

**CONSOLIDATED CURRICULUM  
BA.LL.B (Hons.)  
SEMESTER - VII**

<b>S.NO.</b>	<b>SUBJECT</b>	<b>PAGE NO.</b>
<b>1.</b>	<b>LAW OF EVIDENCE</b>	<b>2-6</b>
<b>2.</b>	<b>HON - CORPORATE RECONSTRUCTION</b>	<b>7-10</b>
<b>3.</b>	<b>THE CRIMINAL PROCEDURE CODE</b>	<b>11-16</b>
<b>4.</b>	<b>HON - COPYRIGHT</b>	<b>17-26</b>
<b><u>OPTIONAL SUBJECTS</u></b>		
<b>5.</b>	<b>OPT - BANKING LAW</b>	<b>28-32</b>
<b>6.</b>	<b>OPT - CYBER LAW</b>	<b>33-39</b>
<b>7.</b>	<b>OPT - LAW AND TRIBES</b>	<b>40-43</b>
<b>8.</b>	<b>OPT - COMPETITION LAW</b>	<b>44-48</b>
<b>10.</b>	<b>OPT - COMPARATIVE CONSTITUTIONAL LAW</b>	<b>49-51</b>
<b>11.</b>	<b>OPT - CRIMINOLOGY AND PENOLOGY</b>	<b>52-55</b>
<b>12.</b>	<b>OPT - HUMAN RIGHTS</b>	<b>56-59</b>



**LAW OF EVIDENCE (COMPULSORY PAPER)**  
**SEMESTER VIII | B.A.LL.B. (Hons.)**  
**SYLLABUS (SESSION: JULY-DECEMBER 2023)**

<b>Faculty Name</b>	Mr. Deepak Kumar & Ms. Hina Ilyas	<b>Year/ Semester</b>	4/VII
<b>Course Name</b>	LAW OF EVIDENCE	<b>No. of Credits</b>	4
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	50 Lectures + 10 Tutorials =60 hours	<b>Pre-requisite</b>	None
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>In any legal system law can be categorized into two parts: 1. Procedural 2. Substantive law. The law of evidence is one of the most significant parts of procedural law. However, some part of Indian evidence law is of substantive nature therefore it is also an adjective law. The Course aims to understand the procedure followed by the court for reaching out to a conclusion. The object of law is to attain the aim of justice while balancing the interest of society's members, for this purpose, the court encompasses various stages of procedure. There are different norms for civil procedure and criminal procedure and administering the evidence is a common event that happened in both procedures during the process of delivery of justice.</p> <p>The aim to study evidence law is to understand the restriction of the investigation made by the court, without which a trial takes a long time. It also assists to understand judicial behavior like reasoning, for logic. The course aims to get an insight into the evidence. The courts not only go into the facts of the case but also ascertain the truthfulness of the assertions made by the parties. The area of assertions and ascertainment of their truthfulness is governed by the law of Evidence. These are the procedural side of rules of guidance of the court upon reaching out the truth.</p> <p>It is the law of procedure which provides how a fact is to be</p>		

	<p>proved. It helps in preventing the wastage of the court’s valuable time on irrelevant issues. Most significantly, the course seeks to analyze the law of evidence with the Indian legal regime. ‘Evidence’ under Indian Evidence Law signifies only the instruments by means of which relevant be apparent or to discover clearly, to ascertain, to prove, however with respect to Indian law of evidence there are certain things which are apparent but do not constitute evidence.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p><b>C01-</b> Understand the fundamental concepts and principles of the Law of Evidence.</p> <p><b>C02 -</b> Identify and analyze the sources of evidence and their relevance in legal proceedings.</p> <p><b>C03-</b> Explain the rules governing the admissibility of evidence, including exceptions to the hearsay rule and privileges.</p> <p><b>C04-</b> Apply the principles of the Best Evidence Rule and the use of secondary evidence.</p> <p><b>C05-</b> Develop skills in presenting and examining evidence, including using demonstrative aids and technology in the courtroom.</p> </div> <p>These objectives provide a comprehensive framework for the course, ensuring that students gain a solid understanding of the Law of Evidence and its practical application in the legal field.</p>

**LEARNING OUTCOMES:**

- Understand the fundamental principles and rules governing the admissibility of evidence in legal proceedings.
- Analyze and evaluate the relevance, credibility, and admissibility of different types of evidence, including witnesses, documents, and expert testimony.
- Develop effective communication and advocacy skills for presenting and examining evidence in a courtroom setting.
- Apply ethical considerations and professional responsibility in handling and presenting evidence.
- Synthesize legal principles and precedents to analyze complex legal issues and make informed judgments regarding the strength and weaknesses of the evidence.

These learning outcomes reflect the desired knowledge, skills, and attitudes that students should acquire by the end of the course. They encompass both theoretical understanding and practical application, preparing students to effectively navigate the Law of Evidence and contribute ethically and professionally to the legal field.

### **EVALUATION COMPONENTS**

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

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

### **COURSE PLAN**

<b>S.No.</b>	<b>Topics</b>	<b>Lecture Sessions</b>
1	INTRODUCTION	1-12
2	THE RELEVANCY OF FACTS	13-21
3	ADMISSION & CONFESSIONS	22-35
4	RELEVANCY OF OPINION	36-44
5	BURDEN OF PROOF	45-52
6	WITNESSES	53-60

### **DETAILED SYLLABUS**

<b>UNIT</b>	<b>CONTENT</b>
<b>MODULE - I</b> INTRODUCTION	1) Definition and purpose of evidence 2) Sources of evidence 3) Role of evidence in legal proceedings. 4) Presumptions.
<b>MODULE - II</b> THE RELEVANCY OF FACTS	1) The relevancy and admissibility of facts. Understanding the concepts such as: 'Facts', 'Facts in issue', 'Relevant Fact', 'Evidence-Oral and Documentary', 'Proved', 'Disproved' and 'Not Proved'. 2) (i) Logically relevant facts – sections 5-9, 11 (ii) Special class of relevant facts relating to Conspiracy – section 10 3) Doctrine of res gestae. 4) Plea of alibi. 5) Other relevant fact.
<b>MODULE - III</b>	1) Relevant Facts.

ADMISSION & CONFESSIONS	<ol style="list-style-type: none"> <li>2) The relevancy of facts.</li> <li>3) Stated relevant facts <ol style="list-style-type: none"> <li>(i) Admissions - sections 17-23</li> <li>(ii) Confessions - sections 24-30</li> <li>(iii) Dying Declarations - section 32(1)</li> </ol> </li> </ol>
<b>MODULE - IV</b> RELEVANCY OF OPINION	<ol style="list-style-type: none"> <li>1) Judgement of court when relevant</li> <li>2) Opinion of third person when relevant. ( sections 45-51)</li> <li>3) Expert Testimony.</li> <li>4) Character when relevant.</li> </ol>
<b>MODULE - V</b> BURDEN OF PROOF	<ol style="list-style-type: none"> <li>1) Facts which need not be proved – sections 56-58</li> <li>2) Facts which the parties are prohibited from proving – Doctrine of Estoppel– sections 115-117</li> <li>3) Privileged communications – sections 122-129</li> <li>4) Oral and documentary evidence – sections 59-78</li> <li>5) Exclusion of oral by documentary evidence – sections 91-92</li> <li>6) Burden of Proof on whom?</li> </ol>
<b>MODULE - VI</b> WITNESSES	<ol style="list-style-type: none"> <li>1) Competency and compellability of Witnesses. <ol style="list-style-type: none"> <li>(i) Child Witness – section 118</li> <li>(ii) (ii) Dumb Witness – section 119</li> <li>(iii) (iii) Hostile Witness – section 154</li> </ol> </li> <li>2) Examination, cross-examination, and re-examination- sections 137-139, 155</li> <li>3) Impeaching credit of the witness.</li> <li>4) Leading questions.</li> <li>5) Refreshing Memory.</li> </ol>

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

- 1) The Indian Evidence Act, 1872.
- 2) Indian Penal Code, 1860.
- 3) Civil Procedure Code, 1908.
- 4) Criminal Procedure Code, 1973.

**CASE LAWS:**

- *State of Maharashtra v. Prafulla B. Desai (Dr.)* (2003) 4 SCC 601
- *R. M. Malkani v. State of Maharashtra*, AIR 1973 SC 157
- *Mirza Akbar v. Emperor*, AIR 1940 PC 176
- *Badri Rai v. State of Bihar*, AIR 1958 SC 953
- *Mohd. Khalid v. State of W.B.* (2002) 7 SCC 334

- *Jayantibhai Bhenkerbhai v. State of Gujarat* (2002) 8 SCC 165
- *Bishwanath Prasad v. Dwarka Prasad*, AIR 1974 SC 117
- *Central Bureau of Investigation v. V.C. Shukla*, AIR 1998 SC 1406
- *Veera Ibrahim v. State of Maharashtra*, AIR 1976 SC 1167
- *Aghnoo Nagesia v. State of Bihar*, AIR 1966 SC 119
- *Pulukuri Kottaya v. Emperor*, AIR 1947 PC 67
- *Bodhraj v. State of J. & K.* (2002) 8 SCC 45
- *Khushal Rao v. State of Bombay*, AIR 1958 SC 22
- *Sudhakar v. State of Maharashtra* (2000) 6 SCC 671
- *Patel Hir Lal Joitaram v. State of Gujrat* (2002) 1 SCC 22
- *Laxman v. State of Maharashtra* (2002) 6 SCC 710
- *Ram Narain v. State of U.P.*, AIR 1973 SC 2200 : (1973) 2 SCC 86
- *R. S. Maddanappa v. Chandramma* (1965) 3 SCR 283
- *Madhuri Patel v. Addl. Commissioner, Tribal Development*, AIR 1995 SC 94
- *Sanatan Gauda v. Berhampur University*, AIR 1990 SC 1075
- *M.C. Vergheese v. T.J. Ponnann*, AIR 1970 SC 1876
- *State of U.P. v. Raj Narain*, AIR 1975 SC 865 140
- *State of Bihar v. Laloo Prasad* (2002) 9 SCC 626

#### BOOKS AND ARTICLES

- 1) Sarkar and Manohar, Sarkar on Evidence 18edition. Volume I, Wadhwa & Co., Nagpur
- 2) Ratan Lal, Dhiraj Lal: Law of Evidence (25Edition, 2014, Wadhwa, Nagpur)
- 3) Polein Murphy, Evidence (5th Edition. Reprint 2000), Universal, Delhi.
- 4) Avtar Singh, Principles of the Law of Evidence (2018), 23RD Edition., Central Law Agency, New
- 5) LaL, Batuk, The Law of Evidence, Revised by Arvind Kumar Dubey. 21 Edition, (Allahabad : Central Law Agency, 2015).
- 6) Monir, M., Principles & Digest of Law of Evidence, 11th Edition. (Allahabad: The Universal Book Agency, )
- 7) Gaur, Anjaru Nandani, The Evidence Act Governing Criminal Laws (Lucknow: Eastern Book Company, 2 Edition.).

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

- 1) Study Material, Law of Evidence, The Tamil Nadu Dr. Ambedkar Law University, Chennai. Available at [https://www.tndalu.ac.in/econtent/35\\_Law\\_of\\_Evidence.pdf](https://www.tndalu.ac.in/econtent/35_Law_of_Evidence.pdf)

- 2) Study Material, Law of Evidence, Dept. of Law, Aligarh Muslim University. Available at <https://old.amu.ac.in/emp/studym/100016346.pdf>
- 3) Study Material, Indian Evidence Act, Mohanlal Sukhadia University. Available at [https://www.mlsu.ac.in/econtents/109\\_NOTES%20EVIDENCE.pdf](https://www.mlsu.ac.in/econtents/109_NOTES%20EVIDENCE.pdf)
- 4) Study Material, Indian Evidence Act, Monad University, Hapur. Available at [https://monad.edu.in/img/media/uploads/Introduction%20and%20Relevance%20\(2\).pdf](https://monad.edu.in/img/media/uploads/Introduction%20and%20Relevance%20(2).pdf)

#### **ONLINE ARTICLES/BLOGS/REPORTS:**

- 1) J D Heydon (2010) The Origins of the Indian Evidence Act, Oxford University Commonwealth Law Journal, 10:1, 1-76, DOI: 10.1080/14729342.2010.11421310
- 2) Ranabir Samaddar (2015) Beyond the Frame of Practical Reason: The Indian Evidence Act and Its Performative Life, Sage Journal, 60:3-4, 58-73 DOI: 10.1177/0392192115590355
- 3) Yihan Goh. (2016) From context to text in contractual interpretation. Common Law World Review 45:4, 298-318.
- 4) Dr.Lakshmi T and Rajeshkumar S (2018) In Vitro Evaluation of Anticariogenic Activity of Acacia Catechu against Selected Microbes, International Research Journal of Multidisciplinary Science & Technology, 3:3 20-25.
- 5) Sadhana S. (2018) A study on the admissibility of expert evidence in Indian Evidence Act”, International Journal of Pure and Applied Mathematics, 120:5 1123-1136.
- 6) Soni Lavin Valecha, Sonika Bhardwaj (2020) Admissibility of Electronic Evidence under the Indian Evidence Act, 1872, International Journal of Management and Humanities (IJMH) ISSN: 2394-0913 (Online), Volume-4 Issue-7.



**CORPORATE RECONSTRUCTION (HONOURS)**  
**SEMESTER VII | B.A.LL.B. (Hons.)**  
**SYLLABUS (SESSION: JULY-DECEMBER 2023)**

<b>Faculty</b>	Dr. Vipin Kumar Mr. Mayank Shrivastava	<b>Class/ Semester</b>	4 / VII
<b>Course Name</b>	Corporate Reconstruction	<b>Session duration</b>	60 Minutes
<b>No of Contact Hours (Week)</b>	5 Hrs	<b>Pre-requisite</b>	None
<b>Introduction and Course Objectives</b>	<p>Business restructuring is an integral part of the new economic paradigm. As controls and restrictions give way to competition and free trade, rationalism and reorganisation are a necessary concomitant. This trend is the natural outcome of the liberalised economic and trade policy being advocated and pursued the world over. Through adoption of such strategy's corporates adjust themselves to the highly volatile business and economic scenario in order to enhance or at least maintain their competitiveness. Thus, the rationale for business combinations, acquisitions, mergers, demergers, amalgamations co-exist without any contradictions.</p> <p>The objectives of the course are:</p> <ul style="list-style-type: none"> <li>● To introduce the students to various methods of corporate restructuring;</li> <li>● To explain the regulatory and legal framework within which different modes of corporate restructuring take place; and</li> <li>● To analyse and evaluate the legal system for corporate restructuring.</li> </ul> <p>The above-mentioned objectives shall help the students in achieving the desired outcomes of the course.</p>		

**LEARNING OUTCOMES**

After studying the course, the students are expected:

- To evaluate and assess the Indian corporate restructuring process;
- To apply their understanding to a given set of problems relating to corporate restructuring;
- To choose an appropriate method of corporate restructuring in a given set of facts;
- To frame guidance and practice notes for steps involved in different modes of corporate restructuring;



**EVALUATION COMPONENTS**

Mid-Term Examination	25
End-Term Examination	60
Continuous Internal Assessment / Project	25
<b>Total</b>	<b>100</b>

**COURSE PLAN**

<b>S. No.</b>	<b>Module</b>	<b>Lecture Sessions</b>
1	Module I	18
2	Module II	15
3	Module III	15
4	Module IV	12

**DETAILED SYLLABUS**

<b>UNIT</b>	<b>CONTENT</b>
Module I	<ol style="list-style-type: none"> <li>1. Corporate Structure: Nature and Regulatory Framework</li> <li>2. Corporate Restructuring: Concept and Scope</li> <li>3. Methods of Corporate Restructuring: Meaning and Distinction</li> <li>4. Financial Restructuring of a Company</li> <li>5. Role of Capital Financing in Corporate Restructuring</li> </ol>
Module II	<ol style="list-style-type: none"> <li>1. Mergers: Concept, Law and Procedure</li> <li>2. Powers of Court / Tribunal in Mergers</li> <li>3. Fast Track and Cross Border Mergers</li> <li>4. Interface of Mergers with Other Statutes</li> <li>5. Role of Human Resource in Mergers</li> <li>6. Post Merger Aspects</li> </ol>

Module III	<ol style="list-style-type: none"> <li>1. Demerger, Reverse Mergers and Slump Sale: Procedural Aspects and Tax Implications</li> <li>2. Joint Ventures: Concept, Types and Structural Framework</li> <li>3. Takeover and Acquisition: Meaning, Concept and Types</li> <li>4. Takeover Code in India: Open Offer and Disclosures</li> <li>5. Due Diligence</li> <li>6. Valuation</li> </ol>
Module IV	<ol style="list-style-type: none"> <li>1. Corporate Restructuring and Corporate Insolvency</li> <li>2. Investor Protection in Corporate Restructuring</li> <li>3. Regulation of Combinations</li> <li>4. Merger Scheme: Key Concepts and Drafting</li> </ol>

**READINGS:**

## Articles

- Sudheendhra Putty, "Corporate Restructuring: Why and How", *Corporate Professionals Today*, vol. 11, 2008, p. 93.
- Rajesh Dhawan, "Corporate Restructuring", *SEBI and Corporate Law Weekly*, vol. 90, 2009, p. 123.
- Naresh Kumar, "Corporate Restructuring", *SEBI and Corporate Law Weekly*, vol. 12, 1997, p. 67.
- Rashmi Tyagi, "Enforceability of Non-compete Clause in a Joint Venture Agreement", (2008) 13 CPT 57.
- Subrata Kumar Ray, "Formation of Joint Venture in India", (2004) 1 CPT 504.
- Anna Bansal, "Slump Sale and the Incidental Concerns", (2013) 122 SCL 65.
- Gaurav N Pingle, "Buy Back under Companies Act, 2013 – Provisions and Procedure", (2018) 42 CPT 359
- Nikita Snehil, "Proposed Changes Under SEBI (Buy Back of Securities) Regulations, 2018 – An Overview", (2018) 41 CPT 846
- Divesh Goyal, "Reduction of Share Capital - An Insight View", (2017) 79 taxmann.com 17
- Rajeev Venugopal, "SEBI AIF Regulations - Whether this could lead to a change in private equity landscape in India", (2012) 114 SCL 65.
- Jayantika Singh, "Alternative Investment Funds - Venturing Out of the Fund Troubles", (2013) 118 SCL 101.
- Shrijith Nair and Nandita Thakur, "Private Equity Investment in India", (2009) 90 SCL 38 (MAG).
- Barsha Dikshit and Rahul Maharshi, "Fast Track Merger - Faster Way of Corporate Restructuring", (2017) 77 taxmann.com 299 (Article).
- Divesh Goyal "Mergers and Amalgamations Under Cos. Act - An Overview", (2017) 79 taxmann.com 169.

