



**SEMESTER VI | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JAN-JUNE 2023)**

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ADMINISTRATIVE LAW (Compulsory Paper)
SEMESTER VI | B.A., LL.B. (HONS.)
SESSION JAN-JUNE

Faculty	Dr. Kaumudhi Challa Dr. Priyanka Mohod Ms. Aditi Singh	Year/ Semester	III Year /VI Semester
Course Name	Administrative Law	No. of Credits	4
Course Code	NA	Session duration	1 hour
No of Contact Hours (Week)	05	Pre-requisite	None
Total	(50 Lectures+ 10 Tutorials)=60		
Course Objective & Pedagogy	<p>Administrative Law is the body of law that governs the activities of the administrative agencies of the government. This law provides the rules and regulations to the administrative authorities while they are performing their functions and exercising their powers. This law deals with control over the administrative authorities and the mechanisms to prevent them from maladministration. It ultimately maintains the transparency and accountability towards people. The Administrative Law is also sometimes called regulatory or public law.</p> <p>The course will be taught by lectures, articles, discussion on current events, issues, case studies and latest cases.</p> <p>COURSE OBJECTIVES</p> <p>CO1: To understand the meaning of the term ‘Administrative Law’ and the historical reasons for its growth and development in India, UK, USA and France.</p> <p>CO2: To study various types of administrative actions like delegated legislation, administrative adjudication, administrative discretion and directions.</p>		

	<p>CO3: To get acquainted with the principles and mechanisms through which each of these administrative actions are controlled.</p> <p>CO4: To learn about the tortious and contractual liability of the administration.</p>
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LEARNING OUTCOMES

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

LO 1: Understand the meaning, nature, scope, necessity and development of Administrative Law and various administrative actions.

LO 2: Examine the reasons and evolution of delegated legislation, administrative adjudication, administrative discretion and directions and the functioning of authorities within the ambit of the power conferred.

LO 3: Study the important rules and principles and understand the remedies available against administrative actions.

LO 4: Analyse the tortious and contractual liabilities of the administrative authorities by certain legal/Constitutional provisions.

EVALUATION COMPONENTS

Components of Course Evaluation	% distribution
Continuous Internal Assessment	25
Mid Term Examination	25
End Term	50
Total	100

*Note: Pass marks 50% of the final grade.

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Introduction	1-12
2	Delegated Legislation	13-20
3	Administrative Adjudication	21-26
4	Administrative Directions	27-29
5	Administrative Discretion	30-34
6	Principle of Natural Justice	35-40
7	Review of Administrative Action and Remedies	41-46
8	Liability of the Administration	47-50
	Tutorials	51-60

DETAILED SYLLABUS FOR (B.A.LL.B.) ADMINISTRATIVE LAW

MODULE	CONTENT
Module 1	<p>INTRODUCTION</p> <ul style="list-style-type: none"> a. Change in the concept of State - from <i>laissez faire</i> to Social Welfare State and Doctrine of Parens Patriae b. Definition, Nature, Scope and Significance of Administrative Law c. Relationship between Constitutional Law and Administrative Law d. Evolution and Development of Administrative Law – India, UK, USA and France , Global Administrative Law e. Administrative Action- Meaning, Classification and Need to control f. Overview of- Public and Private Entities g. Basic Doctrines- Rule of Law and its application in India, Doctrine of Separation of Powers and its relevance in Contemporary Times
	DELEGATED LEGISLATION

Module 2	<ul style="list-style-type: none"> a. Meaning of Delegated Legislation and its Growth b. Delegated Legislation in USA and UK c. Delegated Legislation in India- Comparison with USA & UK, Pre and Post Constitutional Period d. Rules and Principles of Administrative Rule making/ Delegated Legislation- Excessive delegation, Permissible and Non permissible Delegated Legislation e. Control Mechanisms of Delegated Legislation- Judicial Control- Doctrine of ultravires - substantive ultravires and procedural ultravires; Parliamentary Control, Publication of Delegated Legislation f. Sub-delegation, Conditional Legislation
Module 3	<p>ADMINISTRATIVE ADJUDICATION</p> <ul style="list-style-type: none"> a. Administrative Adjudication- Meaning, Needs and Reasons for its growth b. Problems of Administrative Adjudication c. Mechanism for Administrative Adjudication –Quasi judicial bodies, Tribunals-meaning, difference between tribunals and courts, its types- Statutory and Domestic Tribunals d. Administrative Tribunal – Concept; Justice by Tribunals – Advantages: Openness, Fairness, Impartiality, Absence of Technicalities of Evidence and Procedure, Cheapness; e. Constitution of India, Articles 323A and 323B f. Overview of Tribunals in India with particular reference to Administrative Tribunals established under the Administrative Tribunals Act, 1985;
Module 4	<p>ADMINISTRATIVE DIRECTIONS</p> <ul style="list-style-type: none"> a. Meaning, Nature and Need for Administrative Directions b. Directions and Rules c. Enforceability of Administrative Directions
Module 5	<p>ADMINISTRATIVE DISCRETION</p> <ul style="list-style-type: none"> a. Meaning and significance of Administrative Discretion b. Judicial Control of Administrative Discretion – Control at the stage of delegation of discretion and Control at the stage of the exercise of discretion c. Grounds of control
Module 6	<p>PRINCIPLES OF NATURAL JUSTICE</p> <ul style="list-style-type: none"> a. Concept, Evolution and Importance

	<p>b. Principles of Natural Justice - Rule against Bias- Meaning, importance and essentials;</p> <p>c. Rule of Fair Hearing- Meaning, importance and essentials,</p> <p>d. Doctrine of Reasoned Decisions</p> <p>e. Exceptions to Natural Justice</p> <p>f. Violations of Natural Justice</p> <p>g. Application of Natural Justice in India</p>
Module 7	<p>REVIEW OF ADMINISTRATIVE ACTIONS AND REMEDY</p> <p>a. Judicial Review- Writ jurisdiction of Supreme Court and High Court, when the writs can be issued, when the writs cannot be issued, principles of writ jurisdiction</p> <p>b. Doctrines developed by Judiciary – Doctrine of Legitimate Expectation, Doctrine of Proportionality, Doctrine of Reasonableness, Doctrine of Public Accountability, Doctrine of Promissory Estoppel, Exclusion Clause</p> <p>c. Other remedies for administrative action–Statutory Remedies, Equitable Remedies, Ombudsman –Lok Pal and Lokayukta and other miscellaneous remedies (Only an Overview of these Other Remedies are discussed)</p> <p>d. Government Privileges in Legal Proceedings and RTI</p> <p>e. The Official Secrets Act, 1923, The Commission of Inquiries Act, 1952 and Right to Information Act, 2005</p>
Module 8	<p>LIABILITY OF THE ADMINISTRATION</p> <p>a. Contractual Liability of the Administration –Constitutional and other Provisions</p> <p>b. Tortious Liability of the Administration –Constitutional and other provisions</p>

READINGS:

Statutes and Reports:

- The Constitution of India, 1950
- Administrative Tribunals Act, 1985
- The Official Secrets Act, 1923
- The Commission of Inquiries Act, 1952
- Right to Information Act, 2005
- 272 Law Commission of India Report

CASE LAWS:

- *Rai Sahib Ram Jawaya Kapur v. State of Punjab*, AIR 1955 SC 549.
- *Asif Hameed v. State of J. & K.*, AIR 1989 SC 1899.
- *ADM Jabalpur v. Shivkant Shukla*, AIR 1976 SC 1207
- *Indira Gandhi (smt.) v Raj Narian* AIR 1975 SC 2299
- *State of Punjab v. Tehal Singh*, (2002) 2 SCC 7
- *Indian National Congress v. Institute of Social Welfare*, (2002) 5 SCC 685
- *In re Delhi Laws Act*, AIR 1951 SC 332.
- *Lachmi Narain v. Union of India*, AIR 1976 SC 714
- *Sonik Industries, Rajkot v. Municipal Corpn. of the City of Rajkot* (1986) 2 SCC 608 : AIR 1986 SC 1518
- *Union of India v. Shree Gajanan Maharaj Sansthan*, (2002) 5 SCC 44
- *St. Johns Teachers Training Institute v. Regional Director, NCTE*, (2003) 3 SCC
- *Southern Agrifurance Industries ltd. v. CTO*, (2005) 2 SCC 575
- *Dwarka Prasad Laxmi Narain v. State of U.P.*, (1954) SCR 803: AIR 1954 SC 224.
- *A.N. Parasuraman v. State of Tamil Nadu*, AIR 1990 SC 40: (1989) 4 SCC 683.
- *J. R. Raghupathy v. State of A. P.*, AIR 1988 SC 1681.
- *Om Kumar & Others v. Union of India*, AIR 2000 SC 3689
- *Union of India v. R. Gandhi, President, Madras Bar Association 2010 (5) 288 SCALE 514 325*
- *L. Chandra Kumar v. Union of India and others*, AIR 1997 SC 1125 314 279
- *R. v. Secretary of State for the Home Department, Ex Parte Daly*, 2001] UKHL 26
- *Express Newspapers (Pvt.) Ltd. v. Union of India*, AIR 1986 SC 872.
- *State of Bombay v. K.P. Krishnan*, (1961) 1 SCR 227: AIR 1960 SC 1223.
- *Ranjit Singh v. Union of India*, AIR 1981 SC 461.
- *State of W.B v. Anwar Ali Sarkar*, AIR 1952 SC 75
- *Himat Lal K. Shah v. Commr. of Police*, (1973)1 SCC 227
- *Barium Chemical Ltd. v. Company Law Board*, AIR 1967 SC 295
- *R.D. Shetty v. International Airport Authority of India*, (1979) 3 SCC 489

