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.
- 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 extracurricular activities.
- Funded by the Ford Foundation, USA during 1996-2000 to sustain our tradition of innovation in teaching techniques and methods of learning.
- LLM. 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 “Dyanamandal”, 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 Dharia
  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 : ils@ilslaw.in
Website: www.ils.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
Our Mission

“कृप्यान्तो विश्वार्थम्।” - 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:

“कृप्यान्तो विश्वार्थम्।”
Rules

- 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 for examination pattern and rules of passing.
## Useful Information

<table>
<thead>
<tr>
<th><strong>College Timings</strong></th>
<th>Morning Session</th>
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<tr>
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<td><strong>Working Hours</strong></td>
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<td>Mon to Sat</td>
<td>Lunch Time</td>
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| **Library Timings** | 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
<table>
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<tr>
<th>Sr. No.</th>
<th>Head of Fees</th>
<th>IInd LLB (BC Students)</th>
<th>IInd LLB (within State)</th>
<th>IInd LLB (out of State)</th>
<th>IInd LLB (SAARC-Bhutan, Nepal, Srilanka, Bangladesh)</th>
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# Fee Structure for II LLB (Five Year Law Course)  :  Academic Year 2018-2019

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

SEMESTER PATTERN

SEMESTER III : JUNE-OCTOBER

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<th>Subjects</th>
<th>Distribution of Marks</th>
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SEMESTER IV : NOVEMBER-APRIL

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*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

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.
Status of Article 370.

**Recommended Readings:**
4) H. M. Seervi, Constitutional Law of India, N.M. Tripathi.
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.
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
4) Shriniwas Gupta, A Text Book on Transfer of Property Law, Thomson Reuters, 2016
8) Sanjiva Row, Transfer of Property Act (in 2 volumes), Universal, 2016
9) Shriniwas Gupta, Lae Relating to Transfer of Property, Thomson Reuters, 2016
10) Darashaw Vakil, Commentaries on the Transfer of Property Act, Lexis Nexis, 2017
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
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)
- 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 - Constitute 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
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 Culpa
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

Module 10 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:
2) I. Brownlie, Principles of Public International Law (7th ed., 2008)
3) I.A. Shearer, Starke’s International Law (1st Indian ed., 2007)
4) D.J. Harris, Cases and Materials on International Law (7th ed., 2010)
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
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 Online 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:

- 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
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
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
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.
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

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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
   Advertisement by Advocates:-
      Name-plates
      News
      Photographs
      Sign boards
      Web-site

Module 05 Cases relating to Advocates Act and Professional Ethics:
   Vishram Singh Raghubanshi v. State Of UP AIR 2011 SC 2275
   Vijay Singh v. Murari Lal 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 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 2 003 CriLJ 1634 (Bombay HC)

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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
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
OBJECTIVE 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 its making and its contemporary working. It will help the students to appreciate the constitutional developments from the national and international perspectives. It takes in its 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 Butterworths Wadhwa, Nagpur)


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:
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)
Objectives of the course: Indian Penal Code is not the only criminal law in India, though it is one of the major criminal laws. 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:
- 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:

4) R.P Kataria, Law Relating to Narcotic Drugs and Psychotropic Substances in India, Oriental Publication
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:
2) Rish Pal Nainta, Laws Relating to Cooperative Societies – A Commentary, 2004
5) V V Ghanekar, Co-Operative Movement in India, Institute of Rural Development & Education, 2004
LO0709 PRIVATE INTERNATIONAL LAW

Objectives of the Course: In the contemporary economically packed globalised era, the relations between individuals and legal persons increased vastly compared 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:
- 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
- Legitimiziation
- 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 Outside 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 Maxwell 15th edn 2016)
3) Setalavad: Conflict of Laws, Lexis Nexis, 2014
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 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


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


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
4) P.L. Malik, Handbook of Labour and Industrial Law, Eastern Book Company
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 &amp;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:


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.
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:
14) Peter Murphy and Richard Glover, Murphy on Evidence, 12th ed, 2011
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: -

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:**

5) Vishnu Warrier, 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
9) Shriram Panchu, Mediation Practice and Law - The Path to Successful Dispute Resolution, 2nd ed, Lexis Nexis, 2015
11) Ujwala Shinde, Alternative Dispute Resolution, Hind Law House
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 20th 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 Securit (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


**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:
6) V. K. Ahuja, Public International Law (Lexis Nexis, Noida, 2016)
8) Economic social and Cultural Rights in International Law, ed Eibe Riedgal, Gilles Giacca, Christophe Golay (Oxford University Press, UK, 2014)
Objectives of the Course: There is aggressive competition in today’s market. New startups 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:
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:


4) SmitaNarula, Broken People: Caste violence against India’s Untouchables, Human Rights Watch.

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

Module 06 The Maharashtra Court Fees Act 1959.

Court fees, Nature of levy, Object and purpose of the Act
Documents chargeable to court-fees, Plaint 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), 17th ed, Lexis Nexis, 2016
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, 13th ed
5) S C Banerjee, Law of Specific Relief, 13th ed, Universal, 2015
13) K Krishnamurthy’s The Indian Stamp Act, 12th ed, M R Hariharan Nair and Boris Paul (ed), Lexis Nexis, 2017
17) A N Khanna, Law of Court Fees and Suits Valuation, 8th 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 overview 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:
7) Schwazenberger – Foreign Investment and International law
8) Oxolic – Legal Aspects of International Transfer of Technology.
9) Wallace – Multinational Corporations.
10) O’Conell – 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 शिक्ष्वृत्ति योजना

1. भारत सरकार मंत्रीकोटर शिक्ष्वृत्ति योजना
2. राज्य शासनाची शिक्षण पी, पूर्वी पी, प्रतिलिपी योजना
3. अल्पसंख्याक शिक्ष्वृत्ति
4. उच्च शिक्षण विभागातून राष्ट्रीय योजना शिक्ष्वृत्ति
5. राज्यांची छत्रपती शाहू महाराज शिक्षण शूलक शिक्ष्वृत्ति योजना
6. पंडीत दीनदयाल उपाध्याय स्वयं स्वरूपण योजना – अनु. जमीतीसाठी
7. Central Sector Scheme of Top Class Education of SC students.
8. अपंग शिक्ष्वृत्ति
9. डॉ. बाबासाहेब अंबेडकर स्वाधीन योजना

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