



**Maratha Vidya Prasarak Samaj's
Law College, Nashik**

BA.LL.B V (SEM X)

LL.B III (SEM VI)

Sr. No.	Course Code	Subject	Activity			Credit	Evaluation Scheme		
			L	T	P		Internal	External	Total
1	LCC 1001	Labour Laws	3	1	0	4	30	70	100
2	LCC 1002	Principles of Taxation	3	1	0	4	30	70	100
3	LCC 1003	Environmental Law	3	1	0	4	30	70	100
4	LAEC 1004	Practical Training (IV): Moot Court Exercise and Internship	0	0	4	4	90	10	100
5	LSEC 1005	Skills of Legislative Drafting and Judgment Writing	2	0	0	2	15	35	50

Law Discipline Specific Elective Course (Any One from the following)

6	LDSE 1006	Bankruptcy and Insolvency Law	3	1	0	4	30	70	100
7	LDSE 1007	Comparative Criminal Justice System							
8	LDSE 1008	Humanitarian and Refugee Law							
9	LDSE 1009	Real Estate Laws							
Total			Total	14	4	4	22	220	330

Credits: 4 Credits

Medium of Instruction: English

Course Duration: One Semester

Course aims:

This course attempts to focus on the important labour legislations which proved to be the milestone in the life of not only labour classes, but women, children and depressed classes for the upliftment in the society. This course will definitely help to understand the legislative history of the labour legislations and its importance in the upliftment of the labour class and also helps to know the efforts of the legislators in the enactment of the landmark legislations.

Teaching Scheme:

- Lecture method
- Cooperative Teaching,
- Class room presentation,
- Group Discussion
- Documentary screening and Data analytics.

Continuous Evaluation Scheme:

Total internal Marks: 30 Marks

University End Semester

Examination: 70 Marks

- As per SPPU, CBCS Syllabus of Law Course

Remedial Classes:

Objectives:

The first industrial revolution and the second industrial revolution results into the exploitation of the workers. After the second world war world moved towards the progress and development in the industrial area. This progress and development affects the life of the labour. Objective of this course is to know and understand the labour movement in pre-independence and post-independence era. Constitution of India enshrined the socio-economic values in the fundamental rights and directive principles of the state policy. The another objective of the course is to acquaint the students to know and understand the role of state in making the 'Social Welfare Legislations' or 'Social Security Legislations'. Constitution of India played very important role in the protection of weaker sections and this course aims to study the role and the efforts of the framers of the constitution not only after the commencement of the constitution but before the commencement of the constitution in real-world scenarios.

Outcomes: Upon completion of this course, students will be able

- Students will be acquainted with the legislative history of labour legislations in pre-independence era.
- Students will be acquainted with the efforts of the constitutional framers in inculcating the Socio-economic values in the constitution
- Socio-economic developments enshrined under the Part IV i.e. Directive Principles of State Policy will help the students to understand the law making policy in area of labour.
- Students will be inculcated with 'Social Security Legislations' for the upliftment of the weaker sections of the society.
Students will be able to identify the laws providing the benefits and facilities to the women employees working in the establishments.



Detailed Syllabus

Module 01

Historical Background of Labour Legislations in India

1. First Industrial Revolution Second Industrial Revolution- its impact on labour movement & labour legislations. (Concurrent List)
2. Constitutional Provisions- Fundamental Rights, Directive Principles of State Policy. Legislative Relations between Central and State.

Module 02

Industrial Disputes- Theory and Provisions

1. Main features of the Industrial Disputes Act
2. Important Definitions (Industry, Industrial Dispute, Wages, Dismissal deemed to be an Industrial Dispute. Authorities under the Act.
3. Provisions regarding Strike, Lock-out, Lay-off and Retrenchment. Unfair labour practices.

Module 03

The Factories Act: 1948 Weapon of Security

1. Object and Scope of the Factories Act, Approval and Licensing.
2. Important Definitions: Factory, Manufacturing Process, Occupier, Employer
3. Weapon of Security: Health Safety and Welfare Provisions.
Working Hours of Adults and Children , Annual Leave with Wages.

Module 04

The Employees Compensation Act: 1923

1. Object and Scope of the Act, Important Definitions
2. Employers Liability for Compensation, Doctrine of Notional Extension and Doctrine of Added Peril.
3. Landmark Judgements
4. Exclusion of Employers Liability
5. Distribution of Compensation.

Module 05

The Employees State Insurance Act:1923,

1. Object and Scope of the Act, Important Definitions
2. ESI Act: A beneficial piece of Legislation
3. Employees' State Insurance Corporation, ESI Fund
4. Various Benefits, Adjudication of Disputes and Claims



Module 06

Laws Relating to Wages

1. The Payment of Wages Act, 1936 - Object and Scope of the Act, Definition of Wages, Fixation and Revision of Minimum Wages, Theories of Wages.
2. The Minimum Wages Act, 1948 - Object and Scope of the Act, Concept of Payment of Wages, Various Deductions from Wages, Authorities under the Act.
3. The Industrial Employment (Standing Orders) Act, 1946:
 - a) Model Standing Orders-Misconducts
Disciplinary Proceedings in Industries/Domestic Inquiry- Preliminary Enquiry, Charge-sheet, Procedure of Domestic Inquiry, Enquiry report and Punishment.

Additional Readings:

1. V.G. Goswami, Labour and Industrial Laws, Central Law Agency.
2. H.L. Kumar, Law Relating to Disciplinary Proceedings in Industries, Universal Publishing Co. Pvt. Ltd.
3. P.K. Padhi, Labour and Industrial Law, Fourth Edition
4. Aiyer & Aiyer, Commentary on the Employees Compensation Act, Universal Law Publishing.
5. O.P. Malhotra's, The Law of Industrial Disputes, Lexis Nexis.
6. Meenu Paul, Labour and Industrial Law, Allahabad Law Agency, 10th Edition 2017, Reprinted 2022
7. S.N. Mishra, *Labour and Industrial Laws*, Central Law Publications.
8. P.L. Malik, *Handbook of Labour and Industrial Law*, Eastern Book Company.
9. Avtar Singh and Harpreet kaur, *Introduction to Labour and Industrial Law*, LexisNexis
10. S.N. Mishra, *Labour and Industrial Laws*, Central Law Publications.
11. P.L. Malik, *Handbook of Labour and Industrial Law*, Eastern Book Company.
12. G.M. Kothari, *How to Conduct and Defend Disciplinary Inquiry and Cases*, Eastern Book Company
13. S.K. Puri, *Labour and Industrial Law*, Allahabad Law Agency, Universal Labour & Industrial Laws Edition 2024
14. S.P. Jain, *Industrial and Labour Laws*, Dhanpat Rai & Co.

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books on this course.



Credits: 4 Credits

Medium of Instruction: English

Course Duration: One Semester

Course Aims:

This course deals with various tax laws in India like Income Tax Act, Central Goods and Services Tax Act and Integrated Goods and Services Tax Act. It gives clear idea about levy and collection of tax under these laws, procedure of assessment, authorities, offences and penalties. This paper will give an overview to the students about Tax Laws in India.

Teaching Scheme:

- Lecture method
- Cooperative Teaching,
- Class room presentation,
- Group Discussion
- Data analytics.

Continuous Evaluation Scheme:

Total internal Marks: 30 Marks

University End Semester

Examination: 70 Marks

- As per SPPU, CBCS Syllabus of Law Course

Remedial Classes:

Objectives:

This course aims to acquaint the students with basic principles of taxation. It highlights the important principles of computation of income. It provides important tenets of calculation of income of natural and legal person. It also prescribes for powers and functions of various authorities under Income Tax Act. It provides the important features of the Central Goods and Services Tax Act and Integrated Goods and Services Tax Act.

Outcomes: Upon completion of this course, students will be able

- This course will enable the students to develop knowledge about historical perspective of tax laws in India, constitutional provisions relating to tax.
- Students will be acquainted with the provisions of Income Tax Act, 1961 like Heads of Income and Computation of income, kinds of assessment, various authorities established under Income Tax Act, their jurisdiction, powers and functions.
- Students will be acquainted with the features of the Central Goods and Services Tax Act and Integrated Goods and Services Tax Act like levy and collection of tax on intra-State supply of goods or services, remedies under the Acts.



