



# Third Year B.A. LL.B

## Semester VI

### First Year LL.B

#### ( Semester II)

#### ( 2017 Pattern )

#### **Objectives of the Course :**

This Course is designed to acquaint students with the basic principles of Constitution and Constitutionalism. The reason and justification of the growth of Fundamental Rights. The operation of Fundamental Rights, Directive Principles in India and its effect is to be studied. The basic norm of the land is to be taught with the help of appropriate judicial decisions.

#### **Module 01 Making of the Constitution :**

1. Demand for a Constitution framed by a Constituent Assembly
2. The Cripps' offer of 1942
3. The Wavell Plan of 1945
4. The Cabinet Mission Plan, 1946
5. The Mountbatten Plan, 1947
6. The Indian Independence Act, 1947
7. Constituent Assembly in India and framing of the Constitution:
  - a) Formation of the Constituent Assembly of India
  - b) The issues before the Constituent Assembly
  - c) Passing of the Constitution
  - d) Dr. Ambedkar's warning and anxiety about the working of the Constitution
  - e) Date of Commencement of the Constitution

#### **Module 02 Basic Concepts, Preamble, Territory of India and Citizenship : Basic Concepts under the Constitutional Law :**

1. Concepts of Constitutional Law and Constitutionalism
2. Forms and characters of various models of Constitution
3. Salient features of the Constitution of India



***Preamble to the Constitution of India :***

1. Meaning of the Preamble
2. Object, Purpose and Scope of the Preamble
3. Contents of the Preamble
4. Utility of Preamble in interpretation of the Constitution
5. Whether Preamble is part of the Constitution?

**Union and its Territory (Articles 1 to 4) : Citizenship of India :**

1. Constitutional Provisions (Articles 5 to 11) :
  - a) Importance of Citizenship under the Constitution of India
  - b) Citizens by Domicile
  - c) Citizens by Migration
  - d) Citizens by Registration
  - e) Termination of Citizenship
  - f) Dual Citizenship
2. The Citizenship Act, 1955 :
  - a) Introduction, Objects and Reasons of the Act
  - b) Citizenship by Birth
  - c) Citizenship by Descent
  - d) Citizenship by Registration
  - e) Citizenship by Naturalisation
  - f) Citizenship by Incorporation of territory
  - g) Cessation of Citizenship
  - h) Deprivation of Citizenship
  - i) Expulsion of Foreigner

***Module 03 General Principles Relating to Fundamental Rights (Articles 12 and 13) :***

1. Concept of Fundamental Rights – Their Origin and Development
2. History of the demand for Fundamental Rights in India
3. Justiciability of Fundamental Rights -
  - a) Laws inconsistent with fundamental rights
  - b) Unconstitutionality of Statute
  - c) Doctrine of Eclipse
  - d) Doctrine of Severability
  - e) Waiver of Fundamental Rights
4. Concept of State and its Importance
5. Concept of Law and Law in force
6. Whether the Constitution Amendment Act is law under Article 13?



**Module 04 Right to Equality (Articles 14 to 18) :**

1. Equality before law and Equal protection of Law
2. Permission of Reasonable Classification but prohibition of Class legislation
3. Article 14 Strikes at Arbitrariness
4. Prohibition of discrimination against citizens
5. Right to Access to Public Places
6. Special provisions for women and children
7. Special provisions for Backward Classes
8. Equality of Opportunity in Matters of Public Employment
9. Requirement as to Residence in State
10. Reservation of Posts for Backward Classes
11. Reservations in Promotion
12. Carry Forward of Reserved Vacancies
13. Percentage of Reservation - Rule of rounding up
14. Abolition of Untouchability
15. Abolition of Titles

**Module 05 Right to Freedom I (Article 19) :**

1. Freedom of Speech and Expression and Reasonable Restrictions on it
2. Freedom of Assembly and Reasonable Restrictions on it
3. Freedom to form Association or Union and Reasonable Restrictions on it
4. Freedom of Movement and Reasonable Restrictions on it
5. Freedom of Residence and Settlement and Reasonable Restrictions on it
6. Freedom of Profession, Occupation, Trade and Business and Reasonable Restrictions on it
7. Right to Property -
  - a) Pre- 1978 Position - Article 19(f) and 19(5); Eminent Domain; Article 31; Inter- relation of Article 31, Article 14 and Article 19(1)(f)
  - b) Present Position - Article 31 A, Article 31 B, Article 31 C, Article 300 A



**Module 06 Right to Freedom II (Articles 20 to 22) :**

1. Protection in Respect of Conviction for offences -
  - a) Protection against Ex-post Facto Law
  - b) Guarantee against Double Jeopardy
  - c) Privilege against Self-Incrimination
2. Protection of Right to Life and Personal Liberty -
  - a) A. K. Gopalan to Maneka Gandhi
  - b) Relationship between Articles 19, 21 and 22
  - c) Due Process of Law
  - d) Extended view in post Maneka Gandhi period
3. Right to Education - Evolution and Importance
4. Protection against Arrest and Detention -
  - a) Protection against Arrest
  - b) Protection against Preventive Detention
  - c) Laws Authorising Preventive Detention

**Module 07 Right against Exploitation (Articles 23 and 24) :**

1. Traffic in Human Beings
2. Begar and Similar forms of Forced Labours
3. Compulsory Services for Public Purpose
4. Prohibition of Employment of Children

**Module 08 Right to Freedom of Religion (Articles 25 to 28) :**

1. Concept of Secularism
2. Freedom of Conscience and right to Profess or Practice and Propagate religion
3. Freedom of Religion of Religious Denomination
4. Freedom from Paying of Taxes for Promotion of any Religion
5. Annual Payment to certain Devaswam Funds (Article 290A)
6. Prohibition of Religious Instructions in Educational Institutions

**Module 09 Cultural and Educational Rights (Articles 29 to 30) :**

1. Concept of Minority
2. Protection of Interest of Minorities
3. Right of a Minority to Establish Educational Institution
4. Regulation of Minority Educational Institution



***Module 10 Right to Constitutional Remedies (Articles 32 to 35) :***

1. Enforcement of Fundamental Rights
2. Procedure in Enforcement of Fundamental Rights
3. Power to issue Writs, Directions or Orders – Types of Writs
4. Comparison between Article 32 and Article 226
5. Public Interest Litigation
6. Fundamental Rights during Emergency
7. Power of Parliament to Modify Fundamental Rights with respect to some Forces
8. Fundamental Rights during operation of Martial Law
9. Legislation to give effect to Fundamental Rights

***Module 11 Directive Principles of State Policy (Articles 36 to 51) and Fundamental Duties (Article 51A) :***

1. Nature and Importance of Directive Principles
2. Inter-relationship between Fundamental Rights and Directive Principles.
3. Directive Principles of State Policy
4. Fundamental Duties – Nature and Importance

***Module 12 Amendment of the Constitution (Article 368) :***

1. Power and Procedure of Amendment
2. Amendment / Change by Simple Majority
3. Amendment by Special Majority
4. Amendment by Special Majority with Ratification by Majority of States
5. Amendment of Fundamental Rights
6. Basic Structure Doctrine



