

B.A.LL.B. (Hons.) SYLLABUS
Semester X
Jan – June 2024

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PROFESSIONAL ETHICS SEMESTER X

B.A.LL.B. (Hons.) SYLLABUS

(SESSION: JAN-JUNE 2024)

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

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

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

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

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

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

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Continuous Internal Assessment	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	History of Legal Profession in India	1-12
2	Profession Ethics and duties of Lawyers	13-26
3	The Advocates Act, 1961	27-30
4	Rights and Limitations of such Rights	31-40
5	Liability for Deficiency in service and wrongs committed by Lawyers	41-50
6	Impact of Globalization on legal services in India	51-60

DETAILED SYLLABUS

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

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

READINGS:

STATUTES, RULES AND REGULATIONS:

1. Advocates Act, 1961
2. Consumer Protection Act, 2019
3. The Contempt of Court Act, 1971
4. Bar Council of India Rules, 1985
5. The Legal Practitioners (Fees) Act, 1926

CASE LAWS:

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

BOOKS AND ARTICLES

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

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

ONLINE ARTICLES/BLOGS/REPORTS:

1. History of legal profession in India, <http://www.barcouncilofindia.org/about/about-the-legal-profession/history-of-the-legal-profession/>
2. Globalization and its effects on legal profession
<https://blog.ipleaders.in/globalization-effects-legal-profession/>
3. Professional Ethics and Duties of Lawyers
<http://www.lawjure.com/professional-ethics-for-lawyers/>
4. Rules on Professional Standards
<http://www.barcouncilofindia.org/about/professional-standards/rules-on-professional-standards/>
5. Advocate's right to strike
<https://www.legalserviceindia.com/legal/article-582-strikes-by-advocates-in-india.html>
6. Aligning the Interests of Lawyers and Clients
<https://www.jstor.org/stable/42706198>
7. Impact of Globalization on legal profession
<https://www.mondaq.com/india/management/696680/globalisation-of-legal-services-and-indian-perspective>
8. Role of advocate in providing legal aid services
<https://nalsa.gov.in/services/legal-aid/legal-services>
9. Why Do Lawyers Enjoy Immunity Against Wrong Practices?
<https://vidhilegalpolicy.in/blog/why-do-lawyers-enjoy-immunity-against-wrong-practices/>
10. Consumer Protection Act, 2019 and the legal profession
[https://blog.ipleaders.in/consumer-protection-act-2019-and-the-legal-profession/#Does the word service include legal service in its scope as well](https://blog.ipleaders.in/consumer-protection-act-2019-and-the-legal-profession/#Does%20the%20word%20service%20include%20legal%20service%20in%20its%20scope%20as%20well)



CRIMINAL JUSTICE SYSTEM (HONOURS)
SEMESTER X | B.A.LL.B. (HONS.)
SYLLABUS (January-June 2024)

Faculty	Ms. Hina Iliyas	Year/ Semester	X
Course Name	Criminal Justice System	No. of Credits	6
Course Code	NA	Session duration	1 hour
No of Contact Hours (Week)	60hours	Pre-requisite	None
Course Objective & Pedagogy	<p>To comprehend the criminal justice system of a specific society, it is crucial to delve into the characteristics of law enforcement agencies and their working culture. In India, the criminal justice system is structured with multiple layers, encompassing processes from investigation to correctional institutions. Nevertheless, comprehending a particular system can be an intricate undertaking. Therefore, the goal of my course outline is to explore the interrelationship between the processes and players within the criminal justice system. This course is designed based on contemporary and pertinent issues of our time.</p> <p><u>COURSE OBJECTIVES:</u></p> <p>CO 1: To define and explain the key components of the criminal justice system, including law enforcement, the judiciary, and corrections.</p> <p>CO 2: To explore the constitutional and legal principles that underpin the criminal justice system.</p> <p>CO 3: To analyze the functions and challenges of law enforcement agencies.</p> <p>CO 4: To examine the structure and function of the judiciary in the criminal justice system.</p> <p>CO 5: To investigate the purpose and methods of corrections, including incarceration and rehabilitation</p> <p>CO 6: To examine current issues, trends, and debates in criminal justice policy.</p>		

LEARNING OUTCOMES:

L01- Students will be able to demonstrate a comprehensive understanding of the structure, functions, and key components of the criminal justice system.

L02 – To develop the ability to critically analyze legal procedures, including investigation, arrest, trial, and correctional processes within the criminal justice system.

L03 – To examine and evaluate ethical dilemmas and challenges faced by law enforcement agencies, judicial bodies, and correctional institutions in the criminal justice system.

L04- To apply legal concepts and principles to real-world scenarios, demonstrating an ability to connect theoretical knowledge with practical situations within the criminal justice context.

L05- To assess the social justice implications and impact of criminal justice policies and practices on diverse populations, considering issues of fairness, equity, and human rights.

L06- To critically examine contemporary reform initiatives and innovations within the criminal justice system, considering their effectiveness and potential for positive change.

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 Criminal Justice System	1-10
2	Process and Players in the Criminal Justice System	11-20
3	The Law Enforcement Agency: Roles and Objectives	21-30
4	The Role of Judiciary in Criminal Justice system	31-40
5	Use of Technology in Criminal Justice System	41-50
6	Reform Initiatives and Contemporary Issues in the Criminal Justice System	51-55
7	Revision of the Course	56-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Introduction to Criminal Justice System	<ol style="list-style-type: none"> 1. Overview of the criminal justice system 2. Historical development and key milestones 3. Different Models of Criminal Justice System <ol style="list-style-type: none"> 3.1 Adversarial Model of Criminal Justice System. 3.2 Inquisitorial Model. 3.3 Vedic and Islamic Models of Criminal Justice System. 3.4 Alternative Model of Dispute Resolution and its Development in India.

Module 2 Process and Players in the Criminal Justice System	<ol style="list-style-type: none"> 1. Crime, Police and the State 2. Crime, Courts and Lawyers. 3. Crime, offenders and Victim Rights. 4. Crime and Gender. 5. Crime, Politics, Media and Public. 6. Comparative Analysis of Criminal Justice Systems
Module 3 The Law Enforcement Agency: Roles and Objectives	<ol style="list-style-type: none"> 1. Policing Ethics, Discretion and Professional Conduct 2. Understanding the Causes and Impacts of Police Corruptions 3. Police use of Force and Excessive Force: Situations and Guidelines. 4. Rights and Liberties of the Individual in Relation to the State, particularly addressing issues related to Life and Liberty. 5. Navigating Legal Issues and Liabilities in Law Enforcement
Module 4 The Role of Judiciary in Criminal Justice system	<ol style="list-style-type: none"> 1. Introduction to Judicial System 2. Role of Judges in the Criminal Justice System 3. Judicial Review and Judicial Activism 4. Impact of Judicial Precedent 5. Judges as Guardian and Protector of Human Rights. 6. Access to Justice: Challenges and Solution
Module 5 Use of Technology in Criminal Justice System	<ol style="list-style-type: none"> 1. Integration of technology in investigations and legal proceedings 2. Benefits and challenges of technology in criminal justice 3. Innovations and future trends in criminal justice technology 4. Use of Forensic Sciences in Criminal Justice <ol style="list-style-type: none"> 4.1 Historical Development of Forensic Science 4.2 Principles of Forensic Science 4.3 Trace Evidence- Hair and Fiber. Glass Fractures, Tool

	<p>marksand Paint and Soil.</p> <p>5. Integration of Artificial Intelligence in the Criminal Justice System</p> <p>5.1 Introduction to AI in Criminal Justice</p> <p>5.2 AI in Law Enforcement</p> <p>5.3 AI in Legal Proceedings and Challenges</p> <p>5.4 Case Studies and Practical Applications</p> <p>6. Intersection of Artificial Intelligence and Forensic Science.</p>
<p>Module 6 Reform Initiatives and Contempora- ry Issues in the Criminal Justice System</p>	<p>1. Analysis of Legislative Changes and review of current Reform Programs and Policies in Criminal Justice.</p> <p>2. Innovative Approaches to Rehabilitation</p> <p>3. Equity Considerations in Reform Initiatives</p> <p>4. Public Opinion and Criminal Justice Reforms</p> <p>5. Comparative Analysis of reform efforts globally</p>

READINGS:

STATUTES, RULES AND REGULATIONS:

1. The Prison Act, 1894
2. The Police Act, 1861

BOOKS AND ARTICLES

1. Walby, Sylvia, et al. "Law and the Criminal Justice System." *Stopping Rape: Towards a Comprehensive Policy*, 1st ed., Bristol University Press, 2015, pp. 111–72, <http://www.jstor.org/stable/j.ctv4g1rd0.9>.
2. Reddi, P. V. "Role of the Victim in the Criminal Justice Process." *Student Bar Review*, vol. 18, no. 1, Student Advocate Committee, 2006, pp. 1–24, <http://www.jstor.org/stable/44306643>.
3. Higgins, Andrew. "LEGAL AID AND ACCESS TO JUSTICE IN ENGLAND AND INDIA." *National Law School of India Review*, vol. 26, no. 1, Student Advocate Committee, 2014, pp. 13–30, <http://www.jstor.org/stable/44283780>.
4. Lakshminath, A. "CRIMINAL JUSTICE IN INDIA: PRIMITIVISM TO POST-MODERNISM." *Journal of the Indian Law Institute*, vol. 48, no. 1, Indian Law Institute, 2006, pp. 26–56, <http://www.jstor.org/stable/43952016>.

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

Ltd)

17. Schneider, Johannes "Towards AI forensics: Did the artificial intelligence system do it?" *Journal of Information Security and Applications*, vol.76, 2023, <https://www.sciencedirect.com/science/article/pii/S2214212623001011>

Text Books:

1. The Criminal Justice System by Ronald G Burns (Pearson)
2. The Criminal Justice System in India by H.R.Bhardwaj (Konark Publishers Pvt. Ltd)
3. The Juvenile Justice System in India: From Welfare to Rights by Ved Kumari (Oxforduniversity Press 2010)
4. Indian Prisons: Towards Reformation, Rehabilitation and Resocialization by K. Jaishankar(Atlantic Publishers and Distributors (P) Ltd)
5. B.R.Sharma-Forensic Science in Criminal investigation and trial.
6. Sodderman and O'Connell- Modern/Criminal investigation.