Detailed Syllabus

Module 01

Introduction to Income Tax Act, 1961:

1. History of tax laws in India
2. Tax reforms in India
3. Constitutional provisions relating to tax
4. Distinctions between direct and indirect tax
5. Basic concepts like concept of income, assess, person, previous year, assessment year
6. Residential status of assessee
7. Exempted income items

Module 02

Heads of Income and Computation of Income :

1. Heads of Income:
 - a) Salaries
 - b) Income from House Property
 - c) Profits and gains of business or profession
 - d) Capital gains
 - e) Income from other Sources
2. Aggregation of income and set off or carry forward of loss
3. Deductions from gross total income
4. Rebates and Reliefs
5. Special Provisions Relating to Avoidance of Tax and General Anti-Avoidance Rule

Module 03

Kinds of Assessment:

1. Assessment of Individual
2. Assessment of Hindu Undivided Family
3. Assessment of firms and associations
4. Assessment of cooperative societies
5. Assessment of charitable and religious trust
6. Assessment of company



Module 04

Income Tax Authorities, their Powers and Functions, Offences and Prosecutions under the Act:

1. Income Tax Authorities

- a) Director General of Income Tax
- b) Director of Income Tax-Additional Directors
- c) Joint Director
- d) Deputy Directors
- e) Assistant Directors
- f) Income Tax Officers
- g) Tax Recovery Officers
- h) Inspectors of Income Tax

2. Offences and Prosecutions:

- a) Default and penalties
- b) Default with prosecution provisions
- c) Appeals
- d) Revision

Module 05

Procedure for Assessment:

1. Returns
2. Self-assessment
3. Audit
4. Rectification of mistakes
5. Interest and Late Fees

Refund and tax liability

Module 06

The Central Goods and Services Tax Act, 2017 :

1. Nature, Scope and Object of CGST
2. Definitions in GST
3. Administration and Collection of Tax
4. Time and Value of supply, Input tax credit
5. Registration
6. Tax Invoice, Credit And Debit Notes
7. Accounts and records, Returns
8. Payment of Tax, Refund
9. Assessment
10. Audit
11. Inspection, Search, Seizure And Arrest
12. Demands And Recovery
13. Liability to pay in certain cases
14. Advance Ruling
15. Appeals and revision
16. Offences And Penalties



Module 07

The Integrated Goods and Service Tax Act, 2017 :

1. Scope and Object of IGST
 2. Important Definitions
 3. Administration
 4. Levy And Collection Of Tax
 5. Determination Of Nature Of Supply
 6. Place Of Supply Of Goods or Services or Both
 7. Zero rated Supply
- Apportionment of Tax and Settlement of Funds

Additional Readings:

1. Dr Girish Ahuja & Dr Ravi Gupta: *Systematic Approach to Income Tax*, 37th Paperback- 2016, Walters Kluwer.
2. Dr. Girish Ahuja and Dr. Ravi Gupta: *A Compendium of Issues on Income Tax & Wealth Tax* (in 2Vols.), 2010 Eastern Book Company
3. Taxmann: *Latest Edition on Income Tax*.
4. V. S. Datey: *GST Ready Reckoner*, Taxmann 2017.
5. Dr. Vinod Singhania & Dr. Monica Singhania: *Student's Guide to Income Tax including GST*, Taxmann
6. Prof. Ulhas Kumar Saha, *Principles of Taxation Laws*, Central Law Publications
7. Kanga & Nani Palkhivala : *The Law and Practice of Income Tax*, 2014 Lexis Nexus.
8. Chaturvedi and Pithisaria: *Companion to Chaturvedi & Pithisaria's Income Tax Law- Wealth Tax Act, 1957*, 2016 Eastern Book Company.
9. Dr. Girish Ahuja and Dr. Ravi Gupta: *Concise Commentary on Income Tax including Wealth Tax with Tax Planning/ Problems & Solutions*, 2014, Eastern Book Company.
10. CA Atul Kumar Gupta: *Goods and Services Tax—Law, Practice and Procedures*, Lexis Nexis 2017.

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
 2. Teachers of the Course shall be at liberty to add the case/suggested readings.
- Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books on this course



LCC 1003 ENVIRONMENTAL LAW

Credits : 4

Medium of Instruction : English

Course duration : One Semester

Course aims:

Aim of the course is to create awareness among the students about the legislative measures taken for protection of environment and the spirit of Indian Constitution for protection of environment. This course identifies development of environmental law at international level which has been acting as a binding force for accelerating policy making for the environmental protection in India. This course imbibes that we do not inherit the earth from our ancestors, we borrow it from our children. It provides opportunities to the students to understand the active role played by Indian Judiciary in protection of environment and evolution of different principles such as polluter pay principle, precautionary principle, inter- generational equity and sustainable development. It is crucial to identify and fix the liability in the matters of environmental pollution and judiciary has advanced solutions considering Indian society. Simultaneously this course highlights the significant role played by environmentalists through public interest litigation for taking proactive measures for the protection of environment and humanity. Course also emphasises importance and detailed study of delegated legislations which has contributed immensely in development of legal regime for protection of environment in India. This course also necessarily demands interdisciplinary approach as environmental law touches to various socio-economic aspects of the society.

Teaching Scheme:

- Lecture method
- Cooperative Teaching with faculties of pure sciences to understand impact of CO₂ emissions, use of biotechnology etc. on environment and thus foster critical thinking by analysing effectiveness of available legislative measures
- Class room presentations
- Group Discussion and debates
- Documentary screening
- Experiential learnings like Case follow up in NGT, EIA, visit to State Pollution Control Boards, NGOs working for protection of environment, visit to government websites (CPCB, MPCB, MOEFCC, Municipalities etc.) to appraise appropriate implementation of Rules and Regulations provided in the course

Continuous Evaluation Scheme:

Total internal Marks: 30 Marks

University End Semester

Examination: 70 Marks

As per SPPU, CBCS Syllabus of Law Course

Remedial Classes and Revision Lectures



Objectives:

The course targets to foster a critical thinking pertaining to the need of environmental laws and issues in its implementation. International perspective of environmental law is significant aspect in its development and it has been a major contributing factor to align domestic environmental law with international environment protection strategies. This course underlines role judicial activism as well as role of public interest litigations initiated by environmentalists and NGOs which has successfully brought major policy changes and change in the perspective of society as a whole. Upcoming technological developments clubbed with challenges for protection of environment is a crucial aspect for policy makers. In the light of it, new regulations and amendments introduced in present legal regime has to be identified and absorbed by the learner. This course has potential to open rewarding career options for budding advocates, researchers, policy makers etc

Outcomes:

- To get aware about present national and international environmental laws and sustainable development goals.
- To develop a perspective to understand environmental law with an interdisciplinary approach.
- To get acquainted and to appreciate role of judiciary in development of environmental law.
- To develop a skill to critically analyse efficacy of present legal regime and issues and solutions in its implementation.

