

**NIRMA UNIVERSITY
INSTITUTE OF LAW**

B.Com.LL.B. (HONS.) PROGRAMME

Criteria - 1.1.3

**Average percentage of courses having focus on
employability/ entrepreneurship/ skill
development offered by the University**

NIRMA UNIVERSITY

INSTITUTE OF LAW

B.A., LL.B. (Hons.) Programme

Academic Year 2014-15

Semester - 8

HONOURS COURSE VIL (CRIME AND CRIMINOLOGY)
ADMINISTRATION OF CRIMINAL JUSTICE

Structure and Objectives

- Describe the history, evolution and present structure of the criminal justice system.
- Explain the distinction between criminal justice and criminology.
- Explain the three components of the criminal justice system.
- Demonstrate a practical and working knowledge of the steps in the criminal justice process.
- Describe the dichotomy between protecting individual rights of citizens and protection of the public.

Syllabus:

1. Introduction and Fundamental Principles

- The Criminal Justice System
- Pre and post constitutional era
- Adversarial System
- Right to Silence
- Rights of the Accused
- Presumption of Innocence and Burden of Proof
- Justice to Victims
- Magnitude of crimes and rate of conviction

2. Police

- State police
- Delhi Special police
- Police Organization
- Special juvenile police unit
- Order of superiors

3. Investigation and Investigating agencies

- Investigation
- The National Investigative Agency
- Central Bureau of Investigation
- Criminal Investigation Department (CID)

- 1. Prosecution
 - Prosecution
 - Prosecution is separate from police and investigating agencies
 - Victim of crime
 - Right to Defence of accused

- 2. Judiciary
 - Courts and Judges
 - Fair Trial Procedure
 - Pleas and Pleading
 - Victim Witness
 - Role of hearing of trial
 - Plea Bargaining
 - Sentence without trial
 - Commutation of sentences
 - Withdrawal of prosecution

- 3. Approach for Sentences and Sentencing of the Offending
 - Specific Sentences, Sentencing
 - Crimes by juvenile
 - Sentencing of Offences
 - Offences against Women
 - Offences against child
 - Organised Crime
 - Terrorism
 - Social Economic Crimes

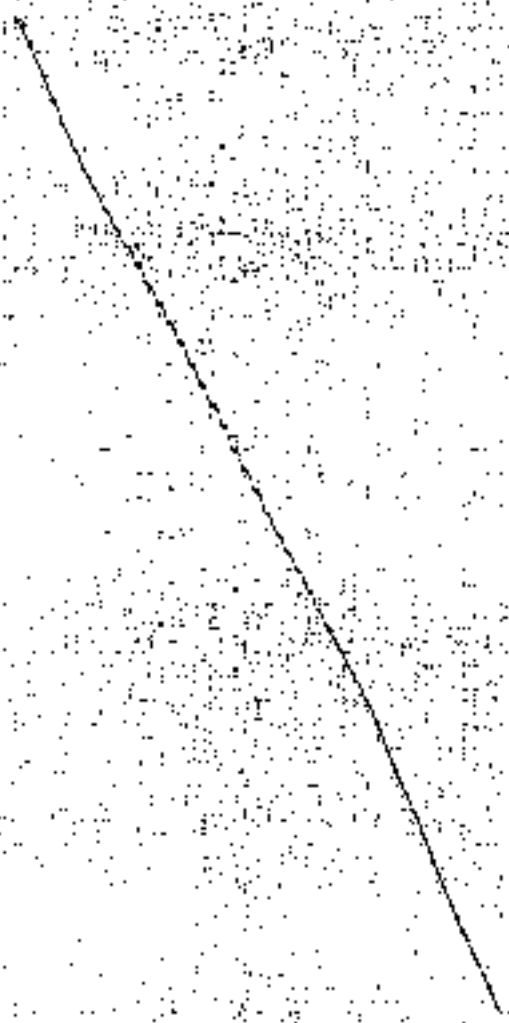
- 4. Prison Management
 - Under trial prisoners (Treatment and classification)
 - Convicted (Treatment and classification)
 - Rehabilitation (Recreation, vocational training etc.)
 - Social reintegration (Parole, Probation and release)
 - Retribution (open jail and wages in prison and government financial aids)

- 5. Challenges and reforms
 - Emerging Role of the Legal Profession
 - Training - A Strategy for Reform
 - Towards Better Criminal Justice System
 - Continuity or Reform of Criminal Justice System

Continued

PE

- Parrik's, The Bombay Police Act, 1951, 3rd Edition, 2017 Publications, Pune 2017.
- Secord's The Code of Criminal Procedure, Dwyer's Law Agency Allahabad Reprint 2007
- Dr. Kishan Pal Malik, Forensic, Victimology and Correctional Administration in India, Allahabad, 1st Edition, 2014.
- Bell Committee Report.
- Law Commission Report.



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**NIRMA UNIVERSITY
INSTITUTE OF LAW**

B.A.,LL.B., (Hons.), B.Com.,LL.B (Hons.) and B.B.A., (Hons) Programme
Academic Year 2014-15
Semester - VI

Administrative Law

1. Introduction:

The adoption of the theory of Welfare State led to the growth in the functions of the State by leaps and bounds. The establishment, working and regulation of administrative mechanism have become an indispensable responsibility for the States committed to promote the welfare of its citizens. In order to regulate the working of administrative officials, a separate branch of law namely Administrative Law has evolved during the latter half of 20th century. Though Administrative Law has owes its origin to the Constitutional law, yet it has developed its content in accordance with the social needs, values and circumstances. Mechanisms of administrative dispute resolutions including the administrative tribunals, the role of civil servant in the nation development and the emergence of PSUs in India is also dealt with.

Course Learning outcomes:

At the end of the course, the students will be able to:-

- Understand about not just the relationship between constitutional and administrative law but also the concept of separation of power and rule of law in a democratic setup.
- Empower the students to become responsive towards the role of judiciary to check administrative actions.
- Take a stand and being able to defend the same basing it on logical premise will form the core aim of the learning.

1. Evolution, Nature and Scope of Administrative Law
 - 1.1. From laissez-faire to a social welfare state
 - 1.1.1. State as regulator of private interest
 - 1.1.2. State as provider of services
 - 1.1.3. Other functions of modern state: relief, welfare
 - 1.2. Evolution of administration as the fourth branch of government- necessity for delegation of powers on administration.
 - 1.3. Evolution of agencies and procedures for settlement of disputes between individual and administration
 - 1.3.1 Regulatory agencies in the United States
 - 1.3.2 Council of State

1.3.3 Tribunalization in England and India

- 1.4. Definition and scope of administrative law
- 1.5. Relationship between constitutional law and administrative law
- 1.6. Separation of powers
- 1.7. Rule of law

2. Civil Service in India

- 2.1. Nature and organization of civil services: from colonial relics to democratic aspiration
- 2.2. Powers and functions
- 2.3. Accountability and responsiveness: problems and perspectives
- 2.4. Administrative deviance - corruption, nepotism, mal-administration.

3. Legislative Powers of Administration

- 3.1. Necessity for delegation of legislative power
- 3.2. Constitutionality of delegated legislation - powers of exclusion and inclusion and power to modify statute
- 3.3. Judicial Control of delegated legislation
- 3.4. Requirements for the validity of delegated legislation
 - 3.4.1. Consultation of affected interests and public participation in rule-making
 - 3.4.2. Publication of delegated legislation
- 3.5. Administrative directions, circulars and policy statements
- 3.6. Legislative control of delegated legislation
 - 3.6.1. Laying procedures and their efficacy
 - 3.6.2. Committees on delegated legislation - their constitution, function and effectiveness
 - 3.6.3. Hearings before legislative committees
- 3.7. Judicial control of delegated legislation
- 3.8. Sub-delegation of legislative powers

4. Judicial Powers of Administration

- 4.1. Need for devolution of adjudicatory authority on administration
- 4.2. Administrative tribunals and other adjudicating authorities - their ad-hoc character
- 4.3. Tribunals - need, nature, constitution, jurisdiction and procedure
- 4.4. Jurisdiction of administrative tribunals and other authorities
- 4.5. Distinction between quasi-judicial and administrative functions
- 4.6. The right to hearing - essentials of hearing process
 - 4.6.1. No man shall be judge in his own cause
 - 4.6.2. No man shall be condemned unheard
- 4.7. Rules of evidence - no evidence, some evidence and substantial evidence rules
- 4.8. Reasoned decisions.
- 4.9. The right to counsel
- 4.10. Institutional decisions
- 4.11. Administrative appeals.

5. Judicial Control of Administrative Action

- 5.1. Exhaustion of administrative remedies

5.2. Standing: standing for Public Interest litigation (social action litigation) collusion, bias

5.3. Laches

5.4. *Res Judicata*

5.5. Grounds

5.5.1. Jurisdictional error/*ultra vires*

5.5.2. Abuse and non exercise of jurisdiction

5.5.3. Error apparent on the face of the record

5.5.4. Violation of principles of natural justice

5.5.5. Violation of public policy

5.5.6. Unreasonableness

5.5.7. Legitimate expectation

5.6. Remedies in Judicial Review:

5.6.1. Statutory appeals

5.6.2. Mandamus

5.6.3. Certiorari

5.6.4. Prohibition

5.6.5. Quo-Warranto

5.6.6. Habeas Corpus

5.6.7. Declaratory judgments and injunctions

5.6.8. Specific performance and civil suits for compensation

6. Administrative Discretion

6.1. Need for administrative discretion

6.2. Administrative discretion and rule of law

6.3. Limitations on exercise of discretion

6.3.1. Mala fide exercise of discretion

6.3.2. Constitutional imperatives and use of discretionary authority

6.3.3. Irrelevant considerations

6.3.4. Non-exercise of discretionary power

7. Liability for Wrongs (Tortious and Contractual)

7.1. Tortious liability: sovereign and non-sovereign functions

7.2. Statutory immunity

7.3. Act of state

7.4. Contractual liability of government

7.5. Government privilege in legal proceedings- state secrets, public interest

7.6. Transparency and right to information

7.7. Estoppel and waiver

8. Corporations and Public Undertakings

8.1. State monopoly- remedies against arbitrary action or for acting against public policy

8.2. Liability of public and private corporations - departmental undertakings

8.3. Legislative and governmental control

8.4. Legal remedies

8.5. Accountability- Committee on Public Undertakings, Estimates Committee, etc

9. Informal Methods of Settlement of Disputes and Grievance Redressal Procedures

- 9.1. Conciliation and mediation through social action groups
- 9.2. Use of media, lobbying and public participation
- 9.3. Public inquiries and commissions of inquiry
- 9.4. Ombudsman: Lok Pal, Lok Ayukta
- 9.5. Vigilance Commission
- 9.6. Congressional and Parliamentary Committees

References:

- C.K.Allen, Law & Orders (1985)
- D.D.Basu, Comparative Administrative Law (1998)
- M.A.Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh (2000), Butterworths - India
- Finke, Report of the Committee on Administrative Tribunals and Inquiries, HMSO, 1959
- Peter Cane, An Introduction to Administrative Law (1996) Oxford
- Wade, Administrative Law (Seventh Edition; Indian print 1997), Universal, Delhi.
- J.C.Garner, Administrative Law (1989), Butterworths (ed. B.L. Jones)
- M.P.Jain, Cases and Materials on Indian Administrative Law, Vol.I and II (1996), Universal, Delhi.
- Jain & Jain, Principles of Administrative Law (1997), Universal, Delhi.
- S. P. Sathe, Administrative Law (1998) Butterworths-India, Delhi
- De Smith, Judicial Review of Administrative Action (1995) Sweet and Maxwell with Supplement
- B. Schwartz, An Introduction to American Administrative Law
- Indian Law Institute, Cases and Materials on Administrative Law in India, Vol.I (1996), Delhi.
- Takvent C.K., Administrative Law
- Massey LP., Administrative Law

Nirma University
Institute of Law
B. A.,LL. B. (Hons.) and B.Com.,LL. B. (Hons.) Programme
Academic Year 2018-19
Institute Elective

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|--------------|--------------------------|
| Course Code | 2IE1012 |
| Course Title | Agrarian Reforms and Law |

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

1. Identify the genesis of the land and agrarian laws of the country.
2. Appreciate the legislative structure of agrarian laws exists in its present form.
3. Compare and contrast the laws relating to land acquisition before and after 2013.
4. Interpret and develop upon the socialistic perspectives of land and agrarian reforms.

Syllabus

Teaching Hours: 60

Unit I Pre-Independence position

- 1.1. Concept of land and its ownership
- 1.2. Zamindari Settlement
- 1.3. Ryotwari Settlement
- 1.4. Mahalwari System
- 1.5. Intermediaries
- 1.6. Absentee Landlordism
- 1.7. Large holdings

5 Hours

Unit II Constitutional Perspectives

- 2.1. 1st, 4th, 17th, 24th, 25th, 42nd and 44th Amendments to the constitution
- 2.2. Art 31(A), 31(B) and 31(C)
- 2.3. Art 300-A

7 Hours

Unit III Post-Independence Reforms

- 3.1. Abolition of Zamindari
- 3.2. Abolition of Intermediaries
- 3.3. Tenancy Reforms
 - 3.3.1. Land to the tiller
 - 3.3.2. Personal Cultivation
 - 3.3.3. Voluntary Surrenders

5 Hours

Unit IV Evaluation of Land Reforms

- 4.1. Lack of Political will as an impediment to land reforms
- 4.2. Role of Law
 - 4.2.1. Role of Law and Legal Profession in implementation
 - 4.2.2. Imposition of bars to the jurisdiction of civil courts
- 4.3. Role of administrative agencies
- 4.4. Lack of demand from beneficiaries

6 Hours

w.e.f. academic year 2018-19 and onwards

- 4.5. Lack of organization of beneficiaries
- 4.6. Other constraints
 - 4.6.1. Moral
- 4.7. Results of Land reforms
 - 4.7.1. Leasing in and leasing out
 - 4.7.2. Underground tenancies
 - 4.7.3. Green Revolution and development of capitalistic farming

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|---|--|-----------------|
| Unit V | Socialistic Goals and Land Management | 10 Hours |
| 5.1. Co-operative Farming | | |
| 5.1.1. Foreign models | | |
| 5.1.2. Avadi Resolution | | |
| 5.2. Ambedkar's views on Socialization of Land | | |
| 5.3. Minorities and land rights | | |
| 5.4. Land rights in gender perspective | | |
| 5.5. State Farming in Mixed Economy | | |
| 5.6. Problems and perspectives of Nationalization of Land | | |
| Unit VI | Land Acquisition Legislation | 15 Hours |
| 6.1. Land Acquisition Act, 1984 | | |
| 6.1.1. Public purpose | | |
| 6.1.2. Procedure for acquisition of land | | |
| 6.1.3. Judicial trends | | |
| 6.2. Land Acquisition and Rehabilitation and Resettlement Act, 2013 | | |
| 6.2.1. Genesis of the new legislation | | |
| 6.2.2. Impact of the LARR Act, 2013 | | |
| 6.2.3. Judicial trends | | |
| 6.3. Special Economic Zones Act, 2005 | | |
| Unit VII | Consolidation of Holdings | 6 Hours |
| 7.1. Socio-economic background of land consolidation | | |
| 7.2. Experience in land consolidation | | |
| 7.2.1. Foreign experience | | |
| 7.2.2. Indian experience | | |
| 7.3. Legislation relating to consolidation | | |
| 7.4. Procedures relating to consolidation | | |
| 7.5. Survey and recording of rights | | |
| Unit VIII | Agricultural Laws | 6 Hours |
| 8.1. Agricultural infrastructure | | |
| 8.2. Post liberalisation and agricultural sector | | |
| 8.3. Protection of Plant Varieties and Farmers Right Act, 2001 | | |

Suggested readings

1. Baxi, U. (1986). *Towards a Sociology of Indian Law*. Satvahan. Pp 25-65
2. Franklen, Francine R. (1978). *India's Political Economy: 1947-1977*, Princeton: Princeton University Press.
3. Ghose, M. (1992). Nehru and Agrarian Reform. In Rajeev Dhavan and Thomas Paul (eds.), *The recovery of fire: Nehru and legitimation of power in India*. Bombay
4. Jacob, A. (January-June 1992). Land Reform in India- A Review. *IASSI Quarterly*, 10 (No.3-4), 6-19
5. Kohli, A. (1987). *The State and Poverty in India: The Politics of Reform*. New York: Cambridge University Press
6. Neale W.C. (1990). *Developing rural India: Policies, politics and progress (Perspectives on Asian and African Development)*. Allied.
7. Rudolph, S., & Rudolph, L. (1987). *The Political Economy of Lakshmi*. New Delhi
8. Tripathi N.M. (1992). In Rajeev Dhavan (ed.), *Nehru and the Constitution*. Bombay

w.e.f. academic year 2018-19 and onwards

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B. (Hons.) Programme
Academic Year 2011-12
Semester – X

Applicable to year 2015-16 & 2016-17

AIR AND SPACE LAW
(Optional Course III)

Introduction and Objectives

There were only a few regulations relating to air and space in the past. There are at present unprecedented activities both in air space and outer space. This leads to multiplicity of multilateral and bilateral conventions and agreements in international air transportation and in outer space exploration. Questions of safety of flights are not merely questions of municipal law but are challenges to the international norms of newly developing air and space law. As in other branches, globalization and liberalisation had their impact on these branches too. Terrorism against aviation is a matter of serious concern with the escalation of international civil aviation. Advancement of science and technology has pushed man to have sway into the outer space. Thus sharing of geo-stationary orbits and control over experimentation in outer space have thrown new problems. This course deals with all these aspects which do bring in several conventions and treaties - multilateral, regional, bilateral - into focus.

1.

- Definition, Nature, Scope and Sources of Air Law
- Development of Air Law (Paris Convention 1910, Paris Convention 1919, Madrid Convention 1926, Havana Convention 1926, Havana Convention 1928, Warsaw Convention and Chicago Convention 1944)

2

- Regulation
 - Freedom of the air and sovereignty in the air
 - Membership and Organs of ICAO
 - Legislative, Administrative and Judicial functions
 - Economic and technical regulations
- New Development in India

3

- Bilateralism and Multilateralism
 - Concept of bilateralism
 - Views of multi-lateralism
 - Merits and demerits

- Regionalism in civil aviation
- India and Bilateral Agreements

4

- Safety and Security in Civil Aviation
 - The concept
 - Aviation terrorism
 - International norms: conventions, protocols and regulations
 - Regulations in India
 - Air safety provisions

- Air Traffic Management
 - Legal regime of air and outer space
 - Problems of application of air, space and telecommunication law
 - State obligation to provide air navigation services
 - Sovereign rights of states

5. New Developments in India

- Technology Developments and Problems in Civil Aviation
- Airports: Leasing and Privatization – Legal Issues
- Changing Global Trends
 - Globalization, de-regulation and liberalisation in international civil aviation: Infra
 - Structural problems of air port
 - Private involvement in ownership, operation and management of air ports
 - International regulatory framework

6

- Air Cargo
 - International conventions and regulations
 - India: Regulations

- Rights and Privileges of Air Passengers
 - Consumer protection in civil aviation
 - Liability for death, injury and delay
 - Global trends
 - Indian law

- Settlement of Aviation Related Disputes
 - General Principles
 - Role of ICAO and ICJ
 - Arbitration
 - Settlement under municipal law

Space Law

1.

- Definition, nature, scope, development and sources of space law
- India and Space Law
 - contribution to development of international law
 - organization of space activities: DOS, ISRO
 - space policy
 - need for the law in the country

2.

- UN and Outer Space
 - Space technology : establishment of COPUOS
 - International co-operation for peaceful use
 - Development by General Assembly Resolutions
 - UN space Treaties : Strengths and Needs

- Development of Law by treaties
 - the space treaty 1967
 - the rescue agreement 1968
 - the liability convention 1975
 - the registration convention 1975
 - the moon treaty 1979
 - partial test ban treaty 1963
 - weather modification convention 1977

3

- International, Inter governmental, Non-governmental Organizations and Space Activities
- Bilateral Agreements in Space Activity
 - Liability
 - Satellite broadcasting
 - Space based observation, monitoring remote sensing, tracking telemetry and communications

4

- Use of Space Technology
 - Peaceful and non peaceful
 - remote sensing
 - Environmental protection
 - Disaster prediction, warning and mitigation
 - Management of earth resources
 - Satellite navigation and location
 - Space communication

- Commercialization of Space Activities

- Public and Private Sector activities
- Industry-government Partnership

- o IPR Rights

5

- Dispute Settlement

References:-

- Azbeyratne, RIR., Legal and Regulatory Issues in International Aviation (1996), Transnational Publishers, NY.
- Bhatt S. et. Al. (ed.), Air Law and Policy in India (1994), Lancers Books, N. Delhi
- Mani V. S., et.al, (eds.), Recent Trends in International Space and Policy, (1997), Lancer Books, N. Delhi.

**NIRMA UNIVERSITY
INSTITUTE OF LAW**

Academic Year: 2016-17

B.A.,LL.B. (Hons.), B.Com. LL.B. (Hons.), B.B.A., LL.B (Hons.) Programme

Semester VIII

Elective Course II

American Legal System

Credit: 2

Hours: 30

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Introduction:-

The law of the United States comprises many levels of codified and uncodified forms of law, of which the most important is the United States Constitution, the foundation of the federal government of the United States. The Constitution sets out the boundaries of federal law, which consists of acts of Congress, treaties ratified by the Senate, regulations promulgated by the executive branch, and case law originating from the federal judiciary. The United States Code is the official compilation and codification of general and permanent federal statutory law.

Federal law and treaties, so long as they are in accordance with the Constitution, pre-empt conflicting state and territorial laws in the 50 U.S. states and in the territories. However, the scope of federal pre-emption is limited because the scope of federal power is not universal. In the dual-sovereign system of American federalism states are the plenary sovereigns, each with their own constitution, while the federal sovereign possesses only the limited supreme authority enumerated in the Constitution.

At both the federal and state levels, the law of the United States is largely derived from the common law system of English law, which was in force at the time of the Revolutionary War. However, American law has diverged greatly from its English ancestor both in terms of substance and procedure, and has incorporated a number of civil law innovations.



Course Learning Outcome:-

After completion of the course student will be able to:-

- Understand the existing American legal System and the various policies that affect their international relations.
- Evaluate continuous reforms under the American legal System and compare the legal system with other jurisdictions.

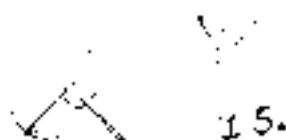
1. Introduction

- 1.1. History and Organization of the Federal Judicial System
- 1.2 History and Organization of State Judicial Systems
- 1.3. Jurisdiction and Policy-Making Boundaries
- 1.4 The Criminal Court Process
- 1.5 The Civil Court Process
- 1.6 Sources of Federal Law

2. The Constitution Of The United States

- 2.1. Fundamental Rights and Duties of Citizens
- 2.2 Article I to Article VII
- 2.3 Amendments to the constitution of United States

3. Laws Relating To Foreign Investment



- 3.1 History Of Foreign Investment
- 3.2 United States Investment Abroad
- 3.3 US Direct Investment
- 3.4 Advantages of Foreign Investment In USA

4. Legal System Within USA

- 4.1. Company Law
- 4.2. Intellectual property law.
- 4.3. Competition law

5. Banking Law In USA

- 5.1. The reason for financial crises 2007
- 5.2. The financial crises 1929
- 5.3. The present reformation in the banking

6. A COMPARATIVE OVERVIEW OF THE USA'S LEGAL SYSTEM WITH INDIAN LEGAL SYSTEM

Suggested Readings -

- Elliot Richardson (2011). United States Policy Toward Foreign Investment: We Can't Have It Both ways. <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1675&context=amlr>
- <http://www.lexisnexis.com/encis/lawschool/pre-law/intro-to-american-legal-system.page>
- Federal Judicial Center. *The U.S. Legal System: A Short Description*. http://www.fjc.gov/public/pdfn/lookupUS_Legal_System_English07.pdf?file

16.

16.

U.S. Legal System English07.pdf

- US department of state (2004). Outline of the US legal system.
<http://usa.usembassy.de/etexts/gov/outlinelegal/system.pdf>
<http://system.uslegal.com>
- An Overview of the American Legal System
<https://www.nhbar.org/uploads/pdf/ire-rr-overviewamericanlegalsystem.pdf>
- Federal Judicial Center the US legal system a short description
<https://bulk.resource.org/courts.gov/ijc/ijr00003.pdf>
- http://www.law.northwestern.edu/law-school-life/student-services/orientation/documents/Orientation-Reading-Socum-Ch_022.pdf



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INSTITUTE OF LAW
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Semester II

Ancient Indian Intellectual Tradition and Modern World

Introduction:

This is a comprehensive *one credit* introductory paper to search the *historical roots and routes* of the Ancient Indian Intellectual Tradition that could not surface well on the modern Indian academic calendar. This course briefly searches the ancient roots in Indian intellectual tradition where the jurisprudence and institutions were at play to regulate the 'individual and social' code of conduct. What are the basic characteristics of this intellectual tradition, this course briefly outlines those areas and explores the possibility of it being applicable to the modern times.

Objectives:

- Know about the historical traces of the intellectual richness of Indian past that is referred by the Western Scholars as the centre of knowledge disseminations.
- To sensitise the students about the intellectual tradition on which the functioning of the ancient Indian society was based.
- A comparative study of modern functioning of state and law and ancient Indian tradition of wisdom.

Learning Outcomes:

This course will enable students to :

- trace the reason if those principles of ancient Indian intellectual tradition can be made applicable to the challenges of the modern world
- Generate a rational faith in the Indian Intellectual Tradition that is so far not given heed so far through the media of modern day Western Education.
- Gauge and analyse the difference between two different intellectual traditions, i.e. Western and Indian.
- Know about their own past would generate a sense of confidence amongst them and this, in turn, would cater as a catalyst to analyse better the other courses in socio-legal studies.

I: What India Can Teach Us?

1.1- Intellectual History of India: Contexts for Modern Times

1.2- Characteristics of Ancient Intellectual Indian Tradition

II: The Six Traditions of Vedic Philosophy

- 2.1. Introduction : The Cognitive aspects of Indian Philosophy
- 2.2. *Nyaya*: The Philosophy of Logic and Reasoning
- 2.3. *Vaisesika*: Vedic Atomic Theory
- 2.4. *Sankhya*: Nontheistic Dualism
- 2.5. *Yoga*: Self-Discipline for Self-Realization
- 2.6. *Karma-mimamsa*: Elevation Through the Performance of Duty
- 2.7. *Vedanta*: The Conclusion of the Vedic Revelation

III- Modernity and Indian Intellectual Tradition

- 3.1. Science, Modernity and India
- 3.2. Law, Modernity and India

Basic Readings:

- Chattopadhyay, Debprasad, *Indian Philosophy- A Popular Introduction* (N.Delhi: People's Publishing House, 1993). First published in 1964.
- Pollock, Sheldon, *Is There an Indian Intellectual History? Introduction to "Theory and Method in Indian Intellectual History"*, *Journal of Indian Philosophy*, Vol.23, No.02. April 2007. Capper, C. et al. (Eds.). (2004). *Modern Intellectual History*. Editorial, 1(1), 1–2. Cooper, F. (2005). *Colonialism in question: Theory, knowledge, history*. Berkeley: University of California Press.
- Muller, Max F., *India : What Can It Teach Us? ,* (N.Delhi: Rupa : 2002). Vol.1-5.

Reference Readings :

- Dasgupta, S.N., *A History of Indian Philosophy* (Cambridge: CUP, 1922). E-copy available.
- Pandey, G.C., *The Meaning of Culture* (Allahabad: Raka Publications; 1974)
- Rudolf and Rudolf, *The Modernity of Tradition*, (New Delhi: OUP: 1998) .
- Sen, Amartya, *The Argumentative Indian* (London: Allen Lane: 2005)
- Kautilya, *Arthashastra* (N.Delhi: Penguin: 2003)
- Gallagher, C., & Greenblatt, S. (2001). *Practicing new historicism*. Chicago: University of Chicago Press.
- Houben, J. E. M. (2002). The Brahmin intellectual: History, ritual, and 'time out of time'. *Journal of Indian Philosophy*, 30(5), 463–479.

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- Kaviraj, S. (2005). The sudden death of Sanskrit knowledge. *Journal of Indian Philosophy*, 33(1), 119-142.
- Kelley, D. R. (2002). *The descent of ideas: The history of intellectual history*. Aldershot, UK: Ashgate.
- Kelley, D. R. (Ed.). (2005). *Journal of the History of Ideas*, 66(2), special issue on "Intellectual History in a Global Age."
- Minkowski, C. (2002). Astronomers and their reasons. *Journal of Indian Philosophy*, 30, 495-514.
- Pollock, S. (2001). The new intellectuals in seventeenth-century India. *Indian Economic and Social History Review*, 38(1), 3-31.
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Am. P

University Elective Course Briefs (IT-NU)

UEIT001 – Applied Literature

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Introduction to the concept of literature and differences in various forms of creative and artistic expressions. Introductions to Racism, Feminism, Diaspora, Post-Colonialism, and Cultural Studies with respect to poetry, stories, novels, critical essays, and films. Introduction to Film Studies, concepts of composition, camera works, direction, story, plot.

NIRMA UNIVERSITY
INSTITUTE OF LAW

R.A.,LL.B., (Hons.) and B.Com.,LL.B (Hons.) Programme
Academic Year 2013-14
Semester VIII

**Arbitration, Conciliation & Alternate
Dispute Resolution System
(Clinical Course)**

Introduction:

Justice delayed is justice denied. Inordinate delays and exorbitant costs in resolution of disputes have been the important shortcomings of the dominant dispute resolution method- Civil Litigation. The accountability of the legal profession to the Society is highly questionable. The Courts are heavily burdened with the accumulated backlog of cases. In the light of this brief background efforts are being made to rejuvenate the traditional methods of dispute resolution which can be alternatives to litigation. Alternative dispute resolution methods can be Negotiation, Mediation, Conciliation, Arbitration and hybrid forms of these different methods.

In past few decades persistent demand for alternative methods for dispute resolution has emerged as one of the imminent requirements for any country. Such methods are required to take care of the shortcomings of civil litigation system in order to serve the cause of justice. In an era of globalization and liberalization and free-trade and tariff, it is necessary for the development of commercial world competitive market to ventilate the grievance of our aggrieved party as expeditiously as possible.

It is also intended to teach the principles, procedures, techniques, etc., adopted in resolving the disputes outside the formal court system.

The course will facilitate students to have simulation exercises.

Objectives:

- To understand the limitations of litigation and to appreciate the advantages of Alternative methods of dispute resolution ;
- To impress upon the learners about historical use of ADR method ;
- To understand the theory and law relating to ADR ;
- To understand the clients problem and help the clients to make decisions ;
- To understand the strategic use of ADR methods ;
- To understand the skills of interviewing, counseling and ADR methods

Learning Outcomes:

After the completion of the course, the students will be able to:

- Understand the relationship between domestic courts and arbitration and the growing autonomy of the arbitral process.
- Develop an understanding of the main rules and principles operating in the area of arbitration and their saliences, advantages, disadvantages relative to litigation.
- Demonstrate and evaluate in depth understanding of the basic structure and elements of conciliation, mediation and other alternative dispute resolution methods.
- Construct viable and appropriate arbitration clauses
- Critically analyze and comprehend the diverse non-arbitral/ alternative dispute resolving techniques specific to India and encourage its application

1. Domestic and International Arbitration

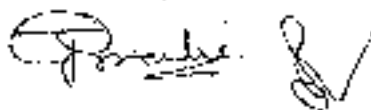
- 1.1 Arbitration; meaning, scope and types
- 1.2 Arbitration agreement
- 1.3 Arbitration Tribunal
- 1.4 Award
- 1.5 Appeal and revision
- 1.6 Enforcement of foreign awards

2. Conciliation

- 2.1 Conciliation:
- 2.2 Meaning
- 2.3 Distinction between arbitration, conciliation, mediation and negotiation
- 2.4 Appointment
- 2.5 Commencement of conciliation proceedings
- 2.6 Role of conciliators
- 2.7 Settlement agreement
- 2.8 Admissibility of evidence
- 2.9 Rule Making Power:
 - 2.10 High Court
 - 2.11 Central Government

3. Mediation

- 3.1 Mediation and Negotiation:
- 3.2 Meaning and Mediation process
- 3.3 Mediation is a voluntary
- 3.4 Party centered
- 3.5 Party centered structured process
- 3.6 Structured negotiation process



- 3.7 Role of neutral (mediator)
- 3.8 Specialized communication and negotiation techniques
- 3.9 Advantages of mediation process

4. Various other ADR Mechanism

- 4.1 Concept of Lok-Adalat
- 4.2 Legal Services Authority Act, 1987
- 4.3 ADR in different areas (practical arena): Family Law, Consumer Law, Commercial Law

5. Clinical Component

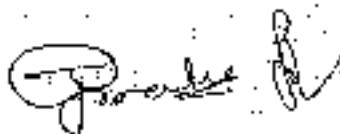
- 5.1 Negotiation Skills by simulated programmes
- 5.2 Conciliation Skills
- 5.3 Arbitration Practice including International Arbitration
- 5.4 Client interviewing and counseling
- 5.5 Litigation Planning
- 5.6 Investigation Strategy
- 5.7 Mediation
- 5.8 Visit to Shariat Court, Gram Nyayaya, Gram Panchayat, Caste Panchayat
- 5.9 Legal Services Authorities Act: Scope

References :

1. B.P.Saraf and M.Jhunjhunwala, Law of Arbitration and Conciliation, Snow white, Mumbai, (2000)
2. Gerald R. Williams (ed.), The New Arbitration and Conciliation Law of India, Indian Council of Arbitration, New Delhi, (1998)
3. A.K.Bansal, Law of International Commercial Arbitration, Universal, Delhi, (1999)
4. P.C.Rao & William Sheffield, Alternative Dispute Resolution- What it is and How it works? Universal, Delhi, (1997)
5. G.K.Kwatra, The Arbitration and Conciliation Law of India, Universal, Delhi, (2000)
6. Basu, N.D, Law of Arbitration and Conciliation (9th edition reprint 2000), Universal, Delhi
7. Jharsi, Commentary on Arbitration and Conciliation Act 1996 Universal, Delhi, (1999)
8. Markanda.P.C, Law relation to Arbitration and Conciliation Universal, Delhi, (1998)
9. David St. John Sutton, Russell on Arbitration, 21st ed, Sweet & Maxwell, London, 1996

10. Sabarwal H.K., Law of Arbitration and Conciliation. Eastern Law House, New Delhi, 2001.
11. Justice Dr. B.P. Saraf and Justice S.M. Fauzibhuswala, Law of Arbitration and Conciliation, 4th ed., Snow White Publishing Ltd., 2008
12. MALHOTRA O.P., Law and Practice of Arbitration and Conciliation 1st ed., Lexis Nexis Butterworths Wadhwa, Nagpur (India), 2002
13. Musfil and Boyd, Commercial Arbitration, 2nd ed., (Company: Volume), Lexis Nexis, Butterworths, 2001
14. Redfern Alan and Hunter Martin, Law and Practice of International Commercial Arbitration, 4th ed., Sweet & Maxwell, London, 2004
15. Mackie, Miles, Marsh and Allen, The ADR Guide: Commercial Dispute Resolution, 2nd ed., Tottel Publishing, 2000
16. Brown Henry and Maniot Arthur, ADR Principles and Practice, 2nd ed., Sweet & Maxwell, London, 1999.



NIRMA UNIVERSITY
INSTITUTE OF LAW
 Academic Year 2016-17

Banking and Negotiable Instrument Laws
SEMSTER VII

B.A., LL.B. (Hons.)/ B.COM., LL.B. (Hons.)/ B.B.A., LL.B. (Hons.)

Credits: 4

Hours: 60

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Introduction

The Banking Institutions have become important players in the present day economy. They play pivotal role in the growth of trade, commerce and industry. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions in to agents of social change. Appreciating the importance, the Government has enacted several enactments to direct, regulate and control the banks and banking operations, through Reserve Bank of India and Ministry of Finance.

This course is designed to acquaint the students with the operational parameters of banking and insurance laws and understanding of key statutory provisions and case laws both in banking and insurance laws and to develop an analytical approach to the application of knowledge and skills to practical problems.

COURSE LEARNING OUTCOMES:

The syllabus is designed to make students understand the basic tenets of Banking Law its applicability, history, development and future. At the end of the course the students will be able to:

1. Understand the basic principles, theories, pieces of legislation involved in the growth and development of banking law and also understand the relevance of the subject in the era of globalization;
2. Analyze the contemporary challenges on issues involving banking law in India and the effective functioning of international bodies and organizations relating to banking law;
3. Apply and evaluate the various principles of banking law.

SYLLABUS

1. Indian Banking and Financial Institutions Structure in India

- 1.1 Indian Banking System Features, Money Lenders
- 1.2 Narasimhan Committee and its report
- 1.3 Nationalization of Commercial Banks and its Effects
- 1.4 Banking Companies (Acquisition of Undertaking and Transfer) Act, 1970 and 1980
- 1.5 Classification of Banking Institutions
- 1.6 Banking Regulations Act
- 1.7 Development Banking in India
- 1.8 Monetary Policy

2. **Banker Customer Relationships**
 - 2.1 Introduction
 - 2.2 Definition of banker and customer
 - 2.3 **General relationship**
 - 2.4 **Special relationship**
 - 2.5 Banker's duty of secrecy
 - 2.6 Banker's duty to honour cheques
 - 2.7 Banker's lien, and banker's right to set off • Appropriation of payments • Gantisee order
 - 2.8 Customer's duties towards his banker
3. **Law relating to Negotiable Instruments**
 - 3.1 Introduction
 - 3.2 Definition, characteristic and types of Negotiable Instruments (Promissory Note, Bill of Exchange and Cheque)
 - 3.3 Holder and Holder in due course
 - 3.4 Transfer and Negotiation of Negotiable Instrument.
 - 3.5 Liabilities and Capacity of Parties of Negotiable Instrument
 - 3.6 Crossing, Presentment, Payment and Dishonour of Cheque.
4. **Lending by banks and Debts Recovery in India**
 - 4.1 The Recovery of Debts due to Banks and Financial Institutions Act, 1993
 - 4.2 The Securitization And Reconstruction of Financial Assets And Enforcement Of Security Interest Act, 2002
 - 4.3 Enforcement of Security Interest
 - 4.4 Recovery of loans with the intervention of courts
 - 4.5 Debt Recovery Tribunal
5. **New Concepts in Banking: Issues and Challenges**
 - 5.1 Internet Banking
 - 5.2 Mobile Banking
 - 5.3 E-Payments
 - 5.4 RTGS/NIFT, EFT, FCS (credit/debit)
 - 5.5 Law relating to E-banking/e-commerce in India
 - 5.6 Micro Finance: Issues and challenges
 - 5.7 Green Banking and Sustainable development
 - 5.8 Banking Ombudsman
 - 5.9 Consumer Protection and banking services
 - 5.10 Regulative Procedure prescribed by the SEBI or RBI

5.11 NBFC & Co-operative Banking

6. Risk Management by Banks

- 6.1 Basel III/IV
- 6.2 Prudential Norms
- 6.3 Compliance of Basel Norms- RBI Regulations
- 6.4 Asset Liability Management systems

References:

1. A.B. Srivastava and K. Elumalai. *Commentaries on Banking Regulation Act as amended by Banking Regulation (Amendment) Act, 2007*; 2nd edition, 2008, Allahabad Law Publishers (India) Pvt. Ltd.
2. H.K. Saharay, *Negotiable Instruments Act 1881: Dishonour of Cheques*, 3rd edition, 2011. Premier Publishing co., Allahabad.
3. J.M. Holden, *The Law and Practice of Banking (English Law) (2 Vols)* 1998, Universal Law Publishing.
4. K.C. Shekhar and Lekshmy Shekhar. *Banking- Theory and Practice*. Reprint 2014.
5. M.L. Tannari, revised by C.R. Datta & S.K. Kataria, *Banking Law and Practice*, 23rd edition, Reprint 2013, Wadhwa & Company, Nagpur.
6. Prof. Clifford Gomez, *Banking and Finance - Theory, Law and Practice*, 2011, PHI Learning Private Limited.
7. R.K. Gupta: *Banking Law and Practice in 3 Volumes*, 2nd Edition 2008: Reprint 2012, Modern Law Publications.
8. S.P. Sengupta, *Dishonour of Cheques and Electronic Banking- Law and Practice relating to Electronic Funds Transfer*, 2012, Kamal Law House.

Nirma University
Institute of Law
Academic Year 2014-15

BANKING LAW

SEMESTER X

OPTIONAL COURSE II

B.A., LL.B. (Hons.) and B.Com. LL.B. (Hons.) Programme

Credits: 3

Hours: 45

Introduction

Bank and other financial institutions have a vital role in the economic development of a country. Their role is varied in the commercial transaction, and the law and responsibility of bank have increased. The objective of this course would be to critically analyse the obligations of both the banks, financial institutions and the customer in any given commercial transaction. Further the course also emphasizes on critical study of modern banking and their regulations and amendments.

Course Learning Outcomes

All the students of the course students will be able to

1. Know the fundamental principles and role of banking and its relation with legal system.
2. Explain and analyze the various banking and financial institutions in India and their role.
3. Explain the international standards and rules for financial transactions involving bank transfer payments.

Outline

1. Introduction

Meaning and definition of banking, nature and scope of banking, bank's position and functions, the role of bank in the economy, the various banking laws, the banking public and its role in the economy.

2. Banking system in India

Evolution of Banking Regulation Act, 1949, Reserve Bank of India and Nationalization of Banks, the role of RBI, the various banks, the various market entities.

3. Banking operations

Banking operations, deposits and loans, the various instruments, the various banking laws, the various banking regulations and amendments.

- 3. **Banker-Customer Relationship**
 - 3.1 Contract between banker and customer; Nature and type of accounts; Special classes of customers - lunatics, minor, partnership, corporations, local authorities; Banking duty to customer; Banker's lien; Protection of bankers.
 - 3.2 Customer protection banking as service.
 - 3.3 Negotiable instrument bank and Banks; Presentment and Payment; Responsibility of paying and collecting banker; Wrongful dishonour of cheques.

- 4. **Modern Banking**
 - 4.1 Information technology and Banking; Automated and legal aspects of cash loans; Smart Cards; Credit Cards etc.
 - 4.2 Specialised Instrumental Banking
 - 4.3 Banking Trends

- 5. **International Banking**
 - 5.1 Basis of International Settlements
 - 5.2 Basel Committee Report on effective banking supervision
 - 5.3 Foreign exchange and letter of credit (Uniform Customs and Practice)

References

- 1. *Banking Law and Practice in India*, 23rd Edition, Lexis Nexis, New Delhi, 2010
- 2. *Basel Committee Report on effective banking supervision*, 2006
- 3. *Basel Committee Report on effective banking supervision*, 2006
- 4. *Basel Committee Report on effective banking supervision*, 2006
- 5. *Basel Committee Report on effective banking supervision*, 2006
- 6. *Basel Committee Report on effective banking supervision*, 2006
- 7. *Basel Committee Report on effective banking supervision*, 2006
- 8. *Basel Committee Report on effective banking supervision*, 2006
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- 13. *Basel Committee Report on effective banking supervision*, 2006
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- 16. *Basel Committee Report on effective banking supervision*, 2006
- 17. *Basel Committee Report on effective banking supervision*, 2006
- 18. *Basel Committee Report on effective banking supervision*, 2006
- 19. *Basel Committee Report on effective banking supervision*, 2006
- 20. *Basel Committee Report on effective banking supervision*, 2006

8. International Fisheries

- conflicting state claims
- migratory species
- marine mammals
- sedentary species
- Protection of endangered species
- international co-operation for conservation
- optimum utilization and surplus sharing
- fisheries in high seas
- special protection
 - o Atlantic Ocean
 - o Pacific Ocean

9. High Seas

- Concept of patrimonial sea and common heritage of mankind
- access to high seas; conflict between maritime states and land locked states
- Piracy
- Hot Pursuit
- International sea bed authority: constitution, power and jurisdiction
- exploitation and exploration of sea bed
- pioneer investors

10. Conservation and Exploitation of Maritime Resources

- Living and Non-Living resources: Importance; Kinds
- Conservation and management of the resources
- Jurisdiction
 - o Problems
 - o Dispute settlement mechanism
- Exploitation of the resources
 - o Transfer of technology as a tool for exploitation
 - o Jurisdiction
 - o Limitations
- Marine pollution
 - o Meaning and its impact
 - o Kinds
 - o Pollution
 - o Accidents at sea
 - o Tests
 - o Control and Enforcement

11. International Sea Tribunal to settle disputes.

12. Law Commission Report.

References:-

- Oreste Vicuna, *The Changing International Law of the High seas Fisheries* (1999), Cambridge
- Ian Brownlie, *Principles of Public International Law* (1998) Clarendon press, Oxford
- P. Chaudashekra Rao, *The New Law of Maritime Zones* (1983) Milling publications, New Delhi
- Samir Mankabady, *The International Shipping Rules* (1986), Croom Helm, London
- Nagendra Singh, *International Maritime Law Conventions, Vol. I Navigation* (1983) Stevens & Maxwell, London.
- Myron H. Nordquist and John Norton Moor (eds.), *Ocean Policy - New Institutions, Challenges and opportunities* (1989), Kluwer.

APZ

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.Com., LL.B. (Hons.) and B.A., LL.B. (Hons.) Programme
Academic Year 2014-15
Semester II

2

Basics of Organizational Behavior

Credit: 4
Hours: 60

Introduction

Organizational Behavior involves the study of individuals and groups within organizational and social contexts, and the study of internal processes and practices as they affect those individuals and groups. This course will develop knowledge, understanding and skills relating to human behavior in the workplace, well-being of employees, HRM and organization effectiveness. An awareness of management functions, individual and group behavior and methods employed to enhance performance is beneficial to all members of the organization, irrespective of their position or status within the company. This course therefore will enable the students to increase their effectiveness as professionals and leaders.

Course Learning Outcomes (CLO):

After studying the course the students will

- Develop the ability to work effectively with people from different background, culture and experience.
- Develop the ability to lead and motivate others to succeed.
- Develop critical analytical skills that will help them diagnose situations pertaining to human behavior in organizations and generate effective solutions for the same

I. Introduction to Organizational Behaviour

- Concept of Organizational Behaviour (OB)
- History, Nature and scope of OB
- Key elements in OB
- Inter-disciplinary contribution to OB
- Managerial Roles

II. Individual Behaviour, Values & Personality

- Concept of Individual Differences
- Values commonly studied across culture
- Fundamentals and Determinants of Personality
- Big Five Dimensions
- Personality Traits

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III. Learning & Perception

- Fundamentals of Learning
- Learning Theories - Classical Conditioning Theory, Operant Conditioning Theory, Social Learning Theory
- Behavior Modification
- Definition of Perception, Perceptual Process, Common Perceptual Errors

IV. Motivation

- Basic concept of Motivation
- Theories of Motivation – Maslow, Herzberg's Two Factor Theory, ERG, McClelland, Equity and Vroom's Expectancy Theory

V. Leadership

- Introduction
- Leadership Theories – Trait Theories, Behavioral Theories and Situational Theories

VI. Group Dynamics

- Defining and classifying groups
- Stages of group development
- Group Properties – Roles, Norms, Status, Size and Cohesiveness
- Group Decision making

VII. Managing Change in Organization

- Definition, Forces of Change,
- Causes for Resistance to Change, Overcoming Resistance to change
- Lewin's Change Model

VIII Organizational Culture

- Meaning, Strong Culture vs Weak Culture
- Creating & sustaining Culture
- Socialization

IX. Conflict, Negotiation, Power & Politics

- Nature & types of conflict, Causes and outcome of conflict
- Responses to conflict, Negotiation Process, Strategies and Tactics
- Bases of Individual Power
- Organizational Politics

References:

- Robbins, S.P. Judge, T.A. & Senge, S. (2010). *Organizational Behavior*, Pearson.
- Pareek, U. (2011). *Understanding Organizational Behavior*, Oxford University Press.
- Luthans, F. (2005). *Organizational Behaviour*, Tata McGraw Hill.
- Sekaran, U. (1989). *Organizational Behavior, Text and Cases*, Tata McGraw Hill.
- Kreitner, R. & Kinicki, A. (2012). *Organizational Behavior*, McGraw-Hill/Irwin.
- Davis, K. & Newstrom, J.W. (1989). *Organizational Behaviour*, Tata McGraw Hill.
- Stogdill, J.W. & Hoolhaigh, D. (2010). *Fundamentals of Organizational Behaviour*, Cengage Learning.

8



Nirma University
Institute of Law
B.A.LL.B. (Hons), B.Com LL.B.(Hons) Programme
Academic Year 2019-20
Semester IX
(173 Honours Group VI)

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|--------------|------------------|
| Course Code | 2017394 |
| Course Title | Biodiversity Law |

Course Learning Outcome (CLO)

At the end of the course students will be able to:

- 1- Categorize the Biodiversity resources in India and their importance
- 2- Analyze the legal standards pertaining to Biological diversity laws
- 3- Assess the Access and Benefit Sharing principle under the Biodiversity laws

Syllabus

Lecture Hours: 45

UNIT 1: Introduction to Biodiversity 5 Hours

- 1.1 Biodiversity, ecosystem and Ecosystem principle
- 1.2 Biodiversity and legal protection
- 1.3 Biodiversity Hotspots
- 1.4 International Convention on Biological Diversity
- 1.5 National measures on genetic resources

UNIT 2: Biodiversity and Sustainable Development 8 Hours

- 2.1 Biodiversity Goods and Services (Prior access and Open Republic Principle)
- 2.2 Economic value of Biodiversity
- 2.3 Biodiversity Act, 2002
- 2.4 Conference of Parties (COP)

This document contains only the syllabus. The detailed course outline including the reference material, paragraph assignments, micro-assignments, practicals etc. would be included in the Course Content Module.

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2019-20 and onwards

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| UNIT 3: International Protection of Genetic Resource | 8 Hours |
| 3.1 Bio-Safety | |
| 3.2 Bio-Piracy | |
| 3.3 Cartagena Protocol | |
| 3.4 Nagoya protocol | |
| UNIT 4: The Principle of Traditional Knowledge and Patents of Genetic Resource (TRIPS) | |
| 4.1 General Principles of TRIPS and CBD obligations | |
| 4.2 Economic consideration of biotech patents | |
| 4.3 Impact of UPOV and exchange of seeds | |
| 4.4 Order public and morality in patenting of Biological products | |
| UNIT 5: TRIPS and Convention on Biodiversity | 8 Hours |
| 5.1 Defensive and Positive protection of Traditional knowledge under CBD | |
| 5.2 Unfair competition and trade of Biological Diversity | |
| 5.3 Traditional knowledge innovation and patent | |
| 5.4 Biodiversity and CI | |
| UNIT 6: Access and Benefit Sharing | 5 Hours |
| 6.1 Bioprospecting for Drug research | |
| 6.2 Right to equitable access | |
| 6.3 Component of Sustainable use | |
| 6.4 Prohibitions and limitations under CBD | |
| 6.5 National agencies in the facilitation of ABS | |
| UNIT 7: Contemporary Protection and Prohibitive laws of Biodiversity in India | 14 Hours |
| 7.1 Biodiversity and Corporate accountability | |
| 7.2 Plant breeders rights vis-a-vis IP rights | |
| 7.3 Cluster productive use of technology in Agriculture sector | |
| 7.4 Climate change and protection of Biodiversity | |

Books

1. Biodiversity, Law, Policy and Governance by Usha Toalson, 2018, Routledge Publisher
2. Routledge Handbook of Biodiversity and the Law, Edited by Charles R. McManis, 2017, Routledge Publisher.
3. Biodiversity: Perception, Peril and Preservation by Prabodh K. Mishra, 2017, PHI Publisher.
4. Conservation, Biodiversity and International Law by Alexandre Gallespe, 2011, Elgar Publishers.
5. Biodiversity, Biotechnology and Traditional Knowledge: Understanding Intellectual Property Rights by Govind Das and Arvind Kumar, 2010, Narosa Publishers.
6. Biodiversity: Social & Ecological Perspectives by Vandana Shiva, 1991, Zed Books Publisher.
7. Global biodiversity assessment: Summary for policy makers, by K. J. Willis, Cambridge University Press.

L= Lecture, T= Tutorial, P= Practical, C= Credit

with academic year 2019-20 and onwards

Nirma University
Institute of Law
B.Com.,LL.B. (Hons) Programme,
Academic Year 2018-19
Semester II

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|--------------|---------------------------|
| Course Code | 2BBL231 |
| Course Title | Business Economics |

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

1. Recognize aspects of firm theory – production, revenue and cost, and profit maximization.
2. Comprehend the macroeconomic environment and role of government and monetary system.
3. Appreciate the impact of regulatory environment on business decisions.

Syllabus

Teaching Hours: 60

Unit: I Theory of firm and profit

12 Hours

- 1.1. Forms of market revisited – pricing and profit maximization.
- 1.2. Value of firm – alternative theories.
- 1.3. Definition of profit – Accounting and Economic profit.
- 1.4. Theories of profit – Risk, innovation, monopoly, efficiency.
- 1.5. Pricing practices in different markets.

Unit: II Production and cost

10 Hours

- 2.1 Production function – product, revenue and cost.
- 2.2 Optimization – Marginal, average and total concepts.
- 2.3 Economies of scale – short run and long run cost.
- 2.4 Break-even analysis – cost, profit and volume.

Unit: III National Income

10 Hours

- 3.1 National income concepts – GDP and GNP.
- 3.2 General level of price – CPI and WPI.
- 3.3 Business cycle
- 3.4 Savings investment equality - Public, private and national savings
- 3.5 The financial system – loanable funds market

22

w.e.f. academic year 2018-19 and onwards

Unit: IV Money and Banking

08 Hours

- 4.1 Money – meaning and its functions
- 4.2 Money multiplier and fractional reserve banking
- 4.3 Price level and value of money
- 4.4 The central bank RBI and monetary control
- 4.5 The financial markets and its components

Unit: V Financial Markets: Money market

10 Hours

- 5.1 The money market and its features
- 5.2 Money market instruments
- 5.3 Call money markets
- 5.4 Money market derivatives
- 5.5 RBI and money markets

Unit: VI Financial Markets: Capital market

10 Hours

- 6.1 Capital market: features, working & functions
- 6.2 Role of Capital Market in Resource Allocation
- 6.3 Primary and secondary markets
- 6.4 Intermediaries in Capital Market
- 6.5 Role of regulators in capital markets

Suggested Readings:

1. D.Salvatore (2016), *Managerial Economics*, OUP India, 8th Edition.
2. Arvasri, A.B (2008), *Managerial Economics and Financial Analysis*, Tata McGraw-Hill, 3rd Edition.
3. N. Gregory Mankiw (2018), *Principles of Economics*, Cengage Learning, 8th Edition.
4. N. Gregory Mankiw (2010), *Macroeconomics*, Worth Publishers, 7th Edition.
5. Bharti V Pathak(2014), *Indian Financial System*, Pearson Publication, 4th Edition.
6. Khan M.Y. (2013), *Indian Financial System*, Tata McGraw Hill, 8th Edition.

Nirma University
Institute of Law
B.Com.,LL.B. (Hons) Programme
Academic Year 2018-19
Semester I

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| Course Code | 2BBL132 |
| Course Title | Business Organization and Management |

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

1. Analyse and offer solutions to various issues faced by organizations
2. Demonstrate the knowledge of their managerial skills.

Syllabus

Teaching Hours: 60

Unit: I Introduction

5 Hours

- 1.1 Nature and Functions of Management
- 1.2 Development of Management thought
- 1.3 Changing environment of Management
- 1.4 Social Responsibilities of Business.

Unit: II Planning

8 Hours

- 2.1 Nature, scope and objectives of planning
- 2.2 Types of Plans
- 2.3 Planning Process
- 2.4 Business Forecasting
- 2.5 MBO: Concept, types process and techniques of decision making

Unit: III Organizing

8 Hours

- 3.1 Concept, nature, process and significance
- 3.2 Principles of an organisation
- 3.3 Span of Control
- 3.4 Departmentation
- 3.5 Types of an organisation:

Unit: IV Authority Delegation and Decentralization

9 Hours

- 4.1 Sources of Formal Authority\
- 4.2 Line and Staff Authority
- 4.3 Delegation of Authority
- 4.4 Decentralization

Unit: V Motivation and Leadership

15 Hours

- 5.1 Nature and Importance of motivation
- 5.2 Types of Motivation
- 5.3 Theories of Motivation
- 5.4 Leadership: Meaning and Importance
- 5.5 Traits of a Leader
- 5.6 Theories of Leadership

Unit: VI Controlling

15 Hours

- 6.1 Nature and Scope of Control
- 6.2 Types of Control
- 6.3 Control Process
- 6.4 Control Techniques-Traditional and Modern
- 6.5 Effective Control System

Suggested Readings:

1. Drucker, P.(2006).The Practice of Management, Harper Business Publication.
2. Robbins,S. (2012). Fundamentals of Management – Essential Concepts and Application, Prentice Hall.
3. Hill, C.L.L. Shane, S. (2006). Principles of Management, McGraw Hill.
4. Daft,R.L.(2015). Management, South Western College Publication.

**NIRMA UNIVERSITY
INSTITUTE OF LAW
B.Com. LL.B. (Hons) [5-Year Integrated Programme]
Academic Year 2019-20
Semester IV**

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|--------------|----------------------------|
| Course Code | 2BBL442 |
| Course Title | Business Statistics |

Course Learning Outcomes:

At the end of the course, students will be able to:

1. Define the types of data and its collection methods
2. Apply the basic statistical tools to data sets for drawing inferences
3. Explain statistical models for estimation and forecasting
4. Analyze data through use of spreadsheet.
5. Interpret inferences and results drawn from statistical data

Syllabus**Teaching Hours: 60****Unit I Introduction****(20 Hours)**

- 1.1 Data and its relevance – census and sample
- 1.2 Types of data and its sources – primary and secondary
- 1.3 Statistical survey methods – data collection
- 1.4 Tabular and Graphical methods – frequency polygon, bar charts, pie charts, scatter plots.
- 1.5 Measures of central tendency – mean, median, mode.
- 1.6 Distributing data – quartiles, deciles and percentiles.
- 1.7 Summarizing grouped data using MS Excel

Unit II Dispersion and Skewness**(10 hours)**

- 2.1 Measures of dispersion – mean deviation, quartile deviation and standard deviation.
- 2.2 Coefficients of measures of dispersion.
- 2.3 Concepts of symmetry and skewness.
- 2.4 Measuring skewness through coefficients – Karl Pearson, Bowley and Kelly.
- 2.5 Computing measures of dispersion in spreadsheet.

Unit III Correlation and Regression

(08 hours)

- 3.1 Concept of correlation and its relevance – correlation and causality
- 3.2 Coefficient of correlation – Karl Pearson and Spearman
- 3.3 Regression – causality among variables
- 3.4 Building a regression equation and estimating regression coefficients.
- 3.5 Correlation matrix and regression through MS Excel.

Unit IV Probability Distribution

(10 hours)

- 4.1 Concept of probability
- 4.2 Discrete probability distribution – Binomial and Poisson.
- 4.3 Continuous probability distribution – Normal distribution
- 4.4 Application and use of probability distribution.

Unit V Sampling and Test of Hypothesis

(12 Hours)

- 5.1 Sampling methods and distribution.
- 5.2 Comparison of means and t-test.
- 5.3 Hypothesis Testing – Type I and Type II Errors.
- 5.4 Statistical inference – chi-square test, f-test.
- 5.5 Statistical significance – P-value.
- 5.6 Regression table in MS-excel.

Suggested Readings:

1. Finelstein, M. O. (2010). *Statistics for Lawyers*. New York: Springer.
2. Gupta, S. P. (2017). *Statistical Methods*. New Delhi: Sultan Chand & Sons.
3. Hoel, P. G., & Jessen, R. J. (2016). *Basic Statistics for Business and Economics*. New York: John Wiley and Sons.
4. Levin, R. L., Rubin, D. S., Rastogi, S., & Siddiqui, M. H. (2012). *Statistics for Management, 7e*. New Delhi: Pearson.
5. Sancheti, D. C., & Kapoor, V. K. (2010). *Statistics: Theory, Methods & Application, 7e*. New Delhi: Sultan Chand And Sons.

NIRMA UNIVERSITY
 INSTITUTE OF LAW
 Academic Year: 2016-17
 B.A.L.L.B. (Hons.) B.Com. LL.B. (Hons.) B.B.A. LL.B. (Hons.) Programme
 Semester VIII
Elective Course II
Chinese Legal System

Credit: 2

Hours: 30

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Introduction

Chinese law is one of the oldest legal traditions in the world. In the 20th and 21st century, law in China has been a complexity of traditional Chinese approaches and appropriation of Western conventions. For most of the history of China, its legal system has been based on the Confucian philosophy of social control through moral education, as well as the Legalist emphasis on codified law and criminal sanction. Following the Revolution of 1911, the Republic of China adopted a largely Western-style legal code in the civil law tradition. The establishment of the People's Republic of China in 1949 brought with it a more Soviet-influenced system of socialist law. However, earlier traditions from Chinese history have retained their influence, even to the present. Law in the People's Republic of China is currently undergoing gradual reform, as many elements inside and outside the country emphasize the need to strengthen the rule of law in China, and international trade and globalization spur transformations in various areas of Chinese domestic law.

Course Learning Outcome

After completion of the course, students will be able to:

1. Understand the existing Chinese legal System and the various policies that affect their international relations.
2. Evaluate continuous reforms under the Chinese Legal System

1. Introduction to the legal system of the People's Republic of China

History of legal system of China

1.1 Historical foundations for PRC Law

- Constitutional Change and conflicts over formalization of Law and governance
- Local and global contexts for China's Socialist legal system
- Sources of Law

1.2 Hierarchy of Courts

1.3 Classification of Law

1.4 Law enforcement in the People's Republic of China

2. Chinese Constitution

2.1 Fundamental Rights and Duties of Citizens

2.2 Structure of the State

2.3 Media and the Chinese Legal System

3. Classification of Laws

3.1 Criminal Law

3.2 Contract law.

3.3 Consumer law

3.4 Intellectual property law.

3.5 Property law.

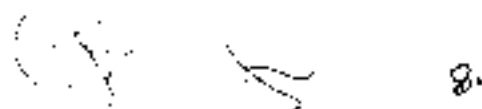
3.6 Competition law

4. Laws Relating to Business, Foreign Investment and foreign Trade

4.1 Law of domestic business organizations, limited liability company and limited share-holding company, partnerships etc

4.2 Forms of foreign investment

- equity joint ventures
- contractual joint ventures.
- wholly-owned foreign enterprises

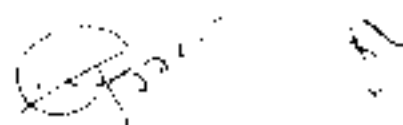


- China's banking system: Basics with foreign investment
- 4.3 Impact of WTO membership of foreign investment in China.
- 4.4 Foreign trade regulation.
- 4.5 The opening of China's domestic market
- 4.6 Law relating to Business Finance

5. A Comparative Overview of the Chinese legal system with India's Legal System

Suggested Readings:-

- Stephen Hsu, J.D (Ed.), Understanding China's Legal System, NYU Press (2003), ISBN-10: 081473653X, ISBN-13: 978-0814736531.
- Pitman M. Potter, The Legal System of the People's Republic of China in a Nutshell (West, Nutshell) 2nd Edition, ISBN-13: 978-0314198822, ISBN-10: 0314198822
- Brief Introduction to Chinese Law
<http://law.kenedycu.edu/wp-content/uploads/2014/06/Brief-Introduction-to-Chinese-Law-SCN.pdf>
- The Constitution of the People's Republic of China (Amended 2004)
https://www.google.com.tr/search?rlz=C&source=web&cd=1&ad=ja&met=8&ved=0ahU&wipw&K1EJGAlXMRo8K1H7zIDBIQz_gghMVA&url=http%3A%2F%2Fwww.constituteproject.org%2Fconstitution%2FChina_2004.pdf%0Ahang%3Den&asg=AFQjCN5LEh&msQ6KWQAds2VvTRP91a7Q&by=hbv.127984354.c21
- http://www.jstor.org/action/doBasicSearch?Query=readings+on+the+Legal+System+of+China&prq_readings+on+the+Legal+System+of+China&group=none&sort=rel&we-gr&hp_25&ageon&fc=off
- Bekker, P.M. 'Some Aspects of the Legal System of the People's Republic of China,' *The Comparative and International Law Journal of Southern Africa* 26,2 (1993), 250-58, Web
- Mary F. Gallagher, "Mobilizing the Law in China: 'Informed Disenchantment'"



and the Development of Legal Consciousness." *Law & Society Review* 40:4 (2006): 783-816. Web.

- Amanda J. Perry. "The Relationship between Legal Systems and Economic Development: Integrating Economic and Cultural Approaches." *Journal of Law and Society* 29:2 (2002): 282-307. Web.
- Potter, Pitman B. "The Chinese Legal System: Confronting Commitment to the Primacy of State Power." *The China Quarterly* 159 (1999): 673-83. Web.
- Benjamin L. Liebman. "Watchdog or Demagogue? The Media in the Chinese Legal System." *Columbia Law Review* 105:1 (2005): 1-157. Web.
- Potter, Pitman B. "Foreign Investment Law in the People's Republic of China: Dilemmas of State Control." *The China Quarterly* 111 (1995): 153-83. Web.
- Qin, Julia Ya. "Trade, Investment and Beyond: The Impact of WTO Accession on China's Legal System." *The China Quarterly* 191 (2007): 730-41. Web.
- Agrawal, Pradeep, and Pravakar Sahoo. "China's Accession to WTO: Implications for China and India." *Economic and Political Weekly* 38:25 (2003): 2544-551. Web.
- Mee-kau, Nyaw. "Direct Foreign Investment in China: Trends, Performance, Policies and Prospects." *China Review* (1993): 164-678. Web.

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Approved by Academic Council in its meeting
dated 21.9.2010 under resolution no. 7 (D)

NIRMA UNIVERSITY

INSTITUTE OF LAW

B. A. LL.B (Hons.) Programme

Academic Year 2010-11

Semester VIII

HONOURS COURSE III (Constitutional Law Group) CITIZENSHIP AND IMMIGRATION LAW

Teaching : 30 Hours

Syllabus

1) Immigration Law

- 1.1 History and sources of immigration law
- 1.2 Policy, politics and media
- 1.3 Immigration law and human rights
- 1.4 Crossing the border and leave to remain
- 1.5 Challenging decisions: appeals and judicial review
- 1.6 Concept of Refugee and Asylum

2) Citizenship

- 2.1 Concept of Citizenship and domicile
- 2.2 Overview of Citizenship Act, 1955
- 2.3 Overview of Passport Act
- 2.4 Overview of Foreigner Act, 1946 and Foreigner Amendment Act, 2004
- 2.5 Overview of Foreign Contribution (Regulations) Act, 1974
- 2.6 Illegal Migrant (Determent by Tribunal Act, 1987)
- 2.7 Nationality and right of abode

Suggested Readings:

- Immigration and Asylum Law, 3rd Edition, Gina Clayton, Online Resource centre
- The Asylum Process and the Rule of Law, International Association of Refugee Law Judges, Netherlands
- Citizens' Rights and The Rule of Law Problems and Prospects, Essay in Memory of Justice J.C. Shah, Edition 2008, Edited by Venkat Iyer, LexisNexis Butterworths Wadhwa, Nagpur
- India NRIs & the Law, Anil Malhotra, Universal Law Publishing Co.

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Appendix – A of Notl.
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**NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B. (Hons.), B.Com., LL.B. (Hons.) and B.B.A., LL.B. (Hons.)
Academic Year: 2015-16
Semester V
Civil Procedure Code and Limitation Act**

**Credit: 5 Hours
Hours: 75 Hours**

Introduction

Code of Civil Procedure being a procedural law subject is considered as a key to civil practice. This law is based on various principles and doctrines such as principles of natural justice. It becomes very necessary for court as well lawyer to understand the spirit behind this law for its proper implementation. The beauty of CPC is that it gives meaning to the rights recognized by substantive law and enforces them in the way it is intended by the legislators.

In this course we intend to introduce this subject to students with its principles and doctrines. This course teaches the students as how facts are to be put before court in the form of pleadings, what are the intricacies of the language used in pleading, how these facts put before court are to be proved through documents and witnesses

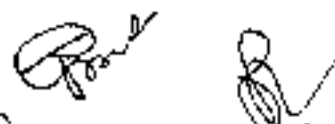
Course Learning Outcomes:

After the completion of the course, students will be able to:

- a) Understand the Hierarchy of Civil Courts
- b) Identify various stages of litigation
- c) Articulate the skill of arguments in civil matters

Syllabus

1. Introduction
- 1.1. Concepts
- 1.1.1. Affidavit, order, judgment, decree, plaint, restitution, execution, decree-holder, Judgment-debtor, mesne profits, written statement.
- 1.1.2. Distinction between decree and judgment and between decree and order.
2. Jurisdiction
- 2.1. Kinds
- 2.1.1. Hierarchy of courts
- 2.2. Suit of civil nature - scope and limits
- 2.3. *Res-subjudice and Res judicata*
- 2.4. Foreign judgment - enforcement
- 2.5. Place of suing
- 2.6. Institution of suit
- 2.6.1. Parties to suit: joinder, mis-joinder or non-joinder of parties ; Representative suit.
- 2.6.1.1. Frame of suit: cause of action



2.6.2. Settlement of Disputes outside Courts

2.6.3. Summons

3. Pleadings

3.1. Rules of pleading, signing and verification.

3.1.1. Alternative pleadings

3.1.2. Construction of pleadings

3.2. Plaint particulars

3.2.1. Admission, return and rejection

3.3. Written statement, particulars, rules of evidence

3.3.1. Set off and counter claim: distinction

3.4. Discovery, inspection and production of documents.

3.4.1. Interrogatories

3.4.2. Privileged documents

3.4.3. Affidavits

4. Appearance, examination and trial

4.1. Appearance

4.2. *Ex-parte* procedure

4.3. Summary and attendance of witnesses

4.4. Trial

4.5. Adjournments

4.6. Interim orders: commission, arrest or attachment before judgment, injunction and

Appointment of receiver

4.7. Interests and costs

5. Execution

5.1. The concept

5.2. General principles

5.3. Power for execution of decrees

5.4. Procedure for execution (ss. 52-54)

5.5. Enforcement, arrest and detention (ss. 55,59)

5.6. Attachment (ss. 60-64)

5.7. Sale (ss.65-97)

5.8. Delivery of property

5.9. Stay of execution

6. Suits in particular cases

6.1. By or against government (ss.79-82)

6.2. By aliens and by or against foreign rulers or ambassadors (ss.83-87A)

6.3. Public nuisance (ss.91-93)

6.4. Suits by or against firms

6.5. Suits in forma pauperis

6.6. Mortgages

6.7. Interpleaded suits

6.8. Suits relating to public charities

7. Appeals

7.1. Appeals from original decree

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- 7.2. Appeals from appellate decree
- 7.3. Appeals from orders
- 7.4. General provisions relating to appeal
- 7.5. Appeal to the Supreme Court

8. Review, reference and revision

9. Miscellaneous

- 9.1. Transfer of cases
- 9.2. Restitution
- 9.3. Caveat
- 9.4. Inherent powers of courts


10. Law reform: Law Commission on Civil Procedure- amendments

11. Law of Limitation

- 11.1. The concept - the law assists the vigilant and not those who sleep over the rights
- 11.2. Object
- 11.3. Distinction with laches, acquiescence, prescription.
- 11.4. Extension and suspension of limitation
- 11.5. Sufficient cause for not filing the proceedings
 - 11.5.1. illness
 - 11.5.2. Mistaken legal advice
 - 11.5.3. Mistaken view of law
 - 11.5.4. Poverty, minority and Parda
 - 11.5.5. Imprisonment
 - 11.5.6. Defective vakalatnama
- 11.6. Legal liabilities
- 11.7. Foreign rule of limitation : contract entered into under a foreign law
- 11.8. Acknowledgement - essential requisites
- 11.9. Continuing tort and continuing breach of contract.

References:

1. D.F. Mulla, Code of Civil Procedure, Universal, Delhi, (1999).
2. C.K.Thacker, Code of Civil Procedure, Universal, Delhi, (2000)
3. M.R. Mallik(ed.), B.B.Mitra on Limitation Act, Eastern, Lucknow, (1998).
4. Majumdar.P.K and Kataria.R.P., Commentary on the Code of Civil Procedure, 1908, Universal, Delhi, (1998)
5. Saha.A.N., The Code of Civil Procedure, Universal, Delhi, (2000).
6. Sarkar's Law of Civil Procedure, Vols., Universal, Delhi, (2000).
7. Universe's Code of Civil Procedure, (2000)



4

3. Matrimonial Remedies

- Restitution of conjugal Rights
- Nullity of Marriage & Option of Puberty
- Judicial Separation
- Concept of Divorce
- Theories of Divorce
- Non-judicial Remedies-Unilateral, Customary
- Extra Judicial Remedies
- Judicial Remedies-Various grounds of Divorce; Adultery, Cruelty, Desertion etc.
- Mutual Consent

4. Bar to Matrimonial Remedies

- Introduction to the concept of Bar to Matrimonial Remedies
- Doctrine of Strict Proof
- Accessory
- Contumacious
- Undue delay, etc and their effects on the matrimonial cases

5. Alimony and Maintenance

- Maintenance of neglected wives, divorced wives, minor children, disabled
- Children and parents who are unable to support themselves; provisions under the Code of Criminal Procedure 1973
- Alimony and maintenance as an independent remedy: a review under different personal laws-need for reforming the law
- Alimony and maintenance as an ancillary relief
- Maintenance of divorced Muslim women under the Muslim Women (Protection of Rights on Divorce) Act 1986: a critical review

6. Parentage and Legitimacy

- Introduction to the concept of parentage and its legitimacy
- The various issues related to the concept of Parentage and Legitimacy across all the personal laws
- New challenges:
 - o Surrogacy
 - o Live-in relationship

7. Adoption and Guardianship

- Concept of Adoption
- Legal aspects and requirements in personal laws
- Guardianship and its legal issues in personal laws

References:

- Family law lectures, Family Law I, By Kusum, Lexis Nexis Student Series.
- Amner Ali's Commentaries on Mohammedan Law, Hind Publishing House,

 R. S.

NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year 2014-15
B.A. LL.B (Hons) and B.Com., LL.B (Hons)
Semester II
Communication Skills and Legal Language

3

Credit: 5
Hours: 75

Introduction

Words and language has always been the tool of giving expression to human perception, thoughts and feelings. This tool like chisel, shapes and carves ideas for expression. And when we refer to language, it does not mean only the spoken or written language but also the non-verbal communication. Body language is equally important to the verbal communication. If not more. The objective of the course is to equip the students with all the aspects of communication skills: verbal and non-verbal, to hone this skill and understand both verbal and non-verbal language as well as analyze it effectively.

Course Learning Outcomes (CLO):

After completion of the course the students will be able to:

- Use legal terms and legal maxims in drafting
- Develop various aspects of communication like listening, reading, writing and speaking
- Use English language effectively for legal writing and drafting

Unit I. Communication Skills:

- Listening Skills
- Speaking Skills
- Reading Skills
- Writing Skills
- Concept of Communication – Types, Definition & Process
- Principles of Communication
- Barriers to Communication

Unit II Rhetoric & Speeches

- William Lyon Phelps "Praises the Owing of Honors"
- "A Flea for the Severest Penalty," "Upon His Conviction for Sedition" by M. K. Gandhi
- "Stage Fright" by Mark Twain

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- "The Presidential System" by JRD Tata
- Carl Sagan Contemplates "The Potential Self-Destruction of the Earth"
- "I have a dream- The Civil Rights Movement" by Martin Luther King Jr.

Unit III. Non Fiction

- Hind Swaraj by M. K. Gandhi
- Minutes of Macaulay

Unit IV Professional Communication

- Group Discussion
- Interview
- Presentation Skills
- Argumentative Skills

Unit V Legal Language

- English as a medium of Communication for legal transaction in India
- Characteristics of Legal Language
- Legal Terms
- Legal Maxims
- Essay writing on topics of legal interest

References:

- Saifir, W. (2001). *Lead Me Your Ears: Great Speeches in History*. London : W W Norton.
- Bhattachar, R. P. (1999). *Law and Language*, Macmillan.
- Yadugiri, M. A. & Bhasker, G. (2006). *English for Law*, Foundation Books.
- Kaul, A. (2000). *Effective Business Communication*, Ull.
- Kaul A. (2004) *Business Communication*, PHI.
- Gandhi B. M. (2009) *Legal Language, legal writing and General English*, Eastern Books.

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NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year 2014-15
B.A. L.L.B (Hons) and B.Com. L.L.B (Hons)
Semester II
Community and Applied Social Psychology
Credit: 4
Hours: 48

21

Introduction

This course will provide students with an introduction to the field of community psychology. This area of psychology is concerned with the scientific study of social problems and their solutions. The object of this course is to help students understand community-based research and to encourage them to think about how social psychological theories and research findings can be used to address social problems. This course explores how a range of informal and official social control personnel and institutions respond to, process, and manage a variety of troubles, cases, offenses, crimes, and other social control problems.

Course Learning Outcomes (CLO)

After completion of the course the students will be able to:

- To become familiar with the values, conceptual frameworks, and research and intervention approaches of the field of community psychology
- To apply key concepts of community psychology to analyze real-world situations and problems
- To think critically about how problems are defined and what solutions are put forward to address these problems
- To gain a better understanding of their own situation, region and moreover issues and challenges for strengthening law and order in Indian Society

Unit I

- What is Social Psychology?
- Understanding Mind and Behaviour
- Social Psychology at work

Unit - II

Individual and Community

- Community, Individual Life and social psychology

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- Man in Society and society for man – Scope for individuality
- Organization and Individual
- A Conceptual Road Map of Community Psychology
- Community Development and Social Action in Community Psychology

Unit – III

Culture and Personality

- Culture: Meaning, Characteristic, Elements of Culture
- Culture and Personality
- Gender Differences in personality
- The Symbolic Interactionist Frame
- Social Exchange Theory

Unit IV

Development and socialization

- Development and Socialization in Childhood
- Socialization in Adolescence
- Development and Socialization through the Theories of Self – Freud, Mead and Cooley

Unit V

Psychology and law

- Eyewitness Identification
- Investigative Interviewing
- Social Psychology in the Public Interest

Unit – VI

Theoretical Explanation

- Labelling Theory: An Alternative to the Illness Model
- The Social Context for the Development of Labelling Theory
- Offender Characteristics: The Constructs of Motives, Personality, and Behavior
- Motive and Behavior
- Personality and Behavior

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References:

- Kuppaswamy B. (1983). *Elements of Social Psychology*, Vikas Publishing House Private, Limited
- Levine, M., Perkins, D.D. & Perkins, D.V. (2005) *Principles of Community Psychology: Perspectives and Applications*, Third Edition by New York Oxford, Oxford University Press
- Dutton, J., Ellis, M., Wandersman, A & Belmont, CA (2006). *Community Psychology: Linking Individuals and Communities*. Wadsworth/Thompson Learning Publishers.
- Kaplan, H.B. (2007). *Handbook of Social Psychology* Edited by John DeJongner A&M University, College Station, Texas
- E., Bilby, Charlotte, B., Cooke, C. & Grant, T. (2006). *Criminal psychology: A beginner's guide*. Newword Publications.
- Scotta J. Hicks, Bruce D. Sales (2000). *Criminal profiling: Developing an Effective Science and Practice* American psychology.
- Ryan, W. (1976). *Blaming the victim*. New York: Random House.
- Rapoport, J. (1981). *In praise of paradox: A social policy of empowerment over powerism*. American Journal of Community Psychology.
- Kresh, D., Crutchfield, R.S. & Balchazy, E.L. & (1962). *Individual in Society*, McGraw Hill.

NIRMA UNIVERSITY**Institute of Law****B.A., LL.B. (Hons.) and B.Com, LL.B. (Hons.) B.B.A., LL.B. (Hons) Programmes****Academic Year 2017-18****Semester IX**

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|--------------|---|
| Course Code | 2BUL911 |
| Course Title | Company and Financial Market Regulation – I |

Course Learning Outcomes:

At the end of the course, students will be able to:

1. Understand the various economic as well as legal aspects of Financial Market and its regulation.
2. Apply the laws relating to the various ways of Personal Finance through study instruments & case studies.
3. Analyse the efficacy of various laws and regulations promulgated by the market regulators in addressing the existing problems & unfair trade practices in Indian Capital Market.


Syllabus**Teaching Hours: 45****Unit I. Financial System Regulatory Structure Overview**

4 hours

- 1.1 Constituents of financial system
- 1.2 Significance of Financial Regulations
- 1.3 Development and growth of financial and capital markets in India
- 1.4 Financial reforms and present scenario
- 1.5 Regulatory authorities governing financial and capital markets.

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2017-18 and onwards

 12.



Unit II. Capital Market

4 hours

- 2.1 An introduction
- 2.2 Meaning and significance of capital market
- 2.3 Capital market vis-a-vis money market
- 2.4 Market players - investors and companies
- 2.5 Securities laws/regulatory framework governing Indian Capital Market

Unit III Securities and Exchange Board of India (SEBI)

5 hours

- 3.1 Structure & Organization
- 3.2 Role and powers
- 3.3 Functions & Regulations
- 3.4 Capital Issues (Control) Act, 1947 (Repealed in 1992)
- 3.5 SEBI Act 1992

Unit IV. Financial Instruments

4 hours

- 4.1 Capital market instruments – equity
- 4.2 Debentures
- 4.3 Bonds
- 4.4 Preference shares
- 4.5 Sweat equity shares
- 4.6 Non-voting shares
- 4.7 New instruments of capital market: pure
- 4.8 Hybrid and derivatives
- 4.9 Money market instruments: treasury bills, Commercial bills, Certificate of deposits, New money market instruments

L= Lecture, T= Tutorial, P= Practical, C= Credit

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w.e.f. academic year 2017-18 and onwards

Unit V. Issue of Capital & Investment

9 hours

- 5.1 Companies Act 2013 on Issue of Capital
- 5.2 SEBI Regulations for Issue of Capital and Investor Protection
- 5.3 Equity Market
- 5.4 Debt Market

Unit VI. Stock Market

7 hours

- 6.1 Meaning, Significance, functions and scope of secondary Market
- 6.2 Stock Market intermediaries
 - 6.2.1 Stock Exchange
 - 6.2.2 Depositories
 - 6.2.3 Clearance House
 - 6.2.4 Financial Institutions
 - 6.2.5 Stock brokers, Sub-brokers
 - 6.2.6 Advisors, their rules, regulations and code of conduct framed by SEBI
- 6.3 Depositories Act 1996
- 6.4 Securities Contract Regulations Act 1956

Unit VII. Fraudulent and Unfair Trade Practices

5 hours

- 7.1 Market Manipulation
 - 7.1.1 Trade based Manipulation
 - 7.1.2 Information based Manipulation
 - 7.1.3 Other
- 7.2 SEBI (Prohibition of fraudulent and Unfair Trade Practices relating to securities market) Regulations, 2003
- 7.3 CASE STUDIES
 - 7.3.1 Harshad Mehta
 - 7.3.2 Ketan Parekh
 - 7.3.3 Sunil Mehta

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2017-18 and onwards



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Unit VIII. Insider Trading

5 hours

- 8.1 Prohibition of Insider Trading (PIT) Regulations, 2015'
- 8.2 Insider Trading Policy
- 8.3 Insider Trading Code of Conduct

CASE STUDIES

- 1 Hindustan Unilever Limited and Brooke Bond Lipton Ltd.
- 2 Rakesh Agarwal v/s SEBI
- 3 Ranbaxy Insider trading case

Unit IX. Investor Protection

2 hours

- 9.1 Meaning and significance of investor protection
- 9.2 Regulatory measures to promote investor confidence
- 9.3 Arbitration in Stock Market

References:

- Gordon, E. & Natarajan, H. Capital Market in India. Mumhai. Himalaya Publishing House (2009)
- Agarwal, Sanjeev. Guide to Indian Capital Market. New Delhi. Bharat Law House Pvt. Ltd (2000)
- Khan, M.Y.. Indian Financial Systems. New Delhi. McGraw-Hill Education India Pvt.Ltd (2013)
- Bhalla, V.K. . Investment Management - Security Analysis and Portfolio Management, New Delhi. S Chand & Co Ltd. (2008)
- Gopalaswamy, N.. Inside Capital Market. Mumbai. Macmillan india Ltd. (2013)
- Agrawal, Sumit et al. SEBI Act - Legal Commentary on SEBI Act, 1992. New Delhi, Taxmann Publications (P) Ltd. (2011)
- Jonnalagadda K, *Securities Law*, LexisNexis, New Delhi, (2015)
- Kaushik L, *Unfair Trade Practices in Securities Market*, Taxmann Publications (P) Ltd. (2013)
- Mishra B, *Law relating to Insider Trading* Taxmann Publications (P) Ltd. (2015)
- Parekh S, *Fraud, Manipulation and Insider Trading in The Indian Securities Markets* (CCH 2013)

L= Lecture, T= Tutorial, P= Practical, C= Credit

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w.e.f. academic year 2017-18 and onwards

NIRMA UNIVERSITY
Institute of Law
B.A., LL.B. (Hons.), B.Com. LL.B. (Hons.) and B.B.A., LL.B. (Hons.)
Programs
2017-18 / Semester IX

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| | |
|--------------|--|
| Course Code | 2BUL915 |
| Course Title | Company and Financial Market Regulation - II |

Course Learning Outcomes:

At the end of the course, students will be able to:

Understand the financial innovation & political economy of regulatory reforms in Financial Services.

1. Apply regulatory structure relating to the various Financial Services through various case studies.
2. Analyze efficacy of various laws and regulations promulgated by the market regulators in addressing the existing problems of Financial Services Industry & Intermediary Business.

Syllabus**Teaching Hours: 45****Unit I. Financial Market & Services****(3 hours)**

- 1.1 Meaning, importance and types of Financial Services
- 1.2 Fund Based services and Fee-Based services

Unit II. Non-banking Finance Companies**(6 hours)**

- 2.1 Section 45I(f) (read with Section 45I(e)) of the RBI Act, 1934
- 2.2 1997 Amendment
- 2.3 Lease Financing, Hire purchase & Consumer Credits
- 2.4 Capital Market Services

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2017-18 and onwards


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2.5 Market Linked Investment Schemes

Unit III. Banking & Insurance Services

- 3.1 Mobilization, Lending & Investment of Funds by Bank
- 3.2 Micro Finance & Financial Inclusion
- 3.3 Insurance Services & Marketing

Unit IV. Credit Rating and Evaluation of Risk

(4 hours)

- 4.1 Concept, scope and significance
- 4.2 Benefit to investors
- 4.3 Regulatory framework
- 4.4 Credit rating agencies in India, their process;
- 4.5 Rating methodologies for various instruments
- 4.6 Evaluation of risk

Unit V. Housing Finance Services

(6 hours)

- 5.1 Housing finance companies and NBFCs
- 5.2 Affordable housing model
- 5.3 Reforms in Housing Finance Market
- 5.4 Real Estate Investment Trust

Unit VI. Venture Capital

(5 hours)

- 6.1 Legal aspects of venture capital funding by venture capital funds
- 6.2 Venture funding by NBFC
- 6.3 Essential features of venture capital documentation – shareholders' agreement
- 6.4 FVCI
- 6.5 SEBI AIF Regulation

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2017-18 and onwards

Unit VII. Mutual Funds

(6 hours)

- 7.1 Meaning & Structure of Mutual Fund
- 7.2 Advantage & Disadvantage of MF Investment
- 7.3 Functions and Portfolio Classification
- 7.4 Regulations for mutual funds
- 7.5 Securities and Exchange Board of India (Mutual Funds) Regulations, 1996

Unit VIII. Collective Investment Schemes

(7 hours)

- 8.1 Meaning & Structural Framework of CIS
- 8.2 Section 11AA of the SEBI Act
- 8.3 SEBI (Collective Investment Scheme) Regulations, 1999
- 8.4 The Securities Laws (Amendment) Act, 2014

CASE STUDIES

- 1 Paramount Bio-Tech Industries Ltd. Vs Union of India
- 2 P.G.F. Ltd. Vs Union of India
- 3 ACL India vs Axis Bank

Unit IX. Research Analysts & Investment Advisor

(4 hours)

- 9.1 IOSCO Objectives and Principles of Securities Regulation
- 9.2 SEBI (Research Analysts) Regulation, 2014
- *9.3 SEBI Investment Advisors Regulations, 2013

Unit X. Commodities & Derivatives Market

(4 hours)

- 10.1 Forward & Futures Contracts
- 10.2 Derivatives
- 10.3 Investment in Commodities Market
- 10.4 F & O

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2017-18 and onwards

10.5 Forward Contracts (Regulation) Act, 1952

10.6 Merger of SEBI and FMC

References:

- Gordon, E. & Natarajan, H. Capital Market in India. Mumbai. Himalaya Publishing House (2009)
- Agarwal, Sanjeev. Guide to Indian Capital Market. New Delhi. Bharat Law House Pvt. Ltd (2000)
- Khan, M.Y.. Indian Financial Systems. New Delhi. McGraw-Hill Education India Pvt.Ltd (2013)
- Bhalla, V.K. . Investment Management - Security Analysis and Portfolio Management, New Delhi. S Chand & Co Ltd. (2008)
- Gopaldaswamy, N.. Inside Capital Market, Mumbai. Macmillan india Ltd. (2013)
- Agrawal, Sumit et al. SEBI Act - Legal Commentary on SEBI Act, 1992. New Delhi, Taxmann Publications (P) Ltd. (2011)
- Jonnalagadda K, *Securities Law*, LexisNexis, New Delhi, (2015)
- Kaushik L, *Unfair Trade Practices in Securities Market*, Taxmann Publications (P) Ltd. (2013)
- Mishra B, *Law relating to Insider Trading* Taxmann Publications (P) Ltd. (2015)
- Parekh S, *Fraud, Manipulation and Insider Trading in The Indian Securities Markets* (CCH 2013)

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2017-18 and onwards

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NIRMA UNIVERSITY
Institute of Law
B.A.,LL.B. (Hons.) and B.Com.,LL. B. (Hons.) Programme
Academic Year 2018-19
Constitutional Law Honors Course III
Semester VIII

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| | |
|--------------|--------------------------|
| Course Code | 2COL831 |
| Course Title | Comparative Constitution |

Course Learning Outcomes (CLO):

At the end of the course, students will be able to-

1. Relate the unique features of Constitutions of UK, USA, Australia, Germany, Canada, South Africa and India.
2. Develop the skills of comparative analysis of the Constitutions of UK, USA, Australia, Germany, Canada, South Africa and India.
3. Develop the holistic Constitutional perspective of UK, USA, Australia, Germany, Canada, India.

Syllabus

Lecture Hours: 45

Unit I: Introduction

02 Hours

- 1.1 Need of a Constitution
- 1.2 Trends towards Codification.

Unit II: Constitutional Principles of the Expression of People's will

03 Hours

- 2.1 People as Sovereign Power
- 2.2 Concept and role of elections and suffrage in Constitutional Law
- 2.3 Direct Democracy
- 2.4 Concept of Referendum

Unit III: Due Process of Law

04 Hours

- 3.1 Introduction
- 3.2 History of Due Process Clause
- 3.3 The distinction between Procedural and Substantive Due Process

Unit IV: Equality Before Law and Equal Protection Laws

03 Hours

- 4.1 Equality before Law under the English Law
- 4.2 Equality before Law under the French Law
- 4.3 Equal Protection of Laws under the American Law
- 4.4 The Rational Basis Test

w.e.f. academic year 2018-19 and on-wards

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Unit V: Union State Relations

06 Hours

- 5.1 Need for Mutual Limitations
- 5.2 Reciprocal obligations for mutual existence
- 5.3 Duty of the Union to protect the States in U.S.A., Switzerland, Australia, West Germany, Malaysia, Nigeria and India.

Unit VI: Constitution of United Kingdom

06 Hours

- 6.1 Nature of Constitution of U.K.
- 6.2 Human Rights
- 6.3 Organization of State and Governmental.

