GALGOTIAS UNIVERSITY

SCHOOL OF LAW
NAAC Criteria 1.1.2
Program Structure 2017-18

S.No	2016-17						2017-18					
	Course Title	Code	L	T	P	C	Course Title	Code	L	T	P	C
SEMESTER 1												
1	Constitutional Law – I	LLB 111	3	1	0	4	Constitutional Law – I	BLLB1001	3	1	0	4
2	Family Law – I	LLB 112	3	1	0	4	Family Law – I	BLLB1002	3	1	0	4
3	Law of Crimes I (IPC) (General Principles)	LLB 113	3	1	0	4	Law of Crimes I (IPC) (General Principles)	BLLB1003	3	1	0	4
4	Interpretation of Statutes	LLB 114	3	1	0	4	Interpretation of Statutes	BLLB1004	3	1	0	4
5	Legal Methods	LLB 115	3	1	0	4	Legal Methods	BLLB1005	3	1	0	4
6	Law of Contract – I (General Principles)	LLB 116	3	1	0	4	Law of Contract – I (General Principles)	BLLB1006	3	1	0	4
SEMESTER 2												
1	Constitutional Law – II	LLB 121	3	1	0	4	Constitutional Law – II	BLLB1021	3	1	0	4
2	Law of Contract - II	LLB 122	3	1	0	4	Law of Contract - II	BLLB1022	3	1	0	4
3	Law of Crimes – II	LLB 123	3	1	0	4	Law of Crimes – II	BLLB1023	3	1	0	4
4	Law of Torts	LLB 124	3	1	0	4	Law of Torts, Consumer Protection Act,1986; Motor Vehicles Act, 1988	BLLB1024	3	1	0	4
5	Family Law – II	LLB 125	3	1	0	4	Family Law – II	BLLB1025	3	1	0	4
6	Moot Court (Clinical Course I)	LLB 126	0	0	4	4	Moot Court (Clinical Course I)	BLLB1026	0	0	4	4
7	Public International law	LLB 127	3	1	0	4	Public International law	BLLB1027	3	1	0	4

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

SCHOOL OF LAW
NAAC Criteria 1.1.2
Program Structure 2017-18

8	Internship (Four weeks) (Lower Court)	LLB 128	0	0	2	2	Internship (Four weeks) (Lower Court)	BLLB1028	0	0	2	2
SEMESTER 3												
1	Jurisprudence	LLB 231	3	1	0	4	Jurisprudence	BLLB2001	3	1	0	4
2	Law of Evidence	LLB 232	3	1	0	4	Law of Evidence	BLLB2002	3	1	0	4
3	Private International Law	LLB 233	3	1	0	4	Private International Law	BLLB2003	3	1	0	4
4	Company Law- I	LLB 234	3	1	0	4	Company Law- I	BLLB2004	3	1	0	4
5	Civil Procedure Code & Limitation Act	LLB 235	3	1	0	4	Civil Procedure Code & Limitation Act	BLLB2005	3	1	0	4
6	Internship (Four weeks) (High Court)	LLB 238	0	0	2	2	Internship (Four weeks) (High Court)	BLLB2006	0	0	2	2
7	Media Law	LLB236 CO	2	1	0	3	Media Law (Theory)	BLLB2007	2	1	0	3
8	Corporate Governance (Theory)	LLB237 CO	2	1	0	3	Corporate Governance (Theory)	BLLB2008	2	1	0	3
9	Criminology (Theory)	LLB236 CP	2	1	0	3	Criminology (Theory)	BLLB2009	2	1	0	3
10	Copyright Law in Film Industry (Theory)	LLB237 CP	2	1	0	3	Copyright Law in Film Industry (Theory)	BLLB2010	2	1	0	3
11	Election Law (Theory)	LLB236 CR	2	1	0	3	Election Law (Theory)	BLLB2011	2	1	0	3
12	Law on Infrastructure Development (Theory)	LLB237 CR	2	1	0	3	Law on Infrastructure Development (Theory)	BLLB2012	2	1	0	3
13	ICT Law (Theory)	LLB236 IP	2	1	0	3	ICT Law (Theory)	BLLB2013	2	1	0	3

GALGOTIAS UNIVERSITY * Uttar Pradesh *

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

SCHOOL OF LAW
NAAC Criteria 1.1.2
Program Structure 2017-18

14	Law of Trademark & passing off	LLB237 IP	2	1	0	3	Law of Trademark & passing off (Theory)	BLLB2014	2	1	0	3
SEMESTER 4												
1	Labour & Industrial Law I	LLB 241	3	1	0	4	Labour & Industrial Law I	BLLB2021	3	1	0	4
2	Company Law II	LLB 242	3	1	0	4	Company Law II	BLLB2022	3	1	0	4
3	Drafting, Pleading & Convencing (Clinical Course II)	LLB 243	1	0	3	4	Drafting, Pleading & Convencing (Clinical Course II)	BLLB2023	1	0	3	4
4	Administrative Law	LLB 244	3	1	0	4	Administrative Law	BLLB2024	3	1	0	4
5	CrPC	LLB 245	3	1	0	4	Criminal Procedure Code	BLLB2025	3	1	0	4
6	Internship (4 weeks) (High Court)	LLB 248	0	0	2	2	Internship (4 weeks) (High Court)	BLLB2026	0	0	2	2
7	Law & Education	LLB246 CO	2	1	0	3	Law & Education	BLLB2027	2	1	0	3
8	Law on Corporate Finance	LLB246 CP	2	1	0	3	Law on Corporate Finance	BLLB2028	2	1	0	3
9	Penology	LLB246 CR	2	1	0	3	Penology	BLLB2029	2	1	0	3
10	Patent Right, Creation & Registration	LLB246 IP	2	1	0	3	Patent Right, Creation & Registration	BLLB2030	2	1	0	3
11	Immigration Law	LLB247 CO	2	1	0	3	Immigration Law	BLLB2031	2	1	0	3
12	Law of Merger & Acquisition	LLB247 CP	2	1	0	3	Law of Merger & Acquisition	BLLB2032	2	1	0	3
13	Administration of Criminal Justice - I	LLB247 CR	2	1	0	3	Administration of Criminal Justice - I	BLLB2033	2	1	0	3

GALGOTIAS UNIVERSITY * Uttar Pradesh *

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

SCHOOL OF LAW
NAAC Criteria 1.1.2
Program Structure 2017-18

14	Patent Drafting and Specification writing	LLB247 IP	2	1	0	3	Patent Drafting and Specification writing	BLLB2034	2	1	0	3
SEMESTER 5												
1	Alternate Dispute Resolution (Clinical Course III)	LLB 351	1	0	3	4	Alternate Dispute Resolution (Clinical Course III)	BLLB3001	1	0	3	4
2	Property Law	LLB 352	3	1	0	4	Property Law	BLLB3002	3	1	0	4
3	Labour and Industrial Law II	LLB 353	3	1	0	4	Labour and Industrial Law II	BLLB3003	3	1	0	4
4	Intellectual Property Law	LLB 354	3	1	0	4	Intellectual Property Law	BLLB3004	3	1	0	4
5	International Trade Law	LLB 355	3	1	0	4	International Trade Law	BLLB3005	3	1	0	4
6	Internship 4 weeks- Supreme Court/Law Firm/Corporate House	LLB 358	0	0	2	2	Internship 4 weeks- Supreme Court/Law Firm/Corporate House	BLLB3006	0	0	2	2
7	Law of Writs (Theory)	LLB256 CO	2	1	0	3	Law of Writs (Theory)	BLLB3007	2	1	0	3
8	Law of Bankruptcy & Insolvency (Theory)	LLB256 CP	2	1	0	3	Law of Bankruptcy & Insolvency (Theory)	BLLB3008	2	1	0	3
9	Forensic Science & Law Interface (Theory)	LLB256 CR	2	1	0	3	Forensic Science & Law Interface (Theory)	BLLB3009	2	1	0	3
10	Biodiversity Protection (Theory)	LLB256 IP	2	1	0	3	Biodiversity Protection (Theory)	BLLB3010	2	1	0	3
11	Right to Information Law (Theory)	LLB257 CO	2	1	0	3	Right to Information Law (Theory)	BLLB3011	2	1	0	3
12	Financial Market	LLB257 CP	2	1	0	3	Financial Market	BLLB3012	2	1	0	3

GALGOTIAS UNIVERSITY * U.P. *

Dean School of Law
Galgotias University
Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

SCHOOL OF LAW
NAAC Criteria 1.1.2
Program Structure 2017-18

	Regulation (Theory)						Regulation (Theory)					
13	Administration of Criminal Justice II (Theory)	LLB257 CR	2	1	0	3	Administration of Criminal Justice II (Theory)	BLLB3013	2	1	0	3
14	IPR in Pharma Industry (Theory)	LLB257 IP	2	1	0	3	IPR in Pharma Industry (Theory)	BLLB3014	2	1	0	3
SEMESTER 6												
1	Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations(Clinical Course -IV	LLB 361	3	1	0	4	Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations(Clinical Course -IV	BLLB3021	3	1	0	4
2	Environmental Law	LLB 362	3	1	0	4	Environmental Law	BLLB3022	3	1	0	4
3	Principles of Taxation Law	LLB 363	3	1	0	4	Principles of Taxation Law	BLLB3023	3	1	0	4
4	Human Rights Law	LLB 364	3	1	0	4	Human Rights Law	BLLB3024	3	1	0	4
5	Land Laws	LLB 365	3	1	0	4	Land Laws	BLLB3025	3	1	0	4
6	Comparative Constitution	LLB266 CO	2	1	0	3	Comparative Constitution	BLLB3026	2	1	0	3
7	International Trade Law	LLB256 CP	2	1	0	3	International Trade Law	BLLB3027	2	1	0	3
8	Comparative Criminal Procedure	LLB266 CR	2	1	0	3	Comparative Criminal Procedure	BLLB3028	2	1	0	3
9	International Intellectual Property	LLB266 IP	2	1	0	3	International Intellectual Property	BLLB3029	2	1	0	3
10	Judicial Process	LLB267 CO	2	1	0	3	Judicial Process	BLLB3030	2	1	0	3
11	International Taxation	LLB267 CP	2	1	0	3	International Taxation	BLLB3031	2	1	0	3

GALGOTIAS UNIVERSITY * Uttar Pradesh *

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

SCHOOL OF LAW
NAAC Criteria 1.1.2
Program Structure 2017-18

12	International Criminal Law	LLB267 CR	2	1	0	3	International Criminal Law	BLLB3032	2	1	0	3
13	Law of Trade Secret & Technology Transfer	LLB267 IP	2	1	0	3	Law of Trade Secret & Technology Transfer	BLLB3033	2	1	0	3

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

The following is the new syllabus of the courses to be introduced in the upcoming academic session 2017-18:

1) Law of Bankruptcy and Insolvency:

BAL/BBL-	Law of Bankruptcy and Insolvency	L	T	P	C
Version1.1	July 2017	3	1	0	3
Pre-requisites//Exposure	SICA, 1985, Conceptual Understanding of Non-Performing Assets				
co-requisites	RDDBFI Act, 1993, SARFAESI Act, 2002, Companies Act, 1956 & 2013				

Course Objectives

- To serve as a foundational course on laws relating to bankruptcy and insolvency.
- To impart basic knowledge about the significance of insolvency law as a social legislation and its correlation with corresponding provisions under other laws. .
- To know the legal framework available for insolvency petition and proceedings before the coming into force of the Insolvency and Bankruptcy Code, 2016.
- To analyze rules and regulations regarding individual and corporate insolvency under the Insolvency and Bankruptcy Code, 2016.
- To be able to examine and understand the principles relating to Cross-Border Insolvency.

Course Outcomes

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

- To understand the concepts of corporate restructuring, rescue and insolvency.
- To examine the effectiveness of non-statutory mechanisms such as out of Court settlement in recovery of debt.
- To know the reasons for the ineffective implementation of various legislations in revival, rehabilitation and restructuring of insolvent individuals and companies and hence the need for consolidation of insolvency laws.
- To apply the changes introduced by The Insolvency and Bankruptcy Code, 2016 in revival and restructuring of insolvent individuals and companies.

Dean School of Law
Galgotias University
Uttar Pradesh

- To study the Powers and Functions of the Insolvency and Bankruptcy Board of India under Insolvency and Bankruptcy Code, 2016.
- To understand the framework for regulating cross-border insolvency through UNCITRAL Model Law on Cross-Border Insolvency.

Catalogue Description

The Indian insolvency and bankruptcy regime, till recently, could have been described as a mosaic of many segments that hardly joined each other. The framework for personal insolvency remained unchanged for more than a century while for corporate, it has remain unchanged for almost six decades. The uncoordinated as well as sporadic forays of working groups, committees and law making continuously talked about reforming bankruptcy laws in India. Spasmodic introduction of ancient 'the Sick Industrial Companies Act (SICA), 1985'; granting special rights to banks for recovery of debts through the Recovery of Debts due to Banks and Financial Institutions (RDDBFI) Act, 1993 and then enforcing security interests without intervention of the Courts through Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI)Act, 2002 led to inefficiencies, delays and parallel proceedings that often gave rise to conflicting situations. It's only in May 2016, the new Insolvency and Bankruptcy Code, 2016 has been enacted by the Indian Parliament.

The Code aims to "consolidate and amend the laws relating to re-organization and insolvency resolution of corporate persons, partnership firms and individuals in a time bound manner for maximization of value of assets of such persons, to promote entrepreneurship, availability of credit and balance the interests of all the stakeholders including alteration in the order of priority of payment of Government dues and to establish an Insolvency and Bankruptcy Board of India, and for matters connected therewith or incidental thereto".

Text Books

1. Bharihoke, Neera and Neera,Talwar; Law of Insolvency; Delhi Law House.
2. Singh, Avtar; Law of Insolvency; Eastern Book Company.

Reference Books

1. Sirohi, J.P.S, Law of Insolvency in India; Allahabad Law Agency
2. Manzar, Saeed, Law of Insolvency; Orient Publishing Company
3. Sandhya, Narain, Mulla on the Law of Insolvency in India; LexisNexis
4. Justice Narayanan P.S. Law of Insolvency (Bankruptcy), Asia Law House, 9th Edition.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

5. Morrison, R. Edward, Economics of Bankruptcy (Volume I and II)

Relevant Provisions of the following Statutes:

1. The Companies Act, 2013& 1956
2. The Recovery of Debt due to Banks & Financial Institutions Act, 1993
3. The Securitisation and Asset Reconstruction and Enforcement of Security Interest Act, 2002
4. The Insolvency and Bankruptcy Code, 2016

Journals

1. Corporate Law Advisor
2. Chartered Secretary
3. Company Law Journal

Online Resources

1. http://www.ibbi.gov.in/
2. http://nclt.gov.in/
3. http://www.mca.gov.in/
4. https://nclat.gov.in/
5. https://www.drt.gov.in/
6. http://www.insolindia.com/
7. http://nludelhi.ac.in/res-ctcl-sem.aspx

Course Content

Module I: Introduction **7 lecture hours**

A. Insolvency and Bankruptcy: Concept and Historical Perspective: The Presidency Towns Insolvency Act, 1909 and The Provincial Insolvency Act, 1920

B. Concurrent jurisdiction: Central and State Legislation, Important terms and definitions

C.Origin of law relating to Corporate Insolvency: History of Bankruptcy Laws in USA, UK and India, Companies Act, 1956, SICA 1985, SRFAESI Act, Companies Bill, 2009 and any other law.

Module II:Legislative Framework **10 lecture hours**

A. Revival, Rehabilitation and Restructuring of Sick Companies: Sick companies and their revival with special reference to the law and procedure relating to sick companies. ¬

B. Securitisation and Debt Recovery : Overview of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; process; participants;

Dean School of Law
Galgotias University
Uttar Pradesh

Special Purpose Vehicle (SPV), Asset Reconstruction Companies (ARCs), Qualified Institutional Buyers (QIB).

C. Debt Recovery Act: Overview of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993; Tribunal, Procedure; compromise and arrangements with banks and creditors.

D. Winding up: Concept; modes of winding up; administrative machinery for winding up. Winding up process and procedure; managing stakeholders and parties in liquidation; conducting meetings of shareholders/creditors etc.; dealing with contracts; managing estate; Consequences of winding up; winding up of unregistered companies; dissolution.

E. Companies Act, 2013: S. 253 to S. 269, S. 289, S. 304 to S. 325 Act 2013

F. Chapter 13 of LLP Act, 2008

Case Laws:

1. *Chandra Nageswaran v. T.R. Balakrishnan [AIR 1992 Mad 109]*
2. *JohrilalSoni v. BhanwariBai [AIR 1977 SC 2202]*
3. *JohrilalSoni v. BhanwariBai [AIR 1977 SC 2202]*
4. *Ibrahim Chhitubhai v. A.G. PancholiVakil [AIR 1968 Guj. 272]*
5. *Patel JeshbhaiRevendas v. Patel NarsinbhaiGirdharbhai [AIR 1968 Guj. 101]*
6. *Hans Raj v. Rattan Chand [AIR 1967 SC 1780]*
7. *YenumulaMalludora v. PeruriSeetharatnam [AIR 1966 SC 918]*
8. *R. Kalayansundram Pillai v. M.N. PalaniappaMudaliar and Sons [AIR 1966 Mad. 29]*
9. *Official Assignee, High Court, Bombay v. HaradagiriBasavannaGowd [AIR 1963 SC 754]*
10. *Mul Chand v. Official Receiver [AIR 1930 All. 471]*
11. *MaharajHari Ram v. Sri Krishan Ram [AIR 1927 All 418]*
12. *Rishabh Agro Industries vs. PNB Capital Services* (2000 AIR SCW 1753)
13. *ICICI v. Vanjinad Leathers* AIR 1997 Ker 273
14. *Morgan Securities and Credit Pvt. Ltd v. Modi Rubber Ltd.* AIR 2007 SC 683
15. *Patheja Brothers vs. ICICI* [2000] 26 SCL 404.
16. *ICICI Ltd v APS Star Industries LTD* [2010] 10 SCC 1
17. *Tata Motors ltd. v. Pharmaceutical Products of India Ltd.*(2008) 3 Com LJ 91
18. *Chemstar Organics India Limited v Bank of Baroda and others*2012 Indlaw DEL 1984
19. *Patheja Bros. Forgings and Stamping and Another v Icici Limited and Others*2000 IndlawSC 375; (2000) 6 SCC 545.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Module III: Insolvency and Bankruptcy Code, 2016: **12 lecture hours**

A. Non-statutory guidelines/ out of Court settlement mechanism

B. Bilateral Restructuring: one-time settlement: JLF/CDR/SDR, Sale of loan to ARC

C. Need for consolidation of Insolvency Law, Objectives of IBC, 2016

D. Background of Insolvency and Bankruptcy Code in view of Social Welfare Schemes and their relationship

E. Non-performing Assets and Insolvency and Bankruptcy Code, 2016

F. Personal/ Individual Insolvency: Definitions, concepts and provisions under the IBC, 2016

G. Corporate Insolvency: (Insolvency and Bankruptcy Code – Chapter 2, 3 and 5 of Part II of IBC)

H. Debt Recovery: Definitions, concepts and provisions under the IBC, 2016

I. Powers and functions of IBBI under IBC, 2016

J. Loopholes/ Gaps in the IBC, 2016

Case Laws:

1. *J.K. Jute Mills Co. Ltd. v. Surendra Trading Co., Company Appeal No. 09 of 2017, decided by NCLT.*

Module IV: Cross-Border Insolvency **7 lecture hours**

Cross Border Insolvency: Cross-Border provisions in the IBC, 2016, UNCITRAL Model Law on Cross Border Insolvency; UNCITRAL Legislative Guide to Insolvency Law; World Bank Principles for Effective Insolvency and Creditor, Rights System; Asian Development Bank Principles of Corporate Rescue and Rehabilitation.

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 concepts of corporate restructuring, rescue and insolvency.	1,3

Dean School of Law
Galgotias University
Uttar Pradesh

Uttar Pradesh ★ GALGOTIAS UNIVERSITY ★

2	To examine the effectiveness of non-statutory mechanisms such as out of Court settlement in recovery of debt.	1, 2
3	To know the reasons for the ineffective implementation of various legislations in revival, rehabilitation and restructuring of insolvent individuals and companies and hence the need for consolidation of insolvency laws.	2
4	To apply the changes introduced by The Insolvency and Bankruptcy Code, 2016 in revival and restructuring of insolvent individuals and companies.	2,4,5
5	To study the Powers and Functions of the Insolvency and Bankruptcy Board of India under Insolvency and Bankruptcy Code, 2016.	5
6	To understand the framework for regulating cross-border insolvency through UNCITRAL Model Law on Cross-Border Insolvency.	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)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

		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-	**Law of Bankruptcy and Insolvency**	2	2	1	3	2

2) Administration of Criminal Justice-II:

BAL 917 Cri/BBL 917 Cri / LLB	Administration Of Criminal Justice II	L	T	P	C
Version1.1	Date of Approval: July 2017	3	0	0	3
Pre-requisites//Exposure	Law of Crimes, Criminal Procedure Code				
co-requisites	International Law				

1. ABOUT THE COURSE

The course is designed to be administered to the students of Criminal Law who have completed their basic courses on substantive and procedural aspects. Therefore this course would concentrate on an in depth study and analysis of International aspect of Criminal Justice Administration. In the philosophical backdrop of human rights and justice, the course will survey key components of International Criminal Justice system providing adequate inputs on the practical realities and challenges in order to enlighten students to various aspect of International criminal justice system. This course also takes a critical look at the International criminal investigation and

Dean School of Law
Galgotias University
Uttar Pradesh

prosecution of International crimes. The students would be exposed to these advanced and critical connotations through the selected conventions and writings in order to underline the critique of policy, procedure, law and the administration in the pre-trial and post-trial process.

2. OBJECTIVE OF THE COURSE

- To develop a critical understanding of the relevant principles and concepts of the criminal process;
- To become familiar with the normative and the implementation realities of International criminal justice system.
- To present a comprehensive understanding of the International Criminal Court.
- To develop conceptual understanding of the International crime tribunals dealing with international crimes.

3. COURSE OUTCOMES

At the end of the course the students should be able to-

- Understand in depth the role of each component in the administration of International criminal justice system
- Understand the relevance of the International Criminal court and various crime tribunals
- Provide thoughtful insights concerning the holistic issues concerning International criminal justice administration

4. TEACHING- LEARNING METHODOLOGY

As per credit hours allotted to the subject there will be 3 classes per week. Teaching Methodology will include

- Lecture cum discussion method
- Case analysis and presentation
- Group Project work
- Individual project work

5. COURSE OUTLINE

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Module I **Lecture - 10**

1. Introduction: International Criminal Law

2. Individual Responsibility: Historical Development

(a) Treaty of Versailles, (b) Nuremberg & Tokyo Trials (c) Genocide Convention, 1948,

(d) Geneva Convention, 1949, ILC Draft Code of Crimes against the Peace and Security of Mankind

(e) Principles of International Co-operation in the Detection, Arrests, Extradition and Punishment ofPersons Guilty of War Crimes, and Crimes against Humanity, 1973

3. State Sovereignty and International Criminal Law

4. General Principles of International Criminal Law

5. The aims of international criminal justice

Module II **Lecture - 10**

Procedures of International Criminal Investigations and Prosecutions

1. International criminal procedures

2. International criminal proceedings and human rights

3. Actors in the proceedings and their roles

4. Jurisdiction and admissibility procedures

5. The criminal investigation

6. Prosecution and indictment

7. Pre-trial proceedings – preparations for trial

8. Evidentiary rules

9. Admission of guilt, guilty pleas, plea bargaining

10. Trial and judgment

11. Appeals proceedings

12. Revision

Module III **Lecture - 10**

The International Criminal Court

Dean School of Law
Galgotias University
Uttar Pradesh

1. The creation of the ICC

2. Structure and composition of the ICC

3. Crimes within the jurisdiction of the ICC

4. Complementarity and other grounds of inadmissibility

5. Initiation of proceedings (the 'trigger mechanisms')

6. Jurisdiction: personal, territorial and temporal

7. Enforcement of the ICC's decisions

Module IV **Lecture - 6**

The ad hoc International Criminal Tribunals and

1. The International Criminal Tribunal for Yugoslavia

2. The International Criminal Tribunal for Rwanda

3. International Crimes Tribunal (Bangladesh)

Courts established by agreement between theUnited States and a State

4. Special Court for Sierra Leone

5. Extraordinary Court for Cambodia

6. Special Tribunal for Lebanon

Case law

Prosecutor V. Akayesu (ICTR 1998);

Prosecutor v. Krstic(ICTY2004)

Compulsory Readings:

Primary Sources

Convention on the Prevention and Punishment of the Crime of Genocide, 1948

Principles of International Co-operation in the Detection, Arrests, Extradition and Punishment of Persons Guilty of War Crimes, and Crimes against Humanity, 1973

Rome Statute of the International Criminal Court, 1998

ILC Draft Code of Crimes against the Peace and Security of Mankind

Secondary Sources

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Books

Cassese, Antonio, *International Criminal Law* (Oxford University Press, London, 2008) ed.2nd

Schabas, William A., *An Introduction to the International Criminal Court*, (Cambridge University Press, Cambridge, 2001)

Cryer, Robert., An Introduction to International Criminal Law and Procedure, (Cambridge University Press, Cambridge, 2010)

Articles

Ambos, K., "General Principles of Criminal Law in Rome Statue" *Criminal Law Forum*, Vol.10,

(1999), pp. 1-32.

Arnold, R, "The *Mens Rea* of Genocide under the Statute of the International Criminal Court" *Criminal Law Forum*, vol.14, n.2 (2003), pp. 127-151.

Arsanjani, Mahnoush H. , " The Rome Statute of the International Criminal Court" *American Journal of International Law*, vol. 93, n.1 (1999),

Bassiouni, M.C., "From Versailles to Rwanda in Seventy Five Years: The Need to Establish a Permanent International Criminal Tribunal", *Harvard Human Rights Journal*, vol.10 (1997), pp. 11-62.

Cryer, Robert, "International Criminal Law vs State Sovereignty: Another Round?"*The European Journal of International Law*, Vol. 16 No. 5, 979–1000.

Cassese, Antonio, *International Criminal Law*, (Oxford University Press, London,2008), ed.2.

Elsea, Jennifer K., "U.S. Policy Regarding the International Criminal Court" available at http://www. fas.org.pdf

Graefrath, Bernhard, "Universal Criminal Jurisdiction and International Criminal Court", European Journal of International Law, vol.1 (1990), pp.67-88.

Jamison, Sandra L., "A Permanent International Criminal Court: A Proposal that Overcomes Past Objections", *Denver Journal of International Law and Policy*, n.23 (1995).

Maogoto, Jackson Nyamuya, "War Crimes and Real Polititick: International Justice from World

War I to the 21st Century" available at http://www.rienner.com

Nsereko, Daniel D. Ntanda, "The International Criminal Court: Jurisdictional and Related Issues" *Criminal Law Forum*, vol.10, n.1(1999), pp. 87-120

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY ★ Uttar Pradesh ★

Ramji, Jaya, "A Collective Responses to Mass Violence: Reparation and Healing in Cambodia, in Bringing the Khmer Rogue to Justice: Prosecuting Mass Violence before the Cambodian Courts", *SantaClara University School of Law*, Working Paper No. 06-02, August 2006.

Optional Readings

Ambos, Kai, "The Role of the Prosecutor of an International Criminal Court from a Comparative

Perspective", *Review International Commission Jurists*, 1997

Askin, Kelly, "Crimes Within the Jurisdiction of the International Criminal Court" *Criminal Law Forum*, vol.10, n.1 (1999), pp. 33-59.

Dadrian, Vahakn N., "Genocide as a Problem of National and International Law: The World War

Vyver, Johann Van der, "Prosecution and Punishment of the Crime of Genocide", *Fordham International Law Journal*, vol. 23 (1999)

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 International Criminal Justice Administration	**1,3,4**
2.	Shall be able to understand procedure of International Criminal investigation and Prosecution	**2,4**
3.	Shall be able to understand about composition and functioning of the International Criminal court	**3,4**
4.	Shall be able to analyse the functioning of various International crimes tribunals	**4**

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

3) Natural Resources Management Law:

BAL/BBL	Natural resources management laws	L	T	P	C
Version 1	July 2017	3	0	0	3
Pre-requisites//Exposure	Mines and minerals (regulation & development) Act 1957				
co-requisites	The Indian Constitution				

Course Objectives

The Natural Resource Management laws course work will increase the University School of Law Programme for higher studies. The Natural Resource Management Law curriculum requires an in-depth understanding of the subjects of Environmental Degradation, mining laws, current economic development and Unsustainable Consumption of Resources. There are only a few Universities in India that offer courses about Natural Resource Management laws. There are huge infrastructures and extensive economic development is being planned in India, to maintain and promote economic growth. Natural resources are key components for the growth and prosperity of the nation. Such courses will develop contemporary legal expertise with domain knowledge which will help students through there advanced curriculum. Such contemporary courses will supply the manpower required for industries, sectoral business and for future knowledge development.

Course Outcomes

The study of associated laws with natural resources will help the students to understand how the natural resources should be used in legal framework and how balance shall be maintained in development and basic human natural rights.

Such courses will develop contemporary legal expertise with domain knowledge which will help students through there advanced curriculum. Such contemporary courses will supply the manpower required for industries, sectoral business and for future knowledge development.

Catalog Description

Natural Resource Management is an integrated and multidisciplinary approach combining Earth-Science, Life-Science, Environmental Science, Social Science and Management Science to manage and restore natural resources and ecosystems. Natural Resource Management sustains and restores abiotic and biotic resources within wilderness, forestry, recreational, agricultural and urban areas and the skills to address management problems. Natural Resource Management helps to balance the needs of people and the economy with protecting the ability of ecosystems to support soil, water, forests, wildlife, fish, recreation, and other resources. Natural Resource Management professionals are trained to look for ways to make responsible natural resource management decisions which consider all stakeholders.

Human population is growing day-by-day. Continuous increase in population caused an increasing demand for natural resources. Due to urban expansion, electricity need and industrialization, man started utilising natural resources at a much larger scale. Non-renewable resources are limited.

Dean School of Law
Galgotias University
Uttar Pradesh

They cannot be replaced easily. After some time, these resources may come to an end. It is a matter of much concern and ensures a balance between population growth and utilisation of resources.

This overutilization creates many problems. In some regions there are problems of water logging due to over irrigation. In some areas, there is no sufficient water for industry and agriculture. Thus, there is need for conservation of natural resources.

Text Books:

1. Francois Ramade 1984. Ecology of Natural Resources.John Wiley & Sons Ltd.
2. Odum, E.P. 1971. Fundamentals of Ecology. W.B. Saunders Co. USA, 574p
3. Barber, E. 1989. Economics: Natural Resources Scarcity and Development. Earthscan.
4. Harris, J.M. 2006. Environmental and Natural Resource Economics: A Contemporary Approach, 2nd edition. Houghton Mifflin.

Reference Books:

1. Coastal Ecology & Management, Mann, K.H. 2000. Ecology of Coastal Waters with Implications for Management (2nd Edition).Chap. 2-5, pp.18-78 & Chap. 16, pp.280-303.
2. Harikesh N Mishra 2014 Managing Natural Resources- Focus on Land and Water. PHI Lerning Publication.
3. Global Change and Natural Resource Management, Vitousek, P.M. 1994. Beyond global warming: Ecology and global change. Ecology 75, 1861-1876.
4. Agarwal, K.C., 2001. Environmental Biology, Nidhi Publication Ltd. Bikaner.
5. Cunningham, W.P. Cooper, T.H. Gorhani, E & Hepworth, M.T. 2001, Environmental Encyclopedia, Jaico Publishing House.
6. Heywood, V.H. & Watson, R.T. 1995. Global Biodiversity Assessment.Cambridge Univ. Press.
7. Miller T.G. Jr. Environmental Science, Wadsworth Publishing Co. (TB)
8. Townsend C., Harper J, and Michael Begon. Essentials of Ecology, Blackwell Science.
9. Rogers, Peter P., Kazi F. Jalal, and John A. Boyd. 2007. An Introduction to Sustainable Development. Earthscan.
10. Murthy, V.V.N. 2009. Land and Water Management, 5thedition.Kalyani Publishers.
11. Tiwari, G.N. and M. K. Ghosal. 2005.Renewable Energy Resources: Basic Principles and Application, Narosa Publishing.
12. D. D. Mishra (2012) Energy, Environment, Ecology and Society, S. Chand & Company Ltd. New Delhi
13. Bhattacharya P., Kandya A.K. and Krishna Kumar 2008. Joint Forest Management in India, Aavishkar Publisher, Jaipur.Vol. I & II

Suggested Readings:

1. Gleick,P.H.1993.*Waterin Crisis*. Pacific Institute for Studies in Dev., Environment & Security Stockholm Env. Institute, Oxford Univ. Press.
2. Pepper,I.L.,Gerba,C.P.&Brusseau, M.L.2011.Environmental and Pollution Science. Academic Press.
3. World Commission on Environment and Development. 1987. *OurCommonFuture*. Oxford University Press.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Course Content

Module 1: Natural resources and Indian constitution 12 lectures

Natural resources

- introduction
- Types of Natural Resources in India
- Natural Resources of India: Availability and Problems

Ownership of natural resources and the Constitution

- Directive principles of state policy and distribution of material resources
- Allocation of natural resources and the Constitution
- Judicial Review of Distribution of Natural Resources
- Natural resource protection in Indian constitution

Case Laws:

Centre for Public Interest Litigation and Others v. *Union of India*

*R.D. Shetty*v. *International Airports Authority of India and Others*

Module 2:Natural resources and mining

15 lecture hours

- Historical background
- Mines and minerals (regulation & development) Act 1957
- Mines Act 1952
- Mineral concession rules 1960 auction by competitive bidding of coal mines rules 2012
- Mines and minerals (regulation & development) Act 1957
- Mines and minerals (regulation & development) Bill 2001
- Mineral conservation and development rules- 2017

Notes: In above Acts provision related to Ownership, licencing, illegal mining and conservation have to be dealt in detail.

- National mineral policy
- Mining and sustainable development framework
- Mining and corporate social responsibility

Case Laws:

DLF POWER LTD. VS. UOI, 2002

Module 3: Natural resources, environmental pollution and management

Dean School of Law
Galgotias University
Uttar Pradesh

Uttar Pradesh ★ GALGOTIAS UNIVERSITY ★

10 lecture hours

Mining and Environmental pollution

- Human rights, recycle, waste Management and use of scrap
- Water and air resources and pollution
- Soil and forest resources and pollution
- Energy resources and pollution
- Role of national green tribunal
- International concern
    - ➢ Extractive industries transparency initiative

Module 4: Natural Resources Management

11 lecture hours

Poverty and Natural Resource Management

Natural Resource Management Programmes of Central Ministries and Departments

Inclusive and Sustainable Development: Humanizing Natural Resource Management

New Strategies And Approaches For Management of Natural Resources

Natural Resources Management in the XI Plan
Panchayati Raj Institutions and Natural Resource Management

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 natural resources and constitutional concern with natural resources	2,3
2	Learn the legal framework regulating the mining and related polices policies	3,2
3	Understand the reason behind the pollution of different kind of natural resources and solution thereof	2
4	Understand management of natural resources for the welfare of people at large	1,2

1=addressed to small extent
2= addressed significantly

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

3=major part of course

4) Forensic Science and Law Interface:

LLB(H) V Semester	Forensic Science & Law Interface	L	T	P	C
Version1.1	July 2017	3	0	0	3
Pre-requisites//Exposure	Basic knowledge/understanding of science & technology				
co-requisites	Indian Penal Code, Criminal Procedure, Evidence Act				

COURSE OBJECTIVES:

- To impart knowledge of the conceptual and practical applicability of forensic science.
- To describe inter dependence between the forensic science and law.

COURSE OUTCOMES:

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

1. The nature and scope of forensic science.
2. Reflect on the use of forensic science in the criminal justice system
3. The utility of forensic science in criminal investigation.
4. The laws which are related to forensic science.
5. The concept and applicability of medical jurisprudence.
6. Modern developments in forensic sciences and their utility in legal field.

CATALOG DESCRIPTION:

Forensic science is defined as the application of science in answering questions that are of legal interest. More specifically, forensic scientists employ techniques and tools to interpret crime scene evidence, and use that information in investigations. Forensic science is concerned with using scientific methods either in public, in a court, or in the justice system as a whole. In fact, any science used for the purposes of the law is forensic science and its prime function is to provide evidence to support criminal investigations. Drugs, violence, property crime, hi-tech crime… detection is all about the appliance of forensic science. Further forensic science is the application of science to criminal and civil laws, mainly—on the criminal side—during criminal investigation, as governed by the legal standards of admissible evidence and criminal procedure.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY ★ Uttar Pradesh ★

TEXT BOOKS:

1. Forensic Science in Criminal Investigation and Trial, 4th ed. By B.R. Sharma
2. Text Book of Medical Jurisprudence, Forensic Medicine and Toxicology by ParikhC.K.
3. MODI:A Textbook of Medical Jurisprudence and Toxicology, 24th Edition, Dr. Jaising P. Modi

REFERENCE BOOKS:

List of Books:

1. Henry Lee's Crime Scene Handbook by Henry C Lee
2. Forensic Biology by Shrikant H. Lade
3. Crime Scene Processing and Laboratory Work Book by Patric Jones
4. Forensic Science: An Introduction to Scientific and Investigative Techniques 3rd ed. by Stuart H. James
5. Criminalistics: An Introduction to Foresnic Science, 9th ed. By Richard Saferstein
6. Compute Crime and Computer Forensic by Dr. R.K. Tiwari
7. Criminal Profiling: An Introduction to a Behavioral Evidence Analysis, 3rd ed. By Brent E. Turvey
9. Handbook of Forensic Psychology Dr. Veerraghavan
10. Crime Scene Management with Special Emphasis on National level Crime Cases by Dr. Rukmani Krishnamurthy under publishing

COURSE CONTENT

Module:-I: Basics of Forensic Science **8 lectures**

1. **Crime & Criminal behaviour:**Definition of Crime, Various types of crime, Criminal behaviour-cause and theories, Modus Operandi, Criminal profiling, Corpus Delicti.
2. **Criminal Justice System:** Important wings of criminal justice system, Its structure & functioning, Role of Police officers, prosecution & judicial officers, Role of Forensic scientists, medico-legal doctors, Expert Testimony
3. **Forensic Science: Definition, Nature, Need & Scope of Forensic Science,** History & Development of Forensic Science, Organizational structure of Forensic Science labs in Central & State

Module:-II: Forensic Science and its Application in Crime Investigation **12 lectures**

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

1. **Crime Scene Evidences:** Blood, Semen & other Biological fluids, Viscera, Shoe impressions, Tool marks, Tyre marks, Bite Marks, Hair – Animal & Human, Fibres& Fabrics, Glass, Soil, pollen Paint
2. **Establishment of identity of Individuals**: DNA, Fingerprints/Foot prints, Anthropology – Skeletal Remains, Odontology
3. **Questioned Document and Their Identification:** Handwriting and signature-analysis, identification and examination, Procedure for examination, Types of forgery, Anonymous letter, Charred document, Counterfeit coins and notes, Small coins (offence) Act 1971, Standards of Weight and Measures Act 1976
4. **Chemical & Toxicological Analysis:** Drugs of Abuse & Narcotic drugs, Toxicological examination of poisons & alcohol, Toxicological examination of Viscera, Petroleum Products, Food Adulteration
5. **Forensic Ballistics & Explosives:** Firearms & Their Classification, Ammunition, Projectiles, Mechanism of Firing, Bullet, Weapon & Cartridge case Identification, Nature of Injuries – Entry & Exit wounds, Range of Fire and factors affecting it, Definition of Explosion & Detonation, Chemistry of explosives, Home-made bombs & Improvised Explosive Devices (IEDs)

Module:-III: Forensic Medicine and the Laws **10 lectures**

1. **Medical Jurisprudence:-** Definition, Brief History & current scenario at National & International level
2. **Medico legal aspect of Death:-** Concept of Human Anatomy & Physiology Time of Death, Causes of Death, Injuries: classification, forms and medico legal aspects Medico Legal Aspects – PM report, Dying Declaration & Expert Testimony (Evidence Act)
3. **Sexual offences:-** Rape, DFSA (Drug Facilitated Sexual Assault), Examination of the victim & the accused, Collection of evidence, Infanticide, Abortion, Artificial Insemination, Medical Termination of Pregnancy Act 1971, Prenatal Diagnostic Technique Act 1984
4. **Legal Aspects:-** Mental Health Act 1987, NDPS Act 1985, Arms Act 1950, Explosives Act 1984, Explosive Substance Act 1908, The Drugs Act 1940

Module:-IV: Recent Advances in Forensic Science and the Laws **6 lectures**

1. **Cyber crime**: definition, hacking, virus, obscenity, pornography, software piracy. Computer securityencryption, decryption and digital signature, IT Act, 2000.
2. **Narco analysis:** theory, forensic significance of narco-analysis, admissibility in court.
3. **Brain mapping:** introduction, EEG, P-3000 wave, brain mapping in forensic Science, Limitation of technique, admissibility in court.
4. **Polygraph:** Principle and technique polygraph as forensic investigative tool, NHRC guidelines for polygraph test.

Dean School of Law
Galgotias University
Uttar Pradesh

5. **Forensic DNA Finger Printing:** DNA-Introduction, source of DNA in Forensic case work, Extraction of DNA, Techniques of DNA fingerprinting, DNA fingerprinting in paternity disputes.Legal issues in DNA fingerprinting.

Case Laws to be deliberate:

1. *ChimanbhaiUkabhai v. State of Gujarat,*AIR 1983 SC 484
2. *DuraipandiThevar v. State of Tamil Nadu*, AIR 1973 SC 659
3. *Stephen Seneviratne v. Kind, AIR 1936 P.C.* 289
4. *Mayur*v. *State* of *Gujarat. AIR* 1983 SC 5
5. *Awadhesh v. State of M.P.* AIR 1988 SC 1158
6. *BrijBhukhan v. State of U.P.*, AIR 1957 SC 474
7. *Makhan v. State of Gujarat,* AIR 1971 SC 1797
8. *Purshottom v. State of M.P.*, AIR 1980 SC 1873
9. *SolankiChimanbhaiUkabhai v. State of Gujarat,* AIR 1983 SC 484
10. *Punjab Singh v. State of Haryana.* AIR 1984 SC 1233
11. *MayappaDhondannaPadeade v. State of Maharashtra,* AIR 1981 SC 173
12. *Gurmej Singh v. State of Punjab*, AIR 1992 SC 214
13. *Bhagwandas v. State of Rajasthan*, AIR 1957 SC 589
14. *Sunder Lal v. State of M.P.*, AIR 1954 SC 28
15. *PratapMisra v. State of Orissa,* AIR 1977 SC 1307
16. *Baldev Raj v. Smt. UrmilaKumariMiglani,* AIR 1979 SC 879
17. *Ram Narain v. State of Punjab.* AIR 1975 SC 1727
18. *Amar Singh v. State of Punjab*. AIR 1987 SC 826
19. *Ishwar Singh v. State of U.P.* AIR 1976 SC 2423:
20. *Kartarey v. State of UP,* AIR 1976 SC 76
21. *Jai Dev v. State of Punjab,* AIR 1963 SC 612
22. *Mohan Singh v. Emperor,* AIR 1925 All. 413(DB)
23. *State v. Rakshpal Singh,* AIR 1953 All. 520;
24. *Dipanwita Roy Vs. Ronobroto Roy* ((2015) 1 SCC 365
25. *NandlalWasudeoBadwaik v. LataNandlalBadwaik,* (2014) 2 SCC 576
26. *Smt. Selvi&OrsVs State of Karnataka. Smt. Selvi&OrsVs State of Karnataka* Judgment on 5 May 2010. (Criminal Appeal No. 1267 of 2004)
27. *Sh. Shailender Sharma v. State. Sh. Shailender Sharma v. State,*Crl. WP No. 532 of 2008
28. *Dinesh Dalmia v. State. Dinesh Dalmia v. State*, Crl. R.C. No. 259 of 2006.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

5) IPR in Pharma Industry:

BAL/BBL	IPR in Pharma Industry	L	T	P	C
Version1.1	June 2017	3	1	0	5
Pre-requisites//Exposure	Patents Act 1970, Trade Marks Act 1999, Copyright Act 1957, Competition Act 2002				

Course Objectives

- To impart knowledge of the conceptual and operational framework of IPR laws in the pharmaceutical sector.
- To acquaint students with the overlap of laws in the pharmaceutical industry.
- To acquaint students with the recent policy developments in the area of overlap.

Course Outcomes

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

1. Understand the role of IP laws in the promotion of research and development in the pharmaceutical sector.
2. Understand the interplay of laws in the pharmaceutical sector.
3. Study the recent developments in the industry.
4. Appreciate the policy related issues in the law.

Catalog Description:

The pharmaceutical industry emerged as a result of advances in sciences in the past. Today, patents also have an equally important role to play in the development of health care products. The legal framework has as much a role to play in the state of research and development in the industry as the financial and technological capabilities of a country. The rights of patentees are subject to national legislations but the Government can also intervene in cases where it must address health concerns. In this spectrum another important issue is the role of the generic drug manufacturing industry after the expiry of the term of patent. This course intends to abreast the students with issues relevant in the pharmaceutical industry such that they are sensitive to the legal and policy issues being faced. It shall encourage research in the legal framework that operates in the pharmaceutical industry.

