

CONSOLIDATED CURRICULUM
BA.LL.B (Hons.)
SEMESTER – IX

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THE CODE OF CIVIL PROCEDURE, 1908 (COMPULSORY PAPER)
SEMESTER IX | B.A.LL.B
SYLLABUS (SESSION: JULY-DECEMBER 2023)

Faculty Name	Dr. Pankaj P. Umbarkar Mr. Sagar Chandrakar	Year/ Semester	V/IX
Course Name	The Code of Civil Procedure 1908	No. of Credits	4
Course Code	NA	Session Duration	60
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	Basic knowledge of Civil Laws
Introduction & Pedagogy	<p>The Code of Civil Procedure, 1908 plays a crucial and decisive role in the regular and efficient adjudication of civil disputes. It enunciates a procedure laced with fairness, simplicity and uniformity in its application to the courts of the Country, exercising their civil jurisdiction.</p> <p>All our knowledge of law shall remain non-productive unless we are accustomed with 'how' to put it to the practice. Substantive law needs to be appropriately complemented with the procedural law. Knowledge of procedural law is an essential factor having a definite bearing upon the competence of the legal practitioner as for a successful litigation is concerned. It is necessary to face all potential challenges of procedural nature.</p> <p>There goes a famous maxim of law "vigilantibus non dormientibus jura subveniunt". Precisely speaking any substantive right is nugatory if the holder thereof is unreasonably indolent beyond a point of time. The Limitation Act, 1963 is an adjective enactment and addresses a very important aspect of civil law. It not only prescribes the limitation period for various legal proceedings and enforcement of rights but also speaks of Condonation procedures and exclusion of time etc. Without studying the Law of Limitation any knowledge of the civil procedures shall remain inchoate and therefore it finds place in our present syllabi.</p> <p>Pedagogy:</p> <p>The pedagogy for the course shall invariably involve a suitable blend of various methods aimed at building a cogent foundation of the procedural aspects of the Civil Law. The academic pursuits will include deliberations, interactions, and experience sharing; and shall</p>		

	<p>inevitably be focused at the perspective building.</p> <p>Considering the inherent constraints of the learning ecosystem the learning process may include:</p> <ul style="list-style-type: none"> • Dedicated lectures with power point presentations; • Relevant articles and blogs; • Participatory and reflective learning through active discussions about the land-mark Judgments and in-field experience; <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 assignments and discussion.</p>
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COURSE OBJECTIVES:

The Course Objective of the Code of Civil Procedure are as under -

CO1- To Analyse the significance of Code of Civil Procedure and the Law of Limitation.

CO2: To Familiarize the students with the key concepts and foundation of Code of Civil Procedure;

CO3- To Keep students abreast about the latest developments and changes in the field of Procedural Law.

CO4- To understand the scope & Extent of Applicability of Code of Civil Procedures and rules thereof.

CO5- To equip the students to develop the attitude of legal reasoning and research.

LEARNING OUTCOMES: At the completion of the course, the student will be able to:

LO 1 - Understand the significance of Code of Civil Procedure and the Law of Limitation

LO 2 – Get familiarity with the key concepts and foundation of Code of Civil Procedure.

LO 3 – Abreast about the latest developments and changes in the field of Civil Law.

LO 4 - Know the necessary procedural sequence which must be followed in a civil litigation.

LO 5- Develop the attitude of legal reasoning and research in Civil Laws.

EVALUATION COMPONENTS:

Sr.No	Components of Course Evaluation	Components of Course Evaluation
01	Internal Assessment CIA	25
02	Mid Term Examination	25
03	End Term	50

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

COURSE PLAN

MODULE	TOPICS	NUMBER
01	INTRODUCTION TO THE CPC, 1908 INCLUDING IMPORTANT AMENDMENTS & DEFINITIONS	03
02	JURISDICTION OF CIVIL COURTS	05
03	FOREIGN JUDGMENT	02
04	PARTIES TO SUITS & FRAMING OF SUIT	03
05	INSTITUTION OF THE SUIT	02
06	APPEARANCE OF PARTIES	03
07	DISCOVERY, INSPECTION & PRODUCTION OF DOCUMENTS	05
08	TRIAL	03
09	JUDGMENT AND DECREE	02
10	EXECUTION OF DECREES	06
11	SPECIAL SUITS /PROCEEDINGS	09
12	APPEAL REVIEW AND REVISION	04
13	LAW OF LIMITATION	03
14	SELF LEARNING, TUTORIALS, GUEST LECTURES ETC.	10
15	TOTAL	60

DETAILED SYLLABUS

UNIT	CONTENT
MODULE 1	INTRODUCTION 1.1 History of the Code of Civil Procedure; Amendments 1.2 Objective behind the Code 1.3 Overview of the Code 1.4 Definitions: decree, judgment, order, mesne profits, pleader, legal representative, judgment- debtor, decree- holder, foreign judgment. 1.5 Subordination and Hierarchy of Civil Courts
MODULE 2	JURISDICTION OF CIVIL COURTS 2.1 Meaning of the word "Civil" 2.2 Kinds of Jurisdiction covered under CPC 1908 2.3 Suits Expressly and Impliedly Barred 2.4 Res Subjudice and Res Sub- Judicata 2.5 Commercial Disputes & Code of Civil Procedure

	2.6 Applicability for special and local laws
MODULE 3	FOREIGN JUDGMENT 3.1 When Foreign Judgement not conclusive 3.2 Presumption as to foreign judgments 3.3 Enforcement
MODULE 4	PARTIES TO SUITS 4.1 Plaintiff, Defendant, Co- plaintiffs, Co- defendants 4.2 Joinder of parties; consequences of joinder, non- joinder and mis-joinder of parties 4.3 Representative suit 4.4 Impalement and deletion of parties 4.5 Recognized agents and pleaders FRAME OF SUIT 4.6 Suit to include whole claim, relinquishment, and omission 4.7 Joinder of causes of action
MODULE 5	INSTITUTION OF A SUIT 5.1 Pleadings Generally 5.2 Plaintiff: Particulars, Documents relied on in plaintiff, Return of Plaintiff, Rejection of Plaintiff 5.3 Written Statement 5.4 Set Off, Counter Claim
MODULE 6	APPEARANCE OF PARTIES 6.1 Issue and Service of Summons 6.2 Consequences of non- appearance of parties, non- appearance of plaintiff or defendant 6.3 Disposal of suit at the first hearing & Case Management Hearing 6.4 Examination of Parties by the Court
MODULE 7	ADMISSION, DISCOVERY, INSPECTION & PRODUCTION OF DOCUMENTS 7.1 Admissions & Effect of Admission 7.2 Discovery by interrogatories 7.3 Discovery by Documents 7.4 Production of Documents 7.5 Impounding and Return of Documents
MODULE 8	TRIAL 8.1 Affidavits 8.2 Summoning and Attendance of Witnesses 8.3 Attendance of Witnesses confined or detained in prisons 8.4 Hearing of suit and examination of witnesses 8.5 Death, Marriage and Insolvency of Parties 8.6 Withdrawal and Adjustment of Suits and 8.7 Commission

