



**CHRIST**  
(DEEMED TO BE UNIVERSITY)  
BENGALURU · INDIA

**School of Law**

**Syllabus**

**ELECTIVES / OPTIONAL PAPERS**

**EVEN & ODD SEMESTER  
2018-19**

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CHRIST (Deemed to be University), Bangalore  
Karnataka, India  
[www.christuniversity.in](http://www.christuniversity.in)

**III SEMESTER (2017-18 Batch)**

Sl.No	Code	Elective Subjects
1	BAL/BBL 3E1	Law, Poverty and Development
2	BAL/BBL 3E2	Law of Mines and Minerals
3	BAL/BBL 3E3	Food Law and Policy
4	BAL/BBL 3E4	Corporate Governance
5	BAL/BBL 3E5	Public Policy and Development

**V SEMESTER (2016-17 Batch)**

Sl.No	Code	Elective Subjects
1	BAL/BBL 7E1A	Law of Trademarks
2	BAL/BBL 7E2A	Law of Mergers and Acquisitions
3	BAL/BBL 7E3A	Cyber Law
4	BAL/BBL 7E4A	International Humanitarian Law
5	BAL/BBL 7E5A	Energy Laws
1.	BAL/BBL 7E1B	Service Law
2.	BAL/BBL 7E2B	Interpretation of Contracts
3.	BAL/BBL 7E3B	Construction Contracts
4.	BAL/BBL 7E4B	Nuclear Law
5.	BAL/BBL 7E5B	Comparative Constitutional Law

**VII SEMESTER (2015-16 Batch)**

Sl.No	Code	Elective Subjects
1	BAL/BBL 5E1A	Research Methodology
1.	BAL/BBL 5E1B	Women and Law
2.	BAL/BBL 5E2B	Land Laws
3.	BAL/BBL 5E3B	Election Laws
4.	BAL/BBL 5E4B	Economic Crimes
5.	BAL/BBL 5E5B	Investment Laws
6.	BBL5E6B	Financial Management

**IX SEMESTER (2014-15 Batch)**

## BAL3E1/BBL3E1LAW, POVERTY AND DEVELOPMENT

(No. of Hrs. 60-80 Hrs.)

### COURSE OBJECTIVES:

- In the course, legal responses to the phenomena of "poverty" and "development" both in national and international context are examined. Paradigm shifts in the process of development in the third world, in the wake of "globalisation", is one of the concerns addressed in the course.
- A multi-disciplinary approach is adopted to understand and appraise the problems associated with poverty and development, while attempting legal solutions for them. Basic needs such as food, security, housing, employment and problems of child labour, prostitutions, etc., are studied in the course with particular reference to the role of legislator, administrator and Judge.
- Process of land acquisition and utilization for various developmental activities and their impact on protection of human rights, also form important components of the study. The courses and consequences of urban concentration, the balancing of conflicting interests and the role of law and legal institutions in planning and development is given special attention in the course.
- The idea is to understand the interface of human, legal and social process, evaluate law as a policy instrument and access to the scope for law reform as part of development.

**COURSE OUTCOME:**At the end of the course students will be able to -

1. Identify the legal responses to the phenomena of "poverty" and "development" both in national and international context.
2. List out the Social Welfare Schemes and Legislations on Food, Education, Health, Shelter/Housing, Security, and Employment in India.
3. Apply the concept of human rights and their protection in relation to various social problems related to poverty correctly.
4. Analyse the issues related to mechanism to secure justice for the poor.
5. Evaluate as against other the international dimensions, principles, and institutions in reduction of poverty.
6. Propose a solution to the existing problems of poverty in India and the role of institutions in reduction of poverty.

Sl.No	Code	Elective Subjects
1	BAL/BBL 9E1	Empirical Legal Research
2	BAL/BBL 9E2	Negotiation, Drafting and Vetting of Contracts
3	BAL/BBL 9E3	Witness Examination
4	BAL/BBL 9E4	Law Commission of India Reports (Criminal Law - Selected)
5	BAL/BBL 9E5	Law Commission of India Reports (Constitutional Law - Selected)

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Case Study etc. as per the requirement of each UNIT.

## **UNIT 1 INTRODUCTION**

Socio-legal Perspective on Meaning, Scope of Poverty

**Learning Outcome:** On completion of this UNIT students are will be able to understand the meaning, definition and complete concept of poverty and scope of poverty.

## **UNIT2 INTERNATIONAL DIMENSIONS, PRINCIPLES, AND INSTITUTIONS IN REDUCTION OF POVERTY**

United Nations Organization- Millennium Development Goals, **Sustainable Development Goals** (newly added topic), Poverty Reduction Initiatives of ILO, WTO etc

**Learning Outcome:** On completion of this UNIT students will be able to understand various dimensions of poverty and the role of institutions in reduction of poverty.

## **UNIT 3POLICIES, LAWS AND PROGRAMS AND INSTITUTIONAL MECHANISM**

Social Welfare Schemes and Legislations on Food, Education, Health, Shelter/Housing, Security, Employment etc

**Learning Outcome:** On completion of this UNIT students will be able to know the various policies, laws and programmes of government and their implementation.

## **UNIT 4 POVERTY AND ACCESS TO SECURING JUSTICE**

Right to Free Legal Aid- Art 21 of the Constitution of India and Section 304 of Criminal Procedure Code, Rights of the Indigent Person- Civil Procedure Code, LokAdalats - Legal Services Authorities Act, 1987

**Learning Outcome:** On completion of this UNIT students will be able to know the mechanism to secure justice for the poor.

## **UNIT 5HUMAN RIGHTS PROTECTION FOR THE POOR**

Constitutional Protection of Human Rights - Fundamental Rights, DPSP etc. Human Rights Violations and Legal Protection - Child Labour, Prostitution, Land Acquisition and Displacement etc

**Learning Outcome:** On completion of this UNIT students will be able to understand the concept of Rights and their protection and various social problems and impact on the society.

## UNIT 6 RIGHT TO DEVELOPMENT

Development, Right to development, United Nations Charter, Right to development as a Group Right, The Rio Declaration, 1992, The Principles of Rio Declaration, Copenhagen Declaration, 1995, Significance of Declarations on the Right to Development, Recognition, Targets, Legal Relevance.

Case studies on the areas of conflict between right to development and rights of the poor.

**Learning Outcome:** On completion of this UNIT students will be able to understand the concept of development and various international declarations on development and its significance.

## SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS

1. Lucy Williams (Ed.), Law And Poverty, The Legal System And Poverty Reduction, London: Zed Books, 2003.
2. M Govinda Rao (Ed.), Development, Poverty, And Fiscal Policy Decentralization Of Institutions, New Delhi: Oxford, 2000.
3. Radakrishnan, Ray, Oxford Handbook Of Poverty In India, New York: Oxford University Press, 2005.
4. KhajaAjamuddin, Poverty In Urban Area, Delhi: Adhyayana Publishers and Distributors, 2006

5. Deepali Pant Joshi, Poverty And Sustainable Development, Delhi: Gyan Publication, 2006.
6. S Muralidhar, Law, Poverty And Legal Aid Access To Criminal Justice, New Delhi:Lexisnexis Butter Worths, 2007.
7. Sadhnaarya, Anupama Roy, Poverty Gender And Migration, New Delhi: Sage Publications, 2006.
8. Deepa Narayan (Ed) Empowerment And Poverty Reduction: A Sourcebook, Jaipur:Yrawat, 2005.
9. G.S Aurora, Poverty And Economic Reforms, New Delhi: Academic Foundation, 2008.
10. India: Land Policies For Growth And Poverty Reduction, New York: Oxford University Press, 2007.
11. Amartya Sen, The Idea Of Justice, Belknap Press, 2009.
12. Baxi. U, Law And Poverty, - Critical Essays, Bombay, N.M. Tripathi

## **BAL3E2/BBL3E2LAW OF MINES AND MINERALS**

**(No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** Mining is the single largest industry proposed in India. Minerals form an important part of our GDP and earn valuable foreign exchange. Extremely qualified professional are moving into Mining industry as a highly paying and challenging vocation. The field of Mines and Minerals in India require thousands more qualified persons in the employment market. The Course on Mines and Minerals in India aims to give the students an overall view of the various laws relating to the mines and minerals in India. It is designed to give the students a clear picture of the various provisions of law regulating the exploitation of our natural resources. The Course will critically analyze the various laws on Mines and Minerals in India and deepen the students' understanding of the relation between conservation and development and judicious use of our precious resources.

**LEARNING OUTCOME:** The Mines and Minerals (Development and Regulation Act), 1957 (MMDR) deals with the mineral resources and their allocation while the Mines Act, 1952, is concerned about the health and security of the mine labourers. There are also certain Acts and Rules that are very practically oriented such as Mines Vocational Training Rules, 1966 and Mines Rescue Rules, 1958. Millions of persons working in the mines are affected by the right or faulty implementation of these rules. The students will get academic knowledge on Mines and Minerals gathered through the lectures, presentations, discussions, documentaries and movies as well as guest lectures from field experts. These Acts and Rules present the students with a clear picture of the legal provisions regarding the usage of our mineral resources. The Course on Law of Mines and Minerals (LMM) in India is designed in such a manner as to be a job oriented programme.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the salient features of Vth Schedule of the Constitution of India and Samatha Judgment, which deals with the protection offered to the tribal's lands with regards to mining requirements.
2. List out the important provisions of Mineral Concession (MC), Reconnaissance Permit (RP), Prospecting License (PL), Mining Lease (ML).
3. Apply the provisions of the Mines Act 1952 and the Mines Rules 1955 regulating labor and safety in the Mines correctly.
4. Analyse the issues related coal mines allocation cases.
5. Evaluate as against other the working s of the Government Organizations and Public Sector Undertakings in the mining sector.
6. Propose a solution to the existing problems of of the Ministry of Mines (India) and its workings.

**TEACHING METHODOLOGY:** Lecture, Group/Class Discussions, Power Point Presentations, Documentaries/ Movies, Guest Lectures and Seminars etc. as per the requirement of each UNIT.

### **UNIT .1: INTRODUCTION**

**8 Hrs.**

Learning Outcome: Unit 1 introduces students to the context of mining in India. The Vth Schedule of the Constitution and Samatha Judgment explain the protection offered to the Tribal's/Tribal lands with regards to mining requirements.

1. Mines and Minerals: Importance and Significance.
2. India's contribution to World's Mineral Production.
3. Ownership of Minerals in India.
4. Vth Schedule of the Constitution of India
5. Samatha Judgment (Samtha v. State of Andhra Pradesh, AIR 1997 SC 3297).
6. Tarun Bharat Sangh v. Union of India (1993 Supp (3) SCC 115)

### **UNIT 2: MINISTRY OF MINES**

**5 Hrs.**

Learning Outcome: The students will have a clear understanding of the Ministry of Mines (India) and its workings.

1. Indian Mineral scenario
2. Foreign Trade and Investment
3. Strategy Paper for the Ministry of Mines
4. Shah Commission Enquiry Reports

### **UNIT 3: MINES AND MINERAL POLICY**

**8 Hrs.**

Learning Outcome: In this Unit the students are introduced to the National Mines Policy and National Mineral Policy (1993 and 2008). They also learn about certain important provisions like Mineral Concession (MC), Reconnaissance Permit (RP), Prospecting License (PL), Mining Lease (ML), Forestry Clearance and Environmental Clearance, Royalty etc.

1. National Mines Policy - An Overview.
2. National Mineral Policy 2008
3. Reconnaissance Permit (RP)
4. Prospecting License (PL)
5. Mining Lease (ML)
6. Forestry Clearance (FC)
7. Environmental Clearance. (EC)
8. Royalty

**UNIT 4: LABOUR WELFARE, HEALTH and SECURITY.****8 Hrs.**

Learning Outcome: After the conclusion of the Unit the students will have a thorough knowledge of the Mines Act 1952 and the Mines Rules 1955 regulating labor and safety in the Mines.

1. The Mines Act, 1952; (S.2 (1) (h), (j), (jj), (q), (2) A; S.5-9; S.16-18; S.19-21; S.23-27; S.28-36; S.40-45.
2. The Mines Rules, 1955. (R.23-24; R.29A-29P; 29Q-29R; R30-R45; R46-R52).

**UNIT 5: REGULATORY FRAMEWORK -1****8 Hrs.**

Learning Outcome: This Unit deals with development and regulation of mines and minerals under the Mines and Minerals (Development and Regulation) Act, 1952 and The Mineral Concession Rules, 1960.

1. The Mines and Minerals (Development and Regulation) Act, (MMDR) 1957. (S.3 (a)-(i); S.4-S.9A; S. 10-S.12; S.13; S.17; S.18; S.21. The First Schedule to the MMDR Act.
2. The Mineral Concession Rules, 1960. (R.4-R7C; R9-R16.)

**UNIT 6: REGULATORY FRAMEWORK -2****8 Hrs.**

Learning Outcome: Through this Unit the students are introduced to some important Acts and Rules in the field of mining and related areas.

1. Mines Rescue Rules, 1958
2. Mines Vocational Training Rules, 1966.
3. Coal Mines (Nationalization) Act, 1973
4. Coal Mines Regulations 1957
5. Offshore Areas Minerals (Development and Regulations) Act 2002
6. Convention Concerning Safety and Health in Mines, 1995

**UNIT 7: GOVERNMENT ORGANIZATIONS and PSUs****8 Hrs.**

Learning Outcome: After the completion of the Unit the students will know the working s of the Government Organizations and Public Sector Undertakings in the mining sector.

1. Geological Survey of India
2. Indian Bureau of Mines
3. National Mineral Development Corporation
4. Steel Authority of India Limited
5. Coal India Ltd.
6. Hindustan Copper Limited
7. Mineral Exploration Corporation Limited

**UNIT 8: COAL MINES ALLOCATION CASES****7 Hrs.**

Learning Outcome: Through this Unit the students will have a good knowledge of the contemporary developments in the legal field regarding minerals in India.

1. CBI Enquiry on Coal Blocks Allocation
2. CAG Report on Coal Allocation
3. Common Cause v. Union of India.
4. Manoharlal Sharma Vs. The Principal Secretary, UOI (WP. CrI. 120/2012)

#### SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
<b>TOTAL 100%</b>	

#### SUGGESTED READINGS:

1. Sheshagiri Rao, P, Law of Mines and Minerals, 17th Edition, Asian Law House, 2010;
2. PK BasuMajumdar, Law of Mines and Minerals, Universal Law Publishing Co., 2011
3. Vth Schedule, Constitution of India
4. National Mineral Policy 1993 and 2008
5. [www.mines.nic.in](http://www.mines.nic.in)

#### Further Readings: Acts/Rules/Regulations

1. Mines Act 1952
2. Mines Rules 1955
3. Mines and Minerals (Development and Regulation) Act 1957
4. Mines and Minerals (Development and Regulation) Bill 2011
5. Mines Rescue Rules, 1958
6. Mine Crèche Rules 1966
7. The Maternity Benefit (Mines and Circus) Rules, 1963
8. Mines Vocational Training Rules, 1966.
9. The Payment of Wages (Mines) Rules, 1956
10. Offshore Areas Minerals (Development and Regulations) Act 2002
11. Coal Bearing Areas Acquisition and Development Act, 1957
12. Coking Coal Mines (Nationalization) Act 1972
13. Coal Mines (Nationalization) Act, 1973
14. Coal Mines Regulations 1957
15. Forest (Conservation) Act 1998
16. Convention Concerning Safety and Health in Mines, 1995
17. OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict- affected Areas and High Risk areas

### Case Law / Judgments

1. Samatha v. State of Andhra Pradesh (AIR 1997 SC 3297)
2. Sri TarkeshwarSio Thakur Jiu v. Bar DassDeyand Co ( AIR 1979 SC 1669)
3. Indian Metals and Ferro Alloys Ltd v. Union of India (AIR 1991 SC 818)
4. State of Orissa v. Union of India ( AIR 2001 SC 410)
5. DK Trivedi and Sons v. State of Gujrat ( AIR 1986 SC 1323)
6. Tarun Bharat Sangh v. Union of India (1993 Supp (3) SCC 115)
7. KaranpuraDevep Co Ltd v. UOI (AIR 1996 SC 2879)
8. Bharat Coking Coal Ltd v. State of Bihar ( AIR 1988 SC 127)
9. ML HarNarainThaper Brothers v. UOI(AIR 2004 Jhar 143)
10. East India Coal Comp Ltd v. East BK Colliery Co (AIR 1987 SC 1428)
11. New SatgramEng Works v. UOI AIR 1981 SC 124)
12. Bharat Coking Coal Ltd v. Madan Lal (1997 (1) SCC 177)
13. North Eastern Coal Fields v. Mubarak Ali (2005 (11) SCC 293)
14. PUCL v. UOI (AIR 2004 SC 1442)
15. Manoharlal Sharma Vs. The Principal Secretary, UOI (WP. CrI. 120/2012)

## **BAL3E3/BBL3E3FOOD LAW AND POLICY**

**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES:** The concept of Food, Shelter and Clothing are considered as the basic needs of human being. Course introduces students to the basic concepts of adequacy, availability and accessibility to food is major concern even now in India and hence, the food law and policy is very important subject that the students have to study, where sufficient buffer stocks are available but they are accessible to 40% of the people and the excess food gets rotten and becomes a paradise rats. The students must understand the concept of Right to food is a fundamental right as well as human right. They must study the prevailing food laws and analyze whether these sufficient and where the problem exists ultimately suggest what else has to do. It will also discuss: (1) the institutions and rules and governs food law, (2) the substantive principles and standards that may apply to the Public Distribution system and (3) the interactions between the international organizations and National and state Governments (4) and how the Governments tries make the people to the three basic concepts of adequacy, availability and accessibility and prevents starvation, famine and provides employment and women empowerment.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the reasons relating to chronic under nourishment and the salient features of World Food Council World Food Summits and WTO Agreement on Agriculture.
2. List out the Causes and the realities that still prevailing in the agriculture sector such as suicides migration to cities malnutrition starvation in the rural areas of our nation.
3. Apply the provisions of the the National Food Security Act 2013 and the policies of the Government makes the things better for the public in a transparent and accountable manner.
4. Analyse the issues related to right to food.
5. Evaluate as against other the human and fundamental rights enshrined in the International Covenants / Declarations and the Constitution of India.
6. Propose a solution to the problems related to schemes and project of the Governments introduced for the public in or to have the basic concept of adequacy, availability and accessibility of food.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

### **UNIT 1: RIGHT TO FOOD AS HUMAN RIGHT**

**8Hrs**

**Learning Outcome:** This UNIT enables the students at the end to appreciate the aspects relating to Right to Food, Human and Fundamental Rights enshrined in the International Covenants / Declarations and the Constitution of India.

Definition of Poverty, Why we need food and Right to Safe food. Art. 21 of Indian Constitution. Judicial activism on the right to food.

## **UNIT 2: GLOBAL FOOD SECURITY**

**4 Hrs**

**Learning Outcome:** This unit is designed to learn by the students the reasons relating to Chronic Undernourishment; World Food Council World Food Summits; WTO Agreement on Agriculture.

Food as Human Right under International Covenants / Declarations. Chronic Undernourishment; World Food Council/ World Food Summits; WTO Agreement on Agriculture, Doha and Bali Rounds; Food Subsidies.

## **UNIT 3: FOOD SECURITY AND POVERTY IN INDIA**

**6Hrs**

**Learning Outcome:** At the end of this UNIT the students will understand establishment of FCI the Causes and the realities that still prevailing in the agriculture sector such as suicides migration to cities malnutrition starvation etc in the rural areas of our nation when India growing as emerging economic power in the world.

Green Revolution; Food Corporation of India (FCI); Farmers' suicide; Landless agricultural labourers and their migration to cities; Gender bias in nutrition; Kalahandi Starvation Case, PUCL v Union of India

Globalisation and its impact on Food Law and Policy and effect of green revolution on environment, health of people and other living beings.

## **UNIT 4: EMPLOYMENT AND RIGHT TO WORK**

**6Hrs**

**Learning Outcome:** This unit is designed to learn by the students the employment opportunities the Government is creating for the poor and needy people in India under various schemes and projects.

Battle for Employment Guarantee; Employment as a Constitutional Right; Mahatma Gandhi National Rural Employment Guarantee Act, 2005; Women Workers and perceptions of MGNREGA.

MNREGA implementation vs Food Law and Policy

## **UNIT 5: NATIONAL FOOD SECURITY ACT, 2013**

**6Hrs**

**Learning Outcome:** This unit is designed to understand the National Food Security Act 2013 and the policies of the Government makes the things better for the public in a transparent and accountable manner.

Special Features: Provisions for food security, Special significance of women and children in the Act, Food Security Allowance, Identification of eligible Households, Women Empowerment. (Sec. 3 to 13); Obligations of the Central and State Governments for Food Security (Sec.22 to 26); Transparency and Accountability (Sec. 27 to 29); Provisions for advancing food security (Sec. 30, 31 and Schedule III of the Act)

Food Security and Land Acquisition-relevant provisions under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

#### **UNIT 6: FOOD SAFETY AND STANDARDS ACT 2006**

**12 Hrs**

**Learning Outcome:** At the end of the UNIT the students will be able to understand the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto.

Object of the Act; Establishment of Food Safety and Standards Authority of India; General Principles of Food Safety; General Provisions as to articles of food; Genetically Modified Foods; Provisions relating to import; Enforcement of the Act; Analysis of food; Offences and Penalties.

#### **UNIT 7: FOOD POLICIES**

**4Hrs**

**Learning Outcome:** This unit is introduced to the students at the end they will be able to understand the schemes and project the Governments are introduced and introducing for the public in or to have the basic concept of adequacy, availability and accessibility of food to the all.

The Public Distribution Scheme (PDS); Antyodaya Anna Yojana (AAY); The National Programme of Nutritional Support to Primary Education (Mid-Day Meal Scheme); Integrated Child Development Services (ICDS); Annapurna Scheme; The National Old Age Pension Scheme (NOAPS); The National Maternity Benefit Scheme (NMBS); The National Family Benefit Scheme (NFBS).

#### **UNIT 8: PREVENTION OF FAMINE IN INDIA**

**4Hrs**

**Learning Outcome:** By the end of this unit the students will be able to understand the measures the Governments introduced and introducing in order to prevent the Famine in India.

History of Famines in India; The Famine Codes and their basic principles; Food Crisis in India after Independence; Strategy of Direct delivery; Availability, Prices and

Entitlements; Private Trade and Famine Vulnerability; Speculation, Hoarding and Public Distribution; Cash Support.

## UNIT 9: HUNGER AND PUBLIC ACTION

4Hrs

**Learning Outcome:** This UNIT enables the students at the end to appreciate the economic aspects relating to Right to Food.

Economic character of modern agriculture; The Economy, the State and the Public; Eliminating endemic deprivation; Food Production, Distribution and Prices; International Cooperation.

### SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
<b>TOTAL 100%</b>	

### SUGGESTED READINGS

1. Bhatnagar's A Treatise on Food Laws in India, Sixth Edition, Ashoka Law House, New Delhi.
2. Right to food : Supreme Court orders, NHRC reports, orders of high courts, commissioner's reports / by Saxena, N. C., Dr; Socio-Legal Information Centre (New Delhi, India); Human Rights Law Network (New Delhi, India).
3. Dreze, Jean, Sen, Amartya and Hussain, Athar (1999). The Political Economy of Hunger, New Delhi: Oxford University Press.
4. Dreze, Jean and Sen, Amartya (1989). Hunger and Public Action, Oxford: Oxford University Press. Khera, Reetika (Ed) ((2011). The Battle for Employment Guarantee, New Delhi: Oxford University Press.
5. Ashton, D.N. (1986). Unemployment under Capitalism, Sussex, Harvester Press Publishing Group.
6. Bhatt, M.S. (2004). Poverty and Food Security in India: Problems and Policies, New Delhi, Aakar Books.
7. Currie, Bob, (2000). The Politics Of Hunger In India: A Study Of Democracy, Governance And Kalahandi's Poverty, Palgrave Macmillan.
8. Food crisis and the WTO : world trade forum by Karapinar, Baris; Haberli, Christian.
9. Agriculture, food security, and rural development by Asian Development Bank. -- Asian Development Bank; India. Dept. of Economic Affairs. Economic Division.
10. In search of biohappiness : biodiversity and food, health and livelihood security by Swaminathan, MonkombuSambasivan.
11. Policy Options to Achieve Food Security in South Asia by Mittal, Surabhi; ; Sethi, Deepti. -- Indian Council for Research on International Economic Relations
12. Right to work and rural India : working of the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) / by Pankaj, Ashok.

13. History and Economics of Indian Famines by A Loveday. : New Delhi Usha Publications 1985
14. Venkateswara Rao Yetukuri, *Commentary on Food Safety and Standards Act,2006'* Asia Law House., 1st Edition,2010-11
15. Jeffrey M.Smith, *Genetic Roulette* published by Other India Press in association with South Against Genetic Engineering (SAGE) and Deccan Development Society (DDS), Hyderabad (First Indian Edition) January, 2009.

# BAL3E4/BBL3E4 CORPORATE GOVERNANCE

## (No. of Hrs. 60-80 Hrs)

### COURSE OBJECTIVES

Corporate governance is the set of processes, customs, policies, laws and institutions affecting the way a corporation is directed or controlled. Emergence of corporate social responsibility affecting all the stakeholders seeks to make the corporations socially responsible. The course aims at providing basic idea about corporate governance and its implications on society and legal system.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the salient features of corporate governance mechanism.
2. List out the important aspects with regard to auditors and other statutory compliances that companies have to follow.
3. Apply various legal and regulatory restrictions and obligations vis-à-vis the Board and the individual directors.
4. Analyse the issues related to functioning of the corporate system as a mode of business organization.
5. Evaluate as against other the OECD principles.
6. Propose a solution to the the various issues related to Corporate Social Responsibility and its application.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

### UNIT 1 : INTRODUCTION TO CORPORATE GOVERNANCE

15Hrs

**Learning Outcome:** On completion of this UNIT students will be able to relate and identify the sphere of corporate governance in the minefields of corporate laws and its relevance in the smooth functioning of the corporate system as a mode of business organization.

Corporate governance - meaning , Corporate governance: Shareholder vs. Stakeholder perspective, Development of concept of corporate governance – historical antecedents, Concept of corporate governance and stakeholders, Principles of corporate Governance – OECD principles, Corporate Governance Committees – Cadbury, Greenbury, Hamper, Kumar Manglam Birla, Narayan Murthy, N.C. Chandra.

## **UNIT 2: CORPORATE GOVERNANCE MECHANISM**

**12 Hrs.**

**Learning Outcome** The pillars of Corporate Governance depends on sound decision making with regard to the utilization of capital contributed by the shareholders and the creditors. This UNIT seeks to throw light on these issues of company capital in relation to corporate governance.

Corporate Governance Mechanism – Anglo-American, Japanese, German, Indian. Issues related to corporate governance-Agency problem, Role of shareholders in decision making, Corporate capital procurement and property rights, Separation of Ownership and control, Role of Creditors in governance, Executive compensation- remuneration committees as per revised clause 49. Comparison of Sarbanes-Oxley Act and clause 49.

## **UNIT 3: BOARD OF DIRECTORS**

**12Hrs.**

**Learning Outcome** - The Board of Directors is in effect the main engine that powers the artificial legal entity called Company. Thus Corporate Governance relies on the role, performance and integrity of the Directors and their collective body called the Board. This UNIT looks into the various legal and regulatory restrictions and obligations vis-à-vis the Board and the individual directors.

Position of Directors under Companies Act 2013- Independent directors, Nominee directors, woman director, SEBI regulation and recommendations relating to board, Corporate Fraud and crimes-setting up responsibilities of directors- Introduction to SFIO, Corporate Succession, Clause 49 of Listing Agreement – Board composition, Case Studies, International perspective on Corporate Governance and position of directors. Whistle blower policies in board – with reference to companies act 2013 and whistle blower protection act 2014. Directors responsibility for framing, implementing and monitoring the risk management plan for the company.

## **UNIT 4: AUDITORS AND OTHER DISCLOSURES**

**11Hrs.**

**Learning Outcome** - Audit plays a pivotal role in ensuring that there is proper check on the utilization and declaration with respect to the financial resources of the company. This UNIT covers the aspects with regard to auditors and other statutory compliances that companies have to follow.

Position of auditors, role and responsibilities of statutory auditors as set in companies act 2013 and clause 49. Audit committee- composition and role, Related Party Transactions (“RPT”), Subsidiary Company disclosure, compulsory auditor rotation, appointment and removal of auditors, Auditors right to representation before shareholders meeting.

## UNIT 5 : CORPORATE SOCIAL RESPONSIBILITY

10Hrs.

**Learning Outcome** -Companies do not operate in a vacuum. They are part and parcel of the economic and social environment of the human lives. Thus they have a broader role than being a mere economic entity. This is where the importance and relevance of corporate social responsibility comes into the picture and this UNIT tries to enlighten the students with the various facets of CSR and its application.

CSR- meaning and definition, its effect on investors, Corruption, Ethics and social responsibility of companies, Relationship of CSR and Environment, case studies of CSR done by big corporate houses, CSR and Corporate Governance awards and recognition.

### SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### SUGGESTED READINGS

1. Sami Pathasarathy, Corporate Governance, Principles, Mechanisms and Practice
2. Dimple Grover, AmulyaKhurana, Ravi Shankar, The Regulatory Norms of Corporate Governance in India.
3. SadhalaxmiVivek Rao, Legal Framework and corporate Governance: An Analysis of Indian Governance System
4. Ministry of Corporate Affairs, Voluntary Guidelines on Corporate Governance, 2009
5. Sanjay Anand, Essentials of Corporate Governance
6. Kevin Keasey, Steve Thompson, Michael Wright, Corporate Governance, Accountability, Enterprise and International Comparisons
7. The Institute of Directors, Handbook of International Corporate Governance
8. Christine Mallin, International Corporate Governance- A case Study approach
9. Frederick Lipmanand Keith Lipman, Corporate Governance Best Practices, Strategies for Public, Private and NGOs.
10. Frank B. And Robert A., Law and corporate governance, Elgar financial law series
11. Edited by Alberto Chong, Florencio Silanes, Investor protection and corporate governance, Stanford University Press.
12. Jayati Sarkar, Subrata Sarkar, Corporate governance in India, Sage Publications.

**BAL3E5/BBL3E5PUBLIC POLICY AND DEVELOPMENT**  
**(No. of Hrs. 60-80 Hrs.)**

**COURSE OUTCOME:**At the end of the course students will be able to -

1. Identify the salient features of effective policy making process.
2. List out the significant health care policies of India.
3. Apply the important energy and environmental policies of India.
4. Analyse the issues related to application of significant education policies of India.
5. Evaluate as against other the economic and industrial policies of India.
6. Propose a solution to the various issues related to application of public policies of India.

**UNIT 1 INTRODUCTION - NATURE AND EXTENT OF PUBLIC POLICY**

- 1.1 Significance of policy making and implications on society
- 1.2 Policy making process - formulation, adoption implementation and evaluation
- 1.3 Goals underlying policy making - Equity, Efficiency, Welfare, Liberty and Security
- 1.4 Means and methods of implementation
- 1.5 Domestic Policy v Foreign Policy

**UNIT 2 HEALTH CARE POLICY AND ITS REALIZATION**

- 2.1 Public Health Policy - Constitutional and statutory basis
- 2.2 Coverage of policy - Universal or selective
- 2.3 Medicare and Medicaid
- 2.4 Law and public health policy
- 2.5 Policy reform and evaluation

**UNIT 3 ENERGY AND ENVIRONMENTAL POLICY**

- 3.1 Energy Policy - formulation and implementation
- 3.2 Energy crisis and protection of Natural resources
- 3.3 Environmental Policy - Elements
- 3.4 Normative structure of environmental policy
- 3.5 Institutional functions of implementation of Environment policy

**UNIT 4 EDUCATION POLICY**

- 4.1 Elements of Education Policy
- 4.2 Right to education - scope and content
- 4.3 Adult education and women's education
- 4.4 The Right to Education Act - An Appraisal
- 4.5 Commercialization of education: causes and consequences

## **UNIT 5 ECONOMIC AND INDUSTRIAL POLICY**

- 5.1 Globalization and economic policy
- 5.2 Globalization and industrial policy
- 5.3 International Trade Policies and their impact on domestic policies
- 5.4 Legislative response to economic and trade policy
- 5.6 Judicial role in evaluation of economic and industrial policies.

### **SCHEME OF VALUATION**

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### **SUGGESTED READINGS:**

1. Deborah Stone, Policy Paradox, The Art of Political Decision Making
2. Pankaja P B, Industrial Policies in India, CLJ

# **BAL/BBL5E1A RESEARCH METHODOLOGY (Practical)**

**(No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio-legal research. Emphasis would be laid on practical training in conducting research in this course.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the procedure relating to identification of research problem, hypotheses and research design.
2. List out the different types of legal research.
3. Apply different research methods and research tools.
4. Analyse the issues related to applicability of scientific methods in legal research.
5. Evaluate as against other the different forms of research designs.
6. Propose a solution to the the various issues related to use of statistical methods and computers in legal research.

## **UNIT - 1: BASICS OF LEGAL RESEARCH**

Meaning, objectives of legal research - Characteristics of scientific method - applicability of scientific method - Kinds of Research - Concepts and constructs-relationship between theory and fact - Stages of Research Process

## **UNIT - 2: RESEARCH PROBLEM, HYPOTHESIS, RESEARCH DESIGN, SAMPLING**

Research Problem - Definition, Determination, Sources of Data - Hypothesis - Meaning and definitions, Characteristics, Research Questions and Hypothesis - Research Design - Meaning and essentials of Research Design, Forms of Research Design, and major steps -: Testing of Hypothesis -: Sampling techniques - definition, basic assumptions, classifications

## **UNIT - 3: RESEARCH METHODS AND TOOLS**

Social and legal survey - Case method - Jurimetrics - Questionnaire Schedule - Observation and interview

## **UNIT - 4: TABULATION, ANALYSIS, INTERPRETATION, AND REPORTING**

Classification and Tabulation of Data - Analysis and interpretation of Data - Use of Statistical methods and computers in legal research - Reporting and Methods of Citations -: Ethics in research

## SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS:

1. Whitney, F.L, The elements of Research.
2. Goode. William J and Hatt. Faul, H, Methods in Social Research.
3. I.L.I, Legal Research and Methodology.
4. Amy E Sloan, Basic Method Research – Tools and Materials
5. Pauline V.Young, Scientific Social Survey and Research.
6. Morris L.Cohan, Legal Research in Nutshell
7. Harvard Law Review Association, Uniform System of Citations

Verma S K	Legal research and methodology
Ranjit Kumar	Research methodology: a step by-self guide for beginners
Krishna Swami O R	Methodology of research in social sciences
Dr. Tewari H N	Legal research methodology
Joseph Gibaldi	MLA handbook for writers of research papers
Myneni S R	Legal research methodology
AnwarulYagin	Legal research and writing methods
Robert Watt	Concise legal research
Verma, S.K	
andAfazalwani, M	Legal research and method

## **BAL5E1B/BBL5E1B WOMEN AND LAW** **(No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** India is a country with diverse cultures. Irrespective of this fact, the plight of women has remained the same for all cultures and communities in India. Women, not only because of their being a weaker sex, but also due to the country's cultural drawbacks, have suffered subjugation and exploitation since ages and at all levels. Spread of education and technology has not been able to resolve women's issues; instead, the nature of issues relating to women, have further complicated and crimes aggravated. In the light of this, the course aims at making students learn about the laws relating to women, how women are being empowered through the instrument of law, and what are the lacunae which are to be discussed and dealt with *etc.* The syllabus will comprise of about 80 classes of one hour duration.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the major social reforms during the 19<sup>th</sup> century in India for the uplifting women.
2. List out the loopholes in law enforcement agencies in securing access to justice to women.
3. Apply the different legislations enacted for women development and empowerment.
4. Analyse the issues related to violence against women under the Protection of Women from Domestic Violence Act, 2005.
5. Evaluate as against other the impact of specific laws enacted to secure justice to women against dowry related harassments, dowry deaths, molestation, sexual abuse and rape.
6. Propose a solution to the the various issues related to women's claims to land.

**TEACHING METHODOLOGY:** Lecture, Group Discussion and Debates, PowerPoint Presentation and Simulation Exercise *etc.* as per the requirement of each UNIT.

### **UNIT 1: WOMEN IN COLLONIAL INDIA**

Position of Indian Women in British India - Social Reforms during the 19<sup>th</sup> century India for the upliftment of women.

### **UNIT 2: WOMEN'S RIGHT: ACCESS TO JUSTICE**

Introduction, Criminal Law - Crime Against Women - Domestic Violence - Dowry Related Harassment and Dowry Deaths - Molestation - Sexual Abuse and Rape - Loopholes in Practice - Law Enforcement Agency.

### **UNIT 3: SPECIAL LAWS ON WELFARE OF WOMEN**

Sexual Harassment at Work Places - Rape and Indecent Representation - The Indecent

Representation of Women (Prohibition) Act, 1986 - Immoral Trafficking - The Immoral Traffic (Prevention) Act, 1956 - Acts Enacted for Women Development and Empowerment - Role of Rape Crisis Centers.

#### **UNIT 4: WOMEN'S RIGHTS**

Violence Against Women - Domestic Violence - The Protection of Women from Domestic Violence Act, 2005 - The Dowry Prohibition Act, 1961.

#### **UNIT 5: WOMEN AND PROPERTY**

Introduction - Faces of Poverty - Land as Productive Resources - Locating Identities - Women's Claims to Land - Right to Property - Case Studies.

#### **SCHEME OF VALUATION**

- CIA I - Class Test / Assignment / Presentation - 10%
  - CIA II - Mid Semester Examination - 25%
  - CIA III - Research Topic - 10%
  - Attendance - 05%
  - End Semester Examination - 50%
- TOTAL 100%**

#### **SUGGESTED READINGS**

1. Nair, Janaki. *Women and Law in Colonial India: A Social History*, Kali for Women in collaboration with NLSIU Bangalore, 1996.
2. Verma, Jagmohan Singh. *Gender Justice in India*, Spellbound Publications Pvt Limited, 1999.
3. Mill, John Stuart. *The Subjection of Women*, Hayes Barton Press, 1997.
4. Rao, Nitya. *Good Women do not Inherit Land Social*, Science Press and Orient Blackswan 2008.
5. International Solidarity Network. *Knowing Our Rights*, An imprint of Kali for Women 2006.
6. Kaushik, P.D. *Women Rights*, Bookwell Publication 2007.
7. Goel, Aruna. *Violence Protective Measures for Women Development and Empowerment*, Deep and Deep Publications Pvt 2004.
8. Chawla, Monica. *Gender Justice*, Deep and Deep Publications Pvt Ltd.2006.
9. Mishra, Preeti. *Domestic Violence Against Women*, Deep and Deep Publications Pvt 2007.
10. ClairM.Renzetti, Jeffrey L.Edleson, Raquel Kennedy Bergen, *Source Book on Violence Against Women*, Sage Publications 2001.