Detailed Syllabus**Module 01****Introduction-**

1. Historical origin of Environment Law, International and Indian Jurisprudence
2. Components of Environment, Ecology, Ecosphere and Biosphere
3. Concept of Climate Change – Causes and Impact, Global Vulnerability Assessments to Climate Change
4. Meaning and definition of Environment, Environmental Pollution, its kinds (Natural and artificial – Air, Water, Noise, Soil, Nuclear, marine) causes and effects.
5. Nature of Environmental Law - Public law or private law
6. Common law aspects of environmental law - Nuisance, Trespass, Negligence, Absolute and Strict liability.
7. Criminal Liability and Environment Protection - Offences affecting public health and safety under Bharatiya Nyaya Sanhita and Section 152 of Bharatiya Nagarik Suraksha Sanhita



Module 02

Environment Protection under the Constitution of India:

1. Fundamental Rights, Directive Principles of State Policies, Fundamental Duties, Implementation of International obligations
2. Distribution of Legislative Powers
3. Remedies - Writ Jurisdiction of High Court and Supreme Court
4. Judicial Activism and Public Interest Litigation for Environment Protection - Role of Indian Judiciary and environmentalist

Module 03

Principles of International Environmental Law - Relevance in India:

1. Responsibility of States in Protection of Environment - Transboundary pollution and state's responsibility - Trail Smelter Arbitration, UN Convention on Long Range Transboundary Air Pollution
2. Stockholm Conference, 1972, UNEP, Brundtland Commission Report, Rio Summit or Earth Summit-I, 1992 - Impact on India
3. Vienna Convention and Montreal Protocol for the Protection of Ozone Layer
4. United Nations Framework Convention on Climate Change (UNFCCC), Convention on Biological Diversity, Convention on Combating Desertification, Earth Summit - II, 1997, Kyoto Protocol - Impact on India
5. World Summit on Sustainable Development, 2002, Bali Action Plan and the Copenhagen Accords, Paris Agreement on Climate Change 2015 - Position in India
6. Millennium Development Goals and Sustainable Development Goals – Impact on Environmental Law
7. Principles of Sustainable Development, Inter-generational Equity, Precautionary Principle, Polluter Pays Principle, and the Public Trust Doctrine - Position in India

Module 04

Pollution Control Laws & Resource Conservation and Animal Welfare Laws

(These statutes to be studied to understand authorities established, their power and functions, established procedures, penalties for contravention of the provisions and judicial pronouncement under statutes)

Part 1 -

1. The Water Act, 1974,
2. Air Act, 1981,
3. Environment (Protection) Act 1986

Part 2

1. The National Forest Policies of 1952 and 1988
2. The Forest Act, 1927
3. The Forest (Conservation) Act, 1980
4. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
5. Wildlife Protection Act, 1972
6. National Green Tribunal Act, 2010



Module 05

Biodiversity, Climate Change and Laws

1. The Biological Diversity Act, 2002 - Important Definitions, Regulation of access to biological diversity, national biodiversity authority, state biodiversity board, biodiversity management committees, equitable benefit sharing, judicial decisions
2. National Action Plan on Climate Change Maharashtra
3. State Action Plan on Climate Change

Module 06

Technology, Environment and Law

1. Genetically Modified Crops, Farmers and breeders' rights
2. Role of technology in Sustainable Development: Issues, Challenges, and Policy initiatives

Module 07

Waste Management and Law

1. Hazardous Wastes (Management and Handling) Rules
2. Manufacture, Storage and Import of Hazardous Chemical Rules
3. Municipal Solid Wastes (Management and Handling) Rules
4. E-waste Management Rules

Module 08

Environment and Development

1. Environmental issues involved in the development projects like Silent Valley Project, Narmada Valley Project and Kundankulam Nuclear Power Plant
2. Emerging Legal Control like Environmental Audit, Eco Mark Scheme, Environmental Impact Assessment, Eco-tourism
3. Development induced Displacement and Rehabilitation- Human Rights Perspective.

Additional Readings:

1. Ritwick Dutta and Sanjeet Purohit, Commentary on the National Green Tribunal Act, 2010, Universal Law Publications.
2. S. Shantakumar, Introduction to Environmental Law, Wadhwa & Company, Nagpur.
3. H. N. Tiwari, Environmental Law, Allahabad Law Agency.
4. Shyam Divan and Armin Rosencranz, Environmental Law and Policy in India, Oxford University Press, New Delhi.
5. P Leelakrishnan, Environmental Law in India, LexisNexis, New Delhi.
6. Dr. P. S. Jaswal, *Environmental Law*, Allahabad Law Agency, Edition:2021 Reprint:2023
7. Maheshwara Swamy, *Textbook on Environmental Law*, Asia Law House, Hyderabad, 2022
8. M P Jain, *Indian Constitutional Law*, LexisNexis, 8th Edition, 2018



9. Philippe Sands, Principles of International Environmental Law, Cambridge University Press, New York
10. Majumdar, Nnandy, Mukherjee, *Environment and Wildlife Laws in India*, LexisNexis
11. P. Ishwara Bhat, *Natural Resources Law: Concepts and Approaches*, Eastern Book Company, 2016
12. Mrinalini Kochupillai, *Promoting Sustainable Innovations in Plant Varieties*, Springer Berlin Heidelberg (E-book)
13. India's Energy Storage Mission
14. National Solar Mission
15. The National Green Hydrogen Mission
16. Other initiatives taken by Ministry of New and Renewable Energy
17. S.C. Shastri, *Environmental Law*, Eastern Book Company, Lucknow, 2005.
18. Dr. P.S. Jaswal, *Environmental Law*, Allahabad Law Agency, Edition:2021 Reprint:2023
19. Maheshwara Swamy, *Textbook on Environmental Law*, Asia Law House, Hyderabad, 2022
20. Shyam Divan and Armin Rosencranz, *Environmental Law and Policy in India*, Oxford University Press, New Delhi.
21. P B Sahasranaman, *Handbook of Environmental Law*, Oxford University Press.

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
 2. Teachers of the Course shall be at liberty to add the case/suggested readings.
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PRACTICAL TRAINING IV
(LAEC 1004) MOOT COURT EXERCISE AND INTERNSHIP

Total - 80 Contact hours (1 Contact Hour = 50 Minutes) Credits: 4

Medium of Instruction: English Course Duration: One Semester

Course Aims:

Moot court, a simulated court experience for law students, serves as a pivotal aspect of legal education, aiming to bridge the gap between theoretical knowledge and practical skills essential for the legal profession. This dynamic activity immerses students in the complexities of legal advocacy, offering a platform to hone their analytical, oral advocacy, and legal research skills within a simulated courtroom setting.

Moreover, moot court activities foster the development of critical thinking and legal reasoning skills. Participants are tasked with dissecting complex legal issues, crafting persuasive arguments, and defending their positions before a panel of judges. Through rigorous analysis of legal principles and precedents, students learn to construct coherent legal arguments and anticipate counterarguments—a vital skill set for aspiring attorneys. This process not only enhances their understanding of substantive law but also cultivates their ability to think on their feet and respond adeptly to challenging questions.

Furthermore, moot court cultivates effective communication skills essential for legal practice. Students must articulate their arguments clearly, persuasively, and concisely, while also demonstrating mastery of legal terminology and concepts. Through repeated practice and feedback from coaches and judges, participants refine their public speaking abilities, learn to convey complex ideas with clarity, and develop a compelling courtroom presence. These communication skills are invaluable assets in the legal profession, enabling attorneys to advocate zealously on behalf of their clients and effectively persuade judges and juries.

Teaching Scheme :

The course will be taught

- Class teaching, instructions / Lecture method
- Assignments
- Exercises

Continuous Evaluation Scheme:

This subject/paper is having **Total Marks 100** marks for this paper as per BCI norms.

Total internal Marks - 90 Marks

Viva-voce Examination - 10 Marks

- Part A: Moot Court Exercises (40 Marks), Observance of Trials (30 Marks) and Pre-trial Preparations (20 Marks). This Internal activity for 90 marks and will be evaluated by the practical training Teacher of the concerned college as per written exercises submitted by the student.
- Part B: Written Submissions and Viva Voce Examination for 10 marks will be conducted in presence of Internal and External Examiners appointed by the University.



Objectives of the Course:

This course consists the activities / exercises of

- (a) Moot court exercises,
- (b) Observance of trials, and
- (c) Pre-trial preparations.

The objectives of the course is to acquaint the students about –

- (a) court working and its procedure
- (b) application substantive and procedural law to given facts,
- (c) court manners and discipline,
- (d) conversance with interview techniques and pre-trial preparations,
- (e) developing skills of arguments and presentation, and
- (f) learning skills of analysis and arrangement of facts.

The primary aim of moot court activities is multifaceted.

