

BA.LL.B (Hons.)

9th Semester

July-December 2024





CONSOLIDATED CURRICULUM

BA.LL.B (Hons.)

July-Dec.-2024

Semester - IX

S.NO.	SUBJECT	PAGE NO.
1.	THE CODE OF CIVIL PROCEDURE 1908	3-12
2.	FEDERALISM	13-18
3.	INTERNATIONAL TRADE LAW	19-27



THE CODE OF CIVIL PROCEDURE, 1908
SEMESTER IX | B.A.LL.B
SYLLABUS (SESSION: JULY-DECEMBER) 2024

Faculty Name	Dr. Pankaj P. Umbarkar & Dr. Archana Shyam Gharote	Year/ Semester	V/IX
Course Name	The Code of Civil Procedure 1908	No. of Credits	4
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60 hours	Pre-requisite	Basic knowledge of Civil Laws
Introduction & Pedagogy	<p>The Code of Civil Procedure, 1908 plays a crucial and decisive role in the regular and efficient adjudication of civil disputes. It enunciates a procedure laced with fairness, simplicity and uniformity in its application to the courts of the Country, exercising their civil jurisdiction.</p> <p>All our knowledge of law shall remain non-productive unless we are accustomed with 'how' to put it to the practice. Substantive law needs to be appropriately complemented with the procedural law. Knowledge of procedural law is an essential factor having a definite bearing upon the competence of the legal practitioner as for a successful litigation is concerned. It is necessary to face all potential challenges of procedural nature.</p> <p>There goes a famous maxim of law "vigilantibus non dormientibus jura subveniunt". Precisely speaking any substantive right is nugatory if the holder thereof is unreasonably indolent beyond a point of time. The Limitation Act, 1963 is an adjective enactment and addresses a very important aspect of civil law. It not only prescribes the limitation period for various legal proceedings and enforcement of rights but also speaks of Condonation procedures and exclusion of time etc. Without studying the Law of Limitation any knowledge of the civil procedures shall remain inchoate and therefore it finds place in our present syllabi.</p> <p>Pedagogy:</p> <p>The pedagogy for the course shall invariably involve a suitable blend of various methods aimed at building a cogent foundation of the procedural aspects of the Civil Law. The academic pursuits will include deliberations, interactions, and experience sharing; and shall inevitably be focused at the perspective building.</p>		

	<p>Considering the inherent constraints of the learning ecosystem the learning process may include:</p> <ul style="list-style-type: none"> • Dedicated lectures with power point presentations; • Relevant articles and blogs; • Participatory and reflective learning through active discussions about the land-mark Judgments and in-field experience; <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions. The enrolled students will be encouraged to participate in classes via minor assignments in the form of assignments and discussion.</p>
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COURSE OBJECTIVES:

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

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

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

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

CO4- To understand the scope & extent of applicability of Code of Civil Procedures and rules thereof.

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

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

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

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

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

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

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

COURSE PLAN

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

DETAILED SYLLABUS

UNIT	CONTENT
MODULE 1 HISTORICAL DEVELOPMENT AND INTRODUCTION	1.1 History of the Code of Civil Procedure; Amendments 1.2 Objective behind the Code 1.3 Overview of the Code 1.4 Definitions: decree, judgment, order, mesne profits, pleader, legal representative, judgment- debtor, decree- holder, foreign judgment. 1.5 Subordination and Hierarchy of Civil Courts
MODULE 2 JURISDICTION AND FOREIGN JURISDICTION	A. JURISDICTION OF CIVIL COURTS 2.1 Meaning of the word "Civil" 2.2 Kinds of Jurisdiction covered under CPC 1908 2.3 Suits Expressly and Impliedly Barred 2.4 Res Subjudice and Res Sub- Judicata 2.5 Commercial Disputes & Code of Civil Procedure 2.6 Applicability for special and local laws B. FOREIGN JUDGMENT 2.7 When Foreign Judgement not conclusive 2.8 Presumption as to foreign judgments 2.9 Enforcement