## **BAL5E2B/BBL5E2B LAND LAWS**

**(No. of Hrs. 60-80 Hrs.)**

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the major developments in the concept of property with special reference to land.
2. List out the principal legislations enacted by Karnataka Legislative Assembly in relation to land reforms and land revenue.
3. Apply the provisions of Transfer of Property Act in relation to sale, mortgage, lease, exchange and gift
4. Analyse the provisions of Land Acquisition Act and Urban Land Ceiling Act.
5. Evaluate as against other the recent Supreme Court decisions in relation to ownership of land.
6. Propose a solution to the the various issues related to policy of the State with regard to distribution of resources.

### **UNIT 1 DEVELOPMENT AND GROWTH OF CONCEPT OF PROPERTY WITH SPECIAL REFERENCE TO LAND.**

#### **UNIT 2 ACT TO BE STUDIED:**

- a) Karnataka Land Records of Rights Act, 1958
- b) Karnataka Land Reforms Act,
- c) Karnataka Land Revenue Act, 1964
- d) Urban Land (Ceiling and Regulation) Act, 1976 including all amendments and other rules

Definitions of:

- I) Land
- II) Owner
- III) State
- IV) Transfer
- V) Acquisition

#### **UNIT 3 LAND AND PROPERTY**

Concept of Property - Transfer of Property Act  
Concept of Property - Sale, Mortgage, lease, Exchange, Gift  
Concept of Acquisition - State, Public Undertaking, etc.  
Concept of Public purpose

#### **UNIT 4 - COMMON PROPERTY RESOURCES:**

Concept of ownership in the light of recent Supreme Court Decisions - Harihar Polyfibers case. Policy of the State with regard to Distribution of Resources

1. Land under Acquisition Act and
2. Urban Land Ceiling Act
3. Policy of the State with regard to – compensation to displaced owners of property.

#### **SCHEME OF VALUATION**

- CIA I – Class Test / Assignment / Presentation – 10%
  - CIA II – Mid Semester Examination – 25%
  - CIA III – Research Topic – 10%
  - Attendance – 05%
  - End Semester Examination – 50%
- TOTAL 100%**

**BAL5E3B/BBL5E3BELECTION LAWS**  
**(No. of Hrs. 60-80 Hrs.)**

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the procedure related to filing of election petition and identification of forum, parties and contents of election petition.
2. List out the provisions in the Constitution of India and Representation of People Act, 1950 related to conducting of elections in India.
3. Apply the provisions related to compositions, powers and functions of Election Commission.
4. Analyse the provisions of Constitution of India and Representation of People Act, 1950 in relation to qualification and disqualification of candidates.
5. Evaluate as against other the anti-defection laws of India with the legislative framework related to anti-defection laws in jurisdictions of UK and USA.
6. Propose a solution to the various issues related to corrupt practices in electoral process.

**UNIT - 1 INTRODUCTION**

1.1 Democracy and Election

1.2 Representation by People

1.3 Adult Suffrage

1.4 Election Laws

1.5 Meaning of Election and Election Dispute

1.5.1 Election Petition - time, forum, parties, contents - material facts and material particulars, grounds, relief.

**UNIT - 2 ELECTION OF PRESIDENT/VICE-PRESIDENT AND PARLIAMENTARY/STATE LEGISLATURE ELECTIONS**

3.1 Constitutional Provisions - Arts. 54, 55, 58, 66, 80, 81, 83, 170 - 172, 356

3.2 Representation of People Act, 1950

3.3 Presidential and Vice-Presidential Act, 1952

3.4 Composition and Dissolution of Parliament and State Legislatures

**UNIT - 3 COMPOSITION, POWERS AND FUNCTIONS OF ELECTION COMMISSION**

4.1 Constitutional Provisions - Arts. 324 - 329

4.2 Election Commission Act, 1991

4.3 Election Symbols (Reservation and Allotment) Order, 1968

**UNIT - 4 QUALIFICATION AND DISQUALIFICATION OF CANDIDATES**

5.1 Constitutional provisions - Arts. 84, 173, 101, 190, 191

- 5.2 Representation of People Act, 1951
- 5.3 Eligibility to contest elections
- 5.4 Nominations – Requirements of valid nominations for candidates
- 5.5 Office of Profit – Parliament (Prevention of Disqualification) Act, 1959
- 5.6 Disqualification for government contracts
- 5.7 Disqualification on conviction of certain offences

## **UNIT – 5 ELECTIONS TO PANCHAYATS AND MUNICIPALITIES**

- 5.1 Constitutional Provisions - Arts. 243 – 243F, 243K, 243O
- 5.2 Constitutional Provisions – Arts. 243P – 243V, 243ZG

## **UNIT – 6 ANTI DEFECTION LAW**

- 6.1 Constitutional (52nd Amendment) Act, 1985
- 6.2 Constitutional (91st Amendment) Act, 2003

## **UNIT – 7 CORRUPT PRACTICES**

- 7.1 Distinction between Corrupt Practices and Electoral process
- 7.2 Corrupt Practices – bribery, undue influence, promotion of feelings of enmity or hatred, publication of false statement, election expenditure, abuse of religion, race caste etc

## **UNIT – 8 ELECTORAL REFORMS**

- 8.1 Representation of People Act - § 33A, 33B & 125
- 8.2 170TH Report of Law Commission on Electoral Reforms, 1999
- 8.3 Goswami Committee Report on Electoral Reforms, 1990
- 8.4 Vohra Committee Report on Criminalisation of Politics, 1993
- 8.6. Election Commission of India’s Proposed Electoral Reforms, 2004
- 8.7 255TH Report of Law Commission on Electoral Reforms, 2015

## **SCHEME OF VALUATION**

• CIA I – Class Test / Assignment / Presentation	– 10%
• CIA II – Mid Semester Examination	– 25%
• CIA III – Research Topic	– 10%
• Attendance	– 05%
• End Semester Examination	– 50%
	<b>TOTAL 100%</b>

## **SUGGESTED READINGS:**

1. Rama Devi and Mendiratta, *How India Votes – Election Laws, Practice and Procedure*, 2nd Edition, 2006
2. Kiran Gupta and P C Jain, *Chawla’s Elections – Law and Practice*, 9th Edition, 2009

## **BAL5E4B/BBL5E4BECONOMIC CRIMES**

**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES** – The course seeks to equip students in understanding and practice in the area of economic offences. Consequences of economic crimes are harmful to the entire society. Economic crimes are difficult to detect and identify as it is intangible in nature. The course deals with various legislative enactments and judicial decisions to bring out the current position of law on different economic crimes.

**COURSE OUTCOME:**At the end of the course students will be able to -

1. Identify the procedures for identification and prosecution of economic crimes.
2. List out various legislations including the prosecution of public servants for corruption and judicial decisions pertaining to the same.
3. Apply the provisions of the laws related to financial crimes and related aspects of financial crimes.
4. Analyse the legal mechanism for preventing economic frauds.
5. Evaluate as against other role of international organizations like INTERPOL in preventing transnational crimes and difficulty in the determination of Jurisdiction of courts in case of transnational economic crimes.
6. Propose a solution to issues related to fixation of corporate criminal liability.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each Unit.

### **UNIT 1: INTRODUCTION**

**10 Hrs.**

**Learning outcomes:** This module introduces the student to the nature and scope of economic crimes. At the end of the module, students should be able to understand how economic crimes are different from conventional crimes, reasons for the growth of economic crimes and various theories associated with it.

Introduction – Meaning of crime for the purposes of economic offences – distinction between conventional crime and economic crimes – Theories of economic crimes – Environment giving rise to economic crimes – Substantive white collar crimes – causes and kinds of socio-economic crimes - Role of national, international institutions and NGOs

## **UNIT - 2: CORRUPTION AND BRIBERY**

**10 Hrs.**

**Learning outcomes:** This module highlights impact of corruption on society. Discussion on various legislations including the prosecution of public servants for corruption and judicial decisions are examined to ascertain the position of law.

Corruption and Bribery – Impact of corruption on economic development – Legal and Judicial Control of corruption- Prevention of Corruption of Act – Public servant – corruption free service –vigilance in public sector – Use of RTI in eradicating corruption – Transnational corruption

## **UNIT - 3: FINANCIAL CRIME**

**10 Hrs.**

**Learning outcomes:** This Unit deals with financial crimes and relates aspects of financial crimes. Most of transactions in financial crimes are difficult to identify and can be done only with help of expert in financial matters. This Unit helps students to align their thinking with financial experts for identifying and prosecuting financial crimes

Financial Crime – Issues in taxation and tax evasion – Legal mechanism to prevent tax evasion- Money laundering offences – Illicit trafficking in contraband goods – evasion of excise duty- stock market manipulations –credit card fraud – Exp[ort control and economic sanctions I illegal foreign trade- hawala transactions – foreign contribution manipulations

## **UNIT - 4: ECONOMIC FRAUDS**

**10 Hrs.**

**Learning outcomes:** Economic frauds can destabilize the entire economic system. This module highlights the nature of economic frauds and legal mechanism for preventing them.

Economic Frauds – Banks frauds- Insurance frauds- Cultural object's theft – Theft of intellectual property – False Travel documents – fraudulent bankruptcy – real estate frauds- Racketeering in employment

## **UNIT - 5: SPECIFIC ECONOMIC CRIMES**

**10 Hrs.**

**Learning outcomes:** Advancement in science and technology, have brought in sophisticated tools, which can be used for committing economic crimes. This module aims at providing deep insights into computer crimes, trade in human organs and manipulation of forensic evidence. This module also highlights the role of international organizations like INTERPOL in

preventing transnational crimes and difficulty in the determination of Jurisdiction of courts in case of transnational economic crimes.

Specific economic crimes – Computer crimes – software piracy- Illicit trafficking in arms and explosives- Funding Terrorist activities – Drug trafficking – Trade in Human bodies - Manipulation in forensic evidence - UN, INTERPOL and World Bank Group- Extradition and International prisoner Transfer – Extra Territorial Jurisdiction – Transfer of prisoners

## **UNIT – 6: CORPORATE CRIMINAL LIABILITY**

**10 Hrs.**

**Learning outcomes:** This module focuses on corporate criminal liability. Students should be able to understand reasons for fixing corporate criminal liability and characteristics of corporate crime.

Corporate criminal liability – Defining corporate crime – characteristics of corporate crime – measuring corporate crime – rationale for corporate criminal liability - company frauds – Economic integration and business crimes – limits of corporate criminal liability – corporate criminal liability based on collective knowledge and action – due diligence defense in corporate criminal liability- sentencing for corporate criminal liability – collateral consequences of corporate criminal act – criminal liability under statutory enactments.

### **SCHEME OF VALUATION**

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### **SUGGESTED READINGS**

1. Bruce Zagaris, International White Collar Crimes, 2010
2. Richard S Grunter, Corporate Criminal Liability and Prevention, 2005
3. Amand Pinto , Corporate Criminal Liability
4. N Vitaal, Corruption In India, 2003
5. Hans Sojern, New Perspectives on Economic Crimes, 2009
6. NCRB statistics on Economic Offences
7. Bruce L benson , Handbook on Economic Crimes, 2010

## **BAL5E5B/BBL5E5B INVESTMENT LAWS**

### **(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES:** Domestic as well as foreign investment is the driving force of Indian economy. It is a widely accepted fact that idle financial resources are good to no one and distribution of finances through investment is the key for efficient financial resource allocation to sectors that are in need of finances.

This course aims to provide an overview on central topics of Indian investment law. This course will investigate the approach of legal frameworks and regulating authorities of investments in India. It endeavours to make an optimum mix of basic concepts relating to investments and legal provisions. It also focuses on the current state of investor protection in India. This course will encompass the legal framework relating to basic financial instruments issued by various agencies, authorities and companies along with some procedural aspects of their regulation. The course tends to provide an overall understanding of investment related legal regime and its controlling factors. The major portion of the course focuses on the various investment vehicles and their control and operations by various authorities and agencies.

**COURSE OUTCOME:**At the end of the course students will be able to -

1. Identify the legal nature of securities and types of securities.
2. List out various methods of corporate finance and operation of stock markets in India.
3. Apply the the legal framework governing various collective investment funds.
4. Analyse the the laws regulating the depository system in India.
5. Evaluate as against other the laws regulating investment in non-banking financial institutions with the same in other jurisdictions.
6. Propose a solution to issues related to principles applicable to international investment regimes.

### **UNIT - 1 OVERVIEW OF THE SECURITIES AND INVESTMENT LAWS**

Historical background of the securities and --Investment laws.

Concept of 'Securities' under The Securities Contracts (Regulations) Act,1956.

--Legal nature of securities and types of securities: Corporate security, bank security, Government securities including securities issued by Government, semi government and RBI. and other collective investment funds, Depository receipts, derivatives.

--Securities issued by Banks- Bank notes: is it the exclusive privilege of the Central Bank in the issue-Changing functions of banks from direct lending and borrowing to modern System.

**Learning Outcome:** To provide knowledge on investment as economic activity and deal with basic concepts such as securities and various modes of making investment in India.

## **UNIT -2 -REGULATION OF CORPORATE FINANCE**

Sources of corporate investment – Shares, debentures, company deposits, derivatives, private equity, venture capital.

--Control over Corporate Securities under the Companies Act,2013.

--Issues relating to prospectus and procedure relating to issuance of --prospectus, Civil and criminal liabilities of directors and officers of company.

--Kinds of Prospectus- Red-herring, Shelf, Statement in lieu of prospectus, Offer document etc.

--Introduction to SEBI(Issue of Capital and Disclosure Requirements) Guidelines,2009

--Legal control over Raising and Maintenance of capital , Issue and Allotment of shares , Buy-Back of shares and Reduction of Share capital.

Regulation of Stock Exchanges in India – corporatisation and demutualisation of stock exchanges. Listing and de-listing of Securities SEBI(Insider Trading)Regulations Comparative positions in other Jurisdictions- USA( SEC), UK (FSA)

Learning outcome: To provide working knowledge on the various methods of corporate finance and operation of stock markets in India. With an overview of legal framework relating to these concepts.

## **UNIT -3- COLLECTIVE INVESTMENT FUNDS**

--Unit Trust of India

--Venture capital

--Mutual fund

– collective investment schemes

--Regulation and Control by SEBI over issue and management of UTI, venture capital and mutual funds -General control-Control by rating-Regulation on rating.

Learning Outcome: To gain working knowledge about various collective investment funds and the legal framework governing these kinds of funds in India.

## **UNIT -4-REGULATION OF DERIVATIVES MARKETS**

Institutional and Functional Regulations

--Commodities, Futures, options , Forward and swaps

--Over the counter and Exchange listed securities

--Role of SEBI in Regulating Derivatives

Learning Outcome: Derivatives being an important mode of investment, students will gain knowledge about various types of Derivatives and the different laws relating to this mode of investment

## **UNIT -5 -DEPOSITORIES**

Regulation of Depositories and Depositories participants

Dematerialization-Advantages and Dis-advantages.-Legal and Equitable ownership of securities

Types of Depository receipts: ADR,GDRand Euro receipts

NSDL and CSDL-Role and Functions

The Depositories Act,1996

Learning Outcome: To provide working knowledge on the depository system in India and various types of depository receipts and the laws regulating the depository system.

## **UNIT -6 -INVESTMENT IN NON-BANKING FINANCIAL INSTITUTIONS**

Types of NBFCs- Equipment Leasing Company-Hire purchase company- Loan Company -Investment Companies

Classification of NBFCs-Residuary Non-Banking Financial companies-Miscellaneous Non-Banking Financial Companies.

Applicability of RBI Act,1934-chapter IIIB(ss.45h-45qb) to NBFCs

RBI Guidelines to NBFC

Scope of NBFC's Acceptance of Public deposits (Reserve Bank) Directions,1998

Chit funds regulations in India

Learning Outcome: To provide working knowledge about various investment done and made by banking sector in India and the legal framework relating to it.

## **UNIT -7- FOREIGN INVESTMENT REGULATIONS**

FEMA Regulations on Foreign Investment --Protection standards for the placement of foreign investment projects. --Enforcement of Bilateral Investment Treaties Standards of protection in --Bilateral Investment

Protection for cases of Expropriation, Fair and Equitable Treatment, Umbrella Clause, Arbitration and Dispute Resolution Provisions, Security and Protection standards

The role of precedent in Arbitral Jurisprudence in International Investment Arbitration.

Critics and conflicting approaches to the system of international investment arbitration. Corporate planning and the practice of treaty shopping in international investment projects. Procedural Rules for International Investment Arbitration

- ICSID, UNCITRAL, ICC, LCIA and SCC rules.
- How they interact and have an effect on the applicable law of an international investment dispute.

Learning Outcome: To provide an overall view of international investment regime, various principles applicable to international investment

### SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### TEXT BOOKS REFERENCE:

1. M.Y. Khan, Indian Financial System, TATA McGraw Hill (New Delhi) 2013 ed..
2. S GuruSwamy, Financial Markets and Institutions, Thomson Wadsworth, 2011.
3. Avdhani. V.A, Himalaya Publishing House, 2005, Investment and Securities Markets in India.
4. Khan. M.Y., Indian Financial System, Tata McGraw Hill, 2012.
5. K.P.M. Sundaram, P.N.Varshney, Sultan Chand and Sons, Banking theory, Law and Practice
6. Dixit, Yadav and Jain, "Derivative markets in India: Trading, Pricing and Risk management", Tata McGrawHill, New Delhi (2013 Ed.)
7. M. Sonarajah, "The International Law on Foreign Investment", Cambridge University Press.

### SUGGESTED READINGS:

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2. Gupta, S.N., the Banking Law in Theory and Practice, (1999) Universal, New Delhi. Tannan, M.L., Tannan's Banking Law and Practice in India, (2000) India Law House, New Delhi
3. Ramaiya, A., Guide to the Companies Act, (2012) Wadhwa and Co., New Delhi.
4. Bhandari, M.C., Guide to Company Law Procedures, (2010) Wadhwa and Co., New Delhi.
5. PurithavathyPandian, Vikas Publishing House, Delhi (2011), Security Analysis and Portfolio Management.
6. Kucchal. S.C, Chaitanya publishing House, 21st ed. Corporate Finance.
7. Shekhar. K.C. ShekarLekshmy, Vikas Publishing House, 20<sup>th</sup>ed, Banking theory and Practice.

## ARTICLES:

1. Aniruddha Rajput, Defining "Investment" - A Developmental perspective, Citation: 2(1) IJAL 12 (2013) URL: <http://login.westlawindia.com>
2. L. C. Gupta, Naveen Jain, "Indian Securities: Depository System: What Has Gone Wrong?" Economic and Political Weekly, Vol. 38, No. 20 (May 17-23, 2003), pp. 1969-1971+1973-1974.
3. Nachiket Mor and Rupa Rege Nisure, Organization of Regulatory Functions: A Single Regulator?
4. Economic and Political Weekly, Vol. 37, No. 5, URL: <http://www.jstor.org/stable/4411691>
5. K. B. L. Mathur, Regulation of India's Financial Sector: The State's Role, URL: <http://www.jstor.org/stable/4414803>

## CASES:

1. CIT vs. DLF Commer. Developers (2013) In Re : Shri Balaji Investments, 2014 Indlaw SEBI 105.
2. In Re: Madurai Rural Development Benefit Fund (India) Limited and Madurai Rural Development Transformation India Limited and others Securities And Exchange Board of India, 27 October 2014. 2014 Indlaw SEBI 133.
3. In Re : Tulive Developers Limited Securities And Exchange Board of India, 22 October 2014, 2014 Indlaw SEBI 132
4. Darius Rutton Kavasmaneck v Gharda Chemicals Limited and others, 2014 Indlaw SC 737.

## **BBL5E6B FINANCIAL MANAGEMENT**

**(No. of Hrs. 60-75 Hrs)**

**COURSE OBJECTIVES:** Financial management is a vibrant discipline concerned with managerial activities of planning and controlling the firm's resources to generate returns on its invested funds. The raising and using of capital for generating funds and paying returns to the suppliers of capital is the finance function of a firm. This paper throws more knowledge for students to understand the Finance function in an organization

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the different dimensions of the finance function and the operations of the concern.
2. List out the different sources of corporate funding.
3. Apply the the procedure for capitalization in Indian market.
4. Analyse the capital structure in India.
5. Evaluate as against other the working of capital requirements and its assessment in different jurisdictions.
6. Propose a solution to issues related to dividend payment decision and preparation of budgets by the Finance Department.

### **TEACHING METHODOLOGY:**

Lecture, Group Discussion, PowerPoint Presentation, Case studies, Industrial Visit etc. as per the requirement of each UNIT.

### **UNIT 1: INTRODUCTION TO FINANCIAL MANAGEMENT**

**6 Hrs.**

**Learning Outcome:** The above UNIT would make the students realize the dimensions of the Finance function and the operations of the concern.

Meaning and Evolution to the term Finance.- Approaches to the term Finance – Financing Investing and Dividend Decisions and the Inter relation between them- Aim of Finance function – Goals of Financial management- Functions of a Finance Manager

### **UNIT 2: FINANCIAL STATEMENT ANALYSIS**

**6 Hrs.**

**Learning Outcome:** The above UNIT would help the students to understand the analysis of Financial statements and how decisions are made based on the analysis.

Introduction – Significance- Purpose of Financial Statement Analysis.Tools of Financial Analysis.Comparative , Common size and Trend Analysis. Theory and Practical problems.

### **UNIT 3: SOURCES OF FINANCING**

**6 Hrs.**

**Learning Outcome:** The above UNIT would enable to students to know how corporate source money and operate by own as well as borrowed funds

Short term- Medium Term- Long term Financing. Equity, Preference, Debenture, Loans Leasing, Bank credit Etc.

### **UNIT 4: CAPITAL BUDGETING**

**6 Hrs.**

**Learning Outcome:** The above UNIT would enable to students to know how corporate source money and operate by own as well as borrowed funds

Need for Capital Budgeting – Importance-Process. Payback Period- Net present Value- Internal Rate of Return. Theory and Practical problems.

### **UNIT 5: CAPITALIZATION**

**6 Hrs.**

**Learning Outcome:** The above UNIT aims at making the students understand the consequences of over/ under capitalization and remedies for the same

Meaning - Causes – Demerits and Remedies of Over Capitalization and Under capitalization.

### **UNIT 6: CAPITAL STRUCTURE**

**10 Hrs.**

**Learning Outcome:** The above UNIT would enable the students to know as how a corporate takes decisions on what kind of capital structure it sources and for what reasons it does.

Meaning – Capital Structure Planning- Optimum Capital Structure – Features of Capital Structure – Determinants of a Capital Structure e Leverages – Operating , Financial , Combined Leverage. EBIT-EBT- PAT and EPS. Theory and Practical.

### **UNIT 7: WORKING CAPITAL MANAGEMENT**

**10 Hrs.**

**Learning Outcome:** The above UNIT would help the students to understand how the working capital requirements are assessed in the firm and how corporate ensure the adequate working capital needs.

Introduction- Kinds of WC- Features of WC- Factors influencing WC Problem in WC. Calculation of Working capital requirements. Theory and Practical.

## UNIT 8: DIVIDEND DECISIONS AND MANAGEMENT OF CASH 10 Hrs.

**Learning Outcomes:** The above UNIT would enable to students to know how corporate take a decision on Dividend payment and how budgets are prepared by the Finance Department

Introduction-Dividend Policy Determinants of Dividend Policy- Goals of Dividend Policy- Types of Dividend, Forms of dividend. Nature of cash-Motives of holding Cash. - Cash management - Managing Cash Flows and Cash Budgets. Theory and Practical.

### SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### SUGGESTED READINGS

1. K. Ramachandra, and B. Chandrashekhara and D.S Prathima *Financial Management - Himalaya Publishing House Edition 2012.*
2. G. Sudarsana Reddy. *Essentials of Financial Management . Himalaya Publishing House Edition 2013.*
3. Reddy, Appannaiah and Satyaprasad. *Financial Management. Himalaya Publishing house Edition 2012.*
4. I.M Pandey. *Essentials of Financial Management Vikas Publishing House. 2010 Edition.*

# **BAL7E1A/BBL7E1ALAW OF TRADEMARKS**

**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVE:** Law of Trademarks will orient students with an International regime for the protection of Trademarks and its due observance in national legislations. It will help to know the scope and ambit of domestic legislations and principles underlined therein. This course will develop critical thinking and will reflect upon new jurisprudence evolved by Indian judiciary in relation to Trademarks. A comprehensive understanding of Law of Trademarks can serve as a sound foundation for further development of the knowledge.

**COURSE OUTCOME:**At the end of the course students will be able to -

1. Identify and describe the basic requirement of trademarks protection
2. List out the rights enjoyed by trademarks owners.
3. Apply the principles of trademarks protection to legal problems correctly.
4. Analyse the principles related to infringement of trademarks and passing off.
5. Evaluate as against other the international legal framework related to trademarks protection and articulate the problem areas for the deficiency.
6. Propose a solution to the existing problems of trademarks law in India.

## **UNIT 1: INTRODUCTION**

**7Hrs**

- 1.1 Meaning and Characteristics of Trademark as a property.
- 1.2 Evolution and Development of Trademark law in India
- 1.3 Functions of Trademark

## **UNIT 2: INTERNATIONAL DEVELOPMENT AND DIMENSIONS OF TRADEMARK PROTECTION**

**10Hrs**

- 2.1 Paris Convention for the protection of Industrial Property 1883
- 2.2 Trade Related Aspects of Intellectual Property Rights (TRIPS) 1995.
- 2.3 Madrid System for International Registration of Marks
  - a) Madrid Agreement concerning the International Registration of Marks 1891
  - b) Protocol relating to the Madrid Agreement 1989.
- 2.4 Trademark law Treaty 1994
- 2.5 Nice Agreement 1957
- 2.6 Vienna Agreement 1973.

## **UNIT 3: REGISTRATION OF TRADEMARKS**

**10 Hrs**

- 3.1 Basic Principles for Registration of Trademarks
- 3.2 Requisites for Registration
  - a) Distinctive
- 3.3 Grounds for Refusal of Registration

- a) Absolute
- b) Relative
- 3.4 Duration of Registration
- 3.5 Opposition to Registration
- 3.6 Effects of Registration
- 3.7. Vested Rights and Concurrent Registration
  - a) Domestic filing
  - b) International filing

#### **UNIT 4: ASSIGNMENT, TRANSMISSION AND LICENSING OF TRADE MARKS**

**7Hrs**

- 4.1 Assignment and Transmission
- 4.2 Restrictions on Assignment and Transmission
- 4.3 Economic Justification of Trade Mark Licensing
- 4.4 Use of Trademarks by Registered Users
- 4.5 License Agreement and its Supremacy

#### **UNIT 5: INFRINGEMENT OF RIGHTS AND REMEDIES**

**13Hrs**

- 5.1 Infringing and Non-Infringing Acts
- 5.2 Doctrine of Deceptive Similarity
- 5.3 Protection by Registration, Copyright Law and Right of
- 5.4 Passing Off
- 5.5 Evidentiary Problems in an Action of Passing Off
- 5.6 Remedies for Infringement: Civil; Criminal and Administrative

#### **UNIT 6: CONTEMPORARY ISSUES**

**13 Hrs**

- 6.1 Parallel Importation and its legality under the Act
- 6.2 Trademark and Internet: An Overview
- 6.3 Disparagement and Comparative Advertisement
- 6.4 Trademarks and Competition related issues
- 6.5 Character and Celebrity Merchandising

#### **SCHEME OF VALUATION**

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS:

1. Ashwani Kumar Bansal, *Law of Trademarks in India*, 1<sup>st</sup> ed., Commercial Law Publishers Pvt. Ltd. (2003)
2. Cornish and Llewelyn, *Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights*, 1<sup>st</sup> ed., Sweet and Maxwell (2007)
3. Correa M. Carlos, *Oxford Commentaries on the GATT/WTO agreements: Trade Related Aspect of Intellectual Property Rights*, 1<sup>st</sup> ed., Oxford Press (2007)
4. Dana Shilling, *Essentials of Trademarks and Unfair Competition*, 1<sup>st</sup> ed., Wiley (2006)
5. Deborah E. Bouchoux, *Intellectual Property*, 1<sup>st</sup> ed., Thomson Legal Studies (2005)
6. Draft Manual for Trademarks Practices and Procedures (Available in the Library in Study Material Section)
7. Jeremy Phillip, *Trademarks Law: A Practical Anatomy*, 1<sup>st</sup> ed., Oxford Press (2003)
8. K. C. Kailasam and Ramuvedaraman, *Law of Trade Marks and Geographical Indications: Law, Practice and Procedure*, Second Edition (Reprint), Wadhava Nagpur (2007)
9. Narayanan P.S., *Law and Trademarks and Passing Off*, 5<sup>th</sup> Ed. Eastern Law House (2000)
10. Rodney D Ryder, *Trademarks Advertising and Brand Protection*, 1<sup>st</sup> ed., MACMILLAN India Ltd. (2006)
11. UNCTAD-ICTSD, *Resource book on TRIPS and Development*, Cambridge University Press (2005)
12. V. K. Ahuja, *Intellectual Property Rights in India*, 1<sup>st</sup> ed., Volume 1, LexisNexis Butterworths Wadhva (2009)

# **BAL7E2A/BBL7E2ALAW OF MERGERS AND ACQUISITIONS**

**(No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** This elective course aims to provide essential legal knowledge one should have while preparing for an Mand A deal. This course will equip the students with the necessary knowledge required for practical and theoretical understanding on the subject.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the different categories of mergers and acquisitions and the consequences of mergers and acquisitions.
2. List out the statutory basis of different routes in mergers and acquisitions and the role of regulatory agencies.
3. Apply the law and procedure of share acquisition of companies under the Companies Act,2013.
4. Analyse the procedural and substantive law applications of Mergers.
5. Evaluate as against other requirement of voluntary and compulsory disclosures during share acquisition and at the time of acquisition of voting rights.
6. Propose a solution to the issues related to restrictions imposed by Competition Act, 2002 in approving certain mergers exceeding turn over and assets.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Case study, Moot court and Client counselling.

## **UNIT 1: INTRODUCTION TO THE LAW OF MANDA**

**10 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to explain the meaning, nature, object of law of MandA. This UNIT will also clarify the distinction between various business terms associated with MandA.

Concepts in MandA- Categories of MandA- Causes and Consequences of MandA.

## **UNIT 2: MERGERS, TAKEOVERS AND RESTRUCTURING ROUTES - INDIAN SCENARIO**

**6 Hrs.**

**Learning Outcome:** This UNIT will enrich the students, the Indian statues having bearing on MandA. It will also cover the statutory basis of different routes in MandA and the role of Regulatory agencies.

Provisions of the Companies Act, SEBI Act, Competition Act and other statutes- Routes of MandA- Regulatory authorities of MandA.

**UNIT 3: BUSINESS TRANSFER UNDER SECTION 180(1)(A).****6 Hrs.**

**Learning Outcome:** This UNIT will help the students to understand the implications in sale of undertaking with the help of decided cases

Concepts and issues - Sale of an 'undertaking' (slump sale) -Business transfer agreement of a 'going concern'--Matters to be considered -Conveyance of immoveable property -Transfer of contracts, debts, licenses, intellectual property rights -Transfer of employees -Effect on mortgages and charges.

**UNIT 4: MERGERS and ARRANGEMENTS UNDER 230-234 10 Hrs.**

**Learning Outcome:** This UNIT will help the students to understand the procedural and substantive law applications of Mergers. Concept of arrangement and the need to obtain the consent of Creditors and members is discussed in detail in this UNIT

Procedure for effecting mergers / Demergers- Drafting of schemes of arrangements and other documentation- The role of the Court / Tribunal in sanctioning the scheme / implementation of the scheme -Modification of the scheme - who can and how ?Rights of dissenting shareholders / creditors -Power of the Court to make incidental orders- Merger under Section 237.

**UNIT 5: MERGERS AND ACQUISITIONS OF BANKING COMPANIES 5 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to understand the reasons for special treatment to banking companies. Distinction between the law and procedure of banking companies and the other companies

Law and procedure of merger of banking companies under the Banking Regulation Act, 1949 -The role of RBI in the merger of Banking companies -Comparison with merger procedure under Ss 230 - 237-

**UNIT 6 - SHARE ACQUISITIONS UNDER 235- 236****6Hrs**

**Learning Outcome:** On completion of this UNIT students will be able to understand the law and procedure of share acquisition of companies under the Companies Act,2013. It also enable them to know the distinction between the share acquisition in Companies Act and under the SEBI takeover Regulations.

Who can invoke the provision? Squeezing out the minority - when and how- Requirements for invoking the provision - procedural and substantive law aspects - The price - procedure for transfer of the shares of the dissenting minority-Remedies available to the dissenting shareholders-Scope of judicial review.

**UNIT 7 - SEBI (SUBSTANTIAL ACQUISITION OF SHARES AND TAKEOVERS ) REGULATIONS, 2011****12 Hrs.**

**Learning Outcome:** This UNIT aims to provide the requisite practical knowledge on take over regulations in India. It focus on the requirement of voluntary and compulsory disclosures during share acquisition and at the time of acquisition of voting rights .

History of Takeover Regulations in India-Takeover Regulation,1997 -Definitions - Compared with 2011. Threshold limits - Non-Compete fee -Directors Duties in Takeovers- Due Diligence- UK Takeover code.

## **UNIT 8: COMPETITION LAW ISSUES IN MERGERS and ACQUISITIONS 5 Hrs**

**Learning Outcome:** This UNIT aims to provide the restrictions imposed by Competition Act, 2002 in approving certain mergers exceeding turn over and assets.

Existing position-Monopolies and Restrictive Trade Practices Act, 1969- no provisions for merger control- Comparative analysis of merger control / anti-trust laws in other jurisdictions.- US, European Union- Competition Act, 2002- pre-notification of M and A Transactions to competition commission beyond certain threshold limits.

### **SCHEME OF VALUATION**

- CIA I – Class Test / Assignment / Presentation – 10%
  - CIA II – Mid Semester Examination – 25%
  - CIA III – Research Topic – 10%
  - Attendance – 05%
  - End Semester Examination – 50%
- TOTAL 100%**

### **SUGGESTED READINGS**

1. Weign Berg and Blank Takeovers and Mergers (2010) Ed., Part-1, Definitions. Pp6 -29
2. K.R. Sampath Law and Procedure on Corporate restructure leading to Mergers, Amalgamations/takeovers, Joint ventures LLP's and Corporate Restructure (7<sup>th</sup>Edn)2011 -pp611-615,1073-1081,1342-1344\
3. Michel C.Jenson , “ Takeovers : Their Causes and Consequences” 2 Journal of Economic Perspectives 21-48(1988).
4. Ronald Daniels , “ Stakeholders and Takeovers: Can contractarianism be compassionate”. 43 University of Toronto Law Journals315-351(1993)
5. Sayan, “ Types of synergy and economic value : The Impact of Acquisition on Merging and Rival firms” 7 Strategic Management Journal 119 ( 1986)
6. Peter A Hunt, Structuring Mergers and Acquisitions.
7. Mergers and Acquisitions: Cases, Materials and Problems. Wolter Kluwer(Aspen )
8. AthanasiousKoulouridas, ‘ The Law and Economics of takeovers - Contemporary studies in Corporate Law’ Hart Publishing,( 2008)

9. Richard A .Posner, *"The Social Cost of monopoly and Regulation"* 83 Journal of Political Economy 807 ( 1975). *'Fundamental Corporate Changes, Minority shareholders and Business Purposes'*. 5 American Bar Foundation Research Journal 69 ( 1989)
10. Ken. T. Van den berg , *"Approval of take-out mergers by minority shareholders : From substantive to procedural fairness"* 93 Yale Law Journal 1113( 1984)
11. ShishirVayattaden, SEBI(Substantial Acquisition of Shares and Takeovers) 1997 - commentaries
12. Brudney and Chirelstein , *' Fair shares in corporate Mergers and Takeovers'* 88 Harv.L.Rev 297( 1974)
13. Edward F.Greene, and James J. Junewicz, *' A Reappraisal of Current Regulation of Mergers and Acquisitions"* 132 University of Pennsylvania Law Review 647( 1984).
14. Robert R. Pennington, *'Takeover Bids in the United Kingdom'* 17 American Journal of Comparative Law 159( 1969) .
15. C. Bradely , *" Corporate Control: Market and Rules"* ( 1990) 53 Modern Law Review 170
16. H. Manne , *" Mergers and the market for corporate Control"* ( 1965) 73 Journal of Political economy 110

**BAL/BBL7E3A CYBER LAW**  
**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES:** The course aims at appreciating one of the important emerging areas of law and the nitty-gritty involved in it. This introduces the students to the underlying philosophy of the subject and its relation to other areas focusing on human rights.

**UNIT1** is designed to introduce students to the role of law in technology, especially internet and is designed to give a brief overview of the historical aspects of internet. **UNIT2** acquaints the students with the regulation of digital environment. Modules 4 to 8 deal with some specific legal issues related to the information technology. **UNIT3** deals with human rights issues of information technology, while **UNIT3** deals with tort of defamation through digital media. **UNIT5** deals with privacy issues of information technology. **UNIT6** deals with cyber-crimes.

**COURSE OUTCOME:**At the end of the course students will be able to -

1. Identify the need for regulation of information technology in India and also Lessig's model of regulation.
2. List out the legal challenges of the information society and the different forms of cyber-crimes.
3. Apply the provisions of Information Technology Act.
4. Analyse the laws related to defamation through information technology.
5. Evaluate as against other the interface between different human rights instruments and the challenges posed by information technology.
6. Propose a solution to the issues related to privacy issues raised by use of computer technology.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each module.

**UNIT1: LAW AND TECHNOLOGY - INFORMATION SOCIETY - MEANING OF INFORMATION** **10 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to explain the process of digitisation and distinguish between analog and digital technologies. They will also be able to discuss about the effect of digitisation on society and the related legal issues,

Introduction digitization, Analog *v* Digital content, Introduction to Internet - *ACLU v Reno*, Digitization and Society, Legal Challenges of the Information Society - origin of cyberspace - Internet as source of regulatory arbitrage

**UNIT2: REGULATION OF DIGITAL ENVIRONMENT 10 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to discuss about

Cyber-liberarinism, Cyber-paternalism, Lessig's model of regulation, Network communitarianism, Regulators in cyberspace - state and private entities

**UNIT3: HUMAN RIGHTS AND INFORMATION TECHNOLOGY 10 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to express their views about the information technology issues related to privacy and decency, and discuss the legal provisions related to them.