- *Monarch Infrastructure Ltd. v. Commr. Ulhasnager Municipal Corpn.*, (2000) 5 SCC 287
- *Indian Rly Construction Ltd. v. Ajay Kumar*, (2003)4 SCC 579
- *Bharat Heavy Electrical Ltd. v. M. Chandrasekhar Reddy*, (2005) 2 SCC 481
- *A.K. Kraipak v. Union of India*, AIR 1970 SC 150
- *Bharat Petroleum Corpn. Ltd. v. Maharashtra General Kamgar Union*, (1999) 1 SCC 626.
- *Maneka Gandhi v. Union of India* (1978) 1 SCC 248.
- *S.N. Mukherjee v. Union of India*, AIR 1990 SC 1984
- *Canara Bank v. Debasis*, (2003) 4 SCC 566
- *Tejshree Ghag v Prakash P. Patil*, (2007) 6 SCC 220
- *G.N. Nayak v. Goa University*, (2002) 2 SCC 290
- *Crawford Bayley & Co. v. Union of India*, (2006) 6 SCC 25
- *Syed Yakoob v. K.S. Radha Krishanan* (1964) 5 SCR 64: AIR 1964 SC 477.
- *Surya Dev Rai v. Ram Chander Rai*, AIR 2003 SC 3044: (2003) 6 SCC 675.
- *Common Cause v. Union of India*, AIR 2003 SC 4493 .
- *Rupa Ashok Hurra v. Ashok Hurra*, AIR 2002 SC 1771.
- *Secretary General, Supreme Court of India v. Subhash Chandra Agarwal*, 166 (2010) DLT 305 (FB).
- *Disclosure of Accounts and Funding of Political Parties*, CIC Order Dated 3rd June 2013.
- *State of Rajasthan V. Vidhyawati* 1962 AIR 933, 1962 SCR Supl. (2) 989
- *Kasturilal V. State of UP* 1965 AIR 1039, 1965 SCR (1) 375
- *Chatturbhuj Vithaldas jasani V. Moreshwar* 1954 AIR 236, 1954 SCR 817
- *Food Corporation of India v. SEIL Ltd*, (2008) 3 SCC 440
- *Chairman Rly Board v. Chandrima Das*, (2002) 2 SCC 465

BOOKS

Essential Books :

- **Book:** Lecture on Administrative Law
Author: Takwani C.K.,

Publisher: Eastern Book Company (6th ed., 2017)

➤ **Book:** Administrative Law

Author: I.P. Massey

Publisher: Eastern Book Company, Lucknow, (9th ed., 2017)

Suggested Readings

➤ **Book:** Principles of Administrative Law

Author: M.P. Jain and S.N. Jain

Publisher: Wadhwa and Company, Nagpur, (6th ed., 2010)

➤ **Book:** Administrative Law

Author: Sathe, S.P.,

Publisher: Lexis Nexis Butter Worthy, (7th ed., 2004)

➤ **Book:** Administrative Law

Author: P P Craig.,

Publisher: Sweet & Maxwell, (5th ed., 2003)

➤ **Book:** Administrative Law

Author: David Foulkes.,

Publisher: Butterworths, (8th ed., 1995)

➤ **Book:** Administrative Law

Author: Kesari U P D,

Publisher: Central Law Publication, Allahabad, (21st ed., 2016)

➤ **Book:** The Indian Administrative Law

Author: M.C. Jain Kagzi

Publisher: Universal Law Publishing Company Pvt. Ltd, (7th ed., 2016)

➤ **Book:** Administrative Law

Author: Basu, D.D.

Publisher: Kamal Law House, Kolkata

➤ **Book:** Administrative Law

Author: H. W. R. Wade & C. F Forsyth

Publisher: Oxford University Press, (11th ed., 2014)

ONLINE ARTICLES/BLOGS/REPORTS

- Sunita Zalpuri, ‘Training Package of Administrative Law’, https://dopttrg.nic.in/otrainingStatic/UNDPProject/undp_modules/Administrative%20Law%20N%20DLM.pdf
- Administrative Law: Conceptual Analysis Issues and Prospects, <http://niu.edu.in/slla/Introduction-To-Admin-Law.pdf>
- J.K Shah, ‘Administrative Law’, https://www.jkshahclasses.com/announcement/chapter_15.pdf
- Ishwor Thapa, ‘Administrative Law: Concept, Definition, Nature, Scope and Principle and its Sources’, https://www.researchgate.net/publication/347514733_Administrative_Law_Concept_Definition_Nature_Scope_and_Principle_and_its_Sources
- Alok Kumar Yadav, ‘RULE OF LAW’, International Journal of Law and Legal Jurisprudence Studies :ISSN:2348-8212:Volume 4 Issue 3, http://ijlljs.in/wp-content/uploads/2017/08/Rule_of_Law.pdf
- Upendra Baxi, ‘The Rule of Law in India’, Sur vol.3 no.se São Paulo 2007, http://socialsciences.scielo.org/pdf/s_sur/v3nse/scs_a01.pdf
- Ananya Jain, ‘Rule of Law and its Application in the Indian Polity’, International Journal of Law Management & Humanities, 2018 IJLMH | Volume 1, Issue 3 | ISSN: 2581-5369, <https://www.ijlmh.com/wp-content/uploads/2019/03/Rule-of-Law-and-its-Application-in-the-Indian-Polity.pdf>
- Helen Yu and Alison Guernsey, ‘What is the Rule of Law?’, <https://iuristebi.files.wordpress.com/2012/12/what-is-the-rule-of-law.pdf>

- Tej Bahadur Singh, ‘PRINCIPLE OF SEPARATION OF POWERS AND CONCENTRATION OF AUTHORITY’, Published in Institute’s Journal march 1996, <http://ijtr.nic.in/articles/art35.pdf>
- Aileen Kavanagh, ‘The Constitutional Separation of Powers’, https://www.law.ox.ac.uk/sites/files/oxlaw/ak_separation_of_powers_philfound_boo_k.pdf
- CCHR Institutions Series, ‘The Separation of Powers and the Rule of Law ‘, Volume 1 – The Separation of Powers and the Rule of Law – June 2011, <http://www.a4id.org/wp-content/uploads/2016/04/The-Separation-of-Powers-and-the-Rule-of-Law-.pdf>
- Jacob Finkelman, ‘Separation of Powers: A Study in Administrative Law’, University of Toronto Press, : <https://www.jstor.org/stable/824711>
- S. N. Jain, ‘Trends and Development in Administrative Law in India’, https://journals.sagepub.com/doi/abs/10.1177/0019556119710305?journalCode=i_paa
- Aparajita Kumari, ‘Control Mechanism over Delegated Legislation’, International Journal of Creative Research Thoughts (IJCRT), 2018 IJCRT | Volume 6, Issue 2 April 2018 | ISSN: 2320-2882, <https://www.ijcrt.org/papers/IJCRT1813055.pdf>
- Prof (Dr) Mukund Sard, ‘Judicial Control over Delegated Legislation’, <https://bvpnlcpune.org/Article/Judicial%20Control%20over%20Delegated%20Legislation-%20Prof.pdf>
- Michael Asimow, ‘Delegated Legislation: United States and United Kingdom’, Oxford University Press, <http://www.jstor.org/stable/764236>
- DELEGATED LEGISLATION IN AMERICA PROCEDURE AND SAFEGUARDS, <https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1468-2230.1948.tb00101.x>
- Noor Mohammad Bilal, ‘: DYNAMISM OF JUDICIAL CONTROL AND ADMINISTRATIVE’, Indian Law Institute, Journal of the Indian Law Institute, Vol. 47, No. 3 (July-September 2005), pp. 393- 396, <https://www.jstor.org/stable/pdf/43951987.pdf?refreqid=excelsior%3A24fd0a51661c45974c53c797728b65e>
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- R.C. Saksena, ‘ADJUDICATION BY TRIBUNALS IN INDIA : LANDMARK IN FIELD OF NATURAL JUSTICE’, Indian Law Institute, Journal of the Indian Law Institute , APRIL-JUNE 1995, Vol. 37, No. 2 (APRILJUNE 1995), pp. 222-230
<https://www.jstor.org/stable/pdf/43953228.pdf?refreqid=excelsior%3A139a45e7487b52b417a7d628fdb4f33e>
- S. N. Jain, ‘LEGALITY OF ADMINISTRATIVE DIRECTIONS’, Indian Law Institute, Journal of the Indian Law Institute , JULY-SEPTEMBER 1966, Vol. 8, No. 3 (JULY-SEPTEMBER 1966), pp. 349-357, <https://www.jstor.org/stable/43949908>
- S.N. Jain, ‘LEGAL STATUS OF ADMINISTRATIVE DIRECTIONS—THREE RECENT CASES ADD TO THE CONFUSION’, Indian Law InstituteJournal of the Indian Law Institute , January-March 1982, Vol. 24, No. 1 (January-March 1982), pp. 126-131,
<https://www.jstor.org/stable/pdf/43950794.pdf?refreqid=excelsior%3A6af99b7e647c70acbb66dd50006ce3c1>
- Itzhak Zamir, ‘Administrative Control of Administrative Action’, California Law Review, Inc., California Law Review , Oct., 1969, Vol. 57, No. 4 (Oct., 1969), pp. 866-905,
<https://www.jstor.org/stable/pdf/3479575.pdf?refreqid=excelsior%3A9cbba8e394ffc0ce20175dca97c5bf20>
- Chatterji, ‘NATURAL JUSTICE AND REASONED DECISIONS’, Indian Law Institute, Journal of the Indian Law Institute , APRIL-JUNE 1968, Vol. 10, No. 2 (APRILJUNE 1968), pp. 241-258,
<https://www.jstor.org/stable/pdf/43949992.pdf?refreqid=excelsior%3Acb66369b45e5f16e251dd5fe8cf5b796>
- P. Leelakrishnan and Mini S., ‘PROCEDURAL FAIRNESS IN ADMINISTRATIVE DECISION-MAKING’, Indian Law Institute, Journal of the Indian Law Institute , OCTOBER - DECEMBER 2017, Vol. 59, No. 4 (OCTOBER - DECEMBER 2017), pp. 335-355,

