



# ILS LAW COLLEGE, PUNE

HANDBOOK FOR  
**SECOND YEAR LL.B. 2018-19**  
(THREE YEAR LAW COURSE)

# Welcome to ILS

- Founded on June 20th, 1924 as the Law College, Poona when the University of Bombay gave its sanction for a college of law in Poona.
- Graded A+ by National Assessment and Accreditation Council (NAAC), Bangalore, in 2004.
- Ranked 2nd in Top Private Law Colleges by the 'Week' in 2018.
- Ranked 4th in Best Colleges List of India by 'India Today' in 2018.
- Ranked 3rd in India's Top Professional Colleges by 'Outlook Magazine' in 2018.
- Ranked 2nd in Top Law School of Eminence Category and Top Law Schools by State (Maharashtra) Category by CSR-GHRDC Law School Survey in 2018.
- Awarded 'SILF-MILAT Institutional Excellence Award 2013' by Society of Indian Law Firms and Menon Institute of Legal Advocacy Training, Delhi.
- Awarded 'Best Private Education Institute 2012-13' in the Law School Category by WCRC Leaders Asia.
- Spread over a 195 acres campus in the heart of the city of Pune.
- A faculty comprising of highly qualified & committed people.
- A library rated one amongst the best in India, with over 64,162 books and bound volumes of periodicals along with national and international, journals and magazines.
- A boys' hostel with a capacity of over 190 students.
- Girls' hostel, to accommodate 222 lady students.
- An enormous range of student clubs and societies, particularly the Mooting, Debate and Drama societies, besides the sports, trekking and other extra curricular clubs.
- Funded by the Ford Foundation, USA during 1996-2000 to sustain our tradition of innovation in teaching techniques and methods of learning.
- 1<sup>st</sup> volume of ILS Law Review released, March 2008.
- LL.M. Programme started at ILS in 2010
- Women's Studies Centre established in 2011
- International Collaboration between the VU University, Amsterdam, Netherlands and ILS, comprising of Ph.D. programs and setting up of Law and Policy Action Lab at ILS Launched in December 2012.
- Ph. D. (Law) Research Centre affiliated to Savitribai Phule Pune University started in 2014.
- Tie-Up with Maharashtra Rajya Marathi Vishwakosh Nirmitee Mandal to institute a "Dnyanamandal", A Knowledge Committee, for the field of Law in 2016.
- Received Knowledge Steez Award of Excellence for Contribution in Social Justice and Legal Aid in June 2018.
- Selected by Government of India as one of the Premier Institutions eligible for Central Sector Scholarship Scheme of Top Class Education for Scheduled Tribe (ST) and Scheduled Caste (SC).

*The Syllabus of Savitribai Phule Pune University published in this handbook is for instruction purpose only.*

## 94 Years of Nation Building - Our Contribution...

- ♦ **Justice P.B. Gajendragadkar**  
*Chief Justice, Supreme Court of India (1964-66)*
- ♦ **Justice Y.V. Chandrachud**  
*Chief Justice, Supreme Court of India (1977-85)*
- ♦ **Justice E.S. Venkataramaiah**  
*Chief Justice, Supreme Court of India (1987-89)*
- ♦ **Shri K. M. Reddy**  
*Former Governor of Maharashtra*
- ♦ **Shri Y.B. Chavan**  
*Former Deputy Prime Minister of India*
- ♦ **Shri Mohan Dhar**  
*Former Minister of Commerce*
- ♦ **Shri Sushilkumar Shinde**  
*Home Minister, Govt. of India & Former Chief Minister of Maharashtra*
- ♦ **Shri Vilasrao Deshmukh**  
*Former Chief Minister of Maharashtra*
- ♦ **Shri Arun Kirloskar**  
*Industrialist*
- ♦ **Dr. Prabha Atre**  
*Indian Classical Vocalist*
- ♦ **Prof. S.P. Sathe**  
*Former Dir. Institute of Advanced Legal Studies (IALS) and Ex-Principal, ILS Law College*
- ♦ **Dr. Alice Jacob**  
*Former Director of Indian Law Institute and Ex-Member, Law Commission of India*
- ♦ **Dr. A.T. Markose**  
*First Director of Indian Law Institute  
Former Professor, Cochin University*

### ILS Law College

Address : Chiplunkar Road (Law College Road),  
Pune - 411 004

Information: Tel.: (+) 91-20-25656775, Ext. 121  
(+) 91-20-25656775, Ext. 140  
Fax : (+) 91-20-25658665  
E-mail : [ilslaw@ilslaw.in](mailto:ilslaw@ilslaw.in)  
Website : [www.ilslaw.edu](http://www.ilslaw.edu)

### College Office Working Hours:

Monday to Saturday : 9.00 am. - 4.00 pm.

### College Timings

Morning Session : 7.15 am onwards  
Day Session : 10.50 am onwards



**ILS LAW COLLEGE, PUNE**

**HANDBOOK FOR  
SECOND YEAR LL.B.  
(THREE YEAR LAW COURSE)  
2018-2019**

## *Our Mission*

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“ कृण्वन्तो विश्वमार्यम् ।” - Rigveda, Mandala-9, Sukta-63, R.ca-5

We will make the whole world “Aaryam”. The word “Aaryam” refers to moral, cultural and spiritual excellence leading to eternal happiness. It shall be the ideal of this Society, for accomplishment of which, its efforts will always be directed towards an all round elevation of the entire population of this vast country. It should be raised to a level of equality on a higher plane ensuring everlasting peace, prosperity and higher mentality. The Society looks forward to a period of time when as a result of advancement of the people in their morals and outlook on life, the distinctions on the ground of birth will disappear by reason of all reaching a higher level of mental and moral excellence. The prayer of the Society will be to raise the nation to that ideal and its efforts will always be directed with that end in view :

“ कृण्वन्तो विश्वमार्यम् ।”

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# Rules

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- ◆ It is mandatory for every student to attend at least 75% of total lectures held in each term in the college, as per Ordinance No. 68 of the Savitribai Phule Pune University.
- ◆ Strict Disciplinary Action will be taken against students indulging in any kind of Ragging activity (as defined by 'The Maharashtra Prohibition of Ragging Act 1999') inside or outside the college.
- ◆ Law courses taught in the college are Professional Courses and Students must dress appropriately for the same. Shorts, short tops, short skirts and bermudas are not allowed. Teacher's instructions in this respect shall be followed.
- ◆ Dress code for Girls
  - Full Jeans / Trousers and Tops
  - Salwar Kameez
  - Sarees
- ◆ Dress code for Boys
  - Full Jeans / Trousers
  - Shirts / T-Shirts
- ◆ Students must wear Identity card around their neck.
- ◆ Visit [www.unipune.ac.in](http://www.unipune.ac.in) for examination pattern and rules of passing.

# Useful Information

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<b>College Timings</b>	:	Morning Session	07.15 am onwards
		Day Session	10.50 am onwards
<b>College Office : Working Hours</b>		Mon to Sat	9.00 am to 4.00 pm
		Lunch Time	1.00 pm to 1.30 pm
<b>Library Timings</b>	:	9.30 am to 9.00 pm	

## **Computer and Internet Facilities :**

Computer Lab for students  
Dedicated lease line for Internet Connectivity  
Wi-Fi connectivity in the Library, Class Rooms and Girls' Hostel.  
Internet connectivity in Boys' and Girls' Hostels

## **E-Resources provided by the Library :**

AIR database including Supreme Court and all High Court Reports  
Supreme Court Weekly  
Criminal Law Journal  
SCC on-line including reports of Supreme Court and High Courts, Privy Council, Constituent Assembly Debates, Law Commission Reports, International Case Laws and Statutory materials.  
Manupatra on-line  
Lexis Nexis on-line covering International Case Laws and Articles from 1106 International Law Reviews and Journals  
Lexis India on-line (e-books) providing access to electronic version of commentaries on various law subjects published by Lexis Nexis  
Corporate Law Adviser (CLA) on-line  
West Law International  
N-LIST Programme of INFLIBNET providing access to more than 9000 e-journals and 57000 e-books.  
Tax Sutra

## **Cells established and working with student initiative and participation :**

Legal Aid Centre  
Gender Studies Cell  
Equal Opportunity cum Enabling Cell  
Human Rights Cell  
Hariyali- The Environment Cell  
Corporate Law Cell  
Intellectual Property Rights (IPR) Cell  
Moot Court Society  
Debating Society  
ILS Quiz Club  
Criminal Law Cell  
Centre for International Law Cell  
ILS History Club  
ILS Literary Club  
Centre for Public Law

## **Committees working for Students' Welfare :**

Anti-Ragging Committee  
Grievance Redressal Committee  
Internal Committee for Prevention of Sexual Harassment  
Internal Quality Assurance Cell  
Academic and Research Coordinator

## ILS Law College, Pune 411 004

## Fee Structure for II LLB (Five Year Law Course) : Academic Year 2018-2019

Sr. No.	Head of Fees	IIInd LLB (BC Students)	IIInd LLB (within State)	IIInd LLB (out of State)	IIInd LLB (SAARC- Bhutan, Nepal, Srilanka, Bangladesh)	IIInd LLB (NRI)
1	Tuition Fee	0	2000	4000	4000	6000
2	Admission Fee	0	20	20	40	60
3	Library Fee	0	100	100	200	300
4	Gymkhana Fee	0	100	100	200	300
5	Medical Fee	0	0	0	0	0
6	Student Welfare Fund	0	100	100	200	300
7	Computerization Fee	0	50	50	100	150
8	Pro Rata Contribution for Ashwamegh	0	30	30	60	90
9	Disaster Management	0	20	20	40	60
10	Development Fee	0	250	250	500	750
11	Student Safety Insurance	0	10	10	20	30
12	Student Aid Fund	0	10	10	20	30
13	Registration Fee	0	25	25	50	75
14	Gathering & Prize Distribution Fee	0	200	200	400	600
15	Terminal / Tutorial Fee	0	150	150	300	450
16	Identity Card Charges	0	150	150	300	450
17	Magazine Fee	0	200	200	400	600
18	Eligibility Fee	0	0	0	0	0
19	NSS Fee	0	10	10	20	30
20	Field Work Fee	-----	-----	-----	0	0
	<b>Other Activities Fees</b>				0	0
21	Debating Fee	880	880	880	1760	2640
22	Seminar Fee	1650	1650	1650	3300	4950
23	Moot Court Fee	3850	3850	3850	7700	11550
24	Legal Aid Fee	1100	1100	1100	2200	3300
25	Law Review Fee	550	550	550	1100	1650
26	Physical Fitness (Swimming / Gymnasium)	2750	2750	2750	5500	8250
27	Abhivyakti Law Journal	550	550	550	1100	1650
28	Cultural Activities Fee	2585	2585	2585	5170	7755
29	Maintenance of Equipment	2255	2255	2255	4510	6765
30	Research Activities	720	720	720	1440	2160

## ILS Law College, Pune 411 004

## Fee Structure for II LLB (Five Year Law Course) : Academic Year 2018-2019

31	Training Placement & Skills Development	2200	2200	2200	4400	6600
32	Barcouncil Registration	100	100	100	200	300
33	E-learning Equipments	5500	5500	5500	11000	16500
	1. Computer Lab	0	0	0	0	0
	2. LCD (Classroom)	0	0	0	0	0
	3. Wi-fi access	0	0	0	0	0
34	Print Resources	3850	3850	3850	7700	11550
	1. Text Books	0	0	0	0	0
	2. Reference Book	0	0	0	0	0
	3. Law Reports	0	0	0	0	0
	4. Law Journal	0	0	0	0	0
	5. Govt. Publications (gazettes)	0	0	0	0	0
35	Elctronic Resources	4950	4950	4950	9900	14850
	1. E-books	0	0	0	0	0
	2. E-journals	0	0	0	0	0
	3. E-data bases legal	0	0	0	0	0
36	Email facility	1100	1100	1100	2200	3300
37	Games & Recreation	2200	2200	2200	4400	6600
38	Prospectous Fees	0	300	300	300	300
	<b>TOTAL</b>	<b>36790</b>	<b>40515</b>	<b>42515</b>	<b>80730</b>	<b>120945</b>

**SAVITRIBAI PHULE PUNE UNIVERSITY**  
**SECOND YEAR OF THE THREE YEAR LAW COURSE (LL.B.)**  
**SYLLABUS**

**SEMESTER PATTERN**

**SEMESTER III : JUNE-OCTOBER**

Subject Code	Subjects	Distribution of Marks		Total Marks
		University Written Examination	Internal Assessment by College	
LC 0701	Constitutional Law II	80	20	100
LC 0702	Property Law and Easement	80	20	100
LC 0703	Public International Law	80	20	100
LC 0704	Practical Training Paper I - Professional Ethics and Contempt of Court	80	20*	100
Optional Subject 3 (Any one from the following)		80	20	100
LO 0705	(a) Comparative Constitutions			
LO 0706	(b) Investment and securities Law			
LO 0707	(c) Criminal Minor Acts			
LO 0708	(d) Cooperative Law			
LO 0709	(e) Private International Law			

**SEMESTER IV : NOVEMBER-APRIL**

Subject Code	Subjects	Distribution of Marks		Total Marks
		University Written Examination	Internal Assessment by College	
LC 0801	Labour and Industrial Law	80	20	100
LC 0802	Jurisprudence	80	20	100
LC 0803	Law of Evidence	80	20	100
LC 0804	Practical Training Paper II- Alternative Dispute Resolution System	80	20*	100
Optional Subject 3 (Any one from the following)		80	20	100
LO 0805	(a) Human Rights Law and Practice			
LO 0806	(b) Competition Law			
LO 0807	(c) Vulnerable and Disadvantaged Groups and Criminal Law			
LO 0808	(d) Civil Minor Acts			
LO 0809	(e) International Economic Law			

\*Written submissions and viva voce examination.