Unit VII: Constitution of United States

05 Hours

- 7.1 Nature of Constitution
- 7.2 Basic Rights
- 7.3 Federal Principle
- 7.4 Legislative Powers and doctrine of Separation of Powers
- 7.5 Judicial Review

Unit VIII: Constitution of Commonwealth of Australia

05 Hours

- 8.1 Nature of Constitution
- 8.2 Federal Principle
- 8.3 Legislative Powers
- 8.4 Proclamation of Commonwealth

Unit IX: Constitution of Federal Republic of Germany

05 Hours

- 9.1 Nature of Constitution
- 9.2 Basic Rights
- 9.3 Federal Principle
- 9.4 Legislative Powers

Unit X: Constitution of India

06 Hours

- 10.1 Nature of Constitution
- 10.2 Fundamental Rights
- 10.3 Legislative Powers
- 10.4 Judicial Review

Suggested Readings:

1. Basu D.D. (2008) *Comparative Constitutional Law*. (Nagpur: Wadhwa and Wadhwa)
2. Basu D.D. (2008) *Comparative Federalism*. (Nagpur: Wadhwa and Wadhwa)
3. Sharma Gokulesh. (2008) *Constitutions of Seven Nations*. (Delhi: Deep and Deep).
4. Khan Ijazid and Waqar Rana Muhammad. (2008) *Comparative Constitutional Law*. (Delhi: New Elegant Printers).
5. Gupta V.N. (2009) *Select World Constitutions-I*. (Delhi: Atlantic Publishers).
6. Gupta V.N. (2009) *Select World Constitutions-II*. (Delhi: Atlantic Publishers)

w.e.f. academic year 2018-19 and on-wards

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A.,LL.B. (Hons.) and B.Com.,LL.B. (Hons.) Programme
Academic Year 2014-15 Credit: 3
Semester - IX Hours: 45
Comparative Criminal Procedure
Syllabus
Honours Course - V

Introduction:

The enterprise of comparative criminal procedure is the academic study of criminal adjudicating system at home and abroad. Hence, this course aims to analyse and contextualise criminal procedure and the participating machineries elsewhere and comparing them to more familiar settings. By this way the course endeavours to deliberate on the gaps of law and to suggest improvements in the existing system so the object of justice can be achieved. The course will compare the Criminal Procedure of India, U.K, U.S, and France.

Course Learning Outcomes:

At the completion of the course students will be able to:

- Have a clear understanding and analyse the fundamental principles of Criminal procedure worldwide.
- Critically and comparatively analysing the criminal procedure of common law and civil law system
- Analyse the working of investigating and adjudicating bodies in a comparative perspective.
- Will be able to perceive the tasks and opportunities of improvement of rules of Criminal procedure in India

I. Organization of Courts and Prosecuting Agencies

- Hierarchy of criminal courts and their jurisdiction
- Nyaya Panchayats in India
- Panchayats in tribal areas
- Organization of prosecuting agencies for prosecuting criminals
- Prosecutors and the police
- Withdrawal of prosecution.

II. Pre-trial Procedure

- Arrest and questioning of the accused
- The rights of the accused

- The evidentiary value of statements/articles seized/collected by the police
- Rights to counsel
- Roles of the prosecutor and the judicial officer in investigation.

III. Trial Procedures

- The accusatory system of trial and the inquisitorial system
- Role of the judges, the prosecutor and defence attorney in the trial
- Admissibility and inadmissibility of evidence
- Expert Evidence
- Appeal of the court in awarding appropriate punishment
- Plea bargaining

IV. Correction and Aftercare services

- Institutional correction of the offenders
- General comparison- After- care services in India and France
- The role of the court in correction programs in India

V. Preventive measures in India

- Provisions in the Criminal Procedure Code
- Special enactments

VI. Public Interest Litigation

- Direction for original prosecution.

References:

1. Sarkar S.C. 2013. *Sarkar's The Code of Criminal Procedure*. LexisNexis Butterworths Wadhwa Nagpur.
2. Celia Hampton. 1973. *Criminal Procedure*. London: Sweet & Maxwell.
3. Wilkins and Cross. 1971. *Outline of the Law of Evidence*. London: Oxford University Press.
4. Archbold. 2014. *Pleading, Evidence and Practice in Criminal Cases*. Sweet & Maxwell
5. Sarkar S.C. 2010. *Law of Evidence*. LexisNexis Butterworths Wadhwa Nagpur
6. K.N. Chandrashekhara Pillai (ed.), R.V. Kelkar's. 2000. *Outlines of Criminal Procedure*. Eastern. Lucknow.

7. Patric Devlin, 1950. *The Criminal Prosecution in England*. Oxford University Press. London.
8. American Series of Foreign Penal Codes Criminal procedure Code of People's Republic of China.
9. Van Den Wyngaert, C. et al. 1993. *Criminal procedure systems in the European Community*. Butterworths.

Nirma University
Institute of Law
Academic Year 2014-15
COMPETITION LAW
SEMSTER X
OPTIONAL COURSE III
B.A.,LL.B.(Hons.) and B.Com.,LL.B.(Hons.) Programme

Credit : 3
Hours: 45

Introduction

The course aims at discussion fundamentals of Competition Act 2002 with the deliberation on competition issues in corporate market which includes anti-competitive agreements, abuse of dominance in mergers as well as regulation of combinations and also focus on the growing debate on the relationship between Competition law and Intellectual Property Law Regime

Course Learning Outcome

At the end of the course students will be able to:

- develop a sound knowledge of the law and practice relating to the law of competition in India.
- critically evaluate the judgments of Supreme Court/ orders of Competition Commission of India.
- acquainted with the contemporary challenges to the Competition law regime.

SYLLABUS

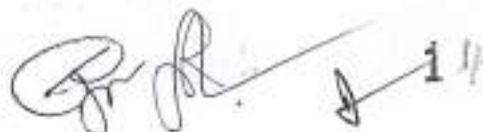
1. Introduction

- Concept of Competition
- Perfect Competition
- Effective Competition
- Monopoly

2. Concept of Market

- Definition of Market
- Relevant Market
- Relevant Geographic Market
- Relevant Product Market
- Market Power

3. Anti-Competitive Agreements


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- Definition of Agreement
- Concept of Appreciable Adverse Effect on Competition
- Hardcore Cartels
- Bid Rigging
- Tie-in Arrangement
- Exclusive Supply Agreement
- Exclusive Distribution Agreement
- Refusal to Deal
- Resale Price Maintenance

4. Abuse of Dominant Position

- Definition of Dominant Position
- Abuse of Dominant Position
- Predatory Price

5. Joint Ventures, Mergers and Competition Law

- Joint Ventures and Competition Law
- Merger and Amalgamation & Competition Law
- Definition of Control
- Definition of Group
- Regulation of Combination

6. Competition Commission of India

- Establishment and Composition of CCI
- Duties of the Commission
- Procedure of the workings of the Commission
- Orders of the Commission
- Powers, Extraterritorial Jurisdiction of the Commission
- Execution of Orders of the Commission
- Competition Advocacy

7. IPRs and Competition Law

- Transactions Involving Intellectual Property Rights
- Protection offered by IPRs
- Licencing IPRs
- Territorial restraints

References

1. Nordhaus Samuelson, Economics (16th Edition), Tata McGraw-Hill, 1998
2. Chakravathy S, A Framework for Competition Assessment, Competition Law Reports, Manupatra, Oct.-Dec., 2010
3. Mittal D.P., Competition Law & Practice, Taxmann, 2008
4. Ramappa T.P., Competition Law in India, Oxford. 2013



5. Roy Abir and Jayant Kumar, Competition Law in India, Eastern Law House 2010
6. Korah Valentine, Competition Law and Intellectual Property Rights in Competition Law Today (Edited by: Vinod Dhal), Oxford, 2007
7. Reynolds Michael F., EC Competition Law-The First Experiences of Modernization in Competition Law Today (Edited by: Vinod Dhal), 2007

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NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A. LL.B. (Hons.) & B.Com., LL.B. (Hons.) Programme
Academic Year 2014-15
Semester - IX
Conflict of Laws
Syllabus

Credit: 5
Hours: 75

Introduction: The Subject of Conflict of Laws (also referred to as Private International Law) is that branch of international law which is concerned with the legal issues/legal disputes between private persons, companies or corporation belonging to different legal jurisdictions or legal systems. The aim of this subject is to look into these matters and try to identify the issues of jurisdiction and choice of laws with the objective of rendering justice to the parties in dispute.

Course Learning Outcomes:

At the end of the course the students will be able to:

1. understand as what is the conflict of laws, and able to analyze its nature, scope and implications.
2. understand when the principles of Conflict of Laws becomes applicable in any case involving a foreign element or having a foreign complexion.
3. identify the issue of Jurisdiction in any case where foreign element is involved.
4. identify the Law that will be applicable in any case where foreign element is involved.
5. understand the concept of recognition and enforcement of foreign judgments.
6. understand and identify the principles of conflict of laws in relation to the Indian legal mechanism and its practices.

I. Nature and Scope of Conflict of Laws

a. Introduction

- Application
- Subject Matter
- Historical Development and Theories
- Private and Public International Law

b. The bases of Conflict of Laws

- Justice
- Comity
- Public Policy

c. Preliminary Issues

- Jurisdiction
- Choice of Law
- Connecting Factors

d. Classification and Characterization

- Classification of the cause of action
 - Classification of a rule of law
- a. *renvoi*
- Single or partial *renvoi*
 - Double or total *renvoi*

II. Depeçage and Incidental Question

III. Procedural and Substantive Law

IV. Domicile

- ▲ Meaning – Fundamental Principles and Essential Elements
- ▲ Domicile of Origin and Domicile of Choice
- ▲ Domicile of Dependents
- ▲ Domicile of corporation

V. Family Law

a. Marriages

- Introduction
- The Concept of Marriages
- Classification of Defects
- Formal and Essential Validity
- Polygamous Marriages

b. Matrimonial Causes

- Jurisdiction
- Choice of Law – Divorce and Legal Separation; Nullity
- Recognition of Foreign Decrees – Divorces; Legal Separation and Nullity

VI. Children

a. Legitimacy and Legitimation

- Introduction
- Recognition of the status of Legitimacy
- Legitimation
- Recognition of foreign legitimations

b. Adoption

- Introduction
- Jurisdiction
- Recognition of foreign adoption
- The effects of a foreign adoption order
- Convention adoption

c. Guardianship and Custody

- Introduction
- Jurisdiction
- Choice of Law
- Recognition of foreign orders and the problem of abduction
- The Hague Convention on the Civil Aspects of Child Abduction 1980

VII. Property

- Characterization of Property
- Jurisdiction and Choice of Law in the Law of Property
- Immovable Property
 - Jurisdiction
 - Choice of Law
- Transfer of Tangible Movables
 - Theories
 - Transfer of property
- Assignment of Intangible Movables
 - Introduction
 - Voluntary and Involuntary Assignment

VIII. Succession

- Introduction
- Jurisdiction and Choice of Law
- Administration of Estate
- Succession to Movable Property
- Succession to Immovable Property

IX. Commercial Contracts

- Introduction
- Proper Law of Contract
- Formation of Contract
- Effects of Contracts
- The Rome Convention

X. Torts

- Traditional theories
- Ideas of tort of recent importance in private International Law such as drugs, environments, transport and satellite communication

XI. Recognition and Enforcement of Foreign Judgments

- Need recognizing foreign judgments
- Limitations in recognizing and enforcement
- Section 13,14 and 44 of C.P.C. and S. 41 of the Indian Evidence Act
- Brussels Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, 1968

References:

1. Cheshire, North & Fawcett. 2008. *Private International Law*, New York: OUP
2. Mays, Ahla 1999; *Principles of Conflict of Laws*, London: Cavendish Publishing Limited
3. Dickey, Morris and Collins. 2009. *The Conflict of Laws*, London: Sweet and Maxwell
4. Paras Diwan. 1998. *Private International Law*, New Delhi: Deep & Deep Publication
5. Clarkson & Jonathan Hill, 2008. *The Conflict of Laws*, New York: OUP

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B. (Hons.), B.Com., LL.B. (Hons.) and B.B.A., LL.B. (Hons.)
Programme
Academic Year 2014-15
Semester – II
Constitutional Law – I
Syllabus
Credit: 4
Hours: 60

Introduction: This paper introduces to the law students about the evolution of the Indian Constitution as this paper embodies the main principles of the basic tenet of the Constitution including the Preamble, Citizenship, State, Fundamental rights, Directive principles of state policy and Fundamental duties of its citizen. The purpose of this paper is to highlight the evolving process of the Constitution in the present context as it is considered as dynamic in nature. As constitutional interpretations are bound to be influenced by one's social, economic or political predilections, this paper explores such issues which will enable law students to analyse laws in the light of the Constitutional ethos.

Course Learning Outcomes:

After the completion of the course students will be able to:

- ▲ develop an analytical understanding of the role of constitutional discourse and political theory in developing societies.
- ▲ test and revise key concepts in Indian political and constitutional theory in a developing society.
- ▲ understand the organic nature of our constitution and will be able to articulate on State and State exigencies with respect to the grand-norm of the nation.
- ▲ decipher what is relationship between Fundamental rights and Directive Principles of State Policies.

I. Introduction

- Meaning of the Constitution
- Features of the Constitution
- Salient Features of Indian Constitution

- Separation of Powers

II. State Territory

- Parliament power to cede Indian territory
- Citizenship
- Parliament's power to lay down criteria
- Parliament's power to lay down criteria
- Dual citizenship

III. The State and Fundamental Rights

- Definition of State
- Concept of Limitation of State Power
- Origin of Fundamental Rights
- Violation of fundamental rights by the State
- Non State agencies and Fundamental Rights
- Judicial review
- Doctrines of ultra-vires
- Doctrines of Eclipse

IV. Right to Equality

- Reasonable classification
- Arbitrariness and equality
- Legitimate expectations and equality
- Protective discrimination
- Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth
- Equality of opportunity in matters of public employment
- Abolition of untouchability
- Abolition of titles

V. Right to freedom

- Freedom of speech and expression
- Right to assemble
- Right to form association
- Right to Movement
- Right to reside and settle
- Right to practice any profession, trade, occupation or business
- Reasonable restrictions



VI. Right to life and Personal liberty

- Constitutional protection such as principles of legality
- Protection in respect of Conviction for offences
- Safeguards against arbitrary arrest and detention
- Right against Exploitation

VII. Right against exploitation

- Prohibition of traffic in human beings and forced labour
- Prohibition of employment of children in factories, etc

VIII. Religious Freedom and minority rights

- Freedom of conscience and free profession, practice and propagation of religion
- Freedom to manage religious affairs
- Freedom as to payment of taxes for promotion of any particular religion
- Freedom as to attendance at religious instruction or religious worship in certain educational institutions
- Cultural & Educational Rights

IX. Right to Constitutional Remedies

X. Directive Principles of State Policy

- The interrelationship between fundamental rights, directive principles of state policy

XI. Fundamental duties

References:

1. Shukla, V N, 2013. *Constitution of India*. Lucknow: Eastern Book Company
2. Seervai, H. M, 2007. *Constitutional Law of India*, New Delhi : Universal Law Publishing House
3. Jha, M. F. 2011. *Indian Constitutional Law*. Nagpur: Wadhwa Publication
4. Granville, Austin. 2012. *Indian Constitution: Corner Stone of the Nation*. Oxford University Press
5. Basu, Durga Das. 2010. *Introduction to the Constitution of India*, Nagpur: Wadhwa Publications
6. Mehrubun Hasan, Laskar. 2008 "Reconsidering reservation in India". *Go Law Review*, Pg 25-33



1. Maiti: Musiya Mwanjisi, 2011 "The Indian Supreme Court and Creative Actions", *Indian Journal of Constitutional Law*, Pg 202-215.
2. Oberoi, Nand: 2012 "The Right to Privacy: Tracing the Judicial Approach following The Kharak Singh Case", *Indian Journal of Constitutional Law*, Pg 219-223
3. Choudhury, Rishab: 2013 "The Road Less Travelled": Article 21A and the Fundamental Right to Primary Education in India, *Indian Journal of Constitutional Law*, Pg 24-36
4. Suri Ramapala: 2010 "Reason and Reason: of the Objection to Ex-post Facto Law", *Indian Journal of Constitutional Law*, Pg 140-168.
5. Restoring the Supreme Court's exclusivity
<http://www.thehindu.com/opinion/lead/restoring-the-supreme-court-exclusive/article5076293.ece> accessed on 12/03/2014

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**NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year 2015-16
CONSTITUTIONAL LAW II
SEMESTER IV**

B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.)

**Credit: 5
Hours: 75**

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India is a democracy and her Constitution seeks to establish its fundamental organs of government and administration, describe their structure, composition, powers and principal functions, define democracy through relationship of the organs with one another and with the people. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is, therefore, absolutely necessary for a student of law.

The purpose of teaching constitutional law is to highlight its never-ending growth. Constitutional interpretation is bound to be influenced by one's social, economic or political predilections.

2. Course Learning Outcomes:

After the completion of the course the students will be able to:

1. Understand the federal structure of governance in India & the significance of the system of parliamentary democracy.
2. Understand the Composition, Role and Functions of Executive, Legislature and Judiciary.
3. Interpret and critically analyze the interrelationship between the different organs of the Government i.e. Executive, Legislature and Judiciary.

Unit 1: Federalism

1.1 Concept of Federalism: Origin, need and development of Federalism.

1.2 Nature of Indian Federalism: Federal, Unitary, Quasi-Federal, Cooperative federalism

Unit 2: Legislative Relations

2.1 Legislative Powers and Its Distribution between Union and States- Articles 245-254, Schedule VII

2.2 Doctrine of territorial nexus (Article 245)

2.3 Legislative Competency- Subject-matter of laws made by Parliament and by the

2.4 Legislatures of States (Article 246)

2.5 Interpretation of legislative lists:

- a. Plenary and Ancillary Power of Legislation
- b. Doctrine of pith and substance
- c. Doctrine of harmonious construction
- d. Colourable exercise of Legislative Power

Unit 3: Cabinet form of government

3.1 Control of the union and state obligation (Art. 256 & 257)

3.2 Delegation of functions by union to state governments (Art. 258, 258A)

3.3 Control of territories outside India (Art. 260)

3.4 Full faith and credit to public act, records and judicial proceedings (Art. 261)

3.5 Dispute relating to water (Art. 262)

3.6 Distinction between states; zonal councils, interstate councils

Unit 4: Financial Relations

4.1 Power to Tax: revenue & expenditure - Articles 265, 282

4.2 Consolidated Fund, Public Accounts & Contingency Fund, Articles 266, 267.

4.3 Revenue Sharing between Union and the States, Articles 268-281.

4.4 Restrictions on State's Taxing Power (Article 286)

4.5 Finance Commission (Article 280)

4.6 Inter Government Tax Immunities: Doctrine of Immunity of Instrumentalities (Article 285, 289)

4.7 Borrowings - Article 292-293.

4.8 Annual financial statement & Appropriation Bills - Articles 112, 114 and 202, 204

4.9 Accounting System



4.10 Votes on Account and Exceptional Grants. Articles 116 & 206.

4.11 Fiscal discipline & accountability (FRBMA)

4.12 CAG. Articles 148-151

Unit 5: Trade, Commerce and Intercourse

5.1 Interstate and Intra State Commerce - Articles 301-307.

5.2 Relation between Part III & Part XIII.

5.3 Commercial intercourse vis-à-vis Federalism.

Unit 6: Emergency Provisions & its Impact on Federal Structure

6.1 National Emergency- Articles 352-355.

6.2 Failure of Constitutional Machinery - Articles 356-357.

6.3 Civil Liberties and Emergency - Articles 358-359

6.4 Financial Emergency- Article 360

Unit 7: Union & State Executive

7.1 Executive Power of the Union- Articles 53, 72-75, 77

7.2 Executive Power of the States - Articles 154, 161-164, 166

7.3 Legislative Power of the Executive - Articles 123

7.4 Judicial Power of the Executive - Articles 72, 161

7.5 Executive Power & Federalism - Articles 256-258A, 263, 365

Unit 8: Composition and terms of houses of parliament and state legislatures

8.1 Qualification and Disqualification for members

8.2 Freedom of Speech

8.3 Right of Publication of its Proceedings

8.4 Other Privileges

Unit 9: Judiciary

9.1 Union and State Judiciary- Article 32, 131-144, 276, 228, 233-237

9.2 Writ Jurisdiction:

a. Res Judicata

b. Exhaustion of Alternative Remedies

9.3 Judicial Review and PIL

9.4 'Curative Petition'

9.5 Independence of Judiciary

Unit 10: Amendment of the Constitution

10.1 Power & Procedure of Amendment- Article 368.

10.2 Plenary & constituent powers.

10.3 Basic feature doctrine

Unit 11: Authorities under Indian Constitution

11.1 Finance Commission – Articles 280

11.2 Election Commission – Article 324-329

References:

1. Shukla, V.N., Constitution of India, Lucknow: Eastern Book Company, 2013
2. Seervai, H.M., Constitutional Law of India, New Delhi : Universal Law Publishing House, 2007
3. Jain, M.P., Indian Constitutional Law, Nagpur : Wadhwa Publication, 2011
4. Granville, Austin., Indian Constitution: Corner stone of the nation, Oxford University press, 2012
5. Basu, Durga Das., Introduction to Constitution of India, Nagpur : Wadhwa Publication, 2010



Applicable to year 2015-16 to 2019-20

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A. LL.B. (Hons.)/ B.COM. LL.B. (Hons.)
Academic Year 2016-17
Semester IV
Contract Law I

Credit: 4

Hours: 60

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Introduction

Law of Contract is one of the foundational subject in legal studies. It constitutes the basis on which the whole gamut of commercial laws has been established. Accordingly, present syllabus has been drafted with the object to give students conceptual, jurisprudential and foundational understanding about the general principles governing contractual obligations.

Present syllabus deals with the various issues regarding contract from formation of the contract, performance of the contract to its enforcement and remedies on breach including remedies under Specific Relief Act, 1963.

Course Learning Outcome

After completion of the course, the students will be able to:

1. Understand the main theoretical underpinnings and dimensions of contract law.
2. Apply legal principle to solve problems.
3. Evaluate different aspects of contract law and its co-relation with other branches of law, particularly jurisprudence and business laws.

01:- Introductory

- 1.1. Historical and Conceptual Background
Theoretical basis of the Contract Law
- Hobbesian State of Nature and Contractual Obligation,
- Principle of Party's Autonomy & Jural Relationship
- 1.2. Meaning, Concept and definition- Agreement and Contract
- 1.3. Stages to the formation of contract.

02:- Proposal & Acceptance

- 2.1. Meaning, Concept, definition and essentials.
- 2.2. Invitation to Proposal and Proposal.
- 2.3. Communication of Proposal and Acceptance.
- 2.4. Revocation of Proposal and Acceptance

03:- Consideration

- 3.1. Meaning, Concept and definition.
- 3.2. Privity of Contract and Consideration.
- 3.3. Exception to Rule of Privity.
- 3.4. Adequacy of consideration
- 3.5. Present, past and future consideration

04:- Capacity to Contract

- 4.1. Meaning
- 4.2. Incapacity arising out of status and mental defect
- 4.3. Minor's agreements
- 4.4. Definition of 'minor'
 - Accessories supplied to a minor
 - Agreements beneficial and detrimental to a minor
 - Agreements made on behalf of a minor
 - Minor's agreements and estoppels
 - Evaluation of the law relating to minor's agreements
 - Other illustrations of incapacity to contract.

05:- Consent & Free Consent

- 5.1. Its need and definition
- 5.2. Factors vitiating free consent
- 5.3. Coercion
 - Definition
 - Essential elements
 - Duress and coercion

- Various illustration of coercion
- Doctrine of economic duress
- Effect of coercion

5.4. Undue Influence

- Definition
 - Essential elements
 - Between which parties can it exist? Who is to prove it?
 - Illustrations of undue influence
 - Independent advice
 - Pardahanashin women
 - Unconscionable bargains
 - Effect of undue influence.
- 5.5. Misrepresentation
- Definition
 - Misrepresentation of law and of fact
 - Their effects and illustration
- 5.6. Fraud
- Definition
 - Essential elements
 - Suggestio falsi
 - Suppresio Versi – when does silence amounts to fraud?
 - Active
- 5.7. Concealment of truth
- 5.8. Importance of intention
- 5.9. Mistake
- Definition
 - Kinds
 - Fundamental error
 - Mistake of law and of fact
 - Their effects
 - When does a mistake vitiate free consent and when does it not vitiate free consent?

06:-Legality of Object

- 6.1. Void agreements – Lawful and unlawful considerations and objects
- 6.2. Void, voidable, illegal and unlawful agreements and their effects
- 6.3. Unlawful considerations and objects
- 6.4. Forbidden by law
- 6.5. Defeating the provision of any law
- 6.6. Fraudulent
- 6.7. Injurious to person or property

- 6.8. Immoral
- 6.9. Against public policy
- 6.10. Agreements in restraint of marriage
- 6.11. Agreements in restraint of trade - its exception- Sale of Goodwill, section 11 restrictions, under the partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service
- 6.12. Agreements in restraint on employees under agreement of service
- 6.13. Agreements in restraint of legal proceedings - its exceptions
- 6.14. Uncertain agreements
- 6.15. Wagering agreement - its exception

07:- Performance of Contract

- 7.1. By performance - conditions of valid tender of performance - How? By whom? Where? When? In what manner? Performance of reciprocal promises - time as essence of contract.
- 7.2. Breach- Anticipatory breach and present breach
- 7.3. Impossibility of performance - Specific grounds of frustration - application to leases theories of frustration - effect of frustration- frustration and restitution.
- 7.4. Agreement- rescission and alteration - their effect - remission and waiver of performance - extension of time- accord and satisfaction.
- 7.5. Quasi- contracts or certain relations resembling those created by contract
- 7.6. Remedies in contractual relations:
- 7.7. Damages - kinds- remoteness of damages- ascertainment of damages

08:- Standard Form of Contract

- 8.1. Meaning, Concept and Definition
- 8.2. Peculiar Characteristics of Standard Form of Contract
- 8.3. Protective Devices
- 8.4. Government Contracts as a Standard Form of Contract
- 8.5. Regulatory Mechanism

09:- International Commercial Contracts:-

- 9.1. Introduction
- 9.2. General Principles Governing International Contractual Obligations- Lex Mercatoria
- 9.3. UNIDROIT Principles of International Commercial Contracts, 2010

10:- Specific Relief Act

- 10.1. Specific performance of contract-Natures and Basis
- 10.2. Contract that can be specifically enforced
- 10.3. Persons against whom specific enforcement can be ordered
- 10.4. Injunctions – Meaning, Concept and Kind

Suggested Readings:-

- Pollock and Mulla, (2009) *Indian Contract and Specific Relief Act*, 13th Edition, Lexis Nexis Butterworths Wadhwa, Nagpur
- Avatar Singh, (2011) "*Law of Contract and Specific Relief*", Eastern Book Company, 10th Edition, Lucknow
- Jill Poole, (2010) *Case Book on Contract Law*, 10th Edition, Oxford University Press, Oxford New York
- Dr. Madhusudan Saharay, (2010) "*Sale of Goods and Hire Purchase*", Universal Law Publishing Co., New Delhi
- Robert A. Feldman, Raymond, T. Nimmer, (2010) *Drafting Effective Contracts – A Practitioner's Guide*, 2nd edition, Wolter Kluwer Law and Business - Aspen Publishers, New Delhi
- Dr. G C Bharuka, (2007) "*Pollock and Mulla on Indian Partnership Act*," 7th Edition, Lexis Nexis Butterworths, New Delhi
- S. Krishnamurthi Aiyar, (2005) *Law Relating to The Negotiable Instruments Act*, 9th Edition, Universal Law Publishing Co., Delhi
- O.P Faizi and Ashish Aggarwal (2009) *Khergamvula on the Negotiable Instruments Act*, 20th edition, Lexis Nexis, Butterworth India, New Delhi
- Joseph Chitty, (2011) *Chitty on Contracts*, Sweet and Maxwell Limited



NIRMA UNIVERSITY
INSTITUTE OF LAW
Programme Name: B.A. LL.B. (Hons.), B.COM. LL.B. (Hons.), B.B.A. LL.B. (Hons.)
Programme
Academic Year 2015-16
Semester V

Credit : 5

Hours : 75

Contract - II
(Specific Contracts)

Introduction

In the commercial market domain, wherein all major ventures are getting corporatized, a law student should acquaint himself with the knowledge of special contracts apart from equipping himself with general principles of contract.

Accordingly, in furtherance to the study of basic features and essential of Contract in Contract-I, Contract-II deals with special form of contracts such as License, Guarantee, Bailment, Pledge and Agency Contracts. Along with these special forms of contract, Contract-II also deals with certain dedicated legislations like Sale of Goods Act, 1930, The Indian Partnership Act, 1932 and the Negotiable Instruments Act, 1881

The objective of the course will be to study the importance and utility of these contracts and legislations in business transactions and also to analyze the mutual rights and liabilities of parties to the contract.

Course Learning Outcome

At the end of the course, the students will be to:

1. Understand the basic of specific contracts.
2. Investigate the basic of Sale of Goods, Partnership & Negotiable Instruments
3. Summarize about the diverse issues concerning contract in India and world around
4. Examine the insight regarding various regulatory and legislative apparatus.
5. Have necessary critical legal aptitude to understand and solve practical problems before them.

10





Unit 01:-

Indemnity

- o Meaning, Concept and definition
- o Need for indemnity in commercial transactions
- o Comparative analysis of indemnity under various jurisdiction – UK & USA
- o Nature and extent of liability under indemnity contracts.
- o Rights and liability of parties under indemnity contracts
- o Commencement of liability.

Unit 02:-

Guarantee

- o Meaning, Concept and definition.
- o Basic essentials for a valid guarantee contracts.
- o Guarantee for past debt & Consideration
- o Position of minor under guarantee contracts.
- o Extent of Surety's liability and discharge thereof.
- o Rights of Surety
- o Kind of Guarantee- Continuing guarantee and Bank guarantee
- o Supreme Court guidelines on Bank guarantee
- o Letter of Credit vis a vis Bank guarantee
- o Distinction between indemnity and guarantee.

Unit 03:-

Bailment

- o Meaning, Concept and definition
- o Utility of bailment contracts
- o Essential to the formation of bailment contract
- o Kinds of Bailment
- o Rights and duties of parties under bailment contract
- o Finder of goods as a Bailee.

Unit 04:-

Pledge and Pledge by hypothecation

- o Commercial utility of pledge transactions
- o Meaning, Concept and definition
- o Rights of the pawnor and pawnee
- o Pawnee right of sale as compared to that of an ordinary Bailee.
- o Pledge by hypothecation- Actual and Constructive delivery.
- o Pledge by certain specified persons under Contract Act.

- Pledge by mercantile agent
- Pledge by person under voidable contract
- Pledge by person having limited interest.

Unit 05:-

Agency

- o Meaning and Concept of Agency and Agent- Changing trend/ Judicial pronouncement
- o Test to determine existence of agency
- o Nature of Agency
- o Kinds of Agent
- o Competency (Agent/ Principal)
- o Rights and Duties of parties under contract of agency
- o Creation and Termination of Agency
- o Undisclosed Principles and rules thereof.

Unit 06:-

Sales of Goods

- o Concept of Sales, goods and movable property
- o Essential of Sales
- o Conditions and Warranties
- o Role of Caveat emptor and exceptions thereof.
- o Changing concept of Caveat emptor.
- o Effect of Sales contracts:-
 - Transfer of Property
 - Transfer of title.
 - Transfer of risk
- o Unpaid Sellers and his rights.

Unit 07:-

Partnership

- o Partnership- Conceptual analysis
- o Concept of Mutual Agency
- o Registration of Partnership firms
 - Effect of non-registration
- o Relations of Partners inter se
 - Duties of Partners
 - Rights of Partners
- o Relation of Partners with Third party
- o Authority of Partners.
- o Incoming and outgoing partners
- o Dissolution of partnership firm.





Unit 08:-

Negotiable Instruments.

- o Meaning and Concept of Negotiable Instruments
 - On Principles and as per Negotiable Instruments Act, 1881
- o Kinds of Negotiable Instruments and its formation
- o Parties to Negotiable Instruments and their liabilities.
- o Rules regarding indorsement and transfer
- o Crossing of Cheques
- o Dishonour of Negotiable Instruments
 - Dishonour of bill of exchange and Promissory notes: Procedure subsequent.
- o Dishonour of Cheques
 - General Provision
 - Special Provision (Criminal liability)

Unit 09:-

Drafting of Commercial Contracts:-

- o Rules of Drafting.
- o Different clauses under domestic and international contracts
- o Drafting of Commercial Contracts (moveable property and service):
 - International Contracts.
 - Domestic Contracts.



References:-

- Avatar Singh, "*Law of Contract and Specific Relief*", Eastern Book Company, 10th Edition, Lucknow, 2011
- Pollock and Mulla, "*Indian Contract and Specific Relief Act*", 13th Edition, Lexis Nexis Butterworths Wadawa, Nagpur, 2009
- Jill Poole, "*Case Book on Contract Law*", 10th Edition, Oxford University Press, Oxford New York, 2010
- Dr. Madhusudan Sahasray, "*Sale of Goods and Hire Purchase*", Universal Law Publishing Co., New Delhi, 2010
- Robert A. Feldman, Raymond. T. Nimmer, "*Drafting Effective Contracts – A Practitioner's Guide*", 2nd edition, Walter Kluwer Law and Business – Aspen Publishers, New Delhi, 2010
- Dr. G C Bharuka, "*Pollock and Mulla on Indian Partnership Act*," 7th Edition, Lexis Nexis Butterworths, New Delhi, 2007



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- S. Krishnamurthi Aiyar, *Law Relating to The Negotiable Instruments Act*, 9th Edition, Universal Law Publishing Co., Delhi, 2005
- U.P. Fozzi and Ashish Aggarwal – *Khergamwala on the Negotiable Instruments Act*, 20th edition, Lexis Nexis, Butterworth India, New Delhi, 2008
- Joseph Chitty, *Chitty on Contracts*, Sweet and Maxwell Limited, 2011
- *Cunningham and Shephard's Contract Act*, 11th edition, Law Publisher (India) Pvt. Ltd, Allahabad, 2007-08

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**Nirma University
Institute of Law
B. A., LL. B. (Hons.) and B. Com., LL. B. (Hons.) Programme
Academic Year 2018-19
Intellectual Property Law Honours Course II
Semester – VII**

| L | T | P | C |
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| | |
|--------------|---|
| Course Code | 2IPR721 |
| Course Title | Copyright Law, Prospects and Protection |

Credit: 3
Hours: 45

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

1. Apply legal principles of copyright to the practical problems.
2. Make use of rights and responsibilities of the copyright holder and their assignees.
3. Analyse the International development of Copyright Laws and their impact on domestic legislation.

Unit I Introduction 3 Hours
 1.1 Introduction to Copyright
 1.1.2 Conceptual basis
 1.1.3 International Conventions/Treaties on Copyrights

Unit II Works protected under Copyright law: 8 Hours
 2.1 Literary Works, including Computer Software
 2.2 Dramatic Works
 2.3 Musical Works.
 2.4 Artistic Works
 2.5 Sound Recordings
 2.6 Cinematograph Films

Unit III Authorship and ownership: 8 Hours
 3.1. Author.
 3.2 Contract of service-work for hire
 3.3 Joint authorship

w.e.f. academic year 2018-19 and onwards

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| Unit IV | Rights conferred on copyright owners. | 8 Hours |
| | 4.1 to reproduce | |
| | 4.2 to communicate the work in the public | |
| | 4.3 to issue copies to the public | |
| | 4.4 to make any adaptation of the work | |
| | 4.5 to include in any cinematograph work. | |
| | 4.6 to assign and license | |
| Unit V | Moral Rights | 2 Hours |
| Unit VI. Related Rights | | 2 Hours |
| | 6.1 Performer's Rights | |
| | 6.2 Broadcasting Rights | |
| Unit VII Regulation of Copyrights | | 3 Hours |
| | 7.1 Procedure of Registration | |
| | 7.2 Significance of Registration | |
| Unit VIII Infringement of Copyright | | 4 Hours |
| | 8.1 Tests for determining infringement | |
| | 8.2 How to protect copyright? - Practical aspects. | |
| Unit IX Defences: | | 3 Hours |
| | 9.1 Fair Use | |
| | 9.2 Other defenses. | |
| | 9.3 Electronic Copyright Management System | |
| Unit X Copyright in Digital Era. | | 4 Hours |
| | 10.1. Copyright and internet | |
| | 10.2. Copyright issues in digital age | |
| | 10.3. Fair Use defence in digital age | |

Suggested Readings

1. Narayanan P. (2002). *Law of Copyright and Industrial Designs*. New Delhi: Eastern Law House.
2. Nimmer and David. (1999). *Copyright's Millennial Turn Vol. I,II, III.... ..X: Black boxes Copyright Management Information, and ISP Safe Harbors, under the Millennium Copyright Act*. New York: Mathew Bender & Company.

w.e.f. academic year 2018-19 and onwards

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3. Bainbridge and David. (1999). *Cases and Materials in Intellectual Property Law*. London: Pitman Publishing
4. Bently L. (2001). *Intellectual Property*. Oxford: Oxford University Press.
5. Cornish W. R. (1999). *Cases and Materials on Intellectual Property*. London: Sweet & Maxwell.
6. Drohas. (1999). *Intellectual Property*. England: Ashgate Publishing.
7. Gopalakrishnan N. S. (1994). *Intellectual Property And Criminal Law*. Bangalore: National Law School of India University.
8. Holyoak J. and Torremans P. (2001). *Intellectual Property Law*. London: Butterworths.
9. Copinger. (1994). *Copyright*. London: Sweet & Maxwell.
10. Goldstein P. (2001). *International Copyright: Principles, Law and Practice*. Oxford: Oxford University Press.

w.e.f. academic year 2018-19 and onwards



Nirma University
Institute of Law
B.Com LLB Hons. Programme
 Academic Year – 2018-19
 Semester II

| L | T | P | C |
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|--------------|----------------------|
| Course Code | 2BBL232 |
| Course Title | Corporate Accounting |

Course Learning Outcomes (CLO):

After completion of this course student will be able to:

1. Compare various types of companies, shares, share capital, debentures and share issues.
2. Recognize the accounting treatment if share and debentures are issued under par, premium and discount, further forfeiture and re-issue of shares.
3. Analyse various provisions of Companies Act, 2013 and preparation of final accounts in accordance with the schedule III of India Companies Act 2013.

Syllabus

60 HOURS
12 HOURS

UNIT I- ISSUE AND BUY BACK OF SHARE

Share and Types of Shares, Share capital and Types of Share Capital

- 1.1 Accounting Entries For Issue of Shares at par, premium and discount
- 1.2 Over and Under Subscription
- 1.3 Firm Allotment and Pro-rata Allotment
- 1.4 Calls-in-Advance and Calls-in-Arrears
- 1.5 Forfeiture of Shares and Re-issue of Forfeited Shares
- 1.6 Issue of Shares For Consideration Other Than Cash
- 1.7 Buy Back of Shares and Surrender of Shares
- 1.8 Introduction to Types of Share Issue: Public Issue, Right Issue and Bonus Issue
- 1.9 Latest SEBI Guidelines

UNIT II – REDEMPTION OF PREFERENCE SHARE

12 HOURS

- 2.1 Provisions of Companies Act, 1956 regarding Redemption of Redeemable and Irredeemable Preference Shares, in brief.
- 2.2 Methods of Redemption of Preference Shares (Brief Introduction only)
- 2.3 Accounting Entries For Redemption of Preference Shares by Fresh Issue of Shares
- 2.3 Premium on Redemption of Preference Shares
- 2.4 Capital Redemption Reserve and purposes/reasons for its creation

UNIT III – ISSUE AND REDEMPTION OF DEBENTURES

12 HOURS

- 3.1 Debentures and Factors to be considered for issue of Debentures
- 3.2 Classification of Debentures
- 3.3 Latest SEBI Guidelines for Issue of Debt Instruments
- 3.4 Accounting Entries For Recording Issue of Debentures at par, premium and discount
- 3.5 Accounting Treatment of Discount on Issue of Debentures
- 3.6 Conversion of Debentures into Shares
- 3.7 Issue of Debentures as Collateral Security for a Loan
- 3.8 Issue of Debentures other than for Cash
- 3.9 Redemption of Debentures and it's Accounting Entries

UNIT IV – FINAL ACCOUNTS OF COMPANY

12 HOURS

- 4.1 Books of Accounts to be maintained by a company
- 4.2 Provisions of Companies Act, 2013 regarding Final Accounts of company
- 4.3 Form & Contents of Balance Sheet & Profit & Loss Account as per the Provisions of Companies Act, 2013.
- 4.4 Typical Adjustments for Company Final Accounts: Depreciation, Interest on Debentures, TDS, Advance Payment of Income Tax, Provision For Taxation, Dividend, Corporate Dividend Tax, Premium & Discount on issue of shares & debentures etc
- 4.5 Preparation of Final Accounts of Company as per the provisions of Companies Act, 2013

UNIT V – FINANCIAL STATEMENT ANALYSIS

12 HOURS

- 5.1 Meaning and Types of Financial Statements
- 5.2 Meaning of Financial Statement Analysis
- 5.3 Types of Financial Statement Analysis
- 5.4 Purposes and Significance of Financial Statement Analysis
- 5.5 Process of Financial Statement Analysis
- 5.6 Tools or Techniques of Financial Statement Analysis: Comparative Financial Statements, Common Size Financial Statement, Trend Percentages, Ratio Analysis, Cash Flow Statement, Fund Flow Statement
- 5.7 Limitations of Financial Statement Analysis

Suggested Readings:

1. Mukherjee,A. and Hanif,M.(2001)*Modern Accountancy*,McGraw-Hill Publishing Company Limited.
2. Sheeda Kalideen, and Lester Sullivan. (2006) *Accounting for Law students and Practitioners*, Juta & Co.
3. Mukherjee,A. and Hanif,M. (2005)*Corporate Accounting*, Tata McGraw-Hill Publishing Company Limited.
4. Maheshwari,S.N. and Maheshwari,S.K. (2009) *Corporate Accounting*, Vikas Publishing House Pvt. Ltd.
5. Quinn, John P., Bailey Joseph A. (Jr), David E. Gaulin. (2013)*Law Firm Accounting and Financial Management*.,Law Journal Seminars Press

NIRMA UNIVERSITY

Institute of Law

**B.A., LL.B.(Hons.), B. Com., LL.B. (Hons.) / B.B.A., LL.B. (Hons.)
Programme****Academic Year 2017-18 / Semester IX**

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|--------------|----------------------|
| Course Code | 2BUL912 |
| Course Title | Corporate Governance |

Course Learning Outcomes:

At the end of the course, students will be able to:

1. Understand and compare fundamental theories and practices of corporate governance in India & Abroad.
2. Analyse the regulation of corporate governance.
3. Solve corporate governance problems.

Syllabus**Teaching Hours: 45****Unit 1: Introduction of Corporate Governance**

05 Hours

- 1.1. The role and purpose of the corporation
- 1.2. Theoretical aspects of corporate governance
- 1.3. Agency theory and separation of ownership and control
- 1.4. Political economy models of corporate governance arrangements

Unit 2: The Evolution of Corporate Structure

04 Hours

- 2.1. Study of enron & worldcom crises
- 2.2. Cadbury Committee Report 1992
- 2.3. Greenbury Committee Report 1995

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2017-18 and on-wards

- 2.4. UK Combined Code 1998
- 2.5. Turnbull Report 1999
- 2.6. OECD Principles 1999
- 2.7. Basel Committee Guidelines 1999
- 2.8. Corporate Governance History in India-CII Code,
- 2.9. Kumar Mangalam Birla Committee and Clause 49,
- 2.10. Naresh Chandra Committee
- 2.11. Narayana Murthy Committee
- 2.12. CII Taskforce on Corporate Governance - 2009
- 2.13. Corporate Governance Voluntary Guidelines – 2009
- 2.14. Dr. J J Irani Committee Report

Unit 3: Corporate Governance and the Role of Law

10 Hours

- 3.1. Need for Legislation of Corporate Governance
- 3.2. Corporate Governance in Companies Act 2013
- 3.3. Securities (Contracts and Regulations) Act, 1956 (SCRA)
- 3.4. Securities and Exchange Board of India Act 1992
- 3.5. Listing Agreement
- 3.6. Banking Regulation Act, 1949
- 3.7. Statutory standards and procedures
- 3.8. Electronic Data Information Filing and Retrieval System

Unit 4: Corporate and Board Management

10 Hours

- 4.1. Corporate Business Ownership Structure
- 4.2. Board of Directors – Role, Composition, Systems and Procedures
- 4.3. Executive Management Process, Executive Remuneration
- 4.4. Functional Committees of Board
- 4.5. Internal Control System.
- 4.5. SEBI LORD

Unit 5: International Governance

05 Hours

- 5.1. Globalization Corporate Governance

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2017-18 and on-wards

- 5.2. Crisis-Driven Reforms in Emerging Markets
- 5.3. Reforms in the Developed World
- 5.4. The Case of Daimler Chrysler
- 5.5. Corporate Governance in US & UK

05 Hours

Unit 6: Corporate Governance Codes

- 6.1. The OECD Principles (1999-2004)
- 6.2. The International Corporate Governance Network (ICGN) Principles
- 6.3. United Nations Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting
- 6.4. World Business Council for Sustainable Development
- 6.5. Sarbanes-Oxley (SOX) Act, 2002
- 6.6. UN Global Compact

Unit 7: Emerging Issues in Corporate Governance & Ethics

06 Hours

- 7.1. whistle - blower policy
- 7.2. Corporate Social Responsibility
- 7.3. Sustainability & Corporate Governance
- 7.4. Strengthening Independent Directors
- 7.5. Role of Institutional Investors and Proxy Advisory Firms
- 7.6. Corporate Governance Forums

Suggested Readings:

1. Mallin, Christine A., CORPORATE GOVERNANCE (Indian Edition), Oxford University Press, New Delhi.
2. Bhattacharyya A. CORPORATE GOVERNANCE IN INDIA. (1ST ed.), Oxford University Press, New Delhi.
3. IICA, CORPORATE GOVERNANCE, Taxmann, New Delhi.

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2017-18 and on-wards

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NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A.,LL.B. (Hons.) and B. Com.,LL.B. (Hons.)
Academic Year 2014-15 Credit: 03
Semester IX Lecture: 45 Hours
Corporate Insolvency
Syllabus
Honours Course ✓

Introduction:

Insolvency proceedings are not held in a separate manner in India and are routed through the Companies Act, 1956 while in other countries there are separate legislations/codes for the same. The course focuses on the manner insolvency matters for corporate entities are conducted under Indian and other jurisdictions and the legal complications involved in the process.

Course Learning Outcomes:

After the completion of the Course the students will be able to:

1. Understand the reasons of insolvency in the 'profit-seeking companies' which in turn leads to growth of insolvency litigation.
2. Understand economic issues that affect insolvency of corporate entities.
3. Understand knowledge of the legal framework on insolvency matters with special reference to India where it is absent.
4. Understand the strategies that may be adopted to resolve deadlocks to prevent insolvency
5. Understand the procedure for creation of a smooth mechanism to revive the insolvent entities.

I. Insolvency, Bankruptcy and Corporate Entities

- Historical Evolution
- Interplay between various laws Transfer of Property Act, 1882 and
- Position in UK, US and India
- 'Insolvency' and 'Bankruptcy' - Meaning and Conflict

II. Industrial Sickness and Bankruptcy- Role of Sick Industrial Companies Act, 1985

- Object of SICA
- Causation of Sickness of Industries

- Rehabilitation of Sick Industries
- Incentives to bring back solvency

III. Securitisation and Debt Recovery Process

- Meaning of 'Securitisation' and 'Reconstruction'
- Meaning of Securitisation: Company, Reconstruction Company, Qualified Institutional Buyers etc.
- Process of Securitisation;
- Securitisation and Debt Recovery Process
- Role of Debt Recovery Tribunal
- Provisions for Appeal to DEAT
- Role of Supreme Court

IV. Winding up of a Company- Inevitable Outcome of Insolvency

- Winding up and Dissolution of Company - Concept;
- Modes of Winding Up;
- Administrative Machinery for Winding Up
- Stakeholders and Parties in Liquidation;
- Conducting Meetings of Shareholders/Creditors;
- Dealing with Contracts;
- Best Practices in Performing Liquidation/ Administrator Functions
- Role of Liquidators and Insolvency Practitioners
- Consequences of Winding Up; Winding Up of Unregistered Companies;

V. Cross - Border Insolvency

- Coordination across Borders: Recognition of foreign proceedings;
- Treatment of foreign claims and collection of foreign assets;
- International recognition of domestic procedures;
- Concurrent and parallel insolvency jurisdictions;
- EC Regulation on Insolvency Proceedings;

- Impact of International Institutions on Domestic Insolvency Laws;
- UNCITRAL Model Law on Cross Border Insolvency and Legislative Guide to Insolvency Law
- World Bank Principles for Effective Insolvency and Creditor Rights
- Asian Development Bank Principles of Corporate Rescue and Rehabilitation
- Bankruptcy under Chapter 11 of US Bankruptcy Code

References:

1. Sealy, L. S. and Milman, David. 2013. *Annotated Guide to the Insolvency Legislation*. Volumes 1 & 2, London; Sweet & Maxwell Ltd.
2. Watson-Gandy, Mark. 2010. *Corporate Insolvency Practice: Litigation, Procedure and Precedents*. UK: Wildy, Simmonds and Hill Publishing Ltd.
3. Crystal, Michael, et al. 2013. *Butterworths Insolvency Law Handbook* UK: Lexis Nexis Butterworths.
4. Goswami, Omkar. 1996. *Corporate Bankruptcy in India: A Comparative Perspective* OECD Publishing
5. Goode, R.M. 2011. *Principles of Corporate Insolvency Law*. UK: Sweet and Maxwell Ltd.
6. McCrae, Shcolagh. 2010 *The Banker's Remedy of Set-Off* London; Bloomsbury Professional.
7. Mulla, Dinstah Fardulji and Chopra, Devi Saran. 2013. *Mulla on the Law of Insolvency In India*. Mumbai: N. M. Tripathi Pvt Ltd.
8. Seth, Suresh Kumar. 2003. *Industrial Sickness: Evaluation under the Sick Industrial Companies Act* Varanasi: Ganga Saran & Grand Sons.
9. Finch Vanessa. 2009. *Corporate Insolvency Law: Perspectives and Principles*. Cambridge, UK: Cambridge University Press.



27.



Appendix – A of Notf.
No. 84 dtd. 3/3/15

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., L.L.B. (Hons.), B.Com., L.L.B. (Hons.) and B.B.A., L.L.B. (Hons.)
Academic Year: 2015-16
Semester V
Corporate Law I

Credit: 5 Hours
Hours: 75 Hours

Introduction:

Industrialisation plays a very vital role in the economic development of India. In the post independence era, industrial regulation is employed as a principal means in the strategy for attaining constitutional values. Companies are no doubt powerful instruments for development. Besides bringing returns and financial benefits to the capital and labour they help amelioration of the living conditions of masses. In a developing society like India vast varieties of consumer goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously, it is beyond the capacity of one or a few entrepreneurs to engage into such activities, because the problem of raising large capital needed for such enterprises, there is a looming danger of market risks. Hence, taking recourse to the device of incorporation is the only efficacious way to surmount all such hurdles.

Course Learning Outcomes:

After the completion of the course students shall be able to:

1. Understand the concepts involved in the company law jurisprudence
2. Identify the documentation process for setting up of a company
3. Demonstrate the documentation process for raising finance for the company
4. Articulate argumentative skills with reference to various issues relating to company

Basic syllabus

1. **Introduction**
 - 1.1 Nature and form of business enterprise; types of business enterprises
 - 1.2 Historical development of corporate concepts; emergence of principles of limited liability and development of Company Law in England and India
 - 1.3 Company - definition and nature
 - 1.4 Concept of corporate personality; corporate veil and its lifting
 - 1.5 Kinds of company
2. **Promotion of Company**
 - 2.1 Promoters - meaning and importance
 - 2.2 Position
 - 2.3 Duties and liabilities
 - 2.4 Pre-incorporation contracts
3. **Company Constitution**
 - 3.1 Memorandum of association
 - 3.2 Articles of association
 - 3.3 Alteration of Memorandum and Articles
 - 3.4 Registered office, publication of name
4. **Consequences of Incorporation**
 - 4.1 Commencement of business; contracts; deeds; common seal
 - 4.2 Effect of incorporation
 - 4.3 doctrine of *ultra-vires*.
 - 4.4 Doctrine of Constructive Notice
 - 4.5 Doctrine of Indoor Management



5. Capital Structure of Company

- 5.1 Equity capital
- 5.2 Debt capital

6. Raising of Equity Capital

- 6.1 Classes and kinds of shares: equity with differential rights
- 6.2 Issue of shares of various kinds (rights; sweat equity; bonus; ESOP)
- 6.3 Prospectus – Kinds, Contents, Registration, Misstatements and penalties
- 6.4 Market intermediaries
- 6.5 Calls on shares
- 6.6 Allotment
- 6.7 Share certificates and share warrants
- 6.8 Forfeiture and surrender of shares

7. Raising of Debt Capital

- 7.1 Debentures, debenture stock, bonds
- 7.2 Debenture trust deed and trustees
- 7.3 Conversion of and redemption of debentures
- 7.4 Company deposits

8. Alteration of Capital

- 8.1 Alteration of share capital;
- 8.2 Reduction of capital;
- 8.3 Buy-back of shares

9. Membership, Depositories and Transfer/Transmission

- 9.1 Membership
- 9.2 Modes of acquiring membership
- 9.3 Termination of Membership
- 9.4 Rights and liabilities of members
- 9.5 Register of members
- 9.6 Roles of members
- 9.7 Dematerialisation and Rematerialisation of securities
- 9.8 Transfer and transmission of securities in physical and Depository modes;

10. Company Charges

- 10.1 Creation of charge
- 10.2 Nature of charge
- 10.3 Kinds of charge
- 10.4 Charges on bank-debts
- 10.5 Registration of charges
- 10.6 Satisfaction of charges

References:

1. G.K. KAPOOR AND SANDHYA DHAMIA, COMPANY LAW AND PRACTICE, (19TH ED., 2014)
2. A SAMAIYA, GUIDE TO COMPANIES ACT, (2014 ED.)
3. PAUL L. DAVIES AND SARAH WORTHINGTON, PRINCIPLES OF MODERN COMPANY LAW, (9TH ED., 2012).
4. GEORGEY MORSE, PALMER'S COMPANY LAW, (2008 ED.)
5. R.R. PENNINGTON'S COMPANY LAW, (8TH ED.)

NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year: 2015-16
Corporate Law II
Semester VI

Applicable to year 2015-16 to 2019-20

B.A., LL.B. (Hons.), B.Com. LL.B. (Hons.) and B.B.A., LL.B. (Hons.)

Credit: 4

Hours: 60

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Introduction

The present course of Corporate Law – II is in continuation of Corporate Law-I wherein various fundamental aspects of company law were discussed. Corporate Law- II covers various advanced aspects relating to corporate management and governance. It deals with corporate governance, which is the study of the interaction between the elected (directors) and the electors (members, shareholders). At this stage, it becomes important to understand the powers, functions, duties of the BODs and the remedies and recourses available to the various stakeholders in order to protect their own rights and interests. This course also focuses on the various acts amounting to corporate mismanagement, which have caused concerns even at the global levels. Apart from these, it covers the various fundamental aspects of corporate reconstruction and corporate insolvency. A well structured organizational form of a company is a sine qua non for meeting the growing financial requirements of the corporate sector and to optimize corporate performance, investor satisfaction and overall profits. Last, but not the least, this course aims to give a better understanding the causes and circumstances in which the 'death' of a company takes place and it ceases to exist in its legal form. In order to appreciate these niceties, and to develop a grasp over the legal framework on various modern day corporate decisions and actions, it becomes necessary to understand and assimilate the contents that this course covers.

Course Learning Outcome

After the completion of the course the students will be able to:

- 1) Understand the procedural requirements with respect to meetings and managerial personnel of the company;
- 2) Identify the interplay of the various stakeholders in the functioning of the company by analyzing the various disputes due to conflict of interests that arise in the tenure of the company;



- 3) Apply the legal understanding about a company to hypothetical situations in order to test their theoretical understanding of the functioning of the company;
- 4) Develop the analytical skills of reviewing the veracity and contents of the documents filed by at the various stages of a company's life-cycle.

1. Corporate Management - Member and Shareholder of the Company

- 1.1 Introduction
- 1.2 Acquisition of Membership in a Company- Register of Members
- 1.3 Transfer and Transmission & Nomination
- 1.4 Shareholders' Rights
- 1.5 Shareholders Activism
- 1.6 Concept of shareholder democracy – arguments for/against

2. Management & Control of Companies

- 2.1 Directors
- 2.2 Role, Responsibilities, Powers & Duties of Directors
- 2.3 Key Managerial Persons
- 2.4 Loan to Directors
- 2.5 Political contribution
- 2.6 Appointment of Directors
 - i. Appointment of Managing Director
 - ii. Removal and resignation of the director
 - iii. Term of office
- 2.7 Board of Directors and its Committees
- 2.8 Independent Directors
- 2.9 Women Director
- 2.10 Restructuring the BOD
- 2.11 Related Party Transactions
- 2.12 Inter Corporate Loans & Investments

3. Meetings

- 3.1 Meetings
- 3.2 Meaning of meetings
- 3.3 Kind of meetings
 - 2.3.1 General Meeting
 - a.i. Annual general meeting
 - a.ii. Extraordinary general meeting
 - 2.3.2 Board meeting
- 3.4 Quorum and Voting Requirements
- 3.5 Chairman of the meeting (Appointment, power and function)
- 3.6 Shareholders' entitlement to vote and Shareholders' pooling agreement
 - a. Ordinary and Special Resolutions
 - b. Resolutions requiring Special Notice

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c. Resolutions passed at Adjourned Meetings

3.7 Quorum requirement

3.8 Voting

a. Demand for Poll

b. Postal Ballot

c. Circulation of Members' Resolution

3.9 Proxy

3.10 Form of proxy

3.11 Revocation of proxy

3.12 Electronic Voting & meeting through Video Conferencing

d. Inspection and Investigation

4.1 Inspection of Documents

4.2 Powers of the Inspector

4.3 Seizure of Books And Documents

4.4 Inspector's Report

4.5 Power of Registrar of Companies

4.6 Investigation into Affairs of the Company

4.7 Serious Fraud Investigation Officer

4.8 National Company Law Tribunal : Composition and Powers

5. Majority Power and Minority Rights

5.1 Power of majority

5.2 The principle of noninterference (rule in Foss v. Harbottle)

5.3 Exception to the rule (rule in Foss v. Harbottle)

5.4 Protection of Minority Rights

6. Prevention of Oppression and Mismanagement

6.1 Prevention of Oppression & Mismanagement

5.1.1 Actions by Shareholders in Common Law- Shareholder Derivative Action

5.1.2 Statutory Remedies (under the Companies Act 2013)

e. Winding Up Of Companies

7.1 Meaning of Winding Up

7.2 Types of Winding up

7.3 Who can apply?

7.4 Voluntary Winding Up

7.4.1. Meaning

7.4.2. Types

7.4.3. Role of Liquidator

7.4.4. Settlement of Liabilities

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- 7.4.5. Conduct of winding up
- 7.5 Compulsory Winding up
- 7.6 Official Liquidator
- 7.7 Striking Off Name of Companies
- 7.8 Procedure to be followed

References:

1. G.K. Kapoor and Sanjay Dhamija, Company Law and Practice, Taxmann, 19th ed., 2014.
2. A Ramaiyya (Revised by Arvind P Datar, S. Balasubramanian), Guide to Companies Act, Lexis Nexis, 18th ed., 2014.
3. Professor Paul Davies; Professor Sarah Worthington, Principles of Modern Company Law, Sweet & Maxwell, 9th ed, 2012.
4. Professor Geoffrey Morse, Palmer's Company Law, Sweet & Maxwell, 9th ed., 2008
5. R.R. Pennington's Company Law, Oxford University Press, 8th ed., 2001
6. Dr. Avtar Singh, Indian Company Law, Eastern Book Company, 18th ed. 2014
7. Andrew Hicks & S. H. Goo, Cases and Materials on Company Law; Oxford University Press, 6th ed. 2008



**NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year: 2016-17
Professional Training I
(Corporate Professional Training)
Semester VII**

B.A., LL.B. (Hons.), B.Com. LL.B. (Hons.) and B.B.A., LL.B. (Hons.)

**Credit: 2
Hours: 30**

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Introduction:

This course comprises of variety of stimulations wherein students are gaining practical training. The course also covers self-assessment, drawing self consciousness raising emotional intelligence of the students.

Course Learning Outcome-

After the completion of the course the students will be able to:

- 1) Identify his or her pattern of behavior and its impact on others
- 2) Administer presentation and public speaking skills
- 3) Develop skills to manage conflict and negotiations in the real world through stimulation.
- 4) Administer the use of emotion intelligence to deal with the people.

1. Introduction

2. Self Consciousness

- 2.1 Self Identification
- 2.2 Personal and interpersonal Orientation
- 2.3 Personal Efficacy
- 2.4 Values, Beliefs, Attitudes, Behaviour and Style

3. Presentation Skills

- 3.1 Making formal presentation
- 3.2 Body language in presentation
- 3.3 Giving feedback
- 3.4 Speeches and Public Speaking

4. Conflict Management

- 4.1 Understanding Conflict
- 4.2 Management Styles
- 4.3 Resolving Conflicts – Strategies and Systems
- 4.4 Managerial Skills and Competences for Effective Conflict resolution

5. Negotiation Skills

- 5.1 Introduction to Negotiation: as a decision making process
- 5.2 The process of negotiation
- 5.3 Internalizing Negotiating Processes
- 5.4 Intangibles in Negotiation: Power; Time and Information
- 5.5 Post Negotiation
- 5.6 Ethical Considerations in Negotiation

6. Emotional Intelligence

- 6.1 Introduction to Emotional Intelligence
- 6.2 Improving Emotional Intelligence
- 6.3 Benefits of Emotional Fitness
- 6.4 Emotional Intelligence and work-life Balance
- 6.5 Interpersonal Effectiveness: Social Awareness and Relationship Management

References:

- Porter, L & Mohr, B.(Eds) (1982). Reading book for Human Relations Training. Alexandria: NTI Institute.
- Acuff, F.L. (2008) How to Negotiate Anything with Anyone Anywhere Around the World. Amacom

- Bolton R. (1986) **People Skills: How to Assert Yourself, Listen to Others and Resolve Conflicts**, New York: Touchstone.
- Fisher, R. & Ury, W (2012). **Getting to Yes: Negotiating an Agreement Without Giving In**. RHUK
- Lewicki R.J. Saunders. D.M. & Minton J.W. (2001) **Essentials of Negotiation (2nd Ed)**. Boston: McGraw-Hill Irwin
- Croft, C.(2013). **Presentation Skills: How to Give Talks without Fear**. Christ Croft Training
- Palmer P. (2015) **Presentation Skills: Portraying Confidence, Answering Tricky Questions & Structuring Content**. CreateSpace Independent Publishing Platform.
- Weiss, M. (2015). **Presentation Skills: Educate Inspire and Engage Your Audience**. Business Expert Press.
- Goleman, D. (1996) **Emotional Intelligence: Why it can matter more than IQ**. New Delhi Bloomsbury Publishing India Private Limited
- Goleman, D. (2012) **Working with Emotional Intelligence**. New Delhi: Bloomsbury Publishing India Private Limited

NIRMA UNIVERSITY
INSTITUTE OF LAW

Academic Year 2016-17

B.A.L.L.B. (Hons.), B.Com. LL.B. (Hons.), B.B.A. LL.B. (Hons.) Programme

Semester VIII

Professional Training-II

Corporate Professional Training

Credit: 2

Hours: 30

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Introduction

As with most professions, there are similarities and differences between the way the work was done in the past and how it is performed today. A Law student needs to earn professional soft skills to present, negotiate and advise. Here soft skills refer to wide-ranging personal and interpersonal skills. This course is designed with an objective to help the students learn the practical skills that aren't imparted in the classroom but are essential for workplace success. Because lawyers have sworn a professional oath they are expected to communicate at a higher standard than members of the general population & present them with advanced standard to maintain pride of the profession. In short, law students need an increasingly sophisticated toolkit to succeed in today's competitive legal market & this course means to impart the soft skills in young lawyers through various simulation exercises & practical trainings.

Course Learning Objectives:

After the completion of the course the student will able to:

1. Learn to develop leadership skills early in one's career as Law Professional.
2. Train the students on interpersonal skills & acquaint with the essential knowledge of soft skills to work as a corporate lawyer.

1 Commercial Litigation Management

- 1.1 Principles of Project Management
- 1.2 Project Management & Litigation Management
- 1.3 Drafting, Briefing Strategies for Case Filings
- 1.4 Vetting and Negotiation of Contracts
- 1.5 Legal Compliance Management

2 Corporate Client Counselling

- 2.1 Client Interviewing
- 2.2 Understanding the Business Model & Capital Structure
- 2.3 Approaches to Counselling
- 2.4 Introduction to Negotiation
 - Transactional Negotiation
 - Dispute Negotiation
 - Outsourcing Contract
 - Employment Contract



3 Community and Transactional Lawyering

3.1 Transactional Negotiation

3.2 Drafting of Advance Transactional Agreements

- Licensing
- Assignment Contracts
- Term Sheets & Letters of Intent
- Technology Transfer
- Franchising
- Business Contracts
- Shareholders Agreement

3.3 Start-up Legal Services

3.2 Administrative Hearings

Suggested Readings:-

- Mike Brent. (2016) *The Leader's Guide to Influence: How to Use Soft Skills to Get Your Results*
- Gustin, G. (2003). *Soft skills for lawyers*. London: Chelsea Publishing
- C.Fingert, R. (2013). *Litigation Management*. New York: ALM Media, LLC
- Richard K. Neumann, Jr., *Transactional Lawyering Skills: Client Interviewing, Counsel'ing, and Negotiation* (Wolters Kluwer)
- Stark *Drafting Contracts: How and Why Lawyers Do What They Do* (Aspen)
- Neumann, Richard K. *Transactional Lawyering Skills*. (Aspen)

6/2/2024

**NIRMA UNIVERSITY
INSTITUTE OF PHARMACY
UNIVERSITY ELECTIVE
COURSE NAME: COSMETIC TECHNOLOGY**

Learning Outcomes:

After successful completion of the course student will be able to :

- Acquire comprehensive knowledge about the various raw materials used in cosmetic formulations
- Create and develop cosmetic formulations
- Analyze the cosmetic formulations for evaluating its efficacy and safety
- Understand the regulatory guidelines related to cosmetic formulations

Theory (Detailed Syllabus)

L P C 3 - 3

1. Introduction: The scope, historical background and present status of herbal cosmetics.
2. Classification of Cosmetics.
3. Raw materials used for formulation of skin care and hair care cosmetics: Source and description of raw materials of natural origin like fixed oils, waxes, gums, hydrophilic colloids, colours, perfumes, protective agents, bleaching agents, preservatives, antioxidants and other ancillary agents used in the cosmetic formulations.
4. Formulation and analysis of cosmetics: hair care, skin care and oral care products.
5. In vitro and in vivo models for efficacy testing for various cosmetic products.
6. Regulatory guidelines:

Compliance of Drug & Cosmetic Act 1940 with reference to provisions for packaging and labelling (Rule 150 A, schedule S), permitted colors, flavors etc.

BIS guidelines for cosmetic products and raw materials.

Total Lectures:

45

Books Recommended:

1. Sagarin Edward, Cosmetic Science and Technology Vol. I, II, III , Wiley India Pvt. Ltd., Canada, 1992
2. Sharma P.P., Cosmetic Formulation, Management and Quality Control, Vandana Publications Pvt. Ltd., Vandana Publications, Delhi, 2010
3. Paye M, Barel A.O., Maibach H.I., Handbook of Cosmetic Sciences, Informa Press, Tylor and Fransis, LLC, 2006
4. Panda H., Herbal Cosmetics Handbook, Asia pacific Business press, 2004
5. Veermeer B.J., Cosmeceuticals: Drugs vs. Cosmetics, Marcel Dekker, Editors: Peter Elsener, Howard I. Maibach, Marcel Dekker Inc., New York, 2000.

**Nirma University
Institute of Law
B.Com.,LL.B. (Hons.) programme
Academic Year 2019-20
Semester – III**

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|--------------|---------------------------------------|
| Course Code | 2BBL331 |
| Course Title | Cost and Management Accounting |

Course Learning Outcome (CLO)

At the end of the course, the student will be able to:

1. Relate to the basic managerial accounting concepts and recording of financial information for manufacturing and service firms
2. Determine the cost from different methods.
3. Apply the concepts of Cost volume profit analysis, standard costing, marginal costing and budget preparation.

Syllabus**Teaching Hours: 60****UNIT I – Introduction of Cost Accounting****12Hours**

- 1.1 Introduction: Cost Concepts and Terminology
- 1.2 Classification of Costs as per CAS - 01
- 1.3 Meaning, Nature and Scope of Management Accounting
- 1.4 Techniques and Method of Costing
- 1.5 Distinction between Financial Accounting, Cost Accounting and Management Accounting
- 1.6 Role of Management Accountant
- 1.7 Elements of Cost: Material Control - Procurement Procedure, Issue Procedure and Inventory control
- 1.8 Labour Control–Basic Terminology (Direct Labour and Indirect Labour, Idle time, Overtime Premium) Methods of Wage Systems and Incentive Wage Plans
- 1.9 Overheads- Accounting and Distribution, Collection and Codification of Overheads, Allocation and Apportionment of Overheads

UNIT II – Elements of Cost**08 Hours**

- 2.1 Preparation of Cost Sheet
- 2.2 Reconciliation of Cost and Financial Records

UNIT III – Marginal Costing and CVP Analysis**12 Hours**

- 3.1 Meaning&Concept of Marginal Cost, Marginal Costing and Absorption Costing
- 3.2 Assumptions, Uses and Limitations of Marginal Costing
- 3.3 Difference between Marginal Costing and Absorption Costing
- 3.4 Cost Volume Profit Analysis: -Break even Analysis,
- 3.5 Application of Marginal costing in Business Decisions Making

UNIT IV – Standard Costing **08 Hours**

4.1 Introduction of Standard Costing

4.2 Variance Analysis and its Computation and also for service industry

UNIT V– Budgetary Control **10 Hours**

5.1 Introduction and Types of Budgets

5.2 Preparation of Various Budgets and Variance Analysis

Unit VI– Recent Trends in Cost Accounting **10 Hours**

6.1 Responsibility Accounting and Performance Measurement, Balance Score Card

6.2 Transfer pricing with international Issues

6.3 Cost Control and Cost Reduction Techniques

6.4 Target Costing, Kaizen Costing, Through Put Costing

6.5 Activity Based Costing

Suggested Readings:

1. Arora, M.N. (2018) *Cost and Management Accounting*. New Delhi: Vikas Publications.
2. Hongren, Charles T., & Datar, Shrikant M. & Foster G. (2012), *Cost Accounting: A Managerial Emphasis*. New Delhi: Prentice Hall Publication.
3. Jawaharlal, & Srivastava Seema. (2017). *Cost Accounting*. New Delhi: Tata McGraw Hill.
4. Khan, M.Y. & Jain, P.K., (2016). *Cost Accounting*. New Delhi: Tata McGraw Hill.
5. Kishore, Ravi M. (2016). *Cost Accounting*. New Delhi: Taxmann Allied Services Private Limited.
6. Saxena, V.K., & Vashist, C.D. (2016). *Cost Accounting – Text Book*. New Delhi: Sultan Chand and Sons.
7. Ronald W. Hilton and David E. Platt- *Managerial Accounting Creating Value in a Global Business Environment*
8. H.V. Jhamb – *Fundamentals of Cost Accounting Principles and Practice*

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**NIRMA UNIVERSITY
INSTITUTE OF LAW**

B.A.,LL.B. (Hons.), B.Com.,LL.B. (Hons.) and B.B.A.,LL.B., (Hons.) Programme

Academic Year 2014-15

Credit: 4

Semester III

Hours: 60

Criminal Law I

(General principles of criminal law and Introduction to Criminal Justice Administration)

Syllabus

Introduction: To understand Criminal law in its true spirit, it is essential to learn procedural law along with substantive law. Hence, keeping in mind this objective this course has been designed, where the general principles of criminal law along with the basic principles of criminal adjudication will be taught side by side. Student would also made aware of how the criminal law is put in motion, the constitutional principles governing the criminal justice administration

Course Learning Outcomes:

After the completion of the course students will be able to:

1. understand ingredients of crime and basic principles of criminal law.
2. develop the skill of analyzing facts, applying relevant principles and plead the case for imposing or exempting from criminal liability
3. know of the criminal justice system of the country and would be able to critically analyzed the new events in criminal law.

I. Introduction

- History of Indian Penal Code.
- Nature and scope of Criminal Law.
- Definitions (From Penal code).
- Crime - A general term.
- Difference between crime and other wrongs.
- Classes of criminal courts (CRFC).

II. Elements of Crimes and General Exceptions

- Actus reus
- Mens rea
- Motive - Intention - Preparation and Attempt
- Common Intention and Common Object
- Abetment
- Criminal Conspiracy

III. General Exceptions

- Mistake - Accident - Necessity - Infancy - Insoundness of Mind and Intoxication as defence
- Right to Private Defence- Of Body - Self Defence
- Of Property - Extent of such right under different circumstances
- Commencement and continuance of such right

IV. Punishments

- Purpose of punishment.
- Different kinds of punishments.

- Courts: Punishment and its justification.

V

- Offences against the State
- Offences against the public tranquillity.
- Maintenance of Public Order and Tranquillity [Chapter-10 of CrPC]
- Public Nuisances [Section 133 to 144A of the CrPC]
- Offences affecting the public health, safety, convenience, decency and morals [Section-268 to 294-A of IPC]

VI. Arrest

- When Police may arrest without warrant
- Distinction between Cognizable and Non-cognizable offences
- Arrest of persons
- Rights of an accused.

VII

- Offences against public justice and of false evidence.
- Procedure in cases mentioned in section 195 of IPC.
- Process to compel production of things/persons.
- Search warrants

VIII

- Preventive Action of the Police [Section-149 to 152 of the CrPC]
- Information to the Police and their Powers to Investigate [Section-153 to 176 of the CrPC]
- FIR and its Evidentiary value

IX. Constitutional Perspectives

- Importance of Fair Trial
- Rights of a victim for the Rights of Accused
- Significance of Speedy Trial (Section-31 of the CrPC)
- Continuance of adjournments
- Articles-14, 20, 21 and 32
- Double Jeopardy under section-300 of the CrPC.
- Complaints to Magistrates and Commencement of Proceedings before the Magistrates
- Examination of complainant (Section-206)
- Difference between Inquiry and Investigation
- Issue of Process (Section-204)
- Charge - Framing of [Section-211 to 224]

References:

- Daya, K.D. 2011. *A Textbook on Indian Penal Code*. New Delhi: Universal Publication.
- Chandrasekharao Pillai, V.N. 2012. *General principles of Criminal Law*. Lucknow: EBC.
- Arora, P.S.A. 2017. *Criminal Law*. Lexis Nexis Butterworths Wadhwa, Nagpur.
- Galan, S. S. 2012. *Textbook on the Indian Penal Code*. New Delhi: Universal Publication.
- Krishna, R.E. 2000. *Law of crimes and criminology*. New Delhi: Vinod Publication.
- Kotkar, R.V. 2015. *Lectures on Criminal Procedure*. Lucknow: Eastern Book Company.



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**NIRMA UNIVERSITY
INSTITUTE OF LAW**

B.A. LL.B. (Hons) & Crim. LL.B. (Hons) & B.A. LL.B. (Hons) (Crim. Law)

Academic Year 2016-2017

Semester - IV

Criminal Law II

(Specific Offences and Trial procedures)

Credit: 2

Hours: 60

Introduction:

To understand Criminal law in its true spirit, a mere reliance to legal procedural law along with substantive law. Hence, taking further from the III semester course on general principle of criminal law and criminal justice administration, the present course is based on specific offences and criminal trial procedures. The intent of the course is to provide a broad perspective of the criminal justice system prevailing in India. The purpose is to intended to connect the substantive and procedural aspects of criminal law and to develop deep into the practical aspects of criminal trials.

Course Learning Outcomes:

At the end of the course, students will be able to:

- Familiarize with the specific offences under the Indian Penal Code
- Understand and analyze the fundamental principles of Criminal procedure
- Aware of how the criminal law is put into practice.

SYLLABUS

1. Offence against body.

- a. Culpable homicide and murder
- b. Death caused by negligence
- c. Hurt and grievous hurt
- d. Kidnapping and Abduction.
- e. Sexual offences

2. Offence against property.

- a. Theft, extortion, robbery and dacoity
- b. Criminal misappropriation of property
- c. Criminal breach of trust
- d. Cheating
- e. Criminal trespass

3. Offences against Minors

- a. Rape
- b. Abduction
- c. Kidnapping

4. Summary Trial

5. Summary Trials

- a. Trial Before the Court of Session
- b. Trial in summary cases by Magistrate
- c. Summary cases
- d. Summary Trials
- e. Plea Bargaining

6. Appellate Jurisdiction and Revision

- a. Reference to High Court
- b. Revision
- c. Transfer of Cases
- d. Limits of taking cognizance

7. Writs & Bonds

a. Anticipatory Bail

b. Cricket and Bail

c. Provisions regarding bond of accused and Sureties

8. Provisional Order Act

9. Magistrate Act

References:

- Gaur, K.D. *A Textbook on Indian Penal Code*. New Delhi: Universal Publication, 2011.
- Chandrasekharan Pillai, K.N., *General Principles of Criminal Law*. Lucknow: EBC, 2012.
- Pillai, P.S.A. *Criminal Law*. Lexis Nexis Butterworths Wadhwa, Nagpur, 2012.
- Gaur, K.D. *Textbook on the Indian Penal Code*. New Delhi: Universal Publication, 2012.
- Galbraith, R.P. *Law of crimes and criminology*. New Delhi: Vikas Publication, 2006.
- Keeker, R.V. *Lectures on Criminal Procedure*. Lucknow: Eastern Book Company, 2013.

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NIRMA UNIVERSITY
Institute of Law
B.A.,LL.B. (Hons.) and B.Com.,LL.B. (Hons.) programme
Academic Year 2019-20
Semester III

| L | T | P | C |
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|---------------------|---|
| Course Code | 2BL334 |
| Course Title | Criminal Litigation I (IPC, Cr.P.C and Evidence Act) |

Course Learning Outcomes (CLO)

At the end of the course, students will be able to:

1. Identify ingredients of crime and basic Principles of Criminal Law
2. Comprehend the interplay of IPC, Cr.P.C and Evidence
3. Examine the rights of accused
4. Appraise the importance of investigation.

Syllabus**Teaching Hours: 60****Unit I: Introduction: Crimes and Offences – General Outlook****12 Hours**

- 1.1 Nature and Scope of Criminal Law
- 1.2 Nature of adjudication: Adversarial and Inquisitorial system
- 1.3 Introduction to Indian Penal Code, Criminal Procedure Code and Indian Evidence Act.
- 1.4 Classification of Offences:
 - 1.4.1 Cognizable and Non-cognizable, (First Schedule CrPC)
 - 1.4.2 Bailable and Non-Bailable (First Schedule CrPC)
 - 1.4.3 Compounding of Offences (Section 320 of CrPC)
- 1.5 Difference between crimes and wrong
- 1.6 Functionaries under the Cr.P.C

Unit II: Elements of Crimes and General Exceptions**12 Hours**

- 2.1 *Actus reus, Mens rea*, Motive-Intention Preparation and Attempt
- 2.2 Common Intention and Common Object, Abetment, Criminal Conspiracy
- 2.3 Stages of Crime, Inchoate Crimes
- 2.4 Classes and powers of Criminal court (Sections 6 to 35 of CrPC)

Unit III: General Exceptions, Offence against Human Body and Burden of Proof 23 Hours

- 4.1 General Exceptions (Chapter IV of the IPC from Sections 76 to 106 of IPC.)
- 4.2 Offences against Human Body (Chapter 16 of IPC from section 299 to Section 377 of IPC)
- 4.3 Burden of Proof (chapter VII of IEA from Section 101 to 114A)
- 4.4 Of Offence relating to Marriage, Cruelty (Section 493 to 498-A)

Unit IV: Cognizance of Offence: Arrest and other pre-trial procedures 10 Hours

- 4.1 Cognizance of Offence,
- 4.2 Limitation on the power to take cognizance of an offence
- 4.3 Information to the Police and their Powers to Investigate (Section 154 to 176 of Cr. P.C)
- 4.4 Complaints to Magistrates (Section 200 to 203 of Cr.P.C)
- 4.5 Arrest of Persons Section 41 to Section 105 and 149 to 176 of CrPC. Procedures to be applied when an offence is committed. This unit covers arrest of persons, processes to compel appearance, processes to compel the production of things, preventive action of police, information to the police and their powers to investigate.

Unit V: Plea Bargaining

03 Hours

- 5.1 Chapter 21A of CrPC from Section 265A to Section 265L of CrPC

Suggested Readings

1. Gaur, K D. *Text Book on The Indian Evidence Act*. Haryana: Universal Law Publishing, 2017.
2. Kelkar, R. V. *Lectures on Criminal Procedure*. Lucknow: Eastern Book Company, 2010.
3. Pillai, P S A. *Criminal Law*. Nagpur: Lexis Nexis Butterworths Wadhwa., 2012.

NIRMA UNIVERSITY
Institute of Law
B.A.,LL.B. (Hons.) and B.Com.,LL.B. (Hons.) [5-Year Integrated Programme]
Academic Year 2019-20
Semester IV

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| Course Code | 2BL443 |
| Course Title | Criminal Litigation II (IPC, Cr.P.C and Evidence Act) |

Course Learning Outcomes (CLO)

At the end of the course, students will be able to:

1. Examine ingredients of specific offence under the IPC.
2. Classify Criminal courts, their power and different types of trials
3. Appraise the evidence in different types of offences.
4. Evaluate the trial procedure with due process of law
5. Assess the complex constitutional issues involved in Criminal Litigation

Syllabus**Teaching Hours : 60****Unit I: Criminal Courts and Powers of Courts:****8 Hours**

- 1.1 Constitution of Criminal Courts (Section 6 to 25A of Cr.P.C)
- 1.2 Powers of Courts (Section 26 to 35 of Cr.P.C)

Unit II: Jurisdiction Courts and Charge (Accusation)**15 Hours**

- 2.1 Jurisdiction of the courts Chapter XIII of Cr.P.C (Section 177 to 189)
- 2.2 Conditions requisite for initiation of Proceedings chapter XIV (Section 190 to 199)
- 2.3 Complaints to Magistrates Chapter XV (Complaints to Magistrates)
- 2.4 Commencement of Proceedings before Magistrates chapter XVI (Section 204 to 210)
- 2.5 Forms of Charge (Section 211 to 224 of Cr.P.C)

Unit III: Indian Evidence Act: Relevancy of Facts**12 Hours**

- 5.1 Relevancy covering Section 1 to 55 of the Indian Evidence Act.

Unit IV: Substantive Offences**15 Hours**

4.1 Chapter 5, 5A and 6 of IPC covering abetment, criminal conspiracy, waging war etc. from Sections 107 to Section 130 of IPC and also, Section 141, 149, 34 of IPC.

4.2 Of Offences against Property: Of theft, extortion, robbery and dacoity, etc., covering section 378 to section 462

4.3 Of Defamation (Section 499 to 502 of IPC)

4.4 Of Criminal Intimidation (Section 503 to 510)

Unit V: Constitutional Perspective**03 Hours**

5.1 Importance of Fair Trial

5.2 Rights of Victims versus Rights of Accused

5.3 Significance of Speedy Trial (Section

Unit VI: Of Trial and on Proof**07 Hours**

6.1 Types of Trial

6.1.1 Summary Trial (Cr.P.C section 260 to 265)

6.1.2 Trial of Summons cases by Magistrates (Cr. P.C section 251 to 259)

6.1.3 Trial of Warrant-cases by Magistrate (Cr.P.C section 238 to 250)

6.1.4 Trial before a court of session (Cr. P.C section 225 to 237)

6.2 On Proof: Facts which need not be proved (Section 56 to 58 of Evidence Act)

6.3 Of Oral and Documentary Evidence (Section 59 to 100 of Evidence Act)

Suggested Readings:

1. Gaur, K D. *Text Book on The Indian Evidence Act*. Haryana: Universal Law Publishing, 2017.
2. Kelkar, R. V. *Lectures on Criminal Procedure*. Lucknow: Eastern Book Company, 2010.
3. Pillai, P S A. *Criminal Law*. Nagpur: Lexis Nexis Butterworths Wadhwa., 2012.

Nirma University
Institute of Law
B.A.,LL.B. (Hons.) and B.Com.,LL. B. (Hons.) Programme
Academic Year 2018-19
Criminal Law Honours course I
Semester VII

| L | T | P | C |
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| Course Code | 2CRM721 |
| Course Title | Criminal Psychology |

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

1. Appreciate the relationship between human behaviour and crime
2. Relate the application of psychology in court proceedings.
3. Analyze the factors behind criminal tendency.

Syllabus

Teaching Hours: 60

| | | |
|----------------|--|-----------------|
| Unit: I | Psychology and Crime | 05 Hours |
| | 1.1 Introduction: Meaning, purpose and scope of criminal psychology. | |
| | 1.2 Psychological vs psycho-analytical approach to crime. | |
| | 1.3 Behaviorist approach to crime. | |
| | 1.4 Definition of criminal behavior: Psychodynamics of criminal behavior. | |
| | 1.5 Mental illness and crime. | |
| | 1.6 Human aggression and violence to crime. | |
| Unit II | Criminal Personality | 20 Hours |
| | 2.1 Definition of personality: Difference between criminal personality and normal personality. | |
| | 2.2 Learning criminal behavior. | |
| | 2.2.1 Instrumental learning. | |
| | 2.2.2 Social Learning | |
| | 2.2.3 Frustration induced criminality. | |
| | 2.2.4 Sub cultural perspective. | |
| | 2.2.5 Situational factors. | |
| | 2.3 Factors and determinants of personality | |
| | 2.4 Psychopaths and psychopathic personality | |

w.e.f. academic year 2018-19 and onwards

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Unit III Psychometric Test: Its use in criminal behaviour 10 Hours

- 3.1 Measurement of criminal behavior: Psychological test to measure criminal behavior.
- 3.2 Criminal Profiling: Definition and Process of profiling criminal personality.
- 3.3 Factors underlining criminal profiling.
- 3.4 Merit and demerit of criminal profiling.

Unit IV Forensic Psychology: Concept and Importance. 15 Hours

- 4.1 Definition, meaning and scope of forensic psychology.
- 4.2 Historical background of forensic psychology in India and abroad.
- 4.3 Role of forensic psychologist in the investigation of crime.
- 4.4 Psychology and the police.
- 4.5 Application of psychology in court.
- 4.6 Application of psychology in prison.

Unit V Various Techniques of Investigative Agency 10 Hours

- 5.1 Techniques of Brain Mapping, Polygraph, Spectography and Voice Test
- 5.2 Evidentiary value of the above techniques: Issue regarding their admissibility in Court of Law
- 5.3 Issue of reliability of these techniques
- 5.4 International practices
- 5.5 Potential conflict of these techniques with the rights of the accused of fair trial

Suggested Readings:

1. Howitt, D. (2002) *Forensic and Criminal Psychology*. New York: Prentice Hall
2. Pryart, C.D. (2001) *Encyclopaedia of Criminal and Deviant behaviour*. London: Brunner-Routledge Taylor & Frances Group
3. Bartal, C.R. (1999) *Criminal Behaviour: A Psychosocial Approach* (5th ed). New Delhi: Prentice Hall
4. Hollin, C.R. et al. (1989, *Psychology and Crime: An introduction to Criminal Psychology*, London: Routledge.
5. Canter D.V. & Alison, L.J. (1997) *Criminal Detection and Psychology of Crime*. Hants: Dartmouth Pub Co.
6. Adman, R. (1993) *The Psychopathology of Crime: Criminal Behaviour as Criminal Disorder*. Elsevier: Academic Press, Inc.

w.e.f. academic year 2018-19 and onwards

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NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B. (Hons) and B.Com., LL.B (Hons.) Programs
Academic Year 2014-15
Semester II

Critical Thinking and Legal Reasoning
(Enrichment Course)

6

Introduction:

The focus of this course is to develop a skill of critical thinking and equip with the skill of reasoning for adopting a stand in given situation. A lawyer's understanding of theories, rules have to be understood in the light of their relationships with each other. The course is all about appreciating the lawyer's skill of relating, discussing and examining and resolving these problems differently. The course aims at sharpening argumentative devices that lawyers use, and will integrate philosophical and jurisprudential perspectives with real cases and practical insights to try to produce deeper and greater understanding of rules and rule-based decision-making, precedent, and legal authority. The Course addresses some simple but vital rules to be followed in thinking about any topic and some common and tempting mistakes to be avoided in reasoning. It discusses how to identify, analyze, and evaluate arguments by other people and how to construct arguments of your own in order to help you decide what to believe or what to do. These skills will be useful in dealing with whatever matters must to go.

Learning outcomes:

At the end of the course, the students will be able to

- Devise their judgments and facts based on sound reasoning.
- Identify various biases and develop the ability to eliminate such bias and influences while analyzing information.
- Interpret complex textual arguments using inductive and deductive reasoning.
- Logically structure their arguments, give valid reasoning for their inferences and perceptions, to be able to defend their ways of life and collectively strive to create a society/community where logos is used for opening new futurity
- Use the understanding of the concept of legal research in future.

1. Introduction to critical thinking

2. Deciphering truth, Detecting Biases/fallacies

3. How to analyze Arguments?

3.1 How to Spot an Argument?

3.2 How to Unravel an Argument?

3.3 How to Reconstruct an Argument?

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4. How to Miss Up Arguments? (or commit common but tempting fallacies)

- 4.1 Fallacies of Vagueness and Ambiguity
- 4.2 Fallacies of Relevance and Vacuity
- 4.3 How to Refute an Argument
- 4.4 How to Apply these Means to Everyday Arguments

5. How to Evaluate Deductive Arguments? (or determine whether their premises validly imply their conclusions)

- 5.1 What is deductive arguments?
- 5.2 Propositional Logic and Truth Tables
- 5.3 Categorical Logic and Syllogisms

6. How to Evaluate Inductive Arguments? (or determine whether their premises provide enough reason to believe their conclusions)

- 6.1 What are Inductive Arguments?
- 6.2 Causal Reasoning
- 6.3 Probability and Decisions

References:

1. Good, E.J., *Reason and Value*, Cambridge: Cambridge University Press, 1985.
2. Blackburn, Simon, , *Ruling Passions: A Theory of Practical Reasoning*, Oxford, Clarendon Press, 1998.
3. Brown, Neil M., *Asking the right questions: A Guide to Critical Thinking*, Longman, 2011.
4. Simon-Anne Ong, Walter, Fogelin, Robert..., *Understanding Arguments* CENGAGE Learning
5. Frederic Schauer, *Thinking Like a Lawyer: A New Introduction to Legal Reasoning* Harvard, 2009.
6. Howard Kahane and Nancy Cavender, *Logic and contemporary rhetoric: The use of Reason in everyday life*, Cengage Learning, 2009.
7. Daniel Feldman, *Critical Thinking: Make Strategic Decision With Confidence*, Azzo Press, 2010
8. Edward Debono, *six thinking Hats*, Penguin, Bay back, Books, 1999.



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NIRMA UNIVERSITY
Institute of Law
B.A.LL.B. (Hons.), B.Com, LL.B. (Hons.) and B.B.A., LL.B. (Hons.)
Academic Year 2017 - 18
Semester X
Seminar Course

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| Course Code | 20C1010 |
| Course Title | Cyber Law |

Course Learning Outcomes (CLO):

At the end of the course, students will be able to-

1. Identify and analyse statutory, regulatory, constitutional laws & policy concerning the information technology.
2. Demonstrate a critical understanding of the Cyber Law & construct solutions to legal challenges.

