



KAZI NAZRUL UNIVERSITY

Departmental of Law

Bachelor of Law

3 Years LL.B (Hons)

Detailed Syllabus with Objectives and Learning Outcomes

Choice Based Credit System

Effective from the year 2016-17

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1. Affiliation: The 3 years LL.B (H) programme is affiliated by the Kazi Nazrul University. Presently, it is being conducted in two Private Law Colleges as self-financing course. It is regulated by the Department of Law, Kazi Nazrul University.

2. Preamble:

In 2015, the Department of Law under the Kazi Nazrul University began its first academic session with the two years LL.M course in Criminal Law and Criminology. Subsequently, the 3 years LL.B (H) programme which was previously conducted and affiliated by the University of Burdwan, was affiliated by the Kazi Nazrul University. In 2016, the Department of Law reviewed and redesigned its 3 Years LL.B (H) syllabus, and implemented CBCS model as proposed and implemented by UGC and the Bar Council of India. The Syllabi was designed with vision of national law University and traditional University In 2016, PhD programme was introduced with a view to switch on legal research in the Department.

Presently, the Department of Law is imparting two years LL.M Programme with two specializations, namely Criminal Law and Criminology, and Constitutional Law and Legal order. The Department is also regulating 5 years B.A. LL.B (Hons.) as self-financing course in two different Law Colleges. With a view to provide holistic perspective of legal education and research, the Department of Law continues its progressive orientation towards its integrative legal studies and research in Law. In 2019, 5 years BALLBH and 5 years BCOMLLBH were introduced in the campus. The content of the courses are revised and new courses are added in accordance with the Bar Council of India Rules as well as UGC to cope with the national and international changes in law and policies. The quality education in Law programmes is given priority with the addition of innovation and technology.

3. Vision:

The LL.B (H) programme is designed with the vision to impart quality education in law with a view to provide students with knowledge and advocacy skills which will help them to be world class professionals, scholars and academicians in law.

4. Objectives:

1. To provide students with fundamental in-depth knowledge and experience of the country's legal system,
2. To provide best education and training for preparation of the legal professionals.
3. To inculcate in the students the ethical values in the life to their professional development,
4. In view of present Globalization to familiarize the students with a goal and objectives of International Law and also the applicability in the day to day transaction ,
5. Bring awareness among the students of their obligations towards earth, environment, and society as a whole.

6. To give such education to the learners that caters to the needs of various employment opportunities to which the learners can have early access with equal opportunity,
7. To facilitate the promotion of research culture among faculty and students,.

5. Structure of the Course:

For the purpose of achieving objectives, the Department of Law has redesigned the courses and the CBCS has been adopted in accordance with the Bar Council of India Rules as well as UGC. Under the present CBCS curriculum, an opportunity is provided to the students to choose courses from a list of prescribe courses comprising core, elective and soft skill courses. It follows a credit system wherein courses can be evaluated following grading system (CGPA) based on the performance of the students in the examinations. The Present Curriculum would have the following structure:

- i) **“Core Course”** Means compulsory subjects (UGC has not prescribed any subject for Law so we will follow the Bar Council of India guidelines which include subjects of inter-disciplinary as well as discipline centric. These are the courses which are to be compulsorily studied by a student is core requirement to complete the requirement of LL.B. Programme (5 Years LL.B. & 3 Years LL.B.)- it is indicate herein CC.
- ii) **“Elective Courses”** means an optional course to be selected by a student out of such courses offered in the same or any other department. UGC prescribes three different nature of elective papers comprised of number of choices.
 - a) **DSE (Discipline Specific Elective)** subjects related with programme but of interdisciplinary nature viz Women and Law: Law with Sociology & others
- iii) **Foundation Course(FC)** includes **Ability Enhancement Compulsory Courses (AEC)** viz Environmental Law, Drafting and Pleadings, and **Skill Enhancement (SE)** viz Professional Ethics, Computer etc

6. Programme Outcomes

After the successful completion of 3 Years LL.B (H) programme, a student will be capable of doing the following things:

- a) Understand the true nature of law, National as well as International
- b) Analyse the facts and law, and apply the law to the existing situation
- c) Interpret the law, and design strategy for cases
- d) Able to successfully discharge the professional task in law
- e) Able to untangle the tangled legal problems after applying the legal reasoning and research.
- f) Choose ethical practices in the profession of law

- g) Discharge the social responsibility

7. Programme Structure

1. There shall be six semesters.
2. The ratio between external evaluation and internal assessment shall be 80:20.
3. Semester wise Course details are given below

Semesters I/II/III/IV/V/VI (Individually for each Semester)				
Number of courses		Credits in each Core Course		
Course		L-T-P	Credits	Marks
Semester-I				
LLBHC101	Constitution of India	4-1-0	5	100
LLBHC102	Jurisprudence	4-1-0	5	100
LLBHC103	Contract I	4-1-0	5	100
LLBHC104	Family Law I	4-1-0	5	100
LLBHC105	Family Law II	4-1-0	5	100
LLBHC106	Law of tort Including MV & CP Laws	4-1-0	5	100
LLBHSE101	Computer Training	2-0-0	2	50
LLBAECE101	Ability Enhancement in Communicative English	2-0-0	2	50
Semester-II				
LLBHC201	Contract-II	4-1-0	5	100
LLBHC202	C.P.C. & Limitation	4-1-0	5	100
LLBHC203	Law of Crimes: I.P.C.	4-1-0	5	100
LLBHC204	Law of Crimes: Cr.P.C.	4-1-0	5	100
LLBHC205	Evidence Law	4-1-0	5	100
LLBHC206	Property Law including TPA and Easement	4-1-0	5	100
LLBHSE201	Accounting System	2-0-0	2	50
LLBAECE201	Environmental Studies	4-0-0	4	50

Semester-III					
LLBHC301	Administrative Law	4-1-0	5	100	
LLBHC302	Public International Law	4-1-0	5	100	
LLBHC303	Environmental Law	4-1-0	5	100	
LLBHC304	Legal Method Including methodology to write Seminar paper	4-1-0	5	100	
LLBHC305	Professional Ethics	3-1-2	5	100	
LLBHC306	Labour Law	4-1-0	5	100	
Semester-IV					
LLBHC401	Company Law	4-1-0	5	100	
LLBHC402	Banking law	4-1-0	5	100	
LLBHC403	Taxation Law	4-1-0	5	100	
LLBHC404	Land Laws and Tenancy	4-1-0	5	100	
LLBHC405	Arbitration, Conciliation and ADR	4-1-0	5	100	
LLBHC406	Interpretation of Statutes	4-1-0	5	100	
Semester-V					
LLBHC501	Copy Rights	4-1-0	5	100	
LLBHC502	Patent Right Creation and Registration	4-1-0	5	100	
LLBHC503	Competition Law	4-1-0	5	100	
LLBHSE501	Seminar Paper-1: Human Rights & Law	1-0-2	5	50	
LLBHAECE501	Seminar Paper-2 : Public Health & Law	2-0-2	5	50	
Discipline Specific Elective (any Three out of Six)					
LLBHDSE501	Any One	International Economic Law	4-1-0	5	100
LLBHDSE502		International Property including Trade Marks and Industrial Design	4-1-0	5	100
LLBHDSE503	Any One	Women and Children law	4-1-0	5	100
LLBHDSE504		Gender Justice	4-1-0	5	100

LLBHDSE505	Any one	Law, Poverty and Development	4-1-0	5	100
LLBHDSE506		Criminology and Penology	4-1-0	5	100
Semester-VI					
LLBHC601	Insurance law		4-1-0	5	100
LLBHC602	Corporate Governance		4-1-0	5	100
LLBHC603	Information Technology and Right to Information		4-1-0	5	100
LLBHSE601	Moot Court, Internship		0-0-4	2	50
LLBHAECE 601	Drafting, Pleading and Viva		2-0-2	3	50
Discipline Specific Elective (any Three out of Six)					
LLBHDSE601	Any one	Law and Medicine	4-1-0	5	100
LLBHDSE602		Sports Law	4-1-0	5	100
LLBHDSE603	Any one	Air and Space Law	4-1-0	5	100
LLBHDSE604		Maritime law	4-1-0	5	100
LLBHDSE605	Any one	Investment and Security Laws	4-1-0	5	100
LLBHDSE606		Bankruptcy Laws	4-1-0	5	100

Total Credit= 200

Total Marks= 4000

3 (c) Distribution of courses in 3 years LL.B(H)

Course Components	3 Years LLBH
Core Courses	30
AECE	4
DSE	6
SE	4
Total	44

3 (d): Eligibility for admission

The eligibility for admissions shall be decided by the University in consultation with the Department and shall be reflected in the Admission Notification. Reservation rules of the Government shall apply over the matter of admission.

3 (e) Assessment of Student Performance

- I. The medium of instruction is English.
- II. The ratio between external evaluation and internal assessment for most of the courses shall be 80:20.
- III. Students are assessed on the basis of their performance in the end semester examinations for Core, Elective, AECC and SE courses (Except Clinical Courses).
- IV. An internal continuous assessment shall be done in each Core, Elective, AECC and SE courses. The Modes of Internal examination shall be determined by the Department in consultation with the UGBOS.
- V. The Question pattern of end semester examination shall be of CBCS wherein MCQ, Very Short questions, Short question, and essay questions shall be asked.
- VI. There shall be no marks for the attendance. But, 75% attendance shall be one of the criteria for appearance in the end semester examinations.
- VII. The Scheme for clinical courses shall be determined by the Department in consultation with the UGBOS.
- VIII. Grade Point, CGPA and SGPA shall be as per the University Examination rule.

Course wise content details of 3 Years LLBH Programme

Semester-I

Course details: CC-1

Course name: Constitution of India

Course Code: LLBHC101

Credit: 5

Marks: 100 [20(CA) +80 (ESE)]

Objectives:

Constitution being Supreme Law of India provides legal validity to all other laws in the country. It contains the law which governs the government and its relation with the individuals. Therefore, it becomes very essential to have a clear understanding about the nature and working of the Constitution. The Objectives of this course are:

1. To familiarise the students with the philosophy of the Constitution and its different aspects of Constitutional Law and Constitutionalism
2. To develop an understanding of the working of the Indian Constitution with reference to the Fundamental rights, Directive Principles of State Policies, and Fundamental Duties
3. To expose the students to the working of the Legislature, Executive and Judiciary in relation with the other machineries of the State.
4. To familiarise the students with the working of Indian Federal System and centre-State relations.
5. To study and develop an understanding of the Amendment, emergency and Interstate trade and commerce

Learning Out-comes:

1. The Students should be able to gain theoretical knowledge about the core concepts of the Constitution
2. The Students should be able to attain in depth understanding about Fundamental rights, Directive Principles of State Policies and Fundamental Duties.
3. The Students should be able to have a clear and Critical understanding of the working of the three organs of the State, Amendment and emergency provisions of the Constitution
4. It will provide the students latest constitutional developments in India.

Contents:

Unit- I

Constitution, Constitutional Law, Salient Features of the Indian Constitution. Preamble, Citizenship, Fundamental Rights

Unit-II

Directive Principles of State Policy, Fundamental Duties, Parliamentary Government, Bicameralism, Legislative privileges, Council of Ministers, President of India, Governor.

Unit – III

Judicial process under the Constitution, Nature of Judicial Review, Judicial Review-Arts.32, 226 and 227, Court system in India, Judges- Appointments, conditions of service, etc. Advisory Jurisdiction of the Supreme Court, Public Interest Litigation, Activism versus Restraint.

Unit--- IV

Federalism, Center-State Relations, Freedom of Inter State Trade, Methods of Constitutional Amendment, Limitation on Constitutional Amendment.

Unit –V

Emergency provisions, Services under the State, State Liability

Recommended Books

- I. Jain M.P., Indian Constitutional Law, Bombay: N M Tripathi, 1994'4th Ed.
- II. Seervai H.M. Constitutional Law of India, Bombay: N. M. Tripathi Pvt. Ltd., 1996, 3 vols
- III. Shukla V.N., Constitution of India, Lucknow: Eastern Book Co., 1995, 9th Ed.
- IV. Basu D.D., Shorter Constitution of India, New Delhi: Prentice Hall of India Pvt. Ltd.1994,
- V. 11thEd.
- VI. Austin Granville, The Indian Constitution: Comer Stone of a Nation Oxford: Clarandon Press, 1966

Course Details: CC-2

Course name: Jurisprudence

Course code: LLBHC102

Credit: 5

Marks: 100 [20 (CA)+ 80 (ESE)]

Objectives:

- 1) To learn the bases of concepts in jurisprudence
- 2) To create an understanding of the subject which forms the foundation of all subjects taught during the three years course.
- 3) To create an understanding as to the evolution of law and the legal system
- 4) To familiarise a student about the interdisciplinary study in Law
- 5) To develop critical thinking about law and legal system

Learning Outcome:

- 1) Students will be able to understand the various concepts and sources of law
- 2) Students will come to understand the law as it is and as it ought to be
- 3) Students will be able to learn the various aspects of rights and duties
- 4) The technique of logical thinking of the students will be sharpen to understand those philosophies on which a statute rests.