- Yogesh Mittal, "Cross Border Mergers - An Indepth View", (2018) 147 SCL 83.
- V. V. Vara Prasad and B. Murali Krishna, "Merger and Acquisitions - Management Practices", [2009] 15 CPT 708.
- T. P. Ghosh, "Acquisitions and Mergers – An international Comparison of the Accounting and Disclosure Norms", (1995) 4 SCL 33 (Mag.).
- Md Sahanur Islam *et al*, "The Behavioral Aspect of Mergers and Acquisitions", *Global Journal of Business Research*, vol. 6(3), 2012, p. 103.
- Ekta Gupta, "Corporate Restructuring - Tax Implications", *SEBI and Corporate Law Weekly*, vol. 61, 2005, p.124.
- Neha Srivastava, "Mergers and Acquisition Deals in India from Direct Tax Perspective", (2017) 78 taxmann.com 117
- Zeenat Masoor Masudi and Iftekhar Anees, "Stamp Duty Implications of Mergers and Demergers", (2012) 113 SCL 112 (Article)
- Tahir Ashraf Siddiqui, "Pertinent Intellectual Property Issues in Mergers and Acquisitions- An Analysis", [2011] 107 SCL 9 (Mag).
- Ashok K Saxena, "Delisting of Securities", (2002) 37 SCL 110 (Mag).
- Munmi Phukon, "Non-compliance of Listing Regulations may Lead to Compulsory Delisting", (2018) 148 SCL 1 (Articles)
- Ashish Banga, "Reverse Mergers: Indian Scenario", (2009) 92 SCL 49 (MAG)
- Rajesh Dhawan, "Demerger – Tax Implications", (2011) 20 CPT 338
- Rajeev Babel, "Discretionary Jurisdiction of Company Court in Declining Demerger", (2016) 135 SCL 85 (Articles)
- V. P. Chhabra, "Computation of Additional Shares for Creeping Acquisition Under Takeover Code", (2017) 141 SCL 25.
- Anushree Agrawal, "Poison Pill Device - An Anti Takeover Defence", (2012) 112 SCL 121.
- Pammy Jaiswal and Rahul Maharishi, "Minority Squeeze Out - A Strong New Provision under Section 236 of the Companies Act 2013", (2017) 38 CPT 403
- Shripal Lakdawala, Parthiv Kamdar, Karnav Gandhi, "SEBI Streamlines Procedure for Seeking Exemption under Takeover Code", (2018) 90 taxmann.com 323 (Article)
- Suvir Sharma and Siddharth Sharma, "Overhauling of the SEBI takeover Code 2011 - An analysis of amended key regulations", (2012) 116 SCL 55 (Article).
- Gaurav N. Pingle, "SEBI Eases Takeover Code for Buying Stressed Assets", (2017) 142 SCL 15
- Sudheendhra Putty, "Corporate Due Diligence", (2009) 89 SCL 29 (Mag).
- Sowmya Narayan S. Prakash C., "Due Diligence Review in Proposed Acquisition", (1999) 21 SCL 143 (Mag).

- M. Sayed Ahmed and Kirti Ram Hariharan, “Liability for Mis-statement in Prospectus and Due Diligence Duty”, (1999) 22 SCL 75 (Mag)
- Kamal Garg and Ravi Bhushan, “Valuation by Registered Valuers”, (2018) 93 taxmann.com 174.
- Rajkumar S. Adukia, “Valuation Approaches and Methodologies”, (2018) 6 Chartered Secretary 39.
- Taruna Kumbhar and Honey Soni, “Registered Valuers and Valuation Rules, 2017”, (2018) 6 Chartered Secretary 53
- Jitendra Kumar Panda, “Rights and Benefits Available to Minority Shareholders - A Comparative Study”, (2013) 28 CPT 278.
- T. V. Ganesan, “Majority Shareholders Rights v Minority Shareholders Rights”, (2014) 128 SCL 1.
- Megha Bhasin, “Oppression of Minority Shareholders - A Jurisprudential Analysis”, (2011) 105 SCL 121 (Mag)
- Sikha Bansal and Richa Saraf, “Insolvency Code - Plights and Rights of Operational Creditors”, (2018) 147 SCL 105.
- Prateek Gattani and Nipun Singhvi, “Resolving Jurisprudence - Winding Up vis-a-vis Insolvency”, (2018) 41 CPT 853.
- Kamal Garg and Himanshu Sarpal, “Forensic Science vis-a-vis Insolvency and Bankruptcy Code”, (2018) 41 CPT 615
- Vipin Kumar, “Regulation of Combinations - Issues and Appraisal”, (2013) 117 SCL 36.
- Ravi Prakash, “Merger Control Under Competition Policy”, (2008) 87 SCL 37 (MAG).
- Shubham Khare and Niharika Maske, “An Analysis of Mergers, Amalgamations and Acquisitions Under the Competition Act, 2002”, (2010) 97 SCL 58 (MAG)

#### Books

- A. Ramaiya, Guide to Companies Act, Lexis Nexis Butterworths, Wadhwa, Nagpur (*Latest Eds.*)
- M.C. Bhandari Guide to Company Law Procedures, Lexis Nexis Butterworths Wadhwa, Nagpur (*Latest Eds.*)
- Taxmann Master Guide to Companies Act 2013 & Company Rules (*Latest Eds.*)
- S K Kataria, The Companies Act, 2013 with Rules and Ready Referencer by Bloomsbury Publication (*Latest Eds.*)
- Sridharan and Pradhan Guide to Takeovers and Mergers by Wadhwa & Co. (*Latest Eds.*)
- ICSI Handbook on Mergers Amalgamations and Takeovers (*Latest Eds.*)
- K.R. Sampath Mergers/Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate Restructure, Snow White Publications (*Latest Eds.*)
- S. Ramanujam Mergers et al., Lexis Nexis Butterworths Wadhwa Nagpur (*Latest Eds.*)

- Ray Mergers and Acquisitions Strategy, Valuation and Integration, PHI, (*Latest Eds.*)



**CRIMINAL PROCEDURE CODE (COMPULSORY PAPER)**  
**SEMESTER VII | B.A.LL.B. (Hons.)**  
**SYLLABUS (SESSION: JULY-DECEMBER 2023)**

<b>Faculty @</b>	Dr Parvesh Rajput Dr. Archana Shyam Gharote	<b>Year/ Semester</b>	4 / VII
<b>Course Name</b>	The Code of Criminal Procedure, 1973	<b>No. of Credits</b>	4
<b>Course Code</b>	NA	<b>Session duration</b>	55 Minutes
<b>No of Contact Hours (Week)</b>	50 lecture + 10 Tutorial	<b>Pre- requisite</b>	None
<b>Course Objective &amp; Pedagogy</b>	<p>In adversarial Criminal Justice System, the protection of individual rights and liberty against atrocities would become a huge cause of concern. Criminal law is divided into two parts viz., substantive and procedural. Making the right balance between two different ideas is a very difficult task to do. Hence, it is very important to have a balanced criminal procedure, which is based upon sound principles of law and promoting the cherished ideals of our constitution. Human rights can only be promoted, when domestic criminal Justice System based upon the idea of equity, justice and good consciences. The criminal procedure code is designed to look after the process of the administration and enforcement of the criminal law.</p> <p><b>Course objectives:</b></p> <ol style="list-style-type: none"> <li>1. To understand the Criminal Justice System in India.</li> <li>2. To analyse the drawbacks of time-taking procedural requirements of the trial.</li> <li>3. To develop a necessary understanding of the procedural requirements of the judicial as well as law enforcement machinery.</li> <li>4. To understand the nuances of investigation, inquiry, and trial.</li> <li>5. To understand how procedural law will promote and protect the interest of a common man, especially during the police investigation.</li> </ol>		

**Learning Outcome:**

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

1. Identify the stages in investigation and procedure of trial in criminal cases.
2. Explain the powers, functions, and limitations of the police investigation.
3. Understand the procedural nuances of criminal court inquiry and trial.
4. Make the distinction between different types of trials provided under the code.
5. Use their skill of knowledge to protect and promote the basic fundamental rights provided by our constitution.

**EVALUATION COMPONENTS: -**

<b>Components of Course Evaluation</b>	<b>Distribution</b>
Continuous Internal Assessment	25%
Mid-term Examination	25%
End Term	50%
<b>Total</b>	<b>100%</b>

**The Criminal Procedure Code, 1973**

**COURSE PLAN:**

<b>S.N o.</b>	<b>Topics</b>	<b>Lecture Sessions</b>
1	Principles of Criminal Justice System	5
2	First Information Report and Investigation	5
3	Jurisdiction of the Court and Requisite for initiation of Judicial Proceeding	5
4	Complaint Case Before Magistrate and its Procedure	5
5	Pre Trial Proceedings	10
6	General Provisions of Trial and Inquiries	10
7	Bail Provisions	5
8	Appeal, Revision, Reference and Inherent Powers	5

**DETAILED SYLLABUS FOR (B.A.LLB. HONS.) THE CODE OF CRIMINAL PROCEDURE: 7th SEMESTER**

<b>Unit</b>	<b>Content</b>
<b>Module 1</b>	General Introduction a) Principles of Criminal Justice System (Adversarial) <ul style="list-style-type: none"> <li>• Accused presumed to be innocent unless his guilt proved.</li> </ul>

	<ul style="list-style-type: none"> <li>• Prosecution proves its case beyond a reasonable doubt.</li> <li>• It is better to be a hundred guilty escapes than punish an innocent.</li> </ul> <p>b) “Administration of Justice, Constitution and Organization of Courts:- Hierarchy, Powers of Criminal Courts.</p> <ul style="list-style-type: none"> <li>• Important Définitions.</li> </ul> <p>Functionaries</p> <ul style="list-style-type: none"> <li>• Police.</li> <li>• Criminal Courts.</li> <li>• Prosecution.</li> <li>• Correctional Homes and Prisons.</li> </ul>
<b>Module 2</b>	<p>First Information Report (FIR) and Investigation</p> <ul style="list-style-type: none"> <li>• Registration of FIR and Procedure (Ss.154 (1), 156(3) and 157(1)).</li> <li>• Information of cognizable and non-cognizable offences (FIR or NCR)</li> <li>• The procedure of Investigation (Arrest, Search and Seizure) (Ss. 157, 41-41D, 46-47)</li> <li>• Recording of Statements and Confession (Ss. 160-164)</li> <li>• Medical Examination Of accused and victim.</li> <li>• Police Report (Challan) v/s Final Report. (Ss.169-173)</li> <li>• Inquest and Inquiry by the Magistrate and Custodial Deaths. (Ss,174 to 176)</li> <li>• Remand (Judicial and Police) and its consequences. (S.167)</li> </ul> <p>Arrest power Subject to statutory, constitutional, and Human Rights limitations.</p>
<b>Module 3</b>	<p>Jurisdiction of the Court and requisite for initiation of Judicial Proceeding.</p> <p>1. Ordinary place of inquiry and trial</p> <ul style="list-style-type: none"> <li>• Place of inquiry or trial</li> <li>• Offence committed</li> <li>• Joint trial</li> <li>• Power of the High Court to decide the district in case of doubt.</li> <li>• How the court can take Cognizance? (S. 190)</li> </ul>
<b>Module 4</b>	<p>Complaint Case and Its Procedure (Court of the Magistrate)</p> <ul style="list-style-type: none"> <li>• Complaint case and its Requirement (Ss.200-201)</li> <li>• Postponement of Issue of Process. (S.202)</li> <li>• Dismissal and Issue of Process. (Ss.203-204)</li> </ul> <p>1) Personal Exemption from the Judicial Proceedings.</p> <ul style="list-style-type: none"> <li>• Permanent Exemption (S.205)</li> </ul>



	<ul style="list-style-type: none"> <li>• Temporary Exemption (S. 317)</li> <li>2) Maintenance of Wives, Children and Parents (S.125 to 128)</li> </ul>
<b>Module 5</b>	<p>Pre-Trial Proceedings</p> <ul style="list-style-type: none"> <li>• Cognizance of offences</li> <li>• Committal Proceedings (Ss. 193 and 209)</li> <li>• Framing of Charges</li> </ul> <p>Characteristics of Fair Trial: Ss.273, 300, 303-304, 313, 316, 317,319, 321, 327, 406, 409 of the Code and Art.20(1) (3), 22(1), 39A of the Constitution.</p> <p>Right of Victims: Ss. 357, 357A, 357B, 357C, 372</p> <p>Witness Protection: Delhi High Court Guidelines for Protection of Vulnerable Witnesses.</p>
<b>Module 6</b>	<p>General Provisions of Trial and Inquiries</p> <ul style="list-style-type: none"> <li>• Session, Warrant, Summon and Summary.</li> <li>• Recording of Evidence during trial Examination in Chief Cross-Examination Re-Examination.</li> <li>• Withdrawal of Prosecution (S. 321)</li> <li>• Power of review</li> <li>• Doctrine of Autrefois acquit, autrefois convict (S. 300).</li> <li>• Pardon proceedings (Ss. 306-308)</li> <li>• Court witness and application of section 167 of the Indian Evidence Act (S.311)</li> <li>• Examination of accused person (S.313)</li> <li>• Accused to be a competent witness (S.315)</li> <li>• Plea Bargaining (S.265A- 265L).</li> </ul>
<b>Module 7</b>	<p>Bail and Bond Provisions:</p> <ul style="list-style-type: none"> <li>• Bail as a matter of Right (S.436 and 436A)</li> <li>• Regular Bail and Procedure of Cancellation (Ss.437 and 439)</li> <li>• Compulsive Bail (S.167(2))</li> <li>• Anticipatory Bail (S.438)</li> <li>• Bail Bond Provisions.</li> </ul>
<b>Module 8</b>	<p>Appeal, Revision, Reference and Inherent Powers</p> <ul style="list-style-type: none"> <li>• Appeal against conviction (S.374)</li> <li>• Appeal against acquittal (S. 378)</li> <li>• Reference (S.395)</li> <li>• Revisional jurisdiction of High Courts and Sessions Court. (Ss.395-405)</li> <li>• Inherent Jurisdiction of High Court (S.482)</li> </ul>

**Statute/ Act:**

The Code of Criminal Procedure, 1973

The Indian Evidence Act, 1872

**Text Books:**

1. Criminal Law and Criminal Justice: Advanced Legal Writings,  
Author: Prof. B.B.Pande  
EBC 2022 (1st Edition)
2. Lecture on Criminal Procedure  
Author: R.V.Kelkar's  
Publisher: Eastern Book Company (2021)
3. The Code of Criminal Procedure  
Author: S.N.Misra  
Publisher: Central Law Publication
4. Revisiting Reforms in Criminal Justice System in India  
Author: Dilip Ukey, Chirag Balyan  
Publisher: Thomson Reuters. (2021)
5. Crime, Punishment and Sentencing in India  
Author: Dr. Ivneet Walia  
Publisher: Thomson Reuters (2019)

**Online Resources:**

1. Criminal law and Criminal justice: Advance Legal Writings, By Prof. B.B.Pande,  
Publishers: EBC (2022)
2. Lectures on Criminal Procedure by Kelkar, Publisher EBC
3. Supreme Court on Criminal Procedure and Criminal Trial, EBC

**Articles:**

1. Kumar, Virendra. "JUDICIAL LEGISLATION UNDER ARTICLE 142 OF THE CONSTITUTION: A PRAGMATIC PROMPT FOR PROPER LEGISLATION BY PARLIAMENT." *Journal of the Indian Law Institute*, vol. 54, no. 3, 2012, pp. 364–81. *JSTOR*, <http://www.jstor.org/stable/44782477>.
2. Rajan, Nalini. "Personal Laws and Public Memory." *Economic and Political Weekly*, vol. 40, no. 26, 2005, pp. 2653–55. *JSTOR*, <http://www.jstor.org/stable/4416810>.
3. BURRA, SRINIVAS. "Decriminalising Creative 'Offence.'" *Economic and Political Weekly*, vol. 49, no. 40, 2014, pp. 18–21. *JSTOR*, <http://www.jstor.org/stable/24480816>.
4. Reddi, P. V. "Role of the Victim in the Criminal Justice Process." *Student Bar Review*, vol. 18, no. 1, 2006, pp. 1–24. *JSTOR*, <http://www.jstor.org/stable/44306643>.

