

UNIVERSITY OF DELHI

CNC-II/093/1/2025/
Dated: 16.09.2025

NOTIFICATION

Sub: Amendment to Ordinance V

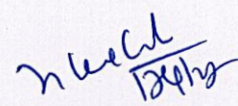
Following addition be made to Appendix-II-A to the Ordinance V (2-A) of the Ordinances of the University;

Add the following:

The Syllabi of following programmes under Faculty of Law is notified for the information of all concerned.

1. The following two papers to be offered as Optional papers instead of Compulsory Papers from 2025-2026 session onwards in Bachelor of Law (L.L.B) 3-year programme [ECR No. 38-25 dated 17.01.2025]
 - (i) Principle of Taxation (LB-504) in LLB - 5th Semester
 - (ii) Special Contracts (LB-304) in 3rd Semester
2. The syllabus for the courses to be offered in Semester-III, IV, V and VI of the 5-year Integrated Law Courses [B.A.LL.B(H) and B.B.A. LL.B(H) under Faculty of Law [ECR No. 7-25 dated 23.05.2025] as per Annexure-1.
3. Change of Nomenclature as under:

Sl.No.	Existing	Amended
1	Bhartiya Nyaya Sanhita, 2023	Law of Crimes I: Bhartiya Nyaya Sanhita, 2023 (BNS); Code- LB-107
2	Bhartiya Nagarik Suraksha Sanhita, 2023	Law of Crimes II: Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS); Code- LB-207


REGISTRAR

Annexure-1



B.A. LL.B. (H) and B.B.A. LL.B. (H)

COURSE STRUCTURE

**5- YEAR INTEGRATED LAW COURSE
FACULTY OF LAW
UNIVERSITY OF DELHI
DELHI-110007**

FACULTY OF LAW, UNIVERSITY OF DELHI
FIVE-YEAR INTEGRATED LAW COURSE
B.A. LL.B. (H) and B.B.A. LL.B. (H)

COURSE STRUCTURE

EC (1273) - 17.01.2025, Resolution No. 38-28, Appendix-49

Semester	Liberal Discipline Arts Subjects for B.A. LL.B. (H)	Liberal Discipline Management Subjects for B. B.A. LL.B. (H)	Law Subjects
I	1. Political Science- I 2. History - I 3. Sociology – I 4. Structure of English Language - I	1. Fundamentals of Management 2. Business Accounting 3. Statistics for Business Decisions 4. Structure of English Language – I	1. Introduction to Law and Legal Systems [CP - 1] 2. Law of Contract [CP - 2]
II	1. Political Science- II 2. History - II 3. Sociology - II 4. Structure of English Language – II	1. Managerial Economics - I 2. Financial Management 3. Management Accounting 4. Structure of English Language – II	1. Special Contracts [CP - 3] 2. Law of Torts [CP - 4]
III	1. Philosophy – I 2. Psychology – I 3. Law and Economics – I 4. Skill Course 1* *Not offered to 2023-24 Batch. To them this paper is offered in Semester IV along with Skill Course 2	1. Marketing Management 2. Human Resource Management 3. Managerial Economics – II 4. Skill Course 1	1. Family Law - I [CP - 5] 2. Law of Crimes – I [CP - 6] 3. Law of Property [CP - 7]
IV	1. Philosophy – II 2. Psychology – II 3. Law and Economics – II 4. Skill Course 2	1. Organizational Behaviour 2. Quantitative Techniques for Management 3. International Business 4. Skill Course 2	1. Family Law - II [CP - 8] 2. Law of Crimes – II [CP - 9] 3. Law of Evidence [CP -10]* *Not offered to 2023-24 Batch. To them this paper will be offered in Semester V.

Semester	Liberal Discipline Arts Subjects for B.A. LL.B. (H)	Liberal Discipline Management Subjects for B. B.A. LL.B. (H)	Law Subjects
V	1. International Relations and Diplomacy 2. Skill Course 3	1. Financial Markets and Institutions 2. Skill Course 3	1. Constitutional Law - I [CP -11] 2. Public International Law [CP - 12] 3. Code of Civil Procedure [CP - 13] 4. Company Law [CP-14] 5. Administrative Law [CP-15]
VI	1. Public Policy and Administration 2. Skill Course 4	1. Business Analytics 2. Skill Course 4	1. Constitutional Law -II [CP -16] 2. Jurisprudence [CP-17] 3. Law of Taxation [CP-18] 4. Honours Paper [HLP-1] 5. Honours Paper [HLP - 2]

CP - Compulsory Papers
HLP - Honours Law Papers

OP - Optional Papers
CLP - Clinical Law Papers

Skill Courses

1. Mooting Skills- Semester III
2. Advocacy Skills- Semester IV
3. IT Skills for Lawyers (SEC)- Semester VII
4. Financial Literacy (SEC/VAC)- Semester VI
5. Reading and Writing Judgements (SEC)- Semester V
6. The Gita for Sustainable Universe (VAC)- Semester VIII

HONOURS LAW PAPERS (6 GROUPS)

SEMESTER HONOURS LAW PAPERS	HLP GROUP 1 IP LAW	HLP GROUP 2 INTERNATI ONAL LAW	HLP GROUP 3 BUSINESS LAW	HLP GROUP 4 Environment al Law and Sustainable Development	HLP GROUP 5 LAW AND TECHNO LOGY	HLP GROUP 6 Tax Laws
VI HLP 1	Transnational IP Law	Transnational IP Law	Law of Corporate Finance and Securities Market Regulation	Law and Sustainable Development	Cyber Crimes, Forensics and Cyber Security	Public Finance
VI HLP 2	Competition Law and Policy	International Environment Law	Competition Law and Policy	International Environment Law	Informatio n Technolog y Law	Decoding Budget

Course Structure is based on SCHEDULE II of The BCI LEGAL EDUCATION RULES, 2008

Non-Law - Arts/ Management Subjects-

Liberal Discipline = 14

Language Papers = 02

Law Subjects-

Compulsory Papers = 22

Clinical Law Papers = 04

Optional Papers = 06 (Total Optional Papers provided = 13)

Honours Law Papers = 08

Skill Courses = 06

Total = 14 + 02 + 22 + 04 + 06 + 08 + 06 = 62 papers.

SEMESTER – III

MOOTING SKILLS (SKILL COURSE-I)

Mooting Skills (Skill Course -I)

Objectives of the Course:

This course is designed to equip the students with practical skills essential for effective legal research, case analysis, strategic argumentation, witness handling, and oral advocacy at both trial and appellate levels. The course adopts an experiential learning approach through moot courts, role plays, simulations, and court visits to provide hands-on exposure to real-world legal practice.

The curriculum will focus on developing research and drafting skills for mooting.

Students will work in teams, emphasizing the importance of regular attendance and active participation. Engaging in this skill course will enhance critical thinking, legal reasoning, and advocacy techniques necessary for professional legal practice.

Course Contents:

Unit I: Research for Mooting and Legal Drafting

A. Foundations of Mooting

- Introduction to Mooting- Meaning, importance, and scope.
- Mooting vs. Debating vs. Mock Trials: Key differences.
- Structure of a Moot Court Competition: Memorials & Oral Advocacy.
- Memorial Structure – Cover page, index, issues, arguments, authorities, prayer
- Framing Issues & Arguments – Logical sequencing using the IRAC method (Issue, Rule, Application, Conclusion)
- Legal Research & Citation – Incorporating Ratio Decidendi, statutes, treaties, and authoritative sources
- Drafting & Formatting – Clarity, precision, adherence to citation standards (Bluebook, OSCOLA)

Unit II: Moot Court Skills

Introduction to Moot Courts: Moot Court Practice: Simulated Moot Court Sessions, Analysis of Moot Problems

Guidelines for Moot Court Participation

General Guidelines

- Team Composition
 - Teams typically consist of three members: Two speakers and one researcher.
 - All team members must collaborate on research, drafting, and preparation.
- Dress Code
 - Formal attire is mandatory during all moot court sessions:

- Male: Black suit, white shirt, black tie.
- Female: Black suit with a white shirt or saree with a black coat.