### **Recommended Readings:**

1. M. P. Jain, *Indian Constitutional Law*, LexisNexis (2015).
2. D.D. Basu, *Constitutional Law of India*, LexisNexis (2013).
3. Narendra Kumar, *Constitutional Law of India*, Allahabad Law Agency (2015).
4. H. M. Seervi, *Constitutional Law of India*, N.M. Tripathi.
5. Arvind Datar, *Commentary on Constitution of India* (3 Vols), LexisNexis (2010).
6. Sathya Narayan (Ed), *Selected Work of S.P. Sathe* (3 Vols), Oxford University Press (2015).
7. M.P. Singh, *V.N. Shukla's Constitution of India*, Eastern Book Company, (2013).
8. Sujit Chaudhry, Madhav Khosala and Pratap Bhanu Mehta, *The Oxford Handbook of the Indian Constitution*, Oxford University Press.
9. Granville Austin, *Working of a Democratic Constitution- The Indian Experience*, Oxford University Press.
10. Gautam Bhatia, *The Transformative Constitution: A Radical Biography in Nine Acts*, Harper Collins Publication, India. 2019.
11. Madhav Khosala, *The Indian Constitution* (Oxford India Short Introductions), Oxford University Press, 2012.
12. Sudhir Krishnaswamy, *Democracy and Constitutionalism in India – A Study of the Basic Structure Doctrine*, Oxford University Press.
13. S.B. Shiva Rao, *The Framing of the Indian Constitution*, Vols. I and V, the Indian Institute of Public Administration, New Delhi (1966).
14. H.R. Khanna, *Making of India's Constitution*, Eastern Book Co., Lucknow



## **LC 0602 Family Law II :**

### **Objectives of the Course :**

This course involves the student with the personal law as it affects property relations. It primarily covers the concept of Undivided Family of the Hindu law, the provisions relating to intestate and testamentary succession applicable to persons of all denominations, and provisions relating to wakf, and relating to gifts in Muslim law because these special provisions to which personal law is applicable.

The study of the course must expose to the similarities and differences across the personal law systems, and to appreciate these differences in the context of development of these laws. The other objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code.

### ***Module 01 Hindu Joint Family System :***

1. Evolution of joint family system in India
2. Institution of Hindu joint family and joint family property; Family arrangement; Separate or self-acquired property
3. Coparcenary, Mitakshara and Dayabhaga coparcenary; Women as coparceners; Rights and powers of coparceners, sole surviving coparcener; Effect of amendments to the Hindu Succession Act 1956.
4. Karta, his position, powers and duties; Father's powers of alienation; Alienee's rights and remedies
5. Partition – under Dyabhaga and Mitakshara systems; Subject matter of partition; Persons entitled to claim partition and who get share on partition; Kinds of partition; Principle of survivorship and representation; Reopening and Reunion

### ***Module 02 Intestate Succession :***

1. The Hindu Succession Act, 1956 – Application of Act; Succession to the property of a Hindu male; Succession to the property of a Hindu female, stridhana and women's estate; General provisions relating to succession; and disqualifications from inheritance; Escheat
2. General principles of inheritance under Muslim law, Law of inheritance applicable to Sunnis and Shias, and the distinction between the two, Disqualifications
3. The Indian Succession Act, 1925: Domicile, and its relevance in succession to property; Consanguinity; Provisions relating to intestate succession applicable to Parsis and persons other than Parsis; General principles of succession;



## Rules of devolution

### **Module 03 Testamentary Succession :**

1. The Indian Succession Act, 1925 : Wills and codicils; Competence of the testator; Execution of privileged and unprivileged will; Attestation; Revocation, alteration and revival of wills; Construction of wills
2. The Indian Succession Act, 1925 : Vesting of legacies; Void, onerous, contingent and conditional bequests; Specific legacies and demonstrative legacies; Ademption of legacies, lapse of legacies; Election; Gifts in contemplation of death
3. The Hindu Succession Act 1956 : Testamentary succession
4. Will under Muslim law (wasiyat)

### **Module 04 Right of Pre-emption :**

1. Pre-emption under Muslim law (shufa), meaning, nature, who can claim the right; Subject Matter of shufa; Formalities and legal effect; Legal devices of evading right of pre-emption : Loss of the right
2. Pre-emption under Hindu Law

### **Module 05 Gifts under Muslim Law (Hiba) :**

1. Nature and characteristics of hiba, types of hiba, donor and donee, what may be given in gift
2. Essentials of valid gift, exceptions to general rule; Oral gift and its validity; Registration, Kinds of gifts, Gifts involving return, Marz-ul-mouth (death-bed gift)
3. Revocation and revival of gift

### **Module 06 Wakf :**

1. Origin and Development of Wakf
2. Importance, Meaning and Definition, Characteristics
3. Essentials, Kinds, formalities for creation, the Wakif, Objects and Purposes of the Wakf
4. Administration of Wakf under the Wakf Act, Appointment, Removal, Powers and Duties of Mutawalli





## **Recommended Readings**

1. Poonam Pradhan Saxena, *Family Law Lectures: Family Law II*, LexisNexis, New Delhi.
2. Paruck, *The Indian Succession Act, 1925*, N M Tripathi Private Ltd.
3. Row Sanjiva, *The Indian Succession Act*, Law Book Co.
4. Basu, *Indian Succession Act*, Eastern Book Publication.
5. Diwan, *Law of Intestate and Testamentary Succession*, Wadhwa.
6. Satyajeet A Desai, *Mulla's, Hindu Law*, LexisNexis, New Delhi.
7. Justice Ranganath Mishra, *Mayne's Hindu Law and Usage*, Bharat Law House, New Delhi.
8. H. K. Saharay, *Family Law in India*, Eastern Law House, New Delhi.
9. Flavia Agnis, *Family Law Vol I and II*, Oxford University Press, New Delhi.
10. Tahir Mahmood, *Principles of Hindu Law*, Universal Law Publishing, New Delhi.
11. Mulla, *Principles of Mohammedan Law*, LexisNexis, Nagpur.
12. Asaf A A Fyzee, *Outline of Muhammadon Law*, Oxford University Press, New Delhi.
13. Amer Ali, *Mohammedan Law*, Vol. I and II, Eastern Book Company, Luknow.
14. Bharatiya V P, *Sayyad Khalid Rashid's Muslim Law*, Eastern Book Company, Luknow.
15. Derrett, *Introduction to Modern Hindu Law*, Universal Law Publishing.



## **LC 0603 Law of Contract II :**

### **Objectives of the Course :**

The special provisions of law that apply to special contracts are covered in this course. The provisions relating to contracts of indemnity and guarantee, of bailment and pledge, and of agency are contained in three chapters of the Indian Contract Act 1872 and in two other statutes: The Sale of Goods Act 1930 and the Indian Partnership Act. These transactions play a very important role in commerce and trade.

This course follows the course about the general principles that apply to all contracts. They deal with general principles that apply to each specific contractual relationship. The study of this course will enable a good understanding of the purposes with which each of these transactions is made, the features of each of these transactions, and the rights and liabilities of the parties to them. The course also emphasizes the study of remedies provided in these laws.

