 US 913 (2005)
9. John Wiley and Sons Inc v. Prabhat Chander Kumar Jain (2010)
10. Kapil Wadhwa v. Samsung Electronics Co. Ltd (2012) 53 PTC 112 (Del)
11. Quality King distributors v. L'anza Research International 523 US 135 (1998)
12. Computer Associates International v. Altai 982 F.2d 693 (2nd Cir. 1992)
13. Monsanto v Nuziveedu (2019)
14. J E M AG Supply v Pioneer Hi -Breed 534 US 124 (2001)
15. Akzo Chemie BV and Akzo Chemie UK Ltd v. Commission of the European Communities, Judgment of the Court (Fifth Chamber) of 24 June 1986 Case 53/85, Court of justice of European Commission

Learning Outcome:

After completion of the course students will be able to –

- Learn the various international system that regulates Intellectual Property Rights
- Discuss the different Multilateral Organizations where rules are negotiated and applied with subject matter interest in IPRs.
- Equip with the basic principles and policies underlying the protection of IPRs at the multilateral level to protect IP and harmonize the laws of the member nations.
- Examine the significant developments regarding the enforcement of IP at the international level.

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

HS20702: INTRODUCTION TO LAND LAWS

Objectives of the Course:

The objective of this specialized paper is to know about the

- 1. land system in pre-independence and the right to property under constitution of India, The right of the government to acquire land for public purpose under the doctrine of eminent domain and the right of the person interested to claim compensation*
- 2. Laws relating to acquisition of land for companies, industrial purpose in the name of special economic zone and the rights of tribal over their property.*
- 3. Land reform constitutes the most important package of measures to improve the economic condition of agricultural tenants.*

Course Outline

Module– I: Concept of land and land movements in India:

Concept of land and real property –concept of ownership -land system in ancient India - Panchami Land – Gramdhan Land - Boodan Movement – Tamil Nadu Boodan Act, 1958

Module – II: Land Tenure System in Pre-Independent India:

Zamindari system- permanent settlement, Inamwari, Mahalwari, Ryotwari-melwaram-kudiwaram-rights and responsibilities of Ryotwari pattadar.

Module – III: Significance of land laws and constitutional provisions:

Constitutional protection relating to property –Eminent Domain- Article 31A – Article 31 B- Article 31 C- Article 300 A- Ninth Schedule- land and governance in the fifth schedule- legislative powers of center and state in enacting land laws.

Module – IV: Acquisition of Land:

- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [LARR Act]
- Establishment of Special Economic Zone- Constitution of Board of Approval – functions of Development Commissioner - Special Economic Zone Authority
- Acquisition Of Lands For Industrial Purposes

Module– V: Land rights of Tribes:

Definition of tribes, scheduled tribes- Title rights- use rights – forest management rights of tribes – process of recognition of rights – scheduled area – V schedule – prohibition of alienation of tribal land.

Statutory materials:

- Constitution of India
- LARR Act, 2013
- Special Economic Zones Act, 2005
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
- Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997

References:**Books**

1. Salmond on Jurisprudence, by P J Fitzgerald, Sweet & Maxwell, Universal Law Publishing co pvt ltd, 2016
2. Right to property in India by Naveen Sharma, Deep & Deep Publications
3. Baden Powell, "The Land Systems of British India", 1892
4. Land Reforms in India by M. L. Dantwala, 66 Int'l Lab. Rev. 419 1952, heinonline
5. Land System in India: A Historical Review, Rekha Bandyopadhyay, Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155

Articles:

1. Indian Law on Special Economic Zone (SEZ) by Mr. Anand Singh
<https://www.conservationindia.org/resources/facts-about-the-forests-rights-act>
2. Lovleen Bhullar, "The Indian Forest Rights Act 2006: A Critical Appraisal", available at <http://www.lead-journal.org/content/08020.pdf>
3. Sanjana, "Forest Dwellers as Deemed Homeless", 4 J. Indian L. & Soc'y 130 2012-2013, Heinonline
4. E. Washburn Hopkins, "Land-Tenure in Ancient India", Political Science Quarterly, Vol. 13, No. 4 (Dec., 1898), pp. 669-686 available at <http://www.jstor.org/stable/2139978>
5. Rekha Bandyopadhyay, "Land System in India: A Historical Review", Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155 available at <http://www.jstor.org/stable/4400592>

Learning outcome:

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

1. Understand the concept of real property and the various movements of India
2. Determine the right to property under Indian constitution
3. Evaluate various land reformatory systems exists in pre-independence
4. Understand the doctrine of eminent domain and the power of acquisition of land by the government
5. Analyze the circumstances under which land can be acquired for industrial purposes
6. Understand the land rights of tribals.

(a) CRIMINAL LAW AND FORENSIC SCIENCE

HS20703: CRIMINOLOGY

Objectives of the Course:

Criminology is a scientific study of law that deals with criminal behavior of an offender. The theories of crimes, theories of crime causation, determining factors of commission of crime are discussed in this subject. Understanding of behavioral pattern of the accused shall be incorporated while imposing of punishment. Criminology and Criminal Law must apply parallelly while determining the sentence. The course also included new dimensions of the Criminal Justice System, Victimology. The need for equal participation in the trial process till the sentencing process raised two decades ago. Victimology permits the victims in to participate determining the remedy, compensatory jurisprudence etc .

Course Outline

Module I: Introduction, Nature and Scope of Criminology:

- a. Concept of crime – Development of crimes through ages
- b. Crime and Offence – Crime and sin
- c. Different types of Crimes – Penal Crimes – Victimless Crime – Organised Crimes – International Crimes – Human Organs Crimes
- d. Characteristic of Crimes
- e. Crime and Criminology – Criminology and Criminal Law – Criminology, Criminal Law and Penology
- f. Objectives of Criminology - Criminology in India Development of Criminal Law in India
- g. Modern Criminal Law and Criminology.

Module II: Schools of Criminology, Crime Causation – Societal and Individual Causes:

- a. Pre- Classical School
- b. Classical School
- c. Neo-Classical School
- d. Positive School – Cesare Lombroso – Enrico Ferri – Rafael Garofalo
- e. Clinical School
- f. Sociological School
- g. Modern Schools of Criminology
- h. Crime Causation - Hereditary – Mental Illness – Biological factors – Mc’Naghten Rule
- i. Donald Taft view on criminality
- j. Sigmund Freud’s view on criminality – Psychological concept of crime
- k. Aristotle Four theories of Crime

- l. Conflict Theory – Sociological Theory of Crime
- m. Multiple Factor Theory of Crime Causation -Mobility – Cultural Conflict – Peer group – Family – Poverty – Education – Unemployment – Political Ideology – Media – Urbanization
- n. Economic Factor and Bonger’s theory - Ecology.

Module III: Types of Crimes – Traditional Crimes

- a. Organised Crimes: Predatory crimes
- b. Criminal Rackets – Political Graft
- c. Wildlife Skin trading crimes
- d. Collective Violence – Communal Violence
- e. Terrorism
- f. Characteristics of Organised Criminals
- g. Sexual Offences – IPC and Sexual Offences – Rape Laws in India and other countries
- h. Alcoholism and Drug Addiction – International perspectives of Drug abuses
- i. Narcotic Drugs and Psychotropic Substances Act – IPC and Toxicities
- j. Measures to combat illicit trafficking – Enforcement agencies.

Module IV: New Era Crimes

- a. White Collar Crimes - Sutherland’s view on White Collar Crimes
- b. Types of White-Collar Crimes
- c. Cyber Crimes – Hacking – Spoofing – Cyber Terrorism – Cyber Defamation – Cyber Pornography – Online theft – Computer vandalism – IP Crimes - IT Act, 2000
- d. Human Organs Crime – Human Organs Transplantation Act, 1994
- e. Victimless Crimes – Suicide – Immoral Traffic Offences – Drug addiction
- f. International Crimes – Rome Statute 2000 – Genocide, War Crimes, Crimes against Humanity.

Module V: Crime Statistics

- a. Crime Statistics – Reliability of Crime Statistics
- b. Sources - National Crime Record Bureau – State Crime Record Bureau
- c. Pattern of Crimes against Women
- d. Crime Statistics of Crimes against Children
- e. Crime Records on Narcotic Drugs
- f. Crime Statistics on Cyber Crimes - Crime graph comparative
- g. Increase in crime rate – Agenda.

Module VI: Victimology

- a. Introduction – Theories of Victimology
- b. Definition – Victims
- c. Victims’ Rights & Liabilities – International Instruments in Victimology
- d. Victimization of Victims– Consequences of victimizations
- e. Types of victims – Recurring Victims – Homicide & Genocide Victims – Sexual Offences Victims – Political Offences Victims – Property Offences Victims – Domestic Violence Victims
- f. Legal Remedy – Restorative Justice
- g. Victims Participation – Victims Assistance
- h. Justice Malimath Committee Report
- i. Criminal Law and Victims Rights.

Recommended Readings:

Books:

- Ahmed Siddique, 2017, Criminology-Problems and Perspectives, IInd Edition, Eastern Book House, Lucknow.
- Daigle, L. and Muftic, R. Lisa (2016). Victimology. Thousand Oaks, CA: SAGE Publications.
- Prof N. V. Paranjape, 2014, Criminology and Penology with Victimology, 16th Edition, Central Law Publications, Allahabad.
- William Katharine.S, 2004, Criminology, Oxford University Press.
- Bajpai. G.S, &GaubasBriga, “*Victims Justice: A Paradigm Shift in Criminal Justice System in India*”
- Robert Cryer, HakanFriman, Darryl Robinson & Elizabeth Wilmshurst 2014, “*An Introduction to International Criminal Law and Procedure*”, 3rd Ed, Cambridge University Press.

Journals for scholarly articles:

- Canadian Journal of Criminology and Criminal Justice : 1958 – 2019
- Criminal Behavior and Mental Health : 1991 – 2019
- Criminal Justice and Behavior : 1974 – 2020
- Criminologist : 1972
- Criminology and Public Policy : 2001 – 2020
- Criminology, Criminal Justice, Law & Society : 1998 -2014
- Criminology : 1963 – 2020
- European Journal of Criminology : 2004 - 2020
- Issues in Criminology : 1965 – 1975
- Journal of Criminal Law and Criminology : 1910 – 2020
- Journal of Delinquency : 1916 – 1928
- War Crimes, Genocide and Crimes against Humanity : 2005 – 2011
- Western Criminology Review : 1998 – 2019

Further Readings:

Books:

- Chakrabarthy. N.K., 2016, Institutional Corrections, Deep & Deep Publications, New Delhi.
- Abhuja Ram, 2000, Criminology, Rawat Publications, New Delhi.
- E.H. Sutherland, 1968, Principles of Criminology, Times of India Press, Bombay.
- Crime in India Published by National Crime Record Bureau, Ministry of Home Affairs, New Delhi.
- SachadevUpdesh Singh, 1987, Fraudsters & Bankers: Prevention and Detection Techniques, UDH Publishing House.
- PadhyPrapullah, 2006, Organised Crimes, Isha Books, Delhi.
- Patnaik .B.N, “*Compensation to Victims of Crime*”
- Robert Albert. B, “*Helping Crime Victim*”
- Bare Acts:
 - (i) The Protection of Women from Domestic Violence Act, 2005.
 - (ii) The Immoral Traffic (Prevention) Act, 1956
 - (iii) The Sexual Harassment of Women at Workplace (Prevention and Prohibition and Redressal) Act, 2013.
 - (iv) The Information Technology Act, 2000
 - (v) The Narcotic Drugs and Psychotropic Substances Act, 1985.
 - (vi) The Human Organs Transplantation Act, 1994.
 - (vii) Statute of International Criminal Court

E-Books:

- Braithwaite. J (March 2000) “*New Regulatory State and the Transformation of Criminology*”, British Journal of Criminology, Vol.40. Issue 2, pp.222-238.
- Roufa Timothy, “*Criminology, the Study of Crime, Causes and Consequences*”, The Balance Careers, <https://www.thebalancecareers.com/what-is-criminology-974589>
- David, Christian Carsten 1972, “*Criminology-Crime*”, Northampton shrine, UK, <https://www.carsten-ulbrich.zymichost.com/crimeanalysis/10/html>
- Shokry El-Dakkak. M, “*Criminology and Penology*”, <https://www.adjd.gov.ae/sites/Authoring/AR/ELibrary%20Books/E-Library/PDFs/Criminology%20AND%20Penology.pdf>
- Dr. Rajendra Kumar Sharma, 1998, “*Criminology and Penology*”, Atlantic Publications, New Delhi. https://books.google.co.in/books/about/Criminology_and_Penology.html?id=1pRJTw6EdtsC.
- Ross McGarry & Sandre Walklate, 2015, “*Victims: Trauma, Testimony & Justice*” Routledge Publications, London & New York. <https://books.google.co.in/books?hl=en&lr=&id=oifLCQAAQBAJ&oi=fnd&pg=PP1&dq=journal+on+victimology+and+victim+justice&ots=YfXGQi2->

[Ws&sig=0-](#)

[gvvNojXpdWh2mlr21dtVC3rqM#v=onepage&q=journal%20on%20victimology%20and%20victim%20justice&f=false](#)

- William. G Doerner & Steven P. Lab, 2012, “Victimology” 6th Ed, Elsevier Publications, USA.
https://books.google.co.in/books?hl=en&lr=&id=iJbBhqhEZY0C&oi=fnd&pg=P2&dq=scholarly+articles+on+on+victimology&ots=ek-H4xWmHR&sig=0cqVXEIXL9jiFpSP3GEL4_Et_5s#v=onepage
- William A. Schabas & Nadia Bernaz 2011, “*Routledge Handbook on International Criminal Law*”, Routledge Taylor and Francis Group Publications, New York.
<https://books.google.co.in/books?hl=en&lr=&id=usEtCgAAQBAJ&oi=fnd&pg=PP1&dq=William+Schabas+international+crime&ots=3j0k24bTit&sig=-P5PEBL8Qtixl8Yb9OIq-ygZgzE#v=onepage&q=William%20Schabas%20international%20crime&f=false>

Research Articles:

- Jean Jordan, 2011 “Professional Discretion and the use of Restorative Justice Programme in Appropriate Domestic Violence cases: An Effective Innovation”, *Chapman Journal of Criminal Justice*, 2011 Vol.2, No.1, pp.129 – 164.
- Hannah Ching, Michael Dafern and Stuart Thomas 2017, “A Comparison of Offending trajectories in violent youth according to violent type” *Criminal Behavior and Mental Health* Vol.27, pp.8-14.
- John Stratton, Michael Brook and Robert E. Hanlon 2017, “Murder & Psychosis: Neuropsychological Profiles of homicide offenders with Schizophrenia”, *Criminal Behavior and Mental Health* Vol.27, pp.146-161.
- Ashton.H 1927, “Languages and the Criminal” *The Criminologists* pp.8 & 9.
- Philip J. Cook 2016, “Behavioral Science Critique of HOPE”, *Criminology and Public Policy* Vol.15, Issue.4, pp.1155-1162.
- Jay S. Albanese & Kristine Artello 2019, “The Behavioral Corruption: An Empirical Typology of Public Corruption by Objective and Method” *Criminology, Criminal Justice, Law and Society* Vol.20, Issue.1, pp.1-20.
- Edwin M. Schur & Hugo Adam Bedau 1975, “Victimless Crimes: Two sides of a Controversy” *Issues in Criminology* Vol.10, Issue.1, pp.126-138.
- Amy Deline & Adair Crosley 2010, “A Century of Criminal Law and Criminology” *The Journal of Criminal Law and Criminology* Vol. 100, No:1, pp.1-6.
- David H. Jones 2005, “On the Prevention of Genocide: The Gap between Research and Education: *War Crimes, Genocide and Crimes Against Humanity* Vol.1, Issue.1, pp.5-46.
- Kieram McEvoy & Kristen McConnachie, 2012, “Victimology in Transitional Justice: Victimology, Innocence and Hierarchy”, *European Journal of Criminology*, Vol.9, Issue.5, pp.527-538.

- Tinneke Van Camp & Jo-Anne Wenimers, 2013, “Victims Satisfaction with Restorative Justice More than Simply Procedural Justice”, *International Journal of Victimology*, Vol.19, Issue.2, pp.117-143.
- E. A. Fattah, 1979, “Some Recent Theoretical Development in Victimology”, *Victimology*, Vol.4, Issue.2, pp.198-213.
<https://www.ncjrs.gov/App/publications/abstract.aspx?ID=64082>
- Manisha Sahay 2018, “Transplantation of Human Organs & Tissues Act: Simplified” *Indian Journal of Transplant* Vol.12, Issue.2, pp.84-89.
<https://www.ijtonline.in/text.asp?2018/12.2.84/235594>
- Susan A. Lentz, B. Grant Stitt 1996, “Women as Victims in “Victimless Crimes” The Case of Prostitution”, *Journal of Contemporary Criminal Justice*, Vol.12, Issue.2, pp.173-186
<https://www.journals.sagepub.com/doi.abs/10.1177/104398629601200204>

Web Sources for Scholarly Articles:

- <https://heinonline.org>
- <https://jstor.org>
- <https://shodganga.inflibnet.ac.in>
- <https://network.bepress.com/law/criminal-law>

Web Sources for referring latest decisions:

- <https://indiankanoon.org>
- <https://manupatrafast.com>
- <https://www.aironline.in>
- <https://scconline.com>

Related Cases:

- Paras Ram v. State of Punjab (1981) 2 SCC 508
- Meh Ram v. State 1994 CrLJ 1897 (Raj)
- Tola Ram v. State of Rajasthan 1996 CrLJ 8 (Raj)
- Vishaka v. State of Rajasthan AIR 1997 SC 3011
- Shreerangayee v. State of Madras (1973) 1 MLJ 205
- Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802
- R.K. Garg v. Union of India (1981) 133 ITR 239
- Subramaniya Swamy v. Dr. Man Mohan Singh AIR 2012 SC 1185
- Govt of Andra Pradesh v. P.V. Reddy AIR 2002 SC 3346
- Nimmagadda Prasad v. CBI AIR 2013 SC 2821
- M/s SattyamInfoway Ltd v. M/s Sifynet Solutions (P) Ltd AIR 2004 SC 3549
- Dr. L. Prakash v. State of T.N. (2008) 3 MLJ CrI 406
- Gurdeep v. State of Punjab (2013) 10 SCC 395
- State of Haryana v. Janak Singh & Another AIR 2013 SC 3246
- ShyamNarin v. State of (NCT Delhi Administration) AIR 2012 SC 2209
- Mohd Iqbal v. State of Jharkhand AIR 2013 SC 3077

- Narendra Kumar v. State (NCT Delhi Administration) AIR 2012 SC 2281
- Deepak Gulait v. State of Haryana AIR 2013 SC 2071
- State of Maharashtra & Others v. Nagpur Distilleries 2006 (5) SCALE 77
- State of H.P. v. Asha Ram AIR 2006 SC 381
- Swamy Shradhananda @ Murali Manohar Mishra v. State of Karnataka AIR 2008 SC 3040
- PriyadharshiniMattu Rape case (2010) 9 SCC 747
- Tukaram v. State of Maharashtra AIR 1979 SC 185
- NilabatiBehra v. State of Orissa AIR 1993 SC 1960
- Prem Shankar Shukla v. Delhi Administration AIR 1980 SC 1535
- D. K. Basu v. State of West Bengal AIR 1997 SC 3017
- Sheela Barse v. Union of India AIR 1988 SC 224
- S.P. Anand v. State of M.P. AIR 2007 SC 166
- Sunil Batra II case 1980 CrLJ 1099
- Rameshdoss v. Raghunath & Others AIR 2008 SC 1298
- Sanjay Dutt v. State of Maharashtra AIR 2013 SC 2682
- Rudal Shah v. State of Bihar AIR 1983 SC 1986
- Laxmi v. Union of India (2014) 4 SCC 427

Learning Outcome

After completing the subject, the students will able to:

- Understand the historical development of concept of criminology and understand the interlink between criminology, criminal law and penology
- Understand the contributions of criminologists through scientific study to analyze the causative factors of crime causation
- Examine the behavioral pattern of offenders.
- Examine the types of crimes and its characterization.
- Acquaint with the contemporary development of crimes.
- Realize the importance of victim's participation and argue for the implementation of victims' protection measures under criminal justice system.

(d): INDUSTRIAL AND COMMERCIAL LAW

HS20704: INTERNATIONAL LABOUR ORGANISATION AND LABOUR JURISPRUDENCE

Objectives of the course:

Industrial legislation is the child of industrial jurisprudence, which in itself, is a product of the industrial revolution in the 18th, 19th and 20th Centuries, it was a form of protest against the inhuman labour conditions that the industrial revolution ushered in. In India, pre-independence era industrial jurisprudence was rudimentary. Protection of labour has always been the primary goal of industrial laws (both those enacted by the legislature and those developed through judicial interpretation). However, well before Indian labour jurisprudence became robust, the International Labour Organisation, a multinational labour body, led the way.

This course has been designed to:

1. Introduce students to the ILO, its formation, charter documents, composition, membership and functioning;
2. Examine the international labour code and the role of India vis-à-vis the international labour code;
3. Study in detail the historical development of labour jurisprudence;
4. Elucidate the long and mutually beneficial relationship between ILO and India;
5. Instruct students various concepts of labour jurisprudence, including tripartism, and understand the role of the judiciary in this regard.

The syllabus has been prepared with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I: International Labour Organisation

- (a) Constitution and Declaration of Philadelphia.
- (b) Fundamental Principles.
- (c) Aims and Objectives.
- (e) Composition.
- (f) Functions.

(g) Membership.

(h) Organs of the ILO.

(i) The International Labour Conference - The Governing Body and the International Labour Office - Regional Conference - Regional Advisory Committee - Industrial Committees and Analogous Bodies - Committee of Experts - Panels of Consultants and Special Ad-hoc Conferences and Meetings.

Module II: International Labour Code

(a) Meaning, Nature and Scope of International Labour Code.

(b) Development and Importance of ILC.

(c) International Labour Standards- Conventions and Recommendations.

(d) Ratification and System of enforcement.

(e) Technical Assistance Programme and the Special Fund, World employment programme, Women workers, International Peace, Human Rights.

(f) The ILO Century Project 1919-2019.

(g) ILC and India.

Module III: Labour Jurisprudence

(a) Evolution, Concept and Importance of Labour jurisprudence.

(b) Social Justice and Social welfare.

(c) Role of Tripartitism in Labour Jurisprudence.

(d) Role of Principles of Natural Justice.

Module IV: ILO and India

(a) Labour Movement in India.

(b) India's membership to ILO.

(c) Constitution and Labour -Preamble- Fundamental Rights- DPSP- VII Schedule- Constitutional Remedies and Constitutional validity of Labour Statutes.

(d) Human Rights of Labour.

(e) Women and Child Workers.

(f) Social Security and ILO.

(g) ILO and India's appraisal.

Module V: Tripartism

- (a) Concept and Forms.
- (b) Areas of Operation- Preconditions.
- (c) Machineries in India.
- (d) Indian Labour Conference and Standing Labour Committee, Industrial Committees, Wage Boards, State Labour Advisory Boards.
- (e) Voluntary Arbitration and Labour Policy- Code of Discipline in Industry.
- (f) Role of ACTRAV.

Module VI: Judiciary and Labour Jurisprudence

- (a) Nature and Scope of Industrial Jurisprudence.
- (b) Industrial Adjudication and Judicial Review – Powers of High Courts and Supreme Court.
- (c) Public Interest Litigation and Labour Jurisprudence.
- (d) Judicial Activism in developing Labour Jurisprudence.

Recommended Readings

Statutory Material:

1. The Constitution of India, 1950
2. Labour Laws (Relevant provisions-Industrial Laws, Social Security, Women and Children, 4 Labour Codes)
3. International Labour Organisation Constitution, 1919 and ILO Conventions and Recommendations
4. The Charter of United Nations Organisation, 1945, UNO-Treaties, Conventions and Recommendations.
5. Universal Declaration on Human Rights, 1948.

Books Prescribed:

1. N. Maheshwara Swamy, "Impact of I.L.O. Standards on Indian Labour Law" (Asia Law House, 2007).
2. Dhyani (S .N), "International Labour Organisation", (New Delh: National Publishing House, 1997).
3. Prof. Ahmedullah Khan, "Commentary on International Organisation and the Indian Response", (Hyderabad: Asia Law House, 2005).
4. Vaidyanathan N, "I.L.O Conventions and India" (Minerva Associates: Calcutta, 1975).
5. Johnson, G.A., "The International Labour Organization" (London, 1970).
6. E.M. Rao, "Industrial Jurisprudence – A critical Commentary", (Lexis Nexis publication, 2015).

Journals:

- 1) P. Kalpakam, "The International Labour Organisation's Committee on Freedom of Association and International Protection of Trade Union Rights" 17 JILI 618-633 (1975).
- 2) Zafar Hussain and Afzal Wani, "Application and Enforcement of International Labour Standards in India: A Critique", 53 JILI 577-593 (2011).
- 3) C.S.Venkata Ratnam, "India and International Labour Standards", 35 IJIR 461-485 (2000).
- 4) N.L.Mitra, "Freedom of Association for Organised and Unorganised Workers- International Precept and Practice", 35 JILI 1-33 (1993).
- 5) O.P.Parmar, "ILO and India in Pursuit of Human rights through Labour Standards", 23 JILI 555-577 (1981).
- 6) Michael Hasenau, "ILO Standards on Migrant Workers: The Fundamentals of UN Convention and their genesis", 25 IMR 687-697 (1991).

Further Reading:**Reference Books:**

1. Jinender N. Kumar & Ajay Bhola, "International Labour Organisation (ILO) (Regal Publications, 2008).
2. Galenson Walter, "The International Labour Organization: An American View" (Madison, 1981).
3. Sinha & Sinha, "Industrial Relations and Labour Legislation" (Oxford & I B H Publishing Co., New Delhi, 1977).
4. The ILO and the World of work, (ILO Pub. Geneva, 1984).

Articles:

1. Nagaraj, R., "Fall in Manufacturing Employment: A Brief Note", Economic and Political Weekly, Vol. 39, pp. 3387-90, July 24-30, 20004).
2. Kamala Sankaran, "Human Rights and the World of Work", 40 JILI 284-294 (1998).
3. C.S.Venkata Ratnam, "Impact of New Economic Policy on the Role of Trade Unions", 29 IJIR 55-78 (1993).
4. Ratna Sen, "Unionisation and Collective Bargaining in the Unorganised Sector", 47 IJIR 598-616 (2012).
5. Susan Hayter, "International Comparative Trends in Collective Bargaining", 45 IJIR 596-608 (2010).
6. Kamala Sankaran, "Fundamental Principles and Rights at work: India and the ILO", 46 EPW 68-74 (2011).

Cases for Guidance

1. Bandhua Mukti Morcha v. Union of India and others, (1997) (3) SCC 755.
2. Neeraja Chaudry v. State of MP, AIR 1984 SC 1099.
3. Peoples Union for Democratic Rights v. Union of India, AIR 1982 SC 1473.
4. Amristar v. State of Punjab &Ors., AIR 1981, SC 14
5. National Textile workers union v. P.R. Ramkrishnan&Ors, AIR 1982 SC 1473
6. Ram Kumar Misra v. state of Bihar, AIR 1984 SC 537
7. Consumer Education & Research Centre & Others v. Union of India, 1995 AIR 922.
8. M.C. Mehta v. State of Tamil Nadu, AIR 1991 SC 417
9. D.S. Nakara v. Union of India, AIR 1983 SC 130
10. Deena v. Union of India, AIR 1983 SC 115
11. S. Basudevan v. S.D. Mittal, AIR 1962 Bom 53

12. State of Gujarat v. Hon'ble High Court of Gujarat, (1998) 7 SCC 392
13. ChatisgarhKrishakMazoor Sangh's v. State of Madhya Pradesh, (1987) Suppl. SCC 198
14. P. Siva Swamy v. State of Andhra Pradesh, AIR 1988 SC 1863
15. Balram v. State of Madhya Pradesh, AIR 1990 SC

Learning Outcome:

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

1. Appreciate the genesis of ILO in its historical context and its procedural complexities;
2. Understand the foundational role the ILO has played in labour jurisprudence, including through the international labour code;
3. Perceive India's long history of engaging with the ILO and implementing its decisions to uplift its workers; and
4. Discern the various keystone concepts of labour jurisprudence and also comprehend the role played by the judiciary in developing such jurisprudence.

FOURTH YEAR

VIII-SEMESTER

HLC0819: LABOUR LAW II

SOCIAL SECURITY AND LABOUR WELFARE LAWS

Objectives of the Course:

In the previous semester, students learnt the historical background and importance of labour rights and the basics of key labour legislations governing trade unions, industrial relations, standing orders and industrial disputes. While protection of labour rights in a dispute and permitting their unionisation is one side of the coin, taking proactive measures to promote the welfare and social security of labour is the other. As the Supreme Court of India has held, time and again, the right to life guaranteed under Article 21 is not merely animal existence, but the right to live with dignity. Therefore, taking steps to ensure that the labour force of our nation lives a life of security and dignity is of unspeakable importance and is part of the constitutional obligation of the State. The aim of social security legislation is to ensure freedom from want for our workers. This paper has been designed to help students understand the social security legislations in India in light of the above context.

This course has been designed to:

- I. Instruct the student on the concept of social security, its evolution, components, and objectives;
- II. Examine the role played by ILO in developing social security jurisprudence;
- III. Provide students with a critical and practical understanding of the rights of the employee in case of employment-related death, disablement, disease or accidents;
- IV. Educate students on the state insurance benefits available to employees under various circumstances;
- V. Examine the maternity benefit rights available to female employees;
- VI. Analyse, in-depth, the various retirement benefits made available to employees; and
- VII. Explore the provisions of law governing factories.

The syllabus has been prescribed with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I - Conceptual Framework of Social Security

- (a) Concept of Social security.
- (b) Evolution of Social Security.
- (c) Constituents of Social Security.
- (d) Object and Aim of Social Security.
- (e) Social Security and Labour Welfare.
- (f) ILO on social security.
- (g) Social Security and Constitution.
- (h) Classification of Social Security Legislations .

Module II - Social Security and Industrial Injuries

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

Module III - Social Security and Social Insurance

- (a) The Employee's State Insurance Act, 1948 - Objects, applications and 'Seasonal Factory' – Definitions.
- (b) E.S.I. Corporation, Standing Committee And Medica Benefit Council .
- (c) E.S.I. Fund.
- (d) Contributions.
- (e) Benefits.
- (f) Adjudication Of Disputes And Claims.
- (h) Penalties.

Module IV – Maternity Benefit

- (a) The Maternity Benefit Act, 1961 - Object, Application and Definitions .
- (b) Eligibility to Maternity Benefit.
- (c) Maternity Benefit and Other Benefits.
- (d) Notice Of Claim.
- (e) Prohibition Against Dismissal.
- (f) Powers And Duties of Inspectors.

Module V – Retiral Benefits

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

(g) Controlling Authority.

(h) offences and Penalties.

Module VI - Labour Welfare Legislation

(1) (a) Factories Act, 1948 - Background and definitions.

(b) Formalities to Start a Factory.

(c) Occupier - Duties and Liabilities.

(d) Inspecting Staff and Certifying Surgeons.

(e) Health, Safety and Welfare measures,

(f) Working Hours.

(g) Employment of young persons.

(h) Annual leave with wages.

(2) (a) Regulation of Shops and Establishments - The Tamil Nadu Shops and Establishment Act, 1947 - Applicability and Coverage – Definitions.

(b) Opening and closing hours.

(c) Employment of young persons.

(d) Hours of Work.

(e) Health and Safety Measures.

(f) Leave and Annual Leave with wages.

(g) Authorised Deductions From Wages.

(h) Inspectors – Powers and Functions.

(i) Penalties for Offences.

Recommended Reading

Books prescribed:

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

5. K.D. Srivastava's Commentaries on Factories Act, 1948: with Supplement, (Lucknow: Eastern Book Co., 5th Revised ed., 2001).\
6. Veer Singh, “*Employment Injury and Employees’ State Insurance Scheme Functional Perspectives*” 29 *Journal of Indian Law Institute* 76-93 (1987).
7. Thomas Paul, “*Consumer Empowerment ESI Hospitals Under CP Act*” 49 *Journal of Indian Law Institute* 409-414 (2007).

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.DVezhaventhan, “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.
6. 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.
7. 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.
8. 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.
9. Yashik, P. M. (2014). ”A study about the Labour welfare and Social Security Measures in India”, *International Journal of Management*, 2, p.23.

10. Sravanthi, B., "Social security in India: constitutional frame work" International Journal of Development Research, Volume 8, Article ID: 12929.

Cases for Guidance:

1. United 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, AIR 2000 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. American Express International Banking Corporation [AIR 1986 SC 458]
- 15 JayathilalDhaniji& 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. Appreciate the evolution and conceptual backbones of social security laws;
2. Recognise the pivotal role played by ILO in ensuring social security rights for workers;
3. Distinguish the rights of employees under various employment-related mishaps and consequences;
4. Understand the scope and reach of state insurance benefits to employees;
5. Critically analyse maternity benefits available to women employees and their adequacy/inadequacy;
6. Discern the nuances of retirement benefits payable to employees; and
7. Comprehend the compliances to be followed by factories and critically analyse relevant laws.

HLA0803: COMPETITION LAW

Objectives of the Course

In most countries of the world today competition has a key role to play in ensuring productive, efficient, innovative and responsive markets. Competitive forces drive firms to innovate, to develop more efficient production, processes and to adjust their products in response to changing consumer demand. Policies to stimulate competition are a key driver for improving the micro and macroeconomic performance of an economy.

The objective of the course is to provide the students:

- i. An understanding of the Legal Dimensions of the Competition Law;*
- ii. An insight into the Law, which provides a Fair Trade Practice which enhances healthy competition in the business arena.*
- iii. To comprehend and appreciate the impact of various Anti-Competition Policies.*

COURSE OUTLINE

Module I: Introduction

- a) Basic Concepts – definitions- Market- demand and supply theory Economic and legal concepts of competition; markets and market structure; competition theory
- b) perfect competition v. Monopoly need for regulation of competition- Relation between Competition Policy and Competition Law –Objectives of Competition Law
- c) Constitutional aspects competition law- Elimination of Concentration of Wealth and Distribution of Resources Article 39 (b) (c)

Module II : Evolution Of Competition Law

- a) Historical background – sources of competition law-
- b) Evolution in international arena – common law doctrine of restraint of trade- anti trust legislations – USA, UK, European Union
- c) 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
- d) Object and scope of Competition Act, 2002.

Module III: Anti-Competitive Agreement

- a) agreement definition – Rules for determining Appreciable adverse effect on competition(AAEC) - perse rule and rule of reason

- b) Relevant Market- relevant geographic and relevant product market- factors considered by CCI
- c) Horizontal Agreements- Vertical Agreements- exceptions – Intellectual Property rights and competition law
- d) Cartels – Landmark judgments decided by CCI- punishment for cartel- leniency programme

Module IV: Abuse Of Dominant Position

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

Module V: Combination

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

Module VI: Enforcement Mechanisms

- a) Establishment and Constitution of Competition Commission of India, Powers Functions and Jurisdiction of the CCI
- b) adjudication and appeals, -Competition Appellate Tribunal (CompAT)
- c) Director General of Investigation (DGI)- powers and functions – role of DG in investigation
- d) Competition Advocacy

Statutory Materials

Competition Act 2002

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*, 4thed.- 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 UNITED 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. *BrahmDutt 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.
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]

Learning Outcomes

1. To provide a thorough background in the area of competition law and policy in India.
2. To understand the key issues in competition law, providing a strong overall background combined with an emphasis on recent (and potentially future) developments.
3. Review and understand the key economic considerations behind landmark competition cases on abuse of dominance, anti-competitive agreements, or mergers.

HLA0804: CYBER LAW AND INFORMATION TECHNOLOGY

Objectives of the Course

Advent of computers, followed by Internet has revolutionized the human existence and their conduct in the society. The information can be accessed, stored, retrieved and distributed speedily and easily. The traditional paper documents are now being replaced by their electronic equivalents. The commercial transactions and individual functioning are more driven by the digital technology. This transition has put forth need for a law to facilitate and govern activities in the information society and has thus led to the passing of the Information Technology Act, 2000 (IT Act).

The primary focus of this 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. In addition, there will be an insight into the applicability of other laws in the digital environment.

COURSE OUTLINE

Module I: Introduction to Cyberspace

- a) Over view of computer and web technology –Evolution of cyberspace
- b) 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
- c) Jurisdictional issues in Cyberspace-Types of jurisdiction –Theories of Jurisdiction- The test evolved -Minimum contacts theory-Sliding scale theory-Jurisdiction under IT Act, 2000;.

Module II: Constitutional and Human Rights Issues in Cyberspace

- a) Freedom of Speech and Expression in Cyberspace
- b) Right to Access Cyberspace -Access to Internet
- c) Right to Privacy-Right to data Protection- Personal Data Protection Bill 2019.

Module III: Legal Recognition and Authentication of Electronic Records

- a) UNCITRAL Model Law -Concept of public and private key-Authentication of electronic records using digital signature -Asymmetric cryptosystem and encryption - Hash Function
- b) Public Key infrastructure and Hierarchy -Controller of certifying Authorities- Certifying authorities –Subscriber,
- c) Electronic records- Administrator of Electronic records- Electronic Health records-E-Governance and Electronic records Evidentiary value of Electronic records.

Module IV: New Dimensions of E-commerce

- a) Kinds of contracts-Email and Standard form of contacts- -Formation of E-Contracts- Application of Contract Act -Legal Validity of E-Contract-
- b) Electronic Data Interchange- E-Commerce - Models of E-Commerce;
- c) E-Governance- what is E-Governance-E-Governance project in India –The National e-Governance Plan(Ne-GP)- E-Courts Mission Mode Project of India;
- d) E-Banking transaction –Online payment Options -First Virtual-Cyber Cash-Secured electronic transaction;
- e) Taxation issues in Cyberspace –Permanent Establishment-Double Taxation Avoidance Agreement-Model Tax Treaty- OECD (Organization for Economic Co-operation and Development) Model Tax treaty and United Nation Model Tax Treaty.

Module V: Cyber Crimes

- a) Nature and scope of Cyber Crimes- *Mens rea* and *Actus reus* in cybercrime-
- b) Cyber contraventions and cyber offences under the IT Act
- c) Cybercrime against person, property and govt-Hacking, Hijacking, Digital forgery, Cyber pornography, Child pornography under IT Act and POSCO Act, Cyber Stalking, Cyber Bullying , Phishing, Identity theft and fraud, Cyber murder, Virus Attack, Cyber terrorism, Cyber warfare, Cyber defamation
- d) Adjudication under IT Act- Adjudicatory Officers- Cyber Appellate Tribunal

Module VI: Intellectual Property Issues in Cyberspace

- a) Interface with Copyright Law-Copyright Protection of Computer Programme-Reverse engineering of Computer Programme– Copyright Infringement in Cyberspace -

Obligation Concerning Technological Protection Measures WCT and WPPT-Limiting the Liability of Internet Service Provider -EU Database protection Directive ;

- b) Interface with Patent law-Patentability of Software – Business Method Patent ;
- c) Trademarks and Domain Name Related issues- Cybersquatting -Anti Cybersquatting Consumer Protection Act- Metataging-Pop Up Advertisements-Framing- Linking- Dispute Resolution under –ICANN Policy -UDRP-INDRP.

Module VII: Contemporary Issues in Cyberspace

- a) Cloud Computing-Essential characteristic- Deployment models –Service models
- b) Convergence of technology –definition- before and after Convergence of technology- Communication Convergence Bill 2001 – Spectrum Management Committee
- c) Block Chain Technology- peer-to-peer technology- Crypto currency-Distributed ledger
- d) Artificial Intelligence- Big data Analytica.

Recommended Readings:

Books:

1. Kamath Nandan, *Law Relating To Computers Internet &E-Commerce- A Guide To Cyberlaws &The Information Technology Act, Rules , Regulations And Notifications Along With Latest Case Laws* (2012).
2. Karnika Seth, *Computers Internet and New Technology Laws* (2013).
3. Kamlesh K. Bajaj, Debjani Nag, *E-Commerce: The Cutting Edge of Business*, 2nd Ed. (2005).
4. Apar Gupta, *Commentary on Information Technology Act* (2016).
5. N.S Nappinai – *Technology Laws*, 1st Ed LexisNexis (2017).

Journals/Articles:

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

Further Readings:

Books:

1. Harish Chander, *Cyber Law and IT Protection*, PHI Learning Private Limited, Delhi (2015)
2. V. D. Dudeja, *Information Technology and Cyber Law*, Common wealth Publisher (2017)
3. Anirudh Rastogi, *Cyber Law: Law of Information Technology and Internet*, Lexis Nexis, (2014).
4. Mark A Lemley, Peter S. Menell, Robert P Merges, and Pamela Samuelson, *Software and Internet Law*, Aspen Publishers, New York, (2006).
5. Cohen, Lore, Okediji, and O'Rourke, *Copyright in a Global Information Economy*. Aspean Publisher, New York, (2010)
6. Abhivardhan, *Artificial Intelligence Ethics and International Law: An Introduction*, BPB Publisher, Delhi (2019)
7. Don Tapscott and Alex Tapscott, *Block Chain Revolution*, Penguin Random House, UK (2018).
8. Anne S.Y. Cheung, *Privacy and Legal Issues in Cloud Computing*, Edward Elgar Publishing, (2016).
9. Lawrence Lessig, *Code and Other Laws of Cyberspace 1999*, Code ersion 2.0, Basic Books Publication (2006).
10. Scott Charney & Kent Alexander, *Computer Crime*, 45 Emory L. J. 931, (1996)

Journals/ Articles

- 1 Stacey L. Dogan & Mark A. Lemley, *Trademarks and Consumer Search Costs on the Internet*, 41 Hous. L. Rev. 777 (2004).
- 2 Mark A. Lemley and R Anthony Reese, *Reducing Digital Copyright Infringement without Restricting Innovation*, 56 Stan. L. Rev. 1345 (2004).
- 3 Pamela Samuelson, *intellectual Property and The Digital Economy: Why the Anti Circumvention Regulations Need to be Revised*, 14 Berkely Tech. L. J. 519 (1999).
- 4 Julie Cohen, *Reverse Engineering and the Rise of Electronic Vigilantism: Intellectual Property Implications of "Lock-Out" Technologies* 68 S. Cal. L. Rev 1091 (1995)
- 5 Rochelle Cooper Dreyfuss, *Are Business Method Patent Bad for Business?* 16 Santa Clara Computer & High Tech. L.J. 263 (2000)
- 6 Mark A. Lemley, *Intellectual Property and Shrinkwrap Licenses*, 68 S. Cal L. Rev. 1239 (1995)
- 7 Jinku Huang, *Is the ACPA a Safe Haven for Trade Mark Infringers? Rethinking the Unilateral Application of the Lanham Act* 22 J. Marshall J. Comp. & Info. L. 655 (2004)
- 8 Jessica Litman, *Sharing and Stealing*, 26 Hastings Comm. & Entertainment L. (2004)
- 9 Neil W. Netanel, *Impose a Non Commercial Use Levy to allow Free Peer-to-Peer File Sharing* 17 Harv. J. L. & Tech. 1. (2003)
11. Pamela Samuelson, *Did MGM Really Win the Grokster Case?* 48 Communications ACM 19 (2005)

Cases for Guidance:

1. Casio India Co. Ltd., v. Ashita Telesystems Pvt Ltd, 106 (2003) DLT 554
2. India TV Independent News services Pvt Ltd., v. India Broadcast Live and Others (2007) 145 DLT 521
3. Cybersell Inc. v. Cybersell, Inc, 130 F.3d 414 (9th 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 SCC 73
6. Regina v Hicklin [1868] LR 3 QB 360
7. Miller v California 413 US 15 (1973)
8. Ranjit D. Udeshi v. state of Maharashtra AIR 1965 SC 881
9. Samresh Bose v. Amal Mitra (1985) 4 SCC 289
10. Ajay Goswami v. Union of India (2007) 1 SCC 169
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) DLT 427
14. Computer Associates international inc., v. Altai 982 F.2d 693 (3rd Cir 1992)
15. Sega Enterprises Ltd v. Accolade Inc., (1992)
16. Sony Computer Entertainment Inc v. Connectix Corp., (2000)
17. A & M Records v Napster Inc., 239 F. 3d 1004 (9th Cir. 2001)
18. Metro-Goldwyn-Mayer Studios Inc v. Grokster, Ltd 125 S. Ct. 2754 (2005)
19. Yahoo Inc v. Akash Arora & Anr, 78 (1999) DLT 285
20. Panavision International L. P. v. Toeppen 141 F.3d 1316 (9th Cir 1998)
21. Shields v. Zuccarini 254 F.3d 476 (3rd Cir. 2001)
22. Brookfield Communications inc v. West Coast Entertainment Corporation 174 F.3d 1036 (9th Cir 1999)
23. Playboy Enterprises v. Welles, 279 F.3d 796 (9th Cir 2002)
24. Diamond v. Diebr 450 US 175 (1981).
25. Bilski v. Kappos, 177 Fed 2d 792
26. Alice Corp v. CLS Bank (2014)
27. Tata Sons V Greenpeace International (2011) 178 DLT 705
28. Super Cassettes Industries Ltd., v. Myspace Inc., (2011) 49 PTC 49 Del.

Learning Outcome:

After completion of the course students will be able to –

- Understand and explain the rudiments of internet technology and the Domain Name System
- Learn the scope and function of legal and technological regulation of the internet.
- Understand with the Social and Intellectual Property issues emerging from ‘Cyberspace.
- Explore the legal and policy developments in various countries to regulate cyberspace
- Develop the understanding of relationship between commerce and cyberspace
- Give learners in depth knowledge of Information Technology Act and legal frame work of right to Privacy, Data Security and Data Protection.

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS30801: INTERNATIONAL HUMAN RIGHTS LAW

Objectives of the Course

The objective of the course is to introduce the human rights and facilitate the students to understand the working of international Human Rights Law. The international human rights institutions and laws are provided to understand the global discourse on human rights. The dynamics of modern human rights is introduced to student through two specific modules focussing on selected themes. Indian practice is studied through the contribution of all the organs of the state. All the major regional human rights mechanisms are introduced. The students shall understand the making of regional human rights mechanisms and work of NGOs. The students is expected to acquire following competencies after the course,

- 1. The students will understand the role and limitations of international law with historical and institutional background.*
- 2. The students will be able appreciate the application of human rights to complex social, political and economic situations.*
- 3. They will be in a position to apply human rights to real life situations to court crafts.*

COURSE OUTLINE

Module I: Background and Introduction

- A. Origin and Development – Concept of Human Rights –Ancient Europe - The Middle Ages – The Magna Carta – Bill of rights – American Revolution – French Revolution – Classification of Human Rights – Practice of Ancient Indian States - Vedas, Ashoka and Sangam Tamil Nadu
- B. Human Rights and Duties – the idea of duty in the ancient and modern era – duty of individuals to fellow human beings – Gandhian Ideas and human rights instruments on duties
- C. Sources of International Human Rights Law: Treaties, Customs and soft law instruments- role of international courts and tribunals – recognition of international human rights law by municipal systems

Module II: Development of International Human Rights Law

- A. ICRC and Evolution of International Humanitarian Law – abolition of slavery – national and international efforts to abolish slavery and apartheid
- B. Right of Self-Determination of People – Prohibition of Genocide – Prohibition of Torture – Prohibition of Racial Discrimination – Prohibition of Slavery – Prohibition of Human Traffic and modern forms of slavery
- C. Evolution of International Labour Organisation – Early conventions and subsequent development – rights of workers including women, children and migrant labour

Module III: United Nations and International Human Rights

- A. Evolution of Human Rights in the UN framework- Development of UDHR – Role of Commission on Human Rights
- B. International Bill of Human Rights – Universal Declaration of Human Rights – International Covenant on Civil and Political Rights – International Covenant on Economic, Social and Cultural Rights – Non-derogable rights – Progressive Realisation of Human Rights – Conventions on Rights of the Child, Women and Disabled
- C. Prevention of Terrorism –International efforts to counter terrorism –cyber warfare and human rights

Module IV: Enforcement Mechanisms

- A. General Assembly and Security Council on Human Rights - United Nations Charter based Human Rights Institutions- UNHRC –Committees under various human rights treaties – General Comments and Recommendations – Special Rapporteurs – UN High Commissioner for Human Rights
- B. Response of International Community to Human Rights Situations: South and South East Asia, Middle East, Africa, Latin America and Eastern Europe
- C. Asian, African and European Human Rights Instruments and their enforcement – Regional Judicial bodies. (European Court of Human Rights, Inter-American Court of Human Rights and African Court of Human Rights)

Module V: Civil and Political Rights

- A. Rights of elderly Persons, Tribes, Minorities (including Linguistic, Religious and Sexual Minorities)
- B. Rights of Victims of Crimes – Death Penalty – Rights of Accused and Convict
- C. Democracy and International Rule of Law – Right to Vote – Right to Take Part in the Governance
- D. Concept of NGO's and International NGO's – their participation in Human Rights issues – Selective case studies.

Module VI: Economic and Cultural Rights

- A. Right to Education – International law and national implementation
- B. Right to Health – International Law on Tobacco control, Narcotics - contagious diseases – World Health Organisation
- C. Right to Food, Water and Sanitation – eradication of hunger and malnutrition – role of Food and Agriculture Organisation
- D. Right to Environment – Sustainable Development Goals – economic development, environmental protection and human rights

Module VII: International Refugee Law

- A. Introduction – Refugees, Internally Displaced Persons, Forced Migration, Economic Migration, Asylum – Relationship between IHRL, IHL, and IRL
- B. International Standards in Refugee Law - 1951 UN Convention relating to the Status of Refugees (UNCSR) with its 1967 Additional Protocol, UNHCR – Statute, Mandate, Role, Functions, Responsibilities
- C. Concept of Non-Refoulement, Durable Solutions - voluntary repatriation, local asylum, and resettlement
- D. Contemporary Concerns and Challenges – Select case studies

Module VIII: Implementing International Human Rights in India

- A. India's ratification and response to Human Rights Treaties and mechanisms
- B. The Protection of Human Rights Act, 1993 – Paris Principles on National Human Rights Institutions – State and National Human Rights Commissions
- C. Commissions for Women, SC/ST, Minorities, Children etc.
- D. Constitutional and Legislative Framework: Fundamental Rights, Duties and Directive Principles – Right to Information
- E. Role of High Courts and Supreme Court in Protecting Human Rights

Recommended Readings:

Suggested Books

1. Rhona Smith – International Human Rights Law (Oxford, 2017)
2. M.K.Sinha – Implementation of Basic Human Rights (Lexis Nexis)
3. Michael Haas - International Human rights Law (Routledge, 2014)

Further Readings

- Amanda Alexander, “A Short History of International Humanitarian Law” The European Journal of International Law Vol. 26 no. 1 (2015)
- Aswini K. Ray, Human Right Movement in India: A Historical Perspective, Economic and Political Weekly, Vol. 38, No. 32 (Aug. 9-15, 2003), pp. 3409-3415
- Chetail, Vincent, Are Refugee Rights Human Rights? An Unorthodox Questioning of the Relations between Refugee Law and Human Rights Law (September 17, 2012). Human Rights and Immigration, Collected Courses of the Academy of European Law, pp. 19-72, R. Rubio-Marin, ed., Oxford: Oxford University Press, 2014.;

Criminal Justice, Borders and Citizenship Research Paper No. 2147763. Available at SSRN: <https://ssrn.com/abstract=2147763>

- Guy S Goodwin-Gill “The Dynamic of International Refugee Law” International Journal of Refugee Law Vol. 25 no. 4 pp. 651–666 (2014)
- Kay Hailbronner, “Nationality in public international law and european law” in “Acquisition and Loss of Nationality Volume 1: Comparative Analyse” Rainer Bauböck(eds) Amsterdam University Press. (2006)
- KjerstiSkarstad, “Human rights through the lens of disability” Netherland Quarterly of Human Rights” Vol. 36(1) 24 (2018)
- MarttiKoskenniemi , National Self-Determination Today: Problems of Legal Theory and Practice, The International and Comparative Law Quarterly, Vol. 43, No. 2 (Apr., 1994), pp.241-269
- Myongsei Sohn, Globalization of Public Health Law and Ethics, Asia-Pacific Journal of Public Health 24(5) 851-8 (2012)
- Philippe Cullet , The Right to Sanitation: Multiple Dimensions and Challenges in Philippe Cullet (ed) “the Right to Sanitation in India” (Oxford, 2019)
- S. Muralidhan, “Rights of Victims in the Indian Criminal Justice System” National Human Rights Journal (2004) <http://www.ielrc.org/content/a0402.pdf>
- S. Radhakrishnan, Development of Human Rights in an Indian Context, International Journal of Legal Information (Volume 39 , 2008)

Indian Cases

- NALSA v. Union of India
- Navtej Singh Johar v. Union of India
- Francis Coralie Mullin Vs. The Administrator (AIR 1981 SC 746)
- Madhav HayawadanraoHoskot Vs. State Of Maharashtra (1979 SCR (1) 192)
- Selvi Vs. State Of Karnataka ((2010) 7 SCC 263)
- Jolly George Varghese v. Bank of Cochin (1980) 2 SCC 360
- Justice K.S.Puttaswamy(Retd) vs Union Of India, (2019)1 SCC 1
- Kharak Singh v. State of Uttar Pradesh AIR 1963 SC 1295
- People’s Union For Democratic Rights Vs. Union Of India & Others AIR 1982 SC 1473
- Nilabati Behera Vs. State of Orissa 1993 SCR (2) 581
- Parmanand Katara v. Union of India ((1989) 4 SCC 286)
- Lakshmi Kant Pandey vs Union Of India (AIR 1984 SC 469)
- Chairman, Railway Board and others Vs. Mrs.Chandrima AIR 2000 SC 988
- Maneka Gandhi Vs. Union of India (1978) 1 SCC 248

International Court of Justice

- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, <https://www.icj-cij.org/en/case/131>
- Ahmadou Sadio Diallo (Republic of Guinea v Democratic Republic of Congo) <https://www.icj-cij.org/en/case/103>
- Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970) <https://www.icj-cij.org/en/case/53>
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) <https://www.icj-cij.org/en/case/91>
- Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium) <https://www.icj-cij.org/en/case/121>

Regional Courts

- Advisory Opinion of Inter-American Court of Human Rights on ‘the right to information on consular assistance in the framework of the guarantees of the due process of law’
http://www.corteidh.or.cr/docs/opiniones/seriea_16_ing.pdf
- Case of Loizidou v. Turkey
<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58201%22%5D%7D>
- Lautsi v. Italy, Judgement of the Grand Chamber dated 18 March 2011
- Al-Adsani v United Kingdom (2002) 34 EHRR 273

Foreign Courts

- Jam et al v International Finance Corp (586 U.S.2019)
- *R (on the application of Edward Bridges) v The Chief Constable of South Wales* [2019] EWHC 2341
- Gillick vs West Norfolk and Wisbech Area Health Authority,
<https://www.lawteacher.net/cases/gillick-v-west-norfolk.php>

Learning Outcome

After undergoing this course,

1. Students will know the basics of international human rights law and its application at the municipal level
2. They will be in a position to understand the opportunities and limitations in the human discourse.
3. They will be in a position to apply the national and international human rights law to all human rights situations.

(b): CONSTITUTIONAL LAW & PROPERTY LAW

HS30802: HUMAN RIGHTS IN THE CONSTITUTIONAL LAW

Objectives of the Course:

Human Rights are essentially a product of Democracy. The Paper proposes to study the Bill of Rights as a Constitutional guarantee of Human Rights. It focuses on the nature and development of the concept of Human Rights and its applications in the Nation- States through their Constitutional and Ordinary Laws.

- 1. The study helps understand the origin, evolution and the growth of human rights*
- 2. It increases awareness of Human Right issues.*
- 3. It helps to realize the importance of International Conventions and their application into the constitutional scheme.*
- 4. It enables to understand the role of judiciary in the development of Human Rights Jurisprudence*

COURSE OUTLINE

Module I: Historical Development of Human Rights in India

- a. Origin 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.
- b. Nature, Definition and theoretical perspectives of Human Rights.
- c. Constitutionalism and Realization of Human Rights in India.
- d. Classification of Human Rights.
- e. Classification of Fundamental Rights.

Module II: Fundamental Rights as Human Rights

- a. Applicability of Human Rights.
- b. Influence of UDHR on Fundamental Rights
- c. Un-enumerated individual rights under the Constitution.
- d. Fundamental Rights as a limitation against State and Non-state Actors
- e. Fundamental Duties- Evolution and Relationship between Fundamental Duties and Fundamental Rights.

Module III: Directive Principles of State Policy as Human Rights

- a. Influence of UDHR on Directive Principles of State Policy
- b. Social-economic Rights- Distributive Justice.
- c. Social- Security and Welfare Provisions.
- d. Justiciability and enforceability of Directive Principles of State Policy.
- e. Relative Importance of Directive Principles of State Policy and Fundamental Rights.

Module IV: Ensuring Human Rights through Good Governance

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

Module V: Emerging Dimensions of Human Rights and Evolution of the Concept of Human Rights and Duties

- a. International enforcement of human rights,
- b. Impact of globalization on Human Rights
- c. Human rights, science and technology
- d. New rights: Rights of future generations,
- e. Human rights and duties in contemporary India

Module VI: Judicial Activism and Development of Human Rights Jurisprudence:

- a. Application of International Human Right Instruments in the domestic field
- b. Rights of Women
- c. Rights of children
- d. Rights of LGBT and queer community
- e. Rights of persons with disability
- f. Rights of prisoners and prison reforms
- g. Rights of senior citizens
- h. Rights of minorities

Module VII: Human Rights and Statutory Machinery in India

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

RECOMMDED READINGS:

1. Upendra Baxi, The Future of Human Rights, (Oxford University Press, New Delhi, 2012)
2. Dr.D.D.Basu, Human Rights in Constitutional Law, 3rd Edition, {Lexis Nexis Butterworths Wadhawa, New Delhi, 2008.}
3. Daniel Moeckli, Sangeeta Shah, & Sandesh Sivakumaran (ed.), International Human Rights Laws, (3rd Edition, Oxford University Press, 2014)
4. Paras Diwan and Peeyushi Diwan, Human Rights and the Law, (Deep and Deep Publication, New Delhi, 1998)
5. Justice D M Dharmadhikari, Human Values & Human Rights, 2nd Edition, Universal Law Publications Company, New Delhi, 2016.

Articles from Journals:

1. 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.
2. T.K.TOPE, "Fundamental Duties and Justiciability", (1982) 2 SCC J-9
3. P.K.Tripathi, Directive Principles of State Policy, (1954) 17 SCJ 7
4. M.P.Singh, "The Statics and Dynamics of the Fundamental Rights and Directive Principles – A Human Rights Perspective", (2003) 5 SCC J -1
5. Human Rights Special issue, *JILI* vol. 40, 1998(Jan – Dec)

Further Readings:

1. Baxi, Upendra, *Inhuman Wrongs and Human Rights* (Har Anand Publications, Delhi, 1994)
2. V.R. Krishna Iyer, *Dialectics and Dynamics of Human Rights in India* (1999)
3. AV Dicey, *Law of the Constitution*, (Mac Millan &Co. Ltd. London, 1994)
4. *Human Rights and Duties in India : Law, Policy, Society and Enforcement Mechanism*, Dr. T. S. N. Sastry, Professor and Coordinator, HRE Programme, University of Pune
5. 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>
6. HM Seervai, *Constitutional Law of India – 3 Volumes* (1991)
7. Raj Kumar, Chockalingam (ed), *Human Rights, Justice and Constitutional Empowerment* (2nd Edition, Oxford University Press, 2010)
8. VenkatIyer (ed), *Democracy, Human Rights And The Rule Of Law*, (Essays in the Honour of Nani Palkhivala, Butterworths, New Delhi, 2000)
9. Chandra, Shailja, *Justice V.R. Krishna Iyer on Fundamental Rights and Directive Principles* (Deep and Deep, Delhi, 1998).
10. Nirmal, C.J., *Human Rights in India* (New Delhi: Oxford, 1999).

Landmark Cases for Guidance:

1. *A.K.Gopalan v. State of Madras*, AIR 1950 SC 27
2. *ADM Jabalpur v. S. Shukla*, AIR 1976 SC 1207
3. *Air India v. NargeshMeerza*, AIR 1981 SC 1829
4. *BachapanBachaoAndolan v. Union of India*, AIR 2011 SC 3361
5. *Chairman Railway Board v. Chandrimadas*, AIR,2000 SC 988
6. *D.K.Basu v. State of West Bengal*, AIR 1997 SC 610
7. *Golak Nath v. State of Punjab*, AIR 1971 SC 1643
8. *Jolly George Varghese v. Bank of Cochin* AIR 1980 SC 470
9. *K.S. Puttaswamy and others v. Union of India*, 2017 SCC 1
10. *Kesavananda Bharati v. State of Kerala* AIR 1973 SC 1461
11. *Maneka Gandhi v. Union of India* AIR 1978 SC 597
12. *MC Mehta v. State of Tamil Nadu* AIR 1997 SC 699
13. *Md. Hanif Quareshi v. Bihar*, AIR 1958 SC 731
14. *NALSA v. Union of India* (2014) 5 SCC 438

15. *Nilabati Bahera v. State of Orissa*, (1993) 2 SCC 746
16. *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180
17. *Peoples Union for Democratic Rights v. Union of India*, AIR 1982 SC 1473
18. *Randhir Singh v. Union of India*, AIR 1982 SC 879
19. *Sankari Prasad v. Union of India*, AIR 1951 SC 455
20. *Sajjan Singh v. State of Rajasthan*, AIR, 1965 SC 845
21. *Sarala Mudgal v. Union of India*, (1995) 3 SCC 635
22. *Sunil Batra v. Delhi Administration*, (1 & 2) AIR 1980 SC1579
23. *Vineet Narain v. Union of India* AIR, 1998 SC 889
24. *Visakha v. State of Rajasthan*, AIR, 1997SC 3011
25. *Young Lawyers Association v. State of Kerala*(2018 SCC On Line SC 1690)

LEARNING OUTCOME:

1. The study will promote a good understanding of the provisions under the Constitution of India dealing with human rights.
2. The study will help the students to realize liberty, equality and fraternity- *a union of trinity* by ensuring that these values are applicable not only in the Public domain but also to the private sphere.
3. Demonstrate an understanding of the practical application of human rights law to specific human rights problems in India.
4. It ensures analysing complex human rights problems and applies relevant provisions of human rights law in India
5. The study promotes human right awareness and duties education among the student community by making them evaluate the role of judiciary in balancing individual liberty with social control.

(c): CRIMINAL LAW AND FORENSIC SCIENCE

HS30803: CYBER CRIME

Objectives of the Course:

Cyber world has come to occupy an important place in the history of mankind. As science advances, the knowledge also expands. It is undeniable fact that cyber world has thrown new vista but regretfully it has to be noted that it has also being misused and spreading undesirable information. It has become necessary to find out ways and means to curb this menace of spreading evil knowledge. The potential of the technology to be beneficial as well as detrimental to the society has cast obligation on the people to be aware of the two sides of the technology. It is still in a nascent stage and continuously evolving every passing day.

After undergoing the study the student will be able to understand the following:

- *To examine and discuss the history of computer crime.*
- *To examine various theoretical framework explaining computer crime.*
- *To educate about the regulation of cyber space at National and International level.*
- *To demonstrate knowledge of the different types of computer crime.*

COURSE OUTLINE

Module I: Concept of Cyberspace and Cyber crimes

- a) Definition and scope of Information Technology- Meaning and definition of Cyberspace- Cyberspace as an Internet Metaphor
- b) Convention on Cybercrime - UN & International Telecommunication Union (ITU) Initiatives- Council of Europe - Budapest Convention on Cybercrime- Asia-Pacific Economic Cooperation (APEC)- Organization for Economic Co-operation and Development (OECD)
- c) Origin and Development of Cyber crimes – Definition, Nature and Extent of Cyber Crimes in India
- d) cyber crimes under Indian Penal Code; Criminal Procedure Code; the Evidence Act and Information Technology
- e) A Trends in Cyber Crimes across the world.

Module II: Psychological , Sociological and Criminological Perspectives of Cyber Criminals

- a) Types of Cyber Criminals – Modus Operandi of Cyber Criminals – Causes of Cyber Crimes
- b) Profiling of Cyber Criminals
- c) Tools and Techniques adopted by Cyber Criminals
- d) Psychological theories relating to cyber criminals– Sociological and Criminological Perspectives

- e) Criminological Theories and Cyber Crime – Routine Activity Theory, Social Learning Theory, Differential Association Theory, Differential Opportunity Theory, Media and Crime and latest theories and other related theories.

Module III: Taxonomy of cyber crimes

- a) Cyber Crime Against Individual-Internet Grooming; Cyber Stalking; Cyber Harassment; Cyber Extortion; Online Pedophilia
- b) Cyber Crime Against Property- Illegal Access; Hacking And Cracking- Illegal Data Acquisition; Data Espionage-Illegal Interception; Data Interference; System Interference-Computer Threats
- c) Copyright And Trademark Related Offences- Computer Related Offences-
- d) Cyber Crime Against Nation; Cyber Terrorism; Cyber Warfare; Cyber Laundering; Content Related Offences
- e) Crimes Associated With Mobile Electronic Communication Devices.

Module IV: Privacy and Data Protection- Cyber-Enabled Intellectual Property Crime

- a) Privacy- Privacy and security
- b) Cybercrime that compromises privacy
- c) Data protection -Data breach -Enforcement of privacy and data protection
- d) Intellectual Property-Causes, reasons and perceived justifications for cyber-enabled copyright and trademark offences in Digital medium
- e) Domain Name Dispute and resolution issues in Digital Medium- Protection and prevention efforts.

Module V: Issues and challenges

- a) Cyber law and Jurisdiction-principles of Jurisdiction
- b) Theories of jurisdiction in cyberspace- the theory of up loader and the downloader ;the Minnesota theory; the theory of the server
- c) Internet jurisdiction – Indian context of Internet jurisdiction - International position of Internet jurisdiction
- d) Cyber Crime Present and the Future- Crypto currency-Bitcoin- Ethereum-Blockchain-Ransomware
- e) Deep Web and Dark Web- Deep Web And Its Challenges.

Module VI: Prevention of Cyber Crimes

- a) Statutory Provisions regarding Cyber Crimes in India- The Information Technology Act, 2000 and the Information Technology (Amendment) Act
- b) Judicial Perspective of India in cyber crime
- c) Global Perspective of Cyber Crimes and the related Laws-International cooperation to combat cyber crimes
- d) Conferences, Conventions, Summits, and Treaties cyber crimes and cyber laws- World Trade Organization (WTO), World Intellectual Property Organization (WIPO)
- e) Internet Cooperation for Assigned Names and Numbers (ICANN).

BIBLIOGRAPHY

RECOMMENDED READING

Books

1. Cyber Crime, Talat Fatima, 2nd Edition, Eastern Book Company
1. Cyber law and Cyber crime: Analytical Approach, Dr.M.K.Nagaraja, Sun Publishing House, Edition 2014
2. Solving the internet jurisdiction puzzle,SvantessonD,Oxford University Press, (2017)
3. Cyber Crime and Cyber Terrorism Investigator's Handbook,AkhgarBStaniforthABoscoF,Elsevier Inc., (2014)
4. Cyber Crime and Cyber Terrorism Investigator's Handbook,AkhgarBStaniforthABosco F, Elsevier Inc., (2014)

Journals/ Article

1. Diffusion and effects of cyber-crime in developing economies, Kshetri N, Third World Quarterly (2010) 31(7) 1057-1079
2. Online "Predators" and Their Victims: Myths, Realities, and Implications for Prevention and Treatment, Wolak JFinkelhorDMitchellKYbarra M, American Psychologist (2008) 63(2) 111-128
3. The Perception Analysis of Cyber Crimes in View of Computer Science Students, SolakDTopaloglu M, Procedia - Social and Behavioral Sciences (2015) 182 590-595
4. Hate crimes in cyberspace, Choice Reviews Online (2015) 52(07) 52-3918-52-3918
5. Exploring and analyzing Internet crimes and their behaviours, Arora B, Perspectives in Science (2016) 8 540-542

FURTHER READING

Books

1. Cyber-Physical Attacks: A Growing Invisible Threat,Loukas G, Elsevier, (2015)
2. The psychology of cyber crime: concepts and principles, Kirwan GPowerA Information Science Reference, (2012)
3. Security and the networked society, AoMOwens R, Springer International Publishing, (2013)
4. Cyberspace and Cybersecurity, TrachtmanJTrachtman J, Cambridge University Press, (2013), 85-117, Book Chapter
5. Virtually criminal: Crime, deviance and regulation online, Williams M, Routledge Taylor & Francis Group, (2006)
6. Corporate hacking and technology-driven crime: Social dynamics and implications, Holt TSchell B, IGI Global, (2010)
7. Crime, justice and social media, Salter M, Taylor and Francis, (2016)
8. Cybersecurity Law, Kosseff J, Wiley, (2019)
9. Cyber warfare: A multidisciplinary analysis, Green J, Taylor and Francis Inc., (2015)
10. International internet law, Kulesza J, Taylor and Francis, (2012)

Journal / Article

1. Internet development, censorship, and cyber crimes in China, Liang BLu H, Journal of Contemporary Criminal Justice (2010) 26(1) 103-120
2. Pattern of global cyber war and crime: A conceptual framework, Kshetri N, Journal of International Management (2005) 11(4) 541-562
3. The challenge of measuring cyber-dependent crimes, Furnell SEmmDPapadaki M, Computer Fraud and Security (2015) 2015(10) 5-12
4. Cyber terrorism challenges: The need for a global response to a multi-jurisdictional crime, Tehrani PAbdulManapNTaji H, Computer Law and Security Review (2013) 29(3) 207-215
5. Impact of Cyber Crime: Issues and Challenges, Das SNayak T, International Journal of Engineering Sciences & Emerging Technologies (2013) 6(2) 142-153
6. Cyber Staking : Crime and Challenge at the Cyberspace, Thapa AKumar R, International Journal of Computing and Business Research (2011) 2(1)
7. Fear of cyber crime among college students in the United States: An exploratory study, Yu S, International Journal of Cyber Criminology (2014) 8(1) 36-46
8. Growing cyber crimes in India: A survey, Kumar P, Proceedings of 2016 International Conference on Data Mining and Advanced Computing, SAPIENCE 2016 (2016) 246-251
9. Effects of cyber security knowledge on attack detection, Ben-Asher NGonzalez C, Computers in Human Behavior (2015) 48 51-61
10. Cyber security challenges in smart cities: Safety, security and privacy, ElmaghrabyALosavio M, Journal of Advanced Research (2014) 5(4) 491-497

Cases for Guidance

1. Vyakti Vikas Kendra, India Public v. Jitender Bagga (Del HC) I.A. No. 8877/2012 in CS(OS) No.1340/2012 Order decided on : 09.05.2012
2. Shreya Singhal v. U.O.I (SC) Writ Petition (Criminal) No.167 OF 2012 24 March, 2015
3. Satyam Infoway Ltd. v. Siffynet Solutions Pvt. Ltd. 2004 Supp(2) SCR 465
4. Banyan Tree Holding (P) limited v. A. Murali Krishna Reddy CS (OS) No. 894/2008, Del(DB)
5. Neogen Corp. v. Neo Gen Screening, Inc., 282 F.3d 883, 890 (6th Cir. 2002)
6. National Association of Software v. Ajay Sood and ors. 119 (2005) DLT 596, 2005 (30) PTC 437 Del
7. Aweek Sarkar v. State Of West Bengal (SC) CRIMINAL APPEAL NO.902 OF 2004 decided on 3 February, 2014
8. State of Tamil Nadu v. SuhasKatti (decided on 5-11-2004) ADDL. CMM EGMORE, , C.C.NO.4680/2004 Source :<http://www.prashantmali.com/cyber-law-cases>
9. The State (Cyber Cell v. Yogisha @ Yogesh Pandurang Prabhu ADDL. Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai C.C. No. 3700686/PS/2009 (Delivered on 3rd July, 2015)

10. Maqbool Fida Husain v. Raj Kumar Pandey Delhi High Court, CRL. REVISION PETITION NO.114/2007 Decided on 8 May, 2008
11. Anvar P.V v. P.K.Basheer&Ors Civil Appeal No. 4226 of 2012 (SC) decided on 18 September, 2014
12. Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) ALD (Cri) 96; 2005 CriLJ 4314
13. Diebold Systems Pvt. Ltd. vs The Commissioner, ILR 2005 KAR 2210
14. Sanjay Kumar v. State of Haryana P & H High Court decided on 10/01/2013 CRM No.1353 of 2013 ;CRR No.66 of 2013 (O&M)
15. State of A.P. v.. Prabhakar Sampath VI Addl.Chief Metropolitan Magistrate, Hyderabad. CC. 489 of 2010 31st day of March, 2015 Available at:<http://www.prashantmali.com/cyber-law-cases>
16. Hyderabad v. Prabhakar Sampath, Add. CMM Hyderabad, decided on 31/03/2015, CC 489 Of 2010 available at: www.prashantmali.com/cyberlaw-cases 34
17. Naascom v. Ajay Sood, 119 (2005) DLT 596
18. Aweek Sarkar v. State of West Bengal (SC) Criminal Appeal no. 902 of 2004 decided on 3/2/2014
19. Anvar P.V v. P.K.Basheer, Supreme Court, decided on 18 September, 2014, Civil Appeal No.. 4226 of 2012, available at <http://indiankanoon.org/doc/187283766/>
20. My Space Inc. v. Super Cassettes Industries Ltd., Delhi (DB), FAO(OS) 540/2011, C.M. APPL.20174/2011, 13919 & 17996/2015 decided on 23 December, 2016 available at <http://indiankanoon.org/doc/12972852/>

Learning Outcomes

1. To analyze the ways in which information and communication technology is used to commit cyber organized crime
2. To spread awareness among the general public about the cyber law.
3. To demonstrate knowledge of the incidence, prevalence, distribution, and impacts of computer crime
4. To demonstrate knowledge of the investigation, prosecution, and sentencing of computer crimes
5. To examine the current trends in computer crime and future of computer crime.

(d): INDUSTRIAL AND COMMERCIAL LAW

HS30804: INSURANCE LAW

Objectives of the Course:

The concept of Insurance has been prevalent in India since ancient times. This is evidenced from the over-seas travel for business and commerce, wherein if any loss sustained in the transit, it was borne by the Joint family members doing business together. In the present times Insurance has taken a remarkably different structure and developed to a considerable extent. It is crucial to a Student of Law to have a comprehensive knowledge of Insurance Law, in the light of Insurance sector having expanded into all fields and having become an integral part of both the common man and the corporate sector.

The objective of the study of this subject is to provide the Students -

- i. An understanding of the Legal dimensions of the Law relating to the formation of insurance contracts.*
- ii. An insight into the Laws that buttress the operations of insurance.*
- iii. To comprehend and appreciate the significance of various types of insurances and the consequences of the happening of various perils insured against.*
- iv. To familiarise with the organisational set-up of the redressal mechanisms, functions and powers of the same, claim settlement procedural aspects, under the various Statutes pertaining to insurance.*

COURSE OUTLINE

MODULE – I: INTRODUCTION:

- a. Concept of Insurance.
- b. Nature and Scope of Insurance.
- c. Significance and utility of Insurance.
- d. Formation of Insurance Contract.
- e. Classification of Insurance.
- f. Insurance as an
 - Aleatory Contract;
 - Uberrima Fides;
 - Indemnity Contract;
 - Wager;
 - Adhesion.

MODULE – II: GENERAL PRINCIPLES OF INSURANCE:

- a. Insurable Interest.
- b. Premium.
- c. Risk.
- d. Assignment of Insurance policies
- e. Warranties.
- f. Representations and Disclosures.
- g. Ombudsman.
- h. Double Insurance and Reinsurance.
- i. The Insurance Act, 1938.
- j. Insurance Regulatory and Development Authority Act, 1999.

MODULE – III: LIFE INSURANCE:

- a. Definition of pertinent terms.
- b. Contract of Life Insurance and formation.
- c. Policy of Life Insurance.
- d. Comparison between life insurance and other insurances.
- e. Kinds of Life Insurance Contracts.
- f. Events insured against in Life Insurance.
- g. Felo De Se.
- h. Elements affecting the risk.
- i. Sums recoverable under Life Insurance policy.
- j. Persons entitled to Payment.
- k. Settlement of Claims.
- l. Life Insurance Corporation Act, 1956.
- m. Privatisation of Life Insurance industry.

MODULE – IV: MARINE INSURANCE:

- a. Nature of Marine Insurance.
- b. Marine Adventure.
- c. Classification of Marine Insurance policies.
- d. Voyage, Change of Voyage and Deviation.
- e. Maritime Perils.
- f. Excluded Losses.

- g. Warranties in Marine Insurance.
- h. Actual Total Loss.
- i. Constructive Total Loss.
- j. Abandonment.
- k. Slip and cover.
- l. General Average.
- m. Particular Average.
- n. Salvage.
- o. FPA Clause.
- p. Indian Marine Insurance Act, 1963.

MODULE – V: FIRE INSURANCE:

- a. Meaning of the term 'Fire'.
- b. Loss by Fire.
- c. Nature of Fire Insurance.
- d. Consequential Loss Coverage.
- e. Doctrine of Subrogation.
- f. Doctrine of Contribution.
- g. Doctrine of Re-instatement.

MODULE - VI: MOTOR VEHICLES INSURANCE:

- a. Nature and Scope of Motor Vehicle Insurance.
- b. Indemnity in Motor Vehicle Insurance Contracts.
- c. Types of Motor Vehicle Policies.
- d. Absolute and no fault liability.
- e. Amount payable in case of death and permanent disablement.
- f. Nature and Scope of Compulsory Insurance.
- g. Third party claims.
- h. Hit and Run Motor Accidents.
- i. Motor Accident Claims Tribunal.
- j. The Motor Vehicles Act, 1988.
- k. The Motor Vehicles (Amendment) Act, 2019.

RECOMMENDED READING:

- a) Modern Law of Insurance in India, by K.S.N. Murthy and K.V.S. Sharma – LexisNexis, 6th Edition, 2019.
- b) Law of Insurance, by Avtar Singh – Eastern Book Company, 3rd Edition, 2017, reprinted in 2018.
- c) Principles of Insurance Law, by M.N. Srinivasan – LexisNexis, 10th Edition, 2017.
- d) General Principles of Insurance Law, by E.R. Hardy Ivamy – Butterworth, 6th Edition, 1993.
- e) Modern Insurance Law, by John Birds – Sweet and Maxwell, 11th Edition, 2019

JOURNALS:

1. Rappaport, John, How Private Insurers Regulate Public Policy (February 15, 2016). Harvard Law Review, Vol.130, pp.1539-1614.
2. Feinman, Jay M., Contract and Claim in Insurance Law (2018), Connecticut Insurance Law Journal, Vol.25, No.1, 2018.
3. Dr. Pramod Deo, IRDA: Regulator of Insurance Sector in India, Indian Journal of Research, Volume:5, Issue:6, June 2016, pp.189-192.
4. Hay Bruce L, A No-Fault Approach to the Duty to Settle (October 1, 2015). Rutgers Law Review, Vol.68, No.3, 2016.
5. P.C. James, Leveraging Distribution For Mainstreaming Insurance, IRDAI Journal, Volume XIV, No.2, 2016, pp.11-15.

FURTHER READING:

6. Good Faith and Insurance Contracts, by Peter MacDonald Eggers (lloyd's Insurance Law Library), Informa Law from Routledge, 4th Edition, 2018.
7. Insurance Law & Policy: Cases Materials & Problems, by Tom Baker, Aspen Publishers, 3rd Edition, 2013.
8. Principles of Insurance Law, by Emeric Fischer, LexisNexis, revised 3rd Edition, 2001.
9. The Law of Liability Insurance, by Malcolm A. Clarke, Informa Law from Routledge, 2nd Edition, 2017.
10. Insurance Contract law between Business Law and Consumer Protection, by Helmut Heiss, Dike Publishers, 2012.
11. Kannan,N., A Study on the Growth of Indian Insurance Sector (2010). International Journal of Management, Volume 1, Issue 1, May 2010, pp.17-32.
12. Prashanth, V., Necessity of Insurable Interest in Insurance Contracts (August 1, 2008). Corporate Law Cases; August 2008 Edition; Published by All India Reporter, Nagpur, India.
13. Bennett Howard, Fortuity in the Law of Marine Insurance. Lloyds Maritime and Commercial Law Quarterly, pp.315, 2007.

LANDMARK CASE LAW:

14. Pim v. Reid
15. Dalby v. The Indian & London Assurance Co.
16. Tyrie v. Fletcher.
17. Law v. London Indisputable.
18. Stevenson v. Snow.
19. The Wilson Son's & Co. v. Xantho.
20. Beresford v. Royal Insurance Co. Ltd.
21. Oriental Life Insurance Co. v. Ammiraju.
22. Ibrahim vs Mackinnon Mackenzie & Co.
23. Hyderabad (Deccan) Co. v. Willoughby.
24. Bouillon v. Lupton.
25. Canada Rice Mills Ltd. v. Union Marine & General Insurance Co.
26. Harris v. Poland.
27. Everest v. London Assurance Co.
28. Brown v. Royal Insurance Co.
29. Moore v. Evans.
30. Pandurang v. New India Life Insurance Co.
31. Union of India v. Swarn Singh and Others.

LEARNING OUTCOME:

32. Demonstrate knowledge of the legal and ethical aspects of insurance Law.
33. Discern and appreciate the importance of the impact of globalisation and diversity in modern insurance based organisations.
34. Perceive how losses are measured and the various principles such as of indemnity, contribution, subrogation, reinstatement etc that are applied in accessing insurance claims.
35. Develop the ability of critical thinking and an analytical approach to the application of knowledge and skills to select viable solutions in resolving issues that may arise in execution of insurance contracts.

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS40801: INTELLECTUAL PROPERTY ON TRADITIONAL KNOWLEDGE AND GENETIC RESOURCES

Objectives of the Course:

The legal regimes that govern the relationship between intellectual property, traditional knowledge and bio diversity remain sources of significant tension in international intellectual property law making. A number of difficulties arise in efforts to reconcile legal and policy norms at the intersection of the three regimes. Such difficulties generally stem from perceived short comings of the globally recognized forms of intellectual property rights to accommodate traditional knowledge and biodiversity in providing sufficient protection.

The objective of the course is to study how at the international and national level address the Issue of TK and Genetic Resources

COURSE OUTLINE

Module I: Introduction to Traditional Knowledge

- a) Meaning and Scope of traditional Knowledge – Interface between IP and traditional Knowledge – Need and Significance of protection - Detailed analysis of traditional knowledge and traditional cultural expressions
- b) Cultural Property, Interface between Cultural Property and Intellectual Property, Converting Cultural Property into Intellectual Property and Ownership Issues WIPO Guidelines on Cultural Property-
- c) Folklore - – Conceptual Analysis –International and National Perspectives.

Module II: International Protection of TK and Human Right Perspectives

- a) International Development of Traditional Knowledge Protection – CBD – FAO International Treaty on Plant Genetic Resources
- b) Protection of Folklore/Cultural Expressions by UNESCO - Developments in WIPO on Traditional Knowledge and Traditional Cultural Expression
- c) Inter-relationship between IPR and Human Rights-An Overview of Art 17 (Right to Property) and Art 27 (Right to participate in Cultural Life of the Community) of UDHR and Art 15 (1) (To take part in Cultural Life) of ICESCR.

Module I11: Protection of TK in India

- a) Positive Protection of TK under Indian Laws – Patents – Plant Variety and Biodiversity – Geographical Indications Copyrights– Trade Secrets – Test data protection.
- b) Traditional Knowledge as Property -Nature of Property in Genetic Resources and Associated Traditional Knowledge
- c) Ownership in Traditional Knowledge: Nature and Elements of Ownership – Exclusivity and Protection –Benefit Sharing.

Module IV: Documentation of Traditional Knowledge

- a) Recognition and Documentation Recognition and Documentation of Traditional Knowledge – Databases – Traditional Knowledge Digital Library “TKDL” -AYUSH Systems of Medicines – Biodiversity Register.

Module V: Protection of Genetic Resources

- a) Genetic Resources and Associated TK as Property – Nature of Property in GR and Associated TK – Common Heritage of Mankind – CBD – Permanent Sovereignty
- b) Ownership in GR & TK – Elements of Ownership – Exclusivity and Possession – Nature of Ownership of GR and TK in CBD, Cartagena Protocol and Nagoya Protocol (PIC & BS)
- c) Patent on Genetically Modified Organisms, Patentability of GMOs,
- d) Product of Nature Doctrine, Chakrabarty’s Legacy, Position in Different Countries, US, UK, EC Directives and Position in India

Module VI: Benefit Sharing

- a) Benefit Sharing – Different types of Benefits and Benefit Sharing
- b) Beneficiaries – CBD, Nagoya Protocol and Indian Law- Bilateral vs. Multilateral Benefit Sharing – CBD, Nagoya Protocol and ITPGRFA
- c) Interface between IPR and GR and TK – TRIPS-CBD conflict and proposed solutions

Module VII: Protection of Plant Genetic Resources and Farmers' Right

- a) Plant Genetic Resources- Common Heritage of Mankind-International Understanding of Plant Genetic Resources for Food and Agriculture-UPOV Convention 1961, 1978 &1991 Text
- b) Plant Varieties Protection-Distinctiveness, uniformity, stability and Novelty-Farmer's rights – GM Corps- International Treaty for Plant Genetic Resources for Food and Agriculture 2001 -Benefit Sharing- Mutually Agreed Terms-Prior Informed Consent- Access to Plant Genetic resources.

Recommended Readings

Books:

1. Christoph Belman and Graham Dutfield, Trading in Knowledge: development Perspectives on TRIPS, Trade and Sustainability, Earthscan Publications Ltd. (2003)
2. Patricia Lucia Marin, Providing Protection for Plant Genetic Resources: Patents, Sui Generis Systems and Bio-Partnerships, Kluwer Law International (2001)
3. Timothy M. Swanson (ed), Intellectual Property Rights and Biodiversity Conservation: An Interdisciplinary Analysis of the Values of Medicinal Plants, Cambridge University Press (1995)
4. Dr. N. S .Gopalakrishnan and Benoy K. Kadavan, Study on Test data Protection in India, Eastern Book Company, Lucknow (2005)
5. Christoph Antons (ed.) Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia Pacific Region, Kluwer Max Planck Series, (2009)

Journals/Articles:

1. Navigating Traditional Knowledge And IP – The Adventure of the Yakuanoi, Available at : <https://www.wipo.int/tk/en/tk/yakuanoi.html>
2. Inter- Governmental Committee on Traditional Knowledge, Traditional Cultural Expression and Genetic Resources, Available at: <https://www.wipo.int/tk/en/igc/>
3. Lorie Graham and Stephen Mc John, Indigenous Peoples and Intellectual Property, 19 Wash. U.L.J.L &Pol'y (2005) Pp: 313-338.
4. Bastida-Munoz, MindahiCrescencio& Geraldine A. Patrick, Traditional Knowledge and Intellectual Property Rights- Beyond TRIPS Agreements and Intellectual Property Chapter of FTA's., Journal of International Law Vol 14, No. 2, 2006 (259-290).
5. Sudhir Krishnaswamy, Intellectual Property and India Development Policy, Indian J L and Tech., (2015), Pg. 169.

Further Readings

Books

1. WIPO Reading Material on Intellectual Property, WIPO, Geneva
2. FAO, The State of World's Plant Genetic Resources for Food and Agriculture
3. Convention on Biological Diversity, 1992 and International Treaty on Plant Genetic Resources for food and Agriculture, 2002
4. UNESCO/WIPO Model Provisions for Protection of Folklore/ Cultural Expressions.
5. Documents of Inter Governmental Committee, WIPO on TK & TCE protection, WIPO. Geneva.
6. Daniel F. Robinson Confronting Biopiracy: Challenges, Cases and International Debates, Earthscan, (2010)
6. Jonathan Curci, Protection of Biodiversity and Traditional Knowledge in the International Law of Intellectual Property, Cambridge University Press, (2010)
7. Dutfield and Posey, Beyond Intellectual Property: Toward Traditional Resource Right for Indigenous Peoples and Local Communities, IDRC, (1996)
8. Geoff Tansey and TasmineRojotte (Eds.), The Future Control of Food: A Guide to International Negotiations and Rules on Intellectual Property, Earth Scan, London (2008)
9. Gerald Moore and Witold Timousky, Explanatory Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture, IUCN, Gland, Switzerland and Cambridge, (2005)
10. Graham Dutfield, Intellectual Property Rights, Trade and Biodiversity, Earthscan Publications Ltd, London (2000)

Journals

1. Rebecca Tsosie, An Essay on Cultural Appropriation and Cultural Rights, Arizona State Law Journal Vol -34, No. 1, (2002), pp. 259-358
2. Charles R Mc Manis, Intellectual Property, Genetic Resources and Traditional Knowledge Protection Thinking Globally, Acting Locally (2003), Cardozo Journal of International Comparative Law 547.
3. L. Margulies, Protecting Biodiversity Recognizing International Intellectual Property Rights in Plant Genetic Resources (1993) Michigan Journal of International Law (322-356).
4. Marcus Goffe, Recent Developments in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional knowledge and Folklore, (2011) 1 Queen Mary J. Intell. Prop. Pp. 90-98.

5. Dennis S. Karjala, Sustainability and Intellectual Property Rights in Traditional Knowledge, (2012) 53 Jurimetrics 57.
6. Susan Scafidi, Intellectual Property and Cultural Products (2001) Boston University Law Review Vol. 81, pp. 793-842.

Learning Outcomes:

- Understand the nature, scope and ownership issue of traditional knowledge, traditional cultural expression and genetic resources
- Examine the protection of traditional knowledge and genetic resources at the International and National level.
- Study the impact of Cultural Property on the intangible cultural heritage of the country.

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

HS40802: LAND LAWS OF TAMIL NADU

Objectives of the Course:

Land rights are an integral part of Land Laws, as they socially enforce groups of individuals' rights to own land in concurrence with the land laws of a nation. Land Law addresses the legal mandates set forth by a country in regards to land ownership, while land rights refer to the social acceptance of land ownership. The knowledge about the land laws of Tamil Nadu helps to understand the local laws of the State. This subject is very much helpful for civil side practice.

COURSE OUTLINE

Module– I: Tamil Nadu Estate and Lease Holds Laws:

- a. 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: 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: 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: 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: 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: 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.

Note: All the legislations includes the time to time amendments and rules

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:

1. Students will be able to understand the local laws relating to land
2. They will be able to handle any civil cases relevant to land
3. Will be useful to learn procedure aspect in registration of land, obtaining patta, chitta etc

(c): CRIMINAL LAW AND FORENSIC SCIENCE

HS40803: FORENSIC SCIENCE AND INVESTIGATION

Objectives of the Course:

Forensic science is a versatile and enormously powerful tool in the investigation of a crime. Forensic investigation is vital to the mission of truth seeking, because the forensic evidence does not lie. Forensic investigation provide an overview of the field of forensic investigation whilst highlighting the interrelated principles and procedures of criminal investigation. Moreover gathering and examining forensic evidence is the only way to ensure that false information is exposed, and ultimately kept from the gates of justice. The forensic evidence, the forensic investigator, and the forensic examinations are all linked in the service of these objectives. Forensic Science deals with the application of the knowledge and methodology of various disciplines of science to legal matters. It involves the use of multiple disciplines such as physics, chemistry, biology, computer science and engineering for evidence analysis. The role of forensic science in criminal justice and the legal system is highly commendable.

After undergoing the study the student will be able to understand the following:

- *To emphasize the methods of securing, searching and documenting crime scenes.*
- *To emphasize the students the legal importance of chain of custody.*
- *To emphasize the tools and techniques for analysis of different types of crime scene evidence.*
- *To emphasize the importance of forensic investigation in crime detection.*

COURSE OUTLINE

Module I: Forensic Science and its Development

- a) Crime- Criminal Investigation- forensic science-concepts-Scientific Criminal Investigation- - Need and Scope of Forensic Science
- b) Basic Principles of Forensic Science- Branches of Forensic Science- Forensic Science in International Perspectives- Constitutional validity of forensic investigation- Quality of Forensic Science in Criminal Investigation
- c) Law of Forensic Science -Validity and Admissibility of Scientific Evidence- Forensic investigation in Criminal Trials- Problem of Proof.
- d) Tools of Forensic Science- Forensic Science Laboratories- Chemical Examiners Laboratories-Document Examiners- Finger Print Bureau- Department of Explosives-Serologist to the Government of India- Mobile Laboratories- CID Scientific Sections- Computer Divisions
- e) Medico- Legal Institutes- Consultancies- National Crime Record Bureau- Central Forensic Science Laboratory- State Forensic Science Laboratories, Police & Detective Training Schools, Police Academies- Police dogs- Services of Crime Laboratories.

Module II: Crime Scene Examination

- a) Crime Investigation- Crime Scene- Its importance in Criminal Investigation- Collection of Sample or Materials
- b) Physical evidence- Classification of physical evidence- Types of physical evidences- Sources of physical evidence
- c) Signification and value of physical evidence- Linkage between Crime Scene, Victim and Criminal-
- d) Evaluation-Investigators Role- Surveillance- Sketching- Photography
- e) Crime Detection Devices- Crime Scene Documentation.

Module III: Forensic Analysis of Sample - Techno Analysis of Crimes

- a) DNA profiling- Finger prints-Tool Marks- Firearms- -Disputed Document- Narcotics- Alcohol
- b) Explosives- Voice Identification- Forensic Psychology
- c) Narco analysis- Evidentiary value of Narco analysis- Brain Mapping- Polygraph Analysis.
- d) Digital and Electronic forensic Investigation-Software Piracy- Spectrographic Forensic Identification- Artificial Intelligence
- e) IRIS and *fingerprint biometric* authentication - CCTV footage- Forensic Audio and Video Analysis.

Module IV: Forensic Medico Investigation

- a) Identification of Individual- Forensic Psychology- Interrogation
- b) Death Investigation- Causes of death- Determination of time since death- Medico-legal aspects of death
- c) Types and classification of injuries.
- d) Ante mortem and Post mortem injuries- Aging of injuries- Investigation of sexual offences –Toxic death
- e) Medico-Legal Aspects in the Admissibility of Scientific Evidence

Module V: Expert Testimony

- a) Expert- Role and Qualifications of Forensic Scientists- Code of conduct for Forensic Scientists
- b) Ethical issue in Forensic Science- Professional standards for practice of Criminalities-
- c) Sanction against Expert for Unethical Conduct- Value of Forensic Expert
- d) Forensic Expert and Ordinary Expert Difference- Admissibility of Expert Opinion
- e) Direct Evidence vs Circumstantial Evidence- Limits of Scientific influence.

Module VI: Relevancy, Admissibility and Probative Efficacy

- a) Principles of Relevancy and Admissibility
- b) Standard for Relevancy and Admissibility
- c) Reliability and probative efficacy
- d) Corroboration in admitting forensic evidence- Judicial Approach
- e) Comparative Analysis.

Recommended Readings:

Books:

1. A Textbook of Medical Jurisprudence and Toxicology, Modi 26th Edition 2018, Lexis Nexis
2. Forensic Science in Criminal Investigation and Trials, B R Sharma 6th Edition 2020, Lexis Nexis
3. Techniques of Crime Scene Investigation, [Barry A. J. Fisher](#), [David R. Fisher](#), 8th Edition, The CRC Press, Available on Taylor & Francis eBooks
4. Crime Scene Forensics, A Scientific Method Approach, Robert C Shaler, 1st Edition, The CRC Press, Available on Taylor & Francis eBooks.
5. Principles and Practice of Criminalistics, The Profession of Forensic Science, [Keith Inman](#), [Norah Rudin](#), 1st Edition, The CRC Press, Available on Taylor & Francis eBooks.

Journals/ Journal Articles:

1. Lindquist, C. (1991). *Forensic Science Education and the Role of the Forensic Science Educator. Proceedings of the Taipei Symposium on Forensic Sciences (Vol. Liu and Chen (edn.), pp. 79-85)*
2. Lindquist (1994). *Criminalistics in the Curriculum: Some Views From the Forensic Science Community. Journal of Criminal justice Education (Vol. 5, pp. 59-68)*
3. Lindquist (1995). *Criminalistics Education and the Role of the Criminalistics Educator. Forensic Science Review (Vol. 7, pp. 61-75)*
4. Margot P., (2011). *Forensic Science on Trial-What Is the Law of the Land? Australia J. Forensic sci. (Vol. 43, pp. 89, 92)*
5. Tilstone, W. (1991). *Education, Training, and Assessment in Forensic Science. Journal of the Forensic Science Society (Vol.31, pp. 95-100)*

Further Readings:

Books:

1. J. M. Butler, *Forensic DNA Typing: Biology, Technology, and Genetics of STR Markers*(London: Academic Press, 2005).
2. M. H. Houck and J. A. Siegel, *Fundamentals of Forensic Science* (Boston: Academic Press, 2006).
3. Cook, T., Hibbitt, S. & Hill, M. *Blackstone's crime investigators' handbook*. (Oxford University Press, 2016).
4. W. Goodwin, A. Linacre, and S. Hadi, *An Introduction to Forensic Genetics* (Chichester: Wiley, 2007).
5. Bell, J. Swenson-Wright, and K. Tybjerg (eds.), *Evidence* (Cambridge: Cambridge University Press, 2008).
6. R. Williams and P. Johnson, *Genetic Policing: The Use of DNA in Criminal Investigations* (Cullompton: Willan, 2008).
7. National Research Council, *Strengthening Forensic Science in the United States: A Path Forward* (Washington, DC: National Academies Press, 2009).
8. *Criminalistics, Introduction to Forensic Science* , Richard Saferstein, Prentice Hall College Div; 8 Edition
9. *Forensic Science Education and Training: A Tool-kit for Lecturers and Practitioner Trainers*, Editor(s): Anna Williams John P. Cassella Peter D. Maskell, 2017 John Wiley & Sons, Ltd.
10. *Forensic Science: Fundamentals & Investigations Hardcover* , Patricia Bertino, Cengage Learning Custom Publishing; 2nd Edition , 2015

Journal/ Journal Articles:

1. Giannelli, P. (1997). *The Abuse of Scientific Evidence in Criminal Cases: The Need for Independent Crime Laboratories*. *Virginia Journal of Social Policy and the Law* (vol. 4, pp. 439-478)
2. Grover, N.(2014). *Development of Forensic Science and Criminal Prosecution – India*. *International Journal of Scientific and Research Publications* (Vol. 4, Issue 12).
3. Julian R. and Kelty S. (2012). *Forensic Science and Justice: From Crime Scene to Court and Beyond*. *Current issues in Criminal Justice* (Vol. 24 No. 1, July)
4. Klinker M. (2009). *Forensic science expertise for international criminal proceedings: an old problem, a new context and a pragmatic resolution*. *The International Journal of Evidence & Proof* (Vol.13, Pg.102-129).
5. Lappas, N. (1978). *Forensic Science Laboratories in the United States: A Survey*. *Journal of Forensic Science Society* (Vol. 18, pp. 171-80)
6. Lambert E., Nerbonne T., Watson P.L., Buss J., Clarke A., Hogan N., Barton S., Lambert J. (2003). *The forensic science needs of law enforcement applicants and recruits: a survey of Michigan law enforcement agencies*. *Journal of Criminal Justice Education* (Vol. 14 No. 1, Spring).

7. Giannelli, P. (1997). The Abuse of Scientific Evidence in Criminal Cases: The Need for Independent Crime Laboratories. *Virginia Journal of Social Policy and the Law* (vol. 4, pp. 439-478)
8. Grover, N.(2014). Development of Forensic Science and Criminal Prosecution – India. *International Journal of Scientific and Research Publications* (Vol. 4, Issue 12).
9. Julian R. and Kelty S. (2012). Forensic Science and Justice: From Crime Scene to Court and Beyond. *Current issues in Criminal Justice* (Vol. 24 No. 1, July)
10. Klinker M. (2009). Forensic science expertise for international criminal proceedings: an old problem, a new context and a pragmatic resolution. *The International Journal of Evidence & Proof* (Vol.13, Pg.102-129).

Cases for Guidance:

1. Sushil Sharma vs. The State (Delhi Administration)1996 CriLJ 3944
2. Marachalil Chandra Tukaram Talekar vs. State of Gujarat, 1980 Cri.L.J.5 (Guj.)
3. The State of U.P. Through the C.B.I. vs. Rajesh Talwar & Another Sessions Trial No. 477 of 2012) (**Aarushi Talwar murder case**)
4. Manu Sharma vs. State (NCT of Delhi), (2010) 6 SCC 1 (**Jessica Lal murder Case**)
5. *Selvi&Ors vs. State of Karnataka &Anr*AIR 2010 SC 1974.
6. Alavandar murder case (<https://tvaraj.com/tag/alavandar-murder-case/>)
7. Surendra Koli vs State Of U.P. Ors on 15 February, 2011
8. Santokben Sharmanbhai Jadeja vs State Of Gujarat on 13 August, 2007." 13 Aug. 2007, <https://indiankanoon.org/doc/1561319/>.
9. State by the Inspector of Police vs. Manoharan, 2015 Cri. LJ 1215 : MANU/TN/0496/2014
10. Enamul Haque vs. State of West Bengal, CRM 17348 of 2010 & AST 1114 of 2010
11. Inspector of Police vs. John David (2011) 5 SCC 509
12. State of NCT Delhi vs. Sujeet Kumar, 2014 SCC Online Del 1952
13. *The State of Bombay vs. KathiKaluOghad& Others*, AIR 1961 SC 1808, 1962 SCR (3) 10.
14. **Pratim Alias Peter Mukherjea vs Union Of India And Anr on 19 January, 2018 (Sheena Bora murder case)**
15. Sr. Sephy vs Union Of India 1 January, 2009 (Sister Abhaya murder case)

Learning Outcomes:

After completion of the course students will be able to-

- *Identify and analyse a situation as constituting a crime, incident or transgression in order to determine the resources that must be activated and the procedures that must be followed.*
- *Differentiate the applied forensic methods used to evaluate various types of evidence.*
- *To disseminate information on the advancements in the field of forensic science.*
- *Evaluate the limitations of forensic techniques and interpretations. Define and recognize the techniques of crime scene searches, courtroom demeanor, and criminal investigation related to child abuse and sexual assault situations.*

(d): INDUSTRIAL AND COMMERCIAL LAW

HS40804: SERVICE LAW

Objectives of the Course

“Government service is not a contract. It is a status”. Laws related to Public service in India are governed by the Constitution. One of the basic features of Indian Constitution is the separation of powers, i.e., the presence of three distinct pillars of state – Legislature, Executive and Judiciary. The Constitution conceived and provided for Civil Services like the All India Services and Central Civil Services which form an integral part of the Executive’s machinery at the central and state level. Labour laws governing civil services are quite distinct from general labour laws. The service conditions of the government servants are regulated by the Constitution of India.

This course has been designed to:

1. Trace the historical evolution of laws to govern civil services, both in ancient kingdoms and in the modern world;
2. Analyse the concept of public service laws as they are enshrined in the Indian constitution;
3. Introduce the student to fundamental concepts in public service laws; and
4. Examine the laws governing civil services and the impact of factors as diverse as judicial review and globalisation.

The syllabus has been prepared with these objectives and consists of 5 modules.

COURSE OUTLINE

MODULE I – HISTORICAL BACKGROUND OF CIVIL SERVICES LAW

(1) Origin and Concept.

- a) Meritocracy v. Aristocracy .
- b) Religious connotations of Administration.
- c) Governance in Ancient India.
- d) Concept of Dharma and Duty.
- e) Arthashastra – Kautilya’s ‘Amatya’s’.
- f) Centralised Administration of Mughals.
- g) Early centuries of Arab rule and Governance.

(2) Evolution of Modern Service Law

- a) British Civil Service.
- b) Spoils system.
- c) Max Weber's Analysis on Public servants.
- d) Organized Sector.
- e) Covenanted Civil Service.
- f) Regulating Act of 1773 - Pitt's India Act 1784 - Aitchison Commission - Lee Commission - Government of India Act 1935.
- g) Civil Services in Independent India.
- h) Modernising Civil Services in India.
- i) A.D. Gorwala Report on Public Administration (1951).

MODULE II – PUBLIC SERVICE AND THE CONSTITUTION

- a) Public employment and Constitutional Safeguards.
- b) Fundamental Rights of Civil Servants.
- c) Service conditions in Constitution.
- d) Recruitment to Retirement.
- e) Doctrine of Pleasure and Safeguards.
- f) All India Service – State Civil Services – Union Public Service Commission – State Public Service Commission

MODULE III – FUNDAMENTAL ASPECTS OF SERVICE

- a) Pleasure Relates to Tenure and Not to Other Conditions of Service – Exceptions.
- b) Security of Tenure in Public Interest.
- c) Arbitrariness in State Action Violates Equality.
- d) Other Fundamental Rights to Service.
- e) Extent of Positive Discrimination.
- f) Nature of Relationship Between State and its Servants.

MODULE IV – LAWS RELATING TO CIVIL SERVANTS

1. Laws Related to Administrative Services

- a) Service Law – Classification, Recruitment and Training in AIS and CCS.
- b) Division of Cadre and Management.
- c) Disciplinary Proceedings.

- d) Rules – Agencies – AIS Rules – CCS (CCA) Rules.
- e) Lateral Entry Scheme in Civil Services – Advantages and Challenges.
- f) Kothari Committee Report on Recruitment and Selection Methods.

2. Laws Related to Judicial Services

- a) Officers and Servants of Supreme and High Courts – Subordinate Judiciary – Collegium – Service conditions in Constitution.
- b) Supreme and High Court Rules
- c) All India Judicial Services – Avenues and Challenges – Constitutional Implication.
- d) Reforms in Judicial Service

MODULE V – JUDICIAL APPROACH TO CIVIL SERVICES AND IMPACT OF GLOBALIZATION ON BUREAUCRACY

1. Judicial Review in Service Matters

- a) Judicial Review.
- b) Service Tribunals – Central Administrative Tribunal – State Administrative Tribunal – Quasi Judicial tribunals.
- c) Powers and Functions Appeal Provision.
- d) Scope of Writs in Service Matters.

2. Impact of Globalization on Indian Administration

- a) Entrepreneurial Government.
- b) Changing Role of Bureaucracy.
- c) Reinventing the Government.
- d) Civil Service Reforms in India.
- e) Hota Committee Report on Civil Service Reforms.
- f) Good Governance – Public Accountability.
- g) Empowering Citizens – Capacity Building Initiatives.

RECOMMENDED READING

1. M.R. Mallick, *Service Law in India* (Eastern Law House, 2000).
2. N. Narayanan Nair, *The Civil Servant under the Law and the Constitution of India*, Academy of Legal Publications (Academy of Legal Publications, 2006)
3. Sunil Chhabra, *Administrative Tribunals* (Deep and Deep Publications, 1990).

4. Kamlesh Goyal, "Indian Administration in the Age of Globalization: An Analysis of Transformation from Governance to E-Governance", (IJRECT 2016), *available at: <http://ijrect.com/issues/vol3issue4/kamlesh.pdf>*.
5. Narender Kumar, "Law Relating to Government Servants and Management of Disciplinary proceedings (Service Law)" (Allahabad Law Agency, 2018)

Journals:

- 1) Rameshwar Dial, "Civil Servants under the Constitution", 2 JILI 481-508 (1960).
- 2) Om Prakash Motiwal, "Right of Equal Opportunity of Civil Servants", 11 JILI 328-343 (1969).
- 3) O.P.Motiwal, "Development of Legal Rights of Civil Servants in India", 17 JILI 437-445 (1975).
- 4) Sindhu Thulaseedharan, "Right to Public Services in India – A New Legal Scenario", 55 JILI 59-72 (2013).
- 5) P.Leelakrishnan, "Reviewing Decisions of Administrative Tribunal: Paternalistic Approach of the Indian Supreme Court and the need for Institutional reforms", 54 JILI 1-26 (2012).

FURTHER READING

Reference Books:

1. Brinda and Sanjeev Muthuswamy, *Swamy's Compilation of CCS (CCA) Rules* (Swamy Publishers (P) Ltd., 2016).
2. Brinda and Sanjeev Muthuswamy, *Swamy's Compilation on Central Administrative Tribunal (Act, Rules and Orders)* (Swamy Publishers (P) Ltd., 2016).
3. S.R. Maheshwari, *Evolution of Indian Administration* (Lakshmi Narain Aggarwal, Agra 1970).
4. P.N. Mathur, *The Civil Service of India (1731-1894)* (D.K. Publishers: New Delhi, 1977).
5. B.B Misra, *The Bureaucracy in India – An Historical Analysis of Development up to 1947* (Oxford University Press: New Delhi, 1977).
6. B.B. Misra, *The Administrative History of India (1834-1947) - General Administration*, (Oxford University Press: New Delhi, 1970).

7. L.S.S. O'Malley, *The Indian Civil Service 1601-1930* (Frank Case & Co. Ltd: London 1965).
8. B.N. Puri, *Some Aspects of the Evolution of Indian Administration* (IIPA: New Delhi, 1980).
9. Chandra Singh, *The Civil Services in India (1858-1947) – A Historical Study* (Atmaram & Sons Delhi (1989)).

Articles:

- 1) C.Basavaraju, “Reservation under the Constitution of India: Issues and Perspectives”, 51 JILI 267-274 (2009).
- 2) PP.Rao and Ananth Padmanabhan, “Legislative Circumvention of Judicial Restrictions on Reservations: Political Implications”, NLSIR 53-68 (2013).
- 3) P.Kalpapakam, “Dispensing with Departmental Enquiry”, 28 JILI 246-248 (1986).
- 4) A.M.Sarma, “Domestic Enquiry”, 20 JILI 122-132 (1978).
- 5) V.KrishnaMurthy, “Mr.Justice Gajendra Gadkar and the Law of Civil Servants”, 8 JILI 627-636 (1966).
- 6) S.N.Jain, “Validity of Retrospective Delegated Legislation- the Court develops a new principle”, 23 JILI 102-104 (1981).
- 7) K.C.Joshi, “Service Tribunals under Administrative Tribunals Act”, 28 JILI 207-212 (1986).
- 8) Mohammed Imam, “Power to initiate and conduct disciplinary proceedings: (A Comment on State of M.P. V. Shardul Singh)”, 12 JILI 170-176 (1970)

Cases for Guidance:

1. Dunn v. R, (1896) 1 QB 116
2. Mahesh v. State of U.P., AIR 1955 SC 70
3. Khem Chand v. Union of India, AIR 1958 SC 300
4. Union of India v. Tulsiram Patel, AIR 1985 SC 1416
5. Parshottam Lal Dhingra v. Union of India, AIR 1958 SC 36
6. State of Gujarat v. Umedhbai M. Patel, AIR 2001 SC 1109
7. Jatinder Kumar v. State of Punjab, (1985) 1 SCC 122
8. Bihar Public Service Commission v. S.J. Thakur, AIR 1994 SC 2466
9. R.T. Rangachari v. Secretary of State, AIR 1937 PC 27
10. L. Chandra Kumar v. Union of India, AIR 1997 SC 1125

11. S.P. Sampath Kumar v. Union of India, 1987 SCR (3) 233

12. P. Balkotiah v. Union of India, AIR 1958 SC 232

13. K. Rajendran v. State of Tamil Nadu, AIR 1982 SC 1107

Learning Outcome:

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

1. Understand the origin and development of services law and appreciate its current position in the appropriate historical context;
2. Appreciate the Constitutional provision governing services law;
3. Discern and comprehend key concepts in laws governing public services; and
4. Critically examine laws and judicial precedents governing services laws.

HCC0802: ALTERNATIVE DISPUTE RESOLUTION MECHANISM

(CLINICAL COURSE II)

Objectives of the Course:

Alternative Dispute Resolution, commonly known as ADR, refers to dispute resolution mechanisms outside the realm of traditional judicial processes. The objective of this paper is to acquaint students with various modes of ADR. ADR mechanism is less bound by procedural formalities and speedy in giving results. For this reason, ADR is appreciated by many countries around the world.

This course has been designed to:

- 1. Give students insightful knowledge about this emerging area.*
- 2. Help the students to understand practically the various methods of resolving disputes under ADR system, so that they can help their clients and society to select and employ the most effective and just methods.*
- 3. They get the ability to resolve disputes in a timely manner viscerates public and private rights obligations.*
- 4. To overcome this drastic situation ADR is highly recommended and accepted.*

COURSE OUTLINE

Module I: Alternative Dispute Mechanism

- a) Alternative Dispute Resolution – Definition, Scope and Genesis
- b) Overview of Alternative Dispute Resolution Process - Arbitration, Mediation, Conciliation, Lok Adalat and Judicial Settlements
- c) 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

Module II: Arbitration Agreement and Procedure

- a) Agreement based and Court annexed ADR processes - Arbitration and Conciliation Act 1996 and Amendments in 2015 and 2019
- b) Arbitrability and Non-Arbitrability of Disputes – Interim Measures by Court and Arbitral Tribunal
- c) Arbitration Agreement/Clause – Arbitration Procedure – Arbitration & Mediation Process – MED-ARB-MED - Decision/Award/Settlement

Module III: 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

Module IV: Negotiations and Conciliations

- a) Meaning, features, theories and types of Negotiations and Conciliations
- b) Appointment, Role and qualities of Negotiator and Conciliator
- c) Process of Negotiations and Conciliations.

Module V: Mediation and Procedure

- a) Meaning, Definition, theories and techniques of mediation, Court-annexed mediation
- b) Mediation process - Skills of a mediator Institutionalized mediation - Specialization sectors for mediation practice in India and Globally Models
- c) Drafting in Mediation – International
- d) Mediation and Singapore Convention

Module VI: Contemporary Trends

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

Marks Allocation	
Case Study in Arbitration Centre Marks (Practical / Simulation Exercise –Three Exercise 10 Marks each)	30
Test internal Marks	10
Visit to centres of Arbitration	10
Total	50 Marks

Student shall maintain a Record through the semester. The record will be assessed by the teacher and record shall contain the following drafts:

a) Case Study in Arbitration Centre-Practical/ Simulation Exercise:

- A domestic Arbitration agreement after a commercial dispute has arisen between the parties.
- An Arbitration clause in an international contract (having one Indian Company as a party) for referring matter to institutional arbitration of an institution situated outside India.
- A request by one party to other party requesting that their commercial dispute be referred to Arbitration.
- A letter requesting an arbitrator to act as Arbitrator in a case after dispute have arisen. Assume that the contract has an arbitrator clause with reference to one Arbitrator.
- An application to the appropriate court to appoint an arbitrator when parties have failed in their attempt to appoint one according to the arbitration agreement.

- An application to the court seeking interim injunction or appointment of receiver before the arbitral proceedings have begun.
- An interpretation among rules of various other regional or International Arbitration centres can be given.
- An application to the court for setting aside an award

b) Case study Practical/ Simulation Exercise:

- Drafting the Statement of Problems
- A request by one party to other party requesting that their commercial dispute be referred to Arbitrators
- Identification of both the party's problems
- Bargaining, and finally settlement
- An application to the court for setting aside the settlement
- An application to the appropriate court to appoint Arbitrator when parties have failed in their attempt to appoint one according to the agreement.
- An application to the court seeking interim injunction or appointment of receiver before the Arbitration have begun
- An interpretation among rules of various Institutional Arbitrations at the regional or International Arbitration centres.
- An application for enforcement of a settlement or arbitration awards

c) Visit to centers of Arbitration: Students shall visit, Arbitration office as observers, Follow the cases, study the Arbitration proceedings and submit a report of the visit to the teacher/faculty.

Recommended Readings:

Books:

1. Madhusudan Saharay, Text Book on Arbitration & Conciliation with Alternative
2. Dispute Resolution, 4th ed., Universal Law Publishing 2017.
3. N. V. Paranjpe, Law Relating to Arbitration and Conciliation in India, 7th ed., Central Law Agency, 2016.
4. Avtar Singh, Law of Arbitration and Conciliation, 10th ed., Lucknow 2013
5. 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.

FIFTH YEAR

IX-SEMESTER

HLC0920: CODE OF CIVIL PROCEDURE

Objectives of the Course:

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

The objective of the study of this subject is to provide the Students

- i. 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.*
- ii. To equip the students with various stages through which a civil cases passes in the court till its final order.*
- iii. To emphasizes on the electronic method of filing the civil suits including the e-vakalatnama.*
- iv. To comprehend the difficult nuances that revolves around civil suits in our country.*
- v. To understand the computation of limitation period for the Institution of suit, appeal and applications along with Exclusion.*

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, Plaint-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 plaint, 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 (5th Edition 2019)
2. Dr.Avtar Singh, The Code of Civil Procedure, Central Law Publications (5th Edition 2019)
3. Narayan Laxmanrao, Commentary on Code of Civil Procedure 1908, Asia Law House (2nd Edition 2019)
4. Basu's Law on Limitation Act 1963, Delhi Law House (10TH Edition 2020)
5. T R Desai, The Limitation Act, Lexis Nexis (12th Edition, 2019)

Further Readings:

Books:

- 1) Dinshaw Fardauzi Mulla, Mulla's Code of Civil Procedure (3 Vols) Lexis Nexis (19th Edition)
- 2) Sudipto Sarkar & V.R. Manohar, Sarkar's Code of Civil Procedure (2 Vols), Lexis Nexis (12th Edition 2017)
- 3) C.K. Takwani, Code of Civil Procedure, Eastern Book Company (8th 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 (3rd 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-4f84-89f6-8add782f069>
4. WORKSHOP FOR HIGH COURT JUSTICES ON INTELLECTUAL PROPERTY RIGHTS AT THE NATIONAL JUDICIAL ACADEMY 2nd & 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
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 Kumar National Law Institute University](#) <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. 112
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.

HLC0921: LAW OF CRIMES II

CODE OF CRIMINAL PROCEDURE 1973 (Including Juvenile Justice Act and The Probation of Offenders Act)

Objectives of the Course:

This 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 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. Vikramadhitya 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.

HLA0905: BANKING LAW

Objectives of the Course:

Banking Institutions have become important players in the present day economy. They play pivotal role in the growth of trade, commerce and industry. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions in to agents of social change. Appreciating the importance, the Government has enacted several enactments to direct, regulate and control the banks and banking operations, through Reserve Bank of India and Ministry of Finance. The course is designed to primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students in statutory as well as case – law in this area.

After undergoing the study of this subject the student should be able to understand the following;

- 1. The basic concepts related to banks in India and its related terminologies*
- 2. The nature and evolution of banking in India and also the types of banking in India*
- 3. The procedural aspects and the way of performance of banking sector in India*
- 4. The meaning, nature and various issues pertaining to Negotiable Instruments Act*
- 5. The changing dimensions of Banker customer relationship*
- 6. The recent changes in the Banking sector after globalization.*

COURSE OUTLINE

Module I – Introduction to 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 .

Module II – Nature and evolution of Banking

- 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

- c) Nationalizations of Major Banks.
- d) RBI's control over Commercial Banks – Special status of RBI and State Bank of India.
- e) Subsidiary Banks

Module III- Procedural aspects in banking sector

- 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.
- e) Banking Ombudsman.
- f) Debt Recovery Tribunal – The Sick Industrial Companies (Special Provisions) Act, 1985 - SARFAESI Act – Insolvency and Bankruptcy Code, 2016

Module IV - Negotiable Instruments

- 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, Letteres 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.

Module V– Relationship between Banker and Customer & Statutory Rights of a Banker

- 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.

Module VI– Modern Banking and Globalization of Banking Sector

- 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

Books:

1. M. L. Tannan- Law of Banking.
2. M. S. Parthasarathy (Ed.), Khergamvala - Negotiable Instruments Act.
3. Justice Bhaghabati Prasad Banerjee- Guide to Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
4. Avtar Singh – Negotiable Instruments Act.
5. Basu - Review of Current Banking: Theory and Practice. Paget- Law of Banking.

Journals with Articles :

1. Ankieth Vasisht, "Fundamental Principles of Cheque under the Banking Legislation",<http://lawtimesjournal.in/fundamental-principles-of-cheque-under-the-banking-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-reserve-bank-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 - JAIB (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 SoumitraLahiri, 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 Guidance:

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
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)

Learning Out Comes:

After undergoing this course you will be able to :

1. *Understand the banking system and their regulations.*
2. *Compare the different nature of regulations for different types of banks and also analyse their needs and values.*
3. *Appreciate the law relating to negotiable instruments and also understand the various judicial and legislative perspectives.*
4. *Understand the different aspects of Banker customer relationship.*
5. *Ascertain the various issues and challenges pertaining to Modern Banking and related technology.*

**(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY
RIGHTS**

**HS50901: PRIVATE INTERNATIONAL LAW
(CONFLICT OF LAWS)**

Objectives of the Course:

Private International Law (or) Conflict of Laws comes into play whenever a court or tribunal is faced with a case that contains a “foreign” element and adjudicates the following queries: (i) which court will have jurisdiction to decide the case? (ii) Which law will apply? (iii) How far it recognizes and enforces foreign judgments? (iv) At what extent, a company structures its cross border transactions? (v) With the strong social / cultural dimension, to what extent the States can regulate matters beyond their own borders? The subject gives students the opportunity to grapple with contemporary legal debates and issues in conflict of laws.

COURSE OUTLINE

Module – I: Genesis of Private International Law

- (a) Introduction – Nature and Scope – Relationship between International Commercial Law, Public International Law and Private International Law – Foreign Element – Operating areas – Extra Territorial Jurisdiction
- (b) Theories of Private International Law – Codification of Private International Law – Hague Conventions – UNCITRAL – International Institute for the Unification of Private Law (UNIDROIT)
- (c) Indian Scenario: Unitary and Federal features – Heterogeneous Society and Personal Laws – Conflicts in Personal Laws – Application of Customs and Usages – Expanding horizons of Private International Law.

Module – II: Choice of Law and its Jurisdiction, Characterisation and Renvoi

- (a) Choice of Law: Traditional and Modern Approaches – Substantial and Procedural aspects – Parties autonomy and their limitations
- (b) Jurisdiction of the Courts – Inherent Powers of the Court – Brussels Convention, Lugano Convention - Characterisation: Clearly inappropriate test, clearly appropriate test and traditional test
- (c) Doctrine of Renvoi and its kinds – Limitations.

Module – III: Conflict of Laws relating to Persons:

- (a) Residence: Domicile and its Nature and Status – *lexdomicilii*, *lexfori*, *lex patriae* – Concept of Domicile in India – Kinds of Domicile: Origin, Choice and Dependence
- (b) Citizenship –Vs– Nationality –Vs– Habitual Residence
- (c) Corporate Personality – Nature and its conflicting rules

Module – IV: Conflict of Laws relating to Family:

- (a) Personal laws - Marriage – Formalities - Validity of Marriage – *lex loci celebrationis* and *lexregitactum* – Polygamous marriages – Matrimonial Home
- (b) Conflict in Matrimonial regime: Divorces, Separations and Annulments – Matrimonial Causes and Alimony – Custody of Children – Child care, Child abduction and Child Adoption – Succession – Overview of “The Foreign Marriage Act, 1969”
- (c) Public Policy and Contemporary issues related to Surrogacy, NRI and LGBT.

Module – V: Conflict of Laws related to Contracts and Torts (Action in Personam)

- (a) Proper Law of Contract – Capacity to Contract – *lexdomicilii*, *lex loci contractus*, *lexfori* – Rome Convention – Domestic and International Prorogation – Party Reference and Incorporation – Application of Proper Law – Choice of Law, Party Autonomy, Public Policy – E-Contracts.
- (b) Law of Tort – Traditional and Modern Approach – Rome Convention – *lexfori*, *lex loci delicti commissi*
- (c) Proper law of tort and social environment – Tortious liability with respect to Drugs, Environment, Transport and Satellite Communication – Exceptions and Limitation.

Module – VI: Conflict of Laws related to Property

- (a) *Lex situs* principle and Property – Classification of Property – Movable and Immovable
- (b) Choice of law and Indian scenario – *lexfori* and *lexsolutionis* – Government Seizure of Property
- (c) Transfer of Tangible and Intangible Property – Wills and Intestacy — Administration of Estates and Trusts – Insolvency and Restitution – Right of Succession.

Module – VII: Conflict of laws related to Procedure and Evidence

- (a) Proof of Foreign Law – Substance and Procedure – Parties and service of process – Evidence – remedy
- (b) Sovereign and Diplomatic Immunity: Foreign State and Foreign Diplomat – Recognition and Enforcement of Foreign Judgements, Decrees, Arbitral Awards and its reciprocity
- (c) Conflicting rules related to Cyber Space and Intellectual Property Rights: Issues and remedies – Indian Scenario.

Recommended Readings:

Books

1. Cheshire and North, “Private International Law”, 2017, 15th Edition, Oxford
2. Clarkson and Hill’s “Conflict of Laws”, 2016, Oxford.
3. Dicey, Morris & Collins, “The Conflict of Laws”, 2107, 15th Edition, Sweet and Maxwell.
4. F.E. Noronha, “Private International Law in India”, 2015, Universal Law Publishing.
5. Paras Diwan, “Private International Law”, 4th Edition, 1998, Deep & Deep Publishing.

FURTHER READINGS:

1. G.P. Tripathi, "Conflict of Laws", 2015, 1st Edition, Allahabad Law Agency.
2. V.C. Govindaraj, "The Conflict of Laws in India: Inter-Territorial and Inter-Personal Conflict", 2011, Oxford.
3. Mukarrum Ahmed, "The Nature and Enforcement of Choice of Court Agreements", 2017, Hart Publishing.
4. Alex Mills, "Party Autonomy in Private International Law", 2018, Cambridge.
5. Peter Hay, "Advanced Introduction to Private International Law and Procedure", 2018, Edward Elgar Publishing.
6. Adrian Briggs, "Agreements on Jurisdiction and Choice of Law", 2008, Oxford.
7. Maria Kaurakova, "Private International Law of Corporations", 2017, Spiramus Press.

E-JOURNALS with ARTICLES and WEBSITE sources

1. Hessel E. Yntema, "The Objectives of Private International Law" @ 35 Can.B.Rev.721(1957)
2. Joseph M. Cormack, "Renvoi, Characterisation, Localisation and Preliminary Questions in the Conflict of Laws: A Study of Problems involved in determining whether or not the Forum should follow its own Choice of a Conflict of Law Principle", 14 Southern California Law Review, 1940, pp.221-275 @ <http://scholarship.law.wm.edu/facpubs/1490>
3. Ralf Michaels & Joost Pauwelyn, "Conflict of Norms or Conflict of Laws?: Different Techniques in the Fragmentation of Public International Law", 22 Duke Journal of Comparative and International Law 349 (2011-2012).
4. John Robb, "Personhood and Status of Legal Persons in Private International Law", Journal of Private International Law, 2019, Volume 15, Issue 2, Taylor and Francis Group @ <https://doi.org/10.1080/17441048.2019.1645974>.
5. Matthias Lehmann, "Regulation, Global Governance and Private International Law: Squaring the Triangle", Journal of Private International Law, 2020 Volume 16, Issue 1, @ <https://doi.org/10.1080/17441048.2020.1744255>.
6. Sharon Shakargy, "Choice of Law for Surrogacy Agreements: In the in-between of Status and Contract", Journal of Private International Law, 2020, Volume 16, Issue 1, @ <https://doi.org/10.1080/17441048.2020.1741121>.
7. Jack Goldsmith, "Sovereign Difference and Sovereign Deference on the Internet", The Yale Law Journal, 2019, Volume 128 @ <https://www.yalelawjournal.org/forum>.
8. William S. Dodge, "Extraterritoriality and Conflict of Laws Theory: An Argument for Judicial Unilateralism, Harvard International Law Journal, 1998, Volume 39, p.101 @ <https://heinonline.org/HOL/LandingPage?handle=hein.journals/hilj39&div=7&id=&page=>
9. Friedrich K. Juenger, "Conflict of Laws: A Critique of Interest Analysis", American Journal of Comparative Law, 1984, Volume 32, No.1, pp.50, Oxford University Press
10. Donald Earl Childress III, "Comity as Conflict: Resituating International Comity as Conflict of Laws" @ 44 U.C. Davis Law Review 11 (2010-2011)

Learning Outcomes:

After completing these modules successfully, the students are able –

1. To demonstrate the conceptual necessity, contextual inevitability and the legal adaptability of trans-national transactions.
2. To critically appraise the compelling influence of different personal factors over beyond the boundaries transactions.
3. To know the worn-out deliberation on the most crucial aspect affecting the frontier activities.
4. To discuss the desirability and effectiveness of sovereign immunity and impact of foreign judgments.
5. To analyse and comprehend the complex issues arising out of trans-national matrimonial relationships; horizons of contract, tort, and property beyond domestic frontiers.
6. To demonstrate knowledge of a substantial range of major concepts, values, principles and rules of conflict of laws and explain the relationship between them in specified areas.
7. To discover the substantive and procedural aspects of litigation at the global levels.

(B): CONSTITUTIONAL LAW AND PROPERTY LAW

HS50902: LEGAL PROCESS AND LOCAL GOVERNANCE

Objectives of the course:

Constitution of India empowers the State to take steps to organise village Panchayats and endow the powers/authorities so as to enable them to function as units of self-government. In order to realise the objectives of Gram Swaraj, the idea cherished by Mahatma Gandhi, Constitutional Amendment has been passed to ensure democratic functioning at the grass root level and gave Constitutional Status to the Panchayat Raj. Students will be benefitted from deeper understanding of the subject on democratic decentralization.

After undergoing the study of this course the student should be able to understand the following:

1. Able to Understand the historical development and growth of Panchayat Raj in India.
2. Identify the Constitutional scheme for setting up of Panchayat Raj Institutions in various levels.
3. Able to analyse the modern dimensions with the role of various stakeholders.

COURSE OUTLINE:

Module I: Introduction and Historical Development

- a) Meaning and genesis of democratic decentralization.
- b) History, growth and development of Panchayat Raj in India.
- c) Lord Rippon's resolution, Royal Commission, Balwant Rai Mehta Committee Report, Ashok Mehta Committee Report.
- d) Gram *Swaraj*- Gandhian concept- Community Development Programme- Administrative framework.

Module II: Constitutional Scheme

- a) Federalism in India and Local Self Government.
- b) Directive Principles of State Policy- Art. 40.
- c) 73rd and 74th Constitutional Amendment, Schedules XI and XII of the Constitution.
- d) Second Administrative Reforms Commission, Sarkaria Commission, Punchi Commission, Justice Venkatachaliah Commission- Local Government.

Module III: Rural Local Self Government

- a) Gram Sabha- Meaning, importance, functions, meetings, Social Audit, Nyaya Panchayat.
- b) Gram Panchayat- Introduction, Composition, functions- Taluk/Block Panchayat- Introduction, Composition, functions, Chairman- Powers and functions.
- c) Zilla Panchayat- Introduction, Composition and functions.

- d) Financial administration- Devolution of financial powers, Composition of State Finance Commission.
- e) State Control over PRIs.

Module IV: Urban Local Self Government

- a) Municipal Corporation- Organisation and Functions.
- b) Municipal Council; Mayor-functions and powers;
- c) Committees - Wards Committees, District Planning Committee, Metropolitan Planning Committee.
- d) Municipal Commissioner- appointment, tenure, powers and functions - Municipal Finance - State Control and Supervision.

Module V: Panchayat Raj Institution

- a) Planning for rural development- Planning machinery at the National and State Levels.
- b) Role of Panchayat Raj Institutions in Planning- Panchayat Raj and Rural Development.

Module VI: Modern Dimensions

- a) Panchayats and NGOs.
- b) Food Security Act, MGNREGA.
- c) Panchayats Raj in Tribal Sub- Plan Areas.
- d) Right to Information and Panchayat Raj.
- e) Women Empowerment implementations.
- f) Reservation Policy in Local Government- Social (SC, ST)- Women Reservation- Horizontal and Vertical Reservation.

Recommended Readings:

Books:

1. Dicey, Introduction to the Law of the Constitution, Oxford University Press.
2. De Smith, Judicial Review of Administrative Action (1995).
3. Khanna, B.S: Panchayati Raj in India- National Perspectives and State Studies, Deep and Deep Publication, New Delhi, 1994.
4. M. Venketarangaiah & M. Pattabhiram, Local Government in India (1969), Allied Publishers, New Delhi.
5. Maheshwari, S.R., State Governments in India. New Delhi: Macmillan(2000).

Journals/Journal Articles:

1. Srivastava, T. N. "Local 'Self' Government and the Constitution." Economic and Political Weekly, vol. 37, no. 30, 2002, pp. 3190–3198. JSTOR, www.jstor.org/stable/4412421.
2. Mohanty, P.K. 1995. Municipal Decentralization and Governance: Autonomy, Accountability and Participation. The Indian Journal of Public Administration.

3. Mallik, S. N. "Local Self-Government in India." The Annals of the American Academy of Political and Social Science, vol. 145, 1929, pp.36–44. JSTOR, www.jstor.org/stable/1016884.
4. Pal, M. 2000. Panchayats in Fifth Scheduled Areas. Economic and Political Weekly. pp. 4791–4810.
5. Venkatarangaiya, M. "THE REORGANISATION OF LOCAL SELF-GOVERNMENT." The Indian Journal of Political Science, vol. 1, no. 2, 1939, pp. 143–154. JSTOR, www.jstor.org/stable/42742927.
6. V.R.KrishnaIyer, "Panchayati Perestroika?" Economic and Political Weekly, vol. 24, no. 37, 1989, pp. 2051–2054. JSTOR, www.jstor.org/stable/4395322.

Further Readings:

Books:

1. Friedman, The State and the Rule of Law in the Mixed Economy.
2. Ivor Jennings, Law and the Constitution.
3. Joshi, R.P., Narwani, G.S., Panchayat Raj in India: Emerging Trends across the States (Rawat Publication), Hyderabad, 2011.
4. Neville L. Brown and J.F. Garner, French Administrative Law.
5. Radha kumudMookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.
6. Schwartz & Wade, Legal Control of Government.
7. Sivaramkrishnan, K.C., Courts, Panchayats and Nagapalikas (Academic Foundations), 2009.
8. W.Thornhill (ed.), the Growth and Reforms of English Local Self-Government (1971), Weidenfeld and Nierlson, London.
9. BidyutChakarborty and Rajendra Kumar Pandey, Modern Indian Political Thought- Text and Context, Sage, New Delhi, 2009.
10. Niraja Gopal Jayal and others, Local Self Governance in India- Decentralization and beyond- Oxford University Press, 2006.

Journals:

1. Prabhakar, R. P. "LOCAL GOVERNMENT'S ADMINISTRATIVE SYSTEM IN INDIA." The Indian Journal of Political Science, vol. 72, no. 4, 2011, pp. 943–952., www.jstor.org/stable/41856530.
2. Palanithurai, G. "GOOD GOVERNANCE AT GRASSROOTS." The Indian Journal of Political Science, vol. 66, no. 2, 2005, pp. 289–312. JSTOR, www.jstor.org/stable/41856129.
3. Amitabh Behar. "Gram Swaraj: Experiment in Direct Democracy." Economic and Political Weekly, vol. 36, no. 10, 2001, pp. 823–826. JSTOR, www.jstor.org/stable/4410370.
4. Mani Shankar Aiyar. "Panchayati Raj: The Way Forward." Economic and Political Weekly, vol. 37, no. 31, 2002, pp. 3293–3297. JSTOR, www.jstor.org/stable/4412446.

5. Bhagwan, Vishnu. "NATIONAL RURAL EMPLOYMENT GUARANTEE ACT : A SWOT ANALYSIS." The Indian Journal of Political Science, vol. 70, no. 1, 2009, pp. 139–150. JSTOR, www.jstor.org/stable/41856502.
6. Medha Kotwal Lele. "Local Government: Conflict of Interests and Issues of Legitimation." Economic and Political Weekly, vol. 36, no. 51, 2001, pp. 4702–4704. JSTOR, www.jstor.org/stable/4411498.
7. T. Brahmanandam. "Review of the 73rd Constitutional Amendment: Issues and Challenges" Indian Journal of Public Administration 64(1) 103–121. <https://journals.sagepub.com/doi/pdf/10.1177/0019556117735461>
7. Usha Vaidyanathan Salient Features of Law Commission of India 114th Report on Gram Nyayalaya (1987) 2 SCC (Jour) 25. https://www.ebc-india.com/lawyer/articles/87v2a2.htm#Note*
8. Pal, M. 2000. Panchayats in Fifth Scheduled Areas. Economic and Political Weekly. pp. 4791–4810.

Cases for Guidance:

1. K.Krishna Murthy &Ors. v. Union of India &Anr. 11th May, 2010 (Supreme Court of India).
2. Sujit Vasant Patil v. State of Maharashtra and Ors. 6th August, 2004 (Bombay High Court).
3. Rama Krishna Ramanath v. The Janpad Sabha, Gondia, 7th February, 1962 (Supreme Court of India).
4. Indus Towers Ltd. v. The Sub-Inspector of Police, 10th January, 2008 (Kerala High Court).
5. Maju Balakrishnan v. State of Kerala, 31st March, 2009 (Kerala High Court).
6. Richhpal Singh and Ors v. State of Rajasthan, 4th January, 2005 (Rajasthan High Court).
7. Sri.V.Shivaprasad v. State of Kerala, 9th February, 2011 (Kerala High Court).
8. Nagar Palika Parishad, Roorkee... v. State of Uttaranchal and Ors.28th September, 2001(Uttarakhand High Court).
9. D.Siddayya v. The State of Karnataka, 21st September, 2017 (Karnataka High Court).
10. Shri Subal Rabha v. The State of Assam and Ors. 27th January, 2012 (Gauhati High Court).

Learning Out Come:

After completion of the course the students will be able to-

1. *Understand the subject related concepts and the Historical Development of PRI's in India.*
2. *Analyse the operation of the Constitution of India from a policy perspective relating to federalism and Local Self Governance.*
3. *Critique the operation of Local Self Government from a theoretical and policy perspective.*
4. *Have the fundamental knowledge and understanding relating to the various tire PRIs*

(C): CRIMINAL LAW AND FORENSIC SCIENCE

HS50903: JUVENILE JUSTICE SYSTEM

Objectives of the Course

The UN Convention on the Child Rights, 1989, United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), The United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), 1990 are some of the initiatives taken by the UN to support the welfare of the Juveniles. This course aimed to cater the students to understand the application of Criminal Justice System with the Juvenile Justice System. Juvenile Justice (Care and Protection of Children) amended to enhance the rights and liabilities of juveniles, reformatory measures to be adopted by the government, rehabilitative process to be extend to the juveniles. The students will understand the background study of development of Juvenile Justice System nationally and internationally as a socio-legal issue.

COURSE OUTLINE

Module I: Introduction:

- a. Juvenile Justice System - Historical development
- b. Definitions - Child – Juvenile – Delinquent
- c. International Instruments – Child Rights Convention 1989
- d. ICCPR
- e. United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)
- f. The United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), 1990
- g. Role of UNECOSOC & UNICEF
- h. Doctrine of *Parens patriae* - National Commission for Children – State Commission for Children
- i. The National and State Human Rights Commission.

Module II: Juvenile Justice System in India

- a. Juvenile Delinquency
- b. Causative factors of juvenile delinquency
- c. Child Rights laws in India –Reformatory Schools Act, 1897 – The Tamil Nadu Children Act, 1920 – The Tamil Nadu Borstal School Act, 1925
- d. Juvenile Justice Act, 1986 – Salient features – Definitions
- e. Juvenile Justice (Care and Protection of Children) Act, 2000
- f. Modifications – Juvenility - Juvenile in Conflict with Law – Child in need of Care and Protection
- g. Comparison of 1986 and 2000 Act – Law Commission of India

- h. Juvenile Justice (Care and Protection of Children) Act, 2015– Information Technology Act, 2000
- i. The Protection of Children from Sexual Offences Act, 2019
- j. Juvenile Justice System and Criminal Justice System.

Module III: Juvenile Justice Acts:

- a. Juvenile Justice Act, 1986 – Definition –Child – Juvenility
- b. Statutory bodies – Amended laws
- c. Juvenile Justice Act, 2000 – Terminologies – Child in Conflict with Law – Child in need of Care and Protection
- d. Statutory bodies
- e. Reformatory Homes
- f. Tamil Nadu State Rules on JJ Act, 2000
- g. Justice Verma Commission Report on Juvenile Justice –Criminal Law Amendment Act, 2013
- h. Juvenile Justice Act, 2015 – Heinous Crime - Children Court – Child Sexual Abuse and Death Penalty.

Module IV: Statutory Bodies under Juvenile Justice Laws:

- a. Juvenile Justice Board – Composition
- b. Powers – Functions
- c. Special Juvenile Police Unit – Bail
- d. Burden of proving juvenility
- e. Children Court – Assessment report
- f. Orders may and may not be passed against juveniles
- g. Admonition – Community service – payment of fine – 3 years under supervision of Probation Officers
- h. Child Welfare Committee
- i. Members of the Committee – Functions
- j. Production of Child – Enquiry – Report of Probation and Social Workers
- k. Role of Social Defence Department.

Module V: Reformatory Institutions under Juvenile Justice Laws:

- a. Observation Homes – Temporary Stay
- b. Rehabilitative measures – classifications of inmates
- c. Education – Psychological Counselling
- d. Crime Statistics
- e. Vocational Training – Therapeutic approach
- f. Special Home – Safety Place
- g. Children Home – Protection for neglected children – Separate homes – Education
- h. Basic needs – Shelter Home – Rehabilitative mechanism - Girl Children Safety
- i. Role of Administrative bodies.

Module VI: After Care Process and Rehabilitations:

- a. Adoption – Foster care
- b. Social Reintegration – Sponsorship
- c. Reporting of implementation
- d. Psychological Approach – Cognitive Therapeutic treatment
- e. Plays and games
- f. Role of Society – Family – Educational Institution – NGO –Government.

Recommended Reading:

- Bajpai, A 2006, “*Child Rights in India: Law, Policy and Practise*” Oxford University Press, New Delhi.
- Kumari, V 2012, “*The Juvenile Justice in India: From Welfare to Rights*”, Oxford University Press, New Delhi.
- Ahmed Siddique’s *Criminology and Penology*, 2009, Eastern Book Company, Lucknow.
- Mamta Rao, 2012, “*Law Relating to Women and Children*”, Eastern Book Company, Lucknow.
- Prof N. V. Paranjapee, 2014, “*Criminology, Penology with Victimology*”, Central Law Publications, Allahabad.

Further Readings:

- Joseph G. Weis, Robert D. Crutchfield & George S. Bridges, 1996 “*Readings: Juvenile Delinquency*”, Crime and Society, Vol.2, Sage Publications, U.K. and India.
- Bueren, G. V. 1998, “*The International Law on the Rights of Child*”, MartinusNijhoff Publications, The Hague.
- Bare Acts:
 - (i) The Tamil Nadu Children Act, 1920.
 - (ii) The Tamil Nadu Borstal School Act, 1925
 - (iii) The Reformatory Schools Act, 1827.
 - (iv) The Juvenile Justice Act, 1986
 - (v) The Juvenile Justice (Care and Protection of Children) Act, 2000
 - (vi) The Juvenile Justice (Care and Protection of Children) Act, 2015.
 - (vii) The Protection of Children from Sexual Offences Act, 2019.

Journals for research articles:

- Child and Family Law Quarterly : 1988 – 2018
- Child Law Practise : 1982 – 2017
- Children’s Legal Rights Journal : 1979 – 2019
- Journal of Child Law : 1988 - 2018
- Journal of Juvenile Law : 1977 – 2019
- Juvenile and Child Welfare Law Reporter : 1982 – 2017
- Juvenile Justice : 1993 – 2004
- Juvenile and Family Court Journal : 1949 – 2017
- National Juvenile Law Reporter : 1982 – 2017
- The International Journal of Children Rights : 1993 – 2019
- UC Davis Journal of Juvenile Law & Policy : 1996 – 2018

E- Books:

- Asha Bajpai (2006), “*Child Rights in India: Law, Policy and Practise*” Oxford University Press, <https://oxfordscholarship.com/view/10.1093/acprof-9780195670820.001.0001/acprof-9780195670820>
- MaharukhAdenwalla (2006), “*Child Protection and Juvenile Justice System – For Juvenile in Conflict with Law*”, ChildLine India Foundation, Mumbai. <https://www.childlineindia.org/pdf/CP-JuvenileJustice-Juvenileinconflictwithlaw.pdf>
- Marvin, D. Krohn& Jodi Lane (2015), “*The Handbook of Juvenile Delinquency and Juvenile Justice*”, Wiley Online Library. <https://www.onlinelibrary.wiley.com/doi/book/10.1002/9781118513217>
- Joan McCord, Cathy SpatyWidom& Nancy A. Crowdell, (2011) “*Juvenile Crime, Juvenile Justice – Panel of Crime Prevention, Treatment and Control*”, National Academy Press, Washington. <https://www.nap.edu/read/9747/>
- Lal Bahadur Shastri National Academy of Administration and UNICEF, (2017) “*Juvenile Justice Act, 2015 – A Handbook for Field Administrators*”, National Gender Studies, Uttarakhand, India. <https://www.jjb.bih.nic.in/pdf/JJActHandbookAdministrators.pdf>

Research Articles related to Juvenile Justice:

- Vedkumari, 1999, “Current Issues in Juvenile Justice in India” *Journal of Indian Law Institute* Vol.4, Issue. 3 & 4, pp.392-404.
- National Judicial Academy, 2018, “*Juvenile Justice in India: Understanding Non-Adversarial Nature of the System from Human Rights and Constitutional Perspectives*”.

- Shailesh Kumar, 2019, “Shifting Epistemology of Juvenile Justice in India” *ContextoInternacional* Vol.4, Issue.1, pp.113-140.
- Satyender Verma & Lakshman Singh Rawat, 2018 “Juvenile Justice System in India: An Overview” *International Journal of Law* Vol.4, Issue.3, pp.23-29
- Rachel Taylor, 2016 “Putting Children First? Children’s Interest as a Primary Consideration in Public Law”, *Child and Family Law Quarterly* Vol.28, Issue.1, pp.45-66.
- Shanna Knight, 2017 “Special Focus: Indian Child Welfare”, *Child Law Practise* Vol.36, No.1, pp.1-2.
- Scott Trowbridge, 2017 “Understanding the 2016 Indian Child Welfare Act Regulations”, *Child Law Practise* Vol.36, Issue.1, pp.6-10
- Jacob L. Zerkle, 2016, “Rehabilitate the Community by Rehabilitating its Youth – Cognitive Science, Incarceration and Jurisprudence Relate to the Criminal Justice System’s Treatment of Juveniles”, *Children’s Legal Rights Journal* Vol.36, No.3, pp.201-217.

Cases for Guidance:

- Sunil & Another v. State (2001) 1 CrLJ 149
- Pratap Singh v. State of Jharkhand AIR 2005 SC 3088
- Rajendra Chandra v. Chandigarh Administration AIR 2000 SC 748
- Umesh Chandra v. State of Rajasthan (1982) 1 SCALE 335 (SC)
- Dr.Subramaniya Swamy & Others v. Raju (Through Member, JJB & Another) (2013) 10 SCC 465
- Munna v. State of U.P. (1982) 1 SCC 545
- Gaurav Jain v. UOI AIR 1990 SC 292
- Vishal Jeet v. UOI AIR 1992 SC 1412
- Sheela Barse v. Union of India AIR 1986 SC 1773
- Sheela Barse v. State of Maharashtra AIR 1983 SC 378
- Krishna Bagwan v. State of Bihar AIR 1989 Pat 217
- Deoki Nandan Dayna v. State of U.P. (2001) 1 CrLJ 149
- Izaz Ahmad v. State of M.P. (2001) 1 SCC Cri 212
- Ajay Pratap Singh v. State of M.P. (2000) 1 SCC CrI 137
- Satbir Singh v. State of Haryana AIR 2005 SC 3549
- Arnit Singh v. State of Bihar AIR 2005 SC 2264
- Ramdeo @ Rajnath Chauhan v. State of Assam AIR 2001 SC 2231
- Rajender Chandra v. Chandigarh Administration AIR 2000 SC 748
- Hari Ram v. State of Rajasthan & Another (2009)13 SCC 211
- Bakthavatchalu v. State of Tamil Nadu AIR 2008 SC 1434
- Ajhar Ali v. State of West Bengal (2013) 10 SCC 31

- Jyothi Prakash Rai v. State of Bihar AIR 2008 SC 1696
- BablooPasi v. State of Jharkhand AIR 2009 SC 314
- Ram Suresh Singh v. Prabhai Singh @ Chotu Singh & Another AIR 2009 SC 2805
- Dharambir v. State NCT Delhi Administration AIR 2010 SC 1801
- Mohan Mali & Another v. State of M.P. AIR 2010 SC 1790
- Ashwini Kumar Saxena v. State of M.P. 2012 AIR SCW 5377
- NagoorPitchai @ Badhusha v. State through S.I of Police (2013) 10 SCC 668.

Web Sources for Journals of Scholarly Articles:

- <https://heinonline.org>
- <https://jstor.org>
- <https://shodganga.inflibnet.ac.in>

Web Sources for referring latest decisions:

- <https://indiankanoon.org>
- <https://manupatrafast.com>
- <https://www.aironline.in>
- <https://www.sconline.com>

Learning Outcome:

At the end of the Course, the student will;

- Understand the theories of juvenile delinquency, causative factors of juvenile delinquency and its preventive measures.
- Understand the issues and challenges involved in implementing Juvenile Justice System.
- Equipped with development of Juvenile Justice related legal systems in India and motivate to involve themselves in reforming the juveniles in conflict with law.
- Critically analyse the implications of international instruments on Child Rights.
- Examine the application of reformatory and rehabilitative measures to turn the juveniles in conflict with law into a law-abiding citizen

(d): INDUSTRIAL AND COMMERCIAL LAW

HS50904: INTERNATIONAL COMMERCIAL ARBITRATION

Objectives of the course:

Arbitration is a suitable instrument to settle and solve international commercial disputes that arrive at a final and binding award. It is a universally admitted dispute resolution mechanism which furnishes an enforceable award. The objective of the course is to cater a fundamental outlook on the vital themes of international commercial arbitration. The course places utmost significance on arbitration of international commercial disputes. The course shall provide the students with a pragmatic vision of strategic obstacles arising out of the international arbitration proceedings.

After undergoing the study of this paper the student should be able to understand the following;

- 1. Able to understand the basic aspects of International Commercial Arbitration.*
- 2. Understand the concept of agreements related to International Commercial Arbitration.*
- 3. Gain an understanding of international commercial arbitration in the Indian context including international commercial arbitration held both in India and outside India;*
- 4. Analyse the various issues related to enforcement of foreign arbitral awards.*
- 5. Pros and cons of arbitration as a tool for resolving cross-border commercial disputes.*

COURSE OUTLINE

Module I: Introduction to International Commercial Arbitration

- a) Concept and Nature - Sovereign States, Claims Commissions, and Tribunals.
- b) Hybrid nature of Arbitral Process - Dispute Resolution in International Trade – Regulation of International Arbitration
- c) Regulation of International Arbitration – Kinds of Arbitration – Review.

Module II : Arbitration agreement & Validity of Arbitration Agreement

- a) Overview - the validity of an Arbitration Agreement –
- b) Parties to an Arbitration Agreement - Analysis of an Arbitration Agreement - Submission Agreement – Arbitrability.
- c) Confidentiality – Confidentiality - Defective Arbitration Clauses - Multi-Party Arbitrations – Review.

Module III : Arbitrators and Applicable Laws

- a) Meaning - Appointment of Arbitrators - Qualities Required in International Arbitrators - Impartiality and Independence of Arbitrators - Challenge and Replacement of Arbitrators.
- b) Powers of Arbitrators - Duties of Arbitrators – Jurisdiction – Review ‘
- c) Law Governing the Agreement to Arbitrate - Law Governing the Arbitration - Law Applicable to the Substance - Conflict Rules and the Search for the Applicable Law – Other Applicable Rules and Guidelines – Challenges.

Module IV: Nature and Categories of Arbitration

- a) Overview - Investment Arbitration – Construction – Maritime – Sports – IPR – *Ad hoc* Arbitration.
- b) Institutional Arbitration - Organisation of the Arbitral Tribunal - Fees and Expenses of the Arbitral Tribunal - Procedure & Evidence - Preliminary Steps - Written Submissions - Evidence Gathering - Hearings - Proceedings after the Hearing - Other Matters.

Module V: Arbitral Award

- a) Overview - Categories of Awards – Remedies- Validity of Awards - Effect of Awards— Res Judicata- Decision Making –
- b) Classification of Award – Review of Award – Challenge - Methods of Challenge – Grounds of Challenge - Time Limits and Effects of Challenge.
- c) Recognition and Enforcement - Enforcement under the New York Convention - Enforcement under the Washington Convention - Enforcement under Regional Conventions - Defence of State Immunity - Practical Considerations.

Module VI: Soft Laws on Arbitration

- a) General Overview
- b) IBA Guidelines on Conflicts of Interest in International arbitration – IBA Guidelines on Party Representation in International Arbitration - IBA Rules on the Taking of Evidence in International Arbitration .
- c) IBA Guidelines for Drafting International Arbitration Clauses

Recommended Readings:**Books:**

1. A.K Bansal, Law of International Commercial Arbitration, Universal Law Publishing, 2003.
2. Margaret L. Moses, The Principles and Practice of International Commercial Arbitration, 2nd Edition, Cambridge University Press, 2012.
3. Gary B. Born, International Arbitration: Cases and Materials, 2nd Edition, Kluwer Law International, 2015.
4. Gary B. Born, International Commercial Arbitration, 2nd Edition, Kluwer Law International, 2014.
5. Emmanuel Gaillard, John Savage (eds.), *Fouchard Gaillard Goldman on International Commercial Arbitration*, Kluwer Law International, 1999

Journal Articles:

1. The Lex Mercatoria in International Commercial Arbitration, Ole Lando, The International and Comparative Law Quarterly Vol. 34, No. 4 (Oct., 1985), pp. 747-768 Published by: Cambridge University Press on behalf of the British Institute of International and Comparative Law <https://www.jstor.org/stable/759197>
2. Christopher R Darhozal, Commercial Norms, Commercial Codes, and International Commercial Arbitration 33 Vand. J. Transnat'l L. 79 (2000)
3. Park, W. (1983). The Lex Loci Arbitri and International Commercial Arbitration. International and Comparative Law Quarterly, 32(1), 21-52. doi:10.1093/iclqaj/32.1.21
4. Paulsson, J. (1983). Delocalisation of International Commercial Arbitration: When and why it Matters. International and Comparative Law Quarterly, 32(1), 53-61. doi:10.1093/iclqaj/32.1.53
5. Catherine A Rogers 54 U. Kan. L. Rev. 1301 (2005-2006) Transparency in International Commercial Arbitration

Further Readings:**Books:**

1. International Commercial Arbitration, Gary B. Born, Wolters Kluwer 2nd edition. 1,2,3 volumes
2. International Commercial Arbitration - A Trans National Perspective, Tibor Varada; John J. Hareelo; Arthur T Von, Thomson west 3rd edition
3. Handbook on International Commercial Arbitration, Peter Ashford, Juris Net LIC, 2nd edition
4. International Commercial Arbitration and Arbitrators' contract - Emilia Onyema, Routledge Publishers
5. International Commercial Arbitration in Asia - Thomas B Ginsburg, Juris Net LLC 2nd edition
6. Law and practice of International Commercial Arbitration by Alan Redfern, Sweet & Maxwell
7. International Commercial Arbitration: Commentary and Materials by Gary Born MartinusNijhoff; 2nd edition (February 1, 2001)

8. Combining Mediation and Arbitration in International Commercial Dispute Resolution by Dilyara Nigmatullina, Routledge
9. The Principles and Practice of International Commercial Arbitration by Margaret L. Moses, Cambridge University Press
10. Arbitration of Commercial Disputes: International and English Law and Practice by Karen Tweeddale, Andrew Tweeddale, Cambridge University Press

Journals:

1. Paolo Contini 8 Am. J. Comp. L. 283 (1959) International Commercial Arbitration: The United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards
2. Philip J McConaughay 93 Nw. U. L. Rev. 453 (1998-1999) Risks and Virtues of Lawlessness: A Second Look at International Commercial Arbitration
3. Hans Smit 25 Colum. J. Transnat'l L. 9 (1986-1987) The Future of International Commercial Arbitration: A Single Transnational Institution
4. W. Michael Tupman Challenge and Disqualification of Arbitrators in International Commercial Arbitration The International and Comparative Law Quarterly Vol. 38, No. 1 (Jan., 1989), pp. 26-52 Published by: Cambridge University Press on behalf of the British Institute of International and Comparative Law <https://www.jstor.org/stable/760425>
5. Filip De Ly 12 Nw. J. Int'l L. & Bus. 48 (1991-1992) The Place of Arbitration in the Conflict of Laws of International Commercial Arbitration: An Exercise in Arbitration Planning
6. Jasna Arsic 14 J. Int'l Arb. 209 (1997) International Commercial Arbitration on the Internet - Has the Future Come Too Early
7. Peter D Ehrenhaft 9 Law & Pol'y Int'l Bus. 1191 (1977) Effective International Commercial Arbitration
8. James M. Hosking 4 Pepp. Disp. Resol. L.J. 469 (2003-2004) The Third-Party Non-Signatory's Ability to Compel International Commercial Arbitration: Doing Justice without Destroying Consent
9. S.I. Strong Research in International Commercial Arbitration: Special Skills, Special Sources the American Review of International Arbitration, Vol. 20, p. 119, 2009 University of Missouri School of Law Legal Studies Research Paper No. 2010-15
10. 25 Colum. J. Transnat'l L. 717 (1986-1987) The Enforcement of Arbitral Awards under UNCITRAL's Model Law on International Commercial Arbitration

Cases for Guidance:

1. Henry Boot Construction Ltd. v. Malmaison Hotel, [1999] 70 Con LR 32
2. General Manager, Northern Railways v. Sarvesh Chopra, AIR 2002 SC 1272 (Supreme Court of India (SC))
3. Asian Techs Ltd. v. Union of India, (2009) 10 SCC 354 (SC)
4. ObrasconHuarte Lain SA v Her Majesty's Attorney General for Gibraltar, [2014] EWHC 1028 (TCC)
5. Esso and others v. Plowman (1995) 128 A.L.R. 391
6. Barmingo Indian Underground ... vs Hindustan Zinc Limited on 20 July, 2020 HIGH COURT OF JUDICATURE FOR RAJASTHAN

7. Trammo Dmcc (Formerly Known As ... vs Nagarjuna Fertilizers And ... on 9 October, 2017, HC BoMbay
8. International Tank & Pipe SAK v Kuwait Aviation Fuelling Co KSC (1975)
9. Jivraj v Hashwani [2010] EWCA Civ 712.
10. MxrskOlie, Algeriet A/S v. People's Democratic Republic of Algeria, ICSID Case No. ARB/09/14 (registered July 20, 2009).
11. Standard Chartered Bank (Hong Kong) Ltd. v. Tanzania Elec. Supply Co. Ltd., ICSID Case No. ARB/ 10/20 (registered on Oct. 1, 2010).
12. Millicom Int'l Operations B.V. v. Republic of Senegal, ICSID Case No. ARB/08/20, Award (Nov. 27, 2012).
13. Patrick Mitchell v. Democratic Republic of the Congo, ICSID Case No. ARB/99/7, Award (Feb. 9, 2004)
14. Russell Res. Int'l Ltd. v. Democratic Republic of the Congo, ICSID Case No. ARB/04/11 (discontinued on Feb. 10, 2009).
15. Cruz City 1 Mauritius Holdings v. Unitech Limited 2017 SCC OnLine Del 7810

Learning outcomes:

At the end of the course the students will be able to -

1. *Acquire knowledge on arbitration as a dispute settlement mechanism in international commercial disputes.*
2. *Analyse the forms and important aspects of International Commercial Arbitration.*
3. *Assess the cooperation between Arbitration and National Judicial Systems.*
4. *Compare and understand the relationship between UNCITRAL Model Law and International Commercial Arbitration.*

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

HS60901: INTELLECTUAL PROPERTY LITIGATIONS

Objectives of the Course

This course is intended to teach the application of law in terms of court's principles and procedures exclusively for deciding intellectual property cases. Most significantly, in deciding Intellectual property cases both Supreme Court and High Courts in India are apparently following foreign judgements in many occasions. Intellectual property laws confer monopoly to the owners of intellectual property so the enforcement of intellectual property rights is getting more crucial.

The main objective of the course is-

- a. *to impart practical perspective of IPR enforcement mechanism by discussing various tests, rules and procedures laid down by the courts in case of infringement of IPRs.*
- b. *to teach international and cross border litigations of intellectual property rights.*

COURSE OUTLINE

Module 1 Litigation Relating to Copy rights and Industrial Designs

- a) Copy right infringement- Acts constituting infringement- Direct infringement and indirect infringement (Vicarious liability and Contributory liability)
- b) Jurisdiction of the court -idea/expression dichotomy-abstraction test-Lay observer test -Infringement of Neighbouring rights –Infringement of Moral rights –Online Copyright Piracy-Peer to peer technology-liability of internet service provider
- c) Exception to Copyrighted work-Exhaustion of Copyrighted work -fair use/fair dealing-Test of transformation-Reverse engineering of Computer programme - Doctrine of staple articles-Doctrine of Copyright Misuse-
- d) Remedies-Criminal liability under anti circumvention law;
- e) Piracy of Design –Fraudulent or obvious imitation of design- Jurisdiction of the court – Remedies.

Module II Litigation Relating to Patent and Trade Secret

- a) Acts amount to infringement of patent-Jurisdiction of the Court –Claim interpretation or Construction(intrinsic and extrinsic aids)-Literal infringement-Doctrine of Equivalents/Doctrine of Pith and Marrow-Exception to DOE-All element rule, doctrine of public dedication, existence of prior art-prosecution history estoppel
- b) limitation and exception-doctrine of first sale-parallel import-Bollar exception- Patent Misuse-Remedies;
- c) Infringement of trade secrets- breach of trust- Springboard doctrine.

Module III Litigation Relating to Trade Marks and Geographical Indications

- a) Infringement of trademarks –jurisdiction of the court-Deceptive similarity-likelihood of confusion-Polaroid Factors-Concept of Dilution-Passing off and Reverse passing off Action
- b) Fair use of trademark-Comparative Advertisement-Counterfeit trademark-exhaustion of right in trademark-Remedies-functions of IPAB.
- c) Infringement of registered Geographical Indications- Special provision relating to Trademark and Prior user-Jurisdiction of the Court– Remedies.

Module IV- Enforcement of IPR under TRIPS Agreement

- a) Prior to TRIPS Agreement –Berne Convention and Paris Convention- reference to International Court of justice
- b) TRIPS Provisions Articles 41 to 61 – Minimum standard protection – civil, Criminal & Administrative Remedies
- c) Dispute settlement mechanism –XXII and XXIII of GATT 1994-Violation, Non-Violation and Situation Complaints- Dispute Settlement Understanding (DSU) – Retaliation and cross-retaliation.

Module V: Cross–Border IPR Litigations

- 1 Private International Law and Intellectual property law –Hague Convention on Choice of Court and Choice of law- Recognition and enforcement of foreign judgment-issues relating to administrative or judicial cooperation in collecting evidence- Brussels Convention – Cross border litigation under European Union Frameworks.

Recommended Readings

Books:

1. Arnaud Nuyts –International Litigation in Intellectual Property and Information Technology,(1st Ed.,) Wolters Kluwer, New York, 2008
2. Cornish and Llewelyn- Intellectual Property, 6th Ed. Sweet &Maxwell, 2007
3. V.K. Ahuja, Law Relating to Intellectual Property Rights (Lexis Nexis) 2015
4. Elizabeth Verkey, Intellectual Property law and Practice ,Eastern Book Company, 2015
5. Taraporevala V J, Law of Intellectual Property,(2nd Edition) Thomason Reuters, 2013.
6. James J. Fawcett and Paul Torremans: Intellectual Property and Private International Law,2012, (oxford)

Journal/Articles:

1. Mark A Lemley & R. Anthony Reese, Reducing Digital Copyright Infringement Without Restricting Innovation 56 Stan L. Rev 1345 (2004)
2. Ruth Okediji, Towards an International Fair Use Doctrine 39 Colum J. Transnat'l L. 75 (2000)
3. Andrew S. Brown, Amgen v. HMR: A Case for Deference in Claim Construction (2007) 20 Harv. JL Tech 479
4. Raj S Dave , A Mathematical Approach to Claim Elements and the Doctrine Of Equivalents (2003) 16 Harv. J L Tech 508.
5. Hazel Carty, Dilution and Passing Off: Cause for Concern (1996) 112 LQR 632

Further Readings:

Books:

1. 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
2. Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle(15th ed. 2005) Indian Reprint 2008
3. Rama Sarma, Commentary on Intellectual property Laws, Vol.2. Nagpur: Lexis Nexis Butterworths Wadhawa (2009)
4. Abbott, F., T. Cottier and F. Gurry (1999) The International Intellectual Property System: Commentary and Materials. The Hague, London and Boston, Kluwer Law International
5. Terrel on Patents, Sweet and Maxwell, London (1994)
6. Kerly's Law on Trademarks and Trade Names, Sweet and Maxwell. Wolters Kluwer (2015)
7. Russell Clarke, Industrial Design, Sweet and Maxwell, 9th Ed., (2016).
8. Julie E. Cohen and *Et al.*, Copyright in a Global Information Economy, Aspen Publisher, Wolters Kluwer, (2010)
9. Resource Book on TRIPS and Development, UNCTAD- ICTSD (2004)
10. John Cross, Global Issues in Intellectual Property Law- Cases and Materials, west Publisher (1st ed.,) 2010
11. Lemley, Menell, Merges and Samuelson, Software and Internet Law, (3rd Ed.,) Aspen Publishers, (2006).

Journals/Articles

1. N S Gopalakrishnan, Administrative Remedies in Intellectual Property Protection under TRIPs and Indian Law: Border Control Measures 2000 CLC 1 (Jr) 23
2. Mabel Tsui, Access to Medicine and The Dangers of Patent Linkage: Lesson From Bayer Corp v. Union of India (2011) 18 Journal of Law and Medicine 577-88
3. Ron A Bouchard et al., Structure Function Analysis of Global Pharmaceutical Linkage Regulations (2011) 12 Minn J L Sci & Tech 391-457.
4. Peter S. Menell, Economic Implication of State Sovereign Immunity from Infringement of Federal Intellectual Property Rights, 33 Loy. L. A. L. Rev. 1399 (2000)
5. Pamela Samuelson & Tara Wheatland, Statutory Damages in Copyright Law: A remedy in Need of Reform 51 Wm & Mary L. Rev. 495 (2009)
6. Alan Latman, Probative Similarity as Proof of Copying: Towards Dispelling Some Myths in Copyright Infringement? (1990) Colum L. Rev 1187.
7. Adam V. Vickers, Comment, Peering Beyond Today's Internet File sharing Concerns: The Future of Bit Torrent Technology, 8 Tul. J. Tech &Intell. Prop. 133 (2006)
8. Neil Weinstock Netanel, Impose a Non Commercial Use Levy to Allow Free Peer to Peer File Sharing 17 Harv. J. L. & Tech 1 (2003)
9. Michael J Madison, A Pattern Oriented Approach to Fair Use, 45 Wm & Mary L. Rev 1525 (2004)
10. Pamela Samuelson & Suzanne Scotcher, The Law and Economics of Reverse Engineering, Yale L. J. 1575 (2002)

Cases for Guidance

1. R. G. Anand v. Delux Films (1978) 4 SCC 118
2. Computer Associates International Inc v. Altai 982 F.2d 693 (3rd Cir 1992)
3. Kelly v. Arriba Soft Corp (2003)
4. Delhi University Photo Copying Case – The Chancellor Masters and Scholars of the University of Oxford v. Rameshwari Photocopy Services (2012)
5. Sega Enterprises Ltd v. Accolade Inc (1992)
6. A & M Records v. Napster Inc (2001)
7. Phillips v AWH Corporation (2005)
8. Larami Corp. v. Amron (1993)
9. Graver Tank v. Linde Air Products Co. 339 US 605 (1950)
10. Catnic Components Ltd v Hill & Smith Ltd (1982)RPC 183
11. Improver Corp. v Remington Consumer Products Ltd. (1990) FSR 181
12. Bajaj Auto Ltd v. TVS Motors Co Ltd (2008)
13. Monsanto v Nuziveedu (2019)
14. Britannia Industries Ltd v. Sara Lee Bakery AIR 2000 Mad 497
15. Erven Warnink v. J Townend & Sons Ltd (1979)
16. S M Dyechem Ltd., v Cadbury (India) ltd (2000)
17. Cadila Health Care Ltd v Cadila Pharmaceutical Ltd (2001)
18. Scotch Whisky Assn., v PravaraSahakarShakarKarkhana Ltd AIR 1992 Bom 294
19. Syndicate of Press of University of Cambridge v B. D. Bhandari (2005) 31 PTC 58 (Del)
20. 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. Learn the practical application IP Laws
2. Examine different rules and tests laid down by the courts in different jurisdictions
3. Understand the interpretation of IP Laws
4. Discuss and learn about cross border IP litigations
5. Learn international IP enforcement mechanisms

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

HS60902: RERA AND TENANCY LAWS

Objectives of the Course:

- 1. RERA is a most significant legislative measure to regulate the field of Real Estate Projects. It aims to regulate and promote the real estate sector by regulating the transactions between buyers and promoters of residential as well as commercial projects.*
- 2. Tenancy laws bring within its ambit the rules for residential and non-residential premises and further develop the policies to promote balanced rental housing. It is aimed at ensuring better access to housing opportunities, while alleviating fears of the house owners in granting tenancy rights and also establishes a better structure for enforcing rights and responsibilities of property owners and tenants.*
- 3. The Tenancy Laws includes building tenancy and law relating to cultivating tenants in the state of Tamil Nadu. This subject is most significant for civil side practice.*

COURSE OUTLINE

Module – I: Law Relating to Real Estate Regulation

- 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
- Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018.

Module – II: Tenancy Laws in Tamil Nadu in relating to Buildings:

Definitions - Tenancy – Rent – Obligations of Landlord and Tenant – Repossession of the Premises by the Landlord –Rent Authorities: Appointment, Powers and Functions – Rent courts and Rent Tribunals.

Module – III: Laws relating to cultivating tenants in Tamil Nadu:

- Definition: cultivating tenant, landlord- rights and liabilities of landlords- grounds for eviction of tenant- protection available to member of armed forces- restrictions on restoration of possession - Cultivating Tenants Special Provisions Act, 1968 with amendments
- The TN Cultivating Tenants Arrears of Rent (Relief) Act, 1972 [including all amendments]
- The TN Cultivating Tenants Protection From Eviction Act, 1989 [including all amendments]

Module - IV

Definition- agricultural labourer - rent court and rent tribunal- kaieruvaramdhar and mattuvaramdhar- revision- record of tenancy rights – advisory committee.

Module- V:

Definitions – occupant of Kudiyiruppu – alternative site – payment and recovery of compensation – prohibition of alienation

Statutory Materials:

1. Real Estate (Regulation and Development) Act, 2016
2. The Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenants Act, 2017 [including amendments, rules]
3. The TN Cultivating Tenants Protection Act, 1955
4. The TN Cultivating Tenants (Payment of Fair Rent) Act, 1956
5. The TN Agricultural Land Record of Tenancy Rights Act, 1969
6. The TN Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971

Recommended Readings:

1. A handbook of Land Tenures in Tamil Nadu by Sambandham and V.S.Rajaram, 2017 edition, C.Sitaraman&Co.Pvt. Ltd.
2. Taxmann's Guide to RERA with RERA check lists, 3rd edition, 2017.
3. Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018 at https://www.tnrera.in/Downloads/Acts_Rules_Regulations/Regulations.pdf
4. Land laws of Tamil Nadu, Prof.A.Chandrasekaran, C.Sitaraman&Co.Pvt. Ltd, 2013 edition.
5. The Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenants Act, 2017 Bare Act

Cases for Guidance:

1. Anandan v. Lingam on 22 February, 2013
2. P.K.Selvaraj v. The Revenue Divisional Officer on 17 February, 2006
3. K.Thangammal vs R.Murugan on 24 September, 2018
4. NachayeeAmmal and others v. Sri Venugopalakrishnaswamy on 1 March, 2003
5. Somasundaram v. Subramanian on 20 March, 2019
6. E.K.M.G.Bakir Ali v. G.Sundarraaj on 20 June, 2011
7. Maria Seeman Nadar v. Anna Muthu Ammal on 18 December, 2006
8. Church Of South India Trust v. The District Revenue Officer on 30 March, 2010
9. Shanmugham vs ArulmiguVinayagar And Arulmighu on 18 June, 2002
10. R. Jayakumar vs P. Kaliyaperumal And Ors. on 17 February, 1999
11. Jayaraman (Died) vs Eswaran on 10 February, 2012
12. T.K.Ayub vs Mohammed Hanif on 23 March, 2010
13. B.Venkatesh vs Nagarajan on 12 July, 2018
14. G.Surya Kumari vs The Government Of Tamil Nadu on 1 September, 2017

15. Sanjay phulwaria and 22 others v. Mumbai metropolitan region development authority and 4 others, Bombay high court on 16 October, 2018

Learning Outcome:

Students graduating with Land Laws will be able to:

1. Understand and describe legislative power to make laws relating to land and land ceiling is in the state list.
2. Different states have enacted their own laws on this subject and the application of these laws is varied from state to state.
3. The Constitutional perspectives relating to these subjects have to be taught as an essential part of this course.
4. Problem-solve complex issues in the land related matters and society related to policies, law enforcement, government bindings and etc.
5. Effectively apply knowledge to solve practical problems

(c): CRIMINAL LAW AND FORENSIC SCIENCE

HS60903: PSYCHOLOGY OF CRIME

Objectives of the Course:

The course is designed to bring out the link between crime and psychology. It will highlight the causes of crime for victims, offender and of the wider society. The basic promise of the course is that multiple variables affect human behavior, hence focuses its attention to personality factors and how they intersect with situational variables. Student will acquire a new framework for interpreting criminal behavior and will examine the usage of psychology in the criminal justice system.

At the end of the course, the student will have:

- Knowledge of the key concepts and propositions of psychological models of Human behavior
- Inbuilt capacity to identify the varying perspectives of criminal behavior.
- Familiarity with research methodologies commonly employed in the field of criminal psychology.

COURSE OUTLINE

Module I: Introduction to Psychology of Crime

- a) Nature and scope of psychology- Psychology of Soul;Mind;Consciousness;Behaviour
- b) Study of Criminal Behavior
- c) Concepts of Crime, Law and Criminology
- d) Theories of Crime Causation.
- e) Psychological Theories of Crime

Module II: Criminal Personality

- a) Meaning and Nature of Personality
- b) Theories and Factors of Personality
- c) Meaning and Types of Criminal Personality
- d) Criminal Personality and Non Criminal Personality
- e) Personality Disorder- Psychopathic Personality

Module III: Criminal Behavior

- a) Nature and Scope of Criminal Behavior
- b) Factors that lead to Criminal Behavior- Biological factors- Situational factors- Learned factors
- c) Theories of Criminal Behavior- Developmental theories- Critical criminology
- d) Evaluation of Criminal - Psychological Tests
- e) Criminal Psychology- Roles of Criminal Psychologists

Module IV: Criminal Typology

- a) Violent Crimes – Homicide- Suicide
- b) Stalking and Sexual Offenses
- c) Property Crimes
- d) Public Order Crimes
- e) Substance Abuse

Module V: The Criminal Justice System -The Psychological Approach

- a) Police Psychology
- b) Treatment of Victims and Witnesses
- c) Suspects of Crime
- d) Court proceedings -Prison- Probation services- Juvenile Corrections
- e) Social Perspective

Module VI: Correctional Psychology- Crime Prevention

- a) Forensic and Correctional Psychology
- b) Intervention
- c) Correctional Counseling Process
- d) Group Counseling and Resocialisation Programmes
- e) Treatment of Criminals – Custodial- Non-custodial

Recommended Reading

Books

1. Evolutionary Psychology: The New Science of the Mind, David Buss , 4th Edition, Pearson, 2011
2. Abnormal psychology and modern life, [James C Coleman](#), Scott, Foresman; 7th Edition (1984)
3. Contemporary Criminal Law: Concepts, Cases, and Controversies, Matthew Lippman, SAGE Publications, 5 Edition 2018
4. Sociology of Deviant Behavior, [Marshall B. Clinard](#) , [Robert F. Meier](#) , Cengage Learning, 15 Edition, 2015
5. Crime classification manual. Lexington Books/Macmillan, Douglas, J. E., Burgess, A. W., Burgess, A. G., & Ressler, R. K. (Eds.), 1992

Journals/ Articles

1. Criminal Psychology, K. EGrossHKallen H, Columbia Law Review (1912) 12(1) 90
2. Rehabilitating Criminal Justice Policy and Practice, Andrews DBonta J, Psychology, Public Policy, and Law (2010) 16(1) 39-55
3. Forensic Psychology, Louw D, Elsevier Inc., (2015), 351-356
4. Once a criminal, always a criminal?: 'Redeemability' and the psychology of punitive public attitudes, MarunaSKing A European Journal on Criminal Policy and Research (2009) 15(1-2) 7-24
5. The Encyclopedia of Criminology and Criminal Justice, Choice Reviews Online (2014) 52(01) 52-0041-52-0041

Further Reading

Books

1. The Psychopathology of Crime: Criminal Behavior as a Clinical Disorder, Adrian Raine , Academic Press; 1 Edition 1997
2. Psychology and Crime: Myths and Reality (Longman Criminology Series), [Peter B. Ainsworth](#), Addison-Wesley Longman Ltd, 2000
3. Criminology & Psychology Today: Peering Inside Criminal Minds: Uncovering The Complex Relationships Between Criminals Psychology, Neuroscience & Neuro-criminology (criminal psychology books) Kindle Edition, Alice Cole , Chris McGarry . Kindle Edition
4. The Psychology of Criminal Conduct,D.A. Andrews, James Bonta, Elsevier Inc., 5th Edition , 2010
5. Psychology and Crime: An Introduction to Criminological Psychology , [Clive R. Hollin](#), Routledge; 2 Edition 2012
6. Criminal psychology, Pakes F Pakes S, Taylor and Francis, (2012).
7. Introduction to Forensic Psychology, Shipley SArrigo B, Elsevier Inc., (2012)
8. Crime and criminal justice, Marsha I, Taylor and Francis, (2011)
9. Psychology and law: truthfulness, accuracy and credibility, MemonAVrijABull R, (2003)
10. Applying Psychology to Forensic Practice, Needs ATowl G wiley, (2008)

Journal/ Articles

1. Handbook of Forensic psychology, Haward L, Behaviour Research and Therapy (1988) 26(4) 366
2. Offender profiling and investigative psychology, Canter D, Journal of Investigative Psychology and Offender Profiling (2004) 1(1) 1-15
3. Dennis Howitt, Introduction to Forensic and Criminal Psychology, Duff S, Psychology Learning & Teaching (2016) 15(1) 115-116
4. Applying Psychology to Criminal Justice,CarsonDMilneRPakes , John Wiley and Sons, (2008), 1-314
5. Evolutionary theory and criminal behaviour, Quinsey V, Legal and Criminological Psychology, <https://doi.org/10.1348/135532502168324>

6. Psychology and crime, Kellogg A Psychological Bulletin (1917) 14(11) 379-387
7. History of forensic psychology, BartolCBartol A, Edited byWeinerIOttoRWeiner (Ed) IOtto (Ed) R John Wiley & Sons Inc, (2014), 3-34
8. Offender coercion in treatment: A meta-analysis of effectiveness, [Parhar K](#), [Wormith J](#), [Derkzen D](#), Criminal Justice and Behavior (2008) 35(9) 1109-1135
9. Psychopathy and recidivism in adolescent sex offenders, GrettonHMcBrideMHare, Criminal Justice and Behavior (2001) 28(4) 427-449
10. Does criminal offender treatment work, Simon L, Applied and Preventive Psychology (1998) 7(3) 137-159

Learning Outcomes

1. The student will have the ability to examine critically specific offenses and apply psychological models of criminality.
2. They will have an awareness on different perspectives to be employed in crime prevention, investigation, and treatment.

(d): INDUSTRIAL AND COMMERCIAL LAW

HS60904: SOCIAL SECURITY AND UNORGANISED LABOUR

Objectives of the Course

The bulk of India's labor force today is the unorganised sector. Suffering from poverty, without access to education, underpaid, unaware of their rights, and unable to enforce them, the odds are stacked against our unorganized sector. To address this problem, the legislature and the judiciary have, through laws and through judicial activism, repeatedly come to the rescue of these workers. This course is designed to introduce students to the challenges faced by this sector. The main objective is to instruct sector wise relevance which ensures the governance effectively. Other sectors can have identical/similar regulatory system and also be understood in the context of the treatment of the subject matter in this paper. The course work is within the viable framework.

This course has been designed to:

- I. Provide a broad-based understanding of the concept of the informal sector/unorganised labour – their nature, categories, industries, and the challenges and injustices they face;
- II. Instruct the student on the role of the ILO;
- III. Delve into the concept of social security for unorganised labour;
- IV. Focus on critical, India-specific sectors of unorganised workers and examine their individual challenges; and
- V. Survey the various legislations that target the upliftment of, and provision of benefits to, such workers.

The syllabus has been prepared with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I – Introduction to Unorganised Sector

- (a) Concept and Characteristics of Unorganized Sector.
- (b) Unorganised Labour Force in India.
- (c) Economic Contribution of Unorganised Workers.
- (d) Causes and Problems of Unorganized Workers.
- (e) Different Categories of Unorganized Workers-Beedi Workers, Construction Workers-Domestic Workers- Agricultural Workers- Plantation Labourers.
- (f) ILO and Minimum Conditions of Work.
- (g) Constitutional Safeguards.
- (h) Role of Judiciary in the Protection of Unorganized Workers.

Module II – Social Security for Unorganised Workers

- (a) The Unorganised Workers’ Social Security Act, 2008 – Scope and Coverage.
- (b) Definition of Unorganised Sector and Unorganised Worker.
- (c) Social Security Benefits – Schemes.
- (d) Social Security Board.
- (e) Registration of Unorganised Workers.

Module III - Beedi Sector Workers and Specific Legislative Measures

1(a) Features of Beedi Industry

- (b) Production Process.
- (c) Living and Working Conditions.
- (d) Gender Discrimination.
- (e) Vulnerability of Children.
- (f) Occupational Health Hazard and Safety issues.

2(a) The Beedi And Cigar Workers (Conditions of Employment) Act, 1966 – Scope and Object – Definitions – Licenses - Appeals.

- (b) Health and Welfare Measures.
- (c) Working Hours.
- (e) Annual Leave with Wages.
- (f) Application of The Payment of Wages Act, 1936 and The Industrial Disputes Act, 1947.
- (g) Inspectors.
- (h) Offences and Penalty.

3(a) Beedi Workers Welfare Fund Act, 1976 – Scope and Object – Definitions.

- (b) Welfare Fund.
- (c) Advisory Committees.
- (d) Welfare Commissioner.
- (e) Power to make Rules.

4(a) Beedi Workers Welfare Cess Act, 1976 – Scope and Object.

- (b) Fund – Levy and Collection of Cess on Manufactured Beedis.
- (c) Consolidated Fund of India.
- (d) Protection of Action Taken in Good Faith.

Module IV – Construction Workers and Regulation of Conditions of Employment

1 (a) Construction Industry.

- (b) Outsourcing of Labour through Contractor and Intermediaries.
- (c) Types of Construction Workers.
- (d) Women and Child Workers.
- (e) Living and Working Conditions of the Workers.
- (f) Occupational, Health and Safety Issues.
- (e) ILO Conventions on Construction Workers.

2.(a) The Building And Other Construction Workers (Regulation Of Employment And Conditions of Service) Act, 1996 – Scope and Object - Definitions.

- (a) Advisory Committees and Expert Committees.
- (b) Registration of Establishment .
- (c) Registration of Building Workers as Beneficiaries.
- (d) Welfare Board.
- (e) Hours of Work.
- (f) Welfare Measures - Safety and Health Measures.
- (g) Responsibility of Employers.
- (h) Inspecting Staff.
- (i) Offences and Penalties.

3. (a) Building and Other Construction Workers Welfare Cess Act, 1996 – Scope and Object - Definitions.

- (b) Levy and Collection of Cess.
- (c) Furnishing of Returns
- (d) Assessment of Cess.
- (e) Recovery of Amount Due – Appeals.
- (f) Penalty – Offences by Companies.

Module V – Plantation Labour and Conditions of Employment

1.(a) Characteristics of Plantation industry.

- (b) Intensity of Labour.
- (c) Working and Living Conditions.
- (d) Occupational and Health Hazards.
- (e) Problems of Women and Child Workers.

2.(a) Plantation Labour Act, 1951 – Scope and Object – Definitions.

- (b) Inspecting Staff
- (c) Provisions as to Health and Welfare.
- (d) Hours and Limitation of Employment.
- (e) Leave with Wages.
- (f) Penalties and Procedure.

Module VI – Other Legislations Relating to Unorganised Workers

1.(a) The Bonded Labour System (Abolition) Act, 1976 – Object and Scope – Definitions.

- (b) Abolition of Bonded Labour System – Agreement, Custom, etc. to be Void.
- (c) Liability to Repay Bonded Debt to Stand Extinguished – Property of Bonded Labour to be Freed from Mortgage, etc., – Creditors not to accept Payment against Extinguished Debt –
- (d) Authorities for Implementation of the Act.

2.(a) Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act , 1979 – Scope and Object – Definitions.

- (b) Registering Offices-Registration and Revocation of Establishments.
- (c) licensing officers-Licensing of Contractors-Revocation, Suspension and Amendment of Licenses.

(d) Duties and Obligations of Contractors.

(e) Wages, Welfare and Other Facilities.

(f) Displacement Allowance.

(g) Liability of principal Employer.

(h) Inspecting Staff.

(i) Offences and Penalty.

3.(a) Contract Labour (Regulation & Abolition) Act, 1970 - Scope and Object -Definitions.

(b) Advisory Boards.

(c) Registration of Establishments.

(d) Licensing of Contractors.

(e) Health and Welfare Measure.

(f) Offences and Penalties.

4.(a) Child Labour (Prohibition and Regulation) Act, 1986 – Scope and Object – definitions.

(b) Prohibition of Employment of Children.

(c) Regulation of Conditions of Work.

(d) Procedure Relating to Offences.

5.(a) Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

(b) Guarantee of Rural employment to House Holds.

(c) Conditions for Providing Guaranteed Employment.

(d) Payment of Unemployment Allowance.

(e) Non-Disbursement of Unemployment Allowance.

(f) Planning and Implementation of Schemes.

(g) Responsibilities of Gram Panchayaths.

(h) Grievance Redressal Mechanism.

(i) National Employment Guaranteed Fund.

Recommended Reading

Books Prescribed:

1. Dr. V.G. Goswami, "Labour & Industrial Laws" (Central Law Agency, 2019).
2. Prof. (Dr.) S.C. Srivastava, "Legal Protection and Social Security in Unorganised Sector" (The Book Line, 2017).
3. Suresh C Srivastava, "Labour Law in Factories, Mines, Plantation, Transportation, Shops and other Establishments" (Prentice Hall of India, 1992).
4. S.N.Mishra, "Labour and Industrial Law" (Central Law Publications, 29th ed., 2019).
5. Gupta N.H., "Social Security for Labour in India" (Deep and Deep Publications, Delhi, 1986).

Journals:

- 1) M. D. Pradeep, B. K. Ravindra, *et.al.*, "A Study on the Prospects and Problems of Unorganised Labour in India", 2 IJAASR 94-100 (2017).
- 2) Lee Tucker, "Child Slaves in Modern India: The Bonded Labour Problem", 19 HRQ 572-628 (1997).
- 3) Jeet Singh Mann, "Employment Rights Protection and Conditions of Domestic Workers: A Critical Appraisal", 57 JILI 216-243 (2015).
- 4) Thomas Paul, "Child Labour – Prohibition v. Abolition: Untangling the Constitutional Tangle", 50 JILI 143-176 (2008).
- 5) M.S.Ramanujam and K.L.Rawal, "Unorganised Workers' Welfare: Imperatives and Initiatives", 46 IJIR 16-31 (2010).
- 6) Suresh C. Srivastava, "Equal Remuneration for Men and Women", 32 JILI 82-92 (1990).

Further Reading

Reference Books:

1. Arun Monappa, Ranjeet Numbudiri, Patturaja Selvaraj, "Industrial Relations & Labour Laws" (Tata Mcgraw Hill, 2012).
2. S.C. Srivastava, "Social Security and Labour Laws" (Lucknow: Eastern Book Company, 1985).
3. R.W. Rideout, "Principles of Labour Law" (Sweet and Maxwell, 1988).
4. H.K. Saharay, "Industrial and labour Laws of India" (Calcutta: Eastern Law House, 1987).
6. Kanak Kanti Bagchi & Nirupam Gope, "Social Security for Unorganised workers in India" (Gurgaon: Madhav Books, 2012).
7. Nayan Barua, "Social Security and Labour Welfare in India" (New Delhi: Asish Publishing House, 1995).
8. Radhika.K, "Women in Agricultural Development" (New Delhi: Serials Publications, 2008).
9. Singh D.P, "Women Workers in Unorganised Sector" (New Delhi: Deep & Deep Publications, 2008).
10. Tripathy S.N, "Law for Unorganised Labour in India", (Delhi: Mangalam Publications, 2008).

Articles:

1. A.Dharmalingam, “Conditions of Brickworkers in South Indian Village”, 30 EPW 3014-3018 (1995).
2. K.R.Lakshmy Devi, “The Women Beedi Workers in a Kerala Village”, 21 IJIR 251-259 (1985).
3. Manishi Pathak, “An Overview of Contract Labour Related Laws in India” *NLS Bus. L.Rev.* 20 (2017).
4. Rashmi Tiwari and Shivani Tiwari, “Women Employment in Unorganised Sector: An Empirical Analysis”, 35 JRD 645-664 (2016).
5. Paramita Ray, “Contract Labour System in India: Issues & Perspectives”, 3 IJLLJS 297-306 (2016).

Cases for Guidance:

1. Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. &Ors., 1985 AIR 652.
2. People Union for Democratic Rights v. Union of India&Ors., 1982 AIR 1473.
3. Bandhua Mukti Morcha v. Union of India, 1984 SCR (2) 67.
4. Neeraja Chaudhary v. State of Madhya Pradesh, (1984) 3 SCC 243.
5. Daily Rated Casual Labour v. Union of India, 1988 SCR (1) 598.
6. State v. Banwari, 1957 CriLJ 539.
7. M.C. Mehta v. State of Tamil Nadu and Others, (1996) 6 SCC 756.
8. Delhi Jal Board v. National Campaign for Dignity and Rights of Sewerage and Allied Workers, 12 July, 2011.
9. KotchuVelu V. Joseph, 1987 II LLJ 174 (Kerala).
10. N Krishna Devi v. Vishnu Mitra, AIR 1982 Raj 281.
11. Bijay Cotton Mills v. State of Ajmer, (1955) 1 LLJ 129 (SC).
12. Municipal Corporation of Delhi v. Female Workers, (2000) 3 SCC 224.
13. Rajangam, Secretary, Dist. Beedi Worker's Union v. State of Tamil Nadu, 1992 SCC (1) 221.
14. B. M. Lakshmanamurthy v. The Employees' State Insurance, AIR 1974 SC 759.
15. Olga Tellis&Ors v. Bombay Municipal Corporation, 1985 SCR Supl. (2) 51.
16. Gammon India Ltd. v. Union of India &Ors., 1974 SCR (3) 66.
17. Salal Hydro Electric Project v. State of Jammu and Kashmir, 1983 (3) SCC 538.

Learning Outcome

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

1. Comprehend the complex issue of unorganised labour and their challenges;
2. Appreciate the crucial role played by ILO in their upliftment;
3. Critically analyse social security law through the lens of unorganised labour;
4. Discern and perceive the problems of unorganised labour in various specific sectors in India and critically examine the efforts taken to legislate for their improvements.

HCC0903: DRAFTING. PLEADING AND CONVEYANCING

(Clinical Course -III)

Objective of the Course:

Drafting 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 legalpractice.

COURSE OUTLINE

Module I: Introduction

- a. Drafting – the meaning, scope and significance
- b. Legal drafting – Legal notice, Sec.138 N.I Act notice, Suit Notice, Matrimonial issues Notice, M.V. Act cases Notice, Reply Notice –
- c. Complaint – depth knowledge in legal language and legal writing – use appropriate legal terminology – purpose of notice – time prescribed in notice – appropriate remedyrequired

Module – II: Pleadings – Civil Pleadings – Substantive provisions (theoretical approach) and Forms (practical exercise)

- a. Meaning, Scope and significance – civil pleadings
- b. Trial court pleadings : Complaint, Written Statement, L R Petition, Counter petition, Affidavit, Execution Petition, Interlocutory Application, Sub-Application,
- c. 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)

- a. Meaning, scope and significance – criminal pleadings
- b. Prosecution Pleading – Police custody petition, Petition for withdrawal from prosecution, Criminal Appeal from prosecution, Counter Affidavit filed by prosecution –

- c. Defence Pleading – Bail Petition, Anticipatory Bail, Discharge Petition, Criminal Appeal from conviction – other petitions – Quash Petition
- d. 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)

- a. Civil Miscellaneous Appeal,
- b. Civil Miscellaneous Petition,
- c. Writ Petitions and Habeas Corpus Petition, Writ Appeal
- d. Civil Suit, Original Petition,
- e. Company Petition, ,
- f. Criminal Original petition,
- g. Public Interest Litigation

Module – V: Pleadings – Other Pleadings – Substantive provisions (theoretical approach) and Forms (practical exercise)

- a. Private complaint,
- b. Matrimonial cases petition,
- c. Motor Accident Claimant Original Petition,
- d. Rent Control Original Petition,
- e. Labour Issues Petition

Module VI: Conveyancing – General principles

- a. Meaning, scope and significance, elements and components of deed, Registration – Compulsory registration, optional registration and not necessary to register –
- b. 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)

- a. Sale Deed – Agreement for sale and Agreement of sale,
- b. Gift Deed and Power of Attorney – within family members and others,
- c. Mortgage Deed – Classification of Mortgage, registration of Mortgage and its stamp duty –
- d. Lease and Licence –
- e. Testamentary deeds : Will – Partition Deed – Settlement Deed,

- f. Hire purchase Agreement,
- g. Cancellation Deed,
- h. 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:

1. Murali Manohar, Conveyancing and Pleading, 2nd Edn -2004, EBC,Lucknow.
2. KS Gopalakrishnans Pleadings and Practice, ALT Publications, Hyderabad,2004.
3. MC Agarwal & GC Mogha, Mogha’s Pleading, 17th Edn - 2006, EBC,Lucknow.
4. GF Harwood, Odgers on Pleadings and Practice, 20th Edn- 1971, Universal Law Publishing Co. Pvt Ltd.,Delhi.
5. Justice Thakker, Code of Civil Procedure, 5th Edn - 2007, EBC,Lucknow

Statues for reference in substantive provisions and Forms

1. Code of Civil Procedure, 1908
2. Code of Criminal Procedure,1973
3. Transfer of Property Act,1872
4. Indian Contract Act,1872
5. Motor VehiclesAct
6. Appellate SideRules
7. Original SideRules
8. RegistrationAct
9. StampAct
10. Civil and Criminal Rules ofPractice

E – Source

www.tnregin.in(Guideline value, Encumbrance and other e services)

Cases for Guidance:

1. Lakshmi Narayan Deo Vasti Temple vs. Narayan F. Marathy (1995) 2 Bom CR610
2. Prabodh Verma vs. State of UP (1984) 4 SCC251
3. Someswer vs. Tribhuban AIR 1934 PC130

4. Narinder Nath vs. Jaswant Singh AIR 1994 P&H 111
5. Syed Muhammed vs. Fattah Muhammed ILR 22 Cal. 324(PC)
6. Viswanath vs. Ram Narayan AIR 1940 All405
7. Tika Khawas vs. Pasupathi AIR 1986 Sikk.6
8. Motilal vs. Yudhistir AIR 1950 PC73
9. Brijlal vs. Parvathy AIR 1982 Del.114
10. Firm Gopal & Co. Ltd vs. Firm Hazarilal AIR 1963 MP37
11. Keshab Rao vs. Chandrabhan AIR 1980 Bom380
12. Onkar Nath vs. Vedvyas 1978 Ren.CR 408 (HP)
13. IyakkuMatho vs. Julius Elias Metropolitan AIR 1962 Ker19
14. Roolpal vs. Nachhittar AIR 1982 SC1559
15. A K Gupta vs. DVC AIR 1967 SC961
16. G. Nagamma vs. Siromanamma (1996) 2 SCC25
17. Phula Devi vs. Mangtu Maharaj AIR 1969 Pat 284
18. Jagjiban Das vs. Gunan Bhai AIR 1967 Gujl
19. N.Naidu vs. K.Naidu AIR 1969 Mad329
20. N.Naidu vs. K.Naidu AIR 1969 Mad329
21. Jogeshwar vs. Sheopujan AIR 1986 Pat35
22. State of Maharatsra vs. Glaxo 1979 Bom CR321
23. Raghunath Das vs. Union of India AIR 1969 SC674
24. State of MP VS. Lajjaram AIR 1961 MP 339

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.

FIFTH YEAR

X-SEMESTER

HLC1022: ENVIRONMENTAL LAW

Objectives of the Course:

The objective of the course is to make environmental law familiar to the students by understanding all dimensions of the subject. This module addresses the UGC mandate to introduce the 'environmental studies' and Bar Council framework syllabus for the subject.

The paper chooses certain international legal regimes to introduce the interface between international and national laws. The module is aptly divided to have a comprehensive understanding of natural resource law and pollution control laws. Emerging regimes such as mining, nuclear energy and health laws are introduced. The module will also introduce disaster management, coastal regulation and biodiversity laws. An introduction to state laws is provided to highlight the role of states in the environmental governance. The student will have the following competencies after studying the subject:

- 1. Students will understand the interface amongst the academic disciplines in relation to environment and identify the relevance of law in the resource discourse.*
- 2. Students will appreciate the legal structure governing environmental concerns from global scale to individual level.*
- 3. Students will be able to apply the environmental law for situations that may arise in the judicial, administrative and political platforms.*

COURSE OUTLINE

Module I: Introduction¹

A. Historical Perspectives- Ancient India –Vedas –Kautilya -Sangam Tamil Classification - Ashoka and Buddhism – Medieval India - Colonial Perspectives of Environment –Environmental History of Europe

¹ This module is framed in consonance with the UGC mandated 'environmental studies' paper for all the UG courses.

- B. 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
- C. Factors Affecting Environment – Deforestation - – Habitat Loss - Green House Gases – Acid Rain – Climate Change

Module II Constitution and Environment

- A. 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
- B. Directive Principles and Environment – Obligations of the State to Protect Environment - Fundamental Duties to Protect Environment
- C. Legislative Powers of Union and State over Environmental Aspects – Environmental aspects in VII Schedule – Role of Local Bodies in Protection of Environment

Module III Principles of Environmental Law

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

Module IV: International Environmental Law

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

Module V: Pollution Control Laws

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

Module VI: Ecological Conservation and Animal Welfare Laws

- A. 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
- B. Laws and Policies relating to Food Security, Organic farming, Seeds and Pesticide

Module VII Environmental Degradation, Disasters and Public Health

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

Module VIII Remedies for 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 International Conventions

Recommended Readings:

Books

1. P. Leelakrishnan, Environmental Law in India (Butterworths, 2019)
2. S. Shanthakumar, Environmental Law –An Introduction (Butterworths 2004)
3. ShyamDiwan and Armin Rosencranz, Environmental Law and Policy in India (Oxford 2002)
4. NawneetVibhaw, Environmental Law: An Introduction (Lexis Nexis 2016)
5. Alan Boyle and Patricia Bernie, International Law and Environment (Oxford 2009)
6. 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-indias-forests.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-nidhi-2018.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>
- SujithKoonan, "Constitutionality of the Plachimada Tribunal Bill, 2011: An Assessment" Law, Environment and Development Journal (2011) <http://www.lead-journal.org/content/11151.pdf>

Recommended Case Laws

India

- M.C. Mehta v Union of India (Oleum Gas Leakage case) (1987) 1 SCC 395
- Mrs.Susetha v State of T.N. (2006) 6 SCC 543,
- T.N. GodavarmanThirumulpad v. Union of India (1997) 2 SCC 267
- S. Jagannath v Union of India (1997) 2 SCC 87
- Murli S. Deora v Union of India (2001) 8 SCC 765
- Vellore Citizens' Welfare Forum v Union of India (1996) 5 SCC 647
- *Ratlam v. Vardhichand*(1980) 4 SCC 162.
- *Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P* AIR 1985 SC 652
- Indian Council for Enviro-legal Action vs. Union of India 1996 AIR 1446
- Tripur Dyeing Factory Owners Association V/s NoyyalRiverAyacutdarsProtectionAssociation&Ors. AIR 2010 SC 3645
- Almitra H. Patel v. Union of India <http://www.indiaenvironmentportal.org.in/files/Almitra%20Patel%20Corrected%20Order%20%20Jan%202017%20NGT.pdf>

- Save Mon Region Federation v. Union of India <https://indiankanoon.org/doc/189583188/>
- Samit Mehta v. Union of India <https://www.casemine.com/judgement/in/5b17d5604a932678010063da>
- Srinagar BandhAapdaSangharshSamiti v. Alaknanda hydro Power <https://www.casemine.com/judgement/in/5c062c18b338d16e11efe962>

International

- Certain Activities Carried Out by Nicaragua in the Border Area <https://www.icj-cij.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/wp-content/uploads/sites/6/2016/07/PH-CN-20160712-Award.pdfz>
- Indus Waters Kishenganga Arbitration <https://pca-cpa.org/en/cases/20/>

Foreign

- 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

Learning Outcome

After undergoing this course,

1. Students will know the basic environmental concerns from scientific, historical and political perspectives.
2. They will be able to identify the constitutional scheme and propositions relating to environmental management.
3. They will understand the complexities of institutions, stakeholders' interest and politics over natural resources from villages to globe.
4. The students will understand, apply and think on the laws and governance structure of pollution control and natural resources management laws. They will have a clear understanding of various remedies for environmental wrongs.

HLC1023: LAW OF

TAXATION

Objective of the Course

Taxation plays 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.

The Course has been designed to:

- I. To explore and understand the concept of tax along with its relevance.
- II. To understand the relevance and importance of the Constitution of India in shaping the taxing statutes and tax system.
- III. To explore how direct taxes are being levied and to thoroughly investigate the steps in arriving at the taxable income.
- IV. To enhance the knowledge on Goods and Services Tax (GST), the new indirect tax regime in its true legal sense.
- V. 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.

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 Powers

- 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) - 101st 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
- 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:

1. N.A. Palkiwala, *The Law and Practice of Income Tax*, (2014), Lexis Nexis
2. T.N. Manoharan and G.R.Hari (35th 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 Singhanian, *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 101st 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.cleartav.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
3. Indian Tax System – An Overview – Habibulla & Co., Chartered Accountants India - http://www.hco.ca.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 Management Studies, 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 BachaoAndolan&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. PelletiSridevamma* 1976 105 ITR 887 AP.
9. *Jagannath Hanumanbux v. ITO*, (1957) 31 ITR 603 Cal.
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.*

HLA1006: COMPARATIVE LAW

Objectives of the Course

The evolution of national societies and their legal systems has progressively developed the insights on the science of universal legal philosophy and system based approaches. Comparative law as a field of knowledge is not a separate discipline in law. It has a substantive value in the sense of strengthening the role of rule of law and justice in human life by way of working on the uniformity, development and harmonisation of laws. The current universal legal system is based on the recognition of normative principles, effectively promoted by branches of public law systems such as international law and constitutional law. Moreover, the evolving nature of comparative legal thought process has lead to the formation of varied sub-systems of law and approaches. Therefore, learning comparative law and its extended horizons of knowledge signals a need and value based approach for the students of law.

COURSE OUTLINE

Module I: Introduction to Comparative Law

- (a) Philosophy of Comparison-laws of nature and human life-conceptualisation of comparison in law-macro and micro approaches;
- (b) Classification of laws and legal systems-issues on terminology and elements of comparative law-comparative law as a art or science or method;
- (c) Comparative Law and its kinds-functions and purposes of comparative law-sources of comparative law-comparative legal traditions-techniques and methods of comparative law movement.

Module II: Comparative Public Law

- (a) Introduction to principles of universality and human welfare, rights and duties, law as a element of social instrument and transformation;
- (b) Concepts of international public legislation and order-international common interest-realm of universal international law and organisations-constitutionalisation of law of united nations;
- (c) Constitutional ideology, law and governance-comparative constitutional law and its functions-doctrines of living law-democracy, constitutional rights and basic structure-convergence of international law and constitutional law.

Module III: Comparative Legisprudence

- (a) Relevance of Principle of unity and diversity in comparative legisprudence-concepts of legal pluralism and positivism-global legislative drafters-comparison of legislative-executive-judicial relations;
- (b) International law making-role of international law commission and drafting world constitutions-comparative legal reforms movement-law commissions of national legal systems.

Module IV: Judicial Comparativism

- (a) Justice as universal phenomenon-concepts of universal judicial integration, judicial conscience, integrity and power;
- (b) Comparative judicial process-role of judicial systems on the evolution of principles of law-impact of principles of international law on national judicial institutions-approaches to comparative judicial legislation-constitutional courts and comparative forms of judicial review-convergence of national and international legal disputes;
- (c) Comparative human rights jurisprudence of international, regional and national judicial bodies-comparative judicial impact assessment.

Module V: Comparative Legal Philosophy

- (a) Philosophy of comparative legal philosophy-epistemological approaches to legal philosophy-impact of comparative legal scholarship movement on the fundamental perspectives of law;
- (b) Normative legal science-impact of comparative public policy on law-comparative legal reasoning-comparative science of interpretation of statutes-role of interdisciplinarity in comparative legal thought;
- (c) Futurological insights on comparative law-harmonisation of laws and legal systems-comparative legal research methodology.

Recommended Readings:

Books

1. H C Gutteridge (1946), Comparative Law, Cambridge University Press: United Kingdom.
2. Rahmatullah Khan (1971), An Introduction to the Study of Comparative Law, Indian Law Institute: New Delhi.
3. R.P. Anand (1972), Asian States and the Development of Universal International Law, Vikas Publications: India.
4. M.P. Tandon and Rajesh Tandon (1984), Text Book on Comparative Law, Allahabad Law Agency: India.
5. Peter de Cruz (1999), Comparative Law in a Changing World, Cavendish Publishing Limited: Sydney.

Journals

1. Roscoe Pound (1951), *Philosophy of Law and Comparative Law*, University of Pennsylvania Law Review, Vol. No. 100, Issue No.1, Pp.1-19.
2. A.E. Papale (1951), *Why Comparative Law*, Journal of Legal Education, Vol. No.3, Issue No. 3. Pp. 384-387.
3. Rahmatullah Khan and Sushil Kumar (1975), *Comparative Law Research in India*, Journal of the Indian Law Institute, Vol. No. 12, Pp. 505-510.
4. Duncan Berry (1997), *Techniques for Evaluating Draft Legislation, The Loophole: Published by Common Wealth Association of Legislative Counsel*, Pp. 31-47.
5. Geoffrey Samuel (1998), *Comparative Law and Jurisprudence*, International and Comparative Law Quarterly, Vol. No. 47, Issue No.4, Pp. 817-836.

Further Readings:

Books

1. C.G. Weeramantry (2003), *Universalising International Law*, MartinusNijhoff Publishers: Netherlands.
2. Werner F. Menski (2006), *Comparative Law in a Global Context: The Legal Systems of Asia and Africa*, Cambridge University Press:
3. T.K.Viswanathan (2007), *Legislative Drafting: Shaping the Law for the New Millinnium*, Indian Law Institute: India.
4. Bardo Fassbender (2009), *The United Nations Charter as the Constitution of the International Community*, MartinusNijhoff Publishers: The Netherlands.
5. Guglielmo Verdirame (2011), *The UN and Human Right: Who Guards the Guardians?*, Cambridge University Press, United Kingdom.
6. M.P Singh (2011), *Comparative Constitutional Law*, Eastern Book Company Pvt. Ltd.: India.
7. Rosalind Dixon (2014), *Comparative Constitutional Law in Asia*, Edward Elgar: USA.
8. Onuma Yasuaki (2017), *International Law in a Transcivilizational World*, Cambridge University Press: United Kingdom.
9. Erin F. Delaney and Rosalind Dixon (2018), *Comparative Judicial Review*, Edward Elgar:USA.
10. George Mousourakis (2019), *Comparative Law and Legal Traditions: Historical and Contemporary Perspectives*, Springer Nature: Switzerland.

Articles

1. Linda C. Reif (2000), *Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection*, Harvard Human Rights Journal, Vol. No. 13, Pp.1-70.
2. Peter E. Quint (2001), *International Human Rights: The Convergence of Comparative and International Law*, Texas International Law Journal, Vol. No. 36, Issue No.3, Pp.605-610.
3. Caroline Nicholson (2008), *Some Preliminary Thoughts on a Comparative Law Model for Harmonisation of Laws in Africa*, Fundamina, Vol. No. 14, Issue No.2, Pp. 50-65.

4. V.G. Hegde (2010), Indian Courts and International Law, Leiden Journal of International Law, Vol. No. 23, Issue No.1, Pp. 53-77
5. Kenneth S. Gallani (2012), Use of Comparative Law in Determining the Customary International Law of Human Rights, Florida Journal of International Law, Vol. No. 24, Issue No. 2, Pp. 429-438.
6. Mathias Forteau (2015), Comparative International Law within, Not against, International Law: Lessons from the International Law Commission, American Journal of International Law, Vol. No. 109, Issue No, 3, Pp. 498-513.
7. O.O. Merezhko (2016), The Idea of Comparative International Law, Journal of Comparative Law, Vol. No. 11, Issue No. 1, Pp. 92-96.
8. Yvonne Tew (2017), Comparative Originalism in Constitutional Interpretation in Asia, Singapore Academy of Law Journal, Vol. No. 29, Special Issue, Pp. 719-742.
9. Dinesha Samaratne (2020), From South Africa to Sri Lanka: Prospects of Travel for ‘Transformative Constitutionalism’, Asian Journal of Comparative Law, Vol. No. 15, Pp. 45-68.
10. Jaclyn L. NEO (2020), A Contextual Approach to Unconstitutional Constitutional Amendments: Judicial Power and the Basic Structure Doctrine in Malaysia, Asian Journal of Comparative Law, Vol. No. 15, Pp. 69-94.

Cases for Guidance:

1. Keshavananda Bharathi V. State of Kerala, AIR 1973 SC 1461
2. Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789
3. Nakara v. Union of India, AIR 1983 SC 130
4. Velasquez Rodriguez v. Honduras (Case No. 7920), Judgment of 29 July 1988 of the Inter-American Court of Human Rights
5. Aldridge v. Booth (1988), 80 Australian Law Reports 1
6. Case of Soering v. The United Kingdom (Application No. 14038/88), Judgment of 7 July 1989 of the European Court of Human Rights
7. Case of Jersild v. Denmark (Application No. 15890/89), Judgment of 23 September 1994 of the European Court of Human Rights
8. National Human Rights Commission v. State of Arunachal Pradesh (1996), 1 SCC 742
9. Vellore Citizen’s Welfare Forum v. Union of India, (1996) 5 SCC 647
10. Vishaka v. State of Rajasthan (1997) 6 SCC 241
11. Sakshi v. Union of India (2004) 5 SCC 518
12. Jindal Stainless Steel Ltd. & Another v. State of Haryana & Others AIR 2006 SC 2550
13. In Re: Networking of Rivers (2012) 4 SCC 51
14. In the Matter of Femi Falana v. The African Union (Application No. 001/2011), Judgment of 26 June 2012 of the African Court on Human and People’s Rights
15. The Italian Republic v. The Republic of India Concerning The “Enrica Lexie” Incident (PCA Case No. 2015-28), Award of 2 July 2020 of the Permanent Court of Arbitration

Learning Outcome

After completion of the course students will be able to-

1. Get introduced to the specifics of the nature and scope of comparative law.
2. Understand evolutionary dimensions of law, principles of law and its relation with human societies.
3. Acquire the ability to examine the legal systems of the world.
4. Study comparative public law and develop insights on universal normative legal science and its applications

HCC1004: MOOT COURT EXERCISE AND INTERNSHIP

(CLINICAL COURSE: IV)

Objective of the Course:

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 for owning the skills of advocacy. Identification of facts, application of the laws, framing of issues, elicitation of evidence, oral presentation skills and organization of arguments with persuasive 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.

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:**Books:**

1. Glanville Williams, Learning the Law, (14th 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) 5th 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, 1st Indian Reprint, Universal Law Publishing 2000
6. J Hill, Practical Guide to Mooting, 1st Indian Reprint, Palgrave Macmillan, 2009
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, 1st 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.



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



**SCHOOL OF EXCELLENCE IN LAW
REVISED CURRICULUM (2020-2021)**

For

LL.B. Hons Degree Course

**Course of Law, Eligibility Conditions for Admission, Course
Component, Examination Regulations and Syllabus.**

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I. UNDER GRADUATE COURSE OF LAW

1. Under Graduate Courses of Law:

There shall be five under graduate courses of law leading to Bachelor's Degree in Law as hereunder:

(1) B.A., LL.B., (Bachelor of Arts and Bachelor of Laws) : It shall be Integrated Double Degree Five Academic Years Course in Arts and Law.

(2) B.Com., LL.B., (Bachelor of commerce and Bachelor of Laws): It shall be an integrated Double Degree Five years degree course with a combination of commerce and Law.

(3) B.B.A., LL.B., (Bachelor of Business Administration and Bachelor of Laws): It shall be Integrated Double Degree Five Academic Years Course in Management and Law.

(4) B.C.A., LL.B., (Bachelor of Computer Application and Bachelor of Laws): It shall be an integrated five years course with a combination of computer applications and law.

The above five year courses shall be divided into ten semesters.

(5) LL.B., (Hons.): It shall be three Academic Years Degree Course in Law.

Three year course shall be divided into six semesters.

2. Objectives of Revised Curriculum:

The objectives of revised curriculum of courses of law are: (1) To reorient legal education by making provision for sufficient opportunity to the students for extensive as well as intensive study of law. (2) To enable students to acquire knowledge and skills gained from studying law and to facilitate students to analyse law to apply in practical situations. (3) To equip students with strong communication skills and to make them responsible to meet the needs of contemporary requirements of Bar, Bench and Industry in the globalised economic era. (4) To educate them of diverse backgrounds to become effective, ethical and expert personage who are employable in a variety of legal settings.

3. Extent and Application

The rules as to eligibility for admission, course component, curriculum, examination pattern and standard of passing for B.A., LL.B. Hons., B.Com., LL.B. Hons., B.B.A. LL.B. Hons., B.C.A. LL.B. Hons., and LL.B.Hons., given herein shall be applicable initially for the first year of B.A., LL.B. Hons., B.Com., LL.B. Hons., B.B.A. LL.B. Hons., B.C.A. LL.B. Hons., and LL.B. Hons. and will come into force w.e.f. the academic year 2020 - 2021.

II. ELIGIBILITY CONDITIONS FOR ADMISSION

BA/B.COM/ BBA/ BCA LL.B HONS AND LL.B HONS' COURSES:

The eligibility criteria for admission to five year courses and three year courses their duration, marks and the number of seats are mentioned hereunder:

S.No	Name of the course	Duration	Qualifying Exams	Minimum marks in Qualifying Exams		Seats
				SC/ST	Others & NRI	
1	B.A., LLB (Hons.) B.B.A., LL.B.,(Hons)	Five years	HSC(10+2)CBSE/ISC or any other exam recognised as equivalent.	60%	70%	156
				60%	70%	
				60%	70%	
2	B.COM., LL.B.,(Hons)		HSC(10+2)CBSE/ISC or any other exam recognised as equivalent. Candidate should have studied Commerce as a subject.	60%	70%	
3	BCA.,LLB., (Hons)		HSC(10+2)CBSE/ISC or any other exam recognised as equivalent. Candidate should have studied Computer science as a subject.	60%	70%	
4	LL.B., (Hons)	Three years	Any degree under any discipline. 10+2+3 stream alone are eligible	55%	60%	

III. COURSE COMPONENT OF LL.B. HONS'

1. LLB. Hons. Course: Number of Subjects

The Course shall have the following subjects-

- Core Law Papers - 22
- Ancillary Hon's Papers - 06
- Clinical Core Papers- 04
- Specialized Hon's Optional - 08

Total 40

2. Choosing Hons. Specialized Course in Law Subjects for LL.B. Hon's.

The arrangement of Hons. Specialized Course in law for LL.B. Hon's. Course allows the student to have specialization, to some extent, in (a) International Law and Intellectual Property Rights Group, or (b) Constitutional Law and Property Law Group or (c) Criminal Law and Forensic Science Group or (d) Industrial and Commercial Law Group by choosing the optional subjects from the given list in each semester from Second Year Onwards.

▪ **Explanation 1:**

A student willing to have specialization in International Law and Intellectual Property Rights Group can choose optional papers at serial number (a) in each semester from Second Year Onwards

A student willing to have specialization in Constitutional Law and Property Law Group can choose optional papers at serial number (b) in each semester from Second Year Onwards

A student willing to have specialization in Criminal Law and Forensic Science Group can choose optional papers at serial number (c) in each semester from Second Year Onwards

A student willing to have specialization in Industrial and Commercial Law Group can choose optional papers at serial number (d) in each semester from Second Year Onwards

▪ **Explanation 2:**

This arrangement of optional subjects in law is made to allow the student to have specialization to some extent in a specified group. It will be mandatory for the student to choose subjects as given in explanation 1.

• **Explanation: 3**

University may offer all or any of the groups of specialized Hon's course at its discretion. The student has to choose the group at the beginning of the semester and based on first come first serve basis the group will be allocated.

3. Practical Papers

In the final semester, a student has to do two practical papers from the group which he/she has selected.

▪ **Explanation 1:**

If the student has selected group (a) International Law and Intellectual Property Law specialization, the student has to do two practical papers one on International Law and other one on Intellectual Property Rights in the final semester.

If the student has selected group (b) Constitutional Law and Property Law specialization, the student has to do two practical papers one on Constitutional Law and other one on Property Law in the final semester.

If the student has selected group (c) Criminal Law and Forensic Science specialization, the student has to do two practical papers one on Criminal Law and other one on Law and Forensic Science in the final semester.

If the student has selected group (d) Industrial and Commercial Law specialization, the student has to do two practical papers one on Industrial Law and other one on Commercial Law in the final semester.

• **Components of Practical Papers**

The following are the components of the practical papers:

- | | |
|---|-----------|
| 1. Longish Paper(Research Oriented Paper): | 50 marks |
| 2. Case Comment: | 15 marks |
| 3. Book Review: | 15 marks |
| 4. Viva Voce: | 20marks |
| Total: | 100 marks |

4. Miscellaneous Rules of Eligibility for Admission and Syllabus:

The rules given herein are for the general understanding of the candidates. However, the admission to SOEL and syllabus shall be subject to the rules made and condition prescribed, from time to time, by the University, Central Government, State Government, Bar Council of India, University Grants Commission or any other authority empowered.

5. Removal of Doubts and Difficulties:

Notwithstanding anything stated in the rules herein or any issue hereinabove, for any unforeseen issues arising, and not covered by the rules herein, or in the extent of differences of interpretation, the Hon'ble Vice Chancellor of the University may take a decision and the said decision of the Hon'ble Vice Chancellor shall be binding.

(*N.B: If there is any amendment or repeal or enactment of any law will be implemented in the next academic year without carrying out any revision of the syllabus.)

LL.B HON'S COURSE **I YEAR**

I Semester

S.No.	Subject Code	Subjects
1	H3LC101	Introduction to Law, Legal Methods and Legal Research
2	H3LC102	Jurisprudence
3	H3LC103	Law of Torts
4	H3LC104	Law of Contracts I
5	H3LC105	Constitutional Law I
6	H3LC106	Family Law I

II Semester

S.No.	Subject Code	Subjects
7	H3LC207	Law of Crimes I (Indian Penal Code)
8	H3LC208	Constitutional Law II
9	H3LC209	Law of Contracts II
10	H3LC210	Family Law II
11	H3LC211	Property Law
12	H3CC201	Professional Ethics

II YEAR

III Semester

S.No.	Subject Code	Subjects
13	H3LC312	Law of Evidence
14	H3LC313	Company Law
15	H3LC314	Administrative Law
16	H3LC315	Mediation and Conciliation
17	H3LA301	Interpretation of Statutes
18	H3S1301	a. International Economic Law
	H3S1302	b. Comparative Constitutional Law
	H3S1303	c. Correctional Process
	H3S1304	d. Corporate Securitisation
19	H3S2301	a. International Treaties & Conventions on IP
	H3S2302	b. Introduction to Land Laws
	H3S2303	c. Criminology
	H3S2304	d. International Labour Organisation and Labour Jurisprudence

IV Semester

S.No.	Subject Code	Subjects
20	H3LC416	Introduction to Public International Law I
21	H3LC417	Labour Law I
22	H3LA402	Intellectual Property Law
23	H3S3401	a. International Human Rights Law
	H3S3402	b. Human Rights in the Constitutional Law
	H3S3403	c. Cyber Crime
	H3S3404	d. Insurance Law
24	H3S4401	a. IP on Traditional Knowledge and Genetic Resources
	H3S4402	b. Land Laws of Tamil Nadu
	H3S4403	c. Forensic Science and Investigation
	H3S4404	d. Service Laws
25	H3CC402	Alternative Dispute Resolution Policy

III YEAR

V Semester

S.No.	Subject Code	Subjects
26	H3LC518	Labour Law II
27	H3LA503	Competition Law
28	H3LA504	Cyber Law and Information Technology
29	H3LA505	Banking Law
30	H3S5501	a. Private International Law
	H3S5502	b. Legal Process and Local Governance
	H3S5503	c. Juvenile Justice system
	H3S5504	d. International Commercial Arbitration
31	H3S6501	a. Intellectual Property Litigations
	H3S6502	
	H3S6503	b. RERA and Tenancy Law
	H3S6504	c. Psychology of Crime
32	H3CC503	d. Social Security and Unorganised Labour
		Drafting Pleading and Conveyancing

VI Semester

S.No.	Subject Code	Subjects
33	H3LC619	Civil Procedure Code and Limitation Act
34	H3LC620	Law of Crimes II (Criminal Procedure Code)
35	H3LC621	Environment Law
36	H3LC622	Law of Taxation
37	H3LA606	Comparative Law
38	H3S7601	a. Practical Paper
	H3S7602	b. Practical Paper
	H3S7603	c. Practical Paper
	H3S7604	d. Practical Paper
39	H3S8601	a. Practical Paper
	H3S8602	b. Practical Paper
	H3S8603	c. Practical Paper
	H3S8604	d. Practical paper
40	H3CC604	Moot Court

- **Abbreviations used in Subject Codes :**

The abbreviations used in the subject codes in the course component shall have meaning as under:

- (a) HLC – Core Law Papers
- (b) HLA – Ancillary Hon's Papers
- (c) HCC – Clinical Core Papers
- (d) HS – Specialized Honours Course

IV. EXAMINATION REGULATIONS

These Regulations are made applicable for students joining Five year integrated Degree courses and Three year Degree Courses at the School of Excellence in Law. These regulations cover the following criteria:

1. The Internal and External components will be in the ratio of 30:70.

Internal Components: 30 Marks

- Class test - 10 Marks
- Mid Semester - 10 Marks
- Assignment - 05 Marks
- Attendance - 05 Marks

External Components: 70 Marks (Question Paper pattern of the End Semester Exam)

- Part A – Essay Type-Answer any 3 out of 5 questions (10 Marks x 3= 30 Marks)
- Part B – Problems- Answer any 2 out of 4 questions (10 Marks x 2 = 20 Marks)
- Part C – Short Notes- Answer any 4 out of 7 (5 Marks x 4 = 20 Marks)

Internal components

- Mid semester test to be conducted after two months of teaching for 10 marks. Students shall compulsorily write the class test as directed by the subject faculty for each subject for 10 marks.
- Project assignment for 5 marks, Students shall submit the assignments to the subject faculty as directed by them within the stipulated time.
- Every student who has secured a minimum of 50% (15/30) in internals shall be considered to have passed the internals.
- Students who have not done any of the internal components for any valid reasons may be given an additional chance to complete the same during the respective semester on payment of fine of Rs.400 for the first chance and Rs.750 for the subsequent chance within the semester as instructed by the Director. The payment of fine shall be made through challan only.

- All the internal assessment components shall be completed prior to a fortnight before the commencement of the external examinations. No submission of assignments shall be entertained after the last date.
- Any student who has not completed the above said internal components will be allowed to write the external examinations in spite of they have secured the required attendance. Therefore the students are advised to successfully complete the internal components of each subject within the prescribed time as notified by the Director.

External:

- Every student has to secure a minimum of 75 percent attendance in the concerned semester for appearing in the external examinations.
- Candidates who have earned attendance between 67% to 75% on valid reasons are eligible to appear for the examinations provided the lack of attendance is recommended for condonation by Director, SOEL on payment of the prescribed fee of RS.2000/- The condonation fee must be paid by challan only. The condonation fee must be paid on or before the last working day of the concerned semester failing which the candidate has to pay 200 hundred rupees fine if the payment is made prior to the commencement of exams after the commencement of the external examinations the condonation fee will not be accepted and the candidates whose name found in the condonation list shall redo the semester.
- End semester examinations shall be conducted for 70 marks for each subject. Students who have secured 35 marks out of 70 shall be considered to be passed in the external examination.
- A student should secure 50% in both internal as well as external separately to have to be passed in the concerned paper.

2. Class attendance shall carry a maximum of 5 marks which is as follows:

I.	Less than 75%	No mark
II.	75% - 79%	1 marks
III.	80% -84%	2 marks
IV.	85% -89%	3 marks
V.	90% - 94%	4 marks
VI.	95% and above	5 marks

3. The special instructions for attendance is as follows:

- **Students representing the university in any of the co-curricular and extracurricular activities will be provided the attendance make up to maximum of 20 percent of the total number of days based on the request made by the student concerned and duly signed and certified by the faculty advisor in charge of the co-curricular and extracurricular Activity before the student(s) concerned along with the certificate shall reach the director, school of excellence in law without any delay.**
- **In Exceptional cases where the students have to represent the university in any co-curricular or extracurricular activities without the necessary formalities, the same may be explained in their application for attendance make up within three days of their return to the university after such activity. The reason for such delay need to be specified and the same has to be certified by the faculty advisor in charge of such co-curricular or extracurricular activity and forwarded to the Director of SOEL without any further delay.**
- **A student who has been granted medical leave on the submission of medical certificate by a duly competent authority shall be allowed to appear in the end semester exams provided he/she has put in a minimum of 67 percent attendances in each course. Students securing less than 67% on any circumstances shall not be permitted to appear for the external examinations and they shall redo the semester.**
- **In any event, no claims for such attendance make up shall be entertained at the end of the semester.**
- **Attendance makeup shall be admissible, shall be subject to prior approval from the concerned committee in charge for participation in moot courts, seminars, university exchange programmes, conferences, internships, N.C.C., N.S.S., Y.R.C. or any other academic, cultural or sports activities**

4. Instructions for Examinations

- **Candidates should carefully fill in all the required details in the application form, including name of the candidate, correct register number, date of birth and subject codes, failing which their applications are liable to be rejected.**
- **Blind candidates are exempted from payment of examination fees. They should enclose copy of medical certificate in evidence of their handicap. However they should pay the fee for statement of marks, provisional certificate and convocation.**
- **The fees once paid, will in not be refunded under any circumstances.**
- **The fees shall be remitted by way of Bank challan only and not by way of D.D.**
- **All candidates appearing for the examination should forward their applications, through the Director, SOEL and the exam applications will not be submitted to the controller of examinations under any circumstances.**
- **Candidates should obtain their hall tickets from the Director, SOEL, three days in advance of the commencement of examination, by producing relevant certificate of identity.**
- **Candidates will not be permitted to write the examination without the hall ticket.**
- **The answers must be legibly written either in blue or black ink.**
- **Special sketch pens or other pens should not be used for underlining points.**
- **The candidates should write the correct register number in the space provided in the first page of the answer book. No other part of the answer book shall contain the name or register number of the candidate.**
- **The candidates will not be permitted to enter the examination hall after 30 minutes from the commencement of the examinations. No candidate will be allowed to leave the examination hall, within the first 30 minutes from the commencement of the examination.**
- **Candidates who are intended to write the examination on the particular day/session are not permitted to be outside the examination hall specifically inside the campus of the university after the commencement of the examinations.**
- **Candidates are not permitted to borrow any stationers from any other candidate during the examination within the examination hall.**

- Candidates are required to adhere discipline and rules of the examination within and outside the examination hall so as to facilitate the other candidates to write the examination in a peaceful manner.
- Candidates shall not cause any nuisance either to the co examinee or to the invigilators and they have to adhere the instructions of the hall superintendent.
- The candidates are required to be seated in the examination hall before the commencement of the examination. After the commencement they have to get the permission of the hall superintendent and they have to take their respective seat in the examination hall.
- The candidates should personally hand over the answer papers to the Hall superintendent before leaving the hall.
- Electronic gadgets like cellular phone, pager or other instruments for communication from outside will not be permitted inside the examination hall. Possession of such instruments will also be treated as malpractice in the examination hall and will be punished accordingly.
- Candidates are required to hand keep their belongings including their mobile in their respective cloak rooms and advised to get their token. On return of the token they can get back their belongings from the cloak rooms.
- If the above instructions are not followed or any other similar wrong/delinquency is committed, it will be considered as malpractice and penal action will be initiated against the delinquent student.
- Candidates who have failed any subject are eligible, applying for revaluation, review and to get their photo copies of their answer books on payment of fees prescribed for the same.

5. Uniform Span Period System (N+2)

According to the system, the students of the various courses of 5 Year Integrated Hons' Degree Programme are permitted to pursue their higher classes and carry forward their backlog papers and has to clear their papers through the regular semester by the University.

The students those who joined in the various programmes from the academic year 2019-2020 onwards are eligible to complete their course of study within the normal period prescribed for such programme without detention.

As per the (N+2) norms, those students who are admitted in the academic year 2019-2020 onwards in various programme of the UG & PG will be given two additional years to complete their arrears of papers, if any, after the completion of the prescribed duration of the study to become eligible for award of degree from the time of joining in the programme.

During such extended period of two years of time span, such candidates (he/she) ceases to be a regular student of the University.

If a student he/she fails to clear the arrears of papers in the extended period (two years) after the normal programme of study shall not be eligible to be qualified for the degree.

SYLLABUS

LL.B HON'S COURSE

I YEAR

I Semester

S.No.	Subject Code	Subjects
1	H3LC101	Introduction to Law, Legal Methods and Legal Research
2	H3LC102	Jurisprudence
3	H3LC103	Law of Torts
4	H3LC104	Law of Contracts I
5	H3LC105	Constitutional Law I
6	H3LC106	Family Law I

II Semester

S.No.	Subject Code	Subjects
7	H3LC207	Law of Crimes I
8	H3LC208	Constitutional Law II
9	H3LC209	Law of Contracts II
10	H3LC210	Family Law II
11	H3LC211	Property Law
12	H3CC201	Professional Ethics

II YEAR

III Semester

S.No.	Subject Code	Subjects
13	H3LC312	Law of Evidence
14	H3LC313	Company Law
15	H3LC314	Administrative Law
16	H3LC315	Mediation and Conciliation
17	H3LA301	Interpretation of Statutes
18	H3S1301	a. International Economic Law
	H3S1302	b. Comparative Constitutional Law
	H3S1303	c. Correctional Process
	H3S1304	d. Corporate Securitisation
19	H3S2301	a. International Treaties & Conventions on IP
	H3S2302	b. Introduction to Land Laws
	H3S2303	c. Criminology
	H3S2304	d. International Labour Organisation and Labour Jurisprudence

IV Semester

S.No.	Subject Code	Subjects
20	H3LC416	Introduction to Public International Law I
21	H3LC417	Labour Law I
22	H3LA402	Intellectual Property Law
23	H3S3401	a. International Human Rights Law
	H3S3402	b. Human Rights in the Constitutional Law
	H3S3403	c. Cyber Crime
	H3S3404	d. Insurance Law
24	H3S4401	a. IP on Traditional Knowledge and Genetic Resources
	H3S4402	b. Land Laws of Tamil Nadu
	H3S4403	c. Forensic Science and Investigation
	H3S4404	d. Service Laws
25	H3CC402	Alternative Dispute Resolution Policy

III YEAR**V Semester**

S.No.	Subject Code	Subjects
26	H3LC518	Labour Law II
27	H3LA503	Competition Law
28	H3LA504	Cyber Law and Information Technology
29	H3LA505	Banking Law
30	H3S5501	a. Private International Law
	H3S5502	b. Legal Process and Local Governance
	H3S5503	c. Juvenile Justice system
	H3S5504	d. International Commercial Arbitration
31	H3S6501	a. Intellectual Property Litigations
	H3S6502	b. RERA and Tenancy Law
	H3S6503	c. Psychology of Crime
	H3S6504	d. Social Security and Unorganised Labour
32	H3CC503	Drafting Pleading and Conveyancing

VI Semester

S.No.	Subject Code	Subjects
33	H3LC619	Civil Procedure Code and Limitation Act
34	H3LC620	Law of Crimes II (Criminal Procedure Code)
35	H3LC621	Environment Law
36	H3LC622	Law of Taxation
37	H3LA606	Comparative Law
38	H3S7601	a. Practical Paper
	H3S7602	b. Practical Paper
	H3S7603	c. Practical Paper
	H3S7604	d. Practical Paper
39	H3S8601	a. Practical Paper
	H3S8602	b. Practical paper
	H3S8603	c. Practical Paper
	H3S8604	d. Practical Paper
39	H3CC604	Moot Court

FIRST YEAR

I-SEMESTER

H3LC101: INTRODUCTION TO LAW, LEGAL SYSTEMS & LEGAL RESEARCH

Objectives of the Course:

Introduction to Law, Legal Systems and Legal Research as a field of knowledge is essentially taught to the beginners of law. Contextually, it concentrates on the foundational dimensions of law at an introductory level. The core areas of dissemination include the role of law in human life and welfare, definitional elements of law, conceptual insights on legal terminologies and maxims, classification of law, basic views on legal systems, studying and interpreting legislations, understanding decisional law and fundamentals of legal research and methodology. The course work will be skill based. Enquiry cum learning by doing based approach is adopted to facilitate the students to imbibe intellectual abilities, self-evaluation and working culture towards accessing the teacher and law library. In sum, the course work ensures the transformation of a trainee into a student of law (ethical and knowledge dimensions). Importantly, the subject and related learning experience lays the platform for the students to evolve systematically towards the realisation of intellectual excellence in law.

