

University of Mumbai



No. AAMS_UGS/ICC/2023-24/18

CIRCULAR:-

Attention of the Principals of the Affiliated Colleges, the Head of the University Departments and Directors of the Recognized Institutions in Faculty of Interdisciplinary studies is invited to this office circular No. AAMS (UG)/60 of 2022-23 dated 28th June, 2022 relating to the revised syllabus of LL.B. (3years)(Sem-I to VI) and LL.B. (5yrs) Five Year Integrated Course (Sem -I to X)(CBCS).

They are hereby informed that the recommendations made by the Board of Studies in **Law** at its online meeting held on 12th July, 2022 and subsequently passed by the Board of Deans at its meeting held on 08th December, 2022 vide item No. 8.5 (N) have been accepted by the Academic Council at its meeting held on 06th April, 2023 vide item No. 8.5 (R) and that in accordance therewith, **the titles of the new codes in the syllabus of Labour Law and Industrial Relations I of Semester I/IV and Labour Law and Industrial Relations II of Semester V/IX is included without any change in the topic for LL.B. 3 years and LL.B. 5 years programme. The change is necessitated by the recent act of the government in notifying them. The changes in the topic in the revised syllabus for LL.B. (3years) Sem – I to VI and LL.B. (5yrs) Five Years Integrated Course Sem – I to X (CBCS) as per appendix has been brought into force with effect from the academic year 2022-23.**

(The said circular is available on the University's website www.mu.ac.in).

MUMBAI – 400 032
26th June, 2023

To

The Principals of the Affiliated Colleges, the Head of the University Departments and Directors of the Recognized Institutions in Faculty of Interdisciplinary studies.

A.C/8.5 (R) /06/04/2023

Copy forwarded with Compliments for information to:-

- 1) The Dean, Faculty of Interdisciplinary studies,
- 2) The Chairman, Board of Studies **Law**,
- 3) The Director, Board of Examinations and Evaluation,
- 4) The Director, Board of Students Development,
- 5) The Director, Department of Information & Communication Technology,
- 6) The Co-ordinator, MKCL.


(Prof. Sunil Bhirud)
I/c. REGISTRAR

Copy for information and necessary action :-

- 1. The Deputy Registrar, College Affiliations & Development Department (CAD),**
- 2. College Teachers Approval Unit (CTA),**
- 3. The Deputy Registrar, (Admissions, Enrolment, Eligibility and Migration Department (AEM),**
- 4. The Deputy Registrar, Academic Appointments & Quality Assurance (AAQA)**
- 5. The Deputy Registrar, Research Administration & Promotion Cell (RAPC),**
- 6. The Deputy Registrar, Executive Authorities Section (EA)**
He is requested to treat this as action taken report on the concerned resolution adopted by the Academic Council referred to the above circular.
- 7. The Deputy Registrar, PRO, Fort, (Publication Section),**
- 8. The Deputy Registrar, Special Cell,**
- 9. The Deputy Registrar, Fort Administration Department (FAD) Record Section,**
- 10. The Deputy Registrar, Vidyanagari Administration Department (VAD),**

Copy for information :-

- 1. The Director, Dept. of Information and Communication Technology (DICT), Vidyanagari,**
He is requested to upload the Circular University Website
- 2. The Director of Department of Student Development (DSD),**
- 3. The Director, Institute of Distance and Open Learning (IDOL Admin), Vidyanagari,**
- 4. All Deputy Registrar, Examination House,**
- 5. The Deputy Registrars, Finance & Accounts Section,**
- 6. The Assistant Registrar, Administrative sub-Campus Thane,**
- 7. The Assistant Registrar, School of Engg. & Applied Sciences, Kalyan,**
- 8. The Assistant Registrar, Ratnagiri sub-centre, Ratnagiri,**
- 9. P.A to Hon'ble Vice-Chancellor,**
- 10. P.A to Pro-Vice-Chancellor,**
- 11. P.A to Registrar,**
- 12. P.A to All Deans of all Faculties,**
- 13. P.A to Finance & Account Officers, (F & A.O),**
- 14. P.A to Director, Board of Examinations and Evaluation,**
- 15. P.A to Director, Innovation, Incubation and Linkages,**
- 16. P.A to Director, Department of Lifelong Learning and Extension (DLLE),**
- 17. The Receptionist,**
- 18. The Telephone Operator,**

Copy with compliments for information to :-

- 19. The Secretary, MUASA**
- 20. The Secretary, BUCTU.**

University of Mumbai



**Revised Syllabus for
LL. B. (3 years) Sem – I to VI and LL. B. (5yrs)
Five Years Integrated Course Sem – I to X
(Choice Based Credit System)**

(With effect from the academic year 2022-23)

University of Mumbai



Syllabus for Approval

Title of Course	L.L.B. (3 Years) L.L.B. (5 Years) Five Years Integrated Course
Eligibility	L.L.B. (3 Years) Graduation with minimum 45% and CET L.L.B. (5 Years) XII Board and CET
Passing Marks	40%
Ordinances/Regulations (if any)	
No. of years/Semesters:	3 Years/ 6 Semester 5 Years/ 10 Semester
Level:	P.G. / U.G./-Diploma / Certificate (Strike out which is not applicable)
Pattern:	Yearly / Semester (Strike out which is not applicable)
Status:	Revised / New (Strike out which is not applicable)
To be implemented from Academic Year :	From Academic Year 2022-2023

J. Sui Vidhya

Chairman,
Board of Studies

Faculty of Dean

Programme Objectives :

LL.B. (3 yrs) unitary professional law degree and LL.B. (5 yrs) integrated professional law degree programmes aim at offering quality, professional legal education in compliance with the Bar Council of India Legal Education rules, thus enabling the students who successfully complete these programmes to opt for enrolling themselves into the Bar and practice law.

General Instructions :

1. Wherever a statute is prescribed for teaching – learning unless specifically limited, the whole statute will be deemed to be prescribed.
2. Wherever a statute is prescribed for teaching – learning any amendment to that statute by the competent legislature if made, the syllabus will be deemed to include the amendment. The amendments that are law at the time of the commencement of the term in which the statute is to be taught – learnt shall be deemed to be part of the syllabus.
3. Teaching – learning of the courses shall include the relevant updated judicial precedents as well.
4. Evaluation shall be designed to effectualise the objectives.