<https://www.jstor.org/stable/pdf/26826613.pdf?refreqid=excelsior%3A08ff35f345a719e25d2c71e9fa001e62>

- K. Srivastava, 'DOCTRINE OF "LEGITIMATE EXPECTATION"', <http://ijtr.nic.in/articles/art13.pdf>
- Vijay Kumar, 'DOCTRINE OF LEGITIMATE EXPECTATION: CRITICAL ANALYSIS', <http://www.dehradunlawreview.com/wp-content/uploads/2020/06/10-Doctrine-of-legitimate-expectation-Critical-Analysis.pdf>
- Seemeen Muzafar, 'DOCTRINE OF LEGITIMATE EXPECTATION IN INDIA: AN ANALYSIS', International Journal of Advanced Research in Management and Social Sciences, <https://garph.co.uk/IJARMSS/Jan2013/10.pdf>
- Shreya Dave, 'The Doctrine of Promissory Estoppel', <http://manupatra.com/roundup/376/Articles/The%20Doctrine%20of%20Promissory.pdf>
- Dr. Mukund Sarada, 'THE DOCTRINE OF PROMISSORY ESTOPPEL', Orient Journal of Law and Social Sciences, Volume IV, issues, August 2010, <https://bvpnlcpune.org/Article/THE%20DOCTRINE%20OF%20PROMISSORY%20ESTOPPEL.pdf>
- Sahina Mumtaz Laskar, 'IMPORTANCE OF RIGHT TO INFORMATION FOR GOOD GOVERNANCE IN INDIA', Bharati Law Review, Oct-Dec, 2016, <https://docs.manupatra.in/newslines/articles/Upload/AC9CD2C7-B8AD-4C5A-B910-3751BFE5CB28.pdf>
- Harsh Mander and Abha Joshi, 'THE MOVEMENT FOR RIGHT TO INFORMATION IN INDIA People's Power for the Control of Corruption', <https://www.humanrightsinitiative.org/programs/ai/rti/india/articles/The%20Movement%20for%20RTI%20in%20India.pdf>
- Justice U.C. Srivastava, 'TORTIOUS LIABILITY OF STATE UNDER THE CONSTITUTION', Published in institute Journal in March 1997, <http://ijtr.nic.in/articles/art68.pdf>
- Dr. ANANT KALSE, 'LIABILITY OF THE ADMINISTRATION IN TORT AND CONTRACT – AN OVERVIEW', MAHARASHTRA LEGISLATURE SECRETARIAT VIDHAN BHAVAN, 2016, <http://mls.org.in/books/Hb%20182.pdf>
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- Swati Rao, ‘Contractual Liability of the State in India: An analysis’, <http://manupatra.com/roundup/335/Articles/Contractual%20Liability%20of.pdf>
- R.KALAIVANI and R. DHIVYA, ‘CONTRACTUAL LIABILITY OF THE STATE IN INDIA : AN ANALYSIS’, International Journal of Pure and Applied Mathematics, Volume 120 No. 5 2018, 2027-2052, <https://acadpubl.eu/hub/2018-120-5/2/182.pdf>
- Aarjoo Bahuguna, ‘A Comparative Analysis of Contractual Liability of State Actors in Commonwealth Countries’, ACCLAIMS, Volume 8, January 2020, <http://www.penacclaims.com/wp-content/uploads/2020/02/Aarjoo-Bahuguna.pdf>
- Dr. Dejan Vitanski, ‘DISCRETIONARY POWERS OF THE ADMINISTRATION’, (JPMNT) Journal of Process Management – New Technologies, International Vol. 3, No.2, 2015, <https://scindeks-clanci.ceon.rs/data/pdf/2334-735X/2015/2334-735X1502027V.pdf>
- Munir, B., Khan, A. N., & Ahmad, N., ‘Necessity of Discretionary Powers: A Critical Appreciation as a Necessary Evil’, Global Regional Review, V(III), 183-191. [https://doi.org/10.31703/grr.2020\(V-III\).19](https://doi.org/10.31703/grr.2020(V-III).19)



JURISPRUDENCE II

SEMESTER VI | B.A.LL.B. (Hons.)

SYLLABUS (SESSION: JANUARY-MAY)

Faculty Name	Dr. Kaumudhi Challa Ms. Shraddha B. Rajput Ms. Apurva Sharma	Year/ Semester	3/VI
Course Name	Jurisprudence II	No. of Credits	4
Course Code	NA	Session Duration	1 hour
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	Understanding of Law, Jurisprudence Schools and Legal Theories
Introduction, Course Objective & Pedagogy	Law is considered not merely as a trade to be learnt, but as an intellectual pursuit which is to be understood, questioned, criticized and applied in a pragmatic manner. In this context, the study of jurisprudence is of utmost importance for a good lawyer because it helps to develop an understanding of law, improves the questioning ability and the capacity to think independently. While the paper of Jurisprudence I explains the meaning and nature of law with the help of various legal theories and approach of Jurists; the paper of		

	<p>Jurisprudence II deals with the various legal concepts which are most fundamental and central to any legal system.</p> <p>The objective of this course of Jurisprudence II is to introduce the important legal concepts such as Person, Right, Ownership, Possession, Property, Liability etc. These concepts are not only common to all systems of law but are also significant and challenging with respect to their meaning and application in any legal system. Hence, a discussion of the meaning and various approaches with respect to these concepts would help the students or budding lawyers to think critically and creatively about law and legal concepts and its practical application in present times. This course also deals with certain central issues like custom, legislation, and judicial precedents in order to acquaint the students with the nature and sources of law, and their significance and role in contemporary society.</p> <p>Thus, the main objective of this course, jurisprudence II is to decode the complexities of law through developing an understanding of:</p> <ul style="list-style-type: none"> CO1- the various legal concepts such as Person, Right, Ownership, Possession, Duty etc.; CO2 – sources of law like customs, legislations, judicial precedents and agreements; CO3- the nuances of legal pronouncement through ratio decidendi and obiter dicta; CO4- dimensional relationship between right and duty CO5- the relationship between property, right, possession and ownership together to resolve pragmatic issues in the society <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions. The students will be encouraged to participate</p>
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	in classes via discussions, debates and assignments in the form of paper writing etc.
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LEARNING OUTCOMES:

Through the curriculum, the students will be introduced to the major notion in jurisprudence II which will enables students to:

LO1- Identify conceptual issues related to right, duty, property, ownership and possession

LO2 – understand the complex interrelationship of such concepts and their practical applications

LO3 – Navigate and balance the often arising debates between such relationships of right-duty, Obligation-Liability, different kinds of duties and right and ownership and possession.

LO4- know the proper meaning and application of terms like rights and duties; person; ownership and possession; and understand their implication in the legal scenario

LO5 – Develop basic perception around the key concepts connecting their usage in all the subjects.

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Continuous Internal Assessment	25
Mid Term examination	25
End Term	50
Total	100

*Note: Pass marks 50% of the final grade.