Syllabus:**Contact Hours: 30****Unit I. Fundamentals of Internet and Cyber function**

5 Hours

- 1.1 Origin, Concept and history of Internet and WWW
- 1.2 Implementation of an Information Security Programme
- 1.3 Information Technology (IT) Security Guidelines
- 1.4 Electronic Data Interchange (EDI)

Unit II. Digital signature and Electronic signature

2 Hours

- 2.1 Provisions relating to Electronic signatures and Electronic Records
- 2.2 Recent development and guidelines pertaining to Digital signatures

Unit III. Information Technology Crimes (Cyber Crimes)

4 Hours

- 3.1 Tampering with computer resource document
- 3.2 Computer related offences (Hacking with computer system, etc.)
- 3.3 Cyber threats and frauds, Cyber terrorism
- 3.4 Breach of confidentiality and privacy

Unit IV. Cyber Crime Investigation

5 Hours

- 4.1 Cognizance of IT Offences
- 4.2 Search and seizure of computer system
- 4.3 Application of the Act to Electronic Cheque and Truncated Cheque
- 4.4 Cyber Forensics and Cyber Crime Investigating Agencies in India

30

w.e.f. academic year 2017-18 and onwards

4.5 Methods used for investigation of cyber crimes

Unit V. Electronic Governance (e-governance)

6 Hours

- 5.1 Directorate of Information Technology
- 5.2 E-governance in Gujarat
- 5.3 Use of electronic records and electronic signature in Government
- 5.4 Retention of Electronic Records
- 5.5 Audit of documents in Electronic form
- 5.6 Publication of rules, regulation, etc., in Electronic Gazette
- 5.7 Contracts formed through electronic means

Unit VI. E-Banking

5 Hours

- 6.1 Definition of e-banking
- 6.2 Electronic payment system
- 6.3 Mobile banking, I-Banking
- 6.4 Legal issues in e-banking, amendments to Negotiable Instruments Act, 1881
- 6.5 International legal protection regarding e-banking
- 6.6 Data Protection & Privacy Rights

Unit VII. New Challenges to Information Technology Law

3 Hours

- 7.1 Convergence of technologies
- 7.2 Legal challenges and Convergence Bill
- 7.3 Offences not covered under IT Act
- 7.4 Aadhaar Act, 2016
- 7.5 Security Issues in BPO & LPO's

Suggested Readings:

1. Seth Karnika. (2016). *Computers, Internet And New Technology Laws-A Comprehensive Reference Work With Special Focus On Developments In India*. Lexis Nexis
2. SharmaVakul. (2016). *Information Technology Law and Practice- Cyber Laws and Laws Relating to E-Commerce*. Universal Law Publishing
3. Malik Krishna Pal. (2010). *Computer and Information Technology Law*. Allahabad Law Agency,
4. Tiwari Garima. (2014). *Understanding Laws- Cyber Laws And Cyber Crimes*. Lexis Nexis
5. Duggal Pavan. (2016). *Textbook On Cyber Law*. Universal Law Publishing.
6. Rastogi Anirudh. (2014). *Cyber Law-Law Of Information Technology And Internet*. Lexis Nexis
7. Vishwanathan Aparna. (2012). *Cyber Law- Indian And International Perspectives On Key Topics Including Data Security, E-Commerce, Cloud Computing And Cyber Crimes*. Lexis Nexis

L= Lecture, T= Tutorial, P= Practical, C= Credit



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w.e.f.

w.e.f. academic year 2017-18 and onwards

Applicable to year 2015-16

Consideration on teaching and examination scheme and proposed syllabus of the course to be offered as University Elective (to be offered to the students of under Institutes of Nirma University)

- (j) Cyber Security
- (k) Mobile Application Development
- (l) Data Analytics

Teaching and Examination Scheme of University Elective

| Course Code | Course Name | Teaching Scheme | | | | Examination Scheme | | | |
|-------------|---------------------|-----------------|---|---|---|--------------------|---------------------|----|-----|
| | | L | T | P | C | Hours | Component Weightage | | |
| | | | | | | | SEE | CI | LPW |
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University Electives

XXXXX

Cyber Security

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Course Learning Outcome:

After successful completion of this course, student will be able to

- understand how to design and build secure systems with a human-centric focus
- understand the bases of Software Security and Cryptography
- apply the knowledge to be aware of the tools and skills available for building secure and trusted systems.

Syllabus:

Introduction: Background and Current Scenario of cyber crime, Types of Attacks, Goals for Security, Security threats and vulnerabilities

Usable security: Introduction to Human Computer Interface, usable security, and design. Measuring and evaluating usability, Authentication, Web browsing and security, Usability and Privacy

Software security: Low level, memory-based attacks, Defenses against memory-based attacks, Web security, Secure Design, Automated code review with static analysis and symbolic execution, Penetration testing

Cryptography: Introduction and Motivation, Perfect Secrecy and Its Limitations, Private Key Encryption, Message Authentication, Hash Functions, Number Theory and Mathematical Background, Public Key Encryption, Digital Signatures

Hardware Security: Trust in digital system design, Side-channel attacks, Physical attacks, Emerging hardware security topics, Intellectual property protection

Self-Study:

The self-study contents will be declared at the commencement of semester. Around 10% of the questions will be asked from self-study contents.

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References

1. G. Qi and M. Potkempke, Intellectual Property Protection in VLSI Designs: Theory and Practice, Kluwer Academic Publishers, ISBN 1-4020-7320-8
2. G. Qi and L. Yuan, Secure Hardware IPs by Digital Watermark, in Introduction to Hardware Security and Trust, Springer, ISBN 978-1-4419-8079-3.
3. Y. Altsham and E. Koushanfar, Active Hardware Metering for Intellectual Property Protection and Security, ISSS/ISA Security
4. E. Koushanfar, "Hardware Metering: A Survey", in Introduction to Hardware Security and Trust, pp. 103-122, Springer, ISBN 978-1-4419-8079-3
5. S. Skorobogatov, Physical Attacks and Tamper Resistance, in Introduction to Hardware Security and Trust, pp. 143-174, Springer, ISBN 978-1-4419-8079-3.
6. A. Anderson, M. Kuhn, Tamper Resistance - A Cautionary Note, COAST'98 95-98, Cambridge University
7. S. Forow, P. Page, P. Pfeiffer, G. H. Meier, and B. Buntch, On the effectiveness of Address Space Randomization, CCS '04, ISBN: 1-58113-961-6,
8. Livingston, Younan, Plessers, Low-level software security by example, Springer Berlin Heidelberg

Applicable to year 2015-16, 2018-19 & 2019-20

Course Learning Outcome:

After successful completion of this course, student will be able to

- understand the statistical inferences of data and take decision based on it
- derive the distributional results needed for statistical inference
- demonstrate understanding of theory of linear models
- analyze data and fit linear regression models using R
- understand the concept of big data.

Syllabus:

Introduction to data: Data structures, variables, summaries, graphics, and basic data collection techniques.

Probability: The basic principles of probability such as conditional probability, random variables, Binomial theorem

Distributions of random variables: Introduction to the normal distribution model, geometric distribution, Bernoulli distribution, Binomial distribution, Poisson distribution.

Annexure EUGS_CAI Approved on 01.09.2017

Ca

Foundations for Inference: Variability in estimates, Confidence intervals, Hypothesis testing, Central Limit Theorem

Inference for numerical data: Paired data, Inference for one or two sample means using the t-test and model and distribution, and also comparisons of many means using ANOVA.

Inference for categorical data: Inference for proportions using the normal and chi square distributions, as well as stratification and randomization techniques.

Introduction to linear regression: An introduction to regression with two variables, line fitting and correlation, least square regression.

Multiple regression: An introduction to multiple regression

Classification & Prediction: Definition of Classification & Prediction, issues regarding Classification & Prediction, Classification by decision tree induction, Bayesian Classification by Back propagation, Classification based on concept from Association rule mining, prediction, classifier accuracy.

Cluster analysis: Definition of cluster analysis, types of data in cluster analysis, a categorization of major clustering methods.

Introduction to Big Data: Introduction to BigData Platform, Challenges of Conventional Systems, Intelligent Data Analysis, Nature of Data, Analytic Processes and Tools, Analysis vs Reporting, Modern Data Analysis Tools, Statistical Concepts: Sampling Distributions, Re-Sampling, Statistical Inference

Self Study:

The self-study contents will be declared at the commencement of semester. Around 10% of the questions will be asked from self study contents.

References:

1. David M. Dux, Christopher D. Barr and Mine C. Rundle, OpenIntro Statistics, CreateSpace Independent Publishing Platform
2. J.A.R. Co, Mathematical Statistics and Data Analysis, Wadsworth Publishing Co Inc
3. D.D. Wilcoxon, W. Mendellhall and R.L. Schaffer, Mathematical Statistics with Applications, Brooks/Cole
4. Gill Granger, Taming the Big Data Tidal Wave: Finding Opportunities in Huge Data Streams with Advanced Analytics, John Wiley & Sons
5. Glenn E. Myatt, Making Sense of Data, John Wiley & Sons
6. Ben Warder, Big Data Glossary, O'Reilly
7. J. Han & M. Kamber, Data Mining Concepts and Techniques, Elsevier Publication
8. Witten & Frank, Data Mining Practical. Machine Learning Tools and Techniques, Morgan Kaufmann Publishers

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NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A.,LL.B. (Hons.) and B.Com LL.B (Hons.)
Academic Year 2014-15
Semester - 1

Debating and Argumentative Skills

Introduction

This course introduces the basics of debating to students at a formative level. It would teach the students the knack of winning by creating a competitive environment in the classroom. It would broaden their horizons of thinking politically and inter-personally; a task which all courses of the enrichment program seek to achieve.

Courses Learning Outcomes (CLO):

After completion of the course, the students will be able to:-

- Gain relevant skills pertaining to public speaking
- Achieve a level of proficiency in argument, counter-argument and understanding narrative in an argument.

1. Introduction to Public Speaking

- Matter, Manner and Method.
- Rhetoric, Satire and Sarcasm.

2. Essential Debating Skills

- Overview and forms of Competitive Debating
 - Conventional Debating
 - Asian Style (3 on 3)
 - British Parliamentary
 - American Style (2 on 2)
- Essential Tools of Effective Debating
 - Constructing and Deconstructing arguments
 - Making Arguments

- Rebuttal
- 'Even if'
- First principles
 - Rights and morals
 - Justice
 - Economics
- General tactics
 - Model
 - Slippery slope argument:

3. Clinical Exercise

- Extempore Speech
- Case Construction
- Parliamentary Debates (All Formats)

References

- Mill John Stuart (1843), A system of logic, Ratiocinative and Inductive.
- Morgan Nick(2003), Give Your Speech, Change the World: How To Move Your Audience to action, Harvard Business School Press.
- Andrea Gardner(2012), Change your words, change your world, Hay House Publishers.
- Tim Sonnerich (2012), Monash Association of Debaters Guide to Debating.
- Neil Harvey Smith (2011), Practical guide to debating, International Debate Education Association.

NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year 2015-16
MODULAR COURSE

DRAFTING SKILLS (LAW OF PLEADINGS IN CIVIL MATTERS)
SEMESTER VI

B.A.,LL.B.(Hons.), B.COM.,LL.B.(Hons.), B.B.A.,LL.B.(Hons.)

Credit :2

Hours : 30

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1. Introduction

The basic object of the course is to make students expert in drafting towards technical requirements in profession. To inculcate the professional skills and standards required for client counselling, oral opinions, written opinions, legal notices and pleadings. Since it is said that the theory without practice is pointless and practice without theory is mindless, therefore substantive law must be club with procedural law to practice in courts by way of pleadings. In short, it is necessary to a lawyer to learn drafting skill and apply substantive laws to get justice.

2. Course Learning Outcomes:

At the end of the course the student will be able to:

1. Understand the rhetoric of drafting deeds and documents and pleadings such as plaint and written statements.
2. Investigate the right, title and interest of the parties to the suits while drafting.
3. Evaluate the claims on the grounds of reliefs seeking assistance and order from court.

UNIT-I

1. General Principles of Drafting-

- 1.1 Client Counselling,
- 1.2 Oral Opinion,
- 1.3 Written Opinions
- 1.4 Legal Notices, etc.

2. Form of Suits:

- 2.1 Suits for Specific Performance
- 2.2 Defamation Suits
- 2.3 Suits for Malicious Prosecution
- 2.4 Summary Suits
- 2.5 Suits by Land Lord against his Tenant:
 - a. Ejectment of Tenant for non-payment of rent
 - b. Ejectment of Tenant on the ground of Tenant has unauthorisely erected a permanent structure
- 2.6 Suits by Licensor against Licensee

- 2.7 Suits for Recovery of Price of Goods Sold
- 2.8 Suits for Dissolution of Partnership

- 3. **Plaints:**
 - 3.1 **Plaint by Principal against his Agent**
 - 3.2 **Plaint by Seller for recovering balance money for goods sold**
 - 3.3 **Plaint for recovery of different kinds of Mortgage Debt**
 - 3.4 **Plaint for recovery of possession of property with Mesne profit and Interim Injunctions**
 - 3.5 **Plaint by a Coparcener for Partition of a joint property**
 - 3.6 **Plaint by a Bank to recover loan and enforce Hypothecation**
 - 3.7 **Plaint for Compensation for infringement of Copy Right**
 - 3.8 **Plaint for Declaration of right of Maintenance**
 - 3.9 **Plaint for recovery of Damages for Breach of Contract**
 - 3.10 **Plaint for foreclosure of Mortgage Property**
 - 3.11 **Plaint in Interpleader Suit**
 - 3.12 **Probate and Admiralty Suits**

Unit-II

- 4. **Written Statements**
 - 4.1 **Written Statement by Agent against his Principal**
 - 4.2 **Written Statement by Buyer against the Seller for recovering balance money for goods sold**
 - 4.3 **Written Statement for recovery of different kinds of Mortgage Debt**
 - 4.4 **Written Statement for recovery of possession of property with mesne profit and interim injunctions**
 - 4.5 **Written Statement by a Karta for partition of a joint property**
 - 4.6 **Written Statement by a Defendant to recover loan and enforce hypothecation**
 - 4.7 **Written Statement for Compensation for infringement of copy right**
 - 4.8 **Written Statement by husband for declaration of right of maintenance**
 - 4.9 **Written Statement for recovery of damages for breach of contract**
 - 4.10 **Written Statement for foreclosure of Mortgage Property**
 - 4.11 **Written Statement by defendants in interpleader Suit**
- 5. **Appeals and Writs**
 - 5.1 **Appeal From a decree**
 - 5.2 **Appeal from an order**
 - 5.3 **Appeal from an appellate decree**
 - 5.4 **Second Appeal.**
 - 5.5 **Civil Appeal to Supreme Court.**
 - 5.7 **Special Leave to Appeal**
 - 5.8 **Drafting of all kinds of writ petitions (Habeas Corpus, Mandamus, Prohibition, Quo Warranto and Certiorari)**

- 6 Miscellaneous

Prasad *g*

- 6.1 Election Petition
- 6.2 Petition in testamentary and intestate matter
- 6.3 Summons for judgment in a summary suit with affidavit in support
- 6.4 Notice of Motion
- 6.5 Affidavit in support of Notice of Motion
- 6.6 Chamber Summons
- 6.7 Affidavit in support of Chamber Summons
- 6.8 Drafts of Framing of Issues
- 6.9 Drafts on Affidavits for admissions and denials of evidences etc.
- 6.10 Drafts on Caveats, Consent Terms and Latter's Patent

References:

- Mogha, G., Law of Pleading in India. Kolkata: Eastern Law House private Ltd., 2006
- Bindra N.S., Pleading and Practice. New Delhi: Universal Law publishing Co., 2010



**NIRMA UNIVERSITY
INSTITUTE OF LAW**

Academic Year: 2016-17

Drafting Skills II (Criminal Pleadings) – Modular Course
Semester VII

B.A., I.L.B. (Hons.), B.Com. LL.B. (Hons.) and B.B.A., LL.B. (Hons.)

Credit: 2

Hours: 30

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Introduction

Developing from the concepts learnt in Semester III and IV the present course focusses on the role that practising lawyers can take through various pleadings that can be submitted to the court to secure justice for their respective clients.

COURSE LEARNING OUTCOMES

At the end of the course the students will be able to

1. Draft important applications for the different stages of investigation, inquiry and trial
2. Understand the importance of pleadings for securing justice for the necessary parties in criminal proceedings
3. Appreciate criminal law in practice

Syllabus

1. Institutions of the case

- 1.1 Drafting of complaint application
- 1.2 Drafting of complaint of defamation
- 1.3 Drafting of writs (habeas Corpus, certiorari and mandamus or for any other orders)
- 1.4 Drafting of petition under section 482 of Code of Criminal Procedure
- 1.5 Complaint under section 138 of the Negotiable Instrument Act

2. Applications for Bail

- 2.1 Application for anticipatory Bail
- 2.2 Application for bail in bailable offence
- 2.3 Application for bail non-bailable offence
- 2.4 Application for cancellation of bail
- 2.5 Application for bail in appeal case
- 2.6 Application for interim bail
- 2.7 Application for bail under special legislation.
- 2.8 Application for modification in condition of bail

3. Appeals and Revision

- 3.1 Application of Appeal by state
- 3.2 Application of appeal by victim
- 3.3 Application of appeal by accused
- 3.4 Application of revision by accused/ victim/ state
- 3.5 Draft of Leave to Appeal under section 378(4)
- 3.6 Quashing Petition under section 482

4. Miscellaneous Applications

- 4.1 Drafting of application under section 178 of the Code for further investigation
- 4.2 Application for claiming maintenance under section 125
- 4.3 Application for alteration of maintenance order
- 4.4 Application for withdrawing of prosecution /complaint
- 4.5 Application for release of confiscated property
- 4.6 Application for compounding of offence
- 4.7 Application for allowing plea bargaining
- 4.8 Application for Pardoning Accomplice

5. Transfer of Cases

- 5.1 Transfer petition under Section 406 CrPC before the Supreme Court
- 5.2 Transfer petition under Section 407 CrPC before the High Court
- 5.3 Transfer petition under Section 408 CrPC, before Sessions Court

REFERENCE

1. Kataria and Khursid Naqui, Guide Criminal Pleadings and Drafting with Model Forms, Orient Publishing Company, 2008
2. Dr. K.N. Chandrasekharan Pillai (ed.), *R.V. Kelkar's Criminal Procedure*, Eastern Book Company, Lucknow
3. Durga Das Basu, *Criminal Procedure Code, 1973*, LexisNexis, Delhi
4. Justice Y.V. Chandrachud and V.R. Manohar (eds.), Ratanlal & Dhirajal's *The Code of Criminal Procedure*, LexisNexis Butterworths Wadhwa, Nagpur

**NIRMA UNIVERSITY
INSTITUTE OF LAW**

Academic Year 2016-17

B.A.L.L.B. (Hons.), B.Com. LL.B. (Hons.), B.B.A. LL.B (Hons.) Programme

Semester VIII

Modular Course

Drafting Skills III Conveyancing

Credit: 2

Hours:30

| L | T | PW | C |
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Introduction:-

The main objective of the course would be to orient students towards the technical requirements of the deeds. This course is offered after the nuances of the civil and criminal pleadings are taught. The emphasis of this course is on the conveyancing deeds.

Course Learning Outcomes

At the end of the course, students will be able to:

1. Draft the various conveyancing deeds
2. Know the process of registration of the deeds

1. Meaning of Conveyancing

- 1.1 Meaning of Conveyancing
- 1.2 Common Technical Aspects of Conveyancing

2. Conveyancing Deeds

- 2.1 Contract Law
- 2.2 Indemnity Agreements
- 2.3 Hire-Purchase Agreements
- 2.4 Bank Guarantee

2.5 Sale of Goods

3. Transfer of Property Law

- 3.1 Sale Deed
- 3.2 Different kinds of Mortgage deeds
- 3.3 Lease Deed
- 3.4 Gift Deed
- 3.5 Grant of Easements

4. Personal Law

- 4.1 Adoption Deed
- 4.2 Joint Family property settlement deed
- 4.3 Testament (Will)
- 4.4 Divorce compromises (maintenance)

5. Intellectual Property Rights

- 5.1 Assignment of Patent Rights
- 5.2 Licensing Patent rights
- 5.3 Trademark License Agreements
- 5.4 Assignment of Trade Marks with without Goodwill
- 5.5 Assignment of Copyright
- 5.6 Trade Secrete Agreements

6. Procedural Law

- 6.1 Affidavit – as part of pleading, evidence, etc .
- 6.2 Bonds

Suggested Readings:

- Bindra N.S. (2008) Pleading and Practice., Universal Law Publishing Co., New Delhi
- D'Souza Merwyn (2010). Law and Practice of Conveyancing Deeds and Documents
- Manohar Murli. (2004) Art of Conveyancing and Pleading, Eastern Book Company
- Dvarkar G (2013). Practical Guide to Deeds and Documents , Third Law House

15

NIRMA UNIVERSITY
INSTITUTE OF LAW
 B.A., LL.B. (Hons) and B.Com., LL.B. (Hons.) Programme
 Academic Year 2014-15
 Semester - IX
 Drafting Pleading, Conveyancing and Litigation Advocacy
 Syllabus

Credit: 5
Hours: 75

Introduction: The basic objective of the course would be to orient students towards technical requirements of profession. To inculcate the professional skills and standards required for client counselling. Along with Pleadings a lot of emphasis is given on other form of conveyancing done in court for example drafting of various applications in civil and criminal litigation and the drafting of writ petitions on various Constitutional matters.

Course Learning Outcomes:

At the end of the course students will be able to:

1. handle the client during the course of interaction.
2. articulate the argumentation process.
3. prepare legal draft according to the stages of litigation.
4. prepare the drafts for Civil, Criminal and Constitutional Litigation practice.
5. do necessary Conveyancing Deeds.

I. Developing Advocacy Skills

- ▲ Client Counselling
- ▲ Examination, Cross Examination and Re-examination.
- ▲ Articulation of Arguments
- ▲ Opening and closing a case

II. Civil Litigation

- ▲ Notice
- ▲ Pleading: Plaint and Written Statement
- ▲ Appeals: First and Second appeal and appeal for orders

III. Criminal Litigation

- ▲ Complaint
- ▲ Bail application
- ▲ Criminal appeal and Revision
- ▲ Quashing

IV. Constitutional

- ▲ Drafting of different kinds of Writs.
- ▲ PIL

V. Conveyance

- ▲ Sale Deed
- ▲ Mortgage deed
- ▲ Power of Attorney

- ▲ Arbitration Agreements
- ▲ Articles of Association and Memorandum of Association

References:

- Asprey, M. M., 2009. *Plain Language for Lawyers*. New Delhi: Universal Law Publishing Co.
- Divakar's, G., 2013. *Practical Guide to Deeds and Documents*. Pune: Hind Law House.
- D'Souza, M., 2010. *Law and Practice of Conveyancing Deeds and Documents with Model forms*. Pune: CTJ Publications.
- Gopal, S., 2011. *Conveyancing, Precedents and Forms*. Lucknow: Eastern Book Company.
- Manohar, M., 2004. *Art of Conveyancing and Pleading*. Lucknow: Eastern Book Company.
- Mogha, G., 2006. *Law of Pleading in India*. Kolkata: Eastern Law House Private Ltd.
- N.S. Bindra, 2010. *Pleading and Practice*. New Delhi: Universal Law Publishing Co.
- Rao, D. S. J., 2009. *Deeds and Documents principles and Practices*. New Delhi: Snow white.
- Rosa, W., 2007. *Pleadings without Tears, A Guide to Legal Drafting Under the Civil Procedure Rules*. New York: Oxford University Press.

Pr

"Drug Laws" - UEIP002

Introduction to Drugs & Pharmaceutical Industry,
Overview of various Acts, rules and schedules including case studies like
Drugs and Cosmetics (D&C) Act and rules related to manufacturing, labeling, packing,

sale, import and export of drugs and cosmetic products, administration of the act (Central drug
laboratory, DTAB etc.), Overview of Schedule M, Study of

Narcotic Drugs and Psychotropic Substances (NDPS) Act including manufacturing control,
Medicinal and Toilet Preparations (M&TP) Act, Patent Act including concepts of intellectual
property rights (IPR), Drugs and Magic Remedies (Objectionable Advertisement) Act,
Pharmaceutical Policy Act 2002, Drug (Price Control) Order and National Pharmacy Pricing
Authority (NPPA) of India.

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**Nirma University
Institute of Law
B.Com. LL.B. (Hons) Programme,
Academic Year 2018-19
Semester II
E- Commerce**

| L | T | P | C |
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| Course Code | 2BBL232 |
| Course Title | E- Commerce |

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

1. Recognize functional aspects of E-Commerce and E-Business operations.
2. Examine the E-Commerce infrastructure and E-Payment systems.
3. Appreciate the policy framework and legal aspects of E-Commerce.

Syllabus

Teaching Hours: 60

Unit I Introduction to E- Business:

10 Hours

- 1.1 Definition of E-Business, Origin of E-Business
- 1.2 History of the Internet
- 1.3 E-Business Opportunities for Businesses
- 1.4 Working and Functions of E-Business
- 1.5 E-Business Vs the Traditional Business Mechanism
- 1.6 Advantages of E-Business
- 1.7 Disadvantages of E-Business
- 1.8 Main Goals of E-Business

Unit II E-Business: Operations

10 Hours

- 2.1 Requirements and Architecture
- 2.2 Requirements of E-Business
- 2.3 E-Business Framework Architecture
- 2.4 1-way or Information Highway

Unit III E-commerce Infrastructure

10 Hours

- 3.1 Need for an Intelligent Website



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- 3.2 Technology Infrastructure Required
- 3.3 Basic Web Languages for Web Designing
- 3.4 Corporate Strategic Infrastructure Required
- 3.5 Miscellaneous Website Design Tips

Unit IV E-Payment Systems

10 Hours

- 4.1 B2B Electronic Payments
- 4.2 Third-Party Payment Processing
- 4.3 Electronic Payment Gateway
- 4.4 Security Standard for Electronic Payment System

Unit V Policy and Implementation

8 hours

- 5.1 Legal and Ethical Policy Issues
- 5.2 Protection of Privacy and Intellectual Property
- 5.3 Strategy Planning for E-Business
- 5.4 Recent Trends in E- Commerce
- 5.5 Case Studies in E- Commerce

Unit VI Mobile Commerce

12 hours

- 6.1 Overview of M-Commerce
- 6.2 Wireless Application Protocol (WAP)
- 6.3 Generations of Mobile Wireless Technology
- 6.4 Components of Mobile Commerce
- 6.5 Networking Standards for Mobiles

Suggested Readings:

1. Kalakota, Ravi, and Andrew B. Whinston, (2012) *Electronic Commerce: A Manager's Guide* Addison-Wesley.
2. John Hagel and Arthur G. Armstrong (2013) *Net Gain: Expanding Markets Through Virtual Communities*, Harvard Business School Press.
3. David Kosiur, (2007) *Understanding Electronic Commerce: How Online Transactions Can Grow Your Business*, Microsoft Press.
4. Anne Leer (Ed.) (2009) *Masters of the Wired World: Cyberspace speaks out*, Financial Times, London UK.

R

A

Nirma University
Institute of Law
Academic Year 2014-15
ELECTION LAW
SEMESTER X
OPTIONAL COURSE IV

Appendix - A of Note No. 113
dt. 28.10.14 A.C. Regd. C.F.

B.A., LL.B. (Hons.) and B.Com., LL.B. (Hons.) Programme

Credit : 3
Hours : 45

Introduction

Election law is the law of democracy. This course focuses on two key topics - firstly, voting, representation and equal protection; and secondly, corruption and freedom of political parties at the time of election. This course is to acquaint the students with the election laws governing the elections to the Houses of the Parliament and the State Legislatures as well as to the offices of President and Vice-President. The course also covers indirect election of local self bodies. The course will also cover role of Election Commission, corrupt practices in the election and election reforms.

Course Learning outcomes

At the end of the course students will be able to

- Solve the issues related to election to the Offices of the Member of Parliament, State Legislative Assembly and Local Bodies
- Explain and provide guidance of the laws related to Qualification and Disqualification of Candidates
- Understand the role and challenges of Election Commission

1. Introduction

- 1.1 Election: Meaning and Process
- 1.2 Constitutional Mandates
- 1.3 Law Governing Election
- 1.4 Election disputes
- 1.5 Nomination and Candidates
- 1.6 Voter's Right to Information

2. Election to the Offices of the President and Vice President

- 2.1 Provisions under the Constitution of India
- 2.2 The Presidential and Vice-Presidential Election Act, 1951
- 2.3 Procedure in case of dispute

3. Election of Members of Parliament and State Legislatures

- 3.1 Election process of Members of Parliament
- 3.2 Qualifications and disqualifications of MP
- 3.3 Filing of nomination and declaration of assets
- 3.4 Procedure in case of false declaration

- 3.5 Delimitation of Constituencies
- 3.6 Preparation and Revision of Electoral Rolls

4. Election of local self bodies

- 4.1 Election of Village Panchayat, Block Development Committees and District Panchayat
- 4.2 Election of Nagar Panchayat, Municipalities and Municipal Corporations
- 4.3 Election of Cooperative Societies and Societies
- 4.4 Provisions relating to election dispute

5. Election Commission

- 5.1 Composition of Election Commission of India
- 5.2 Functions of Election Commission
- 5.3 Powers of Election Commission
- 5.4 State Election Commission
- 5.5 Other provisions of the Election Commission Act, 1991

6. Certain Provisions in the Election Law (Electoral Offences)

- 6.1 The Representation of Peoples Act, 1951
- 6.2 The Delimitation Act, 2002
- 6.3 Offences under the IPC (sections 171A-171F)

7. Disqualification of Candidates

- 7.1 Constitutional Provisions, Provisions in the Representation of Peoples Act, 1951 (Sec. 3-11)
- 7.2 Disqualifications of Standing Members
- 7.3 Anti-Demonition Law (Tenth Schedule to the Constitution of India)

8. Election Reform

- 8.1 Report of Law Commission
- 8.2 Suggestions proposed by the Judiciary
- 8.3 Association for Democratic Rights (ADR)
- 8.4 Comparison of Indian election law with other democratic constitutions
- 8.5 Election law: challenges and suggestions

References

1. D.D. Basu, *The Constitutional Law of India* (Latest Edition)
2. M.P. Jain, *The Constitution of India* (Latest Edition)
3. Prayagar, *Manfred by Election Law in India* (Latest Edition)
4. P.C. Jha, *Chowdhury's Election Law* (Latest Edition)
5. R.N. Jha, *Practical Election Law and procedure in India*
6. K.C. Sanyal, *Current Practice in Election Law*

**NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year: 2016-17
Institute Elective
Electricity Law**

**Credit: 2
Hours: 30**

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Introduction :

This course covers policy guidelines for distribution of tariff under Electricity Act, 2003. It also relates to generation, transmission, distribution, trading and use of electricity for taking measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas, rationalisation of electricity tariff, ensuring transparent policies regarding subsidies, promotion of efficient and environmentally benign policies, constitution of Central Electricity Authority Regulatory Commissions and establishments of Appellate Tribunal for matters therewith or incident thereto.

Course Learning Outcomes:

After the completion of the course the students will be able to:

1. Understand and describe the underlining concepts of Electricity Act.
2. Identify and articulate the emerging issues under Electricity Act.
3. Enable learners to understand, explore, and acquire practical insight of Electricity Law.

Syllabus

1. **Historical Background of Electricity Act**
 - 1.1 Indian Power Sector and Reforms
 - 1.2 Historical Background of Legislative Initiative
 - 1.3 Indian Electricity Act, 1910
 - 1.4 The Electricity Act, 1948
 - 1.5 Electricity Regulatory Commission Act, 1998
 - 1.6 Electricity Act, 2003
2. **Electricity Act 2003 and Policy Guidelines**
 - 2.1 Licensing
 - 2.2 Distribution
 - 2.3 Transmission
 - 2.4 Penalties

3. **Regulatory Institutions under Electricity Act**
 - 3.1 Constitution, powers and functions of Central Commission
 - 3.2 Constitution, powers and functions of state Commission
 - 3.3 Proceedings and powers of Appropriate Commission

4. **Tariff Determination**

- 4.1 Tariff Regulations
- 4.2 Determination of Tariff
- 4.3 Determination of Tariff by Bidding Process
- 4.4 Procedure and scope of Tariff order
- 4.5 Provision of Subsidy by State Government

5. **Determination and Adjudication of Cases and Case Laws**

- 5.1 Appellate Tribunal for Electricity
- 5.2 Investigation and Enforcement
- 5.3 Special courts
- 5.4 Arbitration

6. **Challenges and Way Ahead**

- 6.1 Amendments 2014
 - 6.1.1 Further enabling open access, competition and markets
 - 6.1.2 Greater impetus for renewable Energy
 - 6.1.3 Greater accountability of the regulatory institutions

REFERENCES:

1. Chatterjee S.K., Commentary on The Electricity Laws of India (2nd Edn, Delhi: Law House)
2. Banerjee, Electricity Laws in India (2008)
3. Naushir Bharucha, Guide To The Electricity Laws (4th Edn 2004)
4. Ahluwalia S Sarjeev (2000). "Power Tariff Reform in India". Economic & Political Weekly, Vol. 35, No. 38, pp. 3407.
5. Bajaj Pradip (1999), "Restructuring Power Sector in India - A Base Paper", Economic & Political Weekly, Vol. 34, No. 39, pp. 2795
6. EPW (2000), "Legal Framework for Power Sector Reforms: Electricity Bill 2000", Economic and Political Weekly, Vol. 35, No. 19.
7. The Indian Electricity Act 1910, Universal Law Publishing Co. Pvt. Ltd., Delhi.
8. The Electricity (Supply) Act 1948 Universal Law Publishing Co. Pvt. Ltd, Delhi.
9. The Companies Act 1956, Universal Law Publishing Co. Pvt. Ltd., Delhi.

10. The Electricity Act, 2003, Universal Law Publishing Co. Pvt Ltd., Delhi.
11. GOI. Annual Report on the Working of State Electricity Boards & Electricity Departments. Various issues from 1990 to 2014, Planning Commission, Government of India, New Delhi.
12. Kumar Surinder (1999), "The State Subsidisation and Pricing Policy in Electricity Supply: A Case Study of Haryana State", Indian Journal of Power & River Valley Development, Calcutta, March-April, pp.29-39.
13. Kumar Surinder (2004), Electricity Theft: Empowering People and Reforming Power Sector, Manohar Publication, Delhi & Institute for Development and Communication, Chandigarh.
14. World Bank (2013), World Development Report

NIRMA UNIVERSITY
Institute of Management
University Elective

Course Title: Elements of Management

Credit Hours: 3

Course Number: UEIM004

Course Objectives

- To familiarize the students with the Management Discipline.
- To understand the role of a manager in managing people and organizational activities.

Learning Outcomes

At the end of the course, students will be able to:

1. Understand the major functions of management viz. Planning, Organizing, Leading and Controlling,
2. Describe the interrelationship among the various functions of Management
3. Develop a general management perspective, and

Syllabus

Module 1: NATURE & EVOLUTION OF MANAGEMENT

- Meaning & Scope of Management
- Management a Science and/or Art?
- Management Vs Administration
- Management as a Profession
- Evolution of Management Thought
- Early Classical Approaches – Scientific Management, Administrative Management, Bureaucracy
- Neo-Classical Approaches – Human Relations Movement, Behavioural Approaches
- Modern Approaches – Quantitative Approach; Systems Approach; Contingency Approach
- Management Process
- Functional Areas of Management
- Global Applications
- Management Practices in India

Module 2: MANAGERIAL ROLE & EXTERNAL ENVIRONMENT

- Role of Managers
- Mintzberg's Ten Managerial Roles
- Functions of Various Levels of Management
- Managerial Skills
- External Environment of the Organization & Its Impact on Organizational Operations
- Globalization and Business Environment

Module 3: PLANNING AND ORGANIZING

Planning

- Planning: Meaning, Need & Importance
- Planning Process
- Types of Plans; Objectives, Policies, Procedures and Methods
- Nature and Type of Policies
- Types of Planning; Advantages & Limitations
- Forecasting: Need & Techniques
-

Organizing

- Division of Work
- Departmentation; Definition; Departmentation by Function, Territory, Product/Service, Customer Group; Matrix Organization
- Line & Staff; Span of Control
- Authority; Delegation of Authority; Centralization & Decentralization; Formal and Informal Organizations

Module 4: Coordination and Control

Coordination

- Need for Coordination
- Types and Techniques of Coordination
- Coordination Process
- Coordination Characteristics
- Coordination: Advantages and Limitations
- Distinction between Coordination and Co-operation

Controlling

- Concept of Controlling
- Types of Controls
- Design of Control Process
- Control Methods – Financial; Budgetary; Operational; Quality; Information Systems & Control
- Responsibilities of Managers

Module 5: Current Trends in Management

- Managing Diversity
 - Technology Management
 - Capability Development
 - Management of Family Owned Businesses
 - Relevance of Management to Modern Industries and Government
-
- Management Lessons from Indian Ethos

Suggested Readings

1. Stoner, J. A. F. & Freeman, R. E. Management, (6th Ed). Prentice Hall, 1995.
2. Prasad, L. M. Principles and Practice of Management. (7th Ed). Delhi: Sultan Chand & Sons. 2008.
3. Drucker, P. The Practice of Management. Elsevier Ltd. 1955, Reprint 2007.
4. Hampton, D. R. Contemporary Management. (2nd Ed). McGraw Hill. 1981, Reprint 2008.
5. Tripathi, P. C. & Pandey, P. N. Principles of Management . (5th Ed). New Delhi: Tata McGraw Hill. 2012.
6. Koontz, H., Weihrich, H. & Aryasri, R. Principles of Management. Tata McGraw Hill. 2004.

Nirma University
Institute of Law
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Programme,
Academic Year 2018-19
Semester I

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|--------------|---------------------------|
| Course Code | 2BL131 |
| Course Title | English I (Communication) |

Course Learning Outcome (CLO)

By the end of the course, students will be able to:

1. Use English language appropriately for functional skill like listening, reading, writing and speaking
2. Demonstrate essential skills required for effective written and oral communication
3. Construct grammatically correct sentences and the use of appropriate punctuation marks
4. Use English language effectively using idioms and phrasal verbs

Syllabus

Teaching Hours: 60

Unit: I Concept of Communication

08 Hours

- 1.1. Process
- 1.2. Types
- 1.3. Principles
- 1.4. Barriers

Unit: II Listening- Rhetoric & Speeches

10 Hours

- 2.1. William Lyons Phelps "Praises the Owning of Books"
- 2.2. "A Plea for the Severest Penalty, Upon his Conviction for Sedition" by MK Gandhi
- 2.3. "Ballot & Bullet" by Abraham Lincoln
- 2.5. Carl Sagan contemplates the Potential Self-Destruction of Earth
- 2.6. "I have a dream-The civil Rights Movement" by Martin Luther King Jr.

Unit III Speaking- Suprasegmental Features

12 Hours

- 3.1. Phonology- English Phonemes, Transcription
- 3.2. Stress
- 3.3. Intonation

w.e.f. academic year 2018-19 and onwards Page 1 | 2

Unit IV Critical Reading**06 Hours**

- 4.1 How to read a book?
- 4.2 Choice of words
- 4.3 Idioms, Phrasal verbs

Unit V Writing- Grammar & Usage**14 Hours**

- 5.1 Word classes
- 5.2 Concord: Grammatical, Notional
- 5.3 Active, passive voice
- 5.4 Tense and its types
- 5.5 Sentence: Types, Patterns
- 5.6 Punctuation

Unit VI Analytical Writing**10 Hours**

- 6.1 Précis writing
- 6.2 Paragraph writing
- 6.3 Letter writing

Suggested Readings:

1. Safire, W. (2004). *Lend Me Your Ears: Great Speeches in History*. London: WW Norton.
2. Kaul, Asha. (2006). *Business Communication*. New Delhi: PHI.
3. Sen, Leena. (2009). *Communication Skills*. New Delhi: PHI.
4. Ramachandran, K. K., et al. (2008). *Business Communication*. New Delhi: Macmillan.
5. Wright, Chrissie (ed). (2006). *Handbook of Practical Communication Skills*. Ahmedabad: Jaico
6. Thomson, A J & Martinet, A V. (1997). *A Practical English Grammar* (3rd ed). OUP.
7. Quirk, Randolph & Greenbaum, Sidney. (1990). *A Student's Grammar of English Language*. Longman.
8. Nesfield J. C. (2002). *English Grammar Composition and Usage*. Noida: Macmillan India.
9. Thorpe E. and Thorpe S. (2011). *Objective English*. Noida: Pearson Education.
10. Amin A. and Eravelly R. and Ibrahim F. J. (2004). *Grammar Builder*. Cambridge: Cambridge University Press.
11. Hewings M. (1999). *Advanced English Grammar*. Cambridge: Cambridge University Press.
12. Keech Geoffery and Svartik Jan. *A Communicative Grammar of English*. Pearson Pub.
13. Adler, Mortimer J & Doren, Charles Van (1972) . *How to Read a Book: The Classic Guide to intelligent Reading*. New York: Simon Schuster.



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Nirma University
Institute of Law
B.A.,LL.B. (Hons.) and B.Com. LL.B. (Hons.) Programme
Academic Year 2018-19
Semester II

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| Course Code | 2BL233 |
| Course Title | English – II (Literature) |

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

1. Explain the interactions of language, law and society through literature
2. Compare and discover parallel among cases and texts.
3. Develop poetic and prosaic writing skills.

Syllabus

Teaching Hours: 60

Unit: I Selected Short Sorties & Poems 20 Hours

- 1.1. Advice to a Young Man Interested in Going into Law by Felix Frankfurter
- 1.2. The Proposal by Anton Chekov
- 1.3. Criminal Courts by Charles Dickens
- 1.4. After Twenty Years by O Henry
- 1.5. The Trial Scene of Merchant of Venice by William Shakespeare
- 1.6. The Five Functions of the Lawyer by Arthur T Vanderbilt
- 1.7. Mr. Havlena's Verdict by Karel Capek
- 1.8. The Adventure of the Dying Detective by Arthur Conan Doyle
- 1.9. Prisoners by Anton Wildgans (Translated by Albert A. Ehrenzweig)
- 1.10. Indian Weavers by Sarojini Naidu
- 1.11. Stopping by Woods on a Snowy Evening by Robert Frost

Unit: II Fiction 15 Hours

- 2.1. Antigone by Sophocles
- 2.2. The Trial by Franz Kafka

Unit: III Non-Fiction 15 Hours

- 3.1. Law and Lawyers
- 3.2. Essay Writing

Unit: IV Films and contemporary reading 10 Hours

- 4.1. Amistad
- 4.2. To Kill a Mocking Bird
- 4.3. Two literary works having contemporary relevance

List of works (To be covered as part of 4.3 – optional list of works):

1. *A Passage to India* by E M Forster
2. *Beloved* by Toni Morrison
3. *The Power and the Glory* by Graham Greene
4. *Midnight's Children* by Salman Rushdie
5. *Crime and Punishment* by Fyodor Dostoevsky
6. *Defending Jacob* by William Landay
7. *House Rules* by Jodi Picoult
8. *The Kings of Torts* by John Grisham
9. *Silence! The Court is in Session* by Vijay Tendulkar (Play)
10. *Blood Defense* by Marcia Clark
11. *Untouchable* by Mulk Raj Anand

Suggested Readings:

1. Gandhi, M. K. (1962). *The Law and the Lawyers*. Ahmedabad: Navjivan Publishing House.
2. Watling, E. F. (trans.). (1984). *Sophocles: The Theban Plays*. London: Penguin.
3. Bhatnagar, R. P. (2012). *Law and Language*. New Delhi: Macmillan.
4. Boulton, Marjorie. *The Anatomy of Poetry*. Routledge.
5. Boulton, Marjorie. *The Anatomy of Drama*. Routledge.
6. Abrams, M. H. & Harpham, Geoffrey. (2011). *A Glossary of Literary Terms*. Cengage Learning.

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w.e.f. academic year 2018-19 and onwards

**NIRMA UNIVERSITY
INSTITUTE OF LAW**

**B.Com., LL.B.(Hons.) & B.B.A., LL.B.(Hons.) Programme
Academic Year 2014-15
Semester - IV
Entrepreneurship**

Credit: 4
Hours: 60

Introduction

Entrepreneurship is the underlying factor for enhancing competitiveness and prosperity that characterize the economy of India. At a time when we are riding the wave of globalization, we need more entrepreneurs to build a competitive, inclusive and innovative country. The course unleashes the spirit of innovation in students in the age of corporate downsizing, follow-your-dream philosophy and the post dot-com business scenario. In this course, students learn the essential attributes of an entrepreneur and the stages one goes through in taking the seed of an idea and growing it into a successful business.

Course Learning Outcomes(CLO)

After completion of the course the students will:

- Illustrate the attributes of a successful entrepreneur
- Be able to develop a business plan
- Learn many aspects of leadership, managerial and teamwork.
- Understand legal aspects of establishing a business unit

I. Entrepreneurship: Concept and Function

- Entrepreneurship : What makes an entrepreneur
- Essence of Entrepreneurship – Evolution & Theory
- Role and Importance of Entrepreneur in Economic Growth
- Functions of entrepreneur
- Tips for an entrepreneur

II. Process of Entrepreneurship

- Understanding Law Entrepreneurship
- First Step:
 - o Business Plans
 - o Planning Commission Guidelines
 - o Guidelines for Financial Assistance
 - o Functions of Entrepreneur.





- Second Step:

- o Finding Resources :

- Venture Capital, Angel investing, Bank Funding,
 - Government Policy Packages
 - State Financial Corporations and other Financial Institutions
 - Business Incubators and Facilitators

- Third Step:-

- o Structuring your business:

- Capital Structure
 - Forms of business
 - Incorporation - Taxes, Computation of Income and other details
 - Legal formalities and Documentation

- Fourth Step:-

- o Growth Phase :

- How to scale up
 - Transitioning the family business - Professionalism and succession

II. Entrepreneurship as Innovation and Problem Solving

- Entrepreneurs - As problem solvers
- Innovations and Entrepreneurial Ventures
- Social Entrepreneurship - Concept and Importance
- Risk taking - Concepts and types
- The role of technology, social media in creating new firms, networks and enterprise clusters
- Barriers to Entrepreneurship
- Support structure for promoting entrepreneurship (various government schemes)

III. Values, Competencies & Types of Entrepreneurs

- Types of Entrepreneurs
- Competencies and Characteristics; Ethical Entrepreneurship
- Entrepreneurial Values: Values, Attitudes and Motivation
- Mind-set of an Employee and an Entrepreneur - Difference
- Entrepreneur: Importance in Any Organization

IV. Form of Business Organization - Legal Aspects

- Legal aspects of establishing new Business Unit,
- Forms of Business Organization: Sole Proprietorship, Partnership,
- Joint Stock Companies & Co-operatives.
- Business Combination: Meaning, Causes, Objectives, Types and Forms
- Mergers, Takeovers and Acquisitions.
- Business Finance: Financial need of Business, methods & sources of finance
- Security Market, Money Market, Study of Stock Exchange & SEBI.

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V. Entrepreneurship Development and Government

- Role of Central Government and State Government in promoting Entrepreneurship - Introduction to various incentives, subsidies and grants - Export Oriented Units - Provisions and Tax concessions available
- Role of agencies in the Entrepreneurship Development
 - o District Industries Centres (DIC)
 - o Small Industries Service Institute (SISI)
 - o Entrepreneurship Development Institute of India (EDII)
 - o National Institute of Entrepreneurship & Small Business Development (NIESBUD)
 - o National Entrepreneurship Development Board (NEEDB)

VI. Relevant case of the Law firms and local Corporate House

References:

- Hunt, David, H. *Entrepreneurship: New Venture Creation*, Prentice Hall
- Zimmer, Thomas W., Wilson, Doug, Scarborough, Norman M. *Essentials of Entrepreneurship and Small Business Management* Prentice Hall
- Peter Drucker (2000). *Innovation and Entrepreneurship Development*, Cengage Learning.
- Kordania, Chukka (2002). *Entrepreneurship in New Millennium: Challenges & Prospects*. Tata McGraw-Hill Publishers Company Limited.
- Desai, Yasant, (2010) *Dynamics of Entrepreneurial Development & Management*, Himalaya Publishing House
- Joshi, Mahesh V. (2008). *Towards success the basic elements of Entrepreneurship* Adhyayan Publisher's & Distributors
- G.S.Batra (2010). *Development of Entrepreneurship*. Deep & Deep Publishers

Nirma University
Institute of Law
B.A. LL.B. (Hons) and B.Com., LL.B. (Hons) Programme
Academic Year 2013-14

Semester VII

ENVIRONMENTAL LAW

Objectives of the course

The Environmental law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter generational equity and prevention of pollution. All these issues relate to problematic about construction of a just, humane and healthy society. Secondly, environmental law necessarily demands an inter-disciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology-related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law is essential.

UNIT 1 : 1. Concept of Environment & Environmental Pollution

1.1. Introduction: Concept of Environment and scope of Environmental Law:

1.1.1. Concept of Pollution

1.2.1 Meaning and contents

1.2. Kinds of pollution

1.3. Effects of pollution

UNIT 2. Pollution Control by Legal means:

2.1. Historical perspectives: Indian tradition of *Dharma* & Environment

2.2. Scope during the British Raj - industrial development and exploitation of nature

2.2.1. Concept of Nuisance and Environmental Pollution: The Indian Penal Code 1862 and Criminal Procedural Code 1973

2.3. Free India - significance of British influence

2.3.1. Old laws and new interpretations

UNIT 3 : Constitutional Perspectives Environmental Protection

3.1. Constitutional Mandate

3.2. Fundamental Duty

3.3.1. Contents

3.3.2. Judicial approach

3.4. Fundamental Rights

3.4.1. Rights to clean and healthy environment

3.4.2. Right to food- 3rd Generations Rights

3.4.3 Right to education

3.4.4. Right to information & Environmental Protection.

3.5. Scope under Directive Principles of State Policy.

3.6. Status, role and interrelationship with fundamental rights and fundamental duties.

UNIT 4: Environment v. Development: Emerging principles

4.1. Concept of Sustainable Development.

4.2. Polluter pays: Ref. to Public Liability Insurance Act, 1991

4.3. Precautionary principle

4.4. Public Trust Doctrine

4.5. Principle of inter-Generational Equity

4.6. Enforcing agencies and remedies

4.6.1. Courts: - Constitutional, statutory and judicial remedies

4.6.2. Tribunals:

a. National Environment Tribunal Act, 1995

b. Environment Appellate Authority, 1995

UNIT 5: Prevention and Control of Pollution:

5.1. Water Pollution - Water Act-1974

5.2. Air Pollution- Air Act-1981

5.3.1. Meaning and standards

- 5.3.2. Culprits and victims
- 5.4.2 Offences and penalties
- 5.4.4 Judicial approach
- 5.5. Noise Pollution- Meaning and standards
- 5.6. Legal control: Air Act- 1981, NAAQS Rules 2000
- 5.7. Judicial approach Court's of balancing: permissible and impermissible noise, Right to Religion versus Freedom of Religion

UNIT 6. Environment Protection Act, 1986

- 6.1. Protection agencies: power and functions
- 6.2. Protection: means and sanctions
- 6.3. Emerging protection through the scope of delegated legislation power under EPA, 1986
- 6.4. Environment Impact Assessment: EIA Notifications in India
 - 6.4.1. Environmental Public Hearing, Green movement and the role of NGO
- 6.5. Coastal Zone Management- CZR Notifications in India
- 6.6. Environmental Audit and Eco Mark
- 6.7. Judiciary: complex problems in administration of environmental justice

UNIT 7. Hazardous waste Laws in India:

- 7.1. Bio-medical waste
- 7.2. Genetic engineering
- 7.3. Disaster emergency preparedness
 - 7.3.1. National Disaster Management Act 2005
 - 7.3.2. Gujarat State Disaster Management Act 2003

UNIT 8: Environmental Concern Town Planning:

- 8. Town and country planning: Concept of "Green spaces & Lung Spaces"
 - 8.1. Law: enforcement and constrain
 - 8.3. Planning - management policies

UNIT 9: Conservation and protection of Resources:

- 9. Forest and greenery
 - 9.1. Grochery conservation laws
 - 9.1.1. Forest conservation
 - 9.1.2. Conservation agencies
 - 9.1.3. Prior approval and non-forest purpose.

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- 9.1.4. Symbiotic relationship and tribal people
- 9.1.5. Denudation of forest: judicial approach
- 9.2. Wild life
 - 9.2.1. Sanctuaries and national parks.
 - 9.2.2. Licensing of zoos and parks
 - 9.2.3. State monopoly in the sale of wild life and wild life articles
 - 9.2.4. Offences against wild life.

UNIT 10: Protection of Biodiversity and IPR:

- 10. Bio-diversity – Importance and need for protection
- 10.1 Legal control- Convention on Biological Diversity, 1992, Cartagena Protocol on Biosafety, 2000 National Biodiversity Act, 2002
- 10.2 Control of eco-unfriendly experimentation on animals, plants, seeds and micro organism.

UNIT 11. International Environmental Legal Regime:

- 11.1. Stockholm Conference on Human Environment-1972
- 11.2. The Concept of Green House Effect and Ozone Depletion
- 11.3. Rio conference on Human Environment and Development, 1992
- 11.4. U.N. declaration on right to development.
- 11.5. Wetlands-The Convention on Wetlands (Ramsar, Iran, 1971)
- 11.6. Climate Change Frame work – UNFCCC-1991, Kyoto Protocol-1997, and Copenhagen Summit-2009.

References:-

1. Armin Rosencranz, et al., (eds.), Environmental Law and Policy in India, (2000), Oxford
2. R.B.Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing Co., New Delhi.
3. Kailash Thaker, Environmental Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi.
4. Richard L.Riversz, et.al. (eds.) Environmental Law, the Economy and Sustainable Development (2000), Cambridge.
5. Christopher D.Stone, Should Trees Have Standing and other Essays on Law, Morals and the Environment (1996), Oceana
6. Leelakrishnan, P et. al. (eds.), Law and Environment (1990), Eastern, Lucknow
7. Leelakrishnan, P, The Environmental Law in India (1999), Butterworths-India

8. Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report).
9. Indian Journal of Public Administration, Special Number on Environment and Administration, July- September 1983, Vol. XXXV, No.3, pp.353-381 Centre for Science and Environment, The State of India's Environment 1982, The State of India's
10. Environment 1984-85 and The State of Indian Environment 1999-2000.
11. World Commission on Environment and Development, Our Common Future (1987), Oxford.
12. Prof. Jariwala Cases on Environmental Law
13. Agarwal Anil Narain Sunita - Towards a green world - New Delhi, Centre for Science and Environment 1992
14. Agarwal S. L. - Legal Control of Environmental Pollution - Bombay, N.M. Tripathi, 1980.
15. Baxi Upendra - Environmental Protection Act - An agenda for implementation - Bombay, N.M. Tripathi, 1987
16. Bell Stuart & McGilivray Donald, Environmental Law The Law And Policy Relating To The Protection Of The Environment, First Indian Reprint, Universal Law Publishing Co. Pvt. Ltd. New Delhi.
17. Boyle Alan Anderson Michael. - Human Rights approaches to environmental protection - Oxford, Glendon press, 1998
18. Chaturvedi R. E. Chaturvedi M. M. - Law on Protection of environment and prevention of pollution, Allahabad The Law Book Co. 1997.
19. Darryl D'menter, Storm Over Silent Valley, Centre For Environmental Education Ahmedabad.
20. Desai Ashok A. Justice Environmental Jurisprudence, Vikas Publishing House Pvt. Ltd. 1st Edition 1998
21. Diwan Paras Diwan Preetishni - Environment administration, law and judicial attitude - 3 volumes New Delhi Deep and Deep Publications 1997
22. Dr. Tiwari H. N. Environmental Law, Allahabad Law Agency Faridabad, 2005
23. Iyer Krishna V.R. Environmental Protection and legal Defence - New Delhi, Sterling publishers (P) Ltd. 1992
24. C. Shashtri, Environmental Law in India, Eastern Book company, Lucknow. (2002)

25. Stuart and Gillivary, Environmental Law, Universal Publishing House Pvt. Ltd. Delhi 2003
26. Sands, P., Principles of International Environmental Law I : Framework, Standards and Implementation, Manchester University Press U.K. 1995
27. LeelaKrishnan P : Environmental Law in India Butterworth.
28. LaciaKrishnan P Environmental Law Case Book, Lexis Nexis, Butterworth, India 2004
29. Dr. Padma, International Environmental Law, Asia Law House.
30. The Hindu : The Survey of Environment, 2008.



Civil Engineering Department

University Electives offered by Civil Engineering Department to be made effective from academic year 2015-16

UEIT009 Environmental Conservation for Sustainable Development [3 0 0 3]

Course Learning Outcome:

After successful completion of the course, student will be able to

- identify and analyse environmental issues related to developments and address suitable mitigation measures
- comprehend and formulate appropriate environmental pollution control methodology
- identify and assess environmental hazards, consequences and safety provisions
- select and evolve appropriate environmental monitoring and management strategies

Syllabus:

Developmental Activities and Environmental Issues: Environmental issues arising from developmental activities, nature and characteristics of environmental impacts of urban and industrial developments. Need for technological inputs addressing the multi-disciplinary nature of environment leading to sustainable development.

Environmental Pollution – Assessment and Control: Constituents, types, assessment and control of environmental pollution. Environmental indices and modelling tools for prediction and assessment of environmental quality. Fundamental pollution control systems, methodologies, operation and maintenance.

Environmental Health and Safety: Basic concepts and terms of environmental risk, identification and assessment procedures. Consequence and analysis of environmental and health hazards.

Environmental Monitoring and Management for Sustenance: Environmental management systems, monitoring and control of undesirable environmental implications. Linkages between technology, emission trading, economic gain and societal goals for sustainable development. Environmental cost benefit analysis, decision methods for evaluation of environmentally sound alternatives. Environmental regulations and legislation, international resource sharing issues, treaties and protocols.

Self Study:

The self study contents will be declared at the commencement of semester. Around 10% of the questions will be asked from self study contents.

References:

1. Howard S. Peavy, Donald R. Rowe, George Tchobanoglous, Environmental Engineering, McGraw-Hill International Editions-Civil Engineering Series
2. Larry W. Canter, Environmental Impact Assessment, McGraw-Hill International Editions
3. Environmental Concerns and Sustainable Development: Some perspectives from India, Sakarma Somayaji, Ganesha Somayaji, TERI Press
4. G. Bruce Wiersma, Environmental monitoring, CRC Press
5. Nicholas P. Cheremisinoff, Madelyn L. Graffia, Environmental Health and Safety Management: A Guide to Compliance, Jaico Publishing House

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A.,LL.B. (Hons.) and B.Com LLB (Hons.)
Academic Year 2014-15
Semester I

Credit : 1
Hours : 15

Ethics

Introduction:

This course is designed as a learning opportunity to explore and understand basics of ethics, currently relevant issues, related ethical reasoning and ethical dimensions. The challenges of globalization as well as rapid developments in many parts of the world require open minded, yet well grounded and sound approaches to both simple and complex ethical issues and challenges that arise from the ever evolving nature of ethics. We need to learn to understand and critically evaluate where boundaries can be negotiated and where boundaries can or cannot be crossed. Since ethics is concerned with systems of principles, it provides us a prism to look at what sustains flourishing and well-being, and which diminishes it.

Course Learning Outcomes (CLO)

By the end of this course, students will be able to:

- Reflect on the role of self in the ethical process
- Understand the roles of ethics in everyday life
- Be familiar with major ethical theories and practice
- Improve individual and group skills in identifying, examining and acting on ethical issues
- Recognise ethical dimensions and challenges in ethics in an era of globalisation and pressures for "success"

I. Introducing Ethics: What is it and what is it not?

- The realm of ethics

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- II. Questions of Character, Virtue and Role of Ethics in Life
 - On the 'Slippery Slope'?
- III. Deeds, Norms and Consequences
 - What makes it different?
- IV. Nature, Justice and Rights
 - From where do we derive 'rights'?
- V. Perspective of Ethics
 - Who has truth?
- VI. Ethics, Psychology and Evolution: How ethics is changing?
 - Who cares? Ethics and Psychology
- VII. Contemporary ethical issues
 - Ethics in Research and Science

References:-

- Blackburn S., 2001, A very short introduction to ethics, Oxford
- P. Bhambhani et al, 2007, Indian Ethics, Classical Traditions and Contemporary challenges, Part I, Ashgate.
- B. MacKinnon, Ethics, Theory and Contemporary Issues, Wadsworth.
- H. LaFollete, The Blackwell Guide to *Ethical Theory*, Blackwell Philosophy Guides.
- *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/>
- *The Internet Encyclopedia of Philosophy*, <http://www.iep.utoronto.ca/>

**MIRMA UNIVERSITY
INSTITUTE OF LAW**

Academic Year: 2016-17

B.A.L.L.B. (Hons.), B.Com. LL.B. (Hons.), B.B.A., LL.B (Hons.) Programme

Semester VIII

Elective Course II

European Legal System

Credit: 2

Hours: 30

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Introduction:-

Common Policies, which are the essence of multinational integration, are based on common legislation. Inherent in the concept of a common policy is its binding force on the member states. The latter must give the common institutions the legal means to implement common policies and to enforce their decisions on all the parties concerned and on their citizens. Hence, common policies are shaped by legal acts agreed by the common institutions, implemented by the member states and/or the common institutions and controlled by the common institutions. The national laws of the member states are harmonised in a great number of fields in the context of common policies. In view of the globalized world and the dynamic political and business environment, a comprehensive study of legal systems of European countries assumes great significance.

Course Learning Outcomes:

After completion of the course, students will be able to:

1. Understand the existing European legal System and the various policies that affect the international relations.
2. Evaluate continuous reforms under the European legal System.

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1. Introduction to European Law:

- 1.1 Historical foundations
- 1.2 European Union: (Civil law (legal system), and Common Law(Legal system))
- 1.3 Concepts of sovereignty and competence
- 1.4 Supremacy of EU law
- 1.5 Direct Effect, Direct Applicability
- 1.6 Proportionality, Non-discrimination

2. Structure and Development of European Union:

- 2.1 Treaty of Paris (1952)
- 2.2 Treaty of Lisbon (2009)
- 2.3 European Institutions
- 2.4 European Commission
- 2.5 European Court of Justice
- 2.6 Court of First Instance (General Court)

3. Features of Legal systems of Select European Countries:

- 3.1 France Legal System
- 3.2 German Legal System
- 3.3 Norwegian Legal System
- 3.4 Swedish Legal System
- 3.5 Brexit: Implications for EU and India

4. Law Relating to Foreign Investment:

- 4.1 Introduction
- 4.2 Foreign Trade Policy of EU
- 4.3 Foreign Investment Policy of EU
- 4.4 Foreign Bilateral Trade and Investment
- 4.5 European Financial Policy
- 4.6 Issues and Challenges

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Suggested Readings:-

- Martin Partington, (2012) Introduction to the English Legal System, Oxford University Press
- Michel Rosenfeld and Andrej Sajó, The Oxford Handbook of Comparative Constitutional Law, Oxford University Press
- Mahendra P. Singh (2011) Comparative Constitutional Law, Eastern Book Company
- E. Scheck, European Unification and European Criminal Law, European Journal of Crime, 10(1) 1994-21 (Crime, Law and Criminal Justice)
- E. Lefteriadis, Pavlos, "European Constitution and Cosmopolitan Ideals, The," Columbia Journal of European Law 3:1 (2008) 1-21-10
- Hugo Steiner, Recent Developments in European Company and Business Law, Deakin Law Review
- Delev E. Aagts, The European System, The Business Lawyer
- Stephanie Law, From Multiple Legal Cultures to One Legal Culture? Thinking About Culture, Tradition and Identity in European Private Law Development, Utrecht Journal of International and European Law
- Hélène Marie Exner (2013), The norwegian Legal system, Research fellow, Dept. of Public and International Law, UiO, Norway, <http://www.uio.no/studier/emner/hf/du/SI81N70500/v13/the-norwegian-legal-system/hy-marie-exner.pdf>
<https://www.google.co.in/img?rlz=Cc18g1N9rag8e9q-sweden-legal-system>



Appendix - A of Noti.
No. 84 dtd. 9/27/15

**NIRMA UNIVERSITY
INSTITUTE OF LAW**
B.A., LL.B. (Hons.), B.Com., LL.B. (Hons.) & B.B.A., LL.B. (Hons.)
Academic Year: 2015-16
Semester V
Family Law I

Credit: 5 Hours
Hours: 75 Hours

Introduction:

This course is one of the fundamental subject, which is taught in the law schools. The syllabus of family law consists of legal principles based on relationships such as family, kinship, marriage, divorce, adoption, guardianship, maintenance etc. under various personal laws. It provides adequate sociological perspective. It also deals with the current problems arising out of the family concepts like live-in relation, surrogacy etc. Family law is not merely a separate system of personal laws based upon religion but it is the one cutting across the religion lines and eventually enabling us to fulfil the Constitutional directive of uniform civil code.

Course Learning Outcomes:

After the completion of the course, students will able to:

1. Demonstrate the main legal elements of family law and practice governing family relationships between adults and between adults and children
2. Compare provisions of various personal laws between the Hindus, Christians and Muslims etc.
3. Critically evaluate the extent to which family law provides an appropriate framework to protect the personal and property interest of adults and children when family relationships breakdown.
4. Critically analyze the modern jurisprudence of Family Laws & related matters, & the role of Customary laws in protecting the rights of the women as well as child.

Syllabus

1. Introduction to Family Law

- Origin and sources of Personal Laws

2. Marriages under various Personal Laws

- Definitions and concept of marriage
- Essentials of valid marriage in various personal laws
- Registration of marriage
- Void and voidable marriage



Conversion of Marriage.

- Aquil Ahmad Mohammedan Law revised by prof. L.A. Khan, Central Law Agency;
- Prof. G.C.V. Subba Rao's Family Law in India, S. Goga and Company
- B.K. Verma's Commentaries on Mohammedan Law., Law Publishers (India) Ltd.
- Ammer Ali's Commentaries on Mohammedan Law, Law Publisher Pvt. Ltd
- Manjit Singh Nijjar, Effect of Conversion of Marriage, Deep and Deep Publications Pvt. Ltd.
- Diwan Paras, Family Law, Allahabad Law Agency
- Justice P.S. Narayan's Law relating to Christians in India, Gogia Law Agency
- Asaf A. A. Fyzee, Outlines of Muhammadan Law, Oxford University Press
- 228th Law Commission of India Report.



NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year 2015-16
Family Law II
Semester – VI

B.A., LL.B (Hons.), B.Com., LL.B (Hons) and B.B.A., LL.B.(Hons.)

Credit :4
Hours : 60

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Introduction:

Family Law is the branch of law and it is one of the fundamental legal subjects. Study of family law is unique. It lacks uniformity in application. Family law would be divided in two parts. Family law I comprises of various personal laws which govern subjects like family, marriage, divorce, adoption, maintenance and guardianship. Family Law II covers an enormous area of domestic relations relating to inheritance, testamentary succession etc. It also deals with law relating to Hindu Joint Family, devolution of ancestral or coparcenary property, succession to separate property, Muslim Law of Inheritance, gift and provisions relating to will.

Course Learning Outcomes:

After the completion of the course, students will able to:

1. Understand the law relating to H.J.F., coparcenary, succession, gift and will.
2. Application of personal laws relating to ancestral and separate property to diverse situations.
3. Analysis of emerging issues and upcoming challenges in family property related issues.

Unit 1 Hindu Joint Family

- 1.1 Mitakshara joint families
- 1.2 Mitakshara coparcenary- formation and incidents
- 1.3 Property under Mitakshara law- separate property and tenancy property
- 1.4 Dayabhaga coparcenary- formation and incidents
- 1.5 Property under Dayabhaga law
- 1.6 Karta of the joint family- his position, powers, privileges and obligations
- 1.7 Alienation of property- separate and coparcenary
- 1.8 Debts – doctrines of pious obligation and antecedent debt.
- 1.9 Partition and re-union
- 1.10 Joint Hindu family as a social security institution and impact
Of Hindu Gains of Learning Act and various tax laws

Unit 2 inheritance under Hindu Law

- 2.1 Historical perspective of traditional Hindu law as to the study of Hindu Succession Act 1956.
- 2.2 Succession to property of a Hindu male dying intestate under the provisions of HAS, 1956

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- 2.3 Devolution of interest in Mitakshara coparcenary with reference to the provisions of the H.S.A., 1956
- 2.4 Succession to property of a Hindu female dying intestate under the provisions of the HAS, 1956
- 2.5 Disqualifications relating to succession
- 2.6 General rules of Succession
- 2.7 Marumakkattayam and Aliyasantana laws governing people living in Travancore-Cochin and districts of Malabar and South Kanara

Unit 3 Inheritance under Islamic Law

3.1 Muslims

3.2 General rules of succession and exclusion from succession.

3.3 Classification of heirs under Hanafi and IthnaAshria schools and their shares and distribution of property.

Unit 4 Inheritance under other personal laws

4.1 Christians Law of Inheritance

4.2 Parsis Inheritance

4.3 Jews Inheritance

4.4 Heirs and their shares and distribution of property under the Indian Succession Act of 1925

Unit 5 Establishment of Family Courts:

5.1 Constitution, power and functions of Court under Family Courts Act, 1984

5.2 Administration of gender justice

Unit 6 Uniform Civil Code:

6.1 Religious pluralism and its implications

6.2 Connotations of the directive contained in Article 44 of the Constitution

6.3 Impediments to the formulation of the Uniform Civil Code

6.4 The idea of Optional Uniform Civil Code.

Unit 7 Family and its changing Patterns

7.1 Working women and their impact on spousal -Relationship: composition of family, status and role of women

7.2 Protection of Women from Domestic Violence Act, 2005

7.3 Settlement of spousal Property

Reference:

- Diwan. Paras, *Modern Hindu Law*, Allahabad Law Agency, 18th edition 2007, (Pp36 to 60).
- Diwan. Paras, *Family Law*, Allahabad Law Agency, 8th edition 2008, (Pp36 to 60).



- Mayne's *Hindu law and Usage* Revised by Justice Ranganath Misra and Dr. Vijendra Kumar.. Bharat Law House, New Delhi, 16th edition (Pp. 96 to 160 and more).
- Fyzee Asaf A. A., *Outlines of Muhammadan Law*, Oxford University Press, 4th Edition.
- Mahmood Tahir, *The Muslim Law Of India*. Lexis Nexis Butterworths 3rd edition (Pp 48 to 65).
- Kusum, *Family Law Lectures*. Family Law I, Lexis Nexis Butterworths, 2nd edition, (Pp-3 to 22).
- Justice P. S. Narayana's *Law Relating to Christians in India*, Gogia Law Agency, 1st edition 2007, (Pp 54 to 70).
- Ammer Ali's *Commentaries on Mohammedan Law*, Hind Publishing House, 5th edition 2007. (Pp 1287-1373).
- Sen Priyanath, *General Principle of Hindu Jurisprudence*, Allahabad Law Agency, (pp 267-292)

For the

Nirma University
Institute of Law
B.A., LL. B. (Hons.) and B.Com., LL. B. (Hons.) Programme
Academic Year 2018-19
Intellectual Property Law Honors Course - IV
Semester VIII

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| Course Code | 2IPR32 |
| Course Title | Farmers & Breeders Rights |

Course Learning Outcomes (CLO):

At the end of the course, students will be able to

1. Describe the role of International initiatives in protection of the Farmers Rights and Breeders Rights.
2. Analyze the International approaches in protection of Farmers Rights vis-a-vis Breeders right
3. Evaluate the Indian law in consonance with International initiatives for the protection of Farmers and Breeders Rights.

Syllabus

Teaching Hours: 45

| | | |
|-----------------|---|-----------------|
| Unit-I | Plant Varieties Protection | 10 Hours |
| | 1.1 An introduction | |
| | 1.2 Growth & development of Plant Varieties Protection | |
| | 1.3 Concept of Farmers rights & breeders rights | |
| Unit-II | The Genesis of Farmers Rights | 9 Hours |
| | 2.1 Rationales for Farmers Rights | |
| | 2.2 Farmers Rights as a new form of rights | |
| | 2.3 Indigenous Farmers | |
| | 2.4 The Effect of Intellectual Property Rights on Agriculture | |
| Unit-III | International Initiatives for Plant Varieties Protection | 8 Hours |
| | 3.1 UPOV regime and plant varieties protection | |
| | 3.2 The International Undertaking on Plant Genetic Resources | |
| | 3.3 TRIPs and its effect on plant varieties protection | |

w.e.f. academic year 2018-19 and onwards

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3.4 The International Treaty on Plant Genetic Resources for Food and Agriculture

Unit-IV Indian initiative for the protection of Farmers rights & Breeders Rights

10 Hours

- 4.1 Effectiveness of India's PVPFR Act, 2004
- 4.2 The Seeds Bill, 2005
- 4.3 Safeguards for protection of Farmers right and breeders right
- 4.4 Striking a balance

Unit-V Emerging issues in protection of Farmers rights & Breeders Rights

8 Hours

- 5.1 Impact on Biodiversity
- 5.2 Issues of Food security
- 5.3 Genetic erosion
- 5.4 Right to Equity in benefit sharing process

Suggested Readings:

1. Verkey E. (2007) *Law of Plant Varieties Protection*, Lucknow: Eastern Book Company.
2. Shivade A. (2004) *Intellectual Property Manual*, New Delhi: Butterworths.
3. Peter E. D. (1999), *Intellectual Property*, England: Ashgate Publishing.
4. Ramakrishna T. (2005) *Biotechnology related Intellectual Property Rights*, Bangalore: CIPRA - National Law School of India University.
5. Duffield G. (2006) *Intellectual Property Rights, Trade and Biodiversity*, London: Earthscan.
6. Kloppenburg J. R. (1988) *First the Seed: The Political Economy of Plant Biotechnology*, New York: Cambridge University Press.
7. Toremans P. (1996) *Intellectual Property Law*, London: Butterworths.
8. Shiva, V. (1993) *Captive Minds, Captive Lives: Essays on Ethical and Ecological Implications of Patents on Life*, Dehradun: Research Foundation for Science, Technology and Natural Resource Policy.
9. Watal, S. (2001) *Intellectual Property Rights in the WTO and Developing Countries*, Netherlands: Springer.

w.e.f. academic year 2018-19 and onwards

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.Com., LL.B. (Hons.) Programme
Academic Year 2015-16
Semester III
Financial Accounting

Credit 4 (60 hours)

Introduction

Corporate financial statements are the important source of information about the economic activities of a business. This course is envisioned to develop the student's aptitude to link the economic events with the financial statements. The course will cover aspects pertaining to recording and preparation of financial statements. Besides it would also include accounting for amalgamation and merger, accounting for not-for-profit organisations, cash flows statements, and ratio analysis.

Course Learning Outcomes (CLO):

After completion of this course student will be able:

- To use the understanding of basic concepts of accountancy to prepare the Financial Statements of the company.
- To analyse the financial statements of the company.
- To understand the legal provisions related to presentation of periodic financial statements as well as in the events of mergers and amalgamation.

1. Basics of Accounting

- Meaning: Book-keeping and Accounting
- Objectives, Advantages and limitations of accounting
- Branches of Accounting
- Concepts, conventions and principles of accounting.
- Cash basis and accrual basis of accounting, accounting equation, double entry system
- Accounting Cycle, Journal and Ledger & final accounts
- Introduction to Tally



II. Corporate Accounting

- Profit & Loss Account and Balance sheet as per Companies Act, 2013 (Revised scheduled VI)
- Issue of shares – Types of shares, Types of Share capital
- Buy back of shares
- Issue and redemptions of debentures.

III. Financial statements analysis and interpretation

- Cash flow statement
- Ratio Analysis – Importance of Ratio analysis. Types of Ratios – Liquidity ratios, Profitability ratios, Activity ratios, and Leverage ratios
- Common size financial statements, Comparative financial statements

IV. Amalgamation and Reconstruction (Accounting Standard - 14)

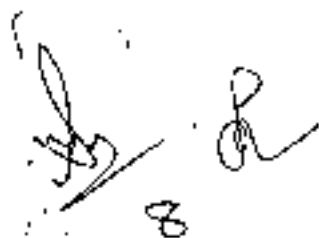
- Forms of amalgamation, Motives of Amalgamation
- Amalgamation in nature of merger, Amalgamation in nature of purchase, Purchase consideration
- Methods of Accounting for Amalgamation – Pooling of interest method and purchase method.

V. Accounting for Not-for-profit organisation

- Terminology used in Accounts of Not-for-profit organisation
- Accounting Procedures
- Preparation of Final Accounts.

Reference books:

- Mukherjee, A. and Hanif, M. (2001) *Modern Accountancy*, Tata McGraw-Hill Publishing Company Limited.
- Shroda Kalideen, and Lester Sullivan. (2006) *Accounting for Law students and Practitioners*, Juta & Co.
- Mukherjee, A. and Hanif, M. (2005) *Corporate Accounting*, Tata McGraw-Hill Publishing Company Limited.
- Maheshwari, S. N. and Maheshwari, S. K. (2009) *Corporate Accounting*, Vikas Publishing House Pvt. Ltd.
- Quinn, John P., Bailey Joseph A. (Jr), David E. Gaulin. (2013) *Law Firm Accounting and Financial Management*, Law Journal Seminars Press



Handwritten signature and initials, possibly 'S. N. Maheshwari' and 'S. K. Maheshwari', with a small '8' written below.

Course Title: Financial Management

Course Code: UEIM007

Credit Hours: 3

Programme: University Elective

Syllabus

MODULE 1: BASICS OF FINANCIAL MANAGEMENT

Introduction to Financial Management, Role and Functions of the Finance function, Time Value of Money, Basics of Risk and Return

MODULE 2: FINANCIAL MARKETS AND INSTRUMENTS

The Financial System, Introduction to Financial Markets and Instruments, Sources and Cost of Capital

MODULE 3: MAJOR FINANCIAL DECISIONS

The Investment Decision, The Funding Decision, The Distribution of Profit Decision, Introduction to Working Capital Management, Managing Risk

MODULE 4: USING SPREADSHEETS IN FINANCE

Introduction to Financial functions in Spreadsheets, Spreadsheet Application Exercises

NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year 2015-16
Financial Management
Semester IV
B.Com., L.L.B. (Hons.)

Credit-4
Hours-60

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The most important part of any organization i.e. business, non-business or service is finance. Every firm should have knowledge in raising short term and long term finance at lower cost. Using or investing these funds to get maximum return, designing their capital structure and profit planning. This course covers, time value of money, cost of capital, capital budgeting, leverage and short term capital planning from the legal perspective.

Course Learning Outcomes (CLO):

After completion of this course student will be able:

1. To understand the basic concepts of financial management for interpretation of company's financial health.
2. To understand the practical application of the financial concepts and tools for decision making.
3. To apply the concepts of financial management to contemporary financial event.

Unit I: Financial Management: An Overview:

- Definition and Meaning of Financial Management
- Types of Financial Decisions in a Firm
- Objectives of Financial Management
- Classification of Finance Functions
- Organization of Finance Functions in Big Organizations
- Emerging Role of Finance Managers in India
- Relationship of Financial Management with Accounting, Economics, Taxation and Other Laws

Unit II: Concept of Time Value of Money:

- Meaning of Time value of Money
- Simple and Compound Interest, Stated (Nominal) and Effective (Real) Rate of Interest
- Compounding and Discounting Techniques and their Objectives
- Future Value of a Single Amount and an Annuity
- Present Value of a Single Amount and an Annuity
- Perpetuity and its Present Value
- Application of Time Value of Money Concept in Real Life Decisions

Unit III: Concept and Measurement of Cost of Capital:

- Introduction, Meaning and Importance of Cost of Capital
- Various Concepts of Cost of Capital
- Measurement of Cost of Debt, Cost of Preference Capital, Cost of Equity Capital, Cost of Retained Earnings
- Computation of Overall or Weighted Average Cost of Capital (WACC)
- Weighted Marginal Cost of Capital
- Factors Affecting Weighted Average Cost of Capital

Unit IV: Leverage Analysis:

- Meaning of Lever, Leverage, Trading on Equity and Capital Gearing
- Meaning of Operating Leverage (OL) and Operating Risk, Computation of Degree of Operating Leverage (DOL) and its Interpretation & Application
- Meaning of Financial Leverage (FL) and Financial Risk, Computation of Degree of Financial Leverage (DFL) and its Interpretation & Application
- Meaning of Combined or Total Leverage (CL or TL) and Total Risk, Computation of Degree of Combined Leverage and its Interpretation and Application
- Operating Break Even Point, Financial Break Even Point and their Computation & Application
- Meaning of Indifference Point
- EBIT-EPS Analysis

Unit V: Capital Structure:

- Meaning of Capital Structure and Optimum Capital Structure
- Principles or Determinants of Capital Structure
- Advantages of Capital Structure
- Relationship among Capital Structure-Cost of Capital-Valuation of Firm. Approaches of Capital Structure
- Net Income Approach, Net Operating Income Approach, Modigliani and Miller Approach, Traditional Approach

Unit VI: Capital Budgeting:

- Meaning and Nature of Capital Budgeting
- Objectives of Capital Budgeting
- Significance of Capital Budgeting Decisions
- Capital Budgeting Process
- Types of Capital Budgeting Decisions
- Information Required for Capital Budgeting
- Evaluation Techniques for Capital Budgeting:
 - Traditional Techniques: Average Rate of Return (ARR) and Pay Back Period (PBP)
 - Discounted Cash Flow/ Time Adjusted Techniques: Net Present Value (NPV)
 - Profitability Index (PI) and Internal Rate of Return (IRR)

Unit VII: Introduction to Sources of Long Term Finance:

- Equity or Ordinary Shares
- Preference Shares
- Debentures, Bonds and Term Loans
- Securitization
- Internal Accruals
- Lease Financing and Hire Purchase Finance
- Venture Capital Financing
- Private Equity

Unit VIII: Working Capital Management:

- Meaning and Need for Working Capital
- Concept of Gross & Net Working Capital, Temporary & Permanent Working Capital
- Operating Cycle Concept and its Importance
- Factors Affecting Working Capital Requirement
- Estimating Working Capital Requirement
- Introduction to Sources of Working Capital Financing
- Introduction to Cash Management, Inventory Management and Receivables Management.

References:

- Horne, Van, Financial Management, Mc. Grawhill, New Delhi
- Chandu Prasanna "Financial Management - Theory and Practice", 8th edition, Mc Graw Hill, New Delhi
- Khan Y K and Jain P K "Financial Management-Text, Problems and Cases" by 6th edition, Mc Graw Hill, New Delhi.
- Dr. Shafiq Parash "Financial Management", 2nd edition (Indian Text Edition), Bizantra, New Delhi
- Kishore Ravi M "Financial Management- Comprehensive Text book with Case studies", 7th edition, TAXMANN
- Sudarshan Surendra "Book of Financial Terms", 4th edition, McGraw Hill
- "Financial Management" Latest Study Material of IPCC level of CA, Published by The Institute of Chartered Accountants of India, New Delhi.
- Reddy Sundaranna G "Financial Management-Principles and Practice", 2nd revised edition, Himalaya Publishing House, Mumbai.



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NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B. (Hons.) & B.Com., LL.B. (Hons.) Programme
Academic Year: 2015-16
Semester IX
Financial Market Regulation

Credit: 3 Hours
Hours: 45 Hours

INTRODUCTION

Finance is a bridge between the entity who have surplus of funds and those who need funds, and, thus constitute the backbone of every economy. Instability in financial market has adverse impact not only on the whole economy but on the global financial system.

This course basically aims to develop necessary legal acumen with respect to financial problems faced by Indian capital markets in context of globalisation and the response developed by its regulators.

COURSE LEARNING OUTCOMES

After the completion of the Course, students will be able to:

1. Understand the varied economic as well as legal aspects of Financial Market and its regulation
2. Apply the laws relating to the various ways of investment through various instruments to case studies
3. Analyse the efficacy of various laws and regulations promulgated by the market regulators in addressing the existing problems of the Indian financial market

I. An Overview of Financial System

- Constituents of financial system
- Significance
- Development and growth of financial and capital markets in India
- Financial reforms and present scenario
- Regulatory authorities governing financial and capital markets.

II. Capital Market

- An introduction
- Meaning and significance of capital market
- Capital market vis-a-vis money market
- Market players - investors and companies
- Securities laws/regulatory framework governing Indian Capital Market
- An overview of international capital market

III. Securities and Exchange Board of India (SEBI)

- Role and powers

IV. Financial Instruments

- Capital market instruments - equity
- Debentures
- Preference shares
- Sweat equity shares
- Non-voting shares
- New instruments of capital market: pure
- Hybrid and derivatives
- Money market instruments: treasury bills, Commercial bills, Certificate of deposits. New money market instruments

V. Issue of Capital

- SEBI Guidelines for Disclosure and Investor Protection
- Detailed procedure for issue of various types of shares and debentures prospectus including requirement and book building.

VI. Secondary Market

- Meaning
- Significance, functions and scope of secondary Market;
- Secondary market intermediaries
- Stock brokers, Sub-brokers
- Advisors, their rules, regulations and code of conduct framed by SEBI

VII. Secondary Market Institutions

- Stock exchanges
- Functions and significance of stock exchanges
- Operations of stock exchanges
- Classification and listing of securities
- Market makers; futures and options

VIII. Credit Rating and Evaluation of Risk

- Concept, scope and significance
- Benefit to investors
- Regulatory framework
- Credit rating agencies in India, their process;
- Rating methodologies for various instruments
- Evaluation of risk

IX. Mutual Funds

- Introduction
- Performance evaluation and SEBI regulations for mutual funds

X. Non-banking Finance Companies

- Formation and regulation of NBFC

XI. Depositories

- An analysis of the Depositories Act
- Constitution, role and functions of depository
- Depository participants, issuers and registrar

XII. Instruments Issued outside India

- FCCBs, GDRs, ADRs, ECBs, etc.
- Their characteristics, advantages and disadvantages
- Procedure for issue of various instruments and their cost

XIII. Regulation of Money Market

- Growth of money market in India
- Its structure and institutional development
- New money market instruments and framework of markets- call money market, short-term deposit market, treasury bill market, gilt edged securities market
- Regulatory authorities and regulations / guidelines governing money market

XIV. Investor Protection

- Meaning and significance of investor protection
- Regulatory measures to promote investor confidence

XV. Research Analysts

- Who are Research Analysts
- Rule in USA and India
- SEBI (Research Analysts) Regulation, 2014: Need for such a Regulation

References:

- Gordon, E. & Natarajan, H. Capital Market in India. Mumbai. Himalaya Publishing House (2009)
- Agarwal, Sanjeev. Guide to Indian Capital Market. New Delhi. Bharat Law House Pvt. Ltd (2000)
- Khan, M.Y., Indian Financial Systems. New Delhi. McIrrow-Hill Education India Pvt.Ltd (2013)
- Bhalla, V.K. . Investment Management - Security Analysis and Portfolio Management, New Delhi. S Chand & Co Ltd. (2008)
- Gopaldaswamy, N., Inside Capital Market. Mumbai. Macmillan india Ltd. (2013)
- Agrawal, Sumit et al. SEBI Act - Legal Commentary on SEBI Act, 1992. New Delhi, Taxmann Publications (P) Ltd. (2011)

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A.,LL.B. (Hons.) and B.Com.,LL.B. (Hons.)
Academic Year: 2019-20
Semester IX
(Criminal Honours Group VI)

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| Course Code | CCRY1901 |
| Course Title | Financial System and Fraud * |

At the end of the course, students will be able to:

1. Examine the Historical Background of the Emergence of Concept of White Collar Crimes in India and at International Level.
2. Identify the Multifarious ways in which Financial Fraud can be restrained
3. Analyze the Existing Legal Framework to Curb the financial fraud

SYLLABUS

Teaching Hours: 45

| | |
|---|----------|
| Unit 1: Need for a Sound Financial System in an economy; | 5 Hours |
| Unit 2: Manipulation of Financial System and its Impact on the Economy; | 5 Hours |
| 2.1 Case Studies of Scams on Manipulation of Financial System. | |
| Unit 3: Financial Fraud, Meaning and Scope; | 20 Hours |
| 3.1 Impact of Financial Fraud on the Economy; | |
| 3.2 Impact of Financial Fraud on Domestic and Foreign Investment; | |
| 3.3 Role of Ministry of Finance, Reserve Bank of India and Securities and Exchange Board of India in prevention of Financial Fraud; | |
| 3.4 Harshad Mehta and Ketan Parekh Market Scams: Case Studies | |
| Unit 4: Legal and Regulatory Frameworks to prevent, detect and investigate Financial Fraud in India | 5 Hours |

**The department reserves the right to update the detail course outline including the content, pedagogical approaches and teaching and learning activities to include in the Course Outline at any time.*

L- Lecture, T- Tutorial, P- Practical, C- Credit

Unit 5: Role of Serious Fraud Investigation Office (SFIO) and Enforcement Directorate (ED) in investigation of Financial Crimes. 5 Hours

Unit 6: Role of International Organization of Securities Commission (IOSCO) in the prevention of Financial Fraud in the national jurisdictions. 5 Hours

Suggested Readings:-

1. MacLager John (3rd Edition, 2011). Money Laundering: A guide for Criminal Investigators. CRC Press
2. Parvatha CA Virendra K. (2012), Financial Frauds & Accounting Gimmicks – How to Detect & Investigate. Xcess Infostrat Pvt. Ltd., India
3. Lal Bhure, 2007, Money Laundering: An insight into the dark world of Financial Frauds, Siddharth Publications, New Delhi

L = Lecture, T = Tutorial, P = Practical, C = Credit

NIRMA UNIVERSITY
 Institute of Law
B.A.,LL.B.(HONS.)and B.COM.,LL.B.(HONS.) PROGRAMME
 Academic Year 2019-20
 Semester IX
 (Constitutional Honors Group VIII)

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|--------------|--|
| Course Code | 2CCL943 |
| Course Title | Fiscal Responsibility and Management * |

Course Learning Outcomes (CLO):

At the end of the course, students will be able to-

1. Explain theories and principles of Fiscal management
2. Identify the budgetary structure and procedure thereof
3. Examine debt management and taxation policy
4. Outline and compare fiscal policy and fiscal federalism

Syllabus

Teaching Hours : 45

- | | |
|---|-----------------------|
| <ol style="list-style-type: none"> 1. Concepts, Practices, Issues and Problems Fiscal Management <ol style="list-style-type: none"> 1.1. Administration and Management : An Art and Science 1.2. Fiscal Management – Meaning, Concept and Importance 1.3. Public Finance: Theories & Principles 1.4. Fiscal Functions 1.5. Public financial administration in federal set up | <p>5 hours</p> |
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* The Academic Councils only approve notes. The exact course outline including the reference material, pedagogy, assessment modes and other special facilities would be provided in the Course Conduct Module.