## **SECOND YEAR LL.B. - SEMESTER III**

### **LC0701 CONSTITUTIONAL LAW II**

**Objective of the Course:** The Course is designed with an objective to acquaint the students with the Federal principles of Indian Constitution and the powers, functions & structures of various Constitutional bodies. The course is to be studied in the social, economic and political context in which the constitution operates

#### **Module 01 Introduction to Federalism:**

- Essential characteristics of Indian Federalism
- Indian Federalism distinguishes from American Federalism
- Federalism and Basic Structure Doctrine

#### **Module 02 Distribution of Legislative and Executive Powers:**

- The Scheme of Distribution of Legislative powers
- Territorial extent of Union and State Legislature
- Limitations to the territorial jurisdiction of the Parliament
- Distribution of Legislative subjects
- Residuary powers
- Expansion of Legislative powers of the Union under different circumstances
- Interpretation of Legislative lists
- Distribution of Executive powers:
  - Union – State Co-ordination
  - Inter-Governmental Delegation of Powers
  - Delegation by the Union
  - Entrustment of State's Power to the Union
  - Union's direction to the State
  - All India Services
  - Inter-State Council
- Important commissions and committees on Union-State relations:  
objectives and recommendations:-
  - Administrative Reforms Commission (1966)
  - Rajmannar Committee (1969)
  - Sarkaria Commission (1983)
  - Punchhi Commission (2007)

## **Module 03 Distribution of Financial Powers:**

### **Part A Pre-G.S.T. Position**

Allocation of Taxing Powers

Restriction of State's Power to levy Taxes

Distribution of Revenue between the Union & the States:-

Assignment of Union Revenue to the State

Compulsory Tax Sharing

Permissive Sharing of Taxes Grant-in Aid

### **Part B Post- G.S.T. Position**

Historical background of the Goods and Services Tax Act, 2016

The Goods and Services Tax Act, 2016:

Overview of important provisions:

The Goods and Services Tax Council

Composition of council

Powers and functions of council

Implications of G.S.T. on Financial autonomy of states

## **Module 04 Structure, Powers and Functions of Union Legislature (Parliament):**

Bicameral Legislature

Constitution of Houses of Parliament

Qualification and Disqualification for Membership of Parliament

Officers of Parliament

Secretariats of Parliament

Meeting of Parliament

Termination of Parliament

Functions of Parliament:-

Legislation

Control of Public Finance

Deliberation and Discussion

Parliamentary Committees

Anti-Defection Law

Parliamentary Privileges

## **Module 05 Structure Powers and functions Union Executive:**

The President of India:-

Election of the President

Powers of the President

Position of the President

The Vice-President of India:-

Qualifications for the Office of Vice- President

Election of the Vice-President

Term of Office of Vice-President, Resignation

Removal of Vice-President

Oath of Office and Conditions of Office

Council of Ministers:-

Appointment of Prime Minister

Appointment of Ministers

Non-Justifiability of Cabinet Advice

## **Module 7 Structure Powers Functions of State Executive:**

Governor:-

Appointment of Governor

Term of Office

Removal of Governor

Powers of Governor

The Council of Ministers:-

Appointment of Chief Minister and Other Ministers.

Interaction between the Executives and the Legislature.

Conduct of Governments Business.

## **Module 8 The High Courts:**

Composition of High

Court Jurisdiction and Powers of High Court:-

Court of Record

Writ Jurisdiction

Supervisory Jurisdiction

Independence of High Courts

## **Module 9 Freedom of Trade, Commerce and Intercourse:**

Object and Scope of Article 301.

Restriction on Freedom of Trade under the Parliamentary Law

Restriction on Freedom of Trade and Commerce under a State Law.  
Saving of Existing Law.  
Saving of Laws Providing for State Monopoly.  
Authority for carrying out the Purposes of Articles 301-304.

**Module 10 Emergency Provisions:**

National Emergency.  
Failure of Constitutional Machinery in a State.  
Financial Emergency.

**Module 11 Constitutional Position of Jammu and Kashmir:**

Article 370 of the Constitution.  
The Constitutional (Application to Jammu & Kashmir) Order 1954.  
Status of Article 370.

**Recommended Readings:**

- 1) M. P. Jain, Indian Constitutional Law, Lexis Nexis (2015).
- 2) D.D. Basu, Constitutional Law of India, Lexis Nexis (2013).
- 3) Narendra Kumar, Constitutional Law of India, Allahabad Law Agency (2015).
- 4) H. M. Seervi, Constitutional Law of India, N.M. Tripathi.
- 5) Arvind Datar, Commentary on Constitution of India (3 Vols), Lexis Nexis (2010).
- 6) Sathya Narayan (Ed), Selected Work of S.P. Sathe (3 Vols), Oxford University Press (2015).
- 7) M.P.Singh, V.N. Shukla's Constitution of India, Eastern Book Company, (2013).
- 8) Sujit Chaudhry, MadhavKhosala&PratapBhanu Mehta, The Oxford Handbook of the Indian Constitution, Oxford University Press.
- 9) Granville Austin, Working of a Democratic Constitution- The Indian Experience, Oxford University Press.
- 10) Granville Austin, The Indian Constitution – Cornerstone of a Nation, Oxford University Press.

## **LC 0702 PROPERTY LAW AND EASEMENT**

**Objectives of the Course:** The subject is a basic and fundamental law that covers principles applicable to transfers of all kinds of property. A sound grasp of this subject is the foundation necessary for a better understanding of all special laws that affect property. The course will enable the student to appreciate the fundamental principles, features, rights and liabilities of parties and the consequences of specific transactions affecting immovable property. The topic of actionable claims is very relevant in the modern business environment and financing models. The course also covers law relating to easements and licenses.

### **Module 01 Concepts, meaning and types of property:**

Meaning of property, the subject matter, the thing, property as rights, the bundle of rights

Historical perspectives of property and property law

Kinds of property: Movable and immovable; tangible and intangible; existing and future; real and personal. Common property

Possession, Meaning, Actual, symbolic and constructive possession; Possession, occupation and custody

Ownership, of subject matter and rights over subject matter, Modes of acquiring ownership, First ownership, Transfer and chain of title

Relationship between possession and ownership; Presumption of ownership;

Possession valid against all except person with better title; Title of finder of goods Fundamental principles:-

Property must exist so that it can be owned

There cannot be property without an owner

Property must remain in the market

Role of property rights in social and economic development

### **Module 02 Transfer of property:**

Meaning and Definition and types of Property-Transfer of movable and immovable property, Modes, Distinction

Essentials of a valid transfer of property; Types of transferrable property, capacity of parties to transfer property

Procedural perspective for transfer of property-Effect of non-payment of stamp duty and non-registration.

Doctrine of notice

**Module 03 General principles relating to transfer of property:**

Conditions restraining alienation, enjoyment, defeating insolvency or assignability Transfers to unborn persons  
Rule against perpetuity and accumulation of income Vested and contingent interests  
Conditions precedent and subsequent, conditional transfers Doctrine of election- Apportionment

**Module 04 General principles relating to transfer of immovable property:**

Doctrine of priority  
Transfers affecting rights of third persons; Transfer by ostensible owner, person without authority to transfer, and co-owner  
Co-ownership  
Right to insurance amount, Effect of rent paid bona fide, Reimbursement for improvements by bona-fide holders  
Doctrine of *lis pendens*-Fraudulent transfer-Doctrine of part performance.

**Module 05 Sales and Exchanges:**

Meaning and definition of Sale and Exchange, distinction between sale and Exchange; Essentials of a valid sale, Parties to a sale, Formalities  
Distinction between Sale and contract for sale, Registration of a contract for sale and effect of non-registration Rights and liabilities of a buyer and seller  
Marshalling, Discharge for encumbrances on sale.  
Exchange, Rights and liabilities of parties to an exchange

**Module 06 Mortgages:**

Definition of mortgage-Types of mortgages- Mortgagor, Mortgagee, Mortgage money; Essentials of a valid mortgage and Formalities  
Rights and liabilities of a mortgagor and mortgage  
Doctrine of substituted security  
Charge of immovable property  
Distinction between charge, mortgage, pledge, hypothecation and other security interests over property  
Mortgagee's and charge-holder's rights and remedies under Securitisation Act

**Module 07 Leases:**

Definition of lease- Lessor- lessee- Kinds of leases -premium and rent,  
Essentials of a valid lease and Formalities  
Rights and liabilities of the lessee and Lessor  
Term and determination of a lease.  
Forfeiture and relief against forfeiture.  
Leases for agricultural purposes  
Broad distinction between leases under the Transfer of Property Act and the laws relating to rent control

**Module 08 Gift, and Transfers of Actionable Claims:**

Definitions of Gift, Donor and Donee  
Essentials of a valid gift-Revocation of gifts  
Distinction between property and *donation mortis causa* and gifts under Mohammedan law  
Actionable claims: Definition, Formalities, and their importance in commercial transactions  
Requirement of notice to debtor, and effect of notice  
Rights and liabilities of transferor and transferee

**Module 09 Easements:**

Definition of Easement – types of easement -Formalities for creating an easement  
Creation and acquisition of Easements- Dominant and servient owners and heritages- grant-custom- necessity-Quasi-necessity, Prescription  
Rights, duties and liabilities of dominant and servant owners  
Remedies for disturbance of easements  
Extinction of easements, Suspension and revival of easements

**Module 10 Licenses:**

Definition of License- Essentials of a license- kind and Formalities  
Transfer of license- Transfer of grantor's interest- Death of licensor or licensee  
Rights and liabilities of licensee-revocable and Irrevocable license; Rights of licensee on revocation and eviction  
Distinction between leases and licenses  
Distinction between licenses under Easement Act with that of the Maharashtra Rent Control Act

**Recommended Readings:**

- 1) V P Sarathi's Law of Transfer of Property - Including Easements, Trusts and Wills, Malika Taly (ed), Eastern Book Company, 2017
- 2) Poonam Pradhan Saxena, Property Law, Lexis Nexis, 2017
- 3) Avatar Singh, Textbook on The Transfer of Property Act, Universal, 2016
- 4) Shriniwas Gupta, A Text Book on Transfer of Property Law, Thomson Reuters, 2016
- 5) A P Singh and Ashish Srivastava, Property Laws, Lexis Nexis, 2015
- 6) G P Tripathi, The Transfer of Property Act, 19<sup>th</sup> ed, , Central Law Publications, 2016
- 7) AP Singh and Ashish Kumar Srivastava, Property Laws, Lexis Nexis, 2015
- 8) Sanjiva Row, Transfer of Property Act (in 2 volumes), Universal, 2016
- 9) Shriniwas Gupta, Law Relating to Transfer of Property, Thomson Reuters, 2016
- 10) Darashaw Vakil, Commentaries on the Transfer of Property Act, Lexis Nexis, 2017
- 11) Mulla, The Transfer of Property Act, 12<sup>th</sup> ed, M R Hariharan (ed), Lexis Nexis, 2014
- 12) H S Gour, Commentary on Transfer of Property Act, Delhi Law House, 2014
- 13) B B Katiyar, Law of Easements and Licenses, Universal, 2010

## **LC 0703 PUBLIC INTERNATIONAL LAW**

**Objective of the Course:** This course provides the student with an introduction to international law and its significance in the economically globalised world. In view of the vastness of the subject, only important chapters relating to peace have been covered here as an introductory perspective to prod and provoke the inquisitiveness of the students to grasp the key features of international law and their relevance in a subtle perspective and help for the preparation of various competitive examinations.

