



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

SYLLABUS (SESSION: JAN – JUN 2023)

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PROFESSIONAL ETHICS
SEMESTER X| B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JAN-JUNE)

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|--|---|-----------------------------------|-----------------------|
| Faculty Name | Dr. Dipak Das Dr. Ankit Awasthi | Year/ Semester | 5th Year / X Semester |
| Course Name | Professional Ethics | No. of Credits | 04 |
| Course Code | NA | Session Duration | 1 hour |
| No of Contact Hours | 60 (50 Lectures + 10 Tutorial Classes) | Pre-requisite | None |
| Introduction, Course Objective & Pedagogy | <p>The course aims to develop insights into the rules made by the Bar Council of India with respect to the Professional etiquette of advocates in India. It gives an outline of the Advocates Act, 1961 with the latest decisions of the Supreme Court and various High Courts including the Contempt of Courts Act, 1971 and the Consumer Protection Act, 2019.</p> <p>Lecture-based teaching pedagogy will be followed and case laws will also be discussed in Socratic mode as per the requirement of the syllabus.</p> <p>Course Objectives:</p> <p>CO1- To give an insight into Historical aspects of the legal profession in India.</p> <p>CO2 -To discuss the transformation in the field of Legal education especially in the Indian scenario.</p> <p>CO3- To understand the actual working of the Advocates Act, 1961 along with BCI Rules.</p> <p>CO4- To develop the understanding of the Professional Ethics required for Lawyers in India.</p> <p>CO5- To discuss the intersection between the Contempt of Court Act, 1971, the Consumer Protection Act, 2019, and the Advocates Act, 1961.</p> | | |

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| | CO6- To discuss the impact of globalization on the legal profession. |
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LEARNING OUTCOMES:

Upon completion of this course, students would be able to:

LO1- Understand the core values that shape the ethical behaviour of an advocate.

LO2 - Advocate’s rights and responsibilities to act in morally desirable ways, towards moral commitment and responsible conduct.

LO3 - Integrating academic learning with experimental learning in a profession.

EVALUATION COMPONENTS

| Evaluation Components | Distribution of Marks |
|--------------------------------|------------------------------|
| Continuous Internal Assessment | 20 |
| Mid Term examination | 20 |
| End Term | 60 |
| Total | 100 |

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

COURSE PLAN

| S.No. | Topics | Lecture Sessions |
|--------------|---|-------------------------|
| 1 | History of Legal Profession in India | 1-9 |
| 2 | Profession Ethics and duties of Lawyers | 10-17 |
| 3 | The Advocates Act, 1961 | 18-26 |
| 4 | Rights and Limitations of such Rights | 27-33 |
| 5 | Liability for Deficiency in service and wrongs committed by Lawyers | 34-41 |
| 6 | Impact of Globalization on legal services in India | 42-50 |

DETAILED SYLLABUS

| UNIT | CONTENT |
|--|--|
| Module 1 HISTORY OF LEGAL PROFESSION IN INDIA | This module contains the study of legal profession in India in ancient, medieval and especially the changes which the profession underwent during British rule and other related aspects essential to understand the history of legal profession in India. It also includes Legal education especially to track changes in pre and post globalization in Indian scenario. |

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| <p>Module 2 PROFESSIONAL ETHICS AND DUTIES OF LAWYERS</p> | <p>This module includes issues like need and necessity of ethics in the legal profession. In addition, duties of lawyers towards</p> <ul style="list-style-type: none"> ➤ his clients, ➤ court including Bar and Bench relationship, ➤ public, ➤ his fellow attorneys, ➤ self, ➤ society, etc., will also be undertaken for discussion. <p>The module will also include role played by a lawyer in the administration of justice and advocate's duty towards legal reform and duty to provide legal aid etc.</p> |
| <p>Module 3 ADVOCATES ACT, 1961</p> | <p>This module covers the Advocates Act, 1961 and relevant provisions of the Bar Council of India Rules. Special Emphasis to be given on:</p> <ul style="list-style-type: none"> ➤ Salient Features of the Act ➤ Admission and Enrolment of Advocates ➤ Disciplinary Actions ➤ Conduct of Advocates |
| <p>Module 4 RIGHTS AND LIMITATIONS OF SUCH RIGHTS</p> | <p>The core contents of this module are right to practice, right to argue his case, right over his professional fees. Decisions of courts on Advocate's right to strike will be subject of deliberation. Conflicts of interests, lawyer's versus client's interests and limitations of the rights of lawyers including restrictions on advertising, bar from carrying on other professions, etc. will also be taken up for discussion.</p> |
| <p>Module 5 LIABILITY FOR DEFICIENCY IN SERVICE AND OTHER WRONGS COMMITTED BY LAWYERS</p> | <p>This module includes essential skills of a lawyer, case laws and relevant enactments like Consumer Protection Act, 2019; the Contempt of Court Act, 1971 etc. which imposes liability upon an advocate for the wrongs he commits in the course of his professional service.</p> |
| <p>Module 6 IMPACT OF GLOBALIZATION ON LEGAL SERVICES IN INDIA</p> | <p>The following important topics will be taken up for class discussion during the course:</p> <ul style="list-style-type: none"> ➤ Impact of Globalization on legal profession, ➤ Legal outsourcing in India, ➤ Role of advocate in providing legal aid services, ➤ Advocate's role in outside court/informal settlement of disputes and, ➤ Age bare and entry into practice. |