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION-THE CONCEPT OF LAW	1-4
2	SOURCES OF LAW	5-20
3	CONCEPT OF PERSON	21-25
4	CONCEPT OF RIGHT AND DUTY	26-32
5	OWNERSHIP, POSSESSION AND PROPERTY	33-42
6	OBLIGATION AND LIABILITY	43-47
7	FEMINIST JURISPRUDENCE	48-52
	Total	52+ 08 Tutorials = 60 Lectures

DETAILED SYLLABUS

UNIT	CONTENT
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Module 1 INTRODUCTION	<p>Introduction- Concept of Law</p> <p>A. Meaning of Law- Nature and Scope of law</p> <p>B. Definition and Kinds of Law</p>
Module 2 SOURCES OF LAW	<p>A. Custom- Definition of Custom, Kinds of Custom- General and Local Customs, Custom and Prescription, Requisites of a Valid Custom</p> <p>B. Legislation- Definition of Legislation, Classification of Legislation- Supreme and Subordinate Legislation, Direct and Indirect Legislation</p> <p>C. Precedent- Definition of Precedent, Kinds of Precedent, meaning of Ratio Decidendi, Stare Decisis, Obiter Dicta, Circumstances which weaken the Binding Force of Precedents, Circumstances which Increase the Binding Force of Precedents</p> <p>D. Relative Merits and Demerits of Custom, Legislation and Precedents as a Source of Law</p>
Module 3 CONCEPT OF PERSON	<p>a. Person- Definition and Nature of Personality</p> <p>b. Legal Status of</p> <ul style="list-style-type: none"> • Unborn Child, • Minor, Idol, • Dead Persons, • Animals, • Environment <p>c. Legal Personality of State,</p> <p>d. Corporate Personality - Meaning and Status of Corporate Personality, Kinds of Corporation, Theories of Corporate Personality, Criminal Liability of a Corporation</p>
Module 4 CONCEPT OF RIGHT AND DUTY	<p>A. Rights</p> <ol style="list-style-type: none"> 1. Meaning and Definitions of Right, 2. Essential Elements of Legal Right, 3. Kinds of Rights <p>B. Duty</p> <ol style="list-style-type: none"> 1. Meaning of Legal Duty,

	<ol style="list-style-type: none"> 2. Kinds of Duties, 3. Co-relation of Rights and Duties 4. Theories of Right, 5. Hohfeld's Analysis of Right - Liberty, Privilege, Power, Immunity, 6. Meaning of Jural Co-relatives, Jural Opposites
Module 5 OWNERSHIP, POSSESSION AND PROPERTY	<ol style="list-style-type: none"> A. Ownership <ol style="list-style-type: none"> 1. Meaning, Definitions, Incidents of Ownership 2. Austin's Definition of Ownership, 3. Salmond's definition of Ownership 4. Kinds of Ownership, 5. Significance of Ownership in Modern Times B. Possession <ol style="list-style-type: none"> 1. Meaning, Definitions, Theories of Possession, 2. Kinds of Possession C. Property: Meaning and Types
Module 6 OBLIGATION AND LIABILITY	<ol style="list-style-type: none"> A. Obligation- Meaning, Definition, Sources of Obligation B. Liability- Meaning, Definition, Kinds of Liability
Module 7 FEMINIST JURISPRUDENC E	<ol style="list-style-type: none"> A. Feminist Jurisprudence- Meaning, Origin, Significance, Criticisms B. Schools of Feminist Jurisprudence- Liberal Feminism, Radical Feminism, Cultural Feminism, Post-Modern Feminism C. Feminist Jurisprudence in India- An Overview

READINGS:**Cases:**

1. Shiromani Gurudwara Prabandhak Committee, Amritsar v. Shri Som Nath Dass & Ors., 2000. 137
2. The State Trading Corporation of India Ltd. & Ors. v. The Commercial Tax Officer, Visakhapatnam & Ors, AIR 1963 SC 1811; 1964 SCR (4) 89.
3. Indian Young Lawyers Association v. State of Kerala, 2018 SCC OnLine SC 1690.
4. Mohd. Noor vs. Mohd. Ibrahim, AIR 1995 SC 398.
5. Rame Gowda vs. M. Varadappa Naidu, AIR 2004 SC 4609.
6. Roe V. Wade, 410 U.S. 113(1973)

7. Dobbs v. Jackson Women's Health Organisation (JWHO), June 24th, 2022

BOOKS AND ARTICLES

1. Bodenheimer, Edgar Jurisprudence '*The Philosophy and Method of the Law*', (Revised Edition) 1996 Universal Book Traders, New Delhi.
2. Cardozo B.N., *The Nature of the Judicial Process*, Yale University Press, 1921
3. Cardozo B.N., *The Growth of the Law*, Yale University Press, 1924
4. Dias *Jurisprudence* (Fifth Edition) , Butterworths
5. Freeman M.D.A. *Lloyd's Introduction to Jurisprudence*, Sweet and Maxwell Jurisprudence (7th Edition).
6. Friedman W. -*Legal Theory*. (Fifth Edition), Universal Law Publishing Co-Pvt. Ltd.
7. H.L.A. Hart, *The Concept of Law*, (2nd Edn.), Oxford University Press, (2007)
8. John Austin, *Lectures on Jurisprudence*, (5th Edn.), R. Campbell (ed.)
9. Paton, G.W., *A Textbook of Jurisprudence*, Oxford, 1972
10. Pollock, F., *A First Book of Jurisprudence*, Macmillan and Company, 1929
11. P.J. Fitzgerald, *Salmond on Jurisprudence* (12th Edition) Universal Law Publishers
12. Wayne Morrison - *Jurisprudence from the Greek to Post - Modernism* (1997).
13. John W. Salmond- *Jurisprudence*-1913
14. P.S. Atchthew Pillai, *Jurisprudence and Legal Theory*, Eastern Book Company.
15. Prof. G.C. Venkata Subba Rao, *Jurisprudence and Legal Theory*, Eastern Book Comp
16. Upendra Baxi, "*Laches and the Rights to constitutional Remedies: Quis Custodiet Ipsos Custodes?*", Alice Jacob (ed.), *Constitutional Developments since Independence* (1975).
17. Hart, H.L.A., "*Bentham on Legal Rights*", in A.W.B. Simpson (ed.), *Oxford Essays in Jurisprudence, Second Series*, Oxford: Clarendon Press, (1973).
18. Ronald Dworkin, *Taking Rights Seriously*, Chapter 7, pp. 184-205.
19. Allen Buchanan, "*What is so Special about Rights,*" *Social Policy & Philosophy*, pp. 61-75 (1984). 47
20. Amartya Sen, "*Culture and Human Rights*", in *Development as Freedom*, Chapter 10, pp. 227-48 (2000).
21. .M. Honore, "*Ownership*" in A.G. Guest (ed.) *Oxford Essays in Jurisprudence*, Oxford University Press, (1961)
22. John Locke, *Of Property*, Chapter 1 in C. B. Macpherson (ed.) *Property: Mainstream and Critical Positions*, University of Toronto Press, pp. 15-29 (1978).

23. O. Kahn-Freund, Introduction, Chapter 1 in Karl Renner, *The Institutions of Private Law and Their Social Functions*, Agnes Schwarzschild (Trans.) (Routledge, 1949).
24. Law Commission of India, *Seventieth Report on the Transfer of Property Act, 1882*, pp 1-10 (1977).

The students will be encouraged to read the latest editions of the textbooks, Articles in Reputed Journals, recent Case-Laws as well as daily newspapers so as to relate the legal concepts and law with current happenings in society.

ONLINE AVAILABLE BOOKS (In HNLU Digital Library/Open Access Platform)

1. Jurisprudence And Legal Theory : Dr. Mahajan V. D.
<https://archive.org/details/in.ernet.dli.2015.553373>
2. Jurisprudence and Legal Theory: Chris C. Wigwe (2011)
[\(PDF\) Jurisprudence ..and Legal Theory \(researchgate.net\)](#)
3. The theory of personhood: Visa A. J. Kurki
<https://fdslive.oup.com/www.oup.com/academic/pdf/openaccess/9780198844037.pdf>
4. Reading material by [e-PGPathshala \(inlibnet.ac.in\)](#)

ONLINE ARTICLES/BLOGS/REPORTS:

1. Reading material on Jurisprudence- Faculty of Law, DU
[101 Jurisprudence-I 2020 \(2 files merged\) \(1\) \(1\).pdf \(du.ac.in\)](#)
2. Study Material for Executive Programme, ICSI
[Jurisprudence Interpretatio and GeneralLaws.pdf \(icsi.edu\)](#)
3. Jurisprudence [legal theory]
[JURISPRUDENCE Legal Theory F.pdf](#)
4. Jurisprudence by Suri Ratnapala
[Jurisprudence \(archive.org\)](#)



ALTERNATIVE DISPUTE RESOLUTION (Compulsory Paper)
SEMESTER VI | B.A., LL.B. (HONS.)
SESSION JAN-JUNE

Faculty	Prof. Dr. V. Konoorayar, Mr Surya Vadapalli	Year/Sem.	Sem. VI
Total no. of hours	60 Classes (50 Lectures + 10 Clinical Classes)	Session Duration	1 hour
Credit	4	Pre-requisite	Prior reading and basic understanding of law
	Disputes are a part of human association. Legally speaking, when one person makes a claim against the other based on a certain law or legal principle, and the other person denies the claim, there is a dispute. The term Alternative Dispute Resolution (ADR) refers to a range of methods and processes of dispute resolution. Significantly, these methods are very rapidly transforming from mere 'alternatives' into preferred methods of resolving disputes. The promise of ADR		

methods is low cost, fast resolution and an outcome acceptable to both parties. Unfortunately, due to improper or ineffective use these methods often fail to deliver on these promises.

