



**SEMESTER VIII | B.A.LL.B. (HONS.)
SYLLABUS (SESSION: JAN-JUN 2023)**

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LAW OF TRADEMARK (HONOURS)

SEMESTER VIII | B.A.LL.B. (HONS.)

SYLLABUS (SESSION: JAN-JUNE)

Faculty	Ms. Urvi Shrivastava	Year/ Term	4 TH Year / VIII Semester
Course Name	Law of Trademark	Each Session Duration	1 hour
No of Classes/Week	05	No. of Credits	06
No of Contact Hours	60 (50 Lectures + 10 Tutorial Classes)		
Introduction, Course Objective & Pedagogy	<p>A trademark is a symbol or name on a particular good which indicates its distinctive origin or ownership of merchandise exclusively to its owner, thus making it a remote possibility for other companies to manipulate with its brand value and source. In other words, the trademark usually serves as a badge of origin, loyalty, and affiliation. Trademark plays a significant role in promotion of goods and services as it provides information about the quality of the goods. It facilitates any enterprise to obtain individual rights to use, allocate or allot a trademark which can be done through the process of Trademark Registration. India has a huge competitive market for business where there are huge numbers of new as well as identical brands or products that keeps rising every day. At this point, protecting your trademark becomes essential to prevent anybody from taking the benefits of your brand name or Trademark. Such registration furnishes an exclusive right to the owner and also differentiates the goods from other similar goods from other businesses. Trademark demonstrates as intangible assets for the owner and also protects the brand for a period of 10 years. For this purpose a few course objectives for the course have been developed, they are-</p> <p>CO1 - To understand the concept of mark, their usage and influence in development of trademark law. CO2 - To study the international legal instruments and the norm/rules set governing trademarks. CO3 - To examine the conventional as well as emerging new types of marks and their protectability. CO4 - To analyze the commercialization channels and mechanisms of trade marks. CO5 - To recognize the grounds of infringement of marks, remedies, exceptions and defenses.</p> <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 enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts.</p>		

LEARNING OUTCOMES: Through the curriculum, the students will be introduced to the more in-depth understanding of Law of Trademarks and issues relating to it. At the end of the course -

- The learner will be able to comprehend the meaning and commercial relevance of trademarks.
- The learner will become acquainted with the international legal framework dealing with trademarks.
- The learner will be able to analyze and explain various jurisprudential aspects pertaining to trademarks.
- The learners will be able to demonstrate the legal implications relating to trademark infringement and passing-off.
- The learners will become familiar with the cutting-edge developments in the commercial arena relating to trademarks.

EVALUATION COMPONENTS –

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

*Note: Pass marks 50% of the final Grade

COURSE PLAN

S.No.	Topics	Lecture Sessions (inapprox..)
1	Introduction and historical development of trademark law	1-5
2	International Legal Instruments Relating to Trademark law	6-10
3	Subject and criteria of protection under Trademark law	11-18
4	Registration of Trademarks	19-24
5	Commercial dealing in Trademarks	25-28
6	Enforcement of Trademark Rights	29-36
7	Contemporary Issues in Trademark Law	37-44
8	Wrap-up and revision	45-50

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION	1. Meaning and characteristics of trademark 2. Evolution of trademark law 3. Justification for legal protection of trademark Foundations and Functions of trademark
Module 2 INTERNATIONAL LEGAL INSTRUMENTS RELATING TO TRADEMARK LAW	1. Paris Convention for The Protection of Industrial Property, 1883 2. Trade Related Aspects of Intellectual Property Rights (TRIPs), 1995. 3. Madrid System for International Registration of Marks 4. Trademark Law Treaty, 1994. 5. Nice Agreement, 1957 (Nice classification of classes of goods & Services) 6. Vienna Agreement, 1973 (Vienna Classification)
Module 3 SUBJECT AND CRITERIA OF PROTECTION UNDER TRADEMARK LAW	1. Conventional TMs 2. Non-conventional TMs 3. Test of distinctiveness – Spectrum of distinctiveness 4. Grounds for refusal of TM protection.
Module 4 REGISTRATION OF TRADEMARK	1. Steps and applications in registration 2. Registration for certification trademark, collective trademark, well-known trademarks 3. Other procedures like rectification, cancellation, etc.
Module 5 COMMERCIAL DEALING IN TRADEMARKS	1. Assignment 2. Licensing 3. Transmission
Module 6 ENFORCEMENT OF TRADEMARK RIGHTS	1. Trademark infringement 2. Passing-off – The Trinity Test 3. Cross-border reputation and Trademark dilution 4. Defenses and Remedies 5. Provisions relating to use and application of Counterfeiting marks/False marks under IPC
Module 7 CONTEMPORARY ISSUES IN TRADEMARK LAW	1. Legality of Parallel Importation 2. Domain Name disputes and Cyber-squatting 3. Disparagement and Comparative Advertisement 4. Ambush Marketing – Types and Dimensions 5. Character and Celebrity Merchandizing – Personality Rights 6. Plain Packaging and Rights of Trademark owners 7. TM and Pharmaceutical Industry 8. TM and Block-chain Technology 9. Destination Branding and Trademarks 10. Trademark and Meta-tags

READINGS:**STATUTES, RULES AND REGULATIONS:**

- Trade Marks Act, 1999
- Trade Marks Rules, 2002
- Trade Marks Rule, 2017

CASE LAWS:

- *Cadbury India Ltd. v. Neeraj Food Products*, 2007 (35) PTC 95 (Del)
- *Celador Productions Ltd. v. Gaurav Mehrotra*, 2003 (26) PTC 140 (Del)
- *Cipla Limited v. Cipla Industries Pvt. Ltd.*, 2016 (67) PTC 509 (Bom)
- *Corning Inc. v. Raj Kumar Garg*, 2004 (28) PTC 257
- *F. Hoffman-La Roche & Co. Ltd. v. Geoffrey Manner & Co. (P) Ltd.*, (1969) 2 SCC 716
- *Geepee Ceval Proteins and Investment Pvt. Ltd. v. Saroj Oil Industry*, 2003 (27) PTC 190 (Del)
- *Godfrey Philips India Ltd. v. Girmar Food & Beverages (P) Ltd.*, (2004) 5 SCC 257
- *IREO Pvt. Ltd. v. Genesis Infratech Pvt. Ltd.*, 2014 (58) PTC 540 (Del)
- *ITC Limited v. Britannia Industries Ltd.*, 2016 (68) PTC 11 (Del)
- *ITC Limited v. Philip Morris Products SA*, (2010) 42 PTC 572 (Del)
- *Kores (India) Ltd. v. M/s Khoday Eshwarsa and Son*, 1984 Arb. L.R. 213 (Bom)
- *Laxmikant V. Patel v. Chetanbhat Shah*, AIR 2002 SC 275
- *M/s Biofarma v. Sanjay Medical Stores*, 1997 PTC (17) 355
- *M/s Hindustan Development Corporation Ltd. v. The Deputy Registrar of Trade Marks*, AIR 1955 Cal. 519
- *N.R. Dongre v. Whirlpool Corporation*, (1996) 5 SCC 714
- *Parle Products (P) Ltd. v. J.P. and Co.*, (1972) 1 SCC 618
- *Pfizer Products Inc. v. G.S. Pharmaceuticals Pvt. Ltd.*, 2013 (56) PTC 407 (Del)
- *Satyam Infoway Ltd. v. Sifynet Solutions (P) Ltd.*, (2004) 6 SCC 145
- *Shreya Life Sciences Pvt. Ltd. v. Magna Biochem Pvt. Ltd.*, 2008 (38) PTC 331 (Del)
- *Stiefel Laboratories, Inc. v. Ajanta Pharma Ltd.*, 2014 (59) PTC (Del)
- *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd.*, (2001) 5 SCC 73
- *Tata Sons Limited v. Gina Kilindo*, 2014 (57) PTC 415 (Del)

BOOKS AND ARTICLES:

- V.J. Taraporevala, *Law of Intellectual Property (Latest Edn.)*, Thomson Reuters

- V.K. Ahuja, *Law relating to Intellectual Property Rights (Latest Edn.)*, LexisNexis
- Manish Arora, *Guide to Trade Marks Law (Latest Edn.)*, Universal Publications
- Elizabeth Verky, *Intellectual Property Law and Practice*, EBC Reader
- Mathew Thomas, *Understanding Intellectual Property*, EBC Reader
- N. S. Gopalkrishnan, T G Agitha, *Principles of Intellectual Property*, EBC Reader
- WIPO Magazine, *Non-Traditional Marks: Smell, Sound and Taste* (Feb. 2009)
- Suman, Saurabh; Snehi, Sakshi, Exhaustion of Trademark Right and Parallel Importation, *International Journal of Law Management & Humanities*, Vol. 1, Issue 4 (October-November 2018), pp. 56-63
- Bodla, Niharika, Comparative Advertising and Trademark Infringement, *International Journal of Law Management & Humanities*, Vol. 3 Issue 3, pp. 596-606
- Vijayvargiya, Vishal, Plain Packaging of Tobacco Products: Need of the Hour, Economic and Social Development, *International Scientific Conference on Economic and Social Development*, Vol. 22, pp. 690-699
- Banerjee, Arpan, Goodwill in Passing Off Actions: In Search of Balance, *IDEA: The Law Review of the Franklin Pierce Center for Intellectual Property*, Vol. 59, Issue 1 (2018), pp. 1-24

ONLINE ARTICLES/BLOGS/REPORTS:

1. Summary of the Madrid Agreement Concerning the International Registration of Marks (1891) and the Protocol Relating to that Agreement (1989), available at wipo.int/treaties/en/registration/madrid/summary_madrid_marks.html
2. About the Vienna Classification, available at <https://www.wipo.int/classifications/vienna/en/preface.html>
3. Trademarks- Concept of Distinctiveness and grounds for refusal of trademarks registration, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
4. Well Known Trade Marks, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
5. Trade Mark Law: Civil and Criminal Remedies, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
6. Passing Off Action Under Trade Mark Law, available at <https://www.indianbarassociation.org/wp-content/uploads/2013/02/Passing-off-action-under-trade-mark-law.pdf>
7. India: Trans-Border Reputation: Protection Of Foreign Trade Marks In India, available at <https://www.mondaq.com/india/trademark/758124/trans-border-reputation--protection-of-foreign-trade-marks-in-india>

BLOGS/CHANNELS/PODCASTS

1. E-PG Pathshala available at <https://www.youtube.com/channel/UCgNgdBmRmUFG2SPTyQ5WRUg>

2. World Intellectual Property Organization available at <https://www.youtube.com/user/wipo/videos>
3. WIPOD – Arbitration and Mediation matters available at Spotify, Apple Podcasts, Google Podcasts
4. SPICY IP - <https://spicyip.com/>
5. IPR Law India - <https://iprlawindia.org/blog/>



CORPORATE FINANCE (HONOURS PAPER)

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

SYLLABUS (SESSION: JAN-JUNE)

Faculty Name	Dr Vipin Kumar, Mr. Amitesh Deshmukh, Mr. Mayank Srivastav	Year/ Semester	4/VIII
Course Name	Corporate Finance	No. of Credits	6
Course Code	NA	Session Duration	1 hour
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	The Law relating to Corporate Finance deals with the legal and regulatory structures of managing finance by corporate players. The ownership of bigger companies is dispersed in a wide array of persons - natural and juristic, and sources. However, the management of the organization's commercial activities is concentrated in the hands of a few executives who generally own a minuscule percentage of the issued share capital. The main objective of corporate finance is to		

	<p>acquire resources in the form of funds, either internally or externally. This is mainly done via two modes, equity and debt. The law relating to corporate finance attempts to regulate the management of finances by executives and protection of investors.</p> <p>The Course Objective is to develop an understanding about:</p> <p>CO1- the conceptualization of financial systems;</p> <p>CO2 -the concepts of and relating to Corporate Finance;</p> <p>CO3- insight(s) of legal structures for Corporate Finance;</p> <p>CO4- the object, process and rules of procuring finance through various sources;</p> <p>CO5- the emerging areas of study and research in Corporate Finance.</p> <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 enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts.</p>
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LEARNING OUTCOMES

Through the curriculum, the students will be introduced to the big picture of corporate finance and Law relating to it. At the end of the course, students will be able to:

- LO1-** Demonstrate the economic and legal dimensions of financial systems in general and corporate finance in particular
- LO2** – Be equipped with the knowledge of legal structures for Corporate Finance
- LO3** - The right balance of debt and equity capital to maximize value
- LO4** - Educate about the depositary system, fundraising for companies and dematerialization of securities
- LO5** - Elaborate on the concept and issues with emerging areas in corporate finance.

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	1-10
2	EQUITY FINANCE	11-26
3	DEBT FINANCE	27-42
4	CAPITAL MARKETS	43-52

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION	<ul style="list-style-type: none"> ● Corporate Form: Kinds of Companies, Corporate Groups and Distinctive Features ● Capital Structure: Types of Securities and Valuation ● Sources of Corporate Finance ● Regulatory Framework of Corporate Finance
Module 2 EQUITY FINANCE	<ul style="list-style-type: none"> ● Equity Funding: Types of Issues and Procedural Aspects ● Preference Shares: Non-Convertible and Redeemable ● Dividends to Shareholders ● Reduction of Share Capital ● Alternative Investment Funds ● Sweat Equity and ESOPs ● Real Estate Investment Trusts and Infrastructural Investment Trusts
Module 3 DEBT FINANCE	<ul style="list-style-type: none"> ● Debentures: Types and Regulatory Framework ● Deposits and Acceptance ● Banking Finance ● External Commercial Borrowings and Depository Receipts ● Securitization
Module 4 CAPITAL MARKETS	<ul style="list-style-type: none"> ● Capital Markets in India: Structural Framework ● Regulatory Framework of Capital Markets ● Listing of Securities in India ● International Listing

READINGS

STATUTES, RULES AND REGULATIONS:

1. Companies Act, 2013
2. Securities and Exchange Board of India Act, 1992
3. Companies Rules
4. SEBI Regulations
5. Securities Contracts (Regulations) Act, 1956
6. Depository Act, 1996

BOOKS AND ARTICLES

1. Alastair Hundson, *The Law on Financial Derivatives* (1998), Sweet & Maxwell.
2. Altman and Subramanian, *Recent Advances in Corporate Finance* (1985) LBC.
3. Aswath Damodaran, *Applied Corporate Finance*, Wiley, 4th ed, 2014.
4. Banerjee B., *Financial Policy and Management Accounting*, PHI Learning Private Limited, New Delhi, Eighth Edition, 2010.
5. Denzil Watson and Andhonyhead, *Corporate Finance Principles and Practice*, P.S. Arson Education Ltd.(2007).
6. Eilis Feran, *Company Law and Corporate finance*, (1999) Oxford.
7. Frank.B. Cross & Robert A. Prentice- *Law and Corporate Finance*, Edward Elgar Publishing Limited-U.K (2007).
8. Louise Gullifer, Jennifer Payne, *Corporate Finance Law Principles and Policy*, Bloomsbury (2020).
9. N. Gopalsamy, *Capital Market- The Indian Financial Scene*, Infinity Press, 2017.
10. Ramaiya A., *Guide to the Companies Law*, 2020.
11. Reinier Kraakman, John Armour, *et al.*, *The Anatomy of Corporate Law: A Comparative and Functional Approach*, Oxford Scholarship Online.
DOI:10.1093/acprof:oso/9780198739630.001.0001

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

1. Avtar Singh, *Company Law*, EBC 17th ed. 2018.
2. Brealey, Myers and Allen, *Principles of Corporate Finance*, McGraw Hill book company, 13th Edition,
[https://omidfa.ir/uploads/files/Richard A. Brealey, Stewart C. Myers, Franklin Allen - Principles of Corporate Finance-McGraw-Hill Education \(2020\).pdf](https://omidfa.ir/uploads/files/Richard A. Brealey, Stewart C. Myers, Franklin Allen - Principles of Corporate Finance-McGraw-Hill Education (2020).pdf)
3. Pierre Vernimmen, Yann Le Fur, *et al.*, *Corporate Finance: Theory and Practice, Fifth Edition*, John Wiley & Sons, Ltd (2017). DOI:10.1002/9781119424444
4. Richard A. Brealey, Stewart C. Myers, Franklin Allen, Pitabas Mohanty *Principles of Corporate Finance*, Tata McGraw Hill, 11th Edition, 2014

5. Ross Stephen A., Randolph W. Westerfield, Bradford D. Jordan, *Fundamentals of Corporate Finance*, Tata McGraw-Hill Publishing Company Limited, New Delhi, Sixth Edition, 2002, Chapter 1 and 5.
6. Ross, Westerfield, Jordan, *Fundamentals of Corporate Finance*, Tata McGraw Hill, 4th Edition.

