

# **CURRICULUM AND SYLLABI**

**(9<sup>th</sup> Semester)**

**B.A.LL.B.  
(Integrated Law degree course)**

## **SCHOOL OF LAW**



**RAFFLES**  

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**UNIVERSITY**

Japanese Zone, National Highway 48 Neemrana, Rajasthan 301020

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## **LABOUR & INDUSTRIAL LAWS- II**

### **Course Objectives:**

This course has the following objectives

1. To provide provisions for equitable distribution of profits and benefits emerging from industry.
2. To safeguard workers' rights, promote trade union activities and make employment more secure.
3. To discuss the maternity and medical benefits
4. To protect workers' rights, ensure safe and healthy working conditions, promote fair wages, and prevent exploitation

### **Course Outcomes:**

The students shall be able to:

1. Understand the basic concept of different labour Act
2. Resolve the labour welfare problems and Students will learn the laws relating to Industrial Relations.
3. Know the Social Security, private sector wages problems etc.
4. Identify the working conditions and also learn the enquiry procedural and industrial discipline.

### **Unit-I**

#### **Workmen's Compensation Act, 1923**

**Credit 6**

**(Hours 60)**

- A. Conceptual framework of Social Security-Evolution and concept of Social Security, Scheme of Social Security, Workmen's Compensation Act, 1923, Aims & Object, Liability of Employer,
- B. Notional Extension of Defense, Determination of Amount of Compensation, Compensation when due-Penalty for default, Contracting Out (Section.17), Appointment & Powers of Commissioner (Section.19-31)

### **Unit-II**

#### **Maternity Benefit Act, 1961 (Section 3-18)**

- A. Aims & Object, Definition, Restriction on employment,
- B. Right to Maternity Benefit, Medical Bonus,
- C. Leave Dismissal during Pregnancy (Section 10-16), forfeiture of Maternity Benefit, Leave for Miscarriage, Penalty for contravention of Act of Employer, Cognizance of offences.

**Unit-III**  
**The Payment of Gratuity Act, 1972**

- A. The Payment of Gratuity Act, 1972, Aims and Objects of Act, Definition, Controlling Authority,
- B. Payment of Gratuity, Recovery of Gratuity, Determination of the amount of Gratuity
- C. Conceptual frame work of Social Security-Evolution and concept of Social Security, Scheme of Social Security.

**Unit-IV**  
**The Code of on Wages 2019**

**Minimum Wages**

- A. Payment of Minimum rate of Wages
- B. Fixation of Minimum Wages
- C. Components of Minimum Wages
- D. Procedure for fixing & revising of Minimum Wages
- E. Wages of employers who work for less than normal working day
- F. Minimum time rate Wages for Piece work
- G. Fixing hours of work for the working day
- H. Wages for two or More classes of work
- I. Fixing hours of work for normal working days
- J. Wages for overtime work
- K. Deductions which may be mode from Wages fines

**Unit-V**  
**The Payment of Bonus**

- A. Eligibility for bonus, etc.
- B. Disqualification for bonus
- C. Payment of bonus out of available surplus
- D. Set on & Set-off of available surplus
- E. Adjustment of Customary or interim bonus
- F. Time limit for payment of bonus
- G. Non-Applicability of this chapter

**Suggested Readings**

1. A. J. Fonseca: Wage Determination and Organised Labours in India, Oxford University Press, New York.
2. Dr. S.R. Myneni: Labour Laws, Asia Law House, Hyderabad.

3. A. J. Fonseca: *Wage Determination and Organised Labours in India*, Oxford University Press, New York.
4. S. N. Misra: *Labour & Industrial Law*, Central Law Publication, Allahabad.
5. 15. S. D. Punekar: *Labour Welfare, Trade Unionism and Industrial Relations*, Himalaya Publishing House, Bombay.

# EQUITY AND TRUST

## Course Objectives:

This course has the following objectives:

1. To discuss the general concept of trust and equity.
2. There are also instances where even in the absence of specific trust, the law has to protect the beneficial interests of persons on equitable considerations.
3. Trusts may also be created for public purposes of charitable and religious nature.
4. The existing laws in respect of trusts, equitable and fiduciary relations connected with property are to be taught in detail.
5. Students should also be conscientious of the emerging public trust doctrine of common property resources.

## Course Outcomes

The students shall be able to:

1. Understand the development and concept of equity.
2. Know the legal maxims and equitable rights
3. Analyses the provisions related to Duties of Trustees & Rights of Trustees, Powers of trustees
4. Apply critically the various laws regarding Religious Endowments

### Unit I

#### General Concept of Equity

**Credit 6  
(Hours 60)**

- A. Origin, Growth & Concept of Equity
- B. Definition, nature and scope of equity
- C. Equity as a branch of law
- D. Equity under the Indian Legal System
- E. Classification of Equity Jurisdiction.

### Unit II

#### Equitable Rights and Maxims

- A. Nature of Equitable Rights and Interests
- B. Difference between Legal and Equitable Estate "Choose in Action and" Choose in Possession"
- C. Maxims of Equity.
  - a) Equity will not suffer a wrong to be without a remedy
  - b) Equity follows the Law
  - c) He who seeks Equity must do Equity
  - d) He who comes to Equity must come with clean hands
  - e) Delay defeats equities
  - f) Equity acts in personam
  - g) Where the Equities are equal, the first in time shall prevail

h) Where there is equal Equity, the Law shall prevail

### **Unit III**

#### **General View of Trust**

- A. Introduction, Origin, Development and Definition of Trust.
- B. Creation of Trust
- C. Benefits of Trust
- D. Charitable & Religious Trust

### **Unit IV**

#### **Trustee: Duties of Trustees & Rights of Trustees, Powers of trustees**

- A. Rights and Power, duties and Liability of Trustees
- B. Disabilities of the Trustees
- C. Rights and Liabilities of the beneficiary