MODULE 09	JUDGMENT AND DECREE 9.1 Judgment and Decree 9.2 Interests 9.3 Costs 9.4 Restitution 9.5 Settlement of Disputes outside Court
MODULE 10	EXECUTION OF DECREES 10.1 Execution of Decree 10.2 Execution in general & courts which decree may execute 10.3 Application for execution & Stay of Execution 10.4 Modes of Execution 10.5 Arrest , Detention & Attachment of Property 10.6 Garnishee order & Resistance to Delivery of Possession to Decree Holder or Purchaser
MODULE 11	SPECIAL SUITS /PROCEEDINGS 11.1 Suit By or Against Government 11.2 Suit By or Against Minors or Persons of Unsound Mind 11.3 Suit By or Against Indigent Persons 11.4 Interpleader Suits 11.5 Temporary Injunctions and Interlocutory Orders
MODULE 12	APPEAL REVIEW AND REVISION 12.1 Appeals 12.2 Review 12.3 Revision 12.4 Reference 12.5 Caveat 12.6 Inherent powers
MODULE 13	LAW OF LIMITATION 13.1 Introduction to the law of limitation 13.2 Bar of limitation, effect of expiry of limitation and extension of limitation period 13.3 Legal disability, exclusion of time and computation of limitation period 13.4 Acquisition and extinguishment of proprietary rights

1. Readings:**1. A. Prescribed Statutes: (Bare Acts)**

1. The Code of Civil Procedure, 1908

2. The Limitation Act, 1963

*But, the discourse shall not necessarily be restricted to these two enactments only, and other minor enactments shall be given due attention at appropriate junctures.

1. B. Recommended Book: - (Online Text Book)

1. Takwani, C.K. and Thakker M. C., *Code of Civil Procedure, 1908*, Eastern Book Co., (2005) Eighth Edition Reprint 2018
2. Sir John Woodruff, Ameer Ali "Commentary on The Code of Civil Procedure 1908 in 4 vols", Delhi Law House, SBN: 9789381308752, 9381308756, Ed 2017
3. Prasad B.M, Mulla, *Code of Civil Procedure*, Lexis Nexis Butterworths, 2017
4. Jain M.P, *Code of Civil Procedure*, Lexis Nexis Butterworths, 2013
5. Mulla, *The Key to Indian Practice*, Lexis Nexis, 2015
6. Jatindra Kumar Das, *Code of Civil Procedure*, PHI Learning Private Limited, 2014
7. Sarkar's *Law of Civil Procedure*, Wadhwa and Company, 2006
8. Majumdar, P.K. and Kataria, R.P., *Commentary on the Code of Civil Procedure, 1908*, Universal, Delhi, (1998)
9. Saha, A.N., *The Code of Civil Procedure*, Eastern Law House, (1908)
10. Sarkar P C and Sarkar A. C., *Sarkar's Law of Civil Procedure*, 11th edition, Vol. 2, Wadhwa and Co., (2006)
11. Sarvaria S K, Mulla, *Code of Civil Procedure*, Lexis Nexis Butterworth, (2011)

Law Commission Reports :

1. 27th Law Commission of India available at <https://lawcommissionofindia.nic.in/1-50/Report27.pdf>
2. 44th Law Commission of India available at <https://lawcommissionofindia.nic.in/1-50/Report44.pdf>
3. 45th Law Commission of India available at <https://lawcommissionofindia.nic.in/1-50/Report45.pdf>
4. 54th Law Commission of India available at <https://lawcommissionofindia.nic.in/51-100/Report54.pdf>
5. 55th Law Commission of India available at <https://lawcommissionofindia.nic.in/51-100/Report55.pdf>
6. 56th Law Commission of India available at <https://lawcommissionofindia.nic.in/51-100/Report56.pdf>
7. 99th Law Commission of India available at <https://lawcommissionofindia.nic.in/51-100/Report99.pdf>
8. 139th Law Commission of India available at <https://lawcommissionofindia.nic.in/101-169/Report139.pdf>
9. 140th Law Commission of India available at <https://lawcommissionofindia.nic.in/101-169/Report140.pdf>
10. 144th Law Commission of India available at <https://lawcommissionofindia.nic.in/101-169/Report144.pdf>
11. 147th Law Commission of India available at <https://lawcommissionofindia.nic.in/101-169/Report147.pdf>

12. 150th Law Commission of India available at <https://lawcommissionofindia.nic.in/101-169/Report150.pdf>
13. 163rd Law Commission of India available at <https://lawcommissionofindia.nic.in/101-169/Report163.pdf>
14. 170th Law Commission of India available at <https://lawcommissionofindia.nic.in/reports/178rpt1.pdf>
15. 220th Law Commission of India available at <https://lawcommissionofindia.nic.in/reports/report220.pdf>
16. 231 Law Commission of India available at <https://lawcommissionofindia.nic.in/reports/report231.pdf>
17. 238th Law Commission of India available at <https://lawcommissionofindia.nic.in/reports/report238.pdf>
18. 240th Law Commission of India available at <https://lawcommissionofindia.nic.in/reports/report240.pdf>

E. Research Papers & Articles:

1. J.K. Das , Rethinking Theoretical Foundations Of The Code Of Civil Procedure: Prospect And Retrospect, *Journal of the Indian Law Institute* Vol. 53, No. 1 (January-March 2011), pp. 1-31
2. A. K. Ganguli, "Emerging Trend In The Enforcement Of Arbitration Awards", *Journal of the Indian Law Institute*, JANUARY-MARCH 2008, Vol. 50, No. 1, pp. 51-66
3. Adi B. Shroff, "Enforcement In India Of Foreign Commercial Awards", *Journal of the Indian Law Institute*, January-March 1979, Vol. 21, No. 1 1979, pp. 31-44
4. Haitham A. Haloush, Jurisdictional Dilemma in Online Disputes: Rethinking Traditional Approaches, *The International Lawyer* Vol. 42, No. 3 (FALL 2008), pp. 1129-1146
5. Justice B.S Chauhan, "Comments on Civil Procedure with reference to amendment Act of 1999&2000" *Journal 2 of National Judicial Academy of UP, Judges Training Material* available at <http://ijtr.nic.in/Comments%20on%20Provisions%20of%20CPC.pdf> Pp. 1-126
6. Guerra-Pujol and Sydja Thiane Robinson, A Simple Thought-Experiment: Turing Games with a Unified Code of Procedure *National Law School of India Review* Vol. 25, No. 1 (2013), pp. 81-99
7. Priyabrata Ghosh, "Civil justice system: its delays and solutions", *Journal of the Indian Law Institute*, April-June 1999, Vol. 41, No. 2 (April June 1999), pp. 264-271
8. K.K. Nagaria, Erroneous Decree and Amendment Thereof, *Journal of the Indian Law Institute*, July-September 1986, Vol. 28, No. 3 (July-September 1986), pp. 388-391.
9. Avadh Behari Rohatgi, "Execution of Eviction Decrees", *Journal of the Indian Law Institute* , October-December 1987, Vol. 29, No. 4 (October-December 1987), pp. 574-580
10. Dawn M. Chutkow *Jurisdiction Stripping: Litigation, Ideology, and Congressional Control of the Courts*, *The Journal of Politics* , Vol. 70, No. 4 (Oct., 2008), pp. 1053-1064 published by The University of Chicago Press on behalf of the Southern Political Science Association.

11. Y Shrinivasa Rao, All Civil Suits Are Cognizable Unless Barred, Articles on Law 2015 1 ALT Journal 17Page No. 115 to 128 Available at <https://articlesonlaw.files.wordpress.com/2015/09/ebook-ysrao.pdf>

12. Shyam D. Nandan, "Admiralty Jurisdiction In India: Pre And Post Elizabeth", Journal of the Indian Law Institute , january-march 2007, vol. 49, no. 1 pp. 81-101.