Restrictions on the freedom

4.5 Co-operative Societies (Part-IX-B)

Recommended Resources :

1. H.M. Seervai, Constitutional Law of India, Law and Justice Publishing Company, 4th Edition 2021
2. M.P. Jain, Indian Constitutional Law, Lexis Nexis
3. Narendra Kumar, Constitutional Law of India, Allahabad Law Agency
4. J.N. Pandey, Constitutional Law of India, Central Law Agency
5. P.M. Bakshi, The Constitution of India, Butterworth Lexis Nexis
6. D.D. Basu, Introduction to the Constitution of India, Lexis Nexis
7. Subhash Kashyap, Constitution of India, National Book Trust
8. Dr. Suresh Mane, Indian Constitutional Law, Dynamics and Challenges, Aarti and Company
9. Mahendra Pal Singh, V. N. Shukla's Constitution of India, Eastern Book Company
10. Kailash Rai, The Constitutional Law of India, Central Law publication
11. Writing and speeches of Dr. Baba Saheb Ambedkar published by Government of Maharashtra.
12. Arvind Datar, Commentary on the Constitution of India, 3 volumes
13. K L Bhatia, Cases and Materials on Constitutional law of India, Universal Law Publishers

PROGRAM: 3 Yr/5 yr Professional Law

Second year LLB / Fourth Year B.L.S. LL B

Semester: IV/VIII

Course Title:- HUMAN RIGHTS LAW (Elective Course)

Course Code:

Credits: 4

COURSE OBJECTIVES:

The objective of this course is to inculcate sense of responsibility amongst citizens and create awareness about Human Rights, democracy and development. This course aims to enlighten students about the Principles and Characteristics of Human Rights and its various Laws, Declaration and Covenants. Through this course the students will be able to understand the growth and development of Human Rights laws in India and across the globe. Education on national and international regime of Human Rights will be imparted. This course intends to reflect on the criticism of various theories of Human Rights. To study the classification of Human Rights-First, Second, Third generation rights with their historical development. To analyze Human Rights vis-à-vis Politics and Society and Third world perspective of Human Rights. Overall, this course intends to foster respect for international obligations for peace and development, to sensitize students to human suffering and promotion of human life with dignity, to develop skills on human rights advocacy and to appreciate the relationship between rights and duties and to foster respect for tolerance and compassion for all living creatures.

COURSE OUTCOMES:

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

1. Understand, evaluate and analyze the historical perspectives and philosophical aspects of human rights jurisprudence across the globe.
2. Understand working of international organizations dedicated to the protection of human rights.
3. Have in depth knowledge of various statutory safeguards available for protection of human rights in India and role of judiciary.
4. Comprehend ideals of constitution and functions of commissions and bodies set up for protecting human rights in India.
5. Fathom the global steps taken for protection of human rights of vulnerable persons.
6. Understand, appreciate and evaluate the promotion of human life with dignity, especially with respect to the various regional arrangements and recognized measures to protect the rights of the meek and subjugated.

Module1:

History and Philosophy of Human Rights

1. Human Rights: Concept, Definition, Evolution, Characteristics, Need, Limitations, Theories of Development of Natural Rights, Theories of Utilitarianism, Idealism, Socialism and Positivism;
2. Human Rights in India, the tradition of Human Rights in Indian context: ancient, medieval and modern;
3. First, Second and Third Generation Human Rights: Their Meaning, Historical Development and evolution, distinguishing factors and essential characteristics;
4. Universality of Human Rights.
5. Human Rights in Western tradition, Normative Foundation of International Human Rights;
6. The American Declaration of Independence and the Bill of Rights & the French Declaration of the Rights of Man.
7. The UN Human Rights System and UDHR.

Module 2:

International Conventions and Protocols

- 2.1 International Covenant on Civil and Political Rights, First Optional Protocol, Second Optional Protocol, International Covenant on Economic, Social and Cultural Rights
- 2.2 Role of ILO, UNESCO, UNICEF and WHO
- 2.3 UN SDG's, Right to Environment, Role of NGOs in protection of Human Rights.

Module 3:

Human Rights and the Indian Constitution and Commissions

3.1 Indian Constitution and Human Rights: Fundamental Rights and Directive Principles of State policy under the Indian Constitution, Fundamental Duties under the Indian Constitution, Relationship Between Rights and Duties in relation to State and Society.

3.2 The Protection of Human Rights Act, 1993

3.3 National Commission for Women: Constitution, Role and Responsibilities;

3.4 National Commission for Minorities: Constitution, Role and Responsibilities;

3.5 National Commission for Scheduled Castes: Constitution, Role and Responsibilities;

3.6 National Commission for Scheduled Tribes: Constitution, Role and Responsibilities

3.7 Role of Judiciary in Protection of Human Rights in India

Module 4:

Human Rights Protection of Vulnerable Groups & Regional Arrangements

4.1. Human Rights Protection of Vulnerable Groups The

Convention on Elimination of all forms of Discrimination

Against Women (CEDAW), 1979

The Convention on the Rights of Child (CRC),

The Convention on Rights of Persons with Disabilities (CRPD), 2008

International Convention on the Rights of Older Persons, 2020

4.2 Human Rights: LGBT, Refugees and Aliens.

4.3 Regional Arrangements:

European Regional Arrangement

American Regional Arrangement

African Regional Arrangement

Suggested Readings

1. Theodor, Meron, Human Rights and International Law: Legal and Policy Issues
2. Kapoor, S.K., International Law and Human Rights, Central Law Agency
3. Luis, Henkin, -The Rights of Man Today, University of Miami Inter-American Law Review,
4. Singh, Nagendra, Enforcement of Human Rights in Peace and War and the future of humanity

1. The Module ed., Nations and HumanRights (Clarendon Press, Oxford)
1. Agarwal,H.0.,Implémentationof Human Rights Covenants with Special Reference of India{ Kitab Mahal, Allahabad }
1. D.D. Basu Human Rights in Constitutional Law(Lexis Nexis)

1. B.P. Singh Seghal,(Human Rights in India)
1. International Refugee Law: A Reader, Edited by B.S. Chimni

PROGRAM: 3 Yr/5 yr Professional Law

Second year LLB / Fourth Year B.L.S. LL B

Semester: IV/VIII

Course Title:- CRIMINOLOGY AND PENOLOGY (Elective Course)

Course Code:

Credits: 4

COURSE OBJECTIVES:

Crime is a concept having changing dimensions according to social, economical, political and legal dimensions. Science and technology have also impacted on patterns of crime. Thus, this Course aims to give a basic idea of concepts like crime, criminal law, administration system etc. and to make students acquainted with criminology, penology and victimology in detail. This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problem of exercise of discretion in sentencing. In addition the course introduces students to the factors leading to criminal behaviour and modern approach of courts in awarding punishments. A general idea of criminal justice system is to be put forth through this course. In addition the course introduces students to the discipline of victimology which will shift the study from accused centric approach to much needed victim centric approach.

COURSE OUTCOMES:

After completing this course, students will be able to:

1. Understand various forms of crimes and criminals;
2. Grasp knowledge of different schools explaining criminal behaviour and crime causation;
3. Comprehend the reformatory approach in dealing with criminals;
4. Understand different theories and kinds of punishments and their applicability;
5. Fathom the concept of victimology in Indian context.
6. Identify and understand the actual working of criminal justice system in India.