READINGS:

STATUTES, RULES AND REGULATIONS:

1. Advocates Act, 1961
2. Consumer Protection Act, 2019
3. The Contempt of Court Act, 1971
4. Bar Council of India Rules
5. The Legal Practitioners (Fees) Act, 1926

CASE LAWS:

- *S. Ramachandra Rao v. S. Nagabhushana Rao* (2022)
- *Dilip Kundu And Another v. Mira Devi Agarwal and Others* (2022)
- *Thyssen Krupp Industries India Private Limited (S) v. Suresh Maruti Chougule And Others* (2022)
- *A.K. Balaji v. The Government of India* (2018)
- *Bar Council of India v. A.K. Balaji* (2018)
- *Ex-Capt. Harish Uppal vs Union of India & Anr* (2002)
- *Balraj Singh Malik vs Supreme Court of India* (2012)
- *N.K.Bajpai vs Union of India & Anr* (2012)
- *State of Punjab And Ors vs Ram Singh Ex. Constable* (1992)
- *Noratanmal Chouraria vs M.R. Murli & Anr* (2004)
- *R.D. Saxena vs Balram Prasad Sharma* (2000)
- *The Communist Party of India (M) vs Bharat Kumar & Ors* (1997)
- *Mahabir Prasan Singh vs M/S Jacks Aviation Private Ltd* (1998)
- *E. M. Sankaran Namboodiripad vs T. Narayanan Nambiar* (1970)
- [*In Re: Prashant Bhushan and another* \(2020\)](#)
- *In Re: Hon'ble Justice Shri C.S. Karnan* (2017)
- *In Re: Vijay Kurle and others* (2020)
- *M.V. Jayarajan v. High Court of Kerala* (2015)
- *Hari Singh Nagra v. Kapil Sibal and others* (2010)
- *Abhyudaya Mishra v. Kunal Kamra* (2020)
- *Aditya Kashyap v. Rachita Taneja* (2020)
- *Surender Raj Jaiswal And Ors. vs Vijaya Jaiswal* (2003)
- *Jaymal Thakore vs Charity Commissioner* (2001)
- *Harishankar Rastogi vs Girdhari Sharma And Anr* (1978)
- *Bar Council Of India vs High Court Of Kerala* (2004)
- *V.P. Kumaravelu vs The Bar Council Of India, New Delhi* (1997)
- *Pandurang Dattatreya Khandekar vs The Bar Council Of Maharashtra, (1983)*
- *Kerala Vyapari Vyavasayi Ekopana vs State Of Kerala* (2013)
- *George Kurian vs State of Kerala* (2004)
- *In Re: Arundhati Roy vs Unknown* (2002)

BOOKS AND ARTICLES

1. Raju Ramachandran, *Professional Ethics: Changing Profession and Changing Ethics*, LexisNexis, Butterworths. (2nd Edition, 2014)

2. P.B. Mukharji, Professional Ethics of the Advocate, University of Burdwan. (1975)
3. P. Ramanatha Aiyer, Legal & Professional Ethics- Legal Ethics, Duties & Privileges of a Lawyer, Wadhwa Publications, Nagpur. (3rd edition, 2010)
4. Justice V.R. Krishna Iyer, Law, Lawyers and Justice, B.R. Publishing Corp. Delhi.
5. Stephen Gillers, Regulation of Lawyers: Problems of Law & Ethics, Little, Brown & Com Boston Toronto, London. (12th edition, 2020)
6. Ross Grauston (ed.), Legal Ethics & Professional Responsibility, Clarendon Press, Oxford. (1996)
7. Gary Bellow & Bea Moulton, The Lawyering Process: Ethics and Professional Responsibility, The Foundation Press, Inc. (1981)
8. D.V. SubbaRao, Sanjiva Row's The Advocates Act, 1961, LexisNexis, Butterworths. (7th ed., 2005)
9. Nicolson and Webb, Professional Legal Ethics, Oxford University Press. (2000)
10. S.C. Sarkar, Hints on Modern Advocacy, Cross-Examination and Professional Ethics, India Law House, New Delhi. (2002)

ONLINE ARTICLES/BLOGS/REPORTS:

1. History of legal profession in India,
<http://www.barcouncilofindia.org/about/about-the-legal-profession/history-of-the-legal-profession/>
2. Globalization and its effects on legal profession
<https://blog.ipleaders.in/globalization-effects-legal-profession/>
3. Professional Ethics and Duties of Lawyers
<http://www.lawjure.com/professional-ethics-for-lawyers/>
4. Rules on Professional Standards
<http://www.barcouncilofindia.org/about/professional-standards/rules-on-professional-standards/>
5. Advocate's right to strike
<https://www.legalserviceindia.com/legal/article-582-strikes-by-advocates-in-india.html>
6. Aligning the Interests of Lawyers and Clients
<https://www.jstor.org/stable/42706198>
7. Impact of Globalization on legal profession
<https://www.mondaq.com/india/management/696680/globalisation-of-legal-services-and-indian-perspective>
8. Role of advocate in providing legal aid services
<https://nalsa.gov.in/services/legal-aid/legal-services>
9. Why Do Lawyers Enjoy Immunity Against Wrong Practices?
<https://vidhilegalpolicy.in/blog/why-do-lawyers-enjoy-immunity-against-wrong-practices/>
10. Consumer Protection Act, 2019 and the legal profession
https://blog.ipleaders.in/consumer-protection-act-2019-and-the-legal-profession/#Does_the_word_service_include_legal_service_in_its_scope_as_well