### **Module 01 Nature and Development of International Law:**

Meaning and Definition of International Law

Theoretical Basis of International Law - Natural law Theory- Positive Law Theory- Grotius Theory- Consent theory

Historical perspective of International Law-Codification of International Law: work of International Law Commission

India's Contribution for the development of International Law-Ancient to Modern times

### **Module 02 Sources of International Law:**

Statute of the International Court of Justice, 1945 (Article 38)

International Treaties and Conventions-International Custom-General Principles of Law Recognized by Civilized Nations-Judicial Decisions of International and National Courts-Juristic Opinion

Other Sources of International Law-Resolutions of General Assembly-Resolutions of Security Council

### **Module 03 Relationship between International Law and Municipal Law:**

Theories - Monistic Theory; Dualistic Theory; Transformation theory; Delegation Theory- Specific Adoption theory

Practice of States: United Kingdom, United States of America and India

### **Module 04 Subjects of International Law:**

Meaning and Definition of State

Kinds of Different States in International Law –Sovereign States-Semi-Sovereign States-Protectorate-Vassal –Trust Territories; Special type of States—Holy See— Neutralized States

Individuals as subjects and object of International Law  
Role and Status MNC's

#### **Module 05 Recognition of States:**

Meaning and Significance of Recognition  
Theories of Recognition - Constitutive Theory –Declarative Theory—Stimson Doctrine- Estrada Doctrine  
Types of Recognition-Defacto –Dejure--Differences between Defacto and Dejure Recognition  
Recognition of Insurgency and Belligerency

#### **Module 06 State Territory and State Succession:**

Meaning and Definition of State Territory  
Types of Acquiring and Lo State Territory—Occupation-Prescription—Accretion—Cession—Session-Dismemberment—Retro-Cession (The Case of Hong Kong)  
Meaning and Concept of State Succession-Difference between State Succession and Succession of Governments  
States Succession to Treaties—Membership of International Organizations Recent  
Developments—State succession to Public Property-Torts-Debts and Archives  
Theories of State Succession to Treaties- Theory of Universal Succession- Theory of Negativism- Contemporary Theories: Neo-Universalism- Neo-Negativism-Theory of Gestation or Nyerere Doctrine

#### **Module 07 State Jurisdiction:**

Territorial Jurisdiction- Civil and Criminal jurisdiction - Universal Jurisdiction- Extra territorial Jurisdiction of State  
State jurisdiction and State Territory-Land Territory-National Waters-Territorial sea-Contiguous zone-Exclusive Economic Zone—Air and Outer Space – obligations of states under outer space Treaty 1966  
Jurisdiction based on Nationality- Modes of Acquiring and losing Nationality- Double Nationality-nationality of Married Women and Indian position  
Admission of Aliens- Rights and Duties of Aliens-Expropriation of Alien Property  
Meaning and Significance of Statelessness- Role of UNHCR  
Meaning and Definition of Extradition- Types of offenders and Process of Extradition

Extradition and Human Rights

Definition and significance of Asylum—Territorial and Extra-Territorial Asylum-Asylum and Extradition

Exceptions to State Jurisdiction: State Immunity— Absolute theory and Restrictive Theory of Immunity –views of the International Law Commission—Waiver of Immunity

Significance and Importance of Diplomatic Agents and Classification of Diplomatic Agents

Functions and objectives of Diplomatic Agents

Immunities and Privileges of Diplomatic Agents-- Inviolability of Diplomatic Agents-Inviolability of Premises—Immunity from local, Civil, Administrative and Criminal Jurisdiction—Immunity from Taxes and Custom Duties—Freedom of Movement, Travel, Communication and worship

#### **Module 08 Law of State Responsibility:**

Nature and Basis of State Responsibility

Theories of State Responsibility—Fault or Subjective Theory—Risk or Objective theory—Eclectic Theories of Responsibility—Absolute Liability Elements of State Responsibility—Act or Omission of international and international acts

Significance of Doctrine of Culpā

Defenses precluding State Responsibility

#### **Module 09 Law of Treaties:**

Meaning and Definition of a Treaty-Types of Treaties

Parties to a treaty—Formation of a Treaty- Significance of Pact Sunt Servanda

Significance of Jus Cogens

Role Rebus Sic Stantibus (Changed Circumstances) in Treaties

Procedure for Termination of Treaties

#### **Module10 International Institutions:**

Historical Origins of International Institutions

League of Nations- An Over View

United Nations- Purposes and Principles

Structure Powers and functions of Security Council-General Assembly-the Economic and Social Council- Trusteeship Council- Appointment, Powers and Functions of Secretary General

International Court of Justice-Historical Evolution- Composition of the Court  
Types of Jurisdiction of the Court-Contentious—Advisory  
Law Applied by the Court—Binding Nature of Judgment  
Legal Status of International Organisations

**Recommended Readings:**

- 1) Robert Jennings and Arthur Watts (eds.), *Oppenheim's International Law* [Vol. I – Peace] (9<sup>th</sup> ed., 1996)
- 2) I. Brownlie, *Principles of Public International Law* (7<sup>th</sup> ed., 2008)
- 3) I.A. Shearer, *Starke's International Law* (1<sup>st</sup> Indian ed., 2007)
- 4) D.J. Harris, *Cases and Materials on International Law* (7<sup>th</sup> ed., 2010)
- 5) Malcolm N. Shaw, *International Law* (7<sup>th</sup> ed., 2015)
- 6) J.G. Strake: *Introduction to International Law*, (latest Edition)
- 7) D.w. Bowetts: *Law of International Institutions* (6<sup>th</sup> edn) 2011, (sweet and Maxwell)
- 8) S.K. Verma: *An introduction to Public International Law* ( Prentice Hall 1998)
- 9) Gurdip Singh, *International Law* (2<sup>nd</sup> ed., 2011)
- 10) V.K. Ahuja, *Public International Law* (Lexis Nexus 2016)
- 11) Shilpa Jain: *Introduction to Public International Law* (EBC 2016)
- 12) T.S.N. Sastry, *State Succession in Indian context* (Dominant 2004) Chapters 1 & 2
- 13) Shilpa Jain : *Introduction to International Law* (2016) Eastern Book Compnay
- 14) Visit the Web Site of Dr tsnsastry.weebly.com for research papers on some of the areas.

**Recommended Journals:**

- 1) American Journal of International Law
- 2) Harvard International Law Review
- 3) International Legal Materials
- 4) International Law and Comparative Law
- 5) Indian Journal of International Law
- 6) Journal of Indian Law Institute
- 7) Heinlein On line Journals
- 8) British Year Book of International Law

## **LP 0704 PRACTICAL TRAINING PAPER I**

### **PROFESSIONAL ETHICS AND CONTEMPT OF COURT LAW**

#### **Module 01 The Advocates Act, 1961:**

Historical Origins of Advocates Act.  
Structure powers and Functions of Bar Council of India  
Structure, Powers and Functions of State Bar Councils  
Admission Enrollment and Conduct of Advocates  
    Qualifications to be admitted as an advocate  
    Types of Advocates-Senior and other Advocates Roll of Advocates  
    Right of Pre-audience  
    Disqualification  
    Right to practice  
    Conduct of an Advocate - Professional Misconduct Punishment  
    Disciplinary proceeding (Authorities and Stages)  
    Powers of the Disciplinary Committee  
Entry of foreign lawyers  
Need for Code of Ethics

#### **Module 02 Advocates Relationship with Courts:**

Duty to the Court (Rules 1 to 10 of Chapter II of Bar Council of India Rules)  
Respect to the Court  
Addressing the Judge  
Conduct in the court room  
Avoid multiplicity of litigation

#### **Module 03 Advocates Relationship with Clients:**

Duties to Client (Rules 11 to 33 of Chapter II of Bar Council of India Rules)  
Confidentiality, Implied Duty and Sections 126 to 129 of the Evidence Act Fees  
Avoiding conflict of interests.

#### **Module 04 Relationship with others:**

(Rules 34 to 39 of Chapter II of Bar Council of India Rule)  
Towards opposite party  
Towards colleagues

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#### **Module 05 Cases relating to Advocates Act and Professional Ethics:**

*Vishram Singh Raghubanshi v. State Of UP* AIR 2011 SC 2275

*Vijay Singh v. Murarilal* AIR 1979 SC 1719

*SJ Chaudhary v. State Of Delhi* AIR 1984 SC 618

*Chandra Shekhar Soni v. Bar Council of Rajasthan* AIR 1983 SC 1012 *Ex-Capt*

*Harish Uppal v. Union Of India* AIR 2003 SC 739

*John D'Souza v. Edward Ani* AIR 1994 SC 975

*Himalayan Cooperative Group Housing Society v. Balwan Singh* AIR 2015 SC 170

*Vishwanath Swami v. Bar Council of India* AIR 2013 SC 3589 *A S Mohammed*

*Rafi v. State of Tamil Nadu* AIR 2011 SC 308 *D Saibaba v. Bar Council of India*  
AIR 2003 SC2502

#### **Module 06 Contempt of court:**

Meaning and scope, Need for sparing use, Maintaining the dignity and respect for Courts and Judiciary

Historical development of law of contempt of court in India

Freedom of speech and contempt of court: The Constitutional perspectives

Meaning of contempt

Civil contempt

Criminal contempt

Implications of amendment in Contempt of Courts Act (2006 amendment)

Defenses for contempt

Punishment for contempt

Procedure for initiating contempt proceeding

Contempt by Judges, Magistrate, Lawyers, Companies and Others

Remedies, Apology, Appeal and Review

Contempt of Supreme Court, High Court and Subordinate Court

Comparison with Order 39 Rule 2A of Civil Procedure Code

## **Module 07 Cases relating to Contempt of Court :**

*Arundhati Roy v. High court of Judicature at Bombay* 2017 SC Pushpaben  
*v.Narandas V Badiani* AIR 1979 SC 1536

*LD Jaikwal v. State of UP* AIR 1984 SC 1734

*Charan Lal Sahu v.Union Of India* AIR 1988 SC 107 *PN Duda v. V P Shiv  
Shankar* AIR 1988 SC 1202

*Noorali Babul Thanewala v. KMM Shetty* AIR1990 SC 464 *Bal Kishan Giri v.  
State of UP* AIR 2014 SC (Supp)469

*High Court of Judicature of Bombay v. Manisha Koirala* 2 003 CriLJ 1634  
(Bombay HC)

*Dr. Subramanian Swamy v. Arun Shourie* AIR 2014 SC 3020 *Re: S Mulgaokar*  
AIR 1978 SC 717

## **Recommended Readings:**

- 1) K.V. Krishnaswamy Iyer – Professional Conduct and Advocacy
- 2) Dr. Kailash Rai - Legal Ethics – Accountancy for Lawyers and Bench and Bar relations
- 3) B.R. Aggarwala – Supreme Court Practice and Procedure
- 4) P. Ramanath Iyer- Legal and Professional Ethics
- 5) Dr. S.P.Gupta - Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
- 6) M.P. Jain – Outline of Indian Legal History – Chapter : Development of Legal Profession
- 7) M.R. Mallick- The Advocates Act, 1961 with Professional Ethics, Advocacy, and Bar-Bench Relationship.
- 8) Dr B Malik : The Art of a Lawyer
- 9) Raju Ramachandran : Professional Ethics for Lawyers- Changing Profession, Changing Ethics
- 10) Saadiya Suleman : Professional Ethics & Advertising by Lawyers
- 11) Nilendra Kumar and Neha Chaturvedi : M.K. Gandhi's- The Law and the Lawyers

## **LP 0704 PRACTICAL TRAINING PAPER I**

### **PROFESSIONAL ETHICS AND CONTEMPT OF COURT LAW**

#### **Module 01 The Advocates Act, 1961:**

Historical Origins of Advocates Act.  
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Structure, Powers and Functions of State Bar Councils  
Admission Enrollment and Conduct of Advocates :-  
    Qualifications to be admitted as an advocate  
    Types of Advocates-Senior and other Advocates  
    Roll of Advocates  
    Right of Pre-audience  
    Disqualification  
    Right to practice  
    Conduct of an Advocate - Professional Misconduct  
    Punishment  
    Disciplinary proceeding (Authorities and Stages)  
    Powers of the Disciplinary Committee  
Entry of foreign lawyers  
Need for Code of Ethics

#### **Module 02 Advocates Relationship with Courts:**

Duty to the Court (Rules 1 to 10 of Chapter II of Bar Council of India Rules)  
Respect to the Court  
Addressing the Judge  
Conduct in the court room  
Avoid multiplicity of litigation

#### **Module 03 Advocates Relationship with Clients:**

Duties to Client (Rules 11 to 33 of Chapter II of Bar Council of India Rules)  
Confidentiality, Implied Duty and Sections 126 to 129 of the Evidence Act Fees  
Avoiding conflict of interests.

#### **Module 04 Relationship with others:**

(Rules 34 to 39 of Chapter II of Bar Council of India Rule)

Towards opposite party

Towards colleagues

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#### **Module 05 Cases relating to Advocates Act and Professional Ethics:**

*Vishram Singh Raghubanshi v. State Of UP* AIR 2011 SC 2275 *Vijay Singh v.*

*Murarilal* AIR 1979 SC 1719

*SJ Chaudhary v. State Of Delhi* AIR 1984 SC 618

*Chandra Shekhar Soni v. Bar Council of Rajasthan* AIR 1983 SC 1012

*Ex-Capt Harish Uppal v. Union Of India* AIR 2003 SC 739

*John D'Souza v. Edward Ani* AIR 1994 SC 975

*Himalayan Cooperative Group Housing Society v. Balwan Singh* AIR 2015 SC 170

*Vishwanath Swami v. Bar Council of India* AIR 2013 SC 3589

*A S Mohammed Rafi v. State of Tamil Nadu* AIR 2011 SC 308

*D Saibaba v. Bar Council of India* AIR 2003 SC2502

#### **Module 06 Contempt of court:**

Meaning and scope, Need for sparing use, Maintaining the dignity and respect for Courts and Judiciary

Historical development of law of contempt of court in India

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Meaning of contempt

Civil contempt

Criminal contempt

Implications of amendment in Contempt of Courts Act (2006 amendment)

Defenses for contempt

Punishment for contempt

Procedure for initiating contempt proceeding

Contempt by Judges, Magistrate, Lawyers, Companies and Others Remedies,  
Apology, Appeal and Review  
Contempt of Supreme Court, High Court and Subordinate Court Comparison  
with Order 39 Rule 2A of Civil Procedure Code

**Module 07 Cases relating to Contempt of Court :**

*Arundhati Roy v. High court of Judicature at Bombay* 2017 SC  
*Pushpaben v. Narandas V Badiani* AIR 1979 SC 1536  
*LD Jaikwal v. State of UP* AIR 1984 SC 1734  
*Charan Lal Sahu v. Union Of India* AIR 1988 SC 107  
*PN Duda v. V P Shiv Shankar* AIR 1988 SC 1202  
*Noorali Babul Thanewala v. KMM Shetty* AIR 1990 SC 464  
*Bal Kishan Giri v. State of UP* AIR 2014 SC (Supp) 469  
*High Court of Judicature of Bombay v. Manisha Koirala* 2003 CriLJ 1634  
(Bombay HC)  
*Dr. Subramanian Swamy v. Arun Shourie* AIR 2014 SC 3020 *Re: S Mulgaokar*  
AIR 1978 SC 717

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- 1) K.V. Krishnaswamy Iyer – Professional Conduct and Advocacy
- 2) Dr. Kailash Rai - Legal Ethics – Accountancy for Lawyers and Bench and Bar relations
- 3) B.R. Aggarwala – Supreme Court Practice and Procedure
- 4) P. Ramanath Iyer- Legal and Professional Ethics
- 5) Dr. S.P.Gupta - Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
- 6) M.P. Jain – Outline of Indian Legal History – Chapter : Development of Legal Profession
- 7) M.R. Mallick- The Advocates Act, 1961 with Professional Ethics, Advocacy, and Bar-Bench Relationship.
- 8) Dr B Malik : The Art of a Lawyer
- 9) aju Ramachandran : Professional Ethics for Lawyers- Changing Profession, Changing Ethics
- 10) Saadiya Suleman : Professional Ethics & Advertising by Lawyers
- 11) Nilendra Kumar and Neha Chaturvedi : M.K. Gandhi's- The Law and the Lawyers

## **OPTIONAL SUBJECT 1 (ANY ONE FROM THE FOLLOWING)**

### **LO 0705 COMPARATIVE CONSTITUTIONS**

**Objectives of the Course:** This paper aims to acquaint the students with scope and significance of comparative study of the constitutional law from the point of view of it's making and it's contemporary working. It will help the students to appreciate the constitutional developments from the national and international perspectives. It takes in it's fold the basic principles of interpretation of Constitution. It will enhance the comprehension of Constitutional law as a branch of public law.