Moot Problem Guidelines

- The moot problem will be distributed well in advance to allow adequate preparation
- Content of Moot Problem:
 - Statement of facts, issues to be addressed, and legal context.
 - Relevant laws and jurisdictions to be applied.

Plagiarism Policy: Memorials and arguments must be original. Plagiarism exceeding 10% will lead to disqualification. Code of Conduct: Participants must uphold integrity, professionalism, and respect toward judges, opponents, and teammates.

- Any form of misconduct, including disrupting proceedings or violating guidelines, will result in penalties.

Evaluation

This assessment pattern for skill course will be same as the pattern followed by the university in all other skill courses

As a practical skill-based course, there will be no Mid-Term or End-Term written examination for this course. The students will be assessed through a Continuous Assessment for 50 marks based on their performance in moot court exercises, projects, assignments, class participation and attendance ensuring a holistic evaluation of their mooting skills and active involvement in the learning process. Written submission will be assessed for 30 marks and practical mooting skills will be assessed for 20 marks.

References:

1. Abhinandan Malik, Moot Courts and Mooting, Eastern Book Company (2nd ed, 2023)
2. KL Bhatia, Moot Court and Mock Trials - Art to and Art of Advocacy: Essentials of Court Craft, Lexis Nexis (2nd edn, 2018)
3. Harald Sippel, Marc Ohrendorf, Mooting to Win: How To Succeed In International Moot Court Competitions (South Asian Edition), Sweet and Maxwell (2019)
4. Satyendra Mani Tripathi, Arguendo: A Moot Court Handbook, Central Law Publication (2018)
5. OP Mishra, Moot Court (Pre-Trial Preparation and Participation in Trial Proceedings), Central law Agency (3rd ed. 2022)

SEMESTER – IV

ADVOCACY SKILLS (SKILL COURSE-II)

Advocacy Skills (Skill Course -II)

Objectives of the Course:

This course is designed to equip the students with practical skills essential for effective legal research, case analysis, strategic argumentation, witness handling, and oral advocacy at both trial and appellate levels. The course adopts an experiential learning approach through client counselling, mock trials, role plays and simulations to provide hands-on exposure to real-world legal practice.

Students will work in teams, emphasizing the importance of regular attendance and active participation. Engaging in this skill course will enhance critical thinking, legal reasoning, and advocacy techniques necessary for professional legal practice.

Course Contents:

Unit I: Client Counselling, Interviewing and Negotiation Techniques

A. Client Counselling

- Understanding the Role of a Counsellor
- Effective Communication
- Gathering Relevant Information
- Providing Legal Advice
- Closing the Session

B. Interviewing Techniques

- Preparation Before the Interview
- Building Trust and Comfort
- Questioning Techniques
- Dealing with Difficult Situations
- Documentation

C. Negotiation Techniques

- Strategy and Practical problems

Unit II: Pre-Trial Preparations and Mock Trials

A. Pre-Trial Preparation

Selection of Case

Collection of Evidence

Preparation of Documents

Developing Narrative of Case

Preparation of Witness

B. Mock Trials

Opening Statements

Presentation of Evidence

Examinations of Witnesses: Direct, Cross-Examination and Re-Examination

Pre-Closing Arguments

Closing Argument

Judicial Deliberation & Verdict

Evaluation

This assessment pattern for skill course will be same as the pattern followed by the university in all other skill courses

As a practical skill-based course, there will be no Mid-Term or End-Term written examination for this course. The students will be assessed through a Continuous Assessment for 50 marks based on their performance in Client Counselling, Interviewing and Negotiation Techniques, Pre-Trial Preparations and Mock Trials, projects, assignments, class participation and attendance ensuring a holistic evaluation of their advocacy skills and active involvement in the learning process. Written submission will be assessed for 30 marks and practical advocacy skills will be assessed for 20 marks.

References:

2. Chief Justice Dr B Malik, Art of a Lawyer - (Cross Examination, Advocacy, Courtmanship), Universal (12th ed. 2017)
3. KL Bhatia, Moot Court and Mock Trials - Art to and Art of Advocacy: Essentials of Court Craft, Lexis Nexis (2nd edn, 2018)
4. Sudipto Sarkar & Sidharth Sethi, Hints on Modern Advocacy, Professional Ethics and The Art of Cross-Examination, Lexis Nexis (6th ed., 2023)
5. Kailas Nath Katju, Experiments in Advocacy (A Colossus in the Courts of justice), Universal (2015)
6. OP Mishra, Moot Court (Pre-Trial Preparation and Participation in Trial Proceedings), Central law Agency (3rd ed. 2022)

SEMESTER – V

COMPULSORY PAPERS

- Constitutional Law – I
- Public International Law
- Code of Civil Procedure and Limitation
- Company Law
- Administrative Law

LIBERAL DISCIPLINE PAPER

- International Relations and Diplomacy

SKILL COURSE

- IT SKILLS FOR LAWYERS

CONSTITUTIONAL LAW - I

Learning Objectives

The Constitution serves as the fundamental law of the land, defining the powers and limitations of the executive, legislature, and judiciary. No state action is valid unless it aligns with constitutional provisions. Therefore, a clear understanding of its structure and functioning is essential. This course aims to familiarize students with the Constitution, and develop an analytical approach through case law analysis.

Learning outcomes

This course enables students to:

1. Understand the making, features, and structure of the Indian Constitution, and its federal nature and governance framework.
2. Understand the constitutional provisions related to the Union and its territory, including the power to cede territory, and the procedure for creating, altering, or extinguishing states.
3. Understand the structure, powers, and functions of the Union and State Executives, including the roles of the President, Vice President, Governors, Councils of Ministers, and the scope of judicial review of executive actions.
4. Understand the structure, powers, and functions of Parliament and State Legislatures, including the legislative process, privileges, qualifications/disqualifications of members, and the executive's ordinance-making powers.
5. Understand the structure, jurisdiction, powers, and functions of the Supreme Court and High Courts, including judicial appointments, appellate and review powers, constitutional provisions, and evolving judicial practices.
6. Understand the constitutional distribution of legislative powers between the Union and States, interpret key doctrines, and analyze judicial principles governing legislative competence.
7. Understand the constitutional provisions for Emergency, Union powers over States, President's Rule, and the impact on Fundamental Rights.

Unit-I – General Concepts

Constitution – Fundamental Law of the Land: Making of the Indian Constitution; Aims and Objectives; Essential Features of Constitution; Theory of Basic Structure; Principles of Federalism; Nature of the Indian Constitution – Federal, Unitary, Quasi-federal; Cooperative and Competitive Federalism; Asymmetric Federalism, Scheduled and Tribal Areas.