<p>MODULE 3</p> <p>SUITS AND ITS INSTITUTION</p>	<p>A. PARTIES TO SUITS</p> <p>3.1 Plaintiff, Defendant, Co- plaintiffs, Co- defendants</p> <p>3.2 Joinder of parties; consequences of joinder, non- joinder and mis-joinder of parties</p> <p>3.3 Representative suit</p> <p>3.4 Impalement and deletion of parties</p> <p>3.5 Recognized agents and pleaders</p> <p>B. FRAME OF SUIT</p> <p>3.6 Suit to include whole claim, relinquishment, and omission</p> <p>3.7 Joinder of causes of action</p> <p>C. INSTITUTION OF A SUIT</p> <p>3.8 Pleadings Generally</p> <p>3.9 Complaint: Particulars, Documents relied on in complaint, Return of Complaint, Rejection of Complaint</p> <p>3.10 Written Statement</p> <p>3.11 Set Off, Counter Claim</p>
<p>MODULE 4</p> <p>SUMMONCE, ADMISSION AND DISCOVERY</p>	<p>A. APPEARANCE OF PARTIES</p> <p>4.1 Issue and Service of Summons</p> <p>4.2 Consequences of non- appearance of parties, non- appearance of plaintiff or defendant</p> <p>4.3 Disposal of suit at the first hearing & Case Management Hearing</p> <p>4.4 Examination of Parties by the Court</p> <p>B. ADMISSION, DISCOVERY, INSPECTION & PRODUCTION OF DOCUMENTS</p> <p>4.5 Admissions & Effect of Admission</p> <p>4.6 Discovery by interrogatories</p> <p>4.7 Discovery by Documents</p> <p>4.8 Production of Documents</p> <p>4.9 Impounding and Return of Documents</p>
<p>MODULE 5</p> <p>TRIAL</p>	<p>A. TRIAL</p> <p>5.1 Affidavits</p> <p>5.2 Summoning and Attendance of Witnesses</p> <p>5.3 Attendance of Witnesses confined or detained in prisons</p> <p>5.4 Hearing of suit and examination of witnesses</p> <p>5.5 Death, Marriage and Insolvency of Parties</p> <p>5.6 Withdrawal and Adjustment of Suits and</p>

	<p>5.7 Commission</p> <p>B. JUDGMENT AND DECREE</p> <p>5.8 Judgment and Decree</p> <p>5.9 Interests</p> <p>5.10 Costs</p> <p>5.11 Restitution</p> <p>5.12 Settlement of Disputes outside Court</p>
<p>MODULE 6</p> <p>SPECIAL SUITS AND EXECUTION OF A DECREE</p>	<p>A. SPECIAL SUITS /PROCEEDINGS</p> <p>6.1 Suit By or Against Government</p> <p>6.2 Suit By or Against Minors or Persons of Unsound Mind</p> <p>6.3 Suit By or Against Indigent Persons</p> <p>6.4 Interpleader Suits</p> <p>6.5 Temporary Injunctions and Interlocutory Orders</p> <p>B. EXECUTION OF DECREES</p> <p>6.6 Execution of Decree</p> <p>6.7 Execution in general & courts which decree may execute</p> <p>6.8 Application for execution & Stay of Execution</p> <p>6.9 Modes of Execution</p> <p>6.10 Arrest , Detention & Attachment of Property</p> <p>6.11 Garnishee order & Resistance to Delivery of Possession to Decree Holder or Purchaser</p>
<p>MODULE 7</p> <p>APPEAL REVIEW AND REVISION</p>	<p>APPEAL REVIEW AND REVISION</p> <p>7.1 Appeals</p> <p>7.2 Review</p> <p>7.3 Revision</p> <p>7.4 Reference</p> <p>7.5 Caveat</p> <p>7.6 Inherent powers</p>
<p>MODULE 8</p> <p>LAW OF LIMITATION</p>	<p>LAW OF LIMITATION</p> <p>8.1 Introduction to the law of limitation</p> <p>8.2 Bar of limitation, effect of expiry of limitation and extension of limitation period</p>

	8.3 Legal disability, exclusion of time and computation of limitation period 8.4 Acquisition and extinguishment of proprietary rights
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1. Readings:

1. A. Prescribed Statutes: (Bare Acts)

1. The Code of Civil Procedure, 1908
2. The Limitation Act, 1963
3. Specific Relief Act 1963

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

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

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

1. D. Law Commission Reports :

1. 27th Law Commission of India available at <https://lawcommissionofindia.nic.in/1-50/Report27.pdf>
2. 44th Law Commission of India available at <https://lawcommissionofindia.nic.in/1-50/Report44.pdf>
3. 45th Law Commission of India available at <https://lawcommissionofindia.nic.in/1-50/Report45.pdf>
4. 54th Law Commission of India available at <https://lawcommissionofindia.nic.in/51-100/Report54.pdf>
5. 55th Law Commission of India available at <https://lawcommissionofindia.nic.in/51-100/Report55.pdf>
6. 56th Law Commission of India available at <https://lawcommissionofindia.nic.in/51-100/Report56.pdf>

7. 99th Law Commission of India available at <https://lawcommissionofindia.nic.in/51-100/Report99.pdf>
8. 139th Law Commission of India available at <https://lawcommissionofindia.nic.in/101-169/Report139.pdf>
9. 140th Law Commission of India available at <https://lawcommissionofindia.nic.in/101-169/Report140.pdf>
10. 144th Law Commission of India available at <https://lawcommissionofindia.nic.in/101-169/Report144.pdf>
11. 147th Law Commission of India available at <https://lawcommissionofindia.nic.in/101-169/Report147.pdf>
12. 150th Law Commission of India available at <https://lawcommissionofindia.nic.in/101-169/Report150.pdf>
13. 163rd Law Commission of India available at <https://lawcommissionofindia.nic.in/101-169/Report163.pdf>
14. 170th Law Commission of India available at <https://lawcommissionofindia.nic.in/reports/178rptp1.pdf>
15. 220th Law Commission of India available at <https://lawcommissionofindia.nic.in/reports/report220.pdf>
16. 231 Law Commission of India available at <https://lawcommissionofindia.nic.in/reports/report231.pdf>
17. 238th Law Commission of India available at <https://lawcommissionofindia.nic.in/reports/report238.pdf>
18. 240th Law Commission of India available at <https://lawcommissionofindia.nic.in/reports/report240.pdf>