ONLINE ARTICLES/BLOGS/REPORTS:

1. "Why Blockchain Will Fundamentally Change Corporate Finance", Wall Street Journal, <https://partners.wsj.com/oracle/blockchain-will-fundamentally-change-corporate-finance/>
2. CFA Institute, The Principle-Agent Problem in Finance <https://www.cfainstitute.org/-/media/documents/book/rlit-review/2014/rflr-v9-n1-1-1-pdf.pdf>
3. Corporate Finance Institute, American Depository Receipts, <https://corporatefinanceinstitute.com/resources/knowledge/trading-investing/american-depository-receipts/>
4. ICAI, Knowledge Bank, ADR/GDR, <http://kb.icai.org/pdfs/PDFFile5b28cd491996f8.36962095.pdf>
5. Nisith Desai Associates, *Debt Funding in India*, Jan. 2019, http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/Debt_Funding_in_India.pdf
6. OECD, New Approaches to SME and Entrepreneurship Financing: Broadening the Range of Instruments, <https://www.oecd.org/cfe/smes/New-Approaches-SME-full-report.pdf>
7. Reinier Kraakman et al., "The Anatomy of Corporate Law: A Comparative and Functional Approach," (Oxford University Press 2009). (Ch. 2)
8. Startup India, Startup Funding, <https://www.startupindia.gov.in/content/sih/en/funding.html>
9. Tandon, Suranjali and Garg, Akshay, How Do Companies Raise Capital in India? (March 1, 2021). Available at SSRN: <https://ssrn.com/abstract=3795069> or <http://dx.doi.org/10.2139/ssrn.3795069>
10. Vedat Akgirey, The Potential for Blockchain Technology in Corporate Governance, <https://www.oecd-ilibrary.org/docserver/ef4eba4c-en.pdf?expires=1641927533&id=id&accname=guest&checksum=08FD3C3BBFC3BADC E94D1491B94028C6>
11. Vidhi Centre for Legal Policy, Regulation Of Credit Rating Agencies In India, https://vidhilegalpolicy.in/wpcontent/uploads/2019/05/170731_CRAReport.pdf

BLOGS/CHANNELS/PODCASTS:

1. Prof.(Dr.)Aswath Damodaran, Professor, NYU Stern Business School, Online lectures, https://pages.stern.nyu.edu/~adamodar/New_Home_Page/webcast_cfonline.htm

2. Corporate Finance Institute, Lectures on Corporate Finance
https://www.youtube.com/playlist?list=PLI30Xe_motSAMKnXSW4NsSx5khfF4IOV
3. Ernst & Young, *The better finance podcast*, https://www.ey.com/en_us/podcasts/better-finance-podcast-series
4. Oxford Business Law Blog, Faculty of Law, University of Oxford,
<https://www.law.ox.ac.uk/business-law-blog>
5. India Corporate Law Blog, by Cyril Amarchand Mangaldas,
<https://corporate.cyrilamarchandblogs.com/>



DRAFTING, PLEADING AND CONVEYANCING (COMPULSORY)

SEMESTER VIII | B.A.LL.B. (HONS.)

SYLLABUS (SESSION: JAN-JUNE)

Faculty Name	Dr. Parvesh Kumar Rajput and Mr. Sagar Chandrakar	Year/ Semester	4/VIII
Course Name	Drafting, Pleading and Conveyancing	No. of Credits	04
Course Code	NA	Session Duration	1 hour
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	By the art of legal drafting (also commonly called the legal composition) we mean the art of composing or writing all documents which are either expressly intended to be, or which frequently become the subject of legal interpretation. It is concerned chiefly therefore, although not exclusively, with the documents which declare or regulate rights. This at once distinguishes the art of legal composition from the art of ordinary composition or literature, which deals not with rights but with thoughts or facts. Of course, the bases of literary composition and legal composition are all the same, grammar and logic. The latter, perhaps, more strictly than the former kind of composition is bound by the rules of the grammarian and logician but we do not intend, except incidentally, to touch on the rules of grammar or logic. It is composition as legal - as dealing with or affecting rights - which we have in view.		

	<p>This course is an attempt towards imparting knowledge of various aspects of law related to drafting, pleading and conveyancing. The main objectives are:</p> <p>CO1-Providing an understanding of concept of drafting, pleading and conveyancing.</p> <p>CO2-To elucidate the principles of good drafting.</p> <p>CO3-Developing skills with regards to the art of pleading and conveyancing.</p> <p>CO4-Improving the students' level of comprehension and interest in the subject by considering the essential aspects and principles of pleading.</p> <p>CO5-Providing an understanding to other related aspects of drafting, pleading and conveyancing.</p> <p>The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz and by drafting applications on several topics. Workshops would be would be organized for students by experts from different fields to enlighten them about professional aspects of the subject.</p>
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LEARNING OUTCOMES: Through the curriculum, the students will be introduced to the big picture of corporate finance and Law relating to it. At the end of the course, students will be able to:

- LO1**- The course enables the students to understand the significance of drafting in legal profession.
- LO2** – Students would be accustomed by the procedural aspects of pleading and be able to draft different applications/pleadings before various courts.
- LO3** – Students will have a technical knowhow on legal aspects of law.

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	Meaning, Importance, Functions and Essentials of Pleadings	1-12
2	Civil Pleadings - Substantive Aspects and Drafts	12-24
3	Criminal Pleadings - Substantive Aspects and Drafts	24-36
4	Other important Pleadings - Substantive Aspects and Model Forms	36-48
5	Conveyancing	48-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Meaning, Importance, Functions and Essentials of Pleadings	<ol style="list-style-type: none"> 1. Order 6 of CPC - Essentials of Pleading - Particulars of Pleading – Striking out pleadings- Signing and verification- Amendment in Pleadings - Applicability of Order 6 CPC in Other Proceedings 2. Plaint- Meaning of plaint, Ingredient of Plaint and Draft of Plaint (Order 7 of CPC) 3. Written Statement- (Order 8 of CPC) 4. Necessary Parties and Proper Parties, Joinder ,Non joinder and Mis joinder of parties
Module 2 Civil Pleadings - Substantive Aspects and Drafts	<ol style="list-style-type: none"> 1. Concept of Drafting 2. Jurisdiction of the Civil Courts-Pecuniary, Territorial and Subject matter jurisdiction 3. Set off and Counter Claim (under Order 8 of CPC) 4. Notice to Government official under Sec.80 of CPC 5. Temporary Injunction Application (Order 39, R 1) 6. Appeals –First Appeal and Second Appeal(Section 96- Section 100)
Module 3 Criminal Pleadings - Substantive Aspects and Drafts	<ol style="list-style-type: none"> 1. Meaning - Criminal Pleadings in India 2. Complaint(Sec.2d of Cr PC) 3. Application for Bail (Sec.436, Sec. 437 of Cr PC) 4. Anticipatory Bail (Sec.438 of Cr PC) 5. Application U/S. 125 of the Code of Criminal Procedure, 1973
Module 4 Other important Pleadings - Substantive Aspects and Model Forms	<ol style="list-style-type: none"> 1. Complaints Under Sec.138 of Negotiable Instruments Act 2. Petition for Dissolution of Marriage under Hindu Marriage Act 3. Writs of Habeas Corpus and Mandamus 4. Complaints Under Sec. 12 of Consumer Protection Act 5. Partnership Deed
Module 5 Conveyancing	<ol style="list-style-type: none"> 1. Sale Deed-Meaning of sale and Its essentials 2. Mortgage Deed-Meaning of mortgage and Its kinds 3. Lease Deed-Meaning of lease and Distinction between Lease and Licence 4. Gift Deed- Meaning of gift and Distinction between Sale and Lease

READINGS:**STATUTES, RULES AND REGULATIONS:**

1. Code of Civil Procedure, 1908
2. Code of Criminal Procedure, 1973
3. Negotiable Instruments Act, 1881
4. Hindu Marriage Act, 1955
5. The Registration Act, 1908
6. The Indian Stamp Act, 1899
7. Indian Contract Act, 1872
8. Transfer of Property Act, 1882

CASE LAWS:

- Lakshmi Narayan Deo Vasti Temple vs. Narayan F. Marathy (1995) 2 Bom CR 610
- Prabodh Verma vs. State of UP (1984) 4 SCC 251
- Someswer vs. Tribhuban AIR 1934 PC 13
- Phula Devi vs. Mangtu Maharaj AIR 1969 Pat 284
- Jagjiban Das vs. Gunan Bhai AIR 1967 Guj 1
- N.Naidu vs. K.Naidu AIR 1969 Mad 329
- Jogeshwar vs. Sheopujan AIR 1986 Pat 35
- Bulchand Jain v. State of M.P 1996
- Mayawati v. Yogesh Kumar Gosain
- N.G. Dastane v. S. Dastane
- State of Bombay vs. United Motors AIR 1955 SC
- PS Santhi vs. SB Bhagwandas Kripalini AIR 1991 SC
- Sonia Bhatia vs. State of UP AIR 1981 SC 1274

BOOKS AND ARTICLES

1. MC Agarwal & GC Mogha, Mogha's Pleading, Edition 2016, EBC, Lucknow. [Part I
2. Chapter's 1-10]
3. Murali Manohar, Conveyancing and Pleading, 2nd Edn -2004, EBC, Lucknow. [Part II
4. Chapter's 1-5]
5. Justice C.K Takwani, Civil Procedure, 7th Edition, 2014
6. KNC Pillai, Lectures on Criminal Procedure, 6th Edn - 2017, Ashok Law House, Hyderabad.
7. Dr. Amit Sen, Legal Language, Legal Writing and Legal Drafting, 2nd Edn - 2006, Kamal
8. Law House, Kolkata. [Chapter's 23,26,28]
9. CR Datta, MN Das, D' Souza's Conveyancing, 13th Edn-1999, Eastern Law House, New Delhi. [Chapter 1]

ONLINE ARTICLES/BLOGS/REPORTS:

1. "Pleadings : Its Rules and Amendments",
http://ijariie.com/AdminUploadPdf/PLEADINGS_ITS_RULES_AND_AMENDMENTS_ijariie6610.pdf
2. 'Appeal',
https://www.lkouniv.ac.in/site/writereaddata/siteContent/202003291623594854niharika_law_CPC.pdf
3. Suits by or Against the Government and Public Officers,
https://delhihighcourt.nic.in/writereaddata/upload/CourtRules/CourtRuleFile_6N0W6FNH.PDF
4. Joinder and non-joinder of parties in civil proceedings in India in light of the doctrine of necessary and proper parties, <https://www.sconline.com/blog/post/2021/03/27/civil-proceedings/>



LAND LAWS (COMPULSORY)
SEMESTER VIII | B.A.LL.B. (HONS.)
SYLLABUS (SESSION: JAN-JUNE)

Faculty	Mr. Deepak Kumar	Year/ Semester	4/VIII
Course Name	Land Laws	No. of Credits	04
Course Code	NA	Session duration	1 hour
No of Contact Hours (Week)	50 Lectures + 10 Tutorials= 60 hours	Pre-requisite	None
Course Plan & Pedagogy	<p>The field of law known as land law deals with people's rights to use, alienate, or exclude others from the land. In India, the land is one of the most desired and controversial commodities. Land purchase, possession, and sale are all controlled by specific regulations varying from state to state.</p> <p>The course's purpose is to give students a deeper understanding of how state and federal land laws operate in the Indian scenario. The course will revolve around two state laws and one central law. which are enumerated below:</p> <ol style="list-style-type: none"> 1. State Legislation- Chhattisgarh Land Revenue Code, 1959 & Chhattisgarh Rent Control Act, 2011. 2. Central Legislation- Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013. <p>The course also seeks to deepen students' understanding of various concepts covered by central and state laws, including those pertaining to tenants, rent, revenue, tenure holders, land acquisition, consolidation of uses, public interest, eminent domain, fair compensation, land acquisition, rehabilitation, and resettlement. The learning objectives for this course will be to as follows:</p> <ol style="list-style-type: none"> 1. CO1: To help understand the history, importance and basic concepts of Land Laws. 2. CO2: To understand various Land Reforms in India. 3. CO3: To help them understand rights and liabilities of landlord and tenant. 4. CO4: To state historical and social explanation and nature of commonly used agencies and machinery involved in the process of rehabilitation and resettlement after land acquisition. 		

	<p>5. CO5: To assess the role and nature of governmental and other agencies for meeting problem of land acquisition in India.</p> <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 enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts.</p>
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LEARNING OUTCOMES: Through the curriculum, the students will be introduced to the big picture of the abovementioned laws relating to land. At the end of the course, students will be able to:

- comprehend the essential ideas behind diverse land laws.
- comprehend the history of several land reforms in India.
- to be aware of commonly utilized organizations and instruments involved in the formulation and enforcement of land laws.
- to assess the role and composition of governmental and other land-related organizations in India.

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 TO LAND REVENUE & LAND REFORMS	1-12
2	LAND RECORDS & RIGHTS IN LAND	13-21
3	INTRODUCTION TO RENT LAW AND CONCEPTS	22-35
4	LANDLORD AND TENANT.	36-44
5	INTRODUCTION TO LAND ACQUISITION	45-52
6	ESTABLISHMENTS & AWARDS	53-60

UNIT	CONTENT
MODULE 1 INTRODUCTION TO LAND REVENUE & LAND REFORMS	<ul style="list-style-type: none"> • History of Land Revenue. • Overview of Indian Land reforms measures. • Concepts of: Board of Revenue, Revenue Court and Revenue Officers. Theory of Eminent Domain. Assessment and realization of Land revenue. • Landholding, Land revenue, and its liability.
MODULE 2 LAND RECORDS & RIGHTS IN LAND	<ul style="list-style-type: none"> • Various Land Records: Field Map, Record of Rights, <i>Kisan Kitab</i>, <i>Nistar Patrak</i>, <i>Wajib-ul-arz</i>. • Tenure holders (<i>Bhumiswami</i>), Right of transfer, Lease and Exchange of land. • Revenue Survey, Demarcation, Settlement, and Assessment Rates. • Reinstatement of <i>Bhumiswami</i> improperly dispossessed.
MODULE 3 INTRODUCTION TO RENT LAW AND CONCEPTS.	<ul style="list-style-type: none"> • Definitions and Exemptions. • Tenancy Agreement and Rent Agreement. • Constitution, Powers, and functions of Rent Control Tribunal and Rent Controller. • Execution of the Order.
MODULE 4 LANDLORD AND TENANT.	<ul style="list-style-type: none"> • Rights and obligations of Landlords and Tenants. • Schedule 1 to 4. • Appeals in case of a dispute. • Penalties Under the Act.
MODULE 5 INTRODUCTION TO LAND ACQUISITION	<ul style="list-style-type: none"> • Introduction and history of Land acquisition in India. • Various Definitions under the new act. • Determination of Social Impact and Public purpose. • Special provision to safeguard food security. • Procedures as to Notification and Acquisition.
MODULE 6 ESTABLISHMENT S & AWARDS	<ul style="list-style-type: none"> • Rehabilitation And Resettlement Award • Special Powers in Case of Urgency to Acquire Land in Certain Cases. • Special Provisions for Scheduled Castes and Scheduled Tribes. • Land Acquisition, Rehabilitation, and Resettlement Authority. • Offences And Penalties Under the Act.

