



SCHOOL OF LAW
NAAC Criteria 1.1.2
Program Structure 2016-17

S. No	2015-20						S. No	2016-21					
	Code	Course Title	L	T	P	C		Code	Course Title	L	T	P	C
SEMESTER 1													
1	BAL111	History- I	3	1	0	4	1	BALB1001	History- I	3	1	0	4
2	BAL112	Political Science -I	3	1	0	4	2	BALB1002	Political Science -I	3	1	0	4
3	BAL133	English for Lawyers–I	3	0	0	3	3	BALB1003	English for Lawyers– I	3	0	0	3
4	BAL183	English Practical/Lab	0	0	2	1	4	BALB1004	English Practical/Lab	0	0	2	1
5	BAL115	Legal Methods	4	1	0	5	5	BALB1005	Legal Methods	4	1	0	5
6	BAL116	Law of Contract – I (General Principles)	4	1	0	5	6	BALB1006	Law of Contract – I (General Principles)	4	1	0	5
TOTAL NO. OF CREDITS						22	TOTAL NO. OF CREDITS						22
SEMESTER 2													
1	BAL 211	History- II	3	1	0	4	1	BALB102 1	History- II	3	1	0	4
2	BAL 212	Political Science -II	3	1	0	4	2	BALB102 2	Political Science - II	3	1	0	4
3	BAL 233	English for Lawyers– II	3	0	0	3	3	BALB102 3	English for Lawyers– II	3	0	0	3
4	BAL 283	English Practical/Lab	0	0	2	1	4	BALB102 4	English Practical/Lab	0	0	2	1
5	BAL 214	Moot Court Training	0	0	2	2	5	BALB102 5	Moot Court Training	0	0	2	2
6	BAL 215	Law of Torts, Consumer Protection Act,1986; Motor Vehicles Act, 1988	4	1	0	5	6	BALB102 6	Law of Torts, Consumer Protection Act,1986; Motor Vehicles Act, 1988	4	1	0	5
7	BAL 216	Law of Contract – II	4	1	0	5	7	BALB102 7	Law of Contract – II	4	1	0	5
8	BAL 217	Internship (Four weeks) (NGO)	0	0	2	2	8	BALB102 8	Internship (Four weeks) (NGO)	0	0	2	2



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TOTAL NO. OF CREDITS							2	TOTAL NO. OF CREDITS							2
							6								6
SEMESTER 3															
1	BAL 311	Economics I	3	1	0	4	1	BALB200 1	Economics I	3	1	0	4		
2	BAL 312	Political Science III	3	1	0	4	2	BALB200 2	Political Science III	3	1	0	4		
3	BAL 313	French – I	2	0	0	2	3	BALB200 3	French – I	2	0	0	2		
4	BAL 314	Family Law – I	3	1	0	4	4	BALB200 4	Family Law – I	3	1	0	4		
5	BAL 315	Constitutional Law – I	4	1	0	5	5	BALB200 5	Constitutional Law – I	4	1	0	5		
6	BAL 316	Law of Crimes – I (IPC) (General Principles)	4	1	0	5	6	BALB200 6	Law of Crimes – I (IPC) (General Principles)	4	1	0	5		
7	BAL 317	Internship (Four weeks) (Lower Court)	0	0	2	2	7	BALB200 7	Internship (Four weeks) (Lower Court)	0	0	2	2		
TOTAL NO. OF CREDITS							2	TOTAL NO. OF CREDITS							2
							6								6
SEMESTER 4															
1	BAL 411	Economics II	3	1	0	4	1	BALB202 1	Economics I	3	1	0	4		
2	BAL 412	Political Science IV	3	1	0	4	2	BALB202 2	Political Science III	3	1	0	4		
3	BAL 413	French-II	2	0	0	2	3	BALB202 3	French-II	2	0	0	2		
4	BAL 414	Family Law – II	3	1	0	4	4	BALB202 4	Family Law – II	3	1	0	4		
5	BAL 415	Constitutional Law – II	4	1	0	5	5	BALB202 5	Constitutional Law – II	4	1	0	5		
6	BAL 416	Law of Crimes – II (IPC) (Specific offences)	4	1	0	5	6	BALB202 6	Law of Crimes – II (IPC) (Specific offences)	4	1	0	5		
7	BAL 417	Internship 4 weeks-Lower Court	0	0	2	2	7	BALB202 7	Internship 4 weeks-Lower Court	0	0	2	2		
TOTAL NO. OF CREDITS							2	TOTAL NO. OF CREDITS							2
							6								6




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SEMESTER 5

1	BAL 511	Criminal Procedure Code	4	1	0	5	1	BALB300 1	Criminal Procedure Code	4	1	0	5		
2	BAL 512	Jurisprudence	4	1	0	5	2	BALB300 2	Jurisprudence	4	1	0	5		
3	BAL 513	Corporate Law-I	3	1	0	4	3	BALB300 3	Corporate Law-I	3	1	0	4		
4	BAL 514	Law of Evidence	4	1	0	5	4	BALB300 4	Law of Evidence	4	1	0	5		
5	BAL 515	Administrative Law	3	1	0	4	5	BALB300 5	Administrative Law	3	1	0	4		
6	BAL 516	Legal Writing	2	0	0	2	6	BALB300 6	Legal Writing	2	0	0	2		
7	BAL 517	Internship 4 weeks-High Court	0	0	2	2	7	BALB300 7	Internship (Four weeks) (High Court)	0	0	2	2		
TOTAL NO. OF CREDITS							27	TOTAL NO. OF CREDITS							27

SEMESTER 6

1	BAL 611	Environmental law	3	1	0	4	1	BALB302 1	Environmental law	3	1	0	4		
2	BAL 612	Interpretation of Statutes	3	1	0	4	2	BALB302 2	Interpretation of Statutes	3	1	0	4		
3	BAL 613	Civil Procedure Code & Limitation Act	4	1	0	5	3	BALB302 3	Civil Procedure Code & Limitation Act	4	1	0	5		
4	BAL 614	Property Law	3	1	0	4	4	BALB302 4	Property Law	3	1	0	4		
5	BAL 615	Intellectual property law	3	1	0	4	5	BALB302 5	Intellectual property law	3	1	0	4		
6	BAL 616	Corporate Law II	3	1	0	4	6	BALB302 6	Corporate Law II	3	1	0	4		
7	BAL 617	Internship 4 weeks-High Court	0	0	2	2	7	BALB302 7	Internship 4 weeks-High Court	0	0	2	2		
TOTAL NO. OF CREDITS							27	TOTAL NO. OF CREDITS							27

SEMESTER 7

1	BAL 711	Labour & Industrial Law	4	1	0	5	1	BALB400 1	Labour & Industrial Law	4	1	0	5
2	BAL 712	Taxation Law I	3	1	0	4	2	BALB400 2	Taxation Law I	3	1	0	4



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3	BAL 713	Arbitration, Conciliation & Alternate Dispute Resolution (Clinical Course I)	2	1	2	5	3	BALB400 3	Arbitration, Conciliation & Alternate Dispute Resolution (Clinical Course I)	2	1	2	5		
4	BAL 714	Public International Law	3	1	0	4	4	BALB400 4	Public International Law	3	1	0	4		
5	BAL 715	Investment & Security Law	3	1	0	4	5	BALB400 5	Investment & Security Law	3	1	0	4		
6	BAL718	Internship 4 weeks-Supreme Court/Law Firm/Corporate House	0	0	2	2	6	BALB400 8	Internship 4 weeks-Supreme Court/Law Firm/Corporate House	0	0	2	2		
Honors / Major Specialization Courses							Honors / Major Specialization Courses								
7	BAL716	Honours Course I	2	1	0	3	7		Honours Course I	2	1	0	3		
8	BAL717	Honours Course II	2	1	0	3	8		Honours Course II	2	1	0	3		
TOTAL NO. OF CREDITS							3	TOTAL NO. OF CREDITS							3
							0								0
Honors / Major Specialization Courses (Any one Group)							Honors / Major Specialization Courses (Any one Group)								
Group - I							Group - I								
	BAL716C O	Media Law	2	1	0	3		BALB400 9	Media Law	2	1	0	3		
	BAL717C O	Election Law	2	1	0	3		BALB401 3	Election Law	2	1	0	3		
Group - II							Group - II								
	BAL716C P	Corporate Governance	2	1	0	3		BALB401 0	Corporate Governance	2	1	0	3		
	BAL717C P	Law on Infrastructure Development	2	1	0	3		BALB401 4	Law on Infrastructure Development	2	1	0	3		
Group - III							Group - III								
	BAL716C R	Criminology	2	1	0	3		BALB401 1	Criminology	2	1	0	3		
	BAL717C R	ICT Law	2	1	0	3		BALB401 5	ICT Law	2	1	0	3		
Group - IV							Group - IV								
	BAL716IP	Copyright Law in Film Industry	2	1	0	3		BALB401 2	Copyright Law in Film Industry	2	1	0	3		



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	BAL717IP	Law of Trademark & passing off	2	1	0	3		BALB401 6	Law of Trademark & passing off	2	1	0	3		
SEMESTER 8															
1	BAL 811	Banking & Insurance Law	4	1	0	5	1	BALB402 1	Banking & Insurance Law	4	1	0	5		
2	BAL 812	Private International Law	3	1	0	4	2	BALB402 2	Private International Law	3	1	0	4		
3	BAL 813	Competition Law	3	1	0	4	3	BALB402 3	Competition Law	3	1	0	4		
4	BAL 814	Taxation Law II	3	1	0	4	4	BALB402 4	Taxation Law II	3	1	0	4		
5	BAL 815	Human Rights & International Humanitarian Law	4	1	0	5	5	BALB402 5	Human Rights & International Humanitarian Law	4	1	0	5		
6	BAL 818	Internship 4 weeks-Supreme Court/Law Firm/Corporate House	0	0	2	2	6	BALB402 6	Internship 4 weeks-Supreme Court/Law Firm/Corporate House	0	0	2	2		
Honors / Major Specialization Courses							Honors / Major Specialization Courses								
7	BAL 816	Honours Course III	2	1	0	3	7		Honours Course III	2	1	0	3		
8	BAL 817	Honours Course IV	2	1	0	3	8		Honours Course IV	2	1	0	3		
TOTAL NO. OF CREDITS							3	TOTAL NO. OF CREDITS							3
Honors / Major Specialization Courses (Any one Group)							Honors / Major Specialization Courses (Any one Group)								
Group - I							Group - I								
1	BAL816C O	Law & Education	2	1	0	3	1	BALB402 7	Law & Education	2	1	0	3		
2	BAL817C O	Immigration Law	2	1	0	3	2	BALB403 1	Immigration Law	2	1	0	3		
Group - II							Group - II								
1	BAL816C P	Law on Corporate Finance	2	1	0	3	1	BALB402 8	Law on Corporate Finance	2	1	0	3		
2	BAL817C P	Law of Merger & Acquisition	2	1	0	3	2	BALB403 2	Law of Merger & Acquisition	2	1	0	3		



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Group - III					Group - III										
1	BAL816C R	Penology	2	1	0	3	1	BALB402 9	Penology	2	1	0	3		
2	BAL817C R	Administration of Criminal Justice - I	2	1	0	3	2	BALB403 3	Administration of Criminal Justice - I	2	1	0	3		
Group - IV					Group - IV										
1	BAL816IP	Patent Right, Creation & Registration	2	1	0	3	1	BALB403 0	Patent Right, Creation & Registration	2	1	0	3		
2	BAL817IP	Patent Drafting and Specification writing	2	1	0	3	2	BALB403 4	Patent Drafting and Specification writing	2	1	0	3		
SEMESTER 9															
1	BAL 911	Drafting, Pleading and Conveyance(Clinical Course II)	2	1	2	5	1	BALB500 1	Drafting, Pleading and Conveyance(Clini cal Course II)	2	1	2	5		
2	BAL 912	Professional Training I	0	1	3	4	2	BALB500 2	Professional Training-I	0	1	3	4		
3	BAL 913	Litigation Advocacy, Professional Ethics & Bench Bar Relations (Clinical Course III)	2	1	2	5	3	BALB500 3	Litigation Advocacy, Professional Ethics & Bench Bar Relations (Clinical Course III)	2	1	2	5		
4	BAL 921	Placement Internship	0	0	2	2	4	BALB500 4	Placement Internship (4 weeks)	0	0	2	2		
5		Elective paper 1	3	1	0	4	5		Elective paper 1	3	1	0	4		
6		Elective paper 2	3	1	0	4	6		Elective paper 2	3	1	0	4		
Honors / Major Specialization Courses							Honors / Major Specialization Courses								
9		Honours Course V	2	1	0	3	10		Honours Course V	2	1	0	3		
10		Honours Course VI	2	1	0	3	11		Honours Course VI	2	1	0	3		
TOTAL NO. OF CREDITS							3	TOTAL NO. OF CREDITS							3
							0								0



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ELECTIVE COURSES(Any Two)						ELECTIVE COURSES(Any Two)							
4	BAL 914	Telecommunication law	3	1	0	4	5	BALB5005	Telecommunication law	3	1	0	4
5	BAL 915	Energy Law	3	1	0	4	6	BALB5006	Energy Law	3	1	0	4
6	BAL 916	Natural Resources Management Law	3	1	0	4	7	BALB5007	Natural Resources Management Law	3	1	0	4
7	BAL 917	Law on Disaster Management	3	1	0	4	8	BALB5008	Law on Disaster Management	3	1	0	4
8	BAL 918	Water Law	3	1	0	4	9	BALB5009	Water Law	3	1	0	4
Honors / Major Specialization Courses (Any one Group)						Honors / Major Specialization Courses (Any one Group)							
Group - I						Group - I							
1	BAL919CO	Law of Writs	2	1	0	3	1	BALB5010	Law of Writs	2	1	0	3
2	BAL920CO	Right to Information Law	2	1	0	3	2	BALB5014	Right to Information Law	2	1	0	3
Group - II						Group - II							
1	BAL919CP	Law of Bankruptcy & Insolvency	2	1	0	3	1	BALB5011	Law of Bankruptcy & Insolvency	2	1	0	3
2	BAL920CP	Financial Market Regulation	2	1	0	3	2	BALB5015	Financial Market Regulation	2	1	0	3
Group - III						Group - III							
1	BAL919CR	Forensic Science & Law Interface	2	1	0	3	1	BALB5012	Forensic Science & Law Interface	2	1	0	3
2	BAL920CR	Administration of Criminal Justice II	2	1	0	3	2	BALB5016	Administration of Criminal Justice II	2	1	0	3
Group - IV						Group - IV							
1	BAL919IP	Biodiversity Protection	2	1	0	3	1	BALB5013	Biodiversity Protection	2	1	0	3



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2	BAL920IP	IPR in Pharma Industry	2	1	0	3	2	BALB501 7	IPR in Pharma Industry	2	1	0	3
SEMESTER 10													
1	BAL X11	Public Interest Lawyering, Legal Aid & Para Legal Services(Clinical Course IV)	0	0	4	4	1	BALB502 1	Public Interest Lawyering, Legal Aid & Para Legal Services(Clinical Course IV)	0	0	4	4
2	BAL X12	Law, Science & Technology	3	1	0	4	2	BALB502 2	Law, Science & Technology	3	1	0	4
3	BAL X13	Professional Training II	0	1	3	4	3	BALB502 3	Professional Training II	0	1	3	4
4		Elective paper 1	3	1	0	4	4		Elective paper 1	3	1	0	4
5		Elective paper 2	3	1	0	4	5		Elective paper 2	3	1	0	4
Honors / Major Specialization Courses							Honors / Major Specialization Courses						
9		Honours Course V	2	1	0	3	10		Honours Course V	2	1	0	3
10		Honours Course VI	2	1	0	3	11		Honours Course VI	2	1	0	3
TOTAL NO. OF CREDITS							TOTAL NO. OF CREDITS						
ELECTIVE COURSES(Any Two)							ELECTIVE COURSES(Any Two)						
	BAL X14	Air & Space Law	3	1	0	4	4	BALB502 4	Air & Space Law	3	1	0	4
	BAL X15	Maritime Law	3	1	0	4	5	BALB502 5	Maritime Law	3	1	0	4
	BAL X16	Cyber Law	3	1	0	4	6	BALB502 6	Cyber Law	3	1	0	4
	BAL X17	Sports Law	3	1	0	4	7	BALB502 7	Sports Law	3	1	0	4
	BAL X18	Health Law	3	1	0	4	8	BALB502 8	Health Law	3	1	0	4
Honors / Major Specialization Courses (Any one Group)							Honors / Major Specialization Courses (Any one Group)						
Group - I							Group - I						
1	BAL919C O	Comparative Constitution BALB5029	2	1	0	3	1	BALB502 9	Comparative Constitution	2	1	0	3
2	BAL920C O	Judicial Process BALB5033	2	1	0	3	2	BALB503 3	Judicial Process	2	1	0	3
Group - II							Group - II						



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BAL919C P	International Trade Law	2	1	0	3	BALB503 0	International Trade Law	2	1	0	3
BAL920C F	International Taxation	2	1	0	3	BALB503 4	International Taxation	2	1	0	3
Group - III						Group - III					
BAL919C R	Comparative Criminal Procedure	2	1	0	3	BALB503 1	Comparative Criminal Procedure	2	1	0	3
BAL920C R	International Criminal Law	2	1	0	3	BALB503 5	International Criminal Law	2	1	0	3
Group - IV						Group - IV					
BAL919IP	International Intellectual Property Law	2	1	0	3	BALB503 2	International Intellectual Property Law	2	1	0	3
BAL920IP	Law of Trade Secret & Technology Transfer	2	1	0	3	BALB503 6	Law of Trade Secret & Technology Transfer	2	1	0	3

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BAL/BBL-512	Jurisprudence	L	T	P	C
Version1.1	July 2017	4	1	0	5
Pre-requisites//Exposure	Legal History, Constitution of India				
co-requisites	Transfer of Property Act				

1.0 Course Objectives

The main objects of the course is-

- To analyse, explain understand and classify the law.
- To compare and contrast law with other field of knowledge.
- To reveal the conceptual and theoretical part.

2.0 Course Outcome

At the end of completion of this course the students will be equipped following learning:

- This course will also give understanding of jurisprudence of property, liability and ownership.
- Students will come to know the reasons of difference in various thinkers and its current relevancy.
- Students would also be able to identify the acceptance and use of theories by judiciary in India.

3.0 Catalogue Description

This course in jurisprudence explores central aspects of the role of law in modern society. Jurisprudence may be considered to be the study and systematic arrangement of the general principles of law. Jurisprudence is mother of all. A course in jurisprudence should, primarily, induct the students into a realm of questions concerning law so that he is able to live with their perplexity or complexity and is driven to seek out answers for himself. It may not be possible that one year jurisprudence course can impart knowledge of doctrines about law and justice, developed over the years, in various nations and historical situations. At best an undergraduate course should impart the analytical skills and equip the student with the basic problems concerning law and the types of solutions sought. Since a basic idea in the designing of this course is to bring jurisprudence closer to our reality, in the selection of cases and reading materials the teacher should try to make use of the Indian material as far as possible.

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4.0 Text Books

1. Boderheimer, *Jurisprudence-The Philosophy & Method of Law* (1996) Universal Law Publishing Co. Pvt.Ltd, Delhi.
2. R.W.M. Dias, *Jurisprudence* (1994) Indian Reprint-Adithya Books, Delhi
3. Fitzgerald, *Salmond on Jurisprudence* (1999), Tripathi, Bombay
4. Prof S N Dhyani, *Jurisprudence- and Indian Legal Theory* (1999)
5. John Rawls, *A Theory of Justice* (2000), Universal, Delhi.
- 6.V. D. Mahajan, *Jurisprudence and Legal Theory* (1996 re-print), Eastern Books, Lucknow.
7. H.L.A. Hart, *The Concept of Law* (1970), Oxford, ELBS.
8. Paton G. W., *Jurisprudence*(1972), Oxford, ELBS.
9. M.D.A. Freeman (ed.), *Lloyd's Introduction to Jurisprudence*, (1994), Sweet and Maxwell.
10. Dr. Vijay Ghormade, *Jurisprudence and Legal Theory*, Hind Law House.
11. N.V. Pranjape, *Studies In Jurisprudence And Legal Theory*, Central Law Agency.
12. Nomita Aggarwal, *Jurisprudence (Legal Theory)*, Centarl Law Publication.
13. M.P. Tondon, *Jurisprudence Legal Theory*, Allahabad Law Agency.
14. N.V. Jayakumar, *Lectures in Jurisprudence*, 2nd Ed., Lexis-Nexis.
15. Dr. B.N. Mani Tripathi, *Jurisprudence Legal Theory*, Allahabad Law Agency.
16. P.S. Atchthew Pillai, *Jurisprudence and Legal Theory*, Eastern Book Company.
17. Prof. G.C. Venkata Subba Rao, *Jurisprudence and Legal Theory*, Eastern Book Comp.
18. Feinberg & Coleman, *Philosophy of Law*, 8th ed. or later (Thomson - Wadsworth)
19. Altman, Andrew, *Arguing About Law: An Introduction to Legal Philosophy* 2nd ed.
(Thomson - Wadsworth)



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References:

Articles:

1. N. MacCormick, 'Contemporary Legal Philosophy: The Rediscovery of Practical Reason' *Journal of Law and Society* 10 (1983), 1.
2. J. Raz, 'The Problem About the Nature of Law' in J. Raz, *Ethics in the Public Domain* (Oxford 1994).
3. N. MacCormick & W. Twining, 'Theory in the Law Curriculum' in Twining (ed.), *Legal Theory and Common Law* (Oxford 1986).
4. P.M.S. Hacker, 'Hart's Philosophy of Law' in Hacker & Raz (eds.), *Law, Morality and Society* (Oxford 1977)

E-Journals:

1. *Law and Philosophy*, link <http://link.springer.com/journal/volumesAndIssues/10982>
2. *Erudite Journal of Law and Jurisprudence* (EJLJ), link <http://www.eruditejournals.org/ejll/>
3. *The Canadian Journal of Law and Jurisprudence*,
http://law.uwo.ca/research/the_canadian_journal_of_law_and_jurisprudence/2013_january.html
4. *AGORA International Journal of Juridical Sciences*
<http://www.juridicaljournal.univagora.ro/?page=home>
5. *Amsterdam Law Forum*- <http://www.amsterdamlawforum.org/>
6. *Asian-Pacific Law & Policy Journal*- <http://www.hawaii.edu/aplpj/>
7. *Duke Journal of Gender and Law Policy*-<http://djglp.law.duke.edu/>
8. *Journal of Legal Analysis*-<http://jla.oxfordjournals.org/>

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5.0 Course Contents

Module I: Introduction

4 lectures

- ❖ Nature and scope of Jurisprudence
- ❖ Need for study of Jurisprudence
- ❖ Linkage between Jurisprudence and other sciences

Module II: Schools of Jurisprudence

14 lectures

- ❖ Natural Law
 - (i) Thomas Aquinas
 - (ii) Lon Fuller
 - (iii) John Finnis
- ❖ Analytical Positivism
 - (i) Austin's Theory of Law
 - (ii) Bentham's Positivism
 - (iii) Kelsen's Pure Theory of Law
 - (iv) Hart's Concept of Law
 - (v) Critique to positivism
- ❖ Historical Jurisprudence
- ❖ Sociological Jurisprudence with Indian Perspective
- ❖ Legal Realism

Module III: Administration of Justice

8 lectures

- ❖ Concept of Justice
- ❖ Dharma as the foundation of legal ordering in Indian thought
- ❖ Theories of justice in the western thought
- ❖ Relation between Law and Justice- John Rawls
- ❖ Law, Morality and Justice

Module IV- Concepts of Law

10 lectures



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❖ Rights and Duties- Hohfeld

❖ Personality

(i) Definition and Nature of Personality

(ii) Legal Status of Unborn Children, Minor, Lunatic, Drunken, Dead Persons, Animals and State

(iii) Legal Personality of State

(iv) Status of Corporate Personality

❖ Possession, Ownership and Property

(i) Concept of Possession and Ownership.

(ii) Theories of Possession and Ownership.

(iii) Kinds of Possession and Ownership.

(iv) Modes of Acquiring Possession and Ownership.

Module V Principles of Liability

6 lectures

❖ The Definition and Nature of Liability.

❖ Liability and Negligence

❖ Kinds of Liability- Absolute Liability, Limited Liability, Immunity

❖ Theories of Liability

❖ General Conditions of Liability

8.0 Leading Cases:

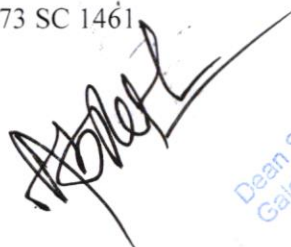
1. *A. K. Gopalan v. State of Madras*, AIR 1950 SC 27.

2. *Golak Nath v. State of Punjab*, AIR 1967 SC 613.

3. *A. K. Ray v. Union of India*, AIR 1982 SC 710.

4. *Sarla Mudgal v. Union of India*, AIR 1995 SC 31

5. *Keshvanand Bharti v. State of Kerala*, AIR 1973 SC 1461



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6. *J. K. Steel & Co. v. Mazdoor Union*, AIR 1958 SC 231.
7. *Sangram Singh v. Election Commissioner*, AIR 1955 SC 425.
8. *A. K. Kraipak v. Union of India*, AIR 1970 SC 150.
9. *Md. Aslam v. Union of India*, AIR 1995 SC 548.
10. *Indira Gandhi v. Union of India*, AIR 1991 SC 631.
11. *Subhash Sharma v. Union of India*, AIR 1991 SC 631.
12. *State Trading Corporation of India v. CTO*, AIR 1963 SC 1811.
13. *State of Gujarat v. Shantilal*, AIR 1969 SC 637.
14. *R C. Cooper v. Union of India*, AIR 1970 SC 564.
15. *Baba F. Guzder v. Commr. of IT Bombay*, AIR 1955 SC 74.

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	This course will also give understanding of jurisprudence of property, liability and ownership.	1
2	Students will come to know the reasons of difference in various thinkers and its current relevancy	1,2,
3	Students would also be able to identify the acceptance and use of theories by judiciary in India	1,2,3




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BAL/BBL 512	Jurisprudence					
		1	2	3	4	5
		3	2	2	1	1
		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation

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BBL/BAL- 514	Law of Evidence	L	T	P	C
Version 1.1	July 2017	4	1	0	5
Pre-requisites//Exposure	Indian Penal Code, 1860				
co-requisites	Criminal Procedure Code, 1973				

Course Outline

Course Title: Law of Evidence
Programme: BALLB/BBALLB/LLB

Semester: V/III
Course Code: BBL/BAL 514

1. Course Objectives

The entire adjudication process depends on the appreciation of evidence by the Court. The counsel has to play a vital role in making a piece of evidence admissible in the court of Law and he can only be successful if he is able to introduce a piece of evidence in the given framework under the Indian Evidence Act 1872. Learning of the concepts and principles of law of Evidence will enable the students to appreciate any forms of evidence produced before the court.

2. Course Outcomes

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

1. Recognize evidence that is admissible before the court of law
2. Understand the difference between admissible and inadmissible evidence
3. Understand the concepts of Burden of proof and Estoppel
4. Apply legal provisions to the problem in front of them with regards to admissibility of evidence

3. Catalogue Description

The law of evidence is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum. This paper enables the student to appreciate the concepts and principles underlying the law of evidence and identify the recognized forms of evidence and its sources. The subject seeks to impart to the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth. The art of



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examination and cross-examination, and the shifting nature of burden of proof are crucial topics. The concepts brought in by amendments to the law of evidence are significant parts of study in this course.

4. Evaluation Scheme

(A) Continuous Evaluation:

Mock Trial 20 marks

(B) Centralized Evaluation

(i) Continuous Assessment Test I 10 marks

(ii) Continuous Assessment Test II 10 marks

(iii) End- Semester Examination 60

100

Project submission deadline has to be strictly adhered failing which 50% marks shall be deducted on account of late submission.

