



Fourth Year B.A. LL.B Semester VIII LL.B II Semester IV (2017 pattern)

LC 0801 Labour and Industrial Law :

Objectives of the Course :

The labour movement has been instrumental in the enacting of laws protecting labour rights in the 19th and 20th centuries. Labour rights have been integral to the social and economic development since the industrial revolution. After the Independence the government of India has enacted numerous legislations for the regulation of labour relations and their welfare. Labour and Industrial law mediates many aspects of the relationship between trade unions, employers and employees. It defines the rights and obligations of workers, union members and employers in the work place. An understanding of Labour Laws is very essential for law students because of the fact that the scope and ambit of these laws is very wide and is touching the lives of millions of people in the country.

Module 01 Constitutional Provisions on Labour Legislations :

Labour legislations and relevant Constitutional provisions - Fundamental Rights, Directive Principles of State Policy and Distribution of legislative powers

Module 02 Settlement of Industrial Disputes :

The Industrial Disputes Act, 1947 : Objectives, Basic Definitions, Industry and Industrial Disputes, Settlement of Industrial Disputes - Authorities and Procedures, Strikes, Lock-outs, Lay off, Retrenchment and Recovery of Dues

Module 03 Unfair Labour Practices and Model Standing Orders :

1. Unfair Labour Practices Under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act 1971



2. The Industrial Employment (Standing Orders) Act, 1946 :
 - a) Model Standing Orders - Misconducts
 - b) Disciplinary Proceedings in Industries / Domestic Inquiry - Preliminary Enquiry, Charge-sheet, Procedure of Domestic Inquiry, Enquiry report and Punishment

Module 04 The Factories Act, 1948 :

Objectives, Basic Definitions, Health, Safety and Welfare Measures, Working Hours of Adults and Employment of Young Persons and Women, Leaves

Module 05 The Employees' Compensation Act, 1923 :

Objects and Reasons, Definitions, Employer's Liability for Compensation, Amount of Compensation, Doctrine of Notional Extension and Doctrine of Added Peril

Module 06 The Contract Labour (Regulation and Abolition) Act, 1970 :

Objects and Reasons, Registration of establishments, Licensing of Contractors Welfare and Health of Contract Labour, Penalties and Procedures

Module 07 Laws Relating to Wages :

1. The Minimum Wages Act, 1948 - Objects, Definition of Wages, Fixation and Revision of Minimum Wages, Wage Theories
2. The Payment of Wages Act, 1936 - Objects, Definition of Wages, Payment of wages, Deductions from Wages, Authorities



Recommended Readings :

1. Avtar Singh and Harpreet Kaur, *Introduction to Labour and Industrial Law*, LexisNexis.
2. G.M. Kothari, *How to Conduct and Defend Disciplinary Inquiry and Cases*, Eastern Book Company.
3. H.L. Kumar, *Law Relating to Disciplinary Proceedings in Industries*, Universal Publishing Co Pvt. Ltd.
4. P.L. Malik, *Handbook of Labour and Industrial Law*, Eastern Book Company.
5. S.D. Puri and Sandeep Puri, *Treatise on the Contract Labour (Regulation and Abolition) Act, 1970*, Snow White Publications.
6. S.K. Puri, *Labour and Industrial Law*, Allahabad Law Agency.
7. S.N. Mishra, *Labour and Industrial Laws*, Central Law Publications.
8. S.P. Jain, *Industrial and Labour Laws*, Dhanpat Rai & amp: Co.
9. Taxmann's *Labour Law*.
10. V.G. Goswami, *Labour and Industrial Laws*, Central Law Agency.



LC 0802 Jurisprudence :

Objectives of the Course :

The course aims at developing an analytical approach to understand the nature of law and the development of legal system. Jurisprudence seeks to answer fundamental questions about law. The concerns of jurisprudence are an inescapable feature of the law and legal system. Jurisprudence has generous frontiers. It accommodates copious subjects of intellectual enquiry. This course identifies and elucidates several of the major preoccupations of legal theory. This course also create an understanding of basic legal concepts like Rights, Person, Property, Title, Possession, Ownership, Liability, Obligation which are basic to the study of Law.

Module 01 Introduction to Jurisprudence :

1. Jurisprudence – Meaning, Nature, and Utility
2. Meaning, Characteristics, Purposes and Classification of Law
3. Relationship between Law and Morality

Module 02 Sources of Law :

1. Legislation – Meaning, nature, kinds, merits and demerits, relation with other sources

Precedent - Meaning, nature, theories of Precedent, Doctrine of Stare Decisis, article 141 of the Constitution of India, kinds, ratio decidendi and obiter dicta, doctrine of prospective overruling, significance and circumstances destroying binding force, relation with other sources

2. Custom - Meaning, nature, essential conditions, kinds, concept of Volkgeist
3. Juristic Writings - Meaning, nature and significance

Module 03 Natural Law Theories :

1. Classical Natural Law theory: Plato and Aristotle, St. Augustine, St. Thomas Aquinas
2. Natural law and Social Contract Theory : Hugo Grotius and International Law, Hobbes, Locke, Rousseau
3. Revival of Natural Law : Lon Fuller and the Morality of Law, H.L.A. Hart on Natural Law, John Finnis and the Restatement of Natural Law



Module 04 Legal Positivism :

1. Bentham and John Austin's theory of positivism
2. Hart's concept of law
3. Kelsen's Theory of law

Module 05 Sociological, Realist and Historical Schools of Law :

1. Sociological school of law - Roscoe Pound
2. Realist school of law -
 - a) American Realism: W Holmes, Karl Llewellyn, Jerome Frank
 - b) Scandinavian Realism: Axel Hagerstrom, Alf Ross, Karl Olivercrona
3. Historical school of jurisprudence - Savigny and Maine. - Comparison of Historical and Analytical School of Law

Module 06 Critical Legal Studies :