5. Arzt, Clemens. "Police Reform and Preventive Powers of Police in India – Observations on an Unnoticed Problem." *Verfassung Und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, vol. 49, no. 1, 2016, pp. 53–79. *JSTOR*, <http://www.jstor.org/stable/26160092>.
6. Harris, David. "The Right to a Fair Trial in Criminal Proceedings as a Human Right." *The International and Comparative Law Quarterly*, vol. 16, no. 2, 1967, pp. 352–78. *JSTOR*, <http://www.jstor.org/stable/757381>.
7. Nigam, K. K. "DUE PROCESS OF LAW: A COMPARATIVE STUDY OF PROCEDURAL GUARANTEES AGAINST DEPRIVATION OF PERSONAL LIBERTY IN THE UNITED STATES AND INDIA." *Journal of the Indian Law Institute*, vol. 4, no. 1, 1962, pp. 99–135. *JSTOR*, <http://www.jstor.org/stable/43949676>.
8. Nariman, Fali S. "FIFTY YEARS OF HUMAN RIGHTS PROTECTION IN INDIA - THE RECORD OF 50 YEARS OF CONSTITUTIONAL PRACTICE." *National Law School of India Review*, 2013, pp. 13–26. *JSTOR*, <http://www.jstor.org/stable/44283607>.
9. Mukherjee, Mithi. "Justice, War, and the Imperium: India and Britain in Edmund Burke's Prosecutorial Speeches in the Impeachment Trial of Warren Hastings." *Law and History Review*, vol. 23, no. 3, 2005, pp. 589–630. *JSTOR*, <http://www.jstor.org/stable/30042899>. Accessed 16 Jul. 2022.
10. Leelakrishnan, P., and Mini S. "PROCEDURAL FAIRNESS IN ADMINISTRATIVE DECISION-MAKING: APPROACH OF THE SUPREME COURT IN A DECADE." *Journal of the Indian Law Institute*, vol. 59, no. 4, 2017, pp. 335–55. *JSTOR*, <https://www.jstor.org/stable/26826613>. Accessed 16 Jul. 2022.
11. Kumari Ved " Rustam and Sanjay Dutt" From Bail to Bondage", 1 Indian Journal of Contemporary Law, 50-56 (1997).
12. B.B.Pande, "Justifiable Executive Homicide in obedience to Superior Orders: Extent of Criminal Liability Exemption through 'Superior order plea", (1982) 2 SCC J-34-43.

### Important Cases:

- Arnesh Kumar v/s State of Bihar, (2014) 8 SCC 273.
- Ajay Kumar Parmar v/s State of Rajasthan, (2012)
- Attorney General for Northern Ireland's Reference (No.1 of 1975), re, 1977 AC 105: (1970) 3 WLR 235 (HL)
- A.P.Civil Liberties Committee v/s State of A.P., 2009 SCC online AP 50.
- Asif Iqbal Tanha v/s State (NCT of Delhi) 2021 SCC online Del 3253 (2021)
- B.S.Joshi v/s State of Haryana & Anr. 2003 (4) SCC 675

- D.K. Basu v/s State of West Bengal, (1997) 6 SCC 642.
- Devangana Kalita v/s State (NCT of Delhi) 2021 SCC online Del 3255.
- Gurcharan Singh v/s State (Delhi Admn.) (1978) 1 SCC 118
- Hardeep Singh v/s State of Punjab, (2014) 3 SCC 92
- Lalita Kumari v/s State of Uttar Pradesh, AIR 2012 SC 1515
- Mohammed Hussain v/s State (Govt. of NCT Delhi), 2012 9 SCC 408.
- Mohd. Ajmal Amir Kasab v/s State of Maharashtra (2012) 9 SCC 1
- Mehmood Nayyar Azam v/s State of Chhattisgarh (2012) 8 SCC 1 (2012) 9 SCC 1
- Mrs. Neelam Katara v/s UOI, ILR (2003) II Del 377.
- Madhu Bala v/s Suresh Kumar, (1997) 8 SCC 476
- Moti Ram v/s State of MP (1978) 4 SCC 97.
- Mohan Singh v/s State of Bihar, (2011) 9 SCC 272.
- Manubhai Ratilal Patel v/s State of Gujarat, (2013) 1 SCC 314
- Nilabati Behera v/s State of Orissa, (1993) 2 SCC 746
- Natasha Narwal v/s State (NCT of Delhi) CrI. Application No.82 of 2021 (High Court of Delhi)
- Youth Bar Association of India v/s UOI and others, Writ Petition (RL) No. 68 of 2016.
- People' Union for Civil Liberties v/s State of Maharashtra, (2014) 10 SCC 635.
- State v/s Disha A Ravi, Bail Application, No.420 of 2021, order dated 23.2.2021 (ASJ: New Delhi).
- State of Orissa v/s Sharat Chandra Sahu, (1996) 6 SCC 435.
- Sakiri Vasu v/s State of Uttar Pradesh (2008) 2 SCC 409
- State of Haryana v/s Dinesh Kumar (2008) 3 SCC 222.
- State v/s Captain Jagjit Singh, (1962) 3 SCR 622
- Sanjay Chandra v/s CBI, (2012) 1 SCC 40
- Shri Gurbaksh Singh Siberia v/s State of Punjab, (1980) 2 SCC 565
- State (Delhi Administration) v/s Sanjay Gandhi, (1978) 2 SCC 411.
- Sandeep Kumar v/s State of Bihar (2011) 9 SCC 272.
- S.Nambi Narayanan V/s Siby Mathews (2018) 10 SCC 804
- Shiv Kumar Verma v/s State of UP, 2021 SCC online (2021) 116 ACC 202
- State of U.P. v/s Ram Sagar Yadav, (1985) 1 SCC 552
- Rudal Shah v/s State of Bihar, (1983) 4 SCC 141

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**COPYRIGHT LAW (HONOURS PAPER)**  
**SEMESTER VII | B.A.LL.B. (Hons.)**  
**SYLLABUS (SESSION: JULY-ECEMBER**  
**2023)**

<b>Faculty Name</b>	Ms. Apurva Sharma / Dr. Ankit Singh / Ms. Garima Panwar	<b>Year/ Semester</b>	4/VII
<b>Course Name</b>	Copyright Law	<b>No. of Credits</b>	6
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	50 Lectures + 10 Tutorials =60 hours	<b>Pre-requisite</b>	None
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>Copyright is a type of intellectual property that gives its owner the exclusive right to make copies of a creative work, usually for a limited time. The creative work may be in a literary, artistic, educational, or musical form. Copyright is intended to protect the original expression of an idea in the form of a creative work, but not the idea itself. When people create original works, they are protected by copyright law. This law lasts for a limited time, and it provides the work's creator with certain exclusive rights. The goal of copyright law is to protect created works from theft. In turn, this protection is meant to encourage creativity and the continued creation of new works that will ideally be made available to the public. A copyright is subject to limitations based on public interest considerations, such as the fair use doctrine across the globe.</p> <p>Some jurisdictions require "fixing" copyrighted works in a tangible form. It is often shared among multiple authors, each of whom holds a set of rights to use or license the work, and who are commonly referred to as rights holders. These rights frequently include reproduction, control over derivative works, distribution, public performance, and moral rights such as attribution.</p>		

Copyrights can be granted by public law and are in that case considered "territorial rights". This means that copyrights granted by the law of a certain state, do not extend beyond the territory of that specific jurisdiction. Copyrights of this type vary by country; many countries, and sometimes a large group of countries, have made agreements with other countries on procedures applicable when works "cross" national borders or national rights are inconsistent.

This course is an attempt towards imparting knowledge of various aspects of Copyright Law:

**CO1-** Providing an understanding of Concept of Copyright Law. Justification of Copyright as an intellectual property. Historical development of Copyright Law with certain exceptions and limitations;

**CO2** - Developing skills of analyzing of various concepts under Copyright Law;

**CO3-** Improving the students' level of comprehension and interest in engaging with personal laws and debating the same from the viewpoint of rights and well as personal liberty; **CO4-** Providing an understanding of Copyright in diverse IP conventions through the legal perspective.;

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.

**LEARNING OUTCOMES:** Through the curriculum, the students will be able to comprehend the basic fundamentals and principles of copyright. In addition, after successful completion of the course, the students will be able to:

**L01-** Understand the jurisprudential aspects and underpinnings of copyright

**L02** – Get equipped with the acumen to implement the law to various issues relating to copyright and related aspects

**L03-** Examine and analyze emerging concepts of copyright in the digital era and come up with viable and pragmatic solutions to various problems

**L04** – Develop analytical and research skills and produce quality research work in the domain of copyright law

**EVALUATION COMPONENTS**

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

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

**COURSE PLAN**

<b>S.No.</b>	<b>Topics</b>	<b>Lecture Sessions</b>
1	INTRODUCTION	1-12
2	SUBJECT MATTER OF COPYRIGHT	13-21
3	AUTHORSHIP AND RIGHTS OF COPYRIGHT OWNERS	22-35
4	COMMERCIAL DEALING IN COPYRIGHT	36-44
5	INFRINGEMENT AND REMEDIES	45-52
6	CONTEMPORARY ISSUES IN COPYRIGHT LAW	53-60

**Detailed Syllabus**

**Module 1**  
**INTRODUCTION**

- Concept of copyright
- Justification of copyright as an intellectual property.
- Historical development of copyright law
- Before advent of printing press
- After advent of printing press
- Birth of Stationer's Co. 1556
- Statute of Anne and its salient features
- The British Copyright Act 1911
- Indian History of Copyright Law:
  - Indian Copyright Act 1847
  - Copyright Act, 1914.
  - Copyright Act 1957
- Objectives and Purpose of International Treaties:
  - The Berne Convention for the Protection of Literary and Artistic Works, 1886.
  - Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961).
  - Universal Copyright Convention, 1952
  - Trade Related Aspects of Intellectual Property Rights, 1995. (TRIPs)
  - WIPO Performances and Phonograms Treaty, 1996 (WPPT)
  - WIPO Copyright Treaty, 1996 (WCT)
  - The Beijing Treaty on Audiovisual Performances
  - Marrakesh Treaty to Facilitate Access to Published Works for Persons, Who Are Blind, Visually Impaired or Otherwise Print Disabled, 2013



<b>Module 2</b> <b>SUBJECT</b> <b>MATTER OF</b> <b>COPYRIGHT</b>	<ul style="list-style-type: none"> <li>• Concept of Originality</li> <li>• Idea/Expression Dichotomy</li> <li>• Merger Doctrine</li> <li>• Works Protected <ul style="list-style-type: none"> <li>○ Artistic, Musical, Literary and Dramatic</li> <li>○ Sound Recording</li> <li>○ Computer Programs</li> <li>○ Cinematograph Films</li> </ul> </li> </ul>
<b>Module 3</b> <b>AUTHORSHIP</b> <b>AND RIGHTS OF</b> <b>COPYRIGHT</b> <b>OWNERS</b>	<ul style="list-style-type: none"> <li>• Authorship of Copyright: Author as the First Owner</li> <li>• Joint Authorship</li> <li>• Economic Rights of Authors</li> <li>• Moral Rights of Authors</li> <li>• Neighboring Rights <ul style="list-style-type: none"> <li>○ Performer's Rights</li> <li>○ Broadcasting Rights</li> </ul> </li> </ul>
<b>Module 4</b> <b>COMMERCIAL</b> <b>DEALING IN</b> <b>COPYRIGHT</b>	<ul style="list-style-type: none"> <li>• Duration of Copyright</li> <li>• Assignment of Copyright</li> </ul>
	<ul style="list-style-type: none"> <li>• Licensing of Copyright <ul style="list-style-type: none"> <li>○ Voluntary</li> <li>○ Statutory</li> <li>○ Compulsory</li> </ul> </li> <li>• International Copyright</li> </ul>
<b>Module 5</b> <b>INFRINGEMENT</b> <b>AND REMEDIES</b>	<ul style="list-style-type: none"> <li>• Infringement of Copyright</li> <li>• Defenses: Fair Use in Copyright</li> <li>• Remedies for Infringement <ul style="list-style-type: none"> <li>○ Civil</li> <li>○ Criminal</li> <li>○ Administrative</li> </ul> </li> </ul>
<b>Module 6</b> <b>CONTEMPORAR Y</b> <b>ISSUES IN</b> <b>COPYRIGHT LAW</b>	<ul style="list-style-type: none"> <li>• First Sale Doctrine and Exhaustion of Copyright</li> <li>• Concept of Copyleft</li> <li>• Copyright and Character Merchandising</li> <li>• AI and Copyright</li> </ul>

**READINGS:****CASE LAWS:**

- *Bleistein v. Donaldson Lithographing Co. (1903)-*
- *University London Press v. University Tutorial Press , (1916) 2 Ch601*
- *Feist Publication v. Rural telephone Service 499 US 340(1991)*

- *Mannion v. Coors Brewing Co. (2005)*
- *Govindan v. Gopal krishnan AIR 1955 Mad 391*
- *V.Errabhadrarao v. B.N.Sharma 1958*
- *CCH V. Law Society of Upper Canada 2004 SCC13*
- *EBC V. D B Modak (2008) 1 SCC1*
- *Baker v. Selden (1879)*
- *Nichols v. Universal Pictures Corp. (1930)*
- *Alexander v. Haley (1978) -Walter v. Lane (1900) Ac 539*
- *R. G. Anand v. M/s Delux Films AIR 1978 SC 1613*
- *Escort Equipments v. Action Equipments. 1999 PTC 36*
- *Anil Gupta V. Kunal Dasgupta Air 2002 Delhi 379*
- *Barbara Taylor Bradford v. Sahara Media and Ent. Ltd, 2004 (28) PTC 474*
- *Star India v. Leo Burnett 2003 PTC 81*
- *Mattel v. Jayant Agarwalla 2008 (38) PTC 416*
- *Agarwala Publishing House, Khurja v. Board of High School and Intermediate Education  
U.P. Allahabad*
- *Burlington Home Shopping Pvt. Ltd v. Rajnish Chibber*
- *Ananda Expanded Italics, In re.*
- *Fortune Films International v. Dev Anand and another*
- *Gramophone Company of India Ltd. v. Super Cassette Industries Ltd.*
- *Ram Sampath v. Rajesh Roshan - Associated Publishers (Madras) Ltd. v. K. Bashyam*
- *J. B. Khanna and Co. v. A Asad*
- *FE Engineering and Consultancy Pvt. Ltd. v. LG Cable Ltd.*
- *Indian Performing Rights Society v. Eastern India Motion picture*
- *Music Broadcast private Ltd. V. IPRS*
- *Manu Bhandari v. Kala Vikas Pictures*
- *Amarnath Sehgal v. Union of India*
- *Anand Patwardhan v. Director General Doordarshan*
- *Arun Chadha v. Oca Productions Ltd*
- *Najma Heptulla v. Orient Longman Ltd. and others*
- *Community for Creative Non-Violence v. Reid (1989)*
- *Shrinagar Cinemas Ltd v. Bharat Bala Productions Pvt Ltd*
- *Video Master v. Nishi Productions*
- *Deshmukh & co (Publishers) Pvt Ltd v. Avinash Vishnu Khandekar*
- *Gramophone Company of India v. Shanti Films Corporation*
- *Super Cassettes Industries Limited v. Nirualas Corner house Pvt Ltd*
- *Super Cassettes Industries Limited v. MySpace, Delhi HC December 2016*
- *The Chancellor Masters and Scholars of the University of Oxford v. Narendra Publishing House*
- *ESPN Star Sports v. Global Broadcast News Ltd.*

- *India TV Independent News service Pvt Ltd v. Yashraj Films Pvt Ltd*
- *Syndicate of the Press of University of Cambridge v. B D Bhandari*
- *Super cassettes Industries Ltd v. Chintamani Rao*
- *Warner Bros v. Santosh V.G.*
- *John Wiley v. Prabhat Chander Kumar*
- *Sundeman v. The Seajay Soc'y, Inc., 142 F.3d 194 (4th Cir. 1998)*