L - Lectures, T - Tutorial, P- Practical, C- Case

valid for academic year 2019-20 and onwards

NIRMA UNIVERSITY

II. Budgeting: Accounting of Financial Resources 07 hours

- 2.1. Budget: Objective, types and Approaches
- 2.2. Constitutional provisions
- 2.3. Finance Act & Appropriation Act
- 2.4. State Government Budgets - approach, objectives and constraints
- 2.5. Implementation & monitoring of budget
- 2.6. Budgetary Reforms & New Public Management

III. Government Expenditure and Economic Growth in India 05 hours

- 3.1. Public Expenditure in India: Composition and Types
- 3.2. Public expenditure issues in India: Leakage and Wastage, Intra State Disparities, etc. Political Unrest
- 3.3. Public expenditure management: Studies, techniques, accountability
- 3.4. Relationship between Government Expenditure and Economic Growth in India over the years

IV. Taxation Management 07 hours

- 4.1. Taxation – structure, principles and approach to an efficient tax system
- 4.2. Incidence and impact of taxation – Laffer's Curve
- 4.3. Tax Revenue of the Central and State Government
- 4.3. Taxation Trends and Tax Reforms in India since 1991
- 4.4. Recommendations of the Tax Reforms Committees and Advisory Groups

V. Public Debt 05 hours

- 5.1. Public Debt in India
- 5.2. Debt obligations of the Central Government
- 5.3. Debt obligations of State Government
- 5.4. Role of Debt Finance in India
- 5.5. Public Debt: Problems and Issues
- 5.6. Limitation of Public Debt

VII. Fiscal Federalism 07 hours

- 7.1. Finance Commission
- 7.2. Decentralization and Economic Development
- 7.2 Goods and Services tax
- 7.3. Universal Basic Income
- 7.4. Principles and Philosophy of Government Audit
- 7.5. NITI Aayog

L= Lecture, T= Tutorial, P= Practical, C= Credit

Academic year 2019-20 and onwards

2019-20

VIII. Fiscal Policy

09 hours

- 8.1 Fiscal Policy and Growth Performance of the Economy;
- 8.2 Fiscal Policy and Fiscal Equilibrium
- 8.3 Fiscal Policy and Balanced Regional Development
- 8.4 Appraisal of the New Fiscal Policy

Suggested Readings :

1. A. Pranchand, Control of Public Money: The Fiscal Machinery in Developing Countries, New Delhi: Oxford University Press 2000
2. D. K. Srivastava and E. Sankar, Development and Public Finance: Essays in Honour of Raja J. Chelliah, London: Sage Publications 2012
3. C. Rangarajan and D. K. Srivastava, Federalism and Fiscal Transfers in India, New Delhi: Oxford University Press 2011
4. C. Srinivasan, Fiscal Decentralization to Rural Governments in India, New York: Oxford University Press 2006.
5. Jayant Jais, Sugata Marjit and Satwik Samra, India Public Finance and Policy Report 2016: Fiscal Issues and Macro Economy, New Delhi: Oxford University Press 2016

L = Lecture, T = Tutorial, P= Practical, C= Credit



www.annauniversity.edu.in academic year 2019-20 and onwards

MIRMA UNIVERSITY Appendix - A of Notif. No. 110
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INSTITUTE OF LAW

B.A., L.L.B. (Hons.), B.Com., LL.B. (Hons.) and B.B.A., LL.B. (Hons.) Programme
Academic Year 2014-15
Semester - IV

FOREIGN LANGUAGE
[French / German / Arabic / Spanish / Mandarin / Chinese]

Introduction:

The study of Law is crossing and converging boundaries of nations and culture. With the advent of Globalization and convergence of economic interests among nations, necessity of such common interests and cause arose giving birth to many laws at international level. This course facilitates the students for the international exposure through different culture of the country including linguistic aspects.

With the study of different languages, he has to study the cultural aspects of the said nation to enable him to understand the language and the psyche better. The students while getting equipped with the knowledge of law simultaneously can equip with the language for the practical employability of the knowledge of law

Course Learning Outcomes (CLO):

At the end of the course, the students will be able to:-

- Make the apt use of the language skill for personal and professional purpose.

Course Outline

- Basic Grammatical aspects of each language
- Sentence construction and its types
- Vocabulary and words of general usage [verbs, months, days, numbers, articles, colours, seasons, size, shape, singular-plural, genders, nouns, adjectives, pronouns etc.]
- Simple day to day conversation and paragraphs
- Pronunciation and accents
- Presentation on International issues of the respective countries
- Orientation to the Notable literary work of the respective languages
- Dos and don'ts of the language

MIRMA UNIVERSITY Appendix - A of Notif. No. 110
dtl, 28.10 14 AC. Reso. 5 B
INSTITUTE OF LAW

B.A., L.B. (Hons.), B.Com., LL.B. (Hons.) and B.B.A., LL.B. (Hons.) Programme
Academic Year 2014-15
Semester - IV

FOREIGN LANGUAGE
[French / German / Arabic / Spanish / Mandarin / Chinese]

Introduction:

The study of Law is crossing and converging boundaries of nations and culture. With the advent of Globalization and convergence of economic interests among nations, necessity of such common interests and cause arose giving birth to many laws at international level. This course facilitates the students for the international exposure through different culture of the country including linguistic aspects.

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Course Learning Outcomes (CLO):

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Course Outline

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- Sentence construction and its types
- Vocabulary and words of general usage [verbs, months, days, numbers, articles, colours, seasons, size, shape, singular-plural, genders, nouns, adjectives, pronouns etc.]
- Simple day to day conversation and paragraphs
- Pronunciation and accents
- Presentation on International issues of the respective countries
- Orientation to the Notable literary work of the respective languages
- Dos and don'ts of the language

NIRMA UNIVERSITY

INSTITUTE OF LAW

B.A., LL.B. (Hons.) Programme

Academic Year: 2011-12

Semester - X

HONOURS COURSE VII (BUSINESS LAW GROUP)

FOREIGN TRADE

Introduction and Objectives

India, as we know, is a developing country and has become party to numerous international treaties. These treaties are not confined to the internal affairs of the country. One such aspect is foreign trade.

WTO has put certain conditions for signatories to follow in case of international trade such as sanitary and phytosanitary conditions, most favoured nation treatment etc. These conditions are both from international trade and foreign trade.

In foreign trade the objective will be to analyze the policies implemented by foreign trade policy, the role of different institutions such as RBI, Export Bank etc.

1. Introduction to Foreign Trade

- History of Foreign Trade
- History of Foreign Trade Policy
- International Trade and Foreign Trade

1. Indian Legal perspective of Foreign Trade:

- Foreign Trade (Development and Regulation) Act, 1992
- Standard Input and Output Norms (SION), BOP - Directorate General of Foreign Trade: Functions, ITC (HS) Classification of imports and Export Policy, FPO and Restrictions
- Evolution of Foreign Trade Policy 2009-2015
- Foreign Trade (Exemption) Order, 1998
- Export Bank Policy
- RBI and Foreign Trade

- Customs Act, 1962 and Foreign Trade
- The Special Economic Zones Act, 2005 and Foreign Trade
- Tariffs

3. International perspective of Foreign Trade

- GATT & WTO - Framework for Export and Import and Sanitary and phytosanitary measures
- Dispute Settlement mechanism

4. Free trade Measures

- Free Trade and Warehousing Zones
- Export Oriented Units
- Exports and Trading Houses
- Service Exports
- Reward/incentive schemes in DPEP
- Duty Exemption and remission schemes
- Export promotion special goods schemes
- Tariff Policies

References:

- Car, India, International Trade Law, 4th Edition, Knowledge Cavendish, Lexis and Francis Group, New York, 2010
- The Indian Law Institute, Law of International Trade Transactions, N.M. Tripathi Pvt. Ltd. Bombay, 1973
- Geol. Hönig, International Trade Law, 1st Edition, New Era Law Publishers, Patna, 2005
- Sakintha, Export Trade: The Law and Practice, International Trade, 11th Edition, Sweet and Maxwell-South Asian Edition, London, 2007
- Paul Joshi, International Business, 4th Edition, PVT Learning Private Limited, New Delhi, 2009
- Ghosh, Law of International Trade, 3rd Edition, Thomson Sweet and Maxwell, London, 2005

Approved by Academic Council in its meeting dated 23.9.2010 under resolution no. 2 (D)

NERMA UNIVERSITY

INSTITUTE OF LAW

B.A. LL.B. (Hons.) Programme

Academic Year 2016-17

Semester VIII

Honours Course III (Criminal Law Group)

FORENSIC SCIENCE

Teaching : 30 Hours

Syllabus

1) Introduction: Forensic Science.

- 1.1 Concept
- 1.2 Nature
- 1.3 Need
- 1.4 Function
- 1.5 Development

2) Forensic Psychology

- 2.1 Definition
- 2.2 Importance
- 2.3 Classification
- 2.4 Interrogation

3) Scientific Methods of Investigation

- 3.1 Crime Scene
- 3.2 People and Things
- 3.3 Locard's Principle of Exchange
- 3.4 Limitations
- 3.5 Preservation of the crime scene
- 3.6 Recording of crime scene
- 3.7 Methodic Search for Evidence
- 3.8 Value of Trace Evidence

4) Forensic Science: Tools and Techniques

- 4.1 Measurement
- 4.2 Microscopy
- 4.3 Photography
- 4.4 Invisible trace
- 4.5 Chromatography

5) Forensic Evidence

- 5.1 Voice Analysis
- 5.2 Finger Print

- 5.3 Track marks
- 5.4 Tool marks
- 5.5 Fire Arms
- 5.6 DNA Profiling

6) Presentation and Admissibility of Forensic Evidence

- 6.1 Expert Evidence
- 6.2 Medical Evidence
- 6.3 Cross Examination

Suggested Readings

- H.J. Walker (Second Edition) Forensic Science, An Introduction to Scientific Crime Detection, Universal Law Publishing Co.
- Max M. Houck, Forensic Science, Modern Methods of Solving Crime
- B.S. Natar, Forensic Science in Crime Investigation, 3rd Edition, Asia Law House, Hyderabad
- Police Administration and Investigation of Crime, J.C. Chaturvedi, Ishc Books, Delhi
- The Police and Effective Investigation of Crimes, Foreword, Prof. (Dr.) N.R. Mahavira Meeson, New Edition 2007, Pustak and Pullani, Bangalore
- Spectrum of C.B.I. (Central Bureau of Investigation) with excerpts of N.I.A. & F.B.I., Mahendra Singhi Adil, Capital Law House
- Fire Arms and Forensic Ballistics, Gaur's 2nd Edition, Delhi Law House
- Disputed Documents Examination and Finger-Prints, Handwriting Expert, Ballistic Expert, Forensic Expert Etc. (Chemical and Material Analysis) (Civil & Criminal), Alex Samuel, Dwivedi & Company, Allahabad

NIRMA UNIVERSITY
INSTITUTE OF LAW

B.A., LL.B. (Hons.) Programme

Academic Year 2011-12

Semester - X

FOREST LAW
(Optional Course II)

Introduction and Objectives

Environment law is becoming an increasingly important subject in the law curriculum in light of the major ecological crisis that our nation is presently facing. This crisis is simultaneously also a natural resource crisis, endangering the survival of the poor, who are directly dependent on the natural resources for their fuel, fodder, food and housing needs. Laws concerning forests is of prime significance in relation to all environmental laws. This is mainly because natural forests form the primary basis for the ecological systems. Biological diversity, prevention of soil erosion, flood control and maintenance of over and underground water systems, are all dependent on the existence of natural tree coverage. A course on forest laws should be able to show the interconnection between deforestation, drought, floods and the ecological cycles. Since the Indian forests are inhabited by the tribals, any study of forests laws should also lead to the exposition of the problems faced by the tribals. The course should be able to bring out whether, and how far, the various forest laws have contributed to the ecological devastation of India, and in what ways they are responsible for the impoverishment of the tribal and the rural people.

1. Introduction to the Concept of Forest as a Resource:

- A Geographical and economic survey of the forest resources of India over this century:
 - Tree and plant, flora-fauna as natural resources, their classifications
 - Wild life resources
- Co-relations of Human Habits and cultures with Forests
- In the era of climate change the challenges related to the forests resources

2. Forest Regulations in India: Ancient & Pre British Era

- Ref. of ancient forest management practices in India
- Evolution Legislative policies of Pre-Independence-British Era
 - The acquisition of village and zamindari forests
 - The debates between the State administrators on the question of people's and the sovereign's rights in forests.
 - Forest Inquiry Act 1856

3. Legislative Development: Post Independence Era

- Post Independence Era the modelling of the state Acts on the Central (1977) act, after independence, and its consequences by the State legislation
- Legislative powers between Centre and State on forest related issues
- The Central legislations for the regulation of forest resources in India
 - o Forest Act : 1954
- Procedure of forest acquisition under forest laws and its relation to the Land Acquisition act; with special reference to: Indigenous People locals and tribals
- Fairness of the procedure with ref to granting of settlement of rights and the powers of the forest occupancies
- Social Forest and Joint Forest Management
- Rehabilitation Policy 2007

4. State monopoly and the Degradation of Forests Resources:

- Forests as a source of state revenue under the Act, and the extent of exploitation of India's forests resources during the two world wars.
- The commercialization forests and the forest laws and its exploitation by the independent India governments.
- Other reasons for the degradation of forests: agricultural policy, industrial policy, population growth, land use policy, etc.
- The vesting of village forests in the panchayats under the Panchayat Acts: the reasons for the failure of regeneration of village forests.
- Nexus with the Wild Life Protection Laws

5. Challenges for the conservation of Forest in India:

- The history behind the Forest Conservation Act 1980 and its amendments.
- The problem of balancing the industrial, commercial or tourism demands against Conservation.
- The problems of submergence of forests in big hydroelectric or irrigation projects.
- The difficulties in implementing India's National Forest Policies.
- International Conventions concerning conservation and protection of natural resources
- Problems of Afforestation
- People's participation in conservation of forest resources with reference to the JFM schemes.
- Afforestation programmes by the Central and State governments under rural development and poverty alleviation schemes, marketing and harvesting rules of trees on private lands;
- The timber transit rules
- The judicial trends in Forest offences and penalties.
- Role of the Green Benches, National Green Tribunals.

6. International Regime related to Forest:

- Conservation of Wetlands
- Conservation of biological diversity and forests.
- Afforestation programmes of the: national, regional and international mechanisms by the Central and State Governments.

Suggested Legislative Policy References:

A. International:


- United Nations Conference on Environment and Development (UNCED), Rio de Janeiro, 1992.
- Convention on Biological Diversity (CBD), 1992
- "Forest Principles" known as "Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forest" in Chapter 11, Agenda 21
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1972.
- Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention No. 169), 1951
- Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, Iran, 1971)
- International Tropical Timber Agreement (ITTA), 1994
- UN Framework Convention on Climate Change (UNFCCC), 1994
- UN Convention to Combat Desertification (UNCCD), 1996
- Convention for the Protection of the World Cultural and Natural Heritage (World Heritage Convention), 1975
- General Agreement on Tariffs and Trade/World Trade Organization (WTO), 1994

B. Domestic:

- The Indian Forest Act, 1927
- The Forest Conservation Act 1980.
- Forest (Conservation) Act, 1980, amended 1988.
- Forest (Conservation) Rules, 1981, amended 1992.
- Biological Diversity Act, 2002.
- Forest (Conservation) Rules, 2003.
- States/Union Territory Minor Forest Produce (Ownership of Forest Dependent Community) Act, 2005
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
- Wetland Rules 2010
- Various regulation on the Eco-sensitive zones, ban of mining in forest zone.

References:-

- R.N.Choudhary, Forest Laws in India(1992), Orient Publishing Company, N.Delhi.
- Leeakrishnan.P., The Environmental law in India (1999), Ch.II,pp. 9-32, Butterworths - India, New Delhi.
- R.R.Beotra, Law of Forests (Central & State) 6th Edition 1999, The Law Book Company.
- A.Kishan, Forest Laws in India, 1998, Asia Law House
- Srivastava, Encyclopedia on forest 1998, Asia Law House,
- Padamerani Reddy, Forest Laws, 1989, Asia Law House
- Baden-Powell, Manual of Jurisprudence for Forests Officers (1982)
- Anil Agarwal, (ed.), "The State of India's Environment: The Second Citizen's Report" (1985).
- Chhatrapati Singh, Common Property and Common-Poverty-(1985)
- Chhatrapati Singh, "Forestry and the law in India", in 29 Journal of India Law Institute (1987).
- Karl Marx, "The laws on the Theft of Woods", in Rheinische Zeitung Werke 113-16, 145 II, Vol.I (1956)
- Ramchandra Guha, "Forestry in Pre-British India" in 18 Economic and Political Weekly 45, (1983).
- Joshi Vidyut, "Submerging Villages: Problems and Prospects, Ajanta Publications.



NIRMA UNIVERSITY INSTITUTE OF LAW

B.A.,LL.B. (Hons.) and B.Com.,LL.B. (Hons.) Programme
Academic Year 2014-15
Semester - I

FUNDAMENTALS OF ECONOMIC ANALYSIS

Credit: 4
Hours: 60

Introduction:

The Course intends to build economic consciousness and awareness towards commercial and market forces in students pursuing Law degree. The market forces of Demand and Supply and price determination forms the first part of the course where students would be able to understand the free market mechanism. Market imperfections and market regulations are key for Law students as it brings in application of economic concepts in Law. Further, National Income accounts and Government policies increase the macroeconomic understanding of the students. The course intends to give a wide perspective in microeconomic and macroeconomic aspects.

Course Learning Outcomes (CLO):

After completion of the course the students will be able to:

- 1) Analyze market forces and identify the legal and economic implications
- 2) Appreciate the need to correct markets through policy making
- 3) Understand the modes of market regulations and their impact
- 4) Demonstrate the ability to analyze Government policies
- 5) Analyze national income accounts in a broad sense

MICROECONOMICS: SUPPLY, DEMAND & MARKETS

I. Basic Elements of Supply & Demand

- The Demand Schedule, The Demand Curve, Market Demand, Forces behind Demand Curve, Shifts in Demand Curve
- The Supply Schedule, The Supply Curve, Forces behind Supply Curve, Shifts in Supply
- Equilibrium of Supply & Demand – Equilibrium with Supply & Demand Curves, Effect of a Shift in Supply & Demand, Rationing of Prices, Price Floor & Price Ceiling

II. Application of Demand & Supply

- Price Elasticity of Demand & Supply, Calculating Elasticities, Elasticity and Revenues, Impact of a Tax on Price & Quantity
- Willingness to Pay and Consumer Surplus
- Willingness to Sell and Producer Surplus
- Market Efficiency and Deadweight Loss
- Deadweight Loss of Taxation.
- Predatory Pricing Concept under Competition Act, 2002

III. Markets: Perfect Vs. Imperfect Competition

- Features of Perfect Competition
- Features of Monopoly
- Features of Monopolistic Competition
- Features of Oligopoly

IV. Regulating Markets

- Need for Regulation
- Types of regulation
- Remedying information failures
- Dealing with externalities
- Costs of regulation

MACROECONOMICS: NATIONAL INCOME & ECONOMIC POLICIES

V. National Income

- GDP, GNP - Real Vs. Nominal GDP, Goods Flow & Earnings Flow, Consumption, Investment and Capital Formation

VI. Economic Policies

- Unemployment - Measuring Unemployment, Economic & Social Impact, Govt. Policy
- Definition and Impact of Inflation - Anti Inflationary Policy
- Stabilization Policies - Monetary & Fiscal Policy

References:-

1. Samuelson & Nordhaus, 2010, Economics, TATA McGraw Hill Pub.
2. Mankiw, 2009, Principles of Economics, Cengage Learning Publications
3. Indian Economy, 2011, Dutt & Sundaram, S. Chand Publications



BBA-MBA Five Year Integrated Programme

Semester – VI

Course Title: Fundamental of International Business

Credit Hours: 4

Course Number: BM 362

Course Objectives

- ♦ To introduce the students various concepts and issues in international business and related activities.
- ♦ To evaluate global business opportunities and develop skills to deal with various issues involved in cross-border transaction of goods, services and other resources between two or more nations.

Learning Outcomes

At the end of the course, students shall be able to

1. understand and evaluate the basis of international trade and business
2. explain the various methods of entry into foreign markets and assess the suitable mode for international business.
3. understand the concept of globalization and discuss the implications of GATT/WTO in international business.
4. understand the India's institutional and policy framework for international business.

Syllabus Module 1: AN OVERVIEW TO INTERNATIONAL BUSINESS

Introduction

- Evolution Of International Business
- Stages Of Internationalization
- International Business Approaches
- Importance Of Cross Cultural Differences In International Business
- Modes Of Entry Into International Markets
- Advantages And Problems Of International Business

Module 2: CONCEPTUAL FRAMEWORK: INTERNATIONAL TRADE, INVESTMENT, BALANCE OF PAYMENT AND TERMS OF PAYMENT

- Mercantilism
- Theory Of Absolute Cost And Comparative Cost Advantage
- Relative Factor Endowment Theory
- Product Life Cycle Theory
- Porter's National Competitive Advantage Theory
- Foreign Collaboration/Technology Transfer Related Issues
- Factors Influencing FDI
- Reasons And Cost And Benefits Of FDI
- Concept Of Balance Of Payments And Its Components
- Terms Of Payment

Module 3: GLOBALISATION, WORLD TRADE ORGANISATION AND REGIONAL ECONOMIC INTEGRATION

- Concept Of Globalization
- Drivers Of Globalization
- Globalization Of Markets, Production, Investment, Technology
- Advantages And Disadvantages Of Globalization
- General Agreement Of Tariff And Trade
- Uruguay; Round, Establishment Of WTO And Various Agreement Of WTO
- GATS - Trade In Services
- Concept Of Regional Integrations And Regional Blocks

Module 4: INDIA'S INSTITUTIONAL AND POLICY FRAMEWORK FOR INTERNATIONAL BUSINESS

- Policy And Service Support Organizations
- Commodity Specialization
- Training And Research Institutions
- Trading / Service Corporations
- Risk Covering Institutions
- Financial Institutions
- Institutions Especially For SSIs and State Participation
- An Overview Of India's Foreign Trade Policy And Procedure

Nirma University
Institute of Law
Fundamentals of Public Administration
B.Com., LL.B.(Hons) & B.A., LL.B.(Hons)
Semester IV

Credit -- One
Hours - 15

Introduction

This course introduces the students to the fundamentals of public administration and presents them an insight into the basic concepts of public institutions, the structure of different organizations and the power relationships. It examines the foundation, organization and management of the different administrative responsibilities at different levels. It also approaches the contemporary issues in Public Administration and provides inputs on the growing complexities of public administration function.

Course Learning Outcomes (CLO):

After completion of the course the students will be able to

- Understand the functioning of various institutions
- Analyze Governmental machinery and its relation to delivery of public goods.

Unit I

- Introduction - Meaning, Scope and significance of Public Administration, New Public Administration

Unit II

- Organizations – Structure and forms
- Accountability and control – Legislative, Executive and Judicial Control over administration

Unit III

- Central, state and District Administration Appointments, Powers and Role
- Constitutional framework of States in India
- Features and Functions of District Administration

Unit IV

- Issues in Public Administration Accountability in public Administration, Integrity in Administration
- Emerging Issues (Good Governance, Right to Information, Development Dynamics)
- Techniques for Administrative Improvement



References.

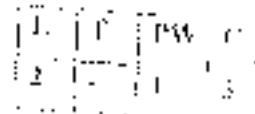
- Arora, R.K. & Goyal, R., (2005) Indian Public Administration: Institutions and Issues, New Age International Publishers, New Delhi.
- Maheshwari, S. (2000). Public Administration in India. Macmillan India Ltd.
- Avasthi & Maheshwari. (2013). Public Administration, Lakshmi Narayan
- Banerjee M. (2013). New Horizons of Public Administration, Jawahar Publishers and Distributors
- Henry, N. (2012). Public Administration and Public Affairs, PHI Learning Pvt. Ltd.



NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A. LL.B. (Hons.)/B.COM. LL.B. (Hons.)
Academic Year 2015-16
Gender and Law
Semester X

Credit : 3

Hours : 45



Introduction

This course focuses on gender politics in law. The objective is to examine the ways in which law is mobilized and constituted as an arena where gendered identities are challenged and transformed. The course attempts to analyze the logic and assumptions of a variety of perspectives on the question of law's relationship to sex, gender and sexual identities.

Course Learning Outcomes

At the end of the course, the students will be able to:

- Understand the concept of gender identity within a socio-historical perspective
- Identify the legal issues of gender and sexuality identity
- Develop effective and persuasive legal reasoning through comparative judicial analysis

1. INTRODUCTION

- 1.1. Gender and Gender Equality
- 1.2. Sex, Gender, Sexuality and Law

2. THE BODY: GENDERING/SEXING THE BODY

- 2.1. Gendering/Sexing the Female and Male Body
- 2.2. Sexual Identity and Globalization

- 2.3 Dress Code – Religious and Cultural Politics
- 2.4 Program Body – Contraception, Sterilization and Abortion

3. GENDER AND WORK

- 3.1 Workplace Equality – Its Paradigms
- 3.2 Sex/Gender Harassment
- 3.3 Sex Work
- 3.4 Labor Trafficking

4. GENDER AND PUBLIC RIGHTS

- 4.1 Gender and Human Rights
- 4.2 Gender and Property
- 4.3 Gender and Political and Legal Reforms
- 4.4 Reservations

5. GENDER AND VIOLENCE

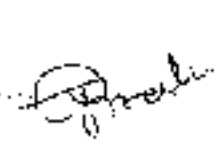

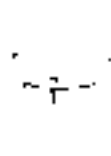
- 5.1 Rape and Sexual Assault
- 5.2 Domestic Violence
- 5.3 Sexual Violence during Armed Conflicts

6. GENDER, SEX AND SEXUALITY

- 6.1 Reproductive and Non-Reproductive Sexuality
- 6.2 Same-Sex Marriage
- 6.3 Parenting
- 6.4 Pornography and Obscenity
- 6.5 Decriminalization vs. Criminalization

References:

- Sarda, S.P., Towards Gender Justice, Research Centre for Women's Studies, 1993
- Amita Dhandu & Archana Prashar (eds.), Engendering Law – Essays in Honour of Latika Sarkar, Eastern Book Company Lucknow, 1997

- Falvia Aguirre and ShobaVerkatash Ghosh (eds.), Negotiators with Law and Policy Institutions, Negotiating Spaces, Oxford University Press, New Delhi, 2012
- Usha Ramanathan, Images (1920-1950) Reasonable Man, Reasonable Women and Reasonable Expectation, Engendering Law - Essays in Honour of Lorika Sarkar, eds. AmitaDhandia&ArchanaPrashar, Eastern Book Company, New Delhi, 1997
- Bunch, Charlotte, Women's Rights as Human Rights: Towards a Re-Vision of Human Rights, Vol.12, Human Rights Quarterly, pp. 486-698, 1990
- HpendraBaxi, From Human Rights to the Right to be a Woman, Engendering Law - Essays in Honour of Lorika Sarkar, eds. AmitaDhandia&ArchanaPrashar, Eastern Book Company, Lucknow, 1997
- Angela Harris, "Gender, Violence, Race and Criminal Justice" in Stanford Law Review, 52, 1999-2000
- Nadine Strossen, "A Feminist Critique of 'The' Feminist Critique of Pornography," in Applications of Feminist Legal Theory to Women's Lives: Sex, Violence, Work and Reproduction, ed. D. Kelly Weisberg, Temple University Press, Philadelphia, 1996
- Nancy D. Polikoff, "We Will Get What We Ask For: Why Legalizing Gay and Lesbian Marriage Will Not 'Dismantle the Legal Structure of Gender in Every Marriage,'" Virginia Law Review, 79, 1993
- Catharine MacKinnon, Are Women Human? And other international dilemmas, Harvard University Press, 2006
- Anne Fausto-Sterling, Sexing the Body, Gender Politics and the Construction of Sexuality, 2006
- Mackinnon, Catharine A., Sex equality under the Constitution of India: Probable prospects and personal laws, Vol.4(2), *International Journal of Constitutional Law*, 2006.



UEIA001 GIS and Remote Sensing

Database Management System, Query Building. Spatial and statistical analysis, Buffering, Classification. Displaying Data in Maps and Map Elements, Symbology, Labeling and Annotation, Creating Map Layout, and Saving a Layout. Conducting a Land Suitability Analysis using GIS, Introduction to new concepts like cloud computing, crowdsourcing. Remote Sensing and Photo Interpretation: Definition, Aerial and Satellite Remote Sensing; Aerial Photo-Interpretation, Qualitative and Quantitative Elements of Photo- Interpretation, Satellite Remote sensing, Geo-Stationary and Sun-Synchronous Satellites, Principles of Electro-Magnetic Radiations, Resolutions, Introduction to Digital Image Processing, Salient Features of Popular Remote Sensing Satellites; Applications in various domains, Photogrammetry: Limitations of Traditional Surveys for Planning, Photogrammetry as an Alternative Tool for Surveying, Aerial Photographs, Classification, Principles of Stereoscopic Vision, Basic instruments - Stereopair, Pocket and Mirror Stereoscopes, Parallax Bars, Principles of Photogrammetry, Measurement of Heights and Depths, Introduction to Digital Photogrammetry. Information Systems in India: Spatial Data Infrastructure, NNRMS, NUIS, National Urban Observatory, Municipal Information Systems, Land Information Systems, Cadastre Systems, BHUVAN, Agencies responsible for generating spatial data.

**NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A.,LL.B. (Hons.), B.COM.,LL.B. (Hons.) and B.B.A.,LL.B. (Hons.)
Academic Year 2017-18
Semester X
Elective Course**

| L | T | PW | C |
|---|---|----|---|
| 3 | - | - | 3 |

| | |
|--------------|------------------------|
| Course Code | 2EC1004 |
| Course Title | Goods and Services Tax |

Course Learning Outcome (CLO):

At the end of the course, students will be able to:-

- 1) Understand the nature of the various categories of Indirect taxes viz. Customs Duty and Goods and Service tax
- 2) Interpret the various terminologies of Tax Laws by applying the case laws.
- 3) Identify the current issues and apply the various provisions of Tax Law for settling a dispute.

Syllabus**Teaching Hours : 30****Unit I History and Introduction of Goods and Service Tax 6 hours**

- 1.1 Overview of GST
- 1.2 Implementation of GST
- 1.3 Liability of the Tax Payer
- 1.4 GST Network
- 1.5 GST Council


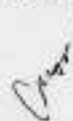
Unit II Levy of and exemption from tax and Registration 6 hours

- 2.1 Levy of GST – Introduction
- 2.2 Composition Scheme
- 2.3 Remission of Tax / Duty
- 2.4 Registration Procedure
- 2.5 Important Points
- 2.6 Special Persons
- 2.7 Amendments / Cancellation

Unit III Meaning, Scope and Time of Supply 5 hours

- 3.1 Taxable Supply
- 3.2 Supply of Goods and Supply of Services

w.e.f. academic year 2017-18 and onwards

- 3.3 Course or Furtherance of Business
- 3.4 Special Transactions
- 3.5 Time of Supply - Goods
- 3.6 Time of Supply - Services
- 3.7 Other Points

Unit IV Valuation and Payment of GST

7 hours

- 6.1 Transaction Value
- 6.2 Valuation Rules
- 6.3 Time of GST Payment
- 6.4 How to make payment
- 6.5 Challan Generation & CPIN
- 6.6 DS & TCS

Unit V Input service distributor

6 hours

- 7.1 Concept of Input Service Distributor
- 7.2 Legal Formalities for an ISD
- 7.3 Distribution of Credit
- 7.4 Returns
- 7.5 GSTR-2
- 7.6 Other Taxable Persons
- 7.7 Annual Return

Suggested Readings-

1. Datey V.S, (2015), *Elements of Indirect Taxes*, Taxmann Publications Pvt. Ltd.
2. Datey V.S., (2015), *Indirect Taxes Law and Practice*, Taxmann Publication Pvt. Ltd.
3. Datey V.S, (2015), *Student's Guide to Service Tax and VAT*, Taxmann Publication Pvt. Ltd.
4. Mukherjee T.P., (2014), *Commentary on the Customs Act, 1962*, Delhi Law House.
5. Reddy P. Verra, (2015), *Central Excise Manual (Law and Procedure)*, Asia Law House.
6. Kannan S. & Geetha V., (2014), *Service Tax Law and Practice*, Thomson Reuters.
7. Sahay Prakash, (2014), *Principles of VAT in India*, Lexis Nexis Publication.
8. Bangar Yogendra, Bangar Vandana et al. (2014), *Indirect Taxes (Central Excise, Customs & Service Tax)*. Jain Book Depot.
9. Sukumar Mukhopadhyay. (2015). *Essays on Indirect Taxation*. Manupatra Information Solutions Pvt Ltd.

w.e.f. academic year 2017-18 and onwards





79

COURSE NAME: HEALTH AND NUTRITION

Learning Outcomes :

After successful completion of the course student will be able to.

- Remember the fundamentals of health and nutrition science
- Understand significance of macronutrients and micronutrients to achieve health goals
- Analyze and explore dietary intervention for number of diseases and health conditions.
- Apply knowledge regarding role of functional foods for maintenance of health.

Theory :

| | L | P | C |
|---|---|----|---|
| 1. Introduction to the basic concepts of health and nutrition | 3 | -- | 3 |
| 2. Nutrition and malnutrition <ul style="list-style-type: none">• Macronutrients: Carbohydrates (including dietary fibers), fats and proteins• Micronutrients: Vitamins, minerals, anti-oxidants, gut flora• Significance of macronutrients and micronutrients for optimal health | | | |
| 3. Functional foods <ul style="list-style-type: none">• Definition of functional foods• Role of functional ingredients and food in nutrition• Health attributes of functional foods | | | |
| 4. Indicators for maintenance of nutritional status <ul style="list-style-type: none">• Nutrition Balance Indicator• Satiety Index• Fullness factor• Glycemic index and insulin index• Lifestyle modifications for management of various disorders | | | |
| 5. Understanding Food Labelling <ul style="list-style-type: none">• Nutrition Facts Panel• Serving Size• Calories• Ingredients list• Quantitative indications• Food additives• The percent daily value• Allergen labelling | | | |

Total Lectures :

45

Books Recommended :

1. Nutritional Sciences: From fundamental to food. Michelle McGuire and Kathy Beerman. 3rd Edition (2011), Publisher: Yolanda Cassio.
2. Focus on Pathophysiology. Barbara A. Bullock and Reet L. Henze Illustrated Edition (2000), Lippincott Williams & Wilkins, Philadelphia
3. Lehninger Principles of Biochemistry. Albert L. Lehninger, Michael Cox, David L. Nelson. 4th Edition (2004), London,; Macmillan Press Ltd.

4. Principles of Anatomy and Physiology. Tortora G.J. and Anagnostoukos, N.P. 13th Edition (2012). Harper and Collins Publishers, New York
5. Advanced Nutrition: Macronutrients, Micronutrients, and Metabolism. Carolyn D. Berdanier, Lynette A. Berdanier, Janos Zempleni, 1st Edition (2008), CRC Press.
6. Functional Foods and Nutraceuticals. Aluko, Rotimi E. 2nd Edition (2012), Springer Publication.

**NIRMA UNIVERSITY
INSTITUTE OF LAW**

B.A., LL.H. (Hons.) Programme

Academic Year 2011-12

Semester - X

HEALTH LAW
(Optional Course II)

Introduction and Objectives

Health has not received due attention in legal studies. The course attempts to fill this lacuna.

The Course will be essentially a seminar course followed by evaluation. Association of Concerned medical practitioners in the area with the course should be encouraged.

1. Introduction

- General background
 - Interrelationship between law and health
 - Issues involved
 - Need of legal control
- Constitutional perspectives
 - Rights to life: Fundamental right
 - Right to health
 - Right to emergency medical care
- Directive principles
 - Health of workers
 - Public assistance in sickness and disability
 - Raising the level of nutrition and public health
 - Power to make law

2. Duties of employer, community and state in

- Industrial Accidents (e.g. Bhopal)
- Rail, Air, Eco Disasters (duties of carriers as well) including man made and natural disasters.
- Flood - related epidemics
- Other epidemic situations

3. Science and Technology

- Transplantation of organs
- Test tube babies
- Surrogacy

4. Organisation of public health care in India

- Legal organization of public hospitals
- Medico-legal cases and duties of hospitals
- Liability for medical negligence in public hospitals
- Mental health care in public hospitals : duties and liabilities
- Rural health care

5. Organization of private health care

- Legal aspects of private medical practice
- Medical negligence
- Amniocentesis
- Public service related situations - negligence of private doctors in eye camps, sterilization camps, etc.
- The problem of disposal of medical and surgical wastes and liabilities of private and public health care units.
- Side effects

6. The unborn

- Constitutional and other legal rights.
- Causing miscarriage and injuries to the unborn - liability
- Amniocentesis
- Medical termination of pregnancy

7. Cost and Insurance

- Types of Health Insurance in India
- Employee's Health Insurance Corporation
- Cost of Health Care and Weaker Sections of Society.
- Medical Jurisprudence
- Market economy, public health and law

References:

- R.K Bag, Law of Medical Negligence and Compensation (1996) Eastern Law House, Calcutta.
- R.K Nayak(ed.), The Indian Law Institute, Global Health Law. (1998), World Health Organization, Regional Office for South East Asia, New Delhi.
- Mason and Mc Call Smith, Law and Medical Ethics (1991) Butterworth's, London
- Anoop K. Kaushal, Medical Negligence and Legal Remedies with Special reference to Consumer Protection Act, (1999), Universal
- Nandita Adhikari - Law and Medicine.
- R.M. Jhala & K. Kumar (rev), Jhala & Reju's Medical Jurisprudence, (1997)

Course Title: Human Resource Management

Course Code: UEIM006

Credit Hours: 3

Programme: University Elective

Course Overview

Organisations exist to fulfill their purpose and achieve their respective business goals. This underlying theme guides all action within organisations and also becomes the integrating force that binds the various roles within organisations. In a dynamic environment, as the business realities continue to evolve, newer contexts emerge leading to a continuously evolving disciplinary emphasis.

Human Resource Management (HRM) deals with the design, development and implementation of strategies, systems and processes that help an Organization effectively deploy its human resources for achieving organizational purpose. Recruitment, training, performance management, reward and recognition and managing employee relationships are the many facets of this dimension of managing an enterprise.

This introductory course in human resource management will provide a conceptual overview and theoretical framework of HRM as a management discipline. The purpose is to acquaint the participants with its role in achieving Organization objectives and the role of Non-HR specialists in making HRM effective in organizations.

Course Learning Outcomes

By the end of the course, the students would be able to:

1. Describe roles and responsibilities of the HRM function
2. Identify different systems within HRM viz. Recruitment and Selection, Performance Management, Compensation Management, Employee Relationship Management and recognize their strategic contribution to business and organizations;
3. Distinguish between people management role of HR and non-HR specialist in organizations

Syllabus

An Introduction to Human Resource Management; HRD and HRM; Corporate Strategy and Human Resource Management; Human Resource Planning; Job Analysis, Recruitment & Selection; Performance Management; Compensation Management; Learning & Development; Employee Relationship Management; Industrial Disputes & Conflicts; Labour Legislation; HRM in Cross-cultural and Global Environments; Organisation Learning; Ethics and Ethical Issues in HRM; Skills and Competencies of a Human Resource Manager; Human Resource Management in Family owned businesses and Not for profit organizations; Organisational Transformation and HRM; Contemporary Concerns in HRM

Suggested Readings:

- Pande, Sharon and Basak, Swapnalekha (2016), *Human Resource Management*, 2nd Ed., Pearson Education: New Delhi
- Dessler, Gary. Varkkey, Biju (2015), *Human Resource Management* , 13th Ed., Pearson Education: New Delhi
- Bohlander, George. Snell, Scott. & Vohra, Veena (2014), *Human Resources Management*, Cengage Learning: New Delhi
- Bernardin, John, H.(2007), *Human Resource Management – An Experiential Approach*, Tata McGraw Hill Publishing Company Limited: New Delhi
- Singh B.D.(2004), *Industrial Relations, Emerging Paradigms*, Excel Books: New Delhi

NERMA UNIVERSITY

INSTITUTE OF LAW

B.Com., LL.B (Hons.) Programme

Academic Year 2015-16

Semester III

Human Resource Management

Credits: 4 (60 hours)

Introduction:

Organisational productivity and growth is a function of the quality and efficiency of its Human Resources. This course covers different activities related to managing Human Resources in an organization. Aspects pertaining to Human Resource Planning, Recruitment and Selection, Training and Development, Performance Appraisal, Compensation, Employee Welfare & Contemporary issues of HRM are covered in the course.

Course Learning Outcomes (CLO):

Upon completion of the course, students will be able to:

- Manage HR functions in organizations based on their understanding of HRM.
- Relate to the emerging HR challenges faced by the professionals and be able to provide solutions for the same.

I. Introduction to HRM

- Meaning of HRM.
- Nature & Scope of Human resources management
- Difference between HRM and traditional Personnel Management
- Human Resource Development - Evolutions & Principles

II. Human Resource Planning

- Meaning of Human Resource Planning
- Features of Human Resource Planning
- Methods and steps in Human Resource Planning
- Job Analysis, Job Description, Job Specification
- Recruitment and Selection

III. Management and Development Program

- Identification of Training needs
- Executive Development and Career Planning
- Performance appraisal
- Potential appraisal

IV. Employee Remuneration

- Job Evaluation
- Introduction and role of reward system
- Salary Differential
- Bonus : Concept, legal rights and Payment of Bonus Act 1965
- Fringe Benefits & Incentive payments

V. Employee Welfare

- Social Security, Health & Safety, Employee Welfare
- Employee Grievances and Discipline, Collective Bargaining.

VI. HR - Competitive Advantage

- Employee Retention
- Employee Engagement
- Talent Management

References:

- Dessler, Gary & Varkkey, Biju (2009). *Human Resource Management*. Pearson Education.
- Edwin B. Flippo (1984). *Personnel Management*, Tata McGraw Hill.
- Decenzo, David. A. & Robbins. S.P. (2011) *Human Resource Management*. Wiley India Pvt. Ltd.
- Rao VSP.(2010) *Human Resource Management Text & Cases*, Excel-Books
- Aswathappa K. (2010) *Human Resource Management Text and Cases*, Tata McGraw Hill.
- Rowley, Chris & Jackson Keith. (2010) *Human Resource Management: the Key concepts*, Routledge.



NIRMA UNIVERSITY
INSTITUTE OF LAW
 B.A.,LL.B. (Hons.) and B.Com.,LL.B. (Hons.) Programme
 Academic Year 2014-15
 Semester - IX
 Human Rights Law and International Humanitarian Laws
Syllabus

Credit: 5
Hours: 75

Introduction: Human rights are those rights which every man or woman is entitled by virtue of being born as a human being. So as to make these rights a reality, it is equally important to progressively create awareness and sensitivity to support these universally accepted human rights. The course is aimed primarily to sensitize students on various issues of human rights. The students shall be exposed to national and international aspects of human rights law. Students will also be guided through various human rights enforcing agencies like the NHRC, and other international human rights organizations. The course also aims to sensitize students on issues pertaining to refugees. At the end of the course, the student will be in a position to appreciate the whole legal frame-work concerning human rights protection.

Course Learning Outcomes:

At the end of the course the students will be able to:

- ▲ understand the various concepts, theories relating to human rights and international humanitarian law and various human rights enforcement mechanisms;
- ▲ sensitize on emerging issues of human rights and become a socially responsible individual;
- ▲ critically think on upholding of human rights and values; and profess the same in his day-to-day interactions.

I. Jurisprudence of Human Rights

- ▲ Significance of Human Rights
- ▲ Concept of Right
- ▲ Problems in Conceptualization of Human Rights
- ▲ Meaning of Human Rights: Diverse Perspectives
- ▲ Jurisprudential Perspective
- ▲ International Perspective
- ▲ Domestic Perspective
- ▲ Justificatory Theories: Process of shaping concept springs from different sources
 - ▲ Theology
 - ▲ Natural Law
 - ▲ Positivism
 - ▲ Marxism
 - ▲ Sociological Process

II. Implementation Mechanism

- ▲ International Mechanism
- ▲ Regional Mechanism
- ▲ National Mechanism

III. Domestic Governance of Human Rights in India: 1993 Legislation

- ▲ Constitution of Commission at Central and State Level
- ▲ Jurisdiction of Commission
- ▲ Powers and Duties of the Commission

IV. Democracy and Human Rights

- ▲ Introduction to Democracy
- ▲ Origin and Development of the Concept of Democracy
- ▲ Democracy vis-a-vis Human Rights

INTERNATIONAL HUMANITARIAN LAW

V. Introduction to International Humanitarian Law

- ▲ Nature and Definition of IHL – Historical Background, Origins and Development of IHL (including a South Asian perspective)
- ▲ IHL as a Part of International Law – Jus ad Bellum vs. Jus in Bello; Sources of Modern Day IHL; Development of the 1949 Geneva Conventions and 1977 Additional Protocols
- ▲ Fundamental Rules of IHL – Applicable in International Armed Conflict

VI. Protection of Victims of Armed Conflict

- ▲ Role, Mandate and Activities of the International Committee of the Red Cross (ICRC)
- ▲ The General Obligations of Humane Treatment – Wounded, Sick and Shipwrecked Persons
- ▲ Combatant Status and Protection of Prisoners of War (POW)
- ▲ Protection of Civilians – Women and Children and Other Vulnerable Groups

VII. Legal Controls of the Means and Methods of Warfare

- ▲ General Limitations on the Conduct of War – Limits on the Choice of Methods and Means of Warfare

- ▲ Anti-personnel Land Mines
- ▲ Protection of Cultural Property and the Natural Environment

VIII. IHL Applicable to Non-International Armed Conflicts

- ▲ Historical Development and Conditions of Application – Common Article 3 to the 1949 Geneva Conventions
- ▲ 1977 Additional Protocol II to the 1949 Geneva Conventions - A Critical Evaluation.
- ▲ Situation of Internal Disturbances and Violence – Threshold of Armed Conflict
- ▲ IHL and Human Rights Law - Similarities, Differences & Overlap; Interrogation and Torture

IX. Implementation and Enforcement of IHL

- ▲ Implementation of IHL - National, Bilateral and International Measures & State Obligations, IHL and India
- ▲ National Implementation of IHL – Status and Issues in South Asia
- ▲ Enforcement of IHL:
- ▲ Responsibility of States for Repression of Breaches;
- ▲ Role of National Legislation and Military Law;

X. Refugee Law: Refugee Definition and Current Issues

References:

- Henry Steiner and Philip Alston 2008. *Human Rights-Cases and Materials*, Oxford: Oxford Uni. Pres.
- Dworkin, R. 1979. *Taking Rights Seriously*. London: Duckworth.
- Hart H.L. Law. 1969. *Liberty and Morality*. Oxford: Oxford. Oxford University Press.
- Chinnai B.S. 2000 *International Refugee Law: A Reader*. New Delhi: Sage Publications.
- Rawls, J. A. 1972 *Theory of Justice*. Oxford: Oxford University Press.
- Saxena K.P. ed, 1999 *Human Rights, Fifty Year of India's Independence*. New Delhi: Gyan Publishing House.
- M.P. Dube and Necta Bora eds., 2000 *Perspectives on Human Rights*, New Delhi: Anamika Publishers.
- Waidron, J.J., ed., 1984 *Theories of Right*, Oxford: Oxford University Press.
- Winston, Morton E. 1989 *The Philosophy of Human Rights*, Belmont: Wadsworth
- Diwan, Paras and Pooyushi Diwan, 1998 *Human Rights and the Law. Universal and Indian* New Delhi: Deep and Deep.
- Rose Vergese and Balachandran, 2008 *Introduction to International Humanitarian Law* (ICRC).
- Larry Maybee & Benarji Chakka, edn. 2008 *International Humanitarian Law: A Reader for South Asia* New Delhi: ICRC Publication.

NIRMA UNIVERSITY
INSTITUTE OF LAW

B.A., LL.B. (Hons.), B.Com., LL.B. (Hons.) and B.B.A., LL.B., (Hons.) Programme
Academic Year 2014-15
Semester - III
Human Rights Practice
Syllabus

Programme
Credit: 1
Hours: 15

Introduction:

This is a Foundation Course in Human Rights Practice which aim to sensitize students towards the Human Rights issues and enable them to identify the human rights violations and recourse to a mechanism for redress of those violations.

Course Learning Outcome:

At the end of the course the students will be able to:

- Identify various issues of human rights;
- Sensitize with the emerging issues of human rights and become a socially responsible individual;
- Critically think on upholding of human rights and values

SYLLABUS:

I. Concept of Human Rights

- Significance of Human Rights
- Concept of Right
- Problems in Conceptualization of Human Rights
- Meaning of Human Rights: Diverse Perspectives
- Constitution of India and Human Rights

II. Identification - Issue Specific Themes in Human Rights

- Child and Human Rights
- Women and Human Rights
- Caste and Human Rights
- Development and Human Rights
- Human Rights of Vulnerable Section of Society
- Language and Human Rights
- Race and Human Rights

III. Mechanism for the protection of Human Rights

- National Human Rights Commission (NHRC)
- State Human Rights Commission (SHRC) and other Commissions



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- Human Rights Court
- Human Rights Activism and Role of NGOs

References:

1. Agarwal, H.O. (Dr.), 2007. Human Rights, Allahabad Central Law Publications
2. Jishi, K.C., 2006. International Law and Human Rights, Lucknow: Eastern Book Company
3. Steiner Henry and Philip Alston, 2008. Human Rights: Cases and Materials, London, Oxford Univ. Press



Applicable to year 2015-16 & 2016-17

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., J.L.B. (Hons.) and B.Com., LL.B. (Hons.) Programme
Academic Year 2014-15
Semester - IX
ICT Law (Information and Communication Technology Law)
Honours Course VI (Crime and Criminology)
Syllabus

Credit: 3
Hours: 45

Introduction:

This course endeavors to give the students in depth knowledge related to information technology law governing at the international and domestic level. It also exposes them about the claims and procedure for the civil wrong, with authorities to decide the dispute concerning computer and information technology law along with the cyber-crimes and appropriate punishment thereof with investigation knowledge.

Course Learning Outcomes:

At the end of the course students will be able to:

- understand the significance of Information Technology Laws in the changing times;
- analyse various lacuna and challenges in the implementation of Informational Technology law in India and abroad.

I. Introduction of Computer and Information Technology Law

- Meaning of Computer and Information Technology
- Computer and Information Technology Law
- Information Technology and International Law
- The Computer and Information Technology Law in India
- Introduction of Information Technology Act, 2000
- Computer and Information Technology Crimes (Cyber Crimes)
- Origin of Cyber Crimes
- General classification of Computer and Information Technology Crimes
- Magnitude of Computer and Information Technology Crimes in India

II. Digital signature and Electronic Signature

- Digital signatures
- Provisions relating to Electronic Signatures
- Legal recognition of electronic records
- Technical issue relating to digital and electronic signature
- Advantages (Benefits) and disadvantages of digital signature
- Recent development and guidelines pertaining to Digital Signatures

III. Damage to Computers and Computer System (Computer Torts)

- Damage to computer, computer system, etc.
- Failure to protect data
- Failure to furnish information, return, etc.
- Contravenes of any rules or regulations
- Adjudication in case of contravention
- Cyber Appellate Tribunal
- Appeal to Cyber Regulations Appellate Tribunal
- Appeal to High court
- Compounding of Contravention
- Recovery of Penalty or Compensation

IV. Information Technology Crimes (Cyber Crimes)

- Tampering with computer source document
- Computer related offences (Hacking with computer system, etc.)
- Sending offensive messages through communication service, etc.
- Cyber thefts and frauds
- Violation of personal privacy
- Cyber terrorism
- Offence relating publishing or transmitting obscene material or material containing sexually explicit act, etc.
- Breach of confidentiality and privacy
- Fail to assist Government in the interest of sovereignty, integrity, etc.,
- Blocking for public access of any information through any computer resource
- Secure access to a protected system
- Other offences under the Act

V. Cyber Crime Investigation

- Cyber Crime Investigation
- Cognizance of IT offences
- Search and seizure of the computer or computer system
- Examiner of Electronic Evidence
- Provisions relating to admissibility of electronic records as evidence
- Digital Signature and evidence
- Presumptions relating to electronic records
- Application of the Act to electronic cheque and truncated cheque
- Cyber forensics
- Admissibility of evidence collected through the interception of communication
- Video-conferencing evidence is admissible
- Cyber-crime investigating agencies in India
- Some of the methods used for investigation of Cyber crimes
- Trial of Cyber offences (Compounding of offences, Plea Bargaining, and Compensation)

VI. E-Commerce

- Meaning of e-commerce and e-Business
- Classification of e-commerce
- Internet relevant to e-commerce
- Advantages (Benefits) of e-commerce
- Disadvantages of e-commerce
- Indian information technology Industry
- Indian economy and Information technology sector
- Barriers to Adoption (infrastructure, legal and jurisdiction issue)

VII. Electronic Governance (e-governance)

- Legal Recognition of Electronic Records
- Legal recognition of Electronic Signature
- Meaning of verification
- Use of Electronic Records and Electronic Signature in Government and its agencies
- Delivery of Services by Service Provider
- Retention of Electronic Records
- Audit of Documents etc., in Electronic form
- Publication of rules, regulation, etc, in Electronic Gazette
- Use of signature, audit of documents and publication of rules; not to Confer Right to insist document should be accepted in electronic form
- Power to Make Rules by Central Government in respect of Electronic Signature
- Validity of contracts formed through electronic means
- Attribution of Electronic Records
- Acknowledgement of Receipt
- Time and place of dispatch and receipt of electronic record
- Directorate of Information Technology
- E-Governance in Gujarat

VIII. E-Banking

- Definition of e-banking
- Electronic Payment System
- Mobile Banking, I-Banking
- Legal Issues in E-banking, Amendments to Negotiable Instruments Act, 1881
- International Legal Practice regarding E-banking

IX. New challenges to information technology law

- Convergence of technologies
- Emergence of Internet as super media
- Legal Challenges, Convergence Bill
- Offences not covered under IT Act

X. ICT and IPR

- Data protection (Data protection act 1984, 1998 of UK; EU guidelines 1995)
- Data base protection (EU data base directive of 1996)
- Cyber-squatting - domain name,
- IP issues and Online dispute resolution
- Protection of Multimedia works in cyber space

References:

- Dongre, Shilpa S. (2010) *Cyber Law and its Application*, Nagpur: Current Publications
- Rawland, Diane (1997) *Information technology Law*, London: Cavendish Publishing Ltd.,
- Chris, Reed (2003) *Computer Law*, New York: Oxford University Press
- J.F.J. Prins Ed., (2001) *Designing E- Government- On The Crossroads OF Technological Innovation and Institutional Change* (The Hague, Kluwer Law International)
- Malik, Krishna Pal (2010) *Computer and Information Technology Law*, Allahabad Law Agency
- Yee Fen Lim, (2001) *Cyberspace Law*, Oxford Press
- Roger LeRoy Miller, Co; Lord A. Jenz, (2002) *Law For E-Commerce*, London: Thomson Learning
- Reed, Cluis and Angel, John. (2003) *Computer Law*, New York: Oxford University Press

OR

BBA-MBA Five Year Integrated Programme

Semester – V

Course Title: Indian Economy

Credit Hours: 4

Course Number: BM355

Course Objectives

- To introduce the students to the various dimensions of the Indian Economy
- To provide a historical and current analysis of how the Indian Economy has reached its current state of affairs

Learning Outcomes

At the end of the course, students shall be able to:

1. Understand the various aspects of India's economy
2. Develop a perspective on the different problems and approaches to economic planning and development in India
3. Understand the role of the Indian Economy in the global context, and how different factors have affected this process

Syllabus Module 1: STRUCTURE OF THE INDIAN ECONOMY

- India As A Developing Economy: Indian Economy On The Eve Of Independence; National Income Of India: Trends And Levels
- Human Resources And Economic Development: Human Development In India; Occupational Structure And Economic Development
- Natural Resources, Economic Development And Environmental Degradation
- Infrastructure In The Indian Economy; Social Infrastructure And Social Sector

Module 2: PLANNING AND ECONOMIC DEVELOPMENT

- Objectives And Strategy Of Economic Planning In India:
- Approach To The Ongoing Five Year Plan
- Regional Planning In India
- Financing Of The Plans
- Economic Reforms In India – Main Features And Achievements.

Module 3: DOMESTIC SECTOR

- Institutional And Technological Reforms In Indian Agriculture
- Agricultural Finance And Marketing
- Agricultural Prices And Policy
- Industrial Policy
- Sources Of Industrial Finance; Role Of Small Scale And Cottage Industries In Indian Economy

Module 4: EXTERNAL SECTOR OF THE ECONOMY

- India's Balance Of Payments – Problems And Solutions

- Trends, Composition And Direction Of India's Foreign Trade
- New Trade Policy
- WTO And Indian Economy
- Foreign Investment Inflows
- India's Exchange Rate Policy

Module 5: ISSUES AND CHALLENGES OF INDIAN ECONOMY

- Problems Of Poverty
- Inequality
- Unemployment And Inflation - Strategy And Policy Of The Government
- Food Security And Public Distribution System
- Salient Features Of The Relevant Union Budget

NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year: 2016-17
- Indian Federalism
(Constitutional Honours Course I)
Semester VII

B.A., LL.B. (Hons.), B.Com. LL.B. (Hons.) and B.B.A., LL.B. (Hons.)

Credit: 3

Hours: 45

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Introduction:

The federal structure in India is unique in the sense that it operates more on vertical (centre-state) plane than on horizontal (state-state) plane making it a centralized federative polity. The subject attempts to introduce and analyse the federal structure as enunciated in Indian Constitution from the theoretical as well as practical perspectives and how it has been able to put in place and evolve mechanism to meet the various and varied aspirations of different regions, communities, and classes. The course discusses critical issues like constitutional division of powers, Union-State administrative relations, etc., and how they have provided positive framework for the changing patterns of successful parliamentary democracy in a multi-cultural India beset with problems like overpopulation, illiteracy, and economic backwardness.

Course Learning Outcomes:

After the completion of the course the students will be able:

1. To understand the Meaning, Nature and Scope of Federalism.
2. To understand the different models of federalism in Indian Context.
3. To understand the distribution of powers between, Union and State under the Constitutional Scheme.

Syllabus :

1. The Federal Principle : Development, Transformation and Current Trends

- 1.1 Introduction to federalism
- 1.2 Confederation vs. Federation
- 1.3 Unitary System vs. Federal System
- 1.4 Vertical and Horizontal Federalism
- 1.5 Co-operative federalism & Bargaining Federalism
- 1.6 Federation Sui Generis
- 1.7 India's Federal Structure vs. U.S.A's Federal Structure
- 1.8 Institutional Test & Functional Test of Federalism

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2. Federalism in India: A Study of the Constitutional Provisions having a bearing on Union-State Legislative Relations

- 2.1 Territorial Jurisdiction to legislate, Unions Laws Cannot be questioned in domestic courts on the grounds of extraterritorial application, State Laws to be applicable within the territorial jurisdiction of the State, Exception to the general rule: Doctrine of Territorial Nexus.
- 2.2 Jurisdiction to legislate on the Subject Matter, Three Lists: Union List, State List & Concurrent List.
- 2.3 Principles of Interpretation of the three lists: Presumption of Constitutionality, Each entry to be interpreted broadly, Harmonious interpretation of entries, Inter-relation of entries, Ancillary and 2.4 Incidental powers, Plenary powers, Rule of pith & Substance, Doctrine of Colourable
- 2.5 Legislation, Doctrine of Repugnancy.
- 2.6 Residuary Powers and Validation Acts
- 2.7 Parliamentary legislation in the State field: Article 249, 250, 252, 253

3. Federalism in India: A Study of the Constitutional Provisions having a bearing on Union-State Administrative Relations

- 3.1 Obligation of the States and the Union
- 3.2 Control of Union over States in certain cases
- 3.3 Assistance to States by deployment of armed forces or other forces of the Union
- 3.4 Power of Union to confer powers etc on States in certain cases
- 3.5 Power of States to entrust functions to the Union
- 3.6 Adjudication of disputes relating to waters of inter-State rivers or river valleys
- 3.7 Inter-State Council

4. Federalism in India: A Study of the Constitutional Provisions having a bearing on Union-State Financial Relations

- 4.1 Duties levied by the Union but collected and appropriated by the States
- 4.2 Taxes levied and collected by the Union but assigned to the States
- 4.3 Taxes levied and distributed between the Union and the States
- 4.4 Surcharge on certain duties and taxes for purposes of the Union
- 4.5 Taxes which are levied and collected by the Union and may be distributed between the
- 4.6 Union and the States
- 4.7 Grants in lieu of export duty on jute and jute products
- 4.7 Prior recommendation of President required to Bills affecting taxation in which States are interested
- 4.8 Grants from the Union to certain States

5. Important aspects of the Indian Constitution dealing with the Federalism

- 5.1 Civil Services
- 5.2 Emergency Provisions
- 5.3 Finance Commission
- 5.4 Amendment Provisions
- 5.5 Inter-State Council



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- 5.6 Zonal Councils
- 5.7 Inter-State Water Disputes

6. Issues and Challenges

- 6.1 National Investigation Agency
- 6.2 Schedules V and VI.

References:

1. M. P. Jain, Indian Constitutional Law, 7th Edition Lexis NexisButterworths. (2014)
2. V. N. Shukla's, Constitution of India, 12th Edition, Eastern Book Company (2016)
1. H.M. Seervai, Constitutional Law of India (4th ed., Vol 1 (1991), Vol, 2 (1993), Vol.3 (1996)
3. D.D. Basu, Shorter Constitution of India (14th ed., 2009)
4. V.D. Sebastian, Indian Federalism the Legislative Conflicts (1985).
5. B. Shiva Rao, The Framing of India's Constitution – Select Documents (1967)
6. Granville Austin, Indian Constitution: Corner stone of the nation (1966)
7. Granville Austin, Working a Democratic Constitution - A History of the Indian Experience (1999)
8. T.K Tope, Constitutional Law of India, 3rd Edition, Eastern Book Company, Lucknow, 2010.
- 9^a Garner James Wilford, Political Science and Government, American Book Company, 1928.
10. Palkhivala N.A., We, the People, UBS Publisher, Mumbai, 2004.
11. E.S.Venkataramiah and P M Bakshi, Indian Federalism: A Comparative Study (1992).
12. M Govinda Rao and Nirvikar Singh, Federalism in India: Political Economy and Reform (Working Paper No. 108, Centre for Research on Economic Development and Policy Reform, 2001).
13. Douglas V. Verney, Federalism, Federative Systems, and Federation: The United States, Canada, and India, 25 Publius, The Journal of Federalism 81- 97 (1995).

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Nirma University
Institute of Law
B.A., LL.B. (Hons) and B.Com. LL.B (Hons) Programme
Academic Year 2014-15
Semester I
Indian Political System and Processes

Credit: 5
Hours: 75

Introduction:

This course seeks to introduce interactions between ideas and institutions that govern the liberal-democratic constitutional framework. Keeping in mind the need of Law students to understand and interpret the theoretical and philosophical principles, this is intended as an introductory course to survey the seismic fault lines of legal and political terrain.

Course Learning Outcomes (CLO):

After completion of this course the students will be able to:

- Appreciate and understand the historic evolution of central political ideas.
- Make sense of and interpret these central ideas in the Indian context.
- Acquaint themselves with the key debates surrounding Indian legal republic.

I. Defining the context/ territory (terrain) of law and politics

- State
- Nation
- Democracy

II. The basic building block of Indian Republic with reference to CAD

- Rights
- Liberty
- Equality
- Justice
- Fundamental Rights and Human Rights

III. Evolution of the Ideas of State, Nation and Democracy

- Constituent Assembly Debates (CAD) on State Nation and Democracy

IV. Interrogating the precarious balance between democratic values and the artifice of national unity

- AFSPA and its shadow

V. The uncomfortable truce between democratic provision and social reality

- Affirmative action and the question of social inclusion

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- National Human Rights Commission (NHRC) and extra-judicial killing
- The plight of under-trial prisoners: Prisoners of Justice delivery system?

VI. The Federal question in Indian polity

- Debating the Emergency provisions.
- Maoist Insurgency and the Statist response

VII. Grey Areas of Law

- Capital Punishment
- Right to Silence
- Abortion

References:

- CAD Volumes I, II, III
- B.M. Secruvai, 2013 *Constitutional Law of India vol I, II, III*. Universal Law Publishing ; India Fourth edition
- Vivek Chadha, eds. 2012 *Armed Forces Special Powers Act: The Debate* Institute of Defence Studies and Analyses Monograph Series, IDSA New Delhi
- Law Commission of India Report, 2002 One Hundred Eightieth Report on article 20(3) of the Constitution of India and The Right to Silence
- MP Singh and Rekha Saxena, 2011 *Indian Politics: constitutional foundations and Institutional Functioning*, PHI Learning Private Limited, New Delhi.

Nirma University
Institute of Law
Academic Year 2014-15
INSURANCE LAW
SEMESTER X
OPTIONAL COURSE V

B.A., LL.B. (Hons.) and B.Com., LL.B. (Hons.) Programme

Credit : 2
Hours : 45

Introduction

Insurance is a device, not to avert risks, calamities and disasters, but to mitigate their rigors and financial losses. The operational framework of insurance idea is provided by the general principles of contract, therefore subjected to all the judicial interpretative techniques. Besides, the insurance idea has a compensatory justice component. This brings in the arena of the law of tort as well. It is even suggested that a fully grown and developed law of insurance may, if not totally displace, decrease the significance of the law of tort. This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the course of the development of the general principles of law and judicial interpretation to inform the students about the use of law for the establishment of a first order of insurance and to develop the appreciative and evaluative abilities of the students.

Course Learning Outcomes

At the end of the course students will be able to:

- Understand the basic principles of insurance law.
- Analyze the role of insurance sector in overall development of nation.
- Evaluate the formation and implementation of insurance contract.

Syllabus

1 Introduction

- 1.1 History and Evolution of Insurance; Nature of Insurance Contract; Types of Insurance - Life and Non-life Insurance
- 1.2 Constitutional Perspective
- 1.3 Theory of Operation, Theory of Probability, Principles of Insurance; Utmost Good Faith, Insurable Interest

2 General Principles

- 2.1 Proposal, Policy, Parties, Consideration, Utmost Good Faith, Insurable Interest, Indemnity, Risk Assignment, Alteration, Claims, Subrogation
- 2.2 The Insurance Act 1938, IRDA, Double Insurance and re-insurance

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3. Dispute Relating to Insurance Claim

- 3.1 Indemnity, Subrogation, Causa Proxima, Mitigation of Loss, Attribution of Risk Contribution
- 3.2 Consideration, Function and Powers of Insurance Regulatory and Development Authority
- 3.3 Application of Consumer Protection Act, 1986

4. Life Insurance

4.1 Nature and scope, Events insured against, Life, Insurable Interest, Risk, Settlement of claim and payment of money

General Insurance

4.2 Marine Insurance Act, 1906 - Insurable Interest, conditions and warranties, deviation, abandonment, perils of sea, general and average loss, etc.

4.3 Fire Insurance - Nature and scope, fire insurance, rate, underwriting, conditions

4.4 Coverage of Technical Insurance - Transmarine Insurance, Burgers and Trade Insurance, Agricultural Insurance

Motor Vehicle Act, 1930 and Compensation

International Insurance and Regulation

4.5 Coverage of International Insurance - Contract, Policy, Control and Settlement

4.6 Conventions regulating insurance on Warships and Merchant vessels

References

- 1) John Hanon and Christina Hooley, All India Property Insurance, LLP, New Delhi, (1995)
- 2) John Hanon, Property Insurance and Policy Law, Ocean Path and Insurance Contracts, LLP, New Delhi, (1994)
- 3) Insurance Law of India, 1993, Law Book Co., New Delhi, (1993)
- 4) John Hanon, Property Insurance and Policy Law, Ocean Path and Insurance Contracts, LLP, New Delhi, (1994)
- 5) John Hanon, Property Insurance and Policy Law, Ocean Path and Insurance Contracts, LLP, New Delhi, (1994)
- 6) John Hanon, Property Insurance and Policy Law, Ocean Path and Insurance Contracts, LLP, New Delhi, (1994)
- 7) John Hanon, Property Insurance and Policy Law, Ocean Path and Insurance Contracts, LLP, New Delhi, (1994)
- 8) John Hanon, Property Insurance and Policy Law, Ocean Path and Insurance Contracts, LLP, New Delhi, (1994)
- 9) International Labour Office, Administration of Workers' Social Insurance, (1985)
- 10) R. K. Jha, Property Insurance and Policy Law, Ocean Path and Insurance Contracts, LLP, New Delhi, (1994)
- 11) David M. Parsons, Unsettled International Law of Insurance, (1985)
- 12) M. W. Stenroos, Law and the Life Insurance, Geneva, (1944)

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NIRMA UNIVERSITY
INSTITUTE OF LAW
 Academic Year: 2019-20
Intellectual Property and Artificial Intelligence
 Semester IX
 B.A., J.L.B. (Hons.) / B.Com. LL.B. (Hons.)

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|--------------|--|
| Course Code | 211PR042 |
| Course Title | Intellectual Property and Artificial Intelligence* |

Course Learning Outcome (CLO):

At the completion of the course the students will be able to:

- 1) Outline the concept of Artificial Intelligence and its approach
- 2) Discover the areas of the interplay of AI and Intellectual Property
- 3) Appraise and Evaluate the applicable law and provide a solution

Syllabus

Teaching Hours: 45

Unit 1: Artificial Intelligence (AI)

5 Hours

- Introduction to AI
 - What is Intelligence?
 - What is Artificial Intelligence
- Definition of AI
- History of AI
- Domain Areas of AI
- Knowledge Representation

Unit 2: Use of AI in Intellectual Property Rights System administration

8 Hours

- Trends in Artificial Intelligence Technologies
- Issues and challenges
- IP policy and AI

* The document contains only typical index. The usual course outline including the reference material, pedagogy, assessment, IT-aid-teaching plan, E-Tools etc. would be included in the Course Conduct Module.

1- Lecture, 1- Tutorial, 2- Practical, 1- Credit

Page 1 of 1

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Unit 3: Implications of AI on 15 Hours

- Copyright.
- Patent.
- Trademark and
- other IPRs

Unit 4: Use of AI in IPR litigation management. 5 Hours

- Patent prior art search.
- Formation and management of Technology transfer contracts
- Identification of Patent Infringement and determination of damages
- Classification and segregation of Trademark
- Regulation of Trademark Infringement
- In Qualitative and Quantitative

Unit 5: Privacy and Confidentiality issues. 5 Hours

- Data protection and Privacy issues.

Unit 6: Blockchain Technology and AI. 7 Hours

References:

- Introduction to Information Technology, 2nd edn. ITI, Education Solutions Limited, Pearson, New Delhi, 2012
- Gijfe N, J Navneet Kumar, Artificial Intelligence in the Real World, ICFAI Books, The ICFAI University Press, Hyderabad, 2006
- Nilsson, J. Artificial Intelligence – A New Synthesis, Stanford University, HARCOURT Asia PTE Ltd, 1st edn, India 2000
- Kaplan Jerry, Humans Need not Apply: A Guide to Wealth and Work in the Age of Artificial Intelligence, Yale University Press, United States of America.
- Maris W. Hirshbaugh, Artificial Intelligence: A Knowledge-Based Approach, PWS-Kent Publishing Company, Boston.

1 - Lectures, 11 - Tutorials, 10 - Practical, 02 - Credit

Page 10 of 10

NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year 2015-16
Intellectual Property Law
SEMESTER VI

B.A., LL.B. (Hons.)/ B.COM., LL.B. (Hons.)/ B.B.A., LL.B. (Hons.)

Credit :5
Hours : 75

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Introduction

The importance of this branch of the law is to be sufficiently realized in the Indian legal education. The three areas are now internationally conceptualized as representing intellectual property. It is often the case that while the law of patents and trademarks is referred to as industrial property, the law relating to copyright is named intellectual property. While both these terms could be suitably invoked, we here speak of intellectual property as signifying all the three bodies of the law as well as the law on industrial designs.

The law confers rights of proprietary nature on relative intellectual labour primarily on the basis that it is in the interests of society and state to promote creativeness and inventiveness. Another dimension is a study of the ways in which this regime of laws militates against, or favours, community property in national cultures. Both from the standpoint of human resources development, modernization and justice it is important that the curricular change takes serious notice of these areas.

Course Learning Outcomes:

After the completion of the course, students will be able to:

1. Understand of the concepts, rules and principles of the Trade-Mark, Copyright, Patents, Geographical Indication & Industrial Design in domestic as well as international sphere.
2. Acquired oral and written skills in policy arguments.
3. Critically and legally analysis fact situation of current concrete.

I. Jurisprudence of IPR

1.1 Introduction

1.2 Concept of property

1.2.1 What is property?

1.2.2 What is Intellectual Property?

1.2.3 John Locke's Labour Theory

1.2.4 Nozick's Entitlement Theory

1.2.5 Rawl's theory of justice

- 1.2.6 Hegelian justification of property
- 1.3 Need for holistic approach

2. Law of Trade-Mark

- 2.1 What is a Trademark, Definition, and Kinds of Trademark.
- 2.2 Distinctiveness, Arbitrary and fanciful marks, Descriptive marks.
- 2.3 Grounds of refusal of registration
 - 2.3.1 Relative grounds
 - 2.3.2 Absolute Grounds
 - 2.3.3 Acquired Distinctiveness, Secondary meaning
- 2.4 Acquisition of Trademark
- 2.5 Procedure and application for Registration
 - 2.5.1 Procedure of examination, acceptance and advertisement
 - 2.5.2 Opposition
- 2.6 Rights of trademark owner.
 - 2.6.1 license
 - 2.6.2 assignment
- 2.7 Infringement of trademark and Remedies
- 2.8 Trade-Mark as compared with Geographical Indications
- 2.9 Miscellaneous provisions of the Trademark Act, 1999

3. Law of Patent (The Patent Act, 1970)

- 3.1 Introduction and Basis for Protection
- 3.2 Criteria of Patentability
 - 3.2.1 Novelty under Indian law, as compared with U.K. Law & U.S. Law
 - 3.2.2 Utility under Indian Law, as compared with U.S. Law & U.K. Law
 - 3.2.3 Inventive step/ Non-obviousness under Indian Law, as compared with U.K. Law and U. S. Law
- 3.3 Non Patentable Invention
- 3.4 Procedure for patent registration: Application, examination and publication
- 3.5 Rights of patentee and remedies for infringement
- 3.6 Miscellaneous provisions

4. Law of Copyright (Copyright Act, 1957)

- 4.1 Introduction & Justifications for Copyright Law
- 4.2 Subject-Matter of Copyright, Literary Works, Dramatic works, Musical works, Artistic works, Cinematograph Films and Sound, Recordings
- 4.3 Concepts
 - 4.3.1 Idea-Expression dichotomy
 - 4.3.2 Originality/Creativity
 - 4.3.3 Fixation
 - 4.3.4 Fair Use
- 4.4 Copyright Acquisition in India

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- 4.5 Rights covered under copyright & remedies for infringement
- 4.6 Miscellaneous provisions of Copyright Act, 1957

5. The Law of Designs (Designs Act, 2000)

- 5.1 Basics of Design & Justifications for protecting designs, how different from copyright
- 5.2 Subject Matter of Design Law
- 5.3 Definition
 - 5.3.1 Features of Shape,
 - 5.3.2 Configuration, Pattern, or Ornament or Composition of Lines or Colour
- 5.4 Excluded Subject-Matter
- 5.5 Method or Principle of Construction
- 5.6 Features Dictated Solely by functions
- 5.7 Every Feature Rule
- 5.8 Mechanical Device
- 5.9 Immoral Designs or Designs Contrary to public order
- 5.10 Registration of Designs in India

References:

- Cornish, W R, Cases and Materials on Intellectual Property, 3rd Ed. London: Sweet & Maxwell, 1999.
- Verkey Elizabeth, Law of Patents, Second Edition, Eastern Book Company, Lucknow, 2012
- Ahuja V K, Law of Copyright and Neighbouring Rights, Lexis Nexis- Butterworths, New Delhi, 2007.

Joseph AL

NIRMA UNIVERSITY
Institute of Law
B.A.LL.B. (Hons.), B.Com, LL.B. (Hons.) and B.B.A., LL.B. (Hons.)
Academic Year 2017 - 18
Semester X
Seminar Course

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| | |
|--------------|--------------------------------------|
| Course Code | 20C1016 |
| Course Title | International Commercial Arbitration |

Course Learning Outcomes (CLO):

At the end of the course, students will be able to –

1. Comprehend the principles of dispute resolution in international commercial arbitration
2. Analyze the legal questions involved in the dispute and apply the advance principles of international commercial arbitration

Syllabus:

Contact Hours: 30 hours

Unit 1: Introduction to International Commercial Arbitration **6 hours**

- 1.1. Concept and Nature of Arbitration
- 1.2. Types of Arbitration
- 1.3. Dispute Resolution in International Trade
- 1.4. International Commercial Arbitration - Concept and Nature

Unit 2: International Commercial Arbitration Agreements **8 hours**

- 2.1. Significance of international commercial arbitration agreement
- 2.2. Requirements of the international commercial arbitration agreement

w.e.f. academic year 2017-18 and on-wards

45



2.3. Various Clauses

Unit 3: Judicial Intervention and Regulation related to International Commercial Arbitration **8 hours**

3.1. New York Convention on Enforcement & Recognition of foreign arbitral awards

3.2. Part II of the Arbitration and Conciliation Act, 1996

Unit 4: Enforcement Mechanism and Challenges involved in it. **5 hours**

Unit 5: Investment Arbitration and Bilateral Investment Treaties **3 hours**

Suggested Readings:

1. Margaret Moses (2012), *The principles and practice of International Commercial Arbitration*, Cambridge University Press.
2. Giuditta Cordero – Moss (2013), *International Commercial Arbitration: Different Forms and Their Features*, Cambridge University Press.
3. Peter Ashford (2014) *Handbook on International Commercial Arbitration: Second Edition*, Juris Net LLC, USA
4. Brekoulakis (2010) *Third Parties in International Commercial Arbitration*, Oxford Arbitration Series, Oxford University Press.
5. Peter Sarcevic (1989) *Essays on International Commercial Arbitration*, Springer Netherlands
6. Sethi H., Gupta, Arpan Kumar (2011) *International Commercial Arbitration and Its Indian Perspective*, Universal law Publishing
7. Simon Greenberg, Christopher Kee, J. Romesh Weeramantry (2011) *International Commercial Arbitration: An Asia – Pacific Perspective*, Cambridge University Press.
8. Bansal, Aswhinie Kumar, (2012) *Law of International Commercial Arbitration*, Universal law Publishing
9. Jay Grenig (2014) *International Commercial Arbitration*, Wadhwa Book Company.

w.e.f. academic year 2017-18 and on-wards



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Jan

NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year 2016-17

B. A. LL.B (Hons.), B.Com.,LL.B. (Hons.) and B.B.A.,LL.B.(Hons.) Programme

International Criminal Law
Semester X
Honours Course VI
(Criminal Law Group)

Credit: 3
Hours: 45

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Introduction:

The International Criminal Law (ICL) is one of the most controversial branches of law as it brings a question mark to the principle of Sovereignty which is the most important principle on which International Law survives. As early as the 1990s the very existence of ICL was often called in question; but during the recent past, from the creation of the Yugoslavia Tribunal in 1993 to the establishment of the International Criminal Court in 2000, ICL has made immense strides and also added a new dimension to the administration of international criminal justice. Today, ICL is an integral part of international law. It is being applied by international courts, states are being called upon to assist in its implementation and domestic incorporation processes are under way in many countries. International Criminal Court ushered a new era in the protection of human rights, particularly, protection against genocide, crime against humanities and war crimes. However, compared with the efficiency of domestic criminal justice system, it is still a developing branch of international law.

Course Learning Outcomes:

After the completion of the course, the students will be able to:

- Understand principles, laws and precedents and apply them to resolve issues relating to ICL;
- Analyze and critically comment on theoretical and legal debates on ICL issues;
- Evaluate the strengths and weaknesses of approaches/principles of ICL;

1.Introduction

- 1.1. International Criminal Law: Definition, Sense and Sensibility
- 1.2. Individual Responsibility




- Historical Development
- Treaty of Versailles
- Nuremberg and Tokyo International Military Tribunals
- Genocide Convention
- Geneva Conventions
- ICTY, ICTR and ICC

IT 2 Crimes and Elements of Crime

- 2.1 Genocide
- 2.2 Crimes Against Humanity
- 2.3 War Crimes
- 2.4 Crimes Against Peace

General Principles of International Criminal Law

- 3.1 Sovereignty
- 3.2 Modes of Criminal Responsibility
 - Criminal Liability
 - Command Responsibility

3.3 Defenses

- Superior Orders
- Duress, International Criminal Tribunals

4.1 Ad hoc tribunals and Hybrid Courts

- ICTY
- ICTR
- Special Court for Sierra Leone

4.2 International Criminal Court

Forest

5. National Prosecution of International Crimes

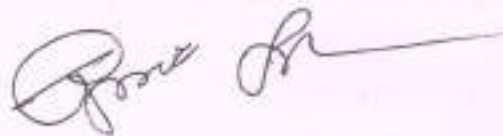
5.1 Universal Jurisdiction

5.2 India and International Criminal Law

6. The Future of International Criminal Law

Suggested Readings:

- Antonio Cassese, *International Criminal Law*, Oxford, 2008
- William A. Schabas, *An Introduction to International Criminal Court*, Cambridge University Press, 2007
- Robert Cryer, *International Criminal Law and Procedure*, Cambridge University Press, 2007
- Antonio Cassese, *The Oxford Companion to International Criminal Justice*, Oxford, 2009
- William A. Schabas, *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone*, Cambridge University Press, 2006
- Alexander Zahar, *International Criminal Law: A Critical Introduction*, Oxford
- Jordan J Paust, *International Criminal Law: Cases and Materials*, Carolina Academic Press
- M Cherif Bassiouni, *International Criminal Law*, Brill
- Beth Van Schaack; Ronald C. Slye, *International Criminal Law and Its Enforcement, Cases and Materials*, Foundation Press
- Elizabeth van Schaak, Ronald C. Slye, *International Criminal Law: The Essentials*, Wolters Kluwer, 2009

BOARD OF STUDIES ON
PLANNING


NIRMA UNIVERSITY
Institute of Law
B.A.,LL.B. (Hons.), B.Com, LL.B. (Hons.) and B.B.A., LL.B. (Hons.)
Academic Year 2017 - 18
Semester X
Seminar Course

| | |
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| Course Code | 2OC1014 |
| Course Title | International Economic Law |

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Course Learning Outcomes (CLO):

At the end of the course, students will be able to:

1. Appreciate & interpret the legal context of key international economic transactions & rules governing the global economy.
2. Analyse issues and conflict between the law governing economic transactions and other major issues in international law and international relations.

Syllabus:**Contact Hours: 30 Hours****UNIT I : International Economic Law Foundations****7 Hours**

- 1.1 International Economic Relations
- 1.2 Sources of International Economic Law
- 1.3 Subjects of International Economic Law
- 1.4 International Economic Law and South Asia
- 1.5 Financial Crisis of 2007 and the Legal Challenges of Financial Globalization

UNIT II: International Economic Order**13 Hours**

- 2.1 The GATT/WTO System
- 2.2 International Corporate Law
- 2.3 International Investment
- 2.4 International Monetary Law
- 2.5 United Nations Conference on Trade and Development (UNCTAD)
- 2.6 UNCITRAL
- 2.7 Regional Integration and International Economic Law (SAFTA)

UNIT III– Dispute Resolution**10 Hours**

- 3.1 Dispute Settlement and Conflict Resolution
- 3.2 Umbrella Clauses
- 3.3 ICSID

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w.e.f. academic year 2017-18 and onwards

3.4 The Role of National Courts

3.5 International investment protection and public concerns

Suggested Readings:

1. Matthias Herdegen,(2013) *Principles of International Economic Law*, Oxford University Press.
2. Jackson, John Howard J, Davey,William J., Alan O. Sykes,(2013) *Legal Problems of International Economic Relations (American Casebook Series)* , Thomson West Group Publishing-4th edition.
3. Bossche Van den Peter, Zdouc Werner,(2012) *The Law and Policy of the World Trade Organization: Text, Cases and Materials* Andreas, Cambridge University Press; 3rd edition.
4. Lowenfeld,(2008) *International Economic Law*, Oxford Univ. Press, Oxford, Second Edition.
5. R. DOLZER, Christoph SCHREUER,(2012) *Principles of International Investment Law*, Oxford: Oxford Univ. Press-Second Edition.
6. Sornarajah. M,(2010) *the International Law on Foreign Investment*, Cambridge: Cambridge University Press.

L= Lecture, T= Tutorial, P= Practical, C= Credit



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w.e.f. academic year 2017-18 and onwards

**NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A.,LL.B.(Hons.) and B.Com. LL.B. (Hons) Programme
Academic Year 2018-19
Institute Elective**

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|--------------|----------------------------|
| Course Code | 2IE1017 |
| Course Title | International Taxation Law |

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

1. Understand basic concepts of International taxation and taxation relief.
2. Compute income from international transaction as per Arm Length Price.
3. Analyze tax-treaties and General Anti- Avoidance rule.

Syllabus**Teaching Hours : 60 hours****Unit I Basic Concepts****12 hours**

- 1.1 Charge of Income Tax
- 1.2 Scope of Total Income
- 1.3 Residence in India
- 1.4 Income deemed to be received
- 1.5 Income-deemed to be accrued or arise in India
- 1.6 Certain activities not to constitute business connection in India

Unit II Double Taxation Relief**12 hours**

- 2.1 Agreement with foreign countries or specified territories
- 2.2 Adoption by Central Govt. Of agreement between specified association for double taxation relief
- 2.3 Countries with which no agreement between exists

Unit III Special Provisions relating to avoidance of tax**12 hours**

- 3.1 Computation of income from International Transaction having regard to arms length price
- 3.2 Associated Enterprise International Transaction and Domestic Transaction
- 3.4 Arms length price
- 3.5 Safe Harbour Rules
- 3.6 Advance Pricing Agreements
- 3.7 Secondary Adjustment

Unit IV General Anti Avoidance Rule (GAAR)**12 hours**

- 4.1 Applicability of General Anti Avoidance Rule
- 4.2 Impermissible Avoidance Agreement
- 4.3 Determination of Taxes involving foreign transactions
- 4.4 Tax on dividend, royalty and technical fees

W. R. R.
42

4.5 Tax on income from units purchased in foreign currency.

Unit V Special Provisions relating to certain income of non residents 12 hours

- 5.1 Definitions
- 5.2 Computation of total income of non residents
- 5.3 Investment income and long term capital gains.
- 5.4 Recovery of tax in respect of non residents
- 5.5 Deduction of tax at source on the payment to non residents
- 5.6 Advance ruling

Suggested Readings:

1. Nuggchalli, Nigam(2018)" International Taxation" Springer publications
2. Rohit Gupta, (2015)" Principles of International Tax Planning" Taxmann Publications.
3. D.P. Mittal -, (2014)" Indian Double Tax agreement and Tax Laws" Taxmann Publications.
4. D.P. Mittal, (2014), "Law on Transfer Pricing in India" Taxmann Publications.
5. Rou Saunders, (2014), "The Principles of International Tax Planning", Taxmann publications.

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NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A. LL.B. (Hons.)/ B.COM. LL.B. (Hons.)
Academic Year 2015-16
International Trade Law
Semester X

Credit : 3
 Hours : 45

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Introduction

The present syllabus has been drafted with two fold object. First, it gives the students a good understanding about the various facets and dimensions of the law governing international trade. In this age of globalization and interdependence, problems of international trade law affect all states, small and large, weak and powerful alike. Today it not only governs the economic relations between the states, but also regulates the conduct of states, international organizations, individuals and non state entities dealing with trade and commerce.

Secondly, it also introduces students with the national regulation of foreign trade. The newly introduced five year Foreign Trade Policy Document becomes central to any discussion on the subject from an Indian point of view. Needless to say the most important objective from a microscopic point of view would be to get the students to get a steady grip on understanding this policy document along with its allied handbook on procedures related to export and promotional measures amongst other relevant national law concerning itself directly with the said policy document.

Course Learning Outcomes

After the completion of the course, students will be able to:-

1. Understand various regulatory apparatus governing international trade at global and national level
2. Identify the diverse issues concerning international trade world around and in India.
3. Interpret and critically analyze various regulatory apparatus governing international trade at global and national level.

1. Introduction to International Trade Law: Definitions, Scope, Codification and Development of International Trade Law

- i. Introduction
- ii. Development of International Trade Law - Ancient, Medieval and Modern
- iii. Role of Trade Theories in Development of International Trade Law

- iv. Identification and Development of International Trade Law by the League of Nations and the United Nations
- v. Perspectives on International Trade Law – First, Second and Third World

2. Basic Principles and Concepts of International Trade Law

- a. Most favored nation (MFN) Treatment: Its Origin and Application in GATT and WTO
- b. National Treatment
- c. Its Origin and Application in GATT and WTO
- d. The Principle of Non-Discrimination and Equality of States
- e. Varying Concepts of Sovereignty & Protection of National Interests
- f. Transparency and Reciprocity
- g. Free Trade and Fair Trade
- h. Binding Commitments
- i. P.S.R and Non-Intervention in Domestic Affairs
- j. Common Techniques of IIT – Restrictions, Quotas, Subsidies, etc.

3. The History and Development of International Trade and Financial Institutions

- a. The Nature and Characteristics of International Institutions
- b. The Bretton Woods Conference and the Establishment of IMF and IBRD
- c. Promotion of Currency Stability: The Role IMF
- d. Monetary Regulations before the IMF
- e. Bretton Woods Regime – Reforms in the IMF
- f. IMF Initiatives for LDCs
- g. IMF and Regional Financial Crisis
- h. SAP and Criticisms on IMF
- i. The Contribution of the IMF to International Trade
- j. Mobilization of International Capital: The Role of the IBRD
- k. The Establishment of International Bank for Reconstructions and Development (IBRD) and its working
- l. International Development Association (IDA)
- m. International Centre for Settlement of Investment Disputes (ICSID)
- n. Multilateral Investment Guarantee Agency (MIGA)

4. International Trade and The General Agreement on Tariffs and Trade (GATT)

- a. Origins of the GATT System: The Role of GATT ITO Preparatory Work
- b. ITO and the Havana Charter
- c. Objectives, Structure and Functions of GATT 1947
- d. Constitutional Law of GATT

- a. Core Principles of the GATT - The MFN, National Treatment, Binding Commitments, Removal of QR's and Importation
- b. GATT and the Balance of Payments Problem.
- c. Dumping and Anti-Dumping under the GATT.
- d. Development of the GATT System - Various Rounds of Negotiations
- e. De la. K. J. S. & "Global Framework of Negotiations and Disputes"
- f. Role of WTO in International Trade

5. International Trade Law and Trade in Services

- a. Distinction Between GATT and GATS
- b. Growing Importance of Services in International Trade
- c. International Agreements for Liberalization of Trade in Services
- d. GATS and Liberalization of Financial Services
- e. General Obligations and Specific Commitments under GATS
- f. GATS and Legal Services - A case Study of India

6. National Legislation regarding India's foreign trade

- a. Bilateral and Regional Arrangements - SAARC
- b. Foreign Trade (Development and Regulation) Act, 1992 and its Amendment
- c. Role of Directorate General of Foreign Trade
- d. ITC-HS Coding System.
- e. Foreign Trade Policy.
- f. Customs Act, 1962
- g. Movement of Capital

References

- Schmiedhoff's Export Trade, The Law and Practice of International Trade, Sweet & Maxwell, South Asian Edition
- John H. Jackson, "The Economics of GATT & WTO" Cambridge University Press, 2007
- Paul Todd Thompson, "Cases and Materials on International Trade Law", Sweet & Maxwell, 3rd Edition (2003)
- Indira Carr and Richard Kitcher, "Statutes and Conventions on International Trade Law" Cavendish Publishing Limited 3rd Edition, 1999
- "The Oxford Handbook of International Trade Law" (ed.) Daniel Bethlehem, et al. Oxford University Press, 2009
- Bhalla, Raj, International Trade Law Theory & Practice, Lexis Nexis, 2001



**Institute of Law, Nirma University
Internship & Placement Cell**

Subject: X semester Internship Evaluation Directive

Academic Year 2019-2020

Introduction

1. The thrust of this directive is to provide guidance to faculties and students on the standards of Evaluation for X Semester Internship of 14 Credits.
2. The principles and standards contained in the present directive are the practical outcome of the proper application of Internship Policy, best practices, and instructions of Examination Department, insofar as they relate to the Evaluation of Student Internships.
3. The internship evaluation scheme contained in this policy directive takes into account during and post internship evaluation to comprehensively monitor student learning during the said period.
4. The Internship will be evaluated by Faculty Supervisor as per the evaluation scheme provided herewith.

Supervising Structure

Each Faculty will be allotted 5-7 students by the Dean for supervision as per scheme of Evaluation.