#### **Module 01 Scope and Significance of Comparative Study of Constitutional Law:**

Forms of government- Parliamentary-Presidential-Monarchial

Types of Constitutions

Scope and significance of comparative study of constitution in constitution making

Significance of comparative study of constitution in interpretation

Common law of England

American Constitution

The Common law heritage

Indian position

#### **Module 02 History of Constitution Making and its Development In India:**

Applicability of foreign precedents in interpretation of the Constitution of India

Fundamental Rights : Bill of Rights

Instances of application of foreign precedents

Instances of departures from foreign precedents

Forms of Government : Article 74 and 75

#### **Module 03 Federalism- Comparative study:**

Principles of federalism

Legal features of federalism

Co-operative federalism

Transition from comparative federalism to co-operative federalism

Distribution of legislative and financial power in a federal system

Federalism-Indo-U.S. comparative perspective

Separation of power : Checks and balance mechanism

Amending power in India, U.S. and Australia: comparative perspective

#### **Module 04 Judicial Review:**

Evolution and concept of judicial review

Meaning of judicial review

Characteristics of modern constitutions and their impact on Judicial Review

Constitutional growth in India under judicial review and its impact

#### **Module 05 Justification and limitation of written constitution:**

Incidents of written constitution - a legal instrument

Justiciability of written constitution

Written constitutions which are not justiciable : France, U.S.S.R., China

Indian Constitution : Justiciability and non-justiciability

#### **Module 06 Interpretation of Constitution:**

Interpretation as a legal instrument

Limitations of liberal interpretation

Spirit of constitution

Indian constitution and instances of interpretation

#### **Module 07 The Constitution as higher law:**

Higher law distinguished from 'Rule of Law'

Elements of Rule of Law

Parliamentary supremacy under the Indian Constitution Distinction between

Constitutional Law and Ordinary law

#### **Module 08 Role of Judiciary And Doctrine of State Action**

Court as guardian of the constitution

Exceptions to judicial review

Special functions of judiciary in federation

Constitutional Law as a branch of public law

#### **Recommended Readings :**

- 1) Dr. D.D. Basu, *Comparative Constitutional Law* (LexisNexis Butterwoths Wadhwa, Nagpur)

- 2) Dr. D.D. Basu, *Comparative Federalism* ( Wadhwa and Company, Nagpur)
- 3) Dr. Chakradhar Jha, *Judicial Review of Legislative Acts*(LexisNexis Butterwoths Wadhwa, Nagpur)
- 4) M. V. Paylee, *Constitutions Of The World* (Universal Law Publishing Co.Pvt. Ltd., Delhi, Vol.1&2)
- 5) M.P.Jain, *Indian Constitutional Law* (Wadhva and Company Nagpur)
- 6) H.R.Khanna, *Making of India's Constitution* (Eastern Book Co., Lucknow)

## **LO 0706 INVESTMENT AND SECURITIES LAW**

**Objectives of the Course:-** The securities market plays a very important role in the growth and development of Indian market economies. Mature and well-regulated securities market supports corporate initiatives and also facilitate the management of financial risks. Also, retail investors are investing an increasing proportion of their money in mutual funds and other collective investments which places the securities markets at the central of individual wealth. This paper aims to introduce students to the various laws and regulations enacted by the competent legislative and regulating bodies governing the operation and movement of security market.

### **Module 01 Historical evolution of Investment and Securities Laws:**

Meaning and Definition of Investment and Securities

Historical origins of Investment and Securities law –International and National Perspective

History of Capital Markets in India

Need for securities legislation and investor protection

### **Module 02 Regulatory Framework to Govern Securities in India:**

Concept of Securities

Kinds of Securities - Ownership instruments, Shares, Stocks

Debt instruments - Debentures and Bonds

Offered Documents – Prospectus

Norms of disclosure under different laws- The Companies Act, 2013, The Securities Contracts (Regulation) Act, 1956 and The Securities Exchange Board of India Act, 1992 (only relevant provisions relating to the above)

### **Module 03 Concept of Securities Market:**

Primary Market: Scheme of Primary Market, Advantages- Dis-advantages to companies and investors.

Players in Primary Market – Underwriters- Brokers to an issue- Managers to the issue- Bankers to the issue and Registrar to the issue

Secondary Market - Players in the Secondary Market- Brokers- Over the Country Exchange of India (OCTEL)

#### **Module 04 Banks and Securities:**

Role of Banks to Issue Securities

Changing Functions of Banks from Direct Lending to Modern System of Investment Banking.

The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002: Its Background and Importance

The Debt Recovery Tribunal

#### **Module 05 Stock Exchange and Investor Protection:**

Trading, Spot delivery contract, Badla Contract, Future contracts, Options, Derivatives, Listing of Shares

Investors Protection mechanism under various statutes:-

Role and functions of SEBI Tribunal,

Depositories Act, 1996 – Rights and Obligations of depositories, participants, issuers and beneficial owners, Penalties.

Dematerialisation of securities (Advantages and Dis-advantages)

The Companies Act, 2013 :- Acceptance of deposits, Misstatement in prospectus, fraudulently inducing person to invest money, non-payment of dividend, Right to demand financial statement, Investor Education and Protection Fund, class action suits.

The Securities Exchange Board of India Act, 1992:- Measures under Section 11(2) of SEBI Act, Investor awareness program

The Securities Contracts (Regulation) Act, 1956:- Recognized stock exchanges, listing of securities, penalties and procedure.

#### **Module 06 Foreign Investment Laws:**

The Foreign Exchange Management Act, 1999:- Regulation and management of Foreign Exchange, Contravention and Penalties, Adjudication and Appeal, Directorate of enforcement

Difference from FERA, Administration of Exchange Control, Adjudicatory Powers  
Joint ventures in India and Foreign Collaborations: Concept of Transnational Corporations and Multinational Corporations

Foreign Direct Investment-Foreign Institutional Investors- Regulatory Mechanism in India

## **Module 07 Insider Trading:**

Meaning and Definition of Insider Trading Position in UK- USA

Indian perspective of Insider trading -SEBI Guidelines-The Companies Act, 2013

### **Recommended Readings:**

- 1) Sanjeev Agarwal, Guide to Indian Capital Market, Bharat Law House, 2009
- 2) Imaad A Moosa, Foreign Direct Investment: Theory Evidence and Practice, PalgraveMacMillan, 2010.
- 3) NitiBhasin, FDI In India, New Century Publication, 2008.
- 4) V.A. Avdhani, Investment and Securities Market in India, Himalaya Publishing House, 2011
- 5) Vishal Saraogi : Capital Markets and Securities Laws simplified, Lawpoint Publication
- 6) E. Gordon & K. Natarajan : Capital Market in India; Himalaya Publishing House, Ramdoot
- 7) V.L. Iyer : SEBI Practice Manual; Taxman Allied Service (P) Ltd
- 8) S. Suryanarayanan &: SEBI – Law, Practice & Procedure; Commercial Law Publishers (India)

## **LO 0707 CRIMINAL MINOR ACTS**

**Objectives of the course:** Indian Penal Code is not the only criminal law in India, though it is one of the major criminal law. Apart from IPC there are many other criminal legislations. Post-independence many more legislations were enacted by the State to control crime and criminal behavior. These special legislations redefined crime and the criminal procedure to be followed. These legislations are rampantly been used by police and courts in day to day life. The course is designed to acquaint students with few important minor criminal Laws which are essential for all criminal law lawyers.

### **Module 01 The Maharashtra Police Act 1951:**

- Scope and objects and historical perspectives of the Act
- Important Definitions
- Regulation of Public Acts and Police powers under chapter III
- Special Measures for maintenance of Public Order and Safety of State.
- Executive Powers and Duties of the Polices
- Offences and Punishment under the Maharashtra Police Act, 1951

### **Module 02 The Prevention of Corruption Act 1988:**

- Legislative History, Object and Scope of the Act- Public Duty and Public Servant Defined.
- Appointment of Special Judges
- Offences and Penalties
- Investigation into cases under the Act
- Sanction for Prosecution Special Procedure: Change in Rules of Evidence and Criminal Procedure (Secs. 20-24)

### **Module 03 The Maharashtra Control of organized Crime Act 1999:**

- Legislative History, Object and Scope of Maharashtra Control of organized Crime Act 1999
- Organized Crime: Definition and Scope
- Punishments
- Courts and Public Prosecutor (Secs 6-12)
- Interception of wire, electronic or oral communication (Secs 13-16)
- Special Procedure: Change in Rules of Evidence and Criminal Procedure (Secs 17- 23)

#### **Module 04 The Narcotic Drugs and Psychotropic Substances Act, 1985:**

Legislative history, Object and intent of NDPS Act 1985

Authorities and officers under the NDPS Act 1985

Prohibition, Control and Regulation of narcotic Drugs and psychotropic substances

Offences and Punishments under the NDPS Act 1985

Procedure under NDPS Act 1985

#### **Recommended Readings:**

- 1) Sunil Dighe, The Maharashtra Police Act 1951, Snow White Publication (2016)
- 2) D.R. Chaudhary & A.N. Choudhary, The Maharashtra Control of organized Crime Act 1999, CTJ Publications
- 3) A.S. Ramachandra Rao, Commentary on the Prevention of Corruption Act, Universal Publication Co., New Delhi
- 4) R.P Kataria, Law Relating to Narcotic Drugs and Psychotropic Substances in India, Oriental Publication

## **LO 0708 COOPERATIVE LAW**

**Objectives of the Course:** This course enables study of the form of organisation set up for mutual benefit. The first part of the course is about principles of cooperation, its history, growth and development and the characteristics of a cooperative society as a form of organisation in comparison with other forms. The other part of the course is a detailed study of the Cooperative Law in force in Maharashtra, that will enable a student to know about the process of formation, management and control of cooperative societies, their relations with third parties and its members, and settlement of disputes between the society and its members. This study will equip a student to understand this special law, and to specialize in this branch of law.

### **Part I: General Principles of Co-operation and Co-operative Societies**

#### **Module 01 Theory and Principles of Co-operation:**

- Capitalist, socialist and co-operative forms of organization
- Definition of co-operation
- Fundamental principles of co-operation
- Importance, advantages and limitations of co-operation
- Advantages of co-operative organization in the society and the economy Social, economic and moral benefits of co-operation

#### **Module 02 History, Growth and Development:**

- History, growth and development of co-operative movement in India, Growth and development through Five-Year Plans
- Role of the State in development of co-operation, State aid to societies.
- Role of National Co-operative Development Corporation, NABARD.
- Co-operative legislations, particularly the State cooperative laws and Multi State Cooperative law, with special reference to Maharashtra

#### **Module 03 Co-operative Societies:**

- Characteristics of a co-operative society
- Comparison with other forms of organization, viz, company, trust and partnership firms
- Role and functions of different kinds of co-operative societies: Credit, finance, banking; Producers, farmers, dairy; Consumers; Housing; Marketing.
- Salient features of the law relating to Multi-State Cooperative Societies Act

## **Part II: The Maharashtra Co-operative Societies Act 1960 and Rules**

### **Module 04 Registration of Societies:**

Societies that can be registered, and limited liability, Classification of societies  
Conditions of registration, Name,  
Procedure for registration  
Bye-laws, important features of Model Bye-laws  
Cancellation of registration, De-registration  
Amalgamation, Transfer, Division or Conversion Societies

### **Module 05 Members of a Society:**

Who is a member, types of members, open membership  
Who can become a member  
Procedure for admission, continuation and cessation of membership, Removal  
and expulsion of a member  
Rights, privileges, duties, disabilities and liabilities of members, Voting power of  
a member

### **Module 06 Incorporation, Duties and Privileges of a Society:**

Effect of incorporation  
Register of members, and its inspection and copies  
Rights, privileges and immunities of a Society  
Duties, disabilities, liabilities of, and restrictions on a Society

### **Module 07 Elections and Management of a Society:**

Final authority of General Body  
Election of the Managing Committee, Procedure, Supervision over elections,  
Elections to specified and notified societies, No-confidence against officers of  
societies  
The Managing Committee, Constitution, Who can be its members, Reservation  
of seats, its powers and functions, Liability of members of the managing  
committee  
Appointment and nomination of members of committee, Disqualification of  
membership of the committee

Meetings of General Body and Managing Committee, Annual general meeting and special general meeting, Conduct of business at such meetings  
Registrar's powers of supervision, inquiry, investigation and administration.