Contents

Unit –I

Concept of Law: Nature and Value of Jurisprudence

Sources of Law – Legislation, Precedents and Custom

Legal theories: Analytical Theory, American Realism, Natural Law theories,

Pure theory of Law, Sociological theories, Historical School

Unit-II

Legal Right: Meaning, basis and elements of Legal Right, Relation between rights and duties,

Kinds of Legal rights

Unit-III

Ownership: Meaning and characteristics of ownership, Kinds of ownership

Possession: Meaning, elements of possession, Kinds of Possession, Distinctions between ownership and Possession

Unit-IV

Personality : Meaning, Natural Person and Artificial Person, Legal Status of Animals, dead persons and unborn Persons, Theories of Corporate personality.

Unit-V

Relationship between law and Morality: Hart- Devlin Debate, Ronald Dworkin on Morality

Recommended Books

- I. B.N. Mani Tripathi – Jurisprudence and legal theory
- II. S.N. Dhyani- Fundamentals of Jurisprudence
- III. V.D. Mahajan – Jurisprudence
- IV. Salmond – Jurisprudence
- V. G.W. Paton- Jurisprudence
- VI. Dias – Jurisprudence
- VII. Friedman – Legal theory

Course Details: CC-3

Course name: Contract- I

Course Code: LLBHC103

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To describe the legal environment of business in India
- 2) To explain the current provisions of law relating to formation of contract
- 3) To make familiar the students with various principles of Contract Law and Specific Relief Act
- 4) To ingrain in the students a critical understanding of the context and importance of contracts from an economic, social and legal perspective

Learning Outcomes:

The following will be the learning outcomes for the Students:

- 1) Familiar with the principles that guide Contracts/ enforceable agreements
- 2) Understand the general rules of enforceable agreement and put those rules in their day to day practical and professional life
- 3) The capacity to analyse, evaluate and apply the gained knowledge for various commercial purposes

Contents

Unit-I

Fundamental basis of the Law of Contract

Unit-II

Formation of Contract and the Fundamental rules relating to the agreement with special reference to Indian and English Law, (Sec. 2 to Sec.9 of the Indian Contract Act, 1872)

Unit-III

Essential conditions of a contract with special reference to Indian and English Law , (Including chapters on minor, consideration free consent and vitiating factors; void, Illegal

agreement, voidable contract etc., with detailed studies on general and specific rules thereof :
(Sec. 10 to Sec.30). Contingent Contract (Sec. 31- Sec. 36)

Unit-IV

Discharge of Contract (Sec.37 to Sec. 75). The chapter includes rules of performance, quasi contracts, doctrine of frustration, breach of contract and remedies thereof, etc.

Unit-V

Specific Relief Act

Recommended Books

- I. Dr Avtar Singh – Introduction to the Law of Contract
- II. Mulla – Indian Contract Act, 1872 (Student’s Edition)
- III. Desai – Indian Contract Act, 1872
- IV. Basu – Law of Contract
- V. Anson – English Law of Contract
- VI. Cheshire and Fifoot – Law of Contract
- VII. Dr Avtar Singh – Introduction to the Law of Contract
- VIII. Ponnuswami & Puri – Cases & Materials on Contract
- IX. V.G. Ramchandra – Law of Contract

Course Details: CC-4

Course Name: Family Law – I

Course code: LLBHC104

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To apprise the students with the laws relating to marriage, dissolution, matrimonial remedies, adoption, contemporary trends in family institutions in India, in particular the Hindus
- 2) To increase the ability and desire of students to engage in lifelong learning and service in and through the practice of family law

Learning Outcomes:

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

- 1) Explain key legal concepts underpinning Hindu Family Law system in India.
- 2) Evaluate critically the surrounding concepts of Hindu Family Law
- 3) Communicate and work effectively on family law matters

Contents

Unit-I

Sources of Hindu Law, Joint Family System and Coparcenary

General Principles of succession under the Dayabhaga and the Mitakshara systems

Unit-II

Women's property and Stridhan

Distinction between Dayabhaga and the Mitakshara systems and effect of modern statutes

Unit-III

Hindu Marriage Act, 1955

Hindu Succession Act, 1956

Unit-IV

Hindu Adoption and Maintenance Act, 1956

Hindu Minority and Guardianship Act, 1956

Unit-V

Special Marriage Act, 1954

Recommended Books

- I. Mulla – Hindu Law
- II. S.K. Mitter – Hindu Law
- III. Venkatraman – A Treatise on Hindu Law
- IV. Derret – Modern Hindu Law
- V. Hindu Marriage Act, 1955
- VI. Hindu Succession Act, 1956
- VII. Hindu Minority and Guardianship Act, 1956
- VIII. Hindu Adoptions and Maintenance Act, 1956
- IX. Paras Diwan – Modern Hindu Law
- X. S.S.Singh – Unification of Divorce Laws in India
- XI. Tahir Mohamood – Hindu Law
- XII. Desai – Hindu

Course Details: CC-5

Course Name: FAMILY LAW – II

Course code: LLBHC105

Credit: 5

Marks: 100 [20 (CA)+ 80 (ESE)]

Objectives:

- 1) To apprise the students with the laws relating to marriage, dissolution, matrimonial remedies, adoption, contemporary trends in Muslim family institutions in India
- 2) To increase the ability and desire of students to engage in lifelong learning and service in and through the practice of family law, particularly in Muslim law

Learning Outcomes:

On successful completion of this course, Students will be able:

- 1) To explain key legal concepts underpinning Muslim Family Law system in India.
- 2) To Evaluate critically the surrounding concepts of Muslim Family Law
- 3) To communicate and work effectively on family law matters

Contents

Unit-I

Concept and Background of Muslim Law

Unit-II

Sources & Schools, Muslim Law as applied and interpreted in India

Unit-III

Marriage, Dower and maintenance

Dissolutions of Marriage

Unit-IV

Gift, Wills, Waqf and Administration of Estate

Unit-V

Pre-emption and Inheritance.

Recommended Books

- I. Abdur Rahim, Principle of Islamic Jurisprudence (1994)
- II. Syed Ameer Ali, Mahommedan Law, Tagore Law Lectures

- III. Baillie, Digest of Moohummudan Law
- IV. The Durrul Mukhtar, (Tr. By Brij Mohan Dayal)
- V. Fyzee, A.A.A. , Outlines of Muhammadan Law
- VI. Hedaya, Tr. Into English by C.I. Hamilton
- VII. S. Mahmassani, The Philosophy of Jurisprudence in Islam.
- VIII. Tyabji, F. B., Muhammadan Law, The Personal Law of Muslims.
- IX. I. A. Khan (ed). Muslim Law.
- X. S. Khalid Rashid, Muslim Law.

Course Details: CC-6

Course Name: LAW OF TORT INCLUDING MV AND CP LAWS

Course code: LLBHC106

Credit: 5

Marks: 100 [20 (CA)+ 80 (ESE)]

Objectives:

- 1) To make the students understand the sources and policy objectives of tort law
- 2) To Provide a general introduction to the law of Torts with identifying and analysing the elements of particular torts
- 3) To make students understand the nature of tort and conditions of liability with established cases along with the Consumer Protection Act, 1986 and Motor Vehicles Act

Learning Outcomes:

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

- 1) Understand and explain the structure and function of the law of tort in India
- 2) Analyse and apply the principles of tortious liability to the legal problems using appropriate legal problem-solving techniques in Consumer and Motor Vehicles matters

Contents

Unit-I

Nature and Principles of Tort: Historical development of Laws of Torts and applicability in India. Basic foundation of Law of Torts, Meaning, Ingredients, Relevancy of Mens Rea & Malice, , Felonious & Foreign Tort, Constituents of Tortuous liability.

Unit-II

Immunity from tortuous liability – Husband and wife relationship, married women and Act of State. Justification – Inevitable accident, Act of God, Statutory Authority, Volenti-non fit injuria.

Unit-III

Vicarious liability – By relation and ratification – Doctrine of Course of employment, Common employment, Independent Contractor.

Remedies & Damages : Judicial & Extra-judicial remedies Direct & consequential Cause, Remoteness test

Unit-IV

Special Torts : (a) As to person – Assault, Battery, Mayhem & False imprisonment, Malicious Prosecution, Defamation, (b) As to Property: Trespass, Trespass ab-initio.

Nuisance and Negligence

Unit-V

Consumer Protection Laws: The Consumer Protection Act 1986 (Sections-2, 9-27.)

Recommended Books

- I. Bangia – Law of Torts
- II. Avtar Singh – Law of Carriages
- III. Avtar Singh – Consumer Protection
- IV. Ratanlal & Dhirajlal – Law of Torts
- V. Salmond – Law of Torts
- VI. Law of Torts – D.Basu
- VII. R.H. Bhatt – Consumer & The Land
- VIII. J.N. Barowala – Commentary of the Consumer Protection Act 1986.

Course Details: SE+AEC

Course Name: Soft Skill in Law and Communicative English

Course codes: LLBHAECE+LLBHSE101

Credit: 2(SE)+ 2 (AECE)

Marks: 100 [20 (CA) +80 (ESE)]

Objectives

- 1) To enhance the learning and research in Law through increase skills
- 2) To equip the students with the basic knowledge of computer and internet and their application for searching and using of Electronic resources in Law
- 3) To groom their personality, improve upon spoken English, and techniques to face for job, this course can be taken by anyone willing to improve the said traits.

Learning Outcomes:

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

- 1) Improve their computer soft skills and English Speaking ability
- 2) Familiar with techniques to face interview for job
- 3) Improve their English

Contents

Unit-I

Fundamentals of Computer

Unit-II

MS-Office: Microsoft Word, Microsoft power point, MS Access, Use of Multimedia, Footnoting.

Fundamentals of internet, E-mails and DBMS in Law

Unit-III

Electronic Resources in Law and its use: E-Journal, E-Books, Data Base on Law and Digital Library

Unit-IV

Communicative English: Subject, Predicate, gender, Tense, Voice Change, Vocabularies used in Law with their phonetically used knowledge.

Unit-V

Communicative English: Direct Speech and Indirect Speech and degree of Comparisons

Recommended Books for soft skill

- I. Pradeep Kumar Sinha and Priti Sinha- Fundamentals of Computer, BPB Publications, Sixth Ed.
- II. Nisit Mathur- Fundamentals of Computer, Aph Publishing Corporation.

Recommended Books for Communicative English

- I. Sanjay Kumar & Pushp Lata- Communication Skills, Oxford, 2010
- II. The Communicative Advanced radiant Readers, Allied Publisher

Note: All the units of every course (Papers and Subjects) are to be given equal importance in teaching, learning and evaluation process. At least one question is to set compulsorily by the paper setter from each unit and must be answered by the examiners.

Semester II

CC-7

Course Name: *CONTRACT-II*

Course code: LLBHC201

Credit: 5

Marks: 100 [20 (CA)+ 80 (ESE)]

Objectives:

- 5) To describe the legal environment of enforceable contract in relation to the specific contracts such as Indemnity, Guarantee, pledge etc in India
- 6) To explain the current provisions of law relating to formation of special contracts
- 7) To make familiar the students with various principles of Contract Law for special contracts, Indian Partnership Law, Sales of Goods Act etc
- 8) To ingrain in the students a critical understanding of the context and importance of contracts from an economic, social and legal perspective

Learning Outcomes:

The following will be the learning outcomes for the Students:

- 4) Familiar with the principles that guide Specific Contracts/ enforceable agreements
- 5) Understand the general rules of special enforceable agreements and put those rules in their day to day practical and professional life
- 6) The capacity to analyse, evaluate and apply the gained knowledge for various commercial purposes

Contents

Unit I

Sale of Goods Act, 1930

Unit II

Indian Partnership Act, 1932

Unit III

Law of Agency

Unit IV

Indian Contract Act relating to Specific Contracts, Indemnity, Guarantee

Unit V

Pledge, Bailment

Recommended Books

1. Pollock & Mulla – Indian Partnership Act, 1932
2. M.C. Shukla – Mercantile Law
3. Desai – Indian Partnership Act, 1932
4. Kapoor – Mercantile Law
5. Indian Partnership Act, 1932
6. Sale of Goods Act, 1930

Course details: CC-8

Course name: Civil Procedure Code and Limitation Act

Course Code: LLBHC202

Credit: 5

Marks: 100 [20 (CA)+ 80 (ESE)]

Objectives

- 1) To impart procedural knowledge on civil matters
- 2) To make understand the enforcement mechanism of rights of the parties as provided in the substantive laws
- 3) To inculcate knowledge on institution of civil procedure on the institution of a suit.
- 4) To provide an insight about the actual working of the civil procedure and thereby familiarise the students to their practical development skill.