5. Pedagogy

Various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Case Laws
- Case Observation
- Mock Trials

6. Text Books

1. Batuk Lal, The Law of Evidence (21st edition, 2015)
2. Avtar Singh, Principle of the law of Evidence (21st edition, 2014)



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7. Reference

Books

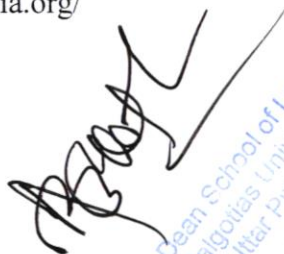
1. Rattan lal & Dhiraj lal , The Law of Evidence (1994), Wadhwa, Nagpur
2. Sarkar and Manohar , Sarkar on Evidence (1999), Wadha & Co., Nagpur

e-journals:

1. Manupatra
2. LexisNexis
3. JSTOR
4. Westlaw

Websites:

1. <http://thelawdictionary.org>
2. <http://indiacode.nic.in/>
3. <http://www.prsindia.org/>
4. <http://lawcommissionofindia.nic.in/>
5. <http://judis.nic.in/>
6. <http://www.law.cornell.edu/>
7. <http://www.worldlii.org/>
8. <http://liiofindia.org/>


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BBL/BAL 515	Administrative Law	L	T	P	C
Version 1.1	July 2017	3	1	0	4
Pre-requisites//Exposure	Basic Understanding of Constitutional Law				
co-requisites	Jurisprudential Aspects				

Course Objectives

Administrative Law carries a very important role in today's curriculum of every law school. Its study has the following objectives:

1. To understand the reasons for the growth of administrative law.
2. To find out the relationship between Constitutional law and Administrative Law.
3. To examine the place of the doctrines of 'rule of law' and 'Separation of Power' in governance of India.
4. To understand the importance of Delegated Legislation and mechanism to control the excesses.
5. To analyse the role of the Principles of Natural Justice in Administration.
6. To find out the limitation on administrative actions.
7. To assess the scope of government contract and vicarious liability.
8. To examine the role and function of the Administrative Tribunals
9. To evaluate the structure and policies of control mechanism of administrative authorities,
10. To study the various grievance settlement mechanisms in Administrative Law. For instance, Ombudsman, Lokpal, Lokayukta and CVC.

Course Outcomes

After completion of the course student will be able:

1. To understand administrative law, its need and relevance in present society.
2. To understand and analyze some basic concept like Rule of Law, Separation of Power, and Droit Administratif Etc.
3. To understand the role of administrative authorities, its establishment, need or relevance of administrative authorities.

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4. To understand the rule-making and decisions making power of the administrative Authorities and also analyze the control mechanism over administrative authorities
5. To analyse the role Principles' of Natural justice to be followed by Administrative Tribunals in adjudication of disputes.
6. To analyze the functioning of Ombudsman, CVC and also the difficulties which are faced by these institutions in functioning?
7. They will come to know about government's liabilities in respect of wrong, whether Contractual and Tortuous.
8. Students will develop a capacity to understand the role of administrative law in various facets of governance.

Catalog Description

As our constitution of India envisaged a social order free from any kind of exploitation and assuring an equal opportunity to everyone in this country. This constitutional goal completely transformed and revolutionized the function of state. The state has started interfering in the day to day life of citizens at every point of time in the name of development of the country therefore need was felt to control the un-ruling activities of the state. That need actually brought the administrative law into existence, to regulate the functioning of the state. This branch of law consist the concept of rule of law, separation of power etc. Rule of law requires the administration of justice which shall be provided by following the principles of natural justice i.e. no man should be left unheard and no one can be judge in his own case. It also establishes the administrative Tribunals to adjudicate the dispute in order to provide justice by adhering the principles of natural justice and using administrative discretion.

Text Books

- I.P Massey, Administrative Law, 8th Edition (2012).
- M. P. Jain & Jain, Principles of Administrative Law (1997), Universal, Delhi.
- C.K.Takwani And M.C.Thakkar, Lectures on Administrative Law, 5th Edition (2012).
- DR. J. J. R. Upadhyaya- *Administrative Law*, 2013, Central Law Agency, Allahabad.



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Reference Books

- The Report of the Committee on Ministers; Powers (popularly known as Donoghmore Committee Report)
- Report of the Committee on Administrative Tribunals and Inquiries, (popularly known as the Frank Committee Report) HMSO, 1959
- Peter Cane, *An Introduction to Administrative Law* (1996) Oxford
- De Smith, *Judicial Review of Administrative Action* (1995) Swest and Maxwell with Supplement
- Indian Law Institute, *Cases and Materials on Administrative Law in India*, Vol.I(1996),
- C.K.Allen, *Law & Orders* (1985) Delhi.
- M.P.Jain , *Cases and Materials on Indian Administrative Law*, Vol.I and II (1996),
- S.P.Sathe, *Administrative Law* (1998) Butterworths-India, Delhi Universal, Delhi
- D.D.Basu, *Comparative Administrative Law* (1998)
- M.A.Fazal, *Judicial Control of Administrative Action in India, Pakistan and Bangladesh* (2000), Butterworths – India
- Wade, *Administrative Law* (Seventh Edition, Indian print 1997), Universal, Delhi.

Articles

- Tej Bahadur Singh, “Principle of separation of powers and concentration of authority”, I.J.T.R Journal, 1996.
- Surya Deva, “The Rule of Law in India: The Chasm between Paper and Practice”, Electronic copy available at: <http://ssrn.com/abstract=2331885>.
- Upendra Baxi, , Sur vol.3 no.se São Paulo 2007.
- John F. Manning, “Separation of powers as ordinary interpretation”, *HARVARD LAW REVIEW* ,[Vol. 124:1939.
- Dr. Sunita Japari, *Administrative Law Materials*, 2009.

Course Content



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Module 1 - Introduction, Evolution, Nature and Scope of Administrative Law (10 Lectures)

- 1.1 Introduction and Definitions of Administrative Law
- 1.2 Source of Administrative Law
- 1.3 Growth and Reasons for growth of Administrative Law
- 1.4 Nature and Scope of Administrative Law
- 1.5 Function of Administrative Law
- 1.6 Relationship between constitutional law and administrative law
- 1.7 Droit Administratif
- 1.8 Conseil d'Etat
- 1.9 Separation of powers
- 1.10 Rule of law

Case Laws-

- *I. C Golak Nath v. State of Punjab* (AIR 1967 SC 1643) (Separation of Power)
- *Mallikarjun v. State of A.P* (AIR 1990 SC 1251)
- *L. Chandra Kumar vs Union Of India And Others* (AIR 1997 SC 1125)
- *S.P. Sampath Kumar v. Union of India* [1987] 1 SCC 124
- *Paschim Banga Khet Mazdoor Samiti v. State of West Bengal*, AIR 1996 SC 2426. (Evolution)
- *Samatha v. State of Andhra Pradesh*, AIR 1997 SC 3297.(Evolution)
- *R C Kooper v. Union of India*, AIR 1970 SC 570, (Sources of Ad. Law)
- *A D M Jabalpur v. Shivkant Shukla*, AIR 1976 SC 1207. (Rule of Law)
- *Som Raj v. State of Haryana*, (1990) 2 SCC 653. (Rule of Law)
- *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC 2299. (Rule of Law)
- *Supreme Court Advocate on Record Association v. Union of India*, AIR 1994 SC 357. (Rule of Law)
- *Ajay Hasia v. Khalid Mujeeb Sehravardi*, AIR 1981 SC 487. (Fairness in Action)
- *A K Kraipak v. Union of India*, (1969) 2 SCC 262. (Pervasiveness of the Rule of Law)
- *Bandhua Mukti Moarcha v. Union of India*, AIR 1984 SC 802. (Separation of Power)
- *Ram Jawaya v. State of Punjab*, AIR 1955 SC 549. (Administrative Action)
- *Neelima Misra v. Harinder Kaur*, AIR 1990 SC 1402. (Administrative Action)



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Module 2- Legislative Powers of Administration (8 Lectures)

2.1. Necessity for delegation of legislative power

2.2. Constitutionality of delegated legislation - powers of exclusion and inclusion and power to modify statutes

2.3. Requirements for the validity of delegated legislation


2.4. Legislative control of delegated legislation

2.5. Judicial control of delegated legislation

2.6. Sub-delegation of legislative powers

Case laws-

- Queen v. Burah (1878 3 AC 889),
- Jatindra Nath Gupta v. Province of Bihar (AIR 1949 FC 175),
- Re Delhi Laws Act Case 1912,
- Hamdard Dawakhan v Union of India (AIR 1960 SC 554), (Delegated Legislation)
- Gwalior Rayon Silk Mfg. Co v. Assistant Commissioner (AIR 1974 SC 1660),
- Jalan Trading Co. v. Mill Majdoor Shabha (AIR 1967 Sc 691), (Delegated Legislation)
- West Bengal State Electricity Board v. Desh Bandhu Ghose (AIR 1975 SC 797),
- Narendra Kumar v. Union of India (AIR 1960 SC 430),
- P. Tulsidas v. Govt. of A.P (AIR 2003 SC 43)
- Raj Narain Singh v. Patna Administration Committee, AIR 1954 SC 465. (Delegated Legislation)
- Quarry Owners Associations v. State of Bihar, AIR 2000 SC 2870. (DL)
- Kunj Bihari Lal Butel v. State of H P, (2000) 3 SCC 40. (DL Judicial Control)
- Major Radha Krishna v. Union of India & others, (1996) 3 SCC 507. (DL Judicial Control)


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- Hukum Chand v. Union of India, AIR 1972 SC 2427. (Legislative Control)
- 20. State of Maharashtra v. M H George, AIR 1965 SC 722. (Procedural Control)
- 21. Srinivas v. State of Karnataka, AIR 1987 SCn1059. (Procedural Control)
- 22. Haribans Mishra v. Railway Board, AIR 1989 SC 696. (Procedural Control)

Module 3- Judicial Power of Administration and Rule of Natural Justice (10 Lectures)

- 3.1 Administrative Tribunals
- 3.2 Reasons for growth of Administrative Tribunals
- 3.3 Administrative tribunals and other adjudicating authorities : their character
- 3.4 Tribunals - need, constitution, jurisdiction and procedure
- 3.5 Jurisdiction of administrative tribunals Quasi-judicial and administrative functions
- 3.6 Principles of Natural Justice
 - 3.6.1 Rule against Bias, Interest and Prejudice
 - 3.6.2 Rule of Audi Alteram Partem
 - 3.6.3 Speaking order or Reasoned Decisions
- 3.7 Exclusion of the Principle of Natural Justice
- 3.8 Effects of Breach of Natural justice
- 3.9 Where Natural Justice Violated and not Violated: Illustrative Cases

Case laws-

- Durga Shankar Mehta v. Raghuraj Singh (AIR 1954 SC 520),
- Bharat Bank Ltd. V. Employees (AIR 1950 SC 188),
- Associated Cement Companies Ltd. v. P.N. Sharma (AIR 1965 SC 1595),
- S.P Sampath Kumar v. Union of India (AIR 1987 SC 386),
- L Chandra Kumar v. Union of India (AIR 1997 SC 1125),
- Franklin v. Ministers of town and County Planning (1948 AC 87),
- A.K. Kriapak v. Union of India (AIR 1970 SC 150),
- Olliga Tellis v. Bombay Municipal Cooperation (AIR 1989 SC 180),
- Metropolitan Properties Co. v. Lannon (1968 WLR 815),



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- Manak Lal v. Prem Chand (AIR 1957 SC 425),
- Jiwan K Lohiya v. Durga Dutta Lohia (1992 1 SCC 56),
- Ridge v. Baldwin, (1964) AC 40. (Natural Justice)
- Maneka Gandhi v. Union of India, AIR 1978 SC 597. (Natural Justice)
- Hindustran Petroleum Corporation v. H L Trehan, (1989) 1 SCC 764. (natural Justice)
- Swadeshi Cotton Mills v. Union of India, AIR 1981 SC 818. (Natural Justice)
- Master Vibhu Kapoor v. Council of Indian School certificate Examination, AIR 1985 De. 142. (Natural Justice)
- Mohinder Singh Gill v. Chief Election Commissioner, AIR 1978 SC 851. (Natural Justice)
- Tata Cellular v. Union of India, (1994) 6 SCC 651. (Natural Justice)
- Charan Lal sahu v. Union of India, AIR 1989 SC 568. (Natural Justice)

Module 4. Judicial Control of Administrative Action

(8 Lectures)

4.1 Exhaustion of administrative remedies - Constitutional Remedies (Art. 32 and 226)

4.2 Standing: standing for Public interest litigation (social action litigation) collusion, bias

4.3 Res judicata

4.4 Grounds of Challenging Administrative Actions

- 4.5.1 Jurisdictional error/ultra-virus
- 4.5.2 Abuse and non exercise of jurisdiction
- 4.5.3 Error apparent on the face of the record
- 4.5.4 Violation of principles of natural justice
- 4.5.5 Violation of public policy
- 4.5.6 Unreasonableness
- 4.5.7 Legitimate expectation

4.6 Remedies in judicial Review:

4.6.1. Statutory appeals

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- 4.6.2. Mandamus
- 4.6.3. Certiorari
- 4.6.4 Prohibition
- 4.6.5 Quo-Warranto
- 4.6.6 Habeas Corpus

Case laws-

- Ujjam Bai v. State of UP (AIR 1962 SC 1621),
- Thaper Institute of Engg. & Technology v. Abhanava Taneja (AIR 1990 SC 1222),
- R.S. Makashi v. I.M. Menon (AIR 1982 SC 100), R. S. Deodhar v. State of Maharashtra (AIR 1974 SC 529),
- Daryao v. State of U.P (AIR 1961 SC 1457), (Res-judicata)
- Sheoshankar v. M.P. State Govt. (AIR 1951 Nag 58),
- Union of India v. Hindustan Development Corporation {(1993) 3 SCC 499},
- Kanu Sanyal v. D.M Darjeeling (AIR 1973 SC 2624).
- Union of India v. Hindustan Development Corporation, (1993) 3 SCC 499. (Legitimate Expectation)
- Delhi Development v. Skipper Construction Co., (1996) 4 SCC 622. (Public Accountability)
- Union of India v. Rajesh P U Puthubalnikathu, (2003) 7 SCC 285. (Proportionality)
- A.D.M. Jabalpur v. Shivkant Shukla, AIR 1976 SC1207. (Habeas Corpus)
- Munni Lal v. Gokul Chand, (1969) 2 SCC 869. (Certiorari)
- Brijkhandelwal v. Union of India, AIR 1975 Del 184. (Prohibition)
- Ratlam Municipality v. Vardichand, AIR 1980 SC 1622. (Mandamus)
- University of Mysore v. Govinda Rao, AIR 1965 SC 491. (QUO Warranto)

Module 5 Administrative Discretion and prevention of Administrative Faults and redress of grievances (6 Lectures)

- 5.1. Need for administrative discretion
- 5.2. Administrative discretion and rule of law
- 5.3. Limitations on exercise of discretion
 - 5.3.1. Mala-fide exercise of discretion
 - 5.3.2. Constitutional imperatives and use of discretionary authority



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5.3.3. Irrelevant considerations

5.3.4. Non-exercise of discretionary power

5.3.5. Imposing self imposed fetters by the administration

5.4. Grievance against Administration

5.4.1. Prevention of Corruption Act, 1988

5.4.2. Ombudsman in India

5.4.3. Ombudsman in England & US

5.4.4. Institution of Ombudsman in the States

5.4.5. Right to Know and Right to Information

5.4.6. Discretion to Disobey

5.4.7. Parliamentary Commissioner

5.4.8. Lokpal, Lokayukta & Central Vigilance Commission (CVC)

Case laws-

- K. Bhaskaran v. State of Kerala (Kerala HC)
- Western India Watch Co. v. Its Workers (AIR 1970),
- R.R. Verma v. Union of India (AIR 1980 SC 1461),
- AIR India Ltd. v. Cochin International Airport Ltd. {(2000) 2 SCC 617},
- Pratap Singh v. State of Punjab (AIR 1964 SC 72, 83),
- Gell v. Teja Noora {(1907) 27 ILR Bom. 307},
- R.L. Arora v. State Of U.P (AIR 1962 SC 764),
- Sampath Kumar v. Union of India, AIR 1987 SC 384. (Administrative Tribunal)
- L Chandra Kumar v. Union of India, AIR 1997 SC 1125. (Administrative Tribunal and Judicial Review)

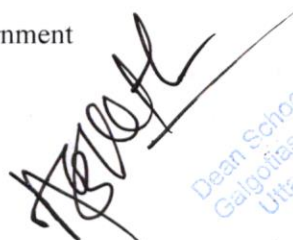
Module 6. Liability of Government for Wrongs (Tortuous and Contractual) (6 Lectures)

6.1. Tortuous liability: sovereign and non-sovereign functions

6.2. Statutory immunity

6.3. Act of State

6.4. Contractual liability of government


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6.5. Government Privileges- Right of information- Doctrine of Legitimate expectation- Doctrine of Accountability- Waiver- Doctrine of Proportionality.

6.6 Ombudsman in India (Lokpal and Lokayuktha) - Central Vigilance Commission (CVC)

6.7 Commission of Enquiry

Case laws-

- P & O Steam Navigation Co. v. Secretary of State {(1861) 5 Bom. HCR APP 1.},
- State of Rajasthan v. Vidyavati (AIR 1962 SC 933, 940),
- Kasturi Lal v. State of U.P (AIR 1965 SC 1039),
- State of Gujrat v. Memon Mahomed (AIR 1967 SC 1885),
- Lala Bishambhar Nath v. Agra Nagar Mahapalika (AIR 1973 SC 1289),
- Shyam Sunder v. State of Rajasthan (AIR 1974 SC 890),
- State of Mysore v. Ram Chandra (AIR 1972 Bom. 93),
- Nagendra Rao and Co. v. State of A.P {(1994) 6 SCC 205, 226, 227, 235 to 240}.

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)


Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	To understand administrative law, its need and relevance in present society and also analyzing some basic concept like Rule of Law, Separation of Power, and Droit Administratif Etc.	1,5
2	To understand administrative authorities, its establishment, need or relevance of administrative authorities.	1,5



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3	To understand the rule-making and decisions making power of the administrative Authorities and also analyze the control mechanism over administrative authorities.	1,5
4	To analyse the role Principles' of Natural justice to be followed by Administrative Tribunals in adjudication of disputes.	4,5
5	To analyze the functioning of Ombudsman, CVC and also the difficulties which are faced by these institutions in functioning?	3,2,4
6	They will come to know about government's liabilities in respect of wrong, whether Contractual and Tortuous.	1,5


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		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform
BBL/BAL 515	Administrative Law	1	2	3	4
		3	1	2	2
					5
					Ensure Professional Preparation

1=addressed to small extent

2= addressed significantly

3=major part of course

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BAL/BBL 516	Legal Writing	L	T	P	C
Version 1.1	Date of Approval: July 2017	2	0	0	2
Pre-requisites//Exposure	None				
co-requisites	None				

1. Course Objectives:

The objective of the course is to train law students to undertake the professional writing tasks demanded of lawyers. Through this course, students will be able to understand the structures and characteristics of legal documents and have opportunities to practice. Specifically, the course should help students hone the following skills:

- Analyzing and conceptualizing legal issues;
- Organizing strategies;
- Structuring legal arguments and documents;
- Using core writing techniques, including clarity, cohesion, concision, and Plain English concerns;
- Writing strong introductions and conclusions;
- Mastering objective v. persuasive techniques;
- Using new editing techniques;
- Sharpening efficient writing and editing skills using timed assignments; and
- Improving skills presenting legal analysis to clients and senior lawyers.

2. Course Outcome

After the completion of the course the student will practice:

- Predictive Office Memorandum;
- Persuasive Brief;
- Scholarly Writing;
- Professional Letter; and
- Legal Writing Style.


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	procedural safeguards as contained in the Code of Criminal Procedure on commission of a crime.	
2	Shall be able to understand the procedural requirements to initiate criminal prosecution and conduct of trial and the factors affecting the outcome of a criminal trial.	1,3
3	Shall be able to analyze about ascertain scope of procedure and policy diffusion which can strengthen our Criminal Justice system.	1,3,4,5

		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation
BAL/BBL 511	Code of Criminal Procedure	1	2	3	4	5
		3	1	3	2	1

1=addressed to small extent

2= addressed significantly

3=major part of course

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Reports:

1. Law Commission of India, *Thirty Sixth Report: Sections 497-499 of the Cr.P.C., 1898-Grant of bail with conditions* (Government of India, New Delhi, 1967)
2. Law Commission of India, *Thirty Seventh Report: The Criminal Procedure Code, (Sections 1-176)* (Government of India, New Delhi, 1967)
3. Law Commission of India, *Forty First Report: Code of Criminal Procedure, 1898*(Government of India, New Delhi, 1969)
4. Law Commission of India, *Forty Eighth Report: Some Questions under the Code of Criminal Procedure Rules, 1970* (Government of India, New Delhi, 1972)
5. Law Commission of India, *Eightieth Report: Article 20(3) of the Constitution and the Right to Silence*
6. 154th Report of the Law Commission of India, pp. 51-54 (1996).
7. Government of India, *Committee on Reforms of Criminal Justice System* (Ministry of Home Affairs, New Delhi, 2003)
8. Government of India ,Law Commission of India, *Two Hundredth Report: Freedom of Speech v. Fair Trial*, 2006
9. Government of India ,Law Commission of India, *Two Hundred and third Report: Anticipatory bail*, 2007

Articles:

1. B.B. Pande, "Inquisitorial versus Accusatorial system of Criminal Justice"
2. Herbert L. Packer, "Two Models of the Criminal Process" in *The Limits of the Criminal Sanction*, Stanford University Press (1968)
3. Herbert L. Packer, "The Models in Operation: From Arrest to charge" in *The Limits of the Criminal Sanction*, Stanford University Press (1968) KNC Pillai, *Public Prosecution and India*, Journal of Indian Law Institute
4. Upendra Baxi, *Right to Speedy Trial*, 25 *JILI* (1983).
5. Neeraj Tiwari, *Fair trial vis-à-vis criminal justice administration: A critical study of Indian Criminal system*, Journal of law and Conflict resolution, Vol.(4),pp.66-73, April 2010.
6. *Chapters on Criminal Procedure in Annual Survey of Indian Law (ASIL)* (Indian Law Institute, New Delhi Publication) (from 1973 to 2008).

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	Shall develop a conceptual understanding about the nature and object of the Criminal Procedure Code, the basic	1,4,5

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7. *Govt of A.P v. M.T. Khan* AIR 2004 SC428.
8. *Zahira Habibulla H. Shiekh v. State of Gujarat* (2004) 4 SCC
9. *K.Ambazhakan v. Supt of police* (2003)3SCC 767.
10. *Ahmmadkutty v. Abdullakoya* (2009)6SCC660.(S.357)
11. *State v. NMT Immaculate* 2004 Cr.L.J2515 (SC)
12. *Mrs. Neelam Katara v. Union of India & Ors.* ILR (2003) II Del 377

Module V: Judgment and Process at Appellate Court

- The Judgment (Sec.353&354)
- Appeals; when allowed and not allowed
- Appeal against acquittal
- Appeal against conviction/Sentence
- Power of appellate court
- Reference to high court and procedure
- Revision Power of Session and High court.

Case Law

1. *Ram Deo Chauhan v. Benikant Das* (2011) Cr.L.J. SC 985.
2. *Imtiaz Ahmad v. State* (2012) 2 SCC 688.
3. *Arun Kumar Sharma v. State of Bihar* (2010)1SCC108.
4. *Manu Sharma v. State(NCT of Delhi)*(2010)6 SCC1.(S.313)
5. *Lalu Prasad yadav v.State of Bihar* (2010)5 SCC1.
6. *Sajjan Kumar v. CBI* (2010)9 SCC368.

Module VI: Bail and Miscellaneous Proceedings;

- Provisions as to bail in bailable offence ; Sec.436
- Provisions for bail in case of non- bailable offence; Sec.437
- Anticipatory Bail; Sec.438
- Special provisions of High Court and Court of Session regarding Bail; Sec.439
- Detention of Under-trial and their Release on Mandatory Basis; Sec.436-A
- Transfer of criminal cases
- Irregular proceedings
- Limitations for taking cognizance

Case Law

1. *Hussianara Khatoon v. State of Bihar* 1979 Cr.L.J.1036(SC)
2. *Moti Singh v. State of M.P.* 1978 Cr.L.J.1703
3. *Vaman Narain Ghiya v. State of Rajasthan* (2009)2 Cr.L.J 1311(SC)
4. *Rajesh Ranjan Yadav alias Pappu Yadav v. C.B.I.* (2007)Cr.L.J.304(SC)
5. *Kalyan Chandra Sarkar v. Pappu Yadav* 2004 Cr.L.J.1796 (S.C)
6. *Lokesh Singh v. State of U.P. and others* (2009)1 Cr.L.J.369(SC)
7. *Guru Charan Singh v State(Delhi Administration)*1978 Cr.L.J.129
8. *Gurbaksh Singh Sibbia v State of Punjab* (1980)2 SCC 565



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Module III: Pre-Trial Judicial Process, the Inquiry; Cognizance of Offence and Framing of Charge.

- Cognizance of Offence by Magistrate/ Session court (Section 190/193)
- Limitation on the power of Court to take cognizance in specific cases (Sec.195-199)
- Process to take cognizance of complaint case and initiation of proceedings before Magistrate (sec.200-209)
- Charge and their contents (Sec.211-214)
- Error and Alteration of charges and their effect(Sec.215-217)
- Joinder of Charges and its legal effect(Sec.218-222)

Case Law

1. *Prakash Singh Badal v State of Punjab* (2007) 1 SCC 1
2. *Dilawar Singh v State of Delhi* (2007) 12 SCC 641 AIR 2007 SC 3234
3. *K.M.Mathew v. State of Kerala* (1992) 1 SCC 217.
4. *Adalat Prasad v. Rooplal Jindal* (2004) 7 SCC 338
5. *Subramaniam Sethuraman v. State of Maharashtra* 2004 Cr. L.J.4609
6. *Rosy & another v. State of Kerala & others* (2000) 2 SCC 250
7. *Fiona Shrikhande v State of Maharashtra*, (2013) 14 SCC 44

Module IV: General Provisions of Judicial Process (Inquiry/Trial) and Types of Trial.

- Session Trial (Sec.225-237)
- Warrant trial on police report and those other than police report (Sec.238-250)
- Summon Trial (Sec.251-259)
- Summary Trial (Sec.260-265)
- Plea Bargaining (Sec.265A-265L)
- Person once Convicted or acquitted not to be tried for same offence (Plea of autrefois acquit and autrefois convict)
- Tender of pardon to accomplice
- Power to summon material witness or to examine him
- Power to examine accused
- Accused person to be competent witness
- Power to proceed against other person appearing to be guilty of offence
- Compounding of offence
- Withdrawal from prosecution

Case Law

1. *P. Vijayan v. State of Kerala* (2010) 2 SCC 398. (S.212,215,494)
2. *Sajjan Kumar v. CBI* (2010) 9 SCC 368.
3. *State of Maharashtra v. Abu Salem Abdul Kayyam Ansari*, (2010) 10 SCC 179. (S.306,307,308)
4. *State of Orissa v. Devendranath padhi* (2005) SCC 568.
5. *Dilip Premnarayan Tiwari v. State of Maharashtra*, (2010) 1 SC 775.(S.366)
6. *Lalu Prasad yadav v. State of Bihar* (2010) 5 SCC 1

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3. Joginder Kumar v State of UP (1994) 4
4. Mohd Ahmad Khan v. Shah Bano AIR 1985 SC 945.
5. Daniel Latheffi v. Union of India (2001)7SCC740.
6. Madhu Limaye v SDM Monglur AIR 1971 SC 2486
7. State of Karnataka v Praveen Bhai Thogadia 2004 Cr.L.J. 1825 (S.C)
8. Babulal Parate v State of Maharashtra AIR 1961 SC 884
9. Kachrual v Bhagirath Agrawal 2004. Cr.L.J. 4634 (S.C)
10. Zahira Habibulla H. Shiekh v. State of Gujarat (2004) 4 SCC

Module II: Pre-Trial Executive Procedure, the Investigation; Information as to cognizable Offence ending with filling of Charge-Sheet (Section 154-173)

- Information as to cognizable and non-cognizable offence and procedure for investigation(S.154-157)
- Police power to requisition the witness, their power to examine them in person and reduce their statements in writing with procedural Safeguards against compelled testimony(Sec.160-162)
- Recording of confession and statements(Sec.164)
- Procedure when investigation cannot be completed in twenty four hours and right to be released on Bail(Sec.167)
- Police Dairy (sec.172)
- Completion of Investigation and filing of Report; Charge- sheet /Challan (sec.173)

Case Law

1. *State of UP and another v Johrimal* (2004) 4 SCC 714
2. *Hitendra Vishnu Thakur v State of Maharashtra* AIR 1994 SC 2623
3. *Som Mittal v Govt. of Karnataka* (2008) SCC 753
4. *State of Maharashtra v Christian Community Welfare Council of India and another* (2003) 8 SCC 546
5. *Delhi Judicial Service Association Tis Hazari Court v State of Gujarat* (1991) 4 SCC 406
6. *Citizens for Democracy v State of Assam* (1995) 3 SCC 743
7. *State of Haryana v Bhajan Lal* 1992 Cr.LJ 527
8. *Satvinder Kaur v State (Govt. of NCT) & another* (1999) 8 SCC 728
9. *Gurpreet Singh v State of Punjab* 2006 Cr.L.J. 126 SC
10. *T.T.Antony v State of Kerala* (2001) 6. SCC 181.
11. *CBI special cell I ND v. Anupam J. Kulkarni* (1992) 3 SCC 141
12. *Sanjay Dutt v State (II)* (1994) 5 SCC 410
13. *Kalyan Chandra Sarkar etc v. Rajesh Ranjan @ Pappu Yadav & Anr* AIR 2005 SC 921
14. *State of Maharashtra v Mohd Sajid Hussain Mohd S. Husalin* (2008)1 SCC 213
15. *Shri Gurbaksh Singh Sibbia v. State of Punjab* AIR 1980 SC 1632
16. *Lalita Kumari v. State Govt of U.P.& others* (2012) 4 SCC 1
17. *Selvi and Ors v. State of Karnataka* (2010) 7 SCC 263
18. *Nandini Satpathy v. P.L. Dani* (1978) ISCR 608.
19. *Amitbhai Anilchanda Shah v CBI*, (2013) 6 SCC 348
20. *Republic of Italy v UOI*, (2013) 4 SCC 721.