Out Come of the Course:

- Beyond its educational benefits, moot court also fosters a sense of professionalism and ethical responsibility among participants. Students are required to adhere to ethical standards of conduct, uphold principles of fairness and justice, and demonstrate respect for opposing counsel and the judiciary.
- By internalizing these values and practicing ethical advocacy, students cultivate the integrity and professionalism expected of legal practitioners, laying the groundwork for their future careers. Additionally, moot court promotes teamwork and collaboration among students. Many moot court competitions require participants to work in teams, fostering a collaborative environment where students learn to leverage each other's strengths, delegate tasks, and work towards a common goal. Through this collaborative process, students not only develop their interpersonal skills but also learn the importance of cooperation and mutual support in achieving success—a reflection of the teamwork often required in legal practice.
- Moreover, moot court activities offer students an opportunity to receive constructive feedback from experienced legal professionals. Judges, often comprising practicing attorneys, law professors, and judges, provide valuable insights and critiques on students' performance, helping them identify areas for improvement and refine their advocacy skills. This feedback loop is instrumental in the learning process, allowing students to learn from their mistakes, refine their techniques, and grow as advocates.



**Activities
01 to 04**

**Part A: Moot Court Exercises,
Observance of Trials and Pre-trial
Preparations Activities:**

1. A student shall prepare and present on Four Moot Courts problems assigned by the concerned teacher.
2. Guidelines and Steps to Conduct Moot Courts by a Teacher -
 - a) Framing / selection of moot court problem
 - b) Identifying the legal provisions applicable
 - c) Formation of moot court teams
 - d) Guidance to the students on - kinds of Courts and its jurisdiction (an overview), Court procedures (an overview), Court manners and discipline, rules of written submissions / memorials, rules of argument, modes of citation, use of library and E- recourses, etc.

Note: The concerned teacher shall reserve few lectures to guide the students on above matters or any other relevant matters at his /her discretion including mock trial activity, filing of Vakalatnama along with relevant documents etc.

3. Guidelines for assessment of Students -
 - a) Knowledge of facts
 - b) Logic and reasoning
 - c) Organization and clarity
 - d) Persuasiveness
 - e) Deference to the Court
 - f) Proper and articulate analysis of the issues arising out of facts
 - g) Understanding of the laws governing the case and other laws directly applicable to the issues involved in the case

The concerned teacher may prescribe few other guidelines for the students at his / her discretion. Schedule should be prepare from the beginning of academic year (Month of June/July)



- h) Ability to explain clearly the legal principles
- i) Knowledge and use of legal resources
- j) Originality in analysis, presentation and written submissions
- k) Ingenuity - ability to argue by analogy on the basis of relevant aspects of law

**Activities
05 & 06**

Internship - Observance of Trials:

1. A student shall attend, observe and take notes on the Court proceedings in Two Cases - one civil and one criminal.
2. Guidelines for Observance of Trials:
 - a) To begin internship and observance of trials at the beginning of the academic year
 - b) Brief date-wise report of the proceeding
 - c) Summary of the following stages at the end of observation -
 - Case of the plaintiff or prosecution
 - Case of the defendant or accused
 - Issues or matters in controversy, or charges
 - Provisions of substantive law involved
 - Provisions of procedural law involved
 - Brief summary of examination of witnesses
 - Brief statement of important documents filed
 - Summary of arguments of parties, if any
 - Summary of Judgment or order passed, if any

The concerned teacher may prescribe few other guidelines for the students at his / her discretion. Schedule should be prepared from the beginning of academic year (Month of June/July)



**Activities
07 & 08**

Internship - Pre-trial Preparations:

1. A student shall observe the interviewing sessions of client at the office of advocate or at the legal aid office in Two Cases - one civil and one criminal.
2. Guidelines for Pre-trial Preparations -
 - a) To begin internship and pre-trial preparations at the beginning of the academic year

The concerned teacher may prescribe few other guidelines for the students at his / her discretion. Schedule should be prepare from the beginning of academic year (Month of June/July)

- b) Observation of interviewing sessions of client in the office of advocate or the legal aid office
- c) Observation of Advice given to the client by the advocate or authority of legal aid office
- d) Maintaining confidentiality of the parties

Part B: Contents of Written Submissions (Journal):

The Written Submissions (Journal) shall contain the following three parts:

1. Moot Court Exercises (Four):

Written submissions of Moot Court in Civil Case and Criminal Case should be as per court practice norms given in the Court Manuals. It is suggested to follow the syllabus of Introduction to Civil and Criminal Manual (LSEC 0905)

2. Observance of Trials (Two):

Written submissions on Observance of Trials shall consist:

- a) Brief date-wise report of the proceeding on -
 - Case of the plaintiff or prosecution
 - Case of the defendant or accused
 - Issues or matters in controversy, or charges
 - Provisions of substantive law involved
 - Provisions of procedural law involved
 - Brief summary of examination of witnesses
 - Brief statement of important documents filed
 - Summary of arguments of parties, if any
 - Summary of Judgment or order passed, if any



- b) Attaching certificate of supervising Advocate to the written submissions.
- c) While conducting this activity the Principal and Practical Training in-charge of the concerned law college shall take into consideration the BCI regulation 2008 Rule 25 regarding Internship.

3. Pre-trial Preparations (Two):

Written submissions on Pre-trial Preparations shall consist:

- a) Date and time of interviewing session of client
 - b) Name and address of party (student shall respect the confidentiality of the clients and shall change the name, address or other facts that might identify clients)
 - c) Note on interviewing session of client
 - d) Note on advice given to the client by the advocate
- Attaching certificate of supervising Advocate or supervising authority to the Written Submissions

Note:

- 1. The activities under this course shall be conducted throughout the academic year though the course is shown in the last semester in a course component.
- 2. The concerned teacher shall advise, guide and encourage the students to begin internship at advocate's office for the purpose of pre-trial preparations and observation of trials at the beginning of the academic year.
- 3. The student shall complete the above-mentioned activities as per guidelines given and each activity shall be assessed as per the marks mentioned in the rules.

Recommended Readings:

- 1. Nomita Aggarwal, *A Beginner's Path to Moot Court*, Universal Law Publishing, 2014.
- 2. Kailash Rai, *Moot Court (Pre-Trial Preparation and Participation in Trial Proceedings)*, 5th ed, Central Law Agency, 2015.
- 3. K L Bhatia, *Moot Court and Mock Trial - Art to and Art of Advocacy: Essentials of Court Craft*, Universal Law Publishing, 2013.
- 4. K Evans, *Language of Advocacy*, 1st Indian Reprint, Universal Law Publishing, 2000.
- 5. J Hill, *Practical Guide to Mooting*, 1st Indian Reprint, Palgrave Macmillan, 2009.
- 6. J Snape and G Watt, *How to Moot - a Student Guide to Mooting*, Oxford University Press, 2005.
- 7. B Malik, *Art of a Lawyer - Cross Examination, Advocacy, Courtmanship*, Universal Law Publishing, 2014.
- 8. D Pope and D Hill, *Mooting and Advocacy Skills*, 1st South Asian edn, Sweet & Maxwells, 2014.



Credits: 2 Credits

Medium of Instruction: English **Course Duration:** One Semester

Course aims:

This course aims at providing a practical guidance of the principles and techniques of legislative drafting and judgment writing. It also aims to provide a thorough analysis of the nuances involved in drafting of a legislation and judgment writing.

The course lays down a methodical study of the manner in which the drafter should proceed with the drafting. It further explores the pre-requisites which a draftsman needs to equip himself with. It highlights the problems and challenges faced by a draftsman in carrying out the task of drafting a legislation.

Besides this the course is aimed at to insight the students the art and skill of the effective judgment writing.

Teaching Scheme:

- Lecture method
- Cooperative Teaching,
- Class room presentation,
- Group Discussion
- Documentary screening and
- Data analytics.

Continuous Evaluation Scheme:

Total internal Marks: 15 Marks

University End Semester

Examination: 35 Marks

- As per SPPU, CBCS Syllabus of Law Course

Remedial Classes: As per requirement

Objectives:

The main objective is to acquaint the students with analytical skills and knowledge to analyse the tools and techniques employed by the draftsman while drafting the legislation and judge while writing the judgment.