Reference Books:

VK Ahuja, Intellectual Property Rights in India, Second Edition, Lexis Nexis

Dean School of Law
Galgotias University
Uttar Pradesh

Uttar Pradesh GALGOTIAS UNIVERSITY

AlkaChawla, Law of Copyright- Comparative Perspectives, Lexis Nexis

P. Narayanan, Law of Copyright and Industrial Designs, Eastern Law House

Ashwani Kumar Bansal, Law of Trade Marks in India, Thomson Reuters

P. Narayanan, Trade Marks and Passing off, Eastern Law House

W.R. Cornish, Intellectual Property (Delhi)

Course Content:

Module 1: Patents in Pharmaceuticals **15 lecture hours**

- Meaning and History of Patent Law
- Grant and rights of Patentee
- Product Patent and Process Patent
- Working of Patents and Revocation
- Licensing of Patents –Unwilling licensors and Compulsory License
- The Generic Drug industry
- Bolar Exemptions
- Evergreening of Patents
- Patent Pools
- Parallel Imports
- Traditional Knowledge
- Biotechnological inventions
- Infringement and Passing off
- Remedies

Case Laws:

- *Roche Products v Bolar Pharmaceuticals Co. Inc. 733F 2d 858 (1984)*
- *Momenta Pharma v Amphastar Pharma 686F 3d 1348 (2012)*
- *Bayer Corporation v Natco Pharmaceuticals OA/35/2012/PT/MUM –IPAB – order dated 04/03/20138*
- *Merck v/s Glenmark – CS (OS) 586/2013 –Delhi High Court – order dated 05-04-2013*
- *Diamond v Chakrabarty 447 US 303 (1980)*

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

- *Novartis A.G. v/s Union of India (2013) 6 SCC 1*

Module 2:Trade mark laws in pharmaceuticals
10 lecture hours

- Registration of Trade marks
- Exception of Names of Chemical Elements
- Infringement and Passing off
- Remedies

Case Laws:

- *Amritdhara Pharmacy vSatyadeo GuptaAIR 1963 SC 449*
- *Cadila Health care Ltd. vCadila Pharmaceuticals Ltd. (2001) 5 SCC 73*
- *Ranbaxy Laboratories Ltd vAnand Prasad & others*
- *Win Medicare Pvt. Ltd vGalpha Laboratories Ltd & others2016 (65) PTC 506*
- *MilmetOfthoIndustries and Others v Allergan 1999 PTC (19) DB 160*
- *Rajkumar vs. Abbott Healthcare Pvt. Ltd. 2014 (60) PTC 51*
- *Wyeth Holdings Corporation and another v Sun pharmaceuticals Industries Ltd. 2004 (28) PTC 423*
- *Cipla Ltd v/s M.K. Pharmaceuticals case 2008 (36) PTC 166 Del*
- *Pfizer Ireland Pharmaceuticals vIntas Pharmaceuticals and another 2004 (28) PTC 456*

Module 3: Copyright Laws in pharmaceuticals **6 lecture hours**

- Copyrightable material
- Product monographs
- Fair dealing provisions
- Remedies

Case Laws:

- Pfizer Canada Inc. v. Canada (Attorney General) (1986) 10 C.P.R. (3d) 268 (F.C.T.D.)
- Proctor & Gamble Pharmaceuticals Canada Inc. v. Novopharma Ltd. (1996), 68 C.P.R. (3d) 461 (F.C.T.D.)
- Upjohn Co. v. Apotex Inc. (1993), 51 C.P.R. (3d) 292 19 (F.C.T.D.)

Dean School of Law
Galgotias University
Uttar Pradesh

- Smith, Kline & French Canada Ltd. v. Frank W. Horner Inc. (1982), 68 C.P.R. (2d) 42 (F.C.T.D.)

Module 4: Application of other laws in pharmaceuticals

5 lecture hours

- Competition Law -Patent Pools; Compulsory licensing; Royalty determination
- Trade secrets

Case Laws:

- *AstraZeneca AB and AstraZeneca plc v. European Commission Judgment of the Court (First Chamber) of 6 December*

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 role of IP laws in the promotion of research and development in the pharmaceutical sector.	1, 3, 5
2	Understand the interplay of laws in the pharmaceutical sector.	1,2,3
3	Study the recent developments in the industry.	1,2,3,4,5
4	Appreciate the policy related issues in the law	1, 2, 3,4 ,5

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

Theory of this course is used to evaluate PO (3)
Laboratory of this course is used to evaluate PO (5)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Understanding	reform	Ensure Professional Preparation
		1	2	3	4	5
BAL/BBL	**IPR in Pharma Industry**	1	3	2	4	4

6) Law of Disaster Management:

BAL/BBL	**Law of Disaster Management**	L	T	P	C
Version1.1	Date of Approval:	3	1	0	4
Pre-requisites/Exposure	Political Science				
Co-requisites	NA				

Course Objectives

To enable the students to recognize the vulnerability of the planet in general and India in particular to disasters. It is expected that this would create a basis to work towards preparedness and also help us develop a culture of safety and prevention.

The idea is to teach the students the adoption of a Disaster Risk Reduction Perspective. While Disasters are generally seen as an outcome of catastrophe natural events, the idea of pre-existing vulnerabilities is equally important.

Dean School of Law
Galgotias University
Uttar Pradesh

There has been a considerable policy level intervention in India in recent years and if young students in each city, district or village can understand and explore avenues of reducing disaster risks and works towards preparedness, the efforts would contribute towards minimizing losses and saving lives.

Course Outcomes

At the end of the course the students will be equipped with the skills:

1. To understand all kinds of disasters, their various types and their significance.
2. To understand the relationship between vulnerability, disasters, disaster prevention and risk reduction.
3. To gain a preliminary understanding of approaches of Disaster Risk Reduction (DRR)
4. To enhance awareness of institutional processes in the country.
5. To develop rudimentary ability to respond to their surroundings with potential disaster response in areas where they live, with due sensitivity.

Catalog Description

The course will be taught in one semester following the UGC pattern. It is a highly Multi-Disciplinary subject and draws its knowledge base from a range of disciplines like environmental sciences, medicine, geography, geology, sociology, political science, economics, social work, psychology, public administration etc. This course helps students to look at disaster management issues from both theoretical perspective as well as from practical standpoint which enriches the whole teaching learning process.

Text Books

- Alexander David, "Introducing in 'Confronting Catastrophe'", Oxford University Press (2000)
- Gupta Anil K, Sreeja S. Nair, 2011Environmental Knowledge for Disaster Risk Management, NIDM , New Delhi

Reference Books

- Andharia J., Vulnerability in Disaster Discourse, JTCDM, Tata Institute of Social Sciences Working Papers No.8, 2008
- Coppola P Damon, 2007, Introduction to International Disaster Management
- Carter, Nick 1991, Disaster Management: A Disaster Manager's Handbook Asian Development bank, Manila Philippines.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

- Cuny, F. 1983, Development & Disasters, Oxford University Press
- Document on World Summit on Sustainable Development 2002
- Disaster Management Act 2005
- Government of India, 2009, National Disaster Management Policy
- Blaikie, P,Cannon T, Davis I, Wisner B, At Risk Hazards, Peoples' Vulnerability and Disasters, Routledge (1997)
- Indian Journal Of Social Work 2002, Special Issue Psychosocial Aspects of Disasters, Volume 63, Issue 2, April

Course Content

Module I:

Introduction to Disasters6 Lectures

- Definitions & Concepts:
  - Disaster
  - Hazard
  - Vulnerability
  - Resilience
  - Risks

Module II:

Disasters: Classification, Causes & Impacts **12 Lectures**

- Various Causes: Social, Economic, Political, Environmental, Health, Psychosocial, etc.
- Differential Impacts: In terms of Caste, Class, Gender, Age, Location, Disability.
- Global trends in Disaster: Urban Disasters, Pandemics, Complex Emergencies, Climate Change

Module III:

Approaches to Disaster Risk Reduction **10 Lectures**

- Disaster Cycle:
  - Its Analysis
  - Phases
  - Culture of the Safety
  - Prevention
  - Mitigation
  - Preparedness
  - Community Based DRR
  - Structural – Non Structural Measures
  - Roles & Responsibilities of Community
  - Roles & Responsibilities of Panchayati Raj Institutions, Urban Local Bodies (PRIs/ULBs), States, Centres and Other Stake Holders

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh *

Module IV:

Inter-Relationship between Disasters and Development **8 Lectures**

- Factors affecting Vulnerabilities
- Differential Impacts
- Impact of Development Projects such as Dams, Embankments, Changes in Land-Use etc.
- Climate Change Adaptation
- Relevance of Indigenous Knowledge
- Appropriate Technology and Local Resources.

Module V:

Disaster Risk Management in India **10 Lectures**

- Hazard & Vulnerability profile of India
- Components of Disaster Relief: Water, Food, Sanitation, Shelter, Health & Waste Management
- Institutional Arrangements: Mitigation, Response & Preparedness, Disaster Management Act & Policy, Other related Policies, Plans, Programmes & Legislations

Module VI

Field Work/ Case Studies **4 Lectures**

- Explore & Map Disaster Prone Areas, Vulnerable Sites, Vulnerability pf People (Specific Groups) & Resources.
- Prepare Plans in consultation with Local bodies or Administration or NGOs.
- Can Conduct Mock Drills in Schools, Colleges or Hospitals.
- Can work on School safety, Safety of College Buildings, Training in First Aid
- Identifying how a large dam, road /highway or an embankment or the location of an industry affects local environment and resources
- How displacement of Large Sections of people creates severe vulnerabilities may be mapped by Student Project Work.
- **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 all kinds of disasters, their various types and their significance.	1

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

2	To understand the relationship between vulnerability, disasters, disaster prevention and risk reduction.	**1,2**
3	To gain a preliminary understanding of approaches of Disaster Risk Reduction (DRR)	**1,2**
4	To enhance awareness of institutional processes in the country.	**2,3,4,**
5	To develop rudimentary ability to respond to their surroundings with potential disaster response in areas where they live, with due sensitivity.	**2,3,5**

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

		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 -	**Law of Disaster Management**	3	3	3	1	2

7) Law of Writs:

LLB(H) V Semester	Law of Writs	L	T	P	C
Version1.1	July 2017	3	1	0	3
Pre-requisites//Exposure	The Indian Constitution				
co-requisites					

Galgotias School of Law
Galgotias University
Uttar Pradesh

COURSE OBJECTIVES:

- To impart knowledge of the conceptual and practical applicability of the Law of writs.
- To acquaint students with the recent application of writs in broader view.

COURSE OUTCOMES:

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

1. The historical development of writ.
2. The provisions under Indian Constitution with regard to Writs.
3. The various kinds of writs.
4. The writ jurisdiction of the courts with regard to their applicability.
5. The problematic areas of writ jurisdiction and the courts.
6. Public Interest litigation and writs jurisdiction.

CATALOG DESCRIPTION:

We the people of India, gave to ourselves a Constitution that promises to make India a Sovereign, Socialist Secular, Democratic, Republic and to secure all its citizens-justice, liberty, equality and fraternity along with dignity of individual and integrity of the nation. The fundamental rights as envisaged in Part III of the Constitution are the outcome of the spirit of freedom movement as well as of the hopes and aspiration of the people. It hardly needs any emphasis to state that the provisions of writ jurisdiction under Article 32 and Article 226 have been envisaged under the Constitution to add efficacy to the enforcement of constitutional fundamental rights. The mechanism of writ jurisdiction with the Supreme Court and the High Court's is a replica of the British legal system for its time-tested effectiveness, particularly for the enforcement of fundamental rights.

The frequency of invoking of writ jurisdiction of Supreme Court and High Courts has been tremendous and is increasing continuously. Such a response merely shows that the people have become well aware of their rights. The active participation of the courts expanded these rights to the level and extent, which perhaps could not have been visualized even by the founding fathers of the Constitution.

TEXT BOOKS:

4. Abhe Singh Yadav, *"Law of Writs: Jurisdiction and Its efficacy"*, Universal Law Publishing Co., 2008

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

5. AsimPandya, *"Writs And Other Constitutional Remedies"* LexisNexisButterworth Wadhwa, Nagpur, 2009

REFERENCE BOOKS:

1. B.P. Banerjee, *"Writ Remedies- Remediable Rights Under Public Law"* LexisNexisButterworth Wadhwa, Nagpur, 2015
2. Revised by C.K. Thakker and M.C. Thakker, *"V.G. Ramachandran's Law of Writs"* 6th Edition, Eastern Book Company, 2017
3. Dr. AbhishekAtrey, "Law of Writs" Kamal Publishers, 2015
4. M R Mallick, *"Writs: Law and Practice"*2nd Edition,Eastern Law House,1993

COURSE CONTENT

Module I: Introduction **8 lecture hours**

- Origin of writ jurisdiction: a historical prospective
- Nature and scope of writs
- Writs under various Constitutions

Module II:writs and Indian Constitution 8 lecture hours

- Article 226 of The Indian Constitution
- Article 32 of the Indian Constitution
- State under Article 12 of Indian Constitution and scope of writs

Module III: The Five writs **10 lecture hours**

- Writ of Habeas Corpus
- Writ of Quo Warranto
- Writ of Mandamus
- Writ of Certiorari
- Writ of Prohibition

Module IV: Courts and writ **10 lecture hours**

- Writ jurisdiction: The ambit of courts discretionary powers
- Scope of judicial review and writ
- Public Interest Litigation and writs
- Impact and implications of writs: a critique

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh *

Case Laws to be deliberate:

a) *NilabatiBehra v. State of Orissa*, AIR 1993 SC 1960
b) *KesavanandBharati v. State of Kerala*, AIR 1973 SC 1461
c) *The Judges Transfer case*, AIR 1982 SC 149
d) *State of W.B. v. Committee for Protection of Democratic Rights West Bengal* AIR 2010 SC 1476
e) *Rupa Ashok Hurra v. Ashok Hurra* AIR 2002 SC 1771
f) *S.P. Gupta and others v. President of India and others*, AIR 1982 SC 149
g) *Janata Dal v. H.S. Chowdhari*, (1992) 4 SCC 305
h) *Peoples Union for Democratic Rights V. Union of India*, AIR 1983 SC 339
i) *Rudal Shah v. State of Bihar,* AIR 1983 SC 1086
j) *State of Uttaranchal v. Balwant Singh Chaufal*, AIR 2010 SC 2551
k) *L. Chandra Kumar v. Union of India*, Air 1997 SC 1125
l) *A.B.S.K. Sangh (Rly.) v. Union of India*, AIR 1981 SC 298
m) *State of H.P. v. Parent of a Student*, AIR 1985 SC 910
n) *T.C. Basappa v. Nagappa*, AIR 1954 SC 440
o) *Dwarkanath v. I.T.O.* AIR 1966 SC 81
p) *Election commission of India v. Venkata Rao*, AIR 1975 SC 434
q) *Rashid Ahmad v. Income tax Investigation Commission*, AIR 1954 SC 207
r) *KanuSanyal v. District Magistrate, Dargeeling*, AIR 1974 SC 510
s) *Sunil Batra v. Delhi Administration*, AIR 1980 SC 1579
t) *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27

8) Professional Training: Judiciary:

Dean School of Law
Galgotias University
Uttar Pradesh

	Professional Training	L	T	P	C
Version1.1	Date of Approval:July 2017	3	1	0	4
Pre-requisites//Exposure	Indian Penal Code, Criminal Procedure Code, Civil procedure Code, Indian Contract Act, Hindu & Muslim Laws				
co-requisites	Indian Evidence Act, Specific Relief Act, Indian Limitation Act				

Catalog Description

In the present scenerio of marks and assessments, students use to lack in the conceptual clarity which further leads to make them failure in competitive exams like judiciary, administartive services and last but not the least a competent lawyer.

Law is there in to everything or can say in other words that there is no sphere without Law. For instance- Let me introduce you to the one basic law that ' Ignorance of Law is no defence/excuse' , meaning thereby, not even a poor illiterate rustic person from the marginalized section of society can plead the defence of 'ignorance of Law', hence, in this eventuality, it is incumbent upon the educational institutions to make their students, who are the future of the Country, familiar with the basics of the core laws so that they could feel the legislative intent and wisdom and tommorow could understand any new enactment in the light of the concepts and rules of interpretations what we are going to study them vide present course.Professional Training is a new subject introduced first time for the students of nineth semester as tommorow they are going to face the world of competition and they will be searching for coaching institutions to get the understanding of the world of compettition which would be a new one for them, so it is an endeavour on the part of your favourite institution i.e the Galgotias University to keep your head ahead of your competitiors this time also.

Objectives of the course: This course offers a specialist understanding of core areas of the basic Indian Laws, their supposed philosophical and sociological justifications and their applicability in the practical world

Course Outcome

- ❖ To understand the various concepts to familarise the students with the competition world.
- ❖ To evaluate the jurisprudential essence of the enactments relevant for competitive exams.

Dean School of Law
Galgotias University
Uttar Pradesh

- In depth study of the core areas of the core subjects with case Laws.

Text Books

- CK Takwani-Civil Procedure Code 1908
- C.K.Thakker-Code of Civil Procedure
- M P Jain-The Code of Civil Procedure
- Ratanlal and dhirajlal-Criminal Procedure Code1973
- Ratanlal and dhirajlal-Indian Penal Code-1860
- K.D.Gaur-Commentary on The Indian Penal Code
- Avtar Singh-Contract and Specific Relief
- Cheshire,Fifoot and Furmston's-Law Of Contract
- Ratanlal and dhirajlal- Indian Evidence Act
- Batuk Lal-Indian Evidence Act 1872
- Dr.Avtar Singh- Principles of The Law of Evidence.
- R.V.Kelkar-Criminal Procedure
- K.N.C.Pillai-General Principles of Criminal Law
- Mayne's-Hindu Law and Usage
- Aqil Ahmad-Mohammedan La
- Mulla-Code Of Civil Procedure

Reference Books

- 2013 Criminal Law Amendment Act;
- Malimath committee Report on Civil and Criminal Justice System,

Statutes

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

- ❖ Constitution of India
- ❖ Indian Penal Code
- ❖ Civil Procedure Code
- ❖ Criminal Procedure Code
- ❖ Indian Evidence Act

Course Content

MODULE I

1.1 Jurisprudential Essence of CPC

1.2 Res-Judicata & Res-sub-judice

1.3 Services

1.4 Amendment of pleadings

1.5 Rejection & Return of Plaint

1.6 Power & Jurisdiction of Executing Courts

1.7 Inherent Powers of Civil Courts & section 165 Indian Evidence Act

1.8 Miscellaneous- Compromise Decree, Summary Suits, Abatement proceedings etc.

MODULE II

2.1 Jurisprudential Essence of Cr.PC

2.2 Arrest

2.3 Investigation

2.4 Inquiry

2.5 Trials

2.6 Bail

2.7 Additional Evidence (section 311 Cr.p.c.) and & section 165 Indian Evidence Act

MODULE III

3.1 Introduction & Definitions

3.2 Actus Reus and Mens Rea

3.3 Defences & Burden of Proof:

3.3.1 General defences

Dean School of Law
Galgotias University
Uttar Pradesh

3.3.2 Private Defences

3.4 Abatement, Conspiracy & Attempt

MODULE IV

4.1 Jurisprudential Essence Of Law of Contract

4.2 Formation of Agreement

4.3 Contract

4.4 Breach of Contract & Consequences thereof

MODULE V

5.1 Coparcenery and Joint Hindu Family

5.2 Partition and Succession Laws

5.3 Marriage & Divorce in Hindus and Muslims

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 concepts to familarise the students with the competition world.	**1**
2	To evaluate the jurisprudential essence of the enactments relevant for competitive exams.	**1,2**
3	In depth study of the core areas of the core subjects with case Laws.	**1,2,3**

		grate Theory, Doctrine and Practice	Quest for Research and Inquiry	cial and Professional Understanding	rly engagement and societal reform	Ensure Professional Preparation

		1	2	3	4	5
LLB	Professional Training	3	2	2	2	1

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

9) Financial Market Regulation:

Course Objectives

- This course examines important current issues in the regulation of the Indian capital markets, with emphasis on the recent financial situation, reform efforts thus far, and potential future actions. The class will be primarily one of discussion rather than lecture.

Course Outcomes

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

5. This course will address the institutional and regulatory framework of the Indian capital markets and the role that financial institutions—such as banks, bank holding companies, investment banks, and investment funds—perform in these markets.
6. The course will start with an overview of the functions and regulation of banks, exchanges, over-the-counter markets, broker-dealers, institutional investors, and mutual and hedge funds.
7. We will study in particular the recent crisis, including the rise and fall of securitization and the government-sponsored enterprises, credit derivatives, money market funds and hedge funds.

Catalog Description

Text Books

- E. Gordon & K. Natarajan: Capital Market in India; Himalaya Publishing House, Ramdoot, K. Natarajan Dr. BhaleraoMarg, Girgaon, Mumbai - 400004.

- M.Y. Khan: Indian Financial Systems; Tata McGraw Hill, 4/12, Asaf Ali Road, New Delhi – 110 002.
- Taxmann : SEBI Manual
- Asim Kumar Mishra : Venture Capital Financing in India; Shipra Publications, 115A, VikasMarg, Shakarpur, Delhi-110092.
- Vishal Saraogi : Capital Markets and Securities Laws simplified, Lawpoint Publication, 6C, R.N. Mukherjee Road, Kolkata-700001

Reference Books

- SEBI Annual Report: SEBI, Mumbai.
- Indian Securities Market - A Review: NSE Yearly Publication
- MamtaBhargava : Compliances and Procedures under SEBI Law; Shreeji Publishers, 8/ 294, Sunder Vihar, New Delhi – 110 087
- V.L. Iyer : SEBI Practice Manual; Taxman Allied Service (P) Ltd., 59/32, New Rohtak Road, New Delhi-110005.

Website

www.sebi.gov.in

www.nseindia.com

www.bseindia.com

www.rbi.org.in

www.mca.gov.in

JOURNALS

- Corporate Law Adviser : Corporate Law Adviser, Post Bag No. 3, VasantVihar, New Delhi-110052.
- SEBI Monthly Bulletin : SEBI, Mumbai.
- NSE News : National Stock Exchange of India Ltd., Mahindra Towers, Worli, Mumbai- 400018.

Note: Students are advised to read relevant Bare Acts and Rules and Regulations relating thereto

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Course Content

Module 1: introduction **6 lecture hours**

1. **Objectives of Financial Market Regulation**

- Markets, Institutions and Regulators

  A- Purposes: allocation of capital for investments in businesses, real estate, public finance; savings and investment for future plans of businesses, institutions and individuals; managing and mitigating financial risks

  B- Instruments: loans, securities, derivatives and securitization

  C- Markets: exchanges, alternative trading systems and over-the-counter

  D- Institutions: banks, broker-dealers/investment banks, investment and pension funds, insurance companies.

  E- Regulators: Understanding Financial Regulatory Bodies in India- RBI – Reserve Banks of India, SEBI – Securities and Exchange Board of India, PFRDA – Pension Fund Regulatory and Development Authority , FMC – Forward Markets Commission, IRDA – Insurance Regulatory and Development Authority,

Capital market regulatory framework- securities contract regulation act 1956, SEBI Act 1992, depository's act 1996.

- authorities governing capital market, objective power and function of SEBI, Securities Appellate Tribunal, appearance before SAT,
- Profile of Securities Market, Capital market regulatory framework- securities contract regulation act 1956, SEBI Act 1992, depository's act 1996 and regulatory measure to promote investor confidence,
- Growth of money market in India- structure and institutional mechanism.

Module 2:secondary market institution

6 lecture hours

- Function and significance of stock exchanges
- Regulatory framework- operation and trading mechanism of stock exchange.
- Settlement of securities, surveillance mechanism at stock exchange
- Demutualization of stock exchange.

Dean School of Law
Galgotias University
Uttar Pradesh

Module 3: Resource Mobilization in International Capital Market 6 lecture hours

- External Commercial Borrowings (ECB)

Foreign Portfolio Investors

- SEBI (Foreign Portfolio Investors) Regulations, 2014

Non-Convertible Redeemable Preference Shares

- SEBI (Issue and Listing of Non-Convertible Redeemable Preference Shares) Regulations, 2013

Module 4: - Regulatory Framework governing Stock Exchanges 6 lecture hours

- Net worth Requirements
- Transfer of Profits Governance of Stock Exchanges and Clearing Corporations
- Investment Policy of Clearing Corporation
- Listing
- Special provisions related to Commodity Derivatives

Infrastructure Investment Trusts

- SEBI (Infrastructure Investment Trusts) Regulations, 2014

Real Estate Investment Trusts

- SEBI (Real Estate Investment Trust) Regulations, 2014

Module 5: Listing and Delisting Of Securities

- SEBI (Listing Obligations and Disclosures Requirements) Regulations, 2015
- Corporate Governance - Listing Regulations vis-a-vis Companies Act 2013
- **Insider Trading** – An Overview SEBI (Prohibition of Insider Trading) Regulations, 2015.

Module6: Takeover Code-An Overview related with insider trading. 6 lecture hours

- Definition of Insider, disclosure requirement, code of fair disclosure and conduct.
- Delisting Offer
- Voluntary Open Offer- Regulation 6A

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

10) Professional Training: Litigation/Law Firm:

Course Objectives

To impart practical knowledge about implementation of theoretical understanding of laws and also putting them to use in the industry.

Course Outcomes

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

1. Revisit and better understand all the core subjects that they have studied in the previous years.
2. Would be able to understand the practical standpoint on the laws.
3. Would be able to understand the working of courts, and the intricacies of legal profession.
4. Study the various contracts, agreements etc that they would be required to draft

Version1.1	July 2017	3	1	0	5
Pre-requisites//Exposure	Civil Procedure Code, Criminal Procedure Code, Indian Contract Act, 1872, Stamp Act, Limitation Act, Companies Act				
co-requisites					

while working in law firms.

5. Learn the legal framework regulating practical aspects of business laws.
6. Understand the rules governing various types of negotiable instruments.

Catalog Description

In her recent article in the Saint Louis University Law Journal, Professor Marcia L. McCormick recognizes a disconnection between the Socratic method of teaching and the legal profession. The stagnant teaching methods utilized in law school, McCormick suggests, have left the legal education "in a state of chronic existential angst." The Carnegie Foundation issued a report in 2007 on the effectiveness of legal education and found that legal education is in need of several reforms. The need for reform, according to McCormick, is due in part to a lack of educational training among law professors. Some law professors teach using the same methods used while they were in law school, creating a cyclical pattern

Dean School of Law
Galgotias University
Uttar Pradesh

of archaic teaching methods. As a result, the gap between the study and practice of law is widening. McCormick has attempted to bridge this gap with the use of technology.[1]

The course is meant to help the students bridge that gap between theoretical understanding of law and its practical application.

Reference Books

- M P Jain, "The Code of Civil Procedure",3rd Edition, Lexisnexis Butterworth Wadhwa, Nagpur, 2015
- Avtar Singh, "Banking & Negotiable Instruments", 2nd Edition, Eastern Book Company 2011
- Avtar Singh, "Negotiable Instruments", 4th Edition, Eastern Book Company, 2005
- Indian Contract Act
- Criminal Procedure Code

Course Content

Module 1: LITIGATION **8 Lecture hours**

- Filing of cases
- Categorization of cases
- Cause list Reading
- Appearing before Courts/ Tribunals

Module 2:INDIAN STAMP ACT 1899 **8 Lecture hours**

- Scheme of Act.
- Instruments are chargeable with stamp duty.
- Instruments are chargeable with stamp duty.
- Exemptions from stamp duty.
- Types of Stamp.
- Manner of payment of stamp duty.
- Liability to pay duty.
- Effect of under stamped/unstamped documents.

[1]LAUREN N. ROUSE, BRIDGING THE GAP BETWEEN THE STUDY AND PRACTICE OF LAW 1 (Saint Louis University Law Journal Online, 2014)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

BAL/BBL	Biodiversity Protection	L	T	P	C
Version1.1	July 2017	2	1	0	3
Pre-requisites//Exposure	Convention on Biological Diversity				
co-requisites	Biological Diversity Act, 2002				

Module 3: Various Agreements **8 Lecture hours**

- Compensation Deed in Cases of Mediation
- General Terms and Conditions of Services
- Subscription Agreement
- Arbitration Agreement

Module 4: RESEARCH **8 Lecture hours**

- Strategies for conducting Legal Research;
- Resources available for research

Module 5: PRESENTATION **8 Lecture hours**

- Preparation and presentation of a solution to a dispute
- The Art of Elocution

11) Biodiversity Protection:

Course Objectives

- To develop basic understanding of the concept and importance of biodiversity and its relation with biotechnology and intellectual property rights
- To explain the extension of intellectual property protection to biological resources and its implications on biodiversity
- To develop comprehensive knowledge and understanding of biodiversity protection in India

Course Outcomes

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

- Interpret the laws relating to biodiversity protection and intellectual property
- Explain and analyze the extension of intellectual property protection to biological resources and its implications on biodiversity
- Analyze the conflict between TRIPS and Convention on Biological Diversity in the light of benefit sharing
- Apply the knowledge gained to real world problems

Dean School of Law
Galgotias University
Uttar Pradesh

Catalog Description

Biodiversity means how varied life is on the planet or in a particular system, from amoebas and bacteria up to plant life and animals. Biodiversity is important because it helps create resilient ecosystems that survive threats like climate change, loss of habitat, and pollution.As humans are dependent on these ecosystems for life, they need to be preserved by conserving the biodiversity of the planet. We can help protect biodiversity by changing your personal habits, volunteering, and helping to enact legislation that protects biodiversity on a larger scale.India is one of the 12 mega biodiversity countries of the world and one among the 194 signatories to the convention. India has enacted Biodiversity Act and set up biodiversity authorities at various levels . This paper will highlight the international and national level developments in the area.

Text Books

- Law relating to intellectual property Rights, V.K Ahuja Lexis Nexis,2nd Edition.
- 1. Intellectual property Law in India – Justice P.S. Narayan Gogia Law Agency / Hyderabad.
- Law Relating to IPR Central Law Agency Allahabad Dr. M.K. Bhandari
- Dr. S R Mynei Law Relating to Intellectul Property Asia law House, Hyderabad.
- I.P. Laws – P. Narayan Eastern law House.
- A Usha – Biodiversity and conservation : International Perspectives – The ICFAI University Press.

Reference Books

a. Graham Dutfield, Intellectual Property, Biogenetic Resources and Traditional Knowledge (Earthscan, U.K)
b. Vandana Shiva, Protect or Plunder?: Understanding Intellectual Property Rights (Global Issues) (Zed Books)
c. Vandana Shiva, Myth and Reality (Penguin Books, 2001)
d. M. B. Rao and Manjula Guru, Biotechnology, IPRs and Biodiversity, (Pearson Education India, 2012)
e. Daniel F. Robinson, Confronting Biopiracy: Challenges, Cases and International Debates, Earthscan; London, 2010)
f. The Convention on Biological Diversity

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

g. Agreement Relating to Trade Related Aspects of Intellectual Property Rights (TRIPS)
h. The Biological Diversity Act 2000
i. Dhar et al., Regime of Intellectual Property Protection for Biodiversity
j. Menon, Usha, "The Convention on Biodiversity, Intellectual Property Rights and Policy Options", Social Action, vol. 40, no. 2 (1992), 120.

k. Arvind Kumar, Gobind Das, Biodiversity, Biotechnology and International Knowledge: Understanding Intellectual Property Rights, Narosa Book Distributors Pvt. Ltd., 2010

Course Content

Module 1: Introduction to Biodiversity

- Concept of Biodiversity;
- Biodiversity and Biological Resources (Genetic Resources);
- The Technological Value of Biodiversity for Biotechnology;
- Biodiversity, Biotechnology and Intellectual Property Rights;
- Intellectual Property, Access to Genetic Resources, and Traditional Knowledge

Essential Readings / Reference :

WIPO official Website
http://nbaindia.org/cebpol/

Module 2:International Perspective of Biodiversity Protection

- The Convention on Biological Diversity;
- Bonn Guidelines
- Access to Genetic Resources and Informed Consent;
- Equitable Benefit Sharing;
- Traditional Knowledge;
- Relevance of Technology Transfer;
- Conservation and Sustainable Use of Biological Diversity;
- Conflict between CBD and TRIPS

Dean School of Law
Galgotias University
Uttar Pradesh

Uttar Pradesh ★ GALGOTIAS UNIVERSITY ★

Essential Readings / Reference :

Graham Dutfield, Intellectual Property, Biogenetic Resources and Traditional Knowledge (Earthscan, U.K)

www.wipo.int/edocs/mdocs/tk/en/wipo.../wipo_ip_lss2_ge_08_www_106794.pdf

onlinelibrary.wiley.com/doi/10.1111/cobi.12529/full

http://www.biodiv.be/cooperation/tech_trans

Module 3: National Bio Diversity Authority

- .Constitution organization and establishment of and committees under it.

- Powers and Function of N.D.B.A.
  For certain activities approval of Authorities by undertaking
  Determination of equal benefits
  Transfer of Bio Resource Knowledge

Essential Readings / Reference :

M. B. Rao and Manjula Guru, Biotechnology, IPRs and Biodiversity, (Pearson Education India, 2012)
Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights
by W. R. Cornish (Author), David Llewelyn (Author), 5th Edition, Thomson (sweet Maxwell)

Module 4: State Bio Diversity Boards

Constitution and establishment of State Boards
Function

Powers of State Bio Diversity Board

Essential Readings / Reference :

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Vandana Shiva, Myth and Reality (Penguin Books, 2001)
M. B. Rao and Manjula Guru, Biotechnology, IPRs and Biodiversity, (Pearson Education India, 2012)
Daniel F. Robinson, Confronting Biopiracy: Challenges, Cases and International Debates, Earthscan; London, 2010)

Module 5:National Bio Diversity Fund

- Constitution of National Bio-Diversity fund .
- Accountable to central govt. by periodical reports and other provisions
- constitution of State Bio Diversity Fund and other provisions of central and state government
- Local Bio Diversity fund

Essential Readings / Reference :

Intellectual property Law in India – Justice P.S. Narayan Gogia Law Agency / Hyderabad.
I.P. Laws – P. Narayan Eastern law House.
Law Relating to IPR Central Law Agency Allahabad Dr. M.K. Bhandari

Module 6: Functions

- To develop National strategies plans for conservation of Bio Diversity
- Bio Diversity Management Committees
- NBDA to be bound by the instruction of Central Government
- Power of State to give direction
- Settlement of Dispute between State Bio Diversity Board and nature of office of members of NBDA
- Appeals
- Cognizance of offence and non bailable offences

Uttar Pradesh ★ GAUTAM BUDDHA UNIVERSITY ★
Dean School of Law
Gautam Buddha University
Uttar Pradesh

LLB 519	**Right To Information Act**	L	T	P	C
Version1	Date of Approval: July 2017	3	1	0	3
Pre-requisites//Exposure	Right to Information Act, 2005				
co-requisites	None				

- powers of Central Government to make rules and State Government to make rules.

Essential Readings / Reference :

Dhar et al., Regime of Intellectual Property Protection for Biodiversity: A Developing
Country Perspective (N. Delhi: RIS, 2001);
2Mishra, "Biodiversity, Biotechnology and Intellectual Property Rights: Implications for
Indian Agriculture", 3 Journal of World Intellectual Property (2000), 211;

12) Right to Information Act, 2005:

Course Objectives

1. To thoroughly cover the objectives and the background of the Act; the mechanism of implementation of the Act
2. To elucidate the importance of RTI in bringing transparency in various sectors and to curb corruption
3. To understand the role and responsibilities of the Judiciary, Educational Institutions, Ministry/Government, CIC, PSUs and other authorities, associated with RTI Act
4. To understand the effectiveness of the Act and related authorities

Course Outcomes

On completion of this course, the students will

1. Appreciate the importance of this Actin infusing transparency and accountability in governance, preventing abuse of power.
2. Understand the application of this Act in getting information from Government and Non-Government bodies
3. Know the procedure of filing a RTI application

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Catalog Description

The right to information is implicitly guaranteed by the Constitution. However, with a view to set out a practical regime for securing information, the Indian Parliament enacted the Right to Information Act, 2005 and thus gave a powerful tool to the citizens to get information from the Government as a matter of right. The commencement of the RTI regime marked the dawn of a new era. Different stakeholders have played an important role in carrying forward the regime and have helped the government in inculcating a culture of transparency and accountability in the working of public authorities. This law is very comprehensive and covers almost all matters of governance and has the widest possible reach, being applicable to Government at all levels- Union, State and Local as well as recipients of government grants.

Text Books

1. Right to Information Act, 2005 An Analysis by Dr. Abhe Singh Yadav; Central Law Publications

Reference Books

1. Right To Information by S P Sathe, Publisher: Butterworth Heinemann
2. Right to Information: Implementing Information Regime Right by Sarbjit Sharma and Krishan Gopal, Publisher Authorspress
3. The Right to Information Act, 2005 by U.N.Gupta, Publisher Atlantic
4. A Practical Handbook on Right to Information Act, 2005 by S.R.Kaneja, Publisher The Book Line 2011

Course Content

Unit I: A General Overview of the RTI Act and its evolution **6 lecture hours**

- The evolution of the Right to Information in India,
- The philosophy underlying the Right to Information Act, 2005(RTI Act) and the paradigm shift it envisages,
- The important terms and concepts used in the Act,
- The salient features of the Act

Unit II:Public Authorities and their Role under the RTI Act **10 lecture hours**

- What is a Public Authority? Who are the Public Authorities covered under the Act?
- The requirement for designation of Information Officers - PIOs / APIOs - in public authorities,
- The specific Duties & Responsibilities of Information Officers.
- The liabilities of a PIO for non-compliance with the provisions of the Act.
- What is the process for disposal of requests?, The time limits for disposal of information requests., The fees and costs to be charged for providing information., The grounds on which requests can be rejected and the procedure for such rejection.

Unit III: The process of Appeals under RTI and appellate authorities, Exemptions from disclosure Information **10 lecture hours**

Dean School of Law
Galgotias University
Uttar Pradesh

- The process involved in making first appeals to designated Appellate Officers,
- Timelines for making a first appeal and disposal of the appeal, First Appeals and Appellate Officers - Important Provisions
- Specific provisions of the Act which exempt certain kinds of information - the classification of such exempted information,
- Application of public interest test with respect to exempted information,
- Grounds that allow for partial disclosure of information,
- The concept of 'Third Party' and the issues and considerations revolving around its involvement.

Unit IV: Information Commission: Powers and Functions, RTI and Good Governance10 lecture hour

- The Role and Responsibilities of the Information Commissions,
- The relevant provisions in the RTI Act dealing with Complaints to the Information Commission and the specifications thereof,
- The "Second Appeal" process and the Commissions' mandate for the same,
- The power of Information Commissions with regard to enforcing compliance of public authorities with the provisions of the RTI Act, imposing penalty / recommending disciplinary action against erring PIOs etc.
- RTI and Good Governance
- Role of Civil Society Organisations and Media,
- Records Management for Effective Information Management,
- Implementation of the Act,
- Case Studies- How RTI helped in better administration and Good Governance

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

Mapping between Cos and Pos		
Sl. No.	**Course Outcomes (COs)**	**Mapped Programme Outcomes**
1	Appreciate the importance of this Actin infusing transparency and accountability in governance, preventing abuse of power.	**1,**
2	Understand the application of this Act in getting information from Government and Non-Government bodies	**1, 3, 4, 5**
3	Learn the procedure of filing a RTI application	**1, 2, 4, 5**

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

BAL 513	Corporate Law-I	L	T	P	C
Version1.1	July 2017	3	1	0	4
Pre-requisites//Exposure	Economics, Indian Contract Act, 1872				
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
LLB 519	Right to Information Act	3	1	3	2	1

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

13) Corporate Law-I:

Course Objectives

1. To develop an understanding ofthe importance of company as a form of business enterprise
2. To develop the argumentative skills of corporate professionals amongst the students
3. To provide an insight in the manner of functioning of the companies and the key managerial personnel of the organisation.
4. To portray the applicability of the doctrines in context of the changing dimensions of the company legislation.

Dean School of Law
Galgotias University
Uttar Pradesh

Course Outcomes

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

1. Understand viability of various forms of company in doing business.
2. Learnthe process of incorporation of companies as laid down under the Companies Act 2013
3. Analyse the applicability of the common law doctrines in context of the changes brought in by the Companies Act, 2013.
4. Understand the role of directors and key managerial personnel in companies and discuss duties imposed by thenew Companies Act on them.
5. Develop the argumentative and research skills required of a professional in corporate litigation.

Catalog Description

In view of increasing emphasis on adherence to the norms of good governance, company Law assumes a pivotal position in the regulation of corporations at it deals with the formation, incorporation, structure, management, administration of affairs of a company. There has been a significant development in ownership of shareholdings of a company. The history of Indian Company Law begins with the Joint Stock Companies Act of 1850. Since then there has been continuous process of amendment and consolidation which has resulted into most comprehensive piece of Legislation, the Companies Act, 1956 and more recently the Companies Act, 2013, which contains a modified version of the Companies Law. The Companies Act is divided into two parts: Corporate Law-I and Corporate Law-II.Corporate Law-II will contain the topics ofMajority Rule, Oppression and Mismanagement, Reconstruction and Amalgamation of Companies and Winding up of Companies.

Text Books

1. T1. G.K. Kapoor& Sanjay Dhamija, "Company Law: A Comprehensive Text Book on Companies Act 2013", 18th Edition, Taxmann Publication, Delhi, 2015
2. T2. Avtar Singh, "Company Law", 16th Edition, Eastern Book Company, 2015

Reference Books

1. S.C.Tripathi, "Modern Company Law", 5th Edition, Central Law Publications, 2012
2. A. Ramaiya, "Guide to the Companies Act", 18th Edition, Lexisnexis Butterworth Wadhawa, 2013
3. H.K. Saharay, "Company Law", 6th Edition, Universal Law Publications , 2012

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

4. K.R. Chandratre, "Company Law Procedures", 6th Edition, Bharat Publication, 2009
5. K.S. Anantharaman, Lectures on Company Law", 12th Edition, Lexisnexis Butterworth Wadhawa, 2015
6. N.D. Kapoor, "Elements of Company Law", 29th Edition, Sultan Chand & Sons, 2015
7. Sir Francis Beaufort Palmer,"Palmer'sCompany Law", 22nd Edition, Sweet and Maxwell, 1976
8. L.C.B. Gower, "Principles of Modern Company Law", Sweet and Maxwell Publication, London
9. Dr. N.V. Pranjape, "The New Company Law", 6th Edition, Central Law Agency, 2014
10. C.R. Datta& Kamal Gupta, "Datta on Company Law", Orient Law House, 5th Edition, 1992

Course Content

Module 1:Company as a Form of Business Enterprise **11lecture hours**

- Definition of a Company; Evolution and development of Company Law in England and India
- Major Changes Introduced by the Companies Act, 2013.
- Company and other business entities such as partnership, limited liability partnership, Joint Hindu family business, Changes in business environment and developments of Modern Company Law.
- Kinds of Companies – One Person Company- Definition, Characteristics, Public and Private Companies; Limited and Unlimited Liability Companies - limited by shares and limited by guarantee; Holding and Subsidiary Companies; Foreign Companies; Government Companies; Producer Companies .
- Concept of Corporate Personality: Company as a juristic (or legal) person Consequences; Advantages and Dis-advantages of Incorporation,Piercing the Corporate Veil – Judicial and Statutory grounds.