Learning Outcomes:

At end of the course, the student will be able to:

- 1) Identify the court where the suit will lie
- 2) File execution, appeal, review, revision petitions in the proper courts
- 3) Understand and apply the limitation provisions properly
- 4) Explain the Order & rules of CPC and apply them properly

Contents

Code of Civil Procedure

Unit-I

- 1.1. Section- 2: Jurisdiction of Civil Courts Principles of Res. Judicata – Constructive res judicata as embodied in Explanation IV or Section II.
- 1.2. Place of Suing – Section 15 to 21A
- 1.3. Power of transfer and General power of transfer and withdrawal of suits (Section 22 to 25).
- 1.4. Service of Summons to Defendants under different circumstances; Section 27 to 29 and order V. Execution of decrees and orders – Section 31 to 74
- 1.5. Temporary injunction (Order XXXIX).

Unit-II

- 1.6. Suits by or against Govt. or Public Officer in the Official capacity (Secs. 79 to 81)
- 1.7. Notice to the Govt. or Public Officer (Section 80)
- 1.8. Interpleader Suits – Section 88 and order XXXV.

1.9. Filing of a suit in respect of public Nuisance (Section 91).

1.10. Appeals – from original decrees

1.11. Second appeal when Sec.5 lies – Appeals from orders – Powers of appellate court when appeal lies to the Supreme Court (Section 96 to 112 and Orders XLI to XLIII).

Unit-III

1.12. Review of Judgements (Section 114)

1.13. Revision of Judgement (Section 115)

1.14. Right to lodge a Caveat by a person claiming a right to appear before the court – Section 148A.

Unit-IV

1.15. Inherent power of court to make order for the ends of justice or to prevent abuse of the process of Court (Sec. 151) –

1.16. Amendments of judgements, decrees and orders (Section 152)

1.17. Appeals by indigent persons – Suits in favour of paupers

Unit-V

1.18. The Limitation Act 1963 Sections. 1 – 20.

Recommended Books

1. Mulla – Code of Civil Procedure
2. Mukherjee A. N. – Code of Civil Procedure
3. C.K. Takwani - Civil Procedure
4. S. Chakravarti and B. Nath – Cases and Materials
5. A.N. Saha - Civil Procedure Code
6. B.B. Mitra – The Limitation Act
7. Ganguly – Civil Code Practice & Procedure
8. V.G. Ramchandran – Law of Limitation

Course Details: CC-9

Course Name: LAW OF CRIMES: IPC

Course Code: LLBHC203

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To impart knowledge regarding the basic principles of Penal Law for determining the criminal liability
- 2) To disseminate knowledge on the various offences affecting the Human body and property, Public tranquillity, public justice and abetment
- 3) To scrutinise the recent changes and developments that have taken place in the field of criminal law.

Learning outcomes:

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

- 1) Identify the elements of various offences as provided under the IPC
- 2) Apply the principles under criminal law on various cases.
- 3) Demonstrate an understanding of the socio economic and political undercurrents of the crimes to view them against the larger picture.

Contents

Unit-I

Introduction (Sections 1-5)

General Explanations (Sections 6-52A)

Unit-II

General Exceptions (Sections 76 – 106)

Abetment (Sections 107 – 113); Criminal Conspiracy (Sections 120A – 120B); Offences against the State (Sections 121 – 124A)

Unit-III

Offences against the Public Tranquillity (Sections 141 – 152); False Evidence and Offences against Public Justice (Sections 191 – 200)

Unit-IV

Offences Affecting Human body (Sections 299 – 309, 319 – 326, 339 – 342, 349 – 354B, 359 – 377)

Offences against Property (Sections 378, 383, 390 – 396)

Unit-V

Offences relating to Marriage (Sections 493 – 498A); Defamation (Sections 499 – 502);
Criminal Intimidation etc (Sections 503, 506, 509, 511)

Recommended Books

1. Kenny – Outline of Criminal Law.
2. Ratan Lal – Indian Penal Code.
3. K.D. Gaur – Indian Penal Code.
4. S.N. Misra – Indian Penal Code.
5. B.M. Gandhi – Indian Penal Code

Course Details: CC-10

Course name: LAW OF CRIMES: CRIMINAL PROCEDURE CODE

Course code: LLBHC204

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To provide knowledge regarding the procedural aspects of the working of the criminal courts and other law enforcement machineries

Learning outcomes:

At the completion of the course, students will be able to:

- 1) Understand the constitution and jurisdiction of criminal courts, various processes issued by criminal courts and diverse types of trials.
- 2) Gain the sound knowledge on the procedural criminal law
- 3) Equip the students to apply the procedural law in courts

Contents

The Code of Criminal Procedure 1973

Unit I

Chapter I Preliminary (Sections 1–5)

Chapter II Constitution of Criminal Courts and Offices (Sections 6–25A)

Chapter III Powers of Courts (Sections 26–35)

Unit-II

Chapter V Arrest of Persons (Sections 41,43,44,46–54,56,57)

Chapter VI Processes to Compel Appearance (Sections 70–86)

Chapter VII Processes to Compel the Production of things (Sections 93 –101)

Unit-III

Chapter VIII Security for keeping the peace and for good behaviour (Sections 107 – 110, 115, 116,122)

Chapter IX Order for Maintenance of Wives, Children and Parents (Sections 125-128)

Chapter X Maintenance of Public Order and Tranquility (Sections 133-148)

Chapter XI Preventive Action of the Police (Section 151)

Chapter XII Information to the Police & their Powers to Investigate (Sections 154-176)

Chapter XIII Jurisdiction of the Criminal Courts in Inquiries and Trials (Sections 177-189)

Unit-IV

Chapter XIV Conditions Requisite for initiation of proceedings (Sections 190-199)

Chapter XV Complain to Magistrates (Sections 200-203)

Chapter XVI Commencement of Proceedings before Magistrates (Sections 204-210)

Chapter XVII The Charge (Sections 211-224)

Chapter XVIII Trial before a Court of Session (Sections 225-237)

Chapter XIX Trial of warrant-cases by Magistrates (Sections 238-250)

Chapter XX Trial of Summons Cases by Magistrates (Sections 251-259)

Chapter XXI Summary Trials (Sections 260-265)

Chapter XXIV General Provisions as to Inquiries and Trials (Sections 300,304,309-311A, 313,317,320)

Unit-V

Chapter XXIX Appeals (Sections 372-394)

Chapter XXX Reference and Revision (Sections 397-401)

Chapter XXXI Transfer of Criminal Cases (Sections 406-410)

Chapter XXXIII Provisions as to Bail and Bonds (Sections 436-439)

Chapter XXXV Irregular Proceedings (Sections 460,461)

Chapter XXXVI Limitation for Taking Cognizance of Certain Offences (Sections 467-469)

Recommended Books

1. Ratanlal – The Code of Criminal Procedure
2. B.B. Mitra –. The Code of Criminal Procedure
3. Sarkar – The Code of Criminal Procedure
4. Justice Thakkar The Code of Criminal Procedure
5. S.N. Mishra -. The Code of Criminal Procedure

Course Details: CC-11
Course name: LAW OF EVIDENCE
Course code: LLBHC205

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

To orient students with importance of evidence for establishment of claims and the related rules and principles on contemporary basis.

Learning Outcomes:

To understand the concept and general nature of evidence, and illustrate the diverse types of evidence and court procedures relating to evidence

Contents

Unit-I

- a) Preliminary (Sections 1-4)
- b) Relevancy of Facts (Sections 5-55)

Unit-II

- a) Facts which need not be proved (Section 56-58)
- b) Oral and Documentary Evidence (Section 59-90A)

Unit-III

- a. Exclusion of Oral or Documentary Evidence (Section 91-100)
- b. Burden of Proof (Section 101-114A)

Unit-IV

- a) Estoppel (Section 115-117)

Unit-V

- a. Witnesses and Examination of Witnesses (Section 118-166)
- b. Improper Admission and Rejection of Evidence (Section 167)

Recommended Books

1. Ratanlal Dhiraj Lal – The Law of Evidence
2. Avtar Singh – Principles of Law of Evidence

3. Batuklal – the Law of Evidence
4. Best – Law of Evidence
5. V. P. Sarathi – Elements of Law of Evidence
6. H. Mondal – Law of Evidence

Course Details: CC-12

Course name: PROPERTY LAW Including TPA and Easement

Course code: LLBHC206

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To familiarise the students with the core doctrines of property law
- 2) To impart the fundamental rules relating to transfer of immovable property
- 3) To equip the students to analyse the rules governing mortgage, lease, exchange and gift.
- 4) To Provide an insight about the rules and basic concepts relating to easement

Learning outcomes:

At the completion of the course, students will be able to:

- 1) Analyse the rules relating to transfer of immovable property
- 2) Know the rights and duties of the seller and buyer in case of general transfer of property and specific transfer of properties for certain purposes
- 3) Evaluate the rules relating to the easement and its related matters.
- 4) Determine, explain and apply the principle of property law
- 5) Understand the remedies for violation of property rights

Contents

Transfer of Property Act, 1882

Unit-I

Preliminary (Sections 1 – 4)

Unit-II

Transfers of Property by Act of Parties (Sections 5 – 53 A)

Sales of Immovable Property (Sections 54 – 55)

Unit-III

Mortgages of Immovable Property (Sections 58 – 92)

Leases of Immovable property (Sections 105 – 117)

Unit-IV

Gifts (Sections 122 – 129)

Transfers of Actionable Claims (Sections 130 – 134)

Unit-V

The Indian Easements Act, 1882 (Sections - 4-19, 37-51, 52-64)

Recommended Books

1. Transfer of Property Act 1882
2. Mulla's transfer of Property Act Ed. VII
3. G. P. Tripathi, The Transfer of Property Act
4. R. K. Sinha , The Transfer of Property Act
5. Vepa sarathi, Law of Transfer of Property
6. S.N.Shukla, Transfer of Property Act

Course Details: SEC-2

Course Name: Accounting System

Course Code: LLBHSE201

Credit: 2

Marks: 50 [10 (CA) + 40 (ESE)]

Learning outcomes:

Students are expected to learn:

1. The accounting theory recording and control system
2. To manage their account in their day to day dealings

Contents

Accounting System

Unit-I

Financial Accounting: Accounting Theory recording and control system

Unit-II

Accounting Information system

Course Details: AEC-2

Course name: Environmental Studies

Course code: LLBHAECE201

Credit: 4

Marks: 50 [10 (CA)+ 40 (ESE)]

Learning Outcomes:

Students will be able to:

1. Understand the basics of environment and ecosystem and its pollutants
2. Understand the role of law in the protection of environment

Contents

Unit-I

Environmental Science: An Introduction

Unit-II

Environmental Pollutions: Causes and effects

Unit-III

Environmental Law

Recommended Books

1. Jadhav H. & Bhosale, V.H., Enviromental Protection and the Laws, Himalaya Publication House, Delhi.
2. Millar, T.G. Jr., Environmental Science, Wadsworth Publishing Co.
3. Survey of the Environment, The Hindu
4. P Leelakrishnann, Environmental laws in India, Universal Pub.
5. Meigs,A.F.,Whittington, R. and Meigs, M., Introduction to Accounting, London, Macgraw Hill

Semester-III

Course Details: CC-13

Course name: Administrative Law

Course code: LLBHC301

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To provide basic idea about the principles governing the administrative Law
- 2) To make aware about the review of administrative action by courts and tribunals
- 3) to make familiar students to apply those principles in complex factual situations

Learning Outcomes:

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

- 1) Analyse and apply the principles of administrative law to a complex legal problem
- 2) Analyse government decision making in right perspective
- 3) Analyse the impact of governmental policy on the basis of the operation of the administrative Law

Contents

Unit-I: Introductory

- a) Administrative Law: Evolution, Nature and scope
- b) Relationship between Constitutional Law and Administrative Law
- c) Emerging trends - positive duties of administration under the modern social welfare legislation

Unit-II

- a) Rule of Law
- b) Doctrine of Separation of Powers and its relevance in Contemporary Times
- c) Administrative Action-Meaning and Classification

Unit-III

- a) Delegated Legislation: Definitions
- b) Necessity for delegation of legislative power
- c) delegated legislation-powers: Question of Constitutionality
- d) Control of Delegated Legislation

Unit-IV

- a) Administrative Directions: Concept
- b) Meaning, Nature and Need of or Administrative Directions and Rules
- c) Enforceability of Administrative Directions
- d) Publication of Administrative Directions
- e) Administrative Directions to Quasi-Judicial and Statutory

Unit-V

- a) Administrative Adjudication: Needs and Problems
- b) Natural Justice: Principles, Application, violations and exceptions

Book Recommended

1. Griffith and Street: Principles of Administrative Law.
2. H.W.R. Wade: Administrative Law, Oxford Publications, London.
3. De Smith: Judicial Review of Administrative Action, Sweet and Maxwell.
4. S.P. Sathe: Administrative Law, Butterworths.
5. I.P. Massey: Administrative Law, Eastern Book Company.
6. Jain and Jain: Principles of Administrative Law, Wadhawa Publication, Naapur.