Outcomes:

- Students will be acquainted with the thorough understanding about problems and challenges faced by a draftsman in carrying out the task of drafting a legislation.
- Students will get the insight of the art and skill of the effective judgment writing.



Detailed Syllabus

Module 01

The Basics of Legislative Drafting

1. Concept of legislative drafting

- a) Historical development of legislative drafting
- b) Theoretical foundations of this form of drafting
- c) Principle characteristics of this form of drafting
- d) Drafting objectives
- e) Drafting and legislative Counsel
- f) Legislative expression
- g) Types of legislation d. Classification of primary legislation (Bills and Acts)
- h) Structure and format Bills and Acts
- i) Conventional structure of Bills and Acts Topic

2. Preparation of legislative scheme

- a) Clear concept of the legislative proposals; Preparation of conceptual outline
- b) Check the existing law c. Importance and preparation of skeleton legislation and legislative scheme

3. Basic Techniques of Legislative Drafting

- a) Style
- b) Simplicity of Language
- c) Over Drafting
- d) Vagueness



Module 02

Structure and style

1. Grammar and punctuation marks
 - a) Why is grammar important for drafting?
 - b) What grammatical terms do we need to know?
 - c) What common grammatical mistakes should we watch for?
 - d) How do we punctuate and capitalize
2. The components of legislative sentences
 - a) Principal subject
 - b) Principal predicate
 - c) Predicate modifiers
3. Main parts of legislation
4. Common phrases and their significance
5. The structure a legislative text
 - a) General considerations
 - b) Drafting sections
 - c) Drafting sentences in sections
 - d) Paragraphing
 - e) Numbering
 - f) Ordering and linking sentences in a section
 - g) Linking sections
 - h) Incorporation by reference
 - i) Grouping Section
6. Organise a legislative text
 - a) General considerations
 - b) Preparing an outline
 - c) Factors influencing an outline for a Bill Text
7. The parameters of good legislative style
 - a) General considerations
 - b) Developing good legislative style
 - c) Gender-neutral drafting
 - d) Some additional matters of style

Module 03

Working within limits

1. The interpretive approaches and rules
 - a) General considerations
 - b) Judicial approaches to interpretation
 - c) Interpretive assumptions and presumptions
 - d) Aids to interpretation



2. The role of Principles of Interpretation Acts
 - a) Importance of Interpretation Acts
 - b) Application of Interpretation Acts
 - c) Using Interpretation Acts to facilitate drafting

Module 04

Judgment

1. Meaning and definition of Judgement
2. Purpose of a Judgment
3. Element or Framework of a judgment
4. Structuring of Judgement - Civil Case and Criminal Case
5. Importance of reasoning
6. Syllogistic process, inferential process or intuitive process.
7. Basics feature of every good judgment

Module 05

The art of writing a judgment

1. Judicial Modesty & Moderation
2. Brevity in Judgment
3. psychological and technical aspects
4. Neutrality and impartiality
5. The content of the judgment
6. The care and caution while writing the judgment
7. The ideal writing of a judgment
8. Simplicity, clarity and non-repeatability for judgment writing
9. Individual style of judgment writing
10. Quantity is the enemy of quality
11. Language of Judgement
12. Writing judgments: before and during the hearing and after the hearing



Additional Readings:

1. B.R. Atre, Legislative Drafting (Principles and Techniques), Universal Law Publishing- An Imprint of LexisNexis, 5th edn. (2017).
2. Arthur J. Rynearson, Legislative Drafting Step-by-Step, Carolina Academic Press (2013).
3. Nirmal Kanti, R. Cambray's Principles of Legislation and Legislative Drafting, (2017).
4. T. K. Viswanathan, Legislative Drafting: Shaping the Law for the New Millennium, Indian Law Institute, 2nd edn., (2007).
5. V.P. Sarathi, Interpretation of Statutes, Eastern Book Company, 4th edn., (2003).
6. Lectures on Constitutional Law and Legislative Drafting, Vol. I, Institute of Judicial Training and Research, Uttar Pradesh, (1989).
7. P.M. Bakshi, "The Discipline of Legislative Drafting", Vol. 34, No.1, JILI, p. 1 (1992).
8. O.P. Motiwal, "The Principles of Legislative Drafting", Vol.16, No.1, JILI, p. 11 (1974). 3
9. P.M. Bakshi, "Proviso in Legislative Drafting", Vol. 34, No. 2, JILI, p. 179 (1992).
10. S. K. Hiranandani, "Legislative Drafting: An Indian View", Vol. 27, No.1, The Modern Law Review, p. 1 (1964).
11. Namrata Mukherjee, Shankar Narayanan, et al., "Manual on Plain Language Drafting", Vidhi Centre for Legal Policy, (2017).
12. Law Commission of India, 60th Report (1974) and 183rd Report (2002) on General Clauses Act, 1897

Important Cases

1. State bank of India v. Ajay Sood (2022)
2. Shakuntala Shukla v. State of Uttar Pradesh (2021) SCC OnLine SC 672

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
3. Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books on this course.



Law Discipline Specific Elective (Open Elective) course (Any One from the following) :

LDSE 1006 BANKRUPTCY AND INSOLVENCY LAW

Credits: 4 Credits

Medium of Instruction: English Course

Duration: One Semester

Course aims:

The Insolvency and Bankruptcy Code, 2016 consolidated and amended the law relating to reorganization and insolvency resolution of corporations, partnership firms, and individuals. The course will enlighten students about the historical aspect of insolvency and bankruptcy and its legal aspect in detail. The Course will give the student an overview of the law that not only opens opportunities for specialized practice in this area, but also in the course of transacting, and due diligence investigation. The student will apprise of the Insolvency resolution process, the distinction between Insolvency and Bankruptcy, the function of regulation in this area, the functioning of various authorities. The aim of the course is to enable student to understand the difference between insolvency and bankruptcy and other legislations.

Teaching Scheme:

- Lecture Method
- Group Discussion Method
- Cooperative Teaching
- Documentary Screening
- Case Studies
- Project Based Learning
- Data Analytics

Continuous Evaluation Scheme:

Total internal Marks: 30 Marks

University End Semester Examination:
70 Marks

- As per SPPU, CBCS Syllabus of Law Course

Remedial Classes:

Outcomes:

- Students will be enlightened about the historical aspects of insolvency and bankruptcy laws
- Students will get thorough knowledge about the various concepts and legal principles.
- Profound understanding about the procedure, powers and functions of various authorities established under Insolvency and Bankruptcy Code will be admirable effect after completion of the course.
- Students will be able to grasp learning of the process to get remedy for insolvency and bankruptcy.



Detailed Syllabus

Module 01

Introduction:

1. Historical perspectives of insolvency and bankruptcy laws
2. Need, objects and application of the Code
3. Definitions of the terms: claim, charge, corporate person, corporate debtor, core services, creditor, debt, default, financial information, financial institution, financial product, financial service, financial sector regulator, insolvency professional, person, property, security interest
4. Concepts of - insolvency and bankruptcy, debtors and creditors

Module 02

Insolvency Resolution and Liquidation Process for Corporate Persons:

1. Corporate insolvency resolution process
2. Liquidation process
3. Fast track Corporate Insolvency Resolution Process

Module 03

Insolvency Resolution and Bankruptcy for Individuals and Partnership Firms:

1. Insolvency resolution process
2. Bankruptcy order for individuals and partnership firms
3. Administration and distribution of the estate of the bankrupt

Module 04

Authorities under the Code:

1. Insolvency and Bankruptcy Board of India
2. Powers and functions of the Board
3. Insolvency Professional Agencies
4. Information utilities
5. Inspection and investigation

Module 05

Adjudicating Authorities under the Code:

1. Adjudicating Authorities for Corporate Persons
2. Adjudicating Authorities for Individuals and Partnership Firms
3. Appeals

Module 06

Insolvency and Bankruptcy Code vis-à-vis Other Legislations:

1. The Companies Act, 2013
2. The Sick Industrial Companies (Special Provisions) Repeal Act, 2003
3. The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
4. The Recovery of Debts Due to Banks and Financial Institutions Act, 1993
5. The Presidency Towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920