### **Module 01 Contracts of Indemnity - Sections 124-125 of the Indian Contract Act, 1872 :**

1. Principle of indemnity in general
2. Definition of the contract of indemnity
3. Formation and essential features
4. Purpose of the contract of indemnity, and its use in facilitating and supporting transactions
5. Nature and extent of liability of the indemnifier
6. Commencement of liability of the indemnifier
7. Examples : Indemnity for issuing duplicate share certificate, or bank deposit receipt; Indemnity by owner of a plot of land to a local authority as condition for grant of commencement certificate for construction; Indemnity clause in a contract between a publisher and the printer; Indemnity clause in a sale deed of land supporting assurance of title given by the seller

### **Module 02 Contracts of Guarantee - Sections 126 to 147 of the Indian Contract Act, 1872 :**

1. Definition of a contract of guarantee
2. Formation and essential features of a contract of guarantee. Parties to the contract; effect of minority of principal debtor
3. Contract of guarantee as distinguished from a contract of indemnity
4. Consideration for a contract of guarantee
5. Continuing guarantee, and its revocation
6. Nature and extent of surety's liability - commencement, duration and termination
7. Surety's rights against the principal debtor
8. Surety's rights against the creditor



- Special position of a surety : a privileged debtor
  - Circumstances that discharge a surety. Contracting out of such discharge.
8. Letters of credit and bank guarantees
  9. Co-surety and manner of sharing liabilities and rights

**Module 03 Contracts of Bailment - Sections 71, 148-171, 180-181 of the Indian Contract Act 1872**

1. Definition of a contract of bailment
2. Formation and essential features of a contract of bailment, Parties to the contract
3. Creation of a contract of bailment, Obligations of bailment despite contract  
Gratuitous bailments
4. Examples of contracts of bailment: for benefit of bailor, for benefit of bailee
5. Kinds of bailees
6. Rights, duties, disabilities and liabilities
  - of a bailor
  - of a bailee vis-à-vis the bailor
  - of a bailee vis-à-vis the third parties, and the true owner
7. Termination of bailment, and consequences of termination
8. Finder of goods as a bailee

**Module 04 Contracts of Pledge - Sections 172 - 179 of the Indian Contract Act 1872 :**

1. Definition of a contract of pledge
2. Essential features of a contract of pledge, Parties to the contract
3. Creation of a contract of pledge
4. Distinction between contracts of pledge, bailment, hypothecation
5. Rights, liabilities, duties and disabilities of the pawnor
6. Rights, liabilities, duties and disabilities of the pawnee; pawnee's right of sale
7. Pledge by certain specified persons : Sections 178, 178A, 179 of ICA.

**Module 05 Contracts of Agency - Sections 182 - 238 of the Indian Contract Act 1872 :**

1. Definition of a contract of agency
2. Essential features of a contract of agency. Parties involved. Kinds of agents and agencies
3. Creation of agency
4. Distinction between agent, servant or employee, and independent contractor



5. Agent's authority - Scope and extent, Express, implied, apparent or ostensible authority, and authority in an emergency, Restrictions or limitations
6. Delegation of authority, Relationship between a principal, agent and sub-agent, Substituted agents
7. Ratification
8. Rights, duties, immunities, disabilities and liabilities of an agent towards the principal and third party
9. Rights, duties, immunities, disabilities and liabilities of a principal towards the agent and the third party
10. Personal liability of an agent
11. Pretended agent. Undisclosed principal
12. Revocation and other modes of termination of agency, Irrevocable agency Effect of termination, Liability of the principal and agent before and after termination

**Module 06 Contracts of Sale of Goods - The Sale of Goods Act, 1930 :**

1. Definition of a contract of sale of goods
2. Essential features of a contract of sale. Parties to the contract
3. Sale as a transfer of property, Sale and agreement to sell
4. Four elements : price, delivery, risk and property (ownership)
5. Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods
6. Implied conditions and warranties, Express conditions and warranties
7. The rule '*cavaet emptor*', principle, meaning, and exceptions to the rule
8. Other implied terms
9. Transfer of title, Transfer by non-owners
10. Passing of risk
11. Delivery of goods, Various modes of delivery and their effect, Inspection of goods, Rejecting goods
12. Rights and liabilities of the buyer and seller, Unpaid seller and his rights
13. Remedies for price and for breach, Interest and taxes
14. Auction sales



**Module 07 Contracts of Partnership - The Indian Partnership Act, 1932 and The Limited Liability Partnership Act 2008 :**

1. Definition of a contract of partnership
2. Essential features of a contract of partnership, the firm and the partners, Parties to the contract, Minor as partner
3. Kinds of partnership
4. Relations of partners with one another: their rights, liabilities, duties, immunities and disabilities
5. Property of the firm, Firm name
6. Relations of partners to third parties, Partner as agent of firm, Partners' authority, Implied authority, Mode of exercising authority, Liability of the firm for acts of partners
7. Change in constitution of a firm. Admission, retirement, expulsion, death and insolvency of any partner, Public notice, Effect of change in constitution of the firm
8. Dissolution of a firm, Modes of dissolution, Effect of dissolution, Agreements in restraint of trade
9. Registration of firms, Procedure of registration, Effect of non-registration
10. Limited Liability Partnership : Essential features, Distinction between limited liability partnership and ordinary partnership



### **Recommended Readings:**

1. Akhilesh Gupta, *Law Relating to Special Contracts—Contracts of Bailment, Pledge, Hypothecation, Indemnity and Guarantee*, 2013, LexisNexis.
2. Mulla, *The Indian Contract Act*, Anirudh Wadhwa ed., 15<sup>th</sup> ed., 2015, LexisNexis.
3. Avtar Singh, *Law of Contract and Specific Relief*, 12<sup>th</sup> ed, 2017, Eastern Book Company.
4. M. Krishnan Nair, *Law of Contracts*, 1998.
5. *Pollock and Mulla's Indian Contract Act*, Nilima Bhadbhade ed., 14<sup>th</sup> updated edition, 2014, LexisNexis.
6. Nilima Bhadbhade, *Contract Law of India*, 2<sup>nd</sup> ed 2009, Kluwer, available free on Google books.
7. *Pollock and Mulla's The Sale of Goods Act*, Akshay Sapre ed., 9<sup>th</sup> ed, 2014, LexisNexis.
8. Akhileshwar Pathak, *Law of Sale of Goods*, 2013, Oxford University Press.
9. Avtar Singh, *Law of Sale of Goods*, 2011, Eastern Book Company.
10. P S Atiyah, *The Sale of Goods*, 12<sup>th</sup> ed, 2010, Longman.
11. P S Ramanatha Aiyar, *Law of Sale of Goods*, Shriniwas Gupta ed., 10<sup>th</sup> ed, 2016, Universal Law Publishing.
12. *A Ramaiya's Commentary on the Sale of Goods*, K Shanmukham and H K Saharay eds, 5<sup>th</sup> ed, 2014, Universal Law Publishing.
13. *Benjamin's Sale of Goods*, Michael Bridge ed, 9<sup>th</sup> ed, 2016, Sweet and Maxwell.
14. *Pollock and Mulla's The Indian Partnership Act*, G C Bharuka ed., 7<sup>th</sup> ed, 2007, LexisNexis.
15. *Mulla's The Sale of Goods Act and the Indian Partnership Act*, K Kannan ed., 10<sup>th</sup> ed, 2012, LexisNexis.
16. Avtar Singh, *Introduction to Law of Partnership (including Limited Liability Partnership)* 10<sup>th</sup> ed., 2011, Eastern Book Company.
17. *S T Desai's The Law of Partnership in India*, Satyajeet Desai ed., 7<sup>th</sup> ed., 2009, LexisNexis.
18. C L Gupta, *Law of Partnership including Limited Liability Partnership*, Palok Basu ed., 5<sup>th</sup> ed., 2016, LexisNexis.
19. P C Markanda, *The Law of Partnership in India*, 2010, LexisNexis.
20. D S Chopra, *A Commentary on Sale of Goods, Partnership and Negotiable Instruments*, 2016, Thomson Reuters.