#### **BOOKS & JOURNAL ARTICLES:**

- V.K. Ahuja, Law relating to Intellectual Property Rights, 3rd Edn. July 2017, LexisNexis
- Alka Chawala, Law of Copyright: Comparative Perspectives, 1<sup>st</sup> ed., 2013, Lexis Nexis
- Mellville B Nimmer & David Nimmer, NIMMER ON COPYRIGHT, 1978, Lexis Nexis
- P. Narayanan, COPYRIGHT and Industrial Designs (A commentary on the The Copyright Act), revised 4<sup>th</sup> Ed., Eastern Law House
- Ben Depoorter, Depoorter on Copyright, 2018, Create Space Independent Publishing Platform
- Stephen Fishman J.D., Copyright Handbook, The What Every Writer Needs to Know, 14<sup>th</sup> ed., 2020, Nolo
- Craig Joyce, Tyler T. Ochoa, Michael Carroll, Marshall Leaffer., Copyright Law, 10<sup>th</sup> Ed., 2020, Carolina Academic Press
- Meaghan H. Kent, Joshua J. Kaufman., An Associate's Guide to the Practice of Copyright Law 2017<sup>th</sup> Edition, Lexis Nexis
- Lee Wilson., The Copyright Guide: How You Can Protect and Profit from Copyrights, 4<sup>th</sup> Ed., 2018, Allworth Intellectual Property Made Easy
- V.J. Taraporevala, Law of Intellectual Property, 2019, Thomson Reuters
- Elizabeth Verky, Intellectual Property Law and Practice, 2<sup>nd</sup> Ed., 2021, EBC Reader
- Mathew Thomas, Understanding Intellectual Property, 2016<sup>th</sup> Ed., EBC Reader
- N. S. Gopalkrishnan, T G Agitha, Principles of Intellectual Property, 2019, EBC Reader
- Arathi Ashok, Economic Rights of Authors under Copyright Law: Some Emerging Judicial Trends, Journal of Intellectual Property Rights Vol. 15, 2010.
- Rangiseti Naga Sumalika, Prof. (Dr) T. Ramakrishna, Remedies Against Copyright Infringement, Dpiit, Mci Chair On Intellectual Property Rights & Centre For Intellectual Property Rights Research And Advocacy National Law School Of India University, Bangalore, 2021
- S. Sivakumar and Lisa P. Lukose, Journal of the Indian Law Institute , April-June 2013, Vol. 55, No. 2 (April June 2013), pp. 149-174

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

- [https://www.google.co.in/books/edition/The\\_Copyright\\_Book/DZSoAwAAQBAJ?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover](https://www.google.co.in/books/edition/The_Copyright_Book/DZSoAwAAQBAJ?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover)
- [https://www.google.co.in/books/edition/Copyrights\\_and\\_Copywrongs/sGjSY0rRC\\_w\\_C?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover](https://www.google.co.in/books/edition/Copyrights_and_Copywrongs/sGjSY0rRC_w_C?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover)
- [https://www.google.co.in/books/edition/Reclaiming\\_Fair\\_Use/VWroer9-si8C?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover](https://www.google.co.in/books/edition/Reclaiming_Fair_Use/VWroer9-si8C?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover)
- [https://www.google.co.in/books/edition/Drafting\\_Copyright\\_Exceptions/g23IDwAAQBAJ?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover](https://www.google.co.in/books/edition/Drafting_Copyright_Exceptions/g23IDwAAQBAJ?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover)

#### ONLINE ARTICLES/BLOGS/REPORTS:

- Copyright – Economic and Moral Rights, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- India: Moral Rights Under Copyright Law, available at <https://www.%20integrity>.
- The Moral Rights of an Author, by Nidhi Kumari, CNLU, available at <https://www.lawctopus.com/academike/moral-rights-author/>
- Ideas, Concepts, Scripts & Stories – Protecting Ideas in the Entertainment Industry Part V, available at [Ideas, Concepts, Scripts & Stories - Protecting Ideas in the Entertainment Industry Part V | BananaIP](#)
- Copyright – Neighbouring/Related Rights, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- Madhu Noonja, India: Doctrine Of Originality In Copyright available at <https://www.mondaq.com/india/copyright/802134/doctrine-of-originality-in-copyright#:~:text=This%20doctrine%20stipulates%20that%20originality,be%20there%20for%20copyright%20protection.>
- R.G. ANAND VS. DELUX FILMS AND ORS., AIR 1978 SC 1613 available at [R.G. Anand – Appellants vs. Delux Films and Ors. - BananaIP Counsels](#)

- Copyright – Statutory and Compulsory Licensing, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- Copyright – Civil and Criminal Remedies, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- KYUNKI SAAS BHI KABHI BAHU THI VS. TIDE- RIGHTS IN A CINEMATOGRAPHIC WORK, available at [KYUNKI SAAS BHI KABHI BAHU THI Vs. TIDE- Rights in a Cinematographic Work | BananaIP](#)
- Originality Requirements in Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- LexOrbis, India: Revisiting The Doctrines In Copyright: The Oxford Dispute available at <https://www.mondaq.com/india/copyright/70858/revisiting-the-doctrines-in-copyright-the-oxford-dispute>
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- Subject-matter Requirement in Indian Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- SUPER CASSETTES INDUSTRIES V. MYSPACE INC AND ANR., available at [Super Cassettes Industries v. Myspace Inc and Anr. | BananaIP](#)
- Copyright – Fair Dealing, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
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#### **BLOGS/CHANNELS/PODCASTS:**

1. E-PG Pathshala available at <https://www.youtube.com/channel/UCgNgdBmRmUFG2SPTyQ5WRUg>
2. World Intellectual Property Organisation available at <https://www.youtube.com/user/wipo/videos>
3. WIPOD – Arbitration and Mediation matters available at Spotify, Apple Podcasts, Google Podcasts



**BANKING LAW (OPTIONAL PAPER)  
SEMESTER VII & IX | B.A.LL.B. (Hons.)  
SYLLABUS (SESSION: JULY-DECEMBER 2023)**

<b>Faculty Name</b>	Dr. Y. Papa Rao & Mr. V. Suryanarayana Raju	<b>Year/ Semester</b>	4&5/ Sem VII & IX
<b>Course Name</b>	Banking Law	<b>No. of Credits</b>	04
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	50 Lectures + 10 Tutorials =60 hours	<b>Pre-requisite</b>	None
<b>Introduction, Course Objective &amp; Pedagogy</b>	The Banks are the backbone of any economy across the world. In Indian economy, Banks and the banking system have been evolved into a vital socio-economical institutions in the modern age. This has been largely influenced by the socio-political and economic changes that have been witnessed at large. As a		

	<p>developing state, India has been influenced by these developments which led to the evolutionary effect on banking structure, policies, patterns and practices. A study of these developments reveals the development from banking as a generic entity to specialized one. One could quote Commercial banks, Cooperative Banks, Development Banks and Specialized Banks as a paradigm. The evolutionary process still continues with global phenomenon of liberalization. This has witnessed the entry of Foreign Banking Companies in the Indian market leading to deviation in the banking policy. Furthermore, use of technologies such as E- Banking, Artificial intelligence, etc., banking ombudsman scheme, right to information and awareness of customers about their rights have made it essential that the Indian legal system adopt new modus operandi to cope with the contemporary scenario.</p> <p>Course Objective is to develop an understanding about:</p> <p><b>CO1-</b> the various concepts of the banking system;</p> <p><b>CO2</b> - the legal parameters including the judicial interpretation on various aspects of banking services;</p> <p><b>CO3-</b> the interdisciplinary reading of Banking Law with Law of contract and Transfer of Property Act;</p> <p><b>CO4-</b> recognizing the issues with which the banking industry is crippled.</p> <p><b>CO5-</b> the current trends emerged in the banking system</p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application of banking system in our day-to-day life. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions.</p>

**LEARNING OUTCOMES:** Through the curriculum, the students will be introduced to the Laws and challenges relating to banking industry. At the end of the course, students will be able to:

- L01-** assess the economic and legal dimensions of banking systems
- L02-** deal with the operational part of the Banking Law
- L03-** educate about the relationship of banks with customers along with rights and duties of banker and customer
- L04** - elaborate the concept and issues with recent trends in banking industry

**EVALUATION COMPONENTS**

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

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

### COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION	1-12
2	RELATION BETWEEN BANKER AND CUSTOMER	13-21
3	THE LEGAL ASPECTS OF NEGOTIABLE INSTRUMENTS	22-35
4	REGULATION OF BANKS	36-44
5	CONTROL OF BANKS IN INDIA	45-52
6	EMERGING TRENDS IN BANKING SYSTEM	53-60

### DETAILED SYLLABUS

UNIT	CONTENT
<b>Module 1</b>  <b>INTRODUCTION</b>	i. Evolution of Money and its circulation ii. Evolution of Banking system and its history in India iii. Concepts- Bank, Banker, Banking and Bank Regulation iv. Reserve Bank of India as a Guardian of Indian Banking System: History of RBI Act and relation of Banks vis- a – vis RBI v. Banking Institutions- Structure and functions —the different types of Banks viz. Central Bank, Commercial Bank, Co-operative Banks, Specialized Banks, Regional Rural Banks (RRBs), NABARD, Private sector Banks...
<b>Module 2</b>  <b>RELATION BETWEEN BANKER AND CUSTOMER</b>	i. Different types of Bank Accounts ii. Legal character of Banker – Customer relationship iii. Rights and obligations of Banker and Customer iv. Principles of good lending v. Personal banking and corporate banking vi. Banking Ombudsman Scheme and RTI vii. Laws governing Debt Recovery Process in Banks- IBC, SARFAESI, CPC
<b>Module 3</b>	The Negotiable Instruments Act, 1881 i. Promissory Note, Bill of Exchange, Cheque, Drawer, Drawee, Payee, Holder, Holder in due course, Inland



<b>THE LEGAL ASPECTS OF NEGOTIABLE INSTRUMENTS</b>	Instrument, Foreign Instrument, negotiable Instrument, Negotiation, Indorsement, inchoate stamped Instruments ii. Crossing of Cheque iii. Criminal liability on dishonour of Cheque (Section 138 – 142) iv. The law relating to payment of customers cheque-- rights and duties of paying banker and a collecting banker
<b>Module 4 REGULATION OF BANKS</b>	Banking Regulation Act, 1949 i. Control over Management ii. Prohibition of certain activities in relation to Banking Companies iii. Acquisition of the undertakings of Banking Companies iv. Suspension of Business and winding up of Banking Companies v. Special provisions for speedy disposal of winding up proceedings vi. Powers of the Central Government towards Banking Companies
<b>Module 5 CONTROL OF BANKS IN INDIA</b>	i. Social Control of banks ii. Priority lending iii. Financial Inclusion iv. Protection of Depositors, Promotion of underprivileged classes, Development work and participation in national economy [Narsimham Committee Recommendations] v. Nationalization of banks vi. Privatization of Banks vii. Control over banks by Reserve Bank of India
<b>Module 6 EMERGING TRENDS IN BANKING SYSTEM</b>	i. Banking and Technology - E-banking, Mobile Banking, Digital Payment Gateways ii. Moratorium iii. Foreign Banks in India iv. Insurance v. Artificial Intelligence vi. Cryptocurrencies

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

1. The Negotiable Instruments Act, 1881
2. Banking Regulation Act, 1949
3. Reserve Bank of India Act, 1934
4. Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
5. Insolvency and Bankruptcy Code, 2016
6. Information Technology Act, 2000
7. Consumer Protection Act, 2019

#### **CASE LAWS:**

- *R C Cooper v. UOI*, AIR 1970 SC 564
- *Motigavri vs. Naranji Dwarkadas*, (1927) 29 BOMLR 423
- *Canara Bank vs. Canara Sales Corporation and others*, 1987 AIR 1603
- *Commissioner of Gift-Tax vs. K. M. Ziauddin*, 1998 231 ITR 645 Mad
- *Surender S/O Laxman Nikose vs. Chief manager and authorised officer, state bank of India*, 2013, Bombay High Court
- *Ganesh Santa Ram Sirur Vs. State Bank of India & Anr.* (2005) 1 SCC 13
- *Regional Manager, U.P. SRTC v. Hoti Lal* (2003) 3 SCC 605
- *Simco Rubber Products (P) Ltd. Vs. Bank of India* – (2004) 51 SCL 272 ( All)
- *Pearlite Liners (P) Ltd. Vs. Manorama Sirsi* 2004 (3) SCC 172
- *Dale & Carrington Invt. (P) Ltd. and another V. P.K. Prathapan and others*, (2005) 1 Supreme Court Cases 212
- *Tata Consultancy Services V. State of A.P.*, (2005) 1 Supreme Court Cases 308
- *Tayeb v HSBC Bank plc and Anr.* (2004)
- *Allahabad Bank Vs. Chandigarh Construction Co. Pvt. Ltd.* 2005 (1) CPR 77 (NC)
- *Karvy Stock Broking Ltd. Vs. SEBI* (Decision on 23rd April 2021)

#### **BOOKS:**

1. Tannan's Banking Law and Practice in India, 29th edition, by M.L. Tannan (2022).  
Publisher: Lexis Nexis, Butterworths Wadhwa, Nagpur.
2. Pagets' Law of Banking (16th Edition-2023) Butterworths, London
3. Banking Law and Practice by P.N. Varshney (Sultan Chand & Sons-2020).
4. Banking and Negotiable Instruments Law and Practice by P. Vasantha Kumar (EBC-2022)
5. Law of Banking and Negotiable Insurtuments by Dr. S.R Myneni Asia Law House-2022
6. Basu, A. Review of Current Banking Theory and Practice (1998) Macmillan
7. C. Goodhart, The Central Bank and the Financial System (1995); Macmillan, London
8. K. Subrahmanyam, Banking Reforms in India (1997) Tata Mcgraw Hill, New Delhi.
9. L.C. Goyle, The Law of Banking and Bankers (1995) Eastern
11. Mitra, The Law Relating to Bankers' Letters of Credit and Allied Laws (1998) University Book Agency, Allahabad.

12. Narasimham Committee report on the Financial System (1991) – Second Report (1999)
13. R.K. Talwar, Report on the Working Group on Customer Service in Banks
14. R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993), Asia Law House, Hyderabad.
15. SETH'S Banking Laws [commentaries on Banking Regulation Act as amended by SARFESI Act 2002 and BRA, amendment act 2007] K.C. Shekhar



**CYBER LAW (OPTIONAL PAPER)**  
**SEMESTER VII & IX | B.A.LL.B. (Hons.)**  
**SYLLABUS (SESSION: JULY-DECEMBER 2023)**

<b>Faculty</b>	Dr. Debmita Mondal	<b>Year/ Semester</b>	VII/IX Semester
<b>Course Name</b>	Cyber Law	<b>Session duration</b>	60 Minutes
<b>No. of Contact Hours</b>	58 Lectures + 2 Tutorials =60 hours	<b>Pre-requisites</b>	IT Act and Rules.
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p><b><u>INTRODUCTION</u></b></p> <p>The development in the field of Law, Science and Technology has proven to be a breakthrough for humans in all walks of life. Amongst all the developments and advancements in the field of technology and science, the Internet is revered as messiah of mankind considering the liberating effect it has brought into our lives. While the list of benefits that are attached to the advent of the Internet are numerous one cannot ignore the impact of its development and growth on the criminal law setup in the global democracies.</p> <p>The way in which the Internet is being used by individuals and organizations to commit illegal activities has become a challenge for the law enforcement agencies to apprehend and successfully prosecute considering the jurisdictional issues involved in such crimes. Cybercrimes represent the latest generation of crimes which challenge the very existence of the conventional criminal law and questions the suitability of the already existing legal regime to the new branch of crime.</p> <p>Given the speed of technological progress, while the global democracies find it difficult to match up and step up their game in terms of providing a safer online platform, the criminals are faster to respond to the changes and are way technologically ahead of all in terms of finding new avenues for commission of crime in the cyber world.</p> <p>In this backdrop, the present course curriculum is designed to present discussions, deliberations on certain legal issues that arise due to the use of technology by individuals for committing crimes against individuals, property as well as the governments and also find viable solutions as to how these miscreants can be apprehended successfully with the use of technology.</p> <p><b><u>COURSE OBJECTIVES</u></b></p>		

	<p><b>CO1:</b> To give an insight into why and how internet evolved and the influence and/or importance of internet in daily 21<sup>st</sup> century life.</p> <p><b>CO2:</b> To recognize the challenges in applicability of domestic and traditional laws in cyberspace and understand the principles evolved in determination of jurisdiction in cyberspace.</p> <p><b>CO3:</b> To develop understanding of various kinds of cybercrimes committed in virtual world and the legal stand in regulating such crimes.</p> <p><b>CO4:</b> To introduce the concept of digital and electronic signature and their role for authentication of identify in cyberspace.</p> <p><b>CO5:</b> To understand role of IT Act in facilitation of E-contracting, E-commerce and E-governance.</p> <p><b>CO6:</b> To recognize intellectual property rights issues in Cyberspace.</p> <p>This subject requires teaching to be based on theoretical foundation and the contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions.</p>
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#### **LEARNING OUTCOMES:-**

**L01** the course shall inform and educate the learners about the basic usages of internet and jurisdictional conflict in cyberspace.

**L02** the course shall bring awareness in the learners about the key issues involving the cybercrimes and the laws related to different jurisdictions.

**L03** the course shall impart education to the learners to examine nexus privacy in digital space and liabilities of intermediaries.

**L04** the course shall help the learners to develop an analytical and critical perspective about the existing legal framework facilitating e-governance and contracting.