MODULE 1:

1. Nature and scope- Crime and Criminology

Concept of Crime- 18, 19 and 20 Century

Classification of Crime

Definitions of Criminology

History of criminology

Inter –Relation between Criminology, Penology and Criminal Law

Is criminology a science?

1.2 The Schools of Criminology

Pre-classical School of Criminology

The Classical School

Neo-classical school

Positive School

Cartographic School

Clinical School of Criminology

Sociological School of Criminology

Socialist School of Criminology

New Criminology Trends for research

MODULE-2:

2.1 Causes of Criminal Behaviors

Heredity and Crime

Bio-physical factors and criminality

Freud's Theory of Criminal Behaviour

Group and class conflict

Emotional and psychological factors

Certain modern and technological developments

Atrocities

Theory of Differential Association (Sutherland)

Multiple factors approach to crime causation: - Mobility, Cultural conflicts, Family background, Political ideology, Religion and crime, Economic condition, Ecology of crime.

2.2 Classification of Criminals:

Ordinary & First-time offenders

Habitual offenders,

Women offenders

Juveniles in conflict with law

White Collar Criminals

Cyber Criminals

Terrorists

MODULE 3:

3.1 Police and Criminal Justice

The police system

Structural organization of police at the centre and states

Mode of recruitment and training

Powers and duties of police under Police Act, Criminal Procedure Code and other laws

Method of police investigation

Third degree method

Corruption in police

Relationship between police and prosecution

Liability of police for custodial violence

Police public relations

Police Reforms

3.2 Meaning of penology

3.3 Theories of punishment

3.4 Kinds of punishment

3.5 Capital punishment

MODULE 4:

4.1 Treatment or Correction of Offenders

The need for reformation and rehabilitation of offenders undergoing punishment/ imprisonment

The role of psycho-analysts and social workers in the prison

Vocational and religious education and apprenticeship programmes for the offenders

Group counseling and re-socialization programmes

Prisoner's organizations for self-government

Participation of inmates in community services

An appraisal of reformatory techniques

Efficacy of imprisonment as a measure to combat criminality and the search for substitutes

The Prisons Act, 1894

Kinds of Prison

4.2 Probation of offenders

Probation and suspended sentence – Distinction

The Probation of Offenders Act, 1958

4.3 Parole and Furlough

Parole and indeterminate sentence- Distinction

Parole and Probation comparison

Parole distinguished from furlough

The object of Parole

Parole in India

Condition of Parole

Parole violation

Supervision of parolees

Problems of the released offender

Attitudes of the community towards released offender

4.4 Victimology

Definition, nature and development of victimology

Victim and criminal justice system in India

UN Declaration on Justice for Victims of Crimes, 1985

Rehabilitation and reconciliation of victims

SUGGESTED READINGS:

1. Ahmad Siddique, Criminology Problems & Perspective (5th ed., 2007) 4.
2. N.V. Paranjape, Criminology and Penology (13th ed., 2008) Salmond and Heuston – On the Law of Torts, Universal, Delhi
3. Gaur. K.D. (3-Edn. 2015); Criminal Law, Criminology and Administration of Criminal Justice Universal Law Publishing
4. S. S. Srivastava, Criminology, Penology & Victimology (6th ed., 2012) Criminology, Penology & Victimology, (2-Edn. 2019) Bright Law House
5. Allen, Friday, Roebuck and Sagarin, Crime and Punishment: An introduction to Criminology, The Free press. New York.
6. National Police Commission Report

7. Law Commission's Report on Capital punishment

PROGRAM: 3 Yr/5 yr Law

Second year LLB / Fourth Year B.L.S.

Semester: IV/VIII

Course Title:- BANKRUPTCY LAWS (Elective Course)

Course Code:

Credits: 4

COURSE OBJECTIVES:

Insolvency is a financial malaise that afflicts the economy and society. Law has to effectively deal with this malaise. Indian Parliament has repealed the laws dealing with insolvency and bankruptcy and passed the Insolvency and Bankruptcy Code, 2016(IBC) to consolidate the laws relating to insolvency and bankruptcy of corporate persons, individuals and corporate firms and to expedite resolutions with maximization of the value of assets.

The objective of this course is to teach and learn IBC in depth. This course will include the study of the historical background of IBC, aims and objectives of IBC, the role, powers and functions of Insolvency Bankruptcy Board of India, provisions of IBC as to corporate persons, Limited Liability Partnership firms, individuals and partnership firms.

COURSE OUTCOME:

After completing this course, students will be able to :

1. Understand the role of Insolvency and Bankruptcy Board of India (IBBI) in professionalizing insolvency services through regulation and development of service providers, namely, insolvency professionals, insolvency professional agencies, insolvency professional entities, information utilities, registered valuers, and registered valuers' organizations
2. Understand in respect of corporate persons the corporate insolvency resolution process(CIRP), fast track CIRP, voluntary liquidation process, liquidation process and in respect of Micro, Small and Medium Enterprises the Prepackaged Insolvency Resolution Process
3. Understand in respect of individuals and partnership firms the fresh start process, the insolvency resolution process and the liquidation process
4. Understand the role of insolvency professionals, insolvency professional agencies and information utilities
5. Understand the importance, powers and functions of the Adjudicatory Authorities under IBC
6. Appreciate the relationship between the government and IBBI and to understand Board's Fund , Insolvency and Bankruptcy Fund , relevant regulations framed by IBBI and rules framed by the government

MODULE 1:

1.1 Historical background and constitutional allocation of the subject of insolvency and bankruptcy

1.2 Preliminary under IBC

1.2.1 Short title, extent and commencement of IBC

1.2.2 Application of IBC

1.2.3 Definitions under IBC

1.3 MISCELLANEOUS

1.3.1 Insolvency and Bankruptcy Fund

1.3.2 Power of Central Government

1.3.3 Bar of jurisdiction

1.3.4 Protection of action taken in good faith

1.3.5 Appeal and revision

1.3.6 IBC to override other laws

1.3.7 Limitation

MODULE 2:

2.1 CIRP

2.2 Fast track CIRP

2.3 Voluntary Liquidation Process

2.3 Liquidation Process

2.4 Prepackaged Insolvency Resolution Process

2.5 Adjudicating Authorities and Appellate Authorities

2.6 Offences and Penalties

MODULE 3:

3.1 Fresh Start process for individuals and partnership firms

3.2 Insolvency resolution process for individuals and partnership firms

3.3 Bankruptcy order in respect of individuals and partnership firms

3.4 Administration and Distribution of assets of the Bankrupt

3.5 Adjudicating authorities and appellate authorities

3.6 Offences and Penalties under Part III of IBC

MODULE 4:

4.1 IBBI

4.2 Insolvency Professional Agencies

4.3 Insolvency Professionals

1. Information Utilities

1. Insolvency Professional Entities

4.5 Registered Valuers, and Registered Valuers' Organizations

Suggested Readings:

1. <https://ipaicmai.in/>
2. <https://www.ibbi.gov.in/>
3. <https://www.mca.gov.in/Ministry/pdf/TheInsolvencyandBankruptcyofIndia.pdf>
4. <https://www.ibbi.gov.in/uploads/publication/a30d234862670f06b5a128a1bf208083.pdf>
5. <https://www.ibbi.gov.in/uploads/publication/e42fddce80e99d28b683a7e21c81110e.pdf>
6. Law of Insolvency in India By: Mulla, D. F
7. Law of Insolvency By: Singh Avtar.
8. Insolvency and Bankruptcy Code, 2016 Bare Act (Print/eBook) by EBC, Edition: 8th, 2021
9. Insolvency and Bankruptcy Code: Law and Practice by Akaant Kumar Mittal, Edition: 2021
10. Taxmann's Insolvency and Bankruptcy Code 2016 (latest edition)
11. Vivek Sood, Emergence of Commercial Justice, Bloomsbury, 2021

Drafting Pleading and Conveyancing II

LL.B Semester IV/ B.L.S LL.B Semester VI

Course Outline

Course Objectives

The primary objective of the course is to train the students in putting the thoughts into words with respect to the Legal Drafts. The students will be trained in drafting of conveyances and other essential documents. The course aims at equipping the students with drafting skills to give more exposure to the nature of legal language and the issues related to drafting legal documents. This course intends to cover the traditional conveyances, pleadings in matrimonial and family matters, partnership and corporate drafts which are particularly listed in the modules.

Course Outcomes:

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

1. Draft conveyances included in the syllabus
2. Draft wills and codicils

1. Dr. Girish Ahuja and Dr.Ravi Gupta, Systematic Approach to Taxation, Bharat
2. Dr. Vinod Singhania and Dr .Kapil Singhania, Direct taxes law and Practice, Taxmann
3. Sampath Iyengar, Law of Income tax, Bharat
4. K N Chaturvedi, Interpretation of Taxing Statutes, Taxmann
5. Dr. A L Saini & Dinesh Saini, Practice Guide to Appeals and Petitions Under Income Tax Act
6. V.S. Datey, All About GST- A Complete Guide to New Model GST Law, Taxmann
7. Arvind Datar, Kanga and Palkhivala's The Law and Practice on Income Tax, Lexis Nexis
8. Income Tax Act, 1961
9. B. B. Lal, Income Tax, Pearson

PROGRAM: 3 yr/5 yr Professional Law

Third Year LLB/ Fifth Year B.L.S LL B

Semester: VI/X

Course Title:- INTELLECTUAL PROPERTY LAWS (Elective Course)

Course Code:

Credits: 4

COURSE OBJECTIVES

Intellectual Property Law has assumed immense importance in the contemporary era as a result of the recognition that "knowledge is property" The course is designed with a view to create IPR consciousness and to familiarize the learners about the documentation and administrative procedures relating to IPR in India. The course is designed to understand the basic concepts of different types of intellectual property and the laws relating to intellectual property rights with special reference to Indian law and practice. The students will also be educated on the technical aspects of patent system and the patent régime in India. The course aims to impart knowledge on trademarks and their relevance in trade and commerce. It will disseminate knowledge on copyright and related rights and their economic significance. The students will understand the legal system governing intellectual property rights and their administration. The course will also focus on the current trends and give an over-all understanding about economic, social and cultural benefits of intellectual property to the society.

COURSE OUTCOME

After completing this course, the students will be able to:

1. Comprehend the fundamental aspects of intellectual property rights law in the special statutes and judicial interpretations.
2. Understand the international conventions and institutions in this subject

3. Grasp and apply the Patent Act by learning the evolution of the law, registration of patents, rights and remedies of patentees
4. Understand the law and practice of trade marks registration, rights and remedies in the matter of use and breach of rights
5. Understand and apply the copyright law in India encompassing the law on the nature and term of copy rights, copy right societies, rights and remedies
6. Understand the assignments, licensing, revocation and fair use of the Patents, Trademarks and copy rights under the relevant statutes

MODULE 1: General Principles of Intellectual Property

1.1 Concept and meaning of Intellectual Property

1.2 Nature and characteristics of Intellectual Property Rights

1.3 Origin and development of Intellectual Property Rights

1.4 Kinds of Intellectual Property.

- a. Patents
- b. Trade Marks
- c. Copyrights
- d. Industrial Designs
- e. Trade Secrets/ Undisclosed Information
- f. Geographical Indications
- g. Layout Designs of Integrated Circuits

1.5 Economic analysis of Intellectual Property Rights.

1.6 Advantages and disadvantages of Intellectual Property Rights.

1.7 Basic International Conventions and International Institutions relating to Intellectual Property:

- Paris Convention for the Protection of Industrial Property, 1883.
- The Berne Convention, 1886.
- Trips Agreement, 1994.
- GATT and WTO.
- WIPO.

MODULE 2: Law of Patents [The Indian Patents Act, 1970

2.1 Evolution of Patent law in India

2.2 Patentable and Non-Patentable inventions

- 2.3 Prerequisites – Novelty, Inventive Step and Industrial Application
- 2.4 Concept of Prior art, Anticipation and Person skilled in the art
- 2.5 Specifications – Provisional and Complete Specifications
- 2.6 Pre-Grant and Post Grant Opposition
- 2.7 Grant/Sealing of Patents and Term of Patents
- 2.8 Rights of Patentee
- 2.9 Surrender and Revocation
- 2.10 Assignment and Licensing
- 2.11 Fair use
- 2.12 Infringement, Remedies and Defences
- 2.13 Patent Agents

MODULE 3: Law of Trademarks [The Trade Marks Act, 1999]

- 3.1 Introduction to Trademarks and their Evolution in India
- 3.2 Need for protection of Trademarks
- 3.3 Kinds of Trademarks: Registered and Unregistered, Conventional and Non-conventional Trademarks, Service Marks, Collective Marks, Certification Marks, Well-Known Trademarks
- 3.4 Procedure for Registration
- 3.5 Grounds for Refusal of Registration
 - Absolute grounds
 - Relative grounds
- 3.6 Opposition to Registration
- 3.7 Rights of Proprietor of Trademark
- 3.8 Assignment and Licensing of Trademark
- 3.9 Infringement and Passing Off
- 3.10 Remedies and Defences for Infringement and Passing Off

MODULE 4: Law of Copyright [The Copyright Act, 1957]

- 4.1 Evolution of Copyright Law in India
- 4.2 Nature and scope of Copyright
- 4.3 Term of Copyright
- 4.4 Works in which Copyright subsists: Literary Works, Dramatic Works, Musical Works and Artistic Works, Sound Recordings, Cinematograph Films