1. Critical Feminist Jurisprudence -
 - a) Feminist Legal Theory
 - b) Origins of Feminism
 - c) Legal Feminisms - Liberal Feminism, Radical Feminism, Postmodern Feminism
2. Critical Race Theory -
 - a) Critical Race Theory's critique of Liberalism
 - b) Critical Race Theory's racial critique of Civil Rights Scholarship
 - c) Critical Race Theory as Reconstruction Jurisprudence

Module 07 Rights and Duties :

1. Meaning of Wrong, Duty and Right
2. Characteristics of Legal Rights
3. Kinds of Legal Rights
4. Theories of Legal Rights
5. Hohfeldian Classification of Legal Rights



Module 08 Concept of Property and Obligations :

1. Meaning of Property
2. Kinds of Properties
3. Theories of Property
4. Modes of acquisition Property
5. Definition of Obligation
6. Solitary Obligations
7. Sources of Obligations

Module 09 Concepts of Ownership and Possession :

1. Meaning of Ownership
2. Characteristic of Ownership
3. Subject-matter of Ownership
4. Kinds of Ownership
5. Modes of acquiring Ownership
6. Meaning of Possession
7. Kinds of Possession
8. Modes of acquiring Possession
9. Possessory Remedies
10. Comparison between Ownership and Possession

Module 10 Concept of Person :

1. Nature of Personality - Natural and Legal
2. Legal Status of Lower Animals, Dead persons, Unborn Persons
3. Kinds of Legal Persons
4. Uses and Purposes of Incorporation
5. Theories of Legal Personality

Module 11 Concept of Title :

1. Definition and Nature of Title
2. Classification of Titles
3. Importance of Agreements
4. Kinds of Agreements
5. Validity of Agreements



Module 12 Concept of Liability :

1. Definition and Nature of Liability
2. Kinds of Liability
3. General Conditions of Liability
4. Measure of Penal Liability
5. Measure of Civil Liability
6. Theory of Strict and Absolute Liability
7. Vicarious Liability in Civil and Criminal Law
8. Liability of Corporations

Recommended Readings :

1. Bodenheimer Jurisprudence – *The Philosophy and Methods of Law*, Universal Law Publishing, 1996.
2. Fitzgerald, (ed.) *Salmond on Jurisprudence*, Sweet & Maxwell, 1999.
3. W. Friedman, *Legal Theory*, Universal Law Publishing, New Delhi, 1999.
4. H.L.A. Hart, *The Concept of Law*, Oxford University Press, ELBS, 1970.
5. Hilaire McCoubrey and Nigel D. White, *Textbook on Jurisprudence*, Oxford University Press, 1999.
6. M.D.A. Freeman (ed.), *Lloyd's Introduction to Jurisprudence*, Sweet and Maxwell, 1994.
7. Mark Kelman, *A Guide to Critical Legal Studies*, Universal Law Publishing Co., 2010.
8. N.Y. Jayakumar, *Lectures in Jurisprudence*, 2nd Ed., LexisNexis.
9. P.S. Atchthew Pillai, *Jurisprudence and Legal Theory*, Eastern Book Company.
10. Paton G. W. *Jurisprudence*, Oxford University Press, ELBS, 1972.
11. Raymond Wacks, *Understanding Jurisprudence*, Oxford University Press, 2012.
12. Roscoe Pound, *Introduction to the Philosophy of Law*, 1998 Re-print, Universal Publication, Delhi.
13. Suri Ratnapala, *Jurisprudence*, Cambridge University Press, 2009.
14. V. D. Mahajan, *Jurisprudence and Legal Theory*, 1996 Re-print, Eastern Books, Luknow.
15. Vijay Ghormade, *Lectures on Jurisprudence & Legal Theory*, Hind Law House, Pune.



LC 0803 Law of Evidence :

Objectives of the Course :

The Indian Evidence Act, 1872 is the important source of Law of Evidence. The objectives of the course are to equip the students with knowledge of :

- (a) the fundamental principles of evidence law,
- (b) the strict application of it in judicial proceedings,
- (c) the role of evidence law in civil and criminal proceedings,
- (d) the connection of the course with substantive and other procedural laws, and
- (e) the relevance of the course in non-litigation practice. The student will also be exposed to the concerned provisions of the Information Technology Act, 2000.

Module 01 Introduction of the Act (Sections 1-5) :

1. Importance of Law of Evidence
2. Role in Civil and Criminal Proceedings
3. Application of the Act
4. Interpretation clause under the Act
5. Presumptions : May presume, shall presume and conclusive proof
6. Relevant Definitions under the Information Technology Act, 2000
7. Evidence of Facts in issue and Relevant Facts only
8. Relevancy and Admissibility

Module 02 Relevancy of Facts I :

1. What Facts are Relevant (Sections 6-16)
2. Relevancy of Admissions (Sections 17-23 and 31)
3. Relevancy of Confessions (Sections 24-30)

Module 03 Relevancy of Facts II :

1. Statement by Persons who Cannot be found (Sections 32-33)
2. Statements made under Special Circumstances (Sections 34-39)
3. Judgments (Sections 40-44)



Module 05 Oral and Documentary Evidence I :

1. Oral Evidence (Sections 59-60)
2. Documentary Evidence (Sections 61-78)

Module 06 Oral and Documentary Evidence II :

1. Presumptions as to Documents and Electronic Records (Sections 79-90A)
2. Exclusion of Oral by Documentary Evidence (Sections 91-100)

Module 07 Burden of Proof :

1. Burden of Proof (Sections 101-111)
2. Presumptions (Sections 111A-114A)
3. Doctrine of Estoppel (Sections 115-117)

Module 08 Witnesses and Examinations of Witnesses :

1. Witnesses (Sections 118-134)
2. Examinations of Witnesses (Sections 135-166)
3. Improper Admission or Rejection of Evidence (Sections 167)