Civil liberties - free speech and Art.19(1)(a) of the Constitution - Privacy and Art.21 of the Constitution - Data Collection and Storage, Freedom of Speech and Social Responsibility, Censorship - Indecency - Pornography - Determination of Standards for, Provisions of IPC and Information Technology Act, 2000

**UNIT4: DEFAMATION 10 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to explain defamation through information technology.

Tort of defamation, Digital defamation - publication and republication, Liability of Intermediary, Digital defamation and User Generated Content (UGC). Social Sites.

**UNIT5: PRIVACY IN CYBERSPACE 10 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to discuss about the privacy issues of computer technology.

Digitization, personal data and data industry, Data Protection principles, Conditions for processing of personal data, CCTV, RFID Tracking, Data Retention and identity, Cookies regulation - interception and monitoring by Government

## UNIT6: CYBER CRIMES

10 Hrs.

**Learning Outcome:** On completion of this UNIT students will be able to distinguish between ordinary crimes and cyber crimes and the prevention of cyber crimes.

Computer misuse - identity theft, grooming and harassment, Hacking, Viruses, criminal damage and mail bombing, Denial of service attack, Obscenity, child abuse, Stalking. Morphing, webjacking, phishing etc., Cyber terrorism, Bandwidth theft, Cyber Warfare, Convention on cyber crime

### SCHEME OF VALUATION

• CIA I - Class Test / Assignment / Presentation	- 10%
• CIA II - Mid Semester Examination	- 25%
• CIA III - Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### SUGGESTED READINGS

1. Seth Karnika, *Computers Internet and New Technology Laws*. Gurgaon: Lexis Nexis, 2013
2. Murrey Andrew, *Information Technology: Law and Society*, Oxford University Press, 2013.
3. Senthil, Surya, and Lakshmi Devi. *Manual of Cyber Laws*. New Delhi: Aditya Book Company, 2010.
4. Singh, Ranbir and Ghanshyam Singh. *Cyber Space and the Law: Issues and Challenges*. Hyderabad: NALSAR University, 2004.
5. Rowland, Diane, and Elizabeth Macdonald. *Information Technology Law*, Cavendish Publishing Ltd, 1997.
6. Sharma, Vakul. *Information Technology: Law and Practice*. 2<sup>nd</sup> Edition, New Delhi: Universal Law Publishing Co.
7. Singh, Yatindra (Justice). *Cyber Laws*. 3<sup>rd</sup> Edition, Universal Law Publishing.
8. Jayashankar K. K., and Philip Johnson. *Cyber Law*. Pacific Books International, 2011.
9. Hiremath, Uma R. (Dr.) *Information Technology and Cyber Crimes*. Bangalore: Karnataka Institute for Law and Parliamentary Reforms, 2009.
10. Price, David, and Korieh Duodu. *Defamation: Law Procedure and Practice*. 3<sup>rd</sup> Ed., Thomson Sweet and Maxwell.
11. Fenwick, Helen. *Civil Liberties and Human Rights*. 4<sup>th</sup> Ed. Routledge Cavendish.

12. Lakshminath A., and M. Sridhar. *RamaswamyIyer's, The Law of Torts*, 10<sup>th</sup> Ed. LexisNexis, Butterworths Wadhwa.
13. Joga Rao S. V. *Law of Cyber Crimes and Information Technology Law*, Nagpur: Wadhwaand Company, 2004.
14. Bird, Graham J. H., and Smith Bird. *Internet Law and Regulation*.
15. Konoorayar, Vishnu. *Regulating Cyberspace: The Emerging Problems and Challenges*. Cochin: Cochin University Law Review, 2003.
16. Reed, Chris, and John Angel, *Computer Law*.
17. Bainbridge, David. *Data Protection Law*. Vol 1. 2<sup>nd</sup> ed. New Delhi: Universal Law Publishing, 2005.
18. Bainbridge, David. *Software Licensing*. Vol 2. 2<sup>nd</sup> ed. New Delhi: Universal Law Publishing, 1999.
19. Brennan, Paul. *Law For IT Professionals*. Vol 3. New Delhi: Universal Law Publishing, 2003.
20. Kevan, Tim. *E-mail, the Internet and the Law: Essential Knowledge for Safer Surfing*. Vol 4. New Delhi: Universal Law Publishing, 2001.
21. Mason, Stephen. *Networks Communications: A Concise to Complaince with the Law*. Vol 5. New Delhi ; Universal Law Publishing, 2007.
22. Ahmad, Tabrez, et al. *Cyberlaw, E-Commerce and M-Commerce*. New Delhi: A. P. H. Publishing Corpration, 2009.
23. Vidya, C. (Ed.) *Cyber Jurisdiction: A Legal Vision*. Hyderabad: The ICAFI University Press, 2006.
24. Augustine, Paul T. *Combating Cyber Crime*. New Delhi: Crescent Publishing Corpration, 2007.

## **BAL7E4A/BBL7E4A INTERNATIONAL HUMANITARIAN LAW** **(No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** This course explores the development and operation of International Humanitarian Law (IHL), which is the body of public international law that regulates conduct during armed conflict. Although IHL is the expression most widely used, the same body of law is often, and more correctly, referred to as Law of Armed Conflict (LOAC), and occasionally referred to as Law of War or as *Jus in Bello*.

International humanitarian law is the body of law that regulates armed conflict. It seeks to limit the effects of armed conflict by regulating the means and methods of warfare and by protecting persons who are not or are no longer participating in the hostilities.

IHL has long been a part of public international law, but has only been subject to treaty since the end of the 19th century. Traditionally, conventional IHL has been divided into the Law of The Hague (concerned with methods and means of warfare) and the Law of Geneva (concerned with protection of victims of war). While most IHL treaties were designed to regulate armed conflict between states (international armed conflict), the trend in 21st century warfare has been toward internal armed conflicts that often involve the armed forces of numerous states, some of which are using technologies that were unheard of when the Geneva Conventions and their Additional Protocols were created.

IHL is related to other fields of public international law, in particular to International Criminal Law and to International Human Rights Law. The course will consider the modern dynamic of these bodies of law, and more importantly, examine how they may affect future military operations.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the origin of humanitarianism while evaluating historical events like the Nuremberg and Tokyo tribunals.
2. List out the different sources of International Humanitarian law.
3. Apply the rules governing the conduct of hostilities such as the General Limitations on the methods and means of hostilities.
4. Analyse the rules in the International humanitarian law framework that prohibit or allow the use of certain weapons.
5. Evaluate as against other the functioning of international criminal jurisdiction, universal jurisdiction and grave breaches of Geneva Conventions.
6. Propose a solution to the issues related to the system of protecting power which includes the ICRC, UN war crimes tribunals and International Criminal Court.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

### **UNIT 1:INTRODUCTION TO INTERNATIONAL HUMANITARIAN LAW**

Nature and Definition of IHL – Historical Background and Origins of IHL - Inter-state resort to force and international law - Prohibition and Exceptions - Use of Force and International Humanitarian Law (IHL) - Relationship between ius ad bellum and ius in bello.

### **UNIT 2: IHL AS A PART OF INTERNATIONAL LAW**

Sources of Modern IHL -Development of the Geneva Conventions and Additional Protocols.

### **UNIT 3: LAW OF ARMED CONFLICT**

Historical evolution of LOAC - Basic Principles - main Sources of LOAC - Internal armed conflict - International armed conflicts - Non-international armed conflicts - Relationship between IHL and International Human Rights Law (IHRL) - The Problem of Applicability of Human Rights Law in Armed Conflict

### **UNIT 4: LAW OF NON-INTERNATIONAL ARMED CONFLICTS**

Historical Development and Conditions of Application – Common Article 3 - Additional Protocol II to the Geneva Conventions of 1949 – A Critical Evaluation - Situation of Internal Disturbances and Violence – IHL and Human Rights - Implementation of International Humanitarian Law - National Implementation of IHL – Status in South Asia - Role of National Legislation – Role of Military Law – Representation of Breaches - International Implementation of IHL – Protecting Power Concept and Role – Other International Measures War Crime Tribunals and Developments in International Criminal Law.

### **UNIT 5: CONCEPT OF WAR**

Limitation on Means and Methods of Warfare - General Limitations on the Conduct of War – Limits on the Choice of Methods and Means of Warfare - Specific Weapons – Chemical, Biological, Nuclear etc. - Anti-personnel Land Mines - Protection of Cultural Property and Natural Environment

### **UNIT 6:PROTECTION OF DEFENCELESS**

The General Obligations of Humane Treatment – Role of ICRC – Wounded, Sick and Shipwrecked persons - Combatant Status - Protection of POW's - Women and Children and Other Vulnerable Groups including Refugees.

## SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS

1. Cahill, Kavin M., Basics of International Humanitarian Missions (Ny: Fordham University Press, 2003).
2. Geza, Herczegh, Developments of International Humanitarian Law (Akademiai Kiado, Budapest, 1984).
3. Henckaerts, Jean-Marie and Beck-Doswald, Louise, Customary International Humanitarian Law (Cambridge University Press, Uk, 2005).
4. Hingorani, R. C., Humanitarian Law (Oup, New Delhi, 1987).
5. Lattimer, Mark and Sands, Philippe (Ed.), Justice for Crimes against Humanity (Hart Publishing, Usa, 2003).
6. Sinha, Manoj Kumar, Humanitarian Intervention by The United Nations (Manak Publishers, New Delhi, 2002).
7. Teson, Fernando, R., Humanitarian Intervention: An Enquiry into Law and Morality (Transnational Publishers, New York, 1997).
8. Welsh, Kavin M., Humanitarian Interventions and International Relations (Oxford University Press, New York, 2004).
9. Kolb and Hyde, An Introduction to International Law of Armed Conflicts, Hart Publishing, Portland, USA, 2008.
10. M.K. Balachandran And Rose Verghese (Eds.) – International Humanitarian Law ICRC (1997)

**BAL7E5A/BBL7E5A ENERGY LAWS**  
**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES:**

The energy law course provides an understanding of the problems and an exposure to energy law and policy. It lays down the fundamental concepts of Energy law and enlisting the contemporary relevance of the discipline. It provides a survey of laws and policies related to the generation, transmission, sale, and use of energy resources. It introduces students to a variety of potential career paths in the field of energy law and provides a strong theoretical base for the students with respect to Energy law. It focuses on current and important topics in the field of energy policy. It helps to develop interconnections between energy law and other areas of legal practice. It also looks into the recent natural and man-made events that have caused the discussion of energy law and policy of late and have contributed to the increased politicization of the topic. It emphasizes the emerging issues and challenges pertaining to Energy law both nationally and internationally.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the role of government and its agencies in the administration of the energy in India.
2. List out the different sources of International Humanitarian law.
3. Apply the provisions of the Petroleum and Natural Gas Regulatory Board Act 2006.
4. Analyse the rules in assessment of the electricity transmission, exploitation and its application in the enforcement agencies.
5. Evaluate as against other the relationship between international law and the worldwide expansion of renewable energy, legal measures for supporting renewable energy production and transmission.
6. Propose a solution to the issues related to the energy conservation, climate change and energy.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

**Unit 1: Energy and Development**

**8 Hrs.**

This unit will be an introductory module on political economy of energy production and use and its implications for development. This unit will provide basic grounding in the major features of global energy issues, sustainable energy and their interactions with economics, development, environment and policy.

**Unit 2: Constitutional Basis of Energy Law** **6Hrs.**

This unit will explore the aspects of Constitutional law and implementation that underpin the theory and practice of energy law. The unit will provide an overview for the Constitutional bases for the roles of the Centre and the State Governments in energy law.

**Unit 3: Electricity Sector** **6Hrs**

This unit will cover the Indian Electricity Sector and its regulations pertaining to generation, transmission, distribution and supply of electricity.

**Unit 4: Oil and Natural Gas Sector** **8Hrs**

This unit studies the three sub sectors, i.e. upstream, midstream and downstream individually era. It will also cover the statutory frameworks and considerations taken into account by regulatory agencies for siting, licensing and certificating interstate/inter country pipelines, LNG terminals and city gas distribution networks.

**Unit 5: Coal Sector** **8Hrs**

This unit covers the coal industry in three phases, i.e. the prospecting, exploitation and transporting & distribution, the regulatory and legislative regimes pertaining to these three phases. The module also discusses future prospects of coal mining in India, strategies to be adopted and also need for change in the existing policies.

**Unit 6: New & Renewable Energy** **8Hrs**

This unit will focus on new energy sources, such as Nuclear Energy and in case of renewable energy sources, Solar Energy and Wind Energy. Special emphasis on the development of solar energy, wind energy and nuclear energy has been provided in the 12th Five Year Plan (2012-2017). Therefore this module too gives emphasis on the regulatory and policy framework in these two sectors.

**Unit 7: Energy Efficiency & Conservation** **8Hrs**

This unit will examine the incentives for energy efficiency and conservation included in the legislations to address climate change and bridging the gap between power consumption and power availability.

**Unit 8: International Aspects of Energy Laws** **8Hrs**

This unit explores the international aspects of energy law drawing a comparison between UK and US jurisdiction.

## SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS

1. Raphael J Heffron, *Energy Law: An Introduction*, Springer International Publishing 2015
2. Rex J Zedalis, *International Energy Law: Rules Governing Future Exploration, Exploitation and Use of Renewable Resources*, Routledge 2016
3. Nawneet Vibhaw, *Energy Law and Policy In India*, LexisNexis 2014
4. Mohammed Naseem, *Energy Law in India*, Wolters Kluwer 2011
5. Joseph Tomain and Richard Cudahy, *Energy Law in a Nutshell*, Thomson Reuters 2011
6. Eisen et al, *Energy, Economics and the Environment*, Foundation Press 2015
7. *International Energy Law Review*
8. *Journal of Energy and Natural Resources Law*
9. *Energy Law Journal*
10. *The Journal of World Energy Law and Business*
11. *Journal of Energy Law and Resources*
12. *Texan Journal of Oil, Gas and Energy Law*

## **BAL7E1B/BBL7E1B SERVICE LAW**

### **(No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** Positioning of right personnel at right place is significant, in the administration of the government, as they act as conduit between the State and citizens. This will assure good governance and make the people to feel good about the government. The paper is aspiring to highlight the scope and limitations of the services under the State. This paper shall be studied by appreciating relevant civil service rules and the notification issued by the government from time to time.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the various types of services under the State along with the importance and efficacy of services in recent times.
2. List out the constitutional validity, safeguards and recognition of the rights of the civil servants and the scope and ambit of doctrine of pleasure and exceptions to it.
3. Apply the various regulations and the conditions of the service so far as the civil servants are concerned along with various kinds of powers conferred to them.
4. Analyse the procedure for recruitment and state of affairs as regard to the service of civil servants, their liabilities and immunities as provided under various Acts.
5. Evaluate as against other constitutional and statutory protections available to civil servants.
6. Propose a solution to the issues related to status of civil servants in India and the role of Public Service Commissions.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each unit.

#### **UNIT 1: INTRODUCTION SERVICES**

**7 Hrs.**

**Learning Outcome:** On completion of this unit students will be able to understand the concept of service and its various types along with the importance and efficacy of services in recent times.

Different types of services under the state, Merit system and spoils system, Utility of Services in the modern administrative era, Types and Theories of Bureaucracies, Role of Civil Servants in Good Governance, Status of civil servants in India Role of Public Service Commissions

#### **UNIT 2: FUNDAMENTAL RIGHTS OF CIVIL SERVANTS**

**10 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to appraise the

constitutional validity, safeguards and recognition of the rights of the civil servants and the scope and ambit of doctrine of pleasure and exceptions to it.

Fundamental rights and civil servants, administrative discretion, administrative instructions and rules Legislative power, Power to make rules and regulations under Article 309, Doctrine of pleasure Article 310, Safeguards with respect to dismissal, removal and reduction in rank, Exclusion of opportunity under Article 311, Disciplinary proceedings.

### **UNIT 3: GOVERNMENT SERVICES**

**20Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to analyze and appraise various regulations and the conditions of the service so far as the civil servants are concerned along with various kinds of powers conferred to them.

Appointment/recruitment to public posts, seniority and promotion, departmental enquiry and proceedings, prosecution of public servants, suspension, misconduct and penalties.

### **UNIT 4: LEGAL ORDER AND CIVIL SERVICE**

**15 Hrs.**

**Learning Outcome:** The UNIT will help students to understand procedure for recruitment and state of affairs as regard to the service of civil servants, their liabilities and immunities as provided under various Acts.

Scope of writ petitions for service matters and judicial review, constitutional and statutory protections available to civil servants, Prevention of Corruption Act, Service Tribunals, Departmental measures.

### **SCHEME OF VALUATION**

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### **SUGGESTED READINGS**

1. Jain, M.P., *Indian Constitutional Law*, Wadhwa and Company, 2009.
2. Ramakrishnan, P.V., *Guide to Departmental Enquiries against Government Servants*, ALT Publications, 2005.
3. Shrinivas, S.K.P., *Law of Suspension and Reinstatement*, Orient Publications Company, 2005.
4. Jain, M.P., S.N. Jain, *Principles of Administrative Law*, Lexis Nexis, 2010.
5. Jayakumar, N.K., *Administrative Law*, Prentice Hall of India Pvt. Ltd., 2005.

6. Singh, Nirmal, *Service and Disciplinary Actions: In Civil Services, PSU's and Other Services*, Deep and Deep Publications Pvt. Ltd., 2003.
7. Nair, N. Narayanan, *The Civil Servant Under the Law and the Constitution of India*, Academy of Legal Publications, 2006.
8. Bakshi, P.M, *The Constitution of India*, Universal Publishing CO. Pvt. L.td., 2011.
9. Sharma, Manoj, *Indian Administrative Law*, Anmol Publications, 2004.
10. Krishn, RadhaSapru, *Civil Service Administration in India*, Deep and Deep Publications Pvt. Ltd., 2003.
11. Singh, Hoshiar, *Indian Administration*, Dorling Kindersley India (Pvt.) Ltd., 2011.
12. Sharma, Urmila, S.K. Sharma, *Public Administration*, Atlantic Publishers Pvt. Ltd., 2002.

## **BAL7E2B/BBL7E2B INTERPRETATION OF CONTRACTS**

**(No. of Hrs. 60-80 Hrs.)**

**Course Objectives:** Ascertaining the meaning of and effect of the language of contracts and other documents constitutes central concern of private law and is of great significance to commercial and financial transactions. This course aims to provide the basic principles and policies of interpretation which are utilized by the courts in discerning the meaning and effect of the words used to encapsulate the parties intentions. Doctrines that impact on the written contracts and instruments are also considered to understand the implications of terms and rectification of documents.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the general principles of the interpretation of contracts.
2. List out there lated doctrines and implied terms at law, implied terms in facts, customs and usage and its third party effects.
3. Apply the basic concept of interpretation of various principles and policies in contract formation.
4. Analyse and evaluate the evolution of principles of construction and the leading decisions of House of Lords.
5. Evaluate as against other the status of instruments, forgeries, deliberate alteration, the concept of non es factum and shams.
6. Propose a solution to the issues related to the rules of evidence and practice as applicable in modern law of civil evidence.

### **Unit - 1 Principles of interpretation of Contracts**

Introduction- Basic principles of construction – Evolution of principles of construction – Policies- Leading decisions of HL – Comparative and Theoretical Perspectives

### **Unit- 2 Objective Principle**

Formation and construction - ‘Fly-on-the-wall’ objectivity –objective principle in contract formation and interpretation- Objective principle in implication and rectification- Internal context – External context – Standard form contracts and Public Policy – Presumptions – Maxims- Good faith – Contractual discretion and Human Rights

### **Unit - 3 Related Doctrines**

Implied terms at law – implied terms in facts – Customs and usage – Formation and certainty – Proof of terms and incorporation of terms – Third party effects –

Rectification and corrections - Common assumptions - Estoppel by convention and estoppel by deed - Construction and mistake

**Unit- 4                      Particular Contractual Provisions**

Conditions, Warranties and indemnities - Exemption clauses - Unfair contract terms- Change of circumstances and Force Majeure clauses - Modification of remedies- penalties, liquidated damages, acceleration and default interest clauses- Time stipulation - integrity of the instrument

**Unit - 5              Rules relating to written contracts**

Status of instruments - Forgeries, deliberate alteration, Non Es Factum and shams - Evidence and Practice- Modern law of civil evidence - Best Evidence rule

**Reference : Gerard McMeel, Contraction of Contracts, 2007**



- liability to contractors - liability to third persons - liabilities of local authorities - remuneration.

**Unit 4: SUB-CONTRACTS, GUARANTEES AND SURETIES** **10 Hrs.**

Relation between sub-contractor and employer - relation between architect and sub-contractor - Relation between principal contractor and sub-contractor - Liability of principal contractor to employer for sub-contractor's default - Prime cost provisional sums - Guarantees and sureties.

**Unit 5: ADJUDICATION AND ARBITRATION** **10 Hrs.**

Causes and resolution of disputes, settlement for claims and extra items, Arbitration Agreements, Conditions of Arbitration, Appointment of Arbitrators, Powers and duties of Arbitrator, Arbitration Proceedings, Enforcement of Award-Appeal - Grounds for appeal under Arbitration and Conciliation Act.

**Unit 6: DRAFTING OF CONSTRUCTION CONTRACTS** **10 Hrs.**

Negotiation and drafting of construction contracts, key provisions and common pitfalls, drafting of contract between owner and builder for construction of a house, drafting of contract between owner and contractor for construction of a building.

**SCHEME OF VALUATION**

• CIA I - Class Test / Assignment / Presentation	- 10%
• CIA II - Mid Semester Examination	- 25%
• CIA III - Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

**Suggested Readings:**

1. Building & Engineering Contracts (Law & Practice) Hardcover - Jul 2013 by P.C. Markanda.
2. Hudson's Building and Engineering Contract 13th edition, 1st Supplement By Nicholas Dennys, Robert Clay.
3. Construction Contracting: A Practical Guide to Company Management by Richard H. Clough (Author), Glenn A. Sears (Author), S. Keoki Sears (Author), Robert O. Segner (Author), Jerald L.
4. Raina's Construction and Contract Management Vol.1 Paperback - Sep 2005 by Dr. Raina V.
5. Construction Contract Management, Prakash V.A., NICMAR, Bombay
6. Gajaria G.T., "Laws Relating to Building and Engineering Contracts in India", M.M.Tripathi Private Ltd., Bombay, 1982.
7. Jimmie Hinze, Construction Contracts, McGraw Hill, 2001.
8. Joseph T. Bockrath, Contracts and the Legal Environment for Engineers and Architects, McGraw Hill, 2000.

## **BAL7E4B/BBL7E4B NUCLEAR LAW**

### **(No. of Hrs. 60-80 Hrs.)**

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the historical evolution of nuclear law, globally and in India.
2. List out the general principles of nuclear law.
3. Apply the legal framework of regulatory bodies and procedure of establishment of nuclear power plants.
4. Analyse the laws of functions of regulatory bodies, process of licensing, laws of inspections and enforcement.
5. Evaluate as against other the international treaties and instruments on nuclear weapons.
6. Propose a solution to the issues related to the liability regime and insurance for nuclear damage through the various case studies.

#### **UNIT - 1**

Introduction to nuclear law- historical evolution of nuclear technology - uses of nuclear technology -peaceful uses of nuclear energy- application of nuclear power and techniques -Financial and economic consideration for acquiring nuclear energy - Nuclear accidents -case studies - Winsacle-Kyshtym-Three Mile island- Chernobyl - The Atomic Energy Act, 1962

#### **UNIT - 2**

International institutions and organizations - International commission on radiological Protection- UN scientific Committee on effects of Atomic Radiation - International Atomic energy Agency- Role of IAEA - nuclear Energy Agency- Global Nuclear energy partnership- Atomic Energy Commission of India - Nuclear Safety Advisory committee - International trade in nuclear materials and equipment

#### **UNIT - 3**

Installation of nuclear plants - Licensing - International law- Licensing nuclear reactors- Nuclear site license- Health and safety measures in licensing - Relationship with Electricity Act - insurance - corporate manslaughter - offences and penalties - Obligations under international conventions for commission and decommissioning nuclear reactors- Guidelines for co-operation with other countries regarding peaceful uses for Atomic Energy -

#### **UNIT - 4**

Radioactive wastes -definition- inter-generational equity issues -classification and handling radioactive substances - Control over Radioactive substances - Transportation of nuclear fuels and wastes - International Commission on Radiological

Protection - BSS directive and NORM- Ionizing Radiation Regulations- Emergency preparedness - International radiological protection standards - Management of spent fuel and radioactive waste -

Atomic Energy (Safe disposal of radioactive wastes) Rules, 1987 - Atomic Energy (Factories) Rules, 1996 - Radiation Protection Rules, 2004 - Atomic Energy (Working of the mines, minerals and handling of prescribed substances) Rules, 1984

## UNIT - 5

Safeguards and Security- Nuclear Test ban and Arms Limitation Treaties - Legality of Nuclear weapons - Non-Proliferation treaty - IAEA safeguards - Export-import controls- Fissile Material cut-off treaty- Convention on Physical Protection of Nuclear Material - Convention for the suppression of acts of Nuclear Terrorism - Nuclear accident notification and assistance - Environmental protection - Nuclear security: physical protection, illicit trafficking and terrorism

## UNIT- 6

Liability, compensation and insurance for nuclear damage - problems of liability and insurance - Paris and Vienna conventions - Brussels supplementary conventions- conventions on the liability of nuclear operators, maritime carriage of nuclear material, environmental liability directive- Civil Liability Nuclear Damage Act,2010

## SCHEME OF VALUATION

• CIA I - Class Test / Assignment / Presentation	- 10%
• CIA II - Mid Semester Examination	- 25%
• CIA III - Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS:

1. Tromans, Stephen; Tromans, Stephen, Nuclear law : [the law applying to nuclear installations and radioactive substances in its historic context](#)

**BAL7E5B/BBL7E5BCOMPARATIVE CONSTITUTIONAL LAW**  
**(No. of Hrs. 60-80 Hrs.)**

**(U.K, France, and USA)**

**COURSE OBJECTIVES:** The paper is intending to provide comparative analysis about the structure of the Government, legislative process and the role of the judiciary to have better understanding of the Indian polity.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the shortfalls in the system of rights protection in India.
2. List out. The pattern of judicial process in the four concerned countries.
3. Apply the constitutional law relating to distribution of powers between the Centre and States in each of the designated states as well as the ambit of executive powers particularly the exercise of emergency powers and safeguards therein.
4. Analyse the pros and cons of the system of judicial redressal in the concerned four jurisdictions.
5. Evaluate as against other the constitutional systems and law in the selected four jurisdictions.
6. Propose a solution to the issues related to the systems of judicial redress in the mentioned four jurisdictions.

**UNIT -1 FORMS OF GOVERNMENT**

Presidential and parliamentary form - Government under USA constitution - Government under French Constitution - Nature of government in U.K - Comparison with the government in India

**UNIT - 2 THE EVOLUTION AND DEVELOPMENT OF CIVIL RIGHTS**

Evolution of Rights of in U.K, USA and France - Status of the rights in U.K -Status of the rights in USA - : Status of the rights in France - Comparison with the status of Rights in India

**UNIT- 3 JUDICIAL PROCESS AND REVIEW**

Organization of the Judiciary in U.K, USA and France - Judicial review - evolution and implementation - Evolution of Tribunals - Separation of Judiciary from the executive and legislature - Comparison with the Indian System

## UNIT- 4 ORGANIZATION OF LEGISLATIVE AND EXECUTIVE POWERS

Distribution of legislative powers - Extent of Executive power -: emergency powers - Resolution of Conflicts - Law making process in U.K, USA and France in comparison with India

### SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### SUGGESTED READINGS

1. K.C.Wheare, Modern Constitutions.
2. Dauglus W.O, Studies in Indian and American Constitutional Law.
3. A.V.Dicey, Introduction to the Study of Constitution.
4. Rotunda and Nowak, Treatise on American Constitution.
5. Bernad Schwartz Commentary on American Constitution
6. E.S.Venkataramaiah, Federalism Comparative Study
7. Mason and Beany, American Constitutional law
8. Rodney Brazier, Constitutional Practice.
9. Godfrey and Blondel, The French Constitution and Government.
10. Tom Ginsburg, Rosalind Dixon, Comparative Constitutional Law
11. Vicki C. Jackson, Mark V. Tushnet, Comparative Constitutional Law
12. BhagwanVishnoo, BhushanVidya, World Constitutions

## **BAL/BBL 9E1 EMPIRICAL LEGAL RESEARCH**

**(No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** The main objective of this course is to develop the research skill among the students and to acquaint them with the Empirical Legal Research. This course aims at basic understanding of various research designs, methods, techniques of data collection and its analyzation in Empirical Legal Research. It creates exposure to the students towards socio-legal research by employing empirical methods. It includes training to conduct an empirical study and steps in report writing.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the different tests to identify ratio decidendi.
2. List out the primary and secondary sources of law and different data collection methods.
3. Apply the direct and indirect methods of data collection in empirical legal research.
4. Analyse the quantitative and qualitative methods of empirical legal research.
5. Evaluate as against other the different sampling techniques in empirical legal research.
6. Propose a solution to the issues related to interpretation of data and report writing.

### **UNIT -1: FUNDAMENTALS OF EMPIRICAL LEGAL RESEARCH**

Inter-relation between Doctrinal and Empirical Research; Introducing Empirical Legal Research; Sociology of Law; Case Law Analysis – Tests to determine Ratio-decidendi.

### **UNIT -2: RESEARCH METHODOLOGY**

Finding the problem area – Pilot study – Identification and Defining a research problem; Review of Literature; Research Integrity; Research Design & its types; Research Proposal -Hypothesis & Research Questions; Primary and Secondary Sources – Data Collection methods – Sampling & its types – Definition of research units

### **UNIT -3: METHODS & TECHNIQUES IN EMPIRICAL STUDY**

Quantitative and Qualitative Divide – Mixed Methodologies; Direct Data Collection – Surveys, Questionnaires and interviews; Indirect Data Collection – Observations and Existing Text – Content Analysis and Jurimetrics;

### **UNIT -4: DATA ANALYSIS, TESTING AND REPORT WRITING**

Procession of Data – Classification and Tabulation; Analysis of Data – Descriptive Statistics – Uni-dimensional Analysis – Bivariate Analysis – Multi-variate Analysis –

Inferential or Statistical Analysis – Estimation of parameter values and Testing hypotheses; Interpretation and Report Writing; Citation Format for footnote.

### SCHEME OF VALUATION

• Data Collection	- 15%
• Data Analysis	- 15%
• Synopsis	- 20%
• Submission of research report	- (40+10) = 50%
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<b>TOTAL</b>	<b>- 100%</b>
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### SUGGESTED READINGS:

13. William J Goode and Paul K Hatt, *Methods in Social Research*, Surjeet Publications, Indian Reprint, 2006.
14. Pauline V Young, *Scientific Social Surveys and Research*, PHI Learning Private Limited, 2014.
15. Morris L Cohen, *Legal Research in a Nutshell*, West Publishing Co., Massachusetts, (3<sup>rd</sup> ed., 1978).
16. Gordon Rugg and Marian Petre, *A Gentle Guide to Research Methods*, Tata McGraw Hill Education Private Limited, New Delhi, 2010.
17. Zina O’Leary, *The Essential Guide to Doing your Research Project*, Sage Publications, New Delhi, 2010.
18. Nicholas Walliman, *Your Research Project*, Sage Publications – Designing and Planning your work, New Delhi (3<sup>rd</sup> ed., 2011).
19. Frans L. Leeuw & Hans Schmeets, *Empirical Legal Research – A Guidance Book for Lawyers, Legislators and Regulators*, Edward Elgar, Northampton, U.S.
20. Andrew D Martin & Lee Epstein, *An Introduction to Empirical Legal Research*, Oxford University Press, 2014.
21. Peter Cane & Herbert Kritzer, *The Oxford Handbook of Empirical Legal Research*, Oxford University Press, 2012.
22. S.K. Verma & M. Afzal Wani, *Legal Research Methodology*, Indian Law Institute, New Delhi (2<sup>nd</sup> ed., 2001).
23. Ranbir Singh, Srikrishna Deva Rao, Theodor Eisenberg, GS Bajpai, *International Workshop on Empirical Legal Research, Advanced Readings (Vol -II)*, NLU, Delhi in collaboration with Cornell University Law School, New York, U.S.
24. C.R. Kothari, *Research Methodology – Methods and Techniques*, New Age International Publishers, (2<sup>nd</sup> ed., 2004).
25. O.K. Krishnaswami & M. Ranganatham, *Methodology of Research in Social Sciences*, Himalayan Publishing House, (2<sup>nd</sup> ed., 2013).
26. Columbia Law Review et al. (Compilers), *Bluebook, A Uniform System of Citations*, The Harvard Law Review Association, U.S. (20<sup>th</sup> ed., 2015).

# BAL/BBL 9E2 NEGOTIATION, DRAFTING AND VETTING OF CONTRACTS

(No. of Hrs. 60-80 Hrs.)

## COURSE DESCRIPTION:

This is a skill development course aimed at imparting practical training on negotiating drafting and vetting of contracts. The entire course is divided into **4 (Four)** units. **UNIT 1** is designed to connect the existing knowledge of the students on contract law with the applicatory part of the same. This unit will enable the students to understand the provisions of the contract law from a fresh perspective **Unit 2** deals with the theories, tools and techniques involved in negotiating a legally binding contract. **Unit 3** contains drafting of selected types of contracts, their essentials and formalities. **Unit 4** focuses on the concept of vetting of contracts and vetting of selected types of contracts.

## COURSE OBJECTIVES:

Objectives of this course are:

1. To inculcate practical understanding of applied contract law in the students.
2. To equip the students with the knowledge of the nitty-gritties of effective negotiation.
3. To develop the ability in the students to draft effective contracts.
4. To introduce the students to the process of vetting contracts

## COURSE OUTCOMES:

1. To classify and differentiate between various kinds of contract and to extract essential information from a contract.
2. To negotiate a contract on given subject.
3. Draft, interpret and modify Contracts.
4. Analyse the process of contract vetting and vet contracts based on the principles.

## UNIT -1 INTRODUCTION

**10Hours**

1. Overview of The Indian Contract Act
2. Types of contracts
3. modes of contract making
4. Process of formation of contracts
5. Enforceability of contracts
6. Breach of contracts and remedies
7. Arbitration

**UNIT-2 Negotiation of Contracts****20 Hours**

1. Concept of negotiation of contract
2. Pre-negotiation preparations and Pre negotiation documents
3. Influencing factors in contract negotiation
4. Modes of Incorporation of contractual Clauses
5. Terms generally used in contracts
6. Checklist for legally binding contracts
7. Arbitrability

**UNIT-3 Drafting of Contracts****20 Hours**

1. Structure and format of a contract
2. Contract drafting techniques

**UNIT-4 Vetting of Contracts****10 Hours**

1. Concept of contract vetting
2. General principles of vetting of contracts
3. Due diligence

**SCHEME OF VALUATION**

- |                        |     |
|------------------------|-----|
| • Negotiation Exercise | 20% |
| • Drafting of contract | 20% |
| • Vetting of Contract  | 20% |
| • Record Book + Viva   | 40% |

**TOTAL 100%****SUGGESTED READINGS**

1. Anderson, M. and Warner, V. (2007). Drafting and negotiating commercial contracts. 2nd ed. Tottel Publishing.
2. Macdonald, E. (2006). Exemption clauses and unfair terms. 2<sup>nd</sup> Ed. Bloomsbury Professional.
3. Ward, E. (2011). Contract Negotiation Handbook: Getting the Most Out of Commercial Deals. 1 Ed. Wrightbooks

## BAL/BBL 9E3 WITNESS EXAMINATION

(No. of Hrs. 60-80 Hrs.)

“Witnesses” as Bentham said: are the eyes and ears of justice. If the witness himself is incapacitated from acting as eyes and ears of justice, the trial gets putrefied and paralysed, and it no longer can constitute a fair trial. ‘Witness’ is an essential component of administration of justice. By giving evidence relating to the charge of an offence or of a litigious fact, the witness carries out a sanctified duty of assisting the court to discern the truth. The information provided by witnesses becomes part of evidence. This is the reason why before giving evidence the witness either takes an oath in the name of God or makes a solemn affirmation that he will speak the truth, the whole truth and nothing but the truth. The witness has no risk in the decision of the criminal court as he is neither the accused nor the victim. He has no liability in a civil case as he is not a plaintiff or defendant and does not lose or suffer a decree. On the other hand, he is friend of the court. The witness performs an important public duty of assisting the court in deciding a list. He sacrifices his time and takes the trouble to travel all the way to the court to give evidence. The witness should therefore be treated with great respect and consideration as a guest of court. Unfortunately, all these are seen not to be happening in the courts. Witness protection program and witness protection laws are simply the need of the hour.

**Course Objective:** This paper is designed to introduce to the students the procedural as well as practical aspects of witness examination. This facilitates the students to learn about trial procedure and appropriate provisions in other statutes. This paper will have features of practical training, mock trials and moot court problem in each unit. After completion of this paper, the student is able to understand the procedural aspects particularly before subordinate courts.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the basic inputs on the types of witness and implication in examining them.
2. List out the facts and purpose of calling a witness to give evidence.
3. Apply the process of exhibiting formal charges against an offender of all its witness.
4. Analyse the procedure of conducting trial in a fair manner within the realm of protecting the rights of the victims.
5. Evaluate as against other the different reports of various committees and commissions in relation to witness protection.
6. Propose a solution to the issues related to protection of the interests of witness in a criminal trial.

## **UNIT 1: INTRODUCTION OF WITNESSES**

**Learning outcome:** At the end of this Unit, the students are expected to gain the basic inputs on the types of witnesses and implication in examining them.

Meaning of Witness; Understanding the witness; Competency of witness; credibility of witness.

## **UNIT 2:WITNESSES IN CIVIL PROCEEDINGS AND MOOT PROBLEM-1**

**Learning Outcome:** Students at the end of this Unit, are expected to learn about the certain facts and purpose of calling a witness to give evidence.