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criminal justice system emerges from the premise of presumption of innocence of accused undergoing trial, right of the accused to know accusation against him right from initiation of investigation till filling of challan/chargesheet, taking of cognizance, and framing of charge under judicial Process. Subjecting him to defend the charges during trial wherein trial process and evidence adduced are taken in his presence and understanding. The entire process is conducted in open court with right to appeal and approach the highest court of this land. Thus trilogy of the investigation, inquiry and trial under the Criminal procedure Code is directed towards fair and equitable remedy to the victim and the adequate protection to accused to prove his innocence.

4. Select bibliography

Text Books

1. K. N. Chandrasekharan Pillai (Rev.), "R. V. Kelkar's Criminal Procedure", 6th edition, Eastern Book company, Lucknow, 2014
2. S.N. Mishra, "The Code of Criminal Procedure", 17th Edition, Central Law Publications, Allahabad, 2010.
3. Ratanlal and Dhirajlal, "The Code Of Criminal Procedure", 20th Edition, Lexis Nexis Butterworths Wadhwa Publications, Nagpur, 2012
4. PSA Pillai' "Criminal Law", 11 th Edition, Lexis Nexis Publications, 2012

Reference Books

1. B.M Prasad & Manish Mohan, "Rattan Lal & Dhirajlal Code of Criminal Procedure", LexisNexis Butterworths, India, 2013.

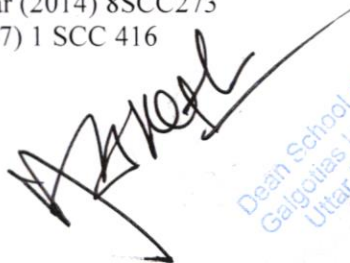
5. Course content

Module1: Introductory Frame- work of Criminal Justice System and Means of Efficient Enforcement Including Maintenance of Peace and Tranquility;

- Object, Scope and Extent of Cr. P.C
- Important definitions; Bailable offence, Complaint, Inquiry, Investigation, Cognizable and non-cognizable offence, Police report, Summon and warrant cases and Victim.
- Criminal Courts; Jurisdiction, Power and Functions
- Directorate of Public Prosecutors and Functionaries; Constitution, Power and Functions
- Arrest without warrant and procedural safeguards
- Process to Compel Appearance; Summons, Warrants in lieu of summons and Warrant of arrest.
- Proclamation of offender, attachment and sale of property and associated procedure
- Security for keeping peace and good behavior; Section 106&107
- Maintenance of Peace and Tranquility; Public Nuisance (S.133), Public Nuisance of Urgent Nature (Sec.144) & Sec.145.
- Maintenance of wife, Children and Parents and the procedure for enforcement (Sec.125-128).

Case Laws

1. Arnesh Kumar v. State of Bihar (2014) 8SCC273
2. D.K.Basu v State of W.B (1997) 1 SCC 416


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BAL/BBL 511	Criminal Procedure Code	L	T	P	C
Version1.1	Date of Approval: June 2017	4	1	0	5
Pre-requisites//Exposure	Indian Penal Code and Special Acts (Criminal)				
co-requisites	Law of Evidence, Civil Procedure Code and Limitation law				

1. Course Objectives

The course shall have the following objectives:

- To introduce the nature and object of the Code of Criminal Procedure
- To keep the students updated with the latest developments and changes in the field of procedural law.
- To equip the students with proper understating of criminal law for their future professional development as lawyers
- To focus on the balancing of interests of society as well as the accused as done by the Criminal Procedure Code

2. Course Outcome

The students will understand after completing the course

- Shall develop a conceptual understanding about the nature and object of the Criminal Procedure Code, the basic procedural safeguards as contained in the Code of Criminal Procedure on commission of a crime.
- Shall be able to understand the procedural requirements to initiate criminal prosecution and conduct of trial and the factors affecting the outcome of a criminal trial.
- Shall be able to analyze and ascertain scope of procedure and policy diffusion which can strengthen our Criminal Justice system.

3. Catalog Description

Crime is committed against the society though victim may be individual, group or community. The Criminal Procedure code facilitates the seeker of remedy to be assisted by the instrumentalities of the state. The criminal justice system includes one of the most important statutes called the Criminal Procedure Code which in common law system in general and India in particular has adopted the adversarial system based on accusatorial method. In this system prosecutor representing the state brings out the accusation and has to prove the case beyond reasonable doubt and accused get the opportunity for the fair trial. The essence of fair trial under



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7th SEMESTER



BAL/BBL-711	LABOUR AND INDUSTRIAL LAW	L	T	P	C
Version 1.1	Date of Approval: July 2017	4	1	0	5
Pre-requisites//Exposure	Good understanding of Industrial relations related information.				
co-requisites	None.				

Course Objectives

To empower the students with theoretical as well as practical knowledge of Labour & Industrial Legislation.

To enable the students to understand the importance of implementing Labour & Industrial Laws.

To understand and be aware of the penal provisions in case of non compliance.

To understand the judicial interpretation of the statute by the case analysis method of teaching

Course Outcomes

On completion of this course, the students will be able to

1. Develop a conceptual understanding of the basics of Labour Laws.
2. To familiarize the students with the need for enactment of The Employees Compensation Act, 1923, which deals with compensation of employees in case of accident and the employer's liability for it.
3. To familiarize the students with the need for the enactment of the Trade Unions Act, 1926 which declares trade unions as legitimate bodies, provides immunities to the registered trade unions and grants them certain immunities.
4. To familiarize the students with need for the enactment of the Minimum Wages Act, 1948 which deals with types of wages, minimum wages, its fixation and revision, overtime, obligation of the employer and the offense and compliance under the Act.



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5. To familiarize students with the need for enactment of the Employees State Insurance Act, 1948 with the Employees state insurance, the fund, contributions, E. I Court and compliance under the act.
6. To familiarize students with the need for enactment of the Industrial Disputes Act, 1947 which provides for settlement of industrial dispute through conciliation, voluntary arbitration and compulsory adjudication and to bring home to the students the importance of the basic concepts, the social responsibility of the employer and the constitutional mandate in it.
7. To familiarize the students with the need for providing uniform statutory conditions of service in the form of certified standing orders under the Industrial Employment (Standing Orders) Act, 1946.

Catalog Description

Protection of labour is a constitutional mandate. A constitution inspired by social justice is committed to betterment of labour. Well balanced industrial development leads to increased productivity which in turn is a factor of national progress. Labour makes significant contribution in this respect. This course shall elucidate the nuances of important Labour & Industrial Legislation as knowledge of these Laws is a sine quo non for legal professionals.

Text Books

Srivastava S.C., Industrial Relations and Labour Laws, Delhi, Vikas, (2012).
Goswami, V.G., Labour and Industrial Laws,

Reference Books

Kapoor ND, Labour Laws, Sultan Chand & Sons, Delhi, Reprint 2010
Avatar Sing & H Kaur, Labour Laws by Lexisnexis

Course Content

Unit I: Employees Compensation Act, 1923

6 lecture hours

Objectives

Application and Scope

Definitions

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Employer's Liability for compensation
Amount of compensation
Concept of 'accident arising out of' and 'in the course of the employment';
Doctrine of notional extension and doctrine of added peril
Total and partial disablement
Quantum and method of distribution of compensation.
Employees Compensation Commissioner
Powers of the Commissioners
Appeals
Penalties
Cases:
General Manager, B. E. S. T. Undertaking, Bombay vs. Mrs. Agnes
(Doctrine of reasonable or notional extension of employment)

Hindustan Antibiotics Ltd vs. The Workmen & Ors. 1967 AIR 948, 1967 SCR (1) 652

(Fixation of wages)

Punjab National Bank vs. Ghulam Dastagir (1978) 2 SCC 358

(Termination of employment)

The State of Bombay and Another vs. The United Motors (India) Ltd. 1953 SCR 1069

(Omit. Case based on sale tax)

Unit II: Trade Union Act, 1926

10 lecture hours

History of Trade Union Movement in India
Definitions- Trade union, Trade Dispute etc
Trade Unionism and Objectives of the Trade Unions
Registration of Trade Unions, Membership of a Trade Union and rights of Minors to
Membership of Trade Union
Cancellation of a Registration of Trade Union & its effect
Appeal & Re-registration
Rights and liabilities of registered Trade Unions
Privileges of registered Trade Unions (Immunities from Criminal Conspiracy and from Civil
Actions)
Collective Bargaining: Meaning and Scope
Advantages & Disadvantages of Collective Bargaining

Cases:



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- Panyam Cement Employees Union v. Commr. Of Labour (2004) 1 LLJ 915 (Membership of Trade Union)
- Bokajan Cement Corporation Employees Union v. Cement Corporation of India Ltd (2004) SCC (L&S) 23 {Membership of Trade Union}
- Registrar of Trade Union v. Mihir Kumar Gooha AIR 1963 Cal. 56 {Sec 11 Appeal against decision of Registrar}
- Registrar of Trade Union v. M. Mariswami (1973) 2 LLJ 256 {Sec 10 Cancellation of registration}
- Rangaswami v. Registrar of Trade Union AIR 1962 Mad. 231 {Sec 11 Appeal against decision of Registrar}
- R. Murugesan vs Union Territory of Pondicherry (1976) II LLJ 435 Mad. {Sec 11 Appeal against decision of Registrar}
- Balmer Lawrie Workers' Union v. Balmer Lawrie & Co. Ltd. (1985) Lab I.C. 242, 1985 SCC (L&S) 331 {History of Trade Union}
- Jay Engineering Works Ltd. v. Staff AIR 1968 Cal 407 ("Gherao case" Privilege of Registered Trade Union}
- Rohtas Industries Staff Union v. State of Bihar AIR 1963 Pat 1970 {Power of High Court to Review Award}
- Federation of Western India Cine Employees v. Filmalaya Pvt Ltd. (1981) 83 BOM LR 423 {Sec 18}
- Indian Bank v. Federation of Indian Bank Employees Union (1982) II LLJ 123 (Mad.) {Sec 18}

Unit III :Minimum Wages Act, 1948

6 lecture hours

Object and Scope

Important Definitions

Fixation and Revision of minimum rate of wages

Manner of fixation/revision of minimum wages

Types of wages

Minimum rates of wages

Procedure for fixation and revision of minimum rates of wages.

Advisory Board

Central Advisory Board

Minimum wages whether to be paid in cash or kind

Obligation on employer

Fixing hours for normal working day

Overtime

Authority and Claims

Offences & Penalties

Exemptions and exceptions

Power of Government

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Cases:

Messrs. Crown aluminium works vs. Their workmen 1958 SCR 651
(Dispute relating to wage structure)

Sanjeeva Reddi (G.) vs. Registrar of Trade Unions and Ors. (1969) ILLJ 11 AP (trade union election dispute)

Balmer Lawrie Workers' Union, Bombay and Anr vs. Balmer Lawrie And Co. Ltd. And ors.
1985 SCR (2) 492 (representation of workers by trade unions during disputes)

People's Union for Democratic Rights and Others vs. Union of India 1983 SCR (1) 456
(Payment of minimum wages and equal pay for equal work)

Workmen Represented By Secretary Vs. Management of Reptakos Brett. and co. Ltd. And Anr.
1991 SCR Supp (2) 129 (Payment of minimum wages)

Unit IV: Employees State Insurance Act, 1948

8 lecture hours

Benefits provided under the Act

Employees State Insurance fund and Contribution

Machinery for the implementations of the Act

Employees Insurance court and appeal to high court

Case Laws:

Employees' State Insurance Corporation vs. M/s. Hotel Kalpaka International,

AIR 1993 SC 1530 (Liability of Employer)

Employees' State Insurance Corporation (Indore) vs. Swadeshi Daily Newspaper, Gwalior,
(1992) 1 LLN 26 (Jurisdiction of EI court)

Nagarjuna Grameena Bank vs. Mandulla Beerappa, 2003 LLR 522 (AP HC)

(Power of the Employees State Court to review)

Employees' State Insurance Corporation vs. Radhas Printers, 1996 LLR 718 (Ker HC)



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(Appeal against the order of EI court)

A. Trehan vs. Associated Electrical Agencies, 1996 LLR 674 (SC)

(An insured employee meeting with an accident can claim compensation only under ESI Act and not under Motor Vehicles Act.)

Unit V: Industrial Disputes Act, 1947

12 lecture hours

The History & Importance of the Act
Object, Scope & Applicability
Industrial Dispute & Individual dispute
Definition of Industry & Definition of Workmen
Dismissal of an individual employee.

Settlement of Industrial Disputes and the disputes settlement machinery:

Works Committees

Grievance Settlement Authority

Conciliation

Conciliation Officer

Board of Conciliation

Court of Inquiry

Adjudication Machinery

Labour Courts

Industrial Tribunal & National Tribunal
and Voluntary Arbitration,

Powers & Duties of the Authorities

Award

Enforcement of Settlement and Award

Strikes

various forms

Prohibition of strikes & lockouts

Penalties for illegal strikes and lockouts

Closing down of industries

Lay off, Retrenchment and Closure

Unfair Labour Practices.

Cases:

- Secretary, Tea Association vs Ajit Kumar Barat, 2000 (1) SCR 787 Description: This case is a complaint related to dismissal from service for disobeying an order of transfer filed under section 12 of Industrial Disputes Act, 1947.

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- U.P. State Electricity Board vs Rajesh Kumar, 2012 (7) SCC 1 Description: This case is related to industrial dispute regarding reservation in promotion.
- Premier Automobiles Limited vs G. R. Sapre, 1981 Lab. I.C. 221 (Bombay) Description: This case is related to workmen strike without notice.
- Kairbetta Estate vs Rajmanickam, 1960 AIR 893, 1960 SCR (3) 371 Description: This appeal by special leave is directed against the order passed by the Labour Court at Coimbatore directing the appellants, the Management of the Kairbetta Estate, Kotagiri, to pay lay-off compensation to its workmen.
- Meghraj vs. State of Rajasthan, AIR 1956 Raj 28, (1956) IILLJ 366 Raj Description: This case is related to strikes by Government employees.
- O. K. Ghosh and Others vs E. X. Joseph, AIR, 1963 SC 812 Description: This case is related to strikes by Government employees.
- T. K. Rangrajan vs Govt of T. N. Others, 2003 (5) SCALE 537 Description: This case is related to Right to strike and illegal strike.
- S. Vasudevan and Others vs S. D. Mittal, AIR 1962 Bom 53 Description: This case is regarding strike and forced labour.
- Swadeshi Industries vs Its Workmen, AIR 1960 SC 1258 Description: This case is related to unjustified strike and unfair labour practice.
- P. Virudhachalam vs Management of Lotus Ltd, 1998 LLR 240 Description: This case is related to compensation on lay off.
- Pipraich Sugar Mills vs Pipraich Sugar Mills Mazdoor Union, AIR (1957) SC 95 Description: This case is regarding strike and forced labour.
- Surendra Kumar vs Vikas Adhikari, 2003 (51) BLJR 1655 Description: This case is related to employee welfare schemes.
- Anand Bihari vs Rajasthan State Road Transport Corporation, 1991 AIR 1003 Description: This case is related to employment schemes and also to Section 2(oo) and 25-F of Industrial Disputes Act, 1947.
- Mohan Lal vs Bharat Electronics Ltd, 1981 AIR 1253 Description: This case is related to lockout, retrenchment and closure.
- Buckingham and Carnatic Mills Ltd vs Their Workmen, 1953 AIR 47, 1953 SCR 219 Description: This case is related to illegal strikes.



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- Bata Shoe Co vs D. N. Ganguli, 1961 AIR 1158 Description: This case is related to illegal strikes and dismissal of workman.
- Devedra Swamy vs State Road Transport Corporation, (2002) 9 SCC 644 Description: This case is related to Labour Courts (Section 11 and 10 (1)(c) of Industrial Disputes Act, 1947.
- Premier Automobiles Limited vs Kamalakar Shantaram Wadke and Others
1975 AIR 2238 1976 SCR (1)427 Dispute between employer and employee in relation whether decided by civil court or not, Sec 18 of ID Act in question.
- Workmen of Hindustan Lever Ltd. vs Hindustan Lever Ltd.
AIR 1999SC 525 Sec 17 b in conflict dealing with payment of full wages to workmen pending in higher courts.
- Cipla Limited vs Maharashtra General Kamgar Union
Appeal (Civil)12845 of 1996 that deals with unfair labour practices.
- Dimakuchi Tea Estate Karamchari Sangh vs Dimakuchi Tea Estate
AIR 1958 SC353 question arises in the case whether a dispute in relation to a person who is not a workman falls within the scope of industrial disputes.
- Standard Vacuum Refining Co. of India Ltd. vs Their Workmen
1961 AIR 895, Sec 12(4) in question on the point of settlement.
- Newspapers Ltd. Vs State Industrial Tribunal
AIR 1954 All 516, deals with definition of Industrial Dispute.
- Bombay Union of journalists vs The Hindu
1963 AIR 318, Sec 12 (5) involved in the issue.
- Workmen vs M/s Dharampal Prem Chand 1966 AIR182, Sec 2 (k), Sec 10 and Sec 36 of ID Act in question.
- Corporation of City of Nagpur vs Its Employees
1960 AIR 675, the question involved that Nagpur Municipality comes under the preview of industrial dispute or not.
- Bangalore Water Supply v A Rajappa AIR 1978 SC 548, triple test laid down in this case.
- State of Bombay vs Hospital Mazdoor Sabha
(1956) 58 BOMLR769, Scrutinise the definition of industry.

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- Management of Safdarjung vs. Kuldip Singh Sethi
AIR 1970 SC 1407, the question is whether hospital come under purview of industry or not.
- University of Delhi vs Ram Nath
1963 AIR 1873, the question is whether Delhi University is industry or not.
- Madras Gymkhana Club Employees Union vs Gymkhana Club
1968 AIR 554, Meaning of the word 'undertaking' in definition of industry.
- S. K. Verma vs Mahesh Chandra & Others
1984 AIR 1462, Whether workman includes Development Officer in LIC.
- Union Carbide India Ltd vs D. Samuel
Writ Petition 2596 of 1994, related to matter of unfair labour practices.
- Shambhu Nath Goyal vs Bank of Baroda, Jalandhar 1978 AIR 1088, the question involved is whether a written demand by the workman is essential existence of industrial dispute.

Unit VI: Industrial Employment (Standing Order) Act, 1956

6 lecture hours

Concept and Nature of the Standing Orders
 Certification of draft standing order
 Appeals
 Date of operation & Posting of standing order
 Interpretation of standing orders
 Industrial Establishments covered
 Misconduct
 Management Action, Disciplinary Action,
 Model Standing Orders
 Certifying Officers,
 powers and duties
 Penalties.

Cases:

- **S. K. Sheshadri v. HAL and others**, (1983) II LLJ 410 (Karnataka High Court) – relates to S.3 – the validity of the Standing Order which made lending in the company premises a misconduct was challenged as violative of Article 14 of the Constitution of India. The said standing order was held not to be discriminatory. It was further held that as long as the standing order falls within the schedule to the Act, they would not be



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invalid or ultra vires because they contain additional provision not provided in the model standing order.

- **Rohtak and Hisar District Supply Corporation Ltd. v. State of UP**, AIR 1966 SC 1471 – this case relates under Section 4 – SC held that the employer cannot insist upon adding a condition to the standing order which relates to the matter which is not included in the schedule.
- **Buckingham and Carnatic Corp. Ltd. v. Venkatiah**, (1963) II LLJ 638 (SC) – relates to S.6 – abandonment or relinquishment of service is always a question of intention and normally such an intention cannot be attributed to an employee without adequate evidence but where the parties agree upon the terms and conditions of service and they are included in certified standing order, the doctrine of common law would not be relevant, it would then be matter of construing the relevant term of standing order.
- **Agra Electricity Supply Corp. Ltd. v. Alladin**, AIR 1970 SC 512 – it relates to the date of operation of standing order - The standing order certified by the certifying officer shall unless and until appeal is preferred comes into operation on expiry of 30 days from the date on which authenticated copies are sent, if an appeal is preferred it shall come into operation on expiry of 7 days from date on which copies of order of appellate authority are sent.
- **M. P. Vidyut Karamchari Sang v. MP Electricity Board**, 2004 SC – relates to the validity of the Act upon the agreement which is not notified by the State govt. and the question is whether an agreement despite expiry would prevail over a regulation made under Section 79(c) of the Electricity (Supply) Act, 1948 as regard the age of superannuation of an employee of the Respondent-Board is the primal question involved. The power of the Board, therefore, to lay down the conditions of service of its employees either in terms of regulation or otherwise would be subject only to any valid law to the contrary operating in the field. Agreement within the meaning of proviso appended to Rule 14A is not a law and, thus, the regulations made by the Board shall prevail thereover. The Board has power to make regulations which having regard to the provisions of General Clauses Act would mean that they can make such regulations from time to time. Alterations in the age of retirement by the employer is a matter of executive policy and for sufficient and cogent reasons, the same is permissible.



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- **Jabalpur Development Authority v. Sharad Shrivastava**, (2005) I LLJ 304 (MP HC) – the employee who is working from the last 12 years whether he is a permanent or temporary employee? HC held that an employee cannot be called a temporary employee after rendering more than 12 years of service, otherwise it would be arbitrary.
- **Falcon Tyres Ltd. v. Falcon Tyres Employees Union, Mysore**, 2005 III CLR 95 (Kant HC) – the certifying officer has certified model standing order which provides for discharging an employee on medical grounds. However, the appellate authority modified the same to the effect that management should create alternative job and to protect his salary last drawn. This modification was challenged by the company. The modification cannot be termed reasonable. Employer cannot be compelled to create alternative suitable job. Ends of justice would be met if employer is directed to consider case of employee systematically and to give him alternative stable job, if available.

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	thorough knowledge of the Industrial Disputes Act, 1947, Trade Union Act, The Minimum wages Act, 1948, The Employees State Insurance Act, 1948 and the Industrial Employment (Standing Order) Act, 1946.	
2	The students shall become aware of the rights and responsibilities of the management and trade unions	

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BAL/ BBL-712	Taxation Law -I	L	T	P	C
Version 1.1	July 2017	3	1	0	4
Pre-requisites//Exposure	Basics of Commercial/ Business Laws				
co-requisites	None				

Course Objectives

1. To provide students with an understanding of the general principles of taxation from a multidisciplinary perspective: legal, social and economic.
2. To familiarize students with the concepts of direct taxation.
3. To understand the procedure for imposing tax and scope of reformation, if any.

Course Outcomes

On completion of this course, the students will be able to

1. Understand the tax system prevailing in India.
2. Understand the co relation between tax and development, in a country.
3. Apply the knowledge of the provisions of direct to various situation in actual practice

Catalog Description

Power to tax had been described as the power to destroy. This idea is being floated often whenever the state introduces a new tax. In order to raise revenue and place the economy on solid foundation, it is necessary that the taxing power should be conferred on the state. The power to tax shall not go unregulated. In the context of a federal structure the distribution of the taxing powers assumes added significance. A study of the constitutional framework on taxation is also important for all these abovementioned reasons. Along with this, this course aims at an analysis of the different laws enacted in exercise of these powers with their safeguards and remedies sheds light on the mechanics of the taxation by the Union and the States.

Text Books

1. Kanga, Palkiwala and Vyas, "The Law and Practice of Income Tax", 10th Edition, Vol. I & II, Lexis Nexis Butterworths, 2014
2. V.K. Singhania & Monica Singhania, "Direct Tax Law & Practice", 49th Edition, Taxmann Publications Pvt. Ltd., New Delhi, 2013-14

Reference Books

1. Dr. V. Gaurishanker, "Principle of Taxation", First Print, Wolters Kluwer, New Delhi, 2007



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2. Dr. Girish Ahuja & Ravi Gupta, "Professional Approach to Direct Taxes: Law and Practice", 19th edition, Bharat Publication, New Delhi, 2012-13
3. S.Rajratanam, "Tax Planning (Issue, Ideas, Innovations)", Bharat Publication, New Delhi, 2009
4. Sampat Iyenger's "Income Tax Law", 11th edition, Bharat Publication, 2012
5. Geoffrey Morse and David Williams, "Davies: Principles of Tax Law", Sweet & Maxwell Publication, 2010
6. Chaturvedi & Pithisaria, "Income Tax Law", 5th Edition, Wadhwa & Company, 2010

Course Content

Module 1: Introduction

- 1.1 Tax base and concept of income
 - 1.1.2 Charging of tax
 - 1.1.3 Definition of Assessee
 - 1.1.4 Definition of Person
 - 1.1.5 Definition of Income
 - 1.1.6 Diversion Vs Application of Income
- 1.2 Fully and partly exempted income
- 1.3 Agricultural Income and Tax Treatment
 - 1.3.1 Meaning and Concept of Agricultural Income
 - 1.3.2 Fully and Partly Agricultural Income
 - 1.3.3 Partial Integration of Agri. Income with Non Agri. Income
- 1.4 Residential Status and Tax Liability
 - 1.4.1 Determination of Status
 - 1.4.2 Incidence of Tax
 - 1.4.3 Income Received or Deemed to be received
 - 1.4.4 Income accrues or arises or deemed to accrue or arise
 - 1.4.5 Residential Status under DTAA
- 1.5 Constitution of India and Tax Laws

Reading Material:

1. Kanga, Palkiwala and Vyas, *The Law and Practice of Income Tax*, 10th Edition, 2014, Vol.I & II, Lexis Nexis Butterworths.
2. Study of Monthly Journals of the ICAI, ICSI and ICWA of India.
3. Chaturvedi & Pithisaria *Income Tax Law*, 5th Edition Reprint 2010 Wadhwa & Company.
4. V.K. Singhania, *Direct Tax Law & Practice, Professional Edition*, 2015-16 Taxmann.

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5. Dr.V.Gaurishanker, *Principle of Taxation*, First Print, 2007 Wolters Kluwer, New Delhi.
6. Dr. Girish Ahuja & Ravi Gupta; *Professional Approach to Direct Taxes, Law and Practice*, 20 th edition 2014-15 Bharat Publication, New Delhi
7. S.Rajratanam, "*Tax Planning(Issue,Ideas,Innovations)*", 2009 Bharat Publication, New Delhi
8. Sampat Iyenger's "Income Tax Law". 11 editions 2012, Bharat Publication.
9. Geoffrey Morse and David Williams, "Davies: Principles of Tax Law"2010 Sweet & Maxwell Publication.

Articles:

1. T.N.Pandey., "Evolution and Development of Direct Tax Laws" Fifty Years of The Supreme Court. Oxford
2. Nisha Bhandari., "Colourable Devices Not part of Tax Planning", (2007) 98 (1) The Tax Referencer

Cases:

1. *Bacha F. Guzdar vs C.I.T. Bombay* AIR (1955) SC 74
2. *C.I.T. vs Sunil J. Kinariwala* (2003) 1 SCC 660
3. *C.I.T. vs Benoy Kumar Sahas Roy* AIR (1957) SC 768
4. *V.V.R.N.M. Subbaya Chettiar vs C.I.T.* AIR (1951) SC 101
5. *K. Lakshman & co vs CIT* (1999) 239 ITR 596 SC
6. *In Re: Pfizer Corporation Vs Respondent* 2004(271) ITR 101 (AAR)
7. *CIT Vs R. D. Aggarwal & Co.* (1965) 56 ITR 20 (SC)
8. *Clifford chance Vs DCIT* (2009) 176 TAXMAN 458 (Bom HC)
9. *Ishikawajima-Harima Heavy Industries Ltd, v. Director of I.T*(2007) 288 ITR 408 (SC).
10. *CIT Vs Soundarya Nursery* (2000) 241 ITR 530 (MAD)
11. *Vodafone International Holdings B.V. v.UOI* (2012) 1 Comp LJ 225 (SC)
12. *Linklaters LLP Vs ITO, International Taxation* 2010 ITAT Mumbai
13. *Pradip J. Mehta Vs CIT* (2008) 300 ITR 231 (SC)
14. *GVK Industries Vs ITO* 2011 3 SCALE 111
15. *UOI v H.S. Dhillon* AIR 1972 SC 1061

Module 2: Heads of Income

- 2.1 Income from salary
 - 2.1.1 Meaning and concept of salary
 - 2.1.2 Allowances
 - 2.1.3 Perquisites
 - 2.1.4 Retirements Benefits
 - 2.1.5 Deductions
- 2.2 Income from house property
 - 2.2.1 Meaning and concept of House property



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- 2.2.2 Concept of Ownership
- 2.2.3 Determination of Annual Value
- 2.2.4 Deductions
- 2.3 Income from profits and gains of business or profession
 - 2.3.1 Meaning and concept of Business & Profession
 - 2.3.2 Computation of Profit
 - 2.3.3 Depreciation
 - 2.3.4 General Deductions
 - 2.3.5 Amounts not Deductible
 - 2.3.6 Deemed Profit
 - 2.3.7 Compulsory Audit & Maintenance of Accounts
 - 2.3.8 Presumptive Taxation
- 2.4 Income from capital gains
 - 2.4.1 Basis of Charge
 - 2.4.2 Transaction not regarded as transfer
 - 2.4.3 Cost of acquisition & Cost of Improvement
 - 2.4.4 Computation
 - 2.4.5 Exemption of Capital gain
 - 2.4.6 Reference to Valuation Officer
- 2.5 Income from other sources
 - 2.5.1 Chargeability
 - 2.5.2 Taxability of Dividend
 - 2.5.3 Taxability of Gifts
 - 2.5.4 Deductions
 - 2.5.5 Amounts not deductible

Reading Material:

1. Kanga, Palkiwala and Vyas, *The Law and Practice of Income Tax*, 10th Edition, 2014, Vol.I & II, Lexis Nexis Butterworths.
2. Study of Monthly Journals of the ICAI, ICSI and ICWA of India
3. Chaturvedi & Pithisaria, *Income Tax Law*, 5th Edition Reprint 2010 Wadhwa & Company.
4. V. K. Subramani, *Taxation of Capital Gain*, 2008, Taxman
5. V.K. Singhania, *Direct Tax Law & Practice, Professional Edition 2015-16* Taxmann.
6. Dr.V.Gaurishanker, *Principle of Taxation*, First Print, 2007 Wolters Kluwer, New Delhi.