Module 07

Offences and Penalties for Contravention of the Provisions:

1. By the debtor
2. By the creditor
3. By the bankrupt

Module 08

Cross Border Insolvency:

1. UNCITRAL Model Law on Cross Border Insolvency
2. World Bank Principles for Effective Insolvency and Creditor Rights
3. Asian Development Bank Principles of Corporate Rescue and Rehabilitation

Additional Readings:

1. Guide to Insolvency and Bankruptcy Code, Taxmann, 2016.
2. The Report of the Bankruptcy Law Reforms Committee, Nov 2015, available at www.ibbi.gov.in/Reports.html.
3. The Report of the Joint Committee on the Insolvency and Bankruptcy Code, 2015, Lok Sabha, 2017, available at www.ibbi.gov.in/Reports.html.
4. Mulla, The Law of Insolvency in India, 6th ed., LexisNexis, 2017.
5. Sumant Batra, Corporate Insolvency – Law and Practice, Eastern Book Company, 2017.
6. The Companies Act, 2013
7. The Sick Industrial Companies (Special Provisions) Repeal Act, 2003
8. The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
9. The Recovery of Debts Due to Banks and Financial Institutions Act, 1993
10. The Presidency Towns Insolvency Act, 1909,
11. The Provincial Insolvency Act, 1920
12. UNCITRAL Legislative Guide to Insolvency Law

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
3. Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books on this course.



Credits: 4 Credits

Medium of Instruction: English

Course Duration: One Semester

Course aims:

The Criminal Justice System is an instrument used by the state to punish the wrongdoer and maintain the social order in society. This course allows the students to understand important organs of the criminal justice system from India with many other countries. The course creates an understanding of concepts/institutions like Community policing, Zero tolerance policing, private policing, Interpol, Europol, and institution of prosecution. It acquaints with Inquisitorial trials in France and Germany, Adversarial trials in England and India and Trials in Islamic Legal Tradition. So, this paper will give an overview to the students of the Criminal Justice Systems prevalent in India and certain parts of the world with its underlying principles and procedures.

Teaching – Learning Methodology:

- Lecture Method
- Team Exercise
- Cooperative Teaching
- Classroom Presentation
- Group Discussion
- Documentary Screening and
- Seminar Method

Continuous Evaluation Scheme:

Total internal Marks : 30 Marks

University End Semester

Examination : 70 Marks

- As per SPPU, CBCS Syllabus of Law Course

Remedial Classes:

Objectives:

Comparative research earlier was a luxury. It served to broaden one's horizons. Today, comparative research is a necessity. In the criminal justice system, the only way to effectively prevent and combat crime on the world stage is via the harmonisation and coordination of national and international efforts. That requires up-to-date and intimate knowledge of criminal justice arrangements abroad. This necessitates the appreciation of meaningful and valuable differences, stemming from culture, history and social discourse, which help shape criminal justice arrangements in places quite different from our own. The academic endeavour of comparative criminal justice requires a detailed understanding of not just criminal justice process but also the actors involved in it and the society that forms the backdrop to this process

Outcomes:

- Students will be acquainted with the basic ideas and fundamental principles of the Indian Criminal Justice System.
- The knowledge of Indian Criminal Justice will help the students to understand the merits and demerits of it.
- Understanding the Criminal Justice of other countries will help the students to find out more appropriate principles and mechanisms for an effective and efficient justice delivery system for India.



Detailed Syllabus

Module 01

Introduction :

1. Meaning and Significance of Comparative Criminal Justice
2. A comparative perspective on criminal justice and its main components.
3. An overview of the impact of international criminal justice on comparative criminal justice

Module 02

Comparative Policing :

1. Police and policing
2. Policing and crime control:
 - a. Community policing
 - b. Zero tolerance policing
 - c. Policing corruption
3. Rise of private policing

Module 03

Transnational and Global Policing :

1. Transnational policing
2. International policing institutions:
 - a) Interpol
 - b) Europol
 - c) UNPOL (United Nations Police)
 - d) UN Office on drugs and crime (UNODC)

Module 04

Prosecution and Pre-trial Justice :

1. UN Guidelines on the role of prosecutors
2. Prosecution :
 - a) England (Crown Prosecution Services)
 - b) Netherlands
 - c) America (Grand Juris)
 - d) India
3. Pre-trial justice the role of the magistrate
4. Pre-trial custody in law and practice



Module 05

System of Trial :

1. Inquisitorial trials in France and Germany
2. Adversarial trials in England and India
3. Trial in Islamic Legal Tradition

Module 06

Jury System :

1. The English jury
2. The American jury
3. Jury system in India
4. Juris in the Inquisitorial system

Module 07

Sentencing :

1. Death Penalty and Human Rights
2. Death Penalty in USA and UK
3. Death Penalty in India
4. Suspended Sentence System
5. Plea Bargaining System

Module 08

Models of Criminal Justice Process :

1. Crime Control Model :
 - a. Rights of Victim
 - b. Rights of Accused Person
 - c. Power of investigation agencies
 - d. Role of Courts
2. Due Process Model :
 - a. Rights of Victim
 - b. Rights of Accused Person
 - c. Power of investigation agencies
 - d. Role of Courts



Additional Readings:

1. Andreas P and Nadelmann E (2006) *Policing the Globe: Criminalization and Crime Control in International Relations*, New York, Oxford University Press.
2. Bowling B, Sheptyck J (2012) *Global Policing*, London: Sage.
3. Schonteich M. (2008) *The Scale and Consequences of Pretrial Detention Around the World in : Open Society Foundations* (Ed) Justice Initiatives London.
4. Terrill R.J. (2012) *World Criminal Justice Systems: A Comparative Survey*, Oxford Newness.
5. Vogler R (2005) *A World View on Criminal Justice* Aldershot, Ashgate.
6. Vidmar N (ed) (2001) *World Jury System*, Oxford University Press.
7. Garland D (2001) *The Culture of Control, Crime and Order in Contemporary Society*, University of Chicago.
8. Zimring F (2003) *The Contradictions of American Capital Punishment*, Oxford University.
9. Nelken D (2010) *Comparative Criminal Justice Making Sense of Difference*, London Sage.
10. Nelken D (ed) (2011) *Comparative Criminal Justice and Globalisation*, Farnham Ashgate.
11. Crawford A (ed) (2011) *International and Comparative Criminal Justice and Urban Governance* Cambridge, Cambridge University Press.
12. Haberfeld M.R. & Cerrah I (ed) (2008) *Comparative Policing : the Struggle for Democratization*, London, Sage.
13. Jones J & Newturn I (ed) (2006) *Plural Policing a Comparative example* London, Routledge.
14. Andreas P and Nadelmann E (2006) *Policing the Globe: Criminalization and Crime Control in International Relations*, New York, Oxford University Press.
15. Jones J & Newturn I (ed) (2006) *Plural Policing a Comparative example* London, Routledge.
16. Choe D.H. (2013) *Discretion at Pretrial Stage - A Comparative Study*, *European Journal of Criminal Policy and Research*, 20.
17. Van Koppen P.J. and Penrod S.D. (eds) (2003) *Adversarial Versus Inquisitorial Justice*, New York, Kluwer.
18. Hans V (2008) *Jury System around the World*, *Annual Review of Law and Social Science*.
19. Pratt J Brown, D Brown, S Hallsworth, and W Morrison, (eds) (2013) *The New Punitiveness*, London, Routledge
20. Francis Pakes, (2015), *Comparative Criminal Justice*, Routledge, London.
21. Mark Findlay, (2013) *International and Comparative Criminal Justice*, Routledge.

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
3. Students are required to study/refer to the legislation as amended from time to time and consult the latest editions of books on this course.



Credits: 4 Credits

Medium of Instruction: English

Course Duration: One Semester

Course aims:

This course aims to offer an overview and thorough analysis of the basics of International Humanitarian Law (IHL). Acquire key concepts which are essential to understand IHL principles of IHL and their relevance in contemporary armed conflicts, the core sources of IHL - the Geneva Conventions and their Additional Protocols, the rules protecting persons and regulating the conduct of hostilities and the general and specific mechanisms to ensure respect and to sanction violations of IHL. By the end of this course students will develop the ability to analyze IHL implementation.