COURSE OUTLINE

Module I: Introduction to Law, Classification and Legal Systems

- (a) Role of Law in Human Life and Welfare-Characterisation of Law-Classification of Law;
- (b) Basic Concepts in Legal Philosophy-Ancient Indian Legal Thought-Continental Law-Common Law-Comparative Laws-Notion of Public and Private Laws;
- (c) Principle based Approaches-Understanding Legal Terminologies and Maxims.

Module II: Skills to Learn Law and Methods of Legal Reasoning

- (a) Art of Questioning-Intellectual Enquiry-Developing Critical Thinking-Language Usage Skills;
- (b) Skills of Interpretation-to read, to write, deduce the hidden assumptions and test its accuracy-Texts of and about the Law-Improving Legal Insights on Contemporary Social Problems;
- (c) Methods of Legal Reasoning-Logic-Inductive and Deductive Reasoning-Analysis-Legal Fictions-Assumptions.

Module III: Understanding Legislations

- (a) Defining Statute Law-Kinds of Statutes-Legislative Drafters-Legal Writing and Legislative Drafting;
- (b) Stages of Legislative Drafting-Elements of Legislation-Principles of Legislation-Schools of Interpretation-General Clauses Act, 1897.

Module IV: Judicial Methods

- (a) Defining Justice-Concept of Dharma-Judicial Behaviour-Judicial Activism-Components of Judgment-Doctrine of Reasoned Decisions-Identifying *ratio decidendi*;
- (b) Judges make or declare Law-Hierarchy of Courts in India-Supreme Court-High Courts-District & Sessions Court-Metropolitan Courts-Subordinate Courts and Judges along with classifications.

Module V: Fundamentals of Legal Research and Methodology

- (a) Defining Research and Legal Research-Qualities of Legal Researcher-Doctrinal and Non-Doctrinal Modes of Research-Drafting Synopsis-Basic Components;
- (b) Principles of Data Collection-Modes of Data Collection-Questionnaire-Interview-Survey-Sampling-Statistical;
- (c) Research Manual-Utilising Law Library-Information Communication Assisted Legal Research-Multi-Disciplinary Approaches.

Module VI: Legal Education, Legal Ethics and Law Reforms

- (a) Salient Reports on Legal Education-Prof. Radhakrishnan Report on Reforms on Higher Education;
- (b) Introduction to Legal Ethics-Select Reports of the Law Commission of India.

Recommended Reading

Books

1. V.C.R.A.C. Crabbe (1993), Legislative Drafting, Cavendish Publishing: United Kingdom.
2. Subhash C.Kashyap (1994), Our Constitution: An Introduction to India's Constitution and Constitutional Law, National Book Trust of India: India.
3. John Trayner (1998), Latin Maxims, W. Green/Sweet & Maxwell: United Kingdom.
4. Sharon Hanson (1999), Legal Method, Cavendish Publishing: United Kingdom.
5. S.K. Verma and M. Afzal Wani (Editors) (2001), Legal Research and Methodology, Indian Law Institute:India.

Further Reading

1. UpendraBaxi (1982), *The Crisis of the Indian Legal System-Alternatives in Development: Law*, Vikas Publishing House Pvt. Ltd.: India.
2. P.M. Bakshi (1993), *Legal Interpretation: Ancient and Modern*, The Indian Law Institute: India.
3. V.C.R.A.C. Crabbe (1994), *Understanding Statutes*, Cavendish Publishing: United Kingdom.
4. A.G. Noorani (2011), *Challenges to Civil Rights Guarantees in India*, South Asia Human Rights Documentation Centre, Oxford University Press: India.
5. Ian McLeod (2013), *Legal Method*, Macmillan Law Masters, Red Globe Press: United Kingdom.

Articles

1. J.K. Bhavnani (1962), *Legal Education in India*, *Journal of the Indian Law Institute*, Vol. No.4, PP. 167-190.
2. V.S. Deshpande (1969), *Extrinsic Aid in the Construction of Statutes*, *Journal of the Indian Law Institute*, Vol. No.11, Issue No. 2, PP. 123-158.
3. Rahmatullah Khan and Sushil Kumar (1975), *Comparative Law Research in India*, *Journal of the Indian Law Institute*, Vol. No. 12, PP. 505-510.
4. UpendraBaxi (1975), *Socio-Legal Research in India: A Programschrift*, Indian Council of Social Science Research: New Delhi, occasional monograph No.12.
5. D.N. Saraf (1982), *Relevance and Utility of Empirical Research in Law*, *Journal of the Indian Law Institute*, Vol. No. 24 Issue No. 2&3, PP. 611-634.
6. Rajeev Dhavan (1994), *Law As Struggle: Public Interest Law in India*, *Journal of the Indian Law Institute*, Vol. No. 36, Issue No.3, PP. 302-338.
7. Duncan Berry (1997), *Techniques for Evaluating Draft Legislation, The Loophole: Published by Common Wealth Association of Legislative Counsel*, PP. 31-47.
8. S.P. Sathe (2001), *Judicial Activism: Indian Experience*, *Washington University Journal of Law & Policy*, Vol. No. 6, PP. 29-109.
9. Ruth Sullivan (2001), *The Promise of Plain Language Drafting*, *McGill Law Journal*, Vol. No. 47, PP. 97-128.
10. Justice D.M. Dharmadhikari (2002), *Nature of Judicial Process*, Vol. No. 6, Issue No. 1, *Supreme Court Cases*.

Cases for Guidance

1. *Bangalore Water Supply and Sewerage Board v. A. Rajappa*, AIR 1978 SC 548.
2. *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.
3. *BanduaMuktiMorcha v. Union of India*, AIR 1984 SC 802.
4. *U.P. BhoodanYagnaSamiti v. Braj Kishore & Others*, AIR 1988 SC 2239.
5. *ParamanandKatara v. Union of India*, AIR 1989 SC 2039.
6. *State of Karnataka v. AppaBaluIngale and Others*, AIR 1993 SC 1126.
7. *Vellore Citizens Welfare Forum v. Union of India*, AIR 1996 SC 2715.
8. *Indian Council for Enviro-Legal Action v. Union of India*, AIR 1996 SC 1446.
9. *Bobby Art International, Etc. v. Om Pal Singh Hoon& Others*, AIR 1996 SC 1846.
10. *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

11. M.C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699.
12. Samatha v. State of Andhra Pradesh, AIR 1997 SC 3297.
13. Gaurav Jain v. Union of India, AIR 1997 SC 3021.
14. M/s. Spring Meadows Hospital v. Hajrol Ahluwalia, AIR 1998 SC 1801.
15. Apparel Export Promotion Council v. A.K. Chopra, AIR 1999 SC 625.
16. Mr. 'X' v. Hospital 'Z', AIR 1999 SC 495.
17. Chairman, Railway Board v. Chandrima Das, AIR 2000 SC 988.
18. Murali S. Deora v. Union of India, AIR 2002 SC 40.
19. Rupa Ashok Hurra v. Ashok Hurra & Another, AIR 2002 SC 1771.
20. Harish Uppal (Ex-Capt.) v. Union of India, AIR 2003 SC 739.
21. Sakshi v. Union of India, AIR 2004 SC 3566.
22. Jameel v. State of Maharashtra, AIR 2007 SC 971.
23. Suchita Srivastava & Another v. Chandigarh Administration, AIR 2010 SC 235.
24. In Re: Networking of Rivers (2012) 4 SCC 51.

Select Reports of the Law Commission of India

1. Report No. 183 (2002) on "A Continuum on the General Clauses Act, 1897 with Special Reference to the Admissibility and Codification of External Aids to Interpretation of Statutes".
2. Report No. 187 (2003) on "Mode of Execution of Death Sentence and Incidental Matters".
3. Report No. 196 (2006) on "Medical Treatment to Terminally Ill Patients (Protection of Patients and Medical Practitioners)".
4. Report No. 201 (2006) on "Emergency Medical Care to Victims of Accidents and during Emergency Medical Condition and Women under Labour".
5. Report No. 210 (2008) on "Humanization and Decriminalization of Attempt to Suicide".
6. Report No. 221 (2009) on "Need for Speedy Justice-Some Suggestions".
7. Report No. 222 (2009) on "Need for Justice-dispensation through ADRetc".
8. Report No. 223 (2009) on "Need for Ameliorating the lot of the Have-nots-Supreme Court's Judgments".
9. Report No. 234 (2009) on "Legal Reforms to Combat Road Accidents".
10. Report No. 255 (2015) on "Electoral Reforms".

Learning Outcomes

1. To get introduced to the conception of law and its relevance to human life.
2. To understand the classification of laws to resolve the identity crisis.
3. To systematically work on the skills of using general and legal language.
4. To imbibe analytical skills of enquiry and legal reasoning.
5. To be aware of the notion of jurisprudence and its intersectionality with social problems.
6. To systematically evolve as a legal mind, to earn intellectual self-respect and eventually, contribute to mankind and other creations.

H3LC102: JURISPRUDENCE

Objectives of the Course:

Laws are rules, claims are supported by arguments, and decisions are conclusions. The rules, arguments and conclusions are bound to conform to the requirement of logic. They must be systematically coordinated and carried to their consequences. Thus the whole body of legal doctrines can be considered is often considered as a more or less closely woven tissue of prepositions and deductions. The ideas which constitute this tissue are not presented to society ready-made; they are gradually unfolded by processes of collective thought; sometimes particular points get generalized and subjected to principles; at other times inferences are drawn from general prepositions. These processes constitute the dialects of law. Those dialects become ever standing principles and thus the consolidation of all wisdom of law becomes Jurisprudence.

COURSE OUTLINE

Module I: Clarificatory Jurisprudence

- (a) Evolution of Law – Ancient India, Greek and Roman Civilization – Law, Morals, Ethics and Justice – Nature of law – Functions of Law
- (b) Rule of Law: Authority (or) Autonomy (or) Anarchy (or) Obligation (or) Opinion (or) Dictum – Law as a Social Fact
- (c) Nature and Scope of Jurisprudence – From Police State to Welfare State.

Module II: Evaluative Jurisprudence

- (a) Schools of Jurisprudence – Western Thoughts and Indian Jurisprudence – Concept of Dharma – Social Transformation and Social Justice
- (b) Jurisprudence and other fields of knowledge such as Art, Humanities, Social Sciences, Medicine, Science and Technology – Jurisprudence in Socio-Political context and Normative context – Discovery or formulation of “A common law of mankind”
- (c) Similarities and differences between – (i) Local Law & Global Law; (ii) Civil Law & Common Law; (iii) Cultural & Technical aspects; (iv) Micro & Macro aspects.

Module III: Classificatory Jurisprudence

- (a) Definition of Law – Kinds of Law – Nature and Functions of State – State and Sovereignty – Relationship with Law and State
- (b) Sources of Law – Classical and Modern Sources – Sruti, Smriti, Convention, Custom, Legislation, Precedent and its kinds – Stare Decisis, Ratio Decidendi and Obiter Dicta
- (c) Administration of Justice – Complete Justice – Theories of Justice – Basis of International Law and Constitutional Law.

Module IV: Conceptual Jurisprudence - I

- (a) Legal concepts: Meaning, Definition and kinds of Rights and Duties – Jural Correlatives and Jural Opposites
- (b) Person and its kinds – Status and Theories of Corporate personality
- (c) Title and its kinds – Ownership – meaning and its kinds – Possession – meaning and its kinds

Module V: Conceptual Jurisprudence - II

- (a) Liability – meaning and its kinds – Negligence – meaning and its kinds – Obligation – meaning and its kinds
- (b) Law of Procedure – Elements of Judicial Procedure – Evidence
- (c) Property – meaning and its kinds

Module VI: Functional Jurisprudence

- (a) Application of Law and Interpretation of Law
- (b) Codification of Customary Law and Enforcement mechanism – Writ Remedies
- (c) Public Interest Litigation – Justice Delivery System – Judicial Activism and Judicial process.

Module VII: Developmental Jurisprudence

- (a) Global Justice and Human Rights – Capitalism -Vs- Common good -Vs- International Law – Critical Legal Studies – Legal Formalism -Vs- Legal Realism – Solidarity and the Limitations of Liberalism
- (b) Economic Jurisprudence – Feminist Jurisprudence – Cyber Jurisprudence
- (c) Post-Modern legal theory – Pragmatism and Post-structuralism – Law & Justice in contemporary era.

RECOMMENDED READINGS (Hardcopy & E-Books):

Books:

1. Lloyd's Introduction to Jurisprudence, 2014, 9th Edition, Sweet & Maxwell.
2. S.N. Dhyani, "Fundamentals of Jurisprudence – The Indian Approach", 2015, 3rd Edition, Central Law Agency Publishers.
3. Avtar Singh, "Introduction to Jurisprudence", 2015, 4th Edition, LexisNexis Butterworths.
4. V.D. Mahajan, Jurisprudence and Legal Theory", 2017, 5th Edition, Eastern Book Company.
5. N.V. Paranjape, "Studies in Jurisprudence and Legal Theory", 2019, 9th Edition, Central Law Agency.

Journals / Journal Articles:

1. Anthony D'Amato, "On the Connection between Law and Justice, 26 U.C. Davis L. Rev.527-582 (1992-93)
2. Michael S. Green, "Legal Realism as Theory of Law", William & Mary Law Review, 2005, Volume 46, Issue 6, pp.1915-2000.
3. Herbert Hovenkamp, "Evolutionary Models in Jurisprudence", Texas Law Review, 1985, Volume 64, No.4, p.645.
4. Ruti Teitel, "Transitional Jurisprudence: The Role of Law in Political Transformation", 106 Yale L.J 2009 at <https://heinonline.org>
5. Howard T. Markey, "Jurisprudence or Juriscience?" 25 Wm & Mary L. Rev. 525 at <http://heinonline.org/HOL?Landingpage?handle=hein.journals/wmlr25&div=25&id=&page=>

FURTHER READINGS:

Books

1. Salmond on Jurisprudence, 2016, 12th Edition, Sweet & Maxwell.
2. Bruce D Sales, "The Psychology of Law: Human Behaviour, Legal Institutions and the Law", 2015, American Psychological Association.
3. Robert L. Hayman Jr., Nancy Levit and Richard Delgado, "Jurisprudence, Classical and Contemporary: From Natural Law to postmodernism, 2nd Edition, West Academic publishing
4. David Chan Smith, "Sir Edward Coke and the Reformation of the Laws: Religion, Politics and Jurisprudence", 2014, Cambridge University Press.
5. Paul Cliteur, Afshil Ellian, "A New Introduction to Jurisprudence: Legality, Legitimacy and the Foundations of the Law", 2019, 1st Edition, Routledge Publishers.
6. Jorg Kammerhofer and Jean D'Aspremont, "International Legal Positivism in a Post-Modern World", 2016, Cambridge University Press.
7. "Plato: The Complete Works", 2016, Titan Read Publishers.

8. "Aristotle: The Complete Works", 2017, Book House Publishing
9. Satis Chandra Vidyabhusana and Dr. Sukhram, "The Nyaya Sutras of Gautama", 2018, Parimal Publications.
10. James Christensen, "Global Justice", 2020, 1st Edition, Red Globe Press.

Journals/Journal Articles:

1. Jeffrey Goldsworthy, "The Real Standard Picture, and How Facts Make it Law: A response to Mark Greenberg", The American Journal of Jurisprudence, December 2019, Volume 64, Issue 2, pp.163-211 available at <https://doi.org/10.1093/ajj/auz011>.
2. Marc R. Johnson, "Legislative Sovereignty: Moving from Jurisprudence towards Metaphysics" An International Journal of Legal and Political Thought available at <https://doi.org/10.1080/20403313.2020.1744990>.
3. Angela P. Harris, "The Jurisprudence of Reconstruction", California Law Review, 1994, Volume 82, Issue 4, p.741.
4. Richard A. Posner, "The Jurisprudence of Skepticism", Michigan law Review, 1988, Volume 86, No.5, pp.827-891.
5. Beryl Harold Levy, "Realist Jurisprudence and Prospective Overruling", University of Pennsylvania Law Review, 1960, Volume 109, No.1, pp.1-30.
6. Robert H. Jackson, "Quasi-states, dual regimes and neoclassical theory: International Jurisprudence and the Third World", Cambridge University Press, 1987, Volume 41, Issue 4, pp.519-549 available at <https://doi.org/10.1017/S0020818300027594>.
7. John Comaroff, "Reflections on the Rise of Legal Theology: Law and Religion in the Twenty-First Century", Journal of Social Analysis, 2009, Volume 53 No.1, pp.193-216.
8. Harry W. Jones, "An Invitation to Jurisprudence", Columbia Law Review, 1974, Volume 74, No.6, pp.1023-1055
9. Fredrick Schauer, "The Jurisprudence of Reasons", Michigan Law Review, 1987, Volume 85. No.5/6, pp.847-870.
10. Edward Cavanagh, "Legal thought and empires: Analogies, Principles and Authorities from the ancients and the moderns", An International Journal of Legal and Political Thought, 2019, Volume 10, Issue 4, pp.463-501 available at <https://doi.org/10.1080/20403313.2020.1744990>

Learning Outcomes:

After Completion of the course, students will be able to –

1. *To become reflective and self-fulfilled professional who are able to integrate legal professionalism, ethics, values, doctrine, theory and skills to become outstanding professional in a broad variety of settings.*
2. *To understand some level of depth rather than mere breadth, with an emphasis on analysis of primary theoretical literature correlating with the social history.*
3. *To demonstrate orally and in writing, a critical understanding of major schools of legal theory that influenced the development of the western legal tradition and Indian legal system.*
4. *To critically evaluate multiple and contrasting perspectives on law and engage in open-minded academic discussion of them in an applied context.*

H3LC103: LAW OF TORTS

(Including Motor Vehicles Act and Consumer Protection Act)

Objectives of the Course:

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 judgements. 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 defences to tort claims in various parameters.

After undergoing the study the student will be able to understand the following:

- *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 including the role of Judge, Burden of Proof issues.*
- *To spot tort issues in everyday conduct.*

COURSE OUTLINE

MODULE I: The Nature of a Tort

- a) Evolution of Tort Law-Nature, Definition and Scope of Torts
- b) Foundation of Tortious Liability- Essential of Torts- Wrongful act, Legal damage and Remedy – Injuria Sine Damno and Damnum Sine Injuria – Ubi jus ibi remedium
- c) Distinction between Tort and Crime - Tort and Contract
- d) Relevance of intention, motive and malice in law of torts
- e) Parties- Capacity to Sue and be Sued -Joint and Several Tort-feasors- Malfeasance, Misfeasance, Nonfeasance

MODULE II: Defences under Tort

- a) Specific Defences and General Defences
- b) Volenti non fit injuria- Act of God (Vis major)
- c) Inevitable Accident- Necessity
- d) Private Defense- Novus Actus Interveniens

- e) Statutory Authority- Judicial and Quasi-judicial Authority- Parental and Quasi-parental Authority.

MODULE III: Liability under Tort

- a) Strict Liability
- b) Absolute Liability
- c) Vicarious Liability- Vicarious Liability of State
- d) Liability for Dangerous Premises- Liability for Dangerous Chattels
- e) Liability for Animals- Liability for Misstatements

MODULE IV: Nuisance -Negligence - Trespass

- a) Essentials to constitute Nuisance- who may sue ?- who may be sued?
- b) Classification of Nuisance- Defences in Nuisance.
- c) Essentials of Negligence- Theories of Negligence- Medical and Professional Negligence
- d) Contributory Negligence- Composite Negligence- Proof of Negligence- Res ipsa loquitor
- e) Trespass- Trespass to Land- Trespass to Person- Trespass to Goods- Nervous Shock

MODULE V: Defamation- Malicious Prosecution - Remedies - Discharge of Torts

- a) Essentials of Defamation- Kinds of Defamation- Rules to test a Defamatory Statement- Defences for an action of Defamation
- b) Malicious Prosecution- Distinction between false Imprisonment and Malicious Prosecution- Damages for Malicious Prosecution
- c) Remedies- Kinds of Remedies-Judicial Remedies of Torts-Damages- kinds of damages- Remoteness of Damages- test of Remoteness of Damages- Rules relating to Remoteness of Damages
- d) Injunction – kinds of Injunction- Specific Restitution– Constitutional Remedies- Extra-judicial Remedies- Self-help- Expulsion of trespasser- Re-entry on Land – Recaption of Goods – Distress damage feasant – Abatement
- e) Discharge of Torts- Waiver- Accord and Satisfaction- Release- Acquiescence- Judgment Recovered and Res Judicata- Statutes of Limitation- Death

MODULE VI: Motor Vehicles Act - Consumer Protection Act

- a) 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
- b) Compensation and Right to Just Compensation- Claims and Claim Tribunal – Composition, Powers, Procedure and appeal against its orders - Liability

- c) Insurance company, Third Party, Vicarious Liability Fault and no Fault liability, Right to fixed compensation.
- d) Consumer Protection Act- Concept and definition of Consumer and Service- Unfair trade practices- Supply of essential commodities and services- Enforcement of consumer rights
- e) Consumer protection redressal agencies-District forum- State commission- National commission- Working of consumer protection law-Deficiency in service

Recommended Reading

Books

1. Ramaswamy Iyer's The Law Of Torts, A Lakshminath , M Sridhar , LexisNexis India (2010)
2. Philosophy and the Law of Torts, Gerald J. Postema, Cambridge University Press, 2002
3. Gandhi, B.M., Law of Tort, 4th Edition, Reprinted 2019, Eastern Book Company.
4. Pillai, P.S.A., Law of Torts, 9 th Ed., Eastern Book Co., Lucknow (2017).
5. Salmond, Law of Torts, 17th Ed., (Rev. by R.F.V.Henston) London, Sweet and Maxwell (1979).

Journals/ Articles

1. Philosophical Issues in Tort Law, John Oberdiek, Volume3, Issue 4, July 2008, Pages 734-748
2. 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
3. Some Thoughts on Risk Distribution and the Law of Torts, Guido Calabresi, The Yale Law Journal, Vol. 70, No. 4 (Mar., 1961), pp. 499-553
4. Principles of Torts, Harvard Law Review, vol. 56 Harv. L. Rev. 72 (1942-1943), Heinonline,
5. A Critique of Torts, Richard. L. Abel ,vol 37 UCLA L. Rev. 785 (1989-1990), Heinonline,

Further Reading

Books

1. Harold Luntz et al, *Torts: Cases and Commentary* (LexisNexis Butterworths, 8th ed, 2017)
2. Carolyn Sappideen and Prue Vines (eds), *Fleming's The Law of Torts* (Lawbook Co, 12th ed, 2016);
3. Martin Davies and Ian Malkin, *Torts* (LexisNexis Butterworths, 8th ed, 2017);
4. Kit Barker et al, *The Law of Torts in Australia* (Oxford, 5th ed, 2012);
5. RP Balkin and JLR Davis, *Law of Torts* (LexisNexis Butterworths, 5th ed, 2013);
6. Horsey, K. & Rackley, E. *Tort Law*. (Oxford University Press, 2019).
7. Ratan Lal and Dhirajlal, *The Law of Torts*, 25th Ed., Wadhwa and Co. Nagpur, 2017.

8. Singh, S.P, Law of Tort, Fourth Edition, Universal Law Publishing Co. Reprint 2018
9. Chakraborty, C., Law of Consumer Protection, New Delhi, Dwivedi Law Agency (2007).
10. Lunney, M. and Oliphant, K. (2013) Tort law: text and materials. Fifth edition. Oxford, United Kingdom: Oxford University Press.

Journal/ Articles

1. The Enterprise Liability Theory of Torts, Howard C. Klemme, Vol 47 U. Colo. L. Rev. 153 (1975-1976), Heinonline.
2. Conditional Fault in the Law of Torts, Robert E. Keeton, *Harvard Law Review*, Vol. 72, No. 3 (Jan., 1959), pp. 401-444
3. 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
4. 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.
5. Bijawat, Mahesh, Medical Negligence – Medical Malpractice- A Medical Experience (NC), JILI 37, 1995 page 390-397.
6. The Strict Liability In Fault And The Fault In Strict Liability, John C.P. Goldberg, Benjamin C. Zipursky Harvard Law School
7. 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>
8. [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
9. Tort Law, Southern California Law Review
<https://southerncalifornialawreview.com/tag/tort-law/>
10. Tort Law, Green, Leon – Hein Online
https://heinonline.org/HOL/AuthorProfile?collection=Journals&base=js&search_name=Green,%20Leon

Cases for Guidance

1. Ashby vs. White (1703) 2 Lord Raym 938
2. Gloucester Grammar School case (1410) Y.B. 11 hen. IV of 47
3. Mayor of Bradford Corpn. vs. Pickles (1895) AC 587
4. Smith v. Charles Baker and Sons (1891) AC 325 (HL)
5. South Indian Industrial Ltd., Madras vs. Alamelu Ammal, AIR 1923 Mad. 565
6. Hall vs. Brooklands Auto Racing Club (1932) 1 KB 205
7. Rylands vs. Fletcher (1868) LR 3 HL 330.
8. M. C. Mehta vs. Union of India, AIR 1987 SC 1086.
9. State of Rajasthan vs. Vidyawathi (1962) Supp. 2 SCR 989
10. Donoghue vs. Stevenson (1932) All ER Rep. 1
11. Malton Board of Health vs. Malton Manure Co., (1879) 4 Ex D 302
12. White vs. Bailey 1861 10 C.B. (ns) 227
13. The Wagon Mound (No 1) (1961)

14. Kamta Prasad vs National Buildings Constructions Corporation Pvt Ltd, A.I.R. 1992 Delhi 275
15. *Livingstone vs Rawyards Coal Co (1880) 5 App Cas 25, 39*
16. Khenyei vs New India Assurnace Co.Ltd.& Ors on 7 May, 2015
17. Ajay Kumar & Anr. vs Most. Ruby Devi & Ors. on 27 July, 2016
18. Union Carbide Corporation Etc vs Union Of India Etc. Etc on 3 October, 1991
19. Stanley vs. Powell, (1891) 1 QB 86
20. Rural Transport Service vs. Bezlum Bibi (1980)

Learning Outcomes

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

H3LC104: LAW OF CONTRACT - I

Objectives of the Course

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 through decided cases;*
- *essential aspects of contract with reference to General principles;*
- *Application of contract law in practical use cases.*

COURSE OUTLINE

MODULE I: INTRODUCTION TO CONTRACT LAW

- a) The nature of contractual obligations
- b) Discussion on contracts, related parties to the contract, remedies available in day to day life
 - Purchase of goods/ services
 - Employment contracts
 - Bank loan
 - Renting a Bank Locker
 - Lease contract
 - Insurance contract
 - Contract formed by online purchase of goods
- c) Enforcement - Primary purpose of contract law

MODULE II: FORMATION OF CONTRACT

- a) Understanding the terms Agreement, Offer, Proposal, Acceptance and Contract
- b) Diversity between Agreement and Contract
- c) Proposal and Acceptance
 - Proposal - essential elements, forms, invitations for proposals and tenders, communication of proposal, floating offers, options
 - Acceptance - essential elements, forms, requirement of communication, silence as acceptance
 - Auctions - essential elements and the requirement of communication
 - Revocation of proposal and acceptance
 - E-contracts with reference to provisions of the Information Technology Act, 2000
- d) Express and Implied contracts
- e) Standard form contracts - advantages and disadvantages
- f) Formalities to be carried for a valid contract
 - draft of the contract,
 - signatures,
 - attestation,
 - registration,
 - notarization,
 - stamp duty.
- g) Difference between formalities of a contract with the Government and General contract – Refer to Article 299 of the Constitution of India

MODULE III: CONSIDERATION

- a) Definitions, meaning, kinds and essential elements of consideration
- b) Theories of consideration
- c) Privity of contract and of consideration
- d) Present, past and future consideration
- e) Adequacy of consideration and effect of inadequacy
- f) Exceptions to the rule no consideration no contract
- g) Charity and doctrine of consideration

MODULE IV: COMPETENCY OF PARTIES

- a) Age of majority under the Indian Majority Act 1875,
- b) Contracts with Minors - Doctrine of Necessaries-Estoppel- Restitution – Ratification (also refer to section 68 of ICA)
- c) Contract with Persons of Sound minds, incapacity arising out of Lunacy, Old age and other legally recognized incompetence's
- d) Competency of companies, statutory bodies, central and state governments

MODULE V: FREE CONSENT

- a) Definition and Meaning of consent and free consent
- b) Factors vitiating free consent
- c) Coercion
 - Law Commission report on Coercion
- d) Undue Influence
- e) Misrepresentation
- f) Fraud
- g) Mistake:
 - mutual and common mistake,
 - unilateral and bilateral mistake,
 - mistake of law and fact
- h) Effect of absence of free consent
- i) Doctrine of Economic duress
- j) Remedies available to the party whose consent is not free:
 - rescission,
 - restoration
 - Loss of right of rescission.

MODULE VI: LEGALITY OF OBJECT AND VOID AGREEMENTS

- a) Unlawful agreements, circumstances in which agreements enforced even if unlawful
- b) Void agreements: Restraint of marriage, trade and legal proceedings, uncertain agreements, wagers
- c) Effect of void and of unlawful agreements
- d) Contingent contracts and their enforcement

- e) Effect of non-happening of event
- f) Enforcement of contingent contracts
- g) Quasi Contracts
 - Types of Quasi Contract
 - Doctrine of restitution
 - Effect of breach of quasi-contractual obligation

MODULE VII: PERFORMANCE OF CONTRACT

- a) Obligation to perform or offer to perform; who must perform, effect of death, personal contracts, rights and liabilities under a contract
- b) Doctrine of privity, and exceptions to the doctrine
- c) Joint rights and liabilities
- d) Time of performance, right to terminate if time is of essence
- e) Liability to pay interest for delay
- f) Place of performance
- g) Reciprocal promises, effect of non-performance of one of reciprocal promises; unilateral and bilateral promises
- h) Appropriation of payments
- i) Discharge of contract
 - by performance;
 - by offer of performance:
 - by non-performance by one party
 - by breach and rescission
 - anticipatory breach
- j) Doctrine of impossibility and effect
- k) By agreement
 - novation,
 - alteration and
 - rescission
- l) By act of promise
 - dispensing,
 - remission and
 - waiver,
 - extension of time, accord and satisfaction
- m) Termination or discharge under contract provisions

MODULE VIII: REMEDIES UNDER THE CONTRACT

Remedies under contract law through court or arbitration

- a) Compensation (damages): General and special, substantial and nominal, aggravated and punitive, liquidated and unliquidated –Causation - Contemplation and Remoteness - Duty of mitigation - Assessment
- b) Claim for the agreed sum: viz. suit for price, return of loan amount
- c) Claim in quantum meruit

Remedies of Specific Relief through court or arbitration under Specific Relief Act:

- a) 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
- b) Injunctions in suits relating to contract:
 - Discretionary relief
 - Kinds - Temporary and perpetual, prohibitory and mandatory
 - When can injunction be granted?
 - When will injunction not be granted?
 - Injunction to enforce negative covenants
 - Claim for compensation in a suit for injunction
 - Rescission
 - Rectification of instruments
 - Cancellation of instruments

Recommended Readings:

Books:

1. Avtar Singh, Law of Contract and Specific Relief, 12th ed, 2017, Eastern Book Company.
2. V Kesava Rao, Contract I: Cases and Materials, 2nd ed, 2014, Lexis-Nexis

3. Ritu Gupta, Law of Contract – includes the Specific Relief Act 1963, 2015, Lexis-Nexis
4. Anson's Law of Contract, Beatesen and Burrows ed. 29th ed., 2010, Oxford University Press.
5. Mulla, The Indian Contract Act, Anirudh Wadhwa ed., 15th ed., 2015, Lexis-Nexis

Journals:

1. Journal of Contract Law – Legal Publications / Lexisnexus
2. Corporate Law Journal – ISN 2581-3592
3. Company law Journal
4. Indian Journal of International Economic Law – NLSIU, Bengaluru, India
5. NLS Business Law Review

Further Readings:

Books:

1. Cheshire, Fifoot and Furmston's Law of Contract, Michael Furmston ed., 16th ed, 2012,
2. Sarkar on Specific Relief, Sudipto Sarkar and R Yasho Vardhan eds, 17th ed, 2016, Lexis Nexis
3. R K Singh, Law Relating to Electronic Contracts, 2nd ed, 2015, Lexis-Nexis.
4. Sachin Rastogi, Insights into E-Contracts in India, 2013, Lexis Nexis
5. 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
6. Shubhashis Gangopadhyay and V Shantakumar, Law and Economics Vol I and II, 2013, Sage Publications, Chapter 5
7. M. Krishnan Nair, Law of Contracts, 1998.
8. Garima Tiwari, Understanding Laws – Contracts, 2014, Lexis-Nexis.
9. G.H. Treitel, Outline of Law of Contract, 6th rev ed, 2005, Oxford University Press
10. Atiyah's Introduction to the Law of Contract, Stephen Smith ed., 2nd ed, 1997 Oxford University Press

Journals/Journal Articles:

- 1) 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.
- 2) 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
- 3) Standard form contracts and a smart contract future, Kristin B. Cornelius
Department of Information Studies, University of California, Los Angeles, USA
- 4) Contract, Consideration and the Critical Path, John Adams and Roger Brownsword, *The Modern Law Review*, Vol. 53, No. 4 (Jul., 1990), pp. 536-542
- 5) 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.
- 6) 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
- 7) 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
- 8) 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 |
- 9) IMPLEMENTATION WITH CONTINGENT CONTRACTS, Rahul Deb and Debasis Mishra, *Econometrica*, Vol. 82, No. 6 (November 2014), pp. 2371-239
- 10) 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:

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

8. Tweddle v. Atkinson – [(1861) EWHC QB J57 : (1861) 1 B&S 393 : (1861) 121 ER 762]
9. Phillips v Brooks Ltd. – [(1919) 2 KB 243]
10. Cundy V Linsay – [(1878) 3 AC 459]
11. SatyabrataGohose v Mugneeram Bangur& Co. - [AIR 1954 SC 44 : 1954 SCR 310]
12. PannalalJankidas v Mohanlal - [AIR 1951 SC 144 : 1950 SCR 979]
13. Hadley v Baxendale - [(1854) 9 Ex Ch 341]
14. Donoghue v Stevenson - [(1932) UKHL 100 :(1932) SC (HL) 31 : (1932) AC 562 : (1932) All ER Rep 1]
15. 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.

H3LC105: CONSTITUTIONAL LAW – I

Objectives of the Course:

*The purpose of the course is to acquaint the students with the meaningful understanding of basic philosophical tenets of **Constitutional Law**, and to train them in the fundamental legal structures and concepts that are found in Constitutions across the world, such as Constitutional Supremacy, basic rights, rule of law, judicial review, systems.*

- 1. The Study emphasises the nature and fundamental principles enshrined in the Constitution.*
- 2. It helps to analyse critically the significant judicial decisions that highlights the development of Constitutional Jurisprudence.*
- 3. It enables the students to articulate their independent views over contemporary constitutional issues.*
- 4. It provides legal framework and the touchstone on the basis of which the constitutionality of laws are examined*

Course Outline

Module – I: Classification of Constitution and Governments

- Definition and meaning of Constitution Kinds of Constitution,
- Meaning of 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.

Module –III: Introduction to Fundamental Rights

- UDHR:** Influence of UDHR on the Indian Constitution
- State:** Definition and meaning, Article 12, New Judicial trends on concept of State –
- Law:** Definition and Meaning of Pre- Constitutional and Post- Constitutional Laws, Various Doctrines like Eclipse, Severability and Ultravires,
- Judicial Review and Article 13 –

- e. **Amendment:** 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

- a. **Right to Equality:** General Equality Clause under Article 14, Judicial Interpretation on Equality– Reasonable Classification.
- b. Protective Discrimination Clause, Reservation and Social Justice under Articles 15 and 16, Equality and Reservation,
- c. Equality of opportunity in public employment – Art 16,
- d. Constitutional Provisions on Untouchability and abolition of Titles.
- e. **Right to Freedom:** Freedom of Speech and Expression - Art 19, Scope and Ambit- Art 19(1) (a) and (2); other freedoms From 19 (1) (b) to (g) ,
- f. Balance between individual interest and collective interest,
- g. Reasonable restrictions on Right to Freedom under Article 19(2) to 19(6)
- h. Judicial interpretation on Right to Strike and Bandh - Right to Information.

Module – V: Fundamental Rights - II

- a. **Right to Liberty:** Art 21 - Right to Life and Personal Liberty, Meaning and Scope, Procedure established by law,
- b. Judicial Interpretation on Life and Liberty, Applicability of concept of reasonableness. Difference between Due Process and Procedure Established by Law
- c. **Rights of the Accused:** Article 20 - Rights of the arrested person, Ex-post Facto – Double Jeopardy – Self incrimination,
- d. Article 22 – Preventive Detention, Right against Preventive Detention, Exceptions, Safeguards against Preventive Detention.
- e. Right against exploitation – Forced labour and child employment

Module – IV: Fundamental Rights - III

- a. **Freedom of Religion:** Articles 25-28, Secularism, Judicial Interpretation, Restrictions on Freedom of Religion.
- b. **Cultural and Educational Rights:** Articles 29-30, Protection on Minorities, Recent trends on Minority Educational Institutions.
- c. **Right to Constitutional Remedies:** Article 32 and 226, Writ Jurisdiction – Definition, Nature, Scope and functions, PIL, Compensatory Jurisprudence, Various Writs

Module – VII: Directive Principles of State Policy and Fundamental Duties

- a. Directive Principles- directions for social change- A new social order
- b. Fundamental Rights and Directive Principles - inter-relationship - judicial balancing - Constitutional amendments – to strengthen Directive Principles
- c. Reading Directive Principles into Fundamental Rights, Judicial Approach.

- d. **Fundamental Duties:** The need and status in constitutional set up, Interrelationship with fundamental rights and directive principles,
- e. Enforcement of Fundamental Duties.

Recommended Readings:

1. H.M.Seervai, Constitutional Law of India, Vol.1-3,Universal Law Publishing - An imprint of LexisNexis; 4th edition (2015)
2. D.D.Basu, Commentary on the Constitution of India (1-10 Volumes) Lexis Nexis Butterworths, Wadhwa, Nagpur (2009)
3. M.P.Singh (ed.), V.N.Shukla's Constitution of India (EBC, Lucknow,2017)
4. M. P. Jain- Indian Constitutional Law- (Lexis Nexis2014)
5. 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.

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)
6. Mamta Rao, Constitutional Law, (EBC, Lucknow 2013)
7. Sathya Narayan (ed.), Selected Works of S.P.Sathe & Constitutionalism (2015), Oxford
8. M. Galanter, Competing Equalities - Law and the Backward Classes in India (1984) Oxford
9. N.A.Subramaniam – Case law on the Indian Constitution(1969)
10. Report of the National Commission to Review the Working of the Constitution (NCRWC)

Journals:

1. Bakshi, P. M. "Comparative Law: Separation of Powers in India." American Bar Association Journal 42, no. 6 (1956): 553-95..www.jstor.org/stable/25719656.
2. Kumar, Virendra. "Basic Structure of The Indian Constitution: Doctrine Of Constitutionally Controlled Governance [From KesavanandaBharati to I.R. Coelho]." JILI vol. 49, no. 3, 2007, pp. 365–398. JSTOR, www.jstor.org/stable/43952120.
3. Rao, P.P. "RIGHT TO EQUALITY AND THE RESERVATION POLICY." Journal of the Indian Law Institute, vol. 42, no. 2/4, 2000, pp. 193–203. JSTOR, www.jstor.org/stable/43953811
4. Bhat, P. Ishwara. "Tracing Right To Property In The Bosom Of Right To Life And Personal Liberty : Comparative Reflection On Recent Constitutional Developments In America, Canada And India."JILI, vol. 38, no. 1, 1996, pp. 13–37. JSTOR, www.jstor.org/stable/43951621
5. S. P. Sathe, Judicial Activism: The Indian Experience, 6 Wash. U. J.L. &Pol'y 29 (2001).<https://heinonline.org/HOL/P?h=hein.journals/wajlp6&i=33>.
6. Brian Z. Tamanaha, The History And Elements Of The Rule of Law, Singapore Journal of Legal Studies [2012]. <https://law.nus.edu.sg/sjls/articles/SJLS-Dec-12-232.pdf>.
7. Manoj Mate, The Origins Of Due Process In India: The Role of Borrowing In Personal Liberty And Preventive Detention Cases, 28 Berkeley J. Int'l L. 216 (2010). <https://heinonline.org/HOL/P?h=hein.journals/berkjintlw28&i=218>
8. Pillai, K. N. Chandrasekharan. "SUPREME COURT ON CASTE CONVERSION AND RESERVATION." Journal of the Indian Law Institute, vol. 47, no. 4, 2005, pp. 540–543. JSTOR, www.jstor.org/stable/43952001.

9. Lloyd I. Rudolph & Susanne Hoeber Rudolph (1981) Judicial review versus parliamentary sovereignty: The struggle over stateness in India, *The Journal of Commonwealth & Comparative Politics*. DOI: [10.1080/14662048108447387](https://doi.org/10.1080/14662048108447387)
10. Haqqi, S. A. H. "POSITION OF THE STATES UNDER THE INDIAN CONSTITUTION." *The Indian Journal of Political Science*, vol. 22, no. 1/2, 1961, pp. 43–52., www.jstor.org/stable/41853869

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:

After the completion of the course the students will be able to -

1. The study of Constitutional Law as a Transformative Document enhances ability to apply law in addressing social problems.
2. The study of Mother Document upholds democratic spirit and constitutional values promoting good governance and cultivating constitutional morality
3. It develops ability to design new social legislations and suggesting amendments to the existing legislations.
4. The study enables the students as to how the Constitution tries to bring democracy out of Public and extend it to private sphere and also ensures clear understanding of professional and ethical responsibility

H3LC106: FAMILY LAW - I

Objectives of the Course

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

- 1. It equips the students with different personal Laws*
- 2. It provides ability to the student community in realizing secular laws related to inter-religious marriage, dowry, adoption and maintenance.*
- 3. Appreciate the Conglomeration of the uncodified aspects of unisex marriage and live-in- relationship.*
- 4. Also motivates the students to equip with writing, reading and research skills.*

COURSE OUTLINE

MODULE I: SOURCES AND SCHOOLS OF PERSONAL LAWS

- a. Application of various Personal Laws
- b. Traditional and Modern Sources of Hindu Law and Muslim Law
- c. 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

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

MODULE III: LAW ON MATRIMONIAL RELIEFS

- a. Restitution of Conjugal Rights,
- b. Judicial Separation,
- c. Nullity of Marriage and Divorce under various personal Laws –
- d. Various Grounds for Divorce and procedure on a comparative analysis –

- e. Court's jurisdiction and procedure for the issues raised on Marriage and Divorce- In Camera proceedings - Decree on Proceedings
- f. Domestic Violence - Structure, Procedure and Jurisdiction of Family Courts - The Family Courts Act.

MODULE IV: LAW ON MAINTENANCE

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

MODULE V: LAW ON LEGITIMACY OF CHILDREN AND ADOPTION

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

MODULE VI: LAW ON MINORITY AND GUARDIANSHIP

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

Recommended Readings:

Books:

1. Mulla, Hindu Law, (Lexis Nexis 23rd Edition, 2018)
2. Tahir Mahmood & Saif Mahmood, *Introduction to Muslim Law*, (Universal Law Publishing Co., 2nd ed., 2017)
3. Kusum, *Family Law Lectures – Family Law – I*, (Lexis Nexis, 5th ed. 2019)
4. 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)
5. 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:

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

Further Readings:**Books:**

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

Journals

1. 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>
2. 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>
3. Jaiswal & Arunima Singh, *Decoding Same-Sex Marriage Under the 'Holy' Hindu Marriage Act, 1955*<https://www.manupatrafast.com/articles/articleSearch.aspx>
4. Mahavir Singh Kalon, *DNA Technology and Legal Issues in India*, Delhi Law Review, Vol. XXV, 2003
5. Stellina Jolly & M.S.Raste, *Rape and Marriage : Reflections on the Past, Present and Future*, Vol. 47JILI, 2006
6. Jyoti Rattan, *Uniform Civil Code in India: A Binding Obligation under the International and Domestic Law*, Vol 46 JILI 2004
7. A.K.Bhandari, *Adoption Amongst Mohammedans- Whether Permissible in Law*, Vol.47 JILI 2005
8. Lucy Carroll, *Religious Conversion and Polygamous Marriages*, Vol.39 JILI 1997
9. Anjani Kant, *Right of Maintenance to Indian Women*, Vol.38,JILI 1996
10. M.S.Balaganesan, *Speedy Remedy or Murky Muddle? Tragedy of Divorce on Ground of Mutual Consent*, Vol. 36 JILI, 1994

Cases for Guidance:

1. Danial Latifi and another v. Union of India (2001) 7 SCC 740
2. Sarala Mudgal v. Union of India, (1995)3 SCC 635
3. Mohd. Ahmed Khan v. Shah Bano Begum, 1985 (1) SCALE 767; AIR 1985 SC 945
4. Pratibha Rani vs Suraj Kumar & Anr, 1985, 1985 AIR 628, 1985 SCR (3) 191
5. Shoba Rani v. Madhukar Reddy, 1988 AIRSC 121
6. Shamim Ara v. State of U.P. (MANU/SC/0850/2002)
7. Shayara Bano v. Union of India and others, Writ Petition (C) No. 118 of 2016
8. Lata Singh v. State of Uttar Pradesh, 2006 (6) SCALE 583
9. Velusamy v. D. Patchaiammal, (2010) 10 SCC 469

10. Seema v. Ashwani Kumar, AIR 2006 S.C 1158
11. Dhanwanti Joshi v Madhav Unde (1998) 1 SCC 11
12. T. Sareeta v. T. Venkata Subbaih, AIR 1983 AP 356
13. Saroj Rani v Sudarshan Kumar, AIR 1984 SC 1562
14. Githa Hariharan v. Reserve Bank of India (1999) 2 SCC 228
15. 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:

1. A study of this course will enlighten the students on the factors that determine the legality of domestic relationship,
2. The learning of the subject gives an understanding of both the personal law and secular law that regulates domestic relationship.
3. 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.
4. The study helps to understand secularization of personal laws in the background of the Constitutional Law and to realize the feasibility of UCC

II Semester

H3LC207: LAW OF CRIMES

INDIAN PENAL CODE

Objective of the Course:

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. Further, the illustrations play a dominant role and should be studied again and again to comprehend the essentials of the offences. 'Mens rea' which is the subject of great discussion in England, is much simplified by the I.P.C. The subject is heavy but is worth its weight in gold.

After undergoing the study the student will be able to understand the following:

- *Analyze criminal acts, their elements, parties to offenses, and application to the criminal justice system*
- *Express an increased awareness of the legal principles of criminal law and its application*
- *Students will demonstrate an understanding of the origins of criminal behaviour, society's response to crime, and the consequences of crime to our society, utilizing multiple perspectives*
- *Students will articulate ethical implications of decision making in a professional capacity.*

COURSE OUTLINE

Module I: Nature and Scope of Criminal Law

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

- e) **Inchoate Crime-** Criminal Conspiracy- Abetment-Attempt

Module II: General Exceptions

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

Module III: Punishment

- a) Punishments-Theories of punishment
- b) Types of punishment
- c) Commutation of sentence
- d) Solitary confinement-Limit of solitary confinement
- e) Enhanced punishment

Module IV: Offences against Human Body

- a) Culpable Homicide and Murder
- b) Rash and Negligent Act-Attempt and Abetment to Suicide
- c) Hurt and Grievous Hurt- Criminal Force and Assault-Wrongful Restraint and Wrongful Confinement
- d) Kidnapping and Abductions
- e) **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

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

Module VI: General Offences

- a) Offences against State -Offences against Election
- b) Offence Relating to Coins & Government Stamps
- c) Offences Relating to Religion-Defamation- Criminal Intimidation, Insult & Annoyance
- d) 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.

Recommended Reading

Books

1. K.I. Vibhuti, PSA Pillai's Criminal Law, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2017
2. K.D. Gaur, Textbook on Indian Penal Code, Universal Law Publishing Co., New Delhi, 2017
3. Ratanlal Dhiraj Lal, The Indian Penal Code, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2017
4. The Indian Penal Code 1860 (IPC) Bare Act with Illustrations 2020 Edition Paperback – 1 Jan 2020, [Government of India](#)
5. Glanville Williams, Text Book of Criminal Law, Universal Law Publishing Co., New Delhi, 2016

Journals/ Article

1. Murder-suicide: A review of the recent literature, Eliason S, Journal of the American Academy of Psychiatry and the Law (2009) 37(3) 371-376
2. Whose problem is it anyway? Crimes against women in India, Himabindu BArora RPrashanth N, Global Health Action (2015) 8(1)
3. Mens Rea, Hampton J, Social Philosophy and Policy (1990) 7(2) 1-28
4. Intention, Parkinson CWheatley T, Elsevier Inc., (2012), 452-457
5. Trafficking in women and children in India: nature, dimensions and strategies for prevention, Ghosh B, The International Journal of Human Rights (2009) 13(5) 716-738

Further Reading

Books

1. Supreme Court on Penal Code Collection (in 5 Volumes), Surendra Malik and Sudeep Malik, 2018 Edition, Eastern Book Company
2. Indian Penal Code (IPC), C.K. Takwani, 2014 Edition, Eastern Book Company
3. Criminal Law (Indian Penal Code), K S N Murthy & K V S Sarma, 1st Edition, Lexis Nexis
4. Crime and Punishment– Trends and Reflections, N V Paranjape, 1st Edition, Lexis Nexis
5. Textbook on Criminal Law, Allen M, Oxford University Press, (2013)
6. The Language of Crime, Tiersma PSolan L, Oxford University Press, (2012)
7. Death sentence on taxonomy in India, Prathapan KRajan PNarendran TViraktamath CARavind, NPoorani JSee fewer, Current Science, 2008
8. Law of crimes: A hand book : a single volume commentary on Indian penal code, 1860 (Act no. XLV of 1860), V. V Raghavan, Orient Law House : sole selling agents, Orient Sales Organisation; 1st edition (1980)
9. Codification, Macaulay and the Indian Penal Code: The Legacies and Modern Challenges of Criminal Law Reform (International and Comparative Criminal Justice) ,Ashgate; 1 edition (February 28, 2013)
10. . R.C. Nigam, Law of Crimes in India (Vol. I) New York, Asia Pub. House (1965).

Journal/ Article

1. Macaulay and the Indian Penal Code of 1862: The Myth of the Inherent Superiority and Modernity of the English Legal System Compared to India's Legal System in the Nineteenth Century, David Skuy, *Modern Asian Studies*, Vol. 32, No. 3 (Jul., 1998), [Cambridge University Press](#), pp. 513-557
2. Justifiable Homicide: A Study of the Application of Nonculpable Deadly Force in Cuyahoga County (Cleveland), Ohio, 1958–1982,Challener RAdelson LRushforth N, *Journal of Forensic Sciences* (1987) 32(5) 11186J
3. Proportionality in Sentencing and the Restorative Justice Paradigm: 'Just Deserts' for Victims and Defendants Alike?,Kirchengast T, *Criminal Law and Philosophy* (2010) 4(2) 197-213
4. Dignity and Defamation: The Visibility of Hate, Waldron J, *Harvard Law Review* (2009) 123(1596) 1596-1657
5. Sedition, Monét V, Taylor and Francis, (2013), 217-222
6. Indian Perspective on the legal Status of Marital Rape: An Overview, Sindhu SThakur M, *International Journal of Multidisciplinary Approach & Studies* (2015) 2(1) 235-250
7. Criminal Law - Cases and Materials, O'Daly M, *Criminal Behaviour and Mental Health* (1995) 5(1) 53-54
8. Criminal Conspiracy, Sayre F, *Harvard Law Review* (1922) 35(4) 393
9. Capital punishment, Aggarwal K, *Medico-Legal Update* (2010) 10(1) 7-8

10. Sentencing Sex Offenders in India: Retributive Justice versus Sex-Offender Treatment Programs and Restorative Justice Approaches, Gill AHarrison K, International Journal of Criminal Justice Sciences (2013) 8(2) 166-181

Cases for Guidance

1. K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605
2. Tukaram v. State of Maharashtra, AIR 1979 SC 185
3. Suresh Kumar Koushal v. Naz Foundation, (2014) 1 SCC 1
4. Rawalpenta Venkalu v. State of Hyderabad, AIR 1956 SC 171
5. S.N. Hussain v. State of Andhra Pradesh, AIR 1972 SC 685
6. Ram Badan Sharma v. State of Bihar (2006) 10 SCC 115
7. Rambaran Mahton v. The State, AIR 1958 Pat. 452
8. S. Varadarajan v. State of Madras, AIR 1965 SC 942
9. State of Punjab v. Gurmit Singh (1996) 2 SCC 384
10. Bhupinder Singh v. UT of Chandigarh (2008) 8 SCC 531
11. Pyare Lal Bhargava v. State of Rajasthan, AIR 1963 SC 1094
12. Shri Bhagwan S.S.V.V. Maharaj v. State of A.P., AIR 1999 SC 2332
13. Indira Gandhi v Raj Narain– 1975
14. Priyadarshini Mattoo case - October 2006
15. Jessica Lal Murder Case - December 2006
16. **Nithari serial murders – 2009**
17. **Aarushi Talwar murder – 2008**
18. **Naz Foundation v Govt of NCT of Delhi) - July 2009**
19. **Ayodhya Ram Mandir Babri Masjid Case) - September 2010**
20. **Yakub Abdul Razak Memon V State of Maharashtra and Anr - July 2015**

Learning Outcomes

1. To analyse the principles of criminal responsibility, undertake self-directed legal research using primary and secondary materials, and analyse and evaluate legal information relating to criminal law and legal theory.
2. To apply principles of criminal law to complex legal problems, and critique the operation of criminal law from both a policy and theoretical/principled perspective.
3. To prepare persuasive written and oral arguments for a legal and lay audience on issues relating to the drafting of new criminal laws and the application of existing criminal laws to common scenarios that arise in criminal practice.
4. To demonstrate awareness of principles of ethical professional judgement in the management and conduct of a criminal law matter, relevant to both prosecution and defence.
5. To analyse the impact of criminal law from a policy perspective, with a focus on the impact of the law on those people who are vulnerable or outside mainstream culture.

H3LC208: CONSTITUTIONAL LAW OF INDIA – II
CONSTITUTIONAL STRUCTURE AND CENTRE - STATE
RELATIONS

Objectives of the Course

This course aims at a better understanding of the legal issues involved in the working of the Constitutional Law and the role played by the three organs in the same. It introduces the students to the stormy Centre-State relations and the conduct of elections. It is designed to impart the students about the composition, powers and functions of the Union and State Executives. It aims at educating the students all about the Parliament and state legislatures. It throws light on the working of the Judiciary, Supreme Court and High Courts and their writ jurisdictions. It discusses the most contentious issue of the Centre-State relations. It is also designed to discuss government contracts and the all-important aspects of the power of Centre-State fiscal relations, emergency provisions and elections in detail.

After undergoing the study of this paper the student should be able to understand the following:

1. *Identify the role played by the three organs of the Government.*
2. *Able to understand the relationship between the Centre and the States in various aspects.*
3. *Learn about the Emergency Provisions and the Election Commission of India.*

COURSE OUTLINE

MODULE I: EXECUTIVE STRUCTURE, POWERS AND FUNCTIONS

- a) The Union Executive – The President - Election, Qualifications & Terms of Office of President - Privileges, Powers and Duties of President - Impeachment of President.
- b) The Vice – President - Qualifications & Election of Vice-President – Functions & Terms of Office of Vice – President.
- c) Council of Ministers - Appointment of Ministers - Council of Ministers & Cabinet - The Individual, Collective, Legal & Ministerial Responsibility - President's relation with the Council of Ministers.
- d) Attorney General of India - Comptroller and Auditor General of India.
- e) The State Executive - Appointment, Powers & Qualifications of Governor - The Council of Ministers - The Advocate General.

MODULE II: PARLIAMENT AND THE STATE LEGISLATURE

- a) The Union Legislature – Parliament - Composition of Parliament & Houses of Parliament - Duration & Sessions of the Houses of Parliament - Qualification for Membership of Parliament.
- b) Powers of Speaker, Deputy speaker & Chairman.
- c) Ordinary, Money Bills & Financial Bills - Parliament's Control over Financial System.
- d) Committee on Estimates, Committee on Public Accounts, Consolidated Fund of India & Contingency Fund of India.
- e) The State Legislature - Composition & Duration of State Legislature - Qualification of Membership of State Legislature.

MODULE III: UNION & STATE JUDICIARY

- a) The Union – Supreme Court - Composition of Supreme court - Qualifications & Appointment of Supreme Court Judges & National Judicial Appointment Commission - Impeachment of Judge of the Supreme court.
- b) Jurisdiction of Supreme court- Original, Writ, Appellate, Advisory - Powers to Punish for Contempt & Concept of Curative Petition.
- c) The State – High Court - Appointment, Transfer of Judge of High Court - Terms of Office & Removal of Judge of High Court.
- d) Jurisdiction & Powers of High Court.

MODULE IV: RELATIONS BETWEEN UNION & THE STATES

- a) Distribution of Legislative, Administrative and Fiscal Powers & Freedom of Trade and Commerce.
- b) Legislative Relations - Doctrine of Territorial Nexus – Subject matter of laws made by Parliament and Legislatures of States - Doctrine of Harmonious Construction - Doctrine of Pith and Substance – Doctrine of Occupied Field – Doctrine of Colourable Legislation.
- c) Parliament's Power to Legislate in State List – Implied and Residuary Power - Doctrine of Repugnancy.
- d) Administrative relations – Full faith and credit clause – Centre and inter-state conflict management.
- e) Fiscal Relations – Sharing of tax – GST – Constitutional Limitations.

MODULE V: TRADE COMMERCE AND INTERCOURSE WITHIN THE TERRITORY OF INDIA

- a) Freedom of Trade, Commerce and Intercourse - Meaning of Freedom of trade, commerce and intercourse.
- b) Power of the Parliament to impose restrictions on trade commerce and intercourse.
- c) Goods and Service Tax (GST) - Impact of Globalization.

MODULE VI: EMERGENCY PROVISIONS

- a) National Emergency - Duty of the Union to protect the States against external aggression and internal disturbance - Power of Union Executive to issue directions and the effect of non-compliance.
- b) State Emergency - Imposition of President's Rule in States – Grounds, Limitations, Parliamentary Control, Judicial Review.
- c) Financial Emergency.
- d) Emergency and suspension of fundamental rights.

MODULE VII: OTHER CONSTITUTIONAL FUNCTIONARIES

- a) Organisation, powers and function of Election Commission of India.
- b) Union Public Service Commission, State Public Commission – Constitutional safeguards for Civil Servants Art 311 - Protection against arbitrary dismissal, removal, or reduction in rank – Exceptions to Art 311.
- c) Role of Finance Commission – Planning Commission – Inter-state Council – National Development Council - Local Self Government (Panchayat Raj).

Recommended Readings:

Books:

1. H.M. Seervai, Constitutional Law of India in 3 volumes, Universal Book Traders, 4th Edition 2019.
2. M.P.Jain Revised by Justice Jasti Chelameswar and Justice Dama Seshadri Naidu, Indian Constitutional Law, Lexis Nexis, 8th Edition 2018.
3. D.D.Basu, Commentary on the Constitution of India, Lexis Nexis, 9th Edition 2014.
4. Mahendra P. Singh, V. N. Shukla's Constitution of India (11th ed., 2008)
5. Granville Austin, Working a Democratic Constitution - A History of the Indian Experience (1999)
6. Constituent Assembly Debates Vol. 1 to 12 (1989)

Journals/Journal Articles:

1. Gary Jeffrey Jacobsohn , An unconstitutional constitution? A comparative perspective, INT'L J CON LAW 460, 474(2006).
2. Omar, I. (2002). Emergency powers and the courts in India and Pakistan (Vol. 53). MartinusNijhoff Publishers.
3. UpendraBaxi, The Indian Constitution as an Act of Theft and the Theft of the Indian Constitution: A Retrospect on Indian Constitutionalism'.
4. Dilip Dobb, India is Indira and Indira is India. Wholives if Indira dies?, India Today (Dec 26, 2005)
5. NilanjanMukhopadhyay, Past Continuous: How IndiraGandhi used Presidential Elections to cement her ownpower, THE WIRE(May25,2017).

Further Readings:**Books:**

1. D.D.Basu Revised by Justice A.K.Patnaik, Shorter Constitution of India, Lexis Nexis, 15th Edition 2018
2. P.M.Bakshi, The Constitution of India, Lexis Nexis, 17th Edition 2020.
3. Sudhanshu Ranjan, Justice versus Judiciary – Justice Enthroned or Entangled in India, Oxford University Press, 2019.
4. Samaraditya Pal, India's Constitution Origins and Evolution, Lexis Nexis, 1st Edition, 2017.
5. ConstituentAssembly Debates Vol. 1 to 12 (1989).

Journals:

1. Soroor Ahmed, The role that Syria, Sinai and Oil Pricesplayed in triggering Emergency, NATIONALHERALD, (Jun 25, 2017).
2. A Study of the Emergency Provisions in the Indian Constitution, The Emergency of 1975 and the Possibility of Recurrence thereof, 15126<https://www.nationalheraldindia.com/opinion/the-rolesyria-sinai-oil-prices-played-in-triggering-emergency>.
3. Seniority as the Norm to Appoint India's Chief Justice isa Dubious Convention, THE WIRE (Dec 22, 2016),<https://thewire.in/law/seniority-norm-cji-appointmentthakur-khehar>.
4. Report of the Commission on Centre–StateRelations(Sarkaria Commission)(1987).
5. Report of the National Commission to Review the Working of the Constitution(2002).
6. Report of the Commission on Centre-State Relations (M.M. Punchhi Commission)(2010).

Cases for Guidance:

1. S.P. Anand v. H.D. Deve Gowda, AIR 1997 SC 272.
2. Samsher Singh v. State of Punjab, AIR 1974 SC 212.
3. M.P. Spl. Police Estab. v. State of M.P (2004) 8 SCC 788.
4. Epuru Sudhakar v. Govt. of A.P., AIR 2006 SC 338.
5. B. R. Kapur v. State of T. N. AIR 2001 SC 3435.
6. Anil Kumar Jha v. Union of India, (2005) 3 SCC 150.
7. Jaya Bachchan v. Union of India, AIR 2006 SC 2119.
8. In re Keshav Singh, AIR 1965 SC 745.
9. Raja Ram Pal v. Hon'ble Speaker, Lok Sabha (2007) 3 SCC 184.
10. D. C. Wadhwa v. State of Bihar, AIR 1987 SC 579.
11. A.K. Roy v. Union of India, AIR 1982 SC 710.
12. Automobile Transport (Rajasthan) Ltd. v. State of Rajasthan, AIR 1962 SC 1406.
13. Jindal Stainless Ltd. v. State of Haryana, AIR 2006 SC 2550.
14. G.K. Krishnan v. State of Tamil Nadu, (1975) 1 SCC 375.
15. Shree Mahavir Oil Mills v. State of J. & K. (1996) 11 SCC 39.
16. Atiabari Tea Co. v. State of Assam, AIR 1961 SC 232.
17. State of Rajasthan v. Union of India, AIR 1977 SC 1361.
18. S. R. Bommai v. Union of India, AIR 1994 SC 1918.
19. Rameshwar Prasad v. Union of India, AIR 2006 SC 980.

Learning Out Come:

After completion of the course students will be able to-

1. *Understand the structure of the Government in the Centre and in the States and its governance.*
2. *Appreciate the role of judiciary and the different kinds of jurisdictions that can be exercised by the Supreme Court and High Courts.*
3. *Examine the relationship between the Centre and the States in various aspects.*
4. *Identify the circumstances under which emergency can be proclaimed under the Constitution.*

H3LC209: LAW OF CONTRACT - II

Objectives of the Course

As established in Contracts I through detailed study of General Principles of Contract, the students by now know that the essence of all commercial contracts is regulated by the Indian Contract Act, 1872.

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 and The Negotiable Instruments Act 1881 are discussed alongwith 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 it's relevance thorough decided cases;*
- *how to establish relationship of general principles with the special contracts;*
- *understand the growing importance of special contracts and to have understanding of the new forms of special contracts including technology transfer agreements, e-contracts, software licensing agreements, government contract etc.*

COURSE OUTLINE

MODULE I: CONTRACTS OF INDEMNITY - SECTIONS 124-125

- a) Concept of indemnity in general
- b) Need for indemnity to facilitate commercial transactions
- c) Definition of the contract of indemnity
- d) Formation and essential features of indemnity
- e) Purpose of the contract of indemnity, and its use in facilitating and supporting transactions
- f) Nature and extent of liability of the indemnifier
- g) Commencement of liability of the indemnifier

- h) Rights and Duties of the Indemnifier and the Indemnified.
- i) Difference between Indian and English Law as to Indemnity
- j) Distinction between an indemnity, a warranty and a representation

MODULE II: CONTRACTS OF GUARANTEE - SECTIONS 126 TO 147

- a) Definition of a contract of guarantee
- b) Formation and essential features of a contract of guarantee
 - Parties to the contract;
- c) Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety
- d) Consideration for a contract of guarantee
- e) Continuing guarantee, and its revocation
- f) Difference between Guarantee and independent liability
- g) Comparison between guarantee and indemnity
- h) Nature and extent of surety's liability;
 - commencement
 - duration and
 - termination
- i) Surety's rights against
 - the principal debtor
 - the creditor
 - co-surety
- j) Special position of a surety: a privileged debtor
- k) Letters of credit and bank guarantees
- l) Co-surety and manner of sharing liabilities and rights
- m) Discharge of surety's liability

MODULE III: CONTRACTS OF BAILMENT - SECTIONS 71, 148-171, 180-181

- a) Definition of a contract of bailment
- b) 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

- c) Lien:
 - General and
 - Particular Lien
- d) Types of Bailor and Bailee
- e) Examples of contracts of bailment: for benefit of bailor, for benefit of bailee
 - Rights, duties, disabilities and liabilities of a bailor and a bailee towards each other
- f) Termination of bailment, and consequences of termination
- g) Finder of goods as a bailee
- h) Liability towards the true owner
- i) Obligation to keep the goods safe
- j) Right to dispose off the goods

MODULE IV: CONTRACTS OF PLEDGE - SECTIONS 172 – 179

- a) Definition of a contract of pledge
- b) Essential features of a contract of pledge
 - Parties to the contract
 - Creation of a contract of pledge
- c) Distinction between contracts of pledge, lien, bailment, hypothecation
- d) 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 V: CONTRACTS OF AGENCY: SECTIONS 182 – 238

- a) Definition of a contract of agency
- b) Identification of different kinds of agency transactions in day to day life
- c) Kinds of agents and agencies
- d) Tests for determining existence of agency relationship
- e) Essential features of a contract of agency
 - Parties involved
 - Kinds of agents and agencies

- f) Creation of agency
- g) Distinction between agent, servant or employee, and independent contractor
- h) Agent's authority
 - Scope and extent
 - Express or implied
 - apparent or ostensible authority and
 - authority in an emergency
 - Restrictions or limitations on authority
- i) Delegation of authority
- j) Relationship between a principal, agent, sub-agent and substituted agents.
- k) Doctrine of Unnamed, Undisclosed Principal and Foreign Principal
- l) Doctrine of Ratification and Relation back
- m) Duties, Rights and Liabilities of an Agent towards the Principal and Third Party
- n) Liability of the principal for acts of the agent including misconduct and tort of the agent
- o) Personal liability of an agent
- p) Pretended Agent
- q) Methods of termination of agency contract
 - Effects of termination
 - Liability of the principal and agent before and after such termination

MODULE VI: CONTRACTS OF SALE OF GOODS - THE SALE OF GOODS ACT 1930

- a) Definition of a contract of sale of goods
- b) Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods
- c) Essential features of a contract of sale
- d) Formation of Sale contract
- e) Sale differentiated from other type of contracts
- f) Sale as a transfer of property
- g) Conditions and Warranties
 - Implied conditions and warranties

- Express conditions and warranties
- h) The rule 'caveat emptor' and exceptions thereto
- i) Passing of Property
- j) Transfer of Title-Nemo Dat Quod Non Habet
- k) Delivery of goods: various rules regarding delivery of goods
- l) Rights and liabilities of the buyer and seller
- m) Unpaid seller and his rights.
- n) Auction sales
- o) Remedies for breach of contract

MODULE VII: CONTRACTS OF PARTNERSHIP - THE INDIAN PARTNERSHIP ACT 1932 AND THE LIMITED LIABILITY PARTNERSHIP ACT 2008

- a) Definition of a contract of partnership
- b) Essential features of a contract of partnership:
 - the firm and the partners,
 - Parties to the contract,
 - Minor as partner
- c) Kinds of partnership
- d) Registration of Partnership Firm and consequences of non-registration
- e) Rights, Duties and Liabilities of Partners
- f) Mutual relationship between partners: their rights, liabilities and duties against each other
- g) Relationship of partners to third parties
- h) Partner as agent of firm, Partners' authority, Implied authority, Mode of exercising authority, Liability of the firm for acts of partners
- i) Property of the firm
- j) 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
- k) Dissolution of a firm
 - Modes of dissolution
 - Effect of dissolution

- Agreements in restraint of trade
- 1) Limited Liability Partnership
 - Essential features
 - Distinction between LLP and ordinary partnership

RECOMMENDED READINGS:

Books:

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

Journals/Journal Articles:

1. Journal of Contract Law – Legal Publications / Lexisnexis
2. Corporate Law Journal – ISN 2581-3592
3. Company Law Journal
4. Indian Journal of International Economic Law – NLSIU, Bengaluru, India
5. NLS Business Law Review

FURTHER READINGS:

Books:

1. The Law of Bailment, by Robert H. Tanha, Irwin Law Inc., 2019.
2. Law of Guarantees, by The Hon Mrs. Justice Geraldine Andrews; Richard Millett, QC; John Robb, Sweet & Maxwell, 08th Edition, 2008.
3. Principles of the Law of Agency, by Howard Bennett, Hart Publishing, 01st Edition, 2013.
4. Agency and Partnership Law, edited by Mark J. Loewenstein and Robert W. Hillman, Edward Elgar Publishing Ltd., 2018.

5. Bowstead & Reynolds on Agency, Sweet & Maxwell Ltd., 20th Edition, 2016.
6. The Sale of Goods, by M.G. Bridge, Oxford University Press, 02nd Edition, 2009.
7. Practical Guide to Limited Liability Partnership, by Pl. Subramanian, Snow White Publication, 14th Edition, 2018
8. Bhashyam and Adiga, The Negotiable Instruments Act (1995), Bharath,
9. Allahabad
10. M.S.Parthasarathy (ed.), J. S. Khergamvala, The Negotiable Instruments Act

Journals/Journal Articles:

- 1) Indemnities and the Indian contract act 1872, Wayne Courtney
NATIONAL LAW SCHOOL OF INDIA REVIEW 27 NLSI Rev. (2015)
- 2) Condition and Warranty in Contract Law of India, Harvard BlackLetter Law Journal,
- 3) 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,
- 4) 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.
- 5) Computing Damages in Hire purchase Agreements: A Re-Look BREACH OF CONTRACT, ICFAI University Publications,
- 6) 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
- 7) Partnership Formation: The Role of Social Status, Haimanti Bhattacharya & Subhasish Dugar, <https://pubsonline.informs.org/doi/abs/10.1287/mnsc.2013.1818>.
- 8) 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)
- 9) Dissolution of Indian Firms - Various Modes, 33 Pages, SSRN, Raghvendra Singh Raghuvanshi, India, papers.ssrn.com/sol3/papers.cfm?abstract_id=1558970

11) Performance and Compensation: An Analysis of Contract Damages and Contractual Obligation, Charlie Webb, Oxford Journal of Legal Studies, Volume 26, Issue 1, Spring 2006.

Cases for Guidance:

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

LEARNING OUTCOME:

After completion of the course students will be able to –

1. grasp the nuances of the contractual transactions involving Special forms of contracts.
2. analyse the implications of a contractual arrangement falling under any of the discussed head of special contracts.
3. determine the legality of the transactions and also the rights and duties of the parties.
4. deal with the disputes arising out of such *contractual arrangements*.

H3LC210: FAMILY LAW-II

Objectives of the Course

The main objective of the paper is to apprise the students with the laws relating to family matters governing inheritance, succession, partition, with practical approach. The subject makes the students to identify and understand the scheme of succession under the Hindu, Muslim and Christian Laws. Further, with reference to uncodified Hindu Law, the matters relating to Joint Family System, Coparcenary, Karta and his powers, partition and the Hindu Religions Endowments are given in the syllabus for understanding the changes effected after the passing of the Hindu succession Act, 1956 and other related Laws. Under Muslim Law students can understand the principles behind the matters relating to Wakfs, Wills, Gifts and Pre- Emption and also the Sunni and Shia Law of Inheritance. The students can learn the details of Christian Law, a Part of the Indian Succession Act, 1925 and Law of Wills with reference to Christian Law of Inheritance.

After undergoing the study of this paper the Student should be able to understand the following:

- 1. Able to understand the personal laws relating to Succession, Partition and Religious Endowments.*
- 2. Identify the scheme of succession under various religious laws and able to understand the past and present legal systems.*
- 3. Analyse comparatively the testamentary and intestate succession under various religious laws and appreciate the limitations provided for the same.*
- 4. Able to understand the law relating to Hiba and Shuffa under Muslim Law.*

COURSE OUTLINE

Module I: HINDU JOINT FAMILY AND COPARCENARY

- a) Hindu Joint Family and Coparcenary – Meaning – Characteristics & Distinction.
- b) Rights of Coparceners and Position of Female Coparceners.
- c) Distinction between Mithakshara & Dayabhaga Coparcenary and Changes introduced by The Hindu Succession (Amendment) Act, 2005.
- d) Karta – Position – Powers - Rights and Duties.
- e) 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 unauthorised Alienation.

Module II: PARTITION

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

Module III: INTESTATE SUCCESSION UNDER HINDU LAW

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

Module IV: INTESTATE SUCCESSION UNDER MUSLIM LAW & CHRISTIAN LAW

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

Module V: TESTAMENTARY SUCCESSION

- a) Testamentary Succession under Hindu, Muslim and Christian Law.
- b) Limitation to Testamentation under various Religious and Statutory Law.
- c) Will and Administration of Will - Codicil.
- d) Lapse, Abatement and Ademption of Legacies.

- e) Probate, Letters of Administration and Succession Certificate.

Module VI: GIFT AND PRE-EMPTION UNDER ISLAMIC LAW

- a) Hiba - Nature and Characteristics of Hiba - Subject matter of Hiba – Effects of Hiba.
- b) Kinds of Hiba – Revocation of Hiba – Marz-ul-maut.
- c) Shuffa-Origin, Definition, Classification, Subject matter, Formalities, Procedure & Constitutional validity.

Module VII: RELIGIOUS ENDOWMENTS AND WAKF

- a) Hindu Religious Endowments.
- b) Wakf. - Meaning - Formalities of Creation –Types and Administration of Wakf.
- c) Mutawalli and his powers - Muslim religious Institutions and Offices.

Module VIII: PSDA (Professional Skill Development Activities)

- a) Exercises on Distribution of Property.
- b) Drafting a Deed of Hiba/Waqf/Wasiyat.
- c) Preparation of Pleading for a Partition Suit.

Recommended Readings:

Books:

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

Journals/Journal Articles:

1. Hindu Law - Daughter: A Coparcenar, Kulkarni, K.V. All India Reporter, 2004 Mar.
2. Hindu Succession (Amendment) Act 2005: An Appraisal, Dash, U.N., All Indian High Court Cases, 2007.
3. 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.
4. 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.
5. 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:**

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

Journals:

1. S.23 of The Hindu Succession Act, 1956: A sober view point, Prasanna, C.Luxmi, All India High Court cases, 2006, Mar.
2. S.6 and 29-A of The Hindu Succession Act: A critic, Ramakoti, M., All India Reporter, 2003, Oct.
3. Some thoughts on Hindu Succession (Amendment) Act, Balasubramanian, K.G., Kerala Law Times, 2005 Oct.
4. State Amendment to Hindu Succession Act and conflict of Laws: Need for Law Reform, Bhadhhade, Nilima, Supreme Court Cases, 2001.
5. Status of women under The Hindu Succession Act, 1956, Gupta, Suman, All India Reporter, 2007, May.
6. Stridhana & Women's Property Rights critical view under Hindu Succession Act, 1956 and Customary Hindu Law, Chakravarty, Padmaja, Apex court Expression, 2003.
7. Study of the amendments made in The Hindu Succession Act, 1956, Davda, C.R., All India High Court Cases, 2008, Feb.
8. The Hindu Succession Act, 1956 should the legal riddle under S.14 of the Act continue forever? Kader, S.A., Madras Law Journal, 2008, Sep.

9. The Hindu Succession Act, 1956: Defects and anomalies in the Amending Act 39 of 2005, Murthy, A.S. Ramachandra, All India High Court Cases, 2007 Jul.
10. Whether the Right of a Female to claim partition in a dwelling house under S.23 of Hindu Succession Act, 1956 is a myth or reality, Jena, Krushna Chandra, Cuttack Law Times, 1999, Sep.
11. Women's Property Rights under traditional Hindu Law and The Hindu Succession Act, 1956: Some observations, Jain, Prakash Chand, Journal of the Indian Law Institute, 2003, Jul. - Dec.

Cases for Guidance:

1. P.G.Reddy v. Golla Obulamma AIR 1971 A.P.,363(F.B.).
2. Narain Devi v. Ramo Devi AIR 1976 SC 2198.
3. Rajeshwari Rani v. Nirja Guleri AIR 1977 P&H, 123.
4. Thotappa v. G.Gurusiddappa AIR 1977 Kant, 175.
5. Nawazish Ali Khan v. Ali Raza Khan 75 I.A. 62.
6. Commissioner of Income Tax, West Bengal v. Sri Jagannathji AIR 1977 SC 1523.
7. Yousuf Rawther vs. Sowramma, AIR 1971 Ker. 261.
8. Sri Jiauddin Ahmed vs. Mrs. Anwara Begum, (1981) GLR 358.
9. Must. Rukia Khatun vs. Abdul Khalique Laskar, (1981) 1 GLR 375.
10. Masroor Ahmed vs. State (NCT of Delhi) & Anr. 2008 (103) DRJ 137.
11. Vaddeboyina Tulasamma v. Vaddeboyina Shesha Reddi, 1977 SCR (3).
12. Jiauddin Ahmed v. Anwara Begum (1981) 1 Gau.L.R. 358.
13. Masoor Ahmed v. State (NCT of Delhi), 2008 (103) DRJ 137, para 27.
14. Nasir v. Sheena 2017 (1) KLT 300.
15. Shamim Ara vs State of U.P. & Anr. (2002) 7 SCC 518.

Learning Out Come:

After completion of the course students will be able to-

1. *Understand the meaning and difference between intestate and testamentary succession under various religious laws.*
2. *Appreciate the Hindu Joint Family system and coparcenary and also learn about the Partition and its effects under Hindu Law.*
3. *Analyse comparatively the property rights of women in various Personal Laws.*
4. *Understand the concepts like Hiba and Shuffa under Muslim Law.*

H3LC211: PROPERTY LAW

Objectives of the Course

1. *The course intends to define the concept and nature of transfer of immovable property, and illustrate the different types of transfers and rules relating to it. It explains the transfer of immovable property between living persons.*
2. *The course covers various general principles of transfer and doctrines. Specific transfer explains about the transfer by way of sale, mortgage, lease, gift and actionable claims.*
3. *The Easement Act explains various modes of acquisition of easementary rights, rights and obligations of the dominant and servient owners, the extinction and suspension of the easementary right.*
4. *Registration Act explains the requirement to be complied for registration of any transfer of immovable property, and Stamp Act explains various kinds of stamps and mode of payment of stamp duties.*

COURSE OUTLINE

Module I: General Principles of Transfer

- a. Concept of Property – **possession**: essentials of possession – kinds of possession, modes of transfer of possession- **ownership**: rights of ownership- modes of acquisition of ownership- distinction between possession and ownership – theories of property
- b. Definition of Transfer of Property- Kinds of Interest- Conditional Transfer
- c. Doctrine of Election
- d. Transfer by Ostensible Owner
- e. Feeding the Grant by estoppel
- f. Improvement made by Bonafide Purchaser
- g. Lis Pendens
- h. Fraudulent Transfer
- i. Doctrine of Part Performance and other general principles of transfer.

Module II: Specific Transfers – Transfer of Absolute Interest

- A. Sale – Definition of Sale- Rights and Liabilities of Seller and Buyer
- B. Gift - Definition- Onerous Gift- Universal Donee- Death Bed – Gift- Suspension and Revocation of Gift.
- C. Exchange

Module III: Transfer of Limited Interest – Specific Transfer

- A. Mortgage: Different kinds of Mortgages- Redemption- - Clog on Redemption- Partial Redemption- Rights and Liabilities of Mortgagor and Mortgagee including Doctrine of Consolidation- Marshalling -Contribution- Subrogation.
- B. Charge
- C. Lease: Different Rights and Liabilities of Lessor and Lessee- Determination of Lease- Doctrine of Holding Over.
- D. Actionable Claim

Module IV: Law Relating To Easementary Right

- a. Definition-Acquisition of Easement
- b. Easement of Necessity and Quasi Easements
- c. Easement by Prescription
- d. Extinction, Suspension and Revival of Easements
- e. License.

Module V: Law of Registration

- a. Definitions - The Registration-Establishment
- b. The Duties And Powers Of Registering Officers, Enforcing The Appearance Of Executants And Witnesses, Refusal To Register
- c. The Fees For Registration, Searches And Copies Registrable Documents
- d. Time of presentation, place of registration, Presenting Documents for Registration
- e. Penalties.

Module VI: Registration of Will

Presenting Wills And Authorities To Adopt - The Deposit Of Wills- The Effects Of Registration And Non-Registration

Module VII : Stamp Act

Definitions – stamp duties - Adjudication as to Stamps - Instruments Not Duly Stamped-Allowances for Stamps in Certain Cases - Reference and Revision - Criminal Offences And Procedure

Recommended Readings:

Books Prescribed

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- GCV Subba Rao- Transfer of Property
- Mulla, “The Transfer of Property Act”, by Poonam Pradhan Saxena, Lexis Nexis, 13th edition
- K.Krishnamurthy’s, “The Indian Stamp Act”, 12th edition, Lexis Nexis
- Mulla, “Registration Act”, 13th Edition, Lexis Nexis

Statutory materials:

1. Transfer of Property Act, 1882
2. Indian Easement Act, 1882
3. The Registration Act, 1908
4. Indian stamp Act, 1899

Books Prescribed

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- GCV Subba Rao- Transfer of Property
- Mulla, “The Transfer of Property Act”, by Poonam Pradhan Saxena, Lexis Nexis, 13th edition
- K.Krishnamurthy’s, “The Indian Stamp Act”, 12th edition, Lexis Nexis
- Mulla, “Registration Act”, 13th Edition, Lexis Nexis

Statutory materials:

5. Transfer of Property Act, 1882
6. Indian Easement Act, 1882
7. The Registration Act, 1908
8. Indian stamp Act, 1899

Books for reference:

1. Goyle’s “A Commentary On The Transfer Of Property Act” , Eastern Law House
2. Darashaw’s Commentaries on the Transfer of Property Act” by Justice M.L.Singha, Lexis Nexis
3. B.B.Katiyar’s “Law of Easements and Licences”, Universal Law Publishing, 16th Edition
4. Sanjiva Row’s “Commentary On The Indian Easements Act, 1882 and Licences”, 6th Edition, Delhi Law House
5. Malik’s “Commentary On Registration Act, 1908 With State Amendments With Latest Case Laws, Delhi Law House, 2nd Edition
6. James E. Penner, Lecturer in Law J E Penner, “The Idea of Property in Law”, Clarendon Press Oxford, first edition, 1997
7. Cheshire and Burn's Modern Law of Real Property, by Edward Burn and John Cartwright, Eighteenth Edition, 4th edition 2011.
8. Barbara Bogusz and Roger Sexton, “Complete Land Law- texts, cases and materials”, oxford press, Sixth Edition, 2019.
9. Ben McFarlane and Sarah Nield, “Land Law - Text, Cases & Materials”, oxford press, Fourth Edition 2018

Case Laws for reference:

1. Marshall v. Green, 33 L.T.404
2. Thakur Paramanick Chunder v. Ram Dhone, 6 W.R. 228 (F.B)
3. Shamu Pattar v. Abdul Kadir, 35 Mad. 607 (P.C)
4. Rosher v. Rosher, (1884) 20 Ch.D. 801
5. Pannalal v. Fulmoni, AIR (1987) Cal 368
6. Sopher v. Administrator general of Bengal, (1944) P.C.67
7. Abdul Fata Mohommed v. Rasamaye, 22 Cal 619 P.C.
8. Whitby v. Mitchell,
9. Leake v. Robinson, 35 ER 979, Volume 35
10. Thalluson v. Woodford, (1805) 11 Ves. 112

11. Cooper v. Cooper, (1874) L.R. 7 H.L.53
12. Tulk v. Moxhay, [1848] 41 ER 1143
13. Ram Coomer v. McQueen, 11 B.L.R. 46
14. Bellamy v. Sabine, (1857) 1 Dc. G, and J., 566
15. Ebrahim v. Ful bai, 26 Bom 573
16. Walsh v. Lonsdale, (1882) 21 Ch.D 9
17. Webb v. Macpherson, 31 Cal 57 (P.C)
18. Muhammad Sher Khan v. Raja Seth Swami Dayal A.I.R. 1922 P.C. 17,
19. Noakes & Co v. Rice, (1902) A.C.24
20. Kreglinger v. New Patagonia Meat Gold Storage Co. Ltd. [1914] A.C. 25.

Articles:

1. Abraham Bell and Gideon Parchomovsky, *A Theory of Property*, 90 Cornell L. Rev. 531 (2005)
Available at: <http://scholarship.law.cornell.edu/clr/vol90/iss3/1>
2. Exclusion and Exclusivity in Property Law Author(s): Larissa Katz Source: The University of Toronto Law Journal, Vol. 58, No. 3 (Summer, 2008), pp. 275-315
Published by: University of Toronto Press Stable URL:
<http://www.jstor.org/stable/20109850>
3. The Rule against Perpetuities and Gifts to Classes, W. Barton Leach, Harvard Law Review, Vol. 51, No. 8 (Jun., 1938), pp. 1329-1353,
<https://www.jstor.org/stable/1333400>
4. Case Notes on Steadman v. Steadman, 10 Melb. U. L. Rev. 149 (1975-1976)
5. The Doctrine Of Part Performance In India by G. M. Sen, Journal of the Indian Law Institute, Vol. 11, No. 2 (APRIL-JUNE 1969), pp. 224-229,
<https://www.jstor.org/stable/43950022>
6. Claeys, Eric R., Property, Concepts, and Functions (March 10, 2018). Boston College Law Review, Vol. 60, No. 1, 2019; George Mason Legal Studies Research Paper No. LS 18-04. Available at <http://dx.doi.org/10.2139/ssrn.3136041>
7. The Registration Act, 1908: Critical Analysis of Registration Act by Shivam Goel, Available at: <https://www.researchgate.net/publication/314424567>
8. Overview Of Stamp Duty Acts available at
https://shodhganga.inflibnet.ac.in/bitstream/10603/130517/9/09_chapter%203.pdf
9. [Essert, Christopher \(2013\), 'The Office of Ownership,' University of Toronto Law Journal, 63: 418–461.](#)
10. Francis S. Philbrick, “Changing Conceptions of Property in Law”, University of Pennsylvania Law Review And American Law Register, Volume 86 May, 1938 No. 7

Learning Outcomes:

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

1. Analyse and define the concept and nature of transfer of immovable property, and illustrate the different types of transfers and rules relating to it.
2. Evaluate the rules relating to general transfer of immovable property
3. Determine and analyse the rules of specific transfer and easements.
4. Determine, explain and apply the principles of property law to resolve complex problems and theoretical questions.
5. Apply property law to complex problems and critically examine its operation from a range of theoretical and social perspectives and to Prepare convincing written arguments for a legal audience.

**H3CC201: PROFESSIONAL ETHICS,
ACCOUNTANCY FOR LAWYERS AND
BAR BENCH RELATIONS
(CLINICAL COURSE: I)**

Objectives of the Course

Legal profession is a noble profession. Every profession must have an ethics particularly legal profession is most ethical because an advocate is socially responsible and accountable. Professionally advocacy is an art and they have accountability towards court, parties and community at large. The Advocates and Judges should work interdependently each other. Judiciary is an important organ of a state and guardian of basic rights of an individual. As a part and parcel of Judicial system Bar (Advocates) Bench (Judicial Officers) relations is inseparable. This course is enlightening code of conduct of an Advocate, accountability and responsibility of legal profession and the contribution of Bar and Bench towards access to justice.

COURSE OUTLINE

Module I: Introduction

1. The meaning of Ethics
2. Professional Ethics
3. Code of Conduct
4. Misconduct
5. Importance of Legal Education and Legal Profession in India
6. Historical Background and Significance – judicial process in India

Module – II: Rights and Duties of a Lawyer / Lawyer’s Accountability

- A. 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.,

Module – III: Law relating to Legal profession and its accountability

- A. 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

- 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
Defences and Punishments – Appeal

Module – IV: Bar – Bench Relations

- A. 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

Module – V: Modern era (Globalisation) and Legal services in India

- A. 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

Module – VI: International concern on Legal profession and ethics

- A. 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

Module – VII: Contribution of Bar Council on Legal Education

- A. 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 Judgements), for mid-semester 20 marks and attendance 05 marks – total 100marks

Statute for Reading

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

Rule framed 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

Recommended Readings:

Books:

1. K V krishnaswamy Iyer – *Professional Conduct and Advocacy, Ingram Short title, (2015).*
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*
7. *M R Mallick- The Advocates Act 1961 with Professional Ethics, Advocacy and Bar- bench Relationship*
8. *Dr. B Malik: The Art Of a lawyer*
9. *Nilendra Kumar and Neha Chaturvedi: M K Gandhi's : The Law and Lawyer*
10. *Saadiya Suleman: Professional Ethics & Advertising by Lawyers*

Learning Outcome

- After completion of this course the student will be able to perform as good lawyering
- The student of law must be oriented with disciplined, well performed and socially ethically trained professional.

II YEAR

III SEMESTER

H3LC312: LAW OF EVIDENCE

Objectives of the Course:

The Law of Evidence is one of the most important parts of the procedural law. The Law of Evidence plays a very important role in the effective functioning of the judicial system. The Law of Evidence is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum. 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. The concepts brought in by amendments to the Law of Evidence are significant parts of study in this course.

After undergoing the study the student will be able to understand the following:

- *To design, implement and review a plan for establishing each legal element of a given case to the required standard of proof with admissible evidence*
- *To plan and execute a witness examination that comports with evidentiary standards and that persuasively establishes a fact in issue in the case; anticipate and respond to evidentiary objections that may be raised during your examination*
- *To identify, articulate and assert appropriate evidentiary objections while listening to a witness examination, and respond appropriately to questions from the judge*
- *To draft and execute a witness examination for the introduction of a document or item of proof*

COURSE OUTLINE

Module I: Introduction to Evidence Law

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

Module II: Admission- Confession - Dying Declaration

- a) Admission- An Exception to Hearsay Rule-Requisites of an Admission-Party to the Proceedings-Kinds of Admission-Admission Regarding State of Mind or Body
- b) Oral Admission as to Content of Documents -Admission in Civil Cases- Evidentiary Value of Admission
- c) Confession-Conditions as to Confession –Kinds of Confession -Confession to Police -Retracted Confession-Distinction Between Admission And Confession-Evidentiary Value of Confession
- d) Dying Declaration-English and Indian Law Difference On Dying Declaration – Essential Conditions for the Applicability of Dying Declaration -FIR as Dying Declaration
- e) 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

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

Module IV: Of Proof- Burden of Proof

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

Module V: Presumption- Estoppel

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

Module VI: Witnesses - Examination of Witness

- a) Witnesses- Categories of Witnesses- Dumb Witness- Evidence of Prosecutix in Rape Case- Interested Witness- Parties to civil suit and their wives or husband etc- Judges and Magistrate as Witness
- b) Privileged Communications- Professional Communication-Order of Producing Witness- Judge to Decide Admissibility of Evidence
- c) Examination- In –Chief- Cross –Examination- Re –Examination- Distinction Between Examination -In- Chief, Cross- Examination And Re- Examination
- d) Order of Examination- Direction of Re Examination- Cross Examination of person called to produce as document- Question by party to his own witness
- e) Question tending to Corroboration- Former Statement as Corroboration- Refreshing Memory.

Recommended Readings:**Books:**

1. M. Monir, Law of Evidence, Universal Law Publishing Co. Pvt. Ltd, 2018
2. Rattan Lal Dheeraj Lal, Law of Evidence, Lexis Nexis, 2018
3. Avtar Singh, Principles of Law of Evidence, Central Law Publications, 2016
4. Sarkar and Manohar, Sarkar on Evidence (1999), Wadha & Co., Nagpur 2017
5. Hong Kong Law of Evidence, Mike McConville, Dmitri Hubbard, and Arthur McInnis, 2nd Edition, 2014, Blue Dragon Press, Hong Kong

Journals/ Journal Articles:

1. Allen, R 1992, “The Myth of Conditional Relevancy”, Loyola of Los Angeles Law Review, 25: 871–884.
2. Allen, R 1994, “Factual Ambiguity and a Theory of Evidence”, Northwestern University Law Review, 88: 604–640.
3. Allen, R. and S. Jehl, 2003, “Burdens of Persuasion in Civil Cases: Algorithms v. Explanations”, Michigan State Law Review, 4: 893–944.
4. Accomplice Liability for Unintentional Crimes: Remaining within the Constraints of Intent by Audrey Rogers Loyola of Los Angeles Law Review (Vol 31:1351).
5. Dr. Nirpat Patel, "The Role of DNA in Criminal investigation – Admissibility in Indian legal system and future perspectives" IJHSSI Vol.2/Issue 7/July 2013/p. 15-21.

Further Readings:**Books:**

1. Adrain Keane, Paul M.C. Keown, "The Modern Law of Evidence", 9th Edn, Oxford University Press.
2. Albert S. Osborn, "The problem of proof", 1st Indian reprint, Universal Law House, Delhi, 1998.
3. Bholeshwar Nath, "Cases and Material on Evidence Act, 1872", Eastern Books Publishers and Book Sellers, Lucknow.
4. 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).
5. M. Monir C.J., Dr. H.K. Saharay, "Law of Evidence" (Vol. I, II), 14 Edn, Universal Law Publishing Co. Pvt. Ltd.
6. P. Murphy, Richard Glover, "Evidence" 12 Edn, Oxford University Press.
7. Philips Edward, "Brief Case on Law of Evidence", Cavendish Publishing Limited, London, (1st Edn, 1996).
8. R.L. Gupta, "Law relating to identification and Expert Opinion" 4th Edn, Eastern Book Co, Lucknow.
9. R.S. Pillai, "Criminal Law", Lexis Nexis Butterworths Wadhwa Co., Nagpur, 10 Edn.
10. Sir Rupert Cross and Nancy Wilkins, "An Outline of the Law of Evidence", 4th Edn, London Butterworth, 1975.

Journal/ Journals Articles

1. Allen, R. and A. Stein, 2013, "Evidence, Probability and the Burden of Proof", *Arizona Law Review*, 55: 557–60
2. Allen, R, 1991, "The Nature of Juridical Proof", *Cardozo Law Review*, 13: 373–422.
3. Garrison, A.H. (2000). A review of the behavioural science theory and its admissibility in criminal trials" *American Journal of Trial Advocacy*, 23, 591- 657.
4. Kristina L. Needham, "Questioning the Admissibility of Non Scientific testimony after Daubert: The need for increased Judicial Gatekeeping to ensure the reliability of all Expert Testimony" 1997 *FULJ* Vol. 25 Issue 3, Pg. 541-578.
5. Mathiharan K, "Emergency Medicare: its Ethical and legal aspects" *National Medical Journal of India*, Vol. 17, No.1 January/ Feb, 2004, 31-35 at p. 33.
6. Neeraj Tiwari, "Fair trial vis-a-vis Criminal Justice Administration: A critical study of the Indian Criminal Justice System *JLCR* Vol.2(4) pp. 66-73
7. Nivedita Grover, "Development of forensic science and criminal prosecution-India" *IJSRP* Vol.4 Issue 12
8. Sonia Dutt Sharma, "DNA-Dignity and Dissolution of Marriage", *Helix* Vol.2 : 101-104 (2012).
9. Subhomoy Sarkar, "The Constitutional Mandate on the Right Against Self Incrimination: A Comparative Study on the Legitimacy of Narco Analysis 2009" *Cr.L.J* Vol 2 Journal/166.

10. Tess M.S. Neal, "Expert Witness preparation: What does the Literature tell us? American Society of Trial Consultants. 2009, pg. 82.

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
7. Bishwanath Prasad vs. Dwarka Prasad, AIR 1974 SC 117
8. Central Bureau of Investigation vs. V.C. Shukla, AIR 1998 SC 1406
9. Veera Ibrahim vs. State of Maharashtra, AIR 1976 SC 1167
10. Aghnoo Nagesia vs. State of Bihar, AIR 1966 SC 119
11. Nageshwar Shri Krishna Ghobe vs. State of Maharashtra (1973) 4 SCC 23
12. National Textile Workers' Union vs. P.R. Ramakrishnan (1983) 1 SCC 228, 255
13. CIT v. Podar Cement (P) Ltd (1997) 5 SCC 482
14. State v. S.J. Choudhary (1996) 2 SCC 428
15. SIL Import, USA v. Exim Aides Silk Exporters (1999) 4 SCC 567

Learning Outcome:

After completion of the course students will be able to -

- *To identify, assert and support objections to items of proof, using appropriate evidentiary rules and tailoring objections to the facts at hand.*
- *To identify and use a range of legally specific research principles, methods and tools to make a coherent and persuasive argument for the admission or exclusion of a specific item of evidence, incorporating factual information and legal standards drawn from both evidentiary rules and substantive law .*
- *To research, analyse and apply evidentiary standards to complex issues and present a persuasive written and oral argument for the admission or exclusion of the evidence.*
- *Articulate the processes for the adversarial examination of evidence and differentiate between the roles of the district attorney and defense counsel in the presentation of evidence.*

H3LC313: COMPANY LAW

Objectives of the Course:

Globalization has reduced the barriers to the movement of people, capital and technology across the globe. Today corporates are able to penetrate economies in virtually every part of the world. The result has been a fundamental shift in the relationship of corporate to both law and public policy. In today's globalised economy is governed by corporates wherein most of the enterprises are either private or public limited companies instead of partnership or proprietorship as in olden days.

In view of the developments that have taken place in the corporate sector this course is designed to understand the following:

- 1. The functions, management and other activities of the companies.*
- 2. Equipping the students to understand the corporate management control, possible abuses, the remedies and government regulations governing companies.*

COURSE OUTLINE

Module I Introduction – General principles of Company law

- a) Definition- Evolution, meaning and Functions of corporate law;
- b) Historical Development of Concept of Corporate Law in India
- c) Meaning and Nature of Company with Emphasis on its Advantages and Disadvantages over other forms of Business organizations. Types of companies.
- d) Comparison between Company and Partnership and Company and Limited Liability Partnership;
- e) 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;

Module II Promotion and Formation of Company

- a) **Promotion:** Promotion of Company, Promoters their position, Powers, Duties and Liabilities.
- b) **Formation:** Formation of Company Procedure of registration including online registration of a company- Effects of Certificate of Incorporation - pre incorporation contracts- Liability of company.
- c) 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.

- d) 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.

Module III Corporate financing

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

Module IV Corporate Governance

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

Module V Winding Up of Companies

- a) Winding up and kinds of winding up.
- b) Procedure for different kinds of winding up - powers of liquidators
- c) Insolvency and Bankruptcy - Defunct companies and restoration, revival and rehabilitation of sick companies

Module VI Adjudicatory Bodies

- a) National Company Law Tribunal; National Company Law Appellate Tribunal – Administration of NCLT, CLAT Constitution, Powers, Jurisdiction, Procedure, Judicial Review

Module VII Corporate Governance and Social responsibility

- a) Importance of Corporate Governance; Legal Reforms of Corporate Governance in India; Reports of the various Committees on Corporate Governance;

- b) Corporate crimes; Corporate social and environmental Responsibility – theories and justification;
- c) CSR and multinational corporations; regulation of multinational corporations in India;
- d) 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, 16thed 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, BlurringTheEdgesOfCorporate Law: Insider TradingAndTheMartoma Decision, Harvard Business Law reviewOnline,2018volume 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, 31st 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.

Journals:

1. A Reassessment of the Fraud Exception. Cambridge Law Journal, 2(56), pp.284-290.
2. Hayton, D., 1977. Contractual Licences and Corporate Veils. The Cambridge Law Journal, pp.12-15.
3. Katharina Pistor, Yoram Keinan*, Jan Kleinheisterkamp, Mark D. West□□The Evolution of Corporate Law.
4. Sanger, A., 2012. Crossing the Corporate Veil: The Duty of Care Owed by a Parent Company to the Employees of Its Subsidiary. Cambridge Law Journal, pp.478-481.

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;
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 LT 651
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 & B 327)
15. Salomon v. Salomon & Co. Ltd., (1897) A.C. 22

Learning Outcomes:

After completion of the course students will be able to:

1. To examine and develop an understanding of the characteristics of a business corporation when compared to other forms of business structure.
2. To consider the conceptual framework within which companies operate, Corporate personality and the extent of the personal liability of members of corporations.
3. To acquire the cognitive skills to analyse evaluate and synthesise information about corporations, corporate officers, shareholders and creditors so as to identify and resolve legal and business related issues.
4. To develop a commitment to engendering lawful, ethical and socially reasonable corporate behaviour

H3LC314: ADMINISTRATIVE LAW

Objectives of the Course:

The State's multifarious responsibilities have resulted in a vast array of functions devolving on state functionaries. In this bureaucratic raj, more powers, both quasi-legislative and quasi-judicial, vest in bureaucrats to enable them to ensure effective administration. Administrative Law is the branch of law that concerns itself with good governance that is based on compliance with the law, transparency and non-arbitrariness in the exercise of discretion and also with the delivery of administrative justice. This course lays emphasis on understanding the evolution, nature and scope of Administrative Law and its relation with Constitutional Law. Adequate systems of checks and balances, safeguards for procedural fairness, the availability of judicial review and remedies to aggrieved persons, and the general modus operandi of administration form the subject matter of this branch.

This course has been designed to:

- I. Investigate the historical development of the concept of administrative law;
- II. Explore and probe the evolution and current status of administrative law across various jurisdictions, both in civil and common law countries, such as UK, USA, France and India;
- III. Scrutinize the role, scope and intricacies involved in delegated legislation;
- IV. Ponder the basic requirements of procedural fairness and natural justice in administrative procedures;
- V. Survey the concept of judicial review and understand state accountability;
- VI. Critically analyse remedies available if case of maladministration and Provide a detailed study of public undertakings and the role of ombudsmen

The following syllabus prepared with this perspective will comprise of 6 modules.

COURSE OUTLINE

Module I - Introduction to Administrative Law and Constitutional Concepts

- (a) Role of State From Laissez-Faire to welfare State – Expansion Role of State - as Enabler, facilitator and Regulator.
- (b) Definition, Nature and Scope of Administrative Law.
- (c) Administrative Development Patterns in U.K., U.S.A., France and India
- (d) Relationship Between Administrative Law and Constitutional Law.
- (e) Basic Constitutional Principles - Rule of Law - Doctrine of Separation of Powers - System of checks and balances.

(f) Parliamentary Sovereignty in U.K., Limited Legislative Powers in U.S.A. and India.

(g) 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 - Rule Making Power of the Administration

(a) Need for Delegated Legislation.

(b) Delegated Legislation in UK and USA.

(c) Delegated Legislation in India- Pre and Post Constitutional Period.

(b) Constitutionality of Delegated Legislation.

(b) Types of Delegated Legislation - Administrative directions.

(c) Permissible and Impermissible Limits of Delegation.

(d) Control over Delegated Legislation – Judicial, Procedural and Legislative Control.

Module III - Administrative Adjudication and Procedural Fairness

(a) Need for Administrative Adjudication.

(b) Reason for growth of Administrative Tribunals

(c) Franks Committee.

(d) Mechanism for administrative Adjudication – Quasi – Judicial Bodies, Tribunals.

(e) Merits and Demerits of Administrative Tribunals.

(f) Procedure and powers of Administrative Tribunal.

(g) Tribunal under Constitution.

(h) High Court's Superintendence over Tribunals.

(i) Appeal to Supreme Court by Special Leave.

(j) Administrative Tribunals under Administrative Tribunals Act, 1985

(k) Domestic Tribunal.

(l) 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 – Judicial Review and Liability of the State

- (a) Need for Judicial Review.
- (b) Scope of Judicial Review Jurisdiction of the Supreme Court -Writ Jurisdiction-Appeal by Special Leave (Art. 136) - Scope and Object of Article 136.
- (c) Jurisdiction of the High Court.
- (d) Judicial Review of Administrative Action through Writs.
- (e) Scope of the Writ Jurisdiction - *Locus-standi* - Kinds of Writ - Grounds for issue of Writs - Alternative Remedy-Laches or Delay-*Res Judicata*.
- (f) Public Interest Litigation.
- (g) Statutory and Equitable Remedies – Injunction - Declaration against the Government - Exclusion of Civil Suits.
- (h) Administrative Discretion - Nature and need of Administrative discretion - Grounds and Extent of Judicial Review - Doctrine of Proportionality - Fundamental Rights and Discretionary Powers
- (i) 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.
- (j) Promissory Estoppel.
- (k) Doctrine of Legitimate Expectation.
- (l) Right to Information.
- (m) Liability of the State - Liability of the State in Torts and Contracts.

Module V -Maladministration and Alternative Remedies

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

Module VI – Public Undertakings

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

Recommended Reading

Books Prescribed:

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

Journals Prescribed

1. Chauhan, (V.S), "Reasoned Decision: A Principle of Natural Justice" JILI, Vol.37, (1995) pp. 92-104.
2. Saad Abdulbaqi Sabti and YP Rama Subbaiah, "Conceptual analysis of sub Delegation: An overview" International Journal of Law, Vol.3, Issue 3, (2017) p.75.
3. Seema Dalal, "Administrative law and judicial review of administrative action with a special emphasis on the writ of Certiorari" International Journal of Law, Vol.3, Issue 3, (2017) p.01.
4. Jarnail Singh and Dr. RK Gupta, "Doctrine of legitimate expectation: The emerging trends in Indian Judiciary" International Journal of Law, Vol.3, Issue 5, (2017) p.135.
5. Dr. Rahul Tripathi, "Judicial Review: A Study in Reference to Contemporary Judicial System In India" International Journal of Research – Granthaalayah, Vol. 4, No. 5 (2016), p.5.

Further Reading

Reference Books:

1. Durga Das Basu, "Administrative Law" (Kamal Law House, 2016).
2. C.K. Thakker, "Administrative Law" (Lucknow: Eastern Book Company, 2012).
3. William Wade and Christopher Forsyth, "Administrative Law" (Oxford University Press, 11th ed., 2014).
4. De Smith, "Constitutional Law and Administrative Law" (Penguin, 2000).
5. Foulkes, "Administrative Law" (Oxford University Press, 1995)
6. Indian Law Institute, "Cases and Material of Administrative Law" (1996).
7. Michael T Molan, "Administrative Law (London: Old Bailey Press, 2001).
8. David Stott & Alexandra Felix, "Principles of Administrative law" (London: Cavendish Publishing Limited, 1997).
9. Paul Craig, "Administrative Law" (London: Sweet & Maxwell, 2011).
10. J.A.G. Griffith and H. Street, "Principles of Administrative Law" (Sir Isaac Pitman, 1963).

Articles:

1. Seemeen Muzafar, "Doctrine of Legitimate Expectation in India: An Analysis", International Journal of Advanced Research in Management and Social Sciences, ISSN: 2278 – 6236.
2. A.Beula Chrismak Darius and Ms.R.Dhivya, "Applicability of Principles of Natural Justice to The Administrative Proceedings" International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.2013.
3. S. Saran and Ms. R. Dhivya, "Administrative Tribunals Under Indian Constitution" International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1939.
4. Siddharth.R and Prof. Dr. A. Sreelatha, "Principle of Natural Justice and Its Application in Indian Legal System" International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1669.
5. S.Shruthi Taarana and Ms.R.Dhivya, "Administrative Tribunals in India the Lights of the Decided Cases-In Constitutional Analysis" International Journal of pure and Applied Mathematics, Vol.120, No.5, (2018), p.1921.

6. Ambuj Mishra, “Legitimate Expectations in India” IJJSR, Vol.1, Issue 1, (2019), p.30.

Cases for Guidance:

1. Express Newspapers Ltd v. Union of India, AIR 1986 SC 872.
2. Ridge v. Baldwin, 1964 AC 40.
3. Rampur Distillery Co. Ltd. v. Company Law Board, AIR 1970 SC 1789
4. Delhi Laws Act, 1912, re , AIR 1951 SC 332.
5. Hamdard Dawakhana v. Union of India, AIR 1960 SC 554.
6. Chintamanrao v. State of M.P., AIR 1951 SC 118.
7. Hiranath Mishra v. Rajendra medical College, AIR 1973 SC 1260.
8. Dhakeshwari Cotton Mills Ltd. v. CIT, AIR 1955 SC 65.
9. Union of India v. H.C.Goel AIR 1964 SC 364.
10. ADM Jabalpur v. Shivkant Shukla, AIR 1976 SC 1207.
11. SP Gupta v Union of India 1981 supp SCC 87.
12. N. Nagendra Rao v. Status A.P., (1994) 6 SCC 205.
13. Vineet Narain v. union of India AIR 1998 SC 889.
14. Sunil Kumar v. State of West Bengal, 1980 AIR 1170
15. Vishwarao v. Lok ayukta, Maharashtra, AIR 1985 Bom 136

Learning Outcome

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

1. Grasp the historical development of administrative law and gain conceptual clarity of this branch of law across various civil and common law jurisdictions;
2. Ponder the importance, powers, and limitations of delegated legislation;
3. Master the crucial concept of natural justice and the touchstone requirements of administrative procedures;
4. Perceive the criticality of judicial review and state accountability, and understand the available remedies;
5. Develop a keen understanding of the applicability of administrative law to public companies and be deeply aware of the importance of ombudsmen

H3LC315: MEDIATION AND CONCILIATION

Objective of the Course:

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 noncoercive 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.

After undergoing the study, the student will be able to understand the following:

- *Law on the subject and the precedents laid down by court annexed mediation in India and abroad are exhaustively dealt with.*
- *Nature of dispute, conflicts and make choice of appropriate settlement technique to and resolve them.*
- *Identification of real needs and interests resolves the disputes without undergoing arduous trial procedures.*
- *Enhancing the practical skills apart from theory, in long run shall reduce backlog and docket explosions before the Court of Law.*

COURSE OUTLINE

Module I: Introduction: Nature and Scope of Conflict and Disputes:

- a) 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.
- b) 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.
- c) 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.

Module II: Comparative study : Genesis of Mediation and Restorative Justice:

- a) Promoting dialogue, reconciliation, healing and mutual agreement in the pursuit of justice. Concept of *Ubuntu* and South Africa's Truth & Reconciliation Commission; The *Abunz* mediators and the *Gacaca* courts of Rwanda.
- b) Mediation by *Mahajans*, *Panchas* and religious leaders. *Ahimsa*, *Satyagraha* and Gandhian principles of pragmatic, non-violent conflict resolution.

- c) Village elders in ancient Greece and interlocutors under Roman law, influence of Confucianism and Taoism on Mediation in China, the role of community/religious leaders: the Ketua Kampong (village headman) and the Imams in Malaysia, the Ting (local assembly) in Nordic countries.

Module 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.

Module IV: Techniques: Communication:

- a) Communication styles, Communicative behaviour, Compassionate or Collaborative Communication.
- b) Choice of words, clarity of thought and expression, right pitch, tone and emphasis, body language.
- c) Active listening skills, building rapport, empathy not sympathy. Use of open-ended questions, neutral rephrasing, factual summarizing.

Module V: Skill: Enhancement for Cumulative Efficiency:

- a) Summarizing the facts, understanding respective positions, discussing issues rationally, recognizing both individual and common interests, empathizing with underlying emotions and asking relevant open-ended questions.
- b) Neutral reframing of issues, identifying interests, moving parties away from issues towards interests, generating and exploring options, formulating objective criteria, conveying offers and proposals, applying reality checks. Assessing the alternatives to a negotiated settlement (BATNA, WATNA, MLATNA)
- c) Causes for impasse and effective intervention techniques: time-out, calculated adjournment, deadlines, refocusing attention, emphasizing relationships, brainstorming, using expert valuation, using other dispute resolution modes.
- d) Distributive v Integrative negotiation. Expanding the pie and developing win-win solutions.

Module VI: Process: Character Building

- a) Being neutral, impartial, objective, communicative, open-minded, quick-thinking, patient, amicable, diplomatic, honest and empathetic. Learning how to build rapport, gain trust, formulate creative solutions and deal with impasse.
- b) Importance of ethical conduct during Mediation. Ensuring impartiality and

neutrality, no conflict of interest, dealing with power imbalance, preventing abuse, encouraging parties to reach their own solutions without any coercion or undue influence.

- c) 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

Module VII: 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.

Module VIII: Legislations and Statutory Authorities:

- a) All statutes and regulations on Mediation and Alternative Dispute Resolution; This includes: The Arbitration and Conciliation Act, 1996; Conciliation--Relevant Provisions and Case Law (sections 61-81); Arbitration--Relevant Provisions and Case Law (sections 30-37); Sec 89, CPC 1908; Model Rules under Sec 89: Model Civil Procedure ADR and Mediation Rules, 2003 (Parts I and II). Other Provisions of the CPC, 1908: Order X (Rules 1, 1A, 1B, 1C); OrderXXIII
- b) Rules 3, 3A and 3B. Order XXVII (Rule 5B), Order XXXIIA (Rule 3); Commercial Courts Act 2015; The Commercial Courts (Pre-Institution Mediation and Settlement) Rules 2018 (the PIMS Rules). The Consumer Protection Act 2019 and relevant regulations.
- c) Panchayats, Lok Adalats, Ombudsmen, Police Authorities, Bureaucrats, Grievance Cells, Conciliation Officers

Module IX: 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; United 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 DisputeResolution, 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)

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 BogharaPolyfab 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).

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

Learning Outcomes:

At the end of the semester, the students will be:

1. Competent to practice Mediator skills and undertake legal research and promote legal reforms in theory and practice.
2. Gain skill and competency to decide and resolve ethical hitches in Conciliation and Mediation as settlement mechanism.
3. To analyze and apply the substantive techniques of mediation and conciliation
4. Choose right techniques and effective communication, gain success by bringing about consensus and draw up settlement agreement.
5. Practical trained via internship and training as observers at court-annexed mediation centers, at private mediation centres, with sitting/former Judges of Supreme Court and/or High Courts, and/or by senior and/or experienced Advocates (duly approved by Bar Council of India)

H3LA301: INTERPRETATION OF STATUTES

Objectives of the Course

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.

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-MarginalNotes-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) *Ut res magis 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 Statues, 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. Kafaltiya (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.
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.

Learning Outcome

After the course students will be able to-

1. Understand the concerns of human communication and relevance of interpretation.
2. Learn the necessity of principles of interpretation as consistent source of man-made laws.
3. Develop the skills of reading and writing legislations and deducing hidden assumptions with accuracy.
4. Visualise the significance of principles of interpretation as tools of social change.

SPECIALIZED HON'S COURSE

(a) -INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

H3S1301: INTERNATIONAL ECONOMIC LAW

Objectives of the Course:

International Economic Law as a branch of law is interested in the development of states through trade, investment and economic legal policies. In the quest for development, many states have caused damages to the ecosystem which now constitutes a threat to humanity. This subject helps to understand the role played nations of North-South and East-West hemisphere. It consolidates the finer version of International Economic Law, the object of economic integration with that of the pragmatic approaches of the international trade regime. International Trade Agreements and Conventions explore the balanced growth with the regulatory effect in transacting international trade in municipal spheres. This subject provides the basic understanding of the theory and practical application of International Economic Law in balanced movement of the world economy forward.

COURSE OUTLINE

Module - I :Genesis of International Economic Law

- (a) Origin and Development – International Trade and Customary Law – Concept and Scope of International Economic Law – Significance of International Economic Law – Unification of International Trade Law
- (b) Theories of International Trade - Economic Fundamentals – New International Economic Order (NIEO) – Economic Sovereignty
- (c) UN Conventions – Charter of Economic Rights and Duties of States – North-South Dialogue and East-West Dialogue – Global Economic Forums.

Module - II :International Economic Institutions

- (a) Structure and Functions of International Economic Institutions – International Trade Organisation (ITO) – General Agreement on Tariff and Trade (GATT)
- (b) Brettonwood Conference – Various Rounds of WTO and its impact.
- (c) International Monetary Fund (IMF) – International Bank for Reconstruction and Development (IBRD) – Millennium Development Goals

Module - III :Institutional Framework of World Trade Organisation (WTO)

- (a) Structure and Functions of WTO – WTO and Covered Agreements – Protection of Domestic Industries – Dumping and Anti-dumping – Subsidies and countervailing measures

- (b) Most Favoured Nation (MFN) Clause – National Treatment – Trade Related Aspects of Intellectual Property Rights (TRIPS) – Trade Related Investment Measures (TRIMs) – Trade in Agriculture – Regulation of Non-Tariff Barriers – Import Licensing – Technical Barriers of Trade (TBT)
- (c) General Agreements of Trade and Services (GATS) – Expanding horizons of WTO

Module – IV : Trade and Environmental Protection

- (a) Historical Overview of International Environmental Protection – Permanent Sovereignty over Natural Resources – Agreement on Sanitary and Phytosanitary (SPS) Measures
- (b) United Nations Committee on Trade and Environment (UNCTE) – United Nations Committee on Trade and Development (UNCTAD) – Summits of the WTO
- (c) Trade and Environment Controversies – Sustainable Development – Environmental Exemptions under Article XX of GATT – Doha Round – Enforcement and Compliance.

Module – V : Regulation of Foreign Investments

- (a) International Investments – Foreign Direct Investments (FDI) – Foreign Institutional Investors (FII) – Transnational Corporations
- (b) International Commercial Contracts – International Sale of Goods – Electronic Business Transactions – Crypto Currencies – Monetary System – Exchange Rates – Balance of Payments
- (c) Elements of International Taxation – Risk Analysis in International Trade.

Module - VI :Bilateral and Regional Trade

- (a) Regional Trade Agreements (RTA) and Free Trade Area (FTA)
- (b) Regional Arrangements under the United Nations – Multilateralism – European Union (EU) – South Asian Association for Regional Cooperation (SAARC) – Association for South Eastern Asian Nations (ASEAN)
- (c) Organisation for Petroleum Exporting Countries (OPEC) – North American Free Trade Agreement (NAFTA) – South Asian Free Trade Agreement (SAFTA)

Module - VII :Settlement of Disputes in International Trade

- (a) Methods of Dispute Settlement – Alternative Dispute Resolution (ADR) and International Trade
- (b) UNCITRAL – International Arbitration, Conciliation, Mediation and Litigation
- (c) Dispute Settlement Body in WTO – Appellate Body (AB) – Consultation – Online Dispute Resolution

Recommended Readings

Books

1. Indira Carr & Peter Stone, "International Trade Law", 2017, 6th Edition, Routledge Publishers.
2. Ralph Folsom, "Principles of International Trade Law", 2017, 2nd Edition, West Academic Publishing.
3. Peter Van Den Bossche and Warner Zdouc, "The Law and Policy of the WTO: Texts, Cases and Materials, 2017, 4th Edition, Cambridge University Press
4. Oumar Arabov and Lea Recasens, "International Trade Law: Lecture Notes", 2019.
5. Simon Lester and Bryan Mercurio, "World Trade Law: Text, Materials and Commentary", 2018, 3rd Edition, Hart Publishing.
6. Autar Krishen Koul, "Guide to the WTO and GATT", 2018, Springer

Further Readings

1. Raj Bhala, "International Trade Law: Interdisciplinary Theory and Practice, 3rd Edition, Lexis Nexis.
2. Daniel Bethlehem and Van Damme, "The Oxford Handbook of International Trade Law", Oxford.
3. Peter Van Den Bossche and Denise Prevoost, "Essentials of WTO Law", 2016, Cambridge University Press.
4. Jayanta Bagchi, "World Trade Organisation: An Indian Perspective", Eastern Law House
5. David Collins, "Foundations of International Economic Law", 2019 Edward Elgar Publisher
6. Adamu Kyuka Usman, "Theory and Practice of International Economic Law", Malthouse Law Books
7. Paul Kragman, "International Trade: Theory and Policy", 2017, Pearson Publication.
8. David Collins, "The Public International Law of Trade in Legal Services", 2018, Cambridge University Press.
9. Dani Rodrik, "Straight Talk on Trade: Ideas for a Sane World Economy", 2017, Princeton University Press.
10. Mitsuo Matsushita, "The World Trade Organisation: Law, Practice and Policy", 2017 3rd Edition, Oxford University Press.

Recommended Journals:

1. "Indian Journal of International Economic Law" by NLSIU Publication.
2. "Trade, Law and Development Journal" by NLU, Jodhpur
3. "Indian Journal of Law and Economics", by NALSAR Publication.
4. "Journal of International Economic Law" by Oxford University Press
5. "Global Trade and Customs Journal" by Wolters Kluwer
6. "World Trade and Arbitration Materials" by Wolters Kluwer
7. "International Trade Law and Regulation" by Westlaw UK
8. "World Trade Review" by Cambridge University Press
9. "Trade, Law and Development" by Hein Online Law Journal
10. "Common Market Law Review" by Wolters Kluwer law

E-JOURNALS with ARTICLES and WEBSITE sources

1. Steve Charnovitz, "What is International Economic Law?" 14 J. Int'l. Econ. L. 3 (2011) available at http://scholarship.law.gwu.edu/faculty_publications
2. John H. Jackson, "Reflections on International Economic Law", Published by Penn Law, Legal Scholar Repository, 2014.
3. James Bacchus, "The Willing World: Shaping and Sharing a Sustainable Global Prosperity" Cambridge University Press, 2018 pp 515.
4. Collin Picker, "International Trade and Development Law: A Legal Cultural Critique" Article 4 in Volume 4, Number 2, The law and Development Review, 2011 available at <http://www.bepress.com/ldr/vol4/iss2/art4>
5. C.O.Neal Taylor, "Interrelationships: International Economic Law and Developing Countries", Number 2, Volume 7, Boston College International and Comparative Law Review, 2004 pp.187 – 194
6. Aleksander Savanovic, "Economic Sovereignty", IISES, September 2014 <http://proceedings.iises.net/index.php?action=proceedingsIndexConference&id=7>
7. Pang Zhongying, "Globalisation Vs. Economic Sovereignty", Yale Global Online, December 2005.
8. Jong Bum Kim, "Cross-Cumulation Arrangement as FTA under GATT Article XXIV", Journal of International Economic Law, published by Oxford Academic, 2019.
9. Malcolm Langford, "The Revolving Door in International Investment Arbitration", Journal of International Economic Law, Oxford, June 2017, Volume 20, Issue 2, pp 301-332.
10. Anne Van Aaken, Chad P Bown, Andrew Lang, "Introduction to the special issue on Trade Wars", Journal of International Economic Law, Oxford, December 2019, Volume 22, Issue 4, pp 529-533.
11. Anthea Roberts, "Toward a Geoeconomic Order in International Trade and Investment", December 2019, Volume 22, Issue 4, pp 655-676.
12. Ehring,L, "De facto Discrimination in World Trade Law, National Treatment and Most-Favoured Nation Treatment - or Equal Treatment?", Journal of World Trade, 2002, pp 921-977.
13. A. K. Sanders, "Principle of National Treatment in International Economic Law: Trade, Investment and Intellectual Property", Edward Elgar publishing, 2014.
14. M. Krajewski, "Legal Issues of Economic Integration", Kluwer Law, 2005.
15. Jeanho, "State Responsibility for Breaches of Investment Contracts", Cambridge University Press, 2018, pp 330.
16. Fredrick M. Abbott, "The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO", Journal of International Economic Law, June 2002, Volume 5, Issue 2, pp 469-505.
17. Csongor Istvan Nagy, "Clash of Trade and National Public Interest in WTO Law: The Illusion of 'Weighing and Balancing' and the Theory of Reservation", Journal of International Economic Law, Oxford, January 2020.
18. Anne Van Aaken, Jurgen Kurtz, "Beyond Rational Choice: International Trade Law and The Behavioural Political Economy of Protectionism", Oxford, December 2019, Volume 22, Issue 4, pp 601-628.
19. Gilles Muller, "Troubled Relationships under the GATS: Tensions between Market Access (Article XVI), National Treatment (Article XVII) and Domestic Regulation (Article VI)", Cambridge University press, July 2017, Volume 16, Issue 3, pp 449-474.
20. Pauwelyn, "Distinguishing Domestic Regulation from Market Access in GATT and

- GATS”, World Trade Review, 2005, pp 131-170.
21. Sabrina Shaw, Risa Schwartz, “Trade and Environment in the WTO State of Play”, Journal of World Trade, 2002, 36(1), pp 129-154.
 22. Brian R Copeland, “Trade and the Environment”, Palgrave handbook of International Trade, 2013, pp 423-496.
 23. Micheal Aklin, “Re-exploring the trade and environment nexus through the diffusion of pollution”, Environmental and Resource Economics, Springer, 2016, 64(4), pp. 663-682
 24. Diane A. Desierto, “Shifting sands in the International Economic System: ‘Arbitrage’ in International Economic Law and International Human Rights, Georgetown Journal of International Law, 2018 Volume 49, pp 1019 – 1115.
 25. Anne van Aaken and Jurgen Kurtz, “Beyond Rational Choice: International Trade Law and the Behavioural Political Economy of Protectionism, Journal of International Economic Law, 2019, Volume 22, Issue 4, pp. 601-628.

Learning Outcomes:

By the end of this course, the students have advanced knowledge in the field of International Economic Law and must be able –

1. To analyse the various functional and theoretical bases for organizing economic relations at the international level;
2. To evolve the context in which the processes of and actors within international economic law operate;
3. To apply the rules and principles to solve problems presented in class and hypotheticals or cases decided by international dispute settlement bodies;
4. To appreciate the relationship between WTO law and bilateral and regional trade agreements;
5. To assess international economic law from multiple perspectives; in particular of individuals and organisations; in the public, private and third sectors; in relatively rich and relatively poor economic contexts; in terms of calm and crises; and on local, national, regional and global levels.

(b) CONSTITUTIONAL LAW AND PROPERTY LAW

H3S1302: COMPARATIVE CONSTITUTIONAL LAW

Objectives of the Course:

A Constitution is being the supreme Law of the Land. It derives its directives from various aspects. Hence, it is obligatory on the part of a constituent assembly to refer the various customs and precedents that are in existence within an side the country. Hence an inquiry in the basic structural aspects and the differences that exist between the various constitutional perspectives need to be studies to give an understanding of the significance of the dictums of a constitution. For studying the subject it has following objectives.

- 1. To study a wide variety of approaches to constitutional issues in order to identify best practices that can be adopted everywhere;*
- 2. The comparative federalism uses a comparative approach to explore the contemporary nature and meanings of federalism and federation.*
- 3. The comparative judicial review helps to strengthen the liberty and fundamental freedom of individual and to understand the transnational migration of constitutional ideas*
- 4. The constitutional design on emergency powers & parliamentary privileges helps to understand the reflections of democracy*

COURSE OUTLINE

Module 1:Introduction:

- a) The significance and importance of Study of Constitution
- b) Types of Constitutions
- c) Forms of government-Parliamentary-Presidential-Monarchial forms

Module 2:Federalism: Comparative Study

- a) Principles of federalism
- b) Legal features of federalism.
- c) Co-operative federalism
- d) Transition from competitive federalism to co-operative federalism.
- e) Distribution of legislative and financial power in a federal system.

Module 3:Judicial Review

- a) Evolution and Concept of Judicial Review
- b) Meaning of Judicial Review
- c) Characteristics of Modern Constitutions and their impact on Judicial Review
- d) Constitutional growth in India under judicial Review and its impact
- e) Migration of Constitutional Ideas

Module 4:Impact of emergency under Indian Constitutions

- a) Express emergency provisions under constitutions
- b) Justiciability of the proclamation of emergency.
- c) Impact of Emergency on the rights

Module 5:Parliamentary Privileges

- a) Parliamentary privileges-comparative study with different countries
- b) Parliamentary privileges and anti-defection Law
- c) Need for Legislation on Parliamentary privileges in India

Module 6: Amenability of Constitution – Amendment under different Constitutions

- a) Process of amendment
- b) Types of Amendment
- c) Judicial scrutiny of Amendments to the constitution.

Books suggested:

1. Dr. Durga Das Basu – Comparative Constitutional Law, Second Edition Revised 2008
Wadhwa Nagpur.
2. Dr. Durga Das Basu – Comparative Federalism, Second Edition Revised 2008,
Wadhwa Nagpur.
3. Dr. CD Jha's - Judicial review of Legislative Acts, Second Edition Revised 2009
Lexis Nexis, Butterworth, Wadhwa Nagpur.
4. Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, 1989).
5. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, Comparative
Constitutionalism in South Asia (Oxford University Press, 2013).

6. Vikram David Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford University Press, 2009).
7. Surjit Choudhry, *The Migration of Constitutional Ideas*, (Cambridge University Press, 2009).

Articles Suggested:

- 1) Saunders, Cheryl (2006) "The Use and Misuse of Comparative Constitutional Law (The George P. Smith Lecture in International Law)," *Indiana Journal of Global Legal Studies*: Vol. 13: Iss. 1, Article 2. Available at: <http://www.repository.law.indiana.edu/ijgls/vol13/iss1/2>.
- 2) Tom Ginsburg & Rosalind Dixon, "Comparative Constitutional Law: Introduction" (University of Chicago Public Law & Legal Theory Working Paper No. 362, 2011). Available at: http://chicagounbound.uchicago.edu/public_law_and_legal_theory.
- 3) Antonia Baraggia, "Challenges in Comparative Constitutional Law Studies: Between Globalization and Constitutional Tradition. Special Issue - Comparative Law", *LaM* October 2017, DOI: 10.5553/REM/.000026.
- 4) Dann, Philipp. "Federal Democracy in India and the European Union: Towards Transcontinental Comparison of Constitutional Law." *Verfassung Und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, vol. 44, no. 2, 2011, pp. 160–176. JSTOR, www.jstor.org/stable/43239605.
- 5) Parikh, Sunita, and Barry R. Weingast. "A Comparative Theory of Federalism: India." *Virginia Law Review* 83, no. 7 (1997): pp.1593-615.
- 6) Uddin, Mohammad Moin, and Rakiba Nabi. "Judicial Review of Constitutional Amendments in Light of the "Political Question" Doctrine: A Comparative Study of the Jurisprudence of Supreme Courts of Bangladesh, India and the United States." *Journal of the Indian Law Institute* 58, no. 3 (2016): pp. 313-36.
- 7) Roznai, Yaniv. "Unconstitutional Constitutional Amendments—The Migration and Success of a Constitutional Idea." *The American Journal of Comparative Law* 61, no. 3 (2013): pp. 657-719.

- 8) Roznai, Yaniv. "The Theory and Practice of 'Supra-Constitutional' Limits on Constitutional Amendments." *The International and Comparative Law Quarterly* 62, no. 3 (2013): pp. 557-97.

Learning outcome:

After completion of the course the student will be able to

- Understanding the variety of constitutional systems across the world;
- Identifying reflection on the potentialities and limits of constitutional law in regulating the exercise of public power in contemporary society.
- Compare different government structures and their corresponding ways of protecting human rights;
- Gain knowledge on different types of government, federalism, judicial review, emergency and amendment practiced in other constitutions.

(c) CRIMINAL LAW AND FORENSIC SCIENCE

H3S1303: CORRECTIONAL PROCESS

Objectives of the Course:

The object of the Criminal Justice Administration is to award penal sanctions to the offender. The primary aim of this discipline is to reform the offender rather than inflicting pain on them. The theories of punishment, various types of punishments, degrees of punishments are part of this course. The effective functionaries executing the punishments are Police and Prison Institution. The involvement of various correctional institutions such as Probation, Parole etc also included in the course. Though the criminal justice system mainly focusing on penal sanctions, the application of Criminology along with Penology will bring the expected outcome of the reformation.

COURSE OUTLINE

Module I Introduction:

- a. Concept of Penology – Punishments and its objective
- b. Historical evolution
- c. Theories of Punishments
- d. Types of Punishments
- e. International scenario on punishments – Death Penalty – Imprisonment – Fines – Transportation – Indeterminate Sentence
- f. International Instruments on Death Sentence
- g. Indian Perspective – Law Commissions Report - Arguments of Death Sentence
- h. Judicial approach
- i. International Criminal Justice System and Death Sentence – Other sentences.

Module II- Correctional Process and Law Enforcement:

- a. Correctional Philosophy
- b. Rehabilitation methodology – Rules and Regulations
- c. Prisons Act –Prison Manuals
- d. State Prison Manual
- e. Reformatory laws – Prison Reform Commissions
- f. Individualization of Offenders
- g. Significance of prison systems
- h. Alternative mechanism for punishment.

Module III- The Police System:

- a. Police Administration
- b. Types of Police System
- c. Women, Home Guard, Rural policing, Friend of Police
- d. Problems of Police
- e. Principles of Police System

- f. NHRC/SHRC & Police
- g. Judiciary & Police
- h. Functions of Police
- i. Malimath Committee Report - National Police Commission.

Module IV- Prison Administration:

- a. Prison Authorities
- b. Prisoner's Rights
- c. Prison Commission
- d. Prison Problem – Over Crowding – Prison Discipline
- e. Rehabilitative Measures – Prison Education
- f. Therapeutic Approach – Individualization & Imprisonment
- g. Vocational Training
- h. Prison Reform
- i. Women Prison
- j. Open Prison
- k. United Nations Standard Minimum Rules on Treatment of Prisoners – After care rehabilitation
- l. Role of Society – Judiciary – NGO.

Module V- Correctional Process – Probation& Parole

- a. After care process – Dr. Julius Augustus
- b. The Probation of Offenders Act – Probation Officer
- c. Functions of Probation Officers – Procedures of Probation
- d. Significance of Probation Officers Report
- e. Conditions to be released on Probation – Effects of violations of conditions
- f. Rights and Duties of Sureties
- g. Role of NGO's – Role of Family members – Role of Society
- h. Parole – Definition - Object
- i. Probation and Parole
- j. Parole in India – Legal Procedure
- k. Judiciary & Parole
- l. Parole Board – Functions of Parole Board – Conditions
- m. Parole Violations – Judicial Trends
- n. Parole & Indeterminate Sentence – Parole & Furlough
- o. International Scenario – USA & Parole

Module VI- Recidivism & Crime Prevention:

- a. Recidivist – Causes of Recidivism
- b. Mechanism to combat Recidivism
- c. Recidivism in India – Crime Prevention
- d. Distinguish Crime prevention and treatment
- e. Prevention of White-Collar Crimes
- f. Prevention of traditional crimes

- g. Prevention of Juvenile delinquency
- h. Challenges in crime prevention
- i. International perspectives – Role of the UN & Crime Prevention
- j. UN Congress on Crime Prevention 1955 – 2015.

Recommended Readings:

Books:

1. Ahmed Siddique, 2017, “*Criminology-Problems and Perspectives*”IInd Edition, Eastern Book House, Lucknow.
2. Prof N. V. Paranjape, 2014, “*Criminology and Penology with Victimology*” 16th Edition, Central Law Publications, Allahabad.
3. William Katharine.S, 2004, “*Criminology*”, Oxford University Press.
4. Pifferi Michele 2016, “*Reinventing Punishments – A Comparative History of Criminology & Penology in the 19th and 20th Century*” Oxford University Press, UK.
5. Zara Georgia &Farington P. David 2016, “*Criminal Recidivism – Explanation, Prediction and Prevention*” Routledge Publications, New York.

Journals/Journal Articles:

1. Amy Deline& Adair Crosley 2010, “A Century of Criminal Law and Criminology” *The Journal of Criminal Law and Criminology* Vol. 100, No:1, pp.1-6.
2. Malcom. M, Feeley & Jonathan Simon, 1992 “The New Penology: Notes on the Emerging Strategy on Corrections and its Implications”, *Criminology*, Vl.30, Issue.4, pp.449-474<https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1745-9125.1992.tb01112.x>
3. Bruce R. Jacob & K.M. Sharma, 1969, “Justice After Trial: Prisoners Need for Legal Services in the Criminal Correctional Process”, *Kansas Law Review*, pp.1270
4. Arie Freiberg, 2010, “Post Adversarial & Post Inquisitorial Justice: Transcending Traditional Penological Paradigms”, *European Journal of Criminology*, Vol.8, Issue.1, pp.82-101.
5. Jean Paul Brodeur, 2007, “Comparative Penology in Perspective”, *Crime and Justice*, Vol.36, Issue.1, pp.49-91
6. Lisa L. Miller, 2001, “Looking for Postmodernism in all the Wrong places: Implementing a New Penology”, *The British Journal of Criminology*, Vol.41, Issue.1, pp.168-184

Further Readings:

Books:

1. Chakrabarthy. N.K., 2016, Institutional Corrections, Deep & Deep Publications, New Delhi.
2. Chaturvedi. JC. 2006, “*Penology & Correctional Administration*” Asha Books, New Delhi.
3. Haris Robert, 1992, “*Crime, Criminal Justice & The Probation Service*” Routledge Publications.
4. Guharoy Jay Tilak, 1999, “*Role of Police in Changing Society*”, APH Publications, New Delhi.
5. Master Ruth, “*Counselling Criminal Justice Offenders*”.
6. Pollack Joycelyn. N, “*Counselling Women in Prison*”
7. Sultan Adams, “*Crime Prevention*”
8. Stuttmen. H.S, “*Crime and Punishment*”
9. Malimath Committee Report
10. Bare Acts:
 - (i) The Prisons Act, 1984.
 - (ii) Model Prison Manual, 2016 – BPR&D
 - (iii) The Probation of Offenders Act, 1958

Journals:

1. Criminology, Criminal Justice, Law & Society
2. Death Penalty Reporter
3. European Journal of Criminology
4. Federal Prison Journal
5. Federal Probation
6. Federal Sentencing Reporter
7. International Journal of Restorative Justice
8. Journal of Delinquency
9. Prison Law Reporter
10. Prison Journal

Cases for Guidance:

1. Bachan Singh v. State of Punjab AIR 1980 SC 898
2. P. Rathinam v. Union of India AIR 1994 SC 1844
3. Mithu v. State of Punjab AIR 1983 SC 473
4. Rajendra Prasad v. Union of India AIR 1979 SC 916
5. T.V. Vatheeswaran v. State of TN 1983 SCC CrI 481
6. Machi Singh & Others v. State of Punjab AIR 1983 SC 957
7. Dhananjay Chatterji v. State of West Bengal AIR 2003 SC 3131
8. C. Muniyappan & Others v. State of TN (2010) 9 SCC 567
9. Priyadarshini Mattu Rape case (2010) 9 SCC 747

10. Tukaram v. State of Maharashtra AIR 1979 SC 185
11. NilabatiBehra v. State of Orissa AIR 1993 SC 1960
12. D. K. Basu v. State of West Bengal AIR 1997 SC 3017
13. Sheela Barse v. Union of India AIR 1988 SC 224
14. Sunil Batra II case 1980 CrLJ 1099
15. Sanjay Dutt v. State of Maharashtra AIR 2013 SC 2682
16. Laxmi v. Union of India (2014) 4 SCC 427

Learning Outcome:

After completing the course, the students will able to:

- *Understand the theories of punishments and development of concept of penology*
- *Analyze the concept of punishment and discuss about different perspective of punishment.*
- *Examine the legal framework on penal sanction and correctional process*
- *Understand the Principles of Sentencing and examine the scope of correctional process in reforming the wrong doer.*

(d): INDUSTRIAL AND COMMERCIAL LAW

H3S1304: CORPORATE SECURITISATION

Objectives of the Course:

Since 1991, when from liberalisation policy has been adopted by India, the financial sector has evidenced much reforms, majorly allowing and encouraging foreign investment into the country. The legal structuring on securitisation began in 1991, leading to the enactment of the Securitisation and Reconstruction of Financial Assets & Enforcement of Securities Interest Act, 2002. Securitisation augments the benefits available to financial establishments, investors and on a broader spectrum to the society's economic progress, as a whole. It enables highly non-performing assets such as mortgages, vehicle loans and credit card non-payments to be transformed into more liquid financial instruments. Further, securitisation acts as a significant source of financing various businesses ranging from commercial real estate development to manufacturers and dealers. This area of Law plays a pivotal role in the economic progress of the nation.

The objective of the study of this subject is to provide the Students -

- i. Detailed understanding of the markets for asset-backed securities*
- ii. Knowledge of the Legal dimensions of the Law relating to Corporate Securitisation and allied matters.*
- iii. Comprehension and appreciation of the significance of how securitisation is a tool of utility to corporates dealing with finances.*
- iv. Significance of securitisation in relation to rehabilitation of sick companies etc.*

COURSE OUTLINE

MODULE – I: INTRODUCTION:

- a. Historical development.
- b. Objectives and Concept of Corporate Securitisation.
- c. Legal provisions Governing the recovery of debts in India.
- d. Meaning, nature and scope of securitisation.
- e. Securitisation as a funding and salvaging from non-performing assets mechanism.

MODULE – II: REHABILITATION OF SICK COMPANIES:

- a. Revival, reconstitution and rehabilitation of sick companies.
- b. Sick Companies and their Revival.
- c. The Law relating to sick companies.
- d. Procedure for rehabilitation of sick companies.

MODULE – III: SECURITISATION & RECONSTRUCTION:

- a. Securitisation and debt recovery.
- b. Overview of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and its amendment till the year 2013.
- c. Special Purpose Vehicle (SPV)
- d. Asset Reconstruction Companies (ARC)
- e. Qualified Institutional Buyers (QIB)
- f. Role and functions of the Board of Industrial & Financial Reconstruction (BIFR)
- g. Recovery of Debts due to Banks & Financial Institutions Act, 1993.
- h. Tribunal.
- i. Procedure, compromises and arrangements with Banks and creditors.

MODULE – IV: WINDING-UP OF COMPANIES:

- a. Winding-up companies.
- b. Modes and administrative machinery for winding-up of corporates.
- c. Liquidation procedure, meeting of members (shareholders) and creditors, managing the interests of stakeholders, managing the estate of the companies.
- d. Outsourcing of responsibilities relating to winding-up to professional service providers such as valuers and security agencies.
- e. Best practices adopted in performing liquidation and administrator functions, accountability, role of liquidators.
- f. Winding-up of unregistered companies – Consequences of winding-up.

MODULE – V: CROSS-BORDER INSOLVENCY:

- a. Cross-Border Insolvency.
- b. UNCITRAL Model Law on Cross-Border insolvency.
- c. UNCITRAL Legislative Guide to insolvency law.

- d. World Bank principles for effective insolvency and creditor rights.
- e. Asian Development Bank principles of corporate rescue and rehabilitation.
- f. Winding up of companies.

RECOMMENDED READING:

1. Introduction to Securitization, by Frank J. Fabozzi, John Wiley & Sons, 2008.
2. Law & Practice Relating to Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest, by M.R.Umarji, Taxmann, 7th Edition, 2017.
3. Securitisation & Debt Recovery Laws, by Justice A.B. Srivastava, Law Publishers (India) Pvt. Ltd. Allahabad, 10th Edition, 2018.
4. Securitization, Vols. I & II, by Tamar Frankel, Fathom Publishing Company, 2nd Edition, 2016.
5. Narasimham Committee II on Banking Sector Reforms - <https://rbidocs.rbi.org.in/rdocs/PublicationReport/Pdfs/24157.pdf>

JOURNALS:

1. Buchanan, Bonnie, Securitization: A Financing Vehicle for All Seasons?, Bank of Finland Research Discussion Paper No.31/2016.
2. Slaughter and May, Model guide to securitisation Techniques, PLC Cross-border Structured Finance and Securitisation Handbook, 2010 https://www.slaughterandmay.com/media/1429118/model_guide_to_securitisation_techniques.pdf
3. Ilham Riachi and Armin Schwienbacher, Overcollateralization in Corporate Securitisation, Finance, Vol.36, 2015, pp.7-52.
4. Diamond Hill, Mechanics and Benefits of Securitization, 2016 - <https://www.diamond-hill.com/mechanics-benefits-securitization/>
5. Suman Chakraborty, Securitization in India: A Strategic Tool for Competitiveness, Indian Journal of Applied Research, Vol.III, Issue.III, 2013, pp.29-32.
6. Vinod Kothari and Abhirup Ghosh, Indian Securitization Market: A Primer, the Journal of Structured Finance, Vol.23, Issue 1, 2017, pp.23-31.
7. Akhil M.P., Structured Finance and Securitization in India, SSRG International Journal of Economics Management Studies, Vol.5, Issue.6, 2018, pp.26-31.

FURTHER READING:

8. Securitization and the Global Economy-History and Prospects for the Future, by Buchanan, Bonnie, Palgrave Macmillan, 1st, Edition, 2016.
9. Securitization, Structured Finance and Capital Markets, by Steven L. Schwarcz, Bruce A. Markell, Lissa L. Broome, LexisNexis, 2001.
10. Securitization, by David G. Glennie, E.C. De Bouter, Randall D. Luke, Kluwer Law International, 1998.
11. The Mechanics of Securitization, by Moorad Choudhry, John Wiley & Sons Inc., 1st Edition, 2013.

CASE LAW:

- a) Mardia Chemicals Ltd. v. Union of India & Others (2004 D.R.T.C 1(SC3))
- b) Collector of Customs, Madras v. Nathella Samapathu 1962 (3) SCR 786 at pp.829-30.
- c) Transcore v. Union of India & Another. AIR 2007 SC 712, MANU/SC/5319/2006
- d) Ionic Metalliks v. Union of India no. 645 of 201 &. 10120 of 2014
- e) Sicom Ltd. v. Padmashri Mahipatrai J. Rajiv Subramaniyan & Another Civil Appeal No.3866/2014 S.L.P© No.25448/2012 SC2005 (64) SCL 18 (Bom)
- f) Indian Bank v. Nippon Enterprises 2011 (2) CTC 474 HC Madras
- g) Arun Jagnath Gedam v. State Bank of Hyderabad (2005) BC 217 DRT Nagpur
- h) Indian Oil Corporation Ltd. Nagpur v. Shikshak Sahakari Bank Ltd (2005) BC 50 DRT Nagpur
- i) M. Nagarajan v. The Deputy Commercial Tax Officer & Another MANU/TN/1292/2009
- j) ICICI Bank Ltd. v. The Official Liquidator, Liquidator of Vibrant Investments and Properties Ltd (2005) 124 Compas 550(Mad), (2005) 1 MLJ 309
- k) UTI Bank Ltd. v. The Deputy Commissioner of Central Excise & Another MANU/TN/0188/2007, 2007(115)ECCC323
- l) Baleshwar Dayal Jaiswal v. Bank of India & Others Supreme Court of India Civil Appeal No.5924 of 2015 (arising out of SLP (c) no.27674 of 2011)
- m) Kaveri Marketing, Bangalore v. Saraswathi Co-operative Bank Ltd., Koramangala Branch, Bangalore (2013 (1) D.R.T.C.804 (Knt.)) (HC Karnataka - Single Bench)
- n) Central Distillery & Chemical Works Ltd. v. Gurbharajeet Singh AIR 1993 P&H 25
- o) Union of India v. Debt Recovery Tribunal Bar Association & Ans Civil Appeal Nos.617-618 of 2013 SC

LEARNING OUTCOME:

After completion of the Course, Students will be able to -

1. Gain the capacity to interpret statutory provisions, identify legal issues impacting financial risk affecting business, for purposes of risk avoidance, to establish control mechanisms & evaluate alternative financing options.
2. Analyse and evaluate financial markets, how securities are traded, mutual funds, investment companies, and investor behaviour
3. Analyse relevant case law for the purpose of finding legal precedents.
4. Gauge the economic environment and the impact of governmental economic policies on consumers and financial institutions and make investment policy recommendations.

(a)-INTERNATIONAL LAW AND INTELLECTUAL PROPERTY
RIGHTS

**H3S2301: INTERNATIONAL TREATIES AND CONVENTIONS ON
INTELLECTUAL PROPERTY**

Objectives of the Course:

International Intellectual Property is a part of public international law as one of many specialized areas within the universe of Public International Law. The purpose of the course is to examine rules on intellectual property in the wider context of international law. The standards laid down in various intellectual property treaties and conventions to harmonize the laws of different countries and to promote international trade.

COURSE OUTLINE

Module I Structural Framework, Basic Principles and Policies

- a) The International IP as a discipline-Trends in the International IP System - Harmonization, Integration and Countervailing
- b) International IP Institutions- WIPO, WTO and other Multilateral Institutions;
- c) Basic Principles-National Treatment, MFN, Exhaustion of Rights, Uniform Standard, Independence, Public Interest Doctrine, Territoriality and Extraterritoriality, Human Rights and Sustainable Development-Policies

Module II: International Copyright System

- a) Copyright as an Intellectual Property Form- Changing Technologies;
- b) Multilateral Copyright Norms- Berne Convention, Universal Copyright Convention, Rome Convention TRIPS Agreement- TRIPS Agreement and its relationship to the Berne Conventions, The WIPO Copyright Treaty (WCT)- Neighbouring Rights and the WIPO Performance and Phonograms Treaty (WPPT)-Beijing Treaty on Audio visual Performance -The Marrakesh Treaty to facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled;
- c) Exhaustion and the Movement of Copyrighted works in Trade;
- d) Copyright in Software and Open Source.

Module III International Patent System

- a) The Multilateral Patent Agreements-Paris Convention-Independence of Nation, Compulsory Licensing; The Patent Cooperation Treaty (PCT), Budapest Treaty, European Patent Convention, TRIPS Agreement- Safeguards and exceptions, Doha Declaration on Public Health,;
- b) Patent and the Convention on Biological Diversity;
- c) Patent Licensing, Transfer of technology and Competition.
- d) Plant Variety as an IP-Multilateral Agreements-TRIPS Agreement, The International Union for the Protection of New Varieties of Plants (UPOV) 1991, 1978 &1961 Act, International Treaty on Plant Genetic Resources for Food and Agriculture 2001 (ITPGRFA).

Module IV International Trademark and Identifier System

- a) Basic Characteristic of the Trademark, Domain Name and Geographical Indication- Trademark at the Multilateral level-Paris Convention and Trademarks, and Well Known Mark, Paris Convention and Indication of Source and Appellation of Origin - TRIPS Agreement-The Interface Between Trademarks and GI
- b) Trademark Exhaustion and International Trade;
- c) Trademark Registration at the Multilateral Level-The Madrid Agreement and Protocol Relating to the Madrid Agreement- Madrid Agreement on false and deceptive indication of source- Lisbon Agreement on registration of Appellation of Origin. Trademark Law Treaty
- d) Internet Domain Name at the Multilateral Level- UDRP.

Module V: International Designs System

- a) The Multilateral System for Protection of Design- Paris Convention TRIPS Agreement-registered, unregistered and functional design-layout design;
- b) The Hague Agreement Concerning the International Deposit of Industrial Designs
- c) TRIPS Agreement and Washington Treaty on Intellectual Property in respect of Integrated Circuit, 1989.

Module VI: International System for the Protection of Trade Secret and Regulatory Data

- a) Trade secret and TRIPS Agreement – Regulatory Data and The TRIPS agreement

- b) Regional System for the protection of Regulatory data -Protection of Regulatory data & Pharmaceutical Regulatory data in the European Union.

Module VII: The International System for Enforcement of Intellectual Property Rights

- a) Multilateral IPRs Enforcement Agreements-the TRIPS Agreement- Enforcement Obligation- Enforcement in WTO Dispute Settlement Mechanism and Dispute Settlement Understanding- Violation and Non Violation Complaints, Withdrawal of Concession;
- b) Other Multilateral Agreement on Enforcement-Berne and Paris Convention, Activities of WIPO Arbitration and Mediation Centre, World Custom Organization, OECD Project on Counterfeiting and Piracy- EU Enforcement Regime- IP Enforcement Directive
- c) United States Sec 377 of The Tariff Act of 1930 – Sec 301 and Special 301 of US Trade Representative Act.

Recommended Readings

Books:

1. Grosse Ruse Khan, The Protection of Intellectual Property in International Law, University Press Oxford, United Kingdom (2016).
2. Jon O. Nelson, International Patent Treaties, Oxford, United Kingdom (2007).
3. Dennis Cohen, The International Protection of Designs, Kluwer Law International (2000).
4. Carlos M. Correa and Abdulaawi A. Yusuf, Intellectual Property and International Trade: The TRIPS Agreement, Wolters Kluwer Law International (2008).
5. Prof. P. R. Trivedi WIPO, WTO, GATT, TRIPS & IPR, Indian Institute of IP Rights, New Delhi (2017).

Journals/Articles:

1. John H Barton, The Economics of TRIPS: International Trade in Information - Intensive Products, 33 Geo. Wash. Int'l L. 473 (2001)
2. Keith E. Maskus & J. H. Reichman, The Globalization of Private Knowledge Goods and the Privatization of Global Public Goods, 7 J. Int'l Econ. L. 279 (2004)
3. Pamela Samuelson, The US Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997)

4. Frederick M Abbott, The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO, 5 J. Int'l Econ. L. 469 (2002)
5. Frederick M. Abbott, Non Violation Nullification or Impairment Causes of Action under the TRIPS Agreement and the Fifth Ministerial Conference: A Warning and Reminder, Quaker United Nations Office, Occasional Paper No 11 July 2003,

Further Readings:

Books

1. India- Patent Protection for Pharmaceutical and Agricultural Chemical Products, AB-1997-5, WT/DS50/AB/R, 15 Dec 1997.
2. Davidson Wilson, International Patent Litigation: Developing an effective Strategy, Global Law and Business, London (2009).
3. Frederick M Abbott, Thomas Cottier and Francis Gurry, International Intellectual Property in an Integrated World Economy, Wolter Kluwer, Aspen Publishers, (2007)
4. UNCTAD-ICTSD Resource Book on TRIPS Agreement and Development, Cambridge University Press (2004)
5. Frederick M. Abbott, TRIPS and Human Rights: Preliminary Reflections, In International Trade and Human Rights Foundation and Conceptual Issues (F.M.Abbott, C Breining-Kaufmann & T Cottier eds.) (U. Mich. Press 2006)
6. Edith Tilton Penrose, The Economic of the International Patent System: Chapter IX Summary and Conclusion Pp:162-169 , John Hopkins Press 1951.
7. John Perry Barlow, The Economy of Ideas: A Framework for Patents and Copyrights in the Digital Age , Wired 2.03, March 1994.
8. Sam Ricketson, The Birth of the Berne Union, the Centenary of the Berne Convention, Conference (Intellectual Property Law Unit, University of London and British Literary and Artistic Copyright Association London) April 17-18 1986.
9. Thomas Cottier, The Agreement on Trade Related Aspects of IPR, in the World Trade Organization: Legal, Economic and Political Analysis, Vol I -1040-1120 at 1082-1085 (P Macroy, A Appleton and M. Plummer eds. 2005) (Springer: New York)
10. Lawrence Lessig, Open Source Baselines: Compared to what? In Govt Policy Toward Open Source Software (Robert W Hahn ed., 2003), at 50

Journals/Articles

1. Melvyn J. Simburg and et al., International Intellectual Property (2005) 39 International Lawyers, pp. 333-350.
2. Battling HIV -AIDS: A Decision Makers Guide to the Procurement of Medicines and Related Supplies, Y. Tayler, Ed., World Bank 2004
3. Sisule F. Musungu & Graham Dutfield, Multilateral Agreements and a TRIPS Plus World: The World Intellectual Property Organization (WIPO), TRIPS Issues Papers 3, Quaker United Nations Office (QUNO) Geneva Quaker International affairs Programme (QIAP) Ottawa.
4. John Barton, New Trends in Technology Transfer: Implications for National and International Policy, ICTSD Intellectual Property and Sustainable Development Series, Issue Paper No 18, Feb 2007
5. The Recognition of Rights and the Use of Names in the Internet Domain Name System, Report of the Second WIPO Internet Domain Name Process September 3, 2001, Available at <http://wipo2.wipo.int>
6. Office of United States Trade Representative 2006 Special 301 Report, Available at <http://www.ustr.gov>
7. Pamela Samuelson, The US Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997)
8. Frederick M Abbott, The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO, 5 J. Int'l Econ. L. 469 (2002)
9. Frederick M. Abbott, Non Violation Nullification or Impairment Causes of Action under the TRIPS Agreement and the Fifth Ministerial Conference: A Warning and Reminder, Quaker United Nations Office, Occasional Paper No 11 July 2003, available at <http://www.quno.org>
10. Carsten Fink & Patrick Reichenmiller, Tightening TRIPS: The Intellectual Property Provision of Recent US Free Trade Agreements, World Bank Trade Note 20, Feb7, 2005

Case for Guidance:

1. Revlon, Inc., and Others v. Cripps & Lee Ltd and Others [1980] FSR 85
2. NTP v. Research in Motion, 418 F.3d 1282 (Fed. Cir. 2005)

3. Canada -Patent Protection of Pharmaceutical Products, Report of the Panel, WT/DS114/R, March 17, 2000
4. Qualtex Company v Jacobson Products Company Inc, 514 US 159 (1995)
5. K Mart v Cartier, 486 US 281 (1988)
6. Pfizer Inc v. Martin Marketing Case No. D 2002-07793 WIPO Arbitration and Mediation Centre Administrative Panel Decision
7. Pfizer Inc v. Martin Marketing Case No. D 2003-0399 WIPO Arbitration and Mediation Centre Administrative Panel Decision
8. Metro Goldwyn- Mayer Studios v. Grokster 545 US 913 (2005)
9. John Wiley and Sons Inc v. Prabhat Chander Kumar Jain (2010)
10. Kapil Wadhwa v. Samsung Electronics Co. Ltd (2012) 53 PTC 112 (Del)
11. Quality King distributors v. L'anza Research International 523 US 135 (1998)
12. Computer Associates International v. Altai 982 F.2d 693 (2nd Cir. 1992)
13. Monsanto v Nuziveedu (2019)
14. J E M AG Supply v Pioneer Hi -Breed 534 US 124 (2001)
15. Akzo Chemie BV and Akzo Chemie UK Ltd v. Commission of the European Communities, Judgment of the Court (Fifth Chamber) of 24 June 1986 Case 53/85, Court of justice of European Commission

Course Outcome:

After completion of the course students will be able to –

- Learn the various international system that regulates Intellectual Property Rights
- Discuss the different Multilateral Organizations where rules are negotiated and applied with subject matter interest in IPRs.
- Equip with the basic principles and policies underlying the protection of IPRs at the multilateral level to protect IP and harmonize the laws of the member nations.
- Examine the significant developments regarding the enforcement of IP at the international level.

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

H3S2302: INTRODUCTION TO LAND LAWS

Objectives of the Course:

The objective of this specialized paper is to know about the

- 1. land system in pre-independence and the right to property under constitution of India, The right of the government to acquire land for public purpose under the doctrine of eminent domain and the right of the person interested to claim compensation*
- 2. Laws relating to acquisition of land for companies, industrial purpose in the name of special economic zone and the rights of tribal over their property.*
- 3. Land reform constitutes the most important package of measures to improve the economic condition of agricultural tenants.*

Course Outline

Module– I: Concept of land and land movements in India:

Concept of land and real property –concept of ownership -land system in ancient India - Panchami Land – Gramdhan Land - Boodan Movement – Tamil Nadu Boodan Act, 1958

Module – II: Land Tenure System in Pre-Independent India:

Zamindari system- permanent settlement, Inamwari, Mahalwari, Ryotwari-melwaram-kudiwaram-rights and responsibilities of Ryotwari pattadar.

Module – III: Significance of land laws and constitutional provisions:

Constitutional protection relating to property –Eminent Domain- Article 31A – Article 31 B- Article 31 C- Article 300 A- Ninth Schedule- land and governance in the fifth schedule- legislative powers of center and state in enacting land laws.

Module – IV: Acquisition of Land:

- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [LARR Act]
- Establishment of Special Economic Zone- Constitution of Board of Approval – functions of Development Commissioner - Special Economic Zone Authority
- Acquisition Of Lands For Industrial Purposes

Module– V: Land rights of Tribes:

Definition of tribes, scheduled tribes- Title rights- use rights – forest management rights of tribes – process of recognition of rights – scheduled area – V schedule – prohibition of alienation of tribal land.

Statutory materials:

- Constitution of India
- LARR Act, 2013
- Special Economic Zones Act, 2005
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
- Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997

References:**Books**

1. Salmond on Jurisprudence, by P J Fitzgerald, Sweet & Maxwell, Universal Law Publishing co pvt ltd, 2016
2. Right to property in India by Naveen Sharma, Deep & Deep Publications
3. Baden Powell, "The Land Systems of British India", 1892
4. Land Reforms in India by M. L. Dantwala, 66 Int'l Lab. Rev. 419 1952, heinonline
5. Land System in India: A Historical Review, Rekha Bandyopadhyay, Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155

Articles:

1. Indian Law on Special Economic Zone (SEZ) by Mr. Anand Singh
<https://www.conservationindia.org/resources/facts-about-the-forests-rights-act>
2. Lovleen Bhullar, "The Indian Forest Rights Act 2006: A Critical Appraisal", available at <http://www.lead-journal.org/content/08020.pdf>
3. Sanjana, "Forest Dwellers as Deemed Homeless", 4 J. Indian L. & Soc'y 130 2012-2013, Heinonline
4. E. Washburn Hopkins, "Land-Tenure in Ancient India", Political Science Quarterly, Vol. 13, No. 4 (Dec., 1898), pp. 669-686 available at <http://www.jstor.org/stable/2139978>
5. Rekha Bandyopadhyay, "Land System in India: A Historical Review", Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155 available at <http://www.jstor.org/stable/4400592>

Learning outcome:

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

1. Understand the concept of real property and the various movements of India
2. Determine the right to property under Indian constitution
3. Evaluate various land reformatory systems exists in pre-independence
4. Understand the doctrine of eminent domain and the power of acquisition of land by the government
5. Analyze the circumstances under which land can be acquired for industrial purposes
6. Understand the land rights of tribals.

(a) CRIMINAL LAW AND FORENSIC SCIENCE

H3S2303: CRIMINOLOGY

Objectives of the Course:

Criminology is a scientific study of law that deals with criminal behavior of an offender. The theories of crimes, theories of crime causation, determining factors of commission of crime are discussed in this subject. Understanding of behavioral pattern of the accused shall be incorporated while imposing of punishment. Criminology and Criminal Law must apply parallelly while determining the sentence. The course also included new dimensions of the Criminal Justice System, Victimology. The need for equal participation in the trial process till the sentencing process raised two decades ago. Victimology permits the victims in to participate determining the remedy, compensatory jurisprudence etc .

Course Outline

Module I: Introduction, Nature and Scope of Criminology:

- a. Concept of crime – Development of crimes through ages
- b. Crime and Offence – Crime and sin
- c. Different types of Crimes – Penal Crimes – Victimless Crime – Organised Crimes – International Crimes – Human Organs Crimes
- d. Characteristic of Crimes
- e. Crime and Criminology – Criminology and Criminal Law – Criminology, Criminal Law and Penology
- f. Objectives of Criminology - Criminology in India Development of Criminal Law in India
- g. Modern Criminal Law and Criminology.

Module II: Schools of Criminology, Crime Causation – Societal and Individual Causes:

- a. Pre- Classical School
- b. Classical School
- c. Neo-Classical School
- d. Positive School – Cesare Lombroso – Enrico Ferri – Rafael Garofalo
- e. Clinical School
- f. Sociological School
- g. Modern Schools of Criminology
- h. Crime Causation - Hereditary – Mental Illness – Biological factors – Mc’Naghten Rule
- i. Donald Taft view on criminality
- j. Sigmund Freud’s view on criminality – Psychological concept of crime
- k. Aristotle Four theories of Crime

- l. Conflict Theory – Sociological Theory of Crime
- m. Multiple Factor Theory of Crime Causation -Mobility – Cultural Conflict – Peer group – Family – Poverty – Education – Unemployment – Political Ideology – Media – Urbanization
- n. Economic Factor and Bonger's theory - Ecology.

Module III: Types of Crimes – Traditional Crimes

- a. Organised Crimes: Predatory crimes
- b. Criminal Rackets – Political Graft
- c. Wildlife Skin trading crimes
- d. Collective Violence – Communal Violence
- e. Terrorism
- f. Characteristics of Organised Criminals
- g. Sexual Offences – IPC and Sexual Offences – Rape Laws in India and other countries
- h. Alcoholism and Drug Addiction – International perspectives of Drug abuses
- i. Narcotic Drugs and Psychotropic Substances Act – IPC and Toxicities
- j. Measures to combat illicit trafficking – Enforcement agencies.

Module IV: New Era Crimes

- a. White Collar Crimes - Sutherland's view on White Collar Crimes
- b. Types of White-Collar Crimes
- c. Cyber Crimes – Hacking – Spoofing – Cyber Terrorism – Cyber Defamation – Cyber Pornography – Online theft – Computer vandalism – IP Crimes - IT Act, 2000
- d. Human Organs Crime – Human Organs Transplantation Act, 1994
- e. Victimless Crimes – Suicide – Immoral Traffic Offences – Drug addiction
- f. International Crimes – Rome Statute 2000 – Genocide, War Crimes, Crimes against Humanity.

Module V: Crime Statistics

- a. Crime Statistics – Reliability of Crime Statistics
- b. Sources - National Crime Record Bureau – State Crime Record Bureau
- c. Pattern of Crimes against Women
- d. Crime Statistics of Crimes against Children
- e. Crime Records on Narcotic Drugs
- f. Crime Statistics on Cyber Crimes - Crime graph comparative
- g. Increase in crime rate – Agenda.

Module VI: Victimology

- a. Introduction – Theories of Victimology
- b. Definition – Victims
- c. Victims’ Rights & Liabilities – International Instruments in Victimology
- d. Victimization of Victims– Consequences of victimizations
- e. Types of victims – Recurring Victims – Homicide & Genocide Victims – Sexual Offences Victims – Political Offences Victims – Property Offences Victims – Domestic Violence Victims
- f. Legal Remedy – Restorative Justice
- g. Victims Participation – Victims Assistance
- h. Justice Malimath Committee Report
- i. Criminal Law and Victims Rights.

Recommended Readings:

- Ahmed Siddique, 2017, Criminology-Problems and Perspectives, IInd Edition, Eastern Book House, Lucknow.
- Daigle, L. and Muftic, R. Lisa (2016). Victimology. Thousand Oaks, CA: SAGE Publications.
- Prof N. V. Paranjape, 2014, Criminology and Penology with Victimology, 16th Edition, Central Law Publications, Allahabad.
- William Katharine.S, 2004, Criminology, Oxford University Press.
- Bajpai. G.S, & Gauba Sbriga, “*Victims Justice: A Paradigm Shift in Criminal Justice System in India*”
- Robert Cryer, Hakan Friman, Darryl Robinson & Elizabeth Wilmshurst 2014, “*An Introduction to International Criminal Law and Procedure*”, 3rd Ed, Cambridge University Press.

Journals for scholarly articles:

- Canadian Journal of Criminology and Criminal Justice : 1958 – 2019
- Criminal Behavior and Mental Health : 1991 – 2019
- Criminal Justice and Behavior : 1974 – 2020
- Criminologist : 1972
- Criminology and Public Policy : 2001 – 2020
- Criminology, Criminal Justice, Law & Society : 1998 -2014
- Criminology : 1963 – 2020
- European Journal of Criminology : 2004 - 2020
- Issues in Criminology : 1965 – 1975
- Journal of Criminal Law and Criminology : 1910 – 2020
- Journal of Delinquency : 1916 – 1928
- War Crimes, Genocide and Crimes against Humanity : 2005 – 2011
- Western Criminology Review : 1998 – 2019

Further Readings:

- Chakrabarthy. N.K., 2016, Institutional Corrections, Deep & Deep Publications, New Delhi.
- Abhuja Ram, 2000, Criminology, Rawat Publications, New Delhi.
- E.H. Sutherland, 1968, Principles of Criminology, Times of India Press, Bombay.
- Crime in India Published by National Crime Record Bureau, Ministry of Home Affairs, New Delhi.
- Sachadev Updesh Singh, 1987, Fraudsters & Bankers: Prevention and Detection Techniques, UDH Publishing House.
- Padhy Prapullah, 2006, Organised Crimes, Isha Books, Delhi.
- Patnaik .B.N, “*Compensation to Victims of Crime*”
- Robert Albert. B, “*Helping Crime Victim*”
- Bare Acts:
 - (i) The Protection of Women from Domestic Violence Act, 2005.
 - (ii) The Immoral Traffic (Prevention) Act, 1956
 - (iii) The Sexual Harassment of Women at Workplace (Prevention and Prohibition and Redressal) Act, 2013.
 - (iv) The Information Technology Act, 2000
 - (v) The Narcotic Drugs and Psychotropic Substances Act, 1985.
 - (vi) The Human Organs Transplantation Act, 1994.
 - (vii) Statute of International Criminal Court

E-Books:

- Braithwaite. J (March 2000) “*New Regulatory State and the Transformation of Criminology*”, British Journal of Criminology, Vol.40. Issue 2, pp.222-238.
- Roufa Timothy, “*Criminology, the Study of Crime, Causes and Consequences*”, The Balance Careers, <https://www.thebalancecareers.com/what-is-criminology-974589>
- David, Christian Carsten 1972, “*Criminology-Crime*”, Northampton shrine, UK, <https://www.carsten-ulbrich.zymichost.com/crimeanalysis/10/html>
- Shokry El-Dakkak. M, “*Criminology and Penology*”, <https://www.adjd.gov.ae/sites/Authoring/AR/ELibrary%20Books/E-Library/PDFs/Criminology%20ANd%20Penology.pdf>
- Dr. Rajendra Kumar Sharma, 1998, “*Criminology and Penology*”, Atlantic Publications, New Delhi. https://books.google.co.in/books/about/Criminology_and_Penology.html?id=1pRJTw6EdtsC.
- Ross McGarry & Sandre Walklate, 2015, “*Victims: Trauma, Testimony & Justice*” Routledge Publications, London & New York. <https://books.google.co.in/books?hl=en&lr=&id=oifLCQAAQBAJ&oi=fnd&pg=PP1&dq=journal+on+victimology+and+victim+justice&ots=YfXGQi2-Ws&sig=0->

[gVVNojXpdWh2mlr21dtVC3rqM#v=onepage&q=journal%20on%20victimology%20and%20victim%20justice&f=false](https://books.google.co.in/books?hl=en&lr=&id=iJbBhqhEZY0C&oi=fnd&pg=P2&dq=scholarly+articles+on+on+victimology&ots=ek-H4xWmHR&sig=0cqVXEIXL9jiFpSP3GEL4_Et_5s#v=onepage)

- William. G Doerner & Steven P. Lab, 2012, “*Victimology*” 6th Ed, Elsevier Publications, USA.
https://books.google.co.in/books?hl=en&lr=&id=iJbBhqhEZY0C&oi=fnd&pg=P2&dq=scholarly+articles+on+on+victimology&ots=ek-H4xWmHR&sig=0cqVXEIXL9jiFpSP3GEL4_Et_5s#v=onepage
- William A. Schabas & Nadia Bernaz 2011, “*Routledge Handbook on International Criminal Law*”, Routledge Taylor and Francis Group Publications, New York.
<https://books.google.co.in/books?hl=en&lr=&id=usEtCgAAQBAJ&oi=fnd&pg=PP1&dq=William+Schabas+international+crime&ots=3j0k24bTit&sig=-P5PEBL8Qtixl8Yb9OIq-ygZgzE#v=onepage&q=William%20Schabas%20international%20crime&f=false>

Research Articles:

- Jean Jordan, 2011 “Professional Discretion and the use of Restorative Justice Programme in Appropriate Domestic Violence cases: An Effective Innovation”, *Chapman Journal of Criminal Justice*, 2011 Vol.2, No.1, pp.129 – 164.
- Hannah Ching, Michael Dafern and Stuart Thomas 2017, “A Comparison of Offending trajectories in violent youth according to violent type” *Criminal Behavior and Mental Health* Vol.27, pp.8-14.
- John Stratton, Michael Brook and Robert E. Hanlon 2017, “Murder & Psychosis: Neuropsychological Profiles of homicide offenders with Schizophrenia”, *Criminal Behavior and Mental Health* Vol.27, pp.146-161.
- Ashton.H 1927, “Languages and the Criminal” *The Criminologists* pp.8 & 9.
- Philip J. Cook 2016, “Behavioral Science Critique of HOPE”, *Criminology and Public Policy* Vol.15, Issue.4, pp.1155-1162.
- Jay S. Albanese & Kristine Artello 2019, “The Behavioral Corruption: An Empirical Typology of Public Corruption by Objective and Method” *Criminology, Criminal Justice, Law and Society* Vol.20, Issue.1, pp.1-20.
- Edwin M. Schur & Hugo Adam Bedau 1975, “Victimless Crimes: Two sides of a Controversy” *Issues in Criminology* Vol.10, Issue.1, pp.126-138.
- Amy Deline & Adair Crosley 2010, “A Century of Criminal Law and Criminology” *The Journal of Criminal Law and Criminology* Vol. 100, No:1, pp.1-6.
- David H. Jones 2005, “On the Prevention of Genocide: The Gap between Research and Education: *War Crimes, Genocide and Crimes Against Humanity* Vol.1, Issue.1, pp.5-46.
- Kieram McEvoy & Kristen McConnachie, 2012, “Victimology in Transitional Justice: Victimology, Innocence and Hierarchy”, *European Journal of Criminology*, Vol.9, Issue.5, pp.527-538.

- Tinneke Van Camp & Jo-Anne Wenimiers, 2013, “Victims Satisfaction with Restorative Justice More than Simply Procedural Justice”, *International Journal of Victimology*, Vol.19, Issue.2, pp.117-143.
- E. A. Fattah, 1979, “Some Recent Theoretical Development in Victimology”, *Victimology*, Vol.4, Issue.2, pp.198-213.
<https://www.ncjrs.gov/App/publications/abstract.aspx?ID=64082>
- Manisha Sahay 2018, “Transplantation of Human Organs & Tissues Act: Simplified” *Indian Journal of Transplant* Vol.12, Issue.2, pp.84-89.
<https://www.ijtonline.in/text.asp?2018/12.2.84/235594>
- Susan A. Lentz, B. Grant Stitt 1996, “Women as Victims in “Victimless Crimes” The Case of Prostitution”, *Journal of Contemporary Criminal Justice*, Vol.12, Issue.2, pp.173-186
<https://www.journals.sagepub.com/doi.abs/10.1177/104398629601200204>

Web Sources for Scholarly Articles:

- <https://heinonline.org>
- <https://jstor.org>
- <https://shodganga.inflibnet.ac.in>
- <https://network.bepress.com/law/criminal-law>

Web Sources for referring latest decisions:

- <https://indiankanoon.org>
- <https://manupatrafast.com>
- <https://www.aironline.in>
- <https://scconline.com>

Related Cases:

- Paras Ram v. State of Punjab (1981) 2 SCC 508
- Meh Ram v. State 1994 CrLJ 1897 (Raj)
- Tola Ram v. State of Rajasthan 1996 CrLJ 8 (Raj)
- Vishaka v. State of Rajasthan AIR 1997 SC 3011
- Shreerangayee v. State of Madras (1973) 1 MLJ 205
- Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802
- R.K. Garg v. Union of India (1981) 133 ITR 239
- Subramaniya Swamy v. Dr. Man Mohan Singh AIR 2012 SC 1185
- Govt of Andra Pradesh v. P.V. Reddy AIR 2002 SC 3346
- Nimmagadda Prasad v. CBI AIR 2013 SC 2821
- M/s Sattyam Infoway Ltd v. M/s Sifynet Solutions (P) Ltd AIR 2004 SC 3549
- Dr. L. Prakash v. State of T.N. (2008) 3 MLJ CrI 406
- Gurdeep v. State of Punjab (2013) 10 SCC 395
- State of Haryana v. Janak Singh & Another AIR 2013 SC 3246
- Shyam Narin v. State of (NCT Delhi Administration) AIR 2012 SC 2209
- Mohd Iqbal v. State of Jharkhand AIR 2013 SC 3077

- Narendra Kumar v. State (NCT Delhi Administration) AIR 2012 SC 2281
- Deepak Gulait v. State of Haryana AIR 2013 SC 2071
- State of Maharashtra & Others v. Nagpur Distilleries 2006 (5) SCALE 77
- State of H.P. v. Asha Ram AIR 2006 SC 381
- Swamy Shradhananda @ Murali Manohar Mishra v. State of Karnataka AIR 2008 SC 3040
- Priyadharshini Mattu Rape case (2010) 9 SCC 747
- Tukaram v. State of Maharashtra AIR 1979 SC 185
- Nilabati Behra v. State of Orissa AIR 1993 SC 1960
- Prem Shankar Shukla v. Delhi Administration AIR 1980 SC 1535
- D. K. Basu v. State of West Bengal AIR 1997 SC 3017
- Sheela Barse v. Union of India AIR 1988 SC 224
- S.P. Anand v. State of M.P. AIR 2007 SC 166
- Sunil Batra II case 1980 CrLJ 1099
- Rameshdoss v. Raghunath & Others AIR 2008 SC 1298
- Sanjay Dutt v. State of Maharashtra AIR 2013 SC 2682
- Rudal Shah v. State of Bihar AIR 1983 SC 1986
- Laxmi v. Union of India (2014) 4 SCC 427

Learning Outcome

After completing the subject, the students will able to:

- Understand the historical development of concept of criminology and understand the interlink between criminology, criminal law and penology
- Understand the contributions of criminologists through scientific study to analyze the causative factors of crime causation
- Examine the behavioral pattern of offenders.
- Examine the types of crimes and its characterization.
- Acquaint with the contemporary development of crimes.
- Realize the importance of victim's participation and argue for the implementation of victims' protection measures under criminal justice system.

(d): INDUSTRIAL AND COMMERCIAL LAW

**H3S2304: INTERNATIONAL LABOUR ORGANISATION AND
LABOUR JURISPRUDENCE**

Objectives of the course:

Industrial legislation is the child of industrial jurisprudence, which in itself, is a product of the industrial revolution in the 18th, 19th and 20th Centuries, it was a form of protest against the inhuman labour conditions that the industrial revolution ushered in. In India, pre-independence era industrial jurisprudence was rudimentary. Protection of labour has always been the primary goal of industrial laws (both those enacted by the legislature and those developed through judicial interpretation). However, well before Indian labour jurisprudence became robust, the International Labour Organisation, a multinational labour body, led the way.

This course has been designed to:

1. Introduce students to the ILO, its formation, charter documents, composition, membership and functioning;
2. Examine the international labour code and the role of India vis-à-vis the international labour code;
3. Study in detail the historical development of labour jurisprudence;
4. Elucidate the long and mutually beneficial relationship between ILO and India;
5. Instruct students various concepts of labour jurisprudence, including tripartism, and understand the role of the judiciary in this regard.

The syllabus has been prepared with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I: International Labour Organisation

- (a) Constitution and Declaration of Philadelphia.
- (b) Fundamental Principles.
- (c) Aims and Objectives.
- (e) Composition.
- (f) Functions.

(g) Membership.

(h) Organs of the ILO.

(i) The International Labour Conference - The Governing Body and the International Labour Office - Regional Conference - Regional Advisory Committee - Industrial Committees and Analogous Bodies - Committee of Experts - Panels of Consultants and Special Ad-hoc Conferences and Meetings.

Module II: International Labour Code

(a) Meaning, Nature and Scope of International Labour Code.

(b) Development and Importance of ILC.

(c) International Labour Standards- Conventions and Recommendations.

(d) Ratification and System of enforcement.

(e) Technical Assistance Programme and the Special Fund, World employment programme, Women workers, International Peace, Human Rights.

(f) The ILO Century Project 1919-2019.

(g) ILC and India.

Module III: Labour Jurisprudence

(a) Evolution, Concept and Importance of Labour jurisprudence.

(b) Social Justice and Social welfare.

(c) Role of Tripartitism in Labour Jurisprudence.

(d) Role of Principles of Natural Justice.

Module IV: ILO and India

(a) Labour Movement in India.

(b) India's membership to ILO.

(c) Constitution and Labour -Preamble- Fundamental Rights- DPSP- VII Schedule- Constitutional Remedies and Constitutional validity of Labour Statutes.

(d) Human Rights of Labour.

(e) Women and Child Workers.

- (f) Social Security and ILO.
- (g) ILO and India's appraisal.

Module V: Tripartism

- (a) Concept and Forms.
- (b) Areas of Operation- Preconditions.
- (c) Machineries in India.
- (d) Indian Labour Conference and Standing Labour Committee, Industrial Committees, Wage Boards, State Labour Advisory Boards.
- (e) Voluntary Arbitration and Labour Policy- Code of Discipline in Industry.
- (f) Role of ACTRAV.

Module VI: Judiciary and Labour Jurisprudence

- (a) Nature and Scope of Industrial Jurisprudence.
- (b) Industrial Adjudication and Judicial Review – Powers of High Courts and Supreme Court.
- (c) Public Interest Litigation and Labour Jurisprudence.
- (d) Judicial Activism in developing Labour Jurisprudence.

Recommended Readings

Statutory Material:

1. The Constitution of India, 1950
2. Labour Laws (Relevant provisions-Industrial Laws, Social Security, Women and Children, 4 Labour Codes)
3. International Labour Organisation Constitution, 1919 and ILO Conventions and Recommendations
4. The Charter of United Nations Organisation, 1945, UNO-Treaties, Conventions and Recommendations.
5. Universal Declaration on Human Rights, 1948.

Books Prescribed:

1. N. Maheshwara Swamy, "Impact of I.L.O. Standards on Indian Labour Law" (Asia Law House, 2007).
2. Dhyani (S .N), "International Labour Organisation", (New Delh: National Publishing House, 1997).
3. Prof. Ahmedullah Khan, "Commentary on International Organisation and the Indian Response", (Hyderabad: Asia Law House, 2005).
4. Vaidyanathan N, "I.L.O Conventions and India" (Minerva Associates: Calcutta, 1975).
5. Johnson, G.A., "The International Labour Organization" (London, 1970).
6. E.M. Rao, "Industrial Jurisprudence – A critical Commentary", (Lexis Nexis publication, 2015).

Journals:

- 1) P. Kalpakam, "The International Labour Organisation's Committee on Freedom of Association and International Protection of Trade Union Rights" 17 JILI 618-633 (1975).
- 2) Zafar Hussain and Afzal Wani, "Application and Enforcement of International Labour Standards in India: A Critique", 53 JILI 577-593 (2011).
- 3) C.S.Venkata Ratnam, "India and International Labour Standards", 35 IJIR 461-485 (2000).
- 4) N.L.Mitra, "Freedom of Association for Organised and Unorganised Workers-International Precept and Practice", 35 JILI 1-33 (1993).
- 5) O.P.Parmar, "ILO and India in Pursuit of Human rights thorough Labour Standards", 23 JILI 555-577 (1981).
- 6) Michael Hasenau, "ILO Standards on Migrant Workers: The Fundamentals of UN Convention and their genesis", 25 IMR 687-697 (1991).

Further Reading:**Reference Books:**

1. Jinender N. Kumar & Ajay Bhola, "International Labour Organisation (ILO) (Regal Publications, 2008).

2. Galenson Walter, "The International Labour Organization: An American View" (Madison, 1981).
3. Sinha & Sinha, "Industrial Relations and Labour Legislation" (Oxford & I B H Publishing Co., New Delhi, 1977).
4. The ILO and the World of work, (ILO Pub. Geneva, 1984).

Articles:

1. Nagaraj, R., "Fall in Manufacturing Employment: A Brief Note", Economic and Political Weekly, Vol. 39, pp. 3387-90, July 24-30, 20004).
2. Kamala Sankaran, "Human Rights and the World of Work", 40 JILI 284-294 (1998).
3. C.S.Venkata Ratnam, "Impact of New Economic Policy on the Role of Trade Unions", 29 IJIR 55-78 (1993).
4. Ratna Sen, "Unionisation and Collective Bargaining in the Unorganised Sector", 47 IJIR 598-616 (2012).
5. Susan Hayter, "International Comparative Trends in Collective Bargaining", 45 IJIR 596-608 (2010).
6. Kamala Sankaran, "Fundamental Principles and Rights at work: India and the ILO", 46 EPW 68-74 (2011).

Cases for Guidance

1. Bandhua Mukti Morcha v. Union of India and others, (1997) (3) SCC 755.
2. Neeraja Chaudry v. State of MP, AIR 1984 SC 1099.
3. Peoples Union for Democratic Rights v. Union of India, AIR 1982 SC 1473.
4. Amristar v. State of Punjab & Ors., AIR 1981, SC 14
5. National Textile workers union v. P.R. Ramkrishnan & Ors, AIR 1982 SC 1473
6. Ram Kumar Misra v. state of Bihar, AIR 1984 SC 537
7. Consumer Education & Research Centre & Others v. Union of India, 1995 AIR 922.
8. M.C. Mehta v. State of Tamil Nadu, AIR 1991 SC 417
9. D.S. Nakara v. Union of India, AIR 1983 SC 130
10. Deena v. Union of India, AIR 1983 SC 115
11. S. Basudevan v. S.D. Mittal, AIR 1962 Bom 53
12. State of Gujarat v. Hon'ble High Court of Gujarat, (1998) 7 SCC 392
13. Chatisgarh Krishak Mazoor Sangh's v. State of Madhya Pradesh, (1987) Suppl. SCC 198
14. P. Siva Swamy v. State of Andhra Pradesh, AIR 1988 SC 1863
15. Balram v. State of Madhya Pradesh, AIR 1990 SC

Learning Outcome:

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

1. Appreciate the genesis of ILO in its historical context and its procedural complexities;
2. Understand the foundational role the ILO has played in labour jurisprudence, including through the international labour code;
3. Perceive India's long history of engaging with the ILO and implementing its decisions to uplift its workers; and
4. Discern the various keystone concepts of labour jurisprudence and also comprehend the role played by the judiciary in developing such jurisprudence.

IV Semester

H3LC416: INTRODUCTION TO PUBLIC INTERNATIONAL LAW

Objectives of the Course:

“Supra National Law” or otherwise popularly referred to as “International Law” aims to bring in peace and world order on the globe by mitigating the frictions between nation-states through peaceful legal means. It guides the nation-states to work for the betterment of human life, promotion of fundamental goals to peace, prosperity, advancement of human rights and the protection of human environment for sustainable development. Though it has numerous branches within, as a main subject its orientation is to understand the functioning as a core law in addressing the international challenges. The syllabus aims to introduce the student to understand the basic concepts of international law, harmonization on with domestic law, its abidingness and application by the States in resolving their conflicting issues and to achieve international cooperation in working together to develop global institutional mechanisms.

Course Outline

Module- I: Introduction to International Law

- (a) Origin—Scope and Basis
- (b) Universalization of International Law- philosophical, political, ideological, cultural and cross- cultural approaches
- (c) Historical development and Jurisprudential theories – Greek, Roman, European, Asian, African, communist and Indian approach
- (d) Validity, Normativity and Enforcement through Sanctions
- (e) Codification and Progressive Development – Role of International Law Commission and International Institutions

Module -II: Sources of International Law

- (a) Source and its Genesis- Art 38 (1)(b) of the ICJ and Sources of International Law
- (b) Usage & Custom as a source; Elements of Custom; Jus Cogens and Erga omnes
- (c) Treaties as primary and persuasive source; significance of Law making treaties and Treaty Contracts; Normative Treaties; Reservation and Revocation of Treaties
- (d) General Principles of International law (Equity in a global context)
- (e) Juristic Works of Eminent Authorities
- (f) Decisions of Judicial and Arbitral Tribunals (International and Municipal)
- (g) Subsidiary Sources- Decisions, Resolutions and Declarations of the United Nations and other organs; Non-treaty obligations - Good will and Reciprocity.

Module-III: Harmonizing International Law with Municipal Law and Subjects of International Law

- (a) Interaction between International and Municipal (domestic) law

- (b) Theories of Monism, Dualism, Incorporation or Transformation, Specific Adoption and Delegation – State Practice- UK, USA and India
- (c) Subjects of International law – State- Different types of States - Essentials of Statehood- Lifting the State veil – Individual as a Subject and object - International organizations and Non- State actors as subjects of International law

Module - IV: Recognition and State Territory

- (a) State Recognition as a basis for International personality – Principles and Problems
- (b) Types of Recognition-- Legal nature; Theories of Recognition; Recognition of Governments – Belligerency and Insurgency
- (c) Legal effects of Recognition and Non Recognition
- (d) Concept of State Territory- Sovereignty and its significance
- (e) Acquisition and loss of State Territory; Territorial Integrity-Self-Determination and sundry claims- Doctrine of Uti possidetis
- (f) Law of Air and Outer Space

Module -V State Succession

- (a) State Succession – Definition & Conceptual Perspectives
- (b) Types- Universal and Partial Succession
- (c) Difference between Succession of States & Governments
- (d) Theories - Negativist & Modern Theories - An overview of States Succession to Treaties and to matters other than Treaties
- (e) Succession to the membership in International Organizations
- (f) State Succession -Contemporary issues- Yugoslavia- Dissolution of USSR- Reunification of Germany- Retrocession of Hong Kong.

Module – VI: Law of Sea

- (a) Historical Perspectives on Law of Sea
- (b) Concept of Territorial Sea – Internal waters - Innocent Passage – Rights and Duties of Coastal states
- (c) Continental Shelf & Exclusive Economic Zone –Rights and Duties of Coastal States Principle of Equidistance and its invocation, Special and Relevant Circumstances Rule
- (d) High Seas – Flag State Jurisdiction- Hot Pursuit- Pollution; Common Heritage of Mankind
- (e) Rights of Land locked States
- (f) Exploration and Exploitation of Resources in Area (Sea bed and Ocean floor)
- (g) Settlement of Disputes –Role of Sea Bed Authority-International Tribunal for Law of Sea.

Module VII: State Jurisdiction and Immunities from Jurisdiction

- (a) Jurisdiction in International perspectives – Prescriptive & Enforcement
- (b) Territorial-Nationality--Passive Personality-Protection and Universal Principles- War Crimes, Crimes Against Peace and Humanity
- (c) Extraditable offences- Double Criminality; Asylum and its importance
- (d) Nationality-Double Nationality Jurisdiction- MNCs

- (e) Sovereign Immunity- Absolute and Restrictive Approach
- (f) Diplomatic Immunities and Privileges- Privileges and Immunities of International organizations

Module – VIII: State Responsibility

- (a) State Responsibility-Nature and Scope
- (b) Obligations Erga Omnes - Notion of Immutability or Attribution to State- Breach of an International legal obligation
- (c) Draft articles of ILC - Liability for Lawful Acts- Circumstances excluding Wrongful Conduct of State- Legal Consequences of an Internationally Wrongful Act
- (d) Invocation of State Responsibility as part of Human Rights Standards
- (e) State Responsibility for Genocide: State Responsibility and Environmental Sustainability

Module- IX: International Human Rights Law & Humanitarian Law

- (a) Nature and Scope of Human Rights - Outline of Theoretical approaches to Human rights
- (b) Overview of Historical background –European, Asia, African and Indian approaches
- (c) International Accountability- Normative foundations laid under the United Nations UDHR & International Bill of Human Rights and other instruments
- (d) Transition to modern Human rights - Generational Human rights – Human rights and Right to Development; Human rights Council and Human Rights Committee
- (e) IHL –Scope and Significance-Geneva Conventions and Protocols –Wounded and Sick; Prisoners of War; Protection of Civilians; Armed Conflict and Non-Armed Conflict; Relationship between Human Rights and IHL

Module –X: Challenges to International Human Rights Law

- (a) Human Rights of Vulnerable and Disadvantage Groups; Women- Children Sexual Minorities Stateless Persons
- (b) Migrants - Epidemic Affected; Rights of Socially and Economically Disadvantaged People
- (c) Indigenous Peoples; Disabled & Minorities
- (d) Transnational Corporations and Human Rights, Terrorism & Counter-terrorism
- (e) Euthanasia and Human Rights; Right to Freedom from Torture and Inhuman or Degrading Treatment
- (f) Crimes against humanity, Role of International Criminal Courts and Tribunals

Recommended Readings: -

1. Crawford, J. *Brown lie's Principles of Public International Law* (8thed., 2013).
2. Jennings, R., and Watts, A. (eds.), *Oppenheim's International Law* [Vol. I –Peace] (9thed., 2008).
3. Shaw, M.N. *International law* (Cambridge University Press,8th ed.,2017).
4. Shearer, I.A. *Starke's International Law* (1stIndian ed., 2007).
5. Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.

Further Readings: -

1. Anghie, A. 'Francisco de Vitoria and the Colonial Origins of International Law' in *Imperialism, Sovereignty and the Making of International Law* (CUP, 2004).
2. Bantekas and Oette, *International Human Rights: Law and Practice* (2013)
3. Boyle, A., and Chinkin, C. *The Making of International Law* (Oxford University Press, 2007).
4. Chimni, B.S. *International Law and World Order* (Cambridge University Press, 2017).
5. Connell, O. "State Succession in Municipal Law and International Law", Vol. II, pp. 212-219(1967).
6. Dumberry, P. *State Succession to International Responsibility* (Graduate Institute of International Studies, Brill, 2007)
7. Kaul, J.L. & A. Jha, *Shifting Horizons of Public International Law*, (1st ed., 2018)
8. Kevin Boyle (ed.), *New Institutions for Human Rights Protection* (Oxford, 2009); Chapters 1-3.
9. Ryngaert, C. "Jurisdiction in International Law", (Oxford University Press, 2nd Ed., 2015).
10. Hugh Thirlway (2019), *The Sources of International Law*, Second Edition, Cambridge University Press: United Kingdom. Available at: <http://gen.lib.rus.ec/book/index.php?md5=6D495F5C2F501009703B4E97FC65676F>
11. Patrick Dumberry (2007), *State Succession to International Responsibility*, Martinus Nijhoff Publishers: The Netherlands. Available at: <http://gen.lib.rus.ec/book/index.php?md5=96F7331343E5503C4CC085EF56DA642D>
12. Robert Kolb (2016), *The Law of Treaties: An Introduction*, Edward Edgar Publishing Limited: United Kingdom. Available at: <http://gen.lib.rus.ec/book/index.php?md5=754DA9DA821BED6B24E322C8D448263A>

Journals: -

1. Akehurst, M. "Custom as a Source of International Law" 53 *British Yearbook of International Law* 1(1974-75).
2. Anthony D'Amato, "Treaties as a Source of General Rules of International Law" 3 *Harvard International Law Journal* 1-43 (1962).
3. Thomas Buergenthal, "Lawmaking by the ICJ and Other International Courts" *Proceedings of the Annual Meeting (American Society of International Law)* Vol. 103, *International Law as Law* (2009), pp. 403-406(CUP, 2009)
4. K. R. R. Sastry, *State Responsibility in International Law*, 35 *Allahabad Law Journal* 31(1937).
5. C. Wilfred Jenks, "State Succession in Respect of Law-Making Treaties", 29 *British Yearbook Book International* 105 (1952).
6. Keyuan, Z. "South China Sea Studies in China: Achievements, Constraints and Prospects", 11 *Singapore Yearbook of International Law* 85 (2007).

7. Babalola, A. "Extradition under International Law: Tool for Apprehension of Fugitives", 22 *Journal of Law Policy & Globalization* 25 (2014).
8. *Micheline Ishay, The History of Human Rights: From Ancient Times to the Globalization Era, 2004*
9. Jack Donnelly, *The Relative Universality of Human Rights*, *Human Rights Quarterly*, Volume 29, Volume 2 (2007): 281-306.
10. Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.

Cases for Guidance: -

1. S.S. Lotus Case, France V Turkey ICJ 1927
2. Asylum case Judgment (Columbia vs Peru)
3. North Sea Continental Shelf Case Judgment, I.C.J Reports 1969
4. Military and Paramilitary Activities in and against Nicaragua (Nicaragua vs United States of America), Judgment I.C.J Reports 1986.
5. Right of Passage over Indian Territory (Portugal vs India), 1960 I.C.J 6
6. The Nottebohm Judgment (Second Phase), 54 AJIL 536,557(1960)
7. The Wimbledon, P.C.I.J. Rep., Ser A, No. (1924)
8. Frontier Dispute [1986] ICJ Rep 554.
9. Serbian Loans case [1929] PCIJ (ser A) Nos 20/21, 5.
10. Temple of Preah Vihar (*Thailand v Cambodia*) [1962] ICJ Rep 6.
11. Gabcikovo Nagymaros Project case (*Hungary v Slovakia*) [1997] ICJ Rep 7.
12. Barcelona Traction case (*Belgium v Spain*) [1970] ICJ Rep 3.
13. Reparation of injuries suffered in the service of United Nations Advisory Opinion, 1949 I.C.J. 174 (Apr. 11)
14. Advisory Opinion of ICJ on Namibia, ICJ Rep. 1971, P. 16
15. Advisory Opinion of ICJ in Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo Case, ICJ Rep. 2010
- ❖ Advisory Opinion of Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, ICJ Rep. 2019 Italy v. India (Enrica Lexie case) (Pending)
16. West Rand Central Gold Mining company v R [1905] 2 KB 391
17. Regina v Keyn (1876) 2 Ex D 63
18. The Paquete Habana, 175 U.S. 677 (1900).
19. Vishakha and Ors. v State of Rajasthan and Ors, AIR 1997 SC 3011.
20. The Arantzazu Mendi case (UK) 1939
21. Luther v Sagor (UK) [1921] 3KB 532
22. Case Concerning Military and Para Military Activities in and Against Nicaragua
23. Case Concerning the Factory at Chorzow (Merits) [1928] PCIJ, Series A, No. 17, 47.
24. Corfu Channel (U.K. v. Alb.), 1949 I.C.J. 4 (Merits Apr. 9).
25. LaGrand (Germany v. United States of America), Provisional Measures [1999] ICJ Rep
26. Trail Smelter Case (U.S. v. Can.), 3 R.I.A.A. 1905 (Trail Smelter Arb. Trib. 1938 & 1941).
27. United States Diplomatic and Consular Staff in Tehran, Judgment, ICJ Reports 1980, Youmans case.
28. Island of Palmas Arbitration (U.S. v. Netherlands), 2 R.I.A.A. 829, 839 (1928).

29. Anglo-Norwegian Fisheries Case (UK v. Norway), ICJ Reports 1951.
30. South China Sea Arbitration, (Philippines vs China), Case No 2013-19, Award of 12 July 2016 (PCA)
31. Factor v. Laubenheimer 290 U.S. 276 (1933)
32. Fiocon v. Att'y Gen., 462 F.2d475
33. Ker v. Illinois, 119 U.S.436 (1886)
34. United States v. Alvarez-Machain, 504 U.S. 655.
35. United States v. Rauscher, 119 U.S. 407 (1886).

Learning Outcomes: -

After completion of the course Students will be able to

1. Equip with the basic structural perspectives of International law and would be able to understand its significance as a bedrock subject of international relations.
2. Trace the significance and influence of the normative principles involved in building the edifice and substance of international law.
3. Analyze and appreciate diversity of the subject and its impact on states and their subjects and the role and significance of International organs and be able to create and defend principled legal arguments to carry further research.
4. Acquire academic contemplation and training primarily in Public international law blended with human rights law and IHL and their practical orientation.

H3LC417: LABOUR LAW-I

INDUSTRIAL RELATIONS AND WAGE LAWS

Objectives of the course

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 minimise 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.

This course has been designed to:

- I. Educate the student on the historical evolution of modern labour jurisprudence;
- II. Explain the importance of the International Labour Organisation and its role in the development of labour law;
- III. Elucidate the importance of, and laws governing, trade unions;
- IV. Create a broad and deep understanding of the law related to industrial relations in India;
- V. Examine the importance of standing orders;
- VI. Detail the various statutory requirements under legislations related to wages; and
- VII. Develop a keen awareness of labour rights under various situations.

The following syllabus prepared with this perspective will comprise 5 modules.

COURSE OUTLINE

Module I: Evolution of Labour Legislations

- (a) Historical Perspectives on Labour –Genesis of Labour Legislation - Modern Factory System- - Impact of Industrialisation.
- (b) Labour Policies in India.
- (c) Master and Servant Relationship.
- (d) Shift From Laissez Faire to Welfare Policy.
- (e) Role of the State in Industrial Relations.
- (f) Constitutional Perspectives on Labour Laws .

- (g) Workers Participation in Management .
- (h) Labour Law Reforms.
- (i) 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

- (a) Trade Union Movement in India - Development of Trade Union Legislation in India - Weakness of Trade Union Movement.
- (b) Out Siders in Trade Unions.
- (c) Inter-Union and Intra-Union Rivalries
- (d) 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.
- (e) Recognition of Trade Unions.
- (f) 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

- (a) Industrial Relations And Industrial Peace-Causes Of Industrial Disputes-System Of Adjudication Machinery Before 1947.
- (b) Industrial Disputes Act,1947 – Scope And Object - Definitions – Industry – Industrial Dispute – Workman - Lay Off – Retrenchment - Closure - Transfer of Under Takings - Kinds of Strike Regulation of Strike and Lock out -Unfair Labour Practices and Victimisation.
- (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

- (a) The Concept and Nature of Standing Orders.
- (b) 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.

(c) 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

(a) Concept Of Wages - Fair Wage, Living Wage, Minimum Wage.

(b) Theories Of Wages

(c) Wage Structure

(d) Wage Policy In India.

(e) 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.

(f) Payment of Wages Act, 1936 - Definitions – Obligations of the Employer- Permissible Deductions-Authorities Under the Act - Inspectors and Their Powers – Offences and Penalties.

(e) 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:

1. S.N.Mishra, “Labour and IndustrialLaw”, (Allahabad: Central Law Agency, 2019).
2. Dr. V.G.Goswami, “Labour and Industrial Laws”, (Allahabad: Central Law Agency, 2019).
3. MadhavanPillai, “Labour and IndustrialLaws” (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/Journal Articles:

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 Readings:**Books:**

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

Journals:

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.

6. 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.
7. 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.
8. 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.
9. Yashik, P. M. (2014). "A study about the Labour welfare and Social Security Measures in India", International Journal of Management, 2, p.23.
10. Sravanthi, B., "Social security in India: constitutional frame work" International Journal of Development Research, Volume 8, Article ID: 12929.

Cases for Guidance:

1. United 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, AIR 2000 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. American Express International Banking Corporation [AIR 1986 SC 458]
15. 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.*

H3LA402: INTELLECTUAL PROPERTY RIGHTS

Objectives of the Course

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 OUTLINE

Module I Introduction to Intellectual Property Rights:

- d) Definition, Concept and Nature of Property, Kinds of Property;
- e) Intellectual Property - Meaning, Nature, and Concept;
- f) Theories of IPR- Natural Rights, Social Contract Theory, Incentive to Disclose Theory, Locke's Theory of property, utilitarian Theory, Marxian Theory and Theory of Cultural Relativism;
- g) Indian theory on Private Property and IP-Svatva, Svamitva and Svatantrya-MamedamIti (it is mine);
- h) Constitutional Values and Protection of Private Property and Intellectual Property- Need for Protection of Intellectual Property- Origin and Development of Intellectual Property Rights.

Module II: Internationalization of IP Protection

- a) Major Convention on IP-Paris Convention, Berne Convention, TRIPS Agreement;
- b) Principles of Reciprocity and Priority- Concept of Minimum Standards- Concept of National Treatment and Most Favoured Nation (MFN),
- c) Doctrine of Exhaustion with respect to Intellectual Property Rights;
- d) Intellectual property in Common Law and Civil Law (course of employment).

Module III: Law of Copyright and Neighbouring Rights

- h) Historical Origin of Law of Copyright and Neighbouring Rights;
- i) Subject Matter of Copyright and Neighbouring Rights- Minimum Standard requirements-Doctrine of merger-Doctrine of Sweat of the Brow- Economic and Moral Rights;
- j) Assignment and Licenses –Compulsory License – Statutory licence;
- k) Infringement of copyright-Limitation and Exception-fair use/fair dealing-Digitalization of copyrighted work- Anti Circumvention law-Remedial Mechanism for infringement of Copyright and Neighbouring Rights.

Module IV: Patent Law

- e) Origin and Development of Patent Law- Patentable Subject Matter- Patentability Criteria-Pharmaceutical, biotechnology, software -Invention not Patentable;
- f) Rights of Patent Holders – Limitations and Exceptions-compulsory license -Bolar Exception-parallel imports.
- g) Enforceability of Patent Rights- Claim interpretation and Construction- Doctrine of Equivalents – Doctrine of Pith and Marrow- remedies for Patent Infringement.

Module V: Protection of Plant Varieties and Farmers' Right

- k) International Undertaking on Plant Genetic Resources for Food and Agriculture, Convention on Biological Diversity, ITPGRFA 2001.
- l) The Protection of Plant Varieties and Farmers' Rights, 2001- Definition of Plant Varieties and Farmer's Rights- Registrable varieties- Genetically modified varieties- Protection of Breeders and Farmers Rights- Researcher's Rights –Benefit Sharing.

Module VI: Trademarks and Geographical Indications:

- a) Origin and development of Trademark-Meaning and definition of Trademarks- Types of Trademark.
- b) Basic principles of registration of trade mark- Absolute and relative ground for refusal of registration of trademark .
- c) Infringement of trade mark -deceptive similarity-concept of Dilution- Passing off- Remedies.
- d) Geographical Indications - International Protection under TRIPS- Meaning and Definition of Geographical Indications, Indication of Source and Appellation Of Origin- Producer or authorised user of GI.

Module VI: Industrial Designs:

- a) Origin and development of Industrial Designs- Definition of Design- requirements of originality or novelty- Copyright in Registered Designs - Piracy of Registered Design- Remedies.
- b) Definition of Layout Design and Integrated Circuit- Subject matter scope of Semiconductor and integrated Circuit-Overlapping between Designs, Copyright and Trademark.

Module VII: Contemporary Issues of IPR

- a) IPR and Cultural Property-Traditional Knowledge and Traditional Cultural Expression/ Folklore; Protection of the rights of Indigenous people- Access to Genetic Resources, Prior Informed Consent and Benefit Sharing- Harmonization of CBD and TRIPS; Inter-relationship between IPR and Human Rights (Art 17 and 27 of UDHR; Art 15(1) of ICESCR).
- b) IP protection for Artificial Intelligence output, algorithm and data – Ownership/ Inventorship Issue;
- c) Protection of Database- EU Database Directive.
- d) Patenting of Gene- Doctrine of Product of Nature;
- e) Private International Law and Intellectual Property- Choice of Court, Choice of Law, Recognition and Enforcement of Foreign Judgment.

Statutory Materials:

The Copyright Act 1957

The Patent Act 1970

The Trade Mark Act 1999

Industrial Designs Act 2000

The Geographical Indication of Goods (Registration and Protection) Act 1999

The Protection of Plant Variety and Farmers right Act 2001

The Semiconductor Integrated Layout Design Act 2000

Recommended Readings:**Books:**

1. R.S. Bhalla, The Institution of Property: Legally, Historically and Philosophically Regarded, Eastern Book Co., (1984)
2. Dr. Mathew Thomas, Understanding Intellectual Property, Eastern Book Company, Lucknow (2016).
3. V.K. Ahuja, Law Relating to Intellectual Property Rights (Lexis Nexis) 2015
4. Elizabeth Verkey, Intellectual Property law and Practice (Eastern Book Company)2015
5. Taraporevala V J, Law of Intellectual Property,(2nd Edition) Thomason Reuters, 2013.

Case Book:

1. LTC Harms: Enforcement of IPR: A case BOOK WIPO Publication (3rdedn) 2012 available at 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/>

Further Readings:

Books:

1. Philippe Cullet, Human Rights and Intellectual Property Protection in the TRIPS Era, 2007. HUMAN RIGHTS QUARTERLY, Vol. 29 403-430
2. 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
3. Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle(15th ed. 2005) Indian Reprint 2008
4. Terrel on Patents, Sweet and Maxwell (1994)
5. Kerly's Law on Trademarks and Trade Names, Sweet and Maxwell. Wolters Kluwer (2015)
6. Graeme Austin: Private International Law and IPR Common Law : An Over View, WIPO 2001, available at http://webcache.googleusercontent.com/search?q=cache:jp2I70OixS4J:www.wipo.int/edocs/mdocs/mdocs/en/wipo_pil_01/wipo_pil_01_5.doc+&cd=1&hl=en&ct=clnk&gl=in
7. ABC of Copy Right UNESCO Publication; available at http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC_Copyright_en.pdf
8. Russell Clarke, Industrial Design, Sweet and Maxwell, 9th Ed., (2016).
9. Resource Book on TRIPS and Development, UNCTAD- ICTSD (2004)
10. Gopalkrishnan N S, & Agitha T G, Principles of Intellectual property. Lucknow: Eastern Book Company (2014)

Journals

- 1 EIPR- European Intellectual Property Review (Westlaw)
- 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 (Niscair) 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.
2. Assess and critique some basic theoretical justification for each form of intellectual property protection
3. Discuss the effects of intellectual property right on society as a whole.
4. Examine the relation between the Private International law and IP with respect to online piracy of copyrighted work and counterfeit trademark products where registration is not mandatory.
5. Compare and contrast the laws in other countries like US and EU mainly UK and also from the Human Rights perspective.

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

H3S3401: INTERNATIONAL HUMAN RIGHTS LAW

Objectives of the Course

The objective of the course is to introduce the human rights and facilitate the students to understand the working of international Human Rights Law. The international human rights institutions and laws are provided to understand the global discourse on human rights. The dynamics of modern human rights is introduced to student through two specific modules focussing on selected themes. Indian practice is studied through the contribution of all the organs of the state. All the major regional human rights mechanisms are introduced. The students shall understand the making of regional human rights mechanisms and work of NGOs. The students is expected to acquire following competencies after the course,

- 1. The students will understand the role and limitations of international law with historical and institutional background.*
- 2. The students will be able appreciate the application of human rights to complex social, political and economic situations.*
- 3. They will be in a position to apply human rights to real life situations to court crafts.*

COURSE OUTLINE

Module I: Background and Introduction

- A. Origin and Development – Concept of Human Rights –Ancient Europe - The Middle Ages – The Magna Carta – Bill of rights – American Revolution – French Revolution – Classification of Human Rights – Practice of Ancient Indian States - Vedas, Ashoka and Sangam Tamil Nadu
- B. Human Rights and Duties – the idea of duty in the ancient and modern era – duty of individuals to fellow human beings – Gandhian Ideas and human rights instruments on duties
- C. Sources of International Human Rights Law: Treaties, Customs and soft law instruments- role of international courts and tribunals – recognition of international human rights law by municipal systems

Module II: Development of International Human Rights Law

- A. ICRC and Evolution of International Humanitarian Law – abolition of slavery – national and international efforts to abolish slavery and apartheid
- B. Right of Self-Determination of People – Prohibition of Genocide – Prohibition of Torture – Prohibition of Racial Discrimination – Prohibition of Slavery – Prohibition of Human Traffic and modern forms of slavery

- C. Evolution of International Labour Organisation – Early conventions and subsequent development – rights of workers including women, children and migrant labour

Module III: United Nations and International Human Rights

- A. Evolution of Human Rights in the UN framework- Development of UDHR – Role of Commission on Human Rights
- B. International Bill of Human Rights – Universal Declaration of Human Rights – International Covenant on Civil and Political Rights – International Covenant on Economic, Social and Cultural Rights – Non-derogable rights – Progressive Realisation of Human Rights – Conventions on Rights of the Child, Women and Disabled
- C. Prevention of Terrorism –International efforts to counter terrorism –cyber warfare and human rights

Module IV: Enforcement Mechanisms

- A. General Assembly and Security Council on Human Rights - United Nations Charter based Human Rights Institutions- UNHRC –Committees under various human rights treaties – General Comments and Recommendations – Special Rapporteurs – UN High Commissioner for Human Rights
- B. Response of International Community to Human Rights Situations: South and South East Asia, Middle East, Africa, Latin America and Eastern Europe
- C. Asian, African and European Human Rights Instruments and their enforcement – Regional Judicial bodies. (European Court of Human Rights, Inter-American Court of Human Rights and African Court of Human Rights)

Module V: Civil and Political Rights

- A. Rights of elderly Persons, Tribes, Minorities (including Linguistic, Religious and Sexual Minorities)
- B. Rights of Victims of Crimes – Death Penalty – Rights of Accused and Convict
- C. Democracy and International Rule of Law – Right to Vote – Right to Take Part in the Governance
- D. Concept of NGO's and International NGO's – their participation in Human Rights issues – Selective case studies.

Module VI: Economic and Cultural Rights

- A. Right to Education – International law and national implementation
- B. Right to Health – International Law on Tobacco control, Narcotics - contagious diseases – World Health Organisation
- C. Right to Food, Water and Sanitation – eradication of hunger and malnutrition – role of Food and Agriculture Organisation
- D. Right to Environment – Sustainable Development Goals – economic development, environmental protection and human rights

Module VII: International Refugee Law

- A. Introduction – Refugees, Internally Displaced Persons, Forced Migration, Economic Migration, Asylum – Relationship between IHRL, IHL, and IRL
- B. International Standards in Refugee Law - 1951 UN Convention relating to the Status of Refugees (UNCSR) with its 1967 Additional Protocol, UNHCR – Statute, Mandate, Role, Functions, Responsibilities
- C. Concept of Non-Refoulement, Durable Solutions - voluntary repatriation, local asylum, and resettlement
- D. Contemporary Concerns and Challenges – Select case studies

Module VIII: Implementing International Human Rights in India

- A. India's ratification and response to Human Rights Treaties and mechanisms
- B. The Protection of Human Rights Act, 1993 – Paris Principles on National Human Rights Institutions – State and National Human Rights Commissions
- C. Commissions for Women, SC/ST, Minorities, Children etc.
- D. Constitutional and Legislative Framework: Fundamental Rights, Duties and Directive Principles – Right to Information
- E. Role of High Courts and Supreme Court in Protecting Human Rights

Recommended Readings:

Suggested Books

1. Rhona Smith – International Human Rights Law (Oxford, 2017)
2. M.K.Sinha – Implementation of Basic Human Rights (Lexis Nexis)
3. Michael Haas - International Human rights Law (Routledge, 2014)

Further Readings

- Amanda Alexander, “A Short History of International Humanitarian Law” The European Journal of International Law Vol. 26 no. 1 (2015)
- Aswini K. Ray, Human Right Movement in India: A Historical Perspective, Economic and Political Weekly, Vol. 38, No. 32 (Aug. 9-15, 2003), pp. 3409-3415
- Chetail, Vincent, Are Refugee Rights Human Rights? An Unorthodox Questioning of the Relations between Refugee Law and Human Rights Law (September 17, 2012). Human Rights and Immigration, Collected Courses of the Academy of European Law, pp. 19-72, R. Rubio-Marin, ed., Oxford: Oxford University Press, 2014.; Criminal Justice, Borders and Citizenship Research Paper No. 2147763. Available at SSRN: <https://ssrn.com/abstract=2147763>
- Guy S Goodwin-Gill “The Dynamic of International Refugee Law” International Journal of Refugee Law Vol. 25 no. 4 pp. 651–666 (2014)
- Kay Hailbronner, “Nationality in public international law and european law” in “Acquisition and Loss of Nationality Volume 1: Comparative Analyse” Rainer Bauböck(eds) Amsterdam University Press. (2006)
- Kjersti Skarstad, “Human rights through the lens of disability” Netherland Quarterly of Human Rights” Vol. 36(1) 24 (2018)

- Martti Koskenniemi , National Self-Determination Today: Problems of Legal Theory and Practice, The International and Comparative Law Quarterly, Vol. 43, No. 2 (Apr., 1994), pp.241-269
- Myongsei Sohn, Globalization of Public Health Law and Ethics, Asia-Pacific Journal of Public Health 24(5) 851-8 (2012)
- Philippe Cullet , The Right to Sanitation: Multiple Dimensions and Challenges in Philippe Cullet (ed) “the Right to Sanitation in India” (Oxford, 2019)
- S. Muralidhan, “Rights of Victims in the Indian Criminal Justice System” National Human Rights Journal (2004) <http://www.ielrc.org/content/a0402.pdf>
- S. Radhakrishnan, Development of Human Rights in an Indian Context, International Journal of Legal Information (Volume 39 , 2008)

Indian Cases

- NALSA v. Union of India
- Navtej Singh Johar v. Union of India
- Francis Coralie Mullin Vs. The Administrator (AIR 1981 SC 746)
- Madhav Hayawadanrao Hoskot Vs. State Of Maharashtra (1979 SCR (1) 192)
- Selvi Vs. State Of Karnataka ((2010) 7 SCC 263)
- Jolly George Varghese v. Bank of Cochin (1980) 2 SCC 360
- Justice K.S.Puttaswamy(Retd) vs Union Of India, (2019)1 SCC 1
- Kharak Singh v. State of Uttar Pradesh AIR 1963 SC 1295
- People’s Union For Democratic Rights Vs. Union Of India & Others AIR 1982 SC 1473
- Nilabati Behera Vs. State of Orissa 1993 SCR (2) 581
- Parmanand Katara v. Union of India ((1989) 4 SCC 286)
- Lakshmi Kant Pandey vs Union Of India (AIR 1984 SC 469)
- Chairman, Railway Board and others Vs. Mrs.Chandrima AIR 2000 SC 988
- Maneka Gandhi Vs. Union of India (1978) 1 SCC 248

International Court of Justice

- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, <https://www.icj-cij.org/en/case/131>
- Ahmadou Sadio Diallo (Republic of Guinea vDemocratic Republic of Congo) <https://www.icj-cij.org/en/case/103>
- Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970) <https://www.icj-cij.org/en/case/53>
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) <https://www.icj-cij.org/en/case/91>
- Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium) <https://www.icj-cij.org/en/case/121>

Regional Courts

- Advisory Opinion of Inter-American Court of Human Rights on ‘the right to information on consular assistance in the framework of the guarantees of the due process of law’
http://www.corteidh.or.cr/docs/opiniones/seriea_16_ing.pdf
- Case of Loizidou v. Turkey
<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58201%22%5D%7D>
- Lautsi v. Italy, Judgement of the Grand Chamber dated 18 March 2011
- Al-Adsani v United Kingdom (2002) 34 EHRR 273

Foreign Courts

- Jam et al v International Finance Corp (586 U.S.2019)
- *R (on the application of Edward Bridges) v The Chief Constable of South Wales* [2019] EWHC 2341
- Gillick vs West Norfolk and Wisbech Area Health Authority,
<https://www.lawteacher.net/cases/gillick-v-west-norfolk.php>

Learning Outcome

After undergoing this course,

1. Students will know the basics of international human rights law and its application at the municipal level
2. They will be in a position to understand the opportunities and limitations in the human discourse.
3. They will be in a position to apply the national and international human rights law to all human rights situations.

(b): CONSTITUTIONAL LAW & PROPERTY LAW

H3S3402: HUMAN RIGHTS IN THE CONSTITUTIONAL LAW

Objectives of the Course:

Human Rights are essentially a product of Democracy. The Paper proposes to study the Bill of Rights as a Constitutional guarantee of Human Rights. It focuses on the nature and development of the concept of Human Rights and its applications in the Nation- States through their Constitutional and Ordinary Laws.

- 1. The study helps understand the origin, evolution and the growth of human rights*
- 2. It increases awareness of Human Right issues.*
- 3. It helps to realize the importance of International Conventions and their application into the constitutional scheme.*
- 4. It enables to understand the role of judiciary in the development of Human Rights Jurisprudence*

COURSE OUTLINE

Module I: Historical Development of Human Rights in India

- a. Origin 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.
- b. Nature, Definition and theoretical perspectives of Human Rights.
- c. Constitutionalism and Realization of Human Rights in India.
- d. Classification of Human Rights.
- e. Classification of Fundamental Rights.

Module II: Fundamental Rights as Human Rights

- a. Applicability of Human Rights.
- b. Influence of UDHR on Fundamental Rights
- c. Un-enumerated individual rights under the Constitution.
- d. Fundamental Rights as a limitation against State and Non-state Actors
- e. Fundamental Duties- Evolution and Relationship between Fundamental Duties and Fundamental Rights.

Module III: Directive Principles of State Policy as Human Rights

- a. Influence of UDHR on Directive Principles of State Policy
- b. Social-economic Rights- Distributive Justice.
- c. Social- Security and Welfare Provisions.
- d. Justiciability and enforceability of Directive Principles of State Policy.
- e. Relative Importance of Directive Principles of State Policy and Fundamental Rights.

Module IV: Ensuring Human Rights through Good Governance

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

Module V: Emerging Dimensions of Human Rights and Evolution of the Concept of Human Rights and Duties

- a. International enforcement of human rights,
- b. Impact of globalization on Human Rights
- c. Human rights, science and technology
- d. New rights: Rights of future generations,
- e. Human rights and duties in contemporary India

Module VI: Judicial Activism and Development of Human Rights Jurisprudence:

- a. Application of International Human Right Instruments in the domestic field
- b. Rights of Women
- c. Rights of children
- d. Rights of LGBT and queer community
- e. Rights of persons with disability
- f. Rights of prisoners and prison reforms
- g. Rights of senior citizens
- h. Rights of minorities

Module VII: Human Rights and Statutory Machinery in India

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

RECOMMENDED READINGS:

1. Upendra Baxi, The Future of Human Rights, (Oxford University Press, New Delhi, 2012)
2. Dr.D.D.Basu, Human Rights in Constitutional Law, 3rd Edition, {Lexis Nexis Butterworths Wadhawa, New Delhi, 2008.}
3. Daniel Moeckli, Sangeeta Shah, & Sandesh Sivakumaran (ed.), International Human Rights Laws, (3rd Edition, Oxford University Press, 2014)
4. Paras Diwan and Peeyushi Diwan, Human Rights and the Law, (Deep and Deep Publication, New Delhi, 1998)
5. Justice D M Dharmadhikari, Human Values & Human Rights, 2nd Edition, Universal Law Publications Company, New Delhi, 2016.

Articles from Journals:

1. 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.
2. T.K.TOPE, "Fundamental Duties and Justiciability", (1982) 2 SCC J-9
3. P.K.Tripathi, Directive Principles of State Policy, (1954) 17 SCJ 7
4. M.P.Singh, "The Statics and Dynamics of the Fundamental Rights and Directive Principles – A Human Rights Perspective", (2003) 5 SCC J -1
5. Human Rights Special issue, *JILI* vol. 40, 1998(Jan – Dec)

Further Readings:

1. Baxi, Upendra, *Inhuman Wrongs and Human Rights* (Har Anand Publications, Delhi, 1994)
2. V.R. Krishna Iyer, *Dialectics and Dynamics of Human Rights in India* (1999)
3. AV Dicey, *Law of the Constitution*, (Mac Millan &Co. Ltd. London, 1994)
4. *Human Rights and Duties in India : Law, Policy, Society and Enforcement Mechanism*, Dr. T. S. N. Sastry, Professor and Coordinator, HRE Programme, University of Pune
5. 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>
6. HM Seervai, *Constitutional Law of India – 3 Volumes* (1991)
7. Raj Kumar, Chockalingam (ed), *Human Rights, Justice and Constitutional Empowerment* (2nd Edition, Oxford University Press, 2010)
8. VenkatIyer (ed), *Democracy, Human Rights And The Rule Of Law*, (Essays in the Honour of Nani Palkhivala, Butterworths, New Delhi, 2000)
9. Chandra, Shailja, *Justice V.R. Krishna Iyer on Fundamental Rights and Directive Principles* (Deep and Deep, Delhi, 1998).
10. Nirmal, C.J., *Human Rights in India* (New Delhi: Oxford, 1999).

Landmark Cases for Guidance:

1. *A.K.Gopalan v. State of Madras*, AIR 1950 SC 27
2. *ADM Jabalpur v. S. Shukla*, AIR 1976 SC 1207
3. *Air India v. Nargesh Meerza*, AIR 1981 SC 1829
4. *Bachapan Bachao Andolan v. Union of India*, AIR 2011 SC 3361
5. *Chairman Railway Board v. Chandrimadas*, AIR, 2000 SC 988
6. *D.K.Basu v. State of West Bengal*, AIR 1997 SC 610
7. *Golak Nath v. State of Punjab*, AIR 1971 SC 1643
8. *Jolly George Varghese v. Bank of Cochin* AIR 1980 SC 470
9. *K.S. Puttaswamy and others v. Union of India*, 2017 SCC 1
10. *Kesavananda Bharati v. State of Kerala* AIR 1973 SC 1461
11. *Maneka Gandhi v. Union of India* AIR 1978 SC 597
12. *MC Mehta v. State of Tamil Nadu* AIR 1997 SC 699
13. *Md. Hanif Quareshi v. Bihar*, AIR 1958 SC 731
14. *NALSA v. Union of India* (2014) 5 SCC 438
15. *Nilabati Bahera v. State of Orissa*, (1993) 2 SCC 746
16. *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180
17. *Peoples Union for Democratic Rights v. Union of India*, AIR 1982 SC 1473
18. *Randhir Singh v. Union of India*, AIR 1982 SC 879
19. *Sankari Prasad v. Union of India*, AIR 1951 SC 455
20. *Sajjan Singh v. State of Rajasthan*, AIR, 1965 SC 845
21. *Sarala Mudgal v. Union of India*, (1995) 3 SCC 635
22. *Sunil Batra v. Delhi Administration*, (1 & 2) AIR 1980 SC 1579
23. *Vineet Narain v. Union of India* AIR, 1998 SC 889
24. *Visakha v. State of Rajasthan*, AIR, 1997 SC 3011
25. *Young Lawyers Association v. State of Kerala* (2018 SCC On Line SC 1690)

LEARNING OUTCOME:

1. The study will promote a good understanding of the provisions under the Constitution of India dealing with human rights.
2. The study will help the students to realize liberty, equality and fraternity- *a union of trinity* by ensuring that these values are applicable not only in the Public domain but also to the private sphere.
3. Demonstrate an understanding of the practical application of human rights law to specific human rights problems in India.
4. It ensures analysing complex human rights problems and applies relevant provisions of human rights law in India
5. The study promotes human right awareness and duties education among the student community by making them evaluate the role of judiciary in balancing individual liberty with social control.

(c): CRIMINAL LAW AND FORENSIC SCIENCE

H3S3403: CYBER CRIME

Objectives of the Course:

Cyber world has come to occupy an important place in the history of mankind. As science advances, the knowledge also expands. It is undeniable fact that cyber world has thrown new vista but regrettably it has to be noted that it has also being misused and spreading undesirable information. It has become necessary to find out ways and means to curb this menace of spreading evil knowledge. The potential of the technology to be beneficial as well as detrimental to the society has cast obligation on the people to be aware of the two sides of the technology. It is still in a nascent stage and continuously evolving every passing day.

After undergoing the study the student will be able to understand the following:

- *To examine and discuss the history of computer crime.*
- *To examine various theoretical framework explaining computer crime.*
- *To educate about the regulation of cyber space at National and International level.*
- *To demonstrate knowledge of the different types of computer crime.*

COURSE OUTLINE

Module I: Concept of Cyberspace and Cyber crimes

- a) Definition and scope of Information Technology- Meaning and definition of Cyberspace- Cyberspace as an Internet Metaphor
- b) Convention on Cybercrime - UN & International Telecommunication Union (ITU) Initiatives- Council of Europe - Budapest Convention on Cybercrime- Asia-Pacific Economic Cooperation (APEC)- Organization for Economic Co-operation and Development (OECD)
- c) Origin and Development of Cyber crimes – Definition, Nature and Extent of Cyber Crimes in India
- d) cyber crimes under Indian Penal Code; Criminal Procedure Code; the Evidence Act and Information Technology
- e) A Trends in Cyber Crimes across the world.

Module II: Psychological , Sociological and Criminological Perspectives of Cyber Criminals

- a) Types of Cyber Criminals – Modus Operandi of Cyber Criminals – Causes of Cyber Crimes
- b) Profiling of Cyber Criminals
- c) Tools and Techniques adopted by Cyber Criminals
- d) Psychological theories relating to cyber criminals– Sociological and Criminological Perspectives

- e) Criminological Theories and Cyber Crime – Routine Activity Theory, Social Learning Theory, Differential Association Theory, Differential Opportunity Theory, Media and Crime and latest theories and other related theories.

Module III: Taxonomy of cyber crimes

- a) Cyber Crime Against Individual-Internet Grooming; Cyber Stalking; Cyber Harassment; Cyber Extortion; Online Pedophilia
- b) Cyber Crime Against Property- Illegal Access; Hacking And Cracking- Illegal Data Acquisition; Data Espionage-Illegal Interception; Data Interference; System Interference-Computer Threats
- c) Copyright And Trademark Related Offences- Computer Related Offences-
- d) Cyber Crime Against Nation; Cyber Terrorism; Cyber Warfare; Cyber Laundering; Content Related Offences
- e) Crimes Associated With Mobile Electronic Communication Devices.

Module IV: Privacy and Data Protection- Cyber-Enabled Intellectual Property Crime

- a) Privacy- Privacy and security
- b) Cybercrime that compromises privacy
- c) Data protection -Data breach -Enforcement of privacy and data protection
- d) Intellectual Property-Causes, reasons and perceived justifications for cyber-enabled copyright and trademark offences in Digital medium
- e) Domain Name Dispute and resolution issues in Digital Medium- Protection and prevention efforts.

Module V: Issues and challenges

- a) Cyber law and Jurisdiction-principles of Jurisdiction
- b) Theories of jurisdiction in cyberspace- the theory of up loader and the downloader ;the Minnesota theory; the theory of the server
- c) Internet jurisdiction – Indian context of Internet jurisdiction - International position of Internet jurisdiction
- d) Cyber Crime Present and the Future- Crypto currency-Bitcoin- Ethereum-Blockchain-Ransomware
- e) Deep Web and Dark Web- Deep Web And Its Challenges.

Module VI: Prevention of Cyber Crimes

- a) Statutory Provisions regarding Cyber Crimes in India- The Information Technology Act, 2000 and the Information Technology (Amendment) Act
- b) Judicial Perspective of India in cyber crime
- c) Global Perspective of Cyber Crimes and the related Laws-International cooperation to combat cyber crimes
- d) Conferences, Conventions, Summits, and Treaties cyber crimes and cyber laws- World Trade Organization (WTO), World Intellectual Property Organization (WIPO)
- e) Internet Cooperation for Assigned Names and Numbers (ICANN).