1. Kesavananda Bharati v. State of Kerala 1973 (4) SCC 225
2. S. R. Bommai v. Union of India 1994 (3) SCC 1
3. Rai Sahib Ram Jawaya Kapur v. State of Punjab AIR 1955 SC 549
4. Kuldip Nayar v. Union of India 2006 (7) SCC 1
5. State of Haryana v. State of Punjab 2002 (2) SCC 507
6. I.R. Coelho v. State of Tamil Nadu 2007(2) SCC 1

Unit-II: The Union and its Territory

Power to cede Indian territory to a Foreign Nation; Power to create/extinguish a state; Alteration of name, area, and boundary of existing states – Procedure (Articles 1 – 4)

7. In re Berubari Union & Exchg. of Enclaves AIR 1960 SC 845
8. Ram Kishore Sen v. Union of India AIR 1966 SC 644
9. Union of India v. Sukumar Sengupta 1990 Supp SCC 545
10. N. M. Sahib v. Chief Comnr. Pondicherry AIR 1962 SC 797
11. R. C. Poudyal v. Union of India 1994 Supp (1) SCC 324
12. Babulal Parate v. State of Bombay AIR 1960 SC 51

Unit-III The Union and the State Executives

a) The President and Vice President – Qualifications, Election, Term of Office, Powers, Impeachment (Articles 52-72); Governor – Appointment - Term of Office – Removal and Powers (Articles 153 – 161)

b) Nature, Scope and Extent of Executive Powers of the Union and States (Article 73, 162)

c) Union Council of Ministers – Powers and Position of the President (Articles 74-75); State Council of Ministers (Articles 163-164); Relationship of the President/Governor with the Council of Ministers; Scope and Extent of Judicial Review of Executive Actions (Articles 74, 75, 77, 78, 111, 102, 103(2), 217(3), 163)

13. B.P. Singhal v. Union of India (2010) 6 SCC 331
14. U. N. R. Rao v. Indira Gandhi (1971) 2 SCC 63 66
15. S.P. Anand v. H.D. Deve Gowda (1996) 6 SCC 734 69
16. Samsher Singh v. State of Punjab (1974) 2 SCC 831 75
17. State (NCT of Delhi) v. Union of India (2018) 8 SCC 501 99
18. Epuru Sudhakar v. Govt. of A.P (2006) 8 SCC 321

Unit-IV: Parliament and State Legislatures; Legislative Power of the Executive (Ordinances) ((Articles 123, 213)

Composition of Parliament and State legislatures; Qualification/Disqualification of Members; Legislative Procedure, Legislative Privilege (Articles 79 – 122, 168 – 212)

19. S.P. Anand v. H.D. Deve Gowda, (1996) 6 SCC 734
20. B. R. Kapur v. State of Tamil Nadu (2001) 7 SCC 231 106
21. Lily Thomas v. Union of India (2013) 7 SCC 653. 117
22. Lok Prahari (through General Secretary SN Shukla) v. Election Commission of India (2018) 18 SCC 114
23. Special Reference No. 1 of 2002 (Re Gujarat Assembly Election Matter) (2002) 8 SCC 237 12
24. Anil Kumar Jha v. Union of India (2005) 3 SCC 150
25. Jaya Bachchan v. Union of India (2006) 5 SCC 266
26. Consumer Education and Research Society v. Union of India & Ors. (2009) 9 SCC 648
27. In re Keshav Singh AIR 1965 SC 745
28. Raja Ram Pal v. Hon'ble Speaker, Lok Sabha (2007) 3 SCC 184
29. A. K. Roy v. Union of India (1982) 1 SCC 271
30. Krishna Kumar Singh v. State of Bihar (2017) 3 SCC 1

Unit-V: Union and State Judiciary

- a) The Union Judiciary: The Supreme Court of India (Articles 124-147); Composition, Appointment and Removal of Judges (Articles 124-130); Procedure (Article 145); the High Courts in the States (Articles 214-231); National Judicial Appointment Commission 243
- b) Jurisdiction of Supreme Court: Original Exclusive (Articles 71, 131), Original Concurrent Jurisdiction of Supreme Court and High Courts (Articles 32, 226).
- c) Appellate Jurisdiction of Supreme Court: Civil, Criminal and in other matters (Articles.132-135); Enlargement of Jurisdiction (Article 138); Binding nature of the law declared by the Supreme Court, enforcement of decrees and orders, (Articles 141 and 142)
- d) Special Leave to Appeal (Article 136)
- e) Power of Review (Article 137)
- f) Procedural requirements and innovations; Judicial Activism and overreach/self-restraint.
- g) Judicial System in Ancient India

- 31. Union of India v. Sankalchand Himatlal Sheth (1997) 4 SCC 193
- 32. S. P. Gupta v. President of India (1981) Supp SCC 87 176
- 33. SC Advocates on Record Association v. UOI (1993) 4 SCC 441
- 34. In re Special Reference No. 1 of 1998 (1998) 7 SCC 739

Unit-VI: Distribution of Legislative Powers

Articles 245 – 255, Schedule VII

- a) Doctrine of Territorial Nexus (Article 245)
 - b) Subject-matter of laws made by Parliament/Legislatures of States; Position of Union Territories (Article 246)
 - c) Parliament's Power to Legislate in List II (State List) – (Articles 246 (4), 247, 249-253, 352, 356)
 - d) Interpretation of legislative lists:
 - Plenary and Ancillary Power of Legislation
 - Effect of *Non Obstante Clause*
 - Doctrine of Harmonious Construction
 - Doctrine of Pith and Substance
 - Colourable Exercise of Legislative Power
 - Residuary Power of Legislation (Article 248)
 - Doctrine of Repugnancy (Article 254)
- 35. Tata Iron & Steel Co. Ltd. v. State of Bihar AIR 1958 SC 452
 - 36. State of Bombay v. R. M. D. C. AIR 1957 SC 699
 - 37. State of Bihar v. Charusila Dasi AIR1959 SC 1002 252

38. G.V.K. Industries v. Income Tax Officer (2011) 4 SCC 36

Unit-VII Emergency Provisions

- a) Proclamation of Emergency on grounds of war, external aggression, and armed rebellion (Articles 352, 358, 359)
- b) Power of Union Executive to issue directions (e.g. Articles 256, 257) and the effect of non-compliance (Article 365); Duty of the Union to protect the States against external aggression and internal disturbance (Article 355)
- c) Imposition of President's Rule in States – Grounds, Limitations, Parliamentary Control, Judicial Review (Articles 356-357)
- d) Financial Emergency (Article 360)
- e) Suspension of Fundamental Right

39. Makhan Singh v. State of Punjab, 1988 AIR 1705 1988 SCR Supl. (1) 613

40. A.D.M. Jabalpur v. Shivkant Shukla. AIR 1976 SC 1207

41. S.R. Bommai v Union of India. 1994 SCC (3)

References

- 1. D.D. Basu, Shorter Constitution of India (16 th ed., 2021)
- 2. H.M. Seervai, Constitutional Law of India (4 th ed., Vol 1 (1991), Vol. 2 (1993), Vol. 3 (2019 Rep.)
- 3. M.P. Jain, Indian Constitutional Law (9th ed., 2025)
- 4. M. P. Singh, V. N. Shukla's Constitution of India (14th ed., 2022)
- 5. S. Choudhary, M Khosla and PB Mehta, The Oxford Handbook of the Indian Constitution (1 st ed. , 2016)
- 6. Udai Raj Rai, Fundamental Rights, and their Enforcement (2011)

Note: Examination scheme and mode shall be as prescribed by the Examination Branch, University of Delhi, from time to time.

PUBLIC INTERNATIONAL LAW

Course Objectives:

This course aims to expose the importance and scope of the Public International Law in the globalized world with special reference to India; examine the jurisprudential doctrines, practices and legal instruments that have been instrumental in its formulation, development and functioning; create awareness about the structures and characteristics of Public International Law with emphasis on specific areas of the discipline; examine the position of India vis-à-vis Public International Law and its implementation in India; and engage the students with the cases decided by ICJ and other relevant dispute settlement bodies.