F Cases:

- A.R.Antulay V R.S.Nayak (1988) 2 SCC 602 at P. 650
- A.V. Papayya Sastry v. Govt. Of A.P., (2007) 4 SCC 221 at p.231: AIR 2007 SC 15
- Abubakar inamdar V Harun Inamdar AIR 1996 SC 112
- Abubakar inamdar V Harun Inamdar AIR 1996 SC 112
- Administrator general of Bengal V Prem lal Mallick ILR 1895
- Aligarh Muslim University v. Vinay Engineering Enterprises Pvt. Ltd.,(1994) 4 SCC 710
- Anand Enterprises V Sydicate Bank AIR 1990 Kant 175
- Bheru Lal V Shanti Lal 1985 Raj. 53
- Binayak Swain V Ramesh Chandra AIR 1966 SC 948 at P.950
- Board of Trustees for the Port of Calcutta v. Bombay Flour Mills Pvt. Ltd. & Anr., AIR 1995 SC 577,
- Charanlal V S.L.B.S.H.S.K Sanstha AIR 1976 Pat 293
- Citybank N.A V Hiten P. Dalal (2016) I SCC 411
- Dabur India v. K.R. Industries (2008) 10 SCC 595
- Daryao V State of U.P AIR 1961
- Delhi Lotteries V Rajesh Aggarwal AIR 1998 Del.198
- Dr. Subramanian Swamy v. State of Tamil Nadu & Ors 2014 (1) SCALE 79
- East End Dwelling Comp. Ltd Vs Finsbury Borough Council 1952 AC 109
- Gajanan Sheshendri Pandharpurkar V Shantabai AIR 1939 Bom. 374
- Ghanshyam Das V Dominion of India (1984)
- Hira Singh V Satya Kumar Singh AIR 2007 Jhar 34
- ICICI Lombard GIC Ltd V N.S.K Builder 2015 (3) MWN
- Indian Drugs & Pharmaceuticals Ltd.v. Ambika Ent. (2008) AIHC 619
- 23.Jagdhayan Vs. Balu Ram AIR 1983 SCP.59.
- Jyanti Lal V Abdul Aziz AIR 1956 Pat. 199 at P. 200
- Karam Chand V Lal Chand Public Charitable Trust (2010) 4 SCC 753
- Krishna Ayyer V Madhava Panikar 63 IC 258 30 M.L.T 26 (H.C)
- Kunjan Nair Sivaraman Nair v. Narayanan Nair (2004) 3 SCC 277)
- Kunjibhai V Visnuji Hotchand air 1947
- M/s Ass. Rubber Prod. v. M/s Harry & Jenny & Ors. (2008) AIHC 2754
- Mahesh Chandra V Krishna Swaroop 1997 SCC 681
- Mahijibhai V Manibhai AIR 1965 SC 1477

- Marine Geotechnics LLC v/s Coastal Marine Construction & Engineering Ltd. 2014 (2) Bom CR 769
- Most Rev, P.M.A Metropolitan V Moran Mar Mathoma 1995 Supp (4) SCC 286
- Mulraj Vs. Murti Raghunath Ji Maharaj AIR 1967 SC P.1386
- Munshi Ram V Radha Kishan AIR 1975 Punj. 112
- Newab Ganj Sugar Mills Vs. Union of India, AIR 1976 SC P.1152
- Oil & Natural Gas Commission v. Utpal Kumar Basu & Ors., (1994) 4 SCC 711,
- Oriental Insurance Company V Saraswathi, (2008) 5 Mad LJ
- Pama Warriar AIR 1963 Ker 186
- Paras Nath Rai v. State of Bihar AIR 2013 SC 1010
- Prabhin Ram Pukhun V State of Assam (2015) 3 SCC 605
- Pritpal Singh V Smt. Surjit Kaur AIR 2001 Del.363
- R.E.Mohammad Kassin and Co. Vs Seeni Pakir Bin Ahmed AIR 1927 Mad.265
- Rajan Kumar V Vijaya Bank and Another AIR 2008 Del.17
- Raju Ramsing Vasave v. Mahesh Deorao Bhivapurkar (2008) 9 SCC 54
- Ram Sewak v Hussain Kamil Kidwai AIR 1964 SC 1249
- Rameswari Devi V Nirmala Devi (2011) 8 SCC 249
- Rite Approach Grougp Ltd V Rosoboro A.I.R 2007 Delhi 145
- RoopRani V Preamsingh AIR 2008 NOC 642
- S.M Asif v Virendra Kumar Bajaj (2015) 9 SCC 287
- Salem Advocate Bar Association Vs Union of india AIR 2005 6 SCC 344
- Sangram Sing v Election Tribunal AIR 1955
- Sanjeev Kumar Jain V Raghubir Saran Charitable Trust 2012 SCC 275
- Shaling Ram Vs Firm Daulatram Kundanmal AIR 1967 SC 739
- Shankar V Chandrakant (1995) 3 SCC 113
- Shiv Chandra More & Ors. v. Lt. Governor & Ors., (Civil Appeal No. 3352 of 2014 decided on 7.3.2014
- Shreenath Vs. Rajesh AIR 1998 SC P.1192.
- Smt. Raj Lakshmi Dasi & Ors. v. Banamali Sen & Ors., AIR 1953 SC 33
- State of Jammu & Kashmir V Bakshi Gulam Mohammad A.I.R 1967
- State of M.P V Nathabhai 1972 4 SCC
- State of UP Vs. Roshan Singh AIR 2008 SC P.1190
- Suresh Kumar V Godavaribhai AIR 1992 MP 205
- Tea Auction Ltd V Grace hill Tea Industries AIR 2007
- TVC Skyshop Ltd V Reliance Communication 2013 SCC 754
- Union Carbide Corporation V Union of India (1991) 4 SCC
- Union of India V Ibrahim Uddin (2012) 8 SCC 148
- Union of India v. Nanak Singh, AIR 1968 SC 1370
- United Bank of India V Naresh Kumar AIR 1997 SC 3
- United India Ins. v. Ajay Sinha, (2008) 7 SCC 454
- The list of cases is not exhaustive.



FEDERALISM (HONOURS PAPER)
SEMESTER IX | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER 2023)

Faculty Name	MS. ADITI SINGH MR. ABHINAV SHUKLA	Year/ Semester	5/IX
Course Name	FEDERALISM	No. of Credits	4
Course Code	NA	Session Duration	55 Minutes
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>This course attempts to study and understand the reasons for the adoption of a federal set-up, by the framers of the Indian Constitution; the extent to which they were influenced in this effort by the position of the other federal constitutions, the working of the federal set-up under the Indian Constitution, together with new issues and challenges that are emerging.</p> <p>The main objective of this course is to make the students understand the federal principle and theory, since India has adopted a federal set-up. Course Objective is to develop an understanding about:</p> <p>CO1- the historical reasons for introducing federal set- up in India, along with Constitutional provisions regarding division of powers and the three lists in the Seventh Schedule of the Constitution, and related provisions;</p> <p>CO2 - the way this division has been dealt with by the Supreme Court and other instrumentalities dealing with federal aspects, together with the emerging challenges before the Indian federal set-up;</p> <p>CO3 - the comparative perspective with regards to the working of federalism in other important federations.</p> <p>In addition to classical commentaries, case laws and other materials,</p>		

	both in print as well from the web, shall be employed to provide one with source documents concerning the development articulation of the principles. An attempt shall be made to uncover the intricacies of the course in as comprehensible a manner as possible.
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LEARNING OUTCOMES: Through the curriculum, the students will be introduced to the comparative perspective of federalism. At the end of the course, students will develop an understanding of:

- L01-** the evolution of federalism in the Indian constitutional setup;
- L02** –various types of federalism;
- L03** – the constitutional provisions related to federalism;
- L04-** Indian constitution being federal in structure and unitary in spirit;
- L05** – contemporary relevance of federalism concerning cooperative and competitive federalism.