BIBLIOGRAPHY

RECOMMENDED READING

Books

1. Cyber Crime, Talat Fatima, 2nd Edition, Eastern Book Company
1. Cyber law and Cyber crime: Analytical Approach, Dr.M.K.Nagaraja, Sun Publishing House, Edition 2014
2. Solving the internet jurisdiction puzzle,Svantesson D,Oxford University Press, (2017)
3. Cyber Crime and Cyber Terrorism Investigator's Handbook,Akhgar BStaniforth ABosco F,Elsevier Inc., (2014)
4. Cyber Crime and Cyber Terrorism Investigator's Handbook,Akhgar BStaniforth ABosco F, Elsevier Inc., (2014)

Journals/ Article

1. Diffusion and effects of cyber-crime in developing economies, Kshetri N, Third World Quarterly (2010) 31(7) 1057-1079
2. Online "Predators" and Their Victims: Myths, Realities, and Implications for Prevention and Treatment, Wolak JFinkelhor DMitchell KYbarra M, American Psychologist (2008) 63(2) 111-128
3. The Perception Analysis of Cyber Crimes in View of Computer Science Students, Solak DTopaloglu M, Procedia - Social and Behavioral Sciences (2015) 182 590-595
4. Hate crimes in cyberspace, Choice Reviews Online (2015) 52(07) 52-3918-52-3918
5. Exploring and analyzing Internet crimes and their behaviours, Arora B, Perspectives in Science (2016) 8 540-542

FURTHER READING

Books

1. Cyber-Physical Attacks: A Growing Invisible Threat,Loukas G, Elsevier, (2015)
2. The psychology of cyber crime: concepts and principles, Kirwan GPower A Information Science Reference, (2012)
3. Security and the networked society, Ao MOWens R, Springer International Publishing, (2013)
4. Cyberspace and Cybersecurity, Trachtman JTrachtman J, Cambridge University Press, (2013), 85-117, Book Chapter
5. Virtually criminal: Crime, deviance and regulation online, Williams M, Routledge Taylor & Francis Group, (2006)
6. Corporate hacking and technology-driven crime: Social dynamics and implications, Holt TSchell B, IGI Global, (2010)
7. Crime, justice and social media, Salter M, Taylor and Francis, (2016)
8. Cybersecurity Law, Kosseff J, Wiley, (2019)
9. Cyber warfare: A multidisciplinary analysis, Green J, Taylor and Francis Inc., (2015)
10. International internet law, Kulesza J, Taylor and Francis, (2012)

Journal / Article

1. Internet development, censorship, and cyber crimes in China, Liang BLu H, Journal of Contemporary Criminal Justice (2010) 26(1) 103-120
2. Pattern of global cyber war and crime: A conceptual framework, Kshetri N, Journal of International Management (2005) 11(4) 541-562
3. The challenge of measuring cyber-dependent crimes, Furnell SEmm DPapadaki M, Computer Fraud and Security (2015) 2015(10) 5-12
4. Cyber terrorism challenges: The need for a global response to a multi-jurisdictional crime, Tehrani PAbdul Manap NTaji H, Computer Law and Security Review (2013) 29(3) 207-215
5. Impact of Cyber Crime: Issues and Challenges, Das SNayak T, International Journal of Engineering Sciences & Emerging Technologies (2013) 6(2) 142-153
6. Cyber Staking : Crime and Challenge at the Cyberspace, Thapa AKumar R, International Journal of Computing and Business Research (2011) 2(1)
7. Fear of cyber crime among college students in the United States: An exploratory study, Yu S, International Journal of Cyber Criminology (2014) 8(1) 36-46
8. Growing cyber crimes in India: A survey, Kumar P, Proceedings of 2016 International Conference on Data Mining and Advanced Computing, SAPIENCE 2016 (2016) 246-251
9. Effects of cyber security knowledge on attack detection, Ben-Asher NGonzalez C, Computers in Human Behavior (2015) 48 51-61
10. Cyber security challenges in smart cities: Safety, security and privacy, Elmaghraby ALosavio M, Journal of Advanced Research (2014) 5(4) 491-497

Cases for Guidance

1. Vyakti Vikas Kendra, India Public v. Jitender Bagga (Del HC) I.A. No. 8877/2012 in CS(OS) No.1340/2012 Order decided on : 09.05.2012
2. Shreya Singhal v. U.O.I (SC) Writ Petition (Criminal) No.167 OF 2012 24 March, 2015
3. Satyam Infoway Ltd. v. Siffynet Solutions Pvt. Ltd. 2004 Supp(2) SCR 465
4. Banyan Tree Holding (P) limited v. A. Murali Krishna Reddy CS (OS) No. 894/2008, Del(DB)
5. Neogen Corp. v. Neo Gen Screening, Inc., 282 F.3d 883, 890 (6th Cir. 2002)
6. National Association of Software v. Ajay Sood and ors. 119 (2005) DLT 596, 2005 (30) PTC 437 Del
7. Aweek Sarkar v. State Of West Bengal (SC) CRIMINAL APPEAL NO.902 OF 2004 decided on 3 February, 2014
8. State of Tamil Nadu v. Suhas Katti (decided on 5-11-2004) ADDL. CMM EGMORE, , C.C.NO.4680/2004 Source :<http://www.prashantmali.com/cyber-law-cases>
9. The State (Cyber Cell v. Yogisha @ Yogesh Pandurang Prabhu ADDL. Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai C.C. No. 3700686/PS/2009 (Delivered on 3rd July, 2015)

10. Maqbool Fida Husain v. Raj Kumar Pandey Delhi High Court, CRL. REVISION PETITION NO.114/2007 Decided on 8 May, 2008
11. Anvar P.V v. P.K.Basheer & Ors Civil Appeal No. 4226 of 2012 (SC) decided on 18 September, 2014
12. Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) ALD (Cri) 96; 2005 CriLJ 4314
13. Diebold Systems Pvt. Ltd. vs The Commissioner, ILR 2005 KAR 2210
14. Sanjay Kumar v. State of Haryana P & H High Court decided on 10/01/2013 CRM No.1353 of 2013 ;CRR No.66 of 2013 (O&M)
15. State of A.P. v.. Prabhakar Sampath VI Addl.Chief Metropolitan Magistrate, Hyderabad. CC. 489 of 2010 31st day of March, 2015 Available at:<http://www.prashantmali.com/cyber-law-cases>
16. Hyderabad v. Prabhakar Sampath, Add. CMM Hyderabad, decided on 31/03/2015, CC 489 Of 2010 available at: www.prashantmali.com/cyberlaw-cases 34
17. Naascom v. Ajay Sood, 119 (2005) DLT 596
18. Aveek Sarkar v. State of West Bengal (SC) Criminal Appeal no. 902 of 2004 decided on 3/2/2014
19. Anvar P.V v. P.K.Basheer, Supreme Court, decided on 18 September, 2014, Civil Appeal No.. 4226 of 2012, available at <http://indiankanoon.org/doc/187283766/>
20. My Space Inc. v. Super Cassettes Industries Ltd., Delhi (DB), FAO(OS) 540/2011, C.M. APPL.20174/2011, 13919 & 17996/2015 decided on 23 December, 2016 available at <http://indiankanoon.org/doc/12972852/>

Learning Outcomes

1. To analyze the ways in which information and communication technology is used to commit cyber organized crime
2. To spread awareness among the general public about the cyber law.
3. To demonstrate knowledge of the incidence, prevalence, distribution, and impacts of computer crime
4. To demonstrate knowledge of the investigation, prosecution, and sentencing of computer crimes
5. To examine the current trends in computer crime and future of computer crime.

(d): INDUSTRIAL AND COMMERCIAL LAW

H3S3404: INSURANCE LAW

Objectives of the Course:

The concept of Insurance has been prevalent in India since ancient times. This is evidenced from the over-seas travel for business and commerce, wherein if any loss sustained in the transit, it was borne by the Joint family members doing business together. In the present times Insurance has taken a remarkably different structure and developed to a considerable extent. It is crucial to a Student of Law to have a comprehensive knowledge of Insurance Law, in the light of Insurance sector having expanded into all fields and having become an integral part of both the common man and the corporate sector.

The objective of the study of this subject is to provide the Students -

- i. An understanding of the Legal dimensions of the Law relating to the formation of insurance contracts.*
- ii. An insight into the Laws that buttress the operations of insurance.*
- iii. To comprehend and appreciate the significance of various types of insurances and the consequences of the happening of various perils insured against.*
- iv. To familiarise with the organisational set-up of the redressal mechanisms, functions and powers of the same, claim settlement procedural aspects, under the various Statutes pertaining to insurance.*

COURSE OUTLINE

MODULE – I: INTRODUCTION:

- a. Concept of Insurance.
- b. Nature and Scope of Insurance.
- c. Significance and utility of Insurance.
- d. Formation of Insurance Contract.
- e. Classification of Insurance.
- f. Insurance as an
 - Aleatory Contract;
 - Uberrima Fides;
 - Indemnity Contract;
 - Wager;
 - Adhesion.

MODULE – II: GENERAL PRINCIPLES OF INSURANCE:

- a. Insurable Interest.
- b. Premium.
- c. Risk.
- d. Assignment of Insurance policies
- e. Warranties.
- f. Representations and Disclosures.
- g. Ombudsman.
- h. Double Insurance and Reinsurance.
- i. The Insurance Act, 1938.
- j. Insurance Regulatory and Development Authority Act, 1999.

MODULE – III: LIFE INSURANCE:

- a. Definition of pertinent terms.
- b. Contract of Life Insurance and formation.
- c. Policy of Life Insurance.
- d. Comparison between life insurance and other insurances.
- e. Kinds of Life Insurance Contracts.
- f. Events insured against in Life Insurance.
- g. Felo De Se.
- h. Elements affecting the risk.
- i. Sums recoverable under Life Insurance policy.
- j. Persons entitled to Payment.
- k. Settlement of Claims.
- l. Life Insurance Corporation Act, 1956.
- m. Privatisation of Life Insurance industry.

MODULE – IV: MARINE INSURANCE:

- a. Nature of Marine Insurance.
- b. Marine Adventure.
- c. Classification of Marine Insurance policies.
- d. Voyage, Change of Voyage and Deviation.
- e. Maritime Perils.
- f. Excluded Losses.

- g. Warranties in Marine Insurance.
- h. Actual Total Loss.
- i. Constructive Total Loss.
- j. Abandonment.
- k. Slip and cover.
- l. General Average.
- m. Particular Average.
- n. Salvage.
- o. FPA Clause.
- p. Indian Marine Insurance Act, 1963.

MODULE – V: FIRE INSURANCE:

- a. Meaning of the term 'Fire'.
- b. Loss by Fire.
- c. Nature of Fire Insurance.
- d. Consequential Loss Coverage.
- e. Doctrine of Subrogation.
- f. Doctrine of Contribution.
- g. Doctrine of Re-instatement.

MODULE - VI: MOTOR VEHICLES INSURANCE:

- a. Nature and Scope of Motor Vehicle Insurance.
- b. Indemnity in Motor Vehicle Insurance Contracts.
- c. Types of Motor Vehicle Policies.
- d. Absolute and no fault liability.
- e. Amount payable in case of death and permanent disablement.
- f. Nature and Scope of Compulsory Insurance.
- g. Third party claims.
- h. Hit and Run Motor Accidents.
- i. Motor Accident Claims Tribunal.
- j. The Motor Vehicles Act, 1988.
- k. The Motor Vehicles (Amendment) Act, 2019.

RECOMMENDED READING:

- a) Modern Law of Insurance in India, by K.S.N. Murthy and K.V.S. Sharma – LexisNexis, 6th Edition, 2019.
- b) Law of Insurance, by Avtar Singh – Eastern Book Company, 3rd Edition, 2017, reprinted in 2018.
- c) Principles of Insurance Law, by M.N. Srinivasan – LexisNexis, 10th Edition, 2017.
- d) General Principles of Insurance Law, by E.R. Hardy Ivamy – Butterworth, 6th Edition, 1993.
- e) Modern Insurance Law, by John Birds – Sweet and Maxwell, 11th Edition, 2019

JOURNALS:

1. Rappaport, John, How Private Insurers Regulate Public Policy (February 15, 2016). Harvard Law Review, Vol.130, pp.1539-1614.
2. Feinman, Jay M., Contract and Claim in Insurance Law (2018), Connecticut Insurance Law Journal, Vol.25, No.1, 2018.
3. Dr. Pramod Deo, IRDA: Regulator of Insurance Sector in India, Indian Journal of Research, Volume:5, Issue:6, June 2016, pp.189-192.
4. Hay Bruce L, A No-Fault Approach to the Duty to Settle (October 1, 2015). Rutgers Law Review, Vol.68, No.3, 2016.
5. P.C. James, Leveraging Distribution For Mainstreaming Insurance, IRDAI Journal, Volume XIV, No.2, 2016, pp.11-15.

FURTHER READING:

6. Good Faith and Insurance Contracts, by Peter MacDonald Eggers (lloyd's Insurance Law Library), Informa Law from Routledge, 4th Edition, 2018.
7. Insurance Law & Policy: Cases Materials & Problems, by Tom Baker, Aspen Publishers, 3rd Edition, 2013.
8. Principles of Insurance Law, by Emeric Fischer, LexisNexis, revised 3rd Edition, 2001.
9. The Law of Liability Insurance, by Malcolm A. Clarke, Informa Law from Routledge, 2nd Edition, 2017.
10. Insurance Contract law between Business Law and Consumer Protection, by Helmut Heiss, Dike Publishers, 2012.
11. Kannan,N., A Study on the Growth of Indian Insurance Sector (2010). International Journal of Management, Volume 1, Issue 1, May 2010, pp.17-32.
12. Prashanth, V., Necessity of Insurable Interest in Insurance Contracts (August 1, 2008). Corporate Law Cases; August 2008 Edition; Published by All India Reporter, Nagpur, India.
13. Bennett Howard, Fortuity in the Law of Marine Insurance. Lloyds Maritime and Commercial Law Quarterly, pp.315, 2007.

LANDMARK CASE LAW:

14. Pim v. Reid
15. Dalby v. The Indian & London Assurance Co.
16. Tyrie v. Fletcher.
17. Law v. London Indisputable.
18. Stevenson v. Snow.
19. The Wilson Son's & Co. v. Xantho.
20. Beresford v. Royal Insurance Co. Ltd.
21. Oriental Life Insurance Co. v. Ammiraju.
22. Ibrahim vs Mackinnon Mackenzie & Co.
23. Hyderabad (Deccan) Co. v. Willoughby.
24. Bouillon v. Lupton.
25. Canada Rice Mills Ltd. v. Union Marine & General Insurance Co.
26. Harris v. Poland.
27. Everest v. London Assurance Co.
28. Brown v. Royal Insurance Co.
29. Moore v. Evans.
30. Pandurang v. New India Life Insurance Co.
31. Union of India v. Swarn Singh and Others.

LEARNING OUTCOME:

32. Demonstrate knowledge of the legal and ethical aspects of insurance Law.
33. Discern and appreciate the importance of the impact of globalisation and diversity in modern insurance based organisations.
34. Perceive how losses are measured and the various principles such as of indemnity, contribution, subrogation, reinstatement etc that are applied in accessing insurance claims.
35. Develop the ability of critical thinking and an analytical approach to the application of knowledge and skills to select viable solutions in resolving issues that may arise in execution of insurance contracts.

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

H3S4401: INTELLECTUAL PROPERTY ON TRADITIONAL KNOWLEDGE AND GENETIC RESOURCES

Objectives of the Course:

The legal regimes that govern the relationship between intellectual property, traditional knowledge and bio diversity remain sources of significant tension in international intellectual property law making. A number of difficulties arise in efforts to reconcile legal and policy norms at the intersection of the three regimes. Such difficulties generally stem from perceived short comings of the globally recognized forms of intellectual property rights to accommodate traditional knowledge and biodiversity in providing sufficient protection.

The objective of the course is to study how at the international and national level address the Issue of TK and Genetic Resources

COURSE OUTLINE

Module I: Introduction to Traditional Knowledge

- a) Meaning and Scope of traditional Knowledge – Interface between IP and traditional Knowledge – Need and Significance of protection - Detailed analysis of traditional knowledge and traditional cultural expressions
- b) Cultural Property, Interface between Cultural Property and Intellectual Property, Converting Cultural Property into Intellectual Property and Ownership Issues WIPO Guidelines on Cultural Property-
- c) Folklore - – Conceptual Analysis –International and National Perspectives.

Module II: International Protection of TK and Human Right Perspectives

- a) International Development of Traditional Knowledge Protection – CBD – FAO International Treaty on Plant Genetic Resources
- b) Protection of Folklore/Cultural Expressions by UNESCO - Developments in WIPO on Traditional Knowledge and Traditional Cultural Expression
- c) Inter-relationship between IPR and Human Rights-An Overview of Art 17 (Right to Property) and Art 27 (Right to participate in Cultural Life of the Community) of UDHR and Art 15 (1) (To take part in Cultural Life) of ICESCR.

Module I11: Protection of TK in India

- a) Positive Protection of TK under Indian Laws – Patents – Plant Variety and Biodiversity – Geographical Indications Copyrights– Trade Secrets – Test data protection.
- b) Traditional Knowledge as Property -Nature of Property in Genetic Resources and Associated Traditional Knowledge
- c) Ownership in Traditional Knowledge: Nature and Elements of Ownership – Exclusivity and Protection –Benefit Sharing.

Module IV: Documentation of Traditional Knowledge

- a) Recognition and Documentation Recognition and Documentation of Traditional Knowledge – Databases – Traditional Knowledge Digital Library “TKDL” -AYUSH Systems of Medicines – Biodiversity Register.

Module V: Protection of Genetic Resources

- a) Genetic Resources and Associated TK as Property – Nature of Property in GR and Associated TK – Common Heritage of Mankind – CBD – Permanent Sovereignty
- b) Ownership in GR & TK – Elements of Ownership – Exclusivity and Possession – Nature of Ownership of GR and TK in CBD, Cartagena Protocol and Nagoya Protocol (PIC & BS)
- c) Patent on Genetically Modified Organisms, Patentability of GMOs,
- d) Product of Nature Doctrine, Chakrabarty’s Legacy, Position in Different Countries, US, UK, EC Directives and Position in India

Module VI: Benefit Sharing

- a) Benefit Sharing – Different types of Benefits and Benefit Sharing
- b) Beneficiaries – CBD, Nagoya Protocol and Indian Law- Bilateral vs. Multilateral Benefit Sharing – CBD, Nagoya Protocol and ITPGRFA
- c) Interface between IPR and GR and TK – TRIPS-CBD conflict and proposed solutions

Module VII: Protection of Plant Genetic Resources and Farmers' Right

- a) Plant Genetic Resources- Common Heritage of Mankind-International Understanding of Plant Genetic Resources for Food and Agriculture-UPOV Convention 1961, 1978 &1991 Text
- b) Plant Varieties Protection-Distinctiveness, uniformity, stability and Novelty-Farmer's rights – GM Corps- International Treaty for Plant Genetic Resources for Food and Agriculture 2001 -Benefit Sharing- Mutually Agreed Terms-Prior Informed Consent- Access to Plant Genetic resources.

Recommended Readings

Books:

1. Christoph Belman and Graham Dutfield, Trading in Knowledge: development Perspectives on TRIPS, Trade and Sustainability, Earthscan Publications Ltd. (2003)
2. Patricia Lucia Marin, Providing Protection for Plant Genetic Resources: Patents, Sui Generis Systems and Bio-Partnerships, Kluwer Law International (2001)
3. Timothy M. Swanson (ed), Intellectual Property Rights and Biodiversity Conservation: An Interdisciplinary Analysis of the Values of Medicinal Plants, Cambridge University Press (1995)
4. Dr. N. S .Gopalakrishnan and Benoy K. Kadavan, Study on Test data Protection in India, Eastern Book Company, Lucknow (2005)
5. Christoph Antons (ed.) Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia Pacific Region, Kluwer Max Planck Series, (2009)

Journals/Articles:

1. Navigating Traditional Knowledge And IP – The Adventure of the Yakuanoi, Available at : <https://www.wipo.int/tk/en/tk/yakuanoi.html>
2. Inter- Governmental Committee on Traditional Knowledge, Traditional Cultural Expression and Genetic Resources, Available at: <https://www.wipo.int/tk/en/igc/>
3. Lorie Graham and Stephen Mc John, Indigenous Peoples and Intellectual Property, 19 Wash. U.L.J.L &Pol'y (2005) Pp: 313-338.
4. Bastida-Munoz, MindahiCrescencio& Geraldine A. Patrick, Traditional Knowledge and Intellectual Property Rights- Beyond TRIPS Agreements and Intellectual Property Chapter of FTA's., Journal of International Law Vol 14, No. 2, 2006 (259-290).
5. Sudhir Krishnaswamy, Intellectual Property and India Development Policy, Indian J L and Tech., (2015), Pg. 169.

Further Readings

Books

1. WIPO Reading Material on Intellectual Property, WIPO, Geneva
2. FAO, The State of World's Plant Genetic Resources for Food and Agriculture
3. Convention on Biological Diversity, 1992 and International Treaty on Plant Genetic Resources for food and Agriculture, 2002
4. UNESCO/WIPO Model Provisions for Protection of Folklore/ Cultural Expressions.
5. Documents of Inter Governmental Committee, WIPO on TK & TCE protection, WIPO. Geneva.
6. Daniel F. Robinson Confronting Biopiracy: Challenges, Cases and International Debates, Earthscan, (2010)
6. Jonathan Curci, Protection of Biodiversity and Traditional Knowledge in the International Law of Intellectual Property, Cambridge University Press, (2010)
7. Dutfield and Posey, Beyond Intellectual Property: Toward Traditional Resource Right for Indigenous Peoples and Local Communities, IDRC, (1996)
8. Geoff Tansey and Tasmine Rojotte (Eds.), The Future Control of Food: A Guide to International Negotiations and Rules on Intellectual Property, Earth Scan, London (2008)
9. Gerald Moore and Witold Timousky, Explanatory Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture, IUCN, Gland, Switzerland and Cambridge, (2005)
10. Graham Dutfield, Intellectual Property Rights, Trade and Biodiversity, Earthscan Publications Ltd, London (2000)

Journals

1. Rebecca Tsosie, An Essay on Cultural Appropriation and Cultural Rights, Arizona State Law Journal Vol -34, No. 1, (2002), pp. 259-358
2. Charles R Mc Manis, Intellectual Property, Genetic Resources and Traditional Knowledge Protection Thinking Globally, Acting Locally (2003), Cardozo Journal of International Comparative Law 547.
3. L. Margulies, Protecting Biodiversity Recognizing International Intellectual Property Rights in Plant Genetic Resources (1993) Michigan Journal of International Law (322-356).
4. Marcus Goffe, Recent Developments in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional knowledge and Folklore, (2011) 1 Queen Mary J. Intell. Prop. Pp. 90-98.
5. Dennis S. Karjala, Sustainability and Intellectual Property Rights in Traditional Knowledge, (2012) 53 Jurimetrics 57.
6. Susan Scafidi, Intellectual Property and Cultural Products (2001) Boston University Law Review Vol. 81, pp. 793-842.

Learning Outcomes:

- Understand the nature, scope and ownership issue of traditional knowledge, traditional cultural expression and genetic resources
- Examine the protection of traditional knowledge and genetic resources at the International and National level.
- Study the impact of Cultural Property on the intangible cultural heritage of the country.

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

H3S4402: LAND LAWS OF TAMIL NADU

Objectives of the Course:

Land rights are an integral part of Land Laws, as they socially enforce groups of individuals' rights to own land in concurrence with the land laws of a nation. Land Law addresses the legal mandates set forth by a country in regards to land ownership, while land rights refer to the social acceptance of land ownership. The knowledge about the land laws of Tamil Nadu helps to understand the local laws of the State. This subject is very much helpful for civil side practice.

COURSE OUTLINE

Module– I: Tamil Nadu Estate and Lease Holds Laws:

- a. 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: 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: 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: 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: 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: 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.

Note: All the legislations includes the time to time amendments and rules

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:

1. Students will be able to understand the local laws relating to land
2. They will be able to handle any civil cases relevant to land
3. Will be useful to learn procedure aspect in registration of land, obtaining patta, chitta etc

(c): CRIMINAL LAW AND FORENSIC SCIENCE

H3S4403: FORENSIC SCIENCE AND INVESTIGATION

Objectives of the Course:

Forensic science is a versatile and enormously powerful tool in the investigation of a crime. Forensic investigation is vital to the mission of truth seeking, because the forensic evidence does not lie. Forensic investigation provide an overview of the field of forensic investigation whilst highlighting the interrelated principles and procedures of criminal investigation Moreover gathering and examining forensic evidence is the only way to ensure that false information is exposed, and ultimately kept from the gates of justice. The forensic evidence, the forensic investigator, and the forensic examinations are all linked in the service of these objectives. Forensic Science deals with the application of the knowledge and methodology of various disciplines of science to legal matters. It involves the use of multiple disciplines such as physics, chemistry, biology, computer science and engineering for evidence analysis. The role of forensic science in criminal justice and the legal system is highly commendable.

After undergoing the study the student will be able to understand the following:

- *To emphasize the methods of securing, searching and documenting crime scenes.*
- *To emphasize the students the legal importance of chain of custody.*
- *To emphasize the tools and techniques for analysis of different types of crime scene evidence.*
- *To emphasize the importance of forensic investigation in crime detection.*

COURSE OUTLINE

Module I: Forensic Science and its Development

- a) Crime- Criminal Investigation- forensic science-concepts-Scientific Criminal Investigation- - Need and Scope of Forensic Science
- b) Basic Principles of Forensic Science- Branches of Forensic Science- Forensic Science in International Perspectives- Constitutional validity of forensic investigation- Quality of Forensic Science in Criminal Investigation
- c) Law of Forensic Science -Validity and Admissibility of Scientific Evidence- Forensic investigation in Criminal Trials- Problem of Proof.
- d) Tools of Forensic Science- Forensic Science Laboratories- Chemical Examiners Laboratories-Document Examiners- Finger Print Bureau- Department of Explosives-Serologist to the Government of India- Mobile Laboratories- CID Scientific Sections- Computer Divisions

- e) Medico- Legal Institutes- Consultancies- National Crime Record Bureau- Central Forensic Science Laboratory- State Forensic Science Laboratories, Police & Detective Training Schools, Police Academies- Police dogs- Services of Crime Laboratories.

Module II: Crime Scene Examination

- a) Crime Investigation- Crime Scene- Its importance in Criminal Investigation- Collection of Sample or Materials
- b) Physical evidence- Classification of physical evidence- Types of physical evidences- Sources of physical evidence
- c) Signification and value of physical evidence- Linkage between Crime Scene, Victim and Criminal-
- d) Evaluation-Investigators Role- Surveillance- Sketching- Photography
- e) Crime Detection Devices- Crime Scene Documentation.

Module III: Forensic Analysis of Sample - Techno Analysis of Crimes

- a) DNA profiling- Finger prints-Tool Marks- Firearms- -Disputed Document- Narcotics- Alcohol
- b) Explosives- Voice Identification- Forensic Psychology
- c) Narco analysis- Evidentiary value of Narco analysis- Brain Mapping- Polygraph Analysis.
- d) Digital and Electronic forensic Investigation-Software Piracy- Spectrographic Forensic Identification- Artificial Intelligence
- e) IRIS and *fingerprint biometric* authentication - CCTV footage- Forensic Audio and Video Analysis.

Module IV: Forensic Medico Investigation

- a) Identification of Individual- Forensic Psychology- Interrogation
- b) Death Investigation- Causes of death- Determination of time since death- Medico-legal aspects of death
- c) Types and classification of injuries.
- d) Ante mortem and Post mortem injuries- Aging of injuries- Investigation of sexual offences –Toxic death
- e) Medico-Legal Aspects in the Admissibility of Scientific Evidence

Module V: Expert Testimony

- a) Expert- Role and Qualifications of Forensic Scientists- Code of conduct for Forensic Scientists
- b) Ethical issue in Forensic Science- Professional standards for practice of Criminalities-
- c) Sanction against Expert for Unethical Conduct- Value of Forensic Expert
- d) Forensic Expert and Ordinary Expert Difference- Admissibility of Expert Opinion
- e) Direct Evidence vs Circumstantial Evidence- Limits of Scientific influence.

Module VI: Relevancy, Admissibility and Probative Efficacy

- a) Principles of Relevancy and Admissibility
- b) Standard for Relevancy and Admissibility
- c) Reliability and probative efficacy
- d) Corroboration in admitting forensic evidence- Judicial Approach
- e) Comparative Analysis.

Recommended Readings:

Books:

1. A Textbook of Medical Jurisprudence and Toxicology, Modi 26th Edition 2018, Lexis Nexis
2. Forensic Science in Criminal Investigation and Trials, B R Sharma 6th Edition 2020, Lexis Nexis
3. Techniques of Crime Scene Investigation, [Barry A. J. Fisher](#), [David R. Fisher](#), 8th Edition, The CRC Press, Available on Taylor & Francis eBooks
4. Crime Scene Forensics, A Scientific Method Approach, Robert C Shaler, 1st Edition, The CRC Press, Available on Taylor & Francis eBooks.
5. Principles and Practice of Criminalistics, The Profession of Forensic Science, [Keith Inman](#), [Norah Rudin](#), 1st Edition, The CRC Press, Available on Taylor & Francis eBooks.

Journals/ Journal Articles:

1. *Lindquist, C. (1991). Forensic Science Education and the Role of the Forensic Science Educator. Proceedings of the Taipei Symposium on Forensic Sciences (Vol. Liu and Chen (edn.), pp. 79-85)*
2. *Lindquist (1994). Criminalistics in the Curriculum: Some Views From the Forensic Science Community. Journal of Criminal justice Education (Vol. 5, pp. 59-68)*
3. *Lindquist (1995). Criminalistics Education and the Role of the Criminalistics Educator. Forensic Science Review (Vol. 7, pp. 61-75)*
4. *Margot P., (2011). Forensic Science on Trial-What Is the Law of the Land? Australia J. Forensic sci. (Vol. 43, pp. 89, 92)*
5. *Tilstone, W. (1991). Education, Training, and Assessment in Forensic Science. Journal of the Forensic Science Society (Vol.31, pp. 95-100)*

Further Readings:**Books:**

1. J. M. Butler, *Forensic DNA Typing: Biology, Technology, and Genetics of STR Markers*(London: Academic Press, 2005).
2. M. H. Houck and J. A. Siegel, *Fundamentals of Forensic Science* (Boston: Academic Press, 2006).
3. Cook, T., Hibbitt, S. & Hill, M. *Blackstone's crime investigators' handbook*. (Oxford University Press, 2016).
4. W. Goodwin, A. Linacre, and S. Hadi, *An Introduction to Forensic Genetics* (Chichester: Wiley, 2007).
5. Bell, J. Swenson-Wright, and K. Tybjerg (eds.), *Evidence* (Cambridge: Cambridge University Press, 2008).
6. R. Williams and P. Johnson, *Genetic Policing: The Use of DNA in Criminal Investigations* (Cullompton: Willan, 2008).
7. National Research Council, *Strengthening Forensic Science in the United States: A Path Forward* (Washington, DC: National Academies Press, 2009).
8. *Criminalistics, Introduction to Forensic Science* , Richard Saferstein, Prentice Hall College Div; 8 Edition
9. *Forensic Science Education and Training: A Tool-kit for Lecturers and Practitioner Trainers*, Editor(s): Anna Williams John P. Cassella Peter D. Maskell, 2017 John Wiley & Sons, Ltd.
10. *Forensic Science: Fundamentals & Investigations Hardcover* , Patricia Bertino, Cengage Learning Custom Publishing; 2nd Edition , 2015

Journal/ Journal Articles:

1. Giannelli, P. (1997). *The Abuse of Scientific Evidence in Criminal Cases: The Need for Independent Crime Laboratories*. *Virginia Journal of Social Policy and the Law* (vol. 4, pp. 439-478)
2. Grover, N.(2014). *Development of Forensic Science and Criminal Prosecution – India*. *International Journal of Scientific and Research Publications* (Vol. 4, Issue 12).
3. Julian R. and Kelty S. (2012). *Forensic Science and Justice: From Crime Scene to Court and Beyond*. *Current issues in Criminal Justice* (Vol. 24 No. 1, July)
4. Klinker M. (2009). *Forensic science expertise for international criminal proceedings: an old problem, a new context and a pragmatic resolution*. *The International Journal of Evidence & Proof* (Vol.13, Pg.102-129).
5. Lappas, N. (1978). *Forensic Science Laboratories in the United States: A Survey*. *Journal of Forensic Science Society* (Vol. 18, pp. 171-80)
6. Lambert E., Nerbonne T., Watson P.L., Buss J., Clarke A., Hogan N., Barton S., Lambert J. (2003). *The forensic science needs of law enforcement applicants and recruits: a survey of Michigan law enforcement agencies*. *Journal of Criminal Justice Education* (Vol. 14 No. 1, Spring).

7. Giannelli, P. (1997). The Abuse of Scientific Evidence in Criminal Cases: The Need for Independent Crime Laboratories. *Virginia Journal of Social Policy and the Law* (vol. 4, pp. 439-478)
8. Grover, N.(2014). Development of Forensic Science and Criminal Prosecution – India. *International Journal of Scientific and Research Publications* (Vol. 4, Issue 12).
9. Julian R. and Kelty S. (2012). Forensic Science and Justice: From Crime Scene to Court and Beyond. *Current issues in Criminal Justice* (Vol. 24 No. 1, July)
10. Klinker M. (2009). Forensic science expertise for international criminal proceedings: an old problem, a new context and a pragmatic resolution. *The International Journal of Evidence & Proof* (Vol.13, Pg.102-129).

Cases for Guidance:

1. Sushil Sharma vs. The State (Delhi Administration)1996 CriLJ 3944
2. Marachalil Chandra Tukaram Talekar vs. State of Gujarat, 1980 Cri.L.J.5 (Guj.)
3. The State of U.P. Through the C.B.I. vs. Rajesh Talwar & Another Sessions Trial No. 477 of 2012) (**Aarushi Talwar murder case**)
4. Manu Sharma vs. State (NCT of Delhi), (2010) 6 SCC 1 (**Jessica Lal murder Case**)
5. *Selvi & Ors vs. State of Karnataka & Anr* AIR 2010 SC 1974.
6. Alavandar murder case (<https://tvaraj.com/tag/alavandar-murder-case/>)
7. Surendra Koli vs State Of U.P. Ors on 15 February, 2011
8. Santokben Sharmanbhai Jadeja vs State Of Gujarat on 13 August, 2007." 13 Aug. 2007, <https://indiankanoon.org/doc/1561319/>.
9. State by the Inspector of Police vs. Manoharan, 2015 Cri. LJ 1215 : MANU/TN/0496/2014
10. Enamul Haque vs. State of West Bengal, CRM 17348 of 2010 & AST 1114 of 2010
11. Inspector of Police vs. John David (2011) 5 SCC 509
12. State of NCT Delhi vs. Sujeet Kumar, 2014 SCC Online Del 1952
13. *The State of Bombay vs. KathiKaluOghad & Others*, AIR 1961 SC 1808, 1962 SCR (3) 10.
14. **Pratim Alias Peter Mukherjea vs Union Of India And Anr on 19 January, 2018 (Sheena Bora murder case)**
15. Sr. Sephy vs Union Of India 1 January, 2009 (Sister Abhaya murder case)

Learning Outcomes:

After completion of the course students will be able to-

- *Identify and analyse a situation as constituting a crime, incident or transgression in order to determine the resources that must be activated and the procedures that must be followed.*
- *Differentiate the applied forensic methods used to evaluate various types of evidence.*
- *To disseminate information on the advancements in the field of forensic science.*
- *Evaluate the limitations of forensic techniques and interpretations. Define and recognize the techniques of crime scene searches, courtroom demeanor, and criminal investigation related to child abuse and sexual assault situations.*

(d): INDUSTRIAL AND COMMERCIAL LAW

H3S4404: SERVICE LAW

Objectives of the Course

“Government service is not a contract. It is a status”. Laws related to Public service in India are governed by the Constitution. One of the basic features of Indian Constitution is the separation of powers, i.e., the presence of three distinct pillars of state – Legislature, Executive and Judiciary. The Constitution conceived and provided for Civil Services like the All India Services and Central Civil Services which form an integral part of the Executive’s machinery at the central and state level. Labour laws governing civil services are quite distinct from general labour laws. The service conditions of the government servants are regulated by the Constitution of India.

This course has been designed to:

1. Trace the historical evolution of laws to govern civil services, both in ancient kingdoms and in the modern world;
2. Analyse the concept of public service laws as they are enshrined in the Indian constitution;
3. Introduce the student to fundamental concepts in public service laws; and
4. Examine the laws governing civil services and the impact of factors as diverse as judicial review and globalisation.

The syllabus has been prepared with these objectives and consists of 5 modules.

MODULE I – HISTORICAL BACKGROUND OF CIVIL SERVICES LAW

(1) Origin and Concept.

- a) Meritocracy v. Aristocracy .
- b) Religious connotations of Administration.
- c) Governance in Ancient India.
- d) Concept of Dharma and Duty.
- e) Arthashastra – Kautilya’s ‘Amatyas’.
- f) Centralised Administration of Mughals.

- g) Early centuries of Arab rule and Governance.

(2) Evolution of Modern Service Law

- a) British Civil Service.
- b) Spoils system.
- c) Max Weber's Analysis on Public servants.
- d) Organized Sector.
- e) Covenanted Civil Service.
- f) Regulating Act of 1773 - Pitt's India Act 1784 - Aitchison Commission - Lee Commission - Government of India Act 1935.
- g) Civil Services in Independent India.
- h) Modernising Civil Services in India.
- i) A.D. Gorwala Report on Public Administration (1951).

MODULE II – PUBLIC SERVICE AND THE CONSTITUTION

- a) Public employment and Constitutional Safeguards.
- b) Fundamental Rights of Civil Servants.
- c) Service conditions in Constitution.
- d) Recruitment to Retirement.
- e) Doctrine of Pleasure and Safeguards.
- f) All India Service – State Civil Services – Union Public Service Commission – State Public Service Commission

MODULE III – FUNDAMENTAL ASPECTS OF SERVICE

- a) Pleasure Relates to Tenure and Not to Other Conditions of Service – Exceptions.
- b) Security of Tenure in Public Interest.
- c) Arbitrariness in State Action Violates Equality.
- d) Other Fundamental Rights to Service.
- e) Extent of Positive Discrimination.
- f) Nature of Relationship Between State and its Servants.

MODULE IV – LAWS RELATING TO CIVIL SERVANTS

1. Laws Related to Administrative Services

- a) Service Law – Classification, Recruitment and Training in AIS and CCS.
- b) Division of Cadre and Management.
- c) Disciplinary Proceedings.
- d) Rules – Agencies – AIS Rules – CCS (CCA) Rules.
- e) Lateral Entry Scheme in Civil Services – Advantages and Challenges.
- f) Kothari Committee Report on Recruitment and Selection Methods.

2. Laws Related to Judicial Services

- a) Officers and Servants of Supreme and High Courts – Subordinate Judiciary – Collegium – Service conditions in Constitution.
- b) Supreme and High Court Rules
- c) All India Judicial Services – Avenues and Challenges – Constitutional Implication.
- d) Reforms in Judicial Service

MODULE V – JUDICIAL APPROACH TO CIVIL SERVICES AND IMPACT OF GLOBALIZATION ON BUREAUCRACY

1. Judicial Review in Service Matters

- a) Judicial Review.
- b) Service Tribunals – Central Administrative Tribunal – State Administrative Tribunal – Quasi Judicial tribunals.
- c) Powers and Functions Appeal Provision.
- d) Scope of Writs in Service Matters.

2. Impact of Globalization on Indian Administration

- a) Entrepreneurial Government.
- b) Changing Role of Bureaucracy.
- c) Reinventing the Government.
- d) Civil Service Reforms in India.
- e) Hota Committee Report on Civil Service Reforms.
- f) Good Governance – Public Accountability.
- g) Empowering Citizens – Capacity Building Initiatives.

RECOMMENDED READING

1. M.R. Mallick, *Service Law in India* (Eastern Law House, 2000).
2. N. Narayanan Nair, *The Civil Servant under the Law and the Constitution of India*, Academy of Legal Publications (Academy of Legal Publications, 2006)
3. Sunil Chhabra, *Administrative Tribunals* (Deep and Deep Publications, 1990).
4. Kamlesh Goyal, "Indian Administration in the Age of Globalization: An Analysis of Transformation from Governance to E-Governance", (IJRECT 2016), available at: <http://ijrect.com/issues/vol3issue4/kamlesh.pdf>.
5. Narender Kumar, "Law Relating to Government Servants and Management of Disciplinary proceedings (Service Law)" (Allahabad Law Agency, 2018)

Journals:

- 1) Rameshwar Dial, "Civil Servants under the Constitution", 2 JILI 481-508 (1960).
- 2) Om Prakash Motiwal, "Right of Equal Opportunity of Civil Servants", 11 JILI 328-343 (1969).
- 3) O.P.Motiwal, "Development of Legal Rights of Civil Servants in India", 17 JILI 437-445 (1975).
- 4) Sindhu Thulaseedharan, "Right to Public Services in India – A New Legal Scenario", 55 JILI 59-72 (2013).
- 5) P.Leelakrishnan, "Reviewing Decisions of Administrative Tribunal: Paternalistic Approach of the Indian Supreme Court and the need for Institutional reforms", 54 JILI 1-26 (2012).

FURTHER READING

Reference Books:

1. Brinda and Sanjeev Muthuswamy, *Swamy's Compilation of CCS (CCA) Rules* (Swamy Publishers (P) Ltd., 2016).
2. Brinda and Sanjeev Muthuswamy, *Swamy's Compilation on Central Administrative Tribunal (Act, Rules and Orders)* (Swamy Publishers (P) Ltd., 2016).
3. S.R. Maheshwari, *Evolution of Indian Administration* (Lakshmi Narain Aggarwal, Agra 1970).
4. P.N. Mathur, *The Civil Service of India (1731-1894)* (D.K. Publishers: New Delhi, 1977).

5. B.B Misra, *The Bureaucracy in India – An Historical Analysis of Development up to 1947* (Oxford University Press: New Delhi, 1977).
6. B.B. Misra, *The Administrative History of India (1834-1947) - General Administration*, (Oxford University Press: New Delhi, 1970).
7. L.S.S. O'Malley, *The Indian Civil Service 1601-1930* (Frank Case & Co. Ltd: London 1965).
8. B.N. Puri, *Some Aspects of the Evolution of Indian Administration* (IIPA: New Delhi, 1980).
9. Chandra Singh, *The Civil Services in India (1858-1947) – A Historical Study* (Atmaram & Sons Delhi (1989)).

Articles:

- 1) C.Basavaraju, “Reservation under the Constitution of India: Issues and Perspectives”, 51 JILI 267-274 (2009).
- 2) PP.Rao and Ananth Padmanabhan, “Legislative Circumvention of Judicial Restrictions on Reservations: Political Implications”, NLSIR 53-68 (2013).
- 3) P.Kalpakam, “Dispensing with Departmental Enquiry”, 28 JILI 246-248 (1986).
- 4) A.M.Sarma, “Domestic Enquiry”, 20 JILI 122-132 (1978).
- 5) V.Krishna Murty, “Mr.Justice Gajendra Gadkar and the Law of Civil Servants”, 8 JILI 627-636 (1966).
- 6) S.N.Jain, “Validity of Retrospective Delegated Legislation- the Court develops a new principle”, 23 JILI 102-104 (1981).
- 7) K.C.Joshi, “Service Tribunals under Administrative Tribunals Act”, 28 JILI 207-212 (1986).
- 8) Mohammed Imam, “Power to initiate and conduct disciplinary proceedings: (A Comment on State of M.P. V. Shardul Singh)”, 12 JILI 170-176 (1970)

Cases for Guidance:

1. Dunn v. R, (1896) 1 QB 116
2. Mahesh v. State of U.P., AIR 1955 SC 70
3. Khem Chand v. Union of India, AIR 1958 SC 300
4. Union of India v. Tulsiram Patel, AIR 1985 SC 1416

5. Parshottam Lal Dhingra v. Union of India, AIR 1958 SC 36
6. State of Gujarat v. Umedhbai M. Patel, AIR 2001 SC 1109
7. Jatinder Kumar v. State of Punjab, (1985) 1 SCC 122
8. Bihar Public Service Commission v. S.J. Thakur, AIR 1994 SC 2466
9. R.T. Rangachari v. Secretary of State, AIR 1937 PC 27
10. L. Chandra Kumar v. Union of India, AIR 1997 SC 1125
11. S.P. Sampath Kumar v. Union of India, 1987 SCR (3) 233
12. P. Balkotiah v. Union of India, AIR 1958 SC 232
13. K. Rajendran v. State of Tamil Nadu, AIR 1982 SC 1107

Learning Outcome:

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

1. Understand the origin and development of services law and appreciate its current position in the appropriate historical context;
2. Appreciate the Constitutional provision governing services law;
3. Discern and comprehend key concepts in laws governing public services; and
4. Critically examine laws and judicial precedents governing services laws.

H3CC402: ALTERNATIVE DISPUTE RESOLUTION MECHANISM

(CLINICAL COURSE II)

Objectives of the Course:

Alternative Dispute Resolution, commonly known as ADR, refers to dispute resolution mechanisms outside the realm of traditional judicial processes. The objective of this paper is to acquaint students with various modes of ADR. ADR mechanism is less bound by procedural formalities and speedy in giving results. For this reason, ADR is appreciated by many countries around the world.

This course has been designed to:

- 1. Give students insightful knowledge about this emerging area.*
- 2. Help the students to understand practically the various methods of resolving disputes under ADR system, so that they can help their clients and society to select and employ the most effective and just methods.*
- 3. They get the ability to resolve disputes in a timely manner evincing public and private rights obligations.*
- 4. To overcome this drastic situation ADR is highly recommended and accepted.*

COURSE OUTLINE

Module I: Alternative Dispute Mechanism

- 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

Module II: Arbitration Agreement and Procedure

- 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

Module III: International Commercial Arbitration

- Geneva Convention on Enforcement of Foreign Arbitral Awards
- New York Convention on Enforcement of Foreign Arbitral Award
- New Delhi International Arbitration Centre Ordinance Role of Courts in Arbitration

Module IV: Negotiations and Conciliations

- a) Meaning, features, theories and types of Negotiations and Conciliations
- b) Appointment, Role and qualities of Negotiator and Conciliator
- c) Process of Negotiations and Conciliations.

Module V: Mediation and Procedure

- a) Meaning, Definition, theories and techniques of mediation, Court-annexed mediation
- b) Mediation process - Skills of a mediator Institutionalized mediation - Specialization sectors for mediation practice in India and Globally Models
- c) Drafting in Mediation – International
- d) Mediation and Singapore Convention

Module VI: Contemporary Trends

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

Marks Allocation	
Case Study in Arbitration Centre Marks (Practical / Simulation Exercise –Three Exercise 10 Marks each)	30
Test internal Marks	10
Visit to centres of Arbitration	10
Total	50 Marks

Student shall maintain a Record through the semester. The record will be assessed by the teacher and record shall contain the following drafts:

a) Case Study in Arbitration Centre-Practical/ Simulation Exercise:

- A domestic Arbitration agreement after a commercial dispute has arisen between the parties.
- An Arbitration clause in an international contract (having one Indian Company as a party) for referring matter to institutional arbitration of an institution situated outside India.
- A request by one party to other party requesting that their commercial dispute be referred to Arbitration.
- A letter requesting an arbitrator to act as Arbitrator in a case after dispute have arisen. Assume that the contract has an arbitrator clause with reference to one Arbitrator.
- An application to the appropriate court to appoint an arbitrator when parties have failed in their attempt to appoint one according to the arbitration agreement.

- An application to the court seeking interim injunction or appointment of receiver before the arbitral proceedings have begun.
- An interpretation among rules of various other regional or International Arbitration centres can be given.
- An application to the court for setting aside an award

b) Case study Practical/ Simulation Exercise:

- Drafting the Statement of Problems
- A request by one party to other party requesting that their commercial dispute be referred to Arbitrators
- Identification of both the party's problems
- Bargaining, and finally settlement
- An application to the court for setting aside the settlement
- An application to the appropriate court to appoint Arbitrator when parties have failed in their attempt to appoint one according to the agreement.
- An application to the court seeking interim injunction or appointment of receiver before the Arbitration have begun
- An interpretation among rules of various Institutional Arbitrations at the regional or International Arbitration centres.
- An application for enforcement of a settlement or arbitration awards

c) Visit to centers of Arbitration: Students shall visit, Arbitration office as observers, Follow the cases, study the Arbitration proceedings and submit a report of the visit to the teacher/faculty.

Recommended Readings:

Books:

1. Madhusudan Saharay, Text Book on Arbitration & Conciliation with Alternative
2. Dispute Resolution, 4th ed., Universal Law Publishing 2017.
3. N. V. Paranjpe, Law Relating to Arbitration and Conciliation in India, 7th ed., Central Law Agency, 2016.
4. Avtar Singh, Law of Arbitration and Conciliation, 10th ed., Lucknow 2013
5. 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.

III YEAR

V SEMESTER

H3LC518: LABOUR LAW II

SOCIAL SECURITY AND LABOUR WELFARE LAWS

Objectives of the Course:

In the previous semester, students learnt the historical background and importance of labour rights and the basics of key labour legislations governing trade unions, industrial relations, standing orders and industrial disputes. While protection of labour rights in a dispute and permitting their unionisation is one side of the coin, taking proactive measures to promote the welfare and social security of labour is the other. As the Supreme Court of India has held, time and again, the right to life guaranteed under Article 21 is not merely animal existence, but the right to live with dignity. Therefore, taking steps to ensure that the labour force of our nation lives a life of security and dignity is of unspeakable importance and is part of the constitutional obligation of the State. The aim of social security legislation is to ensure freedom from want for our workers. This paper has been designed to help students understand the social security legislations in India in light of the above context.

This course has been designed to:

- I. Instruct the student on the concept of social security, its evolution, components, and objectives;
- II. Examine the role played by ILO in developing social security jurisprudence;
- III. Provide students with a critical and practical understanding of the rights of the employee in case of employment-related death, disablement, disease or accidents;
- IV. Educate students on the state insurance benefits available to employees under various circumstances;
- V. Examine the maternity benefit rights available to female employees;
- VI. Analyse, in-depth, the various retirement benefits made available to employees; and
- VII. Explore the provisions of law governing factories.

The syllabus has been prescribed with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I - Conceptual Framework of Social Security

- (a) Concept of Social security.
- (b) Evolution of Social Security.
- (c) Constituents of Social Security.
- (d) Object and Aim of Social Security.
- (e) Social Security and Labour Welfare.
- (f) ILO on social security.
- (g) Social Security and Constitution.
- (h) Classification of Social Security Legislations .

Module II - Social Security and Industrial Injuries

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

Module III - Social Security and Social Insurance

- (a) The Employee's State Insurance Act, 1948 - Objects, applications and 'Seasonal Factory' – Definitions.
- (b) E.S.I. Corporation, Standing Committee And Medica Benefit Council .
- (c) E.S.I. Fund.
- (d) Contributions.
- (e) Benefits.
- (f) Adjudication Of Disputes And Claims.
- (h) Penalties.

Module IV – Maternity Benefit

- (a) The Maternity Benefit Act, 1961 - Object, Application and Definitions .
- (b) Eligibility to Maternity Benefit.
- (c) Maternity Benefit and Other Benefits.
- (d) Notice Of Claim.
- (e) Prohibition Against Dismissal.
- (f) Powers And Duties of Inspectors.

Module V – Retiral Benefits

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

(g) Controlling Authority.

(h) offences and Penalties.

Module VI - Labour Welfare Legislation

(1) (a) Factories Act, 1948 - Background and definitions.

(b) Formalities to Start a Factory.

(c) Occupier - Duties and Liabilities.

(d) Inspecting Staff and Certifying Surgeons.

(e) Health, Safety and Welfare measures,

(f) Working Hours.

(g) Employment of young persons.

(h) Annual leave with wages.

(2) (a) Regulation of Shops and Establishments - The Tamil Nadu Shops and Establishment Act, 1947 - Applicability and Coverage – Definitions.

(b) Opening and closing hours.

(c) Employment of young persons.

(d) Hours of Work.

(e) Health and Safety Measures.

(f) Leave and Annual Leave with wages.

(g) Authorised Deductions From Wages.

(h) Inspectors – Powers and Functions.

(i) Penalties for Offences.

Recommended Reading

Books prescribed:

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. K.D. Srivastava's Commentaries on Workmen's Compensation Act, 1923: with Supplement, (Lucknow: Eastern Book Co., 6th Revised ed., 1999).
2. K.D. Srivastava's Commentaries on Employees' State Insurance Act, 1948: with Supplement, (Lucknow: Eastern Book Co., 5th Revised ed., 2001).

3. K.D. Srivastava's *Employees' Provident Funds and Miscellaneous Provisions Act, 1952*, Revised by S.C.Srivastava, (Lucknow: Eastern Book Co. 8th Edition, 2001).
4. K D Srivastava's *Commentaries on Payment of Gratuity Act, 1972 with supplement*, (Lucknow: Eastern Book Co., 5th ed., 2016).
5. K.D. Srivastava's *Commentaries on Factories Act, 1948: with Supplement*, (Lucknow: Eastern Book Co., 5th Revised ed., 2001).\
6. Veer Singh, "*Employment Injury and Employees' State Insurance Scheme Functional Perspectives*" 29 *Journal of Indian Law Institute* 76-93 (1987).
7. Thomas Paul, "*Consumer Empowerment ESI Hospitals Under CP Act*" 49 *Journal of Indian Law Institute* 409-414 (2007).

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.
6. 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.
7. 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.

8. 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.

9. Yashik, P. M. (2014). "A study about the Labour welfare and Social Security Measures in India", International Journal of Management, 2, p.23.

10. Sravanthi, B., "Social security in India: constitutional frame work" International Journal of Development Research, Volume 8, Article ID: 12929.

Cases for Guidance:

1. United 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, AIR 2000 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. American Express 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. Appreciate the evolution and conceptual backbones of social security laws;
2. Recognise the pivotal role played by ILO in ensuring social security rights for workers;
3. Distinguish the rights of employees under various employment-related mishaps and consequences;
4. Understand the scope and reach of state insurance benefits to employees;
5. Critically analyse maternity benefits available to women employees and their adequacy/inadequacy;
6. Discern the nuances of retirement benefits payable to employees; and
7. Comprehend the compliances to be followed by factories and critically analyse relevant laws.

H3LA503: COMPETITION LAW

Objectives of the Course

In most countries of the world today competition has a key role to play in ensuring productive, efficient, innovative and responsive markets. Competitive forces drive firms to innovate, to develop more efficient production, processes and to adjust their products in response to changing consumer demand. Policies to stimulate competition are a key driver for improving the micro and macroeconomic performance of an economy.

The objective of the course is to provide the students:

- i. An understanding of the Legal Dimensions of the Competition Law;*
- ii. An insight into the Law, which provides a Fair Trade Practice which enhances healthy competition in the business arena.*
- iii. To comprehend and appreciate the impact of various Anti-Competition Policies.*

COURSE OUTLINE

Module I: Introduction

- a) Basic Concepts – definitions- Market- demand and supply theory Economic and legal concepts of competition; markets and market structure; competition theory
- b) perfect competition v. Monopoly need for regulation of competition- Relation between Competition Policy and Competition Law –Objectives of Competition Law
- c) Constitutional aspects competition law- Elimination of Concentration of Wealth and Distribution of Resources Article 39 (b) (c)

Module II : Evolution Of Competition Law

- a) Historical background – sources of competition law-
- b) Evolution in international arena – common law doctrine of restraint of trade- anti trust legislations – USA, UK, European Union
- c) 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
- d) Object and scope of Competition Act, 2002.

Module III: Anti-Competitive Agreement

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

Module IV: Abuse Of Dominant Position

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

Module V: Combination

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

Module VI: Enforcement Mechanisms

- a) Establishment and Constitution of Competition Commission of India, Powers Functions and Jurisdiction of the CCI
- b) adjudication and appeals, -Competition Appellate Tribunal (CompAT)
- c) Director General of Investigation (DGI)- powers and functions – role of DG in investigation
- d) Competition Advocacy

Statutory Materials

Competition Act 2002

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*, 4thed.- 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 UNITED 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.
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]

Learning Outcomes

1. To provide a thorough background in the area of competition law and policy in India.
2. To understand the key issues in competition law, providing a strong overall background combined with an emphasis on recent (and potentially future) developments.
3. Review and understand the key economic considerations behind landmark competition cases on abuse of dominance, anti-competitive agreements, or mergers.

H3LA504: CYBER LAW AND INFORMATION TECHNOLOGY

Objectives of the Course

Advent of computers, followed by Internet has revolutionized the human existence and their conduct in the society. The information can be accessed, stored, retrieved and distributed speedily and easily. The traditional paper documents are now being replaced by their electronic equivalents. The commercial transactions and individual functioning are more driven by the digital technology. This transition has put forth need for a law to facilitate and govern activities in the information society and has thus led to the passing of the Information Technology Act, 2000 (IT Act).

The primary focus of this 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. In addition, there will be an insight into the applicability of other laws in the digital environment.

COURSE OUTLINE

Module I: Introduction to Cyberspace

- a) Over view of computer and web technology –Evolution of cyberspace
- b) 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
- c) Jurisdictional issues in Cyberspace-Types of jurisdiction –Theories of Jurisdiction- The test evolved -Minimum contacts theory-Sliding scale theory-Jurisdiction under IT Act, 2000;.

Module II: Constitutional and Human Rights Issues in Cyberspace

- a) Freedom of Speech and Expression in Cyberspace
- b) Right to Access Cyberspace -Access to Internet
- c) Right to Privacy-Right to data Protection- Personal Data Protection Bill 2019.

Module III: Legal Recognition and Authentication of Electronic Records

- a) UNCITRAL Model Law -Concept of public and private key-Authentication of electronic records using digital signature -Asymmetric cryptosystem and encryption - Hash Function

- b) Public Key infrastructure and Hierarchy -Controller of certifying Authorities- Certifying authorities –Subscriber,
- c) Electronic records- Administrator of Electronic records- Electronic Health records-E-Governance and Electronic records Evidentiary value of Electronic records.

Module IV: New Dimensions of E-commerce

- a) Kinds of contracts-Email and Standard form of contacts- -Formation of E-Contracts- Application of Contract Act -Legal Validity of E-Contract-
- b) Electronic Data Interchange- E-Commerce - Models of E-Commerce;
- c) E-Governance- what is E-Governance-E-Governance project in India –The National e-Governance Plan(Ne-GP)- E-Courts Mission Mode Project of India;
- d) E-Banking transaction –Online payment Options -First Virtual-Cyber Cash-Secured electronic transaction;
- e) Taxation issues in Cyberspace –Permanent Establishment-Double Taxation Avoidance Agreement-Model Tax Treaty- OECD (Organization for Economic Co-operation and Development) Model Tax treaty and United Nation Model Tax Treaty.

Module V: Cyber Crimes

- a) Nature and scope of Cyber Crimes- *Mens rea* and *Actus reus* in cybercrime-
- b) Cyber contraventions and cyber offences under the IT Act
- c) Cybercrime against person, property and govt-Hacking, Hijacking, Digital forgery, Cyber pornography, Child pornography under IT Act and POSCO Act, Cyber Stalking, Cyber Bullying , Phishing, Identity theft and fraud, Cyber murder, Virus Attack, Cyber terrorism, Cyber warfare, Cyber defamation
- d) Adjudication under IT Act- Adjudicatory Officers- Cyber Appellate Tribunal

Module VI: Intellectual Property Issues in Cyberspace

- a) Interface with Copyright Law-Copyright Protection of Computer Programme-Reverse engineering of Computer Programme– Copyright Infringement in Cyberspace - Obligation Concerning Technological Protection Measures WCT and WPPT-Limiting the Liability of Internet Service Provider -EU Database protection Directive ;
- b) Interface with Patent law-Patentability of Software – Business Method Patent ;

- c) 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.

Module VII: Contemporary Issues in Cyberspace

- a) Cloud Computing-Essential characteristic- Deployment models –Service models
b) Convergence of technology –definition- before and after Convergence of technology- Communication Convergence Bill 2001 – Spectrum Management Committee
c) Block Chain Technology- peer-to-peer technology- Crypto currency-Distributed ledger
d) Artificial Intelligence- Big data Analytica.

Recommended Readings:

Books:

1. Kamath Nandan, *Law Relating To Computers Internet &E-Commerce- A Guide To Cyberlaws &The Information Technology Act, Rules , Regulations And Notifications Along With Latest Case Laws* (2012).
2. Karnika Seth, *Computers Internet and New Technology Laws* (2013).
3. Kamlesh K. Bajaj, Debjani Nag, *E-Commerce: The Cutting Edge of Business*, 2nd Ed. (2005).
4. Apar Gupta, *Commentary on Information Technology Act* (2016).
5. N.S Nappinai – *Technology Laws*, 1st Ed LexisNexis (2017).

Journals/Articles:

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

Further Readings:

Books:

1. Harish Chander, *Cyber Law and IT Protection*, PHI Learning Private Limited, Delhi (2015)
2. V. D. Dudeja, *Information Technology and Cyber Law*, Common wealth Publisher (2017)
3. Anirudh Rastogi, *Cyber Law: Law of Information Technology and Internet*, Lexis Nexis, (2014).
4. Mark A Lemley, Peter S. Menell, Robert P Merges, and Pamela Samuelson, *Software and Internet Law*, Aspen Publishers, New York, (2006).
5. Cohen, Lore, Okediji, and O'Rourke, *Copyright in a Global Information Economy*. Aspean Publisher, New York, (2010)
6. Abhivardhan, *Artificial Intelligence Ethics and International Law: An Introduction*, BPB Publisher, Delhi (2019)
7. Don Tapscott and Alex Tapscott, *Block Chain Revolution*, Penguin Random House, UK (2018).
8. Anne S.Y. Cheung, *Privacy and Legal Issues in Cloud Computing*, Edward Elgar Publishing, (2016).
9. Lawrence Lessig, *Code and Other Laws of Cyberspace 1999*, Code ersion 2.0, Basic Books Publication (2006).
10. Scott Charney & Kent Alexander, *Computer Crime*, 45 Emory L. J. 931, (1996)

Journals/ Articles

- 1 Stacey L. Dogan & Mark A. Lemley, *Trademarks and Consumer Search Costs on the Internet*, 41 Hous. L. Rev. 777 (2004).
- 2 Mark A. Lemley and R Anthony Reese, *Reducing Digital Copyright Infringement without Restricting Innovation*, 56 Stan. L. Rev. 1345 (2004).
- 3 Pamela Samuelson, *intellectual Property and The Digital Economy: Why the Anti Circumvention Regulations Need to be Revised*, 14 Berkely Tech. L. J. 519 (1999).
- 4 Julie Cohen, *Reverse Engineering and the Rise of Electronic Vigilantism: Intellectual Property Implications of "Lock-Out" Technologies* 68 S. Cal. L. Rev 1091 (1995)
- 5 Rochelle Cooper Dreyfuss, *Are Business Method Patent Bad for Business?* 16 Santa Clara Computer & High Tech. L.J. 263 (2000)
- 6 Mark A. Lemley, *Intellectual Property and Shrinkwrap Licenses*, 68 S. Cal L. Rev. 1239 (1995)
- 7 Jinku Huang, *Is the ACPA a Safe Haven for Trade Mark Infringers? Rethinking the Unilateral Application of the Lanham Act* 22 J. Marshall J. Comp. & Info. L. 655 (2004)
- 8 Jessica Litman, *Sharing and Stealing*, 26 Hastings Comm. & Entertainment L. (2004)
- 9 Neil W. Netanel, *Impose a Non Commercial Use Levy to allow Free Peer-to-Peer File Sharing* 17 Harv. J. L. & Tech. 1. (2003)
11. Pamela Samuelson, *Did MGM Really Win the Grokster Case?* 48 Communications ACM 19 (2005)

Cases for Guidance:

1. Casio India Co. Ltd., v. Ashita Telesyatem Pvt Ltd, 106 (2003) DLT 554
2. India TV Independent News services Pvt Ltd., v. India Broadcast Live and Others (2007) 145 DLT 521
3. Cybersell Inc. v. Cybersell, Inc, 130 F.3d 414 (9th 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 SCC 73
6. Regina v Hicklin [1868] LR 3 QB 360
7. Miller v California 413 US 15 (1973)
8. Ranjit D. Udeshi v. state of Maharashtra AIR 1965 SC 881
9. Samaresh Bose v. Amal Mitra (1985) 4 SCC 289
10. Ajay Goswami v. Union of India (2007) 1 SCC 169
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) DLT 427
14. Computer Associates international inc., v. altai 982 F.2d 693 (3rd Cir 1992)
15. Sega EnterPrises Ltd v. Accolade Inc., (1992)
16. Sony Computer entertainment Inc v. Connectix Corp., (2000)
17. A & M Records v Napster Inc., 239 F. 3d 1004 (9th Cir. 2001)
18. Metro-Goldwyn-Mayer Studios Inc v. Grokster, Ltd 125 S. Ct. 2754 (2005)
19. Yahoo Inc v. Akash Arora & Anr, 78 (1999) DLT 285
20. Panavision International L. P. v. Toeppen 141 F.3d 1316 (9th Cir 1998)
21. Shields v. Zuccarini 254 F.3d 476 (3rd Cir. 2001)
22. Brookfield Communications inc v. West Coast Entertainment Corporation 174 F.3d 1036 (9th Cir 1999)
23. Playboy Enterprises v. Welles, 279 F.3d 796 (9th Cir 2002)
24. Diamond v. Diebr 450 US 175 (1981).
25. Bilski v. Kappos, 177 Led 2d 792
26. Alice Corp v. CLS Bank (2014)
27. Tata Sons V Greenpeace International (2011)178 DLT 705
28. Super Cassettes Industries Ltd., v. Myspace Inc., (2011) 49 PTC 49 Del.

Learning Outcome:

After completion of the course students will be able to –

- Understand and explain the rudiments of internet technology and the Domain Name System
- Learn the scope and function of legal and technological regulation of the internet.
- Understand with the Social and Intellectual Property issues emerging from ‘Cyberspace.
- Explore the legal and policy developments in various countries to regulate cyberspace
- Develop the understanding of relationship between commerce and cyberspace
- Give learners in depth knowledge of Information Technology Act and legal frame work of right to Privacy, Data Security and Data Protection.

H3LA505: BANKING LAW

Objectives of the Course:

Banking Institutions have become important players in the present day economy. They play pivotal role in the growth of trade, commerce and industry. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions in to agents of social change. Appreciating the importance, the Government has enacted several enactments to direct, regulate and control the banks and banking operations, through Reserve Bank of India and Ministry of Finance. The course is designed to primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students in statutory as well as well as case – law in this area.

After undergoing the study of this subject the student should be able to understand the following;

- 1. The basic concepts related to banks in India and its related terminologies*
- 2. The nature and evolution of banking in India and also the types of banking in India*
- 3. The procedural aspects and the way of performance of banking sector in India*
- 4. The meaning, nature and various issues pertaining to Negotiable Instruments Act*
- 5. The changing dimensions of Banker customer relationship*
- 6. The recent changes in the Banking sector after globalization.*

COURSE OUTLINE

Module 1 – Introduction to Banking Law

- a) Origin and Development of the word ‘Bank’ – Early history of banking – Definition of Banking – Difference between banking and money lending.
- b) Functions of a Commercial Bank.
- c) Structure of a Banking System.
- d) Basic terminologies - DD, MT, TT, Traveler’s cheques, bank orders, credit card, debit/smart cards, safe deposit vaults, gift cheques, stock invest.
- e) Indian Banking Structure .

Module 2 – Nature and evolution of Banking

- a) Origin and Evolution of Banking Institutions in India
- b) 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

- c) Nationalizations of Major Banks.
- d) RBI's control over Commercial Banks – Special status of RBI and State Bank of India.
- e) Subsidiary Banks

Module 3 - Procedural aspects in banking sector

- 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.
- e) Banking Ombudsman.
- f) Debt Recovery Tribunal – The Sick Industrial Companies (Special Provisions) Act, 1985 - SARFAESI Act – Insolvency and Bankruptcy Code, 2016

Module 4 - Negotiable Instruments

- 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, Letteres 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.

Module 5 – Relationship between Banker and Customer & Statutory Rights of a Banker

- 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.

Module 6 – Modern Banking and Globalization of Banking Sector

- 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. Tannan- Law of Banking.
2. M. S. Parthasarathy (Ed.), Khergamvala - Negotiable Instruments Act.
3. Justice Bhaghabati Prasad Banerjee- Guide to Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
4. Avtar Singh – Negotiable Instruments Act.
5. Basu - Review of Current Banking: Theory and Practice. Paget- Law of Banking.

Journals with Articles :

1. Ankieth Vasisht, "Fundamental Principles of Cheque under the Banking Legislation", <http://lawtimesjournal.in/fundamental-principles-of-cheque-under-the-banking-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-reserve-bank-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. Harward 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

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)

Learning Out Comes:

After undergoing this course you will be able to :

1. Understand the banking system and their regulations.
2. Compare the different nature of regulations for different types of banks and also analyse their needs and values.
3. Appreciate the law relating to negotiable instruments and also understand the various judicial and legislative perspectives.
4. Understand the different aspects of Banker customer relationship.
5. Ascertain the various issues and challenges pertaining to Modern Banking and related technology.

INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

H3S5501: PRIVATE INTERNATIONAL LAW (CONFLICT OF LAWS)

Objectives of the Course:

Private International Law (or) Conflict of Laws comes into play whenever a court or tribunal is faced with a case that contains a “foreign” element and adjudicates the following queries: (i) which court will have jurisdiction to decide the case? (ii) Which law will apply? (iii) How far it recognizes and enforces foreign judgments? (iv) At what extent, a company structures its cross border transactions? (v) With the strong social / cultural dimension, to what extent the States can regulate matters beyond their own borders? The subject gives students the opportunity to grapple with contemporary legal debates and issues in conflict of laws.

COURSE OUTLINE

Module – I: Genesis of Private International Law

- (a) Introduction – Nature and Scope – Relationship between International Commercial Law, labour and Private International Law – Foreign Element – Operating areas – Extra Territorial Jurisdiction
- (b) Theories of Private International Law – Codification of Private International Law – Hague Conventions – UNCITRAL – International Institute for the Unification of Private Law (UNIDROIT)
- (c) Indian Scenario: Unitary and Federal features – Heterogeneous Society and Personal Laws – Conflicts in Personal Laws – Application of Customs and Usages – Expanding horizons of Private International Law.

Module – II: Choice of Law and its Jurisdiction, Characterisation and Renvoi

- (a) Choice of Law: Traditional and Modern Approaches – Substantial and Procedural aspects – Parties autonomy and their limitations
- (b) Jurisdiction of the Courts – Inherent Powers of the Court – Brussels Convention, Lugano Convention - Characterisation: Clearly inappropriate test, clearly appropriate test and traditional test
- (c) Doctrine of Renvoi and its kinds – Limitations.

Module – III: Conflict of Laws relating to Persons:

- (a) Residence: Domicile and its Nature and Status – *lex domicilii*, *lex fori*, *lex patriae* – Concept of Domicile in India – Kinds of Domicile: Origin, Choice and Dependence
- (b) Citizenship –Vs– Nationality –Vs– Habitual Residence
- (c) Corporate Personality – Nature and its conflicting rules

Module – IV: Conflict of Laws relating to Family:

- (a) Personal laws - Marriage – Formalities - Validity of Marriage – *lex loci celebrationis* and *lex regit actum* – Polygamous marriages – Matrimonial Home
- (b) Conflict in Matrimonial regime: Divorces, Separations and Annulments – Matrimonial Causes and Alimony – Custody of Children – Child care, Child abduction and Child Adoption – Succession – Overview of “The Foreign Marriage Act, 1969”
- (c) Public Policy and Contemporary issues related to Surrogacy, NRI and LGBT.

Module – V: Conflict of Laws related to Contracts and Torts (Action in Personam)

- (a) Proper Law of Contract – Capacity to Contract – *lex domicilii*, *lex loci contractus*, *lex fori* – Rome Convention – Domestic and International Prorogation – Party Reference and Incorporation – Application of Proper Law – Choice of Law, Party Autonomy, Public Policy – E-Contracts.
- (b) Law of Tort – Traditional and Modern Approach – Rome Convention – *lex fori*, *lex loci delicti commissi*
- (c) Proper law of tort and social environment – Tortious liability with respect to Drugs, Environment, Transport and Satellite Communication – Exceptions and Limitation.

Module – VI: Conflict of Laws related to Property

- (a) *Lex situs* principle and Property – Classification of Property – Movable and Immovable
- (b) Choice of law and Indian scenario – *lex fori* and *lex solutionis* – Government Seizure of Property
- (c) Transfer of Tangible and Intangible Property – Wills and Intestacy — Administration of Estates and Trusts – Insolvency and Restitution – Right of Succession.

Module – VII: Conflict of laws related to Procedure and Evidence

- (a) Proof of Foreign Law – Substance and Procedure – Parties and service of process – Evidence – remedy
- (b) Sovereign and Diplomatic Immunity: Foreign State and Foreign Diplomat – Recognition and Enforcement of Foreign Judgements, Decrees, Arbitral Awards and its reciprocity
- (c) Conflicting rules related to Cyber Space and Intellectual Property Rights: Issues and remedies – Indian Scenario.

Recommended Readings:

Books

1. Cheshire and North, “Private International Law”, 2017, 15th Edition, Oxford
2. Clarkson and Hill’s “Conflict of Laws”, 2016, Oxford.
3. Dicey, Morris & Collins, “The Conflict of Laws”, 2107, 15th Edition, Sweet and Maxwell.
4. F.E. Noronha, “Private International Law in India”, 2015, Universal Law Publishing.
5. Paras Diwan, “Private International Law”, 4th Edition, 1998, Deep & Deep Publishing.

FURTHER READINGS:

1. G.P. Tripathi, "Conflict of Laws", 2015, 1st Edition, Allahabad Law Agency.
2. V.C. Govindaraj, "The Conflict of Laws in India: Inter-Territorial and Inter-Personal Conflict", 2011, Oxford.
3. Mukarrum Ahmed, "The Nature and Enforcement of Choice of Court Agreements", 2017, Hart Publishing.
4. Alex Mills, "Party Autonomy in Private International Law", 2018, Cambridge.
5. Peter Hay, "Advanced Introduction to Private International Law and Procedure", 2018, Edward Elgar Publishing.
6. Adrian Briggs, "Agreements on Jurisdiction and Choice of Law", 2008, Oxford.
7. Maria Kaurakova, "Private International Law of Corporations", 2017, Spiramus Press.

E-JOURNALS with ARTICLES and WEBSITE sources

1. Hessel E. Yntema, "The Objectives of Private International Law" @ 35 Can.B.Rev.721(1957)
2. Joseph M. Cormack, "Renvoi, Characterisation, Localisation and Preliminary Questions in the Conflict of Laws: A Study of Problems involved in determining whether or not the Forum should follow its own Choice of a Conflict of Law Principle", 14 Southern California Law Review, 1940, pp.221-275 @ <http://scholarship.law.wm.edu/facpubs/1490>
3. Ralf Michaels & Joost Pauwelyn, "Conflict of Norms or Conflict of Laws?: Different Techniques in the Fragmentation of Public International Law", 22 Duke Journal of Comparative and International Law 349 (2011-2012).
4. John Robb, "Personhood and Status of Legal Persons in Private International Law", Journal of Private International Law, 2019, Volume 15, Issue 2, Taylor and Francis Group @ <https://doi.org/10.1080/17441048.2019.1645974>.
5. Matthias Lehmann, "Regulation, Global Governance and Private International Law: Squaring the Triangle", Journal of Private International Law, 2020 Volume 16, Issue 1, @ <https://doi.org/10.1080/17441048.2020.1744255>.
6. Sharon Shakargy, "Choice of Law for Surrogacy Agreements: In the in-between of Status and Contract", Journal of Private International Law, 2020, Volume 16, Issue 1, @ <https://doi.org/10.1080/17441048.2020.1741121>.
7. Jack Goldsmith, "Sovereign Difference and Sovereign Deference on the Internet", The Yale Law Journal, 2019, Volume 128 @ <https://www.yalelawjournal.org/forum>.
8. William S. Dodge, "Extraterritoriality and Conflict of Laws Theory: An Argument for Judicial Unilateralism, Harvard International Law Journal, 1998, Volume 39, p.101 @ <https://heinonline.org/HOL/LandingPage?handle=hein.journals/hilj39&div=7&id=&page=>
9. Friedrich K. Juenger, "Conflict of Laws: A Critique of Interest Analysis", American Journal of Comparative Law, 1984, Volume 32, No.1, pp.50, Oxford University Press
10. Donald Earl Childress III, "Comity as Conflict: Resituating International Comity as Conflict of Laws" @ 44 U.C. Davis Law Review 11 (2010-2011)

Learning Outcomes:

After completing these modules successfully, the students are able –

1. To demonstrate the conceptual necessity, contextual inevitability and the legal adaptability of trans-national transactions.
2. To critically appraise the compelling influence of different personal factors over beyond the boundaries transactions.
3. To know the worn-out deliberation on the most crucial aspect affecting the frontier activities.
4. To discuss the desirability and effectiveness of sovereign immunity and impact of foreign judgments.
5. To analyse and comprehend the complex issues arising out of trans-national matrimonial relationships; horizons of contract, tort, and property beyond domestic frontiers.
6. To demonstrate knowledge of a substantial range of major concepts, values, principles and rules of conflict of laws and explain the relationship between them in specified areas.
7. To discover the substantive and procedural aspects of litigation at the global levels.

(B): CONSTITUTIONAL LAW AND PROPERTY LAW

H3S5502: LEGAL PROCESS AND LOCAL GOVERNANCE

Objectives of the course:

Constitution of India empowers the State to take steps to organise village Panchayats and endow the powers/authorities so as to enable them to function as units of self-government. In order to realise the objectives of Gram Swaraj, the idea cherished by Mahatma Gandhi, Constitutional Amendment has been passed to ensure democratic functioning at the grass root level and gave Constitutional Status to the Panchayat Raj. Students will be benefitted from deeper understanding of the subject on democratic decentralization.

After undergoing the study of this course the student should be able to understand the following:

1. Able to Understand the historical development and growth of Panchayat Raj in India.
2. Identify the Constitutional scheme for setting up of Panchayat Raj Institutions in various levels.
3. Able to analyse the modern dimensions with the role of various stakeholders.

COURSE OUTLINE:

Module I: Introduction and Historical Development

- a) Meaning and genesis of democratic decentralization.
- b) History, growth and development of Panchayat Raj in India.
- c) Lord Rippon's resolution, Royal Commission, Balwant Rai Mehta Committee Report, Ashok Mehta Committee Report.
- d) Gram *Swaraj*- Gandhian concept- Community Development Programme- Administrative framework.

Module II: Constitutional Scheme

- a) Federalism in India and Local Self Government.
- b) Directive Principles of State Policy- Art. 40.
- c) 73rd and 74th Constitutional Amendment, Schedules XI and XII of the Constitution.
- d) Second Administrative Reforms Commission, Sarkaria Commission, Punchi Commission, Justice Venkatachaliah Commission- Local Government.

Module III: Rural Local Self Government

- a) Gram Sabha- Meaning, importance, functions, meetings, Social Audit, Nyaya Panchayat.
- b) Gram Panchayat- Introduction, Composition, functions- Taluk/Block Panchayat- Introduction, Composition, functions, Chairman- Powers and functions.
- c) Zilla Panchayat- Introduction, Composition and functions.
- d) Financial administration- Devolution of financial powers, Composition of State Finance Commission.
- e) State Control over PRIs.

Module IV: Urban Local Self Government

- a) Municipal Corporation- Organisation and Functions.
- b) Municipal Council; Mayor-functions and powers;
- c) Committees - Wards Committees, District Planning Committee, Metropolitan Planning Committee.
- d) Municipal Commissioner- appointment, tenure, powers and functions - Municipal Finance - State Control and Supervision.

Module V: Panchayat Raj Institution

- a) Planning for rural development- Planning machinery at the National and State Levels.
- b) Role of Panchayat Raj Institutions in Planning- Panchayat Raj and Rural Development.

Module VI: Modern Dimensions

- a) Panchayats and NGOs.
- b) Food Security Act, MGNREGA.
- c) Panchayats Raj in Tribal Sub- Plan Areas.
- d) Right to Information and Panchayat Raj.
- e) Women Empowerment implementations.
- f) Reservation Policy in Local Government- Social (SC, ST)- Women Reservation- Horizontal and Vertical Reservation.

Recommended Readings:

Books:

1. Dicey, Introduction to the Law of the Constitution, Oxford University Press.
2. De Smith, Judicial Review of Administrative Action (1995).
3. Khanna, B.S: Panchayati Raj in India- National Perspectives and State Studies, Deep and Deep Publication, New Delhi, 1994.
4. M. Venketarangaia & M. Pattabhiram, Local Government in India (1969), Allied Publishers, New Delhi.
5. Maheshwari, S.R., State Governments in India. New Delhi: Macmillan(2000).

Journals/Journal Articles:

1. Srivastava, T. N. "Local 'Self' Government and the Constitution." *Economic and Political Weekly*, vol. 37, no. 30, 2002, pp. 3190–3198. JSTOR, www.jstor.org/stable/4412421.
2. Mohanty, P.K. 1995. *Municipal Decentralization and Governance: Autonomy, Accountability and Participation*. The Indian Journal of Public Administration.
3. Mallik, S. N. "Local Self-Government in India." *The Annals of the American Academy of Political and Social Science*, vol. 145, 1929, pp.36–44. JSTOR, www.jstor.org/stable/1016884.
4. Pal, M. 2000. *Panchayats in Fifth Scheduled Areas*. *Economic and Political Weekly*. pp. 4791–4810.
5. Venkatarangaiya, M. "THE REORGANISATION OF LOCAL SELF-GOVERNMENT." *The Indian Journal of Political Science*, vol. 1, no. 2, 1939, pp. 143–154. JSTOR, www.jstor.org/stable/42742927.
6. V.R.Krishna Iyer, "Panchayati Perestroika?" *Economic and Political Weekly*, vol. 24, no. 37, 1989, pp. 2051–2054. JSTOR, www.jstor.org/stable/4395322.

Further Readings:

Books:

1. Friedman, *The State and the Rule of Law in the Mixed Economy*.
2. Ivor Jennings, *Law and the Constitution*.
3. Joshi, R.P., Narwani, G.S., *Panchayat Raj in India: Emerging Trends across the States* (Rawat Publication), Hyderabad, 2011.
4. Neville L. Brown and J.F. Garner, *French Administrative Law*.
5. Radha kumud Mookerji, *Local Government in Ancient India* (1985), Daya Publishing Delhi.
6. Schwartz & Wade, *Legal Control of Government*.
7. Sivaramkrishnan, K.C., *Courts, Panchayats and Nagapalikas* (Academic Foundations), 2009.
8. W.Thornhill (ed.), *the Growth and Reforms of English Local Self-Government* (1971), Weidenfeld and Nierlson, London.
9. Bidyut Chakarborty and Rajendra Kumar Pandey, *Modern Indian Political Thought- Text and Context*, Sage, New Delhi, 2009.
10. Niraja Gopal Jayal and others, *Local Self Governance in India- Decentralization and beyond-* Oxford University Press, 2006.

Journals:

1. Prabhakar, R. P. "LOCAL GOVERNMENT'S ADMINISTRATIVE SYSTEM IN INDIA." The Indian Journal of Political Science, vol. 72, no. 4, 2011, pp. 943–952., www.jstor.org/stable/41856530.
2. Palanithurai, G. "GOOD GOVERNANCE AT GRASSROOTS." The Indian Journal of Political Science, vol. 66, no. 2, 2005, pp. 289–312. JSTOR, www.jstor.org/stable/41856129.
3. Amitabh Behar. "Gram Swaraj: Experiment in Direct Democracy." Economic and Political Weekly, vol. 36, no. 10, 2001, pp. 823–826. JSTOR, www.jstor.org/stable/4410370.
4. Mani Shankar Aiyar. "Panchayati Raj: The Way Forward." Economic and Political Weekly, vol. 37, no. 31, 2002, pp. 3293–3297. JSTOR, www.jstor.org/stable/4412446.
5. Bhagwan, Vishnu. "NATIONAL RURAL EMPLOYMENT GUARANTEE ACT : A SWOT ANALYSIS." The Indian Journal of Political Science, vol. 70, no. 1, 2009, pp. 139–150. JSTOR, www.jstor.org/stable/41856502.
6. Medha Kotwal Lele. "Local Government: Conflict of Interests and Issues of Legitimation." Economic and Political Weekly, vol. 36, no. 51, 2001, pp. 4702–4704. JSTOR, www.jstor.org/stable/4411498.
7. T. Brahmanandam. "Review of the 73rd Constitutional Amendment: Issues and Challenges" Indian Journal of Public Administration 64(1) 103–121. <https://journals.sagepub.com/doi/pdf/10.1177/0019556117735461>
7. Usha Vaidyanathan Salient Features of Law Commission of India 114th Report on Gram Nyayalaya (1987) 2 SCC (Jour) 25. https://www.ebc-india.com/lawyer/articles/87v2a2.htm#Note*
8. Pal, M. 2000. Panchayats in Fifth Scheduled Areas. Economic and Political Weekly. pp. 4791–4810.

Cases for Guidance:

1. K.Krishna Murthy & Ors. v. Union of India & Anr. 11th May, 2010 (Supreme Court of India).
2. Sujit Vasant Patil v. State of Maharashtra and Ors. 6th August, 2004 (Bombay High Court).
3. Rama Krishna Ramanath v. The Janpad Sabha, Gondia, 7th February, 1962 (Supreme Court of India).
4. Indus Towers Ltd. v. The Sub-Inspector of Police, 10th January, 2008 (Kerala High Court).
5. Maju Balakrishnan v. State of Kerala, 31st March, 2009 (Kerala High Court).
6. Richhpal Singh and Ors v. State of Rajasthan, 4th January, 2005 (Rajasthan High Court).
7. Sri.V.Shivaprasad v. State of Kerala, 9th February, 2011 (Kerala High Court).
8. Nagar Palika Parishad, Roorkee... v. State of Uttaranchal and Ors.28th September, 2001(Uttarakhand High Court).

9. D.Siddayya v. The State of Karnataka, 21st September, 2017 (Karnataka High Court).
10. Shri Subal Rabha v. The State of Assam and Ors. 27th January, 2012 (Gauhati High Court).

Learning Out Come:

After completion of the course the students will be able to-

1. *Understand the subject related concepts and the Historical Development of PRI's in India.*
2. *Analyse the operation of the Constitution of India from a policy perspective relating to federalism and Local Self Governance.*
3. *Critique the operation of Local Self Government from a theoretical and policy perspective.*
4. *Have the fundamental knowledge and understanding relating to the various tire PRIs*

(C): CRIMINAL LAW AND FORENSIC SCIENCE

H3S5503: JUVENILE JUSTICE SYSTEM

Objectives of the Course

The UN Convention on the Child Rights, 1989, United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), The United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), 1990 are some of the initiatives taken by the UN to support the welfare of the Juveniles. This course aimed to cater the students to understand the application of Criminal Justice System with the Juvenile Justice System. Juvenile Justice (Care and Protection of Children) amended to enhance the rights and liabilities of juveniles, reformatory measures to be adopted by the government, rehabilitative process to be extend to the juveniles. The students will understand the background study of development of Juvenile Justice System nationally and internationally as a socio-legal issue.

COURSE OUTLINE

Module I: Introduction:

- a. Juvenile Justice System - Historical development
- b. Definitions - Child – Juvenile – Delinquent
- c. International Instruments – Child Rights Convention 1989
- d. ICCPR
- e. United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)
- f. The United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), 1990
- g. Role of UNECOSOC & UNICEF
- h. Doctrine of *Parrens patriae* - National Commission for Children – State Commission for Children
- i. The National and State Human Rights Commission.

Module II: Juvenile Justice System in India

- a. Juvenile Delinquency
- b. Causative factors of juvenile delinquency
- c. Child Rights laws in India –Reformatory Schools Act, 1897 – The Tamil Nadu Children Act, 1920 – The Tamil Nadu Borstal School Act, 1925
- d. Juvenile Justice Act, 1986 – Salient features – Definitions
- e. Juvenile Justice (Care and Protection of Children) Act, 2000
- f. Modifications – Juvenility - Juvenile in Conflict with Law – Child in need of Care and Protection
- g. Comparison of 1986 and 2000 Act – Law Commission of India
- h. Juvenile Justice (Care and Protection of Children) Act, 2015– Information Technology Act, 2000
- i. The Protection of Children from Sexual Offences Act, 2019

- j. Juvenile Justice System and Criminal Justice System.

Module III: Juvenile Justice Acts:

- a. Juvenile Justice Act, 1986 – Definition –Child – Juvenility
- b. Statutory bodies – Amended laws
- c. Juvenile Justice Act, 2000 – Terminologies – Child in Conflict with Law – Child in need of Care and Protection
- d. Statutory bodies
- e. Reformatory Homes
- f. Tamil Nadu State Rules on JJ Act, 2000
- g. Justice Verma Commission Report on Juvenile Justice –Criminal Law Amendment Act, 2013
- h. Juvenile Justice Act, 2015 – Heinous Crime - Children Court – Child Sexual Abuse and Death Penalty.

Module IV: Statutory Bodies under Juvenile Justice Laws:

- a. Juvenile Justice Board – Composition
- b. Powers – Functions
- c. Special Juvenile Police Unit – Bail
- d. Burden of proving juvenility
- e. Children Court – Assessment report
- f. Orders may and may not be passed against juveniles
- g. Admonition – Community service – payment of fine – 3 years under supervision of Probation Officers
- h. Child Welfare Committee
- i. Members of the Committee – Functions
- j. Production of Child – Enquiry – Report of Probation and Social Workers
- k. Role of Social Defence Department.

Module V: Reformatory Institutions under Juvenile Justice Laws:

- a. Observation Homes – Temporary Stay
- b. Rehabilitative measures – classifications of inmates
- c. Education – Psychological Counselling
- d. Crime Statistics
- e. Vocational Training – Therapeutic approach
- f. Special Home – Safety Place
- g. Children Home – Protection for neglected children – Separate homes – Education
- h. Basic needs – Shelter Home – Rehabilitative mechanism - Girl Children Safety
- i. Role of Administrative bodies.

Module VI: After Care Process and Rehabilitations:

- a. Adoption – Foster care
- b. Social Reintegration – Sponsorship
- c. Reporting of implementation
- d. Psychological Approach – Cognitive Therapeutic treatment
- e. Plays and games
- f. Role of Society – Family – Educational Institution – NGO –Government.

Recommended Reading:

- Bajpai, A 2006, “*Child Rights in India: Law, Policy and Practise*” Oxford University Press, New Delhi.
- Kumari, V 2012, “*The Juvenile Justice in India: From Welfare to Rights*”, Oxford University Press, New Delhi.
- Ahmed Siddique’s *Criminology and Penology*, 2009, Eastern Book Company, Lucknow.
- Mamta Rao, 2012, “*Law Relating to Women and Children*”, Eastern Book Company, Lucknow.
- Prof N. V. Paranjapee, 2014, “*Criminology, Penology with Victimology*”, Central Law Publications, Allahabad.

Further Readings:

- Joseph G. Weis, Robert D. Crutchfield & George S. Bridges, 1996 “*Readings: Juvenile Delinquency*”, Crime and Society, Vol.2, Sage Publications, U.K. and India.
- Bueren, G. V. 1998, “*The International Law on the Rights of Child*”, Martinus Nijhoff Publications, The Hague.
- Bare Acts:
 - (i) The Tamil Nadu Children Act, 1920.
 - (ii) The Tamil Nadu Borstal School Act, 1925
 - (iii) The Reformatory Schools Act, 1827.
 - (iv) The Juvenile Justice Act, 1986
 - (v) The Juvenile Justice (Care and Protection of Children) Act, 2000
 - (vi) The Juvenile Justice (Care and Protection of Children) Act, 2015.
 - (vii) The Protection of Children from Sexual Offences Act, 2019.

Journals for research articles:

- Child and Family Law Quarterly : 1988 – 2018
- Child Law Practise : 1982 – 2017
- Children’s Legal Rights Journal : 1979 – 2019
- Journal of Child Law : 1988 - 2018
- Journal of Juvenile Law : 1977 – 2019
- Juvenile and Child Welfare Law Reporter : 1982 – 2017
- Juvenile Justice : 1993 – 2004
- Juvenile and Family Court Journal : 1949 – 2017
- National Juvenile Law Reporter : 1982 – 2017
- The International Journal of Children Rights : 1993 – 2019
- UC Davis Journal of Juvenile Law & Policy : 1996 – 2018

E- Books:

- Asha Bajpai (2006), “*Child Rights in India: Law, Policy and Practise*” Oxford University Press, <https://oxfordscholarship.com/view/10.1093/acprof-9780195670820.001.0001/acprof-9780195670820>
- Maharukh Adenwalla (2006), “*Child Protection and Juvenile Justice System – For Juvenile in Conflict with Law*”, ChildLine India Foundation, Mumbai. <https://www.childlineindia.org/pdf/CP-JuvenileJustice-Juvenileinconflictwithlaw.pdf>
- Marvin, D. Krohn & Jodi Lane (2015), “*The Handbook of Juvenile Delinquency and Juvenile Justice*”, Wiley Online Library. <https://www.onlinelibrary.wiley.com/doi/book/10.1002/9781118513217>
- Joan McCord, Cathy Spaty Widom & Nancy A. Crowdell, (2011) “*Juvenile Crime, Juvenile Justice – Panel of Crime Prevention, Treatment and Control*”, National Academy Press, Washington. <https://www.nap.edu/read/9747/>
- Lal Bahadur Shastri National Academy of Administration and UNICEF, (2017) “*Juvenile Justice Act, 2015 – A Handbook for Field Administrators*”, National Gender Studies, Uttarakhand, India. <https://www.jjb.bih.nic.in/pdf/JJActHandbookAdministrators.pdf>

Research Articles related to Juvenile Justice:

- Ved kumari, 1999, “Current Issues in Juvenile Justice in India” *Journal of Indian Law Institute* Vol.4, Issue. 3 & 4, pp.392-404.
- National Judicial Academy, 2018, “*Juvenile Justice in India: Understanding Non-Adversarial Nature of the System from Human Rights and Constitutional Perspectives*”.
- Shailesh Kumar, 2019, “Shifting Epistemology of Juvenile Justice in India” *Contexto Internacional* Vol.4, Issue.1, pp.113-140.
- Satyender Verma & Lakshman Singh Rawat, 2018 “Juvenile Justice System in India: An Overview” *International Journal of Law* Vol.4, Issue.3, pp.23-29
- Rachel Taylor, 2016 “Putting Children First? Children’s Interest as a Primary Consideration in Public Law”, *Child and Family Law Quarterly* Vol.28, Issue.1, pp.45-66.
- Shanna Knight, 2017 “Special Focus: Indian Child Welfare”, *Child Law Practise* Vol.36, No.1, pp.1-2.
- Scott Trowbridge, 2017 “Understanding the 2016 Indian Child Welfare Act Regulations”, *Child Law Practise* Vol.36, Issue.1, pp.6-10
- Jacob L. Zerkle, 2016, “Rehabilitate the Community by Rehabilitating its Youth – Cognitive Science, Incarceration and Jurisprudence Relate to the Criminal Justice System’s Treatment of Juveniles”, *Children’s Legal Rights Journal* Vol.36, No.3, pp.201-217.

Cases for Guidance:

- Sunil & Another v. State (2001) 1 CrLJ 149
- Pratap Singh v. State of Jharkhand AIR 2005 SC 3088
- Rajendra Chandra v. Chandigarh Administration AIR 2000 SC 748
- Umesh Chandra v. State of Rajasthan (1982) 1 SCALE 335 (SC)
- Dr. Subramaniya Swamy & Others v. Raju (Through Member, JJB & Another) (2013) 10 SCC 465
- Munna v. State of U.P. (1982) 1 SCC 545
- Gaurav Jain v. UOI AIR 1990 SC 292
- Vishal Jeet v. UOI AIR 1992 SC 1412
- Sheela Barse v. Union of India AIR 1986 SC 1773
- Sheela Barse v. State of Maharashtra AIR 1983 SC 378
- Krishna Bagwan v. State of Bihar AIR 1989 Pat 217
- Deoki Nandan Dayna v. State of U.P. (2001) 1 CrLJ 149

- Izaz Ahmad v. State of M.P. (2001) 1 SCC Cri 212
- Ajay Pratap Singh v. State of M.P. (2000) 1 SCC CrI 137
- Satbir Singh v. State of Haryana AIR 2005 SC 3549
- Arnit Singh v. State of Bihar AIR 2005 SC 2264
- Ramdeo @ Rajnath Chauhan v. State of Assam AIR 2001 SC 2231
- Rajender Chandra v. Chandigarh Administration AIR 2000 SC 748
- Hari Ram v. State of Rajasthan & Another (2009)13 SCC 211
- Bakthavatchalu v. State of Tamil Nadu AIR 2008 SC 1434
- Ajhar Ali v. State of West Bengal (2013) 10 SCC 31
- Jyothi Prakash Rai v. State of Bihar AIR 2008 SC 1696
- Babloo Pasi v. State of Jharkhand AIR 2009 SC 314
- Ram Suresh Singh v. Prabhai Singh @ Chotu Singh & Another AIR 2009 SC 2805
- Dharambir v. State NCT Delhi Administration AIR 2010 SC 1801
- Mohan Mali & Another v. State of M.P. AIR 2010 SC 1790
- Ashwini Kumar Saxena v. State of M.P. 2012 AIR SCW 5377
- Nagoor Pitchai @ Badhusa v. State through S.I of Police (2013) 10 SCC 668.

Web Sources for Journals of Scholarly Articles:

- <https://heinonline.org>
- <https://jstor.org>
- <https://shodganga.inflibnet.ac.in>

Web Sources for referring latest decisions:

- <https://indiankanoon.org>
- <https://manupatrafast.com>
- <https://www.aironline.in>
- <https://www.sconline.com>

Learning Outcome:

At the end of the Course, the student will;

- Understand the theories of juvenile delinquency, causative factors of juvenile delinquency and its preventive measures.
- Understand the issues and challenges involved in implementing Juvenile Justice System.
- Equipped with development of Juvenile Justice related legal systems in India and motivate to involve themselves in reforming the juveniles in conflict with law.
- Critically analyse the implications of international instruments on Child Rights.
- Examine the application of reformatory and rehabilitative measures to turn the juveniles in conflict with law into a law-abiding citizen

(d): INDUSTRIAL AND COMMERCIAL LAW

H3S5504: INTERNATIONAL COMMERCIAL ARBITRATION

Objectives of the course:

Arbitration is a suitable instrument to settle and solve international commercial disputes that arrive at a final and binding award. It is a universally admitted dispute resolution mechanism which furnishes an enforceable award. The objective of the course is to cater a fundamental outlook on the vital themes of international commercial arbitration. The course places utmost significance on arbitration of international commercial disputes. The course shall provide the students with a pragmatic vision of strategic obstacles arising out of the international arbitration proceedings.

After undergoing the study of this paper the student should be able to understand the following;

- 1. Able to understand the basic aspects of International Commercial Arbitration.*
- 2. Understand the concept of agreements related to International Commercial Arbitration.*
- 3. Gain an understanding of international commercial arbitration in the Indian context including international commercial arbitration held both in India and outside India;*
- 4. Analyse the various issues related to enforcement of foreign arbitral awards.*
- 5. Pros and cons of arbitration as a tool for resolving cross-border commercial disputes.*

COURSE OUTLINE

Module I: Introduction to International Commercial Arbitration

- a) Concept and Nature - Sovereign States, Claims Commissions, and Tribunals.
- b) Hybrid nature of Arbitral Process - Dispute Resolution in International Trade – Regulation of International Arbitration
- c) Regulation of International Arbitration – Kinds of Arbitration – Review.

Module II : Arbitration agreement & Validity of Arbitration Agreement

- a) Overview - the validity of an Arbitration Agreement –
- b) Parties to an Arbitration Agreement - Analysis of an Arbitration Agreement - Submission Agreement – Arbitrability.

- c) Confidentiality – Confidentiality - Defective Arbitration Clauses - Multi-Party Arbitrations – Review.

Module III : Arbitrators and Applicable Laws

- a) Meaning - Appointment of Arbitrators - Qualities Required in International Arbitrators - Impartiality and Independence of Arbitrators - Challenge and Replacement of Arbitrators.
- b) Powers of Arbitrators - Duties of Arbitrators – Jurisdiction – Review ‘
- c) Law Governing the Agreement to Arbitrate - Law Governing the Arbitration - Law Applicable to the Substance - Conflict Rules and the Search for the Applicable Law – Other Applicable Rules and Guidelines – Challenges.

Module IV: Nature and Categories of Arbitration

- a) Overview - Investment Arbitration – Construction – Maritime – Sports – IPR – *Ad hoc* Arbitration.
- b) Institutional Arbitration - Organisation of the Arbitral Tribunal - Fees and Expenses of the Arbitral Tribunal - Procedure & Evidence - Preliminary Steps - Written Submissions - Evidence Gathering - Hearings - Proceedings after the Hearing - Other Matters.

Module V: Arbitral Award

- a) Overview - Categories of Awards – Remedies- Validity of Awards - Effect of Awards— Res Judicata- Decision Making –
- b) Classification of Award – Review of Award – Challenge - Methods of Challenge – Grounds of Challenge - Time Limits and Effects of Challenge.
- c) Recognition and Enforcement - Enforcement under the New York Convention - Enforcement under the Washington Convention - Enforcement under Regional Conventions - Defence of State Immunity - Practical Considerations.

Module VI: Soft Laws on Arbitration

- a) General Overview
- b) IBA Guidelines on Conflicts of Interest in International arbitration – IBA Guidelines on Party Representation in International Arbitration - IBA Rules on the Taking of Evidence in International Arbitration .
- c) IBA Guidelines for Drafting International Arbitration Clauses

Recommended Readings:

Books:

1. A.K Bansal, Law of International Commercial Arbitration, Universal Law Publishing, 2003.
2. Margaret L. Moses, The Principles and Practice of International Commercial Arbitration, 2nd Edition, Cambridge University Press, 2012.
3. Gary B. Born, International Arbitration: Cases and Materials, 2nd Edition, Kluwer Law International, 2015.
4. Gary B. Born, International Commercial Arbitration, 2nd Edition, Kluwer Law International, 2014.
5. Emmanuel Gaillard, John Savage (eds.), *Fouchard Gaillard Goldman on International Commercial Arbitration*, Kluwer Law International, 1999

Journal Articles:

1. The Lex Mercatoria in International Commercial Arbitration, Ole Lando, The International and Comparative Law Quarterly Vol. 34, No. 4 (Oct., 1985), pp. 747-768 Published by: Cambridge University Press on behalf of the British Institute of International and Comparative Law <https://www.jstor.org/stable/759197>
2. Christopher R Darhozal, Commercial Norms, Commercial Codes, and International Commercial Arbitration 33 Vand. J. Transnat'l L. 79 (2000)
3. Park, W. (1983). The Lex Loci Arbitri and International Commercial Arbitration. International and Comparative Law Quarterly, 32(1), 21-52. doi:10.1093/iclqaj/32.1.21
4. Paulsson, J. (1983). Delocalisation of International Commercial Arbitration: When and why it Matters. International and Comparative Law Quarterly, 32(1), 53-61. doi:10.1093/iclqaj/32.1.53
5. Catherine A Rogers 54 U. Kan. L. Rev. 1301 (2005-2006) Transparency in International Commercial Arbitration

Further Readings:

Books:

1. International Commercial Arbitration, Gary B. Born, Wolters Kluwer 2nd edition. 1,2,3 volumes
2. International Commercial Arbitration - A Trans National Perspective, Tibor Varada; John J. Hareelo; Arthur T Von, Thomson west 3rd edition
3. Handbook on International Commercial Arbitration, Peter Ashford, Juris Net LLC, 2nd edition
4. International Commercial Arbitration and Arbitrators' contract - Emilia Onyema, Routledge Publishers
5. International Commercial Arbitration in Asia - Thomas B Ginsburg, Juris Net LLC 2nd edition
6. Law and practice of International Commercial Arbitration by Alan Redfern, Sweet & Maxwell
7. International Commercial Arbitration: Commentary and Materials by Gary Born Martinus Nijhoff; 2nd edition (February 1, 2001)
8. Combining Mediation and Arbitration in International Commercial Dispute Resolution by Dilyara Nigmatullina, Routledge
9. The Principles and Practice of International Commercial Arbitration by Margaret L. Moses, Cambridge University Press
10. Arbitration of Commercial Disputes: International and English Law and Practice by Karen Tweeddale, Andrew Tweeddale, Cambridge University Press

Journals:

1. Paolo Contini 8 Am. J. Comp. L. 283 (1959) International Commercial Arbitration: The United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards
2. Philip J McConaughay 93 Nw. U. L. Rev. 453 (1998-1999) Risks and Virtues of Lawlessness: A Second Look at International Commercial Arbitration

3. Hans Smit 25 Colum. J. Transnat'l L. 9 (1986-1987) The Future of International Commercial Arbitration: A Single Transnational Institution
4. W. Michael Tupman Challenge and Disqualification of Arbitrators in International Commercial Arbitration The International and Comparative Law Quarterly Vol. 38, No. 1 (Jan., 1989), pp. 26-52 Published by: Cambridge University Press on behalf of the British Institute of International and Comparative Law <https://www.jstor.org/stable/760425>
5. Filip De Ly 12 Nw. J. Int'l L. & Bus. 48 (1991-1992) The Place of Arbitration in the Conflict of Laws of International Commercial Arbitration: An Exercise in Arbitration Planning
6. Jasna Arsic 14 J. Int'l Arb. 209 (1997) International Commercial Arbitration on the Internet - Has the Future Come Too Early
7. Peter D Ehrenhaft 9 Law & Pol'y Int'l Bus. 1191 (1977) Effective International Commercial Arbitration
8. James M. Hosking 4 Pepp. Disp. Resol. L.J. 469 (2003-2004) The Third-Party Non-Signatory's Ability to Compel International Commercial Arbitration: Doing Justice without Destroying Consent
9. S.I. Strong Research in International Commercial Arbitration: Special Skills, Special Sources the American Review of International Arbitration, Vol. 20, p. 119, 2009 University of Missouri School of Law Legal Studies Research Paper No. 2010-15
10. 25 Colum. J. Transnat'l L. 717 (1986-1987) The Enforcement of Arbitral Awards under UNCITRAL's Model Law on International Commercial Arbitration

Cases for Guidance:

1. Henry Boot Construction Ltd. v. Malmaison Hotel, [1999] 70 Con LR 32
2. General Manager, Northern Railways v. Sarvesh Chopra, AIR 2002 SC 1272 (Supreme Court of India (SC))
3. Asian Techs Ltd. v. Union of India, (2009) 10 SCC 354 (SC)

4. Obrascon Huarte Lain SA v Her Majesty's Attorney General for Gibraltar, [2014] EWHC 1028 (TCC)
5. Esso and others v. Plowman (1995) 128 A.L.R. 391
6. Barmenco Indian Underground ... vs Hindustan Zinc Limited on 20 July, 2020 HIGH COURT OF JUDICATURE FOR RAJASTHAN
7. Trammo Dmcc (Formerly Known As ... vs Nagarjuna Fertilizers And ... on 9 October, 2017, HC BoMbay
8. International Tank & Pipe SAK v Kuwait Aviation Fuelling Co KSC (1975)
9. Jivraj v Hashwani [2010] EWCA Civ 712.
10. Mxrsk Olie, Algeriet A/S v. People's Democratic Republic of Algeria, ICSID Case No. ARB/09/14 (registered July 20, 2009).
11. Standard Chartered Bank (Hong Kong) Ltd. v. Tanzania Elec. Supply Co. Ltd., ICSID Case No. ARB/ 10/20 (registered on Oct. 1, 2010).
12. Millicom Int'l Operations B.V. v. Republic of Senegal, ICSID Case No. ARB/08/20, Award (Nov. 27, 2012).
13. Patrick Mitchell v. Democratic Republic of the Congo, ICSID Case No. ARB/99/7, Award (Feb. 9, 2004)
14. Russell Res. Int'l Ltd. v. Democratic Republic of the Congo, ICSID Case No. ARB/04/11 (discontinued on Feb. 10, 2009).
15. Cruz City 1 Mauritius Holdings v. Unitech Limited 2017 SCC OnLine Del 7810

Learning outcomes:

At the end of the course the students will be able to -

1. *Acquire knowledge on arbitration as a dispute settlement mechanism in international commercial disputes.*
2. *Analyse the forms and important aspects of International Commercial Arbitration.*
3. *Assess the cooperation between Arbitration and National Judicial Systems.*
4. *Compare and understand the relationship between UNCITRAL Model Law and International Commercial Arbitration.*

(a): INTERNATIONAL LAW AND INTELLECTUAL PROPERTY RIGHTS

H3S6501: INTELLECTUAL PROPERTY LITIGATIONS

Objectives of the Course

This course is intended to teach the application of law in terms of court's principles and procedures exclusively for deciding intellectual property cases. Most significantly, in deciding Intellectual property cases both Supreme Court and High Courts in India are apparently following foreign judgements in many occasions. Intellectual property laws confer monopoly to the owners of intellectual property so the enforcement of intellectual property rights is getting more crucial.

The main objective of the course is-

- a. to impart practical perspective of IPR enforcement mechanism by discussing various tests, rules and procedures laid down by the courts in case of infringement of IPRs.*
- b. to teach international and cross border litigations of intellectual property rights.*

COURSE OUTLINE

Module 1 Litigation Relating to Copy rights and Industrial Designs

- a) Copy right infringement- Acts constituting infringement- Direct infringement and indirect infringement (Vicarious liability and Contributory liability)
- b) Jurisdiction of the court -idea/expression dichotomy-abstraction test-Lay observer test -Infringement of Neighbouring rights –Infringement of Moral rights –Online Copyright Piracy-Peer to peer technology-liability of internet service provider
- c) Exception to Copyrighted work-Exhaustion of Copyrighted work -fair use/fair dealing-Test of transformation-Reverse engineering of Computer programme - Doctrine of staple articles-Doctrine of Copyright Misuse-
- d) Remedies-Criminal liability under anti circumvention law;
- e) Piracy of Design –Fraudulent or obvious imitation of design- Jurisdiction of the court – Remedies.

Module II Litigation Relating to Patent and Trade Secret

- a) Acts amount to infringement of patent-Jurisdiction of the Court –Claim interpretation or Construction(intrinsic and extrinsic aids)-Literal infringement-Doctrine of Equivalents/Doctrine of Pith and Marrow-Exception to DOE-All element rule, doctrine of public dedication, existence of prior art-prosecution history estoppel
- b) limitation and exception-doctrine of first sale-parallel import-Bollar exception- Patent Misuse-Remedies;
- c) Infringement of trade secrets- breach of trust- Springboard doctrine.

Module III Litigation Relating to Trade Marks and Geographical Indications

- a) Infringement of trademarks –jurisdiction of the court-Deceptive similarity-likelihood of confusion-Polaroid Factors-Concept of Dilution-Passing off and Reverse passing off Action
- b) Fair use of trademark-Comparative Advertisement-Counterfeit trademark-exhaustion of right in trademark-Remedies-functions of IPAB.
- c) Infringement of registered Geographical Indications- Special provision relating to Trademark and Prior user-Jurisdiction of the Court– Remedies.

Module IV- Enforcement of IPR under TRIPS Agreement

- a) Prior to TRIPS Agreement –Berne Convention and Paris Convention- reference to International Court of justice
- b) TRIPS Provisions Articles 41 to 61 – Minimum standard protection – civil, Criminal & Administrative Remedies
- c) Dispute settlement mechanism –XXII and XXIII of GATT 1994-Violation, Non-Violation and Situation Complaints- Dispute Settlement Understanding (DSU) – Retaliation and cross-retaliation.

Module V: Cross–Border IPR Litigations

- 1 Private International Law and Intellectual property law –Hague Convention on Choice of Court and Choice of law- Recognition and enforcement of foreign judgment-issues relating to administrative or judicial cooperation in collecting evidence- Brussels Convention – Cross border litigation under European Union Frameworks.

Recommended Readings

Books:

1. Arnaud Nuyts –International Litigation in Intellectual Property and Information Technology,(1st Ed.,) Wolters Kluwer, New York, 2008
2. Cornish and Llewelyn- Intellectual Property, 6th Ed. Sweet &Maxwell, 2007
3. V.K. Ahuja, Law Relating to Intellectual Property Rights (Lexis Nexis) 2015
4. Elizabeth Verkey, Intellectual Property law and Practice ,Eastern Book Company, 2015
5. Taraporevala V J, Law of Intellectual Property,(2nd Edition) Thomason Reuters, 2013.
6. James J. Fawcett and Paul Torremans: Intellectual Property and Private International Law,2012, (oxford)

Journal/Articles:

1. Mark A Lemley & R. Anthony Reese, Reducing Digital Copyright Infringement Without Restricting Innovation 56 Stan L. Rev 1345 (2004)
2. Ruth Okediji, Towards an International Fair Use Doctrine 39 Colum J. Transnat'l L. 75 (2000)
3. Andrew S. Brown, Amgen v. HMR: A Case for Deference in Claim Construction (2007) 20 Harv. JL Tech 479
4. Raj S Dave , A Mathematical Approach to Claim Elements and the Doctrine Of Equivalents (2003) 16 Harv. J L Tech 508.
5. Hazel Carty, Dilution and Passing Off: Cause for Concern (1996) 112 LQR 632

Further Readings:

Books:

1. 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
2. Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle(15th ed. 2005) Indian Reprint 2008
3. Rama Sarma, Commentary on Intellectual property Laws, Vol.2. Nagpur: Lexis Nexis Butterworths Wadhawa (2009)
4. Abbott, F., T. Cottier and F. Gurry (1999) The International Intellectual Property System: Commentary and Materials. The Hague, London and Boston, Kluwer Law International
5. Terrel on Patents, Sweet and Maxwell, London (1994)
6. Kerly's Law on Trademarks and Trade Names, Sweet and Maxwell. Wolters Kluwer (2015)
7. Russell Clarke, Industrial Design, Sweet and Maxwell, 9th Ed., (2016).
8. Julie E. Cohen and *Et al.*, Copyright in a Global Information Economy, Aspen Publisher, Wolters Kluwer, (2010)
9. Resource Book on TRIPS and Development, UNCTAD- ICTSD (2004)
10. John Cross, Global Issues in Intellectual Property Law- Cases and Materials, west Publisher (1st ed.,) 2010
11. Lemley, Menell, Merges and Samuelson, Software and Internet Law, (3rd Ed.,) Aspen Publishers, (2006).

Journals/Articles

1. N S Gopalakrishnan, Administrative Remedies in Intellectual Property Protection under TRIPs and Indian Law: Border Control Measures 2000 CLC 1 (Jr) 23
2. Mabel Tsui, Access to Medicine and The Dangers of Patent Linkage: Lesson From Bayer Corp v. Union of India (2011) 18 Journal of Law and Medicine 577-88
3. Ron A Bouchard et al., Structure Function Analysis of Global Pharmaceutical Linkage Regulations (2011) 12 Minn J L Sci & Tech 391-457.
4. Peter S. Menell, Economic Implication of State Sovereign Immunity from Infringement of Federal Intellectual Property Rights, 33 Loy. L. A. L. Rev. 1399 (2000)
5. Pamela Samuelson & Tara Wheatland, Statutory Damages in Copyright Law: A remedy in Need of Reform 51 Wm & Mary L. Rev. 495 (2009)
6. Alan Latman, Probative Similarity as Proof of Copying: Towards Dispelling Some Myths in Copyright Infringement? (1990) Colum L. Rev 1187.
7. Adam V. Vickers, Comment, Peering Beyond Today's Internet File sharing Concerns: The Future of Bit Torrent Technology, 8 Tul. J. Tech & Intell. Prop. 133 (2006)
8. Neil Weinstock Netanel, Impose a Non Commercial Use Levy to Allow Free Peer to Peer File Sharing 17 Harv. J. L. & Tech 1 (2003)
9. Michael J Madison, A Pattern Oriented Approach to Fair Use, 45 Wm & Mary L. Rev 1525 (2004)
10. Pamela Samuelson & Suzanne Scotcher, The Law and Economics of Reverse Engineering, Yale L. J. 1575 (2002)

Cases for Guidance

1. R. G. Anand v. Delux Films (1978) 4 SCC 118
2. Computer Associates International Inc v. Altai 982 F.2d 693 (3rd Cir 1992)
3. Kelly v. Arriba Soft Corp (2003)
4. Delhi University Photo Copying Case – The Chancellor Masters and Scholars of the University of Oxford v. Rameshwari Photocopy Services (2012)
5. Sega Enterprises Ltd v. Accolade Inc (1992)
6. A & M Records v. Napster Inc (2001)
7. Phillips v AWH Corporation (2005)
8. Larami Corp. v. Amron (1993)
9. Graver Tank v. Linde Air Products Co. 339 US 605 (1950)
10. Catnic Components Ltd v Hill & Smith Ltd (1982)RPC 183
11. Improver Corp. v Remington Consumer Products Ltd. (1990) FSR 181
12. Bajaj Auto Ltd v. TVS Motors Co Ltd (2008)
13. Monsanto v Nuziveedu (2019)
14. Britannia Industries Ltd v. Sara Lee Bakery AIR 2000 Mad 497
15. Erven Warnink v. J Townsend & Sons Ltd (1979)
16. S M Dyechem Ltd., v Cadbury (India) ltd (2000)
17. Cadila Health Care Ltd v Cadila Pharmaceutical Ltd (2001)
18. Scotch Whisky Assn., v Pravara Sahakar Shakar Karkhana Ltd AIR 1992 Bom 294
19. Syndicate of Press of University of Cambridge v B. D. Bhandari (2005) 31 PTC 58 (Del)
20. 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. Learn the practical application IP Laws
2. Examine different rules and tests laid down by the courts in different jurisdictions
3. Understand the interpretation of IP Laws
4. Discuss and learn about cross border IP litigations
5. Learn international IP enforcement mechanisms

(b): CONSTITUTIONAL LAW AND PROPERTY LAW

H3S6502: RERA AND TENANCY LAWS

Objectives of the Course:

- 1. RERA is a most significant legislative measure to regulate the field of Real Estate Projects. It aims to regulate and promote the real estate sector by regulating the transactions between buyers and promoters of residential as well as commercial projects.*
- 2. Tenancy laws bring within its ambit the rules for residential and non-residential premises and further develop the policies to promote balanced rental housing. It is aimed at ensuring better access to housing opportunities, while alleviating fears of the house owners in granting tenancy rights and also establishes a better structure for enforcing rights and responsibilities of property owners and tenants.*
- 3. The Tenancy Laws includes building tenancy and law relating to cultivating tenants in the state of Tamil Nadu. This subject is most significant for civil side practice.*

COURSE OUTLINE

Module – I: Law Relating to Real Estate Regulation

- 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
- Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018.

Module – II: Tenancy Laws in Tamil Nadu in relating to Buildings:

Definitions - Tenancy – Rent – Obligations of Landlord and Tenant – Repossession of the Premises by the Landlord –Rent Authorities: Appointment, Powers and Functions – Rent courts and Rent Tribunals.

Module – III: Laws relating to cultivating tenants in Tamil Nadu:

- Definition: cultivating tenant, landlord- rights and liabilities of landlords- grounds for eviction of tenant- protection available to member of armed forces- restrictions on restoration of possession - Cultivating Tenants Special Provisions Act, 1968 with amendments
- The TN Cultivating Tenants Arrears of Rent (Relief) Act, 1972 [including all amendments]
- The TN Cultivating Tenants Protection From Eviction Act, 1989 [including all amendments]

Module - IV

Definition- agricultural labourer - rent court and rent tribunal- kaieruvaramdhar and mattuvaramdhar- revision- record of tenancy rights – advisory committee.

Module– V:

Definitions – occupant of Kudiyiruppu – alternative site – payment and recovery of compensation – prohibition of alienation

Statutory Materials:

1. Real Estate (Regulation and Development) Act, 2016
2. The Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenants Act, 2017 [including amendments, rules]
3. The TN Cultivating Tenants Protection Act, 1955
4. The TN Cultivating Tenants (Payment of Fair Rent) Act, 1956
5. The TN Agricultural Land Record of Tenancy Rights Act, 1969
6. The TN Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971

Recommended Readings:

1. A handbook of Land Tenures in Tamil Nadu by Sambandham and V.S.Rajaram, 2017 edition, C.Sitaraman & Co.Pvt. Ltd.
2. Taxmann's Guide to RERA with RERA check lists, 3rd edition, 2017.
3. Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018 at https://www.tnrera.in/Downloads/Acts_Rules_Regulations/Regulations.pdf
4. Land laws of Tamil Nadu, Prof.A.Chandrasekaran, C.Sitaraman& Co.Pvt. Ltd, 2013 edition.
5. The Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenants Act, 2017 Bare Act

Cases for Guidance:

1. Anandan v. Lingam on 22 February, 2013
2. P.K.Selvaraj v. The Revenue Divisional Officer on 17 February, 2006
3. K.Thangammal vs R.Murugan on 24 September, 2018
4. Nachayee Ammal and others v. Sri Venugopalakrishnaswamy on 1 March, 2003
5. Somasundaram v. Subramanian on 20 March, 2019
6. E.K.M.G.Bakir Ali v. G.Sundarraaj on 20 June, 2011
7. Maria Seeman Nadar v. Anna Muthu Ammal on 18 December, 2006
8. Church Of South India Trust v. The District Revenue Officer on 30 March, 2010
9. Shanmugham vs Arulmigu Vinayagar And Arulmighu on 18 June, 2002
10. R. Jayakumar vs P. Kaliyaperumal And Ors. on 17 February, 1999
11. Jayaraman (Died) vs Eswaran on 10 February, 2012
12. T.K.Ayub vs Mohammed Hanif on 23 March, 2010
13. B.Venkatesh vs Nagarajan on 12 July, 2018
14. G.Surya Kumari vs The Government Of Tamil Nadu on 1 September, 2017
15. Sanjay phulwaria and 22 others v. Mumbai metropolitan region development authority and 4 others, Bombay high court on 16 October, 2018

Learning Outcome:

Students graduating with Land Laws will be able to:

1. Understand and describe legislative power to make laws relating to land and land ceiling is in the state list.
2. Different states have enacted their own laws on this subject and the application of these laws is varied from state to state.
3. The Constitutional perspectives relating to these subjects have to be taught as an essential part of this course.
4. Problem-solve complex issues in the land related matters and society related to policies, law enforcement, government bindings and etc.
5. Effectively apply knowledge to solve practical problems

(c): CRIMINAL LAW AND FORENSIC SCIENCE

H3S6503: PSYCHOLOGY OF CRIME

Objectives of the Course:

The course is designed to bring out the link between crime and psychology. It will highlight the causes of crime for victims, offender and of the wider society. The basic promise of the course is that multiple variables affect human behavior, hence focuses its attention to personality factors and how they intersect with situational variables. Student will acquire a new framework for interpreting criminal behavior and will examine the usage of psychology in the criminal justice system.

At the end of the course, the student will have:

- *Knowledge of the key concepts and propositions of psychological models of Human behavior*
- *Inbuilt capacity to identify the varying perspectives of criminal behavior.*
- *Familiarity with research methodologies commonly employed in the field of criminal psychology.*

COURSE OUTLINE

Module I: Introduction to Psychology of Crime

- a) Nature and scope of psychology- Psychology of Soul;Mind;Consciousness;Behaviour
- b) Study of Criminal Behavior
- c) Concepts of Crime, Law and Criminology
- d) Theories of Crime Causation.
- e) Psychological Theories of Crime

Module II: Criminal Personality

- a) Meaning and Nature of Personality
- b) Theories and Factors of Personality
- c) Meaning and Types of Criminal Personality
- d) Criminal Personality and Non Criminal Personality
- e) Personality Disorder- Psychopathic Personality

Module III: Criminal Behavior

- a) Nature and Scope of Criminal Behavior
- b) Factors that lead to Criminal Behavior- Biological factors- Situational factors- Learned factors
- c) Theories of Criminal Behavior- Developmental theories- Critical criminology
- d) Evaluation of Criminal - Psychological Tests
- e) Criminal Psychology- Roles of Criminal Psychologists

Module IV: Criminal Typology

- a) Violent Crimes – Homicide- Suicide
- b) Stalking and Sexual Offenses
- c) Property Crimes
- d) Public Order Crimes
- e) Substance Abuse

Module V: The Criminal Justice System -The Psychological Approach

- a) Police Psychology
- b) Treatment of Victims and Witnesses
- c) Suspects of Crime
- d) Court proceedings -Prison- Probation services- Juvenile Corrections
- e) Social Perspective

Module VI: Correctional Psychology- Crime Prevention

- a) Forensic and Correctional Psychology
- b) Intervention
- c) Correctional Counseling Process
- d) Group Counseling and Resocialisation Programmes
- e) Treatment of Criminals – Custodial- Non-custodial

Recommended Reading

Books

1. Evolutionary Psychology: The New Science of the Mind, David Buss , 4th Edition, Pearson, 2011
2. Abnormal psychology and modern life, [James C Coleman](#), Scott, Foresman; 7th Edition (1984)
3. Contemporary Criminal Law: Concepts, Cases, and Controversies, Matthew Lippman, SAGE Publications, 5 Edition 2018
4. Sociology of Deviant Behavior, [Marshall B. Clinard](#) , [Robert F. Meier](#) , Cengage Learning, 15 Edition, 2015
5. Crime classification manual. Lexington Books/Macmillan, Douglas, J. E., Burgess, A. W., Burgess, A. G., & Ressler, R. K. (Eds.), 1992

Journals/ Articles

1. Criminal Psychology, K. EGross HKallen H, Columbia Law Review (1912) 12(1) 90
2. Rehabilitating Criminal Justice Policy and Practice, Andrews DBonta J, Psychology, Public Policy, and Law (2010) 16(1) 39-55
3. Forensic Psychology, Louw D, Elsevier Inc., (2015), 351-356
4. Once a criminal, always a criminal?: 'Redeemability' and the psychology of punitive public attitudes, Maruna SKing A European Journal on Criminal Policy and Research (2009) 15(1-2) 7-24
5. The Encyclopedia of Criminology and Criminal Justice, Choice Reviews Online (2014) 52(01) 52-0041-52-0041

Further Reading

Books

1. The Psychopathology of Crime: Criminal Behavior as a Clinical Disorder, Adrian Raine , Academic Press; 1 Edition 1997
2. Psychology and Crime: Myths and Reality (Longman Criminology Series), [Peter B. Ainsworth](#), Addison-Wesley Longman Ltd, 2000
3. Criminology & Psychology Today: Peering Inside Criminal Minds: Uncovering The Complex Relationships Between Criminals Psychology, Neuroscience & Neuro-criminology (criminal psychology books) Kindle Edition, Alice Cole , Chris McGarry . Kindle Edition
4. The Psychology of Criminal Conduct, D.A. Andrews, James Bonta, Elsevier Inc., 5th Edition , 2010
5. Psychology and Crime: An Introduction to Criminological Psychology , [Clive R. Hollin](#), Routledge; 2 Edition 2012
6. Criminal psychology, Pakes F Pakes S, Taylor and Francis, (2012).
7. Introduction to Forensic Psychology, Shipley S Arrigo B, Elsevier Inc., (2012)
8. Crime and criminal justice, Marsha I, Taylor and Francis, (2011)
9. Psychology and law: truthfulness, accuracy and credibility, Memon AVrij ABull R, (2003)
10. Applying Psychology to Forensic Practice, Needs ATowl G wiley, (2008)

Journal/ Articles

1. Handbook of Forensic psychology, Haward L, Behaviour Research and Therapy (1988) 26(4) 366
2. Offender profiling and investigative psychology, Canter D, Journal of Investigative Psychology and Offender Profiling (2004) 1(1) 1-15
3. Dennis Howitt, Introduction to Forensic and Criminal Psychology, Duff S, Psychology Learning & Teaching (2016) 15(1) 115-116
4. Applying Psychology to Criminal Justice, Carson DMilne RPakes , John Wiley and Sons, (2008), 1-314
5. Evolutionary theory and criminal behaviour, Quinsey V, Legal and Criminological Psychology, <https://doi.org/10.1348/135532502168324>

6. Psychology and crime, Kellogg A Psychological Bulletin (1917) 14(11) 379-387
7. History of forensic psychology, Bartol CBartol A, Edited byWeiner IOtto RWeiner (Ed) IOtto (Ed) R John Wiley & Sons Inc, (2014), 3-34
8. Offender coercion in treatment: A meta-analysis of effectiveness, [Parhar K](#), [Wormith J](#), [Derkzen D](#), Criminal Justice and Behavior (2008) 35(9) 1109-1135
9. Psychopathy and recidivism in adolescent sex offenders, Gretton HMcBride MHare, Criminal Justice and Behavior (2001) 28(4) 427-449
10. Does criminal offender treatment work, Simon L, Applied and Preventive Psychology (1998) 7(3) 137-159

Learning Outcomes

1. The student will have the ability to examine critically specific offenses and apply psychological models of criminality.
2. They will have an awareness on different perspectives to be employed in crime prevention, investigation, and treatment.

(d): INDUSTRIAL AND COMMERCIAL LAW

H3S6504: SOCIAL SECURITY AND UNORGANISED LABOUR

Objectives of the Course

The bulk of India's labor force today is the unorganised sector. Suffering from poverty, without access to education, underpaid, unaware of their rights, and unable to enforce them, the odds are stacked against our unorganized sector. To address this problem, the legislature and the judiciary have, through laws and through judicial activism, repeatedly come to the rescue of these workers. This course is designed to introduce students to the challenges faced by this sector. The main objective is to instruct sector wise relevance which ensures the governance effectively. Other sectors can have identical/similar regulatory system and also be understood in the context of the treatment of the subject matter in this paper. The course work is within the viable framework.

This course has been designed to:

- I. Provide a broad-based understanding of the concept of the informal sector/unorganised labour – their nature, categories, industries, and the challenges and injustices they face;
- II. Instruct the student on the role of the ILO;
- III. Delve into the concept of social security for unorganised labour;
- IV. Focus on critical, India-specific sectors of unorganised workers and examine their individual challenges; and
- V. Survey the various legislations that target the upliftment of, and provision of benefits to, such workers.

The syllabus has been prepared with these objectives and consists of 6 modules.

COURSE OUTLINE

Module I – Introduction to Unorganised Sector

- (a) Concept and Characteristics of Unorganized Sector.
- (b) Unorganised Labour Force in India.
- (c) Economic Contribution of Unorganised Workers.
- (d) Causes and Problems of Unorganized Workers.
- (e) Different Categories of Unorganized Workers-Beedi Workers, Construction Workers-Domestic Workers- Agricultural Workers- Plantation Labourers.
- (f) ILO and Minimum Conditions of Work.
- (g) Constitutional Safeguards.
- (h) Role of Judiciary in the Protection of Unorganized Workers.

Module II – Social Security for Unorganised Workers

- (a) The Unorganised Workers' Social Security Act, 2008 – Scope and Coverage.
- (b) Definition of Unorganised Sector and Unorganised Worker.
- (c) Social Security Benefits – Schemes.
- (d) Social Security Board.
- (e) Registration of Unorganised Workers.

Module III - Beedi Sector Workers and Specific Legislative Measures

1(a) Features of Beedi Industry

- (b) Production Process.
- (c) Living and Working Conditions.
- (d) Gender Discrimination.
- (e) Vulnerability of Children.
- (f) Occupational Health Hazard and Safety issues.

2(a) The Beedi And Cigar Workers (Conditions of Employment) Act, 1966 – Scope and Object – Definitions – Licenses - Appeals.

- (b) Health and Welfare Measures.
- (c) Working Hours.
- (e) Annual Leave with Wages.
- (f) Application of The Payment of Wages Act, 1936 and The Industrial Disputes Act, 1947.
- (g) Inspectors.
- (h) Offences and Penalty.

3(a) Beedi Workers Welfare Fund Act, 1976 – Scope and Object – Definitions.

- (b) Welfare Fund.
- (c) Advisory Committees.
- (d) Welfare Commissioner.
- (e) Power to make Rules.

4(a) Beedi Workers Welfare Cess Act, 1976 – Scope and Object.

- (b) Fund – Levy and Collection of Cess on Manufactured Beedis.
- (c) Consolidated Fund of India.
- (d) Protection of Action Taken in Good Faith.

Module IV – Construction Workers and Regulation of Conditions of Employment

1 (a) Construction Industry.

- (b) Outsourcing of Labour through Contractor and Intermediaries.
- (c) Types of Construction Workers.
- (d) Women and Child Workers.
- (e) Living and Working Conditions of the Workers.
- (f) Occupational, Health and Safety Issues.
- (e) ILO Conventions on Construction Workers.

2.(a) The Building And Other Construction Workers (Regulation Of Employment And Conditions of Service) Act, 1996 – Scope and Object - Definitions.

- (a) Advisory Committees and Expert Committees.
- (b) Registration of Establishment .
- (c) Registration of Building Workers as Beneficiaries.
- (d) Welfare Board.
- (e) Hours of Work.
- (f) Welfare Measures - Safety and Health Measures.
- (g) Responsibility of Employers.
- (h) Inspecting Staff.
- (i) Offences and Penalties.

3. (a) Building and Other Construction Workers Welfare Cess Act, 1996 – Scope and Object - Definitions.

- (b) Levy and Collection of Cess.
- (c) Furnishing of Returns
- (d) Assessment of Cess.
- (e) Recovery of Amount Due – Appeals.
- (f) Penalty – Offences by Companies.

Module V – Plantation Labour and Conditions of Employment

1.(a) Characteristics of Plantation industry.

- (b) Intensity of Labour.
- (c) Working and Living Conditions.
- (d) Occupational and Health Hazards.
- (e) Problems of Women and Child Workers.

2.(a) Plantation Labour Act, 1951 – Scope and Object – Definitions.

- (b) Inspecting Staff
- (c) Provisions as to Health and Welfare.
- (d) Hours and Limitation of Employment.
- (e) Leave with Wages.
- (f) Penalties And Procedure .

Module VI – Other Legislations Relating to Unorganised Workers

1.(a) The Bonded Labour System (Abolition) Act, 1976 – Object and Scope – Definitions.

- (b) Abolition of Bonded Labour System – Agreement, Custom, etc. to be Void.
- (c) Liability to Repay Bonded Debt to Stand Extinguished – Property of Bonded Labour to be Freed from Mortgage, etc., – Creditors not to accept Payment against Extinguished Debt –
- (d) Authorities for Implementation of the Act.

2.(a) Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act , 1979 – Scope and Object – Definitions.

- (b) Registering Offices-Registration and Revocation of Establishments.

(c) licensing officers-Licensing of Contractors-Revocation, Suspension and Amendment of Licenses.

(d) Duties and Obligations of Contractors.

(e) Wages, Welfare and Other Facilities.

(f) Displacement Allowance.

(g) Liability of principal Employer.

(h) Inspecting Staff.

(i) Offences and Penalty.

3.(a) Contract Labour (Regulation & Abolition) Act, 1970 - Scope and Object -Definitions.

(b) Advisory Boards.

(c) Registration of Establishments.

(d) Licensing of Contractors.

(e) Health and Welfare Measure.

(f) Offences and Penalties.

4.(a) Child Labour (Prohibition and Regulation) Act, 1986 – Scope and Object – definitions.

(b) Prohibition of Employment of Children.

(c) Regulation of Conditions of Work.

(d) Procedure Relating to Offences.

5.(a) Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

(b) Guarantee of Rural employment to House Holds.

(c) Conditions for Providing Guaranteed Employment.

(d) Payment of Unemployment Allowance.

(e) Non-Disbursement of Unemployment Allowance.

(f) Planning and Implementation of Schemes.

(g) Responsibilities of Gram Panchayaths.

(h) Grievance Redressal Mechanism.

(i) National Employment Guaranteed Fund.

Recommended Reading

Books Prescribed:

1. Dr. V.G. Goswami, "Labour & Industrial Laws" (Central Law Agency, 2019).
2. Prof. (Dr.) S.C. Srivastava, "Legal Protection and Social Security in Unorganised Sector" (The Book Line, 2017).
3. Suresh C Srivastava, "Labour Law in Factories, Mines, Plantation, Transportation, Shops and other Establishments" (Prentice Hall of India, 1992).
4. S.N.Mishra, "Labour and Industrial Law" (Central Law Publications, 29th ed., 2019).
5. Gupta N.H., "Social Security for Labour in India" (Deep and Deep Publications, Delhi, 1986).

Journals:

- 1) M. D. Pradeep, B. K. Ravindra, *et.al.*, "A Study on the Prospects and Problems of Unorganised Labour in India", 2 IJAASR 94-100 (2017).
- 2) Lee Tucker, "Child Slaves in Modern India: The Bonded Labour Problem", 19 HRQ 572-628 (1997).
- 3) Jeet Singh Mann, "Employment Rights Protection and Conditions of Domestic Workers: A Critical Appraisal", 57 JILI 216-243 (2015).
- 4) Thomas Paul, "Child Labour – Prohibition v. Abolition: Untangling the Constitutional Tangle", 50 JILI 143-176 (2008).
- 5) M.S.Ramanujam and K.L.Rawal, "Unorganised Workers' Welfare: Imperatives and Initiatives", 46 IJIR 16-31 (2010).
- 6) Suresh C. Srivastava, "Equal Remuneration for Men and Women", 32 JILI 82-92 (1990).

Further Reading

Reference Books:

1. Arun Monappa, Ranjeet Numbudiri, Patturaja Selvaraj, "Industrial Relations & Labour Laws" (Tata Mcgraw Hill, 2012).
2. S.C. Srivastava, "Social Security and Labour Laws" (Lucknow: Eastern Book Company, 1985).
3. R.W. Rideout, "Principles of Labour Law" (Sweet and Maxwell, 1988).
4. H.K. Saharay, "Industrial and labour Laws of India" (Calcutta: Eastern Law House, 1987).
6. Kanak Kanti Bagchi & Nirupam Gope, "Social Security for Unorganised workers in India" (Gurgoan: Madhav Books, 2012).
7. Nayan Barua, "Social Security and Labour Welfare in India" (New Delhi: Asish Publishing House, 1995).
8. Radhika.K, "Women in Agricultural Development" (New Delhi: Serials Publications, 2008).

9. Singh D.P, “Women Workers in Unorganised Sector” (New Delhi: Deep & Deep Publications, 2008).
10. Tripathy S.N, “Law for Unorganised Labour in India”, (Delhi: Mangalam Publications, 2008).

Articles:

1. A.Dharmalingam, “Conditions of Brickworkers in South Indian Village”, 30 EPW 3014-3018 (1995).
2. K.R.Lakshmy Devi, “The Women Beedi Workers in a Kerala Village”, 21 IJIR 251-259 (1985).
3. Manishi Pathak, “An Overview of Contract Labour Related Laws in India” *NLS Bus. L.Rev.* 20 (2017).
4. Rashmi Tiwari and Shivani Tiwari, “Women Employment in Unorganised Sector: An Empirical Analysis”, 35 JRD 645-664 (2016).
5. Paramita Ray, “Contract Labour System in India: Issues & Perspectives”, 3 IJLLJS 297-306 (2016).

Cases for Guidance:

1. Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. &Ors., 1985 AIR 652.
2. People Union for Democratic Rights v. Union of India & Ors., 1982 AIR 1473.
3. Bandhua Mukti Morcha v. Union of India, 1984 SCR (2) 67.
4. Neeraja Chaudhary v. State of Madhya Pradesh, (1984) 3 SCC 243.
5. Daily Rated Casual Labour v. Union of India, 1988 SCR (1) 598.
6. State v. Banwari, 1957 CriLJ 539.
7. M.C. Mehta v. State of Tamil Nadu and Others, (1996) 6 SCC 756.
8. Delhi Jal Board v. National Campaign for Dignity and Rights of Sewerage and Allied Workers, 12 July, 2011.
9. KotchuVelu V. Joseph, 1987 II LLJ 174 (Kerala).
10. N Krishna Devi v. Vishnu Mitra, AIR 1982 Raj 281.
11. Bijay Cotton Mills v. State of Ajmer, (1955) 1 LLJ 129 (SC).
12. Municipal Corporation of Delhi v. Female Workers, (2000) 3 SCC 224.
13. Rajangam, Secretary, Dist. Beedi Worker's Union v. State of Tamil Nadu, 1992 SCC (1) 221.
14. B. M. Lakshmanamurthy v. The Employees' State Insurance, AIR 1974 SC 759.
15. Olga Tellis & Ors v. Bombay Municipal Corporation, 1985 SCR Supl. (2) 51.
16. Gammon India Ltd. v. Union of India &Ors., 1974 SCR (3) 66.
17. Salal Hydro Electric Project v. State of Jammu and Kashmir, 1983 (3) SCC 538.

Learning Outcome

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

1. Comprehend the complex issue of unorganised labour and their challenges;
2. Appreciate the crucial role played by ILO in their upliftment;
3. Critically analyse social security law through the lens of unorganised labour;
4. Discern and perceive the problems of unorganised labour in various specific sectors in India and critically examine the efforts taken to legislate for their improvements.

H3CC503: DRAFTING. PLEADING AND CONVEYANCING

(Clinical Course -III)

Objective of the Course:

Drafting 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 legalpractice.

COURSE OUTLINE

Module I: Introduction

- a. Drafting – the meaning, scope and significance
- b. Legal drafting – Legal notice, Sec.138 N.I Act notice, Suit Notice, Matrimonial issues Notice, M.V. Act cases Notice, Reply Notice –
- c. Complaint – depth knowledge in legal language and legal writing – use appropriate legal terminology – purpose of notice – time prescribed in notice – appropriate remedyrequired

Module – II: Pleadings – Civil Pleadings – Substantive provisions (theoretical approach) and Forms (practical exercise)

- a. Meaning, Scope and significance – civil pleadings
- b. Trial court pleadings : Complaint, Written Statement, L R Petition, Counter petition, Affidavit, Execution Petition, Interlocutory Application, Sub-Application,
- c. 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)

- a. Meaning, scope and significance – criminal pleadings
- b. Prosecution Pleading – Police custody petition, Petition for withdrawal from

prosecution, Criminal Appeal from prosecution, Counter Affidavit filed by prosecution –

- c. Defence Pleading – Bail Petition, Anticipatory Bail, Discharge Petition, Criminal Appeal from conviction – other petitions – Quash Petition
- d. 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)

- a. Civil Miscellaneous Appeal,
- b. Civil Miscellaneous Petition,
- c. Writ Petitions and Habeas Corpus Petition, Writ Appeal
- d. Civil Suit, Original Petition,
- e. Company Petition, ,
- f. Criminal Original petition,
- g. Public Interest Litigation

Module – V: Pleadings – Other Pleadings – Substantive provisions (theoretical approach) and Forms (practical exercise)

- a. Private complaint,
- b. Matrimonial cases petition,
- c. Motor Accident Claimant Original Petition,
- d. Rent Control Original Petition,
- e. Labour Issues Petition

Module VI: Conveyancing – General principles

- a. Meaning, scope and significance, elements and components of deed, Registration – Compulsory registration, optional registration and not necessary to register –
- b. 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)

- a. Sale Deed – Agreement for sale and Agreement of sale,
- b. Gift Deed and Power of Attorney – within family members and others,
- c. Mortgage Deed – Classification of Mortgage, registration of Mortgage and its stamp duty –
- d. Lease and Licence –

- e. Testamentary deeds : Will – Partition Deed – Settlement Deed,
- f. Hire purchase Agreement,
- g. Cancellation Deed,
- h. 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 astudent.

Recommended Readings:

1. Murali Manohar, Conveyancing and Pleading, 2nd Edn -2004, EBC,Lucknow.
2. KS Gopalakrishnans Pleadings and Practice, ALT Publications, Hyderabad,2004.
3. MC Agarwal & GC Mogha, Mogha’s Pleading, 17th Edn - 2006, EBC,Lucknow.
4. GF Harwood, Odgers on Pleadings and Practice, 20th Edn- 1971, Universal Law Publishing Co. Pvt Ltd.,Delhi.
5. Justice Thakker, Code of Civil Procedure, 5th Edn - 2007, EBC,Lucknow

Statues for reference in substantive provisions and Forms

1. Code of Civil Procedure, 1908
2. Code of Criminal Procedure,1973
3. Transfer of Property Act,1872
4. Indian Contract Act,1872
5. Motor VehiclesAct
6. Appellate SideRules
7. Original SideRules
8. RegistrationAct
9. StampAct
10. Civil and Criminal Rules ofPractice

E – Source

www.tnregin.in(Guideline value, Encumbrance and other e services)

Cases for Guidance:

1. Lakshmi Narayan Deo Vasti Temple vs. Narayan F. Marathy (1995) 2 Bom CR610
2. Prabodh Verma vs. State of UP (1984) 4 SCC251
3. Someswer vs. Tribhuban AIR 1934 PC130
4. Narinder Nath vs. Jaswant Singh AIR 1994 P&H 111
5. Syed Muhammed vs. Fattah Muhammed ILR 22 Cal. 324(PC)
6. Viswanath vs. Ram Narayan AIR 1940 All405
7. Tika Khawas vs. Pasupathi AIR 1986 Sikk.6
8. Motilal vs. Yudhistir AIR 1950 PC73
9. Brijlal vs. Parvathy AIR 1982 Del.114
10. Firm Gopal & Co. Ltd vs. Firm Hazarilal AIR 1963 MP37
11. Keshab Rao vs. Chandrabhan AIR 1980 Bom380
12. Onkar Nath vs. Vedvyas 1978 Ren.CR 408 (HP)
13. Iyakku Matho vs. Julius Elias Metropolitan AIR 1962 Ker19
14. Rooplal vs. Nachhittar AIR 1982 SC1559
15. A K Gupta vs. DVC AIR 1967 SC961
16. G. Nagamma vs. Siromanamma (1996) 2 SCC25
17. Phula Devi vs. Mangtu Maharaj AIR 1969 Pat 284
18. Jagjiban Das vs. Gunan Bhai AIR 1967 Gujl
19. N.Naidu vs. K.Naidu AIR 1969 Mad329
20. N.Naidu vs. K.Naidu AIR 1969 Mad329
21. Jogeshwar vs. Sheopujan AIR 1986 Pat35
22. State of Maharatsra vs. Glaxo 1979 Bom CR321
23. Raghunath Das vs. Union of India AIR 1969 SC674
24. State of MP VS. Lajjaram AIR 1961 MP 339

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.

VI SEMESTER

H3LC619: CODE OF CIVIL PROCEDURE

Objectives of the Course:

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

The objective of the study of this subject is to provide the Students

- i. 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.*
- ii. To equip the students with various stages through which a civil cases passes in the court till its final order.*
- iii. To emphasizes on the electronic method of filing the civil suits including the e-vakalatnama.*
- iv. To comprehend the difficult nuances that revolves around civil suits in our country.*
- v. To understand the computation of limitation period for the Institution of suit, appeal and applications along with Exclusion.*

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

Further Readings:

- 1) Dinshaw Fardauzi Mulla, Mulla's Code of Civil Procedure(3 Vols) Lexis Nexis (19th Edition)
- 2) Sudipto Sarkar & V.R. Manohar, Sarkar's Code of Civil Procedure (2 Vols), Lexis Nexis (12th Edition 2017)
- 3) C.K. Takwani, Code of Civil Procedure, Eastern Book Company (8th 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 (3rd 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-4f84-89f6-8add782f069>

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
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
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. Chinnsamy 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.

H3LC620: LAW OF CRIMES II

CODE OF CRIMINAL PROCEDURE 1973 (Including Juvenile Justice Act and The Probation of Offenders Act)

Objectives of the Course:

This 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 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. Vikramadhitya 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. IshaKansal 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.

H3LC621: ENVIRONMENTAL LAW

Objectives of the Course:

The objective of the course is to make environmental law familiar to the students by understanding all dimensions of the subject. This module addresses the UGC mandate to introduce the 'environmental studies' and Bar Council framework syllabus for the subject.

The paper chooses certain international legal regimes to introduce the interface between international and national laws. The module is aptly divided to have a comprehensive understanding of natural resource law and pollution control laws. Emerging regimes such as mining, nuclear energy and health laws are introduced. The module will also introduce disaster management, coastal regulation and biodiversity laws. An introduction to state laws is provided to highlight the role of states in the environmental governance. The student will have the following competencies after studying the subject:

- 1. Students will understand the interface amongst the academic disciplines in relation to environment and identify the relevance of law in the resource discourse.*
- 2. Students will appreciate the legal structure governing environmental concerns from global scale to individual level.*
- 3. Students will be able to apply the environmental law for situations that may arise in the judicial, administrative and political platforms.*

COURSE OUTLINE

Module I: Introduction¹

- A. Historical Perspectives- Ancient India –Vedas –Kautilya -Sangam Tamil Classification - Ashoka and Budhism – Medieval India - Colonial Perspectives of Environment –Environmental History of Europe**
- B. 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**
- C. Factors Affecting Environment – Deforestation - – Habitat Loss - Green House Gases – Acid Rain – Climate Change**

¹ This module is framed in consonance with the UGC mandated 'environmental studies' paper for all the UG courses.

Module II Constitution and Environment

- A. 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
- B. Directive Principles and Environment – Obligations of the State to Protect Environment - Fundamental Duties to Protect Environment
- C. Legislative Powers of Union and State over Environmental Aspects – Environmental aspects in VII Schedule – Role of Local Bodies in Protection of Environment

Module III Principles of Environmental Law

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

Module IV: International Environmental Law

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

Module V: Pollution Control Laws

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

Module VI: Ecological Conservation and Animal Welfare Laws

- A. 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
- B. Laws and Policies relating to Food Security, Organic farming, Seeds and Pesticide

Module VII Environmental Degradation, Disasters and Public Health

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

Module VIII Remedies for 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 International Conventions

Recommended Readings:

Books

1. P. Leelakrishnan, Environmental Law in India (Butterworths, 2019)
2. S. Shanthakumar, Environmental Law –An Introduction (Butterworths 2004)
3. ShyamDiwan and Armin Rosencranz, Environmental Law and Policy in India (Oxford 2002)
4. Nawneet Vibhaw, Environmental Law: An Introduction (Lexis Nexis 2016)
5. Alan Boyle and Patricia Bernie, International Law and Environment (Oxford 2009)
6. 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-indias-forests.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-nidhi-2018.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>
- SujithKoonan, “Constitutionality of the Plachimada Tribunal Bill, 2011: An Assessment” *Law, Environment and Development Journal* (2011) <http://www.lead-journal.org/content/11151.pdf>

Recommended Case Laws

India

- *M.C. Mehta v Union of India (Oleum Gas Leakage case)* (1987) 1 SCC 395
- *Mrs.Susetha v State of T.N.* (2006) 6 SCC 543,
- *T.N. GodavarmanThirumulpad v. Union of India* (1997) 2 SCC 267
- *S. Jagannath v Union of India* (1997) 2 SCC 87
- *Murli S. Deora v Union of India* (2001) 8 SCC 765
- *Vellore Citizens’ Welfare Forum v Union of India* (1996) 5 SCC 647
- *Ratlam v. Vardhichand*(1980) 4 SCC 162.
- *Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P* AIR 1985 SC 652
- *Indian Council for Enviro-legal Action vs. Union of India* 1996 AIR 1446
- *Tripur Dyeing Factory Owners Association V/s NoyyalRiverAyacutdarsProtectionAssociation&Ors.* AIR 2010 SC 3645
- *Almitra H. Patel v. Union of India*
<http://www.indiaenvironmentportal.org.in/files/Almitra%20Patel%20Corrected%20Order%20%20Jan%202017%20NGT.pdf>
- *Save Mon Region Federation v. Union of India*<https://indiankanoon.org/doc/189583188/>
- *Samit Mehta v. Union of India*<https://www.casemine.com/judgement/in/5b17d5604a932678010063da>
- *Srinagar BandhAapdaSangharshSamiti v. Alaknanda hydro Power*
<https://www.casemine.com/judgement/in/5c062c18b338d16e11efe962>

International

- Certain Activities Carried Out by Nicaragua in the Border Area <https://www.icj-cij.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/wp-content/uploads/sites/6/2016/07/PH-CN-20160712-Award.pdfz>
- Indus Waters Kishenganga Arbitration <https://pca-cpa.org/en/cases/20/>

Foreign

- 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

Learning Outcome

After undergoing this course,

1. Students will know the basic environmental concerns from scientific, historical and political perspectives.
2. They will be able to identify the constitutional scheme and propositions relating to environmental management.
3. They will understand the complexities of institutions, stakeholders' interest and politics over natural resources from villages to globe.
4. The students will understand, apply and think on the laws and governance structure of pollution control and natural resources management laws. They will have a clear understanding of various remedies for environmental wrongs.

H3LC622: LAW OF TAXATION

Objective of the Course

Taxation plays 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.

The Course has been designed to:

- I. To explore and understand the concept of tax along with its relevance.
- II. To understand the relevance and importance of the Constitution of India in shaping the taxing statutes and tax system.
- III. To explore how direct taxes are being levied and to thoroughly investigate the steps in arriving at the taxable income.
- IV. To enhance the knowledge on Goods and Services Tax (GST), the new indirect tax regime in its true legal sense.
- V. 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.

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 Powers

- 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) - 101st 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
- 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 (35th 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 101st 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 Singhania & Kapil Singhania, *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.cleartav.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
3. Indian Tax System – An Overview – Habibulla & Co., Chartered Accountants India -

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 Management Studies, 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.
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.*

H3CC604: MOOT COURT EXERCISE AND INTERNSHIP

(CLINICAL COURSE: IV)

Objective of the Course:

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 for owning the skills of advocacy. Identification of facts, application of the laws, framing of issues, elicitation of evidence, oral presentation skills and organization of arguments with persuasive 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.

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, (14th 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) 5th 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, 1st Indian Reprint, Universal Law Publishing 2000
6. J Hill, Practical Guide to Mooting, 1st Indian Reprint, Palgrave Macmillan, 2009
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, 1st 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.



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

COMMON PAPERS

THE TAMIL NADU DR.AMBEDKAR LAW UNIVERSITY

LL.M SYLLABUS

COMMON PAPERS FOR ALL DEPARTMENTS

COMMON PAPERS – 06

1. Legal Education and Research Methodology
2. Judicial Process
3. Constitutional Law: The New Challenges
4. Law and Social Transformation in India
5. Ability Enhancement Compulsory Courses (AECC)
6. Skill Enhancement Courses (SEC)

COMMON PAPER - I

LEGAL EDUCATION AND RESEARCH METHODOLOGY

OBJECTIVES OF THE COURSE

Globalization has called upon the law to execute numerous responsibilities in society and lawyers are expected to act as change agents and social engineers in governance and development. If law is a tool for social engineering and social control, it should be studied in the social content. This means integrating law subjects with social and behavioural sciences. This would enable the lawyer to solve problems in socially acceptable ways and assist in developing public. A post-graduate student of law should get an insight into the objectives of legal education. The LL.M course, being intended to produce lawyers with better competence and expertise, it is imperative that the student should familiarize himself with the different systems of legal education. The pedagogy and andragogy method both at LL.B level and LL.M level has to be exposed to develop his skills. Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop skills in research and writing in a systematic manner that brings an obligation to imbue future generations with an understanding of and appreciation for the rule of law, judicial system, and the role of a profession.

After undergoing the study the student will be able to understand the following:

- To meet ever-growing demands of the society and be thoroughly equipped to cater to the complexities of the different situations.*
- To impart appropriate professional training to produce efficient lawyers.*
- To inculcate law students with the operative legal rules both substantive and procedural.*
- Equip the student with the necessary theoretical and practical skills to deal with the diverse and expanding world of legal practice.*

COURSE OUTLINE

MODULE I - LEGAL EDUCATION

- a) Aims and objectives of legal education
- b) Legal education and social change - Educational administration and infrastructure of law school

- c) Agencies of legal education - Legal education and special role of BCI - Challenges in Legal Education System

MODULE II - LEGAL PEDAGOGY AND RESEARCH

- a) Methods of Teaching, Evaluation and Supervision
- b) Legal Profession and Social Justice- Constitutional Philosophy of Social Justice- Obstacles and Impediments
- c) Ideas of Justice and Justice Education- Shift from Legal Education to Justice Education- Clinical Legal Education

MODULE III - GLOBALIZATION OF LEGAL EDUCATION

- a) Impact of Globalization on Legal Profession- Promotion of Exciting Research Frontier
- b) Global Curriculum and Programme- Global Faculty and Collaboration
- c) Ethical Implications of Globalization of Legal Profession- Standards of Professional Conduct and Etiquette- Comparative Legal Education

MODULE IV - TRANSFORMING LEGAL EDUCATION - INFORMATION AND COMMUNICATION TECHNOLOGIES

- a) Importance of ICT in Education
- b) ICT in Legal Education- Problems Associated with ICT use
- c) Application of ICTs in Legal Education- Electronic Books- E-Journals- Electronic Legal Data Bases

MODULE V - RESEARCH METHODOLOGY

- a) Doctrinal Research methods - Variations, Criticism, Refining the topic and planning the project
- b) Socio-legal studies: research methods, Researching tribunals from a socio-legal perspective, Policy-oriented research on tribunals, Curiosity-driven empirical socio-legal research
- c) Juristic writing – Literature review – Software Applications used in Legal Research.

MODULE VI - EMPIRICAL LEGAL RESEARCH

- a) Empirical Research-Research Design-Research Questions-Measurement: Measuring concepts, evaluation Measures and Measurement Methods.

- b) Collecting Data: Identifying the Target Population-Sampling and Statistical Inference- Tools for Data Collection.
- c) Coding Data: Developing Coding Schemes.

MODULE VII - ANALYSIS AND INTERPRETATION OF DATA

- a) Analyzing Data - Summarizing Data – Variables - Tools for Summarizing Variables – Displays - Descriptive Statistics
- b) Statistical Inference - The Logic of Statistical Inference - Confidence Intervals - Hypothesis Testing - Cross-Tabulation and Tests for Tables
- c) Regression Analysis – Lines and Linear Relationships – Statistical Inference – Introduction to SPSS

MODULE VIII - COMMUNICATING DATA AND RESULTS

- a) Communicating and Visualizing Data and Results
- b) Strategies for Presenting Data and Statistical Results
- c) Communicating Data and Presenting Results

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Berelson B. : Content Analysis in Communication Research.
2. Beveridge WIR-Art of Scientific investigation.
3. Black & Champion-Research Methodology.
4. C. M. Coroll and Frederic Coroll : Methods of Sociological Research.
5. Campbell, Fox Kentey-Students guide to Legalwriting.

INDIAN JOURNAL OF SOCIAL WORK:

1. Qualitative research design : A interactive approach Maxwell, Joseph A, Sage Publication, New Delhi, 1996.
2. Participatory research and evaluation : experiment in research as a process of liberation- Fernandes Walter, Rajesh Tandon. Indian Social Institute, New Delhi, 1856.
3. Doing legal research : A guide for social scientists and mental health professionals, Morris Roberta, Sales Bruce D, Shuman Daniel W. Sage Publication, London.

4. Research Methodology: A step by step guide for beginners-Kumar Ranjit, Sage Publication, London, 1996.
5. Developing effective research proposals-Punch Keith, Sage Publication, London, 2000.

JOURNALS/ ARTICLES

1. A.S. Anand, “Legal Education in India - Past, Present and Future”, 3 *SCC (Jour.)* 1 (1998).
2. A.Lakshminath, “Legal Education, Research and Pedagogy – Ideological perceptions”, *Journal of Indian Law Institute*, Volume 50:4, 2008
3. Wexler D.B and Winick B.J., “Essays in Therapeutic Jurisprudence”, by American Psychological Association available at <https://psycnet.apa.org/record/1991-98773-000>.
4. Norman J. Finkel, “Commonsense Justice, Psychology and the Law: Prototypes that are common, senseful, and not” *Journal of Psychology, Public Policy and Law*, Volume 3, No.2-3, pp.461-489 available at <https://doi.org/10.1037/1076-8971.3.2-3.461>.
5. D.C. Mukherjee, “Practical Side of Law Teaching”, 2 *Journal of Bar Council of India*, 1973.

FURTHER READING:

BOOKS

1. S.K. Sharma, “Legal Profession in India, Sociology of Law and Legal Profession: A Study of Relations between Lawyers and their Clients”
2. S.S. Sharma, “ , Deep & Deep Publications, New Delhi, 1993.
3. David J. McQuoid-Mason (Ed.), “*Legal Aid And Law Clinics In South Law*”, Howard College, University of Natal, 1985.
4. P.L. Mehta, Sushma Gupta, “Legal Education and Profession in India” (2000).
5. Sigmund Freud, “The Essentials of Psycho-Analysis”, Vintage Classics. U.K
6. Jain S. N. : Legal Research and Methodology.
7. N. R. Madhava Menon (ed.) *A Handbook of Clinical Legal Education* (1988), Eastern Book Company, Lucknow.
8. S. K. Agrawal (Ed.), *Legal Education in India* (1973), Tripathi, Bombay.
9. Erwin C. Surrency, B. Fielf and J. Crea, *A Guide to Legal Research* (1959).
10. Festinger L. and Katz, Daniel : *Research Methods in the Behavioural Sciences*.

JOURNALS / ARTICLES

1. A.T. Markose, "A Brief History of the Steps taken in India for Reform of Legal Education", 68 Journal of the All India Law Teachers Association, 1968.
2. Antoinette Sedillo Lopez, "Learning Through Service In A Clinical Setting: The Effect Of Specialization On Social Justice And Skills Training", 7 Clinical Law Review 307 (2000- 2001).
3. Ralph Underwager&Hollida Wakefield, "Poor Psychology produces Poor Law", Journal of Law and Human Behaviour, 1992, Volume 16 No.2, pp.233-243 available at <https://doi.org/10.1007/BF01044800>.
4. Frank J. Macchiarola, "Teaching in Law School: What are we doing and what more has to be done?" 71 1994.
5. "Institutionalizing A Social Justice Mission for Clinical Legal Education: Cross-National Currents From India And The United States", 13 Clinical Law Review 165 (2006-2007).
6. Frank S.Bloch, Iqbal S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United State", Mic. J. Int'l. L. (1990).
7. JagatNarain, "Legal Aid - Litigational or Educational: An Indian Experiment", 28 JILI (1986).
8. Jennifer Howard, Learning to "Think Like A Lawyer" Through Experience, 2 Clinical Law Review 167 (1995).
9. Jon C. Dubin, "Clinical design for Social Justice Imperatives", 51 S.M.U. L. REV. 1461 (1997-1998).
10. Krishna Iyer, "Professions for the People: A Third World Perspective", XXII IBR (1995).

REPORTS

1. American Bar Association, "Section of Legal Education and Admissions to the Bar, Legal Education and Profession Development - An Educational Continuum", Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, (ABA 1992). Government of India, Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, "Report of Expert Committee on Legal Aid :Processual Justice to the People" (1973).

2. Government of India, Ministry of Law, Justice and Company affairs, Department of Legal Affairs, “Report of Expert Committee on Legal Aid: Processual Justice to the People” (1973)
3. Government of India, Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, “Report on National Juridicare: Equal Justice - Social Justice”(1977)
4. Law Commission of India, 14th Report on Reform of Judicial Administration” (1958).
5. Law Commission of India, 184th Report on The Legal Education and Professional Training and Proposal for Amendments to the Advocates Act 1961 and the University Grants Commission Act, 1956”.

COMMON PAPER – II

JUDICIAL PROCESS

OBJECTIVES OF THE COURSE

The Constitution, a living document is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. This course aims to study the nature of judicial process and the role of the judges as policy makers and as the participants in evolving political principles of governance in the comparative aspects. Another objective of this paper is the study comparative view of how the Judiciary manages itself for its effective productive results.

After undergoing the study, the student will be able to understand the following:

- *Nature of Judicial Process and its techniques.*
- *Role of Judges as Policy makers and as participants in evolving political principles of governance.*
- *Comparative aspects of Judicial Management and Administration.*
- *Legal progression and creativity through legal reasoning under statutory and codified systems.*

COURSE OUTLINE

MODULE I - NATURE OF JUDICIAL PROCESS

- a) Judicial process: Inquiry- Law, Justice, Ethics and Morality.
- b) Components of Legal Reasoning- Deductive, Inductive, Analogy and dialectical reasoning
- c) The tools and techniques- Judicial Polymics, Judicial Axiology.

MODULE II - DIMENSIONS OF JUDICIAL PROCESS

- a) Methods of interpretation- Constitutional Interpretation, Statutory Interpretation in Civil and Common Law Countries.
- b) Concept of Judicial Review, Judicial Activism and Judicial Self Restraint.
- c) Judicial Accountability, Transparency and Independence- Bangalore Principles

MODULE III - JUDICIAL PROCESS IN INDIA

- a) Structure of Judicial System in India- Alternative adjudication- Nyaya Panchayats
- b) Judicial Process and PIL/ Social Action Litigation and Development.

- c) Judicial Policy Making- Evolution of Doctrines and Principles-Brandies Brief, Jurimetrics.

MODULE IV - JUDICIAL PROCESS IN CONSTITUTIONAL AMENDMENT

- a) Doctrine of Prospective overruling- Colorable legislation- Harmonious interpretation.
- b) Doctrine of Basic Structure Theory and Recent its Developments
- c) Constitutional Amendment position in America.

MODULE V - JUDICIAL PROCESS IN USA

- a) Judicial Structure in USA- Jury System
- b) Due Process of Law- Judicial Review and American Democracy- the classic debate.
- c) Independence of Judiciary as aspect of Separation of Powers.

MODULE VI - JUDICIAL PROCESS IN UK

- a) Parliamentary Sovereignty and Judicial Supremacy- English Version of Judicial Review- Interpretation of Statues and Constitution by Judiciary.
- b) Common Law and Doctrine of Precedent.
- c) Fusion of Powers v. Separation of Power.

MODULE VII - JUDICIAL MANAGEMENT

- a) Case Management System in UK, USA, Australia and India- Master of Roaster in India.
- b) Lord Woolf's Report on "Case Management" (UK)- Australian Law Reform Commission on "Judicial and case Management" –
- c) National Case Management System (NCMS) in India- E- Courts- Court Manager.

MODULE VIII - JUDICIAL ADMINISTRATION

- a) Selection and Appointment of Judges- Transfer- manpower and Planning including finance.
- b) JIA- Mounting arrears and the reasons.
- c) Work load- Patterns of Court Management- Law Commission Recommendation.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. A. Lakshminath, "Precedent in Indian Law: Judicial Process" EBC Publication (2009).

2. Aharon Barak, *The Judge in a Democracy* (Princeton University Press, 2008).
3. S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (2003).
4. Bernard C. Gavit, Ralph F. Fuchs, *Cases and Materials on an Introduction to Law and the Judicial Process* (1952).
5. Mauro Cappellletti, *The Judicial Process in Comparative Perspective* (Clarendon Press: Oxford, 1989).

JOURNALS/ARTICLES

1. P. Puneeth, "Independence of Judiciary: In Search of Conceptual Clarity" 3 *Jindal Global Law Review* 87 (September 2011)
2. S. P. Sathe, "India: From Positivism to Structuralism" in Jeffrey Goldsworthy, *Interpreting Constitutions: A Comparative Study* (OUP, 2006)
3. Upendra Baxi, "The Avatars of Indian Judicial Activism: Explorations in the Geographies of [In] justice" in S.K. Verma and Kusum (ed.), *Fifty Years of the Supreme Court of India: Its Grasp and Reach* (OUP, 2001).
4. David A. Nelson, "The Nature of Judicial Process Revisited" 22 *N. Ky. L. Rev.* 563 (1994 – 1995).
5. Thomas R. McCoy, "Logic vs. Value Judgment in Legal and Ethical Thought" 23 *Vand. L. Rev.* 1277 (1969 – 1970).

FURTHER READING:

BOOKS

1. Sudhanshu Ranjan, *Justice, Judocracy and Democracy in India: Boundaries and Breaches* (Routledge, 2012).
2. Upendra Baxi, *Courage, Craft and Contention: The Indian Supreme Court in the Eighties* (1985)
3. Shimon Shetreet and Christopher Forsyth, *The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges* (MartinusNijhoff Publishers, 2011).
4. Rupert Cross, J W Harris, *Precedent in English Law* (Clarendon Law Series, 1991).
5. Rajeev Dhavan and Alice Jacob, *Selection and Appointment of Supreme Court Judges: A Case Study* (1978).
6. P. St. J. Langan, *Maxwell on The Interpretation of Statutes* (2004).

7. Dr. Vijay Chitnis, *Judicial Process* (2013)
8. Cardozo, *The Nature Of The Judicial Process* (1921)
9. K.L. Bhatia, *Judicial Review and Judicial Activism* (1997)
10. Henry J. Abraham, *The Judicial Process* (1997)

JOURNALS/ARTICLES

1. Arthur T. Von Mehren, *The Judicial Process: A Comparative Analysis*, *The American Journal of*
2. Dr. Justice B.S. Chauhan, *The Legislative Aspect of the Judiciary: Judicial Activism and Judicial Restraint*, *Tamil Nadu State Judicial Academy Journal*.
3. M. P. Singh, "Securing The Independence of the Judiciary-The Indian Experience", *Indiana Law Review*.
4. S.P Sathe "Judicial Activism: The Indian Experience" *Washington Journal of Law and Policy*, 2001.
5. Arthur L. Corbin, "The Judicial Process Revisited: Introduction" 71 *Yale L. J.* 195 (1961 – 62).
6. *Introduction to action research*, Greenwood, david J. Levin, Morten, sage Publication, London, 1998.
7. *Methodology in social research : Dilemmas and perspective essays in honour of R. Mukharjee*, Sage Publication, New Delhi, 2000.
8. Justice RanganathMisra, "Supreme Court Legal Aid Committee, New Delhi: Its Aims, Activities and Achievements", 5 *SCC Jour.* (1995).
9. MadhavaMenon N.R., "Restructuring the Legal Profession for Strengthening Administration of Justice", XXII, *IBR* (1995).
10. Mohammad Ghouse, "Legal Education in India: Problems and Perspective", (Book review) 19 *J.I.L.I.* (1977).

CASES FOR GUIDANCE

1. *Marbury v. Madison* 5 U.S. 137.
2. *The State of Madras v. SrimathiChampakamDorairajan* 1951 AIR 226.
3. *Indira Nehru Gandhi vs Shri Raj Narain&Anr* 1975 AIR 2299.
4. *D.M. Jabalpur v. S. Shukla* (1976) 2 *SCC* 521.
5. *Mohd. Admed Khan v. Shah Bano Begum* AIR 1985 SC 945.
6. *Olga Tellis v. Bombay Municipal Corporation* 1985 *SCC* (3) 545.

7. I.R Coelho and State of Tamil Nadu AIR 2007 SC 861
8. Aruna Ramachandra Shanbaug v. UOI (2011) 4 SCC 454.
9. Lily Thomas and Union of India (2013) 7 SCC 653.
10. Hussainara Khatoon (I) v. UOI.
11. M.C. Mehta v. Union of India A.I.R. 1987 S.C. 1086
12. Bandhua Mukti Morcha v. Union of India, AIR 1984 S C 802
13. Nandini Satpathy v. P.L. Dani A.I.R. 1978 S.C. 1025
14. M.H. Hoskot's case A.I.R. 1978 S.C. 1548.
15. Hussainara Khatoon's case A.I.R. 1979 S.C. 1377
16. Francis Coralie Mullin v. Administrator, Union Territory of Delhi A.I.R. 1981 S.C. 746
17. Vishaka v. State of Rajsthan (AIR 1997 SC 3011)
18. M.C. Mehta v. State of T.N., AIR 1997 S C 699
19. Sunil Batra v. Delhi Administration 1980 Cri.L.J. 1099.
20. Bhim Singh v. State of Jammu and Kashmir, 1985 (4) SCC 677

LEARNING OUTCOMES

After completing of the course the students will be able to-

- *Critically analysis the judicial creativity in the process of social ordering.*
- *Recognize the role of the judges as policy makers.*
- *Under the role of Judge in Democracy.*
- *Understand the intricacies of judicial creativity and judicial law making. Compare and Analysis the different methods of Judicial and Case management systems.*

COMMON PAPER - III

CONSTITUTIONAL LAW: THE NEW CHALLENGES

OBJECTIVES OF THE COURSE

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialization. Obviously, rubrics under this paper require modification and updating from time to time.

After undergoing the study, the student will be able to understand the following:

- *The profound influence of the Indian Constitution through Preamble.*
- *The combination of Rigidity and Flexibility.*
- *People as the source of Authority.*
- *The impact of the Indian Constitution on Judicial Independence.*

The following syllabus prepared with this perspective will be spread over a period of one semester.

COURSE OUTLINE

MODULE I - FEDERALISM

- a) Creation of new states - Allocation and share of resources - Distribution of Grants in Aid - The inter-state disputes on resources - Rehabilitation of internally displaced persons
- b) Centre's responsibility and internal disturbance within States - Directions of the Centre to the State under Article 356 and 365
- c) Federal Comity: Relationship of trust and faith between Centre and State - Special status of certain States - Tribal Areas, Scheduled Areas

MODULE II - CONCEPT OF "STATE" AND "EQUALITY"

- a) Need for widening the definition in the wake of liberalization
- b) Right to equality: privatization and its impact on affirmative action.
- c) Judicial expansion of "State" and "Equality"

MODULE III - FUNDAMENTAL RIGHTS, DIRECTIVE PRINCIPLES OF STATE

POLICY & FUNDAMENTAL DUTIES

- a) Freedom of press and challenges of new scientific development - Freedom of speech and right to broadcast and telecast - Right to Strike, Hartal and Bandh.
- b) Emerging regime of new rights and remedies - Reading Directive Principles and Fundamental Duties into Fundamental Rights.
- c) Empowerment of women.

MODULE IV - COMMERCIALIZATION OF EDUCATION

- a) Brain drain by foreign education market
- b) Right of Minorities to establish and administer educational institutions and state control.
- c) New Education Policy – Current challenges and proposal for reforms

MODULE V - JUDICIAL INDEPENDENCE

- a) Judicial activism and judicial restraint – Judicial independence - Appointment, transfer and removal of judges – Tribunals.
- b) PIL: implementation
- c) Compensatory Jurisprudence.

MODULE VI - SEPARATION OF POWERS

- a) Doctrine of Separation of Powers - Stresses and Strains
- b) Accountability: executive and judiciary
- c) Latimer House Principles

MODULE VII - SECULARISM

- a) Religious Fanaticism
- b) Essentials and Non-Essentials of Religious Freedom
- c) Transjudicialism of secular principles.

MODULE VIII - DEMOCRATIC PROCESS

- a) Election – Election Commission: Status – Electoral Reform Law
- b) Coalition government, 'stability, durability, corrupt practice'
- c) Nexus of politics with criminals and the business – Grass root democracy

Note:

No specific literature is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

COMMON PAPER - IV

LAW AND SOCIAL TRANSFORMATION IN INDIA

OBJECTIVES OF THE COURSE

This course is designed to offer the teacher and the taught with - (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society

After undergoing the study, the student will be able to understand the following:

- *The interdependence of the law with other social systems.*
- *That law is the reflection of the will and wish of the society.*
- *That law is binding because most people in society consider it to be.*
- *The role of law in transformation of the society.*

The following syllabus prepared with this perspective will be spread over a period of one semester.

MODULE I - LAW AND SOCIAL CHANGE

- a) Law as an instrument of social change
- b) Law as the product of traditions and culture
- c) Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

MODULE II - RELIGION AND THE LAW

- a) Religion as a divisive factor – Secularism as a solution to the problem – Reform of the Law on secular lines: problems and perspectives
- b) Freedom of religion and non-discrimination on the basis of religion
- c) Religious minorities and the law.

MODULE III - LANGUAGE AND THE LAW

- a) Language as a divisive factor: Formation of linguistic states - Constitutional guarantees to linguistic minorities.

- b) Language policy and the Constitution: Official language; multi-language system
- c) Non-discrimination on the ground of language.

MODULE IV - COMMUNITY AND THE LAW

- a) Caste as a divisive factor - Non-discrimination on the ground of caste - Acceptance of caste as a factor to undo past injustices.
- b) Protective discrimination: Scheduled castes, tribes and backward classes
- c) Reservation, Statutory Commissions, Statutory provisions.

MODULE V - REGIONALISM AND THE LAW

- a) Regionalism as a divisive factor - Concept of India as one unit - Right of movement, residence and business; impermissibility of state or regional barriers.
- b) Equality in matters of employment: the slogan "Sons of the soil" and its practice
- c) Admission to educational institutions: preference to residents of a state.

MODULE VI - WOMEN & CHILDREN

- a) Crimes against women - Gender injustice and its various forms.
- b) Women's Commission - Empowerment of women: Constitutional and other legal provisions.
- c) Child Labour - Sexual exploitation - Adoption and related problems - Children and education.

MODULE VII - MODERNIZATION AND THE LAW

- a) Modernization as a value: Constitutional perspectives reflected in the Fundamental Duties - Modernization of social institutions through law - Reform of family law - Agrarian reform - Industrialization of Agriculture.
- b) Industrial reform: Free enterprise v. State regulation - Industrialization v. environmental protection.
- c) Reform of court processes - Criminal law: Plea bargaining; compounding and payment of compensation to victims - Civil law: (ADR) Confrontation v. Consensus; Mediation and Conciliation; Lok Adalats - Prison reforms - Democratic Decentralization and Local Self- Government.

MODULE VIII - ALTERNATIVE APPROACHES TO LAW

- a) The Jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave, Jayaprakash Narayan - Surrender of dacoits; concept of Grama Nyayalayas.
- b) Socialist thought on law and justice: An enquiry through constitutional debates on the right to property.
- c) Indian Marxist critique of law and justice - Naxalite movement: causes and cure.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System, Vikas Publishing House Pvt Ltd, New Delhi, 1982.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
5. U.Baxi, Towards A Sociology of Indian Law, Satvahan, 1986.
6. U.baxi, Indian Supreme Court and Politics, Eastern Book Company, 1980
7. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
9. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000)
10. Armol Publications, Delhi. SavitriGunasekhare, Children, Law and Justice (1997)

FURTHER READING:

BOOKS

1. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
2. Sharyn L. Roach Anleu, Law and Social Change, Sage Publications, 2000
3. ElizabethKolsky, Colonial Justice in British India, White Violence and Rule of Law, Cambridge University Press, 2010,
4. James Jaffe, Ironies of Colonial Governance, Law, Custom and Justice in Colonial India, Cambridge University Press, 2015

5. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford
6. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
7. M.N. Srinivas, Social Change in Modern India, Orient Longman India, 2000
8. William Gould, Hindu Nationalism and the Language of Politics in Late Colonial India, Cambridge University Press, 2004
9. Sage Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)
10. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India

CASES FOR GUIDANCE

Cases such as ‘**Nirbhaya**’ which have had significant impact in the society, where the common was talking how the law must be, what kind of punishment must be imposed.

1. Vishaka v State of Rajasthan 1997
2. Sharaya Bano v Union of India 2017
3. Shankari Prasad v Union of India 1951
4. Golak Nath v State of Punjab 1967
5. Keshvananda Bharti v State of Kerela 1973
6. Minerva Mills v UOI 1980
7. AK Gopalan v State of Madras 1950
8. Maneka Gandhi v UOI 1978
9. K. Puttuswamy v UOI 2017
10. M.R. Balaji v State of Mysore 1962
11. Indira Sawhney v Union of India 1993
12. Ajit Singh v State of Punjab 1999
13. M. Nagraj v Union of India 2006
14. Ashok Thakur v Union of India 2008
15. Mohini Jain v State of Karnataka 1992
16. Unni Krishnan J.P. v. State of Andhra Pradesh 1993
17. L. Chandra Kumar v UOI 1997
18. Waman Rao v Union of India 1981
19. Gian Kaur v State of Punjab 1996
20. Aruna Shanbaug v UOI 2011

LEARNING OUTCOMES

After completing of the course the students will be able to -

- *Understanding the importance of Law as an instrument of Social Change.*
- *Understanding that law is a product of traditions and culture.*
- *Understanding the common law system and institutions in India.*
- *Understanding the development of law and legal institutions in India.*

ABILITY ENHANCEMENT COMPULSORY COURSES (AECC)

2 CREDITS

COMPULSORY FOR ALL COURSES

APPLIED RESEARCH METHODOLOGY (FIELD BASED RESEARCH)

OBJECTIVES OF THE COURSE

Legal Research is the process of identifying and retrieving information necessary to support legal decision-making. It begins with an analysis of the facts of a problem and it concludes with the results of the investigation. Legal research skills are of great importance for lawyers to solve any legal case, regardless of area or type of practice. The most basic step in legal research is to find a noteworthy case governing the issues in question. As most legal researchers know, this is far more difficult than it sounds.

Whether you are a Lawyer, a paralegal or a law student, it is essential that Legal research is done in an effective manner. This is where the methodology comes into play. Different cases must be approached in different ways and this is why it is important to know which type of legal research methodology is suitable for your case and helpful for your client. Applied Legal Research is one such methodology used to find a solution to a pressing practical problem at hand. It is a straightforward practical approach to the case. It involves doing full-fledged field research work on a specific area of law followed by gathering information on all technical legal rules and principles applied and forming an opinion on the prospects of solution to the problems.

COURSE WORK

In this course the student will be asked to do a field work research in law with applied research methodology and present it to the faculty (Guide). The course will carry 2 credits. The student will earn one credit for the field work and one credit for the Viva voce conducted by the faculty.

SKILL ENHANCEMENT COURSES (SEC)

6 CREDITS

COMPULSORY FOR ALL COURSES

OBJECTIVES OF THE COURSE

Practice in Law is an ardent and noble profession. Lawyers to be so successful must have augmented skills that include presentation, advocacy, presence of mind and precise legal delivery. Lawyers need not become experts in each of these areas, but they must have a basic understanding of them. These are now tools for the lawyers. The profession is part of a broader, more diversified, and challenging profession in India. They must adapt to these because law is no longer about lawyers; it is about clients.

The "hard skills" required of lawyers are only part of their expanded profession. They must also possess "soft skills" which is equally important as hard ones. It includes emotional intelligence and an ability to communicate effectively with clients. Lawyers be a compassionate, empathetic human being and approach problem solving from the client perspective.

This course gives the right input for the post graduate student of law to acquire right amount of training to enhance the required skills to face the challenges in the court of law. In this Course the student will undergo FOUR types of training for skill enhancement. The first type is where the PG student will undergo training in teaching law to the Under Graduate programme. The second one will be a presentation of the seminar in law. The third one will be a field work which includes Fieldwork which is Subject oriented, where the student will visit Court, Forum, Tribunal, Law chamber, Academic Institutions, jail Visits, Etc. based on the field visit the fourth one, ie Viva voce will be conducted to test the knowledge acquired through the field visits. All the four components will have one credit each. Each student will earn 4 credit in this course.

Credit pattern for this course

2 credits for (Teaching)

2 credits for (Seminar)

1 credit for (Field Work)

1 credit for (Viva)

Total Credits = 6



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

DEPARTMENT OF BUSINESS LAW

DEPARTMENT OF BUSINESS LAW

The Department of Business Law of The Tamil Nadu Dr. Ambedkar Law University, School of Excellence in Law, Chennai, was established in the year 2003 as the First Branch of Specialisation in the University. Corporate Law in its ever-changing contours requires one to be constantly updated with the latest developments in the field and the Department strives to impart that to the Students. The current intake for the Master's Course in Business Law stands at Twenty Candidates and the Alumnus of this Department have gone on to flourish in the Corporate Arena and also in the Judiciary after clearing the Judicial Services Examinations in flying colours, to name a few. The Department has been consistently promoting Continuing Legal Education by organising periodical events inviting Notable District Collectors, Alumnus practicing Law in the Globalised World amongst others creating value additions to the Research carried out in the field of Business Law.

The legal environment in which business is conducted has been transformed over the recent decades, with the revolution of corporate legal practice. Corporate transactions have grown markedly in scope, value and complexity. This has created an intense demand for highly trained and skilled corporate lawyers. Hence, those who have already embarked upon a legal career can maximise their potential as business lawyers by continuing their legal education with corporate-oriented studies at Masters Level.

The LL.M. in Business Law is structured to prepare students for these facets of successful corporate practice, and thus provides an excellent academic platform for those who have embarked upon a legal career or will do so shortly and intend to specialize in the area of corporate law. The syllabus has been accordingly restructured with effect from the academic year 2020-21 by the Business Law Department. The program offers 6 Specialized Core papers, 3 Discipline Specific Elective papers and 2 Generic Elective papers that synergises theoretical knowledge and practical applications, perfect for equipping the students with professional levels of competence of Business Laws. The courses are scheduled to be spread over 4 semesters in 2 years (CBCS system).

The specialisation provides students with ample opportunity to engage with the key theoretical debates of corporate law and related areas of law, like Banking and Finance, Insurance, Intellectual Property and Competition Laws. These courses would provide an all-important bridge between the various disciplines and skills required by the modern business professional. The elective courses are designed to address the needs arising from the unique dynamics of the current corporate environment, where business intersects with Cyber Law and Dispute Resolution. International Business Law course will prepare the student for a career in global business by providing insights on the complexities of transnational business interactions. The generic electives are structured to enable a holistic understanding of the corporate world, when seen through the prism of Human Rights and Consumer protection.

THE TAMIL NADU DR.AMBEDKAR LAW UNIVERSITY

BRANCH – I

DEPARTMENT OF BUSINESS LAW

LL.M SYLLABUS

SPECIALIZED CORE PAPERS - 06

1. Legal Framework of Corporate Management and Governance.
2. Banking and Finance: Law and Governance.
3. Law of Unfair Competition: Comparative Jurisprudence.
4. Law of Industrial Intellectual Property.
5. Law of International Finance and Institutions.
6. Governance and Regulatory Mechanism of Law of Insurance.

DISCIPLINE SPECIFIC ELECTIVE PAPERS - 03

7. Law of Commercial Dispute Resolution.
8. Law of Corporate Cyber Security.
9. International Business Law.

GENERIC ELECTIVE PAPERS - 02

10. Corporate Law and Human Rights.
11. International and National Legal Framework of Consumer Protection.

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none"> 1. Judicial Process (Common Paper-I) 2. Legal Education and Research Methodology (Common Paper-II) 3. Legal Framework of Corporate Management and Governance (Specialized Core Course-I) 4. Banking and Finance :Law and Governance (Specialized Core Course-II) 5. Corporate Law and Human Rights (Generic Elective Course-I)
Second Semester	<ol style="list-style-type: none"> 1. Constitutional Law : The New Challenges (Common Paper-III) 2. Law and Social Transformation in India (Common Paper-IV) 3. Law of Unfair Competition: Comparative Jurisprudence (Specialized Core Course-III) 4. Law of Commercial Dispute Resolution (Discipline Specific Elective Course-I) 5. Applied Research Methodology
Third Semester	<ol style="list-style-type: none"> 1. Law of Industrial Intellectual Property (Specialized Core Course-IV) 2. Law of International Finance and Institutions (Specialized Core Course-V) 3. Law of Corporate Cyber Security (Discipline Specific Elective Course-II) 4. International and National Legal Framework of Consumer Protection (Generic Elective Course-II)
Fourth Semester	<ol style="list-style-type: none"> 1. Governance and Regulatory Mechanism of Law of Insurance (Specialized Core Course-VI) 2. International Business Law (Discipline Specific Elective Course-III) 3. Skill Enhancement Course(SEC) 4. Dissertation

PAPER – I

LEGAL FRAMEWORK OF CORPORATE MANAGEMENT AND GOVERNANCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

The term 'Corporate Governance encompasses healthy and viable relationship between the corporation and its board of directors, management and stakeholders. In the recent years, the regulators and legislators have deepened their focus on the way businesses ought to be run. They are striving to create a legal prototype for new corporate governance which is beneficial for both the stakeholders and regulators. This course strives to cover the essential legal framework to strengthen corporate governance of a corporation and also touches upon issues such as conflicts of interest, legal framework within the country and international corporate governance.

After undergoing the study, the student will be able to -

- Understand the principles and concepts of corporate management law that governs various commercial transactions.*
- Equip the students to analyse the principle of corporate management and strategies adopted by corporates towards achieving their objectives.*
- Grasp a knowledge of the Institutions and stakeholders that play a major role in corporate structuring.*
- Enable the students answer some vital questions regarding the law of corporate management, governance and legal perspectives pertaining to the same.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- Origin and History of Corporate Management and Governance-Evolution of corporate governance.
- Principles of corporate governance-Theories of corporate governance.
- Globalisation and corporate governance-Correlation between corporate governance and corporate responsibility

MODULE II - CORPORATE SECURITIES

- a) Shareholders-Role of Shareholders-Shareholder rights-Responsibilities of Shareholders – Protection to the shareholders.
- b) Debentures-Role of Debenture holders-Debenture holders rights-Responsibilities of Debenture holders-Protection to the Debenture holders.
- c) Other Stakeholders role, rights and responsibilities-Relationship of Shareholders and Other Stakeholders-Comparative analysis of Shareholders and Debenture holders.

MODULE III - DIRECTORS AND KEY MANAGERIAL PERSONNEL

- a) Board of Directors-Structure of the Board-Role, Authority and independence of the Board - Difference between Board and Management.
- b) Role of Directors-Types of Directors-Managerial remuneration.
- c) Duties, Rights of Directors-Fiduciary responsibilities-Role of the board in Shareholders protection through disclosure and transparency.

MODULE IV - AUDIT AND INVESTOR PROTECTION

- a) The Audit Committee and corporate governance-Defining Audit and Auditors-Significance of accounting and auditing for governance.
- b) Objectives of an Audit-Types of Audit-Types of Auditors.
- c) Roles Duties, & Responsibilities of Auditors-Responsibilities of the Audit Firm - Role of institutional investors-Investor's Problems and Protection-Classification of Investor Protection-Impact of Investor Protection

MODULE V - TRANSPARENCY, DISCLOSURES & COMMUNICATION

- a) Defining Disclosure and Transparency-Effective Tools for Disclosure.
- b) Role of Financial Institutions-Significance of Memorandum and Articles of Association.
- c) Significance of timely and accurate disclosure-Extent of disclosure.

MODULE VI - CORPORATE SOCIAL RESPONSIBILITY

- a) The Concept of Corporate Social Responsibility - Role of stakeholders in CSR
- b) International Aspects of Corporate Social Responsibility - Case study.
- c) The Criticism of Corporate Social Responsibility - action vs. intentions corporate commitment, voluntary vs. mandatory stakeholders activism.

MODULE VII - LEGAL FRAMEWORK OF CORPORATE GOVERNANCE IN INDIA

- a) Securities and Exchange Board of India Act, 1992.
- b) Corporate Governance in Securities (Contracts and Regulations) Act, 1956 (SCRA).
- c) The Depositories Act 1996.

MODULE VIII - INTERNATIONAL LEGAL FRAMEWORK OF CORPORATE GOVERNANCE

- a) Organisation for Economic Co-operation and Development (OECD) and BIS Principles - Implementation and pitfalls.
- b) International environment to Improve Corporate Governance - The US Sarbanes-Oxley Act of 2002 (SOX) – Overview of Dodd-Frank Wall Street Reform and Consumer Protection Act 2010 with respect to corporate governance - The Cadbury Report (1992) – Overview of The UK Corporate Responsibility Act 2002.
- c) Salient Features of UK Corporate Governance Code 2018

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. V. Balachandran, V. Chandraasekaran, Corporate Governance, Ethics and Social Responsibility, 2011.
2. Sharma J.P, Corporate Governance and Social Responsibility of Business, Ane Books Pvt. Ltd, New Delhi, 2019
3. A.C., Pearson, Corporate governance- Principles, policies and Practices, Fernando, 2009.
4. Parthasarthy, Biztantra, Corporate governance- Principles, Mechanism, and Practices, 2011.
5. Kesho Prasad, Corporate Governance, PHI learning Pvt Ltd, 2011.

JOURNALS/ARTICLES

1. Adams, Hermalin, and Weisbach (2010), The Role of Boards of Directors in Corporate Governance- A Conceptual Framework and Survey, Journal of Economic Literature.
2. Hartzell, Jay C. and Laura T. Starks (2003), “Institutional investors and executive compensation”, Journal of Finance.
3. Brav, A.W. Jiang, R. S. Thomas, and F. Partnoy (2008) Hedge Fund Activism, Corporate Governance, and Firm Performance, Journal of Finance.
4. Greenwood, Robin, and Michael Schor (2009) Investor activism and takeovers, Journal

of Financial Economics

5. Bertrand, M., P. Mehta, and S. Mullainathan (2002), Ferreting Out Tunneling- An Application to Indian Business Groups, Quarterly Journal of Economics.

FURTHER READING:

BOOKS

1. Josef C. Brada, Inderjit Singh, Saul Estrin, Alan Gelb, Xavier Richet- Corporate Governance in Central Eastern Europe- Case Studies of Firms in Transition
2. Jay W. Lorsch, The Future of Boards- Meeting the Governance Challenges of the Twenty-First Century
3. Bob Tricker, Essentials for Board Directors- An A-Z Guide
4. Ram Charan, Boards That Lead- When to Take Charge, When to Partner, and When to Stay Out of the Way
5. Cathy A. Trower, The Practitioner's Guide to Governance as Leadership- Building High-Performing Nonprofit Boards
6. Arindam Das, Corporate Governance in India
7. Dipak R. Basu and Victoria Miroshnik, Corporate Governance and Effectiveness- Why Companies Win or Lose
8. Franklin N. Ngwu, Onyeka Osuji, Chris Ogbechie, and David Williamson, Enhancing Board Effectiveness- Institutional, Regulatory and Functional Perspectives for Developing and Emerging Markets
9. Lars Engwall, Corporate Governance in Action- Regulators, Market Actors and Scrutinizers
10. Ralf Müller, Governance and Governmentality for Projects- Enablers, Practices, and Consequences

JOURNALS/ARTICLES

1. Gompers, P. A., J. Ishii, and A. Metrick. (2003) Corporate Governance and Equity Prices, Quarterly Journal of Economics.
2. Aggarwal, R., I. Erel, R. M. Stulz, and R. Williamson. (2008), Differences in Governance Practices between U.S. and Foreign Firms- Measurement, Causes, and Consequences, Review of Financial Studies.
3. Report of the Committee on the Financial Aspects of Corporate Governance (Cadbury Report) 1992 <http://www.ecgi.org/codes/documents/cadbury.pdf>
4. Calpers Global Principles of Accountable Corporate Governance, 2011

- <http://www.calpers-governance.org/docs-sof/principles/2011-11-14-global-principlesof-accountable-corp.gov.pdf>
5. Corporate Governance- An International Review- https://books.google.co.in/books?hl=en&lr=&id=YNp73RY8pJIC&oi=fnd&pg=PP1&dq=Corporate+GovernanceAn+International+Review&ots=_CJpZnZ9xS&sig=HcupWcoyszWoSrXMyjf0Zx862LQ#v=onepage&q=Corporate%20Governance%3A%20An%20International%20Review&f=false
 6. Coles, Jeffrey L., Naveen D. Daniel, Lalitha Naveen (2008), "Boards- Does One Size Fit All?" *Journal of Financial Economics* 87, 329-356.
 7. Renée, Benjamin E. Hermalin, Michael S. Weisbach (2010), "The Role of Boards of Directors in Corporate Governance- A Conceptual Framework and Survey." *Journal of Economic Literature* 48(1), 58-107.
 8. *Development Economics and Public Policy*, file:///C:/Users/himan/Downloads/de030002.pdf
 9. Anil Arya et al., are unmanaged earnings always better for shareholders? (Yale ICF, Working Paper No. 02-37, Aug. 2002), at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=322260 (Corporate governance in India- A systematic review and synthesis for future research, <https://www.tandfonline.com/doi/full/10.1080/23311975.2020.1803579>)
 10. Iliev, Peter, Karl V. Lins, Darius P. Miller, Lukas Roth (2015), "Shareholder Voting, and Corporate Governance Around the World." *Review of Financial Studies* 28(8), 446-485.

CASES FOR GUIDANCE

1. *Revlon, Inc. v. Macandrews & Forbes Holdings, Inc.*, 506 A.2d 173 (Del. 1986).
2. *Paramount Communications, Inc. v. Time, Inc.*, 571 A.2d 1140 (Del. 1989).
3. *The Walt Disney Company Derivative Litigation, In re Walt Disney Co. Derivative*, 907 A.2d 693 (Del. Ch. 2005)
4. *Auerbach v. Bennett*, 47 N.Y.2d 619, 393 N.E.2d 994, 419 N.Y.S.2d 920, 1979 N.Y. LEXIS 2202 (N.Y. 1979)
5. *Chiarella v. United States*, 445 U.S. 222, 100 S. Ct. 1108, 63 L. Ed. 2d 348, 1980 U.S. LEXIS 88, Fed. Sec. L. Rep. (CCH) P97,309 (U.S. Mar. 18, 1980)
6. *Polaris Software Lab. Limited vs Suren Khiwadkar* ILLJ 323 Mad, (2003) 3 MLJ 557
7. *SEC v. General Motors Corporation*, 14A 1 s11-8104
8. *SEC v. American Express Company*, 14A 1 d804770
9. *Vodafone International Holdings Bv v. Union of India And Another*, 733 S.C. 2012 dated

January 20, 2012

10. Securities and Exchange Commission v. WorldCom Inc., 02-CV-4963 (JSR)
11. Saurashtra Cement Ltd. And Anr. vs Union Of India And 3 Ors. 2 GLR 1384, 2007 75 SCL 375 Guj on 14 July, 2006
12. Snowcem India Ltd. And Ors. vs Union Of India (Uoi) And Ors. 124 CompCas 161 Bom, 2005 60 SCL 50 Bom on 24 September, 2004,
13. Surrender Babbar vs Delhi Transco Ltd. & Ors, W.P.(C) 4733/2013 on 17 August, 2017
14. Chitra Sharma vs Union Of India, 27229 S.C.2019 on 9 August, 2018
15. Walchand People First Ltd. vs Assessee, I.T.A. No. 2543 /Mum/2013 on 4 February, 2016
16. Cyrus Investments Pvt. Ltd. & Anr vs Tata Sons Ltd. & Ors, Company Appeal (AT) No. 254 of 2018 on 18 December, 2019
17. Price Waterhouse, Bangalore vs Sebi, Appeal 6 SAT 2019 on 9 September, 2019
18. M/S. Tata Industries Ltd. & Anr vs M/S. Grasim Industries Ltd on 9 July, 2008
19. SEC v. Adelpia, <https://www.sec.gov/litigation/complaints/complr17627.htm>
20. Sesa Industries Ltd vs Krishna H. Bajaj & Ors 1430-1431S.C. 2011 on 7 February, 2011

LEARNING OUTCOMES

- *Refine their understanding of shareholder rights, audit committee, investor funds, its composition and responsibilities.*
- *Adopt and implement best practices for effective corporate management.*
- *Adhere to sound principles of corporate governance.*
- *Critically evaluate and analyse the significance and importance of corporate governance.*

PAPER – II

BANKING AND FINANCE: LAW AND GOVERNANCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

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 and also the financial enterprises. Bank and the banking system evolved into a vital socio-economical institution in the modern age and backbone of any country. A significant development in the banking system is diversification in banks financing. 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 banking system eventually leading to the nationalization of banks.

The evolutionary process still continues with global phenomenon of liberalization. This has witnessed the entry of Foreign Banking Companies in the Indian market leading to deviation in the banking policy. Moreover new means such as E- Banking and E-Commerce has made it essential that the Indian legal system adopt new modus operandi to cope with the modern scenario. This course is designed to acquaint the students with the conceptual and operational parameters of banking law, the judicial interpretation and emerging dimensions of the banking system.

After undergoing the study the student will be able to understand the following

- *The banking regulation and governance in India*
- *The powers of the Reserve Bank of India and their role in governance of banking and non-banking financial institution.*
- *The recent contemporary issues in banking and financial institutions.*
- *The regulatory challenges in Technological issues in Banking and Financial Institution.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Evolution of Banking and its history in India – Indigenous banking, Banks, Banking Business.
- b) Banking - The different types of Banks viz. Central Bank, Commercial Bank, Co-operative Banks, Specialized Banks, Regional Rural Banks (RRBs), NABARD, Financial Institutions and their respective functions.
- c) Growth and development of Non-Banking Financial Companies and Capital Market

MODULE II - REGULATION OF BANKS

- a) Banking Regulation Act, 1949- Control over Management, Prohibition of certain activities in relation to Banking Companies, Acquisition of the undertakings of Banking Companies
- b) Suspension of Business and winding up of Banking Companies, Special provisions for speedy disposal of winding up proceedings, Powers of the Central Government towards Banking Companies.
- c) Prevention of Money Laundering Act, 2002- Prevent and control money laundering, to confiscate and seize the property obtained from laundered money and offences.

MODULE III - RESERVE BANK OF INDIA AS THE CENTRAL BANK

- a) Organizational structure and Functions of Reserve Bank of India
- b) Credit control, Exchange control, Bank rate policy formulation, Regulations of monetary mechanism of the economy.
- c) RBI's control over banking and non-banking financial companies. Banking Ombudsman scheme- Purpose, Extent, Definitions, Establishment and Powers; Procedure for Redressal of Grievance; Arbitration and Conciliation Procedure.

MODULE IV - SOCIAL CONTROL IN BANKING

- a) Nationalization- Evaluation- private ownership, nationalization and Disinvestment. Priority lending, Promotion of underprivileged classes.
- b) Protection of depositors- The Deposit Insurance Corporation Act 1961, Financial Regulation and Deposit Insurance Bill, 2017.
- c) Accounting conventions, basic accounting principles, bank reconciliation statements, procedure leading to preparation of final accounts, self-balancing ledgers, Accounting in banking companies under computer environment – Introduction to accounting standards.

MODULE V - NEGOTIABLE INSTRUMENTS AND PAYMENT AND SETTLEMENT SYSTEMS ACT, 2007

- a) Meaning and kinds- Promissory Note, Bill of Exchange, Cheque, Drawer, Drawee, Payee, Inland Instrument, Foreign Instrument.
- b) Holder and holder in due course. Rights and duties of paying banker and a collecting banker. Presentment and payment. Negotiation, Indorsement, inchoate stamped Instruments.
- c) Crossing of Cheques-- Criminal liability on dishonour of Cheque, the law relating to payment of customers cheque. Payment and Settlement Systems Act, 2007

MODULE VI - DEBT RECOVERY

- a) The Recovery of Debt Due to Banks and Financial Institutions Act, 1993. Recovery of Debts Determined by Tribunal and Miscellaneous Provisions.
- b) Establishment of Tribunal and Appellate Tribunal; Jurisdiction, Powers and Authority of Tribunals; Procedure of Tribunals;
- c) Insolvency and Bankruptcy Code – Salient features, Regulatory and Judicial Perspective.

MODULE VII - SECURITIZATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002

- a) Securitisation - Regulation of Securitization and Reconstruction of Financial Assets of Banks and Financial Institutions.
- b) Enforcement of Security Interest – under SARFAESI Act 2002 and the Security Interest (Enforcement) Rules, 2002.
- c) Central Registry – Offences and Penalties and miscellaneous

MODULE VIII - TECHNOLOGY IN BANKING SYSTEM AND FINANCIAL ENTERPRISES IN INDIA

- a) Automation and legal aspects, automatic teller machine and use of internet, use of expert system, smart Card, Credit cards.
- b) Risk management in Banks and Financial enterprises in India- Basel Norms.
- c) Reforms in Indian Banking Law Recommendations of Committees- A Review.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Tannan M.L., Tannan's Banking Law and Practice in India. New Delhi- India Law House, 2 volumes.
2. Basu, A. (1998) Review of Current Banking Theory and Practice. McMillan
3. M. Hapgood (Ed.) (1989) Pagets' Law of Banking. London- Butterworths,
4. Cranston, Ross. (1997) Principles of Banking Law. Oxford.
5. Ashish Makhija, Insolvency and Bankruptcy Code of India (2018) , Lexis Nexus

JOURNALS/ARTICLES

1. R.K.Talwar, Report of Working Group on Customer Service in Banks.
2. Aparna Ravi; Working Paper, The Indian Insolvency Regime in Practice – An Analysis of Insolvency and Debt Recovery Proceedings.
3. Kristin Van Zwieten, “Corporate Rescue in India- The Influence of the Courts,” Journal of Corporate Law Studies (1) (2015)
4. T. Jackson, “Bankruptcy, Non-Bankruptcy Entitlements and the Creditor’s Bargain,” (1982) 91 The Yale Law Journal 857; and TH Jackson and RE Scott, “On the Nature of Bankruptcy- An Essay on Bankruptcy Sharing and the Creditors’ Bargain,” (1989) 79 Virginia Law Review 155
5. Djankov et. al. “Debt Enforcement Around the World” (2006).

FURTHER READING:

BOOKS

1. Banking Theory and Practice (1998) UBS Publisher Distributors Ltd.New Delhi.
2. Isaacs, S. And G. Pen, E.C. (1994) Banking Law, London- Lloyds of London Press.
3. Ellinger's Modern Banking Law(Fourth Edition) [E. P. ELLINGER, Professor of Law, National University of Singapore, EVA LOMNICKA, Professor of Law,King's College, London and a practising barrister, and RICHARD HOOLEY, Professor of Law, King's CollegeLondon and Fellow of Fitzwilliam College, Cambridge].
4. V. Conti and Hamaui (eds.), Financial Markets’ Liberalization and the Role of Banks’,CambridgeUniversity Press, Cambridge, (1993)
5. J.Dermine (ed.), European Banking in the 1990s’ (1993) Blackwell, Oxford.
6. C. Goodhart, The Central Bank and the Financial System (1995); Macmillan, London
7. K. Subrahmanyam, Banking Reforms inIndia (1997) Tata Maigraw Hill, New Delhi.
8. SubodhMarkandeya and ChitraMarkandeye, Law Relating to Foreign Trade in India- Being a Commentary on the Foreign Trade, (Development and Regulation) Act 1992, Universal Law Publishing Co. Pvt. Ltd. Delhi.
9. R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993(51 of 1993), Asia Law House, Hyderabad.
10. Anthony Pierce, Demand Guarantees in International Trade (1993) Sweet & Maxwel.

JOURNALS/ARTICLES

1. E. L. Stewart Patterson, Banking Principles and Practice, A Series of Texts Prepared as Part of the Modern Business Course and Service Of The Alexander Hamilton Institute, 1917, 2009 Dodo Press.
2. A.Karunagaran, Inter-connectedness of Banks and NBFCs in India- Issues and Policy Implications, W P S (DEPR) - 21 / 2011, RBI Working Paper Series, Department of Economic And Policy Research December, 2011
3. Ahmed Md. Nehal and Mainul Islam Chowdhury (2007)- ‘Non-bank Financial Institutions in Bangladesh- An Analytical Review’, Working Paper Series No 0709, Policy Analysis Unit, Dhaka, Bangladesh.
4. Carmichael Jeffrey and Michael Pomerleano, (2002) - Development and Regulation of Non-Bank Financial Institutions, World Bank, Wahington DC.
5. Financial Stability Board (2011) -Macroprudential policy tools and frameworks –updates to G20 Finance ministers and Central Bank Governors. February
6. Greenspan Alan (1999) - ‘Do efficient financial markets mitigate financial crises?’ Chairman’s Remarks before the 1999 Financial Markets Conference of the Federal Reserve Bank of Atlanta, Sea Island, Georgia, October 19.
7. GopinathShyamala (2009)- ‘Addressing the Regulatory Perimeter Issues – Indian Experience’ Remarks at the Ninth Annual International Seminar on Policy Challenges for the Financial Sector.
8. Kroszner Randall (2010)- Interconnectedness, Fragility and the Financial Crisis, Prepared for Financial Crisis Forum, Financial Crisis Inquiry Commission, Washington, DC. February.
9. (1991)- Report of the Committee on the Financial System, (Chairman- M Narasimham), Reserve Bank of India, Mumbai.
10. S. Paterson, “Rethinking the Role of the Law of Corporate Distress in the Twenty-First Century,” LSE Law, Society and Economy Working Papers 27/2014

CASES FOR GUIDANCE

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 Yeshwant Badeve vs Surendra Madhavrao Nighojakar (2001)3 SCC 726
5. Australia and New Zealand Bank vs Ateliers de Constructions Electriques de Cherleroi [1967] 1 AC 86 PC

6. Bareilly Bank Ltd. vs Naval Kishore (AIR 1964 All 78)
7. Bhutoria Trading Company (BTC) vs Allahabad Bank (AIR 1977 Cal. 363)
8. Bihta Co-operative Development and Cane Marketing Union Ltd. vs bank of Bihar (AIR 1967 Supreme Court 389).
9. Brahammaya vs. K.P. Thangavelu Nadar, AIR (1956), Madras 570
10. Brahma Shumshere Jung Bahadur vs Chartered Bank of India, Australia and China (AIR 1956 Cal. 399)
11. Canara Bank vs. Canara Sales Corporation and Others (AIR 1987 SC 1603)
12. Central Bank of India Ltd. Bombay vs. V.Gopinathan Nair and others (A.I.R.,1979, Kerala 74)
13. Crumpling vs London Joint Stock Bank Ltd. [1911–13] All England Rep 647
14. Federal Bank Ltd vs V.M.Jog Industries Ltd ((2001) 1 SCC 663)
15. Gerald C.S. Lobo vs. Canara Bank (1997) 71 Comp. Cases 290
16. Indian Bank vs Catholic Syrian Bank AIR 1981 Mad 129
17. Ladbroke vs Todd (1914) 30 TLR 433
18. New Bank of India vs. Union of India (1981) 51 Company Case p. 378
19. Oakley Bowden and Co. vs. The Indian Bank Ltd. (A.I.R., 1964, Madras 202)
20. R.C. Cooper vs Union of India (AIR 1970 SC 564)

LEARNING OUTCOMES

- *Have a comprehensive understanding of conceptual and legal parameters including the judicial interpretation of banking law.*
- *Examine the current and potential future contours of International Banking System with that of banking system in India.*
- *Articulate and analyse the roles of national governments and regulators in the regulation of banking and financial institutions and the economy.*
- *Analyze the New emerging dimensions in banking system including e-commerce and e-banking.*

PAPER – III

LAW OF UNFAIR COMPETITION: COMPARATIVE JURISPRUDENCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

Competition plays a key role to play in ensuring productive, efficient, innovative and responsive markets. The consumers are ensured availability of 'goods' and 'services' in abundance of acceptable quality at affordable price. Competition law and policy also result in equity among producers and reduce rent seeking behaviour on their part. In tune with the international trends and to cope with changing realities, India has reviewed the Monopolies and Restrictive Trade Practices Act, 1969 and has enacted the Competition Act, 2002. Competition law has spread from country to country at a rapid rate and there are now over one hundred and thirty jurisdictions with established competition laws. Hence it is necessary that post graduate students are equipped with a thorough understanding of Unfair Competition Law in the International Jurisdictions. This course focuses on European, UK and US Laws, drawing on international and other national jurisdictions where relevant. The purpose of this course is to consider the rationale, scope and application of the competition law in various jurisdictions across the world.

After undergoing the course the student will be able to understand the following

- *Need for competition law to prevent unfair competition in the market.*
- *Evolution of Competition law in the international perspective.*
- *Enforcement of competition law in US, UK and EU*
- *Role of CCI in enforcing competition law in India*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Basic economics of Competition law, Purpose of competition law-Market structure, Concept of market, Open market- Regulated market, Market functions of role of Competition Law
- b) Dimensions of Competition – Price –Quality –Innovation -Types of Competition – Static vs. Dynamic - Economic Objectives of Competition Law -Demand and Supply -The Role of Economics in Competition Policy

- c) Definition of competition, The use of the Demand and Supply Framework to Predict Changes in Prices and Output (Comparative Statics) -Consumer Surplus and Social Welfare, Distinction between Competition Policy and Competition Law, Need for competition Law

MODULE II - EVOLUTION &GROWTH OF COMPETITION LAW

- a) Law of unfair competition – evolution in the global level - English common Law – Modern developments in US – UK – European Union – Sherman Act – Clayton Act – other global legislations.
- b) Evolution in India – MRTP Act – Consumer Protection Act – Unfair Trade Practices regulations – drawbacks of MRTP Act – Raghavan Committee Report –
- c) Competition Act 2002 – Establishment of CCI – Salient features of the Act – Extra territorial jurisdiction of CCI – Consumer – Definition under the Act – comparison with MRTP commission.

MODULE III - ANTI COMPETITIVE AGREEMENTS

- a) Anti-competitive Agreements - Agreement expanded definition - Concept -Forms and Treatment in India - Parallel Import-
- b) Treatment of Anti-competitive Agreements under USA, EU, UK, Australia
- c) Appreciable Adverse Effect on Competition in the Market - Relevant market - Determination of Relevant Market - Rule of Reason and Perse

MODULE IV - CARTELS

- a) Cartels - Definition - Dealing Cartels in US, UK, European Union Case - Studies – Legal and Enforcement Framework of Cartels
- b) Cartel Investigation - Leniency Programme - Private Enforcement - Penalties and Sanctions - Exclusion Agreements.
- c) Types of Cartels - Cartels under Indian Jurisdiction - Effect on Consumers

MODULE V - ABUSE OF DOMINANCE AND MONOPOLY

- a) Detecting Abuse of Dominance - Factors to Determine the Dominant Position - Relevant Market
- b) Factors Determining Abuse – Exploitative, Exclusionary- circumstances of abuses in the market predatory pricing – Anti- Trust Laws and price fixing-Essential facilities doctrine
- c) Role of cci dealing with abuse of dominance - Penalties and Sanctions-Division of Undertakings to prevent abuse.

MODULE VI - COMBINATIONS

- a) Regulating Combinations , Meaning of Mergers& Acquisitions Vertical Horizontal
- b) Combinations - Concept , Forms ,Reasons .
- c) Regulatory Framework in India, Different Tests for Studying the Impacts of Combinations in the Market , Unilateral and Coordinate Effects of Combinations , Foreclosure, Failing Firm, Creeping Acquisitions
- d) Regulation of Cross Border Combinations, Treatment of combinations under USA, EU,UK.

MODULE VII - COMPETITION LAW AND INNOVATION INTERFACE

- a) Overview of IPR - Copyright - Patents - Trademarks, Protection of Industrial Designs, Geographical Indications and – Traditional Knowledge, TRIPS Agreement & Its Impact on Countries
- b) IPR and Competition Law conflicting relationship-Competition and Patent Law-Interplay Between Competition Law and IPR In Its Regulation of Market- Patent pools -- Standard Setting and FRAND Terms.
- c) IPR antitrust guidelines in select jurisdictions- IPR vs. Competition Law Complementary Nature Position in Indian Competition Act -Role of CCI

MODULE VIII - REGULATION OF COMPETITION LAW

- a) Powers and Functions of CCI, Role of regulatory authorities in US,U.K, European Union
- b) Sectoral Regulation, Competition law and jurisdictional overlaps, Role Of Judiciary in dealing with jurisdictional issues- exclusivity model, concurrency model-cooperation
- c) WTO and its Impact on Competition Laws with reference to UNCTAD - Anti-Dumping - International Competition Law under WTO , International Enforcement and Judicial Assistance

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. T. Ramappa, Competition Law in India- Policy, Issues and Developments, 2013
2. S.M. Dugar, GUIDE TO COMPETITION LAW, LexisNexis, 6th Edition, 2016.
3. Manoj Kumar Sinha & Sushmitha P Mallaya, Emerging Competition Law, Indian law Institute, New Delhi, Wolters Kluwer, 2017

4. Sigrid Stroux, *US and EU Oligopoly Control*, Kluwer Law International, International Competition Law Series, 2004.
5. Lennart Ritter & W. David Braun, *European Competition Law- A Practitioner's Guide*, Kluwer Law International, Third Edition, 2005.

JOURNALS/ARTICLES

1. Chauhan, B.S. "Indian Competition Law- Global Context." *Journal of the Indian Law Institute*, vol. 54, no. 3, 2012, pp. 315–323.
2. Pierce, Richard J. "comparing the competition law regimes of the United states and India." *National Law School of India Review*, vol. 29, no. 1, 2017, pp. 48–69.
3. Ezrachi, Ariel, and JøiKindl. "Criminalization of Cartel Activity – A Desirable Goal for India's Competition Regime?" *National Law School of India Review*, vol. 23, no. 1, 2011, pp. 9–26
4. Saurabh, Sameera. "The Economics Of Antitrust Competition- An International Perspective." *World Affairs- The Journal of International Issues*, vol. 21, no. 2, 2017, pp. 86–111
5. Mehta, Pradeep S, et al. *Interface between Competition Policy and Intellectual Property Rights- Select Case Studies from India*. Edited by Sarah S. Aneel et al., Sustainable Development Policy Institute, 2020, pp. 136–162, *Corridors of Knowledge for Peace and Development*,

FURTHER READING:

BOOKS

1. Richard Whish & David Bailey, *Competition law*, Oxford University Press ninth Edition 2018
2. Ariel Ezrachi, *EU Competition Law an Analytical Guide to the leading cases*, Bloomsbury Publishing (E-Book), Sixth Edition June 2018.
3. Djorn Lundqvist and Michel S.Gal (Eds), *Competition law for Digital Economy*, Edver Elger publishing, 2019
4. Louis Kaplow, *Competition policy and price fixing*, published by Princeton University Press 2013.
5. Magnus Strand, et.al. *EU Competition litigation - transposition and first experiences of the new regimm*, Bloomsbury Publishing (e-book) 2019
6. Barry J Rodger & Angus Macculloch, *Competition law and Policy in the European Community and United Kingdom*, second edition, Cavendish Publishing Limited, 2001,

7. Kirsty Middleton, et.al., UK and EC Competition law, second edition, oxford University press, 2009
8. Mark Williams,(Ed.) The Political economy of competition law in Asia, Edward Elgar Publishing Limited 2013.
9. Peter Chrocziel,et.al., (eds), Intellectual Property and Competition law, Wolters Kluwer, 2016.
10. Deven Desai, et.al., (eds.), Brands, Competition Law and IP, Cambridge University press, 2015.

JOURNALS/ARTICLES

1. 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.
2. Pierce, Richard J. "Comparing The Competition Law Regimes Of The United States And India." National Law School of India Review, vol. 29, no. 1, 2017, pp. 48–69.
3. Combination Control- Strengthening The Regulatory Framework of Competition Law in India? By Tanaya Sanyal & Sohini Chatterjee ((2012) 5 NUJS L Rev 425)
4. ARE IPR AND COMPETITION LAW IN TUSSELE? - AN NTERFACE BETWEEN IPR AND COMPETITION LAW – by Rahvendra Pratap Singh and Vishwanath Pratap Singh (CNLU LJ (7) [2017-18] 215)
5. How To and How Not To Introduce Competition Law and Policy in Transitional and Developing Economies by Frank Emmert ((2011) 1 DWRTC 56)
6. Competition Law, 2013 SAL ANN. REV. 194 (2013).
7. Robert Lane, Competition Law, 61 INT'l & COMP. L.Q. 991 (2012).
8. G. R. Bhatia & Abdullah Hussain, Competition Law in India, 1 INDIAN J. INT'l ECON. L. 181 (2008).
9. Tanaya Sanyal & Sohini Chatterjee, Combination Control- Strengthening the Regulatory Framework of Competition Law in India, 5 NUJS L. REV. 425 (2012).
10. Aakash Laad & Mayank Gaurav, Arbitrating IPR and Competition Law Disputes in India- Issues, Scope and Challenges, 6 INDIAN J.L. & PUB. POL'y 26 (2019).

CASES FOR GUIDANCE

1. Shamsher Kataria v. Honda Siel Cars Ltd. &Ors., Case No. 03/2011
2. UPSE v. National Stock Exchange Limited, Case No. 67 of 2012
3. Google In. v. CCI, Case No. 39 of 2018
4. Automobiles Dealers Association v. Global Automobiles Limited &Anr., Case No. 33/2011

5. TELCO v/ Registrar of RT Agreement, (1977) 2 SCC 55
6. Mohit Manglani v. M/s Flipkart India Pvt. Ltd. &Ors., Case No. 80 of 2014
7. M/s Fast Track Call Cab Private Limited v. M/s ANI Technologies Pvt. Ltd., Case No. 6 & 74 of 2015
8. CCI v. Steel Authority of India Ltd. & Anr., D.No.12247 of 2010
9. Dee-K Enterprise v. Heavifil et al, 982 F. Supp. 1138 (E.D. Va. 1997)
10. Etihad Airways and Jet Airways Combination Order, C-2013/05/122
11. Google Inc. & Ors vs Competition Commission Of India
12. Mcx Stock Exchange Ltd. & Ors vs National Stock Exchange Of India
13. Mohit Manglani v. M/s Flipkart India Pvt. Ltd. & Ors
14. M/s Fast Track Call Cab Private Limited v. M/s ANI Technologies Pvt. Ltd.
15. Telefonaktiebolaget LM Ericsson (PUBL) v. Competition Commission of India & Anr., Writ Petition (Civil) No. 464/2014
16. Reliance Jio Case Study, Case No. 06 of 2017
17. United Brands v. Commission of the European Communities [1978] ECR 207
18. Untied States v. Grinnell Corp., 384 U.S. 563 (1966)
19. Northern Pacific Ry. v. United States., 356 U.S. 1 (1958)
20. United states vs Terminal Railroad Association (1912) 224 US 383.

LEARNING OUTCOMES

- *Economic theory of competition law, the need for protecting competition in the market and the difference between competition law and policy.*
- *Practical aspects and enforcement mechanisms of competition law in various jurisdictions and its relevance in the Indian context.*
- *Know about the interrelation between the jurisdiction aspects of regulatory authorities of competition law and Intellectual property.*
- *To engage in various advocacy programs of Competition Commission with a broader outlook and apply it practically.*

PAPER – IV

LAW OF INDUSTRIAL INTELLECTUAL PROPERTY

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

This course is intended to teach the Intellectual Property and its economic and commercial impact in current scenario. In the growing world where Invention, access to medicine, Transfer of Technology has significant role this course examines the International provisions and national instruments with regard to Intellectual property rights along with the Human rights perspective.

After undergoing the study the student will be able to

- *Analyze the concept of Intellectual Property with special reference to jurisprudential and constitutional perspective.*
- *Study the role of International Instruments in protecting Intellectual Property.*
- *Understand the role of various Intellectual property laws along with the necessity of effective Intellectual Property protection in the new trends of innovation.*
- *Know the implication of Intellectual property in the field of Inventions, Creations, Business, Agriculture, Pharma industry and traditional knowledge.*

COURSE OUTLINE

MODULE I - CONCEPTUAL DEVELOPMENT OF INTELLECTUAL PROPERTY

- a) Concept & Meaning - Nature & Characteristics of Intellectual Property
- b) History & Classification of IP
- c) Role of intellectual Property in Economic Development

MODULE II - THEORIES OF INTELLECTUAL PROPERTY

- a) Justification and Rationale for Protecting Intellectual property
- b) Balancing the Protection of IPR and Public Policy Objective
- c) Constitutional and Jurisprudential Aspects of I

MODULE III - INTERNATIONAL INSTRUMENTS RELATING TO IP

- a) The International Trade Organization and the events leading to the creation of GATT, 1947 - The GATT, it's working and salient features - Negotiating history of the WTO, the Dunkel Draft and the Agreement stabilizing the WTO, 1994 and Dispute settlement mechanism

- b) Classic treaties Paris convention, Berne Convention, Rome Convention. The Agreement on Trade related aspects of intellectual Property Rights – General Provisions and Basic Principles - Objectives and principles-Protection of Specific Intellectual Property Rights under TRIPS
- c) UPOV - Agreement on Agriculture-Agreement on Textile and clothing-Agreement on import licensing Procedure-The Agreement on Safeguards-General Agreement on Trade in Services

MODULE IV- LAW OF PATENTS

- a) Introduction to Patents - Patentable and Non Patentable Subject Matter
- b) Procedure for obtaining patents – Working of Patents - Compulsory License
- c) Commercialization of Inventions-Licence- Terms of License Agreement Assignment of patents - Revocation of Patents-Infringement – Estoppel – Principle of Exhaustion – Bolar Exception Protection of Plant Varieties and Farmers Rights Act, 2001 & Bio Diversity Act 1999

MODULE V - INDUSTRIAL DESIGNS & SEMICONDUCTOR INTEGRATED CIRCUITS

- a) Nature of Industrial Designs - Subject matter of Industrial Designs
- b) Rights conferred by Designs - Term of Designs - Remedies for infringements
- c) The Semiconductor Integrated Circuits Layout-Design Act, 2000 - Conditions and Procedure for Registration - Duration and Effect of Registration

MODULE VI - LAW RELATING TO TRADEMARKS & GEOGRAPHICAL INDICATION

- a) Introduction to Trade marks -Registration of Trademarks
- b) Acquisition of Trademarks – Rights of registered TM owners - Infringement and Remedies,
- c) Law relating to Geographical Indications-The Geographical Indications of Goods (Registration and Protection) Act, 2000 -Procedure for Registration-Duration of Protection and Renewal-Infringement, Penalties and Remedies

MODULE VII -INTELLECTUAL PROPERTY & HUMAN RIGHTS LAW

- a) Access to benefit of Science and Technology, Right to health and Right to food – Ethical concerns on patenting of life forms.
- b) Consumer Rights in Trademark Law – Right to Health – balancing public and private interest – Comparative advertisement – Right to Property & Unregistered Trade Mark Passing Off – Geographical Indication & cultural heritage

- c) Creators Right & Freedom of Expression – Right to Education – Fair Use Doctrine-Rights of Indigenous People - Traditional Knowledge & genetic resources – Traditional cultural expression – Folklore - UNDRIP

MODULE VIII - INTELLECTUAL PROPERTY & COMPETITION LAW

- a) The IPR and Competition Law Interface- Objectives of Competition Law and IPR, the similarities and dissimilarities between Intellectual Property Rights and Competition law, types of restraints.
- b) Competition Law Regulation of IPRs across Jurisdictions- EU, US,
- c) TRIPS Agreement- Compulsory Licensing – Patent Pooling

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Feroz Ali Khader, The Law of Patents- With Special a Focus on Pharmaceutical in India, Lexis Nexis (2011)
2. Kailasam, Law of Trade Marks and Geographical Indications (2nd ed. 2009)
3. W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
4. Paul Torremans, Intellectual Property And Human Rights, Kluwer Law International, 2008
5. Steven D. Anderman, Intellectual Property and Competition Law- New Frontiers, Oxford University Press, 2011

JOURNALS/ARTICLES

1. K Lipstein, Intellectual Property Jurisdiction or Choice of Law? The Cambridge Law Journal Vol- 61 No. 2, (July 2002) pp. 295-300.
2. Ruth Okediji, Towards an International Fair Use Doctrine 39 Colum J. Transnat'l L. 75 (2000)
3. Petko D. Kantchevski, The Difference between the Panel Procedures of the GATT and the WTO- The Role of GATT and WTO Panels in Trade Dispute Settlement, 3 Int'l L. & MGMT. Rev. 79 (2006),
4. Inter- Governmental Committee on Traditional Knowledge, Traditional Cultural Expression and Genetic Resources, Available at- <https://www.wipo.int/tk/en/igc/>
5. Lorie Graham and Stephen Mc John, Indigenous Peoples and Intellectual Property, 19 Wash. U.L.J.L & Pol'y (2005) Pp- 313-338.

FURTHER READING:

BOOKS

1. Susan K Sell, Private Power, Public Law- The Globalization of Intellectual Property Rights, Cambridge University Press, 2003
2. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company, 2nd Edition, 2014
3. Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press, 2001
4. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd Edition, 2008
5. Peter Drahos, A Philosophy of Intellectual Property, Dartmouth Pub Co, 1996
6. Duggal Pavan, Legal Framework on Electronic Commerce & Intellectual Property Rights, Universal Publishing House, 2014
7. Steven D Anderman, Interface Between Intellectual Property Rights and Competition Policy, Cambridge University Press, 2007.
8. Philippe Cullet, Intellectual Property Protection and Sustainable Development, Lexis Nexis, 2005
9. C.M. Correa, Competition Law and Development Policies, published in R. Zäch (ed.), Towards WTO Competition Rules- Key Issues and comments on the WTO Report (1998) and Trade and Competition (1999).
10. Gabriella Muscolo, Marina Tavassi, The Interplay Between Competition Law and Intellectual Property- An International Perspective, Wolters Kluwer, 2018

JOURNALS/ARTICLES

1. Jajpura L, Singh B & Nayak R, An introduction to intellectual property rights and their importance in Indian Context, Journal of Intellectual Property Rights, 22 (2017) 32-33.
2. Fred Houwen & Richard Neville, Risky Business- Current Challenges in the Relationship between Competition Law and Copyright, 8 COMPETITION L.J. 18 (2009).
3. Shwetaree Majumder & Lucy Harrold, Protecting Healthcare IP in India, Managing Intell. Prop. 131 (2008).
4. Negi A & Thakuria B J, Principles governing damages in trademark infringement, Journal of Intellectual Property Rights, 15 (2010) 374-379.
5. Sinha B, Joshi H & Ghosh P K, Challenges in creation and management of knowledge capital in technical educational institutions, Journal of Intellectual Property Rights, 14 (2009) 340-345.

6. Nomani M Z M & Rahman F, Intellectual of trade secret and innovation laws in India. Journal of Intellectual Property Rights, 16 (2011) 341-350.
7. Sharma D K, Intellectual property and the need to protect it, Indian Journal of Science and Research., 9 (2014) 84-87
8. Kochhar S, How effective is sui generic plant variety protection in India- Some initial feedback, Journal of Intellectual Property Rights, 15 (2010) 273-284.
9. Pires de Carvalho N, Towards a unified theory of intellectual property- The differentiating capacity (and function) as the thread that unites all its components, the journal of world intellectual property, 15 (4) (2012) 251–279.
10. Audrey R. Chapman, “A Human Rights Perspective On Intellectual Property, Scientific Progress, And Access To The Benefits Of Science”,

CASES FOR GUIDANCE

1. Assn of Molecular Pathology v Myriad Genetics Inc. US 2013
2. Baker v Selden US 99 (1879)
3. Cadila Health care Ltd v Cadila Pharmaceuticals Ltd., 2001 5 SCC 73- AIR 2001 SC 1952
4. Dabur India Ltd v K. R . Industries, 2008 SCC 595
5. Diamond v M. Chakrabarty 65 L Ed 2d 144- 447 US 303 (1980)
6. ESPN Star Sports v Global Broadcast News Ltd., (2008) 38 PTC 477 (Del)
7. Entertainment Network India Ltd v Super Cassettes Industries Ltd., 2008 SCC 30
8. Eastern Book Co v D.B. Modak 2008 SCC AIR SC 809
9. Faber Castell Akteingesellschaft v Pikpen (P) Ltd (2003) 6 Bom Cr 65 - 2003 27 PTC 538
10. Feist Publications Inc v Rural Telephone Service Co. Ltd., 113 L Ed 2 d US 340 (1991)
11. General Electric Co v General Electric Co Ltd (1972) 2 ALL ER 507
12. Gillette Co v S.C. Johnson & Sons inc
13. Gottschalk v Benson 34 L Ed 2d 273- 409 US 63 (1972)
14. Honda Motors Co Ltd v Charanjit Singh 2002 101 DLT 139
15. Imperial Tobacco Co of India Ltd v Registrar of Trade Marks AIR 1968 Cal 582
16. Novartis AG v Union Of India (2013) 6 SCC 1
17. RG Anand v Delux Films (1978) 4 SCC 118 AIR 1978 SC 1613
18. Parker Knoll Ltd v Knoll International Ltd (1962) 33 RPC 265
19. Pepsico India v Gujarat Potato Farmers
20. Ramdev Food Products v Arvindbhai Rambhai Patel (2006) 8 SCC 726 AIR 2006

LEARNING OUTCOMES

- *Understand the International and National instruments relating to Intellectual Property Rights*
- *Know the impact of Intellectual Property in Business, Agriculture, Human rights law and Competition Law*
- *Analyze the impact of new technologies in balancing the objective behind the Intellectual Property system*
- *Understand the importance of strong Intellectual Property rights in facilitating the economic growth and industrialization*
- *Realize that IPR and Competition law with reference to Human rights promotes consumer welfare and protects both public and private interest.*

PAPER – V

LAW OF INTERNATIONAL FINANCE AND INSTITUTIONS

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

Law of International Finance and Institutions is a framework of rules, standards and practices that govern international financial markets, their transactions and also portrays on the role of the Institutions which deals with them. It focuses on the law, documentation and legal issues affecting major transactions in global financial markets and their regulation. It is structured to be of both high academic and direct practical value. It appeals to students preparing for a career in financial markets in addition to practitioners wishing to broaden their horizon.

After undergoing the study the student will be able to –

- *Equip with the law of International Finance that regulates various commercial transactions at the international level.*
- *Enable them to understand the nature and complexities of International Finance and their legal issues.*
- *Grasp a knowledge on the Institutions which play a major role in the social and economic development.*
- *Enable the students answer some vital questions regarding the law of international finance and Institutions.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Genesis of International finance law-Nature, importance and objectives of International Finance law
- b) Sources of International Finance-Commercial Banks, International Agencies and Development Banks, International Capital Markets
- c) Factors contributing to the growth of International Finance in Developing Countries-Recent Changes in Global Financial Markets and its legal implications.