Module 04 Relevancy of Facts III :

1. Relevancy of Opinions (Sections 45-51)
2. Relevancy of Character (Sections 52-55)
3. Facts which need not be Proved (Sections 56-58)



Recommended Reading

1. V. P. Sarathi's *Law of Evidence*, 7th ed, Abhinandan Malik (ed), Eastern Book Company, 2017.
2. M. Monir, *Textbook on the Law of Evidence*, 10th ed (Reprint), Universal Law House, 2016.
3. Ryan's *Essential Evidence Outlines – Practitioner and Student Handbook*, 2005.
4. Avtar Singh, *Principles of the Law of Evidence*, 22nd ed, Central Law Publications, 2016.
5. Ratanlal and Dhirajlal, *The Law of Evidence*, 25th ed, B M Prasad and Monish Mohan (ed), LexisNexis, 2016.
6. Ram Jethmalani and D. S. Chopra, *Law of Evidence : Concise Commentary*, Thomson Reuters, 2015.
7. C. D. Field's *Commentary on Law of Evidence*, 13th ed, Delhi Law House, 2017.
8. M. Monir's *Law of Evidence*, 17th ed, Universal Law Publishing, 2016.
9. V. Nageshwar Rao, *The Indian Evidence Act*, 2nd ed, LexisNexis, 2015.
10. Woodroffe and Amir Ali's *Law of Evidence*, 20th ed, B M Prasad and Manish Mohan (ed), LexisNexis, 2017.
11. Sarkar's *Law of Evidence*, 19th ed, Sudipto Sarkar and H R Jhingta (eds), LexisNexis, 2016.
12. Y. H. Rao and Y R Rao, *Expert Evidence - Medical and Non-Medical*, 4th ed (Reprint 2011) LexisNexis, 2010.
13. Ram Jethmalani and D. S. Chopra, *The Law of Evidence : Commentary on Evidence Act, 1872*, 2nd ed, Thomson Reuters, 2016.
14. Peter Murphy and Richard Glover, *Murphy on Evidence*, Oxford University Press, 12th ed, 2011.
15. Nayan Joshi, *Electronic Evidence*, Kamal Publishers, 2012.
16. K. D. Gaur, *Textbook on the Indian Evidence Act*, Universal Law House, 2017.
17. N. V. Paranjpe, *Evidence in Criminal Trials*, Thomson Reuters, 2017.
18. Batuklal, *Law of Evidence*, Central Law Agency, Allahabad.
19. Stephen Mason, *Electronic Evidence*, 4th ed, 2017 free for download at <http://humanitiesdigitallibrary.org/index.php/hdl/catalog/book/electronicvidence>.
20. Stephen Mason, *Electronic Signatures in Law*, 4th ed, 2016, free for download at <http://humanities-digital-library.org/index.php/hdl/catalog/book/electronicsignatures>.



LP 0804 Practical Training Paper II - Alternative Dispute Resolution System :

Objectives of the Course :

The objective of this course is to acquaint the students with various modes of Alternate Dispute Resolution System (ADR). The ADR mechanism is less bound by procedural formalities and speedy in giving results. For this reason ADR is appreciated by many countries around the world. The course is designed to give the students insightful knowledge about this emerging area. The goal of the course is to help the students to understand practically the various methods of resolving disputes under ADR system, so that they can help their clients and society to select and employ the most effective, just and humane methods. The inability to resolve disputes in a timely manner eviscerates public and private rights obligations. To overcome this drastic situation ADR is highly recommended and accepted. The course covers study of the Arbitration and Conciliation Act, 1996, the Legal Services Authority Act, 1987 and few international perspectives and enforcement of foreign awards.

Scheme of Marking :

Part A : University Written Examination : 80 Marks
Part B : Written Submissions (10 Marks) & Viva voce Examination (10 Marks) : 20 Marks

Part A : Syllabus for University Written Examination 80 Marks

Module 01 Alternate Dispute Resolution Mechanisms :

1. Alternate Dispute Resolution Mechanisms : Meaning, Definitions, Concept and History
2. Structure Powers and Functions of the Authorities under the Legal Services Authority Act, 1987
3. Legislative and judicial sanction for ADR
4. Forms of ADR : Negotiation, Mediation, Conciliation, Arbitration, Lok Adalat

Module 02 Negotiation and Mediation :

1. Meaning, features, theories, types of negotiation
2. Appointment, role and qualities of the negotiator, Process of negotiation
3. International negotiation
4. Meaning, features, theories and role of Mediation
5. Appointment and role of mediator
6. Good offices



Module 03 Conciliation :

1. Meaning, features and modes of Conciliation
2. Conciliation under the Arbitration and Conciliation Act, 1996
3. Appointment and role of conciliator
4. Techniques of conciliation and Termination of conciliation proceedings
5. Contractual provisions about conciliation

Module 04 Arbitration :

1. Meaning, features, theories and types of arbitration
2. Historical perspectives of arbitration as a dispute settlement mechanism, and law of arbitration
3. Types of Arbitration - Domestic and International arbitration, Institutional arbitration
4. Advantages and disadvantages of arbitration
5. Difference between Negotiation-Mediation-Conciliation-Arbitration

Module 05 Arbitration Agreement :

1. The arbitration agreement, formation, its essentials
2. Validity of arbitration agreement
3. Rule of severability, Effect of death, insolvency, etc. on agreement
4. Parties to arbitration agreement, Agreement as binding on third parties
5. Power of Court to refer parties to arbitration
6. Jurisdiction of Courts

Module 06 Structure, Powers and Functions of Arbitral Tribunal :

1. Constitution of Arbitral Tribunal - qualifications to act as arbitrator
2. Disclosures by arbitrator, Disqualification of arbitrators
3. Grounds to challenge appointment and procedure of Arbitrators
4. Powers of Courts to appoint Arbitrators
5. Jurisdiction of arbitral tribunal - Power to rule on its own jurisdiction
6. Interim measures ordered by arbitral tribunal
7. Interim measures by Court