This course covers the meaning of Public International Law, its legal basis, development, approaches and its position vis-à-vis the Indian legal system; distinction between various sources of Public International Law and their respective use in any given dispute involving questions of law; the relationship between Public International Law and the national legal system with special emphasis on India; the jurisprudential doctrines and law related to the principle of State Responsibility, Law of the Sea, State Jurisdiction, Diplomatic and Consular Immunities.

Prescribed Treaties and Conventions:

1. Charter of the United Nations, 1945
2. Statute of the International Court of Justice, 1945
3. Universal Declaration of Human Rights, 1948
4. International Covenant on Civil and Political Rights (ICCPR), 1966 and its Optional Protocols
5. International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 and its Optional Protocols
6. European Convention on Human Rights, 1950, Protocol 9 of 1990 and Protocol 11 of 1994
7. United Nations Convention on Law of the Sea, 1982
8. Agreement relating to the Implementation of Part XI of the United Nations Convention of 1994 on the Law of the Sea of 10 December 1982
9. The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976

Topic 1: Nature and Development of International Law

1. Definition of International Law
2. Development of International Law – Need for international peace and security, establishment of the United Nations, development of different generations of human rights
3. Codification of International Law: Work of International Law Commission
4. Sanctions of International Law- Security Council, General Assembly, ICJ, Human Rights Council, ITLOS, ICC, PCA, sanctions under different human rights treaties etc.

5. Subjects of International Law: Position of States, International Organizations, Individuals-Establishment of International Organizations, development of human rights and position of individuals
6. Third World and International Law

Cases:

1. Reparation for Injuries Suffered in the Service of the United Nations Case. ICJ Rep.1949, p. 174
2. Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v Russian Federation), ICJ Rep. (2019)

Topic 2: Sources of International Law

1. Statute of the International Court of Justice, 1945 (Article 38)
 - a. International Treaties and Conventions
 - b. International Custom
 - c. General Principles of Law Recognized by Civilized Nations
 - d. Judicial Decisions, Juristic Opinion
 - e. *Ex aequo et bono*
2. Other Sources of International Law
 - a. Resolutions of General Assembly
 - b. Resolutions of Security Council
 - c. Advisory Opinions of PCIJ and ICJ

Cases:

3. Lotus Case (France v. Turkey), PCIJ, Ser. A, No. 10 (1927)
4. North Sea Continental Shelf Cases, ICJ Rep. 1969, p. 3
5. Right of Passage over Indian Territory (Merits) (Portugal v. India), ICJ Rep. 1960 p.6
6. Asylum Case (Columbia v. Peru), ICJ Rep. 1950, p. 266
7. Advisory Opinion of ICJ on the Effect of Awards of Compensation made by the United Nations Administrative Tribunal , 1954 International Law Reports 310
8. Island of Palmas Case (Netherlands v. United States) (1928) Permanent Court of Arbitration, 2 R.I.A.A. 829
9. Temple of Preah Vihear Case (Merits) (Cambodia v. Thailand), ICJ Reports 1962, p.6
10. Advisory Opinion of ICJ on the Legality of the Threat or Use of Nuclear Weapons, 35 International Legal Materials 809 (1996)
11. Advisory Opinion of ICJ on Namibia, ICJ Rep. 1971, p. 16
12. Advisory Opinion of ICJ in Western Sahara Case, ICJ Rep. 1975, p. 12
13. Advisory Opinion of ICJ in Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo Case, ICJ Rep. 2010
14. Advisory Opinion of Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, ICJ Rep. 2019

Topic 3: Relationship Between International Law and Municipal Law

1. Theories

- a. Monistic Theory
- b. Dualistic Theory

2. Practice of States: India, United Kingdom, United States of America

Cases:

- 15. In Re Berubari Union No. (I), AIR 1960 SC 845 : (1960) 3 SCR 250
- 16. Ram Kishore Sen v. Union of India (1966) 1 SCR 430 : AIR 1966 SC 644
- 17. Jolly George Varghese v. Bank of Cochin, AIR 1980 SC 470 (1980) 2 SCC 360
- 18. Gramophone Company of India Ltd. v. Birendra Bahadur Pandey, AIR 1984 SC 667: (1984) 2 SCC 534
- 19. Union of India v. Sukumar Sengupta, AIR 1990 SC 1692 : 1990 Supp. SCC 545
- 20. Vellore Citizens Welfare Forum v. Union of India (1996) 5 SCC 647
- 21. Vishaka v. State of Rajasthan, AIR 1997 SC 3011 : (1997) 6 SCC 241
- 22. Justice K S Puttaswamy (Retd.) v. Union of India (2017) 6 SCC 235

Topic 4: State Responsibility

1. Basis of International Responsibility

2. Constituent Elements of International Responsibility

- a. Damage Theory
- b. Fault Theory
- c. Absolute Liability and Risk Theory

3. The Act of State (Rules of Attribution)

4. Forms of Reparation

- a. Restitution
- b. Indemnity
- c. Satisfaction
- c. Guarantee against Repetition

5. Rule of Exhaustion of Local Remedies

6. ILC Draft Code on Responsibility of States for Internationally Wrongful Acts, 2001

Cases:

- 23. Corfu Channel Case, ICJ Rep. 1949, p. 4
- 24. Barcelona Traction, Light and Power Co. Ltd. Case, ICJ Rep. 1964, p. 6
- 25 Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran), ICJ Rep. 1980, p. 3
- 26. Nicaragua Case (Nicaragua v. USA) ICJ Rep. 1986, p. 14
- 27. La Grand Case (Germany v. United States of America) ICJ Reports 2001, p. 466
- 28. Certain Activities Carried Out By Nicaragua in the Border Area (Costa Rica v Nicaragua) ICJ Reports

2018

29. Armed Activities on the Territory of The Congo (Democratic Republic of the Congo v Uganda) ICJ Rep 2002

Topic 5: Law of the Sea

1. Maritime Zones

- a. Territorial Sea
- b. Contiguous Zone
- c. Continental Shelf
- d. Exclusive Economic Zone
- e. High Sea

2. Delimitation of Adjacent and Opposite Maritime Boundaries

3. Concept of "Common Heritage of Mankind" Relating to the Resources of International Seabed Area

4. International Seabed Mining – Parallel System of Mining

5. Indian Maritime Interests, Policy and Law

6. International Tribunal for the Law of the Sea

Cases:

30. Anglo-Norwegian Fisheries Case (United Kingdom v. Norway), ICJ Rep. 1951, p.116

31. Corfu Channel Case, ICJ Rep. 1949, p. 4

32. North Sea Continental Shelf Cases, ICJ Rep. 1969, p. 3

33. Libya v. Tunisia Continental Shelf Case, ICJ Rep. 1982, p. 17

34. Republic of Italy v. Union of India (2013) 4 SCC 721

35. In the Matter of the Bay of Bengal Maritime Boundary Arbitration (between the People's Republic of Bangladesh and the Republic of India), PCA, 2014

36. Maritime Delimitation in the Indian Ocean (Somalia v Kenya) ICJ Rep 2021

Topic 6: State Jurisdiction

1. Territorial Jurisdiction

2. Jurisdiction based on nationality, protective principle

3. Universal Jurisdiction

4. Extra territorial Jurisdiction of State

5. Extradition, Deportation, Asylum

Cases:

37. Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium) ICJ Rep. 2002, p.3

38. Abu Salem v. State of Maharashtra (2011) SCC 214

39. Arrest and Restoration of Savarkar (France/Great Britain, 1911)

Topic 7: Sovereign, Diplomatic, and Consular Immunity/Privileges

1. Diplomatic agents- Types

2. Consuls
3. Sovereign and Non-Sovereign Acts
4. Diplomatic Immunity: personal and property
5. Consular Privileges and Immunities