READINGS:**STATUTES, RULES AND REGULATIONS:**

1. Chhattisgarh Land Revenue Code, 1959.
2. Chhattisgarh Rent Control Act, 2011.
3. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013.

BOOKS AND ARTICLES

1. M.L. Jindal, M.P./Chhattisgarh Land Revenue Code, 1959, Rajkamal Publications, Indore.
2. Chakraborty, Law of Land Acquisition and Compensation.

ONLINE RESOURCES

1. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013- An Unattainable Utopia? International Journal for Research in Law, Volume 2 Issue 4, 2018; 127-143 [ISSN-2454-8715] , Available at SSRN: <https://ssrn.com/abstract=3960079> or <http://dx.doi.org/10.2139/ssrn.3960079>
2. Naeesha Halai, An Elaborative Study on the "Social Impact Assessment" under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, 4 (4) IJLMH Page 4082-4087 (2021), DOI: <https://doi.org/10.1000/IJLMH.111852>
3. Ghatak, Maitreesh., & Ghosh, Pratikshit. (2011), The Land Acquisition Bill: A Critique and A Proposal, Centre for Development Economics. <http://www.cdedse.org/pdf/work204.pdf>
4. Jojan, Alphonso. (2012). Of Platitudes and Million-Dollar Promises – A Critique Of The Land Acquisition, Rehabilitation And Resettlement Bill 2011, JILS. http://jils.ac.in/wp-content/uploads/2012/09/3_alphonso-jojan-c.pdf
5. Morris, Sebastian., & Pandey, Ajay. (2010). The Question of Land and Infrastructure Development in India: Urgently Required Reforms for Fairness and Infrastructural Development, Indian Institute of Management, Ahmedabad. <http://www.iimahd.ernet.in/publications/data/2010-03-02Morris.pdf>
6. Morris, Sebastian., & Pandey, Ajay. (2007). Towards Reform of Land Acquisition Framework in India, Indian Institute of Management, Ahmedabad. http://www.iimahd.ernet.in/assets/snippets/workingpaperpdf/2007-05-04_Morris.pdf
7. Raghuram, G. & Simy Sunny, 2015. "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Ordinance 2014: A Process Perspective," IIMA Working Papers WP2015-07-03, Indian Institute of Management Ahmedabad, Research and Publication Department.

VIDEO LECTURES

1. <https://www.youtube.com/watch?v=rZnCnFdbLHg>
2. https://www.youtube.com/watch?v=UTZ_1bVPew
3. <https://www.youtube.com/watch?v=7biQvN54nYQ>
4. <https://www.youtube.com/watch?v=LqJhSu1OrEI>



WOMEN AND LAW (OPTIONAL PAPER)
SEMESTER VIII & X | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JAN-JUNE)

Faculty Name	Dr. Kiran Kori, Ms. Hina Iliyas, Ms. Apurva Sharma	Year/ Semester	4 th & 5 th /VIII & X
Course Name	Women and Law (Optional)	No. of Credits	04
No. of Classes/Week	05	Class Duration	1 hour
No of Contact Hours	60 (50 Lectures + 10 Tutorials)	Pre-requisite	Basic understanding of issues relating to women and their rights
Introduction, Course Objective & Pedagogy	<p>In every civilized society norm of equality and liberty is the basis of just society, free from arbitrariness. Women have long been suffered and subjected to humiliation, inferiority of status and subordination of opportunities. Therefore, the course aims to have radical transformation in their status and historical attitudes. The course will discuss the problems faced by women and the protection provided under various criminal, personal and labor laws in India. The students will be able to understand the jurisprudence of justice to women from fetus to ashes, womb to tomb. For this purpose, we will go through the chronological development of the status of women from pre modernism to post modernism in society and through law. The subject is aimed to trace the journey of status of women through literature and judgments reiterating the flaws and loopholes and attempts to overcome them; laws which were changed from unambiguous, colorable and inconsistent ones to help bring justice. The course will be taught by Lectures, Articles, discussions and moot on Current Events.</p> <p>Thus, the main objective of this course, Woman and Law is to trace the development of woman laws through:</p> <p>CO1- To give an insight into Women and Law in proper perspective CO2 – To understand the actual realization of women rights; CO3- Analyze the contribution of legal instrument towards gender equality CO4- To sensitize the students towards persistent infringements of women rights</p>		

	<p>CO5- To discuss the burning problems relating to women and endeavor to redress them.</p> <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 in classes via assignments in the form of paper writing etc.</p>

LEARNING OUTCOMES: Through the curriculum, the students will be introduced to the legal status of women in India and their rights in the contemporary scenario which will enable students to:

LO1- Acquire knowledge on status of women in India through ages and gain perspective into why were women considered a powerless group;

LO2 – Apply a systematic approach to eliminate on the ideas in the institutions which marginalize, subordinate and accord secondary citizenship to women underestimating their contribution;

LO3 – To acquire & apply legal knowledge to the complex Socio-legal problems;

LO4- To develop the understanding of National and International Instruments to combat the issue of marginalization;

LO5 – to Identify and Understand the problems woman face in terms of protecting their rights through the criminal Justice administrative system.

LO6- Apply and appraise the legal provisions enacted to ameliorate the situations with special emphasis on the Indian criminal law and its scope, applicability and shortcomings in the existing legal regime in this regard and contribute towards positive development.

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	WOMEN AND LAW: A HISTORICAL BACKGROUND	1-10

2	HUMAN RIGHTS OF WOMEN	11-21
3	INSTITUTIONS SAFEGUARDING WOMEN RIGHTS	22-32
4	PROTECTION AND SAFEGUARDS UNDER PERSONAL LAWS	33-39
5	PROTECTION AND SAFEGUARDS UNDER LAW OF CRIME	40-47
6	SOCIAL SECURITY AND ECONOMIC EMPOWERMENT	48-54
7	REPRODUCTIVE RIGHTS VIS-À-VIS RIGHT TO MOTHERHOOD	55-60

DETAILED SYLLABUS

UNIT	CONTENT
MODULE 1 WOMEN AND LAW IN INDIA: A HISTORICAL BACKGROUND	<p style="text-align: center;">A. Historical Background and Status of Women in India</p> <ol style="list-style-type: none"> 1. Vedic Period 2. Post Vedic Period 3. Medieval Period <p style="text-align: center;">B. Women's Position during the British Period</p> <ol style="list-style-type: none"> 1. Social Reforms Movement 2. Nationalist Movement <p style="text-align: center;">C. Feminist Jurisprudence</p> <ol style="list-style-type: none"> 1. Origin 2. Basic issues of Feminist Jurisprudence 3. Schools of Feminist Jurisprudence: <ul style="list-style-type: none"> • School of Liberal Feminism • School of Radical Feminism • School of Cultural Feminism • School of Post-Modern Feminism • Feminism in India • LGBTQ and women
MODULE 2 HUMAN RIGHTS OF WOMEN	<p>Efforts of the United Nations for the Elimination of discrimination Against Women and International Standards:-</p> <ol style="list-style-type: none"> 1. The United Nations Charter, 1945

	<ol style="list-style-type: none"> 2. Commission on the Status of Women, 1946 3. UDHR, 1948 4. Convention on Political Rights of Women, 1953 5. International Covenant on Civil and Political Rights, 1966 (ICCPR) 6. International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR) 7. Convention on the Elimination of All forms of Discrimination Against Women, 1979
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MODULE 3 INSTITUTIONS SAFEGUARDING WOMEN RIGHTS	<p>A. The Constitutional Provisions</p> <ol style="list-style-type: none"> 1. Fundamental Rights and Prohibition of Discrimination Against Women 2. Provisions Relating to Women in Directive Principles of State Policy and Fundamental Duties <p>B. The National Commission for Women</p> <p>C. Women's Influence On Policy Decisions</p> <p>D. Judiciary And Women</p> <p>E. Self Help Groups</p>
MODULE 4 PROTECTION AND SAFEGUARDS UNDER PERSONAL LAWS	<ol style="list-style-type: none"> 1. Provisions for Marriage and Divorce 2. Maintenance provisions under Special Marriage Act and S.125 of CrPC. 3. Rights of women in live-in relationship. 4. Law on Guardianship 5. Right of women to adopt a child 6. Gender inequality in Inheritance Rights

MODULE 5**PROTECTION AND
SAFEGUARDS UNDER
LAW OF CRIME**

- 1.** Outraging the Modesty of Women
- 2.** Rape Laws
- 3.** Offences related to marriage & cruelty (Law related to Dowry Prohibition & Domestic violence)
- 4.** Immoral Trafficking read with section 370 IPC
- 5.** Indecent Representation of Women
- 6.** Cyber Crime and the Victimization of Women

<p style="text-align: center;">MODULE 6</p> <p style="text-align: center;">SOCIAL SECURITY AND ECONOMIC EMPOWERMENT</p>	<p>Social Security Provisions of Women for Economic Empowerment</p> <p>A. Labour laws:-</p> <ol style="list-style-type: none"> 1. Equal Remuneration Act, 1976 2. Maternity Benefit (Amendment) Act, 2017 3. Provisions relating to Women Under Factories Act and Other Labour and Industrial Laws <p>B. Law Protecting Women against Sexual Harassment at Workplace</p> <p>C. Women In Unorganized Sector</p> <p>D. Gender Budgeting</p>
<p style="text-align: center;">MODULE 7</p> <p style="text-align: center;">REPRODUCTIVE RIGHTS VIS-À-VIS RIGHT TO MOTHERHOOD</p>	<p>Reproductive rights</p> <ol style="list-style-type: none"> 1. Medical Termination of Pregnancy 2. Pre-conception & Pre-natal Diagnostics Techniques (PC & PNDT Act, 1994) 3. Motherhood through surrogacy

READINGS:**CASE LAWS:**

1. Bobby Art International, Etc. v. Om Pal Singh Hoon & Ors (SC 1996)
2. Joseph Shine v.UOI, [2018 SCC online SC 1676]
3. Laxmi v Union Of India [2014 SCC 4 427]
4. C.B. Muthamma v.Union of India [1979(4)SCC260]
5. Air India and others v.Nergesh Meerza,1982 SCR(1)438
6. Richa Mishra v. State of Chhattisgarh, (2016) 4 SCC 179,
7. Charu Khurana v. UOI, WRIT PETITION (CIVIL) NO. 78 OF 2013 decided by SC on November10, 2014
8. Vishakha v State of Rajasthan (1997) 6 SCC 241
9. Medha Kotwal v.U.O.I (2013)1SCC 297
10. Municipal Corporation of Delhi v. Female Workers (MusterRoll) and Another, (2000) 3 SCC 224
11. Sabu Mathew George v. Union of India & Ors (2008 SC)
12. Vinod Soni v.UOI, 2005 Bombay High Court
13. S.R. Batra and Anr v.Taruna Batra,(SC 2006)
14. Hiral P. Harsora And Ors v. Kusum Narottamdas Harsora, 2016 SCC OnLine SC 1118, decided on 06.10.2016
15. All India Democratic Women's Association and Janwadi Samitiv. Union of India & Ors., 1989 SCR (2)66
16. Centre for enquiry into Health and Allied themes (CEHAT) v Union of India, Writ Petition (civil) 301 of 2000

BOOKS:

1. Mamta Rao, *Law Relating to Women and Children*, Eastern Book Company, 4th Edition, 2019.
2. Lalita Dhar Parihar, *Women and Law*, Eastern Book Company, 2011
3. SC Tripathi and Vibha Arora, *Law relating to Women and Children*, Central Law Publication, 2006
4. Kalpana Kannabiran (ed.), *Women and Law : Critical Feminist Perspective*, Sage Publications India Pvt. Ltd., 2014
5. Geetanjali Gangoli, *Indian Feminisms: Law , Patriarchies and violence in India*,

- Ashgate Publishing Company, 2007
6. DK Tiwari & Mahmood Zaidi, *Commentaries on Family Courts Act, 1984*, Allahabad Law Agency, 1997
 7. BN Chattoraj, *Crime against Women: A Search for Peaceful Solution*, LNJN-NICFS, 2007
 8. Nomita Agarwal, *Women and Law*, New Century Publishing House, 2005
 9. Manjula Batra, *Women and Law & Law Relating to Children in India*, Allahabad Law Agency, 2001
 10. Moira Gatens, “A Critique of the Sex/Gender Distinction” in A Phillips ed. *FEMINISM AND SUBJECTIVITY*, pp. 139-154
 11. Carol Pateman, “Feminist Critique of the Public and Private” in A Phillips ed. *Feminism and Equality*, pp. 103-123
 12. Usha Ramanathan, “Reasonable Man, Reasonable Woman and Reasonable Expectations” in Amita Dhanda, Archana Parashar (ed) *ENGENDERING LAW*, pp.33-70, Eastern Book Company 1999. <http://www.ielrc.org/content/a9906.pdf>.
 13. Ratna Kapur and Brendia Cossman, *Subversive Sites: Feminist Engagements with Law in India* 43-75, 1996.
 14. Alison Jagar “Introduction: Living with Contradictions: Controversies in Feminist Social Ethics” Westview Press, 1994
 15. Heywood, “Feminism in Political Ideology: An Introduction” pp.252-265 Palgrave MacMillan, 2004.
 16. Ved Kumari, “Gender Analyses of Indian Penal Code” in Amita Dhanda, Archana Parashar (ed) *ENGENDERING LAW* Essays in Honour of Lotika Sarkar, pp.139-160, Eastern Book Company, 1999 http://www.womenstudies.in/elib/crime_ag_women/ca_gender_analysis.pdf
 17. Usha Tandon and Sidharth Luthra, “Rape: Violation of the Chastity or Dignity of Woman? A Feminist Critique of Indian Law”, FICHL Policy Brief Series No.51 2016 [http://www.fichl.org/fileadmin/user_upload/160615_PBS_No_51_2016_Tandon_Luthra .pdf](http://www.fichl.org/fileadmin/user_upload/160615_PBS_No_51_2016_Tandon_Luthra.pdf).
 18. Sarla Gopalan, *TOWARDS EQUALITY – THE UNFINISHED AGENDA – STATUS OF WOMEN IN INDIA* 2001. National Commission for Women.