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7. Dr. Girish Ahuja & Ravi Gupta; *Professional Approach to Direct Taxes, Law and Practice*, 20 th edition 2014-15 Bharat Publication, New Delhi
8. S.Rajratanam, "*Tax Planning (Issue,Ideas,Innovations)*", 2009 Bharat Publication, New Delhi
9. Sampat Iyenger's "Income Tax Law". 11 editions 2012, Bharat Publication.

Articles:

1. Dr. V.K. Singhania., "Withdrawal of FBT and its impact on Employees" July 1 to 15 2009 Taxmann corporate professionals today.
2. Wadhwa S.R., "Disallowance of expenses under section 40(a)(ia) of Income Tax act," CTR 2005
3. Agarwal S.N., "Offering Unexplained Income" Taxmann 2006

Cases:

1. *CIT Vs Woodward Governor* (2009) 312 ITR 254 (SC)
2. *ACIT Vs Elecon Engineering* (2010) 189 TAXMAN 83 (SC)
3. *Ram Prasad Vs C.I.T.* (1972) 2 SCC 696
4. *East India Housing & Land Development Trust Ltd V CIT* (1961) 42 ITR SC
5. *Bharat Earth Movers Vs CIT* (2000) 245 ITR 428 (SC)
6. *Grace Collis and others Vs CIT* (2001) 248 ITR 323 (SC)
7. *CIT Vs Madras Auto Services Ltd.* (1998) 233 ITR 468 SC
8. *CIT Vs National Storage (P) Ltd.* (1967) 66 ITR 596 (SC)
9. *CIT Vs Travencore Suger & Chemicals Ltd* AIR 1973 SC 982
10. *ONGC Vs CIT* AIR 2010 SC 1927
11. *Attukal Shopping Complex P. Ltd Vs C.I.T.*(2003) 259 ITR 567 SC
12. *CIT Vs Infosys Technology* (2008) 237 ITR 167 (SC)
13. *CIT Vs Macdowell & Co.* (2009) 314 ITR 167 SC
14. *CIT Vs Doom Dooma India Ltd* (2009) 310 ITR 392 SC
15. *Navin Jindal Vs ACIT* (2010) 320 ITR 708 SC
16. *CIT Vs Ghanshyam (HUF)* (2009) 315 ITR 1 SC
17. *Techno Shares & Stocks Ltd Vs CIT* 2010 SC
18. *Guffic Chem P.Ltd. Vs CIT* 2011 (332) ITR 602 SC
19. *CIT v BC Srinivasa Setty* AIR 1981 SC 972
20. *CIT v Rajendra Prasad Moody* (1978) 115 ITR 519 SC

Module 3: Corporate Taxation

- 3.1 Meaning of Corporate Taxation
- 3.2 MAT (minimum alternate tax)
- 3.3 Merger & Amalgamation and tax treatment
- 3.4 Special provisions to C. T.
- 3.5 Dividend Distribution tax
- 3.6 Corporate Tax Planning
- 3.7 STT (security transaction tax)



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- Devedra Swamy vs State Road Transport Corporation, (2002) 9 SCC 644 Description: This case is related to Labour Courts (Section 11 and 10 (1)(c) of Industrial Disputes Act, 1947.
- Premier Automobiles Limited vs Kamalakar Shantaram Wadke and Others
1975 AIR 2238 1976 SCR (1)427 Dispute between employer and employee in relation whether decided by civil court or not, Sec 18 of ID Act in question.
- Workmen of Hindustan Lever Ltd. vs Hindustan Lever Ltd.
AIR 1999SC 525 Sec 17 b in conflict dealing with payment of full wages to workmen pending in higher courts.
- Cipla Limited vs Maharashtra General Kamgar Union
Appeal (Civil)12845 of 1996 that deals with unfair labour practices.
- Dimakuchi Tea Estate Karamchari Sangh vs Dimakuchi Tea Estate
AIR 1958 SC353 question arises in the case whether a dispute in relation to a person who is not a workman falls within the scope of industrial disputes.
- Standard Vacuum Refining Co. of India Ltd. vs Their Workmen
1961 AIR 895, Sec 12(4) in question on the point of settlement.
- Newspapers Ltd. Vs State Industrial Tribunal
AIR 1954 All 516, deals with definition of Industrial Dispute.
- Bombay Union of Journalists vs The Hindu
1963 AIR 318, Sec 12 (5) involved in the issue.
- Workmen vs M/s Dharampal Prem Chand 1966 AIR 182, Sec 2 (k), Sec 10 and Sec 36 of ID Act in question.
- Corporation of City of Nagpur vs Its Employees
1960 AIR 675, the question involved that Nagpur Municipality comes under the purview of industrial dispute or not.
- Bangalore Water Supply v A Rajappa AIR 1978 SC 548, triple test laid down in this case.
- State of Bombay vs Hospital Mazdoor Sabha
(1956) 58 BOMLR 769, Scrutinise the definition of industry.
- Management of Safdarjung vs. Kuldip Singh Sethi
AIR 1970 SC 1407, the question is whether hospital comes under purview of industry or not.

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- University of Delhi vs Ram Nath
1963 AIR 1873, the question is whether Delhi University is industry or not.
- Madras Gymkhana Club Employees Union vs Gymkhana Club
1968 AIR 554, Meaning of the word 'undertaking' in definition of industry.
- S. K. Verma vs Mahesh Chandra & Others
1984 AIR 1462, Whether workman includes Development Officer in LIC.
- Union Carbide India Ltd vs D. Samuel
Writ Petition 2596 of 1994, related to matter of unfair labour practices.
- Shambhu Nath Goyal vs Bank of Baroda, Jalandhar 1978 AIR 1088, the question involved is whether a written demand by the workman is essential existence of industrial dispute.

Unit VI: Industrial Employment (Standing Order) Act, 1956

6 lecture hours

Concept and Nature of the Standing Orders
 Certification of draft standing order
 Appeals
 Date of operation & Posting of standing order
 Interpretation of standing orders
 Industrial Establishments covered
 Misconduct
 Management Action, Disciplinary Action,
 Model Standing Orders
 Certifying Officers,
 powers and duties
 Penalties.

Cases:


- **S. K. Sheshadri v. HAL and others**, (1983) II LLJ 410 (Karnataka High Court) – relates to S.3 – the validity of the Standing Order which made lending in the company premises a misconduct was challenged as violative of Article 14 of the Constitution of India. The said standing order was held not to be discriminatory. It was further held that as long as the standing order falls within the schedule to the Act, they would not be invalid or ultra vires because they contain additional provision not provided in the model standing order.



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- **Rohtak and Hisar District Supply Corporation Ltd. v. State of UP**, AIR 1966 SC 1471 – this case relates under Section 4 – SC held that the employer cannot insist upon adding a condition to the standing order which relates to the matter which is not included in the schedule.
- **Buckingham and Carnatic Corp. Ltd. v. Venkatiah**, (1963) II LLJ 638 (SC) – relates to S.6 – abandonment or relinquishment of service is always a question of intention and normally such an intention cannot be attributed to an employee without adequate evidence but where the parties agree upon the terms and conditions of service and they are included in certified standing order, the doctrine of common law would not be relevant, it would then be matter of construing the relevant term of standing order.
- **Agra Electricity Supply Corp. Ltd. v. Alladin**, AIR 1970 SC 512 – it relates to the date of operation of standing order - The standing order certified by the certifying officer shall unless and until appeal is preferred comes into operation on expiry of 30 days from the date on which authenticated copies are sent, if an appeal is preferred it shall come into operation on expiry of 7 days from date on which copies of order of appellate authority are sent.
- **M. P. Vidyut Karamchari Sang v. MP Electricity Board**, 2004 SC – relates to the validity of the Act upon the agreement which is not notified by the State govt. and the question is whether an agreement despite expiry would prevail over a regulation made under Section 79(c) of the Electricity (Supply) Act, 1948 as regard the age of superannuation of an employee of the Respondent-Board is the primal question involved. The power of the Board, therefore, to lay down the conditions of service of its employees either in terms of regulation or otherwise would be subject only to any valid law to the contrary operating in the field. Agreement within the meaning of proviso appended to Rule 14A is not a law and, thus, the regulations made by the Board shall prevail thereover. The Board has power to make regulations which having regard to the provisions of General Clauses Act would mean that they can make such regulations from time to time. Alterations in the age of retirement by the employer is a matter of executive policy and for sufficient and cogent reasons, the same is permissible.
- **Jabalpur Development Authority v. Sharad Shrivastava**, (2005) I LLJ 304 (MP HC) – the employee who is working from the last 12 years whether he is a permanent or


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temporary employee? HC held that an employee cannot be called a temporary employee after rendering more than 12 years of service, otherwise it would be arbitrary.

- **Falcon Tyres Ltd. v. Falcon Tyres Employees Union, Mysore, 2005 III CLR 95 (Kant HC)** – the certifying officer has certified model standing order which provides for discharging an employee on medical grounds. However, the appellate authority modified the same to the effect that management should create alternative job and to protect his salary last drawn. This modification was challenged by the company. The modification cannot be termed reasonable. Employer cannot be compelled to create alternative suitable job. Ends of justice would be met if employer is directed to consider case of employee systematically and to give him alternative stable job, if available.

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	thorough knowledge of the Industrial Disputes Act, 1947, Trade Union Act, The Minimum wages Act,1948, The Employees State Insurance Act,1948 and the Industrial Employment (Standing Order) Act, 1946.	
2	The students shall become aware of the rights and responsibilities of the management and trade unions	



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LLB 354		Intellectual Property Law									L	T	P	C
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Version 1.1	July 2017	3	1	0	4
Pre-requisites//Exposure	Knowledge of Jurisprudence, Property law, Contract Law				
co-requisites	None				

Course Objectives

This course is intended to attain the understanding of global practice relating to IPR:

1. To understand the harmonize system of IPR
2. To know the evolution, nature and scope of Trade Marks
3. Analyse and compare the Global System of Trade Marks Registration
4. To Know the conflict between Trademarks and GI Law
5. Issue Relating to Patent Eligibility
6. Examine conflict of substantive Condition of Patentability
7. To examine the challenges of Copyright Law
8. To understand the legal framework of Copyright Law

Course Outcomes

After completion of this paper the students will be in a position to understand the challenges of Global Intellectual Property System. This paper equips the students with learning of those factors which has given impetus to its growth and more acceptances. It guides about market relevancy and impact on consumer behaviour. Particularly following specific outcomes is orientation of this paper:

1. It enables the student in understanding the basic framework of IP protection and fundamentals of IPR.
2. It will justify the necessity of IP protection to creators.
3. It will explain the need of global policy and harmonization of legal system.
4. An analytical comparative understanding of case law development enable student to find out what are the needs of market.
5. This paper analyses the ambit and scope IP protection.

Catalog Description



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Law relating to intellectual property intends protection for human creativity as well as recognition of non tangible property. 'Intellectual Property' is a generic term that came into regular use during the twentieth century. This generic label is used to refer to a group of legal regimes, each of which confers rights of ownership in a particular subject matter. Copyright, patents, designs, trademarks and protection against unfair competition form the traditional core of intellectual property. The subject matter of these rights is disparate. Inventions, literary works, artistic works, designs and trademarks formed the subject matter of early intellectual property law. One striking feature of intellectual property is that, despite its early historical links to the idea of monopoly and privilege, the scope of its subject matter continues to expand. The twentieth century has seen new or existing subject matter added to present intellectual property systems (for example, the protection of computer software as part of copyright, the patentability of micro-organisms as part of patent law), and new systems created to protect existing or new subject matter (for example, plant variety protection and circuit layouts). The strongly expansionary nature of intellectual property systems shows no sign of changing. Internationally, for example, special legal protection for databases remains part of the work program of the World Intellectual Property Organization (WIPO).

Text Books

1. V.K. Ahuja, "Law Relating to Intellectual Property Rights in India", 2nd Edition Butterworth Publication, (2013)

Reference Books

1. Ashwani Kr. Bansal, "Law of Trade Marks in India", 3rd Edition Commercial Law Publication, (2009)
2. Ashwani Kr. Bansal, "Materials on Copyright", Delhi University, (2004)
3. V.K. Ahuja, "Intellectual Property Rights in India", 2nd Edition LexisNexis Delhi (2015)
4. V.K. Ahuja, "Law of Copyright and Neighbouring Rights: National and International Perspectives" LexisNexis Delhi (2007)
5. Alka Chawla, "Copyright and Related Rights: National and International Perspectives" Mcmillan India,(2007)
6. P. Narayanan, "Law of Copyright and Industrial Designs", Eastern Law House: (4th ed.,2007)
7. P. Narayanan, "Law of Trade Marks and Passing off",Eastern Law House (6th ed., 2007)
8. P. Narayanan, "Patent Law", Eastern Law House (4th ed., 2006)

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9. Gillian Davies, Kevin Garnett, and Gwilym Harbottle, "Copinger and Skone James on Copyright" Thomson Reuters (Legal) Limited (16th ed., 2011)
10. David Kitchin, David Llewelyn, James Mellor, Richard Meade, Thomas Moody, "Kerly's Law of Trade Marks and Trade Names", Sweet and and Maxwell (14th Edition 2011)
11. W. Cornish and D. Llewelyn, "Intellectual Property: Patents, Copyright, Trademarks and Allied Rights", Sweet and Maxwell (8th ed., 2013)
12. Bernard O'Connor, "The Law of Geographical Indications", Camron (Reprinted 2007).
13. Dev Gangjee, "Relocating the Law of Geographical Indications", Cambridge University Press 2012.
14. P. Torremans, "Copyright Law: A Handbook of Contemporary Research, Edward Elegg Publishing Limited, (2007).

Course Content

Module 1

5 Lectures

Introduction, Concept, Nature and International Regime of IPR

- Concept of Intellectual Property Law
- Objectives for Protection of Intellectual Property
- Kinds of Intellectual Property
- Evolution of Intellectual Property
- International Regime of Intellectual Property- TRIPs Agreement, Paris Convention

MODULE 2

10 Lectures

Trademarks – Concept, Nature, Evolution, Grounds of Registration, Procedure and Remedy

- Historical development of the concept of trademark and trademark law-National and International.

Reference



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1. Andrea Mangani, *An Economic Analysis Of The Rise Of Service Marks*, Italy, pp. 1-22.
2. Dev Gangjee, 'Non Conventional Trade Marks In India', *National Law School of India Review* 2010 vol. 22(1) pp. 67-96.
- Registration of Trademarks- Conventional and Non Conventional Marks, Grounds- Relative and Absolute, Procedure

Reference:

3. Jacob Jacoby, *The Psychological Foundations Of Trademark Law: Secondary Meaning, Acquired Distinctiveness, Genericism, Fame, Confusion And Dilution*, Working Paper #CLB-00-003, pp 5- 56.
4. Arka Majumdar et all, 'The Requirement of Graphical Representability of Non Conventional Trade Marks', *Journal of Intellectual Property Rights*, Vol 11, September 2006, pp.313-317.
- Rights of Registered trademark owners- Assignment and licensing
- Remedies- Infringement and Passing off
- Trademark Issues in Cyber Space

Reference

1. Roger Leroy Miller, *Fundamentals of Business Law: Excerpted Cases*, 2011, pp. 108-109.
2. Abdulhadi M. Alghamdi, *Law of e-commerce*, 2011, pp. 201-221.

CASES:

1. *N.R. Dongre v. Whirlpool Corporation*(1996) 5 SCC 714)
2. *Balkrishna Hatcheries v. Nandos International Ltd.*, 2007(35) PTC 295 (Bom)
3. *Health & Glow Retailing Pvt. Ltd v. Dhiren Krishna Paul, Trading as Health and Glow Clinic*, 2007 (35) PTC 474 (Mad.)
4. *Satyam Infoway Ltd v. Sifynet Solutions Pvt. Ltd*, AIR 2004 SC 3540
5. *M/s Hindustan Development Corporation Ltd v. The Deputy Registrar of Trade Marks*, AIR 1955 Cal 319
6. *The Imperial Tobacco Co. of India v. The Registrar of Trade Marks*, AIR 1977 Cal 413
7. *Geep Flash Light Industries v. Registrar of Trade Marks*, AIR 1972 Del179
8. *Carrefour v. Subburaman*, 2007(35) PTC 225
9. *Parley Products v. J P & Co*, AIR 1972 SC 1359 60
10. *Cadila Health Care Ltd v. Cadila Pharmaceuticals Ltd*, 2001 PTC 541 (SC) 64
11. *Bata India Ltd. v. Pyare Lal & Co.*, AIR 1985 All 242



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12. *Milmet Oftho Industries v. Allergen Inc.* (2004) 12 SCC 624 79

13. *Balkrishna Hatcheries v. Nandos International Ltd.*, 2007(35) PTC 295 (Bom) 82

14. *Health & Glow Retailing Pvt. Ltd v Dhiren Krishna Paul, Trading as Health and Glow Clinic*, 2007 (35) PTC 474 (Mad.)

15. *N Ranga Rao v. Anil Garg*, 2006 (32) PTC 15 (Del) 99

16. *Pepsi Co Inc v. Hindustan Coca Cola Ltd*, 2003 (27) PTC 305 (Del) DB) 121

17. *Dabur India Ltd. v. Colgate Palmolive*, 2004 (29) PTC 401 (Del.) [Exceptions to Infringement S. 30] 133

18. *Hawkins Cookers Limited v. Murugan Enterprises*, 2008 (36) PTC 290

Module 3

5 Lectures

Geographical Indications

- Concept of Appellations of Origin, Indication of Source and geographical Indication
- International Convention/agreements
- The Geographical Indications of Goods (Registration and Protection) Act, 2000
- Procedure for Registration, Duration of Protection and Renewal Infringement, Penalties and Remedies

Module 4

10 Lectures

Copyright

- Concepts of Copyright, Idea- Expression dichotomy, Originality, Fixation

Reference:

1. Alka Chawla, Copyright And Related Rights National And International Perspectives, Chapter I & II- Introduction to the Copyright Law, History and Evolution of the Copyright Law.
2. W. R. Cornish, (2009) Intellectual Property: Patents, Copyright, Trademarks and Allied Rights, Sweet & Maxwell Universal Law Publishing Co. Pvt., New Delhi, pp. 9-001- 9-031.
3. P. Torremans, *Copyright Law: A Handbook of Contemporary Research*, Edward Elegar Publishing Limited, 2007, pp. 1-27

- Works protected under Copyright law, Authorship and ownership
- Statutory Rights conferred on copyright owners, Moral Rights



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- Related Rights- Broadcasting Rights, Performers Rights
- Internet and the Protection of Software Copyright
- Infringement of Copyrights and Licensing of Copyrights

CASES:

1. *R.G. Anand v. Delux Films*, AIR 1978 SC 1613.
2. *Zee Entertainment Enterprises v. gajendra Singh*, 2008(36) PTC 53 (Bom)
3. *Barbara Taylor Bradford v. Sahara Media Entertainment*, 2004 (28) PTC 474.
4. *Indian Express v. Jagmohan*, AIR 1985 Bom. 229.
5. *Baker v. Seldon* 101 US 99 (1829)
6. *Walter v. Lane* (1900) AC 539 UK
7. *Feist Publication v. Rural Telephone Services Co.*, 499 US 340 1991
8. *Eastern Book Co. v. D.B.Modak*, 2008(36) PTC 1 SC
9. *Mcmillan v. K. J. Cooper*, AIR 1924 PC75.
10. *University of London v. University Tutorial Press*, 1916, 2 CH 601.
11. *Fateh Singh v. O.P.Singhal*, 1990 IPR 69 Raj.
12. *Raj Toys Industries v. Munir Printing Press*, 1982 PTC 85.
13. *Super Cassette Industries v Nirulas Corner House*, 2008 (37) PTC 237 (Del).
14. *Gramophone Co. v. Baredra Bahadur Pandey*, AIR 1984 SC 667.
15. *Garware Plastic and Polyster Ltd. v. M/S Telelink and others*,
16. *Bipinchandra Parsottamdas Patel v State of Gujrat* , 2003(4)SCC 642.
17. *Manu Bhandari v. Kala Vikas Pictures Ltd.* AIR 987 Del 13
18. *Amar Nath Sahgal v. Union of India*, 2005 (25) PTC 56.
19. *Ved Prakash v. Manoj Pocket Books*, (1990) Suit No. 1869.
20. *Microfibres v. Girdhar & Co.*,
21. *Shree Venkatesh Films Pvt. Ltd. v. Vipul Amrutlal Shah*
22. *Balwindar Singh v. Delhi Adminstration*, AIR 1984 Del 379.
23. *Lama Prasad v. Nabhash* AIR 1967 Assam 70.
24. *Indian Performing Rights v. Eastern India Motion*, AIR 1977 SC 1443.
25. *Najma Heptullah v. Orient Longman Ltd.* AIR 1989 Del. 6.
26. *Maganlal Savani v. Rupam Pictures*, AIR 2000 Bom. 416.
27. *Raj Video Vision v. K. Mohan Krishanaan*, AIR 1998 Mad. 294.

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28. *Gee Pee Films Pvt. Ltd v. Prattek Chaudhury*, 2002 (24)PTC 392 (Cal).

29. *Amir Raja (Cinama Script case)*

Module 5

10 Lectures

Patents

- Concept of Eligibility, Patentability- Novelty, Inventive steps, Utility, Evolution
- Granting of Patents- Specification, Claims, Examination of application. Opposition of Application, Sealing of Patents
- Working of Patents – Compulsory License,
- Remedies- Anton Piller Order, Marvah Injunction, Infringement., Defences to Infringement- Bolar Principles, Research exemption, First Sale Doctrine.

CASES:

1. *Bishwanath Prasad Radhey Shyam v.H.M. Industries* [A.I.R. 1982 S.C. 1444
2. *Raj Parkash v.Mangat Ram Choudhary*,
3. *Ammonia's Application*, 49 RPC 409,
4. *Kirin-Amgen Inc. v. Roche Diagnostics GmbH* [2002] RPC 1,
5. *Lallubhai Chakubhai v. Chimanlal Chunilal & Co.* A.I.R. 1936 Bom. 99
6. *Pope Alliance Corp. v. Spanish River Pulp & Paper Mills Ltd.*, A.I.R. 1929 P.C. 38,
7. *Monsanto Co. v. Coromandel Indag Products (P) Ltd.* 1986 A.I.R. 712,
8. *Ram Narain Kher v. Ambassador Industries*, (AIR 1976 Del 87
9. *Staridipack Private Limited v. Oswal Trading Co. Ltd* (1999 (19) PTC 479 (Del))
10. *Monsanto Company v. Coramandal Indag Products (P) Ltd.*, (1986) (1) SCC 642.,
11. *Franz Zaver Huemer v.New Yesh Engineers*, (1996 PTC (16) 164 Del.)
12. *M/s. Bishwanath Prasad Radhey Shyam Appellant v. M/s. Hindustan Metal Industries*,
13. *Gillette Industries Ltd., v. Yeshwant Bros.* A.I.R., 1938. Bom. 347,
14. *Rickett & Colman of India Ltd. v. Godrej Hi Care Ltd.*, (2001 PTC 637 (PO)).
15. *Surendra Lai Mahendra v. Jain Glazers* [1981 PTC 112 Del]
16. *Biogen Inc v. Medeva plc* [1997] RPC 1
17. *Lakhatpati Rai & Ors.v. Srikissen Dass & Ors.* (1917),
18. *Brenner v. Manson*
19. *In re Fisher*



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20. *Ajay Industrial Corporation v. Shiro Kamas of Iberaki City (AIR 1983 Del 496.)*,
21. *Press Metal Corporation Limited v. Noshir Sorabji Pochkhanawalla (1982 PTC 259*
22. *Novartis AG v. Union of India*
23. *Diamond v. Anand Chakrabarty*,
24. *Dimminaco – A.G v. Controller of Patents & Designs and others (AID No.1 of 2001)*
25. *Ram Narain Kher v.. M/s. Ambassador Industries New Delhi and another [AIR 1976 Delhi 87]*,
26. *Ex Parte Latimer, 1889 Comm'r, Dec. 123 (1889)*,
27. *In Standipack Pvt.Ltd. v. Oswal Trading Co. Ltd*
- 28 *Graham v. John Deere Co*30. *KSR International Co. v. Teleflex Inc*

Module 6

8 Lectures

Industrial Design

- Concept of Industrial Design, Novelty or Originality, Relation between Copyright and Industrial Design Protection.
- Condition and Procedure of Registration.
- Piracy of Industrial Design
- Protection for parts of Industrial Design
- International and Transnational practices

CASES:

1. *Mattel Inc. v. Jayant Agarwalla, IA No. 2532/2008 in CS (OS) 344/2008*).
2. *Rajesh Masrani V. Tahiliani Design Pvt. Ltd, AIR2009Delhi44*
3. *Microfibers Inc. V. Girdhar & Co. & Anr, RFA (OS) NO.25/2006*
4. *Tarun Sethi & Ors.v. Vikas Budhiraja & Ors. Delhi High Court CS(OS) 1841/2008*
5. *Chawla & Sons v. Bright Auto Industries [AIR 1981 Delhi 95]*
6. *M/S.Whirpool Of India Ltd vs M/S.Videocon Industries Ltd SUIT (LDG) NO. 1675 OF 2012 on 25 July, 2012*
7. *M/s S K INDUSTRIES v. DIPAK GHOSH @ MANA DA TRADING, 2010(42)PTC96(Del)*
8. *Dabur India Ltd. Vs. Amit Jain & Anr. 2009 (39) PTC 104*



Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1.	It enables the student in understanding the basic framework of IP protection and fundamentals of IPR	1, 5,3
2.	It justifies and explains the objectives of IP protection to creators.	1,3
3.	This paper also justifies the need of global policy and harmonization of legal system	1, 3
4.	An analytical comparative understanding of case law development enable student to find out what is the need of market	2, 5
5.	This paper also manifests the philosophy of IP protection.	3,4,5

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		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation
		1	2	3	4	5
LLB 354	Intellectual Property Law	2	2	3	1	2

1=addressed to small extent

2= addressed significantly

3=major part of course



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LLB 355	International Trade Law	L	T	P	C
Version1.2	July 2017	3	1	0	4
Pre-requisites/Exposure	Basics of Commercial Laws, International Law				
co-requisites	None				

Course Objectives

1. To develop the basic understanding of the normative, institutional framework and robust mechanism for the regulation of international trade.
2. To understand the importance of Law of International Trade in an increasingly globalized world of complex international economic relations.
3. To analyze the practices and approach of India on various issues attached to International trade, particularly as an emerging global economic power.

Course Outcomes



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On completion of this course, the students will be able to

1. Apply knowledge of perspectives/approaches in regard to the multilateral regulation of international trade relations
2. Understand the rules governing the WTO regime in facilitating trade and the dispute settlement mechanism
3. Understand the various forms of international sales contract and their application

Catalogue Description

International trade is a complicated area of law because there are numerous levels of trade organizations and interactions. There are bilateral trade agreements, regional trade agreements and multilateral trade agreements. Each of these agreements has its own history, policies and dispute settlement procedures. This course will deal with the law relating to WTO, regional trade agreements on international trade, dispute settlement mechanisms, and international sales. Apart from the relevant Indian laws, the focus will be mainly upon the international legal conventions and Indian legal system in these areas. As this sect of Law consists of a mix of public international law and domestic/national law, applicable to commercial transactions, other related enactments will also be discussed in detail.