1. E. Research Papers & Articles:

1. J.K. Das , Rethinking Theoretical Foundations Of The Code Of Civil Procedure: Prospect And Retrospect, Journal of the Indian Law Institute [Vol. 53, No. 1 \(January-March 2011\)](#), pp. 1-31
2. A. K. Ganguli, “Emerging Trend In The Enforcement Of Arbitration Awards”, Journal of the Indian Law Institute, JANUARY-MARCH 2008, Vol. 50, No. 1, pp. 51-66
3. Adi B. Shroff, “Enforcement In India Of Foreign Commercial Awards”, Journal of the Indian Law Institute, January-March 1979, Vol. 21, No. 1 1979, pp. 31-44
4. Haitham A. Haloush, Jurisdictional Dilemma in Online Disputes: Rethinking Traditional Approaches, *The International Lawyer* Vol. 42, No. 3 (FALL 2008), pp. 1129-1146
5. Justice B.S Chauhan, “Comments on Civil Procedure with reference to amendment Act of 1999&2000” Journal 2 of National Judicial Academy of UP, Judges Training Material

available at <http://ijtr.nic.in/Comments%20on%20Provisions%20of%20CPC.pdf> Pp. 1-126

6. Guerra-Pujol and Sydja Thiane Robinson, A Simple Thought-Experiment: Turing Games with a Unified Code of Procedure *National Law School of India Review* Vol. 25, No. 1 (2013), pp. 81-99

7. Priyabrata Ghosh, "Civil justice system: its delays and solutions", *Journal of the Indian Law Institute*, April-June 1999, Vol. 41, No. 2 (April June 1999), pp. 264-271

8. K.K. Nagaria, Erroneous Decree and Amendment Thereof, *Journal of the Indian Law Institute*, July-September 1986, Vol. 28, No. 3 (July-September 1986), pp. 388-391.

9. Avadh Behari Rohatgi, "Execution of Eviction Decrees", *Journal of the Indian Law Institute*, October-December 1987, Vol. 29, No. 4 (October-December 1987), pp. 574-580

10. Dawn M. Chutkow *Jurisdiction Stripping: Litigation, Ideology, and Congressional Control of the Courts*, *The Journal of Politics*, Vol. 70, No. 4 (Oct., 2008), pp. 1053-1064 published by The University of Chicago Press on behalf of the Southern Political Science Association.

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

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

1. F Cases:

1. A.R.Antulay V R.S.Nayak (1988) 2 SCC 602 at P. 650
2. A.V. Papayya Sastry v. Govt. Of A.P., (2007) 4 SCC 221 at p.231: AIR 2007 SC 15
3. Abubakar inamdar V Harun Inamdar AIR 1996 SC 112
4. Abubakar inamdar V Harun Inamdar AIR 1996 SC 112
5. Administrator general of Bengal V Prem lal Mallick ILR 1895
6. Aligarh Muslim University v. Vinay Engineering Enterprises Pvt. Ltd.,(1994) 4 SCC 710
7. Anand Enterprises V Sydicate Bank AIR 1990 Kant 175
8. Bheru Lal V Shanti Lal 1985 Raj. 53
9. Binayak Swain V Ramesh Chandra AIR 1966 SC 948 at P.950
10. Board of Trustees for the Port of Calcutta v. Bombay Flour Mills Pvt. Ltd. &Anr, AIR 1995 SC 577,
11. Charanlal V S.L.B.S.H.S.K Sanstha AIR 1976 Pat 293
12. Citybank N.A V Hiten P. Dalal (2016) I SCC 411
13. Dabur India v. K.R. Industries (2008) 10 SCC 595
14. Daryao V State of U.P AIR 1961
15. Delhi Lottteries V Rajesh Aggarwal AIR 1998 Del.198
16. Dr. Subramanian Swamy v. State of Tamil Nadu & Ors 2014 (1) SCALE 79
17. East End Dwelling Comp. Ltd Vs Finsbury Borough Council 1952 AC 109