ARTICLES (Online)

1. Saryal, S. (2014). Women’s Rights in India: Problems and Prospects. *International Research Journal of Social Sciences*, 3(7), 49-53 <http://isca.in/IJSS/Archive/v3/i7/9.ISCA-IRJSS-2014-84.pdf>
2. India: The Legal Framework for Women and Work. (2012). http://www.catalyst.org/system/files/legal_framework_india_1.pdf
3. Chapter III. Indian Laws for the Protection of Women’s Rights against Domestic Violence. http://shodhganga.inflibnet.ac.in/bitstream/10603/63917/10/10_chapter%203.pdf

4. 2022 and women's rights: Key Supreme court judgments that changed scenario in India
[2022 and Women's Right: Key Supreme Court Judgements that changed scenario in India \(latestlaws.com\)](https://www.latestlaws.com/articles/2022-and-women-s-rights-key-supreme-court-judgements-that-changed-scenario-in-india)
5. Trajectories of Women's Property Rights in India: A Reading of the Hindu Code Bill
[Trajectories of Women's Property Rights in India: A Reading of the Hindu Code Bill \(sagepub.com\)](https://www.sagepub.com/journalsPermissions.nav?path=/journals/indian-law-and-justice/vol-15/iss-1/10.1177/09715215211030586)
6. Women and Law, Legal Awareness programme by National Legal Services Authority in collaboration with National Commission for women.
<https://nalsa.gov.in/library/women-and-law>
7. Speeches and Writings of M.K Gandhi, "On Womanhood"
<https://indianculture.gov.in/flipbook/6650>
8. Self-Expression in the Cyber World: Challenges for a Woman by Nasrina Siddiqi, Sage publications.
<https://journals.sagepub.com/doi/epub/10.1177/09715215211030586>
9. Abused but 'Not Insulted': Understanding Intersectionality in Symbolic Violence in India
<http://idsk.edu.in/wp-content/uploads/2021/04/OP-72.pdf>
10. Gender discrimination in devolution of property under Hindu Succession Act, 1956
https://www.nipfp.org.in/media/medialibrary/2020/05/WP_305_2020.pdf
11. Where will all women work
<https://journals.sagepub.com/doi/full/10.1177/0971521520939281>
12. DYNAMICS OF WOMEN'S MOVEMENT IN INDIA: Lecture Series II
<http://www.css.ac.in/download/english/CSS@50%20YEARS%20LECTURE%20SERIES%20No.%202.pdf>

REPORTS (Online)

1. Towards equality report of the Committee on the Status of Women in India, 1975, Department of Social Welfare, Government of India
[Towards equality report of the Committee on the Status of Women in India | INDIAN CULTURE](https://www.indianculture.gov.in/articles/towards-equality-report-of-the-committee-on-the-status-of-women-in-india)
2. Analysis of Union Government's Gender Budget Statement, 2021-2022
<https://www.cbgaindia.org/wp-content/uploads/2021/08/analysis-of-gender-budget-statement-2021-22-submission-to-MWCD.pdf>
3. Marital Cruelty and 498A: A Study on Legal Redressal for Victims in Two States
http://www.nw.nic.in/sites/default/files/Marital_Cruelty_and_498A_A_Study_on_Legal_Redressal_for_Victims_in_Two_States.pdf
4. Union Budget 2020-21 and the Gender Budget Statement: A Critical Analysis from a Gender Perspective
<http://www.ihdindia.org/Working%20Papers/2020/IHD-CGSWP1-2020.pdf>
5. National Consultation Gender & SDGs: Report
http://www.jagori.org/sites/default/files/publication/Gender%20%26%20SDGs%20Consultation%202-3%20February%202020_0.pdf
6. Status of Gender Equality in India Joint Stakeholders report for the 3rd Universal Periodic Review on women and LGBTI issues
<https://pldindia.org/wp-content/uploads/2017/04/Status-of-Gender-Equality-in-India-Joint-Stakeholders-Report-UPR3-2012-16.pdf>



INDIRECT TAX (OPTIONAL PAPER)

SEMESTER VIII and X B.A.LL.B. (Hons.)

SYLLABUS (SESSION: JAN-JUNE)

Faculty Name	Dr. Anindhya Tiwari	Year/ Semester	4/VIII and 5/X
Course Name	Indirect Tax (Optional)	No. of Credits	4
Course Code	NA	Session Duration	1 hour
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	1. Principles of Taxations 2. Company Law
Introduction, Course Objective & Pedagogy	<p>Indirect Tax holds its importance because it is one of the major sources of revenue for the government, and hence tends to support the running of our government. Thus, it helps meet the funds required to raise the infrastructure and develop the country.</p> <p>The legislative frameworks as well as judicial pronouncements on the indirect tax laws are constantly evolving along with globalization, economic shifts, and different operational adjustments. The tax laws of the country undergo significant changes every year on the passing of Annual Finance Act. Apart from the amendments coming out every year through the Finance Act, EXIM and Trade policy various circulars/notifications/clarifications are also issued by the regulating bodies, i.e., Central Board of Direct Tax (CBDT) and Central Board of Indirect Taxes, CESTAT and Customs (CBIC) for implement the different provisions of the Act and further clarifying the scope of some provisions.</p> <p>An indirect tax is a tax collected by an intermediary from the person who bears the ultimate economic burden of the tax. It can be shifted by the taxpayer to someone else. An indirect tax may increase the price of a good so that consumers are actually paying the tax by paying more</p>		

	<p>for the products.</p> <p>The objective of the course is as follows:</p> <ol style="list-style-type: none"> 1. To understand the basic concepts of indirect tax including the different aspects of GST Laws. 2. To assess the procedure of levy and collection of indirect tax. 3. To provide students with the critical faculties which are necessary in an academic environment needed in an increasingly complex and interdependent world. 4. To assist students in the development of intellectual flexibility and creativity this would be helpful for their life-long learning. <p>To learn the skill of interpretation and apply the same with critical approach.</p>
<p>LEARNING OUTCOMES</p>	<p>Through the curriculum, the students will be introduced to the big picture of Indirect Taxes and Law relating to it. At the end of the course, students will be able to:</p> <ol style="list-style-type: none"> 1. The student will understand and demonstrate the conceptual and working knowledge of the indirect tax laws. 2. Students would be able to apply their critical and practical approaches to the reading and analysis of various provisions of tax laws in general and indirect tax in particular. 3. Students would be familiar with the basic concept of all forms of GST Laws and Custom Laws. 4. Students will understand the legislative framework and judicial pronouncements relating to Indirect tax in India.

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	5 hrs
2	CONSTITUTIONAL PERSPECTIVE OF TAXATION	5 hrs
3	ORIGIN OF GST	6 hrs
4	GOODS AND SERVICES TAX, 2017	20 hrs
5	INTEGRATED GOODS AND SERVICES TAX, 2017	10 hrs
6	GOODS AND SERVICES (COMPENSATION TO STATES) ACT, 2017	6 hrs
7	CUSTOMS DUTY	8 hrs
Total No. Hours		60 Hrs

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION	<ol style="list-style-type: none"> 1. Tax Structure in India 2. Distinction between Tax and Fee. Charge, duty and surcharge 3. Objectives of Taxation 4. Role of Taxation in achieving the Objectives of Directive Principles. 5. International Perspective of Indirect Taxes.

	6. Foreign Trade Policy.
Module 2 Constitutional Perspective of Taxation	<ol style="list-style-type: none"> 1. Constitutional Background of GST: 2. The Constitution (One Hundred and First) Amendment Act 3. General Features of Goods and Service Tax dealt under this Amendment. 4. Taxation and Right to Equality in brief 5. Taxation and Freedom of Trade, Commerce and Intercourse in brief.
Module 3 Origin of GST	<ol style="list-style-type: none"> 1. Background of GST. 2. Basic concept of GST. 3. Concept of Value Added Tax and its application in GST. 4. Major defects in the old structure of Indirect Taxes 5. Reasons for introducing Goods and Service Tax (GST). 6. GST Council and its Role 7. CESTAT
Module 4 Goods and Services Tax Act, 2017	<ol style="list-style-type: none"> 1. Important Definitions: <ol style="list-style-type: none"> a. Business b. Capital Goods c. Export and Import of Goods and Services d. Goods e. Services. 2. Classes of Officers under the Central Goods and Services Tax Act (CGST) and the State Goods and Services Tax Act (SGST), and their appointments and powers. 3. Levy and Collection. 4. Time of Supply of Goods and Services 5. Place of supply of goods and Services 6. Composition Scheme 7. Input Tax Credit.

	<ol style="list-style-type: none"> 8. Registration under GST. 9. Tax Invoice, Credit and Debit Notes. 10. Refunds in GST. 11. Offences and Penalties.
Module 5 Integrated Goods and Service Tax (IGST)	<ol style="list-style-type: none"> 1. Meaning, levy and Collection of IGST. 2. Place of Supply of Goods and Services; 3. Apportionment of IGST between Central and State Governments.
Module 6 The Goods and Services Tax (Compensation to States) Act, 2017	<ol style="list-style-type: none"> 1. Need of the Act. 2. Objective of the Act 3. Salient Features of the Act.
Module VII: Customs Duty	<ol style="list-style-type: none"> 1. Introduction & Type of Customs duties. 2. Administrative structure of Customs Department 3. Valuation in Customs. 4. Restriction on Import and Exports under Customs Act 5. Power of Customs Officers: (Sections 100-135A) <ol style="list-style-type: none"> a. Power to Inspect; b. Power to X-ray bodies; c. Power of Search; d. Power of Seizure; e. Power to call for documents and examine a person; f. Power to summons; g. Power to arrest. 6. Penalty.

READINGS:**STATUTES, RULES AND REGULATIONS:**

1. Constitution of India, 1950
2. Tax (Compensation to States) The Goods and Services Act, 2017
3. The Goods and Services Tax Act, 2017
4. Customs Act
5. The Annual Finance Act
6. The State Goods and Services Act
7. Export Import Policy
8. Foreign Trade Policy

CASE LAWS:

1. Cultural Society of Anganally v. CCE (2008)13 STT 227 CESTAT
2. Commissioner of Income Tax vs Bhaktawar Construction pvt ltd. 1985 SCC OnLine Bom 375
3. Commissioner Of Income-Tax vs M/S. Sun Engineering Works (P.) 1992 Supp 1 SCR 732 a
4. Sesa Goa Limited Vs JCIT (Bombay High Court) (2020) 117 Taxman.com 96 Bombay
5. Rayala Corporation Ltd. v. Asstt. CIT 72 taxmann.com 149(SC)
6. Vodafone International Holdings B.V. v. Union of India [2012] 1 S.C.R. 573
7. Peerless Hospitex Hospital and Research Center Ltd. v Principal Commissioner of Income Tax [2020] 114 taxmann.com 583 (Kolkata- Trib.).
8. Board of Control for Cricket in India v. PCIT [2021] 132 taxmann.com 132 (Mumbai – Trib.)
9. Mc Dowell & Company Limited vs The Commercial Tax Officer 1985 SCR (3) 791
10. H.L. Sibal v. Commissioner of Income Tax [1975] 101 ITR 112 (PUNJ. &HAR.)
11. Engineering Analysis Centre of Excellence Pvt Ltd v. the Commissioner of Income Tax & Another LL 2021 SC 124
12. CIT v Ambika Cotton Mills ltd. 2021 125 taxmann.com 206
13. CIT vs. Reliance Telecom ltd. [2021] 41 (SC)
14. CIT v. Laljibhai Kanjibhai Mandalia 2022 SCC OnLine SC 872
15. Jain brothers v Union of India AIR 1970 SC 778 and (1969) 3 SCC 311
16. CIT, Salem vs. Angels Education Trust [2021] 129 taxmann.com 305 (Madras)
17. DCIT v. Turquoise Investment and Finance Ltd. [2008] 300 ITR 1 (SC)

18. DCIT v. Pepsi Foods Ltd [2021] 126 taxmann.com 69 (SC)
19. Ajit Jain vs Union of India 2000(2) ARBLR 264
20. The Commissioner of Income Tax v. Raja Benoy Kumar Sahas Roy 1957 AIR 768
21. Commissioner of Income Tax v. Kasturi & Sons Ltd. [1999] 103 Taxmann 342 (SC)
22. Apex Laboratories Private Ltd vs DCIT 2022 Scc OnLine SC 211
23. D.G.I.T vs Spacewood Furnishers Pvt Ltd DGIT v. Spacewood Furnishers (P) Ltd., (2015) 12 SCC 179
24. Jayaram Rangan v. Assistant Commissioner of Income tax [2022] 138 taxmann.com 100 (Chennai - Trib.)/[2022] 194 ITD ..
25. Anand liquors v. CIT 1998, 232, ITR 35 Ker
26. PCIT v. JSW Steel Ltd. [2020] 115 taxmann.com 165 (Bombay)
27. Cairn Energy v India PCA case no. 2016-7
28. Spytech Buildcon v. ACIT, Circle-6, Jaipur [2021] 129 taxmann.com 175 (Jaipur - Trib.)
29. T.A. Quereshi (Dr.) v. CIT (2007) 2 SCC 759.
30. PCIT v. Wipro Ltd. [2022] 140 taxmann.com 223 (SC).
31. Commissioner of Income Tax v. Shahzada Nand&Sons, [1966] 60 ITR 392 (SC) 1966 SCR (3) 379
32. SR cold Storage vs Union of India 271AAC (1) of the I.T. Act 1961, WRIT TAX NO. -723 of 2022.
33. Kohinoor Indian Pvt. Ltd Vs ACIT (ITAT Amritsar) (2021) 191 ITD 593 / 129 taxmann.com 396.
34. Pr. Commissioner of Income Tax 6 Vs. Khyati Realtors Pvt. Ltd. 12 1963 (2) SCR 976.
35. State Bank of India v. ACIT [2021] 123 taxmann.com 447 (Mumbai - Trib.).
36. Commissioner of Wealth Tax, Gujarat-III, Ahmedabad v. Ellis Bridge Gymkhana 1998 SCC 134.
37. Union of India vs mohit minerals pvt Ltd 2022 SCC online SC 657.
38. Pooran Mal Etc vs Director Of Inspection 1974 AIR 348.
39. Mon Mohan Kohli v. ACIT [2021] 132 taxmann.com 132 (Mumbai – Trib.)
40. Skill Lotto Solutions Pvt. Ltd vs Union of India & Others 2020 SCC Online SC 990.
41. CIT vs Sitaldas Tirathdas (1961) 41 ITR 367 (SC).
42. Union of India vs Azadi Bachao Andolan [2003] [263 ITR 706 (SC)].

43. Vodafone India Services Pvt. Ltd vs Union Of India, Ministry Of Finance and Anr.2009 (4) Bom CR 258.
44. CIT v Angels Educational Trust [2021] 129 taxmann.com 305 (Madras).
45. New Delhi Television Ltd. vs. Deputy Commissioner of Income Tax (03.04.2020 - SC) AIR 2020 SC 2177
46. Shanti Bhushan v. Income Tax-Officer 1992 41 ITD 562 Delhi.
47. ITO vs. Seth Brothers 1969(74) ITR 836 (SC).
48. Calcutta Discount Co. Ltd. v. ITO (1961) 2 SCR 241.
49. Ishikawajama Harima Heavy industries Ltd vs Director of income tax MUMBAI [2007] INSC 8 (4 JANUARY 2007)
50. Income tax officer vs. Sri Raghu Nandan Modi 2017 82taxman.com 208 (kolkata-trib).
51. L.R Gupta And Ors. Vs Union of India And Ors 46 (1992) DLT 14.
52. Tara Chand Hoti Lal Babu Ram V. Income Tax Officer, 1973. [1973] 89 ITR 298(ALL.)
53. Ram Jeth Malani v UOI (2011) 8 SCC 1 : (2011) 3 SCC (Cri) 310, 04-07-2011.
54. Matajog Dobey Nandram Agarwala vs H.C. Bhari (1955) 1956 AIR 44.
55. Income tax v Usha International limited. Income tax-VI v Usha International Limited, 2012 SCC ONLINE Del 4995.
56. Raj Dadarkar & Associates v. Assistant Commissioner of Income-tax [2017] 81 taxmann.com 193 (SC).
57. Income Tax Officer,Udaipur vs M/S Arihant Tiles & Marbles(P)Ltd (2010) 2 SCC 699.