**L05** the course shall also highlight the importance of Protection of IPR in cyberspace

#### **EVALUATION COMPONENTS**

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

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

#### **COURSE PLAN**

<b>S.No.</b>	<b>Topics</b>	<b>Lecture Sessions (approx.)</b>
1	Introduction to Cyber Law	5

2	Jurisdictional Aspects in Cyberspace	10
3	Right to Privacy and Data Protection on Internet	10
4	E-Governance and E Commerce	8
5	Intellectual Property Issues in Cyber Space	10
6	Cyber Crimes & Legal Framework	10
	Wrap up and Revision	2

**DETAILED SYLLABUS FOR (B.A.LLB. HONS.) CYBER LAW OPTIONAL**

Unit	Content
Module 1	<p><b>INTRODUCTION</b></p> <ul style="list-style-type: none"> <li>•Overview of cyber-law</li> <li>•Basic concepts like cyber-law, cyberspace</li> <li>•Building blocks of cyber space</li> <li>•Evolution of Internet and types of net</li> <li>•Defining computer, computer network, computer system, computer system</li> </ul>
Module 2	<p><b>JURISDICTIONAL ASPECTS IN CYBER LAW</b></p> <ul style="list-style-type: none"> <li>•Issues of jurisdiction in cyberspace</li> <li>•Types of jurisdictions</li> <li>•The Test evolved <ul style="list-style-type: none"> <li>- Minimum Contacts Theory</li> <li>- Sliding Scale Theory</li> <li>- Effects Test and International targeting</li> </ul> </li> <li>•Jurisdiction under IT Act, 2000</li> </ul>
Module 3	<p><b>RIGHT TO PRIVACY AND DATA PROTECTION ON INTERNET</b></p> <ul style="list-style-type: none"> <li>•Concept of privacy</li> <li>•Threat to privacy on internet: Bodily and Informational</li> <li>•Liability of individual and body corporate for violation of privacy</li> <li>• Cloud Computing and data protection</li> <li>•Right of Interception under IT Act.</li> <li>•Privacy invasion by State.</li> </ul>
Module 4	<p><b>E-GOVERNANCE AND E COMMERCE</b></p> <ul style="list-style-type: none"> <li>•<b>Electronic Governance</b> <ul style="list-style-type: none"> <li>- Role of electronic records and electronic signatures</li> <li>- Three pillars of E-Governance in India</li> <li>- Overview of Digital India initiatives</li> </ul> </li> <li>•<b>E-commerce</b> <ul style="list-style-type: none"> <li>-Salient Features and advantages and challenges posed</li> <li>- Models of E-commerce like B2B, B2C and examples</li> </ul> </li> <li>•<b>Role of E-contracts:</b> <ul style="list-style-type: none"> <li>- Types of E-contracts</li> <li>- Formation of E-contract</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- Indian Approach on E-contracts</li> <li>- Rules for attribution, acknowledgement and dispatch of such records</li> <li>- Questions of jurisdictions in E-contracts and documents</li> </ul> <p><b>•Role of Electronic and Digital Signature</b></p>
<b>Module 5</b>	<p><b>INTELLECTUAL PROPERTY ISSUES IN CYBER SPACE</b></p> <ul style="list-style-type: none"> <li>• Interface with Copyright Law</li> <li>- Intermediary liability and Section 79 of IT Act.</li> <li>•Trademarks &amp; Domain Names Related issues</li> <li>-Dispute Resolution in Cyberspace and Role of ICANN</li> <li>-Dispute Resolution through Court remedies</li> <li>•Trademark issues: <ul style="list-style-type: none"> <li>- Adwords and Trademark Infringement</li> <li>- Selling Counterfeits over Internet</li> </ul> </li> <li>• <u>Artificial Intelligence and IP Issues</u></li> </ul>
<b>Module 6</b>	<p><b>CYBER CRIMES &amp; LEGAL FRAMEWORK</b></p> <ul style="list-style-type: none"> <li>• Civil wrongs under IT Act</li> <li>• Cyber Crimes against Individuals, Institution and State</li> <li>• Malwares like Virus, worms and bugs' attack <ul style="list-style-type: none"> <li>• Hacking</li> <li>• Denial of service attacks</li> <li>• Identity Theft, Impersonation and Phishing crimes</li> <li>• Cyber Stalking and Cyber Bullying</li> <li>• Offensive, Obscenity and Sexual Offences over Internet</li> <li>• Computer Source Code Related Offences</li> <li>• Cyber Terrorism and Protected System threats</li> <li>• Appropriate bodies for redressing civil and criminal offence</li> </ul> </li> </ul>

### Books on Cyber Laws

- Kamath Nandan, Law Relating to Computers Internet & E-commerce - A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws 2016
- Vakul Sharma, Information Technology Law & Practice, 6th ed. 2018
- Karnika Seth, Computers Internet and New Technology Laws, 2nd ed. 2016
- Apar Gupta Commentary on Information Technology Act, 3rd ed. 2015
- Chris Reed, Internet Law Text and Materials 2010
- Aparna Viswanathan, Cyber Law (Indian & International Perspectives on key topics including Data Security, E-commerce, Cloud Computing and Cyber Crimes) 2012

- Prashant Mali, *Cyber Law and Cyber Crimes*, Snow white Publications 2nd Ed.(2015)
- Debrati Halder & H Jaishanker, *Cyber Crimes Against Women*, Sage Publications 1st Ed.(2017)
- *Internet Law and Practice by International Contributors*, West Thomson Reuters, South Asian Edition (2013)

### Readings

- Geetha Hariharan, “Our Unchained Sexual Selves: A Case For The Liberty To Enjoy Pornography Privately”, 7(2) NUJS L Rev. 89 (2014), available at Westlaw India; <http://nujlawreview.org/2016/12/04/our-unchained-sexual-selves-the-case-for-the-liberty-to-enjoy-pornography-privately/>
- Chinmayi Arun, “Gatekeeper Liability and Article 19(1)(a) of The Constitution Of India”, 7(2) NUJS L. Rev. 73 (2014), available at Westlaw India; <http://nujlawreview.org/wp-content/uploads/2016/12/Chinmayi-Arun.pdf>
- Yaman Akdeniz, “Governing Pornography & Child Pornography on the internet- the UK Approach”, available at [http://www.cyber-rights.org/documents/us\\_article.pdf](http://www.cyber-rights.org/documents/us_article.pdf)
- David J. Kessler, Sue Ross and Elonnai Hickok, “A Comparative Analysis of Indian Privacy Law and the Asia Pacific Economic Cooperation Cross-Border Privacy Rules”, 26 (1) *National Law School of India Review (NLSI Rev.)* 31 (2014) [NLSIU Bangalore] available at Westlaw India <https://drive.google.com/file/d/1-1copZRxSI9H3GMDD/view> tsmB6Sg\_XWd09K/view
- *Report of the Group of Experts on Privacy (Chaired by Justice A P Shah, Former Chief Justice, Delhi High Court)* available at [http://planningcommission.nic.in/reports/genrep/rep\\_privacy.pdf](http://planningcommission.nic.in/reports/genrep/rep_privacy.pdf)
- **.E-books -available at uncitral.org**  
*Guide to Enactment of the UNCITRAL Model Law on Electronic Commerce (1996)*  
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*United Nations Convention on the Use of Electronic Communications in International Contracts, 2005- Explanatory Note by the UNCITRAL secretariat*
- Hemali Shah and Aashish Srivastava “Signature Provisions in the Amended Indian Information Technology Act 2000: Legislative Chaos”, 43 *Comm. L. World Rev.* 208 (2014) available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2748441](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2748441)
- **Videos and Power point presentations on :** i) Digital Signatures, ii) Creating Trust in electronic environment, iii) PKI Technology- Role of CCA available at [www.cca.gov.in](http://www.cca.gov.in)

### List of cases:

- *Myspace Inc. v. Super Cassettes Industries Ltd*, FAO(OS) 540/2011, C.M. APPL.20174/2011, 13919 & 17996/2015 (Del DB) decided on 23/12/2016
- *Star India Pvt. Limited v. Haneeth Ujwal*, I.A. No.13873/2014 (Del) in CS(OS) 2243 of 2014 decided on 26/07/2014,



- *Cello Partnership v. ASCAP*, 663 F.Supp. 2d (S.D.N.Y. 2009)
- *Video Pipeline Inc. v. Buena vista Home entertainment*, 192 F.Supp. 2d 321 D.N.J. 2002}
- *Fair Dealing in digital environment [Google book Project Case]*
- *A.V. v. iParadigms*, 502 F.3d 630 (4th Cir. 2009)
- *World Wrestling entertainment v. Reshma Collections*, FAO (OS) 506/2013 in CM Nos. 17627/2013,18606/2013, Del(DB) decided on 15/10/2014;
- *P.R. Transport Agency v. Union of India*, AIR 2006 All 23
- *Shreya Singhal v U.O.I*, SC decided on 24/03/2015
- *Justice K S Puttaswamy (Retd.) v. Union of India*, WRIT PETITION (CIVIL) NO 494 OF 2012 (SC) delivered on 24/08/2017
- *Syed Asifuddin v. State of Andhra Pradesh*, 2006 (1) ALD (CrI.) 96, 2005 CrILJ 4314;
- *Diebold Systems Pvt. Ltd. v. Commissioner of commercial taxes*, ILR 2005 Kar 2210; (2006) 140 STC 59 Kar;
- *Routhermania Technologies v. ITO*, Income Tax Appellate Tribunal Mumbai, decided on 26/4/2007
- *Banyan Tree Holdings (P) Ltd v. A Murali Krishna Reddy*, CS (OS) No. 894/2008, Del(DB), decided on 23/11/2009;
- *World Wrestling Entertainment v. Reshma Collections*, FAO (OS) 506/2013 in CM Nos. 17627/2013, 18606/2013, Del(DB) decided on 15/10/2014;
- *Big Tree Entertainment v. Saturday Sunday Media Internet*, CS (COMM) Nos. 53/2015 and 54/2015 (Del) decided on 21/12/2015;
- *Impressario Entertainment v. S & D Hospitality*, IA nos. 1950/2017 in CS (COMM) 111/2017 (Del) decided on 3<sup>rd</sup> Jan. 2018;
- *Super Cassettes Industries Ltd v. Myspace Inc.*, IA No.15781/2008 & IA No. 3085/2009 in CS (OS) No. 2682/2008(Del) decided on 29/07/2011;
- *P.R. Transport Agency v. Union of India*, AIR 2006 All 23;
- *Shailabh Jain vs The State of Madhya Pradesh*, (Madhya Pradesh HC) M.Cr.C.No.7894/2013 decided on 01/11/2013;
- *Driplex Engineering Ltd v. Mukesh Aggarwal*, Adjudicating Officer (Del), decided on 15/10/2010;
- *Vinod Kaushik v. Madhvika Joshi*, WP(C) 160/2012, Delhi High Court, order dt. 27/01/2012 available at <https://it.maharashtra.gov.in/Site/Upload/ACT/Madhvika%20Vs%20Kaushik-highcourt.PDF>
- *Amit Dilip Patwardhan v. Rud India Chains Pvt. Ltd.*, Adjudicating Officer, decided on 15/04/2013 complaint no. 1 of 2013 available at <https://it.maharashtra.gov.in/Site/Upload/ACT/AmitPatwardhanVsRudIndiaVipin Rao%2015Apr%202013%20Rajesh%20Aggarwal.pdf>
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- *State of Tamil Nadu v. Suhas Katti*, Decided by CMM, Egmore, decided on Nov. 5, 2004 available at <http://www.prashantmali.com/cyber-law-cases>; <http://www.legalserviceindia.com/lawforum/index.php?topic=2238.0>;
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- *State of A.P. through Inspector of Police, Cyber Crimes P.S., CID, Hyderabad v. Prabhakar Sampath, Add. CMM Hyderabad*, decided on 31/03/2015, CC 489 Of 2010 available at: [www.prashantmali.com/cyberlaw-cases](http://www.prashantmali.com/cyberlaw-cases);
- *NAASCOM v. Ajay Sood*, 119 (2005) DLT 5960, 2005 (30) PTC 437 Del;
- *State of Maharashtra v. Opara Chilezian, Regular Criminal Case No. 724/2012* decided on 28/10/2013 (Nigerian Email Scam Case) available at [www.prashantmali.com](http://www.prashantmali.com);
- *Maqbool Fida Husain v. Raj Kumar Pandey, Delhi HC* decided on 8/5/2008, CRL. REVISION PETITION NO.114/2007,
- *Anvar P.V v. Super Cassettes Industries Ltd..v. Mr. Wang Zhi Zhu Ce Yong Hu*, MANU/DE/2000/2008]
- *Aqua Minerals v. Pramod Barse*, 2001 PTC 619 (Del)
- *Yahoo Inc. v. Manoj Taslani*, 2015(61) PTC 263 (Del)
- *Amway v 1mg*, IA No. 11335/2018 in CS (OS) 410/2018 (Del) decided on July 8, 2019,
- *Amazon Seller Services Pvt Ltd. v. Modicare Ltd*, FAO (OS) 133/2019 and CM APPL. 32954/2019 Del (DB) decided on 31 Jan. 2020,
- *Satyam Infoway Ltd v Sify net solutions Pvt. Ltd.*, AIR 2004 SC 3540
- *Consim India Pvt. Ltd v. Google Inc. Pvt. Ltd.*, (Mad) OA No. 977 and 978 of 2009 in CS(OS) Mo. 832 of 2009 decided on 30/09/2010
- *Kamlesh Vaswani v Union of India and others*, Supreme Court of India. Order dated 26 February 2016, I.A. No.5 of 2015 in WP (C) No.177 of 2013, 2016 INDLAW SCO 12

**Note : The cases/readings/topics mentioned above are not exhaustive. The teachers teaching the course shall have liberty to add new cases/readings/topics.**



**LAW AND TRIBES (OPTIONAL PAPER)  
SEMESTER VII & IX | B.A.LL.B. (Hons.)  
SYLLABUS (SESSION: JULY-DECEMBER)**

<b>Faculty Name</b>	Dr. Ankit Singh	<b>Year/ Semester</b>	4/VII, 5/IX
<b>Course Name</b>	Law and Tribes	<b>No. of Credits</b>	4
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	50 Lectures + 10 Tutorials =60 hours	<b>Pre-requisite</b>	Constitutional Law and Basics of Criminal Law
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>Every discipline or subject has its own essentiality and enshrine certain objects to the discourse; The study of law and Tribes is an attempt to attain those objectives. Tribes are spread out across the world from Australia to Arctic. The history of their origin, culture, tradition, and dialect is different in the world but their problems are the same across the world. This subject would focus upon those problems and would try to extract the solution thereof with the help of the relevant law. The Development of tribal is very complicated issue for the government as it need full attention from place to place and state to state. However, the problem is that, the government only focuses upon issue pertaining to the development of tribes affected due to poverty and most of the programs and policies implemented either to remove poverty or for the economic development. But the complexity remains that there are other domains as well in which tribal community is seeking government support in protecting and preserving their ethnic identity, language, culture, norms and practices or belief.</p> <p>Through this subject, learners will understand the characteristics of our tribal peoples and the need to safeguard their traditions, interests, and rights. The course outcomes may be delineated as follows:</p> <p><b>CO1:</b> To understand the origin of tribes, their evolution and struggles <b>CO2:</b> To understand the need for</p>		

	<p>development on law for tribes <b>CO3:</b> To understand the core features of law and policies related to tribes  <b>CO4:</b> To understand constraint and limitation in implementation of such law</p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions. The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts.</p> <p><b>LEARNING OUTCOMES:</b> After the successful completion of this course, the students will be able to:</p> <p style="padding-left: 40px;"><b>LO1-</b> Comprehend the nature, struggles and identity of tribal people in India  <b>LO2</b> – Demonstrate the historical evolution of tribes in India  <b>LO3</b> – Understand the international scenario pertaining to protection of tribes  <b>LO4</b> – Examine the constitutional framework for the protection and advancement of tribal people  <b>LO5-</b> Analyze the existing legal/statutory framework for the protection of tribal people  <b>LO6</b> – Equipped with in-depth knowledge regarding tribal administration in India</p>
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#### EVALUATION COMPONENTS

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

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

### COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION	1-10
2	TRIBAL MOVEMENTS	11-22
3	INTERNATIONAL EFFORTS FOR PROTECTION OF TRIBES	23-30
4	CONSTITUTIONAL SAFEGUARDS IN INDIA	31-45
5	LEGAL FRAMEWORK IN INDIA	46-55
6	TRIBAL ADMINISTRATION IN INDIA	56-60