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	THE BASIC CONCEPTS OF FEDERALISM	1-08
2	PATTERNS OF FEDERLISM	09-16
3	THE CENTRE-STATE RELATIONS: LEGISLATIVE	17-30
4	THE CENTRE-STATE RELATIONS: ADMINISTRATIVE	31-40
5	THE CENTRE-STATE RELATIONS: FINANCIAL	41-50
6	EMERGING TRENDS IN FEDERALISM	51-60

DETAILED SYLLABUS

UNIT	CONTENT

Module 1 THE BASIC CONCEPTS OF FEDERALISM	<ol style="list-style-type: none"> 1. Federalism-Meaning, Modes of Creation, Types. 2. Confederation and Federation: fundamental distinctions 3. Basic Characteristics of a Federal Constitution
Module 2 PATTERNS OF FEDERALISM	<ol style="list-style-type: none"> 1. Pattern of Federalism in India 2. Pattern of Federalism in USA 3. Pattern of Federalism in Canada 4. Pattern of Federalism in Australia
Module 3 THE CENTRE-STATE RELATIONS: LEGISLATIVE	<ol style="list-style-type: none"> 1. Territorial limits of legislative powers- Doctrine of territorial nexus 2. Subject-wise distribution of powers- Rules of judicial interpretation 3. Inter-relation of entries- Industry, Law and order, Intoxicating liquor, Higher education 4. Residuary Powers 5. Parliamentary legislation in State field 6. Repugnancy
Module 4 THE CENTRE-STATE RELATIONS: ADMINISTRATIVE	<ol style="list-style-type: none"> 1. Distribution of Executive Powers 2. Centre-State Administrative Co-ordination - Inter-governmental Delegation of Functions 3. Centre's directives to the State- Constitutional and other statutory provisions 4. The Emergency Provisions: Predominance of Union
Module 5 THE CENTRE-STATE RELATIONS: FINANCIAL	<ol style="list-style-type: none"> 1. Distribution of Fiscal Power between Union and States 2. Restrictions on fiscal power of the States 3. Finance Commission 4. Borrowing power of the State 5. Goods and Services Tax: The Constitutional Perspective
Module 6 EMERGING TRENDS IN FEDERALISM	<ol style="list-style-type: none"> 1. Cooperative Federalism: Role of NITI Aayog; Horizontal and Vertical Cooperation. 2. Competitive Federalism: The Performance Analysis 3. Zonal Councils 4. Inter State Councils

	Inter State Water Disputes
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READINGS:**CASE LAWS:**

1. Cauvery Water Disputes Tribunal, re (AIR 1992 SC 522)
2. Goodyear India Ltd v. State of Haryana (AIR 1990 SC 781) State of Tamil Nadu v. State of Karnataka (1991) Supp 1 SCC 240.
3. Gujarat University V. Krishna Ranganath Mudolkar (AIR 1963 SC 703)
4. Gujarat University v. Srikrishna (AIR 1963 SC 763).
5. KC.Gajapati Narayan Deo V. State of Orissa (AIR1953 SC 375)
6. Prafulla Kumar Mukharjee V. Bank of Commerce Khulna (AIR 1947 PC 60)
7. S.R. Bommai v. Union of India, [(1994)3 SCC 1]
8. State of Karnataka v. Union of India, (AIR 1978 SC 68
9. State of Rajasthan v. Union of India, (AIR 1977 SC 1361)
10. State of West Bengal v. Union of India. (AIR 1963 SC 1241).
11. Synthetics and Chemicals Ltd v. State of U.P. (AIR 1990 SC 1927).
12. Union of India v. H.S.Dhillon (AIR 1972 SC 1061).
13. Union of India V. Harbhajan Singh Dhillon (AIR 1972 SC 1061)
14. Zaver Bhai Amiadas V. State of Bombay (AIR 1954 SC 752)

BOOKS AND ARTICLES

1. H.M. Seervai: Constitutional Law of India: A Critical Commentary. [Delhi. Universal Law Publishing Co. Ltd].
2. D.D.Basu: Constitution of India. Nagpur, LexisNexis Buttersworth Wadhwa.
3. D.D.Basu: Comparative Federalism
4. Jain, M.P., 'Indian Constitutional Law', Wadhwa and company, Nagpur, Fifth Edition, 2005.
5. A.V.Dicey. An Introduction to the Study of the Law of the
6. Constitution. (Universal Law Publishing Co)
7. Granville Austin: The Indian Constitution: Cornerstone of a Nation. [New Delhi, Oxford University Press].
8. GranvilleAustin: Working a Democratic Constitution, the Indian Experience. [New Delhi, Oxford University Press].

ONLINE ARTICLES/BLOGS/REPORTS:

1. Sarkaria Commission Report on Centre-State Relations,1988

2. Report of National Commission to Review Working of the Constitution, 2000.
3. Punchi Commission Report on Centre State Relations, 2010
4. Reports of the Finance Commission



INTERNATIONAL TRADE LAW (COMPULSORY)
SEMESTER IX | B.A. LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER 2023)

Faculty Name	Dr. Ankit Awasthi / Ms. Anita Singh	Year/Semester	5 th Year / IX th Semester
Course Name	International Trade Law	No. of Credits	4
Course Code	NA	Session Duration	60 Minutes
No. of Contact Hours	50 Lectures + 10 Tutorials = 60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>The syllabus of International Trade Law is designed to give an overview of the subject and can serve as a starting point for fundamental research in this field. Though, in general international trade law includes rules and customs governing trade between and among countries/custom territories. However, after the inception of WTO and with the consensus-development for multilateral trading system, international trade law became more WTO-centric. Keeping the same in mind, from historical background till intersectional areas of trade with environment and other domains have been attempted to cover within the syllabus.</p> <p>Objectives of the course on International Trade Law are as follows:</p> <p>CO1. To develop understanding about theories and importance of international trade in contemporary scenario along with government's role therein.</p> <p>CO2. To analyze the role and importance of the World Trade Organisation in the Multilateral Trading System.</p> <p>CO3. To trace the history of Multilateral Trading System along with organizational structure of the WTO.</p> <p>CO4. To discuss about the principles of the Multilateral Trading System with special reference to the rule of non-discrimination.</p> <p>CO5. To develop understanding about tariff and non-tariff barriers to trade with relevant agreements.</p> <p>CO6. To discuss cross cutting issues of environment and other</p>		

	<p>domains with international trade.</p> <p>Lecture-based teaching pedagogy will be followed and trade disputes will also be discussed as per the requirement of the syllabus. Reference material will be shared in the form of Audio-video/URL/PDF to discuss in the class as per the requirement of the syllabus.</p> <p>There will be a combination of discussions and brainstorming sessions during the contact hours. During classes, students will be encouraged to present on topics that have been assigned or on an area of research or a moot proposition related to the subject, if they have earlier explored it.</p>
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Learning Outcomes:

Through this subject, students will be oriented in the domain of International Trade Law and develop understanding about the theories and practicalities of trade law from the lens of multilateralism.