Case Laws:

- *Salomon v A Salomon and Co Ltd [1897] AC 22*
- *Lee v. Lee's Air Farming Ltd.(1961) A.C.12(P.C)*
- *Re Kondoli Tea Co Ltd., (1886) ILR*
- *Daimler Co Ltd v. Continental Tyre & Rubber Co Ltd., (1961) 2 AC307*
- *DinshawManeckjee Petit, re, AIR 1927 Bom 371*

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY Uttar Pradesh

- *CIT v Associated Clothiers Ltd., AIR 1963 Cal 629*
- *PNB Finance Ltd. V Shital Prasad Jain, (1983) 54 Comp Cas 66*
- *LIC v Escorts Ltd, (1986) 1 SCC 264*

Module 2: Incorporation of a Company5 lecture hours

- Promoters - Duties, powers and liabilities, Legal position of a promoter, Pre-incorporation contracts.
- Formation of Company: Important steps, Procedure of registration, Corporate Identity Number (CIN)
- Registrar of Companies (ROC): its role and its importance
- Certificate of Incorporation and its conclusiveness, Certificate of Commencement of Businessand its conclusiveness

Case Laws:

- *Emile Erlanger v. New Sombrero Phosphate Co.(1878) 3 App Cas 121*
- *Natal Land &Colonisation Co. V Pauline Colliery Syndicate, 1904 AC 120*
- *Kelner v Baxter, (1866) LR 2 CP 174*
- *RamkumarPotdar v Sholapur Spinning and Weaving Company Ltd, AIR 1934 Bom 427*
- *T.R.Pratt Ltd. V. E.D. Sasson& Co Ltd., A.I.R.1963 Bom.62*
- *Gramphone and Typewriter Co. v. Stanley(1906) 2K.B.856*
- *Short v. Treasury Commissioners,(1948) A.C.534*

Module 3:Memorandum of Association, Article of Association and Prospectus16 lecture hours

- Memorandum of Association: Need, Contents of Memorandum, Printing and Signing of Memorandum. Name Clause, Object Clause, Registered Office Clause, Capital Clause and Liability Clause and Procedure for alteration.
- Doctrine of *Ultra Vires* – its origin, erosion and evasion, consequences of an *Ultra Vires* transaction
- Articles of Association: Contents, Relation with Memorandum,Doctrine of Constructive NoticeDoctrine of Indoor Management – *Turquand*Rule – origin, applicationand exceptions

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

- Prospectus:Definition, Contents, Red-Herring Prospectus, Shelf Prospectus, Remedies for misrepresentation in Prospectus: Civil and Criminal Remedies, filing of prospectus with SEBI

Case Laws:

- *Society of Motor Manufacturers and Traders Ltd v Motor Manufacturers and Traders Mutual Insurance Co Ltd., (1925) 1 Ch675*
- *Orissa Chemicals and Distilleries (P) Ltd., re, AIR 1961 Ori 62*
- *Mackinnon Mackenzie & Co, re(1967) 1 Comp LJ 200*
- *Re Jon Beauforte Ltd. [1953] Ch. 131*
- *Ashbury Railway Carriage & Iron Co. Ltd. V. Riche (1875) L.R. 7 H.L.653*
- *Dr LakshmanaswamiMudaliar A. v. LIC (1963) Comp LJ 248*
- *Bell Houses Ltd. V. City Wall Properties Limited (1966)*
- *Royal British Bank v. Turquand (1856) 119 E.R.886*
- *Howard v. Patent Ivory Co (38 Ch. D156)*
- *AnandBihari Lal v Dinshaw& Co., AIR 1942 Oudh 417*
- *Ruben v. Great Fingall Consolodated,1906 AC 439*

Module 4: Shares and Debentures **10 lecture hours**

- Types of securities investment, Share, stock, stock option, share warrant
- Kinds of Share Capital, Member- who may be a member
- Statutory Restrictions on Allotment, General Principles as to allotment, Private Placement of Shares, Certificate of shares, Object and effect of share, Transfer of shares- Restrictions on transfer of shares.
- Issue of shares at Discount, Sweat Equity Shares, Issue of shares at Premium
- Forfeiture of Shares, Surrender of Shares, transfer and transmission of shares
- Debentures- Definition, Kinds and differences between shares and debentures

Case Laws:

- *PramathaNathSanyal v Kali Kumar Dutt AIR 1925 Cal 714.*
- *Sundaram Finance Service & Ltd. v. Grandtrust Finance Ltd. (2003) 42 SCL 89 (Mad.)*
- *Peek v. Gurney (1873) LR 6 (HL) 377*
- *SEBI v Sterlite Industries (India) Ltd. [2004] 45 SCL 475 (Bom).*
- *Aska Investment Pvt. Ltd. v Grob Tea Company Ltd. [2005] 61 SCL 134.*

Dean School of Law
Galgotias University
Uttar Pradesh

- *Advanced Medical Optics India P. Ltd., In Re. [2009] 150 Comp. Cas. 230 (Kar.)*
- *JK Industries Ltd. v Union of India [2007] 80 SCL 283.*
- *Mathrubhumi Printing & Publishing Co. Ltd. v. Verdhaman Publishers Ltd. [1992] 73 Comp. Cas. 80*
- *McDowell & Co. Ltd. v. Shaw Wallace & Co. Ltd. (2002) 35 SCL 444*

Module 5: Meetings of a Company **6 lecture hours**

- Meetings – Kinds of meetings- annual, extraordinary general meeting, Board of Directors meeting
- Procedure and requisites of a valid meeting Notice, Quorum, Adjournment, Proceedings, Voting, Proxy
- Resolutions – kinds, circulation of members' resolutions, resolutions by circulation, minutes

Case Laws:

- *Tapan K. Chowdhury Vs. Registrar of Companies, (2003) 55 CLA 80*
- *T. V Mathew Vs. Nauokkara Agro Processing Co. Ltd, (2002) 46 CLA 101*
- *Pranchi Insurance Company Ltd. Vs. ChaudharyMadhusudan Das, (1964)2 Comp.L.J.157*
- *Rajpal Singh Vs. State of UP (1968) 1 Comp .L. J*
- *Madan Gopal Dey Vs. State of West Bengal, AIR 1968 Cal 79*

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 viability of various forms of company in doing business	1, 3
2	Learn the process of incorporation of companies as laid down under the Companies Act 2013	1, 3
3	Analyse the applicability of the common law doctrines in context of the changes brought in by the Companies Act, 2013.	1, 2

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

4	Understand the role of directors and key managerial personnel in companies and discuss duties imposed by the new Companies Act on them.	1, 2, 5
5	Develop the argumentative and research skills required of a professional in corporate litigation.	1, 2, 5

1=**addressed to small extent**

2= addressed significantly

3=major part of course



		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
BBL/BAL- 513	**Corporate Law-I**	3	2	2	2	2

Dean School of Law
Galgotias University
Uttar Pradesh

BAL/BBL 616	Corporate Law II	L	T	P	C
Version1.1	July 2017	3	1	0	4
Pre-requisites//Exposure	Corporate Law – I				
co-requisites	The units studied give detailed consideration to the law relating to contract, corporations, agency, partnership, fiduciary obligations, taxation, banking, finance, competition and international trade.				

14) Corporate Law-II:

Course Objectives

1. To develop in the students an understanding of the organizational and governance structure of companies.
2. To develop an understanding of the concept of corporate democracy.
3. To enable them to understand the rights, duties and liabilities of those governing and the governed.
4. To help the students in understanding the need for corporate restructuring and the modern day corporate restructuring methods
5. To equip young lawyers with the knowledge of the legal framework on the management and day-to-day functioning of a company and analyze the existing loopholes and issues in law.
6. To provide students with an awareness of current policy trends and developments in Company Law and Securities Law.

Course Outcomes

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

1. Identify the remedies and the manner in which the accountability of the company can be ensured and the manner in which the complaints shall be drafted alongwith the analysis of the various petitions that are filed in cases of oppression or mismanagement
2. Understand the procedure to be adopted that a corporate body undertakes when it finally ends its business or plans to expand or contract its business and activities

Dean School of Law
Galgotias University
Uttar Pradesh

3. Understand the documentation and the necessary essentialities that the company has to mandatorily follow while undertaking due diligence or settlement of creditors' claims or fixing the share exchange ratio in case of reconstruction.
4. Understand the day to day functioning of the company and issues related to its administration and management.

Pedagogy:

The course delivery shall include the following methods:

- discussion-cum-lecture method
- case study method

Catalog Description

In view of increasing emphasis on adherence to the norms of good governance, Company Law assumes a pivotal position in the regulation of corporations as it deals with the formation, incorporation, structure, management, administration of affairs of company. There has been a significant development in ownership of shareholdings of a company. The history of Indian Company Law begins with the Joint Stock Companies Act of 1850. Since then there has been continuous process of amendment and consolidation which has resulted into most comprehensive piece of Legislation, the Companies Act, 1956 and 2013. A thorough study of provisions of Companies Act is very essential

Text Books

1. Avtar Singh, "Company Law", 16th edition, Eastern Book Company,Lucknow, 2015
2. G. K. Kapoor and Sanjay Dhamija, "Company Law: Practice and Procedure", 21stEdition, Taxmann's Publications, 2015

Reference Books

1. S.C.Tripathi, "Modern Company Law", 5th Edition, Central Law Publications, 2012
2. A. Ramaiya, "Guide to the Companies Act", 18th Edition, Lexisnexis Butterworth Wadhawa, 2013
3. H.K. Saharay, "Company Law", 6th Edition, Universal Law Publications , 2012
4. K.R. Chandratre, "Company Law Procedures", 6th Edition, Bharat Publication, 2009
5. K.S. Anantharaman, Lectures on Company Law", 12th Edition, Lexisnexis Butterworth Wadhawa, 2015
6. N.D. Kapoor, "Elements of Company Law", 29th Edition, Sultan Chand & Sons, 2015
7. Sir Francis Beaufort Palmer,"Palmer's Company Law", 22nd Edition, Sweet and Maxwell, 1976
8. L.C.B. Gower, "Principles of Modern Company Law", Sweet and Maxwell Publication, London
9. Dr. N.V. Pranjape, "The New Company Law", 6th Edition, Central Law Agency, 2014
10. C.R. Datta& Kamal Gupta, "Datta on Company Law", Orient Law House, 5th Edition, 1992
11. S. Ramanujan, "Mergers et al", 2nd Ed., Nagpur: Wadhwa& Company, 2006

Dean School of Law
Galgotias University
Uttar Pradesh

Uttar Pradesh * GALGOTIAS UNIVERSITY *

Course Content

Module 1: Directors of a Company12 lecture hours

- Directors – types, qualifications (DIN), disqualifications, appointment, Number of Directorship, remuneration, Resignation and Removal, Vacation of Office of Directors, Register of Directors and Key Managerial Personnel and their shareholders
- Powers and Duties of Directors; Breach of Corporate Duties; Remedies for breach
- Managing Director – appointment, term, remuneration and removal

Case Laws:

- *Central Bank of India v. Asian Global Ltd., (2010) 11 SCC 203,*
- *National Small Industries Corpn. Ltd. v. Harmeet Singh Paintal, (2010) 3 SCC 330*
- *ByrarajuRamaa Raju Vs. CBI (Satyam Scam) (3) 2011 (1) SCC 694*
- *SEBI v. Sahara India Real Estate Corporation Ltd. &Ors CIVIL APPEAL NO.8643 OF 2012*
- *Allen v. Hyatt, (1914) 30 TLR 444*
- *Percival v. Wright, (1902) 2 Ch 421*
- *Burland v. Earle, 1902 AC 83*
- *City Equitable Fire Insurance Co, re, 1925Ch.407*
- *Regal (Hastings) Ltd. V. Gulliver, (1967)2 AC 134*

Module: 2:Majority and Minority; Prevention of Oppression and Mismanagement of Companies [Ss.]

- Shareholders' Democracy
- Majority Powers and Minority Rights,
- Power of Majority:- Rule in Foss v. Harbottle,
- Exceptions to majority and minority rule
- Prevention of oppression and mismanagement
  - Meaning of oppression,
  - Prevention of mismanagement
- Administrative Remedies
  - Removal of managerial personnel,
  - Appointment of Government directors,
  - Powers of Company Law Board/Tribunal,
  - Powers of Central Government to prevent oppression or mismanagement.

Case Laws:

1. *Foss v. Harbottle*, (1843) 2 Hare 461

Dean School of Law
Galgotias University
Uttar Pradesh

2. *BSN (UK)Ltd v. Janardan Pillai*, [1996] 86 Comp Cas 371 (Bom)
3. *In Re: Chloro Controls* [2006] 131 Comp Cas 501 (Bom)
4. *Needle Industries (India)Ltd v Needle Industries Newey Holding* AIR 1981 SC 1289
5. *Ved Prakash v. Iron Traders P. Ltd.*, [1961] 31 Comp Cas 122
6. *C. Vasudevamurthy v. Associated Oxides*, [2009] 150 Comp Cas 339,
7. *SVT Spinning Mills v. M. Palaniswami*, [2009] 151 Comp Cas 233 (Mad)
8. *J.P. Srivastava v. Gwalior Sugar*, [2004] 122 Comp Cas 696 (SC).
9. *Omni India v. Balbir Singh*, [1989] 69 Comp Cas 903
10. *Syed Masharraf Mehdi v. Frontline Soft*, [2007] 135 Comp Cas 280 (CLB)
11. S. P. Jain vsKalinga Tubes Ltd AIR 1965 SC1535
12. *Radhabari Tea Co. v. Mridul Kumar Bhattacharjee*[2010]153CompCas579.
13. *M.S.D.C. Radharamanan Vs.M.S.D. Chandrasekara Raja*AIR2008SC1738
14. *Sangramsinh P. Gaekwad v. ShantadeviP.Gaekwad* MANU/SC/0052/2005
15. *Batliboi v Mideast Integrated Steels Limited*2012 Indlaw DEL 1391
16. *Aba Builders Limited and others v AnjulaNagpaland others*2012Indlaw CAL 849
17. *Geo-Group Communications Inc v IOL Broadband Limited*2009 Indlaw SC 2112; (2010) 1 SCC 562

Articles-

- Joseph Abugu, "A comparative analysis of the extent of judicial discretion in minority protection litigation: The United Kingdom & the United States, *ICCLR* 181, 2007.
- AnupamChander, "Minorities, shareholder and otherwise", *The Yale Law Journal*, Vol. 113, No. 1 (Oct., 2003), 119.
- John Lowry & Lynden Griggs, "Minority Shareholder Rights: A comparative view", *Journal of Business Law* 463, 1994.
- Jones v. Ahmanson, "The Fiduciary Obligations of Majority Shareholders", Vol. 70, No. 6 *Columbia Law Review*, (Jun., 1970), 1079.
- AtaollahRahmani, "Shareholder control and its nemesis" I.C.C.L.R. 2012, 23(1), 12-23

Module3:Amalgamation & Reconstruction of Companies **[Ss. 230 to 236]**

- Need for Corporate Restructuring
- Types of Restructuring- Organic and Inorganic
- Reconstruction and Amalgamation- Meaning and difference
- Compromise and Arrangement,
- Merger and Demerger- Meaning and Types

Dean School of Law
Galgotias University
Uttar Pradesh

- Role of NCLT and NCLAT
- Acquisitions and Takeovers

Case Laws:

- *Vodafone Essar Mobile Services Ltd, Re,* (2011)163 Comp Cas 119 (Del)
- *Aimco Pesticides Ltd, Re,* (2001) 103 Comp Cas 463 (Bom)
- *KTM Jewellery Ltd, Re,* (2011) 163 Comp Cas 457
- *Jaypee Cement Ltd, Re,* (2004) 122 Comp Cas 854
- *SBI v EnggMazdoorSangh,* (2002) 109 Comp Cas 8 (Guj)
- *Model Financial Corporation Ltd v AP Mahesh Coop Urban Bank Ltd,* (2013) 176 Comp Cas 264
- *Miheer H. Mafatlal v. Mafatlal Industries Ltd, AIR 1997 SC 506*
- ***Hindustan Lever Employees Union v. Hindustan Lever Ltd.*** *AIR 1995 SC 470*
- *P.M.P. Auto Industries Ltd. In re 5 Comp. LJ 598*
- ***Saraswathi Industrial Syndicate v. CIT, Haryana*** *AIR 1991 SC 70*
- ***S.K. Gupta v. K.P. Jain,*** *49 Com Cases 342 (SC)*
- ***Essar Telecommunication holding, In Re,*** *(2012) 111 SCL*

Module 4: Corporate Insolvency

[Insolvency and Bankruptcy Code – Chapter 2, 3 and 5 of Part II of the CODE]

- Legal Framework of Corporate Insolvency
  - *Companies Act* – S. 253 to S. 269, S. 289, S. 304 to S. 325 Act 2013
  - *SICA*
  - *SARFAESI Act*
  - *Debt Recovery Proceedings*
- Corporate Rescue Procedures
- CDR Mechanism

Cases:

1. *Rishabh Agro Industries vs. PNB Capital Services* (2000 AIR SCW 1753)
2. *ICICI v. Vanjinad Leathers* AIR 1997 Ker 273
3. *Morgan Securities and Credit Pvt. Ltd v. Modi Rubber Ltd.* AIR 2007 SC 683
4. *Patheja Brothers vs. ICICI* [2000] 26 SCL 404.
5. *ICICI Ltd v APS Star Industries LTD* [2010] 10 SCC 1
6. *Tata Motors ltd. v. Pharmaceutical Products of India Ltd.*(2008) 3 Com LJ 91
7. *Chemstar Organics India Limited v Bank of Baroda and others*2012 Indlaw DEL 1984

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

8. *Patheja Bros. Forgings and Stamping and Another v Icici Limited and Others*2000 IndlawSC 375; (2000) 6 SCC 545

Articles:

- Dr. IndrajitDube, Indian Corporate Insolvency Law: Efficiency and efficacy from a Cross Border Perspective, available at*http://ssrn.com/abstract=1141931*

Module: 5: Winding Up of Companies **[only voluntary winding up Ss.]**

- Types of Winding up
- Grounds for winding up
- Procedure of winding up
- Appointment of Liquidators
  - Powers of Courts,
- Winding up of Unregistered Companies
- Dissolution of company; difference between dissolution and winding up

Case Laws:

- *Hindustan Lever Employees' Union v. Hindustan Lever Limited and Others 1995* (83) CC 30
- *Hilder v. Dexter,* 1902 AC 474
- *Needle Industries (India) Ltd. v. Needle Industries Newey (India) Holding Ltd.*, (1981) 3 SCC 333
- F*ertiliser Corporation Kamgar Union (Regd.), Sindri v. Union of India*, (1981) 2 SCR 52; (AIR 1981 SC 344)
- *Re Khandelwal Udyog Ltd.* (1977)47 CompCas503
- *Seksaria Cotton Mills Ltd. v. A.E.Naik* (1967)37 CompCas 656
- *Mafatlal Industries Limited, In Re*1995 84 CompCas. 230 (Guj),
- *Miheer H. Mafatlal v. Mafatlal Industries Ltd*(AIR 1997 SC 506)
- *Electron Industries Ltd v Soham Polymers (P) Ltd,* (2005)13 SCC 86
- *Hindustan Organic Cbemicals Ltd v Apollo Trade Ltd,* (2006) 133 Comp Cas 877 (Bom)

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

Mapping between Cos and Pos		
Sl. No.	**Course Outcomes (COs)**	**Mapped Programme Outcomes**
1	Identify the remedies and the manner in which the accountability in the company can be ensured and the manner in which the complaints shall be drafted alongwith the analysis of the various petitions that are filed in cases	**1, 3, 4, 5**

Dean School of Law
Galgotias University
Uttar Pradesh

	of oppression or mismanagement	
2	Understand the procedure to be adopted that a corporate body undertakes when it finally ends its business or plans to expand or contract its business and activities	**1, 5**
3	Understand the documentation and the necessary essentialities that the company has to mandatorily follow while undertaking due diligence or settlement of creditors' claims or fixing the share exchange ratio in case of reconstruction	**1, 2, 5**
4	Understand the day to day functioning of the company and issues related to its administration and management.	**1, 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
LLB 312	**Corporate Law-II**	3	2	1	1	3

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

GALGOTIA UNIVERSITY
SCHOOL OF LAW
SYLLABUS

Course Title: Alternate Dispute Resolution System **Semester: VII**

BA LLB (H) **Course Code: BAL 704**

Objectives of the course

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 juridical exercise. The traditional justice delivery system through adjudication by courts had already given way to a large extent to many an alternative mode of dispute resolution in the common law countries. The advent of globalization has enthused this transformation everywhere. The study of ADR is highly significant in moulding the students of law to act as soldiers of justice in the everchanging 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.

Syllabus

1. Arbitration : meaning, scope and types

1.1. Distinctions

1.1.1 1940 law and 1996 law: UNCITRAL model law
1.1.2. Arbitration and conciliation
1.1.3. Arbitration and expert determination
1.2. Extent of judicial intervention
1.3. International commercial arbitration

2. Arbitration agreement

2.1. Essentials
2.2. Kinds
2.3. Who can enter into arbitration agreement
2.4. Validity
2.5. Reference to arbitration
2.6. Interim measures by court

Dean School of Law
Galgotias University
Uttar Pradesh

Uttar Pradesh ★ GALGOTIAS UNIVERSITY ★

3. Arbitration Tribunal

3.1. Appointment
3.2. Challenge
3.3. Jurisdiction of arbitral tribunal
3.3.1. Powers
3.3.2. Grounds of challenge
3.4. Procedure
3.5. Court assistance

4. Award

4.1. Rules of guidance
4.2. Form and content
4.3. Correction and interpretation
4.4. Grounds of setting aside an award
4.4.1. Can misconduct be a ground?
4.4.2. Incapacity of a party, invalidity of arbitration agreement
4.4.3. Want of proper notice and hearing
4.4.4. Beyond the scope of reference
4.4.5. Contravention of composition and procedure
4.4.6. Breach of confidentiality
4.4.7. Impartiality of the arbitrator
4.4.8. Bar of limitation, res judicata
4.4.9. Consent of parties
4.5. Enforcement

5. Appeal and revision

6. Enforcement of foreign awards

6.1. New York convention awards
6.2. Geneva convention awards

7. Conciliation

7.1. Distinction between "Conciliation", "negotiation", "mediation", and "arbitration".
7.2. Appointment
7.3. Statements to conciliator
7.4. Interaction between conciliator and parties
7.4.1. Communication
7.4.2. Duty of the parties to co-operate
7.4.3. Suggestions by parties
7.4.4. Confidentiality
7.5. Resort to judicial proceedings
7.6. Costs

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

8. Rule -making power

8.1. High Court

8.2. Central Government

9. Legal Services Authorities Act : Scope

Select Bibliography

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

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

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

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

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

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

Johari, Commantary on Arbitration and Conciliation Act 1996 (1999) Universal, Delhi

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

Dean School of Law
Galgotias University
Uttar Pradesh

Uttar Pradesh * GALGOTIAS UNIVERSITY

BAL/ BBL 801	**Intellectual Property Law**	L	T	P	C
Version 1.1	Date of Approval:	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 understands 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.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh *

Catalog Description

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 from 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)

Dean School of Law
Galgotias University
Uttar Pradesh

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)
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 Elegar 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**

Dean School of Law
Galgotias University
Uttar Pradesh

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

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

Reference

1. Andrea Mangàni, *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.)

Dean School of Law
Galgotias University
Uttar Pradesh

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

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

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

Dean School of Law
Galgotias University
Uttar Pradesh

- 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
- 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.

1o. 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 Gramhphone Co. v. Baredra Bahadur Pandey, AIR 1984 SC 667.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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.

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

29. Amir Raja (Cinama Script case)

Module 5. 12 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

Dean School of Law
Galgotias University
Uttar Pradesh

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. Lakhapati Rai & Ors. v. Srikissen Dass & Ors. (1917),

18. Brenner v. Manson

19. In re Fisher

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 Co30. 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.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

- 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

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

	Theory	
Components	**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**

Dean School of Law
Galgotias University
Uttar Pradesh

		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**

		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 504	Intellectual Property	2	2	3	1	2

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

	Law					

1=addressed to small extent

2= addressed significantly

3=major part of course

Model Question Paper

Galgotias University, Greater Noida
School of Law
End Term Examination
LLB Vsemester/ III year/ 2014-15

Course Name: Intellectual Property Law **Max Marks: 100**

Course Code: LLB 504 **Time: 03.00 hr**

Instructions:

1. Attempt all sections.

Section A **5X2=(10 Marks)**

1. (a).What is the period of Priority Date for patents under Paris convention?

(b). What do you mean by Non-Conventional Trade Marks?

(c). Distinguish between originality and novelty under Industrial Design Law.

(d) What do you mean by identity of marks and similarity of marks?

(e) What do you mean by deceptive similarity?

2. Do you think creativity is necessary condition to get copyright protection in India?

(b)'A' files an application for the patent for his new invention in Kolkata Patent Office. 'A' has identified certain negative aspect in his claim and files an application for the amendment of Specification. Controller of Patent permitted the amendment sought by applicant. Evaluate the scope of amendment of Specification under Indian Patent Act.

Section B **(20 Marks)**

3. "The TRIPS Agreement has been started with No reservation policy except in built transition system for compliance. However, its policies were not completely restricted with uniformity specially about procedural aspects of IPR. It resulted into conflicts between the signatories about mandates and scope of harmonization. Two cases in India especially Novartis and Bayer have caused a perception among multinationals that Indian Patent Law are protective in nature." How far do you agree with the above statement? In the light of TRIPS Council efforts and judicial response, suggest appropriate measures for Indian IPR policy.

Section C **10X4= (40 Marks)**

Answer any four question of this part.

Dean School of Law
Galgotias University
Uttar Pradesh

4. Topper Cassette Industries is copyright holder of a variety of musical works, sound recordings, music videos and cinematographic videos. They receive information that defendant an owner of Hotel is providing service of movie of their choice to the customers of hotel and also provided access to 120 channels through cable TV. Topper Cassette producer's investigator visited the said premises and found that few audio clippings of songs in which plaintiff has a right were being played in different channels on the television. Plaintiff has raised objection contended it is violation of their right. But defendant said that they are getting this accessibility by payment to cable operator and Hotel room is not a public place and if any claim may be made that is against cable operator and no cause of action against them arise. Discuss and decide the copyright issues of the plaintiff.

5. Dr. Renu Bhargawa is the scientist at Cadila Healthcare, and invented a new process of preparation of antiseptic cream with the properties of calendula, after identifying its gene structure and properties.Cadila Healthcare is interested to get patent for its new invention. Use of calendula is known in Costa- Rica a Latin American Country as a wound healing agent. Advise to healthcare under Indian Patents Act.

6. Critically analyse the impact of Diamond vs. Chakroborty on Patenting of biotechnology.

7. N. R. Dongrey v. Whirlpool Corporation has given birth to new dimension for trademarks rights and extended it on some prejudice notion of reputation for every goods/ services. But market behaviour and consumer response always created doubt about the principle laid down there. Discuss

8. What do you mean by Geographical Indication? Discuss the procedure of registration of GI in India.

Section D **15X2= (30 Marks)**

9. Tata group is a household name in India and deals with 30 products and services in domestic market as well as in International market. Bijoy Tata is entrepreneur in power supply. He has got the distribution right of electricity from Gujrat State government. On his every letter pad he has written Tata in structure of TATA Group. That was objected by TATA Group. He has contended that his surname is TATA. Discuss the latest position under TMA 1999 about the right of Bijoy TATA right. What is the scope of Well-known Trade Marks under the new Act?

10. The concluding portion of the definition of "dramatic work" excludes cinematographic films. Do you think, that such exclusion closes doors to the contention that the dramatic performance of a cine artiste, which is fixed or recorded in the film negative will be "dramatic work" and therefore protected under the Copyright Act?

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

GALGOTIAS UNIVERSITY
SCHOOL OF LAW
SYLLABUS

Course Title: Banking and Insurance Laws **Semester IX**

BA LLB (H) **Course Code: BAL 903**

1.0. Course Description

The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had molded and affected the banking structure, policies, patterns and practices. The commercial banks entered 'into the field of wide ranging financial assistance to industry, both large and small scale, requiring the need for social control of the banking system eventually leading to the nationalization of banks. The insurance idea is an old-institution of transactional trade. The age old form of insurance was the marine insurance. Consequently, in due course of time fire and life insurance, made their appearance. Within the last hundred years the insurance principle is being extended wider. Today one finds insurance cover for accidents, motor vehicles, glass, live stock, crop, burglary and various other disasters. Insurance is a device not to avert risks, calamities and disasters; but to mitigate their rigors and. financial losses. The function of insurance is to spread such loss arising from risks of life over a large number of persons.

2.0. Course Objective

This course is designed to acquaint the students with the conceptual and operational parameters of banking and Insurance law, the judicial interpretation and the new and emerging dimensions of the banking and Insurance system.

3.0Course Outcome

As now the scope of Baking and Insurance sector is getting wider from the conventional role. Students to be well acquainted with the conceptual as well as practical aspects of Banking and Insurance Laws as per the changing scenario.

4.0. Pedagogy

Learning begins with Socratic Method to be followed by dialectic process of learning and critiquing; gradually to develop in case studies, research and finally to go for art of lecture and convincing the listeners.

5.0 Evaluation Scheme

(A) Continuous Evaluation:

Projects (15 marks for projects+5 marks for presentation)	20

Dean School of Law
Galgotias University
Uttar Pradesh

(B) **Semester End Examination (SEE)**	80
Total	100

6.0 Syllabus

UNIT – I: Banking System in India

a) Indian Banking Structure - Origin – Evolution of Banking Institutions, Financial Institutions- Types and functions of banks.
b) Relationship between banker and customer
   - Nature and type of accounts
   - Contract between banker & customer
   - Banks duty to customers
   - Recent Trends in Banking: Automatic Teller Machine and Internet Banking, Mobile Banking, Smart Cards, Credit Cards.

CASES

- Radha Raman Choudhary & others v. Chota Nagpur Banking Association Ltd [(1945) 15 Comp Cas 4]
- Haridas Mundra v. National and Grindleys Bank Ltd. [AIR 1963 Cal 132]Y. Jameela Beevi v. State Bank of Travancore (1992) 74 Comp. Cases 736.
- In Re Supreme Court of India v. Official Liquidator and Others (37,Comp. Cases. 392)

UNIT II Banking Regulation Laws

a) Reserve Bank of India Act, 1934
b) Banking Regulation Act, 1949

CASES

- Sardar Gulab Singh v. Punjab Zamindara Bank Ltd. (AIR 1942 Lah. 47)
- Sajjan Bank (Pvt.) Ltd. v. Reserve Bank of India, AIR 1961 Mad. 8 133
- Bank of India v. karnam Banga Rao & others AIR 1986 Kant 242.
- Andhra Bank Ltd. Bonu Narasamma [(1988) 63 Comp. Cas.p 328]
- Peerless General Finance & Investment Co. Ltd. v. Reserve Bank of India AIR 1992 SC 1033.
- Pranab kumar Rai & another v. Reserve Bank of India AIR 1993 Cal.50.
- Canara Bank v. P.R.N. Upadhyaya (1998) 6 SCC 526.

UNIT - III Law relating to Negotiable Instruments, 1881 Act

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

a) **Kinds of Negotiable Instruments:** Promissory Note, Bill of Exchange, Cheque – Definition and Nature.

b) **Holder and holder in due course:** Presentment and payment– Parties –Negotiation- Assignment – Presentment – Endorsement – Liability of parties – Payment in due course

c) **Crossing of Cheques: O**bject of crossing; Kinds of crossing – general, special, not-negotiable & account payee crossing; Who may cross?.

d) **Liabilities for Dishonour of Cheques :** Dishonour of cheque for insufficiency etc. of funds; cognizance of offences .

CASES:

- London Joint Stock Bank, Ltd. v. Macmillan (1918-19) All ER Rep. 30
- Mohammad Akbar Khan v. Attar Singh, AIR 1936 PC 17
- Nunna Gopalan v. Vuppuluri Lakshminarasamma, AIR 1940 Mad. 631
- Lachmi Chand v. Madanlal Khemka, AIR 1947 All. 52
- Ponnuswami Chettiar v. P. Vellaimuthu Chettiar,AIR 1957 Mad. 355
- Nanga v. Dhannalal, AIR 1962 Raj. 68
- U. Ponnappa Moothan Sons v. Catholic Syrian Bank Ltd. (1991) 1 SCC 113
- Ashok Yeshwant Badeve v. Surendra Madhavrao Nighojakar, AIR 2001 SC 1315
- State Bank of India v. United Commercial Bank Ltd., AIR 2003 Del. 284

UNIT IV Lending, Securities and Recovery by Banks

a) Principles of Lending
b) Default and recovery, Recovery of debts, Debt Recovery Tribunal.
c) Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002.

CASES:

- Yenumula Mallu Dora v. Peruri Seetharathnam (1966) 2 SCR 209
- Margaret Lalita Samuel v. India Commercial Bank Ltd. [AIR 1979 SC 102]
- Kustoor Chand Rai Bahadur v. Dhumput Singh (1895) 22 I.A. 162
- Union of India & Another v. Delhi Bar Ass & others (2002) 4SCC 275
- Mardia Chemicals Ltd. V. Union of India (AIR 2004SC 2371)
- Transcore v. Union of India (AIR 2007 SC 279)

UNIT V Insurance

a) Nature- Definition- History of Insurance- History and development of Insurance in India

b) Legal Framework
  - Insurance Act, 1938
  - IRDA Act 1999

Dean School of Law
Galgotias University
Uttar Pradesh

c) Nature of Insurance Contracts: Contract of Insurance: Classification of contract of Insurance- Nature of various Insurance Contracts- Parties there to- Principles of good faith – non disclosure –Misrepresentation in Insurance Contract.

d) Premium: Definition-method of payment, days of grace, forfeiture, return of premium, Mortality; The risk - commencement, attachment and duration.

CASES

- Mithoolal Nayak v. Life Insurance Corporation of India,AIR 1962 SC 814
- Kasim Ali Bulbul v. New India Assurance Co., AIR 1968 J & K 39
- Smt. Krishna Wanti Puri v. Life Insurance Corporation of India, AIR 1975 Del. 19
- Smt. Dipashri v. Life Insurance Corporation of India,AIR 1985 Bom 192
- Life Insurance Corporation of India v. Smt. G.M. Channabasamma (1991) 1 SCC 357
- Life Insurance Corporation of India v. Ajit Ganghadhar Shanbhag, AIR 1997 Kant. 157
- M/s Krisna Food & Baking Industry P. Ltd. v. M/s New India Assurance Co. Ltd., 2008 (13) SCALE 747
- Life Insurance Corporation of India v. Asha Goel, AIR 2001 SC 549

UNIT VI Kinds of Insurance

a) Life Insurance : Meaning and Concept, Types of Life Insurance , Documentation of Life Insurance Contract, Settlement of Claims.

b) Health Insurance : Definition, Health Insurance Policies, Future of Health Insurance in India.

c) Marine Insurance: History , Definition , Meaning of Fire Perils, Subject Matter, Types of Marine Policy, Warranties, Marine Insurance in India.

d) Fire Insurance : Definition, Meaning, Subject Matter, Types of Fire Policies, Claim Procedure.

e) Motor Vehicles Insurance : Definition, Principles of Motor Insurance, Claim Settlement.

CASES

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

7.0 Prescribed Books

1) Mark Hapgood, Paget's Law of Banking
2) Birds, Modern Insurance Law

Dean School of Law Galgotias University Uttar Pradesh

GALGOTIAS UNIVERSITY Uttar Pradesh

3) Ross Cranston, Principles of Banking Law
4) E.R. hardy Ivamy, General Principles of Insurance law
5) Edwin W. Patterson, Cases and Materials on law of Insurance
6) C.R. Datta & P.M. Bakshi, M.L. Tannan's Banking - Law and Practice in India
7) S.V.Joga Rao, M.N. Srinivasan's Principles of Insurance Law
8) M. Dassesse, S. Isaacs and G. Pen, E.C. Banking Law
9) R.K. Gupta, Banking - Law and Practice (2nd ed. 2008)
10) R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993
11) M.R. Umarji, Law and Practice Relating to Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interests
12) Vinod Kothari: Securitisation, Asset Reconstructi on & Enforcement of Security Interests,
13) R.C. Kohli, Practical Approach to Recovery Management in Banks/FIs & Securitisation Act
14) O. P. 'Faizi' & Ashish Aggarwal, Khergamvala on The Negotiable Instruments Act
15) Ranganath Misra, Bhashyam & Adiga's The Negotiable Instruments Act
16) Avtar Singh, Negotiable Instruments
17) S. Krishnamurti Aiyar, Law Relating to the Negotiable Instruments Act
18) K.S.N. Murthy & K.V.S. Sarma, Modern Law of Insurance in India
19) Banerjee – Law of Insurance, Asia Law House,
20) M.N. Sreenivasan, Law and the Life Insurance Contract
21) M. S. Parthasarathy (Ed.), Khergamvala - Negotiable Instruments Act.

7.1. Recommended Readings:

1) Law Commission of India, *Eleventh Report on the Negotiable Instruments Act, 1881* (1958)
2) Law Commission of India, *One hundred and twenty fifth Report relating to establishment of Evening Courts* (1988)
3) Law Commission of India, *Two hundred thirteenth Report on Fast Track*
4) Janakiraman Committee Report on Securities Operation of Banks and Financial Institution (1993)
5) Narasimham Committee report on the Financial System (1991)- Second Report (1999)

7.2 E-Journals

(i) Manupatra

(ii) Lexus Nexus

8.0 Faculty Contact Hours: 2 pm to 4 pm

Dean School of Law
Galgotias University
Uttar Pradesh

BAL/ BBL 803	Competition Law	L	T	P	C
Version1.1		3	1	0	4
Pre-requisites//Exposure	Consumer Protection Act, 1986				
co-requisites	Sector Regulators				

Course Objectives

1. To serve as a foundational course on competition law and policy.
2. To enable students to critically reflect upon the basic principles and policies of competition law.
3. To know various business practices that may restrict competition in economic markets through private and public enforcement
4. To analyze how competition law can curb anticompetitive activities and facilitate free competition.

Course Outcomes

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

1. Integrate theory, doctrine and practice by understanding the significance of Competition Law in controlling unfair practices of various business enterprises hampering interest of consumers.
2. Understand the meaning and scope of various anti-competitive practices, abuse of dominant position and combinations and the rules and regulations governing them.
3. Analyze the role of Competition Commission of India in regulating competition and its conflict with other sector regulators for ensuring Competition in market.

Catalog Description

Till 1975, there were only a handful of countries having competition laws on their statute books. Today, more than 90 jurisdictions boast some form of competition laws. The Indian parliament passed the Competition Act, 2002, which has replaced the Monopolies and Restrictive Trade Practices Act, 1969. As India transitions from a "command and control" economy to a "free- market" economy, the nascent Competition Act is supposed to act as a bulwark of necessary support structure. Competition plays a vital role in ensuring productivity, innovation and responsive market. Policies to stimulate competition are a key driver for improving

Dean School of Law
Galgotias University
Uttar Pradesh

the micro and macroeconomic performance of an economy. In a liberalized economy customer is equipped with the assurance of better quality of goods and services at an affordable price.

Text Books

1. D.P. Mittal, "Competition Act, 2002", 3rd Edition, Taxmann Publications, 2007
2. Abir Roy & Jayant Kumar, " Competition Law in India", 2nd Edition, Eastern Book Company, 2014

Reference Books

1. T. Ramappa, "Competition Law in India: Policy, Issues and Developments", 3rd Edition, Oxford University Press, USA, 2006
2. K.S. Anantharaman, " Lectures on Competition law", 10th Edition, Lexisnexis Butterworth Wadhawa, Nagpur, 2013
3. S.M. Dugar," Commentary on MRTP Law, Competition Law & Consumer Protection Law", 5th Edition, Eastern Book Company, 2010
4. Dr. H.K.Saharay, "Textbook on Competition Law", 1st Edition, Universal Law Publishing Company, 2012
5. Avtar Singh, "Competition Law", 1st Edition, Eastern Book Company, 2012
6. Vinod Dhall, "Competition Law Today: Concepts, Issues and the Law in Practice", Oxford University Press, 2007

Course Content

Module 1: Introduction to Competition Law **8 lecture hours**

- Meaning of Market Structure: Perfect Market Structure, Imperfect Market Structure
- Monopoly and anti-trust policy, Monopolistic competition
- Oligopoly. Inception of Competition Laws: A comparative study
- Interface between Economics and Competition Law and economic concerns of competition law
- Definition of Competition, Competition Law
- Objectives of Competition Law, History of Competition Law (USA, UK, Europe-Relevant Provisions)
- WTO and Competition Law

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

Case Law:

- *Haridas Exports v. All India Float Glass Manufacturers. Association,* AIR 2002 SC 2728

Module 2: Regulatory Framework in India **7 lecture hours**

- Constitutional vision of social justice (Article 39A),
- Objectives and Recommendations of Sachar Committee and Raghavan Committee,
- MRTP Act-Salient features and its amendment in 1991,
- Competition Act 2002: Main features of Competition Act 2002

Module 3: Regulation of Competition in Market **18 lecture hours**

- Anticompetitive Agreements- (Section 3): Appreciable Adverse Effect, Horizontal and Vertical Agreements, Effects Doctrine, Concerted Practices and Parallel Behaviour, Cartel and Cartelisation, Bid-Rigging and Collusive Bidding, Tie-In Arrangements, Exclusive Supply Agreement, Resale Price Maintenance Agreement, Cartelization.
- Abuse of Dominance (Section 4): Relevant Market, Predatory Behaviour, Predatory Pricing, Discriminatory Practices.
- Regulation of combination (Section 5): Value of Assets, Turnover, Acquisition, Conglomeration, Joint Venture, Merger and Amalgamation.
- Competition Commission of India: Establishment and Composition, Duties, Procedure for Inquiry, Powers, Competition Appellate Tribunal (COMPAT): Powers and Duties.

Case Laws:

- *Alkali Manufacturers Association of India v Sinochem International Chemicals Co. Ltd,* (1999) 98 Comp Cas.
- *Union of India v. Hinsuatan Development Corporation,* AIR 1994 SC 988.
- *Competition Commission of India v. Steel Authority of India, Decided by CCI,* Civil Appeal No. 7779/2010.
- *Neeraj Malhotra v. Deustche Post Bank Home Finance Ltd,* Decided by CCI on 2.12.2010.
- *Belaire Owner's Association v. DLF Limited,* Decided by CCI, Case No. 19 of 2010.

Dean School of Law
Galgotias University
Uttar Pradesh

- *MCX Stock Exchange Ltd. V. National Stock Exchange of India Ltd.,* Decided by CCI, Case No. 13 of 2009.
- *United States v. Microsoft Corporation* 253 F.3d 34.
- *Indian Sugar Mills Association and others v Indian Jute Mills Association and others,* Decided by CCI, Case No. 38 of 2011.
- *Re: Suo-moto case LPG cylinder manufacturers,* Suo Moto Case No. 03 of 2011
- *Pankaj Aggarwal & Sachin Aggarwal v DLF Gurgaon Home Developers Private Limited,* Case No. 13 & 21 of 2010 and Case No. 55 of 2010

Module 4: Regulatory Interface between CCI and other Regulators **7 lecture hours**

- Regulatory interface between Competition Commission and other regulators:
- Securities and Exchange Board of India,
- Telecom Regulatory Authority of India,
- Insurance Regulatory Authority of India,
- National Consumer Dispute Redressal Commission,
- Reserve Bank of India.

Case Laws:

- *Reliance Airport Developers Pvt. Ltd. v. Airports Authority of India,* 2006 (11) SCALE 208; MANU/SC/4912/2006
- *Consumer Online Foundation v. Tata Sky Ltd. & Other Parties* [Case 2/2009]

Module 5: Consumer Protection Act, 1986 and its Applicability to Competition Act, 2002

5 lecture hours

- Relationship of CPA and Competition Act, 2002:
- Definition of Consumer, Definition of Service,
- Deficiency in Service,
- Unfair Trade Practices

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

Dean School of Law
Galgotias University
Uttar Pradesh





	Theory	
Components	**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	To integrate theory, doctrine and practice by understanding the significance of Competition Law in controlling unfair practices of various business enterprises hampering interest of consumers.	1,3
2	To understand the meaning and scope of various anti-competitive practices, abuse of dominance and combinations and the rules and regulations governing them.	2,3
3	To analyze the role of Competition Commission of India in regulating competition and its conflict with other sector regulators for ensuring Competition in market.	1,2

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)

Dean School of Law
Galgotias University
Uttar Pradesh
GALGOTIAS UNIVERSITY

		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- 516	**Competition Law**	1	3	3	2	1

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Galgotias University, Greater Noida

School of Law

End Term Examination

LLB (Hons.)/ Fifth Semester/ 2015

Course Name: Competition Law **Max Marks: 100**

Course Code: LLB 516 **Time: 03.00 hr**

Instructions:

1. Attempt all sections.

Section A **(10 Marks)**

1. (a) Identify the provision which prohibits Bid-Rigging as a form of Anti-Competitive behaviour

(b) Whether Horizontal agreements or vertical agreements are more anti-competitive in nature?

(c) What is meant by Competition Advocacy as per the Competition Act, 2002?

(d) Can the CCI take Suo-Moto Cognizance of anti-competitive behaviour by an enterprise? If yes, cite two such cases.

(e) State the provision for imposition of penalty for anti-competitive practices under Competition Act, 2002.

2. Write short notes on the following:

a) Appreciable Adverse Effect as a standard of anti-competitive behaviour.

b) Effects Doctrine

Section B **(20 Marks)**

3. What are the objectives of Competition Act, 2002? Discuss the main purposes of Competition Act, 2002. Elaborate points of difference between the new law and the Monopolies and Restrictive Trade Practices Act, 1969.

Section C **(40 Marks)**

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh *

4. What is a Cartel? Discuss the nature and impact of cartelization prevailing in the current Indian Business scenario.

5. Give a critical appraisal of the powers and working of the authorities established under the Competition Act, 2002. Suggest measures to reduce instances of anti-competitive behavior.

6. What is a Combination as per the Competition Act, 2002? To what extent the present law is effective in regulating them?

7. Write short notes on:

(a) Competition Advocacy

(b) Overlapping areas in the Consumer Protection Act, 1986 and the Competition Act, 2002

8. Discuss in light of relevant committee reports the need for a shift from monopolistic restrictive trade policies to competitive policies in contemporary India.

Section D **(30 Marks)**

9. "An Act to regulate the anti-competitive practices, for the welfare of consumers and to promote competition in market". In light of the statement highlight the need for competition Act, 2002. Also discuss the important provisions of the Act.

10. Enumerate the kinds of anti-competitive behaviour prohibited under section 3 of Competition Act, 2002. Also discuss the role of CCI in regulating and preventing such practices.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

GALGOTIAS UNIVERSITY
SCHOOL OF LAW
SYLLABUS

Course Title: Constitutional Law I **Semester: III**

B.A.LL.B. (H) **Course Code: BAL 305**

1.0 Course Description

India is a welfare state. The fact that the preamble of the Constitution itself envisages India to be a 'socialist' state bears enough evidence for this. While fundamental rights enumerated in Part III of the Indian Constitution are explicitly justiciable in the court of law, Part IV containing Directive Principles of State Policy are the guiding principles which form the basis of the governance of a nation. There is a delicate balance between these two aspects of our Constitution and has been interpreted variedly by the courts. This course is designed to necessitate a coherent and socially relevant understanding of their interrelationship through a comparative analysis of case law. The chapter of Fundamental duties under Part IV-A of the Indian constitution is also studied in this course to understand the role of these duties in upholding the constitutional values.

2.0 Course Objective

Rights form the basis of laws. Hence the basic objective of this course is to understand the jurisprudential aspect of the rights guaranteed to the citizens by the Constitution of India. The course is devoted to study constitutional governance through a detailed analysis of rights, duties and directive principles of state policy enshrined in the Indian Constitution.