CRIMINAL JUSTICE SYSTEM (HONOURS)
SEMESTER X | B.A.LL.B. (HONS.)
SYLLABUS (January-June2022)

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|--|---|-------------------------|--------|
| Faculty @ | Dr Parvesh Kumar Rajput and Dr. Manoj Kumar | Year/ Semester | X |
| Course Name | Criminal Justice System | No. of Credits | 6 |
| Course Code | NA | Session duration | 1 hour |
| No of Contact Hours (Week) | 55 Lectures + 05 Tutorials = 60 hours | Pre-requisite | None |
| Course Objective & Pedagogy | To understand the criminal justice system of a particular society, it is important to know about the characteristics of law enforcement agencies and their working culture. In India, we have a multiple layers in the criminal justice system, starting from investigation to correctional institutions. However, understanding a particular system is a complicated task. Therefore, the objective of my course outline is to understand the interrelationship between processes and players of the criminal justice system. The course outline is based upon the contemporary and relevant issues of our time. | | |

LEARNING OUTCOMES:

LO1- the course will provide adequate understanding of different agencies of the criminal justice system in India

LO2 – to develop an adequate understanding the different systems of criminal administration.

LO3 – to ascertain the required changes and reformation in the existing criminal justice system.

LO4- to find out the problems and challenges faced by Indian Criminal Justice System due to common law principles and how far we may be able to adhere to those principles in letter and spirit.

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 | Different Models of Criminal Justice System | 1-10 |
| 2 | Theories of Crimes | 11-20 |
| 3 | Process and Players in the Criminal Justice System | 21-30 |
| 4 | The Role of Law Enforcement agency | 31-40 |
| 5 | The Role of Judiciary | 41-50 |
| 6 | The Juvenile Justice System and its Development | 51-55 |

DETAILED SYLLABUS

| UNIT | CONTENT |
|---|---|
| Module 1 Different Models of Criminal Justice System | <ol style="list-style-type: none"> 1. Adversarial Model of Criminal Justice System. 2. Civil Law or Inquisitorial Model. 3. Vedic and Islamic Models of Criminal Justice System. 4. Alternative Model of Dispute Resolution and its Development in India. |
| Module 2 Introduction to Forensic Science | <ol style="list-style-type: none"> 1. Historical Development of Forensic Science 2. Principles of Forensic Science 3. Use of important instruments, microscopes, spectroscopy, SEM, video spectral comparator and invisible rays. 4. Trace Evidence- Hair and Fiber. Glass Fractures, Tool marks and Paint and Soil. 5. Forensic Ballistics: Meaning, classification of firearms and ammunition. 6. Identification of firearm and the shooter. 7. Explosives: meaning and classification types. 8. Questioned Documents: Meaning and Types 9. Identification of hand written documents for authorship. |
| Module 3 | <ol style="list-style-type: none"> 1. Crime, Police and the State 2. Crime, Courts and Lawyers. |

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| Process and Players in the Criminal Justice System | <ol style="list-style-type: none"> 3. Crime, offenders and Victim Rights. 4. Crime, Religion and Gender. 5. Crime, Politics, Media and Public. |
| Module 4 The Law Enforcement Agency: Role and Objective | <ol style="list-style-type: none"> 1. Ethics, Discretion and Professionalism in Policing. 2. Police Corruption: Reasons and Effects. 3. Police use of Force and Excessive Force: Situations and Guidelines. 4. Artificial Intelligence and Forensic Science. 5. Legal Issues and Liabilities |
| Module 5 The Role of Judiciary in Criminal Justice system | <ol style="list-style-type: none"> 1. Judicial Review and Judicial Activism 2. Impact of Judicial Precedent 3. Guardian and Protector of Human Rights. 4. Individual and the State (Life and Liberty issues) 5. Access to Justice: Challenges and Solution |
| Module 6 The Juvenile System in India | <ol style="list-style-type: none"> 1. History and Evolution of the JJS 2. The Juvenile Courts: History and Structure 3. Legislations and Judicial Approach 4. Comparison between Juvenile and Adult Criminal Procedure. 5. Legal Rights of a Juvenile. |

READINGS:

STATUTES, RULES AND REGULATIONS:

1. The Prison Act, 1894
2. Juvenile Justice (Care and Protection of Children) Act, 2015
3. The Police Act, 1861
4. POCSO Act, 2012

BOOKS AND ARTICLES

1. Walby, Sylvia, et al. "Law and the Criminal Justice System." *Stopping Rape: Towards a Comprehensive Policy*, 1st ed., Bristol University Press, 2015, pp. 111–72, <http://www.jstor.org/stable/j.ctv4g1rd0.9>.
2. Reddi, P. V. "Role of the Victim in the Criminal Justice Process." *Student Bar Review*, vol. 18, no. 1, Student Advocate Committee, 2006, pp. 1–24, <http://www.jstor.org/stable/44306643>.
3. Higgins, Andrew. "LEGAL AID AND ACCESS TO JUSTICE IN ENGLAND AND INDIA." *National Law School of India Review*, vol. 26, no. 1, Student Advocate Committee, 2014, pp. 13–30, <http://www.jstor.org/stable/44283780>.