JUDICIAL REVIEW (HONOURS SUBJECT)

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

SESSION (JAN-JUNE)

Faculty Name	Ms. Aditi Singh	Year/ Semester	5/ X
Course Name	Judicial Review	No. of Credits	6
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60 hours	Pre-requisite	Knowledge of Constitutional Law
Introduction, Course Objective & Pedagogy	<p>Judicial review is the power of the courts of law to review the actions of the executive or the legislative branches and annul those actions where it finds them incompatible with the constitutional principles. This concept has a long history and in due course of time has become an essential feature of written Constitutions of many countries. It aims to balance the entire system of governance, protect the basic rights of the people, and establish rule of law in the society. Judicial review is now firmly established in India and is a basic feature of the Indian Constitution. Its growth is the inevitable response of the judiciary to ensure proper exercise of powers by the State and prevent any violation of basic rights of the people.</p> <p>Judicial review on one hand is one of the most important parts of Constitutional law studies and on the other hand, it is a highly complex and complicated system. Therefore, students of law must have sufficient understanding of the subject. It is for this reason that the course has been developed with the objective of:</p> <p>C01- familiarizing the students with the concept of Judicial Review across various jurisdictions, the purpose it serves and its distinctive features;</p> <p>C02 -developing an understanding about the scope of Judicial Review across various domains like, Legislative, administrative, and other types of governmental actions;</p> <p>C03- understanding the role played by writs as mechanism of Judicial Review;</p> <p>C04- understanding the existing limitations of judicial review and exploring other such limitations, if any; and</p> <p>C05- exploring the expanding horizons of judicial review.</p>		

	<p>This subject requires teaching to be a combination of theoretical foundation with practical application. The class hours will be utilized in catering a blend of instruction as well as discussion. In addition to classical commentaries, case laws and other materials, both in print, as well from the web, shall be employed to provide one with source documents, concerning the development articulation of the principles. The students would be required to do at least one case analysis on such relevant and contemporary judgments as may be allocated to them.</p>
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LEARNING OUTCOMES: Through the curriculum, the students will be introduced to the concept of Judicial Review, in all its forms and dimensions. At the end of the course, the students will be able to:

L01- have a deep understanding of the concept of judicial review in all its forms

L02 –be equipped with the knowledge of how the courts make use of different writs to exercise their power of review

L03 - the various grounds on which legislative and executive actions can be challenged and their respective limitations

L04- learn the Constitutional and other limitations that restrict the power of Judicial Review

L05 – explore new and emerging concepts in the area of Judicial review

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Continuous Internal Assessment (1 & 2)	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	SCOPE OF JUDICIAL REVIEW	11-27
3	MECHANISM OF JUDICIAL REVIEW	28-38
4	FOUNDATIONS OF JUDICIAL REVIEW	39-46
5	LIMITS OF JUDICIAL REVIEW	47-52
6	EXPANDING HORIZONS OF JUDICIAL REVIEW	53-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION	<ol style="list-style-type: none"> 1. Meaning 2. Function and Significance 3. Philosophical foundation/Justification 4. Historical Background- UK, USA, India 5. Basic Principles of Judicial Review 6. Judicial Review as a part of the Basic Structure 7. Judicial Review and Appeal-Distinction
Module 2 SCOPE OF JUDICIAL REVIEW	<ol style="list-style-type: none"> 1. Judicial Review of Constituent Power 2. Judicial Review of Legislative Action 3. Judicial Review of Administrative Action- Delegated Legislation, Administrative Discretion, Administrative Direction 4. Judicial Review of Powers of the President- <ol style="list-style-type: none"> 4.1. Ordinance making 4.2. Mercy Power
Module 3 MECHANISM OF JUDICIAL REVIEW	<ol style="list-style-type: none"> 1. Meaning 2. Habeas Corpus 3. Mandamus 4. Prohibition 5. Certiorari 6. Quo Warranto
Module 4 GROUNDS OF JUDICIAL REVIEW	<ol style="list-style-type: none"> 1. Illegality 2. Irrationality 3. Procedural Impropriety 4. Proportionality
Module 5 LIMITS OF JUDICIAL REVIEW	<ol style="list-style-type: none"> 1. Constitutional Limitation 2. Implied Limitations 3. Exclusion of Judicial Review 4. Judicial Self Restraint
Module 6 EXPANDING HORIZONS OF JUDICIAL REVIEW	<ol style="list-style-type: none"> 1. Judicial Activism and Judicial Overreach 2. Public Interest Litigation 3. Development of Human Rights Jurisprudence 4. Impact of Judicial Review

READINGS

Essential:

- H.M. Seervai: Constitutional Law of India: A Critical Commentary. [Delhi. Universal Law Publishing Co. Ltd].
- D.D.Basu: Constitution of India. Nagpur, LexisNexis Buttersworth Wadhwa.
- Jain, M.P., 'Indian Constitutional Law', Wadhwa and company, Nagpur, Fifth Edition, 2005.
- Prasad Anirudh: 'Judicial Power and Judicial Review', Eastern Book Company
- Jha C.D., Judicial Review of Legislative Acts, LexisNexis Buttersworth Wadhwa
- D D Basu, Administrative Law, Kamal Law House, 6th Edition, 2005
- M P Jain & S N Jain, Principles of Administrative Law, Wadhwa Publications, 2008

Suggested:

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

Reports:

- Constituent Assembly Debates
- Law Commission Report, dated 26.9.1958
- Sardar Swaran Singh Committee Report

Cases (Essential):

- *Minerva Mills Ltd vs Union of India AIR 1980*
- *L.Chandra Kumar v. Union of India 1997*
- *Supreme Court Advocates on Record Association vs Union of India 2015*
- *S.R. Bommai v Union of India 1995*
- *Marbury v Madison 1803*
- *McCulloch v Maryland 1819*
- *Thomas Bonham v College of Physicians 1610*
- *Kesavananda Bharati v. State of Kerala 1973*

Cases (Others):

As may be discussed during the lectures



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

Faculty	Dr. KIRAN KORI	Year/Semester	4 th and 5 th / VIII & X
Course Name	WOMEN & LAW (OPTIONAL PAPER)	No. of Credits	04
No. of Classes/Week	0 5	Each Session Duration	1 Hour
No. of contact hours	60	Pre-requisite	Basic understanding of issues relating to women and their rights
Introduction, Course Objective & Pedagogy	<p>In every civilized society norm of equality and liberty is the basis of just society, free from arbitrariness. Women have long been suffered and subjected to humiliation, inferiority of status and subordination of opportunities. Therefore, the course aims to have radical transformation in their status and historical attitudes. The course will discuss the problems faced by women and the protection provided under various criminal, personal and labor laws in India. The students will be able to understand the jurisprudence of justice to women from fetus to ashes, womb to tomb. For this purpose, we will go through the chronological development of the status of women from pre modernism to post modernism in society and through law. The subject is aimed to trace the journey of status of women through literature and judgments reiterating the flaws and loopholes and attempts to overcome them; laws which were changed from unambiguous, colorable and inconsistent ones to help bring justice. The course will be taught by Lectures, Articles, discussions and moot on Current Events.</p>		

	<p>Thus, the main objective of this course, Women and Law is to trace the development of woman laws through:</p> <p>C01- To give an insight into Women and Law in proper perspective C02 – To understand the actual realization of women rights; C03- Analyze the contribution of legal instrument towards gender equality C04- To sensitize the students towards persistent infringements of women rights C05- To discuss the burning problems relating to women and endeavor to redress them.</p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions. The students will be encouraged to participate in classes via assignments in the form of paper writing etc.</p>
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LEARNING OUTCOMES: Through the curriculum, the students will be introduced to the legal status of women in India and their rights in the contemporary scenario which will enables students to:

- L01-** Acquire knowledge on status of women in India through ages and gain perspective into why were women considered a powerless group;
- L02 –** Apply a systematic approach to eliminate on the ideas in the institutions which marginalize, subordinate and accord secondary citizenship to women underestimating their contribution;
- L03 –** To acquire & apply legal knowledge to the complex Socio-legal problems;
- L04-** To develop the understanding of National and International Instruments to combat the issue of marginalization;
- L05 –** to Identify and Understand the problems woman face in terms of protecting their rights through the criminal Justice administrative system.
- L06-** Apply and appraise the legal provisions enacted to ameliorate the situations with special emphasis on the Indian criminal law and its scope, applicability and shortcomings in the existing legal regime in this regard and contribute towards positive development.

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks

Continuous Internal Assessment	25
Mid Term examination	25
End Term	50
Total	100

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

COURSE PLAN

S. No.	Topics	Lecture Sessions
1	JURISPRUDENCE OF WOMEN AND LAW	1-10
2	INTERNATIONAL EFFORTS FOR HUMAN RIGHTS OF WOMEN	11-21
3	INSTITUTIONS SAFEGUARDING WOMEN RIGHTS	22-32
4	PROTECTION AND SAFEGUARDS UNDER PERSONAL LAWS	33-39
5	PROTECTION AND SAFEGUARDS UNDER LAW OF CRIME	40-47
6	SOCIAL SECURITY AND ECONOMIC EMPOWERMENT	48-54
7	REPRODUCTIVE RIGHTS VIS-À-VIS RIGHT TO MOTHERHOOD	55-60

DETAILED SYLLABUS

UNIT	CONTENT
<p style="text-align: center;">MODULE 1</p> <p style="text-align: center;">JURISPRUDENCE OF WOMEN AND LAW</p>	<p>A. Gender Perspective: Definitions of Woman and Gender; Gender Roles</p> <p>B. Historical Background and Status of Women in India</p> <ol style="list-style-type: none"> 1. Vedic Period 2. Post Vedic period 3. Medieval period <p>C. Women's Position during the British Period</p> <ol style="list-style-type: none"> 1. Social Reforms Movement 2. Nationalist Movement <p>D. Feminist Jurisprudence</p> <ol style="list-style-type: none"> 1. Origin 2. Basic issues of Feminist Jurisprudence 3. Schools of Feminist Jurisprudence: <ul style="list-style-type: none"> • School of Liberal Feminism • School of Radical Feminism • School of Cultural Feminism • School of Post-Modern Feminism • Feminism in India • LGBTQ and women
<p style="text-align: center;">MODULE 2</p> <p style="text-align: center;">INTERNATIONAL EFFORTS FOR HUMAN RIGHTS OF WOMEN</p>	<ol style="list-style-type: none"> 1. The United Nations Charter, 1945 2. Commission on the Status of Women, 1946 3. UDHR, 1948 4. Convention on Political Rights of Women, 1953 5. International Covenant on Civil and Political Rights, 1966 (ICCPR)