### **Unit V**

#### **Religious Endowments**

- A. Definition and nature of religious endowments
- B. Essentials of Valid Endowments
- C. Object and Scope of Religious Endowment
- D. Maths
  - a) Shebaitship,
  - b) Power and duties of shebait.
- E. Wakf
  - a) Definition
  - b) Object of Wakf
  - c) Essentials of Wakf

#### **Suggested Readings:**

- 1) Equity by Hanbury
- 2) Trust and Trustees: Cases and Materials, R.H. Maudsley and E.H. Burn
- 3) Aqil Ahmad, Equity Trust and Fiduciary Relations
- 4) The Indian Trust Act, 1982
- 5) The Religious Endowments Act, 1863
- 6) The Wakf Act, 1995

# **ALTERNATIVE DISPUTE RESOLUTION**

## **INTRODUCTION TO THE COURSE**

The resolution of disputes forms a large part of the justice delivery system. India has a long tradition of resolving disputes through Alternative Dispute Resolution methods viz Nya Panchayat System. At present, there are about 30 million cases pending in the Indian Courts.

A major step to expedite the judicial process in this direction was initiated by the Central Government by the enactment of the Arbitration and Conciliation Act, 1996 which made significant changes in the law of Arbitration. Institutions such as Lok Adalats have been given statutory recognition by the Legal Services Authorities Act, 1987. The Code of Civil Procedure, 1908 has been amended by incorporating Section 89 and Order X, Rules 1A, 1B, and 1C, making it obligatory on the courts to explore the settlement of disputes by ADR Methods in pending suits, which will create more demand for trained Arbitrators, conciliators and Mediators, to cater to the needs of more than 10,000 courts spread all over the country.

The need of the hour is to create an awareness of ADR Methods among the people and to prepare a large pool of trained professionals in the field of ADR who will be able to practice these ADR Methods to resolve disputes.

### **COURSE OBJECTIVE:**

This course has the following objectives:

1. To discuss the strengths and weakness of various dispute resolution methods.
2. Explain the primary dispute resolution process and functions
3. To discuss and describe the ADR movement.
4. To apply the maxims of equity for providing practical justice by understanding the real spirit of equity.

### **COURSE OUTCOMES:**

The students shall be able to:

1. Understand the fundamental principles of equity, justice and good conscience
2. Know the real spirit of the equity which was prevailing in Great Britain. The application of these principles will analyse for providing real justice in India.
3. Apply the provisions of equity with reference to constitutional law in India.
4. Analyse the principles and maxims of equity for the application of the spirit of justice.

## **COURSE OUTLINE**

### **UNIT-I**

**Credit 6**

#### **Alternative Dispute Resolution (ADR)**

**(Hours 60)**

- A. ADR – Concept and Meaning Objectives of Arbitration Historical Developments Differences of Arbitration with other methods, Relevance in the Present Scenario
- B. Conciliation – Appointment of Conciliator – Rights and Duties of Conciliator – Interaction between conciliator and parties – Communication – Confidentiality – Legal Counseling – Different facets of legal counselling – Duties and responsibilities of Counselor
- C. Mediation – Objectives of Mediation – Models and Approaches – Stages of Mediation –Mandate of the Mediator – Role of the Mediator – Duties and Responsibilities of the Mediator
- D. Negotiation – Theories of Negotiation–Different strategies of Negotiation – Models/Types of Negotiation – Duties and Responsibilities of Negotiator.
- E. Dispute Resolution through Lok Adalat – Different types of Lok Adalat – Nyaya Panchyats and Grama Nyayalayas – Important provisions of Legal Services Authorities Act, 1987 – Fast Track Arbitration – Section 89 of Civil Procedure Code, 1908.
- F. Criminal Justice System–Victim vis-à-vis Offender mediation and reparation– Offences–Plea Bargaining–Charge Bargaining–Sentence Bargaining–Fast Track Criminal Courts

### **UNIT-II**

#### **Indian Law on Alternative Dispute Resolution**

- A. Arbitration – Types of Arbitration – Adjudicatory, Non – adjudicatory, Institutional and Ad-hoc mandatory Arbitration.
- B. Arbitration and Conciliation Act, 1996
- C. Arbitral Tribunals–Appointment of Arbitrators–Eligibility and qualifications of Arbitrators–Powers and functions–Competency and Jurisdiction of Arbitrators.
- D. Arbitral proceedings–Procedural justice for parties–Rules of procedure and Evidence, Statement of Claims and Defence; Hearings and Written proceedings–Interim Measures–Settlement Awards.



- E. Determination of Applicable Law–Choice of Law–Proper law of Contract and Conflict of law principles
- F. Awards–Kinds of Awards–Rules of Guidance–Form and contents of awards–Correction and
- G. Interpretation of award–Additional award–Setting aside of Awards–Appealable Orders–Enforcement of Awards–Legality and Fairness of Arbitral Awards–Reasoned Awards.
- H. Evolution of Conciliation as a mode of Dispute Settlement–Role of Conciliator–Conciliation proceedings–Scope and Nature of award by the Conciliator.
- I. Two Tier Arbitration Procedure under Indian Laws
- J. Scope and Extent of Judicial Intervention in Arbitration Process–Role of Courts–Setting Aside Arbitration Awards on Grounds of Public Policy, Fraud, and Partiality–Recent Trends and developments.

### **UNIT-III**

#### **International Commercial Arbitration**

- A. Meaning and kinds of International Commercial Arbitration
- B. Development of International Arbitration – International Non-Commercial Arbitration and International Commercial Arbitration –International Commercial Arbitration Institutions viz. ICC, CiArb, DAC, ICA etc. – Rules of these Major International Arbitral Institutions- Global Application of International Arbitration Rules.
- C. Constitution of Arbitral Tribunal
- D. Appointment of Arbitrators–Powers, Duties and Jurisdiction of Arbitral Tribunal–Code of Conduct of Arbitrators–Rules of Arbitration Proceedings–Principle of Party Autonomy.
- E. Nationality of Parties–Applicable Law–The intervention of domestic courts in International Commercial Arbitration–Interim remedies by Courts–Conflict of Law Principles as applicable to International Arbitrations–Sovereign Immunity and International Commercial Arbitration
- F. UNCITRAL Model Law, 1985–Uniformity in International Commercial Arbitration Laws in various countries–Enforcement of Foreign Arbitral Awards–State practice

with respect to enforcement of foreign arbitral awards–Geneva Convention, 1927 and New York Convention, 1958.