4.5 Neighbouring Rights: Performers Rights, Rights of Broadcasting Organizations and Rights of the Producers of Phonograms

4.6 Authorship and Ownership of Copyright

4.7 Copyrights: Economic and Moral Rights

4.8 Assignment and Licensing

4.9 Fair Use Provisions

4.10 Infringement of Copyrights and Remedies

4.11 Copyright Societies

4.12 Powers of the Copyright Board

4.13 Copyright issues in Digital Environment

SUGGESTED READING:

1. P. Narayanan, *-Intellectual Property Law*”, Eastern Law House
2. P. Narayanan, *-Patent Law*”, Eastern Law House
3. B. L. Wadehra, *-Law Relating to Patents, Trademarks, Copyright, Designs and Geographical Indications*”, Universal Law Publishing
4. B. L. Wadehra, *-Law Relating to Intellectual Property*”, Universal Law Publishing
5. N. S. Gopalakrishnan and T. G. Agitha, *-Principles of Intellectual Property*”, Eastern Book Company
6. Ganguly, *-Intellectual Property Rights*”, Tata McGraw
7. W.R.Cornish *-Intellectual Property*”, Sweet and Maxwell
8. David I. Bainbridge, *-Intellectual Property*”, Long Man
9. Nithyananda, K. V., *-Intellectual Property Rights: Protection and Management*”, Cengage Learning India Pvt. Ltd.
10. Neeraj P. & Khusdeep D., *-Intellectual Property Rights*”, PHI Learning Pvt. Ltd.
11. V. K. Ahuja, *-Law Relating to Intellectual Property Rights*”, LexisNexis

WEBSITES:

1. Cell for IPR Promotion & Management (<http://cipam.gov.in/>)
2. World Intellectual Property Organization (<https://www.wipo.int/about-ip/en/>)

Office of the Controller General of Patents, Designs and Trademarks
(<http://www.ipindia.nic.in>)

PROGRAM: 3 yr/5 yr Professional Law

Third Year LLB/ Fifth Year B.L.S LL B

Semester: VI/X

Course Title-: LAW OF BANKING and Negotiable Instruments (Elective Course)

Course Code:

Credits: 4

COURSE OBJECTIVES:

This elective course on banking law will equip the future lawyers with the necessary knowledge and skills for academics, practice and critical evaluation. The course will focus on the provisions and principles of the various banking statutes. The course is designed to primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students in statutory as well as case - law in this area.

COURSE OUTCOMES:

After completing this course the students will be able to:

1. Understand in detail the Banking operations.
2. Interpret the relevant protocols to be followed by banks and financial institutions.
3. Know the relevant permissions and applicable laws for the smooth functioning of banking company and other financial institutions.
4. Understand the relevant laws applicable for bad loans and insolvency with reference to Insolvency and Bankruptcy Code, 2016 and Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI Act)
5. Understand the importance of cash reserves with study of Cash Reserve Ratio (**CRR**) and Statutory Liquidity Ratio (**SLR**)
6. Know Basel II & Basel III international strategies followed to manage efficient functioning of banking system in other foreign countries.
7. Apply the rules of The Foreign Exchange Management Act, 1999 in respect to the foreign investments and understand the importance of *Securities and Exchange Board of India (SEBI)* and Reserve Bank of India (RBI).
8. Understand the power of the Reserve Bank of India and the Central Government.

MODULE 1:

- 1.1 Introduction – Concept of Banking
- 1.2 Structure of Indian Banking system
- 1.3 Types of Common Banking Institutions
- 1.4 Functions & roles of financial institutions
- 1.5 Introduction to IBC – Object, Financial Institutions, Information utilities

MODULE 2:

Laws Governing Financial Institutions in India

2.1 Banking Regulation Act, 1949

2.2 Reserve Bank of India (RBI) Act 1934

2.3 RBI rules & Notifications (Banking) 1949

2.4 Cash Reserve Ratio (**CRR**) and Statutory Liquidity Ratio (**SLR**)

2.5 Basel II & III Capital Requirements

MODULE 3:

3.1 SEBI – formation of SEBI Board, role of SEBI (Banking Companies and NBFC's)

3.2 The Foreign Exchange Management Act, 1999 (FEMA)

3.3 Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI)

3.4 Bankers Book of Evidence Act, 1891

MODULE 4:

4.1 Negotiable Instruments Act, 1881

Kinds of Negotiable Instruments and their features and presentment

Holder and holder in due course

Dishonour and liability

Discharge

Special presumptions and rules of evidence

4.2 Powers and functions of Debt Recovery Tribunal and Debt Recovery Appellate Tribunals under Recovery of Debts Due to Banks and Financial Institutions Act, 1993

Reference books

1. Banking Regulation Act bare act, commentary (Taxman/Lawmann)
2. RBI ACT Bare Act, commentary (Taxman)
3. Guide to SARFAESI Act 2002 Act (Taxman)
4. Introduction to Negotiable Instrument Act, 1881 – commentary by Avtar Singh
5. FEMA Fundamental Aspects and Practical Issues – Chamber of Tax Consultancy
6. SEBI ACT ,1992 (CV Bhave)
7. IBC Code
8. Banking Law & Practice In India Lexis Nexis;, by M.L. Tannan

9. Banking Theory Law & Practice by Varshney P.N. Sundharam K.P.M. Sultan Chand and Sons

PROGRAM: 3 Yr/5 yr Law

Third Year LLB/ Fifth Year B.L.S LL B

Semester: VI/X

Course Title:- LAW AND MEDICINE (Elective Course)

Course Code:

Credits: 4

COURSE OBJECTIVES

The course is designed to impart the students an understanding of the areas of health law and various kinds of Alternative Medicine law in India. It will help in analyzing lacunae within the professional obligations of doctors and understand the doctor-patient relationship. The students will be taught to synthesize various related provisions under Constitution, Tort Law, Indian Penal Code and the Consumer Laws. The students' knowledge on law and medicine with special emphasis on the legal and ethical issues surrounding the administration of treatment of medical procedures in the backdrop of advancement of science and technology is covered. This syllabus is designed to enable the students to be legally armed for skilful advocacy as practicing lawyers and jurists in future. Overall, this course aspires to provide in-depth understanding of working of the medical profession, and equip students accordingly with the requisite knowledge to protect the interests of people, prevent wrongs and remedy wrongs.

COURSE OUTCOMES

After completing this course the students will be able to-

1. Understand the relationship between the law and medicines, medical professionals and all allied alternative medical professions
2. Analyze the international legal framework for the law and medicine, and identify situations that frequently present legal issues in the healthcare industry.
3. Understand the legal, social, and economic risks of potential legal claims.
4. Acquire detailed knowledge of regulation of traditional medicines and essential medicines through the AYUSH ministry.
5. Interpret the policy of the government regarding medicine e.g. pricing of medicines, spurious drugs, and advertisements.
6. Understand the specific legislations pertaining to law and practice on clinical trial, organ transplantation, Pre conception and pre-natal diagnostics techniques law and the Magic Remedies.