Plaintiff's witnesses; Defendant's witnesses; Court witnesses; Demeanor of witness

## **UNIT 3: WITNESS IN CRIMINAL PROCEEDINGS AND MOOT PROBLEM-2**

Learning outcome: On studying this Unit, the students would get the required analysis about the examination of witnesses in criminal matters.

Prosecution Witness; Defence witness; Related & Interested witness; Co-accused as witness; Expert witness; Medical witness; Eye-Witnesses; Hostile witness; Child witness; Witness of privileged communications

## **UNIT 4: WITNESS PROTECTION AND MOOT PROBLEM-3**

**Learning outcome:** This unit enables the students to analyse the different situations where witness has to be protected.

Witness Protection Programme in India; Witness Protection and Witness Anonymity; Treatment and Protection of Witnesses in India; Existing legal protection as regards of witnesses;

## **Unit 5: Reports and Guidelines**

**Learning Outcome:** The students will be in a position to understand the trials have to be conducted in a fair manner and within the realm of protecting the rights of the victims.

Strategies for witness protection anonymity and protection; Legal impediments regarding witness anonymity in India; 154<sup>th</sup> Law Commission Report; Judicial opinion and guidelines on witness protection. Certain aspects of Victim and Witness Identity Protection under special statutes in India:

### **Case Laws;**

1. Savelife Foundation & Anr vs Union Of India & Anr., (2016) 7 SCC 194
2. Anjanappa v State of Karnataka.,(2014) 2 SCC 776
3. ZahiraHabibullah Sheikh (5 ) v. State of Gujarat, AIR 2002 SC 2973
4. NHRC v Gujarat.,(2008) 16 SCC 497
5. Sakshi v Union of India.,AIR 2004 SC 3566
6. State of Maharashtra v. Dr. Praful B Desai.,2003 (4) SCC 601

**Reports:**

1. 198<sup>th</sup> Report of Law Commission on Witness Identity Protection and Witness Protection Programme (2006) available on the Commission's website

<http://lawcommissionofindia.nic.in/reports/rep198.pdf>

2. 239<sup>th</sup> Report of Law Commission Submitted to the Supreme Court of India in W P (C) NO. 341/2004, Virender Kumar Ohri Vs. Union of India & Others., March 2012

available at <http://lawcommissionofindia.nic.in/reports/report239.pdf>

**BAL/BBL 9E4 LAW COMMISSION OF INDIA REPORTS  
(CRIMINAL LAW - SELECTED)  
(No. of Hrs. 60-80 Hrs.)**

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the importance of law commission in amending criminal laws.
2. List out the reasons behind different forms of punishment.
3. Apply the laws related to various offences against women.
4. Analyse the need for the abolition of section 377 of Indian Penal Code.
5. Evaluate as against other the different reports of various committees and commissions in relation to amendment of criminal laws in India.
6. Propose a solution to the issues related to criminalization of hate speech.

**UNIT -1 INTRODUCTION 10**

**Hours**

Importance & Significance of Law Commission of India - Historical background of Law Commission and Criminal Laws in India - Review of Criminal Laws in India

**UNIT- 2 REPORTS ON PUNISHMENT 25**

**Hours**

- Report No. 152 – Custodial Crimes (1994)
- Report No. 187 - Mode of Execution of Death Sentence and Incidental Matters (2003)
- Report No. 262 – Death Penalty (2015)
- Report No. 273 - Implementation of United Nations Convention against Torture (2017)

**UNIT- 3REPORTS ON OFFENCES AGAINST WOMAN 15**

**Hours**

- Report No. 172 – Review of Rape Laws (2000)
- Report No. 202 – Proposal to amend 304 B of Indian Penal Code (2007)
- Report No. 243 – Section 498 A (2012)

**UNIT-4 REPORTS ON SPECIFIC OFFENCES 10 Hours**

- Report No. 210 –Humanization and Decriminalization of Attempt to Suicide. (2008)
- Report No. 226 –The Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a Law for Compensation for Victims of Crime (2009)
- Report No. 267 – Hate Speech (2017)

## **SCHEME OF VALUATION**

• Class Presentation/Viva	-	15%
• Report Writing and Viva	-	20%
• Progress Report and Viva	-	15%
• Final Draft Report and Viva	-	50%
<b>TOTAL</b>	<b>-</b>	<b>100%</b>

## **SUGGESTED READINGS**

1. Report No. 152 – Custodial Crimes (1994)
2. Report No. 187 - Mode of Execution of Death Sentence and Incidental Matters (2003)
3. Report No. 262 – Death Penalty (2015)
4. Report No. 273 - Implementation of United Nations Convention against Torture (2017)
5. Report No. 172 – Review of Rape Laws (2000)
6. Report No. 202 – Proposal to amend 304 B of Indian Penal Code (2007)
7. Report No. 243 – Section 498 A (2012)
8. Report No. 210 – Humanization and Decriminalization of Attempt to Suicide. (2008)
9. Report No. 226 – The Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a Law for Compensation for Victims of Crime (2009)
10. Report No. 267 – Hate Speech (2017)

# BAL/BBL 9E5 LAW COMMISSION OF INDIA REPORTS (CONSTITUTIONAL LAW -SELECTED)

(No. of Hrs. 60-80 Hrs.)

## COURSE OBJECTIVES

Law Commission of India is not a constitutional or statutory body yet it is inspired by various parts of Constitution such as Fundamental Rights and DPSP particularly article 39A, which says that State shall secure that the operation of the legal system promotes justice. One of the mandates of the Constitution was the continuation of pre-Constitution Laws (Article 372) till they are amended or repealed. This mandate necessitated the need of a Central Law Commission which could recommend repeal, revision and updating of the inherited laws to serve the changing needs of the country. The various Law Commissions have been able to make important contribution towards the progressive development and codification of laws of the country. Law Commission of India is an advisory body but has been a key instrumentality in the process of law reform in India. It has sometimes has been critical of the government policies and has been recognized by the Supreme Court of India and also the academia as pioneering and prospective. It is to be noted that in a number of decisions the Supreme Court has referred to the work done by the Law Commission and followed its recommendations. Law Commissions have so far submitted 262 reports.

Through the study of selected Law Commission Reports the students will be in a better position to understand and appreciate legislative history and evolution of Constitutional Law in India.

## COURSE DESCRIPTION:

The entire course is divided into SIX Units. Unit 1 deals with **History of Law Commission of India**, its importance and significance and its history and role in legislation building in the country etc. Unit 2 emphasizes on 4 Reports of Law Commission of India on **Social & Economic Justice**. Unit 3 has 4 Reports of Law Commission of India on **Freedom of Speech and Life**. While Unit 4 focuses on **Reports on Criminal Justice**, Unit 5 deals with **Women**. The final Unit 6 is on **Judicial Reforms & Governance**.

Objectives of this course are:

1. To enhance the knowledge of students regarding Constitutional laws and its background.
2. To elaborate the scope of Law Commission in Constitutional laws
3. To help students in increasing awareness regarding the functioning of law commission of India.
4. To enhance critical thinking among students regarding the required amendments in Constitutional law through various reports of Law Commission of India.

5. To enable students to critically analyse the provisions of Constitutional law as per the facts or cases.

**COURSE OUTCOME:** At the end of the course students will be able to -

1. Identify the importance of law commission in the legislation of new laws.
2. List out the reasons behind different forms of socio-economic crimes.
3. Apply the constitutional laws related to freedom of speech and right to life.
4. Analyse the need for reforms in criminal justice system.
5. Evaluate as against other the different reports of various committees and commissions in relation to judicial reforms and public governance.
6. Propose a solution to the issues related to specific offences against women and children.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, Power Point Presentation, Simulation Exercise, etc. as per the requirement of each Unit.

**UNIT 1: LAW COMMISSION OF INDIA - INTRODUCTION** **10 Hours**

History of Law Commission of India, importance and significance and its history and role in legislation building in the country. Working of the Law Commission, Role of Law Commission in Legal reforms in India, Evolution of the Law Commission.

**UNIT 2: LC REPORTS ON SOCIAL & ECONOMIC JUSTICE** **10 Hours**

LCR No. 47 (1972) The trial and punishment of Social and Economic offences.

LCR No. 166 (1999) The Corrupt Public Servants (forfeiture of property) Bill

LCR No. 185 (2003) Review of Indian Evidence Act, 1872.

LCR No. 223 (2009) Need for Ameliorating the lot of Have-nots – SC Judgments.

**UNIT 3: LC REPORTS ON FREEDOM OF SPEECH & LIFE** **10 Hours**

LCR No. 180 (2002) (Art. 20 (3) of the Constitution and Right to Silence

LCR No. 241 (2012) Passive Euthanasia: A Relook

LCR No. 262 (2015) The Death penalty

LCR No. 267 (2017) Hate Speech

**UNIT 4: LC REPORTS ON CRIMINAL JUSTICE****10 Hours**

LCR No. 177 (2001) Law relating to Arrest

LCR No. 198 (2006) Witness Protection Programmes

LCR No. 200 ((2006) Trial by Media

LCR No. 152 (1994) Custodial Crimes

**UNIT 5: LAW COMMISSION REPORTS ON WOMEN****10 Hours**

LCR No. 71 (1978) The Hindu Marriage Act, 1955 - Irretrievable breakdown of marriage as a ground of divorce.

LCR No. 226 (2009) The inclusion of Acid Attacks as specific offences in the IPC and a Law for Compensation for Victims of Crimes.

LCR No. 242 (2012) Prevention of interference with Freedom of Matrimonial Alliances.

LCR No. 252 (2015) Right of Hindu Wife to Maintenance.

**UNIT 6: LC REPORTS ON JUDICIAL REFORMS & GOVERNANCE** **10 Hours**

LCR No. 221 (2009) Report on need for Speedy Justice.

LCR No. 230 ((2009) Reforms in the Judiciary.

LCR No. 254 (2015) Prevention of Corruption (Amendment) Bill 2013

LCR No. 255 (2015) Report on Electoral Reforms

**SCHEME OF VALUATION**

- Component 1: Assignment / Presentation (10)
- Component 2: Analysis of Selected Law Commission Report (30)
- Component 3: Progress Report of the Draft Report (10)
- Component 4: Draft Report for the Law Commission (40)
- Component 5: Viva on the Draft Report (10)

**TOTAL 100%****SUGGESTED READINGS**

1. LCR No. 47 (1972) The trial and punishment of Social and Economic offences.
2. LCR No. 166 (1999)The Corrupt Public Servants (forfeiture of property) Bill
3. LCR No. 185 (2003) Review of Indian Evidence Act, 1872.
4. LCR No. 223 (2009) Need for Ameliorating the lot of Have-nots – SC Judgments.
5. LCR No. 180 (2002) (Art. 20 (3) of the Constitution and Right to Silence

6. LCR No. 241 (2012) Passive Euthanasia: A Relook
7. LCR No. 262 (2015) The Death penalty
8. LCR No. 267 (2017) Hate Speech
9. LCR No. 177 (2001) Law relating to Arrest
10. LCR No. 198 (2006) Witness Protection Programmes
11. LCR No. 200 ((2006) Trial by Media
12. LCR No. 152 (1994) Custodial Crimes
13. LCR No. 71 (1978) The Hindu Marriage Act, 1955 - Irretrievable breakdown of marriage as a ground of divorce.
14. LCR No. 226 (2009) The inclusion of Acid Attacks as specific offences in the IPC and a Law for Compensation for Victims of Crimes.
15. LCR No. 242 (2012) Prevention of interference with Freedom of Matrimonial Alliances.
16. LCR No. 252 (2015) Right of Hindu Wife to Maintenance.
17. LCR No. 221 (2009) Report on need for Speedy Justice.
18. LCR No. 230 ((2009) Reforms in the Judiciary.
19. LCR No. 254 (2015) Prevention of Corruption (Amendment) Bill 2013
20. LCR No. 255 (2015) Report on Electoral Reforms

**EVEN SEMESTER  
NOVEMBER 2018-19**

**II SEMESTER (2018-19 Batch )**

<b>Sl.No</b>	<b>Code</b>	<b>Elective Subjects</b>
1	BAL2E1/ BBL2E1	Law of Freedom of Information and Prevention of Corruption
2	BAL2E2/ BBL2E2	Natural Resources Law
3	BAL2E3/ BBL2E3	Human Rights
4	BAL2E4 / BBL2E4	Feminist Jurisprudence
5	BAL2E5/ BBL2E5	Law of Agriculture

**IV SEMESTER (2017-18 Batch)**

<b>Sl.No</b>	<b>Code</b>	<b>Elective Subjects</b>
1	BAL4E1/ BBL4E1	Animal Welfare Law
2	BAL4E2/ BBL4E2	Urban Development Law
3	BAL4E3/ BBL4E3	Drugs and Cosmetics Law
4	BAL4E4 / BBL4E4	Forest Laws
5	BAL4E5/ BBL4E5	Children, Youth and International Human Rights

**VI SEMESTER (2016-17 Batch)**

<b>Sl.No</b>	<b>Code</b>	<b>Elective Subjects</b>
1	BAL6E1/ BBL6E1	Law of Corporate Insolvency
2	BAL6E2/ BBL6E2	International Trade Law
3	BAL6E3/ BBL6E3	Center-State Relations and Constitutional Governance
4	BAL6E4 / BBL6E4	Domestic Violence
5	BAL6E5/ BBL6E5	Securities Laws

**VIII SEMESTER (2015-16 Batch)**

Sl.No	Code	Elective Subjects
1	BAL8E1A/ BBL8E1A	Law of Copyright
2	BAL8E2A/ BBL8E2A	International Criminal Law
3	BAL8E3A/ BBL8E3A	Conflict of Laws
4	BAL8E4A / BBL8E4A	World Trade Organization
5	BAL8E5A/ BBL8E5A	Regulation of Biotechnology
6	BBL8E5B/ BBL8E5B	Media Law
7	BBL8E5B/ BBL8E5B	Refugee Law
8	BBL8E5B/ BBL8E5B	Law and Psychology
9	BBL8E5B/ BBL8E5B	International Environmental Law
10	BBL8E5B/ BBL8E5B	Law of Negotiable Instruments

**X SEMESTER (2014-15 Batch)**

Sl.No	Code	Elective Subjects
1.	BAL10E1A/ BBL10E1A	Legal Aid and Paralegal Services (knowledge of kannada required)
2.	BAL10E2A/ BBL10E2A	International Investment Law
3.	BAL10E3A/ BBL10E3A	Sports Law
4.	BAL10E4A / BBL10E4A	Law of Execution
5.	BAL10E5A/ BBL10E5A	Forensic Science and Law
6.	BAL10E1B/ BBL10E1B	International Taxation
7.	BAL10E2B/ BBL10E2B	Anti- Trust and Patent Law
8.	BAL10E3B/ BBL10E3B	Digital Evidence
9.	BAL10E4B / BBL10E4B	Law of Writs
10.	BAL10E5B/ BBL10E5B	Space Law

## II SEMESTER

### LAW OF FREEDOM OF INFORMATION AND PREVENTION OF CORRUPTION

(No. of Hrs. 60-80 Hrs)

**COURSE OBJECTIVES:** Right to information is *sine qua non* for a meaningful democracy. This course, while tracing the evolution of RTI movement, introduces the students to the relevance and mechanism of RTI. It enables them to analyze the constitutional ethos from multifarious angles.

#### COURSE OUTCOMES:

1. Describe and analyze legislative provisions and concepts related to RTI
2. List out the important issues regarding RTI and link them to different legislations
3. Identify with the legislations which make similar provisions or adverse provisions regarding freedom of information.
4. Interpret the provisions of the Prevention of Corruption Act

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

#### UNIT 1: INTRODUCTION

9 Hrs.

**Learning Outcome:** On completion of this UNIT students will be able to understand the historical evolution as well as the constitutional background of the right to information. The students will also get an overview regarding the objectives and operation of RTI Act, 2005 and the challenges in its application.

Historical background, Shift in attitudes – secrecy, privilege – Official Secrets Act – Open government, Citizens’ right to know, Campaign for freedom of information, Constitutional provisions, Technological revolution – Right to Information Act. 2005 – Overview, objects and reasons, Scope of the Act and Overall Scheme of the Act.

#### UNIT 2: RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

11 Hrs.

**Learning Outcome:** On completion of this UNIT students will be able to comprehend the definition of public authorities and their obligations under the RTI Act. Moreover, the students will be able to analyze legislative provisions in the Act and concepts related to the same which will give them clarity about the framework of the Act.

Request for information, Disposal of request – Exemptions – Grounds for rejection to access in certain cases, severability, third party information, statutory exemptions

**UNIT 3: CENTRAL AND STATE INFORMATION COMMISSIONS** 10 Hrs.

**Learning Outcome:** On completion of this UNIT students will be able to appraise in details the establishment of Central Information Commission as well as State Information Commissions. At the same time they will be aware of the power and functions of the commissions.

Constitution of Central Information Commission, Terms of Office and Conditions of service, Removal of Information commissioner, State Information Commission – Powers and functions of Commission, Complaints, Appeals, Penalties

**UNIT 4: RELATIONSHIP WITH ENACTMENTS** 10 Hrs.

**Learning Outcome:** On completion of this UNIT students will be introduced with the legislations which make similar provisions or adverse provisions regarding freedom of information.

Data protection, medical records – Whistle Blowing, Environment Protection Act, Freedom of information and commercial background, Freedom of information in commercial disputes - Whistle Blower’s Protection Act, 2011- Information Technology ( Reasonable Security practices and Procedures and sensitive Personal data/ Information rules)

Role of EIA

**UNIT 5: PRIVACY, CONFIDENTIALITY AND HUMAN RIGHTS** 10 Hrs.

**Learning Outcome:** On completion of this UNIT the students will be equipped with a broader point of view regarding right to information by linking RTI to different human rights legislations in a comparative perspective.

Right to privacy *v* right to information, Principles of confidentiality, Right to know in United States, United Kingdom and Australia – Relevant international instruments

**UNIT 6: PREVENTION OF CORRUPTION** 10 Hrs.

**Learning Outcome:** On completion of this UNIT the students will get an overview of the Prevention of Corruption Act and at the same time they will get an exposure to the various institutions established to combat corruption and their limitations.

Public servants – Prevention of Corruption Act, 1988 - Lokpal/ Lokayukta and their importance in prevention of corruption

## SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS

1. SudhirNaib, *The Right to Information in India*, OUP, 2013
2. SairamBhat, *Right to Information*, EBH publishers, 2012.
3. MacDonald, John, and Clive H. Jones. *The Law of Freedom of Information*, OUP, 2003.
4. Mitra and Kataria, *Law Relating to Right to Information*, Orient Publishing Co, 2010.
5. Das, P. K. *Universal's Handbook on the Right to Information Act, 2005*. New Delhi: Universal Law Publishing Co., 2006.
6. Ryder, Rodney D. *Right to Information: Law, Policy and Practice*. New Delhi: Wadhwa and Company Nagpur, 2006.
7. Acharya, N. K. *Commentary on the Right to Information Act, 2005*, 8<sup>th</sup> ed. Hyderabad: Asia Law House, 2010.
8. Coppel, Philip. *Information Rights: Law and Practice*, 3<sup>rd</sup> ed. Oxford: Hart Publishing, 2010.
9. Flinn, Andrew ed. *Freedom of Information: Open Access, Empty Archives?* London: Routledge, 2009.
10. Sharma, Ashish ed. *Lawman's Right to Information Judgements*. 2 Vols. New Delhi: Kamal Publishers, 2009.
11. Macdonald, John. *Law of Freedom of Information*. Oxford : Oxford University Press, 2003.
12. Birkinshaw, Patrick. *Freedom of Information*. Cambridge: Cambridge University Press, 2010.
13. Jain, Anusha, *A Treatise on the Right to Information Act*, Universal Law Publishing Co., 2014.
14. JogaRao, S.V., *Law Relating to Right to Information*, Pentagon Press, New Delhi, 2009.
15. Shukla, Abhishek and Shukla, Surinder, *Rule of Law and Right to Information*, Concept Publishing Co. Ltd., 2012.
16. Sridhar, Madhabhushi, *Right to Information, Law and Practice*, LexisNexis, 2007.
17. *LP's Commentaries on Right to Information Laws*, Law Publishers (India) Pvt. Ltd., 2013.
18. Reddi, M.R., *Anti-Corruption Laws and Departmental Inquiries*, Orient Publishing Co., 2010.
19. RamachandraRao, A.S., *Commentary on the Prevention of Corruption Act*, Universal Law Publishing Co., 2011.

# **NATURAL RESOURCES AND ENERGY LAW**

## **(No. of Hrs. 60-80 Hrs.)**

### **COURSE OBJECTIVES:**

Natural resources are the bed rock of any civilization. India has witnessed a rich legal history with respect to natural resources. From colonial and post-colonial eras states have introduced new legislations that aim to that introduced the modern law in stages had multiple motives. The law pertaining to natural resources determines the types of rights assigned and the complex political and bureaucratic processes necessary for their utilization. It is therefore extremely important from the perspective of development and protection of the environment. The course will also take into consideration the importance and influence of the International legal framework and policy revolving around the conservation of natural resources. Natural resources however, belong to the people of a country and hence the course will also look into mechanisms that allow citizens to control and hold the state accountable for judiciously utilizing the same and protecting them from degradation.

### **COURSE OUTCOMES:**

Having successfully completed this course, students will be able to:

1. Identify the conflicts with respect to development and conservation of natural resources.
2. Explain the concepts and significance relating to natural resources and its conservation.
3. Evaluate and critically assess the impact of the principles been successfully incorporated in the domestic regime.
4. Analyze the laws on Natural resources and its development and international harmonization.

### **UNIT 1- GENERAL BACKGROUND**

Geography and Population, Legal and Political Structure, Economic Characteristics, Social and Cultural Characteristics, Energy Scenario

### **UNIT 2- DEVELOPMENT OF ENERGY LAW**

### **UNIT 3 - BASIC PRINCIPLES OF ENERGY LAW**

### **UNIT 4- SOURCES OF ENERGY LAW**

Legislation Concerning Electricity, Legislation Concerning Petrol, Legislation Concerning Gas, Legislation Concerning Coal, Legislation Concerning Environment, General, Water, Air, Chemicals and Wastes, Land use, others

## **UNIT- 5- WATER RESOURCES**

Importance of Water Resources, Constitutional Perspectives Relating to Water and the Laws, National Water Policy 2012

## **UNIT 6 - RENEWABLE ENERGY SOURCES**

Introduction, Challenges of Sustainable Energy, Energy Efficiency and Renewable energies.

International Cooperation on energy, Regulatory Framework for promotion of energy conservation, Domestic Appliances and equipment, Mandatory Programmes.

Model Renewable Energy Law for India.

### **SCHEME OF VALUATION**

• CIA I - Class Test / Assignment / Presentation	- 10%
• CIA II - Mid Semester Examination	- 25%
• CIA III - Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### **SUGGESTED READINGS:**

1. Muhammed Nasseem , Energy law in India
2. Sanjay Upadhyay, Videh Upadhyay, Handbook of environmental law Vol III: Environment protection and Energy Laws

## **HUMAN RIGHTS**

**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES:** The course is designed to inform the students about the evolution of human rights and the way they are read into our Constitution. That apart, it explores the different vistas of Human Rights with reference to crime, health, IP, etc. The students are imparted the essential aspects of all the said issues.

In this connection, **UNIT 1** covers the conceptual and constitutional aspects along with the provisions about the National and State Human Rights Commissions. **UNIT 2** looks into the societal expectations in terms of human rights. **UNIT 3** provides an analysis of criminal infractions and the resultant rights abuse. **UNIT 4** is designed to study state action in juxtaposition with human rights. **UNIT 5** looks into workers' rights from the view point of human rights. **UNIT 6** takes stock of the pivotal role attributed to media in furthering of human rights. **UNIT 7** aims at a study of various international instruments in the field of human rights.

### **COURSE OUTCOMES:**

**After completion of the course, students would be able to:**

1. Identify the fundamental philosophy and policies concerning human rights.
2. Understand and comprehend the legal effects of international treaties and conventions on the national human rights jurisprudence.
3. Effectively examine the on-going debates concerning human rights.
4. Appreciate the strategies in the precedents of Indian Courts and Tribunals concerning human rights.
5. Examine the devolution of specialized institutions exclusively to manuevere the human rights concerns.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

### **UNIT 1: INTRODUCTION**

**6 Hrs.**

**Learning Outcome:** At the end of the UNIT, students would be able to comprehend the conceptual and constitutional grounding of human rights along with the role played by Human Rights Commissions.

Concept of human rights, historical background, meaning of human rights, constitutional provisions, Human Rights Act – objectives and framework, National Human Rights Commission, State Commission

## **UNIT 2: HUMAN RIGHTS AND COMMUNITY**

**8 Hrs.**

**Learning Outcome:** After studying this UNIT, students will be able to discuss the community expectations in terms of human rights and the relevance of the latter for a meaningful life.

Human rights and democracy, disability, environmental, air and water pollution, education, freedom of speech and expression, religion, marriage, reservation in favour of SC/ST

## **UNIT 3: HUMAN RIGHTS AND CRIME**

**10 Hrs.**

**Learning Outcome:** At the conclusion of this UNIT, the students will be able to appreciate the deprivation of essential rights of victims of crimes and the remedies available for the same.

Crime against women and children, juvenile reformatory institutions, terrorized areas, communal riots, role of criminal courts

## **UNIT 4: HUMAN RIGHTS AND STATE**

**10 Hrs.**

**Learning Outcome:** Study of this UNIT enables the students to discuss the infringement of human rights through state action and the constitutional guarantees as well as the judicial assurances to rid of such an infringement.

Right to bail, role of police, PIL, prisoners, writ jurisdiction, pre-censorship, judiciary

## **UNIT 5: LABOUR AND HEALTH**

**10 Hrs.**

**Learning Outcome:** This UNIT influences the students to grasp the human rights of workers and discuss the concretisation of the same in view of the underlying philosophies.

Child labour, bonded labour, access to medicine, right of hawkers, freedom of movement

## **UNIT 6: MEDIA AND JOURNALISM**

**10 Hrs.**

**Learning Outcome:** Study of this UNIT engages the rapt attention of the students in deliberating on the critical role played by the Fourth Estate in exposing the state of human rights generally and in the wake of IP and consumerism particularly.

Intellectual property and human rights, human rights and consumer culture

## UNIT 7: INTERNATIONAL CONVENTIONS ON HUMAN RIGHTS 6 Hrs.

**Learning Outcome:** This UNIT prepares the students for an analytical comprehension of the influence of international instruments in realisation of human rights.

Human Rights Committee, UDHR, ICCPR, ICESCR, Convention Against Torture, Convention on Elimination of All Discrimination, Child Right Convention

### SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### SUGGESTED READINGS

- Stone, Julius. *Human Law and Human Justice*. New Delhi: Universal Law Publishing, 1965.
- Henry J. Steiner, Philip Alston et. al. (eds.), *International Human Rights in Context: Law, Politics and Morals*, Oxford University Press, 3<sup>rd</sup> Ed., 2007.
- Kataria, Awasthi S. (Dr.) *Law Relating to Protection of Human Rights*. New Delhi : Orient Pub. Co., 2000.
- Sircar, V. K. *Protection of Human Rights in India*. New Delhi : Asia Law House, 2005.
- Schutter, Olivier De. *International Human Rights Law: Case, Materials, Commentary*. Cambridge. Cambridge: Cambridge University Press, 2010.
- Subramanian, S. (Dr.). *Human Rights: International Challenges*. 2 Vol. New Delhi: Manas Publications, 2004.
- Symeonides, Symeon C. *Human Rights: Concept and Standards*. UNESCO, 2001.
- Patel, Bimal N. *Comprehensive Guide of Law of Human Rights in Common Wealth Countries*. Delhi: Oscar Publications, 2007.
- Naikar, Lohit D. *Law Relating to Human Rights*. Bangalore: Puliani and Puliani, 2003.
- Baxi, Upendra. *The Future of Human Rights*. 2nd ed. Oxford: Oxford University Press, 2006.
- Agarwal, H. O. (Dr.). *International Law and Human Rights*. 19<sup>th</sup> edition. Allahabad: Central Law Publications, 2013.
- Brownlie, Ian (Ed.) *Basic Documents on Human Rights*. 5th ed. Oxford: Oxford University Press, 2006.

# FEMINIST JURISPRUDENCE

(No. of Hrs. 60-80 Hrs)

**COURSE OBJECTIVES:** The objective of the course is to stress upon the importance of taking women's experiences in the law making process and to undo the absence of women from the same in the past. The students will also be able to appreciate the importance of the different approaches in the feminist movement. The importance of certain issues concerning women from the feminist perspective will also be stressed upon.

This course on Feminist Jurisprudence seeks to investigate the perspectives on law from a variety of contexts. The course aims to study the need and importance of feminism in the modern world context. It also aims to explore feminist critiques of mainstream law and legal theory. Students will be made equipped with divergent approaches to and methodologies within feminist legal theory as well as the challenges to feminist legal theory from inside and outside of feminism.

## COURSE OUTCOMES:

By the end of the course the students will be able to:

1. Identify the need for and importance of feminist jurisprudence in the current world context
2. Examine the evolution of the Indian Women's Movement and understand the importance of Feminism in an Indian context
3. Examine the role of the State in the Feminists goal of achieving social, political and economic equality
4. Analyse the social and moral connotations of law and sexuality and the feminist views on it
5. Analyse the current issues concerning sexuality and gender in India and around the world

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

### UNIT 1: UNDERSTANDING FEMINIST JURISPRUDENCE

10 Hrs.

**Learning Outcome:** At the end of this UNIT, students will be equipped to need and importance of feminist jurisprudence in the current world context.

Domination, Patriarchy and Women's sense of Justice.

### UNIT 2: LIBERAL and RADICAL FEMINISM

5 Hrs.

**Learning Outcome:** This UNIT enables the students to understand the evolution of Feminism and appreciate the difference in approach between the two schools

The Declaration of Sentiments, 1848; Works of Catherine MacKinnon; Excursus on feminism and the technology of liberation: the example of birth control and abortion.

**UNIT 3: CULTURAL FEMINISM AND DIFFERENCE THEORY** **5 Hrs.**

**Learning Outcome:** Post this UNIT, students would be able to analyse the nitty-gritty of the Sameness and Difference approach taken by the different schools of Feminism Works of Carol Gilligan; Cultural vs Radical feminism; Contrasting the interaction of the male-female body; Post Modern Feminism.

**UNIT 4: INDIAN FEMINISM** **12 Hrs.**

**Learning Outcome:** At the end of the UNIT, the students would be in a position to appreciate the evolution of the Indian Women's Movement and understand the importance of Feminism in an Indian context  
National and Local feminisms: Different streams within Women's Movements; Rise of Feminist Groups; Trade Union struggles and Feminism; Emergence of Feminist Groups from Forum against Rape to Forum against Oppression of Women; Social Welfare Groups.

**UNIT 5: FEMINISM AND THE STATE** **6 Hrs.**

**Learning Outcome:** This UNIT makes the students understand the role of the State in the Feminist's goal of achieving social, political and economic equality  
Citizenship, Legislative Debates and Women's issues; Debates on Personal Laws and Uniform Civil Code; Feminist Response to Muslim Personal Law; The Sexualized female body in citizenship debates.

**UNIT 6: LEGAL REGULATION OF WOMEN'S SEXUALITY** **10 Hrs.**

**Learning Outcome:** This UNIT makes the students understand the social and moral connotations of law and sexuality and the feminist views on it.  
Sexual Control within marriage; Rape and sexual morality; Deviant sexualities and the law; Feminist Movements and Sexuality.

**UNIT 7: DOMESTIC VIOLENCE** **8 Hrs.**

**Learning Outcome:** At the end of this UNIT, students will be in a position to analyse, from a feminist perspective, the laws concerning Domestic Violence and cruelty in the domestic setting.  
Campaign against Domestic Violence; Legislative Debates: trivializing the issue; Response to domestic violence from Police; Communalization and Domestic Violence; judicial interpretations: Domestic Violence and Women's Role; The Domestic Violence Act, 2005.

**UNIT 8: TOWARDS GENDER JUSTICE** **4 Hrs.**

**Learning Outcome:** This UNIT will help acquaint the students with the current issues concerning sexuality and gender in India and around the world.

Notions of Gender Justice in feminist jurisprudence; Forms of gender injustice; Empowerment: the concept and method; International Human Rights for Women; Constitutional Provisions and developments for gender justice.

### SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### SUGGESTED READINGS

1. Catharine MacKinnon, *Feminism Unmodified*, Harvard University Press, 1982
2. Martha Chamallas, *Introduction to Feminist Legal Theory*, Second Edition, Aspen Publications, 2003
3. Kapur, Ratna and Brenda Cossman, *Subversive sites: feminist engagements with law in India*, Kali for Women, New Delhi, 1996
4. MamtaRao, *Law Relating to Women and Children*, Third Edition, Eastern Book Publications, 2012
5. LinaGonsalves, *Women and Human Rights*, APH Publishing Corporation, 2001
6. Gangoli, Geetanjali. *Indian Feminisms: Law, Patriarchies and Violence in India*. Ashgate Publishing Limited, UK, 2007.
7. Bhatt, Ishwara, *Law and Social Transformation in India*. Lucknow, Eastern Book Company, 2009.
8. Mukhopadhyay, Maitrayee and Sing, Navsharan (Ed), *Gender Justice, Citizenship and Development*. New Delhi, Zubaan, an imprint of Kali for Women, 2007
9. Manoranjan Pal (Ed), *Gender and Discrimination*, Oxford University Press, New Delhi, 2010.
10. Brian Bix, *Jurisprudence: Theory and Context*. London, Thomson Reuters, 2009.
11. Wayne Morrison, *Jurisprudence: from the Greeks to post-modernism*. New Delhi, Lawman (India) Private Ltd, 1997
12. Catharine A. MacKinnon, *“Sexuality” in Toward a Feminist Theory of the State*, Cambridge: Harvard University Press, 1989

# **LAW OF AGRICULTURE**

**(No. of Hrs. 60-80 Hrs.)**

## **COURSE OBJECTIVES**

Law of Agriculture is introduced to the students with an intention of equipping them with a thorough knowledge of Indian Agriculture historically through the Green Revolution of the 1960s to the current situation. Students are also taken through the Constitutional provisions for the promotion of Agriculture and the National Agricultural Policy, 2001 and the National Policy for Farmers, 2007.

By the end of the course the students are expected to have a clear understanding of the various legal provisions regarding agriculture finance, land reforms, regulations in agricultural activities, agricultural related IPR issues as well as some international Organizations/Institutions that are fundamental to agriculture. There will be also Moot Court exercises on current issues related to agriculture.

## **COURSE OUTCOMES:**

1. Identify the significance of agriculture in India and understand policies and constitutional provision for promotion of agriculture.
2. Ability to recall regulations / laws affecting agriculture in India and understand their importance.
3. Identify the laws regulating agricultural activities and finance in India.
4. Ability to analyse the Intellectual Property Regime in relation to Agriculture;
5. Recognize the significance of these international organizations related to agriculture.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

## **UNIT 1 INTRODUCTION**

- 1.1 Indian Agriculture historical background
- 1.2 Green revolution
- 1.3 National Agricultural Policy , 2001
- 1.4 National policy for Farmers 2007
- 1.5 Constitutional provisions for promotion of agriculture

## **UNIT 2 AGRICULTURAL PRODUCE AND MARKETING**

- 2.1 Laws on Agricultural finance
- 2.2 NBAARD
- 2.3 Agricultural insurance
- 2.4 AIC
- 2.5 Agricultural marketing infrastructure

- 2.6 Farmers market and cooperative markets
- 2.7 Fiscal markets and legal framework

### **UNIT 3 LAND REFORM**

- 3.1 Policy
- 3.2 Tenancy reforms
- 3.3 Land Ceiling Act
- 3.4 9th schedule of the Constitution

### **UNIT 4 REGULATION OF AGRICULTURAL ACTIVITY**

- 4.1 Seeds Act
- 4.2 Plants, Fruits and Seeds order, 1989
- 4.3 Insecticide Act and Rules
- 4.4 Fertilizer Control Order 1985
- 4.5 Sugar cane Control order
- 4.6 Karnataka Cotton Control Act, 1974
- 4.7 Water laws
- 4.8 Food Securities Act
- 4.9 Taxation of agricultural income

### **UNIT 5 INTELLECTUAL PROPERTY AND AGRICULTURE**

- 5.1 Biodiversity
- 5.2 Genetically Modified Crops
- 5.3 Biopiracy
- 5.4 Intellectual Property rights in agriculture
- 5.5 Plant varieties and Farmer's right Act
- 5.6 Agricultural patents
- 5.7 TRIPS agreement

### **UNIT 6 INTERNATIONAL ORGANIZATIONS**

- 6.1 FAO
- 6.2 International Rice Research Institute
- 6.3 International Fertilizers Association
- 6.4 WTO

### **SCHEME OF VALUATION**

- |  |                   |
|--|-------------------|
| • CIA I - Class Test / Assignment / Presentation | - 10%             |
| • CIA II - Mid Semester Examination              | - 25%             |
| • CIA III - Research Topic                       | - 10%             |
| • Attendance                                     | - 05%             |
| • End Semester Examination                       | - 50%             |
|  | <b>TOTAL 100%</b> |

## SUGGESTED READINGS:

1. Agricultural Trade Reform and the Doha Development Agenda, Author(s): Martin, Will--Editor – ed, World Bank, 420p, 2006.
2. Agriculture for Development: World Development Report, World Bank, 365p, 2008
3. CGIAR at 31: An Independent Meta-Evaluation of the Consultative Group on International Agricultural Research World Bank, 220p, 2003
4. DIRECTIONS IN DEVELOPMENT: Agriculture, Trade, and the WTO in South Asia. World Bank, 244p, 2000
5. Dragon and the Elephant - Agricultural and Rural Reforms in China and India, Author(s): Fan, Shenggen Oxford University Press , 548p, 2008
6. Easing Barriers to Movement of Plant Varieties for Agricultural Development ( Law Lib ), Author(s): Srivastava, Jitendra--Editor – ed, World Bank, 146p, 1997
7. Food in th E21st Century: from Science to Sustainable Agriculture, Author(s): Strong, Maurice; World Bank, 72 p, 1999
8. Global Agricultural Trade and Developing Countries; Author(s): Beghin, John C-Editor – ed. Eng, 329p
9. India: Land Policies for Growth and Poverty Reduction, Oxford University Press, 119p. 2007
10. India: The Dairy Revolution, Author(s): Kumar, Nalini World Bank, 72p, 1998

**IV SEMESTER**  
**ANIMAL WELFARE LAW**  
**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES**

The course aims at appreciating one of the emerging areas of law in the current global scenario. Students will gain an understanding of the underlying philosophy and law of Animal Welfare Law and its relation to other areas focusing on international conventions. This course facilitates overall understanding of the development with legal and ethical issues. Since the basic idea in designing this course is an application of laws in Indian legislations and cases will be discussed extensively.