## **LC 0604 Tort and Consumer Protection Law :**

### **Objectives of the Course :**

The Law of Torts is about civil wrongs. The liability for such wrongs is distinct from liability under criminal law and contract law. The negligence, defamation, trespass, assault, conspiracy, deceit are examples of such wrongs. Tort law provides various remedies : compensation for injury and injunction. It is not governed by any statute, but has developed over centuries through principles developed by courts. It is therefore developmental and the law responds to the needs of the times. The liability for new kinds of wrongs is recognised, or an existing wrong develops with contemporary needs.

The course enables study of the general principles of tortious liability and its difference from criminal and contractual liability. The course also covers specific torts, and remedies available

for their redressal. This course also covers relevant provisions under the Consumer Protection Act, 1986, and the principles of liability in case of accidents under the Motor Vehicles Act, 1988.

### **Module 01 Introduction and Principles of Liability in Tort :**

1. Development of tort actions in England and India
2. Meaning and definition of tort
3. Tort distinguished from contract, quasi-contract and crime
4. Constituents of tort – wrongful act, damage and remedy
5. Malfeasance, misfeasance and non-feasance

### **Module 02 Liability for the Wrong Committed :**

1. Strict liability, absolute liability, no-fault liability; exceptions to these
2. Principle of vicarious liability - nature, scope and justification
3. Doctrine of sovereign immunity
4. Joint tort-feasors, joint and several liability

### **Module 03 General Defences / Justifications in an action for Tort :**

1. *Volenti non fit injuria*, consent, voluntary assumption of risk, exclusion clauses
2. *Vis major* (act of God)
3. Inevitable accident
4. Act of third parties
5. *Novus actus interveniens*



6. Plaintiff's wrong or default
7. Self-defence and defence of property
8. Necessity
9. Statutory authority
10. Judicial and quasi-judicial acts
11. Parental and quasi-parental authorities
12. Illegality
13. Mistake

***Module 04 Torts against Persons :***

1. Assault, Battery, Mayhem
2. Causing Emotional Distress
3. Malicious Prosecution and abuse of legal proceedings; False Imprisonment
4. Deceit and Conspiracy
5. Particular defences available in each of these types

***Module 05 Torts against Reputation :***

1. Defamation : Libel and slander; Freedom of speech and expression;  
Defamation in the civil and criminal law;  
Different branches of Defamation Libel, Slander; Cyber  
Defamation : Defamation in cyber space
2. Defences to defamation
3. Invasion of privacy and defences

***Module 06 Torts against Property :***

1. Trespass to land
2. Trespass to personal property
3. Detention and conversion
4. Passing off; Injury to trademark, patent and copyrights
5. Public and private nuisance
6. Particular defences available in each of these types

***Module 07 Unintentional Torts :***

1. Product Liability and defences
2. Negligence : Duty to take care and its breach; Foreseeability, causation;  
Contributory negligence and other defences to negligence;





Occupier's liability; *res ipsa loquitur*

3. Liability of driver and owner under the Motor Vehicles Act, 1988 for motor accidents : Liability on fault basis (negligence), no-fault basis (Section 140- 144), structured formula basis (Section 163A, 163B and Schedule), compensation in hit-and-run cases (Section 161 and 163), Powers and jurisdiction of a Motor Accidents Claims Tribunal, Introduction only to the scheme of compulsory insurance under the Act (Sections 2 (30), 145(b), 146 (1) and (2), 147(1)(i) and (2), 149, 151(1), 158(1), 160, 196)
- 4.

**Module 08 Remedies in Tort law :**

1. Judicial remedies:
  - a) Damages : Types - General and special, nominal, contemptuous, aggravated, exemplary, Compensatory damages - Principles of causation, foreseeability, certainty, assessment and calculation of damages - principles, personal injuries, death, loss of property, economic and non-economic losses
  - b) Injunction - permanent and temporary, *qua timet* action
  - c) Replevin
  - d) Ejectment
2. Extra - judicial remedies - Self-defence, reentry on land, recapture of goods, abatement, distress damage feasant

**Module 09 Consumer Protection Law :**

1. Origin and development of consumer law
2. Basic Concepts - Consumer, complaint, complainant, service, goods, defect, deficiency, trader, consumer dispute, restrictive trade practice, unfair trade practice
3. Authorities under the Act - Consumer Councils, Redressal agencies and their composition and jurisdiction - substantive, territorial and pecuniary; Appeals, Additional remedy
4. Remedies available under the Act
5. Procedure for filing a complaint and of the redressal agency, Limitation; Enforcement of orders, vexatious complaints



### **Recommended Readings:**

1. Ramaswamy Iyers's *The Law of Torts*, Lakshminath ed, 10<sup>th</sup> ed, 2007, LexisNexis.
2. Avatar Singh, *Introduction to the Law of Torts*, 2<sup>nd</sup> ed., Delhi Law House.
3. Ratanlal and Dhirajlal, *The Law of Torts*, Akshay Sapre ed., 27<sup>th</sup> ed., 2016, LexisNexis.
4. P.S. Achuthan Pillai, *The Law of Tort*, Abhinandan Malik ed., 9<sup>th</sup> ed (reprint 2017), Eastern Book Company.
5. B M Gandhi, *Law of Torts*, 4<sup>th</sup> ed (rep 2016), Eastern Book Company.
6. Sathya Narayan, *Tort Law in India*, Wolters Kluwer, Netherland, 2013.
7. *Wienfield and Jolowicz on Tort*, W V H Rogers ed, 18<sup>th</sup> ed, 2010, Sweet and Maxwell.
8. *Salmond and Heuston on the Law of Torts*, R F V Heuston and R A Buckley Eds, 21<sup>st</sup> ed, Sweet and Maxwell.
9. Tony Weir, *An Introduction to Tort Law*, 2<sup>nd</sup> ed, 2006, Oxford University Press.
10. John Murphy, *Street on Torts*, Eleventh Edi Oxford University Press 2006.
11. Avtar Singh and Harpreet Kaur, *Introduction to the Law of Torts and Consumer Protection*, 3<sup>rd</sup> ed, 2013, LexisNexis.
12. Garima Tiwari, *Understanding Laws – Consumer Rights* 2014, LexisNexis.
13. Anirban Chakraborty, *Law of Consumer Protection – Advocacy and Practice*, 2014, LexisNexis.
14. Claire Andrews, *Enforcement of Consumer Rights and Protections*, 2016, LexisNexis.
15. Avtar Singh, *Consumer Protection: Law and Practice*, 5<sup>th</sup> ed, 2015, Eastern Book Co.