	<ol style="list-style-type: none"> 6. International Covenant on Economic, Social and Cultural Right, 1966 (ICESCR) 7. Convention on the Elimination of All forms of Discrimination Against Women, 1979 8. Sustainable Development Goals on Women Empowerment
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MODULE 3 INSTITUTIONS SAFEGUARDING WOMEN RIGHTS	<ol style="list-style-type: none"> A. The Constitutional Provisions <ol style="list-style-type: none"> 1. Fundamental Rights and Prohibition of Discrimination Against Women 2. Provisions Relating to Women in Directive Principles of State Policy and Fundamental Duties B. The National Commission for Women C. Women's Influence on Policy Decisions D. Judiciary And Women E. Self Help Groups
MODULE 4 PROTECTION AND SAFEGUARDS UNDER PERSONAL LAWS	<ol style="list-style-type: none"> 1. Provisions for Marriage and Divorce 2. Maintenance provisions under Special Marriage Act and S.125 of CrPC. 3. Rights of women in live-in relationship. 4. Law on Guardianship 5. Right of women to adopt a child 6. Gender inequality in Inheritance Rights
MODULE 5 PROTECTION AND SAFEGUARDS UNDER LAW OF CRIME	<ol style="list-style-type: none"> 1. Outraging the Modesty of Women 2. Rape Laws 3. Offences related to marriage & cruelty (Law related to Dowry Prohibition & Domestic violence) 4. Immoral Trafficking 5. Indecent Representation of Women 6. Cyber Crime and the Victimization of Women

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

READINGS:**CASE LAWS:**

1. Bobby Art International, Etc. v. Om Pal Singh Hoon & Ors (SC 1996)
2. Joseph Shine v. UOI, [2018 SCC online SC 1676]
3. Laxmi v Union Of India [2014 SCC 4 427]
4. C.B. Muthamma v. Union of India [1979(4)SCC260]
5. Air India and others v. Nergesh Meerza, 1982 SCR(1)438
6. Richa Mishra v. State of Chhattisgarh (2016) 4 SCC 179
7. Charu Khurana v. UOI, WRIT PETITION (CIVIL) NO. 78 OF 2013 decided by SC on November 10, 2014
8. Vishakha v State of Rajasthan (1997) 6 SCC 241
9. Medha Kotwal v. U.O.I (2013) 1 SCC 297
10. Municipal Corporation of Delhi v. Female Workers (Muster Roll) and Another, (2000) 3 SCC 224
11. Sabu Mathew George v. Union of India & Ors (2008 SC)
12. Vinod Soni v. UOI, 2005 Bombay High Court
13. S.R. Batra and Anr v. Taruna Batra, (SC 2006)

14. Hiral P. Harsora And Ors v. Kusum Narottamdas Harsora, 2016 SCC OnLine SC 1118, decided on 06.10.2016
15. All India Democratic Women's Association and Janwadi Samitiv. Union of India & Ors., 1989 SCR (2)66
16. Centre for enquiry into Health and Allied themes (CEHAT) v Union of India, Writ Petition (civil) 301 of 2000

BOOKS:

1. Mamta Rao, *Law Relating to Women and Children*, Eastern Book Company, 4th Edition, 2019.
2. Lalita Dhar Parihar, *Women and Law*, Eastern Book Company, 2011
3. SC Tripathi and Vibha Arora, *Law relating to Women and Children*, Central Law Publication, 2006
4. Kalpana Kannabiran (ed.), *Women and Law : Critical Feminist Perspective*, Sage Publications India Pvt. Ltd., 2014
5. Geetanjali Gangoli, *Indian Feminisms: Law , Patriarchies and violence in India*, Ashgate Publishing Company, 2007
6. DK Tiwari & Mahmood Zaidi, *Commentaries on Family Courts Act, 1984*, Allahabad Law Agency, 1997
7. BN Chattoraj, *Crime against Women: A Search for Peaceful Solution*, LNJN-NICFS, 2007
8. Nomita Agarwal, *Women and Law*, New Century Publishing House, 2005
9. Manjula Batra, *Women and Law & Law Relating to Children in India*, Allahabad Law Agency, 2001
10. Moira Gatens, "A Critique of the Sex/Gender Distinction" in A Phillips ed. *FEMINISM AND SUBJECTIVITY*, pp. 139-154
11. Carol Pateman, "Feminist Critique of the Public and Private" in A Phillips ed. *Feminism and Equality*, pp. 103-123
12. Usha Ramanathan, "Reasonable Man, Reasonable Woman and Reasonable Expectations" in Amita Dhanda, Archana Parashar (ed) *ENGENDERING LAW*, pp.33-70, Eastern Book Company 1999.
<http://www.ielrc.org/content/a9906.pdf>.
13. Ratna Kapur and Brendia Cossman, *Subversive Sites: Feminist Engagements with Law in India* 43-75, 1996.
14. Alison Jagar "Introduction: Living with Contradictions: Controversies in Feminist Social Ethics" Westview Press, 1994
15. Heywood, "Feminism in Political Ideology: An Introduction" pp.252-265 Palgrave McMillan, 2004.
16. Ved Kumari, "Gender Analyses of Indian Penal Code" in Amita Dhanda, Archana Parashar (ed) *ENGENDERING LAW Essays in Honour of Lotika Sarkar*, pp.139-

- 160, Eastern Book Company, 1999
http://www.womenstudies.in/elib/crime_ag_women/ca_gender_analysis.pdf
17. Usha Tandon and Sidharth Luthra, “Rape: Violation of the Chastity or Dignity of Woman? A Feminist Critique of Indian Law”, FICHL Policy Brief Series No.51 2016
[http://www.fichl.org/fileadmin/user_upload/160615_PBS_No. 51_2016_Tandon_Luthra .pdf.](http://www.fichl.org/fileadmin/user_upload/160615_PBS_No._51_2016_Tandon_Luthra.pdf)
18. Sarla Gopalan, TOWARDS EQUALITY – THE UNFINISHED AGENDA – STATUS OF WOMEN IN INDIA 2001. National Commission for Women.

ARTICLES (Online)

1. Saryal, S. (2014). Women’s Rights in India: Problems and Prospects. *International Research Journal of Social Sciences*, 3(7), 49-53
<http://isca.in/IJSS/Archive/v3/i7/9.ISCA-IRJSS-2014-84.pdf>
2. India: The Legal Framework for Women and Work. (2012).
http://www.catalyst.org/system/files/legal_framework_india_1.pdf
3. Chapter III. Indian Laws for the Protection of Women’s Rights against Domestic Violence.
http://shodhganga.inflibnet.ac.in/bitstream/10603/63917/10/10_chapter%203.pdf
4. 2022 and women's rights: Key Supreme court judgments that changed scenario in India
[2022 and Women's Right: Key Supreme Court Judgements that changed scenario in India \(latestlaws.com\)](https://www.latestlaws.com/articles/2022-and-women-s-right-key-supreme-court-judgements-that-changed-scenario-in-india)
5. Trajectories of Women’s Property Rights in India: A Reading of the Hindu Code Bill
[Trajectories of Women’s Property Rights in India: A Reading of the Hindu Code Bill \(sagepub.com\)](https://www.sagepub.com/journalsPermissions.nav?path=/journals/indian-law-and-justice/vol-11/iss-1/10.1177/09715215211030586)
6. Women and Law, Legal Awareness programme by National Legal Services Authority in collaboration with National Commission for women.
<https://nalsa.gov.in/library/women-and-law>
7. Speeches and Writings of M.K Gandhi, “On Womanhood”
<https://indianculture.gov.in/flipbook/6650>
8. Self-Expression in the Cyber World: Challenges for a Woman by Nasrina Siddiqi, Sage publications.
<https://journals.sagepub.com/doi/epub/10.1177/09715215211030586>
9. Abused but ‘Not Insulted’: Understanding Intersectionality in Symbolic Violence in India
<http://idsk.edu.in/wp-content/uploads/2021/04/OP-72.pdf>
10. Gender discrimination in devolution of property under Hindu Succession Act, 1956
https://www.nipfp.org.in/media/medialibrary/2020/05/WP_305_2020.pdf
11. Where will all women work

<https://journals.sagepub.com/doi/full/10.1177/0971521520939281>

12. DYNAMICS OF WOMEN'S MOVEMENT IN INDIA: Lecture Series II

<http://www.css.ac.in/download/english/CSS@50%20YEARS%20LECTURE%20SERIES%20No.%202.pdf>

REPORTS (Online)

1. Towards equality report of the Committee on the Status of Women in India, 1975, Department of Social Welfare, Government of India
[Towards equality report of the Committee on the Status of Women in India | INDIAN CULTURE](#)
2. Analysis of Union Government's Gender Budget Statement, 2021-2022
<https://www.cbgaindia.org/wp-content/uploads/2021/08/analysis-of-gender-budget-statement-2021-22-submission-to-MWCD.pdf>
3. Marital Cruelty and 498A: A Study on Legal Redressal for Victims in Two States
[http://www.ncw.nic.in/sites/default/files/Marital Cruelty and 498A A Study on Legal Redressal for Victims in Two States.pdf](http://www.ncw.nic.in/sites/default/files/Marital%20Cruelty%20and%20498A%20A%20Study%20on%20Legal%20Redressal%20for%20Victims%20in%20Two%20States.pdf)
4. Union Budget 2020-21 and the Gender Budget Statement: A Critical Analysis from a Gender Perspective
<http://www.ihdindia.org/Working%20Papers/2020/IHD-CGSWP1-2020.pdf>
5. National Consultation Gender & SDGs: Report
<http://www.jagori.org/sites/default/files/publication/Gender%20%26%20SDGs%20Consultation%202-3%20February%202020%200.pdf>
6. Status of Gender Equality in India Joint Stakeholders report for the 3rd Universal Periodic Review on women and LGBTI issues
<https://pldindia.org/wp-content/uploads/2017/04/Status-of-Gender-Equality-in-India-Joint-Stakeholders-Report-UPR3-2012-16.pdf>



MEDIA AND LAW (OPTIONAL PAPER)

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

SYLLABUS (SESSION: JAN-APRIL 2024)

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

	This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions. The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts and ongoing contemporary issues such as media trials.

LEARNING OUTCOMES: This course is an attempt towards imparting knowledge of various aspects of media law process and upon successful completion of this course student will be able to:

L01- To achieve aims to introduce broader constitutional mechanism protecting and regulating the freedom of press in India.

L02- To establish a co-relationship with the Constitutional objective of free speech and expression, and existing Rights and Restrictions governing the media, an essential pillar of Democratic Governance

L03- To enable the students to understand the ecosystem of digital media platforms along with the existing television and cinema

L04 - To introduce the learners to the nuances of the changing media scenario in terms of production of media content

EVALUATION COMPONENTS

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

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

COURSE-PLAN

S.No.	Topics	Lecture Sessions
1.	Media and Law: An Introduction	08
2.	Freedom of Speech and Expression in India: Constitutional framework	14

3.	Regulatory Framework of Media: Regulators and Regulations	08
4.	Right to Privacy vis a vis Media Rights	10
5.	Right to Information: Informative and Investigative Journalism	10
6.	Contemporary Development in Media and Law	10

DETAILED SYLLABUS

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

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

NOTE: Since many legislative amendments and court decisions could be handed down on the topics covered herein above after this syllabus has been made applicable, students are expected to study all such latest amendments and court decisions also, on the topics mentioned in the aforesaid syllabus. The topics and cases are not exhaustive.