Cases:

40. The Schooner Exchange v. McFaddon (1812) 7 Cranch 116
41. Case Concerning U.S. Diplomatic and Consular Staff in Tehran, ICJ Rep. 1980, p. 3
42. Jurisdictional Immunities of the State (Germany v. Italy: Greece Intervening) ICJ Rep. (2008)
43. Jadhav Case (India v Pakistan), ICJ Rep. (2019)

Suggested Books:

1. Malcolm N. Shaw, International Law (9th ed., 2021), Cambridge University Press
2. D. Harris & Sandesh Sivakumaran, Cases and Materials on International Law (9th ed., 2020), Sweet & Maxwell
3. James Crawford, Brownlie's Principles of Public International Law (9th ed., 2019), Oxford University Press
4. Gurdip Singh, International Law (2024), Eastern Book Company
5. V. K. Ahuja, Public International Law (2nd ed. 2021), Lexis Nexis
6. S. K. Verma, An introduction to Public International Law (3rd ed. 2019), Satyam Law International
7. Kaul, J.L. & Anupam Jha, Shifting Horizons of Public International Law, (1st ed. 2018), Springer

Important Note:

1. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
2. The students are required to study the treaties as amended up-to-date, recent judgements and consult the latest editions of books.

CODE OF CIVIL PROCEDURE AND LIMITATION ACT

Learning Objectives:

The present course is aimed at acquainting the students with the basics of civil procedure. It helps students to acquire the basic understanding of the Code of Civil Procedure, 1908. It also offers students basic understanding of the Limitation Act, 1963. It is designed to focus on the structure, powers, and jurisdiction, court system in civil cases. It further pursues civil litigation through appellate courts examining the corrective steps available in civil proceedings. It also deals with the law of limitation as applicable to civil proceedings.

Learning Outcomes:

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

- Appreciate the basics of civil procedure;
- Understand the foundational aspect of civil litigation;
- Understand structure, powers, and jurisdiction of civil courts;
- Understand the law of limitation as applicable to civil proceedings;
- Adept for computation of limitation period for filing of suit *etc.*

Course Contents:

Unit- I: Introduction of Civil Procedure

- Definitions: Decree [Section 2(2)], Judgement [Section 2(9)] Legal Representative [Section 2(11)], *Mesne* Profits [Section 2(12)], and Order [Section 2(14)]
- Suit of Civil Nature, Res Sub Judice, Res Judicata (Sections 9 to 11) and Order II, Rules 1 and 2
- Cause of Action
- Complaint, Summons, Written Statement, Set-off & Counter Claim
- Place of Suing [(Sections 15 to 21-A)]

List of Cases:

- *Gundaji Satwaji Shinde v. Ram Chandra Bhikaji Joshi*, AIR 1979 SC 653
- *Indian Bank v. Maharashtra State Co. Marketing Federation Ltd*, AIR 1998 SC 1952
- *Iftikhar Ahmed v. Syed Meharban Ali*, AIR 1974 SC 749
- *State of U.P. v. Nawab Hussain*, AIR 1977 SC 1680
- *C.A. Balakrishnan v. Commissioner Corporation of Madras*, AIR 2003 Mad. 170

Unit- II: Institution of Suits and Appearance of Parties

- Parties to Suit (Order I, Rules 1-3)
- Amendment of Pleadings (Order VI, Rule 17)
- Institution of Suits and Transfer of Suits; and Representative Suit;
- Suits by and Against the Government
- Rejection of Complaint (Order VII, Rule 11)
- Appearance & Consequences of Non-Appearance of Parties

List of Cases:

- *Sangram Singh v. Election Tribunal*, AIR 1955 SC 425
- *Rajni Kumar v. Suresh Kumar Malhotra*, 2003 (3) SCALE 434
- *Bhanu Kumar Jain v. Archana Kumar*, AIR 2005 SC 626
- *Saleem Bhai v. State of Maharashtra*, AIR 2003 SC 759

Unit- III: Interim Powers & Inherent Powers of Courts

- Interim Orders and Temporary Injunctions

- Withdrawal & Compromise of Suits
- Death, Marriage & Insolvency of Parties
- Judgement & Decree
- Restitution, Caveat

List of Cases:

- Monohar Lal v. Seth Hira Lal AIR 1962 SC 527
- Dalpat Kaur v. Prahlad Singh, AIR 1993 SC 276

Unit- IV: Appeals, Reference, Review, Revision

- Appeals from Orders and Decrees: Second Appeal and Power of Appellate Court (Sections 96, 100, 107(1)(d) and Production of additional evidence at appellate stage; Order XLI, Rule 27
- Reference (Section 113)
- Review (Section 115) and Revision (Section 114 read with Order XLVII)
- Inherent Powers of Court (Section 151)

List of Cases:

- Chunilal V. Mehta v. Century Spinning and Manufacturing Co. Ltd., AIR 1962 SC 1314
- Koppi Setty v. Ratnam v. Pamarti Venka 2009 RLR 27 (NSC)
- Gill & Co. v. Bimla Kumari, 1986 RLR 370
- Haridas Das v. Smt. Usha Rani Banik, 2006 (3) SCALE 287
- Mahant Ram Dass v. Mahant Ganga Dass, AIR 1961 SC 882

Unit V: Execution of Decree and Order

- Execution of Decrees and Orders and Stay on Execution
- Mode of Execution: Arrest, Detention & Attachment of Property
- Suit by/Against Minors/ Persons of Unsound Mind
- Summary Procedure

List of Cases:

- Santosh Kumar v. Bhai Mool Singh, AIR 1958 SC 321
- M/s Mechalec Engineers and Manufacturers v. Basic Equipment Corporation, AIR 1977 SC 577
- ONGC Ltd. v. State Bank of India, AIR 2000 SC 2548

Unit- VI: The Limitation Act, 1963

- Limitation of Suits, Appeals and Applications (Sections 3)
- Extension of Limitation (Section 5)
- Computation of Limitation (Sections 12, 17 to 19, 21)
- Acquisition of Ownership by Possession (Sections 25-27)

List of Cases:

- R.B. Policies At Lloyd's v. Butler (1949) 2 All ER 226
- Union of India v. West Coast Paper Mills Ltd. AIR 2004 SC 1596
- Punjab National Bank v. Surendra Prasad Sinha, AIR 1992 SC 1815
- Collector, Land Acquisition, Anantnag v. Katiji, AIR 1987 SC 1353
- State of Nagaland v. Lipok AO (2005) 3 SCC 752
- The Commissioner of Sales Tax, U.P. v. M/s. Madan Lal Das & Sons AIR 1977 SC 523
- State of Uttar Pradesh v. Maharaj Narain, AIR 1968 SC 960
- Mahabir Kishore v. State of M.P., AIR 1990 SC 313
- Sampuran Singh v. Niranjana Kaur (Smt.) AIR 1999SC 1047
- Rajender Singh v. Santa Singh, AIR 1973 SC 2537
- Ravinder kaur Grewal & Ors v. Manjeet Kaur & Ors, Civil Appeal No.7764/2014
- State of Punjab v. Gurdev Singh (1991) 4 SCC 1

- Ajaib Singh v. Sirhind Cooperative Marketing-cum-Processing Service Society Ltd., AIR 1999 SC 1351

Prescribed Legislations:

- The Code of Civil Procedure, 1908
- The Limitation Act, 1963

Prescribed Books:

- Dinshaw Fardauzi Mulla, *Mulla's Code of Civil Procedure*, Lexis Nexis.
- Sudipto Sarkar & V.R. Manohar, *Sarkar's Code of Civil Procedure*, LexisNexis.
- C.K. Takwani, *Code of Civil Procedure*, Eastern Book Company.
- R. Malik, *Ganguly's Civil Court, Practice and Procedure*, Eastern Law House.
- P. Tandon, *Code of Civil Procedure*, Allahabad Law Agency.
- B. M. Prasad & S. K. Sarvaria, *Mulla's Code of Civil Procedure*.
- M.R. Mallick, B.B. Mitra, *The Limitation Act, 1963*.
- K. Shanmukham, *Sanjiva Row's The Limitation Act*.
- Mulla, *The Code of Civil Procedure*, Lexis-Nexis Butterworth-Wadhwa

Important Note:

- The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
- The students are required to study the legislations as amended up-to-date, recent judgements and consult the latest editions of books.