- G. International Arbitrations under the Arbitration and Conciliation Act, 1996– Comparative analysis of ADR system in selected Countries.
- H. Dispute Resolution under GATT–WTO Dispute Settlement Mechanism–ICSID Convention.

#### **UNIT-IV**

##### **Conciliation, Mediation & Negotiations**

- A. Conciliation: Introduction Overview, Purposes and Uses.
- B. Mediation: Introduction Overview, Purposes and Uses.
- C. Negotiations: Introduction Overview, Purposes and Uses

#### **UNIT-V**

##### **Practical Application of ADR Methods in Different Fields and Areas**

- A. Labour and Industrial Disputes
- B. Commercial and Financial Disputes
- C. Family and Matrimonial Disputes
- D. Consumer Disputes
- E. Accident Claims

## **(DRAFTING, PLEADING AND CONVEYANCING)**

### **INTRODUCTION TO THE COURSE**

By the art of legal drafting (also commonly called the legal composition) we mean the art of composing or writing all documents which are either expressly intended to be, or which frequently become the subject of legal interpretation. It is concerned chiefly, therefore, although not exclusively, with the documents which declare or regulate rights. This at once distinguishes the art of legal composition from the art of ordinary composition or literature, which deals not with rights but with thoughts or facts. Of course, the bases of literary composition and legal composition are all the same, grammar and logic. The latter, perhaps, more strictly than the former kind of composition is bound by the rules of the grammar and logician but we do not intend, except incidentally, to touch on the rules of grammar or logic. It is a composition as legal - as dealing with or affecting rights - which we have in view. This differs so much from a literary composition that, though they have a common basis, same rules do not apply to both. The style of good legal composition (for it has a style of its own) is free from all color, from all emotion, and from all rhetoric. It is impersonal as if the voice, not of any man, but of the law, dealing with the necessary facts. It disdains emphasis and all other artifices. It uses no metaphor or figure of speech. It is always consistent and never contradicts itself. It never hesitates or doubts. It says in the plainest language, with the simplest, fewest and fittest words, precisely what it means. These are qualities that might be used to advantage more frequently than is common in literature, and unfortunately, they are not to be found in many legal compositions, but they are essential to good legal composition and not essential to literary composition.

Pleadings are a statement in writing drawn up and filed by each party to a case, stating that his contentions will be at the trial and giving all such details as his opponent needs to know in order to prepare his case in answer. The function of pleadings is not simply for the benefit of the parties, but also and perhaps primarily for the assistance of the court by defining with precision the area beyond which, without the leave of the court and consequential amendment of the pleadings, the conflict must not be allowed to extend. The purpose of rules regarding pleadings is to advance justice and to prevent a multiplicity of proceedings.

Conveyancing is the process by which legal title to property is transferred. As a consequence, over time, conveyancing has become the description for the document affecting the such transfer. In many ways conveyancing is like Shakespeare's character, Autolycus in *The Winter's Tale*, 'a snapper-up of unconsidered trifles. Like this amiable rogue, conveyancing takes from here, there, and everywhere, from within the full gamut of the law. Conveyancing rests and has been built upon the three foundations of land law, contract law, and equity and trusts. Because of this, a confident appreciation of land law is crucial for success in conveyancing. You will also need to have a prior knowledge and understanding of the details concerning the formation of contracts, the formalities of written contracts, misrepresentation and remedies for breach of contract. A detailed understanding of the influence of equity as well as trust will always be a prerequisite for a successful conveyancer.

## **COURSE OBJECTIVE**

This course has the following objectives:

1. To present substantive law under the Indian context of pleading.
2. To draft documents relating to various deeds.
3. To assess and analyse the rules of pleading
4. The course is framed to help the students for understanding the basics of practical aspects of pleading

## **COURSE OUTCOMES:**

The students shall be able to:

1. Understand the basics of pleadings and conveyancing.
2. Apply the practical law in drafting the various kinds of deeds.
3. Know the law pertaining to the rules of pleading.
4. Analyse affirmative actions in practice.

## **COURSE OUTLINE**

### **UNIT-I Pleadings**

**Credit 6  
(Hours 60)**

- A. Meaning and Importance
- B. Functions of Pleadings - Order 6 of CPC
- C. Essentials of Pleading Particulars of Pleading
- D. Striking out pleadings- Signing and verification
- E. Amendment in Pleadings
- F. Applicability of Order 6 CPC in Other Proceedings.

#### Cases

1. Lakshmi Narayan Deo Vasti Temple vs. Narayan F. Marathy (1995) 2 Bom CR 610
2. Prabodh Verma vs. State of UP (1984) 4 SCC 251
3. Someswer vs. Tribhuban AIR 1934 PC 130

### **UNIT-II**

#### **Civil Pleadings - Substantive Aspects and Drafts**

- A. Complaint (Order 7 of CPC)
- B. Written Statement (Order 8 of CPC)
- C. Notice under Sec.80 of CPC
- D. Injunction Application
- E. Interlocutory Application
- F. Revision Petition
- G. Review Petition
- H. Appeals

#### Cases

1. Phula Devi vs. Mangtu Maharaj AIR 1969 Pat 284
2. Jagjiban Das vs. Gunan Bhai AIR 1967 Guj 1
3. N.Naidu vs. K.Naidu AIR 1969 Mad 329

### **UNIT-III**

#### **Criminal Pleadings - Substantive Aspects and Drafts**

- A. Meaning - Criminal Pleadings in India
- B. Complaint (Sec.2d of Cr PC)
- C. Application for Bail (Sec.436, Sec. 437 of Cr PC)
- D. Anticipatory Bail (Sec.438 of Cr PC)
- E. Application U/S. 125 of the Code of Criminal Procedure, 1973