## **Optional Subject 2 (Any one from the following) :**

### **LO 0605 Media and Law :**

#### **Objectives of the Course :**

Media is a social instrument which provides a platform to the people in the society to freely profess their right to freedom of speech and expression. The significance of media and its freedom can never be over emphasised in a participatory democratic setup like that of India, which regards 'Media' as the 'fourth estate' of democracy. The prima facie objective of this course is to study and analyse the historical background, present position and future prospects of the various privileges, rights and freedoms guaranteed by the state to media through various laws and judicial interventions.

#### **Module 01 Introduction:**

1. Introduction to Media and Communication
2. Importance of Media in Democracy
3. Kinds of Media
4. Functions of Media – Information, Surveillance, Service the economic system, Hold society together, Entertain, Act as a community forum, Service the political system, etc.

#### **Module 02 History of Press and Theories of Press :**

1. Historical Foundations of Media Laws in UK, USA and India (Pre and Post-Independence)
2. International Law and Freedom of Media (UDHR, ICCPR, ECOSOC etc.)
3. Theories of Press -
  - a) Authoritarian Theory
  - b) Libertarian Theory
  - c) Communist Theory
  - d) Theory of Social Responsibility
  - e) Development Media Theory
  - f) Democratic Participant Media Theory



**Module 03**      ***Constitutional Framework of Freedom of Media in India :***

1. Free Speech and Constituent Assembly Debates in India
2. Freedom of Speech and Expression in Indian Constitution
3. Facets of Freedom of Speech and Expression
  - a) Freedom of Speech and Expression includes Freedom of Press
  - b) Right to Circulation
  - c) Right to Receive Information
  - d) Right to Advertise
  - e) Right to Telecast / Broadcast
  - f) Censorship
4. Law Commission of India : 101<sup>st</sup> Report on Freedom of Speech and Expression under Article 19 of the Constitution - an Overview
5. Reasonable Restrictions
6. Legislative Privileges and Media
7. Right to Privacy and Media
8. Freedom of Media during emergency

**Module 04**      ***Legal Dimensions of Media :***

1. Media and Criminal Law (Sedition, Obscenity and Defamation)
2. Media and Law of Torts (Civil Law of Defamation and Negligence)
3. Media and Judiciary (Contempt of Court)
4. Media and Executive - an Overview (The Official Secrets Act, 1923, The Right to Information Act, 2005)
5. Media and Journalists - an Overview (The Working Journalists (Conditions of Service) Act, 1955)

**Module 05**      ***Regulatory Framework of Media :***

1. Methods of Regulation (Self Regulation and Statutory Regulation)
2. The Cinematograph Act, 1952
3. The Cable Television Networks (Regulation) Act, 1955
4. The Prasar Bharti Act, 1990
5. The Press Council of India Act, 1978
6. The Telecom Regulatory Authority of India Act, 1997
7. Advertising Standards Council of India and its codes
8. The Indecent Representation of Women Act, 1986



## Module 06      Issues in Media Laws

1. Trial by Media (Law Commission of India : 200<sup>th</sup> Report on Trial by Media, Free Speech and Fair Trial under Criminal Procedure Code, 1973 - an Overview)
2. String Operation and Media
3. Broadcasting Rights
4. Taxation and Media
5. Media and Convergence
6. Infringement of Intellectual Property Rights
7. Internet and freedom of media
8. Violence against Media persons and Law
9. Role of media in electoral process (Press Council of India, Report on Paid News, 2010, Ministry of Law and Justice, Report of the Committee on Electoral Reforms, 2010 - an Overview)

### **Recommended Readings:**

1. P.M. Bakshi - *“Press Law – An Introduction”* BTRFI Publications, 1985.
2. D.D. Basu - *“Law of the Press”*, LexisNexis Butterworth’s Wadhwa, Nagpur.
3. Fred Seaton Siebert, Theodore Peterson and Wilbur Schramm, *“Four Theories of Press: The Authoritarian, Libertarian, Social Responsibility, and Soviet Communist Concepts of what the Press should be and Do”*, University of Illinois Press, 1963.
4. Madhavi Goradia - Divan - *“Facets of Media Law”* Eastern Book Company.
5. M.P. Jain *“Indian Constitutional Law”* LexisNexis, Butterworths, Wadhwa, Nagpur.
6. Ram Jethmalani and D. S. Chopra - *“Cases and Material on Media Law”*, Thomson Reuters, New Delhi.
7. P.M. Bakshi, *“Law of Defamation - Some Aspects”*, N.M. Tripathi, Bombay.
8. Ursula Smartt, *“Media and Entertainment Law”*, Routledge, First Edition.
9. Kiran Prasad, *Media Law in India*, Kluwer Law International.
10. Vidisha Barua, *Press and Media Law Manual*, Universal Law Publishing, New Delhi.
11. B. N. Ahuja, *“History of Press, Press Laws and Communications”*, Surjeet Publications, Delhi.
12. Gokhale, S. D., Sadhu, A., and Kuvalekar, V, (Eds). *“Press in India: On the Threshold of 21st Century”*, Sakal Paper Trust, Pune.
13. M. E. Price (Ed) *“Routledge Handbook of Media Law”*, Routledge, London.



## **LO 0606 Banking and Insurance Law :**

### **Objectives of the Course :**

The modern society functions on monetary transactions. The services banks render to the public have a significant contribution in the development of any economy. The security of assets, money and other valuable belonging to individuals, families, businesses is assured through the service that banks provide. The process of the working of the banks, legal control over them, and protection to consumers of banking services, are areas with which a law student must become familiar.

Insurance industry provides risk cover to individuals and businesses. It is growing, especially after the industry became open for private investments. While the business of insurance is regulated, the relationship between the insurer and insured is contractual. The objective of the course is to give insights into the principles of insurance as applied in such contracts, the need and nature of regulation of insurance, and a brief study of types of insurance and their features.

### ***Part I : Banking Law - Statutes :***

1. The Reserve Bank of India Act, 1934.
2. The Banking Regulation Act, 1949.
3. The Bankers' Books Evidence Act, 1891.
4. The Recovery of Debts due to Banks and Financial Institutions Act, 1993.
5. The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002.
6. The Limitation Act 1963.
- 7.