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

1. Cable TV Network Rules, 1994 ('Cable TV Rules')
2. Cable TV Networks (Regulation) Act, 1995 ('Cable TV Act')
3. Constitution of India, 1950
4. Indecent Representation (Prohibition) Act, 1986
5. Indian Penal Code, 1860
6. Programme and Advertising Code (the 'Programme Code' or 'Code')
7. Right to Information Act, 2005
8. The Drugs and Magic Remedies (Objectionable) Advertisements Act, 1954
9. The Telecommunications Act, 2023

CASE LAWS:

1. ABP Pvt Ltd. v. Union of India, (2014) 3 SCC 327 01
2. Bennett Coleman & Co. v. Union of India, AIR 1973 SC 106
3. Bharat Kumar v. State AIR 1997 Ker. 291.
4. Bijoe Emmanuel v. State of Kerela , (1986) 3 SCC 615
5. Hamdard Dawakhana v. Union of India (AIR 1960 SC 554)
6. Indian Express Newspapers v/s Union of India (1985)1SCC 641
7. MSM Sharma v. Krishna Sinha, AIR 1959 SC 395
8. Naveen Jindal v. Zee Media Corporation Ltd, (2014) 2 SCC 1
9. Prabha Dutt v. Union of India, 1982 SCR (1) 1184
10. Prabha Dutt vs Union Of India & Ors (1982 AIR, 6 1982 SCR (1)1184
11. Rajagopal v. State of Tamil Nadu, 1994 SCC (6) 632
12. Romesh Thappar v. State of Madras, 1950 AIR 124, 1950 SCR 594
13. Sakal Papers v/s Union of India A.I.R. 1962 SC 305
14. Secy., Ministry of Broadcasting v. Cricket Association of Bengal, (1995) 2 SCC 161
15. Shreya Singhal v. Union of India, (2015) 5 SCC 1
16. Swatanter Kumar v. The Indian Express Ltd, 207 (2014) DLT 221 57
17. Tata Press Ltd. V. MTNL (1995) 5 SCC 139; AIR 1995 SC 2438
18. Texas v. Johnson 491 U.S. 397 (1989)

BOOKS AND ARTICLES

- A.V.Dicey. An Introduction to the Study of the Law of the Constitution, Universal LawPublishing Co
- Andrew D. Murray, IT Law: The Law and Society, Oxford University Press, 2010.
- Aparna Viswanathan, Cyber Law-Indian & International Perspectives, LexisNexisButterworths, 2nd edn. 2011.
- Austin Granville: The Indian Constitution: Cornerstone of a Nation. New Delhi,

- OxfordUniversity Press.
- Austin, Granville. *Working a Democratic Constitution: A History of the Indian Experience*. New Delhi: Oxford University Press
 - D.D. Basu *Law of the Press*, Wadhwa Nagpur, 2002
 - D.D. Basu, *The Law of Press of India* (1980)
 - D.D. Basu, *Commentary on the Constitution of India*, Wandhwa Nagpur, Vol. 2, 8th edn., 2007
 - H.M. Seervai, *Constitutional Law of India Vol. I* (1991)
 - Justice E.S. Venkatramaiah, *Freedom of Press : Some Recent Trends* (1984)
 - Lok Sabha Secretariat. *Constituent Assembly Debates*. 5 Vols. New Delhi: Lok Sabha Secretariat.
 - Madhavi Goradia Divan, *Facets of Media Law*, 2nd Edn., 2018
 - Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984)
 - Rajeev Dhavan, "Legitimizing Government Rhetoric : Reflections on Some Aspects of the Second Press Commission" 26 J.I.L.I. 391 (1984)
 - Ram Jethmalani & D.S. Chopra, *Cases and Materials on Media Law*, Thomson Reuters, 1st edn., 2012.
 - Seervai, H. M. *Constitutional Law of India: A Critical Commentary*. 3 vols. 4th ed. New Delhi: Universal Law Publishers, 2006.
 - Singh, M. P., and V. N. Shukla. *Constitution of India*. 11th ed. Lucknow: Eastern Book Co., 2010.
 - Soli Sorabjee, *Law of Press Censorship in India* (1976)

ONLINE ARTICLES/BLOGS/REPORTS:

1. **NDTV India ban: A case of regulatory overreach and insidious censorship?**
<https://www.legallyindia.com/blogs/ndtv-india-ban-a-case-of-regulatory-overreach-and-insidious-censorship>
2. NDTV Ban Order,
<https://www.livelaw.in/need-know-ndtv-ban-order-read-order/>
3. MEDIA AND JUDICIARY: REVITALIZATION OF DEMOCRACY,
<https://www.jstor.org/stable/44782789>
4. Media Influence on Courts: Evidence from Civil Case Adjudication,
<https://www.jstor.org/stable/24735731>
5. MEDIA AND LAW: Privileges and Specific Rights
<https://www.presscouncil.nic.in/OldWebsite/speechpdf/speech6.htm>
6. PRESS COUNCIL OF INDIA: NORMS OF JOURNALISTIC CONDUCT,
<https://presscouncil.nic.in/OldWebsite/NORMS-2010.pdf>
7. ROLE OF MEDIA IN MAKING AND EXECUTION OF PUBLIC POLICY IN INDIA,
The Indian Journal of Political Science Vol. 74, No. 2 (April - June, 2013), pp. 309-312 (4 pages); <https://www.jstor.org/stable/24701115>



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

Faculty @	Dr. Y Papa Rao & Dr. Kiran Kori	Year/ Semester	VIII and X Semesters
Course Name	Law of Insurance	No. of Credits	04
Course Code	None	Session duration	1 Hour
No of Contact Hours (Week)	05	Pre-requisite	None
Total Hours	60		
Course Objective & Pedagogy	<p>About the Course:</p> <p>Insurance law in India had its origin from the United Kingdom with the establishment of a British firm, the Oriental Life Insurance Company in 1818 in Calcutta, followed by the Bombay Life Assurance Company in 1823, the Madras Equitable Life Insurance Society in 1829 and the Oriental Life Assurance Company in 1874. Later on the Insurance Act, 1938, The Life Insurance Act, 1956, The Marine Insurance Act, 1963, The General Insurance Business (Nationalization) Act, 1972, Insurance Regulatory and Development Authority Act, 1999 and the Motor Vehicles (Amendment) Act, 2019 have been enacted.</p> <p>The insurance industry of India has 57 insurance companies 24 are in the life insurance business, while 34 are non-life insurers. Life Insurance Corporation of India is the only public sector company among the life insurers. General Insurance Corporation of India is the only reinsurer in India recognized by the IRDA.</p> <p>The insurance idea is an old-institution of transactional trade. The age-old form of insurance was the marine insurance. Consequently, in due course of time fire and life insurance, made their appearance. Within</p>		

the last hundred years the insurance principle is being extended wider. Today one finds insurance cover for health, accidents, motor vehicles, livestock, crop, burglary, and various other disasters. Insurance is a device not to avert risks, calamities and disasters; but to mitigate their rigors and financial losses. The function of insurance is to spread such loss arising from risks of life over a large number of persons.

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

Course Objectives:

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

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

Pedagogy:

The course components are administered through class room teaching, showing short documentaries, tutorial classes, open access resources, workshops/debate/discussions. Every component of the course module tries to inculcate the basic principles of contract of insurance and its application in the case laws critically. Students are not only encouraged to participate in the process of discussion but also

	expected to share their opinions, creative ideas and critical views thereafter in the class room which can help all the stakeholders for further improvements in teaching-learning process and interpretation of case laws related to Law of Insurance. The methods used for teaching will be purely based on case law studies in form of a situation and involve enhancing practical skills.
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Learning Outcomes: At the end of the students will be able to:

L01 Demonstrate and understand about the basic and essential tenets of the Indian Legal Regime relating to Insurance Laws.

L02 Equipped about Rights of an Insured and beneficiaries in India and the various remedies he is entitled to avail under different Insurance Legislations.

L03 Educate the various flaws in existing Insurance legal framework and role of judiciary and other regulatory institutions.

L04 Develop an analytical and critical perspective about the existing Insurance law framework to enable them to suggest changes wherever necessary.

Evaluation Components:

Heads of Evaluation components	Distribution of marks
End Term Examination	50 marks
Mid Term Examination	25 marks
Continuous Internal Assessment	25 marks
Total	100 marks

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Introduction	1-05
2	General Principles of Law of Insurance	06-15
3	Life Insurance	16-25
4	Fire Insurance	26-30
5	Marine Insurance	31-40
6	Motor Vehicle Insurance	41-50
7	Miscellaneous Insurance Schemes: New Dimensions	51-60

DETAILED SYLLABUS FOR LAW OF INSURANCE (OPTIONAL PAPER)

Unit	Content
Module-1 Introduction	<ul style="list-style-type: none"> • Definition, nature, and history of insurance • Contract of insurance- classification of contract of insurance, nature of various insurance contracts • History and development of insurance in India • The Insurance Act, 1938 • Insurance Regulatory Development Authority (IRDA) of India- role, powers and functions
Module-2 General Principles of Law of Insurance	<ul style="list-style-type: none"> • Principle of Uberrima Fidei-non-disclosure-misrepresentation in insurance contract • Principle of Indemnity • Insurable interest • Risk and principle of causa Proxima • Loss Minimization.
Module-3 Life Insurance	<ul style="list-style-type: none"> • Nature and scope of life insurance, definition, kinds of life insurance, the policy and formation of a life insurance contract • Event insured against life insurance contract • Circumstances affecting the risk • Amounts recoverable under life policy • Persons entitled to payment • Settlement of claim and payment of money
Module-4 Fire Insurance	<ul style="list-style-type: none"> • Definition and Scope of Fire Insurance • Meaning of Fire and Loss by Fire • Special Doctrines: Reinstatement, Subrogation and Contribution.
Module-5 Marine Insurance	<ul style="list-style-type: none"> • Nature and scope • The Marine Insurance Act 1963 • Voyage –deviation • Perils of the sea • Partial loss of ship and of freight, salvage, general average, particular charges • Measure of indemnity, total valuation, liability to third parties
Module-6 Motor Vehicle Insurance	<ul style="list-style-type: none"> • Motor Vehicles (Amendment) Act, 2019 • Nature and scope • Third Party Insurance or Compulsory Insurance • Effect of insolvency or death on claims, insolvency and death of parties, certificate of insurance • Claims tribunal, constitution, functions, application for

	compensation – who can apply? –Procedure and powers of claims tribunal – its awards.
Module-7 Miscellaneous Insurance Schemes: New Dimensions	<ul style="list-style-type: none"> • Burglary Insurance • Health Insurance • Livestock Insurance • Premium • Reinsurance • Double Insurance • Energy Insurance • Social Insurance • Public Liability Insurance