COMPANY LAW

Course Objectives

The objective of this course is to build an understanding of the fundamentals of company law. This paper will also help student acquire knowledge and develop understanding of the regulatory framework of companies with reference to various provisions of Companies Act, 2013 and its schedules, rules, notifications, circulars, clarifications there under including case laws and Secretarial standards.

Course Outcomes

After the completion of this course, students will:

- Be conversant with the key concepts under company law.
- Understand the key doctrines of company law and the application of the same.
- Be able to understand the procedure of incorporation, functioning of a Company and winding up.
- Acquire overall understanding of the subject.

Unit 1: Company: Evolution, Concept and Kinds

I. CORPORATE EVOLUTION

- a) Evolution; History of Company Legislation in India; Meaning and Nature of Company with Emphasis on its Advantages and Disadvantages over other forms of Business organizations.
- b) Concept of Separate Legal Entity
- c) Company not a citizen of India
- d) Lifting of the Corporate Veil
- e) Difference between a Company and Body Corporate

II. NATURE & FORMS OF BUSINESS ENTERPRISE

- a) Meaning and Definition of Company
- b) Characteristics of a Company

III. KINDS OF COMPANIES

- a) Public and Private Companies
- b) One Person and Small Company
- c) Limited, Unlimited and Company limited by Guarantee
- d) Holding and Subsidiary Companies
- e) Foreign and Government
- f) Associate Company
- g) Associations not for profit (Section 8 Companies)

CASES:

- Salomon v. Salomon & Co., Ltd. (1897) A.C. 22 (H.L.): (1895-95) All ER Rep. 33
- Lee v. Lee Air Farming Ltd., (1960) All ER 420
- State Trading Corporation v. CTO, AIR 1963 SC 811
- R.C. Cooper v. Union of India (1970) 3 SCR 530
- In Re Sir Dinshaw Maneckjee Petit, AIR 1927 Bom. 371
- Daimler Co., Ltd. v. Continental Tyre and Rubber Co. (Great Britain), Ltd., 1916 AC 307: (1916-17) All ER Rep. 191
- CIT v. Meenakshi Mills Ltd., AIR 1967 SC 819: (1967) 1 SCR 934
- Gilford Motor Company v. Horne, [1933] 1 CH 935
- Subhra Mukherjee v. Bharat Coking Coal Ltd. (2000) 3 SCC 312
- Kapila Hingorani v. State of Bihar (2003) 6 SCC 1

Unit 2: Promotion and Formation of a Company

I. PROMOTION

- Promotion of Company, Promoters their position, Powers, Duties and Liabilities.
- II. FORMATION OF A COMPANY
Procedure of incorporation of a company, Certificate of Incorporation and its conclusiveness, Commencement of Business
 - III. INCORPORATION DOCUMENTS
Memorandum of Association: Meaning, Nature and Significance, Articles of Association: Meaning, Nature and Significance, Contents and Clauses of the MoA and AoA, Alteration and their Relationship between these documents.
 - IV. DOCTRINES RELATED TO MEMORANDUM AND ARTICLES
Doctrine of Ultra vires, Doctrine of Indoor Management, Rule of Constructive Notice

CASES:

- Ashbury Railway Carriage and Iron Co. Ltd. v. Riche (1875) L.R.7 H.L.: (1874-80) All ER Rep. 2219 (HL)
- Cotman v. Brougham, (1918-19) All ER Rep. 265 (HL)
- A Lakshmana Swami Mudaliar v. Life Insurance Corporation, AIR 1963 SC 1185
- In re (Jon) Beuforte (London) Ltd. (1953) Ch. 131
- Royal British Bank v. Turquand (1856) 119 ER 886: (1843-60) All ER Rep. 435
- UP Rajkiya Nirman Nigam Ltd. v. Indure Pvt. Ltd. AIR 1996 SC 1373

Unit 3: Prospectus and Share Capital of a Company

- I. Prospectus, Kinds- Abridged, Deemed, Shelf, Red-Herring, Information Memorandum, Registration, Remedies against Misrepresentation, Liabilities- Civil and Criminal.
- II. Equity Finance: Shares, Kinds of Share capital, (a) Equity share (b) Preference share
- III. Debt Capital: Debentures, Nature of shares or debentures Comparison Between Share and Debenture

CASES

- Delhi Cloth & General Mills Ltd. v. Union of India, AIR 1983 SC 937
- Derry v. Peek, (1889) 14 AC 337
- New Brunswick Co. v. Muggeridge, (1860) 3 LT 651
- Rex v. Kylsant, (1932) 48 T.L.R. 62
- Ritesh Agarwal v. SEBI, [2008] 8 SCC 205
- SEBI v. Ajay Agarwal, AIR 2010 SC 3466

Unit 4: Corporate Governance and Management

- I. Board of Directors: Appointment of Directors; Duties of Directors and their Criminal and Civil liabilities. Director's Identification Number, Independent Director, Women Director
- II. Company Meetings: Types / Kinds of Meetings, Essential Conditions of a Valid Meeting, Procedure for Calling Company Meetings.
- III. Corporate Social Responsibility: Introduction and Need of CSR, Sec. 135 under Companies Act, 2013; Companies (Corporate Social Responsibility Policy) Rules 2014 (CSR Rules, as amended) and Schedule VII of Companies Act, 2013

CASES

- Percival v. Wright (1902) 2 Ch. 421
- Burland v. Earle (1902) AC 83: (1900-03) All ER Rep. 1452
- City Equitable Fire Insurance Co., Re (1925) Ch. 407
- Regal (Hastings) Ltd. v. Gulliver (1967) 2 A.C. 134 (HL)
- Industrial Development Consultants Ltd. v. Cooley (1972) 1 WLR 443
- Standard Chartered Bank v. Pakistan National Shipping Cop. (2003) 1 All ER 173 (HL)

Unit 5: Prevention of Oppression and Mismanagement

Protection of Minority Shareholders; Powers of Tribunal and Central Government; Prevention of Oppression and Mismanagement

Class Action Suit

Foss v. Harbottle Rule - Exceptions—acts ultra vires, fraud on minority, acts requiring special majority, wrongdoers in control, etc.