### **UNIT-IV**

#### **Other important Pleadings - Substantive Aspects and Model Forms**

- A. Complaints under Sec.138 of the Negotiable Instruments Act
- B. Petition for Dissolution of Marriage under the Hindu Marriage Act
- C. Suit for Permanent Injunction
- D. Application for Temporary Injunction
- E. Writ Petition under Article 226 of the Constitution of India

### **UNIT-V**

#### **Conveyancing**

- A. Conveyancing - Meaning and Definition
- B. Sale Deed
- C. Mortgage Deed
- D. Lease Deed
- E. Gift Deed
- F. Partnership Deed

#### **Suggested Readings**

1. DK Gupta, *A Guide to Conveyancing, Drafting and Deeds*, Vol. 2- 8, 2<sup>nd</sup> Edn - 2005, Kamal Law House, Kolkata.
2. NS Bindra, *Conveyancing*, Vol.2-7, Delhi Law House, Delhi, 2008
3. GF Harwood, *Odgers on Pleadings and Practice*, 20<sup>th</sup> Edn- 1971, Universal Law Publishing Co. Pvt Ltd., Delhi.
4. Rodney D. Ryder, *Corporate and Commercial Agreements Drafting Guidelines, Forms and Precedents*, Universal Law Publishers, New Delhi 2005.

**HONOURS PAPER**  
**CONSTITUTIONAL LAW GROUP**

**AFFIRMATIVE ACTION AND DISCRIMINATIVE JUSTICE**

**TEACHING METHODOLOGY**

A dialectic system of learning would provide a better appreciation of constitutional governance in India through classroom debate and moot court exercises after the basic issues are identified by lecture and discussion. Research of issue-based conflict of interest through court cases may be an added advantage.

As per the norms of the University for this Course, there will be 6 classes per week. Clinical and tutorial forms of learning should be followed. The teaching methodology will include Lectures-cum-discussion, Assignments, Projects and Presentations.

**COURSE OBJECTIVES:**

This course has the following objectives:

1. To teach the historical concept of affirmative action and discriminative justice.
2. Classroom discussion about the international position of affirmative action.
3. To learn about real justice in relation to the privileged class of society
4. To compare the judgment of the competent court pertaining to affirmative action for the betterment of society

**COURSE OUTCOMES:**

The students shall be able to:

1. Understand the applications of real justice in the development of society
2. Know the principles of protective discrimination for the upliftment of the privileged class.
3. Apply the principles of affirmative action and principles of equity.
4. Examine the reservation policy as existing in the global legal framework.

**UNIT-I**  
**Historical Aspect**

**Credit 4**  
**(Hours 40)**

- A. Introduction
- B. Origin of Affirmative Action
- C. Need for Affirmative Action
- D. Reverse Discrimination

## **UNIT-II**

### **International Position Regarding Affirmative Action**

- A. Position in the USA
- B. Comparison between caste in India and Race in the USA
- C. Position in the UK
- D. Position in Canada

## **UNIT-III**

### **National Position**

- A. Position of OBC, SC, and ST in India
- B. Caste as the basis for affirmative action in India
- C. Gender as a basis for affirmative action in India
- D. Minority as a basis for affirmative action in India
- E. Constitution of India
- F. Article 14, Article 15, Article 16, Article 29 and Article 41
- G. Kalekar Commission
- H. Mandal Commission
- I. Rangnath Commission
- J. Sachar Committee
- K. Reasonable classification

## **UNIT-IV**

### **Affirmative Action in Practice**

- A. Reservation in promotion
- B. Implementation of affirmative action
- C. Role played by Judiciary
- D. Strengths and Weaknesses of the Affirmative Action Program in India

### **Reference Books**

P.M. Bakshi, Constitution of India, Universal  
M.P. Jain Indian Constitutional Law, Wadhwa  
Granville Austin The Constitution of India, Oxford  
Basu Constitutional Law of India, Prentice Hall of India 200

# **GENDER JUSTICE AND FEMINIST JURISPRUDENCE**

## **COURSE OUTLINE:**

This subject will help the learners to gain an understanding of the issues, legal policy framework and action plans that focus on the empowerment of vulnerable genders including Female and Transgender Persons. The issues that have a strong bearing over these section's empowerment, protection and eradication of gender-based inequalities would form the base of this subject.

## **COURSE OBJECTIVES:**

This course has the following objectives:

1. To describe the gender-sensitive legal knowledge and skills among students.
2. To study the domestic and international standards of gender equality jurisprudence.
3. To deal with the history and development of the gender justice system in India.
4. To provide various legal provisions in regard to gender equality and feminism.

## **COURSE OUTCOMES:**

The students shall be able to:

1. Understand the basic concept and law related to the gender justice system.
2. Know the controversial issues, theories and texts with a critical lens and an open mind.
3. Develop the ability to research and write substantive analytical research papers
4. Apply the professional activities in the national and international law in the Indian legal system

## **UNIT I**

**Credit 4**

### **HISTORICAL EVOLUTION**

**(Hours 40)**

- A. Gender Justice and Feminism- Meaning, nature and Scope
- B. Gender Theories- Conflict, Integrationists and Hermeneutic approaches
- C. Feminist Theories- Liberal Feminism, Cultural Feminism, Radical Feminism and Post-Modern Feminism
- D. Notions of Patriarchy, Sex and Gender, Gender Discrimination, homophobia, labour division- Global and Indian Perspectives
- E. Feminist Justice Movement in Europe, USA and India- Status, impact and significance

## **UNIT II**

### **GENDER JUSTICE AND HUMAN RIGHTS:**

- A. Historical critique of gender discrimination- Global and Indian Views
- B. UNO and Gender Equality- UN Charter, UDHR, UN Convention on Traffic in Women and Children 1949, UN Sub-Commission on the Status of Women, ILO and Gender Justice, ICCPR 1966, ICESCR 1966, CEDAW 1979