**COURSE OUTCOMES:**

1. Describe and analyse the emerging areas of law in the current global scenario.
2. Analyse the different concepts of the underlying philosophy of Animal Welfare Law and its relation to other areas focussing on international conventions.
3. Identify the legal and ethical issues of the development of Animal Welfare law.
4. Analyse and evaluate the nature and meaning of animal welfare and animal rights, the draft form of regulation of the animal welfare act, and evaluate the impact of other legislations.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

**UNIT1: INTROUCTION AND HISTORICAL PERSPECTIVE OF ANIMAL PROTECTION LAWS** **10 Hrs.**

Protection of Animals under Ancient and British Laws, Sources of Law: - Constitutional Provisions. [Art.48A & 51A (g), 7<sup>th</sup> Schedule Art 246,11<sup>th</sup> Schedule Art 243G, 12<sup>th</sup> Schedule Art 243W] Provisions under Indian Penal Code 1860 (Sec 428 & 429, 503) Prevention of Cruelty Act, 1960 [Sec 11(1)(i) & (j)] Wildlife Protection Act, 1972. [Sec 9 & 38J] Food Safety & Standards Regulations 2011, Drugs and Cosmetics Act, 1940 and Rules 1945. [Rule 148C & 135B] Motor Vehicles Act, 1978

**UNIT2: THE WILDLIFE (PROTECTION) ACT, 1972** **13 Hrs.**

Evolution and Development of the concept of Wildlife Protection in India, Object & scope of the Act, Definition of wildlife - Sec 2(37), Authorities and Wild life advisory board, members and their duties, Hunting of Wild Animals Sec 9, Sanctuaries Sec 18, National Park and Central Zoo Authority Trade or Commerce in Wild Animals, Animal Articles and Trophies: Rajendra Kumar v. Union of India (AIR 2000 Del 449) Preventions and Detection of Offences Sec-50 National Zoo Policy, 1998.

**UNIT3: THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960** **10 Hrs.**

Objects and Reasons, Definitions, Animal Welfare Board-Constitution, Term, Powers and Functions, Cruelty to Animals (Sec 11-14), Experimentation on Animals (Sec.14-20) Offences, Procedure and Exceptions. Rules and regulations under the Act, The Prevention of Cruelty to Animals Rules, 2017.Critical Evaluation and Implementation.

**UNIT4: ANIMAL ETHICS & LAW (COMPARATIVE STUDY BETWEEN UK AND US)** **7 Hrs.**

Epistemological Understanding of the Nature of Animal Ethics.Inter-relation of Animal Ethics and Law.Role of Animal Ethics in Law.

**UNIT 5: INTERNATIONAL REGIME** **10 Hrs.**

United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) March 1973, International Whaling Convention (IWC) Convention on Migratory Species (CMS) 1983, Convention on Biological Diversity (CBD), Universal Declaration on Animal Welfare (UDAW), Animal Welfare Standards in International Trade, Treaties and Free Trade Agreement.

**UNIT6: SOCIAL RESPONSIBILITY TOWARDS DOMESTICATION OF PETS**

**10 Hrs.**

Domestication of Pets – Theories and stages, Conditions according to Jared Diamond – 6 criteria to be considered for domestication, Period of domestication in India, Difference between wild and domestic animals. Adoption v. purchasing pets. Artificial Insemination.

**SCHEME OF VALUATION**

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

**REFERENCES:**

1. Animal Laws of India, Raj Panjwani, Ozair Husain, Maneka Gandhi, 6<sup>th</sup> Edition, 2016, Universal Law Publication (Lexis Nexis)
2. Animal Rights: A very Short Introduction by David DeGrazia (Associate Professor of Philosophy at George Washington University, Washington DC), Oxford press.

3. Animal Rights: Current Debates and New Directions (edited by Cass Sunstein and Martha Nussbaum) Oxford University Press, 2006.
4. Animal Property and the Law by Gary L Francione (Professor of Law and Nicholas de B. Katzenbach Scholar of Law at Rutgers University Law School, Newark. He is also Co-director of the Rutgers Animal Rights Law Center), Temple University Press, United States.
5. Animal Law: Welfare, Interest and Rights - David S Favre, 2<sup>nd</sup> Edition (Aspen Elective), Aspen publishers 2011-05-16.
6. P Leelakrishnan "Animal Rights and Compassion for Other Living Beings: Growing Dimensions of Right to Life Concept Under the Constitution" 2014(4) KLT, Journal p.85-88
7. Indian Forest Laws - A Kishan, 6<sup>th</sup> Edition 2013, Asia Law House, Hyderabad
8. Animal Law and Welfare - International Perspectives by Dr. Claudia Carr, Springer International Publishing Switzerland, 2016
9. G.W.Paton, "Text Book of Jurisprudence" 4th Edition, Oxford University Press, New Delhi p.294

#### **Case Laws and relevant Legislation/s:**

1. AfjalBaig v. State of Orissa CBLAPL No. 2002 of 2015
2. LaxmiNarainModi v. Union of India (2014(3) SCC 143)
3. Animal Welfare Board v. A. Nagaraja(Civil Appeal No. 5387 of 2014){2014 (2) KLT 717 (SC)}
4. People for Ethical Treatment of vs. Union of India (5<sup>th</sup> July 2017) Writ Petition No 8992 of 2016, Karnataka High Court.
5. Mr.AjayMadhusudanMarathevs New Sarvodaya CHS Ltd., (First Appeal No 676 of 2009)
6. State of U.P Vs. Mustakeem and Ors [Criminal Revision No. 3781 of 2014] (Decided On: 10.02.2015)
7. N.R. Nair And Orsvs Union Of India And Ors (Appeal Civil 3609-3620 of 2001)
8. State of Gujarat v. MirzapurMotiKureshiKassabJamat, AIR 2006 SC 212.
9. PradeepKrishen v. Union of India, AIR 1996 SC 2040.
10. State of Bihar v. Murad Ali Khan, AIR 1989 SC 1.
11. Animal and Environment Legal Defense Fund v. Union of India, AIR 1997 SC 1071
12. Gujarat Navodaya Mandal v. State of Gujarat, 1998 (2) GUJ. L. HER. 359
13. Nagarhole Budukattu Hakku SthapanaSamiti v. State of Karnataka, AIR 1997 KAR 288
14. Maneka Gandhi v. Union Territory of Delhi, ILR 1995 Delhi 49.
15. Ram Ratan alias RatanAhir&Ors. v. State of Bihar &Ors. 1965 AIR 926, 1965 SCR (1) 293.
16. Australia v. Japan (Whaling Case before International Court of Justice on 2 July 2010)

## **URBAN DEVELOPMENT LAW**

### **(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES:** To provide the students' exposure to the core issues of Urban Development Law viz., the concept and scope of sustainable urban development with special reference to policy initiatives- in view of 74th Constitutional amendment, Housing, Environment protection, Water laws, Infrastructure development, Land acquisition and SEZs.

### **COURSE OUTCOMES**

At the end of the course students will be able to

1. Identify and describe the concept, nature and meaning of development with reference to urban.
2. Analyse the legal framework and varying principles associated with the concept sustainable urban development
3. List out the impact of LPG on human and environment cost for development
4. Analyse the application of policies with the concept taught in the respective modules to conduct research, projects.

**TEACHING METHODOLOGY:** The methods include Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, Case Study and Video Presentations as per the requirement of each UNIT.

### **UNIT 1: INTRODUCTION**

**12 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to understand the concept of development, urban development, sustainable urban development and the brief account of Millennium Development Goals, 2015 and the status of India in achieving the goals.

Meaning and Nature of Development  
Concept of Urban Development  
Sustainable Urban Development  
Determinants of Urban Development  
Millennium Development Goals, 2015

**UNIT 2: URBAN DEVELOPMENT AND POLICY INITIATIVES** **10 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be to understand the development initiatives of the state, the relevant constitutional provisions, special schemes viz., JNNURM and the City Development Plans.

Rationale behind the Initiatives  
Implementation of JNNURM  
City Development Plans

**UNIT 3: LAND ACQUISITION AND URBAN DEVELOPMENT** **08 Hrs**

**Learning Outcome:** On completion of this UNIT students will be able to get a broad outlines on Need for Land Acquisition, changes in the legal frame work of Land Acquisitions and the Development of Industrial Areas

Need for Land Acquisition  
Land Acquisition in Retrospect  
The contemporary Legal Regime  
Development of Industrial Areas

**UNIT 4: LAW AND URBAN HOUSING** **09 Hrs**

**Learning Outcome:** On completion of this UNIT students will be able to get an exposure to the concept of Town Planning, salient features of Town and Country Planning legislations, Slum Rehabilitation Laws, functioning of Town Planning Authorities and Housing Boards.

The concept of Town Planning  
Town and Country Planning legislations  
Slum Rehabilitation Laws  
Town Planning Authorities and  
Housing Boards

**UNIT 5: URBAN DEVELOPMENT AND ENVIRONMENT** **07 Hrs**

**Learning Outcome:** On completion of this UNIT students will be able to understand the correlation between development and Environment, salient features of the Environmental laws and the functions of Pollution Control Boards.

Development versus Environment  
Contemporary legal regime  
Pollution Control

## UNIT 6: URBAN DEVELOPMENT AND WATER LAWS

09 Hrs.

**Learning Outcome:** On completion of this UNIT students will be able to get a broad perspective on Ground Water Management, Rain Water Harvesting and Urban Water supply.

Ground Water Management  
Rain Water Harvesting  
Urban Water supply

## UNIT 7: DEVELOPMENT AND INFRASTRUCTURE

09 Hrs.

**Learning Outcome:** On completion of this UNIT students will be able to get a perspective on the role of law on the Roads and Highways, Public and Integrated Transport Systems and the Metro rail.

Roads and Highways  
Public Transport System  
Integrated Transport System  
Metro and Mono rail system and laws

## UNIT 8: SEZs AND URBAN DEVELOPMENT

09 Hrs

**Learning Outcome:** On completion of this UNIT students will be able to get an over view on the concept of SEZs as engines of economic development, objectives and Incentives provided to SEZs, Kinds of SEZs and the functioning of SEZs

Policy Initiatives SEZ and Manufacturing  
Displacement phenomena  
Kinds of SEZs  
Status and working of SEZs

## SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS

1. Isher Judge Ahluwalia, 'Urbanization in India Challenges, Opportunities and the Way Forward' Sage publishers 2014
2. Ranjit Singh Ghuman-Globalization and Change -Rawat Publications 2010

3. R Ramachandran, Urbanization and Urban Systems in India, Oxford 2012

### Articles

1. Areeba Hamid, 74th Amendment: An Overview, Center for Civil Society, New Delhi
2. FICCI paper on Urban Infrastructure in India
3. DarshiniMahadevia, Sustainable urban development in India: an inclusive perspective
4. AmartyaSen, The Concept of Development Handbook of Development Economics, Volume L Edited by H. Chenery and T.N. Srinivasan© Elsevier Science Publishers B.V., 1988
5. Sustainable Cities-Sustainable Development for Urban Infrastructures, Peter Löscher, President and CEO of Siemens AG
6. Shiraz Rustomjee, Global Environmental Law and India, International Journal of Legal Information, Vol 36 2008
7. Li Lairu, The Role of Law in Social Development-An Analysis of Legislations of China and India,
8. Aida Teshome Sustainable Development: Jack of all Traits Master of None, Environmental Law andPractice Review Vol. I, 2011
9. Philippe CulletUse and Control of Groundwater: Towards A New Framework, Environmental Law andPractice Review Vol. I, 2011
10. SWOT Analysis for a City- By Meagan Van Beest, eHow Contributor
11. 5 Keys to Sustainable Development in Indian Cities
12. The McKinsey report on India's urban planning challenge Apr 26, 2010
13. Antony Gnanamuthu , Environment vs development India's policy dilemmas? Jun 07, 2013
14. C.M. Lakshmana, Population, development, and environment in India, Chinese Journal of Population Resources and Environment, 2013
15. Select Case Studies -Rain Water Harvesting And Artificial Recharge , Central Ground Water Board, Ministry of Water Resources New Delhi May 2011

### Case Law

#### 74th Constitutional Amendment

1. Supreme Court of India Nagar Panchayat,Kurwai and Anrvs Mahesh Kumar Singhal and Ors on 6 September, 2013
2. Supreme Court of India K. Krishna Murthy and Orsvs Union Of India and Anr on 11 May, 2010
3. Supreme Court of India Ravi YashwantBhoirvs The Collector, District Raigad and ... on 2 March, 2012

### Ceiling on urban property

1. City Industrial Development Thr. its Managing Director vs. Platinum Entertainment and Ors on 26 September, 2014  
<http://www.indiankanoon.org/doc/29050957/> Land Acquisition

- Supreme Court of India BonduRamaswamy and Orsvs Bangalore Development Authority ... on 5 May, 2010
- Supreme Court of India Mun.Corp.OfGr.Mumbai and Orsvs Kohinoor CtnlInfrs.Co.P.Ltd.and ... on 25 July, 2013

### **Town planning**

1. Okhla Enclave Plot Holders Wel. ... vs U O I and Ors on 17 July, 2013
2. State Of Haryana and OrsvsBharti Teletech Ltd on 20 January, 2014
3. State Of Maharashtra and Anrvs Indian Hotel and RetaurantsAssn.and ... on 16 July, 2013
4. Supreme Court of India Chandigarh Administration and Anrvs Jasmine Kaur and Ors on 1 September, 2014
5. Urbanization -Supreme Court of India State Of H.P vs Sunil Kumar on 5 March, 2014
6. Urban infra -Supreme Court of India Bhule Ram vs Union Of India and Anr on 28 March, 2014
7. Urban infra- Supreme Court of India Shree Ram Urban ... vs Court Receiver,High Court Of ... on 9 May, 2014
8. Urban infra -Supreme Court of India MS. Soma IsoluxNh One Tollway ... vs Harish Kumar Puri and Ors on 17 April, 2014
9. Urban population -Supreme Court of India Dina Nath (D) By Lrs. and AnrvsSubhash Chand Saini and Ors on 16 April, 2014
10. Urban regulation- Supreme Court of India Krishna Kumar RastogivsSumitra Devi on 20 August, 2014
11. Urban sanitation- Supreme Court of India SafaiKaramchariAndolan And Orsvs Union Of India And Ors on 27 March, 2014
12. Supreme Court of India Maharashtra EktaHawkwers Union and ... vs Municipal Corporation, Greater ... on 9 September, 2013
13. Supreme Court of India Nawal Kishore Sharma vs Union Of India and Ors on 7 August, 2014
14. Supreme Court of India SreeBalaji Nagar Residential ... vs State Of T.Nadu and Ors on 10 September, 2014
15. Water Supreme Court of India Union Of India vs Raj Kumar Baghal ... on 9 September, 2014
16. Supreme Court of India BadalMurmu and Orsvs State Of West Bengal on 5 February, 2014

### **Videos**

1. Davos 2013 - The Global Development Outlook\_(360p)
2. UN-HABITAT - Sustainable Urban Development\_(360p)
3. 7th World Urban Forum - Urban Equity In Development\_(360p)
4. Agenda\_ Housing and urban development\_(360p)
5. 101 East - India's Special Economic Zones Part 1\_(360p)
6. Building India\_ The Urban Challenges - Part 3\_(360p)
7. City Debates 2014 The elusive struggle for the legal city\_(360p)

8. Discussion on Urban Governance\_(360p)
9. Dr Rajesh Tandon discusses participatory society\_(360p)
10. Green Economy and Sustainable Development\_ Bringing Back the Social\_(360p)
11. Growth vs Development\_ Nobel winner AmartyaSen discusses way ahead for India with NDTV\_(360p)
12. Land Acquisition Act\_ A Neo-Liberal Version of its Colonial Counterpart\_\_(360p)
13. Ramesh Ramnathan - Urban Governance\_(360p)
14. SEZ\_ An Indian perspective\_(360p)
15. Right To Water Study Group 2012\_02\_28\_(360p)

# **DRUGS AND COSMETICS LAW**

**(No. of Hrs. 60-80 Hrs.)**

## **COURSE OBJECTIVES**

1. To develop an understanding of the legal aspects of the structure and history underlying various legislations governing drugs and cosmetics
2. To equip the students with various laws and rules governing the Drugs and Cosmetics industry in India.
3. To equip the students so that they can analyze the laws relating to Narcotic Drugs and Psychotropic substances

## **COURSE OUTCOMES:**

**At the end of the course students will be able to -**

1. Explain the general principles of law of drugs and cosmetic laws in India.
2. To identify, describe and analyze the theoretical foundation related to drugs and cosmetics in India.
3. Comprehend the significance of the laws related to drugs and cosmetic laws in India.
4. Analyze the relevant case laws pertaining to the concepts discussed.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

## **UNIT 1 INTRODUCTION**

**10 Hrs**

1. History
2. National Drug Policy
3. National Pharmaceuticals Policy 2002.
4. Drug Control - Functions of Central and State Government

## **UNIT 2 DRUGS AND COSMETICS ACT, 1940 AND RULES**

**18 Hrs**

1. Authorities: The Drugs technical Advisory Board, The Central Drugs Laboratory and The Drugs Consultative Committee.
2. Import and Registration of Drugs.
3. Import and Registration of Cosmetics.
4. The Central Drugs Laboratory
5. Controlling Authorities
6. Guidelines for Consumers of drugs and cosmetics
7. Clinical Trials Registry - India (CTRI)

**UNIT 3 PHARMACY PRACTICE, REGULATIONS 2015****8****Hrs**

## Definitions

1. Code of Pharmacy ethics
2. Duties and Responsibilities of a Pharmacist
3. Unethical acts and misconduct
4. Punishments and disciplinary action.
5. National Pharmaceutical pricing Authority

**UNIT 4 THE DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS ACT), 1954 AND THE DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS) RULES, 1955****8 Hrs**

1. Prohibition of misleading advertisement of certain drugs(sections 3 - 6)
2. Powers of Central and State Government.

**UNIT 5: DRUGS (PRICES CONTROL) ORDER, 1995****4 Hrs**

1. Power conferred on the Government
2. National Pharmaceutical Pricing Authority
3. Penalties

**UNIT 5: NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985 12 Hrs**

1. Definitions (15 definitions)
2. Narcotic control Bureau , Authorities and officers

**SCHEME OF VALUATION**

- CIA I - Class Test / Assignment / Presentation - 10%
  - CIA II - Mid Semester Examination - 25%
  - CIA III - Assignment/Presentation - 10%
  - Attendance - 05%
  - End Semester Examination - 50%
- TOTAL 100%**

**SUGGESTED READINGS:**

1. Drugs and Cosmetics Act,1940 and Rules 1945 , Ranjan Magazine,1<sup>st</sup> Edition 2012, CBS Publication
2. Handbook on Cosmetics , S.K.Sinha,2010, Asia Pacific Business Press Inc
3. Manual of Drugs and Cosmetic Laws, Metropolitan Book Co.
4. Drugs and Cosmetics Act, 1940

5. Narcotic Drugs and Psychotropic Substances Act, 1985
6. The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954
7. Drugs Control Act, 1950
8. The Pharmacy Act , 1948

**SUGGESTED READINGS:**

1. Law relating to Drugs & Cosmetics , Vijay Malik, 25<sup>th</sup> Edition 2016, Eastern Book Company.
2. Commentary on Drugs and Cosmetics Act,1940 , Justice P.S.Narayana,1<sup>st</sup> Edition 2010,Asia Law

# **FOREST LAWS**

**(No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** Forest law is the subcategory of environmental law, Forest Law relates to all statutes and regulations and the international conventions that deal with the preservation of forests and parks, reforestation activities to ensure the sustainability of the nation's lands, and the prevention of illegal logging activities. This course helps in identifying the emerging socio-economic changes which can impact on forests and forestry in the future. Students will be able to find out the lacunas of those laws and policies. It will also assess the role of the forestry sector to address the Millennium Development Goals (MDGs) by providing sustained sources of livelihood through interface with forest-dependent communities for forest management

**COURSE OUTCOMES:** On completion of this course students will be able to:

1. Evaluate the various initiatives which had been taken up by the rulers in different eras to protect and preserve forest in India and compare those initiatives with the present day measures which are designed by the respective administrative wing.
2. Examine the aims, objectives and relevant provisions of the National Policies on Forest Protection and suggest what is lacking in those National Forest Policies.
3. Analyze the legislative provisions and criticize the provisions which are not suiting to the present day requirement of forest conservation from the Indian Forest Act, 1927.
4. Examine the provisions of the Forest (Conservation) Act, 1980 and related case laws for solving out problem based questions.
5. To identify the various rights conferred to the tribals under different legislations and analyze as to how far those legislations got the implemented in the light of decided cases.
6. Identify the various international convention provisions which are adopted by the Indian government.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

## **UNIT 1: HISTORY OF FOREST PROTECTION IN INDIA**

**10 hrs**

Historical Perspective of forest Protection Laws, 4 phases Ancient Era, Medieval Era, British Era:-The Indian Forests Act, 1865, 2Forest Act ,1878, Indian Forest Act,1925, Post-Independence Era, Constitutional Provisions,Article-48A&51A(g),Forest (Conservation)Act,1980.

**UNIT 2: NATIONAL POLICIES ON FOREST PROTECTION IN INDIA** 10 hrs

Forest Policy,1894, National forest policy 1952, National forest policy 1988, National Forest Policy, 2016, Historical Background of Forest Policies, Aims of the Forest Policy, Organization of the Forest Sector in India, Failure of the Forest Policy,195, National Forest Policy of 1988.

**UNIT 3: INDIAN FOREST ACT,1927.** 10 hrs

Aims and Objectives of the Act, Definition clauses, Reserve Forest ,Protected Forest, Village Forest, Control over forests not being the property of the Government, duty on timber and other forest produce, timber and forest produce in transit, Forest Officers, Penalties and procedure.

**UNIT 4: FOREST (CONSERVATION) ACT, 1980** 10 hrs

Aims and objectives, Definition clauses, Permission from central government for using forest land, Advisory committee, Penalties, Panchayats (Extension to the Scheduled Areas) Act, 1996

**UNIT 5 :TRIBAL'S RIGHTS** 10 hrs

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Panchayats (Extension to the Scheduled Areas)Act, 1996,Biodiversity Act,2002, Patent Rights Act,1970.

**UNIT 6: INTERNATIONAL REGIME** 10 hrs

United Nations Forum on Forests (UNFF),ILO's Convention Concerning Indigenous and Tribal Peoples in Independent Countries,1991, Forest Europe/Ministerial Conference on the Protection of Forests in Europe (MCPFE)2009.

**SUGGESTED READINGS**

1. Shyam Divan & Armin Rosencranz, Environmental Law and Policy in India, II edition, Oxford, 2001S.
2. Shanthakumar, Introduction to Environmental Law, II Edition, Wadhwa and Compay, 2014.
3. P S Jaswal, Environmental Law, Allahabad Law Agency, 2010.
4. Sanjay Upadhyay, Forest Laws, Wildlife Laws and the Environment.
5. K Siva Ramakrishnan, Modern Forests- State making And Environmental Change In Colonial Eastern India 5.Forest Concession Policies and Revenue Systems: Country Experience and Policy Changes for Sustainable Topical Forestry by John A Gray
6. B BChaudhuri ,Tribes, Forest and Social Formation in Indian History.
7. Forest Laws by -- Professionals Book Publishing
8. Mukherjee ,Forest Laws and Policies in India
9. A Kishan ,Indian Forest Laws

## CASES:

1. Tarun Bharat Sangh, Alwar v Union of India (Sariska case).1992.
2. T.N Godavarman Thirumulkpad v union of India,AIR 1997 SC 1233
3. Rural Litigation and Entitlement Kendra, Dehradun v Satet of Uttar Pradesh,AIR 1985 SC 652
4. ARC Cement Ltd v Appellate Authority for Industrial and Financial Reconstruction, 1998(71) DEL.LT.213.
5. State of Himachal Pradesh v Ganesh Wood pR
6. OM Prakash Bhat v Staet of UP,AIR1997 ALL 259
7. State of Bihar v Murad Ali Khan, AIR 1989 SC 1.
8. World Wild Fund for Nature v Union of India,1994(54) DEL.L.T.286
9. Ivory Traders and Manufacturing Association v Union of India,AIR 1997 DEL 267.
10. Pradeep Krishen v Union of India, AIR 1996 SC 2040
11. Animal and Environmental Legal Defence Fund v Union of India, AIR 1997 SC 1071

# CHILDREN, YOUTH AND INTERNATIONAL HUMAN RIGHTS

## (No. of Hrs. 60-80 Hrs)

**COURSE OBJECTIVES:** The course aims to provide an interdisciplinary approach to the study of protection of human rights of children and youth. The course seeks to build up on the issues pertaining to various aspects of contemporary childhood and youth with particular focus on human right violations. Resort shall be made to the globally acclaimed international and regional human rights instruments namely the Convention on the Rights of the Child (UNCRC), Convention on Elimination of All Forms of Discrimination against Women (CEDAW) etc as well as national legislations. A UNIT is specifically introduced to study the measures adopted at the national and international level for guaranteeing the rights of girl children. The course focuses on some of the real grappling issues faced by the international community at large with respect to the protection of children and youth thus enabling the students to explore human rights challenges faced by children and youth.

### COURSE OUTCOMES

1. Identify and analyze the rights of Children and Youth under International Conventions and under domestic legal system.
2. Describe the International and National legal mechanism to safeguard the rights Children and Youth and different challenges encountering in this regard.
3. Analyze the role of the State, Civil Society and NGOs - national and international, in protecting the rights of children and youth.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Seminars, Simulation Exercise, etc. as per the requirement of each UNIT.

### UNIT 1: NATURE, ORIGIN AND SOURCES

**Learning Outcome-** This UNIT will enable students to understand the nature and origin of child rights and provides a brief overview of international legal framework and national law dealing with human rights of child and youth.

Definition of a 'child' 'childhood', Interpretation of 'child' in the international and domestic laws, Brief overview of the historical, psychological, sociological and social policy perspectives on childhood, Notion of *in the best interest of the child*, difference between child and youth, International legal framework and national law dealing with human rights of child and youth, International organizations' and institutions connected with international children's rights. .

## **UNIT 2: RIGHTS OF CHILDREN AND YOUTH**

**Learning outcome-** This UNIT introduces the students to various rights guaranteed to children at international level and thus enables them to analyse the rights of children in India.

Right to parental Care, Right to family- Inter country Adoption, Right to health, Right to educational opportunity and access to education (higher education inclusive), Right to protection from exploitation-International legal framework and national law guaranteeing protection.

## **UNIT 3: CITIZENSHIP AND THE MIGRATION OF CHILDREN AND YOUTH**

**Learning outcome-** This UNIT enables students to develop a clarity on concept of nationality, stateless children, child refugees, etc. and its legal regime.

Patterns of acquiring of citizenship by children, stateless children, Immigrant childhood and youth, migration for work by the youth, Child refugees, asylum seekers, -national and international framework available.

## **UNIT 4: CHILDREN, YOUTH AND EXPLOITATION**

**Learning Outcome-** This UNIT provides an in-depth understanding of various forms of child exploitation as well as international and national legal framework.

Children and youth in armed conflict, child soldiers, children and youth as prisoners of war Child trafficking and sexual exploitation, Child labour, Child abduction-International and national legal framework available.

## **UNIT 5: HUMAN RIGHTS OF GIRL CHILDREN AND YOUTH**

**Learning Outcome-** This UNIT introduces students to the measures adopted at the national and international level for guaranteeing the rights of girl children.

Rights of the girl child, Opportunity and access to higher education , sexual exploitation of girl child, condition of girl children in refugee and relief camps, labour exploitation of girl children, Legal Aspects of female foeticide and infanticide, Convention on Elimination of all forms of discrimination against Women.

## **UNIT 6: CHILDREN IN CONFLICT WITH LAW**

**Learning outcome-** This UNIT introduces students to international and national legal framework relating to juvenile justice and thus enables them to critically analyse juvenile justice system in India.

Juvenile Justice system in India- Juvenile Justice ( Care and Protection ) Act 2000 and International framework relating to Juvenile Justice.

## SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS

1. Buck, Trevor., Gillespie. Alisdair., Ross, Lynne. *International Child law, 3rd ed.* London and New York: Routledge., 2014
2. Chakrabarti, NirmalKanti. *Law and Child.* 2<sup>nd</sup> ed. Calcutta: R.Cambray and Co. pvt. Ltd., 2011.
3. Dr. AshaBajpai, *Child Rights in India: Law, Policy and Practice, New York Oxford 2<sup>nd</sup> edition, New York Oxford University 2006.*
4. Susan Deller Ross, *Women's Human Rights: The International and Comparative Law Casebook*, Published by University of Pennsylvania Press (2008)
5. [Anne Hellum](#), [HenrietteSindingAasen](#) (eds.), *Women's Human Rights: CEDAW in International, Regional and National Law*, ISBN 9781107034624.
6. Aoife Nolan, *Children's Socio-Economic Rights, Democracy and the Courts*,Oxford : Hart Publishing, 2014
7. The major international instruments would be mandatory reading for the course.

**VI SEMESTER**  
**LAW OF CORPORATE INSOLVENCY**  
**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES:** The main objective of the course is to impart to the students the conceptual foundations of corporate insolvency law. Secondly, to know the types of winding up and the role played by official liquidators in the winding up of a company. The Course also provides an outlook into the insolvency issues of Multi National Corporations also.

**UNIT 1** is designed to introduce students to the concept of insolvency and corporate insolvency. **UNIT 2** facilitates students in understanding the different modes of winding up. **UNIT 3** is to equip students with the provisions applicable to all kinds of winding up. **UNIT 4** enables students to appreciate the role of an official liquidator. **UNIT 5** exposes students to different kinds of offences committed during winding up of a company. **UNIT 6** seeks to equip students with the restructuring of companies in trauma. **UNIT 7** helps students in understanding the insolvency of multinational corporations.

**COURSE OUTCOMES:**

1. Describe and analyse the concepts of corporate insolvency law, practice and regulation
2. Identify, analyse and solve practical issues and problems associated with the personal and corporate insolvency law
3. Evaluate selected Indian corporate insolvency law issues in the global context
4. Develop critical thinking using corporate insolvency law and apply excellent research skills

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

**UNIT 1: INTRODUCTION TO THE CONCEPT OF INSOLVENCY AND CORPORATE INSOLVENCY** **10 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to have a basic understanding on the concepts involved in Insolvency and Corporate Insolvency Law.

Brief Historical Perspective on the Concept of Insolvency, Indian Constitution on Insolvency, Personal Insolvency Legislations in India, Acts of Insolvency under the Personal Insolvency Legislations, Conceptual analysis-Insolvency, Winding-up, Liquidation, Dissolution, Bankruptcy', Over view on the Legal and Procedural framework relating to Corporate Insolvency in India.

## **UNIT 2: MODES OF WINDING UP**

**15 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to appreciate the different modes of winding up as contemplated under the Companies Act 2013.

Winding Up by the Tribunal, Voluntary Winding Up- Grounds, filing of petition, Powers and Duties of a Company Liquidators, Declaration of Solvency, Powers and Jurisdiction of the Tribunal, Dissolution of the company. Based on the Companies Rules wherever required.

## **UNIT 3: PROVISIONS APPLICABLE TO ALL MODES OF WINDING UP 10 Hrs.**

**Learning Outcome:** On completion of this UNIT students will have an in-depth knowledge regarding the provisions applicable to winding up

Proof and ranking of claims,

Realisation of assets and Distributions of assets in winding up, position of secured creditors, government and employees, Effect of winding up on antecedent and other transactions, Provisions as to dissolution.

## **UNIT 4: OFFICIAL LIQUIDATOR**

**5Hrs.**

**Learning Outcome:** On completion of this UNIT students' will be having knowledge with respect to the appointment and powers and functions of the Official Liquidator..

Appointment of Official Liquidator, Powers and Functions, Summary procedure, Settlement of claims of creditors.

## **UNIT 5: OFFENCES DURING WINDING UP**

**10 Hrs.**

**Learning Outcome:** On completion of this UNIT students' will be able to know the kinds of offences committed during winding up.

Fraudulent Trading, Liability of directors and partners, Prosecution of delinquent officers and members.

## **UNIT 6: RESTRUCTURING OF COMPANIES IN TRAUMA**

**5 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to appreciate the the Restructuring of companies in trauma.

Determination of Industrial 'Sickness', Law and procedure of revival and rehabilitation of sick industrial companies, Methods of Restructuring the Sick companies.

## UNIT 7: INSOLVENCY OF MULTINATIONAL CORPORATIONS

15 Hrs.

**Learning Outcome:** On completion of this UNIT students will be able to draft letters and write lengthy essays.

Emergence of corporate groups, entity versus enterprise, Insolvency goals in transnational context, Cross-Border Insolvency

### SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### SUGGESTED READINGS

1. McPherson, *Law of Company Liquidation*, Sweet and Maxwell, (2001)
2. Vanessa Finch, *Corporate Insolvency Law: Perspectives and Principles*, Cambridge University Press, (2009)
3. Fletcher, Ian F, *The Law of Insolvency*, Sweet and Maxwell, (2009)
4. Ramaiya, *Guide to the Companies Act-2013* (2014)
5. Pollard, David, *Corporate Insolvency: Employment and Pension Rights*, Hayward's Heath, West Sussex : Tottel Pub., (2007)
6. Bailey, Edward; Groves, Hugo, *Corporate Insolvency : Law And Practice*, Butterworths: Lexis Nexis, (2003)
7. Worthington, Sarah; Sealy, L. S, *Sealy's Cases and Materials in Company Law*, LexisNexis Butterworths, (2005)
8. David MilaMan, Chris Durrant, *Corporate insolvency: Law and Practice* (2011)
9. Rebecca James Parry, *Transaction Avoidance in Insolvencies* (2009)
10. R.M.Goode, *Principles of Corporate Insolvency Law* Sweet and Maxwell (2008)

## **INTERNATIONAL TRADE LAW**

### **(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES:** International Trade Law has two aspects: public and private. The public aspect deals with the harmonization and coordination of national commercial policies and private aspect seeks to provide a legal framework for international commercial transactions between individuals belonging to different nationalities. This course covers both public and private aspects.

The World Trade Organization (WTO) is the only global institution seeking to harmonize and coordinate national commercial policies. It stands for the promotion of free trade among nations whereby goods and services can move freely across national frontiers. The course will mainly focus on the WTO with incidental references to other important regional institutions such as European Union, North American Free Trade Area etc. The WTO, as an institution administers many Multilateral Trade Agreements (MTAs) and a few Plurilateral Trade Agreements (PTAs). Two UNITS, devoted to the WTO, will give a broad picture of important MTAs and PTAs. The presence of a dispute settlement mechanism which de facto has compulsory jurisdiction over all the disputes which may arise between member states has distinguished the WTO from other global institutions; and it is often said that thanks to this unique system, the power-oriented diplomacy has given way to rule-based system. The Appellate Body (AB) which is at the centre of the dispute settlement mechanism has significantly contributed to the development of International Trade Law. The course will highlight the WTO jurisprudence.

International Trade Law, as applied to international commercial transactions is characterized by Prof. Schmitthoff as “transnational commercial law”. This system comprises of general Private International Law principles, international conventions unifying national commercial laws and national legislations there under and also the customary practices developed by international mercantile community represented by bodies such as International Chamber of Commerce. Globalization of national economies, which we have been witnessing, requires a distinct transnational law, recognized and enforced by national courts. The course has one UNIT on transnational commercial law.

Finally, India as a member of the WTO is under a legal obligation to promote free trade with other states in accordance with the WTO Agreements. India has panoply of legislations through which this obligation is discharged. The Foreign Trade (Development and Regulation) Act, Customs Act, Foreign Exchange Management Act etc and elaborate delegated legislations under these enactments constitute the legal regime through which international trade policies of the Government of India are implemented.

**TEACHING METHODOLOGY:** Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

## **UNIT 1 : THE WORLD TRADE ORGANIZATION- I**

**15Hrs.**

**Learning Outcome:** On completion of this UNIT the students will be able to appraise the WTO as an International institution and its role in International trade.

1. Historical evolution culminating in the establishment of the GATT, 1947 and evolution of the GATT as an international institution. Establishment of the WTO.
2. WTO as an International institution - Origin of WTO, Mandate of WTO, Membership of WTO, Institutional structure of the WTO, Other Issues-status of WTO; budget of WTO, WTO Dispute Settlement, Dispute settlement understanding, Trade Policy review mechanism
3. Principles of Non-discrimination-Most favored nation treatment and the national treatment.
4. GATT- Introduction, Provisions, Exceptions.
5. Dumping and Anti dumping measures

## **UNIT 2: WORLD TRADE ORGANIZATION-II**

**15Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to analyze the various Trade Agreements and the Scope of WTO in the 21<sup>st</sup> century.

1. Agreement on Technical Barriers to Trade and Sanitary and Phyto sanitary Agreement.
2. WTO and environment protection.
3. General Agreement on Trade in Services (GATs) - Meaning of trade in services. General obligations. Specific obligations. Financial services. Telecommunication services. India and the GATs.
4. Trade-Related Aspects of Intellectual Property Rights (TRIPs) - IPRS covered by TRIPs. Rights of patentees under the TRIPs. Compulsory licensing. Public health and the TRIPs. Indian response to the TRIPs.
5. Agreement on Agriculture.
6. TRIMS

## **UNIT 3: TRANSNATIONAL TRANSACTIONS AND RESOLUTION**

**15Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to understand the core concepts of transnational transactions and their resolutions.

1. International commercial contracts-Vienna Convention on Contract for International Sale of goods.
2. UNIDROIT Principles of International commercial contracts
3. INCOTERMS
4. Role of Agents in International commercial contracts
5. Letters of Credit
6. International Chamber of Commerce

## 7. International Commercial arbitration

### UNIT 3: LAW AND POLICY ON TRADE AND INVESTMENT

15Hrs.