BOOKS AND ARTICLES

1. V.S. Datey, GST Ready Reckoner, *Taxmann Publications (P.) Ltd.*, New Delhi, 6th Edition (2018);
2. V.S. Datey, All About GST , a Complete Guide to New Model GST Law, *Taxmann Publications (P.) Ltd.*, New Delhi, 5th Edition;
3. Pathik Shah, Hand book on Good and Service Tax, *Bharati & Co.*, 1st edition (2017);
4. Rajat Mohan, Guide to GST, Bharat Law House Pvt. Ltd., New Delhi, 2016;
5. GST Laws Manual: Acts, Rules and Forms.
6. Systematic Approach to GST, Dr. Girish Ahuja and Ravi Gupta, Wolter Kluwer, Gurgoan.
7. Customs Law, Practice and Procedure, V.S .Datey, Taxmann Publications

8. Jaya V.S, Indirect Taxes (GST & Other Indirect Taxes); Eastern Book Company, Lucknow
9. GST Law and Practice, V.S. Datey, Taxmann Publications

BLOGS/CHANNELS/PODCASTS:

- Jaya V.S, “Central Excise and Customs,” Annual Survey of Indian Law-2010, 79-99 XLVI; ISSN 0570-2666 (2011)
- Jaya V.S, “Indirect Taxes Law –I,” Annual Survey of Indian Law-2008, 389-421 XLIV; ISSN 0570-2666; (2009)
- <https://blog.saginfotech.com/gst-latest-updates>

<https://taxguru.in/category/goods-and-service-tax/>



MEDIA AND LAW (OPTIONAL PAPER)

SEMESTER VIII AND X | B.A.LL.B. (Hons.)

SYLLABUS (SESSION: JAN-JUNE)

Faculty Name	Prof. (Dr.) V.C. Vivekanandan Dr. Ankit Awasthi Ms. Hina Ilyas Mr. Abhinav K Shukla	Year/ Semester	4/VIII and 5/X
Course Name	Media and Law	No. of Credits	4
Course Code	NA	Session Duration	1 hour
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>This course discusses the principles of media law as they apply to the work of media and communications professionals in a variety of fields. Understanding the current and evolving state of media law is a challenging task, therefore this course will introduce students to the study of legal and ethical issues in the media. Students will develop an understanding and appreciation of these issues and the ability to analyze the important legal and ethical issues involved with the mass media industry.</p> <p>The course specializes in law and is aimed to cover an overview of the relevant statutory and regulatory provisions, judicial precedents, and practical aspects of various sectors such as Electronic and Print Media, Film, Television, Radio, Information Technology and Broadcasting.</p> <p>The objectives of the course are:</p> <p>CO1 - To understand how Indian media laws and regulations compare with those of other nations.</p> <p>CO2 -To understand how media policies and regulations enable or constrain effective media environments.</p> <p>CO3 - To understand the obligations and rights of media practitioners in the execution of their duties.</p> <p>CO4 - To understand some of the problems and limitations of applying old media laws in new media environments.</p> <p>CO5 - To become more skilled in critical thinking and case analysis.</p>		

	<p>CO6- To become more skilled in evaluating the relevance and appropriateness of regulatory frameworks.</p> <p>CO7 - To be able to appreciate the complex issues associated with media regulation.</p> <p>CO8- To be able to research and evaluate the media policies.</p> <p>CO9 - To understand the changing media landscapes and their possible legal implications.</p> <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 enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts and ongoing contemporary issues such as media trials.</p>
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LEARNING OUTCOMES: This course is an attempt towards imparting knowledge of various aspects of media law process and upon successful completion of this course student will be able to:

LO1- To achieve aims to introduce broader constitutional mechanism protecting and regulating the freedom of press in India.

LO2- To establish a co-relationship with the Constitutional objective of free speech and expression, and existing Rights and Restrictions governing the media, an essential pillar of Democratic Governance

LO3- To enable the students to understand the ecosystem of digital media platforms along with the existing television and cinema

LO4 - To engage the learners in examining the differences and uniqueness between various media platforms and their content requirements

LO5 - To introduce the learners to the nuances of the changing media scenario in terms of production of media content

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.	Media and Law: An Introduction	08
2.	Freedom of Speech and Expression in India: Constitutional framework	14
3.	Regulatory Framework of Media: Regulators and Regulations	08
4.	Right to Privacy vis a vis Media Rights	10
5.	Right to Information: Informative and Investigative Journalism	10
6.	Contemporary Development in Media and Law	10

DETAILED SYLLABUS

<p>Module I</p> <p>Media and Law: An Introduction</p>	<ul style="list-style-type: none"> • Evolution of Media • Meaning and Types of Media • Theories related to Media • Importance of Media
<p>Module II</p> <p>Freedom of Speech and Expression in India: Constitutional Framework</p>	<ul style="list-style-type: none"> • Meaning and development of Freedom of Speech and Expression • Position of Media in Indian Constitution • Disseminating the facets of Media: Under Article 19(1)(a): <ul style="list-style-type: none"> o Right to circulate o Right to criticize o Right to conduct interviews o Right to express beyond national boundaries o Publication of parliamentary proceedings o Reasonable Restrictions – Article 19(2) o Rights of Media under Article 19 (1) (g)

<p>Module III</p> <p>Regulatory Framework of Media: Regulators and Regulations</p>	<ul style="list-style-type: none"> • Press Council of India • All India Radio • Prasar Bharati (Broadcasting Corporation of India) • TRAI • ECI: Exit Polls and Opinion Polls • Laws and Ethics related to Advertisement • Legal Dimensions of Media • Censorship of Media • Self Regulation & Other Issues
<p>Module IV</p> <p>Right to Privacy Vis a Vis Media Rights</p>	<ul style="list-style-type: none"> • Definition of Privacy and its Origin. • Privacy and the Right to Freedom of Speech and expression • The Law on Privacy in India
<p>Module V</p> <p>Right to Information</p>	<ul style="list-style-type: none"> • Evolution of the Right to Information • Laws that License Secrecy • Judicial Recognition of the Right to Information • Salient Features of The Right to Information Act, 2005
<p>Module VI</p> <p>Contemporary Development in Media and Law</p>	<ul style="list-style-type: none"> • Media Trial • Right to Access Internet • Freedom v. National Security

	<ul style="list-style-type: none"> • Contempt v. Criticism
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NOTE: Since many legislative amendments and court decisions could be handed down on the topics covered herein above after this syllabus has been made applicable, students are expected to study all such latest amendments and court decisions also, on the topics mentioned in the aforesaid syllabus. The topics and cases are not exhaustive.

READINGS:

STATUTES, RULES AND REGULATIONS:

1. Cable TV Network Rules, 1994 ('Cable TV Rules')
2. Cable TV Networks (Regulation) Act, 1995 ('Cable TV Act')
3. Constitution of India, 1950
4. Indecent Representation (Prohibition) Act, 1986
5. Indian Penal Code, 1860
6. Programme and Advertising Code (the 'Programme Code' or 'Code')
7. Right to Information Act, 2005
8. The Drugs and Magic Remedies (Objectionable) Advertisements Act, 1954

CASE LAWS:

1. ABP Pvt Ltd. v. Union of India, (2014) 3 SCC 327 01
2. Bennett Coleman & Co. v. Union of India, AIR 1973 SC 106
3. Bharat Kumar v. State AIR 1997 Ker. 291.
4. Bijoe Emmanuel v. State of Kerela , (1986) 3 SCC 615
5. Hamdard Dawakhana v. Union of India (AIR 1960 SC 554)
6. Indian Express Newspapers v/s Union of India (1985)1SCC 641
7. MSM Sharma v. Krishna Sinha, AIR 1959 SC 395
8. Naveen Jindal v. Zee Media Corporation Ltd, (2014) 2 SCC 1
9. Prabha Dutt v. Union of India, 1982 SCR (1) 1184
10. Prabha Dutt vs Union Of India & Ors (1982 AIR, 6 1982 SCR (1)1184
11. Rajagopal v. State of Tamil Nadu, 1994 SCC (6) 632

12. Romesh Thappar v. State of Madras, 1950 AIR 124, 1950 SCR 594
13. Sakal Papers v/s Union of India A.I.R. 1962 SC 305
14. Secy., Ministry of Broadcasting v. Cricket Association of Bengal, (1995) 2 SCC 161
15. Shreya Singhal v. Union of India, (2015) 5 SCC 1
16. Swatanter Kumar v. The Indian Express Ltd, 207 (2014) DLT 221 57
17. Tata Press Ltd. V. MTNL (1995) 5 SCC 139; AIR 1995 SC 2438
18. Texas v. Johnson 491 U.S. 397 (1989)

BOOKS AND ARTICLES

- A.V.Dicey. An Introduction to the Study of the Law of the Constitution, Universal LawPublishing Co
- Andrew D. Murray, IT Law: The Law and Society, Oxford University Press, 2010.
- Aparna Viswanathan, Cyber Law-Indian & International Perspectives, LexisNexis Butterworths, 2nd edn. 2011.
- Austin Granville: The Indian Constitution: Cornerstone of a Nation. New Delhi, OxfordUniversity Press.
- Austin, Granville. Working a Democratic Constitution: A History of the Indian Experience. New Delhi: Oxford University Press
- D.D. Basu Law of the Press, Wadhwa Nagpur, 2002
- D.D. Basu, The Law of Press of India (1980)
- D.D.Basu, Commentary on the Constitution of India, Wandhwa Nagpur, Vol. 2, 8thedn., 2007
- H.M.Seervai, Constitutional Law of India Vol.I (1991)
- Justice E.S. Venkatramaiah, Freedom of Press : Some Recent Trends (1984)
- Lok Sabha Secretariat. Constituent Assembly Debates. 5 Vols. New Delhi: Lok SabhaSecretariat.
- Madhavi Goradia Divan, Facets of Media Law, 2nd Edn., 2018
- Rajeev Dhavan “On the Law of the Press in India” 26 J.I.L.I. 288 (1984)

- Rajeev Dhavan, “Legitimizing Government Rhetoric : Reflections on Some Aspects of the Second Press Commission” 26 J.I.L.I. 391 (1984)
- Ram Jethmalani & D.S. Chopra, Cases and Materials on Media Law, Thomson Reuters, 1st edn., 2012.
- Seervai, H. M. Constitutional Law of India: A Critical Commentary. 3 vols. 4th ed. NewDelhi: Universal Law Publishers, 2006.
- Singh, M. P., and V. N. Shukla. Constitution of India. 11th ed. Lucknow: Eastern BookCo., 2010.
- Soli Sorabjee, Law of Press Censorship in India (1976)

ONLINE ARTICLES/BLOGS/REPORTS:

1. NDTV India ban: A case of regulatory overreach and insidious censorship?
<https://www.legallyindia.com/blogs/ndtv-india-ban-a-case-of-regulatory-overreach-and-insidious-censorship>
2. NDTV Ban Order,
<https://www.livelaw.in/need-know-ndtv-ban-order-read-order/>
3. MEDIA AND JUDICIARY: REVITALIZATION OF DEMOCRACY,
<https://www.jstor.org/stable/44782789>
4. Media Influence on Courts: Evidence from Civil Case Adjudication,
<https://www.jstor.org/stable/24735731>
5. MEDIA AND LAW: Privileges and Specific Rights
<https://www.presscouncil.nic.in/OldWebsite/speechpdf/speech6.htm>
6. PRESS COUNCIL OF INDIA: NORMS OF JOURNALISTIC CONDUCT,
<https://presscouncil.nic.in/OldWebsite/NORMS-2010.pdf>
7. ROLE OF MEDIA IN MAKING AND EXECUTION OF PUBLIC POLICY IN INDIA,

The Indian Journal of Political Science Vol. 74, No. 2 (April - June, 2013), pp. 309-312 (4 pages); <https://www.jstor.org/stable/24701115>



LAW OF INSURANCE (OPTIONAL PAPER)
SEMESTER VIII AND X | B.A., LL.B. (HONS.)
SYLLABUS (SESSION : JAN-JUNE)

Faculty @	Prof.(Dr.) Yogendra Kumar Srivastava Dr. Y Papa Rao	Year/ Semester	VIII and X Semester
Course Name	Law of Insurance	No. of Credits	04
Course Code	None	Session duration	1 hour
No of Contact Hours (Week)	05	Pre-requisite	None
Total Hours	60 (50 Lectures +10 Tutorial classes)		
Course Objective & Pedagogy	<p>About the Course:</p> <p>Insurance law in India had its origin from the United Kingdom with the establishment of a British firm, the Oriental Life Insurance Company in 1818 in Calcutta, followed by the Bombay Life Assurance Company in 1823, the Madras Equitable Life Insurance Society in 1829 and the Oriental Life Assurance Company in 1874. Later on the Insurance Act, 1938, The Life Insurance Act, 1956, The Marine Insurance Act, 1963, The General Insurance Business (Nationalization) Act, 1972, Insurance Regulatory and Development Authority Act, 1999 and the Motor Vehicles (Amendment) Act, 2019 have been enacted.</p> <p>The insurance industry of India has 57 insurance companies 24 are in the life</p>		

insurance business, while 34 are non-life insurers. Life Insurance Corporation of India is the only public sector company among the life insurers. General Insurance Corporation of India is the only reinsurer in India recognized by the IRDA.

The insurance idea is an old-institution of transactional trade. The age-old form of insurance was the marine insurance. Consequently, in due course of time fire and life insurance, made their appearance. Within the last hundred years the insurance principle is being extended wider. Today one finds insurance cover for health, accidents, motor vehicles, livestock, crop, burglary, and various other disasters. Insurance is a device not to avert risks, calamities and disasters; but to mitigate their rigors and financial losses. The function of insurance is to spread such loss arising from risks of life over a large number of persons.

The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques. Besides, the insurance idea has a compensatory justice component. This brings it in the arena of the law of tort as well. It is even suggested that a fully grown and developed law of insurance may, if not totally displace, decrease the significance of the law of tort.

Course Objectives:

This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the context of the development of the general principles of law and judicial interpretation to inform the students about the use of law for the establishment of “just” order in insurance and to develop the appreciative and evaluative faculties of the students. The objective of the course is as follows:

- To understand the basic and advance concepts of law of Insurance.
- To provide students with the critical aptitudes necessary in an academic environment and in an increasingly complex, challenging and interdependent world.
- To assist students in the development of intellectual flexibility and creativity so that they may engage in life-long learning.
- To develop skills of analyzing various legal provisions considering practical issues to cater the need of the industry.

	<ul style="list-style-type: none"> To improve the students' interest in engaging subject with laws governing Contract of Insurance in specialized areas. <p>Pedagogy:</p> <p>The course components are administered through class room teaching, showing short documentaries, tutorial classes, open access resources, workshops/debate/discussions. Every component of the course module tries to inculcate the basic principles of contract of insurance and its application in the case laws critically. Students are not only encouraged to participate in the process of discussion but also expected to share their opinions, creative ideas and critical views thereafter in the class room which can help all the stakeholders for further improvements in teaching-learning process and interpretation of case laws related to Law of Insurance. The methods used for teaching will be purely based on case law studies in form of a situation and involve enhancing practical skills.</p>
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Learning Outcomes: At the end of the students will be able to:

LO1 Demonstrate and understand about the basic and essential tenets of the Indian Legal Regime relating to Insurance Laws.

LO2 Equipped about Rights of an Insured and beneficiaries in India and the various remedies he is entitled to avail under different Insurance Legislations.

LO3 Educate the various flaws in existing Insurance legal framework and role of judiciary and other regulatory institutions.

LO4 Develop an analytical and critical perspective about the existing Insurance law framework to enable them to suggest changes wherever necessary.