- C. EU Human Rights Law and Gender Discrimination
- D. Sexual Harassment and discrimination at Workplace, Domestic Violence, Sex Traffic and Prostitution, Forced Marriage, Sexual Reproductive Rights, Surrogacy, Marital Rape and Consent
- E. Feminist Perspective on Global Environmental Issues and Judicial Response

### **UNIT III**

#### **FEMINIST JURISPRUDENCE IN INDIA:**

- A. Gender Equality under Indian Constitution- Preamble, Fundamental Rights and Directive Principles of State Policy
- B. Critique of selective Offences provided under IPC 1860- Kidnapping, Abduction, Rape-Gang Rape-Custodial and Marital Rape, Stalking, Acid Attack and Adultery

### **UNIT IV**

#### **FEMINIST JURISPRUDENCE IN INDIA**

- A. Women's Labour Rights and Healthy Working Conditions
- B. Gender and Marital Rights in the Family- A Critique of the Deviations in Hindu, Muslim and Christian Personal Laws
- C. Adoption, Guardianship and Maintenance Issues

### **UNIT V**

#### **GENDER JUSTICE FOR LGBTQIA PERSONS:**

- A. Notions of LGBTQIA, Transgender, Homosexuality
- B. Historical Analysis of the Human Rights Movements for LGBTQIA persons- Indian and Global Scenario
- C. Status of Legal Protection
- D. Same-Sex Marriage Unions and the Family
- E. Problems faced by LGBTQIA community-Socio-economic and political exclusion, hate crimes, discrimination and violence
- F. How to achieve gender equality-gender and sustainable development goal (2015-2030).

#### **RECOMMENDED READINGS:**

- Patricia Smith, Feminist Jurisprudence
- Gender Justice & Feminist Jurisprudence by Dr. Sheetal Kanwal, Amar Law Publication
- Bina Agrawal, Introduction of the Structures of Patriarchy
- Kamla Bhasin & Nighat Said Khan, Some Question on Feminism and their relevance in South Asia
- Maria Mies, Patriarchy and Accumulation on a World Scale
- S K Kuba, Status of Women in International Law
- Alison M Jaggar, Feminist Thought and Human Nature (Sussex Harvester Press)

- Ratna Kapoor & Brenda Cossman, *Sub-Serve Sites- Feminist Engagements with Law in India* (Sage Publications New Delhi 1992)
- Jenifer Perce, *Gender Trials: Emotional Lives in Contemporary Law Firms*, University of California Press 1996
- D Kelly Weisberg, *Feminist Legal Theory: Foundations*, Temple University Press 1993
- Annie M O Griffiths, *In the Shadow of Marriage: Gender and Justice in an African Community*, University of Chicago Press 1998
- Adrien Wing, *Critical Race Feminism: A Reader*, 2<sup>nd</sup> Edition, NYU Press 2003
- Vandana Shiva, *Staying Alive: Women, Ecology and Development*, London Zed Books 1989
- Nomita Agrawal, *Women and Law in India*, New Century Publications Delhi 2002
- Rashmi Agrawal and BVLN Rao, *Gender Issues- A Road Map to Empowerment*, Shipra Publications, New Delhi 2004
- Kamala Bhasin, *Understanding Gender*, New Delhi 2000
- Maitrayee Chaudhary (ed.), *Feminism in India*, New Delhi 2004
- Anjani Kant, *Women and the Law*, APH Publishing Corporation New Delhi 1997
- Cook, Rebecca J., ed. *Human Right of Women: National and International Perspectives*, University of Pennsylvania Press 2012
- Grabe Shelly, ed., *Women's Human Rights: A Socio-Psychological Perspective on Resistance, Liberation and Justice*, Oxford University Press, 2017
- Ross S. D., *Women's Human Rights: The international and comparative law casebook*, University of Pennsylvania Press 2008

#### **OPTIONAL READINGS:**

- Charlesworth H (2005), *Not Waving but Drowning: Gender Mainstreaming and Human Rights in United Nations*, *Harvard Human Rights Journal*, 18.
- MacKinnon, C.A., (1991), *Reflections on Sex Equality under Law*, *Yale Law Journal*, 100 (5), 1281-1328
- Muravyeva, M (2014), *Traditional Values and Modern Families: Legal Understanding of Tradition and Modernity in Contemporary Russia*, *Journal of Social Policy Research*, 124
- *Universal Declaration of Human Rights* 1948
- *Convention on the Elimination of All Forms of Discrimination against Women*, 1979

# **CRIMINAL LAW GROUP**

## **INTERNATIONAL CRIMINAL LAW)**

### **Course Objectives:**

This course has the following objectives:

1. To Widespread violations of International Humanitarian Law as it becomes a practice in the contemporary world.
2. To teach crime and its conceptualised aspect as applicable in international criminal law.
3. Lectures on war crime and preventive mechanism
4. To disseminate knowledge about the procedure and practice of international tribunals and courts.

### **COURSE OUTCOMES:**

The students shall be able to:

1. Understand the principles of International Criminal law for its application.
2. Know the legal provisions of the International Criminal courts.
3. Examine the procedure and practice of remedial forums related to International Criminal law.
4. Analyse the contemporary issues on the International Criminal law regime.