18. Gajanan SheshendriPandharpurkar V Shantabai AIR 1939 Bom. 374
19. Ghanshyam Das V Dominion of India (1984)
20. Hira Singh V Satya Kumar Singh AIR 2007 Jhar 34
21. ICICI Lombard GIC Ltd V N.S.K Builder 2015 (3) MWN
22. Indian Drugs & Pharmaceuticals Ltd.v. Ambika Ent. (2008) AIHC 619
23. Jagdhayan Vs. Balu Ram AIR 1983 SCP.59.
24. Jyanti Lal V Abdul Aziz AIR 1956 Pat. 199 at P. 200
25. Karam Chand V Lal Chand Public Charitable Trust (2010) 4 SCC 753
26. Krishna Ayyer V Madhava Panikar 63 IC 258 30 M.L.T 26 (H.C)
27. Kunjan Nair Sivaraman Nair v. Narayanan Nair (2004) 3 SCC 277)
28. Kunjibhai V Visnuji Hotchand air 1947
29. M/s Ass. Rubber Prod. v. M/s Harry & Jenny & Ors. (2008) AIHC 2754
30. Mahesh Chandra V Krishna Swaroop 1997 SCC 681
31. Mahijibhai V Manibhai AIR 1965 SC 1477
32. Marine Geotechnics LLC v/s Coastal Marine Construction & Engineering Ltd. 2014 (2) Bom CR 769
33. Most Rev, P.M.A Metropolitan V Moran Mar Mathoma 1995 Supp (4) SCC 286
36. Mulraj Vs. Murti Raghunath Ji Maharaj AIR 1967 SC P.1386
34. Munshi Ram V Radha Kishan AIR 1975 Punj. 112
35. Newab Ganj Sugar Mills Vs. Union of India, AIR 1976 SC P.1152
36. Oil & Natural Gas Commission v. Utpal Kumar Basu & Ors., (1994) 4 SCC 711,
37. Oriental Insurance Company V Saraswathi, (2008) 5 Mad LJ
38. Pama Warriar AIR 1963 Ker 186
39. Paras Nath Rai v. State of Bihar AIR 2013 SC 1010
40. Prabhin Ram Pukhun V State of Assam (2015) 3 SCC 605
41. Pritpal Singh V Smt. Surjit Kaur AIR 2001 Del.363
42. R.E.Mohammad Kassin and Co. Vs Seeni Pakir Bin Ahmed AIR 1927 Mad.265
43. Rajan Kumar V Vijaya Bank and Another AIR 2008 Del.17
44. Raju Ramsing Vasave v. Mahesh Deorao Bhivapurkar (2008) 9 SCC 54
45. Ram Sewak v Hussain Kamil Kidwai AIR 1964 SC 1249
46. Rameswari Devi V Nirmala Devi (2011) 8 SCC 249
47. Rite Approach Group Ltd V Rosoboro A.I.R 2007 Delhi 145
48. RoopRani V Preamsingh AIR 2008 NOC 642
49. S.M Asif v Virendra Kumar Bajaj (2015) 9 SCC 287
50. Salem Advocate Bar Association Vs Union of India AIR 2005 6 SCC 344
51. Sangram Sing v Election Tribunal AIR 1955
52. Sanjeev Kumar Jain V Raghbir Saran Charitable Trust 2012 SCC 275
53. Shaling Ram Vs Firm Daulatram Kundanmal AIR 1967 SC 739
54. Shankar V Chandrakant (1995) 3 SCC 113
55. Shiv Chandra More & Ors. v. Lt. Governor & Ors., (Civil Appeal No. 3352 of 2014 decided on 7.3.2014
56. Shreenath Vs. Rajesh AIR 1998 SC P.1192.
57. Smt. Raj Lakshmi Dasi & Ors. v. Banamali Sen & Ors., AIR 1953 SC 33
58. State of Jammu & Kashmir V Bakshi Gulam Mohammad A.I.R 1967

59. State of M.P V Nathabhai 1972 4 SCC
60. State of UP Vs. Roshan Singh AIR 2008 SC P.1190
61. Suresh Kumar V Godavaribhai AIR 1992 MP 205
62. Tea Auction Ltd V Grace hill Tea Industries AIR 2007
63. TVC Skyshop Ltd V Reliance Communication 2013 SCC 754
64. Union Carbide Corporation V Union of India (1991) 4 SCC
65. Union of India V Ibrahim Uddin (2012) 8 SCC 148
66. Union of India v. Nanak Singh, AIR 1968 SC 1370
67. United Bank of India V Naresh Kumar AIR 1997 SC 3
68. United India Ins. v. Ajay Sinha, (2008) 7 SCC 454
69. Vinod Arora V Smt. Santosh Kumari AIR 2005 P&H 169

The list of cases is not exhaustive.



FEDERALISM (HONOURS PAPER)
B.A.LL.B.(Hons.) SEMESTER IX
SYLLABUS
(SESSION: JULY-DECEMBER 2024)

Faculty Name	Ms. Aditi Singh	Year/Semester	5/ IX
Course Name	Federalism	No. of Credits	4
Course Code	NA	Session Duration	1 Hour
No. of Contact Hours	60 Hours	Pre-requisites	A basic understanding of the Indian Constitution
Introduction, Course Objectives & Pedagogy	<p>Federalism is a constitutional mechanism for dividing power between different levels of government so that federated units can enjoy substantial, constitutionally guaranteed autonomy over certain policy areas while sharing power in accordance with agreed rules over other areas.</p> <p>However, while federalism has helped some countries settle conflicts or improve governance, it can also exacerbate existing differences, sometimes leading to deeper conflicts or state failure. Federalism is also a complicated, often legalistic, form of government, which can be expensive and can hinder the coherent development and application of policies.</p> <p>India has adopted the federal system, and it is pertinent to analyse the boon or bane of the system. Through this course a comprehensive exploration of the federal structure as adopted by India will be examined, and further, its historical context, constitutional provisions, and practical applications will be discussed.</p> <p>The course aims to provide students with a deep understanding of the federal principles, the dynamics of Center-State relations, and the emerging trends in federalism both in India and other federations.</p> <p>The course is designed with the following objectives:</p> <ul style="list-style-type: none">C01- To understand the historical reasons and constitutional provisions for adopting a federal set-up in India.C02- To compare the federal systems of India with other major federations like the USA, Canada, Australia, and Germany.C03- Examine the legislative, administrative, and		