Refugee Law emphasises the responsibility on nation-states to discharge their obligations in the prevention of Statelessness and the resultant consequences that arise out of loss of nationality. The states have an onerous duty to extend protection to people who lose their nationality for no fault of theirs, hence the rights of the refugees are guaranteed under various international legal instruments.

Teaching Scheme:

- Lecture method
- Cooperative Teaching,
- Class room presentation,
- Group Discussion
- Documentary screening and
- Data analytics.

Continuous Evaluation Scheme:

Total internal Marks: 30 Marks

University End Semester

Examination: 70 Marks

- As per SPPU, CBCS Syllabus of Law Course

Remedial Classes:

Objectives:

The objective of this course is to familiarize the student with the expanding horizons of a branch of international law. The law of war is today popularly referred to as International Humanitarian Law (IHL). A number of issues arise out of humanitarian consideration, which fixes responsibilities on the nation-states to discharge their traditional responsibility under International Law. In view of the expanding tenants of international law of human rights, war and the various issues and crimes of individuals have to be dealt in without violating the international norms. In this course, the student is presented an overview of various aspects and

institutional mechanism that has been developed over the years by states parties.



Outcomes:

- Students will be able to understand the historical basis for the development of the International Humanitarian Law.
- Students will get acquainted to the core of IHL viz the four Geneva Conventions and two Additional Protocols to the Geneva Conventions;
- Students will get an understanding of the application of international humanitarian law to the actions of military forces and the impact of the law upon the protection of civilian
 - populations in specific contexts; and Students will be able to critically analyse the current problems that have emerged in the implementation and interpretation of international humanitarian law.
 - Students will get acquainted about the rights of the refugees and the obligation of the states in protecting their rights.

Detailed Syllabus**Module 01****Introduction to International Humanitarian Law (IHL) :**

1. Meaning, History and Development of IHL
2. Principles of IHL - Military Necessity, Distinction, Proportionality, Precaution, Unnecessary Suffering and Humane Treatment.
3. Application of IHL - Martens Clause
4. Definition of Armed Conflict - International Armed Conflict and Non- international Armed Conflict - Common Articles 2 and 3 of the Geneva Conventions of 1949
5. Relationship between International Law and International Humanitarian Law
6. Relationship between International Humanitarian Law and International Human Rights Law

Module 02**Protected Persons and Conduct of Hostilities :**

1. Wounded, The Sick, The Shipwrecked
2. Prisoners of War
3. Medical, Religious and Relief Personnel
4. Protection of Civilians
5. Protection of Women and Protection of Children
6. Protection of Cultural Property
7. Limitations on Means of Warfare
8. Limitations on Methods of Warfare



Module 03

Implementation of IHL and Institutional Mechanisms :

1. Basic issues involved in Implementation of IHL
2. Implementation of Law at National Level
3. Grave Breaches of Geneva Conventions and Additional Protocols
4. Role of ICRC
5. War Crimes Tribunals - an Overview
6. International Criminal Court - Jurisdiction, Powers and Functions

Module 04

Conventions and Protocols :

1. Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949 (Important Provisions).
2. Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949 (Important Provisions)
3. Convention (III) relative to the Treatment of Prisoners of War, 1949 (Important Provisions).
4. Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949 (Important Provisions)
5. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977 (Important Provisions)
6. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977 (Important Provisions)
7. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to Adoption of an Additional Distinctive Emblem, (Protocol III), 8 December, 2005 (Important Provisions)

Module 05

Tribunals and Judicial Decisions :

1. International Military Tribunal at Nuremberg
2. International Military Tribunal for the Far East (Tokyo)
3. International Criminal Tribunal for the Former Yugoslavia (ICTY)
4. International Criminal Tribunal for Rwanda (ICTR)
5. Special Court for Sierra Leone

Module 06

Contemporary Challenges :

1. Respect for IHL
2. IHL and Terrorism
3. Private Military Contractors
4. New Methods of Warfare – Drones, Cyber Warfare, Autonomous Weapon Systems



Module 07

Introduction to International Refugee Law :

1. Historical Background of Refugee Law
2. Meaning and Definition of Refugee under various International Documents
3. Difference between Refugees and Internally Displaced Persons
4. Human Rights and Refugees – an overview

Module 08

A) International Framework for Refugee Protection :

1. Asylum
2. Protection
3. Non-refoulement
4. Non-discrimination
5. Family Unity
6. Durable Solutions
7. International Cooperation, Burden Sharing, Extradition of Refugee, voluntary, Repatriation, Naturalization
8. Role of UNHCR in the Protection and Promotion of Refugee Rights - an Overview

B) Refugees in Indian Context :

1. Legal and Constitutional Provisions
2. Reasons for non Signatory to Refugee Convention,
3. Role of Indian Government in Protecting Refugees
4. Role of NHRC and Judiciary

C) The Refugee and Asylum Bill, 2019



Recommended Readings:

1. M.K. Balachandran and Rose Varghese, eds., Introduction to International Humanitarian Law (1997).
2. Lindsay Moir, The Historical Development of the Application of Humanitarian Law in Non-International Armed Conflicts to 1949, Vol. 47 International and Comparative Law Quarterly, 337-61 (1998).
3. R. K. Dixit, R. K. P. Shankardass, C. Jayaraj, and Manoj K. Sinha, International Criminal Law: Issues and Challenges (2009), Indian Society of International Law.
4. B.S. Chimni, ed., International Refugee Law : A Reader (2000), Sage Publications.
5. Carlier, Jean Yves, et. al., Who is a Refugee? A Comparative Case Law Study (1997).
6. South Asia Human Rights Documentation Centre (SAHRDC), Human Rights and Humanitarian Law: Developments in Indian and International Law (2008).
7. UNHCR and IPU, Refugee Protection : A Guide to International Refugee Law (2001). 19. Ragini Trakroo, et. al., Refugee and the Law (2005). 20. Bimal N. Patel : The State Practice of India and International Law (2016).
8. Kavin M. Cahill, Basics of International Humanitarian Missions (2003).
9. Fleck, Dieter, ed., The Handbook of Humanitarian Law in Armed Conflicts (1998).
10. Frits Kalshoven, Liesbeth Zegveld, Constraints on the Waging of War: An Introduction to International Humanitarian Law (2001).
11. Durham, Helen, McCormack, Timothy L. H., eds., The Changing Face of Conflict and the Efficacy of International Humanitarian Law (1999).
12. ICRC, International Humanitarian Law : Answers to your questions, (2015) Available at: <https://shop.icrc.org/droit-international-humanitaire-reponses-a-vos-questions-2616.html>
13. ICRC, International Humanitarian Law : A Comprehensive Introduction (2016) : Available at : <https://www.icrc.org/en/publication/4231-international-humanitarian-law-comprehensive-introduction>.
14. ICRC, Summary of the Geneva Conventions of 12 August 1949 and their Additional Protocols (Second Edition, 2012).
15. V. K. Ahuja, Public International Law, LexisNexis (2016).
16. Durham, Helen, McCormack, Timothy L. H., eds., The Changing Face of Conflict and the Efficacy of International Humanitarian Law (1999).
17. Goodwin, Gill, Guy S., McAdam, Jane, The Refugee in International Law (3rd edn,) 2014, Oxford
18. James C. Hathaway, The Rights of Refugees Status under International Law (2014) Cambridge.
19. Arjun Nair, National Refugee Law for India : Benefits and Roadblocks (2007).

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
3. Students are required to study/refer to the legislation as amended from time to time and consult the latest editions of books on this course



Credits: 4 Credits

Medium of Instruction: English

Course Duration: One Semester

Course aims:

This course delves into the legal intricacies of real estate transactions in Maharashtra, India. Students thoroughly understand the key regulations governing these transactions by enrolling. The curriculum covers The Real Estate (Regulation and Development) Act, 2016 (RERA) along with the Maharashtra Real Estate Rules, 2017 and its impact on promoters, buyers (allottees), and real estate agents. alongside the Maharashtra Regional and Town Planning Act, of 1966, which dictates development plans and land use control. Additionally, the course sheds light on the Maharashtra Rent Control Act, 1999, equipping students with knowledge of rent control regulations, eviction procedures, repairs, and sub-letting.