### **Unit – I**

**Credit 4**

#### **Introduction**

**(Hours 40)**

- A. Historical Background and Development of International Criminal Law
- B. Individual Criminal Responsibility – Historical Development
  - ♦ Treaty of Versailles
  - ♦ Nuremberg and Tokyo Trials
  - ♦ Genocide Convention, 1948
  - ♦ Geneva Convention, 1949
- C. State Sovereignty and International Criminal Law

### **Unit – II**

#### **Crimes and Elements of Crimes**

- D. General Principles of International Criminal Law
- E. Elements of Crimes
- F. Genocide – Article 6 of ICC Statute – Prosecutor v. Akayesu (ICTR 1998)
- G. War Crimes – Article 7 of ICC Statute
- H. Crimes Against Humanity

### **Unit – III**

#### **Courts and Tribunals**

- A. International Criminal Court – Rome Statute
- B. International Criminal Tribunal for Yugoslavia (ICTY)
- C. International Criminal Tribunal for Rawanda (ICTR)

**Unit – IV**  
**Certain Specialised Tribunals**

- A. The Iraqi Special Tribunal
- B. Special Court of Sierra Leone
- C. Extraordinary Court of Cambodia

**Unit – V**  
**Contemporary Issues**

- A. Response of South Asian Countries to ICC
- B. Indian Perspectives of ICC
- C. The Future of ICL

**Suggested Readings:**

1. Cryer, Robert, Friman, Hakan, Robinson, Darryl and Wilmshurst, Elizabeth; *An Introduction to International Criminal Law and Procedure*; Oxford University Press
2. Cassese, A. *International Criminal Law*, Oxford University Press
3. Schabas, W. *An Introduction to International Criminal Court*, Cambridge University Press

# COMPARATIVE CRIMINAL LAW

## Course Objectives:

This course has the following objectives:

1. To teach the introductory principles of comparative criminal law.
2. Lectures on pre-trial procedures under the various criminal legal system.
3. Trial procedure, the role of judges, prosecutor and role of defence attorney under the criminal administrative justice
4. To interpret the provisions of remedy as available under the various provisions of criminal law.

## COURSE OUTCOMES:

The students shall be able to:

1. Understand the comparative legal provisions of crime
2. Know about the trial procedure under the legal regime of various criminal systems.
3. Analyse and assess the legal mechanism related to the remedy available under the comparative criminal system
4. Examine the reformatory legal techniques under the criminal law.

## Course Outline

### Unit-I

#### Introduction

**Credit 4  
(Hours 40)**

- A. Organization of courts and prosecuting Agencies
- B. Hierarchy of criminal courts and their jurisdiction, organization of prosecuting agencies, prosecution and the policy.

### Unit II

#### Pre-Trial Procedure

- A. Arrest and questioning of the accused
- B. Rights of the accused
- C. Evidential value of statements or articles collected by police.
- D. Role of the prosecutor and judicial officer in investigation.

### Unit III

#### Trial Procedure

- A. The accusatory system of trial and the inquisitorial system
- B. Role of the judge, prosecutor and defence attorney in the trial main features of session's trial, weren't
- C. Trial and summons trial
- D. Summary trial and plea bargaining.

#### **Unit-IV**

#### **Appeals, References and revisions**

- A. Appeals: Reference and revisions.
- B. Provision as to Bails and Bail Bonds

#### **Unit-V**

#### **Substantive Comparative Criminal Law**

- A. Summary of the substantive criminal law of Japan
- B. Application of substantive portion of criminal law of USA
- C. Summary of substantive portion of criminal law in UK

**Note:-** The Comparative study will be with the Criminal Law of Japan, U.S.A. & U.K. with reference to the above-mentioned four Modules.

## **IPR GROUP**

### **PATENT AND PATENTABILITY OF BIOTECHNOLOGICAL INVENTION**

#### **Course Objectives**

The objectives of the course are:

1. To develop an understanding of the basics of intellectual property law.
2. To give an overview of the domestic and international legal regimes dealing with intellectual property law.
3. To understand the current norms relating to bioethics and bio-safety in the context of patenting.
4. To understand the interplay between intellectual property and bioethics.

#### **Course Outcomes:**

The students shall be able to:

1. Understand the basics of intellectual property law.
2. Analyse the Legal System and solve the problem relating to intellectual property rights.
3. Know the registration process of patents, copyright trademarks etc.
4. Context the cases relating to the IPR before the appropriate forum

#### **Course Outline**

##### **UNIT-I Introduction**

**Credit 4  
(Hours 40)**

- A. Intellectual Property-Origin Development and Objectives,
- B. Classification of Intellectual Property-Patents, Copyright, Trademark, Industrial Design, Geographical Indications, *sui-generis* rights (Protection of Plant Varieties and Traditional Knowledge),
- C. Relevance of Intellectual Property Rights for Science and Technology

##### **UNIT-II**

##### **International IP Law and Indian IPR Legislations**

- A. International Conventions relating to Intellectual Property;
- B. General Agreement on Trade and Tariff (GATT);

- C. Trade Related Aspects of Intellectual Property Rights (TRIPS);
- D. Establishment of WIPO – Mission and Activities;
- E. Indian Position on WTO Regime
- F. Indian IPR legislations - National Intellectual Property Policy and Unfair Competition

### **UNIT-III**

#### **Patent and Patentability of Biotechnological Invention**

- A. Nature, Origin and Scope of Patents;
- B. Essentials of Patents- Patentability Criterion-Discovery and Invention, Patentable Subject Matters; Novelty, Utility (Industrial Applicability), Non-Obviousness (Inventive Step), Product Patents vis-à-vis Process Patents;
- C. Patentability of Biotechnology Inventions;
- D. Patent Laws in Indian and International Perspective;
- E. Indian Patent Act 1970 (Patent Amendment Acts-1999, 2002 and 2005)
- F. -Patentable Inventions, Patent Application, Procedure, Patent Claims and Specification and Infringement of Patents
- G. Patent Case study: Basmati Case, Neem Controversy, Turmeric Case

### **UNIT-IV**

#### **Bio-safety**

- A. Bio-safety: Definition and requirement;
- B. Bio-safety in relation to human health, environment, transgenic research and applications; International Legal Instruments on Bio-safety-Cartagena Protocol on Bio-safety, Nagoya Protocol
- C. Laws relating to Bio-safety in India: The Biological Diversity Act, 2002, Bio-safety procedures, rules and guidelines under Environment (Protection) Act 1986 and Rules 1989;
- D. Bio-safety Regulation: Principles and Practices in Microbial and Biomedical Labs;
- E. Guidelines for research involving DNA molecules;
- F. Regulatory bodies at the National and International level