In order to know about the various methods of ADR, a deeper understanding of the skills and techniques being adopted is very pertinent. Despite the cultural barriers and jurisdictional differences, often the strategies including choice of parties, communication skills, client counselling, negotiation standards and settlement formula play an important role in determining the success of any ADR mechanism. Hence this course precisely covers all ADR techniques.

Pedagogy:

The Course will be taught in both lecture and practical mode. Apart from classroom lectures special focus would be given to practical sessions, covering various skill development exercises, training sessions on developing those special skills in practising various ADR methods and lawyering/counselling techniques to match the requirement of any given form of ADR. A special emphasis will be given to relevant Case Law analysis and discussion on both domestic and international aspects.

Course Objectives:

The main course objectives may be pin-pointed as follows:

- Understand the backdrop, meaning, advantages and disadvantages of Alternative Dispute Resolution (ADR) mechanisms.
- Understand the key differences between Alternative Dispute Resolution mechanisms and Judicial Adjudication.
- Understand the skills and elements involved in Negotiation, Mediation, Conciliation and Arbitration.
- Understand the process of dispute resolution through ADR mechanisms, in particular, under the Arbitration and Conciliation Act, 1996.
- Exposure to the training and skills required for the practice of different types of ADR methods.
- Critical assessment of strategies and formulae in adopting the right ADR process for the parties while respecting their choice of forum.

LEARNING OUTCOMES:

After the successful completion of course students will be able to:

- 1) Demonstrate the idea of various forms of ADR.
- 2) Analyse a conflict situation and to select the appropriate dispute resolution method.
- 3) The ability to apply problem-solving techniques, including: identification of core issues from a set of facts; thinking laterally and innovatively in order to find effective solutions to those issues.
- 4) An ability to situate dispute resolution processes in their wider social, political and theoretical contexts.

EVALUATION COMPONENTS:

Components of Course Evaluation	% of distribution
Project/Continues Internal Assessment	25%
Mid Term Exam	25%
End Term Exam	50%
Total	100%

COURSE PLAN:

Module No.	Title of the Module	Lecture Sessions
I	INTRODUCTION OF ALTERNATIVE DISPUTE RESOLUTION METHODS	06
II	MEDIATION, CONCILIATION AND NEGOTIATION	07
III	LEGISLATIVE FRAMEWORK AND RECENT DEVELOPMENTS	08
IV	PRE NEUTRAL EVALUATION AND LOK ADALAT	06
V	ARBITRATION AND CONCILIATION ACT, 1996 AND ITS PROCEDURE	05
VI	ASSESSMENT OF VARIOUS ADR METHODS IN A COMPARITIVE PERSPECTIVE	05

VII	RECENT JUDICIAL TRENDS	05
VIII	PRACTICAL/SKILL DEVELOPMENT SESSIONS	05

DETAILED SYLLABUS

UNIT	CONTENT
Module 1: INTRODUCTION OF ALTERNATIVE DISPUTE RESOLUTIONS	Introduction- Concept of ADR – History and Reasons for the growth of ADR – Advantages and Disadvantages of ADR – Legislative and Judicial Sanction for ADR – Important forms of ADR – Negotiation – Mediation - Conciliation - Arbitration – Lok- adalat.
Module II: MEDIATION, CONCILIATION AND NEGOTIATION	Mediation, History of Mediation, techniques to conduct mediation, Role of Mediator in mediation process – Conciliation, Difference between Mediation and Conciliation, Techniques to conduct Conciliation, Role of Conciliator in Conciliation process, Conciliation process in India- Concept of negotiation, Process of Negotiation.
Module III: LEGISLATIVE FRAMEWORK AND RECENT DEVELOPMENTS	Statutory & non statutory forms of ADR, provisions under the CPC, 1908, Arbitration Act, 1996, Relevant provisions in Industrial Disputes Act, 1947, Pre litigation mediation in commercial courts Act, 2015, Rera Legislations.
Module IV: PRE NEUTRAL EVALUATION AND LOK ADALAT	Choice of relevant method, Concept of Pre Neutral Evaluation – Judicial Settlement, Lok Adalat, provisions under Legal Services Authorities Act, 1987, enforceability of settlement and role of neutral

Module V: ARBITRATION AND CONCILIATION ACT, 1996 AND ITS PROCEDURE	Arbitration Agreement – essentials, Competence- Competence of arbitral tribunal to rule on its jurisdiction - Interim measures ordered by arbitral tribunal, Equal treatment of parties - Determination of rules of procedure - Arbitration process, Arbitral award and its enforcement.
Module VI: ASSESSMENT OF VARIOUS ADR METHODS IN A COMPARITIVE PERSPECTIVE	Negotiation Strategies- Mediation Techniques- Conciliation Process- Social Dimensions & Cultural Approaches- Legal & Jurisdictional factors- Rules of Major ADR Institutions- Legislative & Judicial Approaches in other select countries (US, UK, Canada, Australia, Germany, France, Sweden, Singapore & South Africa)- International Initiatives & Global Standards
Module VII: RECENT EMERGING TRENDS	Institutional v. Adhoc ADR Process- Court Annexed Mediation- Negotiation & Statutory Mediation/ Conciliation-Recent Development- Judicial Approach- Role of High courts & Supreme Court-Latest Judicial Prouncements- Contemporary Approach & Harmonization Process
Module VIII: PRACTICAL/SKIL L DEVELOPMENT SESSIONS	Training sessions based on hypothetical problems- Communication skills, Client counseling, Negotiation standards – Mediation Techniques- Settlement formula- Assessment of Advantages & Disadvantages of different kinds of ADR Methods

READINGS:

Suggested Readings:

- 1) O.P. Malothra, *The Law and Practice of Arbitration & Conciliation* (LexisNexis Butterworths, New Delhi).
- 2) P.C. Rao & William Sheffield, ed., *Alternative Disputes Resolution- What it is and how it works?* (Universal Law Publishing Co. Pvt. Ltd., New Delhi).
- 3) Surendra Malik, *Supreme Court on Arbitration* (Eastern Book Co, Lucknow).

- 4) Annual Survey of Indian Law, (ILI, New Delhi).
- 5) A. Redfern and M. Hunter, *Law and Practice of International Commercial Arbitration* (Student Edition, Sweet and Maxwell, London).

Statutes to be Referred:

- 1) Arbitration and Conciliation Act, 1996
- 2) Arbitration and Conciliation (Amendment) Act, 2015
- 3) Arbitration and Conciliation (Amendment) Act, 2019
- 4) Legal Services Authorities Act, 1987
- 5) UNCITRAL Model Law, 1985

Case Law: The relevant updated Case Law will be provided before the relevant Class.



CORPORATE LAW - II
SEMESTER VI | B.A. LL.B. (Hons.)
SYLLABUS (SESSION January-June)

Faculty	Prof. (Dr.) Jaya Vasudevan, Dr. Anindhya Tiwari, and Mr. Mayank Shrivastava	Year/ Semester	3 rd Year / VI semester
Course Name	Corporate Law-II	Each Session Duration	1 hour
No of Classes/Week	05	No. of Credits	04
No of Contact Hours	60 (50 Lectures + 10 Tutorial)	Pre-requisite	1. Corporate Law – I 2. Law of Contracts 3. Introductions to Tax Law
Course Objectives and Pedagogy	<p>The course aims to develop insights to the Company matters in detail. It contains the provisions regarding management and control of the affairs of the company including its winding up and insolvency. The relevant provisions of the Companies Act, 2013 along with relevant rules made by SEBI must be studied with case laws.</p> <ol style="list-style-type: none"> 1. To give an insight Managerial aspects of Company Legislation in India. 2. To understand the actual working of the Company in India. 3. Understanding of the Company democracy and its control theory in detail. 4. To introduce to the students the contours of the Corporate Law II along with SEBI Guidelines, Secretarial Standards rules for execution and case 		

	laws.
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EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Continuous Internal Assessments (1,2 and 3)	25
Mid Term Examination	25
End Term Examination	50
Total	100

Note: Pass marks 50% of the final Grade

COURSE PLAN

S. No.	Topics	Lecture Sessions
1.	CORPORATE MANAGEMENT	15
2.	CORPORATE ABUSES AND REMEDIES	15
3.	CORPORATE GOVERNANCE	12
4.	CORPORATE SOCIAL RESPONSIBILITY	8
5.	CORPORATE BREAKDOWN	10
Total Lecture Hours		60