4. Lakshminath, A. "CRIMINAL JUSTICE IN INDIA: PRIMITIVISM TO POST-MODERNISM." *Journal of the Indian Law Institute*, vol. 48, no. 1, Indian Law Institute, 2006, pp. 26–56, <http://www.jstor.org/stable/43952016>.
5. Härter, Karl. "Cultural Deviance, Political Crime, Public Media and Security: Perspectives on the Cultural History of Crime and Criminal Justice in Early Modern Europe." *Crime, Histoire&Sociétés / Crime, History & Societies*, vol. 21, no. 2, LibrairieDroz, 2017, pp. 261–69, <http://www.jstor.org/stable/44984316>.
6. Shapland, Joanna. "VICTIMS, THE CRIMINAL JUSTICE SYSTEM AND COMPENSATION." *The British Journal of Criminology*, vol. 24, no. 2, Oxford University Press, 1984, pp. 131–49, <http://www.jstor.org/stable/23637025>.
7. Benson, Bruce L. "Let's Focus on Victim Justice, Not Criminal Justice." *The Independent Review*, vol. 19, no. 2, Independent Institute, 2014, pp. 209–38, <http://www.jstor.org/stable/24563276>.
8. Benson, Bruce L. "Let's Focus on Victim Justice, Not Criminal Justice." *The Independent Review*, vol. 19, no. 2, Independent Institute, 2014, pp. 209–38, <http://www.jstor.org/stable/24563276>.
9. McGOWAN, ABIGAIL. "Convict Carpets: Jails and the Revival of Historic Carpet Design in Colonial India." *The Journal of Asian Studies*, vol. 72, no. 2, [Cambridge University Press, Association for Asian Studies], 2013, pp. 391–416, <http://www.jstor.org/stable/43553183>.
10. Kathuria, Sonam. "The Bargain Has Been Struck: A Case for Plea Bargaining in India." *Student Bar Review*, vol. 19, no. 2, Student Advocate Committee, 2007, pp. 55–68, <http://www.jstor.org/stable/44306676>.
11. Raman, Kartik Kalyan. "Utilitarianism and the Criminal Law in Colonial India: A Study of the Practical Limits of Utilitarian Jurisprudence." *Modern Asian Studies*, vol. 28, no. 4, Cambridge University Press, 1994, pp. 739–91, <http://www.jstor.org/stable/313021>.
12. Balakrishnan, K. G. "JUDICIARY IN INDIA: PROBLEMS AND PROSPECTS." *Journal of the Indian Law Institute*, vol. 50, no. 4, Indian Law Institute, 2008, pp. 461–67, <http://www.jstor.org/stable/43952173>.
13. Bakshi, P. M. "CONTINENTAL SYSTEM OF CRIMINAL JUSTICE." *Journal of the Indian Law Institute*, vol. 36, no. 4, Indian Law Institute, 1994, pp. 419–28, <http://www.jstor.org/stable/43952366>.
14. Bag, R. K. "PERSPECTIVES IN VICTIMOLOGY IN CONTEXT OF CRIMINAL JUSTICE SYSTEM." *Journal of the Indian Law Institute*, vol. 41, no. 1, Indian Law Institute, 1999, pp. 78–94, <http://www.jstor.org/stable/43951698>.
15. The Criminal Justice System by Ronald G Burns (Pearson)
16. The Criminal Justice System in India by H.R.Bhardwaj (Konark Publishers Pvt. Ltd)

Text Books:

1. The Criminal Justice System by Ronald G Burns (Pearson)
2. The Criminal Justice System in India by H.R.Bhardwaj (Konark Publishers Pvt. Ltd)
3. The Juvenile Justice System in India: From Welfare to Rights by Ved Kumari (Oxford university Press 2010)

4. Indian Prisons: Towards Reformation, Rehabilitation and Resocialization by K. Jaishankar (Atlantic Publishers and Distributors (P) Ltd)
5. B.R.Sharma-Forensic Science in Criminal investigation and trial.
6. Sodderman and O'Connell- Modern/Criminal investigation.



JUDICIAL REVIEW (HONOURS SUBJECT)

Semester-VIII & X | B.A. LL.B. (HONS.)

SESSION (JAN-JUNE)

| | | | |
|----------------------------|--|-----------------------|--------|
| Faculty | MS. ADITI SINGH MR. ABHINAV K SHUKLA | Semester | X |
| Course Name | CG (HONS): JUDICIAL REVIEW | Each Session Duration | 1 hour |
| No of Classes/Week | 05 | No. of Credits | 06 |
| No of contact hours | 60 (50 Lectures + 10 Tutorial Classes) | | |
| COURSE OUTLINE/DESCRIPTION | <p>Judicial review is the power of the courts of law to review the actions of the executive or the legislative branches and annul those actions where it finds them incompatible with a higher norm. It is the authority of courts to examine an executive or legislative act and invalidate that act if it is contrary to constitutional principles. This concept has a long history and in due course of time has become an essential feature of written Constitutions of many countries. It aims to balance the entire system of governance, protect the basic rights of the people and establish a rule of law in the society. Judicial review is now firmly established in India and is a basic feature of the Indian Constitution. Its growth is the inevitable response of the judiciary to ensure proper exercise of powers by the State and prevent any violation of basic rights of the people.</p> <p>OBJECT OF THE COURSE</p> <p>Judicial review on one hand is one of the most important parts of Constitutional law studies and on the other hand, it is a highly complex and complicated system. Therefore students of law must have sufficient understanding of the subject. It is for this reason that the course has been developed with the objective of familiarizing the students with the concept, its history, scope, various existing mechanisms, the grounds on which it can be exercised, its limitations and expanding horizons so that they may be able to appreciate the</p> | | |