Total Marks: 250

Scheme of Evaluation

| During Internship Evaluation: 90 Marks | | | |
|--|------------------------------|--|-------|
| Sr. No. | Component | Details | Marks |
| 1. | Weekly Worksheets | 8 weeks/5 marks per week | 40 |
| 2. | Periodic Feedback by Faculty | In consultation with External Supervisor/PPV | 20 |
| 3. | Executive Summary | 1000 words | 30 |

| Post Internship Evaluation: 160 marks | | | |
|---------------------------------------|---|--|----|
| 1. | Final Report (Self Speaking)* | 2 months reporting (30 marks each month) | 60 |
| 2. | Internship Foundation Test | MCQ Internship Experience and Hons Specific Subjects | 50 |
| 3. | Presentation of Internship and Final Viva | PPT presentation and viva before panel | 50 |

* The Report should not be copied or plagiarized. Even if you have interned at the same office or under a same person and carried out the same work, the report is to be written in your own word stating their own observation and learning and it should not be copied from each other.

Detailed Breakup of marks for each component

Weekly Worksheet - 40 Marks

Faculty Supervisor will receive the scanned copy of the weekly report submission status to determine which students have submitted their weekly report on time as well as late submissions (L.S on the table). Schedule for the submission of weekly report will be provided to the students in advance, any submission post deadline will be considered to be late submission and marks will be deducted for the same.

| | |
|--|--|
| Each timely submission of weekly report on the deadline | (2 marks each provided by competent authority week) * 8 Weeks 16 Marks |
| Late submission(L.S) (i.e. 2 Marks will be deducted for per day for late submission | (-2. marks per day for each L.S) |
| No Submission | 0 Marks |
| Contribution to the work and Clarity of the report with proper articulation of the work done during internship | (3 marks each week) * 8 Weeks 24 Marks |

*Note: Signature of Supervisor on Worksheet is Mandatory

Periodic Feedback by Faculty - 20 Marks

All the criteria mentioned in the table below should be filled up after frequent consultation with External Supervisor.

| | |
|----------------------------------|----------------|
| Timely Reporting & Punctuality | 3 Marks |
| Communication & Soft Skills | 3 Marks |
| Team Work & Co ordination | 3 Marks |
| Legal Research & Presentation | 4 Marks |
| Creativity and Cognitive Ability | 2 Marks |
| Overall Performance | 3 Marks |

*Student receiving Pre Placement Offer for the said internship will receive full marks in this criteria subject to verification by CRC.

Executive Summary – 30 Marks

| | |
|--|-----------------|
| Contribution to the work at the internship as well as learning outcomes per week supported-with worksheets. | 10 Marks |
| Analysis of Final Report connecting the work done during internship every week with the theories learned in courses. | 10 Marks |
| Consistency & Coherence between weekly worksheet & Final Report | 10 Marks |

Final Report – 60 Marks

| | |
|--|-----------------|
| Presentation of the activities undertaken/participated during the entire internship period. | 20 Marks |
| Narration of new learnings, cases worked upon/ matters handled by the student. | 10 Marks |
| Genuineness and presentation of report as per the format prescribed for the final report submission and coherence with each worksheet. | 10 Marks |
| Narration of learning through daily participation in different activities during the entire period of internship. | 10 Marks |
| Connection established between theories learnt in the class and work done during the internship from entire Final Report. | 10 Marks |

Presentation & Final Viva - 50 Marks

Faculty members/Experts will conduct viva-voce and presentation of the student which can be substantiated based on the written report submitted by the student as done in the case of project evaluation.

Presentation: 20 Marks

| | |
|---------------------------------------|----------------|
| Quality of Presentation and content | 4 Marks |
| Communication and Expression | 4 Marks |
| Clarity of Arguments | 4 Marks |
| Timely completion of the presentation | 4 Marks |
| Genuineness | 4 Marks |

Viva: 30 Marks

| | |
|--|-----------------|
| Presentation of the activities which are reflected in the report in terms of confidence, communication, authenticity and their response to questions for minimum 10 minutes. | 15 Marks |
| Questions based on the report and 5 critical questions need to be discussed upon for each individual | 15 Marks |

*Presentation should be made through the use of ICT tools.



Prof. (Dr.) Purvi Pokhariyal
Director,
Institute of Law, Nirma University



Anviksha Pachori
Placement Coordinator,
Institute of Law, Nirma University

Enclosures

1. Worksheet Format
2. Final Report Format
3. Executive Summary

WORKSHEET

**NIRMA UNIVERSITY
INSTITUTE OF LAW**

INTERNSHIP COMMITTEE

NGO/Law Firm/Trial Court/High Court/Supreme Court/Institution Internship

Name of the Student : _____
Name of the Institution : _____
Institution's Address : _____
Name of Supervisor : _____
Email : _____
Phone/Mobile No. : _____
Period: : From _____ to _____

| Sr. No. | Work done at Field |
|---------|--------------------|
| Week 1 | Pointwise |
| Week 2 | Pointwise |
| Week 3 | Pointwise |
| Week 4 | Pointwise |

Signature of Supervisor

Signature of Student

FINAL REPORT

Nirma University

Institute of Law

II Semester B.A.LL.B. (Hons.) And B.Com. LL.B (Hons.) Course

Report of Internship Training

**With _____ NGO/Law Firm/Trial Court/High
Court/Supreme Court/Institution**

As a part of Internship Program

For the academic year 2015-2016

Prepared & Submitted By

Name (Roll No)

Table of Content

| Sr. No | Subject | Page No |
|--------|---|---------|
| 1. | Preface | |
| 2. | Acknowledgement | |
| 3. | Certificate | |
| 4. | List of abbreviations | |
| 5. | Executive Summary | |
| 6. | Brief About NGO/Law Firm/Trial Court/High Court/Supreme Court/Institution | |
| 7. | Introduction | |
| 8. | Project/Cases/Matters assisted/ undertaken/ observed during the internship | |
| 9. | Outcome of your learning and observations during the internship | |
| 10. | Relevant cases and laws referred and researched during the internship relating to the matters and cases | |
| 11. | Conclusion | |
| 12. | Bibliography | |
| | Appendix | |

Preface

This report is an outcome of the four weeks Internship programme of Institute of law, Nirma University for the students of _____ semester. The main constituents are the report on fieldwork carried out during the internship, the research on related issues/cases/matter and the weekly report of my work. I have tried my best to do justice with my activities and put it in black and white with the same effort as I did it during the internship.

Date:

Name & Signature of Trainee

Acknowledgment

Certificate

(True Copy of Original Certificate)

List of Abbreviations

EXECUTIVE SUMMARY

Minimum 1000 words

Components Required

- Overview
- Summary of weekly work done.
- Descriptions of Laws Learnt/dealt with
- Learning Outcome
- Analysis of Final Report

**A Brief of _____ (NGO/Law Firm/Trial Court/High
Court/Supreme Court/Institution)**

Introduction

(It introduces your journey of learning in the NGO/Law Firm/Trial Court/High Court/Supreme Court/Institution)

Introduction

(It introduces your journey of learning in the NGO/Law Firm/Trial Court/High Court/Supreme Court/Institution)

Project/Cases/Matters assisted/ undertaken/ observed during the internship

Outcome of your learning and observations during the internship

Relevant cases and laws referred and researched during the internship relating to the matters and cases

Conclusion

Bibliography

Appendix

1. Worksheets (compulsory)
2. Newspaper articles (if any)
3. Questionnaires (if any)

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B. (Hons) and B.Com LL.B (Hons.)
Academic Year 2014-15
Semester - I

Credit : 1
Hours : 15

Introduction to Cyber World and Cyber Security

Introduction

The course discusses the concept of Web Based Legal Research and provides basic understanding about application software's. It also focuses on providing students detailed insight into matters pertaining to types of cyber security hazards. Students will be exposed to spectrum of security activities and methods, with emphasis on practical aspects of Information Security.

Course Learning Outcomes (CLO):

By the end of this course, students will be able to:

- Incorporate web based legal research into the practical and research arena.
- Realize the importance, need for Cyber security and its application in legal scenario.
- Develop the ability to understand the day to day problems relating to cyber security and to prevent and protect themselves from the attack.

1. Application Software

- Use of documents, spreadsheets and Powerpoint
- WordPad, Paint and other Accessories.
- File /Extension names and conversion from one version to another.
- Movie Maker (Audio- Video Editing)
- Use of Open Platform based software

2. Web Based Legal Research

- Accessing authentic and unauthenticated sources for research;
- Basics of Internet: How TCP/IP and World Wide Web works.
- Surfing online databases viz slideshare, google scholar, sru.com.
- Accessing online legal databases like Manupatra, Westlaw, Jstor and Heinonline.
- Issues of Plagiarism and use of the internet sources to prevent plagiarized work
- Blogs

20/10/19 R/

3. Cyber Security - Introduction

- Need for information and Cyber Security:
- Role of Cyber Security Professionals. Role of novices in Cyber Security
- Security Threats and Attacks
- Security Management

4. Cyber Theft and Cyber Security

- Hacking
- Impact of malware, worms and viruses
- Website and Privacy
- Phishing attacks; working of phishing and vishing
- Spam, Dangers of Spam.
- Denial of Service attacks and protection.

References

- Cornick, Matthew, 2012, Using Computers in the Law Office: Basic, Delmar Cengage Learning.
- Jain, P.K., 2011, Computer for Law Students, Scientific Publishers.
- Long, A. Judy, 2003, Computer Aided Legal Research, Cengage Learning, 2003 *Revolution?*
- Preston Galla, 2010, How Personal and Internet Security Work, Que Publications
- Alfred Basta and Wolf Halton, 2009 Computer Security Concepts, Issues and Implementation, Cengage Learning.



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UEIT008 Introduction to Renewable Energy Sources [3 0 0 3]

Course Learning Outcomes:

After successful completion of the course, student will be able to

- develop an understanding of the energy scenario and need of renewable energy sources.
- learn the concepts of power generation from hydropower plants.
- understand the solar radiation geometry and concepts of solar energy utilization.
- learn the concept of power generation from wind and biomass energy sources.
- understand the concept of power generation from ocean and geothermal sources.

Syllabus

Energy scenario: **Current status and need of renewable energy sources**

Hydropower: Hydropower plants and its classification, small hydropower, Main components of hydropower plants, Concept of power generation, Hydro turbines: Pelton/Francis/Kaplan, Governing principle

Solar energy: Extraterrestrial and terrestrial radiations, Radiation geometry, Solar thermal applications: flat plate collector, concentrating collectors, air heaters, power generation etc., Solar photo-voltaic power generation: theory and applications

Wind energy: Sources of wind formation, Site selection parameters, Different types of wind turbines

Energy from biomass and biogas: Energy plantation Different processes of biomass conversion, Biomass gasifiers, Biogas plants

Geothermal energy: Geothermal resources, Concept of power generation

Energy from oceans: Concept of power generation from Tidal, wave and ocean thermal energy conversion plants

Self Study:

The self study contents will be declared at the commencement of semester. Around 10% of the questions will be asked from self study contents.

References:

- 1 G. D. Rai, Solar Energy Utilization, Khanna Publishers.
- 2 G. D. Rai, Non-conventional Energy Sources, Khanna Publishers.
- 3 J. Twidell and T. Weir, Renewable Energy Resources, Taylor and Francis Publication.
- 4 S. P. Sukhatme, Solar Energy, Tata McGraw-Hill Education.
- 5 J. F. Walker and N. Jenkins Wind Energy Technology, John Wiley & Sons.

BBA-MBA Five Year Integrated Programme

Semester – VI

Applicable to year 2015-16

Course Title: Introduction to Strategic Management

Credit Hours: 4

Course Number: BM 365

Course Objectives

To introduce the students to strategic management

To provide knowledge about concepts & frameworks required to analyse a firm in business context

Learning Outcomes

At the end of the course, students shall be able to:

Understand the role of strategy in business,

Develop an understanding of the basic strategy framework,

Apply frameworks regarding how firms gain advantage in the marketplace.

Syllabus

Module 1: INTRODUCTION TO STRATEGY

Meaning & Scope of Strategy

The process of strategic management

Introduction to the Vocabulary of Strategy: Vision, Mission, Goals, Objectives, Values, Strategy, Resources and Capabilities

Module 2: THE BUSINESS LANDSCAPE

Sectors & Industries

Analysing A Company's External Environment

Understanding A Company's Strategy, Resources, Capabilities

Phases in Industry's Development

Page 1 of 2

Module 3: GAINING COMPETITIVE ADVANTAGE

Generic Strategies

Analytical Tools For Competitive Advantage

287 of 543

Module 4: STRATEGY EXECUTION

People Management Aspects
Resource Management And Operations
Corporate Culture And Leadership Issues

Suggested Readings

- Chandrasekaran, N & Ananthanarayanan, P. S. (2011). Strategic Management. New Delhi: Oxford University Press.
- Phadtare, M. (2010) Strategic Management: Concepts and Cases. New Delhi. PHI Learning
- Srinivasan, R. (2014). Strategic Management: The Indian Context. New Delhi: PHI Learning.
- Bhandari, A & Verma, R. P. (2013). Strategic Management: A Conceptual Framework. New Delhi: McGraw Hill Education (India) Pvt. Ltd.
- Ghemawat P. (2009) Strategy and the Business Landscape, New Delh : Prentice Hall

Page 2 of 2

Nirma University
Institute of Law
B.A.LL.B. (Hons) and B.Com.LL.B. (Hons) Programme
Academic Year 2018-19
Corporate Law Honours Course IV
Semester VIII

| | | | |
|---|---|---|---|
| L | T | P | C |
| 3 | 1 | 1 | 3 |

| | |
|--------------|----------------|
| Course Code | 2BUL332 |
| Course Title | Investment Law |

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

1. Understand the Indian Investment Regulatory structure & environment
2. Interpret the forex-transactions intricacies & analyse the legal issues in Indian investment landscape.

Syllabus

Teaching Hours: 45

Unit I: Introduction to Investment

5 Hours

- 1.1 Definition of Investment and Types of Investment & its determinants
- 1.2 Economic Theories of Investment: Loanable Funds theory, Keynesian Theory
- 1.3 Role of Foreign Investments in India – A brief overview
- 1.4 India Financial System & Investment

Unit II: Industrial Development & Regulations

8 Hours

- 2.1 Liberalisation – Investment & Economic Reforms
- 2.2 Industrial Licensing
- 2.3 Industrial Licensing Policy (1991)
- 2.4 Licensing Norms and Procedure
- 2.5 The Micro, Small and Medium Enterprises Development Act, 2006
- 2.6 Specific Sectoral Norms

[Handwritten signature]

Unit III, Laws for Special Economic Zones and Industrial Parks

7 Hours

3.1 Precursor – Export Processing Zones

3.2 Special Economic Zones Policy

3.3 Special Economic Zones Act 2005

a. Procedure for Setting up a SEZ

b. Management of SEZ –

c. Special Environmental, Taxation and Labour Norms

3.4 Criticisms of SEZs

3.5 Foreign Direct Investment policy for SEZs

3.6 Industrial and Technology Parks

Unit IV, Foreign Direct Investment

11 Hours

4.1 Definitions

4.2 Determinants

4.3 Policies and Procedures for FDI – Automatic Route, Government Approval Route and Sector-Specific Caps

4.4 Foreign Exchange Management & Regulations Act 1999

4.5 FEMA Regulation on FDI

4.6 Foreign Technical Collaboration Rules

Unit V, International Resource-Raising

6 Hours

5.1 External Commercial Borrowings – RBI Guidelines on Policy and Procedures

5.2 NRI Investment

5.3 Foreign Institutional Investments

a. Regulations and Guidelines for FII's

b. Participatory Notes issued by FIIs

c. FII Investment in Debt Securities

5.4 Foreign Convertible Currency Bonds: Pricing, Issuance, Limits and Maturity Profile

Unit VI: Investments and Environmental Regulation in India

4 Hours

- 6.1 Environment Impact Assessment Norms and Clearance
- 6.2 Forest Conservation Clearance
- 6.3 An overview of PCB Consent Norms under Water Act, Air Act and other statutes and regulations.
- 6.4 Outbound Investment
- 6.5 Direct Investment by Residents in Joint Venture (JV) / Wholly Owned Subsidiary (WOS) Abroad.
- 6.6 Overseas Investment Guarantee.

Unit VII: Investment Contracts and Key Clauses

4 Hours

- 7.1 Types of Investment Contracts
- 7.2 Key Clauses in Investment Contracts

Suggested Readings:

1. Jain, R., & Hargava, B. (2007). *Rajiv Jain's guide on foreign collaboration* (6th ed.). New Delhi: India Investment Publication.
2. Krishnan R. (ed.). 2003. *Commercial's Handbook on Foreign Collaborations and Investments in India: Law, Practice and Procedures* (4th ed.). New Delhi: Commercial Law Publishers.
3. Rosencranz Arvind and Divan Shyam. (2002). *Environmental Law and Policy in India: Case, Materials and Statutes* (3rd Edition), Oxford University Press, New Delhi.
4. Achar, M. (2018). *Striking While the Iron is Hot: A Case Study of the POSCO's Proposed Steel Project in Orissa* (1st ed.). Pune: National Centre for Advocacy Studies. Retrieved from http://sanhati.com/wp-content/uploads/2018/11/striking-while-the-iron-is-hot_posco-case-study.pdf
5. Lewenfeld, A. (2011). *International economic law* (2nd ed.). Oxford, U.K.: Oxford Univ. Press.
6. Soemanjah, M. (2000). *The settlement of foreign investment disputes* (1st ed.). The Hague: Kluwer Law International.
7. Binodgood, L. (2007). *Competitive conditions for foreign direct investment in India* (1st ed.) (Washington, D.C.): United States International Trade Commission, Office of Industries.
8. Leal-Arcas, R. (2011). *International trade and investment law* (2nd ed.). Cheltenham, UK: Edward Elgar.

WAL

NIRMA UNIVERSITY
INSTITUTE OF LAW
 Academic Year: 2019-20
IP and Antitrust Law
 Semester IX
B.A., LL.B. (Hons.) / B.Com. LL.B. (Hons.)

| L | T | PW | C |
|---|---|----|---|
| 3 | - | - | 3 |

| | |
|--------------|------------------------|
| Course Code | 21PR943 |
| Course Title | IP and Antitrust Law * |

Course Learning Outcome (CLO):

After the completion of the course the students will be able to:

1. Explain the various issues pertaining to trade secret as an IPR
2. Identify the issues and challenges related to IPR vis-à-vis Antitrust Law
3. Analyse legal provisions to address the interface between IPR and Antitrust Law
4. Discuss the relation between IPR and specific sectors of antitrust

Syllabus

Teaching Hours: 45

UNIT I: Trade secret as IPR

8 Hours

1. Importance and justification for trade secret as an IPR
2. Trade Secret as interpreted by NAFTA & TRIPS
3. Trade Secret's protection essential requirements.
4. Legal framework governing the protection of Trade Secret in India
5. National Innovation Bill, 2008
6. Trade Secret protection in US and EU

UNIT 2: Confidential information v. Trade Secret

7 Hours

1. Confidential Information and IPR
2. Non-disclosure agreements (NDA)
3. Non-Compete clauses (NCC)
4. Contractual protection of trade secret/confidential information in India
5. Position in US and EU
6. Employee Agreements and Confidential information
7. Remedies for contractual breach of IPR

* This document contains only topical index. The actual course outline including the reference material, pedagogy, assessment, micro-teaching plan, field visit etc. would be included in the Course Content Module

L= Lecture, T= Tutorial, P= Practical, C= Credit

UNIT 3: IPR and Antitrust Law

13 Hours

1. Relevant Theory of IP in conflict with Antitrust
2. Protection under Sec. 3(5) Competition Act (India)
3. Protection under TRIPS - Harmonizing Articles
4. Person's v. Rules of Trade
5. Vertical & Horizontal Restraints
6. Types of IP infringement
7. Concepts of "Relevant Market and Abuse of Dominant Position"
8. Exhaustion of IP Rights and Competition

UNIT 4: Areas of convergence and concerns

13 Hours

1. IP Infringement and Antitrust
2. Parallel Imports and issues
3. Standard Essential Patents (SEPs) and FRAND Terms
4. Reverse Settlements in Pharmaceutical sector (Brand v. Generic)
5. IP Licenses in Technology transfer of IP
6. Jurisdictional overlap between IPR and Antitrust through important case laws.
7. Case of protection of IP.
8. Legal versus contractual approach of IP protection.

UNIT 5: IP and Competition in specific sectors

7 Hours

1. Pharmaceutical sector
2. Information and Communication Technology (ICT)
3. Food Industry
4. Software
5. Motor vehicles market (Automobile, IT Sector)

References:

Books:

- Ahuja, V.K. (2018) *Law relating to Intellectual property*. New Delhi: Lexis Nexis.
- Anderson, S.D. (2012) *The interface between Intellectual Property, Rights and Competition Policy*. Cambridge University Press.
- Raju, K.D. (2015). *The Intellectual Property Rights and Competition Law*, Kolkata: Eastern Law House
- Caengere, W.V. (2014) *Trade secrets and Intellectual Property*. New York: Kluwer Law International.
- Cook, J. (2016) *Trade Secret Protection: A Global Guide*. London : Wolters Kluwer Business

NIRMA UNIVERSITY
Institute of Law

B.A., LL.B. (Hons.), B.Com. LL.B. (Hons.) and B.B.A. LL.B. (Hons.)

Academic Year - 2017-18

Semester -IX

| L | T | P | C |
|---|---|---|---|
| 3 | - | - | 3 |

| | |
|--------------|------------------------|
| Course Code | 2IPR912 |
| Course Title | IPR in Pharma Industry |

Course Learning Outcomes:

At the end of the course, students will be able to:

1. Understand the interface between IPR and Drug Regulatory Environment.
2. Analyze international guidelines related to clinical trials, market approval and access to medicines.
3. Examine the moral and ethical issues related with medical research and patent regime.

Syllabus

Teaching Hours: 45

Unit 1: Introduction to IPR and Pharmaceutical Industry

05 Hours

- 1.1. Stages of Drug Development
- 1.2. Economics of Drug Development
- 1.3. Patents
- 1.4. Trademarks
- 1.5. Confidential Information
- 1.6. Data Exclusivity
- 1.7. Trade Secrets

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2017-18 and on-wards

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Unit 2: Pharmaceutical Innovation and Patent Protection

08 Hours

- 2.1. Patenting Pharmaceuticals – International
- 2.2. Patenting Pharmaceuticals – India

Unit 3: Clinical Trails - International

08 Hours

- 3.1. International Guidelines
- 3.2. Cross-border Clinical Trails

Unit 4: Clinical Trails – India

10 Hours

- 4.1. Indian Scenario
- 4.2. Legal Framework
- 4.3. Role of Institutional Ethical Committee
- 4.4. Prior Informed Consent
- 4.5. Protection of Vulnerable Population
- 4.6. Remunerating Trail Participants
- 4.7. Compensating Injured Participants

Unit 5: Access to Medicine

08 Hours

- 5.1. Historical View
- 5.2. Public Health Needs and Doha Declaration
- 5.3. TRIPS Plus
- 5.4. Strategies for Improving Access
- 5.5. Generics as Counterfeits

Unit 6: Product Liability & Patent Search Analysis

06 Hours

- 6.1. Mishaps in Pharmaceuticals
- 6.2. Guidelines for Examination of Patent Applications
- 6.3. Search of Patents
- 6.4. Drafting Claims

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2017-18 and on-wards

Suggested Readings:

Books:

1. Frederick A. Abott, (2009) *The Global Pharmaceutical Policy: Ensuring Medicines for Tomorrow's World* (Edward Elgar: Cheltenham) Chapter 2.
2. Feroz Ali Khader, *The Law of Patents-with a Special Focus on Pharmaceuticals in India*, Lexis Nexis Butterworths, New Delhi, 2007.
3. *Regulation of Medical Products* edited by JP Griffin and JO Grady, BMJ Books Publications, 2003.
4. M Stauch et al, *Text, Cases and Materials on Medical Law* (3rd ed London, Cavendish, 2006) 515-527.

Articles:

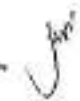
1. Christopher P. Adams and Van V. Brantner, (2006) "Estimating the Cost of New Drug Development: Is It Really \$802 Million?" *Health Affairs*, Vol.25(2), pp.420-428.
2. Sharnad Basheer & Prashant Reddy, (2008) "The 'Efficacy' of Indian Patent Law: Ironing out the Creases in Section 3(d)" *Scripted*, Vol. 5(2), pp.231-265
3. Laurence R. Helfer, (2004), "Regime Shifting: The TRIPS Agreement and the new dynamics of intellectual property law making" *Yale Journal of International Law*, Vol.29(1), pp.1-81 (read only 53-81).□
4. S Shah, 'Globalization of Clinical Research by the Pharmaceutical Industry' (2003) 33 *International Journal of Health Services* 29-36.
5. A Petryna, 'Ethical Variability: Drug Development and Globalizing Clinical Overview Trials', 32 *American Ethnologist* 183-197 (2005).□
6. KS Rajan, 'Experimental Values: Indian Clinical Trials and Surplus Health' (2007) 45 *New Left Review* 67-88.□
7. S. Srinivasan, "The Clinical trials scenario in India" *Economic and Political Weekly* Vol.XLIV (35), (2009), pp.29-33.
8. Margaret A. Berger and Aaron D. Twerski, "Uncertainty and Informed Choice: Unmasking Daubert", *Brooklyn Law School, Legal Studies Paper No. 31*; Hofstra Univ. Legal Studies

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2017-18 and on-wards



33



Research Paper No. 05-16.

9. CDSCO, (2012), Guidelines for determining quantum of financial compensation to be paid in case of clinical trial related injury or death. Available at <http://www.cdco.nic.in/compention.pdf>
10. Michael A. Jones, (2004), "Liability for the insurability of biomedical research involving human subjects under English law: Tort law aspects" in Jos Dute, Michael G. Faure and Helmut Koziol (eds), *Liability for and Insurability of Biomedical Research with Human Subjects in a Comparative Perspective*, (Springer Wein: New York) pp.49-74.
11. Udo Schuklenk, (2000), "Protecting the Vulnerable: Testing Times for Clinical Research Ethics", *Social Science and Medicine*, Vol. 51, pp. 969- 977.
12. Declaration on the TRIPS Agreement and Public Health, Doha 14th November 2001. <http://docsonline.wto.org/DDFDocuments/t/WT/Min01/DEC2.doc>
13. VB Kerry and K Lee, 'TRIPS, the Doha Declaration and Paragraph 6 Decision: What are the Remaining Steps for Protecting Access to Medicines?' (2007) 3(3) *Globalization and Health* 1-12.

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2017-18 and on-wards

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NIRMA UNIVERSITY
INSTITUTE OF LAW
 B.A.,LL.B., (Hons.) Programme
 Academic Year 2015-16
 Semester - X

IPR Litigation
Honours Course VII (Intellectual Property Law Group)

Introduction:

Intellectual Property is one of the important driving forces of the world economy. The people all over the world have become sensitive towards the protection and security of Intellectual Property. The Intellectual Properties have its own kind of dangers. If a tangible property can be stolen, an Intellectual property has the fear of being misused or put to unauthorized use. Piracy or illegal copying is the serious concern of the intellectual property protection, because it gives a jolt to the originality of the intellectual product and its creator.

Objectives:

- To study the basics of Intellectual Property Litigation
- To understand the practical aspects of Intellectual Property Litigation
- To equip with the Intellectual Property Management
- To analyse the procedure and stages of Intellectual Property Litigation

Learning outcomes:

At the completion of the course, the students will be able to:

- Solve the procedural problems/issues related to Intellectual Property protection
- Develop ability to understand the various issues and stages for the protection of the intellectual property.

1. IPR Management

- 1.1 Risk and cost Analysis
- 1.2 Engagement process
- 1.3 Preliminary Research & Proper Documentation
- 1.4 Identifying violation of Intellectual Property Rights
- 1.5 Issuance of Caution Notices
- 1.6 Reliefs
 - 1.6.1 Administrative : Cancellation/Rectification
 - 1.6.2 Civil
 - Injunction
 - Damages
 - Account
 - Appointment of local commissioner
 - Interim Injunction
 - 1.6.3 Crimns:

3

[Signature]

1. Alternate Process Co-existing/understanding ADR.

2. Administrative Proceedings

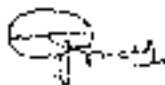
- 2.1 Opposition
- 2.1.1 Trade Mark
- 2.2 Patent
- 2.2.2 Copyrights
- 2.3 Designs
- 2.4 Cancellation and rectification

3. Litigation Proceedings

- 3.1 Civil Procedure
- 3.1.1 Judicial Structure
- 3.1.2 Jurisdiction
- 3.1.3 Cause of Action
- 3.1.4 Defences
- 3.1.5 Pleadings - Its Role and Importance
- 3.1.6 Affidavits
- 3.1.7 Subpoenas
- 3.1.8 Exemption of Suit
- 3.1.9 Procedure of Interim Relief
- 3.1.10 Procedure of Final Trial
- 3.1.11 Filing of Evidence
- 3.1.12 Framing of Issues
- 3.1.13 Examination of Witnesses
- 3.1.14 Final Arguments
- 3.1.15 Judgment and Decree
- 3.1.16 Cost
- 3.1.17 Appeal
- 3.1.18 Execution
- 3.2 Criminal Procedure

References

1. Gopal Krishna N. S., Principles of Intellectual Property, Eastern Book Company, Edn. 2011
2. Moxgare, The Copyright Act, Universal Law Publishing Company, Edn. 2010
3. Khuder Purohit, The Law of Patents - with special focus on Pharmaceuticals in India, Edn. 2014
4. Narayan D., Law of Trade Marks and Passing off, Eastern Law House, Edn. 2013
5. Narayan P.S., Intellectual Property Law in India, Legal Law Agency, Edn. 2011
6. Sarma Rana, Commentary on Intellectual Property Laws, Lexis Nexis, Edn. 2009
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8. Venkatesh Y.R., Law & Practice of Intellectual Property in India, Bharat Law House, Edn. 2012
9. Vaidy Ellenberh, Law of Patents, Eastern Book Company, Edn. 2012
10. Woodroffe, Commentaries on code of civil procedure, Law Publishing (India) Pvt. Ltd. Edn. 2009



Nirma University
Institute of Law
B.A.LL.B. (Hons), B.Com.LL.B. (Hons) and B.B.A.LL.B. (Hons)
Programme
Academic Year 2017-18
Semester IX

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| Course Code | 2CRC912 |
| Course Title | IT Offences |

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

- 1- Understand the jurisdictional issues in cyber offences
- 2- Analyse different forms of cyber offences against persons, property and state.
- 3- Evaluate legislative relating to cyber offences.

Syllabus

Lecture Hours: 45

Unit 1- Introduction to Cyber space and Cyber laws

(4 hours)

1. Basics of computing and system analytics
2. Interface of Law and technology
3. Legal rights vs. Technology infringement

Unit 2- IT Act, 2000 and Jurisdiction in Cyberspace

(9 hours)

1. Basic features of IT Act, 2000
2. Territorial jurisdiction
3. Extra territorial jurisdiction
4. Cyber-space jurisdiction

Unit 3- Cyber Criminology

(6 hours)

1. Understanding cyber crimes
2. Forms of Cyber crimes
3. Criminal Law and Cyber crimes
4. Evidentiary value in Cyber offences

Unit 4- Cyber offences against PERSON

(8 hours)

1. Cyber defamation and S.66-A: The Debate

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2. Pornography and cyber space
3. Phishing/ Vishing
4. Data diddling/ Spam attack
5. Child Pornography and POCSO Act

Unit 5- Cyber Offences against Property

(8 hours)

1. Hacking
2. Cyber money Laundering
3. Salami attack
4. Password sniffing
5. Intellectual property crimes

Unit 6- Cyber Offences against State

(5 hours)

1. Cyber terrorism
2. Email bombing / DOS attack

Unit 7- Impact of the IT Act on other related Acts (Amendments) (5 hours)

1. Amendment to IPC
2. Amendment to Evidence Act
3. Amendment to Bankers Book Evidence Act
4. Amendment to Reserve Bank of India Act

References

Books:

1. K Jaishankar; Cyber Criminology: Exploring Internet crimes and criminal behaviour
2. G S Bajpai; Cyber crimes and Cyber Law
3. Nandan Kamath; Law relating to Computers, Internet and e-commerce: A Guide to Cyber Laws
4. Alan O'Day; Cyber Terrorism
5. Na Vijayashankar; Cyber Laws: for every netizens in India
6. Kamika Seth, Computers, Internet and New Technology Laws- A Comprehensive Reference work with special focus on Development in India.
7. Kamika Seth; Protection of Children on Internet.
8. Kamika Seth; Cyber Laws in the Information Technology Age

Articles:

1. Shaheen Shariff, Dianne L Hoff, 'Cyber Bullying: Clarifying Legal Boundaries for School Supervision in Cyberspace' (2007) 1 International Journal of Cyber Criminology 76.

2. Eugene Volokh, 'Freedom of Speech in Cyberspace from the Listener's Perspective: Private Speech Restrictions, Libel, State Action, Harassment, and Sex' 1996 University of Chicago Legal Forum 377.
3. Yaman Akdeniz, *Internet Child Pornography and the Law* (Aldershot: Ashgate, 2008).
4. Monique Mattei Ferraro, Eoghan Casey, *Investigating Child Exploitation and Pornography: The Internet, The Law and Forensic Science* (Amsterdam: Elsevier, 2005).
5. Daniel J Solove, 'Identity Theft, Privacy, and the Architecture of Vulnerability' (2002-03) 54 Hastings Law Journal 1227.
6. Jane K Winn, 'Contracting Spyware by Contract' (2005) 20 Berkeley Technology Law Journal 1345
7. Rod Dixon, *Open Source Software Law* (Boston: Artech House, 2004).
8. Jason T Kunze, 'Regulating Virtual Worlds Optimally: The Model End User License Agreement' (2008-09) 7 Northwestern Journal of Technology and Intellectual Property 102.
9. Alejandro Zentner, 'Measuring the Effect of File Sharing on Music Purchases' (2006) 49 Journal of Law and Economics 63.
10. Richard H Acker, 'Choice-of-Law Questions in Cyberfraud' 1996 University of Chicago Legal Forum 437.

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NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B. (Hons.) and B.Com. (H.B. (Hons.))
Academic Year 2013-14
Semester - VII

Applicable to year 2015-16

Judicial Process and Judicial Powers

Introduction

Prior to independence the nature of judicial process was viewed restrictively and narrowly as confined to interpretation of the laws. But after the advent of freedom, the founding fathers envisaged an important and wider role to the judiciary, namely, to protect the liberties of citizens and to declare invalid any law that abridges the Fundamental rights guaranteed under the constitution.

Thus the nature of judicial process received a qualitative change under the constitution. The judges therefore in the discharge of their functions had to balance the social interests with individual interests.

In the sixties the conservative judges invalidated many land reform legislations as violative of fundamental rights and constitution had to be amended from time to time to save agrarian reforms from judicial onslaughts. Many legislations dealing with local reforms were included in the 9th schedule to protect them from judicial invalidation.

A great change occurred during the late seventies. Activist judges galvanized the judicial process by relaxing the rules of locus standi on matters involving public interest and in favour of groups who are too weak and oppressed to assert their rights. In the decades that followed, courts exercised power to summon the authorities of the State and giving them directions in a variety of matters of public interest.

At the same time, one notices mounting arrears of cases before the courts and inordinate delays experienced by the litigant public in the disposal of cases which resulted in the people losing faith in efficacy of the judicial process.

These developments in turn have given rise to tendencies to manipulate the appointment of judge at various levels. Since early seventies, views have been expressed that "Committed judges" or "activist" judges or "progressive" judges should be appointed. The executive's role in the appointment of judges and in transferring judges came in for criticism. Of recent times is the significance of judiciary in judicial appointments. Will it be above criticism? There is thus a need to study the contemporary judicial process in India.

Objectives

- i. Assess the basis for and use of judicial power.
- ii. Compare and contrast the philosophies of judicial activism and judicial restraint.
- iii. Outline the structure and jurisdiction of the federal courts.

- iv. Characterize the "special rules" of judicial decision making.
- v. Identify factors involved in the judicial selection process.
- vi. Assess the role of politics in the judicial selection process.
- vii. Outline the decisionmaking process of the Supreme Court and areas in which the Court has been active.
- viii. Assess the role of politics and ideology in Supreme Court decision making.
- ix. Evaluate checks on Supreme Court power.

Learning Outcomes

1. Students shall able to develop a critical understanding of the theoretical underpinnings of the discipline;
2. Students will know the different hierarchies of courts and their structure, function and jurisdiction.
3. Students will able to determine and evaluate the principles and values embodied in the judicial process which will also enable them to think critically and independently about judicial problems;
4. Students will know how to compare and contrast analytical perspectives applicable to issues in context of judicial process;
5. Students will gain confidence in understanding and evaluating judicial-related matters and significant judicial-related concerns.

1. Judicial structure and Need for confinement of Power

- 1.1. Federal Structure
- 1.2. Separation of powers under the Constitution
- 1.3. Protection of the Rights of Individuals
- 1.4 Hierarchy of Courts

2. Appointment of Judges

- 2.1. Method of appointment of judges
 - 2.1.1. Supreme Court
 - 2.1.2. High Courts
 - 2.1.3. District Courts
- 2.2. Available alternatives to the existing modes of appointment of judges
 - 2.2.1. Collegium
 - 2.2.2. All India Judicial Service
- 2.3. Removal and transfer

3. Kinds of Power

- 3.1. Constituent Power
 - 3.1.1. Judicial review on constitutional amendments: Parliament's unlimited power
 - 3.1.2. Fundamental rights as unamendable rights
 - 3.1.3. Basic structure theory: new dimensions
- 3.2. Expansion of interpretations and constitutional developments: life, liberty and equality
 - 3.2.1. Due process
 - 3.2.2. Death penalty

- 3.2.3. Right to live abroad
- 3.2.4. Speedy trial
- 3.2.5. Legal aid
- 3.2.6. Right to a health environment
- 3.2.7. Applying international norms and conventions
- 3.3. Affirmative use of judicial power
- 3.4. Contempt power
- 3.5. Rule-making power - Article 145
- 3.6. Superintendence power - Article 227
- 3.7. Appellate, Original and Inherent powers and power to constitute Benches
- 3.8. Doing complete justice - Article 142

4. Limits of Judicial Power -

- 4.1. Self-imposed limitations
- 4.2. Res-judicata
- 4.3. Accountability: To whom? On what criteria?
 - 4.3.1 To the Profession
 - 4.3.2 To the Constituents
 - 4.3.3 To the people, Parliament and Press

5. Judicial process - kinds of processes

- 5.1. Adversary
- 5.2. Inquisitorial
- 5.3. Arbitration
- 5.4. Public Interest litigation

6. Judicial Process distinguished from other process

- 6.1. Legislative Process
- 6.2. Administrative Process
- 6.3. Conciliation
- 6.4. Mediation

7. Stage in Judicial Process

- 7.1. Advisory
- 7.2. Pre-trial
- 7.3. Trial
- 7.4. Appellate
- 7.5. Appeal
- 7.6. Revision

8. Elements of judicial process

- 8.1. Practice and Procedure
 - 8.1.1. Fact finding
 - 8.1.2. Issues
 - 8.1.3. Evidence
 - 8.1.4. Arguments
 - 8.1.5. Judicial reasoning and judicial techniques
 - 8.1.6. Reporting
 - 8.1.7. Attendance and management

3. Drawbacks of Judicial Process

9.1. Costs

9.2. Delay

9.3. Inadequate representation

9.4. Class Structure

9.5. Technicality

References

1. UNESCO, Commission on Human Rights: The Administration of Justice and the Human Rights of
2. detainees: Study of the Independence and Impartiality of the Judiciary, Juries and assessors and
3. the Independence of Lawyers, 1985, 1987, 1988, 1991, 1992, 1993, 1995.
4. Upendra Baxi, Towards a Sociology of India Law 208-117 (1986)
5. Upendra Baxi, Liberty and Corruption: Anand Case and Beyond (1990)
6. Rajeev Dhavan and Alice Jacob, Selection and Appointment of Supreme Court Judge, A case
7. study (1978), Tripathi
8. K.L. Bhatia, et al., Delay - a riddle wrapped in mystery inside an enigma, JLI (1995)

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**NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year: 2016-17
Professional Training I
(Judicial Services)
Semester VII**

B.A., LL.B. (Hons.), B.Com. LL.B. (Hons.) and B.B.A., LL.B. (Hons.)

Credit: 2

Hours: 30

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Introduction:

This course is a clinical course wherein students are engaged in many simulative exercises through which students will be able to learn the various processes for arriving at a right kind of a decision in the court of law.

Course Learning Outcome:

After the completion of the course the students will be able to:

- (1) Understand the nuance of judicial services in India.
- (2) Equip the skills of analyzing and reasoning of law
- (3) Administer the valuing of precedent.

Syllabus

1. Introduction
2. Organizing Law
 - 2.1 Technique and Outline
3. Micro Analysis of law
 - 3.1 Legal Consequences
 - 3.2 Check List of Elements
 - 3.3 Legal Consequences
 - 3.3.1 Introduction
 - 3.3.2 Institutions
 - 3.3.3 Litigation
 - 3.3.4 Transactions
 - 3.4 Check List of Elements
 - 3.4.1 Introduction
 - 3.4.2 Elements

4. Establishing Facts

- 4.1 Proving facts with Evidence
- 4.2 Terms and Outline
- 4.3 Versions of Truth
- 4.4 Presenting Facts
- 4.5 Versions of Facts
- 4.6 Probability of Truth
- 4.7 Standard of Truth
- 4.8 Onus of Proof
- 4.9 Standard of Proof
- 4.10 Measurement

5. Making and interpreting law

- 5.1 Introduction
- 5.2 Model for legal reasoning
- 5.3 Model for making law
- 5.4 Model for interpreting law
- 5.5 Use of Models

6. Reasons

- 6.1 Introduction
- 6.2 Traditional View
- 6.3 Alternative View
- 6.4 Decision Maker's Perspective
- 6.5 Outline
- 6.6 Policy
- 6.7 Introduction
- 6.8 Basis
- 6.9 Model
- 6.10 Classification
- 6.11 Procedure

7. Weighing Reasons

- 7.1 Weighing Reasons
- 7.2 Introduction
- 7.3 Precedent
- 7.4 Principle
- 7.5 Policy

8. Displacing Reasons

- 8.1 Displacing Reasons

- 8.2 Introduction
- 8.3 Personal Factors
- 8.4 Social Factors
- 8.5 Environmental Factors

9. Precedent

- 9.1 Introduction
- 9.2 Ratio Decidendi
- 9.3 Stare Decisis
- 9.4 Basis of Precedent
- 9.5 Absolute Values
- 9.6 Relative Values
- 9.7 Causation
- 9.8 Outline
- 9.9 Precedent: Ratio Decidendi

10. Decision

- 10.1 Decision
- 10.2 Introduction
- 10.3 Making Law
- 10.4 Interpreting Law
- 10.5 Predicting the Decision

References:

1. Christopher Enright, *Legal Technique*, Universal Law Publishing Co.
2. S.D. Singh's *Judgments and How to Write Them*, Fourth Edition, Eastern Book Company.
3. Chief Justice Dr. B. Malik, *the Art of a Lawyer*, Tenth Edition, Universal Law Publishing Co.

**NIRMA UNIVERSITY
INSTITUTE OF LAW**

Academic Year: 2016-17

B.A., LL.B. (Hons.), B.Com, LL.B. (Hons.) and B.B.A., LL.B. (Hons.) Programme

Semester VIII

Professional Training II

Judicial Services

Credit: 2

Hours: 30

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Introduction:

The course gives an idea about the basic structures and framework of the question frequently being asked in various state judicial services examination. Besides this all the fundamental and substantial law will give a clear insight of functioning of Indian Judicial system as well as the regulation of state as a whole.

Course Learning Outcome:

After the completion of the course the students will be able to

1. Understand and apply substantial and procedural laws
2. Develop analytical and logical reason.

1. Constitution of India

- 1.1 Introduction to Indian Constitution and parliamentary debate
- 1.2 Fundamental Rights, Duties and Directive Principle of state policy
- 1.3 Centre-State Relationship: Legislative, Executive and Financial
- 1.4 Emergency
- 1.5 Amendment to the constitution
- 1.6 Union and state judiciary

2. Criminal Law

- 2.1 General Principles of criminal law
- 2.2 Specific offences
- 2.3 Offences under special laws
- 2.4 Criminal procedure

3 Indian Evidence Act

- 3.1 Evidence – meaning, relevancy, admissible and non-admissible
- 3.2 Confession and admission
- 3.3 Oral and documentary evidence
- 3.4 General principles regarding exclusion by evidence
- 3.5 Burden of Proof
- 3.6 Witness, Examination and Cross Examination
- 3.7 Settlement of disputes outside the court

Suggested Readings:

- M.A. Rasheed (2016), The Ultimate Guide to the Judicial Services Examination, Lexis Nexis
- Singhani, (2015) Solved Papers of Judicial Service (Preliminary Examinations), S.L. Publication
- Expert Compilation (2016), Judicial Services Examination Previous Years' Solved Papers, Arthant

Expert

INTRODUCTION

Jurisprudence is the theory and philosophy of law. It develops the ability to analyze and to think critically and creatively about the law. Such skills are always useful in legal practice, particularly when facing novel questions within the law or when trying to formulate and advocate novel approaches to legal problems.

This course is a survey of the classic questions in jurisprudence, the study of the nature, norms, and justifications of legal systems. Questions addressed include: what is law, what makes a rule (or norm) a rule of law and what functions does it serve? Is morality legally binding regardless of whether it has been enacted into a law by a legislature? How should cases be decided when there is no controlling "law"?

COURSE LEARNING OUTCOMES

After the completion of the Course, students will be able to:-

1. Interpret and assess competing philosophical and ethical perspectives on law, and to use those perspectives to formulate arguments about law, politics and ethics;
2. Engage in and cultivate reasoned legal and moral arguments, by way of both oral and written presentation;
3. Concise and appropriately structured report addressing a key jurisprudential issue.
4. Carry out literature reviews and summarize legal and ethical perspectives
5. Think logically, to assess competing principles impartially and to identify and solve legal and ethical problems.

SYLLABUS

Unit - 1 Jurisprudence: Nature and Scope

- 1.1 The purpose of legal theory
- 1.2 What is jurisprudence?
- 1.3 The concept of law.
- 1.4 The concept of legal system.
- 1.5 The relation of justice to law and ethics.
- 1.6 The problem of International Law.
- 1.7 Definition of law in terms of the judicial process.
- 1.8 Constitutional Law.

Unit - 2 Sources of Law

- 2.1 Legislation

- 2.2 Precedent or concept of stare decisis
- 2.3 Customs
- 2.4 Juristic Writings

Unit - 3 Theories/Schools of Law

- 3.1 Natural Law Theory
- 3.2 Historical School
- 3.3 Positive Law Theory
- 3.4 Sociological School
- 3.5 Realistic School

Unit - 4 Purpose of Law

- 4.1 Justice
 - 4.1.1 Meaning and kinds
 - 4.1.2 Justice and law: approaches of different nations
 - 4.1.3 Power of the Supreme Court of India to do complete justice in a case: Article 142
 - 4.1.4 Critical studies
 - 4.1.5 Feminist jurisprudence

Unit - 5 Legal Concepts

- 5.1 Rights : Wrongs, Duties, Rights
 - The characteristics of legal rights, theories of rights, legal rights in a wider sense, the kinds of legal rights, right: duties co-relations
 - 5.1.1 Theories of Rights
 - 5.1.2 The Characteristics of legal rights
 - 5.1.3 Legal rights in a wider sense
 - 5.1.4 The Kinds of legal rights
 - 5.1.5 Right - Duty correlation

Unit - 6 Possession

- 6.1 The idea of possession
- 6.2 Possession in fact and Possessions in law
- 6.3 Acquisition and loss of possessions
- 6.4 Possessory remedies

Unit - 7 Ownership

- 7.1 The idea of ownership
- 7.2 The subject matter of ownership
- 7.3 Kinds of ownership
- 7.4 Difference between Possession and ownership

Unit - 8 Title

Unit - 9 Property : the concept, Kinds of property

Unit - 10 Persons

- 10.1 The nature of personality
- 10.2 Natural and Artificial Person
- 10.3 The legal status of animals and protection of animal
- 10.4 The legal status of dead men
- 10.5 The status of unborn person, minor, lunatic, drunken, physically challenged
- 10.6 Double capacity and personality

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- 10.1 Legal persons
- 10.2 Corporate personality

11.11 Liability

- 11.1 The nature and kinds of liability
- 11.2 Remedial liability
- 11.3 Personal liability
- 11.4 Damnum sine injuria
- 11.5 Causation
- 11.6 Mens rea - Intention, Malice
- 11.7 Negligence
- 11.8 Strict liability and absolute liability
- 11.9 Vicarious liability
- 11.10 Accident
- 11.11 Mistake of law and facts

REFERENCE BOOKS

1. M.D.A Freeman (ed.), *Lloyd's Introduction to Jurisprudence*, (1994), Sweet & Maxwell
2. Dias, R.W.M. 1994, *Jurisprudence* (First Indian re-print), Aditya Books, New Delhi,
3. San Meled, *Legal Theory*, (2007), Palgrave Macmillan
4. Polon G.W., *A Textbook of Jurisprudence* (4th ed.1972) Oxford
5. P.I. Fitzgerald, *Salmond on Jurisprudence* (2004) Universal Law Publishing Co. Pvt. Ltd.
6. Nirmala Aggarwal, *Jurisprudence- Legal Theory*, (7th ed., 2008), Central Law Publications, Allahabad.
7. V.D. Malhotra, *Jurisprudence and Legal Theory* (1996 re-print), Eastern, Lucknow
8. Jayachmar, N.K. 2006. *Lectures in Jurisprudence*, (Second Edition), Lexis Nexis Butterworths, New Delhi.

**NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year 2016-17**

B.A.,LL.B.(Hons.), B.Com.,LL.B.(Hons.) and B.B.A.,LL.B.(Hons.) Programme
Semester VIII

Labour and Industrial Law

Credit: 5
Hours: 75

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Introduction

Protection of labour is a constitutional mandate. A constitution inspired by the vision of social justice is committed to the cause of upliftment of labour. Well balanced industrial development leads to increased productivity which in turn is a factor of national progress. Labour makes significant contribution in this respect. Labour is not a commodity, but a factor in production. The basic principle behind the introduction of labour law is to maintain an amicable environment between employer and employees. Various rights of labour are created through the series of statutes i.e. right to payment of wages, right to receive minimum wages, right to strike, principle for retrenchment, prohibition of child labour, abolition and regulation of contract labour, and imposes duties on the employer to take care of Health, Safety, and welfare of the labour. It also imposes duties on the employers to take care of their social security in all the terms. Above all, it provides system for settlement by third party and a solid down the jurisdiction and power of the adjudicating authorities to make amicable settlement.

Course Learning Outcomes:

After the completion of the course, the students will be able to

- Understand the framework of labour laws.
- Analyze impact of the laws regulating industrial relations and develop an ability to apply this knowledge for amicable settlement of disputes under labour laws.

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1. Introduction and Historical Development of labour law

- 1.1 Introduction
- 1.2 Historical development of labour laws
- 1.3 Labour law a separate class of law
- 1.4 The elements of labour laws
- 1.5 Codification of labour laws in India
- 1.6 Labour Commissionerate

2. International Labour Organisation (I.L.O)

- 2.1 Introduction of the I.L.O
- 2.2 Aims and Objectives of the I.L.O
- 2.3 Constitution and organs of the I.L.O
- 2.4 Ratification of I.L.O Conventions

3. Constitutional Protection

- 3.1 Employment and Reservation policy
 - Reservation at the time of appointment
 - Reservation in promotion
- 3.2 Protection against exploitation
 - Beneficial interpretation of labour rights under Article 21
 - Prohibition of traffic in human beings and forced labour [Article 23]
 - Prohibition of employment of children in factories, etc [Art. 24]
- 3.3 Directive Principles of the State Policy
 - Certain principles of policy to be followed by the State [Art. 39]
 - Equal justice and free legal aid [Art. 39A]
 - Right to work in certain cases [Art. 41]
 - Just and humane conditions of work and maternity relief [Art. 42]
 - Living wage, etc., for workers [Art. 43]
 - Participation of workers in management of industries [Art. 43A]

4. Industrial Relation Legislations

- 4.1 The Trade Unions Act, 1926
 - Registration of Trade Union
 - Rights and Liabilities of a Registered Trade Union
- 4.2 The Industrial Employment (Standing Orders) Act, 1946
 - Necessity of Standing Order
 - Certification of Standing Orders
 - Modification of Standing Order
 - Model Standing Order
- 4.3 Industrial Dispute Act, 1947



- Object and applicability of the Act
- Definition of Industry, Industrial Dispute, Workmen and Public Utility Service
- Authorities under Industrial Dispute Act, 1947
- Duties and jurisdiction of adjudicating authorities
- Procedure and power of authorities
- Voluntary reference of disputes to Arbitration
- Lay off, Retrenchment, and Closure
- Strike and lockout
- Unfair Labour Practices

4.4 State Industrial Relations Act

5. Law Pertaining to Wages

- 5.1 The Payment of Wages Act, 1936
- Applicability
- Responsibility, fixation of wage period, time and mode of payments
- Rule of Deduction
- Claims arising out of unauthorised deduction and delay in payment of wages
- The Payment of Wages (Amendment) Act, 2005

5.2 The Minimum Wages Act, 1948

- Applicability of the Act
- Fixing of minimum rates of wages
- Claims and procedure thereof
- Penalties and procedure

5.3 Payment of Bonus Act, 1965

- Applicability of the Act
- Eligibility and payment of bonus

5.4 Salient feature of the Equal Remuneration Act, 1976

6. Social Security

6.1 The Employees' Compensation Act, 1923

- Applicability of the Act
- Liability of employer to pay compensation
- Calculation of compensation
- Commissioners, their powers and procedure
- The Workmen's Compensation (Amendment) Act, 2009

6.2 The Employees State Insurance Act, 1948

- Applicability of the Employees State Insurance Act
- Authorities constituted under the Act
- Employer & Employee's Contributions



- Employees Benefits
- Adjudication of dispute and claims
- Offences and penalties
- Obligations of employers

6.3 The Employees' Provident Funds and Miscellaneous Provisions Act, 1952

- Applicability
- Authorities constituted under the Act
- Contributions and matters which may be provided for in the scheme
- Employee Provident Fund Scheme
- Employees' Deposit-Linked Insurance Scheme
- Employees Pension Scheme
- Employees Provident Funds Appellate Tribunal

6.4 The Maternity Benefit Act, 1961

6.5 Payment of Gratuity Act, 1972

7. Labour Welfare, Safety and Health

7.1 The Factories Act, 1948

- Introduction and concepts
- The inspecting staff
- Provisions relating to health
- Provisions relating to safety of the workers
- Provisions relating to hazardous processes
- Provisions relating to welfare
- Working hours, and Annual leave with wages

7.2 Salient feature of the Plantation Labour Act, 1951

7.3 Salient feature of the Mines Act, 1952

7.4 Salient feature of the Motor Transport Workers Act, 1961

7.5 Salient feature of the Bombay Shops and Establishment Act, 1948

8. Legal Protection to Marginalised Groups

8.1 The Contract Labour (Regulation and Abolition) Act, 1970

8.2 The Bonded Labour System (Abolition) Act, 1976

8.3 Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

8.4 The Child Labour (Prohibition and Regulation) Act, 1986

8.5 Protection against sexual harassment at working place

9. Unorganized Labour

9.1 Meaning of unorganised labour

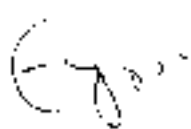
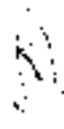
9.2 Categorisation of unorganised labour

9.3 Home-based workers

- 9.1 Report of Labour Commission on Home Based Workers
- 9.2 Agricultural workers Government Scheme
- 9.6 Report of Labour Commission on social security of unorganised sector
- 9.7 Legislative protection
- 9.8 National Rural Employment Guarantee Act, 2005
- 9.9 Unorganized Workers Social Security Act, 2008

Suggested Readings:

- Sirdat Malik, P.L. *Malik's Industrial Law* in 2 Volumes, 22nd Ed. 2014, Eastern Book Co. Lucknow
- SK Mishra "Labour and Industrial Law of India", 5th Ed. 2013, M.A. Faridabad
- Dr. S.N. Mishra, *Labour and Industrial Law*, Central Law Publications, Allahabad
- Revai and Malik "An Introduction to labour law" 1st Ed., Mahatma Gandhi Labour Institute, Meerutabad.
- C.B. Menon and Satis' *Memoranda Principles of industrial Relations*, Himalaya Publishing House-Mumbai 2007 Part VII, VIII
- Dr. V.G. Goswami: *Labour and Industrial law*, Central Law Agency Allahabad, 2005.
- KM Puri: *Labour and Industrial Law*, Allahabad Law Agency, Faridabad, Meerut, 2005.
- S.N. Mishra 2013: *Labour & Industrial Law*, Central Law Agency, Allahabad.
- Report of the First National Commission on Labour (1966-69)
- The National Commission on Rural Labour (NCRL) (1981-91)
- Report of the National Commission on Labour, Government of India, 2002

NIRMA UNIVERSITY
INSTITUTE OF LAW
B. A. LL.B (Hons.) Programme
Academic Year 2013-14
SEMESTER - VII

Appendix - A of Noti.
No. 28 dated 27/4/13

Applicable to year 2015-16

Labour Law

Objectives of the course:

Protection of labour is a constitutional mandate. A constitution inspired by the vision of social justice is committed to the cause of upliftment of labour. Well balanced industrial development leads to increased productivity which in turn is a factor of national progress. Labour makes significant contribution in this respect. Labour is not a commodity, but a factor in production. The basic principle behind the introduction of labour law is to maintain an amicable environment between employer and employees. Various rights of labour are created through the series of statutes i.e. right to payment of wages, right to receive minimum wages, right to strike, principle for retrenchment, prohibition of child labour, abolition and regulation of contract labour, and imposes duties on the employer to take care of Health, Safety, and welfare of the labour. It also imposes duties on the employers to take care of their social security in all the terms. Above all, it provides system for settlement by third party and also laid down the jurisdiction and power of the adjudicating authorities, to make amicable settlement.

94% of the labour force is engaged in unorganized sector; undoubtedly this group has been neglected for a long time but recent interpretations of Judiciary and policies framed by the government has shown the concern towards the welfare and their social security. In this context, the study of labour law is not to be confined to mastering of the enactments and regulations relating to the employment of the work force. The student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the history, the present norms, the emerging areas and possible future techniques of labour jurisprudence. The following syllabus prepared with this perspective will comprise about 84 (55 Hrs lectures + 28 Hrs clinical and Project) units of one hour duration.

Syllabus

1. **Introduction and Historical Development of labour law**
 - 1.1 Introduction
 - 1.2 Historical development of labour laws
 - 1.3 Labour law a separate class of law
 - 1.4 The elements of labour laws
 - 1.5 Codification of labour laws in India
 - 1.6 Labour Commissionerate
2. **International Labour Organisation (ILO)**
 - 2.1 Introduction of the ILO
 - 2.2 Aims and Objectives of the ILO

2.3 Constitution and organs of the ILO

2.4 Ratification of ILO Conventions

3. Constitutional Protection

3.1 Employment and Reservation policy

3.1.1 Reservation at the time of appointment

3.1.2 Reservation in promotion

3.2 Protection against exploitation

3.2.1 Beneficial interpretation of labour rights under Article 21

3.2.2 Prohibition of traffic in human beings and forced labour [Article 23]

3.2.3 Prohibition of employment of children in factories, etc [Art. 24]

3.3 Directive Principles of the State Policy

3.3.1 Certain principles of policy to be followed by the State [Art. 39]

3.3.2 Equal justice and free legal aid [Art. 39A]

3.3.3 Right to work in certain cases [Art. 41]

3.3.4 Just and humane conditions of work and maternity relief [Art. 42]

3.3.5 Living wage, etc., for workers [Art. 43]

3.3.6 Participation of workers in management of industries [Art. 43A]

4. Industrial Relation Legislations

4.1 The Trade Unions Act, 1926

4.1.1 Registration of Trade Union

4.1.2 Rights and Liabilities of a Registered Trade Union

4.2 The Industrial Employment (Standing Orders) Act, 1946

4.2.1 Necessity of Standing Order

4.2.2 Certification of Standing Orders

4.2.3 Modification of Standing Order

4.2.4 Model Standing Order

4.3 Industrial Dispute Act, 1947

4.3.1 Object and applicability of the Act

4.3.2 Definition of Industry, Industrial Dispute, Workmen and 'Public Utility Service'

4.3.3 Authorities under Industrial Dispute Act, 1947

4.3.4 Duties and jurisdiction of adjudicating authorities

4.3.5 Procedure and power of authorities

4.3.6 Voluntary reference of disputes to Arbitration

4.3.7 Lay-off, Retrenchment, and Closure

4.3.8 Strike and Lockout

4.3.9 Unfair Labour Practices

4.4 Bombay Industrial Relations Act, 1946

4.4.1 Applicability and scope of the BIR Act

4.4.2 Salient features of the BIR Act

5. Law Pertaining to Wages

- 5.1 The Payment of Wages Act, 1936
 - 5.1.1 Applicability
 - 5.1.2 Responsibility, fixation of wage period, time and mode of payments
 - 5.1.3 Rules of Deduction
 - 5.1.4 Claims arising out of unauthorised deduction and delay in payment of wages
 - 5.1.5 The Payment of Wages (Amendment) Act, 2005
- 5.2 The Minimum Wages Act, 1948
 - 5.2.1 Applicability of the Act
 - 5.2.2 Fixing of minimum rates of wages
 - 5.2.3 Claims and procedure thereof
 - 5.2.4 Penalties and procedure
- 5.3 Payment of Bonus Act, 1965
 - 5.3.1 Applicability of the Act
 - 5.3.2 Eligibility and payment of bonus
- 5.4 Salient feature of the Equal Remuneration Act, 1976

6. Social Security

- 6.1 The Employees' Compensation Act, 1923
 - 6.1.1 Applicability of the Act
 - 6.1.2 Liability of employer to pay compensation
 - 6.1.3 Calculation of compensation
 - 6.1.4 Commissioners, their powers and procedure
 - 6.1.5 The Workmen's Compensation (Amendment) Act, 2009
- 6.2 The Employees State Insurance Act, 1948
 - 6.2.1 Applicability of the Employees State Insurance Act
 - 6.2.2 Authorities constituted under the Act
 - 6.2.3 Employer/Employee's Contributions
 - 6.2.4 Employees Benefits
 - 6.2.5 Adjudication of dispute and claims
 - 6.2.6 Offences and penalties
 - 6.2.7 Obligations of employers
- 6.3 The Employees Provident Funds and Miscellaneous Provisions Act, 1952
 - 6.3.1 Applicability
 - 6.3.2 Authorities constituted under the Act
 - 6.3.3 Contributions and matters which may be provided for in the scheme
 - 6.3.4 Employee Provident Fund Scheme
 - 6.3.5 Employees' Deposit-Linked Insurance Scheme
 - 6.3.6 Employees Pension Scheme
 - 6.3.7 Employees Provident Funds Appellate Tribunal

- 6.4 The Maternity Benefit Act, 1961
 - 6.4.1 Applicability of maternity benefit law (State and Central Government employees)
 - 6.4.2 Rights of Maternity benefits
 - 6.4.3 Penalties and procedure thereof
- 6.5 Payment of Gratuity Act, 1972
 - 6.5.1 Applicability
 - 6.5.2 Payment and determination of Gratuity
 - 6.5.2 Penalties and procedure
 - 6.5.3 The Payment of Gratuity (Amendment) Act, 2009
- 7. Labour Welfare, Safety and Health
 - 7.1 The Factories Act, 1948
 - 7.1.1 Introduction and concepts
 - 7.1.2 The inspecting staff
 - 7.1.3 Provisions relating to health
 - 7.1.4 Provisions relating to safety of the workers
 - 7.1.5 Provisions relating to hazardous processes
 - 7.1.6 Provisions relating to welfare
 - 7.1.7 Working hours, and Annual leave with wages
 - 7.2 Salient feature of the Plantation Labour Act, 1951
 - 7.3 Salient feature of the Mines Act, 1952
 - 7.4 Salient feature of the Motor Transport Workers Act, 1961
 - 7.5 Salient feature of the Bombay Shops and Establishment Act, 1948
- 8. Legal Protection to Marginalised Groups
 - 8.1 The Contract Labour (Regulation and Abolition) Act, 1970
 - 8.2 The Bonded Labour System (Abolition) Act, 1976
 - 8.3 Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
 - 8.4 The Child Labour (Prohibition and Regulation) Act, 1986
 - 8.4.1 Magnitude of problem
 - 8.4.2 Prohibition of employment of children in certain occupations and processes
 - 8.4.3 Conditions of work at establishment
 - 8.4.4 Penalties under this Act
 - 8.4.5 Government Policies to eliminate child labour
 - 8.4.6 Supreme Court guidelines issued in *M.C. Mehta v. State of Tamil Nadu*, AIR 1997 SC 699
 - 8.5 Protection against sexual harassment at working place
 - 8.5.1 *Vishakha v. State of Rajasthan*, AIR 1997 SC 3011

9. Unorganised Labour

- 9.1 Meaning of unorganised labour
- 9.2 Categorisation of unorganised labour
- 9.3 Home based workers
- 9.4 Report of Labour Commission on Home Based Workers
- 9.5 Agricultural workers - Government Scheme
- 9.6 Report of Labour Commission on social security of unorganised sector
- 9.7 Legislative protections
- 9.8 National Rural Employment Guarantee Act, 2005
- 9.9 Unorganized Workers' Social Security Act, 2008

References :

- Sumit Malik : *P.L. Malik's Industrial Law* (in 2 Volumes), 22nd Ed. 2010, Eastern Book Co. Lucknow
- Raval & Malik : *An Introduction to Labour Laws*, 1st Ed. 2008, Published by Mahatma Gandhi Labour Institute, Alamedabad
- Jeet Singh Mana : *Comprehensive Social Security Scheme for Workers*, 1st Ed. 2010, Deep and Deep Publications Pvt. Ltd., New Delhi
- Malhotra O.P. : *The Law of Industrial Disputes*, Butterworths publication (Relevant parts)
- Chopra D.S. : *Commentaries on Minimum Wages Act, 1948*, Law agency Mumbai.
- Rao S.B. : *Concept of Bonus*, Law Publishing House, Allahabad
- Krishnanurthi S. : *Commentary on Payment of Bonus*, Commercial Law Publishers India Pvt. Ltd. Delhi
- Sarkar U.R. : *Workmen's Compensation Act, 1923*, T.A.C. Publications, Allahabad
- Srivatava K.D. : *Employees State Insurance Act, 1948*, Eastern Book Company
- Chaturvedi R.G. : *Law of Employees Provident Fund*, Bharat Law Publications
- Srivatava K.D. : *Employees Provident Funds*, Eastern Book Company
- Srivatava K.D. : *Payment of Gratuity*, Eastern Book Company
- Srivastava : *Industrial Relations and Labour laws*, Vikas, 4th edition, 2000.
- Kumar HL : *Labour and Industrial Law*, Ed. 2009

Nirma University
Institute of Law
Academic Year 2014-15
LAND LAW
SEMESTER X
OPTIONAL COURSE IV
B.A.,LL.B.(Hons.) and B.Com.,LL.B.(Hons.) Programme

Credit : 3
Hours: 45

Introduction

The legislative power to make laws relating to land and land ceiling is in the state list. Different states have enacted their own laws on this subject. The Constitutional perspectives relating to this subject have to be taught as an essential part of this course. The provisions in the Constitution in Part III, IV and XII as well as those in Schedule VII relating to distribution of legislative powers over land are essentially to be taught with emphasis. The law relating to land in the state where the students take the course will have to be selected by the University Boards of Studies as part of the syllabus for this paper. This paper comprises of 84 units of one hour duration.

Course Learning Outcomes:

- At the end of the course, the students will be able to:
- Know the history of land laws
 - Interpret constitutional provisions in true spirit
 - Understand transformation of land laws
 - Know allied laws pertaining to land

Syllabus

1. History of land laws

- 1.1 Movements
- 1.2 Pre-independence reforms
- 1.3 Post independence reforms
- 1.4 Property as a legal right

2. Constitutional provisions

- 2.1 Article 19 freedom to hold property
- 2.2 Article 31 of the Constitution
- 2.3 Article 300A and Schedule IX
- 2.4 Limitation to right to property (Articles 31A, 31B, 31C)
- 2.5 Legislative powers on land laws

3. Transformation of land acquisition laws

- 3.1 Salient features of Land acquisition Act 1894



- 3.2 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
- 3.3 Comparison between act of 1894 and 2013.
- 3.4 Concept public purpose for acquiring land
- 3.5 Rehabilitation and resettlement

4. Gujarat Land Revenue Code, 1879

- 4.1 Constitution and Powers of Revenue Officers
- 4.2 Lands and Land Revenue
- 4.3 Grant, Use and Relinquishment of unalienated land
- 4.4 Settlement of Boundaries and the construction and Maintenance of boundary walls
- 4.5 Records of Rights
- 4.6 Realisation of Revenue, Revenue and other Revenue Demands
- 4.7 Procedure of Revenue Officers
- 4.8 Appeals and Revisions

5. Salient features of the allied land laws

- 5.1 Salient features of Gujarat Tenancy and Agricultural Lands Act, 1948
- 5.2 Town Planning and Urban Development Act
- 5.3 Special Economic Zone Act, 2005 and the Land Displacement Issues in SEZ
- 5.4 Schedule Caste and Schedule Tribe Provisions of Agricultural Act, 1948
- 5.5 The Scheduled Caste and Scheduled Tribes Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

References

1. Law of Land Acquisition and Compensation R. Chakrabarty
2. Law of Acquisition of Land H.L. Datta & R. Aiyer
3. Land Acquisition Act, A. Banerjee
4. Law of Acquisition of Land in India, T. K. Sarkar
5. Law of Land Acquisition and Compensation, Sankar Roy
6. Land Revenue Legislation in India, S.C. Banerjee (1954)
7. The Land Acquisition Act of 1894 in Agriculture
8. Economic and Political Weekly (EPW)
9. KIRUSHIYERBA A Journal on Land Development
10. BOLANA A Journal on government Planning Policies
11. Land Laws by Herbert Weil, New York Publications
12. Law of Land Acquisition & Compensation, Dr. Aravanti, Durgam Law Agency
13. The Bombay Tenancy and Agricultural Lands Act, 1948 with Rules by K.S. Gupta, 2008 14th Edition, Hind Law House

NIRMA UNIVERSITY
INSTITUTE OF LAW
 B.A., LL.B. (Hons.) Programme
 Academic Year 2013-14
 Semester X

Law and Child
(Optional Course I)

Introduction :

Children are the supreme assets of any country. India is home to the largest child population in the world. The development of children is the first priority on the Country's Development Agenda, not because they are the most vulnerable but because they are our supreme assets and also the future human resource of our country. The legal limitation on their capacity in such cases as contracting as marriage and voting and legal rights conferred and legal protection provided in the Constitution and in varieties of laws are to be studied critically with the understanding that either the parents or the society or state shall be held legally responsible for the survival, development of personality and happiness of the children. The Legal protection by the UNCRC, the Constitution of India, statutory protection against exploitation, different treatment to a juvenile in conflict with law and special protection to a child in contact with law and fulfill the need of a child who is in need of care and protection are the special attraction.

Objectives :

- To impart knowledge about laws, policies and programs relating to children.
- To create awareness, and sensitize students on issues relating to children
- To identify gaps between law as it exists and as it operates in society
- To aim capacity building of students in research, advocacy skills, understanding child psychology and the basic of child counselling practice.
- To facilitating potential building for career choice – supporting field placements internship

Learning Outcome :

After the completion of the course, the students will be able to:

- Understand various socio-legal issues pertaining to child and enhance their capacity to support child right advocacy.
- Understand international, national and state level mechanism to protect child rights and to develop their skills required for child rights advocacy.
- Develop sensitivity towards child exploitation.
- Understand different approaches of treating child in different situations.

1. Introduction

- 1.1 Problems relating to definition of child.
- 1.2 Historical development of legal protection to children.
- 1.3 UN Convention of Rights of Child, 1989 (also discuss Declaration of 1959).

1.4 General Principles of Justice to Children.

2. Protection of Child under the Constitution

- 2.1 Fundamental rights (Articles 15(3), 21, 21A, 23, 24, & 32).
- 2.2 Directive Principles of State Policy and fundamental duties (Articles 39, 39A, 43 & 46).
- 2.3 Fundamental Duties (Article 51A (e) & (k)).
- 2.4 Judicial Activism and protection of Child

3. Child Labour

- 3.1 meaning and theories of child labour
- 3.2 Magnitude of the child labour
- 3.3 Causes and remedies
- 3.4 Prohibition and regulation of child labour
- 3.5 Possibility to eliminate child labour

4. Right to Education

- 4.1 Historical development of elementary education
- 4.2 Trend in growth of literacy rate in India
- 4.3 Rights of Children to Free and Compulsory Education Act, 2009
- 4.4 Possibility of educating every child in India

5. Child and Criminal Liability

- 5.1 Definition of "Juvenile in conflict with law"
- 5.2 Applicability of sections 82 and 83 of the IPC
- 5.3 Constitution and powers of Juvenile Justice Boards and Institutional Care
- 5.4 Apprehension, bail and proceedings before JJB
- 5.5 Free legal aid to juvenile in conflict with law
- 5.6 Benefits of Probation

6. Child in need of Care And Protection

- 6.1 Definition of child in need of care and protection
- 6.2 Abandoned child, street child, working child and surrendered child
- 6.3 Constitution and powers of CWC and institutional care
- 6.5 Restoration and rehabilitation of child (Restorative theory)

7. Adoption and Guardianship

- 7.1 Adoption of child under Hindu adoption and Maintenance Act, 1956
- 7.2 Adoption under the JJ Act, 2000
- 7.3 CARA Guidelines for Adoption, 2011
- 7.4 Guidelines for adoption by Supreme Court (G.K. Pandey v. Union of India, 1984)

Pradeep *2*

7.5 Custody and guardianship right over the child

8. Child in Contact with Law

- 8.1 Definition of child in contact with law
- 8.2 Offences of female foeticide and infanticide
- 8.3 Protection of children against Kidnapping and trafficking
- 8.4 Offences against children under JJ Act, 2000
- 8.5 Protection of children against sexual offences Act, 2012
- 8.6 Protection of victim of child marriage
- 8.7 Protection to Child witness

9. Protective Measures

- 9.1 Nation Commission for Protection of Child Rights
- 9.2 State Commission for Protection of Child Rights
- 9.3 Constitution and functions of Special Court/Children's Court
- 9.4 Role of Special Public Prosecutors and NGOs
- 9.5 ICDS and ICPS (Services and Scheme)

References:

1. Ved Kumari, *The Juvenile Justice System In India. (from welfare to rights)*, Oxford India.
2. Mahrukh Agerwala, *Child Protection and Juvenile Justice System*, Childline India Foundation, 2009
3. Malik Krishna Pal, *Administration of Juvenile Justice In India*, Allahabad Law Agency, 2012.
4. Mahendra Gaut, *The Child Protection: A Fiction*, Alpha Publication, (2006)
5. Susan L. Brooks & Ved Kumari, *Creative Child Advocacy: Global Perspectives*, Sage Publication.
6. Malik & Kaval, *Law and Social Transformation in India*, Allahabad Law Agency, third Ed. 2011, (Only third part II).
7. Justice Singh, *The Rights of the Child in India*, Akansha Publishing House, (2009)
8. Krishna Pal Malik, *Right to Elementary Education*, Allahabad Law Agency, 2012.
9. Jaya Sagade, *Child Marriage in India: Socio-legal and Human Rights Dimensions*, Oxford press, 2012.
10. Integrated Child Development Services (ICDS), 1975, Government document
11. Integrated Child Protection Scheme (ICPS), 2010, Government document
12. Gupta D.K, *Child Development and Protection*, Omega Publications (2009)
13. Muhaveer Jain, *Complete abolition of child labour : A Possibility*, Munak Publications, New Delhi.
14. Vijay Harasria, *Juvenile Justice System. Working manual for stake holders*, Universal, 2008
15. Child marriage (Child Marriage Prohibition) Act, Law Commission of India Report 2008.
16. Reports of National Crimes Record Bureau (Chapters 6 & 10)
17. State Action Plan for Elimination of Child Labour.

NIRMA UNIVERSITY

INSTITUTE OF LAW

B.A., LL.B. (Hons.) Programme

Academic Year 2011-12

Semester – X

LAW AND DIFFERENTLY ABLED
(Optional Course I)

Introduction and Objectives

The disabled do need a very special attention. This has been so recognized in our Constitution. Within the limits of its economic capacity and development, under Article 41, the state is directed to make effective provisions for securing right to work, to education, to public assistance in cases of unemployment, old-age, sickness and disablement, and other cases of undeserved want. Again in Article 46, the State is directed to promote with "special care" the educational and economic interests of the "weaker sections" of society, obviously including within its ambit the disabled. The concern of the international community is reflected in the resolution of the general Assembly of the United Nations, proclaiming 1981 as the International year of the Disabled persons with the following objectives.

- (i) Helping disabled persons in their physical and psychological adjustment to society.
- (ii) Promoting all national and international efforts to provide disabled persons with proper assistance, training, care guidance, to make available opportunities for suitable work and to ensure their full integration in society.
- (iii) Encouraging study and research projects designed to facilitate the practical participation of disabled persons in daily life, by improving their access to public buildings and transportations system.
- (iv) Educating and informing the public of the rights of disabled persons to participate in and contribute to various of economic, social and political life.
- (v) Promoting effective measures for prevention of disability and for rehabilitation of disabled persons.

India is a signatory to this Resolution and is, hence, obliged to realize its objectives through a sustained national plan of action by integrating the whole range of efforts with the national development plans.

The purpose of evolving this course as an optional paper for the students of LL.B. (Hons.) is to provide to a body of motivated students a critical exposure in an area of social interest which has hitherto remained unexplored. In this course they would also gain insight into a multidisciplinary developing remedial jurisprudence.

1. Introductory

- Conceptions of Disability
- Kinds of disabilities
 - Moral and religious disability
 - Temporary and permanent
 - Partial and total

2. Potential Sources of Disability

- Magnitude of disablement in India
- Causes of disability
 - Congenital disability
 - Disability caused by natural calamity
 - Disability caused by accident
- Problems of person with disability
- Changing social structure and the status of the disabled

3. Basic approaches to Disability Case based analysis:

- Disability as a result of working in hazardous industrial establishments
- Private undertakings - e.g. Bhopal case
- Public undertakings - e.g. Atomic plant
- Traditional approach of sympathy and charity
- Modern approach of rationality, secularity and human dignity

4. Determination of disability: Legal framework

- U.N. Convention on the rights of persons with disability.
- Varying criteria under different laws
- Administrative process for determining disability
- The persons with disabilities (Equal opportunities, protection of rights and full Participation Act 1995)

- Compensation for injury at work place (Employees' compensation Act 1923 & ESIC Act)
- The Mental Health Act 1987
- Concern for the Disabled: In Retrospect at the International level
 - Reference to medical opinion for determining the nature and extent of disability

Initiatives of I.L.O. and International Agencies

5. Care Mechanism: Recent Developments

- Section 84 of the Indian Penal Code, 1960 (absolving a person of unsound mind from criminal liability for commission of certain offences).
- Positive Discrimination for person with Disabilities (Reservation and Relaxation)
- Government Schemes
- Social Participation
- Disability in Later Life
- National Trust
- Institutional approach towards the Person with Disabilities

References:-

- S.L.Sharma, "Changing social structure and the status of the disabled", at 114-21
- J.K.Mittal, "Conceptual Framework for the welfare of disabled persons" at 42-60
- Paras Diwan, "Keynote paper" on the disabled, at 1 - 14.
- Bal Krishna, "Disabled and the tax laws", at 25 - 30
- Balram K. Gupta, "The Rights of the disabled: a foot note on the constitutional position", at 61-63
- I.P.S.Sidhu, "Disabled and law of corporations", at 31-53
- R.K. Bangia, "Compensation for pre-natal injuries to children born disabled", at 38-41.
- Law 435
- Virendra Kumar, "Institutionalization of the disabled: should it be a substitution for the family shelter" At 15-24

Special issue of the 37 Indian Journal of Public Administration. (1981) consists of the following useful reports/articles:

- Report of the Director-general to the International Labour Conference, Part-I (1981)
- S.R.Mohsini, "Emerging concept of welfare of the physically handicapped".

- V. Ramalingaswami, "Rehabilitation of the disabled"
- H.J.M. Desai, "The need for radical change in the administrative structure of our services for the disabled".
- Seeta Sinclair, "A Future of the mentally handicapped"
- P. Trivedi, "Is disability a handicap and need it be perpetuated"
- Bata K.Dey, "Reservation for the handicapped: Constitutional and programmatic issues"
- S.K.Verma and Anil Chawla, "The Disabled - their problems and solutions"
- Mikhavilli Seetharam, "Legislation for rehabilitation services for the disabled in India"
- Ravindran Nair, "Welfare of the handicapped - the role of voluntary organizations"
- Human Rights, A compilation of International instruments (1987).
- Year Book on Human Rights for 1975-76 (1981)



NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A.LL.B. (Hons.) & B.Com.LL.B. (Hons.) Programme
Academic Year 2014-15
Semester - IX
Honours Course V (Constitutional Law Group)

Credit: 3
Hours: 45

Law and Education
Syllabus

Introduction: This Course deals with education as a resource, its planning by law and legal regulation of various administrative, legislative and quasi judicial processes of education institutions and interaction between such institutions and the government of India.

Course Learning Outcomes:

After studying this course students will be able to

- Gain thorough understanding regarding educational process and planning in India
- Analyze the issues arising out of regulatory affairs of educational sectors
- Able appraises delicate balance between autonomy and regulation in educational process.

I. Education: Constitutional Allocation of Power

- Articles 246 read with the Seventh Schedule
- Concurrent List Entry 25.
- Union List Entries 63, 64, 65, and 66.
- Gujarat University v. Srikrishna A.I.R. 1963 80 763
- Why was education transferred from the State List to the Concurrent List?
- Areas of Central legislation over Education, the UGC Act, etc.

II. Constitutional Goals

- Right to Education
- Free and compulsory education for children below 14 years
- Right to Education Act, 2009

III. Equality of opportunity to education

- Articles 14, 15, 16, 21, 29(2), 41 and 45
- Reasonable classification

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- Affirmative action and the deprived

IV. Minority and Education

- Minority Rights - Right to conserve distinct script and culture
- Right to establish and administer educational institutions of their choice
- Minority Institutions - right to compensation
- No discrimination in grant-in-aid

V. Government Control and Educational Institutions

- Chancellor - Governor
- How are Vice-Chancellors appointed?
- Government power to nominate members on various university bodies and the role of these bodies
- Zilla Parishad and Primary-Secondary Schools Relationship
- Funding of Education
- Autonomy v. Social Control
- UGC Act, 1956

VI. Fair Hearing in Educational Matters

- Students - Discipline and Action, Mass copying, etc.
- Staff v. Management
- Grievances
- Rules of Natural Justice

VII. Dispute settlement Mechanism for Educational Institution

- Chancellor
- Educational Tribunals
- Judicial Review
- Educational Tribunal Act, 2010

VIII. Market economy, education and the law

- Public private partnership
- Private higher education: opportunities and challenges
- Private University Act (different State Acts)
- National Commission for Higher Education and Research Bill, 2010
- Foreign University Bill, 2010
- The National Accreditation Regulatory Authority for Higher Educational Institute Bill, 2010
- The Prohibition of unfair practices in Technical Education Institute, Medical Education Institute and University Bill, 2010

References:

- B.M. Sankhdher. 1999. *Encyclopaedia of Education System in India*, New Delhi: Deep Publications.

- P.J. Mehta, R. Poonga. 1997. *Free and Compulsory Education*. New Delhi: Deep & Deep Publications.
- R. D. Agarwal, *Law of Education and Educational Institutions (Higher, Secondary and Basic*
- *Institutions - (Govt., aided, Public Private Institutions and Universities)*. 1999, The Law Book Company.
- D. Thakur & D.N. Thakur. 1993. *Studies in Educational development*, New Delhi Asia Law House
- R.D. Agarwal. 1983. *Law of Education and Educational Institutions in India*.
- Upendra Haxi, 1978-79. Mass copying : should Courts Act as Controllers of Examination? 6& 7 *Delhi Law Review* pp 144-151.
- Indian Law Institute, *Minorities and the Law* (1972)
- S.P. Sathu, 1974. "Fundamental Rights and Directive Principles of State Policy" in *Constitutional Developments since Independence* (Indian Law Institute)
- G.S. Sharma, (ed.). 1967. *Educational Planning: Its Legal and Constitutional Implications in India*.
- Seenivas Rao. 1984. Writs Against Educational Institutions. 26 *Journal of the Indian Law Institute* 40.
- Cases reported in *Education and Educational Institutions Cases*, Malhotra and Company.

Note:-

- Students should consult relevant volumes of the Annual survey of India Law Published by the Indian Law Institute (Constitutional Law, I, II, Administrative Law and Education).

WD

**NIRMA UNIVERSITY
INSTITUTE OF LAW**

Academic Year 2015-16

**LAW AND GOVERNANCE IN TRIBAL AREAS
SEMESTER X**

B.A., LL.B. (Hons.) and B.COM., LL.B. (Hons.)

Credit : 3

Hours : 45

| L | T | PW | C |
|---|---|----|---|
| 2 | - | 1 | 3 |

Introduction

India's population includes more than 100 million tribal people. During the colonial period and post-Independence period the respective governments through various enactments tried to bring these people to the mainstream of the Indian society. Especially after Independence the 5th Schedule of our Constitution prescribes how to administer Scheduled Areas and Scheduled Tribes including the provisions to set up the Tribal Advisory Council and have given immense power to the Governor to make regulations for the good governance. During the last 67 years we have enacted so many piecemeal legislations to improve the living conditions of these people. PESA enacted in the year 1996 occupies an important place in this regard. So, understanding the legislative framework and how the law and governance is happening in this area is very important in a democratic country in India. At the same time, Naxalism, livelihood issues, education, employment and justice delivery mechanism exposes the gap between rhetoric and reality.

Course Learning Outcomes:

After the completion of this course, the student will be able to:

1. Understand and analyze the nature and scope of the 5th and 6th Schedule and its interpretation by the courts
2. Understand the role of socio-economic schemes and its impact on the planning and development in tribal areas.
3. Identify and analyze the emerging issues relating to security and administration of justice in tribal areas

1. Introduction

1.1. Introduction of facts and figures during colonial and post-Independence period

1.2. Constituent Assembly Debates and evolution of 5th and 6th Schedules



1.3. Nature and Scope of Schedule 5th and 6th, intent, analysis and their interpretation by the Courts.

2. Rights of Tribal

2.1 Individual and Community Rights

2.2 Natural Resource and their management

2.3 Rule of law, governance based on culture and tradition

2.4 International law components vis-à-vis indigenous people ratified by India

2.5 Autonomy in Scheduled Areas

3. Panchayati Raj System and its application to the 5th and 6th Schedule

4. Law, Regulation and Institutions

4.1 Land rights, displacement, settlement etc.

5. Forest Rights, Management and Livelihood issues

6. Constitutional governance and tribal area development

6.1 Role of Governor and 5th and 6th Schedule

6.2 Legislative Powers and Executive Powers – Union, States and Tribal Councils

6.3 National Commission for Tribals

7. Security system and administration of justice in tribal areas

7.1 Naxalite Issues

7.2 Justice System

7.3 Criminal Justice and Constitutional Guarantees

7.4 Application of Article 15 and Justice in tribal areas

7.5 Special Laws like AFSPA, BSF, presence of Central Military in tribal areas

8. Protection and promotion of Constitutional Values in Tribal Areas

8.1 Fundamental Rights

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9. Socio-Economic Schemes/ Planning and Development

10. Justice Delivery Mechanisms appropriate to tribals

- 10.1 Tribals in urban areas
- 10.2 Right to food, education, employment
- 10.3 Planning and Development Administration

References:

- Report of the High-level Committee on Socio-Economic, Health and Educational Status of the Tribals of India May , 2014
- The Adivasis of India -A History of Discrimination, Conflict, and Resistance-- By C.R. Bijoy, Core Committee of the All India Coordinating Forum of Adivasis/Indigenous Peoples
- Policy brief on Panchayat Raj (Extension to Scheduled Areas) Act of 1996 By C.R Bijoy U.N.D.P
- Constitution of India, 1950
- J. Vidhyut Tribal Situation in India, Rawat, 1999

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NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B., (Hons.), B. Com., LL.M. (Hons.) Programme
Academic Year 2014-15
Semester - I
Law and Literature

Credit: 4

Hours: 60

Introduction: English Literature today has become an effective and sought after tool of learning in various professional courses. Study of literature has taken wings in courses like Law, Management, Liberal Studies etc. Literature and law share good amount of proximity in dealing with human predicament, situation, development of civilization and societal reforms. Literature helps in understanding of law and cases because it teaches a certain way of thinking; a way that is synthetic, creative, dealing with ambiguity and ambivalence. It also provides opportunity of foraying into new dimensions of thoughts pertaining to law, justice etc. and examine it from humanistic and philosophical perspective. This course therefore focuses on various works on different aspects of law and provides an opportunity to the students to hone their thinking and analytical abilities.

Course Learning Outcomes (CLO):

After the completion of the course the students will be able to:

- Broaden the scope of thinking with Interaction and interpretation
- Sow the seeds of wisdom before facing actual situations
- Learn to correlate, finding parallels etc. among cases and draw conclusions
- Gain insights into the interactions of language and society through literature.
- Able to read, interpret and analyse various aspects of fiction and non-fiction connected with life and aspects of law to broaden their horizon.

I. Selected Short Stories

- Advice to a Young Man Interested in Going into Law by *Felix Frankfurter*
- The Proposal by *Anton Chekhov*
- Criminal Courts by *Charles Dickens*
- After Twenty Years by *O Henry*
- The Trial Scene of Merchant of Venice by *William Shakespeare*
- The Five Functions of the Lawyer by *Arthur T Vanderbilt*
- Mr. Havlena's Verdict by *Karel Capek*
- The Adventure of the Dying Detective by *Arthur Conan Doyle*
- The Adventure of the Red Circle by *Arthur Conan Doyle*

II. FICTION

- Antigone by *Sophocles*
- The Trial by *Franz Kafka*

III. NON-FICTION

- Law and Lawyers
- Excerpts from self-help books

IV. FILMS AND LAW

- Anistad
- To Kill a Mocking Bird
- Excerpts of court room scenes from Hindi Films

References:

- W H Hudson, 2003 *An Introduction to the study of English Literature*. New Delhi: AITBS,
- Lucy Lilian Notestein, Welco Hilary Dunn., 1974 *The Modern Short Story: A study of the form: its plot and structure*. Folcroft Library Editions

NIRMA UNIVERSITY
Institute of Law
BA.,LL.B (Hons), B.Com., LL.B (Hons), B.B.A., LL.B. (Hons)
Academic Year 2017-18

Semester X
Seminar Course

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| Course Code | 2OC1012 |
| Course Title | Law and Public Policy |

Course Learning Outcomes (CLO):

At the end of the course, students will be able to:

1. Identify and express the scope and significance of public policy.
2. Examine and illustrate the contributions of various stakeholders in policy making.
3. Appraise and analyse the political, financial and popular difficulties in the implementation of policy.