**Learning Outcome:** On completion of this UNIT the students will be able to appraise the law relating to foreign trade and investment from an Indian Perspective

1. Law relating to Customs. The Customs Act.
2. The Export-Import Policy.
3. Introduction to Foreign Direct Investment in India.
4. Special Economic Zones

#### SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
<b>TOTAL 100%</b>	

#### SUGGESTED READINGS

1. A.G. Benjamin's Sale of Goods (6<sup>th</sup> edn, London: Sweet and Maxwell, 1995)
2. B.Griffin, Day and Griffin, The Law of International Trade (3<sup>rd</sup> edn, London: Butterworths Lexis Nexis, 2003)
3. Bhagirath Lal Das, The WTO: a guide to framework for International Trade.
4. C. Debattista, Sale of Goods carried by Sea (2<sup>nd</sup> edn, London: Butterworths, 1998)
5. Carole Murray, David Holloway, Schmitthoff's export trade: The Law and Practice of International Trade.
6. Daniel L. Bethlehem, the Oxford Handbook of International Trade Law.
7. Dr. Neeraj Varshney, Anti dumping measure- Law, Practice and Procedure, Indian case laws, 2007 edition.
8. From GATT to the WTO: the multilateral trading system in the new millennium by World Trade Organization Secretariat, Graduate Institute of International studies (Geneva, Switzerland.
9. Indira Carr and Richard Kidner, Statutes and Conventions on International Trade Law, 4<sup>th</sup> edition, Routledge Cavendish.
10. Jackson, John H. and Edwin A. Vermulst, Anti Dumping Law and Practice
11. Jason C.T. Chauh , Law of International Trade, Fourth Edition, Sweet and Maxwell, South Asian Edition,2011.
12. Jayanta Bagchi, WTO: An India Perspective, Second edition, Eastern Law house.
13. JF. Wilson, Carriage of Goods by Sea, (5<sup>th</sup> edn, Harlow, Pearson education, 2004).
14. K.R. Gupta, A study of WTO, Second revised edition, Atlantic publishers and Distributors (P) Ltd.

15. M.G. Bridge, *International Sale of Goods: Law and Practice*, (Oxford: Oxford University Press, 1999)
16. Michael J. Trebilcock, Robert Howse, *The Regulation of International Trade*
17. Michael K. Levine, *Inside International Trade Policy formulation*
18. Nicholas Kouladin, *Principles of Law relating to International Trade*, Springer, 2006.
19. P. Sellman, *The Law of International Trade, 150 leading Cases* (2<sup>nd</sup> 3<sup>rd</sup> edition, London: Old Bailey Press, 2004)
20. P.Todd, *Cases and Materials on International Trade Law* (1<sup>st</sup> edn, London: Sweet and Maxwell, 2003)
21. Palmetier, N. David; Mavroidis, Petros C., *Dispute Settlement in the World Trade Organization: Practice and Procedure*.
22. Raj Bhalla, *International Trade Law: Theory and Practice*, Second Edition, Lexis Publishing, 2001.
23. Rao M B, *WTO and International Trade*, 2<sup>nd</sup> edition, Vikas Publishing House Pvt.Ltd
24. Rene David, *Arbitration in International Trade*, Kluwer Law and Taxation Publishers, Netherlands, 1985.
25. Schnitzer, Simone, *Understanding International Trade law*, Universal Publishing House, 2007
26. Vibha Mathur, *WTO and India*.
27. *WTO Analytical Index: Guide to WTO Law and Practice*, WTO Geneva 2003
28. Andrew T. Guzman and Joost Pauwelyn. *International Trade Law: Cases and Materials*, Aspen Publishers. Aspen Publishing, 2009.
29. Parthapratim Pal, *International Trade and India*, oxford publications.
30. Clive M. Schmitthoff's *Select Essays on International Trade Law*, Kluwer academic publishers.
31. Karla C. Shippey, *A Short Course in International Contracts: Drafting the International Sales Contract*, World Trade Press, USA.
32. John J. Parker, *Drafting of an International Sales Contract: Problems and Remedies*. University of North Carolina, chapel hills,

#### **Articles:**

1. Andrew T. Guzman. "Dispute Resolution in SPS Cases" *Ten Years of WTO Dispute Settlement*. Ed. Horowitz, Moulis, and Steger. London: International Bar Association, 2007. 215-233.  
Available at: [http://works.bepress.com/andrew\\_guzman/4](http://works.bepress.com/andrew_guzman/4)
2. B.S.Chimni, *WTO and Environment-Shrimp Turtle and EC-Hormone Cases*, *Economic and Political weekly*, Vo. 35, No. 20, PP.1752-1761.
3. David Palmetier and Petros C. Mavroidis, *The WTO Legal System, Sources of Law*, *The American Journal of International Law*, Vol.92, No.3 (July 1998) PP. 398-418
4. Debra P. Steger and Peter van den Bossche, *WTO dispute settlement, emerging practice and procedure*, [www.jstor.org/stable/25659196](http://www.jstor.org/stable/25659196)
5. Harold J. Berman, *Law of International Trade: Contract, Custom and Codification*, *Harvard International Review*, Vol.6, No.3 (December 1983), pp.44-46, <http://www.jstor.org/stable/42759682>

6. INGEBORG SCHWENZER and PASCAL HACHEM The CISG, Successes and pitfall, *The American Journal of Comparative Law*, Vol. 57, No. 2 (SPRING 2009), pp. 457-478
7. John. H. Jackson, Robert E. Hudec, Donald Davis, The Role and effectiveness of the WTO dispute settlement mechanism, *Brooking Trade Forum* (2000) pp. 179-236.
8. John.H. Jackson, Case of the WTO, pp. 437-454), <http://www.jstor.org/stable/25144810>
9. K Iida, *WTO dispute settlement effective*, [www.jstor.org/stable/27800522](http://www.jstor.org/stable/27800522)
10. K. Ravi Srinivas, WTO and Asbestos: Dispute Settlement at work, *Economic and Political Weekly*, Vol. 36, No. 36 (Sep. 8-14, 2001), pp. 3442-3447
11. Marc. L. Busch and Eric Reinhardt, Three's A crowd, Third Parties and Dispute Settlement, *World Politics*, Vol. 58, No. 3 (Apr., 2006), pp. 446-477
12. [Michael M. Weinstein](#), [Steve Charnovitz](#), The Greening of the WTO, *Foreign Affairs*, Vol. 80, No. 6 (Nov. - Dec., 2001), pp. 147-156
13. P. M. Roth, Passing of Risk, *The American Journal of Comparative Law*, Vol. 27, No. 2/3, Unification of International Trade Law: UNCITRAL's First Decade (Spring - Summer, 1979), pp. 291-310
14. P.Ranjan, *Applicable law in the dispute settlement body of the wto*, Vol. 44, No. 15, Apr. 11 - 17, 2009 [Economic and Political Weekly](#).
15. [Steve Charnovitz](#), Environment and Health under WTO Dispute settlement, *The International Lawyer*, Vol. 32, No. 3, Symposium on the First Three Years of the WTO Dispute Settlement System (FALL 1998), pp. 901-92
16. Thomas J. Shoenbaum, International Trade and protection of the Environment, *The American Journal of International Law*, Vol. 91, No. 2 (Apr., 1997), pp. 268-313

# **CENTRE STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE (No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES:** This Paper aims to give a clear picture regarding the structure of the Indian Polity and principles, procedures and practices that are complied by the House of People and the Government while unveiling any legislation/ policy.

## **COURSE OUTCOMES**

By the end of the course the students will be able to:

1. Identify and describe the principles and doctrines that are used to resolve issues between the Centre and the States to improve constitutional governance.
2. Analyze and compare the concept of federalism with major federal Constitutions.
3. Analyze the changing nature of fiscal relations in the new tax regime, i.e. GST.
4. Applying the concept of Rule of Law during emergencies.

**TEACHING METHODOLOGY:** Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

## **UNIT 1: NATURE OF INDIAN POLITY**

**7 Hrs.**

**Learning Outcome:** This UNIT aims at familiarizing the students about the historical background of and the nature of federalism in India. It also gives an insight to the different forms of Governments their features, merits and de-merits. Further, it enables the students to understand the judicial perspective over the Indian federalism.

- 1.1.Introduction to the concept of Federalism
- 1.2.Historical evolution of federal features in India
- 1.3.Different forms of Governments-Unitary, Federal and Confederation, their features, merits, de-merits and distinction between them
- 1.4. Nature of Indian Federalism –Dominant features of the Union over the States
- 1.5. Judicial Perspective over the Indian federalism

## **UNIT 2: LEGISLATIVE RELATIONS BETWEEN THE CENTRE AND THE STATES**

**15 Hrs**

**Learning Outcome:** This UNIT shall give the students an insight into the legislative relations between the Union and the States. It shall help the students to understand the principles of interpretation of various lists and the doctrines in relation thereto.

- 2.1.Doctrine of Territorial Nexus,
- 2.2.Scheme of distribution of legislative powers between Union and States
- 2.3. Principles of interpretation of lists
- 2.4. Doctrine of Pith and Substance

- 2.5. Doctrine of Colorable Legislation
- 2.6. Doctrine of harmonious construction
- 2.7. Ancillary legislation
- 2.8. Residuary Power
- 2.9. Parliament's power to legislate on the State List
- 2.10 Inconsistency between laws passed by Parliament and State legislature

**UNIT 3: ADMINISTRATIVE RELATIONS BETWEEN THE UNION AND STATES** **10 Hrs**

Learning outcome: This UNIT aims at making the students understand the administrative relations between the Union and the States in India.

- 3.1. Distribution of executive powers
- 3.2. Inter-governmental delegation of powers
- 3.3. Centre's directive to State and other Constitutional provisions
- 3.4. All India services

**UNIT 4: FINANCIAL RELATIONS BETWEEN THE UNION AND THE STATES** **12 Hrs**

Learning outcome: This UNIT aims to give the students an insight into the financial relations between the Union and the States in India. The students shall also be introduced to the role of finance commissions in the Centre- State relationship. Students will also be introduced to the borrowing powers and cooperative federalism.

- 4.1. Allocation of taxing powers,
- 4.2. Distribution of Revenues between Union and the States
- 4.3. Restrictions on States Taxing Powers
- 4.4. Finance commission Inter-Government Tax immunities
- 4.5. Borrowing powers,
- 4.6. Cooperative Federalism

**UNIT 5: SERVICES UNDER THE UNION AND THE STATES** **10 Hrs.**

Learning Outcome: This UNIT aims to help the students understand the various provisions in the Constitution with regard to the Services under the Union and the States

- 5.1. Recruitment and Regulations of Conditions of Services
- 5.2. Doctrine of Pleasure-Restrictions on Doctrine of Pleasure
- 5.3. Constitutional Safeguards to Civil Servants
- 5.4. Public Service commission-Appointment of Member of Public service commission
- 5.5. Functions of Public Service Commission

**UNIT 6: EMERGENCY PROVISIONS** **6 Hrs**

Learning Outcome: This UNIT is aimed at familiarizing the students with the various emergency provisions in the Constitution of India and the relationship between the Centre and States during emergency.

- 6.1. National Emergency
- 6.2. State Emergency
- 6.3. Financial Emergency

### SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	– 10%
• CIA II – Mid Semester Examination	– 25%
• CIA III – Research Topic	– 10%
• Attendance	– 05%
• End Semester Examination	– 50%
	<b>TOTAL 100%</b>

### SUGGESTED READINGS:

1. A.G. Noorani, (ed.), Centre State Relations in India, Bombay : Lesley Saehney Programme For Training , 1972.
2. Ashok Chandra, Federalism in India.
3. De Jatindra Ranjan, Development of Federalism in India, Gauhati :Bani Prakashani,1974
4. Desai, Justice D.A. Prasad Anirudh, Centre And State Powers Under Indian Federalism
5. Dr. Subhash C. Kashyap, The Framing of India's Constitution- A study and Constitution making since 1950- An Overview
6. Dr. Subhash C. Kashyap, Constitution of India: Review and Reassessment
7. Dr. Subhash C. Kashyap, Indian Constitution-Conflicts and Controversies
8. Dr. Subhash C. Kashyap, Commentary on Constitution of India
9. Dr. Subhash C. Kashyap, Our Constitution-An Introduction to India's Constitution and Constitutional Law, 5<sup>th</sup> edition reprint 2014.
10. G.C.V Subbarao, Legislative powers in Indian Constitutional Law.
11. Glanville Austin, The Indian Constitution: Cornerstone of a nation, Delhi; Oxford University Press.
12. H.M. Seervai, Constitutional Law of India – Vol.I and II
13. K.C.Wheare, Federal Government.
14. K.P. Krishna Shetty, The Law of Union-State Relations and Indian Federalism.
15. K.SubbaRao, The Indian Federation.
16. Kabbur, A.S. Centre-State Relations in India, New Delhi: Trust Books, 2004
17. Keith A.B. , Constitutional History of India
18. L.M Singhvi, Union-State Relations in India
19. M.P Jain, Outlines of Indian Legal History.
20. M.P.Jain, Indian Constitutional Law
21. M.V Pylee, Constitutional History of India
22. Monica David, Indian Legal and Constitutional History, 1600-1949, Vimala Publications, 1968. New Delhi: Deep and Deep Publications, 1981

23. O. P. Sharma, Financial Relations Between Centre and States and Local-Self Governments in India
24. Pal, Chandra Centre-State Relations and Cooperative Federalism, New Delhi: Deep and Deep Publication, 1983
25. Pande G S, Constitutional law of India
26. Prasad, Anirudh Centre-State Relations in India, New Delhi: Deep and Deep Publications,1985.
27. Pylee M.V Our Constitution government and politics
28. Rama Jois M, Legal and Constitutional History of India.
29. Rama Jois, Services under the States, Indian law Institute, New Delhi
30. Saharay H K, Constitution of India
31. *Samaraditya pal*, India's Constitution -origins and evolution (constituent assembly debates, Lok Sabha debates on constitutional amendments and Supreme Court judgments,2014
32. Seetalvad's Lectures on Constitutional law
33. Setalvad M.C, Constitutional History of India
34. [Shubh Narayan Singh](#), Centre state relations in India: major irritants and post-Sarkaria review
35. SubbaRao G C V Indian Constitutional law
36. Subbarao's Lectures on Constitutional law
37. Telang's Lectures on Constitutional Law
38. Tope T K ,Constitutional law of India by Justice SujataManohar, Eastern book company
39. V.D. Sebastian, Indian Federalism: the Legislative Conflict.

# **DOMESTIC VIOLENCE**

**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES:** Violence is a form of discrimination and violation of human rights. It harms families across the generations leaving countless victims who suffer the harm, direct and indirect. Many new forms of violence have emerged and hence identified by the law. The continued prevalence of violence is a testimony to the fact that States have yet to tackle it with the necessary commitment and resources. This course aims to enlighten the students with the existing laws in India relating to different forms of domestic violence and encourages in forming a better strategy towards prevention of such infringement of human rights.

## **COURSE OUTCOMES**

At the end of the course the students should be able to:

1. Describe the physical and psychological effects of domestic violence and abuse.
2. List out the behaviours displayed by an abusive person.
3. Analyse and explain the impact of domestic violence and abuse on children, young people and vulnerable adults.
4. List out the various legal recourses available to individuals both under International and Indian law.
5. Describe best practices for fighting against such violence and supporting those experiencing domestic violence.

**TEACHING METHODOLOGY:** Lecture/ group discussion/ PowerPoint presentation

## **Unit 1: INTRODUCTION**

**Learning outcome:** to understand the evolution of the context of the study of domestic violence in the backdrop of the human rights and feminist movement.

Meaning of violence, context and causes, kinds of violence, violence against women, human rights discourse and feminist movements, campaign for the law on domestic violence.

## **Unit 2: DOMESTIC VIOLENCE: CONCEPTUAL ANALYSIS**

**Learning outcome:** to understand the various forms of domestic violence and against whom it is practiced.

Magnitude and forms of domestic violence, violence against women, elder abuse, child abuse, causes of domestic violence- theoretical explanations, international human rights interventions, definition of violence under criminal law, civil law and special laws

### **Unit 3: INDIAN EXPERIENCE- GENERAL LAW**

**Learning outcome:** to critically approach the protective laws in India for the protection of domestic violence, and to analyze the effectiveness of the same.

Indian legal framework in addition to the PWDVA- an outline, criminal law, law of torts, other specific legislations, critical analysis, need for a specific law, campaign for PWDVA, initiatives by Lawyer's Collective

### **Unit 4: ADMINISTRATION OF JUSTICE IN INDIA**

**Learning outcome:** to understand the difference between theory and practice in the administration of justice vis-à-vis domestic violence.

Different forum for administration of justice, judicial responses, need for reform

### **Unit 5: LEGAL RESPONSES IN OTHER COUNTRIES**

**Learning outcome:** to understand and analyze the laws in other jurisdictions and understand the pitfalls of the Indian system in that context.

Global perspective of domestic violence. Legislative experiences in UK, USA

### **Unit 6: PREVENTION STRATEGIES**

**Learning outcome:** to evaluate the international response to Domestic violence.

Appraisal of the existing law, UN reports and analysis of PWDVA, need for an effective law

### **SCHEME OF VALUATION**

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### **SUGGESTED READINGS**

1. Ending Violence Against Women, Study of the Secretary General, UN (United Nations Publication, 2006).
2. Savistri Gooneskire (Ed.), Violence, Law And Women's Rights In South Asia (Sage Publications, 2004).
3. Indira Jaising (Ed.), Handbook On Domestic Violence( Lexis Nexis, 2009).
4. Swati Shirwadkar (Ed.), Family Violence In India (Rawat Publications, 2009).

5. A K Singh Et al., Domestic Violence Against Women In India (Madhav Books, 2009)
6. MamtaRao, Law Relating To Women And Children (Eastern Book Company, 2010)

**CASES:**

1. Arvind Singh v. State of Bihar AIR 2001 SC 2124.
2. BaljinderKaur v. State of Punjab 2015 Cri.L.J. 758.
3. Dastane v. Dastane AIR 1975 SC 1534.
4. D. Veluswamy v. D. Pathaiammal (2010) 10 SCC 469.
5. Gita Hariharan v. RBI AIR 1999 SC 1149.
6. J.L.Nanda v. Veena Nanda AIR 1988 SC 407.
7. Md. Ahmad Khan v. Shah Bano AIR 1995 SC 945.
8. Preetam Singh andAnotherv. State of UP and Another, I (2013) DMC 307.
9. Sher Singh Pratapa v. State of Haryana2015 (1) SCJ 386.
10. SaralaMudgal v. Union of India AIR 1995 SC 1531

# SECURITIES LAW

(No. of Hrs. 60-80 Hrs)

**COURSEOBJECTIVES:** In the growing global economy, India must also compete successfully for capital against large dynamic nations and well-developed capital markets. The world has recognized the importance of a securities market regulatory system that protects investors and encourages fair, transparent, efficient and liquid markets in attracting and keeping capital. The continued growth of our capital markets and their potential for accelerated growth over the next decade and beyond, create enormous demands and opportunities for lawyers and other skilled securities market professionals with expertise in securities laws. The course will also develop broad perspectives on Indian and international securities laws in all their dimensions set forth the foundation of securities laws in India with an emphasis on comparative study across various jurisdictions with the objective of law reform and be instrumental in investor education as it relates to investor protection.

## COURSE OUTCOMES

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

1. Identify and describe the legal issues in the administration and regulation of securities environment.
2. Analyse the principles laid down in the leading case laws.
3. Apply and Critique the efficacy of legal compliances and legal regime in securities environment.

**TEACHING METHODOLOGY:** Lecture by teacher, Case studies followed by class discussion conducted by teacher, Involvement of new teaching techniques such as use of Learning Management System, Courses available online to increase students competency in area, moot court exercises.

**LEARNING OUTCOME:** The stock market and the laws governing it are most sought after branch of law in legal studies. The new era of legal practice has born under securities law branch which is gaining pace. The course is set for undergraduate level hence, the Course aims towards providing working knowledge of the securities laws and related legal compliance procedures to the students. The Course consists of vital information that enables students in understanding and identifying legal issues and challenges in this branch of law. The course also brings in various contemporary topics in the syllabus which will prepare students to the most updated information in this branch. The course also aims to bring in multidimensional approach to the course by bringing other related laws into the syllabus like consumer protection, tax laws, and company law. We expect every student undergoing this course to have attained or

achieved the knowledge, competencies, and understanding as described. In achieving these goals, each student must follow the School of Law rules and regulations.

#### **UNIT 1: GENESIS AND DEVELOPMENT OF REGULATORY FRAMEWORK 12 Hrs.**

Introduction, Functioning of Securities Market, Securities market and economic growth, Evolution and growth of securities market, Securities market reforms, Regulatory frameworks of securities market. Powers of Central Government for control on securities market. Developed capital markets - International organization of securities commissions (IOSCO)

#### **UNIT 2 SECURITIES MARKET AND INSTRUMENTS**

Capital market instruments, Primary market, Secondary market, Debt market, Money market, Regulatory framework for regulation of stock exchanges, Corporatization and demutualization of Stock exchanges.

#### **UNIT 3 SECURITIES MARKET INFRASTRUCTURE**

Regulation of Market intermediaries, Regulatory framework of credit rating, Guidelines for credit rating agencies, Framework for SME exchanges, Over the Counter exchanges, Clearing corporations, Depository system, Self-regulatory organizations (SRO)

#### **UNIT 4 EXTERNAL PARTICIPANTS IN SECURITIES MARKET**

Foreign Institutional investor - investment conditions and restrictions- general obligations and responsibilities, Foreign portfolio investors, Depository receipt mechanism under FEMA regulations, Indian Depository receipts under FEMA, 1999, Guidelines for Anti- money laundering.

#### **UNIT 5 INSIDER TRADING, MARKET MANIPULATION AND FRAUD**

Elements of insider trading violations, market manipulation and financial and other fraud. The amended SEBI (Prohibition of Insider Trading) Regulations, 2015 in India. Methods of Surveillance, detection and deterrence.

#### **UNIT 6 LIABILITIES FOR SECURITIES LAWS VIOLATIONS**

Legal remedies, and the consequences of non-compliance under SEBI regulations, SEBI's jurisdiction, powers and functions, private rights of action and class action suits, Securities Exchange Board of India (SEBI), investigations, adjudications, securities appellate tribunal, SAT Powers and Procedures.

#### **UNIT 7 INVESTOR PROTECTION**

Rights and responsibilities of investors, Common Grievances of Investors, Redressal of Investor Grievances, Legal framework for Investor Protection in India - Investor

Education and Protection Fund, SEBI (Investor Protection and Education Fund) Regulations, 2009

Ombudsman - Investor Education, SEBI (Informal Guidance) Scheme, 2003

## **UNIT 8 TAXATION OF SECURITIES**

Basic concepts and relevant provisions of the Income Tax Act, 1961, capital gains, taxation of bonus shares, rights, shares, convertible debentures and employee stock option plans (ESOPs). Taxation of speculation business, set-off and carry forward of losses, advance rulings.

### **SCHEME OF VALUATION**

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### **SUGGESTED READINGS:**

1. Avdhani. V.A, Himalaya Publishing House, 2005, Investment and Securities Markets in India.
2. J. Kondaiah, Lexis Nexis, 2015, Securities Law
3. Saha, Taxmann Publication, 2016, Capital market and Securities laws.
4. Jain and Jain, Bharat Publications, 2016, Listing Obligations and Disclosure Requirements.
5. NitiBhasin, New Century Publications, 2012, Foreign Direct Investment In India.
6. Khan. M. Y, Tata McGraw Hill Publication, 2009, Financial Services.
7. Khan. M.Y., Indian Financial System, Tata McGraw Hill, 2009.
8. K.P.M. Sundaram, P.N.Varshney, Sultan Chand and Sons, Banking theory, Law and Practice
9. Dixit, Yadav and Jain, "Derivative markets in India: Trading, Pricing and Risk management", Tata McGraw Hill, New Delhi.
10. M. Sonarajah, "The International Law on Foreign Investment", Cambridge University Press.

### **ADDITIONAL READINGS:**

1. Farrar, John, H. and Hanniyan, Brenda, Farr's Company Law, (1998) Butterworths, London.
2. Gupta, S.N., the Banking Law in Theory and Practice, (1999) Universal, New Delhi. Tanna, M.L., Tanna's Banking Law and Practice in India, (2000) India Law House, New Delhi.

3. Ramaiya, A., Guide to the Companies Act, (1998) Wadhwa and Co., New Delhi.
4. Bhandari, M.C., Guide to Company Law Procedures, (1996) Wadhwa and Co., New Delhi.
5. Ford, Haj A.M., et. al. Ford's Principles of Corporations Law, (1999) Butterworths, London.
6. PurithavathyPandian, Vikas Publishing House, Delhi .Security Analysis and Portfolio Management.
7. Kucchal. S.C, Chaitanya publishing House,21st ed. Corporate Finance.
8. Shekhar. K.C. ShekarLekshmy, Vikas Publishing House, 20th ed, Banking theory and Practice.
9. Dr. S. Gurusamy, Tata McGraw Hill, 2009, Financial Markets and Institutions.
10. Mithani.D.M, Himalaya Publishing House, Money banking, International trade and Public Finance.
11. Singh Preeti, Himalya Publishing House, Investment management.
12. G.VijayragvanIyenger, Excel books, New Delhi, Introduction to Banking.
13. Bholey. L. M, Financial Institutions and Markets.

**ANY OTHER:**

**Journal:**

SEBI and Corporate Laws, Taxmann Publications.

**VIII SEMESTER**  
**LAW OF COPYRIGHT**  
**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVE:** Protection of copyright and related rights mainly aims at the promotion of literary, musical and artistic creativity and the dissemination of cultural and information products to the general public. Such protection offers the indispensable incentives for the creation of new valuable works and for the investment into production and distribution of cultural and information goods. This is done through granting appropriate economic and moral rights to authors, performer, producers and publishers, through establishing adequate framework for the exercise of these rights, and through providing efficient mechanisms, procedures, remedies and sanctions that are necessary for their enforcement in practice. An efficient and well-balanced system for the protection of copyright and related rights is necessary for the preservation of national culture and identity. This course seeks to familiarize the students with the key industry concerns of the copyright based industries.

**COURSE OUTCOMES**

At the end of the course students will be able to -

1. Identify and describe the basic requirement of copyright protection and ownership of copyrighted works.
2. List out the rights enjoyed by copyright owners.
3. Apply the principles of copyright protection to legal problems correctly.
4. Analyse the principles related to infringement of copyright.
5. Evaluate as against other the international legal framework related to copyright protection and articulate the problem areas for the deficiency.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

**UNIT 1 INTRODUCTION TO COPYRIGHT LAW**

**15 HRS**

**Learning outcome:** At the completion of this UNIT, the students will get an overview regarding the basics of copyright law, its philosophical perspectives as well as will be able to trace the historical evolution of copyright law.

Historical Evolution of copyright law - Philosophical perspectives of copyright - Nature and scope of copyright - Test of originality - Idea/Expression Dichotomy - Different

Works protected under copyright - Economic Rights of Copyright Owners - Author's Moral Rights- International instruments related to copyright protection

## **UNIT 2 OWNERSHIP AND LICENSING OF COPYRIGHT**

**8 HRS**

**Learning outcome:** After studying this UNIT, the students will be able to comprehend the various issues related to ownership of copyrighted materials; how the rights are transmitted and also the modes in which copyrighted materials are licensed.

Ownership of copyrighted works - Assignment and transmission of Copyright - Licensing of copyrighted materials - Licensing Agreements - Compulsory Licensing in copyright - Administration of Copyright Societies

## **UNIT 3 PERFORMER'S RIGHTS AND BROADCAST REPRODUCTION RIGHTS**

**7 HRS**

**Learning outcome:** This UNIT aims at equipping the students to appreciate the distinct rights provided to performers as well as the justification behind protection of these rights. Broadcast reproduction rights will also be addressed.

Protection of Performer's Rights - Justification of Protection - Nature and Scope of protection - Rights of personality and identity - Bootlegging - Broadcast Reproduction Rights

## **UNIT 4 COPYRIGHT ISSUES IN THE RECORDING INDUSTRY**

**7 HRS**

**Learning outcome:** This UNIT will enable the students to identify the key copyright issues in the recording industry and also how the copyright is collectively administered within the industry.

Copyright basics in the recording industry - Contractual Framework - Collective administration and protection of rights - Royalty rights

## **UNIT 5 INFRINGEMENT OF COPYRIGHT**

**5 HRS**

**Learning outcome:** After the completion of this UNIT, the students will be acquainted with the key provisions in law related to copyright infringement and the types of liability.

Mode of infringement of various copyright works - Primary and Secondary Liability - Different tests of copyright infringement - Infringement of neighbouring rights

## UNIT 6 EXCEPTIONS TO COPYRIGHT

4 HRS

**Learning outcome:** After the completion of this UNIT, the students will get an insight regarding the fair dealing of copyrighted materials.

Sec. 52 of Copyright Act - Permitted Uses - Fair Use v. Fair Dealing - Scope of 'academic use' of copyrighted work in fair dealing

## UNIT 7 COPYRIGHT ISSUES IN DIGITAL WORLD

9 HRS.

**Learning outcome:** This UNIT will help the students to reflect on how the recent changes, posed by technology, are addressed by copyright law as well as how copyright issues are dealt in digital world.

Copyright and Software - Digital Millennium Copyright Act - Provisions in Indian Copyright Act - Issues related to online file sharing - Circumvention of Technological Protection Measures Digital Right Management

## UNIT 8 REMEDIES

5 HRS.

**Learning outcome:** At the completion of this UNIT, the students will be well versed with different type of remedies provided under copyright law for copyright violation.

Preventive and compensatory civil remedies - Criminal Remedies - Administrative Remedies

### SCHEME OF VALUATION

• CIA I - Class Test / Assignment / Presentation	- 10%
• CIA II - Mid Semester Examination	- 25%
• CIA III - Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### SUGGESTED READINGS

1. Melville B. Nimmer and David Nimmer, Nimmer on Copyright, Indian Reprint, 2010, LexisNexis.
2. William F. Patry, Patry on Copyright, South Asian Edition, 2012, Thomson Reuters.
3. Kevin Garnett, Gillian Davies and Gwilym Harbottle, Copinger and Skone James on Copyright, 16<sup>th</sup> Edition, 2011, Thomson Reuters.
4. John Tehranian, Infringement Nation - Copyright 2.0 and You, 1<sup>st</sup> Edition, 2011, Oxford University Press.
5. William Patry, How to Fix Copyright, 1<sup>st</sup> Edition, 2011, Oxford University Press.

6. Paul Goldstein, *Goldstein on Copyright*, 3<sup>rd</sup> Edition, 2007, Aspen Publishers.
7. Mira T. SundarRajan, *Moral Rights - Principles, Practice and New Technology*, 1<sup>st</sup> Edition, 2011, Oxford University Press.
8. Alain Strowel (ed.), *Peer-to-Peer File Sharing and Secondary Liability in Copyright Law*, Edition 2009, Edward Elgar Publishing Limited.
9. Robert W. Gomulkeiewicz, Xuan-Thao Nguyen and Danielle Conway-Jones, *Licensing Intellectual Property - Law and Application*, 1<sup>st</sup> Edition, 2008, Wolter Kluwer Law and Business.
10. Russell Parr, *Royalty Rates for Licensing Intellectual Property*, 1<sup>st</sup> Edition, 2007, John Wiley and Sons Inc.
11. AkshatPande, *Valuation of Intellectual Property Assets*, 1<sup>st</sup> Edition, 2010, Eastern Law House.
12. Lionel Bently and Brad Sherman, *Intellectual Property Law*, 3<sup>rd</sup> Edition, 2009, Oxford University Press.
13. Jennifer Davis, *Intellectual Property Law*, 3<sup>rd</sup> Edition, 2008, Oxford University Press.
14. Simon Stokes, *Digital Copyright - Law and Practice*, 1<sup>st</sup> Edition, 2005, Hart Publishing.
15. Geoffrey P.Hull, *The Recording Industry*, 2<sup>nd</sup> Edition, 2004, Routledge Publication.
16. Ruth Towse, *Copyright in the Cultural Industries*, Edition, 2002, Edward Elgar Publishing Inc.
17. P Narayanan, *Copyright and Industrial Designs*, 3<sup>rd</sup> Edition, 2002, Eastern Law House.

# INTERNATIONAL CRIMINAL LAW

## (No. of Hrs. 60-80 Hrs.)

**COURSE OBJECTIVES:** International Criminal Law (ICL) is a subset of Public International Law that deals with the trial and punishment for international crimes. Quite different from public international law, ICL focuses on individuals and the concept of individual criminal responsibility. Individual criminal responsibility has to do with establishing the guilt of an individual as a partaker in the commissioning of international crimes. Undoubtedly, *mensrea* and *actusreus* plays a crucial role in the establishing of guilt of individuals in international crimes. Defences to criminal intent also play a crucial role in confirmation of the indictment (criminal charges) against the accused. The procedure towards conducting a criminal trial before an ordinary national court is very much the essence of international criminal court/ tribunals also. The purpose of this course is to provide an insight into the distinct features of ICL, the basic principles pertaining to ICL and to understand the working of ICL through International Criminal Court and other fora.

### COURSE OUTCOMES:

By the end of the course the students will be able to:

1. Demonstrate a clear understanding of the development of and importance of international criminal law.
2. Identify the sources of international criminal law.
3. Identify, describe and analyse the evolution and development of the concept of individual criminal responsibility.
4. Describe in detail the defences to liability under international criminal law.

### UNIT -1 - MODERN HISTORY OF INTERNATIONAL CRIMINAL LAW

**Learning Outcome:** This UNIT sets the historical background for the significance and development of international criminal law. The students would be able to appreciate the present regime of international criminal law only based on the thorough understanding of the associated historical concepts.

- IMT, Nuremberg and IMTFE
- ICTY
- ICTR
- ICC

### UNIT -2 - FRAMEWORK OF INTERNATIONAL CRIMINAL LAW

**Learning Outcome:** This UNIT discusses the sources of international criminal law and the international criminalisation process which helps the students to further appreciate the enforcement of international criminal law and the jurisdiction under the international criminal law regime.

- Sources of International Criminal Law
- International Criminalisation Process
- Enforcement of International Criminal Law
- Jurisdiction under international criminal law

### **UNIT -3 - INDIVIDUAL CRIMINAL RESPONSIBILITY**

**Learning Outcome:** This UNIT discusses the concept of individual criminal responsibility that is quintessential for the understanding of the liability regime under international criminal law. The UNIT makes the analysis of the liability based on the actus reus and mens rea dimensions of criminal law.

- Actus reus
- Mens rea
- Analysis of various forms of *actus reus* and *mens rea*

### **UNIT -4 DEFENCES IN INTERNATIONAL CRIMINAL LAW AND THE STATUS OF MINORS**

**Learning Outcome:** This UNIT will be taught in comparison to the Indian criminal legal system for a better understanding of the circumstances in which defences are acceptable and permissible under international criminal law.

- Superior orders
- Duress and necessity
- Self-defense
- Intoxication
- Mistake of fact or law
- Mental incapacity

### **UNIT -5 - CRIMES UNDER THE ICC STATUTE**

**Learning Outcome:** This UNIT helps the learner to have a very clear understanding of the international crimes as discussed in the ICC statute. The UNIT would be taught by drawing on the cases discussed in the ICTY, ICTR and other prominent jurisdictions.

- Genocide
- Crimes Against Humanity
- War Crimes
- Aggression

### **UNIT -6 - THE WORKING AND PROCEDURE OF ICC**

**Learning Outcome:** The last UNIT will highlight on the working of the international criminal court and the role of the various significant instrumentalities in the dispensation of criminal justice on international crimes.

- Working of the ICC
- Internationalised Domestic tribunals
- Indian Perspectives on ICC
- Mutual Legal Assistance Mechanisms

## SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS

1. IliasBantekas and Susan Nash, *International Criminal Law*, 3rd edition, 2007
2. Robert Cryer et.al, *International Criminal law and Procedure*, 2<sup>nd</sup> ed. Cambridge, 2010
3. <http://www.hrw.org/news/2010/01/15/ictr-tribunal-creates-rich-body-legal-precedent>
4. William A. Schabas, *The International Criminal Court: A Commentary of the Rome Statute*, Oxford, 2010.
5. Alamuddinet al (eds.), *The Special Tribunal for Lebanon*, 2014, Oxford Books.
6. Waters, *The Milosevic Trial*, 2014, Oxford Books.
7. Heller and Simpson (eds), *The Hidden Histories of War Crimes Trials*, 2014, Oxford Books.
8. Shahabuddeen, *International Criminal Justice at the Yugoslav Tribunal*, 2014, Oxford Books.
9. Jorgensen, *The Responsibility of States for International Crimes*, 2012, Oxford Books.

## **CONFLICT OF LAWS**

**(No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** This subject is designed to prepare the students for a clearer understanding of transnational transactions in the light of the domestic law. The study of the same is essential, especially in view of the liberal policies currently being adopted. It is devised to make the students aware of the basic concepts governing this field.

**UNIT 1** aims at the basic understanding of the conceptual facets of the subject and the fundamental interpretations governing the field. **UNIT 2** is an account of the different personal factors dominating the trans-national activities. **UNIT 3** is designed to study the very crucial jurisdictional issues in the light of English rules. **UNIT 4** aims to impart the issues relating to sovereign immunity and the status of foreign judgements. **UNIT 5** looks into the marital status and child care in the wake of various transactions across the borders. **UNIT 6** envisages the commercial and tortious liability with reference to trans-national omissions and commissions. **UNIT 7** is devised to study the vignettes of international litigation.

### **COURSE OUTCOMES:**

At the end of the course students will be able to -

1. Identify and describe the concept taught in the respective module.
2. List out the essential aspects of Conflict of Laws.
3. Apply the concept correctly to legal problems.
4. Analyse the legal concept and list out the relevant rules and principles that determine the jurisdiction of the courts.
5. Evaluate the various approaches to choice of law, the role of the national government in both the domestic and international conflict of law problems.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

### **UNIT 1: INTRODUCTION TO CONFLICT OF LAWS**

Meaning of conflict of laws, definition of country, need to plead and prove foreign law, characterization, challenges, public policy

### **UNIT 2: PERSONAL FACTORS**

Residence, domicile, domicile of corporations, domicile and nationality, persons liable for deportation and mentally disordered persons

### **UNIT 3: JURISDICTION**

Traditional English rules, principles and European rules

### **UNIT 4: SOVEREIGN AND DIPLOMATIC IMMUNITY**

Foreign state, foreign diplomat, recognition and enforcement of foreign judgement, foreign arbitral awards

### **UNIT 5: MARRIAGE AND CHILD**

Formalities of marriage, capacity to marry, consanguinity and affinity, polygamous marriages, matrimonial causes, recognition of divorces, separations and annulments, financial relief, child care and child abduction, child adoption

### **UNIT 6: TORTS, CONTRACTS AND PROPERTY**

Rome Conventions I and II, product liability, unfair competition, environmental damage, defamation, consumer contracts, jurisdiction over immovable property, governmental seizure of property

### **UNIT 7: INTERNATIONAL LITIGATION**

Substance and procedure, parties and service of process, evidence, remedy

### **SCHEME OF VALUATION**

- |  |                   |
|--|-------------------|
| • CIA I – Class Test / Assignment / Presentation | - 10%             |
| • CIA II – Mid Semester Examination              | - 25%             |
| • CIA III – Research Topic                       | - 10%             |
| • Attendance                                     | - 05%             |
| • End Semester Examination                       | - 50%             |
|  | <b>TOTAL 100%</b> |

### **SUGGESTED READINGS**

1. Setalvad, Atul M. *Conflict of Laws*. 2<sup>nd</sup>ed. New Delhi: LexisNexis ButterworthsWadhwa Nagpur, 2009.
2. Briggs, Adrian. *The Conflict of Laws*. Oxford: Oxford University Press, 2002.
3. McClean, David and KischBeever. *The Conflict of Laws*. London: Sweet and Maxwell, 2009.