Course Details: CC-14

Course name: PUBLIC INTERNATIONAL LAW

Course code: LLBHC302

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To provide students to gain knowledge of public international legal framework
- 2) To encourage students to engage with topical issues like asylum and extradition
- 3) To make familiar the students about the functioning of UN and its principal organs

Learning Outcomes:

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

- 1) Gain basic knowledge about the concepts and principles of Public International Law
- 2) Understand the difference between the Public International Law and Municipal Law
- 3) Identify and analyse the sources of International Law

Contents

Unit-I

- a) Nature, Origin and Basis of International Law.
- b) Sources of International Law.

Unit-II

- a) Subjects of International Law.
- b) Relationship between International Law and Municipal Law.

Unit-III

- a) Recognition.
- b) State Jurisdiction.

Unit-IV

- a) Asylum and Extradition.
- b) Treaties.

Unit-V

- a) United Nations – Purposes, Principles, and Membership.
- b) The Principal Organs of the UN.

References

1. J.G. Starke – Introduction to International Law.
2. Gurdip Singh – International Law.
3. S.K. Kapoor – International Law.
4. H.O. Agarwal – International Law.
5. D.J. Harris – Cases and Materials on International

Course Details: CC-15
Course name: ENVIRONMENTAL LAW
Course code: LLBHC303

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To acquaint the students about the pollution and other environmental issues and the measures taken nationally and internationally to protect it
- 2) To familiarise the students about the scope of the environmental law and ignite the mind of the students for research and study

Learning Outcomes:

At the successful completion of this course, Students will be able to:

- 1) Gain knowledge in statutory and regulatory mechanism relating to environment in India and abroad
- 2) Understand the judicial approach towards the environmental issues
- 3) Studying some special legislations enacted for protection of species
- 4) Comprehending the environmental issues from the constitutional point of view

Contents

Unit-I

- a) U.N. Stockholm Declaration 1972,
- b) Rio-Declaration 1992,
- c) Johannesburg Declaration 2002 –
- d) Basic principles evolved Rio + 20.

Unit-II

- a) Environment Policy in India – Constitutional mandates, Enlargement of Article 21 of the Constitution.
- b) Environment (Protection) Act, 1986; Definitions and other provisions of the Act.

Unit-III

- a) Air (Prevention and Control of Pollution) Act, 1981;
- b) Definitions and other provisions of the Act.

- c) Water (Prevention and Control of Pollution) Act, 1974; Definitions and other provisions of the Act.

Unit-IV

- a) Laws relating to the role of Courts to protect environmental pollution – Enlargement of locus standi and concept of Public Interest litigation; Principles evolved.
- b) Legal sanctions and strategies to Control pollution – with reference to E.P. Act, Water Act, Air Act & Public Liability Insurance Act, 1991 National Environment Tribunal Act, 1995.

Unit-V

- a) Prevention of Cruelty to Animals Act 1960.
- b) Wild Life (Protection) Act 1972.
- c) National Green Tribunal Act, 2010.

References

1. Paras Diwan & Parag Diwan – Environment Management, Law & Administration.
2. P. Leelakrishnan – Environment and the Law
3. Biswajit Mukherjee – Law and Environment
4. K. Thakur – Environment Protection Law & Policy in India
5. Armin Rosencranz, Shyam Diwan, Marth L, Noble – Environment Law and policy in India – Cases, Materials and Statutes.
6. Ball and Bell – Environment Law.

Course Details: CC-16

Course name: Legal Method Including Methodology to write Seminar Paper

Course code: LLBHC304

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

Successful legal study depends upon the excellent language skill, good knowledge of law, skills for highly argument construction and evaluation skills. The present course will help the law students to understand the concept and kinds of law, concept of justice, construction of legal rules, argument skills, analysis and critique in order to solve the practical and theoretical problems. This course is to provide a basic idea as to how to develop a seminar paper including the process of writing footnotes and abstract.

Learning Outcomes:

- 1) To provide a basic understanding about the Law, justice and construction of legal rules
- 2) To acquaint the students about the development of seminar paper and its constituent parts
- 3) To familiarise the students with research methodology thereby encouraging them towards the legal research.

Contents

Unit I

- a) Concept, meaning and definitions of law
- b) Family of Law
- c) Principles and sources of Law
- d) Concept of Justice, stability and peaceful change

Unit II

- a) Classification of law
- b) Kinds of law- International Law and Municipal Law, Public Law and Private Law

Unit-III

- a) Basic concept of Indian legal system: Rule of Law, Separation of powers, Constitutionalism, Principles of natural justice.
- b) Concepts: Custom, Legislation, Precedent and Equity

Unit-IV: Research Methodology

- a) Legal Research: Tools and techniques
- b) Formulation of hypothesis
- c) Footnoting (APA & ILI Style)

Unit-V

- a) How to write legal report
- b) seminar paper writing: abstract and full paper writing

Reference of Books

1. Avtarsingh-Jurisprudence
2. A.K.Anthony- Law for laymen
3. B.M.Tripathi - Jurisprudence
4. Cardozo-Nature of Radical Process
5. Glanville Williams
6. I.L.I. Publication on Legal Research
7. N.R. MadhvaMenon- Clinical legal Education
8. V.D. Mahajan--Jurisprudence

Course Details: CC-17

Course name: Professional Ethics

Course code: LLBHC305

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To inculcate the basic ethical values among the students before going into the court
- 2) To appreciate the duties of lawyers and Bar-Bench relation
- 3) To familiarise the students about their role and responsibilities as professional
- 4) To impart knowledge of the law and code of conduct governing their professional life

Learning outcomes:

After completion of this course, students will be able to:

- 1) Understand and apply the ethical code of conduct in their professional life
- 2) Understand the historical evaluation of legal profession
- 3) Learn to balance their duties towards their clients and courts
- 4) Apply the standard ethical code of conduct for their professional life

Contents

Unit-I

- a) Professional Ethics and Duties of Lawyers: An Introduction
- b) History of Legal Profession in India

Unit-II

- a) Regulation of Lawyers: Introduction, institutions that regulate lawyers, admission to practice, the character and fitness inquiry; on-call assignments determined

Unit-III

- b) Bar-Bench relation with reference to: The Constitution of India, The Advocates Act 1961, The Contempt of Court Act 1973

Unit-IV

- a) Rights & Interests: lawyer v. client's interests
- b) limitations of the rights of lawyers

- c) Advocate's right to strike

Unit-V

- a) Liability for deficiency of service
- b) Role of advocate out-side of court

Reference of Books

1. Raju Ramachandran, Professional Ethics: Changing Profession and Changing Ethics(LexisNexis,Butterworths)
2. Dr. P. B. Mukharji, Professional Ethics of The Advocate (University of Burdwan)
3. P. RamanathaAiyer,Legal & Professional Ethics – Legal Ethics, Duties & Privileges of a Lawyer(Wadhwa Publications, Nagpur)
4. Justice V. R. Krishna Iyer, Law, Lawyers and Justice(b. R.Publishing Corpn, Delhi)
5. Stephen Gillers,Regulation of Lawyers: Problems of Law &Ethics (Little, Brown & Com Boston Toronto, London).
6. Ross Grauston(ed.), Legal Ethics & Professional Responsibility(Clarendon Press, Oxford)
7. Gary Bellow & Bea Moulton, The Lawyering Process: Ethics and Professional Responsibility, (The Foundation Press, Inc.).
8. D.V. SubbaRao, Sanjiva Row's The Advocates Act, 1961(LexisN exis, Butterworths)
9. Nicolson and Webb, Professional Legal Ethics(OUP)
10. 10S. C. Sarkar, Modern Advocacy and Professional Ethics

Course Details: CC-18

Course name: Labour Law

Course code: LLBHC306

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To acquaint the students regarding the basic framework labour law in India
- 2) To demonstrate a deep understanding of the underlying principles, rules and institutions which regulate Indian labour relationships
- 3) To familiarise the students with the Laws related to Industrial Disputes and Trade Union
- 4) To provide students with the tools for further study of Labour and Industrial law.

Learning Outcomes:

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

- 1) Gain knowledge of theories and perspectives in labour and industrial relations in India
- 2) Apply the concepts and theories on the contemporary developments in the labour law area
- 3) Learn as to how to apply the laws and protect the interest of the workers
- 4) Understand the various issues relating to labour laws and get encouragement for future study and research in labour law area

Contents

Unit-I

Industrial Disputes Act: 60 Marks

- a) Object of the Act
- b) Definition of Industry and Industrial Dispute, Appropriate Govt. Average pay, Award, Controlled Industry, Employer, layoff, Lockout, strike etc. workmen.

Unit-II

- a) Procedure for the settlement of dispute and Authorities under the Act. References of dispute, voluntary references to arbitration, Awards and settlement.

- b) Strike and Lock out – Prohibition, illegality penalties.

Unit-III

- a) Lay off, Retrenchment of workers, Transfer and closing down of undertaking.
- b) Miscellaneous – Change of condition of service, unfair labour practices, Protected workman, Representation of parties, Recovery of money due from employers.

Unit-IV

Trade Unions Act: 20 Marks

- a) Scope and the object of the Act.
- b) Definitions: Trade Union, Trade dispute, Registrar, workmen etc.
- c) Registration of the Trade Union.
- d) Rights and privileges of Registered Trade Union, dissolution etc.

Unit-V

- a) Recognition.
- b) Collective bargaining and trade union.
- c) Unfair labour practices, Penalties and miscellaneous

References

1. P.L. Malik – Industrial Law
2. S. N. Mishra – An Introduction of Labour and Industrial Law
3. N. D. Kapoor – Handbook of Industrial Law
4. S. Srivastave – Industrial Relations and labour Law
5. S. M. Chaturbedi – Labour and Industrial Laws
6. H.K. Saha Ray – An Industrial and Labour Laws in India
7. Labour Laws Journals.

Semester-IV

Course Details: CC-19

Course name: Company Law

Course code: LLBHC401

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To provide knowledge of Company Law and its History with reference to the New Company Law Amendment Act
- 2) To describe the procedure of formation, management, control of company and winding up of a company

Learning Outcomes:

At the end of this course, students will be able to:

- 1) Explain the concepts and doctrines as applicable in company law
- 2) Evaluate the corporate working in the modern scenario
- 3) Know about the Company Law in India

Contents

Unit I

Concept of Company and history of company Legislations in India.

Unit II

Procedure relating to formation of a Company

Finance of Company

Unit III

Management of Company affairs.

Majority rule

Unit IV

Control of Company affairs

Procedure relating to winding up of a Company

Unit V

Miscellaneous provisions

Note: Provisions of the Companies Act, 2013 should be studied with latest amendments and SEBI guidelines.

Recommended Books

1. A Ramaiya - Guide to the Companies Act.
2. The Law relating to Government Control of Private Companies.
3. Indian Law Institute – Government Regulations of Financial Management of private corporate Sector in India.
4. T. R. Srinivasa Iyenger – The Law relating to the private Limited Companies.
5. N.D.Kapoor – Elements of Companies.
6. Avtar Singh – Indian Companies Law
7. S.C.Sen – New Frontier on Company Law
8. S.M.Shah – Lectures on Company Law
9. Fariedmann – Company Law and Capitalism (Hudden Tom Public Corporation)
10. Palmer – Principles of Modern Company Law (Grower Company Guide)
11. S.C.Sen – Mergers, Amalgamation and Take overs (responsible Company))
12. Pundy, Lindhal and Casyer – Corporate Concentration and Public Policy.
13. Department of Company Affairs – Company News and Notes Journal.
14. Company Law Journal – M.L. J. Press, Madras
15. K.I.Kali – A study on Sacchar Committee Report.