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| | <p>concept, structure, procedure and operation of the institution of judicial review.</p> <p>LEARNING-TEACHING METHODOLOGY In addition to classical commentaries, case laws and other materials, both in print, as well from the web, shall be employed to provide one with source documents, concerning the development articulation of the principles. The classes shall be in the form of recorded online lecture with simultaneous running of power point presentations. , An attempt shall be made to uncover the intricacies of the course in as comprehensible a manner as possible. Live sessions of two hours on the topics covered would also be conducted on a weekly basis. The students may also be required to submit a brief write-up, on the topic related to the syllabus.</p> |
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EVALUATION COMPONENTS

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

Note: Pass marks 50% of the final Grade

**TEACHING
PLAN**

| Particulars | No. of Hours | Total Hours |
|--------------------|---------------------|--------------------|
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| <p>MODULE-1-JUDICIAL REVIEW-AN INTRODUCTION</p> <p>1.1 Meaning</p> <p>1.2 Function and Significance</p> <p>1.3 Philosophical foundation/Justification</p> <p>1.4 Historical Background- UK, USA, India</p> <p>1.5 Basic Principles of Judicial Review</p> <p>1.6 Judicial Review as a part of the Basic Structure</p> <p>1.7 Judicial Review and Appeal-Distinction</p> | <p>1hr</p> <p>1hr</p> <p>1hr</p> <p>3hrs</p> <p>1hrs</p> <p>0.5hr</p> <p>0.5hr</p> | <p>08 HRS.</p> |
| <p>MODULE-2- SCOPE OF JUDICIAL REVIEW</p> <p>2.1 Judicial Review of Constituent Power</p> <p>2.2 Judicial Review of Legislative Action</p> <p>2.4 Judicial Review of Administrative Action-</p> <p> 2.3.1. Delegated Legislation</p> <p> 2.3.6 Administrative Discretion</p> <p> 2.3.7 Administrative Action</p> <p> 2.3.8 Quasi Judicial Action</p> <p> 2.3.9 Administrative Direction</p> <p>2.4 Judicial Review of Powers of the President-</p> <p> 2.4.1. Ordinance making</p> <p> 2.4.2. Mercy Power</p> | <p>4hrs</p> <p>4hrs</p> <p>3hrs</p> <p>2hrs</p> <p>1hr</p> <p>1hr</p> <p>1hr</p> <p>1hr</p> <p>1hr</p> | <p>18 HRS.</p> |

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| MODULE-3-MECHANISM OF JUDICIAL REVIEW 3.1 Meaning 3.2 Habeas Corpus 3.3 Mandamus 3.4 Prohibition 3.5 Certiorari 3.6 Quo Warranto | 1hr 2hrs 2hrs 2hrs 2hrs 2hrs | 11 HRS |
| MODULE-4- GROUNDS OF JUDICIAL REVIEW 4.1 Illegality 4.2 Irrationality 4.3 Procedural Impropriety 4.4 Proportionality | 3hrs 2hrs 1hr 2hrs | 8 HRS |
| MODULE-5- LIMITS OF JUDICIAL REVIEW 5.1 Constitutional Limitations 5.2 Implied Limitations 5.3 Exclusion of Judicial Review 5.4 Judicial Self Restraint | 2hrs 2hrs 2hrs 2hrs | 8 HRS |
| MODULE-6- EXPANDING HORIZONS OF JUDICIAL REVIEW 6.1 Judicial Activism 6.2 Public Interest Litigation 6.3 Development of Human Rights Jurisprudence 6.4 Impact of Judicial Review | 2hrs 2hrs 2hrs 1hr | 7HRS |
| TOTAL NUMBER OF HOURS | | 60 |

(DETAILED
SYLLABUS)

| MODULE | CONTENTS |
|---|--|
| <p>MODULE-1-JUDICIAL REVIEW-AN INTRODUCTION</p> | <p>1.1 Meaning 1.2 Function and Significance 1.3 Philosophical foundation/Justification 1.4 Historical Background- UK, USA, India 1.5 Basic Principles of Judicial Review 1.6 Judicial Review as a part of the Basic Structure 1.7 Judicial Review and Appeal-Distinction</p> |
| <p>MODULE-2- SCOPE OF JUDICIAL REVIEW</p> | <p>2.1 Judicial Review of Constituent Power 2.2 Judicial Review of Legislative Action 2.3 Judicial Review of Administrative Action- 2.3.1. Delegated Legislation 2.3.2 Administrative Discretion 2.3.3 Administrative Action 2.3.4 Quasi Judicial Action 2.3.5 Administrative Direction 2.4 Judicial Review of Powers of the President- 2.4.1. Ordinance making 2.4.2. Mercy Power</p> |
| <p>MODULE-3-MECHANISM OF JUDICIAL REVIEW</p> | <p>3.1 Meaning 3.2 Habeas Corpus 3.3 Mandamus 3.4 Prohibition 3.5 Certiorari 3.6 Quo Warranto</p> |
| <p>MODULE-4- GROUNDS OF JUDICIAL REVIEW</p> | <p>4.1 Illegality 4.2 Irrationality 4.3 Procedural Impropriety 4.4 Proportionality</p> |