MODULE II - INTERNATIONAL SECURITIES LAW

- a) Securities Laws of major countries - UK, US, CHINA&INDIA-International Capital Market- Nature & Concept

- b) Comparative study of the insider trading regulations in the UK, US, China & India.- Liabilities for Securities Laws Violations- An analysis of legal remedies, and the consequences of non-compliance
- c) Acquisition of Shares and Takeovers codes- UK, US, CHINA and India

MODULE III - INTERNATIONAL INVESTMENT AND THE LEGAL REGULATIONS

- a) Global Foreign Direct Investment-Meaning-Entry routes for investment through FDI- Automatic Route and Government Route-Permissible instruments for investing through the Automatic or Approval route
- b) Different legal forms in which a foreign entity can establish its presence in India- Regulatory Framework for foreign direct investment across the globe with special reference to IMF and OECD- UNCTAD world investment report
- c) Overseas Direct Investment-Meaning- Eligibility for the investment in overseas direct investment- Transactions that require the prior approval of the authorities-Conditions for making investment in ODI -Various filing requirements -Form ODI Part I, II, III-Governing laws of various countries for making overseas investment

MODULE IV - INTERNATIONAL MONEY TRANSFER

- a) Inward and outward remittance-FEMA Guidelines and Regulations for Remittances-RBI regulations for Foreign Remittances
- b) International Money Transfer Agreements-Money Transfer Service Scheme (MTSS)- Oversees Principal-Indian Agent-Types of remittances- Approval of Reserve Bank of India
- c) Payment and Settlement Systems Act (PSS Act), 2007

MODULE V - INTERNATIONAL FINANCIAL INSTRUMENTS AND THE LEGAL REGULATIONS

- a) Depository receipts–American Depository Receipts-Global Depository Receipts- International depository Receipts-Indian Depository Receipts-Conditions for issue- Framework issued by SEBI for issuance of depository receipts- The Companies (Issue of Global Depository Receipts) Rules, 2014
- b) Debt instruments –Meaning-Kinds-Foreign Bonds, Euro Bonds, Global Bonds, Convertible Bonds-Non-Debt Instruments- Foreign Exchange Management (Non- Debt Instruments) Rules, 2019
- c) Derivatives Contracts-Meaning-Instruments and its kinds-Forwards-Future-Swap-Options-

Credit derivatives-Over the Counter derivatives-The Global derivatives market-Legal Aspects of Derivatives Trading in India- Foreign Exchange Management (Foreign Exchange Derivative Contracts) (First Amendment) Regulations, 2020

MODULE VI - INTERNATIONAL METHODS OF PAYMENTS

- a) Meaning-Traditional and Electronic methods-Kinds- Cash in Advance- Debit card payment, Telegraphic transfer, International cheque, Letters of Credit, Documentary Collections, Open Account, Consignment
- b) Legal challenges posted in the digital world
- c) Aligned Documentation System-Commercial and Regulatory Documents-Balance of payments- IMF definition of the Balance of Payments-Elements of BOP- Laws governing the balance of payments at international level.

MODULE VII - INTERNATIONAL FINANCIAL INSTITUTIONS-AN OVERVIEW AND ANALYSIS

- a) Introduction-Importance-Scope and Objectives of International Financial Institutions- Structure and Functions of International Financial Institutions
- b) International Financial Institution as a major source of Finance- Bond Financing, Loan Financing, Equity Financing
- c) Legal Regulation of International Financial Institutions-The Bretton Woods Conference- The World Bank (The International Bank for Reconstruction and Development (IBRD))- International Monetary Fund (IMF)-International Finance Corporation (IFC)

MODULE VIII - INTERNATIONAL FINANCIAL INSTITUTIONS-BILATERAL, MULTI-LATERAL AND REGIONAL AND THE REGULATORY FRAMEWORK

- a) Bi-lateral- CDC Group (British Development Finance Institution)-DEG (German Development Finance Institution)-Japan Bank for International Cooperation- Overseas Private Investment Corporation
- b) Multi-lateral- European Commission, International Fund for Agricultural Development, World Bank Group (IDA, IFC, MIGA, ICSID) – OPEC Fund for International Development-
- c) Regional- Asian Development Bank, European Bank for Reconstruction and Development- International Investment Bank-Objectives, operations, schemes of

International financing – Investments policy – portfolio management and resource mobilization efforts-regulatory framework.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Philip R Wood, Law and Practice of International Finance, Sweet&Maxwell, 2019
2. Professor Hal S Scott & Professor Anna Gelpern, International Finance- Law and Regulation, Sweet&Maxwell, 3rd Edition 2012
3. Indian Institute of Banking & Finance, International Banking - Legal & Regulatory Aspects, Macmillan Education, 2nd Edition 2017
4. CA. Vikram Naik, Multilateral Instruments - An Indian Perspective, Bloomsbury Publications, July 2019
5. Dr Felix I. Lessambo, International Financial Institutions and Their Challenges, Palgrave Macmillan US, 2015

JOURNALS/ARTICLES

1. Brummer, C., "How International Financial Law Works (and How It Doesn't)", Georgetown Law Journal, 99 (2010-11) pp. 257-327.
2. Stefano, C. de, "Reforming the Governance of International Financial Law in the Era of Post-Globalization", Journal of International Economic Law, 20 (2017), No. 3, pp. 509-533.
3. Bank for International Settlements. "Trade Finance- Developments and Issues." Committee on the Global Financial System Paper No.50, 2014. <http://www.bis.org/publ/cgfs50.pdf> (accessed 28 August 2016). p14.
4. Lupo-Pasini, F., "Financial Disputes in International Courts", Journal of International Economic Law, 21 (2018), No. 1, pp. 1-30.
5. Eyal Benvenisti, The Law of Global Governance (Hague Academy of International Law, 2014), at p 48; citing Chris Brummer, Soft Law and the Global Financial System- Rule Making in the 21st Century (CUP, 2012) at p 73

FURTHER READING:

BOOKS

1. Ravi C Tennekoon, The Law and Regulation of International Finance, Bloomsbury Professional, 1st Edition 1991
2. H. Kent Baker; Leigh A. Riddick, International Finance- A Survey, Oxford University

Press,2013

3. Marc I. Steinberg, *International Securities Law, Contemporary & Comparative Analysis*, Kluwer Law International; 1st Edition, 1999
4. August Reinisch, *Advanced Introduction to International Investment Law*, Elgar Advanced Introductions series, 2020
5. Colin Bamford, *Principles of International Financial Law*, Oxford University Press, 3rd Edition, 2015
6. Sunil Parameswaran, *Fundamentals of Financial Instruments- An Introduction to Stocks, Bonds, Foreign Exchange, and Derivatives*, The Wiley Finance, 1st Edition, 2011
7. Bharati Basu with James T. Bang, *International Remittance Payments and the Global Economy*, Routledge, 1st Edition, 2014
8. Daniel D. Bradlow, David B. Hunter, *International Financial Institutions and International Law*, Kluwer Law International, 2010
9. G. R Hari T. N Manoharan, *Direct Tax Laws & International Taxation Assessment*, Snow White Publications, July 2020
10. Rosa Lastra, *International Financial and Monetary Law*, Oxford University Press, 2015

JOURNALS/ARTICLES

1. Bradlow, D.D., “A Human Rights Based Approach to International Financial Regulatory Standards”, *SouthViews*, 171 (Oct. 2018).
2. Chadwick, A., “Regulating Excessive Speculation- Commodity Derivatives and the Global Food Crisis”, *International and Comparative Law Quarterly*, 66 (2017), No.3, pp. 625-655. (e-article)
3. Feibelman, A., “Law in the Global Order- The IMF and Financial Regulation”, *New York University Journal of International Law and Politics*, 49 (2017), No. 3, pp. 687-745
4. Gortsos, C., “The Evolution of European (EU) Banking Law under the Influence of (Public) International Banking Law- A Comprehensive Overview” (January 31, 2019), National and Kapodistrian University of Athens.
5. Paech, P., “Introduction- International Financial Law”, London School of Economics - Law Department, 2017
6. World Trade Organization. “Trade Finance and SMEs- Bridging the Gaps in Provision.” 2016 https://www.wto.org/english/res_e/booksp_e/tradefinsme_e.pdf (accessed 28 August 2016). pp11-12
7. New Markets Lab and International Centre for Trade and Sustainable Development.

- “Regulatory Guide for the Financial Services Sector”(on file with authors). pp12-14
8. Cao, J., Cumming, D. J., Qian, M., & Wang, X. 2015. Cross border LBOs. *Journal of Banking & Finance*, 50 pp 69-80
 9. Shaffer, G., and M. Waibel, “The Rise and Fall of Trade and Monetary Legal Orders- From the Interwar Period to Today’s Global Imbalances”, in G. Mallard and J. Sgard (eds.), *Contractual Knowledge- One Hundred Years of Legal Experimentation*, Cambridge, Cambridge University Press, 2016, pp. 289-323
 10. International Chamber of Commerce. “ICC Global Trade and Finance Survey 2015- Rethinking Trade and Finance.” 2015. <http://www.iccwbo.org/Products-and-Services/Trade-facilitation/ICC-GlobalSurvey-on-Trade-Finance/> (accessed 28 August 2016). pp102-109

CASES FOR GUIDANCE

1. *Budha Ismail Jam v. International Finance Corporation* 586 U.S. (2019)
2. *Caiola v. Citibank* 295 F.3d 312, 312 (2d Cir. 2002)
3. *Commissioner of Income Tax v IndusInd Bank Ltd* Income Tax Appeal No. 659 And 662 of 2018
4. *Cruz City 1 Mauritius Holdings vs Unitech Limited* [2013] EWCA Civ 1512
5. *Denney v. Jenkens & Gilchrist*, 412 F. Supp. 2d 293, 296
6. First-Tier Tribunal in *HSBC v Commissioners for HMRC* (2012) UKFTT 163
7. *International Holdings BV v. Union of India* [2012] 341 ITR 1 (SC)
8. *KA. Manshoor Vs. Assistant Director, Enforcement Directorate, Government of India*
9. *Kohler v Kohler Co.*, 319 F.2d 634, 642 (1963)
10. *Lehman Brothers Commercial Corp. v. Minmetals International Non-Ferrous Metals Trading Co.* No. 94 Civ. 8301, 2000 WL 1702039 (S.D.N.Y. Nov. 13, 2000)
11. *Merrill Lynch Int'l v. XL Capital Assurance*, 564 F. Supp. 2d 298
12. *Morrison v. National Australia Bank* 561 U.S. 247 (2010)
13. *NTT Docomo v Tata Sons Limited O.M.P. (EFA) (COMM.) 7 / 2016*
14. *R v McQuoid* (2009) EWCA Crim 1301; (2009) 4 All E.R. 388
15. *SEC v Texas Gulf Sulphur*, 401 F.2D 833, 8282
16. *SEC v. W. J. Howey Co.*, 328 U.S. 293, 299 (1946)
17. *United States v Liberia*, 989 F.2d 596
18. *United States v. Vincent F Chiarella*, 445 U.S. 222 (1980)
19. *Weinstock v. Asian Development Bank* Civil Action No. 1-05-CV-00174 (RMC) (D.D.C. Jul. 13, 2005)
20. *World Bank Group v. Wallace* 2016 SCC 15

LEARNING OUTCOMES

- *To achieve a complete grasp and understanding of Legal framework of International Finance and gain a mastery over the subject.*
- *To gain an insight and also to analyse on various Financial Institutions.*
- *To accumulate a discernment on all the essential legal aspects of International finance along with their nature and complexities.*
- *To apply the International finance laws to current business environment.*

PAPER – VI

GOVERNANCE AND REGULATORY MECHANISM OF LAW OF INSURANCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

Similar to other financial institutions, insurance is an activity that needs to be governed and regulated as health of the insurance sector reflects a country's economy. A proper regulatory mechanism is therefore the sine qua non of success and growth of insurance industry as it stimulates the confidence of all stakeholders. The primary rationale to regulate this sector is to maintain the confidence of the financial system and to provide appropriate degree of consumer protection. The subject thereby aims to equip the students with the general principles of insurance along with their kinds and also enlightens on the governance and regulatory aspects pertaining to the law of insurance with special reference to various regulations framed by the Insurance Regulatory Development Authority of India who stands to be the regulator of Insurance sector in India.

After undergoing the study the student will be able to -

- To achieve a complete grasp and understanding of general principles of law of insurance and their kinds.*
- Equip with the law of Insurance that regulates various transactions at the international level.*
- Enable them to understand the nature and complexities of the legal issues pertaining to varied types of Insurance.*
- Grasp a knowledge on the Institutions which play a major role in relation to the Insurance Sector.*
- Enable the students answer some vital questions regarding the law of international aspects of Insurance Law.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Evolution and history of Insurance-Definition and Meaning.**
- b) Need for insurance-Nature-Scope and significance-Constitutional perspectives.**

- c) Insurance as a Social Security Tool-Risk pooling-Role of insurance in economic development.

MODULE II - GENERAL PRINCIPLES OF LAW OF INSURANCE

- a) Essential elements of insurance contracts-Nature-Contract is Aleatory-Contract of Uberrima fide-Contract of Indemnity-Contract of Wager-Contract of Adhesion.
- b) Insurable interest-Premium-Risk-Assignment of Insurance policies-Warranties & disclosures.
- c) Double insurance & Re-insurance-Doctrine of Contribution, Subrogation & Reinstatement.

MODULE III - INSURANCE CONTRACTS

- a) Life Insurance-Nature & scope of life insurance-Kinds of life insurance contracts-Events insured -Felo De Se-Factors affecting risk in life insurance-Amounts recoverable under life insurance-Persons entitled to payment under life insurance-Settlement of claims.
- b) Marine Insurance-Nature & scope of marine insurance-Classification of marine insurance policies-Change of voyage and deviation- Maritime perils-Implied Warranties-Loss.
- c) Property Insurance-Fire Insurance-Elements of fire insurance-kind of policies-Claims under fire insurance-Motor Vehicle Insurance-Types of Motor Policies-No fault liability-Compulsory Insurance-Knock for Knock Agreements-Rights and Liabilities of Third Party in Motor Insurance-Claims Tribunal.

MODULE IV- INSURANCE REGULATORY & DEVELOPMENT AUTHORITY ACT, 1999

- a) Salient features of the Act-Insurance Regulatory & Development Authority.
- b) Establishment-Objectives-Composition-Duties-Powers-Functions.
- c) Finance, Accounts and Audit- Amendments-Regulations-Guidelines.

MODULE V - CORPORATE GOVERNANCE IN INSURANCE SECTOR

- a) Corporate Governance Guidelines for Insurance Companies, 2016.
- b) Governance structure-Constitution of Board of Directors-The Role and responsibility of the Board-Control & Delegation of Functions.
- c) Committees of the Board-Disclosures requirement-Outsourcing policy guideline-Reporting to IRDAI for compliance-Evaluation of Board of Directors including Independent Directors.

MODULE VI - INSURANCE AGENTS & BROKERS AND THE REGULATORY MECHANISM

- a) Regulations issued by IRDA for Insurance Agents & Brokers-Rights and responsibilities-Agent's compensation and hereditary commission-Termination of agency.
- b) The IRDAI (Insurance Brokers) Regulations 2018-The IRDAI (Appointment of Insurance Agents) Regulations, 2016.
- c) Agency Contract-License to act as insurance agent-Authority of a life Insurance Agent-Licensing of Insurance Brokers-Role & Responsibilities of Insurance Brokers.

MODULE VII - INSURANCE OMBUDSMAN AND DISPUTE RESOLUTION MECHANISMS

- a) Insurance Ombudsmen Rules 2017-Objectives-Executive Council of Insurers.
- b) Functions-Establishment of Ombudsmen Offices and process of selection of Insurance Ombudsmen-Term of office-Remuneration-Territorial Jurisdiction-Duties and Functions.
- c) Procedure & Proceedings before Ombudsmen-Decisions of Ombudsmen-Awards by Ombudsmen-Annual Report on Ombudsmen activities-Advisory Committee on Ombudsmen.

MODULE VIII- INTERNATIONAL TRENDS IN INSURANCE REGULATIONS

- a) International Association of Insurance Supervisors-Insurance Core Principles-Financial Services Authority, U.K.-Department of Financial Services, New York.
- b) Insurance Board of Sri Lanka-Beema Samiti (Insurance Board of Nepal).
- c) Royal Monetary Authority (Bhutan)-Monetary Authority of Singapore-Bank Negara, Malaysia.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Professor John Birds, Birds' Modern Insurance Law, Sweet & Maxwell, 11th Edition 2019
Insurance Laws Manual 2020, Taxmann, 21st Edition 2020
2. K S N Murthy & K V S Sarma, Modern Law of Insurance in India, Lexis Nexis, 6th Edition 2019
3. Avtar Singh, Law of Insurance, Eastern Book Company Explorer, 3rd Edition 2017
4. Gaurav Varshney, Insurance Laws, Lexis Nexis, 2016
5. S.K Sarvaria, Commentary on The Insurance Regulatory and Development Authority Act, Universal Law Publishing, 2017

JOURNALS/ARTICLES

1. Insurance Law Journal
2. IRDA Journal
3. The Journal of Banking & Insurance Laws
4. The Journal - Insurance Institute of India
5. Insurance Journal

FURTHER READING:

BOOKS

1. Temporary disability insurance and unemployment insurance Law of Rhode Island, 2017.
2. Insurance Law and Regulation, 7th edition (June 17,2020)
3. Insurances Law implications of delay in maritime transport.(Informa Law from Routledge, 1st edition July 27,2017).
4. Directors and officers (D and o) Liability (Tort and insurance Law) De Grayter 1st edition Feb 19,2018.
5. Insurance Accounting, coverage Analysis, insurance Law and Insurance Regulations (American institute for chartered property casualty underwriters 2nd edition Jan 1,2014.).
6. Construction defects and insurances volume four - Liability Insurances (September 7, 2018).
7. Zalma on insurance claims part 109 (Aug 20, 2018).
8. Insurance Law implications of delay in maritime transport. (Informa Law from Routledge 1st edition July 27, 2017).
9. Common Wealth Caribbean Insurances Law (Routledge 1st edition May 7, 2019).
10. Good faith and insurance contract (Peter Mac Donald Eggers, Simon Picken Feb 1, 2018 4th edition).

JOURNALS/ARTICLES

1. Health insurance Law weekly issi-5370.
2. International insurance Law Review – 0968-2090.
3. Journal of insurance coverage 1096-8342.
4. Tort and insurance Law Journal 0885-856x.
5. Tort trial and insurance practice Law Journal 1543 – 3234.
6. Insurance advocate 0020-4587.

7. Insurance counsel Journal 0020-465x.
8. Risk 1073-8673.
9. University of North Carolina school of Law Banking institute 1096-7249.
10. Tech decision for insurance 1542-8923.

CASES FOR GUIDANCE

1. Reliances Life insurance vs Rekhaven Nareshbhai Rathod. (in the supreme Court of india civil appellate jurisdiction. Civil appeal number 4261 of 2019) .under section 45 in the insurance Act, 1938).
2. Sonell clocks and gifts limited vs New India assurances company limited (2019).(In review application no 77 of 2016 in op/20/2006).
3. Economic transport corporation vs charan spinning Mills Limited. (civil appeal no 5611 Of 1999 under section 14(1)(d) in the consumer protection Act, 1986) .
4. Alka shukla vs Life insurances corporation Of india (civil appeal no. 3413 of 2019 arising out of slp number 3235 of 2016).
5. Starlight shipping company vs Allianz marine and Aviation versicherungs AG others (Alexandros T) (2013)uksc.England and Wales court of appeal civil decision, 18 July 2014.
6. Amlin corporation member and others vs Oriental assurances corporation (princess of the stars) 2013 Ewca 2380 (comm).
7. Lekh Ram and another vs Hdfc bank limited (2016)
8. (Relevant part which is under personal accident insurance fire and burglary insurance)
9. P. K Vijayan vs divisional manager (2018)(W.A. No. 1660 of 2019)
10. Rajkumar srivastava petitioner vs Union of india and others (w.p.c 6922 /2017 and c.ms. 28774/2017 and 3219/2018).
11. R.V jegan Mohan vs The state of Tamil Nadu, Rep. By its secretary to government,Chennai and others. (w.p no. 12276and 12277 of 2012).
12. M/S National insurance company limited vs Rani on 12th March, 2020.(C.M.A number 1848 of 2017).
13. Henkel Corp. Hartford Acc. Indem. Co, 62 p. 3d (cal.2003)
14. Travelers Insurances company vs Eijer Mfg, Inc 757 N.E 2d481 c111. 2000).
15. Vandenberg vs superior ct, 21 cal.4th 815, 88cal.Rptr.2d 366,982P.2d 229 (1999).

16. Burlington ins. Co vs oceanic design and constr. Inc, 383f.3d 940 (9th cir. 2004)
17. Powerine oil Co, in vs superior ct, 37 Cal. 4th 377,33cal.Rptr.3d562, 118 p. 3d 589 (2005).
18. American Econ. Ins. Co vs Holabird77 and Root, 886 N. 3. 2d 1166(111.App.2008).
19. General Agents insurance company vs Midwest sporting goods Co, 215111.2d146,828 N. 6J 2d 1092 (2005).
20. Country mut. Ins. Co vs Livorsi Marine Inc, 222 111.2d 303,856 N. E. 2d 338,305 Dec 533 (2006).

LEARNING OUTCOMES

- *To acquire a comprehensive knowledge about the legal and regulatory environment around insurance*
- *To gain an understanding on the role of the insurance regulator, as a supervisory and developing body*
- *To acknowledge the need for regulation and regulatory norms for corporate governance, policy holder's protection and data protection in the field of insurance*
- *To acquire an insight on the regulations, circulars, orders issued by the insurance regulatory body from time to time and apply to the current business environment*
- *To accumulate a discernment on International Trends in Insurance Regulations*

PAPER - VII

LAW OF COMMERCIAL DISPUTE RESOLUTION

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

Alternative Dispute Resolution, commonly known as ADR, refers to dispute resolution mechanisms outside the realm of traditional judicial processes. The objective of this paper is to acquaint students with various modes of ADR. ADR mechanism is less bound by procedural formalities and speedy in giving results. The inability to resolve disputes in a timely manner eviscerates public and private rights obligations. To overcome this drastic situation ADR is highly recommended and accepted. For this reason, ADR is appreciated by many countries around the world. The course is designed in a way that it will give students insightful knowledge about this emerging area.

After undergoing the study the student will be able to

- *Develop an understanding on the operation and implications of various ADR theories and practices and to assess their value*
- *Develop the ability to critically assess the legal, social and other issues associated with ADR.*
- *Understand the skills and elements involved in Negotiation, Mediation and Conciliation.*
- *Help their clients and society to select and employ the most effective and just methods.*

COURSE OUTLINE

MODULE I - INTRODUCTION AND BASIC CONCEPTS

a) History & Evolution of ADR

Dispute and its inevitability – Evolution of the concept of ADR with Historical Prospective – Origins of ADR – Ancient Times – Pre Independence – Post Independence – Current Level of Pro ADR support in India and Globally – Definition, Scope, Genesis and Need of ADR

b) Introduction to different mechanisms

Overview of Alternative Dispute Resolution – Arbitration – Mediation – Conciliation – Dispute Review Board – Lok Adalat – Judicial Settlements – Other ADRs – Advantages and Disadvantages – Comparison of ADR with Conventional Litigation – Challenges and Constrains of ADR

c) ADR Agreements

Need of ADR Agreements – Life Vest Analogy – Pre-requisites to a draft – Essentials of a ADR Clause – Contents of a Clause – Adhoc ADR v. Institutional ADR – Advantages and Disadvantages of Institutional ADR – Hybrid ADR Clauses – Drafting ADR Clauses – Incorporation – Doctrine of Severability – Enforcement of ADR Clause – Pathological ADR Clauses

MODULE II - NEGOTIATION THEORY AND PRACTICE

a) Theories

Three Dimensions of any Negotiations – People, Problem, Process – Communication – Active Listening & Active Speaking – Cognitive Biases – Approaches/Theories of Negotiations – Structural Approach, Strategic Approach, Behavioural Approach, Processual Approach, Integrative Approach

b) Preparation

Awareness on instinctive pitfalls – Essentials of Preparation – 10 Point Check List of the 3 Dimensions – People – Personal Relationships, The Mandate, Stakeholders – Problem – Motivations, Solutions at the Table, Justifications, Solution away from the Table (SAFT) or BATNA – Process – Organisation, Communication, Logistics

c) Strategies and Tactics

Why Negotiations fail? – Zone of Possible Agreement (ZOPA) – Cognitive Biases – Coping with the failures – Value Creating v. Value Claiming – Usual Bargaining Tactics – Negotiation Sequence – Principles of being an Effective Negotiator – Personalising your Theory before Practice – Reaching the End – Agreement and Non Agreement

MODULE III - MEDIATION/CONCILIATION THEORY AND PRACTICE

a) Theories

Scope of Mediation/Conciliation – Principles Underlying Mediation/Conciliation – Features of Mediation/Conciliation – Approaches/Theories of Mediation/Conciliation – Facilitative, Transformative, Analytical, Inclusive, Narrative – Ubuntu, Abunzi, Gacaca, Mahajans and Gandhian Approaches – Mediation v. Conciliation – Role of Mediators, Counsel and Parties – Adhoc, Private, Annexed and Institutional Mediation/Conciliation

b) Procedure

Agreement – Preparation – Pre-Mediation Conference – Relationship with and among the parties – Opening of Process – Communication – Apology – Forgiveness – Exploring Issues

and Interests – Accumulating Information – Agenda Development – Encouraging party negotiations – Separate Session (Caucus) – Concluding – Ethics

c) Settlement Agreement and Governing Laws

Purpose of Settlement Agreement – Reaching Settlement – Reality Testing – Components of Settlement Agreement – Revisions – Breach of Settlement Agreement – Enforcement – UNISA – Civil Procedure Law – Legal Services Authority – Sector Specific Laws – Industrial Disputes, Company Law, Family Disputes, MSME, Real Estate Law, Consumer Disputes, Commercial Court Disputes etc. – Upcoming Law

MODULE IV - LAW OF ARBITRATION

a) Basic Concepts and Arbitrability

Why Arbitrate? – Features of Arbitration – Validity of an Arbitration Agreement – Types of Arbitration – Ad Hoc Arbitration v. Institutional Arbitration – Applicable Laws – Juridical Seat of Arbitration – Reference to Arbitration – Composition of Tribunal – Venue and Language of Arbitration – Jurisdiction of the Tribunal (*Kompetenz-Kompetenz*) – Equal Treatment of Parties – Arbitrability and Non Arbitrability of a Dispute – Rights in Rem v. Rights in Persona

b) Role of Courts, Parties, the Tribunal and other Stakeholders

Before Commencement of Arbitration – During the Arbitral Proceedings – After the End of the Arbitration Proceedings – Rights and Duties – Ethics

c) International Commercial Arbitration

Evolution and Basic Concepts – Theories in International Arbitration – Comparison to other International Dispute Resolution Mechanisms and Organisations – Agreement of Parties – Lex Arbitri (Law of Seat) – Lex Fori (Law of the forum) – Other Applicable Laws – Ad hoc Arbitration v. Institutional Arbitration – Recognised Arbitral Institutions – Evolution from Geneva Convention to the New York Convention – Jurisdiction of the Enforcement Court – Required Documents – Limitations – Grounds for Non-Enforcement – Effects of Challenge – Hard Law v. Soft Law – UNCITRAL Model Law, Rules and Notes – IBA Guidelines – Other Applicable Laws

MODULE V - ARBITRATION PROCEDURE

a) Procedure – Commencement to Publication

Notice Invoking Arbitration Agreement – Choosing and Appointment of Arbitrator – Case Management Conference – Terms of Reference – Interim Measures – Determination of Rules of Procedure and Communication – Statement of Claim and Defence – Counter Claims –

Evidence – Admission and Examination – Challenge to Jurisdiction of Arbitrator – Challenge to Qualifications and Impartiality of Arbitrator – Procedural Orders – Termination of Mandate or Proceedings – Substitution – Conducting and Controlling of Arbitration Proceedings – Hearings and Written Proceedings – Publication of Award

b) Arbitral Award and its Challenges or Enforcement

Categories of Award – Remedies – Deliberations and Decisions of the Tribunal – Form and Content of Awards – Corrections, Interpretations and Additional Award – Effect of Awards – Proceedings after the Award – Methods, Grounds & Effects of Challenge – Enforcement in Domestic Courts – Final Relief

d) Specific Concepts

Administrative Assistance – Waivers – Appointment of Expert – Limitations – Default of Party – Appealable Orders – Effect of death of party – Insolvency – Confidentiality – Immunity of Arbitrators – Cost of Arbitration Proceedings – Apportionment of Cost – Deposits – Lien of Award – Arbitration Council of India (ACI) – Accreditations

MODULE VI - EMERGING TRENDS

a) ODR & VDR

ODR v. VDR – Agreement specifying ODR or VDR – Hybrid Mechanism of VDR – Request for Online Medium – Juridical Seat in the Online Process – Third Party Support – Institutional ODR or VDR – Reliable Virtual Infrastructure – Cyber Security – Consideration of Cost – Document Storage and Sharing – Examination of Evidence and Witness – Recording and Transcription – Signing of Documents

b) Contemporary Developments

Fast Track Procedure in Arbitration – Emergency Arbitration – Med-Arb-Med Process – Third Party Funding – Mandatory ADR – Tribunal Secretary Practice – Transparency v. Confidentiality – Financial Institutions' Preference for Arbitration – Unilateral Appointment – Diversity in International ADR

c) Sector Specific ADR

Increasing specialisation of ADR – Need and Purpose – Dispute Related – Investment Disputes, Securities and Stock Exchange Disputes, Commodity Disputes, Maritime Disputes, IP Disputes, Construction Disputes, Domain Name Disputes, Space Disputes, Agriculture Disputes, Sports Disputes, MSME Disputes, Art Disputes, Fashion Disputes etc. – Institution Related – IITArb, WIPO, ICANN, PRIME Finance, SHIACA, ICEA, FACT, CIAC, CAS, CAfA, ICSID, ICSOD etc.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Madhusudan Saharay, Text Book on Arbitration & Conciliation with Alternative Dispute Resolution, 4th ed., Universal Law Publishing 2017.
2. N. V. Paranjpe, Law Relating to Arbitration and Conciliation in India, 7th ed., Central Law Agency, 2016.
3. Avtar Singh, Law of Arbitration and Conciliation, 10th ed., Lucknow 2013
4. Malika Taly, Introduction to Arbitration, Eastern book Company, 2015
5. Vishnu Warriar, Arbitration, Conciliation and Mediation, Lexis Nexis, 2015

JOURNALS/ARTICLES

1. Fali Nariman, 'Ten steps to salvage Arbitration in India- The First LCIA-India Arbitration Lecture', (2011) 7(2) Arbitration International 115.
2. Manini Brar, 'Implications of the new Section 29A of the amended Indian Arbitration and Conciliation Act, 1996', (2017) 5(2) Ind. J. Arb. L. 113, 118.
3. N. Jancova; "Gilles Cuniberti, Rethinking International Commercial Arbitration Towards Default Arbitration - TDM 5 (2018),
4. B.S. Vasani; T.S. Mehta; "Why Domestic Parties in India Should be Allowed to Choose Foreign Arbitration Seats" TDM 2 (2018
5. Subhiksh Vasudev, 'The 2020 Amendment to the Indian Arbitration Act- Learning from the Past Lessons? Kluwer Arbitration Blog (10 Dec. 2020);

FURTHER READING:

BOOKS

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

5. Anuroom Omkar and Kritika Krishnamurthy, *the Art of Negotiations and Mediation*, Lexis Nexis 2015.
6. Dr. P.C. Markanda, Naresh Markanda, Rajesh Markanda-*Law Relating to Arbitration and Conciliation*”, 9th ed, LexisNexis 2016
7. Anirudh Wadhwa (Chief Editor), “Justice RS Bachawat’s Law of Arbitration and Conciliation”, 5th ed, LexisNexis 2010
8. Dharmendra Rautrey, *Principles of Law of Arbitration in India*, Wolters Kluwer, 2018
9. Susan Blake, Julie Browne, Stuart Sime- *A Practical Approach to Alternative Dispute Resolution* 5th ed, Oxford University Press; 2018
10. Laurie S. Coltri J.D, *Alternative Dispute Resolution- A Conflict Diagnosis Approach*, 2nd ed, Pearson 2020

JOURNALS/ARTICLES

1. Jonnette Watson Hamilton, *Pre-Dispute Consumer Arbitration Clauses- Denying Access to Justice?*, 51 MCGILL L.J. 693, 702-03 (2006)
2. Marco Stacher. (2005). “International Anti-suit Injunctions- Enjoining Foreign Litigations and Arbitrations- Beholding the System from Outside”. Cornell Law School Graduate Papers.
3. Steven R. Swanson. (1996). “The Vexatiousness of A Vexation Rule- International Comity And The Anti-suit Injunction”, *George Washington University Journal Of International Law And Economics*, 23,30.
4. Nicholas Poon, “Striking a Balance between Public Policy and Arbitration Policy in International Commercial Arbitration- *AJU v AJT*” [2012] *Sing JLS* 1 at 9.
5. <http://www.mondaq.com/india/x/537190/Arbitration+Dispute+Resolution/Evolution+Of+Arbitration+In+India>
6. <https://www.lawctopus.com/academike/arbitration-adr-in-india/>
7. <https://www.cambridge.org/core/journals/classicalquarterly/article/place-of-arbitration-and-mediation-in-ancient-systems-of-international-ethics/70D441BE07328E741877CFDC084E8778>
8. Ayushi Singhal, ‘Appointment of Arbitrators in India – Finally Courts Divest Some Power’, *Kluwer Arbitration Blog* (5 Sep. 2017)
9. Khushboo Narayan, ‘SC tells MCIA to appoint arbitrator in global dispute’, *The Indian Express* (30 July 2017)

10. Subhiksh Vasudev, 'The 2020 Amendment to the Indian Arbitration Act- Learning from the Past Lessons? Kluwer Arbitration Blog (10 Dec. 2020)

CASES FOR GUIDANCE

1. Afcons infrastructure and Ors. v. Cherian Verkay Construction and Ors
[2010 (8) SCC 24]
2. Bgs Sgs Soma Jv v. Nhpc Ltd. [Civil Appeal No. 9307 of 2019 decided on 10.12.2019]
3. Bharat Aluminium v. Kaiser Technical Services, Civ App 3678 of 2007 (6 September 2012)
4. Bharat Aluminium v. Kaiser Technical Services, Civ App 3678 of 2007 (28 January 2016).
5. BHEL v. Uttar Pradesh Rajya Vidhyut Utpadan Nigam Limited Arb. P 78/2019]
6. Cheran Properties Ltd. v. Kasturi and Sons Ltd. & Ors. Civil Appeal 10025/2017
7. CIMMCO LTD. versus Union of India O.M.P. (COMM) 297/2016
8. Garware Wall Ropes Ltd. v. Coastal Marine Constructions & Engineering Ltd. Civil Appeal No.3631/2019
9. Goel Construction Co. Pvt. Ltd. v. ICAI O.M.P. (T) (Comm.) 120/2018
10. Golden Chariot Recreations Pvt Ltd. v. Mukesh Panika & Anr. 2018 SCC online del 10050
11. Hindustan Construction Company Ltd. v. Union of India, [2019 SCC OnLine SC 1520, decided on 27.11.2019]
12. Kerala State Electricity Board and Anr. v. Kurien E. Kathilal- Civil Appeal Nos.3164-3165 of 2017
13. M/s Chandok Machineries v. M/s S.N. Sunderson & Co. 2018 SCC Online Del 12782
14. M/S Emaar MGF Land Limited & Anr. v. Aftab Singh, 2018 SCC Online SC 2771
15. Manish Anand & Ors. v. Fiitjee Ltd., 2018 SCC Online Del 7587
16. Mother Boon Foods Pvt Ltd v. Mindscape One Marketing Pvt Ltd O.M.P. (COMM) 136/2017
17. National Highways Authority OF India v. Gammon Engineers and Contractor Pvt Ltd O.M.P. (T) (Comm.) 39/2018
18. NCC Limited v. Indian Oil Corporation Limited 2019 SCC online Del 6964
19. Oriental Insurance Company Limited v. M/s Narbheram Power and Steel Pvt. Ltd. Civil Appeal No. 2268 of 2018
20. Parsoli Motor Works (P) Ltd. v. BMW India P Ltd. 2018 SCC Online Del 6556

LEARNING OUTCOMES

- *To identify and analyse the complex drivers of dispute in the community*
- *To understand the theoretical models of dispute resolution and capacity to analyse their operation in both legal and social context*
- *To develop basic mediation skills, including communication, analysis and issue identification*
- *To engage in simple dispute resolution systems design*
- *To understand the ethical and legal ethical issues surrounding dispute resolution models and practice*

PAPER - VIII
LAW OF CORPORATE CYBER SECURITY
(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

Cyber risk in corporate world has multiplied manifold with the evolution and complexity of technology landscape. Cyber breaches can escalate to legal liability for corporations and hence it is imminent for corporations to develop their own practices around cyber security for good. The term cyber security suggests innovations and procedures intended to protect computer frameworks, programming, systems and client information from unapproved access; also from dangers exhibited through the internet by cybercriminals, hackers or terrorist groups.

After undergoing the study the students will be able to -

- *Knowledge about the nexus between Cyber Security measures to be applied.*
- *Relevance of Cyber Security for the Corporate world.*
- *Knowledge of various aspects of Corporate Law legislations in regard to Cyber Security.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Meaning, Essence of Cyber Law and need for Cyber Security
- b) Introduction, history and types of cyber crime
- c) Cyber threats to the Corporate sector

MODULE II - JURISDICTION, ELECTRONIC CONTRACTS AND DIGITAL SIGNATURES

- a) Cyberspace and Jurisdiction
- b) How internet structure and jurisdiction impact Corporate contracts (E-Contracts)
- c) Electronic contract and its validity in India and type of contracts that cannot be electronically executed-Digital signature and its legal aspects

MODULE III - LEGISLATIONS IN INDIA –RELEVANCE OF CYBER LAWS FOR CORPORATIONS

- a) Information Technology Act, 2000
- b) The National Cyber Security Policy, 2013
- c) Prevention of Money Laundering Act, 2002

MODULE IV - IMPORTANT CONVENTIONS AND COMMITTEE RECOMMENDATIONS

- a) Suggestions of (Uday) Kotak Committee regarding Cyber Security to be adapted by companies/ corporations
 - a) International Conventions-
 - b) European Convention on Cyber Crime (Budapest Convention)
- b) The Snowden Revelations of Cyber Security
- c) ICANN (Internet Corporation for Assigned Names and Numbers)

MODULE V - RELEVANCE OF E-COMMERCE LAW AND CONTRACTS

- a) Legal framework for structuring E-commerce portals
- b) Contractual arrangements required for an e-commerce portal to function
- c) Limitations to e commerce contracts

MODULE VI - RELEVANCE TO EMERGING CONCEPTS IN CYBER SPACE

- a) Need of cyber security in Cloud computing
- b) Outsourcing work to Third Party and ensuring cyber security
- c) Concept of Artificial Intelligence and Machine Learning

RECOMMENDED READING:

BOOKS

1. Reinier Kraakman, et. al., The Anatomy of Corporate Law- A Comparative and
2. Functional Approach (2nd ed., 2009);
3. Rajesh Chakrabarti, "Corporate Governance in India, Evolution and Challenges"(2005)
4. Vikramaditya Khanna, "Corporate Governance in India- Past, Present and Future" (2009)
5. Umakanth Varottil, "A Cautionary Tale of the Transplant Effect on Indian Corporate Governance"

JOURNALS/ARTICLES

1. <https://cybercrimelawyer.wordpress.com/category/information-technology-act>
2. SEBI - Cyber Security & Cyber Resilience framework for Stock Brokers / Depository Participants(https://www.sebi.gov.in/legal/circulars/dec-2018/cyber-security-and-cyber-resilience-framework-for-stock-brokers-depositoryparticipants_41215.html)
3. Cyber Security and Related Crimes in Indian Scenario' by Sriram S., International Journal of Current Research Vol. 6, Issue, 03, pp.5403-5412, March, 2014

4. <http://www.lawyersclubindia.com/articles/Classification-Of-CyberCrimes>
5. <http://niiconsulting.com/checkmate/2014/06/itact-2000-penalties-offences-with-case-studies>

FURTHER READING :

BOOKS

1. T. Ramappa, Legal Issues in Electronics Commerce, Macmillan India Ltd, New Delhi
2. Information technology – Venkat Sharma (2006)
3. Cyber Law Vol 1 & 2 Brian Fitzgerald (2006)
4. Information technology Act
5. Dimensions of Cyber Crime- S. R. Sharma
6. Cyber Safety- An Introduction- Leukfeldt
7. Guide to Cyber and E – Commerce Laws by P.M. Bukshi and R.K. Suri; Bharat Law House, New Delhi
8. Cyber Law in India by Farooq Ahmad; Pioneer Books
9. Guide to Cyber Laws by Rodney D. Ryder; Wadhwa and Company, Nagpur
10. Kamlesh N. Agarwala & Murali D. Tiwari (Ed.) I.T. and Indian Legal System, Macmillan India Ltd. New Delhi

JOURNALS/ARTICLES

1. <https://www.jlcw.org/>
2. <https://academic.oup.com/cybersecurity>
3. <http://stmjournals.com/Journal-of-Cybersecurity-Law.html>
4. <https://www.csiac.org/journal-issue/>
5. <https://www.inderscience.com/jhome.php?jcode=ijics>
6. <http://airccse.org/journal/ijnsa.html>
7. <https://www.journalcra.com/article/cyber-security-and-related-crimes-indian-scenario>
8. OECD, Digital Security Risk Management for Economic and Social Prosperity- OECD Recommendation and Companion Document (2015)
9. National Association of Corporate Directors, “Cyber-Risk Oversight” (2014)
10. Effective Data Governance. [online] Available at- <https://www.infosys.com/data-analytics/insights/Documents/effective-data-governance.pdf>

CASES FOR GUIDANCE

1. Fodare Pty Ltd v. Shearn [2011] NSWSC 479
2. Say-Dee v. Farah Constructions Pty Ltd [2005] NSWCA 309

3. J.K. Paliwal and Shri B.K. Paliwal v. Paliwal Steel Ltd. and Ors., [2008] 141 CompCas 624 (CLB)
4. Google India Pvt. Ltd V/S. M/S.Visaka Industries Limited And Another CrI.P.No.7207 OF 2009 19-04-2011
5. Cubby, Inc V. Compuserve, Inc., 776 F. Supp. 135 (S.D.N.Y.1991)
6. Hyderabad Vanaspathi Limited and Ors. v. Registrar of Companies and Anr. [1986] 59 Comp Cas 654 (AP)
7. Groff V. America Online, Inc., 1998 WL 307001 (1998)
8. Diebold Systems Pvt Ltd V. The Commissioner Of Commercial Taxes., [2006] 144 STC 59 (Kar)
9. In Re- William C. Leitch Bros. [1932] 2 Ch. 71
10. Shree Dharma Sugar Industries (P) Limited and Ors. v. Registrar of Companies [1989] 66 Comp Cas 337 (Kar)
11. Herdilia Unimers Limited v. Smt.Renu Jain [1998] 92 Comp Cas 841 (Raj)
12. SMC Pneumatics (India) Pvt. Ltd. V. Jogesh Kwatra, Suit No. 1279/2001 Delhi HC
13. Registrar of Companies v. Bharat Produce Co. Ltd. and Ors. [1980] 50 CompCas 250 (Cal)
14. Tata Sons Limited V Mr. Manu Kishori & Ors., (2001)ILR 1Delhi236
15. Microsoft Corporation V Mr. Kiran & Another, 2007(35)PTC748(Del)
16. State of Tamil Nadu Vs Suhas Katti, CC No. 4680/2004
17. Jiyuan LI v. Registrar of Companies and in Tianjin Tianshi India Private Limited v. Registrar of Companies [2012] 171 CompCas 280 (Delhi)
18. Gokak Patel Volkart Ltd. v. Dundayya Gurushiddaiah Hiremath and Ors. [1991] 71 CompCas 403 (SC)
19. Rediff Communication V Cyberbooth &Anr, 1999 (4) BOM CR278
20. Yahoo! Inc. V Akash Arora, 1999 IIAD Delhi 229

LEARNING OUTCOMES

- *Appreciate and criticise the statutory provisions applying to cyber security in the Corporate World*
- *Analyse security issues in networks and computer systems to secure corporate infrastructure.*
- *Evaluate the human role in security systems with an emphasis on ethics and social engineering vulnerabilities.*
- *Interpret and investigate security incidents in corporate sector.*

PAPER - IX

INTERNATIONAL BUSINESS LAW

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

International Business Law aims to provide the regulations required for execution of international transactions involving more than one nation. The subject thereby introduces the background to international business law, discusses the legal framework of international business regulation and examines areas of law particularly relevant to the conduct of international business, including the law of contracts, sale of goods, international trade and carriage of goods, international banking, international consumer law etc.

After undergoing the study the student will be able to

- *Equip with the General principles of International business law that governs various commercial transactions at the international level.*
- *Understand the nature and complexities of Legal Framework of International Business.*
- *Answer some vital questions regarding international business and their legal perspective.*
- *Make the students analyse the principle of international business and strategies adopted by firms to expand globally.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Genesis of International business law-Nature, importance and scope of International business law
- b) Factors causing globalisation of business
- c) Legal Framework of International Business and the United Nation's role in its development

MODULE II - BUSINESS CONTRACTS

- a) General Principles of Law of Contract as applicable to International Business-Types of International Commercial Contracts and the Importance of Standard Form Contracts in International Business
- b) Legal issues arising out of International Contracts and the determination of the applicable law.
- c) UNIDROIT Principles of International Commercial Contracts 2016- Preamble and General Principles

MODULE III - SALE OF GOODS

- a) Meaning of International Sale of Goods-Parties- Buyer and seller and their rights and duties
- b) Uniform Law on the Formation of Contracts for International Sale of Goods
- c) International Sales Contract with special reference to The United Nations Convention on Contracts for the International Sale of Goods (CISG)

MODULE IV - INTERNATIONAL TRADE AND CARRIAGE OF GOODS

- a) Introduction and theories of International Trade Law-Principles of International Trade Law-Export and Import Regulations-Tariff and non- tariff restrictions -Quota restrictions- Anti dumping-Permissible Regulation-Quarantine Regulation-Customs unions-Free Trade Areas- Preferential trade agreements
- b) Evolution of GATT as a trading institution and transition of GATT to WTO-World Trade Organization as a regulator of International Trade-Instruments of International Trade Laws-Agreements, Treaties, Conventions, Model Laws, Rules- GATS-TRIMS-ASEAN-AIFTA-SAFTA -NAFTA, USMCA, MERCOSUR and FTAA-An overview of International Trade Laws in India with special reference to Foreign Trade Policy 2015-2020
- c) Definition and classification of carriers-Carriage of Goods by Sea, Land and Air and the application of international law-Documents of Carriage of Good-Bills of Lading- Kinds, Nature, Features-Seaway bill-Airway bill-Consignment note-International consignment note- An overview on Brussels Convention, Hague Rules, Hague- Visby Rules, International Transport by Sea- Provisions under Hamburg Rules, Conventions on Carriage by Air- The Warsaw Convention & Montreal Convention. Convention on Carriage by land- Convention on the Contract for the International Carriage of Goods by Road-INCOTERMS 2020 and International transactions

MODULE V - INTERNATIONAL BANKING-LEGAL AND REGULATORY ASPECTS

- a) International Banking Regulation-BASEL NORMS -International law, choice of law, conflict of laws, jurisdictional issues -Exchange management and controls, International loan agreements, covenants and clauses
- b) Role of International Monetary Fund and World Bank in International debt crisis management-International Anti money Laundering Laws and Regulations- The Financial Action Task Force-International competitiveness-Implications and effectiveness
- c) Arbitration and mediation in International banking business

MODULE VI - CONSUMER LAW-AN INTERNATIONAL PERSPECTIVE

- a) Introduction to International Consumer Law-The Principal Functions of International Consumer Law
- b) The Importance of the UN Guidelines on Consumer Protection-The Role of ICPEN- International Consumer Protection and Enforcement Network- Legal Challenges-
- c) The Consumer Protection Act 2019 and its impact on International covenants

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Giuditta Cordero-Moss, International Commercial Contracts, Cambridge University Press,2014
2. Carole Murray, David Holloway, The Law and Practice of International Trade, Sweet & Maxwell,1 Edition 2015
3. Brian Harris,Ridley's Law of the Carriage of Goods by Land,Sea and Air,Sweet&Maxwell ,8th Edition
4. Indian Institute of Banking & Finance, International Banking - Legal & Regulatory Aspects, Macmillan Education,2nd Edition 2017
5. Charles E. F. Rickett and Thomas G. W. Telfer, International Perspectives on Consumers' Access to Justice, Cambridge University Press, 2009

JOURNALS/ARTICLES

1. Kastely, Unification and Community, (1988) 8 Northwestern Journal of International Law and Business, pg. 574
2. Eiselen, Adoption of the Vienna Convention for the International Sale of Goods (the CISG) in South Africa, (1996) 116 South African Law Journal, Part II at pg. 323.
3. Puig S,The Merging of International Trade and Investment Law. Berkeley J Int Law. 2015;33(1)-1. Article 4
4. United Nations Conference on Trade and Development Transparency- UNCTAD series on issues in international investment agreements II Geneva- United Nations conference on trade and development, 2012. Accessed March 12, 2018. [http://unctad.org/en/PublicationsLibrary/ unctaddiaeia2011d6_en.pdf](http://unctad.org/en/PublicationsLibrary/unctaddiaeia2011d6_en.pdf)
5. Micklitz, H.-W., Palka, P., & Panagis, Y. (2017). The empire strikes back- Digital control of unfair terms of online service. Journal of Consumer Policy, 40(3), 367–388

FURTHER READING:

BOOKS

1. Ray A. August, Don Mayer, Michael Bixby-International Business Law, Pearson,6th Edition 2013
2. Larry DiMatteo, Lucien J. Dhooge-International Business Law- A Transactional Approach Cengage Learning, 2nd Edition, 2005
3. Michael Joachim Bonell, An International Restatement of Contract Law -The UNIDROIT Principles of International Commercial Contracts, Transnational Publishers, Inc., Ardsley, NY, 3rd Edition, 2005.
4. Joseph F. Morrissey and Jack M. Graves, International Sales Law and Arbitration- Problems, cases and Commentary, Kluwer Law International, The Netherlands, 2008
5. M G Bridge, The International Sale of Goods, Oxford University Press, 4th Edition, 2013
6. Baris Soyer, Andrew Tettenborn- International Trade and Carriage of Goods, Informa Publishing, 1st Edition,2016
7. Charles Proctor, The Law and Practice of International Banking, OUP Oxford,1st edition,2013
8. Thomas Wilhelmsson, Geraint Howells- Consumer Law (The International Library of Private Law), Edward Elgar Publishing Ltd, 2019
9. Dan Wei, James P. Nehf, Claudia Lima Marques, Innovation and the Transformation of Consumer Law- National and International Perspectives, Springer; 1st ed. 2020 edition
10. Professor John Mo, International Commercial Law, Lexis Nexis,6th Edition 2016

JOURNALS/ARTICLES

1. Arthur Rossett, Critical Reflections on the United Nations Convention on Contracts for the International Sale of Goods, Ohio State Law Journal (1984) 45, pgs.265-305
2. Luca G. Castellani, Promoting the Adoption of the United Nations Convention on Contracts for the International Sale of Goods (CISG), Vindobona Journal of International Commercial Law & Arbitration, 2009, pg 248.
3. Estrella Faria, J.A., The Influence of the UNIDROIT Principles of International Commercial Contracts on National Laws. (2016) 21 Uniform L. Rev. 238
4. Barlow P, McKee M, Basu S, et al. The health impact of trade and investment agreements- a quantitative systematic review and network co-citation analysis. Glob Health. 2017;13(1)-13. <https://doi.org/10.1186/s12992-017-0240-x>.
5. United Nations Conference on Trade and Development. World investment report 2015-

- reforming international investment governance. Geneva- United Nations Conference on Trade and Development, 2015. Accessed March 12, 2018. http://unctad.org/en/PublicationsLibrary/wir2015_en.pdf
6. A Rajkumar S.Adukia, A brief study on Carriages Law and Multi Modal Transportation of goods <http://www.caaa.in/Image/Carriage%20Laws%20and%20Multimodal%20transport%20of%20Goods.pdf> 3 may 2016
 7. Dr. Ram N. Sharma, An Introductory Note on Carriage of Goods by Sea Act, 1925 (2015), Vol 4, Issue 5 IJSR 688
 8. Basel Committee on Banking Supervision 'Basel III- A Global Regulatory Framework for More Resilient Banks and Banking System' (2010) BIS accessed 28 October, 2013
 9. Kristalina Georgieva, IMF Managing Director The Long Ascent- Overcoming the Crisis and Building a More Resilient Economy <https://www.imf.org/en/News/Articles/2020/10/06/sp100620-the-long-ascent-overcoming-the-crisis-and-building-a-more-resilient-economy>
 10. ICPEN. (2016). Memorandum on the establishment and operation of the international consumer protection and enforcement network. Retrieved from https://www.icpen.org/sites/default/files/2017-08/Memorandum_on_the_Establishment_and_Operation_of_ICPEN_2016.pdf. (accessed 3 December 2019).

CASES FOR GUIDANCE

1. Administration of the Territory of Papua and New Guinea v China Navigation Ltd (1967-68) PNGLR 239 (1 December 1967)
2. Anil & Co. vs. Air India AIR 1986 Del 312
3. Boissevain v. Weil, (1949) 1 K.B. 482
4. British India Steam Navigation Co. Ltd. v. Shanmughavilas Cashew Industries, (1990) 3 SCC 481
5. Charles Osenton & Co. v. Johnston, (1942) A.C. 130
6. Commissioner of Customs, Bangalore v. M/s GM Exports and Others S.L.P. (Civil) No. 13028 of 2012 and S.L.P. (Civil) No. 27811 of 2012.
7. Commissioner Of Income-Tax vs Vijay Ship Breaking Corporation 2003 261 ITR 113 Guj
8. Delchi Carrier, SpA v. Rotorex Corp., No. 88-CV-1078, 1994 WL 495787
9. Ethiopian Airlines vs. Ganesh Narain Saboo (2011) 8 SCC 539
10. Hadley v. Baxendale , 156 Eng. Rep. 145 (1854)
11. Heskell v. Continental Express Co., (1950) 1 All. ER. 1033, 1046.

12. Horn v Commercial Acceptance Ltd (2011) EWHC 1757 (Ch)
13. International Shoe Co. v. Washington , 326 U.S. 310 (1945)
14. Karan Dileep Nevatia, Proprietor v. The Union Of India 2010(1)BomCR588
15. Neville Chem. Co. v. Union Carbide Corp., 422 F.2d 1205, 1225 (3d Cir. 1970)
16. ONGC v. Saw Pipes, (2003) 5 SCC 705
17. Delhi Cloth and General Mills v. Harnam Singh 1955 AIR 590, 1955 SCR (2) 502
18. Shipping Corporation Of India Ltd vs M/S. Bharat Earth Movers Ltd. & Another Appeal Suit No. 118 Of 2004 And Civil Miscellaneous Petition No. 2676 Of 2004
19. Suntec Industries v. the United States No. 16-2093 (Fed. Cir. 2017)
20. Yam Seng Pte Ltd v International Trade Corp (2013) EWHC 111 (QB)

LEARNING OUTCOMES

- *To achieve a complete grasp and understanding of Legal framework of International business and gain a mastery over the subject.*
- *To understand the legal framework of private international business transactions*
- *To accumulate a thorough explanation on all the essential legal aspects of International business along with their nature and complexities*
- *To apply the International business laws to current business environment*

PAPER - X

CORPORATE LAW AND HUMAN RIGHTS

(Generic Elective Paper)

OBJECTIVES OF THE COURSE

Businesses are important for the growth of Economy. The corporate world provides investment, jobs and services however business does not always do good to people. In the wake of globalization, there is an increased threat of human rights abuses by the corporations at the global as well as domestic level. If a corporation harms the human rights, there are options to enforce one's rights. However, the intersection between corporate law and human rights in India is still relatively constricted.

After undergoing the study the students will be able to -

- Summarize the most relevant Acts and regulations applicable in India that seek to protect human right with respect to Corporate sector.*
- Understand the measures to be taken by the corporate personnel to safeguard human rights of its employees.*
- Have knowledge regarding how to promote equality, health and safety, social welfare of corporate employees etc.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Meaning, Scope and Kinds of Corporation
- b) How Corporations can impact Human Rights?
- c) Corporate Social Responsibility Initiatives (with respect to employees and their human rights)

MODULE II - CORPORATIONS AND HUMAN RIGHTS

- a) Introduction to Human Rights and Constitutional perspective relating to it.
- b) International Human Rights system and its obligations.
- c) How are rights at the workplace abused?
 - Discrimination at workplace
 - Sexual Harassment
 - No freedom of association and collective bargaining
 - Low/ Unpaid wages

- Unhealthy and unsafe working conditions
- Child labour and Modern-day slavery

MODULE III - INTERNATIONAL APPROACH TO CORPORATE LAW AND HUMAN RIGHTS

- a) UN Guiding Principles on Business and Human Rights 2011 (UNGPs)
- b) 'Human Rights and Transnational Corporations and Other Business Enterprises 2017
- c) International Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families, 1990

MODULE IV - REGULATORY FRAMEWORK IN INDIA

- a) National Voluntary Guidelines on Social, Environmental & Economic Responsibilities of Business, 2018
- b) Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and relevant case studies
- c) National Action Plan on Business and Human Rights

MODULE V - GRIEVANCE RESOLUTION IN INTERNATIONAL CASES

- a) Options available to individuals to enforce his/her rights
- b) How to bring civil claim and criminal claim against corporations in
 - National court
 - Foreign court
- c) How to use International Corporate Grievance Mechanism and regulatory bodies to hold corporations accountable

MODULE VI - JUDICIAL MECHANISM IN INDIA

- a) Supreme Court and High Courts (civil and criminal jurisdiction)
- b) National Human Rights Commission (NHRC)
- c) National Commission for
 - Women Rights
 - Child Rights

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Mukul Sharma, Human Rights in A Globalised World
2. Manoj Kumar Sinha, Business and Human Rights
3. Jeffery F. Addicott, Md. Jahid Hossain Bhuiyan, & Tareq M. R. Chowdhuryeds., Globalisation, International Law, And Human Rights
4. Chiranjivi J. Nirmal Ed., Human Rights in India
5. NS Sidharthan, K Narayan, 'Human Capital and Development- An Indian Experience

JOURNALS/ARTICLES

1. 1.Business & Human Rights- A Brief Introduction, <https://www.business-humanrights.org/en/business-human-rights-a-brief-introduction>
2. Legally Binding Instrument to Regulate, In International Human Rights Law, The Activities of Transnational Corporations and other Business Enterprises
3. Adrij Chakraborty and Anahita Mehra, United Nations Guiding Principles And The Business And Human Rights in India.
4. Dr. Vandana Shiva, Research Foundation for Science, Technology and Ecology (RFSTE)
5. Geneva Academy of International Humanitarian Law and Human Rights, 'India- International Treaties Adherence', http://www.geneva-academy.ch/RULA//international_treaties.php?id_state=107

FURTHER READING:

BOOKS

1. Daniel Fischlin & Martha Nandorfy, The Concise Guide To Global Human Rights (Oxford University Press)
2. Mrs. Annie John Ed., Dialectics and Dynamics of Human Rights (Asia Law House, 2012)
3. Andrew Clapham and Scott Jerbi, 'Categories of Corporate Complicity in Human Rights Abuses' (2001)
4. Dr. S.K. Kapoor, Human Rights Under International Law and Indian Law
5. Girija, K. Pushpavalli & P. Subhashree, Human Rights-An Overview

6. Jack Donnelly, *Universal Human Rights in Theory and Practice*
7. A.N. Dange, *Human Rights and International Law Practices*
8. Dr. H. O. Agarwal *International Law and Human Rights*
9. Mary Wollstonecraft, *Vindication of the Rights of Women*
10. Letnar Cernic, *The Future of Business and Human Rights- Theoretical and Practical Considerations for a UN Treaty*

JOURNALS/ARTICLES

1. Lubna Kably, 'ICAI issues norms for CSR accounting by cos', <http://timesofindia.indiatimes.com/business/india-business/ICAI-issues-norms-for-CSR-accounting-by-cos/articleshow/47349754.cms>.
2. Olivier De Schutter, 'Towards a New Treaty on Business and Human Rights' (2015), *Business and Human Rights Journal*
3. OHCHR, 'State National Action Plans', <http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>
4. Jonathan Hills, 'Coca Cola in India- a Case Study', *CSR Asia* (14 June 2005), <http://csr-asia.com/csr-asiaweekly-news-detail.php?id=4146>
5. Justin Rowlett, 'The Indian women who took on a multinational and won', *BBC News* (19 October 2015), <http://www.bbc.com/news/world-asia-india-34513824>
6. Kaushik Basu, 'Why India Needs Labour Reform', *BBC News* (27 June 2005), http://news.bbc.co.uk/2/hi/south_asia/4103554.stm
7. Surabhi, 'Labour Reform- On Track But Tough Job Ahead', <http://indianexpress.com/article/india/politics/labour-reforms-on-track-but-tough-job-ahead/>
8. Amrita Madhukalya, 'Two-thirds of Government Departments Don't Have Sexual Harassment Committees', <http://www.dnaindia.com/india/report-two-thirds-of-governmentdepartments-don-t-have-sexual-harassment-committees-2103799>.
9. Geneva Academy of International Humanitarian Law and Human Rights, 'India- International Treaties Adherence', http://www.geneva-academy.ch/RULAC/international_treaties.php?id_state=107
10. Ratner, S. (2001). *Corporations and Human Rights: A Theory of Legal Responsibility*. *The Yale Law Journal*, 111(3), 443-545. doi:10.2307/797542

CASES FOR GUIDANCE

1. *Perumatty Grama Panchayat vs State Of Kerala*, 2004 (1) KLT 731
2. *People's Union for Democratic Rights v Union of India* (1982) 3 SCC 235

3. Electricity Board, Rajasthan v Mohan Lal (1967) 3 SCR 377
4. R D Shetty v International Airport Authority, AIR (1979) SC 1628
5. Ajay Hasia v Khalid Mujib AIR (1981) SC 487
6. Pradeep Kumar v Indian Institute of Chemical Biology (2002) 5 SCC 111
7. Tekraj Vasandi v Union of India AIR 1988 SC 469
8. Chander Mohan Khanna v National Council Of Educational Research and Training AIR 1992 SC 76
9. Zee Telefilms Ltd v Union of India (2005) 4 SCC 649
10. Chairman, Railway Board v Chandrima Das AIR 2000 SC 988
11. MCD v Uphar Tragedy Victims Association (2011) 14 SCC 481
12. Kirloskar Brothers Ltd v Employees' State Insurance Corporation (1996) 2 SCC 682
13. TN Godavarman Thirumalpad v Union of India (2002) 10 SCC 606
14. Rural Litigation Entitlement Kendra v State of Uttar Pradesh AIR (1985) SC 652
15. Odisha Mining Corporation v Ministry of Environment and Forest (2013) 6 SCC 476
16. SEC v. KBR (Kellogg, Brown and Root)- A Subsidiary of Halliburton Corporation, Civil Action No.- 4-09-399, United States District Court Southern District Of Texas Houston Division
17. Nuziveedu Seeds Ltd. And Ors. vs Monsanto Technology Llc And Ors., 6/2017, C.M. APPL.14331, 14335, 15669, 17064/2017 Delhi High Court
18. State of Maharashtra vs. Madhukar Narayan Mardikar, AIR 1991 SC 207
19. Vishaka and others v. State of Rajasthan (1997) 6 SCC 241, AIR 1997 SC 3011
20. Nestlé USA, Inc., Petitioner v. John Doe I, et al., 17-55435 U.S. 9th Cir. 2019

LEARNING OUTCOMES

- *Enhance their thoughts the co relation between corporate law and human rights.*
- *Adopt appropriate mechanism for effective resolution of dispute.*
- *Implement best practices for protection of human rights within the corporate world.*
Adhere to sound principles of human rights preservation within the corporate sector
- *Critically evaluate and analyse the significance and importance of human rights in the life of consumers of the corporate world.*

PAPER - XI

INTERNATIONAL AND NATIONAL LEGAL FRAMEWORK OF CONSUMER PROTECTION

(Generic Elective Paper)

OBJECTIVES OF THE COURSE

Industrialization, developments in communication and globalization has brought in a lot of changes in our need, perception and attitude towards rights, responsibilities and duties of a consumer. In developing countries like India, these issues have become more problematic. During the past decade the need for consumer protection is felt all over the world. All these factors have increased more scope for research and advocacy for creating a consumer-friendly regulatory framework. The Indian legal framework has also undergone a substantial change to comply with the international norms. The subject has received tremendous importance among the contemporary legal fraternity in India. In this background the present course will aim to introduce the students to the present law and practice relating to consumer protection both in the national and international scenario.

After undergoing the study, the student will be able to understand the following.

- *Evaluation of consumer protection both in national international perspectives*
- *Powers and functions of Consumer Agencies in India*
- *Consumer protection - comparative study*
- *Recent Trends In Consumer Protection in various dimensions*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Consumer Protection - An Overview, The rationale for consumer protection, Development of market and consumer relations
- b) Definition of consumer – consumerism – state's responsibility in consumer protection
- c) Need for legislative measures for consumer protection

MODULE II - EVOLUTION OF CONSUMER PROTECTION – INTERNATIONAL SCENARIO

- a) International instruments and consumer protection, The United Nations Guidelines for Consumer Protection, Objectives, scope of application and general principles
- b) Principles for good business practices Guidelines, International cooperation

- c) International institutional machinery

MODULE III - CONSUMER PROTECTION IN INDIA

- a) Constitutional provisions on consumer protection, Framework of consumer protection in other legislations
- b) Interface between consumer laws and other laws, Sectoral laws, Professional service legislation
- c) Intellectual property, International trade law

MODULE IV - CONSUMER PROTECTION AGENCIES IN INDIA

- a) New dimensions of consumer protection - present legislative measures, Scope and objective of Consumer Protection Act 2019
- b) Expanded definitions, Three Tier System, Jurisdiction of consumer
- c) Relief available to consumers, E- commerce and consumer protection

MODULE V - COMPARATIVE STUDY OF CONSUMER PROTECTION

- a) Institutional aspects of consumer protection IN U.S, UK, EU, Existing Enforcement Mechanisms
- b) Framework to Assess enforcement design, Assessing strength and weaknesses of existing law enforcement system
- c) Mutual Consent under UK/EU Laws, Rights to Contractual Information, Consultation mechanisms, Operational autonomy

MODULE VI - NEW TRENDS IN CONSUMER PROTECTION

- a) The link with competition, Non-statutory public bodies, The changing scope of consumer protection, Consumer privacy and data protection
- b) WTO and Consumer Protection, Digital marketing and Consumer Rights, Role of Civil Society in Consumer Protection
- c) Access to justice and Consumer Laws, ADR in resolution of Consumer disputes

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Taxman's Consumer Protection Law & Practice - A Comprehensive Guide to New Consumer Protection Law (Enforced with effect from 20-7-2020/24-7-2020) (August 2020 Edition)

2. Supreme Court on Consumer protection Act Justice SN Agarwal Universal law Publishing Second Edition.
3. Consumer Safety regulation- putting a price on life and limb contributors- Peter Asch oxford university press, 1988
4. International Perspectives on Consumers' Access to Justice Charles E. F. Rickett Thomas G. W. Telfer Cambridge University Press, 2003
5. Eradi , Consumer protection jurisprudence, (Butterworths , 2005)

JOURNAL/ ARTICLES

1. Consumerism – caveat vendor, Sumul. J. Power, 38 Ins. Counsel J. 221, 1971 (CD).
2. Law regarding sale of defective goods – a journey from caveat emptor to caveat venditor, J.K. Yadav.
3. Democratization of justice- The Indian experiment with consumer forums, Robert S. Moog, 2002.
4. Consumer protection law, V. Sudesh, Annual Survey of Indian Law, 2005 (Vol. XLI), ILI Publication.
5. Government & consumer, Richard J. Barber, Michigan Law Review, Vol. 64. No. 7 (1966).

FURTHER READING:

BOOKS

1. Stephen Weatherill, EU Consumer Law and Policy, second edition, Edward Elgar Publishing Limited, 2013
2. Geraint Howells, Stephen Weatherill , Consumer Protection Law, Publisher Taylor & Francis, (E-book) Published-8 September 2017
3. Micklitz, Hans-W., Saumier, Geneviève (Eds.), Enforcement and Effectiveness of Consumer Law, E-Book, 2018.
4. Katherine Porter, Modern Consumer Law, Wolters Kluwer, E-Book, 15 May 2016
5. David Oughton , John Lowry , Textbook on Consumer Law, Blackstone Press; 2nd edition (1 November 2000)
6. Anne-Lise Sibony, Hans-Wolfgang Micklitz, Fabrizio Esposito, Research Methods in Consumer Law- A Handbook, Originally published- 2018.
7. Alvin C. Harrell, Frederick H. Miller, Daniel J. Morgan, Consumer Law- Problems and Materials, Originally published- 1986,
8. Chris Turner and Jacqueline Martin, Jacqueline Martin, Chris Turner, Virginia Birch, (E.ds), Key , Facts- Consumer Law, Publisher-Taylor & Francis, Published-23 March 2012.

9. Gagandeep Kaur, Jurisprudence Of E-Commerce and Consumer Protection In India, Satyam Law International; 1st edition (1 January 2015)
10. Franziska Webe, The Law and Economics of Enforcing European Consumer Law- A Comparative Analysis of Package Travel and Misleading Advertising (Markets and the Law) 1st Edition, 2016.

JOURNALS/ARTICLES

1. Remedies for consumer protection- prevention, restitution, or punishment, Dorothy Cohen, Journal of Marketing, Vol. 39 (Oct 1975) p. 24.
2. The consumer ombudsman, Donald B. King, 79 Com.L.J. 355, (1974).
3. Challenge to the lawyers- Philippines, Lilia D. Ling, 12 Int'l Legal Prac. 93 (1987).
4. Who speaks for the consumer, Susan S. Silbey, 1984 Am. B. Found, Res. J. 429, (1984).
5. Determination of complex issues under the Consumer Protection Act- a question of jurisdiction, Dr. V.K. Agarwal, (2004) 3 Comp LJ 9.
6. Pappalardo, Janis K, Product Literacy and the Economics of Consumer Protection Policy, The Journal of Consumer Affairs, volume 26, No 2, summer 2012.
7. Wright, Joshua D., The Antitrust/consumer Protection Paradox- Two Policies at War with Each Other, The Yale Law Journal, volume 121, No 8, June 2012.
8. Ben-Shahar, Omri, Consumer Protection without Law- Can One-Way Contracts Provide Better Consumer Protection Than the Current Enforcement-Based Regime? Regulation, Volume 33 No 2, Summer 2010.
9. Shayak Sarkar, Consumer Expectations and Consumer Protection, 88 GEO. Wash. L. REV. 949 (2020).
10. John Goldring, Globalisation and Consumer Protection Laws, 8 MACQUARIE L.J. 79 (2008)

CASES FOR GUIDANCE

1. Karnataka Power Transmission Corporation (KPTC) v Ashok Iron Works Private Limited, 9 February, 2009
2. Indian Medical Association v V.P. Shantha and others, (1995) 6 SCC 651 (2)
3. Sehgal School of Competition v Dalbir Singh, 2009 CONSUMER 16192 (NS) Registrar Madras High Court Cites 37
4. Spring meadows hospital v. Harjot Ahluwalia, and Another (1998) 4 SCC 39.
5. Insurance Company cannot Reject Claims on Technical Grounds- Om Prakash v. Reliance General Insurance, civil Appeal 3883/2007 (and other connected appeals), (2017) 5 SCC 776
6. M/S Emaar MGF Land Limited & Anr. v. Aftab Singh, (2012) 2 SCC 506

7. Dr. M. Kochar vs Ispita Seal (National Commission), on 28 July, 2011.
8. Karnataka Power Transmission Corporation v Ashok Iron Works Private Limited, on 9 February, 2009 ,Bench- Markandey Katju, R.M. Lodha
9. Faze Clan, Inc., v. Tenney, 19-cv-7200 (JSR) (S.D.N.Y. July 17, 2020
10. Wheat Growers et al. v. Zeise, E.D. Cal. No. 2-17-cv-02401 (filed November 15, 2017)
11. Snyder v. Green Roads of Florida LLC, 2020 WL 42239 (S.D. Fla. Jan. 3, 2020)
12. Syntek Semiconductor Co. v. Microchip Tech Inc. (9th Cir. 2002)
13. See Smith v. Wm. Wrigley Jr. Co., 663 F. Supp. 2d 1336, 1339–40 (S.D. Fla. 2009)
14. Colette v. CV Sciences, Inc., No. 2-19-cv-10228-VAP-JEM(x) (“Colette”)
15. Snyder v. Green Roads of Florida, 430 F. Supp. 3d 1297 (S.D. Fla. 2020)
16. Taylor v. Federal Aviation Administration, 16-1302, U.S. Court of Appeals, District of Columbia (Washington)
17. Hartford Cas. Ins. Co. v. J.R. Mktg., L.L.C., 61 Cal. 4th 988, 1000 (2015)
18. Briseno v. ConAgra Foods, Inc., 844 F.3d 1121 (9th Cir. 2017).
19. Lavie v. Procter & Gamble Co., 105 Cal. App. 4th 496, 510 (2003)
20. Colgan v. Leatherman Tool Grp., Inc., 135 Cal. App. 4th 663, 679 (2006)

LEARNING OUTCOMES

- *A comprehensive understanding about the existing law on consumer protection in India.*
- *Conversant with major international instruments on consumer protection*
- *Aware of the basic procedures for handling consumer disputes.*
- *Students will be able to appreciate the emerging questions and policy issues in consumer law for future research.*



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

**DEPARTMENT OF CONSTITUTIONAL LAW
AND HUMAN RIGHTS**

DEPARTMENT OF CONSTITUTIONAL LAW AND HUMAN RIGHTS

The Tamil Nadu Dr. Ambedkar Law University was established with an objective of disseminating the knowledge of law at advanced level and to enhance the potential in legal research in the State of Tamil Nadu. Towards this end, in the year 2003 Post Graduate Department of Constitutional Law & Human Rights was established offering 2 Year LLM Fulltime course under semester pattern in accordance with UGC norms prescribed from time to time. In striving for high academic standards and excellence and also to facilitate the students into more flexible system of learning having inter disciplinary, skill oriented courses the University has restructured the curriculum into Choice Based Credit System (CBCS) from the Academic Year 2009 onwards.

The Indian Constitution being home-grown social document is mother of all the laws. The ever green Constitutional Law and Human Rights is much sought after branch with the growing demand for admission. LLM with Constitutional Law & Human Rights background is an additional qualification for the lawyering community. Since challenge to any law is subject to scrutiny on the touchstone of the Constitution and in the light of mounting constitutional litigation in the country, study of this specialized course offers tools and readymade solutions. Further, Indian Constitution is so loosely drafted in a way providing livelihood for so many lawyers needs no over emphasis. Students who opted this branch are shining with flying colours in the Constitutional Courts, appointed as Constitutional Law teachers in the Colleges and Universities across the country, selected as civil judges and some more as human rights activists. Two faculty members of this Branch securing Major Research Projects funded by UGC and ICSSR, New Delhi is the testimony for the research potentiality of the branch paving the way for creating new knowledge in the field.

The course components and syllabi is thoroughly reformed and restructured in tune with the global trends, changing times and circumstances enabling curriculum reforms better perform and transform the Indian society with effect from the academic year 2020-21. *Subject specialization core papers* will offer firm foundation in the subject so that the students/learners will be fully equipped with expertise on the field and requisite skills. *Subject Elective courses* are designed to acquire in depth knowledge of the Constitution, by the citizenry which is very much essential to render public service. The *Generic Electives* offered by the department are highly useful for public lawyering and policy making.

THE TAMIL NADU DR.AMBEDKAR LAW UNIVERSITY

BRANCH – II

**DEPARTMENT OF CONSTITUTIONAL LAW AND HUMAN
RIGHTS**

LL.M SYLLABUS

SPECIALIZED CORE PAPERS - 06

1. Transformative Constitutionalism, Pluralism & Federalism
2. Introduction to Comparative Constitutional Law
3. Law of Media and Communication: Contemporary Challenges
4. Law of Education – Policy and Practice
5. Dynamics of Election Laws
6. Law of Property – Constitutional Perspectives

DISCIPLINE SPECIFIC ELECTIVE PAPERS – 03

7. Law of Public Utilities in India
(Railways, Telecommunications, Electricity and Banking & Insurance)
8. National Security, Public Order and Rule of Law
9. Centre –State Financial Relations

GENERIC ELECTIVE PAPERS – 02

10. Law of Public Policy and Governance.
11. Public Service Law – Comparative Constitutional Jurisprudence

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none"> 1. Judicial Process (Common Paper-I) 2. Legal Education and Research Methodology (Common Paper-II) 3. Transformative Constitutionalism, Pluralism & Federalism (Specialized Core Course-I) 4. Introduction to Comparative Constitutional Law (Specialized Core Course-II) 5. Law of Public Policy and Governance. (Generic Elective Course-I)
Second Semester	<ol style="list-style-type: none"> 1. Constitutional Law : The New Challenges (Common Paper-III) 2. Law and Social Transformation in India (Common Paper-IV) 3. Law of Media and Communication: Contemporary Challenges (Specialized Core Course-III) 4. Law of Public Utilities in India (Railways, Telecommunications, Electricity and Banking & Insurance) (Discipline Specific Elective Course-I) 5. Applied Research Methodology
Third Semester	<ol style="list-style-type: none"> 1. Law of Education – Policy and Practice (Specialized Core Course-IV) 2. Dynamics of Election Laws (Specialized Core Course-V) 3. National Security, Public Order and Rule of Law (Discipline Specific Elective Course-II) 4. Public Service Law – Comparative Constitutional Jurisprudence (Generic Elective Course-II)
Fourth Semester	<ol style="list-style-type: none"> 1. Law of Property – Constitutional Perspectives (Specialized Core Course-VI) 2. Centre –State Financial Relations (Discipline Specific Elective Course-III) 3. Skill Enhancement Course (SEC) 4. Dissertation

PAPER – I
TRANSFORMATIVE CONSTITUTIONALISM, PLURALISM &
FEDERALISM

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

No Constitution in the World is stable and it requires changes as the society desires and no society practice a single culture, language, religion in the federal structure of polity. The course discusses the significance of transformative constitutionalism in a pluralistic society with a federal form of government in a comparative constitutional law perspective with an in depth focus on Indian discourse. The formation of federal government is indispensable in a pluralistic society to protect and safeguard all sections of the society, particularly minorities. The inclusive pluralistic society often changes due to mix of different culture and traditions and undergoes transformation periodically and the Constitution should provide a space for it. This course attempts to bring into focus the practice of legislature and judiciary of major federal Constitutions in bringing smooth transformation of the society by avoiding revolt or revolution. After undergoing the study, the student will be able to understand the following.

- *Multitudinous and differentiated form of Constitutional practice.*
- *Constitutionalism from authoritarianism to democracy.*
- *Transformative Constitutionalism in Post- Colonial context in India.*
- *Unity in diversity in India and dynamics of federalism.*

COURSE OUTLINE

MODULE I - CONSTITUTIONALISM

- a) Historical evolution of Constitutionalism. - Natural Law Theory and Modern Constitutionalism.
- b) Types of Government –Limitations on the Government.
- c) Social - Contract Theory, Separation of Powers, Rule of Law, Procedure established by Law, Due Process of Law and principles of constitutionalism

MODULE II - TRANSFORMATIVE CONSTITUTIONALISM

- a) Constitutionalism in post-colonial period in the light of international human rights law.
- b) Transformative Constitutionalism in the Global South – Liberal model of constitutionalism in the Global North – Difference.
- c) Collaborative Constitutionalism; Constitutional Morality - The role of Legislature, Civil Society and Judiciary in the transformation process.

MODULE III - TRANSFORMATIVE CONSTITUTIONALISM IN INDIA

- a) Revisiting the Ancient Political thought on Constitutionalism- Constitutional History in Post British India.
- b) The Enactment of Indian Constitution – The Constituent Assembly Debates for the incorporation of Fundamental rights and Directive Principles of State Policy
- c) Constitutional Morality and the Judiciary- Gender Justice, Decriminalization of Adultery, Same Sex Relationship, Electoral Reforms, Religious Reforms,

MODULE IV - PLURALISM – CONCEPT AND PRACTICES

- a) Pluralistic society – Ethnic, Linguistic, cultural, political and regional pluralism.
- b) Hate speech- reasonable restrictions- tolerance and acceptance.
- c) Language policy in multi-lingual federal State – Challenges in Canada & India

MODULE V- UNITY AND DIVERSITY IN INDIA

- a) Indian Nationalism – Hindu and Secular State – Mob lynching - Gender & Religion Neutral Personal Laws.
- b) Protection of Religious and Linguistic Minorities –One Nation and One Language.
- c) Growing Urban-Rural Divide in India – Caste inequalities, poverty, education and Distinct identity of Tribal Groups.

MODULE VI - FEDERALISM AND ITS CONCEPTS

- a) Nature of the Polity and dynamics of federalism: Confederation, One country two systems, Unitary, Federal, Quasi-federal, Cooperative Federalism and Competitive Federalism.
- b) Patterns of Federal Government: U.S., Canada, Australia and India
- c) Emerging trends in federalism – separatism and its challenges.

MODULE VII -FEDERALISM AND ITS PRACTICE IN INDIA

- a) Concept of Cooperative federalism in India its experiences and practices.
- b) Distribution of Legislative & Executive powers – During Peace and Emergencies.
- c) Role of Judiciary in balancing the Indian federation.

MODULE VIII - FISCAL FEDERALISM AND DISPUTE RESOLUTIONS

- a) Finance Commission, NITI Aayog – Borrowing power and inter-State trade and commerce.
- b) GST- more unitary than federal; GST Council and Resolution process.
- c) Inter-State Council, National Development Council and Zonal Councils, Inter-State Water Disputes Resolutions

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Justice Jasti Chelameswar & Justice Dama Seshadri Naidu, M.P. Jain Indian Constitutional Law (18th ed., 2018), Lexis Nexis Publications, New Delhi.
2. Sujit Choudhry, Madhav Khosla, Pratap Bhanu Mehta (eds.), The Oxford Handbook of the Indian Constitution, Oxford University Press, 2016
3. Gautam Bhatia, The Transformative Constitution: A Radical Biography in Nine Acts (Harper Collins, Kindle Edition, Amazon, 2019).
4. Sudhir Krishnaswamy, Democracy and Constitutionalism in India: A study of the basic structure doctrine, Oxford University Press, 2010.

5. Satish Chandra, *State, Pluralism and Indian Historical Tradition*, Oxford University Press, 2008.

JOURNALS/ARTICLES

1. M.P. Singh, “Interpreting and Shaping the Transformative Constitution of India”, in *The Supreme Court of India, Constitution at 67 74* (The Supreme Court of India Publications, 2017).
2. Kim Lane Scheppele, “Aspirational and Aversive Constitutionalism: The case for studying cross-constitutional influence through negative models”, 1(2) *International Journal of Constitutional Law*, 296, 299 (2003).
3. Sujit Choudhry, “Postcolonial Proportionality: Johar, Transformative Constitutionalism and Same Sex Rights in India” in Philipp Dann, Michael Riegner, Maxim Bonnemann (eds.), *The Global South and Comparative Constitutional Law* (Oxford University Press, 2020).
4. ArunThiruvengadam and GedionTimothewosHessebon, “Constitutionalism and impoverishment: a complex dynamic”, *The Oxford Handbook of Comparative Constitutional Law* (2012):153.
5. V.M. Dandekar, ‘Unitary Elements in Federal Constitutions’ 22(44) *Economic and Political Weekly* 1865-1870 (1987).

FURTHER READING:

BOOKS

1. Christophe J, Blom T & A.P. Chatterji, *Majoritarian State: How Hindu Nationalism is changing India*, Harper India, 2019.
2. Chanchal Kumar Sharma & Wilfried Swenden (eds.), *Understanding Contemporary Indian Federalism: Competing Perspectives, New Challenges and Future Directives*, Routledge (2017).
3. Oscar Vilhena, Upendra Baxi and Frans Viljoen (eds.), *Transformative Constitutionalism: Comparing the Apex Courts of Brazil, India and South Africa*, available at <http://www.pulp.up.ac.za/component/edocman/transformative-constitutionalism-comparing-the-apex-courts-of-brazil-india-and-south-africa> (last visited on July 21, 2020).

4. Wendy Doniger & Martha C. Nussbaum (eds.), *Pluralism and Democracy in India: Debating the Hindu Right*, Oxford University Press, 2015.
5. Ronald L. Watts, 'Origins of cooperative and competitive federalism', Chapter 10, *Territory Democracy and Justice* (edt. Scott L. Greer) Palgrave Macmillan (2006).
6. Daniel J. Elazar, 'Exploring Federalism' University of Alabama Press (1991).
7. Douglas Verney, 'Federalism, federative systems and federations: USA, Canada and India' 25(2) Oxford University Press 81-97 (1995).
8. Y.V. Reddy and G.R. Reddy, *Indian Fiscal Federalism*, Asia University India Centre with Oxford University Press, (2019).
9. Upendara Baxi, *The Indian Supreme Court and Politics*, Eastern Book Co., 1980.
10. Ishwara Bhat, *Constitutionalism and Constitutional Pluralism*, Lexisnexis., Jan 2013.

JOURNALS/ARTICLES

1. Gautam Bhatia & ors., 'Guest Post: Inter-state Trade and Commerce' (2017) Accessed here at <https://indconlawphil.wordpress.com/2017/01/09/guest-post-the-supreme-courts-entry-tax-judgment-i-the-majority-opinions/>
2. Louise Tillin, 'United in Diversity: Asymmetry in Indian Federalism' 37(1) *The Journal of Federalism* 45-67 (2006).
3. Ronald L. Watts, 'Daniel J. Elazar: Comparative Federalism and Post Statism' 30(4) *The Journal of Federalism* (2000).
4. Karl Klare, "Legal Culture and Transformative Constitutionalism", 14 *SAJHR* 146, 147 (1998).
5. Pius Langa, "Transformative Constitutionalism", 17 *Stellenbosch L. Rev.* 351, 352 (2006).
6. Michaela Hailbronner, "Transformative Constitutionalism: Not only in the Global South", 65(3) *The American Journal of Comparative Law* 535-540 (2017).
7. Linda Colley, "Empires of Writing: Britain, America and Constitutions, 1776-148" *Law and History Review* 32.2 (2014):237-266.
8. Michaela Hailbronner, "Overcoming obstacles to North-South dialogue: Transformative constitutionalism and the fight against poverty and institutional failure", 49(3) *Special Issue: Theorizing Comparative Constitutional Law: New Approaches in German-speaking scholarship* 253, 255 (2016).

9. J.O. Arowosegbe, 'Techniques for Division of Legislative Powers under Federal Constitutions' 29 Journal of Law, Policy and Globalization 127 (2014).
10. RochanaBajpai, Why did India Choose Pluralism? Lessons from a post-colonial State, Global Centre for Pluralism, University of London, April 2017.

CASES FOR GUIDANCE

1. National Legal Services Authority of India (NALSA) v. Union of India AIR 2014 SC 1863.
2. Navtej Singh Johar&Ors. v. Union of India AIR 2018 SC 4321
3. Indra Sawhney v Union of India AIR 1993 SC 477
4. ADM Jabalpur v Shivakant Shukla (1976) 2 SCC 521.
5. BandhuaMuktiMorcha v Union of India 1991 SCR (3) 524.
6. Peoples' Union for Democratic Rights v Union of India AIR 1982 SC 1473.
7. Joseph Shine vs Union of India, 2018 SCC OnLine SC 1676
8. Indian Young Lawyers Association vs The State Of Kerala ,2018 SCC OnLine SC 1690
9. BandhuaMuktiMorchha v. Union of India, AIR, 1984 SC 802
10. Shafin Jahan v. Ashokan K.M 2018 SCC OnLine SC 343
11. Atkins v. Virginia, 536 U.S. 304 (2002)
12. Babri Mosque-Ram Janam Bhumi Dispute
13. Griswold v. Connecticut, 381 U.S. 479
14. Marbury v. Madison, 5 U.S. 137 (1903)
15. Raja Ram Pal v. Hon'ble Speaker, Lok Sabha & Others, (2007) 3 SCC 184
16. A. K. Gopalanv. State of Madras, AIR 1950 SC 27.
17. Brown v. Board of Education, 247 U.S. 483 (1954)
18. KeshavanandBharativ. State of Kerala, AIR 1973 SC 1461
19. Maneka Gandhi v. Union of India, AIR 1978 SC 593
20. Minerva Mills v. Union of India, AIR 1980 SC 1789

LEARNING OUTCOMES

On Completion of the course, students will be able to:-

- *Understand the debates accompanying the incorporation of 'Directive Principles of State Policy' in the Indian Constitution.*
- *Examines the gradual apotheosis of 'Directive Principles of State Policy' in the context of post-independence.*
- *Role of constitutional in social transformation.*
- *Appreciate the concept of pluralistic society and right to dissent in plural society.*
- *Analyze how the Regionalism is a challenge to Indian nationalism because of sub-territorial loyalty.*

PAPER - II
INTRODUCTION TO COMPARATIVE CONSTITUTIONAL LAW
(Specialized Core Paper)

OBJECTIVES OF THE COURSE

The course will cover a series of topics arising in the comparative study of constitutional systems. Concentrating on Constitutional Structure and law in India and in such other countries Australia, Canada, France, Great Britain, United States, and South Africa etc, the course is intended to make students familiar with the constitutional systems of a few countries. Students will be benefitted from deeper understanding of the doctrines and values underlying the provisions and principles from various constitutional systems.

After undergoing the study, the student will be able to understand the following

- *Transformation of students understanding of the constitutional law role in establishing effective government system;*
- *Considering how comparative constitutional study can offer insights into our own constitutional system.*
- *Using a comparative approach to constitutional law with a view to developing a critical understanding of how different constitutional systems deal with similar issues*

COURSE OUTLINE

MODULE I -INTRODUCTION TO COMPARATIVE CONSTITUTIONAL LAW

- a) Sources, Methods and Limits of Comparative Constitutional Law
- b) Scope and Relevance of Comparative Constitutional Law in Global Age
- c) Resurgence and Legitimacy of Comparative Constitutional Law

**MODULE II-FUNDAMENTAL PRINCIPLES OF COMPARATIVE
CONSTITUTIONALISM**

- a) Constitutionalism - Forms of Constitutionalism – Classical, Contemporary, Modern, Liberal, Political and New Constitutionalism

- b) The concept of State in the Third World and the problematics of Constitutionalism, crisis in Modern Constitutionalism, twilights of comparative liberal-democratic constitutionalism
- c) From Balanced Constitutionalism to Sustainable Constitutionalism.

MODULE III - FORMS OF GOVERNMENT

- a) Parliamentary Form and Presidential Form
- b) Government under USA, UK & France
- c) Comparison with the Government in India

MODULE IV - CONSTITUTIONAL FOUNDATION OF POWERS

- a) Supremacy of Legislature in Law Making
- b) Rule of Law: Dicey's concept of Rule of Law, Modern concept of Rule of Law & Social and Economic Rights as part of Rule of Law.
- c) Separation of Powers & Doctrine of Checks & Balance

MODULE V - ORGANIZATION OF LEGISLATIVE AND EXECUTIVE POWERS

- a) Distribution of Legislative powers- Law making process in USA, UK and France in comparison with India
- b) Extent of Executive power
- c) Emergency powers

MODULE VI - JUDICIAL REVIEW

- a) Organization of Judiciary in USA, UK, France in comparison with India
- b) Judicial Review: Concept and Origin of Judicial Review, Method of Constitutional Review (Judicial and Political Review, Concentrated and Diffused Review and Anticipatory and Successive Review)
- c) Limitations on Judicial Review

MODULE VII - EVOLUTION AND DEVELOPMENT OF CIVIL RIGHTS IN USA, UK, FRANCE AND INDIA

- a) Status of Rights in USA comparison with the status of Rights in India
- b) Status of Rights in UK comparison with the status of Rights in India
- c) Status of Rights in France comparison with the status of Rights in India

MODULE VIII - DIFFERENT APPROACHES TO COMPARATIVE CONSTITUTIONAL LAW

- a) Constitutional Borrowings
- b) Legal Transplantation
- c) Migration of Constitutional Idea

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Chintan Chandrachud, *Balanced Constitutionalism: Courts and Legislatures in India and the United Kingdom*, Oxford University Press, 2017
2. Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford: OUP, 2008) at 156- 163.
3. U. Baxi, *Rule of Law in India: Theory and Practice* in Randall Peerenboom (ed.), *Asian Discourses of Rule of Law*, Routledge, London, 2004, pp 324-345
4. Goolam E Vahanvati, *Rule of Law: The Sieges Within*, in *Constitutionalism, Human Rights and the Rule of Law: Essays in Honour of Soli J Sorabjee*, Universal Book Punlishing Co., New Delhi, 2005, pp 165-173.
5. S.P Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits*, OUP, pp 63- 99, 249- 311

JOURNALS/ARTICLES

1. Douglas H. Ginsburg, *On Constitutionalism*, *Cato Supreme Court Review*, pp 7-20
2. Sujit Choudhry, *Living Originalism in India? "Our Law" and Comparative Constitutional Law*, *Yale Journal of Law & the Humanities*, Vol. 25 [2013], Issue. 1, Art. 2
3. S.P. Sathe, *Judicial Activism: The Indian Experience*, 6 *Wash. U. J. L. & Pol'y* 29, 70-80 (2001)

4. Richard H. Fallon Jr., The Rule of Law as a Concept in Constitutional Discourse, *Columbia Law Review*, vol.97 (1997) 1.
5. Nirmalendu Rakshit, Judicial Appointments, *Economic & Political Weekly*, 39:27, July 2004, 2959-2961.

FURTHER READING:

BOOKS

1. Sujit Choudhary, *Constitutional Design for Divided Societies: Integration or Accommodation*, Oxford University Press, 2008.
2. D.D. Basu, *Comparative Constitution Law*, 2nd (ed.), Wadhwa, 2008, pp 324-350 & 403-416.
3. Douglas V. Verney, *The Struggle over Judicial Review: Supreme Court and Limited Government in M.P. Singh et al (eds.), Indian Judiciary and Politics: The Changing Landscape*, Manohar Book, 2007 pp 41-67.
4. H.M. Seervai, *Constitutional Law*, pp. Vol.1, 260-275, Vol.3, 2613-2986
5. Michael Burgess, *Comparative Federalism, Theory and Practice*, Routledge, New York, 2006
6. Martin Loughlin and Petra Dobner, *The Twilight of Constitutionalism*, (Oxford Constitutional Theory), Oxford University Press
7. Tom Ginsburg (Editor), *Comparative Constitutional Design (Comparative Constitutional Law and Policy)* [Hardcover], Cambridge University Press, New York 2012
8. Mark Tushnet & Madhav Khosla, *Unstable Constitutionalism: Law and Politics in South Asia*, Cambridge University Press 2015
9. Louise Tillin, "Unity in Diversity? Asymmetry in Indian Federalism," *Publius*, 2006, 1-23.
10. Victor V. Ramraj and Arun K. Thruvengadam, *Emergency Powers in Asia: Exploring the Limits of Legality*, 2010

JOURNALS/ARTICLES

1. Mark Tushnet, The Possibilities of Comparative Constitutional Law (1999) 108 *Yale.L.J.* 1225.
2. *Comparative Constitutional Law in Asia*, R Dixon and T Ginsburg (eds), Edward Elgar, 2013

3. Jan M Smits (ed), *Elgar Encyclopedia of Comparative Law*, Edward Elgar, Cheltenham, UK, 2006, pp 57-65, 187-199.
4. Anata Kumar Giri, *The Rule of Law and Indian Society: From Colonialism to Post-Colonialism* in P Costa and D Zolo (ed.), *The Rule of Law: History, Theory and Criticism*, Springer, The Netherlands, 2007, pp 587-614.
5. Anil Kalhan, "Constitution and 'Extra-Constitution': Emergency Powers in Post-Colonial Pakistan and India," *Emergency Powers in Asia: Exploring the Limits of Legality* (Ramraj and Thiruvengadam, eds.) (Cambridge, 2010).
6. Arendt Lijphart, "Emergency Powers and Emergency Regimes," *Asian Survey*, 18:4, April 1978, 401.
7. Choudhry, Sujit (2007), 'Rethinking Comparative Constitutional Law: Multinational Democracies, Constitutional Amendment, and Secession', Paper presented at the annual meeting of the Law and Society Association.
8. Ran Hirschl, *The Rise of Comparative Constitutional Law: Thoughts on Substance and Methods*, *Indian Journal of Constitutional Law*, (2008).
9. Sujit Choudhry, *Globalisation in Search of Justification: Toward a Theory of Comparative Constitutional Interpretation* (1999) 74 *Ind. L. J.* 819.
10. Tom Ginsburg, *Judicial Review in New Democracies: Constitutional Courts in Asian Cases*, Cambridge University Press, pp 34 – 64, 64- 89.

CASES FOR GUIDANCE

1. A. K. Gopalan v. State of Madras, AIR 1950 SC 27.
2. Atiabari Tea Co. v. State of Assam, (1961) 1 SCR 809
3. Automobile Transport v. State of Rajasthan, AIR 1962 SC 1406
4. Bal Patil v. Union of India, (2005) 6 SCC 690
5. Becker v. Alberta, 45 A.R. 37 (Q.B. 1983)
6. Brown v. Board of Education, 247 U.S. 483 (1954)
7. Burron v. Baltimore, 7 Pet. 243 (1833)
8. Carter v. Carter Coal Co., 298 U.S. 238 (1936)
9. Dred Scott v. Sandford, 60 U.S. 393 (1857) 19
10. Francis Coralie v. Union Territory of Delhi, AIR 1978 SC 597
11. Government of Andhra Pradesh v. P. Laxmi Devi, 2008 (4) SCC 720

12. I.C. Golak Nath v. State of Punjab, AIR 1967 SC 1643 31.
13. I.R. Coelho (Dead) By Lrs v. State of Tamil Nadu & Others, (2007) 2 SCC 1
14. KeshavanandBharati v. State of Kerala, AIR 1973 SC 1461
15. KuldipNayarv. UOI AIR 2006 SC 3127, (2006) 7 SCC 1.
16. Miranda v. State of Arizona, 384 U.S. 436 (1966)
17. R.M.D.C. v. Union of India, AIR 1957 SC 628
18. S.R. Bommai v. Union of India, (1994) 3SCC
19. Sankari Prasad Singh Deo v. Union of India, AIR SC 458 (1951)
20. Shamsher v. State of Punjab, AIR 1974 SC 2192

LEARNING OUTCOMES

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

- *Compare the various forms of government, its branches and its functioning in different countries.*
- *Analyze the leading constitutional principles in different jurisdictions.*
- *Distinguish between constitution and constitutionalism.*
- *To critically analyze the process of amendment of the constitution in various countries and the limitations on the amendment power.*
- *Gain insights of the model of state, its practices and good governance*
- *Understand the significance of doctrine of judicial review and limitations thereof.*

PAPER - III
LAW OF MEDIA AND COMMUNICATION: CONTEMPORARY
CHALLENGES

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

Mass media communication from the days of printing press has played a very important role in the formation of public opinion. Mass media such as press, radio, television, films and internet play a vital role in communicating information rapidly and thereby spreading culturalisation and modernization in the society. The visual media are bound to have a much greater impact on human mind. Law plays a dual role vis-à-vis such media. On the one hand, it protects the creative freedom involved in them, on the other hand, it has to regulate them so as to avoid their possible abuse. Advancement in science and technology has changed the scope and dimensions of mass communication. ICT has created digital era for us. While there are definite benefits from these technologies, experience shows that these technologies can be abused to harm the interests of the society. This course aims to provide basic understating of the evolution of mass media and its regulation with contemporary challenges.

After undergoing the study the student will be able to understand the following:

- *To understand the legal, ethical and regulatory framework governing the media in India.*
- *To understand the various concepts and study the theories in relation to Media.*
- *To discuss and evaluate the latest developments, issues and analyze the principles laid down in the cases in the field of Media law.*
- *To acquaint the students with the importance and necessity of media ethics and develop and appreciate journalistic integrity.*

COURSE OUTLINE

MODULE I - MEDIA AND PUBLIC POLICY

- a) Concept, Evolution and development of media industry in India and entry of foreign print media;
- b) Ownership pattern– Public and Private – Press, Film, Radio, TV and Internet; Differences between visual and non-visual media; Problems of oligopoly.

- c) Airwaves and Government control – Licensing issues in Broadcasting sectors, Community Radio Advocacy. Pre-censorship of films in big screens.

MODULE II - FREEDOM OF SPEECH AND EXPRESSION

- a) Freedom of speech as a Human Right– Constitutional guarantee for Free Press – Reasonable restrictions on free speech.
- b) Media Freedom – boundaries of a free press.
- c) Freedom of Information v. Free Speech.

MODULE III - MEDIA AND PRIVACY

- a) Obscenity and pornography - Hicklin Test - Child pornography.
- b) Blasphemy - legal regulation of blasphemy.
- c) Privacy – Information privacy and reputation - Personal data protection - Internet privacy.

MODULE IV - PROTECTION OF REPUTATION

- a) Defamation – Overview – General framework for defamation law- Role of malice – IPC provisions – Remedies and damages.
- b) Internet as a platform of free speech – Regulation of content on Internet – Self regulation v. Government regulation.
- c) Libel and Slander in cyberspace – Cross border libel/slander – Jurisdictional problems.

MODULE V - CHANGING DIMENSIONS OF MEDIA & TECHNOLOGY

- a) Evolution of internet as new media - Cyber Journalism.
- b) Impacts of Information Technology.
- c) Global regulation of internet & e-commerce.

MODULE VI - MEDIA AND SOCIETY

- a) Role of media in social change and its ethics.
- b) Mass campaigns on specific issues – social concerns, environmental issues, human rights, gender equality.
- c) Uses and utilization of electronic media in education and research.

MODULE VII - MEDIA & ADVERTISEMENT

- a) Concept & Origin of Advertisement and its development.
- b) Advertisement & Ethics.
- c) The Advertising standards council of India - Issues of Consumer Protection.

MODULE VIII - MEDIA, ETHICS AND ADJUDICATION

- a) Copyright issues in mass media – protection for copyrighted work – plagiarism – pirated music - remedies for infringement.
- b) Media and Courts - Report of legal proceedings – Trail by media – Sensitive court reporting and Human Rights - Contempt of Court – Procedure and Punishment.
- c) Ethical dilemmas, issues and concerns in mass communication – foundation of ethics- different aspects of journalism’s ethical issues- Reporters privileges and protection of media sources.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Cases and Materials on Media Law: Jethmalani, Ram and Chopra, D. S; Thomson Reuters
2. Durga Das Basu, “Law of the Press”, 2nd edition, Digitized, 27 August 2009, Prentice-Hall of India.
3. Bhagat Ram Sharma, “Freedom of Press under the Indian Constitution”, Deep & Deep publications, 1993.
4. S.Kudra, “Media Laws and Indian Constitution”, Anmol Publications, 2005.
5. Kiran Prasad, “Media Law in India”, Kluwer Law International, 2011.

JOURNALS/ ARTICLES

1. Media Laws in India: Origin, Analysis and Relevance in present Scenario”, International Journal of Humanities and Social Science Invention (IJHSSI), Vol 7, Issue 2, Feb 2018, pp13-15.
2. Rameshkumar.D,JayaprakashD, “An Examination on adequacy of law in India to Regulate and monitor Media” International Journal of Engineering and Advanced Technology(IJEAT),VOL.8,Issue 6S3,September 2019.

3. KevalJ.Kumar, Media Use: India, 8th July 2016, <https://doi.org/10.1002/9781118783764.wbieme0005>.
4. Meera Mathew, Media Self- Regulation In India: A Critical Analysis, ILI Law Review, Winder 2016.
5. Somu C.S, Cases and Materials on Media Law, Christ University Law Journal, 2, 1(2013),165-168.

FURTHER READING:

BOOKS

1. B.Manna, “Mass Media and Related Laws in India”, Second Edition, 2006, Academic publishers, Kolkata.
2. M.Neelamalar, “Media Law and Ethics”, 1st edition 2009, PHI Learning Pvt.Ltd.
3. Suresh K.Sharma(Editor), “Press in India : Documents”,Vol.2, 2006,Vista International publishing Home.
4. Irshad Hijazi, “Media Laws and Ethics”, Lulu.com
5. Umar Sama, “Law of electronic Media”, 2007, Deep & Deep Publications, 1993.
6. Ursula Smartt, Media and Entertainment Law, Routledge.
7. Roy L Moore, Mass Communication Law and Ethics.
8. Perry Keller, European and International Media Law, Oxford.
9. Sallie Spilsbury, Media Law, Cavendish.
10. Frank Leishmann, Policing and the Media, Lawman.

JOURNALS/ ARTICLES

1. NALSAR University of Law, Media Law Review, Volume1, MLR 2010.
2. Prashant Jaiwardhan, Media Ethics and Laws, “publisher Jharkhand Rai University.
3. Responses to internet Hate Sites: Is speech too free in Cyberspace?”Vol.6, 2001-Issue
4. Defining the field in the twenty-first century, Volume 9, 2004, Issue 2.
5. Justice PN Ray “Media And Law” Addressed at University Law College, Vidhi Bhawan, University of Rajasthan,<https://presscouncil.nic.in/OldWebsite/speechpdf/speech6.htm>.
6. Law Commission of India Report on “Media Trail: Free Speech v. Fair Trail under Criminal Procedure Code, 1973.
7. Gaur, K.D. “Constitutional Rights and Freedom of Media In India” Journal of the Indian Law

- Institute, vol. 36, no. 4, 1994, pp. 429–454. Jstor, www.jstor.org/stable/43952367.
8. Sorabjee, Soli J. “Freedom of the Press, Its Contents and Facets.” *India International Centre Quarterly*, vol. 13, no. 3/4, 1986, pp. 173–184. JSTOR, www.jstor.org/stable/23001444.
 9. Noorani, A. G. “The Press Council: An Expensive Irrelevance.” *Economic and Political Weekly*, vol. 44, no. 1, 2009, pp. 13–15. JSTOR, www.jstor.org/stable/40278353.
 10. Vishal Sharma “Regulatory Mechanism for Electronic Media: Protecting Freedom of Speech from the onslaught of Uncontrolled Media” *Journal of the Indian Law Institute*-winter issue 2008, <http://ili.ac.in/pdf/vsharma.pdf>.

CASES FOR GUIDANCE

1. Romesh Thappar v. State of Madras, AIR 1950 SC 124.
2. Sakal papers v. Union of India, AIR 1962 SC 305.
3. Secretary, Ministry of I&B v.CAB, (1995) 2SCC 161
4. K.A.Abhas v.Union of India, AIR 1971 SC 481.
5. Bobby Art International v.Om Pal Singh Hoon (1996)4 SCC 161.
6. Hamdard Dwarakhana v.Union of India, AIR 1960 SC 554.
7. Tata press Ltd. v Mahanagar Telephone Nigam Ltd., (1995)5 SCC 139
8. Ministry of I and B v. Cricket Association, Bengal, AIR 1995 SC 1236.
9. P.U.C.L v. Union of India, AIR 1997 SC 568.
10. P.U.C.L. v. Union of India, A.I.R. 2003 S.C. 2363
11. Hari Singh Nagra v. Kapil Sibal, AIR 2010 SC (Supp)55.
12. Superintendent, Central prison Fategarh v. Dr. Ram Manohar Lohia, AIR 1960 SC 633.
13. State of Madras v.V.G.Row, AIR 1952 SC 19.
14. SidharthVarshist v. State (NCT of Delhi) AIR, 2010 SC 2352.
15. R.K.Anand v.Registrar,Delhi High Court, (2009)11S.C.R.1026.
16. S.Khushboo v Kanniammal, AIR 2010 SC 3196.
17. BrijBhusan v. State of Delhi, A.I.R. 1950 S.C. 129
18. SidharthVashist v. State (NCT of Delhi), A.I.R. 2010 S.C. 2352.
19. R.Rajagopal v. State of T.N (Auto Shankar Case) (1994) 6 SCC 632.
20. Central Public information officer, Supreme Court of India v. Subhash Chandra Agwaral
1019 SCC OnLine SC 1459.

LEARNING OUTCOMES

After completion of the course the students will be able to-

- *Analyze the legal, ethical and regulatory framework governing Media in India.*
- *Discuss and analyze the Constitutional framework in relation to freedom of speech and expression, Freedom of Press, Right to Privacy.*
- *Evaluate the latest developments and issues in the field of Media Law.*
- *Explain and discuss the importance and necessity of media ethics and journalistic integrity.*
- *Devise a correct way to handle the legal problems.*

PAPER - IV
LAW OF EDUCATION - POLICY AND PRACTICE
(Specialized Core Paper)

OBJECTIVES OF THE COURSE

India happens to be the major hub for education and knowledge in the ancient era. It was considered as Vishwaguru/ Jagatguru. Institution like Nalanda, Dakshashrida have been considered as the top University in the world. Pataliputram in the north, Kancheepuram in the south have been considered as the knowledge capital in the world. However, it has slowly lost its glory and undergone a drastic change during the British regime.

After undergoing the study, the student will be able to understand the following

- *This course aims to impart the glory and richness of Indian education system which was prevailing in the ancient era in general and vedic era and sangam era in particular.*
- *It also aims to inculcate the ethical, spiritual, cultural and rich constitutional heritage and values among the minds of the student community.*
- *In addition to this, this course would like to cultivate the national citizenship and global citizenship and to accept the realities of globalisation to face the challenges and to lead India with a greater respect in the international arena.*

COURSE OUTLINE

MODULE I - HISTORICAL BACKGROUND OF EDUCATION SYSTEM

- a) Education in Ancient India: Concept, Definition – Sangam Era, Vedic Education.
- b) Contributions of Scholars and Poets in strengthening Education system- Thirukkural and education
- c) Modern education system during British Era- Implication of Wood’s Despatch Report and Macaulay Commission Report.

MODULE II - GENERAL PRINCIPLES OF EDUCATION

- a) Education- Instrument of inculcating ethical, spiritual and constitutional values.
- b) Education as an instrument of Socialisation and Transformation.
- c) Education System as inclusive, Accessible to Marginalized Sections: Beti Bacaho Beti Padhao on Right to Education - Adult and Continuing Education.

MODULE III - LAW RELATING TO EDUCATION

- a) Right to Education under Indian Constitution: Part III, IV & IVA.
- b) Statutory Law relating to Education- Sarva Siksha Abhiyan - Role SCERT and NCERT.
- c) Contribution of the Supreme Court and Right to Education.

MODULE IV - RIGHT TO EDUCATION AND THE CONCEPT OF RESERVATION

- a) Right to Education- Socio economically disadvantaged group.
- b) Reservation in Education System: School, Higher and Profession Education- Reservation for SC/ST, OBC and EWS in Educational Institutions
- c) Minority Rights relating to Right to Education

MODULE V - SPECIAL EDUCATION AND INCLUSIVE EDUCATION

- a) Right to Education for persons with disability including intellectual disability.
- b) Law relating to Right of Persons with disabilities on Inclusive Education - Implications of UNCRPD, 2006 on the right to education for persons with disability.
- c) Right to Education and Transgender.

MODULE VI - RIGHT TO PROFESSIONAL EDUCATION

- a) Medical Education, Legal Education and Technical Education.
- b) Role of regulatory authorities: Bar Council of India, Medical Council of India, ICMR.
- c) Right to Education and Access to Justice- Right to Free Legal Aid- Social Lawyering.

MODULE VII - IMPACT OF GLOBALISATION ON RIGHT TO EDUCATION

- a) Privatization of Education – Impact of various WTO agreements.
- b) Implications of Technology including ICT, Artificial Intelligence – Copyright, Patent and other IP rights in Education System.
- c) National Education Policy and other contemporary developments.

MODULE VIII - AMERICAN EDUCATIONAL SYSTEM

- a) Development of Educational System in America.
- b) Role of Judiciary in development of Education in US- relevant Doctrines.
- c) Recognizing Education Rights in India and the United States- Comparative Perspectives.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Florian Matthey Prakash. (2019) “The Right to Education in India: The Importance of Enforceability of Fundamental Right.”
2. Sinivasa.M.V. (2019) “Education in Contemporary India.”
3. AjitMondal, Jayanta Mete. (2012) “The Right To Education.”
4. Prof. Vijay Kumar.K. (2012) “Right to Education Act 2009: Its Implementation as to Social Development in India.”
5. Aggarwal.J.C. (2010) “Landmarks in the History of Modern Indian Education.”

JOURNALS/ARTICLES

1. Singh, Jai S. “Expanding Horizons of Human Right to Education: Perspective on Indian and International Vision.” *Journal of the Indian Law Institute*, vol. 52, no. 1, 2010, pp. 34–59. JSTOR, www.jstor.org/stable/43953481.
2. Sadgopal, Anil. “Right to Education vs. Right to Education Act.” *Social Scientist*, vol. 38, no. 9/12, 2010, pp. 17–50. JSTOR, www.jstor.org/stable/27896288.
3. Juneja, Nalini, “Constitutional Mandate for Free and Compulsory Education: New Light on the Intention of the Founding Fathers.” *Contemporary Education Dialogue*, vol. 12, 2, 2015: pp 208-237, www.academia.edu/13861537.
4. Ashwini Balki, “Persons with Disabilities Act,1995 and Right to Education: An Impact Analysis.” www.academia.edu/26974353
5. Gulyani, Ritika. “Educational Policies in India with Special Reference to Children with Disabilities.” *Indian Anthropologist*, vol. 47, no. 2, 2017, pp. 35–51. JSTOR, www.jstor.org/stable/26494030.

FURTHER READING:

BOOKS

1. Klaus Dieter Beiter. (2005) “The Protection of Right to Education by International Law: Including a Systematic Analysis of Article 13 of the International Covenant on Economic, Social and Cultural Rights.”
2. Dr.Mannava Munni Hemachand (2015) “Right to Education under Indian Constitution: A Sociol egal Perspective.”

3. Kulshreshtha.V.D. (1959) “Landmarks in Indian Legal & Constitutional History” EBC Publication, New Delhi.
4. Praveen Jha, P.Geetha Rani (2015) “Right to Education in India: Resources, Institutions and Public Policy”Routledge India.
5. Altekar.A.S. (2009) “Education in Ancient India” Isha Books (1 January 2009).
6. Jagdish Chand (2007) “Education in Ancient and Medieval India.”Shipra Publications (1 January 2007)
7. Ramesh Malhotra “Right to education: free and compulsory education for all” DPS Publishing House, New Delhi.
8. SuchitraDeshprabhu. (2014) “Inclusive Education in India: An Overview.”
9. Florian Matthey-Prakash “The Right to Education in India: The Importance of Enforceability of a Fundamental Right” Oxford University Press.
10. Narendra Jadhav “Future of the Indian Education System: How relevant is the national Educational Policy 2020?” Konark Publishers Pvt.Ltd (23 September 2020).

JOURNALS/ARTICLES

1. Singh, Kishore. “Right to Education.” India International Centre Quarterly, vol. 42, no. 3/4, 2015, pp. 119–130. JSTOR, www.jstor.org/stable/26316578.
2. Bhatti, Kiran. “Review of Elementary Education Policy in India: Has It Upheld the Constitutional Objective of Equality?” Economic and Political Weekly, vol. 49, no. 43/44, 2014, pp. 100–107. JSTOR, www.jstor.org/stable/24480999.
3. Ayushmaan, Aishwarya, and Deepthi Bavirisetty. “Right to Education: Edging Closer to Realisation or Furthering Judicial Conundrum?” National Law School of India Review, vol. 26, no. 1, 2014, pp. 87–101. JSTOR, www.jstor.org/stable/44283784.
4. Bhargava, Rajeev. “Religious Education in a Secular State.” India International Centre Quarterly, vol. 40, no. 3/4, 2013, pp. 117–130. JSTOR, www.jstor.org/stable/24394393.
5. Akanksha Jumde, “The Interface between Right to Education and Copyright Laws: Does Copyright law inhibit the Enjoyment of Right to Education?” International Journal of Law and Legal Jurisprudence Studies: ISSN; 2348-8212, vol 2, Issue 5, 2015. <http://ijlljs.in/wp-content/uploads/2015/08/12>.

6. National Institute of Educational Statistic, US Department of Education Report on “Comparative Indicators of Education in the United States and Other G-20 Countries: 2015” <https://nces.ed.gov/pubs2016/2016100.pdf>.
7. Popenici, S.A.D., Kerr, S. Exploring the impact of artificial intelligence on teaching and learning in higher education. *RPTTEL* **12**, 22 (2017). <https://doi.org/10.1186/s41039-017-0062-8>.
8. Carnoy, Martin, and Rafiq Dossani. “Goals and Governance of Higher Education in India.” *Higher Education*, vol. 65, no. 5, 2013, pp. 595–612. JSTOR, www.jstor.org/stable/23473514.
9. Pawan Agarwal. “Higher Education Policy: Many Contradictions.” *Economic and Political Weekly*, vol. 41, no. 45, 2006, pp. 4645–4648. JSTOR, www.jstor.org/stable/4418886.
10. Chitta, Kalyanlakshmi. “Foreign Direct Investment and Higher Education In India: Assessing The Link Between Internationalization, Competition And Efficiency.” *World Affairs: The Journal of International Issues*, vol. 18, no. 4, 2014, pp. 94–111. JSTOR, www.jstor.org/stable/48505124.

CASES FOR GUIDANCE

1. Aruna Roy vs. UOI (2002) INSC 386 [12 Sept. 2002]
2. Ashok Kumar Thakur vs UOI (2008) 6 SCC 1
3. Dr. Preeti Srivastava vs. State of Madhya Pradesh 1999) 7 SCC 120
4. Islamic Academy of Education vs State of Karnataka (2003) 6 SCC 697
5. Re Kerala Educational Bill Case (1959) 1 SCR 995
6. Mohini Jain vs. State of Karnataka AIR 1992 SC 1858
7. PA Inamdar vs. State of Maharashtra (2005) 6 SCC 537
8. Pranati Educational and Cultural Trust vs UOI (2014) 8 SCC 1
9. PRE-PG Medical Sangharsh Committee vs. Dr. BajranjSoni (2001) 1 SCC 694
10. ShyamSundar vs. State of TamilNadu (2011) 8 SCC 737
11. St. Xavier’s College vs State of Gujarat 1974 AIR SC 1389
12. State of Maharashtra vs. Sant Dhyaneshwar Shikshan Shastra Mahavidyalaya (2006) 9 SCC 1
13. State of Punjab vs. Dayanand Medical College (2001) 1 SCC 664
14. State of Uttar Pradesh vs. Pavan Kumar Divedi (2014) 9 SCC 692

15. TMA Pai Foundation vs. State of Karnataka AIR 2003 SC 335
16. Unaided Private Schools of Rajasthan vs. UOI (2012) 6 SCC 1
17. Unni Krishnan vs. State of Andhra Pradesh AIR 1993 SC 2178
18. Brown vs Board of Education of Topeka 347 U.S. 483 (1954)
19. Lemon vs. Kurtzman 403 U.S. 602 (1971)
20. Forest Grove School District vs T.A. 557 U.S. 230 (2009)

LEARNING OUTCOMES

After completing of the course the students will be able to

- *The students are expected to learn the uniqueness of the ancient Indian education system.*
- *Impact of right to education on the right to life, freedom of expression, freedom of trade and occupation, respect for fraternity, dignity of individuals and the realisation of global standard of human rights.*
- *The students are also expected to learn the concept of special education, inclusive education, gender equity, quality accessibility and affordability of world class education.*

PAPER – V
DYNAMICS OF ELECTION LAWS
(Specialized Core Paper)

OBJECTIVE OF THE COURSE

This course has been designed so as to provide with global understanding of practices relating to election and electoral procedure prevailing in leading civilized constitutional systems and largest democracies. This paper helps the student to learn the best practices followed in the given electoral system. It also enables the student to understand the constitutional basis, the constitutional differences and practices in the process of electing important heads and institutions of constitutional wings such as the head of the executive and the head of the legislature. In addition to this, this paper will throw light to what extent the constitution has empowered their respective citizen as truly sovereign of the country.

After undergoing the study, the student will be able to understand the following

- *Election law and the diversity of electoral institutions and arrangements.*
- *Procedural aspects of holding elections under various Constitutions.*
- *Effectiveness of Election law as the means to articulate, deliver and regulate the democratic rights.*
- *Role of Judiciary in adjudication of Election Disputes.*

COURSE OUTLINE

MODULE I – GENERAL PRINCIPLES RELATING TO ELECTION LAWS IN LAWS

- a) History of Elections in Ancient India and during British Rule.
- b) Elections –General Principles and Basic requirements –Different types of representation – the system of election
- c) System of Election-Universal Adult Suffrage- Special Provisions for Schedule Caste and Schedule Tribes.

MODULE II – ELECTION COMMISSION AND ELECTION MACHINERY

- a) Election Commission: Structure and Composition- Condition of Service and Protection- Functions.

- b) Role of Election Commission: Notification of Elections; Preparation and Revision Electoral Rolls- Jurisdiction- Removal or reduction of Disqualifications
- c) Administrative Machineries in conducting elections

MODULE III – ELECTIONS IN INDIA

- a) Election Laws in India- Allocation of Seats and Delimitation of Constituencies.
- b) Election Programme: Notification, Nominations, Scrutiny- Political Parties and Election Symbols.
- c) Presidential and Vice Presidential Elections –Parliamentary Elections- Elections to Legislative Assemblies and Councils.

MODULE IV – QUALIFICATION AND DISQUALIFICATION

- a) Qualification and Disqualifications for Membership of Parliament and State Legislatures.
- b) Concept of Office of Profit – Powers and Functions of Presiding Officers– X Schedule – Anti Defection Law: Model Code of Conduct.
- c) Judicial review – Breach of Parliamentary Privileges under the Constitution of India

MODULE V – POLLING AND COUNTING OF VOTES IN INDIA

- a) Polling and Counting- Ballot Paper, EVM- VVPAT- Postal Ballot- Special Vote- NOTA
- b) Returning Officer- Jurisdiction- Presiding Officers- Rejection of Ballot Papers
- c) Right to Vote- Counting of Votes- Systems of Counting and its procedures- Declaration of results.

MODULE VI – ELECTORAL OFFENCES, ELECTION DISPUTES AND ELECTION FUNDING

- a) Corrupt Practices and Electoral Offences.
- b) Election Disputes- Election Petition-Grounds for contest- trail- Decision of High Court- Appeals.
- c) Electoral Funding- Electoral Bonds- Corporate and Public Funding- Exemptions of Political parties under IT Act 1961- Application of RTI Act- Election Expenses.

MODULE VII – ELECTIONS TO LOCAL SELF GOVERNMENT AND CO-OPERATIVE SOCIETIES

- a) Concept and Constitutional perspectives of 73rd, 74th and 97th Amendments Law and Panchyat Raj.
- b) State Election Commission- State Financial Commission- Municipalities.
- c) Administration of Modern co-operative societies- different types of co-operative societies – election to co-operative societies- Role of RBI in regulating co-operative societies.

MODULE VII – PRESIDENTIAL ELECTION IN US

- a) Election to the office of President – Qualification and Disqualifications- Removal.
- b) Election to the membership of the Senate and House of Representative
- c) Associated Concepts: Concept of delegate, Super Delegate, Super Tuesday – Concept of Running mate – Allotment of Symbols –blue state, red state, purple state/swing state

MODULE VIII – ELECTORAL SYSTEM IN FRANCE

- a) Party System.
- b) Two- Round System of voting- Effects and Features.
- c) Referendum and Participatory democracy.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. M.P Jain, Indian Constitutional Law, 5th Edn., (Wadhwa: 2005).
2. H.M. Seervai, Constitutional Law of India: A Critical Commentary, N.M. Tripathi, 1996
3. V.S Ramadevi and S.K. Mediratta, How India Votes: Election Laws Practice and Procedure, 2nd Ed., (LexisNexis : 2006)
4. P.C. Jain & Kiran Jain, Election Law and Practice, Chawla Publishers, 2012.
5. Democracy and Election Laws, Anand Ballabh Kafaltiya, 2003, Deep and Deep Publications.

JOURNALS/ARTICLES

1. E. Sridharan, Electoral Coalitions in 2004 General Elections – Theory and Evidence, EPW, Vol. 39 No. 51 5418 (2004).

2. Asghar Ali Engineer, Minorities and Elections – What are the Options?, EPW Vol. 39 No. 13 1378
3. A.K Roy, Role of Election Commission in Ensuring Fair Polls, EPW Commentary, Sept. 11, 1999.
4. KatjuManjari, Election Commission and Functioning Democracy, EPW Vol. 41 No 17 p. 1635, 2006.
5. SriramPanchu, Free and Fair Election Commissioners, EPW Vol. 44 No. 17 p. 93 (2009).

FURTHER READING:

BOOKS

1. Rajni Kothari, Rethinking Democracy (Orient Longman: 2005).
2. Ramesh Thakur, Government and Politics of India, (Palgrave Macmillan: 1995).
3. Reimann, Mathuas and Zimmermann, Reinard, The Oxford Handbook of Comparative Law, OUP, Oxford, 2006, pp 1225-1257.
4. Francine R Frankel, Contextual Democracy: Intersections of Society, Culture and Politics in India, in Francine R Frankel, Transforming India: Social and Political Dynamics of Democracy (Oxford: 2000).
5. Election Laws and Practice in India, R N Choudhry, 3rd Ed., Orient Publishing Co.
6. Office of Profit, Disqualification and Anti-Defection, P. Chakraborty, 2009 Ed., Capital Law House, Delhi.
7. P RathnaSwamy, Handbook on Election Law, Lexis Nexis, Gurgaon, Reed Elsevier India Pvt Ltd. 2014.
8. Dr. K.C.Sunny, Commentaries on Corrupt Practices in Election Law, EBC Publications.
9. C KashyapSubhash, Anti-Defection Law and Parliamentary Privileges. Universal Law Publications, New Delhi.
10. Bott, J. Alexander “Hand Book of United States- Election Laws and Practice: Political Rights” Greenwood Press, 1990

JOURNALS/ARTICLES

1. B. Venketesh Kumar, Anti-Defection Laws: Welcome Reforms, EPW Commentary, 2003
2. ManjariKatju, Election Commission and Changing Contours of Politics, EPW Vol. 44 No. 14 p. 8 (2009).

3. MadhavGodbole, Reform of Political System Growing Concern after election 2004, EPW Perspectives, July 10, 2004.
4. David T. Canon, Electoral Systems and the Representation of Minority Interests, Legislative Studies Quarterly, Vol. 24, No. 3 (Aug., 1999).
5. Thomas Feliner and Lidija R. Basta, Constitutional Democracy in a Multicultural Globalised World, (Springer: 2009).
6. TrilochanSastry, Electoral Reform and Citizens Initiatives- Some Breakthrough, EPW Perspectives, March 27, 2004.
7. Arora Dolly, State Funding of Elections – Some Posers, EPW Vol. 35 No. 37 3283 (2000).
8. Richard Briffault, Public Funding and Democratic Elections, University of Pennsylvania Law Review, Vol. 148, No. 2 (1999).
9. Richard Briffault, Reforming Campaign Finance Reform: A Review of Voting with Dollars, 91 Calif. L. Rev. 643
10. Brad Alexander, Good Money and Bad Money: Do Funding Sources Affect Electoral Outcomes? Political Research Quarterly, Vol. 58, No. 2 (2005).

CASES FOR GUIDANCE

1. N.P Ponnuswami v. R.O Namakkal AIR 1952 SC 64
2. JyotiBasu v. Debi Ghosal AIR 1982 SC 983
3. NallaThampy v. B.L Shankar AIR 1984 SC 135
4. Anukul Chandra Pradhan v. Union of India AIR 1993 SC 2814
5. Rama Kant Pandey v. Union of India AIR 1993 SC 1766
6. C Narayanaswamy v. C.K Jaffar Sheriff (1994) Supp (3) SCC 170
7. PUCL v. UOI 2003 (3) SCALE 263
8. Indira Gandhi v. Raj Narain AIR 1975 SC 2299
9. R.C Poudyal v. Union of India AIR 1993 SC 1804
10. T.N Seshan v. Union of India AIR 1995 SC 852
11. M.S Gill v. CEC AIR 1978 SC 851
12. Election Commission of India v. Ashok Kumar AIR 2000 SC 2979
13. Election Commission of India v. Dr. Manmohan Singh (2000) 1 SCC 591
14. KuldipNayar v. Union of India

15. Common Cause- A Registered Society v. UOI (1996) 2 SCC 752
16. Union of India v. Assn. for Democratic Reforms (2002) 5 SCC 294
17. Lakshmi Charan Sen v. A K M Hassam Uzzaman AIR 1985 SC 1233
18. K. Venketachalam v. A Swamickan AIR 1999 SC 1723
19. GajananKrishnajiBapat v. D R Meg AIR 1995 SC 2284
20. Rajendra Prasad v. SheelBhadra AIR 1967 SC 1445

LEARNING OUTCOMES

On Completion of this paper, Students will be able to

- *Familiarize the existing legal framework of elections to various democratic bodies/ posts in India and USA.*
- *Critically analyse the present regime of laws with reference to the postulate of free and fair elections as the fundamental point of democracy.*
- *Equipped to appreciate the role of the Election Commission in the conduct of free and fair elections.*
- *Understand the holistic view of deflections law in India.*

PAPER - VI
LAW OF PROPERTY – CONSTITUTIONAL PERSPECTIVES
(Specialized Core Paper)

OBJECTIVE OF THE COURSE

The objective of this paper is to know about the property rights in pre-independence and the right to property under constitution of India, The right of the government to acquire land for public purpose under the doctrine of eminent domain and the right of the person interested to claim compensation; Laws relating to acquisition of land for companies, industrial purpose in the name of special economic zone and the rights of tribal over their property. Land reform constitutes the most important package of measures to improve the economic condition of agricultural tenants.

After undergoing the study, the student will be able to understand the following

- *Jurisprudential aspects of property.*
- *Beneficiaries of Agrarian reforms.*
- *Concept of Eminent Domain and its parameters.*
- *Indigenous Land Rights and Sustainable land Management*

COURSE OUTLINE

MODULE I - EVOLUTION AND JURISPRUDENTIAL ASPECT OF PROPERTY

- a) Concept of land and property
- b) Theories of property- Concept of ownership- modes of acquisition of property
- c) Kinds of property – tangible, intangible, corporeal, incorporeal

MODULE II - AGRARIAN REFORMS IN PRE AND POST INDEPENDENT ERA/PLANNED ECONOMIC GOALS

- a) Zamindari system, Inamwari, Mahalwari- Ryotwari-Melwaram-Kudiwaram- Balwant Rai Mehta Committee
- b) Rights and responsibilities of Ryotwari pattadar.
- c) Boodan Movement and its Developments.

MODULE III - CONSTITUTIONAL PERSPECTIVES OF RIGHT TO PROPERTY

- a) Constitutional protection relating to property-relevant Provisions and Amendments

- b) Implications relating to Schedules under the Indian Constitution.
- c) Legislative powers of center and state in enacting land laws.

MODULE IV - DOCTRINE OF EMINENT DOMAIN

- a) Doctrine eminent domain and its Applicability in India
- b) Compulsion, compensation and property rights- India, UK and USA and Australia
- c) Economic analysis of Eminent domain

MODULE V - ACQUISITION OF PROPERTY

- a) The Right to Fair Compensation and Transparency in Land Acquisition.
- b) Abolition of urban land ceiling- Acquisition of Lands for Industrial Purposes.
- c) Establishment of Special Economic Zone-

MODULE VI - PROPERTY RIGHTS OF TRIBES

- a) Definition – Tribes and Scheduled tribes; Rights of Tribes
- b) Scheduled area – V schedule – prohibition of alienation of tribal land.
- c) Individual rights v. communal intellectual property rights- Human Rights Perspectives

MODULE VII - LAW RELATING TO REAL ESTATE REGULATION

- a) Definitions – Functions and Duties of Promoter- rights and duties of Allottees
- b) The Real Estate Regulatory Authority – Central Advisory Council – The Real Estate Appellate Tribunal.
- c) Regulations of Tamil Nadu Real Estate

MODULE VIII - REGULATIONS RELATING TO SUSTAINABLE USES OF LAND

- a) Coastal regulations - Wet land management
- b) Usage of lands by Religious and charitable institutions- Regulations
- c) Conversion of agricultural land into non-agricultural land- Regulations

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Salmond on Jurisprudence, by P J Fitzgerald, Sweet & Maxwell, Universal Law Publishing co Pvt ltd, 2016

2. Right to property in India by Naveen Sharma, Deep & Deep Publications
3. Baden Powell, "The Land Systems of British India", 1892
4. Land Reforms in India by M. L. Dantwala, 66 Int'l Lab. Rev. 419 1952, Hein online
5. Land System in India: A Historical Review, Rekha Bandyopadhyay, Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155.

JOURNALS/ARTICLES

1. Indian Law on Special Economic Zone (SEZ) by Mr. Anand Singh.
<https://www.conservationindia.org/resources/facts-about-the-forests-rights-act>
2. Lovleen Bhullar, 'The Indian Forest Rights Act 2006: A Critical Appraisal', available at <http://www.lead-journal.org/content/08020.pdf>
3. Sanjana, "Forest Dwellers as Deemed Homeless", 4 J. Indian L. & Soc'y 130 2012-2013, Heinonline
4. E. Washburn Hopkins, "Land-Tenure in Ancient India", Political Science Quarterly, Vol. 13, No. 4 (Dec., 1898), pp. 669-686 available at <http://www.jstor.org/stable/2139978>
5. Rekha Bandyopadhyay, "Land System in India: A Historical Review", Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155 available at <http://www.jstor.org/stable/4400592>

FURTHER READING:

BOOKS

1. Constitutional law of India by H.M.Seervai, Universal Law Publishing, 4th edition 2015.
2. VG Ramachandran's Law of Land Acquisition and Compensation Edited G.C Mathur EBC Publications, 2000.
3. Commentary on The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Universal Law Publishing
4. New Law Relating to Land Acquisition Rehabilitation & Resettlement, 2013, by Taxmann
5. Commentary on The New Land Acquisition Act (LARR),2013: Comprehensive Analysis of LARR-13, with Case Laws diagram and process flow charts by Naveen Kumar Shelar
6. Taxmann's Guide to RERA with RERA check lists, 3rd edition, 2017.
7. Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018

8. Husro, A.M., "Land Reforms Since Independence" in V. B. SINGH, ed., *Economic History of India: 1857-1956* (Bombay: Allied Publishers, 1965, reprinted 2002)
9. Dr.N.Maheshwara Swamy., "Land Laws under the Constitution of India" Asia Law House Publications.
10. Astha Saxena., "Land Law in India" Routledge publisher, 2020.

JOURNALS/ARTICLES

1. R. S. Gae, "Land Law in India: With Special Reference to the Constitution", *The International and Comparative Law Quarterly*, Vol. 22, No. 2 (Apr., 1973), pp. 312-328, Cambridge University Press, available at <https://www.jstor.org/stable/758169>
2. Oskarsson, Patrik. "Adivasi Land Rights and Dispossession." In *Landlock: Paralyzing Dispute over Minerals on Adivasi Land in India*, 29-50, 2018. Munch, Patricia. "An economic analysis of eminent domain." *Journal of Political* .
3. Epstein, Richard A. "Property Rights Claims of Indigenous Populations: The View from the Common Law." *U. tol. L. rev.* 31 (1999): 1.
4. Lenhoff, Arthur. "Development of the Concept of Eminent Domain." *Columbia Law Review*, vol. 42, no. 4, 1942, pp. 596–638. www.jstor.org/stable/1117730.
5. B. H. Baden-Powell, "The Origin of Village Land-Tenures in India", *The Journal of the Royal Asiatic Society of Great Britain and Ireland*, (Jul., 1898), pp. 605-616 Cambridge University Press, available at <http://www.jstor.org/stable/25208012>.
6. Hoffman, Frank Sargent. "The Right to Property." *International Journal of Ethics* 19, no. 4 (1909): 477-87 at www.jstor.org/stable/2377017.
7. Madhusudan Bandi, "Forest Rights Act: Towards the End of Struggle for Tribals?", Vol. 42, No. 1/2 (January–February 2014), pp. 63-81, *Social Scientist Stable*.
8. Majumdar, Arjya, *Developments in the Apartment and Urban Real Estate Laws in India* (March 13, 2016). Available at SSRN: <https://ssrn.com/abstract=2747086>.
9. WAHI, Namita, "Land Acquisition, Development and the Constitution" *Seminar Magazine* (February 2013).
10. Singhal, M.L., "Right to Property and Compensation under the Indian Constitution" (1995) 1(2) *Judicial Training and Research Institute Journal*.

CASES FOR GUIDANCE

1. *Coffee Board v. Commissioner of Commercial Taxes*, AIR 1988 SC 1498

2. State of West Bengal v. Bella Banejee, AIR 1954 SC 170
3. R.C.Cooper v. Union of India, AIR 1970 SC 564.
4. Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461
5. Minerva Mills Limited v. UOI, AIR 1980 SC 1789
6. Narmada Bachao Andolan v. State of Madhya Pradesh, AIR 2011 SC 2001.
7. Greater Noida Industrial Development Authority v. Devendra Kumar, (2011) 12 SCC 375
8. Narendra kumar and Ors v. Union of India and ORs, AIR 1960 SC 430
9. Commissioner of Hindu Religious Endowment v. Sri Lakshmindra Tirtha Swamiar of Shirur Mutt, AIR 1954 SC 282(289).
10. I.C. Golak Nathv. State of Punjab, AIR 1967 SC 1643 31.
11. Kameshwar Singh v. State of Bihar, AIR 1951 Pat. 91.
12. P.Vajravel Mudaliar v. Special Deputy Collector, Madras AIR 1965 SC 1017.
13. State of Gujarat v. Shantilal Mangaldos (1969) 1 SCC 509.
14. KK Kochuni v. State of Madras and Ors 1960 AIR 1080.
15. Karimbil Kunhikoman v. State of Kerala, 1962 AIR 723.
16. State of Jharkhand v. JK Srivastava AIR 2013 SC 3383.
17. Laljibhai Kadvabhai Savaliya v. State of Gujarat AIR 1916 SC 4715.
18. Wazir Chand v. State of UP, AIR 1954 SC 415.
19. KT Plantation (P) Ltd. v State of Karnataka (2011) 9 SCC 1.
20. Kelo v. City of New London 545 U.S 469

LEARNING OUTCOMES

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

- *Understand the concept of real property and the various movements of India*
- *Determine the right to property under Indian constitution*
- *Evaluate various land reformatory systems exists in pre-independence*
- *Understand the doctrine of eminent domain and the power of acquisition of land by the government*
- *Analyze the circumstances under which land can be acquired for industrial purposes*
- *Understand the land rights of Tribal.*

PAPER - VII
LAW OF PUBLIC UTILITIES IN INDIA
(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

Public utilities are a unique form of business undertakings which are engaged in the supply of essential public services in limited market area on a monopolistic basis. The public Utility Service refers to a set of services, provided by the public or the private organization, consumed by the public at large. The public utility service agencies provide services such as water, electricity, natural gas, transport services, telephone service and other essential services to the public. The Utility function is an important concept that measures preferences over a set of goods and services. The law of public utilities is contained in the statutes of incorporation and judicial decisions given by courts while resolving disputes between the utilities and their consumers or employees or traders or others entering into business relations with them.

After undergoing the study, the student will be able to understand the following,

- *To understand the government policy in regard to such utilities in general and to each utility in particular.*
- *To know about the growth and evolution of the public utilities.*
- *To discuss about the statutes of incorporation and judicial decisions given by courts.*
- *To understand powers, functions and liabilities of the public utility Services.*

COURSE OUTLINE

MODULE I - PUBLIC UTILITIES

- a) Public Utilities- Meaning and its necessity in modern State.
- b) Railways, Electricity, Gas, Road Transport, Telephone, Post and Telegraph Service, Police, Fire Brigade, Banking service, etc.
- c) Growth and Evolution of Public Utilities and their Legislation.

MODULE II - PUBLIC UTILITIES - WHY GOVERNMENT MONOPOLY?

- a) Government Control
- b) Parliamentary Control
- c) Constitutional division of power to legislate.

MODULE III - UTILITIES LEGISLATION

- a) Administrative Authorities.
- b) Structure of the Administrative Authorities.
- c) Subordinate legislation.

MODULE IV - PUBLIC UTILITIES AND FAIR HEARING

- a) Fair Hearing in Administrative rule making and its components.
- b) Quasi-Judicial Decision.
- c) Administrative Discretion.

MODULE V - PUBLIC UTILITIES AND CONSUMER PROTECTION

- a) Rights of consumers protected by the Consumer Protection Act.
- b) Rights arising from Law of Contract.
- c) Rights arising from Law of Torts.

MODULE VI - PUBLIC UTILITIES, THEIR EMPLOYEES AND FUNDAMENTAL RIGHTS

- a) The Right to Equality: The Airhostess Case - application of Art. 16 and 311
- b) Are the Public Utilities are "State" for the purpose of Article 12 of the Constitution? - Extension of the concept of State.
- c) Application of Industrial Law - Right to strike

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Bagus Enrico & Partners, The International Legal Guide to: Telecom, Media and Internet Laws and Regulations, 2017, 10th Edition, published by Global Legal Group.
2. Mamta Rao, Public Utility Services under the Consumer Protection Act, Deep & Deep Publication, 2002.
3. Shiva Gopal's Law relating to Electricity revised by Justice V.K.Mehotra, 6th Edition, Eastern book Company, 2001.
4. P.L.Malik, Handbook of Electricity Laws, 4th Edition, Eastern Book Company, 1997.

5. Mohammad Naseem, Saman Naseem, Energy Law in India, Kluwer Law International, Third Edition, 2017.

JOURNALS/ARTICLES

1. Dr. N. Sathish Gowda & Shilpa.M.L” Legal regulations on Public utility Services in India: Issues and Contemporary Challenges,” International Journal of Legal Research and Studies, Vol.2, Issue 4, October –December 2017.
2. World Bank, “India Inclusive Growth and Service Delivery: Building on India’s Success, Development, policy review”(Report No.34580-IN, Washington DC: World Bank, 2006), pg.31-32.
3. Paul A. Grout,” Private Delivery of public Services,” Keynote address at the European Commission’s Euro social Taxation Conference, Mexico, 24th-28th November 2008.
4. Stilpon Nestor and Ladan Mahboobi- “Privatization of public Utilities: The OECD Experience,” April 23,1999.
5. Sundarapandian Vaidyanathan and Vidya Sundar,” The role of public sector enterprises in Rural Development and Social Welfare,” International Journal of Managing Public Sector Information and Communication Technologies (IJMPICT) Vol.2, No.1, September 2011.

FURTHER READING:

BOOKS

1. Dr.Archana Ranka, Public Utilities Laws, [http://www.amazon.in/public-utilities Laws-Archana Ranka/dp/9383154098](http://www.amazon.in/public-utilities-Laws-Archana-Ranka/dp/9383154098).
2. Edited by Fereidoon Sioshansi, Future of Utilities-Utilities of the future, 1st Edition, Academic press, 2016.
3. P.M. Bakshi, Television and the Law, (1986)
4. S P Sathe, Administrative Law, 7th Edition, Wadhwa Book Company, Reprint 2010.
5. M.P.Jain& S.N. Jain, Principles of Administrative Law, 7th Edition, LexisNexis, 2011.
6. H.W.R. Wade, Administratis Law, 147-56 (5th ed., 1982).
7. Bagus Enrico & Partners, ‘The International Legal Guide to: Telecoms, Media and Internet Laws and Regulations, 2017, 10th Edition, Published by Global Legal Group.
8. Shiva Gopal “Law relating to Electricity” EBC Publications.
9. P.L Malik “Handbook of Electricity Laws” 4th Edition EBC Publications.

10. JVN Jaiswal "Postal and Courier Service and the Consumer" 1st Edition EBC Publications.

JOURNALS/ARTICLES

1. Goel, Ashish, The Curious Case of Right to Strike Under the Indian Constitution - A Comparative Perspective (March 5, 2011). NLIU Law Review, 2011, Available at SSRN: <https://ssrn.com/abstract=1778069>
2. 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.
3. Vasant Kelkar, "Business of Postal Service" 33 I.J.PA. Pp. 133-141 (1987).
4. Scott Douglas & Albert Meijer, "Transparency and Public Value - Analyzing the Transparency and Public Value Creation of Public Utilities," International Journal of Public Administration, Vol.39, Issue 12, 2016, Pp. 940-951.
5. G. Ramesh, "Characteristic of Large Service Organization in a Developing Country like India" 32 I.J.PA. 77 (1986).
6. Nalini Paranjpe, "Planning for Welfare in the Indian Railways" 31 I.J.PA. Pp.171-180 (1985)
7. Arvind K.Sharna "Semi-Autonomous Enterprise: Conceptual Portrait - Further Evidence on the Theory of Autonomy" 33 I.J.PA. Pp. 99-113.
8. D.M.Sarqf "Public Utility Services With Special Reference to Air Services and The Consumer" Indian Law Institute Journal.
9. Scott Douglas & Albert Meijer "Transparency and Public Value—Analyzing the Transparency Practices and Value Creation of Public Utilities" International Journal of Public Administration, Volume 39, 2016 -Issue 12, Pages 940- 951, Published online: 16 Feb 2016
10. Malik, V., 'Disinvestments in India: Needed Change in Mindset, Interfaces', 2003., 28(3), Pp. 57-63

CASES FOR GUIDANCE

1. In Munn v. Illinois 94 U.S. 113 (1877)
2. Ridge v. Baldwin (1964) AC 40
3. A.K Kripal v. Union of India AIR 1970 SC 150
4. Gullapalli Nageswara Rao v. A. P.S.R.T.C AIR 1959 SC308

5. Maneka Gandhi v. Union of India AIR 1978 SC 597
6. Chairman, Prathama Bank, Moradabad v. Vivay Kumar, AIR 1989 SC 1977.
7. H.Anraj v. State of Maharashtra, AIR 1984 SC 782.
8. Ujjain Bai v. State of U.P AIR 1962 SC 1621
9. D.S.Nakara v. Union of India, AIR 1983 SC 130.
10. Shiv Cable TV System v. State of Rajasthan, AIR 1993 Raj 1997.
11. Oil and Natural Gas Commission v Association of Natural Gas Consuming Industries of Gujarat, AIR 1990 SC 181.
12. Karthik Enterprises v. Orissa State Electricity Board, AIR 1980 Ori.3.
13. Akhila Bharatiya Grahak Panchayat v. Andhra Pradesh State Electricity Board, AIR 1983AP 3
14. Ajay Hasia v. Khalid Mujib, AIR 1981 SC 487.
15. LIC V. Shakuntala Bai, AIR 1975 AP 68.
16. Union of India v. S.NarayanaIyer, (1970) 1 MLJ 19.
17. Ramana Dayaram Shetty v. The International Airport Authority (1979) SCC 489.
18. Cellular Operation Association of India and others v. Telecom Regulatory of India and others
19. P. Nalla Thampy Thera v. Union of India 1983(2) SCALE 686
20. TK Rangarajan v. State of Tamil Nadu and others A.I.R. 2003 SC 3032.

LEARNING OUTCOMES

After completion of the course the students will be able to-

- *Critically analyze the government policy in regard to such utilities in general and to each utility in particular.*
- *Analyze the growth and evolution of the public utilities.*
- *Examine the statutes of incorporation and judicial decisions given by courts.*
- *Discuss the powers, functions and liabilities of the public utilities' vis-a-vis their employees, consumers and others.*

PAPER - VIII

NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

In every written constitution, provision is required to be made to equip the state to face grave threats to its existence arising from extra- ordinary circumstances created by war or external aggression or armed rebellion. Although “amidst the clash of arms, the laws are not silent” they do not speak the same language in war as in peace. Extra- ordinary circumstances warrant the invocation of extra- ordinary laws and such laws are known as emergency laws. They put grater fetters on individual liberty and also eclipse certain aspects of the due process. But in such circumstances, the democratic forces must assert that for survival of the State, the least possible liberty should be available. The students should be familiarized with different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers. After undergoing the study, the student will be able to understand the following,

- *Balancing Civil liberties and National security.*
- *Preventive Detention and effect of Human Rights.*
- *Major Internal Security challenges in India.*
- *Role of Judiciary in protecting Civil liberties during emergencies.*

COURSE OUTLINE

MODULE I - A BRIEF HISTORY

- a) Emergency Detention in England- Civil Liberties.
- b) Subjective satisfaction or objective assessment?
- c) Pre- Independence law; Martial Law: Provisions in English Law, Indian Law.

MODULE II - PREVENTIVE DETENTION AND INDIAN CONSTITUTION

- a) Article 22 of the Constitution.
- b) Preventive Detention and safeguards.
- c) Central Laws and State Laws Authorizing Preventive Detention.

MODULE III - DECLARATION OF EMERGENCIES AND CIVIL LIBERTY

- a) 1962 Emergency (Indo – China War) - 1971 Emergency (Indo – Pakistan War) – 1975 Emergency.
- b) Article 19- Meaning of “Security of State”, “Public Order” and “Rule of Law”- Suspension of Article 19, rights on declaration of emergency.
- c) President’s right to suspend right to move any court- Article 21 – special importance – its non suspendability- Effect 44th amendment- Access to courts and Emergency- Article

MODULE IV - MAINTENANCE OF INTERNAL SECURITY

- a) Internal Security in India.
- b) Role of the Union in maintaining Internal Security- Present division of power between Union – State with respect to security.
- c) Suo – motu deployment of Forces of the Union.

MODULE V - NATIONAL SECURITY AND INTERNAL SECURITY

- a) Relationship between National Security and Internal Security.
- b) “Public Order” and “Law and Order” to maintain Internal Security.
- c) Contributory factors of major public order problem - Central Law Enforcement Agency- National Investigation Agency.

MODULE VI - EXCEPTIONAL LEGISLATION

- a) National Security Legislation- TADA: “the draconian law”- comments of NHRC.
- b) COFEPOSA and other legislations to curb economic offenders- Prevention of Black marketing and Maintenance of Supplies of Essential Commodities legislation (PBMSECA)
- c) Special courts and tribunals.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. H.M. Seervai, The Emergency, Future Safeguards and the Habeas Corpus: A Criticism.
2. M.P Jain-Indian Constitutional Law(Wadhwa Publishers)
3. Durga Das Basu“ Constitution of India” (Lexis Nexis)

4. N.C. Chatterji and Parameshwar Rao, *Emergency and the Law* (1966).
5. Sanjeev Chadha and Shailesh K. Singh “National Security Laws: In India Scenario” Regal Publications, July 2012.

JOURNALS/ARTICLES

1. G.O. Koppell “The Emergency, The Courts and Indian Democracy” 8 J.I.L.I. 287(1966)
2. Jaideep Reddy, “Duty of the Union under Art.355of the Constitution – remembering the Constitutional Ideal of Co-operative Federalism”, NUJS, 371, 2011.
3. N. N. Vohra, “National Governance and Internal Security”, AIR power Journal, Volume No.3, 2008.
4. C.Raj Kumar “Human Rights Implications of National Security Laws in India: Combating Terrorism While Preserving Civil Liberties, 33. Denv.J.Int’L&Pol’y 195(2005).
5. K.Jayasuda Reddy an Joy v. Joseph “Executive Discretion and Article 356 in India : A Comparative Critique”- Electronic Journal of Comparative Law, Vol -8.1 March 2004.

FURTHER READING:

BOOKS

1. *Constitutional law of India* by H.M.Seervai, Universal Law Publishing, 4th edition 2015.
2. Harish Narasappa “Rule of Law in India” A Quest for Reason, OUP India.
3. R. K. Mishra, “Facets of Naxalism-Threat to internal security”, Yking books, Jaipur, First Edition-2013.
4. K.M Mathur, “Crime, Human Rights and National Security”, (p. no 137, Gyan Publishing house, New Delhi, First Edition, 2011.
5. Surendra Malik and Sudeep Malik “Superme Court on Preventive Detention Laws” EBC Publishers
6. B.R Gupta Preventive Detention laws in J&K Jay &Kay Law Reporters (P) Ltd.
7. Brownlie, Ian, “Law of Public Order and National Security”, Butterworth – Heinemann, 2nd Revised Edition (1981).
8. Katherine B., Damer, Baird Robet, and Rosenbaum (eds.) *Stuart Civil Liberties v. National Security in a Post- 9/11 World*. Ambert: Prometheus Books, 2004.
9. VenkataTyer, *States of Emergency. The Indian Experience* (Butterworth, India 2000).
10. *Human rights in global politics* (timdunne&nicholas j. Wheeler, eds.,) Cambridge university press, 1999).

JOURNALS/ARTICLES

1. Chaitanya Ramachandran “PUCL v. Union of India revisited: why India’s surveillance law must be redesigned for the digital age” NUJS Law Review 7 NUJS L.Rev. 105 (2014).
2. SudhirKrishnaswamy, Madhav Khosla (2009) “Regional Emergencies under Article 356- The Extent of Judicial Review”- The Indian Journal of Constitutional Law, Vol 10.
3. Dominic McGoldrick “The Interface between Public Emergency Powers and International Law” OUP and New York University School of Law, 2004.
4. Gross, Emmanuel (2008) “How to Justify an Emergency Regime and Preserve Civil Liberties in times of terrorism” South Carolina Journal of International Law and Business: Vol-5 Iss-1, Article-2.
5. A Working Paper “Law and Emergencies: A Comparative Overview” The Minerva Centre for the Rule of Law under Extreme Conditions- January 2016.
6. Derek P.Jinks, the Anatomy of an Institutionalized Emergency: Preventive Detention and Personal Liberty in India, 22 Michigan Journal of International Law 311 (2001).
7. VD Sebastian “Martial Law and the Defence of Constitutional Order in India” Kerala University Law Review, 1971.
8. VIA MEDIA, Information Documentation Research and Analysis Kendra, Bombay “Special issue of TADA” June- August 1994.
9. Singh, Baljit. “India's Security Concerns: National, Regional And Global.” The Indian Journal of Political Science, vol. 65, no. 3, 2004, pp. 345–364. JSTOR, www.jstor.org/stable/41856061.
10. Adam Klien Benjamin “Preventive Dentition theory and Practice in USA” Harvard National Security Journal- Vol 2, 2011.

CASES FOR GUIDANCE

1. Liversidge v. Anderson (1941) 3 All E.R.338
2. Rex v. Halliday 1917 A.C 260.
3. AK Gopalan v. State of Madras 1950 AIR 27
4. AK Roy v. Union of India 1982 AIR 710
5. Wright v. Fitzgerald 130 Neb. 440(1936)
6. S.R.Bomma v. Union of India 1994 SCALE (2) 37.
7. SarbanandaSonwal v. Union of India

8. Kharak Singh v. State of U.P., AIR 1963 SC 129
9. H.S.Jain v. Union of India
10. Ahmed Noormohmad Bhatti v. State of Gujarat AIR 2005
11. Peoples Union for Civil Liberties v. UOI (1997) 1 SCC 301
12. Naga Peoples Movement of Human Rights v. Union of India AIR 1998 SC 431
13. Ram Manohar Lohia v. State of Bihar AIR 1966 SC 740
14. Indira Gandhi v. Raj Narain 1975 SCR (3) 333
15. Makhan Singh v. State of Punjab AIR 1964 SC 361
16. A.D.M. Jabalpur v. Shivakant Shukla (1976) 2 SCC 521
17. Arjun Singh v. State of Rajasthan 2013(14) SC 104.
18. Bhutnath Mete v. State of West Bengal 1974 AIR 806
19. Ghulam Sarwar v. Union of India 1967 SCR (2) 271
20. Yakub v. State of Jammu and Kashmir 1968 SCR (2) 227

LEARNING OUTCOMES

On the Completing of the Course, students will be

- *Appreciate the need for civil liberty to be protected under the Constitution.*
- *Understand the role played by the Judiciary in protection of civil liberty.*
- *Debate whether it is justifiable to violate civil liberties in the name of national security?*
- *Analysis the balance between the national security and civil liberties.*

PAPER - IX
CENTRE - STATE FINANCIAL RELATIONS
(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

This paper aims at giving the students an insight into the federal structure as envisaged in the Constitution of India and focuses upon educating them about the financial relationship between the Centre and State. The true essence of working of federalism lies with the proper division of powers and responsibilities in all arenas. The Indian Federalism has changed over the period of time from the concept of centralized federalism to the relative new concept of Cooperative federalism, one of the important factors for this change is increasing influence of regional parties in the Union Government, due the rise of coalition politics and the State Government has contributed to India's growth story, especially in the post liberalization era. This paper will examine the constitutional provisions relating to taxing powers and institutions for interstate governmental transfers to address the imbalances between the responsibilities and financial resources.

After undergoing the study, the student will be able to understand the following,

- *Insight into federal structure as envisaged in the Indian Constitution.*
- *Devolution of taxing powers between Union and the States.*
- *Tax Sharing and its problems.*
- *Concepts of Cooperative Federalism in India.*

COURSE OUTLINE

MODULE I - FEDERALISM ESSENTIALS

- a) Introduction- Federalism Meaning, Characteristics and scope of Indian Federalism.
- b) Evolution of federalism in India- Difference between Federalism and Confederation.
- c) Cooperative Federalism in India.

MODULE II - DEVOLUTION OF POWERS BETWEEN UNION AND STATE UNDER THE CONSTITUTION

- a) Constitutional Provisions – Centre- State relations- Taxing powers- Expenditure responsibilities.

- b) Position of States in India- Factors responsible for subordination of Indian States.
- c) Extent of Union Power of Taxation – Inclusion of Residuary Power in the Fiscal Power – Restriction of fiscal powers- Inter – Government Tax Immunities – Fundamental rights- Double taxation.

MODULE III - INTERGOVERNMENTAL TRANSFERS

- a) Characteristics of Federal Economy and its Problem.
- b) Imbalance between the Functional Responsibility and Financial Resources- Vertical and Horizontal Imbalance.
- c) Tax sharing under the Indian Constitution from itemized sharing to Universal sharing- Introduction to GST- Tax sharing after GST.

MODULE IV - FINANCE COMMISSION AND ITS ROLE IN DEVOLUTION

- a) Finance Commission- Constitution, Responsibilities and Functions- CAA Debates on role of Finance Commission.
- b) Finance Commission and Commonwealth grants Commission- Role of Finance Commission- Distribution of tax in the divisible pool- Fiscal Grants in aids to the States.
- c) Various approaches and criteria adopted by the Union Finance Commission to devolve funds- Planning Commission as the trespass to functions of Finance Commission- Planning Commission replaced as NITI Aayog.

MODULE V - BORROWING POWER OF THE UNION AND STATES

- a) Borrowing by the Government of India- Conditions under the Constitution.
- b) Borrowing by the State Governments- Analysis of Article 293- Scope and Conditions imposed under Cl (4).
- c) Larger Architecture of regulation on State Borrowing- Finance Commission- Reserve Bank of India- Central Fiscal Responsibility legislation (Fiscal Responsibility and Budget Management Act- 2003)- State Fiscal Responsibility legislations.

MODULE VI - INTER- STATE TRADE, COMMERCE AND INTERCOURSE AND COOPERATIVE FEDERALISM INSTITUTIONS

- a) Primary object and Aim of protecting freedom of trade in two tier polity, Constitutional provisions- Article 19(1)(g) and Article 301.

- b) Restriction on legislative power of the Union and States with regard to trade and commerce- saving clause- Need for authority under Article 307.
- c) Constitutional Bodies- GST Council- Constitution, Composition, Powers, Meetings, Voting patterns, Dispute adjudication. Inter- State Council- Composition- Powers, role- Extra Constitutional Bodies- Zonal Councils under State's Reorganization Act, 1955- Organization structure, Role and Objectives, Functions, Meetings. NITI Aayog- Composition- Functions.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. H.M. Seervai, Constitutional Law of India 4th Edition 2019 Universal Book Publication, New Delhi.
2. C. Rangarajan and D.K. Srivastava, Federalism and Fiscal Transfers in India, Oxford University Press India Publication.
3. Naseer Ahmed Khan (ed.,) Challenges and issues in Indian Fiscal Federalism, Springer, Singapore.
4. Y.V. Reddy and GB Reddy- India Fiscal Federalism Oxford University Press India Publication.
5. Mukherjee, S., Bagchi, A., Rao, R. K. (2019). Evolution of Goods and Services Tax in India. India: Cambridge University Press.

JOURNALS/ARTICLES

1. Prakash Chandra Jha. (2019) Current Trends and Issues in Indian Federalism. Indian Journal of Public Administration 35, pages 001955611984459.
2. Kelkar, V. (2019). Towards India's new fiscal federalism. Journal of Quantitative Economics, 17(1), 237–248.
3. Rao, M. G. (2019). Redesigning the fiscal transfer system in India. Economic & Political Weekly, 54(31), 52–60.
4. Amaresh Bagch, Fifty Years of Fiscal Federalism in India an Appraisal, Working Paper- 03, National Institute of Public Finance and Policy.

5. Niranjana Sahoo "Centre-State Relations in India: Time for New Framework" Observer Research Foundation Occasional Paper 62.

FURTHER READING:

BOOKS

1. Anirudh Prasad "Centre-State Relations in India: Constitutional Provisions, Judicial Review, Recent Trends" Deep and Deep Publications, New Delhi.
2. M.M. Sury, Centre- State Financial Relationship in India- 1870 to 2010, India Tax Foundation.
3. Braun, Dietmar, Ruiz-Palmero, Christian, Schnabel, Johanna (2017) Fiscal Consolidation in Federal States. Conflicts and Solutions. Routledge Studies in Federalism and Decentralization. Routledge, Abingdon/New York.
4. Asok Chandra, Federalism in India, Allen & Unwin Publisher (1 April 1965)
5. K.C. Wheare, Federal Government (1963)
6. Musgrave, Richard A. (1959). The Theory of Public Finance. New York: McGraw-Hill.
7. R.K. Chaubey "Federalism, Autonomy and Centre- State Relations" Satyam Books, New Delhi.
8. Dr. M.S. Khalsa "Dynamics of Centre- State Relations in India: Eroding or Strengthening"
9. S.N. Singh "Centre-State Relations in India: Najeor Iritants and Post Sarkaria Review" H.K Publishers, New Delhi.
10. M. Burgess "Comparative Federalism: Theory and Practice" Routledge, 2006.

JOURNALS/ARTICLES

1. H.M. Rajashekhara, 'Nature of Indian Federalism: A critique' 37(3) University of California Press 245-253 (1997).
2. Tanvir Aejaz, Politics of Welfare: Comparisons across Indian States, edited by Louise Tillin, Rajeshwari Deshpande and K.K. Kailash, Publius: The Journal of Federalism, Volume 47, Issue 4, Fall 2017
3. Douglas V. Verney, Federalism, Federative Systems, and Federations: The United States, Canada, and India, Publius: The Journal of Federalism, Volume 25, Issue 2, Spring 1995.

4. Kenneth Kletzer and Nirvikar Singh Indian Fiscal Federalism: Political Economy and Issues for Reform, Working Paper-22, Stanford University, Centre for International Development.
5. Tewari, Manish, And RekhaSaxena. “The Supreme Court of India: The Rise of Judicial Power and the Protection of Federalism.” Courts in Federal Countries: Federalists or Unitarists?, edited by NICHOLAS ARONEY and JOHN KINCAID, University of Toronto Press, Toronto; Buffalo; London, 2017.
6. W. R. Lane, The Grants Commission and Equalization Grants, Publius: The Journal of Federalism, Volume 7, Issue 3, Summer 1977.
7. Jay Kumar Singh, Dynamic De/Centralization in India, 1950–2010, Publius: The Journal of Federalism, Volume 49, Issue 1, Winter 2019
8. M. P. Singh and Rekha Saxena., Karabi Bezboruah, Federalizing India in the Age of Globalization, Publius: The Journal of Federalism, Volume 44, Issue 2, Spring 2014.
9. M. Govinda Rao, Incentivizing Fiscal Transfers in the Indian Federation, Publius: The Journal of Federalism, Volume 33, Issue 4, Fall 2003
10. R.B. Jain, ‘Federalism in India: Emerging trends and future outlook’ Indian Constitution: Trends and Issues. ILI (1978)

CASES FOR GUIDANCE

1. His Holiness Kesavananda Bharati Sripadagalvaru v. State of Kerala &Anr., (1973) 4 SCC 225
2. S.R.Bommai and Others v. Union of India (1994) 3SCC
3. State of West Bengal v. UOI, AIR 1963 SC 1241
4. State of Rajasthan v. Union of India (1977) 3 SCC 592.
5. The Secretary, Government of Madras, Home Department &Ors. v. Zenith Lamp and Electrical Ltd. AIR 1973 SC 724
6. State of West Bengal v. Kesoram Industries Ltd and Anr., AIR 2005 SC 1646
7. Atiabari Tea Co v. State of Assam AIR 1951 SC 232.
8. Bannari Amman Sugars Ltd. v. Commercial Tax Officer and Ors. (2005) 1 SCC 625.
9. The Commissioner Hindu Religious Endowments, Madras v. Lakshmindra Thirtha Swamiar of Sri Shirur Mutt, AIR 1954 SC 282

10. Bangalore Development Authority v. The Air Craft Employees Cooperative Society Ltd. and Ors. 2012 (1) SCALE 646
11. C. Rajagopalachari v. Corporation of Madras AIR1964 SC 1172
12. State of Madras v. Gannon Dunkerley Company AIR 1958 SC 15
13. Hoechst Pharmaceuticals Ltd v. State of Bihar 1983 AIR 1019
14. Union of India v. H.S Dhillon (1971) 2 SCC 779
15. Jindal Stainless Ltd &Anr v. State of Haryana &Ors AIR (2016) SC 5617.
16. State of Karnataka v. Union of India, AIR 1978 SC 68
17. State of West Bengal v. Union of India, AIR 1963 SC 1241
18. Ganga Ram Mool Chandani v. State of Rajasthan AIR 2001 SC 2616
19. ITC Ltd v. Agricultural Produce Market Committee AIR 2002 SC 852
20. CIT v. Raja Benoy Kumar Sahas Roy (1957) 32 ITR 466(SC).

LEARNING OUTCOMES

On the Completion of this course, students will

- *Appreciate the Nature, Scope and Evolution of Fiscal Federalism In India.*
- *Understand the working of federalism in India.*
- *Learner will be able to comprehend the roles played by various Planning commission in Fiscal Interstate Transfer.*
- *Students will be able to analyze the issues and problems in Indian Federalism*

PAPER - X
LAW OF PUBLIC POLICY AND GOVERNANCE
(Generic Elective Paper)

OBJECTIVES OF THE COURSE

The overarching aim of the course is to provide students with a solid grounding in key themes of public policy and Governance as well as the practical and issue-oriented knowledge which will prepare students for their future roles as policy-makers, administrator, advisors, and analysts in governmental and non-governmental organizations. Through the core curricula of this course, students will gain a detailed and systematic understanding of how policy-making processes are shaped and influenced by both, actors and political institutions, and how public policies operate at each level of governance. Indian Constitution provides legal framework for laws and policies framed. Law provides a framework within which public policy is developed, shaped and implemented. In the Law and Public Policy module Students will explore the key ideas which underpin how legal systems work.

After undergoing the study, the student will be able to understand the following,

- *Scope, Significance and types of Public Policy.*
- *Various stakeholders' contributions in policy making.*
- *Political, Financial and popular difficulties in the implementation of policy.*
- *Analysis the policy cycle.*
- *Initiatives for Good Governance.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Concept of Public Policy and Governance and its relationship.
- b) Nature, Scope and Significance of Public Policy- Definition, Types of Public Policy- Regulatory, Welfare, Distributive and Re-Distributive.
- c) Stages of Public Policy making- conceptualization, Formulation, Implementation and Evaluation- Importance of Public Policy making.

MODULE II - POLICY MAKING IN INDIA

- a) Constitutional framework of Policy Making in India- Institutional factors: Legislative, Executive Judiciary, NitiAayog, National Development Council, etc. and other forces in Policy Making.
- b) Public opinion, Political Parties, Non- Governmental agencies, Think tanks, Interest groups and Pressure Groups, Mass Media, Social Movements.
- c) External influencing agencies- UNDP, WHO, UNEP, World Bank, IMF etc in Public Policy making.

MODULE III - POLICY IMPLEMENTATION

- a) Public Policy delivery agencies and Implementations- Role of Governmental agencies in Policy Implementation.
- b) Need of Private and scientific agencies for implementation.
- c) Problems in Public Policy Implementation: Conceptual, Political and Administrative Problems, Conditions for Successful Implementation.

MODULE IV - POLICY IMPACT AND EVALUATION

- a) Meaning of Policy Impact and its importance.
- b) Dimensions of Policy Impact- Assessment of Policy Impact and feedback.
- c) Policy Evaluation: Role, Process and Criteria, Types of Evaluation, Evaluating Agencies – Problems and Dilemmas in Policy Evaluation

MODULE V - PUBLIC POLICIES

- a) Case study- Population Policies, Education Policies,
- b) Environmental Policies, Health Policies,
- c) Public Accountability Policies, etc.

MODULE VI - DEMOCRACY AND GOVERNANCE CONCEPTS

- a) Democracy – Types of Democracy: Direct and Representative.
- b) Basic Principles of Democracy: Pluralism, Citizenship and Respect for Human Rights- Federalism- working of federal system in India.

- c) Governance: Meaning and Features - Government and Governance – Theories of Governance: Rational Choice, Systems and New Institutionalism- Good Governance - Features of Good Governance.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Ayyar R V, Public Policymaking in India (2009).
2. Dye, T.R. (2002) Understanding Public Policy, 10th edition Pearson, New Delhi.
3. MathurKuldeep, Public Policy and Politics in India, How Institutions Matter (Oxford India Paperbacks) (2015).
4. Mohanty, Biswaranjan. (2009). Constitution, Government and Politics in India – Evolution and Present Structure, New Century Publications, New Delhi.
5. KuldeepMathur, From Government to Governance, National Book Trust, New Delhi, 2009.

JOURNALS/ARTICLES

1. Balmiki Prasad Singh, The Challenge of Good Governance in India: Need for Innovative Approaches, Harvard Journal of Law and Governance.
2. Vinod Vyasulu, Good' Governance in India: How Good or Bad?Millennial Asia, Sage Publication.
3. Yadav, Sushma. "Public Policy And Governance In India: The Politics Of Implementation." The Indian Journal of Political Science, vol. 71, no. 2, 2010, pp. 439–457. *JSTOR*, www.jstor.org/stable/42753707.
4. Anindya Chaudhuri, Policy Studies, Policy Making and Knowledge Driven Governance, EPW, Vol 51, Issue No- 23.
5. Saint-Martin, Jean-Guy. "Increasing Ngo Influence On Development Policy." Peace Research, vol. 26, no. 1, 1994, pp. 79–86. *JSTOR*, www.jstor.org/stable/23607473.

FURTHER READING:

BOOKS

1. Bevir, Mark (Ed.), The Sage Handbook of Governance, Sage, 2011.
2. B.C.Smith, Good Governance and Development, Palgrave Macmillan, 2007.

3. Jain, M. P. (2010). Indian Constitutional Law, 6th edition (2 vols), LexisNexis Butterworths Wadhwa, Nagpur
4. Laxmikanth, M. (2011). Governance in India, Tata McGraw-Hill Education, New Delhi.
5. World Bank. (1994). Governance: The World Bank's experience. Washington, D.C: The World Bank.
6. Sapru R.K (1996) Public Policy: Formulation, Implementation and Evaluation, Sterling Publication, New Delhi.
7. Anderson, James E., 1975, Public Policy-Making, Praeger, New York.
8. Robin, Jack (Ed.), 2005, Encyclopedia of Public Administration and Public Policy, Taylor & Francis, London.
9. Kabra, Karnal Nayan, 1997, Development Planning in India, Exploring an Alternative Approach, Sage Publications, New Delhi.
10. Dayal, Ishwar, "Organization for policy Formulation", Kuldeep Mathur, (Ed.) 1996, Development Policy and Administration, Sage Publications, New Delhi.

JOURNALS/ARTICLES

1. Shiv Visvanathan, A New Public Policy for a New India, Hindu dated 6th April 2015.
2. Mehta, Asha Kapur, 2004, Multidimensional over^ in India: District Level Estimates, CPRCCIPA Working Paper 9, IIPA, New Delhi.
3. Lasswell, Harold, "The Emerging Conception of the Policy Sciences", Policy Sciences, Vol, 1, 1970.
4. Wendy Doniger and Martha C. Nussbaum "Pluralism and Democracy: Debating the Hindu Right" Oxford University Press, India.
5. World Bank Policy and Research Bulletin, Vol. 11 and Vol. 12 No. 4 & No 1, October-December 2000, and January-March 2001.
6. Lindblom, Charles, E, "Policy Analysis", American Economic Review, 48 (3), 1958.
7. Ukeles, Jacob B, "Policy Analysis : Myth or Reality?", Public Administration Review, 37(3), 1 977
8. Jain, R.B., "Managing public policy in India: The implementation gap", The Indian Journal of Public Administration Vol. XLIII, No. 3, July-September 1997.

9. United Nations ESCAP,.2006 "Enhancing Regional Cooperation in Infrastructure Development Including that related to Disaster Management", Economic and Social Commission for Asia and the Pacific, ,United Nations publication, New York.
10. John orth “The Role of the Judiciary in Making Public Policy” https://nccppr.org/wp-content/uploads/2017/02/The_Role_of_the_Judiciary_in_Making_Public_Policy.pdf.

CASES FOR GUIDANCE

1. His Holiness Kesavananda Bharati Sripadagalvaru v. State of Kerala (1973) 4 SCC 225
2. Smt. Indira Nehru Gandhi v. Shri Raj Narain&Anr. , 1975 (Supp) SCC 1
3. Apparel Export Promotion Council vs. A.K. Chopra [(1999) 1 SCC 759
4. Vishaka v. State of Rajasthan [(1997) 6 SCC 241]
5. ThussainaraKhatoon and others v. Home Secretary State of Bihar AIR 1979 SC 1360
6. Prem Shankar Shukla v. Delhi Administration 1980 SCC 526.
7. PUCL v. UOI AIR 1997 SC 568.
8. D.K Basu v. State of West Bengal AIR 1998 SC 610.
9. Akhil Bharatiya Shoshit Karmachari Sangh (Railway) v.UOI, AIR 1981 SC 281.
10. S.P. Gupta and others vs. Union of India AIR 1982 SC 149
11. Minerva Mills Ltd v Union of India AIR 1980 SC 1789
12. Unni Krishnan v State of AP (1993) 1 S.C.C. 645.
13. Ajay Hasia v Khalid Mujib AIR 1981 SC 487
14. M.C Metha v. UOI 1986 SCC 176.
15. M.C. Mehta v. Kamal Nath, [(1997) 1 SCC 388
16. Union of India v. Association for Democratic Reforms and Anr. (2002) 5 SCC 294
17. P.A. Inamdar&Ors. V. State of Maharashtra &Ors. (2005) 6 SCC 537.
18. BandhuaMuktiMorcha v Union of India (1984) 3 S.C.C. 161
19. ShayaraBano v. Union of India & Others (2017) 9 SCC 1
20. Joseph Shine vs Union of India, 2018 SCC OnLine SC 1676

LEARNING OUTCOMES

- *The learner will understand the nature and meaning public policy and its importance of public policy.*
- *Learner will be able to comprehend the roles played by various agencies in public policy making and implementation.*
- *Students will be able to list the political, financial and popular difficulties in the implementation of policy.*
- *Students will be able to analyze the cycle of selected public policies.*
- *On successful completion of the course, learner will describe the initiatives for good governance.*

PAPER - XI
PUBLIC SERVICE LAW: COMPARATIVE CONSTITUTIONAL
JURISPRUDENCE

(Generic Elective Paper)

OBJECTIVES OF THE COURSE

The service law jurisprudence in the country, owed its major growth from the English and American development is a recognized fact. Civil servants constitute a separate species of the labour force in India and are given rights as well as liabilities under the Constitution. Inevitably, the constitutional dimensions of these rights and obligations are to be studied in this course. The laws and regulations relating to their recruitment and promotion, conditions of service and the dispute settlement mechanisms form important components of the study. This course also contains Special Category Services such as Judicial Services, the Supreme Court and High Court Personnel and All India Services.

After undergoing the study the student will be able to understand the following:

- *To understand the historical, constitutional and legal framework governing the civil service in India.*
- *To understand the problems that civil servants are facing in service.*
- *To discuss the recruitment and promotion, conditions of service and the settlement of disputes over service matters.*
- *To familiar with Special Category Services such as Judicial Services, the Supreme Court and High Court personnel and All India Services.*

COURSE OUTLINE

MODULE I - CIVIL SERVANTS AND CONSTITUTIONAL DIMENSIONS

- a) Civil Servants and the Fundamental Rights - Historical and Comparative Perspectives - Equality and Protective Discrimination: Principles and Practices.
- b) Service Regulations - The Constitutional Bases - Formulation of Service Rules – Doctrine of Pleasure - Limitations on Doctrine of Pleasure.
- c) Opportunity of being heard and its exceptions.

MODULE II - RECRUITMENT AND PROMOTION

- a) Central and State agencies for Recruitment (UPSC & SPSC).
- b) Union Public Service Commission - Jurisdiction, Qualification, Functions, Immunities, Consultation with Commission.
- c) State Public Service Commission - Jurisdiction, Qualification, Functions, Immunities, Consultation with Commission.

MODULE III - CONDITIONS OF SERVICE

- a) Pay, Dearness Allowance and Bonus: Machinery for fixation and revision, Pay Commission.
- b) Social Security: Provident Fund, Superannuation and Retiral benefits, Medicare, Maternity benefits, Employment of children of those dying in harness, Compulsory insurance.
- c) Kinds of leave and conditions of eligibility - Civil and Criminal immunities for action in good faith.

MODULE IV - CIVIL SERVICE: AMALGAM OF PRINCIPLES, COMPROMISES AND CONFLICTS

- a) Neutrality - Commitment dilemma, Permanency, Expertise and Institutional Decision Making.
- b) Relaxation of Age and Qualification in Recruitment, Spoils System, Seniority-cum Merit Recruitment and Promotion - Frequent transfers, Education of Children, Housing and Accommodation.
- c) Civil Service and Politics, Politicization of government servants organization and inter-union rivalry

MODULE V - SPECIAL CATEGORIES OF SERVICES

- a) Judicial services: Subordinate Judiciary - Judicial officers and servants: Appointment and Conditions of Service.
- b) Officers and Servants of the Supreme Court and the High Courts: Recruitment, Promotion, Conditions of Service and Disciplinary Action.
- c) All India Services: Objects, Regulation of Recruitment, Conditions of Service and Disciplinary Proceedings.

MODULE VI - SETTLEMENT OF DISPUTES OVER SERVICE MATTERS

- a) Departmental remedies: Representation, Review, Revision and Appeal - Remedy before the Administrative Tribunal:
- b) Judicial Review of Service Matters – Jurisdiction of the Supreme Court and High Courts.
- c) Comparative Position in England, United States and France.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. M. Rama Jois, Services under the State, Indian Law Institute, New Delhi, 2007.
2. M.R.Mallick, service Law in India, Eastern Law House, 2000.
3. Samaraditya Pal, Law Relating to Public Service, 3rd Edition, LexisNexis, 2011.
4. Babita Devi Pathania, Service Laws in India, Allahabad Law Agency, 1st Edition, 2016.
5. H.M.Seervai, Constitutional Law of India, Universal Law Publishing Co.Ltd, 4th Edition, 2005.

JOURNALS /ARTICLES

1. Arjun P.Aggarwal, Freedom of Association in Public Employment, 14 JILI (1972)
2. C.K.Kochukoshy, “All India Services-The role and the Future”, 1972. I.J.P.A. 67.
3. Douglas Vass, “The Public Service in Modern Society”, 1983. I.J.P.A. 970Z.
4. M.S. Siddiqi, “Sanction for the Breach of Contracts of Service”, 1983. I.J.P.A. 359.
5. O.P.Motilal, “Compulsory Retirement”, 1975. I.J.P.A. 247.

FURTHER READING:

BOOKS

1. M.P.Jain, Indian Constitutional Law, LexisNexis, Eighth Edition, 2018.
2. K.C Davis Administrative law, University of San Diego.
3. Soonavala, Supreme Court on Service Laws (1950-2017) 4th Edition, LexisNexis, 2017.
4. H L Kumar, Model Appointment Letters and Service Rules, 6th Edition, LexisNexis, 2016.
5. N.Narayan, Nair, The Civil Servant under the Law and Constitution, The Academy of Legal Publications, Trivandrum (1973).
6. K.K.Goyal, Administrative Tribunals Act (1985).

7. Doabia&Doabia, The Law of Services and Dismissals, 6th Edition, LexisNexis, 2015.
8. Balram K. Gupta, 'Administrative Tribunals and Judicial Review : A Comment on Forty-second Amendment', pp. 401-425, in Indian Constitution : Trends and Issues, (ed.) Rajeev Dhavan and Alice Jacob (N.M. Tripathi, Pvt. Ltd., Bombay 1978).
9. H.L Kumar "Law Relating to Dismissal, Discharge and Retrenchment under Labour Laws" 5th Edition, 2014 Universal Publication New Delhi.
10. Ranadhir Kumar De "Cases and Material on Service Disputes" EBC, 2012.

JOURNALS / ARTICLES

1. D.S. Chopra, "Doctrine of Pleasure-its scope implication and limitations", 1975 I.J.P.A.92 G. C.
2. Subba Rao, "The O.N.G.C. Case and New Horizons in Public Services Law", 1975 S.C.J. 29.
3. Leelakrishnan, p. (2012). Reviewing decisions of administrative tribunal: paternalistic approach of the indian supreme court and need for institutional reforms. Journal of the indian law institute, 54(1), 1-26. Retrieved december 13, 2020, from <http://www.jstor.org/stable/43953523>
4. Sanjay Gupta and Smriti Sharma "Judicial Analysis of the Powers and Functions of the Administrative Tribunals" Christ University Law Journal 3, 1 (2014).
5. Anupa V. Thapliya "Central Administrative Tribunals and Their Power to Issue Directions, Orders or Writs under Articles 226 and 227 of the Constitution" EBC (1992) 4 SCC (Jour) 18.
6. Anupa V. Thapliyal, 'Role of the Central Administrative Tribunal: Whether Confined to Judicial Review'? A Critique of Union of India v. Parma Nanda, (1990) 1 SCC 11 (Jour).
7. Rajeev Dhavan, 'amending the Amendment: The Constitution (Forty-fifth Amendment) Bill, 1978', 20 J.I.L.I. (1978) 249-272 at p. 267.
8. Dial, Rameshwar. "Civil Servants under the Constitution." Journal of the Indian Law Institute, vol. 2, no. 4, 1960, pp. 481–508. JSTOR, www.jstor.org/stable/43949606.
9. Aggarwal, Arjun P. "Freedom of Association in Public Employment." Journal of the Indian Law Institute, vol. 14, no. 1, 1972, pp. 1–20. JSTOR, www.jstor.org/stable/43950116.
10. Tyagi, A. R. "Role of Public Service Commissions in India." The Indian Journal of Political Science, vol. 20, no. 4, 1959, pp. 343–357. JSTOR, www.jstor.org/stable/42743529.

CASES FOR GUIDANCE

1. S.B.Saha v. M.S.Kochar AIR 1979 SC 1841
2. Bajinath v. State of Madhya Pradesh AIR 1996 SC 220.
3. Chand Mal Chayal v. State of Rajasthan, AIR 2006 SC 3340.
4. Mathura Prasad v Union of India, AIR 2007 SC 381.
5. Veerendra Singh Hooda and other v. State of Haryana and another, AIR 2005 SC 137
6. Union of India v. R.K.Chopra, AIR 2010 649.
7. Kendriya Vidyalaya Sangathan & Another v. Satbir Singh Mahla, AIR 2008 SC 16126.
8. UP State Sugar Corporation Ltd. & another v. Kamal Swaroop Tandon, AIR 2008 SC 1235.
9. Commr. of Police v. Syed Hussain, AIR 2006 SC 1246.
10. GOI & Another v. George Philip, AIR 2007 SC 705.
11. Addt. Manager, Human Resource, BHEL Ltd. v. Suresh Ramkrishna Burde, AIR 2007 SC 2048.
12. Shiv Pujan Prasad (died) by LRs. v. State of UP and another, AIR 2010 SC 256.
13. N.Ramanatha Pillai v. State of Kerala, AIR 1973 SC 245.
14. State of Bihar v. Abdul Majid, AIR 1954 SC 245.
15. Union of India v. Tulsiram Patel, AIR 1985 SC 1416.
16. M.Gurumoorthy v. Accountant General, Assam & Nagaland, AIR 1971 SC 1850.
17. L.Chandra Kumar v. Union of India, AIR 1997 SC 1125.
18. J.Panduranga Rao v. The public Service Commission AP, AIR 1963 SC 268.
19. D.S.Nakara v. Union of India AIR 1983 SC 130.
20. Post Graduate Institute of Medical Education Research v. Faculty Association, AIR 1998 SC 1767.

LEARNING OUTCOMES

After completion of the course the students will be able to-

- *Analyze the historical, constitutional and legal framework governing the civil service in India.*
- *Highlight and critically analyze the problems that civil servants are facing in service.*
- *Examine the recruitment and promotion, conditions of service and the settlement of disputes over service matters.*
- *Identify the Special Category Services such as Judicial Services, the Supreme Court and High Court personnel and All India Services.*
- *Evaluate the latest developments and issues in the field of Service Law.*



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

**DEPARTMENT OF CRIMINAL LAW AND
CRIMINAL JUSTICE ADMINISTRATION**

DEPARTMENT OF CRIMINAL LAW AND CRIMINAL JUSTICE ADMINISTRATION

The Tamil Nadu Dr. Ambedkar Law University Act, 1996 has the preambular objective of advancement and promotion of learning and knowledge of law in the education pattern of the state of Tamil Nadu. To provide suitable Post Graduate Courses and promoting Research in various fields of law is a principle obligation on the part of the university. Towards attaining the same, two – year LL.M. course Branch VI – Post Graduate Department of Criminal Law and Criminal Justice Administration was established in the year 2006 and the course was offered from the year 2007 under the semester pattern. The academic calendar and the curriculum are strictly as guided by the UGC. Subsequently, as mandated by the commission, the course was restructured under CBCS pattern, to design the same to be more students centric with holistic and flexible syllabi. Criminal law is a branch of law that relates exclusively to crime and the Criminal Justice System refers to a combination of state functionaries and processes which are involved in crime detection, its adjudication and correction of criminal conduct. The course is expected to provide the maximum sense of security to the people at large by dealing with crimes and criminals effectively, quickly and legally. The syllabi involves an advanced study of key laws and policies related to areas such as Contemporary and Applied Approach to Criminal Justice System, Law relating to Drugs and Enforcement Agencies, Economic Crime – Multidisciplinary and Cross National Perspective, Organized and Unorganized Crimes – Law and Policy , Digital Crime and Digital Forensic in Cyber Space, Law of Victimology And Human Rights – Juristic Perspective, Criminal Justice System – A Comparative Jurisprudence, Criminal Justice Research and Policy Development, Medical Ethics and Accountability, Criminalistic and Scientific Investigation – Law And Policy and Elite Class Deviance and Crime Accountability. The syllabus has been accordingly restructured with effect from the academic year 2020 – 21.

Controlling crime and achieving justice are goals that all societies must seek to achieve. Study of these subjects makes these goals possible. The future of the study of criminal law and criminal justice administration is quite robust. Increasingly it is called upon to contribute to the understanding of how crime prevention and control can be improved. The department continues to conduct various research initiatives in these areas and major issues to continue to address. Department besides imparting curriculum has been providing practical exposure to the students via visiting Central Prison, Forensic Sciences Department, Department of forensic medicine for Autopsy Visit, Trust way foundation De addiction centre and Juvenile Home Visit. Eligible candidates aspiring to pursue the course would ideally possess an innovative mind as the line of work requires them to answer hypothetical legal questions involving the criminal justice system. Successful postgraduates of Criminal Law and Criminal Justice Administrations interested in higher studies in the discipline may go for pursuing Ph. D & LLD in the subject. Such postgraduates find lucrative employment opportunities in areas such as National Legal Institutions, Law Firms, Defense, Criminologists, Detective, Criminal Lawyer, Forensic Science Technician, Lecturer / Professor.

THE TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY

BRANCH – VI

DEPARTMENT OF CRIMINAL LAW AND CRIMINAL JUSTICE

ADMINISTRATION

LL.M. SYLLABUS

SPECIALIZED CORE PAPERS – 06

1. Contemporary and Applied Approach to Criminal Justice System
2. Law relating to Drugs and Enforcement Agencies
3. Organized and Unorganized Crimes – Law and Policy
4. Law of Victimology and Human Rights – Juristic Perspective
5. Criminal Justice System – A Comparative Jurisprudence
6. Criminalistic and Scientific Investigation – Law and Policy

DISCIPLINE SPECIFIC ELECTIVE PAPERS – 03

7. Digital Crime and Digital Forensic in Cyber Space
8. Criminal Justice Research and Policy Development
9. Elite Class Deviance and Crime Accountability

GENERIC ELECTIVE PAPERS – 02

10. Economic Crime – Multidisciplinary and Cross – National Perspective
11. Medical Ethics and Accountability

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none"> 1. Judicial Process (Common Paper – I) 2. Legal Education and Research Methodology (Common Paper – II) 3. Contemporary and Applied Approach to Criminal Justice System (Specialized Core Paper – I) 4. Law relating to Drugs and Enforcement Agencies (Specialized Core Paper – II) 5. Economic Crime – Multidisciplinary and Cross – National Perspective (Generic Elective Paper – I)
Second Semester	<ol style="list-style-type: none"> 6. Constitutional Law: The New Challenges (Common Paper – III) 7. Law and Social Transformation in India (Common Paper – IV) 8. Organized and Unorganized Crimes – Law and Policy (Specialized Core Paper – III) 9. Digital Crime and Digital Forensic in Cyber Space (Discipline Specific Elective Paper – I) 10. Applied Research Methodology
Third Semester	<ol style="list-style-type: none"> 11. Law of Victimology and Human Rights – Juristic Perspective (Specialized Core Paper – IV) 12. Criminal Justice System – A Comparative Jurisprudence (Specialized Core Paper – V) 13. Criminal Justice Research and Policy Development (Discipline Specific Elective Paper – II) 14. Medical Ethics and Accountability (Generic Elective Paper – II)
Fourth Semester	<ol style="list-style-type: none"> 15. Criminalistic and Scientific Investigation – Law and Policy (Specialized Core Paper – VI) 16. Elite Class Deviance and Crime Accountability (Discipline Specific Elective Paper – III) 17. Skill Enhancement Course 18. Dissertation

PAPER – I

CONTEMPORARY AND APPLIED APPROACH TO CRIMINAL JUSTICE SYSTEM

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

Criminal Justice refers to the agencies of government charged with enforcing law, adjudicating crime, and correcting criminal conduct. The criminal justice system is essentially an instrument of social control: society considers some behaviour so dangerous and destructive that it either strictly controls their occurrence or outlaws them outright. It is the job of the agencies of justice to prevent these behaviours by apprehending and punishing transgressors or deterring their future occurrence. Although society maintains other forms of social control, such as the family, school, and church, they are designed to deal with moral, not legal, misbehaviour. Only the criminal justice system has the power to control crime and punish criminals. The central purpose of the Criminal Justice System is to deliver an efficient, effective, accountable and fair justice process for the public.

After undergoing the study, the student will be able to understand the following

- *To understand the jurisprudential basis of crime, criminal justice system and administration in India.*
- *To acquire an understanding on correctional system and alternatives to imprisonment within the realm of criminal justice administration.*
- *To understand the role played by different functionaries in the criminal justice administration to meet the challenges of the modern India.*
- *The need for reforms and new challenges in the wake of growing importance and realisation of victim's rights and necessity to involve all the stakeholders for ensuring justice to all.*

COURSE OUTLINE

MODULE – I: Crime and Criminal law

- a) Meaning, Nature, Scope – Characteristic features of crime – Essential elements of crime – Classification of Crime – Theories of crime
- b) Factors / Causations leading to crime – Reactions to crime – Prevention of crime
- c) Principles of criminal law – Criminal law and its role

MODULE – II: Philosophy of Criminal Justice System

- a) The Constitution and Criminal Justice System – Challenges of Criminal Justice System – Reform Strategy
- b) Ethics in Criminal Justice System – Issues in Criminal Justice System
- c) Stages of criminal justice process – Judicial Approach in Criminal Justice System

MODULE – III: Criminal Justice system – Its components and functions

- a) Investigative agency – Police – Prosecution – Defence Counsel – Courts – History of the Prosecution of India – Nature, Scope and Role of Prosecution
- b) Constitutional Provision of Role of Prosecution – Powers and Duties of Prosecutor – Role of Judiciary
- c) Critical Analyses of Role of Prosecutor – Role of Prosecution in Other Countries

MODULE – IV: Constitution of Criminal Courts

- a) Organization of Criminal Courts and Criminal Justice System – Control over Criminal Courts
- b) Accused and his Rights – Rights of Female Accused / Female Prisoners
- c) Law and procedure relating to Criminal Appeals, Revisions, Writ Petition and Special Leave Petitions

MODULE – V: Police Administration in Criminal Justice System

- a) Development of police force – Hierarchical structure of police force – Principles and functions of policing – Duties of civil police – Rural policing in India – Problems in police service
- b) Custodial torture – Police Public cooperation – Judicial opinions on police force – Modernization of police force – Role of police in International Issues
- c) Role of police in administration of criminal justice system – Directions of the Supreme Court relating to police reforms.

MODULE – VI: Penology with punishments and prison reforms

- a) Definition, objectives and scope of penology – Concept, definition, nature, forms and purposes of punishments
- b) Sentencing process – Mitigating & Extenuating circumstances in the decision making of sentence – Plea Bargaining – Alternatives to punishment.
- c) Therapeutic / Humanitarian approach to Prisoners – Measures to Reform criminals – Probation – Parole

MODULE – VII: Victimology: Victim and Victimisation

- a) Definition, nature and scope of victims and victimology – Categorization of the victims
- b) Theories of victimology – Victim of crime and victim of Abuse
- c) Consequences of victimology – victim Redressal Programmes – International Recognition of Victims' Rights

MODULE – VIII: Restorative Justice Process in Contemporary Criminal Justice

- a) History, Definition, Principles, Root and Values of Restorative Justice
- b) Restorative Justice in social context – Human rights and Restorative Justice
- c) Global appeal of Restorative Justice – Future of Restorative Justice

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Ahmed Siddiqui, *Criminology: Problems and Perspectives*, 4th Edition, Eastern Book Co. Lucknow 2014
2. Van Ness, Daniel W., and Karen Heetderks Strong. *Restoring justice: An introduction to restorative justice*. Routledge, 2014.
3. Ahmad, Dr. "A Brief Analysis of Theories of Punishment in India." Available at SSRN 3561458 (2020).
4. Maguire, Morgan and Reiner, *The Oxford Handbook of Criminology*, 3rd IC Edition, Oxford Univ Pres, New York 2015
5. *Criminology and Penology*, Rajendra K. Sharma, Atlantic Publishers and Distributors Pvt Ltd; 1st edition (19 December 2017)

JOURNALS / ARTICLES

1. Srinivasan, Murugesan, and Mathew Jane Eyre. "Victims and the criminal justice system in India: Need for a paradigm shift in the justice system." *Temida* 10, no. 2 (2007): 51 – 62.
2. Thilagaraj, R. "Criminal justice system in India." In *Handbook of Asian criminology*, pp. 199 – 211. Springer, New York, NY, 2013.
3. Dhillon, Kirpal. "The police and the criminal justice system in India." *The Police, State, and Society: Perspectives from India and France* 27 (2011).
4. Role of Public prosecutor in criminal administration of justice available at, 2017. www.lawyersclupedia.com>article>criminal law.

5. Chockalingam, Kumaravelu. "Measures for crime victims in the Indian criminal justice system." UNAFEI resource materials series 81 (2010): 97 – 109.

FURTHER READING:

BOOKS

1. Feinman, Clarice. Women in the criminal justice system. ABC – CLIO, 1994.
2. Fundamentals of Research in Criminology and Criminal Justice, Ronet D. Bachman, Russell K. Schutt, SAGE Publications, Inc; Fourth edition (2 January 2017)
3. Rao, S. Venugopala. Criminal Justice: Problems and Perspectives in India. Konark Publishers, 1991.
4. Devi, B. Uma. Arrest, Detention, and Criminal Justice System: A Study in the Context of the Constitution of India. Oxford University Press, 2012.
5. Shapland, Joanna, Jon Willmore, and Peter Duff. Victims in the criminal justice system. Aldershot: Gower, 1985.
6. Bharti, Dalbir. The constitution and criminal justice administration. APH Publishing, 2002.
7. French, Laurence, ed. Indians and criminal justice. Totowa, NJ: Allanheld, Osmun, 1982.
8. Das, Bharat Bhudan. Victims in the Criminal Justice System. APH Publishing, 1997.
9. Zehr, Howard. The little book of restorative justice: Revised and updated. Simon and Schuster, 2015.
10. Mawby, Rob, and Sandra Walklate. Critical victimology: International perspectives. Sage, 1994.

JOURNALS / ARTICLES

1. Sharma, D. P. "Speedy Justice and Indian Criminal Justice System." Indian Journal of Public Administration 45, no. 3 (1999): 356 – 363.
2. Starr, Fred M. "Indians and the criminal justice system." Canadian J. Criminology 20 (1978): 317.
3. Khan, M. Z., and N. Prabha Unnithan. "Criminal justice research and its utilization for policy making in India." International Journal of Comparative and Applied Criminal Justice 8, no. 1 – 2 (1984): 1 – 20.
4. Pearl, M. Alexander. "Criminal Justice in Indian Country." American Indian Law Review 38, no. 2 (2014): 13 – 23.
5. Bhagwati, P. N. "Human Rights in the Criminal Justice System." Journal of the Indian law Institute 27, no. 1 (1985): 1 – 22

6. Poblete – Cazenave, Rubén. "Crime and punishment: Do politicians in power receive special treatment in courts? evidence from India." Visited on 5, no. 19 (2019): 2020.
7. Riley, Angela R. "Crime and governance in Indian country." *UCLA L. Rev.* 63 (2016): 1564.
8. Nirmal, B. C. "Crimes within the Jurisdiction of the International Criminal Court and the Indian Response." *ISIL YB Int'l Human. & Refugee L.* 6 (2006): 106.
9. Reydams, Luc. "Niyonteze v. Public Prosecutor." *American Journal of International Law* 96, no. 1 (2002): 231 – 236.
10. Lochner, Lance. "Individual perceptions of the criminal justice system." *American Economic Review* 97, no. 1 (2007): 444 – 460.

CASES FOR GUIDANCE

1. Jagmohan Singh v. State of Punjab, (1973) 1 SCC 20
2. Ediga Anamma v. State of AP, (1974) 4 SCC 443
3. Rajendra Prasad v. State of UP, AIR 1979SC 916
4. Bachchan Singh v. State of Punjab, AIR 1980 SC 898
5. Machhi Singh v. State of Punjab, AIR 1983 SC 957
6. Kartar Singh v. State of Punjab, 1994 SCC (Cri) 899
7. Swami Shraddhanand v. State of Karnataka, AIR 2008 SC 3040
8. Ramji Missar v. State of Bihar, AIR 1963 SC 1088
9. Jagdev Singh v. State of Punjab, AIR 1973 SC 2427
10. Ram Naresh Pandey v. State of MP, (1974) 3 SCC 30
11. Musa Khan v. State of Maharashtra, 1976 Cr. LJ 1987 (SC)
12. Rajni Kanta v. State of Orissa, 1975 CrLJ 83
13. Mohammad Giasuddin v. State of AndhraPradesh, (1978) 1 SCR 153
14. M. H. Hoskot v. State of Maharashtra, (1978) 3 SCC 544
15. Sunil Batra v. Delhi Adm. (1978) 4 SCC 494
16. Sunil Batra v. Delhi Adm. (1980) 3 SCC 488
17. Sher Singh v. State of Punjab (1983) 2 SCC 344
18. Boddissattwa Gautam v. Subhra Chakraborty AIR 1996 SC 922
19. Chairman, Railway Board v. Chandrima Das – Manu / SC / 0046 / 2000
20. State of Andhra Pradesh v. Challa Ramakrishna Reddy, AIR 2000 SC 2083

LEARNING OUTCOME

- *Demonstrate knowledge of the major areas of the criminal justice system: policing, courts, corrections and the history of those components.*
- *Trace the relationship between the criminal justice complex and the socioeconomic elements of the Indian society.*
- *Trace the various types of crime and criminals, the numerous theories of crime causation, and the relationship between crime and its various correlates.*
- *Trace the various social movements over the years, and how they have impacted the criminal justice system.*
- *Analyse scholarly research, governmental crime statistics, and public policy.*

PAPER – II

LAW RELATING TO DRUGS AND ENFORCEMENT AGENCIES

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

Drug abuse is a social evil. Narcotics and other dependence producing substances have been used in the world in one form or another since times immemorial. Likewise trading in these substances has been carried on over a considerable period of time. Narcotics came into widespread use in Western medical practice during the latter part of the 19th century. They had in their crude form, been known for the so – called beneficial effects for centuries and had been extensively used, both therapeutically and non – therapeutically, for their calming, intoxicating and presumed curative properties. However, introduction of these drugs shortly led to their abuse. The course is designed to understand the need of wider Drug Trafficking Laws in a national and global perspective and how these policies affect the society in an affirmative way. The notion of International Conventions and its legislative intent is embarked in a careful manner with a wider prospect of future analysis.

After undergoing the study, the student will be able to understand the following

- *Understand the concept of Law of Narcotics in present scenario*
- *Study the role and significance of International treaties and conventions in policy management*
- *Study the working mechanism of contemporary institutions in narcotics law and policies*
- *Understand the legislation in the context of human rights approach.*

COURSE OUTLINE

MODULE – I: Drugs – Narcotics – Psychotropic substances

- a) Drugs – Narcotics – Psychotropic substances – Drug Dependence and Addiction – Primary drug abuse
- b) Trafficking in drugs – Drug addiction as a victimless crime – Drug related crimes
- c) Anagraphic and Social characteristics of Drug Users – Drugs: Their use and effects

MODULE – II: International Legal Regime

- a) Historical development of International Law on drug control
- b) Transnational Crime Convention – International Narcotics Control Board (INCB) – SAARC Convention on drug policies.

- c) US – India bilateral agreement on anti – narcotic cooperation – WHO – Health of the Victims – Drug Control Policy.

MODULE – III: Indian Regulatory System

- a) Narcotic Drugs and Psychotropic Substances (NDPS) Act: Its Legislative Intent
- b) National drug control framework – National Crime Records Bureau (NCRB) – United Nations Office on Drugs and Crime (UNODC)
- c) Criminal Justice System – Crime Control Institutions – National Coordination Scheme

MODULE – IV: United Nation & Human Rights

- a) Access to essential and control drugs – Rehabilitation of drug addicts – Anti drug Justice as Social Justice.
- b) Human Rights Abuses Committed Under the International Drug Control Regime – Punitive Drug Laws and Public Health Crisis
- c) International Guidelines on Human Rights and Drug Policy – Implementation of alternatives to uphold international human rights standards.

MODULE – V: Enforcement Mechanism

- a) Drug Laws Enforcement: Judicial Response – Identifying and Tracing the forfeitable properties
- b) International Narcotic Control Strategy Report – Special Narcotic Courts
- c) Doctrine of Onus Probandi – Punitive or Reformative – Reformation of Narcotic Legislation (NDPS Act).

MODULE – VI: Victimology and Social Justice

- a) Drug Abuse as a Social Problem – Anagraphic and Social Characteristics of Drug Users
- b) Victim's perception – Sociological factors – Marginalized and Underprivileged – Juvenile
- c) Psychoneuroimmunological mechanisms – Rehabilitation Measures – Towards Social Justice.

MODULE – VII: Drug Trafficking and Narco Terrorism

- a) Counter Measures for dealing with drug trafficking – Political Scenario – Cross Border issues.
- b) Drugs and development: The global impact of drug use and trafficking on social and economic development
- c) Associated Crimes – Mandate of the United Nations Office on Drugs and Crime (UNODC)

MODULE – VIII: Sustainable Welfare and Development

- a) Sustainable Solutions for Drugs Prevention
- b) National Action plan for Drug Demand Reduction – Social Impact of Drug Abuse.
- c) The Role of Community in Combating Drug Addiction – Regulatory Systems – Law Reform Initiatives – Social justice.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Polich, J. Michael. Strategies for controlling adolescent drug use. Publications Department, The Rand Corporation, 1700 Main Street, PO Box 2138, Santa Monica, CA 90406 – 2138, 1984.
2. Dorn, Nicholas, Karim Murji, and Nigel South. Traffickers: Drug markets and law enforcement. Psychology Press, 1992.
3. Jacobs, Bruce A. Robbing drug dealers: Violence beyond the law. Transaction Publishers, 2000.
4. Campbell, Nancy, and Nancy Duff Campbell. Using women: Gender, drug policy, and social justice. Psychology Press, 2000.
5. B.R. Sharma, Forensic Science in Criminal Investigation and Trials, Bombay, 2012.

JOURNALS / ARTICLES

1. Sahoo, Saddichha, N. Manjunatha, Baxi Neeraj Prasad Sinha, and C. R. J. Khess. "Why is alcohol excluded and opium included in NDPS act, 1985?" Indian journal of psychiatry 49, no. 2 (2007): 126.
2. Kaushik, Deepak. "Prosecution of Drug Addicts under NDPS: Need for a Re – look." Available at SSRN 3504060 (2019).
3. Arora, Usha, G. S. Sonal, G. P. Dhillon, and Hitendrasinh G. Thakor. "Emergence of drug resistance in India." Journal of the Indian Medical Association 106, no. 10 (2008): 678.
4. Joseph, Sandra. "Drug Demand Reduction Programme in India – A Qualitative Research Analysis." Global Journal for Research Analysis (GJRA) 8, no. 10 (2019).
5. Hawkins, J. David, and Richard F. Catalano Jr. Communities that care: Action for drug abuse prevention. Jossey – Bass, 1992.

FURTHER READING:

BOOKS

1. C.K.Parikh (2017) Parikh's textbook of medical Jurisprudence, Forensic Medicine and Toxicology. (6th edn).
2. Blackman, Shane. Chilling out: The cultural politics of substance consumption, youth and drug policy. McGraw – Hill Education (UK), 2004.
3. A.K. Bapuly, Forensic Science: Its Application in Crime Investigation, Hyderabad, 2006.
4. Justice K. Kannan. Karunalaran Mathiharan, ed., Modi: A Textbook of Medical
5. Jurisprudence and Toxicology, rpt, Allahabad Central Law Agency, 2013.
6. The Narcotic Drugs and Psychotropic Substances Act, 1985
7. Molly Charles, Dave Bewley – Taylor, Amanda Neidpath (2005) Drug Policy in India: Compounding Harm? Briefing paper ten. The Beckley Foundation Drug Policy Programme.
8. Rohan Dua (2014) Drug – related crime reported highest in Punjab: National Crime Records Bureau.
9. Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, United Nations Office on Drugs and Crime (UNODC) (2009).
10. James Grey (2012) Why Our Drug Laws Have Failed: A Judicial Indictment of War on Drugs. Temple University press, USA. The history of the drug laws.

JOURNALS / ARTICLES

1. MacCoun, Robert J. "Drugs and the law: a psychological analysis of drug prohibition." Psychological bulletin 113, no. 3 (1993): 497.
2. Werb, Dan, Greg Rowell, Gordon Guyatt, Thomas Kerr, Julio Montaner, and Evan Wood. "Effect of drug law enforcement on drug market violence: A systematic review." International Journal of Drug Policy 22, no. 2 (2011): 87 – 94.
3. Dorn, Nicholas, and Nigel South. "Drug markets and law enforcement." The British Journal of Criminology 30, no. 2 (1990): 171 – 188.
4. Anil malhotra, Ashwin mohan (2000) National policies to meet the challenge of substance abuse: programmes and implementation. Indian Journal of Psychiatry 42 (4): 370 – 377.
5. Ram Manohar (2004) Smoking and Ayurvedic Medicine in India. In Sander L Gilman, Zhou Xun (Eds.), Smoke: A Global History of Smoking. Reaktion Books, London.
6. George, Joshua Babu and Krishnan, Ashwin (2012) Loopholes in the Narcotic Drugs and sychotropic Substances Act, 1985. Social Science Research Network p. 1 – 9.

7. Sessa Kethineni Lois Guyon Ruth McLennan Fennick (1995) Drug Use in India: Historical Traditions and Current Problems. *International Journal of Comparative and Applied Criminal Justice* 19(2): 211 – 221.
8. Sahoo Saddichha, Narayana Manjunatha, and Christoday Raja Jayant Khess (2010) Why do we Need to Control Alcohol Use Through Legislative Measures? A South East Asia Perspective? *Indian J Community Med* 35(1): 147 – 152.
9. Tandon, Tripti, and Lawyers Collective. "Drug policy in India." IDPC briefing paper, February (2015).
10. Charles, Molly, Dave Bewley – Taylor, and Amanda Neidpath. "Drug policy in India: Compounding harm." Briefing paper (2005): 1 – 6.

CASES FOR GUIDANCE

1. Md. Sarfaraz @ Bonu & Anr. Vs – The Union of India – 09 / 08 / 2019[CHC]
2. Mukesh Singh Vs. State (Narcotic Branch of Delhi) – 31 / 08 / 2020
3. Ajahar Ali Vs State of West Bengal 2014 Cri. L.J. 18 (SC).
4. Bachan Singh Vs State of Haryana 2004 (2) RCR (Criminal) 394 (P&H).
5. State of Manipur Vs Ngairangbam Brojendro Singh 2014 Cri.L.J. 763(Manipur)
6. State of Orissa Vs Kanduri Sahoo 2004 (1) RCR (Criminal) 196 (SC).
7. State of Punjab Vs Surinder Rani Chhindi 2001 (4) RCR (Criminal) 776 (SC).
8. Sukhdev Singh Vs State of Haryana AIR 2013 Supreme Court 953.
9. Sumita Vs Union of India 2003 Cri. L.J. 2928 (Delhi).
10. Surender Kumar Vs State of H.P. 2013 Cri. L.J. 3519 (HP).
11. Ved Singh Vs State of Rajasthan 2002 Cri. L.J. 1463 (Raj.).
12. Vijayan Vs Sub Inspector of Police and another 2013 Cri.L.J. 3091 (Kerala)
13. Baldev Singh Vs State of H.P. 2014 Cri.L.J. (NOC) 95 (HP)
14. Damru Manji Vs State of Chhattisgarh 2013 Cri. L.J. 610.
15. Gurbax Singh Vs State of Haryana AIR 2001 Supreme Court 1002
16. Alamelu and another vs State 2011 Cri. L.J. 200 (SC).
17. Deepak Mahajan Vs Directorate of Enforcement AIR 1994 Supreme Court 1775.
18. Avtar Singh Vs State of Punjab AIR 2002 Supreme Court 3343.
19. Balbir Singh Vs State of Punjab AIR 1994 Supreme Court 1872.
20. Baldev Singh Vs State of Punjab AIR 1999 Supreme Court 2378.

LEARNING OUTCOME

- *Able to discuss the history of drug abuse and subsequent policies in the India.*
- *Identify major drugs of abuse with their legal status, psycho – pharmacological effects, & sociological implications of drug use and drug policy*
- *Describe the political, programmatic, and policy elements known as the "war on drugs" and current related debates*
- *Find and summarize relevant information about current events bearing on policy debates over drugs*
- *Synthesize information from multiple sources and points of view into a coherent policy perspective*

PAPER – III

ORGANIZED AND UNORGANIZED CRIMES – LAW AND POLICY

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

The term "organised crime" brings to mind Drug Cartels, Mafias, Black Societies and Biker gangs. What do these groups have in common? What are their differences? What do they actually do? Organized and Unorganized Crimes Law and Policy aims to unpack and understand the dynamics of organized crime, its actors, groups, activities and organization as well as their geographical aspects. The subject explores from a theoretical and practical perspective the different approaches that have been used in order to explain and understand organized crime, as well as the policy responses to it. Case – based approaches will be used to illustrate throughout the course. This course analyses major 'organized crime' groups across the globe and the various forms of transnational crime encountered in the contemporary setting.

After undergoing the study, the student will be able to understand the following

- *Provide students with a conceptual framework for studying the problem of organized crime.*
- *Present students with the historical background of organized crime.*
- *Provide an overview of various criminal organizations and their activities.*
- *Explore various control measures and policies for managing the illegal activities of essentially criminal organizations and the organized crimes of legitimate organizations.*

COURSE OUTLINE

MODULE – I: Introduction to Organized Crime

- a) Definition & scope of organized crime
- b) Types & characteristics of organized crime
- c) Causes of organized crime – Comparison between white – collar crime, corporate crime, and organized crime

MODULE – II: Categories of Organized Crime

- a) Predatory crime – Crime syndicate
- b) Criminal rackets – Business labour rackets – Gambling rackets
- c) Criminal rackets in commercial world – Political grafts

MODULE – III: Scope of Organized Crime in India

- a) Drug Addiction, trafficking – national & international legal perspective
- b) Illicit trafficking of women & children, prostitution – Terrorism & Narco – Terrorism
- c) Economic crime, money laundering, scams, Hawala & Counterfeiting of Currency – Nexus of Organized crime and politics

MODULE – IV: Legal Analysis, Investigation & Prosecution of Organized Crime

- a) Mensrea, modus operandi & criminal conspiracy in organized crime
- b) Role of Police in Investigation of organized crime
- c) Role of Judiciary, Trial and Sentencing in organized crime – Legal issues under IPC and Indian Evidence Act.

MODULE – V: Organized Crime, Threat to National Security & Preventive Action

- a) Close linkage between organized crime and terrorism
- b) Maharashtra Control of Organized Crime Act, 1999 & Gujarat Control of Terrorism and Organized Crime Bill 2015.
- c) Issues & law related to Internal Security – The National Security Act, 1980. – Armed Forces (Special Powers) Act (AFSPA) 1958

MODULE – VI: Profiles of Organised Criminal Gangs

- a) Vardharaja Mudaliar Gang – Dawood Ibrahim Gang – Chota Rajan Gang – Veerappan Gang of Karnataka
- b) Babloo Srivatsava and Irfan Goga Gangs – Arun Gawli and Amar Naik Gang
- c) Latif Gang – Rashid Gangs

MODULE – VII: Organized Crime in Transnational Jurisdiction

- a) Features of transnational organized crime
- b) Indian's perspective on transnational organized crime
- c) Naples Declaration and Global Action Plan 24 Dec. 1994 – Role of United Nations in preventing International crime

MODULE – VIII: Notorious Organized Crime in Global Parameter

- a) Organized crime in united states – Colombian drug trafficking gangs
- b) Jamaican possess – Chinese Organized crime – Triads in Hong Kong – Japanese Organized crime
- c) Vietnamese Organized crime – South African crime syndicate – Russian crime syndicate

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Organized Crime, Analyzing Illegal Activities, Criminal Structures, and Extra – legal Governance, Klaus von Lampe – John Jay College of Criminal Justice, City University of New York, August 2015, SAGE Publications, Inc
2. Abadinsky, Howard. 2009. *Organized crime*. 9th ed. Belmont, CA: Thomson Wadsworth.
3. Albanese, Jay S. 2007. *Organized crime in our times*. 5th ed. Newark, NJ: LexisNexis.
4. Grennan, Sean, and Marjie T. Britz. 2005. *Organized crime: A worldwide perspective*. Upper Saddle River, NJ: Pearson Prentice Hall.
5. Mallory, Stephen. 2007. *Understanding organized crime*. Sudbury, MA: Jones and Bartlett.

JOURNALS / ARTICLES

1. The growth and activities of organised crime in Bombay, Charles M, International Social Science Journal (2001) 53(169) 359 – 367
2. Introduction: Drug Trafficking, Organised Crime, and Public Policy for Drug Control, Schiray M International Social Science Journal (2001) 53(169) 351 – 358
3. Transnational Organised Crime in India: A New Framework of Analysis, Ahmed N, European Journal of Social Sciences Studies (2017) 2(5) 33 – 49
4. Barnes, Nicholas. "Criminal Politics: An Integrated Approach to the Study of Organized Crime, Politics, and Violence." *Perspectives on Politics* 15, no. 4 (2017): 967 – 987.
5. Gøtzsche, Peter. "Deadly medicines and organised crime." *How Big Pharma has corrupted healthcare*. London: Radcliffe (2013).

FURTHER READING:

BOOKS

1. Organised crime, Wright A, Taylor and Francis, (2013), 1 – 237
2. National Strategic Assessment of Serious and Organised Crime 2018, National Crime Agency, (2018) 58
3. Crime as enterprise? The case of "transnational organised crime", Edwards A Gill P, *Crime, Law and Social Change*
4. *The Economics of Organised Crime*, Cambridge University Press, (1996)

5. Fijnaut, Cyrille, and Letizia Paoli, eds. Organised crime in Europe: Concepts, patterns and control policies in the European Union and beyond. Vol. 4. Springer Science & Business Media, 2007.
6. Galeotti, Mark, ed. Global crime today: the changing face of organised crime. Routledge, 2014.
7. Allum, Felia, and Renate Siebert, eds. Organised crime and the challenge to democracy. Routledge, 2004.
8. Ellis, Stephen. This present darkness: A history of Nigerian organized crime. Oxford University Press, USA, 2016.
9. Woodiwiss, Michael. Gangster capitalism: The United States and the global rise of organised crime. 2005.
10. Mills, Hannah, Sara Skodbo, and Peter Blyth. "Understanding organised crime: Estimating the scale and the social and economic costs." United Kingdom Home Office Research Report 73 (2013).

JOURNALS / ARTICLES

1. How organised is organised cybercrime? Lusthaus J, Global Crime (2013) 14(1) 52 – 60
2. Reducing and preventing organised crime: An evidence – based critique, Levi M Maguire M, Crime, Law and Social Change (2004) 41(5) 397 – 469
3. Organised crime, occupations and opportunity, Kleemans EVan de Bunt H, Global Crime (2008) 9(3) 185 – 197
4. Organised Crime Around the World, Adamoli SDi Nicola A Savona E, European Institute of Crime Prevention and Control (1998) 187
5. Money for Crime and Money from Crime: Financing Crime and Laundering Crime Proceeds, Levi M, European Journal on Criminal Policy and Research (2015) 21(2) 275 – 297
6. Organised crime and the efforts to combat it: A concern for public health, Reynolds LMckee M, Globalization and Health
7. Italian Organised Crime: Mafia Associations and Criminal Enterprises, Paoli L, Global Crime (2004) 6(1) 19 – 31
8. Proactive policing and the assessment of organised crime, Verfaillie KVander Beken T, Policing: An International Journal of Police Strategies & Management (2008) 31(4) 534 – 552
9. Organized Crime and Trust: On the conceptualization and empirical relevance of trust in the context of criminal networks, von Lampe K Ole Johansen P, Global Crime (2004) 6(2) 159 – 184

10. Examining the links between organised crime and corruption, Trends in Organized Crime
(2010) 13(4) 326 – 359

CASES FOR GUIDANCE

1. Ranjitsing Brahmajeetsing vs State of Maharashtra & Anr on 7 April, 2005
2. Zameer Ahmed Latifur Rehman vs State of Maharashtra & Ors on 23 April, 2010
3. State of Maharashtra vs Bharat Shanti Lal Shah & Ors on 1 September, 2008
4. Ranjitsing Brahmajeetsing vs The State of Maharashtra, Through on 16 July, 2004
5. Govind Sakharam Ubhe vs The State of Maharashtra on 11 June, 2009
6. Bombay High Court Govind Sakharam Ubhe vs The State of Maharashtra on 11 June, 2009
7. Altaf Ismail Sheikh vs The State of Maharashtra And Ors on 5 April, 2005
8. Sherbahadur Akram Khan And 6 Ors. vs The State of Maharashtra on 8 December, 2006
9. Om Prakash Shrivastava @ Babloo vs State of Nct of Delhi & Ors. on 15 October, 2009
10. Appa @ Prakash Haribhau Londhe vs State of Maharashtra and on 24 July, 2006
11. Ashok Gyanchand Vohra vs The State of Maharashtra and Anr on 22 December, 2005
12. Mohd. Farooq A.G. Chipa Rangari vs State of Maharashtra on 6 August, 2009
13. John D'Souza vs Assistant Commissioner of on 30 April, 2007
14. The State of Maharashtra vs Rahul Ramchandra Taru on 6 May, 2011
15. Chenna Boyanna Krishna Yadav vs State of Maharashtra & Anr on 8 December, 2006
16. The State of Maharashtra vs Jagan Gagansingh Nepali on 5 August, 2011
17. State Govt Of Nct Of Delhi vs Khalil Ahmed on 23 April, 2012
18. State vs Satya Parkash on 3 November, 2011
19. Lalit Somdatta Nagpal vs Shri K.K. Pathak, Spl. Inspector on 11 March, 2005
20. Shabbir Mohammed Hussain Shaikh @ vs The State of Maharashtra on 25 August, 2006

LEARNING OUTCOME

- *Apply the main theoretical approaches to the study of organised crime and their evolution across time.*
- *Critically evaluate the contributions of different schools of thought to our understanding of organised crime.*
- *Identify the main characteristics, activities, actors, and forms of organised crime.*
- *Critically analyse organised crime policy at the local and international level.*
- *Understand and critically assess the macro and micro causes of transnational crime.*

PAPER – IV

LAW OF VICTIMOLOGY AND HUMAN RIGHTS – JURISTIC PERSPECTIVE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

The law relating to the victims of crime has undergone drastic changes in the recent times. Though quite late, but yet the legislature has recognized the importance of the victims in the Indian Criminal Justice System and has, therefore, given them various rights by making amendments in the Cr P C 1973 from time to time. At the same time the Indian judiciary has become very sensitive towards the rights of the victims and has changed the interpretation of various important aspects of criminal jurisprudence to include the victims as a part of it such as right to “fair trial” of an accused. An important role has been played by various institutions and bodies such as Victimology and World Society of Victimology in the growth of Victimology in India.

After undergoing the study, the student will be able to understand the following

- *Basic knowledge in different theories of victimology*
- *Understanding and knowledge of who is a victim of crime, their legal status, situation and needs*
- *Knowledge on social protection, support and redress for crime victims*
- *General knowledge and understanding of what distinguish and unites different types of crime victims*

COURSE OUTLINE

MODULE – I: Role and Typology of Victims

- a) Historical background, Meaning and Scope of victimology – Typology of victims – Categorization of victims – Theories of victimology
- b) Victimization Process – Relation between criminology, penology and victimology
- c) Role of the Victim in Crime: Victim Precipitation, Victim Facilitation, and Victim Provocation – Contributions of the Victims’ Rights Movement – Victimology Today

MODULE – II: Victims and Criminal Justice System

- a) Penal Laws and Victims of Crime
- b) Rules of Evidence and Plight of Victims
- c) Criminal Procedure and Role of Victim – Appeal and Presumption of Innocence

MODULE – III: International and National Developments in Victimology

- a) International norms in victimology and victim rights
- b) Comparative issues and perspectives – Victims in international law and policy
- c) International victimisation studies – National Developments in Victim Protection – Constitutional Concern for Victims

MODULE – IV: Contemporary Issues in Victimology

- a) Dimensions of victim vulnerability, Risk and Fear of crime – Vulnerable groups – Victimization – Children – Elderly people – LGBTQI – SC / ST – Refugees
- b) Victims of Hate Crimes – Human Trafficking – Terrorism – Victims of custodial crimes
- c) Intimate Partner Violence & Stalking – Types & Effects of Sexual Assault – Victimization at School & the Workplace – Cyber Victimology

MODULE – V: Consequences of Victimization

- a) Victimization Consequences: Emotional, Psychological & Social – Trauma – Related Disorders: Post – Traumatic Stress Disorder & Acute Stress Disorder
- b) Stockholm Syndrome: Definition, Cases & Treatment – Complex PTSD: Symptoms, Treatment & Test
- c) Financial Consequences of Victimization – Crime Victims' Compensation: Process – Victim Impact Statement – Restorative Justice

MODULE – VI: Rights and Remedies for Victims of Crime

- a) Rights to the Victims of Crime – Access to justice and fair treatment
- b) Compensation and Assistance
- c) The Right to Protection – Victim – Witness Rights through Assistance Programmes

MODULE – VII: Restitution and Rehabilitation of Victims of Crime

- a) Compensation to Victims of Crime – Victim Compensation Scheme in United Kingdom & United States of America – The Criminal Injuries Compensation Authorities – Victim Compensation under the Code of Criminal Procedure, 1973
- b) Compensation to the Victim / Dependents in Heinous Crimes – Rehabilitation of Victims – Special Compensatory Provisions
- c) The Probation of Offenders Act, 1958 – The Motor Vehicles Act, 1988 – The Fatal Accidents Act, 1855 – Victims of Medical Negligence

MODULE – VIII: Recognizing Human Rights of the Victims of Crime

- a) Victimological approaches to human rights jurisprudence – Human rights of victims vs. human rights of offenders a conflict zone
- b) Protection from double jeopardy, Self – incrimination, Production before magistrate from police custody, Fair and speedy trial, Representation, Protection from ex post facto laws, Legal aid,
- c) Compensation, Rehabilitation, Administration of criminal justice – Role of various Protection Agencies / Institutions

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Burgess, Ann Wolbert, Regehr, Cheryl, & Roberts, Albert R., 2010, *Victimology Theories & Applications* (2nd Edition), MA: Jones & Bartlett Publishers.
2. Doerner, William G., & Lab, Steven P., 2012, *Victimology* (6th Edition). USA: Anderson Publishing.
3. Wallace, Harvey, & Roberson, Cliff., 2011, *Victimology Legal, Psychological & Social Perspectives* (3rd Edition), New Jersey: Prentice Hall.
4. Van Dijk, J. J., & Steinmetz, C. H. (1983). *Victimization surveys: Beyond measuring the volume of crime*. *Victimology*.
5. Payne, B.K., & Gainey, R.R. (2006). *The criminal justice response to elder abuse in nursing homes: A routine activities perspective*. *Western Criminology Review*.

JOURNALS / ARTICLES

1. Fattah, Ezzat A., 2010, *The evolution of a young, promising Discipline: 60 years of victimology, a retrospective & prospective look*. In Shloma Giora Shoham, Paul Knepper & Martin Kett (Eds.), *International Handbook of Victimology* (pp. 49 – 50). FL: Taylor & Francis Group.
2. Dussich, J. P. (2003). *History, overview and analysis of American victimology and victim services education*. *American Society of Victimology*, 4.
3. Englebrecht, C. M. (2011). *The struggle for “ownership of conflict”: An exploration of victim participation and voice in the criminal justice system*. *Criminal Justice Review*, 36, 129 – 151.

4. Sims, B., Yost, B., & Abbott, C. (2005). Use and non-use of victim services programs: Implications from a state-wide survey of crime victims, *Criminology & Public Policy*, 4(2), 361 – 384.
5. Cohen, L. E., Kluegel, J. R., & Land, K. C. (1981). Social inequality and predatory criminal victimization: An exposition and test of a formal theory. *American Sociological Review*, 46, 505 – 524.

FURTHER READING:

BOOKS

1. Harvey Wallace, Cliff Roberson, 2015, *Victimology: legal, psychological, and social perspectives* Boston: Pearson
2. Gupta, M. C., Chockalingam, K. and Guha Roy, Jaytilak Ed., 2001, *Child victims of crime*, Gyan Publishing House, New Delhi
3. Harvey Wallace, Cliff Roberson, 2015, *Victimology: legal, psychological, and social perspectives*, Boston: Pearson
4. Finkelhor, David. (2014), *Childhood Victimization: Violence, Crime & Abuse in the lives of young people (Interpersonal Violence)*, US: Oxford University Press.
5. Gupta, M.C., Chockalingam, K. & Guharoy, Jaytilak (Eds.) (2001), *Child Victims of Crime: Problems & Perspectives*, Delhi: Gyan Publishing House
6. William G. Doerner, Steven, 2015, *Victimology*, Amsterdam Anderson Publishing
7. Rajan, V.N, 1981, *Victimology in India: An Introductory Study*, Allied Publishers, New Delhi
8. Van Dijk, J. J., & Steinmetz, C. H. (1983). *Victimization surveys: Beyond measuring the volume of crime*. *Victimology*.
9. Johnson, M.P. (2008). *A typology of domestic violence: Intimate terrorism, violent resistance, and situational couple violence*. Boston, MA: Northeastern University Press.
10. Tjaden, P. "Stalking in America: Laws Research and Recommendations." In Davis, R. C., Lurigio, A. J., & Herman, S. (Eds.). (2012). *Victims of crime*. Sage Publications.

JOURNALS / ARTICLES

1. Miller, S.L., & Hefner, M.K. (2015). Procedural justice for victims and offenders? Exploring restorative justice processes in Australia and the US. *Justice Quarterly*, 32, 142 – 167.
2. Beaver, K. M., Wright, J. P., DeLisi, M., Daigle, L. E., Swatt, M. L., & Gibson, C. L. (2007). Evidence of a gene x environment interaction in the creation of victimization:

- Results from a longitudinal sample of adolescents. *International Journal of Offender Therapy and Comparative Criminology*, 51, 620 – 645.
3. Beaver, K. M., Mancini, C., DeLisi, M., & Vaughn, M. G. (2011). Resiliency to victimization: The role of genetic factors. *Journal of Interpersonal Violence*, 26, 874 – 898.
 4. Free, G., & Drass, K. A. (2002). Counting crime booms among nations: evidence for homicide victimization rates. *Criminology*, 40(4), 769 – 800.
 5. Piquero, A. R., MacDonald, J., Dobrin, A., Daigle, L. E., & Cullen, F. T. (2005). Self – control, violent offending, and homicide victimization: Assessing the general theory of crime. *Journal of Quantitative Criminology*, 21(1), 55 – 71.
 6. Tomsich, E. A., Gover, A. R., & Jennings, W. G. (2011). Examining the role of gender in the prevalence of campus victimization, perceptions of fear and risk of crime, and the use of constrained behaviors among college students attending a large urban university. *Journal of Criminal Justice Education*, 22(2), 181 – 202.
 7. Mustaine, E. E., & Tewksbury, R. (1998). Predicting risks of larceny theft victimization: A routine activity analysis using refined lifestyle measures. *Criminology*, 36(4), 829 – 858.
 8. Chakraborti, N., & Garland, J. (2012). Reconceptualizing hate crime victimization through the lens of vulnerability and ‘difference’. *Theoretical Criminology*, 1362480612439432.
 9. Ménard, K. S., & Pincus, A. L. (2014). Child maltreatment, personality pathology, and stalking victimization among male and female college students. *Violence and victims*, 29(2), 300 – 316.
 10. Fox, K. A., Nobles, M. R., & Fisher, B. S. (2014). A multi – theoretical framework to assess gendered stalking victimization: The utility of self – control, social learning, and control balance theories. *Justice Quarterly*, 1 – 29.

CASES FOR GUIDANCE

1. A.K. Subbiah Versus State of Karnataka and others (1987) 4 SCC 557
2. Aamad @ Kalu Abdullah Majothi Vs State of Gujarat 1999 Cr.L.J 2923 (Guj)
3. Abdul Nazar Madani Vs. State of Tamil Nadu AIR 2000 SC 2293
4. Akalu Ahir Vs Ram Deo Ram AIR 1973 SC 2145
5. Aleque Padamsee and others Vs Union of India and others (2007) 6 SCC 171
6. Alister Anthony Pareira Vs State of Maharashtra (2012) 2 SCC 648
7. Baldev Singh Vs State of Punjab 2011 Cr.L. J 1746
8. Bhagwant Singh Vs. Commissioner of Police AIR 1985 SC 1285

9. Bharwada Bhognibhai Hirjabhai Vs. State of Gujarat (1983) 3 SCC .217
10. Bindeshwari Prasad Singh and others Vs State of Bihar (Now Jharkhand) and another (2002) 6 SCC 650
11. Bipin Bihari Vs. State of Madhya Pradesh (2005) Cr.l. J 2048 (M.P)
12. Biranchi Narayan Sahu Vs State of Orissa and others 2011 Cr.L. J 3646 (Ori)
13. Bishan Singh and Anr vs State AIR 2008 SC 131
14. Central Bureau of Investigation Versus Hopeson Ningshen and others (2010) 5 SCC 115
15. Delhi Domestic Working Women's Forum Vs Union of India (1995) 1 SCC 14
16. Dhanajoy Chatterjee Vs. State of West Bengal (1994) 2 SCC 220
17. Dildar Singh Vs State of Punjab (2006) 10 SCC 531
18. Hari Ram Vs State of Haryana (1992)1 RCR (crl) 326 (P& H)
19. Hari Kishan and State of Haryana Vs. Sukhbir Singh and anr AIR 1988 SC 2127
20. Harjat Singh and Anr Vs State of Madhya Pradesh (2003) 1 Crimes 50 (M.P.)

LEARNING OUTCOME

- *Victim empowerment through the use of legislation, the media, public discourse, and private enterprise.*
- *Examine correlates of victimization and predictors of future victimization.*
- *Discuss victim participation in the criminal justice system decision – making, victim services and restitution, and restorative justice initiatives.*
- *Better interpret the changing world of crime, become a more informed citizen, and be better prepared to enter the world of professional criminology and criminal justice.*
- *Develop a global perspective of victimization.*

PAPER – V

CRIMINAL JUSTICE SYSTEM – A COMPARATIVE JURISPRUDENCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

Criminal Justice System – A Comparative Jurisprudence offers a comparative and critical investigation into criminal law, criminal procedure and criminal justice as it is conceptualised and also how it operates within the main legal traditions of the world (India, USA, UK, France and Russia). The subject explores the relationship between law, justice, crime and punishment and how each is manifest within contemporary legal systems. The subject uses comparative methodology to highlight similarities and differences between and within legal traditions. It also will assess the different criminal law processes and their outcomes and how these can inform criminal law reform in a global context.