4. Hood, Kirsty J. *Conflict of Laws within the U.K.* Oxford: Oxford University Press, 2007.
5. Collins, Sir Lawrence. *Dicey, Morris and Collins on the Conflict of Laws*. 2 Vols. 14<sup>th</sup> ed. London: Sweet and Maxwell, 2006.
6. Mayss, Abla. *Principles of Conflict of Laws*. 3<sup>rd</sup> ed. London: Cavendish Publishing Limited, 1998.
7. Collier, J. G. *Conflict of Laws*. 3<sup>rd</sup> ed. London: Cambridge University Press, 2001.
8. Symeonides, Symeon C. *Conflict of Laws: American, Comparative, International*. St. Paul Minn: West Group, 1998
9. RajatDosti, "Validity Of Marriage And Conflict Of Laws", 2010 *ILLI Law Review* 269
10. Linda Silberman, "Judicial Jurisdiction in the Conflict of Laws Course: Adding a Comparative Dimension", 1995 (28) *Vanderbilt Journal of Transnational Law* 389
11. Linda Silberman, "Some Judgments on Judgments: A View from America. Graveson Lecture", 2008 (19) *Kings's Law Journal* 235
12. Linda Silberman and Karin Wolfe, "The Importance of Private International Law for Family Issues in an Era of Globalization: Two Case Studies - International Child Abduction and Same-Sex Unions", 2003 (32) *Hofstra Law Review* 233

# WORLD TRADE ORGANIZATIONS

(No. of Hrs. 60-80 Hrs.)

## COURSE OBJECTIVES

International Trade Law has two aspects: public and private. The public aspect deals with the harmonization and coordination of national commercial policies and private aspect seeks to provide a legal framework for international commercial transactions between individuals belonging to different nationalities. This course covers both public and private aspects.

The World Trade Organization (WTO) is the only global institution seeking to harmonize and coordinate national commercial policies. It stands for the promotion of free trade among nations whereby goods and services can move freely across national frontiers. The course will mainly focus on the WTO with incidental references to other important regional institutions such as European Union, North American Free Trade Area etc. The WTO, as an institution administers many Multilateral Trade Agreements (MTAs) and a few Plurilateral Trade Agreements (PTAs). Two UNITS, devoted to the WTO, will give a broad picture of important MTAs and PTAs. The presence of a dispute settlement mechanism which de facto has compulsory jurisdiction over all the disputes which may arise between member states has distinguished the WTO from other global institutions; and it is often said that thanks to this unique system, the power-oriented diplomacy has given way to rule-based system. The Appellate Body (AB) which is at the centre of the dispute settlement mechanism has significantly contributed to the development of International Trade Law. The course will highlight the WTO jurisprudence.

International Trade Law, as applied to international commercial transactions is characterized by Prof. Schmitthoff as transnational commercial law. This system comprises of general Private International Law principles, international conventions unifying national commercial laws and national legislations there under and also the customary practices developed by international mercantile community represented by bodies such as International Chamber of Commerce. Globalization of national economies, which we have been witnessing, requires a distinct transnational law, recognized and enforced by national courts. The course has one UNIT on transnational commercial law.

Finally, India as a member of the WTO is under a legal obligation to promote free trade with other states in accordance with the WTO Agreements. India has panoply of legislations through which this obligation is discharged. The Foreign Trade (Development and Regulation) Act, Customs Act, Foreign Exchange Management Act etc and elaborate delegated legislations under these enactments constitute the legal regime through which international trade policies of the Government of India are implemented.

## **COURSE OUTCOMES**

At the end of the course students will be able to –

1. Identify and describe the concept taught in the respective module.
2. Analyse and describe the nature of international economic law and role of WTO in regulating it.
3. Identify, describe and analyse the legal principles of international trade law to understand the nature and adjudication of international trade disputes in WTO.
4. List out the agreements under WTO.
5. Evaluate the agreements of WTO vis--vis its impact on trade between different jurisdictions

### **UNIT - 1 INTRODUCTION**

Economics of international Trade – Trade Theories -International aspects of import-export trade – International treaties for bilateral trade – Regional treaties – Historical evolution of GATT and WTO – WTO Authorities – Sources of WTO Law- Marrakesh Agreement decision making and negotiation process

### **UNIT - 2 WTO - ORGANIZATION AND STRUCTURE**

– multilateral agreements – principles of trading under WTO - Tariff-non tariff restrictions under WTO- Quota restrictions and anti-dumping- permissible regulations - Quarantine regulations –

### **UNIT - 3 ELIMINATION OF QUANTITATIVE RESTRICTIONS**

– Agreement on Agriculture – Sanitary and phytosanitary agreements- Art. VI of GATT – Subsidies and Countervailing measures

### **UNIT - 4 TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS**

– TRIMS- TBT – Agreement on safeguards – Agreement on Textile and clothing – Trade in Services

### **UNIT - 5 INDIA AND WTO**

– Obligations of India to meet the requirements of WTO – Amendments to domestic law- Impact on India by – Uruguay round -Doha Round – Bali round- Trade Negotiations committee – Environment and climate change – trade Policy reviews – Telecommunication reforms in India-economic impact of FDI- Government procurement

### **UNIT - 6 DISPUTE SETTLEMENT MECHANISM UNDER WTO**

– Disputes between members – procedure for filing complaints – Appellate Body – Measures and counter measures by parties

### **SCHEME OF VALUATION**

• CIA I – Class Test / Assignment / Presentation	– 10%
• CIA II – Mid Semester Examination	– 25%
• CIA III – Research Topic	– 10%
• Attendance	– 05%
• End Semester Examination	– 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS

1. *Indira Carr, International Trade Law*
2. *Raj Bhala, International Trade Law: Theory and Practice*
3. *A.K Kaul, Guide to the WTO and GATT: Economics, Law and Politics*
4. *Simone Schnitzer, Understanding International Trade Law (Law Textbooks)*
5. *International Trade Law, Second Edition (Aspen Casebook Series) by Andrew Guzman and Joost H.B. Pauwelyn (May 9, 2012)*
6. *Michael J. Trebilcock, Understanding Trade Law*

# **REGULATION OF BIOTECHNOLOGY**

**(No. of Hrs. 60-80 Hrs.)**

## **UNIT - 1**

Introduction - Biotechnology revolution - historical revolution - interface between biotechnology and law - general perspectives on biotechnology regulation- regulatory framework for biotechnology in US, EU and India - regulatory governance for the age of biotechnology - Biotechnology and human rights

## **UNIT - 2**

Human genetic - regulating human genetics - morality and social policy in regulating human genetics - ethical issues. - Cloning - legal and moral issues - Transplantation of human organs- property rights in human organs - Biofoods and drugs regulation

## **UNIT - 3**

Regulation of Agricultural biotechnology - importance of agriculture and environment - agricultural and environmental polices- regulating agencies - agri-biotech risks - GMOS, biosafety and environmental decision making- Legal framework and political strategy in dealing with the risks of new technology: the two faces of the precautionary principle - Regulating GM food-Restrictions on the cultivation of genetically modified Organisms- SC on GMOs - Parliamentary committee report -plant genetic resources and agricultural trade reform

## **UNIT - 4**

Regulating biotechnology through intellectual property regime: Patents, copyrights in biotechnology and bioinformatics - case of terminator technology- clinical trials in biotechnology development - Patents, patients and consent: exploring the interface between regulation and innovation regimes - Right to informed consent and privacy of personal data -bio-patents - pharmaceutical patents and challenges to patent system

## **UNIT - 5**

Ethics in research - Bioethics and law - Beginning End of life decisions - assisted reproduction - health privacy and family - role and legal status of health care ethics committees - Acquiring and allocating human organs for transplant- Bioethics in the developing world

## **UNIT - 6**

Research Collaborations and Other Agreements, Basic research agreements - Due diligence - The license agreement: key terms and strategic considerations - Case studies of major biotech licensing deals - University collaborations - Collaboration with department of biotechnology.

## SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS:

1. *Indira Carr, International Trade Law*
2. *Raj Bhala, International Trade Law: Theory and Practice*
3. *A.K Kaul, Guide to the WTO and GATT: Economics, Law and Politics*
4. *Simone Schnitzer, Understanding International Trade Law (Law Textbooks)*
5. *International Trade Law, Second Edition (Aspen Casebook Series) by Andrew Guzman and Joost H.B. Pauwelyn (May 9, 2012)*
6. *Michael J. Trebilcock, Understanding Trade Law*

## **MEDIA LAW**

**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES:** Mass communication from the days of printing press has played a very important role in the formation of public opinion. 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, the experience shows that these technologies can be abused to harm the interests of the society. The course aims to provide basic understating of the evolution and existence of various facets of media and the legal regime in place to regulate its content and matters incidental to it.

### **COURSE OUTCOMES**

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

1. Analyse the general concept of media and comprehend the significance of media from historical perspective of freedom of speech and expression.
2. Identify and analyse the existing regulation on broadcasting media in India along with the aspects of censorship.
3. Describe the issues related to freedom press vs. individuals reputation, freedom of speech vs sedition, blasphemy and hate speech.
4. Analyse the nature, categories and consequences of invasion of right to privacy .
5. Evaluate the existing regulation of social media in India.

### **UNIT 1-FREEDOM OF SPEECH AND EXPRESSION**

**10 Hrs.**

Learning Outcome- On the completion of this UNIT the students will be able to appreciate freedom of press as a facet of freedom of speech along with its reasonable restrictions.

Concept of Media, Freedom of Press – Significance, Historical Perspectives on Media Regulation in India, Freedom of Speech and Expression as a Fundamental Right- Scope and Ambit, Comparison with the position in USA, Reasonable Restrictions

### **UNIT 2- REGULATION OF BROADCASTING MEDIA**

**10 Hrs.**

Learning Outcome-On the completion of this UNIT the students will get a grip over the existing regulation on broadcasting media in India.

Origin of broadcasting laws in India, Censorship over broadcasting media- Cinematograph Act, 1952, Cable Television Network (Regulation) Act, 1995, TRAI Act, 1997, Communications Convergence Bill, 2001, Broadcasting Services Regulation Bill, 2007, Media ownership patterns-legal issues

### **UNIT 3- PROTECTION OF REPUTATION**

**6 Hrs.**

Learning Outcome- On the completion of this UNIT the students will get to know the different legal mechanisms for protection of reputation in India and how that is acting as a reasonable restriction to freedom of press

Defamation – IPC s. 499 with exceptions, Libel and Slander, Hate Speech/ Blasphemy, Seditious

### **UNIT 4- MEDIA AND PRIVACY**

**14 Hrs.**

Learning Outcome-On the completion of this UNIT, the students will be able to analyze the tussle between freedom of press and protection of privacy.

Obscenity and Pornography -IPC s. 292-294, Tests to determine pornography, Privacy law in India, Photo Journalism, Investigative Journalism, Sting Operations, Cyber Privacy- Data protection in cyber space, Right to privacy v. Right to information, Privacy (Protection) Bill 2013

### **UNIT 5-REGULATION OF SOCIAL MEDIA**

**6 Hrs.**

Learning Outcome- On the completion of this UNIT the students will be able to evaluate the existing regulation of social media in India.

Internet as a platform of free speech, Content Regulation on Internet, Cross Border Jurisdictional Issue, Liability of Intermediaries

### **UNIT 6- MEDIA, ETHICS AND ADJUDICATION**

**14 Hrs.**

On the completion of this UNIT the students will be made aware of the various ethical issues in the working of media.

Copyright and Trademark issues in mass media, Reporting of Judicial proceedings, Reporting of Legislative Proceedings, Regulation of Commercial Speech, Protection of Journalistic sources, Paid News and Opinion Polls, Regulation of Media- Statutory and Self- Regulation, Government-owned media.

#### **SUGGESTED READINGS:**

1. Andrew D. Murray, *IT Law: The Law and Society*, Oxford University Press, 2010.
2. Aparna Viswanathan, *Cyber Law-Indian and International Perspectives*, LexisNexis Butterworths, 2<sup>nd</sup> edn. 2011.
3. D.D. Basu *Law of the Press*, Wadhwa Nagpur, 2002
4. D.D. Basu, *Commentary on the Constitution of India*, Wadhwa Nagpur, Vol. 2, 8<sup>th</sup> edn., 2007

5. Don R. Pember, *Mass Media and Law*, University of Washington, 2001-02
6. Dr. Madabhushi Sridhar, *The Law of Expression*, Asia Law House, Hyderabad, 1<sup>st</sup>edn., 2007
7. Dr. Samir Kumar Singh and Prof. Pushpendra P. Singh, *Media Legislation and Laws*, JnanadaPrakasham, New Delhi
8. Duncan Bloyand Sara Hadwin, *Law and Media*, Sweet and Maxwell, 2013
9. K.N.Harikumar (edt.), *Courts, Legislatures, Media Freedom*, National Book Trust, 1<sup>st</sup>edn., 2006
10. Karnika Seth, *Computers, Internet and New Technology Laws*, LexisNexis Butterworths, 2012
11. M. Neelamalar, *Media Law and Ethics*, New Delhi, 2010
12. Madhavi Goradia Divan, *Facets of Media Law*, Eastern Book Co., 2000
13. Manita Singh, *Law of Journalism and Mass Communication*, Centrum Press, New Delhi, 1<sup>st</sup>edn. 2010
14. MukulSahay, *Media Law and Ethics*, Wisdom Press, Delhi, 2011
15. P.K. Ravindranath, *Press Law and Ethics of Journalism*, Anmol Publications New Delhi, 2011
16. ParanjayGuhaThakurta, *Media Ethics- Truth, Fairness and Objectivity*, Oxford University Press, 2009
17. Peter Carey (et.al), *Media Law*, Sweet and Maxwell, 2007
18. Ram Jethmalani and D.S. Chopra, *Cases and Materials on Media Law*, Thomson Reuters, 1<sup>st</sup>edn., 2012.
19. Roy L. Moore and Micheal D. Murray, *Media Law and Ethics*, Routledge-Taylor and Francis Group.
20. S. Kundra, *Media Laws and the Indian Constitution*, Anmol Publications Pvt. Ltd, 2005
21. S.K. Vermaand Raman Mittl (Eds.), *Legal Dimensions of Cyber Space*, Indian Law Institute, New Delhi, 2004.
22. Sanjay Kumar Singh, *Press Law and Ethics of Journalism*, Anmol Publications, 2013
23. *Telecom, Media and Press Laws*, Eastern Book Company, 1<sup>st</sup>edn., 2007
24. UdaySahay (edt.), *Handbook of the Media in Contemporary India-Making News*, Oxford Uty. Press, 2006
25. Ursula Smartt, *Media and Entertainment Law*, Routledge, 2011
26. Wayne Overbeck, *Major Principles of Media Law*, 2004
27. Yee Fen Lim, *Cyber Space Laws-Commentaries and Materials*, Oxford University Press, 2007

## **REFUGEE LAW**

**(No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** Human Rights may be said to be those fundamental rights to which every man or woman inhabiting any part of the world entitled to, by virtue of having been born as a human being. Persistence, vigilance and living actions by the people themselves for protection of human rights are essential. Indeed, an essential pre-requisite for progressive realization of human rights is popular awareness of and support for universally accepted human rights norms and standards

Refugee law's in today's context has become inextricably linked with the larger question of human rights and humanitarian law, from which it was originally isolated. Under this Unit the students, will be studying different aspects of Refugee Law, definition, international Conventions, dealing with Refugee law. The syllabus will comprise of about 60-80 classes of one hour duration.

### **COURSE OUTCOMES**

At the end of the course students will be able to –

1. Analyse the principles and process of refugee status determination.
2. Identify and describe the various concept taught in the respective module.
3. Compare, contrast and reflect on theoretical concepts underlying refugee protection and analyse such legal concepts.
4. Describe and identify the legal principles and methods to ascertain refugee problems and apply the concept correctly to legal issues on the ground.
5. Evaluate the refugee protection as against protection of the other displaced groups and articulate the problem areas for the deficiency.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

### **UNIT 1: INTRODUCTION TO INTERNATIONAL REFUGEE LAW: BACKGROUND AND CONTEXT**

Definition of a Refugee – general principles for determining refugee status - History of Population Movements: Migrants, Immigrants, Internally Displaced Persons, and Refugees.

### **UNIT 2: THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR REFUGEE PROTECTION**

Origin and Development of International Refugee Principles - The 1951 UN Convention on the Status of Refugees and its 1967 Protocol - The Definition of Refugee including the Exclusion and

Cessation of Refugee Status - Recognition as a Refugee - Rights and Obligations of Refugees- Statute and Role of the UNHCR.

### **UNIT 3: INTERNATIONAL FRAMEWORK FOR REFUGEE PROTECTION: PRINCIPLES AND CONCEPTS OF REFUGEE LAW**

Asylum and the Principle of Non-Refoulement - Durable Solutions - Internally Displaced Persons - Safe Haven Concepts, Principles of Family Unity etc. - Vulnerable Groups of Refugees including Women, Children and Victims of Torture.

### **UNIT 4: OTHER FORMS AND INSTRUMENTS OF PROTECTION**

Universal Human Rights Instruments - Universal Declaration of Human Rights; The UN International Covenant for Civil and Political Rights - The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - The UN Convention on the Rights of the Child - The Geneva Conventions and Protocols: Minimum Standards in Times of War

### **UNIT 5: EUROPEAN FRAMEWORK FOR REFUGEE PROTECTION**

The Council of Europe and Refugee Protection - Legal and Policy Framework for Refugee Protection - The European Convention on Human Rights and Fundamental Freedom - European Refugee Protection: Practices and Policies.

### **UNIT 6: LAWS RELATING TO REFUGEE IN INDIA**

National Framework for Refugee Protection in India – Relevant Provisions of the Constitution of India - Foreigner Act, 1946, Protection of Human Rights Act, 1993 - Relevant provisions of the IPC - Problem of Detention of Refugees/Arrests/discharge/Surety etc. - Role Played by Indian Administrative Authorities, the Judiciary, NHRC, SAARC LAW and Other Institutions/ Groups/NGO's Including the Role of the Informal Consultations on Status of Refugees and Migratory Movements in South Asia - Ratification of International Human Rights Instruments by India and their Impact on Refugee Protection in India, the Impact of the Bangkok Principles – Asian African Legal Consultative Organization and Indian Obligations to Provide Refugee Protection.

### **SCHEME OF VALUATION**

- |  |                   |
|--|-------------------|
| • CIA I – Class Test / Assignment / Presentation | - 10%             |
| • CIA II – Mid Semester Examination              | - 25%             |
| • CIA III – Research Topic                       | - 10%             |
| • Attendance                                     | - 05%             |
| • End Semester Examination                       | - 50%             |
|  | <b>TOTAL 100%</b> |

## SUGGESTED READINGS

1. Carlier, Jean Yves, et. al., *Who is a Refugee? A Comparative Case Law Study* (Kluwer Law International, The Hague, 1997).
2. Chimni, B. S., *International Refugee Law: A Reader* (Sage Publications, New Delhi, 2000).
3. Debbas, Gowlland Vera, *The Problem of the Refugees in the Light of Contemporary International Law Issues* (MartinusNijhof, London, 1995).
4. Goodwin, Gill, Guy, S., *The Refugee in International Law* (Clarendon Press, 1996).
5. Harris, D. J., et al., *Law of the European Convention on Human Rights* (Butterworths, London, 1995).
6. Hathaway, James, C., *The Law of Refugee Status* (Butterworths, Toronto, 1996).
7. Kalin, Walter, *Guiding Principles on Internal Displacement: Annotations* (Studies in Transnational Legal Policy, Washington, 2002).
8. Korn, David A., *Exodus-Within Borders: An Introduction to the Crisis of Internal Displacement* (Brookings Institutions Press, Washington, 1999).
9. Mishra, Omprakash (ed.), *Forced Migration in the South Asian Region* (Delhi: Manak Publications, P.A. Ltd., 2004).
10. Singh, Nagendra, *The Role and Record of the UN High Commissioner for Refugees* (Macmillan, New Delhi, 1994).
11. Trakroo, Ragini and others, *Refugee and the Law* (Human Rights Law Network and Socio Legal Information Centre, New Delhi, 2005).

# LAW AND PSYCHOLOGY

## (No. of Hrs. 60-80 Hrs.)

### COURSE OBJECTIVES:

The interface of psychology and law is broad and multifaceted. The purpose of this course is to introduce the students to application of psychology to the legal system. Specifically, we will examine how research from psychology contributes to a better understanding of forensic and legal issues including eyewitness testimony, criminal profiling, risk assessment, psychopathy, law enforcement interrogation tactics, jury selection, and criminal sentencing, etc. The course will also discuss the myriad of psychologists roles in forensic settings. **Unit 1** deals with the introduction to the relationship between law and psychology and its many facets. **Unit 2** deals with the key issues related to eyewitnesses. **Unit 3** deals with the legal and psychological aspects of children as witnesses. **Unit 4** deals with the development of the court system. **Unit 5** deals with the evolution of psychologists as expert witnesses in the legal field. **Unit 6** deals with the study of various witness recognition procedures.

### COURSE OUTCOMES

At the end of the course the students should be able to:

1. Analyse the application of psychological principles to the legal system.
2. List out the current state of scientific literature awareness in forensic psychology.
3. Analyse the appropriateness of psychological research and methods in various arenas of forensic psychology.
4. Identify and describe the dialectical relationship between the fields of psychology and law as related to prevailing morals and legal statutes.

### UNIT - 1 INTRODUCTION

Introduction: development of the psycho legal field - inter play between law and psychology  
Bridging the gap between psychology and law: challenges and difficulties -  
Psychology and law in India - SC on law and psychology - Criminal profiling

### UNIT - 2 EYEWITNESSES

Key Issues and Event Characteristics - Law of evidence -1 Legal aspects of eyewitness testimony - Characteristics of human attention, perception and memory - Eyewitness testimony research: methodological considerations - Variables in the study of eyewitness memory - Variables that impact on eyewitnesses' testimony accuracy  
The Perpetrator and Interviewing - Witness characteristics - Perpetrator variables - Interrogational variables  
Misinformation due to source monitoring error - Repressed or false-memory syndrome?  
-6 Interviewing eyewitnesses effectively

### **UNIT - 3 CHILDREN AS WITNESSES**

Juvenile Justice- Legal aspects of children as witnesses - Evaluations of the 'live link'/closed-circuit television - Child witnesses and popular beliefs about them - Children's remembering ability

5 Deception in children - Factors that impact on children's testimony - Enhancing children's testimony

8 Interviewing children in sexual abuse cases Body maps and interviewing children

### **UNIT - 4 COURTS**

Court system -historical background - The notion of an impartial and fair jury: a critical appraisal - Methods for studying juries/jurors/judges - Defendant characteristics - Victim/plaintiff characteristics - Interaction of defendant and victim characteristics- 8 Lawyer and judge characteristics

Sentencing as a Human Process, Victims, and Restorative

Justice - Introduction - Disparities in sentencing - Studying variations in sentencing - Some extralegal factors that influence sentences - Models of judicial decision-making - Victims - Restorative justice

### **UNIT - 5 THE PSYCHOLOGISTS AS EXPERT WITNESSES**

Rules for admitting expert evidence - India - SC on expert witnesses - United States - England and Wales - Australia- Canada - The impact of expert testimony by psychologists - Appearing as expert witnesses Detecting Deception -  
- Paper-and-pencil tests - The social psychological approach - Paradigms used to study deception-detection - Deception-detection accuracy - Expert lie-detectors: how accurate? - Computerised lie-detection - Physiological and neurological correlates of deception - Brainwaves as indicators of deceitful communication - Stylometry - Statement reality/validity analysis (SVA) - Reality monitoring - Scientific content analysis

### **UNIT - 6 WITNESS RECOGNITION PROCEDURES**

Identification test medium - Person identification from photographs - Show-ups/witness confrontations - Group identification - Identification parades/line-ups - Identification from video footage and CCTV - Facial composites - Voice identification

Psychology and the Police - Introduction - Selection - Predicting success within the force - Encounters with the public - Prejudice and discrimination - Stress - Questioning suspects - False confessions - Profiling offenders - Psychology of terrorism

### **SCHEME OF VALUATION**

- CIA I - Class Test / Assignment / Presentation - 10%
- CIA II - Mid Semester Examination - 25%
- CIA III - Research Topic - 10%
- Attendance - 05%
- End Semester Examination - 50%

**TOTAL 100%**

## **SUGGESTED READINGS:**

1. James Marshall, Law and Psychology in conflict
2. Michael D.A Freeman, Law and Psychology
3. Kapardis, Psychology and Law: A critical Introduction

# INTERNATIONAL ENVIRONMENTAL LAW

## (No. of Hrs. 60-80 Hrs.)

**COURSE OBJECTIVES:** This course intends to understand the general principles of international environmental law, to examine the emerging international environmental regimes and India's national policy, to study the link between environment and sustainable development, enforcement of international and national environmental law.

### COURSE OUTCOME

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

1. Identify and describe relevant important sources and concepts pertaining to the international law system governing the environment.
2. Identify and analyse various regulations relating to transboundary environmental themes and the global commons.
3. Discuss the essence of State liability and State sovereignty in transboundary environmental issues.
4. Describe the differences between international environmental governance and domestic regulation, and the interconnectivity between the two.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc.

### UNIT 1: INTRODUCTION TO INTERNATIONAL ENVIRONMENTAL LAW 6 Hrs.

**Learning Outcome:** At the end of the UNIT, students would be able to comprehend the conceptual and international grounding of evolution of international environmental law.

Historical evolution, Developed and Developing Countries Perspectives, Stockholm, Rio and Johannesburg.

### UNIT 2: SOURCES AND PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW 14 Hrs.

**Learning Outcome:** On completion of this Unit students will be able to understand the various sources and principles governing international environmental law.

**Sources:** Treaties, Custom, General Principles of Law; **Principles:** Sovereignty over Natural Resources, Obligation Not to Cause Damage, Principles of Preventive Action and Precaution, Polluter Pays Principle and Equitable Sharing of Cost, Sustainable Development, Equitable Utilization, Common but Differentiated Responsibilities, The Link Between Environment and Development.

**UNIT 3: TRANSBOUNDARY/TRANSNATIONAL POLLUTION: STATE LIABILITY AND STATE RESPONSIBILITY** **16 Hrs**

**Learning Outcome:** On completion of this Unit students will be able to understand the various transboundary regulations relating to air, water and tropical deforestation and would also be able to identify the State liability on these areas.

**Desertification as a Transnational Problem** -Tropical Deforestation; The 1994 Desertification Convention; Transboundary River Pollution-Transboundary Groundwater Pollution; Transboundary Shipments of Hazardous Wastes - The Basel Convention Regime, Transfrontier Air Pollution and Convention on Transboundary Air Pollution - **State Liability:** Theoretical Issues; Victim State Sovereignty Threshold Of Cognizable Injury ; The Legacy of the Trail Smelter Arbitration; Standard of Liability; Strict Liability and Ultra-Hazardous Activities ; Viability of a Liability Regime

**UNIT 4: GLOBAL COMMONS** **6 Hrs.**

**Learning Outcome:** On completion of this Unit students will be able to understand the international trends on Oceans, Ozone and Climate Change.

Oceans as a Commons; Marine Pollution; Fishery Conservation; The Ozone Protection Regime;The Climate Change Convention

**UNIT 5: PROTECTION OF SPECIES AND ECOSYSTEM**

**Learning Outcome:** On completion of this Unit students will be able to understand the impact on biodiversity and the need for protection of ecosystem.

Protection of Genetic Variety; Causes of Biodiversity Loss; Ecosystem Protection

**UNIT 6: INTERNATIONAL ENVIRONMENTAL LAW AND INDIA** **6Hrs.**

**Learning Outcome:** At the end of the UNIT, students would be able to comprehend the conceptual and the State obligations and the role of judiciary in protecting the environment in India.

State Obligations and the role of judiciary; policy and legislative measures in India for environmental protection; International Environmental Institutions including UNEP and other specialized agencies and their Reforms; International humanitarian law and environment

## SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS:

1. Donald K. Anton, Jonathan I. Charney, Philippe Sands, Thomas Schoenbaum and Michael J. Young, *International Environmental Law: Cases, Materials, Problems* (LexisNexis 2007).
2. Birnie, Patricia W; Boyle, Alan E; Redgwell, Catherine, *International law and the environment*, Oxford University Press, 2009
3. S Bhatt, *International Environmental Law*, APH Publishing, 2007
4. Elli Louka, *International environmental law: fairness, effectiveness, and world order*, Cambridge University Press, 2006
5. Michael I. Jeffery, *Biodiversity Conservation, Law and Livelihoods: Bridging the North-South Divide*, Cambridge University Press, 2008.
6. Neil Craik, *The International Law of Environmental Impact Assessment Process, Substance and Integration*, Cambridge University Press, 2008.
7. *Environmental Law, the Economy and Sustainable Development*, Eds by Richard L. Revesz , Philippe Sands , Richard B. Stewart, Cambridge University Press, 2008

# **LAW OF NEGOTIABLE INSTRUMENTS**

**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVE:** To acquaint students with fundamentals of negotiable instruments, to make students understand the meaning and difference between different negotiable instruments and basic information, concepts and principles governing negotiable instruments

## **COURSE OUTCOME:**

At the end of this semester students will :

1. Identify the significance of different types of negotiable instruments.
2. Analyze the flaws in existing legislations.
3. Develop skills to solve disputes related to negotiable instruments.

**TEACHING METHODOLOGY:** Lecture/ group discussion/ PowerPoint presentation

## **UNIT 1 NEGOTIABLE INSTRUMENTS**

Definition-characteristics-types-essential features of negotiable instruments -parties to a negotiable instrument-functions-holder and holder in due course-payment in due course- holder for value-rights of holder in due course.-inland instrument-foreign instrument-ambiguous instruments.( 10 hours)

## **UNIT 2 ENDORSEMENTS**

Definition-meaning of negotiation-legal provisions regarding endorsement-kinds of endorsement-different forms and general rules regarding the form of endorsement-instruments payable on demand-inchoate stamped instruments.(10 hours)

## **UNIT 3 CHEQUE**

Requisites of a cheques-dating of cheques-crossing of cheques-general crossing-special crossing- double crossing- opening of crossing-persons authorised to cross cheque-marking of cheque-golden cheque scheme-liability of paying bank on the crossed cheque( 5 hours)

## **UNIT 4 PAYMENT OF CHEQUES**

Precautions' to be taken by the paying bank-statutory protection to the paying bank-duties of collecting bank-proper form of a cheque-date of cheque-amount of cheque and material alteration-forgery of drawers signature-collecting bank as holder for value-statutory protection to the collecting bank-reserve bank instructions to the bank(15 hours)

## **UNIT 5 BILLS OF EXCHANGE AND PROMISSORY NOTE**

definition-kinds of bills of exchange-promissory note-definition-peculiarities-presentment of negotiable instruments for payment- and acceptance-maturity-dishonour of negotiable instruments(10 hours)

## **UNIT 5 RIGHTS AND LIABILITIES OF PARTIES TO A NEGOTIABLE INSTRUMENT**

Capacity of parties- minors position-legal representatives-liability of parties-liability of a drawer of a bill or cheque-liability of maker of bill and acceptor-liability of endorser-agency-shipment-delivery-negotiation by delivery-presentment -discharge from liability-parties negotiating by mere delivery-noting and protest-negotiable instruments(amendment bill),2015.(10 hours)

### **SCHEME OF VALUATION**

• CIA I - Class Test / Assignment / Presentation	- 10%
• CIA II - Mid Semester Examination	- 25%
• CIA III - Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### **SUGGESTED READINGS**

1. K. C. Shekhar, Lekshmishekar- "Banking theory and practise",19<sup>th</sup>edtn.,vikas publishing house
2. S.N. Maheswari "law and and practise of banking,1<sup>st</sup>edtn.,kalyani publishers.
3. E.gorden, K. Natarajan, " Banking theory , law and practise, 14<sup>th</sup> revised edition,2009,Himalaya, publishing house.
4. Tannans " banking law and practise in india",18<sup>th</sup> edtn,1996
5. P.N. varshney, " banking law and practise , sulthanchand and sons,22<sup>nd</sup> edition,2007,educational publications.
6. Prof. sobrah, R.davar , "Law and practise of banking, 14<sup>th</sup> edition.

### **ADDITIONAL READINGS**

1. Criminal procedure code
2. Civil procedure code,
3. Negotiable instruments Act
4. Negotiable instruments (amendment bill),2015

# X SEMESTER

## LEGAL AID AND PARA LEGAL SERVICES

(No. of Hrs. 60-80 Hrs)

### COURSE OBJECTIVES:

- The legal aid and Para legal services program is designed to prepare the students to assist the public in all phases of legal assistant and to equip the student with the knowledge necessary to enter the legal service fields as entry -level paralegal.
- To educate students to intelligently and ethically serve the community.
- To encourage students to contribute to the advancement of the legal profession.
- Educate and provide social services to poor.
- Training to paralegals.
- To provide basic legal education to the paralegals as well as to people particularly those who are in need of these services.
- To familiarize students with the legal system and the role of the paralegal in the delivery of legal services in the public and private sectors.
- To train students to be prepared to use and apply the current paralegal skills.

### COURSE OUTCOMES:

At the end of the semester, the students will have full-fledged knowledge in the subject. It helps the students also to understand the growing significance of legal aid and Para legal services in global context. Understanding this phenomenon is of greater importance for the students of law in the present day context.

### TEACHING METHODOLOGY

The students of this elective paper will be taught via lecture methods, PPT and also interaction /discussion in the class room. Further, the students will be taken to field study & practically involved with DSLAs activities as stipulated in the MOUs.

### UNIT- I PARALEGAL SERVICES

**10 hrs**

- 1 Introduction to Paralegal services
- 2 The definition of Paralegal services
- 3 Historical development
- 4 Paralegal services in Western Countries
- 5 Paralegal services in India
- 6 Importance of Paralegal services
- 7 Assignments

**UNIT- II THE ROLE OF THE PARALEGALS****10hrs**

- 1 Paralegal education
- 2 Paralegal professional associations
- 3 Registration, Certification and Licensure
- 4 What Paralegals Do?
- 5 Where Paralegals work?
- 6 Assignments

**UNIT-III PARALEGAL AND LEGAL AID SERVICES****10 hrs**

1. Historical Background of Legal Aid Services
2. Legal Aid Services in Western Countries
3. Legal Aid and Constitutional Mandate
4. Judicial trends and Legal Aid
5. National Legal Services Authority Act, 1987
6. Assignments

**UNIT- IV LEGAL AID CLINICS / CELLS/CLUBS****10 hrs****1 Introduction to legal aid clinics**

1. National Legal Services Authority (Legal Aid Clinics) Regulation, 2011
2. Establishment of Legal Aid Clinics/Cells/Clubs
3. Working of Legal Aid Clinics/Cells/Clubs
4. For the activities of legal aid clinics/Cells/Clubs, the students will be divided into 12 groups (Each group consists of 05 students) and they will be assisting with the allotted DSLA in case studies.
5. Assignments

**UNIT- V FIELD STUDY / PRACTICAL EXPOSURE & RECORD SUBMISSION 40 hrs**

- 1 MOUs with DSLAs -Chikkaballapur, Kolar, Tumkur
- 2 Visit to DSLA-Chikkaballapura
- 3 Visit to DSLA -Kolar
- 4 Visit to DSLA - Tumkur
- 5 For the purpose of field study the students will be divided into 03 groups (Each group consists of 20 students & they will be entrusted with activities of One DSLA) and they will be visiting the allotted DSLA at least 03 days in a week in order to assist with DSLA's activities within its jurisdiction.
- 6 Sharing of student's experience on field work in the class room
- 7 Record Submission
- 8 Viva -voce (External Examiners)

## **SCHEME OF EVALUATION:**

Field Visit	40
Record Submission	30
Viva Voce	30

**Total-100 Marks**

## **SUGGESTED READINGS**

1. Dr. S.S. Sharma. Legal Services, Public Interest Litigations & Para-Legal Services: Central Law Agency: II nd Edition 2006, 349.
2. Ajay Gulati, Dr. Jasmeet Gulati. Public Interest Lawyering, Legal Aid and Para-Legal Services: Central Law Publications Allahabad: Edition 2013, 195.
3. Dr. NV Paranjape. Public Interest Litigation, Legal Aid & Services, Lok Adalats & Para-Legal Services: Central Law Agency: Second Edition 2010  
Services: Central Law Publications Allahabad: Edition 2013, 196.
4. Dr. SR Myneni. Public Interest Lawyering, Legal Aid and ParaLegal Services: Asia Law House, Hyderabad: 2nd Edition 2007, 183.
5. Ajay Gulati, Dr. Jasmeet Gulati. Public Interest Lawyering, Legal Aid and Para-Legal Services: Central Law Publications Allahabad: Edition 2013, 195-196.
6. Narain, Akhilesh- Legal Aid, Public Interest Lawyering and Para Legal Services'. Agra Law Agency, 2000, Raja Mandi, Agra-282002, P-53, Para -IV

# INTERNATIONAL INVESTMENT LAWS

(No. of Hrs. 60-80 Hrs)

**COURSE OBJECTIVES:** International investment law is one of the fastest growing areas of international law. It has led to the signing of thousands of agreements, mostly in the form of investment contracts and bilateral investment treaties. There has been an exponential growth in the number of disputes being resolved by investment arbitration tribunals. The course will examine the background to the current international investment law regime and the sources of international investment law. Secondly, to understand the law of international investment treaties, particularly with respect to its origin, structure, content and effects with the help of decided cases and its application in the settlement of International Investment disputes.