#### **Module 08 Dispute Settlement:**

Types of disputes, and forums for redressal, Cooperative Court, Registrar; Exclusive jurisdiction of the cooperative court, Jurisdiction, Limitation period Powers of the Co-operative court, Its decision, Appeals against decisions, Contempt of Co-operative Court and Cooperative Appellate Court  
Constitution and powers of the Maharashtra State Co-operative Appellate Court  
Disputes for recovery of money, Recovery certificate and its effect, Liquidation of Cooperative Societies, Procedure for liquidation and winding up. Offences and Penalties, Cognizance of offences

#### **Module 09 Finance, Accounts and Audit:**

State aid to societies, Role of apex societies.  
Funds and their utilization, Restrictions on utilization of funds, Reserve Fund, Restriction on dividends, Investment of funds  
Maintenance of account books and registers,  
Audit of cooperative societies, need for audit,  
Rectification of defects in accounts  
Registrar's powers of inspection and supervision

#### **Recommended Readings:**

- 1) B B Goel, Cooperative Legislation – Trends and Dimensions, Deep and Deep Publications, 2005
- 2) Rish Pal Nainta, Laws Relating to Cooperative Societies – A Commentary, 2004
- 3) Sunil Dighe.: Maharashtra Co-Operative Societies Act, 1960 and Rules, 1961. Snow White Publications, 2017
- 4) S Desai, Commentary on Co-operative Housing Societies. Snow White Publications, 2009.
- 5) V V Ghanekar, Co-Operative Movement in India, Institute of Rural Development & Education, 2004
- 6) A K Gupte and S D Dighe, Maharashtra Co-operative Societies Act 1960 with Rules 1961. Hind Law House, 2008.
- 7) M C Jain and H M Bhatt, Maharashtra Co-Operative Societies Act, 1960. Law Times, 2009.

- 8) A E Karmali, Maharashtra Co-operative Societies Act, 1960 and Rules, 1961, Snow White Publications, 1997.
- 9) H A Mehta, Guide to Co-Operative Housing Societies, 7<sup>th</sup> ed Reprint, Snow White Publications, 2012.
- 10) R K Pillai, Maharashtra Co-Operative Societies Act, 1960, Current Publications, 2014.
- 11) A M Shah, Maharashtra Co-Operative Societies Act, 1960, Snow White Publications, 2004.
- 12) Snow White Publications: Guide to Co-Operative Housing Societies, Snow White Publications, 2017.

## **LO0709 PRIVATE INTERNATIONAL LAW**

**Objectives of the Course:** In the contemporary economically packed globalised era, the relations between individuals and legal persons increased vastly compare to yester years. The interaction between individuals brings forth the legal regulations of various states to the forefront to address the problems that arise out of such relations. Conflict of laws or Private International law is another side of international law which regulates the disputes under different private laws that regulate the foreign elementary provisions between individuals and legal persons in their day to day transactions. The significance of private international law and its practice before the courts is rapidly increasing in which India lags behind in educating its pupil in a most important area of legal studies. The above course has been drafted to give a over view of the subject to the students which is highly helpful in further research and professional carrier.

### **Module 01 Introduction :**

- Historical Development of Private International Law
- Meaning and Definition of Private International Law
- Sources of Private International Law
- Relationship between Public International Law and Private International Law

### **Module 02 Connecting Factors of Private International Law :**

- Choice of Law Rules (Conflict of Law Rules)—Foreign element and foreign law characterization
- Nationality or citizenship-general significance-Constitutional Provisions (Art 5-11)
- Domicile of Origin—Choice—Dependent persons-Married women—Minor Children—Lunatics
- Residence—Habitual Residence—Temporary Residence
- Residence of Legal Persons

### **Module 03 Law of Contractual and Non-Contractual Obligations: An Over view :**

- Law of Contract-Autonomy of Parties-Presumptions of Proper Law of Contract-Capacity to contract
- Validity and Formation of Contract –Formal and Material Validity
- Performance of contract-Illegal contracts by proper Law-Contracts in Which Performance is unlawful-illegal contracts by Lex Fori-Public Policy-Breach of contract-Remedies

Non-Contractual Obligations-: Law of torts-Defenses-Damages –Unjust Enrichment

**Module 04 Law of Property :**

General Rules-Lex Situs-Movable and Immovable Property-  
Transfer of Property –Debts-Mortgage-Pledge- Lex Loci fore – Choice of Law of Rules

**Module 05 Family Law :**

Marriage—Dissolution of Marriage—Divorce—Judicial Separation—Maintenance-  
Choice of Law  
Legitimacy, Legitimization and Adoption –Choice of Law Rules

**Module 06 Foreign Judgments :**

1. Basis of Enforcement of Foreign Judgments
2. Recognition of Foreign Judgments- Jurisdictional and Legal Issues
3. Execution of Foreign Judgments by Indian Courts-Execution of Indian Judgments by Courts Out Side India-Clauses of reciprocity

**Conventions to be referred:**

- 1) Hague Codification convention on Private International Law
- 2) Convention of 15 June 1955 relating to the settlement of the conflicts between the law of nationality and the law of domicile
- 3) Convention of 1 June 1956 concerning the recognition of the legal personality of foreign companies, associations and institutions
- 4) Convention of 24 October 1956 on the law applicable to maintenance obligations towards children
- 5) Convention of 15 November 1965 on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions
- 6) Convention of 1 June 1970 on the Recognition of Divorces and Legal Separations
- 7) Convention of 14 March 1978 on Celebration and Recognition of the Validity of Marriages
- 8) Principles on Choice of Law in International Commercial Contracts 2015
- 9) Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters
- 10) Relevant Indian Legislative provisos of Contracts, CPC, Family Law; Law of Property

**Recommended Readings:**

- 1) Dicey, Morris & Collins on the Conflict of Laws ( Sweet and Max well 15<sup>th</sup> edn 2016)
- 2) James Fawcett and Janeen M Carruthers, CHESHIRE, NORTH & FAWCETT: PRIVATE INTERNATIONAL LAW Oxford: Oxford University Press , 14th edn, 2008
- 3) Setalavad: Conflict of Laws, Lexis Nexis, 2014
- 4) Paras Diwan: Private International Law : Indian and English ; Deep & Deep 2008
- 5) K.B. Agraawal & Vandana Singh: Private International Law in India , 2010 ( walters Kulwer Netherlands)
- 6) Universals Private International Law 2016
- 7) V. C Govindraj: Conflict of Law in India (oxford) 2011

**Recommended Journals:**

- 1) International Law and Comparative Law
- 2) Indian Journal of International Law
- 3) British Year Book of International Law
- 4) Indian Year Book of International Law

## **SYLLABUS OF SECOND YEAR LL.B**

### **SECOND YEAR LL.B. - SEMESTER IV**

#### **LC 0801 LABOUR AND INDUSTRIAL LAW**

**Objectives of the Course:** The labour movement has been instrumental in the enacting of laws protecting labour rights in the 19th and 20th centuries. Labour rights have been integral to the social and economic development since the industrial revolution. After the Independence the government of India has enacted numerous legislations for the regulation of labour relations and their welfare. Labour and Industrial law mediates many aspects of the relationship between trade unions, employers and employees. It defines the rights and obligations of workers, union members and employers in the workplace. An understanding of Labour Laws is very essential for law students because of the fact that the scope and ambit of these laws is very wide and is touching the lives of millions of people in the country.

#### **Module 01 Introduction:**

Industrial Jurisprudence and Labour Policy in India  
Labour Problems  
Industrial Relations  
Principles of labour legislations (Social welfare, justice, equity and security)  
Labour legislations and Constitutional provisions (Fundamental Rights,  
Directive Principles of State Policy and Distribution of legislative powers)

#### **Module 02 Discipline in Industry:**

The Industrial Disputes Act, 1947 :- Objectives, Definitions, Industry and Industrial Disputes, Settlement of Industrial Disputes - Authorities and Procedures, Strike, Lock-out, Lay off, Retrenchment and Unfair Labour Practices  
The Factories Act, 1948 – Factory, Inspecting staff, Health, Safety and Welfare Measures, Working Hours of Adults and Employment of Young Persons  
The Industrial Employment (Standing Orders) Act, 1946 – Definitions, Legal nature of standing orders (Submission, Conditions, Certification, Duration and Modification, Payment of Subsistence Allowance, Model Standing Orders, Penalties and Procedures)  
Disciplinary Proceedings in Industries – Charge-sheet, Domestic Inquiry, Inquiry Officer, Rights of Employee during Inquiry Proceedings, Evidence in Inquiry, Inquiry Reports and Punishment

### **Module 03 Social Security Legislations:**

Concept of Social Security, Its Characteristics and Constituents, Social Security system in India

The Employees' Compensation Act, 1923 – Objects and reasons, Definitions, Employer's Liability for Compensation, Amount of Compensation and Employee's Compensation Commissioner

The Employees' State Insurance Act, 1948 – Objects and Reasons, Employees' State Insurance Corporation, Contributions, Benefits, Adjudication of Disputes and Claims

The Contract Labour (Regulation and Abolition) Act, 1970- Objects, Registration of Establishments, Licensing of Contractors, Welfare and Health of Contract labour, Penalties and Procedure

### **Module 03 Concept of Wages and Unfair Labour Practices:**

The Minimum Wages Act, 1948 – Objects, Definition of Wages, Fixation and Revision of Minimum Wages

The Payment of Wages Act, 1936 – Objects, Payment of wages, Deductions from Wages, Authorities

The Maharashtra Recognition of Trade Unions and Prevention of Unfair, Labour Practices Act, 1971- Definitions, Recognition of Unions, Obligations and Rights of Recognised Unions, Other Unions and Certain Employees, Illegal Strikes and Lock outs, Unfair Labour Practices, Powers of Labour and Industrial Court

### **Recommended Readings:**

- 1) Avtar Singh and Harpreet Kaur, Introduction to Labour and Industrial Law, LexisNexis
- 2) G.M. Kothari, How to Conduct and Defend Disciplinary Inquiry and Cases, Eastern Book Company
- 3) H.L. Kumar, Law Relating to Disciplinary Proceedings in Industries, Universal Publishing Co. Pvt. Ltd
- 4) P.L. Malik, Handbook of Labour and Industrial Law, Eastern Book Company
- 5) S.D. Puri and Sandeep Puri, Treatise on the Contract Labour (Regulation and Abolition) Act, 1970, Snow White Publications.
- 6) S.K. Puri, Labour and Industrial Law, Allahabad Law Agency
- 7) S.N. Mishra, Labour and Industrial Laws, Central Law Publications
- 8) S.P. Jain, Industrial and Labour Laws, Dhanpat Rai & Co.
- 9) Taxmann's Labour Law
- 10) V.G. Goswami, Labour and Industrial Laws, Central Law Agency

## **LC 0802 JURISPRUDENCE**

**Objectives Of The Course:** The course aims at developing an analytical approach to understand the nature of law and the development and legal system. Jurisprudence seeks to answer fundamental questions about law. The concern of jurisprudence are an inescapable feature of the law and legal system. Jurisprudence has generous frontiers. It accommodates copious subjects of intellectual enquiry. This paper attempt to identify and elucidate several of the major preoccupations of legal theory. This paper also intent to create an understanding of basic legal concepts like Rights, Title, Possession, Ownership, Liability, Obligation which are basic to the study of Law.

### **Module 01 Introduction to Jurisprudence:**

Jurisprudence – Meaning- definition- Significance. Character of Law –Meaning and types of Law

Sources of Law and Legislation-Precedent-Custom –Juristic Writings  
Relationship between Law – Morality and Ethics

### **Module 02 Schools of Jurisprudence:**

Natural Law School-Classical and Modern Positivist School

Sociological School Historical School Realist School

Feministic School-Liberal- Radical and Post Modern

### **Module 3 Marxist Theories of Law and State**

Dialectics, Hegel and Marx

Marx and Hegel's Political Philosophy

The Materialist Conception of History Marx and Ideology

The State and Law

Marx and Justice, Morality and Human Rights

### **Module 4 Concept of Property, Ownership and Possession.**

Property, meaning, kinds, theories, modes of acquisition property.

Ownership, definition, characteristic of ownership, subject-matter, kinds of Ownership.

Possession, idea, kinds, modes of acquiring possession and possessory Remedies.

Difference between Ownership and Possession.

**Module 5 Persons:**

Legal Status of Persons- Natural and Legal  
Lower Animals, Dead persons, Unborn Persons  
Kinds of Legal Persons.  
Theories of Legal Personality

**Module 6 Rights and Duties:**

Meaning of Legal Rights, Duties, Scope  
Classification of Legal Rights and Duties  
Theories of Legal Rights  
Hohfeldian analysis of rights - Correlation of Rights and Duties.