Course Details: CC-20
Course name: Banking Law
Course code: LLBHC402

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To acquaint the students with the key legislations operating in the regulation of banking operations
- 2) To study the government enactments to regulate the working of Reserve Bank of India and financial assets in India
- 3) To give the students an overview regarding banking regulation

Learning Outcomes:

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

- 1) Know the banking regulations in the present day context
- 2) Apply the acquired knowledge to different economic activities of banks and their regulations
- 3) Carry out financial analysis of banking operations

Contents

Unit I

Negotiable Instruments Act, 1882

Unit II

Banking Regulator Act, 1949

Regional Rural Banks Act, 1976

Unit III

Reserve Bank of India Act, 1934

Unit IV

Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

Unit V

Banking Ombudsman Scheme

Recommended Books

1. Gupta, S.N.: The Banking Law in Theory and Practice, 3V.
2. Singh, Avtar: Laws of Banking and Negotiable Instruments : An Introduction.
3. Sreekantaradhya, B.S.: Banking and Finance : Perspectives on Reform.
4. Tannan's Banking Law and Practice in India.

Course Details: CC-21

Course name: Taxation Law

Course code: LLBHC403

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To define the various concepts of Income tax law
- 2) To understand the taxes imposed and computation and deduction of taxable income under the latest Income Tax Law
- 3) To study the tax management and GST along with the adjudication and settlement of tax disputes

Learning Outcomes:

At the end of this course, A student will be expected to learn:

- 1) An understanding of Tax law
- 2) Apply the learned concepts in his day to day business activities
- 3) Understand and apply the key concepts of Income Tax Law to the simple fact situations

Contents

Unit I

Basic Concept : Direct and Indirect Tax, Source of Income Tax Law in India, Basic Principles of Charging Income Tax, Diversion & Application of Income, 'Equity', 'quo and Pro quo and res-judication principles in taxation provisions, Exemption & Deductions, Tax evasion, Tax avoidance, Tax Planning, Rate or Rates of Tax, CBDT.

Unit II

Important Definitions: Person, Assessee, Assessment year, Previous year, Income, Gross Total Income, Heads of Income, Casual income, Business, Capital assets, Capital receipts and Revenue receipts, Capital expenditure and Revenue expenditure, Amalgamation, Demarger, Infrastructure capital company and infrastructure capital fund, under the Income Tax Act.

Unit III

Residential status and tax incidence.

Income exempt from tax (sec.10).

Agricultural Income – Meaning, Instances of agricultural income and non-agricultural income, Treatment of partly agricultural income, Tax treatment of agricultural income and computation of agricultural income.

Computation of Taxable income of individual, salaries and income from house-property; only concepts and simple problems.

Deduction from gross total income: Section: 80C, 80CCC, 80D, 80DD, 80DDB, 80E and 80G.

Unit IV

Tax Management: Submission of returns and procedure of assessment, PAN, TAN, Preliminary ideas of deduction and collection of tax at source, Advancement of tax, Refund of tax, Appeals and Revision.

Central Sales Tax Act, 1956: Introduction, objects, basic features, definition of certain terms, incidence and levy of tax, Registration of dealers & procedures thereof.

Unit V

West Bengal Value Added Tax: VAT Concepts, Salient features of VAT, VAT versus sales tax, Merits & demerits of VAT, Coverage of goods under VAT, Goods outside VAT, Method of computation of VAT, Definitions of certain terms, Registration of dealers.

Note: Provisions are to be read with latest Amendments.

Recommended Books

- I. Taxmann : Direct Taxes : Law and Practice
- II. Taxmann : Indirect Taxes : Law and Practice
- III. Taxmann : Income Tax Act.
- IV. Taxation Law :Girish Ahuja &Ravi Gupta

Course Details: CC-22

Course name: Land laws and Tenancy

Course code: LLBHC404

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To provide the historical outlook of land reforms at the regional and National level
- 2) To acquaint students with the local legislations operating on Land related matters in the West Bengal
- 3) To Define various local concepts related with land law

Learning Outcomes:

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

- 1) Gain Knowledge about the historical growth of land reforms movement in regional as well as at the National
- 2) Familiarise with various concepts and definitions related with land matters
- 3) Acquire the competence to deal with land related transactions in the prevailing market conditions

Contents

Unit I

- a) Concept of land reform
- b) Constitutional Provisions on Agrarian Reform Legislation
- c) Abolition of private landlordism

Unit-II

- a) Historical Study of Land reforms in West Bengal
- b) Operation Barga

Unit-III

The West Bengal Land Reforms Act, 1955

Unit IV

The West Bengal Premises Tenancy Act, 1997

Unit V

The West Bengal Apartment Ownership Act, 1972

Recommended Books

1. I.A. N. Saha - West Bengal Land Reforms Act
2. D. P. Chatterjee- West Bengal Land Reforms Act.
3. N. K. Roy - West Bengal Land Reforms Act
4. S. K. Sen - West Bengal Premises Tenancy Act
5. Justice Mallick - West Bengal Land Reforms Act, 1955
6. A. N. Saha - Premises Tenancy Act
7. Amal Das - West Bengal Land Reforms Act, 1955
8. State Govt. Publication–The West Bengal Apartment Ownership Act, 1972

Course Details: CC-23

Course name: Arbitration, Conciliation and ADR

Course code: LLBHC405

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To evaluate the development and incorporation of Arbitration and Conciliation in dispute resolution in Adversarial legal System in India.
- 2) To Develop among the students the ability to assess the issues related with ADR
- 3) To provide an understanding of the statutory, procedural, and case law operating in ADR sphere
- 4) To develop a practical dimensions among students about ADR

Learning Outcomes:

At the completion of the course, students will be able to

- 1) Achieve a good grasp over the substantive and procedural law relating to ADR
- 2) Know the methods of resolving disputes other than by means of adjudication
- 3) Acquire practical skills necessary for effective dispute resolution

Contents

Unit I

Alternate Dispute Resolution - Meaning, and Nature

Unit II

Scope, Merits and Demerits

Unit III

Arbitration and Conciliation Act, 1996 (Sections- 2-37,44-50,54-59,62-76,80-81)

Unit IV

Legal Services Authorities Act, 1987 (Sections- 3,4,6,7,9,10,12,13,19-22E)

Unit V

Legal Aid Clinic (Practical Report to be submitted)

Recommended Books

1. P.C. Rao – Alternate Dispute Resolution
2. S. K. Roy Choudhury and H.K.Saharay – Law of Arbitration and Conciliation

3. Tiwari – Arbitration and Conciliation Act

4. Dr. A. Sen – Lok Adalat, Arbitration, Conciliation and ADR. Arbitration and Conciliation Act 1996

Course Details: CC-24

Course name: Interpretation of Statutes

Course code: LLBHC406

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To provide basic understanding about the interpretation, Guiding rules, Internal and external rules, and presumption
- 2) To develop interpretational skills among students
- 3) To provide an understanding regarding the approaches to interpretation of statute and various tools of interpretation to students

Learning Outcomes:

On Successful completion of this course, a student will be able to

- 1) Understand the parts of the statute and basic rules of interpretation
- 2) Analyse legislative enactments and judicial case laws
- 3) Interpret the provisions using the accepted tools of statutory interpretation
- 4) Apply interpretational rules and tools for research purposes

Contents

Unit I

1) Introduction:

- a. Meaning of interpretation
- b. Interpretation and construction
- c. Kinds of Interpretation
- d. Object of Interpretation

2) Basic Rules of Interpretation a. Literal Rule, Mischief Rule and Golden Rule

Unit II

3) Guiding Rules of Interpretation a. Harmonious construction and beneficial construction

4) Maxims of Interpretation:

- a. *Ut res magis valeat quam pereat*
- b. *Noscitur a sociis*
- c. *Ejusdem generis*

- d. *Reddendo Singula singuli*
- e. *Casus omissus*
- f. *Expression unis est exclusion Alterius*

Unit III

5) Presumptions:

- a. Statute must be read as a whole
- b. The Legislature does not commit mistake or make omissions
- c. Technical words in technical sense
- d. Intention of legislature predominates.
- e. Statutes are not intended to be in constant with international law.
- f. Mens rea is generally required for a Criminal act.
- g. Words to be constructed according to its popular sense.
- h. Presumption against extra territorial operation of statute.

Unit IV

6) Internal aids to construction:

- a. Long title
- b. Preamble
- c. Heading
- d. Punctuation
- e. Illustration
- f. Explanation
- g. Marginal notes
- h. Proviso
- i. Schedule

7) External aid to construction:

- a. Dictionaries
- b. Parliamentary History
- c. Reference to other statutes
- d. Use of Foreign decisions
- e. Text Books.
- f. Government Publications and Reports

8) Construction of Penal and Remedial Statute

9) Construction of taxing statutes

10) Interpretation of the constitution.

11) Principles of legislation:

- a. Meaning of legislation
- b. Different kinds of legislation
- c. Commencement, Repeal and Revival of legislation

Unit V

General Clauses Act, 1897 (Sections : 2, 3, 5 – 9, 12 – 13, 17 – 19, 26 – 27)

Recommended Book

- 1) G.P. Singh – Principles of statutory Interpretation
- 2) Maxwell on Interpretation of statutes
- 3) V. Sarathi - Interpretation of statutes
- 4) N. S. Bindra - Interpretation of statutes
- 6) T. Bhattacharya – The Interpretation of statutes

Semester-V

Course Details: CC-25

Course name: Copy Rights

Course code: LLBHC501

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives:

- 1) To provide basic knowledge as to what is copy right and what is not
- 2) To disseminate knowledge about the on ownership and terms and limitation of copy rights
- 3) To disseminate knowledge on copyrights and its related rights and registration aspects
- 4) To aware about remedy for infringement of copy rights and current trends in copy rights law in India

Learning Outcomes:

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

- 1) Gain adequate knowledge on copy rights for their professional work
- 2) Paved the way to catch up copy right as career option
- 3) Understand the legal, illegal and remedial aspects of copy rights

Contents

Unit I

INTRODUCTION:

Definition, Nature, Scope, history, Indian copyright, main features, object, International conventions, copyright and GATT, fixation of copyright, originality as an element of copyright, Ideas, impact of digital medium.

OWNERSHIP OF COPYRIGHT:

Who is author? Joint authorship, status of the author, first owner of copyright, Employee work, Commissioned work, Author of a cinematographic work and sound recording, Computer generated works, ownership of moral right and related right.

Unit II

TERM AND LIMITATIONS ON COPYRIGHT:

Introduction, term in case of published literary, dramatic musical or dramatic works, term in case of anonymous and pseudonymous work, term in case of posthumous, photograph, cinematograph, sound recording, Government works, works of public undertakings and in work of international organisation; Limitations to of copyright, temporal limitations, statutory licences, Fair Access to copyrighted creations, Doctrine of Fair dealing or permitted acts.

Unit III

RIGHTS UNDER COPYRIGHT:

General, interest of authors, exclusive economic right, moral right, and related rights.

TRANSFER OF COPYRIGHT:

Assignments, transfer by law, relinquishment of copyright; licences, voluntary licences, non-voluntary licences

Unit IV

COPYRIGHT OFFICE, COPYRIGHT BOARD AND COPYRIGHT SOCIETY:

Copyright office, Register of copyright office, evidentiary value of register of copyright, function and obligation of registrar of Copyright; Copyright Board, constitution and function of copyright board, power and procedure of copyright board and its obligation; Copyright society, registration of copyright society, function and obligation of copyright society, control of owners of copyright, rights and liabilities of pre-existing societies.

REGISTRATION OF COPYRIGHT:

Introductory, qualification for registration, procedure for registration, entries in register, correction of entries, rectification of register by Copyright Board.

Unit V

INFRINGEMENT OF COPYRIGHT:

General, what is infringement? When copyright is infringed? Which are not infringements of copyright? When breach of conditions amount to infringement of copyright? Importation of infringing copy, transit rights of land locked countries, obligation of copyright societies in case of account, resale- share right in original copies of author.

REMEDIES AGAINST THE INFRINGEMENT OF COPYRIGHTS:

Introduction; Who can claim remedy? Against whom one may proceed? Civil remedies, Criminal remedies, Administrative remedies, Anton Pillar order, Protection of separate rights, restriction of remedies, suit for declaration, jurisdiction of court, delivery of infringing copies and plates. Remedy by appeal.