Evaluation Components:

Hheads of Evaluation components	Distribution of marks
End Term Examination	50 marks
Mid Term Examination	25 marks
Continuous Internal Assessment (CIA-1, CIA-2 and CIA-3=10+10+3=25Marks)	25 marks
Total	100 marks

COURSE PLAN

S.No.	Topics	Lecture Sessions
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1	Introduction	1-05
2	General Principles of Law of Insurance	06-15
3	Life Insurance	16-25
4	Fire Insurance	25-30
5	Marine Insurance	31-40
6	Motor Vehicle Insurance	41-50
7	Miscellaneous Insurance Schemes: New Dimensions	51-60

DETAILED SYLLABUS FOR LAW OF INSURANCE (OPTIONAL PAPER)

Unit	Content
Module-1 Introduction	<ul style="list-style-type: none"> • Definition, nature, and history of insurance • Contract of insurance- classification of contract of insurance, nature of various insurance contracts • History and development of insurance in India • The Insurance Act, 1938 • Insurance Regulatory Development Authority (IRDA) of India- role, powers and functions
Module-2 General Principles of Law of Insurance	<ul style="list-style-type: none"> • Principle of Uberrima Fidei-non-disclosure-misrepresentation in insurance contract • Principle of Indemnity • Insurable interest • Risk and principle of causa Proxima • Loss Minimization.
Module-3 Life Insurance	<ul style="list-style-type: none"> • Nature and scope of life insurance, definition, kinds of life insurance, the policy and formation of a life insurance contract • Event insured against life insurance contract • Circumstances affecting the risk • Amounts recoverable under life policy • Persons entitled to payment • Settlement of claim and payment of money
Module-4 Fire Insurance	<ul style="list-style-type: none"> • Definition, Nature and Scope of Fire Insurance

	<ul style="list-style-type: none"> • Meaning of Fire and Loss by Fire • Special Doctrines: Reinstatement, Subrogation and Contribution.
Module-5 Marine Insurance	<ul style="list-style-type: none"> • Nature and scope • The Marine Insurance Act 1963 • Voyage –deviation • Perils of the sea • Partial loss of ship and of freight, salvage, general average, particular charges • Measure of indemnity, total valuation, liability to third parties
Module-6 Motor Vehicle Insurance	<ul style="list-style-type: none"> • Motor Vehicles (Amendment) Act, 2019 • Nature and scope • Third Party Insurance or Compulsory Insurance • Effect of insolvency or death on claims, insolvency and death of parties, certificate of insurance • Claims tribunal, constitution, functions, application for compensation – who can apply? –Procedure and powers of claims tribunal – its awards.
Module-7 Miscellaneous Insurance Schemes: New Dimensions	<ul style="list-style-type: none"> • Burglary Insurance • Health Insurance • Livestock Insurance • Premium • Reinsurance • Double Insurance

Prescribed Legislations:

1. The Insurance Act, 1938
2. The Marine Insurance Act, 1963
3. The Life Insurance Corporation Act, 1956
4. The General Insurance Business (Nationalization) Act, 1972

5. The Insurance Regulatory and Development Authority Act, 1999
6. Motor Vehicles (Amendment) Act, 2019

Essential Readings:

1. Bird, John, Modern Insurance Law (10th ed., 2013), Sweet and Maxwell
2. Singh, Avtar, Law of Insurance (, EBC

Suggested Readings:

1. Malik, Sumeet, J.V.N. Jaiswal's Law of Insurance- Vols 1&2, Eastern Book Company (2nd ed., 2020)
2. Gaurav Varshney, Insurance Laws, LexisNexis (1st ed., 2017)
3. M.N. Srinivasan & K. Kannan (Revised by Justice K. Kannan) Principles of Insurance Law (10th ed., 2017), LexisNexis
4. M.N. Mishra and S.B. Mishra, Law of Insurance (25th ed., 2016)
5. Birds, John, Modern Insurance Law, Sweet & Maxwell; Eighth edition (1 January 2011)
6. M.B. Shah, Landmark Judgments on Insurance under the Consumer Protection Act, Universal Law Publishing (2004)
7. E.R. Hardy Ivamy, General Principles of Insurance Laws, (6th ed., 1993), Butterworths, Delhi
8. Vandana Singh, K. B. Agrawal, Insurance Law in India, (2012)
9. Evan James MacGillivray, MacGillivray on Insurance Law: Relating to All Risks Other Than Marine, Sweet & Maxwell Ltd; 6th Revised edition (1997)
10. K.S.N. Murthy & K.V.S. Sarma, Modern Law of Insurance in India (Sixth Edition- 2019), LexisNexis, Delhi

Recommended Cases:

1. Pink v. Fleming (1890) 25 QBD 396
2. Mithoolal Nayak v. Life Insurance Corporation of India. AIR 1962 SC 814
3. Kasim Ali Bulbul v. New India Assurance Co. AIR 1968 J & K 39
4. Smt. Krishna Wanti Puri v. Life Insurance Corporation of India, AIR 1975 Del. 19
5. .Smt. Dipashri v. Life Insurance Corporation of India, AIR 1985 Bom 192
6. Life Insurance Corporation of India v. Asha Goel, AIR 2001 SC 549

7. New India Assurance Co. Ltd. v. M/s Zuari Industries Ltd.(2009) 9 SCC 70
8. Simmonds v. Cockell (1920) All ER Rep. 162
9. Harris v. Poland (1941) All ER 204: 1 K.B.D. 204
10. L.I.C. of India v/s Channasbasamma, AIR 1991 SC 392
11. Vijay Kumar v/s New Zealand Insurance Co. AIR 1954 Bom.
12. Bhagwani Bai v/s L.I.C. of India AIR 1984 M.P.
13. Lakshmi Insurance Co. v/s Bibi Padmavati AIR 1961 Punjab
14. L.I.C. of India v/s Smt. Vijaya Chopra AIR 2008 (NOC) 2334
15. L.I.C. of India v/s Smt. Chandra Kanta AIR 2008 (NOC) 2334
16. L.I.C. of India v/s Mrs. Shashi Sethi AIR 2008 H.P. 67
17. Smt. Sakhitombi v/s Zonal Manager, L.I.C. of India, Calcutta AIR 2009 Gauhati 90
18. United India Insurance Co. Ltd. v/s Shri Hasan Sultan Nadaf [(1992) 3 CPJ 64 (National Commission)]
19. Castellain v/s Preston [1883 2 Q B 38]
20. Nagappa v. Gurudayal Singh (2003) 2 SCC 274
21. Ibrahim v. Raju (2011) 10 SCC 634
22. Biman Krishna Bose v. United India Insurance Co. Ltd. (2001) 6 SCC 477
23. LIC of India v Asha Goel (2001) 2 SCC 160
24. P.C. Chako v. Chairman, LIC of India (2008) 1 SCC 321
25. Satwant Kaur Sandhu v. New India Assurance Co. Ltd. (2009) 8 SCC 316
26. Reliance Life Insurance Co. Ltd. V. Rekhaven Nareshbhai Rathod (2019) 6 SCC 175
27. Sonell Clocks and Gifts Ltd v. The New India Assurance Co Ltd (2018) 9 SCC 784.



LAW OF BANKRUPTCY AND INSOLVENCY (OPTIONAL PAPER)
SEMESTER VIII&X | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JAN-JUNE)

Faculty Name	Amitesh Deshmukh	Year/ Semester	4&5/VIII & X
Course Name	Law of Bankruptcy and Insolvency	No. of Credits	4
Course Code	NA	Session Duration	1 hour
No of Contact Hours	60 hours	Pre-requisite	NA
Introduction, Course Objective & Pedagogy	<p>Insolvency is a situation, where the duty has been endowed upon the state machinery to declare whether a person or entity should be made to go through the laws regulating/resolving insolvency. Insolvency can be understood as the general inability of paying dues as they accrue. Also, looked at from a degrowth perspective, insolvency law provides for an exit mechanism from markets for business entities whose business is not making profits. The resources are scarce and insolvency law facilitates infrastructure for the proper allocation of resources by either making loss-making businesses profitable or by removing unviable entities from the market. Hence, the efficacy of insolvency laws also forms an important facet of credit infrastructure. In India, the general principles of insolvency laws are codified under the most recent legislation which is the Insolvency and Bankruptcy Code, 2016 whereas the Provincial Insolvency Act, 1920, and Presidency Insolvency Act, 1909 contemplate insolvency resolution law for individuals and partnerships.</p> <p>This course is designed to acquaint a student with the conceptual and operational parameters of various general principles relating to bankruptcy and insolvency law. It aims to equip the students with the basics of this law to enable them to deal effectively with the various disputes related to credits.</p>		

	<p>Against this backdrop, the present course aims at:</p> <p>CO1: To develop a clear theoretical understanding of the legal regime appertaining to the Insolvency and Bankruptcy Laws in India.</p> <p>CO2: To understand the rationale for the shift from the old regime to the current regime.</p> <p>CO3: To understand the legal framework of Individual Insolvency, CIRP, FTCIRP, and PPCIRP.</p> <p>CO4: To have a basic appreciation of current challenges & future opportunities.</p> <p>The pedagogy for the course will involve a combination of methods aimed at building the legal knowledge, practical perspective and skills that are requisite for an exquisite exposure of insolvency law as lawyers as well as understanding the perspectives of reading the provisions with interpretation. The methods used will be based on case law studies in form of a situation and involve honing practical skills.</p>
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LEARNING OUTCOMES: Through the curriculum, the students will get a clear frame of Law of Insolvency. At the end of the course, students will be able to:

- [LO01]:** To discuss the fundamentals of Bankruptcy and Insolvency Law.
- [LO02]:** To enumerate different methods and techniques for resolving Insolvency.
- [LO03]:** To outline the advantages the new regime has over the previous regime.
- [LO04]:** To discuss the Corporate Insolvency Resolution Process and its future prospects.
- [LO05]:** To elaborate on the concept of the Liquidation Process as envisaged under IBC.
- [LO06]:** To understand and appreciate the regime for personal and partnership insolvency.
- [LO07]:** To outline and discuss the infrastructure put in place by the Insolvency and bankruptcy Code.
- [LO08]:** To examine and highlight the concept of Cross Border Insolvency and the stand of the Insolvency Law Committee on it.

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	Sessions
1	INTRODUCTION	1-11
2	CORPORATE INSOLVENCY	12-25
3	LIQUIDATION	27-37
4	CROSS BORDER INSOLVENCY	38-52
5	INDIVIDUAL INSOLVENCY	53-60

* Sessions include lecture, and tutorial sessions.

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION	<ul style="list-style-type: none"> a) Basic understanding of “insolvency” and “bankruptcy.” b) Key objectives of Insolvency and Bankruptcy Resolution Laws c) Roots, and benchmarks of Insolvency and Bankruptcy Law d) Tests for determining insolvency e) The framework of Insolvency and Bankruptcy Law in India
Module 2 RESOLUTION OF CORPORATE INSOLVENCY	<ul style="list-style-type: none"> a) Applicability and Definitions b) Persons who may initiate c) The time limit for completion of the process d) Moratorium e) Insolvency Resolution Process f) Resolution Plan g) Fast Track CIRP and Pre-Packaged CIRP h) Authorities and Enforcement Mechanism
Module 3 LIQUIDATION PROCESS	<ul style="list-style-type: none"> a) Moving from Resolution to Liquidation b) Initiation of liquidation c) Appointment, powers, and duties of liquidator d) Liquidation estate e) Liquidation Process and Distribution of assets f) Voluntary Liquidation g) Vulnerable/Avoidable transactions h) Dissolution of the corporate debtor
Module 4 INDIVIDUAL INSOLVENCY	<ul style="list-style-type: none"> a) Applicability and Terms b) Individual Insolvency under IBC in comparison with the older regime c) Initiation of Insolvency Resolution d) Fresh Start Process and Insolvency Resolution Process e) Bankruptcy order and its consequences f) Treatment of Personal Guarantors of Corporate Debtors g) Authorities and Enforcement Mechanism
	<ul style="list-style-type: none"> a) Cross Border Insolvency- introduction and overview b) Agreements with foreign countries

Module 5 CROSS-BORDER INSOLVENCY	c) Letter of request to a country outside India in certain cases d) <u>UNCITRAL Model Law on Cross-Border Insolvency (1997)</u> – key highlights e) Insolvency Law Committee Report on Cross-Border Insolvency
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READINGS:**STATUTES, RULES, AND REGULATIONS:**

1. Companies Act, 2013
2. Insolvency & Bankruptcy Code 2016
3. Provincial Insolvency Act, 1920
4. Presidential Insolvency Act, 1909

CASE LAWS:

- 1) Anjali Rathi and Others Vs. Today Homes & Infrastructure Pvt. Ltd. and Others (2022) 2 SCC 401
- 2) Anuj Jain IRP for Jaypee Infratech Limited Vs. Axis Bank Limited etc. (2019) SCC Online SC 1775
- 3) ArcelorMittal India Private Limited Vs. Satish Kumar Gupta & Ors. (2019) 2 SCC 1
- 4) Arun Kumar Jagatramka Vs. Jindal Steel and Power Ltd. & Anr (2021) 7 SCC 474
- 5) Asset Reconstruction Company (India) Ltd. Vs. Bishal Jaiswal & Anr. (2021) 6 SCC 366
- 6) Asset Reconstruction Company (India) Ltd. Vs. Tulip Star Hotels Ltd. & Ors. (2022) SCC Online SC 944
- 7) B.K. Educational Services Private Limited Vs. Parag Gupta And Associates (2019) 11 SCC 633
- 8) Babulal Vardharji Gurjar Vs. Veer Gurjar Aluminium Industries Pvt. Ltd. & Anr. (2020) 15 SCC 1
- 9) Brilliant Alloys Private Limited Vs. Mr. S. Rajagopal & Ors. (2022) 2 SCC 544
- 10) CoC of Essar Steel India Limited Vs. Satish Kumar Gupta & Ors. (2020) 8 SCC 531
- 11) Dena Bank (now Bank of Baroda) Vs. C. Shivakumar Reddy and Anr. (2021) 10 SCC 330
- 12) E S Krishnamurthy & Ors. Vs. M/s Bharath Hi Tech Builders Pvt. Ltd. (2022) 3 SCC 161
- 13) Ebix Singapore Pvt. Ltd. Vs. CoC of Educomp Solutions Ltd. & Anr. (2021) ibclaw.in 153 SC

- 14) Gaurav Hargovindbhai Dave Vs. Asset Reconstruction Company (India) Ltd & Anr (2019) 10 SCC 572
- 15) Ghanashyam Mishra and Sons Pvt. Ltd. Vs. Edelweiss Asset Reconstruction Company Ltd. & Ors. (2021) 9 SCC 657
- 16) Gujarat Urja Vikas Nigam Limited Vs. Mr. Amit Gupta & Ors (2020) SCC Online SC 1167
- 17) India Resurgence ARC Private Limited Vs. M/S. Amit Metaliks Limited & Anr. (2021) SCC Online SC 409
- 18) Innoventive Industries Ltd. Vs. ICICI Bank & Anr. (2018) 1 SCC 407
- 19) Jaypee Kensington Boulevard Apartments Welfare Association & Ors. Vs. NBCC (India) Ltd. & Ors. (2021) ibclaw.in 63 SC
- 20) Jignesh Shah & Anr Vs Union of India & Anr (2019) 10 SCC 750
- 21) K. Kishan Vs. M/s. Vijay Nirman Company Pvt. Ltd. (2018) 17 SCC 662
- 22) K. Sashidhar Vs. Indian Overseas Bank & Ors. (2019) 12 SCC 150
- 23) Kalpraj Dharamshi & Anr Vs. Kotak Investment Advisors Ltd. & Anr. (2021) 10 SCC 401
- 24) Kotak Mahindra Bank Ltd. Vs. A. Balakrishnan & Anr. (2022) 9 SCC 186
- 25) Lalit Kumar Jain Vs. Union of India & Ors. (2021) 9 SCC 321
- 26) Laxmi Pat Surana Vs. Union Bank Of India & Anr. (2021) 8 SCC 481
- 27) M/s Embassy Property Developments Pvt. Ltd. Vs. State of Karnataka & Ors. (2020) 13 SCC 308
- 28) M/s. Orator Marketing Pvt. Ltd. Vs. M/s. Samtex Desinz Pvt. Ltd. (2021) SCC Online SC 513
- 29) M/s. Reliance Asset Reconstruction Company Ltd. Vs. M/s Hotel Poonja International Pvt. Ltd. (2021) 7 SCC 352
- 30) Macquarie Bank Ltd. Vs. Shilpi Cable Technologies Ltd (2018) 2 SCC 674
- 31) Maharashtra Seamless Limited Vs. Padmanabhan Venkatesh & Ors. (2020) 11 SCC 467
- 32) Maitreya Doshi Vs. Anand Rathi Global Finance Ltd. and Anr. (2022) SCC Online SC 1276
- 33) Mobilox Innovations Pvt. Ltd. Vs. Kirusa Software Pvt. Ltd. (2018) 1 SCC 353
- 34) Ms. Sagufa Ahmed & Ors. Vs. Upper Assam Plywood Products Pvt. Ltd. & Ors. (2021) 2 SCC 317