### DETAILED SYLLABUS

UNIT	CONTENT
<b>Module 1 INTRODUCTION</b>	<ol style="list-style-type: none"> <li>1. Historical Background of tribal people in India</li> <li>2. Philosophical foundation of tribal law</li> <li>3. Tribes in ancient and medieval India</li> <li>4. The Tribal problems</li> </ol>
<b>Module 2 TRIBAL MOVEMENTS</b>	<ol style="list-style-type: none"> <li>1. Tribal movements during British Rule</li> <li>2. Uprising of Bhils</li> <li>3. The rebellion at Mysore</li> <li>4. Kol uprising</li> <li>5. The Santhal rebellion</li> <li>6. The Munda uprising</li> <li>7. Jatra Bhagat and Tana Bhagat movement</li> </ol>
<b>Module 3 INTERNATIONAL EFFORTS FOR PROTECTION OF TRIBES</b>	<ol style="list-style-type: none"> <li>1. UDHR, ICCPR and ICESCR</li> <li>2. ILO Convention on rights of indigenous people, Convention No. 107</li> <li>3. ILO Convention on Indigenous and Tribal Peoples in Independent Countries, 1989, No. 169</li> <li>4. UN Declaration on the Rights of Indigenous People, 2007</li> </ol>
<b>Module 4 CONSTITUTIONAL SAFEGUARDS</b>	<ol style="list-style-type: none"> <li>1. Social safeguards</li> <li>2. Economic safeguards</li> <li>3. Political safeguards</li> <li>4. Service safeguards</li> <li>5. Powers and Functions of ST Commission</li> </ol>

<b>Module 5 LEGAL FRAMEWORK IN INDIA</b>	<ol style="list-style-type: none"> <li>1. Protection of Civil Rights Act, 1955</li> <li>2. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989)</li> <li>3. Panchayat (Extension to scheduled Areas) Act, 1996</li> <li>4. Forest Dwellers (Recognition of Forest Rights) Act, 2016</li> </ol>
<b>Module 6 TRIBAL ADMINISTRATIO N IN INDIA</b>	<ol style="list-style-type: none"> <li>1. Tribal Advisory Council</li> <li>2. Customary Law, Tribes and Development</li> <li>3. Resettlement and Rehabilitation Issues relating to Tribal People</li> <li>4. Tribal Administration in North-Eastern States</li> <li>5. Tribal Trafficking, Impact of Climate Change and other Challenges</li> <li>6. Protection of Indigenous and Traditional Knowledge of Tribal People</li> </ol>

**READINGS:**

- Amir Hasan, Tribal Administration in India, Socio-Economic Study of the JammuGujjars of Uttar Pradesh, published in 1986
- Mathew I. M. Fletcher, American Indian Tribal Law, Wolters Kluwer, 2011
- Justin b. Richland and Sarah deer, Introduction to Tribal Legal Studies, Thirdedition
- Singh, K.S., People of India, Volume III: Scheduled Tribes, Popular Prakashan, Mumbai, 2000
- Joshi. S.L., Emerging Tribal situation in India, Rawat Publications, Jaipur, 1998
- Stephen L. Pevar, The Rights of Indians and Tribes
- Mathew George, status Report of panchayat Raj in India, Institute of social sciences, New Delhi

**LANDMARK CASE LAWS:**

- *Comptroller v. Jagannathan* (AIR 1987 SC 537)
- *Indira Sawhney v. Union of India* (AIR 1993 SC 477) *Basavalingappa v. Munichinnappa* (AIR 1965 SC 1269) *Srish Kumar Chouhay v. State of Tripura* (AIR 1990 SC 991)
- *Rajesh Arjunbhai Patel v. State of Maharashtra* (AIR 1990 Bom 114)
- *Pradeshiya Jan Jati Vikas Munch, Uttar Pradesh v. State of Uttar Pradesh* (AIR 2011 All 1)
- *Anjan Kumar v. Union of India* (AIR 2006 SC 1177)
- *Lingappa Pochanna Appealwar v. State of Maharashtra* (AIR 1985 SC 389) *Shantistar Builders v. Narayan Khimalal Totame*

(AIR 1990 SC 630)\ *Prathvi Raj Chauhan v. Union of India and others* (WP(C) 1015/2018)

**ONLINE REFERENCE MATERIAL:**

- <https://scroll.in/latest/952684/supreme-court-upholds-constitutional-validity-of-amendments-to-sc-st-act>
- <https://www.thehindu.com/news/national/supreme-court-upholds-constitutional-validity-of-scst-amendment-act-2018/article30780857.ece>
- <https://www.yourarticlelibrary.com/tribes/six-main-problems-faced-by-the-indian-tribes/42401>
- <https://geographyandyou.com/vulnerable-primitive-tribal-groups-india/>
- [https://factsanddetails.com/india/Minorities Castes and Regions in India/sub7\\_4h/entry-4216.html](https://factsanddetails.com/india/Minorities Castes and Regions in India/sub7_4h/entry-4216.html)
- <https://www.tribesindia.com/tribal-people-in-india/>



**COMPETITION LAW (OPTIONAL PAPER)  
SEMESTER VII & IX | B.A.LL.B. (Hons.)  
SYLLABUS (SESSION: JULY-DECEMBER),  
2023**

<b>Faculty Name</b>	Dr. Mohammad Atif Khan	<b>Year/ Semester</b>	VII & IX
<b>Course Name</b>	Competition Law	<b>No. of Credits</b>	4
<b>Course Code</b>	NA	<b>Session duration</b>	60 Minutes
<b>No of Contact Hours</b>	50 Lectures + 10 Tutorials =60 hours	<b>Pre-requisite</b>	None
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>Competition law is a rapidly growing area of law which reflects the free-market economy and increasing world globalization. The huge economic movements which have taken place in recent years increased the attractiveness of this subject, and competition lawyers are now prominent in the biggest law firms and institutions advising in complex transactions. The course aims to give an overview on the basics of Competition Law in India through a overview study of the main jurisdictions in brief (especially U.S. and EU) and thus provide a solid background for further studies of this subject. The course will examine and compare the application of competition law to business agreements, the exercise of dominant position, the combinations between the firms and sellers and the enforcement mechanisms.</p> <p>This subject requires teaching to be a combination of theoretical foundations and their practical application. The contact hours will be utilized in catering a blend of case study-based discussions and interactive sessions.</p>		

**LEARNING OUTCOMES:**

After the completion of the various modules in the course outline, expected outcomes are the following:

- LO1** - To understand the scope, extent, and application of theory & practice of Competition laws in a comparative perspective.
- LO2** - Be equipped with the legal knowledge of structural regulations of agreements in the market economy.
- LO3** - To analyze the potentially anti-competitive practices/abuse of dominance affecting free and fair competition in the market.
- LO4** - To discuss the regulatory environment and its implications on combinations and threshold controls in the market.
- LO5** - To elaborate the mechanisms for enforcement of competition law and the



jurisdictional overlap of independent sectoral regulators.

**LO6** - To examine in detail the competition advocacy and emerging areas/challenges in competition law.

### EVALUATION COMPONENTS

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

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

### COURSE PLAN

S.No.	Modules	Lecture Sessions
1	<i>Introduction &amp; Comparative Overview</i>	8+7
2	<i>Structural Regulations &amp; Anti-Competitive Agreements</i>	7
3	<i>Abuse of Dominant Position &amp; its Legal Implications</i>	7
4	<i>Regulation of Combinations</i>	7
5	<i>Enforcement Mechanisms &amp; Jurisdictional interface between Independent Regulators</i>	7
6	<i>Competition Advocacy and Emerging Trends &amp; Challenges in Competition Law</i>	7

### DETAILED SYLLABUS

Module	Content
<b>Module 1:</b>  <i>Introduction &amp; Comparative Overview</i>	<b>History and development of competition law:</b> <ul style="list-style-type: none"> <li>• Historical development in US and EU</li> <li>• Development in India <ul style="list-style-type: none"> <li>• Hazari Study</li> <li>• Mahalanobis Committee</li> <li>• Monopolies Inquiry Commission</li> <li>• Sachar Committee</li> <li>• Enactment of MRTP Act, 1969</li> <li>• Raghavan Committee</li> <li>• Competition Act, 2002</li> </ul> </li> </ul> <b>Basic Concepts:</b>

	<ul style="list-style-type: none"> <li>• Goals of Competition Law</li> <li>• Competition – Competition Policy and Competition Law</li> <li>• Models of Competitive Market <ul style="list-style-type: none"> <li>○ Monopoly</li> <li>○ Monopsony</li> <li>○ Oligopoly</li> <li>○ Monopolistic</li> <li>○ Perfect Competition and Workable competition</li> </ul> </li> <li>• Efficiency <ul style="list-style-type: none"> <li>○ Allocative Efficiency</li> <li>○ Productive Efficiency</li> <li>○ Dynamic Efficiency</li> </ul> </li> <li>• Market – Types of Market <ul style="list-style-type: none"> <li>○ Relevant Product market</li> <li>○ Relevant Geographic Market</li> </ul> </li> <li>• Enterprise, Agreement, Cartel, Consumer etc.</li> </ul>
<p><b>Module 2:</b></p> <p><i>Structural Regulations &amp; Anti-Competitive Agreements</i></p>	<ul style="list-style-type: none"> <li>• Anti- Competitive Agreements under the Competition Act, 2002</li> <li>• Appreciable Adverse Effect on Competition in the Market</li> <li>• Determination of Relevant Market</li> <li>• Rule of Reason and Per se Rule</li> <li>• Horizontal and Vertical restraints</li> <li>• Determination and Regulation of Cartel</li> <li>• Bid Rigging</li> <li>• Exemptions, Penalties under Indian Competition Law</li> </ul>
<p><b>Module 3:</b></p> <p><i>Abuse of Dominant Position &amp; its Legal Implications</i></p>	<ul style="list-style-type: none"> <li>• Introduction</li> <li>• Dominance in the Market</li> <li>• Relevant Market</li> <li>• Appreciable Adverse Effect on Competition in the Market</li> <li>• Abusive Conducts under the Competition Act, 2002 <ul style="list-style-type: none"> <li>○ Types of abuse</li> <li>○ Exclusionary Abuse</li> <li>○ Exploitative Abuse</li> </ul> </li> <li>• Penalties - Prevention of Abuse of Dominance under Indian Competition Law</li> </ul>
<p><b>Module 4:</b></p> <p><i>Regulation of</i></p>	<ul style="list-style-type: none"> <li>• Combinations <ul style="list-style-type: none"> <li>○ Merger</li> </ul> </li> </ul>

<b>Combinations</b>	<ul style="list-style-type: none"> <li>○ Acquisition</li> <li>○ Amalgamation</li> <li>○ Takeover</li> <li>● Horizontal, Vertical and Conglomerate Mergers</li> <li>● Combinations covered under the Competition Act, 2002</li> <li>● Threshold limits</li> <li>● Penalties - Regulation of Combinations under Indian Competition Law</li> </ul>
<b>Module 5:</b>  <b>Enforcement Mechanisms &amp; Jurisdictional interface between Independent Regulators</b>	<ul style="list-style-type: none"> <li>● Enforcement Mechanisms under the Competition Act, 2002</li> <li>● Competition Commission of India (CCI)</li> <li>● Constitution of the CCI</li> <li>● Powers and Functions</li> <li>● Jurisdiction of the CCI - adjudication and appeals</li> <li>● Director General</li> <li>● Removal of Competition Appellate Tribunal (CAT)</li> <li>● Introduction of NCLAT- Appellate Tribunal</li> </ul>
<b>Module 6:</b>  <b>Competition Advocacy and Emerging Trends &amp; Challenges in Competition Law</b>	<ul style="list-style-type: none"> <li>● Competition Advocacy in India and other jurisdictions</li> <li>● Intellectual Property Rights and Competition Law</li> <li>● Relation between International Trade Law and Competition Law</li> <li>● Possibility of International Competition Law</li> <li>● Competition (Amendment) Act, 2023</li> <li>● <i>Amazon Seller Services Pvt. Ltd. v. CCI</i> (2021)</li> <li>● <i>Amazon v. Future Retail</i> (2022)</li> </ul>

### Suggested Readings:

#### STATUTES, RULES, AND REGULATIONS:

1. The Sherman Anti-Trust Act, 1890
2. The Clayton Act, 1914
3. The Robinson-Patman Act, 1936
4. Federal Trade Commission Act, 1914
5. Celler-Kefauver Antimerger Act, 1950
6. Competition Act, 2002 (India)
7. Competition Act, 1998 (UK)
8. Enterprise Act, 2002 (UK)

9. MRTP Act, 1969 (India)
10. Consumer Protection Act, 1986

#### **CASE LAWS:**

- 1) Competition Commission of India Vs SAIL.
- 2) Brahm dutt Vs Union of India.
- 3) CCI Vs West Bengal film and television and ors.
- 4) Re Automobiles Case.
- 5) Upse Vs National Stock Exchange Ltd.
- 6) Google Inc., Vs CCI.
- 7) Mohit Mangalani Vs Flip Kart Services ltd
- 8) Fast Track Call cab Pvt Ltd Vs ANI technologies
- 9) M/S Jasper Infotech Pvt Ltd Vs Kaff appliances pvt Ltd
- 10) Re Cement Cartelization Case.

#### **BOOKS, ARTICLES AND REPORTS:**

1. S.M. Dugar, Commentary on MRTP Law, Competition Law & Consumer Protection Law 4th Edn. - 2006, Wadhwa, Nagpur
2. P. Satyanarayana Prasad, Competition Law and Cartels, Amicus Books, ICFAI University Press, 2007
3. Kristy Middleton, Barry Rodger & Angus Mac Culloch, Cases and Materials on UK and EC Competition Law, Oxford University Press, 2003
4. Vinod Dhall (ed.), Competition Law Today, Oxford University Press, 2007
5. Philips E. Areeda & H. Hovenkoup, Fundamentals of Anti-Trust Law, ASPEAN Publications, 2006
- 6) Report of the Working Group on Competition Policy, Planning Commission, Government of India, February 2007
7. McEwin, R Ian, "Competition Law in a Small Open Economy", (2003) 26(1) University of New South Wales Law Journal 246
8. Carlos M. Correa, Intellectual Property and Competition Law: Exploring Some Issues of Relevance to Developing Countries,- Published by International Centre for Trade and Sustainable Development (ICTSD)
9. Pierre Régibeau and Katharine Rockett, The Relationship Between Intellectual Property Law and Competition Law: An Economic Approach, University of Essex and CEPR, Revised, June 2004
10. Keith E. Maskus, University of Colorado, Boulder, Mohamed Lahouel, Competition Policy and Intellectual Property Rights in Developing Countries: Interests in Unilateral Initiatives and a WTO Agreement, University of Tunis III
11. Intellectual Property Rights and Competition Policy- Published by CUTS International, 1 June 2008

### Suggested Journals

1. European Competition Law Review
2. International Review of Competition Law
3. International Review of Intellectual Property and Competition law (Max Planck Institute)
4. European Competition Journal (ECJ)
5. Journal of Competition Law and Economics (JCLE)
6. Competition Policy International (CPI)
7. Antitrust Law Journal (ALJ)
8. European Journal of Law and Economics
9. The Competition Law Review (CompLRev)
10. OECD Journal of Competition Law and Policy
11. Competition Law Journal (Jordan Publishing)
12. Global Antitrust Review (GAR)

### References:

1. Report of The Working Group on Competition Policy, Planning Commission, Government of India, February 2007
2. McEwin, R Ian, "*Competition Law in a Small Open Economy*", (2003) 26(1) University of New South Wales Law Journal 246
3. Carlos M. Correa, *Intellectual Property and Competition Law: Exploring Some Issues of Relevance to Developing Countries*, - Published by International Centre for Trade and Sustainable Development (ICTSD)
4. Pierre Régibeau and Katharine Rockett, *The Relationship Between Intellectual Property Law and Competition Law: An Economic Approach*, University of Essex and CEPR, Revised, June 2004
5. Keith E. Maskus, University of Colorado, Boulder, Mohamed Lahouel, *Competition Policy and Intellectual Property Rights in Developing Countries: Interests in Unilateral Initiatives and a WTO Agreement*, University of Tunis III
6. *Intellectual Property Rights and Competition Policy*- Published by CUTS International, 1 June 2008
7. *Politics Trumps Economics – Lessons and experiences on competition and regulatory regimes from developing countries* - Published by CUTS International

8. Taimoon Stewart, Julian Clarke and Susan Joeques, *Competition Law in Action: Experiences from developing countries*, Published by International Development Research Centre, May 2007
9. Alden F. Abbott, *A brief overview of American Antitrust Law*, The University of Oxford Centre for Competition Law and Policy, The Competition Law & Policy Guest Lecture Programme - Paper (L)
10. Alden F. Abbott, *A brief comparison of European and American Antitrust Law*, The University of Oxford Centre for Competition Law and Policy, The Competition Law & Policy Guest Lecture Programme - Paper (L) 02/05
11. Caron Beaton-Wells and Brent Fisse, *The Cartel Offences: an Elemental Pathology*
12. *Why India Adopted a new Competition Law*, Published by CUTS
13. CRS Report for Congress, *General Overview of United States Antitrust Law*, June 18, 2001
14. G.R. Bhatia, *Combating Cartel in Markets: Issues & Challenges*

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**COMPARATIVE CONSTITUTIONAL LAW (OPTIONAL PAPER)**  
**SEMESTER VII & IX | B.A.LL.B. (Hons.)**  
**SYLLABUS (SESSION: JULY-DECEMBER 2023)**

<b>Faculty Name</b>	Abhinav K Shukla	<b>Year</b>	4 <sup>th</sup> and 5 <sup>th</sup>
		<b>Semester</b>	VII and IX
<b>Course Name</b>	Comparative Constitutional Law	<b>No. of Credits</b>	4
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	60 hours	<b>Pre-requisite</b>	Basic understanding of Constitution of India.
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>The field of Comparative constitutional law has grown immensely over the past couple of decades. Once a minor and obscure adjunct to the field of domestic constitutional Law, Comparative constitutional law has now moved front and centre. Driven by the global spread of democratic government and the expansion of international Human Rights Law, the prominence and visibility of the field, among judges, politicians, and scholars has grown exponentially. The Constitution, essentially an organic document, is said to be always in the process of making and developing. The judicial process of constitutional interpretation engrosses a technique of adapting the law to meet changing social mores. Constitution, being the fundamental law, an insight into its novel trends is indispensable for a meaningful and evocative understanding of the legal system and processes.</p> <p>The students, who have acquired the basic knowledge of Indian Constitutional Law, should be exposed to the comparative analysis of the same. Conspicuously, rubrics under this paper require modification and updating from time to time.</p> <p>The main objective of Course is:</p> <p><b>CO1-</b> to study from a comparative perspective—legal structure and concepts (such as, basic rights, rule of law, systems of governance, judicial review, so on and so forth) that are found in cons law across the important jurisdictions in the world;</p> <p><b>CO2</b> -to acquaint students with the constitutional and administrative</p>		

	<p>systems of governance of a few countries, in particular, the United States of America, the UK, Australia, Canada and few other emerging constitutions along with the Indian Constitution</p> <p><b>CO3-</b> to be benefitted from deeper understanding of the doctrines and values underlying the provisions and principles from various constitutional systems.</p> <p>This paper requires theoretical foundation. 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 day-to-day challenges of the constitution and will try to discuss best solution through comparative analysis.</p>
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### LEARNING OUTCOMES:

The students will have necessary legal skill to understand different Constitutions and it will help to bring change in their approach towards dealing with different issues and they will acquire analytical ability to give interpretation to the constitutional issues in contemporary times.