Prescribed Legislations:

1. The Insurance Act, 1938
2. The Marine Insurance Act, 1963
3. The Life Insurance Corporation Act, 1956
4. The General Insurance Business (Nationalization) Act, 1972
5. The Insurance Regulatory and Development Authority Act, 1999
6. Motor Vehicles (Amendment) Act, 2019
7. The Public Liability Insurance Act, 1991

Essential Readings:

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

Suggested Readings:

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

Recommended Cases:

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

5. Smt. Dipashri v. Life Insurance Corporation of India, AIR 1985 Bom 192
6. Life Insurance Corporation of India v. Asha Goel, AIR 2001 SC 549
7. New India Assurance Co. Ltd. v. M/s Zuari Industries Ltd.(2009) 9 SCC 70
8. Simmonds v. Cockell (1920) All ER Rep. 162
9. Harris v. Poland (1941) All ER 204: 1 K.B.D. 204
10. L.I.C. of India v/s Channasbasamma, AIR 1991 SC 392
11. Vijay Kumar v/s New Zealand Insurance Co. AIR 1954 Bom.
12. Bhagwani Bai v/s L.I.C. of India AIR 1984 M.P.
13. Lakshmi Insurance Co. v/s Bibi Padmavati AIR 1961 Punjab
14. L.I.C. of India v/s Smt. Vijaya Chopra AIR 2008 (NOC) 2334
15. L.I.C. of India v/s Smt. Chandra Kanta AIR 2008 (NOC) 2334
16. L.I.C. of India v/s Mrs. Shashi Sethi AIR 2008 H.P. 67
17. Smt. Sakhitombi v/s Zonal Manager, L.I.C. of India, Calcutta AIR 2009 Gauhati 90
18. United India Insurance Co. Ltd. v/s Shri Hasan Sultan Nadaf [(1992) 3 CPJ 64 (National Commission)]
19. Castellain v/s Preston [1883 2 Q B 38]
20. Nagappa v. Gurudayal Singh (2003) 2 SCC 274
21. Ibrahim v. Raju (2011) 10 SCC 634
22. Biman Krishna Bose v. United India Insurance Co. Ltd. (2001) 6 SCC 477
23. LIC of India v Asha Goel (2001) 2 SCC 160
24. P.C. Chako v. Chairman, LIC of India (2008) 1 SCC 321
25. Satwant Kaur Sandhu v. New India Assurance Co. Ltd. (2009) 8 SCC 316
26. Reliance Life Insurance Co. Ltd. V. Rekhaben Nareshbhai Rathod (2019) 6 SCC 175
27. Sonell Clocks and Gifts Ltd v. The New India Assurance Co Ltd (2018) 9 SCC 784.



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

Faculty Name	Amitesh Deshmukh	Year/ Semester	4&5/VIII & X
Course Name	Law of Bankruptcy and Insolvency	No. of Credits	4
Course Code	NA	Session Duration	1 hour
No of Contact Hours	60	Pre-requisite	NA
Introduction, Course Objective & Pedagogy	<p>Insolvency is a situation, where the duty has been endowed upon the state machinery to declare whether a person or entity should be made to go through the laws regulating/resolving insolvency. Insolvency can be understood as the general inability of paying dues as they accrue. Also, looked at from a degrowth perspective, insolvency law provides for an exit mechanism from markets for business entities whose business is not making profits. The resources are scarce and insolvency law facilitates infrastructure for the proper allocation of resources by either making loss-making businesses profitable or by removing unviable entities from the market. Hence, the efficacy of insolvency laws also forms an important facet of credit infrastructure. In India, the general principles of insolvency laws are codified under the most recent legislation which is the Insolvency and Bankruptcy Code, 2016 whereas the Provincial Insolvency Act, 1920, and Presidency Insolvency Act, 1909 contemplate insolvency resolution law for individuals and partnerships.</p> <p>This course is designed to acquaint a student with the conceptual and operational parameters of various general principles relating to bankruptcy and insolvency law. It aims to equip the students with the basics of this law to enable them to deal effectively with the various disputes related to credits.</p> <p>Against this backdrop, the present course aims at:</p> <p>CO1: To develop a clear theoretical understanding of the legal regime appertaining to the Insolvency and Bankruptcy Laws in</p>		

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

[L001]: To discuss the fundamentals of Bankruptcy and Insolvency Law.

[L002]: To enumerate different methods and techniques for resolving Insolvency.

[L003]: To outline the advantages the new regime has over the previous regime.

[L004]: To discuss the Corporate Insolvency Resolution Process and its future prospects.

[L005]: To elaborate on the concept of the Liquidation Process as envisaged under IBC.

[L006]: To understand and appreciate the regime for personal and partnership insolvency.

[L007]: To outline and discuss the infrastructure put in place by the Insolvency and bankruptcy Code.

[L008]: To examine and highlight the concept of Cross Border Insolvency and the stand of the Insolvency Law Committee on it.

EVALUATION COMPONENTS

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

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

COURSE PLAN

S.No.	Topics	Sessions
1	INTRODUCTION	1-11

2	CORPORATE INSOLVENCY	12-25
3	LIQUIDATION	27-37
4	INDIVIDUAL INSOLVENCY AND BANKRUPTCY	38-52
5	CROSS BORDER INSOLVENCY AND BANKRUPTCY	53-60

DETAILED SYLLABUS

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

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

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

CASE LAWS:

- 1) Anjali Rathi and Others Vs. Today Homes & Infrastructure Pvt. Ltd. and Others (2022) 2 SCC 401
- 2) Anuj Jain IRP for Jaypee Infratech Limited Vs. Axis Bank Limited etc. (2019) SCC Online SC 1775
- 3) ArcelorMittal India Private Limited Vs. Satish Kumar Gupta & Ors. (2019) 2 SCC 1
- 4) Arun Kumar Jagatramka Vs. Jindal Steel and Power Ltd. & Anr (2021) 7 SCC 474
- 5) Asset Reconstruction Company (India) Ltd. Vs. Bishal Jaiswal & Anr. (2021) 6 SCC 366
- 6) Asset Reconstruction Company (India) Ltd. Vs. Tulip Star Hotels Ltd. & Ors. (2022) SCC Online SC 944
- 7) B.K. Educational Services Private Limited Vs. Parag Gupta And Associates (2019) 11 SCC 633
- 8) Babulal Vardharji Gurjar Vs. Veer Gurjar Aluminium Industries Pvt. Ltd. & Anr. (2020) 15 SCC 1
- 9) Brilliant Alloys Private Limited Vs. Mr. S. Rajagopal & Ors. (2022) 2 SCC 544
- 10) CoC of Essar Steel India Limited Vs. Satish Kumar Gupta & Ors. (2020) 8 SCC 531
- 11) Dena Bank (now Bank of Baroda) Vs. C. Shivakumar Reddy and Anr. (2021) 10 SCC 330
- 12) E S Krishnamurthy & Ors. Vs. M/s Bharath Hi Tech Builders Pvt. Ltd. (2022) 3 SCC 161
- 13) Ebix Singapore Pvt. Ltd. Vs. CoC of Educomp Solutions Ltd. & Anr. (2021) ibclaw.in 153 SC
- 14) Gaurav Hargovindbhai Dave Vs. Asset Reconstruction Company (India) Ltd & Anr (2019) 10 SCC 572

- 15)Ghanashyam Mishra and Sons Pvt. Ltd. Vs. Edelweiss Asset Reconstruction Company Ltd. & Ors. (2021) 9 SCC 657
- 16)Gujarat Urja Vikas Nigam Limited Vs. Mr. Amit Gupta & Ors (2020) SCC Online SC 1167
- 17)India Resurgence ARC Private Limited Vs. M/S. Amit Metaliks Limited & Anr. (2021) SCC Online SC 409
- 18)Innoventive Industries Ltd. Vs. ICICI Bank & Anr. (2018) 1 SCC 407
- 19)Jaypee Kensington Boulevard Apartments Welfare Association & Ors. Vs. NBCC (India) Ltd. & Ors. (2021) ibclaw.in 63 SC
- 20)Jignesh Shah & Anr Vs Union of India & Anr (2019) 10 SCC 750
- 21)K. Kishan Vs. M/s. Vijay Nirman Company Pvt. Ltd. (2018) 17 SCC 662
- 22)K. Sashidhar Vs. Indian Overseas Bank & Ors. (2019) 12 SCC 150
- 23)Kalpraj Dharamshi & Anr Vs. Kotak Investment Advisors Ltd. & Anr. (2021) 10 SCC 401
- 24)Kotak Mahindra Bank Ltd. Vs. A. Balakrishnan & Anr. (2022) 9 SCC 186
- 25)Lalit Kumar Jain Vs. Union of India & Ors. (2021) 9 SCC 321
- 26)Laxmi Pat Surana Vs. Union Bank Of India & Anr. (2021) 8 SCC 481
- 27)M/s Embassy Property Developments Pvt. Ltd. Vs. State of Karnataka & Ors. (2020) 13 SCC 308
- 28)M/s. Orator Marketing Pvt. Ltd. Vs. M/s. Samtex Desinz Pvt. Ltd. (2021) SCC Online SC 513
- 29)M/s. Reliance Asset Reconstruction Company Ltd. Vs. M/s Hotel Poonja International Pvt. Ltd. (2021) 7 SCC 352
- 30)Macquarie Bank Ltd. Vs. Shilpi Cable Technologies Ltd (2018) 2 SCC 674
- 31)Maharashtra Seamless Limited Vs. Padmanabhan Venkatesh & Ors. (2020) 11 SCC 467
- 32)Maitreya Doshi Vs. Anand Rathi Global Finance Ltd. and Anr. (2022) SCC Online SC 1276
- 33)MobiloX Innovations Pvt. Ltd. Vs. Kirusa Software Pvt. Ltd. (2018) 1 SCC 353
- 34)Ms. Sagufa Ahmed & Ors. Vs. Upper Assam Plywood Products Pvt. Ltd. & Ors. (2021) 2 SCC 317
- 35)Municipal Corporation of Greater Mumbai (MCGM) Vs. Abhilash Lal & Ors. (2020) 13 SCC 234
- 36)New Okhla Industrial Development Authority Vs. Anand Sonbhadra (2022) SCC Online SC 631
- 37)P. Mohanraj & Ors. Vs. M/S. Shah Brothers Ispat Pvt. Ltd. (2021) 6 SCC 258
- 38)Phoenix Arc Pvt. Ltd. Vs. Spade Financial Services Ltd. & Ors. (2021) 3 SCC 475
- 39)Pioneer Urban Land and Infrastructure Limited & Anr. Vs. Union of India & Ors. [2019] 8 SCC 416
- 40)Pr. Commissioner of Income Tax Vs. Monnet Ispat and Energy Ltd. (2018) 18 SCC 786
- 41)Pratap Technocrats (P) Ltd. & Ors. Vs. Monitoring Committee of Reliance Infratel Ltd. & Anr. (2021) SCC Online SC 661