Recommended Books

1. P. Narayanan, Copyright and Industrial Design, Eastern Book House.
2. W.R. Cornish, Intellectual Property, Sweet and Maxwell,
3. S.M. Steward, International Copyright and Neighbouring Rights, Butterworths.
4. Alka Chawla, Copyright and Related Rights National and International perspective, Macmillan India Ltd.
5. P. Narayanan, Intellectual Property Law, Eastern Law House
6. Dr. S.N. Mandal, Copyright Laws : Cases & Materials.

Course Details: CC-26

Course name: Patent Right Creation and Registration

Course code: LLBHC502

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) To provide basic knowledge about background and development of Patent Right creation in India
- 2) To disseminate knowledge about the grant of Patent and Rights and obligations of Patentee
- 3) To disseminate knowledge on registration and transfer of patent at national and international
- 4) To aware about remedy for infringement of Patent and current trends in Patent law in India

Learning Outcomes

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

- 4) Gain adequate knowledge on Patent Rights creation for their professional work
- 5) Paved the way to catch up Patent related work as career option
- 6) Understand the legal, illegal and remedial aspects of Patent rights in India and abroad

Contents

Unit I

Background and Development:

Patent and its importance; Theories of Protection; Importance of Patent; International Regime of Patents; Relevant provisions under WTO and TRIPS.

Introduction: Meaning of Patent; Patents & Traditional Knowledge; Bio-patents, software patents and Protection of traditional knowledge.

Unit II

Grant of Patent: Features of Patent; Patent Specification; Who can obtain Patent? How to obtain Patent? Process of Registration of Patent.

Rights and obligations of a patentee: Nature of patent rights; Duration of Patent; Limitation of the patentees' rights; Obligation of patentee.

Unit III

Register of Patents and Patent Office: Register of patent; Patent office; Power of the Controller; Power of Central Government; Appeal

Unit IV

International Patent: International Patent; How to obtain international Patent; Patent Co-operation treaty [PCT].

Transfer of Patent Rights: Compulsory Licenses and Licenses of Right; Revocation and surrender of patents.

Unit V

Infringement and Remedies: Infringement of Patents and penalties; Remedies for Infringement.

Recommended Books

1. Prabudh Ganguli, Intellectual Property Rights
2. P. Narayanan, Intellectual Property Law
3. Wadehra B.L., Patents, Trademarks, Designs and Geological Indications.
4. Cornish P., Intellectual Property Law.
5. P. Narayanan, Patent Law (4th ed., 2006)

Course Details: CC-27

Course name: Competition Law

Course code: LLBHC503

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) To disseminate knowledge about the policy and historical background of competition law in India
- 2) To provide the knowledge about the anti-competition agreements, MRTP and Competition Act in India
- 3) To disseminate the knowledge about the authorities and their functions and the remedies under the Competition Act

Learning Outcomes

At the successful completion of this course, Students will be able to

- 1) Understand the goals of Competition Law
- 2) Apply the prohibitions of anti-competitive agreements and abuse of a dominant position
- 3) Understand and explain the rules under the Competition law in India

Contents

Unit I

Background and Introduction: Competition law in India; Definition, growth, historical background and need for change; Globalization and competition Policy in India, Monopoly and the new change.

Unit II

Competitive Agreements and Contracts: Anti-competition agreements and the freedom of Contract (S.23&27 of IC Act); Constitutional initiatives in the protection of monopolistic activities,

Unit III

MRTP and Competition Act: The short comings of MRTP; Monopolistic Trade Practices, Restrictive Trade Practices and Unfair Trade Practices; Protection of consumer interests; An overview of the Competition Act 2002.

Prohibition and Merger: Competition laws; Core issues, Dominant Position and its abuses; The Prohibition of anti-competitive agreements, Indian position and remedies; Combinations and regulations of combination-Merger between enterprises.

Unit IV

Authorities: Authorities under Competition Act; Composition, Powers and Duties of Director General.

Function of Commission: Powers, Functions and Jurisdiction of Competition Commission of India.

Unit V

Remedies: Acceptance and Disposal of cases; Remedies through Competition Commission.

Expectations: Judicial pronouncement of the Commission and the Supreme Court, Future initiatives, Challenges; WTO and Competition law.

Recommended books

1. Competition Law in India - T.Ramappa.
2. Competition Act, 2002- Law and Practice. Suresh T.Vishwanathan.
3. Competition Law-Emerging Trends—P.Satyanaraya Prasad
4. Competition Act, 2002.

Course Details: SEC+AEC

Seminar Papers

Course code: LLBHSE501 Marks: 50

Seminar on Human rights and Law (25 marks write up + 25 marks PPT)

Course Code: LLBHAECE501 Marks: 50

Seminar on Public Health and Law (25 marks write up + 25 marks PPT)

Course Details: DSE-1

Course name: International Economic Law

Course code: LLBHDSE501

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) To provide an understanding to the students about the International Economic Legal framework
- 2) To prepare the students to deal with the contemporary International Economic Law
- 3) To acquaint the students about settlement of disputes and functions of International Institutions under the International Economic Law

Learning outcomes

At the successful completion of the course, students will be able to

- 1) Gain knowledge of structure and sources of International Economic Law
- 2) carry out professional activities in the international environment
- 3) search, analyze, and work with legally relevant information in the sphere of International Economic Law

Contents

Unit-I

- a) Nature and scope of International Economic Law
- b) Sources of International Economic Law

Unit-II

Subjects of International Economic Law

- a) States
- b) Multinational Enterprises
- c) Individual

Unit-III

Economic rights under International Economic Law

- a) State
- b) Non-state
- c) Concept of Permanent Sovereignty
- d) Foreign Investment and International Economic Law

Unit-IV

Settlements of disputes

- a) IMF
- b) WTO
- c) EC
- d) ICC
- e) International Court of Justice (ICJ)

Unit-V

International institutions: functions and role

- a) International Bank for Reconstruction and Development (BRD)
- b) World Intellectual Property Organisation (WIPO)
- c) International Finance Corporation (IFC)
- d) United Nations Development Programme (UNDP)
- e) World Trade Organisation (WTO)

References

1. Dr. Rao Myneni Srinivasa, "International Economic Law, Poineer Books, Delhi.
2. Trebilcock, Howse, "The Regulation of International Trade" Routledge, London.
3. Tandon, "Public International Law" Allahabad Law Agency, Allahabad
4. A.F. Lowenfeld – International Economic Law (New York Mathew Bender, 1979)
5. M. Bedjaoui – Towards a New International Economic order (Paris : UNESCO, 1979)

Course Details: DSE-1

Course name: Intellectual Property including Trade Marks and Industrial Design

Course code: LLBHDSE502

Credit: 5

Marks: 100 [20 (CA)+ 80 (ESE)]

Objectives

- 1) To provide basic knowledge about background and development of Intellectual Property Rights including Trade Marks and Industrial Design
- 2) To disseminate knowledge about Passing off, Assignment and Licensing of Trade Marks in India
- 3) To disseminate knowledge on registration of Trade Marks and piracy of Industrial Design in India
- 4) To aware about remedies for infringement of Intellectual Property Rights including Trade Marks and Industrial Design and current trends in IPR Law in India

Learning Outcomes

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

- 1) Gain adequate knowledge on Intellectual Property Rights including Trade Marks and Industrial Design for their professional work
- 2) Paved the way to catch up Intellectual Property Rights including Trade Marks and Industrial Design related work as career option
- 5) Understand the legal, illegal and remedial aspects of Intellectual Property Rights including Trade Marks and Industrial Design rights in India and abroad

Contents

Unit-I

- a) Concept of Intellectual Property right
- b) Nature of intellectual property rights
- c) Concept and meaning of property: intellectual property, copy right, patents design and trademarks

Unit-II

- a) Patents and patentable inventions
- b) Revocation of patents

- c) Infringement of patents.

Unit-III

- a) Copyright: Concept and Nature
- b) Registration of copy right Term of copyright
- c) Infringement of copy right

Unit-IV

- a) Trademarks (The Trademarks Act, 1999)
- b) Introduction to Trademark Law
- c) Definitions (Sec. 2)
- d) Registration of Trademarks, Procedure, Grounds of Refusal and Well Known Trademarks (Secs. 9-12, Ss. 18-23 and S. 33)
- e) Passing Off, Infringement and Exceptions to Infringement Actions
- f) Remedies (Ss.27-30, S. 34, Ss. 134-135)
- g) Assignment and Licensing (Ss. 48-53)
- h) Intellectual Property Appellate Board (Ss. 83-100)

Unit-V

- a) Designs: Concept and nature
- b) Registration of designs
- c) Piracy of registered designs
- d) Controller and his power

References

1. W. Cornish: Intellectual Property (Universal publication)
2. P.Narayanan , Patents, (Eastern Law House)
3. S.K. Verma & Ramesh Mittal, Intellectual Property Rights, (Indian Law Institute)
4. B.L. Wadera, Patents, Trademarks, copyright, designs and Geographical Indications (Universal publication)

Course Details: DSE-2

Course name: Women and Children law

Course code: LLBHDSE503

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) To develop an awareness regarding the legal measures available to control violence against women and children in India
- 2) To draw the attention of the students to the feeble condition of women and children and their exploitation
- 3) To provide the critical outlook to the social welfare laws relating to women and children
- 4) To acquire improve ability to research and professionally work over the child and women related matters

Learning Outcomes

At the completion of this course, Students will be able to

- 1) Develop a better understanding nature of violence and exploitation relating to women and the laws available to control these in the face of global political, economic, social, legal, ethical and environmental challenges
- 2) Develop necessary skills and knowledge for working in organisations confronted with the children and women issues
- 3) focus on knowledge and skill for further study over the children and women related issues

Contents

Unit-I

- a) Children and Women status: Legal and Social
- b) Constitutional Safeguards: Women and Children
- c) Women and Children: international concern

Unit-II

- a) Discrimination against Children and Women: Female Children, Termination of pregnancy
- b) Cruelty and domestic violence against women - National protections

Unit-III

Women and Employment:

- a) Factories Act: Provisions relating to women; Maternity Benefit Act; Equal Remuneration Act; Law Relating to Sexual Harassment at Working Place; N.C.W- Aims, Functions and Performance.

Unit-IV

Women & children in Post-Constitution Period:

- a) Constitution of India: Preamble, Arts.14, 15, 23, and Part IV Legal Measures in relating to Child Labour Women and Political Representation.

Unit-V

Social Welfare Laws for Women and Non-implementation of protective labour legislation

- a) Maternity benefits Act
- b) Equal remuneration Act.
- c) Factories Act
- d) Inequality in the work place

References

1. Diwan Paras and Divan Peeyushi, Women and Legal Protection (Deep and Deep Publications, New Delhi)
2. OP Mishra, Law relating to Women and Child
3. G B Reddy, Women and the Law
4. Manjula Batra, Woman and Law & Law Relating to Children in India.
5. Upendra Baxi, Law and Poverty
6. Indian Law Institute, Child and the Law
7. Tripathi and Arora, Law Relating to Women & Children

Course Details: DSE-2

Course name: Gender Justice

Course code: LLBHDSE504

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) To an understanding of history and growth of the concept of gender justice in India
- 2) To articulate the constitutional Provisions relating to Gender justice
- 3) To analyse the changing notions of Justice along with the developmental issues in Gender Justice in socio-legal areas
- 4) To study the legal provisions and implementation of legislations relating to women's access to justice
- 5) To develop gender sensitive knowledge system

Learning Outcomes

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

- 1) Develop an equitable and just thinking towards gender justice issues
- 2) Address the gender related issues in the society
- 3) Demonstrate an awareness of legal and cultural issues
- 4) focus on knowledge and skill for further study over the women related issues

Contents

Unit-I

- a) Concept of Gender Justice
- b) Socio- Legal Dimensions of Gender
- c) Convention on Elimination of All Forms of Discrimination Against Women
- d) Protection of Women from Violence

Unit-II

- a) Pre-constitutional History of Gender Justice
- b) Changing notions of Justice and Gender from Ancient to Modern times: A Post Colonial Discourse

Unit-III

- a) Constitutional Provisions and gender justice: Directive Principles of State Policy and Fundamental Duties etc. under the Indian Constitution.