	<p>financial relationships between the center and states in India.</p> <p>C04- To analyze the judicial interpretations and challenges faced by the Indian federal structure.</p> <p>C05- To explore contemporary issues and emerging trends in federalism, including cooperative and competitive federalism.</p> <p>The course employs interactive lectures to establish a foundational understanding of federalism, incorporating historical context, constitutional provisions, and theoretical perspectives. Students will engage in case study analysis of landmark judicial decisions to comprehend the application of constitutional principles. Regular reading assignments, reviews, and continuous assessments will also ensure a comprehensive and dynamic learning experience.</p>
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LEARNING OUTCOMES: At the end of the course, students will be able to:

L01- Describe the evolution and development of federalism within the Indian constitutional framework.

L02- Identify and explain various types of federalism practiced globally.

L03- Understand and articulate the key constitutional provisions related to federalism in India.

L04- Analyse the dual nature of the Indian constitution as federal in structure but unitary in other aspects.

L05- Evaluate the contemporary relevance and application of federal principles, focusing on cooperative and competitive federalism.

COURSEPLAN

S.No.	Topics	LectureSessions
1	TheBasic ConceptsofFederalism	01-08
2	Comparative Federalism	09-14
3	Legislative Relations between the Centre and States	15-26
4	Administrative Relations betweenCentre and States	27-36
5	Financial Relations betweenCentre and States	37-46
6	CooperativeFederalism	47-53
7	Indian Federal Structure: Issues and Challenges	54-60

DETAILED SYLLABUS

MODULE	CONTENT
Module 1 THE BASIC CONCEPTS OF FEDERALISM	1. Federalism-Meaning, Definitions, Modes of Creation, Types. 2. Theories of Federalism 3. Confederation and Federation: fundamental distinctions 4. Basic Characteristics of a Federal Constitution
Module 2 COMPARATIVE FEDERALISM	1. USA and India 2. Canada and India 3. Australia and India
Module 3 LEGISLATIVE RELATIONS BETWEEN THE CENTRE AND STATES	1. Territorial limits of legislative powers- Doctrine of territorial nexus 2. Subject-wise distribution of powers- Rules of judicial interpretation 3. Residuary Powers 4. Parliamentary legislation in the State field 5. Repugnancy
Module 4 ADMINISTRATIVE RELATIONS BETWEEN THE CENTRE AND STATES	1. Distribution of Executive Powers 2. Centre-State Administrative Co-ordination - Inter-governmental Delegation of Functions 3. Centre's directives to the State- Constitutional and other statutory provisions 4. The Emergency Provisions: Predominance of Union
Module 5 FINANCIAL RELATIONS BETWEEN THE CENTRE AND STATES	1. Distribution of Fiscal Power between Union and States 2. Restrictions on the fiscal power of the States 3. Finance Commission 4. Borrowing power of the State 5. Goods and Services Tax: The Constitutional Perspective
Module 6 COOPERATIVE FEDERALISM	1. Cooperative Federalism – The concept 2. Provisions of the Indian Constitution- Zonal Councils, Inter-State Councils, Full Faith and Credit Clause. 3. Inter-State Water Disputes 4. Role of NITI Aayog; Horizontal and Vertical Cooperation

Module 7 ISSUES AND CHALLENGES	<ol style="list-style-type: none"> 1. Law and Order Issue-Scope of Intervention by the Union 2. Education- Scope and Extent of Union Power 3. Industry vis-à-vis The Industries Development and Regulation Act 1951 4. Intoxicating Liquor- Scope of Union control 5. All India Services
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READINGS:

CASE LAWS:

1. *Cauvery Water Disputes Tribunal, re* (AIR 1992 SC 522)
2. *Goodyear India Ltd v. State of Haryana* (AIR 1990 SC 781)
3. *Gujarat University V. Krishna Ranganath Mudolkar*(AIR 1963 SC 703)
4. *Gujarat University v. Srikrishna* (AIR 1963 SC 763).
5. *G.V.K. Industries v. Income Tax Officer* (2011) 4 SCC 36
6. *Jindal Stainless Ltd. v. State of Haryana* (2017) 12 SCC 1
7. *KC.Gajapati Narayan Deo V. State of Orissa* (AIR1953 SC 375)
8. *Prafulla Kumar Mukharjee V. Bank of Commerce Khulna* (AIR 1947 PC 60)
9. *S.R. Bommai v. Union of India* (1994)3 SCC 1
10. *State of Tamil Nadu v. State of Karnataka* (1991) Supp 1 SCC 240.
11. *State (NCT of Delhi) v. Union of India*(2018) 8 SCC 501
12. *State of Karnataka v. Drive-in Enterprises* (2001) 4 SCC 60
13. *State of Karnataka v. Union of India* (AIR 1978 SC 68)
14. *State of Kerala v. Mar Appraem Kuri Company Ltd.* (2012) 7 SCC 106
15. *State of Rajasthan v. Union of India* (AIR 1977 SC 1361)
16. *State of West Bengal v. Union of India.* (AIR 1963 SC 1241).
17. *Synthetics and Chemicals Ltd v. State of U.P.* (AIR 1990 SC 1927).
18. *Tata Iron & Steel Co. Ltd. v. State of Bihar*AIR 1958 SC 452
19. *Union of India v. H.S.Dhillon*(AIR 1972 SC 1061).
20. *Union of India V. Harbhajan Singh Dhillon* (AIR 1972 SC 1061)
21. *Zaver Bhai Amiadas V. State of Bombay* (AIR 1954 SC 752)

(NOTE- The list is not exhaustive. Suitable and recent cases, as will be discussed in class, would also be included)

BOOKS

1. Austin, G. (1966). *The Indian Constitution: Cornerstone of a nation*. New Delhi: Oxford University Press.
2. Austin, G. (1999). *Working a democratic constitution: The Indian experience*. New Delhi: Oxford University Press.
3. Basu, D. D. (2011). *Constitution of India*. Nagpur: LexisNexis Butterworth Wadhwa. Basu, D. D. (1987). *Comparative federalism*. Prentice-Hall of India.
4. Dicey, A. V. (1915). *An introduction to the study of the law of the constitution*. Universal Law Publishing Co.
5. Jain, M. P. (2010). *Indian constitutional law (6th ed.)*. LexisNexis Butterworths Wadhwa Nagpur.
6. Khosla, M. (2012). *The Indian Constitution (1st ed.)*. Oxford University Press.
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INTERNATIONAL TRADE LAW
SEMESTER IX | B.A. LL.B. (Hons.)
Syllabus (Session: July-December 2024)

Faculty Name	Dr. Ankit Awasthi	Year/Semester	5 th Year / IX th Semester
Course Name	International Trade Law	No. of Credits	4
Course Code	NA	Session Duration	1 Hour
No. of Contact Hours	60 Lectures = 60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>The syllabus of International Trade Law is designed to give an overview of the subject and can serve as a starting point for fundamental research in the field of Public International Trade Law. Though, in general international trade law includes rules and customs governing trade between and among countries/custom territories. However, after the inception of WTO and with the consensus-development for multilateral trading system, international trade law became more WTO-centric. Keeping the same in mind, from historical background till intersectional areas of trade with environment and other domains have been attempted to cover within the syllabus.</p> <p>Objectives of the course on International Trade Law are as follows:</p> <ul style="list-style-type: none"> CO1. To develop understanding about theories and importance of international trade in contemporary scenario along with government's role therein. CO2. To analyze the role and importance of the World Trade Organisation in the Multilateral Trading System. CO3. To trace the history of Multilateral Trading System along with organizational structure of the WTO. CO4. To discuss about the principles of the Multilateral Trading System with special reference to the rule of non-discrimination. CO5. To develop understanding about tariff and non-tariff barriers to trade with relevant agreements. CO6. To discuss cross cutting issues such as environment with international trade and contemporary developments. <p>Lecture-based teaching pedagogy will be followed and trade disputes will also be discussed as per the requirement of the syllabus. Reference material will be shared in the form of Audio-video/URL/PDF to discuss in the class as per the requirement of the syllabus.</p> <p>There will be a combination of discussions and brainstorming sessions during the contact hours. During classes, students will be encouraged to present on topics that have been assigned or on an area of research or a moot proposition related to the subject, if they have earlier explored it.</p>		

Learning Outcomes:

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

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

- L01.**Aware about the fundamental concepts and theories underlying international trade.
- L02.**Acquire an in-depth understanding of the evolution of rule-based system and the principles of multilateralism in global trade, with a particular focus on the World Trade Organization (WTO) and its dispute settlement process.
- L03.**Explore the multilateral trading agreements annexed to the Marrakesh agreement.
- L04.**Examine the limitations and exceptions that apply to the Multilateral Trading System.
- L05.**Understand the intersectional aspects of international trade, related fields, and contemporary developments.