3.0 Course Outcome

After completion of the course the student shall

a) Understand the jurisprudence of the fundamental freedoms guaranteed to the citizens of India
b) Learn the Fundamental rights and duties guaranteed by the constitution
c) Acquire a basic knowledge of the constitutional remedies in case of violation of fundamental rights
d) Study the interrelationship between fundamental rights, fundamental duties and Directive principles of state policy and their role in achieving the constitutional goals
e) Analyse the case law critically in the context of the ideal of a welfare state

Dean School of Law
Galgotias University
Uttar Pradesh

Uttar Pradesh * GALGOTIAS UNIVERSITY *

4.0 Evaluation Scheme

(A) Continuous Evaluation:

(i) Projects	
(15 marks for projects+5 marks for presentation)	20 marks

(B) Centralized Evaluation

(i) Ist Mid-Semester Examination (after one month's academics)	10 marks
(ii) 2nd Mid-Semester Examination (after two month's academics)	10 marks
(ii) 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.

5.0 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
- Presentations
- Case Laws
- Case Observation
- Research Projects
- Seminar
- Moot problems

6.0 Syllabus

Module 1: – Constitution, Constitutional Law and Constitutionalism:

Concepts of Constitution, Constitutional Law and Constitutionalism, history of constitutional law – Forms and characters of various models of constitution – written and unwritten – secondary rules of governance vis-à-vis Constitution – unitary vis-à-vis federal – rigid vis-à-vis flexible – Parliamentary vis-à-vis Presidential forms of governments- Formation of Constituent Assembly-drafting of the Constitution of India and various interaction of forces-

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

Adoption of the Constitution of India and promulgation – 1946 to 1950— Justifiability of fundamental rights – Doctrine of eclipse, severability, waiver. Distinction between pre-constitutional law and post-constitutional law

[*Keshavananda Bharati v. State of Kerala*, AIR 1973 SC 1461; *Excel Wear v. Union of India* AIR 1979 SC 25; *Bhim Singhji v. Union of India,* AIR 1981 SC 234; *State of Kerala v. N.M.Thomas* AIR 1976 SC 490 *Waman Rao v. Union of India* AIR 1981 SC 271; *Minerva Mills Ltd. V. Union of India* AIR 1980 SC 1789, *Dharwad Employees v. State of Karnataka*, AIR 1990 SC 883

Module 2 : Right to Equality(Article 14): Right to equality, including equality before law, prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, and equality of opportunity in matters of employment, abolition of untouchability and abolition of titles

[State of West Bengal v. Anwar Ali AIR 1951 SC 75, Meenakshi Mills v. Viswanath AIR 1955 SC13, Shri Sita Ram Sugar CoLtd v. Union of India,AIR 1990SC 1277 Naga People's Movements of Human Rights v. Union of India AIR 1998 SC 431, BALCO Employees'Union v. Union of India AIR 2002 SC 350 John Vallamattom v. Union of India AIR 2003 SC 2003, St Stephen's College v. University of Delhi AIR 1992SC1630, Indian Express Newspapers v. Union of India, AIR 1986 SC 515]

Reservation (Article 15 & 16): General principle of reservation vis-à-vis affirmative action in US – Pull and push process of reservation – reservation vis-à-vis principle of equality and state special responsibility create of substantial basis of negative application of principle of equality – general principle of non-discrimination - special provision for women and children – state special responsibility for advancement of socially and educationally backward community or scheduled caste and scheduled tribes

[*State of Uttar Pradesh v. Balaram, AIR 1972 SC 1375, Ajay Kumar v. State of Bihar (1994) 4 SCC 401, state of Sikkim v. Surendra Prasad Sharma AIR 1994 SC 2342, Mohan Bir Singh Chawla v. Punjab University AIR 1997 SC 788, Prabhakar v. State of Andhra Pradesh AIR 1986 SC 210, Shiv Charan v. State of Mysore AIR 1965 SC 280, Balaji v. State of Mysore AIR 1963 SC 649, }*

Module 3: Right to freedom (Arts. 19(1), 19 (2), 20(2), 20 (3), 21, 22)

Right to freedom which includes speech and expression, assembly, association or union or cooperatives, movement, residence, and right to practice any profession or occupation (some of these rights are subject to security of the State, friendly relations with foreign countries, public order, decency or morality), right to life and liberty, right to education, protection in respect to conviction in offences and protection against arrest and detention in certain cases.

Dean School of Law
Galgotias University
Uttar Pradesh

Uttar Pradesh * GALGOTIAS UNIVERSITY *

[*Communist Party of India (M) v. Bharat kumar AIR 1998 SC 184, Sagir Ahmed v. State of Utter Pradesh AIR 1954 Sc 728, Ram Jaways v. State of Punjab SIR 1955 SC 549 T.M.A. Pai Foundation v. State of Karnataka AIR 2003 SC 355, State of MP, v. Nand Lal AIR 1987 SC 251 Express Newspapers v. Union of India AIR 1986 SC 872 Dinesh Trivedi v. Union of India (1997) 4SCC 306, Khare v. State of Delhi AIR 1950 SC 211, State of Maharastraa v. Rajendra J.Gandhi AIR 1997 SC 3986, Francis CoralieMullin v. Administration of Delhi AIR 1981 SC 746, M.C.Mehta v. Union of India AIR 1987 SC 1086, Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802, Indian Council for Enviro-legal Action v. Union of India AIR 1996 SC 1446, Vellore Citizens Welfare Forum v. Union of India AIR 1996 SC 2715 State of Punjab v. Mahinder Singh Chawla AIR1997 SC 1225], State of Rajasthan v. Hat Singh AIR 2003 SC 791 Mr. X v. Hospital Z AIR 1999 SC 495R.K.Dalmia v. Delhi Administration AIR 1962 SC 1821, Gopalan v. State of Madras, AIR 1950SC 27, Francis CoralieMullin v. Administration of Delhi AIR 1981 SC 746, M.C.Mehta v. Union of India AIR 1987 SC 1086, Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802, Indian Council for Enviro-legal Action v. Union of India AIR 1996 SC 1446, Vellore Citizens Welfare Forum v. Union of India AIR 1996 SC 2715 State of Punjab v. Mahinder Singh Chawla AIR1997 SC 1225.*

Module 4: Right against exploitation:((Arts. 17, 23 and 24)

Right against exploitation, prohibiting all forms of forced labour, child labour and traffic in human beings

[Bandhua Mukti Morcha v Union of India AIR 1984 SC 802, Neeraja Choudhary v State of Madhya Pradesh AIR 1984 SC 1099)

Module 5: Right to Freedom of Religion: (Arts. 25(2) and 26)

Right to freedom of religion, including freedom of conscience and free profession, practice, and propagation of religion, freedom to manage religious affairs, freedom from certain taxes and freedom from religious instructions in certain educational institutes.

[*Acharya Jagadiswarananda v. Commissioner of Police, Calcutta AIR 1984 SC 51, Divyadarshan v. State of Andhra Pradesh AIR 1970 SC 181, Dalbir v. State of Punjab AIR 1962 SC 1106, Frank Antony Association v. Union of India AIR 1987 SC 311, Arya Samaj Education Trust v Director of Education AIR 1976 Del 207, Bihar State Madrasa Board v. Madarsa Hanafia AIR 1990 SC 695, St Stephen's College v. University of Delhi AIR 1992 SC 1630*

Module 6: Cultural and Educational rights (Arts. 15(1) & 15 (4), 29(1), 29(2), 30)

Right of any section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice.

(Jagdev Singh v Pratap Singh, AIR 1965 SC 183,Usha Mehta v State of Maharashtra, (2004) 6 SCC 264, State of Bombay v Bombay Education Society AIR 1954 SC 561, TM Pai

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law
Galgotias University
Uttar Pradesh

Foundation v Karnataka(2002) 8 SCC 481, Ahmedabad St. Xaviers College v State of Gujarat AIR 1974 SC 1389, In re the Kerala Education Bill AIR 1958 SC 956, St.Stephens College AIR 1992 SC 1630

Module 7: Right to Constitutional remedies: (Arts. 32 and 226)

Nature and need for distinctive constitutional remedies distinguished from legal remedies – types of remedies – habeas corpus, mandamus, prohibition, quo warranto, and certiorari – nature and procedure of these writs – right to move to the Supreme Court is a fundamental right in itself – basic features – laches or unreasonable delay in instituting writ petition – limits of writ jurisdiction – natural justice – public interest litigation .

[*Haji Esmail v. Competent Officer, AIR 1967 SC 1244, FCI Workers v. Food Corporation of India AIR 1990 SC 2178, Ratlam Municipality v. Vardichan, AIR 1980 SC 1622, M.C.Mehta v. Union of India AIR 1987 SC 1086, and AIR 1999 SC 2583, Pramod v.Medical Council, (1991) 2 SCC 179,*]

Module 8 : Directive Principles of state policy, Fundamental rights and Fundamental Duties:

Non-binding character of the policies –social and welfare perspectives – positive aspects of DPSP – certain principles such as adequate livelihood, use of material resources to subserve the common good, economic system not to produce common detriment, equal pay for equal work, health and strength of workers not to be abused, opportunities to be given to children to develop, equal justice and free legal aid, - Cohesion of fundamental rights and directive principles –Fundamental duties

7. **Select bibliography**

1. Shukla V.N.: Constitution of India, Eastern Books Company, Lucknow.

2. Pandey J.N.: Constitutional Law of India, Central Law Agency, Allahabad.

3. Austin, Granwille: The Indian Constitution - Corner Stone of a Nation, 1966, Oxford University, Press, New Delhi.

4. Basu D.D.: Constitutional Law of India, Prentice Hall of India, New Delhi.

5. Jain, M.P.: Indian Constitutional Law, Wadhwa & Co., Nagpur.

6. Subba Rao, GCV.: Indian Constitutional Law, Eastern Books Company, Lucknow.

7. Tope T.K.: Constitutional Law of India, Eastern Book Company, Lucknow.

8. Shiva Rao B.: The Framing of India's Constitution (in 5 volumes), Indian Institute of Public Admn., New Delhi.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh *

9. Seervai, H.M.: Constitutional Law of India (in 3 volumes), M.M. Tripathi, Bombay.

10. Constituent Assembly Debates (5 books) - Official report, Lok Sabha Secretariat, New Delhi.

8. E-Journals

Manupatra
Lexis Nexis



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

- Class Room Discussion
- Presentations
- Case Laws
- Case Observation
- Projects
- Seminar

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

Dean School of Law
Galgotias University
Uttar Pradesh

judicial 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)

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)

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

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law
Galgotias University
Uttar Pradesh

- 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

Unit I: **Copyright and Cinematographic History** 5 lectures

- Rationale of Copyright and its Applicability on Cinematographic Works
- Copyright in Films During Colonization
- India and Development of Copyright Law

Unit II: **Legalities in the Cinematographic Work** 10 lectures

- Determination of Originality in Cinematographic Work
- Authorship and Ownership
- Legal Stakeholders in a Film
- Statutory Rights Conferred on the Stakeholders
- Neighbouring Rights and Moral Rights
- Registration of the work
- License and Assignment
- Infringement

Unit III: **Issues related to Copyright in Films** 10 lectures

- Broadcast Reproduction
- Consent of the Author
- Clearances
- Including Traditional Art form in Mainstream Cinematographic Work
- Piracy and Fair-use
- Defamation

Dean School of Law
Galgotias University
Uttar Pradesh

Unit IV: **Internet and Films** 6 lectures

- WIPO Internet Treaties
- Legal Issues involved in Online Downloading Software
- Fixing the liability
- Case studies

Evaluation:

	Theory	
Components	**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	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**

GALGOTIAS UNIVERSITY ★ Uttar Pradesh ★

Dean School of Law
Galgotias University
Uttar Pradesh

		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
Course Code:	**Copyright Law in Film Industry**	1	1	2	3	3





BBL/BAL 513	Corporate Law-I	L	T	P	C
Version1.1		4	1	0	5
Pre-requisites//Exposure	Indian Contract Act, 1872				
co-requisites	None				

Course Objectives

- To develop an understanding of company as a form of business enterprise
- To gain knowledge of the various provisions of Company Law including the statutory guidelines.
- To analyze the judicial interpretations of various provisions of Companies Act.

Course Outcomes

On completion of this course, the students will be able

- To attain knowledge of practical aspects of a company and know various rules and regulations governing a company: its formation and its functioning..
- To understand various principles governing companies such as Doctrine of Ultra Vires, Indoor Management etc.
- To know the ethical, social and professional obligations of various personnel running a company.
- To understand the procedure of issue and listing of securities.
- To analyze the effects and the development brought by New Act in the Old Act.

Course Description

In view of increasing emphasis on adherence to the norms of good governance, company Law assumes a pivotal position in the regulation of corporations at it deals with the formation, incorporation, structure, management, administration of affairs of a company. There has been a significant development in ownership of shareholdings of a company. The history of Indian Company Law begins with the Joint Stock Companies Act of 1850. Since then there has been continuous process of amendment and consolidation which has resulted into most comprehensive piece of Legislation, the Companies Act, 1956 and more recently the Companies Act, 2013, which contains a modified version of the Companies Law. The Companies Act is divided into two parts: Corporate Law-I and Corporate Law-II. Corporate Law-II will contain the topics of

Dean School of Law
Galgotias University
Uttar Pradesh

Majority Rule, Oppression and Mismanagement, Reconstruction and Amalgamation of Companies and Winding up of Companies.

Text Books

(1) Avtar Singh, *Company Law*

(2) Dr. S.C.Tripathi, *Companies Act, 2013*

Reference Books

1) Ramaiya, *Guide to the Companies Act*
2) H.K. Saharay, *Company Law*
3) K.M. Ghosh & Dr. K.R. Chandratre's *Company Law*
4) Palmer's *Company Law*

Course Content

Unit I: Company as a Form of Business Enterprise **11 lecture hours**

Definition of a Company; Evolution and development of Company Law in England and India Major Changes Introduced by the Companies Act, 2013.

Company and other business entities such as partnership, limited liability partnership, Joint Hindu family business, Changes in business environment and developments of Modern Company Law.

Kinds of Companies – One Person Company- Definition, Characteristics, Public and Private Companies; Limited and Unlimited Liability Companies - limited by shares and limited by guarantee; Holding and Subsidiary Companies; Foreign Companies; Government Companies; Producer Companies .

Concept of Corporate Personality: Company as a juristic (or legal) person Consequences; Advantages and Dis-advantages of Incorporation, Piercing the Corporate Veil – Judicial and Statutory grounds.

CASES

- Salomon v A Salomon and Co Ltd [1897] AC 22
- Lee v. Lee's Air Farming Ltd.(1961) A.C.12(P.C)
- Re Kondoli Tea Co Ltd., (1886) ILR

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

- Daimler Co Ltd v. Continental Tyre & Rubber Co Ltd., (1961) 2 AC307
- Dinshaw Maneckjee Petit, re, AIR 1927 Bom 371
- CIT v Associated Clothiers Ltd., AIR 1963 Cal 629
- PNB Finance Ltd. V Shital Prasad Jain, (1983) 54 Comp Cas 66
- LIC v Escorts Ltd, (1986) 1 SCC 264

Unit II: Incorporation of a Company **5 lecture hours**

Promoters - Duties, powers and liabilities, Legal position of a promoter, Pre-incorporation contracts.

Formation of Company: Important steps, Procedure of registration, Corporate Identity Number (CIN)

Registrar of Companies (ROC): its role and its importance

Certificate of Incorporation and its conclusiveness, Certificate of Commencement of Business and its conclusiveness

CASES

- Emile Erlanger v. New Sombrero Phosphate Co. (1878) 3 App Cas 121
- Natal Land & Colonisation Co. V Pauline Colliery Syndicate, 1904 AC 120
- Kelner v Baxter, (1866) LR 2 CP 174
- Ramkumar Potdar v Sholapur Spinning and Weaving Company Ltd, AIR 1934 Bom 427
- T.R.Pratt Ltd. V. E.D. Sasson & Co Ltd., A.I.R.1963 Bom.62
- Gramphone and Typewriter Co. v. Stanley(1906) 2K.B.856
- Short v. Treasury Commissioners,(1948) A.C.534

Unit III: Memorandum of Association, Article of Association and Prospectus 16 lecture hours

Memorandum of Association: Need, Contents of Memorandum, Printing and Signing of Memorandum. Name Clause, Object Clause, Registered Office Clause, Capital Clause and Liability Clause and Procedure for alteration.

Doctrine of *Ultra Vires* – its origin, erosion and evasion, consequences of an *Ultra Vires* transaction

Dean School of Law
Galgotias University
Uttar Pradesh

Articles of Association: Contents, Relation with Memorandum, Doctrine of Constructive Notice Doctrine of Indoor Management – *Turquand* Rule – origin, application and exceptions

Prospectus: Definition, Contents, Red-Herring Prospectus, Shelf Prospectus, Remedies for misrepresentation in Prospectus: Civil and Criminal Remedies, filing of prospectus with SEBI

CASES

- Society of Motor Manufacturers and Traders Ltd v Motor Manufacturers and Traders Mutual Insurance Co Ltd., (1925) 1 Ch 675
- Orissa Chemicals and Distilleries (P) Ltd., re, AIR 1961 Ori 62
- Mackinnon Mackenzie & Co, re (1967) 1 Comp LJ 200
- Re Jon Beauforte Ltd. [1953] Ch. 131
- Ashbury Railway Carriage & Iron Co. Ltd. V. Riche (1875) L.R. 7 H.L.653
- Dr Lakshmanaswami Mudaliar A. v. LIC (1963) Comp LJ 248
- Bell Houses Ltd. V. City Wall Properties Limited (1966)
- Royal British Bank v. Turquand (1856) 119 E.R.886
- Howard v. Patent Ivory Co (38 Ch. D156)
- Anand Bihari Lal v Dinshaw & Co., AIR 1942 Oudh 417
- Ruben v. Great Fingall Consolodated,1906 AC 439

Unit IV: Shares and Debentures **10 lecture hours**

Types of securities investment, Share, stock, stock option, share warrant

Kinds of Share Capital, Member- who may be a member

Statutory Restrictions on Allotment, General Principles as to allotment, Private Placement of Shares, Certificate of shares, Object and effect of share, Transfer of shares- Restrictions on transfer of shares.

Issue of shares at Discount, Sweat Equity Shares, Issue of shares at Premium

Forfeiture of Shares, Surrender of Shares, transfer and transmission of shares

Debentures- Definition, Kinds and differences between shares and debentures

Unit V: Meetings of a Company **6 lecture hours**

Meetings – Kinds of meetings- annual, extraordinary general meeting, Board of Directors meeting

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

Procedure and requisites of a valid meeting Notice, Quorum, Adjournment, Proceedings, Voting, Proxy

Resolutions – kinds, circulation of members' resolutions, resolutions by circulation, minutes

Unit VI: Directors of a Company **12 lecture hours**

Directors – types, qualifications (DIN), disqualifications, appointment, Number of Directorship, remuneration, Resignation and Removal, Vacation of Office of Directors, Register of Directors and Key Managerial Personnel and their shareholders

Powers and Duties of Directors; Breach of Corporate Duties; Remedies for breach

Managing Director – appointment, term, remuneration and removal

CASES

- Allen v. Hyatt, (1914) 30 TLR 444
- Percival v. Wright, (1902) 2 Ch 421
- Burland v. Earle, 1902 AC 83
- City Equitable Fire Insurance Co, re, 1925Ch 407
- Regal (Hastings) Ltd. V. Gulliver, (1967) 2 AC 134

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

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

Dean School of Law
Galgotias University
Uttar Pradesh

Uttar Pradesh * GALGOTIAS UNIVERSITY *

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 attain knowledge of practical aspects of a company and know various rules and regulations governing a company: its formation and its functioning.	1,4
2	To understand various principles governing companies such as Doctrine of Ultra Vires, Indoor Management etc.	1,3
3	To know the ethical, social and professional obligations of various personnel running a company.	3,5
4	To understand the procedure of issue and listing of securities.	-
5	To analyze the effects and the development brought by New Act in the Old Act.	2

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)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

		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
BBL/BAL-513	**Corporate Law-I**	3	2	3	2	2

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY ★ Uttar Pradesh ★

Model Question Paper

Galgotias University, Greater Noida

School of Law

End Term Examination

BA/BBA LLB (H) [IIIrd Year][VIth Semester][2015]

Course Name: Corporate Law -I **Max Marks: 100**

Course Code: BAL/BBL 513 **Time: 03.00 hr**

Instructions: Attempt all sections.

Section A (10 Marks)

Q.1 (a) How many Directors of a Company retire every year by rotation at the AGM?

(b) In which case the Doctrine of Indoor Management was evolved?

(c) What is a Red-Herring Prospectus?

(d) How many Woman Director/s are mandated by the Companies Act, 2013 for the Board of Directors of a Company?

(e) What is the effect of an Ultra Vires transaction?

Q.2 (a) Who is a Promoter? Briefly point out his position in a company.

(b) Identify the differences between the MOA and AOA of a company.

Section B (20 Marks)

Q. 3 "Separate legal entity of a company is bedrock of the whole company law and piercing the corporate veil of a company is permissible only in exceptional circumstances". Critically analyze the statement in light of various provisions of the Companies Act providing for personal liability upon Directors of a company. Also, discuss the judicial exceptions to the rule.

Section C

Q.4 "It is the duty of Directors of companies to use their best exertions for the benefit of those whose interests are committed to their charge, and that they are bound to disregard their own private interests whenever a regard to them conflicts with the proper discharge of such duty". Critically examine the statement in light of duties imposed upon directors by the Companies Act, 2013. **10 marks**

Q.5 A Company is empowered under its MOA "to make and supply gas, to manufacture and sell residuals arising from gas making, and to provide such apparatus, materials, etc. as may be necessary for its purposes". It requires caustic soda to convert a particular residual into a marketable product, and therefore purchased it from outside

GALGOTIAS UNIVERSITY Uttar P

Dean School of Law
Galgotias University
Uttar Pradesh

manufacturers for a number of years. Therefore the company resolved to manufacture it in its own factory. Is the company's action Ultra Vires? Decide with the help of judicial precedents. Point out the implications of ultra vires transactions. **10 marks**

Q.6 Y Ltd. issued a prospectus stating that the money received from public would be converted into debentures and would be used by the company for construction of new buildings and for developing business of the company. It was later found out that the company used the money for paying off its liabilities. Decide whether the company and its directors would be liable for mis-statements in prospectus. Also, identify the provisions under which the Directors would be personally liable for such acts. **10 marks**

Q.7 The AOA of a Company authorized its Board of Directors to borrow such sums as are authorized from time to time by resolution of the members at general meetings and to issue bonds signed by two directors. P and Q, two directors of the company borrowed Rs. 50 lakhs from TBI bank and issued bonds in the name of the company though no resolution had been passed by the members. Can ABC Company be made liable on the bonds to the TBI bank? Refer to decided cases. **10 marks**

Q.8 "Annual General Meeting is an important institution for the protection of the shareholders of a company. The ultimate control and destiny of a company should be in the hands of its shareholders. It is therefore, desirable that the shareholders should come together once in a year to review the working of the company. This meeting affords that opportunity". Discuss the importance of an AGM of a company and the procedure for convening such meeting under the Companies Act, 2013. **10 marks**

Section D

Q.9 A and B, who constitute a partnership firm sell 1000 sq. yds. of land belonging to the firm to a private company, X Y Pvt Ltd, which they formed. They claimed exemption from stamp duty on the ground that it is a sale by them in one name to themselves under another name. Will they succeed? Decide with the help of relevant case laws. **15 marks**

Q.10 Elaborate the kinds of companies as stipulated under the Companies Act, 2013. Is there any advantage of a One Person Company over other kinds of companies? **15 marks**

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

BAL/BBL 511	Code of Criminal Procedure	L	T	P	C
Version1.1	Date of Approval:	4	1	0	5
Pre-requisites//Exposure	Law of Crimes-I, Law of Crimes-II				
co-requisites	Law of Evidence				

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 about ascertain scope of procedure and policy diffusion which can strengthen our Criminal Justice system.

3. Catalog Description

Criminal law is distinctive for the uniquely serious potential consequences or sanctions for failure to abide by its rules. The functionaries of the Criminal Justice System are duty bound to ensure that those who undermine the happiness and security of the society by committing offences of any kind do not go unpunished. It is also their duty to protect the human rights of those who come in contact with them in the process of investigation and trial. Those held guilty on the basis of evidence should be adequately punished but at the same time it must be ensured that no innocent is unnecessarily punished. It expects the criminal justice system has to be geared up in such a manner that investigations are conducted by efficient personnel in a scientific manner, trial is held without delay of those charged with criminal offences with sufficient evidence against them and trials are conducted effectively, efficiently and concluded

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

expeditiously before honest and efficient presiding officers. The victims of the crime are heard and are adequately compensated by the accused, if held guilty. The convicts should be ensured of their human rights. How a fine balancing of individual human rights and the societal interest in combating crime is made by the law makers is an area of significant interest in any jurisdiction. The Code of Criminal Procedure contains the machinery for the investigation of crime, apprehension of suspected persons, conduct of trial and the sentencing of the accused. It is further aimed at trying to provide a balance between the needs of the investigating and adjudicatory bodies to detect crime, maintain law and order and the rights of the accused. With the increasing complaints regarding abuse of powers of arrest by the police, custodial torture and death, denial of bail, etc., the course particularly focuses on investigation, arrest, bail and principles of fair trial, appeal, revision provisions, confirmation of death sentence, suspension, remission and commutation of sentence etc. The purpose of this course is to give a clear idea to the students about the procedure established by law to deal with the stages from reporting of a crime till the sentencing of criminal cases.

4. Select bibliography

Text Books

1. K.N.Chandrasekharan Pillai (Rev.), *R. V. Kelkar's Criminal Procedure*, 5th ed., 2008
2. K. N.Chandrasekharan Pillai (Rev.), *R.V. Kelkar's Lectures on Criminal Procedure,* 4th ed., 2006
3. S.N. Mishra, *The Code of Criminal Procedure* , 17th Ed., 2010

Reference Books

1. Rattan Lal & Dhirajlal, *Code of Criminal Procedure*, 18th Edn., 2006

5. Course content

Module: 1 Introduction

- Models of Criminal Justice System
- Object, Scope and Extent of Cr.P.C
- Definitions
- Constitution and powers of Criminal Courts and Offices
- Power and functions of Public Prosecutors
- Withdrawal from Prosecution
- Arrest and Bail provisions
- Information to the Police and their powers to investigate
- Process to Compel Appearance and Production of things
- Summons for appearance and Summons procedure
- Warrant of arrest
- Proclamation and attachment
- Search Warrants

Case Laws:

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

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. *Shrilekha Vidyarthi v State of UP*. AIR 1991 SC 537
4. *Mukul Dalal v Union of India* (1988) 3 SCC 144
5. *Jayendra Saraswati Swamigal v State of T.N* (2008) 10 SCC 180 AIR 2008.SC 2997
6. *Moti Ram* v. *State of M.P.* 1978 SCC(Cr.) 485.
7. *D.K.Basu v State of W.B* (1997) 1 SCC 416
8. *Joginder Kumar v State of UP* (1994) 4
9. *Som Mittal v Govt. of Karnataka* (2008) SCC 753
10. *State of Maharashtra v Christian Community Welfare Council of India and another* (2003) 8 SCC 546
11. *Delhi Judicial Service Association Tis Hazari Court v State of Gujarat* (1991) 4 SCC 406
12. *Rajkumari V S.H.O, Noida* (2003) 11 SCC 500
13. *Citizens for Democracy v State of Assam* (1995) 3 SCC 743
14. *State of Haryana v Bhajan Lal 1992* Cr.LJ 527
15. *Satvinder Kaur v State (Govt. of NCT) & another (1999)* 8 SCC 728
16. *Gurpreet Singh v State of Punjab 2006* Cr.L.J. 126 SC
17. *T.T.Antony v State of Kerala (2001)* 6. SCC 181.
18. *Amar Singh v Balwinder singh and ors.* AIR 2003 SC 1164
19. *Animireddy Venkata Ramana v P.P.HC of AP* (2008) 5 SCC 368
20. *Alamgir v State (NCT of Delhi)*
21. *Jayanti Bhattacharya v State of W.B.* Cr.L.J.3414
22. *Aloke Nath Dutta v State of WB (2007)* 12 SCC 230
23. *CBI special cell I ND v. Anupam J. Kulkarni (1992)* 3 SCC 141
24. *Atlee Nasir Mulla v State of Maharashtra (2005)* 7 SCC 29
25. *Bhupinder Singh v Jarnial Singh (2006)* 6 SCC 277
26. *Sri Jayendra Saraswathi Swamigal (II) T.N. v State of T.N & others (2005)* 8 SCC 771
27. *State of UP through CBI v Amarmani Tripathi (2005)* 8 SCC 21
28. *Sanjay Dutt v State (II) (1994)* 5 SCC 410
29. *Kalyan Chandra Sarkar etc v. Rajesh Ranjan @ Pappu Yadav & Anr* AIR 2005 SC 921
30. *Puran v Rambilas & Anr (2001)* 6 SCC 338
31. *Gurbaksh Singh Sibbia v State of Punjab (1980)* 2 SCC 565
32. *Sunita Devi v State of Bihar & Anr. (2005)* 1 SCC 608
33. *Salauddin Abdul Samad Sheikh v State of Maharashtra* AIR 1996 SC 1042
34. *State of Maharashtra v Mohd Sajid Hussain Mohd S. Husalin (2008)* 1 SCC 213
35. *Udai Bhan Karwaria & others V. State of U.P.* (1997) 1 AWC 229
36. *Devendra Singh Negi @ Debu v State of UP and anothers* 1993 Cr.L.J.260
37. *Shri Gurbaksh Singh Sibbia* v. *State of Punjab* AIR 1980 SC 1632
38. Lalita Kumari v. State Govt of U.P.& others (2012) 4 SCC 1
39. Selvi and Ors v. State of Karnataka (2010) 7 SCC 263
40. *Nandini Satpathy* v. *P.L. Dani* (1978) ISCR 608.
41. *Abdul Karim v.State of Karnataka(2001)Cr.L.J148(SC*
42. *Sheonandan Paswan v. State of Bihar,(1987)1 SCC288.*
43. *Deepak Agarwal v Keshav Kaushik,* (2013) 5 SCC 277.
44. *Amitbhai Anilchanda Shah v CBI,* (2013) 6 SCC 348
45. *Republic of Italy v UOI,* (2013) 4 SCC 721.

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

Module: 1I

- Proceedings before Magistrate
  - Conditions requisite for initiation of proceedings
  - Complaints to Magistrates
  - Commencement of proceedings before Magistrates

Case Laws:

1. *Prakash Singh Badal v State of Punjab (2007)* 1 SCC1
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. *Subramanium Sethuraman v. State of Maharastra 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: 1II

- Introduction to Trial Procedures
  - Evidence in inquiries and trials
  - General provisions as to inquiries and trials
- Charge : Form of charges, Jointer of charges
- Person once convicted or acquitted not to be tried for same offence (Double jeopardy)
- Legal Aid to accused
- Amendment 2005 & 2008
- Tender of pardon to accomplice.
- Procedure relating to tender of pardon.
- Power to postpone or adjourn proceedings.
- Local inspect Power to summon material witnesses.
- Power to examine the accused.
- Accused person to be competent witness
- Power to proceed against other persons appearing to be guilty of offence.
- Compounding of offences.
- Court to be open
- Provisions as to accused persons of unsound mind.

Case Laws:

1. *Lalu Prasad yadav* v.*State through C.B.i,* AIR2003 SC3838.(s.223)
2. *State of NCT* v.*Navjot Sandu 2005 Cr.L.J3950*
3. *State of Maharashtra v. Salman Salim Khan2004 Cr.L.J920 (SC).*
4. *E.K.Thankappan* v. *State of Kerala1989 Cr.L.J2374 (Kerala)*
5. *Main pal* v.*State of Haryana (2010) 10 SCC130.(S.211, 212,215)*
6. *Abdul Sayed v. State of M.P (2010)10 SCC259..(S.211, 12,215216,218,464)*
7. *State of Maharashtra v. Praful D.DesaiAIR 2003 SC2053.(S.273)*

Module: 1V

GALGOTIAS UNIVERSITY
Uttar Pradesh
Dean School of Law
Galgotias University
Uttar Pradesh

- Trials and Execution Proceedings
- Trial before a court of session
- Trial of warrant cases by magistrates
- Trial of summons – cases by Magistrates
- Summary Trials
- Judgement
- Plea Bargaining
- Compensation to victims
- Submission of death sentences for confirmation
- Execution, suspension, remission and commutation of sentences

Case Laws:

1. *P.Vijayan* v. *State of Kerala* (2010)2 SCC398. (S.212,215,494)
2. *Sajjan Kumar* v. *CBI* (2010)9 SCC368.
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)! SCC568.
5. *Dilip Premnarayan Tiwari* v.*State of Maharashtra, (2010)1 SC 775.(S.366)*
6. *Lalu Prasad yadav* v.*State of Bihar (2010)5 SCC1*
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

- Review Procedures
    - Appeals
    - Reference and Revisions
    - Review

Case Laws:

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 Miscellaneous

- Maintenance of wives, children and parents
- Transfer of criminal cases
- Irregular proceedings
- Limitations for taking cognizance
- Security Proceedings

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Case Laws:

1. *Fazlumbi* v.*K.Khader Vali & Anr,* 1980 SCC (4) 125.
2. *Mohd Ahmad Khan* v. *Shah Bano* AIR 1985 SC 945.
3. *J.Srinivasan Rao* v. *J.Rajeshwari,* 1990CrLJ 2506 (AP).
4. *Daniel Latheffi* v.*Union of India* (2001)7SCC740.
5. *SavithaBen Somabhai Bhatiya*v.*State of Gujarat* (2005)3SCC636.
6. Sr*ijayendrasaraswatiswamighal*v.*State of T.N and others* (2005)8SCC771.
7. *Madhu Limaye v SDM Monglur* AIR 1971 SC 2486
8. *State of Karnataka v Praveen Bhai Thogadia 2004* Cr.L.J. 1825 (S.C)
9. *Babulal Parate v State of Maharashtra* AIR 1961 SC 884
10. *Kachrulal* v *Bhagirath Agrawal* 2004. Cr.L.J. 4634 (S.C)
11. *Zahira Habibulla H. Shiekh* v. *State of Gujarat* (2004) 4 SCC

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 th 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).

GALGOTIAS UNIVERSITY * Uttar Pradesh *

Dean School of Law
Galgotias University
Uttar Pradesh

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).

6. Mode of Evaluation:

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

7. 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 procedural safeguards as contained in the Code of Criminal Procedure on commission of a crime.	**1,4,5**
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**

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

		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

8. Model Question Paper

Galgotias University, Greater Noida

School of Law

Course Name: Criminal procedure Code **Max Marks: 100**
Course Code: BAL/BBL 511 **Time: 03.00 hr**
Instructions:

1. **Attempt all sections.**

Section A (10 Marks)

1. (a) Which provision of Cr.P.C. allows withdrawal from prosecution by the prosecutor?
   (b) Can a High Court under its inherent jurisdiction u/s 482 Cr.P.C. compound a non-compoundable offence.





Dean School of Law
Galgotias University
Uttar Pradesh

(c) Cite a recent case law on Arrest?
(d) Can a divorced women claim maintenance u/s 125 Cr.P.C.
(e) What is the limitation period for taking cognizance of the offence of Murder?

2. (a) Differentiate between Compounding and Quashing of offences. Cite relevant case laws in support of your answer.
(b) Discuss the limitation period for taking cognizance of offences under Cr.P.C.

Section B (20 Marks)

3. Discuss in detail the procedure that is followed in trial of case before a Court of Session. Enumerate the Statutory and Constitutional provisions which must be adhered to during the trial process. Cite relevant case laws in support of your answer.

Section C (40 Marks)

Attempt any Four

4. '*For every distinct offence of which a man is accused, there shall be a separate charge, and every such charge shall be tried separately.*' Explain the above statement and exceptions to it.
5. Discuss the procedure that is followed after registration of F.I.R. and till the submission of final investigation report u/s 173(2) Cr.P.C.
6. (a) Discuss Reference, Review and Revision.
(b) Mahesh is tried for a charge of theft as a servant and acquitted. He is charged again with Criminal Breach of Trust on the same facts as of the theft. Mahesh approaches you for legal advice and to prevent subsequent prosecution. Advice Mahesh. Cite relevant case laws and statutory provisions in support of your answer.
7. (a) What is an Anticipatory Bail? Which Courts are competent to grant it? What conditions can be imposed by court while granting it? Cite relevant statutory provisions and case laws in support of your answer.
(b) Discuss the procedure adopted by a magistrate while taking cognizance on a Complaint.
8. (a) Discuss the two models of Criminal Process as suggested by Herbert L. Packer. Which one of the two models reflects the Criminal Justice system in India?

Section D (30 Marks)

9. Critically analyze the decision of the Supreme Court in the case *Lalita Kumari* v. *State of Uttar Pradesh,* (2014) 2 SCC 1.
10. The wife filed an application under Sec.125 Cr.P.C. claiming **maintenance for herself and also minor daughter** alleging that at the time of her marriage with the respondent

Dean School of Law
Galgotias University
Uttar Pradesh

some time in 2011 the fact that the respondent was already married and his spouse was living was not known; and that after the discovery of the previous marriage of the respondent the relationship between the parties gradually became strained and ultimately the respondent started neglecting the applicant and the minor daughter and refused to maintain them. The respondent denied his liability to pay any maintenance, and pleaded that the applicant was fully aware about his first marriage and the fact that his first wife was living at that time. Decide.





GALGOTIAS UNIVERSITY

SCHOOL OF LAW

SYLLABUS

Course Name: Criminology **Semester VII**

BA LLB (H) **Course Code: BA L 701**

1.0 Course Description

This course will help the students of criminal law (specialization) to understand various theories and causes of crime which are committed and the justifications and typology of punishments awarded. Criminology is a fundamental subject for every criminal law student. It has a legal, sociological as well as psychological perspectives embedded within the discipline. Penology studies the philosophy of punishment. The designing of this syllabus has been done keeping in mind the developments in the study of criminology. The syllabus also includes aspects of prison administration which forms an inherent part of criminal justice system. Penology, Victimology as well as certain aspects of forensic science has also been included within the curriculum. This aspect will help the students to go beyond the traditional theoretical base of the subject.

2.0.Course Objective

1. To acquaint the students with need and importance of the study of criminology
2. To help students understand the rationales of punishment
3. To help the students understand the relationship between criminology, penology and victimology and their independent and collective significance in the study of criminal law and jurisprudence
4. To make the student aware of the newer challenges and developments in the related discipline and encourage them to implement the same when they join the profession.

3.0Course Outcome

The syllabus aims to make the students well acquainted with the fundamental subject of criminology as well as other related subjects like penology, victimology etc. This entire syllabus will strength and deepen the knowledge of criminal law jurisprudence among students. A criminal law student is incomplete in his/ her knowledge resource without learning about these subjects.

4.0.Pedagogy

Classes will be conducted with the help of:

1. Discussion method
2. Case study
3. Case analysis
4. Presentations

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh *

5. Socrates method (this method shall also be applied at relevant times)

5.0.Evaluation Scheme

(A) Continuous Evaluation:

Projects (15 marks for projects+5 marks for presentation)	20
(B) Semester End Examination (SEE)	80
Total	100

6.0.Syllabus:

Module I

Introduction

- What is criminology?
- Criminology: Nature and Scope
- Relationship between Criminology, Penology and Victimology

Module II

Schools and Theories of Causes of Crime

- Pre Classical School
- Classical School
- Neo Classical School
- Biological Theories
- Psychological Theories
- Sociological Theories

Module III

Organized Crime

- Definition and characteristics
- Types
- Organised International Crimes

Module IV

White Collar Crime

- Nature and definition
- Typology
- Theorizing by Sutherland
- Anti white color crime legislations in India

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

Module V

The Prison System

- Various Prison Systems of the World
- The Indian Prison System
- Classification of Prisoners
- Rights of the Prisoners
- Poblems of Indian Prison System
- Open Prisons

Module VI

Sentencing (Penology)

- Rationales of sentencing
- Elements of Proportionality
- Custodial and Non-Custodial Sentencing
- Sentencing Process
    a. Pre Sentencing Inquiry
    b. Primary and Secondary decisions
    c. Disparity in Sentencing
- Plea Bargaining
- Therapeutic Approaches: Probation and Parole

Module VII

Victim Justice (Victimology)

- Conceptual development of Victimology
- Typology of Victims
- Judicial Response to victims in India
- Restorative Justice

Module VIII

Forensic Science and Criminal Justice Administration

- Introduction to Forensic science
- Kinds of forensic evidence
- Law relating to experts and Scientific evidence
- Scene of crime-principles of preservation and examination
- Personality Identification: Finger Prints, Foot prints, Hair etc
- Recent Advances in Forensic Science: Poligraph, Brain finger printing, DNA Profiling, Cyber forensic, Preventive forensic

7.0. Select Bibliography

Text Books

Dean School of Law
Galgotias University
Uttar Pradesh

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

Reference Books

- Don C. Gibons: Crime, Society and Criminal Career
- Lily: Theories of Criminology
- Cathrines and Williams: Text Book of Criminology
- Andrew Ashworth, Sentencing and Criminal Justice, (2005)





GALGOTIAS UNIVERSITY

SCHOOL OF LAW

SYLLABUS

Course Title: Election Law | **Semester IX**

BA LLB (H) | **Course Code: BAL 904**

Course Objective:

The objective of this paper is to acquaint the students with the election laws governing the elections of the Houses of the Parliament and the State Legislatures as well as to the offices of President and Vice President.

Course Contents:

Module I: Introduction

Election: Meaning and Process, Constitutional Mandate, Laws governing elections, Election disputes, Election to the Offices of the President and Vice President. .

Module II: Election Commission

Composition, Functions, Powers; Delimitation of Constituencies, Preparation and Revision of Electoral Rolls.

Module III : Qualifications and Disqualifications of Candidates

Constitutional and Statutory Provisions: Disqualifications of sitting members, Nomination and Candidature, Voters Right to Information; Anti Defection Law (Tenth Schedule to the Constitution of India).

Module IV: Corrupt Practices in the Election Law ; Electoral Offences

Evaluation Scheme:

Component Codes	P/S/V	CT	C	EE
Weightage (%)	10	10	5	70

Note : **5 marks for Attendance.**

Text Books & References:

- Manual of Election Law in India – Dev Inder
- Chawla's Elections Law & Practice - P.C. Jain & Kiran Jain
- Election Laws and Practice in India- R.N. Choudhry
- Corrupt Practices in Election Law – K.C. Sunny

Dean School of Law GALGOTIAS UNIVERSITY Gautam Buddha Nagar Pradesh

- How India Votes – Election Laws, Practice and Procedure – V.S. Rama Devi & S.K. Mendiretta
- V.N. Shukla's The Constitution of India – M.P.Singh.

Statutory Reading :

- Relevant Provisions of the Constitution of India
- The Representation of the People Act, 1951.
- The Representation of the People Act, 1950.
- The Presidential and Vice-Presidential Elections Act, 1952
- The Election Commission (Condition of service of Election Commissioners and Transaction of Business) Act, 1991.
- The Delimitation Act, 2002.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

GALGOTIAS UNIVERSITY
SCHOOL OF LAW
SYLLABUS

Course Title: Family Law I | **Semester: III**
Programme: B.A.LL.B. (H) | **Course code: BAL 307**

1.0 Course Description

Family law in India is rather unique as it needs to be very specific to the various religions that are practiced here. This area of law takes into consideration the customs, beliefs and tenets of religions such as Hinduism, governed by Hindu Law, Christianity (Christian Law) etc. This Course aims at providing adequate Sociological perspective so that the basic concepts relating to family are expounded in their social setting. It strives to give an overview of some of the current problems arising out of the foundational inequalities in the various family concepts. Another objective of the course is to view family law not merely as a separate system of personal laws based upon religions but also as one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code at least jurisprudentially by identifying the core concepts in marriage laws of all communities to evolve a uniform civil code. Women and children have special family relations and, therefore, it is aspired to develop insights amongst the students to ensure protection of constitutional rights of women and children in family law administration.

2.0 Course Objective

The objective of the paper is to apprise the students with the laws relating to family matters applicable to different communities in India with a focus on the law of marriage, annulment, and divorce, adoption and maintenance.