### EVALUATION COMPONENTS

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

### COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Constitution & Constitutionalism	1-15
2	Comparative Constitutions	16-25
3	Judicial Review	26-40
4	Federalism	41-60



**DETAILED SYLLABUS**

UNIT	CONTENT
<b>Module-I Constitution and Constitutionalism</b>	<ul style="list-style-type: none"> <li>• Constitution               <ul style="list-style-type: none"> <li>○ Meaning, concept and idea of constitution</li> <li>○ Nature and Importance of Constitution</li> <li>○ Evolution of Constitutional Values</li> <li>○ Requisites of Ideal Constitution</li> <li>○ Historical Evolution of Constitutional Government</li> <li>○ Living constitution</li> <li>○ Constitution as a supreme law</li> <li>○ Constitutional morality</li> </ul> </li> <li>• Constitutionalism               <ul style="list-style-type: none"> <li>○ Concept-Evolution-Limitations on Government Power Constitutional Supremacy-Separation of Power and distinction between constitution, constitutional law and constitutionalism</li> <li>○ Essential features of constitutionalism — written constitution, separation of powers, fundamental rights, independence of judiciary and judicial review</li> </ul> </li> </ul>
<b>Module 2 Comparative Constitutions</b>	<ul style="list-style-type: none"> <li>• Scope of Comparative Constitutional Law: Need for Comparative Study of Constitutional Law in Constitution Making, Problems and concerns Comparative interpretation of statutory law, Comparative law and legal education</li> <li>• Types of Constitutions: Written Constitutions- U.S.A., Canada, Australia and India; Unwritten Constitutions- England</li> </ul>
<b>Module 3 Judicial Review- A Comparative Study</b>	<ul style="list-style-type: none"> <li>• Judicial Review- A Comparative Study               <ul style="list-style-type: none"> <li>○ Concept and origin</li> <li>○ Judicial review under the US, UK and Indian Constitution</li> <li>○ Functions of judicial review</li> </ul> </li> <li>• Judicial activism--A Comparative Study               <ul style="list-style-type: none"> <li>○ Judicial activism in India</li> <li>○ Judicial review and judicial activism</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Limitations and challenges to the doctrine of 'judicial review</li> <li>● Public Interest Litigation--A Comparative Study <ul style="list-style-type: none"> <li>○ An innovative step towards judicial activism</li> <li>○ Problems and challenges posed by PIL</li> </ul> </li> </ul>
<b>Module 4 Federalism</b>	<ul style="list-style-type: none"> <li>● Federalism: Concepts of Federalism and Federal Government- Conditions Essential for Federalism; Patterns of Federal Government: USA, Australia, Canada and India</li> <li>● New Trends in Federalism: Cooperative Federalism- Political factors Influencing Federalism, Central Control v. State Autonomy-Dynamics of Federalism</li> </ul>

**READINGS:****PRESCRIBED BOOKS**

1. Basu DD, Comparative Constitutional Law, Third Edition 2014, Lexis Nexis
2. Basu DD, Comparative Federalism, Second Edition, Lexis Nexis, 2008
3. Jain MP, Indian Constitutional Law (6th ed., Wadhwa 2010)
4. Michel Rosenfeld, Andras Sajó, The Oxford Handbook of Comparative Constitutional Law, OUP, 2012
5. Singh M P, Comparative Constitutional Law, Second Edition, 2011, Eastern Book Company

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1. Agarwal C, 'Rule of Law: Reflection upon we the People and Beyond' 252 (1) *Madras Law Journal* 8-16 (2010).
2. Ackerman B, 'The New Separation of Powers' 113 (3) *Harv. L. Rev.* 634-729 (2000).
3. Bhat I, 'Why and how Federalism matters in Elimination of Disparities and Promotion of Equal Opportunities for Positive Rights', 54(3) *Journal of the Indian Law Institute* 324-363 (July-Sept 2012).
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5. Bulman J, 'Federalism as a safeguard of the Separation of Powers', 112(3) *Columbia Law Review* 459-506 (2012 April).
6. Chapman N, 'Due Process as Separation of Powers' 121(7) *Yale Law Journal* 1672- 1807 (2012 May).
7. Clark B & Amanda Leiter, 'Regulatory Hide and Seek: What Agencies Can (And Can't) do to Limit Judicial Review' 52(5) *Boston College Law Review* 1687-1732 (2011 November).
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9. Levinson D & Richard H Pildes, 'Separation of Parties, Not Powers' 119(8) *Harvard Law Review* 2311-2386 (2006).
10. Schapiro, 'Judicial Federalism and the Challenges of State Constitutional Contestation', 115(4) *Penn State Law Review* 983-1006 (2011 Spring).
11. Sharma R, 'Judiciary as Change Agent: Some insights into the Changing role of Judiciary in India' 58(2) *Indian Journal of Public Administration* 264-286 (2012 April-June).
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13. Singh DP, 'Sovereignty, Judicial Review and Separation of Power', 7(5) *Supreme Court Cases* 1-13 (2012 September).
14. Singh R K, 'Judicial Activism in India — Prospects and Challenges in the

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15. Strauss D, 'Do we Have a Living Constitution' 59 (4) *Drake Law Review* 973-984 (2011 Summer).
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**CRIMINOLOGY AND PENOLOGY (OPTIONAL PAPER)**  
**SEMESTER VII & IX | B.A.LL.B. (Hons.)**  
**SYLLABUS (SESSION: JULY-DECEMBER 2023)**

<b>Faculty Name</b>	Ms. Hina Iliyas	<b>Year/ Semester</b>	VII & IX
<b>Course Name</b>	CRIMINOLOGY & PENOLOGY	<b>No. of Credits</b>	4
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	50 Lectures + 10 Tutorials =60 hours	<b>Pre-requisite</b>	None
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>The concept of crime has been a highly debatable issue and the subject matter of criminology also varies accordingly both in its nature and scope because broadly speaking criminology is the systematic study of crime in all its aspects. Criminology and criminal policy are interdependent and mutually support one another. Criminology is a branch of knowledge concerned with those particular conducts of human behaviour which are prohibited by society. It is, therefore, a socio-legal study which seeks to discover the causes of criminality and suggest remedies to reduce crimes. Therefore, criminology seeks to study the phenomenon of criminality in its entirety.</p> <p>The primary objective of criminology is to study the sequence of law making, law breaking and reaction to law-breaking from the point of view of efficacy of law as a measure of crime control. It focuses on causation of crime, various factors that leads a person to criminality and prevention of crime and criminals. It is a field of study which is related to variety of branches such as sociology, economics, biology, psychology, typography, political setup, statistics etc. Therefore, it is interdisciplinary in nature. The ultimate objective of criminology as a branch of study is “to curb criminality within the human being by effective administration of criminal justice and not the humanity within the criminal.”</p> <p>The course talk about the theories of punishment as well as the mechanism for the enforcement of the same. The latest development that has happened in the area of victim rights are also taken into account in view of changing course of criminal jurisprudence.</p>		

	<p><b>Course Objectives</b> The Course aims to:</p> <p><b>CO1:</b> Clarify the purpose and role of criminology as a separate branch of study.</p> <p><b>CO2:</b> Understand the correlation between deviant behaviour and law as a process of crime control.</p> <p><b>CO3:</b> Highlight the role and relevance of theories of criminology in relation to crime in society.</p> <p><b>CO4:</b> enable the students to understand the various theories of penology as well as reforms made thereunder.</p> <p><b>Pedagogy:</b> This course will be administered through classroom teaching, internal assessments, discussion, and evaluation. Classroom interactions between students and teachers are considered as one of the practical aspects of imparting this course. Students will be encouraged to participate in question-answer sessions and they will be given opportunity to share their opinions, ideas, and critical views in the classroom which can help all the stakeholders for further improvements in teaching-learning processes and development of the curriculum. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions. The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts.</p>

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

- L01-** Analyse the perspectives of Criminology, Penology and Criminal law.
- L02-** Comprehend criminological thought and socio-legal dimensions of human behaviour and social action.
- L03-** Comprehend meaning and causes of deviational conduct in civilised societies.
- L04-** Appreciate and evaluate the established theories of crime causation.

**L05-** Spell out commonly known punitive policies and evaluate major punitive policies and modes of execution.

**L06-** Appreciate the modern penological trends and experiments.

### **EVALUATION COMPONENTS**

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

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

### **COURSE PLAN**

<b>S.No.</b>	<b>Topics</b>	<b>Lecture Sessions</b>
1	Introduction to Criminology	1-5
2	Schools of Criminology	6-12
3	Identification of Causes of Crime-Theories	13-18
4	Factors responsible for Causation of Crime	19-23
5	Introduction to Penal System	24-30
6	Police and Prison System	31-40
7	Resocialization Process	41-45
8	Victimology	46-50

### **DETAILED SYLLABUS**

<b>UNIT</b>	<b>CONTENT</b>
<b>Module 1 Introduction of Criminology</b>	<ul style="list-style-type: none"> <li>• Definition, Nature, Scope and Importance of Criminology</li> <li>• Relation with other social sciences</li> <li>• The concept of crime (Sin, tort and crime) and characteristic of criminal law</li> <li>• Whether Criminology is a science?</li> <li>• Criminology and public policy</li> <li>• B. Indian Crime Reality</li> <li>• Organised Crimes</li> <li>• Cyber Crime</li> </ul>

	<ul style="list-style-type: none"> <li>• Money Laundering</li> <li>• Privileged Class Deviance</li> <li>• Narcotic Trade</li> </ul>
<b>Module 2 Schools of Criminology</b>	<ul style="list-style-type: none"> <li>• Pre - classical School (Demonology)</li> <li>• Classical School (Ideas of Bentham and Beccaria)</li> <li>• Neo-classical School</li> <li>• Positivist School</li> <li>• Morphological Theories – Cesare Lombroso, Enrico Ferri, Raffaele</li> <li>• Garofalo.</li> <li>• Other Schools – Clinical, Geographical, Sociological, Psychological, etc.</li> </ul>
<b>Module 3 Identification of the Causes of Crime – Theories</b>	<ul style="list-style-type: none"> <li>➤ Mental disorder and Criminality</li> <li>➤ Sociological Theories (Sellin, Differential Association Theory – E.H. Sutherland)</li> <li>➤ Psychopathic Approach</li> <li>➤ Biological Approach</li> <li>➤ Female Criminality as an aspect of Marginal Criminality</li> <li>➤ Juvenile Delinquency and Legal Position in India</li> </ul>
<b>Module 4 Factors Responsible for Causation of Crime</b>	<ul style="list-style-type: none"> <li>➤ Environment, home and community influences,</li> <li>➤ Urban and Rural crimes</li> <li>➤ The economic deprivations, broken homes, Drug, and alcohol</li> <li>➤ Communal Riots and Hate Crimes- Causes, Effects, and impact.</li> </ul>
<b>Module 5 Introduction to Penal system</b>	<ul style="list-style-type: none"> <li>➤ Theories of Punishments <ul style="list-style-type: none"> <li>*Retributive Theory</li> <li>*Deterrent Theory</li> <li>*Punitive Theory</li> <li>*Preventive Theory</li> <li>*Reformatory Theory</li> </ul> </li> <li>➤ Types of Punishment <ul style="list-style-type: none"> <li>* Fine</li> <li>*Simple Imprisonment.</li> <li>*Imprisonment of Life</li> <li>*Capital Punishment</li> </ul> </li> </ul>
<b>Module 6 Police and Prison System</b>	<p>A: Police</p> <ul style="list-style-type: none"> <li>• Role and function of Police</li> <li>• National Police Commission (recommendations)</li> <li>• Malimath Committee Report</li> </ul> <p>B: Prison system</p> <ul style="list-style-type: none"> <li>• History of Prisons</li> </ul>



	<ul style="list-style-type: none"> <li>• Aims, objectives and conditions of prison</li> <li>• Types of prisons</li> <li>• Prison work, Education, Prison reform (schools and reformations)</li> <li>• Rights of prisoners (contribution of the Supreme Court and High and High</li> <li>• Courts)</li> </ul>
<b>Module 7 Re-socialization Process</b>	<p>Probation and Parole</p> <ul style="list-style-type: none"> <li>• Definitions, Nature of probation and parole,</li> <li>• Duties of Probation Officers,</li> <li>• Difference between Parole and Probation,</li> <li>• Authority for granting Parole,</li> <li>• Supervisor of Parole</li> <li>• Problems of the released offender,</li> <li>• Attitude of the community towards released offender</li> </ul>
<b>Module 8 Victimology</b>	<ul style="list-style-type: none"> <li>• Definition and Meaning</li> <li>• Types of victims</li> <li>• Theories of Victimology</li> <li>• Rights of Victims.</li> <li>• Female Victimity and Victimology</li> </ul>

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

1. The Juvenile Justice (Care and Protection of Children) Act, 2000 as amended by the Juvenile justice (care and protection of children) amendment act, 2006 (No, 33 OF 2006)
2. The Probation of Offenders Act, 1958
3. Indian Penal Code, 1860
4. Information Technology Act, 2000
5. Prevention of Money Laundering Act, 2002
6. Narcotic Drugs and Psychotropic Substances Act, 1985

**CASE LAWS:**

- Bishnu Deo Shaw v. State of West Bengal, AIR 1979 SC 964 135 173
- Bachan Singh v. State of Punjab, AIR 1980 SC 898 145 183
- Macchi Singh v. State of Punjab, AIR 1983 SC 957 170 208
- Allauddin Mian v. State of Bihar, AIR 1989 SC 1456 175
- Mohd. Chaman v. State (2001) 2 SCC 28
- Lehna v. State of Harayana (2002) 3 SCC 76 181
- Dhananjay Chaterjee v. State of West Bengal, JT 2004 (4) SC 242
- Sharaddhananda v. State of Karnataka, AIR 2008 SC 3040

- *Essa @ Anjum Abdul Razak Memon v. The State of Maharashtra* (2013) 3 SCALE 1 219
- *Sunil Dutt Sharma v. State (Govt. of NCT of Delhi)* (2014) 4 SCC 375 229
- *Santosh Kumar Satishbhusan v. State Of Maharashtra* (2009) 6 SCC 498
- *Mukesh v. State (NCT of Delhi)* (2017) 6 SCC 1
- *Jogi Nahak v. State*, AIR 1965 ORI 106
- *Abdul Qayum v. State of Bihar*, AIR 1972 SC 214 190 255
- *State v. Bhola* (2003) 3 SCC 1
- *Dalbir Singh v. State of Haryana* (2000) 5 SCC 82 193 258
- *M.C.D. v. State of Delhi* (2005) 4 SCC 605 196 261
- *Chhanni v. State of U.P.* (2006) 5 SCC 396 203 268
- *Raghibir v. State of Haryana*, AIR 1981 SC 2037 127
- *Sanjay Suri v. Delhi Administration*, AIR 1988 SC 414 132
- *Pratap Singh v. State of Jharkhand* 2005 (1) SCALE 763 136
- *Sudesh Kumar v. State of Uttarakhand* (2008) 3 SCC 111 155

#### **BOOKS AND ARTICLES:**

##### **Books:**

1. Harry Elmer Barnes and Negley K. Teeters, *New Horizons in Criminology* (3rd ed., 1959).
2. George B. Vold, Thomas J. Bernard, Jeffrey B. Snipes, *Theoretical Criminology* (5th ed. 2002).
3. Ahmad Siddique, *Criminology Problems & Perspective* (5th ed., 2007).
4. N.V. Paranjape, *Criminology and Penology with Victimology* (15th ed., 2008)
5. S. S. Srivastava, *Criminology and Criminal Administration* (3rd ed., 2007).
6. J.P.S. Sirohi, *Criminology and Penology* (6th ed., 2007).
7. Mike Maguire, Rod Morgan and Robert Reiner, *The Oxford Handbook of Criminology* (5th ed, 2012).
8. S. S. Srivastava, *Criminology, Penology & Victimology* (4th ed., 2012).
9. S. M. Afzal Qadri, *Ahmed Siddique's Criminology, Penology and Victimology*, (7th ed 2016).