CASES

- Foss v. Harbottle (1843) 2 Hare 461: (1843) 67 ER 189
- Shanti Prasad Jain v. Kalinga Tubes Ltd., AIR 1965 SC 1535
- Rajahmundry Electric Supply Corporation Ltd. v. A. Nageshwara Rao, AIR 1956 SC 213 21534.
- Bharat Insurance Co. Ltd. v. Kanhaiya Lal, AIR 1935 Lah. 792
- Needle Industries (India) Ltd. v. Needle Industries Newey (India) Holdings Ltd. AIR 1981 SC 1298
- M.S.D.C. Radharaman v. M.S.D. Chandrasekara Raja (2008) 6 SCC 750: AIR 2008 SC 1738
- *Tata Consultancy Services Ltd. v. Cyrus Investments Private Ltd.*, (2021) 9 SCC 449

Unit 6: Winding Up of Companies

Modes of Winding up, Winding up by the Tribunal

CASES

- German Date Coffee Co., In Re (1882) 20 Ch. D. 169
- Seth Mohan Lal v. Grain Chambers Ltd., AIR 1968 SC 772
- Aluminum Corporation of India Ltd. v. M/s. Lakshmi Rattan Cotton Mills Co. Ltd., AIR 1970 All. 452
- Yenidje Tobacco Co. Ltd., Re (1916) 2 Ch. D. 169

Readings:

- Paul L. Davies and Sarah Worthington, *Gower's Principles of Modern Company Law* (10th ed., 2016/Latest edition)
- Ramaiya, *Guide to the Companies Act* (19th ed., 2020/Latest edition)
- Hicks, Andrew & Goo S H, *Cases and Material on Company Law*, Oxford University Press (8th ed., 2008/Latest edition)
- Kershaw, David, *Company Law in Context*, Oxford University Press, UK, (2nd ed., 2012/Latest edition)
- Avtar Singh, *Company Law* (17th ed., 2018/Latest edition)
- H.K. Saharay, *Company Law PE* (7th ed., 2016/Latest edition)

Important Note:

- The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
- The students are required to study the legislations as amended up-to-date, recent judgements and consult the latest editions of books.

Administrative Law

Learning Objectives:

The paper will make students aware of various aspects of Administrative Law including quasi-legislative, quasi-judicial and other ministerial functions of administration and control thereof with a practical approach.

Learning Outcomes:

Upon successful completion of this course, students will be able to:

- Comprehend the fundamental concepts of administrative law, including its nature, scope, and historical evolution.
- Analyze the interplay between administrative law and constitutional law, with a focus on the Rule of Law and Separation of Powers.
- Understand what delegated legislation is, why it has grown, its legal limits, and how it is controlled by the legislature, judiciary, and procedures
- Understand the concept and scope of administrative discretion and learn how courts review its use, especially when it is misused or applied unfairly.
- Apply the principles of natural justice, including the rule against bias and the right to a fair hearing.
- Understand what judicial review means, the powers of the Supreme Court and High Courts under Articles 32, 136, 226, and 227, and the use and purpose of important writs like Certiorari, Mandamus, Prohibition, Habeas Corpus, and Quo Warranto.
- Examine the necessity of administrative adjudication and the operational framework of administrative tribunals.

Unit-I: Nature and Scope of Administrative Law

Definition and Scope of Administrative Law; Rule of Law – Dicey's Rule of Law; Theory of Separation of Powers

1. Rai Sahib Ram Jawaya Kapur v. State of Punjab, AIR 1955 SC 549.
2. Asif Hameed v. State of J. & K., AIR 1989 SC 1899. 17
3. State of M.P. v Bharat Singh, AIR 1967 SC 1170. 21 4.
4. ADM Jabalpur v. Shivkant Shukla, AIR 1976 SC 1207.
5. Indira Gandhi (smt.) v. Raj Narian AIR 1975 SC 2299

Unit-II: Delegated Legislation

Meaning; Reasons for growth; Conditional Legislation; Permissible limits of delegation of legislative power; Judicial control; Legislative control – laying requirement; Procedural Control - Pre-and post-publication, consultation of affected interests; The General Clauses Act, 1897, sections 20-24

6. In re Delhi Laws Act, AIR 1951 SC 332. 26
7. Lachmi Narain v. Union of India, AIR 1976 SC 714. 40
8. Darshan Lal Mehra v. Union of India, AIR 1992 SC 1848. 52
9. Govind Lal v. A.P.M. Committee, AIR 1976 SC 263. 55
10. Sonik Industries, Rajkot v. Municipal Corpn. of the City of Rajkot (1986) 2 SCC 608 : AIR 1986 SC 1518. 62
11. Atlas Cycle Industries Ltd. v. State of Haryana, AIR 1979 SC 1149. 65
12. Rajnarain Singh v. Chairman, Patna Administration Committee, AIR 1954 SC 519

Unit-III: Administrative Discretion

Meaning of discretion; Judicial Review of conferment and exercise of discretionary power, abuse of discretionary power; Nature and Scope of Judicial Review; Grounds of Judicial Review: Abuse / Misuse of discretion - mala fides/ ill-will, motive, Unreasonableness / Arbitrariness, Improper Purpose, Ignoring relevant considerations, Relying on irrelevant considerations; Non application of mind – acting mechanically, acting under dictation, imposing fetters by self-imposed rules or policy decisions; Violation of the Principles of Natural Justice

13. Dwarka Prasad Laxmi Narain v. State of U.P., (1954) SCR 803: AIR 1954 SC 224. 74
14. A.N. Parasuraman v. State of Tamil Nadu, AIR 1990 SC 40: (1989) 4 SCC 683. 82 iv
15. J. R. Raghupathy v. State of A. P., AIR 1988 SC 1681. 86
16. Coimbatore District Central Cooperative Bank v. Coimbatore District Central Co-op. Bank Employees Assn., (2007) 4 SCC 669. 104
17. Om Kumar & Others v. Union of India, AIR 2000 SC 3689 114 1
18. R. v. Secretary of State for the Home Department, Ex Parte Daly, (2001) UKHL 26 128
19. Express Newspapers (Pvt.) Ltd. v. Union of India, AIR 1986 SC 872.
20. Associated Provincial Picture House Ltd. V Wednesbury Corporation(1947)
21. DM Aravali Golf Club v Chander Hass, 2007 (14) SCALE 1. Internet & Mobile Assn. of India v. RBI, (2020) 10 SCC 274

Unit- IV Principles of Natural Justice

Administrative and quasi-judicial functions; Meaning and need for Administrative Adjudication, lis inter partes, concept of fairness; Nemo judex in causa sua (rule against bias); Audi alteram partem (rule of fair hearing); Notice; Right to cross-examination; Right to legal representation; Reasoned Decision (Speaking Order); Effect of non-observation of the Principles of Natural Justice; Requirement of supplying Enquiry Report – Effect of non-supply of such Report

22. A.K. Kraipak v. Union of India, AIR 1970 SC 150. 165
23. Ashok Kumar Yadav v. State of Haryana, AIR 1987 SC 454. 171
24. G.N. Nayak v. Goa University, AIR 2002 SC 790. 187
25. Amar Nath Chowdhuary v. Braithwaite & Co. Ltd., (2002) 2 SCC 290: AIR 2002 SC 678.
26. State of W.B. v. Shivananda Pathak (1998) 5 SCC 513. 195
27. Hira Nath Mishra v. Principal, Rajendra Medical College, (1973) 1 SCC 805: AIR 1973 SC 1260. 20
28. J.K. Aggarwal v. Haryana Seeds Development Corpn. Ltd. , (1991) 2 SCC 283: AIR 1991 SC 1221. 205
29. Bharat Petroleum Corpn. Ltd. v. Maharashtra General Kamgar Union, (1999) 1 SCC 626. 209
30. Maneka Gandhi v. Union of India (1978) 1 SCC 248. 215
31. H.L. Trehan v. Union of India, AIR 1989 SC 568. 223
32. K I Shepherd v. Union of India, AIR 1988 SC 686
33. S.N. Mukherjee v. Union of India, AIR 1990 SC 1984. 227
34. Managing Director, ECIL, Hyderabad v. B. Karunakar, (1993) 4 SCC. 727