Module 07 Arbitration Proceedings and Award :

1. Conduct of arbitral proceedings, procedure, rules of procedure
2. Language, impartiality of arbitrator, equal treatment of parties
3. Procedure before arbitral tribunal, claim, defence, hearing, evidence, experts, confidentiality, application of the Law of Evidence and Limitation
4. Court's assistance in taking evidence, fast track procedure
5. Arbitral award - Types of award - Form and Content - Finality of award - Interpretation of award
6. Correction in award - Stamp duty - Registration - Additional award Costs - Termination of proceedings
7. Time limits for award, extension of time
8. Recourse against award, Grounds of setting aside award, Court's role, Enforcement of award

**Module 08 International Perspectives and Enforcement of Foreign Awards -
International Perspectives :**

1. UNCITRAL Model Law on International Commercial Arbitration
2. The Geneva Protocol on Arbitration Clauses, 1923
3. The Geneva Convention on the Execution of Foreign Arbitral Awards 1927
4. The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958
5. Foreign awards – meaning and definition (New York Convention Awards and Geneva Convention Awards)
6. Referring parties to arbitration
7. Binding nature of foreign awards,
8. Enforcement of foreign award, Proof of award, Conditions for enforcement
9. Jurisdictional issues

Note :

1. The college shall organise interaction session(s) of experts in the Alternate Dispute Resolution System with the students.
2. The college shall also organise a visit of students to State Legal Services Authority / District Legal Services Authority / Taluka Legal Services Committee / Local Legal Aid Centre to observe actual working of the Authority. Alternatively, the college may organise an interaction session(s) of experts in the concerned area with the students.
3. The purpose of the visit / interaction session should be to provide or to enhance the practical knowledge of the students with respect to the course.
4. The concerned teacher is advised to orient the students, before organisation of visit / interaction session, as to purpose of visit / interaction, concerned legal provisions, etc.



Part B : Contents of Written Submissions (Journal) :

The Written Submissions (Journal) shall contain the following :

1. Draft of a domestic arbitration agreement after a commercial dispute has arisen between parties.
2. Draft of an application to the Court for setting aside an arbitration award.
3. Draft of an application to the appropriate court to appoint an arbitrator when parties have failed in their attempts to appoint one according to the arbitration agreement.
4. Report on interaction session(s) on Alternate Dispute Resolution System.
5. Report on visit to State Legal Services Authority / District Legal Services Authority / Taluk Legal Services Committee / Local Legal Aid Centre or on Interaction Session(s).

Note :

1. A concerned teacher may change topics for writing of drafts by considering the objectives of the course.
2. A Report on visit / interaction session shall consists : (a) Purpose of the Visit / Interaction, (b) Observations / Information Collected by the student, (c) Relevant Provisions of Law, (d) Comments on Linkage between Law and Practice. A concerned teacher may add in or modify the specified contents of report.



Recommended Readings :

1. Justice R.P. Sethi, *Commentary on Arbitration and Conciliation Act as Amended in 2016*, 2nd Edition, Wytes and Co., 2016.
2. Madhusudan Saharay, *Textbook on Arbitration & Conciliation with Alternative Dispute Resolution*, 4th ed, Universal Law Publishing, 2017.
3. N V Paranjpe, *Law Relating to Arbitration and Conciliation in India*, 7th ed, Central Law Agency, 2016.
4. Avtar Singh, *Law of Arbitration and Conciliation*, 10th ed., Lucknow, 2013.
5. Mallika Taly, *Introduction to Arbitration*, Eastern Book Company, 2015.
6. Vishnu Warriar, *Arbitration, Conciliation and Mediation*, LexisNexis, 2015.
7. K V Satyanarayana, *Law of Arbitration and Conciliation in India*, Asia Law House, 2017.
8. Anirban Chakraborty, *Law and Practice of Alternative Dispute Resolution in India – a Detailed Analysis*, LexisNexis, 2016.
9. Ashwini Kumar Bansal, *Arbitration and ADR*, 5th ed, Universal Law Publication, 2016.
10. Shriram Panchu, *Mediation Practice and Law - The Path to Successful Dispute Resolution*, 2nd ed, LexisNexis, 2015.
11. Anuroom Omkar and Kritika Krishnamurthy, *The Art of Negotiation and Mediation*, LexisNexis, 2015.
12. P C Rao and William Sheffield, ed, *Alternative Disputes Resolution- What it is and How it Works?* Universal Law Publishing, New Delhi, 2015.
13. S B Malik, *Commentary on the Arbitration and Conciliation Act*, 6th ed, Universal Law Publishing, 2013.
14. N D Basu, *Law of Arbitration and Conciliation*, 13th ed, Orient, 2016.
15. U Pattabhi Ramian, *Arbitration & ADR Including Conciliation, Mediation & Negotiation*, Asia Law House, 2011.
16. R S Bachawat, *The Law of Arbitration and Conciliation*, 5th ed, LexisNexis, 2013.
17. P C Markanda, *Law Relating to Arbitration and Conciliation*, 9th edn, LexisNexis, 2016.
18. O P Malhotra, *The Law and Practice of Arbitration and Conciliation*, 2nd edn, LexisNexis Butterworths, 2006.
19. N D Basu, *Law of Arbitration and Conciliation*, P K Majumdar (ed), Orient, 2016.
20. G K Kwatra, *The Arbitration and Conciliation Law of India*, Universal Law Publishing, New Delhi, 2008.