**Module 7 Title:**

Definition and Nature of Title  
Classification of Titles  
Importance of Agreements  
Kinds of Agreements  
Validity of Agreements  
Modes of Acquiring Possession  
Modes of Acquiring Ownership

**Module 8 Liability:**

Definition and Nature  
Kinds of Liability  
General Conditions of Liability  
Measure of Penal Liability  
Measure of Civil Liability.

**Module 9 The Law of Obligations:**

Definition of Obligation  
Solidary Obligations  
Sources of Obligations

**Recommended Books:**

- 1) Bodenheimer *Jurisprudence – The Philosophy and Methods of Law* (1996), Universal Publication, Delhi.

- 2) Fitzgerald, (ed.) *Salmond on Jurisprudence* (1999).
- 3) W. Friedman, *Legal Theory* (1999) Universal Pub., Delhi.
- 4) V. D. Mahajan, *Jurisprudence and Legal Theory* (1996 re-print), Eastern Books, Lucknow.
- 5) M.D.A. Freeman (ed.), *Lloyd's Introduction to Jurisprudence*, (1994), Sweet and Maxwell.
- 6) Paton G. W. *Jurisprudence* (1972), Oxford, ELBS.
- 7) H.L.A. Hart, *The Concept of Law* (1970), Oxford, ELBS.
- 8) Roscoe Pound, *Introduction to the Philosophy of Law* (1998 Re-print), Universal Pub., Delhi.
- 9) N.V. Jayakumar, *Lectures in Jurisprudence*, 2nd Ed., Lexis-Nexis.
- 10) P.S. AtchthewPillai, *Jurisprudence and Legal Theory*, Eastern Book Company.
- 11) Raymond Wacks, *Understanding Jurisprudence*, Oxford University Press, (2012).
- 12) Suri Ratnapala, *Jurisprudence*, Cambridge University Press (2009)
- 13) HilaireMcCoubrey& Nigel D. White, *Textbook on Jurisprudence*, Oxford University Press (1999)

## LC 0803 LAW OF EVIDENCE

**Objectives of the Course:** The course equips the student with the fundamental principles of evidence law, and the strict application its rules in judicial proceedings. He will understand the role of evidence law and its principles in civil and criminal proceedings, the connection of this law with substantive law and other laws of procedure. He will also understand its relevance in non-litigation practice. The student will also be exposed to the trans-national initiatives in this field.

### **Module 01 Preliminary:**

Importance and significance of law of evidence, and its role in civil and criminal proceedings.

Facts, Facts-in-issue, Relevant Facts

Evidence, Kinds of evidence: direct and substantial, direct and circumstantial, intrinsic and extrinsic, oral and documentary

Proof: Proved, not proved, disproved

Presumptions: Shall presume, may presume and conclusive proof

Applicability of the Evidence Act; affidavits, arbitration, commissions, tribunals, court-martials etc.

Three basic principles of evidence

Evidence must be confined to facts in issue

Best evidence must be given in all cases

Hearsay evidence must be excluded

### **Module 02 Relevancy - I:**

Relevancy under the Act, Logical and legal relevancy, Purpose of theory of relevancy

Facts connected with other facts (sections 6 – 16), Res gestae, Conduct, Statements, State of mind, Motive and preparation, Identity of a thing, Identification parades, Existence of conspiracy, Compensation and damages, evidence of inconsistent and improbable facts, Alibi, State of mind and body, Past similar transactions, Usual course of business

Admissions and confessions, What are these concepts, Distinction between the two, Admissibility of confessions, judicial and extra-judicial confessions, Confessions to police officer, and in police custody, retracted confession, confession of co-accused, Discovery of fact, Admissibility, Reliability and Weight to different types of admissions and confessions

**Module 03 Relevancy – II:**

Statements of persons who cannot be called as witnesses, Dying declaration: its admissibility, reliability and weight, Books of accounts, other statements.

Statements under special circumstances

Judgments in other cases, Judgments in rem, Other judgments.

Opinions, Expert evidence: handwriting, forensic, ballistic, polygraphy, brain-mapping, Opinions of other persons.

Character: Meaning of character, Its relevancy in civil and criminal proceedings.

**Module 04 Proof of Facts – Documentary Evidence:**

Proof of handwriting and signature, proof of unsigned and of printed documents

Primary and secondary evidence

Proof of electronic record Public and private documents

Certified copies, Bankers' Books Evidence Act

**Module 05 Proof of Facts and Oral Evidence:**

Facts that need not be proved

Oral evidence and contents of documents Oral evidence must be direct

Witnesses

Requirement of oath Competency and Compellability Number of witnesses

Relationship between oral and documentary evidence, Parol evidence rule.

Estoppel: meaning, Estoppel of tenant, licensee, acceptor, bailee, Promissory estoppel.

**Module 06 Burden of Proof:**

Meaning, burden and onus of proof, burden of proof of the case and of particular facts, Standard of proof in civil, criminal and other cases

Situations in which burden of proof cast on particular party

Presumptions

Presumptions as to documents: as to genuineness, due procedure, formalities and contents.

Presumptions of fact, Of life and death relationship of partners etc, ownership, good faith in transactions, legitimacy

Special provisions of burden of proof and presumptions in criminal cases

General presumption in section 114

**Module 07 Witnesses:**

Privileges and disabilities of witnesses, Judicial, Matrimonial, Official, Matters of affairs of state, Title-deeds, Other privileges and disabilities  
Disability and privilege relating to legal practitioners  
Privilege concerning incriminating answers  
Evidence of an accomplice

**Module 08 Examination of Witnesses:**

Order of production and examination  
Examination in chief, Cross examination, Re-examination, Meaning, purpose, scope and limits, Questions that can be asked.  
Questioning credibility of a witness  
Use of writing during examination and cross-examination Compelling witness to answer  
Hostile witness  
Refreshing memory, use of earlier statements for corroboration

**Module 09 Control of the Judge, and International Conventions:**

Control of the Judge  
to decide admissibility of evidence  
to put questions and order production  
effect of improper admission or rejection of evidence  
International Conventions (Broad provisions only)  
Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters  
Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (Apostille Convention)

**Recommended Readings:**

- 1) V P Sarathi's Law of Evidence, 7<sup>th</sup> ed, Abhinandan Malik (ed), Eastern Book Company, 2017.
- 2) M Monir, Textbook on The Law of Evidence, 10<sup>th</sup> ed (Reprint), Universal Law House, 2016
- 3) Ryan's Essential Evidence Outlines – Practitioner and Student Handbook, 2005.
- 4) Avtar Singh, Principles of the Law of Evidence, 22<sup>nd</sup> ed, Central Law Publications, 2016

- 5) Ratanlal and Dhirajlal, The Law of Evidence. 25<sup>th</sup> ed, B M Prasad and Monish Mohan (ed), LexisNexis, 2016.
- 6) Ram Jethmalani and D S Chopra, Law of Evidence : Concise Commentary, Thomson Reuters, 2015.
- 7) C D Field's Commentary on Law of Evidence, 13<sup>th</sup> ed, Delhi Law House, 2017
- 8) M Monir's Law of Evidence. 17<sup>th</sup> ed, Universal Law Publishing, 2016
- 9) V Nageshwar Rao, The Indian Evidence Act, 2<sup>nd</sup> ed, Lexis Nexis, 2015.
- 10) Woodroffe and Amir Ali's Law of Evidence, 20<sup>th</sup> ed, B M Prasad and Manish Mohan (ed), Lexis Nexis 2017
- 11) Sarkar's Law of Evidence, 19<sup>th</sup> ed, Sudipto Sarkar and H R Jhingta (eds), Lexis Nexis, 2016
- 12) Y H Rao and Y R Rao, Expert Evidence - Medical and Non-Medical, 4<sup>th</sup> ed (Reprint 2011) Lexis Nexis, 2010
- 13) Ram Jethmalani and D S Chopra, The Law of Evidence : Commentary on Evidence Act, 1872, 2<sup>nd</sup> ed, Thomson Reuters, 2016.
- 14) Peter Murphy and Richard Glover, Murphy on Evidence, 12<sup>th</sup> ed, 2011
- 15) Nayan Joshi, Electronic Evidence, Kamal Publishers, 2012
- 16) K D Gaur, Textbook on the Indian Evidence Act, Universal Law House, 2017
- 17) N V Paranjpe, Evidence in Criminal Trials, Thomson Reuters, 2017.
- 18) Stephen Mason, Electronic Evidence, 4<sup>th</sup> ed, 2017 free for download at [http://humanities-digital-library.org/index.php/hdl/catalog/book/electronic\\_evidence](http://humanities-digital-library.org/index.php/hdl/catalog/book/electronic_evidence)
- 19) Stephen Mason, Electronic Signatures in Law, 4<sup>th</sup> ed, 2016, free for download at [http://humanities-digital-library.org/index.php/hdl/catalog/book/electronic\\_signatures](http://humanities-digital-library.org/index.php/hdl/catalog/book/electronic_signatures).

## **LP 0804 PRACTICAL TRAINING PAPER II – ALTERNATIVE DISPUTE RESOLUTION SYSTEM**

**Objectives of the Course:** The objective of this paper is to acquaint students with various modes of ADR. ADR mechanism is less bound by procedural formalities and speedy in giving results. For this reason ADR is appreciated by many countries around the world. The course is designed in a way that it will give the students insightful knowledge about this emerging area. The goal of the course is to help the students to understand practically the various methods of resolving disputes under ADR system, so that they can help their clients and society to select and employ the most effective, just and humane methods. The inability to resolve disputes in a timely manner eviscerates public and private rights obligations. To overcome this drastic situation ADR is highly recommended and accepted.

### **Marking scheme:**

- (A) University written examination at end of term: 80 Marks
- (B) Written submissions: 10 Marks
- (C) Viva voce examination: 10 Marks

### **Part A: University Written Examination: 80 Marks**

#### **Module 01 Alternate Dispute Resolution Mechanisms:**

Alternate Dispute Resolution Mechanisms: Meaning--Definition—Concept-  
History  
Structure powers and Functions of National and State Legal Services  
Authorities under the Legal Services Authority Act  
Legislative and judicial sanction for ADR  
Forms of ADR: Negotiation, Mediation, Conciliation, Arbitration  
Structure Powers and functions Ombudsman  
Lok-pal and Lokayukta, Lok-adalats..

#### **Module 02 Negotiation and Mediation:**

Meaning, features, theories, types of negotiation  
Appointment, role and qualities of the negotiator, Process of negotiation  
International negotiation  
Meaning, features, theories and role of mediation

Appointment and role of mediator  
Good offices

### **Module 03 Conciliation:**

Meaning, features and modes of conciliation  
Conciliation under the Arbitration and Conciliation Act 1996  
Appointment and role of conciliator,  
Techniques of conciliation and Termination of conciliation proceedings  
Contractual provisions about conciliation

### **Module 04 Arbitration:**

Meaning, features, theories and types of arbitration  
Historical perspectives of arbitration as a dispute settlement mechanism, and law of arbitration  
Types of Arbitration --Domestic and International arbitration, Institutional arbitration  
Advantages and disadvantages of arbitration of arbitration  
Difference between Negotiation--Mediation--Conciliation--Arbitration.

### **Module 05 Arbitration agreement:**

The arbitration agreement, formation, its essentials Validity of arbitration agreement  
Rule of severability, Effect of death, insolvency etc on agreement  
Parties to arbitration agreement, Agreement as binding on third parties  
Power of court to refer parties to arbitration  
Jurisdiction of courts

### **Module 06 Structure, Powers and Functions of Arbitral Tribunal:**

Constitution of Arbitral Tribunal- qualifications to act as arbitrator Disclosures by arbitrator, Disqualification of arbitrators  
Grounds to challenge appointment and procedure of Arbitrators Powers of Courts to appoint Arbitrators  
Jurisdiction of arbitral tribunal - power to rule on its own jurisdiction Interim measures ordered by arbitral tribunal, interim measures by court.

### **Module 07 Arbitration proceedings and award:**

Conduct of arbitral proceedings, procedure, rules of procedure  
Language, impartiality of arbitrator, equal treatment of parties  
Procedure before arbitral tribunal, claim, defence, hearing, evidence, experts, confidentiality; Application of the law of evidence and limitation  
Court's assistance in taking evidence, Fast track procedure  
Arbitral award – Types of award- Form and CONTENT- Finality of award- Interpretation of award  
Correction in award--Stamp duty—Registration--Additional award Costs, Termination of proceedings  
Time limits for award, extension of time  
Recourse against award, Grounds of setting aside award, Court's role  
Enforcement of award

### **Module 08 International Perspectives and Enforcement of Foreign Awards:**

International perspectives: -

UNCITRAL Model Law on International Commercial Arbitration The Geneva Protocol on Arbitration Clauses 1923

The Geneva Convention on the Execution of Foreign Arbitral Awards 1927

The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958

Foreign awards – meaning and definition (New York Convention Awards and Geneva Convention Awards)

Referring parties to arbitration

Binding nature of foreign awards,

Enforcement of foreign award, Proof of award conditions for enforcement  
Jurisdictional issues

### **Part B: Written submissions: 10 marks**

Students shall maintain a journal through the semester. The journal will be assessed by the teacher, and shall be presented at the time of viva voce examination. The journal shall contain the following drafts:

1. A domestic arbitration agreement after a commercial dispute has arisen between parties.
2. An arbitration clause in an international contract (having one Indian company as a party) for referring matter to institutional arbitration of an institution situated outside India

3. A conciliation clause in a commercial contract.
4. An invitation for conciliation proceedings.
5. A request by one party to the other party requesting that their commercial dispute be referred to arbitration.
6. A letter requesting an arbitrator to act as arbitrator in a case after disputes have arisen. Assume that the contract has an arbitration clause with reference to one arbitrator.
7. An application to the appropriate court to appoint an arbitrator when parties have failed in their attempts to appoint one according to the arbitration agreement.
8. An application to the court seeking interim injunction or appointment of receiver before the arbitral proceedings have begun.
9. An application to the court for setting aside an award.
10. An application for enforcement of a foreign award.