Following course completion, it is expected that students will be able to:

L0.1 Understand the concepts underlying theories of International Trade.

L02. Learn about the evolution of the rule-based system and multilateralism ideals in the context of global Trade.

L0.3 Explore the multilateral trading agreements annexed to the Marrakesh agreement.

L0.4 Examine the limitations and exceptions that apply to international trade.

L05. Know about the intersectional aspects of international trade and allied fields.

Evaluation Components:

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

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

Course Plan:

S. No.	Topics	Lecture Lessons
1.	Conceptual & Theoretical Foundation of International Trade	1-8
2.	The Evolution of the World Trade Order, Structure and Role of the World Trade Organization in International Trade along with Dispute Settlement Mechanism	9-20
3.	Principles of Multilateral Trading System and Overview of Agreements annexed to the Marrakesh Agreement	21-32
4.	Tariff and Non-Tariff Barriers to Trade	33-41
5.	Protection of Domestic Industries & WTO	42-50

6.	Cross-cutting Issues in International Trade	51-60
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Detailed Syllabus:

Unit	Content
Module 1: Conceptual & Theoretical Foundation of International Trade	<ol style="list-style-type: none"> 1. Origin of trade and Commerce & Defining International Trade Law 2. Sources of International Trade Law <ul style="list-style-type: none"> • Agreements between States • General practices between States • Generally recognized principles of law • Decided trade disputes/cases and academic writings • Agreement between traders • Domestic law 3. Theories that would mainly be discussed: <ul style="list-style-type: none"> • Pure or Real Theory of International Trade Equilibrium • Monetary theory of balance of payment adjustment • Mercantilism - Commercial Capitalism & its Criticism • Theory of Absolute Advantage of Adam Smith • Theory of Comparative Advantage of David Ricardo & Modern development in the theory • H-O Model & Gravity Model • Free trade theory • Distributive Justice in International Trade 4. Importance of Trade and Gains from Trade <ul style="list-style-type: none"> • Economic globalization and international trade • Fair trade versus free trade 5. Why do governments intervene in the market? <ul style="list-style-type: none"> • Instruments of trade Policy (Protectionism)
Module 2: The Evolution of the World Trade Order, Structure and Role of the World Trade Organization in International Trade along with Dispute Settlement Mechanism	<ol style="list-style-type: none"> 1. Historical background of WTO: Brief introduction of international Trade in world history and starting of modern trading system <ul style="list-style-type: none"> • GATT 1947 to WTO: An overview • Eight Rounds of negotiations with special reference to the Subjects and Modalities of Uruguay Round of negotiation

	<ul style="list-style-type: none"> • Difference between GATT 1947 and GATT 1994 • Institutional Structure of the WTO • Membership to the WTO and the process of Accession • Decision-making in the WTO • Role of the WTO in International Trade • Relationship of WTO with the other two Bretton Woods institutions i.e., IMF and World Bank along with World Bank Group [IBRD, IDA, IFC, MIGA & ICSID] • Coherence Declaration – Para 5 <p>2. Dispute Settlement Mechanism within the WTO</p> <ul style="list-style-type: none"> • Background of Dispute settlement under GATT 1947 • Settlement of disputes between States under WTO • Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) • Principles & Practice of WTO dispute settlement • Methods of dispute settlement for private traders, including negotiation, mediation, arbitration and litigation
<p>Module 3: Principles of Multilateral Trading System and Overview of Agreements annexed to the Marrakesh Agreement</p>	<p>1. An overview on the General principles of the Multilateral Trading System</p> <ul style="list-style-type: none"> • Principle of Non-Discrimination • Principle of Transparency • Principle of Freer Trade through gradual negotiations • Principle of Predictability • Principle of Reciprocity • Principle of Promoting Fair Competition • Principle of Creating Safety Values • Principle of Special and Differential Treatment <p>2. Sources of WTO law</p> <p>3. An overview of the regulatory regime under WTO for Goods (Annex 1A), Services (Annex 1B), IPRs (Annex 1C), Market Access Commitments, DSU (Annex 2), TPRM (Annex 3), Plurilateral trade agreements (Annex 4)</p>

	<p>4. National Treatment:</p> <ul style="list-style-type: none"> • Concept of “<i>Like products</i>” • Difference in treatment of “<i>like products</i>” and “<i>directly competitive and substitutable products</i>”. • Exceptions to the Rule <p>5. Most Favored Nation Treatment:</p> <ul style="list-style-type: none"> • Advantages of the MFN Rule • Exceptions to the Rule • Trading Blocs: European Union & ASEAN • RTAs and FTAs as a threat to Multilateralism?
<p>Module 4: Tariff and Non-Tariff Barriers to Trade</p>	<p>1. Rules on Market Access: An Introduction</p> <p>2. An overview on the Tariff Barriers to Trade in goods</p> <ul style="list-style-type: none"> • Tariff v. Quantitative Restrictions • Tariff bindings under Article II of GATT 1994 • Tariff as a preferred tool for regulation of trade in goods over quantitative restrictions • General Elimination of quantitative restrictions under Article XI of GATT 1994 • Exceptions to the Rule in Article XI • Other exception of the Rule <p>3. An overview on the Non-Tariff Barriers to Trade</p> <p>4. Introduction: The Agreement on Technical Barriers to Trade (TBT)</p> <ul style="list-style-type: none"> • Difference between WTO-TBT Agreement and Tokyo- TBT Agreement • Structure and Scope of the Agreement on Technical Barriers to Trade • Principles incorporated under the Agreement on Technical Barriers to Trade <p>5. Introduction: The Agreement on Sanitary and Phytosanitary (SPS) Measures</p> <ul style="list-style-type: none"> • Structure and Scope of the Agreement on Sanitary and Phytosanitary Measures • Principles incorporated under the Agreement on Sanitary and Phytosanitary Measures <p>6. Introduction: The Agreement on Rules of Origin</p> <ul style="list-style-type: none"> • Meaning and Scope of Rules of Origin

	<ul style="list-style-type: none"> • Substantial Transformation Test <p>7. Introduction: The Agreement on Pre-Shipment Inspection</p> <ul style="list-style-type: none"> • Main functions of PSI Companies • Obligations of User and Exporting Members • Independent Review Procedure under the Agreement
<p>Module 5: Protection of Domestic Industries & WTO</p>	<ol style="list-style-type: none"> 1. Rules on Unfair Trade: An Introduction 2. Antidumping Measures under Article VI of GATT 1994 and the Antidumping Agreement <ul style="list-style-type: none"> • Administration & Regulation of anti-dumping duties 3. Subsidies and Countervailing Duties under Article VI and XVI of GATT 1994 and Agreement on Subsidies and Countervailing Measures <ul style="list-style-type: none"> • Administration & Regulation of Subsidies & CVDs 4. Safeguard Measures under Article XIX of GATT 1994 and the Safeguards Agreement <ul style="list-style-type: none"> • Rationales for safeguard measures with WTO • Alternatives to safeguards
<p>Module 6: Cross-cutting Issues in International Trade</p>	<ol style="list-style-type: none"> 1. Trade and Environment <ul style="list-style-type: none"> • Sustainable Development • Environmental Measures and MTAs • WTO provisions with respect to Environment • CTE / Eco labels / Technical Assistance 2. Trade and Human Rights <ul style="list-style-type: none"> • WTO framework with respect to Human Rights Measures • Public Moral / Protection of human, animal or plant life or health, Measures relating to prison labours / conservation of exhaustible resources 3. Trade, Investment and Competition Policy 4. Trade and Agriculture: Agreement on Agriculture <ul style="list-style-type: none"> • Rationales for Agricultural Exceptionalism • Food Security and Trade Liberalization • Agricultural Protectionism vis-à-vis Multilateralism