Optional Subject 4 (Any one from the following) :

LO 0805 Human Rights Law and Practice :

Objectives of the Course :

The National Legal Systems recognized the rights of individuals from ancient periods and extended protection through various legal regulations. However, they could not provide an effective remedy for breaches outside the state and state violations. This scenario and other developments in the beginning of 20th century led the nation-states to bring the aspects of individual's rights under the purview of international law and appropriately titled them as Human Rights with the adoption of Charter of UN in 1945. In pursuance of the directions of the preamble and other provisions of Charter, a plethora of international instruments have been agreed upon by the States Parties to Protect and promote the Human Rights of Individuals both at international and domestic levels. In view of the gaining significance of International Law of Human Rights, this course presents subtly an overview of the International and Domestic perspectives of Human Rights along with the redressal mechanism.

Module 01 Introduction :

1. Historical origins of Human Rights in International and National Scenario - Nature and an overview
2. Basic Components of Human rights – Value, Dignity, Equality, Justice, Morals and Ethics and Significance
3. Perspectives on Rights and Duties – Relationship between Rights and Duties
4. Provisions under the Charter of UN – Preamble, Articles 1(3), 13(1)(b), 55 and 56
5. International Bill of Human Rights (UDHR, ICCPR, ICESCR) - Nature and significance
6. Introduction to generation of Human Rights

Module 02 First Generation Human Rights :

The Civil and Political Rights – ICCPR, Part III of the Constitution of India and Landmark Cases :

1. Civil Rights: Freedom of Opinion - Freedom of Expression and Press, Right to Personal Security in relation to justice and police, Equality before Law, Right to Life and Liberty, Right to Privacy, Right to Religion
2. Political Rights: Equal access to Public, Participation in Governance, Right to Vote and Good Governance



Module 03 Second Generation Human Rights :

The Economic, Social and Cultural Rights : ICESCR, Part IV of the Constitution of India and Landmark Cases :

1. Economic and Social Rights: Labour Rights, Right to Property, Right to Education, Freedom of Association, Right to Social Security (Pension, Medical Services - Right to insurance for sickness, old age – Unemployment allowance etc.)
2. Cultural Rights: Right to develop Languages, Right to follow Customs, Folkways, Literature, and Traditions, Right to enjoy Scientific and Technological benefits

Module 04 Third and Fourth Generation Human Rights :

1. Group Rights (Third Generation Rights) : Right to Development, Right to Self-determination, Right to Peace and Happiness, Right to Safe and Decent Environment, Right to Human Assistance, Right to Adequate Food, Right to water - Landmark Cases
2. Right to Genetic Engineering (Fourth Generation Rights) : Right to Protect Human Genome against unethical and unfair exploitation of genetic information (The UNESCO Declaration on Human Genome from 1997), Right to Genetic Identity, Right to impose restrictions on medical (Scientific and Technology) interference, Right to Die in Peace and Dignity, Right to Life of the Unborn (with reference to abortion and infanticide). Relationship of Science & Technology and Human Rights
3. Upcoming Human Rights –right to science, right to participate in science, right to benefit from science, right to benefit from a person's own contribution or invention, etc.
4. The Conflict Between Generations of Rights

Module 05 Human Rights of Vulnerable and Disadvantaged Groups :

1. Meaning and Definition of Vulnerable and Disadvantaged Groups
2. Social and Economic Status of Women and Children
3. Status of Socially and Economically Disadvantaged groups - Rights of Indigenous People (Scheduled Tribes), Scheduled Caste, Minorities, Aged and Disabled
4. Vulnerable Groups - Sex Workers, Domestic Workers, Stateless Persons, Migrant Workers, HIV/AIDS patients, LGBTQ and Prisoners



Module 06 Enforcement Mechanism of International Human Rights - Constitution, Powers and Functions :

1. The Human Rights Committee under ICCPR
2. The Committee on Economic, Social and Cultural Rights under ICESCR
3. The Committee on Elimination of Discrimination Against Women under CEDAW
4. The Committee on the Rights of the Child under CRC
5. Role of Human Rights Council and Office of the High Commissioner for Human Rights

Module 07 Human Rights Enforcement in India :

1. The Protection of Human Rights Act, 1993 – Object, Nature, Scheme, Definitions, Landmark cases
 2. Constitution, Powers and Functions of -
 - a) National Human Rights Commission
 - b) National Commission for Women
 - c) National Commission for Protection of Child Rights
 - d) National Commissions for Scheduled Castes, Scheduled Tribes, Minorities and other disadvantaged groups
3. Role of Judiciary in Enforcement of Human Rights
4. Human Rights Courts and their importance

Module 08 Significance of Human Rights Education :

1. Meaning and Definition of Human Rights Education
2. Role of UN in the Promotion of Human Rights Education
3. Role of Government of India in the Promotion of Human Rights Education – UGC and Universities
- 5.



Recommended Reading:

1. V. K. Ahuja, *Public International Law*, LexisNexis, Noida, 2016.
2. Gurdip Singh, *International Law*, Eastern book company, Lucknow, 2016.
3. Editors, Eibe Riedgal, Gilles Giacca, Christophe Golay, *Economic social and Cultural Rights in International Law*, Oxford University Press, 2014
4. Walter Kailin and JorgKunzli, *The Law of International Human Rights Protection*, Oxford University Press, New York, 2010.
5. Peter N. Strarms, *Human Rights in World History*, Routledge, New York, 2010.
6. De Schutter, *International Human Rights Law, Cases, Materials Commentary*, Cambridge University Press, New Delhi, 2010.
7. V.R. Krishna Iyer, *The Dialectics and Dynamics of Human Rights in India - Yesterday, Today and Tomorrow*, Eastern Law House, New Delhi.
8. Manoj Kumar Sinha, *Implementation of Basic Human Rights*, LexisNexis.
9. Editors, Ian Brownlie and Guy S. Goodwin-Gill, *Basic Documents on Human Rights*, Oxford University Press.