MODULE 1: Right to Health and Different Provisions having bearing on Right to health in the Indian Constitution

1.1 Health care Delivery System in India-

1.1.1 Primary Health Centre's, Dispensaries, District level Hospitals, Hospitals with affiliated Medical colleges, Advanced Centres aided by private sector which run corporate hospitals, small multi-specialty hospitals and nursing homes.

1.1.2. Limitations of smaller setups, **Procedure and Requirements** while starting a new Setup,

1.1.3. Importance of Standards, Certifications and Accreditation's - International Organisation for Standardization, National Accreditation Board for Hospitals

1.2. **Control of Medical Profession** - Functions of the Commission/Councils under the following Acts

1.2.1. National Medical Commission Act, 2019

1.2.2. The Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation 2002

1.2.3 The Indian Medicine Central Council Act, 1970

1.2.4 Homeopathy Central Council Act.1973

1.2.5 Importance of Registration (Different Courses, Recognition schedule 1 of MCI Act)

1.2.6 Self-Regulation through Codes of conduct, Rights and duties of Registered Medical Practitioner, Unethical Acts and Misconduct

1.3 Varieties of Medical Profession

1.3.1 Ayush Ministry, Purpose

1.3.2 Ayurveda, Siddha, Unani, Homeopathy and Allopathy —Recognized Courses

Yoga and Naturopathy

1.3.3. Different Degrees Conferred, Doctors getting Degrees from Abroad, Crosspathy Practice and Mixopathy

MODULE 2: Doctor Patient Relationship

2.1. Medico legal Implications of Consent, Different types of consent, Informed Refusal and Therapeutic Privilege.

2.2. Importance of Documentation, Certificates in Medical practice, Medical Record,

2.3 Confidentiality and Privileged Communication between Doctor and Patient

2.4. Patients Right to self Determination and Euthanasia- Legal Position in India

2.5. Concept of living Will and Request for DNR- Do Not resuscitate

2.6 Professional Obligations of Medical Professionals

MODULE 3: Medical Negligence and Different remedies

3.1 Negligence in Medical Practice, Contributory Negligence and Different Remedies

3.2. Errors in Medical Practice, Medical Accidents

3.3. Consumer Protection Act, 2019 and Medical Profession

3.4 Violence Against doctors and Medical Establishments (Legal provisions)

3.5. Criminal Law Remedies

MODULE 4: Medico –Legal Issues

4.1 Clinical trials of drugs on Humans and Law, Nuremberg code, Helsinki declaration and Good Clinical practice

4.2 Road accidents, sexual assaults

4.3 The Drug and Magic Remedies (Prevention of Objectionable Advertisement) Act, 1954

4.4 Transplantation of Human Organs Act, 1994

4.5 Pre Conception and Pre Natal Diagnostic Techniques Act, 1994

4.6 Disaster Management Act, 2005 - Mass Disasters

4.7 Medical Insurance

Text Books and Reference Books:

1. S K Joshi, -Law And The Practice Of Medicinell, Jaypee Brothers Medical Publishers, New Delhi, 2010
2. Dr. Lily Srivastava, Law And Medicine, Universal Law Book Agency, New Delhi;
3. Malik, Surendra, & Sudeep, Supreme Court On Drugs, Medical Laws And Medical Negligence, Eastern Book Company, New Delhi. 2014;
4. Nandita Adhikari, Law & Medicine, Central Law Publications, Allahabad, 4th Ed. 2015.
5. Siddhartha Mukherjee, The Laws Of Medicine, Ted Books
6. Emily Jackson, Law And The Regulation Of Medicines, Hart Publishing House
7. Sheila A M Mclean, Contemporary Issues In Law, Medicine And Ethics, Dartmouth Publishing Company Limited, Hampshire, 1996
8. Tapas Kumar Koley. Medical Negligence and the Law in India. Duties Responsibilities And Rights .Oxford University Press -2010.
9. Dr.S.B.N Prakash. Mental Health and Law. Lawyer's Law Book.2008.
10. S.K.Verma.Legal Framework for Health Care in India Lexis Nexis Butterworths 2002.
11. Modi's Medical Jurisprudence and Toxicology. Lexis Nexis 2006.
12. Kannan K. Medicine and Law. Oxford University Press – 2014.
13. Manson J.K . Mason And Mc Call Smith's Law And Medical Ethics .Oxford University Press 2006

1. Veitch, Kenneth. The Jurisdiction Of Medical Law .Ashgate Publishing 2007
1. Lawrence Gostin. Principles of Mental Health Law and Policy. Oxford University Press 2010
1. Jonathan Merrill's And Jonathan Fisher. Pharmacy Law And Practices. Elsevier 2006
 1. Andrew Grubb. Principles Of Medical Law .Oxford University Press 2010

PROGRAM: 3 yr/5 yr Professional Law

Third Year LLB/ Fifth Year B.L.S LL B

Semester: VI/X

Course Title:- LAW RELATING TO WOMEN AND CHILDREN (Elective Course)

Course Code:

Credits: 4

COURSE OBJECTIVES

This elective course is to facilitate learning of special laws to protect women and children. Identified as vulnerable by the international community of states, a few international instruments have been adopted for the protection of the rights of women and children. There are various national efforts also to protect women and children. This course offers an opportunity to substantially learn the international and national law on protection of women and children from human rights perspectives.

COURSE OUTCOME

After completing this course, the students will be able to:

1. Understand the status of women and children nationally and internationally, in the human rights perspectives
2. Appreciate and apply the international conventions on women and children.
3. Identify and analyse the constitutional provisions safeguarding the woman and the child
4. Understand the specific Laws related to women and children in India.
5. Comprehend the State initiatives, and judicial pronouncements on issues relating to gender justice and justice for children

MODULE 1: Social, Constitutional and International legal status of Women.