Syllabus:

Contact Hours: 30

Unit I: Introduction

03 Hours

- 1.1 Nature, Scope and Significance of Public Policy
- 1.2 Types of Public Policy
- 1.3 Regulatory, Welfare, Distributive and Re-distributive
- 1.4 Public Policy Cycle
- 1.5 Models of Public Policy

Unit II: Policy Experiences in India

06 Hours

- 2.1 Cooperative Federalism
- 2.2 Institutional Factors: Legislature, Executive, Judiciary

34

we.f. academic year 2017-18 and onwards

2.3 Planning Commission

2.4 Other Forces in policy making: Public Opinion, Political parties, Pressure groups and Media

2.5 External Influencing Agencies: UNDP, WHO, ILO, UNEP, ADB, World Bank and IMF

Unit III Policy Formulation

03 Hours

3.1 Need Theory Vs. Experience Theory in shaping Public Policy

3.2 Judicial Interventions in guiding public policy

3.3 Role of National and International Statutory Organizations in policy formulation

Unit IV: Policy Implementation

04 Hours

4.1 Public Policy Delivery Agencies and Implementers

4.2 Aspects of Policy Design for Implementation

4.3 Modes of Policy Delivery and Implementers, Enforcement Modes

4.4 Problems in Public Policy Implementation: Conceptual, Political and Administrative Problems

4.5 Conditions for Successful Implementation

Unit V: Policy Monitoring and Evaluation

04 Hours

5.1 Policy Monitoring: Approaches and Techniques

5.2 Measures for Effective Policy Monitoring

5.3 Policy Evaluation: Role, Process and Criteria

5.4 Evaluating Agencies

Unit VI: Public Policy: Major Sectors

06 Hours

6.1 Environment

6.2 Education

6.3 Health and Sanitation

6.4 Real Estate

6.5 Information and Communication Technology



35

w.e.f. academic year 2017-18 and onwards

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Unit VII: Niti Aayog

04 Hours

- 7.1 Role of Niti Aayog
- 7.2 2030 Agenda for Sustainable Development
- 7.3 Millennium Development Goals (MDGs)
- 7.4 Major Initiatives

Suggested Readings:

1. Kumar De Prabir. (2012). *Public Policy and Systems*. New Delhi: Pearson Education India
2. Chakrabarti Rajesh and Sanyal Kaushiki. (2017). *Public Policy in India*. New Delhi: Oxford University Press.
3. Sapru RK. (2010). *Public Policy – Formulation, Implementation and Evaluation*. New Delhi: Sterling Publishers Pvt. Limited.
4. Ayyar RV Vaidyanatha. (2009). *Public Policy Making in India*. New Delhi: Pearson Education India.
5. Dunn William N. (1994). *Public Policy Analysis – An Introduction*, New Jersey: Prentice Hall,
6. Thomas Dye. (1995). *Understanding Public Policy*. New Jersey: Prentice Hall.
7. Anderson James. (2003). *Public Policy Making: An Introduction*. Massachusetts: Houghton Mifflin.
8. Hill Michael and Hupe Peter. *Implementing Public Policy*. New Delhi. Sage. 2002.
9. Daniel Kahneman. (2013). *Thinking. Fast and Slow*. Farrar. New York: Straus and Giroux.

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w.e.f. academic year 2017-18 and onwards

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NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B. (Hons.) Programme
Academic Year 2011-12
Semester – X

LAW AND PUBLIC SERVANTS
(Optional Course IV)

Introduction and Objectives

Civil service constitutes the backbone of the modern welfare state administration. This paper will examine at the threshold level, the historical and comparative growth of the civil service law during the colonial and post-independent era. How far are the rights available to the general public applicable to the civil servants? Necessarily the constitutional concepts of equality and protective discrimination are to be examined in this respect. The constitutional bases for the regulation of services, the doctrine of pleasure and the limitations put on it are prominent areas. Recruitment and promotion are two strong foundations of an efficient civil service. The dimensions and the power of the public service commissions in these areas are to be highlighted. Human and fair conditions of service are other bases for an efficient system of administration. Machinery for fixation of pay and allowances and other conditions of service, social security benefits, civil and criminal immunities for "good faith" actions is all matters to be examined in this paper. The legislation and the rules relating to these areas available in the state where the course is offered should form part of the paper. Pari pasu a comparative analysis of the corresponding regulation relating to the employees of the Central government may also be made.

The neutrality-commitment dilemma, the principle of seniority-cum-merit basis for recruitment and promotion, the advantages and disadvantages of the spoils system and the areas like frequent transfer, housing, education of children, and politicization of service organizations present other segments of study. Special categories of services such as the judicial service-the subordinate judiciary and higher judiciary-and the All India services should form a separate component of the paper. Settlement of disputes over service matters is a litigation prone area. The remedies provided at departmental level, remedies before the administrative tribunal and the remedies by way of judicial review should be studied in depth with a comparative emphasis.

1. Historical and comparative perspectives

- Civil service in Colonial India: origin, objectives and commitment.
- Changeover in the post independent era: neo-colonial characteristics and problems.

2. Civil servants: Constitutional dimensions

- Are the civil servants a category different from other citizens vis-à-vis fundamental rights.
 - Concept of equality and civil servants
 - Right to form associations or unions-police and judicial officers-scheduled castes & backward classes.

- Right to strike and to collective bargaining.
- Heterogeneity of social, educational and communal-backwardness and its impact on recruitment, promotion and work atmosphere.
- Service regulations: the Constitutional bases.
 - Formulation of service rules
 - Doctrine of pleasure
 - Limitations on doctrine of pleasure
- Impact of Essential Service Maintenance Law

3. Recruitment and Promotion

- Union public service commission and state public service commissions.
 - Jurisdiction and functions
 - Membership; immunities
- Consultation with commission

4. Conditions of service

- Pay, dearness allowance and bonus: machinery for fixation and revision, pay Commission
- Kinds of leave and conditions of eligibility
- Social security: provident fund, superannuation and retriial benefits, Medicare, maternity benefits, and employment of children of those dying in harness, compulsory insurance.
- Comparative evaluation with private sector
- Comparative evaluation between the state government employees and the central government employees - the state laws and regulations in comparison with Central regulations.

5. Civil service: the dilemmas in operation

- Neutrality, permanency and expertise.
- Spoils system, seniority-cum-merit for promotion, direct recruitment and promotion.
- Frequent transfers, education of children, housing and accommodation-the problem of central government employees.
- Civil service and politics, over politicization of government servants, organization and inter union rivalry.
- Corruption in Public Service

6. Special categories of services

- Judicial services: subordinate judiciary-judicial officers and servants: appointment and conditions of service
- Officers and servants of the Supreme Court and the High Courts: recruitment, promotion, conditions of service and disciplinary action.
- All India Services: object, regulation of recruitment and conditions of service, disciplinary proceedings.

7. Settlement of disputes over service matters

- Departmental remedies: representation, review, revision and appeal, role of service organizations

- Remedy before the Administrative Tribunal: jurisdiction, scope and procedure merits and demerits - exclusion of jurisdiction of courts.
- Judicial review of service matters - jurisdiction of the Supreme Court and High Courts.
- Judicial Accountability Bill
- Judges Inquiry Act - Law Commission Report

References:

- Malhotra, L.C., Dismissal, Discharge, Termination of Service and Punishment (1998), The University Book Agency, Allahabad
- I.L.I (by Justice M. Ram Jois), Services under the State (1987)
- Pal, S., The Law relating to Public Service (1998) Eastern
- K. Goyal, Administrative Tribunals Act 1985 (1987)
- Seervai, Constitutional Law of India, 1.1.(1983); Chs.9 & 10 and Vol.II Ch.17 (1984).
- Basu, The Constitution of India (1996), Prentice Hall, New Delhi.
- Arjun P. Aggarwal, "Strikes by Government Employees: Law and Public Policy", 14 J.I.L.I 358 (1972)
- Mohammed Imam, "Power to initiate and conduct disciplinary proceeding", 12 J.I.L.I. 70 (1970)
- Mohammed Imam, "Reviewability of compulsory retirement order", 12 J.I.L.I. 633 (1970)
- Arjun P. Aggarwal, "Freedom of Association in Public Employment" 14 J.I.L.I. p.1(1972)
- C.K.Kochukoshy, "All India Services-Their Role and Future", 1972 L.J.P.A. 67
- Sharma and Nanda, Bahri's Guide on Service Rules (1997), Bahri Brothers, Delhi.
- R.K.Mishra, Rules and Orders Relating to Government Servants and their Dismissal (1990), the University Book Agency, Allahabad.
- R.Deb, "Public services under the rules of law - right to disobey illegal order" 30 J.I.L.I. 574 (1978)
- Douglas Vass, "The Public Service in modern society" 1983 I.J.P.A. 970.
- Z.M.S.Siddiqi, "Sanctions for the breach of contracts of service" 25 J.I.L.I. 359 (1983).
- O.P.Motiwal, "Compulsory Retirement", 1975 L.J.P.A. 247.
- D.S.Chopra, "Doctrine of Pleasure-its scope implications and limitations" 1975 L.J.P.A. 92.
- G.C.V.Subba Rao, "The O.N.G.C. case and new horizons in public services law", 1975 S.C.J. 29.

Nirma University
Institute of Law
B.A. LL.B., (Hons.) Programme
Academic Year (2014-2015)
Semester I
Law & Society

Credit: 4
Hours: 60

Introduction

Law and the legal structure are meaningful only in its social context. Sociology, as a science deals with the understanding of human beings living in society. Human society includes different institutions, associations and organizations. This introductory course will provide an outline of development, enforcement and interpretation of law in different societies, especially Indian society. This course is also meant to introduce Indian society from a multicultural, sociological rather than singular sense of understanding. It would acquaint the student about reciprocal and inevitable relationship between law and society. The course proposes to the students the basic and fundamental concepts, ideas, debates and theories which will help them in understanding and respect the sensitiveness on which sub-systems of society operates.

Course Learning Outcomes (CLO):

After completion of the course, the students will be able to-

- Provide a basic overview about society and its legal interface.
- Develop an appreciation for the rich diversity within and between societies and related Laws.
- To understand the special features and analysis of Social System and Legal System.
- Demonstrate and understand a variety of explanations accounting for human behavior (in evolutionary and/or contemporary contexts) and to account for differences in terms of the interplay among society, idea, events and process.
- Demonstrate an understanding of cross-cultural differences and an understanding of the importance of social institutions in Indian context.
- Demonstrate issues and challenges for strengthening law and order in Indian Society.

I. Introduction to Sociology of the Law

- Definition of Society, Law, Sociology, and Sociology of Law
- Different Legal Systems and corresponding societies
- British Indian Legal System and Indian Legal System

II. Law in the Social Context

- Functional-Structural Theories of Law: Durkheim, Weber, Maine
- Development and evolution of the law, norms and customs as the basis of law
- Sources of Laws
- Perspectives on law
 - Law as Mirror of Society
 - Law influences Social Order
 - Law as Social Construct

III. Who Makes the Law?

- Social Stratification (Age, Caste, Class, Gender)
- Who Makes Law for Whom?
- What laws do we want? Who Decides?
- Conflict and Neo-Marxist Theories of law, how do we want the laws enforced?

IV. Analysis of the Law as a Social System

- Applying legal theory to modern (Indian) society,
- Social Organization of law, limitation on the law
- Law as a means of social change.
- Adversary nature of the law
- Law as a social interaction system

V. Legal Issues Related to the Family, Marriage and Kinship organization in India

- Plural and Complex Society
- Family – Legal Interface
- Marriage – Legal Interface
- Kinship Organization in India

VI. Continuity and Change in Indian Society

- Approaches to Social Change in India: Cultural, Structural and Dialectical-Historical
- Process of Social Change: Sanskritisation, Westernization and Modernization
- Law as an instrument of Social Change.

P /

VI. Policies, Programmes and Legal Issues Related to Indian Society

- Reservation for SCs, STs, OBCs and Women.
- Social Inclusion and Exclusion
- Child Labour
- Unorganized Labour
- Atrocities Against Women
- Issues in Implementation of MAWOPSC Act 2007

References:

- Fiedmann, W. 2003 *Law in a changing Society*. Delhi: Universal Law Publishing Co.Pvt. Ltd.
- David Mandelbaum. 1970. *Society in India: Change and continuity*. USA: University of California Press.
- Irawati Karve. 1990 *Kinship organization in India*. New Delhi: Munshiram Manoharlal Publishers.
- Yogender Singh. 1986. *Modernization of Indian Tradition*. New Delhi: Rawat Publication.
- Indra Deva 2005. *Sociology of Law*. New Delhi: Oxford University Press. p1-30.
- J.S. Gandhi. 2004. *Law, State and Society: Indian Context*. Jaipur: Rawat Publications.
- M. N: Srinivas. 1962. *Caste in Modern India and other essays*. New Delhi: Asia Publishing House.
- Surendra S. Jodhka. 2012. *India Short Introduction : CASTE*. New Delhi: Oxford University Press.
- Surendra S. Jodhka. 2013. *Interrogating India's Modernity: Democracy, Identity and Citizenship*. New Delhi: Oxford University Press.
- Ram Ahuja. 2010. *Indian Social System*. New Delhi: Rawat Publication.
- K. L. Sharma. 2008. *Indian Social Structure and Change*, Jaipur: Rawat Publication.
- Georges Gurvitch. 1947. *Sociology of Law*. London: Butler and Fanner Ltd.
- James A. Cronc. 2011 *How can we Solve Our Social Problems?*. New Delhi: Sage Publication.
- S. Vago. 1981. *Law and Society*. New Jersey: Prentice Hall.

NIRYIA UNIVERSITY
 INSTITUTE OF LAW
 B.A. LL.B. (Hons.), B.COM, LL.B. (Hons.)
 Academic Year 2015-16
 Law of Carriage
 Semester V

Code: N
 Title: 10

L. P. PW
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Introduction

The present syllabus has been drafted to provide students with a perceptive understanding about the various facets and dimensions of the law governing carriage of goods.

In most of the contract whether of sale or transport, the subject-matter has to be moved from one place of dispatch to that of destination, such dispatch can be effected either by sea, air, land or by the combinations of any two or more of them. Various aspects of such transactions in today's commercialised and globalised world have become plethora of legal issues.

Accordingly to the present syllabus, subjects dealing with commercial, contractual and legal issues concerning carriage by sea, land and air are well covered. Syllabus covers both national and international frameworks governing carriage of goods by sea, air and land.

Course Learning Outcome

At the end of the course, the students will be able to

1. Understand the main theoretical underpinnings and dimensions of carriage of goods by land, sea and air.
2. Interpret and critically analyze the various regulatory and legislative aspects governing carriage by sea, air and land.

Unit II :-

1. Introduction

- i. Carriage of goods
- ii. Unimodal & Multimodal transportation of goods.
 - Carriage of goods by sea.
 - Carriage of goods by land.
 - Carriage of goods by air
- iii. Contract of Affreightment:
 - Charter Party
 - Contract through Bill of Lading

2. INCOTERMS

2. Carriage of Goods by sea

- Previous Stages of carriage of goods by sea:
 - Parties involved
 - Role of Commercial Agent, Loading Prover and Tally Clerk
 - Shipping Instruction Note and S.O.D's Receipt

i. Bill of Lading

Meaning & Origin

Types

Character & Process

- Liabilities and Responsibilities

3. Law Governing Carriage of Goods by Sea

Hague Rules / Brussels Convention, 1924

Via Food Gap

- Himalaya Clause
- Manchester Clause
- Probative Effect of Bill of Lading
- Package or unit limitation

Hague-Visby Rules / The Hague-Visby Amendments by the Brussels Protocol, 1968

- Definition, Scope and Applicability
- Obligations, rights, duties and liabilities of carrier / shipper

iii. Hamburg Rules / United Nations International Convention on the Carriage of Goods by Sea, 1978

Definition

- Scope and Applicability
- Rules regarding rights and liabilities of the parties

iv. Rotterdam Rules / United Nations Convention on Conditions for the International Carriage of Goods Wholly or Partly by Sea, 2009

4. Transport Terminals Operators

i. Transport Terminals

Functions & Nature of responsibility

Services & Functions

ii. Regulatory mechanism

United Nations Convention on the Liability of Operators of Transport Terminals in International Trade, 1991

5. United Nations Convention of International Multimodal Transport of Goods -
 Concept & Objectives,
 Scope & Applicability
 Liability and Obligations of the Carrier

6. Indian Bill of Lading Act, 1924

- Definitions
- Rules

Liabilities

Indian Carriage of Goods by Sea Act, 1924

7. Convention Relating to International Carriage by Air

- Warsaw Convention for the unification of certain rules relating to International Carriage by Air - 1929
- Hague Protocols

8. Carriage of Air Act, 1973

- Introduction
- Application
- Rules regarding liability

9. Carriage by Road Act, 2007

- Introduction
- Common Carrier
- Rules on liability
- Notices and procedure thereon

10. Letter of Credit

- Meaning & Concept
- Process & Functions
- Governing Law

References:

- Carole Murray, "Schmitthoff's report Trade - The Law and Practice of International Trade", 11th Edition, Sweet Maxwell Publication.
- Bennedette Griffin "Dey & Griffin's The Law of International Trade", Third Edition, Oxford University Press, 2003
- Martin Doekray, Cases & Materials on the Carriage of Goods by Sea - Martin Doekray 3rd Edition Routledge- Cavendish Publication
- Daniel Bethlehem & Others, "The Oxford Handbook of International Trade Law" (Ed.), Oxford University Press, 2009
- Indira Chandra "International Trade Law" Routledge Cavendish Edition, 1997

Applicable to year 2015-16 to 2019-20

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B. (Hons.), B.Com., LL.B. (Hons.) and B.B.A., LL.B. (Hons.)
Academic Year: 2015-16
Semester V
Law of Evidence

Credit: 5 Hours
Hours: 75 Hours

Introduction:

The law of evidence is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to the attributed to 'facts' before the forum. This paper enables the student to appreciate the concepts and principles underlying the law of evidence and identify the recognized forms of evidence and its sources. The subject seeks to impart to the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth. The art of examination and cross-examination, and the shifting nature of burden of proof are crucial topics. The concepts brought in by amendments to the law of evidence are significant parts of study in this course.

Course Learning Outcomes:

After the completion of the course, students will be able to:

1. Understand the process of examination involved in a civil/criminal litigation
2. Demonstrate the rules and principles of the law of evidence
3. Analyze and argue on the facts of cases in their hands

Course syllabus

1. Introductory

- 1.1. The main features of the Indian Evidence Act 1859.
- 1.2. Other acts which deal with evidence (special reference to CPC, CrPC).
- 1.3. Problem of applicability of Evidence Act
 - 1.3.1. Administrative
 - 1.3.2. Administrative Tribunals
 - 1.3.3. Industrial Tribunals
 - 1.3.4. Commissions of Enquiry
 - 1.3.5. Court-martial
- 1.4. Disciplinary authorities in educational institutions

2. Central Concepts in Law of Evidence

- 2.1. Facts : section 3 definition: distinction -relevant facts/facts in issue
- 2.2. Evidence : oral and documentary.
- 2.3. Circumstantial evidence and direct evidence

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2.4. Presumption (Section 4)

2.5. "Proving", "not providing" and "disproving"

2.6. Witness

2.7. Appreciation of evidence

3. Facts: relevancy

3.1. The Doctrine of *res gestae* (Section 6, 7, 8, 10)

3.2. Evidence of intention (Section 10)

3.3. The problems of relevancy of "Otherwise" irrelevant facts (Section 11)

3.4. Relevant facts for proof of custom (Section 13)

3.5. Facts concerning bodies & mental state (Section 14, 15)

4. Admissions and confessions

4.1. General principles concerning admission (Section 17, 23)

4.2. Differences between "admission" and "confession"

4.3. The problems of non-admissibility of confessions caused by "any inducement, threat or promise" (Section 24)

4.4. Inadmissibility of confession made before a police officer (Section 25)

4.5. Admissibility of custodial confessions (Section 26)

4.6. Admissibility of "information" received from accused person in custody; with special reference to the problem of discovery based on "joint statement" (Section 27)

4.7. Confession by co-accused (Section 30)

4.8. The problems with the judicial action based on a "retracted confession"

5. Dying Declarations

5.1. The justification for relevance of dying declarations (Section 32)

5.2. The judicial standards for appreciation of evidentiary value of dying declarations

6. Other Statements by Persons who cannot be called as Witnesses

6.1. General principles

6.2. Special problems concerning violation of women's rights in marriage in the law of evidence

7. Relevancy of Judgments

7.1. General principles

7.2. Admissibility of judgments in civil and criminal matters (Section 43)

7.3. "Fraud" and "Collusion" (Section 44)

8. Expert Testimony

8.1. General principles

8.2. Who is an expert? : Types of expert evidence

8.3. Opinion on relationship especially proof of marriage (Section 50)

8.4. The problems of judicial defense to expert testimony

9. Oral and Documentary Evidence

9.1. General principles concerning oral evidence (Sections 59-60)

9.2. General principles concerning Documentary & e- Evidence (Sections 67-90)

9.3. General Principles Regarding Exclusion of Oral by Documentary Evidence

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- 9.4. Special problems: re-hearing evidence
- 9.5. Issue estoppels
- 9.6. Tenancy estoppels (Section 116)
10. Witnesses, Examination and Cross Examination **onus &**
 - 10.1. Competency to testify (Section 118)
 - 10.2. State privilege (Section 123)
 - 10.3. Privileged Communication (Section 119-2)
 - 10.4. Professional privilege (Section 126, 127, 128)
 - 10.5. Approval testimony (Section 133)
 - 10.6. General principles of examination and cross examination (Section 135-166)
 - 10.7. Leading questions (Section 142-145)
 - 10.8. Lawful questions in cross-examination (Section 146)
 - 10.9. Compulsion to answer questions put to witness
 - 10.10. Hostile witness (Section 154)
 - 10.11. Impeaching of the standing or credit of witness (Section 155)
11. Burden of Proof
 - 11.1. The general conception of *onus probandi* (Section 101)
 - 11.2. General and special exceptions to *onus probandi*
 - 11.3. The justification of presumption and of the doctrine of judicial notice
 - 11.4. Justification as to presumptions as to certain offences (Section 111A)
 - 11.5. Presumption as to dowry death (Section 113-13)
 - 11.6. The scope of the doctrine of judicial notice (Section 114)
12. Estoppel
 - 12.1. Why estoppel? The rationale (Section 115)
 - 12.2. Estoppel, *res judicata* and waiver and presumption
 - 12.3. Estoppel by deed
 - 12.4. Estoppel by conduct
 - 12.5. Equitable and promissory estoppel
 - 12.6. Questions of corroboration (Section 156-157)
 - 12.7. Improper admission and of witness in civil and criminal cases.

References:

1. Sarkar and Manohar, Sarkar on Evidence, Wadhwa & Co., Nagpur, (1999).
2. Rattan Lal, [Delhi] Law: Law of Evidence, Wadhwa, Nagpur, (1992).
3. Paley Murphy, Evidence, Universal, Delhi. (5th Edn. Reprint: 2000).
4. Albert S. Osburn, The Problem of Proof, Universal, Delhi, (First Indian Reprint 1998).
5. Avtar Singh, Principles of the Law of Evidence, Central Law Agency, New Delhi, (1992).

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NIRMA UNIVERSITY**INSTITUTE OF LAW**

B.A.,LL.B., (Hons.) and B.Com.,LL.B (Hons.) Programmes

Academic Year 2013-14

Semester VIII

**Law of Taxation -II
(Indirect Taxation)****Introduction:**

After having an understanding about Direct taxation, which usually only affects individuals who have an earning capacity, the next area that comes in to focus is the indirect taxation policy which again almost any individual who purchases goods or services have to pay regardless of the earning status. Hence, an understanding of the various categories and the manner in which indirect tax laws regulate the revenues of the country is to be developed. Student's views are pivotal as they will be the next in line to enter into the corporate world in which they'll be eligible to not only direct taxation but also indirect taxation. Therefore, this syllabus has been prepared to create understandability that why the indirect taxes are being charged in the form of service charges, government charges, duties etc. on the various *manufactured* as well as other categories of products and the essentialities involved in the same.

The global focus point is moving towards an indirect taxation policy as it changes from a direct taxation policy. In today's global market, companies and individuals are required to pay taxes that are both direct as well as indirect in nature. India has a fiscal like system for quite a substantial number of years. Therefore, indirect taxation plays a vital role in total revenue of the country. Hence, this study will attempt to analyze with more details about the existing laws and policies of the country as well as the shift of policies and how it affects the country. It then explores the awareness level of the students and to develop the model and conclude the significance of the indirect taxation as a pillar in the economic planning.

Objectives

- To widen the students' understanding as to the nature of the various categories of Indirect taxes viz. Excise tax, Customs Duty, Service Tax and VAT.
- To facilitate them to understand the method of levying of the duties and taxes on various products and services.
- To endow the students with the information of the functioning of the various authorities involved in administration and dispute settlement process of Indirect Taxes.
- To analyse the soon to be enacted legislations viz. GST with the existing ones so that one has greater clarity and upon the future framework and also deduce the reasons that highlight the necessity for such a change.

Learning Outcomes:

After the completion of the course, the students will be able to:

- Understand the manner in which the various duties viz *customs, and excise* that are levied depending upon the varying facts and circumstances viz *CVD and SMD on duties under Customs law* as notified by the Authorities from time to time.
- Know-how of the various kinds of duties and the manner in which they are calculated viz *Transaction Valuation Process under both Customs as well Excise Law, Compound Levy Scheme for excise-able, Deductive Valuation Process in customs law* which is one of the basis to challenge the validity of levying any duty or taxes upon the entity.
- Develop the understanding upon the manner in which the authorities function and the dispute settlement process is undertaken viz, *Advance Assessment of Duties* and procedure laid down under the Standing.

1) Taxation Policy

- 1.1 Introduction
- 1.2 Finance Policy relevant for the assessment year
- 1.3 Union-State Financial Relations: Basis For India's fiscal design
- 1.4 Law of Natural Justice & interpretation of Indirect Taxes statutes

2) Introduction to Customs Duty

- 2.1 Background and Definition
- 2.2 Some important concepts viz. territorial waters, customs waters, goods and so on
- 2.3 Nature and types of Customs Duties
- 2.4 Warehousing – Meaning and concepts
- 2.5 Procedure of warehousing
- 2.6 Prohibition of Exports and Imports
- 2.7 Customs Duties and Export Oriented Undertakings & Special Economic Zones – An overview

3) Valuation of Customs Duties

- 3.1 Customs valuation – methodology and process
- 3.2 Customs Valuation of export goods
- 3.3 Duty Draw Back and Customs Tariff Act, 1975
- 3.4 WTO and Valuation Agreement
- 3.5 Customs duty for Baggage – exemption and remissions

Pradeep

4) Excise Duty

- 4.1 Definition of various terms.
- 4.2 Valuation of excisable goods
- 4.3 Central Excise Rules 2002
- 4.4 CENVAT Credit Rules, 2004 -- An overview

5) Settlement of Claims

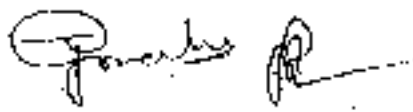
- 5.1. Customs & Central Excise Settlement Commission
- 5.2. Jurisdiction and Power of Settlement Commission
- 5.3. Power of Chairman to transfer case from one Bench to another.
- 5.4. Inspection etc. and reports

6) Value Added Tax and Concepts of Service Tax

- 6.1 VAT (Value Added Tax)
- 6.2 Basic Concepts of Service Tax
- 6.3 Overview of the Goods and Service Tax (Bill Proposed)

References :

1. V S Daley, Elements of Indirect Taxes, Taxmann Publications Pvt. Ltd., latest edition.
2. V S Daley, Indirect Taxes Law and Practice Taxmann Publications Pvt. Ltd., latest edition.
3. Yogendra Bagar, Vandana Bagar and Vineet Sodhani, Indirect Taxes (Central Excise, Customs & Service Tax), Jain Book Depot., latest edition.
4. N Rajasekhar, Simplified approach to Indirect Taxes, Wolters Kluwer India Pvt. Ltd. (CCH), latest edition.
5. K Vaitheeswaran, Students Handbook On Indirect Taxes, Snow White Publications Pvt. Ltd., latest edition.
6. P. Verra Reddy, Central Excise Manual (Law and Procedure), Asia Law House, latest edition.
7. V S Daley, Student's Guide to Service Tax and VAT, Taxmann Publications Pvt. Ltd., latest edition.
8. V. Nagarajan, Indirect Taxes, Asia Law House, latest edition. Indirect Tax: Materials and modules drawn by Institute of Chartered Accountants of India, latest edition.
9. Modules for Indirect taxes by Institute of Company Secretaries of India, latest edition.



Applicable to year 2015-16 to 2019-20

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A.,LL.B., (Hons) B.Com.,LL. B. (Hons) and B B A., LL.B., (Hons)
Programme
Academic Year 2013-14
Semester II

Law of Tort including Consumer Protection Laws and M.V. Act

Introduction:

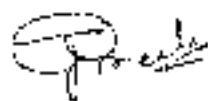
Tort is a large area of private law concerned with compensating those who have been injured by the wrongdoing of others. Unlike criminal law, which involves the State, tort law involves private parties who institute legal actions against each other for damages. Unlike contract law, where two parties agree to their respective rights and obligations, in tort law it is the society, through its judicial and legislative systems, that imposes obligations on everyone to act in consideration of the rights of others.

The law of Torts is mainly judge-made law: courts over the centuries have defined people rights and obligations with respect to their fellows. These are constantly in flux and change to meet new technological and social concerns. Over the last century, tort law has touched on nearly every aspect of life. In economic affairs, tax law provides remedies for businesses that are harmed by the unfair and deceptive trade practices of a competitor. In the workplace, tort law protects employees from the intentional or negligent infliction of emotional distress. Tort law also helps regulate the environment, providing remedies against both individuals and businesses that pollute the air, land, and water to such an extent that it amounts to a Nuisance.

The course Law of Torts aims to critically consider Tort law in the context of the changing situations in the society and the new dimensions given to it by the Consumer Protection Act, 1986. The English law of tort has been largely modified by many Indian laws according to Indian situations. The Motor Vehicles Act is one of them. The Law of tort can not be discussed without referring to present Indian situations, and existing attitude of the judges and laws. The syllabus tries to discuss the law keeping the modern trend in mind.

Objectives:

- Learn the major principles fundamental to the operation of the tort system
- Become familiar with most of the important and commonly litigated torts
- Understand the nature and basis for the law of torts and its impact on individuals, corporations and other businesses
- Learn the leading case authorities in tort law and the important legislation that impacts on it



Learning Outcomes:-

After the completion of the course, the students will be able to:

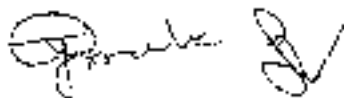
- Suggest the most appropriate remedy for the tortious liability in question and be able to evaluate and apply any applicable defences.
- Develop that basic understanding further and apply it to practical situations and issues, through analysing problem-based scenarios and policy issues.
- See the relevance of tort law in daily life such that, on reading or hearing of current events in the popular media that have tort law relevance, you can identify and explain the tort law implications in simple and clear terms.
- Analyse critically the policies and rationale underlying the law of torts.
- Communicate effectively and accurately the content of legal principles and advice based upon the application of those principles in an appropriate written and oral format.

1. Definition, Nature, Scope and Objects

- 1.1 A wrongful act- violation of duty imposed by law, duty which is owed to people generally (in rem)- *damnum sine injuria* and *injuria sine damnum*
- 1.2 Tort distinguished from crime and breach of contract
- 1.3 The concept of unliquidated damages.
- 1.4 Changing scope of law of torts: expanding character of duties owed to people generally due to complexities of modern society
- 1.5 Object- prescribing standards of human conduct, redressal of wrongs by payment of compensation, prescribing unlawful conduct by injunction.

2. Principles of Liability in Torts

- 2.1 Fault
 - 2.1.1 Wrongful act
 - 2.1.2 Negligence
- 2.2 Liability without fault
- 2.3 Violation of ethical codes
- 2.4 Statutory liability
- 2.5 Place of tortive in torts



3. Justification In Tort

- 3.1 Volenti non fit injuria
- 3.2 Necessity, Private and Public
- 3.3 Plaintiff's default
- 3.4 Act of god
- 3.5 Inevitable accident
- 3.6 Private defense
- 3.7 Statutory authority
- 3.8 Judicial and quasi-judicial acts
- 3.9 Parental and quasi-parental authority

4. Extinguishment of Liability in certain situation:

- 4.1 Actio personalis moritur cum persona – exceptions
- 4.2 Waiver and acquiescence
- 4.3 Release
- 4.4 Accord and satisfaction
- 4.5 Limitation

5. Standing

- 5.1 Who may sue – aggrieved individual – class action – social action group.
- 5.2 Statutes granting standing to certain persons or groups
- 5.3 Who may be sued?

6. Doctrine of sovereign immunity and its relevance in India

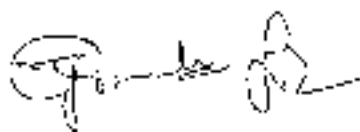
7. Vicarious Liability

7.1 Basis, scope and justification

- 7.1.1 Express authorization
- 7.1.2 Ratification
- 7.1.3 Abetment

7.2 Special Relationships

- 7.2.1 Master and servant - arising out of and in the course of employment - who is master? - the control test - who is servant? - borrowed servant - independent contractor and servant, distinguished
- 7.2.2 Principal and agent
- 7.2.3 Corporation and principal officer



8. Torts against persons and personal relations

- 8.1 Assault, battery, mayhem
- 8.2 False imprisonment
- 8.3 Defamation – libel, slander including law relating to privileges
- 8.4 Marital relations, domestic relations, parental relations, master and servant relations
- 8.5 Malicious prosecution
- 8.6 Shortened expectation of life
- 8.7 Nervous shock

9. Wrongs affecting property

- 9.1 Trespass to land, trespass *ab initio*, dispossession
- 9.2 Movable property – trespass to goods, detinue, conversion
- 9.3 Torts against business interests – injurious falsehood, misstatements, passing off.

10. Negligence

10.1 Basic concepts

- 10.1.1 Theories of negligence
- 10.1.2 Standards of care, duty to take care, carelessness, inadvertence
- 10.1.3 Doctrine of contributory negligence
- 10.1.4 *Res ipsa loquitur* and its importance in contemporary law

- 10.2 Liability due to negligence: different professionals
- 10.3 Liability of common carriers for negligence
- 10.4 Product liability due to negligence: liability of manufacturers and business houses for their products

11. Nuisance

- 11.1 Definition, essentials and types
- 11.2 Acts which constitute nuisance – obstructions of highways, pollution of air, water, noise, and interference with light and air

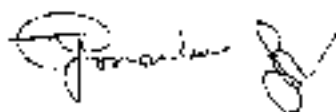
12. Absolute/Strict liability

- 12.1 The rule in *Rylands v. Fletcher*
- 12.2 Liability for harm caused by inherently dangerous industries -

13. Legal remedies

13.1 Legal remedies

- 13.1.1 Award of damages – simple, special, punitive



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- 13.1.2 Remoteness of damage- foreseeability and directness
- 13.1.3 Injuration
- 13.1.4 Specific restitution of property

13.2 Extra-legal remedies-self-help, re-entry on land, re-capture of goods, distress damage lien and abatement of nuisance.

14 (a) Consumer, the concept



- 14.1 General Perspectives
- 14.2 Statutory and government services: to be included or not?
- 14.3 Definition and scope: the Consumer protection Act 1986(CPA)
 - 14.3.1 Who is not a consumer?

(b) Consumer of goods

- 14.4 Meaning of defects in goods
- 14.5 Standards of purity, quality, quantity and potency
 - 14.5.1 Statutes: food and drugs, engineering and electrical goods.
 - 14.5.2 Common law: decision of courts
- 14.6 Price Control:
 - 14.6.1 Administrative fixation.
 - 14.6.2 Competitive market.
- 14.7 Supply and distribution of goods

(c) Service

- 14.8 Deficiency- meaning
- 14.9 Professional services
 - 14.9.1 Medical services
 - 14.9.2 How to determine negligence
 - 14.9.3 Violation of statute
 - 14.9.4 Denial of medical services: violation of human rights
 - 14.9.5 Lawyering services: duty - towards-court and duty to client dilemma, break of confidentiality - negligence and misconduct.
- 14.10 Public Utilities
 - 14.10.1 Supply of electricity
 - 14.10.2 Telecommunication and postal services
 - 14.10.3 Housing
 - 14.10.4 Banking
- 14.11 Commercial services
 - 14.11.1 Hiring
 - 14.11.2 Financing
 - 14.11.3 Agency services

(d) Enforcement of consumer rights

14.12 Consumer forums under CPA: jurisdiction, powers and functions.

14.12.1 Execution of orders

14.12.2 Judicial review

14.13 PIL

14.14 Class action

14.15 Remedies

14.15 Administrative remedies

15. Motor Vehicles Act, 1988

References:

1. Rogers, W.V.H., Winfield & Jolowicz Torts, 17th Edition, Publisher: Thomson, Sweet & Maxwell, 2006
2. Murphy, John, Street on Torts, 11th Edition, Publisher: Oxford University Press, 2003
3. Gandhi, B.M., Law of Torts, 3rd Edition, Eastern Book Company, 2006
4. McBride, Nicholas J and Bagshaw, Roderick, Tort Law, Pearson Education (Singapore) Pte. Limited, 2001
5. Harwood, Yvonne., Principles of Tort Law, 4th Edition, Cavendish Publishers, 2000
6. Rangia, R.K., Law of Torts, 19th Edition, Publisher: Allahabad Law Agency, 2008
7. Singa, Avtar, Law of Consumer Protection: Principles and Practice, 4th Ed Eastern Book Company: Lucknow, 2005
8. Chaudhary, Ram Naresb Prasad, Consumer Protection Law: Provisions and Procedure, Deep & Deep Publications: New Delhi, 2005
9. Verma, S.N., A Treatise on Consumer Protection Laws, The Indian Law Institute, New Delhi, 2004
10. Nayak, R.K., Consumer Protection Law in India: An Eco-Legal Treatise on Consumer Justice, The Indian Law Institute: New Delhi, 1991
11. Rangia, R.K., Consumer Protection Act, 6th Ed Allahabad Law Agency Publications: Allahabad, 2007
12. Consumer Protection Law Manual (as amended by Consumer Protection (amendment) Act 2002) with Practice Manual, Taxman Publications Ltd: New Delhi 2003
13. Barowalia, J.N., Commentary on the Consumer Protection Act, 3rd Ed Universal Law Publishing Co. Pvt. Ltd: Delhi, 2008
14. Singh, Gurdev, Gurdev Singh's Supreme Court and National Commission on Consumer Law Cases 1936-2005 in 5 Volumes: Vol.1-7 Single Law Agency: Chandigarh.
15. Choudhary, V.R., Law of Consumer Protection, Premier Publication Company, -Allahabad, 2008



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NIRMA UNIVERSITY INSTITUTE OF LAW

Applicable to year 2015-16 to 2018-19

Course Name: Law of Trade Secrets, Anti-Competitive Practices And Transfer of
Technology

B.A. LL.B. (Hons.) B.C.LL.M. LL.B. (Hons.)

Credit: 2

Hours: 15

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Introduction :

One of the effects of globalization is the relocation of production from the technology market economies towards low labor cost countries. In emerging markets there is an enormous consumer base now waiting to be filled. This trade of technology could well be on the margins of the changing world. But the need to improve the trading process for this trade has to be recognized. When it comes to transfer of know-how or trade secrets which are hardly patentable as a trademark with some industrial know-how need market freedom and freedom of IP laws to be relaxed to cross bridges.

Further the actual property rights which are not subject to protection, are very difficult to establish under a single system of law. Each nation is given a different view and method to the nation is addressing those goals. Yet there are also potential conflicts owing to the means used by the system to achieve those goals. Anti-competitive practices like use of unreasonable exclusivity or unfair power or the abuse of dominant position of a firm as a result of the IP. This can lead to occasionally results and limits being placed on duties exercise of the exclusive rights granted by the IPR and further transfer of technology based on IP.

Course Learning Outcomes:

After the completion of the course students will be able to:

1. Understand and develop various issues pertaining to trade secret as an IPR and analyze why India is not having a proper statute for the same.
2. Analyze various conflicting issues and challenges between IPR via a vis anti-competitive practices and measures to harmonise the two conflicting laws.
3. Comprehend diverse concerns related to transfer of technology on IPR.

UNIT I

- Trade Secret as IPR
- Importance and Justification for trade secret
- Trade Secret as interpreted by NAFTA & TRIPS
- International initiative for the protection of Trade Secret
- Legal framework governing the protection of Trade Secret
- Seewant Reddy Committee Report
- National Innovation Bill, 2008
- Remedies for misappropriation

UNIT 11

Concept of Innovation

- Scherer's and Penrose's
- Scherer's Commerciality Test
- Bowman's Commercial Superiority Test
- Scherer's Knowl's Ratio Test

UNIT 12

Intellectual Property and Competition Law

- Anti-Competitive Agreements
- Vertical & Horizontal Restraints
- IP's Delineating Articles
- Loss of Anticompetitive Potential
- Types of IP arrangement
- Patent License
- Patenting
- Trade dress obligation
- Abuse of Dominant Position

UNIT 13

Comparative Study Across Different Jurisdiction

- USA
- EU
- Australia

UNIT 14

Transfer of Technology & IP

- Transfer of Technology in various fields of IP
- Transfer of Technology and anti-competitive Practices
- International Initiatives relating to transfer of technology

References:

- J. Deal (ed.), Research Handbook on Intellectual Property and Competition Law (2005).
- Heika Rahmasto, IP, External Effects and Anti-Trust Law (Oxford University Press)
- Bory J. Rodgers & Angus MacLachlan, Competition Law and Policy in the EU and UK: Cavendish Publishing Limited
- J. Goussere, The Use and Abuse of Intellectual Property Rights in EU Law (1996).
- Alan Cotnam, Innovation and Competition Policy (Kluwer Law International, 1997)

- J. McQueen, *Charitable Wealth: A Guide to its Use and Management* (London: Butterworths, 1987)
- J. R. Peck, *Charitable Trusts* (Oxford: Clarendon Press, 1987)
- J. R. Peck, *Charitable Trusts: A Practical Guide* (London: Butterworths, 1987)
- J. R. Peck, *Charitable Trusts: A Practical Guide* (London: Butterworths, 1987)

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Honours Course-II
Law of Trade-mark & Design

- 1.1 Historical development of the concept of trademark and trademark law-National and International – Introduction to Trademarks
 - 1.1.1 Need for Protection of Trademarks
 - 1.1.2 Kinds of Trademarks
 - 1.1.3 International Legal Instruments on Trademarks

- 1.2 Function of Trademark
- 2. Meaning and content of Trademark:

- 2.1 Spectrum of distinctiveness: inherent and acquired distinctiveness.
- 2.2 Marks that do not constitute trademarks.
- 2.3 Well known Trademarks, Certification trademarks, collective marks, associated marks, Service Marks.
- 2.4 Shape of goods, packaging and combination of colours as trademarks.

- 3. Registration of trademarks: Grounds of refusal of registration

- 3.1 absolute grounds
- 3.2 Relative grounds.

- 4. Procedure for registration of Trademarks:

- 4.1 Application: intent to use
- 4.2 Opposition
- 4.3 Registration

- 5. Rights of Registered trademark owners.

- 6. Assignment and Licensing of Trademarks.

- 7. Infringement of Trademarks:

- 7.1 Likelihood of confusion.
- 7.2 Dilution of trademarks.

- 8. Passing Off:

- 8.1 Introduction.
- 8.2 Elements of passing off:
 - 8.2.1 Reputation.
 - 8.2.2 Misrepresentation.
 - 8.2.3 Damage.

- 9. Defences.

- 10: Remedies for Infringement and Passing Off

- 10.1 Civil remedies.
- 10.2 Criminal remedies.

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11. Domain Name: Issues and Concerns

- 11.1 Importance of domain names
- 11.2 Interface with trademark law.
- 11.3 Uniform Dispute-resolution policy.

12. Basic Principles of International Trademark Law

- 12.1 The Paris Convention, (1887)
- 12.2 Madrid Agreement on Marks (1889) and Protocol - Registration of Domain name (1989)
- 12.3 The TRIPS Agreement.
- 12.4 The Trademark Law Treaty.

13. Indian Trademark Law

- 13.1 The Trade and Merchandise Marks Act, 1958
- 13.2 Trademarks Act, 1999
- 13.3 Procedural Requirements of Protection of Trademarks
- 13.4 Content of the Rights and Exhaustion of Rights.
- 13.5 Assignment and Licensing
- 13.6 Infringement, Rights of Goodwill, Passing Off
- 13.7 Domain Names and Effects of New Technology (Initial)

14. Industrial Designs and Layout-designs of Integrated Circuits

14.1 Industrial Designs

- 14.1.1 Need for Protection of Industrial Designs
- 14.1.2 Subject Matter of Protection and Requirements
- 14.1.3 The Designs Act, 2000
- 14.1.4 Procedure for obtaining Design Protection
- 14.1.5 Revocation, Infringement and Remedies

14.2 Layout-Designs of Integrated Circuits

- 14.2.1 The Semiconductor Integrated Circuits Layout-Design Act, 2000
- 14.2.2 Conditions and Procedure for Registration
- 14.2.3 Duration and Effect of Registration
- 14.2.4 Assignment and Transmission

Admission

AD

NORMA UNIVERSITY
Institute of Law
B.A.,LL.B.(Hons.) and B.Com.LL.B.(Hons.) Programmes
Academic year 2019-20
Semester - IX
(Constitutional Honours Group VI)

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|--------------|----------------|
| Course Code | 2COL941 |
| Course Title | Law of Writs * |

Course Learning Outcomes (CLO):

At the end of the course, students will be able to:

1. Identify appropriate Writ for the protection of rights
2. Illustrate the procedure related to filling of writ
3. Examine the scope and extent of judicial review
4. Draft the appropriate writ.

Syllabus

Teaching Hours : 45

UNIT I : Understanding of writs

10 Hours

1. Introduction and Meaning of Writ
2. Historical Growth of Writ Jurisdiction in India
3. Nature and Scope
4. Types of Writs
5. General Principles of Writ Jurisdiction
6. Writ Jurisdiction and Private Sector

* This document contains only general index. The final course material including the syllabus, content, pedagogy, assessment, micro-teaching plan, field visit etc. would be included in the Course Content Module.

L= Lecture, T= Tutorial, P= Practise, C= Credit

valid academic year 2019-20 and onwards

20/19

UNIT III: Procedure, aspects and its impact

9 Hours

1. Principles of Procedure
2. Aspects of Practice
3. Supreme Court Rules, 1956
4. Types of Petition: writs by the Supreme Court, Writ, petition, Election Petition

UNIT IV: Judicial Review

8 Hours

1. Meaning and Meaning
2. Judicial Review and Administrative Review
3. Exclusion of Judicial Review
4. Alternative Remedy
5. Exclusion of Jurisdiction of Civil Courts and Tribunals

UNIT V: Expanding Horizons of Judicial Review

8 Hours

1. Judicial Activism
2. Public Interest Litigation
3. Development of Human Rights Jurisprudence
4. Impact of Judicial Review

UNIT VI: Docketing of Writs

10 Hours

UNIT VII: Exercise of Docketing of Writs

(Self Study)

1. Frame, I. Tutorial, P-Practise, C. Credit

with academic year 2019-20 and onwards

Suggested Readings:

1. V.G. Ramakrishnan, Law of Writs, Eastern Book Company, 8th Edition.
2. Abha Singh Yadav, Law of Writs, Universal Law Publishing Co.
3. Ashim Pandya, Writs and Other Constitutional Remedies, LexisNexis Butterworths Wadhwa, Nagpur, 2006
4. M.R. Mehta, Writs Law and Practice, Eastern Book Company, Calcutta, 2007
5. Justice P.S. Narayana, Law of Writs, Asia Law House, Hyderabad, 2008

NL

032

L- Lecture, T- Tutorial, P- Practical, C- Credit

w.e.f. academic year 2019-20 and onwards

**NIRMA UNIVERSITY
INSTITUTE OF LAW**

B. A. LL.B. (Hons) Programme
Academic Year 2010-11
Semester VIII

Honours Course III (Business Law Group)
LAW ON CORPORATE FINANCE

Teaching : 30 Hours

Syllabus

1. Introduction

- 1.1. Meaning, importance and scope of corporate finance
- 1.2. Capital needs - capitalisation - working capital - securities - borrowings - deposits, debentures
- 1.3. Objectives of corporate finance - profit maximisation and wealth maximisation
- 1.4. Constitutional perspectives - see the following entries 37, 38, 43, 44, 45, 46, 47, 52, 52, 55, and 56 of List I - Union List; entry 24 of List II - State List 2.

2. Equity finance

- 2.1. Share capital
 - 2.1.1. Prospectus - information disclosure
 - 2.1.2. Issue and allotment
 - 2.1.3. Shares without monetary consideration
 - 2.1.4. Non-opting equity shares

3. Debt finance

- 3.1. Debentures
 - 3.1.1. Nature, issue and class
 - 3.1.2. Deposits and acceptance
 - 3.1.3. Creation of charges
 - 3.1.4. Fixed and floating charges
 - 3.1.5. Mortgages
 - 3.1.6. Convertible debentures

4. Conservation of corporate finance

- 4.1. Regulation by disclosure
 - 4.1.1. Control on payment of dividends
- 4.2. Managerial remuneration
- 4.3. Payment of commissions and brokerage
- 4.4. Inter-corporate loans and investments
- 4.5. Pay-back of shares
- 4.6. Other corporate spending

5. Protection of creditors

- 5.1. Need for creditor protection:
 - 5.1.1. Preference in payment
- 5.2. Rights in making company decisions affecting creditor interests
- 5.3. Creditor self-protection:
 - 5.3.1. Incorporation of favourable terms in lending contracts
 - 5.3.2. Right to nominate directors
- 5.4. Control over corporate spending

6. Protection of investors

- 6.1. Individual share holder right
- 6.2. Corporate membership right
- 6.3. Derivative actions
- 6.4. Qualified membership right
- 6.5. Conversion, Consolidation and re-organisation of shares
- 6.6. Transfer and transmission of securities
- 6.7. Dematerialisation of securities

7. Corporate fund raising

- 7.1. Depositories - IDR (Indian depository receipts), ADR (American depository receipts), GDR (Global depository receipts)
- 7.2. Public financing institutions - IDBI, ICICI, IFC and SFC
- 7.3. Mutual fund and other collective investment schemes
- 7.4. Institutional investments - LIC, UTI and banks
- 7.5. FDI and NRI investment - Foreign institutional investments (FIIs) and World bank

8. Administrative regulation on corporate finance

- 8.1. Inspection of accounts
- 8.2. SEBI
- 8.3. Central government control
 - 8.3.1. Control by Registrar of companies
 - 8.3.2. RBI control

Suggested Readings:

- Alastair Handson, *The Law on Financial Derivatives* (1998), Sweet & Maxwell
- Eil's Ferran, *Company Law and Corporate Finance* (1999), Oxford.
- Jonathan Charkham, *Fair shares : the Future of Shareholder Power and Responsibility* (1999), Oxford.
- Ramaiya A, *Guide to the Companies Act* (1998), Vol. I, II and III.
- H.A.J. Ford and A.P. Austin, *Ford's principle of Corporations Law* (1999) Butterworths.
- J.H. Farrer and B.M. Hannayan, *Farrer's company Law* (1998) Butterworths

- Auster R.P., The Law of Public Company Finance (1986) LBC
- R.M. Goode, Legal Problems of Credit and Security (1988) Sweet and Maxwell
- Allman and Subramanyam, Recent Advances in Corporate Finance (1985) LBC
- Gilbert Harold, Corporation Finance (2nd rev. ed. 1953)
- Henry L. Hoagland, Corporation Finance (1st ed. 1947) Margin M. Kristein,
Corporation Finance (2nd ed., 1975) R.C. Osborn, Corporation Finance (1959)
- S.C. Kuchhal Corporation finance - Principles and Problems (6th ed. 1966)
- V.G. Kulkarni, Corporate Finance (1961)
- V.D. Kulkarni, Government Regulation of Finance (management of Private
Corporate Sector in India) (1985)
- Journals - Journal of Indian Law Institute, Journal of Business Law, Chartered
Secretary, Company Law Journal, Law and Contemporary Problems.
- Statutory materials - Companies Act and laws relating SEBI, depositories,
industrial financing and information technology.

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**NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year: 2016-17
Law on Corporate Structuring - I
(Corporate Honours Course I)
Semester VII**

B.A., LL.B. (Hons.), B.Com. LL.B. (Hons.) and B.B.A., LL.B. (Hons.)

Credit: 3

Hours: 45

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Introduction

Since the world is moving at a rapid pace and corporate are in a hurry to expand, restructuring through inorganic growth is an ideal medium. Combining two companies allows for cost savings and earnings growth and, as a result, increased shareholder value. Yet merger and acquisition activity brings not only rewards but also risks. Corporate cultures may clash, opportunities for synergy may be misconceived, and re-dundancies may undermine operational capabilities. The pressure to globalize and internationalize, emergence of economic unions like the EU, NAFTA, maturing markets, and intense competition have given a fresh fillip to M&A activity around the globe. As the Indian industry opens up to the global competition, we are witnessing a spate of mergers, acquisitions, and strategic alliances for corporate restructuring and renewal. Therefore, corporate restructuring has been the focus of much debate in the past few years. In this dynamic corporate scenario the subject is of great importance to understand the intricacies of various strategies for corporate restructuring.

Course Objective:

1. Students will be acquainted with the procedures of corporate restructuring and decision to apply various strategies of reconstruction.
2. Enable learners to understand, explore, and acquire practical insight of corporate reconstruction

Course Learning Outcome:

After completion of the course, participants will be able to:

1. Understand the phenomena of mergers and amalgamation, takeovers and other realms of corporate reconstruction.
2. To analyze the critical issues in mergers and amalgamations and company reconstructions.
3. To apply the principles to aspects of corporate law and evaluate the intricacies of law and practical issues affecting and arising out of corporate restructuring.

Syllabus

1. **Corporate Reconstruction: Introduction & Concepts**
 - 1.1 Meaning of corporate restructuring
 - 1.2 Corporate Reconstruction & Corporate Restructuring

- 1.3 Types of Corporate Restructuring
- 1.4 Planning & Strategies for Corporate Restructuring
- 2. Merger and Amalgamation**
 - 2.1 Meaning of Merger & Amalgamation
 - 2.2 Procedural Aspects of Merger & Amalgamation
 - 2.3 Jurisdiction of Courts; Filing of Various Forms
 - 2.4 Merger Aspects under Competition Law
 - 2.5 Amalgamation of Banking Companies and Government Companies
 - 2.6 Cross Border Acquisition and Merger
- 3. Corporate Demerger and Reverse Merger**
 - 3.1 Concept of Demerger
 - 3.2 Modes of Demerger
 - 3.2.1 by Agreement,
 - 3.2.2 Scheme of Arrangement
 - 3.3 Demerger and Voluntary Winding Up
 - 3.4 Legal and Procedural Aspects;
 - 3.5 Tax Aspects and Reliefs
 - 3.6 Reverse Mergers – Procedural Aspects
- 4. Takeover**
 - 4.1 Meaning & Types of Takeovers
 - 4.2 Legal Aspects – SEBI Takeover Regulations
 - 4.3 Disclosure and Open Offer Requirements
 - 4.4 Control, Valuation & Timing of open offer.
 - 4.5 Takeover & Delisting
 - 4.6 Bail out Takeovers and Takeover of Sick Units
 - 4.7 Takeover Defences
 - 4.8 Cross Border Takeovers
- 5. Corporate Funding**
 - 5.1 Funding through various Types of Financial Instruments including Equity and Preference Shares, Debentures, Securities with Differential Rights, Swaps, Stock Options; ECBs. Funding through Financial Institutions and Banks
 - 5.2 Rehabilitation Finance
 - 5.3 Management Buyouts/Leveraged Buyouts
- 6. Financial Restructuring**
 - 6.1 Reduction of Capital
 - 6.2 Reorganization of Share Capital

6.3 Buy-Back of Shares – Concept and Necessity

6.4 Procedure for Buy-Back of Shares by Listed and Unlisted Companies

References :

1. Donald M. D. , Mergers, Acquisitions and other restructuring Activities, Academic Press, 2012
2. Ramaiya Arunachala, and Arvind P Datar., Guide To The Companies Act, Gurgaon, Lexis Nexis Butterworths Wadhwa Nagpur, 2010.
3. Bhandari M.C. . Guide to Company Law Procedures, LexisNexis Butterworths Wadhwa Nagpur, 2013
4. ICSI, Handbook on Mergers Amalgamations and takeovers: Laws & Practice, CCH, New Delhi, 2012.
5. Sampath K. R. , Mergers, Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate Restructure. Snow White Publications, 2016
6. Ramanujam Arunachala. , Mergers et al, LexisNexis Butterworths Wadhwa, Nagpur, 2015
7. Deppanphilis D., Mergers Acquisitions and Other Restructuring Activities. Academics Press, 2001
8. Dabbah, Maher M. and K. P. E Lasok. Merger Control Worldwide, Cambridge Cambridge University Press, 2005.
9. Humphrey, John, Raphael Kaplinsky, and Prasad V Saraph. Corporate Restructuring, New Delhi, Response Books, 1998.

NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year 2016-17

B. A. LL.B (Hons.), B.Com.,LL.B. (Hons.) and B.B.A.,LL.B.(Hons.) Programme
Semester VIII

Law on Corporate Structuring II
Honours Course III
(Corporate Law Group)

Credit: 3

Hours: 45

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Introduction

As the Indian industry opens up to the global competition, we are witnessing a spate of mergers, acquisitions and strategic alliances for corporate restructuring and renewal. Therefore, corporate restructuring has been the focus of much debate in the past few years. The concept of De-Merger and Reverse Merger has acquired phenomenal significance in the practice of Corporate Restructuring in 21st century. At the Same Time, Sectoral Regulators of India are becoming more and more pro-active in evaluating corporate restructuring laws. This course is going to address recent contentious issues in mergers and acquisitions from various regulatory aspects.

Course Learning Outcome:

After completion of the course, participants will be able to:

- Get conversant with the technical and Jurisdictional aspects of corporate restructuring and Takeover.
- Analyze the critical issues in Reverse Merger and De-Merger.
- Understand the Competition aspects in Merger and Acquisitions & its applications.

1: Changing World and Its Effect on Restructuring

- Relevance of corporate restructuring in Global Economy
- Challenges to Restructuring: Domestic & Global Issues
 - Financial Implications
 - Liquidity Crunch,
 - Sub Prime Crises,

- Global Recession
- Strategic Management of Restructuring

2: Procedural and Jurisdictional Aspects

- Procedural Aspects of Merger & Amalgamation
- Jurisdiction of Courts; Filing of Various Forms
- Merger Aspects under Competition Law
- Amalgamation of Banking Companies and Government Companies
- Cross Border Acquisition and Merger

3: Corporate Demerger and Reverse Merger

- Concept of Demerger
- Modes of Demerger
 - by Agreement,
 - Scheme of Arrangement
- Demerger and Voluntary Winding Up
- Legal and Procedural Aspects;
- Tax Aspects and Reliefs
- Reverse Mergers – Procedural Aspects

4: Takeover

- Meaning & Types of Takeovers
- Legal Aspects – SEBI Takeover Regulations
- Disclosure and Open Offer Requirements
- Control, Valuation & Timing of open offer.
- Takeover & Delisting
- Bail Out Takeovers and Takeover of Sick Units
- Takeover Defences
- Cross Border Takeovers

5: Competition Implication of Mergers and Acquisitions:

- Combinations and Mergers
- Abuse of Dominance and its Implication on Mergers
- Role of Competition Commission of India and Competition Appellate Tribunal
- CCI Regulations on Combinations and Case Studies.

Suggested Readings:

- Mergers, Acquisitions and other restructuring Activities. Donald M. D. Academic Press. 2012
- A. Ramaiya : Guide to Companies Act, LexisNexis Butterworths, Wadhwa, Nagpur
- M.C. Bhandari : Guide to Company Law Procedures, LexisNexis Butterworths Wadhwa Nagpur
- ICSI : Handbook on Mergers Amalgamations and takeovers.
- K. R. Sampath : Mergers/Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate Restructure, Snow White Publications
- S. Ramanujam : Mergers et al, LexisNexis Butterworths Wadhwa Nagpur
- Ray : Mergers and Acquisitions Strategy, Valuation and Integration, PHI
- Mergers Acquisitions and Other Restructuring Activities. Depamphilis D. Academics Press. 2001

NIRMA UNIVERSITY
Institute of Law
BA.LL.B (Hons), B.Com LL.B (Hons) Programme
Academic Year - 2018-19
Constitutional Law Honors - II
Semester – VII

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| Course Code | 2COL722 |
| Course Title | Law on Education |

Course Learning Outcomes (CLO):

At the end of the course, students will be able to:

1. Understand educational process and planning in India
2. Analyze the issues arising out of regulatory affairs of educational sector
3. Evaluate the delicate balance between autonomy and regulation in educational process

Syllabus:

Teaching Hours: 45

Unit I : Education : An Introduction

3 Hours

- 1.1 Philosophy of Education : Rousseau Mill, and Dewey
- 1.2 Indigenous Education System in India : Historical background
- 1.3 Democracy, Liberalism and Aim of Education in India.

Unit II: Education: Constitutional Allocation of Power

3 Hours

- 2.1 Article 246 read with the Seventh Schedule
- 2.2 Concurrent List Entry 25
- 2.3 Union List Entries 63,64,65 and 66
- 2.4 Why was Education transferred from State List to the Concurrent List
- 2.5 Areas of Central Legislation over Education , the UGC Act, etc.

Unit III: Elementary Education

9 Hours

- 3.1 Constitutional Assembly Debate on Elementary Education
- 3.2 Pre and Post Constitution, compulsory elementary education
- 3.3 Right to Elementary Education (Article 21A and 45)
- 3.4 Rights of Children to Free and Compulsory Education Act, 2009
- 3.4 Budgetary Allocation and Right to Education

Unit IV Minority and Education

5 Hours

- 4.1 Minority Rights-Right to conserve distinct script and culture
- 4.2 Right to establish and administer educational institutions of their choice
- 4.3 Minority Institutions- Right to Compensation

w.e.f. academic year 2017-18 and onwards

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4.4 No Discrimination in Grant in Aid

Unit V: Higher Education in India

8 Hours

- 5.1 Higher Education and the Constitution of India
- 5.2 University Grants Commission Act, 1956
- 5.3 Role and Control of other authorities in India (BCI, MCI, etc)
- 5.4 Qualifications and Eligibilities for Scale and Promotions
- 5.5 Analysis of different Commissions and Committee reports relating to Higher Education,
- 5.6 National Commission for Higher Education and Research Bill
- 5.7 New Education Policy
- 5.8 Legal provision Technical and Vocational Education in India.

Unit VI: Dispute Settlement Mechanism for Educational Institution

8 Hours.

- 6.1 Chancellor, CDC
- 6.2 Educational Tribunals
- 6.3 Judicial Review
- 6.4 Educational Tribunal Act, 2010

Unit VII. Market Economy, Education and Law

9 Hours

- 7.1 Public Private Partnership
- 7.2 Private Higher Education: Opportunities and Challenges
- 7.3 Private University Act (Different State Acts)
- 7.4 Foreign University Bill
- 7.5 The National Accreditation Regulatory Authority for Higher Educational Institute Bill
- 7.6 Universities for Grant of Graded Autonomy) Regulations – 2017
- 7.7 UGC(Institutions of Eminence Deemed to be Universities)Regulations,2017
- 7.8 The Prohibition of Unfair practices in Technical Education Institute , Medical Education Institute and University Bill
- 7.9 Central Universities Amendment Bill
- 7.10 The Indian Institutes of Management Bill, 2017

Suggested Readings:

1. Sankhdher B M, 1999, Encyclopedia of Education System in India, Deep Publications
2. Mehta PL Poonga R, 1997, Free and Compulsory Education), Deep and Deep Publications
3. Baxi Upendra, "Mass Copying: Should Courts Act as Controller of Examinations" Delhi Law Review
4. Malik Krishna Pal 2012, Right to Elementary Education, ALA
5. Agarwal Pawan, 2009, Indian Higher Education, Envisioning the Future, SAGE Publications India,
6. Chandra Pankaj, 2017, Building Universities that Matter: Where are Indian Institutions Going Wrong?, Orient BlackSwan
7. Cases reported in Education and Educational Institutions, Malhotra and Company
8. Report of Knowledge Commission
9. Report of Kothari Commission
10. Yashpal Committee Report

w.e.f. academic year 2017-18 and onwards

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| Course Code | 2BUL913 |
| Course Title | Law on Project and Infrastructure Financing |

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

- 1- Understand the financing of infrastructure and growth of PPP (Public Private Partnership) in various sectors of Infrastructural development
- 2- Analyse Infrastructure law in light of other context viz. Land, Human rights, Environment, Finance etc.

Syllabus:

Class Hours:45

Unit: 1 Overview of Infrastructure Law in India (4 Hours)

- 1.1 Meaning of Infrastructure: Social and Economic
- 1.2 Importance of Infrastructure development and Economy
- 1.3 Infrastructure planning: Rural and Urban
- 1.4 Role of regulators in Infrastructure development
- 1.5 Constitutional aspects of Infrastructure development

Unit: 2 Infrastructure Contracts (6 Hours)

- 2.1 Features of Infrastructure contracts
- 2.2 Contracts in PPP model
- 2.3 BOOT (Build Own Operate and Transfer) contracts
- 2.4 Types of Infrastructure contracts
- 2.5 Infrastructure concession contracts
- 2.6 Utility tendering and Licensing process

Unit: 3 Project financing in Infrastructure contracts (6 Hours)

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- 3.1 Introduction to project financing
- 3.2 Financing of Infrastructure projects
- 3.3 Equity and corporate debt financing
- 3.4 Borrowing from International financial institutions
- 3.5 FDI in Infrastructure developments
- 3.6 Restructuring in project finance transactions
- 3.7 Case studies:
 - 3.7.1 National Dhabol power project
 - 3.7.2 International- Hong Kong Western Harbour crossing

Unit: 4 Infrastructure sectoral policy and Law: Oil, Petroleum & Natural Gas (4 Hours)

- 4.1 ONGC Act 1956
- 4.2 Petroleum and Natural Gas regulatory Body Act, 2006
- 4.3 National Policy on Coal industry, 1972
- 4.4 Atomic energy Act, 1962

Unit: 5 Infrastructure sectoral policy & Law: Road and Transport (7 Hours)

- 5.1 Road Transport corporation Act, 1950
- 5.2 National Highways Act, 1956
- 5.3 Railways Act, 1890
- 5.4 Railways Claims Tribunal Act, 1987

Unit: 6 Infrastructure Sectoral Policy and Law: Real Estate (7 Hours)

- 6.1 Real Estate (Regulation and Development) Act, 2016
- 6.2 Real Estate Investment Trust
- 6.3 FDI in real estate

Unit: 7 Infrastructure Sectoral Policy and Law: Telecommunication (7 Hours)

- 7.1 Telecommunication Contracts
- 7.2 FDI in Telecommunication Sector
- 7.3 National Telecom policy 1999
- 7.4 TRAI Act 1997

Unit: 8 Infrastructure Sectoral Policy and Law: Electricity (4 Hours)

- 8.1 Electricity Regulatory Commissions Act 1998
- 8.2 The Electricity Act, 2003
- 8.3 Distribution Contracts: Sample and Hands on

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Suggested Readings:

- 1- Maritime Trade and Securities: Issues and Country perspectives, By Sukhvinder Kaur Multani, ICFAI university Press, Hyderabad
- 2- Highway Engineering and Traffic planning By Subhash Saxena
- 3- Railways Laws By S K Mukherjee, Dwivedi Law Agency, Allahabad
- 4- Towards Energy Conservation Law By Chhatrapati Singh et al.
- 5- Guide to Energy Management By Barney L Capehart
- 6- The Outline of Maritime Law By S P Gupta, Allahabad Law Agency
- 7- Maritime Trade and Security: Issues and Country Perspective By Sukhvinder Kaur Multani
- 8- Law Relating to Infrastructure projects By Piyush Joshi, Butterworths, New Delhi
- 9- National Transport Development Policy Committee Report By Rakesh Mohan Committee.

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**NIRMA UNIVERSITY
INSTITUTE OF LAW**
Academic Year 2015-16

**Law relating to Prevention and Punishment for Corruption
(Honours Course)
Semester – X**

B.A., LL.B (Hons.) and B.Com., LL.B (Hons)

Credit : 3
Hours : 45

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Introduction

Corruption is a term which creates imbalance in society and affects the economic policy of the nation. It's not only a legal problem but socio-economic issues, which require to be addressed looking at all the angles. According to International Transparency, India is ranked at 94th place among 175 nations. The technology, globalisation, competition, etc. are helpful in combating corruption but not able to eliminate in all profession. We blame each other for existing corruption but contribute in corruption, directly or indirectly. In fact, the roots of corruption are found in each wing of the democracy: legislature, bureaucracy, judiciary, corporate houses, professionals and landlords, etc. It is correct say that everyone is not corrupt but there is general presumption that roots are in system. Therefore this course, is framed to sensitise the students about the causes, behavioural conduct of an offender in corruption case with following outcomes:

Course outcome of the course

At the end of the course, the students will be able to :

- Understand the causes of corruption and behavioural conduct of the authorities and to curb it at national and international level.
- Analyse functions and powers of anti-corruption machinery
- Enhance their skill to prosecute the offender in appropriate court.

1. Introduction

1.1 Meaning and concept of Corruption

1.2 Causes and sources of Corruption

1.3 Theories of Deviance: Individualistic versus Sociological Theories

- Functionalism & Anomic Theories
- Conflict and Threat Theories
- Labeling Theory

1.4 India approach to fight corruption

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1.5 International approach to fight corruption : UN Convention against corruption

2. Typical forms of such corruption

- 2.1 Politicians (election, scam, favouritism, state appointment, state functionaries, etc.)
- 2.2 Bureaucracy (appointment, official, harassment, etc.)
- 2.3 Police (appointment, transfer, traffic violation, extortion, atrocities, custodial violence, fake charging, fabricating reports, etc.)
- 2.4 Justice delivery system (judiciary, prosecutors and advocates)
- 2.5 Professional corruption (journalists, teachers, doctors, lawyers, engineers, architects and publishers)
- 2.6 Corruption by corporate sectors

3. Machinery to fight corruption in India

- 3.1 Constitution and functions of Lokpal and CVC
- 3.2 Constitution and functions of Lokayukta and SVC
- 3.3 Inquiry Commission
- 3.4 Special courts to deal with corruption
- 3.5 Special public prosecutors

4. Criminal procedure in corruption cases

- 4.1 Offences relating corruption
- 4.2 Inquiry of corruption cases
- 4.3 Cognizance of an offence
- 4.4 Arrest, search and seizure of property
- 4.5 Bail, anticipatory bail, and compounding of offences
- 4.6 Procedure before special court and benefit of plea bargaining
- 4.7 Conviction and execution of sentence (forfeiture of property)
- 4.8 Probabilities of probation, parole and furlough

5. Challenges and reforms

- 5.1 Factors effecting delay in corruption cases
- 5.2 Sharing of experience (Study) of Hong Kong or any other country who succeeded in reducing corruption i.e. Hong Kong



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5.3 Possibility of corruption free India

5.4 Economy Reforms

5.5 Commission/Committee Reports (Reforms)

5.6 Emerging of whistleblower

References

- Atal and Chaudhary, (2014), *Combating Corruption: The Indian Case*, Orient Blackswan.
- Raj Kumar C., *Corruption and Human Rights in India: Comparative Perspectives on Transparency and Good Governance*, (2012), Oxford Scholarship Online.
- Bax Upendra, *Liberty and Corruption: The Ananday Case and Beyond* (1989), Eastern Book Co., Lucknow.
- Braj K Sandeep, *Digest on Anti-Corruption Laws*(2010), Kamal publishers, New Delhi.
- Fighting corruption - Role of Law Schools, lawyers, and courts, reading material prepared by Continuing legal education for advocates/ law teacher, MHLA in association with RGNU Patiala (October 2014).
- Dwivedi Surendranath and Bhargava G S., *Political Corruption in India* (1967).
- Dhami's Ashok, *Prevention of Corruption Act (2009 II Edn)*, LexisNexis Butterworths Wadhwa Nagpur.
- Kumar Arun, *The Black Economy in India*, Penguin India Pvt. Ltd., New Delhi, 2002.

**NIRMA UNIVERSITY
INSTITUTE OF LAW**

B.A., LL.B. (Hons.), B.Com., LL.B. (Hons.) and B.B.A., LL.B., (Hons.) Programme
Semester – III
Academic Year 2014-15
Credit : 1
Hours : 15

**Legal Awareness and Para Legal Writing
Syllabus**

Introduction. The Course "Legal Awareness and Para Legal Writing" is framed to make the student aware of the socio-legal issues like free legal aid and legal services. Along a clinical course students have to attend legal aid clinic. Learning through the clinical exercise is the aim of the course, where writing applications is required to assist the needy persons. Para-legal volunteers are serving the society, by awakening the illiterate people towards their rights and informing them how to approach the competent authority, therefore, the course provides a thorough learning of the legal service mechanism.

Course Learning Outcomes:

After the completion of the course the students will be able to :

1. Understand the concept of legal aid and para-legal services;
2. Acquire the fundamental skills on day to day matters;
3. Organise the legal awareness camp and address the legal issues.

I. Concept to Legal Aid

- Concept of Legal Aid
- Entitlement of free legal aid
- Organisational structure of providing legal aid

II. Para Legal Services

- Who is para-legal volunteers
- Training of para-legal volunteers
- Techniques of client-counselling

III. Exposure to Legal Aid Clinic

- Establishment of Legal Aid Clinic
- Duties and functions of para-legal volunteers and advocate at the clinic
- Visit to Legal Aid Clinic in jails.
- Managing of Legal Aid Clinic by Law Institute

IV. Organising of Camps

- Preparation of organisation of camp
- Selection of issues and techniques to address

- Preparation of local importance issues
- Legal awareness camps
- Legal literacy camps

V. Para-legal writing

- Client Letters/Request
- Filing Complaint/FIR
- Drafting Right to Information application
- Drafting Office Memorandum
- Applications/Formats for essential services
- Procedure to file Public Interest Litigation

References:

1. Manik Keshava Patil, 2014, *Legal Aid, Para Legal Services & Ethical Training*, Ahmedabad, Nirav Prakashan
2. Rao, K., 2012, *Public Interest Lawyering, Legal Aid, and Para Legal Services*, Anubhavan: Central Law Publications
3. Rao M. 2011, *Public Interest Litigation, Legal Aid and Local Aids*, Lawrow Eastern Book Company.
4. Sharma, G.S. 2012, *Fundamentals of Legal Writing*, Jaipur, University Book House.
5. Sharma SS, 2012, *Para Legal Service, Public Interest Lawyering and Legal Aid*, C.L.A.
6. Das P, 2012, *Handbook On The Right To Information Act*, Delhi: Universal Law Publishing Co. Pvt. Ltd.

NIRMA UNIVERSITY
Institute of Law
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Programme
Academic Year 2018-19
Semester- I

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| Course Code | 2BL133 |
| Course Title | Legal Methods |

Course Learning Outcomes:

At the end of the course, students will be able to:

1. Understand of the debates around the nature of law
2. Distinguish between the major kinds of law, legal systems and institutions
3. Explain the structure of the legal institutions and the hierarchy of courts in India
4. Demonstrate ability to identify legal issues and principles in given factual situation.
5. Explain the various sources of law and be able to synthesise such sources and use them to

Teaching Hours: 60

Syllabus

Unit I : Nature of Law and Legal Methods

7 Hours

- 1.1 Objective of the Course
- 1.2 Scope of Different Legal Methods
- 1.3 Scope of Law
- 1.4 Nature and Character
- 1.5 Is Law a Social Science or Behavioral Science?
- 1.6 Is law a system?
- 1.7 Formal and informal character of Law

Unit II : Introduction to Law and Legal Systems and Institutions 8 Hours

- 2.1 What is Law? - Introduction to Law, Its Functions
- 2.2 Categorising Laws and Legal Systems
- 2.3 the Indian Judicial System

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2018-19 and onwards

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Unit III: Module 5 : Functions of Law

6 Hours

- 3.1 Maintenance of Social Order
- 3.2 Influence of Social Change
- 3.3 Social Engineering
- 3.4 Disputes Settlement

Unit IV: Sources of Law

6 Hours

- 4.1 Custom
- 4.2 Legislation
- 4.3 Judicial Decisions
- 4.4 Public Opinion
- 4.5 Delegated Legislation and Rules enacted
- 4.6 Process of Law Making
- 4.7 Indian Judicial System and Hierarchy of Courts

Unit V : Different Systems of Law

3 Hours

- 5.1 Common Law
- 5.2. Civil Law

Unit VI : Different Types of Law

3 Hours

- 6.1 Civil and Criminal Law
- 6.2 Public and Private Law
- 6.3 Substantive and Procedural Law
- 6.4 Penal and Remedial Laws

Unit VII : Logical Reasoning and Analysis

8 Hours

- 7.1 Basic Concepts in Logic and Legal Reasoning: Propositions, Arguments, Explanations, Paraphrasing
- 7.2 Deductive Reasoning and Inductive Reasoning
- 7.3 Fallacies – Typical Errors in Reasoning
- 7.4 Various Approaches to Legal Reasoning
- 7.5 Introduction to Legal Reasoning

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2018-19 and onwards

Unit VIII: Reasoning and Finding of Ratio

8 Hours

8.1 Logical and Legal Reasoning

8.2 Fallacies in Reasoning

8.3 Application of Principles of Logic in legal Reasoning

8.4 Scope of Ratio Decedendi and Obiter Dicta

8.5 Different Tests of Confirming Ratio and Exercises

Unit IX: Reading, interpreting and Analyzing Law

6 Hours

9.1 Statutes and subordinate legislation

9.2 Cases

Unit X: Legal Writing

5 Hours

10.1 Referencing

10.2 Plagiarism

10.3 Writing: Working towards clarity and structure

Suggested Readings:

1. Slaer G. and Kelly D. (2002). *The English Legal System*. Oxford: Routledge.
2. David R. and Brierley J. E. (1985). *Major Legal Systems in the World Today*. London: Stevens & Sons.
3. Williams G. (2000). *Learning the Law*. New-Delhi: Sweet & Maxwell/Universal Law Publishing Company Private Limited.
4. Garner B. A. (2013). *Legal Writing in Plain English*. Chicago: University of Chicago Press

L= Lecture, T= Tutorial, P= Practical, C= Credit

w.e.f. academic year 2018-19 and onwards

**NIRMA UNIVERSITY
INSTITUTE OF LAW**

B.A.,LL.B. (Hons) and B.COM.,LL.B. (Hons.) Programme

Academic Year 2016-17

Semester II

Legal Research and Legal Writing

Credits: 2

Hours: 30

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Introduction

Law is inseparable from society and therefore law is influenced by social values and ethos and vice versa. To understand the interplay of society and law, one need to develop a scientific and systematic approach and framework. Exploration of law in society requires a basic understanding of systematic investigation, study of emerging law and policies, their social necessity and relevance, their functioning and efficiency. Studying law is not simply a matter of acquiring knowledge. It is also about developing a set of skills. Research without writing is incomplete as it is said "we are what we write" and "lawyers are considered wordsmith". Professional lawyers / law students must write well and use writing skills to persuade readers. A legal research and writing course is essential for students as it equips students to problematize and express their thoughts in a structured and coherent manner and also to produce legal documents.

Course Learning Outcome

At the end of the course, the students will be able to

- Understand the various facets of legal research and writing;



- Acquire basic skills such as reviewing literature, problematizing, hypothesizing, creating research design, writing precise, do's and don'ts of legal research and writing; and
- Use legal research and writing skills to produce academic works like project work, dissertation, academic papers and articles, reviews and moreover in preparing memorials and other legal documents.

PART I: Legal Research: Craft and Style

1. Research: Its Meaning and Significance

1.1 Meaning, Definition, Objective and Scope of Research

1.2 Types of Research

- Empirical and doctrinal research.
- Pure and applied research

1.3 Steps in research

2. Source and Material of Legal Research

2.1 Primary (interview, questionnaire, observation etc.) and Secondary Source (historical, documentation, reports, on line sources etc.)

2.2 Types of legal Source

- Statutory Sources
- Case Reporter, Case Digest and Index
- Non Statutory Sources: Dictionary, Reports of Statutory Commissions (Law Commissions, NCW, NHRC, SC Commission, ST Commission.)

2.3 Online Sources (Jastor, Heineonline, Manupatra, India Code, SCC Online, Judis, Westlaw etc.)

2.4 Statistical Reports: NSSO, Census of India, Crime in India, U-DISE etc.

3. Research Design, Reference Style and Research Ethics

3.1 Definition, meaning and characteristics of Research Design

3.2 Types of Research Design

3.3 Steps in Research Design

3.4 Styles of writing headers and sub headers

3.5 Legal Research Methodology, Research Design and Structure and Framework of Research based Academic Activities (Synopsis, Projects, Article/ Paper, and Dissertation).

3.6 Research Ethics and Plagiarism.

3.7 Research Based Conference cum Consultation.

- Contemporary and Socially Relevant Research (Impirical and Doctrinal).
- Emerging Debates and Discourses and Socio-Legal Interplay.
- Quantitative and Qualitative Research
- Case Studies

3.8 Blue Book 19th Edition

PART II: Legal Writing: Craft and Style

4. Learning to Write Literature Review

4.1 Article / Paper Review

4.2 Book Review

4.3 Research proposal

4.4 Research paper

4.5 Research report.



5. Learning to Write Legal Review

5.1 Case Notes, Case Comments and Case Review

5.2 Policy note and review

5.3 Brief writing

6. Legal Drafting

6.1 Writing Moot Court Memorials

6.2 Affidavit / Declaration / Undertaking on Oath

6.3 Legal Notice

References

1. Flick U., *Introducing Research Methodology*, Sage Publications.
2. Verma, S. K. *Research Methodology*, ILI Publication.
3. Yaquin, Anwarul., *Legal research and Writing Methods*, Lexis Nexis, Butterworths.
4. Denicolo P. and Becker L., *Developing Research Proposals*, Sage Publications.
5. Kitchin R. and Fuller D., *The Academic's Guide To Publishing*, Sage Publications.
6. Gerard G., *Basic Research Method*, Sage Publications.
7. Shah Vimal P., *Research Design (Papers on Research Methodology)* Rachna Publications.



Approved by Academic Council
on 08.02.2011
10.1.11

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B. (Hons.) Programme
Academic Year 2011-12
Semester - X

RECURS COURSE VII (CONSTITUTIONAL LAW GROUP)
LEGISLATIVE DRAFTING

Introduction and Objectives

Properly, no exercise initiates a student into the complex, art law than that of legislative drafting. Contrary to the prevalent belief, the draftsman is no mere technician transcribing some one else's policies into law. He is also a co-architect of policies. For how policies get written into law decides the careers and fate of the policy, of course how laws are drafted also affect the destiny of law.

Not a mere, rum grounding in theory, students should be assigned drafting of whole statute. The following drafting exercises ought to be assigned:

- (1) Definitions of key words;
- (2) Sections creating offences of various kind (e.g., joint, vicarious liability)
- (3) A charging section (for fiscal laws)
- (4) A penal clause;
- (5) Sections prescribing powers and functions of an authority under the Act
- (6) An amending section;
- (7) A repealing section
- (8) A preamble and a long title.

Basic theoretical grounding, with appropriate case material, should be, of course, provided in statutory interpretation. Without this grounding, drafting to laws turns out to be wholly counterproductive.

Syllabus

Essentials of Legislative Instrument or acts

- Bills
- Acts
- Codes
- Rules
- Schedules

1. Ideas of drafting laws

- Simplicity
- Preciseness
- Consistency

- Harmonized with existing law
- Priority

2. Part of a Statute

- Long Title
- Preamble
- Enacting Formula
- Short Title
- Extent and Application
- Definitions
- Inclusive Provisions
- Administrative Machinery, if any, contemplated by the State
- Penal Provisions
- Basis and Regulation Making Power
- Geographical Provisions
- Open and Saving

3. Other Aspects of Acts and

- Functions
- Mode of Making
- Conditions
- Reservations
- Provisions
- Use of non-establis clauses
- Retrospective Effect
- Emergency Clause
- Emergency
- Provisions

5. Maximal Interpretation: General Approaches

fulfilled: Principles or Principles providing rules for construction and legal

Interpretation

2. Decease Clause Act, 1969

R. Legislation by reference, incorporation

9. Amending, a Consolidating and Copying Statutes

10. General Rules Interpretation, including a Constitutional Interpretation

References:

- Indian Law Institute, The Drafting of Laws (1980)
- Vapa P. Sarathi, Interpretation of Statutes (1951) (Second edition)
- Alfons, Law in the making, Sweet and Max Well
- Thomson, G.C., Legislative Drafting, Butterworths, London
- Zorbet, M., The Law Making Process, Weidenfeld & Nicolson, London
- Benson C'Hee-Report, Preparation of Legislative, Sweet and Max Well
- Thomson, Legislative Drafting
- P. M. Rao, Legislative Drafting, Indian Law Institute

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NIRMA UNIVERSITY
 Institute of Law
 B.A., LL.B. (Hons.) and B.Com. (Hons.) Programme
 Academic Year 2019-20
 Semester IX
 (Constitutional Law Honours Group VI)

| | | | |
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Course Code | 2001942

Course Title | Legislative Power under the Indian Constitution *

Course Learning Outcome:

At the end of the course, student will be able to:

1. Examine the Legislative Procedure.
2. Identify the Legislative Power of Centre and State.
3. Interpret Constitutional text.
4. Examine the scope and extent of Delegated legislation

Syllabus

Teaching Hours 45

Unit 1: Legislative Procedure

5 Hour

[Self Study]

1. Commencement of Session
 2. Types of Bills
 3. Presentation of Bill
 4. Passing of Bill
- 1.5 Parliamentary Proceedings and Rules

Unit 2: The Legislative Power of Centre and State

10 Hours

- 2.1 Territorial Jurisdiction
- 2.2 The Three Lists: The Union List, State List, Concurrent List

* If the content contained in the syllabus exceeds the course value including the internal and final assignments, the additional assignments should be included in the Course Content Module.

Unit 3: Principles of Interpretation

10 Hours

- 4.1 Each Entry to be Interpreted Broadly
- 4.2 Harmonious Interpretation of Entries
- 4.3 Inter-Relation of Entries
- 4.4 Rule of Pith and Substance
- 4.5 Doctrine of Colourable Legislation

Unit 4: Centre's Power and Control on the State List to Legislate

05 Hours

- 4.1 Article 249, 250, 252
- 4.2 Implementation of Treaty
- 4.3 Emergency
- 4.4 Orders & Ordinance

Unit 5 Delegated Legislation

15 Hours

- 5.1 Scope and extent of Delegated Powers
- 5.2 Parliamentary Control
- 5.3 Parliamentary Reports on Delegated Legislation

Suggested Readings :

1. M.P. Jain, Indian Constitutional Law, 3rd Edition (2018), Lexis Nexis
2. Aviel J.P. Datta, Commentary on the Constitution of India, 2nd Edition (2007), Wadwa Publication
3. H.M. Seervai, Constitutional Law of India, 4th Edition (2014), Universal Publication House
4. D.D. Basu, Commentary on the Indian Constitution, 8th Edition (2017), Lexis Nexis
5. S. Paul, India's Constitution: Origin and Evolution, (2015) Lexis Nexis
6. T.K. Topa's Constitutional Law of India by Justice Sujata Mukherjee, 3rd Edition (2016) Eastern Book Publication

L= Lecture, T= Tutorial, P= Practical, C= Credit

**NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year: 2016-17
Professional Training I
(Litigation Advocacy)
Semester VII**

B.A., LL.B. (Hons.), B.Com. LL.B. (Hons.) and B.B.A., LL.B. (Hons.)

Credit: 2

Hours: 30

| | | | |
|----------|----------|-----------|----------|
| L | T | PW | C |
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Introduction:

This course is a clinical course with variety of stimulation that prepares the students for litigation. The course covers the micro aspects of different kind of a skill required for the advocacy.

Course Learning Outcomes:-

At the end of the course, the students will be able to:-

- Gain understating of the preparation of advocacy.
- Exhibit the skills of arguments
- Inculcate the attributes of successful advocacy skills

1. Advocacy as an Art

1.1 Art of the Advocate – Generally

1.2 Equipment of an Advocate

1.3 Oratory and Advocacy

1.4 Eloquence in Advocacy

2. The Training and equipment of the lawyer

2.1 The training for success at the Bar

2.2 Literature and science, the handmaid of law

2.3 Study of Law as a Science

2.4 The Lawyer's opportunity

- 2.5 What secures success
- 2.6 Strain on mind and body
- 2.7 Wealth not necessary for success at the bar

3 The advocate as a storyteller

- 3.1 Introduction
- 3.2 Why should an advocate be able to tell a story?
- 3.3 The story
- 3.4 The telling
- 3.5 Exercises
- 3.6 Further reading

4 The Advocate as Conductor

- 4.1 Painting the picture
- 4.2 My physical presence
- 4.3 Where do I look?
- 4.4 Masking my anxiety
- 4.5 What do I call people?
- 4.6 Opening statements
- 4.7 Agendas
- 4.8 Questioning my witnesses
- 4.9 Helping the decision-maker to understand

5 Preparing for advocacy

- 5.1 You and your voice
 - 5.1.1 Introduction
 - 5.1.2 Posture and relaxation
 - 5.1.3 Breathing
 - 5.1.4 Phonation
 - 5.1.5 Speech and accents
 - 5.1.6 Posture and relaxation exercises
 - 5.1.7 Breathing exercises
 - 5.1.8 Articulation exercises
 - 5.1.9 Resonance exercises
 - 5.1.10 Projection exercises
 - 5.1.11 Further reading

5.2 Memory and recall

5.2.1 Introduction

5.2.2 Memory and recall techniques

5.2.3 Memory and recall exercises

5.2.4 Witnesses and the court

5.3 Note-taking

5.3.1 Note-taking in practice

5.3.2 Essentials of good notes

5.3.3 Research notes

5.3.4 Notes made in preparing a case

5.3.5 Notes made in preparation for writing

5.3.6 Interview notes

5.3.7 Notes in court

5.3.8 Note-taking in other contexts

5.3.9 Shorthand

5.4 Modes of address

5.4.1 Introduction

5.4.2 Using the correct form of address

6. Mastering the facts

6.1 What is in an interview?

6.2 Visualising the scene

6.3 A report from an expert

6.4 Do not ask 'Did you do it?'

6.5 Setting an agenda of topics for the interview

6.6 Types of Questions

6.7 Asking open questions

6.8 Preparing visuals

7. Developing Written advocacy Skills

7.1 Introduction

7.2 Creating a style for written advocacy

7.3 Literary techniques for the advocate

7.4 The technique of persuasion in writing

7.5 The art of précis for lawyers

7.6 Tasks before lodging

- 7.7 What the court expects
- 7.8 What judges actually want

8. Arguments of Counsel

- 8.1 Argument : in general
- 8.2 Contents of argument
 - 8.2.1 For the prosecution of plaintiff
 - 8.2.2 For the defendant
- 8.3 Preparation for argument
- 8.4 Marshalling of facts
- 8.5 Presentation of facts – Theory of the case
- 8.6 Presentation of facts
- 8.7 Technique in Arguments
- 8.8 Arguments – methods and manner : Use of illustrations and appeals to common experiences
- 8.9 Directing questions to opponent
- 8.10 Maintaining interest
- 8.11 Anticipating adversary arguments
- 8.12 Reply to adversary arguments
- 8.13 Courtesy toward court and opposing counsel
- 8.14 Naturalness
- 8.15 Earnestness and sincerity
- 8.18 Apologies for shortcomings

References:

- Hugh Selby and Graeme Blank, *Winning Advocacy*, Second Edition, Oxford University Press
- Andrew Goodman, *Effective Written Advocacy in Practice Influencing the Judicial Mind*, Universal Law Publishing co.
- Govind Reddy, *Advocacy How to Present your Case*, Asia Law House, Hyderabad.
- P Ramanatha Aiyer, *Advocate His Mind and Art Illustrations from the lives and methods of the masters*, Third Edition, 2003, Wadhwa and Company
- Robert McPeake, *Advocacy*. 15th Edition, Oxford University Press
- Chief Justice Dr. B. Malik, *The Art of a Lawyer*, Tenth Edition, Universal Law Publishing Co.

NIRMA UNIVERSITY
INSTITUTE OF LAW
 Academic Year 2016-17
B.A.L.L.B. (Hons.), B.Com. LL.B. (Hons.), B.B.A. LL.B (Hons.) Programme
Semester VIII
Professional Course II
Litigation Advocacy

Credit: 2

Hours: 30

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Introduction:

This course of Litigation Advocacy-II aims at developing necessary advocacy skill among students and prepare them to actual Courtroom scenario. As a lawyer, he/she need have specific kind of approach in Courts at different stages of litigation, such as trial stage in lower Courts and in appeals stages in appellate Courts. There is a vast difference between these two Court practices. This subject helps the students in understanding and developing necessary advocacy skills required in these different kinds of Courtroom practices. At the same time one should know that not only Courts but hundreds of other quasi-judicial bodies accept and provide remedies and adjudicate the matters. Law practice before these quasi-judicial bodies are altogether different from Courtroom practice. In this course, a law student will be properly guided as to how to select the appropriate forum among various quasi-judicial forums and understanding procedure adopted by them in adjudicating a matter. Thus this course aims at developing necessary advocacy skills required for both Courtroom practice and practice before quasi-judicial bodies forums.