	<p>5. Women and Trade</p> <ul style="list-style-type: none"> • Buenos Aires Declaration on Trade and Women's Economic Empowerment • Informal Working Group on Trade and Gender <p>6. SDGs and the WTO: Socio-economic and ancillary dimension of trade in the SDGs</p> <p>7. Twelfth WTO Ministerial Conference Geneva 2022 Outcomes</p> <ul style="list-style-type: none"> • Ministerial Decision on World Food Programme (WFP) • Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics • An Agreement on Fisheries Subsidies
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5. Anne Krueger: International Trade: What Everyone Needs to Know (Oxford University Press, 2020)
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9. Jagdish N. Bhagwati et al: The World Trade System Trends and Challenges (Massachusetts Institute of Technology Press 2016)
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20. Simon Lester, Bryan Mercurio and Arwel Davies: World Trade Law Text, Materials and Commentary (Hart Publishing 2012)
21. Understanding the WTO (Written and published by the World Trade Organization Information and External Relations Division © WTO 2015) available at:
https://www.wto.org/english/thewto_e/whatis_e/tif_e/understanding_e.pdf
22. The Future of Trade: The Challenges of Convergence (Report of the Panel on Defining the Future of Trade convened by WTO Director-General Pascal Lamy) (WTO Publications, 2013) available at:
https://www.wto.org/english/thewto_e/dg_e/dft_panel_e/future_of_trade_report_e.pdf
23. WTO Dispute Settlement: One-Page Case Summaries (2021 Edition) available at:
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2. Sixty Years of the Multilateral Trading System: Achievements and Challenges. Available at:
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3. The Role of Trade in Ending Poverty. World Trade Organization: Geneva, published by World Bank Group and World Trade Organization, 2015. Available at:
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5. **e-PG Pathshala**: Course on WTO, available at: <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>



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

Faculty Name	Dr. Y. Papa Rao & Mr. V. Suryanarayana Raju	Year/ Semester	4&5/ Sem VII & IX
Course Name	Banking Law	No. of Credits	04
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>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 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>CO1- the various concepts of the banking system; CO2 - the legal parameters including the judicial interpretation on various aspects of banking services; CO3- the interdisciplinary reading of Banking Law with Law of contract and Transfer of Property Act; CO4- recognizing the issues with which the banking industry is crippled.</p>		

	<p>CO5- 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:

LO1- assess the economic and legal dimensions of banking systems

LO2- deal with the operational part of the Banking Law

LO3- educate about the relationship of banks with customers along with rights and duties of banker and customer

LO4 - elaborate the concept and issues with recent trends in banking industry

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	1-12
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
Module 1	<p>i. Evolution of Money and its circulation</p> <p>ii. Evolution of Banking system and its history in India</p>

INTRODUCTION	<ul style="list-style-type: none"> 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...
Module 2 RELATION BETWEEN BANKER AND CUSTOMER	<ul style="list-style-type: none"> 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
Module 3 THE LEGAL ASPECTS OF NEGOTIABLE INSTRUMENTS	<p>The Negotiable Instruments Act, 1881</p> <ul style="list-style-type: none"> i. Promissory Note, Bill of Exchange, Cheque, Drawer, Drawee, Payee, Holder, Holder in due course, Inland 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
Module 4 REGULATION OF BANKS	<p>Banking Regulation Act, 1949</p> <ul style="list-style-type: none"> 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

Module 5 CONTROL OF BANKS IN INDIA	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
Module 6 EMERGING TRENDS IN BANKING SYSTEM	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

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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 Instruments 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 IX | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER 2023)

Faculty	Dr. Debmita Mondal	Year/ Semester	VII/IX Semester
Course Name	Cyber Law	Session duration	60 Minutes
No. of Contact Hours	58 Lectures + 2 Tutorials =60 hours	Pre-requisites	IT Act and Rules.
Introduction, Course Objective & Pedagogy	<p><u>INTRODUCTION</u></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><u>COURSE OBJECTIVES</u></p> <p>CO1: To give an insight into why and how internet evolved and the</p>		

	<p>influence and/or importance of internet in daily 21st century life.</p> <p>C02: 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>C03: To develop understanding of various kinds of cybercrimes committed in virtual world and the legal stand in regulating such crimes.</p> <p>C04: To introduce the concept of digital and electronic signature and their role for authentication of identify in cyberspace.</p> <p>C05: To understand role of IT Act in facilitation of E-contracting, E-commerce and E-governance.</p> <p>C06: 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:-

LO1 the course shall inform and educate the learners about the basic usages of internet and jurisdictional conflict in cyberspace.

LO2 the course shall bring awareness in the learners about the key issues involving the cybercrimes and the laws related to different jurisdictions.

LO3 the course shall impart education to the learners to examine nexus privacy in digital space and liabilities of intermediaries.

LO4 the course shall help the learners to develop an analytical and critical perspective about the existing legal framework facilitating e-governance and contracting.

LO5 the course shall also highlight the importance of Protection of IPR in cyberspace

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 (approx.)
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.LL.B. HONS.) CYBER LAW OPTIONAL

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

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

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
- 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/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
- **.E-books -available at uncitral.org**
Guide to Enactment of the UNCITRAL Model Law on Electronic Commerce (1996)
Guide to Enactment of the UNCITRAL Model Law on Electronic Signatures (2001)
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
- **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

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 CrIj 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 3rd 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/AmitPatwardhanVsRudIndiaVipinRao%2015Apr%202013%20Rajesh%20Aggarwal.pdf>
- *SMC Pneumatics (India) Pvt. Ltd. v. Jogesh Kwatra*, suit no. 1201/2001, New Suit No. 65/14 decided on 12/02/2014 Delhi District Court

- *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>;
- *Shreya Singhal v U.O.I*, SC decided on 24/03/2015, available at <http://indiankanoon.org/doc/110813550/>;
- *Rakesh v. Central Bureau*, Delhi District Court, decided on 5 February, 2011, available at: <http://indiankanoon.org/doc/90364172/>;
- *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;
- *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;
- *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 IX | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER 2023)

Faculty Name	Dr. Ankit Singh	Year/ Semester	4/VII, 5/IX
Course Name	Law and Tribes	No. of Credits	4
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	Constitutional Law and Basics of Criminal Law
Introduction, Course Objective & Pedagogy	<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>CO1: To understand the origin of tribes, their evolution and struggles CO2: To understand the need for development on law for tribes CO3: To understand the core features of law and policies related to tribes</p>		