3.0 Pedagogy:

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh *

A 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
- Presentations
- Case Laws
- Case Observation
- Projects
- Seminar

4.0 Evaluation Scheme

(A) Continuous Evaluation:

(i) Projects (15 marks for projects+5 marks for presentation)	**20**
(Project submission deadline has to be strictly adhered failing which 50% marks shall be deducted on account of late submission)	

(B) Centralized Evaluation

(i) CAT I (Continuous Assessment Test)	**10**
(ii) CAT II (Continuous Assessment Test)	**10**
(ii) Semester End Examination (SEE)	**60**
Total	**100**

5.0 Syllabus

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

MODULE I – Hindu Law

Law of Marriage and Divorce

1. Schools and Sources of Hindu Law

2. The Hindu Marriage Act, 1955

(a) Applicability of legislation

(b) Concept and forms of marriage

(c) Conditions for the validity of marriage

(d) Solemnisation of marriage

(e) Registration of Marriage

(f) Void and Voidable marriages

CASES

- Dr. Surajmani Stella Kujur v. Durga Charan Hansdah, AIR 2001 SC 938 1
- S. Nagalingam v. Sivagami (2001) 7 SCC 487 4
- Bhaurao Shankar Lokhande v. State of Maharashtra, AIR 1965 SC 1564 8
- Lily Thomas v. Union of India, AIR 2000 SC 1650 12
- Pinninti Venkataramana v. State, AIR 1977 AP 43 23
- Asha Qureshi v. Afaq Qureshi, AIR 2002 MP 263 33 7. P. v. K., AIR 1982 Bom. 400 37
- Babui Panmato Kuer v. Ram Agya Singh, AIR 1968 Pat. 190 47
- Seema v. Ashwani Kumar (2006) 2 SCC 578 51

MODULE II - Dissolution of Marriage

1. Judicial Separation

2. Divorce

a) Theories of Divorce

b) Grounds of Divorce with particular emphasis on Cruelty, Desertion, Option of Puberty, Breakdown of Marriage, Mutual Consent, Irretrievable Breakdown of Marriage (Seventy-first Report of Law Commission of India)

CASES

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh *

- N.G. Dastane v. S. Dastane, AIR 1975 SC 1534 81
- Samar Ghosh v. Jaya Ghosh, 2007 (3) SCJ 253 101
- Bipinchandra Jaisinghbai Shah v. Prabhavati, AIR 1957 SC 176 122
- Dharmendra Kumar v. Usha Kumar, AIR 1977 SC 2213 139
- T. Srinivasan v. T. Varalakshmi, 1 (1991) DMC 20 (Mad.) 142
- Hirachand Srinivas Managaonkar v. Sunanda, AIR 2001 SC 1285 149
- Sureshta Devi v. Om Prakash, 1 (1991) DMC 313 (SC) 155
- Kailashwati v. Ayudhia Parkash, 1977 C.L.J. 109 (P.& H.) 55
- Swaraj Garg v. K.M. Garg, AIR 1978 Del. 296 66
- Saroj Rani v. Sudarshan Kumar, AIR 1984 SC 1562 74

MODULE III- Maintenance and Adoption

A. Maintenance

1. The Hindu Marriage Act, 1955, Sections 24 and 25
2. The Hindu Adoptions and Maintenance Act, 1956, Section 18
3. The Criminal Procedure Code, 1973, Section 125

CASES

- Amar Kanta Sen v. Sovana Sen, AIR 1960 Cal. 438 159
- Padmja Sharma v. Ratan Lal Sharma, AIR 2000 SC 1398 162

B. Adoption

1. The Hindu Adoptions and Maintenance Act, 1956

CASES

- Brijendra v. State of M.P., AIR 2008 SC 1058 164
- Minority and Guardianship
- The Hindu Minority and Guardianship Act, 1956
- Githa Hariharan v. Reserve Bank of India (1999) 2 SCC 228 169

MODULE IV- Muslim Law

1. Sources and Schools of Muslim Law

2. Nikah - Solemnization of Marriage – conditions for validity, classification and types; Dower; Maintenance

3. Divorce

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

(a) Extra-judicial - Talaq, Khula, Mubarat

(b) Judicial - The Dissolution of Muslim Marriages Act, 1939

4. Acknowledgement of Paternity.

CASES

- Mt. Ghulam Kubra Bibi v. Mohd. Shafi Mohd. Din, AIR 1940 Pesh. 2 181
- Chand Patel v. Bismillah Begum, 1 (2008) DMC 588 (SC) 183
- Saiyid Rashid Ahmad v. Mt. Anisa Khatun, AIR 1932 PC 25 191
- Shamim Ara v. State of U.P., 2002 Cr LJ 4726 (SC) 195
- Masroor Ahmed v. Delhi (NCT) 2008 (103) DRJ 137 (Del.) 200
- Ghulam Sakina v. Falak Sher Allah Baksh, AIR 1950 Lah. 45 213
- Yousuf Rawther v. Sowramma, AIR 1971 Ker. 261 217
- Itwari v. Asghari, AIR 1960 All. 684 227
- Danial Latifi v. Union of India (2001) 7 SCC 740 234
- Noor Saba Khatoon v. Mohd. Quasim, AIR 1997 SC 3280 249

MODULE V- Emerging Trends in Family Law

1. Family Courts- Establishment, Powers and functions
2. Uniform Civil Code- Constitutional Mandate; Role of the State; Impediments to the formulation of the Uniform Civil Code.

Prescribed Legislations:

1. The Hindu Marriage Act, 1955

2. The Hindu Adoptions and Maintenance Act, 1956

3. The Hindu Minority and Guardianship Act, 1956

4. The Dissolution of Muslim Marriages Act, 1939

5. The Muslim Women (Protection of Rights on Divorce) Act, 1986

6. Prohibition of Child Marriages Act, 2006

6.0 Prescribed Books:

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh *

1. Ranganath Misra (Rev.), Mayne's Treatise on Hindu Law & Usage (16th ed., 2008)

2. Satyajeet A. Desai, Mulla's Principles of Hindu Law, Vol. I & II (20th ed., 2007)

3. Paras Diwan, Law of Marriage and Divorce (5th ed., 2008)

4. M. Hidayatulla and Arshad Hidayatulla, Mulla's Principles of Mahomedan Law (19th ed., 2006)

5. Tahir Mahmood, Fyzee's Outlines of Muhammedan Law (3rd ed., 2008)

7.0 E- Resources:

http://www.manupatra.com

http://papers.ssrn.com

http://www.lexisnexis.co.in

https://www.scconline.co.in/

8.0 e- journals

www.manupatra.com

www.stpl.com

9.0 Faculty Contact Hours: 2-4 PM

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

BAL 316	Cyber law	L	T	P	C
Version1.1	Date of Approval:	3	1	0	4
Pre-requisites//Exposure	Basic understanding of cyber law and cyber security .				
co-requisites	To know the relevant provisions of Indian Penal Code				

Course Objectives

Development of Cyber law is a recent phenomenon. It is still in a nascent stage and continuously evolving every passing day. Even the most learned legal luminaries find it difficult to solve the legal problems posed by technology. The Online Certificate Course offered by the institute, intends to spread awareness among the general public about the cyber law, it is specifically beneficial to the lawyer community and the judges in the subordinate judiciary, who face cases on the daily basis.

The course is designed to give distant education wherein the students need not come to the institute for either classes or examination. The course will be conducted online and the subscribers need to operate from their respective places. All the queries of the subscribers relating to the admission or the conduct will be answered online. This course will help students deal with the most contemporary issues related with cyber law and its enforcement.

COURSE LEARNING OUTCOMES

1. Students will be able to understand the importance of Cyber Laws in the present context.

2. To exposes the students about the claims and procedure for the civil wrong and cyber crimes and appropriate punishment thereof with investigation knowledge

3. Students will be able to analyse various lacuna and challenges in the implementation of cyber law in India..

Introduction

The aim and object of ICT Law is to depart 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 last year of the B.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 computer and

Dean School of Law
Galgotias University
Uttar Pradesh

Uttar Pradesh ★ GALGOTIAS UNIVERSITY ★

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, cyber investigation, e-commerce, e-governance etc. The syllabus of the course may be discussed under the following heads.

Text Books

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

Reference 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

3 A to Z of Cyber Crime book by Asian School of Cyber Laws

4 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

5 Case Studies on Cyber Crime, published by Indian Audit and Accounts Department Government of India, page 6-47.

6 CDMS , Difference between Digital and Electronic Signature Page 1-2

7 Nishith Desai Associates, E-Commerce in India, Copyright 2013 Page 5-41

8 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

9 N. Leena, Cyber Crime Effecting E-commerce Technology, Oriental Journal of Computer Science & Technology Vol. 4(1), 209-212 (2011) Page 1-4

10 C Niranjan Rao, The Role of Intellectual Property Rights in Information and Communication Technologies Page 2-22.

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

11 Sairam Bhat, Law of Business Contracts in India, Sage publication 2009 (selected part only)

References Books for advance learners:

• Alfreda Dudley, Investigating Cyber Law and Cyber Ethics: Issues, Impacts and Practices, Published in the United States of America by Information Science Reference, 2012

• Anthony Reyes, Cyber Crime Investigations Bridging the Gaps Between Security Professionals, Law Enforcement , and Prosecutors published BY Syngress Publishing, 2007.

• Bruce Middleton, Cyber Crime Investigator's Field Guide Second Edition, Auerbach Publishing, 2005.

• Ibrahim Baggili , Digital Forensics and Cyber Crime, Springer publishing 2010

Videos

- Cyber Security: http://www.youtube.com/watch?v=Ie0bRyXNrTs
- Cyber Security History, Threats, & Solutions – 2013: http://www.youtube.com/watch?v=n25L89E-lfY
- Cyber bullying : http://www.youtube.com/watch?v=LU8K6osTSBE&list=PL9788EA3AE06A161A
- Cyberbullying is a Real Problem: http://www.youtube.com/watch?v=fcNKY8XQ5AM&list=PL9788EA3AE06A161A&index=5
- Cyber Security: http://www.youtube.com/watch?v=y-k4q6V7ERc
- Dos and Don'ts when using social networks: http://www.youtube.com/watch?v=hqezbib5qpQ
- Social, Smart, Secure,Tips for Staying Safe Online:http://www.youtube.com/watch?v=GCWBf7WKYyA

Dean School of Law
Galgotias University
Uttar Pradesh

Uttar Pradesh ★ GALGOTIAS UNIVERSITY ★

Course Content

Unit 1: Introduction to the Cyber World and Cyber Law

1. Cyber World: An Overview
   - a. The internet and online resources
   - b. Security of information
   - c. Digital signature
2. An Overview Cyber Law
   - Introduction about the cyber space
   - Regulation of cyber space – introducing cyber law
   - Scope of Cyber laws – e-commerce; online contracts; IPRs (copyright, trademarks and software patenting); e-taxation; e-governance and cyber crimes
   - Cyber law in India with special reference to Information Technology Act, 2000

Unit II: Regulatory Framework

1. A. International Legal Regime
   1. a. International legal regime relating to Cyber Crimes
      1. b. European Convention on Cyber Crimes
      2. c. Hague Convention on Jurisdiction and Foreign Judgments: Jurisdiction Agreement
   2. B. International legal regime relating to E-Commerce
      1. a. UNCITRAL Model Law on Electronics Commerce 1996
      2. b. International legal regime relating to Intellectual Property Rights – (i) Berne Convention; (ii) Rome Convention; (iii) WIPO Copyright Treaty; (iv) WIPO Performance and Phonograms Treaty; (v) UDRP; (vi) OECD convention on Database protection

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

2. C. Domestic Legal Regime – Cyber Law in India

- a. Information Technology Act, 2000 – Digital Signature; E-Governance; Regulation of Certifying Authorities; Duties of Subscribers; Penalties and Adjudications; Offences under the Act; Making of Rules and Regulations etc.

Unit III: Cyber Crimes

- Introduction – computer crime and cyber crimes; Classification of cyber criems.

- Cyber crime and Related Concepts
    1. Distinction between cyber crime and conventional crimes
    2. Reasons for commission of cyber crime
    3. Cyber forensic
    4. Investigation Tools, eDiscovery, Digital Evidence Collection, Evidence Preservation, E-Mail Investigation, E-Mail Tracking, IP Tracking, E-Mail Recovery, Encryption and Decryption methods, Search and Seizure of Computers, Cyber Forensics Tools and Softwares, Recovering deleted evidences, Password Cracking etc
    5. Cyber criminals and their objectives
    6. Kinds of cyber crimes – cyber stalking; cyber pornography; forgery and fraud; crime related to IPRs; Cyber terrorism; computer vandalism etc.

- Regulation of cyber crimes
    1. Issues relating to Investigation
    2. Issues relating to Jurisdiction
    3. Issues relating to Evidence
    4. Relevant provisions under Information Technology Act, 2000, Indian Penal Code, Pornography Act and Evidence Act etc.

Dean School of Law
Galgotias University
Uttar Pradesh

Unit IV: E-Commerce

- Online business
    1. Definition of E-commerce
    2. Types of E-commerce
    3. Important Issues in Global E-commerce

i. Issues relating to Access (to infrastructure; to contents; universal access; Digital Divide and Universal Divide);

ii. Trust, Privacy

iii. Security

iv. Consumer Protection

v. Content Regulation; Uniformity in Legal Standards pertaining to internet.

4. Application of conventional territory based law to E-commerce

i. Taxation

ii. Intellectual Property Rights

iii. International Trade

iv. Commercial law and standards

v. Dispute resolution

IPR Issues

5. IPR – An Overview
6. Copyright Issues in Cyberspace

i. Linking

ii. Inlining

iii. Framing

Dean School of Law
Galgotias University
Uttar Pradesh

iv. Protection of content on web site

v. International Treaties

Trademark Issues in cyberspace

i. Domain Name Dispute

ii. Cybersquatting

iii. Uniform Dispute Resolution Policy

iv. Meta-tags and Key words

Computer Software and Related IPR Issues

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

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

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



Dean School of Law
Galgotias University
Uttar Pradesh

Cyber law			
3	1	Integrate Theory, Doctrine and Practice	
3	2	Quest for Research and Inquiry	
3	3	Develop Ethical, Social and Professional Understanding	
2	4	Commitment for Scholarly engagement and societal reform	
1	5	Ensure Professional Preparation	

Dean School of Law
Galgotias University
Uttar Pradesh

****

Course Curriculum: Information Technology Law

Introduction:

The development in information and communication technology (ICT) has led to multi-faceted challenges to the existing legal regime. The problems could be seen in the areas of crime, torts, contract, and intellectual property etc. The rapid growth of ICT has raised various complex questions which need to be addressed. This has been the concern of the legislators all over the world and each legal system has attempted to change the law according to the changing needs of the times. United Nations Commission on International Trade Related aspects of law (UNCITRAL) proposed a model on e-commerce in 1996 with the objective to propose a kind of guide to all the countries in enacting their own laws. UNCITRAL model law also inspires the Indian Information Technology Act, 2000. The Act provides for laws relating to e-commerce and cyber offences. The present course is not only limited to the existing legal framework an attempt will also be made to analyse the grey areas like data protection, cyber stalking and multi-media protection etc. This course attempts to make the students familiar with Indian law and to understand international developments in this area.

Objectives:

- The Course aims at equipping students with the knowledge of concept of cyber space and the legal framework thereto with special emphasis on the application
- To familiarize students with the dynamics of IT Law with a focus on new forms of cyber crime,
- To establish a basic knowledge on the technical side of IT Law ,
- To give an update of recent IT Law developments and case law,
- To engage with today's IT Law reality and debates,
- To provide tools for further study of IT Law
- To provide knowledge and modus operandi useful for the Indian law practitioner

Coverge:

With the evolution and growth of Internet complexities in the definition of crime as well as complexities in administration of criminal justice system has increased manifold. The legislations in relation to cyber offences is a response of the Indian legislature to the demands raised by increasingly complex and technologically advanced societies. Apart from this, it also seeks to recognize and regulate commercial transactions and fund transfer which can be carried out with the help of Information Technology. The present course makes an attempt to analyse various such legislations and to understand their scope and limitations.

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

Course Outline:

Module - I: Fundamentals of Cyber Law

- A brief history of World Wide Web (www/Internet)
- Overview of Computer and Web Technology
- Defining Cyberspace and it components
- Regulation of Cyberspace
- UNICTRAL MODEL Law on Electronic Commerce,1996
- Introduction to Cyber Law
- Convergence of Technologies and Legal Issues
- Emergence of Internet as super media

Study Material

1. Nandan Kamath Ed., *Law Relating To Computers, Internet and E- commerce,* Universal Law Publishing Co. Pvt. Ltd., Second ed. 2000, Chapter -1.
2. Chris Read, *Internet Law* ,Oxford University Press, 2004, Chapter-1,
3. Yee Fen Lim, *Cyberspace Law* , Oxford University Press, 2001, Chapter -2.
4. Andrews S. Tanenbaum, *Computer Networks: Fourth Edition,* Pearson Education,2003 Chap.-1.
5. *Information Technology Act: 2000*

Cases

1. *ACLU v. Reno* [I 929 F Supp 824,872 (ED Pa 1996)]
2. *Reno v. American Civil Liberties Union,* [521 U.S. 844 (1997)]
3. *Diebold Systems Pvt. Ltd. vs The Commissioner Of Commercial Tax,* 2006 144 STC 59 Kar.

Module - 2: Information Technology Act, 2000

- Digital signature and Electronic signature- Law and Technology
- E-governance and Internet Governance
- Authorities under the Act
- Jurisdictional Issues in Cyber Space

Study Material

1. Nandan Kamath Ed., *Law Relating To Computers, Internet and E- commerce,* Universal Law Publishing Co. Pvt. Ltd,Second Edn.2000 Chap.2, Chap.-4, Pp 108-144
2. Yee Fen Lim *Cyber Space Law, Oxford university Press: 2001, Chap-.6, at.214, Chap.-8* Pp *265-299*

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

3. Information Technology Act,2000

Cases

1. *International Shoe v. State of Washington* ,326 U.S. 310 (1945)
2. Cyber sell, Inc. v. Cyber sell, Inc., 130 F.3d 414 (9th Cir. 1997)
3. *CompuServe v Patterson* 89 F.3d. 1257
4. *Zippo manufacturing v Zippo dot. com* 952 F.Supp.1119
5. *Inset System Inc v Instruction Set* 947 F.Supp. 161
6. *Ben sun Resturant Corp. v King* 937 F.Supp.295
7. *Panavision v Toeppen. 938 F.Supp.*616 (C.D. 1996)
8. *P R Transport Agency v. Union of India* (AIR 2006 All 23)
9. *Banyan Tree Holding (P) Limited v. A. Murali Krishna Reddy & Anr.* CS (OS) No.894/2008, High Court Of Delhi At New Delhi, Date of decision: 23rd November 2009.

Module – 3: Cyber Crimes and Cyber Torts

- Defining cyber torts and cyber contraventions
- Defining cyber offences
- Ingredients of cyber offences
- Typology of cyber offences
    - Cyber offences against the persons
    - Cyber offences against the economy
    - Cyber offences against the countries
    - Cyber offences based on contents
- Offences dealt with under I.T. Act, 2000
- Offences not dealt with under I.T. Act, 2000
    - Cyber Stalking
    - Defamation through Internet
    - Spamming
    - Breach of Privacy in online medium
    - Credit card frauds in Cyber space
    - Phishing
    - Cyber smearing
- International responses to cybercrime

Study Material:

1. Nandan Kamath Ed., *Law Relating To Computers, Internet and E- commerce,* (Delhi: Universal Law Publishing Co. Pvt. Ltd., 2000), Chap.7 Pp.251-262, Chap.10 Pp 318-339,Chap.12 Pp.366-391,Chap.13 Pp.392,Chap.14 Pp.433-442

Dean School of Law
Galgotias University
Uttar Pradesh

2. Yee Fen Lim, *Cyberspace Law* (Oxford Press 2001), Chap. 9 Pp. 382-453, Chap.10 Pp 454-542, Chap.11Pp.543-562,Chap.4 Pp. 113-189,Chap.5 Pp.189-213
3. Hammond Suddards ,*E-Commerce: A Guide to Electronic Business*- (Publisher: Butterworths1999) Chap 5 Pp.86-91

Cases

1. *Syed Asifuddin* and Ors. *V.* The *State of AP.* & Anr., 2005CriLJ4314
2. *Miller v. California*, 413 U.S. 15 (1973)
3. *Ranjit D. Udeshi vs State Of Maharashtra,* 1965 AIR 881
4. *Intel* v *Hamidi* 71 P.3d 296, 1 Cal.Rptr.3d 32,
5. *US* v *Morris* 928 F.2d 504
6. *Firos vs State Of Kerala,* AIR 2006 Ker 279
7. *National Association Of Software v. Ajay Sood*, 119 (2005) DLT 596, 2005 (30) PTC 437 Del
8. *Avnish Bajaj vs. State*,150(2008)DLT 769
9. *Abhinav Gupta v. State & Ors.,* Crl. M.C. No. 3197/2009
10. *Shreya Singhal v. Union of India*, (2013) 12 SCC 73

Module -4: E- commerce and E-banking

- Introduction to e- commerce
- E-Commerce and IPR
- E-contracts ,Mail Box rule, Impact of IT Act on E-Contracts
- Formation of e-contracts
- Types of e-contracts
    - Shrink Wrap
    - Click Wrap
    - Browse Wrap
- Technology Transfer Agreements
- Taxation of e-commerce
- E- Commerce and Consumer Protection
- Definition of e-banking and Electronic Payment System
- Legal Issues in E- banking

Study Material

1. Nandan Kamath Ed., *Law Relating To Computers, Internet and E- commerce,* (Delhi: Universal Law Publishing Co. Pvt. Ltd., 2000), Chap.17Pp.467-504, Chap.18Pp.509-533
2. Hammond Suddards ,*E-Commerce: A Guide to Electronic Business*- (Publisher: Butterworths1999) Chap Chap.3Pp.41-65, Chap.4 Pp. 67-78, Chap.6 Pp.112-162,

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

Chap.8 Pp.215-252, Chap.9 Pp. 255-283

3. Rogger LeRoy Miller *Law For E-Commerce-, Gay Lord A. Jentz (Publisher : Thomson Learning2002),*Chap.3 Pp.59-74,Chap.4 Pp.107-128,Chap.7 Pp 146-174,Chap.13 Pp.304-332,chap. 15 Pp. 362-378,

Cases

1. *Hotmail Corporation v Van $ money pie Inc (1998)*
2. *Hill v Gate way 105 F.3d.1147*
3. *Pro CD v Zeidenberg 86 F.3d.1447*
4. *Christopher v Netscape 306 F.3d 17, 48 UCC Rep.Serv.2d 761 (2001)*
5. *Hotmail Corporation v. Van Money Pie Inc., et al. C98-20064, 1998 WL 388389 (N.D. Ca., April 20, 1998)*
6. *Mortgage Plus, Inc. v. DocMagic, Inc., et al. No. 03-2582-GTV-DJW (WHW) (D. Kan., August 23, 2004)*
7. *Klocek v. Gateway, Inc.*, 104 F.Supp.2d 1332 (D. Kan 2000)
8. *ProCD* is *Hill v. Gateway 2000*, 105 F.3d 1147 (7th Cir. 1997)
9. *Cairo, Inc. v. CrossMedia Services, Inc., Case No. 3D05-144 (Florida Dist. Crt. App., August 31, 2005)*
10. *Paola Briceño v. Sprint Spectrum, L.P., d/b/a Sprint PCS, No. C04-04825 (JW) (N.D. Ca., April 1, 2005)*
11. *Net2Phone, Inc. v. The Superior Court of Los Angeles County, 109 Cal. App. 4th 583 (Cal. Crt. App., June 9, 2003)*

Module - 5: Intellectual Property Issues in Digital Environment

- Protection of Copyright in Digital Environment
- Controlling Digital Goods: Copyright
- Protection of Multimedia works in cyber space
- Copyright Infringement and Liability of Intermediaries
- Protection of Online Commercial Identity (Trade Mark, Domain Name)
- ICANN Dispute Resolution Policy and WIPO
- Legal Position on Database protection in U.S., E.U. and India
- Software : Copyright v.Patents
- Controlling Online Business Methods Patent

Study Material

1. Rodney D. Ryder, *Internet and Intellectual Property,* (New Delhi: Butterworths, 2002)
2. Nandan Kamath Ed., *Law Relating To Computers, Internet and E- commerce,* (Delhi:

Dean School of Law
Galgotias University
Uttar Pradesh

Universal Law Publishing Co. Pvt. Ltd., 2000), Chap 6, Pp. 211-247

3. Yee Fen Lim *Cyber Space Law (Publisher: Oxford University Press2001),* Chap.10 Pp.454-542

Cases

1. *Ticket master Corp* v *Microsoft Corp* CV 97-3055RAP
2. *Playboy Enterprises, Inc. v. Terri Welles*, 7 F.Supp. 2d 1098 (S.D. Cal. 1998)
3. *Playboy Enterprises,Inc. v. Calvin Designer Label* 44U.S.P.Q.2d (BNA) 1156 (N.D.Cal.1997
4. *Shetland Times v. Wills (U.K.)*
5. *Washington Post Total News, Inc No.97 Civ. 1190 (PKL),Settled 06/06/97*
6. *Insituform Technologies, Inc. v. Enviro Tech Group No. C- 97 -2064 EDL*
7. *Super Cassetes Industries Ltd. vs Myspace Inc. & Another,* IA No.15781/2008 & IA No. 3085/2009 in CS (OS) No. 2682/2008

Module-6: Law Relating to Electronic Evidence

- Meaning of Electronic Evidence
- Amendments in Indian Evidence Act,1872
- Admissibility of Electronic Evidence
- Digital Evidence: Search and Seizure Challenges
- Evidence Modification Challenges
- Documenting and Reporting

Study Material:

1. Sharma, Vakul; Information Technology Law & Practice, New Delhi: Universal Law Publishing Co. Pvt. Ltd., 2005.
2. B. R. Sharma, Forensics Science in Criminal Investigation & Trials, 4th Edition (New Delhi: Universal Law Publishing C. Pvt. Ltd.).
3. John R. Vacca, "Computer Forensics, Computer Crime Scene Investigation" Second Edition, Charles River Media Inc.
4. Nina Godebole, Sumit Belapure, "Cyber Security: Understanding Cyber Crimes, Computer Forensics and Legal Perspectives", Wiley India Pvt. Ltd. 2011.

Cases:

1. *P. Padmanabh vs. Syndicate Bank Ltd, Bangalore* [2008 (2) Kar. L.J 153]
2. *Tukaram S. Dighole v. Manikrao Shivaji Kokate*, [2010, 4 SCC 329]
3. *Dharambir v. CBI, Delhi,* [148 (2008) DLT 289]

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

4. *State of Gujrat v. Shailendra Kamal Kishore Pande and Ors.* [2008 CRI L.J. 953]
5. *Ravi kant Sharma & Ors. v. State* [CRL.A. 357/2008]
6. *State v. Navjot Sandhu* [(2005) 11 SCC 600]
7. *Jagjit Singh vs. State of Haryana* [AIR 2007, SC 950]
8. *State of Maharashtra v. Dr Praful B Desai,* [AIR2003SC2053]
9. *Anvar P.V. Versus , P.K. Basheer And Others* [MANU/SC/0834/2014]

Bibliography

STATUTES

- Information Technology Act, 2000.
- Code of Criminal Procedure, 1973.
- Code of Civil Procedure, 1908.
- Indian Evidence Act, 1872.
- Indian Penal Code, 1860.
- The General Clauses Act, 1897
- Indian Contract Act,1872

ARTICLES:

- N. Sridhar, Dr. D. Lalitha Bhaskari, Dr. P. S. Avadhani, "*Plethora of Cyber Forensics*," International Journal of Advanced Computer Science and Applications (IJACSA), Vol. 2, No. 11, 2011
- Michael K. McChrystal, William C. Gleisner, III, and Michael J. Kuborn "Law Enforcement in Cyberspace: Search and Seizure of Computer Data," 71 *Wis. Law.* 35 (Dec. 1998).
- *Joseph, Adithya Jerome "Intricacies and Nuances of Cyber Jurisdiction" The Icfai University Journal Of Cyber Law, Vol VIII No.1, February, 2009.*
- Kaufman, Nancy H. "Fairness And The Taxation Of International Income", 29 *Law & Pol'y Int'l Bus.* 145.

Dean School of Law
Galgotias University
Uttar Pradesh

- Kerr, Orin S. "Enforcing Law Online" *The University of Chicago Law Review*, Vol. 74, No. 2 (Spring, 2007), :745-760.
- *Pandey, Brishketu Sharan "Jurisdiction of courts in the virtual world of cyberspace," The Icfai University Journal Of Cyber Law, Vol VIII No.1, February, 2009.*

BOOKS

- Ian Walden, *Computer Crimes and Digital Investigations* [Oxford University Press, 2007]
- Ahmad, Farooq; *Cyber law in India (Law on Internet),* Delhi: Poineer Books, 2002.
- Basu, Subhajit; *Global Perspectives on E-Commerce Taxation Law*, USA: Ashgate Publishing Company, 2007.
- Kamath, Nandan; *Law Relating To Computers, Internet And Commerce*, Delhi: Universal Law Publishing Co. Pvt Ltd., Second edition, 2000.
- Matthan, Rahul; *Law Relating To Computers And Internet*, New Delhi: Butterworth, 2000.
- Reed, Chris & Angel, John; *Computer Law*, New Delhi: Oxford University Press, 2004.
- Sharma, Vakul; *Information Technology Law & Practice*, New Delhi: Universal Law Publishing Co. Pvt. Ltd., 2005.
- Singh, Yatindra J.; *Cyber Laws,* New Delhi: Universal Law Publishing Co. Pvt. Ltd. 2nd ed., 2005.
- Smedighoff, J.; Thomas *Online Law, The SPA Guide To Doing Business On The Internet*, New Jersey: Addison Wesley, 1996.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

BAL / BBL 717 CRI	**Information, Communication and Technology Law**	L	T	P	C
Version1.1		3	0	0	3
Pre-requisites//Exposure	Information Technology Act, 2000				
co-requisites	Indian Penal Code, 1860				

Course Objectives

- To understand the connection between cyber laws and implementation of laws
- To learn the negative aspects of digitalization

Course Outcomes

- Understand the significance of Information Technology Laws in the changing times
- Analyse various lacuna and challenges in the implementation of Informational Technology law in India and abroad.

Catalogue Description

This course endeavors to give the students in depth 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 computer and information technology law along with the cyber-crimes and appropriate punishment thereof with investigation knowledge.

Text Books

- Bhalla, Sandeep, "Commentary on Information Technology Act, 2000", 2014 edition
- Rastogi, Anirudh, "Cyber Law, Law of Information Technology and Internet", 1st 2014 edition
- Seth, Karnika, "Computers, Internet and New Technology Laws-A Comprehensive reference work with special focus on developments in India", updated edition 2013.

Reference Books

- Dongre, shilpa S. (2010) cyber Law, and its Application ,Nagpur: current Publications
- Rowland, Diane (1997) Information technology Law, London: Cavendish publishers Ltd.
- Chris, Reed (2003) computer Law, New york: oxford university press
- J.E.J. Prins Ed., (2001) Designing e Government- on The crossroads of Technological Innovation and Institutional Change (the Hague, Kluwer Law, International)
- Malik, Krishna Pal (2010) Computer and Information Technology Law, Allahabad Law Agency
- Yee Fen Lim, (2001) Cyberspace law ,Oxford press
- Rogger le Roy Miller, Gay Iord A. Jentz,2002 Law, For E-Commerce, London: Thomson Learning

Dean School of Law Galgotias University Uttar Pradesh

- Reed, Chris and Angel, John. (2003) Computer law, New York: Oxford University Press

Course Contents

Module 1.Introduction of Computer and Information Technology Law7 Lectures

- Meaning of Computer and Information Technology
- Computer and Information Technology Law
- Information Technology and international Law
- The Computer and Information Technology Law in India
- Introduction of Information Technology Act,2000
- Computer and [information Technology crimes (cyber crimes)
- Origin of Cyber Crimes
- General classification of computer and Information Technology crimes
- Magnitude of computer and Information Technology crimes in India
- Digital signature and Electronic Signature

Module2.Damage to computers and computer system (computer Torts)6 Lectures

- Damage to computer, computer system, etc
- Failure to protect data
- Failure to furnish information, return, etc
- Contravenes of any rules or regulations
- Adjudication in case of contravention
- Cyber Appellate Tribunal
- Appeal to Cyber Regulations Appellate Tribunal
- Appeal to High court
- Compounding of Contravention
- Recovery of Penalty or Compensation

Module3. Information Technology Crimes (Cyber Crimes) 6 Lectures

- Tampering with computer source document
- Computer related offences (Hacking with computer system, etc.)
- Sending offensive messages through communication service, etc.
- Cyber thefts and frauds
- Violation of personal piracy
- Cyber terrorism ' Offence relating publishing or transmitting obscene material or material containing sexually explicit act, etc.
- Breach of confidentiality and privacy
- Fail to assist Government in the interest of sovereignty, integrity, etc.
- Blocking for public access of any information through any computer resource

GALGOTIAS UNIVERSITY * Uttar Pradesh *
Dean School of Law
Galgotias University
Uttar Pradesh

- Secure access to a protected system
- Other offences under the Act

Module4. E-Commerce and Electronic Governance (e-governance)15 Lectures

- Meaning of e-commerce and e-Business
- Classification of e-commerce
- Internet relevant to e-commerce
- Advantages and Disadvantages (Benefits) of e-commerce
- Indian information technology Industry
- Indian economy and Information technology sector
- Barriers to Adoption (infrastructure, legal and jurisdiction issue)
- Legal Recognition of Electronic Records
- Legal recognition of Electronic Signature
- Meaning of verification
- Use of Electronic Records and Electronic Signature in Government and its agencies
- Delivery of Services by Service Provider
- Retention of Electronic Records
- Audit of Documents etc. in Electronic form
- Publication of rules, regulation, etc, in Electronic Gazette
- Use of signature, audit of documents and publication of rules; not to Confer Right to insist document should be accepted in electronic form
- Powerto Make Rules by Central Government in respect of Electronic Signature
- Validity of contracts formed through electronic means
- Attribution of Electronic Records
- Acknowledgement of Receipt
- Time and place of dispatch and receipt of electronic record
- Directorate of Information Technology
- E-Governance in Gujarat

	Theory	
Components	**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

Uttar Pradesh * GALGOTIAS UNIVERSITY *
Dean School of Law
Galgotias University
Uttar Pradesh

Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	Understand the significance of Information Technology Laws in the changing times	1,2,5
2	Analyse various lacuna and challenges in the implementation of Informational Technology law in India and abroad.	2,4

		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
BBA LLB (H)/BALLB (H)	ICT Law	2	3	1	2	1

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

LLB505	International Trade Law	L	T	P	C
Version1.2		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

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.





Dean School of Law
Galgotias University
Uttar Pradesh

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
- 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

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

- 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
- 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
- GATT becomes an international Organization
- The GATT tariff negotiating rounds
- Introduction to Marrakesh Agreement

Uttar Pradesh GALGOTIAS UNIVERSITY
Dean School of Law
Galgotias University
Uttar Pradesh

- Creation of WTO
- The WTO: Functions, structure, Membership, accession, withdrawal, decision making, current position (Doha Development Agenda)

Sources of Law to the WTO Mechanism

- The Covered Agreements
- International Agreements reflected in the covered agreements
- Interpretative Elements- International agreements not reflected in the WTO Agreement, Decisions by International Courts, Unilateral Declarations by WTO Members, Customary International Law, General Principles of Law

Unit II:

Basic principles and concepts of international Trade law: GATT Obligations

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

Unit III:

International Trade and Dispute Resolution Mechanisms

- International Institutions for Dispute Settlement Mechanism- DSB, ICSID, WIPO, PCA
- Dispute settlement under GATT Regime: Success and failures and relevant case laws
- Dispute settlement under WTO regime: A case Study Method International Trade and
- Dispute settlement under various agreements- GATT 1994, Agreement on Anti-Dumping, Subsidies and Countervailing Measures, Safeguard Measures, Sanitary and Phyto-sanitary Measures, Technical Barriers to Trade, Textile and Clothing, GATS, TRIPs, Agriculture
- Enforcement of WTO Obligations: Remedies and Compliance
- Recommendations and Suggestions by WTO

GALGOTIAS UNIVERSITY * Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

Unit IV:

General Agreement on Trade in Services (GATS)

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

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

- Trade in Intellectual Property: TRIPS
- Regional Trade Agreement and WTO
- Trade and Investment
- Environmental Protection and Trade
- Government Procurement
- INCOTERMS

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

	Theory	
Components	**Internal**	**End Term Examination(ETE)**
Marks	50	50
Total	100	

Dean School of Law
Galgotias University
Uttar Pradesh

Uttar Pradesh * GALGOTIAS UNIVERSITY *

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, 3, 5**
2	Understand the rules governing the WTO regime in facilitating trade and the dispute settlement mechanism	**1, 5**
3	Understand the various forms of international sales contract and their application	**2, 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
LLB 505	**International Trade Law**	1	2	3	4	5
		2	2	3	1	1

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

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)

School of Law
End Term Examination

Course Name: International Trade Law

Max Marks: 100
Course Code: LLB505 **Time: 03.0hr**
Instructions:

1. Attempt all sections.

Section A **(10 Marks)**

1. State whether the following actions are violative of non- discrimination policy of WTO?

a) US permit EU to export in a revised tariff rate, lower than the usual under a Preferential Trade Agreement.

b) Mexico trades Corn Syrup with Japan in a rate which is lesser than the NV

c) India permits UK to deliver rice in lower cost as it expects the same while trading medicine to UK

d) Indonesia provides special packaging to the meat products which it exports to South Africa.

e) Titania enters into a preferential trade agreement with India and Singapore.

2. Provide the purpose and functions of WTO. Write down three changes/ developments that have been brought through the establishment of WTO.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Section B (20 Marks)

3. Can a country impose antidumping and countervailing duties at a time? What is the legal framework to impose antidumping duty? Discuss.

Section C (40 Marks)

Answer any four

4. Write short notes on the following:

a) *Amicus Curie* Briefs

b) Standard of Review

5. What Constitutes Sale? What do mean by Multimodal Transportation? Answer in relation to international business.

6. What are the functions of the bill of lading in international trade? Mention briefly how these facilitate trade.

7. Discuss the various types of intellectual property rights addressed in the TRIPS Agreement. What is exhaustion of patent?

8. What is the doctrine of frustration of contract in English law? Discuss any similar provision under the *UN Convention for International Sale of Goods 1980.*

Section D (30Marks)

9. Ageta is a developing country, with a population of 10 million and 5% of the population under the age of 5. Ageta imports Child substitute and infant foods from Asagard. On a survey it is found that the Children of Ageta Suffers from Diabetes. Therefore Ageta make a compulsory packaging provision for all the exporters from Asagard to mention specifically the sugar content in the baby foods within three months after the survey. On the other hand Asagard argues that it would sustain huge loss if the same is to be done as half of the products already in shipment. Ageta refuses to accept the goods. After having an unsuccessful consultation Asagard propose for establishment of panel. Decide.

10. India is the major importer of peers in the developing countries. India has a huge demand for peers. The domestic sellers are not sufficient to meet the demand of the country. India imports peers from China and Malaysia. But the same is available in the specially equipped shops where it is mentioned "Specially imported peers" in India. India States that it's not violating the non discrimination policy of WTO as it gives subsidies to the

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law
Galgotias University
Uttar Pradesh

domestic producer and it should be considered as the concession to the Exporter. Is it so? What is the WTO law regarding the same? Decide.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

BAL/BBL- 715	Investment and Security Law	L	T	P	C
Version1.1		3	1	0	4
Pre-requisites//Exposure	Companies Act, 2013				
co-requisites	SEBI Act, 1992, RBI Act, 1934				

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 basic of various types of investments
- To understand the legal protection available to investor
- To understand the role of institutions like SEBI, RBI, IRDA etc. for the regulation of investment mechanism

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 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.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Text Books

1. CA. Adukia Rajkumar and CA. Nishant Agrawal, All about Investments, Bharat Law House
2. Kedia Sangeet, Securities Laws and Compliances, Pooja Law Publishing Company

Reference Books

1. Kedia Sangeet, Securities Laws and Compliances, Pooja Law Publishing Co., Pp. 116 to 133, 100-104
2. C.A. Rajkumar S. Adukia & CA. Nishant Agrawal, All about Investments, Bharat Publications, Pp. 176-193,212-241, 248-251,253-285,287-296
3. Securities Laws and compliances, The Institute of Company Secretaries of India, Pp. 161-202, 480-492
4. N. Gopalsamy, *Capital Market- The Indian Financial Scene:* pg 300-315
5. Bharat's Guide to Indian Capital Market :pg 1042-1048, 1073-1077

Relevant Provisions of

(1) The Companies Act, 1956.

(2) The Securities Exchange Board of India Act,

1988.

(3) The Securities Contract Regulation Act, 1957

(4) The Stock Exchange Act.

(5) Law regarding Foreign Exchange

(6) Public Debt Act

(7) Reserve Bank of India Act

Course Content

Module I: Introduction to Shares, Securities and Debentures

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.

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

(b) Debt Instruments: Debentures and Bonds.

D. Offered documents

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

E. Concept of Securities Market: 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

Secondary Market: Players in the Secondary Market, Brokers, Over the Country 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

A. Government Securities: Bonds issued by government and semi government institutions, Role of Central Bank (the RBI in India), Impact of issuance of bonds on economy, Government loan from the general public, External borrowing, World Bank, I.M.F, Asian Development Bank, Direct from foreign government, Government loan: the constitutional dilemma and limitations, Can a state go for external loans?, Impact on economic sovereignty, Dilution of power of the Central Bank (RBI), Treasury deposits

B. Securities issued by banks: Bank notes: is it the exclusive privilege of the central bank in the issue, Changing functions of banks from direct lending and borrowing to modern System, Bank draft, travelers' cheques, cheque cards, credit cards, cast cards, Deposits' nature: current, saving and fixed deposits, interest warrants

C. Securities issued by corporations: Shares, Debentures, Company deposits, Control over corporate securities, Central government: Company Law Board, SEBI: guide lines 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

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

funds, Plantations and horti-culture farms, General control, Control by rating, Regulation on rating.

Module III: Depositories

Dematerialized securities, Recognition of securities, Types of depository receipts: IDR, ADR, GDR and Euro receipts, SEBI guidelines on depositories, Role of SEBI: Functions and Powers relating to Depositories

Module IV: Foreign Exchange Control Regime in India

A. Concept of foreign exchange regulation

B. Administration of exchange control

C. Legal Framework provided under Foreign Exchange Management Act, 1993: Shift from FERA to FEMA

D. Role and Powers of RBI under FEMA

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

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

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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 basic of various types of investments	1,2
2	To understand the legal protection available to investor	3,5
3	To understand the role of institutions like SEBI, RBI, IRDA etc. for the regulation of investment mechanism	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)
Laboratory of this course is used to evaluate PO(5)



Dean School of Law
Galgotias University
Uttar Pradesh



		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



Dean School of Law
Galgotias University
Uttar Pradesh



BAL/BBL 512	Jurisprudence	L	T	P	C
Version1.1		4	1	0	5
Pre-requisites//Exposure	Constitution of India				
co-requisites					

1.0 Course Objectives

The main objects of the course is-

- To analyse, explain and classify the law.
- To compare and contrast law with other field of knowledge such as literature, religion and social sciences.
- To reveal the conceptual and theoretical part.
- To focus on finding the answer to such abstract questions and answers

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.

4.0 Evaluation Scheme

A Continuous Evaluation:

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

(i) Projects (15 marks for projects+5 marks for presentation)	20
B. Centralized Evaluation	
(i) CAT I (Continuous Assessment Test	10
(ii) CAT II (Continuous Assessment Test	10
(iii) End- Semester Examination	60
Total	100

5.0 Pedagogy

A 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
- Presentations
- Case Law Analysis
- Projects

6.0 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. M.P. Tondon, *Jurisprudence Legal Theory*, Allahabad Law Agency.
13. N.V. Jayakumar, *Lectures in Jurisprudence*, 2nd Ed., Lexis-Nexis.
14. Dr. B.N. Mani Tripathi, *Jurisprudence Legal Theory*, Allahabad Law Agency.
15. P.S. Atchthew Pillai, *Jurisprudence and Legal Theory*, Eastern Book Company.

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

16. Prof. G.C. Venkata Subba Rao, *Jurisprudence and Legal Theory*, Eastern Book Comp.
17. Feinberg & Coleman, *Philosophy of Law*, 8th ed. or later (Thomson - Wadsworth)
18. Altman, Andrew, *Arguing About Law: An Introduction to Legal Philosophy* 2nd ed. (Thomson - Wadsworth)

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/ejlj/
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/

7.0 Course Contents

Module I: Introduction

- Nature and scope of Jurisprudence

Dean School of Law
Galgotias University
Uttar Pradesh
GALGOTIAS UNIVERSITY

- Need for study of Jurisprudence
- Linkage between Jurisprudence and other sciences

Module II: Administration of Justice

- Concept of Justice
- Dharma as the foundation of legal ordering in Indian thought
- Theories of justice in the western thought
- Civil and Criminal Justice System
- Relation between Law and Justice
- Law, Morality and Justice

Module III: Schools of Jurisprudence

- Natural Law
- 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
- Historical Jurisprudence
- Sociological Jurisprudence with Indian Perspective
- Legal Realism

Module IV- Concepts of Law

- Rights and Duties
- 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.

GALGOTIAS UNIVERSITY

Dean School of Law
Galgotias University
Uttar Pradesh

(iii) Kinds of Possession and Ownership.

(iv) Modes of Acquiring Possession and Ownership.

Module V Principles of Liability

- 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 Kerla*, AIR 1973 SC 1461.
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.