Course Learning Outcome:

After completion of the course, the students will be able to

- Develop litigation advocacy skill, aiming at Courtroom practice, such as identification of stages, preparation required for each stage and developing skills required to identify points of determination.
- Understand the art of Examination and Cross examination, skills required in proof of documents.

- Apply skills of identifying appropriate forum and method of adjudication of dispute

1. Trial Court advocacy skills: Civil Litigation

1. Civil Court and its Jurisdiction.

- 1.1 Types of cases: Suits, Special suit and summary suit.
- 1.2 Pleadings – Plaint and Written Statement
- 1.3 Affidavit and its uses in litigation
- 1.4 Notice and Legal Notice
- 1.5 Interim Orders:
- 1.6 Issuance of summons, notices and warrants by Court
- 1.7 Framing of Issues: Preliminary and other issues
- 1.8 Trial: Understanding the meaning of trial.
- 1.9 Adjournments
- 1.10 Evidence – proof of documents
- 1.11 Examination of Parties to litigation, or witnesses
- 1.12 Cross examination: What to ask and what not to ask? Leading questions
- 1.13 Closing arguments.
- 1.14 Understanding Review, Reference and Revision
- 1.15 Execution petition.

2. Trial Court advocacy skills: Criminal Case

2.1 Jurisdiction of Criminal Courts

- 2.2 Conditions requisite for initiation of proceedings: FIR, Cognizance of offences by Magistrates, Cognizance of offences by Courts of Session

2.3 Complaints to Magistrates

2.4 Charges: framing of charges

2.5 Trial

- Before a Court of Session
- Of warrant-cases by magistrates
- Of summons-cases by magistrates
- Summary trial.

2.6 Plea Bargaining

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- 2.7 Evidence in Trial.
- 2.8 Bail and drafting of bail application.
 - Bail
 - Bail in non-bailable offence
 - Interim bail.
- 2.9 Appeals in criminal cases
- 2.10 Retention and revision.

3. Appellate Court Practice

- 3.1 Appeals
 - Different kinds of appeals (appealable orders, first appeal, Second appeal and appeal to Supreme Court)
 - Identifying points for determination
- 3.2 Identifying and framing of
 - Substantial question of law
 - Substantial question of law of general importance
- 3.3 Stages in appeal: Admission stage, Preliminary stage, Final stage and Judgement

4. Tribunals

- 4.1 Identifying and selection of appropriate forum
- 4.2 Identifying the procedure adopted by forum
- 4.3 Working of Consumer forums
- 4.4 Working of Income tax tribunal

Suggested Readings:

- S.L. Vibhine, (2017) P.S. A Pillai's Criminal Law, 11th Edition, LexisNexis Butterworth's, Wadhwa, Nagpur.
- P.K. Majumdar, (2014) The Code of Civil Procedure, 1908, Orient Publishing Company, New Delhi.
- Mulla, (2016) The Code of Civil Procedure, LexisNexis, Cuttack.

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NIRMA UNIVERSITY

INSTITUTE OF LAW

B.A.,(J.B. (Hons.) and B.Com.,LL.B. (Hons.) Programme

Academic Year 2014-15

Credit: 3

Semester - IX

Hours: 45

Course Name : Local Self Govt. including Panchayat Administration
Syllabus

Honours Course - VI

Introduction: The proposed course is designed to introduce the basics of the Third Tier of Governance in India. The course discusses the various executive, legislative and quasi-judicial powers of the rural as well as urban local self governance, along with a conceptual understanding of the direct democracy and local representation in decision-making and execution exercise. The importance of the applicability of Gandhian principles of village self reliance at local self governance level is also critically disseminated. The course not only focuses on the Constitutional provisions as enshrined in the 73rd and 74th Constitutional Amendment Acts, 1992, but also traces of historical continuity of local governance in pre-independence / British times and focuses on to search for the prospects of its applicability in the modern challenges of local governance in India.

Course Learning Outcomes:

At the end of the Course students will:

1. be equipped with an analytical and multi-pronged understanding of Legal framework of governance at grass-root level and in turn that will help them in contextualising the principles of law as *legal professionals*.
2. understand the idea of *rights*, distribution of resources and powers at local level, its lacuna(e) and its corresponding duties within the liberal constitutional framework.
3. be exposed to the principles that would equip them to explain the socio-political economic implications of the legal and constitutional provisions of 73rd and 74th Constitutional Amendment Act, 1992.
4. understand the idea of *logic and rationality*, that would help them to appropriate legal provision aptly. It will enhance the *critical thinking and argumentative skills* of the students.

I. Historical Perspectives

- Early period
- Gram Swaraj: the Gandhian Concept

II. Constitutional Scheme

- Directive Principles
- Structure and powers of local bodies
- Constitution 73rd and 74th Amendment Acts, 1992.

III. Legislative Powers

- Direct democracy and grass root planning
- Municipalities and corporation
- Gram Sabhas

IV. Quasi-legislative Powers

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- Rule making power of the State Government
- Regulations and Bye-laws
- State Finance Commission and State Election Commission

V. Financial Powers

- Levying taxes
- Licensing power
- Financial resources and powers

VI. Judicial and Quasi-judicial powers of the Local Bodies

VII. Election to Local Bodies

VIII. Conduct of Meetings: Corporation, Municipal Council, Panchayat Committee and Gram Sabha

IX. Institutional and Judicial Control

References:

1. Davis, Kenneth Culp. (1980). *Discretionary Justice: A Preliminary Inquiry*. London: Greenwood Press Reprint.
2. Dicey, A.V., (1914). *Introduction to the Law of the Constitution*. Oxford: OUP.
3. Friedman, W. (1972). *The State and the Rule of Law in a Mixed Economy*, available on http://digitalcommons.law.yale.edu/cgi/twcontent.cgi?article=3151&context=iss_papers, accessed on March 06, 2014 at 03:25 PM.
4. Neville, L. Brown & John Bell (1998). *French Administrative Law*. New York: OUP.
5. Jennings, Ivor (1963). *The Law and the Constitution*. London: University of London Press.
6. Schwartz & Wade (1972). *Legal Control of Government: Administrative Law in Britain and in the United States*. Oxford: Clarendon Press.
7. Jain & Jain, (1986). *Principles of Administrative Law*. Bombay: Tripathy Publishing House.
8. Smith, De & Stanley Alexander (1995). *Judicial Review of Administrative Action*. London: Sweet and Maxwell.
9. Thorhill, W. (ed.). (1971). *The Growth and Reform of English Local Self-Government*. London: Weidenfeld and Nicolson.
10. Mookerji, Radhakumud. (1985). *Local Government in Ancient India*. N. Delhi: Daya Publishing House.
11. M. Venkatarangaiya & M. Pattabhiram. (1969). *Local Government in India*. New Delhi: Alked.
12. Jadhka, Surinder. "Nation and Villages: Images of Rural India in Gandhi Nehru and Ambedkar", EPW, Aug.16, 2002. pp.3343-53.
13. Badhopadhyay, D., *Administration, Decentralisation and Good Governance*, EPW, Vol:31, No.48 (Nov. 30, 1996), pp. 3109-3114.
14. Fernandes, Aureliano, *Aggrandiser Government and Local Governance*, EPW, Vol.38, No.27 (Jul.5-11, 2003) pp.2873-2879.
15. Singa, Hestiar, *Constitutional Base for Panchayati Raj in India*, Asian Survey, Vol.34, No.9, (September 1994) pp. 818-827.
16. Johnson, Craig, *Decentralisation in India : Poverty, Politics and Panchayati Raj*, (London: Overseas Development Institute, 2003).

17. Naik, J.P., *Development and Gandhian Tradition in India*, The Review of Politics, Vol.45, No.3, (July 1983), pp.345-365.
18. Ghosh, Arun, *Federalism, Democracy and Decentralisation*, EPW, Vol.27, No.46, (Nov.14, 1992), pp.2453-2455.
19. Sharma, Swarna Lam, *Democratic Decentralization and Grass-root Democracy in India: Challenges and Solutions*.
20. Bandyopadhyay, D., Ghosh, Saila K. and Ghosh, Anubadeb, *Dependency Versus Autonomy: Identity Crisis of India's Panchayats*, EPW, Vol.38, No 38 (Sept. 2003), pp.3980-3991.
21. Sirsikar, V.M., *Political Role of Panchayati Raj*, Economic and Political Weekly, Vol. 1, No. 14 (Nov. 19, 1966), pp. 581-584.
22. Vaidyanathan, A., *Poverty and Development Policy*, Economic and Political Weekly, Vol. 36, No. 21 (May 26 - Jun. 1, 2001), pp. 1807-1822.
23. Iyengar, Sudarshan, *Role of Non-Governmental Organisations in Development of Gujarat*, Economic and Political Weekly, Vol. 35, No. 35/36 (Aug. 26 - Sep. 8, 2000), pp. 3229-3230.
24. Chandhok, Neera, 'Seeing' the State in India', Economic and Political Weekly, Vol. 40, No. 11 (Mar. 12-18, 2005), pp. 1033-1039.
25. Bhalerao, C.N., *Political and Administrative Consequences of Panchayati Raj*, Asian Survey, Vol.4, No.4 (Apr.1964), pp.804-811.
26. Reddy, M. Gopinath, *Status of Decentralised Local Bodies Post-73rd Amendment*, Economic and Political Weekly, Vol. 38, No. 12/13 (Mar. 22 - Apr. 4, 2003), pp. 1284-1292.
27. Dasgupta, Biplab, *The Colonial Political Perspective*, Social Scientist, Vol.31, No.3/4, (March-April 2003), pp.27-36.
28. Bhatt, Ela and Jhabvala, Ronana, *The Idea of Work*, Economic and Political Weekly, Vol. 39, No. 48 (Nov. 27 - Dec. 3, 2004), pp. 5133-5140.
29. Duflo, Esther, *Why Political Reservations?*, Journal of The European Economic Association, Vol.3, No.2/3, papers and the proceedings of the Nineteenth Annual Congress of the European Economic Association (Apr-May, 2005), pp. 668-678.



NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B. (Hons.) Programme
Academic Year 2011-12
Semester – X

MARITIME LAW
(Optional Course III)

Introduction and Objectives

There is a sea change and conceptual revolution in maritime law. With more interactions between nations and nations as well as between persons, natural and legal, in one country to others in another country led to evolution of new norms of behaviour in maritime scenario. Changes in the extent of territorial waters, exploration into and exploitation of, zonal and deep sea living and non living resources, the need for liberal approach to transit and innocent passage of ships and the all important demand for elimination of marine pollution from any source have thrown new challenges. This course is intended to look at the problems more from a public law point of view than from private law perspectives and to provide a basic knowledge that helps one to study more about the widening frontiers of maritime law in the years to come.

1. Internal waters

- Meaning
- Maritime Boundary
- Baseline concept : determination of baseline
- Innocent passage : scope of coastal state interference
- Regime of maritime ports
- Port state jurisdiction : civil and criminal
- Attachment of ships : arrest of ships
- Access of foreign ships to ports
- Ships in distress
- Quarantine regulation
- Laws governing in India for Maritime
 - Carriers Act, 1865
 - Major Ports Regulatory Authority Act, 2009
 - Merchant Shipping Act, 1958
 - The Inland Vessels Act, 1917 (1 of 1917)
 - The Indian Ports Act 1908 (15 of 1908)
 - The Maritime Zones of India (Regulation of Fishing By Foreign Vessels) Act, 1981
 - The Seamens's Provident Fund Act
 - Gujarat Maritime Board Act, 1981.
 - Costal Zone Regulations

o Role of Indian Maritime Organisation

2. Territorial waters

- territorial sea: concept and development
- width, conflicting claims of coastal states
- coastal state jurisdictions
- access of ships to the territorial sea
- scientific research: jurisdiction on

3. Contiguous Zone

- concept and relevance in present times
- coastal state jurisdiction over customs and law and order confined to contiguous or not

4. Exclusive Economic Zone

- Definition and jurisdiction

5. Delimitation of Maritime Boundary

- opposite state
- adjacent state
- equitable doctrine
- regional agreement

6. Continental Shelf

- Development of the concept
- coastal state claim: legal basis
- submerged territory theory
- contiguous area theory
- recognition of the state claim over sea bed and subsoil
- nature of the state rights
- width and limits
- jurisdiction over foreign ships
- protection of equipment and installations
- scientific research

7. International Straits and Archipelagos

- Regime of international straits
- Transit passage
- Jurisdiction of coastal states
- Archipelagos: Meaning
- Distinction from islands
- Archipelago waters
- innocent passage
- Resource jurisdiction
- Small Islands

8. International Fisheries

- conflicting state claims
- migratory species
- marine mammals
- sedentary species
- Protection of endangered species
- international co-operation for conservation
- optimum utilization and surplus sharing
- fisheries in high seas
- special protection
 - Atlantic Ocean
 - Pacific Ocean

9. High Seas

- Concept of patrimonial sea and common heritage of mankind
- access to high seas: conflict between maritime states and land locked states
- Piracy
- Hot Pursuit
- International sea bed authority: constitution, power and jurisdiction
- exploration and exploitation of sea bed
- pioneer investors

10. Conservation and Exploitation of Maritime Resources

- Living and Non- Living resources: Importance, Kinds
- Conservation and management of the resources
- Jurisdiction
 - Problems
 - Dispute settlement mechanism
- Exploitation of the resources
 - Transfer of technology as a tool for exploitation
 - Jurisdiction
 - Limitations
- Marine pollution
 - Meaning and its impact
 - Kinds
 - Pollution
 - Accidents at sea
 - Tests
 - Control and Enforcement

11. International Sea Tribunal to settle disputes.

References:-

- Orrego Vicuna, The Changing International Law of the High seas Fisheries (1999), Cambridge
- Ian Brownlie, Principles of Public International Law (1998) Clarendon press, oxford
- P. Chandrasekara Rao, The New Law of Maritime Zones (1983) Miling publications, New Delhi
- Samir Mankababy, The International Shipping Rules (1986), Croom Helm, London
- Nagendra Singh, International Maritime Law Conventions, Vol. I Navigation (19983) Stevens & Maxwell, London.
- Myron H. Nordquist and John Norton Moor (eds.), Ocean Policy – New Institutions, Challenges and opportunities (1999), Kluwer.

Approved by Academic Council in
its meeting dated 15.09.2011 in accordance
no. 5103

NIRMA UNIVERSITY

INSTITUTE OF LAW

B.A., LL.B. (Hons.) Programme

Academic Year 2014-15

Semester - X

HONOURS COURSE VII (CONSTITUTIONAL LAW GROUP)

MEDIA AND LAW

Introduction and Objectives

Media such as press, radio and television, films play a vital role in socialisation, culturalisation and modernisation of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as they generate, they are also susceptible to destructive and harmful uses for promoting imperialist and social and selfish interests. While their positive potential as mass education has to be harnessed for developmental purposes, their negative, harmful potential has to be curbed in public interest. Law plays a dual role vis-à-vis such media. On the one hand, it protects the creative freedom involved in them, on the other, it has to regulate them so as to avoid their possible abuse. This paper will deal with such interaction between Law and mass media. The following syllabus prepared with this perspective will be spread over a period of one semester.

1. Press - Freedom of Speech and Expression - Article 19 (1)(a)

- Includes Freedom of the Press.
- Laws of defamation, obscenity, blasphemy and sedition.
- The relating to employees wages and service conditions.
- Press and Page Schedule Regulation.
- Newspaper Control Order.
- Advertisement - is it included within freedom of speech and expression?
- Press and the Monopolies and Restrictive Trade Practices Act.
- Res. Against Legal Correspondent by Supreme Court of India.

2. Films - How far included in freedom of speech and expression?

- Censorship of Films - constitutionality.
- Difference between films and Press - why pre-censorship valid for films but not for the press?
- Censorship under the Cinematograph Act.

3. Radio and Television - Government monopoly.

- Why Government department?
- Should there be an autonomous corporation?
- Effect of television on people.
- Report of the Ghosha Committee.
- Government policy.
- Commercial advertisement.
- Internal Structure of serials, etc.

- Judicial Review of Boardman decisions: Freedom to relocate.
- Broadcasting Authority - Censorship

4. Constitutional Restrictions

- Radio and television subject to law of defamation and obscenity.
- Power to legislate - Article 246 read with the Seventh Schedule.
- Power to impose tax - Goods and Service tax.

5. Media Trial

References

- M.P. Jain, Constitutional Law of India (1984), Wadhwa.
- H.M. Seervai, Constitutional Law of India Vol. I (1979), Taxman, Allahabad.
- John B. Howard, "The Social Accountability of Public Enterprises" in Law and Community Change in New Development Strategies (Indian Law Center for Law in Development, 1980).
- Bruce B. Scher, "Press Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression", 14 J.L.L.J. 501 (1972).
- Rajeev Dhavan, "On the Law of the Press in India", 26 J.L.L.J. 288 (1984).
- Rajeev Dhavan, "Localising Government: Aesthetic Reflections on Some Aspects of the Second Press Censorship", 25 J.L.L.J. 191 (1984).
- Raji Sankhita, Law of Press Censorship in India (1976).
- Justice P.S. Venkataswamy, Freedom of Press, Recent Recent Trends (1984).
- D.T. Basu, The Law of Press in India (1980).
- Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute, (Constitutional Law, S. IT, Administrative Law and Public Interest Litigation).
- Justice M.N. Venkataswamy Report.

NIRMA UNIVERSITY
Institute of Law
BA.,LL.B (Hons), B.Com., LL.B (Hons), B.B.A., LL.B. (Hons)
Academic Year 2017-18
Semester X
Seminar Course

| L | T | P | C |
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| 2 | - | - | 2 |

| | |
|---------------------|--------------------|
| Course Code | 2OC1015 |
| Course Title | Medical Law |

Course Learning Outcomes (CLO):

At the end of the course, students will be able to:

1. Identify and express the scope and significance of medical law.
2. Apply the rules of medical law in a qualified manner and to identify possible solutions to biomedical legal problems.
3. Analyze and discuss in a constructive way the legal rules of medical law.

Syllabus:**Contact Hours: 30****Unit I. Introduction to Law and Medicine****08 Hours**

1.1 Constitutional Law

- 1.1.1 Health as a fundamental right
- 1.1.2 Directive principles for state
- 1.1.3 Judicial trend
- 1.1.4 Health as a Human rights

1.2 Criminal Law

- 1.2.1 Offences affecting public health and safety
- 1.2.2 Offences against persons

1.3 Labour Laws

- 1.3.1 Hospital as an industry
- 1.3.2 Labour law applicable to hospitals

w.e.f. academic year 2017-18 and onwards

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1.4 Code of Medical Ethics

- 1.4.1 Development of concept of medical ethics
- 1.4.2 Duties of doctor vis-à-vis rights of the patients
- 1.4.3 Code of Ethics Regulations, 2002

Unit II. Legislative and Judicial Perspectives of Medical Profession

12 Hours

- 2.1 Basic principles underlying the relationship:
 - 2.1.1 Duty of care, standard of care, breach of duty
 - 2.1.2 Concepts of vicarious liability
 - 2.1.3 Informed consent
 - 2.1.4 Confidentiality
- 2.2 Concept of Medical Negligence
 - 2.2.1 Origin of concept
 - 2.2.2 Consumer Protection Act
- 2.3 Judicial Trends in medical negligence
 - 2.3.1 Before I.M.A v/s V.P. Shantha
 - 2.3.2 After I.M.A v/s V.P. Shantha
- 2.4 Legal proceedings vis-a vis medical professionals
 - 2.4.1 Legal proceedings against doctors
 - 2.4.2 Defenses available to doctors
 - 2.4.3 Documentation and record keeping
 - 2.4.4 Reacting an emergencies, mishaps, accidents
 - 2.4.5 Medico legal matters and role as an expert witness
- 2.5 Legal aid and advice to doctors
 - 2.5.1 Guidelines regarding documentation, facing the legal problems
 - 2.5.2 Reacting an emergencies, mishaps, accidents

Unit III. Law and Medicine and Emerging Issues

10 Hours

- 3.1 Medical experimentation and clinical trials
- 3.2 Organ transplantation
- 3.3 Medical termination of pregnancy: socio legal ethical issues

w.e.f. academic year 2017-18 and onwards



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3.4 Pre-natal diagnostic technique: Abuse of technology and its impact

3.5 Artificial insemination and surrogacy: socio ethical issues

3.6 Euthanasia and physician assisted suicide

Suggested Readings:

1. Nandita Adhikari (2015). *Law and Medicine*. Allahabad: Central Law Publications.
2. Witthaus R A (2017). *Medical Jurisprudence. Forensic Medicine and Toxicology*. New York: Forgotten Books.
3. Bag R. K. (2015) *Law of Medical Negligence & Compensation*. New Delhi: Eastern Law House.
4. Mukherjee Siddhartha. (2015). *The Laws of Medicine*. New Delhi: Simon & Schuster.
5. Gopalakrishnan Bismi & Khaute Mercy. (2016). *Reflections on Medical Law and Ethics in India*. New Delhi: Eastern Law House.

L= Lecture, T= Tutorial, P= Practical, C= Credit

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w.e.f. academic year 2017-18 and onwards







NIRMA UNIVERSITY
Institute of Law
B. A.,LL. B. (Hons.) and B.Com.,LL.B. (Hons.) Programmes
Academic Year - 2018-19
Corporate Law Honors - I
Semester VII

| L | T | P | C |
|---|---|---|---|
| 3 | - | - | 3 |

| | |
|--------------|----------------------|
| Course Code | 2BUL721 |
| Course Title | Merger & Acquisition |

Teaching Hours: 45

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

1. Examine the phenomena of corporate reconstruction.
2. Analyze the issues in mergers and take over.
3. Evaluate the intricacies of law and practical issues affecting and arising out of corporate restructuring.

Syllabus

Teaching Hours: 45

Unit: I Merger & Acquisition: Introduction & Concepts

6 Hours

- 1.1 Meaning of Merger & Acquisition
- 1.2 Corporate Reconstruction & Corporate Restructuring
- 1.3 Types of Merger & Acquisition
- 1.4 Planning & Strategies for Corporate Restructuring in M&A

Unit II: Merger and Amalgamation

11 Hours

- 2.1 Meaning of Merger & Amalgamation
- 2.2 Procedural Aspects of Merger & Amalgamation
- 2.3 Jurisdiction of Courts; Filing of Various Forms
- 2.4 Merger Aspects under Competition Law
- 2.5 Amalgamation of Banking Companies and Government Companies
- 2.6 Cross Border Acquisition and Merger

w.e.f. academic year 2018-19 and onwards

Year: 12

Unit III: Corporate Demerger and Reverse Merger

5 Hours

- 3.1 Concept of Demerger
- 3.2 Modes of Demerger
 - 3.1.1 by Agreement,
 - 3.1.2 Scheme of Arrangement
- 3.3 Demerger and Voluntary Winding Up
- 3.4 Legal and Procedural Aspects;
- 3.5 Tax Aspects and Reliefs
- 3.6 Reverse Mergers – Procedural Aspects

Unit IV: Takeover

12 Hours

- 4.1 Meaning & Types of Takeovers
- 4.2 Legal Aspects – SEBI Takeover Regulations
- 4.3 Disclosure and Open Offer Requirements
- 4.4 Control, Valuation & Timing of open offer.
- 4.5 Takeover & Delisting
- 4.6 Bail Out Takeovers and Takeover of Sick Units
- 4.7 Takeover Defences
- 4.8 Cross Border Takeovers

Unit V: Funding of Merger and Takeover

5 Hours

- 5.1 Funding through various Types of Financial Instruments including Equity and Preference Shares, Debentures, Securities with Differential Rights, Swaps, Stock Options; ECBs, Funding through Financial Institutions and Banks
- 5.2 Rehabilitation Finance
- 5.3 Management Buyouts/Leveraged Buyouts

Unit VI: Financial Restructuring

6 Hours

- 6.1 Reduction of Capital
- 6.2 Reorganization of Share Capital
- 6.3 Buy-Back of Shares – Concept and Necessity
- 6.4 Procedure for Buy-Back of Shares by Listed and Unlisted Companies

Suggested Readings :

1. Donald M. D. (2012) Mergers, Acquisitions and other restructuring Activities. Academic Press.
2. Ramaiya A. (2016) Guide to Companies Act, LexisNexis Butterworths, Wadhwa, Nagpur
3. Bhandari M.C. (2016) Guide to Company Law Procedures, LexisNexis Butterworths Wadhwa Nagpur
4. Sampath K. R. (2017). Mergers/Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate Restructure, Snow White Publications
5. Ramanujam S. (2011) Mergers et al, LexisNexis Butterworths Wadhwa Nagpur
6. Depamphilis D. Academics Press. (2001). Mergers, Acquisitions and Other Restructuring Activities

w.e.f. academic year 2018-19 and onwards

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NIRMA UNIVERSITY
INSTITUTE OF LAW

B.A. LL.B. (Hons.), B.Com. LL.B (Hons.) and B.B.A. LL.B (Hons.)

Academic Year 2014-15

Semester – III

Credit: 1

Hours: 15

Moot Court Training
Syllabus

Introduction: A mock impersonation of a real time case session in a court room is what is referred to as a 'Moot Court'. The practice module on Moot Courts in general seeks to introduce to students, who enter into the second year having studied some preliminary courses in law in their first two semesters, to clinical application of the same in a real-time scenario. Moot Courts are structurally designed to introduce law students to the application of the theory that they learn in classrooms and libraries to practical cases. These cases could concern themselves with legal issues and challenges resembling current fact scenarios, decided cases or completely hypothetical cases which have factual interplay involving application of two or more areas of law.

Course Learning Outcomes:

At the end of the course students will able to:

- 1) read a case-proposition and frame issues (appreciation of facts and identification of unsettled or contentious issues).
- 2) use basic tools needed for research and drafting.
- 3) use basic skills for arguing in a mock court room.

I. Introduction to Moot Courts

- * What are Moot Courts?
- * Why Moot Courts?
- * How are Moot Courts different from real courts?
- * Who organizes Moot Court competitions and how to participate?
- * Is it essential for all to participate in Moot Court Competitions?
- * Some renowned national and international Moot Court Competitions

II. Mock Case Discussion

- * Studying a Moot Court Proposition (A sample case or law to be prepared and used for this purpose)
- * Framing of issues

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III. Legal Research

- Importance of legal research
- Research Sources
- Approaches and techniques of legal research and how is it different from general research
- Practical demonstration of techniques in a law library and computer lab (group method)

IV. Memorial Drafting

- What is a memorial / written argument? (demonstration by use of a sample memorial)
- Parts of a memorial (each part and its importance to be discussed in detail)
 - Cover Page
 - Table of Contents
 - List of Abbreviations
 - Index of Authorities (including table of cases) (Articles, books, cases, dictionaries, statutory and other authorities)
 - Statement of Jurisdiction
 - Issues Raised
 - Summary of Arguments
 - Arguments
 - Conclusion and Prayer for Relief
- Method of Citation (The Bluebook (19th Edition) style of Citation will be taught in principle. Other uniform ways of citation will also be referred to and taught.)
- Footnoting and formatting

V. Preparation and method of oral arguments in a moot court

- How to address the Court?
- General court room mannerisms
- Attributes of a good speaker
- Demonstration by a team of senior students who have participated in atleast two moot court competitions

VI. Moot Court Competitions

- How to select a competition?
- How to form a team and select team members?
- Types of moot court competitions
 - Regular court room exercise
 - Client counseling
 - Trial advocacy
 - Arbitration
 - Negotiation
- How and what is judged in Moot Court Competitions?



References:

- Sihhi, J. P. S. 2005. Moot Court, Pre-Trial Preparations & Participation in Trials and Proceedings, Faridabad, All-India Law Agency.
- Tewari, O. P. 2007. Moot Court, Pre-Trial, Preparation and Viva-Voce, Faridabad, All-India Law Agency.
- Tomkys, Aldosterone. 1995. Rules of Moot, New York, Oxford University Press.
- Wato, Gary 2005. How to Moot - A Student Guide to Mooting, New York, Oxford University Press.
- Iino, Christopher 2013. The Art of Argument, New Delhi: Cambridge University Press.
- Games Lawyers Need to Play, Moot Court Problems and Memorials, 2005, Chanak Books, New Delhi.
- Aggarwal, Nimita. 2011. A Beginner's Path to Moot Court, Delhi: Universal Law Publishing Co Pvt Ltd.



Nirma University
Institute of Law
Academic Year 2014-15
Natural Resources Management Law
SEMESTER X
OPTIONAL COURSE I

B.A.,LL.B.(Hons.) and B.Com.,LL.B.(Hons.) Programme

Credit: 3
Hours: 45

Introduction

This course provides a basic introduction to the field of natural resources management and legal mediation for the same in India. Natural resources include both renewable resources such as soil, forests, water, and wildlife, and non-renewable resources such as oil, metals and minerals. This course takes an integrated view of the sound natural resource management and the role of law in the same.

Course Objective

At the end of the course, students will be able to:

- Understand the interactions between development and the environment and natural resource management.
- Analyse the efficacy of legal provisions and administrative policies for the protection and conservation of the various natural resources.

Syllabus

1. Introduction

- 1.1 Constitutional Provision
- 1.2 The types of resources
- 1.3 Resource management: traditional approach
- 1.4 Sustainable approach to manage resources

2. Land Resources

- 2.1 The Mines Act, 1952
- 2.2 The Mines and Minerals (Development and Regulation) Act, 1957
- 2.3 Mineral Conservation Rules, 1960 as amended in 2012
- 2.4 Mineral Conservation and Development Rules 1988 as amended up to 18.1.2000
- 2.5 Grant of Conservation and Development Rules, 1989
- 2.6 Marble Development and Conservation Rules, 2002
- 2.7 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

3. Water Resources

- 3.1 Water Prevention and Control of Pollution Act, 1974
- 3.2 The National Water Policy of 2002 and 2012
- 3.3 The Interlinking of Rivers in India: Problems and Prospects
- 3.3 The prospects of Rain water harvesting in India

P. A. 6

4. Forest Resources

4.1 The Forest Act, 1927

4.2 The Forest Conservation Act, 1980

4.3 The Forest Policy of 1988

4.4 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2005

4.5 The pros and cons of use of Forest as Carbon sinks

4.6 The Role of Indian Judiciary in protecting forests

5. Biodiversity

5.1 National Biological Diversity Act (2002)

5.2 National Biological Diversity (2004)

5.3 Wild Life (Protection) Act 1972

5.4 The Convention on Biological Diversity (CBD) 1992

5.5 The Nagoya Protocol

5.6 The Cartagena Protocol on Biosafety

5.7 Biodiversity and IPR

6. Energy

6.1 The Energy Conservation Act, 2001

6.2 The Energy Conservation Amendment Act, 2010

6.3 The Electricity Act, 2003

6.4 The National Electricity Policy 2005

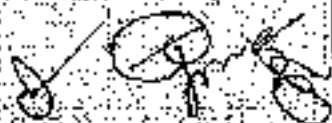
6.5 Renewable in India: Potential and Prospects

7. Role of Socio-Economic Factors in management of resources

8. National Green Tribunal Act 2010

References

1. Chhanshi Singh, Water Rights and Principles of Water Resources Management, Indian Law Institute, (N.M. Tripathi, 1991)
2. Gadgil M, Guha R. (1995) Ecology and equity: The use and abuse of nature in contemporary India. Penguin Books India, New Delhi
3. Choudhary R.N. Forest Laws in India (1992), Orient Publishing Company, N-Delhi
4. Jeebhani P. The Environmental law in India (1999), Ch.H. pp. 9-32, Butterworths India, New Delhi
5. Doshi Vidya, "Subsiding Villages: Problems and Prospects, Ajanta Publications
6. Anja U. Majumdar Debosmita and Sreerajesh Mucklerjee, "Environment and Wildlife laws in India, 2013, Lexis Nexis
7. Kassem, Mohammad, Energy Law in India, Kluwer Law International (2010)
8. Navneet Bhatia, Energy Law and Policy in India, 2014, Lexis Nexis



Appendix-A
Ac. mtg. - 24/12/16
Noti. No.: NU-06

**NIRMA UNIVERSITY
INSTITUTE OF LAW**

Academic Year 2016-2017

B.A.L.L.B. (Hons.), B.Com. LL.B. (Hons.), B.B.A, LL.B (Hons.) Programme

Semester VIII

Professional Training II

Non-Government Organisations (NGOs)

Credit: 2

Hours: 30

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Introduction

This course is focusing on understanding non-government organisation (NGO), its functions through experiential learning. The course also focuses on the contribution of NGOs as civil social actors.

Course learning outcomes

After completion of the course students will be able to

- Understand emergence of NGOs in historical perspective, its role and relevance for social change in India
- Identify and types of NGOs and their changing role of NGOs as a civil society actor to bring about desired social change
- Apply principles of NGO management.

1. Introduction

1.1 Concepts and functions

1.2 History of NGOs – voluntarism, upholding civil liberties and democratic rights, change agents, opting for de-caste and de-class, educational initiatives for promoting social change, justice and equality

1.3 Types of NGOs – working with rights based approach for development, service delivery, techno-managerial solutions, socio-legal and policy research, international NGOs (INGOs), Government organisation-NGO (GO-NGO)

1.4 Interplay with micro social action, collective action and social movements

1.5. Strengths and weaknesses of NGOs

1.6 How the state and civil society look at NGOs

2. Forms of NGOs

2.1 Forms of NGOs – public trust, trade union, society



2.2. Understanding vision, mission, aims and objectives of an NGO – focus of intervention, target groups/communities, geographic areas, style of functioning, etc.

3. Understanding functioning of an NGO

3.1. Structure of the organisation

3.2. Mode of functioning – virtual, in network mode, in organisational form

3.3. Resource mobilisation – strategies, stability, sustainability

3.4. Use of finance

3.5. Account and financial related obligations

4. Principles of NGO management

4.1. Strategic management, planning and evaluation of programmes

4.2. Generating and managing funding and finance

4.3. Human resources related—building up human resources, management of human resources

4.4. Motivational efforts

4.5. Account and financial procedures and fulfilling obligations

4.6.1. Tools/initiatives for institution building

5. Contribution of an NGO

5.1. Studying different types of NGOs and their strategies—social action, research, advocacy, economic enterprises, saving (micro-finance), etc.

5.2. Mapping performance and achievements of an NGO on development issues, caste, gender and religion based issues, growth related issues

5.3. Understanding process of networking, alliance building and lobbying

5.4. Studying annual reports, research based reports, publications, awareness materials, educative materials, etc.

5.5. Avenues and mechanism created by an NGO for interaction with citizens/civil society actors and other change agents

Suggested readings

- Sanyasachari and Ravi Kumar (eds.), (2013). *Social movements: Transforming shifts and turning points*, New Delhi: Routledge.
- Jain I. C. (1985). *Gross without grass roots*, New Delhi: Sage publications
- Jain I. C. (1986). "Debates in the voluntary sector: Some reflections", *Social Action* 36 (October).
- Kōchari Rajni. (1986). "NGOs, the state and world capitalism", *Economic and Political Weekly* 21 (50): 2177-82.
- Code of ethics and conduct for NGOs: World Association of Non-Governmental Organisations. Available at <http://www.ngosindia.com/resources/ngos-ethics.pdf>
- NGO management. Certificate course, New Delhi: PRIA. Available at http://pria.academy.org/pdf/engom/NGOM_1.pdf



**NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year: 2016-17
Professional Training I
(Understanding of NGO and Entrepreneurial Lab)
Semester VII**

B.A., LL.B. (Hons.), B.Com. LL.B. (Hons.) and B.B.A., LL.B. (Hons.)

Credit: 2

Hours: 30

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Introduction:

This course is a clinical course wherein students will engage themselves in the field in order to understand nuance of functioning of the NGO's and other voluntary organization. The course also focuses on entrepreneurial motivation through simulative exercises

Course Learning Outcome:

After the completion of the course the students will be able to:

- 1) Understand the basic concept and functional areas of NGO
- 2) Equip with the skills of setting of an NGO
- 3) Identifying the effect of motivation on entrepreneurial success

1. **Entrepreneurial Motivation**

1.1 Introduction

1.2 General Entrepreneurial tendency

1.3 Achieving motivation in team

1.4 Entrepreneurial Personality

1.5 Entrepreneurial Competencies

NGOs – An Introduction

2

2.1 Concepts and Functions

3. Legal procedures for establishment of NGOs

3.1 Trust and Society and their differences.

3.2 Formation of Trust and Society.

3.3 Trade Union

3.3 Registration procedure for NGO.

3.4 Tax Reliefs under various Acts.

4. NGOs – Environment

4.1 Taxonomy.

4.2 Mega and Micro – Environmental Threats

4.3 Opportunity and its impact.

4.4 Concept of PESTLE analysis.

5. Issues in NGO Management challenges of NGO Management

5.1 Development issues.

5.2 Development indicators.

5.3 Poverty (Exploitation, Vulnerability and Powerlessness) and Development.

6. Problems of NGOs

6.1 Problem identification.

6.2 Problems faced by NGOs.

6.3 Managerial role in problem solving.

6.4 Governance and leadership.

References:-

- Abraham Anita, Formation and Management of NGO, Third Edition, Universal Law Publishing Company, New Delhi
- Nadkarni Vimla, Sinha Roopashri and D'Mello Leonie, NGOs, Health and the Urban Poor, Rawat Publications, New Delhi
- Tej B.S., Modern Society, Omega Publications, New Delhi

Nirma University
Institute of Law
B. A., LL.B. (Hons.) and B. Com., LL. B. (Hons.) Programmes
Academic Year 2018-19
Criminal Law Honors Course - V
Semester VIII

| L | T | P | C |
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|--------------|-------------------------------------|
| Course Code | 2CRM833 |
| Course Title | Offences against Child and Juvenile |

Course Learning Outcomes:

At the end of the course students will be able to:

1. Identify various socio-legal issues related to child and Juvenile
2. Identify the drawbacks of existing legal system for the issues related to Child and Juvenile.
3. Explain international, national and state level mechanism to protect child rights.

Syllabus:

Teaching hours: 45 hours

Unit I. Introduction

5 hours

- 1.1 Definition of Child and problems relating to it.
- 1.2 Historical development of protection of Child
- 1.3 UN Convention of Rights of Child, 1989 (also, declaration of 1959)
- 1.4 General principles of Justice to Children.

Unit II. Protection of Child under the Constitution

8 hours

- 2.1 Fundamental Rights (Article 15(3), 21, 21A, 23, 24 & 32).
- 2.2 Directive Principles of State Policy (Article 39, 39A, 43 and 46)
- 2.3 Fundamental Duties (Article 51 A. (e) & (k))
- 2.4 Judicial Activism and protection of Child

Unit III. Child Labor

4 hours

- 3.1 Meaning and causes of Child Labor
- 3.2 Remedies: Prohibition and Regulation of Child Labor Act

Unit IV. Child and Criminal Liability

5 hours

- 4.1 Definition of "Juvenile in conflict with law"
- 4.2 Applicability of Section 82 and 83 of the IPC
- 4.3 Juvenile Justice Boards and Institutional Care: Constitution and Powers
- 4.4 Apprehension, bail and proceedings before JJB
- 4.5 Free Legal Aid to Juvenile in Conflict with Law
- 4.6 Benefits of Probation

w.e.f. academic year 2018-19 and onwards

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Unit V. Protection & Care of Child: Legal Framework

12 hours

- 5.1 Abandoned child, street child, working child and surrendered child.
- 5.2 Constitution and powers of CWC and institutional care
- 5.3 Restoration and Rehabilitation of child (Restorative theory)
- 5.4 Offences of female foeticides and infanticide
- 5.5 Protection of children against Kidnapping and trafficking.
- 5.6 Offences against children under JJ Act 2000
- 5.5 Protection of Children against Sexual Offences Act, 2012 (POCSO)

Unit VI. Adoption and Guardianship

5 hours

- 6.1 Adoption of child under Hindu Adoption and Maintenance Act, 1956
- 6.2 Adoption under the JJ Act, 2000
- 6.3 CARA Guidelines for Adoption, 2011
- 6.4 Child Marriage Prohibition Act

Unit VII. Special Protective Measures

6 hours

- 7.1 National Commission for Protection of Child Rights
- 7.2 State Commission for Protection of Child Rights
- 7.3 Special Court/Children's Court Constitution and Functions
- 7.4 Role of Special Public Prosecutors and NGOs
- 7.5 ICDS and ICPS (Service and Scheme)

Suggested Readings:

1. Kumari V. (2004). *The Juvenile Justice System in India*. Oxford University Press.
2. Malik & Rayal. (2014). *Law and Social Transformation in India*. Haryana: Allahabad Agency.
3. Adarwal, M. (2009). *Child Protection and Juvenile Justice System*. Childline India Foundation.
4. Malik K. P. (2012). *Administration of Juvenile Justice in India*. Haryana: Allahabad Law Agency
5. Gaur M. (2008). *The Child Protection: A Fictional*. Alpha Publications.
6. Brooks S. L. & Kumari V. (2004). *Creative Child Advocacy: Global Perspectives*. Sage Publications.
7. Singh J. (2000). *The Rights of Child in India*. Akansha Publishing House.
8. Malik K. P. (2012). *Right to Elementary Education*. Allahabad Law Agency.
9. Sagde I. (2012). *Child Marriage in India: Socio-legal and Human Rights Dimensions*. Oxford Press.
10. Gupta D.K. (2009). *Child Development and Protection*. Omega Publications.
11. Jain M. (2006). *Complete Abolition of Child Labor: A possibility*. New Delhi: Manak Publications.
12. Hansaria V. (2008). *Juvenile Justice System: Working Manual for stake holders*. Universal Publications.

w.e.f. academic year 2018-19 and onwards

NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A.,LL.B. (Hons.) and B.Com. LL.B (Hons.)
Academic Year 2014-15
Semester - I

Credit: 5
Hours: 75

Orientation to Law, Legal System and legal History
Syllabus

Introduction: The course is designed as a foundation course to familiarize law students with the basic characteristics and functioning of legal systems. It is imperative that a student of law should have definite ideas about the salient features of legal system and the basis of legal process. For understanding the intricacies of law and legal process one should know what constitutes law is, how it operates in society and how it interplays with social, political, economic and cultural processes. In addition a student of law should know how law can be used as a tool for social change and social solidarity.

Course Learning Outcomes:

At the end of the course students will able to

1. understand salient features of major legal systems of the world.
2. understand about how social legislations have played an important role in bringing about social change.
3. understand the historical development of a key moral and political concept and its complex relationship to law.
4. critically evaluate and analyse the ways in which rights have been understood and incorporated into law.
5. understand the complex relationship between law, religion and morality.

1. **Meaning and Classification of Laws**

- * What is law?
- * Meaning and definition
- * How is law made?
- * What are the uses and functions of law?
- * Is Law a Social Science or Behavioral Science?
- * Is law a system?
- * Formal and informal character of Law
- * Classification of laws:

- ▲ Public and Private Law
- ▲ Substantive and Procedural Law
- ▲ Municipal and International Law
- ▲ Penal and Remedial Laws

II. Functions of Law

- ▲ Maintenance of Social order,
- ▲ Influence Social Change,
- ▲ Social engineering,
- ▲ Dispute Settlement

III. Different legal systems of the world

- ▲ Common law system
- ▲ Civil Law System
- ▲ Socialist Legal system
- ▲ Religious Legal System

IV. Religion and Law

V. Morality and Law

VI. Gandhi and Law

VII. Social Philosophy

- ▲ Individual and Society
- ▲ Principles of a healthy Society - Equality, Liberty, Justice
- ▲ Theories of Punishment - Retributive, Deterrent, Reformative

VIII. Sources of Law

- ▲ Custom
- ▲ Precedent
- ▲ Legislation

IX. Legal Reasoning and Finding of Ratio

- ▲ Logical and Legal Reasoning
- ▲ Fallacies in Reasoning
- ▲ Application of Principles of Logic in legal Reasoning
- ▲ Scope of Ratio Decedendi and Obiter Dicta
- ▲ Different Tests of Confirming Ratio and Exercises

X. An Overview of Indian Legal History

- ▲ Legal system during ancient India and Muslim Period, The concept of Dharma.

- Establishment of presidency towns and development of legal system
- Charter of 1726
- Regulating Act, 1773
- Establishment of Supreme Court in 1774
- Raja Nandkumar case, Patna case, Cassijuran case
- High Courts, Federal Court and Privy Council (pre 1950)
- Legislative process during British Raj.

References:

1. Glanville Willains. 2013. *Learning the Law*. London: Sweet and Maxwell Publications
2. Benjamin N. Cardozo. 1928. *The Nature of Judicial Process*. New Haven: Yale University Press.
3. Garg Slapper and David Keily. 1954. *The English Legal System*. London: Cavendish Publishing.
4. Irving M Copi and Carl Cohen. 2007. *Introduction to Logic*. New Delhi: Prentice Hall of India.
5. MDA Freeman. 1996. *Lloyd's Introduction to Jurisprudence*. London: Sweet and Maxwell Publications.
6. P J Fitzgerald. 2002. *Saunders on Jurisprudence*. New Delhi: Universal Law Publishing Company Private Limited.
7. M.P. Jain. 2006. *Outlines of Indian Legal and Constitutional History*. New Delhi: Wadhwa Pub. Nagpur.

NIRMA UNIVERSITY
INSTITUTE OF LAW

Academic Year 2016-17

B. A. LL.B (Hons.), B.Com.,LL.B. (Hons.) and B.B.A.,LL.B.(Hons.) Programme

Semester X

Patent Drafting and Specification Drafting
Honours Course VI
(Intellectual Property Law Group)

Credit: 3
Hours: 45

| L | T | PW | C |
|---|---|----|---|
| 3 | - | - | 3 |

Introduction

Intellectual Property Rights award exclusive rights to the owner in the form of limited monopoly. The law related to patents in India is the Patents Act, 1970, which has been amended thrice in 1999, 2002 and 2005 and is now fully TRIPS compliant. The objective of the course is to help the students with the drafting of patent and specification separable from the general topic of patent law.

Course Learning Outcome:

After the completion of the course, the students will be able to:

- Understand the contents of specification.
- Examine the relationship between claims and specification in Patent Drafting
- Comprehend the principles of Patent Drafting



1. Procedure of applying for a Patent
 - 1.1. Who can file an Application for Patent
 - 1.2. Where to apply (Rule 4)
 - 1.3. Types of Applications
 - 1.4. Filing an Application (Section 7(2) and Rule 10)

2. Documents for submission

Introduction

- 2.1. Declaration as to Inventorship (Section 10(6) and Rule 13(6))
- 2.2. Statement and Undertaking Regarding Foreign Filing (Section 8 and Rule 13(6))
- 2.3. Proof of Right to make an Application (Section 7(2) and Rule 10)
- 2.4. The Authorisation of an Agent (Section 132 and Rule 135)
- 2.5. Substitution of Applicants (Section 20, Rule 35 and Rule 36)

3. Specification

- 3.1. Provisional Specification
- 3.2. Complete Specification
- 3.3. Construing a Specification
- 3.4. Specifications are construed like any written document
- 3.5. Words are given their plain meaning
- 3.6. The specification to be read as a whole
- 3.7. Language of the specification must be clear and unambiguous
- 3.8. Enablement- how to be made
- 3.9. Enablement- how to use
- 3.10. Best mode
- 3.11. Written description
- 3.12. Biotechnology enablement
- 3.13. Necessity for deposit and Budapest Treaty

4. Contents of Specification

- 4.1. The title
- 4.2. Background of the invention
- 4.3. The description
- 4.4. Drawings
- 4.5. The abstract
- 4.6. Claims
- 4.7. Product-by-process claims
- 4.8. Market ambush
- 4.9. Definiteness and enablement
- 4.10. Amendment of specification
- 4.11. Relationship between claims and specification



5. Patent Cooperation Treaty

- 5.1. Introduction
- 5.2. Patent Cooperation Treaty (PCT)
- 5.3. Terms used in case of International Patent Applications
- 5.4. PCT Timelines
- 5.5. Filing an International Patent Application through PCT
- 5.6. Fees for filing International Patent Application
- 5.7. Receiving Office for filing PCT Applications in India (Rule 18 and 19)
- 5.8. Withdrawal of International Patent Application
- 5.9. The list of countries which are signatories to PCT

6. Principles of Drafting

- 6.1. Writing fundamentals for Patents
- 6.2. Words and punctuation
- 6.3. Grammar and Syntax
- 6.4. Sentences
- 6.5. Paragraphs
- 6.6. Editing
- 6.7. Patents writing fundamental exercise

7. Advanced Writing for Patents

- 7.1. Write clearly
- 7.2. Write concisely
- 7.3. Write convincingly

8. Drafting Exercise 1: Apparatus

- 8.1. Define invention
- 8.2. Main claims
- 8.3. Background Peripherals
- 8.4. Specification
- 8.5. Complete Claims
- 8.6. Coordinate Claims, Specification

9. Drafting Exercise 2: Process

- 9.1. Define Invention
- 9.2. Main claims
- 9.3. Background, Peripherals
- 9.4. Specification
- 9.5. Complete claims
- 9.6. Coordinate claims, Specification

Suggested Readings:

- Dr. Elizabeth Verkey, Law of Patents, 2nd Ed, Lucknow: Eastern Book Company, 2012.

For *Pr*

- Sheetal Chopra and Taneja Akash Dr., Patent Agent Examination, 2nd Ed. Nagpur: Lexis Nexis ButterWorths Wadhwa, 2010.
- Chisum, Donald S, Patents Vol. 1 - 14: A treatise on the Law, of Patentability Validity and Infringement. New York: Lexis Publishing, 2000.
- Terrel, David Young et.al, The Law of Patents, 15th Ed. London: Sweet & Maxwell, 2000.
- Adelman, Martin J et.al, Cases and Materials on Patent Law, New York: West Publishing Co., 1998.
- Narayanan, P, Patent Law, 3rd Ed. Calcutta: Eastern Law House, 1998.

Handwritten signature: P. Narayanan

**NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B. (Hons.) and B.Com., LL.B. (Hons.)
Academic Year: 2015-16
Semester IX
Patent Law in Pharmaceutical Industry**

**Credit: 3 Hours
Hours: 45 Hours**

INTRODUCTION

The idea of ownership has given rise to the concept of property. Of lately, the term property was always thought of in relation to some tangible assets, whose ownership could be established easily. In the new age known as knowledge based society, the idea of having ownership rights in the intellectual creations has acquired strength and urgency. With globalization, India also has had to gear up for a paradigm shift from knowledge sharing society to knowledge owning society.

At the same time the pharmaceutical, biotechnology and medical device research and development industries are amongst the highest regulated industries not only nationally but also at an inter-national level. As pharmaceutical sector is growing rapidly, there is a need of regulatory affairs to cater the current needs of industries for the global competition. The ever increasing pharmaceutical R & D has given an impetus to understand the need of IPR. Pharmaceutical Industry, being one of the highly regulated industries, is in immense need of legal professionals who are capable of handling issues related to regulatory affairs in a comprehensive manner.

This course is designed to facilitate the students to understand the intricacies and inter-relationship of these two distinct fields. It is also an attempt to make them understand the moral and ethical issues connected therewith.

COURSE LEARNING OUTCOME

After the completion of the course the students will be able to:

1. Understand the interface between IPR and Drug Regulatory Environment.
2. Analyze the moral and ethical issues related with medical research and patent regime.
3. Examine the various issues pertinent to drug regulation at national and international level.

SYLLABUS

UNIT I

Introduction to IPR and Pharma Industry

- Patents
- Trademarks
- Confidential Information
- Data Exclusivity
- Trade secrets

UNIT II

International Treaties

- Patent Co-operation Treaty
- TRIPS
- Budapest Treaty

UNIT III

Medical Research and Patents

- Patent Linkage
- Bolar Provisions
- Parallel Imports
- Doha-Declaration & Compulsory Licensing
- Concept of EMR
- Patent Cliff
- Patent Pooling

UNIT IV

Patents & Bio-Technology

- Patentability
- Grant & Maintenance
- Enforcement
- Compulsory Licensing
- Ethics

UNIT V

Clinical Test of Pharma Products

- Clinical Test for Adults
- Clinical Test for Pediatrics
- Animal Test
- Ethics

UNIT VI

Some Concepts w.r.t. Pharma Industry

- Global Treaty on Mercury Reduction Faus Therosal in Vaccines Debate
- Off-Label Marketing
- Anti Kick-Back Statute

UNIT VII

Patent Search Analysis

- Guidelines for Examination of Patent Application in Field of Pharmaceutical
- Search of Patents
- Drafting of Claim

References:

1. Verkey Elizabeth, **Law of Patents**, Lucknow: Eastern Book Company, 2012.
2. Trevor Cook, **Pharmaceuticals Biotechnology and the law**, 2nd Edition, New Delhi: Lexis Nexis Publication, 2009.
3. Feroz Ali Khader, **The Law of Patents-with a Special Focus on Pharmaceuticals in India**, Lexis Nexis Butterworths, New Delhi, 2007.
4. **Regulation of Medical Products** edited by JP Griffin And JO Grady, BMJ Books Publications, 2003.

Nirma University
Institute of Law
B.A.,LL.B. (Hons) and B.Com.,LL.B. (Hons) Programme
Academic Year 2018-19
IPR Honors Group Course
Semester VIII

| | | | |
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| L | T | P | C |
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| | |
|--------------|---------------------------------------|
| Course Code | 2IPR831 |
| Course Title | Patent Right Creation and Recognition |

Course Learning Outcome:

At the end of the course, the students will be able to:

1. Understand the contents of specification
2. Examine the relationship between claims and specification in Patent Drafting
3. Comprehend the principles of Patent Drafting

Syllabus

Teaching Hours 45 Hours

Unit-I Procedure of applying for a Patent

05 Hours

- 1.1. Who can file an Application for Patent
- 1.2. Where to apply (Rule 4)
- 1.3. Types of Applications
- 1.4. Filing an Application (Section 7(2) and Rule 10)

Unit-II Documents for submission

07 Hours

- 2.1 Introduction
- 2.2 Declaration as to Inventor ship (Section 10(6) and Rule 13(5))
- 2.3 Statement and Undertaking Regarding Foreign Filing (Section 8 and Rule 13(6))
- 2.4 Proof of Right to make an Application (Section 7(2) and Rule 10)

w.e.f. academic year 2018-19 and onwards

Unit 1/2

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- 2.5 The Authorisation of an Agent (Section 132 and Rule 135)
2.6 Substitution of Applicants (Section 20, Rule 35 and Rule 36)

Unit-III Specification

10 Hours

- 3.1 Provisional Specification
3.2 Complete Specification
3.3 Constructing a Specification
3.4 Specifications are construed like any written document
3.5 Words are given their plain meaning
3.6 The specification to be read as a whole
3.7 Language of the specification must be clear and unambiguous
3.8 Enablement- how to be made
3.9 Enablement- how to use
3.10 Best mode
3.11 Written description
3.12 Biotechnology enablement
3.13 Necessity for deposit and Budapest Treaty

Unit-IV Contents of Specification

07 Hours

- 4.1 The title
4.2 Background of the invention
4.3 The description
4.4 Drawings
4.5 The abstract
4.6 Claims
4.7 Product-by-process claims
4.8 Market ambush
4.9 Definiteness and enablement
4.10 Amendment of specification
4.11 Relationship between claims and specification

w.e.f. academic year 2018-19 and onwards

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Unit-V Patent Cooperation Treaty

08 Hours

- 5.1 Introduction
- 5.2 Patent Cooperation Treaty (PCT)
- 5.3 Terms used in case of International Patent Applications
- 5.4 PCT Timelines
- 5.5 Filing an International Patent Application through PCT
- 5.6 Fees for filing International Patent Application
- 5.7 Receiving Office for filing PCT Applications in India (Rule 18 and 19)
- 5.8 Withdrawal of International Patent Application
- 5.9 The list of countries which are signatories to PCT

Unit-VI Principles of Drafting

07 Hours

- 6.1 Writing fundamentals for Patents
- 6.2 Words and punctuation
- 6.3 Grammar and Syntax
- 6.4 Sentences
- 6.5 Paragraphs
- 6.6 Editing
- 6.7 Patents writing fundamental exercise
- 6.8 Advanced Writing for Patents
- 6.9 Drafting Exercise 1: Apparatus
 - 6.9.1. Define invention
 - 6.9.2. Main claims
 - 6.9.3. Background, Peripherals
 - 6.9.4. Specification
 - 6.9.5. Complete Claims
 - 6.9.6. Coordinate Claims, Specification
- 6.10 Drafting Exercise 2: Process
 - 6.10.1. Define invention
 - 6.10.2. Main claims
 - 6.10.3. Background, Peripherals
 - 6.10.4. Specification

w.e.f. academic year 2018-19 and onwards



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6.10.5. Complete claims

6.10.6. Coordinate claims, Specification

Suggested Readings:

1. Verkey Elizabeth Law of Patents, 2nd Ed. Lucknow: Eastern Book Company, 2012.
2. Sheetal Chopra and Tanuja Akash Dr., Patent Agent Examination, 2nd Ed. Nagpur: Lexis Nexis ButterWorths Wadhwa, 2010.
3. Chisum, Donald S, Patents Vol, 1 - 14: A treatise on the Law of Patentability Validity and infringement. New York: Lexis Publishing, 2000.
4. Torrel, David Young et.al. The Law of Patents, 15th Ed. London: Sweet & Maxwell, 2000.
5. Adelman, Martin J et.al, Cases and Materials on Patent Law, New York: West Publishing Co., 1998.
6. Narayanan, P., Patent Law, 3rd Ed. Calcutta: Eastern Law House, 1998.

w.e.f. academic year 2018-19 and onwards

NIRMA UNIVERSITY
Institute of Law
B. A.,LL.B. (Hons.) and B.Com.,LL. B. (Hons.) Programmes
Academic Year - 2018-19
Criminal Law Honors - II
Semester VII

| L | T | P | C |
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| | |
|--------------|--------------------------|
| Course Code | 2CRM722 |
| Course Title | Penology and Victimology |

Hours: 45

Course Learning Outcomes:

At the end of the course, the students will be able to:

1. Appraise the existing penal system in India.
2. Analyse the legal problems of the police in relation to penal system in India.
3. Analyse the legal problems of the courts in relation to penal system in India.
4. Analyse the legal problems of the victims in relation to penal system in India.

Unit-I Introduction 3 Hours

- 1.1 Origin of Penology
- 1.2 Definition of Penology
- 1.3 Objects of Penology
- 1.4 Concept of punishment
- 1.4 Necessity of the punishment
- 1.5 Goal of punishment
- 1.6 Attitude of Indian Judiciary
- 1.7 Sentence should be measured properly
- 1.8 Discretion means judicious Discretion
- 1.9 Indian Penal System

Unit-II Theories of Punishment 4 Hours

- 2.1 Introduction of theories
- 2.2 Retributive theory
- 2.3 Deterrence theory
- 2.4 Preventive Theory
- 2.5 Reformatory Theory
- 2.6 Compensation Theory
- 2.7 Expiation Theory
- 2.8 Indian Judiciary on various theories
- 2.8 Evaluation of Indian theories of punishment

w.e.f. academic year 2018-19 and onwards

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Unit-III Kinds of Punishments under IPC and its judicial interpretation 12 Hours

- 3.1 Death Sentence
- 3.2 Life Imprisonment
- 3.3 Forfeiture of property
- 3.4 Fine
- 3.5 Provisions of Solitary confinement under IPC

Unit-IV Sentences under special Laws 4 Hours

- 4.1 Death Sentence
- 4.2 Imprisonment
- 4.3 Forfeiture of property
- 4.4 Financial Punishment
- 4.5 Admonition
- 4.6 Releases on Probation / Parole
- 4.7 Document Entry
- 4.8 Termination of Employment
- 4.9 Reduction of rank or Seniority
- 4.10 Community Service
- 4.11 Special Home for Juvenile
- 4.12 Confinement to the camp

Unit-V Sentencing Process 6 Hours

- 5.1 Introduction
- 5.2 Sentencing Policies
- 5.3 Powers of criminal Court to award sentence

Unit-VI Victimology: Introduction 3 Hours

- 6.1 Victims concept and importance
- 6.2 Theories

Unit-VII International Instruments on Victim Rights 3 Hours

- 7.1 Role of the victim and criminal and civil justice system
- 7.2 Potential Impact of Criminal acts on victims and their family

Unit-VIII Victims of Marginalized/Weaker section 3 Hours

- 8.1 Children
- 8.2 Women
- 8.3 SC/ST/OBCs

Unit-IX Victim risk Management and Reduction Strategy 1 Hour

- 9.1 Post Traumatic Stress disorder and
- 9.2 Its potential impact on the victim and the criminal justice system

Unit-X Role of Correctional Institutions 1 Hour

- 10.1 Types of correctional institute in India
- 10.2 Need for correctional institution in India special reference to juveniles

w.e.f. academic year 2018-19 and onwards

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10.3 Better infrastructural support to correctional institutions in India

Unit-XI Remedial Measures and Restoration 3 Hours

11.1 Historical development of Plea Bargaining at International level

11.2 Concept and origin of Plea Bargaining in India

11.3 Curricula Development of Universities

11.4 Health care professionals

11.5 Role of Media

11.6 Mental health providers

11.7 Employers

11.8 Victim Compensation Board

Unit-XII Counseling and Advocacy 1 Hour

12.1 Post-victimization counseling

12.2 Individual case advocacy.

Unit-XIII Impact of Victimization 1 Hour

13.1 Psychological Injury

13.2 Post- traumatic stress disorder

13.3 Trauma on subsequent responses

Suggested Readings

1. Siddique, Ahmad. (2007) Criminology. Lucknow, Uttar Pradesh : Eastern Book Company
2. Sirohi, J. P. S. (2004) Criminology and Penology. Delhi, Uttar Pradesh: Allahabad Law Agency.
3. Malik, Krishna Pal. (2006) Penology-Sentencing process and treatment of offenders. Delhi, Uttar Pradesh: Allahabad, Law Agency.
4. Paranjape, Prof. N.V. Criminology and Penology. Allahabad, Uttar Pradesh: Central Law Publications.
5. Talwar, Prakash. (2006) Victimology. Delhi, Uttar Pradesh: Isha Books.
6. Coleman Clive & Norris Clive. Introducing Criminology. New Delhi, Uttar Pradesh: Lawman (India) Private Limited.
7. Williams, Katherine S. (2008) Text book on Criminology. Delhi, Uttar Pradesh: Oxford University Press.
8. Maguire, Mike. Morgan, Rod and Reiner, Robert. (2007) The Oxford Hand Book of Criminology. Oxford, USA: The oxford University Press.

w.e.f. academic year 2018-19 and onwards



NIRMA UNIVERSITY
INSTITUTE OF LAW
 B.A., LL.B. (Hons.) Programme
 Academic Year 2011-12
 Semester - X

PLAN AND POLICY MAKING
(Optional Course IV)

Introduction and Objectives

The process of planning is critical to Indian development. Although not created by the Constitution, the Planning Commission of India is a nationally vital agency. The successive five-year plans have identified national development priorities and formulated the twin objectives of growth and social justice within which national development must arise. The planning process, however, has to be appraised from distinct constitutional perspectives. This has not happened because law persons have taken the Plans as given totalities and the formulators of Plans - mainly economists and technocrats - are not endowed with legal and juristic literacy resources. Very often, then, there arises dislocation between the planning processes and constitutional visions, especially the fundamental rights and directive principles of state polity. This course assesses the relationship between law and planning.

1. Introduction

- Objectives of national development as reflected in:
 - Nationalist Struggle
 - Constitution making
 - Constitution of India
- Distinctive Objectives of plans under Nehruvian era.
- Objectives of Five Year Plans
- Assessment of the plan objectives with the understanding arising out of the constitutional objectives.

2. The Planning Process

- Nature and Composition of Planning Commission.
- State planning process
- Parliamentary processes and planning
- Awareness of the Constitutional powers, procedures and of law in the planning process.
- "Justifications" for regarding administration of justice, correctional services and law enforcement as non-plan expenditures.

3. Planning and Indian federalism

- The Indian federal principles and Centralized planning



- Areas of planning by national plans, otherwise within state power exclusively.
- Grass root planning and local bodies
- Neglected area, regions, states.
- Problem of state planning process
- Public Finance in India
- Finance Commission.

4. Agrarian reforms

5. Concentration of economic wealth: Public Sector & restrictions on Private Sector

6. Poverty amelioration

- Garibi Hatao and planning
- Various schemes aimed at amelioration of poverty
- Integrated Rural Development Programme
- NREGA
- Minimum Needs Programme

7. Planning and Unemployment Eradication

8. State Capitalism and Mixed Economy :

- Distinction between state Socialism, State regulated capitalism and private capitalism
- The dominant capitalist growth goals, and result of planning
- Nationalization
- Licensing
- Strategic areas of industrialization
- Taxation and related redistributive policies
- Structural readjustment programmes

9. Planning and Environment

- Natural Resources Planning
- Public protests, displacement and planning. (cost-benefit analysis/human right costs)
- Planning and Urbanization
- Planning and Industrial Pollution
- Irrigation Planning

References:-

- M. Galanter, Competing Equalities (1984).
- U. Baxi (Ed.), Law and Poverty (1988)

- Arun Ghosh, Planning in India the Challenge for the Nineties, (1992), Sage
- Adishesha (Ed.), Seventh Plan Perspectives, (1985), Lancer International.
- Mahender reddy, et.al (Ed.) Seventh Five Year Plan: Performance and perspectives, (1989), Sterling Publishers.
- J.C. Agarwal, Eight Five Year Plan: Planning and Development in India. (1993), Shipra.
- Various articles, relevant to the topics, published in Economic and Political Weekly.



**Institute of Law, Nirma University
Internship & Placement Cell**

Subject: X semester Internship Evaluation Directive

Academic Year 2019-2020

Introduction

1. The thrust of this directive is to provide guidance to faculties and students on the standards of Evaluation for X Semester Internship of 14 Credits.
2. The principles and standards contained in the present directive are the practical outcome of the proper application of Internship Policy, best practices, and instructions of Examination Department, insofar as they relate to the Evaluation of Student Internships.
3. The internship evaluation scheme contained in this policy directive takes into account during and post internship evaluation to comprehensively monitor student learning during the said period.
4. The Internship will be evaluated by Faculty Supervisor as per the evaluation scheme provided herewith.

Supervising Structure

Each Faculty will be allotted 5-7 students by the Dean for supervision as per scheme of Evaluation.

Total Marks: 250

Scheme of Evaluation

| During Internship Evaluation: 90 Marks | | | |
|--|------------------------------|--|-------|
| Sr. No. | Component | Details | Marks |
| 1. | Weekly Worksheets | 8 weeks/5 marks per week | 40 |
| 2. | Periodic Feedback by Faculty | In consultation with External Supervisor/PPV | 20 |
| 3. | Executive Summary | 1000 words | 30 |

| Post Internship Evaluation: 160 marks | | | |
|---------------------------------------|---|--|----|
| 1. | Final Report (Self Speaking)* | 2 months reporting (30 marks each month) | 60 |
| 2. | Internship Foundation Test | MCQ Internship Experience and Hons Specific Subjects | 50 |
| 3. | Presentation of Internship and Final Viva | PPT presentation and viva before panel | 50 |

* The Report should not be copied or plagiarized. Even if you have interned at the same office or under a same person and carried out the same work, the report is to be written in your own word stating their own observation and learning and it should not be copied from each other.

Detailed Breakup of marks for each component

Weekly Worksheet - 40 Marks

Faculty Supervisor will receive the scanned copy of the weekly report submission status to determine which students have submitted their weekly report on time as well as late submissions (L.S on the table). Schedule for the submission of weekly report will be provided to the students in advance, any submission post deadline will be considered to be late submission and marks will be deducted for the same.

| | |
|--|--|
| Each timely submission of weekly report on the deadline | (2 marks each provided by competent authority week) * 8 Weeks 16 Marks |
| Late submission(L.S) (i.e. 2 Marks will be deducted for per day for late submission | (-2. marks per day for each L.S) |
| No Submission | 0 Marks |
| Contribution to the work and Clarity of the report with proper articulation of the work done during internship | (3 marks each week) * 8 Weeks 24 Marks |

*Note: Signature of Supervisor on Worksheet is Mandatory

Periodic Feedback by Faculty - 20 Marks

All the criteria mentioned in the table below should be filled up after frequent consultation with External Supervisor.

| | |
|----------------------------------|----------------|
| Timely Reporting & Punctuality | 3 Marks |
| Communication & Soft Skills | 3 Marks |
| Team Work & Co ordination | 3 Marks |
| Legal Research & Presentation | 4 Marks |
| Creativity and Cognitive Ability | 2 Marks |
| Overall Performance | 3 Marks |

*Student receiving Pre Placement Offer for the said internship will receive full marks in this criteria subject to verification by CRC.

Executive Summary – 30 Marks

| | |
|--|-----------------|
| Contribution to the work at the internship as well as learning outcomes per week supported-with worksheets. | 10 Marks |
| Analysis of Final Report connecting the work done during internship every week with the theories learned in courses. | 10 Marks |
| Consistency & Coherence between weekly worksheet & Final Report | 10 Marks |

Final Report – 60 Marks

| | |
|--|-----------------|
| Presentation of the activities undertaken/participated during the entire internship period. | 20 Marks |
| Narration of new learnings, cases worked upon/ matters handled by the student. | 10 Marks |
| Genuineness and presentation of report as per the format prescribed for the final report submission and coherence with each worksheet. | 10 Marks |
| Narration of learning through daily participation in different activities during the entire period of internship. | 10 Marks |
| Connection established between theories learnt in the class and work done during the internship from entire Final Report. | 10 Marks |

Presentation & Final Viva - 50 Marks

Faculty members/Experts will conduct viva-voce and presentation of the student which can be substantiated based on the written report submitted by the student as done in the case of project evaluation.

Presentation: 20 Marks

| | |
|---------------------------------------|----------------|
| Quality of Presentation and content | 4 Marks |
| Communication and Expression | 4 Marks |
| Clarity of Arguments | 4 Marks |
| Timely completion of the presentation | 4 Marks |
| Genuineness | 4 Marks |

Viva: 30 Marks

| | |
|--|-----------------|
| Presentation of the activities which are reflected in the report in terms of confidence, communication, authenticity and their response to questions for minimum 10 minutes. | 15 Marks |
| Questions based on the report and 5 critical questions need to be discussed upon for each individual | 15 Marks |

*Presentation should be made through the use of ICT tools.



Prof. (Dr.) Purvi Pokhariyal
Director,
Institute of Law, Nirma University



Anviksha Pachori
Placement Coordinator,
Institute of Law, Nirma University

Enclosures

1. Worksheet Format
2. Final Report Format
3. Executive Summary

WORKSHEET

**NIRMA UNIVERSITY
INSTITUTE OF LAW**

INTERNSHIP COMMITTEE

NGO/Law Firm/Trial Court/High Court/Supreme Court/Institution Internship

Name of the Student : _____
Name of the Institution : _____
Institution's Address : _____
Name of Supervisor : _____
Email : _____
Phone/Mobile No. : _____
Period: : From _____ to _____

| Sr. No. | Work done at Field |
|---------|--------------------|
| Week 1 | Pointwise |
| Week 2 | Pointwise |
| Week 3 | Pointwise |
| Week 4 | Pointwise |

Signature of Supervisor

Signature of Student

FINAL REPORT

Nirma University

Institute of Law

II Semester B.A.LL.B. (Hons.) And B.Com. LL.B (Hons.) Course

Report of Internship Training

**With _____ NGO/Law Firm/Trial Court/High
Court/Supreme Court/Institution**

As a part of Internship Program

For the academic year 2015-2016

Prepared & Submitted By

Name (Roll No)

Table of Content

| Sr. No | Subject | Page No |
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| 1. | Preface | |
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| 7. | Introduction | |
| 8. | Project/Cases/Matters assisted/ undertaken/ observed during the internship | |
| 9. | Outcome of your learning and observations during the internship | |
| 10. | Relevant cases and laws referred and researched during the internship relating to the matters and cases | |
| 11. | Conclusion | |
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Preface

This report is an outcome of the four weeks Internship programme of Institute of law, Nirma University for the students of _____ semester. The main constituents are the report on fieldwork carried out during the internship, the research on related issues/cases/matter and the weekly report of my work. I have tried my best to do justice with my activities and put it in black and white with the same effort as I did it during the internship.

Date:

Name & Signature of Trainee

Acknowledgment

Certificate

(True Copy of Original Certificate)

List of Abbreviations

EXECUTIVE SUMMARY

Minimum 1000 words

Components Required

- Overview
- Summary of weekly work done.
- Descriptions of Laws Learnt/dealt with
- Learning Outcome
- Analysis of Final Report

**A Brief of _____ (NGO/Law Firm/Trial Court/High
Court/Supreme Court/Institution)**

Introduction

(It introduces your journey of learning in the NGO/Law Firm/Trial Court/High Court/Supreme Court/Institution)

Introduction

(It introduces your journey of learning in the NGO/Law Firm/Trial Court/High Court/Supreme Court/Institution)

Project/Cases/Matters assisted/ undertaken/ observed during the internship

Outcome of your learning and observations during the internship

Relevant cases and laws referred and researched during the internship relating to the matters and cases

Conclusion

Bibliography

Appendix

1. Worksheets (compulsory)
2. Newspaper articles (if any)
3. Questionnaires (if any)

Nirma University
Institute of Law
B.A.,LL.B. (Hons.) and B.Com.,LL.B. (Hons) Programme
Academic Year 2018-19
Semester I

| L | T | P | C |
|---|---|---|---|
| 3 | 1 | - | 4 |

| | |
|--------------|--------------------------------|
| Course Code | 2BL134 |
| Course Title | Principles of Economics |

Course Learning Outcomes

At the end of the course, the students will be able to:

1. Define market forces of demand and supply and related imperfections.
2. Explain the need to correct markets through policy making
3. Classify the modes of market regulations and their impact

Syllabus

Teaching Hours: 60

Unit I Introduction

7 Hours

- 1.1 Definition, scope, basic assumptions and nature of economics
- 1.2 Branches of Economics: Micro and Macro Economics
- 1.3 Interactional Dimensions in Law & Economics: Tort Law, Contract Law, Consumer Protection Law, International Trade, Environmental Law (common resource issues), Competition Law and Intellectual Property Law

Unit II: Factors of production: Land, Labor, Capital and Entrepreneurship / organization

8 Hours

- 2.1 Production Function & Factor substitution
- 2.2 Land – characteristics,
- 2.3 Labour – definition and characteristics,
- 2.4 Capital – Nature and types
- 2.5 Entrepreneurship / Organization – basic requirements and constraints
- 2.6 How Supply emerges out of factor combination
- 2.7 Law of Supply

Unit III: Consumer Behavior: Demand Analysis

10 Hours

- 3.1 Demand: Meaning and definition (Marshall – Hicks – Samuelson Approach)
- 3.2 Concept of Utility
- 3.3 Demand Function
- 3.4 Individual and aggregate demand

w.e.f. academic year 2018-19 and onwards

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- 3.5 Law of Demand
- 3.6 Market equilibrium

Unit IV: Application of Supply & Demand

10 Hours

- 4.1 Price Elasticity of Demand & Supply, Elasticity and Revenues,
- 4.2 Impact of government intervention on Price & Quantity – Taxation and Price Control
- 4.3 Willingness to Pay and Consumer Surplus
- 4.4 Willingness to Sell and Producer Surplus
- 4.5 Market Efficiency and Deadweight Loss
- 4.6 Deadweight Loss of Taxation.
- 4.7 Predatory Pricing Concept under Competition Act, 2002

Unit V: Regulating Markets / Economic Environment

10 Hours

- 5.1 Need and Type of Regulation
- 5.2 Remedying information failures
- 5.3 Market Failure and externalities
- 5.4 Coase theorem and internalizing externality
- 5.5 Costs of regulation – Control vs. Market based solutions
- 5.6 Public Goods and Private goods

Unit VI: Markets: Perfect Vs. Imperfect Competition

15 Hours

- 6.1 Markets and Competition – Perfect vs Imperfect
- 6.2 Perfect Competition and Monopoly
- 6.3 Imperfect Competition – Oligopoly and Monopolistic Competition
- 6.4 Market forms and its features – Patents, game theory and prisoner's dilemma, and advertising.
- 6.5 Distortions to Market - Monopolistic and unfair trade practices, Anti-trust and anti-cartel legal systems and international market regulatory systems
- 6.6 Market Failure: Asymmetric information, Imperfect markets, Incomplete markets

Suggested Readings:

1. Salvatore, D, (2012), *Micro Economics: Theory and Application*, Oxford University Press, Indian Edition, New Delhi.
2. Samuelson, P, (2016), *Economics*, Tata McGraw Hill Publishing Company Limited, New Delhi.
3. Mankiw G.N., (2014), *Principles of Economics*, Seventh Edition, Cengage Learning Publications, Delhi.
4. Ahuja, H.L., (2012), *Advanced Economic Theory: Micro Economic Analysis*, S. Chand and Company Limited, New Delhi.

NIRMA UNIVERSITY
Institute of Law
B.A., LLB (Hons.), B.Com, LLB (Hons.) Programme
Academic Year 2018-2019
Institute Elective

| L | T | P | C |
|---|---|---|---|
| 4 | - | - | 4 |

| | |
|---------------------|----------------------------------|
| Course Code | 2IE1004 |
| Course Title | Private International Law |

Course Learning Outcomes:

At the end of the course, students will be able to:

1. Define the principles of conflict of laws and its application in cases involving foreign element;
2. Explain the concept of recognition and enforcement of foreign judgments;
3. Apply the principles of conflict of laws in relation to the Indian legal mechanism and its practices.
4. Analyze the issue of jurisdiction and application of foreign laws in a case where foreign element is involved;

Syllabus

Teaching Hours: 60

Unit-I

Introduction

02 Hours

- 1.1 Definition, meaning and scope of private international law
- 1.2 Theories concerning private international law
- 1.3 Sources of private international law

Unit-II

Stages of Analysis in Private International Law

15 Hours

- 2.1 Primary Characterization – defining the legal nature of the cause of action
- 2.2 Determining the connecting factor – articulating the relevant private international law principles

w.e.f. academic year 2018-19 and onwards

10 

- 2.3 Delimitation and application of *lex causae*
 - 2.3.1 Doctrine of *Revoi*
 - 2.3.2 The Scope of application of *lex causae*
 - 2.3.3 Substance and Procedure
 - 2.3.4 Depechage and Incidental question
- 2.4 Exclusion of Foreign Law
 - 2.4.1 Exclusion of Revenue Laws
 - 2.4.2 Exclusion of other Public Laws
- 2.5 The Act of State Doctrine

Unit-III Domicile

02 Hours

- 1 The Concept of Domicile
 - 1.1 Common Law Approach
 - 1.2 An Indian Approach

Unit-IV Jurisdiction

12 Hours

- 4.1 General Issues
 - 4.1.1 Jurisdiction and its implications in private International Law
 - 4.1.2 Action in personam and action in rem in private international law
 - 4.1.3 Action in personam: *actor sequitur forum rei* principle and its implications
 - 4.1.3.1 Territorial jurisdiction;
 - 4.1.3.2 Submission to the jurisdiction
 - 4.1.3.3 Exorbitant Jurisdiction in English Law, Indian Law and EC Regulation on Jurisdiction
- 4.2 In Personam Jurisdiction – The English Common Law and Indian Position
- 4.3 Action in Rem: Admiralty Jurisdiction in India
- 4.4 EC Regulation on Jurisdiction and the Recognition and Enforcement of Judgment (Brussels Regulation I and Recast Regulation)

w.e.f. academic year 2018-19 and onwards

- 4.5 Jurisdiction to Prescribe
- 4.6 The Mareva and Worldwide Mareva Injunctions – International Dimensions
- 4.7 Effects of Jurisdiction Clauses in India and under the Common Law
- 4.8 Doctrine of Forum Non Convenience (FNC), Anti-Suit Injunction and Anti-Arbitration Injunction

Unit-V Applicable Law: Contracts and Commercial Matters 10 Hours

- 5.1 Governing Law and Transnational Contracts – Common Law and Indian Law
- 5.2 Rome Regulation I on Contractual Obligations
- 5.3 IMF and Exchange Contracts
- 5.4 Negotiable Instruments
- 5.5 Torts and Rome Regulation II [Non-Contractual Obligation]

Unit-VI Applicable Law – Family Matters 08 Hours

- 6.1 Jurisdiction and Choice of Law Issues in Family Matters
 - 6.1.1 Marriage and Matrimonial Causes

Unit-VII Applicable Law–In Matters Of Children 05 Hours

- 7.1 Legitimacy and Legitimation
- 7.2 Adoption, Guardianship and Child Custody (Jurisdiction and Choice of Law Issues)

Unit-VIII Recognition and Enforcement of foreign Judgments 06 Hours

- 8.1 Need recognizing foreign judgments
- 8.2 Limitations in recognizing and enforcement
- 8.3 Section 13,14 and 444 of C.P.C. and S. 41 of the Indian Evidence Act
- 8.4 Brussels Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, 1968

w.e.f. academic year 2018-19 and onwards

Suggested Readings:

1. Cheshire, North & Fawcett. (2008). *Private International Law*. New York: OUP
2. Dicey, Morris and Collins. (2009). *The Conflict of Laws*, London: Sweet and Maxwell
3. Mayss, Aba. (1999). *Principles of Conflict of Laws*. London: Cavendish Publishing Limited
4. Paras Diwan.(1998). *Private International Law*, New Delhi: Deep &Deep Publication
5. Clarkson & Jonathan Hill. (2008). *The Conflict of Laws*, New York: OUP

w.e.f. academic year 2018-19 and onwards

NIRMA UNIVERSITY
INSTITUTE OF LAW

B.A.,LL.B. (Hons.) and B.Com.,LL.B. (Hons.) Programme
Academic Year 2014-15

Credit: 5

Semester - IX

Hours: 75

Professional Ethics and Professional Accounting System (Clinical Course III)

Syllabus

Introduction: In an atmosphere of increased competition and regulatory reforms, traditional conceptions of legal ethics have come under tremendous pressure. The course examines a broad range of issues relating to ethics in legal profession in the changing times, primarily in the Indian context but also drawing on international and comparative material to equip the budding advocates for the expectations from this profession.

Course Learning Outcomes:

At the end of the course students will be able to:

- understand the significance of ethics in the legal profession
- assess the contribution of Advocates for the society
- facilitate appropriate conduct as an Advocate
- incorporate mannerism and court craft

I: Ethics and Legal Profession- An Introduction

- Ethics as a subject for studies in educational institutions in our country.
- Definition and scope of ethics.
- Ends and utilities of ethics.
- Professional ethics and responsibility.
- Introduction to legal ethics
- Rule of confidentiality and conflict of interest.

II: Development of Legal Profession and Its regulation in India

- Importance of the legal profession
- Development of law relating to legal profession in India
- History of the constitution of the Bar Council of India
- Advocates Act- an overview

III: Regulations Governing the Practice and Enrollment in India

- Bar Council of India- Its constitution
- Powers and Duties
- State Bar Councils- Its constitution
- Powers and Duties
- Different Committees under Bar Council of India and State Bar Councils
- Admission and enrollment of advocates
- Disqualification for enrollment
- Rights to practice

IV: Professional Responsibilities

- Duty to court
- Duty to client
- Duty to opponent
- Duty to colleague
- Duty towards society and obligation to render legal aid

V: Professional Misconducts of an Advocate

- Professional and other misconduct- Meaning
- How to make a complaint against an advocate
- Procedure after a complaint has been referred to a Disciplinary Committee
- Punishments
- Review and Appeal against the order of the disciplinary committees
- Consumer Protection Act- Advocates Deficiency of Service

VI: Bench-Bar Relation and Concept of Court

- Bench-bar relation
- Contempt of court- its meaning and nature
- Categories of contempt of court
- Basis and extent of contempt jurisdiction
- Procedure in case of contempt
- Punishment for contempt of court
- Defences
- Remedies against punishment

VII: Some Emerging Issues in Professional Ethics

- Negligence by lawyers and the Consumer Protection Act
- Advertising in legal profession
- Lawyers strike
- Women's place at the bar

References:

1. Rai, Kailash. 2007. *Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations*, Allahabad: Central Law Publication.
2. Ramachandrar, Raju. 2004. *Professional Ethics*, Nagpur: Lexis Nexis Butterworth.
3. Rhode, Deborah L. 2007. Teaching Legal Ethics, *Saint Louis University Law Journal*, Vol. 51: 1043, pp. 1043-1057
4. Rhode, Deborah L., 2009 "Legal Ethics in Legal Education" *Clinical Law Review*, Vol. 16 : 43 pp. 43-56
5. Myers, Eleanor W., 1995 "Simple Truth about moral education" *The American University Law Journal*, Vol: 45:823 pp. 823-858
6. Shah J, M.B, 1999 " Role of Lawyers in Legal Institutions: Professional conduct and advocacy" *Indian Law Review*, Vol 26 (1) pp. 35-42
7. Sukumar Mukhopadhyay, 2006. Truth on Its Way to Half a Victory, *Economic and Political Weekly*, Vol: 41(7). pp. 563-564
8. S. P. Sathe, 2002. Accountability of the Supreme Court: Arundhati Roy Case, *Economic*

- and Political Weekly, Vol. 37, No. 15 (Apr. 13-19) pp. 1383-1384
9. Surranda Banerjee. 2002. Judging the Judges, *Economic and Political Weekly*, Vol. 37, No. 10 (Mar. 9-15), pp. 919-921
 10. A. G. Noorani. 2001. Contempt of Court and Free Speech, *Economic and Political Weekly*, Vol. 36, No. 20 (May 19-25), pp. 1693-1694
 11. Justice M. Jagannatha Rao. 2006. Law Students, Lawyers and Judges in the New Millennium, 8 SCC (law) p. 1
 12. Stephen L. Pepper. 1999 "Lawyers' Ethics in the Gap Between Law and Justice", *Southern Texas Law Review*
 13. When lawyers stay away from courts available at <http://www.thehindu.com/opinion/op-ed/when-lawyers-stay-away-from-courts/article4827463.ece> accessed on 12/03/2014
 14. Failed by the lawyer available at <http://www.thehindu.com/opinion/op-ed/failed-by-the-lawyer/article4885640.ece?homepage=true> accessed on 12/03/2014
 15. Raising the bar for the legal profession available at <http://www.thehindu.com/opinion/lead/raising-the-bar-for-the-legal-profession/article3897883.ece> accessed on 12/03/2014
 16. Declining ethical standards in legal profession lamented available at <http://www.thehindu.com/todays-paper/tp-national/tp-kerala/declining-ethical-standards-in-legal-profession-lamented/article705894.ece> accessed on 12/03/2014



NIRMA UNIVERSITY
INSTITUTE OF LAW

B.A., L.L.B. (Hons.) and B.Com., LL.B. (Hons.) Programme
Academic Year 2015-14
Semester VIII

Property Law including Transfer of Property Act

Introduction:

Law of property has wide application and use in the field of litigation, research and corporate law firms. The course will cover easement, trusts, stamp-duty with a special emphasis on the Transfer of Property Act, 1882.

The Transfer of Property Act contains the general principles of transfer of property and detailed rules with respect to specific transfer of immovable property by sale, exchange, mortgage, lease and gift. The present course will cover a study of important terms relevant to transfer of property, meaning of 'transfer' under the Act, general principles relating to transfer of property and definitions and rules relating to specific transfers of immovable properties by mortgage, lease and gift.

Necessary references will be made to the English law as well as to the doctrines of equity which have been responsible for the crystallization of the basic principles of property law. The general principles relating to transfer of property will be taught in the backdrop of Registration Act and Indian Easements Act. The law of Trusts will also form a part of the course.

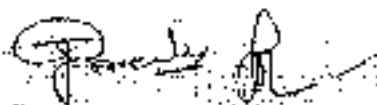
Objectives:

- To introduce the students to the fundamentals of property law.
- To acquaint the students with understanding of types, operation restrictions and modes of transfer of immovable property.
- To equip the students with the knowledge of various doctrines, maxims and case laws relating to property law.
- To inculcate in them basic understanding of complexities of Transfer of Property Act upon which in later semesters the supra-structure of drafting and conveyance can be built.

Learning Outcomes:

After the completion of the course, the students will be able to:

- Build their capacity to apply theoretical aspects of property law in their internships and further research.



- Conclude Transfer of Property Act, Registration Act and the relevant provisions of Stamp Act
- Develop a basic understanding of easements and trusts
- Develop the basic ability to identify basic various documents required for different kinds of property transfers- lease, mortgage or sale.

1. Jurisprudential Concepts of Property:

- 1.1. Concept and meaning of property - new property - governmental largesse.
- 1.2. Kinds of property - movable and immovable property - tangible and intangible property - intellectual property - copyright - patents and designs - trade marks
- 1.3. The concept of eminent domain property resources
- 1.4. Public Trust Doctrine
- 1.5. Possession and ownership as man - property relationship - finder of lost goods.

Law

2. Resources Use Patterns and Concepts in India: Who owns land? Sovereign or the Subject

- 2.1. Pre-colonial position.
 - 2.1.1. Hindu theory
 - 2.1.2. Muslim theory
 - 2.1.3. Tribal approaches
- 2.2. Position under colonial administration
 - 2.2.1. Introduction of permanent settlement
 - 2.2.2. Ryotwari settlement
 - 2.2.3. Evaluation of eminent domain under company administration
- 2.3. Effects of colonial revenue administration.
 - 2.3.1. Intermediaries
 - 2.3.2. Tenancies
 - 2.3.3. "Land going to the market"
 - 2.3.4. Inequalities in landholding
- 2.4. Requisitioning and acquisition of immovable property.
 - 2.4.1. Land Acquisition: inquiry- notice and hearing - should ecological moves be Examined?
 - 2.4.1.1. Concept of public purpose
 - 2.4.2. Requisitioning: powers, right, exemption and release
 - 2.4.3. Inadequacies

3. Forms of Control Urban Property

- 3.1. Right to Housing and Shelter.
 - 3.1.1. Slum Clearance or slum improvement?
 - 3.1.2. Housing Policy
- 3.2. Rent Control
 - 3.2.1. Protection against eviction and fixation of fair rent
- 3.3. Urban development authority
 - 3.3.1. Master plan
 - 3.3.2. Zonal development plan
 - 3.3.3. Declaration of development areas.
 - 3.3.4. Powers of the authority

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4. Post-constitutional Developments with Respect to Agricultural Land
- 4.1. "Land to the tiller"
- 4.2. Land ceiling legislation
- 4.3. State enactments prohibiting alienation of land by tribals to non-tribals

5. Law Relating to Transfer of Property.

- 5.1. General principles of transfer of property
- 5.2. Specific transfers:
 - 5.2.1. Sales
 - 5.2.2. Mortgages
 - 5.2.2.1. Under the provision of the Transfer of Property Act, 1882
 - 5.2.2.2. To a land mortgage bank, land development bank, powers and functions
 - 5.3. Charges
 - 5.4. Leases
 - 5.5. Exchange
 - 5.6. Gifts
 - 5.7. Actionable claims

6. Easements

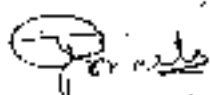

- 6.1. Nature, characteristics and extinction
- 6.2. Creation of easements
- 6.3. Riparian rights
- 6.4. Licenses

7. Recordation of Property Rights.

- 7.1. Law relating to registration of documents affecting property relations -- Exemptions of leases and mortgages in favour of land development bank from registration.
- 7.2. Recordation of rights in agricultural land with special reference to respective states.
- 7.3. Investigation of title to property.
- 7.4. Law relating to stamp duties.
 - 7.4.1. Of the liability of instruments to duty.
 - 7.4.2. Duties by whom payable.
 - 7.4.3. Effect of not duly stamping instruments: Examination and impounding of instruments; inadmissibility on evidence; impounding of instruments.