Course Plan:

S. No.	Topics	Lecture Lessons
1.	Conceptual & Theoretical Foundation of International Trade	1-8
2.	The Evolution of the World Trade Order; Structure and Role of the World Trade Organization in International Trade	9-15
3.	Dispute Settlement Mechanism within the framework of the Multilateral Trading System (MTS)	16-22
4.	Principles of Multilateral Trading System and Overview of Agreements annexed to the Marrakesh Agreement	23-32
5.	Tariff and Non-Tariff Barriers to Trade	33-41
6.	Protection of Domestic Industries & WTO	42-50
7.	Cross-cutting Issues in International Trade and Outcomes of the Ministerial Conferences 2022 and 2024	51-60

Detailed Syllabus:

Unit	Content
Module 1: Conceptual & Theoretical Foundation of International Trade	<ol style="list-style-type: none"> 1. Origin of Trade and Commerce & Defining International Trade Law 2. Sources of International Trade Law <ul style="list-style-type: none"> • Agreements between States • General practices between States • Generally recognized principles of law • Decided trade disputes/cases and academic writings • Agreement between traders • Domestic law 3. Theories that would mainly be discussed: <ul style="list-style-type: none"> • Pure or Real Theory of International Trade Equilibrium • Monetary theory of balance of payment adjustment • Mercantilism - Commercial Capitalism & its Criticism • Theory of Absolute Advantage of Adam Smith • Theory of Comparative Advantage of David Ricardo & Modern development in the theory • H-O Model & Gravity Model • Distributive Justice in International Trade 4. Importance of Trade and Gains from Trade <ul style="list-style-type: none"> • Economic globalization and international trade • Fair trade versus free trade 5. Protectionism <ul style="list-style-type: none"> • Instruments of trade Policy

	<ul style="list-style-type: none"> • Why do governments intervene in the market?
Module 2: The Evolution of the World Trade Order, Structure and Role of the World Trade Organization in International Trade	<ol style="list-style-type: none"> 1. Historical background of WTO: Brief introduction of international Trade in world history and starting of modern trading system <ul style="list-style-type: none"> • GATT 1947 to WTO: An overview • Eight Rounds of negotiations with special reference to the Subjects and Modalities of Uruguay Round of negotiation • Difference between GATT 1947 and GATT 1994 2. Institutional Structure of the WTO 3. Membership to the WTO and the process of Accession 4. Decision-making in the WTO 5. Role of the WTO in International Trade <ul style="list-style-type: none"> • Relationship of WTO with the other two Bretton Woods institutions i.e., IMF and World Bank along with World Bank Group [IBRD, IDA, IFC, MIGA & ICSID] • Coherence Declaration – Para 5
Module 3: Dispute Settlement Mechanism within the framework of the Multilateral Trading System (MTS)	<ul style="list-style-type: none"> • Conceptualizing Trade Disputes and the Resolution Mechanism under MTS <ul style="list-style-type: none"> • Meaning of Trade Disputes • Background of Dispute settlement under GATT 1947 • Settlement of disputes between States under WTO • Reference to Uruguay round of negotiations • Overview of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) • Salient features of the DSU • Principles & Practice of WTO dispute settlement • Structure and functions of the Panel and Appellate body of DSB • Overview of the Multi-Party Interim Appeal Arbitration Arrangement (MPIA) • Methods of dispute settlement for private traders, including negotiation, mediation, arbitration and litigation • Shortcoming of the Dispute Settlement Mechanism • Expected reforms in the adjudicatory process within the framework of the DSB
Module 4: Principles of Multilateral Trading System and Overview of Agreements annexed to the Marrakesh Agreement	<ol style="list-style-type: none"> 1. An overview on the General principles of the Multilateral Trading System <ul style="list-style-type: none"> • Principle of Non-Discrimination • Principle of Transparency • Principle of Freer Trade through gradual negotiations • Principle of Predictability • Principle of Reciprocity • Principle of Promoting Fair Competition • Principle of Creating Safety Values • Principle of Special and Differential Treatment 2. An overview of the regulatory regime under WTO for Goods (Annex 1A), Services (Annex 1B), IPRs (Annex 1C), Market

	<p>Access Commitments, DSU (Annex 2), TPRM (Annex 3), Plurilateral trade agreements (Annex 4)</p> <ol style="list-style-type: none"> 3. National Treatment: <ul style="list-style-type: none"> • Concept of “Like products” • Difference in treatment of “like products” and “directly competitive and substitutable products”. • Exceptions to the Rule 4. Most Favored Nation Treatment: <ul style="list-style-type: none"> • Advantages of the MFN Rule • Exceptions to the Rule • Trading Blocs: European Union & ASEAN • India as a member of RTAs/FTAs • RTAs and FTAs as a threat to Multilateralism?
<p>Module 5: Tariff and Non-Tariff Barriers to Trade</p>	<ol style="list-style-type: none"> 1. Rules on Market Access: An Introduction 2. An overview on the Tariff Barriers to Trade in goods <ul style="list-style-type: none"> • Tariff v. Quantitative Restrictions • Tariff bindings under Article II of GATT 1994 • Tariff as a preferred tool for regulation of trade in goods over quantitative restrictions • General Elimination of quantitative restrictions under Article XI of GATT 1994 • Exceptions to the Rule in Article XI • Other exception of the Rule 3. An overview on the Non-Tariff Barriers to Trade 4. Introduction: The Agreement on Technical Barriers to Trade (TBT) <ul style="list-style-type: none"> • Difference between WTO-TBT Agreement and Tokyo-TBT Agreement • Structure and Scope of the Agreement on Technical Barriers to Trade • Principles incorporated under the Agreement on Technical Barriers to Trade 5. Introduction: The Agreement on Sanitary and Phytosanitary (SPS) Measures <ul style="list-style-type: none"> • Structure and Scope of the Agreement on Sanitary and Phytosanitary Measures • Principles incorporated under the Agreement on Sanitary and Phytosanitary Measures 6. Introduction: The Agreement on Pre-Shipment Inspection <ul style="list-style-type: none"> • Main functions of PSI Companies • Obligations of User and Exporting Members • Independent Review Procedure under the Agreement
<p>Module 6: Protection of Domestic Industries & WTO</p>	<ol style="list-style-type: none"> 1. Rules on Unfair Trade: An Introduction 2. Antidumping Measures under Article VI of GATT 1994 and the Antidumping Agreement <ul style="list-style-type: none"> • Administration & Regulation of anti-dumping duties 3. Subsidies and Countervailing Duties under Article VI and XVI of GATT 1994 and Agreement on Subsidies and