Mode of Evaluation:

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

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

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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.	**1,4,5**
2	Students will come to know the reasons of difference in various thinkers and its current relevancy	**1,3**
3	Students would also be able to identify the acceptance and use of theories by judiciary in India	**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
BBL 503	Jurisprudence	1	2	3	4	5
		3	1	3	2	1

Model Question Paper:

Galgotias University, Greater Noida







School of
End Term Examination
BBALLB/BALLB/LLB

Course Name: Jurisprudence **Max Marks: 100**
Course Code: BBL/BAL/LLB **Time: 03.00 hr**

Instructions:

1. Attempt all sections.

Section A **(10 Marks)**

1. a) Who said: "law grows with the growth, and strengthens with the strength of the people, and finally dies away as the nation loses its nationality?" **[1]**

b) Who said: "customs not only precede legislation, but are even superior to it"? **[1]**

c) Who said: "the movement of progressive societies has hitherto been a movement from status to contract"? **[1]**

d) Who is the father of Sociological Jurisprudence in America? **[1]**

e) Who said: "law is not a set of rules but is a method or technique for harmonizing conflicting social interests? **[1]**

2. Discuss the essentials of a valid custom. **[2.5]**

3. Explain the concept: "the aim of law should be the greatest good of greatest number of people?" **[2.5]**

Section B **(20 Marks)**

4. Discuss the concept 'possession is nine points in law'. Can an owner be prosecuted for the theft of his own goods?

Section C **(40 Marks)**

5. Discuss Roscoe Pound's theory of social engineering? **[10]**

6. Explain John Austin's Theory of Law with special reference to "command", "sovereignty" and "sanction". How do you locate "sovereign" as propounded by Austin in Indian political system? **[10]**

7. According to Sir Henry Maine, "the movement of progressive societies has been a movement from status to contract". Examine this statement and explain whether there is any recoil from contract to status. **[10]**

8. What are the salient features of pure theory of Kelsen? In the light of his theory, discuss the following: **[10]**

a) Knowledge of law means knowledge of norms

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

b) Hierarchy of norms is traceable to the Grundnorm

Section D (30 Marks)

9. "Law is more than a set of abstract norms of legal order. It is also a device of balancing conflicting interests with a minimum of friction and waste." Comment. **[10]**

10. Savigny described law as a reflection of people's spirit which he called Volkgeist and therefore, a law made by the sovereign can never be effective nor can it acquire national character. Critically examine the same. **[10]**





GALGOTIAS UNIVERSITY
SCHOOL OF LAW
SYLLABUS

Course Title: Law of Contract -I **Semester: I**
B.A.LL.B. (H) **Course Code: BAL 106**

1. Course Description:

Law of contract is one of the 'foundation courses' in the scheme of professional legal education. Americans lawyers call this course as 'the bread and butter courses so as to understand the legal system in the context of social development. The law of contract touches equally upon the lives of ordinary persons and activities of small and big business. This branch of law deals with law relating to promises, their performance and enforceability. Both common law principles and legislative intervention in contracts will be considered in detail.

2. Course Objectives:

In this course we will examine the Indian law of contract,its theoretical doctrines and practical applications, drawing, where relevant, on materials from other jurisdictions. Attention will be paid to formation of contractual relations, the requirements for enforceability of contracts, the rights of third parties, terms and interpretation of contracts, performance and breach of contracts, vitiating factors and remedies. The module examines the law of contract in its social, moral and commercial setting. The course shall have the following objectives:

- The main objective of the course is to make the students understand the general principals of law of contract as spelt out in sections 1-75 of the Indian Contract Act, 1872. In addition to contractual remedies, this course covers the specific remedies available under the Specific Relief Act, 1963.
- To develop analytical skills and logical thinking
- To interpret and analyse the cases within the legal framework available.

3. Course Outcome

The students on completing the course shall develop a conceptual understanding of the basics of law of contract. After acquiring a clear knowledge of various kinds and nature of contract, they shall be able to interpret and analyse a legal problem using the rules of Law of Contract. They shall also learn the remedies available in cases of breach of contract. They shall also be introduced to e-contracts, which are frequently used in our

Dean School of Law
Galgotias University
Uttar Pradesh

regular life today. At the end of the course, the student would confidently counsel on a legal problem based on Contract and come up with adequate prayer for the same.

4. **Course Pre-requisite:** None

5. **Course Co-requisite:** None

6. Evaluation Scheme

(A) Continuous Evaluation:	
(i) Projects	
(15 marks for projects+5 marks for presentation)	20
(B) Centralized Evaluation	
(i) CAT I (Continuous Assessment Test	10
(ii) CAT II (Continuous Assessment Test	10
(ii) End- Semester Examination	60
Total	100

7. Pedagogy

- Case Method
- Lecture cum discussion
- Simulation exercises-CREs

8. Syllabus

Unit 1.History and nature of contractual obligations

Reference: 1. P.S.Atiah, An introduction to the law of contract, Claredon Press, Oxford 1998, Chapter 1, Pages 1-37

Unit 2. Agreement and contract: Definitions, elements and kinds

Reference:

1. Law of Contract: Avtar Singh Ninth Edition, Eastern Book Company, Page 3-7.
2. Contract Law: Cases and Materials, Geoffrey Samuel, First Edition, Sweet and Maxwell, Pages 1-15

GALGOTIAS UNIVERSITY * Uttar Pradesh *

Dean School of Law
Galgotias University
Uttar Pradesh

Unit 3. Proposal and acceptance

3.1 Their various forms, essential elements, Communication and revocation
3.2 Proposal and invitations for proposal
3.3 Floating offers
3.4 Tenders
3.5 Dumping of goods.

References:

1. Dutt on Contract: H.K.Saharay, Tenth Edition, Eastern Law House; Pages 102-148
2. Contract Law: Cases and Materials, Geoffrey Samuel, First Edit Maxwell, pages 146-168.
3. Law of Contract: Avtar Singh Ninth Edition, Eastern Book Company, Pages 5-83.
4. J.Beatson, *Anson's Law of Contract*, J. Beatson Ed., New York: Oxford University Press 2005,Chapter-2 , pp 27-73

Cases:

1. Carlill V. Carbolic Ball Co.(1893) 1 QB 256
2. Har Bhajan Lal V Harcharan Lal [AIR 1925 All 539]
1. Balfour V Balfour [(1919) 2 KB 571]
2. Lalman Shukla V Gauri Dutt (1913) 11 All L.J. 498
3. Harvey V. Facey (1893) AC
6. Pharmaceutical Society of Great Britain v. Boots Cash Chemist (Southern) Ltd. (1952) 2 All ER Rep. 456.
7.Bhagwandas Goverdhandas Kedia v. M/s Girdharilal Parshottamdas & Co., AIR 1966 SC 543
8.M/s J.K. Enterprises v. State of M.P.,AIR 1997 MP 68
9.M/s Progressive Constructions Ltd. v. Bharat Hydro Power Corporation Ltd., AIR 1996 Del 92

Unit 4 Consideration

4.1 Its need, meaning, kinds, essential elements
4.2 Nudum pactun
4.3 Privity of contract and of consideration
4.4 Its exceptions
4.5 Adequacy of consideration- present, past and adequate consideration
4.6 Unlawful consideration and its effects
4.7 Views of Law Commission of India on consideration

Dean School of Law
Galgotias University
Uttar Pradesh

4.8 Evaluation of the doctrine of consideration.

References:

1. Contract Law: Cases and Materials, Geoffrey Samuel, First Edition, Sweet and Maxwell, Pages 181-202
2.Law of Contract: Avtar Singh Ninth Edition, Eastern Book Company, Pages 84-130.
3. J.Beatson, *Anson's Law of Contract,* J. Beatson Ed., New York: Oxford University Press 2005,Chapter-3, pp 88-112
4. Mulla and Pollock, *Law of Contracts*, New Delhi Butterwoth, 2005, Interpretation Clause, pp 63-135

Cases:

1. Durga Prasad V Baldeo ILR (1880) 3 All 221
2. Kedar Nath V Garie Mohammed ILR (1896) 14 Cal 64
3. Tweddle V. Atkinson (1861) 1 B & S 393
4. Chinnaya V. Ramayya (1882) 4 Mad 137
5. Khwaja Mohemmad V. Hussaini Begum. (1910) 32 All 410
6. Doraswami Iyer v. Arunachala Ayyar (1935)43 LW 259 (Mad.)
7.Abdul Aziz v. Masum Ali, AIR 1914 All. 22.
8.Nawab Khwaja Muhammad Khan v. Nawab Husaini Begam, (1910) LR 37 I.A. 152

Unit 5. Capacity to contract

5.1 Meaning
5.2 Incapacity arising out of status and mental defects.
5.3 Minor's agreements
5.4 Definition of 'minor'
5.5 Accessories supplied to a minor
5.6 Agreements beneficial and detrimental to a Minor
5.7Agreements made on behalf of a minor
5.8 Minor's agreements and estoppel
5.9 Evaluation of the law relating to minor's agreement
a. Other illustrations of incapacity to contract.

References:

1. Law of Contract: Avtar Singh Ninth Edition, Eastern Book Company, Pages 131- 150.
2. J.Beatson, *Anson's Law of Contract*, J. Beatson Ed., New York: Oxford University Press 2005,Chapter-5, pp 207-234

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

3. Mulla and Pollock, *Law of Contracts*, New Delhi Butterworth, 2005, Chapter-II, pp 344-377

Cases:

1. Moori bibi V. Dharmodas Ghose (1903) ILR 30 Cal 539
2. Abdul Gaffar V. Piare Lal (1975) 16 Lah. 1
3. Sadiq Ali Khan V. Jai Kishore (1928) 30 Bom L R 346
4. Ramaswamy V. A. Cheetiar (1906) Mad LJ 422
5. *Khan Gul v. Lakha Singh*, AIR 1928 Lah. 609.
6. *Ajudhia Prasad v. Chandan Lal*, AIR 1937 All.610
7. *R. Lingraj v. Parvathi*, AIR 1975 Mad.285
8. *Rajinder Kaur v. Mangal Singh* (1987) 91 PLR 444

Unit 6. Free consent

6.1 Its need and definition
6.2 Factors vitiating free consent.
6.3.Coercion
6.3.1Definition
6.3.2 Essential elements
6.3.3 Duress and coercion
6.3.4 Various illustrations of coercion
6.3.5 Doctrine of economic duress
6.3.6 Effect of coercion
6.4. Undue Influence
6.4.1 Definition
6.4.2 Essential elements
6.4.3.Between which parties can it exist? Who is to prove it? Illustrations of undue influence
6.4.4 Independent advice
6.4.5 Pardahanashin women
6.4.6 Unconscionable bargains
6.4.7 Effect of undue influence.
6.5. Misrepresentation
6.5.1 Definition
6.5.2 Misrepresentation of law and of fact
6.5.3 Their effects and illustration
6.6. Fraud
6.6.1 Definition
6.6.2 Essential elements
6.6.3 Suggestion falsi
6.6.4 Suppresio veri- when does silence amounts to fraud? Active
6.6.5 Concealment of truth
6.6.6 Importance of intention.
6.7 Mistake

Dean School of Law
Galgotias University
Uttar Pradesh

6.7.1 Definition
6.7.2 Kinds
6.7.3 Fundamental error
6.7.4 Mistake of law and of fact
6.7.5 Their effects
6.7.6 When does a mistake vitiate free consent and when does it not vitiate free consent?

Reference:

1. Law of Contract: Avtar Singh Ninth Edition, Eastern Book Company, Pages 152- 222
2.Contract Law: Cases and Materials, Geoffrey Samuel, First Edition, Sweet and Maxwell, Pages 221- 290
3. J.Beatson, *Anson's Law of Contract*, J. Beatson Ed., New York: Oxford University Press 2005,Chapter-6,7,8, pp 236-348
4. Mulla and Pollock, *Law of Contracts*, New Delhi Butterworth, 2005, Chapter-II, pp 378-608

Cases:

1. Chikkamma Ammiraju V. Chikkamma Sheshamma ILR (1917) 41 Mad 33.
2. Ranganayakamma V. Alwar Setti ILR (1819) 13 Mad 214
3. Allcard V.Skinner(1887) 36 Ch.D 145
4. Derry V. Peek (1889) 14 App. Cas. 337.
5. Incledon V. Watson (1862) 2 F. & F. 841
6. Lake V. Simmons (1927) A.C. 487.
7. Ragunath Prasad v. Sarju Prasad (1923) 51 I.A. 101
8. Subhas Chandra Das Mushib v. Ganga Prasad Das Mushib, AIR 1967 SC 878
9. Lakshmi Amma v. T. Narayana Bhatta, 1970 (3) SCC 159
10. Tersem Singh v. Sukhvinder Singh (1998)3 SCC 471

Unit 7. Legality of objects

7.1 Void agreements – lawful and unlawful considerations, and objects
7.2 Void, voidable, illegal and unlawful agreements and their effects.
7.3 Unlawful considerations and objects:
7.4 Forbidden by law
7.5 Defeating the provision of any law.
7.6 Fraudulent
7.7 Injurious to person or property
7.8 Immoral
7.9 Against public policy
7.10 Void Agreements

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

7.11 Agreements without consideration
7.12 Agreements in restraint of marriage
7.13 Agreements in restraint of trade- its exceptions- sale of goodwill, section 11 restrictions, under the partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service
7.14 Agreements in restraint of legal proceedings-
its exceptions
7.15 Uncertain agreements
7.16 Wagering agreement- its exception

Reference:

1. Law of Contract: Avtar Singh Ninth Edition, Eastern Book Company, Pages 223-301.
2. J.Beatson, *Anson's Law of Contract*, J. Beatson Ed., New York: Oxford University Press 2005,Chapter-17, pp-589-629
3. Mulla and Pollock, *Law of Contracts*, New Delhi Butterworth, 2005, Chapter-VI,pp,1457-1709

Cases:

1. Nihal Singh v. Ram Bai AIR 1987 MP 126
2. Pearce V. Brooks (1866) LR 1 Ex Ch. 213.
4. Coles V Odhams Press Ltd (1936) 1 KB 416
5. Taylor V. Coldwell(1863) 122E.R.309
6. Krell V Henry (1903) 2 KB 740
7. Robinson V. Davison9!871) LR6 Exch. 269
8. Frost V. Knight 26 LT 77

Unit 8- Performance and Remedies for Breach of Contract

8.1 By performance- conditions of valid tender of Performance- How? By whom? Where? When? In what manner? Performance of reciprocal promises- time as essence of contract.
8.2 By performance- conditions of valid tender of
Performance- How? By whom? Where? When? In what manner? Performance of reciprocal promises- time as essence of contract.
8.3 Breach-anticipatory breach and present breach.
8.4 Impossibility of performance-specific grounds of frustration- application to leases- theories of frustration- effect of frustration- frustration and restitution.
8.5 period of limitation
8.6 Agreement- rescission and alteration – their effect- remission and waiver of performance – extension of time- accord and satisfaction.
8.7 Quasi-contracts or certain relations resembling those created by contract
8.8 Remedies in contractual relations:

Dean School of Law
Galgotias University
Uttar Pradesh
GALGOTIAS UNIVERSITY
Uttar Pradesh

8.9 Damages-kinds-remoteness of damages - ascertainment of damages
8.10 Injunction- when granted and when refused- Why?
8.11 Refund and restitution
8.12 Specific performance- When? Why?

Reading Material:
Books:

1. J.Beatson, *Anson's Law of Contract*, J. Beatson Ed., New York: Oxford University Press 2005,Chapter-17, pp-589-629
2. Mulla and Pollock, *Law of Contracts*, New Delhi Butterworth, 2005, Chapter-VI, pp, 1457-1709

Case Law:

1. Hadley v. Baxendley (1843-60) All ER Rep.461
2. AKAS Jamal v. Moola Dawood Sons & Co. (1915) XX C
3. Karsandas H. Thacker v. M/s The saran Engineering Co. Ltd., AIR 1965 SC 1981
4. M/s Murlidhar Chiranjilal v. M/s Harishchandra Dwarkdas, AIR 1962 SC 366
5. Maula Bux v. Union of India, AIR 1970 SC 1955
6. Shri Hanuman Cotton Mills v.Tata Air Craft Ltd.,1969 (3) SCC 522
7. Ghaziabad Development Authority v. Union of India, AIR 2000 SC 2003
8. Oil & Natural Gas Corporation Ltd v. Saw Pipes Ltd.(2003) 4 SCALE 92

Unit 9-Discharge of A Contract

9.1 Discharge by Performance
9.2 Discharge by Agreement
9.3 Frustration
9.4 Supervening impossibility of performance
9.5 Discharge by Operation of Law
9.6 Discharge by Breach
9.7 Novation

Reading Material:
Books:

1. J.Beatson, *Anson's Law of Contract*, J. Beatson Ed., New York: Oxford University Press 2005,Chapter-13,14,15,16,pp-499-586
2. Mulla and Pollock, *Law of Contracts*, New Delhi Butterworth, 2005,

Case Law:

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

1. Satyabrata Ghose v. Mugneeram Bangur & Co., 1954 SC 44
2. M/s Alopi Parshad & Sons Ltd. v. Union of India, AIR 1960 SC 588
3. Punj Sons Pvt. Ltd. v. Union of India, AIR 1986 Del. 158.
4. Easun Engineering Co. Ltd. v. The Fertilizers & Chemicals Travancore Ltd., AIR 1991 Mad. 158.

Unit 10- Specific relief

12.1 Specific performance of contract
12.2 Contract that can be specifically enforced
12.3 Persons against whom specific enforcement can be ordered
12.4 Rescission and cancellation
12.5 Injunction
12.6 Temporary
12.7 Perpetual
12.8 Declaratory orders
12.9 Discretion and powers of court

Reference:

1. Law of Contract: Avtar Singh Ninth Edition, Eastern Book Company, Pages 719- 808
2. Sarkar, Specific Relief Act, (New Delhi: Wadhwa & Co.,2001)Chapter 3,4,5,pp-43-204,pp 315-424

Cases:

1. Central Bank of India Staff Co-operative Building Society Ltd V. Dulipalla Ramchandra Koteswara Rao AIR 2004 AP 18
2. Surjit Kaur V. Naurata Singh AIR 2000 SC 2927

9. Bibliography

1. Beatsen (ed.), Anson's Law of Contract (28th ed. 2002)
2. P.S.Atiya, Introduction to the law of contract, first Indian Edition 2007, (Claredon Law Series)
3. Avtar Singh, Law of Contract) Eastern, Lucknow ninth Edition 2005 Reprint 2008.
4. G.C. Cheshire, and H.S. Fifoot and M.P. Furmston, Law of Contract (1992) ELBS with Butterworths, Oxford University Press, First Indian Edition 2007
5. M.Krishnan Nair, Law of Contracts, (1998)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

6. G.H. Treitel, Law of Contract, Oxford University Press ,2004
7. R.K.Abichandani, (ed.), Pollock and Mulla on the Indian Contract and the Specific Relief Act (1999), Tripathi
8. Banerjee. S.C, Law of Specific Relief (1998), Universal Publication
9. Anson, Law of Contract (1998), Universal Publication
10. Dutt on Contract (2006) Eastern Law House
11. Anand and Aiyer, Law of Specific Relief (1999), Universal Publication
12. Richard Stone, The Modern Law of Contract, Seventh Edition, Routledge. Cavendish, London and New York, 2008.
13. Andrew Burrows, A Case book on Contract; Oxford and Portland, Oregon; 2007.
14. Geoffrey Samuel, Contract Law: Cases and Materials;, Sweet & Maxwell, 2007.
15. Richard Stone and Ralph Cunnington; Text, Cases and Materials on Contract Law; Routledge. Cavendish, London and New York, 2007
16. Dr Y. S. Sharma, Law of Contract I, University Book House Jaipur, , First Edition, 2007.
17. Pollock & Mulla ; Indian Contract & Specific Relief Acts, Thirteenth Edition 2006, Vol. I Lexis Nexis Butterworths,
18. Dr. Amar Singh, Law of Contract in India, The Doctrine of Consideration, Deep and Deep Publication, 1985.

10. E-Journals

Manupatra
Lexis Nexis
Hein Online
Jstor
SCC OnLine

11.0 Faculty Contact Hours: 2 pm to 4 pm

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

GALGOTIAS UNIVERSITY
SCHOOL OF LAW
SYLLABUS

Course Title: Law of Crimes I (IPC) (General Principles) **Semester: III**
B.A.LL.B. (H) **Course Code: BAL 306**

1. Course Description:

The most important functions of the state is to maintain law and order by preventing and punishing all injuries to itself and all disobedience to the rules which it has laid down for common welfare. In defining the orbit of its right in this respect, the state usually proceeds by enumeration of the acts, which impinge upon them, coupled with an intimation of the penalty to which any one committing such acts will be liable. The branch of law that contains the rules upon this subject is accordingly described as 'Criminal Law.'

2. Course Objective:

- To familiarize the students with the key concepts regarding crime and criminal law.
- To expose the students to the range of mental elements that constitutes *mens rea* which may be essential for committing crime.
- To cultivate the understanding regarding defenses and situational benefit that can be pleaded to exempt from criminal liability
- To develop the skill of analyzing facts, applying relevant principles and plead the case for imposing or exempting from criminal liability
- To keep students abreast of the latest developments and changes in the field of criminal law

3. Course Outcome:

- At the end of the course the students will be able to:
    - Identify an act as Criminal
    - Understand various elements of a crime
    - Understand the defenses available for a criminal act
    - Able to analyse facts, apply relevant principles and plead the case for imposing or exempting criminal liability.

4. Pedagogy:

1. Discussion
2. Case Law

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

3. Case study

5. Evaluation Scheme

(A) Continuous Evaluation:

(i) Projects

(15 marks for projects+5 marks for presentation) 20 marks

(B) Centralized Evaluation

(i) Ist Mid-Semester Examination (after one month's academics) 10 marks

(ii) 2nd Mid-Semester Examination (after two month's academics) 10 marks

(ii) End- Semester Examination 60 marks

100

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

6. Syllabus

Module 1 *Introduction*

- Nature and definition of crime; state's power to determine acts or omissions as crime; Distinction between crime and other wrongs.
- Pragmatics of criminal law
- Characteristics of crime and criminal pleadings
- Functions of Criminal Law & Administration
- Scope of the study of Criminal law- Wolfenden committee
- History of Indian Penal Code

References:

- C K Allen, '*The Nature of a Crime*', Journal of Society of Comparative Legislation,

GALGOTIAS UNIVERSITY

Dean School of Law
Galgotias University
Uttar Pradesh

Legal Duties, 221

- PJ Fitzgerald, '*A Concept of Crime*', 1960 Crim.L R 256
- Rostow, '*The Enforcement of Morals*', 1960 CLJ 174

- Ashworth, AJ., '*Reason, Logic and Criminal Liability*', (91) 1971 LQR 240

- Tom Hadden, *'Contract, Tort and Crime: The forms of Legal Thought'*,(87) 1971 LQR 240

- JE Hall Williams, '*The Proper Scope and Function of the Criminal Law*', (74) 1958 LQR 76

- P Alldridge, '*What is wrong with the traditional Criminal Law course*?' 1990 10 Legal Studies 38

- A.C. Patra, A Historical Introduction to the IPC 3 JILI (1961) 351 – 366

Module 2 Constituent Elements of Crime

- Actus reus
- Act to be voluntary
- Act to be prohibited by law (concomitant circumstance) Act should result in harm
- Act to be the direct cause of harm
- Absence of justification
- Positive fault requirement
- Negative fault
- Causation of crime
- Causation and Negligence
- Minimal causation
- Principle of Ordinary Hazard
- Principle of Reasonable of Foresight
- Unexpected intervention (concurrent causation)
- Intervention of an innocent person
- Intervention of another person
- Contributory Negligence
- Mens rea:
  - General Principle – Its Objectives
  - Blameworthy mental condition
  - Principle of autonomy
  - Exceptions to principle of Mens rea
- Mens Rea in IPC 1860
- Intention

GALGOTIAS UNIVERSITY
Uttar Pradesh
Dean School of Law
Galgotias University
Uttar Pradesh

- Voluntarily and intentionally
- Deliberate intention
- Intention and Motive(ulterior intent)
- Knowledge and Negligence
- Knowledge as Mens rea
- Negligence as Mens rea
- Intention and Knowledge as mens rea
- Intention and Consequence

- Analysis of offences as defined in the Code Words denoting *Mens Rea*
  - Reason to believe (26)
  - Voluntarily and intentionally (184-186)
  - Dishonestly and fraudulently (24- 25)
  - Corruptly, Malignantly and Wantonly (§§196, 198, 200, 219 and 220)
  - Rashly and Negligently (304 A)

References:

- V Balasubrahamanyam, *Guilty Mind,* Essays on the Indian Penal Code, ILI 1962 56
- J C Smith, '*The Guilty Mind in the Criminal Law'* 76 (1960) LQR 78
- Herder, Jeremy, '*Two Histories and Four Hidden Principles of Mens rea'*, 1997 LQR 95
- Lynch, ACE, '*The Mental Element in the Actus Reus'*, 1982 LQR 109
- Recklessness under the Indian Penal Code by Stanley Meng Heong Yeo , 30 JILI (1988) 293

Cases:

- *Om Prakash v. State of Punjab AIR 1961 SC 1782*
- *Suleman Rehman Mulani v. State of Maharastra AIR 1968 Sc 829*
- *Ambalal D Bhatt v. State of Gujarat AIR 1972 SC 1150*
- *Moti Singh v. State of Uttar Pradesh AIR 1964 SC 900*
- *Rewaram v. State of Madhya Pradesh (1978) CriLJ 858 (MP)*
- *Joginder Singh v. State of Punjab AIR 1979 SC 1876*
- *Harjinder Singh v. Delhi Administration AIR 1968 SC 867*
- *R Hari Prasad Rao v. State (1951) SCR 1322*
- *State of Maharastra v. MH George AIR 1965 SC 722*
- *Nathulal v. State of MP AIR 1966 SC 43*
- *Ranjit Udeshi v. State of Maharstra AIR 1965 SC 881*
- Narayan Das v. State of Orissa AIR 1952 Sc 149
- *Nirnajan Singh v. Jitnedra Bhimaraj AIR 1990 SC 1962*
- *State of Tamil Nadu v. Nalini AIR 1999 SC 264*
- *State of MP v. Narayan Singh 1989 3 SCC 596*
- *State of Orissa v. K Rajeswar Rao AIR 1992 SC 240*
- *Om Prakash v. State of Uttaranchal 2003 1 SCC 648*
- *State of UP v. Arun K Gupta 2003 2 SCC 202*

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

Module 3 Explanations under IPC:

- Judge S19
- Court of justice S20
- Public servant S21
- Movable property S22
- Wrongful gain , wrongful loss S23
- Dishonestly S24
- Fraudulently S 25
- Reason to believe S 26
- Counterfeit S 28
- Document S 29
- Act / Omission S33
- Voluntarily S39
- Offences S40
- Injury S 44
- Good faith S 52

Cases:

- Ramesh V State Of Maharashtra [(1985) 3 SCC 606] [Public Servant]
- M Karunanidhi v Union of India [(1979) 3 SCC 431] [Public Servant]
- R.S.Nayak V A. R. Antulay [(1984) 2 SCC 183] [Public Servant]
- Barendra Kumar Ghosh [AIR 1925 PC 1] Common intention
- Shreekantiah Ramayya Munipalli V State of Bombay[AIR 1955 SC 264]
- Haladhar Sasmal & ors v. State of West Bengal, 2012 Cri L J 1726

Module 4 Stages in Commission of a Crime(Point of incidence of Criminal Liability)

- Intention
- Preparation
- **Attempt (inchoate crime)**
- Accomplishment or commission of crime
  - Criminal Attempt
  - Criminal Liability
  - Actus reus in Attempt

References:

- BB Pande, *'An attempt on attempt'*, 1984 2 SCC Journal 42
- Sayre, Francis B, Criminal Attempts, Harvard Law review 41 (1928) 821 – 859.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

- RB Tewari, *Criminal Attempt*, Essays on the Penal Code, ILI 1962
- Glazebrook, PR., '*Shall we have an independent law of attempted crime*?' (85) 1969 LQR 28
- Glanville Williams, '*Criminal Omissions – the Conventional View*', 1991 LQR 86

Cases:

- *Province of Bihar v. Bhagawant Prasad* 50 Cri L J 682
- *Noorbibi v. State* AIR 1952 J & K 55
- *R v. Robinson* 1915 2 KB 342

Module 5 *Incomplete (Inchoate Crimes) offence*

- Attempt
- Criminal Conspiracy §§ 120A & 120B
- Abatement
  - Abetment- the substantive offence

- ingredients of the offence
- perpetrator as principal
- active stimulation
- abetment by illegal omission
- presence at bigamous marriage
-post-offence act abetment
- acquittal of principal and the effect of

- Law Relating to Accomplice:
  - Aiding, abetting, counseling or procuring
  - The principal Offence
  - Intent to assist, encourage or procure

References:

- RB Tiwari, *Conspiracy*, Essays on the Indian Penal Code, ILI 1962 87
- Wright, '*Law of Criminal Conspiracy and Agreement*'
- Sayre, Francis, Criminal Conspiracy, Harvard Law review 35 (1922) 393 427
- Turner, Kenny's Outlines of Criminal Law, 1966, 426-432
- Temkin, Jennifer., '*When is a Conspiracy like an attempt and other impossible questions*', 1978 LQR 534

Cases:

- *State v. Jagdish Narian Singh* 1959 Cri L J 1014
- *R v. Taylor* 1959
- *R v. Linneker* 1906 2 KB 99

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

- *Asgar Ali Pradhania v. Emperor* AIR 1933 Cal 893
- *Abhyananda Mishra v. State of Bihar* AIR 1961 SC 1698
- *Malkait Singh v. State of Punjab* AIR 1970 SC 713
- *State of Maharastra v. Mohd Yakub* AIR 1980 SC 1111
- *R .v Shivpuri* 1987 AC 1 (HL)
- *R v. Collins* 1864 12 WLR 886
- *R v. Mac Pherson* 1857 1 D&B 197
- *R v. Brown* 1889 24 QBD 357
- *R v. Ring* 1892 17 Cox 491
- *State v. Mitchell* 1902 170 MO 633
- *Asgar Ali Pradhania v. AIR* 1933 Cal 893
- *Sudhir Kumar v. State of West Bengal* 1974 3 SCC 357
- *Hazara Singh v. Union of India* 1973 3 SCC 401
- *In re TM Reddy* AIR 1955 AP 118
- *Gian Kaur v. State of Punjab* 1996 2 SCC 648
- *R. v. O' Toole* 1987 Cri L R 759
- *R v. Khan* 1990 2 All ER 783 (CA)
- *Geddes* (1996) Crim LR 894 (CA)
- *Millard and Vernon* (1987) Crim LR 393 (CA)
- *Topan Das v. State of Bombay* AIR 1956 SC 33
- *Bimbadhar Pradhan v. State of Orissa* AIR 1956 469
- *Harihara Prasad v. State of Bihar* (1972) Cri L J 707 (SC)
- *The State of Andhra Pradesh v. Subbaiah* 1961 (2) SCJ 686
- *State v. VC Shukla, Sanjay Gandhi and Others* AIR 1980 SC 1382
- *Shaw v. DPP* (1961) 2 All ER 446 HL
- *State of AP v. C Ganeswar Rao* AIR 1963 SC 1860
- *Amrit Lal Hazara v. Emperor* ILR 42 Cal 957
- *Abdul Kadar v. State* AIR 1964 Bombay 133
- *Noor Mohammad v. State of Maharastra* 1970 (1) SCC 696
- *Ajay Aggarwal v. Union of India* 1993 SCC (Cri) 961
- *Andreson* (1986) AC 27 (HL)
- *DPP v. Armstrong* (2000) Crim L R 379 (DC)
- *Cooke* (1986) AC 909 HL
- *Hollinshead* (1985) AC 975 (HL)
- *Saik* (2006) UKHL 18 (HL)
- *Scott v, Metropolitan Police Commissioner* (1975) AC 819 (HL)
- *Shivpuri* (1987) AC 1 (HL)
- *Yip Chiu-Cheung* (1995) 1 AC 111 (PC

GALGOTIAS UNIVERSITY Uttar Pradesh

- Determination of liability of each individual in a group

Dean School of Law
Galgotias University
Uttar Pradesh

action
- 34-38:Common Intention
- 114: Abettor at the scene of offence
- 149:Common object
- 396 & 460

References:

- V Balasubrahmanyam, *Group Liability*, Essays on the Indian Penal Code, ILI 1962
- William Wilson, '*A rationale scheme of liability for participating in crime*', (2008) Crim L R 3
- Sullivan GR, '*Participating in Crime: Joint Criminal Ventures*', (2008) Crim LR 19
- Smith, JC, '*Criminal Liability of Accessories and Law Reform*', 1997 LQR 453
- Buxton, RJ, '*Complicity in the Criminal Code*', (85) 1969 LQR 76

  - Ganesh Singh v. Ram Raja (1869) 3 BLR 44 PC
  - Baul v. State of Uttar Pradesh AIR 1968 Sc 728
  - R v. Cruse 1838 C &P 541
  - Barendra Kumar Ghose v. King Emperor AIR 1925 PC 1
  - Mahbub Shah v. Emperor AIR 1945 PC 118
  - Nathu v. State 1960 Cri L J 1329
  - Kartar Singh v. State of Punjab AIR 1961 1787
  - Ram Nath v. State of MP AIR 1953 SC 420
  - Rishi Deo Pandey v. State of UP AIR 1955 SC 331
  - Ramayya Mani Pali v. State of Bombay AIR 1955 SC 287
  - JM Desai v. State AIR 1960 SC 889
  - Bashir v. State AIR 1953 All 668
  - Shankar Lal Kachrabhai v. State of Gujarat (1965) 1 SCR 285
  - Ram Swarup v. State (1972) 3 SCC 418
  - Musa Khan c. State of Maharashtra AIR 1976 SC 2566
  - Pandurang v. State of Hyderabad (1955) 1 SCR 1083
  - Maina Singh v. State of Rajasthan 1976 2 SCR 827
  - Tukaram Ganpat Pandre v. State of Maharashtra AIR 1974 SC 514
  - Chandra Bihari v. Gautam v. State of Bihar (2002) 9 SCC 208
  - Suresh v. State of UP (2001) 3 SCC 67
  - Madan Singh v. State of Bihar (2004) 4 SCC 622
  - Dhana v. State of MP 1999 SCC (Cri.) 1192
  - Mehbub Samsuddin Malek v. State of Gujarat 1996 SCC (Cri) 1353

Module 7 *Jurisdiction of Indian Penal Code*

Section 1 to 5 of IPC

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

Module 8 *Exceptions to Crime*

- Mistake
- Accident
- Necessity
- Age
- Unsoundness of Mind
- Intoxication
- Consent
- Triviality
- Act done in Good Faith
- Compulsion
- Judicial acts

References:

- H L Stephen, '*Superior orders an excuse of homicide*', 15 LQR 87-89
- Ian Brownlie, '*Superior orders – Time for a new realism*', 1989 Cri L R 396
- F Pollock, '*Criminal Responsibility: the Doctrine of superior Orders*', 35 LQR 195
- Parmanand Singh, *A note on the legal basis of shoot to kill order*', 1997 Delhi LR 87
- Glanville Williams, '*The theory of law of Excuses*'
- 42nd Law Commission Report of India1971
- RB Tewari, *Law Governing Insanity*, Essays on the Indian Penal Code ILI 1962
- RC Nigam, *Principles of Criminal Law*, 1965
- Friedman, GHL., '*Mental Incompetence*', (79) 1963 LQR 502
- Timprthy Jones, H., *Insanity, automatism, and the burden of proof on the accused*', 1995LQR 475
- Stephen Gough., '*Intoxication and Criminal Liability*', 1996 LQR 335
- Mac Kay RD., '*On being insane in Jersey part-2 – the appeal in Jason Prior v. Attorney General*', (2002) Crim L R 728; see also Part-3 (2004) Crim L R 291

Cases:

- *State of West Bengal v. Shew Mangal Singh* AIR 1981 SC 1917
- *R v. Tolson* 1889 23 QBD 168
- *Emperor v. Gopalia* AIR 1924 Bom. 333
- *Charan Das v. State* 52 PLR 331
- *Dakhi Singh v. State* AIR 1955 All 39
- *Waryam Singh v. Emperor* AIR 1926 Lah 554

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

- *Chrangi v. State* 1952 Cri L J 1212 (MP)
- *R v. Fennell* 1970 3 All ER 215
- *R v. Rose* 1884 15 Cox CC 540
- *State of Maharashtra v. MH George* AIR 1965 SC722
- *State of Orissa v. Ram Bahadur Thapa* AIR 1960 Ori. 161
- *State of Orissa v. Bhagaban Barik* 1987 2 SCC 498
- *R v. Daniel M'Naughten* (1843) 10 Cl. and F. 200 (TAC)
- *Durham v. United States US Court of Appeals*, DCC 45 ALR 2d 1430
- *Attorney General For the State of South Australia v. John Whelon Brown* 1960 AC 432, (1960)1 All ER 734
- *R v. Bryne* (1960) 2 QB 396 CCA, England
- *Queen Empress v. Kadar Nasyer Shah* 1896 ILR 23 Cal 604
- *Lakshmi v. State* AIR 1963 All 534
- *Dayabhai Chhaganbhai Thakkar v. State of Gujarat* AIR 1964 SC1563
- *Ratanlal v. State of MP* AIR 1971 SC 778
- *State of MP v. Ahmed Ullah* AIR 1961 SC 998
- *Ashiruddin v. KE* AIR 1949 Cal 182
- *Kuttapan v. State of Kerala* 1986 Cri L J 271-
- *T N Lakshmaiah v. State of Karnataka* (2002) 1 SCC 219
- *Srikant Anandrao Bhosale v. State of Maharashtra* (2002) 7 SCC 748
- *R v. Fennell* 1970 3 All ER 215
- *R v. Rose* 1884 15 Cox CC 540
- *State of Maharashtra v. MH George* AIR 1965 SC722
- *State of Orissa v. Ram Bahadur Thapa* AIR 1960 Ori. 161
- *State of Orissa v. Bhagaban Barik* 1987 2 SCC 498

Module 9 ***Right to Private Defence***

- Right of private defence of body
- Right of private defence of property

Cases:

- *State v. Ram Swarup* (1974) 4 SCC 764
- *Deo Narain v. State of UP* (1973) 1 SCC 34
- *Kishan v. State of MP* (1974) 3 SCC 623
- *Mhahbir Choudhry v. State of Bihar* (1996) 5 SCC 107
- *James martin v. State of Kerala* (2004) 2 SCC 203

Module 10 ***Punishment***

- Crime and punishment
- Necessity, objectives and types of punishment

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law
Galgotias University
Uttar Pradesh

- Theories of Punishment

Text Book

Pillai P.S.A., *Criminal Law,* LexisNexis

Web Resources

www.manupatra.com
www. indlaw.com

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

BBL/BAL 514	Law of Evidence	L	T	P	C
Version1.1	Date of Approval:	4	1	0	5
Pre-requisites//Exposure	Basic understanding of Criminal and Civil Laws				
co-requisites	Understanding of Procedural Laws such as CrPC and CPC				

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.

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

Catalog 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 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.

Text Books

- Indian Evidence Act 1872 (With all latest amendments)
- Krishnamachari V, Law of Evidence (2015), S. Gogia & Co, Hyderabad

Reference Books

- Sarkar and Manohar, Sarkar on Evidence (1999), Wadha & Co., Nagpur
- Indian Evidence Act, (Amendment up to date)
- Rattan Lal, Dhiraj Law: Law of Evidence (1994), Wadhwa, Nagpur
- Polein Murphy, Evidence (5th Edn. Reprint 2000), Universal, Delhi.
- Albert S.Osborn, The Problem of Proof (First Indian Reprint 1998), Universal, Delhi.
- Avtar Singh, Principles of the Law of Evidence (1992), Central Law Agency, New Delhi.

.

Course Content

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

1. **Introductory units** **2 lectures**

- The main features of the Indian Evidence Act 1861.
- Other acts which deal with evidence (special reference to CPC, CrPC).
- Problem of applicability of Evidence Act
- Administrative Tribunals
- Industrial Tribunals
- Commissions of Enquiry
- Court-martial
- Disciplinary authorities in educational institutions

Queen v. Golam Ismail, All. 1 FB p. 13, Union of India v. D.R.Verma, 1958 SCR 498, Ayaaubkhan Noorkhan Pathan v. State of Maharashtra, AIR 2013 SC 58

2. Central Conceptions in Law of Evidence 4 lectures

- Facts : section 3 definition: distinction -relevant facts/facts in issue
- Evidence : oral and documentary.
- Circumstantial evidence and direct evidence
- Presumption (Section 4)
- "Proving", "not providing" and "disproving"
- Witness
- Appreciation of evidence

3. **Facts : relevancy** **7 Lectures**

- The Doctrine of res gestae (Section 6,7,8,10)
- Evidence of common intention (Section 10)
- The problems of relevancy of "Otherwise" irrelevant facts (Section 11)
- Relevant facts for proof of custom (Section 13)

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

- Facts concerning bodies & mental state (Section 14, 15)

Govarayyaz v. Emperor, AIR 1930 Nag. 242, Dalpat Singh v. State 2005 Cr. L.J 749, Smt. Ram Rati v. State, 2005 (2) Crimes 221 (All), Sanjay Kumar Jain v. State of Delhi, AIR 2011 SC 363,

4. Admissions and confessions 6 Lectures

- General principles concerning admission (Section 17, 23)
- Differences between "admission" and "confession"
- The problems of non-admissibility of confessions caused by "any inducement, threat or promise' (Section 24)
- Inadmissibility of confession made before a police officer (Section 25)
- Admissibility of custodial confessions (Section 26)
- Admissibility of "information" received from accused person in custody; with special reference to the problem of discovery based on "joint statement" (Section 27)
- Confession by co-accused (Section 30)
- The problems with the judicial action based on a "retracted confession"

5. Dying Declarations 3 lectures

- The justification for relevance on dying declarations (Section 32)
- The judicial standards for appreciation of evidentiary value of dying declarations.

6. Other Statements by Persons who cannot be called as Witnesses 1 lecture

- General principles.
- Special problems concerning violation of women's rights in marriage in the law of evidence

7. Relevance of Judgments 2 lectures

- General principles
- Admissibility of judgments in civil and criminal matters (Section 43)
- "Fraud" and "Collusion" (Section 44)

8. Expert Testimony 2 lectures

GALGOTIAS UNIVERSITY
Uttar Pradesh
Dean School of Law
Galgotias University
Uttar Pradesh

- General principles
- Who is an expert? : types of expert evidence
- Opinion on relationship especially proof of marriage (Section 50)
- The problems of judicial defence to expert testimony.

9. Oral and Documentary Evidence 5 lectures

- General principles concerning oral evidence (Sections 59-60)
- General principles concerning Documentary Evidence (Sections 67-90)
- General Principles Regarding Exclusion of Oral by Documentary Evidence
- Special problems: re-hearing evidence
- Issue estoppel
- Tenancy estoppel (Section 116)

10. Witnesses, Examination and Cross Examination 4 lectures

- Competency to testify (Section 118)
- State privilege (Section 123)
- Professional privilege (Section 126, 127, 128)
- Approval testimony (Section 133)
- General principles of examination and cross examination (Section 135-166)
- Leading questions (Section 141-143)
- Lawful questions in cross-examination (Section 146)
- Compulsion to answer questions put to witness
- Hostile witness (Section 154)
- Impeaching of the standing or credit of witness (Section 155)

11. Burden of Proof 7 lectures

- The general conception of onus probandi (Section 101)

Dean School of Law
Galgotias University
Uttar Pradesh

- General and special exceptions to onus probandi
- The justification of presumption and of the doctrine of judicial notice
- Justification as to presumptions as to certain offences (Section 111A)
- Presumption as to dowry death (Section 113-B)
- The scope of the doctrine of judicial notice (Section 114)

12. Estoppel 5 lectures

- Why estoppel? The rationale (Section 115)
- Estoppel, res judicata and waiver and presumption
- Estoppel by deed
- Estoppel by conduct
- Equitable and promissory estoppel
- Questions of corroboration (Section 156-157)
- Improper admission and of witness in civil and criminal cases.

Mode of Evaluation:

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

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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

Mapping between Cos and Pos		
Sl. No.	**Course Outcomes (COs)**	**Mapped Programme Outcomes**
1	Recognize evidence that is admissible before the court of law	**1, 2, 3**
2	Understand the difference between admissible and inadmissible evidence	**1, 2**
3	Understand the concepts of Burden of proof and Estoppel	**2, 3**
4	Apply legal provisions to the problem in front of them with regards to admissibility of evidence	**1,3,5**

		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
BBL/BAL 505, LLB 411	**Law of Evidence**	3	2	3	1	2

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





GalgotiasUniversity, Greater Noida
School of
EndTerm Examination
LLB[Three Year]/[IVth Semester]/[2014-15]

Course Name: Law of Evidence **Max Marks: 100**
Course Code: BAL/BBL 514 **Time:03.00 hr**
Instructions:

1. Attempt all sections.
2.

Section A **(10 Marks)**

Q.1. Answer in Brief (5 Marks)

1. Explain the applicability of Indian Evidence Act
2. Explain the doctrine of Res Gastae
3. Define "Expert" as per Section 45 of Indian Evidence Act
4. What is Estoppel?
5. Explain the presumption as to Death of a person under Indian Evidence Act

Q.2. Answer in few lines (2+3=5 Marks)

1. Who is a competent witness? (2 Marks)
2. Explain the doctrine of Judicial Notice (3 Marks)

Section B **(20 Marks)**

Q.3. Answer the following

Appellant herein was convicted and sentenced to death for committing murder of his wife on or about 28.5.1991 at their residential house situated at Gandhinagar. The deceased was earlier married to one Akbar Khaleeli who was in the diplomatic service in the Government of India. She had four daughters. The deceased along with her children in the year 1983 visited the Maharaja of Rampur. There she was introduced to the appellant. Appellant at the relevant time was assisting the Rampur royal family. In regard to the management of her landed properties, the

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

deceased sought for his assistance. She had inherited huge properties including house in Gandhinagar from her mother. She had inherited some other property during her marriage.

Mr. Khaleeli on his assignment as diplomat of Iran went to the said country. the deceased together with her daughters started living in Gandhinagar. Appellant came there. He was also staying in the same house. The deceased desired for a son and she was made to believe by the appellant that he was capable of blessing her with a son. Akbar Khaleeli and the deceased separated in the year 1985. The deceased thereafter married the appellant on 17.4.1986. They started living together at the said house. She had executed a General Power of Attorney and a Will in appellant's favour. However, despite her marriage with the appellant, the deceased was maintaining her relationships with her parents and daughters. Mrs Sabah khaleeli, second daughter of the deceased had all along been in touch with her.