Unit-IV

Personal Law and gender Justice

- a) Adoption and Guardianship Rights
- b) Property and Inheritance Rights
- c) Rights of Maintenance

Unit-V

Developmental Issues:

- a) Socio-legal dimensions of the Third Gender
- b) Emerging trends with respect to LGBT Community
- c) Socio-legal Dimensions of Witch-Hunting
- d) Socio-legal dimensions of Honour Killings

References

1. S.P. Sathe: Towards Gender Justice.
2. Dr. Vijay Sharma: Protection to woman in Matrimonial home
3. Dr. Sarojini Saxena: Femijuris (Law relating to Women in India)
4. Dr. Archana Parsher: Women and Social Reform
5. Dr. Paras Diwan: Dowry and protection to married women
6. Mary Wollstonecraft: A Vindication of the rights of women.
7. Dr. G.B.Reddy: Women and Law, 2nd Edn. Gogia Law Agency, Hyderabad, 1998
8. M.P. Jain, Constitution of India, Wadhwa and Company, New Delhi, 2008

Course Details: DSE-3

Course name: Law, Poverty and Development

Course Code: LLBHDSE505

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) To provide an understanding about the law and poverty
- 2) To analyse the concept of poverty, development and globalisation
- 3) To discuss the law, development and poverty related issues relating to marginalised section of the people
- 4) To understand the International approach to deal with the poverty issues

Learning Outcomes

At the successful completion of the course, Students will be able to

- 1) Demonstrate the understanding about the concept of poverty and development
- 2) Familiar with the working of the various institutions to the issues of poverty
- 3) focus on knowledge and skill for further study over the law, poverty and development related issues

Contents

Unit-I

- a) Concept of Poverty: sociological, economical and cultural
- b) Religion and poverty

Unit-II

- a) The phenomena of "poverty" and "development: National And International Context
- b) Development of Third world and poverty
- c) Globalization and poverty

Unit-III

Constitution and poverty

- a) Equality and Protective Discrimination
- b) Right to Basic Needs and Welfare
- c) Right to Development
- d) Role of Judiciary and abolition of poverty

- e) Role of Government in India: Policy and programmes for development and abolition of poverty

Unit-IV

Poor and the criminal law

- a) Right to bail and poverty
- b) Corruption in Criminal Justice system and poverty
- c) Sentences, fine and poor
- d) Working of free legal aid schemes

Unit-V

Marginalized Communities

- a) Beggars and the law
- b) Vagrants
- c) Aged
- d) Bidi workers

References'

1. Upendra Baxi, Law, Poverty and Development (1988) Tripathi, Mumbai
2. Atul Kohli, State and Poverty in India
3. A.W. Murphy, et al., Law and Poverty (1973), Tripathi, Mumbai
4. J.S. Gandhi, Law and Social Change (1989) Rawat, Jaipur
5. P. Leelakrishnan, et al. (eds.), Tribal Welfare: Law and Practice (1985), Cochin University Department of Law.

Course Details: DSE-3

Course name: Criminology and Penology

Course code: LLBHDSE506

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) To define the term “Criminology” and its relation with criminal law and sociology
- 2) To describe the various theories of criminology
- 3) To demonstrate the theories of punishment , Parole and probation
- 4) To discuss the Indian judicial approach to the punishment especially the Capital Sentencing
- 5) To discuss the science of victims and its various issues

Learning Outcomes

At the successful completion of this course, students will be able to

- 1) Describe the meaning and concept of criminology, penology and victimology
- 2) outline the key concepts of the major theories of criminology and penology
- 3) understand and describe the predictive factors for criminal behaviour
- 4) Understand the modern concepts like probation and parole

Contents

Unit-I

- a) Criminology: Definitions, Scope and Nature
- b) Criminal law, criminology and sociology: Relationship study

Unit-II

Theories of crime

- a) Physiological
- b) Psychological
- c) Sociological

Unit-III

- a) Punishment: Theories and justification of punishment
- b) Indian Judiciary and Sentencing policy: case study

- c) Capital Punishment: “Rare of Rarest” cases

Unit-IV

- a) Probation
- b) Parole
- c) Open prisons

Unit-V

- a) Meaning & Scope of Victimology
- b) Types of Victims of Crime
- c) Rights of the Victims of Crime
- d) Compensation to the Victims of Crime under Indian Laws

References

1. Sutherland E. & Cressy, Principles of Criminology
2. A. Siddique, Criminology : Problems & Perspectives
3. N.V. Paranjape, Criminology and Penology
4. J.P.S, Sirohi , Criminology & Penology

Semester VI

Course Details: CC-28

Course name: Insurance Law

Course code: LLBHC601

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) To Introduce to the students the general principles and definitions of Insurance
- 2) To familiarise the students about the different kinds of Insurance
- 3) To discuss and analyse the Insurance Act and IRDA
- 4) To introduce the current structure of the insurance industry and the functions and operations of insurance institutions.

Learning Outcomes

At the successful completion of this course, students will be able to

- 1) analyse the role of Insurance in financial planning process
- 2) Analyze and evaluate the unique features of the insurance industry and regulations
- 3) Understand the Insurance law and regulatory institutions in India

Contents

Unit-I

- a) General Principles
- b) Definitions of Insurance

Unit-II

- a) Essential Elements: Insurable Interest; Materiality of Facts

Unit-III

- a) Life Insurance
- b) Fire Insurance
- c) Marine Insurance
- d) Liability Insurance

Unit-IV

- a) The Insurance Act, 1938;

Unit-V

- a) The Insurance Regulatory and Development Authorities Act, 1999

Recommended Books

- 1) Murthy, K.S.N. and Sarma, K.V.S.: Modern Law of Insurance in India.
- 2) Singh, Avtar : Law of Insurance.
- 3) Bharat's Manual of Insurance Laws.
- 4) Misra, M.N.: Insurance Law.
- 5) Nagarjun, R.K.: Law of Insurance.

Course Details: CC-29

Course name: Corporate Governance

Course code: LLBHC602

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) To equip the students with the knowledge about Corporate governance and its historical growth
- 2) To develop various corporate social Responsibilities and practise in their professional life
- 3) To provide tools for analysis of a corporate governance system and mechanism of control
- 4) To provide the knowledge of basic functions of Corporate Governance and legal obligations of the Board particularly for CSR in India

Learning Outcomes

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

- 1) Understand principles of corporate goals and strategy forming
- 2) Understand the relationship between the corporate governance practices including CSR
- 3) Understand the relationship between management compensation and companies' performance
- 4) Analyze various ethical codes in corporate governance

Contents

Unit-I

- a) Concept of Corporate Governance
- b) Corporate Governance - Historical Perspective

Unit-II

- a) Corporate Governance and Role of Institutional Investors
- b) Principles of Corporate Governance – OECD

Unit-III

- a) Guidelines : The right of shareholders and equitable treatment of shareholders
- b) The Role of Stakeholders in Corporate Governance. Disclosure and Transparency.

Unit-IV

- a) Mechanism and Control: Internal Corporate Governance Control and External Corporate Governance Control.

Unit-V

- a) The legal obligation of Board of Directors in Corporate Governance and Board – Management relationship.
- b) The Concept of Corporate Social Responsibility (CSR) in India.

Recommended Books

- 1) Subhas Chandra Das – Corporate Governance in India : An Evaluation.
- 2) Sanjay Bhayana – Corporate Governance Practice.
- 3) Robert A.G.Monks – Corporate Governance.
- 4) Avtar Singh – Company Law
- 5) Darryl Reed and Sanjay Mukherjee – Corporate Governance, Economic Reforms and development.
- 6) Sanjay Agarwal – Corporate Social Responsibility in India.
- 7) Ravi Pullani and Mahesh Pullani (Ed) - Bharat's Manual of Companies Act and Corporate Laws: including SEBI Rules, Regulations, etc.

Course Details: CC-30

Course name: Information Technology and Right to Information

Course code: LLBHC503

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) To evaluate ongoing developments in law relating to IT and The Right to Information
- 2) To evaluate the law relating to electronic signature, electronic governance and dispatch of electronic records
- 3) To describe the laws and functions of the Certifying authority and Electronic Signature Certificate
- 4) To provide an outlook to offences, remedies and the functions of the appellate tribunals in India

Learning Outcomes

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

- 1) Understand, from a legal perspective, the laws relating to the internet and computers
- 2) Form a view on the relevancy and adequacy of law
- 3) Analyse the extent to which control over and liability in respect of hardware, software, data and website content can have negative consequences for individuals and corporations and wider society

Contents

Information Technology

Unit-I

- a) Background and Preliminary: History of Information Technology Law; Impact of IT law on other Laws in India; Definitions, Meaning and Importance of IT Law in India.

Unit-II

- a) Electronic Signature and Electronic Governance : Electronic Signature; Recognition of electronic records; Use of electronic signature and electronic records; Delivery of service by service provider; Retention of electronic records;
- b) Attribution, Acknowledgement and Despatch of Electronic Records: Validity of electronic contracts; Attribution of electronic records; Acknowledgement of receipt; Time and Place of dispatch and receipt of electronic records.

Unit-III

- a) Regulation of Certifying Authorities: Appointment of Controller; Functions of Controller; Licence to issue digital signature certificates; application for licence and its renewal; Suspension, display and surrender of licence; Power of delegate and investigate contraventions.
- b) Secure Electronic Records, Signatures and Electronic Signature Certificates: Secure Electronic Records and Signature; Certifying Authorities to issue Electronic Signature Certificate; Representation on Electronic Signature Certificate; Notice of Suspension, Suspension and Revocation of Electronic Signature Certificate.

Unit-IV

- a) Duties of Subscriber and Penalties, Compensation and Adjudication: Generating Key pair; Duties of subscriber of ESC; Acceptance of DSC and Control of private key; Penalty and compensation for damage to computer system, failure to protect data, failure to furnish information etc; Residuary penalty; Power to adjudicate; factors considered by adjudicating officer.
- b) The Cyber Appellate Tribunal: Establishment of Cyber Appellate Tribunal; Composition, power and function of Cyber Appellate Tribunal; Resignation and Removal; Appeal to Cyber Regulation Appellate Tribunal; Appeal to High Court; Recovery of Penalty and Compensation.
- c) *Offences and Remedies*: Tampering with computer source documents; Computer related offences; Identity theft; privacy; cyber terrorism; Publication or transmission of obscene material or sexually explicit act or conduct; National Nodal Agency; Compounding of offences; Power of Police office or other officer to enter, search etc.

Unit-V

- a) The Right to Information Act, 2005

Books Referred

1. J.H.Barowalia - Commentary on the right to Information Act, Universal Law Publications.
2. Information Technology Act, 2000
3. Vakul Sharma – Information Technology law and practice
4. S.V. Joga Rao - Law Relating to Right to Information, vol.1.
5. Ian J Lloyd – Information Technology law, Edn. IV
6. Yatindra Singh – Cyber Laws

Course Details: SE+AEC

Course name: Moot Court, Internship & Drafting Pleading

Course Code: LLBHSE601+ LLBHAIECC601

Course code: (Foundational= SEC+AECC)

Credit: 5 (SE-2 + AECC-3) Marks: 100 [50 Moot Court +50 (Drafting Pleadings)]

Objectives

- 1) To provide practical skills of handling of cases
- 2) To provide basic knowledge of trial and pre trial preparation
- 3) To acquaint the students with court environment
- 4) To provide basic knowledge of civil and criminal drafting and pleading

Learning Outcomes

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

- 1) Understand the fundamentals and modalities of Moot court
- 2) Familiar with the client interviewing techniques and pre trial preparation
- 3) Understand the trial preparations and presentation of arguments at trial

Group A

Moot Court and Internship (1X50)

Every student may be required to do moot courts in a semester. The moot court work will be an assigned problem and it will be evaluated on the basis of written submission and oral advocacy.

Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition.

Group B

Drafting Pleading (1X50)

Drafting:

General principles of drafting and relevant substantive rules (it includes not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each).

Pleadings:

- i) Civil – Complaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under Art.226 and 32 of the Constitution of India.
- ii) Criminal – Complaint, Criminal Miscellaneous petition, Bail Application, Memorandum of Appeal and Revision.
- iii) Conveyance – Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed.
- iv) Drafting of Writ petition and PIL petition.