### **UNIT-V**

#### **Bio-ethics and Bio-piracy**

- A. Nature, Concept and Relevance of Bioethics;
- B. Basic Principles of Bioethics;
- C. Legal, Social and Economic Impacts of the Products and Techniques in Biotechnology;
- D. Bioethics in Plants, Animals and Microbial Genetic Engineering;
- E. Ethical issues in Healthcare;
- F. Biopiracy and Bioethics: Application of IPR regime to Biological Resources and Biopiracy, Access to Biological Resources, Benefit Sharing and Informed Consent



## Text & References

1. Cornish, W. R., *Intellectual Property* (Latest Edition)
  2. *Intellectual Property Rights* by Paul Goldstein
  3. *Intellectual Property Rights* by K. R. G. Nair, Ashok Kumar, K. R. G. Nair
  4. Kilner, John, et.al, eds., *Cutting-Edge Bioethics*. Eerdmans 2002.
  5. B.L. Wadera, *Patents, Trademarks, Copyright, Designs and Geographical Indications*
  6. [S. Ignacimuthu](#), *Bioethics*, Alpha Science International, Limited (2009)
  7. [Matthew Rimmer](#), [Intellectual Property and Biotechnology: Biological Inventions](#) (2008)
  8. Arthur L. Caplan, Robert Arp, *Contemporary Issues in Bioethics* (2014)
  9. Kshitij Kumar Singh, *Biotechnology and Intellectual Property Rights: Legal and Social Implications* Springer (India) (2014) (in press)
  10. Refer to Periodicals, Industry directories, Articles and report in journals on the regulatory issues,
  11. “Biotechnology” series by Rehm & Reed.
  12. Nuffield Council on *Bioethics* (2002), *The Ethics of Patenting DNA*, A Discussion Paper, London: Nuffield Council on *Bioethics*
  13. Kshitij Kumar Singh “Human Genome and Human Rights: An Overview”, *Journal of Indian Law Institute (JILI)*, Vol. 50 No.1 (Jan-Mar) 2008 pp. 67-80;
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# **INTELLECTUAL PROPERTY RIGHTS & PHARMA INDUSTRY**

## **Course Objectives**

The objectives of the course are:

1. To develop an understanding of the nature, scope, and importance of the pharmaceutical industry in India
2. To give an overview of the domestic and international legal regimes dealing with intellectual property law, particularly pharmaceutical patenting.
3. To understand the role of intellectual property rights law in pharmaceutical research and development.
4. To understand the interplay between intellectual property and the right to health in particular access to essential medicine.

## **Course Outcomes:**

The students shall be able to:

1. Understand the basic concept of the pharmaceutical industry in India.
2. Know the domestic and International legal regime in relation to IPR
3. Critically analyse the role of IPR law in pharmaceutical development in India.
4. Analyse the role of IPR and the right to health in particular access

## **Course Outline**

### **UNIT-I Introduction**

**Credit 4  
(Hours 40)**

- A. Brief Introduction of Intellectual Property Rights;
- B. Nature and Scope of Pharmaceutical Industry;
- C. Pharmaceutical Industry in India: Background, Importance and Current Status;
- D. IPRs and Pharmaceutical Industry;
- E. The Role of Intellectual Property Rights in Pharmaceutical Research and Development

### **UNIT-II Pharmaceutical Patents under International Patent Regime and India's Obligations to TRIPS**

- A. International Patent Regime: GATT, WTO and TRIPS, Doha Declaration;
- B. Patentability of Pharmaceuticals under TRIIPS;
- C. Patent Term Extension;

- D. Mail Box and Exclusive Marketing Rights;
- E. Generic Medicine and Grace Period;
- F. TRIPS Plus-Free Trade Agreements;
- G. India's Obligations to TRIPS;
- H. Implications of TRIPS on the Indian Pharmaceutical Industry

### **UNIT-III**

#### **Patentability of Pharmaceuticals: A Comparative Study**

- A. Nature, Scope and Essentials of Patent;
- B. Patentability of Chemical, Biotechnological and Pharmaceutical Inventions;
- C. Patentability of Pharmaceuticals in the United States and United Kingdom;
- D. Patentability of Pharmaceuticals under Indian Patent Act 1970;
  - a) Status of Pharmaceutical Patents Before 1995
  - b) Pre-Product Patent Regime (Grace Period: 1995-2005)
  - c) Product Patent Regime: Patentability Aspect of Innovations
  - d) Section 3(d) - Defining the Enhanced Therapeutic Efficacy of Pharmaceutical Products and Ever-greening-Novartis Case,
- E. India's Position on Doctrine of Equivalents (DOE) and Examining its Link to Infringement

### **UNIT-IV**

#### **Implications of Pharmaceutical Patents on Access to Essential Medicines and Health**

- A. IP-Related Issues in Access to Essential Medicines;
- B. Implications of Pharmaceutical Patents on Innovators;
- C. The Doha Declaration on TRIPS and Public Health;
- D. Negotiations on TRIPS Agreement and Public Health: From Seattle to Doha;
- E. Trade Disputes Relating to Pharmaceutical Patents;
- F. Role of Compulsory Licensing in Ensuring Access to Essential Medicine;
- G. Compulsory Licensing Relating to Pharmaceuticals and Health

#### **Text and References:**

- 1) Sudip Chaudhari, *The WTO and India's Pharmaceutical Industry* (Oxford University Press, 2005)
- 2) Kenneth C. Shadlen, Samira Guennif et.al, *Intellectual Property Pharmaceuticals and Public Health-Access to Drugs in Developing Countries* (Cheltenham, Edward Elgar Publishing Ltd., 2011)
- 3) Subba Rao Chaganti, *Pharmaceutical in India* (New Delhi, Gitam Institute of Foreign Trade in Association with Excel Books Pvt. Ltd., 2005)
- 4) Jakkrit Kuanpoth, *Patent Rights in Pharmaceuticals in Developing Countries-Major Challenges for the Future* (Cheltenham, Edward Elgar Publishing Ltd, 2010)

- 5) Philip W. Grubb, Peter L. Thomsen et. al., —Patents for Chemicals, Pharmaceuticals and Biotechnology-Fundamentals of Global Law, Practice and Strategy (Oxford University Press, 2010)
- 6) Journal of Intellectual Property Rights (NISCAIR)
- 7) The WIPO Journal Oxford Journal of Intellectual Property Law & Practice

# **CORPORATE LAW GROUP**

## **LAW OF MERGER & ACQUISITIONS**

### **Course Objectives:**

This course has the following objectives:

1. To study the basic concept of the law of merger & acquisition.
2. Study how to enforce provisions encapsulated in the mergers and acquisitions agreement in the event of non-compliance.
3. To expand the economy, increasing market capitalization, valuations, and demand and supply.
4. By taking on or combining the assets of another business, regardless of its size, your business will increase its market share.