It is not in dispute that from 28.5.1991, the deceased was not seen. Mrs. Sabah Khaleeli had been trying to contact her on phone. She was informed by the appellant that the deceased had gone to Hydrabad. In June 1991, when contacted, she was informed that her mother had gone to Kutch to attend a wedding. A week thereafter it was informed to her that the deceased had been lying low owning to some income tax problems. She being exasperated with the said explanations, came down to Gandhinagar. She did not find her mother there. She was told that the deceased being pregnant had gone to United States of America for delivery of the child. She was told to have been admitted in Roosevelt Hospital. She made verifications therabout through her acquaintances and came to know that no such woman had ever been admitted to the said hospital. Appellant being confronted thereto, informed her that the deceased had gone to London and she was wanted to keep it as asecret. However, in 1992, when she met the accused at Mumbai, noticed the passport of her mother lying in the room of the hotel which confired that the deceased had not visited USA or London as represented to her by the appellant on earlier occasions.

She ultimately informed the Sector 21 Police station by giving written complaint about missing of her mother on 10.6.1992. The investigation was entrusted to one Ramsingh. He suspected the appellant herein. He was interrogated on 28.3.1994, whereupon he made a voluntary statement. He stated in great details as to the manner in which he had killed his wife and disposed of her dead body. He also disclosed as to how a wooden box of size 2×7×2 was made, a pit was dug and how the dead body was buried there. He narrated that how with the help of Raju he had put the box into the pit covered with mud and on the next day with the help of some masons brought by the said Raju stone slabs were put on the pit and the adjacent land and cemented the place.

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

In the said statement, he stated: "if I am taken I will show the place where the wooden box was prepared and the person who prepared it, the persons who transported the box and the people who helped in digging out the pit and the crow bar, spade, pan used for digging pit, the cement bags and the spot where deceased is buried and I exhume the dead body of the deceased and show you. "

The things and the dead body were discovered accordingly in presence of Executive Magistrate. The body was identified by the relatives of the deceased with the help of some ornaments. Along with the body a bed sheet, a nighty, and a pillow was also recovered.

The case was based totally on circumstantial evidence. The appellant contends that the prosecution is not able to prove the case beyond reasonable doubt.

1. Decide the appeal on the basis of Section 3, 7, and 27 of the Indian Evidence Act. (12 Marks)
2. Will the burden of proof shift to the accused under any circumstances? (4 Marks)
3. What part of the deceleration is admissible and which is not admissible as evidence? (4 Marks)

Section C **Attempt any 4(Four)** **(40 Marks)**

Q.4. What is a Document? Under what circumstances can a secondary document be produced in court as Evidence?
(10 Marks)

Q.5. What is burden of proof? Explain the difference between Section 101 and 102 of Indian Evidence Act with regards to burden of proof.
(10 Marks)

Q.6. Can Dying Declaration be a sole basis of conviction? Explain the requirements that provide greater evidentiary value to a dying declaration. (10 Marks)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Q.7. How can the authenticity of Hand writing be proved under various provisions of Indian Evidence Act
(10 Marks)

Q.8. 'Hearsay evidence is no evidence' Do you agree with this statement? What are the exceptions to this rule?
(10 Marks)

Section D **(30 Marks)**

It contains **Twoor Three Compulsory Questions**of **15 or 10 marks each respectively**, which should be of Numerical/Analytical/Synthesis/Design based orLongdescriptive type.

Q.9. Respondent No. 1 Syndicate Bank filed a suit against one Krishna Raj Singh and respondents 2 and 3 for recovery of the amount advanced by Respondent No. 1. The suit was filed for recovery of Rs. 100000 and was decreed vide judgment dated 24.7.1996 by the Court of III Additional District Judge.

During the pendency of the suit, Krishna Raj Singh, the husband of the present petitioner died and name of the present petitioner was brought on record as legal representative of deceased Krishna Raj Singh. Ultimately, the suit was decreed on 24.7.1996 and the respondent No. 1 filed execution for recovery of the amount against the plot which was purchased by the present petitioner on 16.1.1991.

Petitioner raised an objection that this property was purchased by her on 16.1.1991 when her husband Krishna Raj Singh was alive. Krishna Raj Singh died on 25.5.1991 after purchase of the property. Thus, according to her, this property has not come to her hands from the property of the deceased and therefore, the said property can neither be attached nor sold in execution for recovery of the amount due towards her deceased husband. This objection is rejected by the executing court by the impugned order by observing that the petitioner has not let any evidence to show that she has not received the said property from the deceased.

Contention of the learned counsel for the petitioner is that the burden to prove the fact that the property came to the hands of the petitioner from her deceased husband was on the decree holder, while contention of the learned counsel for the respondent Bank is that the burden is on

GALGOTIAS UNIVERSITY
Uttar Pradesh
Dean School of Law
Galgotias University
Uttar Pradesh

the objector herself and she has not let any evidence to support her allegations made in the objections. Therefore, the Court has rightly rejected the objections filed by the present petitioner.

1. Who will succeed in the appeal? (10 marks)

2. Who has burden of proof in Civil cases? (5 marks)

Q.10 Rahul charges Anand for adultery with Rahul's wife Rani, Anand denies the fact that Rani is Rahul's wife, but somehow Anand was found guilty of adultery. Subsequently Rahul also charges Rani for bigamy by marrying Anand. Rani denies the fact that she was married to Rahul.

a. Identify the issues with burden of proof and decide who will have burden of proof? (10 marks)
b. Will the judgment given in suit between Rahul and Anand will be relevant in the subsequent suit? (5 marks)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

GALGOTIAS UNIVERSITY

SCHOOL OF LAW

SYLLABUS

Course Title: Media & Law | **Semester IX**

BA LLB (H) | **Course Code: BAL 906**

Objectives of the course

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 man 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.

The following syllabus prepared with this perspective will be spread over a period of one semester.

Syllabus

1. Mass media - Types of - Press Films, Radio Television

1.1. Ownership patterns - Press - Private - Public

2.2. Ownership patterns - Films - Private

3.3. Ownership patterns - Radio & Television, Public

4.4. Difference between visual and non- Visual Media- impact on Peoples minds.

2. Press - Freedom of Speech and Expression - Article 19 (1) (a)

2.1. Includes Freedom of the Press.

2.2. Laws of defamation, obscenity, blasphemy and sedition.

2.3. The relating to employees wages and service conditions,

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

2.4. Price and Page Schedule RegulationLaw 327

2.5. Newsprint Control Order

2.7. Advertisement - is it included within freedom of speech and expression?

2.8. Press and the Monopolies and Restrictive Trade Practices Act.

3. Films - How far included in freedom in of speech and expression?

3.1. Censorship of films - constitutionality

3.2. The Abbas Case.

3.3. Difference between films and Press - why pre-censorship valid for films but not for the press?

3.4. Censorship under the Cinematograph Act.

4. Radio and Television - Government monopoly.

4.1. Why Government department?

4.3. Should there be an autonomous corporation?

4.4. Effect of television on people.

4.5. Report of the Chanda Committee.

4.6. Government policy.

4.6.1. Commercial advertisement.

4.6.2. Internal Scrutiny of serials, etc.

4.7. Judicial Review of Doordarshan decisions: Freedom to telecast.

5. Constitutional Restrictions

5.1. Radio and television subject to law of defamation and obscenity.

5.2. Power to legislate - Article 246 read with the Seventh Schedule.

5.4. Power to impose tax - licensing and licence fee.

GALGOTIAS UNIVERSITY
Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

Select bibliography

M.P. Jain, Constitutional Law of India (1994) Wadhwa.

H.M. Seervai, Constitutional Law of India Vol.I (1991) Tripathi, Bombay.Law 328

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).

Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1 972).

Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).

Rajeev Dhavan, "Legitimating Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26 J.IL.I. 391 (1984).

Soli Sorabjee, Law of Press Censorship in India (1976).

Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984).

D D. Basu, The Law of Press of India (1980).

Students should consult relevant volumes of the Annual Survey of Indian Law published by the

Indian Law Institute. (Constitutional Law 1 & 11, Administrative Law and Public Interest litigation).

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

GALGOTIA UNIVERSITY
SCHOOL OF LAW
SYLLABUS

Course Title: Mergers and Acquisition **Semester: IX**

BA LLB (H) **Course Code: BAL 908**

1.0 Course Description:

Mergers and acquisitions continue to be a highly popular form of corporate development. In2004, 30,000 acquisitions were completed globally, equivalent to one transaction every 18minutes. Mergers and acquisitions represent the ultimate in change for a business. No other event is more difficult, challenging, or chaotic as a merger and acquisition. Mergers and acquisitions are now a normal way of life within the business world. In today's global, competitive environment, mergers are sometimes the only means for long-term survival. In many cases mergers are a strategic component for generating long-term growth. Additionally, many entrepreneurs no longer build companies for the long-term; they build companies for the short-term, hoping to sell the company for huge profits.

2.0 Course Objective

The course involves analysis of corporate restructuring strategies including mergers, acquisitions, and takeovers, financial re-capitalization, leveraged buyouts, management buyouts etc. The course integrates the corporate governance and agency dimensions, financial and strategic management aspects, and legal and accounting considerations into a unified framework for investigating issues such as, pre-merger planning, fact-finding, accounting and tax implications, anti-trust problems, post-merger integration, and short-term and long- term shareholder wealth consequences of financial and organizational restructuring transactions. The course combines applied theoretical approach with the case study method through detailed analysis of domestic and global restructuring cases. The focus will be on fundamental concepts of valuation and analytical tools of corporate finance related to restructuring. The aim of the course is for the students to understand the motivations, decision processes, transaction execution, and valuation consequences of financial, business, and organizational restructuring by corporate units. The course is designed so as to create an interface or link between the academic and the practitioner perspectives of various dimensions of corporate restructuring process.

3.0 Course Outcome

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh *

At the completion of the course the students will have developed a capability to accomplish the following:

- Master the basic knowledge about the field of M&A
- Identify major market forces generated and corporate specific opportunities for creating value through corporate restructuring transactions.
- Evaluate the objectives and motivations of various stakeholders: shareholders, managers, bondholders and employees among others behind restructuring activities.
- Explain various legal and regulatory provisions as they impact the choice and performance implication of various restructuring transactions.
- Analyze implications of tax, fair trade practices, and securities laws for deal design and implementation.

4.0 Evaluation Scheme

(A) Continuous Evaluation:

(i) Projects

(15 marks for written submission +5 marks for presentation) 20 marks

(B) Centralized Evaluation

(i) End- Semester Examination	80 marks
Total	100

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

5.0 Pedagogy

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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 Study
- Presentations
- Case Laws
- Projects
- Seminar

6.0 Syllabus

Unit 1: Introduction

Provisions of Companies Act dealing with Corporate Reorganisation; sections 390, 391, 392, 393, 394, 394A, 395, 396, 396A, 494

Unit II: Amalgamation and the SICA

Objective and jurisdiction of SICA; BIFR Regulations 1987; procedure in BIFR; how section 18 substitutes sec. 391 to 394; combination of merger and demerger in single scheme; amalgamation approved under sec. 32 of SICA; overriding effect of SICA on the Companies Act

Unit III: Amalgamation under the IRBI Act

Creation and salient Features of IRBI Act

Unit IV: Corporate Restructuring

Merger of Investment Companies; demerger of companies through courts; mergers derailed; Takeover through Mergers; Reverse Mergers; hiving off the Business

Unit V: Legal and Tax Implications of Mergers

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

Legal and Tax aspect of Hiving off Business; Tax aspects of Amalgamation; Tax consequences of Demerger

Unit VI: Valuation of Business

What is valuation of Business; three methods of valuation; problems connected with valuation; important points made by the Government of India Guidelines; guidance from the Institute of Chartered Accountants of India

Unit VII: Human Dimensions of Mergers and Acquisitions

Possible Change in Pre-Merger and post-merger scenarios; interpretation of the protection of Service Clauses; human dimensions in the Post Merger Scenario

7.0 References

1) Reed and Reed Lajorex, The art of Mergers & Acquisitions, McGraw Hill, 1999.
2) S Ramanujam, Mergers et al., Tata McGraw Hill, 2003.
3) Sridharan and Pandian, Guides to Takeover and Mergers, Wadhava Publications, 2002.
4) Machiraju, Mergers, Acquisitions and Takeover, New Age International, 2003.
5) Weston, Sen and Johnson, Takeovers, Restructure and Corporate Governance, Prentice Hall, 2003.
6) Peirick A. Gaughan, Mergers, Acquisitions and Corporate Restructuring, John Wiley & Sons, 2003.
7) Robert Brown, Applied Mergers and Acquisitions, John Wiley & Sons, 2004
8) Sudi Sudarsanam – Value Creation From Mergers And Acquisitions – Pearson Education, 1/e, 2003
9) Valuation for mergers Buyouts & Restructuring – Arzak Wiley India (P) Ltd.
10) Merger Acquisitions & Corporate Restructuring – Chandrashekar Krishna Murthy & Vishwanath S.R – Sage Publication.
11) Shiv Ramu – Corporate Growth Through Mergers And Acquisitions– Response Books
12) P Mohan Rao – Mergers And Acquisitions – Deep And Deep Publications
13) Handbook of International Mergers & Acquisitions – Gerard Picot- Palgrave Publishers Ltd.
14) Restructuring for Growth – John C. Michelson – TMH

Journals

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

1. http://blogs.law.harvard.edu/corpgov/2010/04/19/new-ssrn-e-journal-on-mergers-acquisitions/
2. http://papers.ssrn.com/
3. http://www.economics-ejournal.org/

Websites

1. https://www.scconline.co.in
2. http://www.lexisnexis.co.in
3. http://www.finmin.nic.in/
4. http://www.divest.nic.in/
5. http://www.mca.gov.in/

8.0 Faculty Contact Hours: 2 pm to 4 pm



Dean School of Law
Galgotias University
Uttar Pradesh



LLB 512	LAND LAW	L	T	P	C
Version1.1	Date of Approval:	3	1	0	4
Pre-requisites//Exposure	Basic understanding of Local Land Laws and Jurisdictions.				
co-requisites	To know the relevant provisions of Indian Constitution, Criminal Procedure Code 1973 and Civil Procedure Code.				

Course Objectives

Knowledge and understanding

- The students should understand the primary sources of the principles of land law;
- The students should be able to explain the key concepts of land law and demonstrate how they operate throughout the different parts of the subject area;
- The students should be able to demonstrate an understanding of the origins of the present rules and principles of land law, of current internal tensions within that law and its operation in society and to speculate in an informed manner on possible future developments.

Intellectual skills

- The students should be able to identify and analyse the primary sources of the principles of land law
- The students should be able to recognize and solve a land law problem using substantive knowledge and appropriate analytical skills of critical legal reasoning.
- The students should be able to show that they can think creatively by demonstrating a critical awareness of the tension points in the law and the ability to make informed proposals for law reform.

Practical skills

- The students should be able to demonstrate a competence in the use of a range of library, electronic and online legal sources including cases, statutes, Law Commission reports, textbooks and databases.

Transferable skills and personal qualities

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

- The students should have the ability to present a reasoned argument both orally and in writing in a clear and concise format and style that conveys analysis, arguments and advice in a rigorous and intelligible way.

Course Outcomes

(i) After completion of this course the student shall understand the pre-independence and post-independence development with respect to the agriculture.

(ii) The students shall become aware of the rights of the owner of the land if the possession of their land is taken by the Government with the remedy/ damages under Land Acquisition Act.

(iii) Understand and address the various issues and problems related to the acquisition of Land by Government.

(iv) Understand the provisions of Local Land Laws.

(v) The knowledge of the rent restrictions under Delhi and U.P. Rent Control Act respectively shall enable students to help an aggrieved who may be tenant or landlord to get the appropriate remedy provided under the law.

Catalog Description

Land law is the form of law that deals with the rights to use, alienate, or exclude others from land. In many jurisdictions, these kinds of property are referred to as real estate or real property, as distinct from personal property. Land use agreements, including renting, are an important intersection of property and contract law. The unit aims to impart a sound understanding of the principles of Indian Land Law & of the centrality of Land Law to society in an economic system based on the concept of private ownership. It gives students an understanding of how Land Law operates to regulate relationships between owners of property rights & to develop a critical awareness of law reform issues in Land Law and also develop theoretical analysis & legal reasoning skills in the context of property law with a view to providing a foundation for more advanced study.

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

Text Books

1. P.K.Sarkar, Law of Acquisition of Land in India, 3rd Edition, Eastern Law House.
2. Gopal Shiva, Commentaries on the U. P. Urban Buildings (Regulation of Letting, Rent and Eviction Act), 1972 and Narayan Das-Digest of U. P. Urban Buildings (Regulation of Letting, Rent and Eviction) Cases 1972-1980, 4th Edition, State Mutual Book & Periodical Service, Limited, 1981
3. Sanjiva Row, Law of Land Acquisition and Compensation, 8th Edition, Lexis Nexis Butterworths.
4. Sircar V.K. ,Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972, 4th Edition, Eastern Book Company

Reference Books

1. R.R. Maurya, Uttar Pradesh Land Laws, 19th Edition 2012, Central Law Publications.

Course Content

Unit 1:- Land Reforms **10 Lectures**

1.1 Constitutional Provisions on Agrarian Reform Legislation

1.2 Abolition of private landlordism

1.3 Land Ceiling Legislation

1.4 State enactments prohibiting alienation of land by tribals to non-tribals

1.5 Consolidation of holdings

Case Laws:-

- Sri Sankari Prasad Singh Deo vs Union Of India1951 AIR 458, 1952 SCR 89
- Raja Suryapalsingh And Ors. vs The U.P. Govt AIR 1951 All 674;
- Sir Kameshwar Singh vs State Of Bihar AIR 1953 Pat 167, 1953 (1) BLJR 261
- Raghubar Sarup V. State of UP AIR 1959 SC 909
- K.C. Gajapati Narayan Dec V. State of Orissa, AIR 1953 Ori. 185

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

- Thakur Jagannath Baksh Singh V United Provinces AIR 1943 FC 29
- Venkatagiri V. State of Andhra Pradesh AIR 1960 SC 32
- Narain Singh V. Deen Mohammad AIR 1943 FC 9,11
- Sashibhushan V. Mangala, AIR 1953 Ori. 17
- Pokar V. Lakshman, AIR 1951 Raj.120
- Orissa State V. Chadrashekahar, AIR 1970 SC 398
- State V. K.M. Zuberi AIR 1986 Pat. 166 (FB)
- Sajjan Singh Case AIR 1965 SC 845

Unit 2: - Land Acquisition, Rehabilitation and Resettlement Act, 2013 10 Lectures

1.1 Purpose

1.2 Procedure

1.3 Compensation

1.4 Difference between Acquisition and Requisition

Case Laws:-

- Kamal Trading (P) Ltd.v. State of W.B.AIR 2012 SC 823.
- Radhey Shyam v State of Uttar Pradesh and others, decided on April 15, 2012
- State of Rajasthan v. Avnish Kumar Gaur AIR 2011 Raj. 153.
- State of Karnataka v. S.B. Nanjappa Gowda AIR 2010 NOC 110 (Ker).
- Shyam Lal Bheel v. State of Rajasthan AIR 2010 NOC 216 (Raj.) .
- City Restaurant v. Assistant City Planner AIR 2007 NOC 885 (AP)

Unit 3:- Delhi Rent Control Act, 1958 : Concepts, Terms and Processes 15 Lectures

3.1 Rent Legislation in India

3.2 Definitions – Landlord, Tenant, Land and Fair Rent

3.3 Fixation of fair rent

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

3.4 Grounds of eviction

- Non-payment of Rent
- Sub-letting
- Change of user
- Material alterations
- Non-occupancy
- Nuisance
- Dilapidation
- Bonafide requirement of the landlord
- Alternative accommodation
- Building and re-construction and Limited tenancy

3.5 Settlement of rent disputes

Case Laws:-

- Anil Bajaj & Anr V. Vinod Ahuja, Special Leave Petition (C) No. 35943 OF 2012)
- Haji Yusuf Siddiqui Versus Mohd Waseem & Anr, Date of Judgment: 16.3.2012
- Precision Steel and Engineering Works Vs. Prem Deva Niranjan Deva Tayal 1982 (2) RCR 544
- Om Prakash Saluja Vs Saraswati Devi 1983 (4) DRJ 60 (SC)
- Sushila Devi Vs Avinash Chandra Jain 1987 (13) DRJ 29 (SC)
- Chander Mohan Vs Harwant Singh 1994 (29) DRJ 29
- D.N.Sharma Vs S.P. Suri 1995 (35) DRJ 285
- Narinder Kumar Vs Vishnu Kumar 1993 (26) DRJ 422
- Sakhi Bai Vs Major Satish Kumar Sabharwal 1996 (36) DRJ 428
- K.D. Gupta Vs H.L. Malhotra 1992 (23) DRJ 2341

Unit 4: The U.P. Urban Building (Regulation of Letting, Rent And Eviction) Act, 1972 **11 Lectures**

4.1 Introduction, Salient features, exemptions & Definitions

4.2 Regulation of Rent, Regulation of Letting

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

4.3 Eviction

4.4 Rights and Obligations of Landlord & Tenant, Power to make rules, miscellaneous provisions

Case Laws:-

- Mohd. Ayub & Anr. Vs. Mukesh Chand ILC-2012-SC-CIVIL-Jan-2
- Fakir Chandra Govila vs. Suresh Chandra Agarwal; 2012(3) ARC 716 (All HC)
- Radhey Shyam Kushwaha vs. Addl. District Judge; 2012 (3) ARC 823(All HC)
- Lazmi Prasad vs. Spl. Judge, Gorakhpur; 2012 (3) ARC 866 (All HC)
- Ambalal Sarabhai Enterprises Ltd. Vs. Amrit Lal & Company and Another, 2001(8) SCC 397
- Pooran Chandra vs. VIth Additional District Judge; 2012(3) ARC 895 (All HC)
- Ramesh Chandra Yadav II Addl. District Judge, Jalaun at Orai and Ors; 2012 (6) ALJ 130)
- Gopal Dass vs. Bal Kishan Dass; 2012 (5) ALJ 705)
- Smt. Reeta Singh vs. Rajendra Sharma; 2012 (5) ALJ 420)
- Vishambhar Dayal vs. VII Additional District Judge; 2012 (3) 891 (All HC)
- Kabita Mukharjee v. Smt Pinky Mookargee & Ors.; 2012 (6) ALJ 78)
- Bindeshwari Prasad Soni vs. Additional District Judge Court, Balrampur; 2012 (3) ARC 684 (All HC LB)
- Kunti Devi (Smt.) vs. IIIrd ADJ; 2012(3) ARC 642 (All HC)
- Satya Nariain Tiwari v. Pt. Keelkanth Trust, Akalganj, City and District Etawah; 2012 (6) ALJ 319
- Chand Ratan Laddha vs. Additional District Judge; 2012 (6) ALJ 764 (All HC)
- Ganga Charan vs. Santosh Kumar Awasthi; 2012 (3) ARC 722 (All HC)
- Sita Ram Bijpuriya vs. State of UP; 2012(3) ARC 746 (All HC)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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

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

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

		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Understanding	reform	Ensure Professional Preparation
	Land Law	1	2	3	4	5
		1	3	2	3	2

Mapping between Cos and Pos		
Sl. No.	**Course Outcomes (COs)**	**Mapped Programme**

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

		Outcomes
1	After completion of the course student shall understand the pre-independence and post-independence development with respect to the agricultural	**1**
2	The students shall become aware of the rights of the owner of the land if the possession of their land is taken by the Government with the remedy/ damages under Land Acquisition Act.	**2,3,4**
3	Understand and address the various issues and problems related to the acquisition of Land by Government.	**2,3**
4	Understand the provisions of Local Land Laws.	**2,3.4**
5	The knowledge of the rent restrictions under Delhi and U.P. Rent Control Act resp. shall enable students to help an aggrieved who may be tenant or landlord to get the appropriate remedy provided under the law.	**3,4**

1=**addressed to small extent**

2= addressed significantly

3=major part of

Theory of this course is used to evaluate PO(3)
Laboratory of this course is used to evaluate PO(5)

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

LLB 213	**Private International Law**	L	T	P	C
Version1.1	Date of Approval:	3	1	0	4
Pre-requisites/Exposure	Basic Knowledge of Public International Law, Family Law, Transfer of Property Laws, Law of Contract As Private International Law is a connecting factor between municipal laws and their counterparts in international legal systems, respective municipal laws are to be studied by students Eg: Indian Contract Act for International Contracts, Indian Torts with international Torts, or Arbitration, IPRs and so on.				
Co-requisites	CPC, Evidence Act, All Treaties signed by India under The Hague Conventions and with other countries.				

Course Objectives

To understand the Conflict of laws that come as a result of conflict between two municipal jurisdictions where a foreign element is involved and how Law for the same issue can be different in different nations, there are three main objectives of this subject. The first two questions must be asked and answered every time we are faced with a problem which has a foreign element. The third question only arises where there is a foreign judgment. These are known as three elements of private international law which are its foundational jurisprudence.

1) To set out the conditions under which a court is competent to hear an action. This is the *question of jurisdiction.*

2) To determine by what law the rights of the parties are to be ascertained. In a contract dispute, for example, it is necessary to determine the law governing the contract (its 'applicable law'). This is the question of *choice of law*.

3) Where a dispute has been litigated in another country, to specify the circumstances in which the foreign judgment can be recognised and enforced by action in another nation (Eg: India). This is the question of *recognition and enforcement of foreign judgments*.

Course Outcomes

At the end of the course the students will be equipped with the skills:

1. To understand whether principles of Conflict of Laws are applicable in any case involving foreign element.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

2. To identify the issue of Jurisdiction of a court in any case where foreign element is involved.

3. To identify the Law that will be applicable in any case where foreign element is involved.

4. To understand whether a foreign judgement can be recognised and executed by municipal courts.

5. To understand the conflict between norms of Private International Law in Common Legal System and Civil Law System

5.6. To understand how and what role public international law has in relation to private international law

Formatted: Left, Indent: Left: 0.5", Space After: 10 pt, Line spacing: Multiple 1.15, No bullets or numbering

Catalog Description

Whenever a law addresses a legal problem that has a foreign element, there is a potential conflict of laws or jurisdictions or conflict in recognising and enforcing foreign judgments and awards.

In today's world the distances are getting smaller, the world is becoming a global village and the inter-state transactions have enhanced manifold. The transactions include, transactions with regard to marriage, property, adoption and contracts. Legal issues with regard to these transactions are increasing day by day. Thus, the courts are facing problems in the form of cases with foreign elements. So Students should have knowledge of all the aspects of Private International Law when they go before the court to practice.

In essence, whenever conflict of laws arises, the key issues are: whose courts have jurisdiction, whose laws are to be used, and can the judgement be enforced? These questions are at the core of this subject guide, and they range across every facet of human activity in which the law may play a role.

Text Books

- Paras Diwan, "Private International Law",4th Edn., Deep & Deep Publications, New Delhi (1998) (theories and foundations)
- Atul Setalwad, "Conflict of Laws", 3rd Edn., Lexis Nexis, Delhi (2014) (procedures)
- K. B. Agrawal, Vandana Singh, Vandana Singh "Private International Law in India", Kluwer Law International, 2010 (case laws)
- Cheshire, North & Fawcett: "Private International Law" Oxford University Press, (2009) by James Fawcett, Janeen Carruthers, Peter North

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

- John Humphrey Carlile Morris, Peter Machin North "Cases and materials on private international law: Butterworths (cases laws)
- Butterworths, 1984

Reference Books

- C.M.V.Clarkson & Jonathan Hill, "The Conflict of Laws", 4th Edn., Oxford University Press, Oxford, 2011
- David Hill, "Private International Law Essentials", Dundee University Press Ltd., Dundee, 2015
- Adrian Briggs, "Conflict of Laws", 3rd Edn.,Oxford University Press, Oxford, 2013
- ~~Cheshire, North & Faweett, "Private International Law", 14th Edn., Oxford University Press, Oxford, 2006~~

Formatted: Strikethrough

Course Content

PART A – GENERAL PRINCIPLES

Module I:

Introduction **4 Lectures**

- Definition of Conflict of Laws; Its Functions and why is it important.
- Difference between Public and Private International law.
- Development and History - England and India - a Comparative Study
- Modern theories:
  - Statutory, Territorial, International, Local Law and Justice.
- Stages in a Private International law
  - Choice of Jurisdiction
  - Choice of law
- Unification of Private International Law and The Hague Conventions

Module II:

Choice of Jurisdiction (First stage) **3 Lectures**

- Meaning, Basis of jurisdiction, limitations like effectiveness principles - Relevant C.P.C. provisions regarding jurisdiction -ss. 15-20, 83, 84, and 86
- Kinds of jurisdiction:
  - Actions in Personam (Contract).
  - Actions in Rem (such as matrimonial causes and probate)
  - ~~Admiralty action (S VI the Admiralty Courts Act)~~ (this part can be removed as they form part of a different subject of law)
  - Actions under assumed discretionary jurisdiction (inherent jurisdiction) (Indian

Formatted: Strikethrough

Formatted: Not Strikethrough

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

Context: ss. 10 and 151 of C.P.C.)

Module III:

Choice of Law (Second Stage) **5 Lectures**

- Classification/Characterization/Categorization - allocation of category to the foreign element case.
- Necessity for Classification (different legal concepts with different content – matters like domicile, talaq and dower in different legal systems.
- What is Connecting factor.
- Selection of Lex Causae through Connecting Factor.
- Meaning & Application of Lex Causae - Renvoi: Partial and Total (Foreign Court Theory) - critical analysis of Renvoi - Indian position
- Why, How and Where is Renvoi relevant and not relevant

Case Laws:

Re Ross Case[1930 1 Ch 377]
Vishwanathan (R) v. Rukn-Ul-Mulk Syed Abdul Wajid [1963 SCR (3)22]

Module IV :

Limitations on application or exclusion of foreign law **2 Lectures**

- When foreign law is excluded: grounds - Public Policy, Revenue Laws and Penal Laws

Case Laws:

1. *Schemmer v Property Resources Ltd [1974] 3 All ER 451*
2. *Bank of Ireland v Meeneghan [1995] 1 ILRM 96*
3. *United States of America v Inkley [1989] QB 255 at 265*

Module V: **Incidental Question and Time Factor in private International Law**
2 Lectures

Module VI

Concept of Domicile **3 Lectures**

- Concept of Domicile, Nationality, Citizenship & Habitual Residence
- General principles/fundamental Principles
- Elements - intention and residence
- Kinds
  - Domicile of Origin
  - Domicile of Choice
  - Domicile of dependence (Married women's position in English and Indian laws)
  - Domicile of corporation.

Case Laws:

1. *Sondur Gopal v. Sondur Rajini (2013) 7 SCC 426*
2. *Handerson v. Handerson (1965) 2 W.L.R. 218*
3. *Rasheed Hasan v. Union of India 1967 All 154*

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

PART B – LAWS OF PERSONS

Module VII

Marriage **7 Lectures**

- Concept & Kinds of Marriage
- How in India, marriage as a concept moved from partially polygamous towards monogamous type and total sacrament to secularization to some extent.
- Questions of Formal and Essential validity:
  - Formal validity by *lex loci celebrationis*
  - Essential/material/intrinsic validity

Case Laws:

1. *Hassan v Hassan [1978] 1 NZLR 385 at 390*
2. *Mehta v Mehta [1945] 2 All ER 690*
3. *Hyde v.Hyde [L.R. (1866) 1 P.M. 130 at P. 133]*
4. *Ogden v. Ogden (1947) 2 All ER 677*

Module VIII

Matrimonial Causes **5 Lectures**

- Concept of Matrimonial Cause (Relief)
- Available Reliefs
  - Divorce, Nullity, Judicial Separation
- Restitution of Conjugal Rights (in English law)
- Choice of Jurisdiction and Choice of Law to be examined.

Case Law:

1. *In the Marriage of Hanbury Brown (1996), FLC 92-671*
2. *Butler v Butler [1997] 2 All ER*

Module IX **(this can be avoided as they form part of public policy and public law)**

Legitimacy and Legitimation **4 Lectures**

- What is legitimacy
- What law governs legitimacy
- Validity of marriage
- Legitimation – Meaning & Concept, Effect & Legitimation and Succession.

Case Law:

1. *G v United Kingdom (Children :Rights of Contract) [2001] 1 FLR 153*
2. *Sylvester v Austria [2003] 2 FLR 210*

Module X

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Adoption: **2 Lectures**

- Recognition of Foreign Adoptions
  - Adoption by foreign Parents
  - Jurisdiction under Indian and English Law
  - Inter Country Adoption & Hague Convention 1993

Case Law:
Re G (Foreign Adoption:Consent) [1995] 2 FLR

PART C – LAWS OF PROPERTY

Module XI

Property **7 Lectures**

- Distinction between movable and immovable property (English idea of personal and real property).
- Immovables governed by lex situs - exceptions in English Law - S.16 C.P.C. lex situs rule
- ~~Succession to immovable property - *lex patrae*~~ *(this can also be avoided)*
- Movables: tangible and intangible - chooses in possession and chooses in action in English Law - Chooses in action as actionable claims in India Law with some exception (SS 3 and 130 T.P. Act 1882.)
- Transfer of Tangible Movables (Particular Assignment).
  - Different theories
  - Assignment of Intangible Movables
  - Kinds of assignment-voluntary and involuntary
- Formal and essential validity

Formatted: Strikethrough
Formatted: Not Strikethrough

Module XII *(this can also be avoided as it deals with lots of issues and cannot be covered in 4 lectures)*

Succession **4 Lectures**

- Testate and in testate (Involuntary Assignment) - relevant provisions of Indian Succession Act.
- In testate succession
- Wills- Formal and Essential Validity
- Capacity-*lex domicilii* to make will (movables generally)
- In case of immovables, *lex situs* governs

PART D – LAWS OF OBLIGATION

Module XIII

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

Contracts **4 Lectures**

- Contract- a leading relationship in private international law system
- Validity of contracts
- Capacity to contract-Main four theories Lex Loci, *Lex Domicilii, lex situs* and proper law.
- Formal validity - *lex loci contractus* governs
- Essential validity - proper law is usually accepted as governing.
- Discharge of contract - Lex loci solutions governing.
- Doctrine of "proper law" of contract subjective and objective Theories

Case Laws:

1. *Miller v. Whiteworth Street Estates (1970) 2 W.L.R. 728*
2. *Sayers v. International Drilling Co. (1971) 3 All E.R. 163*

Module XIV **2 Lecture**

This portion should be given maximum importance and must be connected with all the issues studied in other modules.

- Recognition and Enforcement of Foreign Judgments/Awards

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

	Theory	
Components	**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	To understand whether principles of Conflict of Laws are applicable in any case involving foreign element	**1**
2	To identify the issue of Jurisdiction in any case where foreign element is involved	**1,2**
3	To identify the Law that will be applicable in any case where foreign element is involved	**1,2**

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

4	To understand whether a foreign judgement can be recognised and executed by municipal courts.	2,3,4,5
5	To understand the conflict between norms of Private International Law in Common Legal System and Civil Law System	2,3,5

Yes this is a correct assessment.		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 308	Private International Law	3	3	1	1	2

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

Model Question Paper (Make in new format)

GalgotiasUniversity, Greater Noida

School of

EndTerm Examination







LLB (HONS.) 2ND YEAR 3RD SEMESTER 2015

Course Name: PRIVATE INTERNATIONAL LAW **Max Marks: 100**

Course Code: LLB 308 **Time:03.00 hr**

Instructions:

1. Attempt all sections.

Section A (10 Marks)

Compulsory Questions

Q.1. (a) Define Status. **1 mark**

(b) What is the distinction between formal validity and essential validity. **1 mark**

(c) What is Action in Rem? **1 mark**

(d) Explain Concept of Renvoi. (In one Senctence) **1 mark**

(e) Elaborate briefly on Territorial Theory **1 mark**

Q.2 Write a short on:

(a) '*Jurisdiction in Personam*'

(b) *Lex loci delictii*

(2 x 2.5 Marks Each)

Section B (20 Marks)

Compulsory Question

Q3. P, whose domicile of origin was England, acquired a domicile of dependency in South Australia. At the age of 20 he married a New Zealand domicile woman (where was the marriage held? And under what customs? Please specify). With his wife he came to England (for what purpose) and just then completed the age of 21 how many years they both lived and with what status?. His wife presented a petition for dissolution of marriage in an English Court on what grounds?. Under English Private International Law, under what condition would the court have jurisdiction. And would did young 20 year old under

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

English and Indian Private International Law after attaining majority acquire his own domicile or not. Why is Indian jurisdiction in picture here?

Section C

(40 Marks)

(Any 4 Questions)

Q4. Explain the case of "Black v. Yates" to show the use of recognition and enforcement of foreign judgments.

Q5. During the process of categorization of a issue a particular kind of question arises because the main problem may not, even if resolved, answer the question to be determined by the court. What is this kind of question called and describe in detail its relation with 'lex causae', 'lex situs', 'lex domicilii' with the help of an ~~example~~example?

Q6. In brief write down the need for recognizing foreign judgments. Give the basic features of ~~the Hague~~The Hague Convention on the recognition and enforcement of judgments in civil and criminal matters 1971.

Q7. Critically analyze the case of 'Schemmer v. Property Resources Ltd.' to show limited application of foreign law.

Q8. Critically analyze the case of 'Hyde v. Hyde' with respect to hardship and injustice in respect of polygamous marriages in English Law

(4 x 10 Marks Each)

Section D

(30 Marks)

Compulsory Questions

Q9. In a particular case, the petitioner was a minor, his father left him behind in India and went to Pakistan, acquired Pakistani Domicile and became a citizen of Pakistan. The minor remained in India, later was added in the voters list and fought elections. What is the rule by which the domicile of the abandoned child can be declared and will it change with father's domicile or remain as the original domicile. Clearly explain these concepts with respect to the Indian Laws of Domicile

Q10. When a court applies its own Private International Law to determine any matter involving a foreign element a problem of Time Factor arises. Define this term and give three situations in

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

which this problem of Time Factor arises and elaborate on alteration in the rules of conflict of laws. And also give the relevant time of applying the connecting factor.

(2 x 15Marks Each)



Dean School of Law
Galgotias University
Uttar Pradesh



BAL/ BBL 714	Public International Law	L	T	P	C
Version1.1	Date of Approval:	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

GALGOTIAS UNIVERSITY
Uttar Pradesh
Dean School of Law
Galgotias University
Uttar Pradesh

agreements and conventions (jus inter gentes), which have different foundations and should not be 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
- Treaties

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

- 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:

Law of Sea **8 Lectures**

- Introduction and Problems
- Territorial Sea
- Continental Shelf
- Contiguous Zone
- Exclusive Economic Zone
- High Seas and law of Sea

Module VII:

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

International Organisation- Origin, Structure and Function **8 Lectures**

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

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

	Theory	
Components	**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	To appreciate the role of Public International Law in the society	**1,4**
2	To understand the importance and implications of International Law & Organisations	**3,4,5**
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**

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

		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 214/BAL 606/BBL606	**Public International Law**	1	1	2	3	3

1=addressed to small extent

2= addressed significantly

3=major part of course

Model Question Paper (Make in new format)

GalgotiasUniversity, Greater Noida

School of

EndTerm Examination

LLB (HONS.) 1st YEAR 2nd SEMESTER 2015

Dean School of Law
Galgotias University
Uttar Pradesh

Course Name: PUBLIC INTERNATIONAL LAW **Max Marks: 100**
Course Code: LLB 214 **Time:03.00 hr**
Instructions:

1. Attempt all sections.

Section A (10 Marks)
Compulsory Questions

Q.1. (a) The term International Law was first time used by which Jurist in 1789? **1 mark**

(b) Which International document contains all the Sources of International Law in it ? **1 mark**

(c) Name the two theories which define the relationship of International Law with Municipal Law. **1 mark**

(d) When an existing State recognizes the New State by a notification or declaration, it is called _____ Recognition. **1 mark**

(e) Which treaties create rights which are of permanent nature and are independent of the personality of the State exercising sovereignty? **1 mark**

Q.2 Write a short on:
(a) Monroe Doctrine of Intervention
(b) Extradition and Rendition

(2 x 2.5 Marks Each)

Section B (20 Marks)
Compulsory Question

Q3. Define International Law and it Basis. How has International Law developed in the years and what is the approach of developing countries towards to it and despite all the codification will it still be considered as a Weak Law?

Section C (40 Marks)
(Any 4 Questions)

Q4. Write Short Notes on:
(a) *Lotus Case* and its importance in International Custom.
(b) Territorial Asylum

Q5. Explain in detail the Indian Position on *Exclusive Economic Zone* with reference to the Maritime Zones Act, 1976

Q6. (a) Explain the General Principle of '*Nemo Judex in Causa Sua*' in relation to the *Chorzow Factory Case*.
(b) Differentiate between '*Law Making Treaties*' and '*Treaty Contracts*'.

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

Q7. (a) Explain the concept of Asylum in Legation.
(b)What is the importance of the *North Sea Continental Shelf Cases* in International Law?

Q8. The legal significance of Recognition is controversial which has lead to the emergence of different theories. Name and explain the two Theories of Recognition.

(4 x 10 Marks Each)

Section D (30 Marks)

Compulsory Questions

Q9. What are the Principles on which the United Nations is established and the main Purposes of UN explain in detail? Elaborate the process of Admission and Suspension of a Member to the United Nations.

Q10. How does International Law divide the seas or oceans into different zones. Name and Explain the provisions of the different Conventions according to which this happens. And if there are clear demarcations of water territories, then what is the conflict about '*the common heritage of mankind*', explain.

(2 x 15Marks Each)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

BAL/BBL603	INTERPRETATION OF STATUTE	L	T	P	C
Version1.1		3	1	0	4
Pre-requisites//Exposure	Knowledge about Indian Court and Laws passed by legislation				
co-requisites	Legal Methods				

Course Objectives

1. To know the concept of Interpretation and its difference with construction
2. To understand and examine the relevancy of various principles of interpretation
3. To identify the roles of judiciary along with extent in ascertaining meaning of any statute
4. To assess the judicial trends in India

Course Outcomes

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

1. Acquaint with the concept of Statutes and how is it different from other sources of laws.
2. Learn the mechanism to find out the real intent of the Statutes.
3. Understand the relevancy of Internal and External Aid of Interpretation.
4. Apply the various doctrines of Constitutional Interpretation.

Catalog Description

Laws enacted by the legislatures are interpreted by the judiciary. Enacted laws, specially the modern Acts and Rules, are drafted by legal experts and it could be expected that the language will leave little room for interpretation or construction. But the experience of all, who have to bear and share the task of application of law, has been different. It is quite often observed that courts are busy unfolding the meaning of ambiguous words and expressions and resolving inconsistencies. The age old process of the application of the enacted laws has led to formulation of certain rules of interpretation or construction. "By interpretation or construction is meant", says Salmond, "the process by which the courts seek to ascertain the meaning of the legislature through the medium of authoritative forms in which it is expressed". A statute is an edict of the Legislature and the conventional way of interpreting and construing a statute is to seek the intention of its maker. A statute is to be construed according to the intent of them that make it and the duty of judicature is to act upon the true intention of the legislature.

Text Books

1. B.M. Gandhi, Interpretation of Statutes, Eastern Book Company, 2nd Edition, 2014.
2. T. Bhattacharya, Interpretation of Statutes, Central Law Agency, 6th Edition, 2013.