After undergoing the study, the student will be able to understand the following

- *Identify the structural features of the criminal justice systems in the main legal traditions of the world (India, USA, UK, France and Russia).*
- *Identify the structural features of the criminal justice systems in the main legal traditions of the world (India, USA, UK, France and Russia).*
- *Employ methods for classifying and comparing legal systems.*
- *Compare and contrast the character of the criminal laws and criminal responsibility in different traditions and explain the reasons for any difference.*
- *Interpret essential features of the selected substantive laws and procedural law through the social, historical and political values that underpin the different conceptions of crime and punishment.*

COURSE OUTLINE

MODULE – I: Comparative Criminal Justice System

- a) Meaning and significance of comparative Criminal Justice System.
- b) A comparative perspective on criminal justice & its main components.
- c) Impact of international criminal justice on comparative Criminal Justice.

MODULE – II: Comparative Criminal Law

- a) Histories and Functions of Comparative Criminal Law
- b) Principle of Legality (*Nulla Poena Sine Lege*)
- c) Analysis of Criminal Liability – General Principles of Criminal Liability

MODULE – III: Criminal Law – Comparative Jurisprudence

- a) Jurisdiction
- b) Punishment Theory – Sentencing Jurisprudence
- c) Victims

MODULE – IV: Diverse systems and Models of Criminal Proceedings

- a) Adversarial / Accusatorial and Inquisitorial Systems
- b) Crime Control Model and Due Process Model
- c) Indian system of Justice Administration and its challenges

MODULE – V: Pre – trial Processes

- a) Bringing information about crime incident before the formal system (Police or Magistrate)
- b) Investigation of Crime – Bail and Remand
- c) Rights of Accused and Victim – Right to Counsel and Legal Aid – Principal Features of a Fair Trial

MODULE – VI: Trial Processes

- a) Taking Cognizance by courts and committal proceedings – Hierarchy of Criminal Courts and types of trials
- b) Framing of Charge and Discharge Proceedings
- c) Acquittal or Conviction – Revision, Appeal and transfer of case for trial

MODULE – VII: Sentence Process

- a) Pre – sentence hearing – Transfer of Cases
- b) Sentences – Execution, Suspension, remission and commutation of sentences
- c) Reformatory Sentence – Withdrawal from prosecution – Plea Bargaining – Compounding of Offences

MODULE – VIII: Role of Evidence in Criminal Justice System

- a) Relevancy and admissibility, of facts – Relevancy of confessions and dying declarations
- b) Appreciating expert evidence in court – Relevancy and Admissibility of evidence collected through
- c) Forensic and other modern tools and techniques – Admissibility of evidence in Cyber Crime – Protection of Witnesses – Hostile witnesses

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Francis Pakes, *Comparative Criminal Justice*, (3rd ed) 2014 Taylor and Francis: Online: (HV7419.R45 2015).
2. Kevin Heller & Markus Dubber, *The Handbook of Comparative Criminal Law*, 2011: Stanford University Press: eBook: (K5015.4.H36 2011)
3. Harry Dammer & Jay Albanese, *Comparative Criminal Justice Systems*, (5th ed) 2014: Wadsworth Cengage Learning (HV7419.F35 2014, Law)
4. Kenneth Gallant, *The principle of legality in international and comparative criminal law*, 2009: Cambridge University Press: eBook (K5165.G35 2009).
5. Shahid M Shahidullah, *Comparative criminal justice systems: global and local perspectives*, 2014: Jones & Bartlett (K5001.S52 2014, Law).

JOURNALS / ARTICLES

1. Nelken, D. (2009). Comparative criminal justice: Beyond ethnocentrism and relativism. *European Journal of Criminology*, 6(4), 291 – 311
2. Penrose, M. (2016). Creating an international prison. *Houston Journal of International Law*, 38(2), 425 – 464
3. Sander, G., Scandurra, A., Kamenska, A., MacNamara, C., Kalpaki, C., Fernandez Bessa, C., Laso, G.N., Parisi, G., Varley, L., Wolny, M., Moudatsou, M., Henrique Pontes, N., Mannix – McNamara, P., Libianchi, S and Antypas, T. (2016). Overview of harm reduction in prisons in seven European countries. *Harm Reduction Journal*, 13(28), 1 – 13.
4. Service, T. (2012). From Belfast to Bishkek: An international perspective on neighbourhood and community policing. *International Journal of Police Science & Management*, 14(4), 362 – 372.
5. Zimring, F.E. (2006). The necessity and value of transnational comparative study: Some preaching from a recent convert. *Criminology and Public Policy*, 5(4), 615 – 622.

FURTHER READING:

BOOKS

1. Robert Cryer et al, *An Introduction to International Criminal Law and Procedure* (3rd ed) (CUP, 2014).

2. Dammer, H. R. and Albanese, J. S. (2014). *Comparative criminal justice systems*, 5th edition. Belmont, CA: Cengage / Wadsworth.
3. American Psychological Association. (2010). *Publication manual of the American Psychological Association*. Washington, DC: American Psychological Association.
4. Ebbe, Obi N.I. (ed.) (2013). *Comparative and International Criminal Justice Systems: Policing, Judiciary, and Corrections*, 3rd. Boca Raton, FL: CRC Press.
5. Fairchild, E. and Dammer, H. R. (2005). *Comparative Criminal Justice Systems*. Independence, KS: Wadsworth Publishing.
6. Fields, C. B. and Moore, R. H., Jr. (eds). (2005). *Comparative and International Justice: Traditional and Non-traditional Systems of Law and Control*, 2nd edition. Long Grove, IL: Waveland Press, Inc.
7. Natarajan, M. (2005). *Introduction to International Criminal Justice*. New York, NY: McGraw – Hill.
8. Pakes, F. (2004). *Comparative Criminal Justice*. Gloucester, UK: Willan Publishing.
9. Reichel, P. (2018). *Comparative Criminal Justice Systems*, 7th edition. Upper Saddle River, NJ: Pearson.
10. Terrill, R. (2012). *World Criminal Justice Systems: A Comparative Survey*, 8th edition. Cincinnati, OH: Anderson Publishing.

JOURNALS / ARTICLES

1. Adams, E.B. and Vera Sanchez, C.G. (2018). Murder in a twin island paradise: Trends and strategies implemented to address criminal homicide in Trinidad and Tobago. *Sociology of Crime, Law and Deviance*, 23, 241 – 255.
2. Albrecht, H. (2013). Sentencing in Germany: Explaining long – term stability in the structure of criminal sanctions and sentencing. *Law and Contemporary Problems*, 76, 211 – 236.
3. Anckar, C. (2014). Why countries choose the death penalty. *Brown Journal of World Affairs*, 21(1), 7 – 25.
4. Bennett, R.R. (2004). Comparative criminology and criminal justice research: The state of our knowledge. *Justice Quarterly*, 21(1), 1 – 21.
5. Deflem, M. (2006). Europol and the policing of terrorism: Counter – terrorism in a global perspective. *Justice Quarterly*, 23(3), 336 – 359.
6. Dervan, L.E. (2011). American prison culture in an international context: An examination of prisons in America, The Netherlands, and Israel. *Stanford Law and Policy Review*, 22(2), 413 – 428.

7. Ewald, U. (2010). 'Predictably Irrational' – International sentencing and its discourse against the backdrop of preliminary empirical findings on ICTY sentencing practices. *International Criminal Law Review*, 10, 365 – 402.
8. Garbett, C. (2013). The truth and the trial: Victim participation, restorative justice, and the International Criminal Court. *Contemporary Justice Review*, 16(2), 193 – 213.
9. Harfield, C. (2008). The organization of 'organized crime policing' and its international context. *Criminology and Criminal Justice*, 8(4), 483 – 507.
10. Jehle, J., Wade, M. and Elsner, B. (2008). Prosecution and diversion within criminal justice systems in Europe. Aims and design of a comparative study. *European Journal Criminal on Criminal Policy and Research*, 14, 93 – 99.

CASES FOR GUIDANCE

1. R (Gillan) v Commissioner of Police for the Metropolis [2006] UKHL 12
2. R v Dudley and Stephens (1884) 14 QBD 273(QB).
3. R v Jordan (1956)
4. M' Naghten' s Case (1843)
5. R v Rimmington and Goldstein [2005] UKHL 63, [2006] 1 AC 459.
6. Bram v. United States 168 U.S. 532 (1897).
7. K. v. Warickshall, 1 Leach Cr. C. 263, 168 Eng. Rep. 234 (1783).
8. K. v. Warickshall, 1 Leach Cr.C. 263, 168 Eng. Rep. 234 (1783)
9. R. v. Mansfield, 14 Cox. Cr. Cas. 639 (1881).
10. R. v. Court, 7 C. & P. 486 (1836).
11. Bram v. United States 168 U.S. 532 (1897).
12. K. v. Warickshall, 1 Leach Cr. C. 263
13. Jackson v. State, 59 Miss. 312 (1879).
14. Sky Land v. Kavita Lalwani, 2012 SCC Online Del 3082.
15. Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343
16. Iqbalahamed vs. Vice – Chairman Patel Integrated Logistics Ltd, MANU / KA / 0846 / 2017.
17. Dina Nath Chamar v. State of Bihar, Criminal Miscellaneous No.3048 of 2016
18. 'CBI v Gondwana Ispat Ltd & Ors'26.08.2016 in CC No. 01 / 2016
19. Powell v. Alabamma 287 U.S. 45 (1932).
20. Gideon v. Wainwright 372 U.S. 335 (1963).

LEARNING OUTCOME

- *Develop an understanding of the interrelationship between crime and punishment from an international and comparative perspective.*
- *To compare and contrast criminal justice systems in terms of the major legal traditions used across the world.*
- *Demonstrate knowledge of critical issues confronting global criminal justice systems as well as the international criminal justice system.*
- *To identify mechanisms to deal with issues of human rights violators and perpetrators of international crimes.*
- *To compare similarities and differences that occurs in court structures and procedures in multiple countries as well as the international community.*

PAPER – VI

CRIMINALISTIC AND SCIENTIFIC INVESTIGATION – LAW AND POLICY

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

Forensic science is any kind of science used in the legal or justice system to support and uphold the law. When a crime has been committed and evidence is collected at the scene, scientists analyze it, arrive at scientific results and give expert court testimony about their findings. Forensic science concentrates on facts that prove something did or did not happen in a criminal or civil case. Regardless of their scientific specialty, all forensic scientists have the same goal: examining evidence from a crime scene using strictly scientific knowledge and principles in order to find facts about a criminal case. Because the outcomes are objective facts, forensic science can be useful both to the prosecution and the defense. Any discipline of forensic science can prove whether and how suspects and victims are linked to each other or to the crime scene itself. Criminalistic and scientific investigation has become one of the most important parts of any criminal case.

After undergoing the study, the student will be able to understand the following:

- *Make students familiar with the field of forensic science which includes investigating a crime by applying forensic science principles.*
- *Enhance knowledge, in depth understanding and application of forensic science, policing and criminal investigation by teaching and research.*
- *Develop critical and analytical subject specific skills involving the principles, practices and techniques of specific field.*
- *Develop competence in research methods and presentation of information.*

COURSE OUTLINE

MODULE – I: Forensic Science and Crime Scene Management

- a) Forensic Science Unit – Tools and techniques in Forensic Science – Jurisprudence of Forensic Evidence and Constitutional Challenges – Human Rights and Comparative Forensic Analysis
- b) Forensic Photography – Crime Scene Management
- c) Collection, Handling, Admissibility and Challenges

MODULE – II: Forensic Dermatoglyphics and other impressions

- a) Fingerprints and Palm prints – Biometrics
- b) Foot / Footwear / Tyre impressions – Lip prints, Ear prints and their significance
- c) Collection, Handling, Admissibility and Challenges

MODULE – III: Forensic Chemistry and Toxicology

- a) Forensic Chemistry – Explosives – Ballistics
- b) Forensic Toxicology and Pharmacology – Drugs of Abuse
- c) Collection, Handling, Admissibility and Challenges

MODULE – IV: Questioned Documents

- a) Introduction to Document Examination – Handwriting and Signature examination
- b) Typewritten and Printed Documents – Forgery Detection
- c) Collection, Handling, Admissibility and Challenges

MODULE – V: Forensic Anthropology

- a) Personal Identification – Human Growth and Development
- b) Forensic Morphometry of Skeletal Remains – Forensic Odontology
- c) Collection, Handling, Admissibility and Challenges

MODULE – VI: Forensic Biology and DNA Profiling

- a) Serology and Immunology – Forensic Biology
- b) DNA Profiling – DNA Polymorphism
- c) Collection, Handling, Admissibility and Challenges

MODULE – VII: Forensic Medicine and Psychology

- a) Medico legal aspects of death – Injuries and investigations
- b) Forensic Entomology – Forensic Psychology
- c) Collection, Handling, Admissibility and Challenges

MODULE – VIII: Digital Forensic and Cyber Crime

- a) E – data analysis – Types of cyber crimes
- b) Audio – video examination – Speaker Identification
- c) Collection, Handling, Admissibility and Challenges

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Houck, M.M & Siegel, J.A; Fundamentals of Forensic Science, Academic Press, London, 2006.
2. Sharma, B.R; Forensic Science in Criminal Investigation & Trials, Universal Publishing Co., New Delhi, 2019
3. J.P. Modi ,A Textbook of Medical Jurisprudence and Toxicology, Lexis Nexis Butterworth India 2019
4. Nanda B.B and Tewari, R.K; Forensic Science in India – A vision for the Twenty First Century, Select Publisher, New Delhi, 2001
5. Saferstein; Criminalistics – An Introduction of Forensic Science, Prentice Hall Inc, USA,2007.

JOURNALS / ARTICLES

1. Brettell, T. A., J. M. Butler, and R. Saferstein. "Forensic science." *Analytical chemistry* 77, no. 12 (2005): 3839 – 3860.
2. Garrett, Brandon L., and Peter J. Neufeld. "Invalid forensic science testimony and wrongful convictions." *Virginia Law Review* (2009): 1 – 97.
3. Ribaux, Olivier, Simon J. Walsh, and Pierre Margot. "The contribution of forensic science to crime analysis and investigation: forensic intelligence." *Forensic science international* 156, no. 2 – 3 (2006): 171 – 181.
4. Giannelli, Paul C. "Wrongful convictions and forensic science: the need to regulate crime labs." *NCL Rev.* 86 (2007): 163.
5. Roux, Claude, Frank Crispino, and Olivier Ribaux. "From forensics to forensic science." *Current Issues in Criminal Justice* 24, no. 1 (2012): 7 – 24.

FURTHER READING:

BOOKS

1. Barry, A.J. Fisher; Techniques of Crime Scene Investigation, 7th Ed, CRC Press, New York, 2003.
2. Mordby, J. & Reckoning, D; The Art of Forensic Detection, CRC Press New York, 2003.
3. G.R. Chatwal; Analytical Spectroscopy 2nd Edn, Himalaya Publishing House New Delhi,2002.

4. Mehta, M.K; Identification of Thumb impression & cross examination of Fingerprints, N.M. Tripathi Pub. Bombay, 1980.
5. Chatterjee, S.K; Speculation in Fingerprint Identification, Jantralekha printing Works, Kolkata, 1981.
6. Parikh, C.K; Text Book of Medical Jurisprudence, Forensic Medicine & Toxicology, CBS Pub. New Delhi, 1999
7. Morrison R.T and Boyd R. Organic Chemistry 6th Ed Prentice Hall, 2003
8. Laboratory Procedure Manual: Petroleum Products, Directorate of Forensic Science, MHA, Govt. of India, 2005
9. Katherine, M. K; CDE – Forensic Document Examination – Humana Press, New Jersey, 2007
10. Butler, J; Advanced Topics in Forensic DNA Typing: Methodology, 1st Ed., Academic Press, London, 2009.

JOURNALS / ARTICLES

1. Du Mont, Janice, Deborah White, and Margaret J. McGregor. "Investigating the medical forensic examination from the perspectives of sexually assaulted women." *Social science & medicine* 68, no. 4 (2009): 774 – 780.
2. Jobling, Mark A., and Peter Gill. "Encoded evidence: DNA in forensic analysis." *Nature Reviews Genetics* 5, no. 10 (2004): 739 – 751.
3. Dror, Itiel E., Saul M. Kassin, and Jeff Kukucka. "New application of psychology to law: Improving forensic evidence and expert witness contributions." *Journal of Applied Research in Memory and Cognition* 2, no. 1 (2013): 78 – 81.
4. Margot, Pierre. "Forensic science on trial – What is the law of the land?" *Australian Journal of Forensic Sciences* 43, no. 2 – 3 (2011): 89 – 103.
5. Plourd, Christopher J. "Science, the law, and forensic identification." In *Forensic Dentistry, Second Edition*, pp. 17 – 26. CRC Press, 2010.
6. Milich, Paul S. "Controversial science in the courtroom: Daubert and the law's hubris." *Emory LJ* 43 (1994): 913.
7. Faigman, David L. "The limits of science in the courtroom." *Beyond common sense: Psychological science in the courtroom* (2008): 303 – 314.
8. Skeem, Jennifer L., Kevin S. Douglas, and Scott O. Lilienfeld, eds. *Psychological science in the courtroom: Consensus and controversy*. Guilford Press, 2009.
9. Robertson, James. "Forensic science, an enabler or dis – enabler for criminal investigation?" *Australian Journal of Forensic Sciences* 44, no. 1 (2012): 83 – 91.

10. Ludwig, Anika. "Evaluating Forensic Science." *Forensic Science Policy & Management: An International Journal* 7, no. 3 – 4 (2016): 69 – 80.

CASES FOR GUIDANCE

1. *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993)
2. *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999)
3. *GE v. Joiner* – 522 U.S. 136, 118 S. Ct. 512 (1997)
4. *Kasha Beharav. State of Orissa*, AIR 1987 SC 1507
5. *Himanashu Pahari v. State*, (1986) Cri. L.J. 622.
6. *Mahmood v. State of U.P.*, AIR 1976 SC 69.
7. *Mahavir Singh v. State*, Cri. Appeal No. 498 / 2007, decided on 22.5.09.
8. *Vishal Yadav v. State of Uttar Pradesh* (2014) SCC Online Del. 1373.
9. *Inspector of Police v. John David* (2011) 5 SCC 509
10. *State of NCT Delhi v. Sujeet Kumar*, 2014 SCC Online Del 1952
11. *State by the Inspector of Police v. Manoharan*, 2015 Cri. LJ 1215: MANU / TN / 0496 / 2014.
12. *State of Bombay v. Kathi Kalu Oghad & Others*, AIR 1961 SC 1808, 1962 SCR (3) 10.
13. *Ramchandra Reddy and Ors. v. State of Maharashtra* ,2004 All MR (Cri) 1704.
14. *Dinesh Dalmia v State*, 2006 Cri. L. J 2401
15. *Selvi & Ors v. State of Karnataka & Anr*, AIR 2010 SC 1974.
16. *Krishan v. State of Haryana*, (2014) 13 SCC 574.
17. *State of Gujarat v. Mohan Hamir Gohil and others* R / CR. A / 224 / 2012
18. *Anmolsingh Swarnsingh Jabbal v. The State of Maharashtra*, 2014 SCC Online Bom 397: 2014 (2) Bom CR (Cri) 361: MANU / MH / 0352 / 2014
19. *Sushil Sharma v. The State (Delhi Administration)*1996 CriLJ 3944
20. *Vasu v. Santha* AIR [1986] M.P. 57,

LEARNING OUTCOME

- *Develop skills in forensic identification, forensic problem solving either independently or as a team member.*
- *Keep abreast with all recent developments and emerging trends in Forensic science, Ethics and the law.*
- *Identify a variety of specific career fields related to forensic science and law enforcement and that an individual cannot be an expert in all areas.*
- *Outline protocols used when a crime scene is being secured and evidence is being procured by law enforcement members.*

PAPER – VII

DIGITAL CRIME AND DIGITAL FORENSIC IN CYBER SPACE

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE:

Cyber Forensics is a branch of digital forensic science pertaining to evidence found in computers and digital storage media. The goal of cyber forensics is to examine digital media in a forensically sound and constructive manner with the aim of identifying, preserving, recovering, analyzing and presenting facts and evidence in a court of law. The courses are designed with a focus on strengthening students' knowledge in all areas of cyber security and digital forensics. This course provides hands – on experience in different computer forensics situations that are applicable to the real world. Students will learn different aspects of digital evidence: ways to uncover illegal or illicit activities left on disk and recovering files from intentionally damaged media with computer forensics tools and techniques.

After undergoing the study, the student will be able to understand the following:

- *To demonstrate foundational knowledge and skills in Cyber forensics.*
- *To explain the role of digital forensics and the relationship of digital forensics to traditional forensic science, traditional science and the appropriate use of scientific methods*
- *To learn investigation tools and techniques, analysis of data to identify evidence, Technical Aspects & Legal Aspects related to cybercrime.*
- *Describe the procedures for selecting appropriate security components in preventing cybercrimes.*

COURSE OUTLINE

MODULE – I: Networks and Network Security

- a) Networking Architecture – Networking Technologies – Networking Topologies
- b) Network Protocols – Data Link Layer – Network Layer Protocols – Transport Layer
- c) Security Mechanisms in Networking Layers

MODULE – II: Cyber Space, Cyber Laws and Digital Crime

- a) Cyber Space – Cyber Laws – Digital Crime – cyber security
- b) Electronic Communication Devices – Communication Technologies in Cyber crime
- c) Classification of cybercrime – Classification of Cybercriminals – Challenges to cybercrimes

MODULE – III: Cybercrime – The present and the future

- a) Cyber war – The present and the future
- b) Cryptocurrency – Bitcoins – Ethereum – Blockchain – Ransomware
- c) Deep Web and Dark Web – Counter measures to overcome challenges

MODULE – IV: Cyber Forensic Investigation

- a) Forensic Examination Process – Methods in Forensic Analysis
- b) Benefits of Cyber Forensics – Classification of Cyber Forensics
- c) Challenges of Digital Forensics in Cyber Security

MODULE – V: Digital Evidence

- a) Duplication and Preservation of Digital Evidence
- b) Acquisition and Handling of Digital Evidence
- c) Analysis and Admissibility of Digital Evidence – Challenges with Digital Evidence

MODULE – VI: Legal Issues, Information and Human Security

- a) Law Enforcement / Criminal Prosecutions – Evidentiary Issues, Organizations and Standardizations
- b) Information security – Information processing – Secure program administration.
- c) Organizational and Human Security – Information security professionals – International Human Rights – Cybercrime a comparative analysis.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Cyber forensics: A field manual for collecting, examining, and preserving evidence of computer crimes, Marcella A Greenfield R, CRC Press, 2002
2. Cyber Forensics in India: A Legal Perspective, Nishesh Sharma, LexisNexis, 2017
3. Christof Paar, Jan Pelzl, Understanding Cryptography: A Textbook for Students and Practitioners, 2nd Edition, Springer's, 2010
4. Ali Jahangiri, Live Hacking: The Ultimate Guide to Hacking Techniques & Countermeasures for Ethical Hackers & IT Security Experts, Ali Jahangiri, 2009
5. Computer Forensics: Investigating Network Intrusions and Cyber Crime (Ec – Council Press Series: Computer Forensics), 2010

JOURNALS / ARTICLES

1. Review of: Investigating Computer – Related Crime, Nalla M, Journal of Forensic Sciences (2001) 46(6) 15191J
2. Computer Forensics in Today's World, Wiles JReyes A, Elsevier, (2007), 1 – 51, Book Chapter
3. Cyber Crimes and Its Jurisdiction, Tiwari B, Indian Streams Research Journal (2013) 3(5) 1 – 5
4. A cyber forensics ontology: Creating a new approach to studying cyber forensics, Brinson ARobinson ARogers M, Digital Investigation (2006) 3(SUPPL.) 37 – 43
5. Digital Forensics and Cyber Crime Datamining, K. Sindhu KB. Meshram B, Journal of Information Security (2012) 03(03) 196 – 201

FURTHER READING:

BOOKS

1. Marjie Britz T. Computer forensic and cyber crime – an introduction, 3rd edition Pearson Educational India, (2013)
2. Robert Newman C Computer forensic – Evidence collection and management, Auerbach publication, Taylor and Francis Group, (2007)
3. Computer Crimes and Digital Investigations, Ian Walden, Oxford University Press; 1 edition (April 9, 2007)
4. Cyber Forensics: From Data to Digital Evidence, by Albert J. Marcella Jr., Frederic Guillossou , Wiley; 1 edition (May 1, 2012)
5. Investigating Internet Crimes: An Introduction to Solving Crimes in Cyberspace, Todd Shipley, Art Bowker , Nick Selby, Syngress; 1 edition (December 3, 2013)
6. Cyber Crime Investigator's Field Guide, Bruce Middleton, Auerbach Publications (November 28, 2001)
7. Cybercrime Investigative Case Management: An Excerpt from Placing the Suspect, Brett Shavers, Syngress; 1 edition (15 January 2013)
8. Cyber Forensics: A Field Manual for Collecting, Examining, and Preserving Evidence of Computer Crimes , Albert Marcella Jr. (Editor), Robert S. Greenfield (Editor), Auerbach Publications; 1 edition (January 23, 2002)
9. Cyber Crime and Digital Evidence: Materials and Cases is designed to be an accessible introduction to Cyber Crime and Digital Evidence, Thomas K. Clancy, 3rd Edition, Carolina Academic Press
10. Understanding Laws – Cyber Laws and Cyber Crimes, Garima Tiwari, Lexis Nexis; First edition, 2014

JOURNALS / ARTICLES

1. Cyber Forensics in the Cloud, Zimmerman S Glavach D Programs, IA newsletter (2011) 14(1) 4 – 7
2. A triage framework for digital forensics, Bashir MKhan M, Computer Fraud and Security (2015) 2015(3) 8 – 18
3. Measures of retaining digital evidence to prosecute computer – based cyber – crimes, Wang S, Computer Standards and Interfaces (2007) 29(2) 216 – 223
4. Investigating and prosecuting cybercrime: Forensic dependencies and barriers to justice, Brown C, International Journal of Cyber Criminology (2015) 9(1) 55 – 119
5. Embedded device forensics and security, Choo KFei YXiang, CM Transactions on Embedded Computing Systems (2016) 16(2)
6. A rational jurisdiction for cyber terrorism, Moslemzadeh Tehrani P Abdul Manap N, Computer Law and Security Review (2013) 29(6) 689 – 701
7. Jurisdictional and definitional concerns with computer – mediated interpersonal crimes: An Analysis on Cyber Stalking, Roberts L, International Journal of Cyber Criminology (2008) 2(1) 271 – 285
8. Internet Jurisdiction for E – commerce, Ward BSipior JVolonino L, Journal of Internet Commerce (2016) 15(1) 1 – 17
9. Angela Orebaugh and Jeremy Allnutt, Classification of Instant Messaging Communications for Forensics Analysis, The International Journal of Forensics Computer Science, 2009 (1), 22 – 28
10. Deepak Singh Tomar, Nikhil Kumar Singh, Bhopal Nath Roy, an approach to understand the end user behavior through log analysis, International Journal of Computer Applications (0975 – 8887) Volume 5 – No.11, August 2010

CASES FOR GUIDANCE

1. A&M Records, Inc., vs Napster No.00 – 16401 (9th Cir. February, 12,2001)
2. The State of Tamil Nadu vs. Suhas Katti, [https:// www.legalcrystal.com / act / 51405 /](https://www.legalcrystal.com/act/51405/) – IT act 2000 – act –. – complete – act
3. Delfias vs. Estonia, Application no. 64569 / 09, Judgment Dated: 16.06.2015
4. Manik Taneja vs State of Karnataka, Criminal Appeal No. 141 / 2015, Judgment Dated: 20 / 01 / 2015
5. Bench vs. Gopala Gowda, J. & R. Banumathi J., Supreme Court of India, Citation: 2015(1) JT 237
6. Shreya Singhal vs. Union of India, Writ Petition (Criminal) No. 167 of 2012

7. Delhi Metro CCTV footage leaks case, http://zeenews.india.com/news/nation/porn-mmses-from-delhi-metro-cctv-footage_860933.html
8. SMC Pneumatics (India) Pvt. Ltd. vs. Jogesh Kwatra – Jogesh Kwatra, <http://cyberlaws.net/cyberindia/defamation.htm>
9. Air Force Balbharati School case (Delhi), Abhimanyu Behera, “Cyber Crimes and Law In India,” XXXI, IJCC 19 (2010)
10. Gujrat Ambuja’s Executive Case, <http://www.indiaforensic.com/cyberextortion.htm>.
11. Varpaul Singh vs. State of Punjab, [http://www.advocatekhoj.com/library/bareacts/ITact2000/index.php?Title=. %20ITact 2000%20Act, %20.](http://www.advocatekhoj.com/library/bareacts/ITact2000/index.php?Title=.%20ITact%202000%20Act,%20)
12. Just Dial Vs Infomedia 18[Delhi HC], [http://lawmin.nic.in/ld/P – ACT/.A. 1.pdf](http://lawmin.nic.in/ld/P-ACT/.A.1.pdf)
13. Tata Son’s LTD Vs Mr. Manu Kosuri and ORS, [https://en.wikipedia.org/wiki/.IT act 2000_Act](https://en.wikipedia.org/wiki/.IT_act_2000_Act)
14. Rediff Communication LTD Vs Cyber Booth and ANR, <https://kanoon.org/doc/1953529>
15. Avnish Bajaj Vs. State 29 May, 2008, [https://en.wikisource.org/wiki/. _IT act 2000_Act_.](https://en.wikisource.org/wiki/.IT_act_2000_Act_)
16. Ritu Kohli Case, [http://www.daman.nic.in/acts-rules%5CPolicedepartment %5Cdocuments/. %20ITact 2000%20Act%20.pdf](http://www.daman.nic.in/acts-rules%5CPolicedepartment%5Cdocuments/.%20ITact%202000%20Act%20.pdf)
17. Dr. J.J. Irani @ Jamshed J. Irani ... vs State of Jharkhand and Anr, 2006 (4) JCR 117 Jhr
18. Amar Singh vs UOI, (2011) 7 SCC 69
19. Barbara Taylor Bradford vs Sahara Media Entertainment Ltd, 2003 SCC Online Cal 323 (2004)
20. Weber – Stephen products vs Armitage Hardware, 54 US PQ 2nd 1766(N.D III 2000)

LEARNING OUTCOME

- *Demonstrate the ability to properly document a computer forensics investigation / analysis and create reports.*
- *Identify standards of professionalism an ethical behavior for information security and digital forensics professional and apply these standards successfully to ethical dilemmas.*
- *Interpret and appropriately apply the laws and procedures associated with identifying, acquiring, examining and presenting digital evidence*
- *Work collaboratively with clients, management, and / or law enforcement to advance digital investigations or protect the security of digital resources*
- *Students will be introduced to the current research in computer forensics. This will encourage them to define research problems and develop effective solutions.*

PAPER – VIII

CRIMINAL JUSTICE RESEARCH AND POLICY DEVELOPMENT

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE:

Criminal justice research and policy development will introduce research methods used in criminology and criminal justice. The nature of scientific inquiry, issues in research methods, and statistical concepts used in quantitative analyses will be explored. The content is designed to familiarize with the basic ideas, techniques, and problems associated with conducting criminological and criminal justice research. The study will provide with the analytical, critical thinking skills necessary to understand empirical research and the tools necessary to conduct research project. The subject should be of interest and benefit to the intended policymakers in assessing the benefits of investing in criminal justice research, and, to researchers and practitioners who wish to become familiar with major research findings and methods for improving the research – to practice link.

After undergoing the study, the student will be able to understand the following

- *To understand the basic principles, overview of scientific inquiry in criminal justice, identify scholarly research, and field research methods.*
- *To understand causation, operationalize, conceptualize, measure in research methods and different levels of measurement in research methods.*
- *To understand various research methods used to study criminology, including how to critically review criminological research*
- *To recognize strengths and weaknesses of research designs.*

COURSE OUTLINE

MODULE – I: Scientific Inquiry and Field Research

- a) Criminal Justice Inquiry – Personal Human Inquiry, Errors in Personal Human Inquiry – Foundations of Social Science – Purposes of Research – Differing Avenues for Inquiry
- b) Field Research, Appropriate topics – The Various Roles of the Observer – Asking Questions
- c) Gaining Access to Subjects – Recording Observations – Linking Field Observations and Other Data – Validity, Reliability, Generalizability of Field Research.

MODULE – II: General Issues in Research Design

- a) Research Design – Causation in the Social Sciences – Criteria, Causes
- b) Validity and Causal Inference – Introducing Scientific Realism – Units of Analysis – Social Artifacts – The Ecological Fallacy – Reductionism
- c) The Time Dimension in Research – Designing a Research Project – Preparing a Research Proposal

MODULE – III: Concepts, Operationalization, Measurement and Survey Research

- a) Conceptions and Concepts – Operationalization Choices – Measurement, types, Levels, Implications – Reliability, Validity – Composite Measures – Typologies, An Index of Disorder
- b) Topics Appropriate to Survey Research – Guidelines for Asking Questions, Question types, Statements, Biased Items and Terms, Designing Self – Report Items
- c) Questionnaire Construction – Self – Administered Questionnaires – Software applications used – In – Person Interview Surveys – Role of Interviewer, General Rules, Software applications – Telephone Surveys, Video Conference – Specialized Interviewing, Focus Groups

MODULE – IV: Experimental and Quasi – Experimental Designs

- a) Experimental and Quasi – Experimental Designs
- b) The Classical Experiment, Variables, Pretesting and Post – testing, Experimental and Control Groups, Double – Blind Experiments, Selecting Subjects, Randomization – Experiments and Causal Inference – Experiments and Threats to Validity
- c) Variations in the Classical Experimental Design – Variations in Time – Series Designs, Variable – Oriented Research and Scientific Realism

MODULE – V: Agency Records, Content Analysis, and Secondary Data

- a) Agency Records, Content Analysis, and Secondary Data
- b) Types of Agency Records – Units of Analysis and Sampling – Reliability and Validity
- c) Content Analysis – Units, Sampling, Coding, Illustrations – Secondary Analysis

MODULE – VI: The Influence of Criminal Justice Research

- a) Role of Criminal Justice Researches conducted in India.
- b) Policing – Patrol Operations, Criminal Investigation, Specialized Offender / Offense Operations – Prosecution – The Case – Attrition Problem, Dealing with Career Criminals – Sentencing – Reassessing Sentencing Objectives, Sentencing Reform – Corrections –

Prison Crowding, Releasing Pretrial Detainees from Jail, Parole Issues, Attempts to Make Probation a Safer Sentencing Alternative

- c) Product – Oriented Research – Products for Policing Applications, Technical Research for Prosecution and the Courts, Other Technical Research – Assessing the Benefits of Research and Increasing the Return on Research Investment

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Maxfield, M. G., & Babbie, E. R. (2014). *Research methods for criminal justice and criminology*. Cengage Learning.
2. *Research Methods in Criminal Justice and Criminology* Paperback, Callie Marie Rennison (Author), Timothy Christopher Hart (Author), SAGE Publications, Inc; 1st edition (20 February 2018)
3. Vito, G. F., Kunselman, J. C., & Tewksbury, R. (2014). *Introduction to criminal justice research methods: An applied approach*. Charles C Thomas Publisher.
4. Maxfield, M. G. (2015). *Basics of research methods for criminal justice and criminology*. Cengage Learning.
5. Dantzker, M. L., Hunter, R. D., & Quinn, S. T. (2016). *Research methods for criminology and criminal justice*. Jones & Bartlett Learning.

JOURNALS / ARTICLES

1. Rogers, C. (2019). Necessary connections: “Feelings photographs” in criminal justice research and doing visual methods. *Methodological Innovations*.
2. Pickett, J. T. (2019). Public opinion and criminal justice policy: Theory and research. *Annual Review of Criminology*, 2, 405 – 428.
3. Richard, T. (2013). Qualitative versus quantitative methods: Understanding why qualitative methods are superior for criminology and criminal justice.
4. McNeill, F. (2016). Desistance and criminal justice in Scotland. *Crime, justice and society in Scotland*, 200 – 216.
5. Backes, B. L., Fedina, L., & Holmes, J. L. (2020). The criminal justice system response to intimate partner stalking: a systematic review of quantitative and qualitative research. *Journal of Family Violence*, 1 – 14.

FURTHER READING:

BOOKS

1. Lanier, M., & Briggs, L. T. (2014). *Research methods in criminal justice and criminology: A mixed methods approach*. New York, NY: Oxford University Press.
2. Remler, D. K., & Van Ryzin, G. G. (2014). *Research methods in practice: Strategies for description and causation*. Sage Publications.
3. Welsh, W. N., & Harris, P. W. (2016). *Criminal justice policy and planning: Planned change*. Routledge.
4. Senese, J. D. (1997). *Applied research methods in criminal justice*. Nelson – Hall Publishers.
5. Ellis, L., Hartley, R. D., & Walsh, A. (2009). *Research methods in criminal justice and criminology: An interdisciplinary approach*. Rowman & Littlefield Publishers.
6. Johnson, E. S. (1981). *Research methods in criminology and criminal justice* (p. 418). Englewood Cliffs, NJ: Prentice – Hall.
7. Fitzgerald, J. D., & Cox, S. M. (2002). *Research methods and statistics in criminal justice*. Wadsworth Pub.
8. Ellison, K. W., & Buckhout, R. (1981). *Psychology and criminal justice* (pp. 80 – 82). New York: Harper & Row.
9. Harrison, L. (1997). The validity of self – reported drug use in survey research: an overview and critique of research methods. *NIDA Res Monogr*, 167, 17 – 36.
10. Bachman, R., & Schutt, R. K. (2013). *The practice of research in criminology and criminal justice*. Sage.

JOURNALS / ARTICLES

1. Garrett, B. L. (2018). Evidence – Informed Criminal Justice. *Geo. Wash. L. Rev.*, 86, 1490.
2. Tonry, M. (2013). Evidence, ideology, and politics in the making of American criminal justice policy. *Crime and Justice*, 42(1), 1 – 18.
3. Sparks, R. (2020). Crime and justice research: The current landscape and future possibilities. *Criminology & Criminal Justice*, 1748895820949297.
4. Bosworth, M., Franko, K., & Pickering, S. (2018). Criminal justice research in an era of mass mobility: a brief introduction. In *Criminal Justice Research in an Era of Mass Mobility* (pp. 1 – 12). Routledge.
5. Pickett, J. T. (2019). Public opinion and criminal justice policy: Theory and research. *Annual Review of Criminology*, 2, 405 – 428.

6. Welsh, B. C., Braga, A. A., & Bruinsma, G. J. (2015). Reimagining broken windows: From theory to policy. *Journal of Research in Crime and Delinquency*, 52(4), 447 – 463.
7. Luther, K., Snook, B., Barron, T., & Lamb, M. E. (2015). Child interviewing practices in Canada: A box score from field observations. *Journal of Police and Criminal Psychology*, 30(3), 204 – 212.
8. Kesteren, J. V., Dijk, J. V., & Mayhew, P. (2014). The international crime victims' surveys: A retrospective. *International review of victimology*, 20(1), 49 – 69.
9. Amado, B. G., Arce, R., & Fariña, F. (2015). Undeutsch hypothesis and Criteria Based Content Analysis: A meta – analytic review. *The European Journal of Psychology Applied to Legal Context*, 7(1), 3 – 12.
10. Ferdik, F. V., Wolfe, S. E., & Blasco, N. (2014). Informal social controls, procedural justice and perceived police legitimacy: do social bonds influence evaluations of police legitimacy? *American Journal of Criminal Justice*, 39(3), 471 – 492.

LEARNING OUTCOME

- *Think critically about important issues in criminal justice research methodology*
- *Problem – solve solutions to methodological problems*
- *Enhance communication skills and READING: / research / writing acumen*
- *Review published research to determine specific strengths and weaknesses of the research methodology as well as understand basic concepts of social research.*
- *To understand the influence of criminal justice research for policy development.*

PAPER – IX

ELITE CLASS DEVIANCE AND CRIME ACCOUNTABILITY

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE:

Elite deviance, committed by the upper echelons of society, and organized crime threaten development and the rights and security of people across and within nations. These types of illegal and harmful activities, as well as collusion and linkages between the actors involved, are of major concern to governments, non – governmental organizations (NGOs), and supranational institutions. A Socio – economic offence does not only extend the scope of the subject matter of white – collar crime, but is also of wider import towards elite class deviance. Various parameters and dimensions of elite class deviance and criminality committed in India are described in the different MODULE – s in this course. In designing teaching materials for this course, current developments in deviance, as reflected in newspapers / journals, law reports and legislative proceedings will be highlighted.

After undergoing the study, the student will be able to understand the following:

- *To understand the features and dimensions socio – economic , white – collar offences and elite class deviance*
- *To identify the difference between socio – economic and white – collar offences, white – collar offences and elite class deviance*
- *To get the idea of the laws and governmental efforts to regulate and control elite class deviance and accountability.*
- *To examine the empirical linkages between elite deviance, organized crime, and conventional (non – elite) crime cross – nationally.*

COURSE OUTLINE

MODULE – I: Crime and Deviance

- a) Theories of Deviance: Individualistic versus Sociological Theories, Functionalism & Anomie Theories, Conflict and Threat Theories, Labeling Theory.
- b) Typical forms of Deviance: Official deviance – Professional deviance – Police deviance – Electoral Deviance – Trade union deviance, Landlord deviance (class / caste-based deviance) – Gender based aggression.
- c) Indian approaches to socio – economic offences – Notions of Elite class deviance.

MODULE – II: White Collar Crimes

- a) Conceptions of white collar crimes – Growth of white collar crimes in India – Chronological Background
- b) White collar crime and blue – collar crime – Report on white collar crime in India – Santhanam Committee – Wanchoo Committee – 29th & 47th Report of Law Commission of India
- c) White collar crime in other professions – Legislation against white collar crime in India.

MODULE – III: Official Deviance

- a) Conception of official deviance – Malfeasance – Misfeasance – Non – feasance – Discretion and legality – Permissible limit of discretionary powers
- b) Deviance by Legislators, Judges and Bureaucrats – Official Enquiry into Deviance and Corruption – Commission Report on Official Deviance
- c) Judicial Control of Official Discretion – Commissions on official deviance

MODULE – IV: Police Deviance

- a) Police Deviance – Structures of legal restraint on police power in India – Typology of Police Deviance – Police atrocities
- b) Police and Para – Military forces – Professional conduct and ethics
- c) Accountability and Reform in Policing – Human Rights approach

MODULE – V: Professional Deviance

- a) Moral and Ethics – Professional Ethics
- b) Unethical practices at the Indian bar – The Press Council on unprofessional and unethical journalism
- c) Medical malpractice – Deviant behaviour by Teachers, Engineers & Architects

MODULE – VI: Indian Legal Order and New criminal jurisprudence

- a) Indian Legal Order to Elite Classes Deviance – Investigation, trial and punishment – Public Accounts Committee
- b) Vigilance Commission – Ombudsman – Lokpal and Lokayukta – Commissions of Enquiry – Prevention of Corruption Act, 1988
- c) Need for New criminal jurisprudence

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Mahesh Chandra, Socio – Economic Crimes, N.M. Tripathi, Bombay Publication, 1979 at p. 45. Also available at:
http://shodhganga.inflibnet.ac.in/bitstream/10603/12841/8/08_chapter%202.pdf
2. Barners and Teeters: New Horizens in Criminology (3rd ed.), Prentice Hall, New Delhi, 1966
3. Sutherland: White Collar Crimes, Holt, Rinehart and Winston, New York, 1949
4. R.K. Tawney, as quoted by Gilbert Gers and Robert F. Meier, White – Collar Crime: offences in Business politics and the Professions, (The Free Press, N.4, 1977).
5. Elmer Hubert Jonson, as quoted by Ahmed Sadique, Criminology: Problems and Perspectives, (4th ed., Eastern Book Company, Lucknow, 1997).

JOURNALS / ARTICLES

1. Santhanam Committee Report, pgs.53 – 54. Also see Law Commission of India, 47th Report, p.3 (1972). Available at – <http://lawcommissionofindia.nic.in/1-50/report47.pdf>
2. Andrew Ashworth, Sentencing and Criminal Justice, 5th Edition, Cambridge University Press, 2010, Pages 108 – 112. Available at: http://mja.gov.in/Site/Upload/GR/Workshop%20Paper_sentencing%20victimology%20-%20uday%20b%20shukla.pdf
3. Law commission of India (47th Report) on Socio – Economic Offences. p. 4 (1972).
4. Jeremy Horder, "Two Histories and Four Hidden Principles of Mens Rea", Law Quarterly Review, pp. 95 – 119 (Vol. 113, January, 1997).
5. Pande B. B. (1987), The Other Side of Development Social Psychological Implications' ed. Shukla K. S., pp. 157 – 158, Sage Publications India (P) Ltd., New Delhi.

FURTHER READING:

BOOKS

1. K.D. Gaur, Criminal Law and Criminology, Deep and Deep Publications Pvt.Ltd., New Delhi, 2002.
2. David Nelken “White – Collar crime”, Mike Magure (Ed), The Oxford Handbook of Criminology, p. 363 (Rod Murgas and Robert Reinder, 1994).
3. K. I Vibhute, P.S. Atchuthen Pillai’s Criminal Law, Lexisnexis Butterworths, 2008

4. Bequai August (1977), White Collar Crime: A 20* Century Crisis, p.4, Lexington Books – D. C. Heath and Co., Lexington.
5. Agrawal A. N. (2001), Indian Economy Problems of Development and Planning, p. 559, Wishwa Prakashan, New Delhi.
6. Upendra Baxi. The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi
7. N.V. Paranjpe, Criminology & Penology, Central Law Publication, Allahabad, 2010
8. A.S. Ramachandra Rao, The Prevention of Corruption Act, Universal Law Publishing Co., New Delhi, 2011
9. The criminology of white – collar crime, Simpson SWeisburd D, Springer New York, (2009), 1 – 228
10. Elite deviance, Simon D, Taylor and Francis, (2018), 1 – 354

JOURNALS / ARTICLES

1. Peel Michael (2002), 'How not to manage a crisis – Seven months in the death of a Global Giant', p.l. Business Standard dt. 12 / 4 / 2002.
2. Barber Benjamin (2002), 'A Failure of Democracy, Not Capitalism', The New York Times Internet ed. Dt. 29.7.2002.
3. Joint Parliamentary Committee (1993), Report on 'Irregularities in Securities and Banking Transactions' Volume I, p.315, Loksabha Secretariat, New Delhi.
4. Peel Michael (2002), 'How not to manage a crisis – Seven months in the death of a Global Giant', p.l. Business Standard dt. 12 / 4 / 2002
5. Singh M. K. (1987), 'The Other Side of Development Social Psychological Implications' ed. Shukla K. S., p.112, Sage Publications India (P) Ltd., New Delhi.
6. Police corruption and its prevention, Punch European Journal on Criminal Policy and Research (2000) 8(3) 301 – 324
7. Effects of news deviance and personal involvement on audience story selection: A web – tracking analysis, Lee J, Journalism and Mass Communication Quarterly (2008) 85(1) 41 – 60
8. Relations between neighborhood factors, parenting behaviors, peer deviance, and delinquency among serious juvenile offenders, Chung H Steinberg L, Developmental Psychology (2006) 42(2) 319 – 331
9. Parent – Teacher Agreement on Children's Problems in 21 Societies, Rescorla LBochicchio LAchenbach T et al, Journal of Clinical Child and Adolescent Psychology (2014) 43(4) 627 – 642
10. Corruption, Coovadia I, Social Dynamics (2019) 45(2) 213 – 217

CASES FOR GUIDANCE

1. Ishardas v. State of Punjab AIR 1972 SC 1295
2. Pyarali K. Tejani vs Madhav R. Dange AIR 1974 SC 228
3. State of Uttar Pradesh v. Sanjay Kumar (2012) 8 SCC 537
4. State of Gujarat v. Mohanlal Jitamalji Porwal and Anr. AIR 1987 SC 1321
5. Lalit Goel v. Commissioner of Central Excise, 2007 (3) JCC 2282
6. Prem Kumar Parmar v. State 23 1989 RLR 131. Available at: <https://indiankanoon.org/doc/58730884/>
7. Central Bureau of Investigation v. Jagjit Singh (2013) 10 SCC 686
8. Guerrero Lugo ElviaGrissel v. The State of Maharashtra, <http://www.advocatekhoj.com/library/judgments/announcement.php?WID=645427> (2012)
9. CBI v. Maninder Singh 2015 (9) SCALE 365
10. Y.S. Jagan Mohan Reddy v. CBI, (2013) 7 SCC 439
11. Nimmagadda Prasad v. CBI, (2013) 7 SCC 466.
12. Mahendra Prasad v. State (2008) CCR 28 (Del)
13. B.G. Goswami v. Delhi Administration (1974) 3 SCC 85
14. State, Rep. by Inspector of Police Central Crime Branch v. R. vasanthi Stanley Criminal Appeal Nos. 2006 – 2009 OF 2014
15. Parmananda Katara Vs. Union of India, AIR 1989 SC 2039
16. PUCL (PDS Matters) v. Union of India (2013) 2 SCC 663
17. Manohar Lal Sharma v. Principle Secy (2013) 15 SCALE 305
18. Ranjith Kr v. State of Bihar AIR 2014 Pat 14
19. Abdul Rashid v. State of Haryana 2014ri LJ 1588
20. Swami Achyutanand Tirth v. UOI 2013 (5) SCALE 23

LEARNING OUTCOME

- *To differentiate between deviance and crime and categorize the different types of deviant behaviour*
- *To determine why certain behaviours are defined as deviant while others are not.*
- *To understand the legal control mechanism in India to combat elite class deviance and crime.*
- *The course will describe the characteristics of disciplinary social control and their relationship to normalizing societies*
- *Trial, punishment and prevention of elite class criminality will be critically examined towards policy reform perspective.*

PAPER – X

ECONOMIC CRIME – MULTIDISCIPLINARY AND CROSS – NATIONAL PERSPECTIVE

(Generic Elective Paper)

OBJECTIVES OF THE COURSE:

Economic crime is fraud in its various manifestations, is among the costliest of all criminal activities the proliferation of anonymous financial transactions is accompanied by a commensurate proliferation of opportunities for betrayal of trust. There are several major forms of economic crime which confront society in the new millennium. The various categories of economic crimes are not mutually exclusive, but are intended to illustrate the range and variety of economic crime. Economic crime covers a wide range of offenses, from financial crimes committed by banks, tax evasion, insurance fraud, illicit capital heavens, money laundering, crimes committed by public officials (like bribery, embezzlement, traffic of influences, etc.) among many others. This subject will highlight various parameter of economic crime in national and international perspective.

After undergoing the study, the student will be able to understand the following:

- *Economic crime is not limited to crimes committed in the public sector, but also extends to those perpetrated by economic actors in the private sector.*
- *Will understand the major economic institutions such as cooperatives, insurance and stock – exchange.*
- *Will understand the major causes of economic crime and to explore the related problems.*
- *Will understand some of the major problems faced in coping with economic crime in the areas of detection, investigation, prosecution.*

COURSE OUTLINE

MODULE – I: Economic Crime in a Globalizing Society

- a) Economic Crimes – Across the World – Typology, New Trends and Countermeasures
- b) Measuring the Impact of Economic Crime – Economic crime: A Comparative Analysis
- c) Prevention and control of Economic crime

MODULE – II: Bank Frauds – Prevention and Detection

- a) Banking sector fraud – Fraud risk management at Banks
- b) Banking Regulations (Including Codes & Ethic)
- c) Investigation – Implementation – Preventive security controls in Indian banking industry

MODULE – III: Debit and Credit Card Fraud

- a) Types and Techniques of Debit and Credit Card Frauds – Payment Systems: Domestic and International
- b) Debit and Credit Card Fraud Detection Techniques – Challenges in Debit and Credit Card Detection
- c) Regulation and governance – Countermeasures to combat card payment fraud

MODULE – IV: Frauds in Insurance Sector

- a) Types of insurance fraud – Detecting insurance fraud
- b) Risk Management in General and Life Insurance – Grievance Redressal Mechanism in General Insurance – Mechanism to identify, Avoid, Prevent Frauds
- c) Vigilance Mechanism in General Insurance – Role & Significance of Information Technology in Insurance Frauds

MODULE – V: Securities and Capital Markets

- a) Functions of Capital Market – Structure of Capital Market – Difference between Capital Market and Money Market
- b) Role of SEBI in Capital Market – Legal and Regulatory Framework of Securities Markets
- c) Recent Developments in the Indian Capital Market

MODULE – VI: Legal Processes and Regulatory Framework for Economic Crimes

- a) Legal Frame work to prevent, control Economic Crimes
- b) Regulatory & Rating Agencies – Regulatory Authorities – Financial Intelligence – Investigation
- c) International Endeavors – Mutual Legal Assistance Treaty

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Chandra Mahesh, 1979, Socio Economic Crime, N.M. Tripathi Pvt. Ltd.
2. Lal Bhure, 2003, Money Laundering: An insight into the dark world of Financial Frauds, Siddharth Publications.
3. Anabui, Farhad and Kakabadse, Andrew, 2004, Corporate sabotage, Jaico Publishing House.
4. Sachdeva, Updesh Singh, 1987, Frauds and Bankers, Prevention and Detection Techniques, UDHP Publishers.

5. Pitchandi N and Sivamurthy A, 1987, Crimes and Security in Banks, Institute of Criminological Research, Education and Services, Madras.

JOURNALS / ARTICLES

1. The application of data mining techniques in financial fraud detection: A classification framework and an academic review of literature, Ngai EHu YWong Y et al. See more, Decision Support Systems (2011) 50(3) 559 – 569
2. Credit card fraud and detection techniques: A review, Delamaire LAbdou HPointon J, Banks and Bank Systems, ISSN: 19917074
3. White collar crime and the criminal justice system: Government response to bank fraud and corruption in China, Cheng H Ling L, Journal of Financial Crime (2009) 16(2) 166 – 179
4. Internal controls in fraud prevention effort: A case study, Hamdani RA lbar A, Jurnal Akuntansi & Auditing Indonesia (2016) 20(2) 127 – 135
5. A Fraud Detection Approach with Data Mining in Health Insurance, Kirlidog MA suk C, Procedia – Social and Behavioral Sciences (2012) 62 989 – 994

FURTHER READING:

BOOKS

1. Bologna, Jack, 1984, Corporate Fraud, Butterworth Publishers.
2. Nabhi's Income Tax Guidelines and Mini Ready Reckoner, 2009, A Nabhi Publishing.
3. Reuvid Jonathan, 1995, The Regulation and Prevention on Economic Crimes, Kogan Page Ltd.
4. Lal Bhure, 2003, Money Laundering. An insight into the dark world of Financial Frauds, Siddharth Publications.
5. Reuvid Jonathan, 1995, The Regulation and Prevention on Economic Crimes, Internationally, Kogan Page Ltd.
6. Mansukani H.L., 1975, Smuggler's Paradise and Foreign Exchange Law, Vikas Publishing House Pvt. Ltd.
7. Pitchandi, Nand Sivamurthy. A, 1987. Crimes and Security in Banks, Institute of Criminological Research, Education and Services, Madras.
8. Vadakumchery James, 1985, Bankers, Safety in Money Transactions, Southend Books, Trivandrum.
9. Pitchandi, Nand Sivamurthy.A, 1985. Insurance Frauds, The Indian Society of Criminology, Department of Psychology, Madras.

JOURNALS / ARTICLES

1. Data mining for credit card fraud: A comparative study Bhattacharyya SJha STharakunnel K Decision Support Systems (2011) 50(3) 602 – 613
2. A security – enhanced one – time payment scheme for credit card, Li YZhang X, Proceedings of the IEEE International Workshop on Research Issues in Data Engineering (2004) 14 40 – 47
3. The impact of fraud prevention on bank – customer relationships: An empirical investigation in retail banking, Hoffmann ABirnbrich C, International Journal of Bank Marketing (2012) 30(5) 390 – 407
4. A taxonomy of financial market manipulations: Establishing trust and market integrity in the financialized economy through automated fraud detection, Siering MClapham BEngel O, Journal of Information Technology (2017) 32(3) 251 – 269
5. Fraud score analysis in emerging markets, Skousen CTwedt B, Cross Cultural Management: An International Journal (2009) 16(3) 301 – 316
6. A novel model for credit card fraud detection using Artificial Immune Systems, Soltani Halvaiee NAKbari M, Applied Soft Computing Journal (2014) 24 40 – 49
7. Employing transaction aggregation strategy to detect credit card fraud, Jha SGuillen MChristopher Westland J, Expert Systems with Applications (2012) 39(16) 12650 – 12657
8. Credit card fraud: awareness and prevention, Barker KD'Amato JSheridon P, Journal of Financial Crime
9. A survey of machine – learning and nature – inspired based credit card fraud detection techniques, Adewumi AAKinyelu A, International Journal of Systems Assurance Engineering and Management (2017) 8 937 – 953
10. Credit Card Fraud Detection Using Neural Network, Nath D, International Journal of Soft Computing and Engineering (IJSCE) (2014) 2(April) 84 – 88

CASES FOR GUIDANCE

1. Abdul Karim Telgi and Sohail Khan vs. Union of India, through CBI, 2014(2) JLJ136
2. Pareena Swarup Vs. Union of India, (2008) 14 Scc 107.
3. Union of India Vs. Hassan Ali Khan & Anr. [2011] 11 Scr 778.
4. Anosh Ekka Vs. Central Bureau of Investigation
5. Hari Narayan Rai Vs. The Union of India
6. Arun Kumar Mishra Vs. Directorate of Enforcement in the High Court of Delhi (2015)
7. Shiv Kant Tripathi Vs. State OF U.P. 2013 (6) ADJ 672.
8. B. Rama Raju, S / O B. Ramalinga Raju Vs. Union of India [2011] 108 SCL 491 (AP);

9. Centre for Public Interest Litigation vs. The Union of India, (2011) 1 SCC 560
10. Global Money Laundering Ring of Iqbal Mirchi
11. Iqbal Mohammed Memon vs. State of Maharashtra (1996 CriLJ 2418)
12. Hajra Iqbal Memon vs. Union of India (AIR 1999 Delhi 271)
13. Sajjan Bank (Pvt.) Ltd. v. Reserve Bank of India, AIR 1961 Mad. 8
14. Canara Bank v. P.R.N. Upadhyaya (1998) 6 SCC 526
15. Mithoolal Nayak v. Life Insurance Corporation of India AIR 1962 SC 814
16. Kasim Ali Bulbul v. New India Assurance Co. AIR 1968 J & K 39
17. Smt. Krishna Wanti Puri v. Life Insurance Corporation of India AIR 1975 Del. 19
18. Smt. Dipashri v. Life Insurance Corporation of India AIR 1985 Bom. 192
19. Life Insurance Corporation of India v. Asha Goel (2001) 2 SCC 160 : AIR 2001 SC 549
20. New India Assurance Company Ltd. v. M / s. Zuari industries Ltd. (2009) 9 SCC 70

LEARNING OUTCOME

- *The subject will act as a springboard for future research and also be useful for new Developing Countries which may have to encounter a similar economic crime phenomenon.*
- *Will explore the problem of domestic legislation, when the – circumstances and proceedings of the crime take place outside the territorial jurisdiction of India.*
- *Aims to analyze the fact that, unlike other crimes, economic crimes may continue to increase in the coming years, adversely affecting economic, national and international security situations.*
- *Interpret and appropriately apply the laws and procedures associated with identifying, acquiring, examining and presenting digital evidence*
- *Students will be introduced to the current research in economic crimes. This will encourage them to define research problems and develop effective solutions.*

PAPER – XI

MEDICAL ETHICS AND ACCOUNTABILITY

(Generic Elective Paper)

OBJECTIVES OF THE COURSE:

Medical law is a fascinating field of study as advances in medical research and new technologies shift the boundaries of medicine. New health issues are emerging and patient rights are increasingly taking centre stage. New and complex medico – legal dilemmas arise in clinical practice, in the realities of human health, and in the relationships between patients and healthcare professionals. Healthcare is not just confined to clinical practice but also has philosophical aspects in terms of medical ethics to it. This brings forth the necessity of the philosophy of medical ethics and principles in practice that every medico legal professional should understand. As advocacy is intrinsic to policymaking, the current crisis in health care suggests that new strategies for improving the quality and broadening the scope of health professions' advocacy are needed.

After undergoing the study, the student will be able to understand the following:

- *Covers all the conventions and codes of conduct including Nuremberg code, declaration of Geneva, and the physician's pledge by the World Medical Association (WMA), along with other international codes.*
- *Provides comprehensive reference material to gain a broader understanding of codes of conduct and the ethical practices.*
- *Puts a light on all the rights and the codes of conduct to be followed by doctors.*
- *Emphasizes the aspects of competence, advance directives, and negligence that play a vital role in ethical practice in medicine.*

COURSE OUTLINE

MODULE – I: Medical Jurisprudence

- a) The Scope of Medicine – Indian Medical Council – functions of Indian Medical Council – Medical Register – Medical Education – Recognition of Foreign Medical Qualification
- b) State Medical Council – Functions of State Medical Council – Medical Register – Disciplinary Control – Warning Notice
- c) Rights and Privileges of a Registered Medical Practitioner – Health Statistics

MODULE – II: Professional Conduct, Etiquette and Medical Ethics

- a) Law and Ethics – The International code of medical ethics – The Indian code of Medical ethics – Universal Principles in Medical Ethics – Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002
- b) Medical Ethics – Duties of Physicians to their Patients – Duties of Physician in Consultation – Responsibilities of Physicians to each other
- c) Unethical Acts – Misconduct – Punishment and Disciplinary Action

MODULE – III: Medical Practice and Professional secrecy

- a) Hippocratic oath – Declaration of Geneva, 1948 (Physician's Oath)
- b) Informed Consent – Medical Confidentiality – Revealing confidentiality Information – Therapeutic Privilege
- c) HIV / AIDS & Confidentiality – Privileged Communications – Excessive Disclosure

MODULE – IV: Medical Negligence (Medical Malpractice)

- a) Civil Negligence – Criminal Negligence – Duty of care – Dereliction of Duty
- b) Damage – Reasonable Foreseeability of Damage – Calculated Risk Damage – Novus Actus Interveniens – Res Ipsa Loquitur
- c) Contributory Negligence – Corporate Negligence – Product Liability – Therapeutic Misadventure – Defense against Negligence

MODULE – V: Accountability in the Medical Profession

- a) Position of medical laws and ethics in India – Criminalization of Medical Negligence
- b) Tortious Liability of Medical Professionals – Contractual Liability of Medical Professionals – Liability of the Medical Professionals under the Consumer Protection Act, 1986
- c) Medication Errors – Legal issues in New born intensive care – Legal aspect of Bioterrorism

MODULE – VI: Ethics and Legal Medicine

- a) Clinical Trial Ethics – International Guidelines – The Nuremberg Code – The Declaration of Helsinki – Health insurance and professional liability
- b) Ethics and Bio Ethics – Life care planning: Ethical and Legal Issues – Liability of Health care Entities for Negligent care
- c) Medical product liability – Liability in Telemedicine – Professional liability in emergency medicine

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Wilkinson, Dominic, Julian Savulescu, Tony Hope, and Judith Hendrick. *Medical ethics and law: the core curriculum*. Elsevier Health Sciences, 2008.
2. British Medical Association. *Medical ethics today: the BMA's handbook of ethics and law*. John Wiley & Sons, 2012.
3. Pattinson, Shaun D. "Medical law and ethics." (2009).
4. Miola, José. *Medical ethics and medical law: a symbiotic relationship*. Bloomsbury Publishing, 2007.
5. Makhani, C. S., Madhusudan R. Petkar, K. D. Chavan, and T. V. Rao. "Awareness of medical ethics and medico – legal issues amongst medical professionals." *Indian Journal of Forensic Medicine and Pathology* 4, no. 4 (2011): 151 – 155.

JOURNALS / ARTICLES

1. Bondarenko OS, Pakhomov VV, Saulyak SV, Dumchikov MO. Relevant issues of the criminal liability of the private doctors for corruption crimes. *Wiad Lek.* 2019;72(7):1354 – 8.
2. Buth P, de Gryse B, Healy S, Hoedt V, Newell T, Pintaldi G, et al. 'He who helps the guilty, shares the crime'? INGOs, moral narcissism and complicity in wrongdoing. *J Med Ethics.* 2018;44(5):299 – 304.
3. Poltawska W. The responsibility of the medical doctor and the life of the patient. *Dolentium Hominum.* 1996;31(11th Yr. No. 1):137 – 40
4. Laurie Gh, Dove E. *Mason and McCall Smith's law and medical ethics*: Oxford University Press; 2019
5. Shuster E. American Doctors at the Nuremberg Medical Trial. *Am J Public Health.* 2018;108(1):47 – 52.

FURTHER READING:

BOOKS

1. Timms, Olinda. *Bio – Medical Ethics – E – Book*. Elsevier Health Sciences, 2016.
2. Jonsen, Albert R. *A short history of medical ethics*. Oxford University Press, 2000.
3. Veatch, Robert M., ed. *Cross – cultural perspectives in medical ethics*. Jones & Bartlett Learning, 2000.

4. Ramana, K. V., Sabitha Kandi, and Prabhakar Rao Boinpally. "Ethics in medical education, practice, and research: An insight." *Annals of Tropical Medicine and Public Health* 6, no. 6 (2013): 599.
5. Jacob, Susan, Dawn M. Decker, and Elizabeth Timmerman Lugg. *Ethics and law for school psychologists*. John Wiley & Sons, 2016.
6. Randall, Fiona, Robert Silcock Downie, and R. S. Downie. *Palliative care ethics: A companion for all specialties*. Vol. 24. Oxford: Oxford University Press, 1999.
7. Pandya, Sunil. "Reflections on Medical Law and Ethics in India." *The National Medical Journal of India* 29, no. 3 (2016): 176.
8. Naik, Gouri V. "17_B. Sandeepa Bhat Reflections on Medical Law and Ethics in India (2016)." (2018).
9. Rao, KH Satyanarayana. "Informed consent: an ethical obligation or legal compulsion?" *Journal of cutaneous and aesthetic surgery* 1, no. 1 (2008): 33.
10. Shaikh, Dr. "The Importance of Medical Ethics in India in Today's Situation." Available at SSRN 3515321 (2020).

JOURNALS / ARTICLES

1. McCullough LB. *John Gregory and the invention of professional medical ethics and the profession of medicine*. Dordrecht / Boston: Kluwer Academic; 1998. 347 p.
2. Beauchamp T, Childress J. *Principles of biomedical ethics*. 5th ed. New York: Oxford University Press; 2001.
3. Page K. The four principles: can they be measured and do they predict ethical decision making? *BMC Med Ethics*. 2012; 13:10.
4. Laube DW. Physician accountability and taking responsibility for ourselves: washing the dirty white coat, one at a time. *Obstet Gynecol*. 2010;116(2 Pt 1):248 – 53.
5. Lynch J. *Clinical responsibility*. Oxfordshire: Radcliffe Publishing Ltd; 2009. http://books.google.com/books/about/Clinical_Responsibility.html?id=BN6uDQ8k5YC
6. Smith SD, Smith S. Physician autonomy in the age of accountability. *Minn Med*. 2007;90(10):20 – 2.
7. Morath JM, Turnbull JE. *To do no harm: ensuring patient safety in health care organizations*. San Francisco: Wiley; 2005.
<http://www.iom.edu/~media/Files/Report%20Files/1999/To-Err-is-Human/To%20Err%20is%20Human%201999%20report%20brief.pdf>

8. Donaldson LJ. Professional accountability in a changing world. *Postgrad Med J.* 2001;77(904):65 – 7.
9. Emanuel EJ, Emanuel LL. What is accountability in health care? *Ann Intern Med.* 1996;124(2):229 – 39.
10. Leflar RB, Iwata F. Medical error as reportable event, as tort, as crime: a transpacific comparison. *Widener L Rev.* 2005; 12:189.

CASES FOR GUIDANCE

1. Poonam Verma v. Ashwin Patel & Ors. (1996) 4 SCC 332
2. Bhalchandra @ Babu & Another v. State of Maharashtra AIR 1968 SC 1319
3. Jacob Mathew v. State of Punjab & Another (2005) 6 SCC 1
4. Achutrao Haribhau Khodwa & Others v. State of Maharashtra & Other (1996) 2 SCC 634
5. Kurban Hussein Mohammedali Rangawalla v. State of Maharashtra (1965) 2 SCR 622
6. Emperor v. Omkar Rampratap (1902) 4 BLR 679
7. Indian Medical Association v. V.P. Shantha & Others (1995) 6 SCC 651
8. C.P. Sreekumar (Dr.), MS (Ortho) v. S. Ramanujan (2009) 7 SCC 130
9. Kusum Sharma & Ors vs Batra Hospital & Medical Research II (2010) SLT 73
10. Dr. M. Kochar vs Ispita Seal FIRST APPEAL NO. 368 OF 2011, decided on December 12, 2017
11. V.N. Shrikhande vs Anita Sena Fernandes [(2011) 1 SCC 53]
12. Dr. Laxman Balakrishna Joshi vs. Dr. Trimbark Babu Godbole AIR 1969, SC 128
13. A.S Mittal.v. State of U.P, AIR 1989 SC 1570
14. Aparna Dutt.V. Apollo Hospital Enterprises Ltd. (2002 ACJ 954 (Mad. HC).
15. Paschim Bengal Khet Mazdoor Samity and Ors. v. State of Bengal (1996(4) SC260)
16. Pravat Kumar Mukherjee Vs. Ruby General Hospital and ors 2005 CPJ 35 (NC).
17. V.Krishan Rao Vs Nikhil Super Speciality Hospital 2010
18. Kunal Saha Vs AMRI (Advanced Medical Research institute) Anuradha Saha Case, 24th October 2013
19. Bolam v. Friern Hospital Management Committee [1957] 1 W.L.R. 582, 586
20. Syad Akbar v. State of Karnataka (1980) 1 SCC 30

LEARNING OUTCOME

- *To equip with better decision-making skills that will help to elevate their practice and observe fulfilling victims' outcomes that also abide by the moral principles associated with the practice.*
- *Gain in – depth knowledge about medical law, ethics, and the duties & responsibilities.*
- *Understanding of medico – legal issues not just in the legal context, but with a sound grounding in ethics, social and theoretical contexts.*
- *The learners will understand the repercussions of unethical acts and misconduct in the practice.*
- *Develop skills and attitudes that can direct their conduct during their practicing career while also being sensitive towards the ethical issues that they may face on a day – to – day basis.*



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

**DEPARTMENT OF ENVIRONMENTAL
LAW AND LEGAL ORDER**

DEPARTMENT OF ENVIRONMENTAL LAW AND LEGAL ORDER

Environmental Law is an important subject both for the individuals and for the society. The growing public awareness about the importance of environment and ecofriendly procedures has brought in the necessity to bring in environmental law as a specific discipline. This has led to the need for more lawyers, academicians and environmental aspirants owing to the stringent rules and procedures regulating the environment. It was this aim that the Tamil Nadu Dr Ambedkar Law University introduced the Department of Environmental Law and Legal Order in the year 2006 offering environmental law in the post graduate level.

The Department of Environmental Law has conducted programs propagating the idea of environmental protection to the academicians, students and the general public including National and International Conferences. Various training programs have been conducted by the department collaborating with the Tamil Nadu Fire and Rescue Service and also with the National Bio Diversity Authority. The most notable is the Regional Conference on Environment conducted by the National Green Tribunal in association with the United Nations Environment Program and the Pollution Control Boards of the State of Tamil Nadu at TNDALU premises in the year 2016.

Environmental Lawyers can practice for individuals, firms, corporates and the state. Hence the LLM Environmental law CBCS pattern is introduced from the academic year 2020 – 2021 designing the subjects are in such a way to give a deep understanding on the basic aspects of environmental governance and also the international conventions and treaties that provides the framework for the protection of the environment. As there are various authorities implementing environmental law in the country a specific paper is introduced to the students to have practical knowledge which will help them in their practice. Science technology and environment and food and agriculture laws are the elective subjects offered by this department to all branches of PG students to make them understand the importance of environmental law in relation to technology and agriculture. This branch of LLM in Environmental Law gives ample opportunity to the students to equip themselves to engage as environmental lawyers, academicians and also judges.

THE TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY

BRANCH – V

DEPARTMENT OF ENVIRONMENTAL LAW AND LEGAL ORDER

LL.M. SYLLABUS

SPECIALIZED CORE PAPERS – 06

1. Environmental Law: Policy and Governance
2. International Environmental Laws – Principles and Governance
3. Legal Regulation of Pollution Control
4. Environment Energy and Mining Laws
5. Research methods in Environmental Law
6. Law and Local Environmental Governance in India

DISCIPLINE SPECIFIC ELECTIVE PAPERS – 03

7. Climate Change Laws: Policy and Management
8. Biodiversity, Traditional Knowledge and Intellectual Property Laws
9. Coastal and Marine Management: Law and Policy

GENERIC ELECTIVE PAPERS – 02

10. Science, Technology and Environment: Law and Governance
11. Food and Agriculture: Policy, Governance and Legal Framework

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none">1. Judicial Process (Common Paper – I)2. Legal Education and Research Methodology (Common Paper – II)3. Environmental Law: Policy and Governance (Specialized Core Paper – I)4. International Environmental Laws – Principles and Governance (Specialized Core Paper – II)5. Science, Technology and Environment: Law and Governance (Generic Elective Paper – I)
Second Semester	<ol style="list-style-type: none">1. Constitutional Law: The New Challenges (Common Paper – III)2. Law and Social Transformation in India (Common Paper – IV)3. Legal Regulation of Pollution Control (Specialized Core Paper – III)4. Climate Change Laws: Policy and Management (Discipline Specific Elective Paper – I)5. Applied Research Methodology
Third Semester	<ol style="list-style-type: none">1. Environment Energy and Mining Laws (Specialized Core Paper – IV)2. Research methods in Environmental Law (Specialized Core Paper – V)3. Biodiversity, Traditional Knowledge and Intellectual Property Laws (Discipline Specific Elective Paper – II)4. Food and Agriculture: Policy, Governance and Legal Framework (Generic Elective Paper – II)
Fourth Semester	<ol style="list-style-type: none">1. Law and Local Environmental Governance in India (Specialized Core Paper – VI)2. Coastal and Marine Management: Law and Policy (Discipline Specific Elective Paper – III)3. Skill Enhancement Course4. Dissertation

PAPER – I

ENVIRONMENTAL LAW: POLICY AND GOVERNANCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

Humans depend on a healthy environment. Stable economy also depends on natural resources and thriving ecosystems. Environmental laws help ensure the environment and the economy are equally protected and promoted, not just because we need both but because each needs the other. Environmental law is a comparatively newer field of law in India and yet it has significantly shaped the country 's natural and developmental landscape. This course tries to introduce some basic concepts of environment, policies and the legal remedies available for protection of environment in India.

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

- *Read and understand the basic legal concepts of the environment and its components and study the International and National History of the development of Environmentalism.*
- *To study and analyse the various colonial laws, the post – independence policies and people movements that contributed to protect, conserve and improve the Environment.*
- *To study the various powers and remedies available under Constitution of India, Torts and Civil & Criminal Laws of India to protect the environment. And to understand the Activism of the Judiciary towards the same cause.*
- *Understand the various dimensions of forests, the interrelationship with tribal communities and the legal machinery which exists to protect the forests and to understand the pivotal role of flora and the fauna in conserving the environment and the various laws, missions and policies which exists to protect the wildlife form extinction, protection of waterbodies in India and agricultural lands.*

COURSE OUTLINE

MODULE – I: Introduction

- a) Meaning, definition and concept of Environment – Environment and its components, Ecology, Biosphere, Ecosystem and its functions, types of Ecosystem.
- b) The International history of Environmentalism – International concerns for Environmental Protection – Historical developments of International Environmental law – Early Conservation Groups.

- c) Concept and History of Environmentalism in Ancient Indian Tradition and Culture – Protection of Environment during Medieval Period – British Period – Post independence period – Pitambar Pant Committee – Tiwari Committee – NCEP – Department of Environment – MoEF.

MODULE – II: Environmental policy and politics

- a) Pre – Independent Environment legislations.
- b) National Policies related to Environment – Forest Policy – Water Policy – National Environment Policy – Five Year Plans
- c) Environmental Movement – Bishnoi Movement – Save Silent Valley Movement – CHIPKO Movement – APPIKO Movement – Jungle Bachao Andholan

MODULE – III: Legal Remedies and Judicial Remedies

- a) Protection of Environment under the Indian Constitution – Introduction – Indirect Provisions, International Obligations, 42nd Constitution Amendment Act, 1976 – Directive Principles of State Policy – Fundamental Duties – Development of Fundamental Right to Environment – Distribution of powers between Centre and States over Natural Resources.
- b) Judicial Role, Expansion of Locus Standi, PIL, Constitutional Remedy for Protection of Environment, Dynamic Interpretation of Article 21, 14 & 19 of the Constitution.
- c) Environmental Protection and General Civil and Criminal Laws (a) Environmental Protection and Law of Torts – Tort of Nuisance: Public and Private – Tort of Negligence – Tort of Trespass – Environmental Torts (b) Provisions under Indian Penal Code & Under Code of Criminal Procedure.

MODULE – IV: Forest Laws – Part 1

- a) Forest laws before 1927 in India.
- b) Background of Indian Forest Act 1927 – Conservation under Indian Forest Act 1927 – Authorities under the Indian Forest Act 1927 – Forest Conservation Act 1980 – CAMPA.
- c) Various types of forest – The Forest Survey of India – Judicial Approach for Forest Conservation.

MODULE – V: Forest Laws – Part 2

- a) Role of State Government and Local Governments in forest protection.

- b) Role of Tribal Community in Forest Governance – Symbiotic relationship between forests and tribal people – Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – Protection of Biodiversity
- c) National Plans and Missions – National Afforestation Plan – National Green India Mission – Schemes for Forest Fire Prevention and Management – Agencies (FDA, SFDA, JFMC).

MODULE – VI: Wildlife Laws

- a) The Wildlife Protection Act 1972 – Relevant Provisions: Constitution of India, IPC and CrPC.
- b) Sanctuaries and National Parks, Licensing of Zoos and Parks, State Monopoly in the Sale of Wild Life and Wild Life Articles.
- c) The Prevention of Cruelty to Animals Act, 1960 – Offences against Wild Life – Wildlife conservation and protection projects in India – The Wildlife Institute of India – The Botanical and Zoological Survey of India – Animal Sacrifices in India – Tamil Nadu Animal Preservation Act 1958.

MODULE – VII: Protection of Water Bodies

- a) Water Bodies in India – Different types of inland waterbodies – Causes for Water Bodies Destruction in India.
- b) Encroachment of Water bodies – Preventive measures against encroachment.
- c) Groundwater in India – Major Causes for declining Water Table – Overutilization of ground water – Rainwater Harvesting and conservation – Other measures taken to recharge Ground Water levels in India

MODULE – VIII: Protection of Land

- a) Protection of Common Land – Legal Machinery on Land resources: Town Planning, slum sanitation – Conservation, utilization and conversion, Ecofriendly land plans
- b) Conversion of Agricultural lands into Non – Agricultural Lands and its Impact – Legal Mechanism to Convert Agricultural Lands into Non – Agricultural Lands.
- c) National/State Measures taken to protect wetlands.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Sand, Peter. "The History and Origin of International Environmental Law: Introduction"; Edward Elgar Publishing Ltd, 2015.
2. Fisher, Michael H. "An Environmental History of India: From Earliest Times to the Twenty – First Century". Cambridge University Press, 2018.
3. Leelakrishnan, P., et.al. (eds.). Law and Environment. Lucknow: Eastern Book Co., 1990.
4. Leelakrishnan, P. The Environmental Law in India. New Delhi: Butterworths – India, 1999.
5. Dr. R. K Bangia. "Law of Torts". Allahabad Law Agency. Latest Edition.

JOURNALS / ARTICLES

1. Partha Pratim Paul, Doctrine of Public Trust and Its Application by the Judiciary in Environmental Governance of India: A Critique, 5 INDIAN J.L. & Just. 82 (2014).
2. Michael P. Vandenberg, Private Environmental Governance, 99 CORNELL L. REV. 129 (2013).
3. Magali Drefus, The Judiciary's Role in Environmental Governance, 43 ENVTL. POL'y & L. 167 (2013).
4. Peggy Rodgers Kalas, Environmental Justice in India, 1 Asia – PAC. J. oN HUM. Rts. & L. 97 (2000).
5. Yu Lin, Achieving Good Environmental Governance through Environmental Public Interest Litigation, 9 ROM. J. COMP. L. 359 (2018).

FURTHER READING:

BOOKS

1. Ian Hill, Dermont Shields. Incentives of Joint Forest Management in India. World Bank publications. (1998).
2. Bharucha, E. 2003, Textbook for Environmental Studies, University Grants Commission, New Delhi and Bharati Vidyapeeth Institute of Environmental Education and Research, Pune. 361.
3. Rosencranz, Aarmin, et al., (eds.) Environmental Law and Policy in India. Oxford: OUP, 2000

4. Singh, R. B., and Suresh Misra. Environmental Law in India. New Delhi: Concept Publishing Co., 1996.
5. Thakur, Kailash. Environmental Protection Law and Policy in India New. Delhi: Deep and Deep Publications, 1997.
6. Stone, Christopher D. Should Trees Have Standing and Other Essays on Law, Morals and the Environment. Oceana, 1996
7. Boyle Alan Anderson Michael – Human Rights approaches to environmental protection – Oxford, Clarendon press, 1998.
8. Tiwari H. N. Environmental Law, Allahabad Law Agency Faridabad, 2005.
9. Indian Journal of Public Administration, Special Number on Environment and Administration, July – September 1988, Vol. XXXV, No. 3, pp.353 – 801
10. Centre for Science and Environment, The State of India’s Environment 1982, The State of India’s Environment 1984 – 85 and The State of Indian Environment 1999 – 2000.

JOURNALS / ARTICLES

1. https://www.researchgate.net/publication/265539511_International_Laws_Concerning_Indigenous_and_Tribal_Peoples_in_India.
2. <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>.
3. Prasanna Mohanty, “Draft Indian Forest (Amendment) Bill 2019: Arming state to undermine rights and wellbeing of tribals”, India Today. Retrieved from: <https://www.indiatoday.in/news-analysis/story/draft-Indian-forest-amendment-bill-2019-arming-state-to-undermine-rights-and-wellbeing-of-tribals-1578054-2019-08-07>.
4. “History of Environmental Movement”. <https://www.britannica.com/topic/environmentalism/History-of-the-environmental-movement>
5. “History of Environmental Law”. <http://lawtimesjournal.in/history-of-environmental-law/>
6. Evolution of International Environmental Law”. <https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2684&context=facpub>
7. “Early Conservation Movement”. <https://teachinghistory.org/history-content/beyond-the-textbook/25578>
8. “Environmental Movements in India”. <https://www.jstor.org/stable/215779?seq=1>

9. de, Atrayee & Madhok, Vedant & Yadav, Dr Raj. (2015). "Constitutional Provisions And Environment Protection In India: A Legal Insight". 1. 81 – 90.
10. Ayush Pandia, "What is the procedure to convert the agricultural lands into plots?". <http://lawtimesjournal.in/what-is-the-procedure-to-convert-the-agricultural-lands-into-plots>.

CASES FOR GUIDANCE

1. Trial Smelter Arbitration. https://www.casebriefs.com/blog/law/international-law/international-law-keyed-to-damrosche/chapter-18/trail-smelter-arbitration-united-states-v-canada/?utm_source=casebriefs
2. Lac Lanoux Arbitration.
3. Peoples Union for Civil Liberties Vs. Union of India. (1997) 3 SCC 433 at 422.
4. State of Gujarat Vs. Mizrapur Moti Kureshi Kassab Jamat. (2005) 8 SCC 534 at 567.
5. M.C. Metha Vs. Union of India. (2002) 4 S.C.C. 356.
6. D.D. Vyas Vs. Ghaziabad Development Authority. AIR 1993 All. 57.
7. N. Ghodavarman Thirumulpad Vs. Union of India (1997) 2 SCC 267
8. Sachidanand Pandey v. State of West Bengal AIR 1987 SC 1109
9. M.C. Mehta and Anr. Etc vs. Union of India and Ors. Etc 1986 SCR (1) 312
10. "Rural Litigation and Entitlement Kendra, Dehradun vs. State of Uttar Pradesh AIR 1987 SC 2187
11. Indian Council for Enviro – Legal Action vs. Union of India AIR 1999 SC 1502
12. M.C. Mehta vs. Union of India AIR 1988 SCR (2) 538"
13. Animal Welfare Board of India vs. A. Nagaraj and Ors. (2014) 7 SCC 547".
14. Subhash Kumar vs. State of Bihar and Ors. (1991)
15. Vellore Citizen Welfare Forum vs. Union of India
16. Almitra H. Patel & Ors. vs. Union of India and Ors
17. Srinagar Bandh Aapda Sangharsh Samiti & Anr.v.Alaknanda hydro Power Co.Ltd. & Ors.
18. Samit Mehta vs. Union of India and Ors
19. Save Mon Region Federation and Ors. vs. Union of India and Ors
20. Ms. Betty C. Alvares vs. The State of Goa and Ors

LEARNING OUTCOME

- *Critically evaluate and analyse the significance and importance of environment*
- *Refine their understanding of environment laws*
- *Adopt appropriate mechanism for protection of environment*

PAPER – II

INTERNATIONAL ENVIRONMENTAL LAWS – PRINCIPLES AND GOVERNANCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

International environmental law has been an emerging field with a lot of multilateral agreements in force. Today, international environmental law has grown alongside human rights in setting the frontiers of cooperation amongst states. Its interface with international trade law is quite fascinating for those who are interested in the shaping of global resource politics and lawmaking. The subject has evolved with its unique principles borrowed from national and international laws in various jurisdictions.

Environmental legal studies shall basically introduce the international dimensions in the initial classes to further their knowledge in the municipal systems.

After undergoing the study, the student will be able to understand the following

- *To comprehend a basis understanding about water as a resource, and its impact on legal systems.*
- *To master the basis legal principles of transboundary water law.*
- *To study the national and international legal regimes relating to watercourses.*
- *To explore the connections amongst water, environment, land and human rights laws.*

COURSE OUTLINE

MODULE – I: Global Environmental Concerns and Politics

- a) Transboundary environmental harms in history – migratory birds – protection of wild life – pollution in seas and international rivers
- b) Greenhouse gas emissions – melting of glaciers and other effects of global warming – exploitation of fossil fuels
- c) Environmental Politics – evolution of green parties – North – South Divide

MODULE – II: Evolution of Contemporary International Environmental Law

- a) Bilateral and multilateral agreements concerning pollution, and management of resources prior to 1972 – role of IUCN and UN agencies
- b) UN conferences – Stockholm to Rio+20 – Multilateral treaty framework and bilateral arrangements – soft law instruments
- c) Agenda 21 – MDGs – SDGs

MODULE – III: Principles of International Environmental Law – I

- a) Transparency, Public Participation and Access to Information and Remedies – obligation to cooperate in environmental matters
- b) Common but Differentiated Responsibilities
- c) State responsibility – Internationally wrongful acts

MODULE – IV: Principles of International Environmental Law – II

- a) Sustainable Development – Precautionary and Polluter pays – Intergenerational equity
- b) Access and Benefit Sharing regarding natural resources – Common Heritage and Common Concern of Humankind
- c) Sovereign right to exploit natural resources – Environmental Impact Assessment

MODULE – V: Global Commons

- a) Climate change and desertification regimes
- b) High seas and marine resources – governing Antarctic and Arctic
- c) Space Law and Environment – Air Traffic and Pollution

MODULE – VI: Nuclear and Other Transboundary Hazards

- a) Non – Proliferation – Nuclear Waste Disposal – Comprehensive Test Ban – India and International Nuclear Resource Cooperation
- b) International Disaster Management Law – Tampere Convention – International Health Regulations
- c) Movement of Hazardous Waste – Marine Pollution – Pollution from Ship and Legal Control – – Protecting shared resources

MODULE – VII: International Obligations to Protect National Resources

- a) Biodiversity – Forests
- b) Wetlands – Migratory Birds
- c) Natural and Cultural Heritage

MODULE – VIII: International and Non – Governmental Institutions

- a) UN Agencies for Environment – UNEP – UNDP – UNESCO
- b) Global Environmental Facility – World Bank – WTO
- c) IUCN – WWF – Greenpeace

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Phillippe Sands (2018) “Principles of International Environmental Law” Cambridge
2. Daniel Bodansky (2007) (ed) “The Oxford Handbook of International Environmental Law”, Oxford
3. Bharat H. Desai (ed) (2014) “International Environmental Governance” Brill: Nijhoff
4. Alexandre Kiss (2007) Guide to International Environmental Law, Martinus Nijhoff Publications
5. Alan Boyle and Patricia Bernie (2009), International Law and Environment, Oxford

JOURNALS / ARTICLES

1. Leslie – Anne Duvic – Paoli (2012) “The Status of the Right to Public Participation in International Environmental Law : An Analysis of the Jurisprudence” Year book of International Environmental Law
2. Paulo de Bessa Antunes (2020) “International Environmental Law : Particularities” Veredas do Direito, Belo Horizonte
3. Phillippe Cullet (2016) “Differential Treatment in Environmental Law : Addressing Critiques and Conceptualizing the Next Steps” Transnational Environmental Law
4. Bharath Desai (2012) The Quest for a United Nations Specialised Agency for the Environment, the Roundtable
5. Cassandra M Brooks (2014) ‘Challenging the ‘Right to Fish’ in a Fast – Changing Ocean’ Stanford Environmental Law Journal

FURTHER READING:

BOOKS

1. Timo Koivurova, (2012) ‘Introduction to International Environmental Law’ Rutledge
2. Elli Louka (2006) International Environmental Law : Fairness, Effectiveness and World Order, Oxford
3. Shawkat Alam ed. (2015) International Environmental Law and the Global South, Cambridge
4. Bharat H. Desai (2010)” Multilateral Environmental Agreements” Cambridge
5. Shawkat Alam (2013) ‘Rutledge Handbook on International Environmental Law’ Routledge

6. Lakshman Guruswamy (2012) “International Environmental Law in a Nutshell”, Thomson – West
7. Bodansky Danel (2010) ‘The Art and Craft of International Environmental Law’ Cambridge
8. Cullet, Philippe, (2009) ‘Water Law for the Twenty – First Century : National and International Aspects of Water Law Reform in India’ Rutledge
9. Ved Nanda ed al, (2013) International Environmental Law and Policy for the 21st century, Martinus Nijhoff
10. Bodansky Danel (2018) ‘International Climate Change Law’ Oxford.

JOURNALS / ARTICLES

1. Bharat H. Desai (2018) “On the Revival of the UN Trusteeship Council with a New Mandate for the Environment and the Global Commons” Environmental Law and Policy
2. Bharat H. Desai (2017) “Mapping Forest Governance” Environmental Policy and Law
3. Ximena funtes (1988) Sustainable Development and the Equitable Utilization of International Watercourse, BYIL.
4. Armin Rosencranz(ed) (2008) Supreme Court and India’s Forests, EPW <https://www.epw.in/journal/2008/05/commentary/supreme – court – and – indias – forests.html>
5. Gitanjali Gill, (2019) “Precautionary principle, its interpretation and application by the Indian judiciary...” Environmental Law Review
6. Brunnée J (2002) ‘COPing with Consent : Law – Making Under Multilateral Environmental Agreements’ Leiden Journal of International Law
7. Barnes, A.J., (1988) The Growing International Dimension to Environmental Issues, 13 COLUM. J. ENVTL. L.
8. D Kapula Sproat (2016)'An Indigenous People’s Right to Environmental Self – Determination : Native Hawaiians and the Struggle Against Climate Change Devastation’ Stanford Environmental Law Journal
9. Rosemary Lyster (2016) Climate Change Law, Yearbook of International Disaster Law.
10. Beatriz Felipe Perez et.al (2016) ‘Rethinking the Role of Development Banks in Climate Finance : Panama’s Barro Blanco CDM Project and Human Rights’ Law, Environment and Development

CASES FOR GUIDANCE

1. Certain Activities Carried Out by Nicaragua in the Border Area <https://www.icj – cij.org/en/case/150>

2. Pulp Mills on the River Uruguay <https://www.icj – cij.org/en/case/135>
3. Nuclear Tests <https://www.icj – cij.org/en/case/58>
4. Whaling in the Antarctic <https://www.icj – cij.org/en/case/148>
5. Gabčíkovo – Nagymaros Project (Hungary/Slovakia) <https://www.icj – cij.org/en/case/92>
6. Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India) <https://www.icj – cij.org/en/case/158>
7. South China Sea Arbitration Case <https://pca – cpa.org/en/cases/7/>
8. Southern Bluefin Tuna (New Zealand – Japan, Australia – Japan) https://legal.un.org/riaa/cases/vol_XXIII/1 – 57.pdf
9. Indus Waters Kishenganga Arbitration <https://pca – cpa.org/en/cases/20/>
10. Metalclad Corporation v Mexico https://www.biicl.org/files/3929_2000_metalclad_v_mexico.pdf
11. Shrimp Turtle case https://www.wto.org/english/tratop_e/envir_e/edis08_e.htm
12. India: Solar Cells https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds456_e.htm
13. Saramaka People v Suriname <https://www.escribnet.org/caselaw/2014/case – saramaka – people – v – suriname>
14. Commission of the European Communities v. Italian Republic <https://www.ecolex.org/details/court – decision/commission – of – the – european – communities – v – italian – republic – 2c85b202 – 8c80 – 4371 – a6f1 – ee777d2d1419/>
15. M.C. Mehta v Union of India (Oleum Gas Leakage case) (1987) 1 SCC 395
16. Vellore Citizens' Welfare Forum v Union of India (1996) 5 SCC 647
17. Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P AIR 1985 SC 652
18. Indian Council for Enviro – legal Action vs. Union of India 1996 AIR 1446
19. Urgenda Foundation v. The State of the Netherlands <https://elaw.org/nl.urgenda.15>
20. Jam v. International Finance Corporation https://www.supremecourt.gov/opinions/18pdf/17 – 1011_mkhn.pdf

LEARNING OUTCOME

- *Understanding the importance and structure of international legal framework in relation to international environmental law*
- *Apply the principles to international and national situations involving environment.*
- *Appreciate and understand the link between national and international laws in the enforcement of International and National Environmental Law.*
- *To further research and practice in the field of international environmental law*

PAPER – III

LEGAL REGULATION OF POLLUTION CONTROL

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

The objective of the course is to provide a basic level understanding of the legislative framework of environmental regulation, its implementation and adjudication on Environmental Pollution.

The objectives can be further put forth as follows:

- *To enable students to identify core environmental issues and legal and institutional responses to them.*
- *To analyse the role of judiciary in environmental protection.*
- *To introduce the basic concepts and principles of environmental law and to analyze these principles as tools of environmental protection, where the laws and policies fall short.*
- *To understand development of environmental law in an international perspective, specifically developed and developing countries perspective combating Environmental Pollution.*

COURSE OUTLINE

MODULE – I: Environmental Problems from various Pollutions sources and factors responsible

- a) Pollution – Kinds of pollution – Air – Water – Noise – Land pollution – Food pollution (food adulteration) – Thermal pollution – Nuclear (radioactive) pollution – Light pollution
- b) Factors contribution Environmental Pollution – Industrialization, Poverty, Population Explosion, Urbanization, and Over – Exploitation of Resources.
- c) Impact of pollution on environment and human health.

MODULE – II: Pollution Prevention Laws and its Legislative Measures

- a) The Water (Prevention and Control of Pollution) Act, 1974 – The Air (Prevention and Control of Pollution) Act, 1981 – The Environment Protection Act, 1986 – The Noise Pollution (Regulation and Control) Rules, 2000.
- b) The Public Liability Insurance Act, 1981 – The National Environment Tribunal Act, 1995 – The National Environment Appellate Authority (NEEA) Act, 1997.

- c) The Ozone Depleting Substances (Regulation and Control) Rules, 2000, National Green Tribunal Act, 2010.

Module III – International Efforts for Environmental Pollution

- a) The Stockholm conference 1972 – Brundtland commission 1983 – Nairobi conference 1982 – The Rio Summit 1992 – the Rio Declaration at the earth charter – Major achievement of the Rio Summit –
- b) Main features of the Rio Declaration – Kyoto conference and part on Global Warming 1997 – present developments.
- c) Review of different Case studies on Environmental pollution – international perspective.

MODULE – IV: Enforceability of Principles and Doctrines under Indian Constitution referring Rio Declarations

- d) The Polluter Pays Principle – European Community Treaty. Article 102 Rule 2 of the Treaty – Rio Declaration of 1992’. Principle 16 of The Declaration – The ‘Polluter Pays Principle’ Exposes the Polluter to two – fold Liability Namely: (i) Compensation to the Victims of Pollution; and (ii) Ecological Restoration
- e) The Precautionary Principle – United Nation’s Conference on Environment and Development held at Rio in 1992.
- f) The Public Trust Doctrine – State has a duty as a ‘Trustee’ Under Article 48A of The Constitution of India to protect and improve the Environment and Safeguard the Forests and Wildlife of The Country. While applying Article 21 of the constitution of India (Right to life), the state is obliged to take account of Article 48(A) for Constitutional Obligation on part of State and of the Citizens for the protection of Environment.

MODULE – V: Fundamental Right to live in a Healthy Environment – Judicial Activism

- a) Role of National Green Tribunal.
- b) High courts and Supreme Court in environmental protection.
- c) Leading judgments to safeguard Environment and enforce the fundamental right to live in a Healthy Environment through ‘Judicial activism’.

MODULE – VI: Understanding Environmental Impact Assessment (EIA) with progress of Sustainable Development.

- a) Provisions of environment impact assessment under the environmental protection Act, 1986.

- b) Rationale behind EIA – EIA methodology and process environment impact assessment notification 2006 – Preliminary assessment of EIA – comprehensive EIA – functions of the impact Assessment Agency – Public hearing and EIA – Understanding types and methodology EIA – Evolution of standards of EIA – History of EIA in India – EIA process forms – Impact assessment –
- c) Comparative review of EIA process – and procedures followed in foreign Countries.

MODULE – VII: Environmental Dispute and Grievance Settlement Mechanism.

- a) National Environment Tribunal Act, 1995 – powers, functions and jurisdiction of the National Environmental Tribunal, National Environment Appellate Authority Act, 1997.
- b) Powers, Functions and Jurisdiction of The National Environment Appellate Authority. National Green Tribunal Act 2010 – powers, functions and jurisdiction National Green Tribunal.
- c) Recent case studies on Environmental Dispute.

MODULE – VIII: Environmental Protection Rules and Handling Waste Management

- a) Environmental Protection Rules and Handling Waste Management by combating pollution – from Hazardous waste, Bio – Medical Waste, Municipal Solid Waste, Plastic Usage and Waste, E – waste – Management.
- b) Limitations on Emissions.
- c) CFC preventing the damage to the ozone layer – prevention and mitigation – toxic spills and leaks.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Shibani Ghosh ed., Indian Environmental Law: Key Concepts and Principles
2. Geetanjoy Sahu, Environmental Jurisprudence and the Supreme Court: Litigation, Interpretation, Implementation (2014)
3. Shyam Diwan and Armin Rosencranz, Environmental Law and Policy in India – Cases, Materials and Statutes (2nd ed., 2001)
4. P. Leelakrishnan, Environmental Law Case Book (2nd ed., 2010)
5. Gurdip Singh, Environmental Law in India (2nd ed 2016)

JOURNALS / ARTICLES

1. Navin Prakash Verma, Water Pollution in India: An Overview, 7 INDIAN J.L. & Just. 22 (2016).
2. Kelly D. Alley, Legal Activism and River Pollution in India, 21 GEO. INT'L ENVTL. L. REV. 793 (2009).
3. Shibani Ghosh, Reforming the Liability Regime for Air Pollution in India, 4 ENVTL. L. & PRAC. REV. 100 (2015).
4. Asheesh Shrivastava & Yogita Khare, Recycling of Products Causing Pollution: A Suggestive Reverse Supply Chain Model for India, 2 LIBERAL Stud. 85 (2017).
5. Chandrani Das, Water Pollution in India: An Overview of Existing Statutory Frameworks in Management of Ecosystems, 5 INDIAN J.L. & Just. 137 (2014).

FURTHER READING:

BOOKS

1. P. Leelakrishnan, Environmental Law in India (5th ed., 2019)
2. Stuart Bell & Donald Mc Gillivray, Environmental Law (7th ed., 2008)
3. P. Leelakrishnan, Environmental law in India (4th ed, LexisNexis, 2016)
4. Environment and Air Pollution: Policy and Perspectives, Edited by Usha; A. – 1st ed. Ed. Hyderabad: The Icfai University Press, 2010 p. Vii, 242 p. ISBN: 9788131413043
5. Environmental Law / Upadhyaya. J. J. R. – 2nd ed.; Allahabad: Central Law Agency, 1900 p. Xxxviii, 499 p.
6. Environmental Law / Nanda; K. Sukanta, Foreword by Arjit pasayat. – 2nd ed. Ed.; Allahabad: Central Law Publications, 1900 p. Xxvii, 472 p.
7. Environmental Law Case book / Leelakrishnan; P. – 2nd. Ed.; Haryana: Lexis Nexis Butterworths Wadhwa Nagpur, 2006 p. Xxvii, 466 p. ISBN: 9788180381324"
8. Environmental Law / Tripathi; S. C. – 3rd ed. Ed.; Allahabad: Central Law Publications, 2000 p. Xlvii, 506 p.
9. "ENVIRONMENTAL LAW / Jaswal S. Paramjit; New Delhi: Pioneer Publications, 2017 p. 564p.ISBN: 000"
10. INTRODUCTION TO ENVIRONMENTAL LAW / Shantha Kumar. S; New Delhi: Wadhawa And Company, 2005 p. 494p.

JOURNALS / ARTICLES

1. Assessment of Citizens – Action against Light Pollution with guidelines for future initiatives, Karolina M. Zielnksa, Kyra Xavia, Katarzynca Bobkowska, published on Sustainability 2020,12,4997; doi10.3390/su12124997
www.mdpi.com/journal/sustainability
2. "Environmental Governance Transboundary Issues, Edited by Lakshmi; L. – 1st ed. Ed.; Hyderabad: The Icfai University Press, 1900 p. Vii, 243 p. ISBN: 9788131417676"
3. "The Principles of Environmental Law / Padma. T.; And Rao; K. P. C. Hyderabad: ALT Publications, 1900 p. Xxxix, 336 p. ISBN: 8183950728"
4. "Waste Management: Environmental Impact, Edited by Lakshmi; L. – 1st ed. Ed.; Hyderabad: The Icfai University Press, 1900 p. Ix, 217 p. ISBN: 978831422557"
5. Water Pollution Policies and Perspectives, Edited by Krishnakumari; A. – 1st ed. Ed.; Hyderabad: The Icfai University Press, 1900 p. Vii, 242 p. ISBN: 9788131406649"
6. "Environment and Health issues and implications, Edited by Lakshmi; L. – 1st ed. Ed.; Hyderabad: The Icfai University Press, 2010 p. Vii, 225 p. ISBN: 9788131417843"
7. Shyam Divan & Armin Rosencranz, Environmental Law & Policy in India (2nd ed, Oxford University Press, 2014)
8. Philippe Sands, Principles of International Environmental Law (2nd ed, Cambridge University Press, 2003)
9. Patricia Birnie, Alan Boyle and Catherine Redgwell, International Law and the Environment (3rd ed., Oxford University Press, 2009)
10. "Environmental Pollution International Perspectives, Edited by Usha; A. – 1st ed. Ed.; Hyderabad: The Icfai University Press, 2000 p. Viii, 281 p. ISBN: 9788131418277"

CASES FOR GUIDANCE

1. State of Madhya Pradesh v. Centre for Environment Protection Research and Development [2020 SCC Online SC 687];
2. Riddhima Pandey v. Union of India [NGT, Jan. 15, 2019];
3. Wilfred J v. Ministry of Environment and Forest [NGT, Sept. 2, 2016];
4. Vellore Citizen's Welfare Forum v. Union of India [AIR 1996 SC 2715];
5. Union Carbide Corporation v. Union of India [(1989) 1 SCC 674]; Charan Lal Sahu v. Union of India [AIR 1990 SC 1480];
6. M.C. Mehta v. Union of India, (Oleum Gas leakage Case) [1987 SCR (1) 819];
7. Ratlam Municipality v. Vardhichand [AIR 1980 SC 1622].
8. Arjun Gopal v. Union of India [(2017) 1 SCC 412];

9. Arjun Gopal v. Union of India [AIR 2018 SC 5731];
10. Sreeranganathan v. Union of India [CDJ 2014 NGT 70];
11. Sterlite Industries (I) Ltd. v. Tamil Nadu Pollution Control Board (2020);
12. Sterlite Industries (I) Ltd. v. Union of India and Ors. [(2013) 4 SCC 575];
13. Andhra Pradesh Pollution Control Board v. MV Nayudu [AIR 1999 SC 812];
14. Almitra Patel v. Union of India [(1998) 2 SCC 416];
15. M.C Mehta v. Union of India (Kanpur Tanneries Case) [AIR 1988 SC 1037];
16. M.C Mehta v. Union of India (Ganga Pollution Case) [AIR 1988 SC 1115];
17. Indian Council for Enviro – Legal Action v. Union of India (Bichhri Case – II) [(2011) 8 SCC 161];
18. M.C. Mehta v. Kamal Nath [AIR 2000 SC 1997];
19. Goa Foundation v. Konkan Railway Corporation [AIR 1992 Bom 471];
20. Narmada Bachao Andolan [AIR 2000 SC 3751];

LEARNING OUTCOME

- *Understand the applicability of the core principles of pollution law*
- *Describe and analyse the pollution law regime and identify how important legal issues are addressed within it.*
- *Critically analyse the judgments relating to pollution control and identify the legal issues.*
- *Understand the remedies available to citizens in dealing with pollution and applying them in practice.*

PAPER – IV

ENVIRONMENT ENERGY AND MINING LAWS

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

The World Energy consumption contributes to pollution, environmental deterioration and global greenhouse emissions. To end this, renewable energy resources can play an important role in controlling and reducing environmental impact. The process of mining also poses serious threat to the environment thereby causing larger impacts on the environment. This course thrives to cover the essential legal framework to strengthen the protection of environment and also touches upon issues such as legal framework within the country and International initiatives.

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

- *Basic concepts relating to energy and mining and its impact on environment.*
- *International and national framework relating to energy and mining laws.*
- *Role of various authorities implementing energy and mining laws.*
- *Rights of displaced people due to illegal mining and their displacement.*

COURSE OUTLINE

MODULE – I: Introduction

- a) Definition and concepts relating to Mining and Energy, Impact of Mining and Energy production on Environment.
- b) Kinds of Energy: Conventional/Non – Renewable Energy: Fossil Fuels, Coal, Oil, Natural Gas – Non – conventional/Renewable Energy – Wind Energy, Solar Energy, Hydroelectric power energy, Geothermal Energy, biomass Energy, Nuclear Energy – Types of Mining.
- c) History of Mining and Energy production in India.

MODULE – II: International Mining and Energy Laws

- a) Sovereign Rights of States to exploit resources through Mining activities – Oil and Gas Law (OPEC RULES) – Contract between two countries to exploit oil: Concessions and Licenses – Production Sharing Agreements – Investment law – Mining and Energy issues – Oil as a global driver of geo – politics – ONGC.

- b) International Energy Disputes – Energy and Security – Global Energy demand – Availability and distribution, Energy subsidies and WTO – Carbon Trading – Low Carbon energy: Policy & Regulation.
- c) Global Management in Mining for Sustainable Development – Sustainable Mining Practices – United Nations Industrial Development Organization – Sustainable Energy Solutions and Clean Technologies – Goals related to Mining and Energy under SDG Agenda 2030.

MODULE – III: Constitutional Framework and Policies

- a) Constitutional framework regulating mining in India – Union List Entry 54 & State List Entry 23 – Important Supreme Court decisions relating to Mining Laws in India – Privatization of Mining sector in India post LGP policy 1991.
- b) Protecting Environment, Health and Safety of people arising out of Mining and its ancillary industries – Protection of Tribal population and Livelihood – Environmental Impact Assessment: Promoting awareness of Environmental Democracy and Participation in Environmental Decision making.
- c) Constitution framework regulating Energy sector in India – Energy sources and conservation – Projected Indian energy production – production and usage – the management of the electric power generation sector – Right to access Electricity – National Energy Policies – Pradhan Mantri Sahaj Bijli Har Ghar Yojana – “Saubhagya”, 2017.

MODULE – IV: Laws related to mining in India

- a) Mining on Land: Coal Mines – Mines and Minerals Act – Regulatory Structure, Ownership, Foreign Ownership Processing and sale of mineral resources, and Tax.
- b) Minor Minerals – Sand Mining
- c) Off – Shore Mining: the offshore areas mineral (development and regulation) Act, 2002 – International Seabed Authority – United Nations Convention on the Law of the Sea 1982

MODULE – V: (Energy Laws Part 1) Energy sector in India.

- a) Laws relating to Electricity – Electricity Act 2003 – Right to Electricity – Production of Electricity through Renewable resources – Appellate Tribunal for Electricity.
- b) Importance and need of Energy Conservation in India – Energy from Waste sector in India.
- c) Renewable Energy Production in India – Indian Renewable Energy Development Agency Limited (IDERA) – Ministry of New and Renewable Energy.

MODULE – VI: (Energy Law Part 2) Nuclear Energy in India

- a) Defining Nuclear Energy – Importance of the Nuclear Energy as a Renewable energy.
- b) Growth of Nuclear power in India – The Emergence of Environmental Concerns Nuclear power of India – Challenges – Civil liability for Nuclear damage Act, 2010 – Atomic Energy Act, 1962.
- c) Principles governing nuclear liability: Safety principles, Security, Prevention and Protection, Responsibility, Compensatory, Sustainable and developmental, Interdependence and transparency, strict and no – fault liability, Nuclear Energy Park.

MODULE – VII: Authorities governing Mining and Energy Sector in India.

- a) State Governments, Ministry of Mines (MOM), Indian Bureau of Mines (IBM), Ministry of Coal (MOC), Ministry of Petroleum and Natural Gas (MOPN),
- b) Ministry of Power, Bureau of Energy Efficiency
- c) Ministry of Environment, Forest and Climate Change (MOEFCC).

MODULE – VIII: Protection of Environment

- a) Mitigation of environment degradation due to Mining – Adoption of environment friendly technology – Labour issues
- b) Displacement of the population due to mining, Marginalization of local communities and economic disparities in mining areas – Social Issues
- c) Rehabilitation of closed and abandoned mine sites – Afforestation and Preservation of Biological diversity – Institutional Governance of Mineral Resources

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Penelope Crossley, 2019, Renewable Energy Law – An International Assessment, Cambridge University Press
2. Ottinger, R. Robinson N & Tagur V. (Eds), 2005, Compendium of Sustainable Energy Laws (IUCN Academy of Env'al Law Research Studies), Cambridge University Press
3. Joshua P. Fershee, Energy Law: A context and Practice Casebook
4. Joseph P. Tomain, Richard D. Cudahy, 2017, Energy Law in a nutshell, 3rd edition, West Academic Publishing
5. Richard Hermann, 2017, Energy Law fuelling a dynamic legal career, 21st century Legal Carrier Series, H. Watson Consulting LLC

JOURNALS / ARTICLES

1. Charles K. Ebinger, 2016, India's Energy and Climate Policy – Can India meet the Challenge of Industrialization and Climate Change? Brookings Energy security and climate initiative
2. Dr.P Sakthhivel, Energy Subsidies for irrigation and WTO: Legal and Policy challenges for India, Journal for Department of Legal Studies.
3. Abdeen Mustafa Omer, 2009, Energy use and environmental impacts: A general review, Journal of Renewable and Sustainable Energy
4. C. M. Jariwala, 1995, Mining and Environment: Indian law scenario, Journal of the Indian Law Institute, <https://www.jstor.org/stable/43953244>
5. Alimpan Banerjee, 2016, India's Renewable Energy Act 2015: The Missing Piece in India's Renewable Energy Puzzle, 7 RENEWABLE ENERGY L. & POL'y REV. 145

FURTHER READING:

BOOKS

1. E – BOOK ON MINING SECTOR (mines.gov.in)
<https://mines.gov.in/writereaddata/UploadFile/ebookmines.pdf>
2. Samantha Hepburn (bookdepository.com), Mining and Energy Law, Feb 2020
3. Alexandra B. Klass (bookdepository.com), Hannah J. Wiseman (bookdepository.com), Energy Law, West Academic (bookdepository.com), 2020
4. Kim Talus (bookdepository.com), Introduction to EU Energy Law, Oxford University Press (bookdepository.com), 2016
5. Raphael J. Heffron (bookdepository.com), Energy Law: An Introduction, Springer International Publishing AG (bookdepository.com), 2015
6. Barlow Burke (amazon.com), Robert Beck (amazon.com), The Law and Regulation of Mining: Minerals to Energy (Law Casebook), Carolina Academic press, 2009
7. E – Book on Mineral Sector, Ministry of Mines, Government of India February 08, 2016, E – Book on Mineral Sector (mines.gov.in)
8. P. Seshagiri Rao, Law of Mines and minerals, Asia Law house, Hyderabad, 2 volumes, 2015.
9. John D. Leshy, The Mining Law A Study in Perpetual Motion, Routledge, 2014
10. Lawrence J. MacDonnell (google.co.in), Sarah F. Bates (google.co.in), The Evolution of Natural Resources Law and Policy, American bar Association, 2010.

JOURNALS / ARTICLES

1. Al Gedicks, Transnational Mining Corporations, the Environment, and Indigenous Communities, 22 BROWN J. WORLD AFF. 129 (2015).
2. Marc Clemson, Human Rights and the Environment: Access to Energy, 16 N.Z. J. ENVTL. L. 39 (2012).
3. Robert Brown Wright, Understanding Completing Needs of Energy and the Environment: A Case Study of Geothermal Energy, 2 LOY. LAW. 7 (1976).
4. Manisha Gulati and Piyush Tiwari, 2011, Development of Renewable Energy in India: Role and Effectiveness of Electricity Regulators, 2 RENEWABLE ENERGY L. & POL'y REV. 107
5. Sanjay Kumar Kar, 2015, Renewable Energy Market Developments: A Study of India, 6 RENEWABLE ENERGY L. & POL'y REV. 238
6. Scott Fulton, Sofia O'Connor, Wayne Balta, Janice Dean & Beth Deane, 2020, Renewable Energy: Corporate Obstacles and Opportunities, 50 ENVTL. L. REP. 10181.
7. Sophie Wenzlau, 2018, Renewable Energy Subsidies and the WTO, 41 Environs: ENVTL. L. & POL'y J. 339
8. Sofia O'Connor, 2019, James McElfish & Lovinia Reynolds, Corporate Renewable Energy Goals: What Does 100% Renewable Really Mean, 49 ENVTL. L. REP. News & Analysis 10648
9. Ashok K. Mangotra, 2016, Renewable Energy Scenario in India: Quest for an Appropriate Policy, 7 RENEWABLE ENERGY L. & POL'y REV. 30
10. https://petrowiki.org/PEH:International_Oil_and_Gas_Law#Considerations_in_Conducting_Operations_in_International_Projects

CASES FOR GUIDANCE

1. Orissa mining corporation limited Vs. Ministry of Environment and Forest (Vedantha Case)
2. Deep Chand Vs. State of U.P AIR 1959 SC 648.
3. Save Mon Region Federation & oths Vs. MoEF & APSPCB (NGT) (Niyam Jang Chhu HydroElectric Power Dam Case).
4. Ukha Vs. State of Maharashtra AIR 1963 SC 1531.
5. Hingir – Rampur Coal Co Vs. State of Orissa 1961 (2) SCR 537.
6. State of Meghalaya Vs All Dimasa Students Union & Others
7. Construction, Forestry, Maritime, Mining and Energy Union v Melbourne Precast Concrete Nominees Pty Ltd (No 2) [2020] FCA 1215

8. Manohar Lal Sharma Vs. The Principal Secretary & Ors WRIT PETITION (CRL.) NO. 120 OF 2012
9. Anglo – Iranian Oil Co. (United Kingdom v. Iran) [1952] ICJ 2 (also known as the Anglo – Iranian Oil Co. case)
10. Bowoto v. Chevron Corp. 621 F.3d 1116 (2010)
11. Keystone Bituminous Coal Ass'n v. DeBenedictis 480 U.S. 470 (1987)
12. Vatican Radio lawsuit
13. Overseas Hibakusha Case
14. Nulyarimma v Thompson
15. Hodel, Acting Secretary of the Interior v. Virginia Surface Mining & (and) Reclamation Association, Inc., et al. 452 U.S. 264 (1980)
16. Western energy Co v. Genie land Co.
17. (No. 16 – 712 U.S. Reports) (2018)
18. Oil States Energy Services, LLC v. Greene's Energy Group, LLC, et al.
19. Federal Energy Regulatory Commission et al. v. Mississippi et al., 456 U.S. 742, 797 (1982).
20. United States Department of Energy v. Ohio et al. 503 U.S. 607 (1992)

LEARNING OUTCOME

- *Refine their understanding of energy resources and mining laws*
- *Adopt appropriate mechanism for protection of environment*
- *Implement best practices for sustainable mining*
- *Adhere to sound principles of protection and preservation of environment*
- *Critically evaluate and analyse the significance and importance of energy and mining laws and its implementation.*

PAPER – V

RESEARCH METHODS IN ENVIRONMENTAL LAW

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

Environmental degradation is an escalating problem from local to global scales.

- *It is important for students of environmental law to understand and address these environmental problems in a practical way.*
- *This course prepares the students to understand the procedures of various authorities implementing environmental law.*
- *Hence in this course the students are required to submit reports on the working of various authorities after observing the procedures.*

COURSE OUTLINE

MODULE – I: Sources of environmental law

- a) Sources of Environmental law – International – Theories – Treaties – Conventions
- b) Sources of National Environmental law – Constitution – Legislations – Administrative regulations – Industrial Code of conduct.
- c) Law making process of environmental law – National and International.

MODULE – II: Environmental Law Research

- a) Nature of Environmental Law – Trans disciplinary – Relationship with other disciplines.
- b) Fundamental Principles of Environmental Law – principle of intergenerational equality – principle of common care for human interests.
- c) Purpose of environmental law research.

MODULE – III: Agencies/Bodies enforcing Environmental law

- a) Ministry of Forest and Environment – Working of Central and State Pollution Control boards
- b) Functioning of national Green tribunal
- c) Regulatory bodies enforcing various environmental laws

MODULE – IV: Environmental compliance requirements

- a) Environmental permits and clearances
- b) Self-declaratory mechanisms – Information under RTI

- c) Environment Impact Assessment – environmental audit – Reporting disclosure obligations

MODULE – V: Liabilities for breach of environmental Law

- a) Environmental civil Liability concepts – relevant judgments
- b) Penalty provisions – offences by companies
- c) Environmental Insurance Liability

MODULE – VI: Working of NGT

- a) Authorities
- b) Powers and functions
- c) Landmark judgments

MODULE – VII: Working of Pollution Control boards

- a) Central Pollution control board
- b) State Pollution control Boards
- c) Practice procedures

MODULE – VIII: Working of Bio Diversity Authorities

- a) National Bio Diversity Authority
- b) State Bio diversity
- c) Powers and functions

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Bell, S., and McGillivray D.: Environmental Law, sixth edition, Oxford University Press, Oxford, 2006. (Cited as Bell/McGillivray 2006).
2. Birnie, P. W. and Boyle, A. E.: International Law and the Environment. Second Edition. Oxford University Press, Oxford, 2002. (Cited as Birnie/Boyle 2002).
3. Boyle, A. and Freestone, D.: “Introduction” in International Law and Sustainable Development. Past Achievements and Future Challenges. Eds. Boyle, A. and Freestone, D. Oxford University Press, Oxford, 1999, pp. 1 – 18. (Cited as Boyle/Freestone 1999).
4. Hart, H. L. A.: The Concept of Law. Second Edition. Oxford University Press, Oxford, 1997. (Originally published in 1961). (Cited as Hart 1997).

5. Jackson J. H.: *Sovereignty, the WTO, and Changing Fundamentals of International Law*. Cambridge University Press, Cambridge, 2006. (Cited as Jackson 2006).

JOURNALS / ARTICLES

1. Armin Rosencranz & Vidheh Upadhyay, Some Suggestions and Recommendations towards a Model State Pollution Control Board (SPCB) in India, 1 ENVTL. L. & PRAC. REV. 106 (2011).
2. Shiraz Rustomjee, Global Environmental Law and India, 36 INT'L J. LEGAL INFO. 342 (2008).
3. Peggy Rodgers Kalas, Environmental Justice in India, 1 Asia – PAC. J. ON HUM. Rts. & L. 97 (2000).
4. M. Abraham & Sushila Abraham, The Bhopal Case and the Development of Environmental Law in India, 40 INT'L & COMP. L.Q. 334 (1991).
5. Rajneesh Kumar Yadav & Anurag Deepak Verma, Role of the Supreme Court of India in the Development of Environmental Law, 4 ENV'T L. & Soc'y J. 1 (2018).

FURTHER READING:

BOOKS

1. Klabbbers, J.: "The Redundancy of Soft Law", *Nordic Journal of International Law* 65:1996, pp. 167 – 182. (Cited as Klabbbers 1996).
2. Lasswell, H.: *Jurisprudence for a Free Society: Studies in Law, Science and Policy*. Springer US, 1992.
3. Louka, E.: *Biodiversity & Human Rights. The International Rules for the Protection of Biodiversity*. Transnational Publishers, Ardsley New York 2002. (Cited as Louka 2002).
4. McCoubrey, H. and White, N. D.: *Textbook on Jurisprudence*. Third edition. Blackstone Press Ltd., 1999. (Cited as McCoubrey/White 1999).
5. *Multilevel Governance of Global Environmental Change. Perspectives from Science, Sociology and the Law*. Winter, G, ed. Cambridge University Press, Cambridge, 2006.
6. Shanmuganathan, D. and Warren, L. M.: *Journal of Environmental Law*, Vol. 9, No 1, 1997, pp. 387 – 402. Case analyses. (Cited as Shanmuganthan/Warren 1997).
7. *Sources of International Law*. Ed. Koskenniemi, K., University of Helsinki, Ashgate Dartmouth, 2000 (reprint 2007). (Cited as Sources of International Law 2000).
8. "Symposium on Method in International Law. Appraising the Methods of International Law. A Prospectus for Readers", eds. Ratner, S. R., and Slaughter A – M., in *American*

Journal of International Law, Vol. 93, No 2, 1999, pp. 291 – 423. (Cited as Symposium on Method in International Law 1999).

9. “The Evolution of Sustainable Development in International Law: Inception, Meaning and Status”. Recueil des cours. Volume 329 (2007), pp. 221 – 412. (Cited as Schrijver 2007).
10. Röben, V.: “Institutional Developments under Modern International Environmental Agreements” in Max Planck Yearbook of United Nations Law, eds. Frowein, J. A., and Wolfrum, R., Kluwer Law International, the Hague, 2000, pp. 363 – 443. (Cited as Röben 2000).

JOURNALS / ARTICLES

1. Raghav Sharma, Green Courts in India: Strengthening Environmental Governance, 4 LAW ENV't& DEV. J. 50 (2008).
2. Yashaswini Mittal, Role of Indian Regulatory Authorities in Integrating Environmental Justice into Industrial Siting Decisions, 10 NUJS L. REV. 33 (2017).
3. Gitanjali Nain Gill, The National Green Tribunal of India: A Sustainable Future through the Principles of International Environmental Law, 16 ENVTL. L. REV. 183 (2014).
4. Shibani Ghosh, Demystifying the Environmental Clearance Process in India, 6 NUJS L. REV. 433 (2013).
5. Sudha Shrotria, Environmental Justice: Is the National Green Tribunal of India Effective, 17 ENVTL. L. REV. 169 (2015).
6. Shaza Quadri, An Analysis of the Effects and Reasons for Hazardous Waste Importation in India and its Implementation of the Basel Convention, 22 FLA. J. INT'L L. 467 (2010).
7. Sneha Maji, Collaboration of Technology and Law for Solid Waste Management in India, 6 INDIAN J.L. & PUB. POL'y 48 (2019).
8. Lee C. Rarrick, Biodiversity Impacts of Investment and Free Trade Agreements, 37 PACE ENVTL. L. REV. 67 (2019).
9. Kate Wilkinson Cross, Technological Innovations Tackling Biodiversity Loss: Solutions or Misdirection? 1 LAW, TECH. & HUM. 100 (2019).
10. Waseem Ahmad Qureshi, Marine Biodiversity Conservation: The International Legal Framework and Challenges, 40 Hous. J. INT'L L. 845 (2018).

CASES FOR GUIDANCE

1. BukkeHima Bindu Vs. State of A.P. rep. by Chief Secretary, GAD (LandO) Dept. and Others
2. Central India AYUSH Drugs Manufacturers Association and Others Vs. State of Maharashtra through its Secretary, Department of Revenue and Forest, Mantralaya and Others
3. Goa Foundation Through Dinesh George Dias and Another Vs. Union of India Through the Secretary, Ministry of Environment and Forests and Others
4. Planters Forum Vs. State of Kerala
5. Sreeranganathan K.P., SreepadamVadakkkekkottaram (H) and Others Vs. the Union of India Rep.by Its Secretary Ministry of Environment and Forests Cgo Complex and Others
6. Director General (Road Development) National Highways Authority of India Vs. Aam Aadmi Lokmanch
7. Court on Its Own Motion and Others Vs. State of Himachal Pradesh and Others
8. Tamil Nadu Pollution Control Board Vs. Sterlite Industries (I) Ltd
9. T. Ramakrishna Rao Vs. Chairman, Hyderabad Urban Development Authority, Hyd. and Others
10. Commission v. Germany [1991] ECR I – 2567.
11. Commission v. Netherlands [1987] ECR I – 3989.
12. The Nuclear Tests (New Zealand v. France) Case ICJ Reports 1995, p. 288
13. United Kingdom of Great Britain and Northern Ireland v. Iceland s the Fisheries Jurisdiction Case of 1974.
14. Nicaragua v. United States of America, the Nicaragua Case, June 27, 1986, ICJ 1986, pp. 14 – 140, at pp. 90 – 91 and 100.
15. Vellore Citizens Welfare Forum v. Union of India and Others, JT 1996 (7) SC at pp. 375 – 395.
16. The Corfu Channel Case. ICJ Reports 1949, p. 4
17. Phosphate Lands in Nauru, Nauru v. Australia. ICJ Reports (1992), p. 240
18. The Southern Bluefin Tuna Case (New Zealand v. Japan and Australia v. Japan)
19. The Nuclear Test Case, ICJ Reports 1995, p. 288.
20. The GabíkovoNagymaros Case p. 7. ICJ Reports 1997.

LEARNING OUTCOME

- *Understand core concepts and procedures from a practical view point and their application in environmental problem – solving.*
- *Appreciate key concepts from economic, political, and social analysis as they pertain to the design and evaluation of environmental policies and institutions.*
- *Appreciate the ethical, cross – cultural, and historical context of environmental issues and the links between human and natural systems.*
- *Appreciate that one can apply systems concepts and methodologies to analyze and understand interactions between social and environmental processes.*
- *Reflect critically about their roles and identities as citizens, consumers and environmental actors in a complex, interconnected world.*

PAPER – VI

LAW AND LOCAL ENVIRONMENTAL GOVERNANCE IN INDIA

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

The Course is designed to provide in depth knowledge and understanding of existing Local Environmental law, bye laws and policies.

- *Moving forward it is tougher to look local planning and the environment is isolation*
- *So, the course is designed in such way to equip its learners to tackle the loopholes in the present institutional mechanisms for managing local matters*
- *To propose innovative changes as are necessary in existing laws to find convergence with urban environmental management practices*
- *To effectively implement existing laws/policies by blending them with fast changing needs and expectations of a dynamic society.*

COURSE OUTLINE

MODULE – I: Understanding the Urban Society and Governance

- a) What is Urbanization? Process of Urbanization and Urban Culture – Challenges to Urban Society
- b) Dynamics of Urbanization and Patterns in India – Factors promoting Urbanization and Trends of Urbanization in India – Multiculturalism in Urban Society.
- c) Government Plans and Schemes for Urbanization – Urbanization and Basis Services.

MODULE – II: Understanding the Local Governance

- a) Gandhian perspective of Rural Development and 73rd Constitutional Amendment
- b) Village Panchayat and Environmental Management.
- c) Decentralising Governance of Natural Resources in India: Opportunities and Challenges.

MODULE – III: Local Environmental Problems

- a) The Challenges of Slums and Forced Evictions – Crisis of affordable Housing problems.
- b) Water supply and Sanitation crises – Social and Environment impact on Solid Waste Management in India.
- c) Urban Transport – Accessibility and Mobility – Urban Spatial planning problems – Town and Country Planning.

MODULE – IV: Laws and Policy – Pertaining to Environment

- a) Law and Policy – Concept.
- b) Environmental Law and Constitution – Major Laws and Environment – National Environmental Legislations – Water and Air Legislations, Environmental Protection Act – 1986.
- c) Ecology Conservation and Environmental Governance in Urban India – Environmental Liabilities under Tort, Criminal law.

MODULE – V: Laws and Policies Pertaining to Local Environment

- a) Slum Clearance Acts, Rent Control Legislation – Country and Town Planning; Apartment Regulations – Urban Land Zoning and Taxation Laws.
- b) Urban Development Policies in India – Disaster Management and Environment – Practice and Response Management.
- c) Land Use Policies, Land Consumption – Community Development.

MODULE – VI: Urban Enforcement Machineries

- a) Corporation and Municipalities.
- b) Urban Development and Metropolitan Development Authorities – Pollution Control and Water Boards.
- c) Licensing Authorities – Land Acquisition

MODULE – VII: Environment and Judiciary

- a) Role of Judiciary in prompting sustainable development. Judicial Activism and Environmental Jurisprudence.
- b) Green Court in India – Strengthening Environmental Governance.
- c) Environmental Management

MODULE – VIII: Urban Development and Environment Protection Mechanisms

- a) Urban Developmental Projects – Infrastructure Projects and Environment.
- b) Good Governance – Practices – Decentralization – Empowering locals in decision making.
- c) New Models relating to Environmental Conservation and its challenges.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. UNESCO India and Centre de Sciences Humaines – New Delhi “Urban Policies and the Right to the City in India”
2. Surendra Malik and Sudeep Malik “Supreme Court on Environmental Law” EBC Publications.
3. Centre for Environmental and Sustainable Development, GNLU “Environmental Law: Decentralized Governance” EBC Publications.
4. Justice Krishna Iyer “Law and Urban Poor in India “B.R. Pub. Corp
5. “Law and Urbanization”, Indian Institute of Law, New Delhi.

JOURNALS / ARTICLES

1. Isher Judge Ahluwalia (2019) Urban governance in India, Journal of Urban Affairs
2. Van der Heijden, J. (2016) ‘Opportunities and Risks of the “New Urban Governance” in India: To What Extent Can It Help Addressing Pressing Environmental Problems?’ The Journal of Environment & Development.
3. Russell M. Smith, Prasad Avinash Pathak, Girish Agrawal. (2019) India’s “smart” cities mission: A preliminary examination into India’s newest urban development policy. Journal of Urban Affairs.
4. Michael Poku – Boansi, Greg Marsden. (2018) Bus rapid transit systems as a governance reform project. Journal of Transport Geography.
5. Ghuncha Firdaus, Ateeque Ahmad. (2011) Impact analysis of urbanization on rural livelihood – an empirical study of an urban centre of Delhi, India. International Journal of Urban Sciences

FURTHER READING:

BOOKS

1. Ministry of Housing and Urban Affairs – Annual Reports.
2. Hand Book of Urban Statistics – GOI.
3. Census Report for Level of Urbanization – Office of the Registrar General & Census Commissioner, India
4. National Institute of Urban Affairs: Report of the National Commission on Urbanization

5. K.C. Sivaramakrishna & Amitabh Kundu, "Hand Book of Urbani in India" Oxford University Press, 2007.
6. R. Ramachandra "Urbanization and problems in India" Oxford University Press.
7. Raju K.V., et.al "Urban Environmental Governance in India" Springer Publication.
8. Shyamli Singh, Radha Goyal and Ashish Jain "The Urban Environmental Crisis in India: New Initiatives in Safe Water and Waste Management" Cambridge University Publication.
9. Band P, Thomas M. "Urban Environmentalism: Global Change and the Mediation of Local Conflict" Routledge Publication, London.
10. Isher Judge Ahluwalia, Ed. Ravi Kanbur, P.K Mohanty "Urbanisation In India – New Challenges, Opportunity and way forward" Sage Publications.

JOURNALS / ARTICLES

1. Maria Costanza Torri "Decentralising Governance of Natural Resources in India: Lessons from the case study of Thanagazi Block, Alwar, Rajasthan, India" LEAD Journal, <http://www.lead-journal.org/content/10228.pdf>.
2. The environmental problems associated with India's major cities' (1989) Environment and Urbanization.
3. Pandey, Ashutosh. "Gandhian Perspective of Rural Development." The Indian Journal of Political Science, Vol. 69, No. 1, 2008, pp. 141 – 148. Jstor, www.jstor.org/stable/41856398.
4. Breton, Albert. (2007), Environmental Governance and Decentralisation, Edward Elgar Publishing, UK.
5. A Working Paper by Monica Das Gupta, Public Health in India: An Overview, Washington: World Bank.
6. A Working Paper by Peyvand Khaleghian, Monica Das Gupta, Public management and essential public health functions, Washington: World Bank.
7. Vaidyanathan, A. (May 2000). India's Agricultural Development Policy, Economic and Political Weekly, 35(20).
8. Government of India. (2015). Best Practices in Panchayats on Livelihoods and Natural Resource Management, New Delhi: Ministry of Panchayati Raj.
9. Developing Countries, Technical Paper No. 254, The World Bank, Washington DC.
10. Role of Judiciary in good governance Justice Y.K. Sabharwal, Chief Justice of India

CASES FOR GUIDANCE

1. Rural litigation and entitlement Kendra v. State of UP (1985) 2 SCC 431.
2. M.C Mehta v. Union of India (Bhopal Gas Leak Case) 1989 SCC (2) 540.
3. Municipal Council, Rratlam v. Shri Vardhichand & Ors AIR 1980 SC 1622
4. M.C. Mehta v. Union of India (Ganga Pollution Case) (1987) 4 SCC 463.
5. AP Pollution Control Board II v. prof.M.C Nayudu, 2000 SOL case no 673.
6. Vellore Citizen Welfare Forum v. Union of India AIR 1996 SC 2715.
7. M.C. Mehta v. Kamal Nath & Ors (2002) 3 SCC 29.
8. M.C.Metha v. Union of India AIR (2002) 4 SCC 356
9. M.C. Metha v. Union of India (Vehicular Pollution case) 1991 SCC (2)
10. M.C Mehta v. Union of India AIR 1987 SC 985
11. Subhash Kumar v. State of Bihar & Ors AIR 1991 SC 420.
12. Ms. Betty C. Alvares v. The State of Goa & Ors
13. Almitra H. Patel and Anr v. Union of India and Ors 1999 (7) SCALE 376.
14. Samit Mehtd. Union of India and Ors MANU/ GT/ 0150/2016.
15. Save Mon Region Federation and Ors v. Union of India and Ors MANU/ GT/ 0150/2016.
16. Srinagar Bandh Aapda Sangharsh Samiti & Anr v. Alaknanda Hydro Power Co. Ltd & Ors.
17. Art of living case on Yamuna Flood Plains.
18. K.M Chinnappa, T.N. Godvarnam v. Union of India AIR 2003 SC 724(736).
19. Indian Council for Enviro – legal Action v. Union of India AIR 1999 SC 1446
20. M.K. Janardhanam v. The District Collector, Tiruvallur 2002 – 1 – LW.262.

LEARNING OUTCOME

- *Learners will be able to understand the background knowledge of rural environmental management.*
- *Appreciate tools for addressing crucial urban problems at both policy and implementation level.*
- *The Course will enable the participants to propose changes as are necessary in laws to find convergence with Local Environmental management practices.*

PAPER – VII

CLIMATE CHANGE LAWS: POLICY AND MANAGEMENT

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE:

Climate change describes a change in the average conditions, such as temperature and rainfall, in a region over a long period of time. The objective of climate change laws and policies is to stabilize the greenhouse gas concentrations in the atmosphere at the level of prevent dangerous and reduce anthropogenic with climate system. This course thrives to cover the essential legal framework to strengthen the protection of environment and also touches upon issues such as, legal framework within the country and international initiatives.

After studying this course students will be able to:

- *Improve their practice in learning and teaching relating to climate change.*
- *To be able to evaluate environmental, scientific and technological information in order to develop informed opinions about this issue.*
- *An understanding of climate and climate change processes at local to global scales*
- *An understanding of the policy framework in which environmental decisions are made in India and internationally*

COURSE OUTLINE

MODULE – I: Global Climate Change and Impacts

- a) Defining Climate and Climate Change – Types of Climate- Projected Impacts Of Climate Change – Risk Of Irreversible Changes
- b) Elements of climate (Wind, Temperature, Humidity, Precipitation, Pressure); Micro Macro climate zones; Earth’s climate through ages, trends of global warming and climate change
- c) Drivers of global warming and the potential of different greenhouse gases (GHGs) causing the climate change- Its e, Human, Animals, Society

MODULE – II: Ozone layer, Environmental policy & Agreements

- a) Ozone layer or ozone shield; Importance of ozone layer
- b) Ozone layer depletion and causes; ozone depleting substances; effects of ozone depletion
- c) Mitigation measures and International protocols; Environmental policy debate

MODULE – III: International Climate Change Regulations

- a) The Global Climate Changes Regime – The United Nations Framework Convention on Climate Change (UNFCCC), 1992
- b) Carbon credit and carbon trading; clean development mechanism
- c) Kyoto Protocol, Montreal Protocol, the Paris Agreement, 2015

MODULE – IV: National Climate Change Regulations

- a) National Emissions trading Measures
- b) Other National Climate Change Measures – Greenhouse and Energy Reporting – Environmental Impact Assessment and Approval Requirements – Nuclear Power Policy
- c) Carbon Trading and Sequestration – Renewable and Low Emissions Energy Sources – Geo sequestration – Energy Efficiency Requirements

MODULE – V: Policies

- a) Climate change Action at the local level – Contribution of the courts to climate change law – Participation by the Non – Governmental Sector in Climate Change law – Intergovernmental Panel on Climate Change (IPCC)
- b) Climate change; Policy ideas to protect the Planet in 2019 – National Action Plan on Climate change – NAPCC in 2008 – Participation by the Non – Governmental Sector in Climate Change Law – Ministry of Environment Forest and Climate Change (MOFF&CC)
- c) United National Climate Action Summit in New York on 23 September 2019 – ICLG – Environment and Climate Change Laws and Regulations 2020 – The Challenge of Integration – The Challenge of Regulatory coordination

MODULE – VI: Climate Change mitigation

- a) Political context of greenhouse gas emissions – key emitters and strategies to bring down emissions to safe levels;
- b) Integration of mitigation into development planning through low emission development strategies
- c) Main economic sectors where mitigation actions can be applied; key international mechanisms in planning and implementing mitigation actions – Sustainable – Clean Energy – green Technologies – Climate Change & SDG 2030.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Mridula Ramesh, 2018, The Climate Solution: India's Climate Change Crisis and what we can do about it, Harchette Book Publishing India Pvt. Ltd.
2. Harvey, D. 2000, Climate and Global Change, Prentice Hall
3. Philander, S.G. 2012, Encyclopedia of Global Warming and Climate Change (2nd edition), Sage Publications
4. Sushil Kumar Dash, 2015, Climate Change, Cambridge University Press India Pvt. Ltd.
5. Navroz K. Dubash, 2019, India in a warming world: Integrating Climate Change and Development, Oxford University Press

JOURNALS / ARTICLES

1. Charles K. Ebinger, 2016, India's Energy and Climate Policy – Can India meet the Challenge of Industrialization and Climate Change? Brookings Energy security and climate initiative
2. Muhammad Ishaq – ur Rahman, 2013, Climate Change – A theoretical review
3. Alice Kaswan, 2008, Environmental Justice and Domestic Climate Change Policy, 38 ENVTL. L.REP. News & Analysis 10287
4. John R. Nolon & Patricia E. Salkin, 2011, Integrating Sustainable Development Planning and Climate Change Management, 63 PLANNING & ENVTL. L. 3
5. Melinda Taylor & Holly Doremus, 2015, Habitat Conservation Plans and Climate Change: Recommendations for Policy, 45 ENVTL. L. REP. News & Analysis 10863

FURTHER READING:

BOOKS

1. India in a Warming World, Navroz K. Dubash, Oxford University press, 2019
2. Urs Luterbacher, Detlef F. Sprinz, International relations and global Climate change, The MIT press, Cmbridge, 2001.
3. World Tourism Organization (google.co.in) United Nations Environment Programme (google.co.in) Climate Change and Tourism: Responding to Global Challenges books.google.co.in › books 2008
4. Cinnamon P Carlarne, et.al., the Oxford Handbook on International climate change Law, Oxford University press, 2016.

5. Mridula Ramesh, *The Climate Solution: India's Climate – Change Crisis and What we can do about it*, Hachette India, 2018.
6. Syed Sherax Mahdi, *Climate Change and Agriculture in India: Impact and Adaption*, (e book) Springer, 2019
7. Samir Saran, Aled Jones, *India's Climate change identity, Between reality and perception*, Palgrave Macmillan, 2017.
8. Chandra Venkataraman, et.al., *Climate change signals and response, A Strategic knowledge compendium for India*, (e book) Springer, 2019.
9. Jamil Ahmad (google.co.in), *Climate Change and Sustainable Development in India*, New Century Publications (google.co.in), 2013.
10. N. Dogra, S. Srivatsava, *Climate change and disease dynamics in India*, The Energy and resource institute, 2012.

JOURNALS / ARTICLES

1. Kevin T. Haroff & Katherine Kirwan Moore, 2007, *Global Climate Change and the National Environmental Policy Act*, 42 U.S.F. L. REV. 155
2. Courtney Lauren Anderson, 2018, *Climate Change and Infrastructure*, 18 Hous. J. HEALTH L. & POL'y 1
3. Victor B. Flatt, 2010, *Adapting Energy and Environmental Policy for Climate Change*, 11 VT.J. ENVTL. L. 655
4. Jeffrey A. McNeely, *Applying the Diversity of International Conventions to Address the Challenges of Climate Change*, 17 MICH. St. U. COLL. L. J. INT'L L. 123 (2008).
5. Amy Johnsson, *Climate Change in International Environmental Law*, 17 E. & CENTRAL EUR. J. oN ENVTL. L. 1 (2013).
6. Elizabeth Burlison, *Climate Change Consensus: Emerging International Law*, 34 WM. & MARY ENVTL. L. & POL'y REV. 543 (2010).
7. Avnita Lakhani, *International Law in the Era of Climate Change*, 32 J. ENERGY & NAT. Resources L. 203 (2014).
8. Julia Toscano, *Climate Change Displacement and Forced Migration: An International Crisis*, 6 ARIZ. J. ENVTL. L. & POL'y 457 (2015).
9. Vyoma Jha, *India's Twin Concerns over Energy Security Climate Change: Revisiting India's Investment Treaties through a Sustainable Development Lens*, 5 TRADE L. & DEV. 109 (2013).
10. Arindam Basu, *Climate Change Litigation in India: Seeking a New Approach through the Application of Common Law Principles*, 1 ENVTL. L. & PRAC. REV. 35 (2011).

CASES FOR GUIDANCE

1. MC Mehta v. UOI, WP (C) 13029/1985
2. MC Mehta v. UOI, AIR 1987 SC 1086 (Oleum Gas Leak case),
3. M.C. Mehta vs. Union of India, AIR 1988 SCR (2) 538
4. TN Godavarman Thirumulpad vs. Union of India and Ors., W.P.(C) No. 202 of 1995
5. Ganesh Wood Products v. State of Himachal Pradesh, AIR 1996 SC 149
6. MC Mehta v. Kamal Nath, (1996) 1 SCC 38
7. MI Builders Pvt. Ltd. V. Radhey Shyam Sahu, AIR 1996 SC 2468,
8. Vellore Citizens Welfare Forum v. UOI, AIR 1996 SC 2718
9. Indian council for Enviro – Legal Action v. UOI, AIR 1996 SC 1446,
10. State of Himachal Pradesh v. Ganesh Wood Products, AIR 1996 SC 149,
11. Enviro – Legal Action v. Union of India (CRZ Notification case), (1996) 5 SCC 281
12. M.C. Mehta v. Union of India (Taj Trapezium case), AIR 1997 SC 734.
13. Enkay Plastics Pvt. Ltd. Vs. Union of India (UOI) and Ors., 2000(56) DRJ 828
14. American Electric Power Co. v Connecticut 564 U.S. 410, (2011)
15. Comer v. Murphy Oil USA, Inc., 585 F.3d 855 (5th Cir. 2009)
16. France v Spain (1957) RIAA, Vol XII, pp 281 – 317
17. Portuval v. Germany, PCIJ, [1928] UNRIAA, Vol. II, p 1011
18. Juliana v. United States of America (2016) 6:15 – cv – 01517 – TC (D. Or. Nov. 10, 2016)
19. Massachusetts v. Environmental Protection Agency (2007) 549 US 497
20. Native Village of Kivalina v. ExxonMobil Corp. (2012) 696 F.3d 849 (9th Cir. 2012)

LEARNING OUTCOME

- *Refine their understanding of climate change laws and policies*
- *Adopt appropriate mechanism for protection of environment*
- *Implement best practices for prevention of pollution*
- *Adhere to sound principles of protection and preservation of environment*
- *Critically evaluate and analyse the significance and importance of environment.*

PAPER – VIII

BIODIVERSITY, TRADITIONAL KNOWLEDGE AND INTELLECTUAL PROPERTY LAWS

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE:

This course is intended to promote the awareness, knowledge and the importance relating to the intellectual property rights and its relationship in the process of promoting and conserving the sustainable development and the conservation of biological resources and the knowledge associated with such resources and protection of traditional knowledge. Accordingly, this Course aims to

- *Promote the knowledge in 3 important disciplines which is interdisciplinary and multidisciplinary in nature but it brings to develop interest among the students*
- *Find the relationship between the 3 important domains – the intellectual property rights, biodiversity regime and traditional knowledge regime which are closely connected with one another.*
- *Create awareness to the students about the importance of international institutions which are playing a crucial role in shaping the relationship between the IP rights, biodiversity and traditional knowledge in the international arena namely, the WTO, TRIPs Agreement of WTO, CBD including the Nagoya Protocol, ITPGR of FAO, WIPO and other relevant international organizations.*
- *Impart the importance of the practice of IP, biodiversity and TK in the developing countries particularly in India and it also wants to impart the difference of practice of various IP, biodiversity and TK in the world in general, particularly the practice of IP, biodiversity and TK in the European Union and the USA.*

COURSE OUTLINE

MODULE – I: Historical background of IP rights

- a) Historical perspectives of intellectual property rights – relationship with conservation of biological diversity – promotion of sustainable development – fair and equitable sharing of benefits arising out of the utilization of the biological resources and the knowledge associated with such resources.
- b) Practice of IP in the ancient era – Vedic era and the medieval era and the modern IP rights.

- c) Definition of IP rights – its meaning, concept – implications arising out of TRIPs agreement on the minimum standards relating to maintenance, availability and enforcement – Patents, Geographical indications, Trade secret, sui generis IP rights.

MODULE – II: Evolution of Biodiversity regime

- a) Definitions and concepts – biological diversity, sustainable development, genetic resources, farmers’ privilege, indigenous people, tribal rights to IPR.
- b) Practice relating to biological diversity – promotion of sustainable use – access and benefit sharing in the ancient era including Vedic era, Sangam literature, thirukkural – importance of basic Indian medicinal system: Siddha, Ayurveda – its implications relating to IP and sustainable development and biological diversity.
- c) Practice of various Kings in promoting biodiversity and environment – roles of Asoka Dynasty, Chola Dynasty – contributions made by Ori, Pari in Tamil Nadu in promoting biodiversity.

MODULE – III: International law relating to IP rights and its relationship with biodiversity and traditional knowledge

- a) Uruguay negotiations – implications of Uruguay round – adoption of TRIPs agreement of WTO – provisions relating to patents in TRIPs agreement – its implications on biodiversity.
- b) Provisions relating to sui generis protection of IP – its implications on bio patents, biodiversity, plant variety protection, farmers’ rights.
- c) Relationship between TRIPs agreement and UPOV convention – 1961, 1978, 1991.

MODULE – IV: International law relating to traditional knowledge and its implications on IP regime

- a) Emergence of permanent sovereignty over natural resources – adoption of international undertaking on plant and genetic resources;
- b) ITPGR – IP implications on food and agricultural genetic resources, utilization – multilateral benefit sharing scheme; Adoption of CBD – relationship between CBD and TRIPs – implications arising out Article 8(j) of TRIPs – implications arising out of Bonn guidelines – implications arising out Nagoya Protocol, 2010 – relationship between general ABS mechanism and specialized ABS mechanism – difference between bilateral benefit mechanism under the CBD regime and multilateral benefit sharing scheme under the ITPGR regime – application of benefit sharing mechanism during the emergency crisis;

- c) Role of international institutions – WIPO, WHO, UNICEP, UNDP, UNEP, WTO, TTIP, TTP

MODULE – V: Indian IP law and its implications on biodiversity regime in India

- a) Implications arising out of the Indian Patents Act – 1970, 2002, 2005.
- b) Patentable subject matter and its relationship with biodiversity and traditional knowledge.
- c) Geographical indications and its relationship in developing protection to the traditional knowledge, biological resources, farmers’ rights, tribal rights – application of sui generis IP system in promoting the rights of the traditional knowledge holders, tribes, farmers

MODULE – VI: Indian law relating to the traditional knowledge and its impact on the IP Rights in India

- a) Biological diversity Act – concept of PIC and MAT – access and benefit sharing – bio heritage sites – importance of various governments – role of Panchayat Raj Institutions in promoting sustainable development of biological resources, ABS, protection of TK including community IP to the TK holders;
- b) Protection of traditional knowledge of farmers through sui generis IP mechanism – protection of plant varieties under Farmer’s rights Act – benefit sharing scheme – Genome Savior Scheme – farmers’ privilege – farmers’ rights v. breeders’ rights – protection available to the farmers including the concept of innocent infringement – other mechanisms available against exploitation of IP right holders;
- c) Forest Rights Act – implications arising out of this Act on the IP rights of tribes, their right over traditional knowledge, biological diversity, community rights, tangible as well as intangible property rights – implications of schemes – Minimum Support Price for Minor Forest Produce, Van Dhan Yojana

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Ritu Lodha, Intellectual Property Rights, Biodiversity and Traditional Knowledge: Monographs on Globalization and India – Myths and Realities, CUTS International, 2007
2. Stephen A. Hansen and Justin W. VanFleet, Traditional knowledge and Intellectual Property: A Handbook on Issues and Options for Traditional knowledge Holders in Protecting their Intellectual Property and Maintaining Biological Diversity, American

Association for the Advancement of Science (AAAS) Science and Human Rights Program, July 2003

3. Chidi Oguamanam, *International law and Indigenous Knowledge: Intellectual Property, Plant Biodiversity and Traditional medicine*, University of Toronto Press, 2010
4. Prof. T. C. James, *Protection of Traditional Knowledge in India*, RIS, Scoping paper No. 2, September 2018
5. Jonathan Curci, *The Protection of Biodiversity and Traditional Knowledge in International law of Intellectual Property*, Cambridge University Press, January 2010

JOURNALS / ARTICLES

1. Laurance, R Helfer. *FAO legislative study, intellectual property rights in plant varieties international legal regimes and policy options for national governments*, 2004.
2. Tulasi GK, Rao BS. *A detailed study of patent system for protection of inventions*. *Indian J Pharm Sci*, 2008.
3. Stephen A. Hansen and Justin W. VanFleet. *Traditional knowledge and Intellectual Property: A Handbook on Issues and Options for Traditional knowledge Holders in Protecting their Intellectual Property and Maintaining Biological Diversity*, American Association for the Advancement of Science (AAAS) Science and Human Rights Program, July 2003,
4. Sabrina Safrin, *Hyper ownership in a time of biotechnological promise: the international conflict to control the building blocks of life*, 98 *American Journal of International Law*, October 2004
5. Dr. N.S. Gopalakrishnan. *TRIPS and Protection of Traditional knowledge of Genetic Resources: New Challenges to the Patent System*, *European Intellectual Property Review*, (Sweet & Maxwell, London, (January), 2005.

FURTHER READING:

BOOKS

1. Charles Hyde Smith (google.co.in), *Biodiversity Studies: A Bibliographic Review*,
2. Kevin J. Gaston (google.co.in), John I. Spicer (google.co.in), *Biodiversity: An Introduction*
3. Usha Tandon (routledge.com), et.al., *Biodiversity*
4. *Law, Policy and Governance*, Routledge, 2019.
5. Pierre Pontarotti (openlibrary.org), *Origin and Evolution of Biodiversity*, Springer, 2018.

6. Jonathan Curci (b – ok.asia), *The Protection of Biodiversity and Traditional Knowledge in International Law of Intellectual Property*, Cambridge, 2010.
7. Sarah A. Laird (bookdepository.com), *Biodiversity and Traditional Knowledge: Equitable Partnerships in Practice*, Taylor & Francis Ltd (bookdepository.com), 2002
8. OECD, 1996. *Intellectual property, technology transfer and genetic resources. Survey of current practices and policies*. Paris
9. Potrykus, I., 2001. Golden rice and beyond. *Plant Physiology*, 1157 – 1161
10. Puri, K., 1995. Cultural ownership and intellectual property rights post – mabo: putting ideas into action. *Intellectual Property Journal*, 293 – 347.

JOURNALS / ARTICLES

1. Lorna Dwyer. Bio piracy, Trade, and Sustainable Development, *Colorado Journal of International Environmental Law and Policy*, 2008.
2. STEPHEN R. MUNZER AND KAL RAUSTIALA, The uneasy case for intellectual property rights in traditional knowledge, *Cardozo Arts & Entertainment Law Journal*, 2009.
3. ANIL K. GUPTA. WIPO – UNEP study on the role of intellectual property rights in the sharing of benefits arising from the use of biological resources and associated traditional knowledge
4. SRIVIDHYA RAGAVAN & JAMIE MAYER O'SHIELDS. Has India Addressed Its Farmers' Woes? A story of plant protection issues, *Georgetown International Environmental Law review*, fall, 2007.
5. CHIDI OGUAMANAM, the International Intellectual Property Regime Complex: Agro – Biodiversity and Food Security: Biotechnology and Traditional Agricultural Practices at The Periphery of International Intellectual Property Regime Complex. *2007 Michigan State Law Review*, Spring, 2007.
6. Bluebook 21st ed. Donna Craig & Michael Davis, Ethical Relationships for Biodiversity Research and Benefit – Sharing with Indigenous Peoples, 2 *MACQUARIE J. INT'L & COMP. ENVTL. L.* 31 (2005).
7. Bluebook 21st ed. Alexander Gillespie, Biodiversity, Indigenous Peoples and Equity in International law, 4 *N.Z. J. ENVTL. L.* 1 (2000).
8. Bluebook 21st ed. Graham Dutfield, Sharing the Benefits of Biodiversity: Is There a Role for the Patent System, 5 *J. WORLD INTELL. PROP.* 899 (2002).
9. Bluebook 21st ed. Lee C. Rarrick, Biodiversity Impacts of Investment and Free Trade Agreements, 37 *PACE ENVTL. L. REV.* 67 (2019).

10. National Legislation of Costa Rica, Biodiversity Law, Article 82 Ley No 7788:1998.

CASES FOR GUIDANCE

1. Animal and Environmental Legal Defence Fund v. Union of India, AIR 1997 SC 1071
2. Goa Foundation v. Union of India, W.P. (C) No. 460 of 2004
3. K.M. Chinnappa and T.N. Godavarman Thirumalpad v. Union of India, (2002) 10 SCC 606
4. Pradip Kishen v. Union of India, (1996) 8 SCC 599
5. McFarling v. Monsanto Co., 128 S. Ct. 871 (2008)
6. McIntosh v. Monsanto Co., 462 F. Supp. 2d 1025, 1028 (E.D. Mo. 2006).
7. Diamond v. Chakrabarty, 447 U.S. 303, 309 – 10 (1980)
8. J.E.M. Ag Supply, Inc. v. Pioneer Hi – Bred Int'l, Inc., 534 U.S. 124, 145 (2001)
9. Quanta Computer, Inc. v. LG Elecs., Inc., 128 S. Ct. 2109 (2008)
10. Scruggs v. Monsanto Co., 549 U.S. 1342 (2007).
11. Monsanto Co. v. McFarling, 488 F.3d 973, 976 (Fed. Cir. 2007) (McFarling III)
12. Monsanto Co. v. Scruggs, 459 F.3d 1328, 1333 (Fed. Cir. 2006)
13. Center for Food Safety, Monsanto Vs. U.S. Farmers: November 2007
14. Bloomer v. McQuewan, 55 U.S. 539, 549 (1852)
15. Scheiber v. Dolby Labs., Inc., 293 F.3d 1014, 1020 (7th Cir. 2002)
16. Gabčíkovo – Nagymaros (Hungary v Slovakia) (Judgment) (1997) ICJ Rep 7
17. Tuna – Dolphin dispute between Mexico and the United States ("US") 16 U.S.C. § 1361 (2019)
18. Shrimp – Turtle case
19. Metalclad Corp. v. United Mexican States (US v. Mex.), Case No. ARB(AF)/97/1, Award, 7 107 – 108
20. Clayton v. Can., P.C.A. Case No. 2009 – 04, Amended Statement of Claim 19, (Perm. Ct. Arb. 2009)

LEARNING OUTCOME

- *The origin and development of intellectual property rights*
- *The specific type of intellectual property rights which has a closer relation with the biodiversity regime and TK regime*
- *The different regimes of state practice relating to IP, biodiversity and TK in the developed and developing countries in general and particularly in India, USA and European Union*

- *The importance of community IP rights given to the tribes, indigenous people, farmers, etc.*
- *The concept of inclusive IP, inclusive growth and inclusive and sustainable development – the relationship between these concepts.*

PAPER – IX

COASTAL AND MARINE MANAGEMENT: LAW AND POLICY

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE:

Marine Ecosystem play a vital role in Human's Life. Especially, Coastal is a very potential area for a variety of development options. The increase of population and its activities will be able to threaten the existence and sustainability of ecosystems and coastal resources, marine and small islands. In this Course students will learn

- *How policy on coastal conservation is required.*
- *The objectives are to get an insight on the coastal conservation policies implemented and to learn experiences.*
- *The findings demonstrate that countries objectives for coastal management are to achieve sustainable development.*
- *Legally protecting the Marine Biodiversity and its various frame works for future generations.*

COURSE OUTLINE

MODULE – I: Introduction

- a) Definition of Coastal and Marine environment – Resources in Coastal and marine environment.
- b) Challenges for coasts and oceans – Exploitation of Coastal and Marine resources.
- c) History of Resource Distribution in coastal and marine ecosystem – coastal resource management – coastal zone management planning.

MODULE – II: Marine protected areas and International Legal Framework.

- a) Convention on Biological Diversity.
- b) SOLACE – MARPOLE – UNCLOS – Marine Environment and Agenda 21: Integrated management and sustainable development of coastal and marine areas including Exclusive economic zones – Other International Instruments.
- c) Strengthening International including regional cooperation and coordination – Coasts and Marine development under SDG 2030.

MODULE – III: Marine Protected Areas and India.

- a) Marine and coastal conservation under the Indian Constitution.

- b) Marine Protected Areas in India.
- c) Important Supreme Court and High Court decisions.

MODULE – IV: Coastal and Marine Conservation in Indian Legal Instruments.

- a) Wildlife Protection Act 1972 – Environmental Protection Act, 1986 – Biological Diversity Act, 2002.
- b) Biosphere Reserves – Coastal Regulation Zone Notification.
- c) Fisheries Regulation in India – State level Fisheries Management.

MODULE – V: Pollution in Coastal and Marine ecosystems

- a) Illegal Fishing – Legal Mechanisms preventing Illegal Fishing.
- b) Oil Spill – Impact of oil spill on Marine and Coastal Biodiversity.
- c) Coastal erosion – Destruction of mangroves – Coral Reef Destruction.

MODULE – VI: Preservation of Marine and Coastal Health

- a) EIA – People Participation
- b) Coastal Aquaculture Authority
- c) Marine Products Export Promotion Council – MPEDA 1972, Ministry of Fisheries, Animal Husbandry and Diaring

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Surender Mehra, Study and Practice of Wildlife (Protection) Act, 1972 laws in India – Concepts, Acts, Rules and Notifications. (2012).
2. Biliiana Cicin – Sain (google.co.in), et.al., Integrated Coastal and Ocean Management: Concepts and Practices, Island press, Washington DC
3. Amita Singh, R. Lalitha S. Fernando, Nivedita P. Haran, Development in Coastal Zones and Disaster Management ebook PDF | Downl (melbhattan.com), Springer nature, 2020
4. R. R. Krishnamurthy. Jonathan, Seshachalam Srinivasalu, Bernhard Glaeser, Coastal Management (melbhattan.com), Academic Press, 2018
5. David R. Green, Jeffrey L. Payne, Marine and Coastal Resource Management Principles and Practice, Routledge, 2017

JOURNALS / ARTICLES

1. Tony George Puthucherril, Operationalising Integrated Coastal Zone Management and Adapting to Sea Level Rise through Coastal Law: Where Does India Stand, 26 INT'L J. MARINE & Coastal L. 569 (2011).
2. Abdullah Al Arif & Ershadul Karim, Marine Pollution and the South Asian Coastal States: A Legal Appraisal, 9 MACQUARIE J. INT'L & COMP. ENVTL. L. 18 (2013).
3. Kalpana S. Murari, Coastal Zone Management: Resolving Climate Change Issues through a Statutory Framework, 6 J. MGMT. & Sustainability 114 (2016).
4. Barbara Lausche, Guidelines for Protected Areas Legislation, IUCN Environmental Policy and Law Paper No. 81
5. Manual on Fishery Statistics, published by the Central Statistics Office, Ministry of Statistics and Programme Implementation (2011)

FURTHER READING:

BOOKS

1. Integrated Social Sciences and Economics (ISE) Division National Centre for Sustainable Coastal Management Ministry of Environment, Forest and Climate Change Government of India, Assessment of Coastal and Marine Ecosystem Goods and Services – Linking Coastal Zone Management to Ecosystem Services in India Sand Dunes, 2018 – 19
2. Ahana Lakshmi Et al., The Challenged Coast of India, Report prepared by PondyCAN in Collaboration with BNHS and TISS (2012)
3. Report of the Committee on Identifying Parameters for Designating Ecologically Sensitive Areas in India, Ministry of Environment, Forests and Climate Change, Government of India (2000)
4. Ramya Rajgopalan, Marine Protected Area in India, Samudra Monograph, published by International Collective in Support of Fisheries, 2008
5. Paul Dayton et. al., Coastal Systems, Ecosystems and Human Well – being: Current State and Trends, Volume 1 (2005) Report of the Millennium Ecosystem Assessment
6. Report of the Committee Headed by Prof. M.S. Swaminathan to Review the Coastal Regulation Zone Notification, 1991 (2005)
7. Raju, KD (2012). The Wetlands Jurisprudence in India: A Case Study of The West Bengal Conservation and Management of Wetlands and Water Bodies Policy 2012.
8. Kapoor, M., et al. 2009. India's notified ecologically sensitive areas (ESAs)—the story so far. Report prepared by Kalpavriish and WWF – India.

9. Ahana Lakshmi et al. 2012. The challenged coast of India. Report prepared by PondyCAN in collaboration with BNHS and TISS.
10. Dayton, P., et al. 2005. Coastal systems. Ecosystems and Human Well – being: Current State and Trends. Volume 1. Report of the Millennium Ecosystem Assessment.

JOURNALS / ARTICLES

1. Jai S. Singh, Significance of Jurisprudential Principles of Draft Proposal Coastal Regulation Zone (CRZ) 2010 for the Protection and Promotion of Coastal Ecology and Marine Environment, 4 INDIAN J.L. & Just. 1 (2013).
2. Pavel Chakraborty, Standards or Hazards: Environmental Compliance and Market Access Concerns for India's Marine and Agricultural Products, 12 Asia PAC. J. ENVTL. L. 85 (2009).
3. Moritaka Hayashi, Military Activities in the Exclusive Economic Zones of Foreign Coastal States, 27 INT'L J. MARINE & Coastal L. 795 (2012).
4. Tony George Puthucherril, Climate Change, Sea Level Rise and Protecting Displaced Coastal Communities: Possible Solutions, 1 GLOBAL J. COMP. L. 225 (2012).
5. Forrest Booth, Marine Insurance, Jurisdiction and Piracy: Threats Foreign and Domestic, 25 U.S.F. MAR. L.J. 37 (2012).
6. Bluebook 21st ed., Tourism Policy: Local Wisdom and Integrated Coastal Zone Management, Journal of Law, Policy and Globalization, Vol.88, 2019.
7. Bluebook 21st ed. Scott Ball, The Green Room: A Surfing – Conscious Approach to Coastal and Marine Management, 33 UCLA J. ENVTL. L. & POL'y 366 (2015).
8. Bluebook 21st ed. Nilufer Oral, Integrated Coastal Zone Management and Marine Spatial Planning for Hydrocarbon Activities in the Black Sea, 23 INT'L J. MARINE & Coastal L. 453 (2008).
9. Bluebook 21st ed. Coastal Challenges: A Guide to Coastal and Marine Issues (1998).
10. Bluebook 21st ed. Robert Beckman & Brady Coleman, Integrated Coastal Management: The Role of Law and Lawyers, 14 INT'L J. MARINE & Coastal L. 491 (1999).

CASES FOR GUIDANCE

1. Hornbeck Offshore Services LLC v. Salazar (wikipedia.org)
2. Lucas v. South Carolina Coastal Council (wikipedia.org)
3. Nollan v. California Coastal Commission (wikipedia.org)
4. Sierra Club v. Babbitt (wikipedia.org)
5. Tuna – Dolphin GATT Case (I and II) (wikipedia.org)
6. United States v. Weitzenhoff (wikipedia.org)

7. Winter v. Natural Resources Defense Council (wikipedia.org)
8. RJW & SJW v The Guardian newspaper & Person or Persons Unknown (wikipedia.org)
9. Indian Council for Enviro – legal Action v Union of India [(1996) 5 SCC 281]
10. S. Jagannath v Union of India [(1997) 2 SCC 87]
11. Vaamika Island v Union of India and Ors. [(2013) 8 SCC 760]
12. Alexio Arnolfo Pereira v. State of Goa (2014 SCC OnLine NGT 6655) (greentribunal.gov.in)
13. Kamburam Dharma Paripalana Araya Samajam vs. Kozhikode Corporation and Others ((22.09.2015 – NGT): MANU/GT/0160/2015)) (indiaenvironmentportal.org.in)
14. Ramdas Janardan Koli and Others v. Secretary, MoEFCC and Others ((27.02.2015 – NGT): MANU/GT/0056/2015)) (indiaenvironmentportal.org.in)
15. Kashiram Jairam Setye v. Anil Hoble (2015 SCC OnLine NGT 117) (indiaenvironmentportal.org.in)
16. Marie Christine Perdriau v. Goa Coastal Zonal Management Authority and Others (2015 SCC Online NGT 23) (greentribunal.gov.in)
17. Rama Gopalan v. Union of India (2007) WP Nos 18076, 18223, & 18224
18. Essar Oil Ltd v. Halar Utkarsh Samiti, AIR 2004 SC 1834
19. T. N. Godavarman Thirumal pad v. Union of India 2006 INDLAW SC 123
20. Goa Foundation v. Konkan Railway Corporation, AIR 1992 Bom. 471

LEARNING OUTCOME

- *How marine diversity can be managed and maintained.*
- *The various frameworks regarding the conservation of marine resources.*
- *Increase in coastal damage due to pollution.*
- *The various marine protected areas around the country and the world.*

PAPER – X

SCIENCE, TECHNOLOGY AND ENVIRONMENT: LAW AND GOVERNANCE

(Generic Elective Paper)

OBJECTIVES OF THE COURSE:

Science plays an important role in environment protection. The various technological innovations have made way to both advantage and disadvantages of environment from getting conserved as well as damaged. This Course gives a clear view of

- *How science is related with environment.*
- *The technicalities used for saving the natural resources from exploitation.*
- *Discussions on the various health issues occurring due to environmental damage and its regulatory framework.*
- *Necessity of creating awareness about it to general public*

COURSE OUTLINE

MODULE – I: Introduction

- a) Science, Technology, Innovation – relationship – potential benefits and risks associated with technology and environment. Environment and Science trans – disciplinary perspective
- b) Technicalities that deplete natural resources – Alternatives – green technologies – smart technologies.
- c) National, regional International and Transnational legal frameworks.

MODULE – II: Sustainable Development goals and environment

- a) Sustainable development goals (SDGs) and Environment.
- b) Role of United Nations in dealing with sustainable development – Centres for promoting sustainable development – Role of civil society in promoting sustainable development.
- c) Transboundary Environmental Assessment and Role of Technology – Technology innovation for Sustainable Development – Alternate technologies and environmental impact.

MODULE – III: Medical technology and environment

- a) Medical technologies – impact on environment –. Medical Devices and Environmental consciousness – Expanding Health Technology Assessments to Include Effects on the Environment – Microbial Technology for Health and Environment

- b) International conventions on medical technologies, human health and environment – Regulatory framework
- c) Medical Waste management – national and international governance.

MODULE – IV: Communication technology and environment

- a) Communications technologies – environmental impacts – radiation impact on flora and fauna and humans. Information and Communication Technology (ICT) Revolution: Its Environmental Impact and Sustainable Development.
- b) Electronic infrastructure – non-electronic infrastructure – Legal regulation for managing communication technologies. Electrical Energy Production – Digital Coin Mining – Smartphones revolution and environment impact.
- c) E Waste management – regulatory frameworks.

MODULE – V: Bio ethics and Law/ Environmental ethics and law

- a) Bioethics – Risk Identification & Analysis: Methodological Issues & Ethical Issues in the Scientific Process – The Public Health Model of Environmental Policy: the reduction of morbidity & mortality
- b) Bio ethics and law – definition of harm and monetary valuation of environmental goods.
- c) Animal testing ethics of animal research. – Access and Benefit Sharing – Payments for ecosystem services: legal and institutional frameworks

MODULE – VI: Role of NGOs and Businesses in Governance related to Rapidly Advancing Technologies

- a) NGOs partners in shaping policies and programs – creating environmental awareness undertaking watershed development disaster management sustainable livelihoods; from joint forest management to giving inputs to policies
- b) Worldwide environmental organisms – Green Peace – WWF – Business ethics and environment protection.
- c) Role of NGO in Environmental protection in India – Environmental education – Social work – advocacy – consultative initiatives – Public Interest Litigation. Role of NGO in Environmental Impact assessment.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Environmental Technology and Sustainability 1st Edition Physical, Chemical and Biological Technologies for Clean Environmental Management Authors: Basanta Kumara Behera Ram Prasad Paperback ISBN: 9780128191033 eBook ISBN: 9780128191040 Imprint: Elsevier Published Date: 7th April 2020Page Count: 230.
2. Environmental Science and Technology: A Sustainable Approach to Green Science and Technology, Second Edition Paperback – 7 October 2019 by Stanley E. Manahan.
3. Environment, Technology and Development: Critical and Subversive Essays Rohan D'Souza.
4. The International Handbook on Environmental Technology Management Edited by Dora Marinova, Professor of Sustainability, Curtin University Sustainability Policy (CUSP) Institute, Curtin University, Australia, David Annandale, Environmental and Social Consulting, Canada and John Phillimore, Professor and Executive Director, John Curtin Institute of Public Policy, Curtin University of Technology, Australia Publication Date: 2007 ISBN: 978 1 84064 687 0 Extent: 592 pp.
5. Environmental Technology Handbook 2nd Edition by James G Speight.

JOURNALS / ARTICLES

1. Mary W. Chaffee, The Case for Integrating the Environment into the Definition of Bioethics, 35 UCLA J. ENVTL. L. & POL'y 255 (2017).
2. Jennifer Gunning, Bioethics and Human Rights, 27 MED. & L. iii (2008).
3. Zongliang Xu, Modern Bioethics and Human Rights, 3 HUM. Rts. 26 (2004).
4. David C. Thomasma, Bioethics and International Human Rights, 25 J.L. MED. & Ethics 295 (1997).
5. Gitanjali Nain Gill, Human Rights and the Environment in India: Access through Public Interest Litigation, 14 ENVTL. L. REV. 200 (2012).

FURTHER READING:

BOOKS

1. Basic Environmental Technology: Water Supply, Waste Management and Pollution Control 6th Edition by Jerry Nathanson M.S. P.E. (Author), Richard Schneider M.S. P.E. (Author).

2. Green Technologies and Environmental Sustainability Kindle Edition by Ritu Singh (Editor), Sanjeev Kumar (Editor).
3. Environmental Law: Contemporary Issues by Shobhalata Udupudi, Jagadeesh Chandra T.G., Bindu Vijay et al.
4. International Environmental Law: Mapping the Field Daniel Bodansky, Jutta Brunnée, and Ellen Hey the Oxford Handbook of International Environmental Law Edited by Daniel Bodansky, Jutta Brunnée, and Ellen Hey.
5. Contemporary Issues in International Environmental Law Malgosia Fitzmaurice, Professor of Public International Law, Queen Mary, University of London, UK Publication Date: 2009 ISBN: 978 1 84542 283 7 Extent: 256 pp.
6. J.C. Day et al., "River Basin Development," in: Robert Kates and Ian Burton, eds., Geography, Resources, and Environment (vol. II: Themes from the Work of Gilbert White). Chicago: The University of Chicago Press, 1986.
7. James Wharton, Before Silent Spring. Pesticides and Public Health in Pre-DDT America. Princeton, N.J.: Princeton University Press, 1974, pp. 133–137.
8. Christopher J. Duerkson, Environmental Regulation of Industrial Siting: How to Make It Work Better. Washington, D.C.: The Conservation Foundation, 1982.
9. Allum, N., Sturgis, P., Tabourazi, D., & Brunton-Smith, I. (2008). Science knowledge and attitudes across cultures: A meta-analysis. Public Understanding of Science
10. Bertolaso, M. (2013). How science works: Choosing levels of explanation in biological sciences. Rome, Italy: Aracne.

JOURNALS / ARTICLES

1. Zafar Mahfooz Nomani, The Human Right to Environment in India: Legal Precepts and Judicial Doctrines in Critical Perspective, 5 Asia PAC. J. ENVTL. L. 113 (2000).
2. Aruna Kumar Malik, Health Sector Governance and Reforms in India, 2 LIBERAL Stud. 85 (2017).
3. Siddhanth Saxena & Shivam Narain, Environment Courts in India: Improving Access to Justice, 3 ENV't L. & Soc'y J. 25 (2015)
4. P. S. Jaswal & Nishtha Jaswal, Role of the Local Governments in Environment Management and Judicial Attitude in India, 10 J.L. & Soc'y 1 (1991).
5. Jona Razzaque, Linking Human Rights, Development, and Environment: Experiences from Litigation in South Asia, 18 FORDHAM ENVTL. L. REV. 587 (2007).
6. Bluebook 21st ed. Gail Javitt, Foreword: Predictive Health Technologies, 9 Hous. J. HEALTH L. & POL'y 157 (2008).

7. Bluebook 21st ed. Kathryn Garforth, Health Care and Access to Patented Technologies, 13 HEALTH L.J. 77 (2005).
8. Bluebook 21st ed. John R. Shook & James Giordano, Neuroethics beyond Normal Performance Enablement and Self – Transformative Technologies, 25 CAMBRIDGE Q. HEALTHCARE Ethics 121 (2016).
9. Bluebook 21st ed. J. Peter Byrne, Property and Environment: Thoughts on an Evolving Relationship, 28 HARV. J.L. & PUB. POL'y 679 (2005).
10. Bluebook 21st ed. Mark Sagoff, Ethics, Ecology, and the Environment: Integrating Science and Law, 56 TENN. L. REV. 77 (1988).

CASES FOR GUIDANCE

1. Lucas v South Carolina Coastal Council. 505 U.S. 1003 (1992)
2. Hughes v Oklahoma. 441 U.S. 322 (1979)
3. American Electric Power Co. v Connecticut. 564 U.S. 410 (2011)
4. Boomer v. Atlantic Cement Co. 257 N.E.2d 870 (1970)
5. Julian et al v USA Friends of Earth, INC v Laidlaw Environmental Services INC. 528 U.S. 167 (2000)
6. Pulp Mills Case. Pulp Mills on the River Uruguay (Argentina v. Uruguay), Judgment, I.C.J. Reports 2010, p. 14
7. Gabcikovo – Nagymaros Case. GabCikovo – Nagymaros Project (Hungary/Slovakia), Judgment, 1. C. J. Reports 1997, p. 7 Lujan v. Defenders of Wildlife. 504 U.S. 555 (1992)
8. Tennessee Valley Authority v. Hill 437 U.S. 153 (1978)
9. Chevron USA v. Natural Resources Defense Council., 467 U.S. 837 (1984) Alaska Dept. of Environmental Conservation v. EPA 540 U.S. 461 (2004) Compagnie Francaise de Navigation a Vapeur v. Louisiana Board of Health 186 U.S. 380 (1902)
10. City of Philadelphia v. New Jersey 437 U.S. 617 Operation Dismantle v. The Queen 1985 CanLII 74 (SCC)
11. Save the Plastic Bag Coalition v. The City of Manhattan Beach 52 CAL. 4TH 155, 254 P.3D 1005
12. Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc. 435 US 519 (1978)
13. Bowman v. Monsanto Co.
14. Minister of Public Works v Kyalami Ridge Environmental Association [2001] ZACC 19
15. Yarmirr v Northern Territory. [2001] HCA 56

16. Costa Rica and Nicaragua (Construction of a Road in Costa Rica along the San Juan River/Certain Activities Carried Out by Nicaragua in the Border Area)
17. Sierra Club v. Morton, Secretary of Interior
18. State of Himachal Pradesh v. Ganesh Wood Products
19. G.R. Simon and Others etc. v. Union of India Others
20. N.D. Jayal v. Union of India

LEARNING OUTCOME

- *Understand the deeper relationship between science technology and environment.*
- *Various goals to manage sustainable development in the country.*
- *Disposal of Medical waste as per the guidelines and rules mentioned.*
- *Roles played by NGO's in technological developments.*

PAPER – XI

FOOD AND AGRICULTURE: POLICY, GOVERNANCE AND LEGAL FRAMEWORK

(Generic Elective Paper)

OBJECTIVES OF THE COURSE:

Agriculture is the backbone of our economy.

- *It is agriculture that provides food to the nation. There are various laws that regulates agriculture*
- *Both food and agriculture are governed by various laws and regulations both central and states in India.*
- *This course is designed to give a broader outlook on agriculture and food laws with special reference to India.*

COURSE OUTLINE

MODULE – I: Introduction

- a) Importance of agriculture in social and economic landscape
- b) International Framework – Role of FAO – WTO Framework Agreement on Agriculture – Agreement SPS TBT Right to food as human right
- c) Constitutional dimensions of food and agriculture

MODULE – II: Agriculture and land

- a) Laws relating to land relevant to agriculture LAAR Act – acquisition of agricultural land
- b) Seeds Act framework insecticides Act fertilizers orders legal framework for protection of plants
- c) Irrigation and water resources significance to agriculture – ground water – conservation

MODULE – III: Agricultural Labourers

- a) Legal aspects of agricultural labourers – protection of rights of labourers farmers – welfare measures –
- b) aspects relating to crop insurance – schemes and measures – trade and commerce relating to agricultural products – 2020 Act – contract farming –
- c) significance of essential commodities Act – agricultural products

MODULE – IV: Grading and marking of agricultural products

- a) Need for grading and marking – Grading and Marking of agricultural products – quality assurance – export and import of agri products – legal framework – relevant provisions under the Foreign trade regulation Act
- b) Role of specialised boards – rubber spices coffee tea for promotion of agri products – cash crops
- c) Crop and livestock Insurance – Law relating to pesticides and insecticides
- d) Participatory Irrigation Management.
- e) The Tamil Nadu Farmers’ Management of Irrigation Systems Act 2000

MODULE – V: Storage, Marketing and Distribution

- a) Food security – legal aspects
- b) Historical evolution of PDS system legal framework procurement and distribution of food – food security Act

MODULE – VI: Food Safety and Regulation

- a) Elements of food safety measures – regulatory measures for food safety – evolution of food safety regulation national and international scenario
- b) Advertisements and sale standards – Junk food, Tobacco and other regulated substances
- c) Food Safety and Standards Laws – Bureau of Indian Standards

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Alabrese, M., Brunori, M., Rolandi, S., Saba, A. (Eds.), Agricultural Law Current Issues from a Global Perspective, Springer, 2017
2. Mary Jane Angelo, Jason J. Czarnecki, William S. Eubanks (II.), Food Agriculture and Environmental Law ebook PDF | Download and Read O (melbhattan.com), Environmental Law Inst, 2013.
3. Pulkit Mathur (amazon.in), Food Safety and Quality Control, Orient Blackswan, 2018
4. Paul Knechtges, Food Safety: Theory and Practice (google.ae), Jones and Bartlett learning, 2012
5. Marion Nestle, Safe Food: The Politics of Food Safety, University of California Press, 2010

JOURNALS / ARTICLES

1. Ranjana Ferrao, Food Security in India, 14 BRAZ. J. INT'L L. 114 (2017).
2. Chidi Oguamanam, Plant Breeders' Rights, Farmers' Rights and Food Security: Africa's Failure of Resolve and India's Wobbly Leadership, 14 INDIAN J. L. & TECH. 240 (2018).
3. Jessica Epstein, Scientizing Food Safety: Resistance, Acquiescence, and Localization in India, 48 LAW & Soc'y REV. 893 (2014).
4. Amy J. Cohen, Supermarkets in India: Struggles over the Organization of Agricultural Markets and Food Supply Chains, 68 U. MIAMI L. REV. 19 (2013)
5. Mark Ritchie & Kristin Dawkins, WTO Food and Agricultural Rules: Sustainable Agriculture and the Human Right to Food, 9 MINN. J. GLOBAL TRADE 9 (2000).

FURTHER READING:

BOOKS

1. Right to Food Handbook, Food and Agricultural Organisation of the United Nations, 2014
2. The Right to food Guidelines, Information papers and case studies, Food and Agricultural organisation of the United Nations, 2006.
3. Veena Jha; Edward Elgar, Environmental Regulation and Food Safety: Studies of Protection and Protectionism (questia.com), International Development Research Center, 2005
4. Dr P Chandrasekara et. Al. Farmers Handbook on agriculture, German Federal Ministry for Economic Cooperation and Development (BMZ), second edition, 2016.
5. Shyam Kartik Mishra Babita Agrawal (amazon.in), Food Security in India: Policies and Challenges, 2013
6. Dr Anshu, Food Security in India: Challenges of 21st Century, 2009
7. Dr G Ganga, Dr j Sudhona Chetty, An introduction to Sericulture, second edition, Oxford and IBH, 2020
8. Kamal kumar Ghose, Agricultural labourers in India, Indian publications Calcutta,
9. Anne C. Bellows, Flavio L.S. Valente, Stefanie Lemke, María Daniela Núñez Burbano de Lara, Gender, Nutrition, and the Human Right to Adequate Food: Toward an Inclusive Framework, Taylor and francis, 2016.
10. Claudia Tofan, (ed), Human right to food, volume 1 & 2,

JOURNALS / ARTICLES

1. Margaret Rosso Grossman, Genetic Technology and Food Security, 62 AM. J. COMP. L. Supp. 273 (2014).

2. Rohit Mooka & Silky Mukherjee, TRIPS Flexibilities and India's Plant Variety Protection Regime: The Way Forward, 5 BRICS L.J. 117 (2018).
3. Nathan M. Trexler, Market Regulation: Confronting Industrial Agriculture's Food Safety Failures, 17 WIDENER L. REV. 311 (2011).
4. Carmen G. Gonzalez, Institutionalizing Inequality: The WTO Agreement on Agriculture, Food Security, and Developing Countries, 27 COLUM. J. ENVTL. L. 433 (2002).
5. Mary E. Footer, Trade – Related International Food Security and the Developing World, 6 TRADE L. & DEV. 288 (2014).
6. Peter Halewood, Trade Liberalization and Obstacles to Food Security: Toward a Sustainable Food Sovereignty, 43 U. MIAMI INTER – AM. L. REV. 115 (2011).
7. Max Jarvie, Productivity and Diversity in Research and Agriculture: Improving the IPR Landscape for Food Security, 40 WM. & MARY ENVTL. L. & POL'Y REV. 849 (2016).
8. Rashmi Venkatesan, TRIPS and Plant Variety Protection in India: Complicating the Globalisation Debate, 9 INDIAN J. INT'L ECON. L. 43 (2018).
9. Kaitlin Y. Cordes & Anna Bulman, Corporate Agriculture Investment and the Right to Food: Addressing Disparate Protections and Promoting Rights – Consistent Outcomes, 20 UCLA J. INT'L L. FOREIGN AFF. 87 (2016).
10. Lily Endean Nierenberg, Reconciling the Right to Food and Trade Liberalization: Developing Country Opportunities, 20 MINN. J. INT'L L. 619 (2011).

CASES FOR GUIDANCE

1. Sasanka Shekhar Maity v. Union of India AIR 1981 SC 522
2. Shri Chandrika Singh v. Raja Viswanath Pratap Singh AIR 1992 SC 1318
3. Smt. Atia Mohammadi Begum v. State of U.P. AIR 1993 SC 2465
4. State of U.P. v. Nand Kumar Aggarwal (1997) 11 SCC 754
5. Khuntia Case_AIR 2000 SC 2538
6. Shantidevi case_AIR 2001 SC 1462
7. Govt. of A.P. v. J. Sridevi AIR 2002 SC 1801
8. Billimoria case_AIR 2003 SC 4368
9. Chandamma case (2004) 9 SCC 174
10. Navanath and Ors. 2009 (5) SCALE 575
11. Beef Harmonie – EC Harmones Case (The US – EU Beef Harmones Disputes)
12. Tuna – dolphin case
13. Shrimp and Turtle case (The WTO Shrimp – Turtle Case (United States – Import Prohibition of Certain Shrimp and Shrimp Products))

14. *McFarling v. Monsanto Co.*, 128 S. Ct. 871 (2008)
15. *McIntosh v. Monsanto Co.*, 462 F. Supp. 2d 1025, 1028 (E.D. Mo. 2006).
16. *Diamond v. Chakrabarty*, 447 U.S. 303, 309 – 10 (1980)
17. *J.E.M. Ag Supply, Inc. v. Pioneer Hi – Bred Int’l, Inc.*, 534 U.S. 124, 145 (2001)
18. *Quanta Computer, Inc. v. LG Elecs., Inc.*, 128 S. Ct. 2109 (2008)
19. *Scruggs v. Monsanto Co.*, 549 U.S. 1342 (2007).
20. *Monsanto Co. v. McFarling*, 488 F.3d 973, 976 (Fed. Cir. 2007) (*McFarling III*)

LEARNING OUTCOME

- *Understand the relationship between food and agricultural law and policies to each other and other areas of law.*
- *Understand the broad scope of issues, laws and regulations that fall under the food and agriculture umbrella.*
- *Understand the regulatory framework of the food and agricultural sectors on the central level and the roles that states play in regulation of these sectors.*
- *Understand the basic elements of food safety and food labelling, agricultural contracts, environmental regulation of agricultural production, farm programs, the Farm Bill and other key aspects of law and policy*



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

**DEPARTMENT OF HUMAN RIGHTS
AND DUTIES EDUCATION**

DEPARTMENT OF HUMAN RIGHTS AND DUTIES EDUCATION

The Department of Human Rights and Duties Education started functioning as a centre which was funded by UGC for a period of five years, after the funding period was over the centre had started functioning as an independent department, which was earlier part of Constitutional Law Department in the University. The Syndicate has sanctioned the approval for starting Postgraduate on 14th Feb 2007. This was the exclusive department which was funded by UGC solely to promote awareness in the field of Human Rights.

The syllabus of the Department of Human Rights and Duties Education has been thoroughly revamped with effect from the academic year 2020-21. A good number of new papers have been introduced, notable among them are Human Rights and Duties Jurisprudence, Novel papers like Human Rights Research Methods, Human Rights and Policy in India, Human Rights and Tamil Nadu Policy to envisage on the contemporary challenges, implementation, functioning and obligation to promote Human Rights. This is achieved through a combination of theory, judicial precedents, and practical approaches – captured through 6 Specialized Core Papers, 3 Discipline Specific Elective papers and 2 Generic Elective papers which will be studied over 4 semesters in 2 Years (CBCS system).

The shift in sovereignty accompanying globalization has meant that non-state actors are more involved than ever in issues relating to human rights. The development poses challenges to international human rights law. While globalization has enhanced the ability of civil society to function across borders and promote human rights, other actors have gained the power to violate human rights in unforeseen ways. The legal frameworks for globalization and for human rights, then asks to what extent globalization is good for human rights and to what extent human rights are good for globalization.

The rights of every man are diminished when the rights of one man are threatened. There is no right without remedy. Human Rights, being the most basic and inherent rights of every person, that is guaranteed in innumerable international and regional instruments. The department papers explore the various institutions and mechanisms set in place to ensure the effective enforcement of human rights and critically analyze their efficacy. The department envisages on the contemporary challenges of Human Rights by studying the historical background, development, jurisprudence, the philosophical foundations of the concept of human rights and acquire academic contemplation and training primarily in Human Rights Law blended with

traditional and modern theories of human rights so that it brings the realization that the future world legal order heavily depends on reach and acceptability of Human Rights law, Prevention of discrimination and Developments in human rights and futuristic perspective in the grey area of human rights. And draw the difference between need-based and value-based human rights.

The subject has attracted scholars from almost all academic disciplines including Philosophy, Theology, Economics, Politics, International Relations, and other sciences. Thus, it is important for a student of human rights law to understand and dissect the legal content from the vast literature available on the subject. It is also essential for students to appreciate and apply the methods and techniques which are unique for the human rights studies. The concept of innovation in the Human Rights - ways to think innovatively liberally using thinking techniques. and contemporary issues such as war on terror, cyber warfare, and drone attacks.

We strongly believe that the papers offered by the department will not only enrich the understandings of the Human Rights Lawyers and Professionals in the realm of law, but it will also promote holistic understanding on various sectors and cross sectors implications on Human Rights. For e.g., Human Rights Research Methodology will be highly helpful in exploring the challenges arising during research in Human Rights related issues. The implications arising out of various technologies such as Biotechnology, ICT, Nano technology, Artificial Intelligence., etc.

THE TAMILNADU Dr. AMBEDKAR LAW UNIVERSITY

BRANCH – VII

DEPARTMENT OF HUMAN RIGHTS AND DUTIES EDUCATION

LL.M SYLLABUS

SPECIALISED CORE PAPERS – 06

1. Human Rights and Duties Jurisprudence
2. Human Rights Research Methods (Theory and practice)
3. International Human Rights
4. Human Rights and Policy in India
5. Human Rights Institutions – Law and Governance
6. Human Rights of Disadvantaged and Vulnerable Groups

DISCIPLINE SPECIFIC ELECTIVE PAPERS - 03

7. Human Rights and Tamilnadu Policy
8. Science, Technology and Human Rights
9. Human Rights of Refugees, Internally Displaced and Migrants

GENERIC ELECTIVE PAPERS - 02

10. Criminal Justice System and Human Rights
11. Trade, Environment and Human Rights

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none"> 1. Judicial Process (Common Paper - I) 2. Legal Education and Research Methodology (Common Paper - II) 3. Human Rights and Duties Jurisprudence (Specialization Core Course - I) 4. Human Rights Research Methods (Theory and Practice) (Specialization Core Course - II) 5. Criminal Justice System and Human Rights (Generic Elective Course - I)
Second Semester	<ol style="list-style-type: none"> 1. Constitutional Law: The New Challenges (Common Paper - III) 2. Law and Social Transformation in India (Common Paper - IV) 3. International Human Rights (Specialization Core Course - III) 4. Human Rights and Tamilnadu Policy (Discipline Specific Elective Course - I) 5. Applied Research Methodology
Third Semester	<ol style="list-style-type: none"> 1. Human Rights and Policy in India (Specialization Core Course – IV) 2. Human Rights Institutions – Law and Governance (Specialization Core Course - V) 3. Science, Technology and Human Rights (Discipline Specific Elective Course - II) 4. Trade, Environment and Human Rights (Generic Elective Course - II)
Fourth Semester	<ol style="list-style-type: none"> 1. Human Rights of Disadvantaged and Vulnerable Groups (Specialization Core Course - VI) 2. Human Rights of Refugees, Internally Displaced and Migrants (Discipline Specific Elective Course - III) 3. Skill Enhancement Course 4. Dissertation

PAPER - I
HUMAN RIGHTS AND DUTIES JURISPRUDENCE
(Specialized Core paper)

OBJECTIVES OF THE COURSE

This paper introduces the concept of human rights jurisprudence and seeks to elaborate the conceptual, philosophical, theoretical, and historical aspects and developments of human rights and duties. It specifies about nature and scope of Human Rights, Evolution of human rights, historical sources of human rights emergence, Statehood, Sovereignty, Principles of human rights, Theories of human rights, Human rights in India, Perspectives of Human Rights, Rule of law, Good governance, Prevention of discrimination and Developments in human rights and futuristic perspective in the grey area of human rights.

After undergoing the study, the student will be able to understand the following:

- *To get introduced with the conceptual framework and functional or practical utility-oriented aspects of Human Rights and Duties Jurisprudence.*
- *To trace the significance and influence of the normative principles involved in building the edifice and substance of Human Rights Jurisprudence.*
- *To envisage on the contemporary challenges of Human Rights by studying the historical background and development, the philosophical foundations of the concept of human rights and acquire academic contemplation and training primarily in Human Rights Law blended with traditional and modern theories of human rights so that it brings the realization that the future world legal order heavily depends on reach and acceptability of Human Rights law.*
- *To Differentiate between traditional and modern theories of human rights, the dialectics of universalism versus cultural relativism. Draw the difference between need-based and value-based human rights*

COURSE OUTLINE

MODULE I - HISTORY AND DEVELOPMENT OF HUMAN RIGHTS

- a) Definition of Human rights and Ideology
- b) Nature and Scope of Human Rights
- c) Normative Development of Human Rights through International Instruments

MODULE II - STATEHOOD AND HUMAN RIGHTS

- a) State Sovereignty – Impact of Human Rights. Exclusive Domestic Jurisdiction.
- b) Universalism and Cultural Relativism – Post-colonial critique of human rights.

- c) SIRACUSA Principles

MODULE III - EVOLUTION AND HISTORICAL SOURCES OF HUMAN RIGHTS IN PRE-UNITED NATIONS ERA

- a) French Revolution
- b) League of Nations
- c) Cold War

MODULE IV - EVOLUTION AND HISTORICAL SOURCES OF HUMAN RIGHTS IN POST-UNITED NATIONS ERA

- a) Charter based system
- b) Treaty based system
- c) Regional and Sub-Regional level

MODULE V - EVOLUTION OF HUMAN RIGHTS IN INDIA

- a) Pre-Independence: Historical and Philosophical foundations
- b) Post-Independence: Reformist and Revivalist struggle
- c) Role of Judiciary

MODULE VI - RULE OF LAW, CONSTITUTIONAL GOVERNANCE AND HUMAN RIGHTS

- a) Rule of Law and Human Rights
- b) Constitutional Governance –Accountability and the Indian Constitution.
- c) Impact of Globalisation on Human Rights.

MODULE VII - THEORIES OF HUMAN RIGHTS

- a) School of Natural Rights
- b) Thomas Paine and Karel Vasak's concept of the 3 generations of rights
- c) Perspectives of Human Rights – Social Justice, Egalitarianism, Liberal and Marxian thoughts.

MODULE –VIII - FUTURE PERSPECTIVES

- a) Solidarity Rights
- b) Rights of Future generations – Technology – Internet as a Human Right
- c) Emerging areas; NIEO – 3rd world countries, global inequality, and non-liberal globalization.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Lalit Parmer, *Human Rights*, (1998)

2. Rama Jois, *Human Rights: Bharatiya value*, (1998)
3. John Finnis, *Natural Law and Natural Rights*, (1980)
4. Julius Stone, *Human Law and Human Justice*, (2000), Universal, New Delhi
5. The Jurisprudence of Human Rights by Jerome J. Shestack

JOURNALS / ARTICLES

1. Nirmal. C.J. (ed.), *Human Rights in India* (2000), Oxford 11. Nirmal. B.C., *The Right to self-determination in International Law* (1995), Deep & Deep. 12. P.R.Gandhi, *International Human Rights Documents* (1999) Universal, Delhi
2. Dr. Anant Kalse (2016), A brief lecture on “Human Rights in the Constitution of India”, available at: <http://mls.org.in/books/H-2537%20Human%20Rights%20in.pdf>.’
3. Amartish Kaur (2017), “Protection of Human Rights in India – A Review”, *Jamia Law Journal*, Vol.2.
4. Kluwer Human Rights Watch Women's Rights Project,
5. The Human Rights Watch - Global Report on Women's Human Rights (2000), Oxford

FURTHER READING:

BOOKS

1. *Human Rights Law: Legal and Policy Issues* by Theodor Meron
2. Paton G.W., *Jurisprudence* (1972), Oxford, ELBS 57
3. H.L.A. Hart, *The Concepts of Law* (1970) Oxford, ELBS
4. Roscoe Pond, *Introduction to the Philosophy of Law*(1998 Re-print) Universal, Delhi.
5. Bodenheimer *Jurisprudence—The Philosophy and Method of Law* (1996) Universal, Delhi.
6. Fitzgerald, (ed.) *Salmond on Jurisprudence* (1999), Tripathi, Bombay.
7. Venkata Subbarao, G.C., *Jurisprudence and Legal Theory*, 2008
8. Paranjape, Dr. N.V., *Studies in Jurisprudence & Legal Theory*, 2008
9. Singh, Dr. Avtar., *Introduction to Jurisprudence*, 2013
10. Myneni, Dr. S.R., *Jurisprudence (Legal Theory)*, 2004

JOURNALS / ARTICLES

1. Wallace, *International Human Rights: Text & Materials* (1996), Sweet & Maxwell
2. Muntarhorn, *The Status of Refugees in Asia* (1992), Oxford.
3. Frank Cass, *Human Rights and Global Diversity* (2001), London
4. S.K. Avesti and R.P. Kataria, *Law Relating to Human Rights*, Ch IV, V, VIII, XIV, XXIX and XXXIX (2000) Orient, New Delhi

5. S.K. Varma, Public International Law (1998), Prentice-Hall, New Delhi
6. Peter J. Van Krieken (ed.), The Exclusion on Clause (1999)
7. Moolchand Sharma, *Constitutionalism, Human rights and Rule of Law – Essays in Honour of Soli J. Sorabji* (Delhi: Universal Book Publishing.
8. J.S. Verma, *The New Universe of Human Rights* (New Delhi: Universal Book Traders, 2006)
9. K. P. Saksena (ed.), *Human Rights and the Constitution: Vision and Reality* (New Delhi: Gyan, 2003)
10. Vijay Chitnis, (et al.). *Human Rights and the Law: National and Global Perspectives*, (1997).

CASES FOR GUIDANCE

1. Doon Valley Case AIR 1985 SC 652
2. M. C. Mehta vs. Union of India AIR 1988 SC 1037
3. Kesavananda Bharati v. State of Kerala (1973) 4 SCC 225
4. Oleum Gas Leak Case AIR 1986 SC
5. Maneka vs. Union of India, A.I.R. 1978 S.C. 597, Para 77
6. PUCL & Anr. v. State of Maharashtra & Ors. 2012 12 SCC 72
7. M.C. Mehta (Taj Trapezium Matter) v. Union of India 1997 2 SCC 353
8. Khatri And Others v. State of Bihar & Ors. 1981 AIR 1068, 1981 SCR (3) 145
9. Pt. Parmanand Katara v. Union of India &Ors. 1989 AIR 2039, 1989 SCR (3) 997.
10. Rural Litigation and Entitlement Kendra v. State of U.P. & Ors 1985 2 SCC 431, 1985 AIR 652 1985 SCR (3) 169
11. Kishen Patnayak v. State of Odisha AIR 1989 SC 677
12. Mohd. Ahmed Khan vs Shah Bano Begum 1985 AIR 945 1985 SCR (3) 844 1985 SCC (2) 556
13. Shayara Bano vs Union of India And Ors 2017 9 SCC1
14. Chatra Kumari Devi v. Mohan Bikram [(1931) 58 I.A 279]
15. Rudul Sah v State of Bihar & Anr (1983) AIR 1086
16. Toomenv.Australia, (1994).
17. Waldman v. Canada, (1999).
18. Diergard v. Nambia, (2000)
19. Ignatanev.Latvia, (2001)
20. Vishaka and others v. State of Rajasthan ((1997) 6 SCC 241)

LEARNING OUTCOMES

- *Comprehensive knowledge over the origin, nature, increasing scope of the subject and appreciate the changing vagaries of Human Rights and Duties Jurisprudence.*
- *Evaluate and synchronize the significance of Human Rights Jurisprudence in a contemporary revolutionary era of Human rights and its connectivity to the Global legal order.*
- *Able to explore the central role played by the subject in an all-inclusive and multifaceted perspective.*

PAPER - II
HUMAN RIGHTS RESEARCH METHODS
(THEORY AND PRACTICE)

(Specialized Core paper)

OBJECTIVES OF THE COURSE

International and national human rights laws have been emerging with a lot of multilateral treaties, developments in national Constitutions, enactments and cases. The subject has further evolved with various soft law instruments and philosophical arguments based on scientific developments. Obviously, the subject has attracted scholars from almost all academic disciplines including Philosophy, Theology, Economics, Politics, International Relations and other sciences. Thus, it is important for a student of human rights law to understand and dissect the legal content from the vast literature available on the subject. It is also essential for students to appreciate and apply the methods and techniques which are unique for the human rights studies. The subject is divided into theory (50%) and practical (50%) components.

After undergoing the study, the student will be able to understand the following

- *To know the research methods and techniques in the human rights studies.*
- *To understand the development process of national and international human rights law.*
- *To comprehend the human rights legal research methodology.*
- *To draft a research work based on the learnings from this course.*

COURSE OUTLINE

MODULE I - SOURCES OF HUMAN RIGHTS LAW

- a) Relevance of Historical Instruments - UN Charter –
- b) International Conventions – International and National Courts – Constitutions – Enactments.
- c) Soft law instruments – Work of scholars and various agencies – Relevance of case studies and field reports – Reports of NGOs

MODULE II - QUALITIES OF HUMAN RIGHTS LAW RESEARCHER

- a) Interpreting and Analysing Laws of Various Jurisdictions – Distinguishing various sources
- b) Understanding the role of NGOs and civil society in Human Rights law making - Knowledge of History, Politics, and Philosophical Background

- c) Understanding the cultural and social background of Human Rights violations and practices

MODULE III - RESEARCH TECHNIQUES FOR HUMAN RIGHTS

- a) Case Study – Document Review
- b) Discourse Analysis - Ethnography - Interview – Statistics – Survey
- c) Mixed Methods Research

MODULE IV - ROLE OF SCIENCE, TECHNOLOGY AND ETHICS

- a) Case Study – Document Review
- b) Discourse Analysis - Ethnography - Interview – Statistics – Survey
- c) Mixed Methods Research

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Research Methods for International Human Rights Law: Beyond the traditional paradigm, Damian Gonzalez-Salzberg, Loveday Hodson (eds), Routledge (2019)
2. The Significance of Research Methodology in Human Rights: A Bird's Eye View, Sastry, TSN, Delhi Law Review (2013)
3. Research Method in Human Rights, *Lee McConnell, Rhona Smith (eds)*, Routledge (2018)
4. The Right Toolkit: Applying Research Methods in the Service of Human Rights_ Human Rights Center at Berkeley Law School (2012)
5. McConnell, Lee, Smith Rhona (eds.) (2018), Research methods in human rights (London: Routledge)

JOURNALS / ARTICLES

1. Andreassen, Bård A., Sano, Hans-Otto, and McInerney-Lankford, Siobhán (2017). *Research methods in human rights: A handbook* (Cheltenham: Edward Elgar)
2. Berman, Jordan, Gerald M. Steinberg and Anne Herzberg (2012), *Best practices for human rights and humanitarian NGO fact-finding* (The Hague: Martinuss Nijhoff Publishers)
3. Coomams, Fons, Fred Grunfeld & Menno T. Kaminga (eds.) (2009), *Methods of human rights research* (Antwerp/Oxford: Intersentia)
4. (2010). "Methods of Human Rights Research", *Human rights quarterly*, <http://www.jstor.org/stable/pdf.40390006.pdf>
5. Groome, Demot (2011). *The handbook of human rights investigation: A comprehensive*

guide to the investigation and documentation of violent human rights abuses, Second revised edition. (Create Space Independent Publishing Platform)

FURTHER READING:

BOOKS

1. Research Methods in Human Rights: A Handbook, Edited by Bård A. Andreassen, Norwegian Centre for Human Rights, University of Oslo, Norway, Hans-Otto Sano, Danish Institute for Human Rights, Denmark and Siobhán McInerney-Lankford, The World Bank, US: 2017 ISBN: 978 1 78536 778 6 Extent: 496 pp
2. Amon, Joseph J et al. "Human rights research and ethics review: protecting individuals or protecting the state." PLoS medicine vol. 9,10 (2012)
3. Research Methods in Human Rights: 1st Edition, Edited by Lee McConnell, Rhona Smith, ISBN 9781138943247. Published April 23, 2018 by Routledge, 178 Pages
4. Gaby Ore, Aguilar (2008). The local relevance of human rights: A methodological approach (University of Antwerp)
5. 1st Edition: Research Methods for International Human Rights Law: Beyond the traditional paradigm. Edited by Damian Gonzalez-Salzberg, Loveday Hodson: ISBN 9780367727406. 288 Pages
6. Research methods in human rights: A handbook, June 2017 International Journal of Clinical Legal Education 24(2):280 DOI: 10.19164/ijcle. v24i2.602. Author: Christopher Morris
7. Research Methods in Human Rights. Edited By Lee McConnell, Rhona Smith. 1st Edition, First Published 2018. Pages 178. eBook ISBN 9781315672632
8. Methods of Human Rights Research. Editor(s): Fons Coomans, Fred Grünfeld, Menno T. Kamminga. Series: Maastricht Series in Human Rights
9. Research Handbook on International Human Rights Law (Elgar Original Reference) (Research Handbooks in International Law series) by Sarah Joseph (Author, Editor), Adam McBeth (Author, Editor)
10. Research Methods in Human Rights 1st Edition by Rhona Smith (Author), Lee McConnell (Editor)

JOURNALS /ARTICLES

1. Fons Coomans, Fred Grünfeld and Menno T. Kamminga, Methods of Human Rights Research: A Primer, Human Rights Quarterly, Vol. 32, No. 1 (Feb., 2010), pp. 179-186

2. Sastry, TSN 'Human Rights Education as A Tool for Empowerment of Local Governance' in 'Local Governance-Rural and Urban Development in India' (Seminar Proceedings), Manikchand Phade Law College, Aurangabad (September, 2015)
3. Siracusa Guidelines for International, Regional, and National Fact-Finding Bodies, International Bar Association's Human Rights Institute and the Raoul Wallenberg Institute (2009)
4. Jizeng, Fan, Human Rights Research Methods in Social Science (November 21, 2013). Human Rights, No. 1, January 2014, Available at SSRN: <https://ssrn.com/abstract=2586260>
5. Gran, Brian K. 2019. "Qualitative Methods in Human Rights Research." *Societies Without Borders* 13 (1). Available at: <https://scholarlycommons.law.case.edu/swb/vol13/iss1/1>
6. Karin Buhmann, Björn FASTERLING & Aurora VOICULESCU, *Business & Human Rights Research Methods*, *Nordic Journal of Human Rights*, 36:4, 323-332 (2018)
7. Daniel Rothenberg, *Field-Based Methods of Research on Human Rights Violations*, *Annual Review of Law and Social Science* (2019)
8. Landman, *Studying Human Rights*, Routledge (2006)
9. Bård A. Andreassen, Hans-Otto Sano and Siobhán McInerney-Lankford, (eds), *Research Methods in Human Rights: A Handbook*, Edward Elgar Publishing (2017)
10. Report of the Science Ethics and Human Rights Working Group1, AAAS Science and Human Rights Coalition, *Intersections of Science, Ethics and Human Rights: The Question of Human Subjects Protection* (February 2012)

LEARNING OUTCOMES

On successful completion of the course the student will be able to get the glimpses and sparkling tenets of the subject Human Rights Research methods and techniques and acquire:

- *Understanding in the development process of national and international human rights law.*
- *Will comprehend the human rights legal research methodology.*
- *Will be able to draft a research work based on the learnings from this course.*

PAPER-III
INTERNATIONAL HUMAN RIGHTS
(Specialized Core paper)

OBJECTIVES OF THE COURSE

To make students to learn and understand the Legal Dimensions of Human Rights in International Law, Normative order in United Nations Charter. Distinguish between Charter-based human rights and treaty-based human rights. To acquaint the students with Legal Framework relating with the Subject. To develop the vision and insight of Students about the Subject. Help students to apply the Law upon the ground realities. The concept of innovation in the Human Rights - ways to think innovatively liberally using thinking techniques. This paper describes status of individual under traditional international law, Significance of International Bill of Rights. Implementation, functioning and obligation to promote and protect Human Rights. Define nature and basic principles of international humanitarian law. The problems and challenges of implementation of international humanitarian law. Distinguish between Hague and Geneva Rules. The idea of human rights as Jus Cogens. The course structure is designed to cover origins of IHL, law relating to protected persons and protected objects, means and methods of warfare within the framework of Geneva Law and The Hague Law, and contemporary issues such as war on terror, cyber warfare and drone attacks. The course content also includes literature which would help students to critically evaluate the origin, development, and application of IHL. The course is intended to offer students a comprehensive view of the subject of international humanitarian law (IHL) or the law of armed conflict and its broad interrelationship with some of the other branches of international law. It is also intended to lay a foundation for studying international criminal law.

After undergoing the study, the student will be able to understand the following

- *Students will know the legal dimensions of human rights*
- *Knowledge in normative order*
- *International framework in human rights*
- *Implementation, functioning and obligation to promote human rights*
- *Differentiate between charter based and treaty based human rights.*
- *Comprehensive view on International humanitarian law*

COURSE OUTLINE

MODULE I - PROTECTION OF INDIVIDUAL IN INTERNATIONAL LAW

- a) Concern of International Law - League of Nations and Human Rights Protection - UN Charter and Human Rights System.
- b) Issues of International Accountability - State Sovereignty (Domestic Jurisdiction), Principle of Non-Intervention
- c) Rule of Exhaustion of local remedies - Problems of cooperation between states: Extradition, Asylum.

MODULE II - UNIVERSAL DECLARATION OF HUMAN RIGHTS

- a) Structure and Process of UDHR - Legal Significance - United Nations Concern for Human Rights Protection
- b) State Obligation under UN Charter - Development of Normative order - UDHR- Beginning of new era
- c) Impact of UDHR upon World Constitutions - Legal Value of UDHR - Critical Appraisal of UDHR.

MODULE III - CIVIL AND POLITICAL RIGHTS

- a) Selective rights: Right to freedom and liberty.
- b) International Covenant on Civil and Political Rights and protocols
- c) Right to Self Determination

MODULE IV - ECONOMIC, SOCIAL AND POLITICAL RIGHTS

- a) Socialist tradition – Welfare rights: Positive rights.
- b) International Covenant of Economic, Social and Cultural Rights and protocols.
- c) Difficulties in proving ESCR – critical appraisal of ICESCR

MODULE V - SOLIDARITY RIGHTS AND RIGHTS OF FUTURE GENERATIONS

- a) 3rd and 4th generation rights – Universal citizens – changing dimensions in 20th and 21st century – common heritage of mankind.
- b) New wave of human rights – rights of future generations – right to information – concerns with rapid technological development
- c) Principle of intergenerational equity – Right to privacy - sustainable development – criticism.

MODULE VI - INTERNATIONAL HUMANITARIAN LAW

- a) Introduction: Nature; Basic Principles; Historical Development since 1899
- b) Implementation of International Humanitarian Law –
- c) Role of the International Committee of the Red Cross

MODULE VII - PROTECTION OF CIVILIANS

- a) Application of IHL – context of armed conflict: need for legal determination of armed conflicts
- b) Means and methods of warfare
- c) Grave Breaches

MODULE VIII - WARFARE: THE HAGUE LAW

- a) Protection of civilians
- b) Combatants and non-combatant; prisoners of war
- c) Contentious issues of IHL; Military objectives

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Rhona Smith's International Human Rights Law (The 2018 version is out).
2. Steiner, Alston and Goodman's International Human Rights Law in Context,
3. Bantekas and Oette's International Human Rights Law and Practice
4. M.K.Sinha – Implementation of Basic Human Rights (Lexis Nexis)
5. ICRC, Handbook on international rules governing military operations, Geneva, International Committee of the Red Cross, 2013.

JOURNALS / ARTICLES

1. The UDHR in the 21st century: A Living Document in a Changing world A Report by the Global Citizenship Commission, (2016)
2. United Nations, *United Nations Actions in the field of Human Rights*, (New York: Centre for Human Rights 1983)
3. Vijapur, Abdulrahim, *The United Nations at Fifty: Studies in Human Rights* (New Delhi: South Asian Publishers 1995).
4. Dieter Fleck, *The Handbook of Humanitarian Law in Armed Conflicts* (Oxford: OUP, 1995)
5. Marco Sassoli and Antoine A. Bouvier, *How Does Law Protect in War?* (Geneva: ICRC, 1995)

FURTHER READING:

BOOKS

1. Fleck, D. (ed.), *The Handbook of International Humanitarian Law* (3rd ed.) Oxford, Oxford University Press, 2013.
2. Michael Haas - *International Human rights Law* (Routledge, 2014)

3. Basic Documents of Human Rights-Ian Brownlie
4. International Human Rights Documents-Blackstone
5. International Human Rights in Context-Steiner & Alston
6. Protection of Human Rights- K A Muntaqim
7. Tsagourias, N., and A. Morrison, *International humanitarian law: cases, materials and commentary*, Cambridge, Cambridge University Press, 2018.
8. Thürer, D., *International Humanitarian Law: Theory, Practice, Context*, The Hague, Hague Academy of International Law, 2011.
9. Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law* (Cambridge: CUP, 2005)
10. Sieghart Paul, *The International Law of Human Rights* (1992)

JOURNALS / ARTICLES

1. Vincent, R.J., *Human Rights & International Relations* (1986)
2. Buergenthal, Thomas, *International Human Rights in Nutshell*, 2nd Ed., (West Publishing Co., 1995)
3. Donnelly, *Universal Human Rights in Theory and Practice*, 3rd ed., (Ithaca, 2003)
4. Lawson, Edward, *Encyclopedia of Human Rights* (Washington, 1996)
5. Editor in Chief (2009). *Encyclopedia of Human Rights*, 3 Vols. (Oxford University Press)
6. Haas, Michael (2014). *International human rights – A comprehensive introduction*, Second edition (London: Routledge)
7. Hannum, Hurst (2004). *Guide to international human rights practice*, Fourth edition
8. (Ardsley, NY: Transnational Publishers)
9. Morsink, J. (1999), *The universal declaration of human rights: Origins, drafting and intent* (Philadelphia: University of Pennsylvania Press)
10. Sarah, Joseph (ed.) (2010). *Research handbook on international human rights law* (Edward Elger)

CASES FOR GUIDANCE

1. People's Union for Civil Liberties vs. Union of India, AIR 2005 SC 2419 at 2426
2. Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. People's Republic of Albania) Merits, International Court of Justice (ICJ), 9 April 1949
3. The Republic of Nicaragua v. The United States of America (1986) ICJ 1; ICJ Reports 1986, p 14; [1986] ICJ Rep 14 (27 June 1986)
4. A. G. Kazi v. A.G. for Ontario, (1937) AC 326

5. (United Kingdom v. Ireland) Merits, ICJ Reports 1974, p. 119-120.
6. Corocraft Ltd. V. Pan American Airways; All ER 1 (1969) p.82
7. Societa A.B.C. v. Fontana & Della Rocca, ILR 1955, p. 76.
8. Belgium v. Senegal
9. (Portugal v. Australia) ICJ Reports 1995
10. (Mexico v. United States of America) ICJ Reports 2004, p. 12.
11. Adolf Eichmann v. Attorney-General of the Government of Isreal, Supreme Court of Isreal, ILR 136 (1962)
12. (Shimoda and others v. State) AJIL Vol. 58 (1964) p. 1016.
13. Advence Fuh (Applicant) v Miranda Ngiekem Azise: Mezam High Court, 2014
14. Aabubakar Karami Masama v. Ruwa Tufara Magama: Sokoto Appeal Court, 2018
15. Agnes Wanjiru Kiraithe & another v Attorney General & 2 others: Kenya High Court, 2014
16. The People v. Conslata Tembo: Lusaka High Court, 2015
17. Christopher Egbogu Iwuji Duru v. Nnamdi Akodum Duru: Owerri Appeal Court, 2016
18. CM v NG: High Court of South Africa – Western Cape High Court Cape Town, 2012
19. Isabiry Thomas v Uganda: High Court of Uganda, 2019
20. The State v. S.I, Z.A.R & Z.A: Ouagadougou Child Tribunal, 2020

LEARNING OUTCOMES

- *Appraise the International Human Rights Law, its principles laid out, legal significance in declarations, covenants, conventions and treaties.*
- *To describe of status of individual under traditional international law*
- *Identify the power and functions of Human Rights Committee*
- *To Analyse the functioning of European system on Human Rights*
- *Conceptualise implementation of International Covenant on Economic, Social and Cultural Rights.*
- *To Distinguish between Inter-American Convention on Human rights and El Salvador Protocol.*
- *To Identify chief characteristic of African Charter on Human and People's Right*
- *Analyze the problems and challenges of implementation of international humanitarian*
- *To Explain the role of the International Committee of the Red Cross*

PAPER-IV
HUMAN RIGHTS AND POLICY IN INDIA
(Specialized Core paper)

OBJECTIVES OF THE COURSE

The rights of every man are diminished when the rights of one man are threatened. Understanding Human Rights in National level is important. This course modules focuses on Human Rights in India, various policies in India with respect to its evolution through various social movement, identifying enforcement mechanism of the National and State Human Rights Commissions. The role of civil society and NGOs in the protection of human rights. Constitutional measures for the protection of human rights in India and Special Laws enacted under Positive discrimination. To Identify constitutional remedies, scope of judicial review in protection of human rights. Conceptualize basic structure of the Constitution. Constitutional orientation and response to social transformation. Identify affirmative actions necessary for social transformation. And to conceptualize modernization of law and social institutions. After undergoing the study, the student will be able to understand the following

- *Understanding human rights in India*
- *Policies in India which promotes and protects human rights*
- *Commissions and their contribution in promoting human rights in national level.*
- *Constitutional protections and special enactments for promoting human rights.*
- *Need for social transformation.*

COURSE OUTLINE

MODULE I - HUMAN RIGHTS PROTECTION IN INDIA

- a) Conceptual Perspectives: Social dimensions, Caste - Dalit movements
- b) Socio-Religious and Political movements
- c) Ecological and Environmental movements

MODULE II - ROLE OF CONSTITUTION IN TRANSFORMATION AND PROMOTING HUMAN RIGHTS

Fundamental Rights and Directive principles of State policy

- a) Positive Discrimination
- b) Constitutional Remedies, Federalism, Legislative relations, and Judicial activism

MODULE III - GENDER JUSTICE: LEGAL MECHANISM IN INDIA

- a) Legal protection of women – Centre and State Legislations

- b) Offences and Violence against women, protections of victims, maintenance provisions
- c) Role of National Commission for Women and NGO

MODULE IV - JUVENILE JUSTICE: LEGAL MECHANISM IN INDIA

- a) Juvenile Justice Act 2015 and other legislations for protecting the interest of children
- b) Criminal Justice System: IPC and Child related offences. Juvenile Delinquency
- c) National Commission of Child Rights, JJ board, Child welfare committee

MODULE V - HUMAN RIGHTS AND DUTIES LAW IN INDIA

- a) Juvenile Justice Act 2015 and other legislations for protecting the interest of children
- b) Criminal Justice System: IPC and Child related offences. Juvenile Delinquency
- c) National Commission of Child Rights, JJ board, Child welfare committee

MODULE VI - SOCIETAL ISSUES OF HUMAN RIGHTS IN INDIA

- a) Concept and Approaches - Societal problems and Theoretical Approaches. Problems of hierarchy: scheduled castes, scheduled tribes, minorities, Population explosion, Casteism.
- b) Economic Issues - Poverty and Unemployment, Corruption, Consumer rights, Sustainable Development.
- c) Health Problems: Negligence, Mismanagement, Lack of access to public health care

MODULE VII - IMPLEMENTATION MECHANISMS

- a) Dispute redressal agencies- Judiciary, use of PIL; Alternative dispute redressal (ADR); Lok Adalat, Democratic decentralization, and local self – government. Consumer forum
- b) National Institutions: SC/ST Commission, Women's Commission, Minorities Commission, Human Rights Commissions (National and State),
- c) Professional councils like Medical Council of India (MCI), Bar Council of India; NGOs, Social movements and pressure groups working through democratic institutions; Media advocacy, Press Council of India.

MODULE VIII - PROBLEMS IN ENFORCEMENT OF HUMAN RIGHTS IN INDIA

- a) Poverty, illiteracy, inaccessibility of redress and issues of access to justice,
- b) Corruption, abuse and misuse of power: deaths and torture in police custody
- c) Adverse impact of social laws on human rights; Lack of accountability and transparency in government functioning: Right to information; Lack of people's participation in governance, Special prejudices against caste, women, and minorities, etc.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Seervai, H.M., Constitutional Law in India.
2. Basu, D.D., Commentary on constitution of India
3. Hidayatullah, M (ed.), Constitutional Law of India
4. Manohar Sujata, Constitutional Law of India
5. Datar, Arvind P., Constitution of India

JOURNALS / ARTICLES

1. Martin Doornbos, Good "Governance: The Metamorphosis of a Policy Metaphor", (2003) *Journal of International Affairs*, 57, 1 (Fall 2003): 3-17
2. Ngaire Woods, "The Challenge of Good Governance for the IMF and World Bank Themselves," (2000) *World Development*, 28, 823-41
3. Hartmut Elsenhans, "The Political Economy of Good Governance," (2001) 17 *Journal of Development Studies*, 33-35
4. Merilee Grindle, "Good Enough Governance: Poverty Reduction and Reform in Developing countries," (2004) 17 *Governance: An International Journal of Policy, Administration, and Institutions*, 525-48 S.L. Sikri, *Indian Government and Politics*
5. M.V. Pylee, *Constitutional Government in India*

FURTHER READING:

BOOKS

1. Kagzi M.C. Jain, Constitution of India
2. Shiva Rao. B., The Framing of India's Constitution 6 Volumes.
3. Dicey A.V., An introduction to the study of the Law of Constitution
4. Pylee M.V., Constitutions of the World
5. J.V.R. Krishna Iyer, Fundamental Rights and Directive Principles
6. Marc Galanter, Law and Society in Modern India (1997)
7. U. Baxi, The Crisis of the Indian Legal System (1982)
8. U. Baxi, Law and Poverty Critical Essays (1988)
9. Duncan Derret, The State, Religion and Law in India (1999)
10. Indian Law Institute, Law and Social Change: Indo-American Reflection (1988)

JOURNALS/ARTICLES

1. D.D.Basu, *Human Rights in Indian Constitutional Law*, (1994).

2. Vijay Chitnis(et al.). *Human Rights and the Law: National and Global Perspectives*, (1997).
3. B.P.Singh Seghal, Law, *Judiciary and Justice in India*, (1993.).
4. James Vadakkumchery, *Human Rights and the Politics in India*, (1996).
5. D.D. Basu, *Human Rights in Constitutional Law*, (New Delhi: Prentice Hall, 1994)
6. Moolchand Sharma, *Constitutionalism, Human rights and Rule of Law – Essays in Honour of Soli J. Sorabji* (Delhi: Universal Book Publishing, J.S. Verma, *The New Universe of Human Rights* (New Delhi: Universal Book Traders, 2006)
7. K. P. Saksena (ed.), *Human Rights and the Constitution: Vision and Reality* (New Delhi: Gyan, 2003)
8. Ashwini Ray, “Human Rights Movement in India”, *Economic and Political Weekly*, (9 August 2003).
9. Ghanshyam Shah, *Social Movements in India—A Review of literature* (New Delhi: Sage 2004).
10. Ghanshyam Shah, (ed.), *Social Movements and the State*, 2nd edition (New Delhi: Sage 2002)

CASES FOR GUIDANCE

1. Entertainment Network v. Super Cassette Industries (JT 2008 (7) SCC 11)
2. Life Insurance Corpn. Of India v. Prof. Manubhai D. Shah (1992 SCR (3) 595)
3. Miss. Mohini Jain v. State of Karnataka. AIR 1992 SC 1858
4. Unni Krishnan, J.P and Ors. Etc v. State of Andhra Pradesh 1993 SCR (1) 594
5. D.K. Basu v. State of West Bengal. AIR 1997 SC 610
6. PUCL v. Union of India. ((1997) 3 SCC 433)
7. Justice K.S. Puttaswamy Vs. Union of India. (2017) 10 SCC 1
8. People’s Union for Democratic Rights v. Union of India & others. AIR 1982 SC 1473
9. Nilabati Behera v. State of Orissa. 1993 SCR (2) 581
10. Keshavanda Bharati v. State of Kerala. AIR (1973) SC 1461
11. M.C. Mehata v. State of Tamil Nadu. ((1996) 6 SCC 772)
12. Gaurav Jain v. Union of India. 1997 (8) SCC 114
13. Bachpan Bachao Andolan v. Union of India. 2011 (5) SCC 1
14. Sheela Barse v. Secretary, Children Aid Society. AIR 1987 SC 378
15. Vishaka v. State of Rajasthan. (1997) 6 SCC 241
16. Meneka Gandhi v. Union of India. AIR 1978 SC 597

17. Dr. Subhash Kashinath Mahajan vs. The State of Maharashtra and ANR AIR 2018 SC 1498

18. Dr. Amitabh Kumar vs Indo-Tibetan Border Police Force. File No. CIC/WB/C/2009/00259 In an application of 14-3-09

19. Mukesh & Anr vs State for Nct Of Delhi & Ors [(2017) 6 SCC 1]

20. Chief Information Commissioner v. High Court of Gujarat [2020 SCC OnLine SC 285]

LEARNING OUTCOMES

After completion of the course, students will be able to

- *To understand Human Rights in National Level*
- *Role of Constitution in Transformation and Promoting Human Rights:*
- *Societal issues and Existing Implementation Mechanisms*
- *Challenges and problems in enforcing Human Rights in India.*
- *Have knowledge on Juvenile Justice and Gender Justice in India.*

PAPER V

HUMAN RIGHTS INSTITUTIONS - LAW AND GOVERNANCE

(Specialized Core paper)

OBJECTIVES OF THE COURSE

There is no right without remedy. Human Rights, being the most basic and inherent rights of every person, that is guaranteed in innumerable international and regional instruments would be deemed paper tigers if there were no mechanisms to enforce the same. This course module seeks to explore the various institutions and mechanisms set in place to ensure the effective enforcement of human rights and critically analyze their efficacy. To understand the constitutional vision of social justice. To familiarize the concept of secularism and its judicial interpretation. Conceptualize the scope of whistle blowing in constitutional governance.

After undergoing the study, the student will be able to understand the following

- *Understand the mechanisms to enforce human rights in national and international level*
- *Explore the various institutions and mechanisms*
- *Analyze their efficiency*
- *Constitutional governance*

COURSE OUTLINE

MODULE I - UNITED NATIONS AND HUMAN RIGHTS ENFORCEMENT -CORE MECHANISM

- a) The United Nations Human Rights Machinery – Policy making organs
- b) ECOSO
- c) Charter-based Monitoring Mechanism: Commission and Council – 1253 and 1503 procedures

MODULE II - UNITED NATIONS AND HUMAN RIGHTS ENFORCEMENT - SUPPLEMENTARY MECHANISM

- a) UNESCO
- b) UN High Commissioner for Human Rights
- c) Rapporteurs – working groups

MODULE III - TREATY -MONITORING BODIES

- a) Monitoring Mechanisms under – ICCPR - ICESCR – CERD – CAT

- b) CEDAW - CRC – CMW – CRPD
- c) ICJ

MODULE IV - INDIVIDUAL COMPLAINT MECHANISM

- a) State Reporting Mechanism
- b) Inter-State Communications – Inquiry
- c) General Comments and Recommendations

MODULE V - EUROPEAN MONITORING MECHANISM

- a) European Convention on Human Rights
- b) Role of European Commission on Human Rights
- c) European Court of Human Rights

MODULE VI - OTHER REGIONAL MONITORING MECHANISMS

- a) Inter-American System – O.A.S. Charter System and American Declaration of the Rights and Duties of Man; Inter-American Mechanisms
- b) African Human Rights System - African Charter on Human and Peoples' Rights
- c) Arab and Asian Systems

MODULE VII - HUMAN RIGHTS AND INTERNATIONAL CRIMES

- a) Human Rights and International Crimes - Individual Criminal Responsibility –
- b) International Criminal Tribunals and Human Rights – Nuremberg Trials – ICTY - ICTR – Rome Statute
- c) International Criminal Court – Criminal Accountability and Rights of the Accused

MODULE VIII - NON-STATE INSTITUTIONS

- a) Need for Non-state institutions – NGO's contributions
- b) International perspective
- c) National perspective

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Martin Doornbos, Good "Governance: The Metamorphosis of a Policy Metaphor", (2003) *Journal of International Affairs*, 57, 1 (Fall 2003): 3-17
2. Ngaire Woods, "The Challenge of Good Governance for the IMF and World Bank Themselves," (2000) *World Development*, 28, 823-41
3. Hartmut Elsenhans, "The Political Economy of Good Governance," (2001) 17 *Journal of Development Studies*, 33-35

4. Merilee Grindle, "Good Enough Governance: Poverty Reduction and Reform in Developing countries," (2004) 17 *Governance: An International Journal of Policy, Administration, and Institutions*, 525-48
5. S.L. Sikri, *Indian Government and Politics*

JOURNALS / ARTICLES

1. Veronica Gomez, "Inter-American Commission on Human Rights and the Inter - American Court of Human Rights: New Rules and Recent Cases", (2001). *Human Rights Law Review*
2. Agüero, F. (2003) "Chile: Unfinished Transition and Increased Political Competition", in J.I. Dominguez and M. Shifter (eds.) *Constructing Democratic Governance in Latin America*, 2nd ed., (Baltimore: Johns Hopkins University Press).
3. Domâinguez and M. Shifter (eds.) *Constructing Democratic Governance in Latin America*, 2nd ed., (Baltimore: Johns Hopkins University Press).
4. Macías, R.C. (1996) "El Salvador: Transition from Civil War", in J.L. Dominguez and A.F. Lowenthal (eds.) *Constructing Democratic Governance: Mexico, Central America, and the Caribbean in the 1990s*, (Baltimore, MD: Johns Hopkins University Press), 26–49.
5. Evelyn A. Ankumah, *The African Commission on Human Rights and People's Rights*, (1996).

FURTHER READING:

BOOKS

1. M.V. Pylee, *Constitutional Government in India*
2. Rajkumar C., *Corruption and Good Governance*
3. Universal Declaration of Human Rights, 1948
4. International Covenant on Economic, Social and Cultural Rights 1966
5. International Covenant on Civil and Political Rights 1966
6. Optional Protocol to the International Covenant on Civil and Political Rights, 1976
7. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1989
8. Statute of the International Court of Justice, 1945
9. The International Convention on the Elimination of All Forms of Racial Discrimination 1967.
10. The Convention on the Elimination of All Forms of Discrimination against Women. 1980

JOURNALS/ARTICLES

1. Dinah Shelton and Paolo G. Carozza, *Regional Protection of Human Rights* (OUP 2013)
2. Manisuli Ssenyonjo (ed.) *The African Regional Human Rights System* (Brill 2011).
3. Rachel Murray, *The African Commission on Human and People 's Rights and International Law* (Hart Publishing 2000)
4. Karen Reid, *A Practitioner 's Guide to the Europe a Convention on Human Rights*, 4th edition (Sweet & Maxwell 2012)
5. Nkrumah E, *The African Commission on Human and Peoples' Rights. Practices and Procedures* (The Hague: Martinus Nijhoff 1996)
6. Evans M and Murray R (eds), *The African Charter on Human and Peoples' Rights*. 2nd edition, (Cambridge: Cambridge University Press 2008).
7. Heyns, C and Killander, M, "The African Regional Human Rights System" in F Gómez Isa and K de Feyter (eds.), *International Protection of Human Rights: Achievements and Challenges* (Bilbao: University of Deusto 2006)
8. Jacobs & White & Ovey, *The European Convention on Human Rights* (Oxford University Press)
9. Bates, Ed, *The Evolution of the European Convention on Human Rights: From its Inception to the Creation of a Permanent Court of Human Rights* (Oxford University Press, 2010)
10. Greer, Steven, *The European Convention on Human Rights: Achievements, Problems and Prospects* (Cambridge University Press, 2006)

CASES FOR GUIDANCE

1. People's Union for Civil Liberties vs. Union of India, AIR 2005 SC 2419 at 2426
2. A. G. Kazi v. A.G. for Ontario, (1937) AC 326
3. (United Kingdom v. Ireland) Merits, ICJ Reports 1974, p. 119-120.
4. Corocraft Ltd. V. Pan American Airways; All ER 1 (1969) p.82
5. Societa A.B.C. v. Fontana & Della Rocca, ILR 1955, p. 76.
6. Belgium v. Senegal
7. (Portugal v. Australia) ICJ Reports 1995
8. (Mexico v. United States of America) ICJ Reports 2004, p. 12.
9. Adolf Eichmann v. Attorney-General of the Government of Isreal, Supreme Court of Isreal, ILR 136 (1962)
10. (Shimoda and others v. State) AJIL Vol. 58 (1964) p. 1016.