	<p>CO4: 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>LEARNING OUTCOMES: After the successful completion of this course, the students will be able to:</p> <ul style="list-style-type: none"> LO1- Comprehend the nature, struggles and identity of tribal people in India LO2 - Demonstrate the historical evolution of tribes in India LO3 - Understand the international scenario pertaining to protection of tribes LO4 - Examine the constitutional framework for the protection and advancement of tribal people LO5- Analyze the existing legal/statutory framework for the protection of tribal people LO6 - Equipped with in-depth knowledge regarding tribal administration in India
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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
Module 1 INTRODUCTION	<ol style="list-style-type: none"> 1. Historical Background of tribal people in India 2. Philosophical foundation of tribal law 3. Tribes in ancient and medieval India 4. The Tribal problems
Module 2 TRIBAL MOVEMENTS	<ol style="list-style-type: none"> 1. Tribal movements during British Rule 2. Uprising of Bhils 3. The rebellion at Mysore 4. Kol uprising 5. The Santhal rebellion 6. The Munda uprising 7. Jatra Bhagat and Tana Bhagat movement
Module 3 INTERNATIONAL EFFORTS FOR PROTECTION OF TRIBES	<ol style="list-style-type: none"> 1. UDHR, ICCPR and ICESCR 2. ILO Convention on rights of indigenous people, Convention No. 107 3. ILO Convention on Indigenous and Tribal Peoples in Independent Countries, 1989, No. 169 4. UN Declaration on the Rights of Indigenous People, 2007
Module 4 CONSTITUTIONAL SAFEGUARDS	<ol style="list-style-type: none"> 1. Social safeguards 2. Economic safeguards 3. Political safeguards 4. Service safeguards 5. Powers and Functions of ST Commission
Module 5 LEGAL FRAMEWORK IN INDIA	<ol style="list-style-type: none"> 1. Protection of Civil Rights Act, 1955 2. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989) 3. Panchayat (Extension to scheduled Areas) Act, 1996 4. Forest Dwellers (Recognition of Forest Rights) Act, 2016

Module 6 TRIBAL ADMINISTRATIO N IN INDIA	<ol style="list-style-type: none"> 1. Tribal Advisory Council 2. Customary Law, Tribes and Development 3. Resettlement and Rehabilitation Issues relating to Tribal People 4. Tribal Administration in North-Eastern States 5. Tribal Trafficking, Impact of Climate Change and other Challenges 6. Protection of Indigenous and Traditional Knowledge of Tribal People
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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, Thirddedition
- 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://www.tribesindia.com/tribal-people-in-india/>



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

Faculty Name	Mr. Abhinav K Shukla	Year	4 th and 5 th
		Semester	VII and IX
Course Name	Comparative Constitutional Law	No. of Credits	4
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	60 hours	Pre-requisite	Basic understanding of Constitution of India.
Introduction, Course Objective & Pedagogy	<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>CO1- 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>CO2 -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>CO3- 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
Module-I Constitution and Constitutionalism	<ul style="list-style-type: none"> • Constitution <ul style="list-style-type: none"> ○ Meaning, concept and idea of constitution ○ Nature and Importance of Constitution ○ Evolution of Constitutional Values ○ Requisites of Ideal Constitution ○ Historical Evolution of Constitutional Government ○ Living constitution ○ Constitution as a supreme law ○ Constitutional morality • Constitutionalism <ul style="list-style-type: none"> ○ Concept-Evolution-Limitations on Government Power Constitutional Supremacy-Separation of Power and distinction between constitution, constitutional law and constitutionalism ○ Essential features of constitutionalism — written constitution, separation of powers, fundamental rights, independence of judiciary and judicial review
Module 2 Comparative Constitutions	<ul style="list-style-type: none"> • 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 • Types of Constitutions: Written Constitutions-U.S.A., Canada, Australia and India; Unwritten Constitutions-England
Module 3 Judicial Review- A Comparative Study	<ul style="list-style-type: none"> • Judicial Review- A Comparative Study <ul style="list-style-type: none"> ○ Concept and origin ○ Judicial review under the US, UK and Indian Constitution ○ Functions of judicial review • Judicial activism--A Comparative Study <ul style="list-style-type: none"> ○ Judicial activism in India ○ Judicial review and judicial activism ○ Limitations and challenges to the doctrine of 'judicial review • Public Interest Litigation--A Comparative Study <ul style="list-style-type: none"> ○ An innovative step towards judicial activism ○ Problems and challenges posed by PIL

Module 4 Federalism	<ul style="list-style-type: none"> • Federalism: Concepts of Federalism and Federal Government- Conditions Essential for Federalism; Patterns of Federal Government: USA, Australia, Canada and India • New Trends in Federalism: Cooperative Federalism-Political factors Influencing Federalism, Central Control v. State Autonomy-Dynamics of Federalism
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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

REFERENCE BOOKS

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3. Sudhir Krishna Swamy, Democracy and Constitutionalism in India – A study of the Basic Structure Doctrine (OUP, 2009)
4. H.M. Seervai: Constitutional Law of India: A Critical Commentary. [Delhi. Universal Law Publishing Co. Ltd].
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6. A.V. Dicey. An Introduction to the Study of the Law of the Constitution. (Universal Law Publishing Co)
7. Granville Austin: Working a Democratic Constitution, the Indian Experience. [New Delhi, Oxford University Press].
8. Granville Austin: The Indian Constitution: Cornerstone of a Nation. [New Delhi, Oxford University Press].
9. Pier Giuseppe Monateri, Methods of Comparative Law (Edward Elgar Publishing, 2012).
10. Vicki C. Jackson, Mark V. Tushnet, Comparative Constitutional Law (2nd ed. Foundation Press, 2006).

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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).
4. Bosniak L, 'Persons and Citizens in Constitutional Thought' 8 (1) International Journal of Constitutional Law 9-29 (January 2010).
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).
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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).
12. Siegel J, 'Institutional case for Judicial Review' 97(4) Iowa Law Review 1147- 1200 (2012 May).
13. Singh DP, 'Sovereignty, Judicial Review and Separation of Power', 7(5) Supreme Court Cases 1-13 (2012 September).
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15. Strauss D, 'Do we Have a Living Constitution' 59 (4) Drake Law Review 973-984 (2011 Summer).
16. Tushnet M, 'The Possibilities of Comparative Constitutional Law', 108 Yale L J 1225 (1999).
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**COMPETITION LAW (OPTIONAL PAPER)
SEMESTER VII & IX | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER),
2023**

Faculty Name	Dr. Mohammad Atif Khan	Year/ Semester	VII & IX
Course Name	Competition Law	No. of Credits	4
Course Code	NA	Session duration	60 Minutes
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<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 & Comparative Overview</i>	8+7
2	<i>Structural Regulations & Anti-Competitive Agreements</i>	7
3	<i>Abuse of Dominant Position & its Legal Implications</i>	7
4	<i>Regulation of Combinations</i>	7
5	<i>Enforcement Mechanisms & Jurisdictional interface between Independent Regulators</i>	7
6	<i>Competition Advocacy and Emerging Trends & Challenges in Competition Law</i>	7

DETAILED SYLLABUS

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

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

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

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 Joekes, *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*



CRIMINOLOGY AND PENOLOGY (OPTIONAL PAPER)
SEMESTER VII & IX | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER 2023)

Faculty Name	Ms. Hina Iliyas	Year/ Semester	VII & IX
Course Name	CRIMINOLOGY & PENOLOGY	No. of Credits	4
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<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>Course Objectives The Course aims to:</p> <p>CO1: Clarify the purpose and role of criminology as a separate branch of study.</p> <p>CO2: Understand the correlation between deviant behaviour and law as a process of crime control.</p> <p>CO3: Highlight the role and relevance of theories of criminology in relation to crime in society.</p> <p>CO4: enable the students to understand the various theories of penology as well as reforms made thereunder.</p> <p>Pedagogy: 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.</p> <p>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