Reference Books

1. Justice G.P. Singh, Principles of Statutory Interpretation, Lexis Nexis, 12th Edition, 2010
2. N.S. Bindra's Principles of Interpretation, Lexis Nexis, 10th Edition 2011.
3. Sir Peter Benson Maxwell on Interpretation of Statutes 6th Edition, 1920.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

Course Content

Module: 1. Introduction **6 Lectures**

- Meaning, Objects, Nature and Scope of 'Interpretation' and 'Construction'
- Types of Interpretation and Statute
- Difference between Interpretation and Construction
- Nature and Kinds of Indian Laws: Statutory, Non-statutory, Codified, State-made and State-recognized laws.
- Act should be read as a whole (Ex Viceribus Actus)
- Ut Res Magis Valeat Quam Pereat

Case Laws:

- P. Ramachandra Rao v. State of Karnataka (2002) 4 SCC 578
- Padma Sundara Rao v. State of Tamil Nadu (2002) 3 SCC 533
- Bhatia International v. Bulk Trading S.A. (2002) 4 SCC 105

Module: 2.Rules of Interpretation **15 Lectures**

- Basic Rules of Interpretation
    - Literal Rule or Plain Meaning Rule of Interpretation
    - Golden Rule of Interpretation
    - Mischief Rule of Interpretation
    - Beneficial Rule of Interpretation
    - Rule of Purposive Construction
    - Harmonious Construction
- Subsidiary Rules of Interpretation
    - Ejusdem generis
    - Noscitur a sociis

Case Laws:

- Jugal Kishore v. Raw Cotton Co. AIR 1955 SC 376
- Ram Avtar Budhai Prasad v. Assistant Sales Tax Officer, AIR 1961 SC 1325
- Lee v. Knapp (1967) 2 Q.B.442
- Nokes v. Doncaster Amalgamated Collieries (1940) AC 1014
- Heydon's case (1584) 3 Co. Rep. 7
- R.M.D.C. v. Union of India, AIR 1957 SC 628
- Commissioner of Income-tax. v. Smt. Sodra Devi, AIR 1957 SC 832

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

- S.R. Chaudhuri v. State of Punjab (2001) 7 SCC 126
- All India Reporter Karamchari Sangh v. All India Reporters Ltd., AIR 1988 SC 1325
- Calcutta Municipal Corporation v. East India Hotels Ltd., AIR 1996 SC 419
- Oswal Agro Mills Ltd. v. CCE, 1993 Supp(3) SCC 716
- Ashbury Railway Carriage & Iron Co. v. Riche (1875) LR 7 HL 653s
- Hamdard Dawakhana v. Union of India AIR 1960 SC 55

Module: 3. Internal Aids to Interpretation **5 Lectures**

- Short and long titles, preamble, marginal notes, parts and their captions, chapters and their captions, section headings
- Explanations, exceptions, examples, provisos and schedules
- Defining legal expressions like 'means' 'includes', 'that is to say', etc.
- Phrases like 'grammatical variations and cognate expressions'

Case laws:

- Biswambhar Singh v. State of Orissa, AIR 1954 SC 139 :
- M/s. HiralalRattanlalv. State of U.P. (1973) 1 SCC 216.
- Manoharlalv. State of Punjab, AIR 1961 SC 418 (1961) 2 SCR 343

Module: 4. External Aids to Interpretation **6 Lectures**

- Parliamentary History
- Parliamentary proceeding
- Later Developments
- Dictionaries
- Foreign Judgments

Case laws:

- Shashi Kant Laxman Kale v. Union of India, AIR 1990 SC 2114 :(1990) 4 SCC 366
- S.R. Chaudharyv. State of Punjab (2001) 7 SCC 126
- State of Mysore v. R.V. Bidap, AIR 1973 SC 255

Module: 5. Applied Principles of Interpretation **5 Lectures**

- Fiscal Statutes
- Interpretation of Contracts
- Interpretation of Treaties

Case laws:

- The Empress Mills, Nagpur v. The Municipal Committee, Wardha, AIR 1958 SC 341
- A.S. Sulochanav. C. Dharmalingam, AIR 1987 SC 242

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Module: 6. Principles of Constitutional Interpretation **11 Lectures**

- Doctrine of pith and substance
- Colourable legislation
- Ancillary powers
- Residuary power
- Doctrine of repugnancy
- Doctrine of Presumption

Case laws:

- Prufulla Kumar v. State Bank of Khulna, AIR 1946 PC.
- Atiabari Tea Co. Ltd. v. State of Assam AIR 1961 SC 232.
- Bengal ImmModuley Co. v. State of Bihar, AIR 1955 SC 61.
- Saurabh Choudhry v. Union of India AIR 2004 SC 361
- The Supreme Court Advocates on Record Association v. Union of India AIR 1994 SC 268.
- Jagdish Sharan v. Union of India AIR 1980 SC 820

	Theory	
Components	**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	Acquaint with the concept of Statutes and how is it different from customary laws.	**1,2,5**
2	Acquaint with the real intent of the legislature while passing a statute.	**2,4**
3	Understand the various aid applied by Judiciary for doing interpretation	**1,2,3**
4	Apply the various doctrines of Constitutional Interpretation.	**1,2,4**

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

		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/BBL603	**Interpretation of Statute**	2	3	1	2	1



Galgotias University
Uttar Pradesh



BAL/ BBL	Laws on Infrastructure Development	L	T	P	C
Version1.1		3	1	0	4
Pre-requisites//Exposure	Basics of Commercial/ Business Laws				
co-requisites	None				

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 be able to

1. Appreciate the variety in the context of the ambit and nature of Infrastructure
2. Understand the aspect of finance for infrastructure in context of national and international perspective
3. Learn drafting of the documents that are necessary for a successful development of infrastructure
4. Understand the solution to infrastructure sector's problems in the form of PPP (Public Private Partnership)

Catalog 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

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY

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.

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.

Suggested Text Book:

1. Piyush Joshi, Lexis Nexis Butterworths Publication Law Relating to Infrastructure Projects.

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

2. Gajendra Dalea, "Infrastructure at Crossroads: The Challenges of Governance", Oxford University Press, New Delhi, 2011 edn.

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, "Bhaumaik'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.
6. PranayChaturvedi and AnkutDalal, "Law of SEZs- National and International Perspectives", Eastern Law House.
7. KanuDoshi and YogeshAshar "Treatize on SEZ laws and practice".

Articles/References

1. Om Prakash Gautamand Amit Kumar Pathak, "Recent Developments in Arbitration Law — with special reference to YograjInfrastructure Case"(2012) PL February S-21
2. Harun R. Khan, "Infrastructure Financing in India – Progress & Prospects"
3. "Public Private Participation in Indian Infrastructure Poised for Growth: A BACKGROUND NOTE" by KMPMG
4. "Infrastructure Debt Fund" (citations to be provided)
5. Nisith Desai, "Legal Framework for Infrastructure and its impact on Construction Industry"
6. "India's infrastructure issues are a boon for lawyers" available at www.asialaw.com/Article/1970767/Indias-infrastructure-issues-are-a-boon-for-lawyers.html?Print=true&Single=true
7. Dr. Hiren M Maniar "Risk Analysis of Infrastructure Projects – A Case Study on Build – Operate Transfer Projects in India"
8. Accelerating Public Private Partnerships in India
8. "Consultation paper on Infrastructure Investment Trusts" available at www.sebi.gov.in
9. Consultation paper on Infrastructure Investment Trusts available on sebi.gov.inaccessed on 20th December 2013

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

10. "Country Framework Reportfor Private Participationin Infrastructure" issued by World Bank and Public-PrivateInfrastructure Advisory Facility

1. "Facilitating InfrastructureDevelopment in India", 2011 issued by Asian Development Bank

Course Content

Module 1: An Overview of Infrastructure Laws in India

1.1 Scope of Infrastructure laws in India

1.2 Infrastructure Development Projects

1.3 Stages and Participants in Infrastructure Development Projects – Government, Lenders, Investors, Regulators, other authorities

1.4 Judiciary and Sector Regulators

1.5 Disinvestment

1.6 The legal framework on the constitutional, environmental and tax aspects of infrastructure

1.7 Nature & Basis of Private Participation in Infrastructure Development Projects

Module 2: National Highways and Roads

2.1 The Road Transport Corporation Act, 1950

2.2 The National Highways Act, 1956

2.3 Model concession of NHAI

2.4 Issues arising from the legal framework.

Module 3: Railways

3.1 Railways Act, 1890

3.2 Railways Act, 1989

3.3 Railway Claims Tribunal Act, 1987

Module 4: Infrastructure Civil Aviation

4.1 The National Policy on Airport Infrastructure 1997

4.2 National Airport Authority

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

4.3 Private participation and case study of private airports.

Module 5: Development of Special Economic Zones (SEZs)

5.1 The Special Economic Zone Act, 2005

5.2 The SEZ Rules, 2006

5.3 Infrastructure Development in the various existing SEZs

	Theory	
Components	**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	Appreciate the variety in the context of the ambit and nature of Infrastructure	**1, 2, 3**
2	Understand the aspect of finance for infrastructure in context of national and international perspective	**1,3**
3	Learn drafting of the documents that are necessary for a	**4, 5**

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

	successful development of infrastructure	
4	Understand the solution to infrastructure sector's problems in the form of PPP (Public Private Partnership)	**2,4**

		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Understanding	reform	Ensure Professional Preparation
BAL/ BBL	**Laws on Infrastructure Development**	1	2	3	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)
Laboratory of this course is used to evaluate PO(5)

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law Galgotias University Uttar Pradesh

BAL/ BBL703	Taxation Law 1 – Direct Taxes	L	T	P	C
Version1.1		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
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

Dean School of Law
Galgotias University
Uttar Pradesh

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 Editon Reprint 2010 Wadhwa & Company.
4. V.K. Singhania, *Direct Tax Law & Practice, Professional Edition*, 2015-16 Taxmann.
5. Dr.V.Gaurishanker, *Principle of Taxation*, First Print, 2007 Wolters Kluwer, New Delhi.

Dean School of Law
Galgotias University
Uttar Pradesh

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., "Colurable 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. Subbayya 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

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

2.2.1 Meaning and concept of House property

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 fromother 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 Editon Reprint 2010 Wadhwa & Company.
4. V. K. Subramani, *Taxation of Capital Gain*,2008, Taxman

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

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.
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 inpact 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) 320ITR 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

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

3.6 Corporate Tax Planning

3.7 STT (security transaction tax)

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, 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.

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

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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
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:

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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
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. 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. 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

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

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
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.

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

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

	Theory	
Components	**Internal**	**End Term Examination(ETE)**
Marks	50	50
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	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**

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY ★ Uttar Pradesh ★

3	Understand that tax and development are mutually exclusive	1, 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
BBL/ BAL703 , LLB603	**Principle of Taxation**	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)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

BAL/ BBL703	Principle of Taxation	L	T	P	C
Version1.1		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 and indirect 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 and indirect tax laws 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.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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
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 I: **(5 lectures)**

General Perspective

- History of tax law in India
- Fundamental principles relating to tax laws
- Governmental financial policy, tax structure and their role in the national economy.
- Concept of tax:
- Nature and characteristics of taxes
- Distinction between:
    i. Tax and fee
    ii. Tax and cess
    iii. Direct and indirect taxes

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

iv. Tax evasion and tax avoidance

Legislative power to levy taxes:

- Constitutional Provisions
- Distribution of Legislative Powers between the Union and States with particular reference to Taxing Powers
- General Scheme of Distribution of Legislative Powers (Articles 245 – 254)
- Distribution of Taxing Powers
- Entry 97 and Entry 86 of List I (Union List)
- Entry 49, List II (State List)

Cases:

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

Module II: **(30 lectures)**

Income Tax

- Basic Concepts:
- Income [Definition : S. 2(24)]
- Capital Receipt v. Revenue Receipt -Tests to distinguish
- Agricultural Income – Meaning of Agricultural Income[S. 2(1A), 10(1)]
- Income not included in total income

GALGOTIAS UNIVERSITY
Dean School of Law
Galgotias University
Uttar Pradesh

- Deemed income
- Clubbing of income
- Assessee- Assessment year- Previous Year (S. 3)
- Residential status of Assessee (S. 6)
- Incidence of tax varies with residential status of an assessee
- Total income of assessee (Ss. 4 and 5)
- Income deemed to accrue or arise in India (S. 9)
- Person
- Tax Planning
- Chargeable income: Basis of charge (Receipt, Accrual, and Arisal)
- Heads of income: (S. 14), Rationale- Heads, whether mutually exclusive
- Salaries : (Ss. 15 to 17) – Chargeability - Meaning of Salary;
- Perquisites; Profits in lieu of salary
- Income from house property: (Ss. 22 to 27) - Ingredients of section
- Annual Value how to be determined - Deductions under section 24 -
- Deemed owner (S. 27)
- Income from business or profession: (Ss. 28 to 44) –Applicability –
- Deductions - Bad debts
- Capital gains: (S. 45 to 55)
- Income from other sources: (Ss. 56 to 59)
- Income of other Persons included in Assessee's Total Income (Ss.60-64)-clubbing of income –justifiability - throwing of separate property intothe common stock of Joint Hindu Family and subsequent partition of the same.[S. 64(2)]
- Deductions, relief and exemptions
- Set Off, Carry Forward and Set off of Losses (Ss. 70-71B, 72-74A)
- Rate of income tax

Cases:

1. *CIT v Woodward Governor* (2009) 312 ITR 254 (SC)

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

2. *ACIT v Elecon Engineering* (2010) 189 TAXMAN 83 (SC)
3. *Ram Prasad v 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 v CIT* (2000) 245 ITR 428 (SC)
6. *Grace Collis and others v CIT* (2001) 248 ITR 323 (SC)
7. *CIT v Madras Auto Services Ltd.* (1998) 233 ITR 468 SC
8. *CIT v National Storage (P) Ltd.* (1967) 66 ITR 596 (SC)
9. *CIT v Travencore Suger & Chemicals Ltd* AIR 1973 SC 982
10. *ONGC v CIT* AIR 2010 SC 1927
11. *Attukal Shopping Complex P. Ltd V C.I.T.*(2003) 259 ITR 567 SC
12. *CIT v Infosys Technology* (2008) 237 ITR 167 (SC)
13. *CIT v Macdowell & Co.* (2009) 314 ITR 167 SC
14. *CIT v Doom Dooma India Ltd* (2009) 310 ITR 392 SC
15. *Navin Jindal V ACIT* (2010) 320ITR 708 SC
16. *CIT v Ghanshyam (*HUF) (2009) 315 ITR 1 SC
17. *Techno Shares & Stocks Ltd V CIT* 2010 SC
18. *Guffic Chem P.Ltd. V 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 III: **(9 lectures)**

Income Tax Authorities:

- Power and functions
- Search and Seizure (Ss.132, 132A, 132B)
- Best Judgment Assessment; Income escaping assessment
- (Ss. 139, 142, 143, 144, 145(2), 147, 148, 149, 150, 151 and 153)
- Offences and penal sanctions:
- Settlement of grievances:
- Authorities, powers and functions

Cases:

1. *D.I.T. v. Diamondstar Exports Ltd.;* (2007) 293 I.T.R. 438 SC

GALGOTIAS UNIVERSITY
Uttar Pradesh
Dean School of Law
Galgotias University
Uttar Pradesh

2. *Manish Maheshwari v.A.C.I.T.;* (2007) 289 I.T.R. 341 SC
3. *Rajesh Kumar. v. Dy.CIT.*; (2006) 157 Taxman 168 (SC)
4. *GKN Driveshafts (India) ltd v ITO* (2003) 259 ITR 19 SC
5. *ITO v Seth Bros* (1969) 74 ITR 836 SC
6. *Sahara India V CIT* (2007) 289 ITR 473 SC

Module IV: **(10 Lectures)**

Indirect Tax

Central Sales Tax Act, 1956

- Historical outline
- Definitions
- A detailed study of Ss. 4 to 6A
- Registration of Dealers-Liability in special cases (Ss 16 to 18)

VAT & Service Tax

- Taxable service
- Meaning and importance of service tax
- Constitutional perspective
- Salient provisions of the service tax law
- Valuation of taxable service
- Discussion on GST

Cases:

1. *All India Tax Practioners v UOI.* 2007 (7) SCC 527
2. *UOI V Martin Lottory Agencis Ltd,.* 2009 (223) CTR 321 SC
3. *Idea Mobile communication v CC,E* 2011-VIL-17 SC
4. *BSNL V UOI*, 2006 (3) SCC 1
5. *Retailers Association Of India v UOI*, 2011-TIOL-523,HC/MUM

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

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

	Theory	
Components	**Internal**	**End Term Examination(ETE)**
Marks	50	50
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	Apply the knowledge of the provisions of direct and indirect 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**

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh

		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/ BAL703 , LLB603	**Principle of Taxation**	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)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

BAL/ BBL703	Principle of Taxation 2 – Indirect Taxation	L	T	P	C
Version1.1		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 indirect 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 indirect 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
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

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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

1) Taxation Policy

1.1 Introduction
1.2 Tax ideologies/Theories
1.3 Approach to Development of Fiscal Policy
1.4 Limitation for Taxation Policy
1.5 Tax Neutrality
1.6 Union-State Financial Relations: Basis For India's fiscal design
1.7 Law of Natural Justice & interpretation of Indirect Taxes statutes

2) Customs Act, 1962

2.1 Officers of Custom
2.2 Appointment of Custom Ports, Airports etc.
2.3 Power to declare places of warehousing station.
2.4 Appointment of Boarding Stations.
2.5 Advance rulings
2.6 Levy of, and exemption from custom duties

Reference Cases:

a. *Manish Lalit Kumar Bavishi v. Addl. Dir. General DRI (2011) 272 E.L.T. 42 (Bom.)*
b. *O.T. Enasu v. UOI (2011) 272 E.L.T. 51 (Ker.)*
c. *Texoplast Industries v. Additional Commissioner of Customs (2011) 272 E.L.T. 513*
d. *Gawar Construction Ltd. v. UOI (2009) 243 E.L.T. 484 (Bom.)*
e. *Tata system ltd. v. CEE 1997 (68) ECR 377 SC*
f. *Union of India v. Shashie Paper Board Ltd. 55 ECR 677*
g. *Metal Box India ltd. V. CEE (1995)*
h. *Modi Rubber v. Union of India (1996)*
i. *Assistant Commissioner v. Bata India Ltd.*
j. *Calcutta Cromo Type ltd v. CEE (1998)*
k. *CE v. Mysore Paper Mills Ltd*

3) Detection of Illegal Export of Goods

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

3.1 Definition

3.2 Power of Central Govt. to specify goods

3.3 Person possessing notified goods to intimate the place of storage etc.

3.4 Person possessing notified goods to maintain accounts

3.5 Brief outlines of Customs Act 1962

3.6 Duty Draw Back

3.7 The Customs Tariff Act 1975

Reference Cases:

a. *Tirupati Udyog Ltd. v. UOI (2011) 272 E.L.T. 209 (A.P.)*
b. *CCE v. Decorative Laminates (I) Pvt. Ltd. (2010) 257 E.L.T. 61 (Kar)*
c. *Altherton Engineering Co. Pvt. Ltd. v. UOI (2010) 256 E.L.T. 358*
d. *M/s CPS Textiles P Ltd. v. Joint Secretary (2010) 255 E.L.T. 228 (Mad.)*
e. *Paras Fab International v. CCE (2010) 256 E.L.T. 556 (Tri – LB)*
f. *CCus v. Trilux Electronics (2010) 253 E.L.T. 367 (Kar.)*
g. *Aman Medical Products Ltd. v. CCus., Delhi (2010) 250 E.L.T. 30 (Del.)*
h. *Narayan Nambiar Meloths v. CCus. (2010) 251 E.L.T. 57 (Ker.)*
i. *CCus (Prev.) Mumbai v. M. Ambalal & Co. (2010) 260 E.L.T. 487 (SC)*
j. *S.J. Fabrics Pvt. Ltd. v. UOI (2011) 268 E.L.T. 475 (Cal.)*

4) The Central Excise Act 1944

4.1 Definition of various terms.

4.2 Valuation of excisable goods

4.3 Duties specified in the Central Excise Tariff Act 1985

4.4 Presumption of culpable mental state

4.5 Power to confiscate and order for future

4.6 Recovery of sum due to government

4.7 Principles of Central Excise Tariff Act 1985

Reference Cases:

a. *Grasim Industries Ltd. v. UOI (2011)273 E.L.T. 10 (SC)*
b. *Nicolas Piramal India Ltd v. CCEx Mumbai (2010) 260 E.L.T. 338 (SC)*
c. *Medley Pharmaceuticals Ltd. v. CCE & C., Daman (2011) 263 E.L.T. 641 (SC)*
d. *CCE v. GTC Industries Ltd. (2011) 266 E.L.T. 160 (Bom.)*
e. *Larsen & Turbo Ltd. UOI (2009) 243 E.L.T. 662 (Bom.)*
f. *CCE v. Tarpaulin International (2010) 256 E.L.T. 481 (SC)*
g. *Maruti Suzuki India Ltd. v. CCE (2010) 257 E.L.T. 226 (Tri. – LB)*
h. *CCus v. Prime Health Care Products (2011) 272 E.L.T. 54 (Guj.)*
i. *CCE v. Bhuwalka Steel Industries Ltd. (2010) 249 E.L.T. 218 (Tri. – LB)*
j. *Ashok Kumar H. Fulwadhya v. UOI (2010) 251 E.L.T. 336 (Bom.)*
k. *Hans Steel Rolling Mill v. CCEx., Chandigarh (2011) 265 E.L.T. 321 (SC)*
l. *Ranbaxy Laboratories Ltd v. UOI (2011) 273 E.L.T. 3 (SC)*

Dean School of Law
Galgotias University
Uttar Pradesh

m. *CCE v. Techno Rubber Industries Pvt. Ltd (2011) 272 E.L.T. 191 (Kar.)*
n. *CCE v. RDC Concrete (India) Pvt. Ltd. (2011) 270 E.L.T. 625 (SC)*
o. *CCE v. Gujchem Distillers (2011) 270 E.L.T. 338 (Bom)*
p. *Union of India. v. Hood Papers Ltd AIR 1991 SC 20*
q. *Karnataka Minerals & Manufacturing co ltd. v. Union of India 1992 (41) ECR 405*
r. *Amrit Bansvati v. CEE 2001, 131 ELT 61*
s. *Britannia Biscuit co. v. CEE*

5) Settlement of Claims

5.1 Customs & Central Excise Settlement Commission

5.2 Jurisdiction and Power of Settlement Commission

5.3 Power of Chairman to transfer case from one Bench to another.

5.4 Inspection etc. and reports

5.5 Miscellaneous provisions in Customs Act, 1962

Reference Cases:

a. *Icon Industries v. UOI (2011) 273 E.L.T. 487 (Del.)*
b. *UOI v. East and West Shipping Agency (2010) 253 E.L.T. 12 (Bom.)*
c. *UOI v. Cus. & C. Ex. Settlement Commission (2010) 258 E.L.T. 476 (Bom.)*
d. *Ashwani Tobacco Co. Pvt. Ltd. v. UOI (2010) 251 E.L.T. 162 (Del.)*
e. *Qualimax Electronics Pvt. Ltd. v. UOI (2010) 27 STT 231*
f. *Rexnord Electronics and Controls Ltd. v. UOI and Ors. (2008) 3 SCALE 507*
g. *Customs (Port) v. Settlement Commission, Customs & Central Excise (2005) 179 E.L.T. 386 (Cal.)*
h. *Commissioner of Central Excise v. True Woods P. Ltd. and Ors. MANU/DE/2271(C)/2005*
i. *CCE v. Deora Engineering Works (2010) 255 ELT 184 (P&H)*

6) VAT and Concepts of Service Tax

6.1 VAT (Value Added Tax)

6.2 Basic Concepts of Service Tax

6.3 Overview of the Goods and Service Tax (Bill Proposed)

Reference Cases:

a. *Commissioner of Service Tax v. Lincoln Helios (India) Ltd. (2011) 23 S.T.R. 112 (Kar.)*
b. *CCE v. Idea Mobile Communications Ltd. (2010) 19 STR 18 (Ker.)*
c. *Kishore K.S. v. Cherthala Municipality (2011) 24 STR 538 (Ker.)*
d. *All India Tent Dealers Welfare Organisation v. UOI (2011) 24 STR 385 (Del.)*
e. *Madras Hire Purchase Association v. UOI (2009) 16 STR 3 (Mad.)*
f. *Infotech Software Dealers Association v. UOI (2010) 20 STR 289 (Mad.)*
g. *CCEx. & ST v. Volvo India Ltd. (2011) 24 STR 25 (Kar.)*
h. *Nagarjuna Construction Company Ltd. v. GOI (2010) 19 STR 321 (A.P.)*

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

Suggested Text Books:

- S. S. Gupta, Demands Penalties & Appeals Under Service Tax/ Excise & Customs Laws, Taxman
- V S Datey, Elements of Indirect Taxes, Taxman Allied Services Pvt. Ltd. Books in India.
- V S Datey, Indirect Taxes Law and Practice Taxman Allied Services Pvt. Ltd. Books in India.
- Yogendra Bangar, Vandana Bangar and Vineet Sodhani, Indirect Taxes (Central Excise, Customs & Service Tax), Jain Book Depot.

Suggested References and Reading Materials:

- K Vaitheeswaran, Students Handbook On Indirect Taxes, Snow White Publications Pvt. Ltd.
- P. Verra Reddy, Central Excise Manual (Law and Procedure), Asia Law House
- Sukumar Mukhopadhyay, Essays on Indirect Taxation, Manupatra Information Solutions Pvt Ltd.
- V S Datey, Student's Guide to Service Tax and VAT, Taxman Allied Services Pvt. Ltd. Books in India.
- V. Nagaragan, Indirect Taxes, Asia Law House
- Indirect Tax: Materials and modules drawn by Institute of Chartered Accountants of India
- Modules for Indirect taxes by Institute of Company Secretaries of India.

Committee Reports/Bills

- Kelkar Committee Report on Indirect Tax
- Shome Group Recommendations on Tax Reform
- Raja Chellaiah Committee on Indirect Tax
- 115th Law Commission Report on Tax Courts

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

	Theory	
Components	**Internal**	**End Term Examination(ETE)**
Marks	50	50
Total	100	

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh

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 indirect 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**

		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/ BAL703 , LLB603	**Principle of Taxation**	1	2	3	4	5
		2	2	3	1	1

1=addressed to small extent

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

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)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY ★ Uttar Pradesh

BAL/BBL/LLB	Law of Trademark and passing off (Honours I)	L	T	P	C
Version 1	Date of Approval:	3	0	0	0
Pre-requisites//Exposure	Knowledge of Jurisprudence, Property law, Contract Law, Law of Tort				
co-requisites	None				

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 enable the student in understanding the legal framework of trademark registration & protection in India.
2. It would explain to the students the objectives and philosophy of trademark protection with respect to its creators and consumers.
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

Dean School of Law
Galgotias University
Uttar Pradesh

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

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

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.

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

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 **(14 Classes)**

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

- Historical development of the concept of trademark and trademark law-National and International.
- Functions of Trademark
- Conflict between Trade mark and geographical indications.

Reference

1. Andrea Mangàni, *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 of Registration- 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

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh *

- Exploitation of Trademark rights and Loss of Trademark Rights

Module 2 **(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
- Necessity for Trademark Protection & Remedies- Unfair Competition & Consumer Confusion

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)

- Remedies for Trademark Infringement – Litigation, alternative dispute resolution procedure such as the Uniform Domain Resolution Policy (UDRP) and other similar procedures

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.)

GALGOTIAS UNIVERSITY Uttar Pradesh
Dean School of Law Galgotias University Uttar Pradesh

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

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 3 **(10 Classes)**

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

Trademark related Treaties

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

	Theory	
Components	**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.	1. It would enable the student in understanding the legal framework of trademark registration & protection in India.	**1, 4**

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

2.	It would explain to the students the objectives and philosophy of trademark protection with respect to its creators and consumers.	**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**
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**

		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

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY ★ Uttar Pradesh ★

	Law of Trademark and Passing off	3	2	1		3

1=addressed to small extent

2= addressed significantly

3=major part of course



Dean School of Law
Galgotias University
Uttar Pradesh



GALGOTIAS UNIVERSITY

SCHOOL OF LAW

SYLLABUS

Course Title: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations

BA LLB (H) Semester IX

Course Code: BAL 901

Course Objective:

The Course has been designed to acquaint the students 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.

Comment [u1]: may use the expression 'nobility' instead of richness.

Course Contents:

Module I : Historical Introduction

Historical introduction to legal profession in India – Barristers, Vakils, High Court Pleaders, Advocates, etc. The All India Bar Committee, 1951 and the passing of Indian Advocates Act, 1961. The Advocates Act 1961: Definitions Section 2, Constitution and function of State Bar Councils, Bar Council of India, Terms of Office, various sub-committees including Disciplinary Committee and the qualification for their membership. Power to make rules Sections 3 to 15 – Chapter –II.

Module II : The Advocate's Act, 1961

The Advocate Act, 1961.

Admission and enrolment of Advocate – Senior and other Advocates,

Common role of Advocates, Qualifications and Disqualifications for enrolment and procedure thereof, Chapter – III Section 16 to 28.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh *

Rights to Practice: Monopoly of representation, Exclusion of advocates from certain cases, self representation by litigants. Chapter IV Secs. 29 to 34.

Professional and other misconduct, Principles for determining misconduct,

Disciplinary Committees of State Bar Council and the Bar Council of India,

Punishment of advocates for misconduct, Appeals to the Supreme Court,

Chapter – V – Secs. 35 to 44.

Module III : Legal Profession

Nature of Legal Profession, Need for an Ethical Code of Rights: privileges and duties of Advocates, Preparation of a case and fees of an Advocate, under – cutting, Bar against soliciting work and advertisement, Bar against touting, refusal of briefs, accountability to the client, confidentiality between an Advocate to compromise, ~~Study of code~~ Code of Ethics prepared by the Bar Council of India.

Module IV : Contempt of Courts Act, 1971

Contempt of Courts Act, 1971,

What is Contempt? Civil and criminal contempt, punishment for contempt.

Procedures in contempt cases. High Court ~~Rules~~ and the Supreme CourtRules

Rules to regulate contempt proceedings.

Evaluation Scheme:

Component Codes	P/S/V	CT	C	EE
Weightage (%)	10	10	5	70

Note : **5 marks for Attendance.**

Text & References:

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

- Sanjeev Rao, *Indian Advocates Act*, 1971.
- M.P. Jain, *Indian Legal History* (Chap. On Legal Profession).
- *Krishna Murthy Iyer's Book on Advocacy*.
- The Contempt of Courts Act, 1971.
- *Journal of Bar Council of India*.

- You may also add some cases for a better understanding of these concepts and practices followed in the professional arena. For instance, there are cases on Section 30, the right to practice, cases for contempt like Arundhati Roy, etc.

Comment [u2]: is this part of the Title of the Book? or is it the year of publication? In all cases of Books, please give the name of the publisher and details of the place of publication and year of publication.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: No bullets or numbering



Dean School of Law
Galgotias University
Uttar Pradesh



BBL/BAL 515	**Administrative Law**	L	T	P	C
Version1.1	Date of Approval:	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 ~~of~~ 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~~ Legislation and mechanism to control the excesses.
5. To analyse the role of the Principles of Natural ~~justice~~ Justice ~~Principles~~ in Administration.
6. To find out the limitation on administrative actions.
7. To assess the scope of government contract and vicarious liability.
8. ~~7.~~ To examine the role and function of the Administrative Tribunals
9. To evaluate the structure and policies of control mechanism of administrative authorities ~~and assess the role and function of Administrative tribunal~~,
10. ~~8.~~ To study the various grievence 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 functions and administrative law, its need and relevance in present society.
2. To understand and analyze some basic concepts like Rule of Law, Separation of Power, and Droit Administriff Etc.
3. To understand the role of administrative authorities, it establishment, need or relevance of administrative authorities.

Comment [u1]: or use doctrines

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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 of the Principles~~:~~ of Natural justice and whether these principles are limited or not and the applicability of the principles to the ~~to be followed by~~ Administrative functions and Quasi-judicial functiuons.~~Administrative Tribunals in adjudication of disputes.~~
6. To analyze the functioning of Ombudsman, Lokpal, Lokayukta and 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~~ or Tortuous.
8. Students will develop ~~a~~ the capacity to understand the role of administrative law in various facets of governance.

Catalog Description

Comment [u2]: This sub-heading and the contents are irrelevant, makes no sense and hence, may be deleted.

As ~~our~~ the ~~e~~Constitution of India envisage~~d~~s 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.

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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.

Reference Books

- The Report of the Committee on Ministers; Powers (popularly known as Donoghhmore Committee Report)
- ~~Franks.~~ 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) Butterwroths-India, Delhi Universal, Delhi
- D.D.Basu, *Comparative Administrative Law* (1998)

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Comment [u3]: Check the title

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

- M.A.Fazal, *Judicial Control of Administrative Action in India*, Pakistan and Bangaladesh (2000), Butterworths – India
- Wade, *Administrative Law* (Seventh Edition, Indian print1997), 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, "~~The Rule of Law in India~~", 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.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Comment [u4]: Book or Journal article?

Course Content

UNIT 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 Administriff

1.8 Conseil d'Etate

1.9 Separation of powers

1.10 Rule of law

Case Laws-

- *I. C Golak Nath ~~Vs~~. State of Punjab* (AIR 1967 SC 1643) (Separation of Power)
- *Mallikarjun* v. *State ~~Of~~of A.P* (AIR 1990 SC 1251)

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

- *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)

UNIT 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~~ Delhi Laws Act Case 1912,
- Hamdard Dawakhan v Union of India (AIR 1960 SC 554), (Delegated Legislation)

Formatted: Font: Italic

Formatted: Font: Italic

Comment [u5]: Full citation?

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

- 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)
- 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)

UNIT 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 ~~ad-hoc~~ character

3.4 Tribunals - ~~need,~~ nature, constitution, jurisdiction and procedure

~~3.5~~ Jurisdiction of administrative tribunals ~~and other authorities~~

~~3.6~~3.5 ~~Distinction between q~~Quasi-judicial and administrative functions

~~3.7~~3.6 Principles of Natural Justice

~~3.7.1~~3.6.1 Rule against Bias, Interest and Prejudice

~~3.7.2~~3.6.2 Rule of Audi Alteram Partem

~~3.7.3~~3.6.3 Speaking order ~~and~~ or Reasoned Decisions

~~3.8~~3.7 Exclusion of the Principle of Natural Justice

~~3.9~~3.8 Effects of Breach of Natural justice

Comment [u6]: These can be both ad hoc or permanent

Comment [u7]: This topic may be avoi...

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

~~3.10~~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 Country 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),
- 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)

UNIT 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

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

- 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
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)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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
Imposing self imposed fetters by the administration
5.3.1. Mala-fide exercise of discretion
5.3.2. Constitutional imperatives and use of discretionary authority
5.3.3. Irrelevant considerations
5.3.4. Non-exercise of discretionary power

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 Ltc. {(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)

Comment [u8]: These two cases are most appropriate in Judicial Review.

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~~State

6.4. Contractual liability of government

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)

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

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}.

One more unit to be added mandatorily for introducing Grievance against the Administration like Ombudsman, Lokpal, etc.

The Objectives show this also

The Course will be incomplete without this component.

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

	Theory	
Components	**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

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY Uttar Pradesh

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 Administriff Etc.	1,5
2	To understand administrative authorities, it establishment, need or relevance of administrative authorities.	1,5
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



Dean School of Law
Galgotias University
Uttar Pradesh



		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/BAL 403	**Aministrative Law**	1	2	3	4	5
		3	1	2	2	

1=**addressed to small extent**
2= addressed significantly
3=maior part of course

Galgotias University, Greater Noida

School of Law

End Term Examination

LLB (Hons.)/ Fourth Semester/ 2015

Course Name: Administrative Law **Max Marks: 100**

Course Code: BAL/BBL 514 **Time: 03.00 hr**

Instructions:

1. Attempt all sections.

Dean School of Law
Galgotias University
Uttar Pradesh

Section A **(10 Marks)**

1 a). Can parliamentary committee on public undertaking examine the report CAG?

b). Are we bound to publish draft of delegated legislation? If yes under what law?

C). Legitimate expectations are rights or legal rights.

d). what do you mean by constitutional torts?

e). Write gist of L.Chandra Kumar's case.

2. a) Discuss the various reasons for the rapid growth of administrative law in India.

B) What do you mean by essential function of legislature?

Section B **(20 Marks)**

3. Natural justice requires that a decision-maker must approach a matter with an open mind that is free of prejudgment and prejudice. Although the bias rule originated in the courts, and was for many centuries applied only to courts and judges, it has now become a rule of almost universal application. The rule against bias applies to a vast range of decision-makers including tribunals, statutory authorities, court officials, juries, government ministers, local councils, prison officials bureaucrats and more senior government officials, coronial inquiries. Critically examine the nature, scope and application of rule of natural Justice.

Section C **(40 Marks)**

4. How far is it correct to say that the delegation of legislative power is a constitutional impropriety condoned only on the ground of expediency, but a potential serious threat to the liberties of the people? How do we judge the reasonableness of the delegation?

5. Critically examine the scope and functionality of 'Doctrine of Separation' of power. Explain in detail how exclusivity and Mutuality principle work in separation of power. Does Indian legal system follows and accept Separation of power as ideals in its working or not?

6. Can we apply doctrine of public accountability to private parties who is not government servant but exploiting the public fund? Substantiate your answer with the relevant case laws.

7. What led to development of Doctrine of proportionality? Which factors are analyzed to reach and assess the administrative actions under this doctrine? What is the role of Necessity and Balancing in deciding this doctrine? Whether UK law permit application of this doctrine or Not?

8 What do you mean by public trust doctrine? Analyze the judgment of *Manoj Narula* v. *Union of India,* with respect to duties higher government authorities.

Section D **(30 Marks)**

9. The purpose of the Lokpal is not to adjudicate but to provide regular machinery for investigating grievances against the administration in a discrete and informal ay. Under these circumstances will it not

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

be futile institution unless the attitude of party in power and bureaucrats is most strong" Discuss the efforts made in India so far to establish the institution of Lokpal in India. Why in some state the institution is effective but in others don't. What is desirable under the current Act of 2013 to make it more effective and uncompromised institution?

10. All primitive societies and non-democratic societies have law. But it may lack reasonableness and no law is good or bad. However, all liberal societies have rule of law as principles of governance. It put restriction on governance by majority and focuses on fairness, prospectively and due process." How far do you agree with the above view? Discuss in detail the development and practice of rule of law principle in India.



Dean School of Law
Galgotias University
Uttar Pradesh



GALGOTIAS UNIVERSITY
SCHOOL OF LAW
SYLLABUS

Course Title: Legal Methods **Semester: I**
B.A.LL.B. (H) **Course Code: BAL 105**

1.0 Course Description

This course seeks to enable first year students to understand the nature and sources of law and to distinguish among the major kinds of law. It will provide in-depth knowledge to the students about the Indian legal system and the functioning and hierarchy of courts. This course will give an overview of the law-making roles of the legislative, executive and judicial branches of government; an introduction to case law, including judicial reasoning and the doctrine of precedent; an introduction to statute law, including the legislative process and techniques of statutory interpretation and application; the interaction between case law and legislation. This course will also give a basic awareness to the students about legal language, research methodology and legal writing.

2.0 Objectives of the Course

The objective of the course is to provide an elementary understanding of the concepts of nature of law and to distinguish between the major kinds of law, legal systems and institutions; to know the structure of the legal institutions and the hierarchy of courts in India; to acquire the ability to identify legal issues and principles underlying in any given factual situation, and to undertake and present research on such issues; to know the various sources of law and be able to synthesise such sources and use them to formulate arguments in their research; be familiar with legal research sources and tools and basic techniques of legal and logical reasoning. The primary purpose of this course is to make the students aware of the method of transferring the benefits of law to society.

3.0 Course Outcome

After the completion of the course the student will understand about:-

- The concept, sources and the functions of law
- The basic concept of Indian legal system
- The judicial reasoning and the doctrine of precedent
- The statute law and ~~statutory~~ interpretation
- Basic understanding of legal research methodology and legal writing

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY * Uttar Pradesh *

4.0 Evaluation Scheme

(A) Continuous Evaluation:

(i) Projects (5 marks for projects submission +5 marks for presentation)	10
(ii) Writing Essays on legal issues	5
(iii) Writing case comments	5
(B) Centralized Evaluation	
(i) CAT I (Continuous Assessment Test)	10
(ii) CAT II (Continuous Assessment Test)	10
(ii) End- Semester Examination	60
Total	100

5.0 Pedagogy

Initial learning begins with basic understanding of the concepts through lecture classes followed by exercise in case law discussions, and finally to go for exercise in legal writing.

6.0 Syllabus

Module 1: Law- Meaning, Nature and Functions

a. Concept of law and legal system
b. Functions of law
c. Classification of laws:
   i. Civil Law System, Common Law System
   ii. Public and Private Law
   ii. Substantive and Procedural Law
   iii. Municipal and International Law

Text Books:

1. Glanville Willains – Learning the law
2. Nomita Aggarwal – Jurisprudence (Legal Theory)
3. B.N.M. Tripathi – An Introduction to Jurisprudence and Legal theory

Readings:-

1. H.L.A. Hart, *The Concept of Law*, Chapters VI & IX (1961)
2. Lon. L. Fuller, *Anatomy of Law*, Part Two (1976)

Dean School of Law
Galgotias University
Uttar Pradesh

3. R.W.M. Dias, ***Jurisprudence*** (5th ed. 1994)
4. Joseph Minattur, *Indian Legal System*, vii – xiv (2nd ed., 2006)("Introduction" in Joseph Minattur)
5. V.S. Deshpande, "Nature of the Indian Legal System" in Joseph Minattur, *op cit.* 1-21
6. N.R.M. Menon, "Our Legal System", *Legal Aid Newsletter*, November 1982. 17
7. R. David & J.E.C Brierley, *Major Legal Systems of the World Today* 17-31, 484-515 (3rd ed. 1985). 24
8. Why Know Law, M.D.A.Freeman (ed.)(2001) Lloyd's Introduction to Jurisprudence, Sweet and Maxwell, London, pp. 46-51
9. Introduction in Peter L. Strauss, Legal Methods: Understanding and using cases and Statutes (2nd Ed.) , Thomson Reuters, pp. 1-41
10. "Methods of Social Control through law," in John H. Farrar and Anthony M. Dugdale (1990) Introduction to Legal Method, Sweet and Maxwell, pp. 13-31
11. "The Nature and Functions of Law," in John H. Farrar and Anthony M. Dugdale (1990) Introduction to Legal Method, Sweet and Maxwell, pp. 3-12
12. "Classifications of Law" in John H. Farrar and Anthony M. Dugdale (1990) Introduction to Legal Method, Sweet and Maxwell, pp. 32-48

Module 2: Sources of Law

a. Custom
b. Precedent
c. Legislation

Readings:

1. Dias, *op cit.*
2. M.P Jain., "Custom as a Source of Law in India", *Jaipur Law Journal* 96 (1963)
3. I. C. Saxena, "The Doctrine of Precedent in India", *Jaipur Law Journal* 188 (1963)
4. Rupert Cross and J.W. Harris, *Precedent in English Law* (4th ed., 1991)
5. Glanville Williams, *Learning the Law* 67-96 (11th ed., 2003)
6. G.W. Paton and David P. Derham, *A Textbook of Jurisprudence*, Chapter VI (4th ed., 2004)
7. A. Lakshminath, *Judicial Process : Precedent in Indian Law* (3rd ed., 2009)

Module 3 : Basic Concepts of Indian Legal System

a. Common Law
b. Constitution as the Basic Law

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

c. Rule of Law
d. Separation of Powers
e. Judicial system in India

Readings:

1. W. Friedman, *op. cit*, pp. 500-512 61
2. J. S. Verma, "50 years of Freedom under Rule of Law : Indian Experience", 4-7 *Law and Justice* 83 (2000) 70
3. Upendra Baxi, "The Rule of Law in India", 4 *International Journal of Human Rights* 6-25 (2007) [available at *www.surjournal.org*]
4. M.N. Venkatachaliah, "Rule of Law : Contemporary Challenges", *45 Indian Journal of Public Administration* 321 (1999) 77
5. H.M. Seervai, "Rule of Law" in *The Position of the Indian Judiciary under the Constitution of India* 83-96 (1970) 86
6. P.J.Fitzgerald (ed.) (2007) Salmond on Jurisprudence, Universal Law publishing Co., Delhi
7. Upendra Baxi (1982) The Crisis of the Indian Legal System, Vikas Publishing House, New Delhi
8. V.S.Deshpande, "Nature of the Indian Legal System," in Joseph Minattur (ed.) Indian Legal System

Module 4 – Methods in study of law and Legal Reasoning

4.1 Basic Concepts in Logic and Legal Reasoning: Propositions, Arguments, Explanations

4.2 Case method, Socratic and Clinical method

4.3 Deductive and Inductive methods

Readings:

1. Benjamin N. Cardozo, The Nature of Judicial Process
2. ILI Publication – Indian Legal System
3. LI Publication in Legal Research and Methodology

Module 5: Legal Writing and Research

5.1 Importance of legal research

5.2 Primary sources and secondary sources

5.3 Basic Legal Research

5.4 Techniques of Legal Research

GALGOTIAS UNIVERSITY Uttar Pradesh

Dean School of Law
Galgotias University
Uttar Pradesh

5.5 Legal writings and citations

5.6 Plagiarism

Comment [u1]: Could be something like avoidance of Plagirism !!!

Readings:

1. C.R. Kothari- Research Methodology-Methods and Techniques (second revised edition)
2. Dr. T.Padma- Legal Research Methodology
3. Legal Research and Writing Method- Anwuarul Yaqin
4. ILI Publication in Legal Research and Methodology
5. J.Williams,*A Statement on Plagiarism: What It is and How to Recognize and Avoid It*. http://wso.williams.edu/~athoms/WW/3--Plagiarism Handout. pdf

XXX

Comment [u2]: Where/What is Unit 6?

7. Cases Law

1. Raj Kishore Jha v. State of Bihar, AIR 2003 S.C. 4664
2. Commissioner of Income Tax, Hyderabad v. PJ. Chemicals, 1994 Suppl. (3) S.C.C. 535
3. Air India v. Nargesh Mirza, AIR 1981 SC 1829
4. Geeta Hariharan v. Reserve Bank of India, AIR 1999 S.C. 1149
5. Neera Mathur v. L.I.C. 1992 (1) S.C.C. 286
6. D.K. Basu v. State of W.B., 1997 (1) SCC 417
7. Dwrka Prasad Aggarwal v. B.D. Aggarwal, AIR 2003 S.C. 2686
8. Commissioner of Wealth Tax v. Sharvan Kumar Swarup & Sons, 1994 (6) SCC 623
9. Shikhar Chand Falodia v.S.K. Sanganeria, AIR 2004 Gau. 19.
10. Grandphone Company v. B.B. Pandey, AIR 1984 S.C. 667
11. Peoples Union for Civil Liberties v. Union of India 1997 (1) S.C.C. 301
12. Lachman v. Nand Lal, AIR 1914 Oudh. 123
13. R.K. Tangkhul v. R. Simirei, AIR 1961 Manipur 1
14. Balusami v. Balkrishna, AIR 1957 Mad. 97
15. Tekaha A.O. v. Sakumeeran A.O. AIR 2004 S.C. 3674
16. Superintendent and Remembrancer of Legal Affairs West Bengal v. Corporation of Calcutta AIR 1967 S.C. 997
17. Nath Bros. Exim. International Ltd. v. Best Roadways Ltd. 2000 (4) S.C.C. 553
18. State of Bihar v. Sonawati AIR 1961 S.C. 221, 231

Dean School of Law
Galgotias University
Uttar Pradesh

GALGOTIAS UNIVERSITY
Uttar Pradesh

19. Samta Vedike v. State of Kar2003 CR.L. J. 1003 Kar H.C.

20. Ram Jawaya Kapur v. State of Punjab, AIR 1955 S.C. 549, 556

8. E-Journals

(i) Manupatra

(ii) Lexus Nexus

(iii) SCC Online, etc.

9.0 Faculty Contact Hours: 2 pm to 4 pm

Comment [u3]: Why this here?