- 35) Municipal Corporation of Greater Mumbai (Mcgm) Vs. Abhilash Lal & Ors. (2020) 13 SCC 234
- 36) New Okhla Industrial Development Authority Vs. Anand Sonbhadra (2022) SCC Online SC 631
- 37) P. Mohanraj & Ors. Vs. M/S. Shah Brothers Ispat Pvt. Ltd. (2021) 6 SCC 258
- 38) Phoenix Arc Pvt. Ltd. Vs. Spade Financial Services Ltd. & Ors. (2021) 3 SCC 475
- 39) Pioneer Urban Land and Infrastructure Limited & Anr. Vs. Union of India & Ors. [2019] 8 SCC 416
- 40) Pr. Commissioner of Income Tax Vs. Monnet Ispat and Energy Ltd. (2018) 18 SCC 786
- 41) Pratap Technocrats (P) Ltd. & Ors. Vs. Monitoring Committee of Reliance Infratel Ltd. & Anr. (2021) SCC Online SC 661
- 42) Sagar Sharma & Anr Vs. Phoenix Arc Pvt. Ltd. & Anr (2019) 10 SCC 353
- 43) Sesh Nath Singh & Anr Vs. Baidyabati Sheoraphuli Co-Operative Bank Ltd And Anr. (2021) 7 SCC 313
- 44) State Bank of India Vs. V. Ramakrishnan & Anr. (2018) 17 SCC 394
- 45) State Tax Officer Vs. Rainbow Papers Ltd. (2022) SCC Online SC 1162
- 46) Sundaresh Bhatt Liquidator of ABG Shipyard Vs. Central Board of Indirect Taxes and Customs (2022) SCC Online SC 1101
- 47) Swiss Ribbons Pvt. Ltd. & Anr. Vs. Union of India & Ors. (2019) 4 SCC 17
- 48) Transmission Corporation of Andhra Pradesh Limited Vs. Equipment Conductors and Cables Limited (2019) 12 SCC 697
- 49) Vashdeo R Bhojwani Vs. Abhyudaya Co-Operative Bank Ltd & Anr (2019) 9 SCC 158
- 50) Vidarbha Industries Power Ltd. Vs. Axis Bank Ltd. (2022) 8 SCC 352

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Online Blogs/Articles:

- A Primer on the Insolvency and Bankruptcy Code, 2016, Nishith Desai Associates, 2019, http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research_Papers/A-Primer-on-the-Insolvency-and-Bankruptcy-Code.pdf
- BLRC Report - https://ibbi.gov.in/BLRCReportVol1_04112015.pdf
- Dr. Neeti Shikha, India's Tryst with Cross-border Insolvency, IBBI Annual journal 2020.

- Draft Information Memorandum and Resolution Plan, IBBI - <https://ibbi.gov.in/webadmin/pdf/press/2018/Nov/PR-Specimen-compressed.pdf>
- Gerard McCormack, “US exceptionalism and UK localism? Cross-border insolvency law in comparative perspective”, Cambridge University Press Volume 36, Issue 1, March 2016 , pp. 136-162
- Jennifer Payne, “The Role of the Court in Debt Restructuring”, <https://blogs.harvard.edu/bankruptcyroundtable/2017/03/21/the-role-of-the-court-in-debt-restructuring/>
- Lucian Arye Bebchuk, “The Uneasy Case for the Priority of Secured Claims in Bankruptcy”, The Yale Law Journal, 1996, Vol. 105: 857, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=7663&context=yjlj>
- Mark J. Roe & Stephen D. Adam, “Restructuring Failed Financial Firms in Bankruptcy: Selling Lehman's Derivatives Portfolio”, Yale Journal on Regulation, Vol. 32, 2015, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1414&context=yjreg>
- Nimmer, Raymond T. "Negotiated Bankruptcy Reorganization Plans: Absolute Priority and New Value Contributions." Emory Law Journal, vol. 36, no. 4, Fall 1987, p. 1009-1084. HeinOnline, <https://heinonline.org/HOL/P?h=hein.journals/emlj36&i=1027>
- Richard Squire, “The Case for Symmetry in Creditors' Rights”, The Yale Law Journal, 2009, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=5153&context=yjlj>
- Sefa M. Franken, “Cross-Border Insolvency Law: A Comparative Institutional Analysis”, Oxford Journal of Legal Studies, Vol. 34, No. 1 (2014), pp. 97–131.
- Shebani Bhargava, “Schemes of Compromise or Arrangement During Liquidation”, (2020) PL June 76 [SCC]

BOOKS

- A K Mittal, *Insolvency and Bankruptcy Code: Law and Practice* (EBC, 1st ed.).
- Ashish Makhija, *Insolvency and Bankruptcy Code of India*, (Lexis Nexis, ed. 2018).
- Mulla, *Law of Insolvency in India* (LexisNexis, 2013)
- Sumant Batra, *Corporate Insolvency Law and Practice*, Eastern Book Company; 1st Edition, 2017 edition
- V.S Wahi, *Treatise on Insolvency & Bankruptcy Code*, (Bharat Law House, ed. 2018).
- Vinod Kothari and Shikha Bansal, *Law Relating to Insolvency and Bankruptcy Code, 2016*, (Taxmann, ed. 2016).

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- Bob Wessels and Gert Jan Boon, *Cross-Border Insolvency Law*, (2nd ed., Wolters Kluwer Law International, 2015).
- Chapter 1, Wood, Philip R., *Principles of International Insolvency (The Law and Practice of International Finance Series, vol. 1)*, 2nd ed. (South Asian ed. 2009).
- Chapters 1 to 4, Finch, Vanessa, *Corporate Insolvency Law: Perspectives and Principles* (2nd ed. Cambridge, 2009).
- Chapters I and II, Barry E. Adler, Douglas G. Baird and Thomas H. Jackson, *Cases, Problems, and Materials on Bankruptcy*, 4th ed. (Foundation Press, N.Y., 2007).
- Corporate Laws Manual (2015).
- Dinshaw Fardunji Mulla and Aparna Ravi, *The Law of Insolvency in India*, (6th ed., Lexis Nexis, 2017).
- Felicity Toubé, *International Asset Tracing in Insolvency*, (1st ed., Oxford University Press, 2009).
- Finch Vanessa and David Milman, *Corporate Insolvency Law: Perspectives and Principles*, (3rd ed., Cambridge, 2017).
- *Guide to Insolvency and Bankruptcy Code 2016*, (As amended by Insolvency and Bankruptcy Code (Amendment) Ordinance 2017), (Taxmann, ed. 2017).
- Ian F. Fletcher, *Law of Insolvency*, Sweet & Maxwell; 5th edition edition (2017)
- Insolvency and Bankruptcy Code, 2016.
- Irit Mevorach, *The Future of Cross Border Insolvency*, (1st ed., Oxford University Press, 2018).
- Julian R. Franks & Walter N. Torous, *Lessons from a Comparison of U.S and U.K Insolvency Codes* 8(3)Oxford Review of Economic Policy <<https://academic.oup.com>>.
- Justice P.S. Narayana, *Law of Insolvency (Bankruptcy)*, 8th ed., Asia Law House, 2010).
- Lecture 1, Narayan, Ms. Sathya, *Mulla on the Law of Insolvency in India*, 4th ed. (Tripathi, 1997).
- Mitra, Dr. N.L. (Chairman), *Report of the Advisory Group on Bankruptcy Laws-May 2001, along-with Illustrative Code-Corporate Bankruptcy and Winding up Code, 2001; Available at: <http://www.rbi.org.in/Scripts/PublicationReportDetails.aspx?FromDate=05/17/01&SECID=4&SUBSECID=27>*

- Rosa M. Lastra, *Cross-Border Bank Insolvency*, ((1st ed., Oxford University Press, 2011).
- Thomson Reuters, *Manzar Saeed Commentary on the Insolvency and Bankruptcy Code 2016*, (Hardcover, ed.2017).
- Transnational Bankruptcy, Chapter XIII, Barry E. Adler, Douglas G. Baird and Thomas H. Jackson, *Cases, Problems, and Materials on Bankruptcy*, 4th ed. (Foundation Press, N.Y., 2007).
- UNCITRAL Model-Law on Cross-Border Insolvency.
- Vinod Kothari and Shikha Bansal, *Law Relating to Insolvency and Bankruptcy Code, 2016*, (Taxmann, ed. 2016).
- Vishwanathan, T.K., *Interim Report of the Bankruptcy Law Reform Committee*, (Feb. 2015), *available at*: http://finmin.nic.in/reports/Interim_Report_BLRC.pdf

BLOGS AND JOURNALS TO FOLLOW:

- Cyril Amarchand Mangaldas Blog - <https://corporate.cyrilamarchandblogs.com/category/insolvency-and-bankruptcy/>
- Harvard Blog - <http://blogs.harvard.edu/bankruptcyroundtable/category/bankruptcy-roundtable-updates/>
- Harvard Law School, The Case Studies Blog - <https://blogs.harvard.edu/hlscasestudies/>
- IndiaCorpLaw Blog – <https://indiacorplaw.in/>
- INSOL India Blog
- Journal of Financial Crises – Yale school of Management
- Nishith Desai - <https://www.nishithdesai.com/information/research-and-articles/nda-hotline/insolvency-and-bankruptcy-hotline.html>
- Oxford Business Law Blog - <https://www.law.ox.ac.uk/business-law-blog>

*** IMPORTANT NOTE**

1. *The reading material is preliminary and suggestive. The faculty shall distribute pertinent study materials as pre/post lecture content (from time to time). Students must keep themselves abreast of the distributed materials and clarify their respective doubts with the faculty.*
2. *The faculty member-in-charge of the course reserves the right to modify any of the contents, terms and conditions, provided in this curriculum.*
3. *A list of project topics would be notified to the class after the commencement of the session.*



INTERPRETATION OF STATUTES (OPTIONAL PAPER)

SEMESTER VIII & X | B.A.LL.B. (Hons.)

SYLLABUS (SESSION: JAN-JUNE)

Faculty	Dr. Pankaj Umbarkar	Year/ Semester	VIII & X
Course Name	Interpretation of Statutes	No. of Credits	4
Course Code	NA	Session duration	1 hour
No of Hours (Week)	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	Knowledge of Laws
Introduction, Course Objective & Pedagogy	<p>Introduction: Legislation dominates the contemporary legal landscape. Almost all fields of legal regulation involve legislation in some form. Legislatures enact laws after much deliberation. No doubt in this process they have to take into account the present and future needs of the people. With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes. Judicial interpretation involves construction of words, phrases and expressions. In their attempt to make the old and existing statutes contextually relevant, courts used to develop certain rules, doctrines and principles of interpretation. Judiciary plays a highly creative role in this respect. The ability to interpret and understand the operation of legislation is a skill essential to understanding law and its operation. In this backdrop, the course is designed to discuss in detail the nuances of interpretation of statutes.</p> <p>Course Objectives: The main objectives of the course are as follows.</p>		

	<p>CO 1- To understand the system of Interpretation of Statutes which is the core functions of the Court.</p> <p>CO 2- To discuss the methods of interpretation according to the nature and type of legislations.</p> <p>CO 3 -To know about the various components of a statute and its use in the interpretation.</p> <p>CO 4 - To explore tendency of the judiciary in deciding cases.</p> <p>Pedagogy:</p> <p>Teaching methodology will predominantly focus on classroom teaching through lecture and discussion method. Further, adequate explanations, illustrations, examples will be given to make clear the nuances of law. Discussions will take place on laws and case-laws to understand the interpretation of legal provisions.</p>
Contact Details	pankaj.umbarkar@hnl.ac.in

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

LO1- Understand the meaning nature, kinds of laws and its interpretation.

LO2- Know about the system for interpretation of statutes.

LO3- Know the various components of the legislation, external aids and its extent of use in the process of interpretation.

LO 4- Examine the tendencies of judicial decisions while exploring the meaning of the terms especially at the time of uncertainties in law.

EVALUATION COMPONENTS

Components of Course Evaluation	Distribution of Marks
Continuous Internal Assessment (CIA) (10+10+5)	25
Mid Term Examination	25
End Term Examination	50
Total	100

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

COURSE PLAN: EXECUTIONS OF THE MODULES:

S.No.	Topics	Lecture Sessions	Lecture Numbers
1	Introduction	7	1-7
2	General Principles Of Interpretation	7	8-14
3	Internal Aid To Interpretation	5	15-19
4	External Aid To Interpretation	5	20-24
5	Subsidiary Rules	8	25-32
6	Operation Of The Statutes & Interpretation Of Penal, Taxing & Remedial Statutes	8	33-40
7	Interpretation Of Constitutional Documents , Expiry And Repeal Of Statutes	10	41-50
8	Tutorial Classes	10	51-60

DETAILED SYLLABUS

UNIT	CONTENT
MODULE I Introduction	1. Meaning of Interpretation and the construction 2. Intention in interpretation; why original intent is important? 3. Appraisal of the principle of plain meaning 4. How judges decide? The Method of Philosophy; the Method of Sociology 5. Making sense of Precedent; determining 'ratio Decidendi'

MODULE II General Principles Of Interpretation	<ol style="list-style-type: none"> 1. Statute must be read as a whole in its context 2. Statute to be construed to make it effective and Workable 3. Literal Rule of Interpretation 4. Golden Rule of Interpretation, 5. Mischief Rule of Interpretation 6. Regards to subjects and Objects 7. Presumptions and 8. Considerations in Interpretation
Module III Internal Aids To Interpretation	<ol style="list-style-type: none"> 1. Short Title Long Title, Preamble, Definition, 2. Sections, Sub section, Marginal Notes, 3. Punctuation, Illustrations, Proviso, 4. Explanation and Schedules,
Module IV External Aid to Interpretation	<ol style="list-style-type: none"> 1. <i>Parliamentary History (English Practice, American Practice and Modern Trends)</i> 2. Historical facts and surrounding circumstances, 3. Social, Political and Economic Developments and scientific inventions, 4. Statutes in Para material 5. Assistance of earlier statutes 6. Use of foreign Decisions & Dictionaries
Module V Subsidiary Rules	<ol style="list-style-type: none"> 1. Same word same meaning, 2. Rule of last antecedent, 3. Non-obstante Clause, 4. Legal fiction, 5. Mandatory and directory provisions, 6. Conjunctive and disjunctive words ‘or’ and ‘and’, 7. Construction of general words – 8. Noscitur A Socis, 9. Rule of ejusdem generis, 10. Words of rank, 11. Reddendo Singula Singulis etc. 12. Mimansa Rule of Interpretation

Module VI Operation Of The Statutes And Its Interpretation	<ol style="list-style-type: none"> 1. Commencement - Prospective and retrospective operation of the statute 2. Special statutes in context of substantive rights, procedure, Succession, transfer & contracts. 3. Penal Statutes and its interpretation 4. Taxing Statutes and its interpretation, 5. Interpretation of Remedial Statutes
Module VII Interpretation Of Constitutional Documents & Expiry, Repeal Of Statutes	<ol style="list-style-type: none"> <i>1. Constitutional Interpretation and Judicial Review</i> 2. Rules of Interpretation of Constitution and Constitutional Documents 3. The General Clauses Act, 1897 4. Express or implied Repeal 5. Consequences of Repeal 6. Subordinate Legislations under repealed statute

READING:

Text Books:

- **Book: Principles of Statutory Interpretation**

Author: G.P. Singh

Publisher: Lexis Nexis 12th Ed. 2013

- **Book:** Interpretation of Statutes

Author: D.N.Mathur

Publisher: Central Law Publication, 8th Ed. 2021

- **Book:** Judging Under Uncertainty

Author: Adrian Vermual

Publisher: Universal Law Publication Company, Reprint 2010, Chapter 8

- **Book:** The Nature of Judicial Process (Chapter I & III)

Author: J. Benjamin Cardozo

Publisher: Martino Publishing 2011

➤ **Book:** Rupert Cross, John Bell, and George Engle

Author: Statutory Interpretation

Publisher: Oxford University Press

STATUTES, RULES AND REGULATIONS:

1. The General Clauses Act, 1897

CASE LAWS:

- Ali M.K V State of Kerla (2003) 11 SCC 632
- Amrendra Pratap Singh V Tej Bahadur Prajapati AIR 2004 SC 256
- Anurag Mittal V Shaily Mishra Mittal, (2018) 9 SCC 691 :AIR 2018 SC 3983
- Aswini Kumar Ghose V Arbinda Bose AIR 1952 SC 369
- Atal Tea Com. Ltd V Regional Provident Fund Commissioner 1998 (79) FLR 372
- Auckland Jute Comp. Ltd V Tulasi Chandra Goswami AIR 1949 FC 153
- Balraj Kunwar V Jagtpal Singh ILR 26 All 393 PC
- Balram Kumawat v Union of India (2003) 7 SCC 628
- Benagal Nagpur Railway Company v Ruttanji Ramji AIR 1938 PC 37
- Bengal Immunity Com. Ltd v State of Bihar AIR 1955 SC 661
- Bhatia International V Bulk Trading S.A 2002 4 SCC 105 : AIR 2002 SC 1432
- Biman Basu V Kallol Gupta Thakurta AIR 2010 SC 3328
- Black Clawsom International Ltd v Papierweke Waldjof Aschaffenburg A.G (1975) 1 All ER 810 HL
- Brihan Mumbai Electric Supply and Transport Undertaking V Lakshya Media Pvt.Ltd (2010) 1 SCC 620
- C. Ronald V U.T Andaman and Nicobar Islands (2011) 12 SCC 428
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- Deoki Nandan v Muralidhar AIR 1957 Sc 133
- G. Narayanaswami v. Pannersevan, (1972) 3 SCC 717,
- G.k Choukashi v Commissioner of Income Tax (2008) 1 SCC 246
- Great Western Railway Company V Swindon & Cheltenham Extention Rly.Com
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- Grid Corporation of Orisa V Eastern Metal & Ferro Alloys (2011) 11 SCC 334
- Hanlon V Law Secretary 1980 2 All ER 199 (HL)
- Hardeep Sing v State of Punjab (2014) 3 SCC 92
- Heydon's Case (1584) 76 ER 637
- ICICI Bank V Municipal Corporation of Greater Bombay (2005) 6 SCC 404
- Indian City Properties Ltd V Municipal Commissioner of Greater Bombay (2005) 6
SCC 417
- Iqbal Singh Marwah V Mienenakshi Marwah (2005) 4 SCC 370
- ITO, Mangalore v. M. Damodhar Bhat, AIR 1969 SC 408
- J.K.Cotton Spinning & Weaving Mills Ltd V union of India AIR 1988 SC 191 P.202
- Jay Mahakali Rolling Mills V Union of India (2007) 12 SCC 198
- Jugalkishore v. Raw Cotton Co., AIR 1955 SC 376;
- Karnataka Bank Ltd V State of Andhra Pradesh (2008) 2 SCC 254
- Kartar Singh V State of Punjab (1994) 3 SCC 569
- Kasmir Singh V Union of India (2008) 7 SCC 259
- Kedarnath V State of West Bengal AIR 1953 SC 404
- Keshvan v State of Bombay AIR 1951 SC 128
- Keshvanadn Bharati V State of Kerala (1973) 4 SCC 225; AIR 1973 SC 1461
- Labour Commissioner M.P V Burhanpur Tapti Mills Ltd AIR 1964 SC 35
- M.D Harrisons Malayalam V Union of India (2004) 1 SCC 3782
- Maharashtra Land Development Corporation V State of Maharashtra 2010 (11)
SCALE 675
- Member Board of Revenue V Arthur Paul Benthall AIR 1956 SC 35
- Mohomed Ariffin V Yeah Oai Gark 43 AI 256 Reffered in Jamma Masjid case AIR
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3. 60th Law Commission Report of Government of India <https://lawcommissionofindia.nic.in/51-100/Report60.pdf>
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Note: The reading material mentioned above is suggestive and not exhaustive



SOCIO ECONOMIC OFFENCES (OPTIONAL PAPER)

SEMESTER VIII/X | B.A.LL.B. (Hons.)

SYLLABUS (SESSION: JAN-JUNE)

Faculty Name	Dr. Manoj Kumar Dr. Archana Shyam Gharote	Year/ Semester	4/5/VIII/X
Course Name	Socio Economic Offences	No. of Credits	4
Course Code	NA	Session Duration	1 hour
No of Contact Hours	60 Lectures = 60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>The concept of socio- economic offences as elucidated by the 47th Law Commission Report in India is very important in criminal law arena. In this report the salient features of these social and economic offences are discussed in a detailed manner. Socio-economic offences do not only extend the scope of the subject matter of white-collar crime, as conceived by Sutherland and as appreciated by others, but is also of wider import. The growth in socio-economic crime is traced to the materialism and business competitiveness fostered by industrialization, coupled with a decline in the influence of religious ethics that demand material accomplishments while emphasizing honest and fair dealings with others. These factors influenced India after World War II, and Indian criminal jurisprudence had limited opportunity to shape itself to counter the growing tide of socio-economic crimes. Currently, there are elements of a new criminal jurisprudence evidenced in legislation intended to regulate and control socio-economic offences. This includes treating socio-economic offences as having strict liability, with curtailment or abandonment of the necessity to prove intent. Further, vicarious criminal liability, which involves the liability of a principal for the acts of its agents, is being increasingly recognized. Sentencing for socio-economic crimes is also becoming more severe, including mandatory minimum imprisonment, large fines, and the confiscation of goods and property.</p>		

	<p>In the light of this introductory note this course on Socio-Economic Offences is designed to give students a comprehensive understanding of contemporary patterns and characteristics of Socio-Economic Offences. The course also intends to enhance the students' abilities to research policy documents and legal material, critically analyze legislation, case studies and scholarly writings, present research findings to an academic audience, and elaborate practical recommendations for law reform and policy change relevant to the subject area.</p> <p>Course Objectives are:</p> <p>CO1: To expound the meaning of Socio-Economic Offences and explain how it is different from other kinds of offences.</p> <p>CO2: To explore the legal and policy tools that may be helpful to control such offences.</p> <p>CO3: To give students a comprehensive understanding of contemporary patterns and characteristics of Socio-economic offences.</p> <p>CO4: To enable the students to understand and appreciate causes of socio-economic offences.</p> <p>CO5: To develop students' analytical skills in relation to socio-economic offences and operation of the combating measures.</p> <p>The teaching methods will include Lectures, PowerPoint Presentations, documentaries, discussion and debate on various aspects of Socio-Economic offences.</p>
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LEARNING OUTCOMES:

After the successful completion of Course Curriculum, a student will be able to:

- **LO1** Explain about the conceptual aspects of socio-economic offences and different forms of socio-economic offences.
- **LO2** Distinguish between socio-economic offences and other violations of the law.
- **LO3** Critically analyse the various causes of emergence of socio-economic offences and its all-pervasive dimensions.
- **LO4** Know and understand the various aspects of socio-economic offences.

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 to the Socio-Economic Offences	15
2	The Essential Commodities Act, 1955	6
3	The Food Safety and Standards Act, 2006	7
4	The Prevention of Corruption Act, 1988	6
5	The Prevention of Money-Laundering Act, 2002	6
6	The Narcotic Drugs and Psychotropic Substances Act, 1985	10
7	Socio Economic Offences under some other Legislation: An Overview	10
	Total	60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Introduction to the Socio-Economic Offences	Concept and Evolution of ‘Socio-Economic Offences.’ Nature and Extent of Socio-Economic Offences. Mens Rea, Nature of Liability, Burden of Proof and Sentencing Policy. Concept of White Collar Crimes Distinction among Socio-Economic Offences, White Collar Crimes and Traditional Crimes. The Socio-Economic Offences in India: The Santhanam Committee Report, 1964 and the 47th Report of the Law Commission of India, 1972.
Module 2 Essential Commodities Act, 1955	Hoarding and black marketing Public distribution scheme Definitions, Power of the Governments to control production, supply and distribution of essential commodities, Offences under the Act. Cognisance of matter under section 11 EC Act, 1955
Module 3 The Food Safety and Standards Act, 2006	Definition of ‘food’, ‘Adulterant’, ‘contaminant’, ‘food business’, ‘misbranded food’ Authorities under the Act: Food Safety and Standards Authorities of India & State Food Safety and Standards Authorities: Establishment and functions

	<p>Food Safety Officer- Power, Function and liabilities</p> <p>Food Analyst</p> <p>General Principles to be followed for food safety under the Act (Section 18)</p> <p>Licensing and Registration of food business (Section 31)</p> <p>Purchaser may have food analyzed (Section 40)</p> <p>Provisions related to offence and penalties (Sections 48 to 67)</p> <p>Adjudication and Appeal procedures (Sections 68 & 76)</p>
<p>Module 4</p> <p>The Prevention of Corruption Act, 1988</p>	<p>Need of the Act (read with Santhanam Committee Report)</p> <p>The Prevention of Corruption Act, 1988</p> <p>Definitions of ‘public servant,’ Section 2 (c) and ‘gratification,’ Section 7.</p> <p>Offence committed by public servant and bribe giver and their Penalties (Section 7 to 14)</p> <p>Punishment for attempts (Section 15)</p> <p>Sanction for prosecution (Section 19 r/w Section 197 of the Code of Criminal Procedure, 1973)</p> <p>Presumption where public servant accepts gratification (Section 20)</p>
<p>Module 5</p> <p>The Prevention of Money-Laundering Act, 2002</p>	<p>Need for combating Money-Laundering,</p> <p>Magnitude of Money-Laundering,</p> <p>Steps and various methods of Money Laundering</p> <p>The Prevention of Money-Laundering Act, 2002</p> <p>Definition of ‘Money Laundering’</p>
<p>Module 6</p> <p>The Narcotic Drugs and Psychotropic Substances Act, 1985</p>	<p>Definition of Narcotic Drugs and Psychotropic Substances</p> <p>Authorities and officers (Section 4,6)</p> <p>National Fund for Control of Drugs Abuse (Section 7A)</p> <p>Prohibition Control and Regulation (Section 8, 9, 9A)</p> <p>Offences and Penalties (Section 18, 19, 21, 22, 25A, 27, 27A, 30, 31, 31A, 32, 32A, 33, 35, 36, 36A, 37, 39).</p>
<p>Module 7</p> <p>Socio Economic Offences under some other Legislation: An Overview</p>	<p>Foreign Exchange Management Act, 1999 (FEMA)</p> <p>The Income Tax Act, 1961</p> <p>The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA)</p> <p>The Immoral Traffic (Prevention) Act, 1956</p> <p>The Drugs and Cosmetics Act, 1940</p> <p>The Dowry Prohibition Act, 1961</p>

READINGS:

STATUTES, RULES AND REGULATIONS:

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2. The Essential Commodities Act, 1955
3. The Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980
4. The Food Safety and Standards Act, 2006
5. The Prevention of Corruption Act, 1988
6. The Prevention of Money-Laundering Act, 2002
7. The Narcotic Drugs and Psychotropic Substances Act, 1985
8. The Foreign Exchange Regulation Act, 1973

9. The Foreign Exchange Management Act, 1999
10. The Income Tax Act, 1961
11. The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974
12. The Immoral Traffic (Prevention) Act, 1956
13. The Drugs and Cosmetics Act, 1940

CASE LAWS:

1. P. Chidambaram v. Directorate of Enforcement (2020) 13 SCC 791.
2. P. Chidambaram v. Directorate of Enforcement (2019) 9 SCC 24.
3. State v. Anil Sharma (2017) 13 SCC 751.
4. Malvinder Mohan singh v. State. 2020 SCC Online Del. 2001.
5. CBI v. Remender Chattopadhyay 2020 14 SCC 396.
6. J.Sekar Reddy v. Directorate of Enforcement 2022.
7. CBI, Bank Securities And Fraud Cell v. Ramesh Gellie and others CRL no. 167 of 2015.
8. Neeraj Dutta Vs. State (NCT of Delhi), (2019) 14 SCC 311.
9. K. Shanthamma vs. State of Karnataka, (2022) 4 SCC 574.
10. Navaneethakrishnan vs. State by Inspector of Police, AIR 2018 SC 2027.
11. Yashwant Sinha and Ors. v. Central Bureau of Investigation, (2020) 2 SCC 338.
12. Asian Resurfacing of Road Agency Pvt. Ltd. v. Central Bureau of Investigation, AIR 2018 SC 2039.
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18. Abhay Singh Chautala v. C.B.I, (2011) 7 SCC 141.
19. Ajnappa v. State of Karnataka, (2014) 2 SCC 776.
20. Ashok Kumar Sharma v. State of Rajasthan, (2013) 2 SCC 67.
21. Basant Kumar Sharma v. Government of India, [2013] 120 SCL 122 (Del).
22. Budh Singh v. State of Haryana, (2013) 3SCC 742.
23. CBI v. Birendra Kumar Singh @ Virendra Kumar Singh @ Pandit, 207(2014) DLT 680.
24. CBI v. Jagjit Singh, (2013) 10 SCC 686.
25. Centre for Public Interest Litigation v. Union of India, AIR 2014 SC 49.
26. Chitan J. Vaswani & Anr v. State of West Bengal & Anr., AIR 1975 SC 2473.
27. Gaurav Jain v. Union of India & Ors, 1997 (8) SCC 114.
28. Gian Chand v. State of Haryana, (2013) 14 SCC 420.
29. Kalicharan Mahapatra v. State of Orissa, AIR 1998 SC 2595.
30. Kanwarjit Singh Kakkar v. State Of Punjab, (2011) 6 S.C.R. 895.
31. Kashmiri Lal v. State of Haryana, (2013) 6 SCC 595.
32. Krishnamurthy @ Tailor Krishnan v. Public Prosecutor, Madras, AIR 1967 SC 567.
33. Kulwant Singh v. State of Punjab, (2013) 4 SCC 177.
34. M. Mohammed v. Union of India, W.A.No.1491 of 2014.
35. M/S Nestle India Limited v. The Food Safety and Standards Authority of India, W. P (L) No. 1688 of 2015.

36. M/s. G.M.H. Laboratories, HP & Sri Ram Gopal Goyal v. The Asst. Drug Controller, Bangalore, MANU/KA/0440/2013.
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45. Niranjana Hemchandra Sashittal v. State of Maharashtra, (2013) 4 SCC 642.
46. PUCL (PDS Matters) v. Union of India, (2013) 2 SCC 663.
47. Rajesh Shantilal Adani v. Special Director, Enforcement Directorate, Mumbai, (2014) 1 GLR 819.
48. Ram Swaroop v. State (Govt. Of NCT, Delhi), (2013) 14 SCC 235.
49. Ranjit Kr v. State of Bihar, AIR 2014 Pat 14.
50. State of Kerala v. President, Parent Teacher Association SNVUP, AIR 2013 SC 1254.
51. State of Maharashtra v. Indian Hotel and Restaurants Assn., 2013(9) SCALE 47.
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54. Swami Achyutanand Tirth v. Union of India, 2013(5) SCALE 23.
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