References:

1. Mulla, Transfer of Property Act, Universal, Delhi, 1996.
2. Subbarao, Transfer of Property Act, C. Subbiah Chetty, Madras, 1994.
3. B. Sivaramayya, The equalities and the Law, Eastern Book Co., Lucknow, 1997
4. P.C. Sen, The General Principles of Hindu Jurisprudence (1984 reprint) Allahabad Law Agency
5. B.H. Baden-Powell, Land Systems of British India, Vol.1 to 3. (1892), Oxford.
6. V.P. Saraf, Transfer of Property, Eastern, Lucknow, 1995

NIRMA UNIVERSITY

INSTITUTE OF LAW

B.A.,LL.B. (Hons.) and B.Com.,LL.B. (Hons.) Programme

Academic Year 2014-15

Semester - IX

Credit: 5

Hours: 75

Public Interest Lawyering, Legal Aid and Para-legal Services

Clinical Course IV

Syllabus

Introduction: Public interest lawyering has proven to be one of the important area to be taught to the lawyers to develop their career. The course is framed to train the students to file a PIL or a matter of social issue and how to respond in a matter of PIL. The para-legal service and legal aid to the eligible person is a matter of social concern, therefore, the course is framed to address the social issue by organizing legal awareness or literacy camp. Being a clinical course students have to attend legal aid clinic.

Course Learning Outcomes:

At the end of the course students will:

- ▲ be able to understand public interest lawyering and should be capable to file PIL;
- ▲ have exposure to legal aid clinic and client counselling.
- ▲ be able to organize legal literacy camp and legal awareness camp.

SECTION-I - Public Interest Lawyering**I. Public Interest Lawyering**

- ▲ Meaning, Nature and Scope
- ▲ A Career in Public Interest Lawyering
- ▲ Jurisdiction to file PIL
- ▲ Grounds for filing 'Public Interest Litigation'
- ▲ Withdrawal of PIL
- ▲ PIL is strategic arm of the legal aid movement.
 - Public interest litigation v. Publicity interest litigation

II. Public Interest Litigation

- ▲ Concept of Public Interest Litigation (*Pro bono publico*)
- ▲ Origin and development in India
- ▲ PIL and Rule of *Locus Standi*
- ▲ Role of Court as Inquisitorial Court
- ▲ Nature of Public Interest Litigation.

- ▲ Scope and limitation of the Public Interest Litigation
- ▲ Contribution of Mr. M.C. Mehta in development of Public Interest Litigation

III. Various facets of PIL

- ▲ PIL against Public Policy
- ▲ PIL protecting Rights of Children
- ▲ PIL protecting Human Rights
- ▲ Role of PIL in Environment Protection
- ▲ Protecting labour class from exploitation
- ▲ PIL and custodial violence
- ▲ Rights of the accused persons and prisoners protected by PIL
- ▲ PIL a tool to prevent politicians from abusing their powers

SECTION-II - Legal Aid and Legal Services Authorities

IV. Legal Aid

- ▲ Meaning, Need and Significance of legal aid
- ▲ Legal Aid- Origin and Development in India
- ▲ The Constitution directions for free legal aid
- ▲ Provisions for Legal Aid under the Code of Criminal Procedure
- ▲ Provisions for Legal Aid under the Code of Civil Procedure
- ▲ Relationship between PIL and Legal Aid
- ▲ Criteria for giving legal services
- ▲ Entitlement to Legal Services

V. Legal Services Authorities

- ▲ The National Legal Services Authority
- ▲ Constitution of the National Legal Services Authority
- ▲ Supreme Court Legal Services Committee
- ▲ Functions of the Central Authority
- ▲ National Legal Aid Fund
- ▲ State Legal Services Authority
- ▲ Constitution of State Legal Services Authority
- ▲ Functions of the State Authority
- ▲ High Court Legal Services Committee
- ▲ State Legal Aid Fund
- ▲ District Legal Services Authority
- ▲ Functions of District Authority
- ▲ District Legal Aid Fund
- ▲ Taluk Legal Services Committee

▲ Functions of Taluk Legal Services Committee

VI. Lok Adalat

- ▲ Lok Adalat- Meaning and Significance as an ADR
- ▲ Organisation of Lok adalats
- ▲ Constitution of Lok Adalat
- ▲ Jurisdiction of Lok Adalat
- ▲ Cognizance of case by Lok Adalat
- ▲ Award of Lok Adalat
- ▲ Pre-litigation settlement (Permanent lok adalat)

VII. Speedy Trial

- ▲ Right to Speedy Trial
- ▲ Justice delay is Justice Denial
- ▲ Magnitude of pending cases
- ▲ Possibility of fixing duration for trial
- ▲ Introduction of evening court
- ▲ Introduction of Gram Nyayalaya
- ▲ Legal Aid Clinic
- ▲ Aim and objectives of legal aid clinic
- ▲ Establishment and management of legal aid clinic
- ▲ Legal services at legal aid clinic.
- ▲ Legal aid clinic run by the law Institute
- ▲ Organizing legal awareness and legal literacy camp
- ▲ Para legal services
- ▲ Duties and functions of Para-legal volunteers.

References :

- Ajay Gulati & Jasmeet Gulati. 2009. *Public Interest Lawyering, Legal Aid and Para Legal Services*, Central Law Publications, Allahabad.
- Sangeeta Monika Ahuja. 1996. *Public Interest Litigation in India*, Oxford University Press.
- S.S. Sharma. 2012. *Legal Aid, Public Interest Lawyering and Para-legal Services*, C.I.A., Allahabad.
- Sujain Singh. 1996. *Legal Aid-Human Right to Equality*, Deep & Deep Publications.
- V. Nagraj. 1996. *Cases and Materials on Legal Aid and Para legal Services*, Bangalore: National Law School of Indian University
- P.C. Juneja. 1993. *Equal Access to Justice*, the Bright Law House, Rohtak.
- Mamta Rao, 2010. *Public Interest Litigation, Legal Aid and Lok Adalat*, Lucknow:

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- Dr. Krishna Pal Malik 2008. *Group Nyayalya Act, 2005*. Faridabad: Allahabad Law Agency
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NIRMA UNIVERSITY
INSTITUTE OF LAW

B.A., LL.B. (Hons.) and B.Com., LL.B (Hons.) Programme
Academic Year 2013-14
Semester VIII

Public International Law

Introduction

Public International Law is composed of the laws, rules, and principles of general application that deal with the conduct of nation states and international organizations among themselves as well as the relationships between nation states and international organizations with persons, whether natural or juridical. Public International Law is sometimes called the "Law of Nations" or just simply International Law. It should not be confused with Private International Law, which is primarily concerned with the resolution of conflict of laws in the international setting, determining the law of which country is applicable to specific situations.


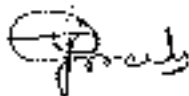
Objectives:

- To assist students to develop an understanding of the issues involved in the regulation of human affairs beyond the boundaries of sovereign nation state.
- To give students a basic understanding of the nature of International Law and working knowledge of the structure of the international legal system and its relationship to the Indian legal system.
- To assist students to recognize international legal problems and to point them in the direction of ways of resolving them.
- To enable students to develop an awareness of different methods of settlement of international disputes.
- To understand how international justice processes operate

Learning outcomes:

After the completion of the course, the students will be able to:

- Describe various approaches towards understanding International Law.
- Recognize factors which contribute to effective recognition of International Law in the Globalized World.
- Outline implications of the World Order created by International Law and Understand the Treaty Making Process.
- Select appropriate strategies to understand the contemporary international conflicts and subsequent international litigation.
- Make more effective contribution to the growth and development of International Law.



1. Nature and Function of Public International Law

1.1 Nature of International Society:

1.1.1 State Sovereignty – *Kant v. Machravelli*

1.1.2 Decentralization of authority and power of governance – legislative executive and judicial

1.1.3 Separation of authority from power | Major problems of implementation

1.1.4 Unequal distribution of power | of international norms

1.1.5 Centripetal and centrifugal forces in international society

1.2. Function of Law in International Society:

1.2.1 'Legal' character of International Law – what is law and is international law such a legal system?..

1.2.2. Functions of international law

1.2.2.1 Minimum world order functions

- Minimization of violence – peace and order

1.2.2.2 Optimum world order functions (international community welfare functions):

- Maximization of international economic welfare
- Maximization of international social welfare
- Maximization of international environmental quality

1.2.2.3 Uses of international law in the day-to-day life of states:

- Communication of claims
- Options on methods of dispute settlement / conflict resolution
- Options for international cooperation

1.2.2.4 International legal process as part of the process of international organization – hence interrelationship of international law with international institutions.

2. Legal Concept of International Personality

2.1 Traditional subjects of international law – states

2.2 Non-traditional international organizations – *Reparation for injuries case* and functionalism to determine legal personality

2.3 Issues of recognition of states and government – dimensions of international and domestic law

2.4 Legality of governments – Concept of international legality – Estrada and Stimson doctrines – *Namibia case* – 'incubation' in international organization and legality: Spanish, South African, Yugoslavian cases.

Forals

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2.5 Problems of succession - state succession and succession of international organisations - Vienna Conventions - Principles of territoriality, self-determination, and identity functions (*Legal Status of Southwest Africa* case).

3. Sources of Public International Law

3.1 Meaning of Sources:

3.1.1 Formal sources (sources of obligation)

3.1.2 Material sources

3.2 Article 38(1) of the ICJ Statute: Material sources

3.3 Why refer this provision?

3.4 How modern is this provision?

3.5 Is the enumeration hierarchical?

3.6 Treaties as a Sources of obligations, international legislation?

3.7 Customary International Law

3.8 Elements of custom: Objective: material (practice of states) and Subjective: psychological (*opinio juris*)

3.9 International, Regional, and local custom - *Continental Shelf Cases*, *Asylum case*, *Right of Passage case*.

3.10 General Principles of Law - *Novus leges*: *Sir Hersch Lauterpacht v. Julius Stone - Barcelona Traction case*.

3.11 Subsidiary means of determining the law - (1) Judicial decisions and awards (*Schooner Exchange case*, *Shimoda case*, *Continental Shelf cases*, *Island of Palmas*, *Trail Smelter and Leo Lemay awards*) (2) eminent publicists

3.12 Are decisions of international organizations law-making? UN General Assembly (*Nicaragua case*) and Security Council (*Lockerbie cases*) - ICAQ, IMO, ILO, WHO, UNESCO, etc.

3.13 Codification and progressive development of international law - History of codification: Congress of Vienna etc. ILC UNCTAD, and other UN agencies. ILC (Law of international rivers), Institute of International Law (settlement of disputes, humanitarian assistance)

4. Relationship between International Law and Indian Law

4.1 Role of domestic law in implementation of international law.

4.2 Theoretical bases of relationship between international law and domestic law - Monism, Dualism and Theories of Coordination

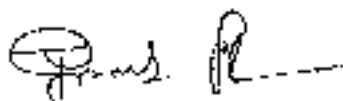
4.3 Divergent State Practices in respect of Treaties - Transformation and Incorporation - US and Commonwealth

4.4 International Law and the Indian Constitution:

4.4.1 Preliminary: Articles 51 & 372

4.4.2 Treaty Making and Treaty Implementation: Articles 73, 246 (Union List, State List, Concurrent List), 253.

4.4.3 Legislative practice in implementation of treaties



5. Indian Judiciary and International Law - an overview
Jolly Perghese, Visaka, M.V, Elizabeth
6. India and International Law: an overview

5. Basic Principles of International Law

- 5.1 Concept of *jus cogens* - S.S. Wimbledon case (Huber, Anzilotti dissents) - Article 103 of the UN Charter - Articles 53 and 64 of the Vienna Convention on the Law of Treaty, 1969.
- 5.2 Friendly Relations Declaration 1970 - background and principles:
 - 5.2.1 Prohibition of Force
 - 5.2.2 Peaceful Settlement of International Disputes
 - 5.2.3 Non-intervention
 - 5.2.4 Sovereign Equality
 - 5.2.5 Good Faith
 - 5.2.6 International Cooperation
 - 5.2.7 Self-Determination
- 5.3. Identification of *Jus cogens* - International Humanitarian Law (de Martens principle plus Article 35 of Geneva Protocol), Human Rights Law (Article 1 (2) of ICCPR the concept of non-derogable rights), International Criminal law (International crimes, international criminal liability of individual, universality of jurisdiction), International Economic Law (international distributive justice, ie transfer of resources, permanent sovereignty over natural resources), International Trade Law (equity, freedom of trade, protection of essential interests of state), International Environmental Law (Intergenerational equity, sustainable development, polluter pays, precautionary principle, common but differentiated responsibility), International Space Law (the Space Treaty principles), International Air Law (Sovereignty over airspace), Law of the Sea (coastal state jurisdiction, freedom of the seas, protection of marine environment, common heritage of mankind), etc.

6. Sovereignty and Jurisdiction

- 6.1. Domestic jurisdiction v. international jurisdiction?
- 6.2. Territorial base of sovereignty - Claims to title to territory: discovery (Clipperton Island case); occupation (Raan of Kutch arbitration); prescription, accretion, cession (Heruberi case), secession (Bangladesh), lease user of servitude?, land (including boundaries), maritime jurisdiction, air space (air law); international areas (Antarctica International Seabed Area, Moon and Celestial Bodies), international rivers (boundary rivers, non-navigable uses of international rivers), artificial canals (Suez, Kiel, Panama)
- 6.3. Principles of exercise of domestic jurisdiction:
 - 6.3.1 Territoriality
 - 6.3.2 Nationality
 - 6.3.3 Protective Principle (Wheeler case)

Jolly Perghese

- 6.3.4 Passive Personality (Cutting case, S.S. Lotus case, terrorism)
- 6.3.5 Universality

- 6.4. Extraterritorial jurisdiction, jurisdictional overlaps - the rule of reasonable connection
- 6.5. Extradition (Sayaker case, Indian Extradition Act 1962; Tarasov case), asylum mutual assistance in judicial matters, transfer of offenders (Commonwealth Scheme of 1966) - India's bilateral-terrorist extradition treaties since 1987.
- 6.6. Jurisdictional immunities - diplomatic and consular, Acts of State and theories of absolute immunity and functional immunity. *Jure Imperii* and *jure gestionis*, foreign state immunities legislation: UK, US, Canada, Australia, India - CPC, 1908, sections 83-87A) - El Congreso and Tin Council cases in UK HL.

7. Law of Treaties

7.1 Vienna Convention on the Law of Treaties, 1969:

- 7.1.1 Treaty making - defining a treaty: *Bahrain v. Qatar* case
- 7.1.2 Signature, ratification / accession
- 7.1.3 Reservations, compatibility with objects and purposes, Article 19 (*Genocide Convention* case)
- 7.1.4 Unilateral termination of treaties, Article 60 - *Namibia* case
- 7.1.5 Treaties and customary law - Article 26 - *Nicaragua* case

8. International Responsibility of States

- 8.1 Responsibility and liability
- 8.2 Liability strict (due diligence) and absolute
- 8.3 Treaty-based liability regimes - Space nuclear environmental
- 8.4 Concept of joint and several (solidary) liability - *Nauru* case
- 8.5 Rules of attribution of liability - *Corfu Channel* case, *Nicaragua* case
- 8.6 Responsibility for acts of state - legislature, executive, judiciary (denial of justice)
- 8.7 Responsibility of state for acts of its nationals *American Diplomatic and Consular Hostages in Tehran* case.
- 8.8 Preclusion of liability
- 8.9 Counter-measures (US France Aviation arbitration, *Nagimara*, *Nicaragua* cases)
- 8.10 Nationalization of foreign property - Permanent sovereignty over natural resources
- 8.11 Private claims - rule of nationality of the claimant (*Neuliebahn*, *Barcelona Traction* cases), exhaustion of local remedies rule (*Interhandel* case).

Jack R.

9. Legal Controls of International Conflict
 - 9.1 Settlement of International Disputes (to be elaborated in IX below)
 - 9.2 Prohibition of force (*Nicaragua* case), self-defence (*Caroline* incident Webster Note), and the UN Security Council
 - 9.3 Arms Control and Disarmament – *Shimoda* case, Nuclear Weapons case
 - 9.4 International terrorism
 - 9.5 Basic Principles of International Humanitarian Law

10. International Litigation

- 10.1 Defining International Litigation – Inter-state, state-non-state, transnational – focus on inter-state
- 10.2A historical perspective – Arbitration: 1794 Jay Treaty (US-UK); Albatross Arbitration (third party arbitration) – The Hague conventions on pacific settlement of disputes: 1899, 1907, and attempt at a permanent court of arbitral justice turning out a permanent Court of Arbitration – League of Nations, PCU, Locarno Arbitration Treaties 1925, General Act of Pacific Settlement of International Disputes 1928 (*Atlantique* case 2000), Revised General Act 1949.
- 10.3 Private claims tribunals v/w claims tribunals mixed private claims tribunals: US-Mexican, Venezuelan Preferential Claims, US-Italian claims
- 10.4 Nonnative framework, Articles 33, 92-96 of the UN Charter
- 10.5 Diversity of tribunals: PCA, ICJ, ICAO, ICSID, WTO, WIPO, Law of the Sea Tribunal
- 10.6 Organising international litigation – *Nauru* (applicant) – *Atlantique* (respondent) – issues of jurisdiction, admissibility, evidence of liability formulation of claims, organizing human resources and logistics
- 10.7 Contribution of ICJ to (a) the development of international law and (b) peaceful settlement of disputes (e.g. *Continental Shelf* cases, *Nauru* case).

References:

1. Brownlie, Ian, *Principles of Public International Law*, Fourth Edition, Oxford: Clarendon Press, 1990.
2. Harris D.J. ed. *International Law: Cases and Materials*, Sixth Edition, Thomson/Sweet & Maxwell, 2004.
3. Modi V.S., *Basic Principles of Modern International Law*, Lancer Books, New Delhi, 1993.
4. Sir Robert Jennings and Sir Arthur Watts, *Oppenheim's International Law, Vol. 1*, Ninth Edition, London: Longman, 1992.
5. M.N. Shaw, *International Law*, Fourth Edition Cambridge: Cambridge University Press, 1997.
6. Starke, *International Law*, Ivan Shearer, Eleventh Edition, London: Butterworths, 2006.

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NIRMA UNIVERSITY
INSTITUTE OF LAW
B.Com.,LL.B. (Hons.) and B.A.,LL.B (Hons.) Programme
Academic Year 2014-15
Semester II
Quantitative Techniques for Decision Making

Credit:4
Hours: 60

Introduction

Quantitative Techniques deals with collection, summarizing and analyzing of data. It aims at converting data into information which will help us to make conclusions. The objective of this course is to acquaint the students with various statistical tools and techniques used for business decision making. The course aims at providing fundamental knowledge and exposure to the students to use various statistical methods in order to understand, analyze and interpret data for decision making.

Course Learning Outcomes(CLO):

On completion of the course, students are expected to be conversant with the following: -

- Summarizing and interpreting data.
- Demonstrating an understanding of statistical methods used in decision-making.
- Application of statistical models for estimation and forecasting.
- Analyzing statistical data using Microsoft Excel.

I: Introduction:

- Concept, Scope, Nature and Importance and limitations of statistics
- Functions of statistics, Distrust of statistics, Misuse of statistics
- Planning of statistical enquiry, Collection of data, Editing of statistical data
- Classification and Tabulation of data, Census and Sample investigation.

II: Measures of Central Tendency:

- Arithmetic average, Weighted mean, Mode, Median and Geometric mean, Weighted geometric mean
- Uses of various averages and Limitations of averages.

III: Dispersion and Skewness:

- Concept of Dispersion
- Methods of measuring dispersion, Quartile deviation, Mean deviation and Standard deviation

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- Coefficient of variation
- Coefficient of skewness - Karl Pearson's and Bowley's.

IV: Index Numbers:

- Meaning and uses of index numbers
- Methods of constructing index numbers- Simple, Aggregate method, Weighted aggregate methods, Fisher's ideal method.

V: Correlation and Regression Analysis:

- Concept and Importance of correlation
- Types of correlation, Co-efficient of correlation method by Karl Pearson's, Spearman's and Concurrent deviation
- Regression – Meaning, use, Difference between correlation and regression.

VI: Probability Distribution:

- Binomial, Poisson, Normal Distributions

VII: Sampling, Test of Hypothesis:

- Principles of Sampling, Methods of Sampling
- Procedure of Hypothesis Testing, Type I and Type II Errors
- Parametric and Non Parametric Testing – Z-test, t-test, chi-square test, F-test

References:

- Black, Ken (2010). *Business Statistics for Contemporary Decision Making*; 5th Edition, Wiley India.
- Davis, Glyn and Pecar, Branko (2010). *Business Statistics Using Excel*; Oxford University Press, UK.
- Anderson, David R; Sweeney, Dennis J; Williams, Thomas J (2001). *Statistics for Business and Economics*; 9th Edition; Cengage Learning.
- Levin, Richard I and Rubin, David S (1990). *Statistics for Management* 7th edition; Pearson Education, India.
- Pratt, John W; Raiffa, Howard; and Schlaifer, Robert (2009). *Introduction to Statistical Decision Theory*, PHI India.

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NIRMA UNIVERSITY
INSTITUTE OF LAW
B.Com., LL.B. (Hons.) and B.A., LL.B (Hons.) Programme
Academic Year 2014-15
Semester II
Quantitative Techniques for Decision Making



Credit: 4
Hours: 60

Introduction

Quantitative Techniques deals with collection, summarizing and analyzing of data. It aims at converting data into information which will help us to make conclusions. The objective of this course is to acquaint the students with various statistical tools and techniques used for business decision making. The course aims at providing fundamental knowledge and exposure to the students to use various statistical methods in order to understand, analyze and interpret data for decision making.

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- Summarizing and interpreting data.
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- Application of statistical models for estimation and forecasting.
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- Functions of statistics, Distort of statistics, Misuse of statistics
- Planning of statistical enquiry, Collection of data, Editing of statistical data
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- Arithmetic average, Weighted mean, Mode, Median and Geometric mean.
Weighted geometric mean
- Uses of various averages and Limitations of averages.

III: Dispersion and Skewness:

- Concept of Dispersion
- Methods of measuring dispersion, Quartile deviation, Mean deviation and Standard deviation.

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- Coefficient of variation
- Coefficient of skewness - Karl Pearson's and Bowley's.

IV: Index Numbers:

- Meaning and uses of index numbers
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V: Correlation and Regression Analysis:

- Concept and Importance of correlation
- Types of correlation, Co-efficient of correlation method by Karl Pearson's, Spearman's and Concurrent deviation
- Regression - Meaning, Use, Difference between correlation and regression.

VI: Probability Distribution:

- Binomial, Poisson, Normal Distributions

VII: Sampling, Test of Hypothesis:

- Principles of Sampling, Methods of Sampling
- Procedure of Hypothesis Testing, Type I and Type II Errors
- Parametric and Non Parametric Testing, - Z-test, T-test, chi-square test, F-test

References

- Black, Ken (2010). *Business Statistics for Contemporary Decision Making*, 5th Edition, Wiley India.
- Davis, Glyn and Peers, Branko (2010). *Business Statistics Using Excel*, Oxford University Press, UK.
- Anderson, David R; Sweeney, Dennis J; Williams, Thomas J (2001). *Statistics for Business and Economics*, 9th Edition, Cengage Learning.
- Levin, Richard I and Rubin, David S (1990). *Statistics for Management* 7th edition, Pearson Education, India.
- Pratt, John W; Raiffa, Howard; and Schlaifer, Robert (2019). *Introduction to Statistical Decision Theory*, PHI India

- **NIRMA UNIVERSITY**
Institute of Law
B.A.,LL.B. (Hons.), B.Com, LL.B. (Hons.) and B.B.A., LL.B. (Hons.)
Academic Year 2017-18
Semester X
Seminar Course

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|---------------------|------------------------|
| Course Code | 2OC1019 |
| Course Title | Real Estate Law |

Course Learning Outcomes (CLO):

At the end of the course, students will be able to –

1. Critically analyse the policy issues in real estate law &
2. Apply the drafting skill to prepare typical closing documents for a purchase and sale transaction.

Syllabus:

Contact Hours: 30 hours

Unit I. Real Estate Development and Design **06 Hours**

- 1.1 Urban Policy and Development Regulation
- 1.2 Land Acquisition and Management
- 1.3 Town and country planning Act
- 1.4 Agriculture & NA Land Deals
- 1.5 Contract Administration and Procedural Aspects
- 1.6 Municipalities and local bodies act
- 1.7 Laws relating to environmental quality and infra structure development.
- 1.8 Formation of Co-Op Housing Society

Unit II Real Estate Finances& Funds **16 Hours**

- 2.1 Financial Institutions - Govt., Semi Govt. & Private
- 2.2 International Property Consultants
- 2.3 Private Equity Firms
- 2.4 Asset Management Firms
- 2.5 Institutional Investment Firms
- 2.6 Banks & Financial Institutions
- 2.7 Fund Administration & Trust Services
- 2.8 Professional Services & Investment Management Firms
- 2.9 REITs
- 2.10 Real Estate Valuation

Unit III Investment & Regulatory Framework **08 Hours**

- 3.1 Documents & Procedure in Property Transfer
- 3.2 Real Estate Regulation and Development Act, 2016

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w.e.f. academic year 2017-18 and onwards

- 3.3 Benaim Transactions
- 3.4 PPP in Real Estate
- 3.5 FDI in Real Estate Sector
- 3.6 Competition Regulation in Realty Sector

Suggested Readings:

1. Lefcoe George. (2009). *Real Estate Transactions, Finance and Development*. California: California Academic Press
2. Peiser Richard & Frej Anne. (2003). *Professional real estate development The ULI guide to the business*, Washington: Urban Land Institute
3. Natarajan K. & Nedunchezhiyan B. (2016). *Indian Real Estate Law*. Chennai: Notion Press 2016



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w.e.f. academic year 2017-18 and onwards

NIRMA UNIVERSITY
Institute of Law
B.A., LL. B (Hons), B. Com., LL. B (Hons) and B.BA., LL.B. (Hons.)
Academic Year - 2017-18
Semester X
Seminar Course

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| Course Code | 2OC1017 |
| Course Title | Refugee Law |

Course Learning Outcomes (CLO):

At the end of the course, students will be able to -

1. Appreciate & discuss the International framework for Refugee and asylum related issues.
2. Evaluate improvements, discern ambiguities and identify contradictions in the Refugee Regime at International ,Regional and National level;
3. Analyse and appraise Refugee policies and practices at the international and national levels;

Syllabus:

Contact hours: 30

Unit: I Introduction to Refugee Law 5 Hours

- 1.1 History of Population movements: migrants, immigrants, internally displaced Persons and refugees.
- 1.2 Origin and development of refugee principles
- 1.3 Theories of migration and emergence of forced displacement and forced migration
- 1.4 Evolution of refugee status in International Law
- 1.5 Interrelationship between National and International protection and summation.

Unit: II International framework for Refugee Protection 7 Hours

- 2.1 Universal protection and concept of Refugee protection
 - 2.1.1 Non- Refoulement
 - 2.1.2 Asylum
 - 2.1.3 Non-discrimination
 - 2.1.4 Family Unity
 - 2.1.5 Right to leave a country
 - 2.1.6 Non-penalization of Refugees for unlawful entry and presence

w.e.f. Academic Year 2017-18 and onwards

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- 2.2 The 1951 Geneva Convention
 - 2.2.1 Alienage
 - 2.2.2 Persecution
 - 2.2.3 Five grounds: Race, Religion, Nationality, Social Group and political opinion.
 - 2.2.4 Cessation of Refugee Status
- 2.3 Access to Territory and Protection at Sea.
- 2.4 Nansen passport (League of Nations)
- 2.5 UN Charter, IRO, UDHR, and IOM
- 2.6 ICCPR
- 2.7 UNHCR and ICRC
- 2.8 United Declaration on Territorial Asylum, 1967
- 2.9 International Humanitarian Law
- 2.10 Other forms of International Protection

Unit: III Regional Framework for Refugee Protection 3 Hours

- 3.1 OAU Convention Governing the Specific aspects of Refugee problems in Africa, 1969
- 3.2 Refugee and IDPs protection in America
- 3.3 Refugee protection in Europe
- 3.4 Refugee protection in Asia

Unit: IV Refugee Protection in SAARC and South Asian Approach 2 Hours

- 4.1 Refugee populations in South Asia
- 4.2 TWAAIL approach to Refugee law
- 4.3 Regionalization of Refugee Convention 1951
- 4.4 Refugee regime in the SAARC context

Unit: V Protection of Internally displaced persons (IDPs), Statelessness and Other forms of Refugee 3 Hours

- 5.1 Internally displaced persons (IDPs) and UN Guideline on IDPs 1998
- 5.2 Kampala Convention on IDPs
- 5.3 Rights of Stateless persons and problems of stateless
- 5.4 The concept of Temporary Protection
- 5.5 Readmission agreement, Cooperation and responsibility-sharing

Unit: VI Refugee Status Determination Procedures and its Dynamics 5 Hours

- 6.1 Procedural Access and Aspects of Refugee status determination: the principle of confidentiality, burden and level of proof, establishment of credibility, the benefit of doubt
- 6.2 International Human Rights Requirements related to Asylum procedure



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w.e.f. Academic Year 2017-18 and onwards

- 6.3 Responsibility: Dublin system, safe third country, minimum standards for normal Procedure
- 6.4 Harmonization of 1951's Geneva Convention Refugee definition
- 6.5 Safe country of origin, minimum reception of standards conditions

Unit: VII Contemporary Issues in Refugee Law and its Future 3 Hours

- 7.1 International Refugee law and strategies towards interpretative harmony, Individual risk, armed conflict and standard of proof in complementary protection claims
- 7.2 UNHCR and purposive approach to treaty interpretation
- 7.3 Asymmetrical Sovereignty and the Refugee: Diplomatic assurance and failure of due process
- 7.4 Fragmented nature Refugee Regime and its consequences

Unit: VIII Indian Approach to Refugee Problems 2 Hours

- 8.1 Implementation of International Refugee Law – National, Bilateral and international Measures & State obligations, and India.

Suggested Readings:

1. Ahmad, Nafees. (2015). *Contemporary Challenges for International Refugee Law*. South Asia Monitor
2. Chimani, BS. (2000). *International Refugee Law: A Reader*. New Delhi: Sage publications.
3. Gill-Goodwin et.al (2007). *The Refugee in International Law*. Oxford: oxford University Press.
4. Shacknove, A. (1985). "Who is Refugee". *95 Ethics*, 274-284.
5. Hathway, James C. (2005). *The rights of Refugee under International Law*. Cambridge: Cambridge Uni. press.
6. Hathway, James C. (1984). *The Evolution of Refugee Status in International Law: 1920—1950*. *International and Comparative law Quarterly*, vol.33 at 348-380

L= Lecture, T= Tutorial, P= Practical, C= Credit

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w.e.f. Academic Year 2017-18 and onwards

NIRMA UNIVERSITY
INSTITUTE OF LAW

B.A. LL.H. (Hons.) Programme

Academic Year 2018-19

Semester - VIII

Honours Course IV (Constitutional Law Group)

RIGHT TO INFORMATION

Teaching: 30 Hours

Syllabus

1. Origin and development of Right to Information

1.1. Doctrine of 'right to know'

1.2. Origin of right to information

1.3. The Right to information - Fundamental Right

1.4. Development of right to know

1.5. The Government Privilege to withhold Disclosure of Documents

1.6. The Freedom of Information Act, 2002

2. Introduction of Right to Information

2.1 Preamble of the Right to Information Act, 2005

2.1 Scope and limitations of the Act

2.2.1 Act not to apply to certain organisations

2.2.2 Act to have overriding effect

2.2.3 Bar of jurisdiction of courts

2.3 Public authority

3. Right to Information

3.1 Meaning of 'information' and 'right to information'

3.2 Obligations of public authorities

3.3 Designation of Public Information Officers

3.4 Request for obtaining information

3.5 Disposal of request

3.6 Exemption from disclosure of information

3.7 Grounds for rejection to access in certain cases

3.8 Third party information

4. The Central Information Commission
 - 4.1 Constitution of Central Information Commission
 - 4.2 Term of office and conditions of service
 - 4.3 Removal of Information Commissioner
 - 4.4 Powers and functions of Information Commissions
5. The State Information Commission
 - 5.1 Constitution of State Information Commission
 - 5.2 Term of office and conditions of service
 - 5.3 Removal of State Information Commissioner
 - 5.4 Powers and functions of Information Commissions
6. Appeal against the order of Public Information Officer
7. Penalties in case information not issued in stipulated time
8. Monitoring and Reporting
9. Right to privacy vs. right to information
 - 9.1 The Official Secret Act, 1923
 - 9.1 Right to Information conflict with Right to Privacy
10. Right to information and Good Governance

Suggested Readings:

- Das P.K. : *Handbook on Right to Information Act, 2005*, Universal Publication, New Delhi
- Nagarajan P.S. : *Right to Information and Law*, Gogia Law House, Hyderabad
- Jain K.K. : *Right to Information*, Regal Publication New Delhi
- Prof. (Dr.) SV Joga Rao : *Law Relating to Right to Information*, Pentagon Press
- *Right to Information*, Vnigu Publication Almedabad
- Saini PK & Gupta RK : *Right to Information Act, 2005*, Deep and Deep Publication, New Delhi
- Sathie SP : *Right to Information*, LexisNexis : Butterworths
- Dr Srivastva : *Right to know versus Governmental Secrecary*

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Nirma University
Institute of Law
B.A.,LL.B. (Hons) and B.Com.,LL.B. (Hons) Programme
Academic Year 2018-19
Semester VIII
Constitutional Law Honours Course V

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| Course Code | 2CCL833 |
| Course Title | Service Law |

Course Learning Outcome (CLO):

At the end of the course, students will be able to:

1. Evaluate the contractual relationship of employment.
2. Evaluate the legality of the procedure of employment.
3. Apply the principles of natural justice while dealing with the rights and obligations arising out of the employment relationship.

Syllabus

Teaching Hours: 45

| | | |
|------------------|---|-----------------|
| Unit: I | Introduction : Employment Relationship | 01 Hours |
| Unit: II | Constitutional Provisions | 03 Hours |
| 2.1 | Scope | |
| 2.2 | Constitutional & Statute Guarantees | |
| 2.3 | Illegal Decision of Screening Committee & Recruitment Rules | |
| 2.4 | Promissory Estoppel | |
| 2.5 | Discussion on Articles and Constitution | |
| 2.6 | Change of Rules prospective & retrospective | |
| 2.7 | Power of President under Article 309 | |
| 2.8 | Executive Instructions | |
| Unit: III | Ambit of Rules and Administrative Instruction | 03 Hours |
| 3.1 | Source of statutory rules | |
| 3.2 | Nature of statutory rules | |
| 3.3 | Amendment of statutory rules- extent of application | |
| 3.4 | Policy decision and statutory rules | |

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w.e.f. academic year 2018-19 and onwards

- 3.5 Validity of administrative directions
- 3.6 Interpretation of rules
- 3.7 Relaxation of rules
- 3.8 Interpretation of repeal and savings clause
- 3.9 Judicial review of statutory rules and administrative directions

Unit: IV Recruitment and Selection

03 Hours

- 4.1 Recruitment and Appointment
- 4.2 Nature of power of appointment
- 4.3 Conditions of regular appointment
- 4.4 Process of Recruitment
- 4.5 Sources of Recruitment
- 4.6 Application for recruitment
- 4.7 Eligibility and Qualification
- 4.8 Publication
- 4.9 Nexus with requirements
- 4.10 Interpretation of requisite qualifications
- 4.11 Recruitment in terms of qualifications
- 4.12 Power to relax
- 4.13 Date of requisite qualification
- 4.14 No relation back

Unit: V Appointment

03 Hours

- 5.1 Source of appointment
- 5.2 Date of appointment
- 5.3 Appointing authority
- 5.4 Legal character of appointment
- 5.5 Tenure of office
- 5.6 Tenure dependent on nature of post
- 5.7 Generally prospective
- 5.8 Compliance with conditions precedent
- 5.9 Nature of appointment
- 5.10 Compassionate appointment
- 5.11 Illegal, invalid and irregular appointments
- 5.12 Terms and conditions
- 5.13 General Conditions of Service
- 5.14 Cancellation of appointment
- 5.15 Judicial Review

Unit: VI Evaluating Performance

03 Hours

- 6.1 Performance records
- 6.2 Competent authorities
- 6.3 Adverse remarks
- 6.4 Action on adverse remarks
- 6.5 Natural justice not applicable

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w.e.f. academic year 2018-19 and onwards

- 6.6 Communication of adverse remarks
- 6.7 Action during pendency of representation
- 6.8 Exemption of adverse remarks
- 6.9 Extent of judicial review
- 6.10 Adverse remarks and promotion
- 6.11 When adverse remarks inconsequential

Unit VII: Probationer and Confirmation

03 Hours

- 7.1 Probationary appointment
- 7.2 Confirmation
- 7.3 Termination of Probationer's service

Unit VIII: Transfer and Seniority

05 Hours

- 8.1 Change of place of employment
- 8.2 Implied condition
- 8.3 Power to be exercised according to rules
- 8.4 *Bona fide* exercise of power
- 8.5 State's not to be affected
- 8.6 Personal hardships
- 8.7 Seniority not relevant
- 8.8 Transfer and suspension
- 8.9 Equivance of transfer not relevant
- 8.10 Natural justice not applicable
- 8.11 Cancellation of transfer
- 8.12 Judicial review
- 8.13 Compliance with order
- 8.14 Seniority vis-à-vis existing employees
- 8.15 Additional Remuneration
- 8.16 Preference in position
- 8.17 Fixation of seniority
- 8.18 General principles
- 8.19 Length of service
- 8.20 Computing length of service
- 8.21 Principles other than length of service
- 8.22 Intar se seniority of requests from two or more sources
- 8.23 Merger and integration
- 8.24 Gradation or Seniority list
- 8.25 Delay in challenging or determining seniority
- 8.26 Delay in challenging or determining seniority
- 8.27 Consequences of quashing gradation list
- 8.28 Parties to proceedings

w.e.f. academic year 2018-19 and onwards

Unit: IX Promotion and Deputation

05 Hours

- 9.1 Advancement to higher position
- 9.2 Valid rules and norms
- 9.3 Provisions for promotion must exist
- 9.4 Conditions governed by contract, rules, instructions etc.
- 9.5 Different kinds of promotions
- 9.6 Source of recruitment
- 9.7 Right to promotion
- 9.8 How far a condition of service
- 9.9 Obligation to consider
- 9.10 Delay in promotion
- 9.11 Bar to promotion
- 9.12 Reservation and promotion
- 9.13 Erroneous promotion
- 9.14 Judicial review of promotional process
- 9.15 Deputation to another department
- 9.16 No right to absorption
- 9.17 Promotion in parent department
- 9.18 Reversion to parent department
- 9.19 Disciplinary control over deputationist

Unit: X Disciplinary Proceedings

08 Hours

- 10.1 Disciplinary proceedings: Features and elements
- 10.2 Initiation to conclusion generally governed by rules
- 10.3 Amenable to disciplinary proceedings
- 10.4 Disciplinary authority
- 10.5 Preliminary Enquiry
- 10.6 Initiation of disciplinary proceedings
- 10.7 Initiation must be for misconduct
- 10.8 Disciplinary proceedings after retirement
- 10.9 No punishment after retirement
- 10.10 Departmental proceeding after acquittal or conviction in criminal cases
- 10.11 Amendment of rules during pendency of proceedings
- 10.12 Resumption of disciplinary proceedings
- 10.13 Delay in concluding a departmental enquiry
- 10.14 Parallel criminal proceedings
- 10.15 Delay in concluding disciplinary proceedings
- 10.16 Rules of evidence
- 10.17 Standard of proof
- 10.18 Procedure must be consistent with natural justice
- 10.19 Finding of guilt based on finding of civil court
- 10.20 Exercise of powers by disciplinary authority
- 10.21 Enquiry officer and his function
- 10.22 Joint Enquiry
- 10.23 Report of the enquiry officer
 - (a) Recommendation

w.e.f. academic year 2018-19 and onwards

- (b) Clear and definite findings
- (c) Proof of service of enquiry report
- (d) Perversity
- (e) Violation of rules
- 10.24 Disciplinary authority disagreeing with enquiry officer
- 10.25 De novo or second enquiry
- 10.26 Enquiry against a deceased employee
- 10.27 Imposition of major & minor penalty
- 10.28 Conclusion of Departmental Proceedings
- 10.29 Right to appeal
- 10.30 Revision and natural justice
- 10.31 Grounds of Judicial Review
- 10.32 Departmental Enquiry and Natural Justice

Unit XI Compulsory and Permanent Retirement 05 Hours

- 11.1 Retirement directed by employer
- 11.2 Prior opportunity for representation not necessary
- 11.3 Express conferment of power
- 11.4 Constitutionally valid rule
- 11.5 Application to substantive appointees
- 11.6 Basis of reappointment
- 11.7 Provision for specified age and specified period of service
- 11.8 Conditions precedent
- 11.9 Opinion on relevant materials
- 11.10 Materials must have nexus with public interest
- 11.11 Belief of the employer - documentary proof
- 11.12 Review Committee
- 11.13 Judicial Review
- 11.14 Order by competent authority
- 11.15 Considering uncommunicated adverse remarks
- 11.16 Premature retirement and punishment

Suggested Readings:

1. Malhotra L.C. (1998). *Dismissal, Discharge, Termination of Service and Punishment*. Allahabad: Universal Book Agency.
2. Justice Jais Ram M. (1987). *Services under the State New Delhi: LL*
3. P.S. (1998). *The Law relating to Public Service*
4. Goyal K. *Administrative Tribunals Act 1985* (1987), New Delhi Eastern Book Company.
5. Mishra R.K. (1990). *Rules and Orders Relating to Government Servants and their Dismissal* Allahabad: University Book Agency.
6. Sharma and Narda. (1997). *Bairi's Guide on Service Rules*. Delhi: Bahri Brothers.

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Academic year 2018-19 and onwards

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NIRMA UNIVERSITY
INSTITUTE OF LAW
B.A., LL.B. (Hons.) Programme
Academic Year 2011-12
Semester – X

SPORTS LAW
(Optional Course II)

Introduction and Objectives

The Sporting World has been plagued by scandals and controversies in the past few decades. The Olympic Games Bidding Scandal, the recent IPLscam and allegations of sexual harassment by the Indian Women's Hockey Team have rocked the nation. From six gold medals in a row from 1928 to 1956, the Indian Hockey team hit an all time low failing to qualify for the 2008 Olympics. This incident exposed the maladministration and insularity of a defective system that drained our resources. Even the Gentleman's Game Cricket has been marred by match fixing and payment from bookies. All these incidents expose the dark side of a highly competitive world.

The mechanism of the economics of the sporting world was taken up by Simon Rottenburg in his seminal work on professional sports. He analysed professional sports with the paradigms applicable to any other economic activity and came to some brilliant conclusions. He defined the sporting competition as a joint product and a collective effort of a number of factors. He said that no single sporting team or player could offer an interesting and independent product of value in sports. Thus a sporting spectacle required a Competitive Balance and the ordinary rules applicable to a pure market had to be modified here. Even though competition was the core value that promoted sports, one needed Competitive Balance or Equality of competitors to some degree for the success of the event. Revenue was generated by the excitement offered by teams more or less evenly matched. Thus the principle that public interest is best served by the unrestrained free markets did not apply here. The second pillar on which the sporting world thrived was the unpredictability of outcome. These two factors defined the mechanism on which sporting industry worked.

I. Introduction to Sports

- Definition of Sports
- History of Sports – The origin and development of Individual sports
- Sports culture in India
- Classification
- Sports Psychology



2. State and Sports Law

- Sports and Indian Constitution
- Organisation and Functions of The Ministry of Youth Affairs and Sports
- Functions of National Sports Federations
- The Indian Olympic Association (IOC)
- The National Sports Policy, 2001

3. Gender Discrimination in sports

- Women and sports in India
- International Scenario – UNESCO – The International Olympic Committee –
- Depiction of women by the media
- The Problem of Indian Origin versus Indian Citizenship –
- Gender Testing and Human Rights

4. The Legal Regulation of Drugs in Sports

- World Anti Doping Agency
- National Anti Doping Agency
- Sanctions under doping in sports
- National Doping Laboratory

5. Sports as Business

- Commercialisation of Sports – BCCI and IPL, ICC
- Competition Law and Sports
- Betting in Sports – Law related to Gambling in India – should sports betting be legalised – Betting in Cricket

6. Sports Contracts

- Law of Contract and sports – Kinds of Sports Contracts
- Sports Related Contracts of Employment – Formation and capacity to contract- work permits- protection of minors
- Labour and Contractual Issues in Sports – Contract of Service and Contract for Service – Master Servant or Principal Agent relationship – Formation of Unions- Transfer of players – Termination of a Sports Contract

7. Dispute Resolution in Sports – Arbitration and other ADR methods

- Governing Bodies – Court of Arbitration for Sports (CAS)
- Dispute Resolution on field
- Internal Disciplinary Procedure
- Type of ADR in Sports – Arbitration – Mediation – Sports ombudsman- Expert determination- Good offices- Negotiation- Conciliation
- Indian Arbitration and Conciliation Act, 1996 and Sports

- Enforcement of An Arbitration Award

8. Violence in Sports and Sports Injuries

- Criminal Liability in Sports- Indian Penal Code and sports
- Civil Liability in Sports Injuries- Negligence in sports – Voluntary Assumption of Risk
- Liability of persons Associated with sports – Liability of officials – Liability of Organisers

9. Intellectual Property Rights and Sports Broadcasting

- Ambush Marketing – Categories , Sponsorship and Endorsements – Commonwealth Games and Intellectual Property – Player endorsement and Image rights- Sports Merchandising – Brand Protection
- Sports Broadcasting – Methods of Sports Broadcasting – Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act 2007 – Broadcasting of sporting events of National Importance
- International Broadcasting Legislation - Overspill in Broadcasting and revenue Losses
- News Reporting and sports reporting

10. Taxation and Sports

- Sports and Income Tax Act, 1961 – Types of Taxation
- Withholding of Tax (Deduction of Tax at Source) – Salary – Interest – Dividends- Winning from Lottery or Crossword puzzles – Winning from horse race – payments to non-resident sportsmen or sports associations – commission or brokerage – fees for professional or technical services
- India's Double Taxation Avoidance Agreement (DTAA)

References:

- Mudgal Mukul, Law and Sports in India – Developmental Issues and Challenges, Lexis Nexis-Butterworths Wadhwa, Nagpur, 2011
- Anderson Jack, Modern Sports Law, Hart Publishing- Oxford and Portland, Oregon, 2010

NIRMA UNIVERSITY

INSTITUTE OF LAW

Academic Year 2015-16

Statutory Interpretation and Legislative Drafting

SEMESTER VI

B.A., LL.B. (Hons.), B.COM., LL.B. (Hons.), B.B.A., LL.B. (Hons.)

Credit :5

Hours : 75

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Introduction

Legislation is the major source of law in the modern era. It recognizes rights and duties. In case of disputes between individuals regarding their interests recognized through legislation, they knock the door of the courts. Here the Courts play an important role in applying the law to the life of individuals through the means of interpretation. Though, the statutes remain same for application and reference for the courts yet there may be possibility of difference of opinion as to the meaning of the words used in the language of the statutes. In order to maintain uniformity in the process of discovering meaning of the words, various rules for interpretation of statutes have been evolved with the passage of time. Accordingly, the content of the course has been designed with a view to introduce the students with the rules of interpretation of statutes.

Course Learning Outcomes:

At the end of the course, the students will be able to

1. Understand the various statutes through the rules
2. Analyse and interpret the various statutes through the rules
3. Develop skills of drafting a statute

Unit 1: Principles of Legislation

1.1. Law-making - the legislature, executive and the judiciary

1.1 Principles of Legislation

1.2. Principle of utility

1.3. Relevance of John Rawls and Robert Nozick - individual interest to community interest.

1.4. Operation of these principles upon legislation

1.5. Distinction between morals and legislation

Unit: 2. Interpretation of Statutes

- 2.1. Meaning of the term 'statutes'
- 2.2. Commencement, operation and repeal of statutes
- 2.3. Purpose of interpretation of statutes.

Unit: 3. Aids to Interpretation

3.1. Internal aids

- 3.1.1. Title
- 3.1.2. Preamble
- 3.1.3. Headings and marginal notes.
- 3.1.4. Sections and sub-sections
- 3.1.5. Punctuation marks.
- 3.1.6. Illustrations, exceptions, provisos and saving clauses
- 3.1.7. Schedules
- 3.1.8. Non-obstante clause.

3.2. External aids

- 3.2.1. Dictionaries
- 3.2.2. Translations
- 3.2.3. Statutes in pari materia
- 3.2.4. Contemporanea Exposito
- 3.2.5. Debates, inquiry commission reports and Law Commission reports

Unit: 4. Rules of Statutory Interpretation

4.1 Primary Rules

- 4.1.1. Literal rule
- 4.1.2. Golden rule
- 4.1.3. Mischief rule (rule in the Heydon's case)
- 4.1.4. Rule of harmonious construction

4.2. Secondary Rules

- 4.2.1. Noscitur a sociis
- 4.2.2. Eiusdem generis
- 4.2.3. Reddendo singula singulis.

Unit: 5. Presumptions in statutory interpretation

- 5.1. Statutes are valid
- 5.2. Statutes are territorial in operation
- 5.3. Presumption as to jurisdiction
- 5.4. Presumption against what is inconvenient or absurd
- 5.5. Presumption against intending injustice
- 5.6. Presumption against impairing obligations or permitting advantage from one's own wrong.

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Unit: 6. Maxims of Statutory Interpretation:

- 6.1. Delegatus non potest delegare
- 6.2. Expressio unius exclusio alterius
- 6.3. Generalia specialibus non derogant
- 6.4. In pari delicto potior est conditio possidentis
- 6.5. Utres valet potior quam pareat
- 6.6. Expressum facit cessare tacitum
- 6.7. In bonam partem

Unit: 7. Interpretation with reference to the subject matter and purpose

- 7.1 Restrictive and beneficial construction
 - 7.1.1. Taxing statutes
 - 7.1.2. Penal statutes
 - 7.1.3. Welfare legislation
- 7.2. Interpretation of substantive and adjunctival statutes
- 7.3 Interpretation of directory and mandatory provisions
- 7.4 Interpretation of enabling statutes
- 7.5 Interpretation of codifying and consolidating statutes
- 7.6 Interpretation of statutes conferring rights
- 7.7. Interpretation of statutes conferring powers.

Unit: 8. Principles of Constitutional Interpretation


- 8.1. Harmonious construction
- 8.2. Doctrine of pith and substance
- 8.3. Colourable legislation
- 8.4. Ancillary powers
- 8.5. "Occupied field"
- 8.6. Residuary power
- 8.7. Doctrine of repugnancy

Unit 9: Legislative Drafting

- 9.1 Forms of Legislative Drafting
- 9.2 Ideals of drafting
- 9.3 Part of Statute/Act
- 9.4 Maxims and general rule of interpretation
- 9.5 Significance of General Clauses Act 1897 in legislative drafting

References:

- Bakshi P.M., *Interpretation of Statutes*, (Allahabad:Orient Publishing Company) 2008.
- Rao M.N. and Dhanda Amita, *N.S.Bindra's Interpretation of Statutes*, (Delhi:

 
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- Lexis Nexis) 2007.
- Singh G.P., *Principles of Statutory Construction*, (Nagpur: Lexis Nexis) 2010.
 - P.St. J. Langen, *Maxwell on Interpretation of Statutes*, (New Delhi: Lexis Nexis) 2006.
 - Law Commission of India, 183rd Report : on A continuum on the General Clauses Act, 1897 with special reference to the admissibility and codification of external aids to interpretation of statutes.
 - William N. Eskridge, *Principles of Statutory Interpretation*, Universal Publishing, 2009.
 - Maitra Neelanjana, *Intertextualism as a Method of Constitutional Interpretation*, Indian Bar Review, Vol. XXIX(1), 2002.
 - Thornton, *Legislative Drafting*, Bloomsbury Professional, 5th Edition, 2013
 - Franic. A Benion, *Benion on Statutory Interpretation*, Lexis Nexis, 2008.
 - Sarathi V.P., *Interpretation of Statutes*, 4th Edition, ICFAI University Press, 2010.
 - Ravindran Mridula R. *Basic Principles of Statutory Interpretation*, available at <http://legal-articles.deysot.com/criminal-law/basic-principles-of-statutory-interpretation.html>
 - *Interpretation of Criminal Statutes*, Heinonline, 6 J.Crim. L. 78, 1942.
 - Chakraborty Nirmal Kanti, *Principles of Legislation and Legislative Drafting*, (R. Cambay and Co.) 2011.

**NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year: 2016-17**

**Taxation Law-I
(Direct Taxation)
Semester VII**

B.A., LL.B. (Hons.), B.Com. LL.B. (Hons.) and B.B.A., LL.B. (Hons.)

**Credit: 4
Hours: 60**

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Introduction:

Power to tax had been described as the power to destroy. This idea is being floated often whenever the state introduces a new tax. Is this true? Is it not necessary that in order to raise revenue and place the economy on solid foundation, the taxing power should be conferred on the state? The power to tax shall not go unregulated. In the context of a federal structure the distribution of the taxing powers assumes added significance. Obviously, a study of the constitutional framework on taxation becomes important. Along with this, an analysis of the different laws enacted in exercise of these powers with their safeguards and remedies sheds light on the mechanics of the taxation by the Union and the States.

Course Learning Outcome

At the end of the semester, the students will be able: -

1. To analyse the direct taxation laws and policies in India and how it affects our country
2. To gain knowledge about the procedural aspects of direct taxes.
3. To gain knowledge about the practical aspects of direct taxes and its applicability.

Syllabus

1. Introduction

Tax base and concept of income; Tax ideologies/theories of its limitation; Fully and partly exempted income; Tax incentives; Choice of accounting methods; Law of Natural Justice and Interpretation of Statutes; Constitution of India and Tax Laws

2. Assessment Procedure

Assessment function and Accounting Method; Collection function; Structure of Income tax administration; Offices under income Tax Act; Tax Payers right and rewards.

3. Heads of Income

Income from salary; Income from house property; Income from profits and gains of business or profession; Income from capital gains tax, Other income; Types of companies vis-à-vis taxation; Taxation of corporation

4. Taxation and Set off Losses

Taxation of dividends; Set off and carry forward and Set off Loss; Specific deduction; Ploughing back of tax policy

5. Audit

Provisions regarding compulsory Audit; Audit Report under Section 44 AB; In which cases compulsory Audit is required; Penalty provisions under Section 271 B; Sales Turnover for the purpose of Tax Audit

6. Knowledge and Limitation

Provisions regarding intimation under section 143(1); Circumstances when acknowledgement treated as deemed intimation; Time limit for issue of intimation

7. Taxation and Mergers

Merger & Amalgamation; Taxation provisions for Merger & Amalgamation; Recent Case Laws

8. Best Judgment and Advance Ruling

Best Judgment assessment; Special provisions relating to tax avoidance; Dispute Settlement; Advance ruling authority

9. Advance Payments and Case Laws

Provisions in respect of T.D.S.; Advance Payment of Tax; Case Laws; Problems; Study of Union Budgets for last two years

10. Direct Tax : Overview

References :

1. Vinod K Singhania & Kapil Singhania, Direct taxes law & practice, Taxmann, 2015.
2. Kanga, Palkhivala & Vyas, Tax Law and Practice of Income Tax (in 2 vols). Lexis Nexis, 2014.
3. K B Bhatnagar, Direct Taxes Digest (1922 - 2011) - Covering Cases Decided by the Supreme Court, High Courts and Income Tax Appellate Tribunals (Set of 5 Volumes), Lexis Nexis, 2011.
4. Dr. Girish Ahuja & Dr. Ravi Gupta, Direct Taxes Law & Practice, Bharat Law House Pvt. Ltd., 2015
5. B B Lal, Direct Taxes, Pearson Education(singapore) Pte. Ltd., 2007
6. Dr. P V Ramana Rao, Dr. A Srinakar, Dr. S Krishniah Goud, Elements of Income Tax, National Publishing House
7. Gaur & Narang, Income Tax Law & Practice, Kalyani Publishers, 2015.
8. Hariharan, Income Tax Law and Practice, Tata McGraw Hill, 2010
9. Nitin Vashisht & B B Lal, Income Tax and Central Sales Tax, Pearson, 2008.
10. Institute of Chartered Accountants of India, Direct Tax: Reading material for PF-II & PF-III.

NIRMA UNIVERSITY**INSTITUTE OF LAW**

B.A.,LL.B., (Hons.) and B.Com.,LL.B (Hons.) Programmes

Academic Year 2013-14

Semester VIII

**Law of Taxation -II
(Indirect Taxation)****Introduction:**

After having an understanding about Direct taxation, which usually only affects individuals who have an earning capacity, the next area that comes in to focus is the indirect taxation policy which again almost any individual who purchases goods or services have to pay regardless of the earning status. Hence, an understanding of the various categories and the manner in which indirect tax laws regulate the revenues of the country is to be developed. Student's views are pivotal as they will be the next in line to enter into the corporate world in which they'll be eligible to not only direct taxation but also indirect taxation. Therefore, this syllabus has been prepared to create understandability that why the indirect taxes are being charged in the form of service charges, government charges, duties etc. on the various *manufactured* as well as other categories of products and the essentialities involved in the same.

The global focus point is moving towards an indirect taxation policy as it changes from a direct taxation policy. In today's global market, companies and individuals are required to pay taxes that are both direct as well as indirect in nature. India has a fiscal like system for quite a substantial number of years. Therefore, indirect taxation plays a vital role in total revenue of the country. Hence, this study will attempt to analyze with more details about the existing laws and policies of the country as well as the shift of policies and how it affects the country. It then explores the awareness level of the students and to develop the model and conclude the significance of the indirect taxation as a pillar in the economic planning.

Objectives

- To widen the students' understanding as to the nature of the various categories of Indirect taxes viz. Excise tax, Customs Duty, Service Tax and VAT.
- To facilitate them to understand the method of levying of the duties and taxes on various products and services.
- To endow the students with the information of the functioning of the various authorities involved in administration and dispute settlement process of Indirect Taxes.
- To analyse the soon to be enacted legislations viz. GST with the existing ones so that one has greater clarity and upon the future framework and also deduce the reasons that highlight the necessity for such a change.

Learning Outcomes:

After the completion of the course, the students will be able to:

- Understand the manner in which the various duties viz *customs, and excise* that are levied depending upon the varying facts and circumstances viz *CVD and SMD on duties under Customs law* as notified by the Authorities from time to time.
- Know-how of the various kinds of duties and the manner in which they are calculated viz *Transaction Valuation Process under both Customs as well Excise Law, Compound Levy Scheme for excise-able, Deductive Valuation Process in customs law* which is one of the basis to challenge the validity of levying any duty or taxes upon the entity.
- Develop the understanding upon the manner in which the authorities function and the dispute settlement process is undertaken viz, *Advance Assessment of Duties* and procedure laid down under the Standing.

1) Taxation Policy

- 1.1 Introduction
- 1.2 Finance Policy relevant for the assessment year
- 1.3 Union-State Financial Relations: Basis For India's fiscal design
- 1.4 Law of Natural Justice & interpretation of Indirect Taxes statutes

2) Introduction to Customs Duty

- 2.1 Background and Definition
- 2.2 Some important concepts viz. territorial waters, customs waters, goods and so on
- 2.3 Nature and types of Customs Duties
- 2.4 Warehousing – Meaning and concepts
- 2.5 Procedure of warehousing
- 2.6 Prohibition of Exports and Imports
- 2.7 Customs Duties and Export Oriented Undertakings & Special Economic Zones – An overview

3) Valuation of Customs Duties

- 3.1 Customs valuation – methodology and process
- 3.2 Customs Valuation of export goods
- 3.3 Duty Draw Back and Customs Tariff Act, 1975
- 3.4 WTO and Valuation Agreement
- 3.5 Customs duty for Baggage – exemption and remissions

Pradeep

4) Excise Duty

- 4.1 Definition of various terms.
- 4.2 Valuation of excisable goods
- 4.3 Central Excise Rules 2002
- 4.4 CENVAT Credit Rules, 2004 -- An overview

5) Settlement of Claims

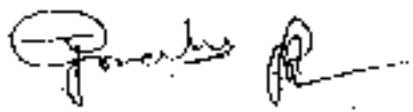
- 5.1. Customs & Central Excise Settlement Commission
- 5.2. Jurisdiction and Power of Settlement Commission
- 5.3. Power of Chairman to transfer case from one Bench to another.
- 5.4. Inspection etc. and reports

6) Value Added Tax and Concepts of Service Tax

- 6.1 VAT (Value Added Tax)
- 6.2 Basic Concepts of Service Tax
- 6.3 Overview of the Goods and Service Tax (Bill Proposed)

References :

1. V S Daley, Elements of Indirect Taxes, Taxmann Publications Pvt. Ltd., latest edition.
2. V S Daley, Indirect Taxes Law and Practice Taxmann Publications Pvt. Ltd., latest edition.
3. Yogendra Bagar, Vandana Bagar and Vineet Sodhani, Indirect Taxes (Central Excise, Customs & Service Tax), Jain Book Depot., latest edition.
4. N Rajasekhar, Simplified approach to Indirect Taxes, Wolters Kluwer India Pvt. Ltd. (CCH), latest edition.
5. K Vaitheeswaran, Students Handbook On Indirect Taxes, Snow White Publications Pvt. Ltd., latest edition.
6. P. Verra Reddy, Central Excise Manual (Law and Procedure), Asia Law House, latest edition.
7. V S Daley, Student's Guide to Service Tax and VAT, Taxmann Publications Pvt. Ltd., latest edition.
8. V. Nagarajan, Indirect Taxes, Asia Law House, latest edition. Indirect Tax: Materials and modules drawn by Institute of Chartered Accountants of India, latest edition.
9. Modules for Indirect taxes by Institute of Company Secretaries of India, latest edition.



**NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year: 2016-17
Institute Elective
Telecommunication Law**

Credit: 2
Hours: 30

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Introduction :

This course covers the guidelines for the establishment of the Telecom Regulatory Authority of India to regulate the telecommunications services and to protect the interest of Service Providers and Consumers of the Telecom Sector, to promote and ensure orderly growth of the telecom sector and for matters connected therewith or incidental thereto under the Telecom Regulatory Authority of India Act 1997. This Course also seeks to provide the students with an insight into the rights of the consumer and how to safeguard consumer interest vis a vis the growth of telecommunication sector in India. The course also talks about the policies laid down by TRAI in order to provide level playing field and facilitate competition. The course also throws light on the international telecommunication regulatory regime.

Course Learning Outcomes:

After the completion of the course students will be able to.

1. Acquainted with the nuances that may arise in the telecommunication area.
2. Understand the various aspects of telecommunication - technological, economical, legal and regulatory and the need for its regulation.
3. Analyze the issues related to telecommunication law, economics and competition, policy, regulation, law and constitution.

Syllabus

1. Introduction

- 1.1 Historical Evolution of Telecommunications Law.
- 1.2 Constitutional Aspects of Communication Law
- 1.3 Economics of Telecommunications regulation
- 1.4 Telecommunication Laws in India: the Indian Telegraph Act 1885 – Telecom Regulatory Authority of India

2. International Regulatory Regime

- 2.1 International Telecommunications Law
- 2.2 International Network Infrastructure.
- 2.3 International Telecommunication Union,
- 2.4 World Trade Organization

3. Reforms in Telecommunication

- 3.1 Government objectives
- 3.2 Economic reform in Telecommunication
- 3.3 Constitutional aspects of Telecommunication
- 3.4 Managing disputes in the aftermath of privatization and liberalization
- 3.5 IDI Policy in Telecommunication
- 3.6 Technological reforms: Satellite Communication, Internet

4. Telecommunications: Issues and Challenges

- 4.1 Jurisdictional issues: National & International Aspects
- 4.2 Cellular and mobile services
- 4.3 Dispute Settlement under TRAI
- 4.4 Consumer protection
- 4.5 Intellectual Property Rights and Competition Law

References:

1. Global Legal Group, The International Comparative Legal Guide to Telecommunication Laws and Regulations 2008: A Practical Insight to Cross-border Telecommunication Laws and Regulations, Global Legal Group, 2008
2. India Telecom Laws and Regulations Handbook Volume, International Business Publications, USA, 1995.
3. Vikram Raghavan, Communications law in India: legal aspects of telecom, broadcasting, and cable services, LexisNexis Butterworths, 2007 88
4. Sharon Black, Telecommunication Law in the Internet Age, Elsevier Publication, 2001.
5. Ian Walden, Telecommunications Law & Regulation, Oxford University Press, 2012
6. Christian Koenig, EC Competition and Telecommunication Law, Kluwer Law International, 2009
7. R.U.S.Prasad, Resolving Disputes in Telecommunication: Existing Country Practices And Future Challenges, Oxford University Press, 2010
8. Vardharam Sridhar, the Telecom Revolution in India. Technology, Regulation and Policy. Oxford University Press, 2011.

NIRMA UNIVERSITY
INSTITUTE OF LAW.

B.A., LLB. (Hons) and B.Com.,LL.B.(Hons.)

Semester X

(Elective Course)

The New Subalterns in Contemporary India: Exclusion, Elision and Resistance

Credit - 3

Hours - 45

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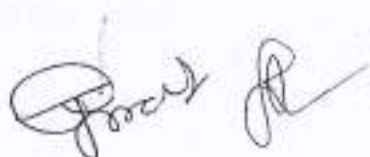
Introduction

In the contemporary world order the dominance and mainstreaming of neoliberal framework is ubiquitous. India in the 1990s rejected the Nehruvian model of planning and embarked upon the path of economic liberalization and accepted the role of private capital and market in shaping the destiny of billion plus people. This new model accepted and celebrated finance capital, entrepreneurship, consumerism and hedonistic attitude towards life. Development became the Holy Grail and everybody started to prostrate before the Deity. It is during this time that Democracy gets intertwined with Capitalism and produces a new logic of neoliberal rationality which starts to see human beings and institutions in monetary terms. In other words *Homo Politicus* metamorphoses into *Homo Economicus*. One of the major critique of this rationality has been the total dominance of Demos by the powerful vested groups and growing inequality between rich and poor coupled with planetary ecological crisis. It is within the framework of neoliberalism, Democracy and Constitutional ethos that this course seeks to interrogate the emerging marginalities produced within India in the last two decades. It has been argued that the fruits of development is not sweet for everybody. In fact, many new forms of subalternities have emerged because of the pro-market tilt of the state. This course will try to provide space for silenced and marginalized voices and argue that we have to keep searching for the alternatives and resist the onslaught of unaccountable power.

Course Learning Outcome:

At the end of the course the students will be able to:

- Perceive and better understand Indian political reality.
- Evaluate the issues surrounding subaltern groups.



Unit I Dalit Politics and Experience of Oppression

- Gyanendra Pandey, *A History of Prejudice: Race, Caste, and Difference in India and the United States*, Chp. 2. Prejudice as Difference
- Alf Gunvald Nilsen, *New Subaltern Politics: Reconceptualizing Hegemony and Resistance in contemporary India*, *Introduction: Reconceptualizing Subaltern Politics in contemporary India*
- Atul Kohli, *Poverty Amid Plenty in the New India*, Chp. 1 Political Change: Illusions of Inclusion
- Anand Teltumbde, *The Persistence of Caste*, Chp. 5, 6 & 7.
- Christophe Jaffrelot, *India Since 1950*, Chp. 22. Untouchables, Scheduled Castes and Dalits in the Indian Republic.
- Vashuda Dalmia, *The Cambridge Companion to Modern Indian Culture*, Chp.5. The Politics of Caste Identities

Unit II: Adivasis and Question of Survival

- Alf Gunvald Nilsen, *New Subaltern Politics: Reconceptualizing Hegemony and Resistance in contemporary India*, Chp. 4, Representing the Adivasi: Limits & Possibilities of Post Colonial Theory.
- *Caterpillar And The Mahua Flower: Tremors In India's Mining Fields*, Panos South Asia, 2007
- *Alchemy Of Iniquity Resistance And Repression In India's Mines: A Photographic Enquiry*, Panos South Asia, 2008

Unit III: Internal Migration & Un-organized labour scenario in India

- Internal Migration in India Initiative; Human Development in India; 6-7 December 2011; Indian Council of Social Science Research (ICSSR), New Delhi, India; Workshop Compendium - VOL I: WORKSHOP REPORT, In collaboration with UNICEF.
- MIGRANTS: Voice of Delhi's silent Majority, A report by UNICEF.



- The challenge of Employment in India: An informal Economy Perspective, Volume I, National Commission for Enterprises in the Unorganized sector. (Arjun K. Sengupta Committee report)
- Joblessness and Informalization: Challenges to Inclusive Growth in India, Institute of Applied Manpower Research, Planning Commission, Government of India, December 2012.

Unit IV: Before The Altar of Development

- Aditya Nigam, *Desire named Development*, Penguin Books, pp 1 - 104
- Wendy Doniger (Ed.), *Pluralism and Democracy in India: Debating the Hindu Right*, Chp. 10, Prabhat Patnaik, *Neo-liberalism and the Food crisis*, pp 191-204
- Utsa Patnaik, *The Republic of Hunger*, Public Lecture on the occasion of the 50th Birthday of Safdar Hashmi, organized by SAHMAT (Safdar Hashmi Memorial Trust) on April 10, 2004, New Delhi

Unit V: Manifestation of Violence in contemporary India

- Annual Report 2014-15, Department of Social Justice and Empowerment, Under Ministry of Social Justice and Empowerment, Government of India.
- Vijay Prashad, *Untouchable Freedom: A social history of Dalit community*, Chp. 3: Sweepers, pp 46-64.
- Wendy Doniger (Ed.), *Pluralism and Democracy in India: Debating the Hindu Right*, Chp. 16, Tanika Sarkar, *Violent & Violated women in Hindu Extremist politics*, pp 280-295.
- Christophe Jaffrelot, *India Since 1950*, Chp. 26, *The Muslims of India: Towards Marginalisation?* pp 564-580
- Arun Kolatkar, *Sarpasatra*.

References:

- Dalmia, Vasudha., ed., *The Cambridge Companion to Modern Indian Culture*, New Delhi: Cambridge University Press, 2012.
- Jafferlot, Christophe., ed., *India Since 1950*, New Delhi: Yatra Books, 2012.
- Pandey, Gyanandra., *A History of Prejudice: Race, Caste, and Difference in India and the United States*, New Delhi: Cambridge University Press, 2013.

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- Nigam, Aditya., *Desire-named Development*, New Delhi: Penguin Books, 2011.
- Teltumbde, Anand., *The persistence of Caste: The Khairlanji Murders and India's Hidden Apartheid*, New Delhi: Navayana, 2014.
- Nilsen, Alf Gunvald., ed., *New Subaltern Politics: Reconceptualizing Hegemony and Resistance in contemporary India*, New Delhi: Oxford University Press, 2015.
- Doniger, Wendy., ed., *Pluralism and Democracy in India: Debating the Hindu Right*, New Delhi: Oxford University Press, 2015.
- Kohli, Atul., *Poverty Amid Plenty in the New India*, New Delhi: Cambridge University Press, 2012.
- Patnaik, Utsa., *The Republic of Hunger*, Public Lecture on the occasion of the 50th Birthday of Safdar Hashmi, organized by SAHMAT (Safdar Hashmi Memorial Trust) on April 10, 2004, New Delhi
- Kolatkar, Arun., *Sarpasatra*, Mumbai: Pras Publication, 2004.



Nirma University
Institute of Law
B.A.LL.B. (Hons.) and B.Com.LL.B. (Hons.) Programmes
Academic Year 2018-19
Institute Elective

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| Course Code | 2IE1015 |
| Course Title | Theorizing India: Construction, Contestation and Critique |

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

1. Understand and interpret the construction of Ancient, Medieval and Modern India by the four dominant (colonial, Marxist, nationalist and subaltern) schools of History writing about India and its political implication.
2. Appreciate the importance of world view of the major figures of nationalist movement such as Gandhi, Tagore, Ambedkar, Periyar, Savarkar, Savitribai Phule.
3. Analyse the contemporary debates surrounding the Indian State and take an informed and balanced approach.

Syllabus

Teaching Hours: 60

Unit: I The dominant Imaginings of India

10 Hours

- 1.1 History and memory of the nation state.
- 1.2 Genealogy of Indian Nationalism

Unit: II The Liberal -Nehruvian Framework

06 Hours

- 2.1 Modernity and India
- 2.2 The Liberal imaginings of India
- 2.3 Nehruvian Worldview and its relevance

Unit: III Gandhian intervention

08 Hours

- 3.1 Gandhi's critique of Modernity
- 3.2 Gandhi and search for Truth and Non-Violence
- 3.3 Gandhi and Nationalism

Unit: IV The Hindutva Re-Visioning of India

08 Hours

- 4.1 Hindutva and Hinduism: The Debate

Unit  38

- 4.2 Savarkar and the search for authentic Self
- 4.3 Hindutva politics in contemporary India

Unit: V The Dalit Challenge

- 5.1 Ambedkar, Periyar and the question of caste
- 5.2 Dalit male and female autobiographies as a testimony
- 5.3 Place of Dalits in Neo-Liberal India

11 Hours

Unit: VI Re-reading the Bhakti tradition

- 6.1 Bhakti tradition and its challenge to the dominant tradition
- 6.2 Kabir and his milieu
- 6.3 Bhakti and search for new self

06 Hours

Unit VII Feminist Re-reading of Nation & its exclusions

- 7.1 Women and the Nationalist question
- 7.2 Women (auto)biography: Rassundari Devi, Pandita Ramabai, Savitribai Phule

11 Hours

Suggested Readings:

1. Guru Gopal & Sarukkai Sundar, (2012), *The Cracked Mirror- An Indian Debate on Experience and Theory*, New Delhi- Oxford University Press
2. Nandy Ashish, (1994), *The Illegitimacy of Nationalism; Rabindranath Tagore & the politics of self*, Delhi- Oxford University Press
3. Nandy Ashish, (1983), *The Intimate Enemy; Loss and Recovery of self under colonialism*, Delhi- Oxford University Press
4. Khilnani Sunil, (1998); *The Idea of India*, London- Farrar Strauss and Giroux
5. Brown Judith M.(Ed.), (2011); *The Cambridge Companion to Gandhi*, New Delhi- Cambridge University Press
6. Chatterjee Partha, (1993), *Nationalist Thought & the Colonial World: A Derivative Discourse* London, Zed Books
7. Raghuramraju A., (2011), *Modernity in Indian Social Theory*, New Delhi, Oxford University Press
8. Bhargava Rajeev (Ed.), (2010), *Understanding Contemporary India: Critical Perspectives*, New Delhi, Orient Black Swan

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**NIRMA UNIVERSITY
INSTITUTE OF LAW
Academic Year: 2016-17
Trademark and Design Law
(Intellectual Property Law Honours Course II)
Semester VII**

B.A., LL.B. (Hons.), B.Com, LL.B. (Hons.) and B.B.A., LL.B. (Hons.)

**Credit: 3
Hours: 45**

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I. Introduction

The law of trademark occupies a pivotal role in the area of intellectual property laws. A trademark is anything that is used, or intended to be used, to identify the goods of one manufacturer from the goods of others. It is a brand name. From time immemorial trademark disputes have arisen and will continue to arise in future. The Trademark Act of 1999 has added many vital changes in the trademark law. The new law makes it in line with international practices like the concept of 'well known trademarks'. The new Act now provides stronger protection to trademarks. The effect of this new provision is that a trademark may be used for goods as well as for services.

Trademark is associate with goods and services which has become an integral part of the consumer to select the goods or services of a particular brand which have certain quality, potency, standard etc. which has acquired its reputation and goodwill with those goods and services.

While dealing with Design law, design and its appeal plays important role in selections of goods. Things and goods which appeal to the eye are the choice of the customers. Design of the goods not just attracts and appeal to the eyes but also increase the monopoly of the goods in the market when they are registered or have created a goodwill in those design.

Course Learning Outcomes:

After the completion of the course, the students will be able to:-

- Understand the concept of Trademark and Design and inculcate the knowledge of law in the area of intangible property its relation with other statutes.
- Analyze and critically evaluate the aspects of Trademark and design in International platform with applicable laws, treaties and conventions

1

- Demonstrate rational and logical manner to deal with various legal matters in day today life with taking into consideration global aspect.

1 Historical development of the concept of trademark and trademark law-National and International -- Introduction to Trademarks

- 1.1 Need for Protection of Trademarks
- 1.2 Kinds of Trademarks
- 1.3 International Legal Instruments on Trademarks

2. Function of Trademark

3. Meaning and content of Trademark:

3.1 Spectrum of distinctiveness.-inherent and acquired distinctiveness

- 3.2 Marks that constitute trademarks.
- 3.3 Well known Trademarks, Certification trademarks, collective marks, associated marks, Service Marks
- 3.4 Shape of goods, packaging and combination of colours as trademarks.

4. Registration of trademarks: Grounds of refusal of registration

- 4.1 Absolute grounds
- 4.2 Relative grounds.

5. Procedure for registration of Trademarks:

- 5.1 Application.-intent to use
- 5.2 Opposition.
- 5.3 Registration

6. Rights of Registered trademark owners.

7. Assignment and licensing of Trademarks.

8. Infringement of Trademarks:

- 8.1 Likelihood of confusion.
- 8.2 Dilution of trademarks.

9. Passing Off:

- 9.1 Introduction.
- 9.2 Elements of passing off:
 - 9.2.1 Reputation

- 9.2.2 Misrepresentation
- 9.2.3 Damage

10. Defences.

11. Remedies for Infringement and Passing Off:

- 11.1 Civil remedies.
- 11.2 Criminal remedies.

12. Domain Name: Issues and Concerns

- 12.1 Importance of domain names
- 12.2 Interface with trademark law.
- 12.3 Uniform Dispute resolution policy.

13. Basic Principles of International Trademark Law

- 13.1 The Paris Convention, (1967)
- 13.2 Madrid Agreement on Marks (1989) and Protocol - Registration of Domain name (1989)
- 13.3 The TRIPS Agreement
- 13.4 The Trademark Law Treaty

14. Indian Trademarks Law

- 14.1 The Trade and Merchandise Marks Act, 1958
- 14.2 Trademarks Act, 1999
- 14.3 Procedural Requirements of Protection of Trademarks
- 14.4 Content of the Rights and Exhaustion of Rights
- 14.5 Assignment, under Licensing
- 14.6 Infringement, Rights of Goodwill, Passing Off
- 14.7 Domain Names and Effects of New Technology (Internet)

15. Industrial Designs and Layout-designs of Integrated Circuits

15.1 Industrial Designs

- 15.1.1 Need for Protection of Industrial Designs
- 15.1.2 Subject Matter of Protection and Requirements
- 15.1.3 The Designs Act, 2000
- 15.1.4 Procedure for obtaining Design Protection
- 15.1.5 Revocation, Infringement and Remedies

15.2 Layout - Designs of Integrated Circuits

- 15.2.1 The Semiconductor Integrated Circuits Layout-Design Act, 2000

15.2.2 Conditions and Procedure for Registration

15.2.3 Duration and Effect of Registration

15.2.4 Assignment and Transmission

References

1. Narayan P. Law of Trade Marks and Passing off, Eastern Law House, 6th Edition, pp.1-32
2. Wadhwa B.L., Law relating to intellectual property, Universal Publishing Company, 5th Edition, pp.129-135
3. Arora Manish. Guide to Trade Mark Law, Universal Law Publishing Company, 2nd Edition, pp-34-39
4. Acharya N.K., Text book on Intellectual Property, Asia Law House, 3rd Edition, pp.-58
5. Ananth Padmenabhan, Intellectual Property Rights Infringement and Remedies, LexisNexis Butterworths wadhwa, 2012
6. Ryder Rodney D, Intellectual Property and the Internet, Lexis Nexis. Butterworths, (2002), PP.- 46-101, 271-381
7. Sumoet Malik. Intellectual Property Manual, Eastern Book Company. Edn. 2013
8. Dr. S. R. Myseni, Law of Intellectual Property, 4th Edn, 2007

NIRMA UNIVERSITY

INSTITUTE OF LAW

B.A.LL.B. (Hons.) Programme

Academic Year 2012-13

Semester VIII

Honours Course III (Intellectual Property Law Group)

Traditional Knowledge, Farmers & Breeders Rights

1. Traditional Knowledge Protection

- 1.1 Concept of Traditional Knowledge
- 1.2 Significance & Importance of Traditional Knowledge Protection
- 1.3 Concept of bio-prospecting & bio-piracy
- 1.4 International initiatives for protection of Traditional Knowledge
- 1.5 Indian efforts towards of Traditional Knowledge protection
- 1.6 Traditional Knowledge and Plant Varieties Protection

2. Plant Varieties Protection

- 2.1 An introduction
- 2.2 Growth & development of Plant Varieties Protection
- 2.3 Concept of Farmers rights & breeders rights

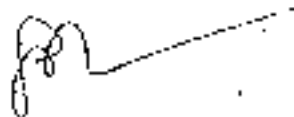
3. The Genesis of Farmers Rights

- 3.1 Rationales for Farmers Rights
- 3.2 Farmers Rights as a new form of rights
- 3.3 Indigenous Farmers
- 3.4 The Effect of Intellectual Property Rights on Agriculture

4. International Initiatives for Plant Varieties Protection

- 4.1 UPOV regime and plant varieties protection
- 4.2 The International Undertaking on Plant Genetic Resources
- 4.3 TRIPs and its effect on plant varieties protection
- 4.4 The International treaty on Plant Genetic Resources for Food and Agriculture

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5. Indian initiative for the protection of Farmers rights & Breeders Rights

- 5.1 Effectiveness of India's PVPFR Act, 2004
- 5.2 The Seeds Bill, 2005
- 5.3 Safeguards for protection of Farmers right and breeders right
- 5.4 Striking a balance

6. Emerging issues in protection of Farmers rights & Breeders Rights


- 6.1 Impact on Biodiversity
- 6.2 Issues of Food security
- 6.3 Genetic erosion
- 6.4 Right to Equity in benefit sharing process

References:

- Dr Elizabeth Verkey, Law of Plant Varieties Protection, Eastern Book Company, Lucknow, (2007)
- Avinash Shivade, Intellectual Property Manual, Butterworths, (2004)
- Drohas, Peter ED., Intellectual Property, England: Ashgate Publishing, (1999)
- Dr.T. Ramakrishna, Biotechnology related intellectual Property Rights, Bangalore: CIPRA, National Law School of India University, (2005)
- Dr Elizabeth Verkey, Law of Plant Varieties Protection, Eastern Book Company, Lucknow, (2007)
- Graham Dutfield, Intellectual Property Rights, Trade and Biodiversity, Earthscan, London, (2000)
- Jack Ralph Kloppenburg Jr., First the Seed: The Political Economy of Plant Biotechnology, New York, Cambridge University Press, (1988)
- Paul, Torremans, Intellectual Property Law, London, Butterworth, (1996)
- Vandana Shiva, Captive Minds, Captive Lives: Essays on Ethical and Ecological Implications of Patents on Life, Dehra Dun, India: Research Foundation for Science, Technology and Natural Resource Policy, (1995)
- Watal, Jayashree, Intellectual Property Rights in the WTO and Developing Countries (2001)

Website:

56



www.fao.org
www.chd.int
www.wto.org
www.ppl.nl
www.ipindia.nic.in
www.leeds.gov.uk
www.intellectualproperty.gov.uk
www.iprlawindia.org
www.upov.int

AN 54

Nirma University
Institute of Law
B. A., LL. B. (Hons.) and B.Com., LL. B. (Hons.) Programme
Academic Year 2018-19
Institute Elective

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|--------------|---------------------|
| Course Code | 2IE1006 |
| Course Title | White Collar Crimes |

Course Learning Outcome (CLO)

At the end of the course, students will be able to:

1. Examine the Historical Background of the Emergence of Concept of White Collar Crimes in India and at International Level.
2. Identify the Multifarious ways in which White Collar Crimes can be restrained.
3. Analyze the Existing Legal Framework to Curb and Penalize the White Collar Crimes.

Syllabus

Teaching Hours: 60

Unit-I Nature and Definition

14 Hours

- 1.1 Concept of White Collar Crime.
- 1.2 Nature and Scope of White Collar Crime.
- 1.3 Evolution of the Concept of White Collar Crime in Western Countries and in India.
- 1.4 Requirement of Mens rea and White Collar Crime.
- 1.5 Vicarious liability and White Collar Crimes.
- 1.6 Strict liability and White Collar Crimes.

Unit-II Corporate Crimes

14 Hours

- 2.1 Corporate Crimes-Meaning and Nature.
- 2.2 Psychological and Socio-economic Factors underlying corporate frauds.
- 2.3 Type of Corporate Crimes.
- 2.4 Judicial Attitude towards Corporate Crimes.
- 2.5 Offences Relating to Statutory Non-compliance under Companies Act.
- 2.6 Vicarious Liabilities of Corporations.

w.e.f. academic year 2018-19 and onwards

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Unit-III Law & Regulations for White Collar Offences.

25 Hours

- 3.1 Prevention Corruption Act, 1988
- 3.2 Benami Transaction Prohibition (Amendment) Act, 2016
- 3.3 Prevention of Money Laundering Act, 2002
- 3.4 Foreign Exchange Management Act (FEMA), 1999
- 3.5 Insider Trading Regulations of SEBI
- 3.6 Food Adulteration and Food Safety Laws.

Unit-IV Trends in Economic Crime

7 Hours

- 4.1 Tax Evasion
- 4.2 Illicit Trafficking in Contraband Goods (Smuggling)
- 4.3 Benami Transaction
- 4.4 Money Laundering
- 4.5 Foreign Contribution Manipulations
- 4.6 Corruption and Bribery of Public Servants
- 4.7 Stock Market Manipulations and Company Frauds

Suggested Readings

1. Oughton, Frederick, 1971, Fraud and White collar crime, Eleck Bock Ltd.,
2. Lal Bhure, 2003, Money Laundering: An insight into the dark world of Financial Frauds, Siddharth Publications.
3. Anabui, Farhad and Kakabadse, Andrew, 2004, Corporate sabotage, Jaico Publishing
4. House.
5. Bologha, Jack, 1984, Corporate Fraud, Butterworth Publishers.
6. Green Timothy, 1977, The Smuggling Business, Aldus Books, London.
7. Reuvid, Jonathan, 995, The Regulation and prevention of Economic Crime internationally, Kogan Pagr Ltd.
8. Mansukhani H.L, 1975 Smuggler's Paradise and Foreign Exchange Law, Vikas Publishing House Pvt. Ltd.
9. Blum Richard H, 1972, Delivers and Deceived, Charles, C. Thomas Publishers.

w.e.f. academic year 2018-19 and onwards

NIRMA UNIVERSITY
Institute of Law
BA.,LL.B (Hons), B.Com., LL.B (Hons), B.B.A., LL.B. (Hons)
Academic Year 2017-18
Semester X
Seminar Course

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| Course Code | 2OC1007 |
| Course Title | Women and Law |

Contact Hours: 30 hours

Course Learning Outcomes:

At the end of the course, students will be able to:

1. Identify and explain different legal issues pertaining to rights of women in India from different perspectives.
2. Analyse the need base problems and key gender issues.
3. Demonstrate interpretation and assessment of gender issues from legal framework, and to use those in intervention and addressing the problems of women in India.

Syllabus:

Unit I : Gender

5 hours

- 1.1 Gender: Meaning and theories.
- 1.2 Nature and Nurture debate
- 1.3 Gender inequality and injustice
- 1.4 Status of women in India: pre and post-independence.
- 1.5 Social evils against women in India.
- 1.6 Women Empowerment
- 1.7 National Women Commission

Unit II : International Commitments towards justice to women

5 hours

- 2.1 International Conferences on Women
- 2.2 Universal Declaration of Human Rights, 1948
- 2.3 The Convention on the Political Rights of Women, 1954
- 2.4 The declaration on the Elimination of Discrimination against Women, 1967
- 2.5 Convention on the Elimination of all forms of discrimination against Women, 1979
- 2.6 The ILO convention to protect women.



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w.e.f. Academic Year 2017-18

Unit III: Constitutional Provisions for women

6 hours

- 3.1 Preamble of the Constitution
- 3.2 Exploitation of Sex not mentioned in Article 23
- 3.3 Fundamental Rights, Fundamental Duties and Directive Principles of State Policies.
- 3.4 Uniform Civil Code: Issues and Challenges regarding gender justice
- 3.5 Women workers organized and unorganized sector
- 3.6 Reservation of women in Government (33% Reservation Policy)

Unit IV: Legal Framework for Protection of Women

14 hours

- 4.1 Sexual offences: Meaning, classification and magnitude.
- 4.2 Legal framework to combat trafficking {The Immoral Traffic (Prevention) Act 1956}
- 4.3 Domestic violence
- 4.4 Dowry & Dowry Death
- 4.5 Medical Termination of Pregnancy Act, 1971
- 4.6 The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
- 4.7 The Maternity benefit Act, 1961
- 4.8 Surrogate mother: Concept and Protection

Suggested Readings:

1. Batra, Manjula. (2012). *Women & Law with Law Relating To Children in India*. Faridabad: Allahabad Law Agency.
2. Das. P.K. (2016) *Universal's Handbook on Protection of Women from Domestic Violence - Acts & Rules*. New Delhi: Universal Law Publishing - An Imprint of LexisNexis.
3. Asmat Romana & Mehboob Sidra (2016) *Sexual Harassment of Women At Workplace*. Faridabad: Allahabad Law Agency.
4. Shaukat Nasir. (1992) *Muslim Women and their Rights*. New Delhi: Ashoka Law House.
5. Singh. Indu Prakash. (1989). *Women. Law and Social Change in India*. New Delhi: Radiant Publication.
6. Siyaramayya. B. (1998). *Matrimonial property Law in India*. New Delhi: Oxford University Press.

L= Lecture, T= Tutorial, P= Practical, C= Credit



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Signature

w.e.f. Academic Year 2017-18

NIRMA UNIVERSITY
INSTITUTE OF LAWB.A., LL.B. (Hons.) & B.Com., LL.B. (Hons.) Programme
Academic Year 2014-15

Semester - IX

Credit 3

Hours: 45

HONOURS COURSE V (IPR GROUP)

WTO and International Intellectual Property Rights

Syllabus

Introduction: WTO is the world body which decides commercial and legal framework under which trade is conducted. In the area of Intellectual property, TRIPS provides the platform for the development of the rules and regulations which governs trade related Intellectual Property Rights. The Course enables the students to ascertain various norms that govern intellectual property.

Course Learning Outcomes:

At the end of the course student will be able to:

1. know about the development of trade related international treaties/conventions/agreement.
2. relate the importance of TRIPS and its effects on the intellectual property laws of various nations.
3. develop thinking process about the understanding the challenges before WTO and TRIPS

I. GATT and WTO

- ▲ Rounds of GATT
- ▲ Dunkel Proposal
- ▲ Formation of WTO
- ▲ Structure of WTO
- ▲ Agreements in WTO

II. WTO and Economic Development**III. TRIPS Agreement and Its relation with other International IPR Treaties**

- ▲ Paris Convention
- ▲ Berne Convention
- ▲ Rome Convention

IV. TRIPS Agreement

- ▲ General Provisions and Basic Principles
- ▲ Minimum Standard
- ▲ Enforcement of IPR
- ▲ Dispute Prevention and Settlement

V. TRIPs and Environment

- ▲ TRIPs and Biodiversity
- ▲ TRIPs and Protection of Plants Varieties
- ▲ TRIPs and Biotechnology

References:

1. Daniel Gervais, 2007, *Intellectual Property, Trade and Development*, Oxford University Press.
2. Peter Tobias Stoll, 2009, Jan Busche and Katrin Arend (Editors), *WTO-Trade related Aspects of Intellectual Property Rights*, Martinus Nijhoff Publishers.
3. Quashi A.II, 2006, *Interpreting WTO Agreements*, Cambridge.
4. Correa Carlos M., 2007, *Oxford Commentaries on the GATT, WTO Agreements*, Oxford University Press.
5. Mitsuo Matsushita, 2006, *The World Trade Organization. Law, practice and policy*, Oxford
6. Correa Carlos M., 2007, *Trade related aspects of Intellectual Property Rights. A commentary on the TRIPS agreement*, OXFORD.

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