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| MODULE-5- LIMITS OF JUDICIAL REVIEW | 5.1 Constitutional Limitations 5.2 Implied Limitations 5.3 Exclusion of Judicial Review 5.4 Judicial Self Restraint |
| MODULE-6- EXPANDING HORIZONS OF JUDICIAL REVIEW | 6.1 Judicial Activism 6.2 Public Interest Litigation 6.3 Development of Human Rights Jurisprudence 6.4 Impact of Judicial Review |

READINGS

Essential

- H.M. Seervai: Constitutional Law of India: A Critical Commentary. [Delhi. Universal Law Publishing Co. Ltd].
- D.D.Basu: Constitution of India. Nagpur, LexisNexis Buttersworth Wadhwa.
- Jain, M.P., 'Indian Constitutional Law', Wadhwa and company, Nagpur, Fifth Edition, 2005.
- D DBasu, Administrative Law, Kamal Law House, 6th Edition, 2005
- M P Jain & S N Jain, Principles of Administrative Law, Wadhwa Publications, 2008
-

Suggested

- A.V.Dicey. An Introduction to the Study of the Law of the Constitution. (Universal Law Publishing Co)
- Granville Austin: The Indian Constitution: Cornerstone of a Nation. [New Delhi, Oxford University Press].
- Harry Woolf, Stanley A. De Smith, et.al, De Smith's Judicial Review, Sweet & Maxwell, 2007.
- Helen Fenwick, Judicial Review, LexisNexis, 2010
- Clive Lewis, Judicial Remedies in Public Law, Sweet and Maxwell, 2009
- Bhagawati Prasad Banerjee & Bhasker Prasad Banerjee, Judicial Control of Administrative Action, Wadhwa & Co., Nagpur, 2001

Reports

- Constituent Assembly Debates
- Law Commission Report, dated 26.9.1958
- Sardar Swaran Singh Committee Report Cases (Essential)
- Minerva Mills Ltd vs Union of India AIR 1980
- L.Chandra Kumar v. Union of India 1997
- Supreme Court Advocates on Record Association vs Union of India 2015
- S.R. Bommai v Union of India 1995
- Marbury v Madison 1803
- McCulloch v Maryland 1819
- Cases (Other) As may be discussed during the lectures



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

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| Faculty Name | Dr. Kiran Kori, Ms. Hina Iliyas, Ms. Apoorva 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;</p> | | |

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| | <p>CO3- Analyze the contribution of legal instrument towards gender equality</p> <p>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 enables 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 |
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| <p align="center">MODULE 1</p> <p>WOMEN AND LAW IN INDIA: A HISTORICAL BACKGROUND</p> | <p>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>B. Women's Position during the British Period</p> <ol style="list-style-type: none"> 1. Social Reforms Movement 2. Nationalist Movement <p>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 |

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| <p style="text-align: center;">MODULE 2</p> <p style="text-align: center;">HUMAN RIGHTS OF WOMEN</p> | <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 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 Right, 1966 (ICESCR) 7. Convention on the Elimination of All forms of Discrimination Against Women, 1979 |
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| <p style="text-align: center;">MODULE 3</p> <p style="text-align: center;">INSTITUTIONS SAFEGUARDING WOMEN RIGHTS</p> | <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> |
| <p style="text-align: center;">MODULE 4</p> <p style="text-align: center;">PROTECTION AND SAFEGUARDS UNDER PERSONAL LAWS</p> | <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 |

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| <p style="text-align: center;">MODULE 5</p> <p style="text-align: center;">PROTECTION AND SAFEGUARDS UNDER LAW OF CRIME</p> | <ol style="list-style-type: none">1. Outraging the Modesty of Women2. Rape Laws3. Offences related to marriage & cruelty (Law related to Dowry Prohibition & Domestic violence)4. Immoral Trafficking read with section 370 IPC5. Indecent Representation of Women6. Cyber Crime and the Victimization of Women |
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| <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 Brenda 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 \(latestlaws.com\)](#)

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 \(sagepub.com\)](#)
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](#)
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.ncw.nic.in/sites/default/files/Marital Cruelty and 498A A Study on Legal Redressal for Victims in Two States.pdf](http://www.ncw.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%20Paers/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)

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| 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> | | |

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| | <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 | <ol style="list-style-type: none"> 1. Constitutional Background of GST: |

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| Constitutional Perspective of Taxation | <ol style="list-style-type: none"> 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. 8. Registration under GST. 9. Tax Invoice, Credit and Debit Notes. |