DETAILED SYLLABUS FOR (B.A.LL.B. HONS.) CORPORATE LAW – II: VI SEMESTER

Unit	Content
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<p>Module 1</p>	<p>Corporate Management in India</p> <ol style="list-style-type: none"> a. Corporate Meetings and Resolution - Requisites of a Valid Meeting b. Proxy Advisory Firms c. Directors- Concept and Meaning and Legal Position d. Kinds of Directors under the 2013 Act e. Persons in a managerial capacity- Managing Director, Whole-time Director & Manager f. Shadow Directors, De-jure/De-facto Directors-Concept & inter-relationship g. Independent Director- relevance, code of ethics h. Qualification, Appointment, and Removal i. Powers, Duties, and Liabilities
<p>Module 2</p>	<p>Corporate Abuses and Remedies:</p> <ol style="list-style-type: none"> a. Majority Powers and Minority Rights b. Principle of Non-Interference (Rule established in Foss v Harbottle) c. Protection against Oppression d. Protection against Mis-management e. Class Action Suits under Companies Act-2013 f. Role of Central Government and authorities – inspection, inquiry, and investigation g. Penalties and Offences h. Establishment of Tribunals and Special Courts
<p>Module 3</p>	<p>Corporate Governance:</p> <ol style="list-style-type: none"> a. Corporate Governance-Basics and Concept: b. Corporate Governance- The need for Regulation c. Evolution, scope, and relevance – Committees and their recommendations d. Models and Principles of Corporate Governance e. Corporate Governance vis-à-vis Companies Act 2013

Module 4	Corporate Social Responsibility: Corporate Social Responsibility- Meaning, Concept and Relevance <ol style="list-style-type: none"> a. Historical Backdrop b. Position in India - CSR and Companies Act, 2013 c. CSR and Corporate Frauds
Module 5	Corporate Breakdown <ol style="list-style-type: none"> a. Introduction to Corporate Insolvency b. Meaning of Winding c. Winding up, Liquidation and Dissolution d. Modes of Winding up e. Winding up by the Tribunal -Analysis of grounds f. Liquidators- Appointment, Powers and Functions g. Removal of Name of Companies

Statutes & Regulations:

1. Companies Act, 2013
2. Securities and Exchange Board of India Act,1992
3. Multiple SEBI Regulations (as per Section 30 of SEBI Act, 1992)
4. Depositories Act, 1996
5. Securities Contract Regulation Act, 1956

Important Committee Reports :

1. Kumar Mangalam Birla Committee
2. Naresh Chandra Committee
3. N.R. Narayan Murthy Committee
4. Irani Committee
5. Cadbury Committee

Text Books and Suggested Readings:

1. Ramaiyya, *Guide to Companies Act,2013.*
2. Charlesworth & Morse, *Company Law.*

3. Gower & Davies, *Principles of Modern Company Law*.
4. T.P. Ghosh, *Companies Act*, 2013.
5. Kamal Gupta, *C.R. Dutta on The Company Law*
6. Nicholas Bourne, *Principles of Company Law*.
7. Pennington, *Company Law*.
8. Palmer, *Company Law*.
9. *150 Leading Cases, Company Law*, Chris Shpherd.
10. K. Majumdar, Dr. G. K. Kapoor *Company Law & Practices*, Taxman.
11. Avtar Singh, *Company Law*.
12. Len Sealy & Sarah Worthington, *Cases and Materials in Company Law*.
Oxford University Press

Relevant Cases

1. Percival v. Wright (1902) 2 Ch. 421 133
2. Burland v. Earle (1902) AC 83 : (1900-03) All ER Rep. 1452 137
3. City Equitable Fire Insurance Co., Re (1925) Ch. 407
4. Regal (Hastings) Ltd. v. Gulliver (1967) 2 A.C. 134 (HL) 144
5. Industrial Development Consultants Ltd. v. Cooley (1972) 1 WLR 443
6. Standard Chartered Bank v. Pakistan National Shipping Copn. (2003) 1 All ER 173 (HL)
7. Foss v. Harbottle (1843) 2 Hare 461 : (1843) 67 ER 189
8. H.R. Harmer Ltd., Re (1958) 3 All E.R. 689
9. Scottish Co-operative Wholesale Society, Ltd. v. Meyer 1959 AC 324
10. Shanti Prasad Jain v. Kalinga Tubes Ltd., AIR 1965 SC 1535 199
11. Rajahmundry Electric Supply Corporation Ltd. v. A. Nageshwara Rao, AIR 1956 SC 213 215
12. Bharat Insurance Co. Ltd. v. Kanhaiya Lal, AIR 1935 Lah. 792 219
13. Needle Industries (India) Ltd. v. Needle Industries Newey (India) Holdings Ltd., AIR 1981 SC 1298
14. M.S.D.C. Radharamanan v. M.S.D. Chandrasekara Raqja (2008) 6 SCC 750 : AIR 2008 SC 1738
15. German Date Coffee Co., In Re (1882) 20 Ch. D. 169

16. Seth Mohan Lal v. Grain Chambers Ltd., AIR 1968 SC 772 247
17. Aluminum Corporation of India Ltd. v. M/s. Lakshmi Rattan Cotton Mills Co. Ltd., AIR 1970 All. 452
18. Yenidje Tobacco Co. Ltd., Re (1916) 2 Ch. D. 169
19. Madras Bar Association V. Union of India & Anr. Writ Petition (C) No. 1072 OF 2013 Decision on 14th May, 2015.



INTELLECTUAL PROPERTY RIGHTS (Compulsory Paper)
SEMESTER VI | B.A., LL.B. (HONS.)
SESSION JAN-JUNE

Faculty	Ms. Debmita Mondal, Ms. Garima Pawar	Year/ Term	3 rd Year / VI semester
Course Name	Intellectual Property Rights	Each Session Duration	1 hour
No of Classes/Week	05	No. of Credits	04
No of Contact	60 (50 Lectures + 10 Tutorial Classes)		

Hours	
Introduction, Course Objective & Pedagogy	<p>Intellectual Property Rights in general refers to the set of intangible assets including invention, creation, and contribution to the contemporaneous field of knowledge which is owned and legally protected by an individual or company. The economic growth, financial incentive and motivation for advanced innovations imbedded in the balanced legal protection of Intellectual Property Rights entails proficient, directed and timely updated guidance in the field of Intellectual Property Rights. Intellectual property has increasingly assumed a vital role with the rapid pace of technological, scientific and medical innovation that we are witnessing today. Moreover, changes in the global economic environment have influenced the development of business models where intellectual property is a central element establishing value and potential growth. In India several new legislations for the protection of intellectual property rights (IPRs) have been passed to meet the international obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).</p> <p>Intellectual property has therefore grown into one of the world's biggest and fastest-growing fields of law thereby necessitating the demand for IP professionals well versed in this area to deal with (IPRs) across the national and international borders. Therefore, this syllabus has been prepared to provide the students with a wide perspective and in-depth knowledge in intellectual property to enable them to get solid grounding in the legislative framework, practice and procedure of the intellectual property protected through patents, trademarks, copyrights, designs and geographical indications. The course contents have been so designed as to develop specialized skills in the corpus and complexities of the</p>

	<p>different aspects of the subject besides meeting the requirements of a future career in this area.</p> <p><u>COURSE OBJECTIVES:</u></p> <p>CO1: To introduce the students to the various types of Intellectual Property i.e., Copyright, Patent, Trademark, Design and so on.</p> <p>CO2: To familiarize the students with the procedure of filing of patents, trademark in India and abroad.</p> <p>CO3: To develop a broad understanding of the Intellectual Property and specific remedies available for infringement of Intellectual Property; and,</p> <p>CO4: To enable the students to critically appreciate the emerging issues in Intellectual Property Law.</p> <p><u>PEDAGOGY:</u></p> <p>The teaching methods will include Lectures, PowerPoint Presentations, documentaries, discussion and debate on various topics under the Intellectual Property Law and related emerging issues.</p>
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LEARNING OUTCOMES: Through the curriculum, the students will be able to comprehend the basic fundamentals and principles of intellectual property rights. In addition, after successful completion of the course, the students will be able to:

LO1- Get introduced to the various types of Intellectual Property i.e., Copyright, Patent, Trademark, Design and so on.

LO2 – Get equipped with the acumen to implement the law to various issues and familiarize with the procedure of filing of patents, trademark in India and abroad

LO3- Examine and analyze emerging concepts of intellectual property rights in the digital era and come up with viable and pragmatic solutions to various problems

LO4 – Develop analytical and research skills and produce quality research work in the domain of intellectual property laws.