### ***Module 01 Banking :***

1. Banking business : meaning and nature
2. Evolution and history of banking, and its growth in India
3. Types of banks and their functions : Central bank, Nationalised and Scheduled Banks, Regional rural banks, Local area banks, Non-scheduled banks, Cooperative banks, Foreign banks

### ***Module 02 Regulatory Framework :***

1. Reserve Bank of India : Its structure, primary and secondary functions; Control over banks in India.
2. Monetary and credit Policy
3. Cash Reserve Ratio, Statutory Liquidity Ratio, Currency Chests
4. Assets and liabilities of a bank, Permitted bank investments, Lending limits
5. Banking regulation, bank nationalisation and social control over banking - an overview



**Module 03 Banker - Customer Relations :**

1. Contractual nature of relationship -
  - a) Types of accounts
  - b) Services - Deposits, Discounting bills of exchange, Safe custody, Lockers, Foreign exchange, Demand drafts, Pay orders
2. Rights, duties and obligations of a banker
3. Instruments -
  - a) Cheques, definition, types, crossing, endorsement and types, Paying Banker - Obligations and protection, Collecting banker - duties and protection
  - b) Bank guarantees and Letters of credit
4. Interest, interest rates, usury
5. Death of depositors and effect, nominations
6. Remedies to the customer - Banking Ombudsman, Consumer Protection Act 1986

**Module 04 Lending by Banks :**

1. Parties in a contract of lending, their respective rights, duties and immunities; Categories of customers : Individual, Company, Partnership firm, Trust, Joint Account holders, Minors, Joint Hindu Family, Illiterate persons, Unincorporated bodies, Consortium finance
2. Types of loans and advances and their features
3. Security for repayment of debt : Types of securities and their nature - guarantees, immovable property, stocks-shares-debentures, goods, life policies, book debts, Mortgage, charge, pledge, hypothecation, lien, Registration of mortgages and charges
4. Lending in priority sectors - agriculture, housing, education, MSMEs, export credit, weaker Sections, women
5. Lender's liability and the Fair Practice Code

**Module 05 Recovery of Loans and Procedure :**

1. Limitation period for enforcing payment and securities
2. Default and recovery of debts and enforcement of securities -
  - a) The Recovery of Debts due to Banks and Financial Institutions Act, 1993 - Chapters III, IV and V, and related definitions in Section 2
  - b) Procedure in aid of recovery of loans and debts and enforcement of securities under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002 - Chapter III, and related definitions in Section 2



## ***Part II : Insurance Law - Statutes :***

1. The Indian Contract Act, 1872 - Sections 17-19, 30, 31-35, 64.
2. The Insurance Act, 1938 - Sections 2(2), 2(6A), 2(6B), 2(6C), 2(7A), 2(7B), 2(8) 2(9), 2(10), 2(11), 2(13A), 2(13B), 2(16B), 2C, 3, 3A, 3B, 6, 10, 27, 27A-27E, 38-40, 42, 42A, 45, 64VB, 103.
3. The Insurance Regulatory and Development Authority of India Act, 1999 - Sections 3-5, 8, 18, 19.
4. The Marine Insurance Act, 1963 - Sections 3, 6-9, 16-17, 19-26, 33-37, 52-54, 67-68.
5. The Motor Vehicles Act, 1988 - Sections 2 (28), 2(30), 2(34), 140-143, 145-163B, 174, 177, 196.
6. The Transfer of Property Act, 1882 - Sections 130, 130A, 135, 135A.
7. Regulations made by the IRDA relating to Appointment of Insurance Agents, Protection of Policy Holders' Interests, Surrender and Paid-up Value, Investments, Health Insurance, Life Insurance, General Insurance, Reinsurance.

## ***Module 06 Nature of Insurance :***

1. What is insurance? Classes of insurance, Voluntary and compulsory insurance
2. Risks, Risk-handling, spreading, and transfer, Mathematical value, Insurable and other risks, Extent, commencement, duration and termination of risks - Period of risk, Time of loss
3. Perils, insurable perils, Hazard, moral hazard and adverse selection Re-insurance

## ***Module 07 Contract of Insurance :***

1. Contract of insurance, subject-matter of insurance; Contingent nature of the insurance contract
2. Formation of insurance contract - proposal and acceptance, documents involved in formation - proposal, cover note, slips, policy, certificate of insurance, the process of formation of the insurance contract until issuing of policy, the free-look provisions in life and health insurance
3. Insurance agents and insurance brokers, and their role in contract formation
4. Proposal, its contents in general, life, health insurance
5. Premium, calculation, return and forfeiture of premium, Tariff
6. Nomination and Assignments





***Module 08 General Principles of Insurance :***

1. Indemnity - Meaning, application in different types of insurance, double insurance, subrogation, contribution
2. Insurable interest, wagering agreements
3. Utmost Good Faith - Non-disclosure and misrepresentation, Representations, warranties and conditions, Types of conditions in insurance, Effect of breach, Waiver of breach, Application to different classes of insurance, Limitations on avoidance of life insurance policies under Section 45 of the Insurance Act
4. Doctrine of proximate cause

***Module 09 Compulsory Insurance under the Motor Vehicles Act, 1988 :***

1. Scheme of compulsory insurance
2. Certificate of insurance, Transfer of insurance policy
3. Duty to give information
4. Requirements of policy and limits of liability
5. Right of an insurer to defend Duty to satisfy judgments

***Module 10 Development of Insurance and Insurance Sector :***

1. History of insurance in India, Nationalisation of life and general insurance, Opening up of the insurance sector, Foreign investment in insurance
2. Insurance Regulatory and Development Authority of India, its constitution, role, powers and functions
3. The Life Insurance Corporation of India, the General Insurance Corporation of India, the General and the Life Insurance Councils
4. Registration of insurers, Capital and voting structure; Investments by insurers
6. Functions and benefits of insurance



### **Recommended Readings - Banking :**

1. Tannan's Banking Law and Practice in India, Vinod Kothari ed, 26<sup>th</sup> edn, 2017, Lexis- Nexis.
2. Banking and Insurance: Law and Practice, 2010, Taxmann.
3. P N Varshney, Banking Law and Practice, 2013, Sultan Chand & Sons.
4. Avtar Singh, Banking and Negotiable Instruments, 3<sup>rd</sup> edn, 2016, Eastern Book Company.
5. IIBF, Legal and Regulatory Aspects of Banking, 2015, Macmillan.
6. Bimal N Patel et al, Banking Law, 2014, Eastern Book Company.
7. R K Gupta, Banking Law and Practice in 3 Vols., 2012, Modern Law Publications.
8. Sukhvinder Mishra, Banking Law and Practice, 2014, Sultan Chand & Sons.
9. R K Bangia, Banking Law and Negotiable Instruments Act, 5<sup>th</sup> ed, 2015, Allahabad Law Agency.

### **Recommended Readings - Insurance :**

1. Sachin Rastogi, Insurance Law and Principles, 2014, LexisNexis.
2. Gaurav Varshney, Insurance Laws, 2017, LexisNexis.
3. Birds' Modern Insurance Law, 9<sup>th</sup> ed, 2013, Sweet and Maxwell.
4. Avtar Singh, Law of Insurance, 3<sup>rd</sup> edn, 2017, Eastern Book Company.
5. McGee, The Modern Law of Insurance, 2011, Lexis-Nexis.
6. J V N Jaiswal's Law of Insurance, Sumeet Malik ed, 2<sup>nd</sup> edn, 2017, Eastern Book Company.
7. B C Mitra, Law Relating to Marine Insurance, 2012, Universal Law Publishing.
8. N P Tripathi, Insurance: Theory and Practice, 2005, Prentice Hall India.
9. Marshall Wilson, Insurance: Concepts and Coverage, 2012, Friesen Press.
10. MacGillivray on Insurance Law, Prof John Birds et al ed, 13<sup>th</sup> ed + Supplement, 2016, Sweet and Maxwell.
11. Insurance: Principles, Applications and Practices, 2009, Cyber Tech Publications.
12. John Lowry et al, Insurance Law: Doctrines and Principles, 3<sup>rd</sup> ed, 2011, Hart Publishing.
13. KSN Murthy and KVS Sharma, Modern Law of Insurance in India, 5<sup>th</sup> edn, 2014, LexisNexis.