Text Books

- M. Matsushita, T. Schoenbaum and P. Mavroidis, *The World Trade Organization: Law, Practice and Policy*, second edition, Oxford: Oxford University Press, 2006
- A.K. Koul, *General Agreement on Tariffs and Trade (GATT)/the World Trade Organization (WTO): Law, Economics and Politics*, Satyam, 2005

Reference Books

- John and Jackson, *The Jurisprudence of the GATT and the WTO*, 1st Edition 2000, Paperback Version 2007
- Barton H. John, Goldstein L. Judith, Josling E. Timothy and Steinberg H. Richard, *The Evolution of the Trade Regime: Politics, Law and Economics of the GATT and the WTO*, Princeton 2006
- Andreas F. Lowenfeld, *International Economic Law*, Oxford University Press, 1997


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- Raj Bhala, *Modern GATT Law*, London: Sweet & Maxwell, 2005
- Paul Todd, *International Trade Law*, Sweet & Maxwell, 2002
- Indira Carr, *International Trade Law*, Cavendish, 2003
- Hoekman M. Bernard and Petros C. Movroidis, *The World Trade Organization: Law, Practice and Policy*, Routledge-Taylor, 2007
- Michael J Trebilcock and Robert Howse, *Regulation of International Trade*, Third edition, London: Routledge, 2005
- Das B. L., *The World Trade Organization: A Guide to the Framework of International Trade*, Earthworm Books
- Guzman, *International Trade Law*, 1st Edition 2009
- Petros C. Movroides, *General Agreement on Tariffs and Trade: A Commentary*, Oxford, 2005
- Asif H. Qureshi, *Interpreting WTO Agreements: Problems and Perspectives*, Cambridge 2006
- Jayant Bagchi, *World Trade Organization: An Indian Perspective*, Eastern Law Books
- Arup Christopher, *The New World Trade Organization Agreements: Globalizing Law through Services and Intellectual Property*, Cambridge 2000
- Rupa Chanda, *Trade in Services and India*, Viley, 2006

Articles: Additional Readings

- Kevin C. Kennedy, 'The GATT-WTO System at Fifty', 16(2) Wisconsin International Law Journal, 1997 - 1998, pp. 421 – 528
- B S Chimni (2005), 'The World Trade Organization, Democracy and Development: A View from the South', 40 (1) Journal of World Trade, 5 – 36
- Thomas Dillon, 'The World Trade Organization: A New Legal Order for World Trade', 16 Michigan Journal of International Law, 1995, pp. 349 – 402
- Frederick M. Abbott, 'The WTO Medicines Decision: World Pharmaceutical Trade and the Protection of Public Health', 99 American Journal of International Law, 2005, pp. 317-358



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- Prabhash Ranjan, 'Understanding the Conflicts between the TRIPS Agreement and the Human Right to Health', 9 (6) Journal of World Investment and Trade, 2008, pp. 551-578
- A. Jayagovind, 'The GATS and Indian Legal Profession', Indian Bar Review, Vol. XXXI, 1 & 2, 2004
- M. Oesch (2003), 'Standards of Review in WTO Dispute Resolution', 6 Journal of International Economic Law 635
- J.Cameron and K.R.Gray (2001). "Principles of International Law in the WTO Dispute Settlement Body" 50 International Comparative Law Quarterly 248.

Course Content

Unit I:

Establishment of WTO (World Trade Organization)

- Bretton Woods and the failure of the International Trade Organization
- Forp
- Tariff negotiation rounds
- Introduction to Marrakesh Agreement
- Creation of WTO
- The WTO: Functions, structure, Membership, accession, withdrawal, decision making, current position (Doha Development Agenda)

Unit II:

International Trade and Dispute Resolution Mechanisms

- International Institutions for Dispute Settlement Mechanism- ICSID, WIPO, PCA
- Dispute Settlement Understanding
- Enforcement of WTO Obligations: Remedies and Compliance
- Critical Appraisal

Unit III:

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GATT: Basic Principles and Obligations

- Non-Discrimination: Most favoured Nation, National treatment
- Transparency
- Tariff, Quotas and other barriers to trade
- Subsidies and Countervailing Duties
- Antidumping
- Safeguard
- Exceptions

Unit IV:

GATS: Basic Principles and Obligations

- GATS Agreement: Main Features
- Definition and Modes of services
- General Obligations under GATS
- Specific Commitments
- Services Negotiations under Doha Round

Unit V: Brief Introduction to other Important Areas of International Trade

- TRIPS and TRIMS
- Regional Trade Agreement and WTO
- Environment and Health Concerns
- Government Procurement
- Agriculture
- Role of UNCITRAL
- Basic Introduction to International Commercial Law (INCOTERMS, Sale of Goods and International Commercial Arbitration)
- Critical Appraisal of the Entire WTO System



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Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	Apply knowledge of perspectives/approaches in regard to the multilateral regulation of international trade relations	1, 2,5
2	Understand the rules governing the WTO regime in facilitating trade and the dispute settlement mechanism	1, 2,3,4
3	Understand the ancillary aspects of International trade	5

LLB 355	International Trade Law	1	2	3	4	5			
		2	2	3	1	1			

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1=addressed to small extent

2= addressed significantly

3=major part of course

Theory of this course is used to evaluate PO(3)

Laboratory of this course is used to evaluate PO(5)



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COURSE-II



Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	To understand the importance and implications of Copyright law in films.	1,2,3
2	To appreciate the legal framework available for regulation and protection of cinematography	2,4

		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Understanding	reform	Ensure Professional Preparation
		1	2	3	4	5
BAL/BB L 716 IPR/ LLB-236	Copyright Law in Film Industry	1	1	2	3	3



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- License and Assignment
- Infringement
- Remedies
- Limitations and exceptions to infringement

Unit V: Issues related to Copyright in Films

- Broadcast Reproduction
- Copyright clearances with regard to movies
- Including traditional art form in cinematographic works
- Piracy
- Defamation

Unit VI: Internet and Films

- WIPO Internet Treaties
- Legal Issues involved in Online Downloading of film
- Fixing the liability

Case studies

Zee Telefilms Ltd. v Sundial Communications Pvt. Ltd. 2003 (5) BomCR 404

Anil Gupta v Kunal Dasgupta, AIR 2002 Del 379

RG Anand vs Delux Films & Ors.(SC)

Vipul Amrutlal Shah vs Shree Venkatesh Films Pvt. Ltd. & Ors.(Cal HC)

Barbara Taylor Bradford v. Sahara Media Entertainment Ltd., MANU/WB/0106/2003

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)



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Articles (Additional Reading):

- Rights, Camera, Action! IP Rights and the Film-Making Process Creative industries – Booklet No.2, Available at- http://www.wipo.int/edocs/pubdocs/en/copyright/869/wipo_pub_869.pdf
- Nishith Desai, Indian Film Industry: Tackling Litigations
- Shubha Ghosh, A roadmap for TRIPS: copyright and film in Colonial and Independent India, Queen Mary Journal of Intellectual Property, Vol. 1 No. 2, September 2011, pp. 146–162

Course Content

Copyright Law in Film Industry

Unit I: Copyright

- Meaning, Nature & Scope
- Historical and Economic foundations of copyright law

Unit II: Evolution of copyright law in the context of films

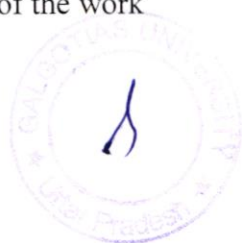
- History of copyright law in context of films
- Development of Copyright Law in context of films Industry

Unit III:

- Concept of 'Originality' in the context of cinematographic works
- Authorship and Ownership
- Legal Stakeholders in a Film
- Statutory Rights Conferred on the Stakeholders

Unit IV:

- Rights associated with copy Rights (Economic Rights, Neighbouring Rights and Moral Rights)
- Registration of the work



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pronouncements around the globe that make this area of Copyright extremely engaging for a student of law. In this milieu it becomes imperative for students to be market ready and have a nuanced understanding of the legalities involved in cinematography – pre and post production.

Text Books

- Ashwani Kr. Bansal, Materials on Copyright (2004)
- Michael C. Donaldson and Lisa Callif, Clearance & Copyright, 4th Edition: Everything You Need to Know for Film and Television, Silman-James Press; 4 edition (December 15, 2014)
- V.K. Ahuja, Law of Copyright and Neighbouring Rights: National and International Perspectives (2007)
- Alka Chawla, Copyright and Related Rights : National and International Perspectives (2007)
- P. Narayanan, Law of Copyright and Industrial Designs (4th ed., 2007)
- Scaria, Arul George, Piracy in the Indian Film Industry: Copyright and Cultural Consonance, Cambridge University Press, 2014

Reference Books

- Rebecca Weaver-Hightower and Peter Hulme (Eds.), Postcolonial Film: History, Empire, Resistance, Routledge, (February 24, 2014)
- Mark Litwak (Ed.), Dealmaking in the Film & Television Industry: From Negotiations to Final Contracts, Silman-James Press; 3 edition (February 2, 2009)
- Joy Butler, The Permission Seeker's Guide Through the Legal Jungle: Clearing Copyrights, Trademarks and Other Rights for Entertainment and Media Productions, Sashay Communications (May 15, 2007)
- Dina Appleton and Daniel.Y, Hollywood Dealmaking: Negotiating Talent Agreements for Film, TV and New Media, Allworth Press; 1 edition (January 12, 2010)
- Copinger and Skone James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle, (15th ed., 2005)



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BAL/BBL 716 IPR/ LLB-236 IPR	Copyright Law in Film Industry	L	T	P	C
Version1.1	Date of Approval: July 2017	2	1	0	3
Pre-requisites/Exposure	NIL				
Co-requisites	NIL				

Course Objectives

- To understand the application of copyright laws on film industry
- To know the substantial and procedural legal aspects of the Indian copyright law
- To have a comparative perspective from other countries where necessary
- To understand film related copyright issues in the era of technological advancement

Course Outcomes

After completion of this paper student will be in a position;

- To understand the importance and implications of Copyright law in films.
- To appreciate the legal framework available for regulation and protection of cinematography

Catalog Description

Copyright in Cinematography or Film Making has huge commercial, ethical and artistic underpinnings. There are several rights associated with one piece of artwork that the film is. Big production houses in India such as Dharma Productions and Red Chillies Entertainment have dedicated IPR Cells mainly dealing with the Copyright aspects of the film. Also, Copyright regime in Western countries is highly developed and organised. There are many judicial



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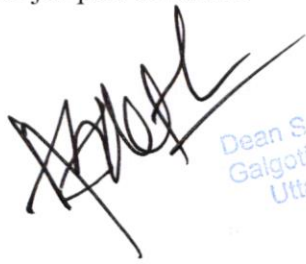
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		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation
BAL/BBL – 716 CRI/ LLB-236 CRI	Criminology	1	2	3	4	5
		2	3	2	1	1

1=addressed to small extent

2= addressed significantly

3=major part of course



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- Prison System: Civil law and Common law
- Classification of Prisoners
- Fundamental Rights of the Prisoners: Domestic and Intentional
- Problems of Indian Prison System
- Open Prisons: Meaning and scope

Reference

- Bhattacharya, S.K. (1985) Social defence : An Indian perspective, Manas publications.
- Brodie, S.R. (1976), Effectiveness of Sentencing, Home Office, London.
- Carney, Louis P. (1981), Corrections : Treatment and philosophy, Prentice Hall Inc.
- Reckless, Walter C. (1967) The Crime Problem, Vakils, Foffner and Simons.
- P. K. Sen : Penology : Old and New.
- Veeder and Kay : Penology : A Realistic Society.
- Nigel Walker, Sentencing in a Rational Society.
- Hall, Jerome, The Aims of Criminal Law.

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1.	Shall develop a conceptual understanding of the basics principles of Criminology.	1,3
2.	Shall be able to understand the approach of modern crimes like White color crime, blue color crime and organized crime.	1,2,5
3.	Shall be able to analyze about Victimology and Prison system	2,3,5
4.	Shall also learn about the challenges and developments in criminal justice administration and forensic science	4,5



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- i. Fathali M. Hoghaddam (1998) Social Psychology : Exploring Universals Across Cultures, New York: W.H.Freeman and Company.
- j. Garrett H.E. (1961) General Psychology, New Delhi : Eurasia Publishing House Ltd

Module II

9 lectures

Modern Crimes

- **Organized Crime:** Definition and characteristics, Types, Organized International Crimes, Prevention and control strategies.
- **White Collar Crime:** Nature and definition, theorizing by Sutherland, Anti white color crime legislations in India
- **Blue collar crime, Brown collar crime and Pink Collar crime.**

Module III

Victim Justice (Victimology)

7 lectures

- Victimology: Definition, Origin, Development of Victimology, Victimology in India
- Emerging Concerns for the Victims of Crime, Victim- Precipitation
- Victim - Compensation / Restitution , Problems of Victims in the Criminal Justice System
- Victim Offender Relationship, Victim Surveys , Victim Offender Mediation Programmes
- Role of Victim Crime, Types of Victim, Compensation to Victims, Restitution
- Classification of Victims, Victims of Sexual Offences, Women as Victims of Dowry and Domestic Violence, Ordinary Crime Victims.
- Victims of Political Violence (Terrorism, Communal Violence, Caste Carnages etc.
- Victims of Environmental Pollution, Victims of Accidents.
- UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power. Victimological Research in India.

Module IV

8 lectures

Correctional system

The Prison System



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- Pre-classical
- Neo-Classical
- Positive, Cartographic
- Biological
- Constitutional

C. Theories of Causes of Crime

- Biological Theories
- Psychological Theories
 - Theories of personality - Freud, Murray and Catell.
- Sociological Theories
 - Differential Association theory, Group Conflict Theory, Containment Theory, Subculture Theory, Labelling Theory.

Reference

- Siddique, A (1993), Criminology, Problems and Perspectives (2nd ed.) Lucknow, Eastern Book House.
- Conklin, J.E. (2001), Criminology, Macmillan Publishing Company.
- Sutherland, H.E., & Cressey, D.R. (1974), Principles of Criminology, Philadelphia : Lippincott.
- George Vold and Thomas J. Bernard (1986), Theoretical Criminology, New York : Oxford University Press.
- Walter C. Reckless (1967), The Crime Problem, Bombay : Vakols, Feffner & Simson P. Ltd.
- Titus Reid (1982), Crime & Criminology, New York : Holt, Rinehard & Winstoon
- Richard Quinney and John Wildeman (1977), The Problem of Crime - A critical introduction to criminology, London : Harper & Row.
- Carson R.C. and James N. Butcher (1992), Abnormal psychology and Modern Life, Harper Collinns Publisher Inc.



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1. Siddique, A (1993), Criminology, Problems and Perspectives (2nd ed.) Lucknow, Eastern Book House.
2. Conklin, J.E. (2001), Criminology, Macmillan Publishing Company.
3. Sutherland, H.E., & Cressey, D.R. (1974), Principles of Criminology, Philadelphia : Lippincott.
4. George Vold and Thomas J. Bernard (1986), Theoretical Criminology, New York : Oxford University Press.
5. Walter C. Reckless (1967), The Crime Problem, Bombay : Vakols, Feffner & Simson P. Ltd.
6. Titus Reid (1982), Crime & Criminology, New York : Holt, Rinehard & Winstoon
7. Richard Quinney and John Wildeman (1977), The Problem of Crime - A critical introduction to criminology, London : Harper & Row.
8. B B Pande The Nature and Dimensions of Privileged Class Deviance in The Other Side of Development 136 [1987; K S Shukla ed.]
9. Carson R.C. and James N. Butcher (1992), Abnormal psychology and Modern Life, Harper Collinns Publisher Inc.
10. Fathali M. Hoghaddam (1998) Social Psychology : Exploring Universals Across Cultures, New York: W.H.Freeman and Company.
11. Garrett H.E. (1961) General Psychology, New Delhi : Eurasia Publishing House Ltd S. Chabra- Quantum of Punishment in Criminal Law.
12. Herbert L. Packer- the Limits of Criminal sanctions. Bhattacharya, S.K. (1985) Social defence : An Indian perspective, Manas publications.
13. Brodie, S.R. (1976), Effectiveness of Sentencing, Home Office, London.

4. Course Content

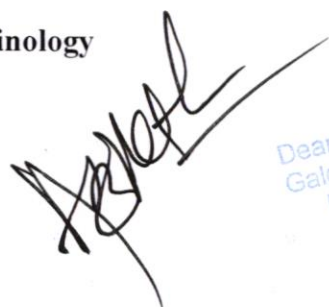
Module I

10 lectures

A. Criminology: Introduction

- Criminology, Crime - definitions; historical perspectives; nature, origin and scope - Criminology as a social science, relations with other social sciences, medicine and law.

B. School of Criminology



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- To examine the causes of traditional and non-traditional criminal behavior
- To assess the relative utility of various explanations of the causes of crime
- To appreciate the role of criminological theory as a social science
- To appreciate emerging, critical, and global versions of criminology
- To spell out commonly known punitive policies.
- To state historical and social explanation and nature of commonly used agencies and institutions for detection and prevention of crime and for dealing with the offenders after the crime is committed.

1. TEACHING METHODOLOGY

As per the norms in this subject there will be 3 classes per week. Teaching Methodology will include Lecture-cum- case discussion, Assignments / Projects, and Presentations.

2. THE EVALUATION SCHEME

- Continuous Assessment- 20%
- Project- 20%
- End Term- 60%

3. Select bibliography

Text Books

1. Ahmad Siddique: Criminology-Problems and Penology, Eastern Book Company
2. Paranjape: Criminology and Penology, Central Law Publications.
3. Sirohi, J.P.S.: Criminology and Criminal Administration, Allahabad Law Agency

Reference Books



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BAL/BBL 716 CRI/LLB-236 CRI ³	Acquaint with the role of media and how is it helpful in trial process	Criminology	L 3,4,5	T 5	P 0	C 3
Version 1.1	Date of Approval:		2	1	0	3
Pre-requisites//Exposure	Law of Crimes-I, Law of Crimes-II					
co-requisites	None					

		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation
		1	2	3	4	5
BAL/BBL-716 CON/LLB-236 CON	Media Law	1	1	3	2	2

- 1=addressed to small extent
- 2= addressed significantly
- 3=major part of course

Course objective:

- To acquire an informed understanding of the basic concepts in criminology.
- To recognize the major sources of data on crime trends and patterns
- To examine the historical evolution of criminological theory

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7. *Common Cause v. Union of India*, (2015) 42 SCD 686;
8. *CPIO, Supreme Court of India v. Subhash Chandra Aggarwal*, AIR 2010 Delhi 159;
9. *Devidas Ramachandra Tuljapurkar v. State of Maharashtra*, 14 May 2015 (Criminal Appeal No. 1149 of 2010);
10. *In re Destruction of Public and Private Properties*, (2009) 5 SCC 119;
11. *In re S. Mulgaonkar v. Unknown*, 1978 SCR (3) 162;
12. *Jatish Chandra v. Hari Sadhan*, AIR 1951 SC 613;
13. *Jawahar Darda v. M G Kapsikar*, (1998) 4 SCC 112;
14. *M.P. Lahota v. State of West Bengal*, (2005) 2 SCC 686;
15. *MSMV Sharma v. Krishna Sinha*, AIR 1959 SC 395;
16. *Naveen Jindal v. Zee Media Corporation Ltd.*, (2014) 2 SCC 1;
17. *Odyssey Communications Pvt. Ltd. v. Lokvidayan Sanghatana*, 1988 SCR Supp. (1) 486;
18. *Prabha Dutt v. Union of India*, 1982SCR (1) 1184;
19. *R.K. Anand v. Registrar, Delhi High Court*, (2009) 8 SCC 106;
20. *Rajagopal v. State of Tamil Nadu*, 1994 SCC(6)632;
21. *Rajat Prasad v. CBI*, (2014) 6 SCC 495;
22. *Rajeev Dhawan v. Gulshan Kumar Mahajan*, (2014) 41 SCD 785, Contempt P. (Crl.)2/1994;
Rajender Sail v. Madhya Pradesh Bar Association, (2005) 6 SCC 109;
23. *Reliance Petrochemicals Ltd. v. Properties of Indian Express Newspapers, Bombay Pvt Ltd.*, 1988 SCR Supp. (3) 212;
24. *S. Rangarajan v. P.*, 1989 SCR (2) 204;
25. *Sahara India Real Estate Corp. Ltd. v. Securities and Exchange Board of India*, (2012) 10 SCC 603;
26. *Sanjoy Narayan Editor-in-Chief Hindustan v. Hon. High Court of Allahabad through R.G.*, 2011 (9) SCALE 532;
27. *Secy. Ministry of Broadcasting v. Cricket Association of Bengal*, (1995) 2 SCC 161;
28. *Shreya Singhal v. Union of India* (2015) 5 SCC 1;
29. *Swatanter Kumar v. The Indian Express Ltd.*, 207 (2014) DLT 221;
30. *Union of India v. Motion Picture Association*, AIR 1999 SC 2334.
31. **Relationship between the Course Outcomes (COs) and Program Outcomes (POs)**
- 32.

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	Acquaint with the freedom of press as enshrined in Article 19(1) (a) of the Constitution.	1,3,5
2	Acquaint with the concept of right to information and the role played by it	2,4



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MODULE – 4 - Media and Its Regulations

The Press Council of India Act, 1978;

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

The Telecom Authority of India (TRAI) Act, 1997;

The Prasar Bharati Act, 1990;

The Cable TV Network (Regulation) Act, 1995 ;

Broadcasting Content Complaint Council (BCCC) Orders and Advisories;

News Broadcasting Standards Authority (NBSA) Regulations;

News Broadcasters Association, (NBA) Code of Ethics;

Regulation of Social Media and Relevant Provisions of Information Technology Act, 2000;

Press and the Monopolies and Restrictive Trade Practices Act, 1969.

MODULE – 5 - Media and Other Contemporary Issues

Media, Advertisement and the Law;

Media Censorship and Gag Orders;

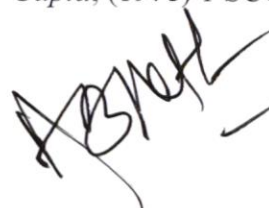
Reporting of Legislative Proceedings;

Paid News; Poll Surveys;

Media Competition.

Relevant Case Laws

1. *ABP Pvt Ltd v. Union of India* (2014) 3 SCC 327;
2. *Ajay Goswami v. Union of India*, AIR 2007 SC 493;
3. *Ashok Shankarrao Chavan v. Mafurrao Kinhalkar*, (2014) 7 SCC 99;
4. *Benent Coleman & Co. v. Union of India*, AIR 1973 SC 106;
5. *Bobby Art and International v. Om Pal Singh Hoon*, (1996) 4 SCC 1;
6. *C K Daphary v. O P Gupta*, (1971) 1 SCC 626;


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Difference between visual and non-Visual Media- impact on People's minds;

Radio and Television - Government monopoly;

Implications of Social Media: Facebook, WhatsApp and Twitter etc.;

Media Law - History and Legislative efforts.

MODULE - 2 - Media and the Constitution

Freedom of Speech and Expression - Article 19 (1) (a);

Reasonable restrictions under Article 19 (2);

Derivative rights- rights to know, right to broadcast, Hate Speech;

Freedom of the Press - Privacy, defamation and the sting operation;

Definition and scope of privacy; Distinction between Public figure and private figure;

Paparazzi, publishing in forma obtained illegally, right of publicity;

Defamation; obscenity, blasphemy and sedition, against public person, publishing recklessly;

Sting operations, investigative journalism, leveson report;

Censorship of films – constitutionality;

Regulatory measures to Control the misuse of Social Media.

MODULE – 3 - Media and the Right to Information

Public Access to Information;

Right to Collect Information;

Compelling Journalists to Disclose Information about Crime and Sources;

Trial By Media and Fair Trial; Pre Trial Publicity;

Cameras in Courtrooms;

Contempt of Court; Scandalising, Vilification of Institution of Court, Unverified Reporting, Fair Comments and Criticism.



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6. Consultation Paper on the Proposed Draft of the Broadcasting Services Regulation, MI&B, Self-Regulatory Measures- BCCC Guidelines on Self-Regulation; BCCC Report to the MI&B; BCCC Orders and Advisories; NBSA Regulations; NBA Code of Ethics
7. Consultation Paper-cum Questionnaire on Undercover Sting Operations,
8. Convergence Bill; Regulatory Commissions of new media; Indian Telegraph Act of 1885
9. Guidelines on Pre-Poll and Exit Poll, PCI, 1996
10. Report of the Committee on Electoral Reforms, MoL&J, 2010;
11. Report of the Prasar Bharati's Expert Committee, 2013;
12. Report on Paid News, PCI, 2010;
13. *The Telecom Authority of India (TRAI) Act*, 1997
14. Trial by Media: Free Speech and Fair Trial under Criminal Procedure Code, 1973, 200th Report, Law Commission of India, 2006.
15. Disaster: Media And Politics 2008; by Punya Prasun Bajpai.
16. NDTV Frauds, by Mr Sree Iyer.
17. Media Control: The Spectacular Achievements of Propaganda (Open Media Series) by Noam Chomsky.
18. Privacy and Media Freedom, by Raymond Wacks.
19. Modi Muslims and Media: Voices from Narendra Modis Gujrat – 2014, by MADHU PURNIMA KISHWAR.
20. Section 5D of *the Cinematograph Act*, 1952 relating to the establishment and functioning of Film Certification Appellate Tribunal;
21. Section 66A, *Information Technology Act* of 2001;
22. Sections 4 and 7, *Contempt of Courts Act*, 1971;
23. *The Advertisement Act*, 1954;
24. *The Cable TV Network (Regulation) Act*, 1995;
25. *The Cinematography Act* 1952;
26. *The Dramatics Performances Act*, 1876;
27. *The Drugs and Magic Remedies (Objectionable) Advertisement Act*, 1954
28. *The Indecent Representation of Women (Prohibition) Act*, 1986;
29. *The Prasar Bharati Act*, 1990
30. *The Press Council of India Act*, 1978

Course Contents

MODULE – 1 - Introduction

Concept and Definition of Media;

Different forms of Media (Print media; Broadcast media; Social media);



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Mass media such as press, radio and television, films, play a vital role in socialization, culturalisation and modernization of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as men educators, they are also susceptible to destructive and harmful uses for promoting criminal anti-social and selfish escapist tendencies. While their positive potential as mass educators has to be harnessed for developmental purposes, their negative, harmful potential has to be curbed in public interest. Law plays a dual role vis-a-vis such media. On the one hand, it protects the creative freedom involved in them, on the other; it has to regulate them so as to avoid their possible abuse. This paper will deal with such interaction between law and mass media. It aims to familiarize the theoretical debates on media, law and ethics in the Indian context. It also attempts to evolve an understanding of the complexities of ethical and legal media practice.

Text Books

1. Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression". *14 J.I.L.I. 501 (1972)*.
2. D D. Basu, *The Law of Press of India* (1980).
3. H.M. Seervai, *The Constitutional Law of India Vol.I* (1991) Tripathi, Bombay.Law 328
4. John B. Howard, "*The Social Accountability of Public Enterprises*" in *Law and Community Controls in New Development Strategies*" (International Center for law in Development 1980).
5. Justice E.S. Venkaramiah, *Freedom of Press: Some Recent Trends* (1984).
6. M.P. Jain, *The Constitutional Law of India* (1994)
7. Madhavi Goradia Divan, "Facets of Media Law", 2nd ed. 2013, Eastern Book Company, Lucknow
8. Rajeev Dhavan, "On the Law of the Press in India" *26 J.I.L.I. 288 (1984)*.
9. Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" *26 J.I.L.I. 391 (1984)*.
10. Soli Sorabjee, *Law of Press Censorship in India* (1976).

Reference Books

1. 31st Report of the Parliamentary Standing Committee on Subordinate Legislation 2012-13
2. 47th Report of the Parliamentary Standing Committee on Information Technology, 2013
3. 52nd Report on Cyber Crime, Cyber Security, and Right to Privacy" issued by the 2013 -2014 Standing Committee on Information Technology, 2014
4. Advisory on Implementation of Section 66-A of the Information Technology Act 2000, Department of Electronics and Information Technology, 9 January, 2013
5. Article 361 A, Constitution of India; Parliamentary Proceedings (Protection of Publication) Act, 1977



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BAL/BBL-716 CON/ LLB-236 CON	MEDIA LAW	L	T	P	C
Version1.1	July, 2017.	2	1	0	3
Pre-requisites//Exposure	Constitution of India, 1950				
Co-requisites	Indian Penal Code				

1.0 Course Objectives

1. To know the impact of media in the dynamism of law
2. To understand the role of media in disseminating information and in turn framing the opinion of the masses
3. To identify the legal framework regulating media in India
4. To study the limitations and shortcomings in the regulation of media

2.0 Course Outcomes

On completion of this course, the students will be able to

- a) Acquaint with the freedom of press as enshrined in Article 19(1) (a) of the Constitution
- b) Acquaint with the concept of right to information and the role played by it
- c) Acquaint with the role of media and how is it helpful in trial process.