## COURSE OUTCOMES:

1. Identify the advantages in permitting foreign investments.
2. List out the basic components of an international investment treaty
3. Evaluate and point out the deficiencies in the current systems of international investment arbitration.
4. Analyze the norms adopted by the international arbitrators in prospective disputes.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Case study, Moot court and Client counselling

## UNIT 1: INTRODUCTION TO INTERNATIONAL INVESTMENT LAW 10 Hrs.

**Learning Outcome:** On completion of this UNIT students will be able to explain the meaning , nature , object and sources of International investment law. This UNIT will also clarify the distinction between trade law and investment law. Among others *Fedeax v. Venezuela* and *Salini v. Morocco* will clarify the meaning of the term International investment .

International investment Law as a field of study, Business Nature of a foreign Investment, Host State Sovereignty and the rules of foreign Investment, History of International Law on Foreign Investment, Sources of International Law on Foreign Investment.

## UNIT 2: FOREIGN INVESTMENT TRANSACTIONS AND DOMESTIC INVESTMENT REGULATIONS 15 Hrs.

**Learning Outcome:** This UNIT will enrich the students, the Indian regulations on International Investment and different forms of foreign investment. This UNIT focus on the FDI regulations in India.

Meaning of Foreign Direct Investment, Domestic Regulations on Foreign Direct Investment in India, Methods of Control by Host States in Foreign Investment, Forms of International Investment

### **UNIT 3 :INTERNATIONAL INVESTMENT TREATIES**

**15 Hrs.**

**Learning Outcome:** This UNIT will help the students to understand the main object of International treaties, their features and its application and interpretation. This UNIT will rely on case laws to explain various nuances involved in the application of Bilateral investment treaties.

Bilateral Investment Treaties (BIT), Interpretation of Investment treaties, Application of Investment treaties in time.

### **UNIT 4: SETTLEMENT OF INVESTMENT DISPUTES**

**10 Hrs.**

**Learning Outcome:** This UNIT will help the students to understand the different modes of Investment disputes and the essentials of some of the important clauses of bilateral investment treaties. It concentrates on treaty based arbitration

Contract based arbitration, Internationalization of State Contracts, Treaty Based Investment arbitration: Jurisdictional Issues. Jurisdiction *rationemateriae*( The Subject matter of the dispute), *Jurisdiction racione personae*(Parties to the dispute), Consent to arbitration, Applicability of MFN clauses to dispute settlement , Challenge and Review of decisions, Enforcement of awards.

### **UNIT 5: JURISDICTIONAL ISSUES IN INTERNATIONAL INVESTMENT ARBITRATION**

**10 Hrs**

**Learning Outcome:** On completion of this UNIT students will be able to understand the need to have an exclusive dispute settlement authority for International investment matters. Further the UNIT prescribes the standards to be followed in the settlement of International investment disputes

Conventions and institutions in international investment arbitration - an over view, ICSID (international centre for settlement of investment disputes), UNCITRAL (united nations convention on international trade law), ICC ( international chamber of commerce), SCC (stockholm chamber of commerce), claims on merits, expropriation Fair and Equitable Treatment and Related Claims, The Umbrella Clause, Most Favoured Nation Clause.

### **SCHEME OF VALUATION**

- |  |                   |
|--|-------------------|
| • CIA I - Class Test / Assignment / Presentation | - 10%             |
| • CIA II - Mid Semester Examination              | - 25%             |
| • CIA III - Research Topic                       | - 10%             |
| • Attendance                                     | - 05%             |
| • End Semester Examination                       | - 50%             |
|  | <b>TOTAL 100%</b> |

## SUGGESTED READINGS

1. Rudolf Dozler and Christopher Scheruer 'Principles of International Investment Law' OUP,(2008)Chapter-1 Pg No. 1-30
2. JeswaldW.Salacuse, 'The Law of Investment Treaties'OUP,(2010)Chapter 2(Pg no.18-37)Also Chapter -3,Pg.42-78
3. M.Sornaraj, ' International Law on Foreign Investment'3<sup>rd</sup>Edn, Cambridge University Press(2010)Chapter-1 Pg.no.1-19 also Pg no.79-87
4. " Definition of Investor and Investment in International Investment Agreements" International Investment Law: Understanding the concepts and Tracking Innovations, Published by OECD(2008) ( Pg no. 3- 55) <http://www.oecd.org/daf/inv/internationalinvestmentagreements/40471468.pdf>
5. Howard Mann, "Re conceptualizing the International Investment Law" 17 :2 Lewis and Clark Law Review( 2013) [http://www.iisd.org/pdf/2013/reconceptualizing\\_investment\\_law.pdf](http://www.iisd.org/pdf/2013/reconceptualizing_investment_law.pdf)
6. Stephen W. Schill, "International Investment Law and Comparative Public Law: Ways out of legitimacy crisis"(2011) paper presented at the Investment Law Forum <http://www.iilj.org/research/documents/if2010-11.schill.pdf>
7. Kate Miles, "International Investment Law: Origins, Imperialism and Conceptualizing the Environment" 21 Columbia Journal of International Environmental Law and Policy 1 ( 2010) Available at <http://heinonline.org>
8. Stephen W. Schill, "Enhancing International Investment Laws Legitimacy: Conceptual and methodological foundations of a New Public Law approach" 52 Virginia Journal of International Law 57 (2011). Available at <http://heinonline.org>
9. Thomas Weilde, "International Law of Foreign Investment: Towards Regulation by Multilateral Treaties" 1999 Business Law International 50. Available at <http://heinonline.org>
10. Rachel J.Anderson , "Towards Global Corporate Citizenship: Reframing Foreign Direct Investment Law" 18 Michigan State International Law Journal 18:1(2010). Available at <http://heinonline.org>
11. Kulwinder Singh, " Foreign Direct Investment in India: Critical analysis of FDI from 1991-2005" available at <http://papers.ssrn.com/sol3/papers.cfm>
12. Susan D.Franck, "Foreign Direct Investment, Investment treaty arbitration and the Rule of Law"McGeorge Global Business and Development Law Journal, Vol. 19, p. 337, 2007 Available at <http://ssrn.com>
13. Judge Stephen M. Schewbel, "The overwhelming merits of bilateral investment treaties" 32 Suffolk Transnational Law Review 263(2008) Available at <http://ssrn.com>
14. Moshe Hirsch, " Between Fair and Equitable treatment and Stabilization Clause" 12 Journal of World Investment and Trade 783( 2011) see at <http://ssrn.com>
15. Jean Christophe Honnet, " .... Application of Umbrella clause: SGS v.Philippines: Revisited" 7 Law and Practice of International Courts and Tribunals 7( 2008) 1-32, see at <http://ssrn.com>

16. Mihir C. Naniwadekar, " Scope and Effect of Umbrella Clauses: Need for a theory of difference" 2(1) Trade Law and Development 169(2010) see at <http://ssrn.org>
17. Kathryn Ballantine, "How Far Do BITS BITE: Comparison of SGS v.Pakistan and SGSv. Philippines" 2 Cambridge Law Review 33(2006) available at <http://heinonline>.
18. Rafael Leal Arcas, 'International Trade and Investment Law(2011) Pg no.69-72( For the basic understanding of the concept of Bilateralism).
19. Emmanuel Gaillard, "Treaty based Jurisdiction: broad dispute resolution clauses" 234 Newyork Law Journal 2005 [http://www.shearman.com/~media/Files/NewsInsights/Publications/2005/10/TreatyBased-Jurisdiction-Broad-Dispute-Resolutio\\_/Files/Download-PDF-TreatyBased-Jurisdiction-Broad-Disp\\_/FileAttachment/IA\\_100605.pdf](http://www.shearman.com/~media/Files/NewsInsights/Publications/2005/10/TreatyBased-Jurisdiction-Broad-Dispute-Resolutio_/Files/Download-PDF-TreatyBased-Jurisdiction-Broad-Disp_/FileAttachment/IA_100605.pdf)
20. "Investor-State Disputes arising from Investment treaties :Areview"by UNCTAD. [http://unctad.org/en/docs/iteit20054\\_en.pdf](http://unctad.org/en/docs/iteit20054_en.pdf)
21. Mathew Wendlandt, "SGS V.Philippines:The Role of ICSID Tribunal in Investor State contract dispute" 43 Texas International Law Journal (2008) <http://www.tilj.org/content/journal/43/num3/Wendlandt523.pdf>
22. Joseph D'Agustino, " Rescuing International Investment Arbitration: Introducing Derivative action, Class action and Compulsory Joinder" 98 Virginia Law Review 117(2012)<http://heinonline.org>
23. Chiara Georgetti, " Who decides International Investment Arbitration" 35 U.Pa. J.Int'l Rev 431( 2014) <http://heinonline.org>
24. Andria Giardina, "International Investment Arbitration: Recent development as to the applicable law" Law and Practise of International Courts and Tribunal 5: 29-39(2006) <http://heinonline.org>
25. Velmir Zivkovic , "Contracts, Treaties and Umbrella Clauses: Some Jurisdictional Issues in International Investment Arbitration" <file:///C:/Users/vinoj/Downloads/SSRN-id2119861.pdf>
26. Alexandre de Garmonte, "Key Issues and Recent developments in International investment treaty"<http://www.crowell.com/documents/Key-Issues-and-Recent-Developments-in-International-Investment-Treaty-Arbitration.pdf>
27. UNCTAD, "Recent developments in Investor-state dispute settlement" <file:///C:/Users/vinoj/Desktop/International%20investment%20law-pres/M-5-REFERNCE%20CASES%20RECENT.pdf>

# **SPORTS LAW**

## **(No. of Hrs. 60-80 Hrs.)**

### **COURSE OBJECTIVES**

1. To understand the sociology of sports – in political, social, economic and cultural context
2. To apply traditional principles of contract law to sports contracts
3. To study and apply interplay between sports and tortious act
4. To understand the extent of applicability of criminal law to sporting activities
5. To study and analyze the legal regulation for drug abuse, discrimination, safety and employment issues in sports
6. To understand the interface between in sports and IPR and antitrust issues through extensive coverage of case law
7. To understand and analyze dispute settlement mechanism

### **COURSE OUTCOMES:**

At the end of the course students must be able to:

1. Draft sports contracts by incorporating special clauses
2. Apply tort law and criminal law provisions in civil and criminal litigations
3. Apply international procedural rules in sports disputes
4. Draft model sports law under Indian Legal Regime

### **UNIT 1- HISTORICAL PERSPECTIVE ON SPORTS REGULATIONS**

- Definition of sports
- Sociological and political aspects of sports
- Need for legal definition
- History of sports and historical perspectives of sports regulations and various regulatory regimes.

### **UNIT 2 – COMMERCIALIZATION OF SPORTS AND MODELS OF REGULATION**

- Commercialization of sports
- The normative rule structure of sports
- Challenges to the rules
- Juridification of sports – the role of law
- Different types of sporting bodies

### **UNIT 3 – LEGAL REGULATION OF SPORTS GOVERNING BODIES**

- Self regulation and its evaluation
- Judicial review
- Alternate dispute mechanisms in sports
- Sports ombudsman
- Legal regulation of doping in sports
- Sports participants and the law of discrimination

#### **UNIT 4 - CONTRACTUAL TERMS AND OBLIGATIONS**

- Contractual obligations and the player's obligations
- Prohibition against certain activities
- The employer's obligation
- Other terms and conditions  
(primacy and regulatory authorities, term and termination, discipline)

#### **UNIT 5 - INTELLECTUAL PROPERTY RIGHTS AND SPORTS**

- Intellectual property rights and sports -how can it be protected?
- The importance of branding
- Trademarks, copyrights and patents
- Sports personality rights
- Unfair competition

#### **UNIT 6 - SAFETY IN SPORTS: LEGAL ISSUES**

- Controlling participator law by criminal law
- Defences in criminal law
- Criminal law punishments
- Tort and extending tortious liability
- Compensation in torts
- Safety of spectators and participants and stadium safety.

#### **SCHEME OF VALUATION**

- |  |                   |
|--|-------------------|
| • CIA I - Class Test / Assignment / Presentation | - 10%             |
| • CIA II - Mid Semester Examination              | - 25%             |
| • CIA III - Research Topic                       | - 10%             |
| • Attendance                                     | - 05%             |
| • End Semester Examination                       | - 50%             |
|  | <b>TOTAL 100%</b> |

#### **SUGGESTED READINGS**

1. *Sports Law*, third edition, Simon Gardiner and mark James , Cavendish Publishing Ltd.
2. *Law and the business of sports*, David Griffith Jones, Butterworths publishers.
3. *Sport and the Law*, Edward Grayson, Tottel Publishing.
4. *Sport and the Law: The Scott Perspective*, William J Stewart, TandT Clark Edinburgh 2000.
5. *Sports Law and Regulations*, Mitten Davis and Smith Berry, Aspen Publishers, Wolters Kluwer(Law and Business)

# LAW OF EXECUTION

(No. of Hrs. 60-80 Hrs)

**COURSE OBJECTIVES:** Adjudication of dispute in favour of litigant in itself does not mean complete discharge of justice. The benefits given under the adjudication must reach the litigant. Execution is the most important aspect of civil justice. This course on law of execution of decree and orders of court in civil jurisprudence is aimed at providing a thorough understanding of the procedure to execute a decree contained in Order XXI of Code of Civil Procedure. The objective is to ensure an understanding on the powers and limitations of an executing court in deciding issues related to discharge and satisfaction of a decree; to provide detailed procedural steps to be followed by the decree-holder while applying for execution; to enable students to understand different modes of execution and select the most effective mode for particular decrees; to learn the procedure to execute foreign judgment and arbitral award; to enable students to apply the procedural provisions in drafting application for execution of various kinds of decrees and further to equip students with the analytical skill of raising plausible objections, identifying alternate remedies and identifying the consequences of specific modes of execution in terms of their limitations and effectiveness.

**COURSE OUTCOME:** On completion of this course, students will be able:

1. to get understand the practical application of the procedure of execution of decree in civil courts.
2. to identify all the necessary clauses to be included in an application for execution and determine whether a particular dispute can be decided by the executing court.
3. to analyse the limitations and consequences of each mode of execution and to identify the most suitable mode of execution for a particular kind of decree out of arrest and detention, attachment of property, sale of property etc.
4. to analyse an execution application to raise effective objections to the same, find alternate modes or remedies for the judgment-debtor also.
5. to distinguish between the execution procedure for decrees by Indian courts and execution of foreign judgment and arbitral awards in India.
6. to apply and incorporate the provisions relating to execution in CPC to draft execution applications and objections.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, Student presentations, Simulation Exercise as per the requirement of each Unit.

## UNIT 1: INTRODUCTION

12 Hrs.

Learning outcome: Students will be able to identify decisions of court in terms of capacity to be executed and also determine the jurisdiction of the executing court in deciding issues relating to discharge, satisfaction of a decree.

General study of execution-Provisions relating to execution in general-Definitions-General principles of execution-Transfer of decree for execution - Questions to be determined by executing court

**UNIT 2: PROCEDURE**

**12 Hrs.**

Learning outcome: Students will be able to identify the clauses necessary to be incorporated in an execution application.

Execution against public officers-Proceedings by or against legal representatives - Enlargement of time-Caveat-Inherent powers-Courts executing decree-Application for execution- Process for execution - Stay of execution

**UNIT 3: MODES OF EXECUTION**

**12 Hrs.**

Learning outcome: Students will be able to understand the procedure followed in different modes of execution and to determine the limitations and consequences of each of them in order to identify the most effective mode of execution for different kinds of decrees

Delivery of property - Payment of money - Restitution of conjugal rights - Specific performance of contract - Arrest and detention in civil prison-Attachment- Garnishee orders-Adjudication of claims & objections to attachment - Determination of attachment- Sale of property

**UNIT 4: APPEAL AND REVISION**

**8 Hrs.**

Learning outcome: Students will have learnt the remedies available against orders of executing court and the procedure for the same.

Appeal-Second Appeal- Revision

**UNIT 5: INJUNCTION AND OTHER DECREES**

**8 Hrs**

Learning outcome: Students will be able to distinguish between the procedure to execute decree passed by courts in India and execution of foreign judgment as well as arbitral award.

Injunction -Execution of foreign judgment - Execution of arbitral awards

**UNIT 6: LIMITATION AND RESISTANCE TO EXECUTION**

**8 Hrs.**

Learning outcome: Students will have learnt the procedure to be followed where judgment-debtor or any person obstructs execution of decree.

Limitation for satisfaction of decree-Resistance to execution

## SUGGESTED READINGS

1. Sir Woodroff & Ameer Ali's Law on Execution of Decrees and Orders, 4<sup>th</sup> Ed  
Delhi Law House, 2016
2. Kant Mani. Law of Execution of Decrees &Orders:Kamal Publishers,2017
3. Y.P Bhagat .Law of Execution procedures:Universal publishers,2016
4. Mulla. *Code of Civil Procedure*. New Delhi: Universal Publishing Co., 1999
5. Thacker, C. K. *Code of Civil Procedure*. New Delhi: Universal Publishing Co., 2000.
6. Mallick M. R. (Ed.). *B. B. Mitra on Limitation Act*. Lucknow: Eastern Book Co.,  
1998

## FORENSIC SCIENCE AND LAW

(No. of Hrs. 60-80 Hrs)

**COURSE OBJECTIVES:** Use of science in adjudication is Forensic science. In modern times criminal justice scenario, the traditional sources of proof which go on to include approvers, eyewitness have gone awry. The trials take just too long to keep the witnesses from turning hostile and the criminals are turning cleverer and more scientific. It is important that the prosecution agencies rely on something more authentic, more concrete and more productive in terms of convictions without the police having to resort to the methods which not only violate fundamental human rights but also fail to produce positive results most of the time. There has to be something that is available, hence, not prone to the whims of the witnesses. The answer is provided by the science, as by nature scientific evidence is, more or less, exact, far more reliable and does not turn hostile under threats. Besides it works on clue materials, which are always available. The most important function of scientific investigation is to convert suspicion into reasonable certainty of either guilt or is to convert suspicion into reasonable certainty of either guilt or innocence.

### COURSE OUTCOMES

At the end of the course students will be able to -

1. Comprehend the importance of forensic science in imparting criminal justice.
2. To identify various physical evidences and techniques involved in their collection in a crime scene.
3. List out various procedures, tools and techniques involved in forensic investigation and interrogation.
4. Evaluate the admissibility of various forensic evidences and interrogation techniques.
5. Apply various procedures involved in collection, preservation and production of forensic evidence

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT

### UNIT 1: FORENSIC SCIENCE AND LAW

**Learning outcomes:** The first UNIT introduces the basic idea of using scientific knowledge in legal proceedings by tracing its historical evolution. It also outlines the significance and importance of expert evidence in adjudication.

Historical perspective, Development of forensic science, Forensic science in aid of law, Need and use of forensic science in criminal investigation, Principles of forensic science.

## **UNIT 2: SCIENTIFIC CRIMINAL INVESTIGATION**

**Learning outcomes:** This UNIT focuses on expert evidence as contemplated under evidence Act. It also highlights problems of proof and legal requirements for establishing facts.

Law in forensic science, Expert testimony, Physical evidence, Problems of proof, Tools and technique, Forensic science institutions.

## **UNIT 3: EVIDENTIARY CLUES**

**Learning outcomes :** At the end of this UNIT, students would be able to understand the crime scene investigation, collection of materials and reporting the evidence.

Sources, scene of occurrence, Police photography, Sketching the scene, Role of investigator, Fingerprints, Voice analysis, Track marks, Tool marks, Firearms, Narcotics, Hairs, Body fluids, Poisons, narcotics.

## **UNIT 4: INTERROGATION**

**Learning outcomes:** This UNIT provides insights into existing scientific methods for interrogation and their legal validity through leading judicial decisions.

Basics of interrogation, Scientific aids, Narcoanalysis, Hypnosis, Psychological detection of deception, Brain mapping, DNA profiling, Polymerase chain reaction.

## **UNIT 5: ELEMENTARY FORENSIC MEDICINE**

**Learning outcomes:** Forensic medicine is an important aspect of forensic science. This UNIT gives basic inputs to students to understand the role of forensic medicine in offences relating human body.

Death and investigator's role, Identification of death, Time of death, Cause of death, Injuries, Asphyxia, Identification of the dead, Sexual offences, Infanticide abortion.

## **UNIT 6: ADMISSIBILITY OF SCIENTIFIC EVIDENCE**

**Learning outcomes:** Crucial part of legal proceedings is to present evidence before the court of law. This UNIT aims at making students to understand the admissibility of forensic evidence in legal proceedings and their presentation before the court and its cross examination with reference to constitutional validity and right to privacy of accused.

Constitutional privileges to accused, Provisions under various legislations, Admissibility of scientific evidence in India and the world, Constitutional validity of scientific evidences including brain mapping, narco-analysis and lie detector tests, polygraph tests, Case laws and case study.

## SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

## SUGGESTED READINGS:

1. Sharma, B.R., *Scientific Criminal Investigation*, Universal Law Publishing Co. New Delhi, 2006.
2. Rogers Richard, Daniel W. Shuman, *Fundamentals of Forensic Practice: Mental Health and Criminal Law*, Springer Publications, USA, 2005.
3. Stelfox, Peter, *Criminal Investigation: An Introduction to Principles and Practice*, Willan Publishing, USA, 2009.
4. S. Subramanian, *Forensic Science in Investigation of Crime*, S. Gogia and Company, Hyderabad, 2007.
5. Sharma, B.R., *Forensic Science in Criminal Investigation and Trials*, Universal Law Publishing Co., New Delhi, 2010.
6. K. Kaul, Satyendra, Mohd. H. Zaidi, *Narcoanalysis, Brain Mapping, Hypnosis and Lie Detector Tests in Interrogation of Suspect*, Alia Law Agency, Allahabad, 2009.

# INTERNATIONAL TAXATION

(No. of Hrs. 60-80 Hrs.)

## COURSE OBJECTIVES

1. Introduce the concept, scope and relevance of international taxation and the existing legal framework.
2. Enhance the skills of interpretation and the application of the traditionally established principles of law to international taxation, in the absence of specific provisions.
3. Provide in- depth understanding of the existing legal framework through the involvement of case studies and adoption of comparative analysis with other jurisdictions.
4. Introduce global challenges, emerging issues of law around the world.

## COURSE OUTCOMES:

Having successfully completed this course, students will be able to:

1. Analyse the concepts relating to tax avoidance agreements and tax treaties
2. Evaluate and critically assess the impact of the principles considered on individuals and businesses
3. Identify, describe and analyse the law of international taxation and its development and international harmonization.

## UNIT -1

Basic principles of international taxation – Taxation under Indian laws – OECD, UN and Tax treaty network – Tax treaties – Legal nature and effect of tax treaties and objectives of tax treaties- treaties between nations – interpretation of treaties

## UNIT - 2

Double Taxation system - Double taxation - causes and relief mechanisms, deduction, exemption and credit methods- history, nature and function – Persons covered under DTAA, taxes and general definitions – permanent establishments- the OECD models for double taxation – double taxation system in India – international tax avoidance – income from immovable properties – business profits – shipping, inland waterways transport and air ways – methods of estimating double taxation

## UNIT - 3

Associated enterprises – basics of transfer pricing – international transactions – Asrm's length principle and computation - documentation of transfer pricing and capitalism –

international tax avoidance - Dividend, interest and royalties - determination of income of branch or PE of a corporation- transfer of intangible property -

#### **UNIT - 4**

Services - Independent and dependent personal services - director's fees - artistes and sportsman- pensions - government service - students - non-resident taxation as per domestic law

Provisions of Income Tax Act on international persons- mutual agreements procedure,- exchange information - assistance and collection of data - members of diplomatic missions and consular posts - territorial extensions - TDS on non-residents under S.195 of IT Act

#### **UNIT - 5**

Anti-Avoidance measures - introduction - Thin capitalization rules - controlled foreign corporation rules - jurisdiction approach - definition and computation of attributable income- nature and scope of exemptions - offshore investment funds

#### **UNIT - 6**

Emerging issues - Harmful tax exemptions - identification - Tax havens - countermeasures - taxation of e-electronic commerce - characteristics of income from e-commerce - Jurisdiction issues

#### **SCHEME OF VALUATION**

• CIA I - Class Test / Assignment / Presentation	- 10%
• CIA II - Mid Semester Examination	- 25%
• CIA III - Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

#### **SUGGESTED READINGS:**

1. Rohatogiroy, Basic international taxation Vol. I : Principles of international taxation
2. Gopalkrishna K.C, Textbook on International taxation
3. Aravind p Datar, International taxation: Important aspects and issues

# **ANTITRUST AND PATENT LAW**

**COURSE OBJECTIVES:** The antitrust-patent law intersection has become a critical field of public policy. In the new emerging economy, strategic importance of innovations and patent holding is increasingly becoming important for business organizations. Even though philosophies of patent law and competition law appears to be diagonally opposite, recent developments illustrate their complementary role in promoting innovations. The purpose of the course is to provide basic understanding of interplay between competition law and patent law and its impact on innovations and market economy.

## **COURSE OUTCOMES:**

At the end of the course students will be able to -

1. Identify and describe the concept taught in the respective module.
2. List out the essential characteristic of the concept
3. Apply the concept correctly to legal problems.
4. Analyse the legal concept.
5. Evaluate as against other events of a similar nature and articulate the problem areas for the deficiency.

## **UNIT -1 INTRODUCTION**

Philosophies of competition law and patent law - Patent-competition intersection - Developments in antitrust law - Actavis case of US - AstraZeneca case of EU - Standard Essential Patents - Patent Assertion entities

## **UNIT- 2 PATENT AND ANTITRUST LAWS OF US, EU AND INDIA**

Patent systems economic functions - US-EU-India patent system - Divergence in competition - Patent law Policies, Traits and goals

## **UNIT -3 UNDERSTANDING PATENT - COMPETITION LAW INTERFACE**

Evolving views of patent-competition law intersection - scope of patent theory-antitrust - IP interface - Rethinking on Patent-Antitrust relationship

## **UNIT- 4 SPECIFIC ISSUES IN TECHNOLOGY MARKETS**

Market definition - patented technology and market - market power - patent monopoly power - Antitrust issues in secondary open and closed systems - Noerr-Pennigton doctrine

## **UNIT- 5 PATENT HOLD-UP AND MISUSE**

Standard setting hold up - Antitrust limits on SEPs - SEP assertion - Targeted patent aggregation - Patent misuse

## **UNIT - 6 AGREEMENT CONCERNING PATENTED TECHNOLOGY**

Antitrust rules on patent licensing - Technology transfer - Reverse payments - Exclusionary payments - Pay-for-delay agreements

### **SUGGESTED READINGS:**

1. Alan Devlin, *Antitrust and Patent Law*, 2016
2. Michael A Carrier, *Innovation for 21<sup>st</sup> century*, 2009

## **DIGITAL EVIDENCE**

**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES:** Takes a detailed, hands on approach to the network security breaches to child pornography, the common bridge is the demonstration that particular electronic media contains incriminating evidence. Using modern tools and techniques, students learn how to conduct a structured investigation process to determine exactly what happened and who was responsible and to perform this investigation in such a way that the results are useful in criminal proceedings. Real world case studies will be used to provide better understanding.

### **COURSE OUTCOMES:**

At the completion of this course students who will be able to:

1. Identify and describe the concept taught in the respective module.
2. List out the essential characteristic of the concept
3. Apply the concept correctly to legal problems.
4. Analyse the legal concept.
5. Evaluate as against other events of a similar nature and articulate the problem areas for the deficiency.

**TEACHING METHODOLOGY:** Lecture Method, Power Point presentations, Student Presentations, Discussion on recent cases, Documentaries

**LEARNING OUTCOME** Upon the completion of the course students will be able to :Explain digital forensics and investigations on digital media. Identify relevant electronic evidence , locate and recover relevant electronic evidence from digital media using various tools , identify and articulate probable cause as necessary to obtain a warrant to search for electronic artifacts and recognize the limits of warrants, present the evidence and conclusions of an investigation in a report form.

### **UNIT 1 INTRODUCTION TO INFORMATION TECHNOLOGY LAW**

The need for sui juris law to deal with cyberspace Theft of data, possession of data, mobility of data, access. Evolution of Cyber Law in India Acts. Important terms and definitions access, affixing digital signature, asymmetric crypto system, computer, computer network, computer resource, computer system, data, digital signature, electronic form, electronic record, function, information, intermediary.

### **UNIT 2 DIGITAL EVIDENCE AND THE INDIAN LAW**

Relevant provisions of the Indian Evidence Act, 1872 as amended by the Information Technology Act –sections 3, 17, 22A, 34, 35, 39, 47A, 59, 65A, 65B, 67A, 73A, 81, 85A, 85B, 88A, 90A, 131. Relevant provisions of the Bankers' Books Evidence Act, 1891as

amended by the Information Technology Act sections 2, 2A. Relevant provisions of the Information Technology Act section 79A Examiner of Electronic Evidence

### **UNIT 3 FUNDAMENTALS OF DIGITAL FORENSICS**

- a. Introduction to digital forensics
- b. Digital evidence and investigations
- c. Real life examples of computer crime

### **UNIT 4 DIGITAL EVIDENCE ACQUISITION**

In this chapter will be discussed on the implications of related law, Processing of crime and incident scenes and the process of digital evidence acquisition.

### **UNIT 5 METHODS OF PERFORMING EVIDENCE EXAMINATION**

The chapter deals with the procedure of evidence examination where the evidence can be extracted and analyzed and the recovering of graphic files and identifying the unknown file formats , e- mail investigations and cell phone and mobile devices forensics.

### **UNIT 6 EVIDENCE PRESENTATION**

The chapter deals with the documenting and reporting of the evidences and the guidelines in writing reports and the use of forensics tools to generate reports.

### **UNIT 7 CASE STUDIES AND EXAMPLES**

This chapter aims to give you, the reader, a chance to see and practice the application of the techniques and methods described in the preceding chapters. Some of the cases presented here are real, but anonymised as much as possible to avoid causing further distress to those directly involved, others are fictitious but based on typical cases in which the author has been involved.

### **SCHEME OF VALUATION**

- |  |                   |
|--|-------------------|
| • CIA I – Class Test / Assignment / Presentation | - 10%             |
| • CIA II – Mid Semester Examination              | - 25%             |
| • CIA III – Research Topic                       | - 10%             |
| • Attendance                                     | - 05%             |
| • End Semester Examination                       | - 50%             |
|  | <b>TOTAL 100%</b> |

### **SUGGESTED READINGS**

1. The Indian Evidence Act , 1872
2. Banker’s Book Evidence Act , 1891
3. The Information technology Act

## **LAW OF WRITS**

**(No. of Hrs. 60-80 Hrs)**

**COURSE OBJECTIVES:** The Indian Judicial system is predominantly of common law origin of Britain. Formerly the extraordinary clout of issuing writs was exercised by Crown only but however later the power is being exercised by courts. After the Indian Constitution coming into force the prerogative writs are being issued by High Courts under Article 226 and for enforcement of fundamental rights, similar writs or directions are being issued by the Apex Court under Article 32 of the Constitution of India. Moreover, the general public and also the segments of the society for whom certain special constitutional provisions and safeguards had been provided for under the Constitution, are invoking the writ jurisdiction for redressal of their grievances. Thus the main objective of the course is to make the students learn and understand the broadening horizons of the subject which has expanded by leaps and bounds.

### **COURSE OUTCOMES:**

1. Analyse and describe the historical evolution and relevance of writ jurisdiction.
2. Analyse the ambit of writ jurisdiction under the Art. 32 and Art. 226
3. Assess and apply the potential of writ jurisdiction and identify exceptions to the same particularly the novel reliefs moulded by the Supreme Court of India.
4. Identify and take recourse to reliefs for the infraction of Principles of Natural Justice by the state and its administrative agencies.
5. Identify and assess the ambit of judicial review and its limitations.
6. Assess and relate to the developments in this regard in United States, England and Canada
7. Appreciate and analyse the concept of judicial activism and consider its advantages and disadvantages.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each Unit.

### **UNIT 1: NATURE AND ORIGIN OF THE WRITS**

**Hrs. 8**

**Learning Outcome:** On completion of this Unit students will be able to have a clear understanding of the historical evolution, nature and fundamental principles of the writ jurisdiction.

Meaning and historical background of the writs, Scope of the power of the courts, Nature of the proceedings, *Locus standi*, Nature of the relief, Types of writs.

### **UNIT 2: GENERAL PRINCIPLES OF THE WRIT JURISDICTION**

**Hrs. 7**

**Learning Outcome:** On completion of the Unit the students will have a better

understanding of writ jurisdiction and powers of the Supreme Court and High Court and other principles and matters related to it.

Writ jurisdiction of the Supreme Court and High Court, Petition under Article 32, Writ under Article 226, Territorial Jurisdiction, Orders and directions of the Supreme Court, Delay, Laches and Acquiescence, Compensatory Jurisprudence.

### **UNIT 3: PRINCIPLES OF NATURAL JUSTICE AND PUBLIC INTEREST LITIGATION** **Hrs. 7**

**Learning Outcome:** On completion of this Unit the students will have a better understanding of how principles of natural justice cuts across through realm of judicial and administrative system and impact the writ jurisdiction of the Apex court.

Meaning, applicability, violation of Natural Justice, Statutory provisions and natural justice, Legislation and Policy matters- Natural Justice not applicable, Waiver of the rules, Administrative Discretion, Public Interest Litigation and writ jurisdiction of the courts.

### **UNIT 4: JUDICIAL REVIEW** **Hrs. 7**

**Learning Outcome:** On completion of this Unit the students will acquainted with the intricacies of the concept of judicial review and expanding horizons of the Fundamental rights as the result of judicial activism

Scope of judicial review, procedural *ultra vires*, abuse of discretionary power, Proportionality, Legitimate expectation, Procedural Impropriety, Position in England, United States and Canada, Judicial activism.

#### **SCHEME OF VALUATION**

- CIA I – Class Test / Assignment / Presentation – 10%
- CIA II – Mid Semester Examination – 25%
- CIA III – Research Topic – 10%
- Attendance – 05%
- End Semester Examination – 50%

**TOTAL 100%**

#### **SUGGESTED READINGS**

1. Abhishek, Atrey, *Law of Writs: Practice and Procedure*, Lucknow, Kamal Publishers, New Delhi, 2015.
2. Pandya, Asim, *Writs and Other Constitutional Remedies*, Lexis Nexis, Nagpur, 2009.
3. Mallick, M.R., *Writs: Law and Practice*, Eastern Law House, Kolkata, 2008.
4. Banerjee, Justice B.P., *Writ Remedies*, Lexis Nexis, Nagpur, 1987.
5. Hansaria, Justice B.L., *Writ Jurisdiction*, Universal Law Publishing Co., New Delhi, 2007.

## **SPACE LAW**

**(No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** Entering into the outer space is among the furthestmost triumph in the history of the mankind. Exploration of the outer space has resulted in the hasty developments in the scientific and technological field. But at the same time it carried number of problems requiring legal solutions. Consequently, the space law started to emerge as a separate branch of international law. Now with the colossal advancement in the meadow of space technology, the legal regime of the outer space is overlapping with the municipal laws, such as law of financing, intellectual property law, tort law, criminal law, information technology law and so on. for that reason the space law, which has started as an progeny of international law, has now percolated into the municipal sphere and has gained remarkable magnitude in the present century.

### **COURSE OUTCOMES:**

At the end of the course students will be able to –

1. Analyse the principles and process of space regulation and identify and describe the various concept taught in the respective module.
2. Identify and describe the development of arguments in the context of space regulation and list out the essential characteristic of the concepts around space regulation within the international legal framework.
3. Compare, contrast and reflect on theoretical concepts underlying space regulation and analyse such legal concepts.
4. Apply a range of legal principles and methods to ascertain problems in space regulation and apply the concept correctly to legal issues.
5. Evaluate the outer space protection as against protection of the space and articulate the problem areas for the deficiency.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

### **UNIT 1: SPACE LAW: OVERVIEW AND DEVELOPMENT**

General introduction, historical outline, development of the space law, principles and definitions, benefits of space technology, boundaries of outer space.

### **UNIT 2: FUNDAMENTAL PRINCIPLES AND LEGAL REGIME**

Uses of outer space, Sovereignty in space, Common heritage of mankind, Freedom of exploration and scientific investigation, International organizations and the role of United Nations, Space treaties, Dispute settlement in international space law, Jurisdiction and control.

### **UNIT 3: REGISTRATION AND LIABILITY**

Launching state and registering state, Liability and responsibility regime under the outer space treaty, Absolute Liability and fault liability, liability of state of its private space activity, Case study.

### **UNIT 4: TRIBULATIONS AND CONCERN**

State sovereignty and claim over property rights, Demilitarization of outer space, Environmental problems related to space activities, Human habitation on celestial bodies, Commercial activities in outer space, Arms race and use of nuclear power sources in space.

### **UNIT 5: DISPUTE SETTLEMENT IN SPACE LAW**

Jurisdictional boundaries of outer space, Applicability of international dispute settlement mechanism to space law, Study of present basic framework for dispute settlement in outer space, Special requirements for dispute settlement mechanism in outer space, Assessment of existing procedures and recent efforts.

### **UNIT 6: NATIONAL PERSPECTIVE ON SPACE LAW**

Need for national space legislation, Position of India, National space programme of India, Challenges for regulatory regimes and bodies, Prospects and challenges for India, Comparative study of Indian, USA and Canadian space laws.

### **SCHEME OF VALUATION**

• CIA I - Class Test / Assignment / Presentation	- 10%
• CIA II - Mid Semester Examination	- 25%
• CIA III - Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL 100%</b>

### **SUGGESTED READINGS:**

1. Bin Cheng, *Studies in International Space Law*, Oxford: Clarendon Press, 1997.
2. SandeepaBhat B. (ed.), *Outer Space Law: From Theory to Practice*, Hyderabad: Icfai University Press, 2009.
3. SandeepaBhat B. (ed), *Space Law in the Era of Commercialization*, Lucknow: Eastern Book Company, 2010.
4. I.H.Ph. Diederiks-Verschoor, *An Introduction to Space Law*, Second revised edition, Kluwer Law International, 2010.
5. Shyamala D. and SandeepaBhat B., China's Anti-Satellite Missile Test: Political and Legal Ramifications, in SandeepaBhat B. (ed.), *Outer Space Law: From Theory to Practice*, Hyderabad: Icfai University Press, 2009.

6. Jitendra Kumar, *The Geostationary Satellite Orbit: An Overview of Issues*, in V.S Mani, S. Bhat and V. Balakista Reddy (eds), *Recent Trends in International Space Law*, 1997.
7. 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.