Viva-Voce

Recommended Books

1. Ganguly A. C. – Civil Court Practice Procedure
2. Ghosh S.C. – Forms & Pleading
3. Gupta – Conveyancing, Pleading and Deeds – 5 vols.
4. Mazumder A.B. – Pleading
5. Mogha – Indian Conveyancer

Course Details: DSE-4

Course name: Law and Medicine

LLBHDSE601

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) To demonstrate the basics of Law and medicine
- 2) To Demonstrate an understanding of the legal aspects which regulate the medical profession
- 3) To provide the basic constitutional outlook over the right to health
- 4) To discuss the criminal laws and procedure as applicable in health care matters in India

Learning Outcomes

At the completion of this course, Students will be able to

- 1) Discuss legal matter intelligently in relation to the medical profession
- 2) Understand the laws and procedure as applied in health care matters
- 3) Familiar with the current changes and development in health care laws in India

Contents

Unit-I

- a) Law and Medicine: concept and relationship
- b) Right to Health as Human rights
- c) Right to life and medical practice: conceptual analysis of duties of doctors v. rights of patients

Unit-II

Constitutional perspective

- a) Right to health in emergency medical care
- b) Right to health as a part of right to life under Article 21
- c) Directive principles of state policy and health issues
- d) Judicial decisions and right to health

Unit-III

Law and regulation of medical profession

- a) Law of regulation of medical profession including testing laboratory and stores
- b) Regulatory Authorities
- c) Code of ethics regulation 2002

Unit-IV

Criminal Law and medical profession

- a) Offences against persons
- b) Offenses against public health and safety

Unit-V

- a) Legislative and judicial approach towards medical profession
- b) Legal proceedings against doctors
- c) Defences available to the doctors in legal proceedings

References

1. R.K.Bag, Law of Medical Negligence & Compensation, Eastern Law House
2. R.K.Nayak (Ed.) Indian Law Institute, Global Health Law
3. Mason & Me Call Smith, Law & Medicine Ethics, Butter worths, London
4. Modi on Medical Jurisprudence
5. Dr. Parikh, the Principles of medical jurisprudence.
6. MP Jain, Constitution of India, Universal

Course Details: DSE-4

Course name: Sports Law

Course code: LLBHDSE602

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) To provide a basic understanding about the history and applicability of sports law in India
- 2) To develop an understanding of the sports industry in relationship to the legal sector
- 3) To analyse legally by evaluating and communicating the theories and ethical dilemmas impacting the sports industry
- 4) To discuss the policy and laws relating to sports as found in various laws in India

Learning Outcomes

At the completion of this course, students will be able to efficiently employ strategies for identifying, analyzing, researching, and solving specific legal problems within the sports industry.

Contents

Unit-I

- a) What is Sports law: conceptual study
- b) Applicability of sports law in India
- c) History of sports Law in India

Unit-II

Sports and Contract Law: Standards Players Contracts

- a) Formation: Offer and Acceptance
- b) Interpretation of contract: Plain meaning rule

Unit-III

Sports law and policy

- a) Indian Sports Policy with reference to the Competition Law
- b) Modern government and Need of a comprehensive Law on Sports law in India: a critical study

- c) Sports and ethical Practice in India

Unit-IV

- a) Sports Law and Torts: Negligence, Assault and Battery, Recklessness, Spectators injures
- b) Labour Law as applied on sports: Collective Bargaining Agreements
- c) Negotiations in Sports matters
- d) Criminal law as applied in Sports: Match Fixing Matters

Unit-V

Pressing issues

- a) Sports Injuries with regard to the Issues of Liability
- b) Employment Issues In Sports
- c) Organizational Matter
- d) Harassment in Sports
- e) Gender Debate

References

1. Jack Anderson, Modern Sports Law, Hart Publishing (26 October 2010)
2. Mark James, Sports law, palgrave Mac Millan
3. Mukul Mudgal and Bidhuspat Sighania, Law and Sports in Inida: Development Issues, and Challenges
4. Sports Law: Contemporary Cases , Landmark Publications
5. Anujya Krishna, Sports Law, Universal

Course Details: DSE-5

Course name: Air and Space Law

Course code: LLBHDSE603

Credit: 5

Marks: 100 [20 (CA)+ 80 (ESE)]

Objectives

- 1) To provide legal knowledge involved in space activities
- 2) To define and discuss the development of space law
- 3) To acquaint the students with the dispute resolution and the Role of Arbitration, ICAO and ICJ
- 4) To familiarise the students with the modern development in space law

Learning outcomes

At the successful completion of this course, the students will be able to

- 1) have knowledge and understanding of the key issues of space law and policy
- 2) explain the regulation of the various space law & policy topics at the national and International law
- 3) apply the rules and solve practical cases
- 4) undertake an individual research project in the area of space law & policy

Contents

Unit-I

- a) Air Law: Nature, scope and source
- b) Development of Air Law (Paris Convention 1910, Paris Convention 1919, Madrid Convention 1926, Havana Convention 1928, Warsaw Convention and Chicago Convention 1944)
- c) Space Law: Definition, nature, scope and development

Unit-II Regulation

- a) Freedom of the air and sovereignty in the air

- b) Legislative, administrative and judicial functions
- c) Economic and technical regulations
- d) India and bilateral agreements
- e) Regionalism in civil aviation
- f) UN and outer space

Unit-III

- a) Safety and Security in civil aviation: The concept
- b) Aviation terrorism
- c) International norms: conventions, protocols and regulations
- d) Regulations in India
- e) Air safety provisions
- f) Legal regime of air space and outer space

Unit-IV

- a) New Development in India
- b) India and space law: legal analysis
- c) Technology development and problems in civil aviation
- d) Airports: leasing and privatization - legal issues

Unit-V

- a) Settlement of Aviation Related Disputes
- b) General Principles
- c) Role of ICAO and ICJ
- d) Arbitration
- e) Settlement under municipal law

References

1. Azbeyratne, RIR,. Legal and Regulatory Issues in International Aviation (1996), Transnational Publishers, NY.
2. Bhatt S., The New Aviation Policy of India: Liberalization and Deregulation, (1997), Lancers Books, N. Delhi.

3. Bhatt S. et. al. (ed.), Air Law and Policy in India (1994), Lancers Books, N.Delhi
4. Blacklock, Mark. (ed.), International Civil Aviation Organization: 50 Years Global Celebrations 1944-1994. (1995), International Systems and Communications Ltd., London
5. Blackshaw, Carole, Aviation Law and Regulation-A Framework for Civil Aviation Industry (1992), Pitman Publishing, London
6. Button, Kennath, (ed.), Airline Deregulation: International Experience (1991), Fulton Publishers, London
7. Groenewege, A.D., Compendium of International Civil Aviation (1996), International Civil Aviation Corprn., Montreal
8. Mani V.S., et.al., (eds.), Recent Trends in International Space and Policy,(1997), Lancers Books, N.Delhi.
9. Wassenbergh, H.A., Principles and Practices in Air Transport Regulations (1993), ITA Press, Paris
10. Jerome Morenoff, Wold Peace through Space Law (1967), The Michie Co., Virginia.

Course Details: DSE-5

Course name: Maritime Law

Course code: LLBHDSE604

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) Discuss the concepts and sources of maritime law
- 2) Give an insight into the base line concepts, maritime regulations and regulation of various kinds of zones under maritime law
- 3) To focus on the key area of International regulation of Maritime

Learning Outcomes

At the successful completion of this course, students will be able to

- 1) gain a general insight into the key legal principles relating to the maritime law, nationally and internationally
- 2) gain an understanding into the key areas of relevance within maritime law and its regulation of territorial water and zones
- 3) Appreciate the broader issues relating to the maritime law in India

Contents

Unit-I

- a) Maritime law: Concept
- b) Sources of maritime law

Unit-II

- a) Maritime boundary: Concept
- b) Baseline concept : determination of baseline
- c) Attachment of ships: arrest of ships
- d) Quarantine regulations

- e) Internal water and its regulation

Unit-III

- a) Territorial sea : concept and development
- b) Coastal state jurisdiction

Unit-IV

- a) Contiguous Zone
- b) Exclusive Economic zone
- c) Continental shelf

Unit-V

- a) Conservation and Exploitation of Maritime Resources: problems and prospects
- b) International sea bed authority : constitution, power and jurisdiction
- c) Access to high seas: conflict between maritime states and land locked states
- d) International straits and archipelagos

References

1. Orrego Vicuna, The Changing International Law of the High seas Fisheries (1999), Cambridge
2. Ian Brownlie, Principles of Public International Law (1998), Clarendon press, oxford
3. P. Chandrasekhara Rao, The New law of Maritime Zones (1983) miling publications, New Delhi
4. Samir Mankababy, The International Shipping Rules (1986), Croom Helm, London
5. Nagendra Singh, International Maritime law Conventions, Vol.I Navigation (1983) Stevens & Maxwell, London.
6. Myron H. Nordquist and John Norton Moor (eds.), Ocean Policy - New Institutions, Challenges and Opportunities (1999), Kluwer. Law 195 CHAP

Course Details: DSE-6

Course name: Investment and Security Laws

Course code: LLBHDSE605

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) Discuss the concepts and sources of Investment and security law
- 2) Give an insight into the concept of Securities and Kinds of securities
- 3) To focus on the role of RBI and World Bank towards the investment and security matters

Learning Outcomes

At the successful completion of this course, students will be able to

- 1) Gain a general insight into the key legal principles relating to the investment and security law
- 2) Gain an understanding into the key areas of relevance within investment and security matters
- 3) Appreciate the broader issues relating to the role played by the RBI and World bank towards the investment and security.

Contents

Unit-I

- a) Securities : the concept
- b) England: Banking corporate finance and private financial services
- c) India: from usury laws to the modern system

Unit-II

Securities: Kinds

- a) Government Securities

- b) Securities issued by banks
- c) Securities issued by corporations
- d) Securities in mutual fund and collective investment scheme
- e) Depository receipts

Unit-III

Government Securities

- a) Bonds issued by government and semi government institutions
- b) Role of Central Bank (the RBI in India)
- c) Impact of issuance of bonds on economy
- d) Government loan from the general public Law
- e) External borrowing: World Bank, I.M.F., Asian Development Bank, Direct from foreign government.
- f) Can a state go for external loans?
- g) Impact on economic sovereignty

Unit-IV

- a) Corporate Securities: Shares, Debentures, Company deposits, Control over corporate securities
- b) Central government: Company Law Board
- c) SEBI : guide lines on capital issues
- d) RBI
- e) Protection of investor: Protection by criminal sanction

Unit-V

- a) SEBI guideline on depositories
- b) Foreign Exchange Control Regime in India : Concept of foreign exchange regulation
- c) Administration of exchange control

References

1. Farrar, John, H. and Hanniyan, Brenda, Farrar's Company Law, (1998) Butterworths, London
2. Gupta, S.N., The Banking Law in Theory and Practice, (1999) Universal, New Delhi.

3. Tannan, M.L., Tannan's Banking Law and Practice in India, (2000) India Law House, New Delhi
4. Ramaiya, A., Guide to the Companies Act, (1998) Wadhwa and Co., New Delhi.
5. Bhandari, M.C., Guide to Company Law Procedures, (1996) Wadhwa and Co., New Delhi.
6. Ford, Haj A.M., et. al. Ford's Principles of Corporations Law, (1999) Butterworths, London.

Course Details: DSE-6

Course name: Bankruptcy Laws

Course code: LLBHDSE606

Credit: 5

Marks: 100 [20 (CA) + 80 (ESE)]

Objectives

- 1) To overview the India's current jurisdiction and comparative perspective of England and US on Bankruptcy law
- 2) To understand the basic operation of jurisdiction and powers of courts over the insolvency matters
- 3) To understand the order of jurisdiction, appeal and realisation of property under the bankruptcy law in India

Learning outcomes

At the successful completion of this course, students will be able to

- 1) Understand what law governs bankruptcy in Indian, US and England
- 2) Know the key provisions of the bankruptcy law and its operation in India

Contents

Unit-I

- a) The concept: inability to pay debt
- b) Comparative perspectives: England and United States
- c) India: concurrent jurisdiction - the Central and State legislation

Unit-II

Insolvency jurisdiction

- a) Courts
- b) Powers of court

Unit-III

- a) Appointment of interim receiver
- b) Interim proceedings against the debtor
- c) Duties of Debtors
- d) Release of debtor

Unit-IV

- a) Insolvency petition: Content
- b) Procedure at hearing units
- c) Dismissal of petition filed by a creditor

Unit-V

Order of adjudication

- a) Effect
- b) Publication of order
- c) Annulment of adjudication
- d) Power to annul
- e) Effect
- f) Failure to apply for discharge

Realization of property

- a) Appointment of receiver
- b) Duties and powers
- c) Appeal against receiver

Appeal

References

1. The Provincial Insolvency Act 1920 Insolvency Acts of various States
2. Halsbury's Laws of England, Vol.3(2) on Bankruptcy and Insolvency (1989)
3. Henry R. Cheeseman, Business Law, Ch.28 (1998), Prentice Hall, New Jersey
4. C.K.Thakker, Code of Civil Procedure (2000) Eastern, Lucknow.
5. Aiyar.S.K., Law of Bankruptcy (1998) Universal, Delhi