- 42) Sagar Sharma & Anr Vs. Phoenix Arc Pvt. Ltd. & Anr (2019) 10 SCC 353
- 43) Sesh Nath Singh & Anr Vs. Baidyabati Sheoraphuli Co-Operative Bank Ltd And Anr. (2021) 7 SCC 313
- 44) State Bank of India Vs. V. Ramakrishnan & Anr. (2018) 17 SCC 394
- 45) State Tax Officer Vs. Rainbow Papers Ltd. (2022) SCC Online SC 1162
- 46) Sundaresh Bhatt Liquidator of ABG Shipyard Vs. Central Board of Indirect Taxes and Customs (2022) SCC Online SC 1101
- 47) Swiss Ribbons Pvt. Ltd. & Anr. Vs. Union of India & Ors. (2019) 4 SCC 17
- 48) Transmission Corporation of Andhra Pradesh Limited Vs. Equipment Conductors and Cables Limited (2019) 12 SCC 697
- 49) Vashdeo R Bhojwani Vs. Abhyudaya Co-Operative Bank Ltd & Anr (2019) 9 SCC 158
- 50) Vidarbha Industries Power Ltd. Vs. Axis Bank Ltd. (2022) 8 SCC 352

REFERENCES:

Online Blogs/Articles:

- A Primer on the Insolvency and Bankruptcy Code, 2016, Nishith Desai Associates, 2019,
http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research_Papers/A-Primer-on-the-Insolvency-and-Bankruptcy-Code.pdf
- BLRC Report - https://ibbi.gov.in/BLRCReportVol1_04112015.pdf
- Dr. Neeti Shikha, India's Tryst with Cross-border Insolvency, IBBI Annual journal 2020.
- Draft Information Memorandum and Resolution Plan, IBBI - <https://ibbi.gov.in/webadmin/pdf/press/2018/Nov/PR-Specimen-compressed.pdf>
- Gerard McCormack, "US exceptionalism and UK localism? Cross-border insolvency law in comparative perspective", Cambridge University Press Volume 36, Issue 1, March 2016, pp. 136-162
- Jennifer Payne, "The Role of the Court in Debt Restructuring", <https://blogs.harvard.edu/bankruptcyroundtable/2017/03/21/the-role-of-the-court-in-debt-restructuring/>
- Lucian Arye Bebchuk, "The Uneasy Case for the Priority of Secured Claims in Bankruptcy", The Yale Law Journal, 1996, Vol. 105: 857, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=7663&context=yjlj>
- Mark J. Roe & Stephen D. Adam, "Restructuring Failed Financial Firms in Bankruptcy: Selling Lehman's Derivatives Portfolio", Yale Journal on Regulation, Vol. 32, 2015, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1414&context=yjreg>

- Nimmer, Raymond T. "Negotiated Bankruptcy Reorganization Plans: Absolute Priority and New Value Contributions." *Emory Law Journal*, vol. 36, no. 4, Fall 1987, p. 1009-1084. HeinOnline, <https://heinonline.org/HOL/P?h=hein.journals/emlj36&i=1027>
- Richard Squire, "The Case for Symmetry in Creditors' Rights", *The Yale Law Journal*, 2009, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=5153&context=yli>
- Sefa M. Franken, "Cross-Border Insolvency Law: A Comparative Institutional Analysis", *Oxford Journal of Legal Studies*, Vol. 34, No. 1 (2014), pp. 97–131.
- Shebani Bhargava, "Schemes of Compromise or Arrangement During Liquidation", (2020) PL June 76 [SCC]

BOOKS

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

REFERENCES

- Bob Wessels and Gert Jan Boon, *Cross-Border Insolvency Law*, (2nd ed., Wolters Kluwer Law International, 2015).
- Chapter 1, Wood, Philip R., *Principles of International Insolvency (The Law and Practice of International Finance Series, vol. 1)*, 2nd ed. (South Asian ed. 2009).
- Chapters 1 to 4, Finch, Vanessa, *Corporate Insolvency Law: Perspectives and Principles* (2nd ed. Cambridge, 2009).
- Chapters I and II, Barry E. Adler, Douglas G. Baird and Thomas H. Jackson, *Cases, Problems, and Materials on Bankruptcy*, 4th ed. (Foundation Press, N.Y., 2007).
- Corporate Laws Manual (2015).
- Dinshaw Fardunji Mulla and Aparna Ravi, *The Law of Insolvency in India*, (6th ed., Lexis Nexis, 2017).
- Felicity Toube, *International Asset Tracing in Insolvency*, (1st ed., Oxford University Press, 2009).
- Finch Vanessa and David Milman, *Corporate Insolvency Law: Perspectives and Principles*, (3rd ed., Cambridge, 2017).

- *Guide to Insolvency and Bankruptcy Code 2016*, (As amended by Insolvency and Bankruptcy Code (Amendment) Ordinance 2017), (Taxmann, ed. 2017).
- Ian F. Fletcher, *Law of Insolvency*, Sweet & Maxwell; 5th edition edition (2017)
- Insolvency and Bankruptcy Code, 2016.
- Irit Mevorach, *The Future of Cross Border Insolvency*, (1st ed., Oxford University Press, 2018).
- Julian R. Franks & Walter N. Torous, *Lessons from a Comparison of U.S and U.K Insolvency Codes* 8(3)Oxford Review of Economic Policy <<https://academic.oup.com>>.
- Justice P.S. Narayana, *Law of Insolvency (Bankruptcy)*, 8th ed., Asia Law House, 2010).
- Lecture 1, Narayan, Ms. Sathya, *Mulla on the Law of Insolvency in India*, 4th ed. (Tripathi, 1997).
- Mitra, Dr. N.L. (Chairman), *Report of the Advisory Group on Bankruptcy Laws-May 2001, along-with Illustrative Code-Corporate Bankruptcy and Winding up Code, 2001*; Available at: <http://www.rbi.org.in/Scripts/PublicationReportDetails.aspx?FromDate=05/17/01&SECID=4&SUBSECID=27>
- Rosa M. Lastra, *Cross-Border Bank Insolvency*, ((1st ed., Oxford University Press, 2011).
- Thomson Reuters, *Manzar Saeed Commentary on the Insolvency and Bankruptcy Code 2016*, (Hardcover, ed.2017).
- Transnational Bankruptcy, Chapter XIII, Barry E. Adler, Douglas G. Baird and Thomas H. Jackson, *Cases, Problems, and Materials on Bankruptcy*, 4th ed. (Foundation Press, N.Y., 2007).
- UNCITRAL Model-Law on Cross-Border Insolvency.
- Vinod Kothari and Shikha Bansal, *Law Relating to Insolvency and Bankruptcy Code, 2016*, (Taxmann, ed. 2016).
- Vishwanathan, T.K., *Interim Report of the Bankruptcy Law Reform Committee*, (Feb. 2015), available at: http://finmin.nic.in/reports/Interim_Report_BLRRC.pdf
- Ziad Raymond Azar, *Bankruptcy Policy: A Review and Critique of Bankruptcy Statutes and Practices in Fifty Countries Worldwide*, Cardozo J. of Int'l. & Comp. Law, (Vol. 16), 2008, 279.

BLOGS AND JOURNALS TO FOLLOW:

- Cyril Amarchand Mangaldas Blog - <https://corporate.cyrilamarchandblogs.com/category/insolvency-and-bankruptcy/>
- Harvard Blog - <http://blogs.harvard.edu/bankruptcyroundtable/category/bankruptcy-roundtable-updates/>

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

** IMPORTANT NOTE*

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



INTERPRETATION OF STATUTES (OPTIONAL PAPER)

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

SYLLABUS

(SESSION: JAN-JUNE)

Faculty	Dr. Pankaj Umbarkar	Year/ Semester	VIII & X
Course Name	Interpretation of Statutes	No. of Credits	4
Course Code	NA	Session duration	1 Hour
No of Hours (Week)	60 hours	Pre-requisite	Knowledge of Law
Introduction, Course Objective & Pedagogy	<p>INTRODUCTION:</p> <p>Legislation dominates the contemporary legal landscape. Almost all fields of legal regulation involve legislation in some form. Legislatures enact laws after much deliberation. No doubt in this process they have to take into account the present and future needs of the people. With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes. Judicial interpretation involves construction of words, phrases and expressions. In their attempt to make the old and existing statutes contextually relevant, courts used to develop certain rules, doctrines and principles of interpretation. Judiciary plays a highly creative role in this respect. The ability to interpret and understand the operation of legislation is a skill essential to understanding law and its operation. In this backdrop, the course is designed to discuss in detail the nuances of interpretation of statutes.</p> <p>Course Objectives:</p> <p>CO 1- To explore tendency of the judiciary in deciding cases.</p> <p>CO 2 -To understand the system of Interpretation of Statutes which is the core functions of the Court.</p> <p>CO 3- To discuss the methods of interpretation according to the nature and type of law such as remedial, penal laws, tax etc.</p>		

	<p>CO 4 -To know about the various components of a statute and its use in the interpretation of statutes.</p> <p>Pedagogy:</p> <p>Teaching methodology will predominantly focus on classroom teaching through lecture and discussion method. Further, adequate explanations, illustrations, examples will be given to make clear the nuances of law. Discussions will take place on laws and case-laws to understand the interpretation of legal provisions.</p>
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Learning Outcome: After completion of the course -

L01- Students will be able to examine the tendencies of judicial decisions while exploring the meaning of the terms especially at the time of uncertainties in law.

L0 2- Student will be able to understand the meaning nature, kind's of laws and its interpretation.