### **Part C: Viva voce examination: 10 Marks**

Viva voce examination shall be confined to the following:

- a) Drafts written in the journal, and
- b) The detail provisions of laws applicable to drafts written in the journal (including the substantive law involved in the dispute)

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### **Recommended readings:**

- 1) Madhusudan Saharay, Textbook on Arbitration & Conciliation with Alternative Dispute Resolution, 4<sup>th</sup> ed, Universal Law Publishing, 2017
- 2) N V Paranjpe, Law Relating to Arbitration and Conciliation in India, 7<sup>th</sup> ed, Central Law Agency, 2016
- 3) Avtar Singh, Law of Arbitration and Conciliation, 10<sup>th</sup> ed, , Lucknow, 2013
- 4) Mallika Taly, Introduction to Arbitration, Eastern Book Company, 2015
- 5) Vishnu Warriar, Arbitration, Conciliation and Mediation, Lexis Nexis, 2015
- 6) K V Satyanarayana, Law of Arbitration and Conciliation in India, Asia Law House, 2017
- 7) Anirban Chakraborty, Law and Practice of Alternative Dispute Resolution in India – a Detailed Analysis, Lexis Nexis, 2016
- 8) Ashwinie Kumar Bansal, Arbitration and ADR, 5<sup>th</sup> ed, Universal Law Publication, 2016
- 9) Shriram Panchu, Mediation Practice and Law - The Path to Successful Dispute Resolution, 2<sup>nd</sup> ed, Lexis Nexis, 2015

- 10) Anuroom Omkar and Kritika Krishnamurthy, The Art of Negotiation and Mediation, Lexis Nexis, 2015
- 11) Ujwala Shinde, Alternative Dispute Resolution, Hind Law House
- 12) P C Rao and William Sheffield, ed, Alternative Disputes Resolution- What it is and how it works? Universal Law Publishing, New Delhi, 2015
- 13) S B Malik, Commentary on the Arbitration and Conciliation Act, 6<sup>th</sup> ed, Universal Law Publishing, 2013
- 14) N D Basu, Law of Arbitration and Conciliation, 13<sup>th</sup> ed, Orient, 2016
- 15) U Pattabhi Ramian, Arbitration & ADR Including Conciliation, Mediation & Negotiation, Asia Law House, 2011
- 16) R S Bachawat, The Law of Arbitration and Conciliation, 5<sup>th</sup> ed, Lexis Nexis, 2013
- 17) P C Markanda, Law Relating to Arbitration and Conciliation, 9<sup>th</sup> edn, LexisNexis, 2016
- 18) O P Malhotra, The Law and Practice of Arbitration and Conciliation, 2nd edn, LexisNexis Butterworths, New Delhi 2006.
- 19) N D Basu, Law of Arbitration and Conciliation, P K Majumdar (ed), Orient, 2016
- 20) G K Kwatra, The Arbitration and Conciliation Law of India, Universal Law Publishing Co Pvt Ltd, New Delhi, 2008

## OPTIONAL SUBJECT 4 (ANYONE FROM THE FOLLOWING)

### LO 0805 HUMAN RIGHTS LAW AND PRACTICE

**Objectives of the course:** The National Legal Systems recognized the rights of individuals from ancient periods and extended protection through various legal regulations. However, they could not provide an effective remedy for breaches outside the state and state violations. This scenario and other developments in the beginning of 20<sup>th</sup> century led the nation-states to bring the aspects of individuals rights under the purview of international law and appropriately titled them as Human Rights with the adoption of Charter of UN in 1945. In pursuance of the directions of the preamble and other provisions of Charter, a plethora of international instruments have been agreed upon by the States Parties to Protect and promote the Human Rights of Individuals both international and domestic levels. In view of the gaining significance of International Law of Human Rights, this paper presents subtly an over view of the International and Domestic perspectives of Human Rights along with the redress mechanism.

#### Module 01 Introduction:

Historical origins of Human Rights in International and National Scenario: An overview

Basic Components of Human rights –Value-dignity-Equality –Justice- Morals and Ethics

Perspectives on Rights and Duties—Relationship between Rights and Duties

Provisions Under the Charter of UN –Preamble-Art. 1 (3) –Art 13 (1) (b)—Arts 55-56

#### Module 02 Types of Generational Human Rights :

##### Civil and Political Rights (First Generational Rights):

**Civil Rights:** Freedom of opinion --Freedom of expression and press

--- The right to personal security in relation to justice and police ---

Equality before the law –Right to Life and Liberty—Right to Privacy—Right to Religion

**Political Rights:** Equal access to public --- Participation in Governance—  
Right to Vote –Good Governance

##### Economic , Social and Cultural Rights ( Second Generational Rights):

**Economic and Social Rights:** Labour Rights—Right to Property – Right to

Education- freedom of association --Right to Social Security (Pension, Medical Services-the right to insurance for sickness, old age –Unemployment allowance etc).

**Cultural Rights:** Right to develop their languages—Right to follow customs, folkways, literatures, and traditions—Right to enjoy scientific and Technological benefits

**Group Rights (Third Generational Rights):** Right to Development—Right to Self-determination—Right to Peace and happiness—Right to safe and decent Environment-Right to Human Assistance-Right to Malnutrition –Right to water.

**Right to Genetic Engineering(Fourth Generational Rights):** Right to Protect from Human Genome—Right to Genetic Identity—Right to impose restrictions on medical-Scientific and Technology interference—Right to Die in peace and Dignity—Right to infanticide—Right to fetus

### **Module 03 Human Rights of Vulnerable and Disadvantaged Groups:**

Meaning and Definition of Vulnerable and Disadvantaged Groups Social and Economic Status of Women and Children

Status of Socially and Economically Disadvantaged groups—Indigenous People—SC/STs—Aged and Disabled –Rights of Minorities

Vulnerable Groups—Sex Workers—Stateless Persons—Migrant Workers—HIV/AIDS patients—Third Gender

### **Module 04 Human Rights and Enforcement Mechanism:**

#### **International Mechanism:**

Commission on Civil and Political Rights

Commission on Economic, Social and Cultural Rights

Commission on Women and Children and Disabled Person

Role of Human Rights Council and Office of the High Commissioner for Human Rights

#### **National Mechanism:**

National Human Rights Commission

National Commission for Women

National Commission for Protection of Child Rights

National Commissions for SC/STs, Minorities and other disadvantaged groups

Role of Judiciary

## **Module 05 Significance of Human Rights Education:**

Meaning and Definition of Human Rights Education

Role of UN in the Promotion of Human Rights Education

Role of Govt of India in the Promotion of Human Rights Education – UGC and Universities

In this paper in every Unit the students need to be imparted a comparative approach of both international and national scenario with reference to the relevant International declarations, covenants, Conventions along with the Part III and Part IV of the Constitutional Perspective. While dealing with the units, appropriate international and national case laws has to be imparted basing on the significance of the topic and linkage of the cases that are relevant and more suited to the area with contemporary developments.

### **Recommended Reading:**

- 1) T.S. N. Sastry, Introduction to Human Rights and Duties - Book I, (Savitribai Phule Pune University Press, Pune, 2015)
- 2) T.S. N., Human Rights of Vulnerable and Disadvantaged Group - Book II(Savitribai Phule Pune University Press, Pune, 2015)
- 3) T.S. N., Human Rights and Duties in India : Law, Policy, Society and Enforcement Mechanism - Book III(Savitribai Phule Pune University Press, Pune, 2015)
- 4) T.S. N., India and Human Rights (Concept Publishing Company, New Delhi 2005)
- 5) V.T. Patel and T.S.N. Sastry: Studies in Human Rights, ( PR Publications New Delhi,2000)
- 6) V. K. Ahuja, Public International Law (Lexis Nexis, Noida, 2016)
- 7) Gurdip Singh, International Law (Eastern book company, Lucknow, 2016)
- 8) Economic social and Cultural Rights in International Law, ed Eibe Riedgal, Gilles Giacca, Christophe Golay (Oxford University Press, UK, 2014)
- 9) Walter Kailin and JorgKunzli, The Law of International Human Rights Protection (Oxford University Press, New York, 2010)
- 10) Peter N. Strarms, Human Rights in World History (Routledge, New york, 2010)
- 11) De Schutter, International Human rights Law, Cases, Materials Commentary (Cambridge University Press, New Delhi, 2010)

## **LO 0806 COMPETITION LAW**

**Objectives of the Course:** There is aggressive competition in today's market. New start-ups and entrepreneurs are emerging almost every day. With opening of Indian markets in almost all sectors, the study of Competition law becomes inevitable. It is a rapidly growing area of law which reflects the free market economy and increasing world globalization. The course aims to give an overview on the basics of Competition Law in India through a comparison of the main jurisdictions (especially U.S. and UK) and thus provide a solid background for further studies of this subject. The course will examine and compare the application of competition law to business agreements, the exercise of dominant position, the combinations between the firms and sellers and the enforcement mechanisms. Emphasis will be placed on the Competition Act, 2002 with discussion of laws from selected other jurisdictions such as US, UK and EU.

### **Module 01 Introduction:**

Basic Concepts: Customer and Consumer, Market, Types of Market - Perfect Market, Monopoly, Oligopoly and Monopsony  
Rationale behind Competition Law  
Constitutional aspect of Competition Law with respect to Human Rights and Social Justice (Article 39 (b) and (c) of Constitution of India, 1950)  
Relation between Competition Policy and Competition Law Objectives of Competition Law  
Economic analysis of Competition Law

### **Module 02 Historical Development of Competition Law:**

History and Development of Competition Law/ Antitrust Law  
Development of Competition Laws in USA, UK and EU  
Sachar Committee, Raghavan Committee Report  
Salient Features of MRTP Act, 1969  
Competition Act 2002 – Salient Features  
Difference between MRTP Act and Competition Act  
Important Definitions under the Competition Act, 2002.  
Brief overview of Competition Law in USA, UK and EU

### **Module 03 Anti-Competitive Agreements:**

Anti- Competitive Agreements:- Meaning and Scope

Types of Anti-competitive agreements - Horizontal and Vertical agreement Rule of Perse and Reason

Exemption from anti-competitive agreements

Prohibition of Anti-competitive agreement/ Cartel/bid rigging

Practices, decisions and agreements resulting into cartels

Pro-competitive and anti-competitive effects of joint ventures

Precompetitive and anticompetitive effects of vertical agreements

Procedure for inquiry by CCI

Prevention of Anti-competitive agreements in USA, UK and EU

#### **Module 04 Regulation of Abuse of Dominant Position:**

Economics of abuse of dominance

Types of Abuse by a Dominant Player: Exploitative Abuses: Vertical restraints and Excessive pricing: Exclusionary Abuses- Price discrimination, discounts and predation

Enterprise

Relevant Market

Dominance in Relevant Market

relevance of sector specific competitive dynamics on dominant position

Predatory Pricing

Defenses against abuse of dominance

The remedies in case of abuse of dominance

Prevention of Abuse of Dominant Position in UK and USA

#### **Module 05 Regulation of Combinations:**

Combinations: Merger, Acquisition, Amalgamation and Takeover

Jurisprudence of Horizontal, Vertical and Conglomerate Mergers Private Equity

Investments

Notification of combinations

Jurisdictional test: Turn over, Asset, Domestic nexus, Exemptions Regulations and Penalties.

Position in USA, UK and EU

#### **Module 06 Enforcement Mechanisms:**

Establishment and Constitution of Competition Commission of India, Powers and Functions

Jurisdiction of the CCI Adjudication and appeals Competition Appellate Tribunal  
Director General of Investigation (DGI)- Penalties and Enforcement. Competition  
Advocacy in India and International Perspective

**Module 07 Interface of Competition Law with other laws:**

Intellectual Property Rights and Competition Law International Trade and  
Competition Law Consumer law and Competition Law

**Recommended Readings:**

- 1) Richard Whish & David Bailey, *Competition Law*, Oxford University Press.
- 2) Avtar Singh, *Competition Law*, Eastern Book Company.
- 3) Vinod Dhall, *Competition Law Today*, Oxford University Press.
- 4) Abir Roy, *Competition Law in India: A Practical Guide*, Kluwer Law International B. V., 2016
- 5) Srinivasan Parthasarathy , *Competition Law in India*, Kluwer Law International B.V., 2017
- 6) T. Ramappa, *Competition Law in India: Policy, Issues, and Developments*, Oxford University Press, 2014
- 7) Alison Jones, Brenda Sufrin, *EU Competition Law: Text, Cases, and Materials*, Oxford University Press.
- 8) Barry Rodger, Angus MacCulloch, *Competition Law and Policy in the EU and UK*, Routledge.
- 9) Kirsty Middleton, Barry Rodger, Angus MacCulloch, *Cases and Materials on UK and EC Competition Law*, Oxford University Press
- 10) Maher M. Dabbah, *International and Comparative Competition Law*, Cambridge University Press.