11. Entertainment Network v. Super Cassette Industries (JT 2008 (7) SCC 11)
12. Life Insurance Corpn. Of India v. Prof. Manubhai D. Shah (1992 SCR (3) 595)
13. Miss. Mohini Jain v. State of Karnataka. AIR 1992 SC 1858
14. Unni Krishnan, J.P and Ors. Etc v. State of Andhra Pradesh 1993 SCR (1) 594
15. D.K. Basu v. State of West Bengal. AIR 1997 SC 610
16. Justice K.S. Puttaswamy Vs. Union of India. (2017) 10 SCC 1
17. People's Union for Democratic Rights v. Union of India & others. AIR 1982 SC 1473
18. Keshavanda Bharati v. State of Kerala. AIR (1973) SC 1461
19. M.C. Mehata v. State of Tamil Nadu. ((1996) 6 SCC 772)
20. Gaurav Jain v. Union of India. 1997 (8) SCC 114

LEARNING OUTCOMES

After completion of the course, students will be able to

- *Human Rights, being the most basic and inherent rights of every person, that is guaranteed in innumerable international and regional instruments would be deemed paper tigers if there were no mechanisms to enforce the same.*
- *The various institutions and mechanisms set in place to ensure the effective enforcement of human rights and critically analyze their efficacy.*
- *To understand the constitutional vision of social justice. To familiarize the concept of secularism and its judicial interpretation.*
- *Conceptualize the scope of whistle blowing in constitutional governance.*

PAPER VI
HUMAN RIGHTS OF DISADVANTAGED AND VULNERABLE
GROUPS

(Specialization Core Paper)

OBJECTIVES OF THE COURSE

Human Rights are inherent to all without qualifications. Yet certain groups struggle more than others to enjoy these rights to its fullest extent. This course would identify these groups, study their problems, and analyse the measures taken at the international and national level for their protection.

This paper helps to Identify different laws and their implementation in protection of the rights of disadvantaged people and identifying social taboos. To apply a gendered lens to the social world that integrates sexual minorities. To Recognize the protection of the elderly persons in human rights perspective, the international norms for the protection of the elderly persons, Identify social taboos regarding the disabled persons. the rights of disabled persons under the Indian legal system and the importance of the UN Declaration on the Rights of the Disabled Persons. To understand key topics in LGBTQ and human rights in a multifaceted way. Conduct careful, rigorous research on human rights and futuristic issues. Recognize the importance of International Declaration on the Rights of Persons. Belonging to National or Ethnic, Religious and Linguistic minorities. Conceptualize social justice in the context of Dalits and tribes the upliftment of socio-economic conditions of these disadvantaged people.

After undergoing the study, the student will be able to understand the following

- *Will identify the vulnerable groups and disadvantaged groups*
- *Measures taken for protection of human rights for all*
- *Vulnerability due to various status and reasons*
- *Gender and Juvenile justice*

COURSE OUTLINE

MODULE I - MEANING AND CONCEPT OF DISADVANTAGED AND VULNERABLE GROUPS

- a) Human Rights of groups –Collective Rights
- b) Inherent human rights values – Dignity, equality, non-discrimination
- c) Affirmative action – Identification of vulnerable groups – Double Discrimination.

MODULE II - VULNERABILITY DUE TO STATUS ATTRIBUTED AT BIRTH

- a) Indigenous Groups – Tribals — SC/ST rights

- b) Social and Racial Minorities –Linguistic minorities,
- c) Religious Minorities - Debates on drafting minority rights in the Constitution

MODULE III - VULNERABILITY DUE TO DISABILITY

- a) Disabled – Expanded understanding of the term ‘disability’
- b) Differently abled; Elderly Persons
- c) Intellectually Disabled

MODULE IV - VULNERABILITY DUE TO PROFESSION

- a) Conceptual understanding – Types- Migrant Workers, Sex Workers –
- b) International Efforts
- c) Indian Scenario – Constitutional protection

MODULE V - SITUATIONAL VULNERABILITY

- a) Displacement
- b) Stateless Persons - Statelessness as a violation of human Rights
- c) Victims of conflict

MODULE VI - WOMEN: INTERNATIONAL ENDEAVORS FOR SECURING RIGHTS OF WOMEN

- a) Need for focused study - Magnitude of issues faced by women across the globe – Feminism and Women Empowerment –
- b) International Perspectives on the Protection of Rights of Women
- c) Implementation mechanism
(Development until CEDAW and post CEDAW)

MODULE VII - CHILDREN: INTERNATIONAL ENDEAVORS FOR SECURING CHILD RIGHTS

- a) Convention on the Rights of the Child –Governing Principles, Committee under the Convention, General Comments.
- b) ILO - Minimum Age Convention, Worst Forms of Child Labour Convention, Forced Labour Convention No 29, 1930.
- c) Contributions of UNICEF, Sustainable Development Goals

MODULE VIII - EMERGING GROUPS

- a) Gender and Sexual Minorities – Understanding the LGBTQ+ community – Yogyakarta
- b) Recognition of the Third Gender - Decriminalisation of Sec. 377 - The Transgender Persons (Protection of Rights) Bill, 2016
- c) Recognition of civil rights of the LGBTQ+ Community.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. G.S.Bhargava and R.M.Pal, Human Rights of Dait Societal Violation (1999)
2. Geradine Van Bueren, The International law on the rights of the child (1998)
3. Prabhat Chandra Tripathi, Crime against working women (1998)
4. Philip Alston (et,al) Children, Rights and the Law
5. Janaki nair, women and law in colonial India (1996)

JOURNALS / ARTICLES

1. Sharma K. Maga, Law with respect to Rape, Sodomy, Abduction & Kidnapping (Kamal Publishers)
2. Ruth A. Brand Wein (Ed.), Battered Women, Children and Welfare Reform (the ties that bind) (Sage Publications)
3. Dr. Paras Diwan, Law with respect to Dowry, Dowry Deaths, Bride burning, Rape and related offences (Universal Law Publishing Co.)
4. Nirmala Jeyaraj (Ed.), Women and Society (A Reader in Womens' Studies) (Cambridge Press 2005)
5. Awasthi, S.K., Juvenile Justice Act 1986, (1998), Law Vishion, Allahabad

FURTHER READING:

BOOKS

1. Simon creighton, Vicky king, Prisons (1996)
2. Mamta Rao, Law Relating to Women and Children EBC publications(2012)
3. Agnes Flavia, Law as Gender Inequality (Oxford,1999)
4. GB Reddy, Women and Law (Asia Law House, Hyderabad)
5. Dupuy, R.-J. (ed) (1979) The right to health and human rights. Alphen aan den Rijn, The Netherlands: Sijthoff & Noordhoff.
6. Patrick Thornberry, International Law and the Rights of Minorities (Oxford: Clarendon Press 1991)
7. Spiliopoulou Akermark. Justification of Minority Protection in International Law, (London, Kluwer Law International 1997)
8. Kristin Henreard, Devising an Adequate System of Minority Protection, (London, Martinus Nijhoff Publishers 2000)
9. Vijapur, Abdulrahim P. (ed.) (2008) Implementing Human Rights in the Third World – Essays on Human Rights, Dalits and Minorities, New Delhi: Manak Publications.

10. Bajpai, Asha, Child Rights in India: Law, Policy, and Practice (New Delhi: OUP 2003)

JOURNALS/ARTICLES

1. Indian Law Institute, Treatise on the Juvenile Justice Act (1993)
2. Indian Law Institute, Child and the Law (1979, S.N.JaIN ED.)
3. P.L.Mehta and S.S.Jaswal, Child Labour and the Law 1996, Deep and deep Publications.
4. S.R.Bakshi and Kiran Bala, Development of Women, Children and Weaker Sections (1999), Deep & Deep Publications.
5. U.Baxi (ed.) Law and Poverty: Critical Essays (1988) (Selected readings concerning the positions of children may be prescribed)
6. Buck, Trevor, International Child Law, 3rd edition, (London: Routledge 2014)
7. Chopra, Geeta, Child Rights in India: Challenges and Social Action (Springer India 2015)
8. The Human Rights Watch Global Report on Women's Human Rights, (2000), Oxford.
9. Government of India Ministry of Education, Towards Equality – Report of the Committee on the Status of Women in India (New Delhi 1974)
10. All relevant Acts of the Indian Parliament and International Conventions and reports of Various Commissions are to be Studied.

CASES FOR GUIDANCE

1. M. C. Mehta vs. Union of India AIR 1988 SC 1037
2. Kesavananda Bharati v. State of Kerala (1973) 4 SCC 225
3. Maneka vs. Union of India, A.I.R. 1978 S.C. 597, Para 77
4. PUCL & Anr. v. State of Maharashtra & Ors. 2012 12 SCC 72
5. M.C. Mehta (Taj Trapezium Matter) v. Union of India 1997 2 SCC 353
6. Khatri And Others v. State of Bihar & Ors. 1981 AIR 1068, 1981 SCR (3) 145
7. Pt. Parmanand Katara v. Union of India & Ors. 1989 AIR 2039, 1989 SCR (3) 997.
8. Rural Litigation and Entitlement Kendra v. State of U.P. & Ors 1985 2 SCC 431, 1985 AIR 652 1985 SCR (3) 169
9. Kishen Patnayak v. State of Odisha AIR 1989 SC 677
10. Mohd. Ahmed Khan vs Shah Bano Begum 1985 AIR 945 1985 SCR (3) 844 1985 SCC (2) 556
11. Shayara Bano vs Union of India And Ors 2017 9 SCC1
12. People's Union for Civil Liberties vs. Union of India, AIR 2005 SC 2419 at 2426
13. A. G. Kazi v. A.G. for Ontario, (1937) AC 326

14. Life Insurance Corpn. Of India v. Prof. Manubhai D. Shah (1992 SCR (3) 595)
15. Miss. Mohini Jain v. State of Karnataka. AIR 1992 SC 1858
16. Unni Krishnan, J.P and Ors. Etc v. State of Andhra Pradesh 1993 SCR (1) 594
17. D.K. Basu v. State of West Bengal. AIR 1997 SC 610
18. Justice K.S. Puttaswamy Vs. Union Of India. (2017) 10 SCC 1
19. People's Union for Democratic Rights v. Union of India & others. AIR 1982 SC 1473
20. Keshavanda Bharati v. State of Kerala. AIR (1973) SC 1461

LEARNING OUTCOMES

After completion of the course, students will be able to

- *Explain the concept of human rights empowerment and policy of inclusion*
- *Identify social taboos regarding the disabled persons*
- *Describe the national policy for senior citizens in India*
- *Recognize the importance of International Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic minorities*
- *Analyse rights of workers and disputes settlement mechanism under the labour laws in India*

PAPER - VII
HUMAN RIGHTS AND TAMILNADU POLICY

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

This paper aims to understand human rights law and Tamil Nadu policies. This paper focuses on understanding Tribal in Tamilnadu, their rights and protection, forest rights, preservation of flora and fauna for balanced ecosystem to ensure human rights for all. History, Enforcement Mechanisms, Education Policy, health and human rights, Hosing, Labour protections, Reservation policies in the state to protect the minorities and vulnerable groups. Women and Children Rights, Animal Protection, Role of NGO in the state of Tamilnadu.

After undergoing the study, the student will be able to understand the following

- *Adivasis or tribals in Tamilnadu and their protection*
- *Tamilnadu education policies*
- *Reservations in the state*
- *Tamilnadu has pioneered Gender and Juvenile justice*
- *Environmental protections*
- *Labour, housing and health schemes in the state*

COURSE OUTLINE

MODULE I - TRIBALS IN TAMILNADU

- a) Need for Tribal development to reduce the gap between the Tribal and non-tribal population: Tribal communities live inside the reserved forest – integral part of eco system
- b) Education – Tribal schools run by the Forest Department – (National Bank for Agriculture and Rural Development) NABARD schemes and assisted projects
- c) Forests Rights Act, 2006 – Tamil Nadu Forest Act, 1882 – colonial law – Implementation of Forest Rights Act in Tamil Nadu. – Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

MODULE – II - TAMILNADU EDUCATION POLICY

- a) Tamil Nadu Compulsory Elementary Education Act 1994 - TN Right of Children to Free and Compulsory Education Rules, 2011- (RTE) Act
- b) Tamil Nadu Prohibition of Ragging Act 1997- “Vision Tamil Nadu 2023”- Tamil Nadu Educational Institutions (Prohibition of Collection of Capitation Fee) Act, 1992

- c) Integrated Child Development Services (ICDS)- Tamil Nadu is a pioneer in introducing Mid-Day meal program. – Tamil Nadu Uniform System of School Education Act, 2010 (samacheer Kalvi)

MODULE III - RESERVATIONS-POSITIVE DISCRIMINATION

- a) RELIGION BASED: Tamilnadu Backward Class Muslims (Reservation of Seats in Educational Institutions including Private Educational Institutions and of Appointments or Posts in the Services under the State) Act, 2007 – 1993 Act - Tamil Nadu Government Gazette - Ordinance No.4 of 2007 on Reservations for Backward Class Muslims and Backward Class Christians
- b) CASTE BASED: Tamilnadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009 - Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and of Appointments or Posts in the Services under the State) Act, 1993 - Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats In Private Educational Institutions) Act, 2006
- c) LINGUISTIC PREFERENCES: Tamil Nadu Appointment on preferential basis in the Services under the State of Persons Studied in Tamil Medium Act, 2010

MODULE IV - WOMEN AND CHILDREN

- a) PROTECTION TO CHILD RIGHTS: Tamil Nadu Juvenile Justice (Care and Protection of Children) Rules, 2017 - Reproductive and Child Health Programs (RCH) – Under (NRHM)-"A Policy on Malnutrition Free Tamil Nadu" – CRADLE BABY SCHEME. Amma baby care kits.
- b) PROTECTION TO WOMEN RIGHTS: Tamil Nadu Hostel & Homes for Women and Children (Regulation) Act, 2014 – AMMA PATROL (Pink Patrol) - MAHALIR THITTAM – Maternity Benefit / paid leave - Thalikku Thangam Thittam – Whether subsidiaries provide entitlements to their rights?
- c) Protecting women from evil practices of the society in the name of caste and religion: Tamil Nadu Devadasis (Prevention of Dedication) Act, 1947 - Tamil Nadu Registration of Marriages Act, 2009 – Personal Laws and state amendments. Suyamariyathai thirumanam (Self-respect marriages)

MODULE V-ENVIRONMENTAL PROTECTION AND RELIGIOUS ENDOWMENTS

- a) Tamil Nadu Prohibition of Smoking and Spitting Act, 2002. – Land Acquisition (Tamil Nadu Amendment) Act, 1999
- b) Tamil Nadu Animal Preservation Act, 1958 - The Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017- Tamil Nadu Maritime Board Act, 1995 – fishers – fishermen.
- c) Art. 290A and Art. 27 of Indian Constitution – Madras Hindu Religious and Charitable Endowments Act, 1951- Tamil Nadu Hindu Religious and Charitable Endowments (Special Provisions) Act, 1996 - Tamil Nadu Waqf Tribunal (Conditions of Service and Procedure) Rules, 2016

MODULE VI - HOUSING, HEALTH AND LABOUR PROTECTION

- a) Housing and Urban Development Department - Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 - Tamil Nadu State Housing Board Act, 1961
- b) Tamil Nadu Lokayukta Act, 2018 - Tamil Nadu Panchayats Act, 1994 – Rules, 2009 Tamil Nadu Rights of Persons with Disabilities Rules 2017 - “Tamil Nadu trust for the children affected by HIV/AIDS” (TNTCAA)- Tamil Nadu State AIDS Control Society (TANSACS)- Transplantation of Human Organs Act - THO-Clinical Establishment Act- District AIDS Prevention Control Units (DAPCU).
- c) Industrial Disputes (Tamil Nadu Amendment) Act, 2008 - Motor Transport Workers (Tamil Nadu Amendment) Act, 2008 – Plantations Labour (Tamil Nadu Amendment) Act, 1996. - Tamil Nadu Street Vendors (Protection of Livelihood, Regulation of Street Vending and Licensing) Scheme, 2015

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. John Rawls, Theory of justice.
2. Kane P.V, History of Dharma shastra, vol 5, Bharakar, Pune,1962
3. State of Human Rights in India, Indian Institute of Human Rights, New Delhi, 2005, pp.8-9.
4. S. Subramanian, Human Rights: International Challenges, Mana Publications, New Delhi, 1997, p.122.
5. Sastry. T.S. N, India, and Human Rights: Reflections, Concept Publishing Company, New Delhi, 2005, p.42.

JOURNALS / ARTICLES

1. Sex Re-Assignment Surgeries on Intersex Children [Read Judgment]. Retrieved 16 August 2020.
2. "LGBT community in Tamil Nadu seeks state government's support". Indianexpress.com. 15 December 2013. Retrieved 18 April 2018.
3. Hamid, Zubeda; Hamid, Zubeda (3 February 2016). "LGBT community in city sees sign of hope". Thehindu.com. Retrieved 18 April 2018.
4. Human Rights in India Dr. Sunil Deshta and Dr. Pratap Singh Allahabad law Agency Law Publishers page no 120
5. Karthikeyan, Divya (25 May 2017). "Tamil Nadu, once a pioneering state for welfare of transgenders, now shuns the third gender"

FURTHER READING:

BOOKS

1. Assessing the Effectiveness of National Human Rights Institutions, OHCHR, Geneva, 2005, p. 6. 15
2. S.K. Awathi, R.P.Katria, Law relating to Protection of Human Rights, Orient Publishing Company, New Delhi, 2000, p.744.
3. Prof. A. Marx, Indian Government Education policies (1986 - 2016)
4. Levein & Leah, Human Rights- Questions and Answers, UNESCO, 2004. ""Transwoman A 'Bride' Under Hindu Marriage Act": Madras HC; Also Bans.
5. B.S. Baliga, Studies in Madras Administration, Volume I, Government of Madras, Edn. 1960, p. 258-261.
6. M. N. Srinivas, Changing Position of Indian Women (New Delhi: OUP 1978)
7. Amnesty International, (1991). Health personnel: Victims of human rights violations
8. D.D. Basu, The Law of Press of India
9. J.V.R. Krishna Iyer, Fundamental Rights and Directive Principles
10. Baxi, Upendra, Towards a Sociology of Indian Law (1986)

JOURNALS / ARTICLES

1. "Ban sex reassignment surgeries on intersex infants Madras High Court tells Tamil Nadu Govt" - The News Minute
2. <https://www.scconline.com/blog/post/tag/nirbhaya/>
3. <https://www.thehindu.com/news/national/tamil-nadu/father-son-die-in-judicial-custody-in-sattankulam-tension-prevails/article31897154.ece>

4. <https://www.thehindu.com/news/national/tamil-nadu/state-human-rights-commission-calls-for-report-on-legal-sanction-for-use-of-friends-of-police/article32010802.ece>
5. <https://amnesty.org.in/news-update/tamil-nadu-activist-who-accused-police-of-human-rights-violations-goes-missing/>
6. <https://www.casemine.com/judgement/in/56ea97d8607dba371ebcae01>
7. Tamil Nadu human rights body pulls up cops for vandalising vehicles, seeks report by Akshaya Nath
8. https://www.tn.gov.in/detail_contact/92739/5
9. Equality and Inclusion by Royal common wealth society
10. <https://www.hroforyou.com/>

CASES FOR GUIDANCE

1. Chief Secretary to the Govt., Chennai Tamilnadu & Others v. Animal Welfare Board & Another AIR 2016 SC 5522
2. State of Madras v. Champakam Dorairajan AIR 1951 SC 226
3. Tamil Nadu Pollution Control v. The State Human Rights Commission W.P. No. 2570 of 2000 and W.P.No. 9139 of 2000
4. Santosh Hospitals Private v. State Human Rights Commission, 2005
5. T.T.Ravichandran v. R.Singaravelan, 2010
6. Philip Thomas And Anr. v. The Government of Tamil Nadu, 2001
7. P.Navaneethan vs The State Human Rights Commission, 2017
8. Muniasamythevar v. Dy. Superintendent Of Police [2006 SCC OnLine Mad 306]
9. M. C. Mehta vs. Union of India AIR 1988 SC 1037
10. Shayara Bano vs Union of India And Ors 2017 9 SCC1
11. People's Union for Civil Liberties vs. Union of India, AIR 2005 SC 2419 at 2426
12. A. G. Kazi v. A.G. for Ontario, (1937) AC 326
13. Life Insurance Corpn. Of India v. Prof. Manubhai D. Shah (1992 SCR (3) 595)
14. Miss. Mohini Jain v. State of Karnataka. AIR 1992 SC 1858
15. Unni Krishnan, J.P and Ors. Etc v. State of Andhra Pradesh 1993 SCR (1) 594
16. D.K. Basu v. State of West Bengal. AIR 1997 SC 610
17. Justice K.S. Puttaswamy Vs. Union Of India. (2017) 10 SCC 1
18. People's Union for Democratic Rights v. Union of India & others. AIR 1982 SC 1473
19. Keshavanda Bharati v. State of Kerala. AIR (1973) SC 1461
20. M.C. Mehata v. State of Tamil Nadu. ((1996) 6 SCC 772)

LEARNING OUTCOMES

On successful completion of the course the student will be able to get the glimpses and sparkling tenets of the subject Human Rights in Tamilnadu and acquire knowledge on:

- *Adivasis or tribals in Tamilnadu and their protection*
- *Tamilnadu education policies*
- *Reservations in the state*
- *Tamilnadu has pioneered Gender and Juvenile justice*
- *Environmental protections*
- *Labour, housing and health schemes in the state*

PAPER - VIII
SCIENCE, TECHNOLOGY AND HUMAN RIGHTS

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

In fast growing globalizing world, the future relies on Science and Technology. The impact of developments in science and technology on human rights and duties is a great concern. This paper deals with some conceptual aspects and impact of science and technology on human life and society, and some specific human rights issues identified on the basis of this impact, such as those relating to the right to human dignity, freedom from torture; freedom of information, thought and expression. There is a need for adapting and protecting the human rights for everyone for upcoming development in fast pace, safeguarding privacy and protecting ourselves from negative impacts of the growth of artificial intelligence.

After undergoing the study, the student will be able to understand the following

- *Development and conceptual perspectives in Science, technology*
- *Pros and cons of Artificial intelligence*
- *Need for protecting the right to privacy*
- *International instruments on Human rights and Science and Technology*
- *Biotechnology, food technology*
- *New dimensions*

COURSE OUTLINE

MODULE I - DEVELOPMENT AND CONCEPTUAL PERSPECTIVES

- a) Concept of science & Technology as a tool for furtherance of human and social welfare
-Conflicts – Confrontation – resolution - Is Right to Privacy is in Stake?
- b) Debates over ‘development’ -Quality of life: spiritualism versus materialism- The need for balancing of values -Modernization- urbanization. Will Artificial Intelligence take over the world?
- c) Intellectual Property Rights - Rio Declaration on Environment and Development, 1992, Rio +20, Conservation of Natural Resources, Agenda 21, Biodiversity Convention 1992

MODULE II - INTERNATIONAL PARAMETERS OF HUMAN RIGHTS AND SCIENCE & TECHNOLOGY

- a) Art 5 of Universal Declaration of Human Rights (1948); Article 7 of the International Covenant on Civil and Political Rights 1966; (prohibition of experimentation on human

person) UNESCO Universal declaration on the human genome and human rights (1997) Declaration on a New International information and communication Order (1978),

- b) Convention on Prevention and Punishment of Crime of Genocide (1948); Convention on the Protection of All persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment (1984) Convention on the International Right of Correction (1952) UN UNESCO convention on Technical and vocational education (1989)
- c) Constitution of the World Health Organization, UN General Assembly Resolution of 37/194 on Protection against products harmful to health and the environment 1982, International Code of Conduct on the Transfer of technology 1993, other developments

MODULE III - FREEDOM OF INFORMATION

- a) Freedom of information-Thought and Expression -Revolution in information technology
- b) Right to information, education, communication, freedom of the press and other information media- right to entertainment
- c) Cybercrimes- online pornography- Satellite communication- Cinematograph Act- Official Secrets Act 1926.

MODULE IV - BIO-TECHNOLOGY DEVELOPMENT AND HUMAN RIGHTS

- a) Developments in biotechnology: human cloning, feticide, and abortion; in-vitro fertilization and surrogate parenthood, organ transplantation and sale of human organs,
- b) Bio-Medical Waste (Management and Handling) Rules 2016 - Life sustaining technologies-artificial organs- kidney dialysis- life sustaining drugs. - The Protection of Human Rights (Amendment) ACT, 2019
- c) Human performance augmenting drugs and technologies (use of steroids in sports- Anabolic Steroid Act of 1990 - hormones - Viagra - like drugs)

MODULE V - NEW DIMENSION ON SCIENCE AND TECHNOLOGY

- a) Universal entitlement of the people to democracy as a legitimate form of government - Scientific and Technological Research - Impact on ethics, morality, and Human Rights
- b) New Torture Technologies- narcoanalysis and lie detector test in investigation - Selvi vs state of Karnataka
- c) General Assembly resolution 55/89 of 4 December 2000.The purposes of effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment

MODULE VI - RIGHT TO FOOD AND HEALTH SCIENCE & TECHNOLOGY

- a) To Improve and Diversify Food Production and Storage, and for Food Security- Fertilizers, Biotechnology to Produce Improved Varieties of Foods- Improvement in Storage Facilities
- b) Impact of Bio - Technology in Agriculture - Food Safety and Standards Act, 2006- Positive and Negative – Agriculture as Commercial Industry- Science & Technology and Improvement of Individual
- c) Community Health and Hygiene-Experiments on Living Beings - Community Health as a Public Service Industry-Role of Multinationals - pharmaceutical Industries

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Science, technology, and Human Rights 2018 Lily Srivastava, Thomson Reuters
2. Jeremy Waldron, (ed) 1984, Theories of Rights, Oxford University Press.
3. Richard Tuck, Natural Rights Theories, Their origin, and Development, 1979, Cambridge University Press.
4. Rene Provost, 2005, International Human Rights and Humanitarian Law, Cambridge university Press.
5. Prof. H. Sanajaoba, 2004, Human rights in the New Millennium, Manas Publications, New Delhi.

JOURNALS / ARTICLES

1. Bachelet, Michelle. 'Human rights in the digital age – Can they make a difference?' UN High Commissioner for Human Rights, Japan Society, New York, 17 October 2019.
2. Donahoe, Eileen. 'Human Rights in the Digital Age'. Just Security, December 2014, Just Security, <https://www.justsecurity.org/18651/human-rights-digital-age/>
3. Ranjah, Ziaullah, 'Human Rights in the Digital Age'. The Friday Times, June 2019, The Friday Times
4. Amnesty International USA. Using Science as a Tool to Protect Human Rights (2012)
5. UNESCO. World Commission on the Ethics of Scientific Knowledge and Technology (COMEST) (1998)

FURTHER READING:

BOOKS

1. Mohini Chateerjee, 2004, Feminism and Women's Human Rights, Aaviskkar, Publishers, Distributors, Jaipur.

2. Upendra Baxi, 2006, *The Future of Human Rights*, Oxford University Press.
3. Mahood Monshipouri, Neil Englehart, Andrew J. Nathan, Kavita Philip (ed), 2004, *Constructing Human rights in the Age of Globalization*, Prentice. Hall of India, New Delhi.
4. Carol C.Gould, 2004, *Globalizing Democracy and Human Rights*, Cambridge University Press.
5. Sewlikar S. Bhatt, *India Steps towards Globalization-Reforms to Schedule Y Regulations* (CR Focus. 2007 at 26).
6. Usha Ramanathan, *Implications of registering, tracking, profiling* (The Hindu Monday, Apr 05, 2010)
7. Usha Ramanathan “A Unique Identity Bill” Vol - XLV No. 30 (July 24, 2010)
8. R. Ramachander, “How reliable is UID?” *Frontline* Volume 28 Issue 24, 2011
9. Usha Ramanathan, “UID is an Identity Crisis in the Making”, *Tehelka Magazine*, Vol 7, Issue 38 (September 25, 2010)
10. Bachelet, Michelle. ‘Human rights in the digital age – Can they make a difference?’ UN High Commissioner for Human Rights, Japan Society, New York, 17 October 2019.

JOURNALS / ARTICLES

1. UNESCO. *Recommendation on the Status of Scientific Researchers* (1974)
2. Adwin W. Patterson, *Law in a Scientific Age*
3. Weeramantry, C.G., *Human Rights and Scientific and Technology Development*
4. Baxi, U. (ed.), *Right to be Human*
5. *Introduction: Science, Technology and Human Rights: Lessons Learned from the Right to Water and Sanitation*: Jessica M. Wyndham & Theresa Harris. Wyndham, J.M., Harris, T. *Introduction: Science, Technology and Human Rights: Lessons Learned from the Right to Water and Sanitation*. *Sci Eng Ethics* 20, 827–831 (2014). <https://doi.org/10.1007/s11948-014-9515-2>
6. *Impacts of scientific and technological progress on human rights: normative response of the international community* by HIROKO YAMANE
7. United Nations. *Human Rights: A Compilation of International Instruments*. 1988. (ST/HR/1/ Rev 3.)
8. *Linking science and human rights: Facts and figures* By: S. Romi Mukherjee
9. UNDP. *Belize Human Rights Based Approach* (2011)
10. UNFPA. *History and Definitions of the Human Rights-Based Approach* [21kB] (2010).

CASES FOR GUIDANCE

1. Smt Selvi & Ors vs. State of Karnataka AIR 2010 SC 1974 (2010) 7 SCC 263
2. K. S. Puttaswamy v Union of India (2017) 10 SCC 1
3. State of Tamilnadu v/s Dr L. Prakash LQ 2002 HC 10072
4. Shallendra Nath Sinha v The State AIR 1955 Cal 247
5. Public Committee Against Torture in Israel v. State of Israel H.C. 5100 / 94 (1999)
6. People's Union for Civil Liberties v. Union of India AIR 1997 SC 568
7. Farid Ahmad v. State A.I.R.1960 Cal32
8. Tarini Kumar v. State. A.I.R. 1960 Cal318 (DB)
9. Stefanelli v. Minard; (1952) 342 US 117
10. District Registrar and Collector v. Canara Bank AIR 2005 SC 186.
11. *Director of Revenue v. Mohammad Nissar Holia* (2008) 2 SCC 370
12. Shreya Singhal v. Union of India AIR 2015 SC 1523
13. *Public Interest Foundation v. Union of India* (2019) 3 SCC 224
14. Firoos vs. State of Kerala., AIR2006 Ker 279, 2006
15. Fatima Riswana v. State Rep. by ACP., Chennai & Ors AIR 2005 712.
16. Avnish Bajaj v State (N.C.T.) of Delhi (2005) 3 Comp LJ 364 (Del)
17. S. Sekar v The Principal General Manager (Telecom) (B.S.N.L.)
18. Syed Asifuddin and Ors. v The State of Andhra Pradesh And Anr. 2005 Cri LJ 4314
19. M. C. Mehta vs. Union of India AIR 1988 SC 1037
20. Atchison & C.R.R. Co. v. U.S. 15 Court of Claims (per Davis J.)

LEARNING OUTCOMES

- *Development and conceptual perspectives in Science, technology*
- *Pros and cons of Artificial intelligence*
- *Need for protecting the right to privacy*
- *International instruments on Human rights and Science and Technology*
- *Biotechnology, food technology*
- *New dimensions*

PAPER - IX
HUMAN RIGHTS OF REFUGEES, INTERNALLY DISPLACED AND
MIGRANTS

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

In the last few decades refugee law has developed as a new branch of law both in the field of international law and municipal law. Contemporary refugee law cannot be understood without knowledge of the broader global context from which it has evolved which is the human rights law. This paper is designed to give a complete understanding of laws relating to refugees, internally displaced persons and migrants in the light of human rights. With this objective this course is designed.

After undergoing the study, the student will be able to understand the following

- *To Understand the significance and importance of refugee law in the context of human rights*
- *To Study the status of internally displaced persons and migrants and other cross cutting issues, problems and developments relating to the same*
- *To Understand the issues of refugees, internally displaced persons and migrants across the globe and changing dimensions of laws and policies*
- *To Study the constitutional perspectives and various dimensions of social justice involved.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) History of population movements - Refugees, internally displaced persons and Migrants - Theories - Causes and responses
- b) Origin and development of concept of refugee, Internally Displaced Persons and Migrants - Development of International Protection System and Legal Framework
- c) Role of United Nations - Specialised Human Rights Organisations - WHO - Red Cross

MODULE II - INTERNATIONAL INSTRUMENTS ON PROTECTION OF REFUGES

- a) International Refugee Organization - Institution of the office of the High Commissioner of Refugees – Mandate, activities and statutory role
- b) The Refugee Convention of 1951 and Protocol of 1967 – Determination of refugee status – Features and Implementation

- c) Significant Role of UN - Universal Declaration of Human Rights - UN International Covenant for Civil and Political Rights - UN Convention against torture and Other Cruel Inhumane or Degrading Treatment or Punishment - Geneva Conventions and Protocols on Minimum Standards in Times of War - Role of United Nations High Commissioner for Refugees (UNHCR)

MODULE III - HUMAN RIGHTS GOVERNANCE IN REFUGEES

- a) Refugees, Internally Displaced People and Migrants of Middle East - UNRWA - United Nations Relief and Works Agency for Palestine Refugees in the Near East
- b) Refugees, Internally Displaced People and Migrants of African Nations - Rohingya Crisis in Myanmar - Srilankan refugee Crisis
- c) Right against Refoulement – Right to seek asylum – Right to equality and non-discrimination – Right to life and personal security – Right to return – Right to remain – Right against expulsion - Other convention rights - Voluntary repatriation – Local integration – Resettlement in Third Countries – Comprehensive responses

MODULE IV - HUMAN RIGHTS GOVERNANCE IN MIGRANT WORKERS, INTERNALLY DISPLACED AND STATELESS

- a) Migrants - Definition - International Convention on the Protection of the Rights of Migrant Workers and Members of their Families, 1990 - International Labour Organization Convention for Migrant Workers, 1949 - Migrant Workers Convention, 1975 - Committee on Migrant Workers (CWC) - UN Protocol against Smuggling of Migrants by Land, Sea and Air, 2003
- b) Concept of Internal Displacement - Definition - Guiding Principles on International Displacement, 1998 - Kampala Convention - Difference between IDP and Refugees - UN Human Rights Council - Office of Coordination of Humanitarian Affairs (OCHA) - United Nations High Commissioner for Refugees (UNHCR) and OCHA - Major IDP's in the World
- c) Statelessness - Convention on Stateless Persons, 1954 - Convention on Reduction of Statelessness, 1961 - Statelessness and Refugee

MODULE V - CONTEMPORARY DEVELOPMENTS AND CHALLENGES

- a) International Burden Sharing - International Safe Countries Burden - Temporary Protection - Climate refugees - Safety Zones/ Safe Haven Concept - Compensation to the Refugees to be paid by the Country of Origin - Vulnerable groups Women and Children

- b) OAU Convention in Africa - European and Latin American Developments - Schengen and Dublin Conventions - Cartagena Declarations - Asian Developments - AALLCO Declaration - Model National Law on Refugees in South Asia and the Regional Declaration
- c) Status of Refugees, Migrants and Internally Displaced in Pandemic - War - Political Status - Rehabilitation Measures - Right of Food and Education - Protection Against Human Trafficking - Problem of Employment - Anti Terrorism - Role of Media - Issues in spotlight - Regulatory Measures for NGO's and Other Related Organizations

MODULE VI - NATIONAL FRAMEWORK AND CONSTITUTIONAL FRAMEWORK

- a) Refugees in India - Laws Applicable to Refugees in India - Judicial Approach to Refugee Protection in India - Guiding Principles on Internally Displaced - National policy in India
- b) Role of Institutions and NGOs - Role of NHRC in Refugee Protection, Internally displaced and Migrants - Role of national and International NGOs
- c) Right to Life - Right to Equality - Non - Discrimination - Protection against Detention - Right to Social Security - Prohibition against Collective Expulsion - Right to Primary Education - Right to Freedom of Movement - Permissible Restriction - Right against Labour Exploitation - Art.35 of refugee Convention

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. James C Hathaway, *The Law of Refugee Status*, Butterworths, Toronto, 1991.
2. Harris, J. R. and Todaro, M. P. (1970), 'Migration, unemployment and development: A two sector analysis', *American Economic Review*, 60(1): 126-42. (Reprinted in M. P. Todaro (ed.), *The Struggle for Economic Development*, New York: Longman, 1983).
3. UNHCR, *Handbook on Procedure and Criteria for Determining Refugee Status* (Geneva: UNHCR)
4. Edward Arboleda, "Refugee Definition in Africa and Latin America", (1991), 3, *International Journal of Refugee Law*
5. Bishop, Sarah C, "U.S. media and migration: refugee oral histories", 1984

JOURNALS / ARTICLES

1. Erika Feller et.al., *Refugee Protection in International Law* (Cambridge: CUP, 2003)

2. Edward Newman and Joanne van Selm, *Refugees and Forced Displacement* (New Delhi: UN University Press, 2004)
3. de Haan, A. (2002), 'Migration and livelihoods in historical perspective: A case study of Bihar, India', *Journal of Development Studies*, 38 (5): 115–42.
4. Manik Chakraborty, *Human Rights and Refugees* (New Delhi: Deep & Deep, 1998)
5. Ranbir Samaddar, *Refugees and the State – Practices of Asylum and Care in India* (New Delhi: Sage, 2003)

FURTHER READING:

BOOKS

1. Edward Newman, Joanne Van Selm, "Refugees and Forced Displacement: International Security, Human Vulnerability, and the State"
2. R. Ramasubramanian, *Missing Boundaries: Refugees, Migrants, Stateless and Internally Displaced Persons In South Asia*
3. *Guiding Principles on Internal Displacement*, (Second Edition, 2004, Page 1)
4. Dennis McNamara, 'Refugees in Their Own Lands: Internally Displaced are Among the World's Most Vulnerable. The G8 Must Not Ignore Them Again', *The Guardian* (28 June 2005), p. 24.
5. Mary Crock, "Apart from US or to Part of US? Immigrant's Rights, Public Opinion and the Rule of Law", *International Journal of Refugee Law*, vol.10 (1998), pp.49-76.
6. Gopal Iyer K, *Distressed Migrant Labour In India: Key Human Rights Issues*, National Human rights commission, 2004.
7. Akbarzada S, Mackey TK. The Syrian public health and humanitarian crisis: a "displacement" in global governance? *Glob Public Health*. 2017; 44:1–17.
8. Paula Banerjee, Sabyasachi Basu Ray Chaudury and Samir Kumar Das, *Internal Displacement in South Asia* (New Delhi: Sage, 2005).
9. Françoise Krill, 'The ICRC's Policy on Refugee and Internally Displaced Civilians,' *International Review of the Red Cross*, Vol. 83, No. 843 (September 2001).
10. Hathway, James C. *The Rights of Refugees Under International Law* (Cambridge University Press, 2005)

JOURNALS /ARTICLES

1. M. Barutciski, "A Critical View on UNHCR's Mandate Dilemmas", (2002), 14 *International Journal of Refugee Law* 365
2. David Kennedy, "International Refugee Protection" (1986), 8, *Human Rights Quarterly* 90

3. UNHCR, Guidelines on the Protection of Refugee Women (Geneva: UNHCR) Betts,
4. Chimni, B.S., International Refugee Law (New Delhi: Sage, 2000)
5. Maley, William, What is a Refugee? (2016) Parekh, Serena, Refugees and the Ethics of Forced Displacement, Routledge: (2016)
6. Roberta Cohen, 'The Guiding Principles on Internal Displacement: An Innovation in International Standard Setting,' Global Governance, Vol. 10 (2004), p. 466
7. Marguerite Contat Hickel, 'Protection of Internally Displaced Persons affected by Armed Conflict: Concept and Challenges,' International Review of the Red Cross, Vol. 83, No. 843 (September 2001), p. 701
8. J.Fitzpatrick, "Revitalising the 1951 Refugee Convention", Harvard Human Rights Journal, vol. 9 (1996), pp.229-53.
9. B.S.Chimni, International Refugee Law, (2000).
10. Guy S. Goodwin-Gill, The Refugee in International Law (Oxford: Clarendon Press, 1996)

CASES FOR GUIDANCE

1. R v. Secretary of State for the Home Department, Ex parte Sivakumaran and Conjoined Appeals (UN High Commissioner for Refugees Intervening) [1988] AC 958, 16 December 1987 (UK House of Lords)
2. Canada (Attorney General) v. Ward [1993] 2 S.C.R. 689, 30 June 1993 (Supreme Court of Canada)
3. Horvath v. Secretary of State for the Home Department [2000] INLR 15, 6 July 2000 (UK House of Lords)
4. T.I. v. United Kingdom, Application No. 43844/98 (Decision on admissibility), 7 March 2000 (European Court of Human Rights)
5. Suresh v. Canada (Minister of Citizenship and Immigration) [2002] 1 S.C.R. 3, 2002 SCC 1, 11 January 2002 (Supreme Court of Canada)
6. VXAJ v. Minister for Immigration and Another [2006] FMCA 234, 20 April 2006 (Australia Federal Magistrates Court)
7. *Syed Ata Mohammadi vs. State*, Criminal writ petition no.7504/1994 at the Bombay High Court
8. Joseph Ayei vs Ministry of Employment & Immigration (1989), Imm. L.R. (2d) 169.
9. Case of Kim v. Russia, no. 44260/13
10. Gurunathan and others vs. Government of India, WP No.S 6708 and 7916 of 1992
11. *A.C.Mohd.Siddique vs. Government of India and others*, 1998(47)DRJ(DB)p.74.

12. *N.D.Pancholi vs. State of Punjab & Others*, WP (civil) No. 1294 of 1987
13. *Malavika Karlekar vs. Union of India*, Crl. WP No.243 of 1988.
14. *State vs. Winston*, FIR No., 438/1993
15. *Gurinder Singh vs. State*, Criminal Writ Petition, N..871/1994
16. *PUCL & Anr. v. State of Maharashtra & Ors.* 2012 12 SCC 72
17. *M.C. Mehta (Taj Trapezium Matter) v. Union of India* 1997 2 SCC 353
18. *Khatri And Others v. State of Bihar & Ors.* 1981 AIR 1068, 1981 SCR (3) 145
19. *Pt. Parmanand Katara v. Union of India &Ors.* 1989 AIR 2039, 1989 SCR (3) 997.
20. *Rural Litigation and Entitlement Kendra v. State of U.P. & Ors* 1985 2 SCC 431, 1985 AIR 652 1985 SCR (3) 169

LEARNING OUTCOMES

After completion of this course the students will be able:

- *To critically analyse and interrogate the genesis and current developments in refugee law and formulate human rights-based policies and initiatives through research and findings.*
- *To discuss the phenomenon of refugees, internally displaced persons and migrants and analyse the role of nation state and non-state actors.*
- *To analyse human rights norms in a contextual manner*
- *Explore the role of UN Organizations in framing Human Rights Governance*
- *Examine the challenges faced and the need for harmonisation of laws and policies*

PAPER X
CRIMINAL JUSTICE SYSTEM AND HUMAN RIGHTS
(Generic Elective Paper)

OBJECTIVES OF THE COURSE

The Criminal Justice System is full and fully vested with the courts. Especially, criminal justice administration by the Criminal courts in India. The criminal courts are the Sessions Court, Assistant Sessions Court, Chief Judicial Magistrate Court, Judicial Magistrate Court and if it is in Metropolitan areas the part of the courts in the following name that are the Chief Metropolitan Magistrate court, the Metropolitan Magistrate court played the major role in the justice delivery process. This paper helps to identify the various types of crime in India and the statutory laws to deal with the crime and the background of the criminal and reason for the commission of the crime in the form of aggravating milieu and the mitigating milieu and the different theories for the crime and the parties to the criminal justice system and the role of the victim in the criminal justice delivery system. The sentence question and where it has to be asking and their types. The reformation of the convicted person by the various laws prevailed in India. The protection of human. Safeguard provided under law and judicial activism and human rights commission.

After undergoing the study, the student will be able to understand the following

- Relationship between Human rights and Criminal law
- Human rights perspectives on crime and punishment theories
- Rights of accused persons and convicts
- Protecting human rights while exercising criminal justice system

COURSE OUTLINE

MODULE I - CRIME AND PUNISHMENT IN HUMAN RIGHTS PERSPECTIVE

- a) Concept of crime and criminal liability, offences violation of Human Rights.
- b) Punishment and Sentences in Human rights.
- c) Imprisonment for life sentence and death sentence in Human rights perspective.

MODULE II - INVESTIGATION, EVIDENCE AND PROCEDURE ASPECTS OF HUMAN RIGHTS

- a) Investigative Methods adopted for Jail inmates in violation of Human Rights.
- b) Prohibition of Torture/Judicial custody and Police custody.
- c) Human Rights violation in collection of evidence methods and means.

MODULE III - RIGHTS OF THE ACCUSED

- a) Right to legal aid in investigation/trial.
- b) Right to appeal and other procedural rights.
- c) Pardoning system.

MODULE IV - RIGHTS OF THE PRISONERS AND INMATES AND DUTIES OF POLICE, COURT, AND INDEPENDENT EXPERT

- a) Rights of the prisoner and inmates in jail
- b) Duties of the police and the court towards accused witness and victim.
- c) Human rights perspective and duties of Independent expert.

MODULE V - RIGHTS OF THE VICTIM AND WITNESSES IN HUMAN RIGHT ASPECTS

- a) Victim protection/Physical and Psychological aspects.
- b) Victim Compensation and its comparative perspective in UK, USA, France and INDIA.
- c) Witness protection and its comparative perspective in UK, USA, France and INDIA.

MODULE VI - RIGHTS OF THE WOMEN, CHILDREN AND DISABLED PERSON

- a) Women prisoner/ women victim and women witnesses.
- b) Juvenile in conflict with law and Child witness and Juvenile Victim
- c) Disabled person in prison/ Victim and Witness.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. R.V Kelhar Outlines of criminal procedure
2. Ahmad siddique's criminology problems and perspectives
3. Criminal Justice and Human Rights-Pandit kamalakar
4. P.D. Sharma, Police and Criminal justice Administration in India, (Uppal publication, New Delhi, 1985)
5. P.D. Sharma, Criminal Justice Administration, (Rawat publications, Jaipur, 1998)

JOURNALS / ARTICLES

1. Crime, the Criminal Justice System, and Socioeconomic Inequality, Magnus Lofstrom, Steven Raphael, The Journal of Economic Perspectives, Vol. 30, No. 2 (Spring 2016), pp. 103-126
2. RIGHTS OF THE ACCUSED pp. 375-384 (10 pages
<https://www.jstor.org/stable/10.1163/j.ctt1w8h3dt.36> and Nariman, Fali S. "FIFTY YEARS OF HUMAN RIGHTS PROTECTION IN INDIA - THE RECORD OF 50

YEARS OF CONSTITUTIONAL PRACTICE.” National Law School of India Review, 2013, pp. 13–26. JSTOR, www.jstor.org/stable/44283607.

3. Steiner, Benjamin, et al. “The Impact of Inmate and Prison Characteristics on Prisoner Victimization.” *Trauma, Violence & Abuse*, vol. 18, no. 1, 2017, pp. 17–36. JSTOR, www.jstor.org/stable/26638159.
4. Leigh, Monroe. “Witness Anonymity Is Inconsistent with Due Process.” *The American Journal of International Law*, vol. 91, no. 1, 1997, pp. 80–83. JSTOR, www.jstor.org/stable/2954143. Doak, Jonathan. “Victims' Rights in Criminal Trials: Prospects for Participation.” *Journal of Law and Society*, vol. 32, no. 2, 2005, pp. 294–316. JSTOR, www.jstor.org/stable/3557229.
5. “Disabled People’s Human Rights: Developing Social Awareness.” *Disabled People and European Human Rights: A Review of the Implications of the 1998 Human Rights Act for Disabled Children and Adults in the UK*, by Luke Clements and Janet Read, 1st ed., Bristol University Press, Bristol, UK, 2003, pp. 31–40. JSTOR, www.jstor.org/stable/j.ctt1t8964p.10.

FURTHER READING:

BOOKS

1. South Asia Human Rights Documentation Centre, *Handbook of Human Rights and Criminal Justice in India*, (New Delhi: O U P, 2010)
2. Vibhute, K.I., *Criminal Justice-Perspectives of the Criminal Justice Process in India*
3. Gaur, K.D. (1999), *Criminal Law: Cases & materials*
4. Kumar, Naresh, *Constitutional Rights of Prisoners* (1986)
5. Rajgopal, P.R., *Violence and Response: A Critique of India Criminal Justice System*
6. Rajan, V.N., *Whither Criminal Justice Policy* (1983)
7. Rao, S., *Dynamics of Crime* (1981)
8. Rao, S. Venu Gopal, *Criminal Justice, Problems and Perspectives in India*, (Delhi, Konark Pub., 1991)
9. *Crimie in India: Annual Reports of National Crime Records Bureau*, (New Delhi, Law Commission Reports on Criminal Justice Reforms)
10. Malimath Committee report.

JOURNALS / ARTICLES:

1. *Indian Criminal Justice System and Human Rights* by Shruti Chaudhary
2. *Matter of the Curado [Professor Aníbal Bruno] Prison Complex, Brazil (Provisional Measures, Inter-American Court of Human Rights, May 2014)*

3. Matter of the Curado [Professor Aníbal Bruno] Prison Complex, Brazil (Provisional Measures, Inter-American Court of Human Rights, May 2014)
4. Matter of the Socio-educational Internment Unit (Provisional Measures, Inter-American Court of Human Rights, September 2011)
5. Notice of granting of precautionary measures, Persons deprived of liberty at Professor Aníbal Bruno Prison, Pernambuco, Brazil
6. Persons deprived of liberty at Professor Aníbal Bruno Prison, Pernambuco Brazil (Inter-American Commission on Human Rights, June 2011, warning: contains a graphic image)
7. Matter of Urso Branco Prison (Provisional Measures, Inter-American Court of Human Rights, August 2011)
8. Matter of Urso Branco Prison (Provisional Measures, Inter-American Court of Human Rights, November 2009)
9. "São Paulo sob Achaque: Corrupção, Crime Organizado e Violência Institucional em Maio de 2006/São Paulo Extorted: Corruption, Organized Crime, and Institutional Violence in May 2006"
10. (Joint report: International Human Rights Clinic, Justiça Global, May 2011) Authors: Fernando Ribeiro Delgado, Raquel Elias Ferreira Dodge and Sandra Carvalho

CASES FOR GUIDANCE

1. M Abbas Haji vs TN Channakeshava
2. Selvi and another vs State of Karnataka.
3. D K Basu vs State of West Bengal.
4. Joginder Kumar vs State of UP and others
5. Zahi Habibulla H.Sheikh vs State of Gujarat. 2004(4) SCC 158
6. Apren Joseph vs state of Kerala 1973(3) SCC 114
7. Prem Shankar Shukla vs Delhi Administration. AIR 1980 Sc 1535
8. Delhi Judicial Services Association vs State of Gujarat.
9. Sunil Gupta vs state of MP. 1990(3) SCC 119
10. Shalini Soni vs Union of India. (1980) 4 SCC 544,549
11. Ranga Billa case AIR 1981 SC 1572
12. Escher et al. v. Brazil (Judgment, Inter-American Court of Human Rights, July 2009)
13. "Ximenes Lopes v. Brazil" (Judgment, Inter-American Court of Human Rights, November 2006)
14. Mir Mohammed Ali v. Government of Andhra Pradesh 2000 (4) ALT 541 (DB)

15. Prabha Dutt v Union of India AIR 1982 SC 6
16. Police Commissioner, Delhi v Registrar, Delhi High Court AIR 1997 SC 95
17. Narendra Singh v State of M.P 2004 (4) SCALE 543
18. Miranda v Arizona 384 US 436: 16 L Ed 2d 694 (1966)
19. State of Maharashtra v M.P.Vashi AIR 1996 SC 1
20. Abdul Rehman Antulay v R.S. Nayak and Ors. (1992) 1 SCC 225

LEARNING OUTCOMES

On successful completion of the course the student will be able to get the glimpses and sparkling tenets of the subject Human Rights and Criminal Law and acquire knowledge on:

- *Relationship between Human rights and Criminal law*
- *Human rights perspectives on crime and punishment theories*
- *Rights of accused persons and convicts*
- *Protecting human rights while exercising criminal justice system*

PAPER XI
TRADE, ENVIRONMENT AND HUMAN RIGHTS
(Generic Elective Paper)

OBJECTIVES OF THE COURSE

The 21st century is synonymous with globalisation where commercial activities work beyond trade barriers. Globalisation opens doors for international trade and development influencing the scope of sovereignty and human rights. The course focuses on the role of human rights in development and international trade, the role of TNCs, trade-related sanctions for human rights violations, the question of sovereignty, and human rights perspective in India. The course explores the interplay between trade, environment, development, human rights and justice addressing UGC mandate and Bar Council framework for the syllabus.

After undergoing the study, the student will be able to understand the following

- *To educate students on the implication of globalisation and development on human rights with special reference to trade and environment*
- *To encourage the students to appreciate the legal structure surrounding human rights in areas of trade and environment*
- *To understand the growth of human rights with specialized knowledge and advanced study in areas of trade and environment*

COURSE OUTLINE

MODULE I - GLOBALIZATION, DEVELOPMENT, JUSTICE AND HUMAN RIGHTS

- a) Meaning, nature and scope of globalisation – Dimensions and agents of globalisation – Sovereignty and globalisation - Concept of justice on globalised legal order – Theories of global justice
- b) Economic Justice - Concept of Development – Right to Development as a Human Right – Theories of Development - New International Economic Order – Development and trade off on human rights - WTO legal framework for trade related human rights measures – Impact of GATT and WTO - Trade-related Intellectual Property Rights - Unfair terms of trade in human rights violation - Political Justice - Globalisation of Democracy - Instruments of International Pressure
- c) Global Justice - Economic Theory of Trade Integration – Free Trade - Fair Trade - Role of International/Regional Trade Institutions on Justice and Human Rights –Impact of

global trade and trade liberalisation on distributive justice, poverty, inequalities – Business Ethics and Globalisation - Environmental Justice - Environment as a human right - Anthropocentric ethics and non-anthropocentric ethics

MODULE II - INTERNATIONAL COOPERATION ON TRADE AND HUMAN RIGHTS GOVERNANCE AND PRACTICE

- a) Role of World Organisations – UN – UNCITRAL - UNGP - World Bank, IMF, WIPO, UNDP, UNIDO - The work of the UN Human Rights Bodies - Human rights impact assessment – Trade incentives - Cooperation with other International Organizations
- b) Role of Transnational Corporations – Monopolies and right to development - Control, code of conduct of TNCs - Consumer rights and human rights – Destruction of environment and human rights
- c) Human rights in trade and investment agreements – IPR and human rights - Sanctions in third world – Social Clause - Conditional aid, trade sanctions, blockades, shame campaigns – Soft Diplomacy – Interferences – Military Interventions – Destabilisation of foreign governments, dictatorships (Arab Spring) – Impact of destabilisation of foreign governments on domestic interests

MODULE III - ENVIRONMENT, SUSTAINABLE DEVELOPMENT AND HUMAN RIGHTS

- a) Right to environment in international legal order – Sustainable development – Intergeneration equity
- b) Legal and institutional framework on human rights and environment – Precautionary, polluter pays and public trust doctrine - Stockholm Conference, Rio de Janeiro Conference Johannesburg Conference and Rio +20
- c) International Environmental Organisations and Dispute Settlement Mechanisms – Conflict management

MODULE IV - HUMAN RIGHTS NORMS RELATING TO PROTECTION OF ENVIRONMENT

- a) Procedural and substantive obligations relating to human rights – Sustainable development
- b) Right to environment – Right to food – Right to water – Right to health - Right of non-human persons - Right of natural bodies not be polluted
- c) Climate change – Obligation relating to marginalised and those in vulnerable situations - Impact of environmental damage on food security, health and global poverty

MODULE V - TRADE AND HUMAN RIGHTS GOVERNANCE IN INDIA

- a) Indian trade policy – Foreign direct investments – Trade pacts - Indian trade agreements and its effect on local traders and small farmers – Regulatory framework
- b) Right to access to medicines in India – Indian Patent Amendment Act 2005 – Traditional knowledge (Turmeric, Basmati Rice, Neem)
- c) Biopiracy – Trade secret – Transfer of technology - Judicial activism

MODULE VI- ENVIRONMENT AND NATIONAL HUMAN RIGHTS GOVERNANCE

- a) Human rights law and institutions in India relating to environment – Fundamental rights – Directive principles of state policy
- b) Human Rights Act 1993 – Environment Protection Act 1986 - The Water Act, 1974 - Air Act 1981
- c) Role of judiciary in protection of human rights – Judiciary on Right to environment and Right to development – Constitutional Remedies

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Author Krishen Koul - Guide to the WTO and GATT
2. Anupam Goyal - The WTO and International Environmental Law Towards Conciliation
3. Andrew F. Lowenfeld – International Economic Law
4. John H. Jackson, Sovereignty, the WTO and the changing fundamentals of International Trade Law
5. Day, D.M and Griffin, Bernardette - The Law of International Trade

JOURNALS / ARTICLES

1. Boyle, A. E., and Anderson M.R. (Eds.), Human Rights Approaches to Environmental Protection (Oxford: Clarendon Press 1996)
2. Woods, K., Human Rights and Environmental Sustainability (Cheltenham: Edward Elgar 2010)
3. Gear, Anna, Research handbook on human rights and the environment (Edward Elgar 2015) Hiskes, R.P., The Human Rights to a Green Future (Cambridge: Cambridge University Press 2009)
4. Kravchenko, Svitlana and John e. Bonine, Human Rights And The Environment: Cases Law, and Policy (Carolina Academic Press 2008)

5. Hayward, Tim (ed.), *Human Rights and the Environment* (Routledge 2017) Knox, John H., *The Human Rights to a Healthy Environment* (Cambridge University Press 2018)

FURTHER READING:

BOOKS

1. Philip Sands - *Principle of International Environmental Law*
2. Indira Carr and Peter Stone - *International Trade Law*
3. Petersmann, Ernest Ulrich - *The GATT/WTO Dispute Settlement System: International Law International Organization and Dispute Settlement System*
4. Alan Boyle and Patricia Birnie - *International Law and Environment.*
5. Julius Stone- *Human Law and Human Justice.*
6. R.Dworkin-*Taking rights Seriously*
7. Boyle, A. E., and Anderson M.R. (Eds.), *Human Rights Approaches to Environmental Protection* (Oxford: Clarendon Press 1996)
8. Woods, K., *Human Rights and Environmental Sustainability* (Cheltenham: Edward Elgar 2010)
9. Gear, Anna, *Research handbook on human rights and the environment* (Edward Elgar 2015)
10. Hiskes, R.P., *The Human Rights to a Green Future* (Cambridge: Cambridge University Press 2009)

JOURNALS/ARTICLES

1. Shelton, Dinah and Donald K. Anton, *Environment Protection and Human Rights* (Cambridge University Press 2011)
2. Leib, Linda Hajjar, *Human Rights and The Environment – Philosophical, Theoretical and Legal Perspectives* (Brill, 2010)
3. Coicand, Jean-Marc & others, *The Globalization of Human Rights* (Tokyo: United Nations University Press, 2003)
4. Joseph, Sara, *Blame it on the WTO? -- A Human Rights Critique* (OUP 2011) Kanade, Mihir, *The Multilateral Trading System and Human Rights: A Governance Space Theory on Linkages* (London: Routledge 2017)
5. Langford, M. et al. *Global Justice and Duties: The Extraterritorial Scope of economic, Social and Cultural Rights in International Law* (Cambridge University Press 2013)
6. Meyer, W.H., *Human Rights and International Political Economy of Third World Nations* (Westport, CT: Praeger 1998)

7. Vijapur, abdulrahim P., and Rashmi Doraiswamy (eds.), Globalization and the Third World: Issues, Prospects and Challenges. (New Delhi: Manak Publications 2009)
8. Kravchenko, Svitlana and John e. Bonine, Human Rights and The Environment: Cases Law, and Policy (Carolina Academic Press 2008)
9. Hayward, Tim (ed.), Human Rights and the Environment (Routledge 2017)
10. Knox, John H., The Human Rights to a Healthy Environment (Cambridge University Press 2018)

CASES FOR GUIDANCE

1. US v. Thailand (Thai Cigarettes Case)
2. US v. European Communities (The Hormone Beef case)
3. Canada v. France (Asbestos Case)
4. US Tuna Case I
5. US Tuna Dolphin Case II
6. Turtle Shrimp Case
7. Rural Litigation and Entitlement Kendra, Dehradun vs. State of Uttar Pradesh AIR 1987 SC 2187
8. Indian Council for Enviro-Legal Action vs. Union of India AIR 1999 SC 1502
9. M.C. Mehta vs. Union of India AIR 1988 SCR (2) 538
10. Subhash Kumar vs. State of Bihar and Ors. (1991)
11. Doon Valley Case AIR 1985 SC 652
12. M. C. Mehta vs. Union of India AIR 1988 SC 1037
13. Oleum Gas Leak Case AIR 1986 SC
14. M.C. Mehta (Taj Trapezium Matter) v. Union of India 1997 2 SCC 353
15. Municipal Corporation, Ratlam vs. Vardhichand AIR 1980 SC 1622
16. Dehradun vs. State of Uttar Pradesh AIR 1987 SC 2187
17. Animal Welfare Board of India vs. A. Nagaraj and Ors. (2014) 7 SCC 547
18. M.C. Mehta vs. Union of India WP 860/1991
19. M.C. Mehta vs. Union of India AIR 1987
20. M.C. Mehta vs. Union of India AIR 1988 SCR (2) 538

LEARNING OUTCOMES

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

- *Identify, contextualise and analyse contemporary issues and international situations on trade and environment in terms of human rights and formulate human rights-based initiatives and policies*

- *Critically analyse and apply ethical understanding and perspective to different forms of promoting and implementing human rights at both national and international levels*
- *Synthesize inter disciplinary approaches and contribute to topics relating to human rights, environment and trade.*



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

DEPARTMENT OF INTELLECTUAL PROPERTY LAW

DEPARTMENT OF INTELLECTUAL PROPERTY LAW

The Department of Intellectual Property Law of the Tamil Nadu Dr. Ambedkar Law University, Chennai was established in the year 2005, as the III branch of specialized study in the University. The LL.M in intellectual property is designed to equip the students with an advanced knowledge and understanding of intellectual property law and policy. During the course of study, the students will have the opportunity to undertake in-depth study of a range of contemporary issues in intellectual property law, and develop further critical understanding and research skills through Skill Enhancement Course and dissertation on intellectual property issue. The course is more practical oriented students in the final year visit any of the place of GI Tag and study the nature of the GI good. The department celebrate World IP Day on April 26, by organizing seminar or workshop by inviting eminent personalities in the IP field.

Intellectual property is everywhere today. The global use of intellectual property has been on the rise in the last decade and it is now an important concern in both developed and developing economies, intellectual property protection has increasingly been associated with the aims of promoting economic growth, innovation and creativity. On the one hand, IP-intensive industries are seen to make a significant contribution to GDP and national employment and bring other socio –economic benefits. On the other, tension remain between intellectual property rights and development of information and communication technologies, access to medicines and education, and the right to freedom of expressions and the right to privacy etc.

Intellectual Property Law is facing unprecedented challenges, evolving issues like cloud computing and biotechnological inventions, big data and traditional knowledge raise questions related to the continuous need to define an optimal interface between law and technology. Similarly, IP law has become a crucial factor in economic, scientific and societal/moral decisions. In view of the above objective the syllabus is thoroughly revised and the revamped syllabus will be effective from the academic year 2020-21, the course will expose to a broad range of perspectives on intellectual property law, practice and policy. It covers substantive law on all major intellectual property rights, including copyright, trademark, designs, patents and common law protection of intellectual property rights. It also examines these rights within the international intellectual property treaty framework and system. This is achieved through a combination of substantive law, judicial precedents and doctrines, customary law and practices, and practical approaches envisaged in 6 Specialized Core Papers, 3 Discipline Specific Elective Papers and 2 Generic Elective Papers which will be studied over 4 Semesters in 2 Years (CBCS System).

The ever- increasing role and impact of intellectual property law and policy makes specialized knowledge of this course a valuable asset for those: Intending to enter legal practice and specialize in intellectual property law; Seeking to work in areas such as the creative industries, cultural industries, manufacturing industries, pharmaceuticals, life sciences, computing, information and communication technologies, etc. with a focus on intellectual property; Intending to take up a policymaking role in relation to knowledge – intensive sectors; Looking to undertake further post graduate study in the area of intellectual property law or pursue a research or academic career.

The curriculum was designed in such a manner to equip the students with the latest development and challenges in IP law. The teaching pedagogy will be enriched by case study session as well as exercise in writing research paper.

THE TAMIL NADU DR.AMBEDKAR LAW UNIVERSITY

BRANCH – III

DEPARTMENT OF INTELLECTUAL PROPERTY LAW

LL.M SYLLABUS

SPECIALIZED CORE PAPERS - 06

1. Law of Intellectual Property: Evolutionary Perspective
2. Copyright Law: Policy and Governance
3. Patent Law: Comparative Jurisprudence
4. Trademark Law: Policy and Governance
5. Intellectual Property Litigation: Theory and Practice
6. Science, Technology and Intellectual Property Rights: Law and Policy

DISCIPLINE SPECIFIC ELECTIVE PAPERS - 03

7. Law and Policy Perspectives of Drugs, Cosmetics and Intellectual Property
8. Intellectual Property Rights and Competition Law
9. Law and Policy Perspective of Cultural Property, Intangible Cultural Heritage and Intellectual Property.

GENERIC ELECTIVE PAPERS - 02

10. Intellectual Property Rights and Human Rights: National and International Perspectives
11. Transnational Jurisdictional Perspective of Intellectual Property Rights

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none"> 1. Judicial Process (Common Paper-I) 2. Legal Education and Research Methodology (Common Paper-II) 3. Law of Intellectual Property: Evolutionary Perspective (Specialized Core Course-I) 4. Copyright Law: Policy and Governance (Specialized Core Course-II) 5. Intellectual Property Rights and Human Rights: National and International Perspectives (Generic Elective Course-I)
Second Semester	<ol style="list-style-type: none"> 1. Constitutional Law : The New Challenges (Common Paper-III) 2. Law and Social Transformation in India (Common Paper-IV) 3. Patent Law: Comparative Jurisprudence (Specialized Core Course-III) 4. Law and Policy Perspectives of Drugs, Cosmetics and Intellectual Property (Discipline Specific Elective Course-I) 5. Applied Research Methodology
Third Semester	<ol style="list-style-type: none"> 1. Trademark Law: Policy and Governance (Specialized Core Course-IV) 2. Intellectual Property Litigation: Theory and Practice (Specialized Core Course-V) 3. Intellectual Property Rights and Competition Law (Discipline Specific Elective Course-II) 4. Transnational Jurisdictional Perspective of Intellectual Property Rights (Generic Elective Course-II)
Fourth Semester	<ol style="list-style-type: none"> 1. Science, Technology and Intellectual Property Rights: Law and Policy (Specialized Core Course-VI) 2. Law and Policy Perspective of Cultural Property, Intangible Cultural Heritage and Intellectual Property. (Discipline Specific Elective Course-III) 3. Skill Enhancement Course(SEC) 4. Dissertation

PAPER - I
**LAW OF INTELLECTUAL PROPERTY: EVOLUTIONARY
PERSPECTIVE**

(Specialized Core Paper)

OBJECTIVE OF THE COURSE

This Course is designed to give an overview of the evolution of IPR. The paper is aimed at discussing the jurisprudence of IP. It shall be a detailed study of the concept of property and its relation with intellectual property.

With this objective the course is designed to:

- *Understand the jurisprudential and theoretical ideology behind the concept of IPRs*
- *Understand the origin and developments of IPRs*
- *Acquaint with various international conventions relating to IPR*
- *Study the contemporary issues concerning IP.*

COURSE OUTLINE

MODULE I - INTRODUCTION TO INTELLECTUAL PROPERTY

- a) Nature and Concept of Intellectual Property
- b) Types of Intellectual Property
- c) Nature of Intellectual Property Rights-Monopolistic perspective, Economic Perspective, Public Welfare Perspective

MODULE II - ORIGIN AND DEVELOPMENT

- a) Historical Development of IPRs
- b) IPRs: From National to International Character
- c) Sources of IPR-Custom, Treaties, Judicial Decision, Juristic Writings, General Principles of Law, Resolutions of International Organizations

MODULE III - IP JURISPRUDENCE

- a) Concept of Property: An Overview
- b) Theoretical justification for protection of IP – Western theories- Marxian theory – Indian theories on private property and IP

- c) Constitutional values and protection of private property and IP

MODULE IV - ECONOMIC DEVELOPMENT AND IP

- a) IP and transfer of technology & Foreign Direct Investment
- b) IP and competition
- c) Indian economy and IP protection

MODULE V - INTELLECTUAL PROPERTY RIGHTS: INTERNATIONAL PERSPECTIVE

- a) International Law and Intellectual Property Rights - Significance of Legal Protection
- b) IPR and International Institutions – WIPO, WTO, TRIPS , UNESCO– protection of folklore/cultural expressions
- c) Basic Principles-National treatment, MFN, Exhaustion of rights, Territoriality and extraterritoriality, Human Rights and Sustainable Development-policies.

MODULE VI - INTELLECTUAL PROPERTY: NATIONAL PERSPECTIVES

- a) Evolution and development of IPR in India
- b) Copyright Act - Patent Act- Trade Mark Act
- c) An overview of role of Judiciary

MODULE VII - INTELLECTUAL PROPERTY: CONTEMPORARY TRENDS

- a) IP and Cyber Technology
- b) IP and Biotechnology
- c) IPR and Cultural Relativism with reference to Traditional Knowledge

MODULE VIII - IPR: SPECIFIC ASPECTS OF HUMAN RIGHTS

- a) Right to Privacy and Confidentiality
- b) Regulations of environmental hazards and human right issues in IP protection
- c) IPR and Socio, Economic and Cultural Rights – Conflicts and Convergence

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. R.S. Bhalla, The Institution of Property : Legally, Historically and Philosophically Regarded, Eastern Book Co., (1984)
2. Penner, The Idea of Property in Law, Clarendon Press, Oxford (1997)

3. John Locke, Two Treatises on Government, Industrial Systems Research, (1970)
4. G.W.F. Hegel, The Philosophy of Rights, Cosimo Inc., (2008)
5. Karl Marx – Private Property and Communism, Hackett Publishing CO., (1844); Wage, Labour and Capital, Kessinger Publications, (1847); The Alienation of Labour, (Nicholas Beams), University of Tasmania, (1844)

JOURNALS/ARTICLES

1. John H Barton, The Economics of TRIPS: International Trade in Information – Intensive Products, 33 Geo. Wash. Int'l L. 473 (2001)
2. Keith E. Maskus & J. H. Reichman, The Globalization of Private Knowledge Goods and the Privatization of Global Public Goods, 7 J. Int'l Econ. L. 279 (2004)
3. Pamela Samuelson, The US Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997)
4. Frederick M Abbott, The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO, 5 J. Int'l Econ. L. 469 (2002)
5. Frederick M. Abbott, Non Violation Nullification or Impairment Causes of Action under the TRIPS Agreement and the Fifth Ministerial Conference: A Warning and Reminder, Quaker United Nations Office, Occasional Paper No 11 July 2003

FURTHER READING:

BOOKS

1. Copinger & Skone James on Copyright, Sweet & Maxwell, (latest edition) 8
2. Terrel on Patents, Sweet & Maxwell (latest edition)
3. Kerly's Law of Trademarks and Trade Names, Sweet & Maxwell, (latest edition)
4. Silke von Lewinski (ed.) Indigenous Heritage and Intellectual Property: Genetic Resources, Traditional Knowledge and Folklore, Kluwer International, (2008)
5. Latha R. Nair and Rajendra Kumar, Geographical Indications: A Search for Identity, Butterworths Wadhwa, (2005)
6. Anthony D. Amato – International Intellectual Property Law, Kluwer Law International
7. David I. Bainbridge – Intellectual Property Law, Pearson Education Ltd.
8. Cornish & Llewelyz-Intellectual Property, Thomson, Sweet & Maxwell
9. Catherine Colston- Principles of Intellectual Property Law, Cavendish Publication Ltd.
10. Frederick M. Abbot(Ed) - International Intellectual property in an Integrated World Economy, Wolters Kluwer.

JOURNALS/ARTICLES

1. Melvyn J. Simburg and et al., International Intellectual Property (2005) 39 International Lawyers, pp. 333-350.
2. Battling HIV -AIDS: A Decision Makers Guide to the Procurement of Medicines and Related Supplies, Y. Tayler, Ed., World Bank 2004
3. Sisule F. Musungu & Graham Dutfield, Multilateral Agreements and a TRIPS Plus World: The World Intellectual Property Organization (WIPO), TRIPS Issues Papers 3
4. Quaker United Nations Office (QUNO) Geneva Quaker International affairs Programme (QIAP) Ottawa.
5. John Barton, New Trends in Technology Transfer: Implications for National and International Policy, ICTSD Intellectual Property and Sustainable Development Series, Issue Paper No 18, Feb 2007
6. The Recognition of Rights and the Use of Names in the Internet Domain Name System, Report of the Second WIPO Internet Domain Name Process September 3, 2001 Available at <http://wipo2.wipo.int>
7. Office of United States Trade Representative 2006 Special 301 Report, Available at <http://www.ustr.gov>
8. Pamela Samuelson, The US Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997)
9. Frederick M Abbott, The Doha Declaration on the TRIPS Agreement and Public Health:
10. Lighting a Dark Corner at the WTO, 5 J. Int'l Econ. L. 469 (2002)

CASES FOR GUIDANCE

1. Donaldson v. Becket, 98 ER 257
2. Darcy v Allein, 1WPC 1; Moore K B 671
3. Ishwarlal Giridharilal Parekh v State of Maharastra, AIR (1969) SC 40
4. The Secretary of State v Vira Rayan (1885) ILR 9 Mad 175
5. Kameshwar Singh v State of Bihar AIR (1951) Pat 91
6. Shankari Prasad Singh Deo v Union of India AIR (1951) SC 455
7. State of West Bengal v Mrs Bella Banerjee AIR (1954) SC 170
8. State of West Bengal v Subodh Gopal Bose AIR (1954) SC 92
9. Dwarkadas Shrinivas v The Sholapur and Weaving Co Ltd. AIR (1954) SC 119
10. R C Cooper v Union of India AIR (1970) SC 564

11. Kesavananda v State of Kerala AIR (1973) SC 1461
12. Millar v Taylor 98 ER 201
13. Darcy v Allein; Moore KB 671
14. Clothworkers of Ipswich, Godbolt's Reports KB 252
15. Liardet v Johnson, 18 L.Q.R.280, 285
16. Blanchard v Hill 26 ER 692
17. Millionton v Fox 107 ER 834
18. Perry v Truefitt 40 ER 956
19. Croft v Day 49 ER 994
20. The Leather Cloth Co Ltd v The American Leather Cloth Co Ltd. 11 ER 1435

LEARNING OUTCOMES

After successful completion, students will have the knowledge and skills to:

- *Learn the general principles in introduction of IPRs*
- *Explain origin and development of IPRs*
- *Understand the theoretical and ideological approaches to IP*
- *Learn the international conventions and other documents pertaining to IPRs.*

PAPER - II
COPYRIGHT LAW: POLICY AND GOVERNANCE

(Specialized Core Paper)

OBJECTIVE OF THE COURSE

Copyright is a bundle of exclusive rights encouraging authors, composers, artists and designers who create original works by rewarding them with the exclusive right for a limited period to exploit the work. With the rapid technological development in the field of printing, communication, entertainment and information technology, the importance of copyright has increased enormously. The course examines the significant role played by this mechanism to achieve the balance between the public and private interest.

With this objective the course is designed to:

- *Understand the historical perspective of the copyright law and the role played by copyright to enhance the cultural heritage.*
- *Discuss the concept of neighbouring rights within the copyright system.*
- *Analyse the infringement of the copyright owners in the digital environment*
- *Discuss the copyright in the registered design and also the meaning of design, layout design and integrated circuit.*

COURSE OUTLINE

MODULE I - INTRODUCTION TO COPYRIGHT AND NEIGHBOURING RIGHTS

- a) Historical origin of Law of Copyright and Neighbouring rights
- b) Development of International Conventions/Treaties on Copyright and Neighbouring rights
- c) Historical Development of Law of Copyright and Neighbouring Rights in India-with reference to Legislative and Judicial Perspectives.

MODULE II - SUBJECT MATTER OF COPYRIGHT AND RIGHTS OF COPYRIGHT OWNER

- a) Concept of Originality-Idea/Expression dichotomy in Copyright law – Fixation and other doctrinal requirement.
- b) Works covered under Copyright

- c) Economic and Moral Rights- Co-existence of rights

MODULE III - OWNERSHIP AND ASSIGNMENT OF COPYRIGHT

- a) First owner of copyright, Joint Authorship.
- b) Assignment and Licensing of Copyright
- c) Common Law –Civil Law Percepts of Copyright (Course of employment).

MODULE IV - NEIGHBOURING RIGHTS

- a) Significance and Importance of Neighbouring rights-Types of neighbouring rights
- b) Performers and Broadcasting rights- National and International Perspectives
- c) Beijing Treaty on Audiovisual Performance

MODULE V - COPYRIGHT INFRINGEMENT AND REMEDIES

- a) Elements of infringement of Copyright- Secondary liability of infringement of copyright
- b) Limitation and exceptions to the protection of copyright
- c) Remedies for infringement- Civil remedies, Criminal Remedies and Administrative Remedies

MODULE VI - COPYRIGHT IN CYBERSPACE

- a) Protection of Computer Programme- Database Protection
- b) Copyright in Internet-Multimedia and Copyright Issues- ISP Liability.
- c) Protection of technological measures-Anti-Circumvention Law

MODULE VII - EMERGING ISSUES IN COPYRIGHT

- a) Copyright Concerns on Live Streaming
- b) Anti-trust law and Copyright misuse
- c) Jurisdictional issues-Choice of Court, Choice of Law, Recognition and Enforcement of Foreign Judgment.

MODULE VIII - COPYRIGHT IN REGISTERED DESIGN

- a) Origin and development of Industrial Design, Layout Designs and Integrated Circuit
- b) Meaning and definition of Industrial Design, Layout Designs and Integrated Circuit - overlapping of Design protection under different IP laws.
- c) Piracy of registered design.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Copinger & Skone James on Copyright, Sweet & Maxwell, (latest edition)
2. Dr. Mathew Thomas, Understanding Intellectual Property, Eastern Book Company, Lucknow (2016).
3. Elizabeth Verkey, Intellectual Property law and Practice (Eastern Book Company)2015
4. Taraporevala V J, Law of Intellectual Property,(2nd Edition) Thomson Reuters, 2013.
5. Dr. Irini A. Stamatoudi & Paul L.C.. Torremans, Copyright in the New Digital Environment: The need to redesign Copyright, Sweet & Maxwell, London, 2000

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. K Lipstein, Intellectual Property Jurisdiction or Choice of Law? The Cambridge Law Journal Vol- 61 No. 2, (July 2002) pp. 295-300.
3. Pravin Anand, India's Experience of Industrial Designs- Legal and Economic Aspects, (1990) 12 EIPR 459.
4. Yogesh A Pai, Copyright Protection for Computer Program: walking on One Leg? (2006)48 JILI 359.
5. Jane C. Ginsburg, Copyright without Borders - Choice of Forum and Choice of Law for Copyright Infringement in Cyberspace, 15 CARDOZO Arts & ENT. L.J. 153 (1997)

FURTHER READINGS:

BOOKS

1. Ronald V.Betting, Copyright Culture, The Political Economy of Intellectual Property, 1996
2. Jan J.C.Kabel and Gerard J.H.M. Mom, Intellectual Property and Information Law, Kluwer Law International, London
3. W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
4. Michael Blakeney, Trade Related Aspects of Intellectual Property Rights: A concise guide to the TRIPS Agreement

5. Wadehra, David, Law Relating to Patents, Trademarks, Copyright, Designs and Geographical Indications.
6. Stephen M. Steward, International Copyright and Neighbouring Rights, London, 1983
7. Law of Copyright: From Gutenberg's invention to internet, Delhi, 2001
8. Gopalkrishnan N S, & Agitha T G, Principles of Intellectual property. Lucknow: Eastern Book Company (2014)
9. M Sakthivel, Broadcasters Rights in the Digital Era – Copyright Concerns on Live Streaming, Martinus Nijhoff, 2020
10. Mark A Lemley, Peter S. Menell, Robert P Merges, and Pamela Samuelson, Software and Internet Law, Aspen Publishers, New York, (2006).

JOURNALS/ARTICLES

1. Brett M. Jackson, Searching for Something More: Viacom Interprets the Control Provisions of the DMCA Sec 512 (c) Safe Harbour, (2013) 54 BCL Rev 85.
2. Dana R Levin, The Future of Copyright Infringement: Metro-Goldwyn- Mayer Studios, Inc. v. Grokster, Ltd., (2006) 21 Journal of Civil Rights and Economic Development.
3. Jessica Litman, Digital Copyright: Protecting Intellectual Property on the Internet, (2001)
4. Mark A Lemley and R Anthony Reese, Reducing Digital Copyright Infringement without Restricting Innovation (2004) 20 Stan L Rev. 101.
5. Rachel Storch, Copyright Vigilantism (2013) 16 Stan Tech Law Rev. 453.
6. "Gone with the Wind Done Gone: Re-Writing and Fair Use" (2002) 115 Harv. Law Rev 1193.
7. Ann Bartow, Educational Fair Use in Copyright: Reclaiming the Right to Photocopy Freely, (1998) U Pitt L Rev. 149.
8. Edmund W. Kitch, Can The Internet Shrink Fair Use? (1999) 78 Neb L Rev 880.
9. Eugen Ulmer, Rome Convention for the Protection of Performers, Producer of Phonograms and Broadcasting Organizations, (1963) 10 BULL CR SOC 90, 165, 219, Parts I, II & III.
10. Herbert T Silverberg, Authors and Performers rights, (1958) Law & Contem Probs 125.

CASES FOR GUIDANCE

1. Eastern Book Company v D B Modak (2008)
2. R G Anand v Delux Films (1978)
3. Anil Gupta v Kunal Dasgupta (2002)

4. Baker v Selden (1880)
5. Computer Associates International Inc v Altai Inc (1992)
6. Ananda Expanded Italics, Re (2002)
7. Star India (p) Ltd v Leo Burnett (India) (P) Ltd (2003)
8. Escorts Construction Equipment Ltd v Action Construction Equipment (P) Ltd (1999)
9. Amar Nath Seghal v Union of India (2005)
10. ESPN Star Sports v Global Broadcast News Ltd (2008)
11. Indian Performing Rights Society Ltd v Eastern India Motion Picture Assn. (1977)
12. John Willey and Sons Inc v Prabhat Chander Kumar Jain (2010)
13. Najma Heptula v Orient Longman Ltd. (1989)
14. Syndicate of Press of University of Cambridge v B D Bhandari (2005)
15. Entertainment Network (India) P Ltd v Super Cassette Industries Ltd (2008)
16. Zee Telefilms Ltd v Sundial Communications (P) Ltd. (2003)
17. Feist Publications Inc v Rural Telephone Service Co (1992)
18. Metro Goldwyn Mayer Studios v Grokster Ltd. (2005)
19. Religious Technology Center v Netcom On Line Communication Services, Inc (1995)
20. A & M Records Inc v Napster (1992)

LEARNING OUTCOMES

After completion of the course students will be able to-

- *Understand the object of copyright in encouraging the intellectual creation thereby contributes to the social, economic and cultural development.*
- *Explore the global importance of copyright in the light of International instruments.*
- *Analyse critically the various opportunities available to the creators to exploit their works in the digital age.*
- *Examine the threats posed by the constant development of technology to the rights of the copyright owners.*
- *Understand the copyright in design and overlap in the protection of design under the Copyright Act and Designs Act.*

PAPER - III

PATENT LAW: COMPARATIVE JURISPRUDENCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

A patent is an exclusive monopoly right granted by the state to the person who invents new and useful product or technology. Initially patents were granted only to inanimate subject-matter which satisfies the patentability criteria. Due to the modern development of science and technology the concept of invention in patent has new dimensions. This course is designed to give an overview of patents, the registration procedure and the practice adopted with respect to this Intellectual Property across the globe. The recent trends and development that had taken place in the field of patent shall be specifically focused.

With this objective the course is designed to:

- *Understand the concept of Patent and its historical perspective both national and international.*
- *Study the procedural aspects of Patents.*
- *Understand the relation between patents and plant varieties protection and impact of patents in sustainable development of bio industry.*
- *Study the Impact of patents on Modern Technology and thereby analyzing the issues associated with.*

COURSE OUTLINE

MODULE I - HISTORY OF PATENTS

- a) History of Patent Law-National and International
- b) Study of Treaties and Conventions on Patent at International Levels
- c) International Patent System and its impact on National System.

MODULE II - PATENTABILITY CRITERIA

- a) Patentable Subject Mater- Concept of Invention and its new dimensions.
- b) Patentability Criteria
- c) Role of Judiciary in determining patentable subject matter

MODULE III - PATENT PROSECUTION

- a) Procedure for registration of invention- National and International application
- b) Specification and Claim- Disclosure Requirement.

- c) Rights of Patentee- Assignment and License of Patent

MODULE IV - ENFORCING PATENT RIGHTS

- a) Claim Interpretation-Interpretive Methodology and sources of Evidence
- b) Infringement- Doctrines of Infringement-The Literal Rule, Doctrine of Equivalence /Pith and Marrow and Patent Misuse Doctrine.
- c) Jurisdiction-Remedies

MODULE V - PROTECTION OF PLANT VARIETY AND FARMERS' RIGHT

- a) Significance and need for protection of Plant Variety.
- b) International Legal framework- UPOV Convention- International treaty on plant genetic resources for food and agriculture- TRIPS- Convention on Biological Diversity.
- c) Protection of Plant Varieties& Farmers Right Act 2001- An Overview

MODULE VI - PATENT SYSTEM AND SUSTAINABLE DEVELOPMENT

- a) Patent on Genetically Modified Organisms,
- b) Patent on terminator technology and its adverse consequences.
- c) GURT (genetic use restriction technology)-Conservation and Sustainable Use of Biological Diversity.

MODULE VII - PATENT AND NEW TECHNOLOGY

- a) Software Patents- Business Method Patents & Standard Essential Patents.
- b) Bio tech patents- Patenting of Human genes- legal, ethical and Social Issues
- c) Patent on Artificial Intelligence.

MODULE VIII - EMERGING ISSUES IN PATENTS

- a) Patent pooling- Patent thickets- Patent trolls
- b) Patents and Anti-competitive practices
- c) Anti-commons: Balance of Private and Public Interest in technological age.

BIBLIOGRAPHY

RECOMMENDED READINGS:

BOOKS

1. Carvalho, TRIPS Regime of Patent Rights, Aspen Publishers, 2010
2. Cook, Trevor. Pharmaceuticals Biotechnology and the Law. 2nded, LexisNexis, 2009
3. Donald S. Chisum, Chisum on Patent Law, LexisNexis, 2008
4. Gopalakrishnan, N. S. &Agitha T. G, Principles of Intellectual Property, Eastern Book

Company, 2009

5. Grubb, Philip W. and Thomson, Peter, Patents for Chemicals, Pharmaceuticals and Biotechnology: Fundamentals of Global law, Practice and Strategy, Oxford university Press, New York, 2010

JOURNALS/ARTICLES

1. Adam Mossoff, Rethinking the Adam Mossoff, Rethinking the Development of Patents: An Intellectual History, 1550-1800, 52 Hastings L.J. 1255 (2001)
2. Bernard F. Garvey, History of United States Patents and Present Day Norm of Patentable Inventions, 5 Miami L.Q. 541 (1951)
3. Charles W. Rivise, Invention, 13 J. Pat. Off. Soc'y 664 (1931)
4. David E. Adelman, A Fallacy of the Commons in Biotech Patent Policy, 20 Berkeley Tech. L.J. 985 (2005)
5. Eklavya Gupte, Biotech's Biggest Blockbuster, Managing Intell. Prop. 54 (2008)

FURTHER READING:

BOOKS

1. Holger Hestermryer, Human Rights and the WTO: The Case of Patents and Access to Medicine, OUP, New York, 2007
2. Richard F. Cauley, Winning the Patent Damages Case, OUP, New York, 2008
3. Uma Suthersanan, Innovation without Patents: Harnessing the Creative Spirit in a Diverse World, Edward Elgar, 2007
4. Verkey, Elizebeth, Law of Patents, Eastern Book Company, Lucknow, 2004
5. Watal, Jayashree, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press 2001
6. William Van Caenegem, Intellectual property Law and Innovation, Cambridge University, New York, 2000
7. David Bainbridge, Intellectual Property, Pearson, United Kingdom, 9th Ed., (2012)
8. Gregory A Stobbs, Software Patent, Wolters Kluwer India, (2007)
9. Li Westerlund, Biotech Patents: Equivalency and Exclusions Under European and
10. U.S. Patent Law, Kluwer Law International, Netherlands (2002)

JOURNALS/ARTICLES

1. John E. R. Hayes, The Mental Concept of Invention, 17 J. Pat. Off. Soc'y 948 (1935)

2. Juan Felipe Jimenez, Patents in Outer Space: An Approach to the Legal Framework of Future Inventions, 98 J. Pat. & Trademark Off. Soc'y 447 (2016).
3. K. P. McElroy, Invention, 13 J. Pat. Off. Soc'y 565 (1931)
4. Kevin W. O'Connor, Patenting Animals and Other Living Things, 65 S. Cal. L. Rev. 597 (1991).
5. Lisa Larrimore Ouellette, Access to Bio-Knowledge: From Gene Patents to Biomedical Materials, 2010 Stan. Tech. L. Rev. N1 (2010)
6. M. F. Bailey, History of Classification of Patents, 28 J. Pat. Off. Soc'y 537 (1946)
7. P. J. Federico, Origin and Early History of Patents, 11 J. Pat. Off. Soc'y 292 (1929)
8. Rebecca S. Eisenberg, Re-Examining the Role of Patents in Appropriating the Value of DNA Sequences, 49 Emory L. J. 783 (2000).
9. Stephen M. McJohn, Patents: Hiding from History, 24 Santa Clara Computer & High Tech. L.J. 961 (2007)
10. Timothy Caulfield, Tania bubela, and C J. Murdoch, "Myriad in the Mass Media: The Covering of a Gene Patent Controversy," Genetics in Medicine, December 2007.

CASES FOR GUIDANCE

1. Bishwanath Prasad Radhey Shyam v. Hindustan Metal Industries (1979) 2 SCC 511
2. Novartis AG v Union of India (2013) 6 SCC 1
3. Bayer Corpn v. Union of India (2012)
4. Monsanto v Nuziveedu (2019)
5. Diamond v. Diehr 450 US 175 (1981).
6. Bilski v. Kappos, 177 Led 2d 792
7. Alice Corp v. CLS Bank (2014)
8. Larami Corp. v. Amron (1993)
9. Graver Tank v. Linde Air Products Co. 339 US 605 (1950)
10. Catnic Components Ltd v Hill & Smith Ltd (1982)RPC 183
11. Improver Corp. v Remington Consumer Products Ltd. (1990) FSR 181
12. Bajaj Auto Ltd v. TVS Motors Co Ltd (2008)
13. Monsanto v Nuziveedu (2019)
14. Mayo Collaborative Services v Prometheus Laboratories Inc (2012)
15. Assn. for Molecular Pathology v. Myriad (2012)
16. Dimminaco A G v Controller of Patents and Designs
17. Monsanto Canada Inc v Schmeiser (2004)

18. Pepsi Co v Farmers Lays Potato Chips (2019)
19. Diamond v Chakrabarty 1980
20. F Hoffmann La Roche Ltd v Cipla Ltd (2012)

LEARNING OUTCOMES

After completion of the course students will be able to –

- *Develop a clear understanding about the requirements in relation to patentable subject matter and the criteria for the grant of patents and also expose them to the challenges in relation to specific fields such as biotechnology, computer software and pharmaceuticals.*
- *Will expose students to the procedural aspects of patent acquisition, both national and international.*
- *Will also familiarize the students with the system of maintenance of patent by the right holder and also the practical aspects of transfer of rights.*
- *Develop a wide understanding of patents in modern technology and its impacts.*

PAPER - IV

TRADEMARK LAW: POLICY AND GOVERNANCE

(Specialized Core Paper)

OBJECTIVE OF THE COURSE

This course is designed to give an overview trademarks and trademark law and practice in countries around the world with special reference to India. The recent trends and the development that had taken place in the field of trademarks shall be specifically focused upon. It shall be a detailed study across the historical, philosophical and legal aspects.

With this Objective the Course is designed to:

- *To understand the evolution and growth of trademark law*
- *To understand the importance of trademark and emerging issues*
- *To analyse the status of trademarks in cyberspace.*
- *To study the conflict between trademark and geographical indication and need for separate protection of GI.*

COURSE OUTLINE

MODULE I - LAW OF TRADE MARK

- a) Historical development of the concept of trademark and trademark law-National and International aspects of introduction to trademarks
- b) Trademark law within the larger scheme of IPL-Kinds of trademarks-Need for protection of Trademarks- Economic and social justification of Trademarks
- c) International legal instruments on trademarks.

MODULE II - REGISTRATION OF TRADEMARKS

- a) Grounds of refusal of registration- deceptive similarity.
- b) Procedure for registration of trademarks- National and International application
- c) Assignment and transmission of Trademarks-limitation on Licensing

MODULE III - TRADE MARK INFRINGEMENT

- a) Infringement of Trademarks- Trademark Dilution- Passing off action and its development in India
- b) Defenses to Trademark infringement- Doctrine of Exhaustion- Fair use

- c) Remedies- Civil, Criminal and Administrative remedies-unfair Competition Law

MODULE IV - TRADEMARK IN COUNTERFEIT GOODS

- a) Meaning of Counterfeit goods- Counterfeit mark- Counterfeiting remedies
- b) The International Anti-counterfeiting coalition
- c) Exhaustion of Rights-Online Trade and Measures against Counterfeit goods

MODULE V - TRADEMARK ISSUES IN CYBERSPACE

- a) Domain Names Disputes - Metatagging-Key Word advertisements
- b) ICANN-Uniform Domain Resolution Policy (UDRP) - Role of National Courts
- c) Consideration on Jurisdiction-interplay with National Laws and judgments- Jurisdiction of National Courts and Choice of Law.

MODULE VI - TRADE MARK AND GEOGRAPHICAL INDICATIONS

- a) Conflict between Trademark and geographical indications
- b) Need for protecting Geographical Indication
- c) International Protection of Geographical Indication

MODULE VII - LAW OF GEOGRAPHICAL INDICATIONS

- a) Historical background of Geographical indication in India
- b) Definition of GI-Procedure for registration- Part A & B registration
- c) Infringement, penalties and Remedies

MODULE VIII- EMERGING ISSUES

- a) National borders limits on Trademark Rights- Well known Mark
- b) Protection of Nonverbal Marks
- c) Character merchandising- Disparagement and comparative Advertisements-Parallel importation-Right of publicity- celebrity right.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Mary La France, Understanding Trademark Law, Lexis Nexis (2017)
2. Kailasam, Law of Trade Marks and Geographical Indications (2nd ed. 2009)
3. V.K. Ahuja, Law Relating to Intellectual Property Rights (2009)

4. Ashwani Kr. Bansal, Law of Trade Marks in India (2009)
5. Johan Flodgren, 'Geographical Indications and Trademarks: Synergies and Conflicts in the International Market' (2009)

JOURNALS/ARTICLES

1. Mark A Lemley, The Modern Lanham Act and the Death of Common Sense, 108 Yale L.J. 1687 (1999)
2. David R Johnson & David Post, Law and Borders- The Rise of Law in Cyberspace, 48 Stan. L. Rev. 1367 (1996).
3. Paul Schiff Berman, The Globalization of Jurisdiction, 151 U. Pa. L. Rev. 311 (2002)
4. Davis, Benjamin G. The New New Thing, Uniform Domain-Name Dispute- Resolution Policy of the Internet Corporation for Assigned Names and Numbers The Journal of World Intellectual Property, Vol. 3, No. 4, July 2000
5. B R Rutherford, Trademarks and Comparative Advertising, The Comparative and International Law Journal of Southern Africa, Vol 43 No. 2 July 2010, pp 173-89.

FURTHER READING:

BOOKS

1. Jayashree Watal, Intellectual Property rights in the WTO and Developing Countries, kluwer law International, 2001
2. UNCTAD-ICTSD, Resource book on TRIPs and Development, Cambridge University Press, 2005
3. T. Ramappa, Intellectual Property Rights under WTO: Tasks before India, Wheeler Publishing , 2000
4. Indralina Sen, Comparative Advertisement and Trademark Infringement: A Comparative Analysis, 2019.
5. Ananth Padmanabhan, Intellectual Property Rights: Infringement and Remedies, Lexis Nexis, Nagpur 2012
6. N S Gopalakrishnan, Principles of Intellectual Property, EBC, Lucknow, 2014
7. J. S. Sarkar, Trademarks- Law and Practice, 1997.
8. Dinwoodie & Janis, Trademark and Unfair Competition, Law and Policy, Wolters Kluwer (2018)
9. Joseph & David, Trademark and Unfair Competition, Carolina Academic Press (2010)

10. Jane C Ginsburg, Jessica Litman and Mary Kevlin, Trademark and Unfair Competition, Cases and Material, sixth Edition, Carolina Academic Press (2017)

JOURNALS/ARTICLES

1. Gary M. Ropski, The Right of Publicity - The Trend towards Protecting a Celebrity's Celebrity, 72 TRADEMARK REP. 251 (1982).
2. Tone Jagodic & Zlatko Matesa, The Legal Aspects of Ambush Marketing, 56 ZB. RADOVA 271 (2019).
3. John F. Hacking, Trademark Dilution: Setting the Dilution Standard under the Federal Trademark Dilution Act, 5 TUL. J. TECH. & INTELL. PROP. 115 (2003).
4. Ian S. Blackshaw & Gillian Hogg, Comparative Advertising and Product Disparagement, 13 TOLLEY'S J. MEDIA L. & PRAC. 294 (1992).
5. N. M. Dawson, Trade Mark Law and the Creation and Preservation of Well-Known Brands, 49 N. IR. LEGAL Q. 343 (1998).
6. Thorsten Klein, Madrid Trademark Agreement vs. Madrid Protocol, 12 J. CONTEMP. LEGAL Issues 484 (2001).
7. Rachel Jane Posner, Manipulative Metatagging, Search Engine Baiting, and Initial Interest Confusion, 33 COLUM. J.L. & Soc. Probs. 439 (2000).
8. Rembert Meyer-Rochow, Passing Off - Past, Present and Future, 84 TRADEMARK REP. 38 (1994).
9. William McGeeveran, Rethinking Trademark Fair Use, 94 IOWA L. REV. 49 (2008).
10. David S. Welkowitz, Reexamining Trademark Dilution , 44 VAND. L. REV. 531 (1991).

CASES FOR GUIDANCE

1. Panavision International v Toeppen
2. Polaroid Corp v Polarad Elects Corp
3. DC Comics v Powers
4. Smith v Chanel
5. Starbucks Corp. v Wolfer Borough Coffee Inc
6. Rolex watch USA, Inc. v Michael Co.
7. Yahoo Inc v Akash Arora (1999)
8. ICC Development (Int) Ltd. v ARVEE Enterprises (2003)
9. Star India (P) Ltd v Leo Burnett (India) (P) Ltd (2003)

10. Daimler Benz Aktiegesellschaft v Hybo Hindustan (1994)
11. Dychem Ltd v Cadbury (India) ltd (2000)
12. Cadila Health Care Ltd v Cadila Pharmaceutical Ltd (2001)
13. Pepsi Co Inc v Hindusthan Coco Cola (2001)
14. Durga Dutt Sharma v Navaratna Pharmaceutical Laboratories (1965)
15. TATA Sons v Greenpeace International (2011)
16. Kapil Wadhwa v Samsung Electronics Co Ltd (2012)
17. N R Dongre v Whirlpool Corpn (1996)
18. ITC Ltd v Registrar of Trademark (1968)
19. Amritdhara Pharmacy v Satya Deo Gupta (1963)
20. Jolen Inc v Shoban Lal (2001)

LEARNING OUTCOMES

After completion of the course students will be able to-

- *Develop a clear understanding of the Law of Trademark and Law of Geographical Indication*
- *Analyse the trademark issues in cyberspace*
- *Understand the various kinds of infringements and remedies for infringement*
- *Examine the Uniform Dispute Resolution Policy in resolving the Trademark issues in Cyberspace*
- *Understand the emerging issues in trademark law such as Character merchandising, Ambush Marketing, Right to privacy and celebrity right*

PAPER - V
INTELLECTUAL PROPERTY LITIGATION: THEORY AND PRACTICE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

This course is intended to teach the application of law in terms of court's principles and procedures exclusively for deciding intellectual property cases. Most significantly, in deciding Intellectual property cases both Supreme Court and High Courts in India are apparently following foreign judgments in many occasions. Intellectual property laws confer monopoly to the owners of intellectual property so the enforcement of intellectual property rights is getting more crucial.

The main objective of the course is to-

- *Impart practical perspective of IPR enforcement mechanism by discussing various tests, rules and procedures laid down by the courts in case of infringement of IPRs.*
- *Teach international and cross border litigations of intellectual property rights.*
- *Study various doctrines evolved by the judiciary in the enforcement of IP*
- *Study the dispute settlement mechanism of WTO.*

COURSE OUTLINE

MODULE I - LITIGATION RELATING TO COPYRIGHT

- a) Copyright infringement-Direct infringement and indirect infringement
- b) Online Copyright Piracy- liability of internet service provider- Anti Circumvention Law.
- c) Exception to Copyrighted work-Exhaustion of Copyrighted work

MODULE II - LITIGATION RELATING TO PATENT AND TRADE SECRET

- a) Claim interpretation or Construction- Infringement of Patent- Literal infringement- Doctrine of Equivalents/Doctrine of Pith and Marrow
- b) Limitation and exception-Doctrine of First Sale-parallel import
- c) Infringement of trade secrets- breach of trust- Springboard doctrine.

MODULE III - LITIGATION RELATING TO INDUSTRIAL DESIGN AND THE SEMICONDUCTOR INTEGRATED CIRCUIT LAYOUT DESIGN

- a) Definition of Design-prohibition of registration of design –copyright on registration
- b) Piracy of registered design
- c) Infringement of layout design of Integrated Circuit-Reverse Engineering of layout design.

MODULE IV - LITIGATION RELATING TO TRADE MARKS

- a) Infringement of trademark-Deceptive similarity-Polaroid Factors
- b) Concept of Dilution- New trends in Passing off.
- c) Fair use of trademark- Doctrine of exhaustion of right in trademark.

MODULE V - LITIGATION RELATING TO GEOGRAPHICAL INDICATIONS

- a) Definition of Geographical indication-Prohibition of registration of certain geographical indication
- b) Registered proprietor and Authorised user-rights conferred by registration.
- c) Infringement of registered GI--special provisions relating to trademark and prior user-

MODULE VI - LITIGATION RELATING TO PLANT VARIETIES

- a) Definition of variety- Registerable varieties -rights of breeder, farmers and researchers.
- b) Infringement –protection of innocent infringement by farmers,
- c) Access to biological diversity-sustainable use of diversity - Transfer of technology and equitable sharing of benefits.

MODULE VII - ENFORCEMENT OF IPR UNDER TRIPS AGREEMENT

- a) Prior to TRIPS Agreement –Berne Convention and Paris Convention- reference to International Court of justice
- b) Enforcement, Acquisition and Maintenance of Rights under TRIPS Agreement
- c) Dispute settlement mechanism –XXII and XXIII of GATT 1994- - Dispute Settlement Understanding (DSU).

MODULE VIII - CROSS-BORDER IPR LITIGATIONS

- a) Private International Law and Intellectual property law
- b) Hague Convention on Choice of Court and Choice of law- Recognition and enforcement of foreign judgment.
- c) Cross-border Intellectual property disputes in digital environment

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Arnaud Nuyts –International Litigation in Intellectual Property and Information Technology,(1st Ed.,) Wolters Kluwer, New York, 2008
2. V.K. Ahuja, Law Relating to Intellectual Property Rights (Lexis Nexis) 2015
3. Elizabeth Verkey, Intellectual Property law and Practice ,Eastern Book Company, 2015
4. Taraporevala V J, Law of Intellectual Property,(2nd Edition) Thomason Reuters, 2013.
5. James J. Fawcett and Paul Torremans: Intellectual Property and Private International Law,2012, (oxford)

JOURNAL/ARTICLES

1. Ruth Okediji, Towards an International Fair Use Doctrine 39 Colum J. Transnat'l L. 75 (2000)
2. Andrew S. Brown, Amgen v. HMR: A Case for Deference in Claim Construction (2007) 20 Harv. JL Tech 479
3. Raj S Dave, A Mathematical Approach to Claim Elements and the Doctrine Of Equivalentents (2003) 16 Harv. J L Tech 508.
4. Hazel Carty, Dilution and Passing Off: Cause for Concern (1996) 112 LQR 632
5. Kern Alexander, The Mareva Injunction and Anton Piller Order: The Nuclear Weapons of English Commercial Litigation (1997) 11 Fla J Int'l L. 487

FURTHER READING:

BOOKS

1. 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
2. Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle(15th ed. 2005) Indian Reprint, 2008
3. Rama Sarma, Commentary on Intellectual property Laws, Vol.2. Nagpur: Lexis Nexis Butterworths Wadhawa (2009)
4. Abbott, F., T. Cottier and F. Gurry (1999) The International Intellectual Property System: Commentary and Materials. The Hague, London and Boston, Kluwer Law International

5. Terrel on Patents, Sweet and Maxwell, London (1994)
6. Kerly's Law on Trademarks and Trade Names, Sweet and Maxwell. Wolters Kluwer (2015)
7. Russell Clarke, Industrial Design, Sweet and Maxwell, 9th Ed., (2016).
8. Julie E. Cohen and *Et al.*, Copyright in a Global Information Economy, Aspen Publisher, Wolters Kluwer, (2010)
9. Resource Book on TRIPS and Development, UNCTAD- ICTSD (2004)
10. John Cross, Global Issues in Intellectual Property Law- Cases and Materials, west Publisher (1st ed.,) 2010

JOURNALS/ARTICLES

1. N S Gopalakrishnan, Administrative Remedies in Intellectual Property Protection under TRIPs and Indian Law: Border Control Measures 2000 CLC 1 (Jr) 23
2. Mabel Tsui, Access to Medicine and The Dangers of Patent Linkage: Lesson From Bayer Corp v. Union of India (2011) 18 Journal of Law and Medicine 577-88
3. Ron A Bouchard et al., Structure Function Analysis of Global Pharmaceutical Linkage Regulations (2011) 12 Minn J L Sci & Tech 391-457.
4. Peter S. Menell, Economic Implication of State Sovereign Immunity from Infringement of Federal Intellectual Property Rights, 33 Loy. L. A. L. Rev. 1399 (2000)
5. Pamela Samuelson & Tara Wheatland, Statutory Damages in Copyright Law: A remedy in Need of Reform 51 Wm & Mary L. Rev. 495 (2009)
6. Alan Latman, Probative Similarity as Proof of Copying: Towards Dispelling Some Myths in Copyright Infringement? (1990) Colum L. Rev 1187.
7. Adam V. Vickers, Comment, Peering Beyond Today's Internet File sharing Concerns: The Future of Bit Torrent Technology, 8 Tul. J. Tech & Intell. Prop. 133 (2006)
8. Neil Weinstock Netanel, Impose a Non Commercial Use Levy to Allow Free Peer to Peer File Sharing 17 Harv. J. L. & Tech 1 (2003)
9. Michael J Madison, A Pattern Oriented Approach to Fair Use, 45 Wm & Mary L. Rev 1525 (2004)
10. Pamela Samuelson & Suzanne Scotcher, The Law and Economics of Reverse Engineering, Yale L. J. 1575 (2002)

CASES FOR GUIDANCE

1. R. G. Anand v. Delux Films (1978) 4 SCC 118

2. Computer Associates International Inc v. Altai 982 F.2d 693 (3rd Cir 1992)
3. Kelly v. Arriba Soft Corp (2003)
4. Delhi University Photo Copying Case – The Chancellor Masters and Scholars of the University of Oxford v. Rameshwari Photocopy Services (2012)
5. Sega Enterprises Ltd v. Accolade Inc (1992)
6. A & M Records v. Napster Inc (2001)
7. Phillips v AWH Corporation (2005)
8. Larami Corp. v. Amron (1993)
9. Graver Tank v. Linde Air Products Co. 339 US 605 (1950)
10. Catnic Components Ltd v Hill & Smith Ltd (1982)RPC 183
11. Improver Corp. v Remington Consumer Products Ltd. (1990) FSR 181
12. Bajaj Auto Ltd v. TVS Motors Co Ltd (2008)
13. Monsanto v Nuziveedu (2019)
14. Britannia Industries Ltd v. Sara Lee Bakery AIR 2000 Mad 497
15. Erven Warnink v. J Townend & Sons Ltd (1979)
16. S M Dyechem Ltd., v Cadbury (India) ltd (2000)
17. Cadila Health Care Ltd v Cadila Pharmaceutical Ltd (2001)
18. Scotch Whisky Assn., v Pravara Sahakar Shakar Karkhana Ltd AIR 1992 Bom 294
19. Syndicate of Press of University of Cambridge v B. D. Bhandari (2005) 31 PTC 58 (Del)
20. Kapil Wadhwa v. Samsung Electronics Co. Ltd (2012) 53 PTC 112 (Del)

LEARNING OUTCOMES

After completion of the course students will be able to –

- *Learn the practical application IP Laws*
- *Examine different rules and tests laid down by the courts in different jurisdictions*
- *Understand the interpretation of IP Laws*
- *Discuss and learn about cross border IP litigations*
- *Learn international IP enforcement mechanisms*

PAPER - VI

SCIENCE, TECHNOLOGY AND INTELLECTUAL PROPERTY RIGHTS: LAW AND POLICY

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

The protection of Intellectual Property is of high priority in the modern times due to the rapid advancement in science and technology, especially in the field of Information and Communications, Biotechnology, Pharmaceutical drugs etc. These technologies are expensive to develop but at the same time they are vulnerable to infringement. The revolution in the technologies leads to the new Intellectual Property regime in order to incentivize the innovations and simultaneously ensuring the technology transfer. This course will focus on the significance of Intellectual Property Rights in achieving the myriad benefits from the science and technological innovations.

With this Objective the Course is designed to

- *Analyse the nature of the Intellectual Property system and their implications for the science and technology.*
- *Understand the necessity of effective Intellectual Property protection in the new trends of innovation.*
- *Examine the difficulty in the assertion of Intellectual Property Rights in the new technologies through the traditional enforcement mechanisms.*
- *Review the current Intellectual Property mechanisms to protect the emerging technologies at the national and international levels.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Development in Science and Technology
- b) Impact of Science and technology on human rights and preservation of human health
- c) Nature of Intellectual Property Rights-effectiveness in protecting the new technologies-Broadening the scope of IP regime

MODULE II - IPR AND BIOTECHNOLOGY

- a) Meaning of Biotechnology-Different Generation of biotechnology.
- b) Evolution of Biotech Patent Law- Product of nature doctrine

- c) Microorganism as a patentable subject matter-Gene patent.

MODULE III - AGRICULTURAL BIOTECHNOLOGY

- a) Green Technology-Bio safety and biodiversity-conservation of biological diversity.
- b) Impact of biotechnology on biological diversity
- c) Legal regulation of biological diversity and Farmers' Right

MODULE IV - BIO –SAFETY CONCERNS IN BIOTECHNOLOGY

- a) Cartagena protocol on bio-safety and WTO
- b) Bio safety clearing house, precautionary principle
- c) Genetically modified organisms (GMO) and Living Modified Organisms (LMO), concerns in trade in GMO/LMO

MODULE V - IPR AND PHARMACEUTICALS

- a) Role of IPR in development and access to Pharmaceutical drugs
- b) Patent Linkage
- c) Data Exclusivity

MODULE VI - IPR AND COMPUTER PROGRAMME

- a) Copyright Protection of Computer programme
- b) Software Patent-Patentability of computer related invention
- c) Business method Patent

MODULE VII - IPR ISSUES IN CYBERSPACE

- a) Copyright Issues in Cyberspace
- b) Secondary Liability of Technology providers-ISP Liability
- c) Trademark Issues in Cyberspace

MODULE VIII - NEW ISSUES AND CHALLENGES

- a) Database Protection and Right to privacy
- b) Artificial Intelligence – Big Data Analytics
- c) Block Chain Technology and IP

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Katju Markanday, Law in the Scientific Era- The Theory of Dynamic Positivism,

- Universal Law Publication (2000).
2. Carolina Lasén Díaz, Intellectual Property Rights and Biological Resources, Wuppertal Institute for Climate, Environment and Energy, 2005.
 3. Kshitij Kumar Singh, Biotechnology and Intellectual Property Rights Legal and Social Implications, Springer India 2015.
 4. Dr Ramakrishna.T (edited) Biotechnology and Intellectual Property Rights, Center for Intellectual Property rights and Advocacy (CIPRA), National Law School of India University, Bangalore, First Edition, 2003.
 5. David Bainbridge, Information Technology and Intellectual Property Law, Bloomsbury Professional, 7th Edition, (2019).

JOURNALS/ARTICLES

1. Justine Pila, Bound Futures: Patent Law and Modern Biotechnology, 9 B.U. J. Sci. & TECH. L. 326 (2003).
2. John W. Schlichter, Biotechnology and the Patent System; Patent Law and Procedures for Biotechnology, Health Care and Other Industries, 4 U. BALT. INTELL. PROP. L.J. 121 (1996).
3. Shaoyi Alex Liao, Resolving the Dilemmas between the Patent Law and Biotechnology: An Analysis of Three Recent Biotechnology Patent Cases, 11 Santa CLARA COMPUTER & HIGH TECH. L. J. 229 (1995).
4. Blockchain and the Law: A Critical Evaluation, 2 Stan. J. BLOCKCHAIN L. & POL'y 1 (2019).
5. Jose Carlos Erdozain, How Will the IP World Respond to the Rise of AI, 281 MANAGING INTELL. PROP. 56 (2019).

FURTHER READING:

BOOKS

1. Roger Brownsword, W.R. Cornish and Margaret Llewelyn, The Modern Law review, Human genetics and the law: Regulating a revolution, Blackwell publishers, 1998.
2. Sivaramaiah Shantaram, Jane F. Montgomery, Biotechnology, Biosafety and Biodiversity-Scientific and ethical issues for sustainable development, Oxford and IBH publishing Co. Pvt. Ltd, New Delhi, 1999, Reprinted 2000.
3. Zaveri.N.B, Patents for future, Vakils Feffer and Simons Limited, Mumbai, First Edition, 2001.
4. Kauser Abdulla Malik, Yusuf Zafar, Intellectual Property Rights in Plant

- Biotechnology: A Contribution to Crop Biosecurity, Asian Biotechnology and Development Review, 2005.
5. Jonathan Curci, The New Challenges to the International Patentability of Biotechnology: Legal Relations Between the WTO Treaty on Trade-Related Aspects of Intellectual Property Rights and the Convention on Biological Diversity, Brigham Young University International Law & Management Review, 2005.
 6. Pamela Samuelson et.al. "A Manifesto Concerning the Legal Protection of Computer Programs, Columbia Law Review.
 7. Chris Reed, Internet Law, Text and Material, Universal Law Publishing Co. Pvt. Ltd. (2005)
 8. Pamela Samuelson, "Privacy as Intellectual Property", Stanford Law Review
 9. P. BerntHugen Holtz, Copyright and Electronic Commerce, Kluwer Law International, London
 10. Mark J. Davidson, Legal Protection of Databases, Cambridge University Press, London

JOURNALS/ ARTICLES

1. Stacey L. Dogan & Mark A. Lemley, Trademarks and Consumer Search Costs on the Internet, 41 Hous. L. Rev. 777 (2004).
2. Mark A. Lemley and R Anthony Reese, Reducing Digital Copyright Infringement without Restricting Innovation, 56 Stan. L. Rev. 1345 (2004).
3. Pamela Samuelson, intellectual Property and The Digital Economy: Why the Anti-Circumvention Regulations Need to be Revised, 14 Berkely Tech. L. J. 519 (1999).
4. Julie Cohen, Reverse Engineering and the Rise of Electronic Vigilantism: Intellectual Property Implications of "Lock-Out" Technologies 68 S. Cal. L. Rev 1091 (1995)
5. Rochelle Cooper Dreyfuss, Are Business Method Patent Bad for Business? 16 Santa Clara Computer & High Tech. L.J. 263 (2000)
6. Mark A. Lemley, Intellectual Property and Shrinkwrap Licenses, 68 S. Cal L. Rev. 1239 (1995)
7. Jinku Huang, Is the ACPA a Safe Haven for Trade Mark Infringers? Rethinking the Unilateral Application of the Lanham Act 22 J. Marshall J. Comp. & Info. L. 655 (2004)
8. Jessica Litman, Sharing and Stealing, 26 Hastings Comm. & Entertainment L. (2004)
9. Neil W. Netanel, Impose a Non Commercial Use Levy to allow Free Peer-to-Peer File Sharing 17 Harv. J. L. & Tech. 1. (2003)
10. Pamela Samuelson, Did MGM Really Win the Grokster Case? 48 Communications ACM 19 (2005)

CASES FOR GUIDANCE

1. Diamond v Chakrabarty 1980
2. Diamond v Diehr 1981
3. Bilski v Kappos (2010)
4. Alice Corp Private Ltd v CLS bank (2014)
5. Mayo Collaborative Services v Prometheus Laboratories Inc (2012)
6. Assn. for Molecular Pathology v. Myriad (2012)
7. Novartis A G v Union of India (2007)(2013)
8. Dimminaco A G v Controller of Patents and Designs
9. Bayer Corporation v Union of India
10. Monsanto v Nuziveedu (2019)
11. Monsanto Canada Inc v Schmeiser (2004)
12. Pepsi Co v Farmers Lays Potato Chips (2019)
13. Computer Associates international inc., v. altai 982 F.2d 693 (3rd Cir 1992)
14. Sega EnterPrises Ltd v. Accolade Inc., (1992)
15. A & M Records v Napster Inc., 239 F. 3d 1004 (9th Cir. 2001)
16. Metro-Goldwyn-Mayer Studios Inc v. Grokster, Ltd 125 S. Ct. 2754 (2005)
17. Yahoo Inc v. Akash Arora & Anr, 78 (1999) DLT 285
18. Panavision International L. P. v. Toeppen 141 F.3d 1316 (9th Cir 1998)
19. Brookfield Communications inc v. West Coast Entertainment Corporation 174 F.3d 1036 (9th Cir 1999)
20. Tata Sons V Greenpeace International (2011)178 DLT 705

LEARNING OUTCOMES

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

- *Analyse the impact of new technologies in balancing the objective behind the Intellectual Property system*
- *Understand the importance of strong Intellectual Property rights in facilitating the economic growth and industrialization.*
- *Appreciate the re-evaluation of current Intellectual Property system to accommodate the imperative of new emerging technologies*
- *Examine the role of International Organisations in the technology transfer to developing and least developed countries.*

PAPER - VII

LAW AND POLICY PERSPECTIVES OF DRUGS, COSMETICS AND INTELLECTUAL PROPERTY

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

The Course is designed to understand the significance and emerging need of Pharma IP and right to public health and how these paradigm shift in pharma Patents affects global drug industry and access of human rights.

With this objective the course is designed to:

- *Understand the concept of Pharmaceutical patents*
- *Study the need of global drug market and competitive policies*
- *Understand WTO and Public Health against monopolies*
- *Study the economic aspects of cosmetic patents.*
- *Discuss the linking of generic drug market approval to the status of patent*

COURSE OUTLINE

MODULE I - INTRODUCTION TO PHARMACEUTICAL PATENT

- a) Patenting of pharmaceutical inventions-Issues and Challenges
- b) TRIPS flexibilities and response of India- Doha Declaration
- c) Facilitating Access to Medicines-Indian Patent System and International Obligations- Price Control Policy- Drug Price Control Order

MODULE II - DRUGS AND COSMETICS ACT

- a) DCA & DCR- Market approval of drugs
- b) Powers and Function of Drug Controller General of India (DCGI).
- c) Import, manufacture, sale, distribution and prohibition of Drugs and Cosmetics

MODULE III - TEST DATA AND PHARMACEUTICAL INDUSTRIES

- a) Protection of test data-Paris Convention, TRIPS Agreement - Data Exclusivity in US and EU;
- b) Protection of test data in India- test data requirement under Drugs and Cosmetics Act 1940

- c) Protection of test data and pharmaceutical industry-unfair commercial use and compulsory licensing.

MODULE IV - TRIPS PLUS AND PATENT LINKAGE SYSTEM

- a) Patent Linkage system-market approval of generic drug.
- b) Hatch Waxman Act -EU Directive on Medicinal Product.
- c) Enforcement of patent through Drug and Cosmetics Act- *Federal Trade Agreements*-Bipartisan Congressional Trade Priorities and Accountability Act 2015.

MODULE V - IP AND COSMETICS INDUSTRY

- a) Intellectual property protection on the cosmetics and perfumes market
- b) IPR crimes in Cosmetic Industry-Licensing of proprietary products and intellectual property - counterfeiters and unauthorized sellers.
- c) EPO Patents - Anti-Counterfeit technologies – Radio Frequency Identification (RFID) - OHIM report on IPR infringement in the cosmetics- Procter and Gamble Patents - Loreal Patents - Henkel Patents

MODULE VI - INTELLECTUAL PROPERTY, HUMAN RIGHTS AND ACCESS TO MEDICINES

- a) Pandemics and Global Burden diseases - International Human Rights regime and access to drugs - Health as a human right - Art.27. 2 of UDHR
- b) Ever greening of Pharmaceuticals - Economic Justice - Impact of Public Health
- c) Human Right to Health vs. Patent Right - Access to Medicines in third world nations.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. S. N. Katju, Encyclopaedia on Law of Drugs, 6th Revised New Edn, Delhi Law House, (2013)
2. Ravi Kant, Shiva Nath Katju, S.N. Katju's Commentary on Law of Drugs With Latest Amendments on Drugs and Cosmetics along with Narcotic Drugs and Psychotropic Substances Act and Notifications, Delhi Law House, 2002
3. Richard A. Guarino, New Drug Approval Process, CRC Press, 2009
4. Sampat BN, Shadlen KC. Patent watch: Drug patenting in India: Looking back and looking forward. *Nat Rev Drug Discov.* 2015;14:519–20.

5. Feroz Ali Khader, *The Law of Patents- With Special a Focus on Pharmaceutical in India*, Lexis Nexis (2011)

JOURNALS/ARTICLES

1. Shwetaree Majumder & Lucy Harrold, *Protecting Healthcare IP in India*, *Managing Intell. Prop.* 131 (2008).
2. Craig J Konnoth, *Drugs' Other Side-Effects*, 105 *IOWA L. Rev.* 171 (2019).
3. Kevin Outterson & Ryan Smith, *Counterfeit Drugs: The Good, the Bad, and the Ugly*, 16 *Alb.L.J.Sci. & Tech.* 525 (2006).
4. Peter Ollier, *Controversy over Drugs Patent Linkage in India*, *Managing Intell. Prop.* 16 (2009).
5. *Future of Innovation in Medicine: Incentives for New Medical Treatments and Global Health*: Transcript, 12 *Wash. J.L.tech & Arts* 293 (2017).

FURTHER READING:

BOOKS

1. Vijay Malik and Elizabeth Verkey, *Law Relating to Drugs & Cosmetics*, EBC 2013
2. Peter Elsner, *Cosmeceuticals Drugs v Cosmetics* (2000)
3. Gisbert Ottersatter, *Coloring of Foods, Drugs & Cosmetics* (1999)
4. Vimala Devi, *Text Book of Herbal Cosmetics* CBS Publisher (2019)
5. Shailendra Saraf and Swarna Lata Saraf, *Cosmetics a Practical Manual* (2014).
6. Carvalho, *TRIPS Regime of Patent Rights*, Aspen Publishers, 2010
7. Cook, Trevor. *Pharmaceuticals Biotechnology and the Law*. 2nded, LexisNexis, 2009
8. Donald S. Chisum, *Chisum on Patent Law*, LexisNexis, 2008
9. Gopalakrishnan, N. S. & Agitha T. G, *Principles of Intellectual Property*, Eastern Book Company, 2009
10. Grubb, Philip W. and Thomson, Peter, *Patents for Chemicals, Pharmaceuticals and Biotechnology: Fundamentals of Global law, Practice and Strategy*, Oxford university Press, New York, 2010

JOURNALS/ARTICLES

1. Jed Odermatt, *Investigating New Models of Pharmaceutical Innovation to Protect the Human Right to Health*. The European Law Students' Association (www.elsa.org)
2. Aaron S. Kesselheim. *Intellectual Property Policy in the Pharmaceutical Sciences: The Effect of Inappropriate Patents and Market Exclusivity Extensions on the Health Care*

- System. Division of Pharmacoepidemiology and Pharmacoeconomics, Brigham and Women's Hospital, Harvard Medical School, Boston. The AAPS Journal 2007
3. Liu, J. (2015). Compulsory licensing and anti-evergreening: Interpreting the TRIPS flexibilities in Sections 84 and 3(d) of the Indian Patents Act. Harvard International Law Journal, 56(1), 207–227.
 4. Jennifer Lei, Makeup or Fakeup?: The Need to Regulate Counterfeit Cosmetics Through Improved Chinese Intellectual Property Enforcement, 88 Fordham L. Rev. 309 (2019).
 5. Sanjeev Chandran, Archana Roy and Lokesh Jain, “Implications of New Patent Regime on Indian Pharmaceutical Industry: Challenges and Opportunities” 10 Journal of Intellectual Property rights 269-280, 2005.
 6. K M Gopakumar, *Product Patents and Access to Medicines in India: A Critical Review of the Implementation of TRIPS Patent Regime*, The Law and Development Review, Vol 3 (2010)326-368.
 7. Vipin Mathur “Patenting of Pharmaceuticals: An Indian Perspective”, Int. J. Drug Dev. & Res., July-September 2012, 4(3): 27-34
 8. Balaji Subramanian, Requiem for a Dream: Price Control, IP and Competition in the Pharmaceutical Market, 12 NALSAR Stud. L. REV. [5] (2017).
 9. U. S. Government Printing Office. Legislative History of the Federal Food, Drug, and Cosmetic Act and Its Amendments (1961).
 10. Laura A. Heymann, The Cosmetic/Drug Dilemma: FDA Regulation of Alpha- Hydroxy Acids, 52 FOOD & DRUG L.J. 357 (1997).

CASES FOR GUIDANCE

1. Aerotel Ltd. v. Telco Holdings Ltd. [2006] EWHC 997 (pat)
2. Synthon BV v. SmithKline Beecham Plc. (2006) RCP 10, 22 (HL)
3. Novartis AG v. Johnson & Johnson Medical Ltd. 2009 EWHC 1671 (pat)
4. Environmental Designs Ltd. V. Union Oil Co. 713 F 2d 693 (Fed Cir 1983)
5. Dyson v. Hoover, 2002 RPC 465
6. Windsurfing international Inc. v. Tabur Marine (GB) Ltd 1985 RCP 59
7. Cipla Ltd. v. F.Hoffmann-La Roche Ltd. & Anr
8. Quanta Computer, Inc v. LG Electronics Inc., 453 F. 3d 1364
9. Roche Products, Inc. v. Bolar Pharmaceutical Inc. 733 F. 2d 863
10. Poppenhausen v. Falke, 110 F.Cas. 1048, 1049 (C.C.S.C.N.Y. 1861)

11. In re Krimmel
12. Novartis Pharmaceuticals Corp. v. Leavitt 435 F.3d 344 (D.C. Cir 2006)
13. Millennium Pharmaceuticals, Inc v. Zylfas Medical Co (2020) SGHC 28
14. Merck Frosst Canada Ltd. v. Apotex Inc., 2009 FCA 187
15. Bristol-Myers Squibb Co. v. Hetero Drugs Ltd., CS (OS) No.2680/2008
16. Bayer Corporation and Ors V. Union of India (UOI) and Ors. 2009 (41) PTC 634 (Del)
17. People's Union of Civil Liberties v. Union of India (1997) 1 SCC 301
18. Consumer Education & Research Centre v. Union of India & Others, AIR 1995 S.C.C (3) 42
19. Paschim Banga Khet Samity v. West Bengal, AIR 1996 S.C. 2426
20. Natco Pharma Limited v. Bayer Corporation (2010).

LEARNING OUTCOMES

After completion of the course students will be able to –

- *Explore the need of Pharma Patents and Public Health in compliance with International Legislation*
- *Understand the need for streamlined regulation in pharma patents industry*
- *Study the role of WTO, TRIPS in balancing patent industry and public health.*
- *Examine the Judicial Pronouncements in Compulsory Licensing.*
- *Study the Human Rights Approach in drug and cosmetic industries.*
- *Examine the Patent Linkage between the Drug Regulatory Authority and Patent Controller while granting approval of generic drug.*

PAPER - VIII

INTELLECTUAL PROPERTY RIGHTS AND COMPETITION LAW

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

Intellectual Property Rights promote innovation by granting exclusionary rights and protection to the creators. Competition law addresses the threats posed by anti-competitive practices in order to sustain competitive market. The intersection of Intellectual property rights and competition law appears when the Intellectual property owners exploit their rights in an inappropriate manner thereby causing harm to the consumers and competitors. This course will focus on the conflict which arises between IPR and Competition law due to the conduct of Intellectual property owners

With this Objective the Course is designed to:

- *Understand the importance of competition law in protecting the consumers and ensuring competition in market thereby preventing market distortions.*
- *Discuss the vital interplay between Intellectual Property Law and Competition Law*
- *Critically analyse the various IPR related competition cases in India and other jurisdictions*

COURSE OUTLINE

MODULE I - INTRODUCTION TO INTELLECTUAL PROPERTY

- a) Intellectual Property- An Overview
- b) Rights of owners of intellectual Property- Exhaustion of Rights
- c) Balancing of Owners and users' interest-limitation and exceptions- TRIPS Flexibilities.

MODULE II - INTRODUCTION TO COMPETITION LAW

- a) Competition Act, 2002-Anti-competitive Agreements-Abuse of dominant.
- b) U.S Antitrust law-Sherman Act, 1890 - Clayton Act, 1914- Federal Trade Commission Act, 1914-Deceptive trade practices
- c) European Union- Article: 81 of EC treaty- Article: 82

MODULE III -RELATIONSHIP BETWEEN INTELLECTUAL PROPERTY RIGHTS AND COMPETITION LAW

- a) History on the relationship between Intellectual Property Law and Competition law

- b) Relationship between Intellectual Property and Market Power-Competition Law and Misuse of Intellectual Property
- c) Jurisdiction and Remedies- Powers and Functions of CCI- Jurisdictional and Procedural issues

MODULE IV - UNILATERAL CONDUCT BY INTELLECTUAL PROPERTY OWNERS

- a) Enforcement of a Fraudulently procured patent-Sham litigation
- b) Tying Arrangements and Intellectual Property-Design changes and Predatory Innovation
- c) Unilateral Refusals to license and Deal

MODULE V - HORIZONTAL AGREEMENTS INVOLVING INTELLECTUAL PROPERTY

- a) Price Fixing and Intellectual property
- b) Market allocation and Intellectual Property Rights
- c) Agreements to buy and sell Intellectual Property

MODULE VI - VERTICAL AGREEMENTS INVOLVING INTELLECTUAL PROPERTY

- a) Vertical Price Restraints and Intellectual Property
- b) Non-Price licensing restrictions
- c) Structuring Royalties and Competition in Market

BIBLIOGRAPHY

RECOMMENDED READING :

BOOKS

1. Steven D. Anderman, Intellectual Property and Competition Law: New Frontiers, Oxford University Press, 2011
2. Christopher R. Leslie, Antitrust Law and Intellectual Property Rights: Cases and Materials, Oxford University Press, 2011
3. K.D. Raju, The Intellectual Property Rights and Competition Law: A Comparative Analysis, 2015
4. Gabriella Muscolo, Marina Tavassi, The Interplay Between Competition Law and Intellectual Property : An International Perspective, Wolters Kluwer, 2018
5. J. Drexli, Research HandBook on Intellectual Property and Competition Law, 2008

JOURNALS/ARTICLES

1. Viktoria HSE Robertson, Enforcement of Standard-Essential Patents and Abuse of Dominance: The Samsung, Motorola and Huawei v ZTE Cases, 13 COMPETITITON L.J. 44 (2014)
2. Fred Houwen & Richard Neville, Risky Business: Current Challenges in the Relationship between Competition Law and Copyright, 8 COMPETITITON L.J. 18 (2009).
3. Alexandra Sansen, Patent Settlements in the Pharmaceutical Sector: EU and USA, 12 COMPETITITON L.J. 57 (2013).
4. Vasiliki Brisimi, On the Interface between the Exhaustion of IP Rights under Internal Market Law and Competition Law: Oracle America Inc v M-Tech Data Ltd, 11 COMPETITITON L.J. 312 (2012).
5. Joseph Gratz & Mark A. Lemley, Platforms and Interoperability in Oracle v. Google, 31 HARV. J. L. & TECH. 603 (2018).

FURTHER READING:

BOOKS

1. Holyoak & Torremans, Intellectual Property Law, Oxford University Press, 2008.
2. Hugo Wharton, Michala Meiselles, International Licensing Agreements: IP, Technology Transfer and Competition Law, Wolters Kluwer, 2018.
3. US Department of Justice and the Federal Trade Commission, 'Antitrust Enforcement and Intellectual Property Rights: Promoting Innovation and Competition' (2007)
4. T Ramappa, Competition Law in India: Policy, Issues and Developments, The University Press, New Delhi, 2011
5. US Department of Justice and the Federal Trade Commission, "Antitrust Guidelines for the Licensing of Intellectual Property", April 1995.
6. A. Jones & B. Suffrin, EC Competition Law: Text, Cases and Materials, 2008
7. Gustavo Ghidhini, Intellectual Property and Competition Law: The Innovation Nexus, 2006
8. Manoj Kumar Sinha and Susmitha P Mallaya, Emerging Competition Law, Indian Law Institute, Delhi (2017)
9. Avtar Singh, Competition Law, Eastern Book Companies, 2012
10. T Ramappa, Competition Law in India, Oxford University Press, Third Edition, 2006

JOURNALS/ARTICLES

1. Ilan Charnelle, The Justification and Scope of the Copyright Misuse Doctrine and Its Independence of the Antitrust Laws, 9 UCLA ENT. L. REV. 167 (2002).
2. Scott A. Miskimon, Divorcing Public Policy from Economic Reality: The Fourth Circuit's Copyright Misuse Doctrine in *Lasercomb America, Inc. v. Reynolds*, 69 N.C. L. REV. 1672 (1991).
3. Haris Apostolopoulos, The Copyright Misuse Doctrine on Computer Software: A Redundant Doctrine of U.S. Copyright Law or a Necessary Addition to E.U. Copyright Law, 24 J. Marshall J. COMPUTER & INFO. L. 571 (2006).
4. Barbora Kralickova, Questions Related to Application of Essential Facility Doctrine to Intellectual Property Rights, 95 PRAVNY OBZOR 481 (2012).
5. Unilateral Refusals to Deal and the Role of the Essential Facility Doctrine, 22 World Competition 67 (1999).
6. Meenakshi K.K. & Hardik Jain, IPR-Antitrust Crossroads: Is Essential Facility Doctrine a Solution, 11 NUALS L.J. 123 (2017).
7. Michael Jacobs & Alan Devlin, The Riddle Underlying Refusal-to-Deal Theory, 105 NW. L. REV. COLLOQUY 1 (2010-2011)
8. Krista L. Cox, The Medicines Patent Pool: Promoting Access and Innovation for Life-Saving Medicines through Voluntary Licenses, 4 Hastings Sci. & TECH. L.J. 291 (2012).
9. Thomas O. Barnett, Interoperability between Antitrust and Intellectual Property, 14 GEO. Mason L. REV. 859 (2007).
10. Innovation, Leveraging and Essential Facilities: Interoperability Licensing in the EU Microsoft Case, 28 World Competition 71 (2005)

CASES FOR GUIDANCE

1. *Vallal Peruman and Others v Godfrey Phillips India Ltd.* (1995)
2. *Manju Bhardwaj v Zee Telefilms Ltd* (1996)
3. *Ericsson v Micromax* (2016)
4. *Amir Khan Productions Private Limited v Union of India* (2010)
5. *Microfibres Inc v Girdhar & Co* (2006)
6. *Entertainment Network (India) Limited v Super Cassette Industries Ltd.* (2004)
7. *Hawkins Cookers ltd. v Murugan Enterprises* (2008)

8. Microsoft v United States (2016)
9. Kapil Wadhwa v Samsung Electronics Co Ltd (2012)
10. Apple Inc v Samsung Elec. Co. (2015)
11. Oracle America Inc v Google Inc (2018)
12. Allen Myland Inc V International Business Machine Corp (1994)
13. Lasercomb America Inc v Reynolds
14. CVD Inc v Raytheon Co
15. Filmtec Corp v Hydranautics
16. International Salt Co v United States
17. Digidyne Corp. v Data General Corp.
18. Standard Oil Co v United States
19. Image Technical Serv. V Eastman Kodak
20. Intergraph Corp v Intel Corp.

LEARNING OUTCOMES

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

- *Critically analyse the limits of Intellectual Property owners in exercising their Intellectual Property Rights.*
- *Realize that the objectives of both IPR and Competition law promote consumer welfare and protection*
- *Discuss the possibility of dealing the abuse of Intellectual property rights using competition law.*
- *Explore the balanced approach to harmoniously construct both the statutes of IPR and Competition Law*

PAPER - IX
**LAW AND POLICY PERSPECTIVE OF CULTURAL
PROPERTY, INTANGIBLE CULTURAL HERITAGE AND
INTELLECTUALPROPERTY**

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

The course is designed to understand the notion of property in particular cultural property and intellectual property, their relation to intangible cultural heritage/ traditional knowledge and how these notions of property are employed in rights discourses by governments and indigenous and local communities around the world.

With this objective the course is designed to:

- *Understand the concept of intangible cultural heritage and the need to safeguard the ICH*
- *Study the role of UNESCO, WIPO, UNDP, UNCTAD and UNEP in protecting ICH*
- *Study the role of indigenous and local community in protecting ICH*
- *Understand the relationship between Intangible cultural heritage/traditional knowledge , cultural property and intellectual property*

COURSE OUTLINE

MODULE I - INTRODUCTION TO CULTURE AND CULTURAL HERITAGE

- a) The Indian Culture- an Historical and Constitutional Perspective – India and Its Cultural Heritage- Inscribed in the World Heritage List.
- b) Culture and Cultural Relativism
- c) Culture Right and Human Rights

**MODULE II - INTERNATIONAL ORGANIZATIONS IN PROTECTING
INTANGIBLE CULTURAL HERITAGE**

- a) UNESCO, its World Heritage Committee and its advisory bodies
- b) WIPO – IGC on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore- UNEP- UN Declaration on the Rights of Indigenous Peoples 2007

- c) UNESCO- WIPO joint effort in protecting traditional knowledge- Tunis Model Law on Copyright

MODULE III - UNESCO AND ICH

- a) UNESCO- Conventions and cultural diversity
- b) Meaning and Scope of Intangible Cultural Heritage
- c) Definition of World Heritage- Inscription of properties in the World Heritage List.

MODULE IV - PROTECTION OF TRADITIONAL KNOWLEDGE

- a) TK- Definition, Characteristic and Holders/Owners-Community interest- Need for protection.
- b) International development of traditional knowledge protection – CBD – FAO International Treaty on Plant Genetic Resources –developments in WIPO on traditional knowledge
- c) IP protection of TK- Positive and Defensive protection- Protection of TK in India- Documentation of Traditional Knowledge - Traditional Knowledge Digital Library “TKDL” -AYUSH Systems of Medicines.

MODULE V - PROTECTION OF TRADITIONAL CULTURAL EXPRESSION/ FOLKLORE

- a) Traditional Cultural Expression/Folklore-definition, characteristic and Public domain.
- b) A Legal and Cultural Protection of TCE/Folklore
- c) International Treaties and Convention for Protection of Culture, Folklore and Cultural Diversity.

MODULE VI - PROTECTION OF GENETIC RESOURCES AND ASSOCIATED TRADITIONAL KNOWLEDGE

- a) Genetic Resources and associated TK as property - common heritage of mankind- CBD - permanent sovereignty- nature of ownership of GR and TK in CBD, and Nagoya Protocol (PIC & BS)
- b) Role of Indigenous and local communities-Benefit Sharing – Bonn Guidelines, Nagoya Protocol, FAO, ITPGRFA and Indian Law
- c) Interface between IPR and GR –TRIPS –CBD conflict and proposed solution.

BUBLIOGRAPHY

RECOMMENDED READINGS:

BOOKS

1. Christoph Belman and Graham Dutfield, *Trading in Knowledge: development Perspectives on TRIPS, Trade and Sustainability*, Earthscan Publications Ltd. (2003)
2. Patricia Lucia Marin, *Providing Protection for Plant Genetic Resources: Patents, Sui Generis Systems and Bio-Partnerships*, Kluwer Law International (2001)
3. Timothy M. Swanson (ed), *Intellectual Property Rights and Biodiversity Conservation: An Interdisciplinary Analysis of the Values of Medicinal Plants*, Cambridge University Press (1995)
4. Christoph Antons (ed.) *Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia Pacific Region*, Kluwer Max Planck Series, (2009)
5. Silke von Lewinski (ed.) *Indigenous Heritage and Intellectual Property: Genetic Resources, Traditional Knowledge and Folklore*, Kluwer Law International, (2008)

JOURNALS/ARTICLES

1. Navigating Traditional Knowledge And IP – The Adventure of the Yakuanoi, Available at : <https://www.wipo.int/tk/en/tk/yakuanoi.html>
2. Inter- Governmental Committee on Traditional Knowledge, Traditional Cultural Expression and Genetic Resources, Available at: <https://www.wipo.int/tk/en/igc/>
3. Lorie Graham and Stephen Mc John, *Indigenous Peoples and Intellectual Property*, 19 Wash. U.L.J.L &Pol’y (2005) Pp: 313-338.
4. Bastida-Munoz, MindahiCrescencio& Geraldine A. Patrick, *Traditional Knowledge and Intellectual Property Rights- Beyond TRIPS Agreements and Intellectual Property Chapter of FTA’s.*, *Journal of International Law* Vol 14, No. 2, 2006 (259- 290).
5. Sudhir Krishnaswamy, *Intellectual Property and India Development Policy*, *Indian J L and Tech.*, (2015), Pg. 169.

FURTHER READING:

BOOKS

1. WIPO Reading Material on Intellectual Property, WIPO, Geneva
2. FAO, *The State of World’s Plant Genetic Resources for Food and Agriculture*
3. *Convention on Biological Diversity, 1992 and International Treaty on Plant Genetic Resources for food and Agriculture, 2002*

4. UNESCO/WIPO Model Provisions for Protection of Folklore/ Cultural Expressions.
5. Documents of Inter Governmental Committee, WIPO on TK & TCE protection, WIPO. Geneva.
6. Daniel F. Robinson Confronting Biopiracy: Challenges, Cases and International Debates, Earthscan, (2010)
6. Jonathan Curci, Protection of Biodiversity and Traditional Knowledge in the International Law of Intellectual Property, Cambridge University Press, (2010)
7. Dutfield and Posey, Beyond Intellectual Property: Toward Traditional Resource Right for Indigenous Peoples and Local Communities, IDRC, (1996)
8. Geoff Tansey and Tasmine Rojotte (Eds.), The Future Control of Food: A Guide to International Negotiations and Rules on Intellectual Property, Earth Scan, London (2008)
9. Gerald Moore and Witold Timousky, Explanatory Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture, IUCN, Gland, Switzerland and Cambridge, (2005)
10. Patricia Lucia Marin, Providing Protection for Plant Genetic Resources: Patents, Sui Generis Systems and Bio-Partnerships, Kluwer Law International (2001)

JOURNALS/ARTICLES

1. Rebecca Tsosie, An Essay on Cultural Appropriation and Cultural Rights, Arizona State Law Journal Vol -34, No. 1, (2002), pp. 259-358
2. Charles R Mc Manis, Intellectual Property, Genetic Resources and Traditional Knowledge Protection Thinking Globally, Acting Locally (2003), Cardozo Journal of International Comparative Law 547.
3. L. Margulies, Protecting Biodiversity Recognizing International Intellectual Property Rights in Plant Genetic Resources (1993) Michigan Journal of International Law (322- 356).
4. Marcus Goffe, Recent Developments in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional knowledge and Folklore, (2011) 1 Queen Mary J. Intell. Prop. Pp. 90-98.
5. Dennis S. Karjala, Sustainability and Intellectual Property Rights in Traditional Knowledge, (2012) 53 Jurimetrics 57.
6. Susan Scafidi, Intellectual Property and Cultural Products (2001) Boston University Law Review Vol. 81, pp. 793-842.

7. Lauren Loew, Creative Industries in Developing Countries and Intellectual Property Protection, 9 Vand. J. Ent. & Tech. L. 171 (2006)
8. Peter K. Yu, Cultural Relics, Intellectual Property, and Intangible Heritage, 81 Temp. L. Rev. 433 (2008).
9. Craig Forrest, Cultural Heritage as the Common Heritage of Human Kind: A Critical Re- Evaluation, 40 Comp. & Int'l L.J. S. Afr. 124 (2007).
10. Beatriz Barreiro Carril, Article 20 of the UNESCO Convention on Cultural Diversity: Its Use for Promoting Respect for Cultural Diversity in WTO Law, 6 Cuadernos Derecho Transnacional 108 (2014).

CASES FOR GUIDANCE

1. Monsanto v Nuziveedu (2020)
2. Monsanto v Schmeiser (2004)
3. Pepsico v Farmer (2019)
4. Biogen v Medeva [1997] RPC 1 HL
5. Ciba Geigy's Propagating Material Application [1984] O J EPO 112
6. Harvard Onco Mouse, E.P.O.R. 525 Ex. D
7. Plant Genetic Systems/Glutamine Synthetase Inhibitors [1995] E.P.O.R. 357
8. American Cyanamid v Berk [1976] R.P.C. 231
9. Milirrpum v Nabalco Pty Ltd. (1971) 17 FLR 141
10. Mullick v Mullick; LR LII Indian Appeals 245 (1725)
11. The Arnamagnaean Foundation v Ministry of Education 1971 UfR 299 (Denmark)
12. Bulun Bulun John & Another v R & T Textiles Pty Ltd. [1998] FCA 1082
13. Bulun Bulun v Nejlam Pty Lam (1989)
14. Yumulul T v Reserve Bank of Australia, Reserve Agency Ltd and Another [1991] FCA 448
15. Navajo Nation v Urban Outfitters Inc 935 F Supp (2d) 1147. (N. Mex. Dist Ct 2013)
16. Fairey v Associated Press 09 Civ. 01123 (SDNY Feb 9, 2009)
17. Cariou v Prince 784 F Supp 2d (SDNY 2011)
18. Tilousi v Arizona State University [2005 WL 6199562 at 2 (D ARiz Mar 3, 2005)]
19. Havsupai Tribe v Arizona Board of Regents 204 P.3d 1063, (Ariz Ct Appeal 2008)
20. Grimes v Kennedy Kriger Institute 782 A.2d 807 (Md. 2001)

LEARNING OUTCOMES

After completion of the course students will be able to –

- *Appreciate the need and relevance of safeguarding Intangible cultural heritage*
- *Understand the role of indigenous people and effort made by them in the participation of the various forum and committees*
- *Study the role of various international organizations in protecting ICH namely- UNESCO, WIPO, UNDP, UNCTAD, FAO and UNEP*
- *Examine the role of WIPO in protecting and recognizing the Traditional Knowledge, Traditional Cultural Expression/Folklore Expression and Genetic Resources*
- *Explore various Conventions and Declaration by various organization in protecting the Intangible Cultural Heritage /Traditional knowledge.*

PAPER - X
INTELLECTUAL PROPERTY RIGHTS AND HUMAN RIGHTS:
NATIONAL AND INTERNATIONAL PERSPECTIVES

(Generic Elective Paper)

OBJECTIVE OF THE COURSE

The relationship between intellectual property rights and human rights is one of the emerging areas in academic interest. The importance of the subject has been accentuated by the still largely unexplored links between certain human rights and a variety of issues such as indigenous peoples' rights, the rights of the blind and the visually impaired, biodiversity, open source developments, creative commons licensing, free speech and the access to knowledge. These links have generated a heated, contemporary and vital debate both from the theoretical and practical point of view. The object of the course is to explore the international, regional and national legal frameworks in protecting the human rights under the intellectual property laws.

After undergoing the course the student will be able to understand the

- *Relationship between the IP and human rights which include cultural heritage, traditional knowledge, right to health, science and technology and non- discrimination.*
- *Various international instruments in protecting the human rights of the individual*
- *The extent to which IPR have been recognized in the HR regime i.e., right to property.*

COURSE OUTLINE

MODULE I - INTRODUCTION TO IP AND HR

- a) Historical isolation of the human rights and intellectual property regimes
- b) Jurisprudential aspects and Constitutional aspects of IP and Human rights - Protection of Human Rights Act.
- c) Expanding Intersection of the Human Rights and Intellectual property regime.

MODULE II - INTERNATIONAL INSTRUMENTS RELATING TO IP AND HR

- a) International Instruments relating to HR- Universal Declaration of Human Rights (UDHR)

- b) International Instruments relating to IP -Rise of TRIPS Plus Treaties and Doha Declaration on Public Health
- c) WIPO -IGC on Traditional Knowledge and Folklore – CBD, FAO-ITPGR.

MODULE III - INTERFACE BETWEEN HUMAN RIGHTS AND INTELLECTUAL PROPERTY

- a) Intellectual Property and Right to health
- b) Biotechnology and Human Rights
- c) The Human Right to food, Plant Genetic Resources and Intellectual Property

MODULE IV - CREATORS' RIGHT AND FREEDOM OF EXPRESSION

- a) Creators' right and the Human Right of Property
- b) Right to privacy and Freedom of expression- Fair Use Doctrine.
- c) Right to Education and Copyright in Learning Material - the rights of the blind and the visually impaired.

MODULE V - INDIGENOUS PEOPLES' RIGHTS AND INTELLECTUAL PROPERTY

- a) International Human Right Law relating to Indigenous People-- United Nations Declaration for the Right of Indigenous People (UNDRIP).
- b) IP protection of Traditional Knowledge and Traditional Cultural Expression/Folklore
- c) Individual and Collective interest in Indigenous Cultural Productions

MODULE VI - NEW DEVELOPMENTS IN HUMAN RIGHTS

- a) IPR and Socio, Economic and Cultural Rights – Conflicts and Convergences
- b) Right to Privacy and Confidentiality - Corporation's Right to Privacy
- c) Green Technology and transfer of technology- Right to safe and clean Environment

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Paul L.C. Torremans, Intellectual Property Law and Human Rights, Fourth Edition, Wolters Kluwer
2. Ramcharan, International Intellectual Property Law and Human Security springer

3. Saggi, Kamal, Keith E. Maskus, and Bernard Hoekman, Transfer of technology to developing countries: Unilateral and multilateral policy options. The World Bank, 2004.
4. Khor, Kok Peng, and Martin Khor. Intellectual property, biodiversity, and sustainable development: resolving the difficult issues. Zed Books, 2002.
5. Laurence R Helfer and Graeme W Austin, Human Rights and Intellectual Property Mapping the Global Interface, Cambridge University Press, 2011.

JOURNALS/ ARTICLES

1. Laurence R. Helfer, "Human Rights and Intellectual Property: Conflict or Coexistence?", Minnesota Intellectual Property Review Volume 5 Issue 1 Article 2 2003
2. American University Washington College of Law Articles in Law Reviews & Journals Student Scholarship 1-1-2010 TRIPS and Human Rights: The Case of India Subramanya Sirish Tamvada American University Washington College of Law
3. Audrey R. Chapman, "A Human Rights Perspective On Intellectual Property, Scientific Progress, And Access To The Benefits Of Science",
4. Andrews, Lori B. "Genes and patent policy: rethinking intellectual property rights." Nature Reviews Genetics 3.10 (2002): 803-808.
5. Lacy, Patricia A. "Gene patenting: universal heritage vs. reward for human effort." Or. L. Rev. 77 (1998): 783.

FURTHER READING:

BOOKS

1. A. K. Bansal, Law of Trademark in India, Thomson & Reuter, 2014
2. Latha R Nair & Rajendra Kumar, Geographical Indications: A Search For Identity, Lexis Nexis, 2005
3. Feroz Ali Khader, The Law of Patents-With a Special Focus on Pharmaceuticals in India, LexisNexis, 2nd Edition, 2011
4. Elizabeth Verkey, Law of Patents, Eastern Book Company, 2nd Edition, 2012
5. Kevin Garnett, Jonathan Rayner James, Gillian, Copinger and Skone James on Copyright, Sweet & Maxwell, London, 2013
6. P. Narayanan, Copyright and Industrial Designs, Third Edition, Eastern Law House,

7. V. J. Taraporevala, Law of Intellectual Property, Third Edition 2019, Thomson Reuters
8. Cornish & Llewelyz-Intellectual Property, Thomson, Sweet & Maxwell
9. Catherine Colston- Principles of Intellectual Property Law, Cavendish Publication Ltd.
10. Frederick M. Abbot(Ed) - International Intellectual property in an Integrated World Economy, Wolters Kluwer.

JOURNAL/ARTICLES

1. Glenna, Leland L., et al. "Intellectual property, scientific independence, and the efficacy and environmental impacts of genetically engineered crops." *Rural Sociology* 80.2 (2015): 147-172.
2. Ray, Christopher. "Culture, intellectual property and territorial rural development." *Sociologia ruralis* 38.1 (1998): 3-20.
3. Coombe, Rosemary J. "The recognition of indigenous peoples' and community traditional knowledge in international law." *Thomas L. Rev.* 14 (2001): 275.
4. Samuel D. Warren & Louis D. Brandeis, *Right to Privacy*, 4 *Harv. L. Rev.* 193 (1890-91)
5. Christophe Geiger, *Copyright as an access right: Securing Cultural Participation through the protection of Creators' interests, What if we could reimagine Copyright?* ANU Press, 2017.
6. Simeone, Tonina. *Indigenous traditional knowledge and intellectual property rights.* Parliamentary Research Branch, Library of Parliament, 2004.
7. Peter Groves, *Sourcebook on Intellectual Property Law*, Routledge-Cavendish, 1997.
8. K C Kailasam and Ramu Vedaraman, *Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications*, Lexis Nexis, 2013
9. Henrik Andersen, *WTO Law and Prices of Pharmaceutical Products: Rule of Law Gaps and the Unclear Balance between Trade Protection, Human Rights, and IP Protection*, 51 *MCGEORGE L. REV.* 451 (2020).
10. Julie Yassine, *IP Rights and Indigenous Rights: Between Commercialization and Humanization of Traditional Knowledge*, 20 *SAN DIEGO INT'L L.J.* 71 (2018).

CASES FOR GUIDANCE

1. *Natco Pharma Ltd. v Bayer Corporation* 2012 50 PTC 244
2. *Novartis AG v Union of India* (2013) 6 SCC 1
3. *Mayo v Prometheus* (2012)
4. *Assn of Molecular Pathology v Myriad Genetics* (2014)

5. Bowman v Monsanto
6. Monsanto Technology LLC v. Nuziveedu & Ors AIR 2019 SC 559
7. Roche Products Inc., v Bolar Pharmaceuticals Co.
8. V T Thomas v Malayalam Manorama Co. Ltd 1987 SCC online Ker 138 AIR 1989 Ker 49
9. University London Press Ltd v University Tutorial Press Ltd 1916 2 ch 601
10. R G Anand v Delux Films (1978) 4 SCC 118
11. Turmeric Basmati and Neem case
12. Jeevani Case
13. Ashby Donald and Others v. France, European Court of Human Rights (2013)
14. Diamond v Chakrabarty (1980)
15. Harvard Onco Mouse Case
16. The Chancellor, Masters and Scholars of the University of Oxford v Rameshwari Photocopy Services (2012)
17. Bristol-Myers Squibb Co. v. Hetero Drugs Ltd., CS (OS) No.2680/2008
18. Bayer Corporation and Ors V. Union of India (UOI) and Ors. 2009 (41) PTC 634 (Del)
19. People's Union of Civil Liberties v. Union of India (1997) 1 SCC 301
20. Pepsico v Farmers (Lays Potato Chips) (2019).

LEARNING OUTCOMES

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

- *Study the special characteristics of Intellectual Property and Human Rights.*
- *Examine the basic principles and sources of International Intellectual Property law and Human Rights.*
- *Analyse science, technology and society influence the change in the Intellectual property law and Policy.*
- *Understand the interconnection and relationship between Intellectual Property and Human Rights.*
- *Have an improved ability to argue, analyses and evaluate complicated international legal issues of Intellectual Property from a Human Rights perspective.*

PAPER - XI

TRANSNATIONAL JURISDICTIONAL PERSPECTIVE OF INTELLECTUAL PROPERTY RIGHTS

(Generic Elective Paper)

OBJECTIVES OF THE COURSE

Intellectual Property Rights are territorial in nature. The extents to which the Intellectual property rights exist and are protected within the territorial borders are determined by each state's IP law. But the usage of Intellectual Property is not limited by territorial boundaries since globalization, economic integration and digitalization. This leads to the interaction between conflicts of law and Intellectual property rights. The territoriality principle has implications for the conflict of law in Intellectual property rights. Conflict of law is a field of municipal law that deals with private law disputes that have foreign elements. The impact of Intellectual property infringement on different territories raises the question of jurisdiction, applicable law and enforcement and recognition of foreign judgments and judicial cooperation in cross border IP disputes.

With this objective the course is designed to

- *Explores cross-border issues that may arise in intellectual property infringement litigation.*
- *Discuss the principle of territoriality of Intellectual Property Rights versus the extraterritorial enforcement of those rights.*
- *Examine the issue of exhaustion of IP rights and Parallel imports.*
- *Discuss the choice of forum, choice of law and enforcement and recognition of foreign judgments.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Origin and Significance of IPR
- b) Meaning and Definition of IPR
- c) Rights and Infringement of intellectual property rights

MODULE II - ENFORCEMENT OF IPR

- a) Enforcement of Intellectual Property under International Conventions/Treaties
- b) Enforcement of intellectual property under the national law

- c) WTO Dispute Settlement Mechanism and Dispute Settlement Understanding

MODULE III - CONFLICT OF LAW AND INTELLECTUAL PROPERTY RIGHTS

- a) Interaction of Conflict of law and Intellectual Property Rights
- b) Territoriality principle and extra-territorial enforcement of Intellectual Property Rights.
- c) International and Regional treaties on cross border litigation

MODULE IV - EXHAUSTION OF INTELLECTUAL PROPERTY RIGHTS AND PARALLEL IMPORTATION

- a) Doctrine of Exhaustion
- b) National, Regional and International Exhaustion of Intellectual property rights
- c) Concept of Parallel importation and its relevancy in exhaustion of Intellectual property rights

MODULE V - JURISDICTION AND ENFORCEMENT OF FOREIGN JUDGMENTS RELATING TO INTELLECTUAL PROPERTY RIGHTS.

- a) Jurisdiction- Description of Cross-border element- Choice of Forum
- b) Applicable law- Lex Fori- Lex Protectionis- Initial Ownership/ Transferability issues- Freedom of Choice of Law
- c) Recognition and Enforcement of Foreign interim and final Judgments

MODULE VI - CONFLICT OF LAWS IN CROSS-BORDER INTELLECTUAL PROPERTY DISPUTES IN DIGITAL ENVIRONMENT

- a) Trademarks Issues -Domain Name Disputes-UDRP
- b) Copyright infringement in cyberspace
- c) Online Infringement of Patent by offering or supply of patented goods.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Cheshire & Norths, Private International Law, Oxford University Press, 2006.
2. Clarkson and Hill, The Conflict of Laws, Oxford University Press, 2007
3. Dicey, Morris and Collins on the Conflict of Laws, Sweet & Maxwell, 2006
4. Briggs. A, The Conflict of Laws, Oxford University Press, 2008
5. Cornish, William R., Intellectual Property Infringement and Private International Law:

Changing the common law approach, Cornish 1996.

JOURNAL/ARTICLES

1. Christie, Andrew F., Private International Law issues in Online Intellectual Property infringement disputes with cross- border elements: an analysis of National approaches, World Intellectual Property Organisation, 2015.
2. Austin, Graeme W, Domestic law and Foreign Rights: choice of law in transnational copyright infringement litigation, Austin 1999
3. Solveig Singleton, IP as Conflict Resolution: A Micro View of IP , 42 San DIEGO L. REV. 45 (2005).
4. William T. Gallagher, Trademark and Copyright Enforcement in the Shadow of IP Law, 28 Santa CLARA COMPUTER & HIGH TECH. L. J. 453 (2011).
5. Angel Espiniella Menendez, Conflict of Laws and the Internet, 12 Cuadernos DERECHO Transnacional 1495 (2020).

FURTHER READING:

BOOKS

1. Gottschalk et al., Conflict of laws in a Globalized World, Cambridge University Press, 2007
2. V.C. Govindaraj, The Conflict of laws in India, Inter-territorial and Inter- personal conflict, Oxford University Press, 2011.
3. European Max Planck Group on Conflict of Laws in Intellectual Property, Principles for Conflict of Laws in Intellectual Property, 2011
4. Lydia Lundstedt, Territoriality in Intellectual Property Law, Stockholm University, 2016.
5. Engelen Van, Jurisdiction and Applicable law in matters of Intellectual Property, 2010
6. Paul Torremans, Copyright territoriality in a borderless online environment, Torremans 2012
7. WIPO, Private International Law Issues in Online Intellectual Property Infringement disputes with Cross- Border Elements- An Analysis of National Approaches, 2015
8. David I. Bainbridge – Intellectual Property Law, Pearson Education Ltd.
9. Catherine Colston- Principles of Intellectual Property Law, Cavendish Publication Ltd.
10. Frederick M. Abbot(Ed) - International Intellectual property in an Integrated World Economy, Wolters Kluwer.

JOURNALS/ARTICLES

1. Sung Pil Park, Harmonizing Public and Private International Law: Implications of the Apple vs. Samsung IP Litigation, 7 J. E. Asia & INT'L L. 351 (2014).
2. Intellectual Property and Private International Law, 76 Int'l L. Ass'n Rep. Conf. 571 (2014).
3. Sophie Neumann, Intellectual Property Rights Infringements in European Private International Law: Meeting the Requirements of Territoriality and Private International Law, 7 J. PRIV. INT'L L. 583 (2011).
4. P. R. Stephenson, International Private Law as a Model for Private Law Jurisdiction in Cyberspace, 7 LEGAL Issues J. 103 (2019).
5. William Patry, Choice of Law and International Copyright, 48 AM. J. COMP. L. 383 (2000)
6. Jane C. Ginsburg, Choice of Law and Choice of Forum in International Copyright Infringement, 5 INT'L INTELL. PROP. L. & POL'y 38-1 (2003)
7. Coenraad Visser, Choice of Law in Internet Copyright Disputes, 11 S. AFR. MERCANTILE L.J. 268 (1999).
8. Jane C. Ginsburg, Copyright without Borders - Choice of Forum and Choice of Law for Copyright Infringement in Cyberspace, 15 CARDOZO Arts & ENT. L.J. 153 (1997)
9. Raquel Xalabarder, Copyright: Choice of Law and Jurisdiction in the Digital Age, 8 ANN. Surv. INT'l & COMP. L. 79 (2002)
10. Miquel dels Sants Mirambell Fargas, Economics of Arbitrability in International IP Contracting, 37 J.L. & COM. 179 (2019).

CASES FOR GUIDANCE

1. American Cynamid Co v Ethicon Ltd., (1975)
2. Novartis AG v Mehar Pharma (2005)
3. Novartis AG v Adarsh Pharma (2004)
4. F Hoffmann-La Roche Ltd v Cipla Ltd (2009)
5. Cadila Pharmaceutical Ltd v Instacare Laboratories (P) Ltd. (2001)
6. Piller (Anton) KG v Mfg. Processes Ltd (1976)
7. Bucyrus Europe Ltd v Vulcan Industries Engg. Co (P) Ltd (2005)
8. Microsoft Corpn v Dhiren Gopal (2010)
9. Pillalamarri Lakshmikantham v Ramakrishna Pictures (1981)
10. Bilcare Ltd v Amartara (P) Ltd (2007)

11. Microsoft Corp v K Mayuri (2007)
12. Sheo Ratan Upadhyaya v Gopal Chandra Nepali (1965)
13. Siyaram Silk Mills v state (2001)
14. Gramophone Co of India Ltd v Birendra Bhadur Pandey (1984)
15. Shobhan Lal Jain v Drug Controller (2009)
16. Bayer corp. V union of India (2010)
17. Kapil Wadhwa v Samsung Electronics Co Ltd., (2012) 53 PTC 112 (Del)
18. Wipro Cyprus p Ltd. v Zeetel Electronics, (2010) 44 PTC 307 (Mad)
19. Penguin Books Ltd. v India Book Distributors; AIR 1985 Del 29
20. John Willey and Sons Inc v Prabhat Chander Kumar Jain (2010) 44 PTC 675 (Del).

LEARNING OUTCOMES

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

- *Critically analyse the intersection between Intellectual Property Rights and Conflict of Law.*
- *Develop a critique of the enlarged opportunities for infringement of Intellectual Property Rights in digital environment.*
- *Understand the judicial co-operation relating to international disputes concerning Intellectual Property Rights to facilitate the flow of information and cultural exchange across borders.*
- *Explore various initiatives that aims to develop a harmonized rules for application by national courts to transnational IP disputes.*



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்

The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

**DEPARTMENT OF INTERNATIONAL LAW
AND ORGANISATION**

DEPARTMENT OF INTERNATIONAL LAW AND ORGANISATION

The Tamil Nadu Dr. Ambedkar Law University has established the Department of International Law and Organisation in 2005 with the vision of disseminating value-based education with the ideals set by the Constitution of India and to promote the Universal International Law along with its evolutionary developments. In the context of dissemination of International Law, the role of Indian international legal scholarship is rich and resourceful. In Tamil Nadu, the establishment of the Department of Legal Studies in the University of Madras marked a signpost event in the sphere of training the legal minds in India towards specialising International Law. International Law in its substance is more a way of life rather than a discipline of knowledge in law. The creation design of earth and celestial bodies along with the human family and nature with their day to day interactions are the subject matter of the discipline. The significance of the universal life, society, law and welfare approach is recognised by all academic societies throughout the world.

The Department of International Law and Organisation in its LLM Course Programme of two Years envisions imparting critical international legal insights to the students on the foundational as well as contemporary areas. The syllabus has been accordingly restructured with effect from the academic year 2020-21. The Department has a unique significance as it is one of the rarest academic centres in the Nation to offer along with traditional subjects the course papers of modern and human welfare-based relevance such as International Diplomatic Law, International Criminal Law, Transboundary Water Courses Law and Governance, Admiralty Law and Practice and International Space Law and Policy. In the academic sense, the beginners at the research level are introduced to the element of universality in general and trained towards phase by phase evolution of the subject. The academic course curricula represents inter alia the following thematic perceptions: Nature of Universal International Law, Principle based historical significance, the mono conception of Statist led international law and its complexities, Impact of Euro-centric international law through international legal philosophy, ideology of colonialism and its ill consequences on mankind, Birth of International Institutions as a reaction to World Wars I & II and introduction to the notion of international public order and life with the aim of maintenance of international peace and security, Evolution and networking of International Institutions, especially the Law of United Nations from moral to political, political to legal, legal to universal, Movement of Codification to Progressive Development of International Law, Extension of International Law through *Lex Specialis* regimes and their complexities, Contemporary Normative International Legal Science, Humanisation Movement and Revivalist Approaches in International Law through International Legal and Multi-Disciplinary Scholarship.

THE TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY

BRANCH – IV

DEPARTMENT OF INTERNATIONAL LAW AND ORGANISATION

LL.M. SYLLABUS

SPECIALIZED CORE PAPERS – 06

1. Public International Law – Contemporary Challenges
2. Admiralty Law and Practice
3. International Space Law – Policies and Challenges
4. International Law of Organisations
5. International Economic Law
6. Peaceful Settlement of International Disputes

DISCIPLINE SPECIFIC ELECTIVE PAPERS – 03

7. International Diplomatic Law
8. International Humanitarian and Refugee Law
9. Private International Law

GENERIC ELECTIVE PAPERS – 02

10. Transboundary Watercourses Law
11. International Criminal Law

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none"> 1. Judicial Process (Common Paper – I) 2. Legal Education and Research Methodology (Common Paper – II) 3. Public International Law – Contemporary Challenges (Specialized Core Paper – I) 4. Admiralty Law and Practice (Specialized Core Paper – II) 5. Transboundary Watercourses Law (Generic Elective Paper – I)
Second Semester	<ol style="list-style-type: none"> 6. Constitutional Law: The New Challenges (Common Paper – III) 7. Law and Social Transformation in India (Common Paper – IV) 8. International Space Law – Policies and Challenges (Specialized Core Paper – III) 9. International Diplomatic Law (Discipline Specific Elective Paper – I) 10. Applied Research Methodology
Third Semester	<ol style="list-style-type: none"> 11. International Law of Organisations (Specialized Core Paper – IV) 12. International Economic Law (Specialized Core Paper – V) 13. International Humanitarian and Refugee Law (Discipline Specific Elective Paper – II) 14. International Criminal Law (Generic Elective Paper – II)
Fourth Semester	<ol style="list-style-type: none"> 15. Peaceful Settlement of International Disputes (Specialized Core Paper – VI) 16. Private International Law (Discipline Specific Elective Paper – III) 17. Skill Enhancement Course 18. Dissertation

PAPER – I

PUBLIC INTERNATIONAL LAW – CONTEMPORARY CHALLENGES

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

Public International law is a law that regulates the relation between States and ensures world peace and order. The transformation of International law from traditional to modern and modern to Globalized scenario assumes greater significance due to the proliferation of international actors, norms and Organisations. The syllabus starts with an outline of the definitional perspectives to understand the priorities and perplexities of International law and focus on fundamental areas of international relations between states in an era of transformative internationalism to liberal transnationalism. The central orientation of syllabus depicts multifaceted perspectives of Public international law so as to make the understanding both academic and functional.

After undergoing the study, the student will be able to understand the following:

- *To get introduced with the conceptual framework and functional or practical utility – oriented aspects of International law of Nations.*
- *To trace the significance and influence of the normative principles involved in building the edifice and substance of international law.*
- *To envisage on the contemporary challenges of international law and acquire academic contemplation and training primarily in Public international law blended with human rights and Humanitarian law so that it brings the realization that the future world legal order heavily depends on reach and acceptability of International law.*

COURSE OUTLINE

MODULE – I: Introduction to International Law

- a) Universalization of International Law – Defining and understanding from philosophical, political, ideological, cultural and cross – cultural approaches – Reconceptualizing Nation State and Doctrine of Sovereignty
- b) Learning Nature, Basis and Scope through historical developments and Jurisprudential theories – Multifaceted Global Perspectives – Codification and Progressive Development
- c) United Nations and its organs in promotion and development of peace and order.

MODULE – II: Sources of International Law

- a) Custom as a dynamic source – Unveiling Normative Jurisprudence – Jus Cogens
- b) Treaty as primary source – Relevance and Importance in contemporary international law – VCLT – Basis, Classification, Scope or normative influence and Limitations – Canons of Treaty Interpretation – Complexities of interpretation in Human rights treaties – Termination and Suspension of Treaties – Reservation – Issues of Balancing Universality and Integrity
- c) General Principles of International law (Equity in a global context) as Cardinal source and fundamental principle – Juristic Works – Decisions and Determinations of Judicial and arbitral tribunals and International Institutions and organizations as subsidiary source – Soft law.

MODULE – III: Relationship Between International Law and Municipal Law Subjects of International Law and Recognition

- a) Reconciling International and Municipal (domestic) law – Theoretical Perspectives – State practices UK, USA and India
- b) Proliferation of subjects of International law – State as focal theme of International law – Essentials of Statehood – Lifting the State veil – Individual as Subject – Influence of Human Rights law (Theory of Naturalism)
- c) International Criminal Responsibility – International organizations and Non – State actors as subjects of International law.

MODULE – IV: Recognition, State Territory, Self Determination and Law of Sea

- a) State – Recognition as a basis for international personality – Principles and Problems – Legal nature – Duty to recognize, Principle of Effectiveness and Statehood – Theories of Recognition – Recognition of Governments – Belligerency and insurgency – Legal effects of Recognition and Non-Recognition
- b) State Territory – Acquisition and loss related issues – Air and Space Law – Theories and Conventions on Aerial Navigation – Exploration of Outer Space and Regulations through Outer Space Treaty
- c) Law of Sea – Introduction – Maritime Delimitations – International Sea Bed Authority – International Tribunal for Law of Sea.

MODULE – V: State Jurisdiction & State Responsibility

- a) State Jurisdiction – Prescriptive and Enforcement Jurisdiction – Theoretical bases for Jurisdiction – Jurisdictional immunities
- b) State Responsibility as Obligations Erga Omnes – Notion of Imputability or Attribution to State – Breach of an International legal obligation – Draft articles of ILC – Liability for Lawful Acts – Circumstances excluding Wrongful Conduct of State – Legal Consequences of an Internationally Wrongful Act
- c) Invocation of State Responsibility as part of Human Rights Standards – State Responsibility for Genocide, Environmental sustenance, Contracts and investments.

MODULE – VI: State Succession

- a) State Succession – Importance of Succession in contemporary era of Secession and self – determination – Types – Universal and Partial Succession – Negative Theory and Benefit theorys
- b) Principle of Continuity of States – Rights and Duties of States – Discontinuity (Clean Slate theory or tabula rasa)
- c) Historical precedents and Case Studies – Reunification of Germany, Socialist Federal Republic of Yugoslavia, Russia as Case study

MODULE – VII: Law of Extradition, Asylum, Nationality, Refugees and Statelessness

- a) Law of Extradition – Meaning and Basis – Historical perspectives and Phases of Evolution – New Dimensions of Extradition law from Human Rights Perspective
- b) Asylum as a reflection of humanitarian considerations and individual freedom – Kinds of Asylum – Territorial and Extra territorial
- c) Nationality & Dual Nationality – Preview from Doctrine Effective – Nationality Refugees – Principle of Non Refoulement – Statelessness as Enigma of international community

MODULE – VIII: Comprehensive Study of Global Conceptual Framework for Contemporary Human Rights & Humanitarian Discourse

- a) Introduction to Human Rights law (IHRL) and Humanitarian Law – Context and Historical background from European, Global perspectives & Hindu traditions of Human rights (Concept of Dharma)
- b) Glimpses of Universal Human Rights & values (Natural law and Natural rights) – International Accountability – Normative foundations laid under the United Nations – UDHR & International Bill of Human Rights and other instruments – Transition to modern Human rights

- c) Emerging issues & challenges UN System, Human Rights Monitoring institutions and their effectiveness – Contemporary Challenges in an era of Human and Humanitarian Discourse.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Cassese, A. *International Law* (Oxford University Press, 2nd ed., 2001).
2. Crawford, J. *Brownlie's Principles of Public International Law* (8th ed., 2013).
3. Jennings, R., and Watts, A. (eds.), *Oppenheim's International Law [Vol. I – Peace]* (9th ed., 2008).
4. Shearer, I.A. *Starke's International Law* (1st Indian ed., 2007).
5. Weeramantry, C.G. 'Universalizing International law' Martinus Nijhoff Publishers, (2004)

JOURNALS / ARTICLES

1. Focarelli, C. 'Time, History and International Law' 11 *Journal of the History of International Law* 357 (2009).
2. Baker, R. B. 'Customary International Law in the 21st Century: Old Challenges and New Debates' 21 *European Journal of International Law* 173, 2010.
3. Berman, N. 'Sovereignty in Abeyance: Self – Determination in International Law', 7 *Wisconsin International Law Journal* 51(1988 – 89).
4. Briggs, "Travaux Préparatoires of the Vienna Convention on the Law of Treaties" 65 *American Journal of International Law* 705(1971).
5. Babalola, A. "Extradition under International Law: Tool for Apprehension of Fugitives", 22 *Journal of Law Policy & Globalization* 25 (2014).

FURTHER READING:

BOOKS

1. E. Bates, —History in: D. Moeckli, S. Shah & S. Sivakumaran (eds.), *International Human Rights Law*, 2nd Ed. Oxford University Press, Oxford, 2010, pp. 15 – 33.
2. Boyle, A., and Chinkin, C. *The Making of International Law* (Oxford University Press, 2007).
3. Cassese, A. *Five Masters of International Law* (Hart, 2011).
4. Chimni, B.S. *International Law and World Order* (Cambridge University Press, 2017).
5. Crawford, J. *The Creation of States in International Law* (Oxford University Press, 2006).

6. Dumberry, P. *State Succession to International Responsibility* (Graduate Institute of International Studies, Brill, 2007)
7. Knop, K. *Diversity and Self – Determination in International Law* (Cambridge University Press, 2002).
8. Lauterpacht, H. (ed.), *Recognition in International law* (Cambridge University Press, 1st ed., 2013)
9. Ryngaert, C. “Jurisdiction in International Law”, (Oxford University Press, 2nd Ed., 2015).
10. S.P. Sinha, “Asylum and International Law”, Martinus Nijhoff Publishers, 1971.

JOURNALS / ARTICLES

1. Anel Ferrira – Snyman, ‘Sovereignty and Changing nature of International law: Towards a world law’ 40 *Comp & Int’l LJ S Afr* 395 (2007)
2. Kirby.M, ‘The Growing Rapprochement Between International Law and National Law’ in Antony Anghie and Garry Stugress (eds), *Legal Visions of the 21st Century: Essays in Honour of Judge Christopher Weeramantry*’ 333 (Brill 1998).
3. J Romesh Weeramantry, ‘Eritrea's Damages Claims (Eritrea v. Ethiopia); Ethiopia’s Damages Claims (Ethiopia v. Eritrea) 96 *Asian Journal of International Law Proceedings* 480 (2010).
4. C. Wilfred Jenks, “State Succession in Respect of Law – Making Treaties”, 29 *British Yearbook Book International* 105 (1952).
5. Boyle.F. A, “The Creation of the State of Palestine,” *European Journal of International Law* 1, 301 – 306 (1990).
6. Jinks, D. ‘Attribution Issues in State Responsibility’ 84 *Asian Journal of International Law Proceedings* 51(1990).
7. P. K. Menon, “The Acquisition of Territory in International Law: A Traditional Perspective”, 22 *Korean Journal Comparative Law* 125 (1994).
8. Dorman, T. “Researching Law of the Sea”, 10 *International Journal of Legal Information* 147 (1982).
9. Jagota, S. P. “Developments in the Law of the Sea between 1970 and 1998: A Historical Perspective”, 2 *Journal of History of International Law* 91 (2000).
10. Keyuan, Z. “South China Sea Studies in China: Achievements, Constraints and Prospects”, 11 *Singapore Yearbook of International Law* 85 (2007).

CASES FOR GUIDANCE

1. Asylum case Judgment (Columbia vs Peru)
2. Regina vs Keyn (1876) 2 Ex D 63
3. Filartiga vs Pena – Irala 630 F.2d 876.
4. The Arantzazu Mendi Case (UK)1939
5. Legality of the threat or use of Nuclear Weapons, Advisory Opinion, I.C.J Reports' 1996.
6. North Sea Continental Shelf Case Judgment, I.C.J Reports 1969
7. Military and Paramilitary Activities in and against Nicaragua (Nicaragua vs United States of America), Judgment I.C.J Reports 1986.
8. Right of Passage over Indian Territory (Portugal vs India), 1960 I.C.J 6
9. The Nottebohm Judgment (Second Phase), 54 AJIL 536,557(1960)
10. The Wimbledon, P.C.I.J. Rep., Ser A, No. (1924)
11. Costa Rica vs Nicaragua, ICJ Reports 2009.
12. Temple of Preah Vihar (*Thailand v Cambodia*) [1962] ICJ Rep 6.
13. North Sea Continental Shelf (Denmark v Germany), (Netherlands v Germany) [1969] ICJ Rep 3, [85].
14. Reparation of injuries suffered in the service of United Nations Advisory Opinion, 1949 I.C.J. 174 (Apr. 11)
15. Gabcikovo Nagymaros Project Case (Hungary vs Slovakia)1997 ICJ Rep 7.
16. Advisory Opinion of ICJ on Namibia, ICJ Rep. 1971, p. 16
17. Advisory Opinion of ICJ in Western Sahara Case, ICJ Rep. 1975, p. 12
18. Advisory Opinion of ICJ in Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo Case, ICJ Rep. 2010
19. Advisory Opinion of Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, ICJ Rep. 2019
20. The Enrica Lexie (It vs India) Case No.24, Order of Aug.24 2015

LEARNING OUTCOME

- *Comprehensive knowledge over the origin, nature, increasing scope of the subject and appreciate the changing vagaries of Public International law.*
- *Evaluate and synchronize the significance of International Law in a contemporary revolutionary era of Human rights and its connectivity to the Global legal order.*
- *Able to explore the central role played by the subject in an all – inclusive and multifaceted perspective.*

PAPER – II

ADMIRALTY LAW AND PRACTICE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

It is intended to educate young law graduates in National and International Admiralty Law which allows them to critically evaluate the laws and legal systems pertaining to water bodies and ports of India from a juristic perspective. It also creates a perfect opportunity to get expertise in areas rising out of international disputes under Admiralty law. The subject is highly relevant and need of this hour in India, where India is rapidly integrating its economy with more than 90% of the country's trade being conducted through oceans and also the sea provides passageway to 45,000 merchant ships worldwide and over 90 percent of global trade.

After undergoing the study, the student will be able to understand the following:

- *Understand the principal functions of the law of the sea.*
- *Determine the spatial extent of the coastal state jurisdiction over the oceans.*
- *To understand the admiralty law practice*
- *Responsibility of the human towards conservation and preservation of the marine living resources and the marine environment.*

COURSE OUTLINE

MODULE – I: Evolution, Nature, scope and sources

- a) History of admiralty law in England, other parts of the world – Nature of Admiralty Law – admiralty law as a part of law merchant – admiralty law in relation to common law and civil law.
- b) Sources of Admiralty law.
- c) India – History of admiralty jurisdiction – The Admiralty Courts in India – The Admiralty Legislation in India.

MODULE – II: Admiralty Jurisdiction and the mode of exercise

- a) Changing concept of Admiralty frontiers – International waters; Territorial Waters; Contiguous Zone; EEZ; Continental shelf; International straits; archipelagos; international fisheries; High seas; Conservation and exploitation of marine sources; Sea as a common heritage of mankind – Role of IMO – Piracy and hot pursuits.
- b) Admiralty and Admiralty jurisdiction (scope and extent) – Enforcement of Admiralty claims by actions in rem and impersonal – juridical personality of the ship – Arrest of sea

going ships – immunity of Government ships – Admiralty liens and priorities – Mareva Injunction

- c) Jurisdiction in matters of collision – Flag State – Extra territorial jurisdiction.

MODULE – III: Management of ships

- a) Merchant shipping – The ship as property – ownership – registration
- b) Concept of ‘Genuine Link – Open Registries (flag of convenience) – ship construction rules.
- c) acquisition of ships – transfer of ships – negotiation and contract – terms of contract – inspection by buyer – ship mortgages – ship’s sale and purchase

MODULE – IV: Safety of Ships

- a) ISM Code and issues of safety – The IMO Rules and Regulations
- b) Safety & security regulations at sea and in port, accidents, collisions, salvage, towage – The laws of harbours and pilotage – Jurisdiction in ports; Access to ports.
- c) Indian law – Ship owner’s liabilities for damage to ports – Limitation of ship owner’s liability.

MODULE – V: General Admiralty Provisions

- a) UNCLOS relevant articles – Constitution of India – Art. 53 – Legislation for giving effect to international agreements
- b) The law on Regulation of Fishing by Foreign Vessels
- c) Suppression of Unlawful Acts Against Safety of Admiralty Navigation and Fixed Platforms on Continental Shelf

MODULE – VI: Admiralty Provisions on Criminal Activities

- a) Criminal conspiracy Sec. 120 A, waging or attempt to wage war against India Secs. 121, 122 & 123 – Sec. 280 Rash Navigation of vessel, Sec 281 Exhibition of false light, mark or buoy, Sec. 282 Conveying person by water for hire in unsafe or overloaded vessel,
- b) Sec. 283 Danger or obstruction in line of navigation – Sec. 299 Culpable homicide, Sec 300 Murder, 304 A Causing death by negligence, Sec. 320 Grievous Hurt, Sections 339 & 340 Wrongful restraint & confinement – Sec. 378 Theft, Sec. 390 Robbery, Sec. 441 Criminal trespass.
- c) Code of Criminal Procedure, 1973 – Arrest of persons, Sections 41, 46, 47, 50, 51 & 52 – Preventive action of police Sections 149 to 152 – Sec. – 188 offences committed outside India/high seas or elsewhere.

MODULE – VII: Law related to Merchant Shipping

- a) The Merchant Shipping Act, 1958 – Sec. 69 Proceedings on forfeiture of ship, Sec 334 Unseaworthy ship not to be sent to sea, Sec 336 Power to detain unsafe ship and procedure for detention, Sec 337 Liability of Central Govt. for costs and damage when ship wrongly detained
- b) Part X – B Civil Liability for Oil Pollution Damage. Sec 352 G, H, I, J, K, N, O, P & Q – Part XI A Prevention and Containment of Pollution of the sea by Oil. Secs 356 A to N – Part XIII Wreck and Salvage Sections 390, 391, 392, 396 to 400 and 402 –
- c) Part XVA Fishing Boats Secs 435 A to W – Part XVI Sections 436 to 440, 443 and 444.

MODULE – VIII: Protection on Marine Environment

- a) Pollution in the marine environment – Principles for marine environmental policy making and legislation – International Organization
- b) The Preventive Conventions – Liability Conventions
- c) Protection of Marine Diversity – Climate Change and the Marine Environment – International Convention on the Prevention of Marine Pollution by Dumping of Waste Convention, 1972

BIBLIOGRAPHY

RECOMMENDED READING:

STATUTE PRESCRIBED

1. The Admiralty (Jurisdiction and Settlement of Admiralty Claims) Act, 2017
2. The Merchant Shipping (Form of Certificate of Insurance for Civil Liability for Oil Pollution Damage) Rules, 1985.
3. Carriage of Goods by sea Act, 1925
4. Bill of Lading Act 1856
5. Merchant Shipping Act, 1958
6. Marine Insurance Act, 1963
7. Multimodal Transport of Goods Act. 1993The Arbitration and Conciliation Act, 1996
8. The Indian Ports Act 1908 (15 of 1908)
9. The MPT Act 1963 (38 of 1963)
10. The Inland Vessels Act, 1917 (1 of 1917)
11. The Coasting Vessels Act, 1838
12. Notification for the MS (Amendment) Act, 2014
13. Notification relating to MS (Second Amendment) Act, 2014

INTERNATIONAL CONVENTIONS

1. SOLACE Convention, 1974
2. UNCLOS 1982
3. MARPOL
4. SUA Convention, 1988
5. Convention on Standards of Training, Certification and Watchkeeping for Seafarers ,1978
6. Shipping Manuals, Conventions & Rules of I.M.O.

BOOKS

1. Sarah C. Derrington, James M. Turner, 'The Law and Practice of Admiralty Matters', Oxford (2016)
2. Nigel Meeson, John Kimbell, 'Admiralty Jurisdiction and Practice', Routledge, (2017).
3. Darnien Jocemean, 'Admiralty jurisdiction: Law and Practice in Australia, New Zealand, Singapore and Hongkong', Federation press, (3rd ed., 2008).
4. Nagendra Singh, 'International Conventions of Merchant Shipping', Stevens Publications, (1973).
5. Kenneth C. McGuffic (ed), 'The Law of Collisions at sea', Stevens & sons, (1961).

JOURNALS / ARTICLES

1. G. H. Robinson, 'Admiralty Law of Salvage', 23 Cornell L. Q. 229 (1937 – 1938).
2. Amaka G. Eze & Ted C. Eze, 'International Law and the Prevention and Control of Oil and Gas Pollution', 35 J.L. Pol'y & Globalization 24 (2015).
3. Korontzis Tryfon, 'Maritime Piracy in the International and in the Hellenic Legal Order', 4 Rev. Eur. Stud. 75 (2012).
4. Diego de Alencar Salazar Primo, Cecilia Perdigao Barreto & Tarin Frota Mont Alverne, 'International Law and Ocean Noise Pollution: Legal Effects of the Recognition of Sound as a Source of Ocean Pollution', 15 Veredas do direito 277 (2018).
5. Robert Fisher, 'The Purpose of Admiralty Law', 18 Austl. & N.Z. Mar. L.J. 14 (2004).

FURTHER READING:

BOOKS

1. Thomas Gilbert Carver, 'A treatise on the law relating to the carriage of goods by sea', Stevens publications, (1925).
2. Clare Ambrose, Karen Maxwell, Michael Collett, 'London Maritime Arbitration', Routledge, (2017).
3. Nagendra Singh, 'International Maritime law Conventions', Stevens publications, (1983).

4. Oystein Jensen (ed), 'The development of the law of the sea convention: The Role of International Courts and Tribunals', Edward Elgar publishing, (2020).
5. Malcolm D Evans, Sofia Galani (ed), 'Maritime security and the law of the sea: Help or Hindrance', Edward Elgar publishing, (2020).
6. Jason Chuah (ed), 'Research Handbook on Maritime Law and Regulation', Edward Elgar Publishing, (2019).
7. Tran Truong Thuy, John B. Welfield and Le Thuy Trang, 'Building a Normative order in the South China sea – Evolving disputes, Expanding options', Edward Elgar publishing, (2019).
8. Samareshwar Mahanty, Admiralty Jurisdiction and Admiralty Law in India, Universal Publishing (2009)
9. Dr. Nagendra Singh, Legal Regime of Merchant Shipping, 1969
10. Gopalan Nair, Admiralty Law of India.

JOURNALS / ARTICLES

1. M. Margaret McKeown, 'Celebrating Women on the High Seas – in Admiralty Law and Otherwise', 45 J. Mar. L. & Com. 119 (2014).
2. John D. Grace, 'Admiralty and Maritime Law', 55 Am L. Rev. 641 (1921).
3. Lionel H. Laing, 'Historic Origins of Admiralty Jurisdiction in England', 45 Mich. L.Rev. 163 (1946).
4. George K. Walker, 'The Interface of Admiralty Law and Oceans Law', 45 J. Mar. L. & Com. 281 (2014).
5. John R. Brown, 'Admiralty Judges: Flotsam on the Sea of Maritime Law', 24 J. Mar. L. Com. 249 (1993).
6. Rick L. Rambo, 'Admiralty Law', 30 Tex. Tech L. Rev. 363 (1999).
7. Olukayode Olalekan Aguda, 'Maritime Labour Convention 2006: Implications for Seafarers after a Decade', 8 Nnamdi Azikiwe U. J. Intl L. & Juris. 125 (2017).
8. Mark Szepes, 'MARPOL 73/78: The Challenges of Regulating Vessel – Source Oil Pollution', 2 Manchester Rev. L. Crime & Ethics 73 (2013).
9. Jin Yongming, 'On Modern System of the Law of the Sea and China's Practice', 6 China Legal Sci. 3 (2018).
10. Milford E. Shirley, 'Mariculture: Stepchild of the Law of the Sea', 10 Law. Am. 950 (1978).

CASES FOR GUIDANCE

1. *In re Garnett*, 141 U.S. 1, 12 (1891).
2. *Panama R.R. v. Johnson*, 264 U.S (1924).
3. *Archawski v. Hanioti*, 350 U.S. 532 (1956)
4. *Insurance Co. v. Dunham*, 78 U.S. (11 Wall.) 1, 31 (1871)
5. *Wilburn Boat Co. v. Fireman's Fund Ins. Co.*, 348 U.S. 310 (1955)
6. *Jeffcott v. Aetna Ins. Co.*, 129 F.2d 582 (2d Cir. 1942)
7. *Bisso v. Inland Waterways Corp.*, 349 U.S. 85 (1955).
8. *Boston Metals Co. v. The Winding Gulf*, 349 U.S. 122 (1955)
9. *United States v. Nielson*, 349 U.S. 129 (1955)
10. *Southwestern Sugar & Molasses Co. v. River Terminals Corp.*, 360 U.S. 411 (1959)
11. *Atlee v. Packet Co.*, 88 U.S. (21 Wall.) 389 (1875)
12. *Delaware Mut. Safety Ins. Co. v. Gossler*, 96 U.S. 645 (1877)
13. *The Bunga Melati 5* (2012) 4 SLR 546.
14. *The Engedi* (2010) 3 SLR 409.
15. *The Sea Eagle* (2012) 2 Lloyd's Rep 51.
16. *The Environmental Agency v. Gibbs* (2016) 2 Lloyd's Rep 69.
17. *Birnam Ltd. v. Owners of the Hong Ming* (2011) 5 HKC 512.
18. *Harms Bergung Transport v. Harms offshore AHT Uranus* (2015) 2 Lloyd's Rep 175.
19. *Alexandrea, The* (2002) 2 SLR 56.
20. *The Chem orchid* (2010) 2 SLR 1020.

LEARNING OUTCOME

- *Appraise the International and Indian Admiralty laws.*
- *Articulate and analyze the roles of national governments and international organizations in the regulation of admiralty laws.*
- *Gain insights on practice in admiralty law in India.*
- *Know how the admiralty system works in India with reference to ship management, safety and merchant shipping.*
- *Appraise the protection of marine environment.*

PAPER – III

INTERNATIONAL SPACE LAW – POLICIES AND CHALLENGES

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

As humans increase their presence in outer space, the law that govern human activities in that environment is becoming increasingly relevant and important to both States and the commercial sector. In this context, this paper focused to provide a clear understanding of the international space regime that has emerged from within the United Nations. With the vast growth of Space Law, the need for a functional knowledge of the international legal framework for outer space is vital to interpret the Outer Space Treaties and its progeny and apply their provisions to present and future factual scenarios. This development raises the need for some international regulatory and policy changes with a view to maintaining orderly and peaceful space exploration and exploitation. This course aims to conceptualize the challenges in space law and attempts to predict how space law might develop to address contemporary and future challenges,

After undergoing the study, the student will be able to understand the following

- *Have a comprehensive understanding of international framework of space law*
- *Analyse the developments of space law at national level by interpreting the laws passed by some of the space travelling nations*
- *The role of International Instruments in law making and policies related to outer space*
- *Examines the current and potential future uses of outer space; the law-making process relating to space activities*

COURSE OUTLINE

MODULE – I: Development of International Space Law

- a) Who owns outer space? – Early Treaties Governing Activities in Outer Space – United Nations Instruments – Outer Space Treaty (Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies), 1967 – Moon treaty, 1979
- b) Agreement on the Rescue of Astronauts, 1968 – Convention on International Liability for Damage Caused by Space Objects (Liability Convention), 1972 – Registration Convention
- c) International intergovernmental organizations and bodies related to space activities – United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) – United Nations Office for Outer Space Affairs (OOSA)

MODULE – II: National Space Policy and Administration

- a) Need for National Space Legislation – Launching state and Registering State – Registration and identification – Question of state sovereignty – Jurisdiction – Claim of Property Rights
- b) India’s Space Industry – Indian Space Research Organisation (“ISRO”), 1962 – INSAT Satellites – Indian National Space Promotion and Authorisation Centre (IN – SPACe), 2020
- c) Regulatory framework governing the space industry in India – Satellite Communication Policy, 1997 – The revised Remote Sensing Data Policy, 2011 – The Technology Transfer Policy of ISRO – The Constitution of India, 1950

MODULE – III: National Security & Military Space Activities

- a) The Military Use of Outer Space – The Space Force
- b) Use of Nuclear Power Sources in Space – for Space Missions – UNGA Resolution 47/68 of 1992 – Prevention of Arms Race in Outer Space – United Nations Conference on Disarmament
- c) The Missile Technology Control Regime (MTCR), 1987 – The Hague International Code of Conduct against Ballistic Missile Proliferation, 2002

MODULE – IV: Commercialization beyond Earth Orbit

- a) The concepts of commercialization and privatization – Innovation leads to commercialization – Contribution of Space law to Economic and Social Development
- b) UNIDROIT Convention and Draft Space Protocol – Creation and registration of International interests in space assets – Default and Remedies
- c) Space Tourism – Government Agencies and their Role in Space – National Aeronautics and Space Act of 1958 – NASA – FAA – The United Kingdom Satellite Applications Catapult – Case Study – Space Mining – Luxemburg Law on the Exploration and Use of Space Resources of 2017 – Conformity with International Law Principles

MODULE – V: International Systems of Space Communications

- a) Satellite and Communication Law – UNIDROIT Space Protocol – International Telecommunication Organisation – Consultative Committee for Space Data Systems (CCSDS), 1982
- b) International satellite organizations – International Committee on Global Navigation Satellite Systems (ICG), 2005
- c) Remote Sensing – Issues of International Law in Space Meteorology

MODULE – VI: Development and Challenges in International Space Law

- a) Unaddressed Issues in Traditional Conventions – Boundary Between Airspace and Outer Space – Development of Space Tourism, – New Space – Space debris – Space Traffic Management (STM) – Space Data Association (SDA)
- b) Climate change – Protecting Celestial Bodies – Protection of Earth Environment
- c) Intellectual Property Rights in Space – Space Patents – Private Property Rights – Contradictions with the Outer Space Treaty – Sec2 – Regulation of Commercial Space Tourism – Risks, Liabilities and Security Issues – Insurance Requirements and Waivers – Ownership of Space Objects – United Nations General Assembly (UNGA) Resolution – The Next Fifty Years of Outer Space Treaty

MODULE – VII: Settlement of Disputes and Enforcement of International Space Law

- a) International Responsibility for Space Activities – Liability and responsibility regime under the Outer Space Treaty
- b) Absolute liability and fault liability – COSMOS 954 – A case study – State liability/responsibility for space activities by Non – Governmental Entities
- c) Article X of the Liability Convention – Article VII of Outer Space Treaty – ICJ – Arbitration and Mediation – Permanent Court of Arbitration (PCA) – Optional Rules for Arbitration of Disputes Relating to Outer Space Activities, 2011

MODULE – VIII: The Intersection of Human Rights and Space

- a) Freedom of Exploration and Use of Space – Peaceful Purposes – International State Responsibility
- b) Status of Humans in Space – Ethical code for Human Activity in Space – Morality, Rights and Responsibilities in Outer Space – Access to Space for All
- c) Sustainable Space Development – UN COPUOS – Guidelines for Long Term Sustainability

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Johannah Bernstein, *The Global Commons: Key Concepts and Institutions*, 2002.
2. V.S. Mani, S. Bhatt and V. Balakista Reddy (ed), *Recent Trends in International Space Law & Policy*, New Delhi: Lancers Books, 1997.
3. Bin Cheng, *Studies in International Space Law*, Oxford: Clarendon Press, 1997.

4. Sandeepa Bhat B. (ed.), *Outer Space Law: From Theory to Practice*, Hyderabad: ICFAI University Press, 2009.
5. I.H.Ph. Diederiks – Verschoor, *An Introduction to Space Law*, Second revised edition, Kluwer Law International.

JOURNALS / ARTICLES

1. Current Developments in Air and Space Law, NLU Delhi
2. *Journal of Advanced Space Law*, Vol 5
3. Cases on space law. Stephen Gorove. *Journal of Space Law, INC. University, Mississippi*, 1996
4. *Boston University International Law Journal*, Vol 17
5. Stephen Gorove, “The Growth of Domestic Space Law: A U.S. Example”, *Journal of Space Law*, vol. 18, 1990, pp. 99 – 111.

FURTHER READING:

BOOKS

1. Harnam Bhayana, “Delimitation of Outer Space” (Chapter IV) in *International Law in the Regime of Outer Space*, (Calcutta: R. Cambay and Co. Pvt. Ltd., 2001) pp. 121 – 157
2. Sandeepa Bhat B, “Space Technology and Law: Some Unresolved Questions”, *Delhi Law Review*, Vol. XXVIII – XXIX, 2006 – 2007, pp. 231 – 243.
3. S. Mishra & T. Pavlasek, “On the Lack of Physical Bases for Defining a Boundary between Airspace and Outer Space”, *Annals of Air and Space Law*, vol. 7, 1982, pp. 399 – 413.
4. Vladimir Kopal, “Introduction to United Nations Treaties and Principles on Outer Space”, *Proceedings of the United Nations Space Law Workshop on Capacity Building in Space Law*, 2003, pp. 10 – 24.
5. Kay – Uwe Horl and Julian Hermida, “Change of Ownership, Change of Registry? Which Objects to Register, What Data to be Furnished, When, and Until When?” *Proceedings of the Colloquium on Space Law*.
6. Gorove, Stephen (1969) *Interpreting Article II of the Outer Space Treaty*. *Fordham Law Review*. Volume 37 Issue 3.
7. Mosteshar (ed), *Research and Inventions in Outer Space – Liability and Intellectual Property Rights*, London: Martinus Nijhoff, 1995.
8. PCA International Law Seminar. *Arbitration in Air, Space, and Telecommunications Law: Enforcing Regulatory Measures*. The Hague, The Netherlands; Boston, MA: Kluwer Law International, 2002

9. P Collins, "Public Choice Economics and Space Policy: Realising Space Tourism", 51st International Astronautical Congress 2 – 6 Oct 2000/Rio de Janeiro, Brazil
10. Pelt, Michel, "Space Tourism – Adventures in the Earth and Beyond", Van – Copernicus books, New York

JOURNALS / ARTICLES

1. Andrew James Simon – Butler, Freedom of Movement in Outer Space as an Individual Human Right, *Annals of Air and Space Law*: Vol. XLII (2017)
2. Dejia Kong, Civil Liability for Damage Caused by Global Navigation Satellite Systems: A Conceptual Analysis, *Annals of Air and Space Law* Volume XLI (2016)
3. Gilles Doucet, Fault in Space: A Proposed Approach for Liability Assessments in the Event of Accidental Collisions in Outer Space, *Annals of Air and Space Law*: Vol. XLII (2017)
4. Helena Correia Mendonca, Magda Cocco and Juliana Macedo Scavuzzi dos Santos, International Laws Regulating Satellite Communications and their Intentional Disruption in Times of Peace and Conflict, *Annals of Air and Space Law*: Vol. XL (2015)
5. Kostenko, Inesa (2020) "Current Problems and Challenges in International Space Law: Legal Aspects". *Advanced Space Law*, Volume 5, 49 – 58
6. Leo B. Malagar, Marlo Apalisok Magdoza – Malagar, "International Law of Outer Space and the Protection of Intellectual Property Rights," *Boston University International Law Journal*, vol.17, p. 328.
7. Michael J. Listner, "The Ownership and Exploitation of Outer Space: A Look at Foundational Law and Future Legal Challenges to Current Claims", *Regent Journal of International Law*, vol. 75
8. Sandeepa Bhat B, Application of Environmental Law Principles for the Protection of the Outer Space Environment: A Feasibility Study, *Annals of Air and Space Law*: Vol. XXXIX (2014)
9. Sandeepa Bhat Inventions in Outer Space: Need for Reconsideration of the Patent Regime", *Journal of Space Law*, Vol. 36, 2010, pp. 1 – 17.
10. V. Balakista Reddy, "Space Law and Space Policy in India", *Recent Trends in International Space Law and Policy*, 1997, pp. 115 – 139.

CASES FOR GUIDANCE

1. Alpha LyraCom Space Communications v. COMSAT 1990 – 2 Trade Cas. (CCH) P69, 188 (S.D.N.Y. 1990)
2. American Satellite Co. v. United States, 26 Cl. Ct. 146 (1992)

3. American Satellite Co. v. United States, 998 F. 2d 950 (Fed. Cir. 1993)
4. Appalachian Insurance v. McDonnell Douglas 214 Cal. App 3d 1, 262 Cal. Rptr. 716 (Cal. App. 4th Dist. 1989)
5. Berg v. Reaction Motors Division 37 N.J. 396, 181 A.2d 487 (N.J. 1962)
6. COMSAT v. Franchise Tax Board, 156 Cal. App. 3d 726 203 Cal. Rptr. 770 (Cal. App. 1st Dist. 1984)
7. Environmental Defence Fund v. Massey, 986 F.2d 528 (D.C. Cir. 1993)
8. Florida Coalition for Peace and Justice v. George Herbert Walker Bush, Civil Action No. 89 – 2682 – Og (D.D.C. 1990)
9. Hughes Aircraft Co. v. United States 29 Fed. Cl. 197 (1993)
10. Hughes Communication Galaxy v. United States 998 F. 2d 953 (Fed. Cir. 1993)
11. Hughes Communications Galaxy, Inc. v. U.S. (2001)
12. International Court of Justice, Germany v. United States of America (LaGrand Case) Stott v. Thomas Cook Tour Operators Ltd. [2014] UKSC 15
13. Martin Marietta v. INTELSAT, 991 F. 2d 94 (4th Cir. 1992)
14. Pigott v. Boeing, 240 So. 2d 63 (Miss. 1970)
15. The Korean Air ‘Nut Rage’ Incident
16. Thibodeau v. Air Canada [2014] SCC 67
17. Transpace Carriers v. United States, 22 Cl. Ct. 80 (1990)
18. United States v. Causby, 328 U.S. 256, 66 S. Ct. 1062 (1946)
19. United States v. Cordoba, 89 F. Supp 298 (E.D.N.Y 1950)
20. United States v. One Lucite Ball Containing Lunar Material, 2003 U.S. Dist Lexis 467 (2003)

LEARNING OUTCOME

- *Appraise the International Space Law principles laid out in treaties and International Common Law.*
- *Articulate and analyze the roles of national governments and international organizations in the regulation of space activities and space applications.*
- *Gain insights on Space Sustainability in the growing Space Congestion scenario.*
- *Develop a deeper understanding of how the increasing commercialization and privatization of several categories of space activities controlled through national regulation.*
- *Critique the core Domestic Space Law issues that deal with telecommunications, trade, and private commercial activities.*

PAPER – IV

INTERNATIONAL LAW OF ORGANISATIONS

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

The successful transformation of the United Nations Organization (UN) from political to legal to global institution on the basis of Principle of Universal Membership has indeed elevated the international law of organisation as an integral part of modern international law. Moreover, the regime of Article 103 under the Charter of the UN reaffirms the supremacy of the Charter obligations in the contemporary international affairs. International Institutions are working on varied specialised fields of international law; such as Humanitarian, International Settlement of Disputes, Labour, Human Rights, Trade, Environment, International Crimes, Maritime, and Intellectual Property Rights influence international life, international policy making, maintenance of peace and security and resolution of international disputes. In sum, the welfare of the human family. Thus, the current universal international legal system is effectively represented by the international, inter – governmental and regional organisations. This course aims to facilitate the students to study and understand the impact of the International Organisations in the establishment of universal legal order and system.

After undergoing the study, the Student will be able to understand the following:

- *The foundational perspectives on the international element of crimes vis a vis criminological pattern.*
- *The evolutionary jurisprudence on the substantive and procedural aspects of international crimes.*
- *The impact of ad hoc and permanent international criminal justice delivery systems.*
- *The need to develop preventive studies on international crimes especially, to combat the ever – increasing patterns of State criminality and promote welfare approaches for the human family.*

COURSE OUTLINE

MODULE – I: Introduction to International Law of Organisation

- a) Evolution of International Organisations – Geo – Political Circumstances – Establishing Agreements – Constitutions – Conventions – Statutes.
- b) Rationality in the introduction of International Organisations – Historical Evolutionary Character – Westphalian Model – Congress of Vienna – Berlin Conference – Hague Conference.

- c) Notion of Victors Justice – League of Nations and United Nations – Concept of Succession of International Organisations.

MODULE – II: Legal Personality and Capacity, Objectives and Purposes

- a) Status under International and National Laws – Notions of Supra – Nation, Sovereignty and Sovereign Equality of States, Universal Institutions.
- b) Doctrine of Implied Powers – Relation between Host – Member and Non – Member States – Treaty Making Power – Functional Capacity – Contractual Capacity.
- c) Impact of International Social Life on Functionality of International Institutions – Establishing International Legal Order and System – Universal Peace and Security – International Co – operation and Promotion of Human Rights.

MODULE – III: Privileges and Immunities of International Organisations

- a) Nature and Extent of Privileges and Immunities – Establishing Instruments, Agreements and Treaties – Head Quarters Agreements.
- b) Functional Test – Immunities of the Organisation – Secretariat – Secretary General and Personnel.
- c) Organs – Property – Officers in Member States – Contemporary issues.

MODULE – IV: United Nations System

- a) Establishing Conferences and Committees – Principal Organs (General Assembly, Security Council, Economic and Social Council, Trusteeship Council, Economic and Social Council – Secretariat and International Court of Justice).
- b) Admission – Membership – Rights and Duties of Members – Observer Status.
- c) Subsidiary Organs and Bodies – Specialised Agencies – Related Organisations.

MODULE – V: Roles and Functions of United Nations

- a) Maintenance of International Peace and Security – Peaceful Settlement of International Disputes on the basis of Principles of Justice and International Law.
- b) Impact of Regional Organisations on Collective Security – Peace Keeping – Peace Making – Realisation of Universal Human Rights – Protection of Environment.
- c) Codification and Progressive Development of International Law – Prevention of International Crimes – United Nations as International Centre.

MODULE – VI: International Legislation (ILC) and International Justice (ICJ)

- a) Article 13 of the Charter of the United Nations – Statute of the International Law Commission (ILC) 1947 – Source of Law Making – Difference between Codification and Progressive Development.
- b) Works of ILC – UN Charter and Statute of the International Court of Justice (ICJ), Rules of the Court.
- c) Sources – International Judicial Function – Role of the ICJ in the Development of International Law and Promotion of Human Rights.

MODULE – VII: Reforms and Future of the United Nations Legal System

- a) Role of UN General Assembly in Maintenance of International Peace and Security assuming Powers from the UN Security Council – Uniting for Peace Resolution.
- b) Expansion of the Security Council – Conflict of Organs – Concept of Humanitarian Intervention and Responsibility to Protect – Respect for Rule of Law under the Charter of the UN.
- c) Conflict between Principle of Independency of States and Supremacy of Charter Obligations – Enforcement – Alliance of Civilizations.

MODULE – VIII: International Networking of Institutions

- a) Concept of Collective Will and Global Interest – Human Rights and Humanitarian Diplomacy – Convergence of International Institutions – Interface between United Nations and International Institutions.
- b) Mutual Co – ordination between State and International Institutions – Impact of International Law on the lex specialis movement represented by International Institutions.
- c) Problems of Fragmentation – Expanding horizons of the mandate of international institutions.

BIBLIOGRAPHY

RECOMMENDED READING:

INTERNATIONAL INSTRUMENTS

1. Hague Peace Conferences (1899 – 1907), Convention on the Peaceful Settlement of International Disputes.
2. Treaty of Paris (Kellogg – Briand), 1928.
3. The Atlantic Charter, 1941.
4. Charter of United Nations and Statute of the International Court of Justice, 1945.

5. Convention on the Privileges and Immunities of the United Nations, 1946.
6. Convention on the Privileges and Immunities of the Specialised Agencies, 1947.
7. Statute of the International Law Commission, 1947.
8. Draft Declaration on Rights and Duties of States, 1949.
9. UN General Assembly Resolution 377 A (V), 1950 on Uniting for Peace.
10. Vienna Convention on Diplomatic Relations, 1961.
11. Vienna Convention on the Law of Treaties, 1969.
12. Convention on Special Missions, 1969.
13. Declaration on Principles of International Law concerning Friendly Relations and Co – operation among States in accordance with the Charter of the United Nations, 1970.
14. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973.
15. Vienna Convention on the Representation of States in their Relations with International Organisations of a Universal Character, 1975.
16. Vienna Convention on Succession of States in respect of Treaties, 1978.
17. Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations, 1986.
18. Conclusions of the work of the Study Group on the Fragmentation of International Law: Difficulties arising from the Diversification and Expansion of International Law, 2006.
19. Draft Articles on the Responsibility of International Organizations, 2011.

BOOKS

1. D.W. Bowett (1970), *The Law of International Institutions*, Stevens & Sons Limited: London.
2. Rahmatullah Khan (1970), *Implied Powers of the United Nations*, Vikas Publications: India.
3. C.F. Amerasinghe (2009), *Principles of the Institutional Law of International Organizations*, Cambridge University Press: United Kingdom.
4. Henry G. Schermers and Niels Blokker (2011), *International Institutional Law: Unity within Diversity*, Martinus Nijhoff Publishers: Netherlands.
5. Jan Klabbers (2015), *An Introduction to International Organizations Law*, Cambridge University Press: United Kingdom.

JOURNALS / ARTICLES

1. Yogesh K. Tyagi (1995), *The Concept of Humanitarian Intervention Revisited*, Michigan Journal of International Law, Vol. No. 16, Issue No. 3, PP.883 – 910.

2. T.S.N. Sastry (1998), The Effect of State Succession on the Membership of The United Nations: A Case Study of Yugoslavia, Kerala University Journal of Legal Studies, Vol. No. 1, Parts 1&2, PP.103 – 113.
3. Dapo Akande (1998), The Competence of International Organizations and the Advisory Jurisdiction of the International Court of Justice, European Journal of International Law, Vol. No. 9, PP. 437 – 467.
4. Bardo Fassbender (1998), The United Nations Charter as Constitution of The International Community, Columbia Journal of Transnational Law, Vol. No. 36, Issue No. 3, PP. 529 – 619.
5. B.S. Chimni (2004), International Institutions Today: An Imperial Global State in the Making, European Journal of International Law, Vol. No.15, Issue No.1, PP.1 – 37.

FURTHER READING:

BOOKS

1. M.S. Rajan (1982), The Expanding Jurisdiction of United Nations, N.M. Tripathi Publishers: India.
2. R.P. Anand (1994), United Nations and The Gulf Crisis, Banyan Publications: India.
3. Noam Chomsky (2000), Rogue States: The Rule of Force in World Affairs, Pluto Press: United Kingdom.
4. Bruno Simma (et al, eds.) (2002), The Charter of the United Nations: A Commentary, Oxford University Press: New York.
5. C.G. Weeramantry (2004), Universalising International Law, Martinus Nijhoff Publishers: The Netherlands.
6. Vera Gowlland – Debbas (2004), National Implementation of United Nations Sanctions: A Comparative Study, Martinus Nijhoff Publishers: The Netherlands.
7. Simon Chesterman (2004), You, The People: The United Nations, Transitional Administration and State – Building, Oxford University Press: United Kingdom.
8. Shabtai Rosenne (2004), The Perplexities of Modern International Law, Martinus Nijhoff Publishers: The Netherlands.
9. B.S. Murthy (2008), International Relations and Organisation, Eastern Book Company: India.
10. Maurizio Ragazzi (2013), (Editor), Responsibility of International Organizations, Martinus Nijhoff, The Netherlands.

JOURNALS / ARTICLES

1. M.G. Kaladharan Nayar (1974), Dag Hammarskjold and U Thant: The Evolution of Their Office, *Case Western Reserve Journal of International Law*, Vol. No. 7, Issue No.1, PP. 36 – 83.
2. Onuma Yasuaki (2000), When was the Law of International Society Born? – An Inquiry of the History of International Law from an Intercivilizational Perspective, *Journal of History of International Law*, Vol. No. 2, PP. 1 – 66.
3. Alison Duxbury (2000), The Privileges and Immunities of United Nations' Experts: The Cumaraswamy Case, *Asia – Pacific Journal on Human Rights and the Law*, Vol. No.2, PP. 88 – 110.
4. Thomas M. Franck (2006), The Power of Legitimacy and the Legitimacy of Power: International Law in an Age of Power Disequilibrium, *The American Journal of International Law*, Vol. No. 100, Issue No.1, PP. 88 – 106.
5. Nico J. Schrijver (2006), The Future of the Charter of United Nations, *Max Planck Year Book of United Nations Law*, Vol. No. 10, PP.1 – 34.
6. Jaemin Lee (2007), The United Nations Security Council and The International Court of Justice: Co – operation, Co – existence, and Co – involvement, *Asian Year Book of International Law*, Vol. No. 12, PP. 57 – 81.
7. Anna Peters (2009), Humanity as the Alpha and Omega of Sovereignty, *European Journal of International Law*, Vol. No. 20, Issue No.3, PP. 513 – 544.
8. R.P. Anand (2010), The Formation of International Organizations and India: A Historical Study, *Leiden Journal of International Law*, Vol. No. 23, PP. 5 – 21.
9. Marcelo Dias Varella (2013), Central Aspects of the Debate on the Complexity of International Law, *Emory International Law Review*, Vol. No. 27, PP. 1 – 22.
10. Jan Klabbers (2015), The Transformation of International Organizations Law, *European Journal of International Law*, Vol. No. 26, Issue No. 1, PP. 9 – 82.

CASES FOR GUIDANCE

1. Case Concerning the Reparations for Injuries Suffered in the Service of the United Nations, Advisory Opinion of the International Court of Justice, 11 April 1949.
2. Case Concerning the Competence of the General Assembly for the Admission of a State to the United Nations, Advisory Opinion of the International Court of Justice, 3 March 1950.
3. Case Concerning the International Status of South – West Africa, Advisory Opinion of the International Court of Justice, 11 July 1950.

4. Case Concerning Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion of the International Court of Justice, 28 May 1951.
5. Case Concerning Certain Expenses of the United Nations (Article 17 Paragraph 2 of the Charter), Advisory Opinion of the International Court of Justice, 20 July 1962.
6. Case Concerning South – West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgement of the International Court of Justice, 21 December 1962.
7. Case Concerning Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom), Request for the Indication of Provisional Measures, Order of the International Court of Justice, 14 April 1992.
8. Case Concerning South – West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Second Phase, Judgement of the International Court of Justice, 18 July 1966.
9. Case Concerning Legal Consequences for States of the continued presence of South Africa in Namibia (South – West Africa), Notwithstanding Security Council Resolution 276(1970), Advisory Opinion of the International Court of Justice, 21 June 1971.
10. Case Concerning the Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion of the International Court of Justice, 8 July 1996.
11. Case Concerning the Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion of the International Court of Justice, 8 July 1996.
12. Case Concerning Oil Platforms (Islamic Republic of Iran v. United States of America), Preliminary Objections, Judgement of the International Court of Justice, 12 December 1996.
13. Case Concerning the Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion of the International Court of Justice, 29 April 1999.
14. Case Concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of the International Court of Justice, 9 July 2004.
15. Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgement of the International Court of Justice, 26 February 2007.
16. Case Concerning Judgment No. 2867 of the Administrative Tribunal of the International Labour Organization upon a Complaint filed against the International Fund for

Agricultural Development, Advisory Opinion of the International Court of Justice, 1 February 2012.

17. Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Croatia v. Serbia, Judgement of the International Court of Justice, 3 February 2015.
18. Case Concerning Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America), Application of Institution of Proceedings in the International Court of Justice, 28 September 2018.
19. Case Concerning Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion rendered by the International Court of Justice, 25 February 2019.
20. Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide, The Gambia v. Myanmar, Provisional Order rendered by the International Court of Justice, 23 January 2020.

LEARNING OUTCOME

- *The Origin and Developments of New International Law of Organization.*
- *The Interface between State and International Institutions in the current International Legal System.*
- *The Impact of International Institutions in securing Welfare of the Human Family.*
- *The Expanding Networking of International Institutions and related Challenges and Complexities.*

PAPER – V

INTERNATIONAL ECONOMIC LAW

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

This course is aimed at those wanting to understand the role of law in the global economy. It covers, from the early development of international law as the regime of choice for international traders and explorers, to the current questions of international economic law and the global financial crisis. It will examine development, foreign direct investment and economic rights and examines the legal rules which underpin this trade. It examines the main features of the private law of international trade that enables to develop a more sophisticated understanding of the public law issues relating to world trade law. This subject also aims to assist the policy makers through inter – disciplinary and in – depth research in making informed decisions on various aspects of trade negotiations and dispute settlement matters.

After undergoing the study, the student will be able to understand the following:

- *Have a comprehensive understanding of international framework of economic law*
- *Analyse the development of economic law at national level by interpreting the laws passed by the nations which involves in international trade.*
- *The role of International Instruments in law making and policies related to economic arena.*
- *Examines the current and potential future and also the law-making process in the arena of global economy.*

COURSE OUTLINE

MODULE – I: Overview of International Economic Law

- a) Interface between International Law and the Global Economy from the different perspectives: Historical, Contemporary, the Institutional, the Individual, the Developed World and the Global Poor.
- b) Significance of International Monetary Relations
- c) Concept, Scope and Sources of International Economic Law – Economic Development and Economic Rights – NIEO and Common Heritage of Mankind

MODULE – II: The founding of the Bretton Woods institutions, the GATT and WTO

- a) GATT, WTO and Trading System – The significance of GATS – Development, food security and land as a natural resource –

- b) Principles and Policies of GATT: MFN – Reciprocity – National Treatment – Unfair practices – Dumping and Anti – dumping – Subsidies: Prohibited, Actionable and Non – Actionable Subsidies
- c) WTO: Multilateral Trading System – Trade Negotiations – Reviewing National Trade Policies – Relationship with other International Organisations – Trade Disputes – WTO Dispute Settlement Mechanism – Countervailing and safeguard measures – Facilitating developing economies for international trade.

MODULE – III: Decolonisation, natural resource concessions and international investment arbitration

- a) Decolonisation and its impact on International Trade – Political and Economic independence of the colonial nations – EXIM policies after independence.
- b) International Environmental Protection – Permanent Sovereignty over Natural Resources – Agreement on Sanitary and Phytosanitary (SPS) Measures – Sustainable Development and Environment Exemptions
- c) International Investment Law Treatment and Protection – Bilateral Investment Treaties – The World Bank Guidelines – Attempts for a Multilateral Investment Agreement – Role of ICSID

MODULE – IV: IMF and IBRD: Conditionality and Sovereign debt

- a) Relationship between IMF, World Bank, Regional Development Banks and Private Creditors – Bilateral aid from donor government.
- b) Structural adjustment of a borrowing countries: Stabilisation – Liberalisation – Deregulation and Privatisation
- c) Conditionality on Human Rights: Health Rights, Labour Rights and Civil and Political Rights.

MODULE – V: The Global Finance and the regulation of International Banking and Finance

- a) Economic Globalisation: Institutions, International Agreements and Treaties, Economic Actors – Oil, the dollar and global crises
- b) Interaction of tax treaties with domestic tax law rules – Double taxation relief issues; non – discrimination, mutual administrative assistance, competent authority procedure.
- c) Transfer pricing rules in international taxation: history and policy of international transfer pricing rules, OECD transfer pricing methodologies and advance pricing agreements (APAs) and recent international developments.

MODULE – VI: International Cartels and Intellectual Property Rights

- a) State Monopoly capitalism – International Cartels in Maritime Shipping, Machinery and Equipment, Fertilizers, Chemical Products, Petroleum and Ferrous and Non – ferrous metals.
- b) WTO – TRIPS Agreement – Basic Principles – Transitional Agreements – Anti – competitive practices in licensing
- c) WIPO – Institutional Arrangements – Co – operation with other Inter – Governmental Organisations.

MODULE – VII: The dark side of the International Trade

- a) Protectionism and Free trade – Inequality and Injustice to Developing and Least Developed Countries – Economic polarization.
- b) International Trade Agreements – Illicit Trade – War, Arms trade and the Private Security Business – Organised Economic Crimes and Money Laundering.
- c) Illicit commerce through trafficking: Humans, Narcotics, Endangered Wildlife and other prohibited goods and commodities.

MODULE – VIII: Global governance and the development of the new corporate global lex mercatoria

- a) Global and Regional Governance – Role of Inter – Governmental Organisations (IGO) and Non – Governmental Organisations (NGO) and Stakeholders – Neoliberalism – Liberalising public goods and services – Laissez faire capitalism.
- b) Balancing Trade with Environment, Property Rights and Public Health – Understanding extra – legal and corporate social responsibility pressures – Multi – National Corporations and Human Rights
- c) Lex Mercatoria: Positivist and Autonomist view – Unification of International Trade Law through Customs, National Laws, Expansive Freedom of Contract and Arbitral Decision Making.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Indira Carr & Peter Stone, “International Trade Law”, 2017, 6th Edition, Routledge Publishers.

2. Ralph Folsom, “Principles of International Trade Law”, 2017, 2nd Edition, West Academic Publishing.
3. Peter Van Den Bossche and Warner Zdouc, “The Law and Policy of the WTO: Texts, Cases and Materials, 2017, 4th Edition, Cambridge University Press
4. Simon Lester and Bryan Mercurio, “World Trade Law: Text, Materials and Commentary”, 2018, 3rd Edition, Hart Publishing.
5. Autar Krishen Koul, “Guide to the WTO and GATT”, 2018, Springer

JOURNALS / ARTICLES

1. Steve Charnovitz, “What is International Economic Law?” 14 J. Int’l. Econ. L. 3 (2011) available at http://scholarship.law.gwu.edu/faculty_publications
2. John H. Jackson, “Reflections on International Economic Law”, Published by Penn Law, Legal Scholar Repository, 2014.
3. A. K. Sanders, “Principle of National Treatment in International Economic Law: Trade, Investment and Intellectual Property”, Edward Elgar publishing, 2014.
4. Diane A. Desierto, “Shifting sands in the International Economic System: ‘Arbitrage’ in International Economic Law and International Human Rights, Georgetown Journal of International Law, 2018 Volume 49, pp 1019 – 1115.
5. Anne van Aaken and Jurgen Kurtz, “Beyond Rational Choice: International Trade Law and the Behavioural Political Economy of Protectionism”, Journal of International Economic Law, 2019, Volume 22, Issue 4, pp. 601 – 628.

FURTHER READING:

BOOKS

1. Raj Bhala, “International Trade Law: Interdisciplinary Theory and Practice, 3rd Edition, Lexis Nexis.
2. Daniel Bethlehem and Van Damme, “The Oxford Handbook of International Trade Law”, Oxford.
3. Peter Van Den Bossche and Denise Prevoost, “Essentials of WTO Law”, 2016, Cambridge University Press.
4. Jayanta Bagchi, “World Trade Organisation: An Indian Perspective”, Eastern Law House
5. David Collins, “Foundations of International Economic Law”, 2019 Edward Elgar Publisher
6. Pankaj Ghemawat, “The Laws of Globalization and Business Applications”, 2016, Cambridge University Press.

7. Barry Eichengreen, Arnaud Mehl and Livia Chitu, "How Global Currencies Work: Past, Present and Future", 2019, Princeton University Press.
8. WTO's "A Handbook on the WTO Dispute Settlement System", 2017, 2nd Edition, Cambridge University Press.
9. INCOTERMS 2020: Obligations, Costs and Risks, 2019 Global Negotiators Business Publications.
10. Ernst – Ulrich Petersmann, "International Economic Law in the 21st Century: Constitutional Pluralism and Multilevel Governance of Interdependent Public Goods", 1st Edition, Hart Publishing.

JOURNALS / ARTICLES

1. James Bacchus, "The Willing World: Shaping and Sharing a Sustainable Global Property" Cambridge University Press, 2018 pp 515.
2. C.O. Neal Taylor, "Interrelationships: International Economic Law and Developing Countries", Number 2, Volume 7, Boston College International and Comparative Law Review, 2004 pp.187 – 194
3. Pang Zhongying, "Globalisation Vs. Economic Sovereignty", Yale Global Online, December 2005.
4. Ehring.L, "De facto Discrimination in World Trade Law, National Treatment and Most – Favoured Nation Treatment – or Equal Treatment?", Journal of World Trade, 2002, pp 921 – 977.
5. Fredrick M. Abbott, "The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO", Journal of International Economic Law, June 2002, Volume 5, Issue 2, pp 469 – 505.
6. Csongor Istvan Nagy, "Clash of Trade and National Public Interest in WTO Law: The Illusion of 'Weighing and Balancing' and the Theory of Reservation", Journal of International Economic Law, Oxford, January 2020.
7. Gilles Muller, "Troubled Relationships under the GATS: Tensions between Market Access (Article XVI), National Treatment (Article XVII) and Domestic Regulation (Article VI)", Cambridge University press, July 2017, Volume 16, Issue 3, pp 449 – 474.
8. Brian R Copeland, "Trade and the Environment", Palgrave handbook of International Trade, 2013, pp 423 – 496.
9. Micheal Aklin, "Re – exploring the trade and environment nexus through the diffusion of pollution", Environmental and Resource Economics, Springer, 2016, 64(4), pp. 663 – 682
10. Ralf Christian Michaels, "The True Lex Mercatoria: Law Beyond the State", Indiana Journal of Global Legal Studies", August 2008 @ <http://ssrn.com/abstract=1259979>

CASES FOR GUIDANCE

1. India – QR Case WT/DS90/16/Add.7 | 26 March 2001
2. Mexico Vs U.S G/ADP/D2/1 G/L/90 WT/DS49/1 | 8 July 1996
3. Canada Vs U.S G/AG/GEN/38 G/L/317 WT/DS180/1 | 15 September 1999
4. U.S Vs Ireland IP/D/8/Add.1 IP/D/12/Add.1 WT/DS82/3
WT/DS115/3 | 13 September 2002
5. U.S Vs Denmark IP/D/9/Add.1 WT/DS83/2 | 13 June 2001
6. Vietnam Vs U.S WT/DS540/2 | 9 March 2018
7. Ukraine Vs Armenia G/ADP/D127/1 G/L/1264 WT/DS569/1 | 22 October 2018
8. China Vs U.S WT/DS565/2 | 3 September 2018
9. U.S Vs Netherlands G/L/240 G/SCM/D22/1 WT/DS128/1 | 11 May 1998
10. E.U Vs India WT/DS120/2 | 13 October 2000
11. U.S Vs Greece IP/D/14/Add.1 WT/DS125/2 | 26 March 2001
12. China Vs U.S G/ADP/D72/1 G/L/826 G/SCM/D77/1 WT/DS368/1 | 18 September 2007
13. U.S Vs China WT/DS489/7 | 19 April 2016
14. Ukraine Vs Australia WT/DS434/17 | 30 June 2016
15. Canada Vs China WT/DS483/9 | 12 September 2018
16. India Vs European Communities WT/DS141/19 | 29 April 2003
17. E.U Vs Russia WT/DS485/11 | 15 June 2017
18. Chinese Taipei Vs India G/ADP/D111/1 G/L/1121 WT/DS498/1 | 29 September 2015
19. Indonesia Vs E.U WT/DS480/8/Add.3 | 9 November 2018
20. Guatemala Vs Peru WT/DS457/18 | 12 April 2016

LEARNING OUTCOME

- *To analyse the various functional and theoretical bases for organizing economic relations at the international level.*
- *To identify the nations' trade intercourse and their diplomatic relations with each other.*
- *To apply the rules and principles to solve problems presented in class and hypotheticals or cases decided by international dispute settlement bodies.*
- *To appreciate the relationship between WTO law and bilateral and regional trade agreements.*
- *To assess international economic law from multiple perspectives; in particular of individuals and organisations; in the public, private and third sectors; in relatively rich and relatively poor economic contexts; in terms of calm and crises; and on local, national, regional and global levels.*

PAPER – VI

PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

The complex character of human egos as per the laws of nature leads to frictions among the human family and as a result the institution of Justice becomes integral in every society. The contemporary State led international legal system due to conflicts of power and denial of mutual acceptance has resulted in the increase of international disputes on matters pertaining to differences arising inter alia out of legal interest over boundary, sharing of natural resources, immunity to sovereign heads, conservation of environment, protection of human rights, diplomatic relations, international legal obligations on nuclear disarmament and State responsibility for the commission of international crimes, Accordingly, to settle the frictions various international settlement mechanisms and judicial bodies are established. Vitality, the interests and welfare of human family constitutes the heart of all these disputes. Therefore, the relevance of implementing the Principle of Peaceful Settlement of International Disputes warrants high level of respect and compliance. This course will facilitate the Students to learn the international law on dispute settlement management as a tool for achieving international justice.