LO 0806 Competition Law :

Objectives of the Course :

There is aggressive competition in today's market. New start-ups and entrepreneurs are emerging almost every day. With opening of Indian markets in almost all sectors, the study of Competition law becomes inevitable. It is a rapidly growing area of law, which reflects the free market economy and increasing world globalization. The course aims to give an overview on the basics of Competition Law in India through a comparison of the main jurisdictions (especially USA, UK and EU) and thus provide a solid background for further studies on this subject. The course will examine and compare the application of competition law to business agreements, the exercise of dominant position, the combinations between the firms and sellers and the enforcement mechanisms.

Module 01 Introduction :

1. Basic Concepts : Customer and Consumer, Market, Types of Market – Perfect Market, Monopoly, Oligopoly and Monopsony
2. Rationale behind Competition Law
3. Constitutional aspect of Competition Law with respect to Human Rights and Social Justice (Article 39 (b) and (c) of the Constitution of India)
4. Relation between Competition Policy and Competition Law
5. Objectives of Competition Law
6. Economic analysis of Competition Law

Module 02 Historical Development of Competition Law :

1. History and Development of Competition Law / Antitrust Law
2. Development of Competition Laws in USA, UK and EU
3. Sachar Committee Report, Raghavan Committee Report
4. Salient Features of the MRTP Act, 1969
5. The Competition Act, 2002 vis a vis the MRTP Act, 1969
6. The Competition Act, 2002 – Objectives and Salient Features
7. Important Definitions under the Competition Act, 2002
8. Brief overview of Competition Law in USA, UK and EU

Module 03 Anti-Competitive Agreements :

1. Anti- Competitive Agreements : Meaning and Scope
2. Types of Anti-competitive agreements - Horizontal and Vertical agreement
3. Per se Illegal Practices and Rule of Reason



4. Exemption from anti-competitive agreements
5. Prohibition of anti-competitive agreement / cartel / bid rigging
6. Practices, decisions and agreements resulting into cartels
7. Pro-competitive and anti-competitive effects of joint ventures
8. Pro-competitive and anti-competitive effects of vertical agreements
9. Prevention of anti-competitive agreements in USA, UK and EU

Module 04 Regulation of Abuse of Dominant Position :

1. Economics of abuse of dominance
2. Types of Abuse by a Dominant Player : Exploitative Abuses : Vertical restraints and Excessive pricing: Exclusionary Abuses - Price discrimination, discounts and predation Enterprise
3. Relevant Market
4. Dominance in Relevant Market
5. Relevance of sector specific competitive dynamics on dominant position
6. Predatory Pricing
7. Defenses against abuse of dominance
8. The remedies in case of abuse of dominance
9. Prevention of Abuse of Dominant Position in UK and USA

Module 05 Regulation of Combinations :

1. Combinations : Merger, Acquisition, Amalgamation and Takeover
2. Jurisprudence of Horizontal, Vertical and Conglomerate Mergers
3. Private Equity Investments
4. Notification of combinations
5. Jurisdictional test : Turn over, Asset, Domestic nexus, Exemptions
6. Regulations and Penalties
7. Position in USA, UK and EU



Module 06 Enforcement Mechanisms :

1. Establishment and Constitution of Competition Commission of India, Powers and Functions
2. Jurisdiction of the CCI
3. Director General of Investigation (DGI) - Penalties and Enforcement
4. Competition Appellate Tribunal
5. Adjudication and appeals
6. Competition Advocacy in India and International Perspective

Module 07 Interface of Competition Law with other Laws :

1. Intellectual Property Rights and Competition Law
2. International Trade and Competition Law
3. Consumer Law and Competition Law

Recommended Readings :

1. Richard Whish and David Bailey, *Competition Law*, Oxford University Press, 9th ed, 2018.
2. Avtar Singh, *Competition Law*, Eastern Book Company, 1st ed, 2012.
3. Vinod Dhall, *Competition Law Today*, Oxford University Press. 2nd ed, 2019.
4. Abir Roy, *Competition Law in India: A Practical Guide*, Kluwer Law International B. V., 2016.
5. Srinivasan Parthasarathy, *Competition Law in India*, Kluwer Law International B.V., 2017.
6. T. Ramappa, *Competition Law in India: Policy, Issues, and Developments*, Oxford University Press, 2014.
7. Alison Jones, Brenda Sufrin, *EU Competition Law: Text, Cases, and Materials*, Oxford University Press, 6th ed, 2016.
8. Barry Rodger, Angus MacCulloch, *Competition Law and Policy in the EU and UK*, Routledge, 5th ed, 2104.
9. Kirsty Middleton, Barry Rodger, Angus MacCulloch, *Cases and Materials on UK and EC Competition Law*, Oxford University Press, 2nd ed, 2009.
10. Maher M. Dabbah, *International and Comparative Competition Law*, Cambridge University Press, 2010.
11. Cedric Ryngert, *Jurisdiction Over Cross – Border Mergers : A US –EU perspective. Competition Law – Emerging Trends*, 94-124, P. Satyanarayana Prasad ed., The ICFAI University Press, Amicus Books, 1ST ed. 2007.



LO 0807 Vulnerable and Disadvantaged Groups and Criminal Law :

Objectives of the Course :

In India there are multiple socio-economic disadvantages that members of particular groups experience. The task of identifying the vulnerable groups is not an easy one. Besides there are multiple and complex factors of vulnerability with different layers and more often than once it cannot be analyzed in isolation. In this course the vulnerable groups that face discrimination include- Women, Scheduled Castes (SC), Scheduled Tribes (ST) and Children. Since the British era, criminal law was used to eradicate social evils. The fear of punishment was a tool of social change. In post-Independence period the modern State has used criminal law to bring social change. This Course will help students to understand the role of Criminal Law in protecting the vulnerable and disadvantaged groups in India.