## **LO 0807 VULNERABLE AND DISADVANTAGED GROUPS AND CRIMINAL LAW**

**Objectives of the course:** In India there are multiple socio-economic disadvantages that members of particular groups experience. The task of identifying the vulnerable groups is not an easy one. Besides there are multiple and complex factors of vulnerability with different layers and more often than once it cannot be analyzed in isolation. In this course paper the vulnerable groups that face discrimination include- Women, Scheduled Castes (SC), Scheduled Tribes (ST) and Children. From the British era, Criminal law was used to eradicate social evils. The fear of punishment was a tool of social change. Post-Independence, the modern State has used criminal law to bring social change. This Course paper will help students to understand the role of Criminal Law in protecting the vulnerable and disadvantaged groups in India.

### **Module 01 Introduction to Vulnerable and Disadvantage groups:**

- Meaning of Vulnerable and Disadvantaged groups
- Structural discrimination and vulnerable groups
- Role of law to overcome discrimination
- Criminal law as a tool of social change

### **Module 02 The Protection of Civil Rights Act 1955:**

- Social menace of Untouchability
- Legislative history, objectives and scope of the Act
- Practices of untouchability and its Punishment
- Presumption of courts in some cases
- Power of court to impose collective fine
- Non application of Probation of offenders Act

### **Module 03 The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989:**

- Legislative history, objectives and scope of the Act
- Defining Atrocity against Scheduled Caste and Scheduled Tribes Offences of Atrocities and punishment thereof
- Externment procedure
- Collective Fine
- Special Courts and Special Prosecutor
- Presumption by courts in certain cases

Precautionary and Preventive measures under the Rules of 1995  
Non application Anticipatory Bail and Probation of Offenders Act  
Investigation and supervision.  
Personnel under the Act and their duties

**Module 04 Dowry Prohibition Act 1961:**

Dowry a social menace  
Legislative history, objectives and scope of the Act  
Dowry Defined  
Penalty for giving and taking dowry.  
Dowry for benefit of wife or her heirs.  
Change in procedural law and Evidence Law.  
Dowry Prohibition officers.

**Module 05 The Protection of Children from Sexual Offences (POCSO) Act 2012:**

Legislative history, Objective and Scope of the Act  
Sexual offences against children  
Using child for pornographic purpose  
Abetment of an attempt to commit an offence  
Procedure for reporting of cases  
Procedure for recording statement of the child  
Special courts: Procedure and powers of special courts and recording of evidence  
Punishments under the Act.

**Module 06 The Immoral Traffic (Prevention) Act, 1956:**

Legislative history, Object and reasons of the Act  
Social Landscape of Prostitution.  
Prostitute: Vaguely defined under the Act.  
Protection of Morals and Places of Residence.  
Ponce or Poncing under the Act.  
Corrective Institutions and Protective Homes.  
Personnel under the Act.

**Note: The above Legislations are to be studied along with relevant rules framed under the Act by appropriate governments.**

**Recommended Reading:**

- 1) Justice P.S. Narayana, Commentary on the Protection of Children from Sexual Offences Act, 2002 and Rules, Universal Law Publishing Co, New Delhi.
- 2) B. R. Beotra's Immoral Traffic (Prevention) Act, 1956 (With State Rules), The Law Book Company (p) Ltd, Allahabad.
- 3) LaitaDharParihar, Women & Law From Impoverishment to Empowerment- A Critique, Eastern Book Company, Lucknow.
- 4) SmitaNarula, Broken People: Caste violence against India's Untouchables, Human Rights Watch.
- 5) K.B Saxena, Report on Prevention of Atrocities against Scheduled Castes, National Human Rights Commission, 2002.

## **LO 0808 CIVIL MINOR ACTS**

**Objectives of the Course:** This Course covers subjects that a civil practitioner, whether working in litigation or not, needs to address very often. While the law relating to interest is a substantive law, other laws in this course are procedural. Nevertheless their study is indispensable to each lawyer. The Specific Relief Act in this Course covers only those reliefs that were not covered in the course in contract law.

### **Module 01 The Interest Act 1978:**

When can a court allow interest  
Rate of interest  
Effect of provisions relating to interest in other statutes  
Date from which interest shall commence  
Section 34 of the Civil Procedure Code  
Powers of an arbitrator to award interest

### **Module 02 The Specific Relief Act 1963:**

Nature of specific relief, specific relief only for enforcing individual civil rights  
Possession, Nature of remedy, Recovery of specific movable and of immovable property, summary remedy for forcible dispossession, Liability to deliver to person entitled to immediate possession.  
Declaration, Claim for consequential relief  
Injunctions, Types of injunctions, Circumstances in which injunction is granted, When will injunction not be granted, Compensation in suits for injunction

### **Module 03 The Limitation Act 1963:**

Limitation bars the remedy but does not extinguish the right. The role of limitation law  
The bar of limitation, Prescribed period and the Schedule, Continuous running of time, Special period of limitation for the government, Application to arbitration proceedings  
Extension of period : court closed, for sufficient cause, legal disability; No bar in suits against trustees  
Computing period of limitation, Exclusion of time, Effect of death, defendant being out of India, fraud and mistake  
Effect of acknowledgment in writing and payment on account of debt  
Adverse possession: acquisition of ownership by possession

#### **Module 04 The Registration Act 1908:**

Authorities under the Act

Documents of which registration is compulsory, and is optional Provisions about contents of documents

Time and place for registration

Procedure of registration: Fees, Presentation, who can present, Enquiry, Admission or denial, procedure on denial of execution; Enforcing attendance, Endorsements on the document, Registration; Recording in books and indexes, Electronic indexes

Inspection and copies of books and indexes

Registration of wills

Effect of registration and non-registration

Refusal to register, Grounds for refusal

#### **Module 05 The Indian Stamp Act 1899 and the Maharashtra Stamp Act 1958.**

Object and purpose of stamp duty, and the Act, Authorities under the Act and their powers and functions

Instrument, which instruments are chargeable to stamp duty, calculation of stamp duty

Liability to pay stamp duty, Who is liable to pay

Mode of payment of stamp duty, unstamped instrument

Valuation for purposes of stamp duty, Adjudication of stamp duty, procedure of adjudication

Allowances for stamps

Offences and penalties

Under the Maharashtra Stamp Act 1958 and Rules: Valuation and Ready Reckoner.

#### **Module 06 The Maharashtra Court Fees Act 1959.**

Court fees, Nature of levy, Object and purpose of the Act

Documents chargeable to court-fees, Complaint and counter-claims, the Schedule, Exempt documents, Mandatory nature of payment

Computation of court fees, Fixed fees and ad-valorem fees, Modes of collecting court fees, Cancellation of stamp.

Decision of questions as to valuation Refund of court fees

Multifarious suits

## **Module 07 The Suits Valuation Act 1887.**

Object and purpose of the Act.

Valuation for suits relating to land

Valuation in other suits

Objections in appeals to over valuation or under valuation

### **Recommended Readings:**

- 1) Sarkar, Specific Relief Act, Sudipto Sarkar and R Yashod Vardhan (eds), 17<sup>th</sup> ed, Lexis Nexis, 2016
- 2) Pollock and Mulla, The Specific Relief Act, 1963, 14<sup>th</sup> updated edition, Nilima Bhadbhade (ed), Lexis Nexis, 2014
- 3) B M Gandhi, Equity, Trusts and Specific Relief, Eastern Book Company, 2017
- 4) Anand and Iyer's Commentary on the Specific Relief Act, 1963, Delhi Law House, 13<sup>th</sup> ed
- 5) S C Banerjee, Law of Specific Relief, 13<sup>th</sup> ed, Universal, 2015
- 6) U N Mitra, Tagore Law Lectures – Law of Limitation and Prescription, 14<sup>th</sup> ed, 2016
- 7) T R Desai, Commentary on the Limitation Act, 11<sup>th</sup> ed, Universal Law House, 2016
- 8) Shrinivas Gupta, The Limitation Act, 3<sup>rd</sup> ed, Universal Law House, 2016
- 9) B B Mitra's Limitation Act, 23<sup>rd</sup> ed, M R Mallick (ed), Eastern Law House, 2014
- 10) Mulla, The Registration Act, 13<sup>th</sup> ed, K Kannan (ed), Lexis Nexis, 2016
- 11) Malik's Commentary on The Registration Act 1908 with State Amendments, 4th ed, Delhi Law House, 2016
- 12) Sanjiva Row, Registration Act, 15<sup>th</sup> ed, Law Publishers, 2015
- 13) K Krishnamurthy's The Indian Stamp Act, 12<sup>th</sup> ed, M R Hariharan Nair and Boris Paul (ed), Lexis Nexis, 2017
- 14) Aiyar S Krishnamurthi, The Indian Stamp Act, 9<sup>th</sup> ed, Universal Law House, 2017
- 15) Sunil Dighe, The Maharashtra Stamp Act, Snow White Publications, 2017
- 16) Mahendra Jain and H M Bhatt, The Maharashtra Stamp Act 1958, Law Times, 2017
- 17) A N Khanna, Law of Court Fees and Suits Valuation, 8<sup>th</sup> ed, Universal, 2011
- 18) MLJ Manual on the Court Fees Act 1870, Lexis Nexis, 2017

## **LO 0809 INTERNATIONAL ECONOMIC LAW**

**Object of the Course:** In the Changing dimension of Globalisation and the increasing demand of interdependence on economic relations of nation states, the significance of international law has grown considerably in the contemporary era. The relations of nation-states are mostly depending on economic cooperation than on political perspectives only as compared to yester years. In order to have a broad outlook of the nation-state relations in the field of economic era, this course equips the student to understand an over view of economic legal scenario of states.

### **Module 01 Introduction :**

Definition, Nature and Sources of International Economic Law  
Relationship between national and international economic laws  
Origin and Development of International Economic Law-Bretton Woods Conference

### **Module 02 Developments in the context of de-colonization :**

Developing States and the Modern perspective of international economic relations- Significance of-- Resolution on Permanent sovereignty Over Natural Resources--Declaration on the New International Economic Order – The Charter of Economic Rights and Duties Law—Sustainable Development—Human Rights-Sustainable Development  
Structural Perspective of GATT – Significance of Ministerial Conferences—Mechanism for Dispute Resolution—Problems and Perspective of GATT Regime.

### **Module 03 International and Regional Financial Institutions:**

IBRD Structure Powers and Functions—Significance of IRO  
Structure Powers and functions of IMF  
Structure Powers and Functions of World Bank  
Structure powers and Functions of Asian Development Bank  
Structure Powers and Functions of G-20  
Structure Powers and functions of BRICS

### **Module 04 Significance of Treaties Bilateral Agreements and International Economic Law:**

Multilateral and Bilateral treaties and significance  
Uruguay round and its impact on International Economic Law

Significance of most Favoured Nations Clause and National Treatment  
Objective Principles of GATT 1994 –Reduction of Tariff and Non-Tariff  
Barriers to Trade.

General Exceptions to Article XX and XXI of GATT 1994

Safe Guard Measures under XIX of GATT 1994

#### **Module 05 WTO and International Economic Law :**

Historical origins of WTO

Structure Powers and Functions

Role and Responsibility of Secretariat

Dispute Settlement System under WTO

Impact of WTO Law on Domestic Law

#### **Recommended Readings:**

- 1) Asif H.Qureshi – International Economic Law (London: Sweet & Maxwell, 1998)
- 2) Jackson and W.Davey et.al.- International Economic Relations (1995).
- 3) H.Fox (ed.)- International Economic Law and Developing States: Some Aspects (1992).
- 4) I.Seidi – Hohenveldern, International Economic Law (1992).
- 5) Bhandari and Sykes – Economic Dimensions in International Economic Law (1999).
- 6) Van Meorhaeghe – International Economic Institutions (1998).
- 7) Schwazenberger – Foreign Investment and International law
- 8) Oxolic – Legal Aspects of International Transfer of Technology.
- 9) Wallace – Multinational Corporations.
- 10) O’Connell – International Law, Vol. I & II.
- 11) Harves D.D, - Cases and Materials on International Law

#### **Recommended Journals:**

- 1) American Journal of International La
- 2) British Year Book of International La
- 3) Indian Journal of International La
- 4) Journal of Economic Law of Oxfor
- 5) International Economic Law e journa
- 6) Indian Journal of International Economic Law

## विविध शिष्यवृत्ती योजना

१. भारत सरकार मॅट्रीकोत्तर शिष्यवृत्ती योजना
२. राज्य शासनाची शिक्षण फी, परीक्षा फी, प्रतिपूर्ती योजना
३. अल्पसंख्याक शिष्यवृत्ती
४. उच्च शिक्षण विभागातर्फे राबविण्यात येणाऱ्या शिष्यवृत्ती
५. राजर्षी छत्रपती शाहू महाराज शिक्षण शुल्क शिष्यवृत्ती योजना
६. पंडीत दीनदयाल उपाध्याय स्वयंम योजना - अनु. जमातीसाठी)
७. Central Sector Scheme of Top Class Education of SC students.
८. अपंग शिष्यवृत्ती
९. डॉ. बाबासाहेब आंबेडकर स्वआधार योजना

अधिक माहितीसाठी <http://ilslaw.edu/scholarship/>

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ILS LAW COLLEGE, PUNE



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