After undergoing the study, the Student will be able to understand the following:

- *The significance of the Principle of Universal Peace and its relevance for the welfare of the human family.*
- *The classification and essential characteristics of Diplomatic and Non – Diplomatic modes of settlement of international disputes.*
- *The institutionalization of International Dispute Settlement Mechanisms.*
- *The impact of the Principle of Peaceful Settlement of International Disputes in securing International Justice.*

COURSE OUTLINE

MODULE – I: Introduction to Notion of Peace and War

- a) Origin, Nature Scope of Universal Peace – Impact of Theological Science on Universalization of the Principle of Humanity and Equality in Justice Delivery System – Essentials of Peace.
- b) Institution of War and its Challenges in Modern International Law, Peaceful Settlement as an Alternate for War – Inter – linkages between International Dispute Settlement and

International Peace and Security and The International Hague Conferences of 1899 and 1907.

- c) Role of International Organizations' on the evolutionary character of Peaceful Settlement of International Disputes.

MODULE – II: Diplomatic and Non – Diplomatic Means of Settlement

- a) Negotiation – Definitional Elements – Steps and Process – Mediation – Consultation – Good Office – Conciliation – Commissions of Enquiry – Impact of Scientific Findings.
- b) Arbitration – Adjudication – Jurisdiction – Disputation Process – Dispute Settlement Clauses – Multi – Door Facility
- c) International Fact – Finding Missions – Compliance – Modes of Enforcement – Remedial Mechanisms

MODULE – III: United Nations Law on Progressive Development of Peaceful Settlement of International Disputes

- a) Charter of the United Nations, 1945 – Preamble Article 1, 2 and 33 – Pacific Settlement of International Disputes – Significance of Declaration on Principles of International Law concerning Friendly Relations and Co – operation among States in accordance with the Charter of the United Nations, 1970.
- b) International Law Commission on Peaceful Settlement of International Disputes – Manila Declaration on the Peaceful Settlement of International Disputes, 1982 – Role of General Assembly and Security Council – Peace and Security and Regional Arrangements.
- c) UN Commission on International Trade Law, Conciliation Rules, 1980, Model Law on International Commercial Arbitration, 1985 – UN Model Rules for the Conciliation of Disputes Between States, 1995.

MODULE – IV: International Judicial Function

- a) Historical origin of the Permanent Court of Arbitration – International Court of Justice – Status of Principal Judicial Organ of the United Nations – Definition of International Legal Dispute under the Covenant of League and Charter of the United Nations.
- b) Jurisdiction – Contentious – Compulsory – Forum Prorogatum – Provisional Order – Interpretation – Counter – Claims – Revision – Advisory Opinion.
- c) Notion of International Judicial Conscience – Consensualist Approaches – Role of International Lawyering in the International Court of Justice – Achieving International Justice.

MODULE – V: Proliferation of Judicial and Quasi – Judicial Bodies

- a) Need for Proliferation of International Judicial Bodies – International Tribunal for the Law of the Sea.
- b) International Criminal Tribunal for the Former Yugoslavia – International Criminal Tribunal for Rwanda – International Criminal Court.
- c) Special Court for Sierra Leone – Special Tribunal for Lebanon – Extraordinary Chambers in the Courts of Cambodia – WTO Dispute Settlement Body – International Centre for Settlement of Investment Disputes – International Crimes Tribunal of Bangladesh.

MODULE – VI: Impact of Regional Human Rights Court on Individuals Access to Justice

- a) Principle of Equality of Parties – Individuals Right to Access Justice as a Universal Human Right.
- b) Contribution of Inter – American Court of Human Rights – European Court of Human Rights – African Court on Human and People’s Rights.
- c) International Court of Justice – Wall and Kosovo Advisory Opinions – Contributions of International Legal Scholarship on Humanization.

MODULE – VII: Contemporary Challenges in International Disputation Process

- a) Conflict between Principle of State Sovereignty and Human Rights – Interpretation of Dispute Settlement Clauses in International Treaty Based Legal Regimes.
- b) Problems of Fragmentation – Unity of International Law and Judicial Institutions – Need for Establishment of International Human Rights and Humanitarian Court, International Labour Court, International Environmental Court – International Space Court
- c) Complexities of International Water Dispute Management – Remedial Justice for Victims of International Crimes and Prevention of State Criminality.

MODULE – VIII: International Judicial Impact Assessment: Lessons from Judicial Behaviour

- a) Kotaro Tanaka – Bindingness of Principles of International Human Rights – Antonio Augusto Cancado Trindade.
- b) Concept of International Judicial Conscience – Christopher Gregory Weeramantry – Competency of International Courts and Significance of International Social Facts in the Disputation Process.
- c) International Justice for the Victims of International Crimes – Navaneetham Pillay – Antonio Cassese and Shawkat Al – Khasawneh on International Criminal Justice.

BIBLIOGRAPHY

RECOMMENDED READING:

INTERNATIONAL INSTRUMENTS

1. Hague Peace Conferences (1899 – 1907), Convention on the Peaceful Settlement of International Disputes.
2. Treaty of Paris (Kellogg – Briand), 1928.
3. General Act for the Pacific Settlement of International Disputes, 1928.
4. The Atlantic Charter, 1941.
5. Charter of United Nations and Statute of the International Court of Justice, 1945.
6. Convention on the Privileges and Immunities of the United Nations, 1946.
7. Convention on the Privileges and Immunities of the Specialised Agencies, 1947.
8. Statute of the International Law Commission, 1947.
9. Convention on the Prevention and Punishment of the Crime of Genocide, 1948.
10. Draft Declaration on Rights and Duties of States, 1949.
11. UN General Assembly Resolution 290, 1949 on Essentials of Peace.
12. UN General Assembly Resolution 377 A (V), 1950 on Uniting for Peace.
13. Vienna Convention on Diplomatic Relations, 1961.
14. Optional Protocol concerning the Compulsory Settlement of Disputes, 1961.
15. Vienna Convention on Consular Relations, 1963.
16. Optional Protocol concerning the Compulsory Settlement of Disputes, 1963.
17. Vienna Convention on the Law of Treaties, 1969.
18. Declaration on Principles of International Law concerning Friendly Relations and Co – operation among States in accordance with the Charter of the United Nations, 1970.
19. Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character, 1975.
20. Vienna Convention on Succession of States in respect of Treaties, 1978.
21. UNCITRAL Conciliation Rules, 1980.
22. Manila Declaration on the Peaceful Settlement of International Disputes, 1982.
23. United Nations Convention on the Law of the Sea, 1982.
24. UNCITRAL Model Law on International Commercial Arbitration, 1985.
25. Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations, 1986.
26. Declaration on Fact – finding by the United Nations in the Field of the Maintenance of International Peace and Security, 1991.

27. WTO Understanding on Rules and Procedures Governing the Settlement of Disputes, 1994.
28. UN Model Rules for the Conciliation of Disputes between States, 1995.
29. Convention on the Law of Non – navigational Uses of International Watercourses, 1997.
30. UN General Assembly Resolution 53/101, 1999 on Principles and Guidelines for International Negotiations.
31. Conclusions of the work of the Study Group on the Fragmentation of International Law: Difficulties arising from the Diversification and Expansion of International Law, 2006.
32. Hague Principles on Ethical Standards for Counsel Appearing before International Courts and Tribunals, 2010.

BOOKS

1. Ibrahim F.I. Shihata (1965), *The Power of the International Court to Determine its Own Jurisdiction: Competence de la Competence*, Springer: Netherlands.
2. R.P. Anand (1969), *Studies in International Adjudication*, Vikas Publications: India.
3. V.S. Mani (1980), *International Adjudication: Procedural Aspects*, Radiant Publishers: India.
4. J.G. Merrills (1984), *International Dispute Settlement*, Cambridge University Press: United Kingdom.
5. John Collier and Vaughan Lowe (2000), *The Settlement of Disputes in International Law: Institutions and Procedures*, Oxford University Press: United Kingdom.

JOURNALS / ARTICLES

1. Lyndel V. Prott (1970 – 1973), *The Style of Judgment in the International Court of Justice*, *Australian Yearbook of International Law*, PP. 75 – 90.
2. John B. Quigley (1984), *United States Complicity in Israel's Violations of Palestinian Rights*, *The Palestine Yearbook of International Law*, Vol. No. I, PP. 95 – 120.
3. Richard B. Bilder (1987), *International Dispute Settlement and the Role of International Adjudication*, *Emory Journal of International Dispute Resolution*, Vol.No.1, Issue No. 2, PP. 131 – 173.
4. Charles Manga Fombad (1989), *Consultation and Negotiation in the Pacific Settlement of International Disputes*, *African Journal of International Law and Comparative Law*, Vol. No. 1, PP. 707 – 719.
5. Mohamed Bedjaoui (1991), *The Manufacture of Judgements at the International Court of Justice*, *Pace Yearbook of International Law*, Vol. No. 3, PP. 29 – 61.

FURTHER READING:

BOOKS

1. Leo Mates (1977), 'Peaceful Co – existence in a Changing and Multinodal World' in Robert J. Akkerman, Peter J. Van Krieken & Charles O. Pannenberg (Editors), Declaration on Principles: A Quest for Universal Peace, A.W. Sijthoff Publications: Leiden.
2. B.G. Ramcharan (1983), Humanitarian Good Offices in International Law, Martinus Nijhoff Publishers: Netherlands.
3. Bruno Simma (et al, eds.) (2002), The Charter of the United Nations: A Commentary, Oxford University Press: New York.
4. Shabtai Rosenne (2003), The World Court: What it is and How it works, Martinus Nijhoff Publishers: Netherlands.
5. C.G. Weeramantry (2004), Universalising International Law, Martinus Nijhoff Publishers: The Netherlands.
6. Constanze Schulte (2004), Compliance with Decisions of the International Court of Justice, Oxford: United Kingdom.
7. Mohamed Shahabuddeen (2007), Precedent in the World Court, Cambridge University Press: United Kingdom.
8. Gbenga Oduntan (2015), International Law and Boundary Disputes in Africa, Routledge: New York.
9. Eirik Bjorge and Cameron Miles (Editors) (2017), Landmark Cases in Public International Law, Hart Publishing: United Kingdom.
10. Yoshifumi Tanaka (2018), The Peaceful Settlement of International Disputes, Cambridge University Press: United Kingdom.

JOURNALS / ARTICLES

1. Anna Peters (2003), International Dispute Settlement: A Network of Cooperational Duties, European Journal of International Law, Vol. No. 14, Issue No.1, PP. 1 – 34.
2. Iain Scobbie (2006), Unchart(er)ed Waters? Consequences of the Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory for the Responsibility of the UN for Palestine, The European Journal of International Law, Vol. No. 16, Issue No. 5, PP.941 – 961.
3. Timo Koivuravo (2007), The International Court of Justice and Peoples, International Community Law Review, Vol. No. 9, PP. 157 – 180.

4. Tommy Koh (2011), *International Law and the Peaceful Resolution of Disputes: Asian Perspectives, Contributions, and Challenges*, Asian Journal of International Law, Vol. No. 1, PP. 57 – 60.
5. A. Jayagovind (2012), *Impact of Permanent Sovereignty over Natural Resources on WTO: A Critique of WTO Ruling in China: Exportation of Raw Materials Case*, Indian Journal of International Law, Vol.No. 52, Issue No. 2, PP. 141 – 151.
6. Anna Spain (2011 – 2012), *Examining the International Judicial Function: International Courts as Dispute Resolvers*, Loy. L.A. International & Comparative Law Review, Vol.No.34, Issue No. 5, PP. 5 – 31.
7. Marcelo Dias Varella (2013), *Central Aspects of the Debate on the Complexity of International Law*, Emory International Law Review, Vol. No. 27, PP. 1 – 22.
8. Victor Kattan (2015), *Decolonizing the International Court of Justice: The Experience of Judge Sir Mohammad Zafrulla Khan in the South West Africa Cases*, Asian Journal of International Law, Vol. No. 5, PP. 310 – 355.
9. Prabhakar Singh (2015), *India Before and After the Right of Passage Case*, Asian Journal of International Law, Vol.No. 5, Issue No. 1, PP. 176 – 208.
10. Eric de Brabandere (2018), *International Dispute Settlement – from Practice to Legal Discipline*, Leiden Journal of International Law, Vol. No. 31, PP. 459 – 468.

CASES FOR GUIDANCE

1. *Case Concerning the Reparations or Injuries Suffered in the Service of the United Nations*, Advisory Opinion of the International Court of Justice, 11 April 1949.
2. *Case Concerning South – West Africa (Ethiopia v. South Africa; Liberia v. South Africa)*, Preliminary Objections, Judgement of the International Court of Justice, 21 December 1962.
3. *Case Concerning South – West Africa (Ethiopia v. South Africa; Liberia v. South Africa)*, Second Phase, Judgement of the International Court of Justice, 18 July 1966.
4. *Case Concerning Legal Consequences for States of the continued presence of South Africa in Namibia (South – West Africa)*, Notwithstanding Security Council Resolution 276(1970), Advisory Opinion of the International Court of Justice, 21 June 1971.
5. *Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*, Provisional Order rendered by the International Court of Justice, 15 December 1979.
6. *Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*, Judgement of the International Court of Justice, 24 May 1980.

7. Case Concerning the Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion of the International Court of Justice, 8 July 1996.
8. Case Concerning the Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion of the International Court of Justice, 8 July 1996.
9. Case Concerning Oil Platforms (Islamic Republic of Iran v. United States of America), Preliminary Objections, Judgement of the International Court of Justice, 12 December 1996.
10. Case Concerning the Vienna Convention on Consular Relations (Paraguay v. United States of America), Provisional Order rendered by the International Court of Justice, 9 April 1998.
11. Case Concerning the Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion of the International Court of Justice, 29 April 1999.
12. Case Concerning La Grand (Germany v. United States of America), Judgement of the International Court of Justice, 27 June 2001.
13. Case Concerning Avena and Other Mexican Nationals (Mexico v. United States of America), Provisional Order rendered by the International Court of Justice, 5 February 2003.
14. Case Concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of the International Court of Justice, 9 July 2004.
15. Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgement of the International Court of Justice, 26 February 2007.
16. Case Concerning Obligations Concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India), Preliminary Objections, Judgement of the International Court of Justice, 5 October 2016.
17. Case Concerning Jadhav (India v. Pakistan), Provisional Order rendered by the International Court of Justice, 18 May 2017.
18. Case Concerning Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America), Application of Institution of Proceedings in the International Court of Justice, 28 September 2018.
19. Case Concerning Jadhav (India v. Pakistan), Judgement of the International Court of Justice, 17 July 2019.

20. Case Concerning Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion rendered by the International Court of Justice, 25 February 2019.

LEARNING OUTCOME

- *The significance of the Principle of Universal Peace and its relevance for the welfare of the human family.*
- *The classification and essential characteristics of Diplomatic and Non – Diplomatic modes of settlement of international disputes.*
- *The institutionalization of International Dispute Settlement Mechanisms.*
- *The impact of the Principle of Peaceful Settlement of International Disputes in securing International Justice.*

PAPER – VII

INTERNATIONAL DIPLOMATIC LAW

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE:

Diplomacy as a field of knowledge and institution in spirit effectuates friendly relations and universal peace amongst all humans and nations. The immunities and privileges conferred upon the messengers across time and space signifies the practice of international law itself as a way of life by all societies. However, the evolution of State led international legal system has promoted diplomatic relations as a matter of reciprocity reflecting national or regional interest through treaty based legal regimes. Further the success of International Organizations, especially the United Nations necessitates the need to understand the emissaries serving global interests, the changing dimensions of the functionalities of diplomacy in the current international legal system calls for academic as well as practical determinations of the subject. Thus, the purpose of the course work is to impart fundamental as well as critical perspectives on the evolving nature of diplomacy and equip the students to develop approaches towards International Crisis Resolution.

After undergoing the study, the Student will be able to understand the following:

- *The Origin and Development of the Role of Messengers and Institution of Diplomacy towards the establishment of Universal Peace.*
- *The Legal Aspects of the Modern Diplomatic and Consular Law.*
- *The Evolutionary Character of Diplomatic Intercourse practiced by International Organization.*
- *The Art of understanding Contemporary International Crisis and develop Legal insights towards Resolution Management.*

COURSE OUTLINE

MODULE – I: Ancient Diplomacy and Evolutionary Perspectives

- a) Origin, Nature Scope of Diplomacy and Diplomats – Religion as the original source of Diplomacy – Christianity and Holy See, Hinduism, Islam – Treaty of Hudaibiyah, Buddhism, Judaism.
- b) Universal Diplomacy – Qualities of Diplomats as Human as Messengers of Peace and Conflict Resolution – Concept of *Jus legationis* – Diplomacy both Open and Closed in Asia, Africa, America and Europe – Colonial Diplomacy.

- c) Cold War – Neo – Colonial Diplomacy – Non – Aligned Movement – Interface between International Relations and Diplomatic Law.

MODULE – II: Forms of Diplomacy

- a) War and Peace – Diplomacy – Kautilyan Diplomacy – Mandala Theory – Gun Boat Diplomacy – Polar Diplomacy – Sports Diplomacy – Ping Pong Diplomacy – Public Diplomacy.
- b) Preventive Diplomacy – Shuttle Diplomacy – Multi – Track Diplomacy – International Democratic Governance – Humanitarian Diplomacy – Economic Diplomacy.
- c) Environmental Diplomacy – Maritime Diplomacy – Space Diplomacy – Emerging trends in Global Governance.

MODULE – III: International Diplomatic Legal Treaty Framework

- a) Status of Diplomats in modern international law – ILC Codification of Vienna Convention on Diplomatic Relations (VCDR) – Vienna Convention on Consular Relations (VCCR).
- b) Theories on Inviolability, Immunities and Privileges of Diplomats – Representative – Functional Necessity and Exterritorial.
- c) Principles of Modern Diplomatic Law – Sources of Legal Protection of Diplomats – Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

MODULE – IV: Diplomacy of International Organizations

- a) Historical evolution of Diplomacy in the League of Nations and United Nations and Organization – Covenant of the League – Charter of the United Nations – Convention on the Privileges and Immunities of the United Nations – Convention on the Privileges and Immunities of the Specialized Agencies – Nature and Extent of Privileges and Immunities – Establishing Instruments, Agreements and Treaties – Head Quarters Agreements.
- b) Functional Test – Immunities of the Organization – Secretariat – Secretary General and Personnel – Organs—Convention on Special Missions – Contemporary Issues.
- c) Purposes and Principles of the Charter of the United Nations – Diplomatic Means of Settlement of International Disputes – Impact of the Office of the United Nations Secretary General – Good Office – International Mediation – General Assembly and Parliamentary Diplomacy – Agenda for Peace – – Alliance of Civilizations – Institutions of Peace Making and Peace Keeping – Criminalizing Peace Keepers – – Good Will Ambassadors – Universal Peace.

MODULE – V: Role of the International Court of Justice in the Progressive Development of Diplomatic Law

- a) Legal Personality of the United Nations – Succession of International Organization – League of Nations and United Nations – Notion of VCDR as Self Contained Regime – State Responsibility for International Legal Obligations arising out of International Diplomatic Law.
- b) Legal Status of the Immunities and Privileges of Diplomats serving the United Nations – Powers and Functions of the United Nations Secretary General.
- c) Right to Contact the Consular Post as a Human Right under the VCCR – Disputes arising out of the Application and Interpretation of the VCDR and VCCR – Optional Protocols concerning the Compulsory Settlement of Disputes.

MODULE – VI: International Crisis Management and Contemporary Challenges

- a) Interface between Diplomatic Intercourse of State and International Organizations – International Networking of Institutions – Normative Status of Principles of Modern Diplomatic Law – Law on Diplomatic Asylum.
- b) Impact of Bilateralism in Diplomatic Relations – Cross Border Dispute Resolution – Abuse of Diplomatic Privileges, Immunities and Inviolability – International Crimes – Terrorism – Hijacking – Illicit Traffic in Narcotic Drugs – Illicit Traffic in Armaments – Espionage.
- c) Form and Substance of International Conflicts – Humanitarian Crisis – Significance of the Nature of International Social Facts – International Actors and Stake Holders – Multi – disciplinary Perspectives – Lessons from Sri Lankan Ethnic Conflict – Ethnic Cleansing in Bosnia – Prolonged Occupation of Israel in Palestine – India – China, India – Pakistan Crisis Situations – United States of America in Vietnam, Somalia, Iraq, Pakistan and Syria, Russia in Afghanistan, Chechnya and other Occupied Parts and Inter – State Conflict in Africa.

BIBLIOGRAPHY

RECOMMENDED READING:

INTERNATIONAL INSTRUMENTS

1. Hague Peace Conferences (1899 – 1907), Convention on the Peaceful Settlement of International Disputes.
2. Treaty of Paris (Kellogg – Briand), 1928.
3. Havana Convention on Asylum, 1928.

4. Montevideo Convention on Political Asylum, 1933.
5. Montevideo Treaty on Asylum and Political Refuge, 1939.
6. The Atlantic Charter, 1941.
7. Charter of United Nations and Statute of the International Court of Justice, 1945.
8. Convention on the Privileges and Immunities of the United Nations, 1946.
9. Convention on the Privileges and Immunities of the Specialised Agencies, 1947.
10. Statute of the International Law Commission, 1947.
11. Draft Declaration on Rights and Duties of States, 1949.
12. UN General Assembly Resolution 377 A (V), 1950 on Uniting for Peace.
13. Caracas Convention on Diplomatic Asylum, 1954.
14. Vienna Convention on Diplomatic Relations, 1961.
15. Optional Protocol concerning the Compulsory Settlement of Disputes, 1961.
16. Vienna Convention on Consular Relations, 1963.
17. Optional Protocol concerning the Compulsory Settlement of Disputes, 1963.
18. Vienna Convention on the Law of Treaties, 1969.
19. Convention on Special Missions, 1969.
20. Declaration on Principles of International Law concerning Friendly Relations and Co – operation among States in accordance with the Charter of the United Nations, 1970.
21. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973.
22. Vienna Convention on the Representation of States in their Relations with International Organisations of a Universal Character, 1975.
23. Vienna Convention on Succession of States in respect of Treaties, 1978.
24. Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations, 1986.
25. Conclusions of the work of the Study Group on the Fragmentation of International Law: Difficulties arising from the Diversification and Expansion of International Law, 2006.
Draft Articles on the Responsibility of International Organizations, 2011.

BOOKS

1. Biswanath Sen (1988), A Diplomats Hand Book of International Law and Practice: Martinus Nijhoff Publishers: Netherlands.
2. B.S. Murthy (1989), The International Law of Diplomacy, The Diplomatic Instrument and World Public Order, Martinus Nijhoff Publishers: Netherlands.
3. Eileen Denza (2008), Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations, Oxford University Press: United Kingdom.

4. Charles Chatterjee (2007), *International Law and Diplomacy*, Routledge: United Kingdom.
5. John Quigley, William J. Aceves and S. Adele Shank (2010), *The Law of Consular Access: A Documentary Guide*: Routledge: London.

JOURNALS / ARTICLES

1. Mahmoud Cherif Bassiouni (1980), *Protection of Diplomats under Islamic Law*, *American Journal of International Law*, Vol. No. 74, Issue No. 3, PP. 609 – 633.
2. Angela M. Rossitto (1987), *Diplomatic Asylum in the United States and Latin America: A Comparative Analysis*, *Brooklyn Journal of International Law*, Vol. No. 13, Issue No. 1, PP. 111 – 136.
3. Frank Przetacznik (1991), *Reaffirmation of Basic Principles of Diplomatic and Consular Law by the International Court of Justice in the American Diplomatic Case in Iran*, *Sri Lankan Journal of International Law*, Vol. No. 3, PP. 119 – 152.
4. Roger Boesche (2003), *Kautilya's Arthashastra on War and Diplomacy in Ancient India*, *The Journal of Military History*, Vol. No. 67, Issue No. 1, PP. 9 – 37.
5. Thomas M. Franck (2006), *The Power of Legitimacy and the Legitimacy of Power: International Law in an Age of Power Disequilibrium*, *The American Journal of International Law*, Vol. No. 100, Issue No.1, PP. 88 – 106.

FURTHER READING:

BOOKS

1. Leo Mates (1977), 'Peaceful Co – existence in a Changing and Multinodal World' in Robert J. Akkerman, Peter J. Van Krieken & Charles O. Pannenberg (Editors), *Declaration on Principles: A Quest for Universal Peace*, A.W. Sijthoff Publications: Leiden.
2. R.P. Anand (1994), *United Nations and The Gulf Crisis*, Banyan Publications: India.
3. Noam Chomsky (2000), *Rogue States: The Rule of Force in World Affairs*, Pluto Press: United Kingdom.
4. Bruno Simma (et al, eds.) (2002), *The Charter of the United Nations: A Commentary*, Oxford University Press: New York.
5. Shabtai Rosenne (2003), *The World Court: What it is and How it works*, Martinus Nijhoff Publishers: Netherlands.
6. C.G. Weeramantry (2004), *Universalising International Law*, Martinus Nijhoff Publishers: The Netherlands.

7. Vera Gowlland – Debbas (2004), *National Implementation of United Nations Sanctions: A Comparative Study*, Martinus Nijhoff Publishers: The Netherlands.
8. Simon Chesterman (Editor) (2007), *Secretary or General? The UN Secretary – General in World Politics*, Cambridge University Press: New York.
9. B.S. Murthy (2008), *International Relations and Organisation*, Eastern Book Company: India.
10. Bertrand G. Ramcharan (2008), *Preventive Diplomacy at the UN*, Indiana University Press: United States of America.

JOURNALS / ARTICLES

1. Vera Gowlland-Debbas (2000), *The Limits of of Unilateral Enforcement of Community Objectives in the Framework of UN Peace Maintenance*, *European Journal of International Law*, Vol. No. 11, Issue No. 2, PP. 361-383.
2. Frank Przetacznik (1991), *Reaffirmation of Basic Principles of Diplomatic and Consular Law by the International Court of Justice in the American Diplomatic Case in Iran*, *Sri Lankan Journal of International Law*, Vol. No.3, PP.119 – 152.
3. Cara S. O’Driscoll (2000), *The Execution of Foreign Nationals in Arizona: Violations of the Vienna Convention on Consular Relations*, *Arizona State Law Journal*, Vol. No. 32, PP. 323 – 343.
4. R.P. Anand (2010), *The Formation of International Organizations and India: A Historical Study*, *Leiden Journal of International Law*, Vol. No. 23, PP. 5 – 21.
5. M.B.A. Ismail (2013), *Justifications and Principles of Diplomatic Immunity: A Comparison between Islamic International Law and International Law*, *Journal of Islamic State Practices in International Law*, Vol. No. 9, Issue No. 1, PP.60 – 101.
6. John Quigley (2013), *Vienna Convention on Consular Relations: In Retrospect and in to the Future*, *Southern Illinois University Law Journal*, Vol. No. 38, PP.1 – 25.
7. Marcelo Dias Varella (2013), *Central Aspects of the Debate on the Complexity of International Law*, *Emory International Law Review*, Vol. No. 27, PP. 1 – 22.
8. Thomas Lavander (2014), *Using the Julian Assange Dispute to Address International Law’s Failure to Address the Right of Diplomatic Asylum*, *Brooklyn Journal of International Law*, Vol. No. 39, Issue No.1, PP. 443 – 486.
9. Jan Klabbers (2015), *The Transformation of International Organizations Law*, *European Journal of International Law*, Vol. No. 26, Issue No. 1, PP. 9 – 82.
10. Ghaleb Awad Hawamdeh (2017), *The Diplomatic Character in the International Law*, *Journal of Law, Policy and Globalization*, Vol. No. 57, PP. 163 – 177.

CASES FOR GUIDANCE

1. Case Concerning the Reparations for Injuries Suffered in the Service of the United Nations, Advisory Opinion of the International Court of Justice, 11 April 1949.
2. Case Concerning the International Status of South – West Africa, Advisory Opinion of the International Court of Justice, 11 July 1950.
3. Case Concerning Asylum (Colombia v. Peru), Judgement of the International Court of Justice, 20 November 1950.
4. Case Concerning Haya De La Torre (Colombia v. Peru), Judgement of the International Court of Justice, 13 June 1951.
5. Case Concerning Certain Expenses of the United Nations (Article 17 Paragraph 2 of the Charter), Advisory Opinion of the International Court of Justice, 20 July 1962.
6. Case Concerning South – West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgement of the International Court of Justice, 21 December 1962.
7. Case Concerning South – West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Second Phase, Judgement of the International Court of Justice, 18 July 1966.
8. Case Concerning Legal Consequences for States of the continued presence of South Africa in Namibia (South – West Africa), Notwithstanding Security Council Resolution 276 (1970), Advisory Opinion of the International Court of Justice, 21 June 1971.
9. Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran), Provisional Order rendered by the International Court of Justice, 15 December 1979.
10. Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran), Judgement of the International Court of Justice, 24 May 1980.
11. Case Concerning the Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion of the International Court of Justice, 8 July 1996.
12. Case Concerning the Vienna Convention on Consular Relations (Paraguay v. United States of America), Provisional Order rendered by the International Court of Justice, 9 April 1998.
13. Case Concerning the Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion of the International Court of Justice, 29 April 1999.
14. Case Concerning La Grand (Germany v. United States of America), Provisional Order rendered by the International Court of Justice, 3 March 1999.

15. Case Concerning La Grand (Germany v. United States of America), Judgement of the International Court of Justice, 27 June 2001.
16. Case Concerning Avena and Other Mexican Nationals (Mexico v, United States of America), Provisional Order rendered by the International Court of Justice, 5 February 2003.
17. Case Concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of the International Court of Justice, 9 July 2004.
18. Case Concerning Jadhav (India v. Pakistan), Provisional Order rendered by the International Court of Justice, 18 May 2017.
19. Case Concerning Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America), Application of Institution of Proceedings in the International Court of Justice, 28 September 2018.
20. Case Concerning Jadhav (India v. Pakistan), Judgement of the International Court of Justice, 17 July 2019.

LEARNING OUTCOME

- *The Origin and Development of the Role of Messengers and Institution of Diplomacy towards the establishment of Universal Peace.*
- *The Legal Aspects of the Modern Diplomatic and Consular Law.*
- *The Evolutionary Character of Diplomatic Intercourse practiced by International Organization.*
- *The Art of understanding Contemporary International Crisis and develop Legal insights towards Resolution Management.*

PAPER – VIII

INTERNATIONAL HUMANITARIAN AND REFUGEE LAW

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE:

International Humanitarian Law has developed to a greater extent in the past two centuries. The addition of non – international conflicts and protection of natural resources added new frontiers. However, IHL is also facing new threats from Artificial Intelligence to Space programmes. In this context, the students shall understand the content and relevance of IHL in this course. The 1951 Refugee Convention and its 1967 Protocol contain less than 60 articles. Attempts to provide a more ambitious and more comprehensive treaty – law framework has failed. India is not a party and the compliance by the accepted countries is also frustrating. In this background, refugee law assumes importance for the students.

After undergoing the study, the student will be able to understand the following

- *The nature and scope of IHL and refugee law in international and national sphere.*
- *complications involved in monitoring and enforcing IHL.*
- *Role of courts in the international and national systems to appreciate these laws.*
- *Indian approach to IHL and refugee law.*

COURSE OUTLINE

MODULE – I: Introduction to International Humanitarian Law

- a) History and Development of IHL – Asian and European approaches to Law of War – Practices of Indian Kingdoms
- b) Modern Humanitarian Law – Geneva Conventions – International and Non – International Armed Conflicts
- c) Legal Protection of ICRC – National red cross movements

MODULE – II: Rules of Conduct of Hostilities

- a) General Limitations on the Means and Methods of Warfare – Rule of Military Necessity and Rule of Proportionality
- b) Prohibited Methods and Means – Nuclear weapons – Cluster bombs
- c) New forms of weapons and warfare – Space Weapons – Chemical Substances – Bio – Warfare

MODULE – III: Protected Persons and Resources

- a) Wounded, The Sick, The Shipwrecked – Prisoners of War – Medical, Religious and Relief Personnel
- b) Protection of Civilians, Women and Children – Protection of Environment and Cultural Property.
- c) Legal effects of breach of IHL – Criminal Liability and Jurisdiction – War Crimes

MODULE – IV: Refugee Law – Basics

- a) The Origin and Development of International Refugee Principles
- b) Concepts of Refugee, Migrant, Immigrant
- c) UN Charter, UDHR and ICCPR on Refugees – Relationship between IHL, IHRL and Refugee Law

MODULE – V: Refugee Convention and Institutions

- a) 1951 UN Convention Relating to the Status of Refugees
- b) Additional Protocols – Office of the High Commissioner for Refugees
- c) Refugee crisis in Europe – Changing Political and Legal Framework

MODULE – VI: India and Refugee Law

- a) Indian Constitution and Protection and Refugees
- b) Status of Refugees in India – Legal Mechanism in relation to refugees – Changes in the Citizenship Laws
- c) UNHCR and India – Status of Tamil, Tibetan and Rohingya refugees in India

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Ben Saul and Dapo Akande, 'The Oxford Guide to International Humanitarian Law' Oxford. (2020)
2. UC Jha, 'International Humanitarian Law: Law of the War' Vij Books India, New Delhi. (2011)
3. V S Mani 'Handbook of International Humanitarian Law in South Asia' Oxford. (2009)
4. Shuvro Prosun Sarker 'Refugee Law in India: The Road from Ambiguity to Protection' Palgrave Macmillan. (2017)
5. Guy S. Goodwin – Gill and Jane McAdam 'The Refugee in International Law' Oxford. (2007)

JOURNALS / ARTICLES

1. Alexander, Amy (2009), "Without refuge: Chin refugees in India and Malaysia", *Forced Migration Review*, 30.
2. Chetail, Vincent (2014) *Are Refugee Rights Human Rights? An Unorthodox Questioning of the Relations Between Refugee Law and Human Rights Law*, in *Human Rights and Immigration* 19 – 72. Ruth Rubio – Marín ed. Oxford: Oxford University Press
3. C. Valatheeswaran and S. Irudaya Rajan (2011) *Sri Lankan Tamil Refugees in India: Rehabilitation Mechanisms, Livelihood Strategies, And Lasting Solutions*, *Refugee Survey Quarterly*, Vol. 30, No. 2
4. Gill, Terry D., and Dieter Fleck, eds. (2010) *The handbook of the international law of military operations*. Oxford and New York: Oxford University Press.
5. UNHCR (September 2009) *UNHCR policy on refugee protection and solutions in urban areas*

FURTHER READING:

BOOKS

1. Nicholas Tsagourias and Alasdair Morrison (2018) 'International Humanitarian Law: Cases, Materials and Commentary' Cambridge
2. M K Sinha (2014) 'Handbook of Legal Instruments on International Human Rights and Refugee Laws,' Lexis Nexis: New Delhi
3. South Asia Human Rights Documentation Centre, (2007) 'Human Rights and Humanitarian Law' Oxford
4. Alley Roderic (2004) *Internal conflict and the international community: Wars without end?* Burlington: Ashgate Publishing
5. Chesterman, Simon (2001) *Just war or just peace? Humanitarian intervention and international law*. Oxford and New York: Oxford University Press.
6. Dinstein, Yoram (2011) *War, aggression and self defense*. 5th ed. Cambridge and New York: Cambridge University Press.
7. Kolb, Robert, and Richard Hyde (2008) *An introduction to the law of armed conflicts*. Oxford: Hart Publishing.
8. Osiel, Mark (2009) *The end of reciprocity: Terror, torture, and the law of war*. New York: Cambridge University Press.
9. Rowe, Peter (2005) *The impact of human rights law on armed forces*. New York: Cambridge University Press.

10. Van Engeland, Anicee (2011) *Civilian or combatant? A challenge for the twenty – first century*. New York: Oxford University Press

JOURNALS / ARTICLES

1. Ford, Christopher A., and Amichai Cohen, eds (2012) *Rethinking the law of armed conflict in an age of terrorism*. Lanham: Lexington Books
2. Schmitt, Michael N (2011) *Essays on law and war at the fault lines*. The Hague: TMC Asser Press
3. Cullen, Anthony (2010) *The concept of non – international armed conflict in international humanitarian law*. Cambridge and New York: Cambridge University Press.
4. Babalola, A. (2014) “Extradition under International Law: Tool for Apprehension of Fugitives”, 22 *Journal of Law Policy & Globalization* 25.
5. Gillian Triggs, (2020) ‘We Can Secure Both Public Health *and* the Rights of Asylum Seekers to Protection” *International Journal of Refugee Law*, Volume 32, Issue 2, Pages 367 – 36
6. Rebecca Dowd (2011) *Dissecting Discrimination in Refugee Law: An Analysis of its Meaning and its Cumulative Effect* *International Journal of Refugee Law*, Vol 23, Issue 1, Pages 28 – 53
7. Eric Fripp, *International Humanitarian Law and the Interpretation of ‘Persecution’ in Article 1A (2) CSR51*, *International Journal of Refugee Law*, Volume 26, Issue3, October 2014, Pages 382 – 403
8. Randall Hansen (2018) *The Comprehensive Refugee Response Framework: A Commentary*, *Journal of Refugee Studies*, Volume 31, Issue 2, June 2018, Pages 131 – 151,
9. Thomas Lavander (2014), *Using the Julian Assange Dispute to Address International Law’s Failure to Address the Right of Diplomatic Asylum*, *Brooklyn Journal of International Law*, Vol. No. 39, Issue No.1, PP. 443 – 486.
10. Aeyal M. Gross, (2006) *The Construction of a Wall between The Hague and Jerusalem: The Enforcement and Limits of Humanitarian Law and the Structure of Occupation*

CASES FOR GUIDANCE

1. *Prosecutor vs DU, Prosecutor vs Zejnir Delalic* (1996) ICTY
2. *Prosecutor vs. Jean – Paul Akayesu* (2004) ICTR
3. *Prosecutor vs Pauline Nyiramasuhu* (2015) ICTR
4. *Gurunathan and others vs. Government of India* WP No. S 6708 and 7916 of 1992
5. *A.C. Mohd.Siddique vs. Government of India and others* 1998(47) DRJ(DB)p.74

6. State of Arunachal Pradesh vs. Khudiram Chakma 1994 Supp. (1) SCC 615
7. Case Concerning the Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion of the International Court of Justice, 8 July 1996.
8. Case Concerning Jadhav (India v. Pakistan), Judgement of the International Court of Justice, 17 July 2019
9. Case Concerning the Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion of the International Court of Justice, 29 April 1999
10. Case Concerning South – West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Second Phase, Judgement of the International Court of Justice, 18 July 1966
11. Cyprus v. Turkey, 6780/74 and 6950/75 (first and second applications)
12. Lawless v. Ireland, ECtHR Series A 3
13. Al – Skeini v. The United Kingdom, App. No. 55721/07, 7 July 2011
14. Mohilov and Others v. Minister for Citizenship and Immigration (2008) (Canada)
15. Al – Saadoon and Mufdhi v. United Kingdom (2009) UK
16. A. v. Federal Asylum Review Board (2007) Austria
17. Coard et Al. v. United States (1999) Inter – American Court
18. Kononov v. Latvia (2010) European Court of Human Rights
19. Prosecutor v. Issa Hassan Sesay, Morris Kallon and Augustine Gbao (2009) Sierra Leone
20. Prosecutor v. Mladen Naletilic aka "Tuta" (2006) ICTY

LEARNING OUTCOME

- *The nature and scope of IHL and refugee law in international and national sphere.*
- *complications involved in monitoring and enforcing IHL.*
- *Role of courts in the international and national systems to appreciate these laws.*
- *Indian approach to IHL and refugee law.*

PAPER – IX

PRIVATE INTERNATIONAL LAW

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE:

The study of Private International Law leads in time to an examination of the essential differences in the doctrines of various legal systems. Application of conflict rules requires penetration and analysis of the meaning of foreign laws involved. This course helps students to develop an international and comparative perspective and it is sure to benefit their future legal practice and further legal academic and research.

After undergoing the study, the student will be able to understand the following:

- *Have a comprehensive understanding of international framework of Private Law*
- *Analyse the developments of private law at international level by interpreting the laws passed by some of the nations.*
- *The role of international instruments in law making and policies related to private international law*
- *Examines the current and potential future uses and law-making process of private law at international level*

COURSE OUTLINE

MODULE – I: Overview of Private International Law

- a) Introduction – Nature and Scope – Relationship between International Commercial Law, Public International Law and Private International Law – Foreign Element – Operating areas – Extra Territorial Jurisdiction
- b) Theories of Private International Law – Codification of Private International Law – Hague Conventions – UNCITRAL – International Institute for the Unification of Private Law (UNIDROIT) – Choice of Law – Characterisation – Renvoi
- c) Application of Private International Law in the Law of Contracts, Torts, Banking and Finance, Real Property and Intellectual Property

MODULE – II: Conflict of Laws in International Judicial Assistance

- a) Proof of Foreign Law – Substance and Procedure – Parties and service of process – Evidence – remedy
- b) UNCITRAL Arbitration and Conciliation Rule – Convention on Recognition of Enforcement of Foreign Arbitral Award (New York Convention)

- c) Applicability of Arbitration and Conciliation Act – Arbitration Agreement – Composition and Jurisdiction of Arbitral Tribunal – To Conduct, Making an Award and Termination of Arbitral Proceedings – Recourse against Award – Recognition and Enforcement of Award.

MODULE – III: Conflict of Laws in Family and Children Issues

- a) Residence, Citizenship and Domicile of Individuals, Parents and Children – Legitimacy – Legal and illegal immigrants – Habitual Residence and Nationality – Test of Nationality – Application of Civil Law and Common Law
- b) Traditional Family – Marriage: Formality and its Validity – Matrimonial Home – Polygamous Marriages – Divorces, Separation and Annulments – Matrimonial Causes and Alimony – Custody of Children – Child care, Child abduction and Child adoption – Succession
- c) Issues in Legal Family – LGBT and Surrogacy – Remedial Measures.

MODULE – IV: Conflict of Laws in Virtual World

- a) Transnationality of Internet Litigations – Digital Due Process – New challenges of law – State Jurisdiction: Physical location of the Petitioner, Respondent, Property, Place of Service, Evidence, etc.
- b) Multi – territoriality of Data – Data Privacy and Digital Evidence – Unilateral assertions of Extra – Territorial Jurisdiction – Territorial Integrity
- c) Conflict of Jurisdiction – Domicile of Company and Digital Service Provider – Choice of Law – Conflicting rules related to Cyber Space and Intellectual Property Rights: Issues and remedies – Indian Perspective.

MODULE – V: Conflict of Laws and Regional Harmonisation

- a) Universalism and Regionalism of Private International Law for accelerating integration and economic growth – Trans – boundary Social and Commercial Exchange – Traditional Conflicts of Conventions – Law and Treaty making power – Uniform rules of law
- b) Regional instruments and International Conventions – Supranational regional instruments – Inter – regionalism – Regional Courts and International Conventions – Non – State Actors – Specialised agencies and Regional organization
- c) Maritime and Aeronautic Tort – Transport and Telecommunication Tort – Violation of Foreign Law and International Treaties in Drugs, Smuggling, etc. – Consequences in adjudication – analysis of internal and international facts and circumstances – Recognition and Enforcement of Regional Court judgments in civil, commercial and labour matters.

MODULE – VI: Evolution of Traditional and Contemporary Human Rights under Private International Law

- a) Access to Justice and Parallel Litigation – Judicial Discretion – Private International Law and Consumerism – Rome Convention and Brussels Convention – Regulation of International Surrogacy – Recognition of parenthood in cross – border surrogacy – Compensation and Exploitation in the light of Human Right principles – Global Labour Market – Migration of Labourers – Non-Discrimination – Vs – Party Autonomy in Religious identity and intermingled rationalities –
- b) Acquisition of Antiquities – UNESCO Convention on the Means of Prohibiting and Preventing the Illegal Import, Export and Transfer of Ownership of Cultural property – UNDRIT Convention on Stolen or Illegally Exported Cultural Objects –
- c) New International Economic Order – Economic Integration on Environmental Standards – Corporate Social Responsibility at the Crossroads – Economic Citizenship and the choice of Law – Application of Law in Cultural Identities and Scientific Development.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Cheshire and North, “Private International Law”, Oxford, 15th Edition, 2017
2. Clarkson and Hill’s “Conflict of Laws”, Oxford, 2016.
3. Dicey, Morris & Collins, “The Conflict of Laws”, Sweet and Maxwell, 15th Edition, 2017
4. F.E. Noronha, “Private International Law in India”, Universal Law Publishing, 2015.
5. Paras Diwan, “Private International Law”, Deep & Deep Publishing, 4th Edition, 1998

JOURNALS / ARTICLES

1. Hessel E. Yntema, “The Objectives of Private International Law” @ 35 Can.B.Rev.721(1957)
2. George Panagopoulos, “Substance and Procedure in Private International Law”, Journal of Private International Law, 2005, Volume 1, Issue 1, pp.69 – 92.
3. William Tetley, “Mixed Jurisdictions: Common Law v. Civil Law (Codified and Uncodified)”, UNIDROIT Uniform Law Review, 1999 @ 60 La. L. Rev. 677 (1999 – 2000).
4. Kenny Chng, “A Theoretical perspective of the Public Policy Doctrine in the Conflict of Laws”, Journal of Private International Law, 2018, Volume 14, No.1, pp.130 – 159.

5. Ralf Michaels & Joost Pauwelyn, “Conflict of Norms or Conflict of Laws? Different Techniques in the Fragmentation of Public International Law”, 22 Duke Journal of Comparative and International Law 349 (2011 – 2012).

FURTHER READING:

BOOKS

1. V.C. Govindaraj, “Private International Law: A Case Study”, Oxford, 2018.
2. Setalvad, “Conflict of Laws”, Lexis Nexis, 2014
3. G.P. Tripathi, “Conflict of Laws”, Allahabad Law Agency 1st Edition, 2015.
4. V.C. Govindaraj, The Conflict of Laws in India: Inter – Territorial and Inter – Personal Conflict”, Oxford, 2011.
5. Mukarrum Ahmed, “The Nature and Enforcement of Choice of Court Agreements”, Hart Publishing, 2017
6. Alex Mills, “Party Autonomy in Private International Law”, Cambridge 2018.
7. Peter Hay, “Advanced Introduction to Private International Law and Procedure”, Edward Elgar Publishing, 2018
8. Adrian Briggs, “Agreements on Jurisdiction and Choice of Law”, Oxford, 2008.
9. Maria Kaurakova, “Private International Law of Corporations”, Spiramus Press, 2017
10. Geert Van Calster, European Private International Law”, Hart Publishing, 2016.

JOURNALS / ARTICLES

1. John Robb, “Personhood and Status of Legal Persons in Private International Law”, Journal of Private International Law, 2019, Volume 15, Issue 2, Taylor and Francis Group @ <https://doi.org/10.1080/17441048.2019.1645974>.
2. Matthias Lehmann, “Regulation, Global Governance and Private International Law: Squaring the Triangle”, Journal of Private International Law, 2020 Volume 16, Issue 1, @ <https://doi.org/10.1080/17441048.2020.1744255>.
3. Sharon Shakargy, “Choice of Law for Surrogacy Agreements: In the in – between of Status and Contract”, Journal of Private International Law, 2020, Volume 16, Issue 1, @ <https://doi.org/10.1080/17441048.2020.1741121>.
4. Micheal Hellner, “The Country of Origin Principle in the E – Commerce Directive – A Conflict with Conflict of Laws? European Review of Private Law, 2004, Volume 12, pp.193 – 213.
5. Gray J. Simson, “An Essay on Illusion and Reality in the Conflict of Laws”, @ 70 Mercer L. Rev. 819 (2018 – 2019).

6. Horatia Muir Watt, "Governing Networks: A Global Challenge for Private International Law", *Maastricht Journal of European and Comparative Law* 2015, Volume 22, No.3, pp.352 – 369.
7. Joel R. Reidenberg, "Technology and Internet Jurisdiction, *University of Pennsylvania Law Review*, 2005, Volume 153, No.6, pp.1951 – 1974.
8. Lynn D. Wardle, "From Slavery to Same – Sex Marriage: Comity Versus Public Policy in Inter – Jurisdictional Recognition of Controversial Domestic Relations", @ Brigham Young University, 2008 *BYU L. Rev.* 1855 (2008).
9. Horatia Muir Watt, "Private International Law beyond the Schism", *Transnational legal Theory* 2(3), 2011 pp.347 – 428 @ Taylor & Francis Online.
10. Juan Carlos Zarate, "The Emergence of a new dog of war: Private International Security Companies, International Law and the new World Disorder", *Stan J. Int'l*, 34, 75, 1998.

CASES FOR GUIDANCE

1. Voth Vs MFM (1990) 171 CLR 539
2. Equal Employment Opportunity Commission Vs Arabian American Oil Co. 499 U.S.244 (1991)
3. Dipak Bannnerjee Vs Sudipta Bannerjee AIR 1987 Cal. 491
4. Oceanic Sun Case (1988) 165 CLR 197
5. Rashid Hassan Vs Union of India AIR 1967 All. 154
6. Hyde Vs Hyde, (1866) L.R.I
7. Lawrence Vs Lawrence (1985) Fam 106, CA
8. Y. Narasimha Rao Vs Venkata Lakshmi (1991) 3 SCC 451
9. Rajiv Tayal Vs Union of India & Ors. 124 (2005) DLT 502
10. Marggarate Pulparampil Vs Dr. Chacko Pulparampil AIR 1970 Ker 1
11. Satya Vs Teja AIR 1975 SC 105
12. Sarita Sharma Vs Sushil Sharma (2000) 1 SCR 915
13. Firm Hiralal Giridharilal Vs Brijnath, AIR 1960 Punj 450
14. Phillipa Vs Eyre (1870) L.R. 2 P.C 193
15. Boys Vs Chaplin (1971) A.C 356
16. Rosler Vs Rottwinkel E.C.R 99\
17. M.J. Jones Inc. Vs Kingsway General Insurance Co. 2004 O.J. No.1087
18. Inset System Inc. Instruction Set Inc. 937 F. Supp. 961(1) Conn. 1996
19. Ocular Sciences Ltd. Vs Aspect Vision Care Ltd. (1997) RPC 289
20. ITSI T.V. Productions Inc. Vs California Authority of Racing Fairs 785 F. Supp. 854.

LEARNING OUTCOME

- *To analyse the elements of foreign laws and its application on the individuals in municipal sphere.*
- *To demonstrate the conceptual necessity, contextual inevitability, legal adaptability and to discover the substantive and procedural aspects of litigation of trans – national transactions.*
- *To discuss the desirability and effectiveness of sovereign immunity and impact of foreign judgments.*
- *To analyse the compelling influence of different personal factors and comprehend the complex issues arising out of trans – national matrimonial relationships, horizons of contract, tort, and property beyond domestic frontiers.*
- *To demonstrate knowledge of a substantial range of major concepts, values, principles and rules of conflict of laws and explain the relationship between them in specified areas.*

PAPER – X

TRANSBOUNDARY WATERCOURSES LAW

(Generic Elective Paper)

OBJECTIVES OF THE COURSE:

This course is intended to provide broader knowledge and understanding to the students on the law relating to transboundary watercourses. The term ‘watercourses’ includes rivers and lakes. The idea of ‘transboundary’ is usually limited to international boundaries. However, in the water law context, the term ‘transboundary’ means all sorts of political boundaries including inter – state watercourses. Globally, River management and dispute settlement played a vital role in defining international relations and law. In the past 200 years, federal courts and tribunals enhanced the scope of this branch with a close interface between international and interstate dispute settlement of watercourses. Thus, this course provides a unique opportunity for the students to learn the nuances of interstate and international water law.

After undergoing the study, the student will be able to understand the following

- *To comprehend a basis understanding about water as a resource, and its impact on legal systems.*
- *To master the basis legal principles of transboundary water law.*
- *To study the national and international legal regimes relating to watercourses.*
- *To explore the connections amongst water, environment, land and human rights laws.*

COURSE OUTLINE

MODULE – I: Introduction to Transboundary Watercourses Law

- a) Importance of water – idea of watercourses and transboundary disputes – Transboundary Groundwater Regulation
- b) Legal Definitions of watercourses – Federal constitutions on water disputes (India, US, Australia, Germany)
- c) Contribution of ILC and ILA – Helsinki Rules – Important international case studies – Rio Grande – Nile – Danube – Mekong

MODULE – II: Evolution and Principles of Transboundary Watercourses Law

- a) Harmon Doctrine, Absolute Territorial Integrity, Equitable and Reasonable Utilisation, Obligation not to cause significant harm, Principles of Cooperation, Information Exchange, Consultation and Peaceful Settlement of Disputes – Hierarchy in Non – Navigational Uses

- b) United Nations Convention on the Law of the Non – Navigational Uses of International Watercourses (1997 Convention)
- c) Convention on the Protection and Use of Transboundary Water and International Lakes of the United Nations Economic Commission for Europe (1992 Convention).

MODULE – III: India and International Watercourses

- a) India’s approach to international water law
- b) Transboundary agreements and dispute settlement with Pakistan, Bangladesh, Nepal and China
- c) Emerging issues – Indus and Brahmaputra – interlinking of rivers

MODULE – IV: Inter – State River Management

- a) Constitutional Aspects – River Boards
- b) Management of Brahmaputra – Ganges – Narmada – Mahanadi – Godavari – Cauvery
- c) Krishna – Godavari – Cauvery – Ravi & Beas – Vansadhara

MODULE – V: Inter – State River Dispute Settlement

- a) Inter – State Water Dispute Law – Role of Parliament and Supreme Court
- b) Courts and tribunals on various inter – state water disputes
- c) Rights of Non – Riparian States (Mullai – Periyar, Ravi – Beas & Satluj)

MODULE – VI: Stakeholders and Issues in Water Governance

- a) Right to Water and Environment – Transboundary Environmental Impact Assessment – Climate Change – Freshwater Biodiversity – Protection of Inland Fishermen and Fish stock
- b) Navigation in Inter – state and International Watercourses
- c) Groundwater Law: ILC Draft articles on the Law of Transboundary Aquifers – Groundwater laws in India

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. McCaffrey Stephen (2019) The Law of International watercourses: Non – Navigational Uses, OXFORD

2. McCaffrey, Stephen C. (2014) *International Water Cooperation in the 21st Century: Recent Developments in the Law of International Watercourses*, *Review of European, Comparative & International Environmental Law*, Vol. 23(1), pp. 4 – 14
3. Chauhan, B.R., *Settlement of International and Interstate Water Disputes in India*, N.M. Tripathi Pvt. Ltd., Bombay, 1992
4. P. Ishwara Bhat (ed) (2019) *Inter – State and International Water Disputes*, Eastern Book Company: New Delhi
5. Singh, C. (1991). *Water rights and principles of water resources management*. Bombay: N.M. Tripathi.

JOURNALS / ARTICLES

1. McCaffrey, Stephen C (2018) “International Water Law in the Anthropocene”, *Environmental Policy and Law* 48(3 – 4):154 – 157
2. Ximena funtes (1998) *sustainable Development and the Equitable Utilization of International Watercourse*, BYIL
3. Zawahri, Neda A. (2009) *India, Pakistan and cooperation along the Indus River system*, *Water Policy*, Vol. 11(1), pp. 120
4. Rahaman, Muhammad Mizanur, (2006) *The Potentials of International Water Laws Towards Achieving Integrated Ganges Basin Management*, XII World Water Congress, *Water for Sustainable Development – Towards Innovative Solutions*, 22 – 25 November 2005, New Delhi, India, 173 – 186
5. Khalid, Abu Raihan M, *The Interlinking of Rivers Project in India and International Water Law: An Overview Source*, 3 *Chinese J. of Int'l Law* 553 (2004).

FURTHER READING:

BOOKS

1. Upadhyay, Surya Nath (2013) *International Watercourses Law and A Perspective on Nepal – India Cooperation*, Ekta Publishing House
2. Boisson de Chazournes (2013) Laurence, *Fresh Water in International Law*, Oxford
3. D’Souza, R. (2006). *Interstate disputes over Krishna – law, science and imperialism*. Hyderabad: Orient Longman.
4. Salman, S. M. A., & Uprety, K. (2003). *Conflict and cooperation on South Asia’s international rivers: A legal perspective*. The Hague: Kluwer Law International.
5. Subedi, S. P. (Ed.). (2005). *International watercourses law for the 21st century—the case of the River Ganges Basin*. Aldershot: Ashgate. Berber, F.J., (1959) *International River Law*, Stevens and Sons, London

6. Islam, Nahid (1997) International and Environmental security frame works for Regional co – operation, Ed. by Gerd Blake, Chian Lin Sien, Carl Grundy, Warr, Martin Praft, clive schofiled, published by Kluwer Lan International.
7. Ludwik, A. Teclaff (1967) River Bain in History and Law, Martinus Nijhoff, The Hague.
8. Olmsterd C.J., the Law of International Drainage Basins (1967) Published by Oceana Publications.
9. McCaffrey, Stephen C (2019) Research Handbook on International Water Law, Edward Elgar
10. Phillip Cullet and Sujith Koonan (2011), “Water Law in India: An Introduction to Legal Instruments” Oxford

JOURNALS / ARTICLES

1. Raju G.S. The Indus waters Treaty, 1960 IJIL, Vol. 1, 1960
2. Benverissti Eaul, (July 1996) Collective Action in the utilization of shared freshwater the challenges of International Water Resources Law, AJIL, No.3, Vol.90.
3. Berber F.J. (1957) The Indus water dispute, IYBIA
4. Bourme, Charles B. (1997) International water law, Kluwer Law International, London
5. Brunner (ed) (2015) “The Human Right to Water in Law and Implementation” Water
6. Muthukumar (2012) “The Supreme Court in Balancing Horizontal Federalism in India Vis – à – vis Inter State River Water Dispute”, The Year Book of Legal Studies.p.282
7. Ambrose, David. A. (1999) sustainable Development of Natural Resources and Environmental Duties in International Law, SBRRM Journal of Law Vol.4 (1).
8. Owen McIntyre (2017) “Substantive rules of international water law”, in Alistair(eds) Routledge Handbook of Water Law and Policy, Routledge p 234
9. Attila M. Tanzi, (2020) “The inter – relationship between no harm, equitable and reasonable utilisation and cooperation under international water law” International Environmental Agreements
10. K.J. Joy (ed) (2018) “Water Conflicts in India: A Million Revolts in the Making” Routledge

CASES FOR GUIDANCE

1. Diversion of Water from the Meuse Case (Netherlands v. Belgium)
2. Case Relating to the Territorial Jurisdiction of the International Commission of the Oder River
3. Case Concerning the Gabcikovo – Nagymaros Project (Hungary v. Slovakia)
4. Case Concerning Kasikili/Sedudu Island (Botswana v. Namibia)

5. Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)
6. Indus Waters Kishenganga Arbitration (Pakistan v. India)
7. Bayview Irrigation District, et. al. v. United Mexican States
8. Gut Dam Case (US v. Canada)
9. Lake Lanoux Arbitration Case (Spain v. France)
10. State of Orissa vs Government of India AIR 2009 SC (Supp) 261.
11. State of Tamil Nadu vs State of Kerala, 2014 (6) SCALE 380.
12. M.C. Mehta v. Kamal Nath (1997) 1 SCC 388.
13. Subhash Kumar v. State of Bihar, AIR 1991 SC 420
14. Narmada Bachao Andolan v. Union of India, Writ Petition (Civil) No. 319 of 1994, Supreme Court of India, Judgment of 18 October 2000, AIR 2000 SC 3751.
15. Narmada Water Disputes Tribunal, Final Order and Decision of the Tribunal 1979
16. Cauvery Water Disputes, Final Order and Decision of the Tribunal, 2007
17. Krishna Water Dispute Final Order and Decision of the Tribunal, 2013
18. Ravi – Beas Water Tribunal Report Final Order and Decision of the Tribunal, 1987
19. Mahadayi Water Dispute, Final Order and Decision of the Tribunal, 2018
20. T.N. Cauvery Neerppasana Vilaiporulgal Vivasayigal Nala Urimai Padhugappu Sangam vs Union of India and others, AIR 1990 SC 1316.

LEARNING OUTCOME

- *To comprehend a basis understanding about water as a resource, and its impact on legal systems.*
- *To master the basis legal principles of transboundary water law.*
- *To study the national and international legal regimes relating to watercourses.*
- *To explore the connections amongst water, environment, land and human rights laws.*
- *To understand the national and international position of India in relation to watercourses.*

PAPER – XI

INTERNATIONAL CRIMINAL LAW

(Generic Elective Paper)

OBJECTIVES OF THE COURSE:

Since the inception of mankind, the egoistic patterns of human life unleashed violence resulted in the case of humans destructing fellow human beings itself. Exceptionally, the promotion of evil ideology to rule the world on the basis of artificial racist supremacy by the humans across time and space, to state, the Nazist led Germanisation, the European Colonial System and similar Statist led Nationalism and Regionalism based Ideologies have threatened the existence of human kind on earth itself. The criminal behaviour of such gross dehumanization and genocidal violence has resulted in the need for establishing a specific field of knowledge known as International Criminal Law (ICL). Thus, ICL is devoted to the study of the subjective element of international criminal behaviour aimed at the prevention of the commission of international crimes and thereby establish universal peace and justice amongst human societies. Hence, the course work will introduce to the students the foundational perspectives of international crimes, its evolutionary character, contemporary challenges and remedies towards rehumanisation.

After undergoing the study, the Student will be able to understand the following:

- *The foundational perspectives on the international element of crimes vis a vis criminological pattern.*
- *The evolutionary jurisprudence on the substantive and procedural aspects of international crimes.*
- *The impact of ad hoc and permanent international criminal justice delivery systems.*
- *The need to develop preventive studies on international crimes especially, to combat the ever – increasing patterns of State criminality and promote welfare approaches for the human family.*

COURSE OUTLINE

MODULE – I: Introduction to the Concept of International Crimes

- a) Understanding the Concept of International Crimes – Crimes shocking the Conscience of Mankind – Criminology of International Crimes – Colonial Regimes – Eugenics – Uniculture – Artificial Racist Supremacist Patterns.
- b) Berlin Conference – Scramble for Africa and De – Humanisation – Hate Speech – Direct and Public Incitement – Subjective Element of International Crimes.

- c) Classification of International Crimes – Impact of International Criminal Legal Scholarship on the Normative aspects of International Crimes.

MODULE – II: Origin and Evolution of International Criminal Law

- a) Historical background of World Wars I and II – Notion of Victors Justice – Attribution of Human Right Violations as Crimes Against Humanity – Establishment of International Military Tribunals at Nuremberg and for Far East Tokyo (IMT and IMTFE), Control Council Law No, 10.
- b) Capture and Trial of Adolf Eichmann – Klaus Barbie Trial – International Law Commission’s Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal, 1950.
- c) Principle of Universal Jurisdiction – Piracy – *Hostis humani generis* – Principles of Extradition and its Impact on the Prevention and Punishment of International Crimes – State Jurisdiction and Immunities and Challenges of Impunity.

MODULE – III: International Criminal Legal Treaty Framework

- a) Hague Convention on Laws and Customs of War on Land, 1907 – Convention to Suppress the Slave Trade and Slavery, 1927 – Charter of United Nations and Crime of Aggression.
- b) Contribution of Professor Raphael Lemkin – Convention on the Prevention and Punishment of the Crime of Genocide, 1948 – Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949 – Concept of War Crimes in the Geneva Conventions, 1949 (I,II,III and IV) – Additional Protocols I and II, 1977 – International Convention on the Suppression and Punishment of the Crime of Apartheid, 1973 – Vienna Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.
- c) UN Convention for Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988 – Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 1993 – Convention for the Suppression of the Financing of Terrorism, 2000 – International Law on International Crimes and International Criminal Law on International Crimes

MODULE – IV: Role of International Ad Hoc Criminal Tribunals in the Progressive Development of International Criminal Law

- a) Historical Background of Genocidal Violence in Yugoslavia and Africa – Establishment of the International Criminal Tribunal for the Former Yugoslavia and International Criminal Tribunal for Rwanda.

- b) International Criminal Jurisprudence on Elementary Aspects of Genocide – Crimes Against Humanity – Violations of Laws or Customs of War in Internal Armed Conflict – Grave Breaches of the 1949 Geneva Conventions and its Additional Protocol I.
- c) Impact of Special Courts – Special Court for Sierra Leone – Special Tribunal for Lebanon – Extraordinary Chambers in the Courts of Cambodia – International Criminal Tribunal of Bangladesh – National Truth Commissions and Amnesties.

MODULE – V: International Criminal Court (ICC)

- a) Establishment, Creation and Aims of ICC – Structure and Composition – Rome Statute – Jurisdiction – Applicable Law – Interface between Source of International Criminal Law and Source of ICC.
- b) Elements of Crimes – Modes of Liability – Doctrine of Command Responsibility – Principles of Primacy and Complementarity – Judges and Organization of their Works – Investigation and Prosecution – Office of the Prosecutor – Defences – International Co-operation – Deferral Mechanism of UN Security Council – Victims and Witnesses.
- c) Procedural Rules – Implementation of International Humanitarian Law – The Crime of Aggression – Criticism and Future of the ICC.

MODULE – VI: State Responsibility for International Crimes: Contemporary Challenges

- a) Role of International Law Commission in evolution of State Responsibility for International Crimes – Inter relationship between Individual and State Criminal Responsibility – Concept of State Criminality – Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide before the International Court of Justice – Bosnia and Herzegovina v. Serbia (1993 and 2007) – Croatia v. Serbia (1999 and 2015) – The Gambia v. Myanmar (2020) – Jurisprudence on the State Responsibility on Prevention of Genocide – Comparison between the Works of ICTY, ICTR and ICJ – Reparation for International Crimes and Challenges for International Criminal Justice Delivery System.
- b) Remedial Justice for Victims of International Crimes and Prevention of State Criminality – Establishment of International Treaty Regimes for Crimes Against Humanity – Ethnic Cleansing as a Form of Genocide – Prevention of Genocide in Internal and International Armed Conflicts – Prevention of Sexual Violence – United Nations Office on Genocide Prevention and Responsibility to Protect – Implementation of the Works of Independent Commissions on Fact Finding – Genocidal Violence during Occupation – Complexities and Victimization patterns of Prolonged Occupation – Convergence of International Law,

International Human Rights Law, International Humanitarian Law and International Refugee Law in International Criminal Law.

- c) Futurological Insights – Significance of Multi – Disciplinary Approaches – Relevance of Theology, Criminology, Philosophy, Historical Studies, International Relations, Anthropology, Ethnology, Sociology, Literature, Psychology, Medicine, Preventive Studies, Social Work – and Statistics.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. William A. Schabas (2000), *Genocide in International Law: The Crime of Crimes*, Cambridge University Press: United Kingdom.
2. Antonio Cassese (2003), *International Criminal Law*, Oxford University Press: United Kingdom.
3. Robert Cryer et al (2007), *An Introduction to International Criminal Law and Procedure*, Cambridge University Press: United Kingdom.
4. Gerhard Werle (2009), *Principles of International Criminal Law* (2009), Springer Publishers: Netherlands.
5. Mahmoud Cherif Bassiouni (2013), *Introduction to International Criminal Law*, Martinus Nijhoff Publishers: Netherlands.

JOURNALS / ARTICLES

1. Raphael Lemkin (1947), *Genocide as a Crime under International Law*, *The American Journal of International Law*, Vol. No.41, PP. 145 – 151.
2. John B. Quigley (1984), *United States Complicity in Israel's Violations of Palestinian Rights*, *The Palestine Year Book of International Law*, Vol. No. I, PP. 95 – 120.
3. Mahmoud Cherif Bassiouni, (1996), *International Crimes: "jus cogens" and obligatio erga omnes*, *Law and Contemporary Problems*, Vol.59, No.4. PP. 63 – 74.
4. Siobhan K. Fisher (1996), *Occupation of the Womb: Forced Impregnation as Genocide*, *Duke Law Journal*, Vol.46, No.1. PP. 91 – 133.
5. Antonio Cassese, (1998) *Reflections on International Criminal Justice*, *The Modern Law Review*, Vol.61, No. 1. PP.1 – 10.

FURTHER READING:

BOOKS

1. Alison des Forges (1999), *Leave None to Tell the Story: Genocide in Rwanda*, Human Rights Watch: United States of America.
2. Biko Agozino (2003), *Counter – Colonial Criminology: A Critique of Imperialist Reason*, Pluto Press: United Kingdom.
3. Ilias Bantekas and Susan Nash (2003), *International Criminal Law*: Cavendish Publishing Limited: United Kingdom.
4. Theodor Meron (2006), *The Humanization of International Law*, Martinus Nijhoff Publishers: Netherlands.
5. William A. Schabas (2010), *The International Criminal Court: A Commentary on the Rome Statute*, Oxford University Press: United Kingdom.
6. Kai Ambos (2013), *Treatise on International Criminal Law: Volume 1: Foundations and General Part*, Oxford University Press: United Kingdom.
7. Kai Ambos (2014), *Treatise on International Criminal Law: Volume 2: The Crimes and Sentencing*, Oxford University Press: United Kingdom.
8. Kai Ambos (2016), *Treatise on International Criminal Law: Volume 3: International Criminal Procedure*: Oxford University Press: United Kingdom.
9. Nicole Rafter (2016), *The Crime of All Crimes: Toward a Criminology of Genocide*, New York University Press: United States of America.
10. Carsten Stahn (2019), *A Critical Introduction to International Criminal Law*, Cambridge University Press: United Kingdom.

JOURNALS / ARTICLES

1. Theodor Meron, (1998), *War Crimes Law comes of Age*, *The American Journal of international Law*, Vol. No. 92, Issue No.3, PP. 462 – 468.
2. Askin, Kelly Dawn (1999), *Sexual Violence in Decisions and Indictments of the Yugoslav and Rwandan Tribunals: Current Status*, *The American Journal of International Law*, Vol.93, No.1, PP. 97 – 123.
3. Alexander Greenawalt (1999), *Rethinking Genocidal Intent: The Case for a Knowledge – Based Interpretation*, *Columbia Law Review*, Vol.No.99, Issue No.8, PP. 2259 – 2294.
4. Mirjan Damaska (2001), *The Shadow side of Command Responsibility*, *The American Journal of Comparative Law*, Vol.49. No.3. PP. 455 – 496.

5. Christopher Gregory Weeramantry (2007), *The Dialogue of Cultures, Religions and Legal Systems: An Imperative Need of Our Times*, *Global Change, Peace & Security*, Vol.No.19, IssueNo.2, PP. 149 – 157.
6. John Quigley (2007 – 2009), *International Court of Justice as a Forum of Genocide Cases*, *Case W. Res. J. Int'l. L. Vol. No. 40*, PP. 243 – 263.
7. Adam Jones (2011), *Diffusing Genocide Studies, Defusing Genocides*, *Genocide Studies and Prevention: An International Journal*, Vol. No. 6, Issue No. 3, PP. 270 – 278.
8. Hiromi Sato (2012), *Modes of International Criminal Justice and General Principles of Criminal Liability*, *Goettingen Journal of International Law*, Vol. No. 4, Issue No.3, PP. 765 – 807.
9. Shawan Jabarin (2013), *The Occupied Palestinian Territory and International Humanitarian Law: A Response to Peter Maurer*, *International Review of the Red Cross*, Vol. No. 95, PP. 415 – 428.
10. Jonathan Leader Maynard and Susan Benesch (2016), *Dangerous Speech and Dangerous Ideology: An Integrated Model for Monitoring and Prevention*, *Genocide Studies and Prevention: An International Journal*, Vol. No. 9, Issue No. 3, PP. 70 – 95.

CASES FOR GUIDANCE

1. *The Prosecutor v. Radovan Karadzic, Ratko Mladic – Case No. IT – 95 – 5 – R61; IT – 95 – 18 – R61*, Judgement in Review of the Indictments Pursuant to Rule 61 of the Rules of Procedure and Evidence of 11 July 1996 by the International Criminal Tribunal for the Former Yugoslavia.
2. *The Prosecutor v. Dusko Tadic – Case No. IT – 94 – 1 – T*, Judgement of 7 May 1997 of the Trial Chamber of the International Criminal Tribunal for Former Yugoslavia.
3. *The Prosecutor v. Jean Paul Akayesu – Case No. ICTR – 96 – 4 – T*, Judgement of 2 September 1998 of the Trial Chamber I of the International Criminal Tribunal for Rwanda.
4. *The Prosecutor v. Zejnil Delalic – Case No. IT – 96 – 21 – T*, Judgement of 16 November 1998 of the Trial Chamber of the International Criminal Tribunal for Former Yugoslavia.
5. *The Prosecutor v. Clement Kayishema and Obed Ruzindana – Case No. ICTR – 95 – 1 – T*, Judgement of 21 May, 1999 of the Trial Chamber II of the International Criminal Tribunal for Rwanda.
6. *The Prosecutor v. Rutaganda – Case No. ICTR – 96 – 3 – T*, Judgement of 6 December 1999 of the Trial Chamber of the International Criminal Tribunal for Rwanda.
7. *The Prosecutor v. Alfred Musema – Case No. ICTR – 96 – 13 – A*, Judgement and Sentence of 27 January 2000 of the Trial Chamber I of the International Criminal Tribunal for Rwanda.

8. The Prosecutor v. Radislav Krstic – Case No. IT – 98 – 33 – T, Judgement of 2 August 2001 of the Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia.
9. The Prosecutor v. Ferdinand Nahimana et al – Case No. ICTR – 99 – 52 – I, Judgement of 3 December 2003 of the Trial Chamber of the International Criminal Tribunal for Rwanda.
10. The Prosecutor v. Radoslav Brdanin – Case No. IT – 99 – 36 – T, Judgement of 1 September 2004 of the Trial Chamber II of the International Criminal Tribunal for Former Yugoslavia.
11. The Prosecutor v Pavle Strugar – Case No. IT – 01 – 42 – T, Judgement of 31 January 2005 of the Trial Chamber II of the International Criminal Tribunal for the Former Yugoslavia.
12. The Prosecutor v. Momcilo Krajisnik – Case No. IT – 00 – 39 – T, Judgement of 27 September 2006 of the International Criminal Tribunal for the Former Yugoslavia.
13. Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosniaand Herzegovina v. Serbia and Montenegro), Judgement of the International Court of Justice, 26 February2007.
14. The Prosecutor v. Pavle Strugar – Case No. IT – 01 – 42 – A, Judgement of the 17 July 2008 of the Appeal Chamber of the International Criminal Tribunal for the Former Yugoslavia.
15. The Prosecutor v. Bagosora et al – Case No. ICTR – 99 – 52 – A, Judgement and Sentence of 18 December 2008 of the International Criminal Tribunal for Rwanda.
16. The Prosecutor v. Rasim Delic – Case No. IT – 04 – 83 – T, Judgement of 15 September 2008 of the Trial Chamber I of the International Criminal Tribunal for the Former Yugoslavia.
17. The Prosecutor v. Thomas Lubanga Dyilo – Case No. ICC – 01/04 – 01/06, Verdict of 14 March 2012 of the Trial Chamber of the International Criminal Court.
18. The Prosecutor v. Pauline Nyiramasuhuko et al – Case No. ICTR – 98 – 42 – A, Judgement of 14 December 2015 of the Appeals Chamber of the International Criminal Tribunal for Rwanda.
19. Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Croatia v. Serbia, Judgement of the International Court ofJustice, 3 February 2015.

20. Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide, *The Gambia v. Myanmar*, Provisional Order rendered by the International Court of Justice, 23 January 2020.

LEARNING OUTCOME

- *The foundational perspectives on the international element of crimes vis a vis criminological pattern.*
- *The evolutionary jurisprudence on the substantive and procedural aspects of international crimes.*
- *The impact of ad hoc and permanent international criminal justice delivery systems.*
- *The need to develop preventive studies on international crimes especially, to combat the ever – increasing patterns of State criminality and promote welfare approaches for the human family.*



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

**DEPARTMENT OF LABOUR LAW
AND ADMINISTRATIVE LAW**

THE DEPARTMENT OF LABOUR LAW AND ADMINISTRATIVE LAW

The Department of Labour Law and Administrative Law of the Tamil Nadu Dr. Ambedkar Law University, Chennai, was established in the year 2013, as the VIII branch of specialized study in the University. The University established this crucial Department of Labour Law and Administrative Law in recognition of the increasingly critical role and overweening importance of these disciplines in all branches of economic life, from unorganized labour to Constitutionally mandated employees and services. This Department has been one of the most active departments in the University, with its constant focus on research, learning and education; conducting national workshops and special lectures; actively participating in national and international workshops, seminars and conferences; and, above all, furthering the knowledge and research bases of labour law in India.

Economic growth is fueled not only by capital and big corporations, but by the sweat, blood and tears of its employees and workers. The effort to protect the rights of every individual, especially those who are disadvantaged and unable to assert their rights, is a cornerstone of labour law in a welfare state like India. A plethora of labour legislations have been enacted in India to ensure the highest possible standards of health, safety, and welfare of workers; to protect workers against oppressive terms and conditions of service; to protect workers from being exploited for their economic weakness and poor bargaining power; to encourage and facilitate workers in their organization into unions; to deal with industrial disputes; to enforce social insurance and labour welfare schemes and alike. It is impossible to have a strong and healthy economy, without strong and protective labour legislations.

India is in a unique position in history as a major economy poised to become a superpower. At the same time, the COVID pandemic, technology, automation, and “work-from-home” are changing the future of the work landscape. The syllabus of the Department of Labour Law and Administrative Law has been re-designed with effect from the academic year 2020-21 with these twin ideals in mind – a thorough knowledge of the basics and the training required to take labour law into the future – while championing, at all times the principle of worker protection. This is achieved through a combination of theory, judicial precedents, and practical approaches – captured through 6 Specialized Core Papers, 3 Discipline Specific Elective papers and 2 Generic Elective papers which will be studied over 4 semesters in 2 Years (CBCS system).

It is critical to have a thorough grounding in the law governing industrial relations and governance; laws on unionization and collective bargaining; protecting workers from unfair labour practices; protection of occupational health, safety and welfare of employees; industrial discipline; and laws relating to wages and of social security legislations. Indian laws are enacted in a global context, including ILO directives. Labour law is implemented by administrative officials and quasi-judicial bodies, local governments and regulatory mechanisms. It is critical to understand administrative law, and the basic principles of natural justice, judicial review, the administrative processes, the importance of eschewing all arbitrariness; and liabilities for violations. This must extend up to the single largest Constitutionally mandated workforce in India – the civil services. Labour law stems from basic human rights, which form the heart and soul of labour legislations. Migrant rights, the rights of labourers in the unorganized sector and vulnerable workers must always form the central core of labour legislation’s philosophy.

Labour law is a dynamic and constantly evolving subject with a multitude of facets and bylanes for students to explore. A mastery of this subject makes the student invaluable to industries; to workers and labourers; to human rights organisations; to trade unions and employee organisations; to the governments at the Centre and the States; to administrative authorities charged with implementing these laws; to research organisations and think tanks; and to the workforce at large. Students will be poised to contribute meaningfully and thoughtfully to this field in flux, shape debates and provide direction to the future of work and work-related legislations.

THE TAMILNADU Dr. AMBEDKAR LAW UNIVERSITY

BRANCH -VIII

DEPARTMENT OF LABOUR LAW AND ADMINISTRATIVE LAW

LL.M SYLLABUS

Specialized Core Papers – 06

1. Law of Industrial Relations and Governance.
2. Law and Policy of Social Security.
3. Administrative Process and Liability.
4. ILO and Industrial Jurisprudence.
5. Law and Policy on Wages.
6. Judicial Review of Administrative Action.

Discipline Specific Elective - 03

7. Law and Service Jurisprudence.
8. Law relating to Occupational Safety, Health and Working Conditions.
9. Law and Governance of Industrial Discipline.

Generic Elective - 02

10. Labour Law and Human Rights.
11. Law of Local Governance and Regulatory Mechanism

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none"> 1. Judicial Process (Common Paper-1) 2. Legal Education and Research Methodology (Common Paper-II) 3. Law of Industrial Relations and Governance (Specialized Core paper-I) 4. ILO and Industrial Jurisprudence (Specialized Core paper-II) 5. Law of Local Governance and Regulatory Mechanism (Generic Elective-1)
Second Semester	<ol style="list-style-type: none"> 1. Constitutional Law: The New Challenges (Common Paper -III) 2. Law and Social Transformation (Common Paper -IV) 3. Law and Policy of Social Security (Specialized Core paper-III) 4. Law and Service Jurisprudence (Discipline Specific Elective-I) 5. Applied Research Methodology.
Third Semester	<ol style="list-style-type: none"> 1. Administrative Process and Liabilities (Specialized Core paper-IV) 2. Law and Policy on Wages (Specialized Core paper-V) 3. Law relating to Occupational Safety, Health and Working Conditions (Discipline Specific Elective-II) 4. Labour Law and Human Rights (Generic Elective-II)
Fourth Semester	<ol style="list-style-type: none"> 1. Judicial Review of Administrative Action (Specialized Core paper-VI) 2. Law and Governance of Industrial Discipline (Discipline Specific Elective-III) 3. Dissertation 4. Skill Enhancement Course

PAPER - I

LAW OF INDUSTRIAL RELATIONS AND GOVERNANCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

Industrial Relations law significantly evolves Labour and Industrial Jurisprudence and it is a law which speaks about employer employee relations and their rights in vice versa. It focuses on Trade Unionism and its functions. The Industrial Relations Law deals with basic and fundamental concepts deriving certain labor theories and their rights. This law has governed that access to adjudication under various industrial dispute resolution mechanisms. Moreover, The appropriate government has an obligation to reconcile certain labour issues particularly power to refer industrial dispute to adjudication machinery. It deals with international labour standards and its ratification of recommendations and conventions by various countries like USA and UK. In the new era the establishment of Code of Industrial Relations, 2020 emphasis the power of appropriate govt. and trade union and workers rights and liabilities aspect focused more.

This course has been designed to

- *Enable the students understanding the concept of industrial jurisprudence in the national and international perspectives*
- *Make them effective participation in trade union movements and inculcate knowledge on labour matters in Legal and Judicial perspectives*
- *Provide practicing knowledge on industrial adjudicatory mechanism in the field of Labour issues like ID cases, tribunal cases and other cases.*
- *Understand International labour standards and its ratification of recommendations and conventions by various countries like USA and UK*

COURSE OUTLINE

MODULE I - General Principles of Industrial Law and its Governance

- a) Meaning and significance of Industrial Jurisprudence - Theories of Labour Jurisprudence
- b) Human Rights perspective on Labour Rights
- c) Tripartite Mechanism and workers participation

MODULE II - Law relating to Trade Unionism

- a) Historical Background of Trade Unionism and Trade Union Movement

- b) Legal Frame work on Trade Union
- c) Recognition of Trade Union and its legal rights

MODULE III - Global Commercial Impact on Trade Unionism

- a) Impact of Globalization, Liberalization and Privatization on Trade Unionism
- b) Judicial Approach on Trade Unionism
- c) Recent amendment on trade union recognition – 2020

MODULE IV - Industrial Relations Law and its Governance: General principles

- a) Industrial Relation -Perspectives and Foundations
- b) State Regulation Of Employer - Employee Relationship-
- c) Constitutional Goals Protecting Capital And Labour

MODULE V - Employer and Employee rights on Industrial Dispute

- a) Employers and Employees rights: Lay off- Retrenchment and Closure in industry
- b) Transfer of undertaking
- c) Legal Control of lay-off retrenchment and closure

MODULE VI - Industrial Relations Law and its Governance:

Adjudicatory Mechanism

- a) Reference Power Of Government
- b) Adjudication Authorities- Direct Access to Adjudicatory Authority
- c) Judicial Review Of the Reference Power and Adjudicatory Process: Writs And Appeal

MODULE VII - Industrial Relations Law and its Governance:

Alternative Dispute Mechanism

- a) Voluntary Dispute Settlement Mechanism – Arbitration, Collective Bargaining
- b) Collective Bargaining – Process and Structure and workers participation
- c) Collective Bargaining in U.K., U.S.A., and India

MODULE VIII - Impact on International covenants on Industrial Relations

- a) International Labour Organisation and Industrial Relations and Trade Union
- b) Comparative study on Industrial dispute and its position in UK, USA and India.
- c) ILO Conventions and Recommendations on Collective Bargaining

BIBLIOGRAPHY

RECOMMENDED READINGS:

BOOKS

1. S.C Srivastava, Industrial Relations and Labour Laws, Vikas Publications, 6th ed., 2012
2. Arun Monappa, Industrial Relations Law and Labour Laws, Tata McGraw Hill Education, 2012
3. P.K. Padhi, Labour and Industrial Relations Laws, PHI Learning publication pvt. Ltd., 4th ed. 2019
4. S.N.Mishra, Labour and Industrial Law (Central Law Publications, 29th ed., 2019).
5. Dr. Avtar Singh, Introduction to Labour and Industrial Law (LexisNexis Buttterworths Wadhwa, Nagpur, 2 nd ed., 2008).

JOURNALS / ARTICLES

1. Dr. Gosavi Y.M., “A study of Industrial Relations in India”, International Journal of Development Research, 2017, ISSN No.2230 9926
2. Michael D. Kirby, “Human Rights and Industrial Relations”, SAGE Journal, 2002
3. The Hon.Geoffery Giudice AO, “Industrial Relations Law Reform – What value should be given to stability”, SAGE Journals, 2014, pp 433-441
4. P. Edwards, “the changing but promising future of Industrial Relations developing theory and method in context”, Industrial relations – wiley Online Liabrary.
5. K.G. Seth, “A Review of Research in Industrial Relations in India”, Indian journal of Industrial Relations, vol.3, 1966 pp270-288

FURTHER READINGS:

BOOKS

1. V.V. Giri, Labour Problems in Indian industry (Asia Publishing House),
2. V.B. Kher - Indian Trade Union Law, J.N. Mallik-Trade Law, (S.C. Sarker& Sons),
3. Ganga Sahai Sharma - Trade Union Freedom in India. (Deep and Deep Publication),
4. S.N. Dhayani - Trade Union and the Right to strike. (S. Chand & Co.),
5. Roger Benedictus, “Labour Law : Cases and Materials” (1987) ,

6. I.P. Massey, "A legal Conundrum in Labour Law", 14 JILI 386 (1972).
7. S.C. Srivastava, "Voluntary Labour Arbitration: Law and Policy", 23, JILI 349, (1981).
8. Arjun P. Aggarwal "Conciliation and Arbitration of Labour disputes in Australia" J.I.L.I 30 (1966).
9. D.C. Jain, "Meaning of Industry: Wilderness of Conjectural Justice" (1986) 3. S.C.C. Journal,1.
10. T.N. Singh, "Futuristic Industrial Jurisprudence a Poser", (1986) 3 S.C.C. Journal 15.

JOURNALS / ARTICLES

1. Santanu Sarkar, "BSWU: A Case of Independent Trade Union in India", Indian Journal of Industrial Relations, Vol.44, Issue No.2, 2008, pp 303-316
2. Cappelli, P, "Plant-level concession bargaining", Industrial and Labor Relations Review 39(1): (1985) pp 90–104.
3. Arjun P. Aggarwal "Conciliation and Arbitration of Labour disputes in Australia" J.I.L.I 30 (1966).
4. D.C. Jain, "Meaning of Industry: Wilderness of Conjectural Justice" (1986) 3. S.C.C. Journal,1.
5. T.N. Singh, "Futuristic Industrial Jurisprudence a Poser", (1986) 3 S.C.C. Journal 15.
6. Chaturvedi.R.G., Law and Procedure of Departmental Enquiries and Disciplinary Actions (1997)
7. S.C. Srivastava, "Voluntary Labour Arbitration: Law and Policy", 23, JILI 349, (1981).
8. Bernard GERNIGON, Alberto ODERO and Horacio GUIDO, "ILO principles concerning collective bargaining", International Labour Organization 2000 International Labour Review, Vol. 139 (2000), No. 1
9. Deepti Chandra, "Social Outcomes of Closure and Retrenchment of Workers", www.publishingindia.com accessed on 05.12.2020
10. Suresh C. Srivastava, "Constitutional validity of the Procedure for closing down an undertaking: a Critique of case "M/s Orissa Textile and Steel Co. Ltd.", Journal of the Indian Law Institute, Vol. 44, No. 3 (July-September 2002), pp. 393-405

CASES FOR GUIDANCE

1. Steel Authority of India Ltd., v. National Union Water Front Workers, AIR 2001 SC 3527
2. Hindustan Aeronautics Ltd., v. Workmen, AIR 1975 SC 1737
3. Bangalore Water Supply and Sewerage Board v. A. Rajappa and another, AIR 1978 SC 548
4. Central Provinces Transport Services Ltd., Nagpur v. Raghunatha Gopal, Patwardhan, AIR 1957 SC 104
5. Arkal Govind Rajrao v. Ciba Geigy of India Ltd., (1985) 3 SCC 371
6. Syndicate Bank v. K. Umesh Nayak, AIR 1995 SC 319
7. Municipal Corporation of Greater Bombay v. Labour Appellate Tribunal of India, AIR 1957 Bom 188
8. D.P. Maheshwari v. Delhi Administration and others, (1983) 4 SCC 293
9. Workmen of Dimakuchi Tea Estate v, the Management of Dimakuchi Tea Estate, 1958 SCR 1156
10. Workmen of Sudder Workshop of Jorehaut Tea Company Ltd., v. The Management of Sudder Workshop of Jorehaut Tea Company Ltd, (1980) 3 SCC 406
11. TataNagar Foundry Company Ltd., v. Their Workmen AIR 1962 SC 1533
12. J.K. Iron and Steel Company Ltd., Kanpur v. Iron and Steel Mazdoor Union, Kanpur, 1955 (2) SCR 1315
13. M/s. Orissa Textile and Steel Company Ltd., v. State of Orissa and Others, 2002 LLR 225
14. Laxmi Strach v. Kundru Factory Workers Union, (1992) Lab IC 1337 (Ker)
15. Barsi Light Railway Company Vs Joglekar K.N. (1957 I LLJ, 243 SC)
16. Excel Wear and others v. Union Of India & Others, 1979 AIR 25, 1979 SCR (1)1009
17. John D'Souza v. Karnataka State Road Transport Corporation, Supreme court of India judgement dated 16.10.2019
18. Management of Dandakaranya Project, Koreput Vs. Workman & ANR [1997] INSC 10 (7 January 1997)
19. Management of the Barara Cooperative Marketing cum Processing Society Ltd. v. Workman Pratap Singh, 2019 Latest Caselaw 1 SC

20. Smt. K.A. Annamma v. The Secretary, Cochin Co-operative Hospital Society Ltd, 2018 Latest Caselaw 16 SC

LEARNING OUTCOMES

- *After completion of this course the student will have significant research ideas on labour perspective research work.*
- *The student will write labour service-related competitive exams and take practice on labour and industrial relations matters.*
- *Understand the common as well as distinguishing features between Indian, English, and American e Law.*
- *Comprehend the Industrial relation with reference to workers participation in management.*

PAPER - II
LAW AND POLICY OF SOCIAL SECURITY
(Specialized Core Paper)

OBJECTIVES OF THE COURSE

A crucial linchpin of any welfare state is its Social Security law. The concept of social security is based on ideas of human dignity and social justice. According to the International Labour Organisation, social security is the protection that society provides to individuals and households to (a) guarantee income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner; and (b) ensure access to healthcare. This is a protective form of social security. Another aspect of social security is to provide a broad system of support for all those who, for whatever reasons, are unable to maintain themselves, in order to ensure that every individual can attain and maintain a decent standard of life. This is a preventive or promotional form of social security.

The concept and aspiration of social security is enshrined in the Indian Constitution. These ideals are further embodied in various statutes and a plethora of administrative measures. These prove that the Indian government, Central and State, consider social security to be a critical objective to be achieved in the democratic process.

This course shall examine the various dimensions of labour security measures and explore the role of labour security in a comprehensive and integrated social security.

- *Enable students to comprehend a global perspective of social security, with specific emphasis being laid on the principles expounded by the International Labour Organisation and a comparative study of the approaches in UK, USA and India.*
- *Provide students with a deep understanding of the laws which provide compensation to employees for workplace accidents, and the underlying principles and doctrines of injuries “Arising out of and in the course of employment”, “Notional extension of Employer’s Premises, Doctrine of added peril” etc..*
- *Explore, in depth, the state insurance scheme for employees, benefits available, conditions for such benefits etc. Study various forms of social security and*

labour welfare laws passed with the sole aim of ameliorating the lives of workers (such as maternity benefit, gratuity etc.)

- *Analyse the concept and law of provident funds, which is a form of social security to breadwinners, and allied concepts such as Superannuation Pension, Invalidation Pension, Family Pension and Deposit-Linked Insurance.*

COURSE OUTLINE

MODULE I – Concept of Social Security

- a) Meaning and Definition of Social security - Evolution of Social Security.
- b) Characteristics of Social Security - Constituents of Social Security – Traditional Constituents of Social Security, Social Insurance and Social Assistance – Modern Constituents of Social Security.
- c) Objectives of Social Security - Benefits provided under Social Security.

MODULE II – Constitutional Perspectives of Social Security

- a) Social Security and Fundamental Rights.
- b) Social Security and Directive Principles of State Policy.
- c) Judiciary on Social Security.

MODULE III – Law on Employee’s Compensation

- a) The Employees’ Compensation Act, 1923 - Scope, Objects, Coverage and Definitions.
- b) Liability of The Employer to Pay Compensation - Arising Out of and in the Course of Employment - Doctrine of Notional Extension - Occupational Diseases.
- c) Determination and Distribution of Compensation - Principal Employer’s Right of Indemnity - Commissioner’s Powers and Functions.

MODULE IV – Law on Social Insurance

- a) The Employee’s State Insurance Act, 1948 - Objects, applications and ‘Seasonal Factory’ – Definitions - E.S.I. Corporation, Standing Committee and Medical Benefit Council.
- b) E.S.I. Fund – Contributions - Benefits.
- c) Adjudication of Disputes and Claims - Penalties.

MODULE V – Law on Maternity Benefits

- a) The Maternity Benefit Act, 1961 - Object, Application and Definitions - Eligibility to Maternity Benefit.
- b) Maternity Benefit and Other Benefits - Notice of Claim.

- c) Prohibition Against Dismissal - Powers and Duties of Inspectors.

MODULE VI – Law on Retiral Benefits

1. Employee’s Provident Fund and Miscellaneous Provisions Act, 1952

- a) Scope, Coverage, Applications and Definitions - Authorities to Administer the Fund -Contributions.
- b) Employees Provident Fund Scheme, Employees’ Pension Scheme and Deposit Linked Insurance Scheme.
- c) Authorities to determine and Recover Money Due from Employer - Employees’ Provident Fund Appellate Tribunal - Offences and Penalties.

2. Payment of Gratuity Act,1972

- a) Background, Object and Definitions - Payment of Gratuity – Eligibility - Rate of Gratuity – Forfeiture.
- b) Compulsory Insurance - Determination of Gratuity - Recovery of Gratuity.
- c) Controlling Authority - Offences and Penalties.

MODULE VII - ILO on Social Security Legislation and its impact in India

- a) International norms on social security for labour: the ILO Conventions and Recommendations on Social Security
- b) Impact of ILO on Indian Labour Legislations.

MODULE VIII - Social Security Law: Comparative Perspectives

- a) Social Security in UK
- b) Social Security in USA

RECOMMENDED READINGS:

BOOKS

1. Dr. V.G. Goswami, *Labour & Industrial Laws* (Central Law Agency, 2019).
2. Suresh C Srivastava, *Labour Law in Factories, Mines, Plantation, Transportation, Shops and other Establishments* (Prentice Hall of India, 1992).
3. S.N.Mishra, *Labour and Industrial Law* (Central Law Publications, 29th ed., 2019).
4. Gupta N.H., *Social Security for Labour in India* (Deep and Deep Publications, New Delhi, 1986).
5. Dr. Avtar Singh, *Introduction to Labour and Industrial Law* (LexisNexis Butterworths Wadhwa, Nagpur, 2nd ed., 2008).

JOURNALS/ARTICLES

1. Mallik Jyotsna Nath, "Workmen's compensation Act and some Problems of Procedure", 3, JILI 131 (1961).
2. Neeru Sehgal, "Employment of Women and Reproductive Hazards in Workplace", 29 JILI 201 (1987).
3. Usha Ramanathan, "Statute Law, Injury and Compensation", 47 JILI 158-198 (2005).
4. Sadanand Jha, "Maternity Benefits: At Present and their Future in India", 18 JILI 332-343 (1976).
5. C. Jayaram, "Scope of Sections 53 and 61 under the Employees' State Insurance Act, 1948", 32 JILI 259-263 (1990).

FURTHER READINGS:

BOOKS

1. Arun Monappa, Ranjeet Numbudiri, Patturaja Selvaraj, *Industrial Relations & Labour Laws* (Tata Mcgraw Hill, 2012).
2. R.W. Rideout, *Principles of Labour Law* (Sweet and Maxwell, 1988).
3. H.K. Saharay, *Industrial and labour Laws of India* (Eastern Law House, Calcutta, 1987).
4. Mamoria C.B. and Sathish Mamoria, *Dynamics of Industrial Relations* (Himalaya Publishing House, New Delhi, 2010).
5. Ratna Sen, *Industrial Relations in India, Shifting Paradigms* (Macmillan India Ltd., New Delhi, 2009).
6. C.S.Venkata Ratnam, *Globalisation and Labour Management Relations* (Response Books, 2010).
7. P. N. Singh, Neeraj Kumar. *Employee Relations Management* (Pearson, 2011).
8. P.R.N Sinha, Indu Bala Sinha, Seema Priyadarshini Shekhar, *Industrial Relations, Trade Unions and Labour Legislation* (Pearson, 4th edn., 2013).
9. R.N.Choudhry, *Commentary on the Workmen's Compensation Act, 1923* (Orient, 2000).
10. R.W. Rideout, *Principles of Labour Law* (1988), Chs. 12,13.

JOURNALS/ARTICLES

1. Prakash Sinha, "Quality of Working Life and Quality of Life", 17 IJIR 373-394 (1982).

2. Ravi Duggal, "Need to universalise Social Security", 41 EPW 3495-3497 (2006).
3. Saloni Chopra and Jessica Pudussery, "Social Security Pensions in India: An Assessment", 49 EPW 68-74 (2014).
4. Dev Nathan, "Social Security, Compensation and Reconstruction of Livelihoods", 44 EPW 22-26 (2009).
5. Manorama G.Savur, "Social Security Legislation in India – I: The Employees' Provident Fund Scheme", 39 EPW 1769-1773 (1967).
6. Kamala Sankaran, "Fundamental Principles and Rights at Work: India and the ILO", 46 EPW 68-74 (2011).
7. O.P.Parmar, "I.L.O. and India in pursuit of Human Rights through Labour Standards", 23 JILI 555-577 (1981).
8. Suresh C. Srivastava, "Social Security for Agricultural Workers in India", 30 JILI 483-494 (1988).
9. Veer Singh, "Employment Injury and Employees' State Insurance Scheme : Functional Perspectives", 29 JILI 76-93 (1987).
10. Jerome Joseph and Srinath Jagannathan, "Employment Relations & Managerialist Undercurrents – The Case of Payment of Gratuity Act, 1972", 47 IJIR 253-263 (2011).

CASES FOR GUIDANCE

1. Sunita Devi v. Avtar Singh And Anr., 2004 (101) FLR 214.
2. Shri Sankar Kal v. Sri Sunil Kumar Saha, (2012) IV LLJ 629 Gau.
3. Mrs.Santan Fernandez v. B.P (India) Ltd., 58 Bom.LR 149.
4. India News Chronicle Ltd v. Luis Lazarus, AIR 1951 Punj. 102.
5. Divisional Personal Officer, Southern Railway v. Kartiyani, (1994) 3 LLJ Supp 65.
6. Regional Director, ESI Corporation v. Francis De Costa, (1997) 1 LLJ 34.
7. Jyothi Ademma v. Plant Engineer, Nellore, (2006) 5 SCC 513.
8. The Buckingham And Carnatic Co. Ltd. v. Venkatiah And Anr., 1964 AIR 1272.
9. Anand Kumar Bindal v. Employees' State Insurance Corporation, AIR 1957 All 136.
10. Chari & Ram v. Employees' State Insurance Corporation, (1970) II LLJ 115 Mad.

11. Ahmadabad Pvt. Primary Teachers Association v. Administrative Officer, (2004) 1 SCC 755.
12. Remington Rand Of India Ltd v. The Workmen, 1970 AIR 1421.
13. Calcutta Insurance Co. Ltd v. Their Workmen, 1967 AIR 1286.
14. Malayalam Plantations Ltd., v. Inspector of Plantations, AIR 1975 Ker 86.
15. K.N. Genda and Anr. v. State Etc., 1982 LAB IC 1777.
16. Mahaldaram Tea Estate (Pvt.) Ltd. and Ors. v. D. N. Prodhan and Ors., 1978 LAB IC 898.
17. Adoni Cotton Mills Ltd. and Ors. v. Regional Provident Fund Commissioner and Ors. 1995 Supp. (4) SCC 580.
18. Y.K. Singla v. Punjab National Bank and others (2006) 8 SCC 514.
19. Beed District Central Coop. Bank Ltd. v. State of Maharashtra and others (2006) 8 SCC 514.
20. India News Chronicle Ltd v. Luis Lazarus, AIR 1951 Punj. 102.

LEARNING OUTCOMES

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

- *Comprehend various global approaches to social security, understand the ILO's recommendations in this regard, and appreciate the comparative aspects of approaches adopted by UK, USA and India.*
- *Understand the laws of compensation to employees for workplace accidents, injuries, death etc. and the key underlying principles and doctrines thereof.*
- *Enjoy a wide understanding of employee state insurance schemes and the benefits available thereunder, along with conditions for claiming such benefits.*
- *Appreciate the law relating to provident funds and its allied concepts.*

PAPER - III
ADMINISTRATIVE PROCESS AND LIABILITY

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

The Administrative explosion of the 19th century in the common law world brought in new norms of relationship between the state and its citizens. In due course, the continental strategies of control over administration had their influence. Along with this the civil service and administrative agencies gained more and more importance when the state launched welfare programmes and became the guardian of the rights of individuals. The standards of administrative behaviour are moulded and supported through constitutional values in the lands of constitutional sovereignty. Necessarily, a student of law relating to administration should get a deep knowledge of the operation and changing phenomena of these standards from a comparative angle. This is so especially in the wake of technological revolution and its aftermath on the administration.

Judicial decisions in the common law world have formulated several duties and liabilities on the administrative hierarchy towards the citizens. Is the state in exercise of sovereign functions liable to compensate the affected persons? To what extent is the state in exercise of sovereign functions immune from liability? The state enters into contracts in more ways than one. Should there be standards of conduct laid down on the state when it does so? How can accountability be determined in all these areas? Open government is one of the significant attributes of good government in democracy. In what way these norms can be meticulously followed by the state in meting out administrative justice. There are problems a country like India does confront in her march towards good governance.

This course has been designed to:

- *Understand the historical development of the concept of administrative law and the evolution and current status of administrative law in civil and common law countries, such as UK, USA, France and India;*
- *Critically analyse the concept, growth and controls over delegated legislation; Examine the need and reason for the growth of discretionary powers and the ground and extent of judicial review.*

- *Elucidate the basic requirements of procedural fairness and natural justice in administrative procedures; Detail the remedies available for maladministration and the role of ombudsmen in a comparative perspective.*
- *Create a broad understanding of State accountability and enumerate the doctrine of promissory estoppel and legitimate expectation and its position in UK, USA and India.*

COURSE OUTLINE

MODULE I - Origin and Development of Administrative Law in various Systems of Government from Ancient to Modern

- a) Meaning, Nature and Scope - Origin and Development of Administrative Law in France, U.K., U.S.A., and India.
- b) Droit Administratif.
- c) Reasons for Growth of Administrative Law - Sources of Administrative Law - Relationship between Administrative Law and Constitutional Law.

MODULE II - Administrative Law and Constitutional Concepts

- a) Rule of Law - Changing dimensions of Rule of Law - Dicey's formulation of Rule of Law - Rule of Law vis-à-vis Administrative Law - Rule of Law in U.K., U.S.A, and India.
- b) Separation of powers – From rigidity to flexibility - Separation of powers in U.K., U.S.A. and India - System of Checks and Balances.
- c) Judicial Functions of Administration.

MODULE III - Delegated Legislation

- a) Delegated legislation - Reasons for growth of Delegated Legislation - Constitutionality of Delegated Legislation.
- b) Classification of types of Delegate Legislation - Conditional Legislation - Sub-Delegation.
- c) Controls over Delegated Legislation – Legislative Control - Judicial Control - Procedural Control.

MODULE IV - Administrative Discretion

- a) Meaning and Nature of Administrative Discretion - Need for Discretionary Powers.
- b) Reasons for growth of Discretionary Powers - Ground and Extent of Judicial Review.

- c) Fundamental Rights and Administrative Discretion - Administrative Discretion and Article 14.

MODULE V - Liability of state

- a) Liability of State in Torts - Principle of Constitutional Torts - Sovereign immunity - Sovereign and non – Sovereign function - Tortious Liability in U.K., and U.S.A.
- b) Liability of the State in Contract - Article 299 and Doctrine of Unjust Enrichment -Contractual Liability and Writ Jurisdiction.
- c) Personal accountability and compensatory jurisprudence vis – a – vis right to life -Government Privileges in Legal Proceedings.

MODULE VI - Privilege against Disclosure

- a) Concept of Privilege against disclosure - Privilege to With-hold Documents – Position in U.K., U.S.A., and India.
- b) Right to information - Official secrecy.
- c) Executive privilege - Security of state and control on information - Judicial review.

MODULE VII - Promissory Estoppel

- a) Promissory Estoppel – Concept, Meaning and Evolution - Constitutional Dimensions of Promissory estoppel - Position in U.K. and India.
- b) Estoppel against Statute - Estoppel and Fraud on Constitution - Estoppel and Public Interest -Estoppel and Public Policy.
- c) Doctrine of Legitimate expectation - Position in U.K and India.

MODULE VIII - Controls on Mal-Administration

- a) Ombudsman – Meaning, Object and Main Characteristics – Need and Utility – Origin and Development - Ombudsman in India – Lok Pal and Lok Ayukta.
- b) Commission of Inquiry - Vigilance Commission.
- c) Inquiries by Legislative Committees - Judicial inquiries - Comparative perspective- Scandinavian Countries U.K., New Zealand and India.

RECOMMENDED READINGS:

BOOKS

1. I.P.Massey, “Administrative Law”, (Lucknow: Eastern Book Company, 2008).
2. C.K.Takwani, “Lectures on Administrative Law” (Allahabad law Agency, 2014).

3. M.P.Jain & S.N. Jain, "Principles of Administrative Law" (Gurgaon: Lexis Nexis, 2013).
4. Ivor Jennings , "The Law and the Constitution" (University of London Press, 1964).
5. Neville L. Brown and J.F. Garner, "French Administrative Law", London, Butterworths, (1973).

JOURNALS/ARTICLES

1. A.R.Blackshield, "Tortious Liability of Government: A Jurisprudential Case Note" 8(4) JILI 643-659 (1966).
2. V.S.Chauhan, "Reasoned Decision: A Principle of Natural Justice" 37(1) JILI 92-104 (1995).
3. V.Ramaseshan, "Promissory Estoppel and State Liability" 31(4) JILI 482-520 (1989).
4. Rajeev Dhavan, "Information and Democracy in India" 47(3) JILI 295-325 (2005).
5. K.I.Vibhute, "Administrative Tribunals and the High Courts: A Plea for Judicial Review" 29(4) JILI 524-546 (1987).

FURTHER READINGS:

BOOKS

1. Subash Chandra Gupta, "Ombudsman: An Indian Perspective" (Manak Publications, 1995).
2. Peter H. Schuck, Foundation of Administrative Law (Foundation Press, 2004).
3. W. Friedman, "The State and the Rule of Law in a Mixed Economy" (London: Stevens & Sons, 1971).
4. Dr.J.J.R. Upadhyay, "Administrative Law" (Central Law Agency, 1998).
5. Neville L. Brown and J. F. Garner, "French Administrative Law" (Butterworths & Co. Publishers Ltd, 1973).
6. A.V. Dicey, "Law of the Constitution" (Oxford Publishers, 2013).
7. Schwartz and Wade, "Legal Control of Government" (Oxford University Press, 1972).
8. A.T.Markose, "Judicial control of Administrative action in India" (1956).
9. Schwartz, "Introduction to American Administrative Law" (Pitman Publishers, 1962).

10. Anderson & Moore, "Establishing Ombudsman offices: Recent Experience in the United States" (University of California, 1972).

JOURNALS/ARTICLES

1. Farrah Ahmed and Adam Perry, "The Coherence of the Doctrine of Legitimate Expectation" 73(1) CLJ 61-85 (2014).
2. V.S.Chauhan, "Reasoned Decision: A Principle of Natural Justice" 37(1) JILI 92-104 (1995).
3. Surendra Yadav, "State Liability: A New Dimension from Rudul Shah" 43(4) JILI 559-569 (2001).
4. M.P.Singh, "Duty to give reasons for Quasi-Judicial and Administrative Decisions" 21(1) JILI 45-73 (1979).
5. Janina Boughey, "Administrative Law: The Next Frontier for Comparative Law" 62(1) ICLQ 55-95 (2013).
6. Charles H.Koch Jr., "Introduction: Globalisation of Administrative and Regulatory Practice" 54(1) ALR 409-414 (2002).
7. Joseph Minattur, "French Administrative Law" 16(3) JILI 364-376 (1974).
8. Bernard Schwartz, "Fashioning and Administrative Law System" 40(3) ALR 415-432 (1988).
9. David Annousamy, "French Administrative Tribunals" 26 JILI 80-88 (1984).
10. Kevin M.Stack, "An Administrative Jurisprudence: The Rule of Law in the Administrative State" 115(7) CLR 1985-2018 (2015).

CASES FOR GUIDANCE

1. Jalan Trading Co. (P) Ltd. v. Mill Mazdoor Union, AIR 1967 SC 691.
2. Avinder Singh v. State of Punjab, AIR 1979 SC 321.
3. Chintamanrao v. State of M.P, AIR 1951 SC 118.
4. Raza Buland Sugar Co. v. Rampur Municipality, AIR 1965 SC 895.
5. State of Rajasthan v. Vidyawati, AIR 1962 SC 933.
6. Kasturilal v. State of UP, AIR 1965 SC 1039.
7. People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1473.
8. R.K.Karanjia v. Emperor, AIR 1946 Bom.322.
9. State v. K.Balakrishna, AIR 1961 Ker 25.
10. Nandalal More v. The State, (1965) Cr.LJ 392 (Pb.).
11. Bennett Coleman & Co. v. Union of India, AIR 1973 SC 783.
12. State of U.P v. Raj Narain, AIR 1975 SC 865.

13. Duncan v Cammell Laird & Co.Ltd, (1942) AC 624.
14. Conway v Rimmer, (1968) AC 910.
15. State of Punjab v Sodhi Sukhdev Singh, AIR 1961 SC 493.
16. N. Nagendra Rao v. State of A.P., AIR 1994 SC 2663.
17. Rudal Shah v. State of Bihar, AIR 1983 SC 2083.
18. Sebastian M. Hongray v. Union of India, AIR 1984 SC 1026.
19. Bhim Singh v. State of J & K, AIR 1986 SC 494.
20. Ranjit Singh v. Union of India, 1981 AIR 461.

LEARNING OUTCOMES

After completion of the course students will be able to –

- *Appreciate the historical development of administrative law and gain conceptual clarity of this branch of law across various civil and common law jurisdictions;*
- *Understand the common as well as distinguishing features between Indian, English, French and American Administrative Law.*
- *Comprehend the Nature, Limits and Control over Delegated Legislation and the exercise of Administrative discretion and Procedural fairness.*
- *Discern the criticality of judicial review and state accountability and understand the available remedies.*

PAPER - IV
ILO AND INDUSTRIAL JURISPRUDENCE

(Specialized Core paper)

OBJECTIVES OF THE COURSE

The International Labour Organization (ILO) providing for the International labour standards (ILS) which is the foundation for the development of Domestic Labour Laws. ILS developed through the industrial jurisprudences is strengthening domestic case law on labour matters., Labour jurisprudences as catalyst for law reforms both at the national and International level for the promotion of ILS applicability. The contribution of ILO and Industrial Jurisprudence is widely appreciated by national legislations promoting to settle labour disputes. It is the foundation of interpretation and enforcement for administrators, judges and lawyers in ILO member States. International labour Conventions and Recommendations along with the work of the ILO's supervisory bodies guide to interpret and complement the domestic law of respective nations. The course on ILO and Industrial Jurisprudence intends to equip law professionals with the knowledge that will enable them to use international labour law sources at national level in their daily practice. After undergoing the study, the student will:

- *Get the in-depth knowledge of the instruments and supervisory machinery of the ILS system;*
- *Analysis and pronouncements of the ILO's supervisory bodies;*
- *Determine when and how domestic judges and lawyers can use international labour law to solve labour disputes;*
- *Identify and make use of ILS in key areas such as freedom of association, the right to collective bargaining, non-discrimination in employment and occupation, forced labour, child labour, occupational safety and health, determination of the existence of employment relationships, termination of employment.*

COURSE OUTLINE

MODULE I - Introduction- International Labour Organisation (ILO)

- a) Genesis- ILO-Factors responsible for establishment of ILO
- b) Aims, Objectives and Development and Dimensions -Tripartism
- c) Voluntarism in Labour Relations and Code of Discipline in Industry.

MODULE II - Structure and Functions of ILO

- a) Organs of the International Labour Organisation (i) The International Labour Conference (ii) The governing Body (iii) The International Labour Office
- b) The Regional Conferences
- c) Industrial Committees, their composition, functions.

MODULE III - Industrial Jurisprudence

- a) Industrial Jurisprudence and Interpretations -Concept & Growth of Labour Law Industrial Relations
- b) Human Rights, Social Welfare State, Globalization, Economy, Social Justice, Natural Justice,Stake holders -State, Employer, Employee.
- c) Comparative analysis - Industrial Jurisprudence in UK and USA

MODULE IV - ILO Conventions and Recommendations

- a) ILO - Basic Human Rights- Freedom of Association - Forced Labour -Equality of opportunity and Treatment
- b) Empowerment of Women -Employment of Children and Young Persons
- c) Conditions of Employment-Industrial Relations - Wages, Salary, Health and Welfare.

MODULE V - Ratification and Enforcement

- a) The I.L.O -Legislative Procedure-Conventions and Recommendation
- b) Procedure for Adoption, Ratification and Application
- c) Problems in their Rectification.Obligation of Members

MODULE VI - Tripartite Structure -Industrial Relations

- a) India in ILO- Position of India in the Governing Body- International Labour Office
- b) Tripartisim -Indian Procedure of ratification of Conventions – Tripartite consultations
- c) Constitutional Framework -Administrative Procedure- Indian Labour Conference - Standing Labour Committee.

MODULE VII - Constitution of India, Human rights and ILO

- a) Constitution of India and Labour Rights, Inter-relationship, employment relationship, termination of service, rights, powers and immunities
- b) b.ILO-Standard and Indian response -ratification and to unratified conventions

- c) I.L.O. Conventions and Recommendations -Interpretation of definitions, duties and liabilities

MODULE VIII - Supervision, Enforcement and Adjudication

- a) ILO-Labour Law and Administration, Enforcement and Public Interest Litigation, Legal services programme,
- b) Industrial Relations, Human Rights and Justice - Registration of Conventions with UNO
- c) Supervisory Mechanism to ensure observance of ratified conventions
Commissions of Enquiry - Role of ICJ

RECOMMENDED READINGS:

BOOKS

1. I.L.O. Office, Geneva: “*International Labour Conventions and Recommendations*” in 3 volumes, Geneva. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_192621.pdf
2. Vaidyanathan N, “ *I.L.O. Standards for Social Justice and development of labour*”, (1992), Deep and Deep Publications, New Delhi,
3. Rama Jois, *Ancient Indian Law-Eternal Values in Manu Smriti*, (2002) Universal Law Publishing Co., New Delhi,.
4. S.N.Dhyani : *International Labour Organisation and India*, (1977) Allahabad Law Agency, Allahabad.
5. Dr.EM Rao , “*Industrial Jurisprudence – A critical Commentary*”,(2015) Lexis Nexis.

JOURNALS/ ARTICLES

1. Alston, P. (2005). Facing up to the complexities of the ILO’s core labour standards agenda. In *European Journal of International Law*. <https://doi.org/10.1093/ejil/chi126>
2. Niu, S. (2010). Ergonomics and occupational safety and health: An ILO perspective. *Applied Ergonomics*. <https://doi.org/10.1016/j.apergo.2010.03.004>
3. Tomei, M., & Belser, P. (2011). New ILO standards on decent work for domestic workers: A summary of the issues and discussions. *International Labour Review*. <https://doi.org/10.1111/j.1564-913X.2011.00127.x>

4. Taderera, H. (2012). Occupational Health and Safety Management Systems: Institutional and Regulatory Frameworks in Zimbabwe. *International Journal of Human Resource Studies*. <https://doi.org/10.5296/ijhrs.v2i4.2149>
5. International Labour Organization. (2003). Code of practice on workplace violence in services sectors and measures to combat this phenomenon. *International Labour Review*.

FURTHER READINGS:

BOOKS

1. David A.Morse: The Origin and Evolution of I.L.O. and the Role in the World Community. (1969) Cornell University-New York State School of Industrial and Labor Relations
2. A.Gewirth, "The Epistemology of Human Rights ,in social Philosophy and Policy" ,Vol 1,Issue 02, Spring 1984
3. AwB Simpson ,Oxford Essay on Jurisprudence, Clarendon Press , @ed Series ,1973.
4. G. K. Johri : Indian Tripartite System. Report of National Commission on Labour 1969 and 2002 (India).
5. Government of India Report 1940 on BTLEC
6. G.P Singh Principles of Statutory Interpretation, Wadhwa Nagpur, 5h Ed,1992.
7. R.Pound ,Outline of Jurisprudence, Harvard University Press,5th Ed. 1943.
8. AIOE, Industrial Unrest – Past trends and Lessons for Future,FICCI,New Delhi,2012.
9. Austin, Granville. The Indian Constitution: Cornerstone of a Nation. New Delhi: Oxford University Press, 2015.
10. E.M. Rao, Industrial Jurisprudence: A Critical Commentary, Lexis Nexis, Butterworths, Wadhwa, 2008

JOURNALS/ ARTICLES:

1. Rio Tinto. (2012). Human Rights Policy. *Rio Tinto*. <https://doi.org/10.1017/CBO9781107415324.004>
2. ILO. (2008). Women's Empowerment: 90 years of ILO action. In *International Labor Organization (ILO)*.
3. Asmat, R., & Mehboob, M. S. (2016). International Laws and Policies for Addressing Sexual Harassment in the Workplace. In *International Research*

Journal of Interdisciplinary & Multidisciplinary Studies (IRJIMS) A Peer-Reviewed Monthly Research Journal.

4. United Nations Encyclopedia of International Organisations.,
<https://www.britannica.com/topic/United-Nations>
5. Fried, John H. E. "Relations Between the United Nations and the International Labor Organization," *American Political Science Review*, Vol. 41, No. 5 (October, 1947), pp. 963–977
6. Dufty, N.F. "Organizational Growth and Goal Structure: The Case of the ILO," *International Organization* 1972 Vol. 26, pp 479–498
7. VanDaele, Jasmien. "The International Labour Organization (ILO) In Past and Present Research," *International Review of Social History* 2008 53(3): 485–511, historiography
8. Morse, D. *The Origin and Evolution of the ILO and its Role in the World Community* (Ithaca, 1969)
9. VanDaele, Jasmien. "Engineering Social Peace: Networks, Ideas, And the Founding of the International Labour Organization," *International Review of Social History* 2005 50(3): 435–466
10. I.L.O. :International Labour Codes, Vol. I & II

CASES FOR GUIDANCE

1. Som Prakash v. Union of India. A. I. R. 1981 S. C. 212.
2. Bandhua Mukti Morcha v. Union of India A. I. R. 1984 S. C. 802.
3. People Union for Democratic Rights & others. v. Union of India. 1982 II L. L. J. 454(S.C.)
4. National Textiles Workers Union v. Ram Krishna A. I. R. 1983 S. C. 759.
5. Excel Wear v. Union of India 1978, L. C. J. 527 (S.C.)
6. The Delhi Cloth & General Mills Ltd. v. Sambhunath Mukerjee. 1935 I. L. J. 36 (S.C.)
7. S.N. Rai v. Viswanath Lal, AIR 1960 Patna 10
8. State of Bihar v. Kameshwar, AIR, 1952 SC 252
9. Western India Automobile Association v. industrial Tribunal, 1949, AIR, 1949 FC 111
10. J.K Iron Steel Company Ltd v. Iron and Steel Mazdoor Union, ILLJ 1956, 227 SC

11. All India Bank Employee's Association v. National Industrial Tribunal and others, 1962, 3, SCR, 269
12. B.R. Singh v. Union of India, 1989(4), SCC, 710.
13. Communist party of India v. Bharat Kumar and Others, 1998(1) SCC 201
14. Kameswar Prasad and others v. State of Bihar 1962 Supp. 3, SCR, 369.
15. Radhey Sham Sharma v. The Post Master General, Central Circle, Nagpur, 1964(7) SCR. 403
16. Romesh Thappar v. State of Madras, 1950, SCR, 404
17. T.K Rangarjan v. State of Tamil Nadu, 2003 (5) SCALE 537
18. Keshawanand Bharati v. State of Kerala, AIR .1973 SC1461.
19. JK Cotton Spinning and Weaving Mills & Weaving Mills V. Labour Appellate Tribunal, A.I.R. 1964 S.C. 737.
20. Shambhu Nath Coyal V. Bank of Baroda, 1978 LLJ 484 (SC)

LEARNING OUTCOMES

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

- *Competent to practice Labour and service matters with the knowledge of both national and International laws-undertake legal research and promote legal reforms in theory and practice.*
- *Gain skill and competency to decide and resolve ethical hitches in ratification and enforcement of conventions and Recommendations by the members countries.*
- *Analyze and apply the substantive techniques of tripartite structure and functioning of ILO and its organs.*
- *Choose the right laws and effective interpretations, bringing about consensus and draw up a settlement agreement in Labour disputes.*

PAPER - V
LAW AND POLICY ON WAGES
(Specialized Core Paper)

OBJECTIVES OF THE COURSE

The Law relating to Wage and its policy is in par with Constitutional ideals and values with special to Directive Principles of State Policy in Indian Constitution Law. It derives certain theories and classifies various form of wage determination in India. The Legal Frame work on law relating to wages and its contribution of appropriate govt. is significantly emphasized in this course. This course is mainly focuses on rationalization of wage differential and the need of wage increase in order to make country in a socio – economic status of the country. It also proposes various national wage policies in India. Moreover, the contribution of ILO and its recommendations and conventions is a leading policy mechanism for every country in the wage perspective.

This course has been designed to

- *Provide know how of wage law and policy and the students are taking part in wage negotiations at regional as well in industrial level*
- *Enable the students to contribute wage and other benefits related matters in their carrier.*
- *Encompass certain research on wage laws*
- *Understand the policies and make recommendations to State.*

COURSE OUTLINE

MODULE I - Constitutional Perspectives on Wages

- a) Directive Principles of State Policy and Wage policy
- b) The constitutional ideals: protection against exploitation
- c) Right to equal pay for equal work – Legal and Judicial Perspective

MODULE II - General Principles of Concept of Wage

- a) Concept of Wage - Theories of wages
- b) Kinds of Wage: Minimum Wage, Fair Wage and Living Wage
- c) Concept of bonus-Theories of bonus

MODULE III - Law relating to Wage Determination

- a) Legal Frame work on Law relating to Wages in India
- b) Minimum wage protection and responsibility of State

- c) Fixation and revision of Minimum wage and its enforcement

MODULE IV - Legal Frame work on Payment of Wages

- a) Payment of wages
- b) Delay and deduction
- c) Statutory regulation — Computation of bonus – Disqualification – Set off and set on.

MODULE V - Legal frame work on Payment of Bonus and other benefits

- a) Classification of Bonus
- b) Full Bench Formula
- c) Doctrine of set off and set on - Ex gratia payment and Payment of Bonus

MODULE VI - Principles of Wage Differential Procedure and Process

- a) Wage Structure and contribution of Pay Commissions in India
- b) Wage Differentials: Problems and Perspectives
- c) Diminishing the differentia: Inter-industry, intra-industry and regional factors

MODULE VII - Wage Policy: Extent, Nature and Scope

- a) National Wage Policy: Problem and Perspectives
- b) National wage policy and its approaches: Need for integrated approach, income approach price approach on wage
- c) Problems of mixed economy and Wage Policy in India

MODULE VIII - International Perspective on Wage law and policy

- a) International Standardization of wages
- b) Role of ILO: conventions and recommendations relating to wages
- c) Recent amendment on Wages : Labour Code, 2020 - Comparative study on wage structure in USA, UK and India

RECOMMENDED READINGS:

BOOKS

1. O.P. Malhotra, Law of industrial Disputes (1999)
2. G.L- Kothari, Wages, Dearness Allowances and Bonus (1968)
3. J.N.Malik, “The Payment of Wages Act”
4. D.S.Chopra, “Payment of Bonus Act”
5. Menon, “Foundation of Wage Policy”

JOURNALS / ARTICLES

1. Indian Journal of Labour Economics
2. International Labour Organisation and its Publications

3. Industrial Law Journal
4. Labour Law Journal
5. Employee Relations Law Journal

FURTHER READINGS:

BOOKS

1. R.D. Agarwal, Dynamics of Labour Relations in India (1972)
2. Victor George , “ Social Security & Society” (1973) ILO on Wages (1968)
ILO on Poverty and Minimum living standards (1970)
3. G.L. Kothari, “Wages, Dearness Allowance and Bonus” (1968).
4. Deepak Bhatnagar, “State and Labour Welfare in India” (1985)
5. International Labour Organisation, “India Wage Report: Wage Policies for Decent work and inclusive growth”, 2018
6. Deepak Bhatnagar, “Labour Welfare and Social Security Legislation in India” (1984) School of Legal Studies , “ Cochin University Law Review”, pp. 1-36 and 125-150 CUSAT Volume (1989)
7. G.L. Kothari, “Wages, Dearness Allowance and Bonus” (1968).
8. Deepak Bhatnagar, “State and Labour Welfare in India” (1985)
9. International Labour Organisation, “India Wage Report: Wage Policies for Decent work and inclusive growth”, 2018
10. G.L- Kothari, Wages, Dearness Allowances and Bonus (1968)

JOURNALS/ARTICLES

1. Sarthi Aacharya, “Wages and Wage determination”, Indian Journal of Labour Economics, 2017
2. Himanshu, “Growth, structure change and wages in India: recent trends”, Indian Journal of Labour Economics, 2017
3. Patrick Baiser and Uma Rani, “Extending the Coverage of Minimum Wages in India: Simulations from Household Data”, Economic and Political Weekly 46(22), 2011
4. Nivedita Jayaram, “Protection of Workers’ Wages in India: An Analysis of the Labour Code on Wages, engage, vol.54, Issue.49, 2019
5. Shuriti Sharma, “Employment, Wages and Inequality in India: An Occupations and Tasks Based Approach”, Indian Journal of Labour Economics, 2016

6. Suresh C. Srivastava, "Machinery for Fixation of Minimum Wage of Sweated Labour in India -Problems and Prospects" 23 J.I.L.I. 495 (1981)
7. Sahab Dayal. "Wage, Income and Industrial Relations in Modern India: An Evaluation of selected Empirical Implications". 15 Indian Journal of Industrial Relations 295 (1977)
8. Madhuri G. Seth, "Bonus in Equity Perspective", 15 Indian Journal of Industrial Relations 119 (1979)
9. Deepak Lal, "Theories of Industrial Wage Structures: A Review" 15 Indian Journal of Industrial Relations 167 (1979)
10. C. Mani Sastry, "Wage Structure and Regional Labour Market", 21 Indian Journal of Industrial Relations 344 (1985)

CASES FOR GUIDANCE

1. Unichinoy v. State of Kerala, AIR 1962 SC 12
2. N.M. Wadhia Charitable Hospital v. State of Maharashtra, 1993
3. Balaram Abaji Patil and Others v. M.C. Ragojiwalla and another, AIR 1961 Bom 59
4. Randhir Singh v. Union of India, AIR 1982 SC 879
5. People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1793
6. D.P. Kelkar v. Ambadas Keshav Bajaj and Others, 1970
7. Syed Yakoob v. K. S. Radhakrishnan and others, AIR 1964 SC 477
8. Bakshi Security and Personnel Services Pvt. Ltd. v. Devkishan Computed Pvt. Ltd. and Ors. [July 26, 2016]
9. Managing Director, Chalthan Vibhag Sahakarikhanda Udyog, Cha v. Government Labour Officer & Ors [1981] INSC 23 (4 February 1981)
10. Commissioner Of Income-Tax v. Andhra Pradesh Riding Club on 3 March, 1987, 1987 168 ITR 393 AP
11. Sabanayagam K. vs The Secretary To Government Of TamilNadu and others on 24 January, 1983, (1984) ILLJ 87 Mad
12. The Upper India Coupar Paper Mills ... v. J.C. Mathur on 23 March, 1959, AIR 1959 All 664
13. Senior Superintendent of Post Offices v. Gursewak Singh and Others, 2019 Latest Caselaw 278 SC
14. L.I.C. of India Vs. Anwar Khan (Since Deceased) Through Lrs [2007] Insc 435 (23 April 2007) 2007 Latest Caselaw 363 SC

15. Sarva Shramik Sangh Vs. M/S. Indian Smelting & Refining Co. Ltd. & Ors
[2003] Insc 532 (28 October 2003)
16. The Hindustan Times Ltd.v. Their Workmen on 14 December, 1962, AIR 1963
SC 1332
17. Hindustan Antibiotics Ltd vs The Workmen & Ors on 3 October, 1966, 1967
AIR 948
18. M/s. Lakshmi Precision Screw Ltd., v. Ram Baghat, 2002
19. Steel Authority of India Ltd., and another v. Jaggu and others, 2019
20. Union of India Vs. Dr. O.P. Nijhawan, 2019 Latest Caselaw 5 SC

LEARNING OUTCOMES

- *This course will give significant ideas on research on Wage policy and its issues at their Doctorial research level.*
- *This course will give research ideas on Constitutional and Judicial perspective research work.*
- *The student will write labour service-related competitive exams and take practice on labour and industrial relations matters.*
- *Understand the significance of the process of fixation of wages and the role played by various stake holders in this process.*

PAPER - VI
JUDICIAL REVIEW OF ADMINISTRATIVE ACTION
(Specialized Core Paper)

OBJECTIVES OF THIS COURSE

Administrative law is a law in which derived by mainly on judge-made laws and has secured its present features through a myriad of judicial decisions. The evolution of the judicial trends and its reviewing administrative process and procedures has been made of this law. The jurisdictional aspects of administrative decision is subjected to review on the grounds on principles of natural justice which decisions are challenged, the scope of review of delegated legislation and the limitations on the judicial review of administrative action are to be studied in detail in this course. The procedural fairness is the key to good administrative decision and the various remedies rendered in judicial process is way to clear for achieving administrative justice. The ever-increasing number of delegated legislations in the form of notifications, rules, regulations, circulars and general orders has been forming the characteristics of law. Such administrative actions are under judicial review in par with interest of general public and laying down constitutional ideals and values.

This course has designed to

- *Provide knowledge on administrative action and its judicial scrutiny on such action*
- *Make the students to get knowledge on administrative process and judicial review on such process*
- *The students can enhance knowledge on service matters and High Court and Supreme Court role on check and balance on administrative functions*
- *Enable them to take practice on Writ Jurisdiction and its judicial trends*

COURSE OUTLINE

MODULE I -General principles of Judicial function

- a) Meaning, Scope and Significance of concept of Judicial review
- b) Evolution of Concept of judicial review in Common law countries and French system Judicial review in India
- c) National and International perspective on Judicial review

MODULE II - Classification of Administrative process and judicial review - I

- a) Delegation powers
- b) Extraneous consideration
- c) Acting under dictation

MODULE III - Classification of Administrative process and judicial review - I

- a) Malafides and bias
- b) Unreviewable discretionary powers
- c) Fundamental rights and its violations

MODULE IV - Grounds to approach of judicial review

- a) Doctrine of ultra vires
- b) Violation of fundamental rights
- c) Discretion and justifiability - Lack of rationality and proportionality

MODULE V - Principles of Natural Justice and Judicial review

- a) Procedural fairness and legitimate expectation
- b) Natural justice and duty to act fairly - Principles of natural and Fair hearing.
- c) Bias and personal interest

MODULE VI - Statutory Remedies of Administrative action - I

- a) General and specific remedies
- b) Constitutional remedies
- c) Parent Act and enabling Act remedies

MODULE VII - Statutory Remedies of Administrative action - II

- a) Legal remedies: Injunction and Declaration.
- b) Limits of judicial review and public interest litigation
- c) Doctrine of standing and doctrine of Ripeness

MODULE VIII - Judicial review Mechanism and its non-statutory Remedies

- a) Writ Jurisdiction and Judicial review Remedies - Locus standi - Latche
- b) Human Rights perspective of Judicial Remedy – Preventive Detention
- c) Comparative study on concept of Judicial Review in U.K., U.S.A., and India

RECOMMENDED READINGS:

BOOKS

1. Jain & Jain, Principles of Administrative Law (1986),
2. Peter Leyland and Gordon Antony, Text Book on Administrative Law, Oxford University Press, 8th ed., 2016
3. S.P. Sathe, Administrative Law (1998), Butterworths, India.

4. Sweet and Maxwell. I.P. Massey, Administrative Law (1995),
5. M.P.Jain, The Evolving Indian Administrative Law (1983),

JOURNALS / ARTICLES

1. Lord Diplock, “Administrative Law: Judicial Review reviewed”, The Cambridge Law Journal, Vol.33, Issue 2, 1974, pp 233-245
2. P. Leelakrishnan, “Reviewing Decision of Administrative Tribunal: Paternalistic Approach of the Indian Supreme court and need for Institutional reform”, Journal of Indian Law Institute, Vol.54, Issue 1, 2012, pp 1-26
3. Antharvedi, Usha, “Judicial review of administrative action and principles”, <http://papers.ssrn.com>, 2008
4. Collins Parker, “Key aspects in proceedings concerning the remedy of judicial review of administrative action by administrative bodies and officials”, Administrative Law: Cases and Materials, University of Nambia Press, 2019, pp 219-316, www.jstor.org
5. Rajvir Sharma, “Judiciary as Change Agent: Some insights into the Changing role of Judiciary in India”, 58(2) Indian Journal of Public Administration 264-286 (April-June 2012)

FURTHER READINGS:

BOOKS

1. Eastern, Lucknow. Bagawati Prosad Banerjee, Writ Remedies, (1999), Wadhwa, Nagpur.
2. M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.I, Wadha, Nagpur.
3. Fazal - Judicial Control of Administrative Action in India and Pakistan (1969)
4. Brown and Garner - French Administrative Law - (1973) Chs. 7 & 9
5. Jaffe - Judicial Control of Administrative Action
6. A.T. Markose, Judicial Control of Administrative of India
7. Jain and Jain - Principles of Administrative Law (1993) Chapters 7, 8, 13, 14.
8. Davis - Administrative Law - Text Chapters. 4, 11, 12 & 18-20
9. Schwartz and Wade - Legal Control of Government Chapters. 9-12
10. Hentry William Rason Wade and C. F. Forsyth, Administrative Law, Oxford University Press, 11th ed., 2014

JOURNALS / ARTICLES

1. Charles H.Koch Jr., "Introduction: Globalisation of Administrative and Regulatory Practice" 54(1) ALR 409-414 (2002).
2. Joseph Minattur, "French Administrative Law" 16(3) JILI 364-376 (1974).
3. Bernard Schwartz, "Fashioning and Administrative Law System" 40(3) ALR 415-432 (1988).
4. David Annousamy, "French Administrative Tribunals" 26 JILI 80-88 (1984).
5. Kevin M.Stack, "An Administrative Jurisprudence: The Rule of Law in the Administrative State" 115(7) CLR 1985-2018 (2015).
6. Schapiro., "Judicial Federalism and the Challenges of State Constitutional Contestation", 115(4) Penn State Law Review 983-1006 (Spring 2011).
7. Jonathan Siegel, "Institutional case for Judicial Review" 97(4) Iowa Law Review 1147- 1200 (2012 May).
8. Prof. Upendra Baxi, "Development in Indian Administrative Law", Jaipur Law journal, (1969) 9 pp 133-171
9. K.L. Bhatia, "Review: Administrative Law", Journal of Indian Law Institute, Vol.38, Issue 2, 1996, pp 253-259
10. Santanu Sabhapandit, "Art.12 and Judicial Review of Administrative Action: An Analysis", Indian Law Review, 2018

CASES FOR GUIDANCE

1. A.K. Kraipak v. Union of India, AIR 1970 SC 150
2. Ridge v. Baldwin [1963] UKHL 2
3. Maneka Gandhi v. Union of India, (1978) 1 SCC 248
4. A.V. Bellarmin v. V. Santhakumaran Nair, judgement delivered on 13.08.2015 by Hon,ble High court of Madras, Madurai Bench
5. Tata cellular v. Union of India, Supreme Court of India, 26th July, 1994
6. Gullappali Nageshwara Rao and other v. Andhra Pradesh State Road Transport Corp. and another, Supreme Court of India, 5th November, 1958
7. Sub – Committee of Judicial Accountability v. Union of India and Others, Supreme Court of India, 29th October, 1991
8. Uma Nath Pandey v. State of U.P, AIR 2009 SC 2375
9. S. P. Gupta v. Union of India, (1982) 2 SCR 365
10. Mdd Medical systems (P) Ltd., and others v. State of Gujarat, 7th May, 2018

11. L. Chandra Kumar v. Union of India and Others, Supreme Court of India ,18th March, 1997
12. Common Cause, A Registered Society v. Union of India and others, Supreme Court of India, 03/08/1999
13. State of Andhra Pradesh v. Venugopal, AIR 1964 SC 337
14. Rai Sahib Ram Jawaya Kapur And Others v. The State Of Punjab, AIR 1955 SC 549,
15. Dwarka Prasad Laxmi Narain v. State of UP 1954
16. J.R. Raghupathy and others v. State Of Andhra Pradesh and Others, AIR 1988 SC 1681
17. S.R. Bommai and Others v. Union of India and Others, AIR 1994 SC 1918
18. B.V. Narayana Reddy and others v. State of Karnataka and others, AIR 1985 Kant 99
19. Raghunath Thakur v. State of Bihar, (1989) 1 SCC 229
20. Union of India v. International Trading Co., (2003) 5 SCC 437

LEARNING OUTCOMES

- *This course will give research ideas on Constitutional and Judicial perspective research work.*
- *It gives significant knowledge on service law matters and the student will take practice on service side. .*
- *Understand administrative functions and the extent of judicial control*
- *Comparative analysis of the concepts in USA ,UK and Indian perspective.*

PAPER - VII
LAW AND SERVICE JURISPRUDENCE
(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

It has long been an axiom that government service is not merely a contract but a status. The Indian civil service and the appointment of civil servants are constitutionally mandated processes and events which flow from one of the foundational basic features of the Constitution, Separation of Powers. A Specialist in Labour and Administrative law is entrusted with the unique responsibility of ensuring that they are well versed in these Constitutionally enshrined laws. A Master's student of Labour and Administrative Law must be in a position to critically analyse, assess and understand legal developments regarding Civil Servants in India, while also being able to place these developments in their appropriate global and comparative context. Service law jurisprudence in India traces its genesis to British and American law.

This specialist course focuses on the civil servants, their recruitment and promotion, conditions of service, special category of services and settlement of disputes in Service matters, both in India and through a comparative lens.

This course has been designed to:

- Analyse in-depth the Constitutional mandate governing civil services, along with precedents, doctrines (including the Doctrine of Pleasure) and their limitations; and principles of natural justice;*
- Provide a detailed picture of the recruitment and promotion guidelines and understand the rules governing conditions of service, which is critical to promote transparency and public participation;*
- To study, with specific emphasis, the law governing recruitment, promotion, conditions of service and disciplinary action for Judicial Officers and civil servants related to judicial services;*
- Introduce the student to certain special categories of services and laws applicable to them; Place Indian service laws in a global and comparative context; Elucidate dispute settlement mechanisms.*

COURSE OUTLINE

MODULE I – Historical Background and Constitutional Dimensions of Service

Law

- a) Origin and Concept Governance in Ancient India – Concept of *Dharma* and Duty - *Arthashastra* and Kautilya's '*Amatyas*'- *Bhagavad Gita* and Administration
- b) Centralised Administration of Mughals
- c) Evolution of Modern Service Law - British Civil Service - Modernisation of Civil Services in Independent India – Constitutional Dimension: Civil Servants and Fundamental Rights - Doctrine of Pleasure - Limitation on the Doctrine of Pleasure - Disciplinary Authority - Action only by an authority not subordinate to Appointing Authority - Opportunity of Being Heard and its Exceptions.

MODULE II – Recruitment and Promotion

- a) Central and State Agencies for Recruitment – Methods – Jurisdiction – Qualification - Functions.
- b) Immunities of Public Service Commission.
- c) Civil Service Reforms in India.

MODULE III - Conditions of Service

- a) Kinds of Leave and Conditions of Eligibility - Pay, Dearness Allowances and Bonus: Machinery for fixation and Revision of Pay Commission.
- b) Social Security: Provident Fund - Superannuation and Retrial Benefits - Medicare. Maternity Benefits - Employment of Children of those dying in Harness (Compassionate Appointments) - Compulsory Insurance.
- c) State Government Employees and Central Government Employees.

MODULE IV – Special Category of Services

- a) Judicial Officers and Servants: Appointment and Conditions of Services.
- b) Officers and Servants of Supreme Court and High Court – Recruitment – Promotion - Conditions of Service and Disciplinary Action.
- c) All India Services – Object - Regulation of Recruitment and Conditions of Service - Disciplinary Proceedings.

MODULE V – Settlement of Disputes over Service Matters

- a) Departmental Remedies – Representation – Review - Revision and Appeal.
- b) Remedy Before the Administrative Tribunal -Jurisdiction - Scope and Procedure - Merits and Demerits - Exclusion of Jurisdiction of Courts.

- c) Judicial Review of Service Matters.

MODULE VI – Globalisation, Good Governance and Indian Administrative Machinery

- a) Administration in a Globalised World – Challenges and Impact.
- b) Good Governance in Administration and Civil Services – Comparative Position in U.S.A., U.K. and France.
- c) RTI, Whistleblower Protection and Transparency in Civil Administration.

RECOMMENDED READINGS:

BOOKS

1. N. Narayanan Nair, *The Civil Servant under the Law and Constitution* (Academy of Legal Publications, Kerala, 1973).
2. Samaraditya Pal, *Law relating to Public Service* (Lexis Nexis; 3rd edn., 2011).
3. H.M. Seervai, *Constitutional Law of India* (Universal Law Publishing - An imprint of Lexis Nexis; 4th edn., 2015).
4. K.N. Goyal, *Administrative Tribunals Act, 1985* (Eastern Book Company, Lucknow, 2nd edn., 1990).
5. J. K. Soonavala, and Mohan Lal Singha, *Soonavala's Supreme Court on Service Laws (1950-2017)*(Lexis Nexis, 2017).

JOURNALS/ARTICLES

1. Arjun P. Aggarwal, “Freedom of Association in Public Employment”, 14 JILI (1972).
2. O.P. Motiwal, “Development of Legal Rights of Civil Servants in India” 17 JILI 437-445 (1975).
3. Rameshwar Dial, “Civil Servants under the Constitution” 2 JILI 481-508 (1960).
4. L.M. Bhatia, “Government Servants and Political Mores” 15 JILI 301-305 (1973).
5. V.K.T. Chari, “A Note on Civil Servants – Disciplinary Proceedings” 5 JILI 148-153 (1963).

FURTHER READINGS:

BOOKS

1. Durga Das Basu, *Introduction to the Constitution of India* (Wadhwa and Company Law Publishers, New Delhi, 19th edn., 2004).

2. S.S. Upadhyay and Sachin Upadhyay, *Law of Disciplinary Proceedings in India* (Thomson Reuters, 2018).
3. Justice T.S. Doabia, *The Law of Services and Dismissals* (Lexis Nexis, 6th edn., 2015).
4. Institute of Secretariat Training and Management (DoPT), *Handbook for Inquiry Officers and Disciplinary Authorities* (2013).
5. Elliott Mark, *Administrative Law: Text and Materials* (Oxford University Press, New York, 2007).
6. J.K. Varma, *Misconduct in Employment* (Eastern Book Company, 3rd edn., 2015).
7. K.M. Mandal, *Laws on Public Service* (Eastern Law House, 1st edn., 2017).
8. M. Rama Jois, *Services under the State* (ILI, Bangalore, 1974).
9. Verma and Kusum (eds.), *Fifty years of Supreme Court of India: Its grasp and reach* (Oxford University Press, 2003).
10. Arghya Sengupta, *Independence and Accountability of Indian Higher Judiciary* (Cambridge University Press, 1st edn., 2019).

JOURNALS/ARTICLES

1. A.G. Noorani, "Accountability of Public Servants" 18 EPW 1428-1429 (1983).
2. S.P. Sathe, "Appointment of Judges: The Issues" 33 EPW 2155-2157 (1998).
3. A.V. Rajwade, "Rule of Law and Civil Servants" 38 EPW 598-599 (2003).
4. Raju Z. Moray, "Code for Judges" 33 EPW 2410 (1998).
5. Indra Jaising, "National Judicial Appointments Commission: A Critique" 49 EPW 16-19 (2014).
6. Mukul Asher and Deepa Vasudevan, "Civil Service Pension Reform" 39 EPW 5363-5365 (2004).
7. D.S. Chopra, "Doctrine of Pleasure – it's some implication and Limitations", *I.J.P.A.* 92 (1975).
8. G.C.V. Subba Rao, "The ONGC Case and New Horizons in Public Services Law" *S.C.J.* 29.
9. Warren H. Pillsbury, 'Administrative Tribunals', 36 HLR 583 (1923).
10. N.R. Madhava Menon, "Evaluating Judicial Performance: A Consumer Perspective" 50 JILI 468- 477 (2008).

CASES FOR GUIDANCE

1. S. P. Sampath Kumar v. Union of India, AIR 1987 SC 386.
2. L. Chandra Kumar v. Union of India, AIR 1995 SC 1151.
3. Union of India v. R. Gandhi, President, Madras Bar Association, 2010 6 SCR 857.
4. Shenton v. Smith, (1895) AC 229: 72 LT 103.
5. Government of Andhra Pradesh v. N. Ramanaiah (2009) 7 SCC 165.
6. State of West Bengal v. Nirpendra Nath, AIR 1966 SC 447.
7. State of Assam v. S.N. Sen, AIR 1972 SC 1028.
8. Chandra Mouleshwar Prasad v. The Patna High Court AIR 1970 SC 370.
9. State of Bihar v. Mudan Mohan, AIR 1976 SC 404.
10. J. Panduranga Rao v. The Public Service Commission AP, AIR 1963 SC 268.
11. State of Haryana v. Inder Prakash, AIR 1976 SC 1842;
12. Rangachari v. Secretary of State, AIR 1937PC 27.
13. Bardakant Mishra v. High Court of Orissa, AIR 1976 SC 1899.
14. Colonial Sugar Refining Co. v. Irving, (1905) AC 369.
15. Delhi Cloth and General Mills Co. v. I. T. Commissioner, 54 IA 421.
16. Markaih R v. Tribunal, AIR 1962 AP 303.
17. V. K. Javali v. State of Mysore (1987) Supp SCC 248.
18. Nagendra Nath Bora v. Commissioner of Hills Division and Appeals, AIR 1958 SC 398.
19. State of Gujarat v. Patel Raghav Nath, AIR 1979 SC 1297.
20. S. Ramanathan v. Chief Judicial Magistrate (2002) 10 SCC 473.

LEARNING OUTCOMES

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

- *Appreciate the Constitutional provision governing services law; Comprehend laws governing recruitment, promotion and conditions of public services;*
- *Understand the principles that apply to certain special categories of service, particularly judicial officers and civil servants in judicial services;*
- *Analyse Indian service law in a global context; Critically examine the dispute settlement mechanism;*
- *Participate fully in ensuring accountability, transparency and good governance; and the role of service law in our rapidly changing world.*

PAPER - VIII
LAW RELATING TO OCCUPATIONAL SAFETY, HEALTH AND
WORKING CONDITIONS

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

The Ministry of Labour & Employment's mandates under the Allocation of Business Rules includes, among other things, occupational safety and health. The Ministry's Industrial Safety and Health branch discharges the overall functions of policy-making and laying down guidelines for, inter alia, ensuring occupational safety and health of workers. The principal objective of Occupational Health and Safety is the establishment of a preventive safety and health culture in the country through elimination of work-related injuries, diseases, fatalities, disasters and to enhance the well-being of employees in all the sectors of economic activity in the country. Cognizant of the importance of such legislations, India has multiple laws protecting occupational health and safety, several of which were first enacted over half a century ago.

The Factories Act, 1948 (amended, over time, in 1954, 1976, 1987 and 1990); The Mines Act, 1952, Other Construction Workers (Regulations of Employment and Conditions of Service) Act, 1996, The Beedi And Cigar Workers (Conditions of Employment) Act, 1966, The Building and Other Construction Workers (Regulation of Employment And Conditions of Service) Act, 1996 – all of these are India's leading laws relating to occupational health and safety. A thorough understanding of these laws will help a Master's student in labour law handle concerns relating to occupational health and safety in every domain.

This course is designed to help students understand and deep-dive into the measures taken to improve just and humane conditions of work by improving occupational safety and health.

This course has been designed to:

- Trace the historical development on the concept of occupational safety and health, including the role played by the twin stalwarts of the International Labour Organisation and the World Health Organisation;*
- Understand the various national and state level organisations that are dedicated to achieving and maintaining occupational safety and health of workers; and Analyse, through a comparative lens, the measures to ensure occupational health and safety adopted by other countries, especially, USA and UK;*
- Explore the key legislations in India dealing with occupational safety and health (specifically, the national, sector-agnostic legislation of Factories Act, 1948; as well as*

sector-specific laws such as The Mines Act, 1952, The Building & Other Construction Workers (Regulations of Employment and Conditions of Service) Act, 1996, The Beedi And Cigar Workers (Conditions of Employment) Act, 1966, The Building and Other Construction Workers (Regulation of Employment And Conditions of Service) Act, 1996;

- *Elucidate the various mechanisms to ensure compliance with occupational safety and health requirements and to improve awareness and provide training.*

COURSE OUTLINE

MODULE I - Introduction to Occupational Safety, Health and Working Conditions

- Industrial Revolution and its Impact on Occupational Safety and Health - Occupational Hazard and Risks – Consequences of Work-related Accidents, Injuries and Diseases – Socio-economic aspects of Occupational Safety and Health - Sector Specific Occupational Health and Safety Issues.
- International Labour Standards on Occupational Safety, Health and Working Conditions.
- Constitutional Framework of Occupational Safety, Health and Working Conditions – Workers Participation in the Prevention of Accidents and Diseases at Workplace - Code on Occupational Safety, Health and Working Conditions- State policies on Occupational Safety, Health and Working Conditions.

MODULE II - Occupational Safety, Health and Working Conditions for Workers in

Factories

- Factories Act, 1948 – Scope and Objects – Definitions - Preliminary Requirements to Start a Factory - Registration of Factory - Inspecting Staff and Certifying Surgeons.
- Provisions Relating to Health, Safety and Welfare.
- Working Hours of Adults - Regulation of Employment of Women and Children - Special Provisions Relating to Hazardous Processes - Annual Leave with Wages - Penalties and Procedure.

MODULE III - Occupational Safety, Health and Working Conditions for Workers in

Mines

- Mines Act, 1952 – Scope and Objects – Definitions - Inspectors – Certifying Surgeons – Special Officers - Committees – Functions and Power - Mining Operations and Management of Mines
- Obligations of Employers - Provisions as to Health and Safety - Hours and Limitation of Employment - Leave with Wages.
- Restrictions on Employment of Women - Special Provisions for Contravention of Law and Dangerous Results - Penalties and Procedure.

MODULE IV - Beedi Sector Workers and Specific Legislative Measures

- a) The Beedi And Cigar Workers (Conditions of Employment) Act, 1966 – Scope and Object – definitions – Licenses – Appeals - Health and Welfare Measures - Working Hours – Inspectors - Offences and Penalty.
- b) Beedi Workers Welfare Fund Act, 1976 – Scope and Object – Definitions - Welfare Fund - Advisory Committees - Welfare Commissioner.
- c) Beedi Workers Welfare Cess Act, 1976 – Scope and Object - Fund – Levy and Collection of Cess on Manufactured Beedis - Consolidated Fund of India.

MODULE V - Construction Workers and Regulation of Conditions of Employment

- a) The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 – Scope and Object – Definitions - Advisory Committees and Expert Committees - Registration of Building Workers as Beneficiaries - Welfare Board.
- b) Hours of Work - Welfare Measures - Safety and Health Measures - Responsibility of Employers -Inspecting Staff - Offences and Penalties.
- c) Building and Other Construction Workers Welfare Cess Act, 1996 – Scope and Object - Definitions - Levy and Collection of Cess - Furnishing of Returns - Assessment of Cess - Recovery of Amount Due – Appeals - Penalty – Offences by Companies.

MODULE VI - Occupational Health & Safety in UK & USA – Comparative Aspects

- a) Occupational Safety and Health Standards in UK
- b) Occupational Safety and Health Standards in USA

RECOMMENDED READINGS:

BOOKS

1. Dr. V.G. Goswami, *Labour & Industrial Laws* (Central Law Agency, 2019).
2. Suresh C Srivastava, *Labour Law in Factories, Mines, Plantation, Transportation, Shops and other Establishments* (Prentice Hall of India, 1992).
3. S.N.Mishra, *Labour and Industrial Law* (Central Law Publications, 29th ed., 2019).
4. Gupta N.H., *Social Security for Labour in India* (Deep and Deep Publications, New Delhi, 1986).
5. R. K. Jain and Sunil S. Rao, *Industrial Safety, Health and Environment Management Systems* (Khanna publishers, New Delhi, 2006).

JOURNALS/ARTICLES

1. Gurumurthy Ramachandran & Panneer Sigamani, “Occupational Health and Safety in India”, 49 EPW 26-28 (2014).

2. J.V. Vilanilam, "A Historical and Socio Economic Analysis of Occupational Health and Safety in India", 10 IJHS 233-249 (1980).
3. Usha Ramanathan, "Statute Law, Injury and Compensation", 47 JILI 158-198 (2005).
4. V.Umakanth, "Regulation of Hazardous Substances: Law and Policy", 37 JILI 508 -518 (1995).
5. C.M.Jariwala, "Hazardous Substance and Waste Law: Lessons for India", 52 JILI 412-434 (2010).

FURTHER READINGS:

BOOKS

1. Ganguly & Changeriya, *Health Safety and Environment (Safety Management)* (Chetan Publication; 2016).
2. Harbans Lal Sarin, *Encyclopedia of Petroleum Laws* (Universal Law Publishing Co. Ltd, 12th ed., 2016)
3. P.K.Goswami, *Handbook of Occupational Safety and Industrial Psychology* (S.Chand & Co. Ltd, 2017).
4. Singh D.P, *Women Workers in Unorganised Sector* (Deep & Deep Publications, New Delhi, 2008).
5. Sharma A.M., *Personnel and Human Resource Management*, (Himalaya Publishing House, New Delhi, 1985).
6. Shashi K. Gupta and Rusy Joshi, *Human Resources Development* (Kalayani Publishers, New Delhi, 2003).
7. T.C.Thakur & Ors., *Occupational Safety and Health of Construction Workers* (Concept Publishing Co. Pvt. Ltd., 2013).
8. Dr.Solomon Raj, *Occupational Health Hazards of Beedi Rolling Women and Children* (Creative Crows Publishers Pvt. Ltd., 1st ed., 2016).
9. Panneer Sigamani & Ors, *Health, Safety and Well-Being of Workers in the Informal Sector in India: Lessons for Emerging Economies* (Springer; 1st ed., 2019).
10. Park K, *Occupational Health, Park's Textbook of Preventive and Social Medicine* (19th edn., 2007).

JOURNALS/ARTICLES

1. Herbert K.Abrams, "A Short History of Occupational Health", 22 JPHP 34-80 (2001).
2. Jaya Prasad Tripathy, "Occupational Health Hazard in India: Need for Surveillance and Research", 106 CS 668-669 (2014).
3. Saiyed, Habibullah N. and Rajnarayan R. Tiwari , "Occupational Health Research in

India,” 42 IH 2004.

4. Harry Heiman, “An Industrial Hygiene Project in India”, 69 PHR 595-598 (1954).
5. Rusi Engineer, “Punishing Corporate Negligence: Industrial Disasters and Criminal Law”, 24 EPW 711-713 (1989).
6. Jagdish Patel, “Health and Safety at Workplace: Loopholes in Law”, 34 EPW 86-89 (1999).
7. K.V. Subhramanyam, “Workers’ Safety of no Account”, 15 EPW 2008-2010 (1980).
8. Saiyed, Habibullah N. and Rajnarayan R. Tiwari, “Occupational Health Research in India,” 42 IH 141–148 (2004).
9. Henshaw, John & Gaffney, Shannon & Madl, Amy & Paustenbach, Dennis, "The Employer’s Responsibility to Maintain a Safe and Healthful Work Environment: An Historical Review of Societal Expectations and Industrial Practices”, 19 ERRJ 173-192 (2007).
10. Zodpey, S.P., Himanshu Negandhi and R.R. Tiwari, “Mapping ‘Occupational Health’ courses in India: A systematic review,” 13(3) IJOEM (2009).

CASES FOR GUIDANCE

1. Bayer (India) Limited & Ors v. State of Maharashtra, AIR 1996 Bom. 20.
2. Bhikusa Kshatriya v. Union of India, 1963 AIR 1591.
3. Consumer Education and Research Centre vs. Union of India, 1995 AIR 922
4. Calcutta Electricity Supply Corporation v. Subhas Chandra Bose, (1992) 1 SCC 441
5. Kalyaneshwari vs. Union of India and others, (2011) 3 SCC 287
6. Hindle v. Birtwistle, (1897)1 Q.B. 192
7. Summers (John) & Sons Ltd v Frost, (1955) 1 A11 ER 870
8. Pearson v. Belian Mills Co., (1986) 1 QB 224
9. Jayathilal Dhanji and Co. Oil Mills v. Employees State Insurance Corporation, AIR 1963 AP 210
10. State of Mysore v. Narayan Raghavendra Shirur, (1967) 2 Lab LJ 616
11. State v. Umashanker, (1962) 5 Fac LR 459.
12. Chinubhai Haridas v. State of Bombay, AIR 1960 SC 37.
13. State of Gujarat v. Dillip Kumar Dahyabhai Patel and another, 1995 (2) LLN 836 (Guj.)
14. Tata Iron and Steel Co. Ltd. v. Inspector of Factories, Jamshedpur and others, 1996 (72) FLR 391 (Pat).
15. Debash Bhattacharya v. M/s. Rishra Steel Ltd, (1995) 1 Cal LT 191.

16. J.K. Industries Limited Etc. v. The Chief Inspector of Factories, 996 (9) TMI (503) India.
17. R.S. Ruikar v. Employer, AIR 1935 NAG 149.
18. Banwarilal Agarwalla v. The State of Bihar and Others, 1961 AIR 849.
19. Chief Inspector of Mines and Another v. Lala Karam Chand Thapar and Others, 1961 AIR 838.
20. Union of India v. A.B. Shah and Others, JT 1996 (5) 128.

LEARNING OUTCOMES

After completion of the course students will be able to

- *Appreciate the role played by ILO and WHO in setting standards, rulemaking and ensuring the success of these goals to achieve occupational safety and health for workers; Enjoy a deep understanding of the conceptual underpinnings of occupational safety and health;*
- *Critically analyse the key Indian laws that govern occupational safety and health and understand their strengths and shortcomings;*
- *Analyse and comprehend sector-specific laws for occupational health and safety, especially in vulnerable sectors such as mines, beedi industry etc. Develop familiarity with organisations at various levels in India that are devoted to this task;*
- *Discern practical considerations such as compliance mechanisms, training and awareness plans etc. to ensure occupational safety and health.*

PAPER - IX

LAW AND GOVERNANCE OF INDUSTRIAL DISCIPLINE

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

Discipline at the workplace/ Industry has a fundamental role to play in any sector. Discipline at work place if used correctly and fairly, where appropriate it can ensure that employers and employees are well guided and protected from any misconduct that may occur within the workplace. The understanding and identification of situations where disciplinary procedures and rules are to be applied shall help with employer and employee relations and promote fairness with consistency in the treatment of individuals in the Industry. Clarity of guidelines can ensure better understanding and best practice to resolve issues early and effectively to minimise the impact poor discipline at the work place. This course helps the learners to learn the concept of discipline, model code of conduct, code of discipline along with relevant statutes and constitutional provisions supported by principles & procedures related to a domestic enquiry and shall make them competent to participate / conduct the domestic enquiry in an effective manner in line with code, statutory guidelines and Principles of Natural Justice.

After undergoing the study, the student will be able to understand the:

- *Importance of Industrial discipline, Legal aspects of domestic enquiry and employee discipline; recognise the key principles of the Code of Practice for Discipline*
- *Skills to avoid indiscipline and to avoid employment disputes-the importance of setting and maintaining standards*
- *Basic pitfalls of domestic enquiry, in view of employer, employee, presenting officer & enquiry officer;*
- *When and why to use the informal and formal disciplinary processes- the importance of investigation, documentation and accurate recording.*

COURSE OUTLINE

MODULE I - Industrial Behavior -Discipline

- a) Industrial behavior in formal and informal Groups; Inter personal and Intra group relationship in industrial organization and their impact
- b) Employee Discipline: Meaning, Concept, Objectives, Principles, Importance, Factors, Types Organisation and Workers Association- Collective Bargaining and Workers participation in Management
- c) Industrial Discipline and Good Governance- Comparative Study- USA, UK and China

MODULE II - Contract of Employment

- a) Industrial Employment (Standing Orders) Act 1946 – Terms and conditions in Contract of employment-Standing Orders -Submission of Draft Standing Orders
- b) Conditions for certification of Standing Orders
- c) Appeals - Duration and modification of Standing Orders.

MODULE III - Misconduct and Industrial Discipline

- a) Industrial Discipline: Concept and need for maintaining industrial discipline
- b) Industrial Employment (Standing orders) Act, 1946, Model Standing Orders
- c) Misconduct: Concept -Different types of misconduct- Concept of Punishment appropriate to misconduct.

MODULE IV - Alternative Disputes Resolution Mechanism and Good Governance

- a) Industrial Psychology and human relations in Industry- Grievances redressal mechanisms
- b) Works Committee- Industrial Disputes Act, 1947- Industrial disputes Settlement and redressal mechanisms
- c) Unfair Labour Practice and Code of Discipline.

MODULE V - Enforcement Authorities- Practice and Procedure

- a) Authorities under disciplinary proceeding: Enquiry officer, Presenting Officer, Defence counsel, Misconduct - Charge sheet - service of charge sheet - power to suspend pending enquiry
- b) Disciplinary action, Complaint, Show- Cause Notice, Notice of Enquiry, Enquiry report.
- c) Principles of natural justice, Enquiry Report -Punishment -Major and Minor punishment.

MODULE VI - Judiciary and Jurisdiction

- a) Jurisdiction of adjudicatory authorities, Supervisory, original or Appellate jurisdiction
- b) Section 11 A of Industrial Disputes Act, Section 2A(2) of Industrial Disputes Act
- c) Article 323A -CAT and SAT-Administrative Tribunals and High Courts, Protection of civil servants, Doctrine of pleasure -Art. 310 of the Constitution, Protection under Art 311 of the Constitution.

RECOMMENDED READINGS:

BOOKS

1. H.L Kumar, Law relating to disciplinary Proceedings in Industry, Universal Law Publishing - An Imprint of Lexis Nexis (2017)

2. The Law of Industrial disputes Vol I & Vol II – O.P. Malhotra , Universal Law Publishing Co., Delhi (1999)
3. Constitutional Law of India – H.M. Seervai , Universal Law Publishing - An imprint of LexisNexis (2015)
4. S.S. Udadyay & Sachin Upadhyay, Law Of Disciplinary Proceedings in India, Thomson Reuters (2018)
5. G.P.Das Gupta ,Maintaining Industrial Discipline, SAGE Publications Pvt. Ltd (2016)

JOURNALS/ ARTICLES

1. Glennie, Paul, and Nigel Thrift. "Reworking EP Thompson'sTime, work-discipline and industrial capitalism'." *Time & Society* 5.3 (1996): 275-299.
2. Edwards, Paul K., and Colin Whitston. "Industrial discipline, the control of attendance, and the subordination of labour: Towards an integrated analysis." *Work, Employment and Society* 3.1 (1989): 1-28.
3. Singh, Yogendra. "NATURE OF STANDING ORDERS UNDER INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946." *Journal of the Indian Law Institute* 9.3 (1967): 443-452.
4. Krishnan, P. G. "LAW RELATING TO DISCIPLINARY MATTERS AND STANDING ORDERS." (1978): 633-637.
5. Row, Chitta Mallikarjuna, and R. B. Sethi. *Law of industrial disputes: containing exhaustive commentaries on Industrial disputes act and Industrial employment (standing orders) act with useful appendices.* Law Book Co., 1958.

FURTHER READINGS:

BOOKS

1. India. *The Industrial Employment (Standing Orders) Act, 1946, with Central Rules...* University Book agency, 1966.
2. India, and L. C. Malhotra. *The Industrial Disputes Act, 1947: Labor Law Trial Employment (standing Orders) Act, 1946, and Rules, with Model Standing Orders in English and Hindi. The Trade Unions Act, 1926. The Central Trade Unions Regulations, 1938, with State Amendments, Central Rules and Case-law.* University Book agency, 1970.
3. Haas, Ron, et al. "Texas State Undergraduate Research Journal, Volume 5, Issue 1, Spring 2017." (2017)
4. Gorton, Michael, and Russell Kennedy Partner. "Disciplinary action by committees—the need for ‘natural justice’." (2006)

5. Stevens, Mark. "Disciplinary action: how to get it right." *Nursing And Residential Care* 22.2 (2020): 98-100
6. Noremen. R.F. Moor, *Industrial Psychology*, SAGE Publications London (2001)
7. P.K. Ghosh : *Industrial Psychology*, Himalaya Publishing House, (1980)
8. R.D. Agarwal : *Dynamics of Personnel Management in India*, Tata McGraw-Hill, (1973)
9. Edwin, B. Phlippo : *principles of Personnel Management*, McGraw-Hill, (1976)
10. D. Yoder : *Personnel Management and Industrial Relations*, New York: Prentice-Hall, Inc., (1942)

JOURNALS/ARTICLES

1. Smit, Paul Andries. *Disciplinary enquiries in terms of schedule 8 of the Labour Relations Act 66 of 1995*. Diss. University of Pretoria, 2010.
2. Banderet, M. E. "Discipline at the Workplace: A Comparative Study of Law and Practice-1. The Sources and Substance of Disciplinary Law." *Int'l Lab. Rev.* 125 (1986): 261.
3. Goodman, John, et al. "Unfair dismissal cases, disciplinary procedures, recruitment methods and management style." *Employee Relations* (1998)
4. Dickens, Linda, and Mark Hall. "Labour law and industrial relations: a new settlement?." *Industrial relations: Theory and practice* (2003): 24-56.
5. Coetzee, Faan. "Challenging employers over unfair dismissals: labour law." *Without Prejudice* 7.10 (2007): 47-48.
6. Rendel, Margherita. "Natural justice and disciplinary cases in Britain and France." *Public Administration* 58.1 (1980): 67-86.
7. Schuler, R.S. and S.E. Jackson. 'A Quarter-Century Review of Human Resource Management in the US: The Growth in Importance of the International Perspective'. *Management Revue*, 16(1) (2005), 11–35
8. Boxall, P. "Mutuality in the management of human resources: Assessing the quality of alignment in employment relationships". *Human Resource Management Journal*, (2013)23: 3-17.
9. Schuler, R.S. and S.E. Jackson. "Strategic Human Resource Management: A Reader", 2e (London, Blackwell, 2006).
10. Gupta, A.K. and V. Govindarajan. "Converting Global Presence into Global Competitive Advantage". *Acad. Mgt. Ex.*, 15(2) (2001), 45–56.

CASES FOR GUIDANCE

1. C.M.D.U.C.O. v. P.C. Kakkar, AIR 2003 SC 1571

2. Board of Trustees of Port of Bombay v. Dilip Kumar Raghavendranath Nadkarni, [1978] 3 SCC 544
3. U.P.S.S. Corp.Ltd. v. K.S.Tandon, AIR 2008 SC 1235
4. State of U .P. v. C.S. Sharma, AIR 1968 SC 158
5. Capt. I.S.Bawa v. State of Punjab, 1996(5) SLR (P&H) 387)
6. State of U.P. v. Shatrughan Lal, AIR 1998, SC 3038
7. V.K. Nigam v. State of M.P., AIR 1997 SC 1358
8. S.Parthasarathy v. State of A.P; AIR 1973 SC 2701
9. F.C.I. v. Bant Singh, AIR 1997 SC 2982
10. K.B.Rai v. State of Punjab, 1996(1) SLR(P&H) 353
11. State of Haryana v. Roshan Lal, AIR 1970 (P&H) 739
12. Bhagwan Singh v. Deputy Commissioner Sitapur, AIR 1962 All 232: 1962 (1) CrLJ 554]
13. Mehra Singh v. Supdt of Post offices, Jabalpur, AIR 1962 MP 72
14. A.K. Kraipak v. Union of India, AIR 1970 SC 150
15. Nathaniel Ghosh v. Union Territory of Arunachal Pradesh, (1980) 2 SLR 733]
16. Union of India and another v. Thusiram Patel, 1985(2) SLR SC 576]
17. Delhi Development Authority v. H.C. Khurana, 1993(2) SLR SC 509
18. High Court of Judicature at Bombay v. Shashikanth S. Patil 2000(1) SLJ SC 98
19. Union of India v. Harjeet Singh Sandhu, 2002(1) SLJ SC 1
20. Union of India v. B.V. Gopinath JT 2013 (12) SC 392

LEARNING OUTCOMES

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

- *Learn to observe the pre-enquiry formalities like drafting the charge-sheet, serving the charge-sheet, assess the explanation given by the charge-sheeted employee, order for domestic enquiry etc.*
- *Gain practical skills in drafting charge-sheet, show cause notice, order of suspension, report of findings, order of punishment, etc.;*
- *Analyze and determine, if a case is fit for suspension or transfer pending enquiry and the service conditions of a suspended employee;*
- *Monitor the enquiry to determine if it is being held in accordance with legal requirements and principles of natural justice; Conduct the domestic enquiry independently.*

PAPER - X
LABOUR LAW AND HUMAN RIGHTS
(Generic Elective Paper)

OBJECTIVES OF THE COURSE

The development of Human Rights law and the expansion of human rights jurisprudence have been impulsive and continuous. The course provides an introduction to basic human rights philosophy, principles, instruments and institutions both at International and National arena. The people in the society should be made aware of the right-duty relationship to make the concept of human rights meaningful. The course strives to develop a deep considerate of the very nature and purpose of labour law, embedded with rights and duties.

This course has been designed to:

- *Create a broad and basic understanding of the evolution of human rights and legal framework relating to aspects of Human Rights; Enumerate the concept of child labour, ILO Conventions on Child labour and the legal protection to children working under various establishments;*
- *Critically analyse the causes, characteristics and problems of bonded labour and legislations for abolishment of bonded labour;*
- *Elucidate the problems and challenges faced by migrant workers and International labour standards to protect migrant labour;*
- *Develop an awareness regarding the vulnerable sections of the society mainly the women, children, labourers like bonded, agricultural, migrant and manual scavengers and the legislations protecting their rights.*

COURSE OUTLINE

MODULE I – Introduction to Human Rights

- a) Evolution of human rights on the international plane.
- b) Human rights Concept- rights relating to life, liberty, equality and dignity of the individual – Human rights and the Indian Constitution - Human rights of disadvantaged groups of people like women, children, minorities etc.
- c) Human Rights and the judiciary.

MODULE II - Child Labour and Human Rights

- a) Child labour- Unorganized sector like construction, textile industry, diamond, carpet weaving, glass bangle, etc.

- b) ILO conventions on restrictions and prohibition on child labour including ILO Convention on Child Labour 1999.
- c) Legal protection to children in various occupations-Factories Act, 1948, Mines Act, Children (Pledging of Labour) Act, 1933, Child Labour (Prohibition and Regulation) Rules,1988, Employment of Children Act,1938; shops and Commercial Establishment Acts; Child Labour (Prohibition and Regulation) Act, 1986.

MODULE III - Bonded Labour and Human Rights

- a) Concept- Causes- Characteristics- Bonded labour in different sectors - Problems of bonded labour – Abolition of Bonded Labour.
- b) Relevant ILO standards-Forced Labour Convention, 1930-Abolition of Forced Labour Convention, 1957.
- c) National Legislation-The Bonded Labour Abolition Act, 1976.

MODULE IV- Migrant Workers and Human Rights

- a) Migrant Workers - Magnitude, Characteristics and Problems.
- b) International Labour Standards on Migrant workers.
- c) Legal Protection to Migrant Workers.

MODULE V- Manual Scavengers and Human Rights

- a) Manual scavenging- Characteristics- Issues related to manual scavenging.
- b) National Legislation - The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 - The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

MODULE VI - Agricultural Labour and Human Rights

- a) Agricultural Labour- Categories of Agriculture Labour – Pattern of Employment – Magnitude and Characteristics of Agriculture Labours.
- b) Problems of Agriculture Labours.
- c) Laws Governing Agriculture Labours - Schemes and Welfare Measures.

RECOMMENDED READINGS:

BOOKS

1. Basu, Durga Das, Human Rights in Constitutional law (New Delhi: Prentice Hall 1994).
2. Kapoor, S.K., Human Rights under International Law and Indian Law (Allahabad: Central Law Agency, 1999).
3. Dr. V.G. Goswami, “Labour & Industrial Laws” CLA 11th Edn. (2019).
4. D.C. Nanjunda, Child Labour and Human Rights: A Prospective, Delhi: Kalpaz Pub., 2008.

5. Jain, Mahavir, *Bonded Labour Justice through Judiciary* (New Delhi: Manak Publications, 1997).

JOURNALS/ARTICLES

1. Kamala Kantha Mohabatra “Women Workers in Informal Sector in India: Understanding the Occupational Vulnerability”, *International Journal of Humanities and Social Science*, Vol. 2, 21, 2012,p.198.
2. Devi, K., & Kiran, U. V. (2013). Status of female workers in construction industry in India: A Review. *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 14(4), 27-30.
3. Pattanaik BK., “Young migrant construction workers in the unorganized urban sector” *South Asia Res.* 2009.
4. Fernandes D, Paul B. “Social Network of migrant workers in Construction Industry: Evidence from Goa” *Tata Institute of Social Sciences.* 2009.
5. Vetrivel V. and Manigandan R, ‘An Empirical Study of Agricultural Labour in India’, ‘*Journal of Exclusive Management Science*’, Volume 2, Issue 12, (2013).

FURTHER READINGS:

BOOKS

1. Shrivastave Rekha, *International Encyclopaedia of Women Rights and Children Rights*, Anmol Publications, New Delhi, 2009.
2. Waldron, Jeremy. *Theories of Rights*, Oxford; Oxford University Press, 1984
3. Ramesh Kumar Tiwari, *Human Rights and Law: Bonded Labour in India*, Foundation Books, 2011, ISBN-8175967463, 9788175967465
4. Mehta, P.L., *Child Labour and the Law* (New Delhi: Deep and Deep, 1996).
5. Prakash, S.S., *Bonded Labour and Social Justice* (New Delhi: Deep and Deep, 1990).
6. Saksena, Anu, *Human Rights and Child Labour in Indian Industries* (New Delhi: Shipra Publications, 1999).
7. Singh, S.K., *Bonded Labour and the Law* (New Delhi: Deep and Deep, 1994)
8. Conor Greaty and Adam Tomkins (Eds). *Understanding Human Rights*, London: Manshell, 1996.
9. James Nickel, *Making Sense of Human Rights: Philosophical Reflections on the Universal Declaration of Human Rights*, Berkeley: University of California Press, 1987.
10. Michael Freeman, *Human Rights: An Interdisciplinary Approach*, Oxford: Polity, 2002.

JOURNALS/ARTICLES

1. International Labour Organisation, "Employment and Social Protection in the Informal Sector", Geneva, 2000, p.16.
2. Gender and Economic Policy Discussion Forum, "Engendering Social Protection for Informal Economy Workers", Institution of Social Trust, New Delhi, November 2012, p.6.
3. Kalyani, M., Unorganised Workers: A Core Strength of Indian Labour Force: An Analysis. International Journal, 44, (2015).
4. Dr. Vandana Dave, "Women Workers in Unorganized Sector" women' s link, vol. 18, no. 3, July-september 2012.
5. Anthony P. D'souza, "Unorganized Sectors: Role of an Entrepreneur and Challenges in Self Employment", International Journal of Scientific and Research Publications, Volume 3, Issue 6, June 2013.
6. Mohapatra. Dipti Rekha, "ROLE OF JUDIACIARY FOR THE SOCIAL SECURITY AND PROTECTION OF WOMEN LABOUR IN INDIA"; International Journal of Technical Research and Applications; Special Issue 17; 25 (June, 2015).
7. Paul. Thomas.; "Contract Labour: Liability of Principal Employer"; Journal of The Indian Law Institute; Vol. 39, p.445.
8. Pandey.H.S, "CONTRACT LABOUR AND SOCIAL SECURITY LEGISLATION IN INDIA"; Notes and Comments; Journal of the Labour Institute of India; vol.36(1994); p. 194-195.
9. Parmila Kumari, "JUDICIAL RESPONSE TOWARDS LABOUR WELFARE IN UNORGANIZED SECTOR" Journal on Contemporary Issues of Law, Vol. 3, issue 10.
10. Kanagarathinam M, "Problems of Unorganized (Agricultural) Workers in Coimbatore" IJHRMR, Vol.4, Issue 6, (2014) p.87.

CASES FOR GUIDANCE

1. Salal project v. State of Jammu and Kashmir, AIR 1984 SC 117.
2. Associate Banks officers Association v. State Bank of India, AIR 1998 SC 32.
3. People's Union for Civil Liberties (PUCL) v. Union of India, 1998(8) SCC 485.
4. Bandhua Mukti Morcha v. Union of India, (1997)10 SCC549.
5. BALCO Employees Union (Regd.) v. Union of India, 2002(2) SCC 333.
6. Consumer Edu. & Research Centre v. Union of India, 1995(3) SCC 42.
7. People's Union for Democratic Rights v. Union of India, 1982(3) SCC 235.

8. Bonded Labourers Working in Chauna Stone Mines, District Gwalior Madhya Pradesh, Case No: 1351/12/2001-2002(FC).
9. Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. &Ors., 1985 AIR 652.
10. Sanjit Roy v State of Rajasthan, 1983 AIR 328.
11. Deena v. UOI, WRIT PETITION (CRIMINAL) NO. 89 OF 2015
12. Neeraja Chaudhary v. State of Madhya Pradesh, (1984) 3 SCC 243
13. Daily Rated Casual Labour V. Union of India, 1988 SCR (1) 598.
14. State v. Banwari, 1957 CriLJ 539.
15. M.C. Mehta v. State of Tamil Nadu and Others, (1996) 6 SCC 756.
16. Delhi Jal Board v. National Campaign for Dignity and Rights of Sewerage and Allied Workers, 12 July, 2011.
17. KotchuVelu V. Joseph, 1987 II LLJ 174 (Kerala).
18. N Krishna Devi v. Vishnu Mitra, AIR 1982 Raj 281.
19. The Manager v. S.Jamuna, 28 February, 2017.
20. Bijay Cotton Mills v. State of Ajmer, (1955) 1 LLJ 129 (SC).

LEARNING OUTCOMES

- *A Basic understanding of the legal framework relating to aspects of human rights.*
- *The student will dive deep into the legislations tailored to protect the vulnerable sector of the society mainly the women, children, labourers like bonded, agricultural, migrant and manual scavengers.*
- *The skills required to develop one's own independent and critical evaluation of the legal system's engagement with working class.*
- *The ability to form an opinion about the important and contemporary developments in the field of labour law and human rights study.*

PAPER - XI

LAW OF LOCAL GOVERNANCE AND REGULATORY MECHANISM

(Generic Elective Paper)

OBJECTIVES OF THE COURSE

With the introduction of the Constitution seventy third and seventy fourth amendments, India moved towards the ideal of direct democracy endowing the local bodies with powers of administration in matters of regional and local importance. This change has added new vistas of Indian democracy and it offers an opportunity to translate the Gandhian concept of Gram Swaraj into practice. Necessarily, a person specializing in administrative law has to be equipped with the knowledge on the working of early systems, the present constitutional scheme, and the legislative powers of the State transferring responsibility to local bodies and on the increasing regulatory and financial powers of the local bodies. The nature of the democratic functioning of these elected bodies and the scope of administrative control as well of the judicial control over them are challenging areas for students of administrative law to evaluate and help formulation of new and pragmatic working methods. After undergoing the study, the student will be able to understand the:

- *Genesis and Constitutionality of the scheme for the Local Self-Government (LSG)*
- *Structure, powers and functions of the Rural and Urban LSG.*
- *Issues in decentralization and grass root planning of the LSG*
- *Comparative Study and modern dimensions to it.*

COURSE OUTLINE

MODULE I - Democratic Decentralization

- a) Genesis of democratic decentralisation: Rural, Urban, Tribal and Scheduled Areas
- b) Gram Swaraj: Gandhian concept, Democracy and Grass root planning
- c) Dynamics of Local Governments: A Comparative Study of U.K ,France and the U.S.A

MODULE II - Urban LSG - Pre-Independence

- a) Evolution of Urban Government in India - Corporation of Madras (1687)
- b) Charter Acts of 1793-The Act of 1842 and 1850 -Royal Army Sanitation Committee Report (1863)
- c) Lord Mayo's Decentralization Policy (1870) -Lord Ripon's Resolution (1882)

MODULE III - Rural LSG -Pre-Independence

- a) Rural LSG Pre-Independence: Royal Commission upon Decentralization (1909)- Montagu-Chelmsford Report on Local Self Government (1918)
- b) Government of India Resolution (1918) Government of India Act (1919)

- c) Indian Statutory Commission on Local Self Government (1928) Diarchy and its Consequences- Government of India Act (1935).

MODULE IV - Rural LSG- Post-Independence India

- a) Community Development Programme, Administrative framework, Nature and Importance of Local Government – Constituent Assembly Debate, Community Development Programme (1952)
- b) Major Committee Reports: Balwant Rai Mehta (1957), RR Diwakar (1964), Asoka Mehta (1978), PK Thungon (1984) – CH Hanumantha Rao (1984), GVK Rao Committee (1985), LM Singhvi (1986) - 64th Constitutional Amendment Bill (1989) – ML Dantwala Committee Report (1998)
- c) 73rd Constitutional Amendment (1992) -Rural Local Government, Gram Sabha-meetings, Social Audit, Nyaya Panchayat, Gram Panchayat- Sarpanch, Taluk/Block Panchayat- Chairman- Powers and functions, Zilla Panchayat- Financial administration- devolution of financial powers, composition of State Finance Commission, State Control over PRIs

MODULE V - Urban LSG- Post-Independence India

- a) Municipal Corporation-Council, Mayor, Committee-wards committees, district planning committee, Metropolitan planning Committee; Municipal Commissioner, Cantonment Boards, Urban development agencies.
- b) Major Committee Reports: Local Finance Enquiry Committee (1950) - Committee on the Training of Municipal Employees (1963) - Report on the Augmentation of Financial Resources of Urban Local Bodies (1963), Rural-Urban Relationship Committee (1966) - Committee on the Service Conditions of the Municipal Employees (1968) - National Commission on Urbanization (1988)- Administrative Reforms Commission, Sarkaria Commission, Punchi Commission
- c) 65th Constitutional Amendment Bill (1989)- 74th Constitutional Amendment (1992) - Schedules XI and XII of the Constitution, Directive Principles of State Policy - Art. 40

MODULE VI - Quasi-Legislative, Financial and Judicial Powers- LSG

- a) Quasi-legislative Powers, Rulemaking power of the State Government, Regulations and Bye-laws;
- b) Financial - Financial Powers, Levying taxes, Licensing power, Financial resources and powers.
- c) Judicial and Quasi-judicial powers of the Local Bodies, Institutional Control, Social Audit, Citizen Charter, Citizen Report Card.

BIBLIOGRAPHY

RECOMMENDED READINGS:

BOOKS

1. Yash Ghai ,Sophia Woodman, Practising Self-Government: A Comparative Study of Autonomous Regions , Cambridge University Press; Reprint edition (2016)
2. Bidyut Chakraborty and Rajendra Kumar Pandey, Modern Indian Political Thought – Text and Context, Sage, New Delhi, 2009.
3. Niraja Gopal Jayal and others, Local Governance in India – Decentralisation and Beyond, Oxford University Press, 2006.
4. SL Goel, Good Governance – An Integral Approach, New Delhi: Deep and Deep Publications Pvt. Limited, 2007.
5. Sudhakar , V. New Panchayati Raj System: Local Self-Government Community Development -Jaipur: Mangal Deep Publications, 2002.

JOURNALS/ ARTICLES:

1. Pol, Tanaji. "Mahatma Gandhi and Governance in India." Studies in Indian Place Names 40.24 (2020): 9-13
2. Kumar, Puneet, Dharminder Kumar, and Narendra Kumar. "ICT in local self governance: a study of Rural India." arXiv preprint arXiv:1401.0591 (2014)
3. Nandal, Santosh. "Reflections on new partnerships between women and local self-government in India: a rural revolution?." Journal of International Women's Studies 5.1 (2003): 122-131
4. Mitra, Subrata K. "Making local government work: local elites, panchayati raj and governance in India." The success of India's democracy 6 (2001): 103-126
5. Mahajan, V. D. "WHY HAS LOCAL SELF-GOVERNMENT FAILED IN INDIA?." The Indian Journal of Political Science 7.4 (1946): 521-527.

FURTHER READINGS:

BOOKS

1. Subrata K. Mitra, Making local government work: Local elites, panchayati raj and governance in India, (2001)
2. Kohli (Ed.). The Success of India's Democracy. Cambridge: Cambridge University Press.(2001)
3. Sudhakar , V. New Panchayati Raj System: Local Self-Government Community Development -Jaipur: Mangal Deep Publications, 2002.

4. Joshi, R.P., Narwani, G.S., Panchayat Raj in India: Emerging Trends across the States (Rawat Publications), Hyderabad, 2011
5. Khanna, B.S: Panchayati Raj in India- National Perspectives and State Studies (Deep and Deep Publications), New Delhi, 1994.
6. M. Venketarangaiya& M. Pattabhiram, Local Government in India (1969) Allied Publishers, New Delhi
7. Bidyut Chakraborty and Rajendra Kumar Pandey, Modern Indian Political Thought – Text and Context, Sage, New Delhi, 2009.
8. Torfing, Jacob, et.al., Interactive Governance – Advancing the Paradigm, New York: Oxford University Press, 2012.
9. Mathew G and Jain L. C (Eds.), Decentralisation and Local Governance, Orient Blackswan, 2005.
10. Kuldeep Mathur, From Government to Governance, National Book Trust, New Delhi, 2009.

JOURNALS/ ARTICLES:

1. Watt, P.A, Principles and Theories of Local Government, Economic Affairs 26 (1) March 2006, pp. 4-10
2. Alka Dhameja (Ed.), Contemporary Debates in Public Administration, Prentice Hall of India Pvt. Limited, New Delhi, 2003.
3. Cross, Cecil Merne Putnam. The development of self-government in India, 1858-1914. University of Chicago Press, 1922.
4. Sultan, Nazmul S. "Self-Rule and the Problem of Peoplehood in Colonial India." American Political Science Review 114.1 (2020): 81-94.
5. Wasnik, Jitendra. "Local Governance Ethics in India: Issues and Challenges." Governance & Public Policy 10.1 (2020): 2-13.
6. Vishal, R., Sheetal Singh, and Kala S. Sridhar. "Municipal Finances And Decentralized Government." The Rise of India and China: Social, Economic and Environmental Impacts (2020): 59.
7. Barua, Alka, et al. "Adolescent health programming in India: a rapid review." Reproductive Health 17 (2020): 1-10.
8. Conway, Stephen. "Colonial Politics." The Oxford Handbook of American Political History. Oxford University Press, USA, 2020. 11.

9. Kundu, Debolina. "Urbanisation in India: Towards a National Urban Policy Framework and Smart Cities." *Developing National Urban Policies*. Springer, Singapore, 2020. 89-119.
10. M. Pal, *Panchayati Raj and Rural Governance: Experiences of a Decade*, Economic and Political Weekly, Vol. 39, No. 2 (2004), 137-143

CASES FOR GUIDANCE

1. Secretary, Sarvodaya Educational Society v. Gijjala Panasaiah and Ors. (2002)10 SCC 691
2. Sakthi Coop. Industrial Estate v. Kursheed Begum And Ors. (1998) 8 SCC 528
3. State of Rajasthan v. Shyam Lal Joshi and Ors., (1994), IILLJ656SC
4. Ram Beti v. District Panchayat Raj Adhikari and Ors (1998). 1 SCC 680
5. Surinder Kaur v.State of Punjab & Ors (2010) 1 SLR 87
6. Boddula Krishnaiah v. State Election Commissioner, A.P.and Ors (1996) 3 SCC 416
7. M.V. Venkataramana Bhat v. Returning Officer and Tahsildar & Ors,AIR 1994 SC 1431
8. Jaenendrakumar Phoolchand Daftari v. Rajendra Ramsukh Mishra, AIR 1994 SC 586
9. State of H.P v. Surinder Singh Banolta, AIR 2007 SC 903
10. Baldev Singh v. Shinder Pal Singh, (2007)1 SCC 341
11. Rashid Ahmed v. Municipality Board, AIR 1950 SC 163.
12. Khairana and Ajit Singh v. State of Punjab, AIR 1967 SC 856
13. Holmes v. City of Fayetteville 197 N.C. 740 (N.C. 1929)
14. The Quarry Owners Association v. The State of Bihar & Ors, AIR 2000 SC 2870
15. Clinton v. Cedar Rapids and Missouri River Railroad, 24 Iowa 455; 1868
16. Merrill v. Monticello, 138 U.S. 673 (1891)
17. People v. Hurlbut, 24 Mich 44, 95(1871)
18. Hunter v. Pittsburgh, 207 U.S. 161 (1907)
19. Vinayakrao Gangaramji Deshmukh v. P.C. Agrawal & Ors, AIR 1999 Bom 142
20. Dr. K. Krishna Murthy and Ors. v. Union of India (UOI) and Anr, 2010 (II) OLR (SC) 530

LEARNING OUTCOMES

At the end of the semester, the students will be able to comprehend:

- *Grass Root democracy and significance of LSG.*
- *Critically analyze the issues under- Working -structure and functioning- duties and powers- LSG*

- *Realise the significance of Good Governance -democratic decentralisation and the initiatives LSG.*
- *Reforms and prospects of different models of Local Self Government.*



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

DEPARTMENT OF TAXATION LAW

DEPARTMENT OF TAXATION LAW

The Department of Taxation Law of the Tamil Nadu Dr. Ambedkar Law University, Chennai, was established in the year 2015, as the IX branch of specialized study in the University. The University established this Department of Taxation Law in recognition of the growing importance of this discipline in almost all branches of economic life.

Tax has been a major source of revenue from times immemorial. From the early civilisations to the current century, tax has played a vital role in effectively running the government(s) intact. Relevance of the subject can never be undermined or ignored even in the contemporary era, as tax still holds its importance unimpaired.

The syllabus of the Department of Taxation Law has been re-designed with effect from the academic year 2020-21, with the only goal to provide a thorough knowledge of the basic-in-depth ideas of the subject. This is achieved through a combination of theory, judicial precedents, and practical approaches – captured through 6 Specialized Core Papers, 3 Discipline Specific Elective papers and 2 Generic Elective papers which will be studied over 4 semesters in 2 Years (CBCS system). The subjects offered by the Department has been framed in such a way keeping in mind the importance of tax, both nationally and globally. An insight into the subjects offered, would enable the students understand and apply the tax laws for the betterment of themselves and the society as a whole.

Globalisation has also opened the doors for new tax issues at the international level in the form of transfer pricing, tax havens, etc. Whether the people know it or not they are paying taxes every single day, which unarguably proves the importance of studying tax laws. Apart from this, introduction of new tax regime(s) and the method(s) of paying taxes have opened avenues for much interpretation, which once again marks the importance of the subject and its relevance as it stands today.

The subject of tax laws is inherently complicated and are subjected to constant refinement through new legislations, rules, regulations, circulars, notifications, annual budget and judicial precedents from time to time. The subject keeps evolving from time to time and makes itself interesting in every aspect of change thereby keeping the urge to learn this subject closely knit.

THE TAMILNADU Dr. AMBEDKAR LAW UNIVERSITY

BRANCH -IX

DEPARTMENT OF TAXATION LAW

LL.M SYLLABUS

SPECIALISED CORE PAPERS - 06

1. Principles of Taxation
2. Law of Income Tax
3. Law of Goods and Services Tax
4. Law of International Taxation
5. Law of Taxation and IPR
6. Comparative Tax Laws

DISCIPLINE SPECIFIC ELECTIVE PAPERS - 03

7. Corporate Governance and Taxation
8. Law of Transfer Pricing
9. Law relating to International Trade and Taxation

GENERIC ELECTIVE PAPERS - 02

10. Constitution and Law of Local Taxes
11. Law relating to Tax Planning and Economic Development

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none"> 1. Judicial Process (CommonPaper - I) 2. Legal Education and Research Methodology (CommonPaper - II) 3. Principles of Taxation (Specialization Core Course - I) 4. Law of Income Tax (Specialization Core Course - II) 5. Constitution and Law of Local Taxes (Generic Elective Course - I)
Second Semester	<ol style="list-style-type: none"> 1. Constitutional Law: The New Challenges (Common Paper - III) 2. Law and Social Transformation in India (Common Paper - IV) 3. Law of Goods and Services Tax (Specialization Core Course - III) 4. Corporate Governance and Taxation (Discipline Specific Elective Course - I) 5. Applied ResearchMethodology
Third Semester	<ol style="list-style-type: none"> 1. Law of International Taxation (Specialization Core Course – IV) 2. Law of Taxation and IPR (Specialization Core Course - V) 3. Law of Transfer Pricing (DisciplineSpecific Elective Course - II) 4. Law relating to Tax Planning and Economic Development (Generic Elective Course - II)
Fourth Semester	<ol style="list-style-type: none"> 1. Comparative Tax Laws (Specialization Core Course - VI) 2. Law relating to International Trade and Taxation (Discipline Specific Elective Course - III) 3. Skill Enhancement Course 4. Dissertation

PAPER I
PRINCIPLES OF TAXATION
(Specialized Core paper)

OBJECTIVES OF THE COURSE

Tax is a major source of governmental revenue from times immemorial. Tax plays an important role in framing the economic policy. Not only that, it affects the total volume of production, consumption, investment, choice of industrial location and techniques, balance of payments, distribution of income, etc. A government is said to flourish, when its tax system is well-structured and administered.

This course has been designed to:

- *Enlighten the students to understand the importance of tax, its characteristics and its kinds,*
- *Enable them to understand the constitutional framework of taxation and its importance,*
- *Enable in understanding the theoretical framework of a taxing statute and its design, and*
- *Enlighten them in interpretation of taxing statutes, which in itself is an art.*

COURSE OUTLINE

MODULE I - Nature and Definition of Tax

- a) Nature of Tax – Historical Perspective - Definition – Definition under Indian Constitution.
- b) Development of New levies.
- c) Difference between Tax – Fine, Fee, licence fee, Duty, Penalty, Toll.

MODULE II - Characterisation of Tax

- a) Essential Characteristics of Tax - Kinds of Taxes – Direct and Indirect Taxes.
- b) Direct – Proportional, Progressive, Regressive, Degressive Taxation.
- c) Indirect - Specific – Ad Valorem.

MODULE III - Constitutional Provisions relating to Tax

- a) Principles of Federal Finance Position under the Indian Constitution with Particular reference to Part XI, XII, XIII and Relevant Entries in VIIth Schedule.
- b) Arts.248, 265, 269, 286, 243H, 243X - Limits of Subordinate Legislation.

MODULE IV - Operation of Fiscal Laws

- a) Retrospective Operation of Fiscal Laws
- b) Contemporary Developments in direct and indirect taxes.

MODULE V- Budget and Taxation

- a) Budget and Taxation (Important Policies Relating to Tax such as Voluntary Disclosure of Income Scheme, Income Declaration Scheme, etc.).
- b) Law Making Process – Money Bill and Finance Bill.

MODULE VI - Theoretical Foundations of Taxation

- a) Objectives of Tax policy – Source Jurisdiction and Status Jurisdiction – Origin and Destination Jurisdiction.
- b) Double Taxation – Incidence of Tax – Impact of Tax - Tax liability – Tax burden - Tax base.
- c) Ship Money and Salt Tax - Canons of taxation - Tax Planning – Tax Avoidance – Tax Evasion.

MODULE VII - Tax Policy and Design of Tax System

- a) Taxation of Income and property – Tax on Consumption, Production and Service.
- b) Buoyancy and Elasticity of Tax System – Tax policy and Economic Development.
- c) Tax Incentive, Assessment and Collection of Tax.

MODULE VIII - Interpretation of Fiscal Laws

- a) Structure of Tax Laws – Different Approaches to Interpretation of Fiscal Statutes – U.K. – U.S.A – India.
- b) Aids to Interpretation – Doctrines Applicable to Taxation – Doctrine of Instrumentation – Doctrines of Nexus – Doctrine of Severability – Doctrine of Waiver – Doctrine of Eclipse - Doctrine of Occupied Field.

RECOMMENDED READINGS:

BOOKS

1. Charles F. Bastable, Public Finance, (Macmillan & Co.) 3rd Edition.
2. Karthik Sundaram, Tax, Constitution and the Supreme Court: Analysing the Evolution of Taxation Law in India, (Oak Bridge, 2019).
3. Habibulla & Co., Chartered Accountants India, Indian Tax System – An Overview
http://www.hcoca.com/Pdf/Indian_Tax_System.pdf
4. William Frend, Principles of Taxation, (1799).
5. Durga Das Basu, *Introduction to the Constitution of India*, LexisNexis.

JOURNALS/ARTICLES

1. Vartikasahu and Somesh Kumar Shukla, “A Revolutionary Reform for Indirect Tax with an Analysis of the GST Constitutional 101st Amendment Act, 2016”, International Research Journal of Commerce and Law, ISSN: 2349 – 705X, Vol 04, Issue 9, September 2017.
2. 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
3. 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 .
4. 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.
5. Nikhil Pilnu, “Interpretation of taxing statute as strict construction and exemption”, Legal Service India, ISBN No: 978-81-928510-1-3.

FURTHER READINGS:

BOOKS

1. Durga Das Basu, Shorter Constitution of India, LexisNexis.
2. Dr. Sheetal Kanwal, Principle of Taxation Law, A mar Law Publication's.
3. Samuel Blankson, A Brief History of Taxation.
4. Dr. V. Gaurishankar, Principles of Taxation, Wolters Kluwer India Pvt Limited.
5. K.N. Chaturvedi, Interpretation of Taxing Statutes, Taxmann’s 1905.
6. CA Viren Rajani, Demystifying Tax for the Common Man , Notion Press
7. Dr. H.C.Mehrotra, Income Tax Law and Practice , Sahitya Bhawan Publications.
8. Prof. Jayakumar Sithanandam , Goods and Services Tax Laws , White Falcon Publications.
9. B.K.Goyal, Taxation Laws , Singhal Law Publications.
10. Tarun Jain, Goods and Service Tax- Constitutional Law and Policy, Eastern Book Company.

JOURNALS/ARTICLES

1. Sonia Mathur, “Constitutional and Statutory Basis of Taxation”, Paper of National Seminar for Members of the Income Tax Appellate Tribunal, Available at:

http://nja.nic.in/Concluded_Programmes/2018-19/SE-01_2018_PPTs/4.CONSTITUTIONAL%20AND%20STATUTORY%20BASIS%20OF%20TAXATION.pdf

2. Diganth Raj Segal , “Law of Taxation and the Constitution of India”, 2020, Available at : <https://blog.ipleaders.in/law-taxation-constitution-india/#:~:text=The%20government%20of%20India%20is,except%20the%20authority%20of%20law.>
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. 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.
6. Alagappan, S. M., “Indian Tax Structure – An Analytical Perspective”, International Journal of Management, 10 (3), 2019, pp. 36-43, DOI:10.34218/IJM.10.3.2019/004, Available at SSRN: <https://ssrn.com/abstract=3467425>
7. Dipsang Vadhel, “Basic of Principles of Interpretation of Tax Laws”, Tax Management India, 2013, available at: https://www.taxmanagementindia.com/visitor/detail_article.asp?ArticleID=5167
8. Dr Sanjeev Kumar Tiwari,” Rules for Interpretation of Taxing Statutes: A Critical Appraisal of New Trends and Approaches”, International Journal of Law and Legal Jurisprudence Studies, Vol.II, Issue 5.
9. Mr. N. M. Ranka, “Rules of Interpretation of Tax Statutes”, Bombay Chartered Accountants’ Society, Available at https://www.bcasonline.org/publication/RULES_FOR_INTERPRETATION_OF_TAX_LAWS_-_A_Compilation_BY_N.M.Ranka_AS.pdf
10. Anisha Jawar, “Distribution of Revenue in the Light of the Constitution of India: Taxation provisions”, <http://racolblegal.com/distribution-of-revenue-in-the-light-of-the-constitution-of-india-taxation-provisions/>.

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. Cape Brandy Syndicate v. I.R.C. (1 KB 64, 71
8. Russel v. Scott, (1) (1943-1949) 30 TC 375
9. Sevantilal v. CIT, Bombay, 1968 AIR 697, 1968 SCR (2) 360
10. Ramavatar v. Asst. Sales Officer, 1961 AIR 1325, 1962 SCR (1) 279
11. Delhi Municipality v. Yasin, Civil Appeal No. 2125(N) of 1970
12. State of Rajasthan v. Sajjan Lal, 1975 AIR 706, 1974 SCR (2) 741
13. M/s Kishan Lal Lakmi Chan & Ors. v. State of Haryana & Ors.
14. P. Kannadasan v. State of TN, S.L.P.(C) NO.17721 OF 1994
15. Wallace v. IT Commissioner, Bombay, (1948) 50 BOMLR 482
16. Mafat Lal Industried v. UOI, 19 December, 1996
17. Maheswari Prasad v. State of UP, 1955 AIR 70, 1955 SCR (1) 965
18. New Delhi Municipal Committee v. State of Rajasthan
19. Gouse DG&Co. v. State of Kerala, 1980 AIR 271, 1980 SCR (1) 804
20. Kanthi Enterprises v. State of Karnataka, Civil Appeal Nos. 7540-7551 of 1999

LEARNING OUTCOMES

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, tax policies and understand the implications of them.*
- *To understand the relationship between Budget and Taxation*
- *To appreciate the Constitutional provisions of tax, Basic principles of taxation laws and its implementation.*

PAPER II
LAW OF INCOME TAX
(Specialized Core paper)

OBJECTIVES OF THE COURSE

Taxes are classified as direct and indirect taxes. The absence of shifting of burden in any tax form makes it a direct tax and the presence of it an indirect tax. Traces of Direct tax system can be found from the ancient period. A perusal of the history of direct taxes would show how far we have evolved and seasoned.

This course has been designed to:

- *Illuminate the students on the scope of direct tax levy in India,*
- *Enable the students understand the basis of classification of heads of income,*
- *Enlighten the students with the steps in arriving at the taxable income, and*
- *Provide an insight into the procedural aspects of income tax.*

COURSE OUTLINE

MODULE I - Introduction

- a) Background of Direct Tax levy – General Framework of Direct taxes – Legislative History.
- b) Policies of Union relating to Direct taxes Tax on Income and Property - Capital Receipt and Revenue Receipt Tax Reforms Committee Reports.
- c) Salient Features of Income Tax At 1961 - Relation Between Income Tax and Agriculture Income Tax.

MODULE II - Basic Concepts

- a) Definition of Income, Person, Assessee, Financial Year, Previous Year, Assessment Year.
- b) Scope of Total Income - Residential Status – Income Received, Accrued or Arisen in India – Deemed Income.
- c) Exempted Income.

MODULE III - Different Heads of Income

- a) Income from salaries, House Property, Profits & Gains of Business or Profession, Income from Capital Gains and Income from other sources.
- b) Specific Charging Sections for the five heads of income.
- c) Relevant Definitions, Deductions and Exemptions under the five heads of income.

MODULE IV - Clubbing, Set-Off and Carry Forward of Losses

- a) Clubbing of Income – Objectives of Clubbing – Clubbing in case of transfer of income – Clubbing in case of revocable transfer – Clubbing of income of spouse, minor child, sons's wife and HUF.
- b) Set-Off & Carry Forward of Losses – Intra-head Adjustments – Inter-head Adjustments – Carry Forward Provisions – Special Provisions.

MODULE V - Deductions in Computing Total Income

- a) Deduction under Chapter VI-A.
- b) Deductions to Individual Assesseees, Companies, etc, under Chapter VI-A.

MODULE VI - Collection and Recovery of Tax

- a) Modes of Recovery of Tax – Tax Deducted at Source – Other Modes.
- b) Provisions for Tax Deducted at Source (TDS).
- c) Other Modes of Recovery of Tax.

MODULE VII - Procedural Compliances

- a) Filing of Returns - Assessment – Adjudication.
- b) Fines and Penalties – Demands, Recovery.
- c) Appeals – Revision – Arrears – Search, Seizure – Prosecution.

MODULE VIII - Advance Rulings and Settlement Commission

- a) Advance Rulings – Authority for Advance Rulings – Procedure.
- b) Settlement of Cases – Settlement Commission – Jurisdiction of Settlement Commission.

RECOMMENDED READINGS:

BOOKS

1. N.A. Palkiwala, *The Law and Practice of Income Tax*, (2014), Lexis Nexis
2. T.N. Manoharan and G.R.Hari (35th Edition, 2020) *Students' Handbook on Taxation - Includes Income-Tax Law and Goods and Service Tax Law*, Snow White Publications.
3. Dr. Vinod K Singhania, *Direct Taxes Ready Reckoner-As Amended by Taxation Laws (Amendment) Act 2019* (Taxmann Publications).
4. Monica Singhania and Vinod K Singhania, (2019) Taxmann- Students Guide to Income Tax including GST
5. Dr. Girish Ahuja & Dr. Ravi Gupta, *Direct Taxes Law & Practice*, (Wolters Kluwer).

JOURNALS/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. Sanjay K. Radadiya, "Income Tax Act 1961 V/S Direct Tax Code 2009", Indian Journal of Applied Research, Vol.II, Issue.II November 2012.
4. Kasinath, Sopan. (2016). A Study of Income Tax in India: Taxpayers Point of View. Journal of Commerce and Management Thought. 7. 768. 10.5958/0976-478X.2016.00041.0
5. Priya, Gupta & Munish, Gupta , Income Tax Structure of Individual Assessee in India - A Critical Study, Advances in Management, November 2013

FURTHER READINGS:

BOOKS

1. Girish Ahuja- (2019), *Law and Procedure- Professional approaches to Direct Taxes and International Taxation*, Wolters Kluwer India Pvt Ltd.
2. Vinod K Singhanian & Kapil Singhanian, *Direct Taxes Law & Practice*, (Taxmann).
3. 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
4. Dr. Girish Ahuja & Dr. Ravi Gupta, *Direct Taxes ready Reckoner with Tax Planning* (19th Edition) Wolters Kluwer.
5. Taxmann, *Master Guide to Income Tax Rules with Supplement-In-Depth Rule Wise Commentary on Income Tax Rules*, Taxmann Publications.
6. Dr. H.C. Mehrotra, *Income Tax Law & Accounts*, Sathya Bhawan Publications.
7. Taxmann, *Taxation of Capital Gains*, Tavamann Publications Pvt. Ltd. Dr. Vandana Bangar & Dr. Yogendra Banger, *Comprehensive Guide to Advanced Tax Laws & Practice*, (Aadhya Publications).
8. G.Sekar, *Handbook on Direct Taxes*, (Padhuka Publications).
9. Sampath Iyengar, *Law of Income Tax*, (Bharat Publications).
10. Nabhi, *Income Tax Guidelines & Mini Ready Reckoner along with Tax Planning*, (A Nabhi Publication).

JOURNALS/ARTICLES

1. Harsha Agarwal, “The Vodafone Case: A Critical Analysis”, International Journal of Juridical Studies & Research
2. Kanchan Yadav, “The Regulatory Framework of Corporate Restructuring in India: Implications and Emerging Issues”.
3. Leela Kumar, “Implication of Business Connection and Permanent Establishment”, SSRN.
4. Prof. Prakash E. Humbad, “Depreciation on block of assets under Income Tax Act, 1961”, International Research Journal of Multidisciplinary Studies.
5. Dr. Jyotsna Patel, “Residential Status and Tax Incidence under The Income Tax Act, FEMA and Companies Act, International Journal of Scientific Research.
6. Zohra Azam, A Study on Capital Gain Taxation in India – A Case Study”, International Journal of Pure and Applied Mathematics
7. 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
8. A Jha, “Tax Structure in India and effect on corporates”, International Journal of Management and Social Sciences research, issue 2, p. 80 – 82, Posted: 2013
9. H Kumat, “Taxation Laws of India -An Overview and Fiscal Analysis 2013-14”, Indian Journal of Applied Research, volume 4, issue 9, p. 82 – 84, Posted: 2014-01.
10. Sahil Sood, “Direct/Indirect Tax, Its Objectives, Other Taxes in India Vis-À-Vis Other Countries & How It Affects The Economy Of The Country”, <https://www.mondaq.com/india/sales-taxes-vat-gst/882650/directindirect-tax-its-objectives-other-taxes-in-india-vis-vis-other-countries-how-it-affects-the-economy-of-the-country>

CASES FOR GUIDANCE

1. Chennai Properties and Investments Ltd. v. Commissioner of Income Tax [2015] 373 ITR 673 (SC).
2. CIT v. Smt. Pelleti Sridevamma 1976 105 ITR 887 AP.
3. Jagannath Hanumanbux v. ITO, (1957) 31 ITR 603 Cal.
4. Jay Bee Industries v. UOI, (CWP No.2169 of 2018 order dt. 16.11.2019).

5. Amit Cotton Industries v. Principal Commissioner of Customs (Gujarat HC).
6. Royal Care Speciality Hospital Ltd. (AAR Tamil Nadu).
7. Vinod Kumar Jain v. CIT 344 ITR 501 (P & H).
8. CIT v. Society of Advanced Management Studies (2013) 352 ITR 269 (All.)
9. DIT (Exemptions) v. Meenakshi Amma Endowment Trust (2013) 354 ITR 219 (Kar.)
10. CIT v. Institute of Banking (2003) 264 ITR 110 (Bom.)
11. Arun Kumar T. Makwana v. ITO (2006) ITR 502 (Guj.)
12. CIT v. BL Garg (2007) 289 ITR 218 (All.)
13. Dr. Balbir Singh v. MCD (1985) 152 ITR 388 (SC)
14. CIT v. Indra Co. Ltd. (2004) 268 ITR 240 (Cal.)
15. CIT v. MP Financial Corporation (2008) 299 ITR 297 (MP)
16. Saroj Kumar Mazumdar v. CIT (1959) 37 ITR 242 (SC)
17. CIT v. Geeta Duggal (2013) 357 ITR 153 (Del.)
18. CIT v. Ravinder Kumar Arora (2012) 342 ITR 38 (Del.)
19. CIT v. K Thangamani (2009) 309 ITR 15 (Mad.)
20. Cheminvest Ltd. v. CIT (2015) 378 ITR 33.

LEARNING OUTCOMES

After completion of the course students will be able –

- *To understand the working of direct tax regime.*
- *To appreciate direct taxes are being levied and to thoroughly investigate the steps in arriving at the taxable income.*
- *To understand the sources of income and tax liability and exemption from tax liability and to appreciate the procedural compliances.*
- *To analyse the Contributions and Impacts of Direct Tax laws on our Economy.*

PAPER III
LAW OF GOODS AND SERVICES TAXES

(Specialized Core paper)

OBJECTIVES OF THE COURSE

Indirect tax laws had gone through a major reform with the introduction of Goods and Services Tax (GST). GST has subsumed almost all of the indirect tax legislations excepting a few and has brought changes in the manner of procedural compliances to be done through electronic mode.

This course has been designed to:

- *Provide an insight on the major indirect tax legislations in vogue,*
- *Enable the students understand the importance of Customs Act of 1962 which is still in vogue,*
- *Enable the students understand the scope Goods and Services Tax Act as they exist, and*
- *Enlighten them about the major procedural compliances.*

COURSE OUTLINE

MODULE I - Introduction

- a) Historical Background of Indirect Tax – Features of Indirect taxes – Legal Perspective of Indirect Tax Levy – Legislative history.
- b) Tax Reforms Committee – Policies of Union, Taxes on sale, Works Contract and Right to use.
- c) Manufacture (Constitutional issues on Goods and Service taxes), Export, Import Service.

MODULE II - The Customs Act

- a) Types of customs duties – Classification of goods – Illegal Imports & Exports.
- b) Valuation of goods – Declaration - Import and Export Procedures - Exemptions - Prohibited goods - Negative Goods – Clearance - Warehousing.
- c) Assessment - Adjudication - Fines and Penalties - Demands, Recovery and Arrears - Appeals - Search, Seizure, Confiscation, Arrest – Attachment of Properties – Prosecution - Advance Rulings – Settlement of Cases – Settlement Commission.

MODULE III - Central Goods and Services Tax Act

- a) Introduction – Definitions – Administration-Levy and Collection of Tax- Composition levy.

- b) Registration - Supply – Types of Supply – Deemed Supply – Time, Value and Place of Supply – Exemptions – Liability & CGST Act.
- c) Forward and Reverse charge – ITC Credit – Invoice, Credit & Debit notes –Accounts & other records – Returns & Audit - Payment of Tax - Anti profiteering - Transitional Provisions.

MODULE IV - State Goods and Services Tax

- a) Introduction – Definitions – Administration- Levy and Collection of Tax- Composition levy.
- b) Registration - Supply – Types of Supply – Deemed Supply – Time, Value and Place of Supply – Exemptions.
- c) Liability & SGST Act – Forward and Reverse charge – ITC Credit – Invoice, Credit & Debit notes – Accounts & other Records – Returns & Audit - Payment of Tax – Anti-profiteering – Transitional Provisions.

MODULE V - Goods and Services Tax (Compensation to States) Act, 2017

- a) Definitions – Projected Growth Rate – Base Year – Base Year Revenue – Projected Revenue for any Year.
- b) Calculation & Release of Compensation – Levy & Collection of Cess.
- c) Returns, Payments & Refunds – Crediting Proceeds of Cess to Fund – Other Provisions relating to Cess.

MODULE VI - Integrated Goods and Services Tax

- a) Nature and Scope – Definitions.
- b) Administration- Determination of nature of Supply - Levy and Collection – Place of Supply.
- c) Refund of integrated tax to International tourist - Zero rated supply – Apportionment of Tax Revenue.

MODULE VII - Union Territory Goods and Services Tax Act, 2017

- a) Definitions – Administration.
- b) Levy and Collection – Payment of Tax – Transitional Provisions.

MODULE VIII - Procedural Compliances under GST

- a) Filing of Returns – Assessment - Investigation – Inspection – Search & Seizure – Issue of Demand Notice.

- b) Adjudication Proceedings – Penal Provisions under GST – Appeals & Revision – Recovery – Refund – Arrest & Prosecution proceedings – Advance Ruling.

RECOMMENDED READINGS:

BOOKS

1. V S Datey, *GST Ready Reckoner*, Taxmann 2017.
2. CA.Ashok Batra, *GST Ready Recknor*, (Wolters Kluwer).
3. CA.Keshav Garg, *GST Ready Recknor*, (Bharat).
4. Jaya Vasudevan Suseela, *Indirect Taxes (GST and other Indirect Taxes)*, (EBC Explorer).
5. K.Vaitheeshwaran, *Students handbook on Indirect Taxes*, (Snow White).

JOURNALS/ARTICLES

1. 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.
2. Vartikasahu and Somesh Kumar Shukla, “A Revolutionary Reform for Indirect Tax with an Analysis of the GST Constitutional 101st Amendment Act, 2016”, International Research Journal of Commerce and Law, ISSN: 2349 – 705X, Vol 04, Issue 9, September 2017.
3. Monika Sehrawat, and Upasana Dhandra, “GST IN INDIA: A KEY TAX REFORM” International Journal of Research – Granthaalayah, ISSN- 2350-0530(O) ISSN- 2394-3629(P), Vol. 3, No. 12(2015), pp: 133-141.
4. Dr. Shant kumar A.B and Dr. Sanjeev kumar, “An overview of Indian Tax System Before and After GST”, IOSR Journal of Business and Management (IOSR-JBM) e-ISSN: 2278-487X, p-ISSN: 2319-7668, PP 37-40.
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 READINGS:

BOOKS

1. Dr.Sanjiv Agarwal & Sanjeev Malhotra, *Goods & Services Tax, Laws, Concepts and Impact Analysis*, (Bloomsbury).
2. Prof. Jayakumar Sithanandam, *Goods and Services Tax Laws*, White Falcon Publications.
3. Aditya Singhanian, *GST Audit and Annual Return*, Taxmann Publications Pvt. Ltd.
4. Dr. J.C.Varshney, *Indirect Taxes*, SBPD Publications.
5. R. Kavita Rao and Sacchidanada Mukerjee , *Evolution of Goods and Services Tax in India*

, Cambridge University Press.

6. Arpit Haldia, *GST Search Seizure and Arrest*, Taxmann Publications.
7. V.S.Datey, *Customs Law & Foreign Trade Policy*, Taxmann Publications.
8. Sanjay Malhotra, *Handbook on GST Audit by Tax Authorities*, Bloomsbury Professional India
9. Dr. Vandana Bangar and Dr. Yogendra Bangar, *Comprehensive Guide to Indirect tax Laws – GST, Customs and FTP*, Aadhya Prakashan
10. Madhukar N. Hiregange, *Compendium of Issues and Solutions in GST*, Wolters Kluwer

JOURNALS/ARTICLES

1. 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.
2. Alagappan, S. M., “Indian Tax Structure – An Analytical Perspective”, *International Journal of Management*, 10 (3), 2019, pp. 36-43, DOI:10.34218/IJM.10.3.2019/004, Available at SSRN: <https://ssrn.com/abstract=3467425>
3. Dr. Shant kumar A.B and Dr. Sanjeev kumar, “An overview of Indian Tax System Before and After GST”, *IOSR Journal of Business and Management (IOSR-JBM)* e-ISSN: 2278-487X, p-ISSN: 2319-7668, PP 37-40.
4. Shefali Dani, “Impact of Goods and Service Tax on Indian Economy”, *Business and Economics Journal*, IISN: 2151-6219, Vol 7, Issue 4, 2016.”
5. B. Anbuthambi and N. Chandrasekaran, “Goods and Services Tax (GST) And Training for Its Implementation in India: A Perspective”, *Ictact Journal On Management Studies*, ISSN: 2395-1664, May 2017, Volume: 03, Issue: 02.
6. 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.
7. 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.
8. 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.

9. 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.
10. Chitresh Gupta, “Summary of Changes in GST Effective From 1st January 2021”, Tax Management India.

CASES FOR GUIDANCE

1. Annapurna International vs. State of U.P. & 5 Others (2017 (11) TMI 1021
2. M/s Indus Towers Limited vs. The Assistant State Tax Officer 018 (1) TMI 1313
3. M/s Manu International vs. State of U.P. And 5 Others 2018 (2) TMI 39
4. Nila Infrastructure Limited & 1 vs. Surat Municipal Corporation & 1 2017 (11) TMI 809
5. M/s R.R Agro Industries Through Its Prop. Versus State of U.P. Through Its Secy. And 3 Others (2018) (2) TMI 608
6. M/s Seth Prasad Agro Private Limited Through Its Director Versus State of U.P. And 3 Others (2018 (2) TMI 195
7. M/s Jaap Auto Distributors vs. The Assistant Commissioner of Customs (2017) (10) TMI 881
8. Age Industries (P.) Ltd. Versus Assistant State Tax Officer 2018 (1) TMI 1116
9. Kusum Ingots & Alloys Limited v Union of India (2004) 6 SCC 254
10. Global Agency v. General Manger, South Western Railway GM Office (2018) 66 GST 569 (Karnataka)
11. Hindalco Industries Ltd. v. Union of India (2018) 66 GSTL 636 (Bombay)
12. Priyanka Enterprises v. Joint Commissioner of Customs (2018) 66 GST 614 (Madras)
13. Pauls Travel & Tours Ltd. v. Union of India (2018) 11 GSTL 255 (Delhi)
14. M/s. Sameer Mat Industries And M/s. Kaleel Mat Industries Versus State of Kerala, The Assistant State Tax Officer, Thiruvananthapuram And Fathima Store 2017 (12) TMI 202
15. M/s Ramdev Trading Company and Another Versus State of U.P. And 3 Others 2017 (12) TMI 341
16. Iqra Roadways (India) Thru' Its Prop. & 3 Others Versus State of U.P. & 3 Others 2017 (11) TMI 1032
17. Nila Infrastructure Limited & 1 vs. Surat Municipal Corporation & 1 2017 (11) TMI 809
18. D.K. Basu v. State of West Bengal reported in 1997 (1) SCC 416

19. In re: Wework India Management Pvt. Ltd. 2020 (37) G.S.T.L. 136 (App. A.A.R. - GST - Kar.)

20. Mohit Minerals Pvt. Ltd. [TS-29-HC-2020(GUJ)-NT]

LEARNING OUTCOMES

After completion of the course students will be able –

- *To analyse the taxable event under GST and determine the levy of tax.*
- *To appreciate the nuances of new tax regime.*
- *To understand the procedural compliances embedded in GST.*
- *To understand the inevitable role played by indirect taxes in our economy.*

PAPER IV
LAW OF INTERNATIONAL TAXATION

(Specialized Core paper)

OBJECTIVES OF THE COURSE

Globalisation has opened gates for numerous cross-border investments. This initially created lots of confusion and uncertainty as to which jurisdiction has the taxing authority and it even paved way for double taxation and in certain cases avoidance of tax. To curb this the International context of taxation aims to ensure that each country receives an equitable share of tax revenues from cross-border transactions.

This course has been designed to:

- *Introduce the basis of International Taxation,*
- *Enable the students to understand the importance of Domestic provisions in International Taxation,*
- *Enlighten the students on the role played by international Organisations in facilitating International Taxation to be conducted in a smooth manner, and*
- *Provide and insight on the emerging areas in the arena of international taxation.*

COURSE OUTLINE

MODULE I - Importance of International Taxation

- a) Meaning of International Taxation – Scope of International Taxation in the era of Globalization.
- b) Source v. Resident Rule of Taxation - Destination v. Origin Method of Taxation – Relevancy in India.

MODULE II - Taxation of Expatriates

- a) Meaning of Expatriates - Taxation of Inbound and Outbound Expatriates.
- b) Procedural compliance such as PAN, Advance Tax, Self-Assessment Tax.

MODULE III - Taxation of Foreign Income

- a) Foreign Income – Various Categories such as Royalty, Fee for Technical Services, Shipping, Aircraft.
- b) Provisions of Income Tax Act, 1961 relating to Deemed Accrual, Business.
- c) Withholding of Taxes – Allocation of Deductions - Efficiency in Savings Decisions.

MODULE IV - Permanent Establishment

- a) Permanent Establishment – Tests in Determining PE Status – OECD and UN Model Conventions – Provisions under the Income Tax Act, 1961.
- b) Contemporary Issues in Determination of Permanent Establishment – Equalisation Levy.

MODULE V - Place of Effective Management

- a) Place of Effective Management (POEM) – POEM as a Tie Breaker Rule in Determining the Residential Status of a Company.
- b) Guidelines in Determining POEM – CBDT Guidelines – Active Business Outside India (ABOI) - Primary and Secondary Factors.
- c) Understanding the difference between POEM and PE.

MODULE VI - Transfer Pricing

- a) Associated Enterprises – Deemed Associated Enterprises - Transfer Pricing - International Transactions – Specified Domestic Transactions.
- b) Arm's Length Price – Steps in arriving at ALP - Methods in Determining ALP – Tolerance Band - Safe Harbour Rules – Eligible Assessee – Eligible International Transactions – Ineligible Transactions.
- c) Advance Pricing Agreements – Purpose – Provisions under the Income Tax Act, 1961 – Effect.

MODULE VII - Double Taxation

- a) Meaning of Double Taxation – Double Taxation Avoidance Agreement (DTAA) - Interpretation and Scope of Tax Treaties.
- b) Importance of DTAA in the era of Globalization – OECD and UN Model Tax Treaties.
- c) Scope of DTAA under the Income Tax Act, 1961 – Treaty Shopping - General Anti-Avoidance Rules (GAAR).

MODULE VIII - Contemporary Developments

- a) Recent Issues in International Taxation – Efficiency, Equilibrium, Tax Competition and Tax Incentives in Developing Countries.
- b) Base Erosion and Profit Shifting Action Plans.

RECOMMENDED READINGS:

BOOKS

1. CA Amit Maheswari & CA Sumit Gupta, *Expatriate Taxation Decoding the Complexity*,

(Wolters Kluwer).

2. Lynne Oats, Angharad Miller & Emer Mulligan, *Principles of International Taxation*, Bloombury Professional.
3. Robert Feinschreiber & Margaret Kent, *Transfer Pricing Handbook: Guidance on the OECD Regulations*, Wiley.
4. Ravi Kant Gupta, *Recent Trends in Transfer Pricing Intangibles, GAAR and BEPS*.
5. Ashish Karundia, *Law & Practice relating to Permanent Establishment*, Taxman's.

JOURNALS/ARTICLES

1. Vaibhav Choudhary, "Electronic Commerce and Principle of Permanent Establishment Under the International Taxation Law" ,37 Int'l Tax J. [i] (2011)
2. Tamer budak, "The Transformation of International Tax Regime: Digital Economy",8 Inonu U. L. Rev. 297 (2017)
3. Crivelli, Ernesto, Ruud De Mooij & Michael Keen, "Base Erosion, Profit Shifting and Developing Countries". IMF Working Paper, 2015
4. Avi-Yonah, Reuven, 'The Structure of International Taxation: A Proposal for Simplification', (1995-1996) 74 Texas Law Review 1301.
5. U. Schreiber; D. (Dirk) Simons; S. Greil; M. Lagarden, "Why Arm's Length Principle should be Maintained" (2020) International Transfer Pricing Journal.

FURTHER READINGS:

BOOKS

1. Anuschka Bakker, Marc M. Levey (Eds.), *Transfer Pricing and Dispute Resolution*.
2. Taxman's *Law Relating to Transfer Pricing with Transfer Pricing Audit & Multilateral Convention 2019 to Implement BEPS*.
3. Duff Phelps, *Transfer Pricing and Dispute Resolution. Guide to International Transfer Pricing: Law, Tax Planning and Compliance Strategies*, Wolters Kluwer pvt. Ltd, 8th Edition (2018).
4. IRS O P Yadav ,*Transfer Pricing in India: Principles and Practice*, OakBridge Publishing; First Edition (2019).
5. Divakar Vijayasarathy , *Law & Practice of Transfer Pricing*, Bharat Law House Pvt Ltd; 5th edition (2020).
6. D.P.Mittal, *Law of Transfer Pricing in India* , Taxmann Publisher Pvt. Ltd.
7. Nilesh Modi, *The Law and Practice of Tax Treaties – An Indian Perspective* , Wolters

Kluwer.

8. Nigam Nuggehalli, *International Taxation – The Indian Perspective* , Springer .
9. Girish Ahuja- (2019), *Law and Procedure- Professional approaches to Direct Taxes and International Taxation*, Wolters Kluwer India Pvt Ltd.
10. Amar Mehta, *Permanent Establishment in International Taxation*, Taxman Publications Pvt. Ltd.

JOURNALS/ARTICLES

1. CA. Anshika Singhal, “Place of Effective Management in India”, Taxguru, 2019, Available at: <https://taxguru.in/income-tax/place-effective-management-india-poem.html>
2. Ashish Sodhani and Ameya Mithe , “India POEM – not so poetic! An analysis of India’s new place of effective Management Rules”, Nishith Desai Legal and Tax ,2017, Available at: <http://mnetax.com/wp-content/uploads/2017/03/Indian-POEM3.pdf>
3. R.Kumar, “Analysis of Permanent Establishment”, Taxguru, 2018, Available at : [https://taxguru.in/income-tax/permanent-establishment-parti.html#:~:text=Article%205\(1\)%20defines%20a,PE%20of%20the%20tax%20payer.&text=Article%205\(5\)%20stipulates%20rules,agent%20would%20have%20a%20PE.](https://taxguru.in/income-tax/permanent-establishment-parti.html#:~:text=Article%205(1)%20defines%20a,PE%20of%20the%20tax%20payer.&text=Article%205(5)%20stipulates%20rules,agent%20would%20have%20a%20PE.)
4. Andres Baez Moreno & Yariv Brauner, “Taxing the Digital Economy Post BEPS. Seriously”, 58 Colum. J. Transnat'l L. 121 (2019).
5. Yariv Brauner, “What the BEPS”, 16 Fla. Tax Rev. 55 (2014).
6. OECD, “Promoting Transparency and Exchange of Information for Tax Purposes”,2008.
7. Leonardo F.M.Castro, “Problems involving Permanent Establishments : Overview of Relevant Issues in Today’s International Economy”, The Global Business Law Review(2012).
8. Asit Mehta, “India: POEM Guidelines introduced in 2017 in India – A Discussion”, Mondaq,2018, Available at: <https://www.mondaq.com/india/income-tax/725282/poem-guidelines-introduced-in-2017-in-india--a-discussion>
9. M.D. Astuti, “OECD/International - Three Approaches to Taxing Income from the Digital Economy – Which Is the Best for Developing Countries?”, Bulletin for International Taxation, 2020 (Volume 74), No 12.
10. R.S. Collier; I.F. Dykes, “OECD/International - The Virus in the ALP”, Bulletin for International Taxation, 2020 (Volume 74), No 12

CASES FOR GUIDANCE

1. CIT vs. Ahmedabad Manufacturing and Calico Printing Co. [1983] 139 ITR 806 (Guj)
2. CIT v. Klayman Porcelains Ltd. [1998] (229 ITR 735) (AP).
3. Motorola Inc. and Others v DCIT (2005) (96 TTJ 1)
4. DIT vs Infrasoftware Ltd. (2014) (220 Taxman 273) (Del)
5. Ishikawajima-Harima Heavy Industries Ltd [2007] 158 TAXMAN 259 (SC)
6. Rolls Royce Ltd. v. Inspector of Taxes [1965] 56 ITR 580 (HL)
7. CIT v. Koyo Seiko Co. Ltd. [1998] 233 ITR 421 (AP)
8. SET Satellite (Singapore) Pte Ltd v. ADIT (132 TTJ 459) (Mum ITAT)
9. Arabian Express Lines Ltd 401 [1995] 212 ITR 31 (Guj)
10. Union of India v. Azadi Bachao Andolan [2003] 132 Taxman 373 (SC)
11. X Ltd., In re [1996] 86 Taxman 252 (AAR-DELHI)
12. Scotland West Life Insurance Co. Canada v. CIR (1996) (107 TC US 363)
13. CIT v Lakshmi Textile Exporters Ltd (2000) 245 ITR 521 (Mad)
14. Wipro Ltd. v. DCIT [2015] 62 taxmann.com 26 (Kar)
15. Motorola Inc v. Deputy Commissioner of Income Tax.
16. Consulting Engineering Corporation v. JDIT (I.T.A.No.1597/Del/2009; Assessment Year: 2003-04)
17. DIT (International Taxation) Vs. Morgan Stanley and Co. Inc.
18. DIT v. Nokia Networks OY [2012] 25 taxmann.com 225 (Del)
19. PCIT Vs. Amphenol Interconnect India Pvt. Ltd
20. PCIT Vs. Matrix Cellular International Service Pvt. Ltd

LEARNING OUTCOMES

After completing these modules successfully, the students will be able –

- *To understand how taxation works at the international level.*
- *To appreciate how the non-residents are subjected to tax in India.*
- *To analyse the anti-tax avoidance measures.*
- *To understand how India is keeping in line with international tax practices.*

PAPER V
LAW OF TAXATION AND IPR

(Specialized Core paper)

OBJECTIVES OF THE COURSE

This era is an era of digitalisation. E-commerce transactions have become a part of our day-to-day life. Taxing these transactions like the normal one's is vital. This exhibits the importance of this subject. Like E-commerce, Intellectual Property transactions are growing enormously. Tax incentives are given to many IP transactions so as to promote innovation. This links the importance of understanding the scope of tax implications in IP and E-commerce transactions.