L03- Student will be able to know the system for interpretation of statutes

L04- Students will be able to know the various components of the legislation and its use in the process of interpretation

EVALUATION COMPONENTS :

Components of Course Evaluation	% distribution
Individual Assignments	25
Mid Term Examination	25
End term Examination	50%
Total	100%

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

Executions of the Modules :

S.No.	Topics	Lecture Sessions	Lecture Numbers
1	Introduction	8	1-8
2	General Principles of Interpretation	8	9-16
3	Internal and External Aid to Interpretation	14	17-30
4	Subsidiary Rules	7	31-37

5	Operation of the Statutes & Interpretation of Penal, Tax & Remedial Statutes	9	38-46
6	Interpretation of Constitutional Documents	7	47-53
7	Expiry and Repeal of Statutes	7	54-60

UNIT	CONTENT OF SYLLABUS
MODULE I Introduction	1. Introduction: Meaning of Interpretation and the construction Intention in interpretation; why original intent is important? Appraisal of the principle of plain meaning Making sense of Precedent; determining 'ratio decidendi' How judges decide? The Method of Philosophy; the Method of Sociology
MODULE II General Principles Of Interpretation	2. General Principles of Interpretation: Statute must be read as a whole in its context Literal Rule of Interpretation Golden Rule of Interpretation, Mischief Rule of Interpretation Regards to subjects and Objects Presumptions and Considerations in Interpretation
Module III Internal and External Aids To Interpretation	3. A Internal Aids to Interpretation: Long Title, Preamble, Definition, Sections, Heading, Marginal Notes, Punctuation, Illustrations, Proviso, Explanation and Schedules, 3. B External Aid to Interpretation Parliamentary History (English Practice, American Practice and Modern Trends) Historical facts and surrounding circumstances, Social, Political and Economic Developments and scientific inventions, Statutes in Para materia Assistance of earlier statutes Use of foreign Decisions Dictionaries
Module IV Subsidiary Rules	4. Subsidiary Rules Causes Omnisus , Same word same meaning, Non-obstante Clause, Legal fiction, Mandatory and directory provisions, Conjunctive and disjunctive words 'or' and 'and',

	Construction of general words – Noscitur A Socis, Rule of ejusdem generis, Words of rank, Reddendo Singula Singulis etc. Harmonious Construction
Module V Operation Of The Statutes And Its Interpretation	5. Operation of the Statutes and its Interpretation Commencement - Prospective and retrospective operation of the statute Special statutes in context of substantive rights, procedure, Succession, transfer & contracts. Penal Statutes and its interpretation Tax related Statutes and its interpretation, Interpretation of Remedial Statutes
Module VI Interpretation Of Constitutional Documents	6. Interpretation of Constitutional Documents Constitutional Interpretation and Judicial Review Rules of Interpretation of Constitution and Constitutional Documents The General Clauses Act, 1897
Module VII Expiry And Repeal Of Statutes	7. Expiry and Repeal of Statutes Express or implied Repeal Consequences of Repeal Subordinate Legislations under repealed statute

Reading:**Text Books:****Statutes:**

1. The General Clauses Act, 1897

BOOKS AND ARTICLES:**Essential Reading:**

1. G.P. Singh, Principles of Statutory Interpretation, Lexis Nexis 12th Ed. 2013
2. D.N Mathur, Interpretation of Statute, Central Law Publication 6th Ed. 2021
3. J. Benjamin Cardozo, The Nature of Judicial Process (Chapter I & III), Martino Publishing 2011

Additional Reading

1. Adrian Vermual, Judging Under Uncertainty, Universal Law Publication Company, Reprint 2010,
2. Rupert Cross, John Bell, and George Engle, Statutory Interpretation, Oxford University Press, Third Ed,
3. Peter Maxwell,, Interpretation of Statutes Maxwell & Sons Ltd

Articles

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

Case Laws:

1. Anurag Mittal V Shaily Mishra Mittal, (2018) 9 SCC 691 :AIR 2018 SC 3983
2. Bhatia International V Bulk Trading S.A 2002 4 SCC 105 : AIR 2002 SC 1432
3. T.N Electricity Board V Status Speg. Mills Ltd (2008) 7 SCC 353 :AIR 2008 SC 2838
4. Municipal Corporation Hyderabad. v. T.N Murthy (1987) 1 SCC 568
5. C.I.T v. Teja Singh AIR 1959 SC 352
6. ITO, Mangalore v. M. Damodhar Bhat, AIR 1969 SC 408
7. Sussex Peerage Case (844) 11 C1 & F 85
8. Wallace v Jaffree 283U.S.25(1931);
9. Padma Sundara Rao v. State of Tamil Nadu, (2002) 3 SCC 533;
10. Tej Kiran Jain v. N. Sanjiva Reddy, (1970) 2 SCC 272,
11. Jugalkishore v. Raw Cotton Co., AIR 1955 SC 376;
12. G. Narayanaswami v. Pannersevan, (1972) 3 SCC 717,
13. Union of India V Elphinstone Spinning and Weaving Com. Ltd 2001 (1) JT SC 536
14. Sunil Batra V Delhi Administration (1978) 4 SCC 409
15. Balram Kumawat v Union of India (2003) 7 SCC 628
16. National Insurance Company Ltd V Anjana shyam (2007) SCC 445
17. Sachidananda Misra V State of Orissa (2004) 8 SCC 599

18. C. Ronald V U.T Andaman and Nicobar Islands (2011) 12 SCC 428
19. Shankar Raju V Union of India (2011) 2 SCC 132
20. Union of India V Vasudeva Murthy AIR 2010 SC 2879
21. Hardeep Sing v State of Punjab (2014) 3 SCC 92
22. Craw Ford V Spooner (1846) 6 Moore PC 1
23. Kartar Singh V State of Punjab (1994) 3 SCC 569
24. Heydon's Case (1584) 76 ER 637
25. Bengal Immunity Com. Ltd v State of Bihar AIR 1955 SC 661
26. Sanjay Datt V State through C.B.I Bombay JT 1994 (5) SC 540
27. V.L.S Finance Ltd v Union of India (2013) 6 SCC 278
28. State of U.P V Hari Ram (2013) 4 SCC 280
29. Grid Corporation of Orisa V Eastern Metal & Ferro Alloys (2011) 11 SCC 334
30. Competition Commission of India V Steel Authority of India Ltd 2010 (10) SCC 744
31. C.S.T ,M.P V Radhakrishan (1979) 2 SCC 249
32. Karnataka Bank Ltd V State of Andhra Pradesh (2008) 2 SCC 254
33. State of Maharashtra V Bharat S. Shah (2008) 13 SCC 5
34. Kedarnath V State of West Bengal AIR 1953 SC 404
35. Re Kerala Education Bill , 1957 AIR 1958 SC 956
36. Maharashtra Land Development Corporation V State of Maharashtra 2010 (11) SCALE 675
37. Keshvanadn Bharati V State of Kerala (1973) 4 SCC 225; AIR 1973 SC 1461
38. Indian City Properties Ltd V Municipal Commissioner of Greater Bombay (2005) 6 SCC 417
39. N.C.Dhoundial V Union of India (2004) 2 SCC 579
40. Union of India V National Federation of the Blind (2013) 10 SCC 772
41. Iqbal Singh Marwah V Mienenakshi Marwah (2005) 4 SCC 370
42. Balraj Kunwar V Jagtpal Singh ILR 26 All 393 PC
43. Brihan Mumbai Electric Supply and Transport Undertaking V Lakshya Media Pvt.Ltd (2010) 1 SCC 620
44. Hanlon V Law Secretary 1980 2 All ER 199 (HL)
45. Benagal Nagpur Railway Company v Ruttanji Ramji AIR 1938 PC 37
46. Mudliyar Chatterjee V International Film Com. AIR 1943 PC 34
47. Mohomed Ariffin V Yeah Oai Gark 43 AI 256 Reffered in Jamma Masjid case AIR 1962
48. Shambhu Nath Mehra V State of Ajmer AIR 1956 SC 599
49. Ali M.K V State of Kerla (2003) 11 SCC 632
50. Biman Basu V Kallol Gupta Thakurta AIR 2010 SC 3328

51. Black Clawson International Ltd v Papierwerke Waldhof-Aschaffenburg A.G (1975) 1 All ER 810 HL
52. Papper v hart 1993 1 All ER 42 (HL)
53. Navartis Ag V Union of India (2013) 6 SCC 1
54. Union of India V Purushottam (2015) 3 SCC 779
55. T.M.A Pai Foundation V State of Karnataka (2002) 8 SCC 481
56. Shashikant Laxman Kale V Union of India AIR 1990 1 SCC 582
57. Auckland Jute Comp. Ltd V Tulasi Chandra Goswami AIR 1949 FC 153
58. Kasmir Singh V Union of India (2008) 7 SCC 259
59. Nandlal Wasudeo Badwaik V Lata Nandlal Badwaik (2014) 2 SCC 576
60. S.P.Gupta V union of India AIR 1982 SC 149
61. S.B.I V Sundara Mani AIR 1976
62. State of Maharastra V Praful B.Desai (2003) 4 SCC 601
63. Amrendra Pratap Singh V Tej Bahadur Prajapati AIR 2004 SC 256
64. M.D Harrisons Malayalam V Union of India (2004) 1 SCC 3782
65. ICICI Bank V Municipal Corporation of Greater Bombay (2005) 6 SCC 404
66. Ramnarayan Mor v State of Maharashtra AIR 1964 SC 949
67. Member Board of Revenue V Arthur Paul Benthall AIR 1956 SC 35
68. Labour Commissioner M.P V Burhanpur Tapti Mills Ltd AIR 1964 SC 35
69. T.A .Krishnaswami v State of Madras AIR 1966 SC 1022
70. Aswini Kumar Ghose V Arbinda Bose AIR 1952 SC 369
71. Great Western Railway Company V Swindon & Cheltenham Extention Rly.Com 1884
72. J.K.Cotton Spinning & Weaving Mills Ltd V union of India AIR 1988 SC 191 P.202
73. Deoki Nandan v Muralidhar AIR 1957 Sc 133
74. G.k Choukashi v Commissioner of Income Tax (2008) 1 SCC 246
75. Keshvan v State of Bombay AIR 1951 SC 128
76. Jay Mahakali Rolling Mills V Union of India (2007) 12 SCC 198
77. Atal Tea Com. Ltd V Regional Provident Fund Commissioner 1998 (79) FLR 372
78. N.T.P.C v M.P.S.E.b (2011) 15 SCC 580
79. Rajabhau Rahate v Dinkar Ingole 2002 (3) Mh.LJ 921 (Bom HC)

Law Commission Reports:

1. 60th Law Commission Report of Government of India
<https://lawcommissionofindia.nic.in/51-100/Report60.pdf>
2. 183rd Law Commission Report of Government of India
<https://lawcommissionofindia.nic.in/reports/183rpt.pdf>