Teaching Scheme:

- Lecture method
- Cooperative Teaching,
- Classroom presentation,
- Group Discussion
- Documentary screening
- Case Studies
- Assignments and Quizzes
- Experiential learning
- Field visit
- Client Interviews at
Legal Aid Clinics

Continuous Evaluation Scheme:

Total internal Marks: 30 Marks

University End Semester

Examination: 70 Marks

- As per SPPU, CBCS Syllabus of Law Course

Remedial Classes:

Objectives:

- This course provides an in-depth exploration of the legal aspects of real estate transactions in Maharashtra, India.
- Students will gain a comprehensive understanding of key regulations, including The Real Estate (Regulation and Development) Act, 2016 (RERA) and the Maharashtra Real Estate Rules, 2017, and their implications for promoters, buyers (allottees), and real estate agents.
- The curriculum also covers the Maharashtra Regional and Town Planning Act, 1966, focusing on development plans and land use control, as well as the Maharashtra Rent Control Act, 1999, which addresses rent control regulations, eviction procedures, repairs, and sub-letting.



Outcomes:

- This comprehensive course equips you to navigate the legal complexities of India's real estate market. the student is well versed with key terms used in RERA and real estate rules,
- The student is also well equipped with project and agent registration processes, the student understands the roles and responsibilities of promoters, buyers, and agents, navigates regulatory bodies like RERA, interpret development plans and land-use control regulations, and confidently apply the Maharashtra Rent Control Act for rent control, eviction, repairs, and sub-letting.
- With eight modules featuring lectures and essential readings, this course empowers students to succeed in the real estate landscape.

Detailed Syllabus**Module 01****Introduction, Registration of Projects and Real Estate Agents under Real Estate (Regulation and Development) Act 2016:**

1. Objects and Application of the Act, Enactment scheme (Central and State) : Act, Rules and Regulations, Housing Policies of Governments
2. Meaning of the terms - advertisement, allottee, apartment, building, carpet area, commencement certificate, common areas, competent authority, completion certificate, development, development works, estimated cost of real estate project, garage, interest, occupancy certificate, promoter, prospectus, real estate agent, real estate project, sanctioned plan
3. Registration of real estate project, procedure, consequences of non registration
4. Registration of real estate agents, procedure and consequences of non registration
5. Functions, duties and liabilities of real estate agents

Module 02**Relationship Between Parties under RERA Act 2016:**

1. Functions, duties, obligations and liabilities of advertisement to completion of project
2. Publication on web-site, effect
3. Transfer of title, Agreement for sale
4. Rights, duties and liabilities of allottees



Module 03

Authorities, Tribunal, and Remedies under RERA Act 2016:

1. Real Estate Regulatory Authority: Establishment, Incorporation, Composition
2. Qualification of Chairpersons and members, Meetings, Powers and functions
3. Filing of complaints, Enforcement of orders, Appearance in person and legal representation (Sections 20-23, 29, 31, 32, 34-38, 40, 56)
4. Effect of the Act (Sections 88-89),
5. Bar of jurisdiction (Section 79)
6. Appeals - Real Estate Appellate Tribunal, Establishment, Composition
7. Application to Tribunal, Powers, Execution of orders (Sections 43- 45, 53-54)
8. High Court (Section 58)
9. Offences and Penalties by promoter, allottee and real estate agents (Sections 59-68)
10. Power to adjudicate compensation (Sections 71-72)

Module 04

The Maharashtra Regional and Town Planning Act, 1966

1. Object, Application, and General Scheme of the Act
2. Development Plan, its contents and implementation (Sections 21, 22 and 42)
3. Control of Development and use of Land included in Development Plans (Sections 43-58)

Module 05

The Maharashtra Rent Control Act, 1999 - Forfeiture and Recovery of Possession :

1. Rent Control in urban areas, Object and Historical background of the Act
2. Application of the Act and Exemptions
3. Definitions : Landlord, legal representative, licensee, paying guest, premises, tenant
4. Relief against forfeiture
5. Recovery of possession by landlord (Sections 16, 18-22)
6. Landlord's rights, duties and liabilities : enter for inspection, essential supplies, conversion of use, receipt for rent, registration of agreements, lawful charges
7. Jurisdiction of courts, Appeals

Module 06

The Maharashtra Rent Control Act, 1999 - Standard Rent, Repairs, Sub Tenancies :

1. Definition: standard rent, permitted increase
2. Standard rent: its concept, components, increase in rent, liability to pay standard rent, Application for fixing standard rent, Court's power to fix standard rent
3. Landlord's duty to repair, Recovery of possession for repairs (Sections 16(1)(h), 17)
4. Prohibition on subletting, assignment or transfer; Sub-tenants to become tenants



Module 07

The Maharashtra Rent Control Act, 1999 - Special Cases and Licenses :

1. Special provisions for recover of possession by licensors, effect of non registration of agreement
2. Special provisions for recover of possession by members of armed forces
3. Competent Authority, its powers and functions, bar of jurisdiction, no appeal, summary disposal of applications, special procedures, enforcement of orders

Recommended Readings:

1. K Goyal, Guide to Real Estate (Regulation and Development) Act, 2016, 2nd ed, Commercial Law Publishers, 2017.
2. S Desai, Maharashtra Regional and Town Planning Act, 1966, Snow white, 2017.
3. Taxman, Maharashtra RERA Law and Practice. Mumbai. Western India Regional Council of the Institute of Chartered Accountants of India, 2024.
4. C.R Rao. Real Estate (Regulation and Development) Act, 2016. Bangalore. Puliani & Puliani, publications, 2022.
5. Khandelwal, K.K. & Khandelwal, S.S.: Commentary and Digest on the Real Estate (Regulation and Development) Act, 2016. (2) New Delhi. The Bright Law House, 2020
6. Sunil Dighe, Snow White Publications: Real Estate (Regulation and Development) Act, 2016 with Maharashtra Rules and Regulation, 2017. Mumbai. Snow White Publications Pvt. Ltd., 2023.
7. Vaidya, B.: Commentary on the Real Estate (Regulation and Development) Act, 2016 along with Maharashtra Rules and Regulations. (2 - Updated Reprint) Mumbai. Snow White Publications Pvt. Ltd., 2022
8. Dighe, S. Real Estate (Regulation and Development) Act, 2016 with Maharashtra Rules and Regulations, 2017. Mumbai. Snow White Publications, 2023.
9. Dave, P.: Maharashtra Regional and Town Planning Act, 1966. Mumbai. Snow White Publications Pvt. Ltd., 2023.
10. Puranik, A.B.; Choudhari, D.R. & Choudhari, A.N.: Commentary on Maharashtra Regional and Town Planning Act, 1966. (14, Reprint) Pune. CTJ Publications, 2022.
11. Jathar, V.; Jathar, M. & Oka, A.S.: Maharashtra Regional and Town Planning Act, 1966. [With Rules, Notification and Allied Laws] (Ed. 1) Pune. Hind Law House, 2023.



12. Gupte, A.K.; Sethi, G. & Sethi, J.: Maharashtra Regional and Town Planning Act, 1966. Pune. Hind Law House, 2022.
13. A K Gupte's, Land Laws in Maharashtra, Hind Law House, 2023.
14. Dighe, S. Maharashtra Rent Control Act, 1999 and Rules 2017. and the Bombay Rents, Hotel and Lodging Houses Rates Control Act, 1947 and Rules, 1948 including Allied Rent Control Acts] Mumbai. Snow White Publications Pvt. Ltd., 2022.
15. Dalal, J.H.; Gupte, A.K.; Sethi, G. & Sethi, J.: Commentary on the Maharashtra Rent Control Act, 1999. (Pune. Hind Law House, 2023).

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
3. Students are required to study/refer to the legislation as amended from time to time and consult the latest editions of books on this course.