### **Course Outcomes:**

The students shall be able to:

1. Understand legal obligations in terms of mergers and acquisitions.
2. Know the Corporate Restructuring and implication for society and economy.
3. Appreciate the importance of merger and acquisitions (M&A) in the present corporate world.
4. Analyse the process of M&A, essentialities of valuation and various methods thereof in case of Mergers and Acquisitions.

### **UNIT-I Corporate Restructuring**

**Credit 4  
(Hours 40)**

- A. Why Restructuring
- B. How Restructuring/Implication for society / Economy)
- C. Type of Restructuring

### **UNIT-II Introduction of Merger and Acquisition**

- A. Merger and Acquisition –Definition
- B. History related to Mergers and Acquisitions in India
- C. Types of Mergers and Acquisition
  - a) Non-Banking Companies
  - b) Banking Companies

D. Difference between Merger and Acquisition

### **UNIT-III**

#### **Law of Merger and Acquisition**

A. Company Act 2013

B. Competition Act

C. Take Over Code

### **UNIT-IV**

#### **Law of Merger and Acquisition**

A. Foreign Exchange Law

B. Taxation

C. SEBI Guidelines

### **UNIT-V**

#### **Due Diligence in Merger and Acquisition**

A. Documentation Issues in Merger and Acquisition

B. Indian Case Studies

C. International Case Studies

# **INTERNATIONAL TRADE LAW**

## **Course Objectives:**

This course has the following objectives:

1. To study the basic concept of International Trade Law.
2. To describe the concept related to Payments in International Trade and the Carriage of Goods by Sea.
3. To provide the provisions of Global Economics and International Trade Law
4. To discuss the law related to Trade Remedies under WTO and Dispute Settlement Procedures.

## **Course Outcomes:**

The students shall be able to:

1. Understand basic concept of International Trade Law.
2. Know the procedure of Payments in International Trade and the Carriage of Goods by Sea.
3. Analyse the legal regime under the Global Economics and International Trade Law.
4. Analyse the various remedies provided under WTO and Dispute Settlement

## **Unit-I**

**Credit 4**

### **International Trade Law: Meaning and Concept (Hours 40)**

- A. Meaning and Evolution of International Trade Law
- B. Types of International Trade Law
- C. INCOTERMS, 2020
- D. Formation and Enforcement of International contracts under CISG
- E. Rights Liabilities of Parties to International sales Contracts

## **Unit-II**

### **Payments in International Trade and Carriage of Goods by Sea**

- A. Bills of Exchange; law Relating to Bills of Exchange
- B. Bank Guarantee in International trade transactions

- C. Commercial Credit in International Trade; Letter of Credit: Types and the Law Relating to Commercial Credit
- D. Carriage Of Goods and Trade Barriers
- E. Bills of lading and Charter Parties, Rights and Liabilities of the Parties to Contract of Carriage

### **Unit-III**

#### **Evolution of GATT & WTO**

- A. Global Economics and International Trade Law
- B. GATT and Rounds of Negotiations
- C. The WTO: Objective, Function and Structure of WTO. Decision Making Process.

### **Unit-IV**

#### **Evolution of GATT & WTO**

- A. The Principle on Non-Discrimination in GATT, Most-favoured-Nation Treatment (MFN), Exceptions to MIN
- B. National treatment principle (NT) Article III, GATT; Regional Trade Agreements and WTO.

### **Unit-V**

#### **Trade Remedies under WTO and Dispute Settlement Procedures**

- A. Anti-dumping and WTO, Subsidies and WTO, Safeguards and WTO
- B. Dispute settlement under GATT: Article XXII, Article XXIII, its merit & de-merit
- C. Difference between the GATT and WTO dispute settlement procedures
- D. Dispute Settlement Procedure under the WTO charter
- E. DSU and India and its reform

#### **Treaties/Conventions**

1. UN Convention on Contracts for the International Sale of Goods
2. INCOTERMS, 2020
3. Marrakesh Agreement Establishing World Trade Organization and its Annexes
4. UCP 600
5. Indian Carriage of Goods Sea Act, 1925



6. Foreign Trade Policy of India

**Prescribed Books:**

1. Leo D' Arcy et al, *Schmitthoff's Export Trade: The Law and Practice of Internal Trade*, Sweet and Maxwell, London, 2007.
2. Peter Van den Bossche and Werner Zdour, *The Law and Policy of the World Trade Organization: Text, Cases and Materials*, Cambridge University Press
3. Autar Krishen Kati, *A Guide to the W.T.O. and GATT: Economics, Law, and Politics*, Kluwer Law International

**Reference Books**

1. Raj Bhaia, *International Trade Law: An Interdisciplinary Non-Western Textbook (Vols I & 2)* Lexis Nexis
2. J.C.T. Chuah, *Law of International Trade*, Sweet and Maxwell: London
3. Ingeborg Schwenzer Peter Schlechiriem, *Commentary on the UN Convention on the International Sale of Good's (CISG)*, Oxford University Press, New York. 2010
4. John H. Jackson, *The World Trading System: Law and Policy of International Economic Relations*, 2<sup>nd</sup> edition (Cambridge: MIT Press, 1997), 1-30, 133-148, and 189-202.
5. Simon Lester and Bryan Mercurio (ed.), *World Trade Law- Text, Materials and Commentary* Universal Law Publishing C. Pvt. Ltd. New Delhi