## **LO 0607 Penology and Victimology :**

### **Objectives of the Course :**

The objectives of the course is to acquaint students with the penal policies including theories of punishment, their supposed philosophical and sociological justifications. This course also offers a specialized understanding of the functioning of the penal institutions along with rehabilitation and protection of victims of crime.

### **Module 01 Penology - Introduction :**

1. Definition, nature and scope of Penology
2. Crime Control Mechanism -
  - a) Police
  - b) Court
  - c) Public Prosecutor
  - d) Jail Administration
  - e) Open Prison

### **Module 02 Punishment :**

1. Concept of Punishment
2. Theories of Punishment -
  - a) Deterrent Theory
  - b) Retributive Theory
  - c) Preventive Theory
  - d) Reformatory Theory
3. Forms of Punishment
4. Penal Policy in India

### **Module 03 Police System in India :**

1. Origin of Police
2. Development of Police Organization
3. Police Force in India
4. Nature and Objectives of Indian Police System
5. Police organization under the State Government
6. Police organization under the Central Government
7. Principles of Policing
8. Legal functions of police



9. Law Relating to Police Administration
10. Police Reforms
11. Legislative Trends
12. Judicial Approaches
13. NHRC guideline on Police-Public Relations

**Module 04 Prison System in India :**

1. History of Prison System
2. Prison in British India
3. Role of Prison in Modern Penology
4. Types of Prisons and Prisoners
5. Problems of Prisons -
  - a) Over Crowding
  - b) Basic Amenities
  - c) Prison Discipline
  - d) Prisoner's Health
  - e) Criminality in Prison
  - f) Problems of Under-trials
6. Prison Reforms -
  - a) Commission on Prison Reforms
  - b) Jurisprudence of Prison Reforms
  - c) Legislative Trends
  - d) Judicial Trends

**Module 05 Open Prisons :**

1. Definition and Origin of Open Prison
2. The Philosophy underlying the Open Prison
3. Main Characteristics of Open Prisons
4. Advantages of Open Prison
5. Critical Appreciation of the working of Open Prison

**Module 06 Parole :**

1. Meaning and Definition of Parole
2. Concept of Parole
3. Distinction between Parole and Indeterminate Sentence



4. Distinction between Parole and Furlough
5. Comparison between Parole and Probation
6. Parole in India
7. Structural setup of Parole Boards and their Functions
8. Conditions of Parole
9. Essentials of an Ideal Parole System
10. Judicial Trend in India
11. Parole Violation

***Module 07 Victimology - Victim and Victimization :***

1. Victim – Meaning and Kinds
2. Impact of Victimization - Physical, Economic and Psychological
3. Double / Secondary victimization
4. Victimology - Definition, Nature and Scope
5. Theories of Victimology -
  - a) The Precipitation Theory
  - b) Life-style Theory
  - c) Deviant Place Theory
  - d) Routine Activity Theory

***Module 08 Legal Perspectives of Victim Assistance :***

1. Victim Assistance Program -
  - a) Evolution of Concept of Victim and Victimology
  - b) Victim's Rights - Approach at International and Municipal Jurisdiction.
  - c) Declaration of United Nations on Victims' Rights
  - d) Constitution of India and Rights of Victims
  - e) Statutory Provisions - Code of Criminal Procedure, Probation of Offenders Act
2. Access to Justice -
  - a) Compensation to victims of crime
  - b) Rights of victims during trial
  - c) Legal assistance to the victims
  - d) Role of victim at time of granting bail
  - e) Right of victim to appeal



### **Recommended Readings:**

1. J.M.J. Sethna, *Society and the Criminal*, N.M. Tripathi Private Limited, (1989).
2. Shukla Girjesh, *Criminology*, LexisNexis, New Delhi, (2013).
3. N.V. Paranjpe, *Criminology and Penology with Victimology*, Central Law Publication, Allahabad, (1998).
4. J.P.S. Sirohi, *Criminology and Penology*, Allahbad Law Agency.
5. Ahmad Siddique, *Criminology and Penology*, Eastern Book Company.
6. Davis Lurigo Herman, *Victims of Crime*, Sage Publications.
7. Schuffer S., *Victimology, The Victim and his Criminal*, Raston Publishing Co. Reston, Virginia.
8. Karmen Andrew, *Crime Victim: An Introduction to Victimology*, Wadsworth Publishing Company.
9. Rajan, V.N., *Victimology in India : An Introductory Study*, New Delhi, Allied Publisher.



## **LO 0608 Land Acquisition Law :**

### **Objectives of the Course :**

The much criticized Land Acquisition Act, 1894 was repealed and replaced by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act 2013). The object of the Act is to provide a law, which will enable the State to acquire the land of citizens. However, the power of Government to acquire land is not absolute. The cardinal rule is that there should be compensation for acquisition of land. The power of the sovereign to take private property for public use and the consequent rights of the owner to compensation are well established in the Act of 2013. The syllabus is aimed to make aware the students

- (a) the historical foundation of land acquisition in India,
- (b) constitutional provisions relating to land acquisition in India,
- (c) the detailed outline and functioning of the Act, 2013, and
- (d) the major issues involved in Land Acquisition.

### **Module 01 Historical Perspectives of Land Acquisition in India :**

- 1. Land Acquisition in colonial era
- 2. Salient features of the Land Acquisition Act, 1894
- 3. Limitations / Demerits of the Land Acquisition Act, 1894
- 4. Land Acquisition and Welfare State

### **Module 02 Provisions under the Constitution of India :**

- 1. Right to property under the Constitution of India
- 2. Agrarian reforms and the First, Fourth and Seventeenth Amendment to the Constitution
- 3. Eminent Domain and Police Power
- 4. Concept of Public Purpose
- 5. Issues Regarding Compensation

### **Module 03 Introduction of the RFCTLARR Act, 2013 :**

- 1. Object application and Reasons of the Act
- 2. Extent and Application of the Act
- 3. Interpretation clause under the Act



**Module 04 Determination of Social Impact and Public Purpose and Safeguard Food Security :**

1. Determination of Social Impact and Public Purpose :
  - a) Preliminary Investigation for Determination of Social Impact and Public Purpose
  - b) Appraisal of Social Impact Assessment Report by an Expert Group
  - c) Examination of Proposal by a Committee Constituted by the Appropriate Government
2. Special provisions to safeguard Food Security

**Module 05 Notification, Acquisition, Rehabilitation, Resettlement and Procedure :**

1. Notification and Acquisition
2. Rehabilitation and Resettlement Award
3. Procedure and Manner of Rehabilitation and Resettlement

**Module 06 Authorities, Apportionment Payment of Compensation :**

1. National Monitoring Committee for Rehabilitation and Resettlement
2. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority
3. Apportionment of Compensation
4. Payment of Compensation

**Module 07 Temporary Occupation, Offences and Miscellaneous Provisions :**

1. Temporary Occupation of Land
2. Offences and Penalties
3. Miscellaneous Provisions under the Act (Sections 91 to 114)

**Recommended Readings:**

1. Manoj Kumar Srivastava, *Agricultural Labour and the Law: Socio-Economic Problems and Legal Protection*: (Deep & Deep Publications, 1993).
2. Om Prakash Aggarwala, (2008), *Commentary on Land Acquisition Act*, Universal Law Publishing Co. P. Ltd, New Delhi.
3. L. M. Singhvi, *Land Reforms - Law and Poverty*, Pages 103-114, 116-121, 127-136.
4. Choudary, D R and Choudary, A N; *Land Laws in Maharashtra*, CTJ Publications.
5. Ramchandran, V G; *The law of Land Acquisition and Compensation*, Eastern Book Company.
6. Choudhari, *The Land Acquisition Act*, Orient Law Agency, Allahabad.
7. V.N. Shukla, *Constitution of India*, Eastern Book Agency, 2014.
8. N.K Acharya, *Commentary on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*, Asia Law House, 2014.
9. M.L. Upadhyaya, Law, *Poverty and Development*, Taxmann Allied Publishers Pvt. Ltd, 2000.