1.1. Status of Women in India- Pre-Independence period, Social and legal inequality, Social Reform Movement in India, Karachi Congress, Fundamental Rights Resolution, Equality of Sexes

1.2. Constitution of India and Women- Preamble, Fundamental Rights, Directive Principles of State Policy, Reservation for women in local bodies,

1.3. Personal Laws relating to marriage, divorce, succession and maintenance with special emphasis on discrimination of women, Uniform Civil Code towards gender justice, Special Marriage Act, 1954

1.4. Criminal Laws and Women:

Provisions to protect women under Indian Penal Code 1860, Code of Criminal Procedure, 1973 and Indian Evidence Act, 1872

1.5 Position of Women under International instruments - Salient features of Convention for Elimination of all forms of Discrimination against Women (CEDAW) and optional protocols to the Convention

MODULE 2:- Women Welfare Laws

2.1Pre-conception and pre-natal diagnostic techniques (Prohibition of Sex Selection) Act, 1994 and Medical Termination of Pregnancy Act, 1971

2.2. Indecent Representation of Women (Prohibition) Act, 1986

2.3. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act, 2013

2.4. Dowry Prohibition Act, 1961

2.5 Protection of Women from Domestic Violence Act, 2005

2.6 Immoral Traffic (Prevention) Act, 1956

2.7. Maternity Benefit Act, 1961 and Factories Act, 1948

2.8 National Commission for Women Act, 1990

Module III: Social, Constitutional and International legal status of Child

3.1- Socio Legal Issues

Deferred infanticide through biased nutritional discrimination, Regulation of the employment; Child Labour, Recommendations of the National Commission of Labour, Female Foeticide

3.2. Constitutional concern – Article 15(3), Article 21A, Articles 23, 24, 28, 29 Article 39 (e) and (f) and Article 45, Article 243(G) Schedule XI, Article 350A State responsibility for the education of children, Constitutional safeguards to Children

3.3 Safeguards under Indian Penal Code, 1860, Hindu Adoptions and Maintenance Act, Hindu Minority and Guardianship Act, Tort law, Contract law and partnership law

3.3 International concern and endeavour for the welfare of the Children:

Minimum Age Convention, 1973

U.N. Declaration of the Rights of the Child, 1959

Role of UNESCO, UNICEF and ILO

UN Convention on Rights of a Child, 1989

MODULE 4: Special Legislation for the Protection of Children

4.1 Prohibition of Child Marriage Act, 2006

4.2 The Right of Children to Free and Compulsory Education Act, 2009

4.3 National Food Security Act, 2013

4.4, Child Labour (Prohibition and Regulation) Act 1986

4.5 Commissions for the Protection of Child Rights Act, 2005

- 4.6 Young Persons Harmful Publications Act, 1956 –
- 4.7 Immoral Traffic (Prevention) Act, 1956
- 4.8 Bombay Prevention of Begging Act, 1959

Recommended Readings:

1. S.P. Sathe: Towards Gender Justice.
2. Dr. Vijay Sharma: Protection to woman in Matrimonial home
3. Dr. Sarojini Saxena: Femijuris(Law relating to Women in India)
4. Dr. Archana Parsher: Women and Social Reform
5. Dr. Paras Diwan: Dowry and protection to married women
6. Mary Wollstonecraft: A Vindication of the rights of women.
7. Dr. G.B.Reddy: Women and Law, 2nd Edn. Gogia Law Agency, Hyderabad, 1998.
8. Dr. Anjali Hastak, Empowerment of women through Property Rights in Hindu Law, SPARC publication, Chandrapur
9. Flavia Agnes – Law and Gender inequality
10. Ajit Ray – Widows are not for burning
11. A.S.Altekar – Position of Women in Hindu Civilization
12. Flavia Agnes – State, Gender and Rhetorics of Law of Reforms
13. S.N.Jain (Ed) – Child and the Law (ILI)
14. Asha Bajpai – Child Rights in India: Law, Policy and Practice.Oxford 2003 New Delhi.
15. Encyclopaedia of Laws of the Child in India. S.P.Shaw. Alia Law Agency

PROGRAM: 3 Yr/5 yr Professional Law

Third Year LLB/ Fifth Year B.L.S LL B

Semester: VI/X

Course Title:- LAW OF INSURANCE (Elective Course)

Course Code:

Credits : 4

This elective course aims to impart the principles and characteristics of the Laws of Insurance to the students. It will help the students to be aware of the process and need of nationalization and the subsequent privatization of the insurance sector in India. The course also will deliberate upon the legislations relating to Insurance and Insurance Sector in India, characteristics and functions of insurance companies, types of insurance and specific provisions relating to regulatory mechanisms for regulating the insurance sector and current developments, issues and challenges.

COURSE OUTCOMES

After completing this course, students will be able to:

1. Learn the evolution of the insurance sector in India ;
2. Familiarize with the basic principles of the Laws of Insurance ;

3. Understand and apply the insurance legislations and regulations in India ;
4. Understand and evaluate the strengths and shortcomings of insurance sector and regulations in India ;
5. Promote and involve themselves in consumer education and awareness in the Insurance sector ;

MODULE 1: Introduction

1. 1 Insurance : Definition, Nature, Scope, History, Its future, need and importance in India and across the globe
1. 2 Risk : Definition, Nature, Relation between Risk and Insurance, Concept of Risk Management
1. 3 Kinds of Insurance , Types of Insurance Policies, Law of Contract, Proposal, Consideration, Re-insurance and Double Insurance
1. 4 General Principles of Law of Insurance, Good Faith (Uberrima Fides), Subrogation, Indemnity, Insurable Interest, Misrepresentation, Causa Proxima, Loss minimization, Contribution
- 1,5 Insurance Policy, Assignment and Nomination
1. 6 Insurance service under Consumer Protection Act, 2019

MODULE 2: Insurance Regulatory Framework in India

- 2.1 Insurance Regulatory and Development Authority (IRDA) Act, 1999, IRDAI, its functions, role, structure
- 2.2 Nationalization, Privatization and Globalization of Insurance Sector
- 2.3 Insurance pertaining to Life and Personal Accidents, Hospitalization
- 2.4 Life Insurance – Nature, Principles and Scope Events insured against life, life insurance contract, persons entitled to payments, settlement of claims
Mediclaime, Sickness Insurance, Personal Accidents
- 2.5 Motor Vehicles Act, 1988, Salient features, (Chapter – VIII), Nature and Scope, persons governed, Third party liability of owner, duty to inform the Third Party, rights and limitations of the third party, Claims Tribunal : constitution, functions, procedures, powers and award.