3.0 Catalog Description



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7th SEMESTER- HONOURS
COURSE- I

		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation
BAL/BBL 516	Legal Writing	1	2	3	4	5
		1	2	3	1	3

1=addressed to small extent

2= addressed significantly

3=major part of course

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- Letters to Clients
- Letters to Other Lawyers
- Resume
- Cover Letter

References:

- Linda H. Edwards, Legal Writing: Process, Analysis, and Organization, Chapter 16
- Terri LeClercq, Guide To Legal Writing Style, Chapter 5

Module 5: Legal Writing Style

- Organizing
- Creating Sentences
- Choosing Words
- Punctuating

References:

- Terri LeClercq, Guide To Legal Writing Style, Chapter 1, 2, 3 and 4
- William Strunk Jr., The Elements of Style

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	Shall understand and practice Predictive Office Memorandum.	1,2,3,5
2	Shall be able to understand and practice Persuasive Brief.	1,2,3,5
3	Shall be able to understand and practice Scholarly Writing.	2,3,4,5
4	Shall be able to understand and practice Professional Letter.	3,5
5	Shall also learn about the Legal Writing Style.	3,5



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1. <https://www.law.cornell.edu/citation/>
2. <https://www.law.georgetown.edu/academics/academic-programs/legal-writing-scholarship/writing-center/usefuldocuments.cfm>
3. <http://bartleby.com/141/>

5. Syllabus

Module 1: Predictive Office Memorandum

- Finding Issues
- Outlining a Rule of Law
- Analysing the Issues: Rule Explanation & Application
- Converting & Revising

References:

- Linda H. Edwards, Legal Writing: Process, Analysis, and Organization, I The Process of Writing Predictively (6th Edition, 2013)

Module 2: Persuasive Brief

- Formulating & Structuring a Favourable Rule
- Writing the Working Draft
- Converting & Revising

References:

- Linda H. Edwards, Legal Writing: Process, Analysis, and Organization, II The Process of Writing Persuasively (6th Edition, 2013)

Module 3: Scholarly Writing

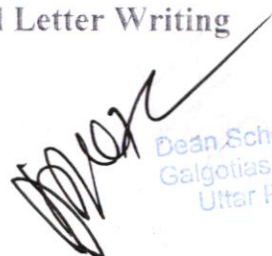
- Plagiarism
- Citation
- Research Paper
- Law Review Article

References:

- The Bluebook: A Uniform System of Citation
- Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review

Module 4: Professional Letter Writing

- General Style


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3. Catalog Description

This course introduces the fundamental tools of the legal profession by focusing on legal analysis, predictive and persuasive legal writing skills, and legal citation as an introductory course among the legal skills classes at the school of law. It will give an overview of the legal writing from an office memorandum through a brief to academic legal writing as well as professional letters etc. For example, students will work on objective issue statements and persuasive questions presented, objective and persuasive fact statements, and the large-scale organization of the discussion sections of research memos and the argument sections of briefs. Throughout the course, students will refine knowledge of writing mechanics and improve ability to write clearly, precisely, forcefully, and persuasively.

Attendance and participation are required. Students are encouraged to participate as fully as possible in the classroom discussion. The course grade is based on the writing project. This project is designed to give students the opportunity to show that students have mastered all the writing principles and skills covered in the course. To pass the course, students must not exhibit any serious writing deficiencies in the project. To do well in the class, students must show mastery of the techniques and skills covered. All assignments are mandatory and must be turned in on time. All assignments must be turned in via email no later than 5 p.m. on the due date. Formal assignments must be attached as a word document in a format compatible with Microsoft Word 2010. Plagiarism is the theft of someone else's ideas and work. All work is expected to be the student's own original work. Students must take great care to distinguish their own ideas and language and language from information derived from sources. Collaboration on assignments is prohibited unless explicitly permitted by the instructor. When collaboration is permitted, students must acknowledge all collaboration and its extent in all submitted work.

4. Reading Material

a. Text Books:

1. Linda H. Edwards, *Legal Writing: Process, Analysis, and Organization* (6th Edition, 2013)
2. Terri LeClercq, *Guide To Legal Writing Style* (3rd Edition, 2004/ 4th Edition, 2007)
3. *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review* (2010)

b. Reference Books:

1. *The Bluebook: A Uniform System of Citation* (19th edition, 2010)
2. William Strunk Jr., *The Elements of Style* (2007) (portions of the text are available online at Bartleby.com)

c. Websites:




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- Human Rights and Humanitarian Law
- Economic Law
- Criminal Law
- Environmental Law

Module VII:

International Organisation- Origin, Structure and Function

8 Lectures

- United Nations and its Organs
- UN Specialized Agencies
- Bretton Woods Institutions
- World Trade Organization

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	To appreciate the role of Public International Law in the society	1,7
2	To understand the importance and implications of International Law & Organisations	2,3,4,7
3	To understand that in absence of Municipal Law how Public International Law helps the States to follow a Code of Conduct.	2,3,4,5,6

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		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation
		1	2	3	4	5
BAL /BBL-714	Public International Law	1	1	2	3	3

1=addressed to small extent

2= addressed significantly

3=major part of course

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BAL/BBL- 715	Investment and Security Law	L	T	P	C
Version1.1	July 2017	3	1	0	4
Pre-requisites//Exposure	Companies Act, 2013				
co-requisites	SEBI Act, 1992, FEMA, 1999				

Course Objectives

- To serve as a foundational course on laws relating to investment and security.
- To enable students to critically reflect upon the nature and kinds of securities.
- To know wide array of financial securities now available for investing.
- To analyze rules and regulations regarding these securities and the regulatory agencies.
- To be able to examine and understand the way out of the anomalies in working of the financial system and failure in regulation.

Course Outcomes

On completion of this course, the students will be able to

- To understand the various modes of investment like shares, bonds. Mutual funds etc.
- To know the concept of securities market i.e. money market and capital market.
- To apply the changes introduced by corporatisation and demutualization of stock exchanges under The Securities (Contracts) Regulation Act, 1956.
- To study the mechanism available for protection of investors under SEBI Act, 1992, and The Depositories Act, 1996.
- To understand the role of institutions like RBI, IRDA etc. for the regulation of investment in India.
- To understand the framework for regulating foreign investment in India under the Foreign Trade (Development and Regulation) Act, 1992 and Foreign Exchange Management Act, 1999.

Catalog Description

The Indian Capital market has grown exponentially in terms of resource mobilization, number of listed stocks, market capitalization, trading volumes, and investors' base. Along with this growth, the profiles of the investors, issuers and intermediaries have changed significantly. The

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market has witnessed a fundamental institutional change resulting in drastic reduction in transaction costs and significant improvement in efficiency, transparency and safety. The measures taken by SEBI such as, market determined allocation of resources, rolling settlement, sophisticated risk management and derivatives trading have greatly improved the framework and efficiency of trading and settlement, making the Indian capital market qualitatively comparable to many developed markets.

Text Books

1. Saha, Sankar, Siddhartha, Capital Markets and Securities Laws, Taxmann's, 2nd Edition, 2016
2. Khan, M.Y, Indian Financial System, Mc Graw Hill, 9th Edition
3. Kedia Sangeet, Securities Laws and Compliances, Pooja Law Publishing Co.,

Reference Books

1. Avdhani. V.A, Himalaya Publishing House, 2005, Investment and Securities Markets in India.
2. K.P.M. Sundaram, P.N.Varshney, Sultan Chand & Sons, Banking Theory, Law and Practice
3. Ramaiya, A., Guide to the Companies Act, (1998) Wadhwa and Co., New Delhi
4. Farrar, John, H. and Hanniyan, Brenda, Farr's Company Law, (1998) Butterworths, London
5. Gupta, S.N., The Banking Law in Theory and Practice, (1999) Universal, New Delhi.
6. Tannan, M.L., Tannan's, Banking Law and Practice in India, (2000) India Law House, New Delhi
7. Bhandari, M.C., Guide to Company Law Procedures, (1996) Wadhwa and Co., New Delhi.
8. Purithavathy Pandian, Security Analysis and Portfolio Management, Vikas Publishing House, Delhi.
9. Dr. S. Gurusamy, Financial Markets and Institutions, Tata McGraw Hill, 2009.
10. Mithani. D.M, Money banking, International trade and Public Finance, Himalaya Publishing House.
11. Gordon, E. & Natarajan, K. : Capital Market in India; Himalaya Publishing House
12. Bhargava Mamta: Compliances & Procedures under SEBI Law; Shreeji Publishers
13. N. Gopalsamy, Capital Market- The Indian Financial Scene.
14. Bharat's Guide to Indian Capital Market

Relevant Provisions of the following Statutes:

1. The Companies Act, 2013
2. The Securities Exchange Board of India Act, 1992



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3. The Securities (Contracts) Regulation Act, 1956
4. The Depositories Act, 1999
5. The Foreign Trade (Development and Regulation) Act, 1992
6. The Foreign Exchange Management Act, 1999

Journals

1. SEBI & Allied Corporate Laws: Taxmann
2. Corporate Law Advisor
3. Chartered Secretary
4. Company Law Journal

Online Resources

1. www.sebi.gov.in
2. <http://www.rbi.org.in>
3. <http://finmin.nic.in/>
4. <http://www.mca.gov.in/>
5. <http://epgp.inflibnet.ac.in/ahl.php?csrno=20>

Course Content

Module I: Introduction to Shares, Securities and Debentures

10 lecture hours

A. Historical evolution of securities laws.

(a) International perspective

(b) Indian Perspectives: i. Pre-independence period. ii. Post-independence period iii. History of capital markets in India

B. Need for securities legislation and investor protection.

C. Statutory provisions regarding securities.

(a) Classification of Securities: Ownership instruments, Shares, Stocks.


(b) Debt Instruments: Debentures and Bonds.

D. Offered documents

Prospectus: Norms of disclosure under: (a) The Companies Act, 2013 (b) The Securities Contract Regulation Act, 1956 (c) The Securities Exchange Board of India Act, 1992

E. Concept of Securities Market:

Initial Public Offer (IPO) and Further Public Offer (FPO) (To be discussed with the help of IPO's announced by Companies in Financial Newspapers),


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Primary Market: (a) Scheme of Primary Market. Advantages and Dis-advantages to companies and investors. (b) Players in Primary Market. Underwriters, Brokers to an issue, Managers to the issue, Bankers to the issue and Registrar to the issue, Application Supported by Blocked Amount (ASBA)

Secondary Market: Players in the Secondary Market, Brokers, Over the Counter Exchange of India (OCTEL)

F. Stock Exchange and Listing of Shares: (a) Trading (b) Spot delivery contract (c) Badla Contract (d) Future contracts (e) Options (f) Derivatives (g) Listing of Shares.

Module II: Kinds of Securities

8 lecture hours

A. Government Securities:

- Bonds issued by government and semi government institutions,
- Role of Central Bank (the RBI in India),
- Government loan: the constitutional dilemma and limitations

B. Securities issued by banks:

- Currency notes: Is it the exclusive privilege of the central bank to issue?
- Bank draft, travellers' cheques, cheque, credit cards, debit cards

C. Securities issued by corporations:

- Shares, Debentures, Company deposits,
- Control over corporate securities, Central government: Company Law Board, SEBI: guidelines on capital issues, RBI
- Protection of investor, Administrative regulation, Disclosure regulation, Protection by criminal sanction

D. Securities in mutual fund and collective investment scheme:

- Unit Trust of India, Venture capital, Mutual fund,
- Control over issue and management of UTI, venture capital and mutual funds,

Module III: Securities and Related Laws:

15 lecture hours



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Concept and Framework of Security Laws

A. Securities and Exchange Board of India Act, 1992:

- Object and Definitions under SEBI Act, 1992
- Functions and Powers of the Board
- Registration of Stock-brokers, sub-brokers, share transfer agents
- Offences and Penalties under the Act
- Recent Amendments to SEBI Act
- Recent Judgments like Sahara
- Insider Trading: SEBI (Prohibition of Insider Trading Regulations, 2015)

Case Laws:

- Sahara India Real Estate Corporation Limited and Ors (Appellants) v. Securities and Exchange Board of India and Union of India, through Ministry of Corporate Affairs (Respondents)
- Aditya Birla Finance Ltd. v. SEBI and Mentor Capital, 2.11.2011
- Rakesh Agarwal v. SEBI
- Satyam Case
- Rajat Gupta Case

B. The Depositories Act, 1996:

- Meaning and Overview of Depository
- Objectives and Advantages of Depositories
- Powers, Duties and Rights of Depositories and Beneficial Owner
- Powers of Board and Central Government
- Offences and Penalties
- Appeals

C. The Securities (Contracts) Regulation Act, 1956

- Role and Importance of Stock Exchange in the Economy (To be discussed through stocks listed on BSE & NSE Website)
- Corporatisation and Demutualisation of Stock Exchange

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- Definitions: Securities, Option in Securities, Spot Delivery Contract, Stock Exchanges
- Listing of Securities, Procedure for Listing of Securities
- Appeal to Securities Appellate Tribunal, Appeal to Supreme Court
- Power of Appellate Tribunal
- Powers of Central Government, SEBI
- Offences

Module IV: Regulatory Framework for Foreign Trade and Multinational Companies

15 lecture hours

A. The Foreign Trade (Development and Regulation) Act, 1992

- Object and Definitions under the Act
- Powers of Central Government
- Foreign Trade Policy, Importer-Exporter Code Number and Licence
- Search, Seizure, Penalty and Confiscation
- Offences and Penalties
- Appeal and Review

B. Foreign Exchange Management Act, 1999

- Object and Definitions
- Regulation and Management of Foreign Exchange
- Current Account Transactions and Capital Account Transactions
- Powers and Duties of Authorised Person
- Powers of Directorate of Enforcement
- Contravention and Penalties
- Difference between FERA and FEMA

C. Foreign Collaborations and Joint Ventures

- Objectives and Kinds of Joint Ventures
- Joint ventures in India and Foreign Collaborations: Concept of Transnational Corporations and Multinational Corporations – UNCTAD model
- Foreign Direct Investment, Foreign Institutional Investors: Its Regulatory Mechanism in India, Current FDI Policy, Automatic and Approval Route of FDI
- Concept of Special Economic Zone(SEZ)



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		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation
		1	2	3	4	5
BAL/BBL-715	Investment and Security Law	1	2	3	2	3

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Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	To understand the various modes of investment like shares, bonds. Mutual funds etc.	3,5
2	To know the concept of securities market i.e. money market and capital market.	1
3	To apply the changes introduced by corporatisation and demutualization of stock exchanges under The Securities (Contracts) Regulation Act, 1956.	2,5
4	To study the mechanism available for protection of investors under SEBI Act, 1992, Depositories Act, 1996.	3,4,5
5	To understand the role of institutions like RBI, IRDA etc. for the regulation of investment in India.	2,3
6	To understand the framework for regulating foreign investment in India under the Foreign Trade (Development and Regulation) Act, 1992 and Foreign Exchange Management Act, 1999.	4

1=addressed to small extent

2= addressed significantly

3=major part of course

Theory of this course is used to evaluate PO(3)

Laboratory of this course is used to evaluate PO(5)



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Version 1.1	Date of Approval: July 2017	3	1	0	4
Pre-requisites/Exposure	NIL				
Co-requisites	NIL				

Course Objectives

- To attain the understanding of concepts, theories and judicial response with regard to public International Law
- To understand Nature of International Law- Is International law a True Law
- To identify basis of International law
- To know Sources of PIL
- To understand concept of Recognition, Succession, Intervention, Extradition, Asylums
- To understand the role of International Organisations

Course Outcomes

After completion of this paper student will be in a position;

- To appreciate the role of Public International Law in the society
- To understand the importance and implications of International Law & Organisations.
- To understand that in absence of Municipal Law how Public International Law helps the States to follow a Code of Conduct.

Catalog Description

Public international law concerns the structure and conduct of sovereign states; analogous entities, and intergovernmental organizations. International law also may affect multinational corporations and individuals, an impact increasingly evolving beyond domestic legal interpretation and enforcement. Public international law has increased in use and importance vastly over the twentieth century, due to the increase in global trade, environmental deterioration on a worldwide scale, awareness of human rights violations, rapid and vast increases in international transportation and a boom in global communications. The field of study combines two main branches: the law of nations (jus gentium) and international agreements and conventions (jus inter gentes), which have different foundations and should not be


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BAL/ BBL 714	Public International Law	L	T	P	C
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- Treaties
- The General Principles of Law
- Judicial Decisions
- Juristic Work on International Law
- General Assembly Resolutions and Declarations

Module III:

Recognition and Succession

7 Lectures

- Recognition of States- Concept, Modes of Recognition
- Theories of Recognition, Recognition of Belligerency, Insurgency, Legal Effects of recognition
- Doctrines of recognition, Indian Practice Relating to Recognition
- State Succession- Meaning, Kinds of Succession, Theories of State Succession

Module IV:

Intervention

4 Lectures

- Concept of Intervention, Grounds of Intervention
- Global Practices Regarding Intervention
- Intervention under League of nation and UN

Module V:

Extradition and Asylum

4 Lectures

- Concept of Extradition
- Basis and Principles of Extradition
- Meaning of Asylum and Rights
- Extra territorial and Diplomatic asylum

Module VI:

Overview of Major Streams of International Law

8 Lectures

- Law of the Sea

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confused. In its most general sense, international law "consists of rules and principles of general application dealing with the conduct of states and of intergovernmental organizations and with their relations inter se, as well as with some of their relations with persons, whether natural or juridical.

Text Books

- Malcolm N. Shaw, "International Law", 6th Edition, Cambridge University Press, Cambridge, 2005

Reference Books

- Bowett D.W., "The Law of International Institutions", 4th Edition, Universal Law Publishing, Delhi, 1982
- Brownlie, Ian, "Principles of Public International Law", 8th Edn., Oxford University Press, Oxford, 2013.
- Oppenheim, "International Law: A Treatise" (Vol. I & II), 8th Edition, Hazel Watson and Viney Ltd., Aylesbury, Bucks, 1970
- Starke J.G., "Starke's International Law", 11th Edition, Lexis Nexis Publishers, UK, 1994

Course Content

Module I:

Introduction

8 Lectures

- Nature, Definition and Scope of International Law
- Evolution and Development of International Law
- Subjects of International Law
- Relation between International Law and Municipal Law

Module II:

Sources of International Law

8 Lectures

- General
- Custom



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4.	Appreciate the importance of Lok Adalat, Legal Services authority, online arbitration, and Institutional Arbitration and Mediation centers.	2,3,5
5.	Be equipped with the attribute to become effective Arbitrators, Conciliators and Mediators.	3, 4,5
6.	Growth and promotion of ADR will facilitate in reducing the backlog of pending cases and delay in finality of litigations.	3, 5
7	Develop Case Management System.	3,5

		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation
		1	2	3	4	5
BAL/BBL 713	Arbitration, Conciliation & Alternate Dispute Resolution	2	1	3	2	3

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2= addressed significantly

3=major part of course

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- Alternative Dispute resolution and mediation rules, 2003 and Mediation Rules of High Courts

Essential Readings:

- *Salem Advocate Bar Association v. Union of India*, (2003) 1 SCC 49.
- *Salem Advocate Bar Association v. Union of India*, (2005) 6 SCC 344.
- *Afcons Infrastructure Ltd. and Another. v. M/s Cherian Varkey Constructions Ltd and Others*, (2010) 8 SCC 24.

Module 7

Legal Services Authority Act and Lok Adalat

10 hours

- History and evolution of Legal Aid Movement in India
- Nature and scope of Legal Services Authority Act.
- Origin of Lok Adalt and its working
- Access to Justice and Lok Adalat
- Permanent Lok Adalat

Essential Reading

1. *State of Punjab v. Jalour Singh*, 2008(2) SCC 660.
2. *K.N.Govidan kutty Menon v. C.D Shaji*, (2012) 2 SCC 51.

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1.	Understand the concept of ADR and its importance in dispute resolution.	1,
2.	Learn the procedural aspects as well as condition precedents of Arbitration, Conciliation, and Mediation.	1, 5
3.	Have the knowledge of practical aspects of all the techniques of ADR	1, 5



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- *Bhatia International v. Bulk Trading SA^L* ('Bhatia'), (2002) 4 SCC 10.

Module 5

6 hours

Conciliation Proceedings (Section 62 – 81)

- Commencement of Conciliation Proceedings (Sec- 62)
- Appointment (Sec- 64)
- Statements to conciliator (Sec- 65)
- Interaction between conciliator and parties (Sec- 71)
- Suggestions by parties (Sec- 72)
- Settlement Agreement (Sec – 73)
- Confidentiality
- Resort to judicial proceedings (Sec 77)

Essential Readings:

- *Haresh Dayaram Thakur v. State of Maharashtra*, 2000(6) SCC 179, (s. 72).
- *Mysore Cements Ltd v. Svedal Barmac Ltd.*, 2003 (10) SCC 375, (Essential legal pre-requisites for Conciliation).
- *Hassneh Insurance Co of Israel v. Steuart J Mew*, 1986 Revue de l' Arbitrage 583, (Confidentiality).
- *Atlantic Shipping and Trading Company v. Dreyfus and Company*.

Module 6

12hours

Mediation Proceedings

- Concept of Mediation
- Evolution of Mediation In India
- Types of Mediation and Advantages of Mediation
- The Process of Mediation
- Section 89 CPC
- Court Annexed Mediation in India
- Role of Judges, Mediators, lawyers and parties in Mediation

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- *Bharat Rasiklal Ashra v. Gautam Rasiklal Ashra* (2012) 2 SCC 144.

- **Suggested Readings:**

- *Jayant N.Seth v. Gyaneshwar Apartment Cooperative Housing Society Ltd*, 2000(1) RAJ 117 (Bom), (Ingredient of Arbitration Agreement).
- *Babar Ali v. Union of India*, (2000) 2 SCC 178, (constitutionality).
- *Union of India v. MAA Agency*, 2003(3) RAJ 335 (Bom), Jurisdiction of arbitrator.
- *Nirma Ltd v. Lurgi Lent Jes Energietechnik GmbH*, 2002 (5) SCC 520, S. 37).

Module 3

6 hours

Enforcement of Foreign Awards

- New York Convention awards
- Enforcement of New York Convention awards
- Geneva Convention awards
- Enforcement of Geneva Convention awards
- Public Policy concern in the enforcement of foreign awards

Essential Readings:

Bharat Aluminium Co v. Kaiser Aluminium Technical Services ('BALCO'). Sep 6, 2012.

Bhatia International v. Bulk Trading SA¹ ('Bhatia'), (2002) 4 SCC 10.

Venture Global Engineering v. Satyam Computer Services Ltd² ('Venture Global') (2008) 4 SCC 190.

ONGC v. Saw Pipes (Public Policy Case) (2003) 5 SCC 705.

Module 4

6 hours

International Commercial Arbitration

- Principle of International Commercial Arbitration
- Sources of International Arbitration Laws
- Conducting an International Arbitration
- International Arbitration Institutions
- Advantage of International Arbitration

- **Essential Readings:**

- *Bharat Aluminium Co v. Kaiser Aluminium Technical Services ('BALCO')*. Sep 6, 2012.



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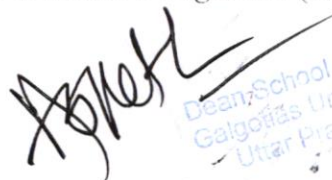
- *Sundaram Finance Ltd v. NEPC India Ltd.* AIR 1999 S.C 565 (How to interpret the 1996 Act.)

Module 2

10 hours

Arbitration –Meaning, agreement, Essentials, Arbitrators appointment and Award

- Essentials and kinds of Arbitration Agreement.
- Who can enter into arbitration agreement?
- Scope and Extent of judicial intervention
- Reference to arbitration
- Appointment of Arbitrators
- Jurisdiction of arbitral tribunals
- Interim measures
- Arbitral Award
- Determination of Award
- Setting aside of arbitral award and enforcement
- The Advantages of Arbitration Over Litigation
- **Essential Readings:**
 - P.Anand Gajapathi Raju Vs PVG Raju, (objective of the Act), AIR 2000 SC 1886
 - *Wellington Association Ltd v. Kirti Mehta*, AIR 2000 SC 1379. (S. 7 of the ACT.)
 - *Firm Ashok Traders v. Gurumukh Das Saluja*, 2004 (3) SCC 155, Arbitration clause a separate agreement)
 - *Motilal v. Kedarmal Jainarayan Bharadiya*, 2002(3) RAJ 403 (Bom), Conditions for Arbitration.)
 - *Tamil Nadu Electricity Board v. Sumathi and others*, 2000(4) SCC 543, (Suo Moto arbitrators without agreement cannot be appointed.)
 - *Narayan Prasad Lohia v. Nikunj Kumar Lohia*, 2002 (3) SCC 572. (S. 10)
 - *Datar Switchgears Ltd. v. Tata Finance Ltd.*(2000)8 S.C.C.151. (S. 11)
 - *Ador Samia (P) Ltd.v. Peekay Holding Ltd*, A.I.R 1999 S.C. 3246, (S. 11(6).
 - *TDM Infrastructure Private Limited v. UE Development India Private Limited*, (2008) 14 SCC 271.
 - *N Radhakrishnan v. Maestro Engineers* (2010) 1 SCC 72.


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8. Westlaw International Commercial Arbitration – Journals & Law Reviews
9. The Vindobona Journal of International Commercial Law and Arbitration
10. ICC International Court of Arbitration Bulletin

Websites:

4. <https://www.sconline.co.in>
5. <http://www.lexisnexis.co.in>
6. <http://www.kluwerarbitration.com>
7. <http://thelawdictionary.org>
8. <http://indiacode.nic.in/>
9. <http://www.prsindia.org/>
10. <http://lawcommissionofindia.nic.in/>
11. <http://judis.nic.in/>
12. <http://www.law.cornell.edu/>
13. <http://www.worldlii.org/>
14. <http://liiofindia.org/>

Course Content

MODULE I

10 hours

Introduction, Meaning, Objectives and Importance of ADR

- Genesis and Kinds of dispute resolution process.
- Reasons behind introduction of ADR in India.
- Overview of ADR, History of ADR, Objectives and Importance of ADR.
- Various kinds of ADR mechanisms- Arbitration, Mediation, Conciliation, Expert Determination, Negotiation, Early Neutral Evaluation (ENE), Fact-finding, Med-Arb, Judicial settlement, and Ombudsperson etc.
- Salient Features of Arbitration Act, 1940, Arbitration and Conciliation Act, 1996, UNCITRAL model law, and Arbitration and Conciliation Act, 2015

Essential Readings:

- *All India Judges Association & ors. v. Union of India & Ors.*, JT 2003 (3) SC 503, (Emphasized importance of ADR in India.)
- *N Konkan Railways Corp. Ltd. v. Mehul Construction Co.* (2000) 7 SCC 201. (Objectives of the 1996 Act.)
- *Fuerst Day Lawson Ltd. v. Jindal Exports Ltd*, A.I.R. 2001 S.C.2293



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3. Dr. N. V. Paranjape, Law Relating to Arbitration & Conciliation in India, Central Law Agency, Allahabad

4. **Bette J. Roth, Alternative Dispute Resolution Practice Guide(Westlaw only)**

5 Sriram Panju, Mediation Practice and Law: The Path to Successful Dispute Resolution, 2nd Edition, Lexis Nexis, Delhi, 2015

6. A.K.Bansal, Law of International Commercial Arbitration (1999) , Universal, Delhi

Reference Books

1. B.P.Saraf and M.Jhunjhunwala, Law of Arbitration and Conciliation (2000), Snow white, Mumbai

2. Gerald R.Williams (ed.), The New Arbitration and Conciliation Law of India, Indian Council of Arbitration (1998), New Delhi

3. P.C.Rao & William Sheffield, Alternative Disputes Resolution- What it is and How it works? (1997) Universal, Delhi

4. G.K.Kwatra, the Arbitration and Conciliation Law of India (2000), Universal, Delhi

5. Basu.N.D, Law of Arbitration and Conciliation (9th edition reprint 2000), Universal, Delhi

6. Johari, Commentary on Arbitration and Conciliation Act 1996 (1999) Universal, Delhi

7. Markanda.P.C, Law relation to Arbitration and Conciliation (1998) Universal, Delhi.

8. Carrie J. Menkel-Meadow et. al., Dispute Resolution: Beyond the Adversarial Model (2011).

9. *Jacqueline M. Nolan-Haley, Alternative Dispute Resolution in a Nutshell* (4th ed. 2013).

10. Henry Brown and Arthur Marriot, *ADR Principles and Practice*, South Asian Edition, Sweet and Maxwell Thomson Reuters, 2013.