	<p>Countervailing Measures</p> <ul style="list-style-type: none"> • Administration & Regulation of Subsidies & CVDs <p>4. Safeguard Measures under Article XIX of GATT 1994 and the Safeguards Agreement</p> <ul style="list-style-type: none"> • Rationales for safeguard measures with WTO • Alternatives to safeguards
<p>Module 7: Cross-cutting Issues in International Trade and Outcomes of the Ministerial Conferences 2022 and 2024</p>	<ol style="list-style-type: none"> 1. Trade and Environment <ul style="list-style-type: none"> • Sustainable Development • Environmental Measures and MTAs • WTO provisions with respect to Environment • Disputes related with Trade and Environment • CTE / Eco labels / Technical Assistance 2. Trade and Human Rights <ul style="list-style-type: none"> • WTO framework with respect to Human Rights Measures • Public Moral / Protection of human, animal or plant life or health, Measures relating to prison labours / conservation of exhaustible resources 3. Women and Trade <ul style="list-style-type: none"> • Buenos Aires Declaration on Trade and Women's Economic Empowerment • Informal Working Group on Trade and Gender 4. Twelfth WTO Ministerial Conference, Geneva 2022 Outcomes <ul style="list-style-type: none"> • Ministerial Decision on World Food Programme (WFP) • Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics • An Agreement on Fisheries Subsidies 5. Thirteenth WTO Ministerial Conference, Abu Dhabi 2024 Outcomes <ul style="list-style-type: none"> • Accessions (Comoros and Timor-Leste) • Draft Ministerial Decision on Dispute Settlement Reform

1. Primary Sources:

Agreements:

1. Agreement on Anti-Dumping
2. Agreement on Subsidies and Countervailing Measures
3. Agreement on Technical Barriers to Trade
4. Agreement on the Application of Sanitary and Phytosanitary Measures
5. Agreement on Trade-Related Aspects of Intellectual Property Rights
6. General Agreement on Tariffs and Trade 1947
7. General Agreement on Tariffs and Trade 1994
8. General Agreement on Trade in Services
9. The Agreement Establishing the World Trade Organization (Marrakesh Agreement)
10. Understanding on Rules and Procedures Governing the Settlement of Disputes

Trade Disputes/Cases:

1. Australia – Measures Affecting Importation of Salmon (DS18)
2. Brazil – Measures Affecting Imports of Retreaded Tyres (DS332)
3. European Communities – Measures Affecting Asbestos and Asbestos-Containing Products (DS135)
4. European Communities – Regime for the Importation, Sale and Distribution of Bananas (DS27)
5. India – Certain Measures Relating to Solar Cells and Solar Modules (DS456)
6. India – Measures Concerning the Importation of Certain Agricultural Products (DS430)
7. India – Quantitative Restrictions on Imports of Agricultural, Textile and Industrial Products (DS90)
8. Japan – Measures Affecting Agricultural Products (DS76)
9. Japan – Taxes on Alcoholic Beverages (DS8, 10, 11)
10. Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef (DS161, 169)
11. Korea – Taxes on Alcoholic Beverages (DS75, 84)
12. Turkey – Restrictions on Imports of Textile and Clothing Products (DS34)
13. United States – Import Prohibition of Certain Shrimp and Shrimp Products (DS58)
14. United States – Sections 301-310 of the Trade Act of 1974 (DS152)
15. United States – Standards for Reformulated and Conventional Gasoline (DS2)

*The trade disputes list as given above is not exhaustive.

2. Reference Material:

Books:

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4. Anne Krueger: *International Trade: What Everyone Needs to Know* (Oxford University Press, 2020)
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https://www.wto.org/english/thewto_e/whatis_e/tif_e/understanding_e.pdf
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https://www.wto.org/english/res_e/booksp_e/historywto_02_e.pdf
2. Sixty Years of the Multilateral Trading System: Achievements and Challenges. Available at:
https://www.wto.org/english/res_e/booksp_e/anrep_e/wtr07-2d_e.pdf
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