MODULE 3: Non-Life General Insurance

- 3.1 Marine Insurance: Nature and Scope - Classification of Marine policies - The salient features of the Marine Insurance Act, 1963, Insurable interest, Insurable value, Seaworthiness, Hull and Cargo Insurance
- 3.2 Marine Insurance policy, Conditions and express Warranties, Voyage Deviation, Perils of sea, Loss - Kinds of Loss of ship and of freight
- 3.4 Property Insurance: Policies covering risk of explosion, earthquake, and flood. Policies covering accidental loss, damage to property, construction risks
- 3.5 Burglary, Theft, Civil Commotion and Strikes, other Endorsements
- 3.6 Fire Insurance: Nature and scope of Fire Insurance – Basic Principles – Conditions & Warranties, Right & Duties of Parties, Claims and other related Legal Aspects of General Insurance

MODULE 4: Social Insurance in India

- 4.1 Social Insurance : Meaning, Scope, Characteristics, Need and Limitations
- 4.2 Agriculture Insurance, Crop Insurance in India, Crop Insurance Underwriting, Claims, Problems associated with Crop Insurance, Cattle Insurance in India
- 4.3 Public Liability Insurance: Public Liability Insurance Act, 1991 (An Overview) Claims, Role of Consumer courts and Insurance Ombudsman
- 4.4 Insurance schemes for sick, infirm, old, labour, premature death, Divyangjan, Pension earners, families affected by death of sole breadwinner, relief available to those who die due to pandemic, calamities and natural disasters
- 4.5 Unemployment Insurance, Insurance for special category of persons like, Circus workers, seamen etc.
- 4.6 Professional Negligence Insurance, impact of Contributory Negligence,
- 4.7 Compulsory Insurance

Relevant Statutes

- Insurance Act, 1938.
- The Marine Insurance Act, 1963.
- General Insurance (Business) (Nationalization) Act, 1972.
- The Life Insurance Corporation Act, 1956.
- Motor Vehicle Act, 1988
- Public Liability Insurance Act, 1991

Suggested Reading

1. Brijnandan Singh – Law of Insurance
2. Singh, Avtar, Law of Insurance, (2004)
3. Banerjee, Law of Insurance
4. E.R. Hardy Ivamy – Principles of Insurance
5. Gow Colinvaux – Law of Insurance
6. John Hanson and Christopals Henly – All Risks Property Insurance (1999)

7. K.S.N. Murthy and Dr. K. V.S. Sarma – Modern Law of Insurance.
8. Marine Insurance – Hardy Ivamy
9. Mitra B.C. – Law of Marine Insurance

1. Murthy K.S.N and K. V. S. Sharma , Modern Law of Insurance in India, (New Delhi:Lexis Nexis,2009)
1. Srinivasan , M.N., Principles of Insurance Law, 7th Edition, (Nagpur: Wadhwa and Co., 2004)

PROGRAM: 3 Yr/5 yr Professional Law

Third Year LLB/ Fifth Year B.L.S LL B

Semester: VI/X

Course Title:- CONFLICT Of LAWS (Elective Course)

Course Code:

Credits: 4

COURSE OBJECTIVES:

The course aims at explaining the principles of the Private International Law, also known as Conflict of Laws. The students will be learning the rules that enable finding that law of that country which will govern disputes among private parties involving a foreign element. This course introduces students to private international law, as to the fundamental concepts and mechanism of the branch of law, and the legislative rules, judicial interpretations issued by Authorities. The students will be introduced to practical aspects of civil and commercial practice relating to cross border issues involving contracts, property, succession, marriage, divorce, and adoption. Study of this law will also give an international and comparative perspective to the study of different laws required in practice of civil law

COURSE OUTCOMES

After completing this course, the students will be able to:

1. Define the principles of conflict of laws and its application in cases involving foreign elements
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. Analyse the issue of jurisdiction and application of foreign laws in a case where foreign element is involved;

MODULE 1: Introduction and Stages of Analysis in Private International Law

- 1.1 Definition, meaning and scope of private international law
- 1.2 Theories concerning private international law

- 1.3 Sources of private international law
- 1.4 Primary Characterization – defining the legal nature of the cause of action
- 1.5 Determining the connecting factor – articulating the relevant private international law
 - Principles
- 1.6 Delimitation and application of lex causae
 - 1.6.1 Doctrine of Renvoi
 - 1.6.2 The Scope of application of lex causae
 - 1.6.3 Substance and Procedure
 - 1.6.4 Depeçage and Incidental question
- 1.7 The Act of State Doctrine

MODULE 2: Issues Relating to Jurisdiction and Enforcement of Foreign Judgment.

- 2.1 General Issues relating to jurisdiction
 - 2.1.1 Jurisdiction and its implications in private International Law
 - 2.1.2 Action in personam and action in rem in private international law
 - 2.1.3 Action in personam: actor sequitur forum rei principle and its implications
- 2.2 In Personam Jurisdiction – The English Common Law and Indian Position
- 2.3 Action in Rem: Admiralty Jurisdiction in India
- 2.4 EC Regulation on Jurisdiction and the Recognition and Enforcement of Judgment (Brussels Regulation I and Recast Regulation)
- 2.5 The Mareva and Worldwide Mareva Injunctions – International Dimensions
- 2.6 Effects of Jurisdiction Clauses in India and under the Common Law
- 2.7 Enforcement of foreign Judgments
 - 2.7.1 Need recognizing foreign judgments 8.2 Limitations in recognizing and enforcement
 - 2.7.2 Section 13, 14 and 444 of C.P.C. and S. 41 of the Indian Evidence Act
 - 2.7.3 Brussels Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, 1968

MODULE 3: Applicable Law – Family Matters

- 3.1 Domicile as deciding factor
 - 3.1.1 Concept of Domicile
 - 3.1.2 Common Law Approach
 - 3.1.3 Indian Approach
- 3.2 Jurisdiction and Choice of Law Issues in Family Matters

- 3.3 Marriage and Matrimonial Causes
 - 3.4 Legitimacy and Legitimation
 - 3.5 Adoption, Guardianship and Child Custody (Jurisdiction and Choice of Law Issues)
- 3.6 Hague Conference on Private International Law

MODULE 4: Applicable Law: Contracts and Commercial Matters

- 4.1 Governing Law and Transnational Contracts – Common Law and Indian Law
- 4.2 Rome Regulation I on Contractual Obligations
- 4.3 IMF and Exchange Contracts
- 4.4 Negotiable Instruments
- 4.5 Torts and Rome Regulation II [Non-Contractual Obligation]

Suggested Reading

1. Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014.
2. Paras Diwan, Private International Law: Indian and English; Deep & Deep, 2008.
3. K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International, 2010
4. V. C. Govindraj, The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press, 2011.
5. Dicey, Morris & Collins, Conflict of Laws, Sweet and Max well 15th ed., 2016.
6. James Fawcett and Janeen M Carruthers, Cheshire and North's Private International Law Oxford University Press, 14th ed., 2008.

Drafting . Pleading and Conveyancing III

LL B Semester VI/ BLS LL B Semester X

Course Objectives This course is the third on the subject of drafting. The main objective is to train students in drafting of pleadings to be submitted in courts. Module I will focus on the civil pleadings like plaint written statement and others. Module II will include the training in drafting of pleadings required in criminal courts viz complaints bail application and others. Module III is devoted to the teaching- learning of drafting in the matter of civil and consumer-appeals, revision and others.

The last module is unique as it gives an opportunity to learn the drafting of bills and judgments

Course outcomes

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

1. Draft independently the civil pleadings
2. Draft the pleadings required in criminal matters including appeals, revision and others
3. Draft the pleadings in civil and consumer appeals, revisions and related matters
4. Draft bills and amendment bills
5. Draft judgment and orders

Module I-