This course has been designed to:

- *Enlighten the students on the basic concepts of Tax, Intellectual property Rights and E-Commerce,*
- *Enable them understand the tax implications on IPR and E-Commerce,*
- *Provide an insight into the International aspects of taxing IPR and E-Commerce, and*
- *Enlighten the students on emerging issues in the areas of IP and E-commerce with respect to taxation.*

COURSE OUTLINE

MODULE I - Basic Concepts

- a) **Tax** – Meaning and Definition of Tax – Importance of Tax – Kinds of Tax – Essential Characteristics of Tax.
- b) **IPR** – Meaning of Patents, Trademarks, Copyrights – Characteristics of IPR - Commercial Exploitation of IPR.
- c) **E-Commerce** – Meaning and Definition of E-Commerce – Meaning of Internet - Characteristics of E-Commerce Transactions.

MODULE II - Taxing Online Trade

- a) Online Trading and Taxation — Contracts and Sale Over Net.
- b) Taxability of E-Commerce Transactions – Report on Taxation and E-Commerce by High Powered Committee – Characterisation of Income (Goodwill of Profession v. Business).

MODULE III - E-Commerce under Domestic Legislation

- a) E-Commerce Taxation under Income Tax Act – Equalisation Levy.
- b) E-Commerce Taxation under Goods and Services Tax Act (GST).

MODULE IV - IPR and Income Tax

- a) Treatment of Royalty – Treatment of Fee for Technical Services.
- b) Intellectual Property as an Asset - Depreciation of Asset – Deductions with respect to Research and Development - Capital Gains Taxation on IP.
- c) Valuation of Intellectual Property – Exemptions and Deductions available to IP - Accounting Treatment - Tax Deduction at Source - Patent Box Regime.

MODULE V - IPR and Customs

- a) IPR and Customs - Export and Import of Goods and Services - Valuation of Goods – Border Measures under TRIPS (Art 51 to 60).
- b) Provisions relating to Confiscation of Goods and Conveyances and Imposition of Penalties under Customs Act, 1962 (Section 11, 111, 112, 113 & S. 114).
- c) Parallel Imports – IPR (Imported Goods) Enforcement Rules, 2018 – Automated Recordation and Targeting System (ARTS) for IPR Protection in India.

MODULE VI - IPR and GST

- a) IPR and Goods and Services Tax (GST) – Treatment of Transfer of IPR as Goods and/or Services.
- b) GST on Software Development Services, Franchise Service, Copyright Service – Relevance of Registered Brand Name under GST - Rates of Tax.

MODULE VII - International Aspects

- a) Transfer Pricing of Intangibles – Relevant Action Plans under BEPS – Action Plans 1, 8, 9 & 10.
- b) Development, Enhancement, Maintenance, Protection and Exploitation (DEMPE).
- c) Provisions Relating to IPR under DTAA.

MODULE VIII - Contemporary Developments

- a) Taxability of Software Income – Taxability Issues in Crypto Currency.
- b) Jurisdictional Issues in E-Commerce Transactions - E-Commerce Tax Reforms in Emerging Global Economy.

RECOMMENDED READINGS:

BOOKS

1. Oddleif Torvik, *Transfer Pricing and Intangibles - US and OECD Arm's Length Distribution of Operating Profits from IP Value Chains*, IBFD, January 2019.
2. Rahul K. Mitra, *Decoding Transfer Pricing for Selling Functions (2020)*, Wolters Kluwer India Pvt Ltd.
3. Nigel Eastaway, *Intellectual property law and Taxation*, (Sweet&Maxwell, 8 ed.)
4. Smarak Swain, *Tangible Guide to Intangibles (2019)*, Wolters Kluwer India Pvt Ltd.
5. Isabel Verlinden (PwC), Anuschka Bakker (IBFD), *Mastering the IP Life Cycle from a Legal, Tax and Accounting Perspective*, IBFD, October 2018.

JOURNALS/ARTICLES

1. Xuan-Thao Nguyen, et al., "The History of Intellectual Property Taxation: Promoting Innovation and Other Intellectual Property Goals", 64 SMU L. Rev. 795 (2011)
2. K.D.Raju, "Intellectual Property Taxation: Need for a Comprehensive policy and laws in India", *Journal of Intellectual Property Rights*, Vol.13 (2008)
3. Ayilyath, Manoranjan, "Taxation of Intellectual Property in India" (June 14, 2014). (<http://dx.doi.org/10.2139/ssrn.2461970>)
4. "A Comparative Analysis of Income Taxation Issues of Intellectual Property from the Perspective of Developed and Developing Countries", 6 J. Australasian Tax Tchrs. Ass'n 170 (2011)
5. Laskar, Manzoor, "Levy of Income Tax on Intellectual Property" (August 21, 2013). (<http://dx.doi.org/10.2139/ssrn.2400900>)

FURTHER READINGS:

BOOKS

1. Ganesh Rajgopalan, *Taxation of Copyright Royalties in India: Interplay of Copyright Law and Income Tax (2019)*, OakBridge Publishing.
2. Jeffrey A. Maine, *Intellectual Property Taxation: Transaction and Litigation Issues*, BNA Books
3. Kush Kalra, *Landmark Judgements on Intellectual Property Rights*, Central Law Publications.
4. Anne Fairpo, *Taxation of Intellectual Property (2016)*, Bloomsbury Academic Publisher.

5. Guglielmo Maisto, *Taxation of Intellectual Property under Domestic Law, EU Law and Tax Treaties*, IBFD, June 2018.
6. Ben Symons, *Cryptocurrency and Blockchain*, Bloomsbury Professional Tax Insight.
7. Vijay Shekar JHA, *Law and Practice of Taxation of Digital Economy and CryptoCurrency*, Bharat Law House Pvt. Ltd.
8. Dr. P.K.Sirohi, *E- Commerce and Taxation* , Nisha Publications
9. Xuan-Thao Nguyen, *Intellectual Property Taxation: Problems and Materials*, Carolina Academic Press.
10. Tamali Sen Gupta, *Intellectual Property Law in India*, Wolters Kluwer.

JOURNALS/ARTICLES:

1. Marcel Olbert and Christoph Sprengel, “International Taxation in the Digital: Challenge Accepted”, 2017, World Tax Journal.
2. Rachel Griffith, “Ownership of Intellectual Property and Corporate Taxation”, Journal of Public Economics, Vol 112, 2014, Pg. 12-23.
3. Manzoor Laskar , “Levy of Income Tax on Intellectual Property”, SSRN, 2014.
4. Nguyen, X. N., & Maine, J. A. (2004), “Taxing the new intellectual property right”, Hastings Law Journal, 56(1), 1-76.
5. Nguyen, X., & Maine, J. A. (2010), “Equity and efficiency in intellectual property taxation”, Brooklyn Law Review, 76(1), 1-64.
6. Cross, J. (1989), “Taxation of intellectual property in international transaction”, Virginia Tax Review, 8(3), 553-590.
7. Dr. Rajeshwari M.Shettar , “Emerging Trends of E-Commerce in India: An Emprical Study “, 2016, International Journal of Business and Management Invention.
8. Madurima Khosla, Harish Kumar, “Growth of E-Commerce in India: An Analytical Review of Literature”, 2017, IOSR Journal of Business and Management.
9. Javier Ruiz, “Accounting Information Systems in the blockchain era”, International Journal of Intellectual Property Management
10. Wherry, Timothy Lee, “Intellectual property: everything the digital – age librarian needs to know”, New Delhi: Indiana Publishing House, 2009.

CASES FOR GUIDANCE

1. CIT v. Neyveli Lignite Corporation ltd. [(2000) 243-ITR-459 (Mad.)]
2. CIT v. HEG Ltd. [(2003) 263-ITR-230 (MP)]

3. Goa Carbon Ltd. v. V.M. Muthuramalingam & Anr. [251-ITR-348 (Mum.)]
4. IMT Labs (India) Pvt. Ltd. [(2006) 287-ITR-450 (AAR)]
5. Wipro Ltd. v. ITO [(2005) 94-ITD-9 (CESTAT)]
6. DIT v. Sheraton International Inc. [(2009) 313-ITR-267 (Delhi)]
7. International Hotel Licensing Co. [(2007) 288-ITR-534 (AAR)]
8. Trimex International FZE Ltd. Dubai v. Vedanta Aluminum Ltd 2010 (1) SCALE 574
9. Bhagwandas Goverdhandas Kedia v. Girdharilal Parshottamdas and Co., AIR 1966 SC 543
10. Casio India Co. Ltd v. Ashita Tele Systems Pvt Ltd 2003 27 PTC 265 Delhi
11. India TV Independent News Service Pvt Ltd v. India Broadcast Live LLC 2007 35 PTC 177 Delhi
12. National Association of Software and Service Companies v. Ajay Sood & Others 119 (2005) DLT 596, 2005 (30) PTC 437 Del
13. Syed Asifuddin & Ors v. State of Andhra Pradesh & another 2005 CrLJ4314 (AP)
14. Banyan Tree Holding (P) Limited v. A. Murali Krishna Reddy CS (OS) 894/2008 (High Court of Delhi, 23rd November 2009) (India)
15. Director of Income Tax vs. Galileo International Inc. (114 TTJ 289) (Del ITAT)
16. Director of Income-tax v. Nokia Networks OY [2012] 25 taxmann.com 225 (Delhi)
17. Cincom System Inc. v. DDIT [ITA No. 952/Del/2006, AY: 2002-03] (Del)
18. CIT v. Siemens Aktiongesellschaft [2009] 310 ITR 320 (Bom)
19. TVM Ltd. v. CIT [1997] 237 ITR 230 (AAR)
20. ITO v. Raj Television Network Ltd. ITA No. 1827 and 1828 (MDS)

LEARNING OUTCOMES

After completing these modules successfully, the students will be able –

- *To understand the basic concepts of taxation, IPR and E-commerce.*
- *To appreciate how IPR and E-commerce transactions are subjected to tax at the international level.*
- *To understand the emerging trends in E-Commerce transactions and its tax implications.*
- *To appreciate how IPR and E-commerce transactions are subjected to tax in India.*

PAPER VI
COMPARATIVE TAX LAWS

(Specialized Core paper)

OBJECTIVES OF THE COURSE

In the era of globalisation, not only investments have become cross-border, the movement of people from one country to another country for the purposes of employment and profession has seen huge growth. It embarks the need to study and understand the basics of another jurisdiction's tax laws so as to enable the expatriates be aware of their tax rights and liabilities. Apart from that, the recent GST in India which in its infant stage is undergoing numerous changes was borrowed from Canada and Singapore. This calls for a need to study the working of this system of tax in the so-called mother countries.

This course has been designed to:

- *Enable the students understand the direct taxes as they exist in the US and the UK,*
- *Enlighten them with the knowledge to compare the direct taxes of India with the US and the UK (countries which attract more Indian expats),*
- *Enable the students understand the indirect taxes as they exist in Canada and Singapore, and*
- *Enlighten them to compare the GST in India with Canada and Singapore (which were useful in framing the Indian GST Laws).*

COURSE OUTLINE

MODULE I - Income Tax Act in U.S.A.

U.S. Code Title 26 – Internal Revenue Code

- a) Determination of Tax Liability – Tax on Individuals – Tax on Corporations – Changes in Rates During a Taxable Year.
- b) Computation of Taxable Income – Definitions of Gross Income, Adjusted Gross Income, Taxable Income, Ordinary Income, Ordinary Loss – Items Specifically Included in Gross Total Income.
- c) Items Specifically Excluded from Gross Total Income - Deductions for Personal Exemptions – Itemized Deductions for Individuals and Corporations – Additional Itemized Deductions for Individuals – Special Deductions for Corporations – Items not Deductible

- Capital Gains – Determination of Amount – Basic Rules – Common Non-taxable Exchanges - Tax on Self-employment Income - Withholding of Taxes on Non-Resident.

MODULE II - Income Tax Act in U.K.

- a) Charges to Income Tax – Rates – Incomes Charged at Particular Rates - Starting Rate Limit and Basic Rate Limit.
- b) Calculation of Income Tax Liability – Personal Relief – Personal allowance and Blind Person's Allowance - Tax Reductions for Married Couples and Civil Partners - Transferable Tax Allowance for Married Couples and Civil Partners.
- c) General - Loss Relief – Trade Losses - Restrictions on Trade Loss Relief for Certain Partners - Losses from Property Businesses - Losses in an Employment or Office - Losses on Disposal of Shares - Losses from Miscellaneous Transactions - Status of Non-Residents Taxation.

MODULE III - Goods and Services Tax Act in Canada

- a) Definition – Supply - Exempt supply – Imposition of Tax – Registration – Small Supplier.
- b) Input Tax Credit – Restriction.
- c) Tax on Importation of Goods - Tax on Imported Taxable Supplies – Tax on Intangibles - Returns and Payment of Tax – Assessment.

MODULE IV - Goods and Service Tax Act in Singapore

- a) Interpretation – Supply – Place, Time and Value of supply - Taxable Supply – Reverse Charge Supply – Eighth Schedule Supply – Exempt Supply.
- b) Imposition and Extent of Tax – Registration – Rate of Tax – Input Tax Credit – Assessment.

MODULE V - Compare and Contrast of Direct Taxes in India and USA

- a) Comparison of Income Tax Provisions in India, U.S.A., on the basis of Chargeability.
- b) Comparison of Income Tax Provisions in India, U.S.A., on the basis of Deductions and Exemptions

MODULE VI - Compare and Contrast of Direct Taxes in India and UK

- a) Comparison of Income Tax Provisions in India, U.K. on the basis of Chargeability.
- b) Comparison of Income Tax Provisions in India, U.K. on the basis of Chargeability, Deductions and Exemptions.

MODULE VII - Compare and Contrast of Indirect Taxes in India and Canada

- a) Comparison of Goods and Service Tax Provisions in India and Canada with respect to definitions.
- b) Comparison of Goods and Service Tax Provisions in India and Canada with respect to rates and other provisions.

MODULE VIII - Compare and Contrast of Indirect Taxes in India and Singapore

- a) Comparison of Goods and Service Tax Provisions in India and Singapore with respect to definitions.
- b) Comparison of Goods and Service Tax Provisions in India and Singapore with respect to rates and other provisions.

RECOMMENDED READINGS:

BOOKS

1. Richard Goode, *“The Individual Income Tax”*, Brookings Institution, 1976 (Revised edition).
2. Mark Hunt, *“UK Taxation: a simplified guide for students: Finance Act”*, Spiramus, 2019 Edition.
3. Jacques Roberge, Peter Tomilson & Jennifer Corris, *“A Practical Guide to GST/HST”* Wolter Kluwer, 8th Edition.
4. Deloitte Singapore, *“Guide to GST and the Financial Markets in Singapore”* Wolter Kluwer, July 2018.
5. T.N. Manoharan and G.R.Hari (35th Edition, 2020) *Students' Handbook on Taxation - Includes Income-Tax Law and Goods and Service Tax Law*, Snow White Publications.

JOURNALS/ARTICLES

1. Professor Michelle Hanlon, “Book Tax Conformity for Corporate Income: An Introduction to the Issue”, Tax Policy and the Economy
2. Dennis Ventry, “American Don’t Hate Taxes, They Hate Paying Taxes”, University of British Columbia Law Review
3. William B. Barker, “A Comparative Approach to Income Tax Law in the United Kingdom and the United State”, Catholic University Law Review.
4. Dhinesh M., Rajashri.S, “A Comparative Study on Taxation System in India and Singapore with Special Reference to GST”, Journal of Indian Taxation

5. Lori J. Curtis and Joann Kingston – Riechers, “Implication of the Introduction of the Goods and Services Tax for Families in Canada”, JSTOR

FURTHER READINGS:

BOOKS

1. Dr. Vinod K Singhania, Direct Taxes Ready Reckoner-As Amended by Taxation Laws (Amendment) Act 2019 (Taxmann Publications).
2. Naveen Mittal, Principles of Income Tax Law and Practice, Cengage India
3. Rahul Navin, Information Exchange and Tax Transparency, Lexis Nexis.
4. Leonard E. Burman & Joel Slemrod, “Taxes in America: What Everyone Needs to Know”, Oxford University Press, 2013.
5. CCH Tax Editor BIAN, “Singapore GST Compliance Handbook” CCH, 2013.
6. Richard Paul Vethamuthu , Indirect Tax – GST, Lambert Academic Publisher.
7. Dr. Jaya Vasudevan Suseela, Indirect Taxes, Eastern Book Company.
8. N.A. Palkiwala, The Law and Practice of Income Tax, (2014), Lexis Nexis
9. Evans Chris and Lymer Andy, Comparative Taxation: Why Tax System Differ, Fiscal Publications.
10. United States, A Compilation of the Direct Tax Laws of the United States from August 5, 1861: With the Regulations and Instructions, also including an Extract from The Report of the Commissioner of Internal Revenue for 1870, Giving a History of Direct Tax, Nabu Press.

JOURNALS/ARTICLES

1. Liu Hern Kuan and Vincent Ooi, Proposed Reforms to Singapore’s Goods and Services Tax for the Digital Age, SSRN
2. Richard M.Bird , The GST : Creating an Integrated Sales Tax in a Federal Country, The School of Public Policy
3. Alm , Matthew, Tax Structure and Tax Compliance , Review of Economics and Statistics
4. Barker, William B., The Ideology of Tax Avoidance, Loyola University Chicago Law Journal.
5. Hemlata Tiwari and Shambhu Nath Singh, Goods and Service Tax: Economic Revival of India, Sage Journals
6. Pankaj Kumar, Goods and Service Tax in India: Problems and Prospects, Asian Journal of Management Research

7. Nick Bloom, Rachel Griffith and John Van Reenen, Do R & D Tax Credits work? Evidence from a panel of Countries 1979 – 1997, *Journal of Public Economics*
8. Damon Jones, Inertia and Overwithholding : Explaining the prevalence of Income Tax Refunds, *American Economic Journal : Economic Policy*
9. Ruth Simon and Richard Rubin, Cack and Pack: How Companies are Mastering the New Tax Code, *Wall Street Journal*.
10. Anand Nayyar, A Comprehensive Analysis of Goods and Services Tax in India, *Indian Journal of Finance*, 2018

CASES FOR GUIDANCE

1. *Birmingham & District Cattle By-Products Ltd v CIR* KB 1919 12 TC 92
2. *Jackson v Laskers Home Furnishers Ltd* Ch D 1956 37 TC 69 [1957] 1 WLR 69 [1956] 3 All ER 891
3. *Smith's Potato Estates Ltd v Bolland* HL 1948 30 TC 267 [1948] AC 508 [1948] 2 All ER 367
4. *J Lyons & Co v Attorney General* – Ch D 1944, 170 LT 348; [1944] 1 All ER 477
5. *Wannell v Rothwell* Ch D 1996 68 TC 719 [1996] STC 450
6. *Parade Park Hotel and Another v HMRC* P May v HMRC Sp C [2007] SSCD 430 (Sp C 599)
7. *Walton v R & C Commrs.* [2009] TC 00273
8. *Pook v. Owen- HL* 1969, 45 TC 571; [1970] AC 244; [1969] 2 All ER 1
9. *Pepper v. Hart - HL* 1992, 65 TC 421; [1992] STC 898; [1992] 3 WLR 1032; [1993] 1 All ER 42
10. *Donnelley v. Commissioner of Internal Revenue*, 68 F.(2d) 722 (C.C.A. 7th 1934).
11. *Rosenwald v. Cor.*, 12 B.T.A. 350 (1928)
12. *Spring Canyon Coal Co. v. Com.*, 43 F.(2d) 78 (C.C.A. roth :1930)
13. *Mitchel v. Bowers*, iS F.(2d) 287 (C.C.A. 2d 1926).
14. *Welch v. Helvering*, 290 U.S. i I 1, 54 Sup. Ct. 8 (1933)
15. *Jankowsky v. Coin.*, 56 F.(2d) 1006 (C.C.A. ioth 1932)
16. *Herschel v. Jones*, i B.T.A. 1226 (1925),
17. *United States v. Provident Trust Co.*, 54 Sup. Ct. 389 (1934).
18. *GBQ v CGST* [2017] SGGST 1
19. *Callidus Capital Corporation v Her Majesty the Queen*

20. Canadian Legal Information Institute v the Queen 2020 TCC 56

LEARNING OUTCOMES

After completing these modules successfully, the students will be able –

- *To understand how taxation works at selected jurisdictions.*
- *To appreciate how India varies from its tax structure when compared to the selected jurisdictions.*
- *To understand the pros and cons of tax legislations at selected jurisdictions.*
- *To analyse the changes that can be made into India's tax legislations so as to attain growth.*

PAPER VII
CORPORATE GOVERNANCE AND TAXATION

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

Corporates play a vital role in the economic development of a country. Corporate tax is one highly concentrated areas of taxation, especially for developing countries like India, where alternative revenue sources are thin. Corporation taxes are very progressive, and they raise significant sums of money for public services. Globalisation helps a corporate giant place foot in many jurisdictions, where they are to pay tax based on source principle. Thus, attracting corporate investments becomes important. Countries offer tax incentives to attract global investments with an aim to develop the economy.

This course has been designed to:

- *Understand the importance of the tax implications of corporate sectors,*
- *Enable them to understand the provisions of taxation as they exist in the direct and indirect tax regime made especially applicable to corporates,*
- *Enlighten them on the International aspects of taxing corporates, and*
- *Provide insight into the procedural compliances to be followed by the corporates.*

COURSE OUTLINE

MODULE I - Computation of Income

- a) Definition of Company – Residential Status of Company – Receipt of Income – Accrual of Income – Business Connection - Components of Income of a Company - Income from business - Definition of Business - Chargeability – Computation - Gross Earnings - Determination of Expenses, Depreciation, (Block of Assets, Actual Cost, Written Down Value) and Admissible Allowances - Exemptions and Deductions.
- b) Capital Gains - Capital Assets (Short-Term Capital Assets and Long-Term Capital Assets) - Basis of Liability – Computation - Definition of Transfer - Special Provisions for Depreciable Assets - Computation - Exemptions and Deductions.

MODULE II - Aggregation of Income and Tax Incentive

- a) Ordinary and Special Sources - Total Income – Aggregation of Income - Set off and Carry forward of Business Losses and Depreciation.

- b) Special Provisions for Corporate Restructuring and its types under Companies Act, 2013 – Tax Planning for Amalgamation, Merger and Demerger of Companies – IBC (Taxation of Company going into Liquidation).
- c) Tax Incentives – Start-ups – Angel Tax - Contribution to Certain Funds - Political Contributions – Provisions Relating to Investor Protection Funds under Companies Act 2013 and its Taxing Aspects.

MODULE III - Assessment

- a) Assessment of Non-Profit Organizations - Taxation of Income from Venture Capital Funds and Companies.
- b) Tax on Dividend Distributed (DDT) – Minimum Alternate Tax (MAT) - Tax on Income Distributed by Mutual Funds, Insurance Companies.
- c) Reopening of Assessment.

MODULE IV - Tax Avoidance

- a) Tax Avoidance Provisions - Disallowing Expenses – DTAA and OECD.
- b) Determination of Arm's Length Price - Advance Pricing Agreements - Sale and Buy Back of Securities - Anti-Avoidance Rules.

MODULE V - Accounting

- a) Maintenance of Accounts – Financial Statements - Audit of Accounts - Reporting International Transactions.
- b) Methods of Accounting - Computation of Book Profits.

MODULE VI - Corporate Social Responsibility

- a) Significance of Corporate Social Responsibility – Income Tax Provisions on CSR – Deductions under Section 80 G.
- b) TDS on CSR Expenditure – Issues and Tax Benefits - Reporting.

RECOMMENDED READINGS:

BOOKS

1. N.A. Palkiwala, *The Law and Practice of Income Tax (2014)*, Lexis Nexis
2. T.N. Manoharan and G.R.Hari , *Students' Handbook on Taxation : Income-Tax Law* , Snow White Publications.
3. Sanjay K. Agarwal, *Corporate Social Responsibility in India*, Sage Publications.
4. Rachna Jawa , *Mergers, Acquisitions and Corporate Restructuring in India : Procedures and Case Studies* , New Century Publications.

5. Dr. H.C.Mehrotra, *Corporate Tax Planning and Management* , Sahitya Bhawan Publications.

JOURNALS/ARTICLES

1. Dr. Jyotsna Patel, “Residential Status and Tax Incidence under The Income Tax Act, FEMA and Companies Act”, International Journal of Scientific Research.
2. Leela Kumar, “Implication of Business Connection and Permanent Establishment”, SSRN.
3. Prof. Prakash E. Humbad, “Depreciation on block of assets under Income Tax Act, 1961”, International Research Journal of Multidisciplinary Studies.
4. Zohra Azam, “A Study on Capital Gain Taxation in India – A Case Study”, International Journal of Pure and Applied Mathematics
5. Harsha Agarwal, “The Vodafone Case: A Critical Analysis”, International Journal of Juridical Studies & Research

FURTHER READINGS:

BOOKS

1. Vinod K Singhanian & Kapil Singhanian, *Direct Taxes Law & Practice*, (Taxmann).
2. Dr. Girish Ahuja & Dr. Ravi Gupta, *Direct Taxes Law & Practice*, (Wolters Kluwer).
3. Paranjoy Guja Thakurta, *Thin Dividing Line: India, Mauritius and Global Illicit Financial Flows*, Portfolio.
4. Samuel O. Idowu, *Key Initiatives in Corporate Social Responsibility*, Springer.
5. Patrick A. Gaughan , *Mergers, Acquisition and Corporate Restructurings*, Wiley.
6. Nayan Mitra, *Corporate Social Responsibility in India*, Springer
7. Taxmann, *Taxation of Capital Gains*, Taxmann Publications Pvt. Ltd.
8. Mayank Mohanka, *Faceless Assessment – Ready Reckoner with Real Time Case Studies*, Taxmann Publications Pvt. Ltd.
9. Avadhesh Ojha, *HandBook of Corporate Taxation*, Tax Publishers.
10. Srinivasan Anand.G, *Tax Audit – Commentary on Provisions relating to Tax Audit*, Taxmann Publications Pvt. Ltd.

JOURNALS/ARTICLES

1. Saranya.S, A Comprehensive Study on Venture Capital Investment in India, SSRN.
2. Pradeep Gupta, *Transfer Pricing: Impact of Taxes and Tariffs in India*, Sage Publications.
3. K.R.Pillai, *Corporate Social Responsibility in India : A Journey from Corporate Philanthropy to Governance Mandate*, Indian Journal of Corporate Governance .

4. Ashish Baghla, Corporate Social Responsibility Practices in India: A Study of few Companies, Journal of Advance and Scholarly Researches in Allied Education.
5. Dr. Reena Shyam, An Analysis of Corporate Social Responsibility in India, International Journal of Research Granthaalayah
6. Anshika Agarwal, Corporate Social Responsibility: An Indian Perspective, Journal of Business Law and Ethics.
7. Hardik b. Bhadeshiya, Corporate Social Responsibility practices in Corporate Houses of India, Indian Journal of Applied Research.
8. H.P. Sachin, Tax Evasion and Corporate Governance in Modern Tax Regime in India, Journal of Emerging Technologies and Innovative Research.
9. Kanchan Yadav, *The Regulatory Framework of Corporate Restructuring in India: Implications and Emerging Issues*, SSRN .
10. Deepika Dhingra and Nishi Aggarwal , Corporate Restructuring in India : A Case Study of Reliance Industries Limited , Global Journal of Finance and Management.

CASES FOR GUIDANCE

1. V.Datchinamurthy v. Asst. Director of Inspection (1982) 27 CTR 106 (Mad)
2. Laji Haridas v. State of Maharastra & Anr.,(1964) 52 ITR 423 (SC)
3. Subha and Prabha Builders (P) Ltd. v. ITO & Anr., (2009) 225 CTR 90 (Kar).
4. U. K. Mahapatra & Co. & Ors. v. ITO & Ors., (2009) 221 CTR 328 (Ori).
5. In re Cranstoun National Provincial Bank Ltd. v. Royal Society etc (1932) 1 Ch. 537
6. C.I.T. v. Indian Chamber of Commerce. 80 I.T.R. 645 (1971) (Kerala)
7. Addl. CIT v. Surat Art Silk Cloth Manufacturers Association (1980) 121 ITR 1
8. Ishikawajima-Harima Heavy Industries Ltd. Vs. DIT [2007] 288 ITR 408 (S.C.)
9. Vodafone International Holdings B.V. vs. Union of India &Ors, MANU SC 0051 2012
10. W.T. Ramsay Ltd. vs. Inland Revenue Commissioners, (1981) 1 All E.R. 865
11. CharanjitLal vs. Union of India, AIR 1951 SC 41.
12. Robert Azinian vs. The United Mexican States, ICSID Case No. ARB (AF)/97/2, Nov. 1999
13. CIT vs. N.C. Budharaja& Co, (1993) 204 ITR 412 SC.
14. C.I.T. v. R.D. Aggarwal and Co. 1965 AIR 1526, 1965 SCR (1) 660
15. CIT v. Fried Krupp Industries 1981 128 ITR 27 Mad
16. CIT v. Currimbhoy Ebrahim & Sons Ltd (1933) 35 BOMLR 914

17. DIT v. Goodyear Tire and Rubber Company 2013 TaxPub(DT)1592 (Del – HC)
18. Amiantit International Holding Ltd.(2010) 189 TAXMAN 0149
19. Dana Corporation, In re (2010) 321 IT 0178
20. Dy. CIT v. Summit Securities Ltd (2012) 015 ITR (Trib) 0001.

LEARNING OUTCOMES

After completing these modules successfully, the students will be able –

- *To understand the Role of Corporate Sector in Economic Development*
- *To appreciate the schemes introduced by the Government to aid the economic development and financial stability by providing Tax Benefits*
- *To analyse the contribution of Corporates in the development of our Economy.*
- *To provide knowledge and understanding of the concepts, principles and practices in Corporate Accounting with respect to Indian and International Accounting practices.*

PAPER VIII
LAW OF TRANSFER PRICING
(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

Transfer pricing is an important aspect of international transaction. It is of vital importance as it helps in ensuring that transactions between associated enterprises take place at a price as if the transaction was taking place between unrelated parties and preventing entities from artificially shifting profit or loss between tax (especially low-tax) jurisdictions. With so many contemporary issues coming up in this area, it is important that the students are inculcated the knowledge of this paper. A study on transfer pricing will help them understand how it is used as a mechanism to avoid tax and what is to be done to curb the same for the betterment of global economy.

This course has been designed to:

- *Enable the students understand the importance of transfer pricing issues,*
- *Enlighten them about the methods of determining the fair market value of an international transaction,*
- *Provide insight into the transfer pricing methods as they apply to particular transactions, and*
- *Enlighten on the role played by International Organisations in framing Transfer Pricing Guidelines.*

COURSE OUTLINE

MODULE I - Understanding Transfer Pricing

- a) Meaning of Transfer Pricing – Definition of Transfer Pricing – Origin and Growth of Transfer Pricing – Importance of Transfer Pricing in International Tax Environment - Importance of Permanent Establishment in Transfer Pricing.
- b) Meaning of Arm’s Length Price (ALP) – Meaning of Associated Enterprises - Arm’s Length Principle and Comparability – Comparability Factors – Comparability Adjustments – FAR Analysis.

MODULE II - Fundamental Sources

- a) OECD 2017 Transfer Pricing Guidelines (TPG) - OECD BEPS Reports (Actions 8-10): Aligning Transfer Pricing Outcomes with Value Creation.

- b) UN 2017 Practical Manual on Transfer Pricing for Developing Countries.

MODULE III - Transfer Pricing Methods

- a) Comparable Uncontrolled Price Method - Resale Price Method - Cost Plus Method - Transaction Net Margin Method - Profit Split Method - Other Methods.
- b) Selection of the Most Appropriate Transfer Pricing Method.
- c) Transfer Pricing Adjustments - Determination of ALP in certain cases - Safe Harbour Rules – Tolerance Band.

MODULE IV - Global Formulary Apportionment Method

- a) Global Formulary Apportionment - Meaning – Procedure.
- b) A Shift from the Arm's-Length Principle (ALP) towards Formulary Apportionment.

MODULE V - Transfer Pricing in Specific Transactions

- a) Intra-group Services – Intra-group Financial Transactions – Intangible Property – Business Restructurings – Cost Contribution Arrangements.
- b) E-commerce and Transfer Pricing – Customs Valuation and Transfer Pricing.

MODULE VI - Domestic Provisions

- a) Relevant Provisions under Chapter-X of Income Tax Act, 1961 – Definitions – Computation of Income from International Transaction having Regard to Arm's Length Price – Computation of Arm's Length Price – Reference to Transfer Pricing Officer – Safe Harbour Rules – Advance Pricing Agreement.
- b) Relevant Provisions under Customs Act and Goods and Services Tax.

RECOMMENDED READINGS:

BOOKS

1. S. Mishra and Chetali Singhal, *Transfer Pricing in India since its inception to BEPS*, Wolters Kluwer India Pvt. Ltd.
2. Robert Feinschreiber & Margaret Kent, *Transfer Pricing Handbook: Guidance on the OECD Regulations*, Wiley.
3. Ravi Kant Gupta, *Recent Trends in Transfer Pricing Intangibles, GAAR and BEPS*, Bloomsbury India.
4. CA Hari Om Jindal, *Transfer Pricing Theory and Practice*, Wolters Kluwer India Pvt Ltd.
5. CA Narendra Jain, *Compilation of Transfer Pricing Judgements*, Wolters Kluwer India Pvt. Ltd

JOURNALS/ARTICLES

1. M Pryzsuski, P Paul, H Swaneveld, C Osoro , “Transfer Pricing in India”, 6 Corp. Bus. Tax'n Monthly 21 (2004-2005)
2. C. Satapathy , “Transfer Pricing: Impact on Trade and Profit Taxation”, Economic and Political Weekly, Vol. 36, No. 20 (May 2001)
3. Suranjali Tandon and Devendra Damle, “An Analysis of Transfer Pricing Disputes in India”, working paper No. 266 (May 2019), National Institute of Public Finance and Policy
4. Jain, Tarun, “Transfer Pricing Rules for India’s Goods and Services Tax”, (2019) 30(2) International VAT Monitor.
5. Yariv Brauner, “What the BEPS”, 16 Fla. Tax Rev. 55 (2014).

FURTHER READINGS:

BOOKS

1. Dr.M.S.Vasan, *Transfer Pricing Audit Practices in India* , Lexis Nexis.
2. Deloitte, *Transfer Pricing Law and Practice in India icluidng BEPS* , Wolters Kluwer.
3. CA. Rajat Chawla, *Transfer Pricing Documentation and Reporting* , Taxmann Publisher Pvt. Ltd.
4. Anuschka Bakker, Marc M. Levey (Eds.), *Transfer Pricing & Business Restructuring*, IBFD
5. Duff Phelps, *Transfer Pricing and Dispute Resolution. Guide to International Transfer Pricing: Law, Tax Planning and Compliance Strategies*, Wolters Kluwer pvt. Ltd, 8th Edition (2018).
6. IRS O P Yadav ,*Transfer Pricing in India: Principles and Practice*, OakBridge Publishing; First Edition (2019).
7. Divakar Vijayasarathy , *Law & Practice of Transfer Pricing*, Bharat Law House Pvt Ltd; 5th edition (2020).
8. D.P.Mittal, *Law of Transfer Pricing in India* , Taxmann Publisher Pvt. Ltd.
9. Mohanish Verma , *Digitalisation and Transfer Pricing – The Way Ahead* , Wolters Kluwer India Pvt Ltd.
10. Ashok Kumar, *Transfer Pricing, Multinationals and Taxation : Concepts, Mechanisms and Regulations* , New Century Publications.

JOURNALS/ARTICLES

1. Crivelli, Ernesto, Ruud De Mooij & Michael Keen, “*Base Erosion, Profit Shifting and Developing Countries*”. IMF Working Paper, 2015
2. U. Schreiber; D. (Dirk) Simons; S. Greil; M. Lagarden, ‘Why Arm’s Length Principle should be Maintained’ (2020) International Transfer Pricing Journal.
3. Andres Baez Moreno & Yariv Brauner, *Taxing the Digital Economy Post BEPS.. Seriously*, 58 Colum. J. Transnat'l L. 121 (2019).
4. Feinschreiber, R., & Kent, M. (2007). *Transfer Pricing in India*, Corporate Business Taxation Monthly, 9(3), 9-33.
5. Feinschreiber, R., & Kent, M. (2008). *Permanent Establishment issues impact Indian Transfer Pricing*, Corporate Business Taxation Monthly, 10(1), 29-42.
6. Dhruv Sanghavi, '*Vodafone Transfer Pricing Decision: A Mistake of Judgment*', (2015), 43, Intertax, Issue 5, pp. 428-436.
7. Michael Smith, Tax and Incentive Trade offs in Multinational Transfer Pricing , Journal of Accounting, Auditing and Finance , 2002
8. John Mckinley, Transfer Pricing and its effect on Financial Reporting , Journal of Accountancy, 2013.
9. Dr. Subha Kant Padhi, Transfer Pricing a Review of Literature , International Journal of Advanced Research in Management, Vol 10, Issue 1 , 2019, pp. 1-7.
10. S.Aditya, Analysis of Transfer Pricing as a Tax Avoidance and Proposed Suggestion to prevent its Disadvantages, Yuridika, Vol 30, No.1 , 2015

CASES FOR GUIDANCE

1. DIT (International Taxation) Vs. Morgan Stanley and Co. Inc.
2. PCIT Vs. Amphenol Interconnect India Pvt. Ltd
3. PCIT Vs. Matrix Cellular International Service Pvt. Ltd
4. A T & S India Pvt. Ltd Vs. DCIT,
5. GE India Technology Centre (p) Ltd v CIT 327 ITR 456 (SC)
6. Vodafone International Holding v. UOI 329 ITR 126 (HC)
7. CIT V. VRNM Subhiah Chettiar
8. Diageo India Pvt. Ltd v ACIT
9. CIT V. Nandlal Gandadal
10. ABB Inc. v. DDIT [2015] 69 SOT 537 (Bang)

11. Johnson Matthey India (P) Ltd, New v. Department of Income Tax
12. M/s. Maxim India Integrated Circuit Design Pvt. Ltd., Bengaluru v. DCIT
13. Gimpex Private Ltd., Chennai v. ACIT Central Circle 1(2), Chennai on 5 April, 2019
14. Kimberly Clark Lever P.Ltd., Pune v. ACIT, Pune on 5 May, 2017
15. Jabil Circuit India P.Ltd, Mumbai v. ACIT Cir 3(2)(1), Mumbai on 19 November, 2018
16. H.A Shah & Co. Vs. Commissioner of Income Tax & Excess Profits Tax, Bombay city - [1956 -(3) -ITR -0618 - BOM]
17. Russell Properties Pvt. Ltd. Vs. A. Chowdhury, Addl.Commissioner of Income-tax, West Bengal And Others - [1977-(109)-ITR -0229-CAL]
18. Radhasoami Satsang Vs. Commissioner of Income Tax - [1992-(193)-ITR-321 -SC]
19. Commissioner of Income-tax Vs. Haryana State Industrial Development Corporation Ltd. - [2010 -(326) -ITR -640 - P&H]
20. Assistant Commissioner of Income Tax vs. M/s. L'oreal India Pvt. Ltd. - [ITA No.6745/M/2008]"

LEARNING OUTCOMES

After completing these modules successfully, the students will be able –

- *To understand what is transfer pricing and how it acts as an avoidance mechanism.*
- *To appreciate the methods taken to arrive at the Arm's Length Price.*
- *To appreciate the international mechanism to check transfer pricing issues.*
- *To understand how India is keeping in line with international mechanisms.*

PAPER IX

LAW RELATING TO INTERNATIONAL TRADE AND TAXATION

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

WTO has been facilitating world trade since its inception. General Agreement on Trade and Tariff (GATT) streamlines, controls and monitors trade between two countries which enables in smooth flow of trade by avoiding dispute between countries and entities. Also, it helps avoid favoured treatment towards a nation thereby providing equal opportunities for all countries. Anti-dumping, anti-circumvention, safeguard and countervailing duties are given by the WTO as protectionist measures to avoid monopolistic activities. India which is a member of WTO has adopted these measures into its domestic legislation which enables India to compete in the international level without any hindrances.

This course has been designed to:

- *Enable the students understand the role of WTO in facilitating international trade,*
- *Enlighten the students about the importance of having protectionist measures such as Anti-dumping, anti-circumvention, etc,*
- *Provide them insight of the protectionist measures as they exist in India, and*
- *Enable them to understand the dispute settlement mechanism in case of international trade disputes.*

COURSE OUTLINE

MODULE I - World Trade Organisation (WTO)

- a) Origin of World Trade Organisation – Role of WTO in facilitating World Trade — General Principles of WTO & GAAT.
- b) General Agreement on Trade and Tariff (GAAT) - Relevant Articles (VI, VII, XIX) – Agreement on Implementation of Articles VI, VII and XIX - Other Conventions relating to Customs.

MODULE II - Anti-Dumping Duties

- a) Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 – Definitions – Appointment and Duties of Designated Authority.

- b) Investigation – Initiation of Investigation – Principles Governing Investigation – Confidential Information – Accuracy of Information – Investigation in other countries – Determination of Normal Value, Export Price and Margin of Dumping.
- c) Determination of Injury – Levy of Provisional Duty – Termination of Investigation – Suspension or Termination of Investigation on Price Undertaking – Disclosure of Information – Final Findings - Levy of Final Duty – Imposition of Duty on Non-Discriminatory Basis – Commencement of Duty – Refund of Duty – Margin of Dumping – Dumping causing Injury to third Countries.

MODULE III - Anti-circumvention Measures

- a) The Custom Tariff (Identification Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Amendment Rules, 2012
- b) Circumvention of anti-dumping duty - Initiation of investigation to determine circumvention - Determination of circumvention - Review of circumvention.

MODULE IV - Safeguard Duties

- a) Customs Tariff (Identification and Assessment of Safeguard Duty) Rules, 1997 – Definitions – Appointment and Duties of Director-General.
- b) Investigation – Initiation of Investigation – Principles Governing Investigation - Confidential Information – Determination or Threat of Serious Injury – Preliminary Findings.
- c) Levy of Provisional Duty - Final Findings – Levy of Final Duty – Imposition of Duty on Non-Discriminatory Basis – Commencement of Duty – Refund of Duty – Duration – Liberalisation of Duty – Review.

MODULE V - Countervailing Duties

- a) Customs Tariff (Identification, Assessment and Collection of Countervailing Duty on Subsidized Articles and for Determination of Injury) Rules, 1995 – Definitions - Appointment and Duties of Designated Authority – Decision as to Country of Origin.
- b) Investigation – Initiation of Investigation – Principles Governing Investigation – Confidential Information – Accuracy of Information – Investigation in other countries – Nature of Subsidy - Calculation of the amount of the Countervailable Subsidy - Determination of Injury – Preliminary Findings - Levy of Provisional Duty – Termination of Investigation – Suspension or Termination of Investigation on Price Undertaking – Disclosure of Information – Final Findings.

- c) Levy of Final Duty – Imposition of Duty on Non-Discriminatory Basis – Date of Commencement of Duty – Refund of Duty – Review.

MODULE VI - Dispute Settlement Mechanism

- a) WTO's Dispute Settlement Body – Process of Dispute Settlement Body – National Initialization Procedure - Consultation – Panel Establishment – Panel Report – Appellate Review – Implementation – Compliance Panel Procedure – Compensation/Suspension of Concessions or other Obligations – Legal Effects.
- b) Director General of Trade Remedies (DGTR) in India – Functions.

RECOMMENDED READINGS:

BOOKS

1. Judith Czako, Johann Human & Jorge Miranda, *A handbook on anti-dumping investigations*, Cambridge University Press, 2013.
2. K. D. Raju, *World Trade Organization Agreement on Anti-dumping: A GATT/WTO and Indian Jurisprudence*, Kluwer Law International B.V., 01-Jan-2008.
3. R. K. Gupta, *Anti-Dumping and Countervailing Measures: The Complete Reference*, SAGE Publications.
4. Mr. Anand Singh, *Safeguard Duty Laws in India*, Easy Law Mate, 2017.
5. RK Gupta, *Anti-Dumping and Countervailing Measures: The Complete Reference*, 1996.

JOURNALS/ARTICLES

1. Joseph, Stephen & Selvam, M.. (2019), “The Incompatibility of Anti-Dumping Laws”, *International Journal of Engineering and Management Research*. 9. 82-90.
10.31033/ijemr.9.2.10.
2. C.Satapathy, (2006, 21 Jan), “Review of WTO rules on antidumping and countervailing measures”, *Economic and Political weekly of India*, Sameekha Trust Publication, P-267.
3. Vermulst E, (1997), “ Adopting and implementing Anti-dumping laws – Some suggestion for developing countries”, *Journal of World Trade*, 31(2), 5-24.
4. Yong-Shik Lee, “Safeguard Measures: Why are They Not Applied Consistently with the Rules?”, *Journal of World Trade*, Vol. 36, pp. 641-673, August 2002.
5. MAITI, DIBYENDU. “Anti-Dumping, Competitiveness and Welfare: A Study with Special Reference to India.” *Indian Economic Review*, vol. 51, no. 1/2, 2016, pp. 147–180. JSTOR, www.jstor.org/stable/44376241. Accessed 10 Dec. 2020.

FURTHER READINGS:

BOOKS

1. Sheela Rai, *Antidumping Measures: Policy, Law and Practice in India*, Patridge, 2014.
2. Alokesh Barua, *WTO and India: Issues and Negotiating Strategies*, Orient Blackswan.
3. Kasper, *Non – Discrimination in Tax Treaty Law and World Trade Law*, Series on International Taxation.
4. Autar Krishen Koul, *Guide to the WTO and GATT*, Springer
5. Anand Singh, *Antidumping Duty Laws in India*, Easy Law Mate, 2017.
6. Sheela Rai, *Anti-dumping measures under GATT/ WTO*, Eastern Book Company.
7. A.L.Koul, *Guide to WTO and GATT. Economics, Law and Politics*, Satyam Law International.
8. Edwin Vermulst, *The WTO anti-dumping agreement*, Oxford University Press, 2005.
9. Anand Singh, *Countervailing Duty and Subsidy Laws in India*, Easy Law Mate, 2017.
10. Vibha Mathur, *WTO and India : Development Agenda for the 21st Century*, New Century Publications .

JOURNALS/ARTICLES

1. Julia Ya Qin, China, “India and The Law of the World Trade Organisation”, *Asian Journal of Comparative Law*”, Vol3, 2015, pg. 1-43
2. Sanjiv Singh Bhadauria, “Impact of World Trade Organisation on Foreign Trade in India”, *Research Gate*, 2015
3. An Anti-dumping “To Be or Not To Be” in Five Acts: A New Agenda for Research and Reform, (2014), *Journal World Trade*, 37(2), P-306.
4. Jong Woo Kang & Dorothea Ramizo (2020) “Impact of antidumping measures on international trade: Growing South–South tensions?”, *The Journal of International Trade & Economic Development*, 29:3, 334-352.
5. “Destabilization of the Discipline on Safeguards?-Inherent Problems with the Continuing Applicability of Article XIX after the Settlement of the Agreement on Safeguards The WTO Agreement on Safeguards: Improvement on the GATT Article XIX?”, *14 Int'l Trade J*, volume 3, p. 219 – 231
6. Vincent Beyer, “Income Tax and Non Discrimination in the GATT”, *Journal of International Economic Law*, Vol 21, Issue 3, 2018, Pg. 547 – 566.

7. Teppo Eskelinen, "Panama and the WTO: New Constitutionalism of Trade Policy and Global Tax Governance", *Review of International Political Economy*, Vol24, 2017, Pg. 629 – 656.
8. "WTO and Its Impact on Indian Economy", *International Journal of Emerging Technologies and Innovative Research* (www.jetir.org | UGC and issn Approved), ISSN:2349-5162, Vol.6, Issue 1, page no. pp1039-1044, January-2019.
9. A.Hasib, "Impact of GATT agreement on Indian Economy, Globalisation of Indian Economy", 1996, pg. 130 – 141.
10. Korinek, J. and J. Bartos (2012-06-29), "Multilateralising Regionalism: Disciplines on Export Restrictions in Regional Trade Agreements", *OECD Trade Policy Papers*, No. 139, OECD Publishing, Paris

CASES FOR GUIDANCE

1. *Georgetown Steel Corporation v. United States*, 801 F.2d 1308, 1310 (Fed. Cir. 1986).
2. *GPX International Tire Corporation v. United States*, 666 F.3d 732 (Fed. Cir. 2011).
3. *Apollo Tyres Ltd. v. U.O.I.* 2005 (192) ELT 1137 (Tri. - Del.)
4. *Bansilal Leisure Parks Ltd. v. C.C., Kolkata* 2007 (213) ELT 246 (Tri.- Del.).
5. *Vazir Sultan Tobacco Co. Ltd. v. Collector of Central Excise* vide [1985 (21) E.L.T. 757]
6. *Haridas Exports v. All India Float Glass Manufacturers' Association*, (2002) 6 SCC 600
7. *M/S.Shapoorji Pallonji v. Union of India* on 16 April, 2018
8. *Surfaces Plus v. Union of India* - 2004 (173) ELT 127 (Guj.)
9. *Jindal Saw Limited v. Directorate General of Anti-Dumping*, on 26 September, 2018
10. *M/S Haridas Exports v. All India Float Glass Mfrs. Assn. & Ors.*, Civil Appeal No.2330 of 2002
11. *Belsund Sugar Co. Ltd. v. State of Bihar and Others* (1999) 9 SCC 620.
12. *Jogendra Lal Saha v. State of Bihar and Others* 1991 Supp (2) SCC 654.
13. *Shriram Mandir Sansthan v. Vatsalabai and Others* (1999) 1 SCC 657
14. *Gobind Sugar Mills Ltd. v. State of Bihar and Others* (1999) 7 SCC 76
15. *Nitco Tiles Ltd. v. Designated Authority*, 2006 (104) ECC 302, 2006 ECR 302 Tri Delhi
16. *H & R Johnson (India) Ltd. v. Designated Authority* 2007 (218) E.L.T. 273
17. *Pig Iron Mfrs. Asscn. v. Designated Authority*, 2000 (116) ELT 67 Tri Del
18. *Reliance Industries Ltd., v. Designated Authority & Ors* {(2006) 10 SCC 368}
19. *Saint Gobain India Private Ltd v. Union of India* on 6 November, 2017

20. Nocil Limited v. Union of India on 3 July, 2019

LEARNING OUTCOMES

After completing these modules successfully, the students will be able –

- *To understand how WTO is promoting world trade.*
- *To appreciate the efforts of India in providing trade remedies.*
- *To understand how disputes are resolved at International level.*
- *To understand the role played by DGTR in investigation of trade disputes.*

PAPER X
CONSTITUTION AND LAW OF LOCAL TAXES

(Generic Elective Paper)

OBJECTIVES OF THE COURSE

The Constitution of India has granted law-making power to both the Central and State Governments. The State Government has made numerous legislations with respect to tax based on these powers. With some of them subsumed by virtue of the introduction of the Goods and Services Tax (GST), this paper tries to focus on the taxing statutes which are still in existence.

This course has been designed to:

- *Provide an insight on the importance of local self-government,*
- *Enlighten them on the powers of taxation as granted to the local bodies,*
- *Enable them understand the legislations and relevant rules under which the local bodies are granted the power to levy and collect taxes, and*
- *Enlighten the students on the impact of GST on the local taxes.*

COURSE OUTLINE

MODULE I - Constitutional Basis of Local Taxes

- a) Constitutional Powers to Make Laws – Relevant Entries in the List II of the Seventh Schedule of the Constitution – Tax Laws made under the Relevant Entries.
- b) Powers of Local Bodies to Impose Tax (73rd and 74th Constitutional Amendments)- Arts. 243 H and 243 X of the Constitution of India.
- c) Floor Theory and Ceiling Theory of Taxation.

MODULE II - Tamil Nadu Entertainment Tax

- a) The Tamil Nadu Local Authorities Entertainment Tax Act, 2017 - Definitions – Admission - Amusement - Cable televisions – Complimentary Tickets – Dubbed Film – Antenna - Direct to home service - Entertainment - Old film – New Film – Payment for Admission – Proprietor – Taxable Complementary Tickets.
- b) Levy of Tax on Entertainment – Manner of Payment – Returns - Assessment - Penalty - Recovery - Mode of recovery – Power to Search and Seizure – Power to make Rules.

MODULE III - Motor Vehicles Taxation

- a) T.N Motor Vehicles Taxation Act, 1974 – Definitions – Fleet Operator – Floor Area – Laden Weight – Life Time Tax.

- b) Levy of Tax - Green Tax – Road Safety Tax - Surcharge Additional Tax – Payment of Tax – License.
- c) Establishment of Rural Road Development Fund -Refund – Recovery - Seizure – Assessment – Appeals – Revision – Exemptions.

MODULE IV - Tax on Consumption or Sale of Electricity

- a) The Tamil Nadu Tax on Consumption or Sale of Electricity Act, 2003 - Definitions – Actual User of Power – Captive Generating Plant – Charge on Maximum Demand – Consumer – Electricity – Gross Charge – Generating Company – Licensee - Net Charge – Supply – Unit.
- b) Tax on Consumption or Sale of Electricity – Registration – Recovery of Tax – Maintenance of Books of Accounts - Assessment – Appeals – Authorities under the Act – Exemption – Offences and Penalties.

MODULE V - Taxes Levied by Local Bodies

- a) The Tamil Nadu Panchayats Act, 1994 - House Tax - Vacant Land Tax - Tax on Agricultural Land.
- b) Tamil Nadu Municipal Laws (Amendment) Act, 2009.
- c) Tamil Nadu Village Panchayat (Assessment and Collection of Taxes) Rules 1999.

MODULE VI - Impact of GST on the State Taxes

- a) The Tamil Nadu Entertainments Tax Act, 1939
- b) The Tamil Nadu Tax on Luxuries Act, 1981
- c) The Tamil Nadu Tax on Entry of Goods into Local Areas Act, 2001.

RECOMMENDED READINGS:

BOOKS

1. Habibulla & Co., Chartered Accountants India, *Indian Tax System – An Overview*
http://www.hcoca.com/Pdf/Indian_Tax_System.pdf
2. Durga Das Basu, *Shorter Constitution of India*, LexisNexis.
3. Durga Das Basu, *Introduction to the Constitution of India*, LexisNexis. CA.Keshav Garg, *GST Ready Recknor*, (Bharat).
4. Jaya Vasudevan Suseela, *Indirect Taxes (GST and other Indirect Taxes)*, (EBC Explorer).
5. Karthik Sundaram, *Tax, Constitution and the Supreme Court*, Oakbridge Publishing Pvt. Ltd.

JOURNALS/ARTICLES

1. 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.
2. 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.
3. Vartikasahu and Somesh Kumar Shukla, “A Revolutionary Reform for Indirect Tax with an Analysis of the GST Constitutional 101st Amendment Act, 2016”, International Research Journal of Commerce and Law, ISSN: 2349 – 705X, Vol 04, Issue 9, September 2017.
4. 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.
5. 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

FURTHER READINGS:

BOOKS

1. Yatindra Singh Sisodia, Ashish Bhatt and Tapas Kumar Dalapati (eds), Two Decades of Panchayat Raj in India: Experiences, Issues, Challenges and Opportunities, 2018.
2. Hormasji Maneckji Seervai, *Constitutional Law of India: A Critical Commentary*.
3. MP Jain, *Indian Constitutional Law*, LexisNexis.
4. Charles W.Swenson, *State and Local Taxation : Principles and Practices*, J Ross Publishing .
5. K.Vaitheeshwaran, *Students handbook on Indirect Taxes*, (Snow White).
6. Ram Dutt Sharma, *Understanding Taxes in India* , Commercial Law Publishers (Inida) Pvt. Ltd.
7. Tarun Jain , *Goods and Services Tax – Constitutional Law and Policy* , Eastern Book Company
8. Deloittee, *GST – A Comprehensive Perspective*, Wolters Kluwer, CCHI India
9. H.M.Seervai, *Constitutional Law of India* , Law & Justice Publishing Co.

10. Madhukar N. Hiregange , *Compendium of Issues and Solutions in GST* , Wolters Kluwer.

JOURNALS/ARTICLES

1. Joseph M.Philips, “The Effect of State and Local Taxes on Economic Development : A Meta Analysis”, *Southern Economic Journal*, Vol.62, Pg. 320 – 333
2. Erik M.Jensen , “Taxation and the Constitution”, SSRN, 2018, Pg.1155.
3. Alagappan, S. M., “Indian Tax Structure – An Analytical Perspective” *International Journal of Management*, 10 (3), 2019, pp. 36-43, DOI:10.34218/IJM.10.3.2019/004, Available at SSRN: <https://ssrn.com/abstract=3467425>
4. Dr. Shant kumar A.B and Dr. Sanjeev kumar, “An overview of Indian Tax System Before and After GST”, *IOSR Journal of Business and Management (IOSR-JBM)* e-ISSN: 2278-487X, p-ISSN: 2319-7668, PP 37-40.
5. 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.
6. Alaka Mahavidyalaya, “Grassroots Democracy in India- An Overview”, *Indian Journal of Research*, Vol 4, Issue 7 , 2015.
7. Mona Kausal, “Grassroot Democracy and Empowerment of People : Sharing the Indian Experience on Local Governance”, *Research Gate*, 2013.
8. T.Brahmanandam, “Review of the 73rd Constitutional Amendment : Issues and Challenges”, *Indian Journal of Public Administration*, 2018
9. M. Govinda Rao, “Tax Reform in India: Achievements and Challenges”, *Asia-Pacific Development Journal* , Vol.7 , No. 2 , 2000.
10. Naseema.P.K., History, “Constitutional framework and Evolution of Indian Tax System and Goods and Service Tax – A Study”, *Bharati Law Review* , 2016.

CASES FOR GUIDANCE

1. Radhakrisan Rathi v. Additional Collector Drug & Ors. 597 of 1975.
2. Balaji Theatre v. The Chief Secretary, W.P. No. 3307 of 2018.
3. M/S. Kalpana Glass Fibre Pvt. Ltd. Maharashtra v. State of Orissa and Others
4. Gannon Dunkerley & Co. and others v. State of Rajasthan and others
5. T.M. Kannian v. I.T.O.
6. India Cement v. State of Tamil Nadu
7. B.M. Lakhani v. Municipal Committee

8. Amravati Municipality v. Ramchandra
9. Hyderabad Chemical and Pharmaceutical Works Ltd. V. State of Andhra Pradesh
10. Corporation of Calcutta v. Liberty Cinema
11. Bhagwan Dass Jain v. Union of India
12. M/S.P.V.R Ltd. vs . C.T.O.,
13. Fun World and Tourism Development Ltd. V. State of Gujarat and others
14. Black Thunder Theme Park Private vs State of Tamil Nadu
15. K.J.Saravanan vs The Chief Secretary To Government of Tamilnadu
16. Tata Sky Limited vs The State of Tamil Nadu
17. V.Krishnamurthy vs The State of Tamil Nadu
18. Itc Limited vs The State of Tamil Nadu
19. J.K. Pharmachem Limited vs The State of Tamil Nadu
20. Suryachakra Spinning Mills vs The State of Tamil Nadu

LEARNING OUTCOMES

After completion of the course students will be able –

- *To understand how taxation works in the grass-root levels of democracy.*
- *To understand the powers and functions of local authorities when it comes to taxation.*
- *To analyse and understand the significance of state and local taxes.*
- *To appreciate how GST has impacted State and local taxes.*

PAPER XI
LAW RELATING TO TAX PLANNING AND ECONOMIC
DEVELOPMENT
(Generic Elective Paper)

OBJECTIVES OF THE COURSE

Tax planning, tax avoidance and tax evasion are three different aspects. They might sound over-lapping which is, in reality, untrue. This paper tries to point out the differences between these concepts and enrich knowledge about tax avoidance and tax evasion. The paper also aims to show how the major international organisations have come-up to fight the evils of evasion and avoidance.

This course has been designed to:

- *Point out the thin lines of difference between the concepts of tax planning, evasion and avoidance,*
- *Enable the students understand the intensity of evasion and avoidance,*
- *Provide an insight into the laws framed in India to counter tax evasion and avoidance, and*
- *Enlighten them on the role played by International Organisations in countering tax evasion and avoidance.*

COURSE OUTLINE

MODULE I - Tax Planning

- a) Meaning of Tax Planning – Features and Differences Between Tax Planning, Tax Avoidance and Tax Evasion - Need and Significance of Tax Planning – Types - Strategies of Tax Planning – Tax Planning in respect of Residential Status – Tax Planning relating to Individuals.
- b) Tax Planning with reference to all Five heads of Income for Individuals – Salary, House Property, Profits or Gains from Business and Profession, Capital Gains and Income from Other Sources - Tax Planning with respect to Deductions, Exemptions, Rebate, Relief, Concession and Incentives (Problems focused on Tax Planning).
- c) Tax Planning related to Special Economic Zones (SEZ), Export Processing Zones (EPZ), Export Oriented Units (EOUs).

MODULE II - Tax Avoidance

- a) Definition of Tax Avoidance – Characteristics – Avoidance by Individuals – Avoidance by Corporates.
- b) Methods of Tax Avoidance – Profit Shifting – Use of Tax Havens – Transfer Pricing – Thin Capitalisation – Treaty Shopping – Controlled Foreign Companies.
- c) Impact of Tax Avoidance on the Economic Growth.

MODULE III -Tax Evasion

- a) Definition of Tax Evasion – Characteristics – Types – Causes – Penalties.
- b) Tax evasion according to Kinds of taxation - Tax Evasion in Income Tax – Tax evasion in Customs Duties – Smuggling – Tax Evasion in Business and Profession and their Methods.
- c) Impact of Tax Evasion on Economic Growth - Differences between Tax Planning, Tax Avoidance and Tax Evasion.

MODULE IV - Domestic Legislations to Curb Tax Evasion – Part - 1

- a) Prevention of Money Laundering Act, 2002
- b) Black Money (Undisclosed Foreign Income and Assets) Imposition of Tax Act, 2015
- c) Fugitive Economic Offenders Act, 2017

MODULE V - Domestic Legislations to Curb Tax Evasion – Part - 2

- a) Provisions under Income Tax Act, 1961 – GAAR - Offences and Prosecutions
- b) Provisions under The Central Goods and Services Tax Act, 2017 – Offences and Penalties
- c) Provisions under The Customs Act, 1962 – Offences and Prosecutions

MODULE VI - International Measures to Curb Tax Avoidance and Evasion

- a) Understanding the Meaning of Tax Havens and Secrecy Jurisdictions.
- b) UN - United Nations Model Double Taxation Convention between Developed and Developing Countries - OECD – Model Tax Convention on Income and on Capital – Agreement on Exchange of Information on Tax Matters - The Multilateral Convention on Mutual Administrative Assistance in Tax Matters – Transfer Pricing Guidelines - BEPS Action Plans.
- c) FATF - International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation.

RECOMMENDED READINGS:

BOOKS

1. Nilesh Patel, *GAAR - A Comprehensive Referencer Manual* , Wolters Kluwer pvt.ltd

- (2019).
2. Smarak Swain, *Loopholes Games - A Treatise on Tax Avoidance Strategies*, Wolters Kluwer pvt.ltd (2020).
 3. Rishi Kapadia, *GAAR- Shades of Substance*, Wolters Kluwer pvt.ltd (2017).
 4. *Base Erosion and Profit Shifting (BEPS)* by International Tax Research and Analysis Foundation, Wolters Kluwer pvt.ltd (2016).
 5. *Evolving Trends in International Taxation - In India and Globally* by International Fiscal Association, Wolters Kluwer pvt.ltd (2018).

JOURNALS/ARTICLES

1. McLaren, John, "The Distinction between Tax Avoidance and Tax Evasion has become Blurred in Australia: Why Has it Happened?", (2008) 3(2) Journal of the Australasian Tax Teachers Association 141.
2. McLaren, John, "The OECD's "Harmful Tax Competition" Project: Is It International Tax Law?", (2009) 24(3) Australian Tax Forum 421.
3. OECD, "Promoting Transparency and Exchange of Information for Tax Purposes", 2008.
4. M C Mehanathan, "Law on Prevention of Money Laundering in India", LexisNexis, 2017.
5. Taxmann's, "Guide To Black Money Act A Comprehensive Commentary on Black Money [Undisclosed Foreign Income & Assets] and imposition of Tax Act 2015", Taxmann Publications, 2016 Ed.

FURTHER READINGS:

BOOKS

1. Crivelli, Ernesto, Ruud De Mooij & Michael Keen, "Base Erosion, Profit Shifting and Developing Countries". IMF Working Paper, 2015.
2. Dwyer, Terry, "'Harmful" Tax Competition and the Future of Offshore Financial Centres', (2002) 5(4) *Journal of Money Laundering Control* 302.
3. Sury M.M., *Black Money and Tax Evasion in India - Magnitude, Problems and Policy Measures*, New Century Publications.
4. Anuschka Bakker, Marc M. Levey (Eds.), *Transfer Pricing and Dispute Resolution*.
5. Jyoti Trehan, *Crime and Money Laundering: The Indian Perspective*, Oxford India Paperbacks, 2004.
6. R.N.Lakhotia, *How to Save Income Tax through Tax Planning*, Vision Books.

7. Kaushal Kumar Agarwal , *Corporate Tax Planning* , Atlantic Publishers & Distributors (P) Ltd.
8. CA Akshay Kenkre, *A Handbook on Base Erosion and Profit Shifting* , Lexis Nexis.
9. U.P.Singh, *Anti-Avoidance Tax Measures: With Special Reference to India* , Nupur Singh.
10. Jane G. Gravelle, *Tax Havens: International Tax Avoidance and Evasion*, Congressional Research Service.

JOURNALS/ARTICLES

1. Marie Comiskey and Matthew Sullivan, "Avoidance, Deception and Mistake of Law: The Men's Rea of Tax Evasion" 51 Crim.LQ 303(2006).
2. Richard A. Mullens, "Avoidance vs. Evasion of Income Taxes" 10 SCLQ 670(1957).
3. Lucius A. Buck, "Income Tax Evasion and Avoidance: The Deflection of Income " 23 Va.L.Rev. 265 (1936-37).
4. Sankha Nath Bandyopadhyay, "The Problem with Tax : Planning , Avoidance or Evasion ?" , SSRN , 2012 .
5. Razvan Iordache, "Tax Havens = Smokescreen to Hide Tax Evasion", 2016 Eur. J. Pub. Ord. & Nat'l Sec. 35 (2016).
6. Rebecca Murray and Kevin J. Prosser, "Tax Avoidance" (Sweet & Maxwell, London, 2012).
7. George SK, "The Fine (and Hazy) Line between Tax Avoidance and Tax Evasion" 5 Ct.Uncourt 19 (2018).
8. Vaneeta Rani and R.S.Arora, "Tax Evasion and Corruption in the Indian Income tax System: Causes and Remedies", Indian Journal of Finance , Vol 4 , Issue 10 , 2010.
9. Dr. Devarajappa. S, "Tax Evasion in India: A study of its impact on Revenue of the Government ",EPRA International Journal of Economic and Business Review, Vol 5, Issue 9, 2017.
10. C.A.Dr. Pramod Kumar Pandey, "The Impact of Indian Taxation System on its Economic Growth", SSARSC International Journal of Management, Vol 3, Issue 1 , 2017 .

CASES FOR GUIDANCE

1. Vodafone International Holding v. UOI 329 ITR 126 (HC)
2. IRC v. Duke of Westminster (1936) 19 TC 49 AC 1.
3. McDowell v. CTO AIR 1986 SC 649.
4. UOI & Anr. v. Azadi Bachao Andolan

5. E*Trade Mauritius Ltd 2010 324 ITR 1 (AAR)
6. ITO vs. MUR Shipping DMC Co, UAE (ITA N. 405/ RJT/2013)
7. Pareena Swarup v. Union of India on 30 September, 2008
8. M/S Ajanta Merchants Pvt. Ltd. v. Directorate of Enforcement on 9 April, 2015
9. Rohit Tandon v. The Enforcement Directorate on 10 November, 2017
10. P. Chidambaram v. Directorate of Enforcement on 5 September, 2019
11. Vijay Vittal Mallya v. The State of Maharashtra and Anr on 22 November, 2018
12. Union of India v. Gautam Khaitan on 15 October, 2019
13. Commissioner of Wealth Tax, Gujarat II, Ahmedabad v. Arvind Narottam, Civil Appeal No. 2034-36 of 1974
14. CIT v. Walfort Share and Stock Brokers P. Ltd., Income Tax Appeal No. 18 of 2006
15. Lord Howard De Walden v. IRC, 1942 1 KB 389
16. Latilla v. IRC, 1943 AC 377
17. CIT, Meerut v. Shri BL Garg, Income Tax Reference No. 25 of 1997
18. GB Gautam v. UOI, SC (17 Nov, 1992)
19. CIT v. Vimalaben Bhagwandas Patel, 1979 118 ITR Guj. HC
20. Vidyavati Kapoor Trust v. CIT, 1992 194 ITR 584 Kar. HC

LEARNING OUTCOMES

After completing these modules successfully, the students will be able –

- *To understand and appreciate the differences between tax planning, evasion and avoidance.*
- *To understand how tax avoidance is as harmful as tax evasion.*
- *To understand how the international mechanisms are framed to combat evasion and avoidance.*
- *To understand how India is keeping in line with international mechanisms.*



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamil Nadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

CURRICULUM

FROM ACADEMIC YEAR 2021 – '23

**DEPARTMENT OF CYBERSPACE –
LAW & JUSTICE**

CYBER SPACE - LAW AND JUSTICE

The Department of Cyber Space - Law and Justice of The TamilNadu, Dr. Ambedkar Law University, School of Excellence, Chennai has been newly launched as an updated and unique specialization in the University.

"The modern thief can steal more with a computer than with a gun. Tomorrow's terrorist may be able to do more damage with a keyboard than with a bomb". To understand a broader perspective of the interface of technology and law is a need of the hour.

The TNDALU provides remarkable opportunity to study Cyber Law in convergence with IPR in a collaborative Environment. This discipline is established to provide a continuing legal education in the growing field of Cyber Law. The Objective of this course further stretch out to enrich the students as tech legal experts to serve in Forensics department, Cyber Labs and Technical Expertise in various crime branches.

Human beings are now cyber beings, choosing to spend a considerable amount of time in cyber world. As cyber world expands cybercrimes grows with it. Anonymity awarded by the cyber space makes the matters more complex which can't be handled by conventional laws. The course is designed to enrich the new generation of legal fraternity to grow as cyber law professionals. This Department in LLM will enlighten the students to find career prospects in this arena in convergence with other laws as the choice-based credit system in the Institution will provide them an access with other departments such as IPR, Business Law, Criminal Law and Administration and Human Rights.

The Department of LLM Cyber Space - Law and Justice is formed with a special focus on creating a tech savvy legal fraternity with specialized knowledge and competence in the field of Cyber Laws. The Programme offers 6 Core Papers, 3 Discipline Specific Elective Papers, 2 Generic Elective Papers which synchronizes Technology, Law and Administration. This two-year (four semesters) course will equip them as expertise in this new field of law.

The Elective Papers are constructed with the aim of exploring the global prospects of cyber space. The syllabus of this course is formulated through meticulous research which prepares the students to fetch career opportunities worldwide in an international sphere. The generic electives will create an overall perspective of cyberspace and provides a comprehensive approach towards emerging challenges in Cyber Security and related laws which augments the students as able researchers.

The LLM Programme is offered to create Techno legal Education and Awareness about cyberspace aspects in the society. The University aims at creating equity in education by providing opportunity to all sects including students from rural background for whom Higher Education is unreachable is one of the visions of TNDALU.

THE TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY

BRANCH - X

DEPARTMENT OF CYBER SPACE -LAW & JUSTICE

LL.M SYLLABUS

HARD CORE COURSES – 06

1. Cyber Laws and Regulations in India.
2. Intellectual Property Rights and Cyberspace.
3. Techno Legal aspects of Cyberspace.
4. Global Scenario of Cyberlaws.
5. Cyber Crime in India.
6. Computer Forensics.

DISCIPLINE ELECTIVE COURSES – 03

1. Digital Evidence.
2. Transnational Cyber Crimes.
3. Cyberspace and Telecommunications: Legal and Security Issues.

ELECTIVE COURSES - 02

1. E-Commerce and Consumer Protection.
2. International Cyber Security and Governance

SUBJECTS IN SEMESTERS

<p>First Semester</p>	<ul style="list-style-type: none">• Legal Education and Research Methodology. (Common Course-I)• Judicial Process. (Common Course-II)• Cyber Laws and Regulations in India. (Hard Core Course-I)• Intellectual Property Rights and Cyberspace. (Hard Core Course-II)• E-Commerce and Consumer Protection. (Elective Course-I)
<p>Second Semester</p>	<ul style="list-style-type: none">• Constitutional Law: The New Challenges (Common Course-III)• Law and Social Transformation in India (Common Course-IV)• Techno Legal aspects of Cyberspace. (Hard Core Course-III)• Digital Evidence. (Discipline Elective Course-I)• Applied Research Methodology.
<p>Third Semester</p>	<ul style="list-style-type: none">• Global scenario of Cyber laws. (Hard Core Course-IV)• Cyber Crime in India. (Hard Core Course-V)• Transnational Cyber Crimes. (Discipline Elective Course-II)• International Cyber Security and Governance. (Elective Course-II)
<p>Fourth Semester</p>	<ul style="list-style-type: none">• Computer Forensics. (Hard Core Course-VI)• Cyber Space and Telecommunication: Legal and Security Issues. (Discipline Elective Course-III)• Skill Enhancement Course (SEC)• Dissertation

COURSE – I

CYBER LAWS AND REGULATIONS IN INDIA

(Hard Core Course - I)

OBJECTIVE OF THE COURSE:

The main objective of this course is to make students familiar with the developments that are being taking place in cyber sphere with the help of Computer and Information Technology. The students will acquire knowledge in the Fundamentals of Cyber Law . The abuse of computers has also given birth to a gamut of new age crimes that are addressed by the Information Technology Act, 2000.

LEARNING OBJECTIVES

- *To understand the origin and development of cyber space and cyber laws*
- *To understand the various rules and procedures for the applicability of the cyber laws with reference Indian laws*
- *To understand the contemporary issues and challenges in cyber laws*

COURSE OUTLINE

MODULE I - FUNDAMENTALS OF CYBER SPACE AND CYBER LAW

- a) Computers and its impact in society - Computer and web technology
- b) History of Internet - Cyber Security Definition - Meaning, definition, Genesis of cyber law - Growth and development of cyber law in India - Significance and objectives of cyber law
- c) The difference between Real Space and Cyber Space - Conceptual and theoretical perspective of Cyber Law - Cyber sovereignty - Various components of cyber law - Data and privacy - Cybercrimes - Intellectual property - Electronic and digital signatures
- d) Categories of cybercrimes - Cybercrimes against Individual - Cybercrimes against Property - Cybercrimes against Government

MODULE II - LEGISLATIONS RELATING TO CYBER LAWS IN INDIA

- a) Information Technology Act, 2000 - Aim, objects and Overview of the Act - Jurisdiction - Electronic Governance

- b) Electronic Evidence - Digital Signature and Electronic signature - Subscribers, Certifying Authorities, Internet Service providers - Penalties, Compensation and Adjudication - The Cyber Appellate Tribunal - Offences
- c) The national cyber Security Policy, 2013 - Prevention of Money Laundering Act, 2002
- d) The Indian Evidence Act, 1872 - The Banker's Book Evidence Act, 1891 - Indian Penal Code 1860 - Reserve Bank of India Act, 1934

MODULE III – E-COMMERCE

- a) Meaning and definition of E-Commerce - Evolution of E-Commerce - Types of E-Commerce
- UNCITRAL Model on E-Commerce and its implementation
- b) Legal aspects of E-Commerce relating to -Digital Signatures - Technical and Legal issues of E-Commerce
- c) Trends and Prospects of E-Commerce - E-taxation -E-banking, Payment mechanism in cyberspace - Online publishing - Online payment - E- Contracts
- d) Legal aspects relating to Payment mechanism in cyberspace

MODULE IV – CONSUMER PROTECTION IN CYBER SPACE

- a) E-Consumers, E-Consumers support and services
- b) Caveat Emptor: Consumers Beware - Private policy - Terms of service
- c) Legal remedies - Consumer Protection Act, 2019 - The Specific Relief Act, 1963 - The sale of Goods Act, 1930

MODULE V– LEGAL FRAMEWORK OF PROTECTING PRIVACY IN CYBER SPACE

- a) Concept of Privacy, Principles of Privacy Law, Threats to Privacy in New Technological Regime, Digital and Internet Privacy Challenges - Constitutional perspective of Right to Privacy - Tortious Liability for Protection of Privacy
- b) Regulatory perspective of Privacy under - Information Technology Act, 2000
- c) Right to Information Act, 2005 - Easements Act, 1882 - Indian Penal Code, 1860 - Indecent Representation of Women (Prohibition) Act, 1987
- d) Intellectual Property Rights - Specific Relief Act, 1983

MODULE VI – ONLINE CONTRACTS

- a) Formation and validity of Online Contracts - Types of Online Contracts

- b) Evidentiary value of Online Contracts
- c) Legal issues in Online Contracts
- d) Discharge and Remedies of Online Contracts - Advantages of Online Contracts over conventional contracts

MODULE VII – DISPUTE RESOLUTION IN CYBER SPACE - ODR

- a) Alternate Dispute Resolution (ADR) And Online Dispute Resolution (ODR) - Kinds of ODR
 - Functioning of ODR System - Disputes Handled through ODR Environment
- b) Mode of Communication in ODR
- c) Generation of Confidence in ODR
- d) The impact of ODR in cyberspace - Legal Aspects on ODR

MODULE VIII – CONTEMPORARY ISSUES IN CYBER SPACE AND CHALLENGES IN CYBER LAW

- a) Cloud Computing - Block Chain Technology
- b) Challenges in mobile laws
- c) Legal problems relating to social media
- d) Spam laws

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. N.S Nappinai – Technology Laws, 1st Ed LexisNexis (2017)
2. Apar Gupta, Commentary on Information Technology Act (2016).
3. Justice Yatindra Singh, Cyber Laws, Universal Law Publishing, UP, 2016.
4. Farouq Ahmed, Cyber Law in India, Allahabad Law Agency, 2015
5. Karnika Seth, Computers, Internet and New Technology Laws-A Comprehensive Reference Work With Special Focus On Developments In India, LexisNexis, Nagpur, 2016.
6. Kamath Nandan: Law relating to Computer, Internet and E-Commerce, Universal Law Publishing, UP, 2007.

JOURNALS / ARTICLES

1. Nishith Desai, E-commerce in India – Legal, tax and regulatory analysis available at http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/ECommerce_in_India.pdf
2. Hemali Shah and Aashish Srivastavat —Signature Provisions in the Amended Indian Information Technology Act 2000: Legislative Chaosl, 43 Comm. L. World Rev. 208 2014 available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2748441
3. Christopher Reed, —Legally binding electronic documents: Digital Signatures and Authentication 35(1) International Lawyer 89-106 available at <http://www.jstor.org/stable/40707597>
4. Darrel C. Menthe, Jurisdiction in Cyberspace: A Theory of International Spaces, 4 Mich. Telecomm. & Tech. L. Rev. 69 (1998). Available at: <http://repository.law.umich.edu/mttlr/vol4/iss1/3>
5. Cyber Laws of India, www.iibf.org.in/documents/Cyber-Laws-chapter-in-Legal-AspectsBook.pdf (Book on IT security of IIBF published by Taxmann Publishers)
6. Amlan Mohanty, New Crimes under the Information Technology Amendment Act, 7 Ind. J. L. & Tech. 103 (2011) available at Westlaw India.
7. Rachna Choudhary, Remedies For Breach of E-Contracts, Journal on Contemporary Issues of Law Volume 3 Issue 9. Available at <https://jciil.lsyndicate.com/wp-content/uploads/2017/10/Rachna-Choudhary.pdf>

FURTHER READING:

BOOKS

1. Harish Chander, Cyber Law and IT Protection, PHI Learning Private Limited, Delhi (2015)
2. V. D. Dudeja, Information Technology and Cyber Law , Common wealth Publisher (2017)
3. Anirudh Rastogi, Cyber Law: Law of Information Technology and Internet, Lexis Nexis, (2014).
4. Mark A Lemley, Peter S. Menell, Robert P Merges, and Pamela Samuelson, Software and Internet Law, Aspen Publishers, New York, (2006).
5. Cohen, Lore, Okediji, and O'Rourke, Copyright in a Global Information Economy. Aspean Publisher, New York, (2010)

6. Abhivardhan, Artificial Intelligence Ethics and International Law: An Introduction, BPB Publisher, Delhi (2019)
7. Don Tapscott and Alex Tapscott, Block Chain Revolution, Penguin Random House, UK (2018).
8. Information Technology Law and Practice- Cyber Laws and Laws Relating to E-Commerce Paperback – 1 Nov 2016 by Vakul Sharma
9. Anne S.Y. Cheung, Privacy and Legal Issues in Cloud Computing, Edward Elgar Publishing, (2016).
10. Satish Chandra: Cyber Law in India, ABS Edition 1, 2017
12. Lawrence Lessig, Code and Other Laws of Cyberspace 1999, Code version 2.0, Basic Books Publication (2006).
13. Law Relating to COMPUTERS, Internet and E-Commerce - A Guide to CYBER LAWS & the IT Act, with Rules, Regulations, Notifications & Case Law By NandanKamath (Ed.), Foreword by N.R.Madhava Menon.
14. Cyber Law- Indian And International Perspectives On Key Topics Including Data Security, E- Commerce, Cloud Computing And Cyber Crimes Hardcover – 2012 by AparnaViswanathan
15. Scott Charney & Kent Alexander, Computer Crime, 45 Emory L. J. 931, (1996).

JOURNALS / ARTICLES

1. Teoh, Chooi & Mahmood, Ahmad Kamil. (2017). National cyber security strategies for digital economy. Journal of Theoretical and Applied Information Technology. Available at https://www.researchgate.net/publication/322150967_National_cyber_security_strategies_for_digital_economy
2. Ethan Katsh (2007). Online Dispute Resolution: Some Implications for the Emergence of Law in Cyberspace. Available at <https://www.tandfonline.com/doi/abs/10.1080/13600860701492096>
3. David G.Gordon (2016), Legal Aspects of Cloud Computing. Available at https://www.researchgate.net/publication/316350308_Legal_Aspects_of_Cloud_Computing

CASES FOR GUIDANCE

1. Google India Pvt Ltd. Vs. Vishaka Industries and Anr. AIR 2020 SC 350
2. Sharat Babu Digumarti v. Govt. of NCT of Delhi AIR 2017 SC 150
3. W.B. State Election Commission v. Communist Party of India (Marxist), 2018 SCC On Line SC 1137AIR2018 SC 3964
4. Sonu alias Amar v. State of Haryana: (2017) 8 SCC 570
5. Ramesh Rajagopal vs. Devi Polymers Private Limited AIR 2016SC 1920
6. B.N. Firos vs. State of Kerala and Ors. 2018(9)SCC 220
7. Union of India (UOI) and Ors. vs. G.S. Chatha Rice Mills and Ors. MANU/SC/0714/2020
8. The State of Uttar Pradesh vs. Aman Mittal and Ors. 2019(19)SCC740
9. The Bank NSP Case: State by Cyber Crime Police vs. Abubakar Siddique
10. Baze.com case: Avnish Bajaj vs. State (N.C.T.) Of Delhi 3 Comp LJ 364 Del, 116 (2005) DLT 427, 2005 (79) DRJ 576
11. Parliament Attack Case: State vs. Mohammad Afjal Delhi 1, 107 (2003) DLT 385, 2003 (71) DRJ 178, 2003 (3) JCC 1669
12. Andhra Pradesh Tax Case: Andhra Pradesh State Road vs. The Income-Tax Officer 1964 AIR SCR (7) 17.
13. State of Tamil Nadu v. Suhas Katt
14. Shreya Singhal v. U.O.I AIR 2015 SC 1523
15. Ranjit D. Udeshi v. state of Maharashtra AIR 1965 SC 881
16. Yahoo Inc v. Akash Arora & Anr, 78 (1999) DLT 285
17. Casio India Co. Ltd., v. Ashita Tele systems Pvt Ltd, 106 (2003) DLT 554

LEARNING OUTCOME

After completion of the course students will be able to

- *Understand and explain the rudiments of cyber space*
- *Learn the scope and function of legal and technological regulations of the internet.*
- *Understand with the Social and Legal issues emerging from Cyberspace.*
- *Explore the legal and policy developments in India to regulate Cyberspace.*
- *Develop the understanding of relationship between commerce and Cyberspace*
- *Give learners in depth knowledge legal frame work of cyber laws in India*

COURSE – II

INTELLECTUAL PROPERTY RIGHTS AND CYBER SPACE

(Hard Core Course - II)

OBJECTIVES OF THE COURSE:

Intellectual Property, which is the creation of human mind, plays a prime role in the virtual world. The growing demand of electronic commerce urges the peoples to visit a large number of websites and to explore the ways for digitalizing the works embodying intellectual property. Musical works, pictures, movies, multimedia works and audio-visual works, pictures, software, designs are various products and services based on Intellectual Property which can easily be accessed through the Internet. Though the advent of information technology provides enormous opportunity to entrepreneurs and creators to make profit in a new and rapidly growing medium, the international character of e-Commerce raises various IPR issues relating to domain names, cybersquatting, protection of copyrights and related rights, linking, framing, music and audio-visual works, patents and patentable subject matter, online service providers' liability etc. This course will focus on these new issues and challenges in cyberspace.

With this objective the course is designed to

- *Analyze the expansion of the scope of Intellectual property due to the technological progress of recent years.*
- *Understand the legal issues involved in the protection of Intellectual property in the virtual world under various legislations.*
- *Study the difficulty to resolve disputes of copyright and trademarks in cyberspace since the inadequacy of Intellectual property statutes to cover the new aspects of Information technology.*
- *Discuss the challenges and issues pertaining to Cloud computing, Artificial Intelligence, Block Chain Technology, Big Data Analytics- Data Protection.*

COURSE OUTLINE

Module I Introduction to Intellectual Property Rights:

- a. Intellectual Property - Meaning, Nature, and Concept-Theories of IPR- theoretical justification for Protection of Intellectual Property.
- b. Origin and Development of Intellectual Property Rights-types of intellectual property- Copyright, Patents, Trademark, Designs etc.,

- c. Internationalization of IP Protection-Paris Convention, Berne Convention, TRIPS Agreement

–basic principles and minimum standards- flexibilities under TRIPS

- d. Principles of Reciprocity and Priority- Concept of Minimum Standards- Concept of National Treatment-Concept of Most Favoured Nation (MFN), Doctrine of Exhaustion with respect to Intellectual Property Rights

Module II: Copyright Issues in Cyberspace

- a. Origin of Copyright protection for computer software-originality, doctrine of merger, doctrine of sweat of the brow, idea expression dichotomy
- b. Scope of copyright protection of computer programme-protection for literal element and non- literal element of programme code-protection for functional elements and protocols-protection for program outputs-user interfaces.
- c. Exclusive rights in computer programme- fair use-reverse engineering-software interoperability-Google v Oracle- Copyright Misuse

Module III: Copyright Infringement in Cyberspace

- a. Direct and secondary Liability-volition as an element of direct liability-contributory and vicarious liability for copyright Infringement
- b. Liability of online service providers-safe harbors- Viacom International, Inc. v. YouTube, Inc.
- c. Liability of device manufacturers- doctrine of staple article of commerce- inducement theory

Module IV: Technological Protections for Copyrighted Works

- a. Early History of Technological Protection Measures- The Audio Home Recording Act- WIPO Internet Directives-WCT & WPPT- Obligation concerning technological measures
- b. The Digital Millennium Copyright Act- EU Copyright Directive – Indian Copyright (Amendment) Act 2012-DRM
- c. Second generation of DMCA disputes

Module V: Patent Protection of Computer Programme

- a. Development of patent protection of computer programme in US- algorithm as patentable subject matter-patentability of computer related inventions-computer programme as a 'means to an end' for patent protection
- b. Business method patent- State Street Bank, Bilski v kappos, Alice Corp Private Ltd v CLS bank
- c. TRIPS Agreement-Patent Protection for Computer programme in India –guidelines for computer related inventions.
- d. Design patents on Software

Module VI: Trademark issues in Cyberspace

- a. Domain name and cybersquatting-trade mark infringement and dilution-Anti-cybersquatting Consumer Protection Act-ICANN –Uniform Dispute Resolution Policy
- b. Domain Name as speech
- c. Other uses of trademarks-metatagging-pop up advertisements-key word advertising-gripe sites

Module VII: Software Licensing

- a. Contract formation-shrinkwrap licenses-click wrap licenses, browse wrap licenses and electronic commerce
- b. The contract –intellectual property boundary –IP preemption- Anti trust
- c. Open source licensing

Module VIII: New issues and Challenges in Cyberspace

- a. Artificial Intelligence Big Data Analytics- Concept of Artificial Intelligence- Intellectual Property challenges relating to the recognition of AI creations- Ownership concerns.
- b. Block chain and Management of Intellectual Property Rights-Concept of Block chain- Block chain technology for the management and strengthening of IP regime- Licensing and Smart contracts
- c. Database Protection- EU Database Directive-Right to privacy

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Nandan Kamath, Law relating to Computers Internet & and E-commerce, Universal Law Publishing Co Pvt Ltd. (2009)
2. Rodney D Ryder, Intellectual Property and the Internet, Lexis Nexis Butterworths, New Delhi.
3. David Bainbridge, Information Technology and Intellectual Property Law, Bloomsbury Professional, 7th Edition, (2019).
4. Vakul Sharma, Information Technology Law and Practice, Universal Law Publishing Co Pvt Ltd
5. David Lindsay, International Domain Name Law ICANN at the UDRP, (2007) Hart Publishing, Oxford and Portland, Oregon.
6. Samuelson and others, Software and Internet Law, Aspen Publishers, U.S.

FURTHER READING:

1. Jeanne C. Fromer and Christopher Jon Sprigman, Copyright Law Cases and Materials (2021).
2. Pamela Samuelson et.al. "A Manifesto Concerning the Legal Protection of Computer Programs, Columbia Law Review (1991).
3. Cohen, Loren, Okediji, & O'Rourke, Copyright in a Global Information Economy, Aspen Publishers, Third Edition (2010)
4. Chris Reed, Internet Law, Text and Material, Universal Law Publishing Co. Pvt. Ltd. (2005)
5. Pamela Samuelson, "Privacy as Intellectual Property", Stanford Law Review
6. Raymond S R Ku & Jacqueline D Lipto, Cyberspace Law- Cases and Materials, Aspen Publishers, Second Edition (2006)
7. P. Bernt Hugon Holtz, Copyright and Electronic Commerce, Kluwer Law International, London
8. Mark J. Davidson, Legal Protection of Databases, Cambridge University Press, London
9. Robert P. Morges, Peter S. Menell, Mark A. Lemley, Intellectual Property in the New Technological Age, Aspen Publishers, New York

10. Dr. Irimi A. Stamatoudi & Paul L.C. Torremans, Copyright in the New Digital Environment: The Need to Redesign Copyright, Sweet & Maxwell, London

JOURNALS / ARTICLES

1. Stacey L. Dogan & Mark A. Lemley, Trademarks and Consumer Search Costs on the Internet, 41 Hous. L. Rev. 777 (2004).
2. Mark A. Lemley and R Anthony Reese, Reducing Digital Copyright Infringement without Restricting Innovation, 56 Stan. L. Rev. 1345 (2004).
3. Pamela Samuelson, intellectual Property and The Digital Economy: Why the AntiCircumvention Regulations Need to be Revised, 14 Berkely Tech. L. J. 519 (1999).
4. Julie Cohen, Reverse Engineering and the Rise of Electronic Vigilantism: Intellectual Property Implications of "Lock-Out" Technologies 68 S. Cal. L. Rev 1091 (1995)
5. Rochelle Cooper Dreyfuss, Are Business Method Patent Bad for Business? 16 Santa Clara Computer & High Tech. L.J. 263 (2000)
6. Mark A. Lemley, Intellectual Property and Shrinkwrap Licenses, 68 S. Cal L. Rev. 1239 (1995)
7. Jinku Huang, Is the ACPA a Safe Haven for Trade Mark Infringers? Rethinking the Unilateral Application of the Lanham Act, J. Marshall, J. Comp. & Info. L. 655 (2004)
8. Jessica Litman, Sharing and Stealing, 26 Hastings Comm. & Entertainment L. (2004)
9. Neil W. Netanel, Impose a Non Commercial Use Levy to allow Free Peer-to-Peer File Sharing 17 Harv. J. L. & Tech. 1. (2003)
10. Pamela Samuelson, Did MGM Really Win the Grokster Case? 48 Communications ACM 19 (2005)

CASES FOR GUIDANCE

1. Diamond v Diehr 1981
2. Bilski v Kappos (2010)
3. Alice Corp Private Ltd v CLS bank (2014)
4. Computer Associates international inc., v. altai 982 F.2d 693 (3rd Cir 1992)
5. Sega EnterPrises Ltd v. Accolade Inc., (1992)
6. A & M Records v Napster Inc., 239 F. 3d 1004 (9th Cir. 2001)
7. Metro-Goldwyn-Mayer Studios Inc v. Grokster, Ltd 125 S. Ct. 2754 (2005)
8. Yahoo Inc v. Akash Arora & Anr, 78 (1999) DLT 285
9. Panavision International L. P. v. Toeppen 141 F.3d 1316 (9th Cir 1998)

10. Brookfield Communications inc v. West Coast Entertainment Corporation 174 F.3d 1036 (9th Cir 1999)
11. Tata Sons V Greenpeace International (2011)178 DLT 705
12. Perfect 10, Inc. v. Amazon.com, Inc. 508 F.3d 1146 (9th Cir. 2007)
13. Perfect 10, Inc. v. Visa International Service, Association 494 F.3d 788 (9th Cir. 2007)
14. Viacom International, Inc. v. YouTube, Inc. 676 F.3d 19 (2d Cir. 2012)
15. Stephanie Lenz v. Universal Music Corp. 815 F.3d 1145 (9th Cir. 2016)
16. Sony Corporation of America v. Universal City Studios, Inc. 464 U.S. 417 (1984)
17. A&M Records, Inc. v. Napster, Inc. 239 F.3d 1004 (9th Cir. 2001)
18. Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd. 545 U.S. 913 (2005)
19. Chamberlain Group, Inc. v. Skylink Technologies, Inc. 381 F.3d 1178 (Fed. Cir. 2004)
20. Google LLC v. Oracle America, Inc. 141 S. Ct. 1183 (2021)

LEARNING OUTCOME

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

- *Understand the significance of protecting the different aspects of information generally recognized as Intellectual Property in Computers.*
- *Critically analyze the complicated issues in enforcing Intellectual Property Rights in Cyberspace.*
- *Analyse the challenges posed by the new technologies and examine the role of Intellectual Property protection in the digital environment.*
- *Explore the legal framework in individual states with respect to the articulation of cyber jurisdiction in its personal laws.*
- *Appreciate the relevance of new technologies in the management of Intellectual Property Rights.*

COURSE – III

TECHNO LEGAL ASPECTS OF CYBER SPACE

(Hard Core Course - III)

OBJECTIVES OF THE COURSE:

Technology interacts with social, economic and legal frameworks to set the basic affordances and constraints of human activity over time. The most significant present transformation revolves about computers and the emergence of the networked information economy. These new technological and economic conditions are creating new forms of production and new forms of social behavior that are fundamentally altering the way we know the world, how we learn about how the world. It is important that we know this transformation and understands it in political as well as economic terms. Exploring The Law and Technology Relationship is a significant aspect to learn in this era.

With this objective the course is designed to

- *Understand the rise of technology and advancements in this century*
- *Produce a clarity in the application of technological aspects in Judiciary*
- *Focus on the convergence of law and technology, its impact over upcoming generation*
- *Develop a sense of responsibility in tech legal world as a citizen*
- *Create a Prospective career in E - Law and its tributaries*

COURSE OUTLINE

Module I: Cyber Space - Nature and Framework

- a. Cyber Space - Evolution of Cyber Jurisprudence
- b. Distinction between Conventional Crime and Cyber Crime

Module II: Cyber Crimes - Detailed Outline

- a. Computer Source Code - Cyber Pornography - Cyber Security - Cyber Terrorism
- b. Data Privacy & confidentiality - Digital Signature
- c. Intermediaries - Malware - Other Computer related offences - Unauthorized Access - Violation of privacy - IP Theft
- d. Impersonation - Cyber corporate frauds - Internet frauds and financial crimes - Cyber-Smearing - Interception of communication and theft of commercial data.

Module III: Law and Technology - The Blended Mechanism

- a. Frontiers in Artificial Intelligence - Fundamental Rights in cyberspace - Consumer Rights in the Online Environment
- b. Resolving Legal Complexity - Alternate Dispute Resolution - Online Dispute Resolution
- c. Legal and Ethical Aspects of Artificial Intelligence

Module IV: Judicial Framework

- a. Alternate Dispute Resolution - Online Dispute Resolution
- b. Development of E - Courts - Access to E - Courts - Procedural Impediments
- c. Awareness and Educational Programme on Tech - Legal Mechanism -Pandemic and Issues of Cyber Space

Module V: Convergence of Technical and Legal Aspects of Cyber Space

- a. Growth of Education in Cyber Space - Menace of Digital Piracy - Copyright in Cyber Space
- Measures to Combat
- b. Role of Technology in Economy - E – Contracts - Digital and E – Commerce Markets
- c. Cyber Warfare - Technical Protection and Stealing of Information - Information Warfare

Module VI: Role of Technology in Investigative Framework

- a. Cyber Forensics - The Use of Facial Recognition Technology for Policing
- b. Interpol and Cyber Space - Jurisdictional Issues in Cross - Border Cyber Issues

Module VII: International Approach towards Tech - Legal Prospects

- a. UN's Initiative - E - Treaties - Budapest Convention
- b. Impact of Technology in Right to Privacy - Imparting Human rights through Technological aspects

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Stephen Mason and Andrew Sheldon, Proof: “The investigation, collection and examination of digital evidence, in Electronic Evidence”, LexisNexis, 2013.

2. Vivek Dubey, “Admissibility of electronic evidence: an Indian perspective” , 2017
3. SHACKELFORD, S.J., ‘The Law of Cyber Peace’, Chicago Journal of International Law, 2017
4. GOLDSMITH, J., ‘Cybersecurity Treaties: A Skeptical View’, A Future Challenges Essay, 2011
5. SANDER, B., ‘Cyber Insecurity and the Politics of International Law’, 2017

FURTHER READING:

1. SCHMITT, M. (ed.), Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations (Cambridge University Press, 2017).
2. SINGER, P.W., & FRIEDMAN, A, “Cybersecurity and Cyberwar” (Oxford University Press, 2014
3. TSAGOURIAS, N., ‘The legal status of cyberspace’, in TSAGOURIAS, N., & BUCHAN, R. (eds.), Research Handbook on International Law and Cyberspace, 2015
4. VISHIK ET AL., C., ‘Key Concepts in Cyber Security: Towards a Common Policy and Technology Context for Cyber Security Norms’, 2016
5. FINNEMORE, M. & HOLLIS, D.B., ‘Constructing Norms for Global Cybersecurity’, 110 American Journal of International Law (2016)

LEARNING OUTCOMES

After completion of the course students will be able to

- *Understand the impact of technology on legal sphere*
- *Explore the new career prospects in technological phase of legal and para legal arena.*
- *Have clarity over the interface of technology with new dimensions of law and administrative procedures*
- *Focus on the E - Litigation in various countries and its impact over new developments*
- *Analyse the impact of technical intrusion in law and social justice.*

COURSE – IV

GLOBAL SCENARIO OF CYBER LAWS

(Hard Core Course - IV)

OBJECTIVES OF THE COURSE:

Cyber space is the intangible dimension that is difficult to govern and regulate using conventional legislation and Cyber Law is the need of the hour in this digital age. This course explains the growth of cyber law and the growing challenges ahead in the digital society.

With this objective the course is designed to

- *Understand the role of Cyber legislation in current scenario.*
- *Analyze the global structure of cyber law and its implications through international conventions and guidelines*
- *Study the changing dimensions of cyber law along with the parallel growth of technologies.*
- *Discuss the dispute settlement approaches in international sphere.*

COURSE OUTLINE

Module I: Global Digital Sovereignty

- a. Information Warfare - Cyber Warfare - Cyber Terrorism - Cyber Operations and Jus ad Bellum - The “Interstate” Dimension of Cyber Operations - Cyber Operations as “Armed Attacks” - Article 51 of UN Charter
- b. Cyber Attacks as "Force" under Article 2(4) of UN Charter - Worldwide Cyber Attack Cases -Experian Breach case - Cognizant Technology Solutions Corp case - Australian Broadcaster - Channel Nine case
- c. Cyber Attack on World Health Organization (WHO) - 25,000 email addresses and passwords stolen - its impact - Zoom App - Zoom bombing case
- d. Cyber Attacks targeting Education Sector - University of the Highlands and Islands - California University case

Module II: International Scenario of Cyber Legislation

- a. International law on Cyberspace - Existing Challenges on International Law and Governance on Cyberspace - Jurisdictional Challenges

- b. International legal framework for combating cybercrime - Budapest convention on cybercrime - The OECD Global Forum on Digital Security - North Atlantic Treaty Organisation NATO on Cyber Attacks carried by countries against NATO members - NATO & EU on Cyber defence
- c. Asia Pacific Economic Cooperation (APEC) - The Global Cyber-Security Agenda of the International Telecommunication Union - Shanghai Cooperation Organization - Cyber Sovereignty of China and Soviet countries
- d. Cyber Operations and UN Security Council Enforcement - maintenance of international peace and security - ICJ on Cyber Operations and the Law of Neutrality

Module III: International Legal Frameworks for Combating Cyber Crime

- a. Virtual Global Task Force - Society for the Policing of Cyberspace - Protecting Children in Cyber Space
- b. The UNODC perspective - UNODC Global Programme on Cybercrime - UNODC Cybercrime Repository
- c. Convention on Cybercrime - Budapest Convention - Council of Europe Convention on Cybercrime: benchmark of international standards

Module IV: Online Dispute Resolution in Cyber Crimes (ODR)

- a. History of Online Dispute Resolution - Online Negotiation - Online Mediation - Online Arbitration - ODR vs Litigation
- b. Cybersecurity in Online Dispute Resolution - Advantages of Cyber-Mediation - Cost Savings and Convenience - Avoidance of Complex Jurisdiction Issues
- c. Disadvantages of Cyber-Mediation - Limited Range of Disputes - Potentially Inaccessible -
Limited Access - Concern over Confidentiality - The eBay ODR Experiment Case
- d. Traditional Mediation vs Cyber-Mediation Using Software and a Neutral Third-Party Facilitator - Future of ODR

Module V: Cyber Crimes and International Economy

- a. Ransomware - Attacks on Cryptocurrency Exchanges - Bitcoin - United States v. Ross William Ulbricht
- b. Cyber Attacks and its impact on Economy to an organization - Insider Attacks - Social Sites - Cybercrime-as-a-Service (CaaS) - loss of IP and business - confidential information - Net extortion

- c. IP Theft - Cyber Espionage and International Economy - Cyber Insurance

Module VI: Social Impact on Global Cyber Crimes

- a. Cyber Crime & Society - Cyber pornography impacts on younger adults - Cyber-bullying and Psychological impact
- b. Cyber Violence against Women - Crime against Privacy - Cyber Victimization
- c. Cyber Crimes on social media - Its Impact

Module VII: Cyber Diplomacy and Defensive Mechanism

- a. Cyber Diplomacy - Cyber Ethics - EU's approach to Cyber diplomacy and Cyber defence
- b. Uniform implementation of basic security measures - Investment in defensive technologies
- c. ITU, ICANN, and Internet Governance Forum - governing fundamental norms, principles, and operationalities of cyberspace - Increased cooperation among international law enforcement agencies - Harmonization of legislation and guidelines

Module VIII: International Human Rights on Cyber Space

- a. Online speech and Freedom of Expression - UN Human Rights Council
- b. Right to Privacy - Article 17 of the International Covenant on Civil and Political Rights (ICCPR) - Riley v. California - warrant for searching cell phones
- c. Cyber Racism - Freedom from discrimination - Art 2 of UDHR - Art. 26 of ICCPR - Gender- based interpersonal cybercrime - UN Office of the High Commissioner for Human Rights

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Prof. Dr. Marco Gercke, "Understanding cybercrime: Phenomena, challenges and legal response", 2012
2. Barney, Prometheus Wired: The Hope for Democracy in the Age of Network Technology, 2001
3. Nils Melzer "Cyberwarfare and International Law", 2011

4. Esther van den Heuvel , “ONLINE DISPUTE RESOLUTION AS A SOLUTION TO CROSS-BORDER E-DISPUTES AN INTRODUCTION TO ODR”
5. E. Katsh, J. Rifkin and A. Gaitenby, E-Commerce, E-Disputes and E-Dispute Resolution: In the Shadow of “eBay Law”, 2000

FURTHER READING:

1. WIPO Reading Material on Intellectual Property, WIPO, Geneva
2. Mukul Vermai, “Are Laws Pertaining to Cyber Crimes in India Sufficient in the Current Scenario”, International Journal of Law Management & Humanities, 2021
3. Ajayi, “Challenges to enforcement of cyber-crimes laws and policy”, E. F. G. School of Law, Kenyatta University, Nairobi, Kenya, 2016
4. The Slow Wake of a Global Approach Against Cybercrime, Computer Law Review International 2006
5. Hetram yadav and Shashant Gour, “Cyber Attacks: An impact on Economy to an organization”, 2014
6. Mueller, M., “Will the Internet fragment? Sovereignty, globalization and cyberspace.”, Cambridge, UK: Polity Press, 2017

LEARNING OUTCOME

After completion of the course students will be able to –

- *Understand the different dimensions of cyber issues and legislations.*
- *Know the role of International Organizations and Conventions in combating cybercrimes.*
- *Examine various doctrines and precedents in resolving the emerging disputes.*
- *Understand the global framework of cyber law and its implications across the nations.*
- *Explore futuristic issues and the need for robust law mechanism to meet the changes.*

COURSE – V

CYBER CRIME IN INDIA

(HARD CORE COURSE - V)

OBJECTIVES OF THE COURSE:

Cybercrimes is recognised to be as one of the most important subject or part of Cyber law as we are visualising and realising many computer crimes in India and globally. The purpose of cybercrime related legislations is mainly to protect the internet users from the hands of cyber criminals who could potentially spoil the fruits of cyber space technology. It is generally allied with the analysis of computer forensics and digital evidence in criminal proceedings. Evidence composed from cyber forensic analysis is typically subjected to similar procedures and performs as supplementary digital evidence. With these developments it is pertinent to study and also update the dynamic changes in cybercrimes happening in India.

With this objective the course is designed to

- *Equip the students with understanding of criminal activities in cyberspace*
- *To encounter students with the regulatory regime cybercrimes;*
- *Increase knowledge on investigation of cyber offenses and online frauds and combating procedures.*
- *Develop Proficiency in various techniques to mitigate the complexities associated with cyber threats.*
- *Understand the impact of cybercrimes in our society*
- *Explore professional career prospects in the field of cyber crimes*
- *Recognize the need for amendments, polices to combat and prevent cyber crimes*

COURSE OUTLINE

Module I: Meaning and Nature of Cyber Crimes

- a. Evolution of Cyber Crimes - Meaning of Cyber Crimes - types of Computer Crimes
- b. Cyber Criminology and victimology - Theories in cyberspace and cybercrimes
- c. Cybercrimes and Traditional Crimes

Module II: Cybercrime's offences

- a. Online based Cyber Crimes - Phishing and its Variants - Web Spoofing and E-mail Spoofing

- b. Cyber Stalking - Web defacement - Financial Crimes - ATM and Card Crimes - Spamming - Commercial espionage - Commercial Extortion online - Money Laundering - Software and Hardware Piracy
- c. Cyber Terrorism - Online Sale of Drugs - Online Sale of Arms - Crime-as-a-Service (C-aa-S) - Ransomware - Criminal misuse of Data - Cyber-attack on Core Banking System - Dark Net Crime
- d. Obscenity in electronic form& child pornography in cyberspace

Module III: Jurisdiction and Legislative Issues in Cyber crimes

- a. Section 75 of Information Technology Act ,2000 - Section 178 & 179 of Code of Criminal Procedure, 1973
- b. Section 65B (4) of Indian Evidence Act 1872 - Convergence of I.T. Act & Indian Penal Code
- c. Contradiction in applicability of other legislations and I.T.Act for Cybercrimes - Adjudication of Offences (Cybercrimes) under I.T. Act, 2000 - Adjudication - E Courts (Electronic courts) - Online Dispute Resolution (ODR)
- d. Cross Border Investigations - Cyber Conflict Investigations

Module IV: Implementation and enforcement issues in cyberspace

- a. Territorial issues - Doctrine of Extraterritoriality - Technological Constraints in Policing and Investigations
- b. Digital Evidence and Cybercrimes - Growth of Cyber Forensics
- c. Legal Issues and Court Room Skills - Constraints in Search and Forensics

Module V: Latest Trends in Cybercrimes Jurisprudence

- a. Women - Children - Vulnerable targets – Recent legal developments
- b. Techno legal perspectives of cybercrimes - Need for Risk Assessment and Vulnerability test
- c. Need for Cybercrime possibility awareness in technologies - IP and Cybercrimes
- d. Cyber Forensics - Tools and Targets

Module VI: ISP liability and Cyber crime

- a. Primary and Secondary Liability - Theories related to liability in Cyber Crime

- b. Principle of due diligence - Techno Legal Constraints in the applicability of Safe Harbour
- c. Notice & Take-down principle - ISP liability-global model - ISP liability-perspective of I.T. Act, 2000

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. NandanKamath, Law Relating to Computers, Internet and E-commerce, Universal Publication ,4th edition 2009.
2. Rodney Ryder, Cyber Laws, Wadhawa Publication (2008)
3. UNICITRAL MODEL LAW (1996).
4. Vakul Sharma, Information Technology Law and Practice, Universal Law Publicaiton, 3rdedition (2012)
5. Russel g. Smith, Peter Grabosky&GregorUrbas: Cyber criminals on Trial, Cambridge University Press, 2011
6. Nina Godebole, SumitBelapure, Cyber Security: Understanding Cyber Crimes, Computer Forensics and Legal Perspectives, 2011
7. Bill Nelson, Amelia Phillips, Frank Enfinger, and Christopher Steuart, Guide to Computer Forensics and Investigation, 2nd Edition

FURTHER READING:

1. Andrew Murray, Information Technology Law: Law & Society, Oxford University Press, 2010
2. PavanDuggal, Mobile Law, Universal Law Publishing Co. 2011
3. Michal D. Scott, Scott on Information Technology Law, 3rd ed., (Volume I & II), Wolters&KluwerPublications
4. Russel g. Smith, Peter Grabosky&GregorUrbas: Cyber criminals on Trial, CambridgeUniversity Press, 2011
5. Diane Ronald & Elizabeth MacDonald: Information Technology Law, Cavendish Publishing Limited, 1997

JOURNALS / ARTICLES

1. Ashok Wadje, Obscenity in Electronic Form: Exploration of Regulations, available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2196473
2. Cyber Crime and Cyber Law in India: An Analysis by Prabhash Dalei and Tannya Brahme. Available at: <http://psrcentre.org/images/extrainimages/IJHAS024054.pdf>
3. Cyber Laws by Karnika Seth, Annual Survey of Indian law, Indian Law Institute Publication, 2011
4. Joel P. Trachtman, Cyberspace, Modernism, Jurisdiction and Sovereignty. Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=91668
5. IT Act 2000 vs 2008- Implementation, Challenges, and the Role of Adjudicating Officers by Karnika Seth. Available at: <http://www.karnikaseth.com/publications>
6. Information Technology (Amendment) Act, 2008: A new vision through a new change, by Vikas Asawat. Available at: <http://ssrn.com/abstract=1680152>
7. Evolving strategies for the enforcement cyber laws by Adv. Karnika Seth, High Level Consultation Meeting for formulation of a National Policy and Action plan for Enforcement of Cyberlaw, New Delhi on 31, Jan 2010 Available at: <http://www.karnikaseth.com/publications>
8. Vijay Kumar Singh, Role played by Police Authorities in prosecution of offences under the Information Technology Act-A need for reform, Indian Bar Review, Vol. XXXI (1 & 2) 2004
9. Cyber Laws by Karnika Seth, Annual Survey of Indian law, Indian Law Institute Publication, 2011
10. Cyber Laws, by Yatinder Singh J., Journal of Indian Law Institute, Vol. 44 2002.

LEARNING OUTCOME

After completion of the course students will be able to

- *Develop strategy, policy, advocacy in cybercrimes related technology and regulations.*
- *Develop and grow as cybercrime experts in corporations, law firms, and companies*
- *Expertise as forensically sound in legal matters in various courts.*
- *Analyse and Apply knowledge of electronic data during investigation and examination in legal matters.*

COURSE – VI

COMPUTER FORENSICS

(Hard Core Course - VI)

OBJECTIVES OF THE COURSE:

Cyber forensics, also known as computer forensics, which is a subdivision of digital forensic science, relating to evidence detection in computers and digital storage media. The purpose of cyber forensics is the forensically-sound investigation of digital media with the intent to: identify, preserve, recover, analyze, present facts, and opinions; concerning the digital information. Even though it is generally allied with the analysis of cyber-based crimes, computer forensics may also be used in civil proceedings. Evidence composed from cyber forensic analysis is typically subjected to similar procedures and performs as supplementary digital evidence. With these advancements, it was desired that cyber forensics be to protect users and remain citizen-centric.

With this objective the course is designed to

- *Expertise with the knowledge on investigation of cyber offenses and online frauds and combating procedures.*
- *Proficiency in various techniques to mitigate the complexities associated with cyber threats.*
- *Understand the impact of cyber forensics in societal development.*
- *Explore professional career prospects in the field of cyber forensics*
- *Recognize the new policy regulations in the nation which focuses on cyber forensics and its development*

COURSE OUTLINE

Module I: Artificial Intelligence and Law

- a. Evolution of Cyber Forensics - Introduction to Cyber Forensics - Overview of types of Computer Forensics
- b. Network Forensics - Mobile Forensics, and E-mail Forensics - Cloud Forensics - Database Forensics - Services offered by Digital Forensics - Role of First Responder
- c. Identity Management Security Systems - Identity Theft - Biometric Security Systems

Module II: Cyber Forensics and Computer Crimes

- a. Online based Cyber Crimes - Phishing and its Variants - Web Spoofing and E-mail Spoofing
- b. Cyber Stalking - Web defacement - Financial Crimes - ATM and Card Crimes - Spamming - Commercial espionage - Commercial Extortion online - Money Laundering - Software and Hardware Piracy
- c. Cyber Terrorism - Online Sale of Drugs - Online Sale of Arms - Crime-as-a-Service (C-aa-S)
- Ransomware - Criminal misuse of Data - Cyber-attack on Core Banking System - Dark Net Crime

Module III: Cyber Forensics - Evidentiary Aspects from Techno - Legal Perspective

- a. Extraction of Evidence - Examination - Organisation of Evidence - Admissibility of Forensic Evidence In Digital Format In A Legal Court In India - In Shafi Mohammad v. The State of Himachal Pradesh - Twentieth century Film Fox Corporation v. NRI Film Production Association (Pvt) Ltd.
- b. Cyber Forensics Investigation - Managing the Digital Crime Scene - Data Recovery - Role of the Computer Forensics Analyst in Court
- c. Forensics in social media - Search and Seizure - Evidence in the form of e-mails, internet history, documents or other files related to crimes such as murder, kidnapping, fraud and drug trafficking
- d. Role of Cyber Forensics in Intellectual Property Theft - Industrial Espionage - Internet Fraud - Electronic Forgery - Impediments in Cyber Forensic Investigation in India

Module IV: Jurisdiction on Cyber Forensics Arena

- a. Section 75 of Information technology Act ,2000 - Section 178 & 179 of Code of Criminal Procedure, 1973 - Section 65B (4) of Indian Evidence Act 1872
- b. SIL Import V. Exim Aides Silk Importers - Asahi metal industry co. v. Supreme court - Complexity in deciding the territorial jurisdiction of cyberspace as the user can access website at any place in the world
- c. Adjudication - E Courts (Electronic courts) - Online Dispute Resolution (ODR)

Module V: Role of Cyber Security in India

- a. Sec 66 - Information Technology (Amendment) Act, 2008 - NASSCOM - Data Security Council of India (DSCI))

- b. Cyber Security Task Force - National E-Governance Plan (NeGP)
- c. Role of CBI - Cyber Crimes Research and Development Unit (CCRDU) - Cyber Crime Investigation Cell (CCIC) - Cyber Forensics Laboratory - Network Monitoring Centre.
- d. Need for uniformity in Cyber Security Control and Enforcement Practices - Dilipkumar Tulsidas v. Union of India

Module VI: International Approach towards Cyber Forensics

- a. Role of Federal Bureau of Investigation (FBI), CIA, NSA, and GCHQ - Regional Computer Forensic Laboratory
- b. Position in UK - The five-year National Cyber Security Strategy - Centre for the Protection of National Infrastructure (CPNI) - National Cyber Security Centre -
- c. The International Society of Forensic Computer Examiners (ISFCE) - Cyberspace Regulations and Role of UN
- d. Council of Europe's Convention on Cybercrime - Budapest Convention.

Module VII: Impact of Cyber Forensics in Society and Individual

- a. Ethics of Cyber Forensics in India - Impact of Cybercrimes - To the Individual - Corporate and Companies - Government and the Nation
- b. Right to Privacy in Cyber Forensics and Cyber Security - Data Theft - Constitutional Mandate - Aadhar Card Case - Justice K.S. Puttaswamy v Union of India

Module VIII: Growing Challenges and Future Paradigm in Cyber Forensics

- a. Insufficient Cyber Forensic Laboratories - Lack of Cyber Crime Police Stations (CCPS) – Cyber Courts - Cyber Crime Investigation & Forensic Training Facilities - Centres of Excellence in Cyber Forensic in all major cities
- b. Absence of universally coherent accepted guidelines in digital forensics
- c. Legal and Judicial Reforms - Proposal of National Litigation Policy of India (NLPI)

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Albert J. Marcella, “Computer Forensics : A Field Manual for Cancelling, Examining, and Preserving Evidence of Computer Crimes”

2. V.R. Dinkar, Scientific Expert Evidence,-determining the probative value and admissibility in the courtroom, Eastern Law House, 2013
3. S.K. Verma& Raman Mittal eds. 2004, Dimensions of Cyber Space, Indian Law Institute Legal
4. Andrew Murray, Information Technology Law: Law & Society, Oxford University Press, 2010
5. Russel g. Smith, Peter Grabosky&GregorUrbas: Cyber criminals on Trial, Cambridge University Press, 2011
6. Nina Godebole, SumitBelapure, Cyber Security: Understanding Cyber Crimes, Computer Forensics and Legal Perspectives, 2011
7. Bill Nelson, Amelia Phillips, Frank Enfinger, and Christopher Steuart, Guide to Computer Forensics and Investigation, 2nd Edition

FURTHER READING:

1. Maras, M. (2015). Computer forensics: Cybercriminals, laws, and evidence. (2nd ed). Burlington, MA: Jones & Bartlett Learning.
2. Bill Nelson, Amelia Phillips and Christopher Steuart; “Guide to Computer Forensics and Investigations”, 2010
3. John R. Vacca, “Computer Forensics - Computer Crime Scene Investigation, Second Edition”
4. Debra Littlejohn Shinder, “Scene of the Cybercrime” Computer Forensics Handbook, 2002
5. Broadhurst, R. G, “Developments in the global law enforcement of cyber-crime. Policing: an International Journal of Police Strategies and Management”, 2006, 29(3), 408-433
6. Dr. Anjani Singh Tomar, “Cyber Forensics in Combating Cyber Crimes”, 2014
7. Shrivastava, Gulshan & Sharma, Kavita & Khari, Manju & Zohora, Syeda, “Role of Cyber Security and Cyber Forensics in India”, 2018

JOURNALS / ARTICLES

1. Kirankumar Akate Patil, Shrinivas Vyawahare, Kiran Shejul, Madhuri Girase, “Hurdles in Cyber Forensic Investigation in India”, IOSR Journal of Computer Engineering (IOSR-JCE) e-ISSN: 2278-0661,p-ISSN: 2278-8727, PP 18-21

2. Dubey V. Admissibility of electronic evidence: an Indian perspective. *Forensic Res Criminol Int J.* 2017;4(2):58-63
3. Dr. Sudhir Kumar Sharma, “Cyber Security: A Legal Perspective”, *International Journal of Computer and Internet Security.* ISSN 0974-2247 Volume 9, Number 1 (2017), pp. 1-11 © International Research Publication House
4. Nilima Prakash, Dr. Roshni Duhan, “COMPUTER FORENSIC INVESTIGATION PROCESS AND JUDICIAL RESPONSE TO THE DIGITAL EVIDENCE IN INDIA IN LIGHT OF RULE OF BEST EVIDENCE”, *International Journal in Management and Social Science* Volume 08 Issue 05, May 2020 ISSN: 2321-1784

LEARNING OUTCOME

After completion of the course students will be able to

- *Play roles in strategy, policy, advocacy, and legal advisory and litigation roles for businesses, individuals, and organisations that depend upon technology.*
- *Develop and grow as digital forensic experts in corporations, law firms, insurance agencies, and law enforcement organisations.*
- *Expertise as forensically sound in legal matters across the nation.*
- *Analyse and Apply knowledge of electronic data during investigation and examination in legal matters.*
- *Explore and research the new advancements of Cyber Forensic Policies and career prospects across the world*

COURSE – VII

DIGITAL EVIDENCE

(DISCIPLINE ELECTIVE COURSE - I)

OBJECTIVES OF THE COURSE:

Digital evidence as a form of physical evidence creates several challenges for forensic examiners. It's a different form of evidence that can be difficult to handle. On the other hand, fortunately digital evidence has several features that mitigate the problem technically and legally.

With this objective the course is designed to

- *Identify and correctly define the instances for the application of computer forensics - digital evidence*
- *To understand the laws and ethics by which digital evidence is governed in our country and worldwide.*
- *Consider the role of the regulating bodies in identification and application of digital evidence*
- *Understand and evaluate how these cyber forensics impacts the financial and other legislation*

COURSE OUTLINE

Module I: Digital Evidence - Nature and Source

- a. Sources - Standards for Collecting and Handling Digital Evidence
- b. Presentation - Admissibility of Digital Evidence in Court
- c. Integrity, Discovery, and Disclosure of Digital Evidence
- d. Constitutional Validity - The Nature and Challenges of Digital Evidence

Module II: Digital Evidence - Indian Perspective

- a. Law relating to Digital Evidence in India - Electronic Evidence and the Indian Evidence Act 1872 - Amendments in Evidence Act - Sec 2A - Sec 2(3) - Changes in the Banker's Book Evidence Act, 1891
- b. Sec 172 - 175 - Sec 463 - Sec 465 - Changes in Indian Penal Code, 1860 - 45 A - Information Technology Act, 2000 - Section 79A of the IT(Amendment) Act, 2008

- c. Recent rulings of Indian courts on Digital Evidence - State of Punjab v. Amritsar Beverages Ltd - Evidence recorded on to CD In the case of Jagjit Singh v. State of Haryana (2006) - Parliament Attack Case
- d. Admissibility of intercepted telephone calls - The case of State (NCT of Delhi) v. Navjot Sandhu, (2005) - whether a hard disk of a computer can be considered as documentary Evidence - Dharambir Vs. CBI - Call Records: In Rakesh Kumar and Ors. Vs. State
- e. Examination of a witness by Video Conference - The State of Maharashtra v. Dr. Praful B Desai, 2003

Module III: Electronic Evidence and the Indian Supreme Court

- a. Som Prakash vs. State of Delhi - Admissibility of Electronic Evidence - State vs. Mohd. Afzal And Ors
- b. Anvar vs. Basheer - Section 65B of the Evidence Act - special provision governs digital evidence - 'lex specialis derogat legi generali'
- c. Ratan Tata v. Union of India - CD containing intercepted telephone calls was introduced in the Supreme Court without following the procedure laid down under section 65B of the Evidence Act

Module IV: Digital Evidence and Cloud Forensics - Comparative Study

- a. Digital Forensic Investigation - Digital Evidence in the Cloud - The Emergence of Cloud Storage - Existing Legal Frameworks for Capturing Digital Evidence in the Cloud - Legal Challenges for Cloud Forensics
- b. The USA Legal Framework - Microsoft Ireland case.
- c. European Legal Framework - The Group of Eight (G8) - Principles on Transborder Access to Stored Computer Data - Principles on Accessing Data Stored in a Foreign State
- d. Law Enforcement Authorities - Co-operation with service providers

Module V: IT ACT 2000 & ADMINISTRATIVE IMPLICATIONS

- a. Digital Signature Certificates - Securing Electronic records - Duties of Subscribers - Role of Certifying Authorities - Regulators under the Act
- b. The Cyber Regulations Appellate Tribunal - Internet Service Providers and their Liability - Powers of Police under the Act - Impact of the Act on other Laws
- c. E -Taxation issues - E - Contract issues and Digital Evidence

- d. Financial Amendments and Digital Evidence - Income-tax Act, 1961 - Finance Act, 2001 - Finance Act, 2002 Finance Act, 2009 - Reserve Bank of India Act, 1934

Module VI: Digital Evidence Legislation on Major Countries - The Comparison

- a. United States: Uniform Electronic Transactions Act, 1999 - United Kingdom: Electronic Communications Act 2000 - UK Electronic Signatures Regulation 2002
- b. Canada - Personal Information Protection and Electronic Documents Act, (PIPEDA), 2004
- c. Australia - Electronic Transactions Act 1999 - European Union: European Directive 199/93/EC on Digital Signature laws
- d. South Africa - Electronic Communications Act, 2005

Module VII: Digital Evidence - International Scenario

- a. Article 1 - Section 3.1.1 of the Budapest Convention on Cybercrime
- b. Power of Disposal - United Nations Commission on International Trade Law (UNCITRAL) model Law on Digital Evidence
- c. Legal Standard of Admissibility of Evidence - In Purview of International Criminal Court (ICC) - Rule 69(4) of the ICC Rules of Procedure and Evidence - Probative Value & Evidentiary Weight of Evidence - The Bemba Case
- d. Evidentiary Considerations of Digital Evidence - Prosecutor v. Bagosora

Module VIII: Digital Evidence - The Challenges Ahead

- a. Old procedural guarantees vs. new digital evidence processes
- b. Unaddressed threats to fairness and the presumption of innocence - Inappropriate use of poorly tested technology undermines the right to a fair trial
- c. Difficulties in Search and seizure of Physical Evidence vs. Digital Evidence
- d. The sanctity and relevance of Digital Evidence - The Retrieval Mechanism: Physical vs. Logical - Reliability Crisis in Digital Forensics

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

- 1. Tejas D. Karia, "Admissibility of Digital Evidence", 2007

2. Stephen Mason and Andrew Sheldon, Proof: “The investigation, collection and examination of digital evidence, in Electronic Evidence”, LexisNexis, 2013.
3. Christos Karagiannis and Kostas Vergidis, “Digital Evidence and Cloud Forensics: Contemporary Legal Challenges and the Power of Disposal”, 2021
4. Vivek Dubey, “Admissibility of electronic evidence: an Indian perspective” , 2017
5. Radina Stoykova, “Digital evidence: Unaddressed threats to fairness and the presumption of innocence”, 2021

FURTHER READING:

1. J. Hofman, “Electronic Evidence in Criminal Cases”, 2006
2. Paul, George L. “CANVASSING THE EMERGING LAW OF DIGITAL INFORMATION: STEPHEN MASON'S”, ELECTRONIC EVIDENCE”, 2017
3. E. Casey, “Digital Evidence and Computer Crime: Forensic Science, Computers and the Internet”, 2011
4. An Overview of the Use of Digital Evidence in International Criminal Courts’ (Salzburg Workshop on Cyber Investigations), 2013
5. G. Kessler, “Judges Awareness, Understanding, and Application of Digital Evidence”, 2011

LEARNING OUTCOME

After completion of the course students will be able to

- *Understand the Nature of Electronic Information and the devices and software used to create, store, retrieve and present it.*
- *Understand and discuss the legislation governing Digital Evidence and its impact in the society*
- *Critically interpret the shortcomings of the legislation and the need for new changes*
- *Increase the proficiency in analysing digital evidence admissibility issues and the cases concerned*
- *Gain clarity of how evidentiary issues are affected when material is in an electronic form and current updated changes across the globe.*

COURSE – VIII

TRANSNATIONAL CYBERCRIMES

(Discipline Elective Course - II)

OBJECTIVES OF THE COURSE:

Today in the epoch of technology, all aspects of a life including professional, personal, finance & educational are gravitating towards digitalization. Because of this heavy dependency on computers and other similar computing devices and networks, we store and transmit profuse data on regular basis which creates the aspect of cyberspace which is more vulnerable to cyber-attacks. This course explains Transnational Cybercrimes and the need for Cyber Security in a robust manner.

With this objective the course is designed to

- *Identify the emerging legal issues in a digital networked environment including issues of jurisdiction and enforcement of rights and liabilities in cyberspace*
- *Consider the role of the regulating bodies in identifying and combating transnational cybercrimes.*
- *Identify and analyse recent developments in national and global law-making policies of cybercrimes*
- *Understand and evaluate how these developing concepts affect the flow of information in society and the techno legal framework for regulating the crimes.*

COURSE OUTLINE

Module I: The Transnational Nature of Cyber Crime

- a. The Global Landscape of Cybersecurity - “Lex loci delicti” rule - Cybercrimes - Extraterritorial aspects
- b. Cybercrime regulation challenges - State and Transnational laws versus Global laws

Module II: Transnational Cyber Crimes - Jurisdictional Framework

- a. Jurisdiction - Cause of Action - Legislative Enforcement - Adjudicative Jurisdiction
- b. Indian Context of Jurisdiction - International position of Jurisdiction in Cybercrimes - Internet Jurisdiction
- c. Overcoming Jurisdictional Challenges - Foreign Judgments - The need for a global response to a multi-jurisdictional crime - Dispute Settlement - Victim Management

Module III: Cyber Crimes Scenario in India

- a. Cyber Digital Piracy - Nation's Piracy - Funding transnational organized crime networks trade in counterfeit and pirated products
- b. Sony. Sambandh.com case- 1st cybercrime conviction in India - The Bank NSP Case – Satya v. Teja Singh
- c. Cyber Defamation - SMC Pneumatics (India) Pvt. Ltd. v. Jogesh Kwatra - Google India Pvt. Ltd. vs. Visaka Industries Limited
- d. Dangerous Offenders and Vulnerable Victims - Disparities in National Laws of Protection and Cooperation

Module IV: Cyber Terrorism, Hacktivism and National Security

- a. The Transnational Dimension of Cyber Terrorism - Nation's security - Hacktivism - Use of Internet for Anti-Social Activities - Parliament Attack Case
- b. Affecting Trust - Cyber War - Internet - Offensive Information Warfare - State-Sponsorship to Cyber Terrorism
- c. Cyber Policing - Role of Interpol - Utilization of INTERPOL - Cybercrime Collaborative Platform
- d. National Computer Emergency Response Teams (CERTs) - Implementation of Prevention Measures and Awareness

Module V: Cyber Theft of Intellectual Property

- a. Transnational Cybercrime Groups vs Exploitation of Intellectual Property Protection Trademark Counterfeiting - Casio India Co. Ltd. v. Ashita Tele Systems Pvt. Ltd - Theft of Trade Secrets
- b. Cyber Piracy - Copyright Violations - Impact on Education and Economy
- c. Harmonization of Intellectual Property Laws with Organized Cyber Crime Laws - Within a Single Nation

Module VI: Financial Transnational Cybercrime and Narco -Terrorism

- a. Corruption - Money Laundering - Threat to the Economy - Nation's Competitiveness - Strategic Market
- b. Narco - Trafficking - Narco Terrorism - Organized Cybercrimes related to Drugs – UNODC - Challenges to Social Stability - Need for robust techno - legal system

Module VII: International Law Implications on Transnational Cybercrimes

- a. United Nations Human Rights Council's resolution - "The Promotion, Protection and Enjoyment of Human Rights on the Internet." - Role of the Internet in worldwide human rights protection - Concept of Dark Net
- b. United Nations Convention Against Transnational Organized Crime (TOCC) - U.N. Office on Drugs and Crime (UNODC)
- c. Regulation of the Internet and Net Neutrality - National government's responsibility on allowing their citizens free access to and use of the Internet - Responsibility of State
- d. United Nations Security Council - Special Notices regarding terrorism

Module VIII: Cyber Security and Futuristic Challenges

- a. Cyber Crimes and Covid Pandemic - Growing Human Trafficking - Building Enforcement Capacity - combating IP theft - training and technical assistance
- b. Networks and Netwars - The Future of Terror, Crime, and Militancy
- c. Technology and Terrorism - The New Threat for the Millennium - The Information Revolution and National Security
- d. Cybercrime Epidemic - Not an IT issue - Impact on Society - Nation's Development - Nation's Privacy and Data Protection Laws

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Kshetri, N," Cybercrime and cybersecurity in the global south", 2013
2. Maureen Walterbach, "International Illicit Convergence: The Growing Problem of Transnational Organized Crime Groups Involvement in Intellectual Property Rights Violations", Florida State University Law Review, 2007
3. Justice Yatindra Singh, Cyber law 36(universal law publications, Delhi 6th edition 1998)
4. Mathew Collins, "The law of defamation and the internet" ,2001
5. Iblina Begum and H. K. Sharma, "Piracy: A threat to Academicians and Publishers", 2019

FURTHER READING:

1. Kshetri, N., & Dholakia, N, “Professional and trade associations in a nascent and formative sector of a developing economy: a case study of the NASSCOM effect on the Indian offshoring industry. *Journal of International Management*”, 2009
2. B.Swaathi and M.kannapan, “Cybercrime an Indian Scenario” 2010
3. Castells Manuel, “The Internet Galaxy: Reflections on the Internet, Business and Society” (Oxford University Press 2003)
4. Cybercrime, Cyberterrorism, Cyberwarfare: Averting an Electronic Waterloo, Center for Strategic and International Studies, British Library
5. Michael Erbschloe, “Information Warfare: How to Survive Cyber Attacks”, New York. London, 2001

LEARNING OUTCOME

After completion of the course students will be able to –

- *Identify and analyse challenges of a theoretical and practical nature regarding the legal response to transnational cybercrime.*
- *Understand and discuss the limits of the law regarding transnational cybercrime and post- conflict situations.*
- *Independently and critically interpret and apply relevant sources of cyber legislation in India*
- *Examine various doctrines and precedents in resolving the emerging disputes.*
- *Understand and reflect on social dilemmas that may arise in the field of transnational cybercrimes and deal with these in a responsible and comprehensive manner.*

COURSE – IX

CYBERSPACE AND TELECOMMUNICATION: LEGAL AND SECURITY ISSUES

(Discipline Elective - III)

OBJECTIVES OF THE COURSE:

The impact of cyberspace is found in many technologies and sectors but the most widely affected sector is telecommunication industry as the use of IT in this sector is more widely dominant. The need for studying the convergence and interrelationship between the telecom industry law and cyberspace has become pertinent to specialise and update.

With this objective the course is designed to

- *To provide an overview of legal and security aspects of Telecom Sector and Cyberspace*
- *To understand the intricacies of legislative perspectives of telecom sector regulations and Information technology law*
- *To understand the forensic and evidentiary issues in Telecom related cybercrimes.*

COURSE OUTLINE

Module I: Introduction to Cyberspace and Telecommunication

- a. Growth and Development of Digital telecommunications
- b. Telecommunication network and Law
- c. Electromagnetic Spectrum
- d. PSTN and ISDN

Module II: Legislations related to Technology Sector

- a. Information Technology law and Telecom Sector - Cellular & Mobile Services, Internet Services, Communication Outsourcing - Historical Evolution of Telecommunication Law and Policy
- b. Telecommunication Policy of India, Regulatory Framework for Spectrum Management - Indian Telegraph Act
- c. Indian Wireless Telegraphy Act - TRAI

Module III: Telecommunication Legal and Regulatory Issues

- a. Telecom Commission - Data Protection in Telecom sector
- b. Content Regulation in Telecom sector - Online Media Regulations

- c. Telecom Dispute Settlement and Appellate Tribunal - Licensing and Assignment
- d. Competition Law in Telecommunication - Telecommunication & IP issues

Module IV: International Legal Perspectives

- a. Telecom Law in different jurisdictions - International Telecommunications Law in US and UK
- b. International Organizations and Telecom Regulations - World Trade Organization
- c. International Dispute Resolution in online Telecom Sector - ADR and ODR

Module V: Online Telecommunications and Cybercrimes

- a. Types of Telecommunications related Cybercrimes - Indian Penal Code and Telecommunication Crimes
- b. IT Act and Telecommunications crimes
- c. Legislative perspectives of Telecommunication Crimes
- d. Judicial approach towards Telecommunication Crimes

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. TDSAT. Telecom Broadcasting and Cable Laws. TDSAT, 2008.
2. Dev. or Robert K. Bell and Neil Ray, "Telecommunications Regulation Handbook. EU Electronic Communications Law". Richmond Law & Tax Ltd., UK. 2004.
3. Bomil Suh, Ingoo Han, "The Impact of Customer Trust and Perception of Security Control on the Acceptance of Electronic Commerce, International Journal of Electronic Commerce", Vol. 7, No. 3 (Spring, 2003)
4. FIDLER, D.P., 'Internet Governance and International Law: The Controversy Concerning Revision of the International Telecommunication Regulations', ASIL Insights (7 February 2013).
5. HOLLIS, D.B, "Re-Thinking the Boundaries of Law in Cyberspace: A Duty to Hack?", in J.D. Ohlin et al. (eds.), Cyber War: Law and Ethics for Virtual Conflicts, 2015

FURTHER READING:

1. EICHENSEHR, K.E., 'Data Extraterritoriality', 95 Texas Law Review (2017)

2. Aleksandar Risteski, Mitko Bogdanoski, Marjan Stoilkovski and Miroslav Jovanovic, “Cyber Security Issues of Telecommunication Infrastructure”
3. Short, J., Williams, E., & Christie, B. (1976). The social psychology of telecommunication. London, England: John Wiley.
4. Rice, R.E. (1987). Computer-mediated communication and organizational innovation. *Journal of Communication*. 37. 65-94
5. Rice, R.E. & Love, G. (1987). Electronic emotion: Socioemotional content in a computer Mediated communication network. *Communication Research*. 14. 85-108.

LEARNING OUTCOME

After completion of the course students will be able to –

- *Become an expert in the areas of law related to convergence of Cyberspace and Telecom sector*
- *To become a lawyer in telecom corporates for resolving issues in online scenario*
- *To practice in courts in cases related to telecom sector in online scenario.*
- *Explore and research the new advancements of online telecom Policies and career prospects across the world*

COURSE – X

E-COMMERCE AND CONSUMER PROTECTION

(Elective Course - I)

OBJECTIVES OF THE COURSE:

With the advent of internet, we have undergone a revolutionary change in the business transactions and communications, which led to an astounding growth to the fields of e-commerce and web advertising. Apart from general e-disputes that arise by the acts or omission in the internet world, the parties to the e-contract may face different kinds of complex disputes. Consumer Protection Act identifies right to redressal as a significant consumer right based on which the three tier Redressal system has been established. This Course is designed to understand the significance and emerging need of consumer awareness in the globalised world. The course aims to give an insight into the concepts of e-commerce, its non-territorial nature towards consumer protection in the territorial based grievance redressal mechanism and explains on the existing legal and regulatory framework on consumer protection and discusses on the important challenge of determination of jurisdiction in the cyber world with various tests and principles along with International Conventions.

With this objective the course is designed to:

- *Understand the Concepts of E-Commerce and to have a comprehensive understanding of the Evolution of Consumer Protection Laws in India*
- *To give an Overview of Legal and Regulatory Framework on Consumers Protection in India To understand the working and functioning of Grievance Redressal mechanism To give an insight into the challenges faced by the e-consumers*
- *To discuss on the International and Indian legal framework on determination of jurisdiction in internet contracts.*

COURSE OUTLINE

MODULE I CONCEPTUAL FRAMEWORK

Consumer and Markets; Globalization – E-Commerce – Categories: Electronic Markets, Electronic Data Interchange, Internet Commerce – Business Models – Based on Transaction Type, Based on Party Type – B2B, B2C, C2B, C2C, E-Governance; Consumerism to E- Consumerism

MODULE II EVOLUTION OF E-COMMERCE AND CONSUMER PROTECTION LAWS IN INDIA

Internet and Advancement in Information and Technology – EDI – E-Commerce; E-Contract a medium of E-Commerce transaction – Legal Provisions related to E-Contracts: Indian Contract Act, 1872, IT Act 2000 (2008), Indian Evidence Act, 1872 – Modes for entering into E-Contract; UNCITRAL Model Law 1996 – Information Technology Act, 2000 (2008): Electronic Records, Electronic Signature and Digital Signature; Overview of Legal and Regulatory Framework on Consumers Protection in India before 1986; Consumer Protection Act - Amendments; Consumer Movements in India; National Consumer Helpline; Quality and Standardization

MODULE III E-COMMERCE AND CONSUMER PROTECTION

Consumers Rights; Specific provisions relating to B2C Model of E-Commerce in Consumer Protection Act 2019 – Express Definitions relating to Electronic transactions – Product Liability – Other key changes benefitting all Consumers: Territorial Jurisdiction, E-Complaints, Central Consumer Protection Authority, Endorser Liability, Unfair Contracts, Unfair Trade Practices, Mediation in consumer disputes; Consumer Protection (E-Commerce) Rules, 2020; Legal Metrology(Packaged Commodities) (Amendment) Rules, 2017; Foreign Exchange (Non-Debt Instrument) Rules, 2019; Information Technology (Intermediaries Guidelines) Rules, 2011

MODULE IV ORGANISATIONAL SET UP UNDER CONSUMER PROTECTION ACT

Advisory Bodies: Consumer Protection Councils at the Central, State and District Levels; Adjudicatory Bodies: District Forums, State Commissions, National Commission: Their Composition, Powers and Jurisdiction (Pecuniary and Territorial); Central Consumer Protection Authority; Mediation Cell; Grievance Against Misleading Advertisements (GAMA)

MODULE V GRIEVANCE REDRESSAL MECHANISM UNDER CPA, 2019

Who can file a complaint? Grounds of Filing a Complaint; Limitation Period; Procedures for filing and hearing of a complaint; Disposal of cases; Relief / Remedy; Temporary Injunction; Enforcement of Order; Appeal, frivolous and vexatious complaints; Offences and penalties.

MODULE VI CONTEMPORARY ISSUES OF E-CONSUMERS

E-Payment Mechanism: Threats and Protection; Legal Remedies for Breach of Contract including E-Contract; Identity Theft; Fraudulent websites; Phishing Websites

MODULE VII JURISDICTIONAL FRAMEWORK OF CONSUMER PROTECTION - INDIAN AND INTERNATIONAL PERSPECTIVE

Concept of Jurisdiction; The Principles of Conflict of Law; Jurisdictional Concept in Electronic Commerce: General Jurisdiction and Specific Personal Jurisdiction – Minimum Contacts Doctrine – Jurisdictional Concept of Active and Passive Websites – Zippo Sliding Scale Approach – Effects Doctrine; Jurisdiction Concept Under Civil Procedure Code 1908 and Indian Contract Act 1872 and Jurisdictional Issues Under IT Act 2000: Place of Formation of the Contract – Choice of Forum – Choice of Law; International Conventions Relating to Jurisdictional Issues in Cyberspace: Brussels Regulation 2002 – Convention on the Law Applicable to Contractual Obligations – Rome Convention 1980 – Hague Convention – Hague Convention on Choice of Court Agreement – 2019 Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Karnika Seth, “Computers Internet and New Technology Laws” (LexisNexis Butterworths Wadhwa, Nagpur 1st edn., 2012).
2. Chris Reed, “Internet Law Text and Materials” (Universal Law Publishing Co, 2nd edn., 2004). Dr. V.K.Agarwal, “Consumer Protection” (Bharat, 6th Edition, 2008)
3. Majumdar.P.K. & Kataria.R.P. “Law of Consumer Protection in India” (Orient Publishing Company, New Delhi, 9th edn., 2020).

JOURNALS / ARTICLES

1. Kulesza, Joanna, “Internet Governance and the Jurisdiction of States: Justification of the Need for an International Regulation of Cyberspace” III GigaNet Symposium Working Paper, (December 2, 2008) available at SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1445452

2. Gaurang Kanth and Divjot Singh Bhatia “India: The Consumer Protection Act, 2019: An Overview” Mondaq, (Jan. 14, 2020) available at : <https://www.mondaq.com/india/dodd-frank-consumer-protection-act/876600/the-consumer-protection-act-2019-an-overview>
3. Dr. V.K. Agarwal, “Determination of complex issues under Consumer Protection Act: a question of jurisdiction” 3 Comp LJ 9 (2004).

FURTHER READING:

BOOKS

1. Khanna, Sri Ram, Savita Hanspal, Sheetal Kapoor, and H.K. Awasthi, “Consumer Affairs” (Universities Press, 2007)
2. Choudhary and Ram Naresh Prasad, “Consumer Protection Law Provisions and Procedure”(Deep and Deep Publications Pvt Ltd, 2005)
3. G. Ganesan and M. Sumathy, “Globalization and Consumerism: Issues and Challenges” (Regal Publications, 2012)
4. Suresh Misra and Sapna Chadah, “Consumer Protection in India: Issues and Concerns”(IIPA, New Delhi, 2012)
5. Pavan Duggal, “Cyber Law-The Indian Perspective” (Saakshar Law Publication, New Delhi, 2nd edn. 2004).
6. V.D. Dueja, “Crimes in Cyber Space: Scams and Frauds” (Commonwealth, 1st edn., 2003).

JOURNALS / ARTICLES

1. Misra Suresh, “Is the Indian Consumer Protected? One India One People (Aug 2017) Raman Mittal, Sonkar Sumit and Parineet Kaur, “Regulating Unfair Trade Practices: An Analysis of the Past and Present Indian Legislative Models” Journal of Consumer Policy (2016)
2. S.Chakravarthy, “MRTP Act metamorphoses into Competition Act” CUTS Institute for Regulation and Competition position paper (2014) available at www.cuts-international.org/doc01.doc
3. Kapoor Sheetal “Banking and the Consumer” Akademos ISSN 2231-0584 (2013)
4. K.N. Bhatt, Misra Suresh and Chadah Sapna “Consumer, Consumerism and Consumer Protection” Abhijeet Publications (2010)

5. Kapoor Sheetal, "Advertising - An Essential Part of Consumer's Life - Its Legal and Ethical Aspects" Consumer Protection and Trade Practices Journal, October 2010
6. D.P.S.Verma, "Regulating Misleading Advertisements, Legal Provisions and Institutional Framework" Vikalpa. Vol. 26. No. 2. pp. 51-57, 2002

CASES FOR GUIDANCE

1. Abdul Manas.N.A v. Homeshop and The Professional Couriers CC No.11/4, Consumer Disputes Redressal Forum, Kasaragod.
2. Akarsh (In person) v. eBay India Pvt. Ltd., CC No. 410-2012, Disputes Redressal Forum Mysore
3. Asa Ram v. Bakshi (1920) ILR 1 Lah 203, 531 B31.
4. Banyan Tree Holding Pvt. Limited v. A. Murali Krishna Reddy 2010 (42) PTC 361 (Del)
5. Blackburn v. Walker Oriental Rug Galleries, E.D. Penn. 7 April 1998
6. Burger King Corp v. Rudzewicz 371 US 362 (1985, 372)
7. Calder v. Jones 365 US 783 (1983)
8. CompuServe Inc. v. Patterson 89 F. 3d 1257 (6th Cir. 1998)
9. Delhi State & District Consumer Courts Practitioner's Welfare Association (Regd.) v. Hon'ble Lt. Governor Govt. Of NCT Delhi and Ors., W.P. (C) 9458/2015, (Delhi High Court) (India)
10. Hakam Singh v Gammon (India) Limited, (1971) 1 SCC 286, AIR 1971 SC 740
11. International Shoe Co. v. Washington 326 U.S.310, 316(1945)
12. Jaideep Kaur v. Yatra Online Pvt. Ltd., and Another 388 CC No.174 of 2011, District Consumer Disputes Redressal Forum, Ludhiana
13. Lucknow Development Authority v. M.K. Gupta (1994) 1 SCC 243 (India)
14. M/s Afcons Infra Ltd. v. M/s Cherian Varkey Construction Company Ltd. and Others Civil Appeal No.6000 of 2010
15. Minnesota v. Granite Gate Resorts 568 N.W.2d 715 (Minn. Ct.App.1997)
16. National Insurance Co. Ltd. v. Hindustan Safety Glass Works Ltd., (2017) 5 SCC 776 (India)
17. Nissan Motor Company Ltd. v. Nissan Computer Corporation 89 F Supp 2d 1153 (CD Cal 2000)
18. People v. World Interactive Gambling 1999 NY Misc Lexis 325 (Supp. Ct. N.Y.Co., 23th July 1999)

19. Perkins v. Benguet Consolidated Mining Company 332 US 337 (1952) 337
20. Rajinder Singh Chawla v. Makemytrip.com SCDRC Chandigarh, First Appeal 355/2013
21. Renaissance Hotel Holding Inc. v. Vihaya Sai and other 2010 (8) RCR Civil 1289
22. Sameer Karania v. Indiaplaza.com CC No.708/2012, I Additional District Consumer Disputes Redressal Forum Seshadripuram Bangalore
23. Siriram City Union Finance Corporation Limited v. Rama Mishra, (2002) 9 SCC 613; AIR 2002 SC 2402
24. Sonic Surgical v. National Insurance Company Ltd., (2009) CPJ 40(SC)
25. Sukhpreet Kaur v. Makemytrip.com CC No.396/2013, District Consumer Disputes Redressal Forum-I, U.T. Chandigarh
26. Zippo Manufacturing Co. v. Zippo.com Inc. 952 F Supp 1119 (DCWD Pa 1997)

LEARNING OUTCOME

After completion of the course students will be able to –

- *A general outline on the conceptual framework of e-commerce and consumer protection*
- *Learn the existing legal and regulatory frameworks protecting consumers including e-consumers Understand the concept of approaching to a consumer dispute*
- *Learn the key principles and myriad tests to determine jurisdiction in e-consumer disputes along with the legal framework on determination of jurisdiction in internet contracts in India and in the International scenario which includes international conventions relating to jurisdictional issues in cyberspace.*

COURSE – XI

INTERNATIONAL CYBER SECURITY AND GOVERNANCE

(Elective Course - II)

OBJECTIVES OF THE COURSE:

Cybercrime is a borderless crime where the repercussions and consequences are endless. There has been an emergence in cyber-crime since the exponential rise in the Internet in 1998. The United Nations and countries together should have a prominent role in establishing international laws to govern and mitigate the effects of these cybercrimes that plague a multitude of nation States.

With this objective the course is designed to

- *To understand better the challenges of developing a unified system of global cyber governance, a comparative analysis of national cybersecurity strategy*
- *Clarity over Cyber Forensic Ethics, Security and its Impact over the Countries and Economy*
- *Consider the role of the regulating bodies and policy frameworks in combating the digital crime*
- *Examine the statistical rise of cyber crime and compare with the mitigating measures taken by the nations*
- *Know and analyse its effects on societal order and human rights of each individual*

COURSE OUTLINE

Module I: Cyber Security - The Growing Concern

- a. Cybercrime, a borderless crime - Cyber Warfare - Cyber Terrorism - Cyber Espionage
- b. The Untold Story of NotPetya - the Most Devastating Cyberattack in History

Module II: Major Cyber Attacks Across the Globe

- a. The DigiNotar case - The Netherland Incident - Cyber-Attack on Deutsche Telekom – North Korean Case - United States of America Vs Pak Jin Hyok - CyberEspionage – Threat to Global Corporations - Case of Vietnam
- b. Global Cyber War - Market for Cyber Weapons - Cyber Economics
- c. Iran’s War Against US - Attack on EU, US and Asian Countries by Chinese Hackers
- d. Digital Geneva Convention

Module III: Cyber Security Regulation of Developed and Developing Nations

- a. Japan - Cyber Hygiene - Cyber Clean Day - Japan and US Cyber Dialogue on the Internet Economy - Japan - EU Internet Security Forum
- b. National Security of UK - Critical National Infrastructure Protection (CNIP) - National Security Advice Centre (NSAC) and the National Infrastructure Security Coordination Centre (NISCC) - The United Kingdom National Risk Register
- c. The Canadian Centre for Cyber Security - Canadian Shield - Chinese Hackers - FBI and the U.S. Cybersecurity and Infrastructure Security Agency (CISA) - Statement exposing a spearfishing campaign by Chinese state-sponsored hackers between 2011 and 2013 - Maritime Military Secrets - Maritime Cyber Risk
- d. Indian Cyber Legislation - Policy Governance - Issue of Pegasus - Recent Threats and Amendments

Module IV: Cyber Security and Third World Nations

- a. Cyber dependency - Security Policies in E-Commerce for Developing Countries
- b. Increasing Cyber Victimization in Africa - Severe Scarcity of Cybersecurity Manpower
- c. E - African Union Commission (AUC) and the cybersecurity
- d. Global Cyber-Threats from Third World Countries

Module V: Cyber Insecurity and Geo Politics

- a. Cyber Security in the Context of Economic, Humanitarian and National Security - 2017 WannaCry ransomware Case
- b. Role of Organisations - The Global Commission - Regulation of ICT
- c. The Paris Call for Trust and Security in Cyberspace - Major Powers and Multi Stake Holder Approach

Module VI: UN's Cyber Security Governance

- a. The Role of Security Council in Cyber Security Governance - a part of the United Nations with the primary responsibility of maintaining international peace and security - Art.41, 22 of ICJ
- b. World Wide Web of Terror - Cyber Jihadist - Maintenance of International Peace and Security in Cyber Context - Role of The UN Group of Governmental Experts (UNGGE)
- c. UN General Assembly, Resolution 73/266 - Advancing Responsible State Behaviour in Cyberspace in the Context of International Security

Module VII: Human Rights Approach towards Cyber Security Governance

- a. The Concept of Network Equality - Right to Liberty and Security on the Internet – Right to Fair Trial
- b. Article 17 and 19 (2) of the International Covenant on Civil and Political Rights, 1966 - Privacy and Freedom of Expression - Article 12 of the Universal Declaration of Human Rights, 1948
- c. Role of UN Human Rights Council - In conceptualising and Developing Accountability Mechanisms

Module VIII: The Challenges Ahead

- a. Lack of Definitional Clarity of Cyber Space
- b. Challenges in fighting Global Insurgency - Threat to Economic Health
- c. Cyber Crime and Poverty - Need for a Unified Framework on Global Governance
- d. ‘Ensuring Digital Peace’ - Urgent Need - Concept of ‘Inclusiveness’ - Importance of Shared Database and Harmonization of Cyber Security Legislation and Policies

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Lotrionte, Catherine. Symposium: International Law and the Internet: Adapting Legal Frameworks in Response to Online Warfare and Revolutions Fueled by Social Media: State Sovereignty and Self-Defense in Cyberspace; A Normative Framework for Balancing Legal Rights, 26 Emory Int’l. Rev. 825
2. Clarke, Richard A. and Robert Knake. Cyber War: The Next Threat to National Security and What To Do About It. Ecco, April 2010.
3. M. Reilly, ‘When nations go to cyberwar’, New Scientist, 23 February 2008. 7
4. I. Thomson, ‘Nato builds cyber-security bunker’, Information World Review, 15 May 2008
5. Paul Cornish, “EU and NATO: Co-operation or Competition?”, Chatham House Report, October 2006
6. Nir Kshetri (2019) Cybercrime and Cybersecurity in Africa, Journal of Global Information Technology Management, 22:2, 77-81

7. Martha Finnemore and Duncan B. Hollis, “Constructing Norms for Global Cybersecurity,” *American Journal of International Law* 110, no. 3, 2016

FURTHER READING:

1. Sasha Romanosky, “Examining the costs and causes of cyber incidents”, *Journal of Cybersecurity*, Volume 2, Issue 2, December 2016, Pages 121–135
2. Warren SD”, Brandeis LD; “The right to privacy”, *Harvard L Rev* 1890;4:193–220.
3. Inrona LD, “Privacy and the computer: why we need privacy in the information society. *Metaphilosophy*”, 1997;28:259–75.
4. Hughes E, “A Cypherpunk’s Manifesto. *The Electronic Privacy Papers*. New York, NY, USA: John Wiley & Sons, Inc, 1997, 285–87.
5. ‘Cyberjamming’, *Wall Street Journal Europe*, 29 April 2008.
6. Daniel Ochieng Otieno, “Cyber security challenges: The Case of Developing Countries”, 2020
7. Kshetri, N, “Cybercrime and cybersecurity in the global South”, Basingstoke, U.K, 2013.
8. Jonathan Beer, “‘WannaCry’ Ransomware Attack Losses Could Reach \$4 Billion,” *CBS News*, May 16, 2017
9. Amnesty International, (2020b) ‘India: Human Rights Defenders Targeted by a Coordinated Spyware Operation’

LEARNING OUTCOME

After completion of the course students will be able to -

- *Understand the theoretical cybercrime framework and policy mechanisms.*
- *Develop Proficiency in Global Cyber security Infrastructure*
- *Interpret the findings and recommendations arising out universal cybercrime incidents and its impact*
- *Elucidate the nature and framework of International Organisations and their role in Cyber Security Governance*
- *Attain Clarity and know the growing menace and challenges ahead in combating global cybercrimes.*



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamil Nadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

CURRICULUM

FROM ACADEMIC YEAR 2021 – '23

DEPARTMENT OF MARITIME LAW

MARITIME LAW

The Department of Maritime law is a new addition to the existing selection of highly specialized and innovative departments of law in the University. The Department is intended to educate young law graduates in National and International Maritime laws which allow them to critically evaluate the laws and legal systems pertaining to the seas of the world from a juristic perspective. It also creates a perfect opportunity to get expertise in areas arising out of international disputes under Maritime and allied laws. Today, where India is rapidly integrating its economy with more than 90% of the country's trade being conducted through oceans and the sea providing passageway to 45,000 merchant ships worldwide and over 90 percent of global trade, the course is highly relevant and a need of this hour, by providing opportunity to lawyers to learn and analyze the theoretical and practical aspects of the Maritime laws.

The Tamil Nadu Dr. Ambedkar University stands out as a trendsetter in the Indian Legal Education by introducing a two-year LL.M program exclusively for the subject of Maritime law. The Objective of this course is to deliver an enriching experience to the students of LL.M through the process of learning, unlearning and re-learning whilst preparing them for the promising careers in this field. This Department in LL.M will enlighten the students to find career prospects in this arena in convergence with other laws as the choice-based credit system in the Institution will provide them an access with other departments such as International Law, Business Law, Criminal Law and Administration and Human Rights.

Maritime law is an exciting and challenging international subject for lawyers and others with an interest in law and the seas. The Course offers 6 Core Papers, 3 Discipline Specific Elective Papers, 2 Generic Elective Papers, the central orientation of which portrays diversified versions of Maritime law so as to make the syllabus both academic and practical. The Elective papers are designed with a view to expose students of other branches of LL.M to the comparative and contemporary facets of Maritime and its relation with Trade, Environment, Crimes and much more. This two-year (four semesters) course will not only equip the students of LL.M with a comprehensive and inter-disciplinary approach towards emerging challenges in the field and related laws, but will also facilitate in expanding their research acumen.

THE TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY

BRANCH – XI

DEPARTMENT OF MARITIME LAW

LL.M SYLLABUS

HARD CORE COURSES – 06

1. International Law of the Sea.
2. Law relating to Shipping.
3. Admiralty Law and Practice.
4. Regulation of Marine Environment.
5. Law on Seafarers.
6. Dispute Settlement mechanism under Maritime Law.

DISCIPLINE ELECTIVE COURSES – 03

7. Maritime Safety and Security.
8. Maritime Crimes and Issues.
9. Port Operations and Coastal Zone Management.

ELECTIVE COURSES – 02

10. Regulatory Mechanism for Marine Pollution.
11. International Trade and Marine Transport Services.

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none">1. Legal Education and Research Methodology (Common Course – I)2. Judicial Process (Common Course – II)3. International Law of the Sea (Hard Core Course-I)4. Law relating to Shipping (Hard Core Course-II)5. Regulatory Mechanism for Marine Pollution (Elective Course-I)
Second Semester	<ol style="list-style-type: none">6. Constitutional Law: The New Challenges (Common Course – III)7. Law and Social Transformation in India (Common Course – IV)8. Admiralty Law and Practice (Hard Core Course-III)9. Maritime Safety and Security (Discipline Elective Course – I)10. Applied Research Methodology
Third Semester	<ol style="list-style-type: none">11. Regulation of Marine Environment (Hard Core Course-IV)12. Law on Seafarers (Hard Core Course-V)13. Maritime Crimes and Issues (Discipline Elective Course-II)14. International Trade and Marine Transport Services (Elective Course-II)
Fourth Semester	<ol style="list-style-type: none">15. Dispute Settlement Mechanism under Maritime Law (Hard Core Course – VI)16. Port Operations and Coastal Zone Management (Discipline Elective Course – III)17. Skill Enhancement Course (SEC)18. Dissertation

COURSE – I

INTERNATIONAL LAW OF THE SEA

(Hard Core Course - I)

OBJECTIVE OF THE COURSE:

This course intends to equip Post Graduate law students with the knowledge of existing legal framework governing the Seas. The students are introduced to historical evolution of law of the sea from times immemorial till date, including a brief outline on the rich Maritime history of India. Main aim of the course is to help the students learn about different maritime zones and the corresponding rights and duties of coastal and other states in respective zones. A separate chapter is dedicated to the dispute settlement mechanism under UNCLOS, 1982 which will help the students in assessing the practical implications of the law of sea.

COURSE OUTLINE

MODULE-I: Introduction to Law of the Sea

- a. Historical Background
- b. Freedom of sea
- c. Codification
- d. Sources of Law of the Sea
- e. Principles
- f. Law of the sea in India

MODULE-II: Maritime Zones

- a. Concept of Territorial Sea – Internal waters
- b. Navigation -- Innocent Passage
- c. Zones - Continental Shelf & Exclusive Economic Zone – Rights and Duties of Coastal and other states-
- d. Principle of Equidistance and its invocation, Special and Relevant Circumstances Rule
- e. Application of Civil and Criminal Jurisdiction within maritime boundary

MODULE-III: Marine spaces beyond National Jurisdiction

- a. High Seas – Navigation
- b. Flag State Jurisdiction- Piracy - Hot Pursuit
- c. Common Heritage of Mankind - Exploration and Exploitation of Resources in Area (Sea bed and Ocean floor)

- d. Rights of Land locked States
- e. Marine pollution

MODULE-IV: Law relating to Marine Resources

- a. Reciprocity of State obligation in exploration -- Duties
- b. Marine resource management -- Marine Scientific Research
- c. Development and transfer of marine technology
- d. Protection of underwater cultural heritage--National marine policy
- e. Law of fisheries

MODULE-V: Dispute Settlement Mechanism under UNCLOS

- a. Maintenance of International Peace and Security at sea
- b. Compulsory settlement – Choice of procedure
- c. International Sea Bed Authority
- d. International Tribunal for Law of Sea
- e. Role of ICJ
- f. Role of International Sea Bed Chamber - Arbitration and Conciliation

BIBLIOGRAPHY

RECOMMENDED READING:

INTERNATIONAL CONVENTIONS

1. Convention on the Territorial Sea and the Contiguous Zone (1958).
2. Convention on the Continental Shelf (1958).
3. Convention on the High Seas (1958).
4. Convention on Fishing and Conservation of the Living Resources of the High Seas (1958).
5. United Nations Convention on the Law of the Sea (1982)

BOOKS

1. Birnie W.Patricia; Boyle & Environment, International Law and the Environment 1992
2. Brownlie, Principles of International Law (Oxford Universal Press).
3. D.P. P'Connel, International Law of the Sea, Vols. 1 & 11 (1982)
4. D.W. Bowett, Law of the Sea

5. D.W. Bowett, Legal Regime of Islands in International Law John Colombos, International Law of The Sea (1962)
6. J.H. Hargrove, Who Protects the Ocean: Environment and the Development of the Law of the Sea Devendra Kaushik, Indian Ocean Towards a Peace Zone (1983)
7. Lang Winfried (ed) Sustainable Development and International Law, 1995.
8. Lynton Keith Caldwell, International Environmental Policy Emergence and Dimensions.
9. Myres S. McDougal and W. Burke, The Public Order of the Oceans (1962)
10. Myron H. Nordquist and John Norton Moore (eds.), Ocean Policy - New Institutions, Challenges and Opportunities (1999), Kluwer
11. Nagendra Singh, International Maritime Law Conventions, Vol. I Navigation (1983) Stevens & Maxwell, London.
12. Orrego Vicuna, The Changing International Law of the High Seas Fisheries (1999), Cambridge Ian Brownlie, Principles of Public International Law (1998), Clarendon Press, Oxford.
13. Our common future, the world commission on Environment and Development, Oxford University Press, 1987.
14. P. Chandrasekhara Rao, The New Law of Maritime Zones (1983) Miling Publications, New Delhi
15. R.P. Anand, Law of the Sea, Caracas and beyond (1978)
16. Rebecca Wallace, International Law
17. Samir Mankababy, The International Shipping Rules (1986), Croom Helm, London
18. Starke, Introduction to International Law (Oxford Universal Press).
19. The Global Possible; Resource, Development and the New Century 1991. Spring & Aallen,
20. The International Law of Pollution: Protecting the Global Environment in a world of sovereign states, 1983

JOURNALS / ARTICLES

1. The delimitation of the outer continental shelf between neighbouring states. The American Journal of International Law (2003) Vol. 97: 91.
2. Statement by Expert Panel: Deep Seabed Mining and the 1982 Convention on the Law of the Sea. The American Journal of International Law, (1988) Vol. 82.

3. The procedure Framework of the Agreement Implementing the 1982 United Nations Convention on the Law of the Sea, *The American Journal of International Law* (1995) Vol. 89.
4. Law of the Sea Forum: The 1994 Agreement on Implementation of the Seabed Provisions of the Convention on the Law of the Sea, Bernard H. Oxman, Louis B. Sohn, Jonathan P. Charney, *The American Journal of International Law* (1994) Vol. 88.
5. Establishing the International Tribunal for the Law of the Sea, *The American Journal of International Law* (1995) Vol. 89.
6. The impact of the United Nations Convention on the Law of the Sea on the Progressive Development of International Law – Rudiger Wolfrum *IJIL* (1999) Vol. 39
7. Beckman, Robert (2013). The UN Convention on the Law of the Sea and the Maritime Disputes in the South China Sea, *The American Journal of International Law*. 107 (1)pp. 142–163
8. Talmon, Stefan A. G., (2018). The South China Sea Arbitration: Observations on the Award of 12 July 2016. Bonn Research Papers on Public International Law No. 14/2018. Available at SSRN: <http://dx.doi.org/10.2139/ssrn.3180037>

CASES FOR GUIDANCE

1. Case Concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain [1995] (United Nations, International Court of Justice, February 15, 1995).
2. Dispute Concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal [2012] (Germany DE International Tribunal For The Law Of The Sea, March 14, 2012).
3. The Bay of Bengal Maritime Boundary Arbitration between Bangladesh and India, (Permanent Court of Arbitration, July 7, 2014).
4. The South China Sea Arbitration between The Republic of the Philippines and the People’s Republic of China, (Permanent Court of Arbitration, July 12, 2016).

LEARNING OUTCOME

After completion of the course students will be able to

- *Explain the scope and application of the UNCLOS*
- *Articulate the differences between the high seas sub-regime and other LOS sub-regimes including the rights and duties of coastal States and other States in each of the maritime zones in the law of the sea;*

- *Generate a good understanding of the rights and duties of States and, possibly, other players in the various maritime zones*
- *Highlight the law relating to marine resources and their exploration/exploitation*

COURSE – II

LAW RELATED TO SHIPPING

(Hard Core Course - II)

OBJECTIVES OF THE COURSE:

This subject is intended to familiarize students with laws and rules related to Shipping and all matters connected and incidental to International Shipping. With increase in global trade, the Shipping industry has assumed centre stage in maintaining the supply chain of all economies. Shipping Law is an exciting and challenging international subject for lawyers and others with an interest in shipping. The central orientation of the subject portrays diversified versions of Shipping Law so as to make the syllabus both academic and practical.

COURSE OUTLINE

Module – I: Ships – Nature, Registration, Ownership and Mortgage

- a. Juristic Personality of Ship
- b. Registration of Ships – Nationality – Concept of Genuine Link - Types of Registries - Types of Registration, National and International Law with respect to Ship registration.
- c. Ownership, Acquisition and Transfer of Ships.
- d. Scheme of Registration of Ship Mortgages – Priority of Mortgages – Rights and Obligations of Mortgagees – Effect of Mortgage on Third Parties

Module –II: Ship Crew

- a. Certification of Masters, Mates, Seamen and Engineers.
- b. Engagement and Discharge of Seamen.
- c. Payment of Wages – Advance and allotment of Wages – Rights of Seamen in respect of wages – Modes of Recovering Wages.
- d. Protection of Seamen – Deceased and Distressed Seamen – National Welfare Board of Seafarers.

Module -- III: Safety and Security

- a. Rules related to Construction of Ships – Measures to Prevent Collision – Unseaworthy Ships – Port Facilities.
- b. Collisions and Accident at Sea – Limitation of Liability.
- c. Oil Pollution Damage – International Oil Pollution Compensation Fund – Prevention and containment of Pollution of the sea by Oil.

- d. Anti-Fouling Systems of Ships.
- e. General Average, Towage, Wreck and Salvage Wreck.

Module – IV: Vessels at Sea

- a. Passenger Ships - Nuclear Ships - Sailing Vessel - Fishing Boats.
- b. Marine Insurance – Insurance contract, Insurable interest, Risk, Loss, Liability and limitations
- c. Dispute Resolution Mechanism under National and International Regime.

Module – V: Commercial Shipping.

- a. Law of Carriage of goods and passengers by sea and the corresponding obligations of carriers and assignees
- b. Charterparties, Bill of Lading
- c. Shipping Contracts

Module –VI: International Shipping Law and Contemporary Issues.

- a. International Maritime Organization – Organization and Structure – IMO Convention.
- b. Maritime Labour Convention – Implementation in National Level.
- c. Merchant Shipping Bill, 2020.
- d. Role of Director General of Shipping in implementation of Shipping Law in India.

BIBLIOGRAPHY

RECOMMENDED READING:

STATUTES PRESCRIBED

1. Jeanne C. Fromer and Christopher Jon Sprigman, Copyright Law Cases and Materials (2021).
2. The Merchant Shipping Act, 1958.
3. The Merchant Shipping (Prevention of Collisions at Sea) Regulations, 1972.
4. The Recycling of Ships Act, 2019.
5. The Merchant Shipping Bill, 2020.
6. Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.

INTERNATIONAL CONVENTIONS

1. International Convention for the Safety of Life at Sea (SOLAS), 1974.
2. UNCLOS, 1982.

3. The Convention on the Limitation of Liability for Maritime Claims, 1976.
4. Nairobi International Convention Removal of Wrecks, 2007.
5. International Convention on Civil Liability for Oil Pollution Damage, 1992.

BOOKS

1. Nigel Meeson and John A. Kimbell, Admiralty Jurisdiction And Practice, Informa, Fourth Edition, Lloyd's Shipping Law Library, 2011.
2. Aleka Mandaraka-Sheppard, Modern Admiralty Law with Risk Management Aspects, University College London, Cavendish Publishing Limited, London, Sydney, 2001.
3. Simon Baughen, Shipping Law, Routledge Taylor & Francis Group, London and New York, Sixth Edition, 2015.
4. Robert Frost, Admiralty and Maritime Law, Federal Judicial Center, Tulane Law School, 2004.
5. Jingobo Yin, Quantitative Risk Assessment for Maritime Safety Management, Lambert Academic Publishing.
6. Samir Mankababy, The International Shipping Rules (1986), Croom Helm, London

JOURNALS / ARTICLES

1. Kamil Formela, Tomasz Neumann, Adam Weintrit, Overview of Definitions of Maritime Safety, safety at Sea, Navigational Safety and safety in General, TransNav the International Journal on Marine Navigations and Safety of Sea Transportation, 2019.
2. Dracos Vassalos, Andrzej Jasionowski, Luis E Guarin, Passenger Ship Safety- Science Paving the Way, Marine Systems & Ocean Technology.
3. ILO Code of Practice, Safety and Health in Shipbuilding and Ship Repair, International Labour Office, Geneva, Revised Edition, 2019.
4. Code of Safe Working Practices for Merchant Seafarers, Maritime & Coastguard Agency, October, 2016.
5. Safety and Shipping Review, 2020, An Annual review of trends and developments in Shipping losses and Safety, Allianz Global Corporate & Speciality.

CASES FOR GUIDANCE

1. M. V. Elizabeth and Ors. Vs Harwan Investment and Trading, 1992.
2. M.V. "Sea Success I" Vs. Liverpool and London Steamship, 2002 (2) BomCR 537.
3. The East and West Steamship Vs. S.K. Ramalingam Chettiar, 1960 AIR 1058

4. Republic of India and Others v. India Steamship Company Limited, 1997.
5. United Africa Co. Lts. V. Owners of MV Tolten, 1945
6. Kamlakar v. The Scindia Steam Navigation co. Ltd.,AIR 1961 Bom 186.
7. 20. Google LLC v. Oracle America, Inc. 141 S. Ct. 1183 (2021)

LEARNING OUTCOME

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

- *Know how to register a ship in a country and what are the rights and privileges under shipping law of that country.*
- *Examine the global practice as to determining nationality of ship.*
- *Understand maritime lien and maritime claim for taking action through Admiralty court.*
- *Get introduced with liabilities in mortgage of Ship.*
- *Demonstrate proficiency in drafting Ship building contract.*

COURSE – III

ADMIRALTY LAW AND PRACTICE

(Hard Core Course - III)

OBJECTIVES OF THE COURSE:

It is intended to educate young law graduates in National and International Admiralty Law which allows them to critically evaluate the laws and legal systems pertaining to water bodies and ports of India from a juristic perspective. It also creates a perfect opportunity to get expertise in areas rising out of international disputes under Admiralty law. The subject is highly relevant and need of this hour in India, where India is rapidly integrating its economy with more than 90% of the country's trade being conducted through oceans and also the sea provides passageway to 45,000 merchant ships worldwide and over 90 percent of global trade.

After undergoing the study, the student will be able to understand the following:

- *Historical background of Admiralty law in England and India*
- *The distinctive nature of Admiralty Law and its scope*
- *The Mode of Exercising admiralty jurisdiction*
- *Maritime claims, liens and priorities*
- *Ship owners 'liability and limitations*

COURSE OUTLINE

MODULE – I: Evolution, Nature, scope and sources

- a. History of admiralty law in England, other parts of the world
- b. Nature of Admiralty Law
- c. Admiralty law as a part of law merchant
- d. Admiralty law in relation to common law and civil law
- e. Sources of Admiralty law.

MODULE –II: Admiralty Law in India

- a. History of admiralty jurisdiction
- b. The Admiralty Courts in India
- c. The Admiralty Legislation in India
- d. Comparison with the international legal regime

MODULE – III: Admiralty Jurisdiction and the mode of exercise

- a. Admiralty and Admiralty jurisdiction (scope and extent)
- b. Enforcement of Admiralty claims by actions in rem and in personam
- c. Admiralty liens and priorities
- d. Jurisdiction in matters of collision
- e. Flag State – Extra territorial jurisdiction.

MODULE – IV: Ship Arrest

- a. Juridical personality of the ship
- b. Arrest of sea going ships
- c. immunity of Government ships
- d. Mareva Injunction - Position in India

MODULE – V: General Admiralty Provisions

- a. UNCLOS relevant Articles
- b. Constitution of India – Art. 53 – Legislation for giving effect to international agreements
- c. The law on Regulation of Fishing by Foreign Vessels
- d. Suppression of Unlawful Acts Against Safety of Admiralty Navigation and Fixed Platforms on Continental Shelf

MODULE – VI: Admiralty Provisions on Criminal Activities

- a. Criminal conspiracy Sec. 120 A, waging or attempt to wage war against India Secs. 121, 122 & 123 – Sec. 280 Rash Navigation of vessel, Sec 281 Exhibition of false light, mark or buoy, Sec. 282 Conveying person by water for hire in unsafe or overloaded vessel
- b. Sec. 283 Danger or obstruction in line of navigation – Sec. 299 Culpable homicide, Sec 300 Murder, 304 A Causing death by negligence, Sec. 320 Grievous Hurt, Sections 339 & 340 Wrongful restraint & confinement – Sec. 378 Theft, Sec. 390 Robbery, Sec. 441 Criminal trespass.
- c. Code of Criminal Procedure, 1973 – Arrest of persons, Sections 41, 46, 47, 50, 51 & 52 – Preventive action of police Sections 149 to 152 – Sec. – 188 offences committed outside India/high seas or elsewhere.

BIBLIOGRAPHY

RECOMMENDED READING:

STATUTES PRESCRIBED

1. The Merchant Shipping Act, 1958.
2. The Merchant Shipping (Prevention of Collisions at Sea) Regulations, 1972.
3. The Merchant Shipping Bill, 2020.
4. Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.

INTERNATIONAL CONVENTIONS

1. International Convention for the Safety of Life at Sea (SOLAS), 1974.
2. UNCLOS, 1982.
3. The Convention on the Limitation of Liability for Maritime Claims, 1976.
4. Nairobi International Convention Removal of Wrecks, 2007.
5. International Convention on Civil Liability for Oil Pollution Damage, 1992.

BOOKS

1. Sarah C. Derrington, James M. Turner, 'The Law and Practice of Admiralty Matters', Oxford (2016)
2. Nigel Meeson, John Kimbell, 'Admiralty Jurisdiction and Practice', Routledge, (2017).
3. Darnien Jocemean, 'Admiralty jurisdiction: Law and Practice in Australia, New Zealand, Singapore and Hongkong', Federation press, (3rd ed., 2008).
4. Nagendra Singh, 'International Conventions of Merchant Shipping', Stevens Publications, (1973).
5. Kenneth C. McGuffic (ed), 'The Law of Collisions at sea', Stevens & sons, (1961).

JOURNALS / ARTICLES

1. M. Margaret McKeown, 'Celebrating Women on the High Seas – in Admiralty Law and Otherwise', 45 J. Mar. L. & Com. 119 (2014).
2. John D. Grace, 'Admiralty and Maritime Law', 55 Am L. Rev. 641 (1921).
3. Lionel H. Laing, 'Historic Origins of Admiralty Jurisdiction in England', 45 Mich. L.Rev. 163 (1946).
4. George K. Walker, 'The Interface of Admiralty Law and Oceans Law', 45 J. Mar. L. & Com. 281 (2014).

5. John R. Brown, 'Admiralty Judges: Flotsam on the Sea of Maritime Law', 24 J. Mar. L Com. 249 (1993).
6. Rick L. Rambo, 'Admiralty Law', 30 Tex. Tech L. Rev. 363 (1999).

CASES FOR GUIDANCE

1. In re Garnett, 141 U.S. 1, 12 (1891).
2. Panama R.R. v. Johnson, 264 U.S (1924).
3. Archawski v. Hanioti, 350 U.S. 532 (1956)
4. Insurance Co. v. Dunham, 78 U.S. (11 Wall.) 1, 31 (1871)
5. Wilburn Boat Co. v. Fireman's Fund Ins. Co., 348 U.S. 310 (1955)
6. Jeffcott v. Aetna Ins. Co., 129 F.2d 582 (2d Cir. 1942)
7. The Sea Eagle (2012) 2 Lloyd's Rep 51.

LEARNING OUTCOMES

After completion of the course students will be able to

- *Appraise the International and Indian Admiralty laws.*
- *Articulate and analyze the roles of national governments and international organizations in the regulation of admiralty laws.*
- *Gain insights on practice in admiralty law in India.*

COURSE – IV

REGULATION OF MARINE ENVIRONMENT

(Hard Core Course - IV)

OBJECTIVES OF THE COURSE:

The law of the marine environment has taken shape over several decades, responding to challenges caused by shipping incidents as well as other sources of pollution, and has become a complex framework of international conventions, developed through international consensus, and reinforced through technical developments in the committees of the International Maritime Organisation and other regional organisations. The course aims to orient students to know the specific obligation to protect and preserve marine environment generally and maritime environment with specific focus, such as preventing, controlling and mitigating pollution of marine environment. Further, the subjects aims to analyse the main principles which govern the international law of the marine environment as it applies to shipping and other offshore activities, and the extent to which National law is influenced by internationally accepted principles.

The course will help students to learn

- *The basics of Marine environmental law and its enforcement*
- *Principles for Marine Environmental policy making and legislation*
- *Marine Pollution Control Laws at international and national levels*
- *The need for conservation of marine ecosystem and the law relating to it*
- *Coastal and marine conservation laws in India*

COURSE OUTLINE

Module – I: Introduction to Marine Environmental Law

- a. Principles for Marine Environmental policy making and legislation - Basis of Liability for Marine Pollution, Law of Negligence in Relation to Marine Pollution, Doctrine of Strict Liability/Polluter Pays Principle, Precautionary Principle, Prevention and Sustainable development.
- b. Evolution of Law regulating Marine Pollution. - Historical Background, Development of Principles for the Sustainable Development of the Environment under the United Nations Conferences, UNEP and its Regional Seas Program.

- c. Sources of Marine Pollution

Module – II: Marine Pollution from Ships and other sources

- a. Oil Pollution from Ships – International Convention – Liability for Oil Pollution Damage.
- b. Marine pollution by seabed and subsoil explorations; accidents at sea; land based sources, dumping of wastes, carriage of hazardous wastes.
- c. Enforcement of Pollution Control Laws

Module –III: Conservation of Marine Ecosystem

- a. Inter-Relationship between Prevention of Pollution of the Marine Environment and Protection and Conservation of the Living Resources of the Sea
- b. UNCLOS III and Bio Diversity Convention.
- c. National Obligation and International Cooperation for Conservation.

Module – IV: Marine and Coastal Conservation in India

- a. Marine and coastal conservation under the Indian Constitution
- b. Marine Protected Areas in India - Wildlife Protection Act 1972
- c. Environmental Protection Act, 1986 – Biological Diversity Act, 2002- Biosphere Reserves
- d. Coastal Regulation Zone Notification
- e. Fisheries Regulation in India – State level Fisheries Management
- f. Important Supreme Court and High Court decisions

Module – V: Principles and Issues in marine environmental law

- a. Principles for Marine Environmental policy making and legislation
- b. Illegal fishing- Coastal Erosion
- c. Climate Change and Marine Environment
- d. Atomic weapon testing at High Seas
- e. Nuclear waste disposal
- f. Ocean noise pollution – Marine pollution by space debris

BIBLIOGRAPHY

RECOMMENDED READING:

STATUTES PRESCRIBED

1. Environment (Protection) Act, 1986
2. Biological Diversity Act, 1992
3. Wildlife (Protection) Act, 1972
4. Coastal Regulation Zone Notification, 2011.

INTERNATIONAL CONVENTIONS

1. MARPOL Convention, 1973
2. The London Convention, 1972
3. International Convention for the Prevention of Pollution from Ships, 1973 and the Protocol, 1997.
4. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers as Amended in 1995 and 2010.
5. International Convention on Civil Liability for Oil Pollution Damage, 1992

BOOKS

1. Robert Force, Admiralty and Maritime Law, Federal Judicial Centre, 2004.
2. Birnie W.Patricia; Boyle & Environment, International Law and the Environment 1992
3. Markus Salomon & Till Markus Editors, Handbook on Marine Environment Protection, Science, Impacts and Sustainable Management, Springer, Vol 1.
4. James Harrison, Saving the Oceans through Law, The International Legal Framework for the Protection of the Marine Environment.
5. Phillipe Sands on Principles of International Environmental Law, Second Edition.
6. Shyam Divan & Armin Rosencranz, Environmental Law and Policy In India, Cases, Materials and Statutes, Second Edition
7. J.H. Hargrove, Who Protects the Ocean: Environment and the Development of the Law of the Sea Devendra Kaushik, Indian Ocean Towards a Peace Zone (1983)
8. Lynton Keith caldwsell, International Environmental Policy Emergence and Dimensions.
9. Myres S. McDougal and W. Burke, The Public Order of the Oceans (1962)
10. Our common future, the world commission on Environment and Development, Oxford University Press, 1987.

11. The International Law of Pollution: Protecting the Global Environment in a world of sovereign states, 1983

JOURNALS / ARTICLES

1. DinhThi My Linh, Peoples' Friendship University of Russia, Civil Liability for Marine Oil Pollution Damage in the Brics Countries, Brics Law Journal, 2020.
2. Nilufer Oral, Climate Change and Protecting the Oceans: A Tale of Two Regimes, 2018.
3. Kjell Grip, International Marine Environment Governance: A Review, KUNGL. VETENSKAPS AKADEMIEN, 2015.
4. David M. Dzidzornu, Four Principles in Marine Environment Protection: A Comparative Analysis, Ocean Development & International Law, 2009.
5. L.F. E. Goldie, The Nuclear Tests Cases: Restraints on Environmental Harm, , Syracuse University of Law, 1974.

CASES FOR GUIDANCE

6. R. RenuKarthick v The Inspector General of Coast, 2018
7. S. Jagannath v Union of India And Others, 1996.
8. Samir Mehta v Union of India, 2016.
9. Research Foundation For Science v. Union of India and Others, 2007
10. SittuSehgalAnd Another v. Union of India and Others, 1994.

LEARNING OUTCOME

After completion of the course students will be able to –

- *Identifying the magnificent dimensions of marine environment and its pollution.*
- *Analysing international legal framework for law of Maritime Environment under international conventions in comparison to municipal legislations.*
- *Conducting research with any specific aspects of Marine environment either based on regional or global issue.*
- *To be employed for consulting on adoption of national Marine Spatial Planning or other drafting any other legislation on Maritime environment.*

COURSE – V

LAW ON SEAFARERS

(HARD CORE COURSE - V)

OBJECTIVES OF THE COURSE:

The study is intended to enlighten the young lawyers about the life of seafarers, their struggle and human rights violations against them. These are to be understood in order to glow the mind of readers with legal solutions to address their problems. It would be equally a perfect opportunity to expertise in areas arising out of disputes related to seafarers. India being one of the country whose 90% of the trade occurs through sea, it is high time the rights of the workforce be read and legally enforce their rights through practise or through further dissemination.

After undergoing the study, the student will be able to understand the following:

- *Understand the historical development of Maritime Labour Laws*
- *Determine the UNCLOS provisions which addresses the rights of seafarers*
- *Understand the Convention on Maritime Labour Law, 2006*
- *Knowing the human rights issue and employment conditions of seafarers*
- *To practise enforcing the standards set for their employment conditions.*

COURSE OUTLINE

MODULE--I: INTRODUCTION TO MARITIME LABOUR LAW

- a. Origin and History of Seafarers
- b. Nature and Scope of Maritime Labour Law
- c. The historical timeline of Maritime Labour Laws and International Instruments that protects the rights of seafarers – Labourers under the purview of the term ‘seafarer’ and ‘seamen’ and their classification.
- d. Indian history in protecting seafarers- Historical timeline of Indian Maritime Laws that protects the rights of seafarers.

MODULE—II: MARITIME LABOUR LAW AND LAW OF THE SEA CONVENTION, 1982

- a. UNCLOS as Constitution of Sea Law
- b. UNCLOS in an individualistic approach

- c. Article 230 (Monetary Penalties and the observance of recognised rights of the accused)
- d. Article 292 (Prompt release of vessels and crews)
- e. Article 97 (protection to the shipmaster and other crew members)
- f. Coastal States Laws and Rights of Seafarers.

MODULE--III: ILO CONVENTIONS ON MARITIME LABOUR LAW

- a. Convention on the Repatriation of Seafarers, 1987
- b. ILO Convention No.185 (Seafarers identity card)
- c. ILO Consolidated Maritime Labour Convention
- d. Flag of Convenience and Labour Repatriation
- e. Introduction to Maritime Labour Convention, 2006.

MODULE--IV: MINIMUM REQUIREMENTS FOR SEAFARERS TO WORK ON A SHIP

- a. Minimum Age
- b. Medical Certificate
- c. Training and qualifications
- d. Recruitment and placement

MODULE--V: CONDITIONS OF EMPLOYMENT

- a. Wages- Seafarers employment agreements
- b. Hours of work and rest – Repatriation –Skill development, opportunities and career for seafarers employment
- c. Accommodation and recreational facilities
- d. Right to compensation on a ship's loss or foundering- Manning levels

MODULE--VI: SAFETY OF SEAMEN

- a. Role of IMO and protection of seafarers- The International Convention for the Safety of Life on Sea (SOLAS,1974)
- b. ISM Code- MARPOL and its Protocol in addressing seafarers
- c. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW),1978
- d. International Ship and Port Facility Security Code (ISPS)
- e. Convention on the Facilitation of International Maritime Traffic (FAL)

MODULE--VII: HEALTH PROTECTION, MEDICAL CARE, WELFARE AND SOCIAL SECURITY PROTECTION

- a. Medical care on board ship and ashore
- b. Shipowners' liability- health and safety protection and accident prevention
- c. Education to young seafarers
- d. Access to shore based welfare facilities
- e. Financial security in case of abandonment of seafarers.

MODULE--VIII: HUMAN RIGHTS ISSUES

- a. Criminalisation of Seafarers in the Event of Maritime Accident
- b. Scapegoating – Abandonment of Seafarers
- c. Right to Repatriation- Right to Shore Leave
- d. UDHR, ICCPR, ICESCR and rights of Seafarers – UNGA Res (1988)

MODULE---IX: ENFORCEMENT OF THE STANDARDS AND CONTEMPORARY CHALLENGES

- a. Flag State Responsibilities- general principles- Authorization of recognised Organisations- Maritime labour certificate and Maritime labour compliance- on-board complaint procedures.
- b. Port State Responsibilities- Inspection in Port- On-board seafarer complaint –handling procedures.
- c. Labour supplying Responsibilities
- d. Contemporary challenges – The risks and rewards of seafaring in the digital age

BIBLIOGRAPHY

RECOMMENDED READING:

STATUTE PRESCRIBED

1. Merchant Shipping Act, 1958
2. Major Port Authorities Act, 2021

INTERNATIONAL CONVENTIONS

1. SOLACE Convention,1974
2. UNCLOS, 1982
3. MARPOL

4. Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978
5. ISM Code and ILO Conventions.
6. Convention on the Facilitation of International Maritime Traffic

BOOKS:

1. Couper, A.D. with Walsh, C. J. Stanberry, B.A. and Boerne, G.L., *Voyages of Abuse: Seafarers, human rights and International shipping*, Pluto Press, London, Sterling, Virginia, 1999.
2. AlekaMandaraka-Sheppard, *Modern Admiralty Law with Risk Management Aspects*, University College London, Cavendish Publishing Limited, London, Sydney, 2001.
3. Nigel Meeson and John A. Kimbell, *Admiralty Jurisdiction And Practice*, Informa, Fourth Edition, Lloyd's Shipping Law Library, 2011.
4. Thomas J. Schoenbaum, *Admiralty and Maritime Law, 2016 Pocket Part*, West Academic Publishing, 2016.
5. Graham, Caroline, *Maritime Security and Seafarer's Welfare: Towards Harmonization*, WMU Journal of Maritime Affairs, Vol. 8 (2009).

JOURNALS / ARTICLES

1. Edgar Gold, *The Fair Treatment of Seafarer*, WMU Journal of Maritime Affairs, Vol.4, No.2, 2005.
2. Kim Jefferies, *The Fair Treatment of Seafarers: A Marine Insurance Perspective*, presented during the panel discussion on "The Fair Treatment of Seafarers in the Event of a Maritime Accident, February, 2006.
3. Proshanto K. Mukherjee, *Criminalisation and Unfair Treatment: The Seafarer's Perspective*, *The Journal of International Maritime Law*, 2006.
4. Couper, A.D. with Walsh, C. J. Stanberry, B.A. and Boerne, G.L., *Voyages of Abuse: Seafarers, human rights and International shipping*, Pluto Press, London.
5. K, X, Li and J.M. Ng, *Article entitled International Maritime Conventions: Seafarers' safety and Human Rights*, 33JMARLC 381, *Journal of Maritime Law and Commerce*, Jefferson Law Book Company, July 2002.
6. Lydia D. Sharp-White-Gorrie, *Universal Seafarers Rights*, Faculty of Law, Lund University, 2012.

CASES FOR GUIDANCE

1. MV Prestige case
2. A case study on Erika incident
3. The Tasman Spirit Case
4. A case study on Hebei Spirit
5. A Case study on Obo Basak

LEARNING OUTCOME

After completion of the course students will be able to

- *Comprehensive Knowledge over the historical origin of seafarers, the historical timeline of the evolution of Maritime Labour Laws.*
- *Analyse the human rights violations that affects the seafarers and evaluate the legal solutions available to address their grievances.*
- *Evaluate the working conditions and employment schemes of seafarers and the responsibilities of flag state, coastal state and the port state with respect to seafarers.*

COURSE – VI

DISPUTE SETTLEMENT MECHANISM UNDER MARITIME LAW

(Hard Core Course - VI)

OBJECTIVES OF THE COURSE:

The course aims at helping young lawyers get expertise in the dispute settlement mechanism to practise and also enhance the academic knowledge in resolving Maritime disputes. Arbitration is the proceeding wherein parties are given higher discretion to decide the rules, procedure and the arbitrators to resolve their disputes. The field of Admiralty requires such fast procedures and autonomy to the parties to resolve the dispute. Learning Arbitration and its procedure will help young readers open up for career opportunities, as it is becoming more practised procedure to resolve disputes throughout the world.

After undergoing the study, the student will be able to understand the following:

- *Have a comprehensive understanding of the framework of Admiralty jurisdiction and the historical perspective.*
- *Analyse the developments of Admiralty jurisdiction in India*
- *know the procedure of Maritime Arbitration and the international instruments with regard to Maritime Arbitration*
- *Examine the contemporary challenges in the Maritime Arbitration dispute settlement mechanism.*

COURSE OUTLINE

MODULE – I : ADMIRALTY JURISDICTION: NATURE AND CONTENT

- a. History of admiralty law in England and other parts of the world –Nature of Admiralty Law – Admiralty Law as Law of Merchant- Admiralty Law in relation to common law and civil law- Cinque Ports in England.
- b. India- History of admiralty jurisdiction- the Admiralty Courts in India-The Admiralty Legislation in India.
- c. Admiralty jurisdiction (nature and extent)- Enforcement of Admiralty claims by action in rem and in personam – juridical personality of ship
- d. Arrest of sea going ships – immunity of Government ships- Maritime liens –Mareva Injunction

MODULE -- II: COLLISION CLAIMS

- a. Jurisdiction in matters of collision- Flag State- Extra territorial Jurisdiction
- b. International Regulations for Preventing Collisions At Sea, 1972 Amended by IMO in 1972.
- c. India- The Admiralty (Jurisdiction And Settlement of Maritime Claims) Act, 2017 – Interse priority of Maritime lien – Order of priority of Maritime claims.

MODULE -- III: LIMITATION CLAIMS

- a. Claims that are limitable- personal injuries, deaths, fire, collisions, sinking, salvage and lost cargo- Suez Canal crisis and the limitation of shipowners liability.
- b. Claims that are not subject to limitation- wages due to seamen, injured seamen maintenance and cure benefits- personal contracts doctrine- Flotilla Doctrine.
- c. Convention on Limitation of Liability for Maritime Claims – Limitation Fund- Aggregation of fund – Unit of Account.
- d. Marine Pollution (Nuclear, chemical and Noxious substances) and the contemporary challenges in calculating ship-owners liability and compensation.

MODULE -- IV: SHIP MORTGAGES

- a. International Convention on Maritime Liens and Mortgages, 1993- characteristics of Maritime lien- types of maritime lien- order of priority of maritime lien- right of retention - Extinction Lien by lapse of time- Assignment and Subrogation- forced sale- Brussels Convention –arrest of seagoing ships.

MODULE -- V: MARITIME ARBITRATION

- a. Historical origin of Maritime Arbitration- Introduction to Maritime Arbitration- Forum Selection under Maritime Arbitrations- conflict of jurisdiction of different forums and Forum non Conveniens approach –Choice of Law (lexmaritima)- Damages (prejudgement interest and costs and fees)- punitive damages.
- b. Institutional Arbitration – London Maritime Arbitrators Association (LMAA), Society of Maritime Arbitrators of New York (SMA), The ChambreArbitrale Maritime de Paris (CAMP), THE TOKYO MARITIME ARBITRATION COMMISSION- THE SINGAPORE CHAMBER OF MARITIME ARBITRATION AND CHINA MARITIME ARBITRATION COMMISSION.
- c. Ad Hoc Arbitrations
- d. Role of ITLOS

MODULE – VI: INTERNATIONAL COMMERCIAL ARBITRATION

- a. The Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 (New York Convention) - The Convention on the Execution of Foreign Arbitral Awards, 1961 (Geneva Convention)
- b. Role of Drafting- BIMCO, The Association of Ship Brokers and Agents, Japan Shipping Exchange- Kinds of Contract- Time, Voyage and Bareboat Charter Agreements, shipbuilding, repairing, scraping contracts, salvage agreement's.
- c. National Laws- Repeal of domestic Civil Courts Jurisdiction- British Arbitration Act, 1996, U.S Federal Arbitration Act, Australian Law of Carriage of Goods by Sea Act, 1991- Chinese Arbitration Law of 1995.
- d. India- The Arbitration and Conciliation Act, 1996

MODULE—VII: ARBITRAL PROCEEDINGS –CONDUCT, RULES AND AWARD

- a. Indian Council of Arbitration (ICA) – Rules of Arbitration and Conciliation with Amendment- Interpretation of rules- fast track arbitration- panel of arbitrators- Constitution of Arbitral Tribunal- Place of Arbitration- Copies of Proceedings- Deposits, fees and Expenses.
- b. Types of arbitral awards- enforcement of foreign arbitral awards (In India under CPC and Arbitration and Conciliation Act, 1996) – Modes of Execution
- c. The problem of the form of Arbitration Clause for Maritime Arbitration in the era of E-Commerce

BIBLIOGRAPHY

RECOMMENDED READING:

STATUTES

1. The Admiralty (Jurisdiction and Settlement of Admiralty Claims) Act, 2017.
2. Merchant Shipping Act, 1958
3. Civil Procedure Code, 1908
4. Notification for the MS (Amendment) Act, 2014
5. Notification relating to MS (Second Amendment) Act, 2014.
6. Marine Insurance Act, 1963
7. The Merchant Shipping (Form of Certificate of Insurance for Civil Liability for Oil Pollution Damage) Rules, 1985.

8. The Arbitration and Conciliation Act, 1996

INTERNATIONAL CONVENTIONS

1. UNCLOS, 1982
2. The Convention on Limitation of Liability for Maritime Claims, 1976.
3. The Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958
4. The Convention on the Execution of Foreign Arbitral Awards, 1961
5. International Convention on Maritime Liens and Mortgages, 1993

BOOKS

6. Nigel Meeson and John A. Kimbell, Admiralty Jurisdiction And Practice, Informa, Fourth Edition, Lloyd's Shipping Law Library, 2011.
7. AlekaMandaraka-Sheppard, Modern Admiralty Law with Risk Management Aspects, University College London, Cavendish Publishing Limited, London, Sydney, 2001.
8. Simon Baughen, Shipping Law, Routledge Taylor & Francis Group, London, New York, Sixth Edition, 2015.
9. Robert Force, Admiralty and Maritime Law, Federal Judicial Centre, 2004.
10. Dr.ShrikantHathi and Ms.BinitaHathi, Ship Arrest In India and Admiralty Laws Of india, Brus Chambers Advocates and Solicitors, Twelfth Edition, 2019.

JOURNALS / ARTICLES

1. Lionel H. Laing, Historic Origins of Admiralty Jurisdiction in England, Michigan Law Review, 1946, Vol.45, pp. 163-182.
2. George K. Walker, The Interface of Admiralty Law and Oceans Law, 45 J. MAR.L & COM.
3. H. C. Gutteridge, The Limitation of the liability of Shipowners, The London School of Economics and Political Science.
4. Michael Faure and Wang Hui. Financial Caps for Oil Pollution Damage: A Historical Mistake? Marine Policy, 2008.
5. John M. Krizt, Ship Mortgages, Maritime Liens, And their Enforcement: The Brussels Conventions of 1926 and 1952, 1958.
6. MajaRadunovic, Law on Limitation of Liability For Maritime Claims, 2019, International Maritime Law Institute, 2019.

CASES FOR GUIDANCE

1. M.V. Elizabeth and Ors. Vs. HarwanInventmentAnd Trading, 1992 SCR (1) 1003.

2. United Africa Co. Ltd. v. Owners of MV Tolten, (1945) 79 L.I.L. Rep.127
3. Kamlakar v. The Scindia Steam Navigation Co. Ltd., AIR 1961 Bom 186
4. Videsh Sanchar Nigam Limited v. M.V. KapitanKud, 1996 SCC (7) 127.
5. Mayar (H.K.) Ltd. and Others v. Owners & Parties, 2006
6. U.S. v. Reliable Transfer Co. 421 U.S. 397,1975, AMC 541 (1975)

LEARNING OUTCOME

After completion of the course students will be able to

- *Comprehensive understanding of Admiralty Jurisdiction from the historical perspective.*
- *Analysis of different Maritime claims and Limitation Claims in order to undertake practise in the field of Admiralty Law*
- *Understanding the increasing relevance of Arbitration and Conciliation in the field of Maritime Law.*

COURSE – VII

MARITIME SAFETY AND SECURITY

(DISCIPLINE ELECTIVE COURSE - I)

OBJECTIVES OF THE COURSE:

With maritime navigation becoming inevitable for the conduct of world trade, the concerns on safety and security at sea occupies the centre stage. The subject highlights the related international legislations on various aspects of safety and security in sea. Moreover, the subject covers the legal arena for liability in marine collision; salvages and wrecks; towage; pilot age; piracy, hijacking and armed robbery at sea.

COURSE OUTLINE

Module-I: Maritime Safety – An Overview

- a. General Principles regarding the safety of ships – Safety regulations under the Merchant Shipping Act – Unseaworthy Ships.
- b. International Convention on Safety of Life at Sea – Concepts and Principles.
- c. Role of International Maritime Organization and International Safety management Code in Maritime Safety.

Module – II: Vessel Safety

- a. Ship's Safety, Cargo Safety, Occupational Safety, Classification Societies, Human Element and Safety Management.
- b. Ship Operation - Manning Standards and Certification of Seafarers, Principles of Safe Manning.
- c. Navigational Safety - Aids to Navigation, Maritime Signals and Beacons, Radio Aids, Meteorological Aids, Hydrographic Aids.
- d. Control of Ship Safety - Flag State Control, Substandard Ships and Actions against Substandard Shipping, Port State Control.

Module – III: Prevention of Collision

- a. Collision Regulations in National and International Arena.
- b. Liability in Collision Cases, Jurisdiction in Collision Cases, Apportionment of Fault in Collision Cases.
- c. Salvage, Towage and Pilotage

Module – IV: Unlawful activities

- a. Hijacking And Armed Robbery against Ships, United Nations Measures to Combat Piracy, IMO Measures to Combat Piracy, Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships.
- b. Human Smuggling and Human Trafficking, trafficking of illicit arms, maritime terrorism and unlawful acts, International Ship and Port Facility Security

Module – V: Maritime Cyber Security and Safety Management

- a. Intelligence Gathering and Information Sharing, Maritime Domain Area Awareness, Intelligence Gathering as a Military Activity, Monitoring the movement of ships and seafarers, Information Sharing and Law Enforcement;

BIBLIOGRAPHY

RECOMMENDED READING:

STATUTES PRESCRIBED

1. Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.
2. Merchant Shipping Act, 1958
3. The Anti-Maritime Piracy Bill, 2019
4. Wildlife Protection Act, 1972
5. The Immoral Traffic (Prevention) Act, 2986.

INTERNATIONAL CONVENTIONS

6. Convention on the International Regulations for Preventing Collisions at Sea, 1972
7. Convention on Facilitation of International Maritime Traffic , 1965.
8. International Convention on Load Lines, 1966
9. International Convention on Maritime Search and Rescue, 1979
10. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988.
11. UNCLOS, 1982.

BOOKS

1. Dr. Shrikant Hathi and Ms. BinitaHathi, Ship Arrest In India and Admiralty Laws Of India, Brus Chambers Advocates and Solicitors, Twelfth Edition, 2019.

2. Simon Baughen, Shipping Law, Routledge Taylor & Francis Group, London, New York, Sixth Edition, 2015.
3. Paul Todd, Maritime Fraud And Piracy, Informa, Second Edition.
4. SamareshwarMahanty, Maritime Jurisdiction and Admiralty Law in India, Universal Law Publishing, Shipping Law Series, Second Edition.
5. Thomas J. Schoenbaum, Admiralty And Maritime Law, Sixth Edition.

JOURNALS / ARTICLES

1. Bruno S. Sergi&GiacomoMorabito, The Pirates' Curse: Economic Impacts of the Maritime Piracy, Routledge, 2016.
2. Felicity Attard, IMO's Contribution to International Law Regulating Maritime Security, Journal of Maritime Law & Commerce, 2014.
3. JernejaPenca, Current Legal Developments in International Maritime Organisation, 24 INT'L J. Marine & Coastal L.713 (2009).
4. Liker Basaran, TheEvolutionof the International Maritime Organisation's Role in Shipping, 47 J. MAR. L. & Com. (2016).
5. Carlos Felipe LinasNegret, Pretending to be Liberian and Panamanian; Flags of Convenience and the Weakening of the Nations State on the High Seas, Journal of Maritime Law & Commerce, 2016.

CASES FOR GUIDANCE

1. T. S. Sawhney v The State, 1986.
2. Gaurav Kumar Bansal v Union of India and Ors, 2014.
3. Mohamed Hashi and 8 others v. Republic (2009)
4. HirsiJamaa and Others v. Italy, 2009
5. United States v Bellaizac-Hurtado and others,2012.

LEARNING OUTCOME

After completion of the course students will be able to

- *Use the basic provisions of International conventions to establish national, regional and global individual and collective responsibility for maritime safety and security; and*
- *Eligible to as attorney on behalf of client filing suit for the violation of the safety measures by the concerned authority and claiming compensation for suffering.*

COURSE – VIII

MARITIME CRIMES AND ISSUES

(Discipline Elective Course - II)

OBJECTIVES OF THE COURSE:

It educates young law graduates on working process of the United Nations Office on Drugs and Crime which intends to combat the maritime crimes involved in the international water bodies. The aim of the course is to create an opportunity to get expertise in the core activities of Law enforcement under regional cooperation against the rise of maritime crimes like piracy, hijacking, human trafficking, smuggling, etc., The study of the subject is highly essential to address the maritime crimes as it affects the core element of international peace and security, the freedom of navigation and the world trade activities.

After undergoing the study, the student will be able to understand the following:

- *Analyze the contemporary crimes evolving at sea and their impact on the development of the country's economy.*
- *Understand the programme and practice involved in combating maritime crimes.*
- *Determining the jurisdictional issues over the international crimes involved at sea.*
- *Have a comprehensive understanding of the international framework of maritime laws and treaties.*

COURSE OUTLINE

MODULE - I: Introduction to Crimes

- a. Definition - Nature and Scope - Concept of crime
- b. Characteristics of crime
- c. Theories of criminal law - Classification and categorization of crimes.
- d. Difference between civil and criminal law
- e. Modern crimes in International Law - Jurisdictional issues of International Crimes.

MODULE - II: Maritime Crimes

- a. Introduction - Nature and types of maritime crimes - Jurisdiction of maritime crimes - Issues in execution of judgments and orders

MODULE - III: Piracy, Hijacking and Armed Robbery against Ships

- a. Concept of Piracy - Contemporary piracy in South Asia, Atlantic and Pacific region - International law on piracy - Jurisdiction.
- b. Concept of Armed Robbery at Sea - UNCLOS - International Maritime Organization Guidelines

MODULE - IV: Trafficking – Humans, Illicit arms, Narcotic Drugs or Psychotropic Substances

- a. Definitions - Global Authorities to Counter Drug and Trafficking - International Law and the Trade in Illegal Drugs - The Multilateral Treaty Framework - Illicit Traffic by Seas - International Maritime Organization - Maritime Human Trafficking - UN Basic Principles on the Use of Force - Regional Authorities to Counter Drug Trafficking - Regional Cooperation in Countering Maritime Drug Trafficking.
- b. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 - Suppression of Illicit traffic in narcotic drugs - International waters - Maritime Drug Trafficking - Mutual legal assistance - Jurisdiction.

MODULE - V: Transport of Slaves, Smuggling

- a. Migrant Smuggling at Sea - Transnational Threat of Irregular Migration - Migrant Smuggling Protocol - Criminalization - IMO initiatives - Duty to render assistance - Salvage Conventions - SAR Convention - SOLAS Convention - International Convention for the Safety of Life.

MODULE - VI: Maritime Terrorism and Weapons of Mass Destruction at sea

- a. Prevalence of Maritime Terrorism and disorder at sea - Palestinian Liberation Front and the Achille Lauro - Sri Lanka and the Tamil Tigers - Al Qaeda and the USS Cole - Non-Proliferation Treaty - North Korea - Is the NPT viable? - Coastal State Authorities - Exclusive Flag State Jurisdiction - Stateless Vessels - Cases on the Use of Force in Ship boarding.
- b. Increasing Port State Controls - Proliferation Security Initiative - Law Enforcement Activities - Intelligence gathering - Armed Conflict and Naval warfare.
- c. International Convention for the Suppression of the Financing of Terrorism, 1999 - UN Security Council Resolutions.

MODULE - VII: Other Unlawful Acts at Sea

- a. Unauthorized entry - smuggling exotic plants and animals - illegal carrying of weapons and artillery - tax evasion - sailing or fishing in unauthorized areas - discharging in ocean waters -SUA Convention and its Protocols.

BIBLIOGRAPHY

RECOMMENDED READING:

INTERNATIONAL CONVENTIONS

1. SOLAS Convention, 1974
2. UNCLOS, 1984
3. SUA Convention, 1988
4. UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988
5. International Convention for the Suppression of the Financing of Terrorism, 2002
6. UN Convention against Transnational Organized Crime, 2003
7. Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia.

BOOKS

1. Panos Koutrakos and Achilles Skordas (2014), 'The Law and Practice of Piracy at Sea', European and International Perspectives: United Kingdom.
2. Greenberg M.D., Chalk P., Wills H.H., Khilko I., and Ortiz D.S. (2006), 'Maritime Terrorism: Risk and Liability', RAND Corporation.
3. Carolin Liss (2010), 'Oceans of Crime: Maritime Piracy and Transnational Security in Southeast Asia and Bangladesh', Institute of Southeast Asian Studies.
4. James Kraska (2011), 'Contemporary Maritime Piracy: International Law, Strategy, and Diplomacy at Sea (Contemporary Military, Strategic and Security Issues)', Praeger.
5. C.Paul Hallwood, & Thomas J. Miceli (2015), 'Maritime Piracy and its Control: An Economic Analysis', Palgrave Pivot; Palgrave Macmillan.

JOURNALS / ARTICLES

1. Edwin Fursdon (1996), "Sea Piracy - or Maritime Mugging?" INTERSEC, Vol.6 No.5 May 1996, p.166.

2. Dunoff Eric (2003-2004), "Marine Insurance for Loss or Damage Caused by Terrorism or Political Violence", University of Sea Freedom Maritime Law Journal, Vol.16 No.1, pp.68-82.
3. Murphy (2006), "Maritime Terrorism Threat in Context", Jane's Intelligence Review, p.23.
4. Douglas Gullfoyle (2007), "Maritime Interdiction of Weapons of Mass Destruction", Journal of Conflict & Security Law, Vol.12, No.1, pp.1-35.
5. Keyuan Zou (2014), "Maintaining Maritime Peace in East Asia: A Legal Perspective", The Journal of Territorial and Maritime Studies, Vol.1, No.2, pp.27-49.

FURTHER READING:

BOOKS

1. Martin N. Murphy (2007), 'Contemporary Piracy and Maritime Terrorism', Routledge.
2. Peter Chalk (2008), 'The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States', RAND Corporation.
3. Swati Parashar (2008), 'Maritime Counter-Terrorism - A Pan-Asian Perspective', Pearson Education India.
4. Robin Geiss, Anna Petrig (2011), 'Piracy and Armed Robbery at Sea: The Legal Framework for Counter-Piracy Operations in Somalia and the Gulf of Eden', Oxford University Press.
5. Anne T.Gallagher, Fiona David (2014), 'The International Law of Migrant Smuggling', Cambridge University Press.
6. Capt. Himadri Das (2021), 'Armed Robbery in Sea in India: Trends and Imperatives'.

JOURNALS / ARTICLES

1. Djalal, Hasjim (2005), "Combating Piracy: Co-operation Needs Efforts and Challenges", in Johnson and Valencia.
2. Rommel C. Banlaoi (2005), "Maritime Terrorism in Southeast Asia: The Abu Sayyaf Threat", Naval College War Review, Vol.58, No.4, pp.62-80.
3. Liss, Carolin (2013), "New Actors and the State: Addressing Maritime Security Threats in Southeast Asia", Contemporary Southeast Asia Vol.35, No.2, pp. 141-62.
4. Aneta Nowakowska-Krystman (2016), "Maritime Piracy as a Form of Organized Crime: A Strategic Management Approach", Partnership for Peace Consortium of Defense Academies and Security Studies Institutes, Vol.15, No.3, pp.41-54.

5. Craig H.Allen (2007), “The Limits of Intelligence in Maritime Counter Proliferation Operations”, Naval War College Review, Vol. 60, No.1, pp.35-53.

CASES FOR GUIDANCE

1. United States v. Smith, (1820)
2. The Republic of Italy v. Union of India & Ors, (2012)
3. Bryan & Ors v. Russia (2014)
4. United States v. Shi 525 F.30 709 (2008)
5. Court of Catania (Italy) Proc. NR 675/2016 R.I.M.C

LEARNING OUTCOME

After completion of the course students will be able to

- *Appraise the implications of rules and legal framework of criminal jurisprudence related to maritime crimes.*
- *Gain insights and be familiarized with basic knowledge on critical international and national maritime laws.*
- *Analyse the role of the international criminal system over the regulation of jurisdictional issues on unlawful activities at sea like trafficking, hijacking, robbery, etc.,*
- *Develop further insightful study on how to prevent the evolving contemporary crimes through the implication of legal regulations.*
- *Determine the effective role of regional cooperation for a better outcome in preventing the threat to international peace and security and to build peace keeping.*

COURSE – IX

PORT OPERATIONS AND COASTAL ZONE MANAGEMENT

(Discipline Elective - III)

OBJECTIVES OF THE COURSE:

A Large portion of the world's inhabitations are in the Coastal Areas. The Coastal zone includes both the area of land subject to marine influence and the area of sea subject to land influence. It contributes for major part of world economies. Also there are high concern about the raising sea level, climate change because of which the conservation has become the priority. Thus knowing the issues involved in Coastal Zone Management, the Techniques and the priorities will help the young reader comprehend the necessity of legal regulations. Further countries like India with a lengthy coastal zone and many ports, are conducting 95% of the International trade volume though sea. This Course thus helps to understand the legal issues from multi-disciplinary approach.

After undergoing the study, the student will be able to understand the following:

- *To get introduced to the area of coastal zone management and ports operation.*
- *To realise the legal issues from the practical dimension by understanding the working of coastal zones management and port operations.*
- *To know the relevance of coastal zone management and port operations being conducted in a sustainable manner by balancing with the economic interest.*
- *To understand the role of technological innovations for coastal zone management and port operations.*

COURSE OUTLINE

MODULE--I: CONCEPT OF PORTS AND THEIR OPERATIONS

- a. Introduction - History and evolution of ports
- b. Importance of ports – Need for port operations

MODULE --II: PORT ECONOMICS AND MANAGEMENT

- a. Introduction – Port Economics- Port Competition (Comparative Advantage, Competitive Advantage and Absolute Advantage)- Port Authorities and their functions- Port Workforce- Port resource management-post demand – Inter –relationship between port development and the local economic impact.

- b. Port Ownership – its structure and organization – Port Governance and its structural types- Port privatisation – Four Stages of Port Management and Operations (Ports’ Off-Port-Limits Operations, berth Management, ship operations in the berth/terminal, Port and terminal Operators’ logistics networks).

MODULE--III: PORT OPERATIONS IN INDIA INCLUDING SAGARMALA

- a. Major ports in India- Structure of Ports- tasks performed by ports – management of ports – laws and policies relating to port management
- b. Port Trusts Act, 1963 – Major Port Authorities Act, 2021 – Project UNNATI – Indian Ports Association (IPA) and Indian Private Ports And Terminals Association.
- c. Sagarmala project – National Sagarmala Apex Committee

MODULE--IV: COASTAL ZONES AND COASTAL ZONE MANAGEMENT

- a. Introduction – Meaning and definitions of coastal zones – strategic importance of coastal zones –need for coastal zone management
- b. Existing Problems- Flooding, erosion, habitat loss and modification, structural damage, silting and shoaling, pollution, over exploitation of living resources- human intervention – shoreline alterations, coral harvesting, dredge and fill activities, sand and gravel extraction, dam construction, river diversion, ground water extraction - disposal of wastes in the marine environment and the consequences.
- c. Climate change and sea level rise – biodiversity
- d. Adaptive Responses – Retreat- accommodation-protection –economic implications- social and cultural implications- legal and institutional implications.

MODULE -- V: PORTS AND COASTAL MANAGEMENT: ROLE OF TECHNOLOGY

- a. Introduction – need for technology advancement in ports- need for technology advancement in coastal zone management- technologies used in ports and coastal zone management- capacity building and technology transfer issues- case studies.
- b. Education and community participation in ports and Coastal management.
- c. Allocation of Resources in the Ports and Coastal Management
- d. Risk Assessment Methodologies

MODULE--VI: MARITIME FORENSICS

- a. Introduction – ship accidents and hijacking and collection of evidence- use of GIS and Remote Sensing technologies in marine forensics- case studies.
- b. Cyber maritime and risk management.

BIBLIOGRAPHY

RECOMMENDED READING:

STATUTES PRESCRIBED

1. Port Trusts Act, 1963
2. Major Port Authorities Act, 2021
3. Merchant Shipping Act, 1958

INTERNATIONAL CONVENTIONS

1. United Nations Framework Convention on Climate Change (UNFCCC), 1994
2. United Nations Convention on Law of Seas (UNCLOS), 1982.
3. Jakarta Mandate, Marine and Coastal biodiversity
4. The Cartagena Convention

BOOKS

1. Charles Heller and Lorenzo Pezzani, Forensic Oceanography, Mare Clausum, Forensic Architecture Agency, Goldsmiths, University of London, May 2018.
2. Maria G. Burns, Port Management and Operations, CRC Press, 2015.
3. Patrick Alderton, Port Management and Operations, Lloyd's Practical Shipping Guides, Informa, Third Edition.
4. Parimal Sharma, Coastal Zone Management, Global India Publications Pvt. Ltd., New Delhi.
5. Timothy Beatley, David J. Brower & Anna K. Schwab, An Introduction to Coast Zone Management, Second Edition.

JOURNALS / ARTICLES

1. IBEF, India Brand Equity Foundation, 2021.
2. Joao-Frias & Paula Sobral, Microplastics and Persistent Pollutants – a Double Threat to Marine Life, Journal of Integrated Coastal Zone Management, 2011
3. J. Gilbert & P. Vellinga, Coastal Zone Management, IPCC.

4. Raphael Bille, Integrated Coastal Zone Management: Four entrenched illusions, Surveys and Perspectives integrating Environment and Society, Open Edition Journals,2008.
5. ShaileshNayak, Remote Sensing to Integrated Coastal Zone Management, Space Applications Centre, 2000.

LEARNING OUTCOME

After completion of the course students will be able to

- *A Comprehensive understanding of the Port Operations, its Management and to determine the economic, social and environmental implications of its management.*
- *Learning the Coastal Zone Management and Port Operations of India and the contemporary solutions.*
- *Tracing the role of technology such as remote sensing in port operations and Coastal Zone Management.*

COURSE – X

REGULATORY MECHANISM FOR MARINE POLLUTION

(Elective Course - I)

OBJECTIVES OF THE COURSE:

The law of the marine environment has taken shape over several decades, responding to challenges caused by shipping incidents as well as other sources of pollution, and has become a complex framework of international conventions, developed through international consensus, and reinforced through technical developments in the committees of the International Maritime Organisation and other regional organisations. The course aims to orient students to know the specific obligation to protect and preserve marine environment generally and maritime environment with specific focus, such as preventing, controlling and mitigating pollution of marine environment. Further, the subjects aims to analyse the main principles which govern the international law of the marine environment as it applies to shipping and other offshore activities, and the extent to which National law is influenced by internationally accepted principles.

COURSE OUTLINE

Module – I: Marine Pollution – An Overview

- a. Evolution of Law regulating Marine Pollution. - Historical Background, Development of Principles for the Sustainable Development of the Environment under the United Nations Conferences, UNEP and its Regional Seas Program
- b. Sources of Marine Pollution

Module – II: Principles for Marine Environmental policy making and legislation

- a. Basis of Liability for Marine Pollution, Law of Negligence in Relation to Marine Pollution, Doctrine of Strict Liability/Polluter Pays Principle, Precautionary Principle, Prevention and Sustainable Development

Module – III: Marine Pollution from Ships

- a. Oil Pollution from Ships – International Convention – Liability for Oil Pollution Damage.
- b. National Shipping Laws and Oil Pollution from Ships

Module -- IV: Maritime Activities causing Marine Pollution.

- a. Marine pollution by seabed and subsoil explorations.
- b. Pollution by accidents at sea.
- c. Pollution by atomic weapon testing at High Seas
- d. Pollution from land-based sources, dumping of wastes, Nuclear waste disposal, Carriage of hazardous wastes.

Module – V: Enforcement of Pollution Control Laws

- a. Role of International Maritime Organization in prevention and control of pollution.
- b. National Jurisdiction – Responsibility of Flag States and Port States.
- c. Liability for Marine Pollution – Transboundary Pollution.
- d. Regional Approaches to the Protection of Marine Environment

BIBLIOGRAPHY

RECOMMENDED READING:

STATUTES PRESCRIBED

1. Environment (Protection) Act, 1986
2. Biological Diversity Act, 1992
3. Wildlife (Protection) Act, 1972
4. Coastal Regulation Zone Notification, 2011.

INTERNATIONAL CONVENTIONS

1. MARPOL Convention, 1973
2. The London Convention, 1972
3. International Convention for the Prevention of Pollution from Ships, 1973 and the Protocol, 1997.
4. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers as Amended in 1995 and 2010.
5. International Convention on Civil Liability for Oil Pollution Damage, 1992

BOOKS

1. Robert Force, Admiralty and Maritime Law, Federal Judicial Centre, 2004.
2. Birnie W.Patricia; Boyle & Environment, International Law and the Environment 1992

3. Markus Salomon & Till Markus Editors, Handbook on Marine Environment Protection, Science, Impacts and Sustainable Management, Springer, Vol 1.
4. James Harrison, Saving the Oceans through Law, The International Legal Framework for the Protection of the Marine Environment.
5. Phillippe Sands on Principles of International Environmental Law, Second Edition.
6. Shyam Divan & Armin Rosencranz, Environmental Law and Policy In India, Cases, Materials and Statutes, Second Edition
7. J.H. Hargrove, Who Protects the Ocean: Environment and the Development of the Law of the Sea Devendra Kaushik, Indian Ocean Towards a Peace Zone (1983)
8. Lynton Keith caldwell, International Environmental Policy Emergence and Dimensions.
9. Myres S. McDougal and W. Burke, The Public Order of the Oceans (1962)
10. Our common future, the world commission on Environment and Development, Oxford University Press, 1987.
11. The International Law of Pollution: Protecting the Global Environment in a world of sovereign states, 1983

JOURNALS / ARTICLES

1. DinhThi My Linh, Peoples' Friendship University of Russia, Civil Liability for Marine Oil Pollution Damage in the Brics Countries, Brics Law Journal, 2020.
2. Nilufer Oral, Climate Change and Protecting the Oceans: A Tale of Two Regimes, 2018.
3. Kjell Grip, International Marine Environment Governance: A Review, KUNGL. VETENSKAPS AKADEMIEN, 2015.
4. David M. Dzidzornu, Four Principles in Marine Environment Protection: A Comparative Analysis, Ocean Development & International Law, 2009.
5. L.F. E. Goldie, The Nuclear Tests Cases: Restraints on Environmental Harm, , Syracuse University of Law, 1974.

CASES FOR GUIDANCE

1. R. RenuKarthick v The Inspector General of Coast, 2018
2. S. Jagannath v Union of India And Others, 1996.
3. Samir Mehta v Union of India, 2016.
4. Research Foundation For Science v. Union of India and Others, 2007
5. SittuSehgalAnd Another v. Union of India and Others, 1994.

LEARNING OUTCOME:

After completion of the course students will be able to

- *Identifying the magnificent dimensions of marine environment and its pollution.*
- *Analysing international legal framework for law of Maritime Environment under international conventions in comparison to municipal legislations.*
- *Conducting research with any specific aspects of Marine environment either based on regional or global issue.*

COURSE – XI

INTERNATIONAL TRADE AND MARINE TRANSPORT SERVICES

(Elective Course - II)

OBJECTIVES OF THE COURSE:

The study of International Trade Law in Maritime transportation helps students to develop an understanding of both the international and comparative perspective, which will surely benefit in future legal practice and in academic legal research. The subject is all about understanding the application of trade laws in maritime transport for the growth of the global and country's economy. A Further understanding of the international financial institutions at the backdrop for the development of opportunities for countries involved in maritime transport.

After undergoing the study, the student will be able to understand the following:

- *Analyse the historical evolution and theories of trade and its role at the global level.*
- *Explore the international institutions like WTO, IMF, and IBRD in the international trade service.*
- *The role of international instruments in relation to world trade activities.*
- *Enumerate the impact of Covid-19 on global trade transportation and the fall of the economy.*

COURSE OUTLINE

MODULE - I: International Trade and importance of maritime transport and the role of international institutions in maritime transport

- a. Introduction to International Trade Law - History and Development of International Trade Law - Role of Trade Theories in Development of International Trade Law - Basic Principles and Concepts of International Trade Law.
- b. History of Maritime Trade - Role of Maritime Transport in International Trade - International Maritime Transport and its growing role in the global economy -Maritime Transport Services in the Indian Economy - Ship Management and its significance.
- c. International Trade Law and Financial Institutions - IMF and IBRD

MODULE - II: WTO, GATS and International Trade

- a. International Trade and Historical background of the General Agreement on Trade and Tariffs (GATT)

- b. Evolution of WTO - Principles and Working of WTO and its Covered Agreements - International Trade Negotiations at a Glance
- c. General Agreement on Trade in Services (GATS)

MODULE - III: International shipping and Role of ports

- a. Carriage of Goods by Sea - Types of cargoes and their means of carriage - Contract of Carriage of Goods by Sea - International Regulations for the Carriage of Goods by Sea - Bill of lading Conventions on carriage of goods by sea - Carriage of Passenger and Luggage by sea.
- b. Technologies used in Maritime Transportation - Role of Maritime Transporting Global Trade & Economy.
- c. Introduction to International Ships, Shipping and Cargo Charter party - Registries of Ships - Ship Management - Rights of Ship access to ports.

MODULE - IV: India and Maritime Trade

- a. Introduction - Historical Aspects of International Trade and Role of Maritime Transportation.
- b. Regulatory Framework of Shipping Industry in India - Ports in India - Shipping and Port Operations in India - Shipbuilding, Ship Repair and Ship Scrapping in India - Shipping laws in India.
- c. India and GATS

MODULE - V: Impact of Covid-19 on maritime trade and maritime industry as a whole

- a. The Doctrines of Force Majeure and rebus sic santibus - General Covid-19 impact on global maritime mobility - Covid-19 and International Maritime Trade - Covid-19 and Shipping Industry: Emerging Legal Issues - Persons at Sea - International Law and Covid-19 - Impact of Covid-19 on Shipping and Maritime Industry: An Analysis by ILO - Impact of Covid-19: The global scenario and Indian Scenario.

BIBLIOGRAPHY

RECOMMENDED READING:

INTERNATIONAL CONVENTIONS

1. Bill of Lading Act, 1856
2. Carriage of Goods by Sea Act, 1925

3. The Multimodal Transportation of Goods Act, 1993
4. The Major Port Authorities Act, 2021
5. UN Convention on the Carriage of Goods by Sea, 1978
6. UN Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (Rotterdam Rules), 2008.
7. Maritime Arbitration and Alternative Dispute Resolution Modes

BOOKS:

1. Svein Kristiansen (2004), 'Maritime Transportation: Safety Management and Risk Analysis'.
2. Enrico Rizzuto, Carlos Guedes Soares (2011), 'Sustainable Maritime Transportation and Exploitation of Sea Resources', Routledge.
3. Indira Carr, Peter Stone (2014), 'International Trade Law', Routledge.
4. Baris Soyer, Andrew Tettenborn (2016), 'International Trade and Carriage of Goods', Informa.
5. Victor Hugo Chacon (2017), 'The Due Diligence in Maritime Transportation in the Technological Era', Springer International Publishing.
6. International Chamber of Shipping: Safe Transport of Containers by Sea: Guidelines on best practices (2017).

JOURNALS / ARTICLES

1. James R. Schlesinger (1958), "International Trade and Economic Relations", Naval War College Review, Vol.10, No.7, pp.25-41.
2. James J. Corbett & James Winebrake (2008), "The Impacts of Globalisation on International Maritime Transport Activity: Past trends and Future Perspectives", Global Forum on Transport and Environment in a Globalising World .
3. Kalim Siddiqui (2016), "International Trade, WTO and Economic Development", World Review of Political Economy, Vol.7, No.4, pp.424-450.
4. Cheng Fengju (2016), "Research on the Impact of Maritime Transport Services in the trade deficit", ICESAME.
5. Christopher J. McMahan (2017), "Maritime Trade Warfare: A strategy for the Twenty-First Century?", Naval War College Review, Vol.70, No.3, pp.14-38.

CASES FOR GUIDANCE

1. Administration of the Territory of Papua and New Guinea v. China Navigation Ltd. (1967 -68) PNGLR 239.
2. Balae v. Markwarth Shipping Company Ltd. (1981) SBHC 10; (1980-81) SILR 218.
3. Karim's Ltd v. Feeders Seafood Ltd (1995) FJHC 136.
4. Case study on Suez Canal, 2020
5. EICM Exports Ltd. V. South Indian Corporation (Agencies) Ltd and Anr. 2009 AIOL 953.

FURTHER READING

BOOKS:

1. Adam Klug (2006), Theories of International Trade (Routledge Explorations in Economic History)
2. Yong-Shik Lee, Gary Horlick, Won-Mog Choi, Tomer Broude (2011), 'Law and Development Perspective on International Trade Law', Cambridge University Press.
3. Adam Weintrit, Tomasz Neumann (2011), 'Miscellaneous problems in maritime navigation, transport and shipping: marine navigation and safety of sea transportation', CRC Press/Balkema.
4. Maren Heidemann Dr. (2012), 'Does International Trade Need a Doctrine of Transnational Law?: Some Thoughts at the Launch of a European Contract Law', Springer-Verlag Berlin Heidelberg.
5. Bevan Marten (2014), 'Port State Jurisdiction and the Regulation of International Merchant Shipping', Springer International Shipping.

JOURNALS / ARTICLES

1. Leo Cordner (2011), "Progressing Maritime Security Cooperation in the Indian Ocean", Naval War College Review, Vol.64, No.4, pp.68-88.
2. Baris Soyer (2012), "A New International Regime for Carriage of Goods by Sea: Contemporary, Certain, Inclusive and Efficient or Just Another one for the Shelves?", Berkeley Journal of International Law, Vol.30.
3. Research Report on "Global Trade and Maritime Commerce" from Maritime Commerce and Security: The Indian Ocean, pp.36-62.
4. Duncan D.Hunter (2014), "Healthy Maritime Industry Vital to National Security", National Defense, Vol.99, No.733, pp.18-19.

5. Inayat Kalim and Areeja Syed (2020), “Maritime Economy and Gwadar Port: A Growth Catalyst”, Policy Perspectives, Vol.17, No.1, pp.73-82.

LEARNING OUTCOME

After completion of the course students will be able to -

- *Develop a deeper understanding of the importance of shipping goods by sea and varied modern technologies involved in transportation.*
- *Articulate and analyze the roles of International institutions by governing the regulation of global trade transportation.*
- *Examine the available legal mechanisms to facilitate international dispute resolution on any issue that arises from the contract of trade through the sea.*
- *Adapt the contemporary challenges in maritime transportation and examine the operation of international trade law in practical contexts.*
- *Consider several key issues in the operation of international trade including trade in goods, services, carriage of goods, shipping, etc*