SOCIO ECONOMIC OFFENCES (OPTIONAL PAPER)

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

SYLLABUS (SESSION: JAN-JUNE)

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

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

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

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

EVALUATION COMPONENTS

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

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

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Introduction to the Socio-Economic Offences	10
2	The Essential Commodities Act, 1955	05
3	The Food Safety and Standards Act, 2006	10
4	The Prevention of Corruption Act, 1988	10
5	The Prevention of Money-Laundering Act, 2002	10
6	The Narcotic Drugs and Psychotropic Substances Act, 1985	10
7	Law Enforcement Agencies	05
	Total	60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Introduction to the Socio-Economic Offences	<p>Concept and Evolution of 'Socio-Economic Offences.'</p> <p>Nature and Extent of Socio-Economic Offences.</p> <p>Mens Rea, Nature of Liability, Burden of Proof and Sentencing Policy. Concept of White-Collar Crimes</p> <p>Distinction among Socio-Economic Offences, White Collar Crimes and Traditional Crimes.</p> <p>The Socio-Economic Offences in India: The Santhanam Committee Report, 1964 and the 47th Report of the Law Commission of India, 1972.</p>

Module 2 Essential Commodities Act, 1955	Definition Clause Hoarding and black marketing Public Distribution Scheme Power of the Governments to control production, supply and distribution of essential commodities, Offences and Punishments under the Act. Cognisance of matter under section 11 EC Act, 1955
Module 3 The Food Safety and Standards Act, 2006	Definition of 'food', 'Adulterant', 'contaminant', 'food business', 'misbranded food' Authorities under the Act: Food Safety and Standards Authorities of India & State Food Safety and Standards Authorities: Establishment and functions
	Food Safety Officer- Power, Function and liabilities Food Analyst General Principles to be followed for food safety under the Act (Section 18) Licensing and Registration of food business (Section 31) Purchaser may have food analyzed (Section 40) Provisions related to offence and penalties (Sections 48 to 67) Adjudication and Appeal procedures (Sections 68 & 76)
Module 4 The Prevention of Corruption Act, 1988	Need of the Act (read with Santhanam Committee Report) The Prevention of Corruption Act, 1988 Definitions of 'public servant,' Section 2 (c) and 'gratification,' Section 7. Offence committed by public servant and bribe giver and their Penalties (Section 7 to 14) Punishment for attempts (Section 15) Sanction for prosecution (Section 19 r/w Section 197 of the Code of Criminal Procedure, 1973)

	Presumption where public servant accepts gratification (Section 20)
Module 5 The Prevention of Money-Laundering Act, 2002	Definition of 'Money Laundering' Need for combating Money-Laundering, Magnitude of Money-Laundering, Steps and various methods of Money Laundering. Offences and Punishments
Module 6 The Narcotic Drugs and Psychotropic Substances Act, 1985	Definition of Narcotic Drugs and Psychotropic Substances Authorities and officers (Section 4,6) National Fund for Control of Drugs Abuse (Section 7A) Prohibition Control and Regulation (Section 8, 9, 9A) Offences and Penalties (Section 18, 19, 21, 22, 25A, 27, 27A, 30, 31, 31A, 32, 32A, 33, 35, 36, 36A, 37, 39).
Module 7: Law Enforcement Agencies	CBI: Role, Function and Powers. ED: Role, Functions and Powers. NCB: Role, Functions and Powers Anti-Corruption Bureau (State Police Force): Role, Functions and Power.

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

1. The Essential Commodities Act, 1955
2. The Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980
3. The Food Safety and Standards Act, 2006
4. The Prevention of Corruption Act, 1988
5. The Prevention of Money-Laundering Act, 2002

6. The Narcotic Drugs and Psychotropic Substances Act, 1985

BOOKS

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

Suggested Readings:

1. UN Political Declaration & Action Plan against money laundering 1998
2. UN Convention against Corruption, 2003
3. Santhanam Committee Report on Prevention of Corruption in Central Government
4. 47th Law Commission Report
5. Malimath Committee Report

CASE LAWS:

1. P. Chidambaram v. Directorate of Enforcement (2020) 13 SCC 791.
2. P. Chidambaram v. Directorate of Enforcement (2019) 9 SCC 24.
3. State v. Anil Sharma (2017) 13 SCC 751.
4. Malvinder Mohan singh v. State. 2020 SCC Online Del. 2001.
5. CBI v. Remender Chattopadhyay 2020 14 SCC 396.
6. J.Sekar Reddy v. Directorate of Enforcement 2022.
7. CBI, Bank Securities And Fraud Cell v. Ramesh Gellie and others CRL no. 167 of 2015.
8. Neeraj Dutta Vs. State (NCT of Delhi), (2019) 14 SCC 311.
9. K. Shanthamma vs. State of Karnataka, (2022) 4 SCC 574.
10. Navaneethkrishnan vs. State by Inspector of Police, AIR 2018 SC 2027.
11. Yashwant Sinha and Ors. v. Central Bureau of Investigation, (2020) 2 SCC 338.
12. Asian Resurfacing of Road Agency Pvt. Ltd. v. Central Bureau of Investigation, AIR 2018 SC 2039.
13. Union of India v. Ranjit Kumar Saha, (2019) 7 SCC 505.

14. Vijay Madanlal Choudhary Vs Union of India, 2022 SCC OnLine SC 929.
15. Bablu @ Jitendra vs. State of U.P [CRIMINAL APPEAL No. - 1201 of 2021]
16. Abbas Ali v. State of Punjab, (2013) 2 SCC 195.
17. Abdul Rashid v. State of Haryana, 2014 Cri LJ 1588.
18. Abhay Singh Chautala v. C.B.I, (2011) 7 SCC 141.
19. Ajnappa v. State of Karnataka, (2014) 2 SCC 776.
20. Ashok Kumar Sharma v. State of Rajasthan, (2013) 2 SCC 67.
21. Basant Kumar Sharma v. Government of India, [2013] 120 SCL 122 (Del).
22. Budh Singh v. State of Haryana, (2013) 3SCC 742.
23. CBI v. Birendra Kumar Singh @ Virendra Kumar Singh @ Pandit, 207(2014) DLT 680.
24. CBI v. Jagjit Singh, (2013) 10 SCC 686.
25. Centre for Public Interest Litigation v. Union of India, AIR 2014 SC 49.
26. Chitan J. Vaswani & Anr v. State of West Bengal & Anr., AIR 1975 SC 2473.
27. Gaurav Jain v. Union of India & Ors, 1997 (8) SCC 114.
28. Gian Chand v. State of Haryana, (2013) 14 SCC 420.
29. Kalicharan Mahapatra v. State of Orissa, AIR 1998 SC 2595.
30. Kanwarjit Singh Kakkar v. State Of Punjab, (2011) 6 S.C.R. 895.
31. Kashmiri Lal v. State of Haryana, (2013) 6 SCC 595.
32. Krishnamurthy @ Tailor Krishnan v. Public Prosecutor, Madras, AIR 1967 SC 567.
33. Kulwant Singh v. State of Punjab, (2013) 4 SCC 177.
34. M. Mohammed v. Union of India, W.A.No.1491 of 2014.
35. M/S Nestle India Limited v. The Food Safety and Standards Authority of India, W. P (L) No. 1688 of 2015.
36. M/s. G.M.H. Laboratories, HP & Sri Ram Gopal Goyal v. The Asst. Drug Controller, Bangalore, MANU/KA/0440/2013.
37. Madan Lal Agarwal v. State through Drug Inspector, 2012 Cri L.J. 2584.
38. Mahesh Chand v. State of UP, 2013 (10) ADJ 222.
39. Mak Data (P) Ltd. v. CIT, (2014) 1 SCC 674.
40. Manohar Lal Sharma v. Principal Secy, 2013 (15) SCALE 305.
41. Namdev Genba Parthe through M/s/ Kulswami Medical and General Stores v. State of Maharashtra.2014 (1) MhLj 266.
42. Narayanan K. v. State of Kerala, ILR (2014) 1 Ker 654.
43. Navdeep Singh v. State of Haryana, (2013)2 SCC 584.
44. Nimmagadda Prasad v. CBI, (2013) 7 SCC 466.
45. Niranjana Hemchandra Sashittal v. State of Maharashtra, (2013) 4 SCC 642.
46. PUCL (PDS Matters) v. Union of India, (2013) 2 SCC 663.
47. Rajesh Shantilal Adani v. Special Director, Enforcement Directorate, Mumbai,

- (2014) 1 GLR 819.
48. Ram Swaroop v. State (Govt. Of NCT, Delhi), (2013) 14 SCC 235.
 49. Ranjit Kr v. State of Bihar, AIR 2014 Pat 14.
 50. State of Kerala v. President, Parent Teacher Association SNVUP, AIR 2013 SC 1254.
 51. State of Maharashtra v. Indian Hotel and Restaurants Assn., 2013(9) SCALE 47.
 52. State of Rajasthan v. Bheru Lal., (2013) 11 SCC 730.
 53. Subhash Popatlal Dave v. Union of India, (2014) 1 SCC 280.
 54. Swami Achyutanand Tirth v. Union of India, 2013(5) SCALE 23.
 55. Telstar Travels (P) Ltd. v. Enforcement Directorate, (2013) 9 SCC 549.
 56. Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 603.
 57. Tummala Venkateswar Rao v. State of Andhra Pradesh, (2014) 2 SCC 240.
 58. Vidya Dhar v. Multi Screen Media (P) Ltd., (2013) 10 SCC 145.
 59. Vishal Jeet v. Union of India & Ors, (1990) 3 SCC 318
 60. Y.S. Jagan Mohan Reddy v. CBI, (2013) 7 SCC 439.

Note: The list of cases is not exhaustive

ONLINE ARTICLES / BLOGS AND REPORTS

1. <https://www.scribd.com/doc/315032958/Law-Commission-of-India-Report-No-47-The-Trial-and-Punishment-of-Social-and-Economic-Offences>
2. <file:///D:/SOCIO-ECO.%20OFFENCES/nature%20of%20SEO.pdf>
3. https://www.researchgate.net/publication/228198597_A_New_Dimension_of_Socio-Economic_Offences_e-Money_Laundering
4. https://www.epw.in/journal/2021/49/commentary/foodstuffs-market-regulation.html?0=ip_login_no_cache%3De7868165f01fc414f57ca0cb9f76fa77
5. <https://www.jstor.org/stable/44156653>
6. https://heinonline.org/HOL/Page?handle=hein.journals/scjil1&div=5&gsent=1&casa_token=&collection=journals