Module 01 Introduction to Vulnerable and Disadvantage Groups :

1. Meaning of Vulnerable and Disadvantaged groups
2. Structural discrimination and vulnerable groups
3. Role of law to overcome discrimination
4. Criminal law as a tool of social change

Module 02 The Protection of Civil Rights Act, 1955 :

1. Social menace of Untouchability
2. Legislative history, objectives, definitions and scope of the Act
3. Practices of Untouchability and Punishments
4. Presumption of courts in some cases
5. Power of court to impose collective fine
6. Non application of Probation of offenders Act

Module 03 The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989

1. Legislative history, objectives, definitions and scope of the Act
2. Defining Atrocity against Scheduled Caste and Scheduled Tribes
3. Offences of Atrocities and punishments
4. Externment procedure
5. Collective Fine
6. Special Courts and Special Prosecutor



7. Presumption by courts in certain cases
8. Precautionary and Preventive measures under the Rules of 1995
9. Non application Anticipatory Bail and Probation of Offenders Act
10. Investigation and supervision
11. Personnel under the Act and their duties

Module 04 The Dowry Prohibition Act, 1961 :

1. Dowry a social menace
2. Legislative history, objectives, definitions and scope of the Act
3. Definition of Dowry
4. Penalty for giving and taking dowry
5. Dowry for benefit of wife or her heirs
6. Change in procedural law and Evidence Law
7. Dowry Prohibition officers

Module 05 The Protection of Children from Sexual Offences (POCSO) Act, 2012 :

1. Legislative history, Objective, definitions and Scope of the Act
2. Sexual offences against children
3. Using child for pornographic purpose
4. Abetment of an attempt to commit an offence
5. Procedure for reporting of cases
6. Procedure for recording statement of the child
7. Special courts: Procedure and powers of special courts and recording of evidence
8. Punishments under the Act

Module 06 The Immoral Traffic (Prevention) Act, 1956 :

1. Legislative history, Object, definitions and reasons of the Act
2. Social Landscape of Prostitution
3. Prostitute – Vaguely defined under the Act
4. Protection of Morals and Places of Residence
5. Ponce or Poncing under the Act
6. Corrective Institutions and Protective Homes
7. Personnel under the Act



Module 07 The Pre-Conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 :

1. Legislative History, Object and Reasons, and Definitions under the Act
2. Regulation of Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics
3. Regulation of pre-natal diagnostic techniques
4. Written consent of pregnant woman and prohibition of communicating the sex of foetus
5. Prohibition of Determination
6. Constitution, Tenure, Meetings, Vacancies, Authentication of orders, Disqualifications, and Functions of Central Supervisory Board
7. Appropriate Authority and Advisory Committee
8. Registration of Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics
9. Offences and Penalties
10. Maintenance of records and Power to search and seize records

Recommended Reading :

1. P.S. Narayana, *Commentary on the Protection of Children from Sexual Offences Act, 2002 and Rules*, Universal Law Publishing, New Delhi.
2. B. R. Beotra's *the Immoral Traffic (Prevention) Act, 1956 (With State Rules)*, The Law Book Company (p) Ltd, Allahabad.
3. Laita Dhar Parihar, *Women & Law from Impoverishment to Empowerment- A Critique*, Eastern Book Company, Lucknow.
4. B.P. Beri, *Commentaries on the Dowry Prohibition Act, 1961*, Eastern Book Company.
5. *The Dowry Prohibition Act, 1961*, by SCC Editorial, Eastern Book Company.
6. Smita Narula, *Broken People : Caste violence against India's Untouchables*, Human Rights Watch.
7. K.B Saxena, *Report on Prevention of Atrocities against Scheduled Castes*, National Human Rights Commission, 2002.



LO 0808 Civil Minor Acts :

Objectives of the Course : This Course covers subjects that a civil practitioner needs to address very often. The aim of the course is to introduce the students the knowledge law with respect to Interest, Civil Courts, Suits Valuation, Court Fees, Registration of documents, Stamp duties and Negotiable Instruments

Module 01 The Interest Act, 1978 :

1. Object, application and definitions under the Act
2. Power of court to allow interest
3. Effect of provisions relating to interest in other statutes
4. Section 34 of the Civil Procedure Code
5. Powers of an arbitrator to award interest

Module 02 The Maharashtra Civil Courts Act, 1869 :

1. Object, application and definitions under the Act
2. District Courts, Joint District Judges and Additional District Judges
3. Civil Judges - Appointment, Jurisdiction, Classes of Civil Judges, Transfer of Suits and Appeals
4. Temporary Vacancies

Module 03 The Suits Valuation Act, 1887 :

1. Object, application and definitions under the Act
2. Valuation for Suits relating to Land
3. Valuation in other Suits
4. Objections in Appeals to over valuation or under valuation

Module 04 The Maharashtra Court Fees Act, 1959 :

1. Object, application and definitions under the Act
2. Rule Regarding to the Valuation of Suits
3. Court fees, Nature of levy
4. Documents chargeable to court-fees, Plaintiff and counter-claims
5. Exempted documents, Mandatory nature of payment
6. Computation of court fees, Fixed fees and ad-valorem fees, Modes of collecting court fees, Cancellation of stamp



7. Decision of questions as to valuation
8. Refund of court fees
9. Multifarious suits

Module 05 The Registration Act, 1908 :

1. Object, application and definitions under the Act
2. Establishment of Authorities, their Powers and Duties, Register - Books
3. Registrable Documents - compulsory, optional, contents of documents
4. Time of Presentation and place for Registration
5. Procedure of Registration
6. Registration and Deposit of wills
7. Inspection and copies of Books and Indexes Registration
8. Effect of Registration and Non-registration
9. Refusal to Register, Grounds for refusal

Module 06 The Maharashtra Stamp Act, 1958 :

1. Object, application and definitions under the Act
2. Authorities under the Act and their powers and functions
3. Liability of Instruments to Duty
4. Stamps and mode of using them
5. Valuations for Duty
6. Duty by whom Payable
7. Adjudication as to Stamps
8. Instruments not duly Stamped
9. Offence, Penalties and Procedure