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| | <p>10. Refunds in GST.</p> <p>11. Offences and Penalties.</p> |
| <p>Module 5</p> <p>Integrated Goods and Service Tax (IGST)</p> | <p>1. Meaning, levy and Collection of IGST.</p> <p>2. Place of Supply of Goods and Services;</p> <p>3. Apportionment of IGST between Central and State Governments.</p> |
| <p>Module 6</p> <p>The Goods and Services Tax (Compensation to States) Act, 2017</p> | <p>1. Need of the Act.</p> <p>2. Objective of the Act</p> <p>3. Salient Features of the Act.</p> |
| <p>Module VII:</p> <p>Customs Duty</p> | <p>1. Introduction & Type of Customs duties.</p> <p>2. Administrative structure of Customs Department</p> <p>3. Valuation in Customs.</p> <p>4. Restriction on Import and Exports under Customs Act</p> <p>5. Power of Customs Officers: (Sections 100-135A)</p> <p style="padding-left: 20px;">a. Power to Inspect;</p> <p style="padding-left: 20px;">b. Power to X-ray bodies;</p> <p style="padding-left: 20px;">c. Power of Search;</p> <p style="padding-left: 20px;">d. Power of Seizure;</p> <p style="padding-left: 20px;">e. Power to call for documents and examine a person;</p> <p style="padding-left: 20px;">f. Power to summons;</p> <p style="padding-left: 20px;">g. Power to arrest.</p> <p>6. Penalty.</p> |

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> | | |

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| | <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 • Contempt v. Criticism |

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. New Delhi: Universal Law Publishers, 2006.
- Singh, M. P., and V. N. Shukla. *Constitution of India*. 11th ed. Lucknow: Eastern Book Co., 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,
8. *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: 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> | | |

The insurance industry of India has 57 insurance companies 24 are in the life 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.

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| | <ul style="list-style-type: none"> To develop skills of analyzing various legal provisions considering practical issues to cater the need of the industry. 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:

| Heads 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 |
|--------------|--|-------------------------|
| 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 |

| | |
|---|---|
| | <ul style="list-style-type: none"> • Settlement of claim and payment of money |
| Module-4 Fire Insurance | <ul style="list-style-type: none"> • Definition, Nature and Scope of Fire Insurance • 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</p> | | |

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| | <p>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> |
|--|---|

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, self-study, and brain storming 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 |
| Module 5 CROSS-BORDER INSOLVENCY | a) Cross Border Insolvency- introduction and overview b) Agreements with foreign countries c) Letter of request to a country outside India in certain cases d) <u>UNCITRAL Model Law on Cross-Border Insolvency (1997) – key highlights</u> e) Insolvency Law Committee Report on Cross-Border Insolvency |

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

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

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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- 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=yylj>
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- 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=yylj>
- 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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- 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).
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- *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* (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
- Ziad Raymond Azar, *Bankruptcy Policy: A Review and Critique of Bankruptcy Statutes and Practices in Fifty Countries Worldwide*, *Cardozo J. of Int'l. & Comp. Law*, (Vol. 16), 2008, 279.

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
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- Grid Corporation of Orisa V Eastern Metal & Ferro Alloys (2011) 11 SCC 334
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- 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
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- 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
1962

- Mudliyar Chatterjee V International Film Com. AIR 1943 PC 34
- Municipal Corporation Hyderabad. v. T.N Murthy (1987) 1 SCC 568
- N.C.Dhondial V Union of India (2004) 2 SCC 579
- N.T.P.C v M.P.S.E.b (2011) 15 SCC 580
- Nandlal Wasudeo Badwaik V Lata Nandlal Badwaik (2014) 2 SCC 576
- National Insurance Company Ltd V Anjana shyam (2007) SCC 445
- Navartis Ag V Union of India (2013) 6 SCC 1
- Padma Sundara Rao v. State of Tamil Nadu, (2002) 3 SCC 533;
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- Rajabhau Rahate v Dinkar Ingole 2002 (3) Mh.LJ 921 (Bom HC)
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- Re Kerala Education Bill , 1957 AIR 1958 SC 956
- S.B.I V Sundara Mani AIR 1976
- S.P.Gupta V union of India AIR 1982 SC 149
- Sachidananda Misra V State of Orissa (2004) 8 SCC 599
- Sanjay Datt V State through C.B.I Bombay JT 1994 (5) SC 540
- Shambhu Nath Mehra V State of Ajmer AIR 1956 SC 599
- Shankar Raju V Union of India (2011) 2 SCC 132
- Shashikant Laxman Kale V Union of India AIR 1990 1 SCC 582
- State of Maharashtra V Bharat S. Shah (2008) 13 SCC 5
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- State of U.P V Hari Ram (2013) 4 SCC 280
- Sunil Batra V Delhi Administration (1978) 4 SCC 409
- Sussex Peerage Case (844) 11 C1 & F 85
- T.A .Krishnaswami v State of Madras AIR 1966 SC 1022
- T.M.A Pai Foundation V State of Karnataka (2002) 8 SCC 481
- T.N Electricity Board V Status Speg. Mills Ltd (2008) 7 SCC 353 :AIR 2008 SC 2838
- Tej Kiran Jain v. N. Sanjiva Reddy, (1970) 2 SCC 272,
- Union of India V Elphinstone Spinning and Weaving Com. Ltd 2001 (1) JT SC 536

- Union of India V National Federation of the Blind (2013) 10 SCC 772
- Union of India V Purushottam (2015) 3 SCC 779
- Union of India V Vasudeva Murthy AIR 2010 SC 2879
- V.L.S Finance Ltd v Union of India (2013) 6 SCC 278
- Wallace v Jaffree 283U.S.25(1931);

ARTICLES:

1. Joseph Raz, *Between Authority and Interpretation* (Oxford University Press 2009)
2. Robert H. Bork, *The Tempting of America: The Political Seduction of the Law* (New York: The Free Press 1990)
3. Max Radin, *Statutory Interpretation*, Harvard Law Review, Vol.43, No.6 (April 1930)
4. Paul Brest, *The Misconceived Quest for the Original Understanding*, Boston University Law Review, Vol. 60 (1980)
5. Ronald Dworkin, *Natural Law Revisited*, University of Florida Law Review, Vol. 34 (1982)
6. H.L.A. Hart, *Positivism and the Separation and Morals*, Harvard Law Review, Vol. 71(1958)
7. Lon L. Fuller, *Positivism and the Fidelity to Law – A Reply to Professor Hart*, Harvard Law Review, Vol.71 (1958)
8. Frederick Schauer, *Formalism*, Yale Law Journal, Vol. 97 (1989)
9. Richard Posner, *Legal Formalism, Legal Realism and the Interpretation of Statutes and the Constitution*, Case Western Reserve University Law Review, Vol. 37 (1987)
10. Cass R. Sunstein, *On Analogical Reasoning*, Harvard Law Review, Vol. 106 (1992)
11. Veena C, *Interpretation of Statutes* C. Jamnadas & Co. Educational & Law publisher 4th Ed. 2018

BLOGS/ CHANNELS /REPORTS:

1. Taxman Blog on Brief Overview of Rules for Interpretation of Statutes available on <https://www.taxmann.com/post/blog/brief-overview-of-rules-for-interpretation-of-statutes-an-overview/>
2. BLOG- Interpretation Of Statutes: How Are Statutes Interpreted? Available at <https://lawyersgyan.com/blog>
3. 60th Law Commission Report of Government of India <https://lawcommissionofindia.nic.in/51-100/Report60.pdf>

4. 183rd Law Commission Report of Government of India <https://lawcommissionofindia.nic.in/reports/183rpt.pdf>

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> | | |

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.

Course Objectives are:

CO1: To expound the meaning of Socio-Economic Offences and explain how it is different from other kinds of offences.

CO2: To explore the legal and policy tools that may be helpful to control such offences.

CO3: To give students a comprehensive understanding of contemporary patterns and characteristics of Socio-economic offences.

CO4: To enable the students to understand and appreciate causes of socio-economic offences.

CO5: To develop students' analytical skills in relation to socio-economic offences and operation of the combating measures.

The teaching methods will include Lectures, PowerPoint Presentations, documentaries, discussion and debate on various aspects of Socio-Economic offences.

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 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 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:

1. The Dowry Prohibition Act, 1961
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.
13. Union of India v. Ranjit Kumar Saha, (2019) 7 SCC 505.
14. Vijay Madanlal Choudhary Vs Union of India, 2022 SCC OnLine SC 929.
15. Bablu @ Jitendra vs. State of U.P [CRIMINAL APPEAL No. - 1201 of 2021]
16. Abbas Ali v. State of Punjab, (2013) 2 SCC 195.
17. Abdul Rashid v. State of Haryana, 2014 Cri LJ 1588.
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.

37. Madan Lal Agarwal v. State through Drug Inspector, 2012 Cri L.J. 2584.
38. Mahesh Chand v. State of UP, 2013 (10) ADJ 222.
39. Mak Data (P) Ltd. v. CIT, (2014) 1 SCC 674.
40. Manohar Lal Sharma v. Principal Secy, 2013 (15) SCALE 305.
41. Namdev Genba Parthe through M/s/ Kulswami Medical and General Stores v. State of Maharashtra. 2014 (1) MhLj 266.
42. Narayanan K. v. State of Kerala, ILR (2014) 1 Ker 654.
43. Navdeep Singh v. State of Haryana, (2013)2 SCC 584.
44. Nimmagadda Prasad v. CBI, (2013) 7 SCC 466.
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.
52. State of Rajasthan v. Bheru Lal., (2013) 11 SCC 730.
53. Subhash Popatlal Dave v. Union of India, (2014) 1 SCC 280.
54. Swami Achyutanand Tirth v. Union of India, 2013(5) SCALE 23.
55. Telstar Travels (P) Ltd. v. Enforcement Directorate, (2013) 9 SCC 549.
56. Than Singh v. Central Bureau of Narcotics, (2013) 2 SCC 603.
57. Tummala Venkateswar Rao v. State of Andhra Pradesh, (2014) 2 SCC 240.
58. Vidya Dhar v. Multi Screen Media (P) Ltd., (2013) 10 SCC 145.
59. Vishal Jeet v. Union of India & Ors, (1990) 3 SCC 318
60. Y.S. Jagan Mohan Reddy v. CBI, (2013) 7 SCC 439.

BOOKS

1. Mahesh Chandra, Socio- Economic Offences (1979).
2. J.S.P. Singh, Socio- Economic Offences (1st Ed., 2005, Reprint 2015).
3. B.R. Boetra, The Immoral Traffic (Prevention) Act 1956 (with state rules) (4th Ed., 1988).
4. P.S. Narayan, Commentary on Immoral Traffic Prevention Act, 1956 (2nd Ed., 2013).
5. BK Sharma and Vijay Nagpal, Treatise on Economic and Social Offences (2017).
6. Nuzhat Parveen Khan, Law Relating to Socio Economic Offence (2018).
7. Shailesh kumar Singh, White Collar Crimes (2014).
8. Seth and Capoor, Prevention of Corruption Act with a treatise on Anti- Corruption Laws (3rd Ed., 2000).