Articles:

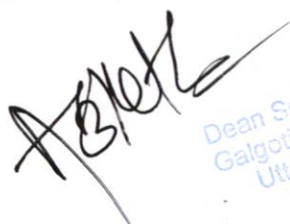
1. R. V. Raveendran, "What Ails Indian Arbitration", (2013) 1 SCC (J) 47.

2. Badrinath Srinivasan, "Arbitration and the Supreme Court: A Tale of Discordance between the Text and Judicial Determination", *National University of Juridical Science Law Review*, Vol. 4, 2011

3. R. V. Raveendran, "Mediation – Its Importance and Relevance", (2010) 8 SCC (J) 1.

e-journals:

5. Manupatra
6. LexisNexis
7. JSTOR


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Catalog Description

"Alternative dispute resolution" (ADR) is a part of Clinical Legal Education. ADR is a term generally used to refer to informal dispute resolution processes in which the parties meet with a neutral third party who helps them resolve their dispute in an informal and more consensual manner than is done in the courts. The most common forms of ADRs are arbitration, mediation, conciliation, negotiation, judicial settlement, Early Neutral Evaluation, fact-finding, ombudsmen, etc. Though often voluntary, courts makes some of the ADRs mandatory in certain cases in order to see the feasibility of opting ADR methods for the resolution of disputes.

The major concern of law is conflict resolution. Familiarization with the modalities and techniques of resolution of conflict is a necessary component in the endeavors of developing expertise in decision making. The traditional justice delivery system through adjudication by courts had already given way to a large extent to various alternative dispute resolution mechanisms in the common law countries. The advent of globalization has enthused this transformation everywhere. The study of ADR is highly significant in molding the students of law to act as soldiers of justice in the ever changing socio-economic scenario. The course aims to give the students an insight into the processes of arbitration, conciliation and mediation in areas where the traditional judicial system had its sway in the past and in the new areas of conflicts that demand resolution by alternative methods. No doubt, the course has to be taught with comparative and international perspectives with a view to bringing out the essential awareness of the national and international systems emerging at the present context.

At present approximately 3 crores cases are pending in various courts in India. The purpose of introducing ADR in the justice delivery system is not to replace the tradition litigation but to supplement it. The need of the hour is to sensitize people about the effectiveness of ADR Methods in conflict resolution and to prepare a large pool of trained professionals in the field of ADR who will be able to practice these ADR Methods to resolve disputes and to have regulatory mechanism to control the whole process.

Text Books

1. KSR Murthy: An introduction to ADR Mechanism, Gogia Law Agency, Hyderabad.
2. Avtar Singh, Arbitration & Conciliation Act, Eastern Books Company(2014, New Delhi



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BAL /BBL 713	Arbitration, Conciliation & Alternate Dispute Resolution	L	T	P	C
Version 1.1	Date of Approval: July 2017	2	1	2	5
Pre-requisites//Exposure	Knowledge of Dispute Resolution Mechanism				
co-requisites	CPC, Evidence				

Course Objectives

The main objectives of the Course are to:

1. Explain primary dispute resolution process its functions and Drawbacks
2. Understand the strengths and weakness of various dispute resolution methods.
3. Describe and explain the ADR movement.
4. Develop techniques and skill to make effective use of ADR methods.
5. Compare and contrast various legal implications of each method.

Course Outcomes

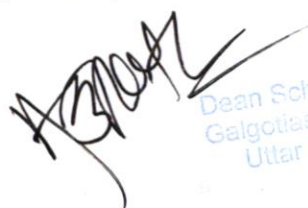
On completion of this course, the students will

1. Understand the concept of ADR and its importance in dispute resolution.
2. Understand the procedural aspects as well as condition precedents of Arbitration, Conciliation and Mediation
3. Have the knowledge of practical aspects of all the techniques of ADR.
4. Appreciate the importance of Lok Adalat, Legal Services authority, International Commercial Arbitration, Institutional Arbitration Court Annexed Mediation and functioning of Mediation Centres in India.
5. Be equipped with the attribute to become effective Arbitrators, Conciliators and Mediators.

Social/ Professional Outcome:

This course has following social/ professional impacts on judicial system of the country:

6. Growth and promotion of ADR will ensure party autonomy in decision making, facilitating reduction of backlog of cases and speedy, less time consuming and effective remedy to the litigants.
7. Develop Case Management System.


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		Integrate Theory, Doctrine and Practice				
		Quest for Research and Inquiry				
		Develop Ethical, Social and Professional Understanding				
		Commitment for Scholarly engagement and societal reform				
		Ensure Professional Preparation				
BBL/ BAL712	Taxation Law-I	1	2	3	4	5
		2	2	3	1	1

1=addressed to small extent

2= addressed significantly

3=major part of course



Theory of this course is used to evaluate PO(3)

Laboratory of this course is used to evaluate PO(5)

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3. Chaturvedi & Pithisaria, *Income Tax Law*, 5th Edition Reprint 2010 Wadhwa & Company.
4. V.K. Singhania, *Direct Tax Law & Practice, Professional Edition 2015-16* Taxmann
5. Dr. Girish Ahuja & Ravi Gupta; *Professional Approach to Direct Taxes, Law and Practice*, 20th edition 2014-15 Bharat Publication, New Delhi
6. S.Rajratanam, "*Tax Planning(Issue,Ideas,Innovations)*", 2009 Bharat Publication, New Delhi
7. Sampat Iyenger's "Income Tax Law". 11 editions 2012, Bharat Publication.

Cases:

1. *Hindustan Coco- cola Beverage P. Ltd. Vs CIT* (2007)293; ITR 226 (SC)
2. *Rajiv Malhotra v CIT* (2006) 155 Taxmann 101 AAR
3. *CIT Vs Eli Lilly Corp* (2009) 312 ITR 225 SC
4. *GE India Technology Centre Pvt Ltd Vs CIT* 2010 SC

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	Apply the knowledge of the provisions of direct tax laws to various situation in actual practice	1, 2, 5
2	Understand the tax system prevailed in India	3, 4, 5
3	Understand that tax and development are mutually exclusive	1, 4, 5

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6. S.Rajratanam, "Tax Planning(Issue,Ideas,Innovations), 2009 Bharat Publication, New Delhi
7. Sampat Iyenger's "Income Tax Law". 11 editions 2012, Bharat Publication.

Cases:

1. *A.M. Moosa vs. CIT*; (2007) 294 I.T.R. 1 (SC)
2. *C.I.T. vs.K.Ravinndranathan*; (2007) 295 I.T.R. 228(SC)
3. *CIT Vs P.Mohanakala*; (2007) 291 I.T.R 278 (S.C)
4. *Western States Trading Co. Ltd. Vs CIT* (1971) 80 ITR 21 (SC)
5. *Hindustan Lever Ltd. Vs CIT* (1999) 239 ITR 297(SC)
6. *Polyflex (India) Ltd Vs CIT* (2002) 257 ITR 343 (SC)
7. *CIT Vs Oracle Software* (2010)320 ITR 546 SC
8. *Liberty India Vs CIT* (2009)317 ITR 218 SC

Module 6: Income Tax Authorities

- 6.1 Offices under I.T. Act, 1961
- 6.2 Powers & Functions of Authorities
- 6.3 Provisions regarding Appeals & Revision
- 6.4 Penalty & Prosecutions under I.T. Act, 1961

Reading Material:

1. Kanga, Palkiwala and Vyas, *The Law and Practice of Income Tax*, 10th Edition, 2014, Vol.I & II, Lexis Nexis Butterworths.
2. Study of Monthly Journals of the ICAI, ICSI and ICWA of India.
3. .Chaturvedi & Pithisaria, *Income Tax Law*, 5th Editon Reprint 2010 Wadhwa & Company.
4. V.K. Singhanian, *Direct Tax Law & Practice, Professional Edition* 2015-16 Taxmann
5. Dr. Girish Ahuja & Ravi Gupta; *Professional Approach to Direct Taxes, Law and Practice*, 20 th edition 2014-15 Bharat Publication, New Delhi
6. Sampat Iyenger's "Income Tax Law". 11 editions 2012, Bharat Publication.

Articles:

1. Santhanam R., "New Basis for Levy of Penalty under Income Tax laws" CTR 2005

Cases:

- 1 *Guljag Industries Vs CTO* (2007) 293 ITR 584 SC
- 2 *Honda Siel Power Products Ltd Vs CIT* (2007) 295 ITR 466 SC
- 3 *CIT Vs Shivsagar Estate* (2002) 257 ITR 59 SC
- 4 *K.C. Builders Vs ACIT* (2004) 265 ITR 562 SC
- 5 *CIT Vs Atul Mohan Bindal* (2009) 317 ITR 1 SC
- 6 *CIT Vs Sarabhai Holdings Pvt Ltd* (2008) 307 ITR 89 SC

Module 7: Advance Payments & Other Provisions

- 7.1 Provisions in respect of T.D.S.
- 7.2 Advance Payment of Tax
- 7.3 Withholding of Tax

Reading Material:

1. Kanga, Palkiwala and Vyas, *The Law and Practice of Income Tax*, 10th Edition, 2014, Vol.I & II, Lexis Nexis Butterworths.
2. Study of Monthly Journals of the ICAI, ICSI and ICWA of India



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3. .Chaturvedi & Pithisaria, *Income Tax Law*, 5th Editon Reprint 2010 Wadhwa & Company.
4. V.K. Singhania, *Direct Tax Law & Practice, professional Edition*, 2015-16 Taxmann
5. Dr. Girish Ahuja & Ravi Gupta; *Professional Approach to Direct Taxes, Law and Practice*, 20 th edition 2014-15 Bharat Publication, New Delhi
6. S.Rajratanam, "*Tax Planning(Issue,Ideas,Innovations)*", 2009 Bharat Publication, New Delhi
7. Sampat Iyenger's "Income Tax Law". 11 editions 2012, Bharat Publication.

Case Laws:

1. *D.I.T. vs.Diamondstar Exports Ltd.*; (2007) 293 I.T.R. 438 SC
2. *Manish Maheshwari vs.A.C.I.T.*; (2007) 289 I.T.R. 341 SC
3. *Rajesh Kumar. vs. Dy.CIT.*; (2006) 157 Taxman 168 (SC)
4. *GKN Driveshafts (India) ltd vs ITO* (2003) 259 ITR 19 SC
5. *ITO vs Seth Bros* (1969) 74 ITR 836 SC
6. *Sahara India Vs CIT* (2007) 289 ITR 473 SC
7. *ACIT Vs Hotel Blue Moon* (2010) 321 ITR 362 SC
8. *CIT Vs Kelwinator of India Ltd.* (2010) 320 ITR 561 SC
9. *K.P.Mohammed Salim Vs CIT* (2008)300ITR302 SC
10. *P.Soundarya Vs ITO* (2008) 301 ITR 50 SC
11. *K.C.C. Software Ltd Vs DIT* (2008) 298 ITR 1 SC

Module 5: Exemption & Deductions

- 5.1 Income not forming part of total income
- 5.2 Specific Deduction under Chapter VI
 - 5.2.1 Deduction available to Individuals U/S 80C
 - 5.2.2 Deduction in respect of Medical Policy & Treatment
 - 5.2.3 Deduction on Educational loan
 - 5.2.4 Deduction in respect of funds
 - 5.2.5 Deduction in respect of infrastructure Development
- 5.3 Set off & Carry forward
 - 5.3.1 Intra Head Set off
 - 5.3.2 Inter Head Set off
 - 5.3.3 Carry forward & Set off of House property loss
 - 5.3.4 Carry forward & Set off of Business loss
 - 5.3.5 Carry forward & Set off of Capital loss
- 5.4 Rebates & Reliefs

Reading Material:

1. Kanga, Palkiwala and Vyas, *The Law and Practice of Income Tax*, 10th Edition, 2014, Vol.I & II, Lexis Nexis Butterworths.
2. Study of Monthly Journals of the ICAI, ICSI and ICWA of India.
3. Chaturvedi & Pithisaria, *Income Tax Law*, 5th Editon Reprint 2010 Wadhwa & Company.
4. V.K. Singhania, *Direct Tax Law & Practice, professional Edition* 2015-16 Taxmann
5. Dr. Girish Ahuja & Ravi Gupta; *Professional Approach to Direct Taxes, Law and Practice*, 20 th edition 2014-15 Bharat Publication, New Delhi

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Reading Material:

1. Kanga, Palkiwala and Vyas, *The Law and Practice of Income Tax*, 10th Edition, 2014, Vol.I & II, Lexis Nexis Butterworth's.
2. Study of Monthly Journals of the ICAI, ICSI and ICWA of India.
3. Chaturvedi & Pithisaria, *Income Tax Law*, 5th Edition Reprint 2010 Wadhwa & Company.
4. V.K. Singhania, *Direct Tax Law & Practice, Professional Edition 2015-16* Taxmann.
5. Dr. Girish Ahuja & Ravi Gupta; *Professional Approach to Direct Taxes, Law and Practice*, 20th edition 2014-15 Bharat Publication, New Delhi
6. S.Rajratanam, "*Tax Planning(Issue,Ideas,Innovations)*", 2009 Bharat Publication, New Delhi
7. Sampat Iyenger's "Income Tax Law". 11 editions 2012, Bharat Publication.

Articles:

1. Agarwal S.N., "Real Estate Sector and Income Tax" Taxmann 2006

Cases:

1. *Dynamic Orthopedics Vs C.I.T.* (2010) 321 ITR 300 (SC)
2. *NHPC. Vs C.I.T* (2010) 321 ITR374 (SC)
3. *Malayala Manorama Co.Ltd Vs C.I.T* (2008) 300 ITR 251 SC
4. *CIT Vs East India Hotels* (2001) 252ITR860 (Cal)
5. *Kartikeya Sarabhai vs CIT* AIR 1997 SC 3794

Module 4: Assessment Procedure

4.1 Filing of Return

4.1.1 General Return

4.1.2 Belated Return

4.1.3 Revised Return

4.1.4 Defective Return

4.2 Types of Assessment

4.2.1 Self Assessment

4.2.2 Summary Return

4.2.3 Scrutiny Return

4.2.4 Best Judgment Assessment

4.2.5 Income escaping Assessment

4.2.6 Search Assessment

4.4 Limitation of Time

4.5 Survey

4.6 Search and Seizure

Reading Material:

1. Kanga, Palkiwala and Vyas, *The Law and Practice of Income Tax*, 10th Edition, 2014, Vol.I & II, Lexis Nexis Butterworths.
2. Study of Monthly Journals of the ICAI, ICSI and ICWA of India.



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Course Content

Module 1:- Introduction

(Lectures – 10)

Election: Meaning and Process,
Constitutional Mandate,
Law Governing Election,
Election disputes and Election Petitions,
Election to the Offices of the President and Vice President
Election to Local Bodies

Case Laws:-

1. *N.P. Ponnuswami v. The Returning Officer, Namakkal Constituency*, AIR 1952 SC 64
2. *Mohinder Singh Gill v. Chief Election Commissioner, New Delhi*, AIR 1978 SC 851
3. *Election Commission of India through Secretary v. Ashok Kumar*, AIR 2000 SC 2979 12
4. *Indrajit Barua v. Election Commission of India*, AIR 1986 SC 103
5. *G.V. Sreerama Reddy v. Returning Officer*, (2009) 9 SCC 736
6. *Manohar Joshi v. Nitin Bhaurao Patil*, AIR 1996 SC 796
7. *Raj Kumar Yadav v. Samir Kumar Mahaseth*, (2005) 3 SCC 601
8. *Udhav Singh v. Madhav Rao Scindia*, AIR 1976 SC 744 55
9. *Anil Vasudev Salgaonkar v. Naresh Kushali Shigaonkar*, (2009) 9 SCC 310
10. *Jyoti Basu v. Debi Ghosal*, AIR 1982 SC 983
11. *Jabar Singh v. Genda Lal*, AIR 1964 SC 1200
13. *Baburao v. Dr. Zakir Hussain*, AIR 1968 SC 904
14. *Charan Lal Sahu v. Giani Zail Singh*, AIR 1984 SC 309 93
15. *Special Reference No. 1 of 1974*, AIR 1974 SC 1682 105
16. *Rajbala vs State Of Haryana* WRIT PETITION (CIVIL) NO. 671 OF 2015

Module 2: - Election Commission (Lectures – 12)

Composition



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Functions

Powers

Delimitation of Constituencies

Registration of New Political Parties

Preparation and Revision of Electoral Rolls

Election Offences and response of Election Commission

Disputes Related to Exceptions

Case Laws:-

1. *Special Reference No. 1 of 2002*, AIR 2003 SC 87
2. *R.C. Poudyal vs Union Of India* AIR 1804, 1993 SCR (1) 891
3. *H.V. Kamath v. Ch. Nitiraj Singh*, AIR 1970 SC 211
4. *Ghasi Ram v. Dal Singh*, AIR 1968 SC 1191

Module 3:- Qualifications and Disqualifications of Candidates (Lectures – 10)

Constitutional and Statutory Provisions

(B) Disqualifications of sitting members

(C) Nomination and Candidature

(D) Principles of Equality among Sitting members and new Contestants

Case Laws:-

1. *Guru Gobind Basu v. Sankari Prasad Ghosal*, AIR 1964 SC 254
2. *Biharilal Dobray v. Roshanlal Dobray*, AIR 1984 SC 385
3. *Ashok Kumar Bhattacharya v. Ajoy Biswas* (1985) 1 SCC 151
4. *Jaya Bachchan v. Union of India*, AIR 2006 SC 2119
5. *Consumer Education & Research Society v. Union of India* (2009) 9 SCC 648
6. *Konappa Rudrappa Nadagouda v. Viswanath Reddy*, AIR 1969 SC 447
7. *Smt. Aslhing v. L.S. John*, AIR 1984 SC 988



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8. B.R. Kapur v. State of Tamil Nadu (2001) 7 SCC 231
9. K. Prabhakaran v. P. Jayarajan (2005) 1 SCC 754
10. Navjot Singh Sidhu v. State of Punjab, (2007) 2 SCC 574
11. Lily Thomas V Union Of India

**4. MODULE: Anti Defection Law (Tenth Schedule to the Constitution of India)
(Lectures – 8)**

The Constitution (Fifty-second Amendment) Act, 1985

The Constitution of India - Tenth Schedule, Articles 101(3), 102(2), 190(3), 191(2)

The Constitution (Ninety-first Amendment) Act, 2003

The Constitution of India- Articles 75(1A), 75(1B), 164(1A), 164(1B), 361B

1. Kihoto Hollohon v. Zachillhu, AIR 1993 SC 412
2. Ravi S. Naik v. Union of India, AIR 1994 SC 1558
3. G. Viswanathan v. Hon'ble Speaker Tamil Nadu Legislative Assembly, AIR 1996 SC 1060
4. Rajendra Singh Rana v. Swami Prasad Maurya, AIR 2007 SC 1305
5. D. Sudhakar v. D.N. Jeevaraju, (2011) 6 SCC 381
6. Balchandra L. Jarkiholi v. B.S. Yeddyurappa, (2011) 7 SCC 1

Module 5: (Lectures – 08)

Voters' Right to Know the Antecedents of the Candidates

R.P. Act 1951 - sections 33A, 33B, 125A

The Goswami Committee Report on Electoral Reforms, 1990

The Vohra Committee Report on Criminalization of Politics, 1993

170th Report of the Law Commission on Electoral Laws, 1999




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1. *Union of India v. Association for Democratic Reforms*, (2002) 5 SCC 294
2. *People's Union for Civil Liberties (PUCL) v. Union of India*, AIR 2003 SC 2363

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	<i>Develop an understanding of the regulatory aspects of electoral system.</i>	3,5
2	<i>Understand the powers and role of election commission of India and impact of model code of conduct.</i>	1,3,5
3	<i>Developing deep understanding of qualifications and disqualification for contesting elections and impact of anti-defection laws in India.</i>	2,3,5
4	<i>Making students understand that how important is the role of voter's in a democracy; and how important is to ensure that voters should get all the relevant information about the candidates.</i>	1,2,4


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		<i>Integrate Theory, Doctrine and Practice</i>	<i>Quest for Research and Inquiry</i>	<i>Develop Ethical, Social and Professional Understanding</i>	<i>Commitment for Scholarly engagement and societal reform</i>	<i>Ensure Professional Preparation</i>
BAL/ BBL- 717 CON /LLB-237 CON	Election Laws	1 2	2 2	3 3	4 1	5 3

- 1 = addressed to small extent
- 2 = addressed significantly
- 3 = major part of course


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BAL/BBL 717 COR /LLB 237 COR	Law of Infrastructure Development	L	T	P	C
Version JULY 2017	Date of Approval: July 2017	2	1	0	3
Pre-requisites//Exposure	Knowledge of Infrastructure and Mechanism				
co-requisites	Taxation, Environmental Laws and Constitution Laws				

Course Objectives:

The course is being offered to the students with the following objectives:

1. To develop in the students an understanding of the varied aspect of infrastructure.
2. To enable them to understand the issues in infrastructure in light of the ancillary aspects of land acquisition and human rights aspects.
3. To help the students to understand the practical aspects of infrastructure financing and role of the government in the process.
4. To link the theory on the various facets of infrastructure with the various real life examples and develop the knowhow on the various documents related to infrastructure.

Course Outcomes:

On completion of this course, the students will –

- Impart knowledge with specialization in Infrastructure and Management of Infrastructure in particular.
- To impart knowledge in the other areas of higher education with focus on science, technology, management and allied areas.



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- To develop training facilities for urban bodies, industries and technical teaching and other allied bodies.
- To be an open institution to attract best minds of the world (students as well as faculty) and to be globally competent.
- To set up innovative foundation in developing Knowledge parks, Techno parks and Technology incubators to foster entrepreneurship.

Catalogue Description:

Infrastructure means the basic structure or facilities and capital equipment that provide the framework needed for the functioning of a country. Generally, infrastructure refers to roads, airports and other utilities. For the progress of any nation both economic and social infrastructure development plays a vital role. The Government of India has initiated different policies to develop a world class infrastructure. In India, six areas have been taken up as core or infrastructural sectors, namely, Roads and Highways, Railways, Ports, Civil Aviation, Energy and Telecommunication. There are respective ministries governing these areas of infrastructure to ensure development of world class standards. Each area of infrastructure is regulated by certain laws. The Committee on Infrastructure was constituted on 31st August, 2004 under the Chairmanship of the Prime Minister of India with the objectives of initiating policies that would ensure time-bound creation of world class infrastructure delivering services matching international standards, developing structures that maximize the role of public-private partnerships and monitoring progress of key infrastructure projects to ensure that established targets are realized.

Infrastructure is the foundation on which the fort of economic success is built. It is like mother to any economy which not only ensures the evolution of it but also ensures consistency in its growth. India has consistent focus on Infrastructure growth. India is posed to embark on new journey of economic liberalization and revolutionary growth. The back-bone of economic development, i.e. Infrastructure, has been put in to focus and the aggressiveness of Government to attain the best of it is evident from its committed efforts in this direction. Attribution of exclusive position in the list of top economies of the world in recently published “Goldman Sachs Report: Dreaming with BRICs: The path to 2050”, the expectations and aspirations both are touching new high in India.



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The infrastructure sector in India has witnessed major reforms brought forth with the aim of achieving planned and consistent economic development. There has been a gradual shift from a controlled to an open market economy where private players including foreign investors have assumed an imminent role.

Hence keeping in above terms and facts this syllabus has been framed to provide the vast knowledge about some infrastructure laws of the country, which can be utilized by them later while working with the corporate or dealing with this particular sections as a litigator or good advocate.

Text Books:

1. Piyush Joshi, Lexis Nexis Butterworths Publication Law Relating to Infrastructure Projects.
2. Gajendra Dalea, "Infrastructure at Crossroads: The Challenges of Governance", Oxford University Press, New Delhi, 2011 edn. TEXT BOOKS
3. Gerald R Cortesi, "Mastering Real estate principles" (2001); Dearborn Trade Publishing, New York, U.S.A.
4. Fillmore W Galaty, "Modern Real estate practice" (2002); Dearborn Trade Publishing, New York, U.S.A.
5. Tanya Davis, "Real estate developer's handbook", (2007), Atlantic pub company, Ocala, USA.
6. Kanwal D.P. Singh on "Land Laws (Including Land Acquisition and Rent Laws)", Dwivedy Law House
7. Narayan Laxman Rao, Asia Law House, Law Relating to Real Estate Deals

Reference Books:

1. Mukherjee on "Railway Laws", Dwivedy Law House.
2. Sanjiva Rao's "Commentary on Railways Act", Lexis Nexis Publications.
3. H.K. Saharay, "Bhauaik's the Railways Act"(1989) by Eastern Book House.
4. Taxmann's Compendium of Telecom, Broadcasting and Cable Laws
5. S. Krishnamurthy Iyer on Law relating to Electricity in India, Universal Publishing Co.



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6. PranayChaturvedi and AnkutDalal, "Law of SEZs- National and International Perspectives", Eastern Law House.

7. KanuDoshi and YogeshAshar "Treatize on SEZ laws and practice".

Course Content:

Module 1: Introduction, Relevance of Infrastructure Law

- Infrastructure and Role of a lawyer in an infrastructure project
- SEBI, RBI, World Bank Definitions of Infrastructure.
- Types of INFRASTRUCTURE
- The Relationship between Infrastructure and Economic Development,
- The Relationship among Infrastructure and Constitution, Environment and Taxation
- Development Demand for infrastructure as a result of economic growth, Infrastructure as a catalyst for economic growth.

Module 2: Development of Infrastructure through Various Sectors

- Public Project, Private Projects, Public Private Partnerships. Competitive Bidding Models for Infrastructure Projects, India Infrastructure Report
- The role of the private sector in infrastructure development, Government of India's approach to infrastructure regulation. Government of India and its approach to Regulation of Infrastructure.

Module 3: Land Acquisition and Environmental Issues

- Land Acquisition Act with special reference to land acquisition Act 2014 and Policy, Environmental Clearances, overview of the Land Acquisition, Rehabilitation and Resettlement law.
- Concept of Sustainable development/Precautionary/Polluter Pay Principle

Module 4: Real Estate Laws

- Real Estate and Infrastructure Sector
- Real Estate Regulation Act-Its need and importance
- Legal Framework of Urban Infrastructure & Real Estate



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- Slum Rehabilitation Authority and its Rules

Module 5: Special Economic Zone

- Functions of Special Economic Zone (SEZ) / Export Promotion Zone (EPZ)
- Emergence of Globalization. Trading Blocks, Foreign Trade: SEZ (Special Economic Zones), EPZ (Export processing zone), EOU (Export Oriented Units), Dumping and Anti-Dumping measures.

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	Impart knowledge with specialization in Infrastructure and Management of Infrastructure in particular.	1,3
2	To impart knowledge in the other areas of higher education with focus on science, technology, management and allied areas	2,5
3	To develop training facilities for urban bodies, industries and technical teaching and other allied bodies.	3
4	To be an open institution to attract best minds of the world	2



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	(students as well as faculty) and to be globally competent.	
5	To set up innovative foundation in developing Knowledge parks, Techno parks and Technology incubators to foster entrepreneurship.	4,5

1=addressed to small extent

2= addressed significantly

3=major part of course

Theory of this course is used to evaluate PO(3)



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		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation
		1	2	3	4	5
BAL/BB L 717 COR /LLB 237 COR	Law of Infrastructure Development	1	3	3	3	2



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Course Objectives

- To impart knowledge of the conceptual and operational framework of the Information

BAL/BBL 717 CRI/LLB-237 CRI	INFORMATION TECHNOLOGY LAW	L	T	P	C
Version1.1	January 2017	2	1	0	3
Pre-requisites//Exposure	IPC , Evidence				
co-requisites	CrPC , CPC				

Communication Technology law

- To acquaint students with the recent challenges and developments in the Information Communication Technology law

Course Outcomes

On completion of this course, the students will be able to

- Students will be able to understand the importance of information technology Laws in the present context.
- To exposes the students about the claims and procedure for the civil wrong and cyber crimes and appropriate punishment thereof with investigation knowledge
- Students will be able to analyse various lacuna and challenges in the implementation of information technology law in India.
- Students will be able to understand the concept of E-commerce and E-governance, digital signatures etc.

Catalog Description

The aim and object of ICT Law is to impart special knowledge about the information and communication technology law to enhance their capacity in the field of ICT Law, of the student of 'crime and criminology' group in their honours course of the B.A/BB.A.LL.B. (Hons.) Programme. The subject tries to give them deep and wider knowledge related to information technology law governing at the international and domestic level. It also exposes them about the claims and procedure for the civil wrong, with authorities to decide the dispute concerning


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computer and information technology law along with the cyber crimes and appropriate punishment thereof with investigation knowledge. The course will discuss in detail about the types of cyber crimes, evidence, digital signature, e-commerce, e-governance etc. The syllabus of the course may be discussed under the following heads.