Module 07 The Negotiable Instruments Act, 1881 :

1. A negotiable instrument, types, definitions
2. Essential features of negotiable instruments, and type of instrument, Instruments payable to order or to bearer, payable at specified time or on demand
3. Maturity of an instrument
4. Parties to negotiable instruments, their rights and liabilities
5. Negotiation – Meaning, Requirements, Types of endorsements, Modes of negotiation, Who can negotiate?, Effect of negotiation by various modes, Negotiation in particular cases (Sections 57-59), Period of negotiation (Section 60)



6. Presentment - Purposes of presentment, Time for presentment, Place of presentment, Presented to whom? Effective presentment, Delay in presentment, When is presentment not necessary? Liability of banker for negligent dealing
7. Payment and Interest, Delivery of instrument, Immunity to bankers
8. Discharge from liability on negotiable instruments, Modes of discharge
9. Dishonour, Modes of dishonor, Notice of dishonor, Noting and protest
10. Acceptance and payment for honour and reference in case of need
11. Compensation
12. Rules of evidence, Presumptions and estoppel
13. Crossed cheques
14. Bills in sets
15. Penalties in case of dishonor, Criminal liability, Procedure

Recommended Readings :

1. Mulla, *The Registration Act*, 13th ed, K Kannan (ed), LexisNexis, 2016.
2. Malik's *Commentary on The Registration Act 1908 with State Amendments*, 4th ed, Delhi Law House, 2016.
3. Sanjiva Row, *Registration Act*, 15th ed, Law Publishers, 2015.
4. K Krishnamurthy's *The Indian Stamp Act*, 12th ed, M R Hariharan Nair and Boris Paul (ed), LexisNexis, 2017.
5. Sunil Dighe, *The Maharashtra Stamp Act*, Snow White Publications, 2017.
6. Mahendra Jain and H M Bhatt, *The Maharashtra Stamp Act 1958*, Law Times, 2017.
7. A N Khanna, *Law of Court Fees and Suits Valuation*, 8th ed, Universal Law Publishing, 2011.
8. *MLJ Manual on the Court Fees Act 1870*, LexisNexis, 2017.
9. *Khergamvala on the Negotiable Instruments Act as amended by Negotiable Instruments (Amendment) Act 2015*, S Abdul Khader Kunju ed., 22nd ed, LexisNexis, 2017.
10. D S Chopra, *A Commentary on Sale of Goods, Partnership and Negotiable Instruments*, Thomson Reuters, 2016.



LO 0809 International Economic Law :

Objectives of the Course :

With the Changing dimensions of Globalisation and the increasing dependence on economic relations by the nation states, the significance of international law has grown considerably in the contemporary era. The relations of nation-states are mostly depending on economic cooperation than on political perspectives as compared to yester years. In order to have a broad outlook of the nation-state relations in the field of economic era, this course equips the student to get an overview of economic legal scenario of states.

Module 01 Introduction :

1. Definition and Nature of International Economic Law
2. Sources of International Economic Law
3. Relationship between national and international economic laws

Module 02 Developments in the context of De-colonization :

1. Origin and Development of International Economic Law - Bretton Woods Conference
2. Concern of Developing States: New International Economic Order (NIEO)
3. Significance of Resolution on Permanent sovereignty Over Natural Resources
4. The Charter of Economic Rights and Duties Law
5. Sustainable Development under United Nations

Module 03 International and Regional Financial Institutions :

1. IBRD Structure Powers and Functions - Significance of IRO
2. Structure Powers and functions of IMF
3. Structure Powers and Functions of World Bank
4. Structure powers and Functions of Asian Development Bank
5. Structure Powers and Functions of G-20
6. Structure Powers and functions of BRICS



Module 04 International Trade Law :

1. GATT :

- a) Historical origin
- b) Organs
- c) Uruguay round and its impact on International Economic Law
- d) Significance of most Favoured Nations Clause and National Treatment
- e) Objective Principles of GATT 1994 –Reduction of Tariff and Non- Tariff Barriers to Trade.
- f) General Exceptions to Article XX and XXI of GATT 1994
- g) Safe Guard Measures under XIX of GATT 1994

2. WTO and International Economic Law :

- a) Historical origins of WTO
- b) Structure Powers and Functions
- c) Role and Responsibility of Secretariat
- d) Dispute Settlement System under WTO
- e) Impact of WTO Law on Domestic Law

Module 05 International Investment Law :

1. Foreign Investment: Meaning and Types
2. BITs
3. Dispute Settlement Regime (ICSID)
4. Indian Perspective

Module 06 International Business Law :

1. International Sale and Carriage of Goods
2. Rome Convention
3. CISG (UN Convention on Contracts for International Sale of Goods)



Recommended Readings :

1. Asif H. Qureshi, *International Economic Law* (London: Sweet & Maxwell, 1998).
2. John Jackson, William Davey and Alan Sykes, *International Economic Relations* (West Academic Publishing, 1995).
3. Matthias Herdegen, *Principles of International Economic Law* (Oxford University, 2016).
4. Hazel Fox (ed.), *International Economic Law and Developing States: Some Aspects* (British Institute of International, 1992).
5. I.Seidi, Hohenveldern, *International Economic Law* (Kluwer Law International, 1992).
6. Bhandari and Sykes, *Economic Dimensions in International Economic Law* (Cambridge University Press, 1999).
7. Van Meerhaeghe, *International Economic Institutions* (Springer, 1998).
8. O'Connell, *International Law*, Vol. I & II, Oxford University Press.
9. Harves D.D., *Cases and Materials on International Law*, (Sweet & Maxwell; 1991).
10. Schwazenberger, *Foreign Investment and International law*, Article published by Modern Law Review, November, 1969.