## **LO 0609 Intellectual Property Rights II :**

### **Objectives of the Course :**

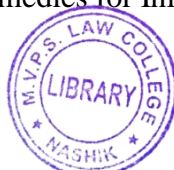
This course is designed with an objective to acquaint the students with the laws for the protection of various intellectual properties and how the international instruments implemented in India. It also aims at sensitizing the students with current issues in the field of Intellectual Property at National Level.

### **Module 01 The Copyright Act, 1957 :**

1. Definition of Copyright, Objectives of Copyright Protection, Nature of Copyright
2. Copyright and Socio-Economic Development
3. Copyright Law in India – History and Evolution
4. Works in which Copyright subsists – Subject matter of Copyright, Authorship and Ownership of Copyright
5. Authorities under the Copyright Act, 1957, Registration of Copyright, Term of Copyright, Provision for Appeals.
6. Rights Conferred by Copyright, Limitations and Exceptions to Copyright Protection
7. Assignment, Transmission, Licenses and Relinquishment of Copyright
8. Copyright Societies, International Copyright
9. Piracy and Infringement of Copyright, Test of Copyright Protection, Remedies against Infringement.
10. Related Rights - Rights of Performers and Broadcasting Organizations, Economic Rights and Moral Rights of Authors.

### **Module 02 The Patent Act, 1970 :**

1. Historical Evolution of Patent System in India, Philosophy of Patent
2. Implementation of TRIPS agreement in India, Amendments to the Patent Act, 1970
3. Definitions, Patentability Criteria, Patentable Subject Matter, Non-Patentable Inventions
4. Procedure for obtaining a Patent, Opposition to the Patent Grant (Pre-grant and Post-grant opposition), Term of Patent
5. Convention Application, PCT International Application
6. Authorities under the Patent Act, 1970: Controller of Patents, IPAB, Patent Agent
7. Rights and Obligation of Patentee, Patent of Addition, Transfer of Patent Rights
8. Revocation and surrender of Patent
9. Compulsory Licenses, Governmental Use and Acquisition of inventions
10. Infringement of Patent and Remedies for Infringement



**Module 03 The Trade Marks Act, 1999 :**

1. Object and Functions of Trademark, Commercial and Non-Commercial Role of Trade Marks
2. Development of Trademark law in India
3. Definition of Mark, Trademark, under the Trade Mark Act, 1999, Essential Features and functions of Trademark, Kinds of Trademark, Registered Trade Mark and Unregistered Trade Mark
4. Conditions for Registration, Procedure of Registration, Grounds of Refusal for Registration
5. Protection of Trade Mark through International Registration under Madrid Protocol
6. Duration, Renewal, Removal and Restoration of Trademark
7. Rights and liabilities of Trademark Holder, Limitations on rights, Honest and concurrent use
8. Effect of Registration of Trade Mark, Infringement and Passing off Remedies, Deceptive Similarity
9. Change of Ownership, Assignment and Transmission, Licenses
10. Contemporary Developments - Effects of Information Technology, Protection of Trade Names and Domain Names

**Module 04 The Designs Act, 2000 :**

1. Development of Designs Law in India
2. Definitions, Controller of designs, Registration of designs - Essential requirements, Non-registrable designs, Procedure of registration, Term of copyright in designs
3. Cancellation of registration, Restoration of lapsed designs
4. Rights of design holders, Assignment and Transmission
5. Piracy (Infringement) of registered designs and Remedies for Infringement

**Module 05 The Geographical Indications of Goods (Registration and Protection) Act, 1999 :**

1. Historical background of law of Geographical Indications in India
2. Meaning and Definition, Functions and Characteristics of Geographical Indication
3. Distinction between Geographical Indications and Trade Mark
4. The Register and Conditions for Registration of Geographical Indication
5. Procedure for Registration, Duration of Protection, Rights conferred by Registration, Infringement of Geographical Indications and Remedies
6. Powers of the Registrar of Geographical Indications



**Module 06 Protection of other Types of Intellectual Property Rights in India :**

1. Protection of Plant Varieties and Farmer's Rights in India
2. Layout Designs/Topographies Integrated Circuits
3. Protection of Confidential Information and Trade Secrets
4. Protection of Traditional Knowledge
5. Protection of Bio-diversity
6. Semiconductor Integrated Circuits and Layout Designs
7. Protection against Unfair Competition

**Recommended Readings :**

1. Tamali Sen Gupta, *Intellectual Property Law in India*, Wolters Kluwer, Law & Business (2011).
2. Brainbridge, *Intellectual property*. New Delhi: Pearson Education (Singapore) Pvt. Ltd.
3. Choudhary D. N., *Evolution of Patent Laws*. New Delhi: Capital Law House.
4. Epstein M A, *Epstein on Intellectual property (Indian Reprint)*. New Delhi: Wolters Kluwer Law and Business.
5. Gopalkrishnan N S, & Agitha T G, *Principles of Intellectual Property*. Lucknow: Eastern Book Company.
6. Kankanala K C, *Genetic Patent Law and Strategy*. Noida, India: Manupatra Information Solutions Pvt. Ltd.
7. Reddy G B, *Intellectual Property Rights and the Law*, Gogia Law Agency, Hyderabad.
8. Rama Sarma, *Commentary on Intellectual Property Laws*, Vol.2. Nagpur: LexisNexis Butterworths Wadhwa.
9. Prabudh Ganguli, *Gearing up for Patents - The Indian Scinario*, Universal Law Publishing.
10. Parmeswaran Narayanan, *Intellectual Property Law*, Eastern Law House.
11. B L Wadehra, *Law Relating to Intellectual Property: Patents, Trademarks, Designs and Geological Indications*.
12. Robert Merges & John Duffy, *Patent Law and Policy: Cases and Materials*, 2017.
13. Feroz Ali Khader, *The Law of Patents - With a special focus on Pharmaceuticals in India*, LexisNexis Butterworths Wadhwa, Nagpur.
14. Lionel Bently & Brad Sherman, *Intellectual Property Law*, Oxford University Press.
15. Gregory Stobbs, *Software Patents Worldwide*, Wolters Kluwer.
16. Ahuja V K, *Law Relating to Intellectual Property Rights*, LexisNexis, New Delhi, 2017.