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

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

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Introduction to 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

UNIT	CONTENT
Module 1 Introduction of Criminology	<p>A. Definition, Nature, Scope and Importance of Criminology</p> <ul style="list-style-type: none"> *Relation with other social sciences *The concept of crime (Sin, tort and crime) and characteristic of criminal law *Whether Criminology is a science? *Criminology and public policy <p>B. Indian Crime Reality</p> <ul style="list-style-type: none"> *Organised Crimes *Cyber Crime *Money Laundering *Privileged Class Deviance *Narcotic Trade
Module 2 Schools of Criminology	<p>Pre - classical School (Demonology)</p> <ul style="list-style-type: none"> ➤ Classical School (Ideas of Bentham and Beccaria) ➤ Neo-classical School ➤ Positivist School

	<ul style="list-style-type: none"> ➤ Morphological Theories – Cesare Lombroso, Enrico Ferri, Raffaele Garofalo. ➤ Other Schools – Clinical, Geographical, Sociological, Psychological, etc.
Module 3 Identification of the Causes of Crime – Theories	<ul style="list-style-type: none"> ➤ Mental disorder and Criminality ➤ Sociological Theories (Sellin, Differential Association Theory – E.H. Sutherland) ➤ Psychopathic Approach ➤ Biological Approach ➤ Female Criminality as an aspect of Marginal Criminality ➤ Juvenile Delinquency and Legal Position in India
Module 4 Factors Responsible for Causation of Crime	<ul style="list-style-type: none"> ➤ Environment, home and community influences, ➤ Urban and Rural crimes ➤ The economic deprivations, broken homes, Drug, and alcohol ➤ Communal Riots and Hate Crimes- Causes, Effects, and impact.
Module 5 Introduction to Penal system	<ul style="list-style-type: none"> ➤ Theories of Punishments <ul style="list-style-type: none"> *Retributive Theory *Deterrent Theory *Punitive Theory *Preventive Theory *Reformative Theory ➤ Types of Punishment <ul style="list-style-type: none"> * Fine *Simple Imprisonment. *Imprisonment of Life *Capital Punishment
Module 6 Police and Prison System	<p>A: Police</p> <ul style="list-style-type: none"> ➤ Role and function of Police ➤ National Police Commission (recommendations) ➤ Malimath Committee Report <p>B: Prison system</p> <ul style="list-style-type: none"> ➤ History of Prisons ➤ Aims, objectives and conditions of prison ➤ Types of prisons ➤ Prison work, Education, Prison reform (schools and reformations) ➤ Rights of prisoners (contribution of the Supreme Court and

	High Courts)
Module 7 Re-socialization Process	Probation and Parole <ul style="list-style-type: none"> ➤ Definitions, Nature of probation and parole, ➤ Duties of Probation Officers, ➤ Difference between Parole and Probation, <ul style="list-style-type: none"> ➤ Authority for granting Parole, ➤ Supervisor of Parole ➤ Problems of the released offender, ➤ Attitude of the community towards released offender
Module 8 Victimology	<ul style="list-style-type: none"> ➤ Definition and Meaning ➤ Types of victims ➤ Theories of Victimology ➤ Rights of Victims. ➤ Female Victimity and Victimology

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)3SCALE1 219

Sunil Dutt Sharma v. State (Govt.of NCT of Delhi) (2014) 4 SCC 375 229

Santosh Kumar Satishbhushan 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
Raghubir 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 RMNLUJ 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 RMNLUJ 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 RMNLUJ 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

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)**

Faculty	Prof. Dr. Vishnu Konoorayar and Dr. Kiran Kori	Year/Semester	VII & IX (Optional Paper I and II)
Course Name	Human Rights (Optional Paper)	No. of Credits	4
Course Duration	July- December 2023	Each Session Duration	60 Minutes
No. of Contact Hours	60 Hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<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. The Course Objectives are:</p> <p>CO1- To highlight the meaning and significance of human rights for a meaningful and fulfilling life</p> <p>CO2- 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>CO3- To examine the role of the United Nations Organisation in protection and promotion of human rights at international level</p> <p>CO4- To understand the need for regional arrangements for protection and promotion of human rights at regional level</p> <p>CO5- To examine the legal framework in India with respect to protection and promotion of human rights</p> <p>CO6- 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:

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

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

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

		<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"> • Comparative Analysis of UDHR, ICCPR, ICESCR, Optional Protocol I and II to ICCPR 	04
3.	MODULE III UN BODIES DEALING WITH HUMAN RIGHTS PROTECTION	<p>Salient Features and Critical Appraisal of each of the Following Bodies of UN:</p> <ul style="list-style-type: none"> • 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 	07
4.	MODULE IV REGIONAL SYSTEM FOR PROTECTION OF HUMAN RIGHTS	<ul style="list-style-type: none"> • The European Convention on Human Rights, 1950 • The American Convention on Human Rights, 1969 • African Charter on Human and Peoples Rights, 1981 • Arab Charter, 2004 	07
5.	MODULE V HUMAN RIGHTS OF VULNERABLE	<ul style="list-style-type: none"> • Protection of Human Rights of Women- CEDAW • Protection of Rights of Children- 	08

	GROUPS AND ROLE OF UNITED NATIONS	<p>Convention on the Rights of the Child</p> <ul style="list-style-type: none"> • 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 	
6.	MODULE VI HUMAN RIGHTS IN INDIA	<ul style="list-style-type: none"> • 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 • Role of NHRC, SHRC 	08
7.	MODULE VII CONTEMPORARY CHALLENGES TO HUMAN RIGHTS	<ul style="list-style-type: none"> • Impact of Science and Technology on Human Rights • Terrorism as a Violation of Human Rights 	06
	REVISION		03
	TOTAL		60

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

References

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3. Basu, D.D., *Human Rights in Constitutional Law*, 3rd Edition, Lexisnexis India, 2008
4. G B Reddy, *Woman and the Law*, Gogia Law Agency, Hyderabad (2001)
5. HO Agarwal, *International Law and Human Rights*, Central Law Publications, Allahabad, (12th Edn. - 2012)
6. Justice Palok Basu, *Law Relating to Protection of Human Rights*, Modern Law Publications, Allahabad (2002).
7. Mamata Rao, *Law Relating to Woman and Children*, Eastern Book Co., Lucknow (2008)
8. Paramjit S. Jaswal, Nishtha Jaswal, *Human Rights and the Law*, APH Publishing, New Delhi (1996)
9. Sehgal, B.P.Singh, ed., *Human Rights in India: Problems and Perspectives*, Deep and Deep Publications, New Delhi (1999).
10. S.K.Awasthi and R.P.Kataria, *Law Relating to Human Rights*, Orient Publications, New Delhi (2000)
11. S.K. Kapoor, *Human Rights under International and Indian Law*, Central Law Agency, Allahabad, (1999)
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13. Sircar, V.K., *Protection of Human Right in India*, Asia Law House, Hyderabad (2004-05.)
14. Symmonides, J., *Human Right: International Protection, Monitoring and Enforcement*, Rawat publications, New Delhi (2005)
15. SC Tripathi, *Law Relating to Woman and Children*, Central Law Publishers, Allahabad, (2001)
16. Karnataka Women's Information and Resource Centre, *Human Rights Education for Beginners*, National Human Rights Commission, 2005