Text Books

1. Law Relating to Computers, Internet and E-Commerce Paperback– 2012 by Nandan Kamath
2. Krishna Pal Malik, Computer and Information Technology Law, Allahabad Law Agency, 1st Ed. 2010

Reference Books

- 1 A to Z of Cyber Crime book by Asian School of Cyber Laws
- 2 Rachana C. R, The Role of Digital Signatures in Digital Information Management, International Monthly Refereed Journal of Research In Management & Technology ISSN – 2320-0073 Volume II, March'13, Page 103-109
- 3 Nishith Desai Associates, E-Commerce in India, Copyright 2013 Page 5-41
- 4 Information Technology and Green Governance in India: Some Legal Perspective, International Journal of Applied Research and Studies ISSN: 2278-9480 Volume 2, Issue 5 (May - 2013) Page 1-8
- 5 N. Leena, Cyber Crime Effecting E-commerce Technology, Oriental Journal of Computer Science & Technology Vol. 4(1), 209-212 (2011) Page 1-4
- 6 C Niranjana Rao, The Role of Intellectual Property Rights in Information and Communication Technologies Page 2-22.
- 7 Sairam Bhat, Law of Business Contracts in India, Sage publication 2009 (selected part only)

Course Content

INFORMATION TECHNOLOGY LAW

Module 1: Introduction to Information Technology and Cyber Laws



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- Concept of Information Technology and Cyber law
- Evolution of Cyber Law: Cyberspace, needs to control it
- Early Cyber Laws: The Computer Misuse Act, 1990 of Great Britain
- Uniform International Standards for Cyber Law: UNCITRAL Model Law on Electronic Commerce, 1996
- India's First Cyber Law: The Information Technology Act, 2000
- Important Definitions under Information Technology Act, 2000
- Digital signature and Electronic Signature

Module 2: Cyber Crimes

- Meaning, Nature and Scope of Cyber-Crime
- Types of cyber crimes

Cyber Contraventions and Cyber Offences under the IT Act

- Section 43: Penalty and Compensation for Damage to Computer, Computer System, etc
- Section 43A: Compensation for failure to protect data
- Section 44: Penalty for failure to furnish information, return, etc
- Section 45- Residuary Penalty

Offences

- Section 65: Tampering with Computer Source Documents
- Section 66: Computer Related Offences
- Section 66A: Punishment for sending offensive messages through communication service, etc (Repealed)
- Section 66B: Punishment for dishonestly receiving stolen computer resource or communication device
- 66C- Punishment for identity theft
- 66D: Punishment for cheating by personation by using computer resource
- Section 66E- Violation of Privacy
- Cyber terrorism
- Publishing or transmitting obscene material or material containing sexually explicit act, etc.
- Material 'depicting' children

Adjudication under the IT Act

- Cyber Appellate Tribunal
- Composition, Qualifications, Procedure and Power
- Appeal to Cyber Regulations Appellate Tribunal
- Appeal to High court



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Module 3: Law relating to Electronic Evidence

- Recognition of Electronic Documents
- Legal Recognition under the Model Law
- Legal Recognition under the IT Act
- Admissibility of Electronic Evidence
- Admissibility of Electronic Evidence prior to the IT Act: Tape Recorded Conversations
- Electronic Evidence as Documentary Evidence under the Indian Evidence Act, 1872
- Admissibility of Electronic Records
- Proof of Digital Signature
- Presumptions under the Evidence Act
- Section 81A of Indian Evidence Act: Presumption as to Gazettes in electronic forms
- Section 85A of Indian Evidence Act: Presumption as to electronic agreements
- Section 85B of Indian Evidence Act: Presumption as to electronic record and digital signatures
- Section 85C of Indian Evidence Act: Presumption as to Digital Signature Certificates
- Section 88A of Indian Evidence Act: Presumption as to electronic messages
- Section 90A of Indian Evidence Act: Presumption as to electronic records five year old

Module 4: E-Commerce and E-Governance

- Meaning of e-commerce and e-governance
- Advantages and Disadvantages of e-commerce
- E-Governance Provisions under the IT Act
- Some E-Governance Initiatives in India
 - National Portal of India
 - RTI Portal
 - Common Service Centres
 - SWAN Scheme
- E-contracts
 - Types of E-Contracts
 - Regulation of E-Contract
 - Recognition of E-Contracts under IT Act
 - Attribution, Acknowledgement and Dispatch of Electronic Records

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos



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BAL/BBL- 717 IPR /LLB- 237 IPR		Law of Trademark and passing off					L	T	P	C
Version 1		Date of Approval: July 2017					2	1	0	3
Pre-requisites//Exposure		Knowledge of Jurisprudence, Property law, Contract Law, Law of Tort and IPR								
co-requisites		None								
BAL/BB L 717 CRI/LLB -237 CRI	Information Technology Law	3	3	2	2	1				

Course Objectives

This course is intended to attain the understanding of global practice relating to trademark and passing off

1. To know the evolution, nature and scope of Trade Marks
2. To Know the conflict between Trademarks and GI Law
3. To understand the global developments in regularising and harmonising the laws of various countries.

Course Outcomes

After completion of this paper the students will be in a position to understand the laws governing trademark registration and its infringement. It guides about market relevancy and impact on consumer behavior. Particularly following specific outcomes is orientation of this paper:

1. It would explain to the students the objectives and philosophy of trademark protection with respect to its creators and consumers and provide balanced perspectives on trademark law



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2. It would enable the student in understanding the legal framework of trademark registration & protection in India.
3. The students would know the remedies available nationally and globally for infringement of Trademark right in actual and cyber space.
4. The students would understand the need of uniform global policy and harmonization of legal system during digital era and facilitation of multilateral filing. They would also know the efforts taken up at International level in this regard.

Catalog Description

Law relating to intellectual property intends protection for human creativity as well as recognition of non tangible property. Trademark plays an essential role in protecting consumers and in promoting global economic growth. It enables consumers to make quick, confident and safe purchasing decisions and promotes freedom of choice. Trademarks and related intellectual property encourage vibrant competition for the benefit of consumers, workers, brand owners and society at large. The value of trademarks has been demonstrated through various brand rankings and in recent studies conducted in the United States and the European Union and by the World Intellectual Property Organization (WIPO). A registered trademark gives its proprietor the exclusive right to use that trademark for the registered category of goods or services. For example, a pharmaceutical company selling a medicine in the market under a trademarked name or brand would be protected from other companies selling medicines under the same name or brand. Similarly, an institution providing educational services under its trademarked name or logo would be able to prevent anyone else from taking advantage of the institution's reputation by marketing similar services under the same name or logo. The importance of having a registered trademark was highlighted recently when a Chinese court held that the "iPad" trademark does not belong to Apple Inc.

Text Books

T1 Ashwani Kr. Bansal, Law of Trade Marks in India (2009)

T2 N.S. Gopalakrishnan and T.G. Agitha, Principles of Intellectual Property (Eastern Book Company, 2015)



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T3 Lionel Bently and Brad Sherman, *Intellectual Property Law* (Oxford University Press, 2014)

Reference Books

1. V.K. Ahuja, *Intellectual Property Rights in India* (2009), Butterworth Publication
2. P. Narayanan, *Law of Trade Marks and Passing off* (6th ed., 2004)
3. David Kitchin, David Llewelyn, James Mellor, Richard Meade, Thomas Moody, *Kerly's Law of Trade Marks and Trade Names* (14th Edition 2005)
4. W. Cornish and D. Llewelyn, *Intellectual Property: Patents, Copyright, Trademarks and Allied Rights*, London : Sweet & Maxwell,(6th ed., 2009)
5. Bernard O'Connor, *The Law of Geographical Indications*, 2004, Camron.
6. Dev Gangjee, *Relocating the Law of Geographical Indications*, Cambridge University Press 2012.
7. Institute of Trade Mark Attorneys; Chartered Institute of Patent Attorneys (C.I.P.A.); Imogen Wiseman; Jonathan Clegg; Geoffrey Smith, *Community Trade Mark Handbook*, London: Sweet & Maxell, (2015)
8. C. Wadlow, *The Law of Passing Off: Unfair Competition by Misrepresentation*, London : Sweet & Maxwell,(3rd ed., 2009)

Course Content

MODULE 1

(7 Classes)

Introduction to Trademarks

- Historical development of the concept, nature and evolution of trademark and trademark law-National and International.
- Functions of Trademark
- Economic foundations of Trademark law.
- Conflict between Trade mark and geographical indications.
- Proliferation of Trademarks



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Reference

1. Andrea Mangani, *An Economic Analysis Of The Rise Of Service Marks*, Italy, pp. 1-22.
2. Dev Gangjee, 'Non Conventional Trade Marks In India', *National Law School of India Review* 2010 vol. 22(1) pp. 67-96.
3. The History and Development of Trademark Law. Available at https://www.iip.or.jp/e/e_publication/ono/ch2.pdf

MODULE 2

(7 Classes)

- Registration of Trademarks in India and Abroad- Conventional and Non-Conventional Marks, Grounds of Registration- Relative and Absolute, Procedure
- Rights of Registered trademark owners- Assignment and licensing
- Exploitation of Trademark rights and Loss of Trademark Rights

Reference:

3. Jacob Jacoby, *The Psychological Foundations Of Trademark Law: Secondary Meaning, Acquired Distinctiveness, Genericism, Fame, Confusion And Dilution*, Working Paper #CLB-00-003, pp 5- 56.
4. Arka Majumdar et al, 'The Requirement of Graphical Representability of Non Conventional Trade Marks', *Journal of Intellectual Property Rights*, Vol 11, September 2006, pp.313-317.

MODULE 3

(10 Classes)

Trade Mark Infringement/Passing off

- Passing off - Effect of trade mark registration, Law of passing-off, Protection of well-known marks, Counterfeiting/Criminal offences
- Trademark Issues in Cyber Space - Domain Name dispute and cyber squatting, Domain Name dispute & WIPO

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- Necessity for Trademark Protection & Remedies- Unfair Competition & Consumer Confusion
- Exceptions to infringement in the context of free speech

References

5.

Cases

1. *Polaroid Corp. v. Polarad Elects.*, 287 F.2d 492 (CA2 1961)
 2. *Top Tobacco, LP v. North Atlantic Operating Co.*, 509 F.3d 380 (7th Cir. 2007)
 3. *Murphy Door Bed Co. v. Interior Sleep Systems, Inc.*, 874 F.2d 95 (2d Cir. 1989)
 4. The Jiff Lemon case; *Reciktt & Colman Products Ltd. v. Borden* [1990] RPC 341 (House of Lords)
 5. *Tata Sons Limited vs Greenpeace International & Anr* I.A. No.9089/2010 in CS (OS) 1407/2010
- Remedies for Trademark Infringement – Litigation, alternative dispute resolution procedure such as the Uniform Domain Resolution Policy (UDRP), IN Dispute Resolution Policy (INDRP) and other similar procedures

Reference

1. Roger Leroy Miller, *Fundamentals of Business Law: Excerpted Cases*, South-Western College Publishing 2012, pp. 108-109.
2. Abdulhadi M. Alghamdi, *Law of e-commerce*, Author House 2011, pp. 201-221.

Cases:

1. *N.R. Dongre v. Whirlpool Corporation* (1996) 5 SCC 714
2. *Balkrishna Hatcheries v. Nandos International Ltd.*; 2007(35) PTC 295 (Bom)
3. *Health & Glow Retailing Pvt. Ltd v. Dhiren Krishna Paul, Trading as Health and Glow Clinic*, 2007 (35) PTC 474 (Mad.)
4. *Satyam Infoway Ltd v. Sifynet Solutions Pvt. Ltd*, AIR 2004 SC 3540



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5. *M/s Hindustan Development Corporation Ltd v. The Deputy Registrar of Trade Marks*, AIR 1955 Cal 319
6. *The Imperial Tobacco Co. of India v. The Registrar of Trade Marks*, AIR 1977 Cal 413
7. *Geep Flash Light Industries v. Registrar of Trade Marks*, AIR 1972 Del 179
8. *Carrefour v. Subburaman*, 2007(35) PTC 225
9. *Parley Products v. J P & Co*, AIR 1972 SC 1359 60
9. *Cadila Health Care Ltd v. Cadila Pharmaceuticals Ltd*, 2001 PTC 541 (SC) 64
10. *Bata India Ltd. v. Pyare Lal & Co.*, AIR 1985 All 242
11. *Milmet Oftho Industries v. Allergen Inc.* (2004) 12 SCC 624 79
12. *Balkrishna Hatcheries v. Nandos International Ltd.*, 2007(35) PTC 295 (Bom) 82
13. *Health & Glow Retailing Pvt. Ltd v Dhiren Krishna Paul, Trading as Health and Glow Clinic*, 2007 (35) PTC 474 (Mad.)
14. *N Ranga Rao v. Anil Garg*, 2006 (32) PTC 15 (Del) 99
15. *Pepsi Co Inc v. Hindustan Coca Cola Ltd*, 2003 (27) PTC 305 (Del) DB) 121
16. *Dabur India Ltd. v. Colgate Palmolive*, 2004 (29) PTC 401 (Del.) [Exceptions to Infringement S. 30] 133
17. *Hawkins Cookers Limited v. Murugan Enterprises*, 2008 (36) PTC 290
18. *Cadila Healthcare Ltd. v. Gujarat Cooperative Milk Marketing Federation Ltd. & Ors* FAO (OS) No. 62/2008.
19. *Micronix India vs Mr. J.R. Kapoor* 2003 IVAD Delhi 524, 105 (2003) DLT 239
20. *Marico Limited vs Agro Tech Foods Ltd* A No. 11037/2009 & IA No. 11538/2009 - in CS(OS) No. 1590/2009
21. *Stokely Van Camp, Inc. & Anr vs Heinz India Private Limited* IA No.3646/2010 (under O.39 R.1 & 2 CPC) in CS(OS) 514/2010.

MODULE 4

(10 Classes)

Trademark related Treaties

- The Paris Convention
- The Madrid Agreement
- The Madrid Protocol

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- The TRIPS Agreement
- The Nice Agreement
- The Vienna Agreement
- The Singapore Treaty
- Regional Agreements by ARIPO, OAPI, NAFTA etc.

Mode of Evaluation: The theory and lab performance of students are evaluated separately.

Components	Theory	
	Internal	End Term Examination(ETE)
Marks	40	60
Total	100	

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1.	It would explain to the students the objectives and philosophy of trademark protection with respect to its creators and consumers.	1, 4
2.	It would enable the student in understanding the legal framework of trademark registration & protection in India.	1, 4
3.	The students would know the remedies available nationally and globally for infringement of Trademark right in actual and cyber space.	1, 3, 4



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4.	The students would understand the need of uniform global policy and harmonization of legal system during digital era and facilitation of multilateral filing. They would also know the efforts taken up at International level in this regard.	1, 2, 4
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		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation
		1	2	3	4	5
BAL/BBL- 717 IPR /LLB-237 IPR	Law of Trademark and Passing off	3	2	1		3

1=addressed to small extent

2= addressed significantly

3=major part of course



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BAL/BBL- 911	Drafting, Pleading & Conveyance	L	T	P	C
Version1.1	July 2017	2	1	2	5
Pre-requisites//Exposure	Code of Civil Procedure,1908, Code of Criminal Procedure,1973				
co-requisites	Limitation Act, 1963				

9th SEMESTER

Course Objectives

The objectives of the course are:

1. To introduce the general principles of drafting, pleading and conveyancing.
2. To equip the students to improve their ability to draft common legal documents
3. To introduce the forms and content of the document produced before the courts while trying cases
4. To explain the different procedure followed in drafting different types of pleadings and documents.
5. To train students in the art of drafting both for court purposes as well as for other legal forums.
6. To equip the students with proper understating of drafting legal documents for their future professional development as lawyers.
7. To keep the students updated with the latest developments and changes in the field of procedural law and the changes in drafting documents.

Course Outcomes



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

1. Draft different types of suits, applications and petitions to be filed in various courts as per the respective jurisdictions.
2. Understand the procedural requirements to initiate civil, criminal, appellate jurisdiction, writ jurisdiction and extra ordinary jurisdiction and the procedure to be followed for filing documents before the court for the conduct of trial.
3. Draft documents like sale deed, lease deed, gift deed, etc which conveys some right over the property by one person to another.

Catalog Description

Drafting, Pleadings and Conveyancing ' has been included in the syllabus with a view to equip the students with the basic understanding of the principles of pleadings, knowledge of legal drafting abilities, legal frame work pertaining to the appearances before various courts/ tribunals/quasi judicial. This course intent to make the students understand the meaning and distinction between drafting and conveyancing, general principles of drafting of deeds, legal implications and requirements, endorsement and stamping of a deed etc. The course content of the syllabus is designed in such a way to provide practical orientation and develop necessary acumen in drafting legal documents. This paper presupposes knowledge of substantive law and hence the students are advised to have thorough knowledge of the same by referring to various Acts mentioned in the syllabus. Moreover, drafting of petitions, deeds and documents is an art and even acquiring practical knowledge which is essential for a law student to enter in to legal profession.

Text Books

Bare Acts

1. Arbitration and Conciliation Act, 1996
2. Code of Civil Procedure, 1908
3. Code of Criminal Procedure, 1973
4. Transfer of Property Act, 1882
5. Limitation Act, 1963
6. U.P. Rent Control Act, 1972




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Books:-

1. A.N. Chaturvedi , Pleading, Conveyancing and Legal Ethics , Allahabad Law Agency, 2013.
2. G.C.Mogha, Mogha's Law of Pleadings in India with Precedents, EBC, 18th Edition, 2013
3. K.N.Chandrasekharan Pillai (Rev.), *R. V. Kelkar's Criminal Procedure*, 5th ed., 2008

Reference Books

1. Sahni and B.L.Bansal, *Civil Pleadings and Art of better drafting – Principles, Procedure & Practice along with model forms of Suits, Applications, Written Statements and replies under civil law*, JBA, 2013
2. De Souza, revised by C.R.Datta& M.N.Das, *Forms and Precedents of Conveyancing*, JBA, 13th Edition, 2010, reprint 2014.

Course Content

Module I :Fundamental Rules of Drafting Pleading and Conveyancing

- Pleadings (Order 6 CPC)
- Plaint Structure
- Written Statement and Affidavit
- Application under Section 5 of the Limitation Act
- Application for Setting aside ex-parte Decree
- Writ Petitions

Module II: Civil Pleadings

- Suit for Recovery under Order XXXVII of CPC
- Suit for Permanent Injunction
- Suit for Dissolution of Partnership
- Application for Temporary Injunction Order XXXIX of CPC



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- Appeal from Original Decree under Order 41 of CPC
- Revision Petition
- Review Petition

Module III : General Principles of Criminal Pleadings

- Application for Bail
- Application under Section 125 CRPC
- Compounding of Offences by Way of Compromise under Section 320 (i) CRPC
- Complaint under Section 138, Negotiable Instruments Act, 1881
- Application under Section 482, CRPC

Module IV Conveyancing

- Notice to the Tenant under Section 106 of Transfer of Property Act
- Notice under Section 80 of CPC
- Notice under Section 434 of the Companies Act
- Reply to Notice
- General Power of Attorney
- Will
- Agreement to SELL
- Sale-Deed
- Lease-Deed
- Partnership Deed
- Mortgage Deed
- Relinquishment Deed
- Deed of Gift

MODULE V Forms

- Petition for Grant of Probate / Letters of Administration
- Application for Appointment of Receiver/Local Commissioner
- Application for Compromise of Suit



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- Application for Appointment of Guardian
- Application to Sue as an Indigent Person under Order 33 CPC
- Appeal from orders under order 43 of CPC
- Application for execution
- Application for caveat section 148A of CPC
- Writ Petition
- Special Power of Attorney
- Reference to Arbitration and Deed of Arbitration
- Notice for Specific Performance of Contract

Mode of Evaluation:

Components	Theory	
	Internal	End Term Examination(ETE)
Marks	40	60
Total	100	

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	Draft different types of suits, applications and petitions to be filed in various courts as per the respective jurisdictions.	1,4,5
2	Understand the procedural requirements to initiate civil, criminal, appellate jurisdiction, writ jurisdiction and extra ordinary jurisdiction and the procedure to be followed for filing documents before the court for the conduct of trial.	1,4,5
3	Draft documents like sale deed, lease deed, gift deed, etc which conveys some right over the property by one person to another.	1,4,5


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BAL/BBL913	Professional Ethics, Accountancy for Lawyers and Bench Bar Relations	L	T	P	C	
Version JULY 2017	Date of Approval: JULY 2017	2	1	2	5	
Pre-requisites//Exposure	Consumer Protection Act, CPC					
co-requisites	Legal Services Act, Rules of Bar council of India					
		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation
		1	2	3	4	5
BAL/BBL-911	DRAFTING, PLEADING & CONVEYANCE	2	1	1	3	3

1. Course Objective:

The course shall have the following objectives:

1. To provide the conceptual understanding of the general principles of Professional ethics of Lawyers and their accountability towards profession.
2. To elucidate the importance of Legal profession and its development in India.
3. To understand the about enrolment procedure and practice in India.
4. To elucidate the professional misconduct and contempt of court



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2. Course Outcome:

1. Appreciate the importance of Professional ethics of Lawyers and their accountability towards their profession.
2. Understand the different conducts as professional misconduct or contempt of court and its punishment.
3. Learn the procedure of enrolment and Right to practice.

3. Catalog Description:

The Course has been designed to acquaint the student of Law about the Professional Ethics and Professional etiquettes that are essentially significant for an advocate to observe while at the Bar. Accountability and transparency are imperative to the profession. Besides, the conducive and cordial Bar- Bench relations can send a good message concerning the richness of the Legal profession. With this background cue, the course aims at developing insights of the students about the professional parameters.

4. Reading Material

a. Text Books:

- Kailash Rai, Legal ethics, CLP, 2007, 7th edition

b. Reference Books

- P. Ramanatha Iyer, Legal & Professional Ethics, Wadhwa, 3rd Ed. 2003
- Raju Ramachandran, Professional Ethics, Butterworths 2004.

5. Course content

Module-I: ETHICS AND LEGAL PROFESSION- AN INTRODUCTION

- Ethics: Introduction.
- Definition and scope of ethics.
- Professional ethics and responsibility.
- Introduction to legal ethics
- Rule of confidentiality and conflict of interest.

Reading Materials

1. Deborah L. Rhode, Teaching Legal Ethics, Saint Louis Law Journal
2. Legal ethics and professional responsibility, Ross Cranston.
3. Address by Hon'ble Sh. K.G. Balakrishnan, at the National Seminar of the Bar Council of India at Cuttack on 14.04.2007.
4. Monroe H. Freedman, Understanding Lawyer's Ethics (excerpt)



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5. Deborah L. Rhode, Legal Ethics in Legal Education, Clinical Law Review, 2009
6. Stephen L. Pepper, "The Lawyer's Amoral Ethical Role..." (excerpt)
7. Eleanor W. Myers, "Simple Truths About Moral Education", American University of Law Review
8. Stephen L. Pepper, "Lawyers' Ethics in the Gap Between Law and Justice", South Texas Law Review 1999

Additional Reading

1. Professional Responsibility, Problems and Materials, 8th Edition, Morgan and Rotunda
2. The Faces of mistrust: the image of lawyers in public opinion, Jokes, and political discourse", Marc Galanter (1998), 66 University of Cincinnati Law Review 805 – 845

Module-II: DEVELOPMENT OF LEGAL PROFESSION AND ITS REGULATION IN INDIA

- Importance of the legal profession
- Development of law relating to legal profession in India
- History of the constitution of the Bar Council of India
- Advocates Act- an overview

Reading Materials

- 1) Legal Practitioners Act, 1879
- 2) Indian Bar Councils Act, 1926
- 3) Y. K. Sabharwal, Chief Justice of India, *Inaugural Speech in the Two Day National Summit of Legal Fraternity " Lawyers' India – 2006"*, Organised by Bar Council of India
- 4) India Bar Committee Report, 1923
- 5) All Indian Bar Committee Report, 1951
- 6) L.C.I 14th Report 1958

Case

1. Aswani Kumar Ghosh v. Arbind Bose, (AIR 1952 SC 369)

Additional Reading Material

- ✓ *Legal Profession*, Edited by Prof. N.R. Madhava Menon, B.C.I., 1984.
- ✓ M.P. Singh, *Outlines of Indian Legal and Constitutional History*, Universal 8th Ed., Chapter 13 (Legal Profession)
- ✓ M.P Jain, *Outlines of Indian Legal History*, Wardha, 5th Ed., Chapter XXX (Growth of Legal Profession in India).
- ✓ Veeraraghavan, *Legal Profession and the Advocates Act, 1961* (1972) 4 JILI
- ✓ Letter Patents of 1865

Module-III: REGULATIONS GOVERNING THE PRACTICE AND ENROLLMENT IN INDIA



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- Bar Council of India-
 - Its constitution
 - Powers and Duties
- State Bar Councils-
 - Its constitution
 - Powers and Duties
- Different Committees under Bar Council of India and State Bar Councils
- Admission and enrollment of advocates
- Disqualification for enrolment
- Rights to practice

Reading Material

1. Some important points about the Bar Council of India.
2. Part VI of Bar Council of India Rules 1975, (As amended up to 31st January, 2001), Chapter III Conditions for right to practice.
3. Veeraraghavan, *Legal Profession and the Advocates Act, 1961* (1972) 4 JILI

Module-IV: PROFESSIONAL RESPONSIBILITIES

- Duty to court
- Duty to client
- Duty to opponent
- Duty to colleague
- Duty towards society and obligation to render legal aid

Reading Material

1. Part VI of Bar Council of India Rules 1975, (As amended up to 31st January, 2001), Chapter II Standards of Professional Conduct and Etiquette.
2. Rao, Law students, lawyers and judges in the new millennium, (2000) 8 SCC (Jour)1
3. Shah, Roles of lawyers in legal institutions: professional conducts and advocacy, *Indian Bar Review*, Vol. XXXVI (1) 1999, p.35

Module-V: PROFESSIONAL MISCONDUCTS OF AN ADVOCATE

- Professional and other misconduct- Meaning
- How to make a complaint against an advocate
- Procedure after a complaint has been referred to a Disciplinary Committee
- Punishments
- Review and Appeal against the order of the disciplinary committees
- Consumer Protection Act- Advocates Deficiency of Service

Reading Material

- Part VII of Bar Council of India Rules 1975, (As amended up to 31st January, 2001), Chapter-I Complaints against Advocates and Procedure to be followed by Disciplinary

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Committees of the State Bar Council and the Bar Council of India.

- Part VII of Bar Council of India Rules 1975, (As amended up to 31st January, 2001), Chapter – II Review

1. In re on advocate – AIR 1957 SC 149
2. B.C.I. Maharashtra vs. M.V. Dabholkar AIR 1976 SC 242
3. P.D. Khandelkar vs. B.C.I. Maharashtra AIR 1984 SC 110
4. Hikmat Ali Khan v. Ishwar Prasad Arys AIR 1997 SC 864
5. Kumaravelu v. Bar Council of India, AIR 1997 SC 1014
6. Sardul Singh vs. Pratap Singh [AIR 1999 SC 1704]
7. Mahabir Prasad Singh v. Jaks Aviation Pvt. Ltd. , AIR 1999 SC 287
8. N.G. Dastane vs. Shekhar S. Shivde AIR 2001 SC 2028
9. D.P. Chadha vs. Triyugi Narain AIR 2001 SC 457
10. Shambhu Ram Yadav vs. Hanuman Das Khattri, AIR 2001 SC 2509

Module-VI: BENCH-BAR RELATION & CONTEMPT OF COURT

- Bench-bar relation
- Contempt of court:
 - its meaning and nature
 - Categories of contempt of court
 - Basis and extent of contempt jurisdiction
 - Procedure in case of contempt
 - Punishment for contempt of court
 - Defenses
 - Remedies against punishment

Cases

- a) Delhi Judicial Service Association v. State of Gujrat, (AIR 1991 SC 2176)
- b) In re Dr. D.C. Sexena v. Hon`ble Chief Justice of India, (AIR 1996 SC 2481)
- c) Supreme Court Bar association v. Union of India, (AIR 1998 SC 1895)
- d) Mrityunjoy Das v. Sayed Hasibur Rahman, (AIR 2001 SC 2763)

Module-VII: SOME EMERGING ISSUES IN PROFESSIONAL ETHICS

- Negligence by lawyers and the Consumer Protection Act Advertising in legal profession
- Lawyers strike
- Women`s place at the bar

Cases

- a) D.K. Gandhi V. M. Mathias, (National Consumer Disputes Redressal Commission, New Delhi, Decided by a order dated 6th August, 2007)

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

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Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	Appreciate the importance of Professional ethics of Lawyers and their accountability towards their profession.	1,3,5
2	Understand the different conducts as professional misconduct or contempt of court and its punishment.	2,3,5
3	Learn the procedure of enrolment and Right to practice.	3,5

		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation
BAL/B BL 913	Professional Ethics, Accountancy for Lawyers and Bench Bar Relations	1	2	3	4	5
		3	1	2	2	1

1=addressed to small extent

2= addressed significantly

3=major part of course



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