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Mid Term Examination	25
End term Examination	50
Continuous Internal Assessments/Project	25
Total	100

COURSE PLAN:

Module No	Title of the Module	Lecture Sessions
I	Introduction	10
II	Copyright Law	13
III	Patent Law	13
IV	Trademark Law	13
V	Designs, GI and other forms of IP	11

DETAILED SYLLABUS

Unit	Content
MODULE I- INTRODUCTION	<ol style="list-style-type: none"> 1. Basic concept of Intellectual Property 2. Characteristics and Nature of Intellectual Property right 3. Justifications for protection of IP

	<ol style="list-style-type: none"> 4. Digital Developments and IPRs 5. Major International Instruments relating to the protection of IP <ol style="list-style-type: none"> i. Berne Convention ii. Paris Convention iii. TRIPS
MODULE II- COPYRIGHT LAW	<ol style="list-style-type: none"> 1. Meaning 2. Subject matter <ol style="list-style-type: none"> i. Original literary, dramatic, musical, artistic works ii. Cinematograph films iii. Sound recordings 3. Ownership of copyright 4. Term of copyright 5. Rights of owner <ol style="list-style-type: none"> i. Economic Rights ii. Moral Rights 6. Assignment and license (including basic concept of statutory and compulsory license) of rights 7. Performers rights and Broadcasters rights 8. Infringement of copyright 9. Fair use and Fair Dealing concepts
MODULE III – PATENT LAW	<ol style="list-style-type: none"> 1. Meaning 2. Criteria for obtaining patents <ol style="list-style-type: none"> i. Novelty ii. Utility iii. Non-obviousness 3. Non patentable inventions 4. Procedure for registration, Term of Patent, Rights of patentee 5. Basic concept of Compulsory license and Government use of patent 6. Infringement of patents and remedies in case of infringement

<p>MODULE IV - TRADEMARK LAW</p>	<ol style="list-style-type: none"> 1. Meaning of mark, trademark 2. Categories of Trademark: Conventional and Non-conventional Marks 3. Concept of distinctiveness 4. Absolute and relative grounds of refusal 5. Doctrine of honest concurrent use 6. Procedure for registration and Term of protection 7. Assignment and licensing of marks 8. Infringement and Passing Off
<p>MODULE V - DESIGNS, GI AND OTHER FORMS OF IP</p>	<ol style="list-style-type: none"> 1. Designs <ol style="list-style-type: none"> 1. Meaning of design protection 2. Concept of original design 3. Term of protection 2. Geographical Indication <ol style="list-style-type: none"> 1. Meaning of GI 2. Difference between GI and Trade Marks 3. Concept of Authorized user and registered Proprietors 4. Challenges in protection of GI 3. Trade-secret <ol style="list-style-type: none"> 1. Meaning 2. Criteria of Protection 4. Plant Variety Protection and Farmer's Right <ol style="list-style-type: none"> 1. Meaning 2. Criteria of protection

RECOMMENDED READINGS:

STATUTES:

1. The Copyright Act, 1957
2. The Patent Act, 1970

3. The Trade Marks Act, 1999
4. The Designs Act, 2000
5. The Geographical Indication of Goods Act, 1999
6. The Protection of Plant Varieties and Farmers' Rights Act, 2001

CASES:

TRADEMARKS: -

1. Bigtree Entertainment Pvt. Ltd. v. Brain Seed Sportainment Pvt. Ltd. &Anr.
2. Cadbury India Limited and Ors. v. Neeraj Food Products
3. Cadila Healthcare Ltd. v. Cadila Pharmaceutical Ltd.
4. Carlsberg Breweries v. Som Distilleries and Breweries Limited
5. Christian Louboutin SAS v. Abubaker &Ors.
6. Christian Louboutin SAS v. Mr. Pawan Kumar &Ors.
7. Corn Products Refining Co. v. Shangrila Food Products Ltd.
8. Crocs Inc Usa v. Bata India Ltd &Ors
9. ErwenWarnink BV v. J.Townend& Sons
10. Glenmark Pharmaceuticals Ltd. v. Curetech Skincare and Galpha Laboratories Ltd.
11. Godfrey Phillips India Ltd. V. P.T.I. Pvt. Ltd.
12. ITC Ltd. v. Britannia Industries
13. James Chadwick & Bros. Ltd. v. The National Sewing Thread Co. Ltd
14. Kaviraj Pandit Durga Dutt Sharma v. Navratna Pharmaceutical Laboratories
15. M/s. Castrol Limited &Anr. v. Iqbal Singh Chawla &Anr.
16. M/s. Nandini Deluxe v. M/s. Karnataka Co-Operative Milk Producers FederationLtd.
17. N.R. Dongre . Whirlpool Corporation Inc.
18. Pidilite Industries Limited v. Poma-Ex Products &Ors.

19. Puma Se &Anr. V. Nikhil Thermoplast Ltd. &Ors.
20. Royal Orchid Hotels Ltd. v. Kamat Hotels (India) Ltd
21. S. Syed Mohideen v. P. Sulochana Bai
22. Sun Pharma Laboratories Ltd. v. Lupin Ltd. &Anr.
23. Yahoo Inc. v. MrRinshadRinu&Ors.

PATENTS: -

1. Bajaj Auto Limited Vs. TVS Motor Company Limited
2. Bayer Corporation vs Union Of India
3. Dr Snehlata C. Gupte v. Union of India &Ors
4. F. Hoffmann-La Roche Ltd vs Cipla Ltd., Mumbai Central
5. Guangxi liugong Machinery Co. Ltd. Vs J.C. Bamford excavators
6. Koninklijke Philips Electronics N.V. v Rajesh Bansal &Ors.
7. M/S. Iritech Inc. vs The Controller Of Patents
8. Merck Sharp & Dohme Corporation &Anr. v. Aprica Pharmaceuticals Private Limited
9. Monsanto Technology LLC &Ors Vs. Nuziveedu Seeds Ltd &Ors
10. Novartis v. Union of India
11. Nuziveedu Seeds Ltd. And Ors. Vs Monsanto Technology LLC and Ors.
12. Shamnad Basheer vs Union of India &Ors.

DESIGNS: -

1. Carlsberg Breweries A/S v. Som Distilleries and Breweries.
2. Cello Household Products v. M/S Modware India and Anr.
3. Holland Company LP and Anr. v. S.P. Industries
4. Kent RO Systems Ltd &Anr. v. Amit Kotak &Ors.

5. Krishna Plastic Industries v. Controller of Patents and Designs
6. M/S Crocs Inc. USA v. Liberty Shoes Ltd. &Ors.
7. Vega Auto Accessories (P) Ltd. v SK Jain Bros Helmet (I) Pvt. Ltd.

COPYRIGHTS: -

1. B.K. Dani v/s State of M.P
2. Brooke Bond India Limited vs Balaji Tea (India) Pvt. Ltd
3. Fermat Education v. M/S Sorting Hat Technologies Ltd.
4. India TV Independent News Services Pvt. Ltd. vs Yashraj Films Pvt. Ltd
5. Indian Performing Right Society Ltd v/s. Eastern India Motion Picture Association
6. My Space Inc. v. Super Cassettes Industries Limited
7. Neetu Singh v. Rajiv Saumitra&Ors.
8. R.G Anand vs M/S. Delux Films &Ors
9. Sanjay Kumar Gupta &Anr. v.Sony Pictures Networks India Pvt. Ltd. &Ors.
10. The Chancellor, Masters and Scholars of the University of Oxford v Rameshwari Photocopy Services
11. Universal Music (India) Pvt. Ltd. vs Trimurti Films Pvt. Ltd.

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4. Ananth Padmanabhan, *Intellectual Property Rights Infringement and Remedies*, Lexis Nexis, 2012
5. Elizabeth Verkey, *Law of Plant Varieties Protection*, Eastern Book Company, 2007
6. Feroz Ali Khader, *The Law of Patents-With a Special Focus on Pharmaceuticals in India*, LexisNexis, 2nd Edition, 2011
7. Gopalakrishnan and Agitha, *Principles of Intellectual Property*, Eastern

- Book Co., 2006
8. K C Kailasam and RamuVedaraman, *Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications*, Lexis Nexis, 2013
 9. Lionel Bently & Brad Sherman, *Intellectual Property Law*, Oxford University Press, 3rd Edition, 2008
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 11. Rama Sharma, *Commentary on Intellectual Property Laws*, Wadhwaand Co., Nagpur, Vol. 1, 2007 19.
 12. Rama Sharma, *Commentary on Intellectual Property Laws*, Wadhwaand Co., Nagpur, Vol. 2, 2007
 13. W R Cornish, *Intellectual Property: Patents Copyright Trademarks and allied rights*, Sweet & Maxwell, London, 2010.
 14. Wadehra B.L., *Law Relating to Intellectual Property*, 5th Edition (Reprint), Universal Law Publishing, 2016

ONLINE AVAILABLE BOOKS (In HNLU Digital Library/Open Access Platform):

- https://www.google.co.in/books/edition/The_Copyright_Book/DZSoAwAAQBAJ?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover
- https://www.google.co.in/books/edition/Patent_IPR_Licensing_Technology_Commerci/fNE1DwAAQBAJ?hl=en&gbpv=0

ONLINE ARTICLES/BLOGS/REPORTS:

- Copyright – Economic and Moral Rights, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- Originality Requirements in Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- LexOrbis, India: Revisiting The Doctrines In Copyright: The Oxford Dispute available at <https://www.mondaq.com/india/copyright/70858/revisiting-the-doctrines-in-copyright-the-oxford-dispute>

- Ishan Sambhar, India: Assignment And Licensing Of Copyright available at <https://www.mondaq.com/india/copyright/854828/assignment-and-licensing-of-copyright>
- Subject-matter Requirement in Indian Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- SUPER CASSETTES INDUSTRIES V. MYSPACE INC AND ANR., available at [Super Cassettes Industries v. Myspace Inc and Anr. | BananaIP](#)
- Copyright – Fair Dealing, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
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- Lok Sabha Debates, <http://loksabhaph.nic.in/Debates/Result15.aspx?dbsl=7562>
- [https://ipindia.gov.in/writereaddata/Portal/Images/pdf/Manual for Patent Office Practice and Procedure .pdf](https://ipindia.gov.in/writereaddata/Portal/Images/pdf/Manual_for_Patent_Office_Practice_and_Procedure_.pdf)

BLOGS/CHANNELS/PODCASTS:

1. E-PG Pathshala available at <https://www.youtube.com/channel/UCgNgdBmRmUFG2SPTyQ5WRUg>
2. World Intellectual Property Organisation available at <https://www.youtube.com/user/wipo/videos>



PUBLIC POLICY PROCESS (PPP) (MAJORS PAPER)
SEMESTER VI | B.A. LL.B. (HONS)
SESSION JAN-JUNE

Faculty	Dr. Avinash Samal	Year/ Semester	Year-III/Semester-VI
Course Name	Public Policy Process	No. of Credits	4
Course Code	PPP	Session Duration	1 hour
No of Contact Hours	60 Lectures + 10 Tutorials = 60 hours	Pre-Requisite	Understanding of functioning of Political Systems and Law-Making Process in India and abroad

Introduction:

Public policy and governance are closely related to each other. As the key instrument of governance, public policy affects each and every aspect of our life from cradle to the grave. Therefore, an understanding of the processes by which public policy is actually made and the institutions and actors which play a role in this process is vital for informed citizens and for all of us interested in improving the quality of governance and promoting 'good governance'. It not only offers useful insights into 'why' and 'how' policies are formulated

and implemented, and ‘succeed’ or ‘fail’, but also offers strategic choices and options necessary for coalition/support building for appropriate and effective policy formulation and implementation. This may ultimately lead to ensuring good governance.

This course on Public Policy essentially aims at familiarizing the students with the complexities of governance and policy processes. Outlining the meaning, nature, scope and significance of public policy, it examines various approaches to and models of studying public policy. The course equips the students with the public policy-making processes including the institutions and actors involved in policy formulation and implementation and the dynamics that influence policy formulation. Discussing policy implementation in the context of various theories of organization, it highlights the role of bureaucracy and other actors in policy implementation. Further, the focus on challenges of policy implementation provides the students with the knowledge of how socio-economic and political forces like, caste, class, community, rural power structure, politician-bureaucratic nexus, etc. impinge on and influence policy implementation. Finally, it tries to acquaint the students with the process of policy evaluation and policy analysis.

Objectives:

- To give an insight into the complex nature of policy processes and its significance from the perspective of improving the quality of governance and ensuring good governance;
- To acquaint students with the key concepts and theoretical frameworks for understanding and analyzing the policy making process;
- To provide an overview of the actors and institutions which play critical roles in the policy formulation as well as policy implementation;
- To introduce the students to the theories of organization in general and the theory of bureaucracy in particular and the role it plays in policy implementation;
- To acquaint the students with the constraints and challenges of policy implementation and show how socio-economic and political forces like, caste, class, community, rural power structure, politician-bureaucratic nexus, etc. impinge on and influence policy implementation; and
- To acquaint the students with the concept and practice of policy evaluation and policy analysis which constitutes important stages in the policy process.

Pedagogy:

The course will be taught through lectures, shared materials, debates and discussion on current issues of policy importance.

Learning Outcomes:

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

- Understand the concept and practice of public policy and its interconnection with governance;

- learn the key concepts and theoretical approaches to the study and understanding of public policy and apply them to understand and analyse public policies in the real-world situation;
- understand the role played by various actors and institutions in the making of public policies and the complexities of their interactions in the policy process;
- develop critical thinking capacity about public policy process and can carry out independent research and policy analysis on major issues affecting our society, economy and the polity;
- critically engage in debates, discussion, analysis and evaluation of public policies and programs;
- express their ideas thoughtfully and confidently; and
- produce scientific solutions to the problems affecting the society and economy.

Scheme of Evaluation:**Total: 100 Marks**

Mid-Semester Examination:	25 Marks
Internal Assessments/Projects: (Class Tests, Quizzes, Book Reviews, Review of Articles, Documentaries and Simulation Exercises)	25 Marks
End-Semester Examination:	50 Marks

*Note: Pass mark is 50% of the total marks.

Complete Syllabus of Public Policy Process (Semester – VI)

Module	Course Description	No. of Hours
1.	Public Policy: Meaning, Definition, Scope and Significance 1.1 Meaning of Public Policy 1.2 Defining Public Policy 1.3 Typology of Public Policies 1.4 Nature and Scope of Public Policy 1.5 Significance of Studying Public Policy 1.6 Public Policy and Law 1.7 Public Policy and Governance 1.8 Public Policy, Law and Governance – The Integral Connection 1.9 Public Policy and Public Administration	4
2.	Approaches to and Models of Studying of Public Policy 2.1 What is an approach and Why should we take an approach to study public policies? 2.2 Politics-Administration Dichotomy Approach 2.3 Systems Approach 2.4 Group Theory Approach 2.5 Class Analysis (Marxist) Approach 2.6 Elite Theory Approach 2.7 Institutional or Statist Approach 2.8 Rational Choice Approach	4

3.	Public Policy-Making Processes 3.1 What is Public Policy Process? 3.2 'Policy Cycle' Framework or Stages Model of Policy Process 3.3 Early Versions of 'Stages Model' of Policy Process 3.4 Various Stages of the Policy Process 3.5 Advantages and Disadvantages of Stages Model	4
4.	Official Actors and Institutions in Policy Formulation 4.1 Legislature 4.2 Executive (Political & Permanent) 4.3 Judiciary 4.4 Independent Regulatory Agencies 4.5 Factors Affecting Policy Formulation – Capacity of State (Strong State/Weak State/Soft State) 4.6 Nature of State (Unitary/Federal) and Policy Formulation 4.7 The Linkage between Various State Institutions (Legislature, Executive and Judiciary) 4.8 International Institutional Framework (International Political Systems, International Financial Institutions, International Regimes)	8
5.	Unofficial Actors in Policy Formulation 5.1 Pressure Groups/Interest Groups 5.2 Political Parties 5.3 General Public/Citizens 5.4 Universities/Research Organizations and Policy Think-Tanks 5.5 Mass Media	4
6.	Policy Implementation: Organizational Set-Up and Its Role 6.1 Classical and Behavioural Theories of Organization 6.2 Bureaucratic Theory of Organization 6.3 Role of Bureaucracy in Policy Implementation 6.4 Street Level Bureaucracy 6.5 Development Administration at District, Block and Panchayat Level 6.6 Role of Governmental and Non-Governmental Organizations in Policy Implementation	14
7.	Policy Implementation: Problems and Challenges 7.1 Caste, class and community 7.2 Rural power structure and the dominance of local elites 7.3 Politician-bureaucratic nexus 7.4 Issues of acceptability, resistance and ownership 7.5 Specific Cases of Policy Implementation (Case Studies)	4
8.	Policy Evaluation 8.1 Meaning and Objectives of Policy Evaluation 8.2 Importance of Policy Evaluation 8.3 Actors in Policy Evaluation 8.4 Policy and Program Evaluation 8.5 Types/Stages of Policy Evaluation	4
9.	Policy Analysis 9.1 Meaning and Objectives of Policy Analysis 9.2 Methods of Policy Analysis	4

	9.3 Policy Analysis in Practice	
	9.4 Communicating Policy Analysis	
	9.5 Policy Analysis and Policy Evaluation	

Suggested Readings:

- Anderson, James E. (2000). *Public Policy-Making: An Introduction*. Boston: Houghton Mifflin.
- Birkland, Thomas A. (2001). *An Introduction to the Policy Process: Theories, Concepts and Models of Public Policy Making*. New York: M. E. Sharpe Inc.
- Bonser, Charles E., Eugene B. McGregor, Jr. and Clinton V. Oster, Jr. (1996). *Policy Choices and Public Action*. Upper Saddle River, New Jersey: Prentice-Hall Inc.
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- Sabatier, Paul A. and Daniel A. Mazmanian (1989). *Implementation and Public Policy*, Lanham: University Press of America.
- Theodoulou, Stella Z. and Matthew A. Cahn (1995). *Public Policy: Essential Readings*. Upper Saddle River, New Jersey: Prentice Hall.