##### **Articles:**

1. Prof. Usha Razdan, "Combating Trafficking of Women and Children in SAARC Countries: Issues and Intricacies", *Journal of Criminology and Criminal Justice* (2012).
2. B.B. Pande, "Privileged Class Deviance- Nature and Dimensions", *The Other Side of Development* (1987).
3. B.B. Pande, "Face to Face with Death sentence: The Supreme Court's Legal and Constitutional Dilemmas" (1979) 4 SCC 714.
4. Sahanaj Huda, *Death Penalty- the Continuing Controversy*, 1991 2 DULJ
5. Dr SN Sharma, *Rape and Murder of Girl Child: Application of Rarest of Rare Cases*, 2007 1 SCC (Cri) J5

6. Dr Rupam Jagota, Juvenile Justice System in India- An Attempt At Reformation, 2 RMLNLJ (2010) 83
7. Chief justice Shri K. Veeraswamy. New Horizons in Social Defence, 1973 86 LW (JS) 13.
8. Shri K Veeraswamy, Role of the Judiciary in Rendering Correctional Services, 1973, 86 LW (JS) 29.
9. Professor BB Pande, A Legal Exclusion Through Criminalisation Stigmatization and Invisibilization in the Pre and Post-Independence India, 2008 1 NUJS Law Review 219.
10. Mr Justice R Sadasivam, How Far Has The Study of Causes of Crime Helped to Deal Effectively with the Criminal, 1964 77 LW JS 26.
11. Dr Avdhesh Kumar, Compensation for Victims of Crime under Indian Legal System, 2012 3 GNLU Law Review 93
12. S Lalitha, Compensation to Victims of Crime, 1990 1 LW JS 5
13. Arvind Tiwari, Human Rights, Ethics and Prison Administration in India: A Critical Overview, 2 RMNLJ 2010 43.
14. Amarjeet Singh, White Collar Crime, 2002 14 SAclJ 231.
15. Abul Hasanat, The Criminal Law of India, 1940 51 LW JS 41.
16. Bala Reddy, Community Service Orders: An Alternative Sentence, 1991 3 SAclJ 230
17. Mrudul Shrivastava, Can Punishment be Justified?, 2 RMNLJ 2010 145.
18. Gabriel Hollevy, Ignoring the Law in the Name of Honour, 2010 2 GNLU Law Review 27.
19. Saugata Mukherjee, the Law of Attempts and the Shifting basis of Criminal Law in Modern Society, 8 Stud Adv, 1996 12 .
20. Pallavi Nautiyal and Arun Mal, Towards Protection of Children against Sexual Abuse: No Child's Play, 2010 3 NUJS L Rev 77.
21. Satadru Goswami and Ranjani Das, Article 20 (3) : A Constitutional Mandate or a Prisoner's Dilemma?, 2009 2 GNLU Law Rev 189.
22. Sri Krishna Deva Rao, Expediting the Delivery of Criminal Justice: Imtiaz Ahmed and Beyond 1 J NLUD 106 2013
23. VR Krishna Iyer, Violence and Terrorism, 1979 4 SCC J6
24. AN Singh, Punishment- An Overview, 2 RMNLJ 2010 112.
25. Autri Saha and Pritika Advani, the Death Penalty: a New Perspective in Light of Santosh
26. Bariyar Case 2009 2 NUJS L Rev 669.
27. Dr Chandrika Prasad Sharma, Death Sentence: Repeal or Retention Riddle, 2004 PL WebJour 21.
28. Professor Mohammed Saheb Hussain and J Clement Mashamba, Protection of the Rights of Children in Conflict with the Law: A Human Rights Perspective, 2012 3 SCC J1

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

1. EBC Reader- S. M. Afzal Qadri, Ahmed Siddique's Criminology, Penology and

Victimology, (7th ed 2016).

**ONLINE ARTICLES/BLOGS/REPORTS:**

1. **Female Criminality in India**  
<https://ylcube.com/c/blogs/female-criminality-india/#:~:text=Traditionally%2C%20the%20crimes%20committed%20by,Drugs%20Trafficking>
2. **The Restorative Justice**  
<https://law.wisc.edu/fjr/rjp/justice.html>
3. **The Police and Prison Systems: An Observation on Contemporary Issues and Reforms**  
[https://www.researchgate.net/publication/358692750 THE POLICE AND PRISON SYSTEMS AN OBSERVATION ON CONTEMPORARY ISSUES AND REFORMS](https://www.researchgate.net/publication/358692750_THE_POLICE_AND_PRISON_SYSTEMS_AN_OBSERVATION_ON_CONTEMPORARY_ISSUES_AND_REFORMS)
4. **Criminology and Public Policy**  
<https://asc41.org/publications/criminology-public-policy/>
5. **Theories of Delinquency**  
<https://sandratrappen.com/2018/12/30/theories-of-delinquency/>

**Reports**

1. NLUD Report on Death Penalty, 2016 (www.deathpenaltyindia.com).
2. Law Commission of India 262nd Report on Death Penalty.
3. Committee on Reforms of Criminal Justice System (Mallimath Committee) 2003



**HUMAN RIGHTS (OPTIONAL PAPER)  
SEMESTER VII & IX | B.A.LL.B. (Hons.)  
SYLLABUS (SESSION: JULY-DECEMBER 2023)**

<b>Faculty</b>	Prof. Dr. Vishnu Konoorayar and Dr. Kiran Kori	<b>Year/Semester</b>	VII & IX (Optional Paper I and II)
<b>Course Name</b>	Human Rights (Optional Paper)	<b>No. of Credits</b>	4
<b>Course Duration</b>	July- December 2023	<b>Each Session Duration</b>	60 Minutes
<b>No. of Contact Hours</b>	60 Hours	<b>Pre-requisite</b>	None
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>The human rights are the most cherished basic rights and vital for a human being to live a meaningful and dignified life. In fact without the human rights life does not have any meaning. However, in a pluralistic world it is difficult to protect and promote the human rights due to different views and approaches and numerous it poses a challenge to the legal systems at both international and national level. Hence, the understanding and awareness of human rights is essential so as to develop good and responsible citizens and legal professionals.</p> <p>As the subject of Human Rights is very vast and broad in scope due to its interface with various other aspects of law, the present Course will highlight the numerous ways in which human rights are inter-related with the different aspects of law; as well as the role of Judiciary in interpreting the nuances of Human Rights in contemporary times.</p> <p>The students will get an understanding of the different facets of human rights as well as appreciate the inter-relation among them and learn to identify the challenges in realisation and protection of these rights. They will also understand the need to solve these human rights issues through the application of law in the present times. Through a detailed course structure this course attempts to provide the students with an understanding of the meaning and dimensions of human rights; the various approaches and philosophies explaining the origin and developments; the internationalisation and regionalisation of human rights; and the</p>		

	<p>judicial approach towards their protection and promotion.</p> <p>The main objective of this course is to provide and insight into the meaning and significance of human rights in the contemporary era. The course is designed to provide the students of law with an understanding of the history and development of the concept of human rights and its theoretical foundations. It attempts to provide the students of law with an understanding of the human rights documents and mechanisms at international level as well as legal efforts at national level for protection and promotion of human rights. <b>The Course Objectives are:</b></p> <p><b>CO1-</b> To highlight the meaning and significance of human rights for a meaningful and fulfilling life</p> <p><b>CO2-</b> To trace the evolution of the concept of human rights in the light of various cultural, religious, social, historical, legal and political writings and theories</p> <p><b>CO3-</b> To examine the role of the United Nations Organisation in protection and promotion of human rights at international level</p> <p><b>CO4-</b> To understand the need for regional arrangements for protection and promotion of human rights at regional level</p> <p><b>CO5-</b> To examine the legal framework in India with respect to protection and promotion of human rights</p> <p><b>CO6-</b> To understand the challenges in protection of human rights in a pluralistic society like India and examine the role of Judiciary in protection of human rights of different sections of society</p> <p>The Course introduces to the students the various facets of human rights as well as legal framework at international and national level for the protection and promotion of human rights. Hence, an attempt will be made to explain in a systematic manner the meaning, origin and theoretical background of human rights and the efforts at international and national level for their protection. The methods followed for the teaching are Lecture Method; Group Discussion; and Case-Analysis.</p>
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**LEARNING OUTCOMES:**

Through this Course Curriculum the students will be introduced to the various aspects of Human Rights. At the end of the Course the students will be able to:

**L01-** Understand the various meanings, dimensions and facets of human rights and their nature and scope.

**L02-** Understand and appreciate the role of various cultural; historical; political developments and philosophical theories in origin and development of human rights.

**L03-** Comprehend the role and approach of international law towards human rights issues.

**L04-** Understand the significance of regional arrangements for human rights protection.

**L05-** Recognize the significant role of legal institutions in protection of human rights as well as in resolving the various human rights conflicts in a judicious manner.

**L06-** Realize the challenges in protection of human rights due to their broad nature and scope and identify the pragmatic solutions for their resolution and protection of human rights.

#### **EVALUATION COMPONENTS:**

<b>Evaluation Components</b>	<b>Distribution of Marks</b>
<b>Continuous Internal Assessments (CIA): Assignments in the form of Book Review; Movie/Documentary Review relating to human rights; Short Essay etc.</b>	<b>10+10+05= 25 marks Total</b>
<b>Mid Term Examination</b>	<b>25</b>
<b>End Term Examination</b>	<b>50</b>
<b>Total</b>	<b>100</b>

**Note: Pass Marks 50% of the final grade**

#### **READING MATERIALS**

The reading materials would be shared with the students to facilitate learning and develop the understanding of human rights.

#### **COURSE PLAN**

<b>Sr. No.</b>	<b>MODULE</b>	<b>TOPIC</b>	<b>NUMBER OF LECTURES</b>
<b>1.</b>	<b>MODULE I INTRODUCTION</b>	• Meaning, Concept and Significance of Human Rights	<b>03</b>
		• History and Development of Human Rights	<b>02</b>
		• Theoretical Foundation of Human Rights	<b>03</b>
<b>2.</b>	<b>MODULE II UNITED NATIONS AND HUMAN RIGHTS INSTRUMENTS</b>	<ul style="list-style-type: none"> <li>• Establishment of United Nations Organisation-</li> <li>• Preamble and UN Charter</li> <li>• International Bill of Human Rights-</li> <li>• Salient Features, Merits, Criticisms of each of the Documents: Universal Declaration of Human Rights,</li> </ul>	<b>02</b>     <b>07</b>

		<p>1948 ; International Covenant on Civil and Political Rights, 1966; First Optional Protocol; Second Optional Protocol to ICCPR; International Covenant on Economic, Social and Cultural Rights, 1966;</p> <ul style="list-style-type: none"> <li>• Comparative Analysis of UDHR, ICCPR, ICESCR, Optional Protocol I and II to ICCPR</li> </ul>	<b>04</b>
<b>3.</b>	<b>MODULE III UN BODIES DEALING WITH HUMAN RIGHTS PROTECTION</b>	<p>Salient Features and Critical Appraisal of each of the Following Bodies of UN:</p> <ul style="list-style-type: none"> <li>• United Nations Commission on Human Rights (Human Rights Council)</li> <li>• Sub Commission on Prevention of Discrimination and Protection of Minorities</li> <li>• Commission on the Status of Women</li> <li>• Office of UN High Commissioner for Human Rights</li> <li>• Other UN Bodies Concerned with Human Rights</li> </ul>	<b>07</b>
<b>4.</b>	<b>MODULE IV REGIONAL SYSTEM FOR PROTECTION OF HUMAN RIGHTS</b>	<ul style="list-style-type: none"> <li>• The European Convention on Human Rights, 1950</li> <li>• The American Convention on Human Rights, 1969</li> <li>• African Charter on Human and Peoples Rights, 1981</li> <li>• Arab Charter, 2004</li> </ul>	<b>07</b>
<b>5.</b>	<b>MODULE V HUMAN RIGHTS OF VULNERABLE</b>	<ul style="list-style-type: none"> <li>• Protection of Human Rights of Women- CEDAW</li> <li>• Protection of Rights of Children-</li> </ul>	<b>08</b>



	<b>GROUPS AND ROLE OF UNITED NATIONS</b>	<p>Convention on the Rights of the Child</p> <ul style="list-style-type: none"> <li>• Protection of Rights of Minorities- The United Nations Declaration on the Rights of Minorities, 1992</li> <li>• Disabled Person- The Convention on the Rights of Persons with Disabilities</li> </ul>	
6.	<b>MODULE VI HUMAN RIGHTS IN INDIA</b>	<ul style="list-style-type: none"> <li>• Rights Mentioned in the Indian Constitution</li> <li>• Application of International Human Rights Law in India</li> <li>• Role of Indian Judiciary</li> <li>• The Protection of Human Rights Act, 1993</li> <li>• Role of NHRC, SHRC</li> </ul>	<b>08</b>
7.	<b>MODULE VII CONTEMPORARY CHALLENGES TO HUMAN RIGHTS</b>	<ul style="list-style-type: none"> <li>• Impact of Science and Technology on Human Rights</li> <li>• Terrorism as a Violation of Human Rights</li> </ul>	<b>06</b>
	<b>REVISION</b>		<b>03</b>
	<b>TOTAL</b>		<b>60</b>

### **DETAILED SYLLABUS for B.A. LL.B. (HONS.) HUMAN RIGHTS OPTIONAL PAPER**

#### **MODULE I: Introduction**

- Meaning, Concept and Significance of Human Rights
- History and Development of Human Rights- Prior to establishment of UNO; Religious, Cultural, Political, Historical and Social Influences on Development of Human Rights, English Bill of Rights, French Revolution, American Revolution
- Theoretical Foundation of Human Rights - Natural Law and Natural Rights - Developments in Ancient – Medieval – Modern Times

- Generations of Human Rights – First, Second and Third Generation Human Rights

## **MODULE II: United Nations and Human Rights Instruments**

- Establishment of United Nations Organisation- Historical Background, Structure of UN, Main Purposes and Objectives, Over view of Powers and Functions of Organs of the UN
- Preamble and UN Charter- Main Features, Human Rights Provisions, Legal Significance of UN Charter
- International Bill of Human Rights- Meaning and Significance
- Universal Declaration of Human Rights, 1948 – Historical Background, Features, Human Rights Mentioned in UDHR, Merits, Criticisms, Legal Significance of UDHR, Influence of UDHR
- International Covenant on Civil and Political Rights, 1966- Historical background, Features, Human Rights Mentioned in ICCPR, Merits, Criticisms
- First Optional Protocol – Features, Merits, Criticisms
- Second Optional Protocol to ICCPR- Features, Merits, Criticisms
- International Covenant on Economic, Social and Cultural Rights, 1966- Historical Background, Human Rights Mentioned in ICESCR, Merits, Criticisms
- Comparative Analysis of UDHR, ICCPR, ICESCR, Optional Protocol I and II to ICCPR

## **MODULE III: UN BODIES DEALING WITH HUMAN RIGHTS PROTECTION**

- United Nations Commission on Human Rights (Human Rights Council)
- Sub Commission on Prevention of Discrimination and Protection of Minorities
- Commission on the Status of Women
- Office of UN High Commissioner for Human Rights
- Other UN Bodies Concerned with Human Rights

## **MODULE IV: Regional System for Protection of Human Rights**

- The European Convention on Human Rights, 1950 – Salient Features, Merits, Criticisms
- The American Convention on Human Rights, 1969 – Salient Feature, Merits, Criticisms
- African Charter on Human and Peoples Rights, 1981 – Salient Features, Merits, Criticisms
- Arab Charter, 2004 – Salient Features, Merits, Criticisms

## **Module V: Human Rights of Vulnerable Groups and Role of United Nations**

- Protection of Human Rights of Women- CEDAW

- Protection of Rights of Children- Convention on the Rights of the Child
- Protection of Rights of Minorities- The United Nations Declaration on the Rights of Minorities, 1992
- Disabled Person- The Convention on the Rights of Persons with Disabilities

#### **MODULE VI: Human Rights in India**

- Rights Mentioned in the Indian Constitution
- Application of International Human Rights Law in India
- Role of Indian Judiciary
- The Protection of Human Rights Act, 1993
- Establishment, Powers and Functions of National Human Rights Commission and State Human Rights Commission - Role of NHRC & SHRC

#### **MODULE VII: Contemporary Challenges to Human Rights**

- Impact of Science and Technology on Human Rights
- Terrorism as a Violation of Human Rights

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