Unit-V: Judicial Review

Review and Appeal; Power of Judicial Review of the Supreme Court and the High Courts; Article 32, 136, 226 and 227 of the Constitution of India; Writs – Certiorari, Mandamus, Prohibition, Habeas Corpus, Quo Warranto

35. Syed Yakoob v. K.S. Radha Krishanan (1964) 5 SCR 64: AIR 1964 SC 477
36. Surya Dev Rai v. Ram Chander Rai, AIR 2003 SC 3044: (2003) 6 SCC 675.
37. Anadi Mukta Sadguru S.M.V.S.S.J.M.S. Trust v. V.R. Rudani, (1989) 2 SCC 691 : AIR 1989 SC 1607
38. Common Cause v. Union of India, AIR 2003 SC 4493.
39. Rupa Ashok Hurra v. Ashok Hurra, AIR 2002 SC 1771

Unit- VI Tribunals

Concept; Justice by Tribunals – Advantages: Openness, Fairness, Impartiality, Absence of Technicalities of Evidence and Procedure, Cheapness; Constitution of India, Articles 323A and 323B; vii Overview of Tribunals in India with particular reference to Administrative Tribunals established under the Administrative Tribunals Act, 1985;

40. L. Chandra Kumar v. Union of India and others, AIR 1997 SC 1125
41. Union of India v. R. Gandhi, President, Madras Bar Association 2010 (5) SCALE 514
42. Rojer Mathew v. South Indian Bank Ltd. & Ors. (2020) 6 SCC 1

References:

1. I.P. Massey, *Administrative Law*, Eastern Book Company, 2012, 10th Edition 2022, Reprint 2024
2. C.K. Takwani, *Lectures on Administrative Law*, Eastern Book Company, 2012, 8th Edition 2024, Reprint 2025
3. S.P. Sathe, *Administrative Law*, Lexis Nexis Butterworths Wadhwa, 2022 (7th Edn)
4. H.W.R. Wade & C.F. Forsyth, *Administrative Law*, Oxford University Press, 2022 (12th Edn)
5. M.P. Jain & S.N. Jain, *Principles of Administrative Law*, LexisNexis, 2021 (9th Edn)
6. Justice H.R. Khanna, Rule of Law, (1977) 4 SCC (Jour) 7.
7. Lord Bingham, The Rule of Law, The Cambridge Law Journal, Vol. 66, No. 1 (March 2007), pp. 67-85.

International Relations and Diplomacy

Course Objectives: This course explores the evolution of international relations (IR) with a special focus on India's contributions to global diplomacy. It introduces students to key theoretical frameworks in IR, historical and contemporary diplomatic practices, and India's approach to international engagement.

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

1. Learn about the key concepts of IR and their relevance in global politics.
2. Understand major theories of IR.
3. Develop critical perspectives on the key concepts of diplomacy.
4. Appreciate the contribution of pioneering figures towards diplomacy.

Unit 1: International Relations: Key Concepts

- 1.1: Grand Strategy and Levels of Analysis
- 1.2: State and Sovereignty
- 1.3: Non-State Actors and International Institutions

Unit 2: International Relations: Principal Theories

- 2.1: Realism and Liberalism
- 2.2: Neo-Realism and Neo-Liberalism
- 2.3: Marxism and Constructivism

Unit 3: Diplomacy: Key Concepts

- 3.1: Gunboat Diplomacy
- 3.2: Multi-track Diplomacy
- 3.3: Soft Power and Public Diplomacy

Unit 4: Diplomacy: Pioneering Figures

- 4.1: Kautilya
- 4.2: Klemens von Metternich
- 4.3: Henry Kissinger

Essential Readings:

- Brands, Hal. "Introduction." In *The Promise and Pitfalls of Grand Strategy* by Hal Brands. Carlisle: US Army War College Press, 2012, 1-15.
- Singer, J. David. "The Level-of-Analysis Problem in International Relations." *World Politics*, Vol. 14, No. 1, The International System: Theoretical Essays (Oct., 1961), pp. 77-92.
- James, Alan, "The Realism of Realism: The State and the Study of International Relations." *Review of International Studies*, Vol. 15, No. 3 (Jul., 1989), pp. 215-229.
- Lake, David A. "The New Sovereignty in International Relations." *International Studies Review*, Vol. 5, No. 3 (Sep., 2003), pp. 303-323.
- Pierman, Garrett. "The Grand Strategy of Nonstate Actors: Theory and Implications." *Journal of Strategic Security*, Vol. 8, No. 4 (Winter 2015), pp. 69-78.
- Onuf, Nicholas. "Institutions, Intentions and International Relations." *Review of International Studies*, Vol. 28, No. 2 (Apr., 2002), pp. 211-228.
- Williams, Michael C. "Why Ideas Matter in International Relations: Hans Morgenthau, Classical Realism, and the Moral Construction of Power Politics." *International Organization*, Vol. 58, No. 4 (Autumn, 2004), pp. 633-665.

- McCourt, David M. "Sixth Meeting: Wilsonian Idealism, May 18 1954." In *American Power and International Theory at the Council on Foreign Relations, 1953-54* edited by David M. McCourt. Ann Arbor: University of Michigan Press, 2020, 208-41.
- Waltz, Kenneth J. "Realist Thought and Neo-Realist Theory." *Journal of International Affairs*, Vol. 44, No. 1, Theory, Values and Practice in International Relations: Essays in Honor of William T.R. Fox (Spring/Summer 1990), pp. 21-37.
- Watson, Hilbourne A. "Liberalism and neo-liberal capitalist globalization: Contradictions of the liberal democratic state." *Geo Journal*, Vol. 60, No. 1, Interrogating the Globalization Project (2004), pp. 43-59.
- Gamble, Andrew. "Marxism after Communism: Beyond Realism and Historicism." *Review of International Studies*, Vol. 25, The Interregnum: Controversies in World Politics 1989-1999 (Dec., 1999), pp. 127-144.
- Palan, Ronen. "A World of Their Making: An Evaluation of the Constructivist Critique in International Relations." *Review of International Studies*, Vol. 26, No. 4 (Oct., 2000), pp. 575-598.
- Mandel, Robert. "The Effectiveness of Gunboat Diplomacy." *International Studies Quarterly*, Vol. 30, No. 1 (Mar., 1986), pp. 59-76.
- Raboin, Bradley. "The Emergence of Multi-track Diplomacy in International Dispute Resolution: The Treaty of Portsmouth and the Community that Made Peace Possible." *Willamette Journal of International Law and Dispute Resolution*, Vol. 22, No. 1 (2014), pp. 85-104.
- Nye, Joseph S. "Public Diplomacy and Soft Power." *The Annals of the American Academy of Political and Social Science*, Vol. 616, Public Diplomacy in a Changing World (Mar., 2008), pp. 94-109.
- Liebig, Michael. "Kautilya's Relevance for India Today." *India Quarterly*, Vol. 69, No. 2 (June 2013), pp. 99-116.
- Kann, Robert A. "Metternich: A Reappraisal of His Impact on International Relations." *The Journal of Modern History*, Vol. 32, No. 4 (Dec., 1960), pp. 333-339.
- Starr, Harvey. "The Kissinger Years: Studying Individuals and Foreign Policy." *International Studies Quarterly*, Vol. 24, No. 4 (Dec., 1980), pp. 465-496.

Suggested Readings:

- Nicholson, Harold. *Diplomacy*. New York: Oxford University Press, 1963.
- Kissinger, Henry. *Diplomacy*. New York: Simon and Schuster, 1994.
- Baylis, John, Steve Smith, and Patricia Owens. *The Globalization of World Politics: An Introduction to International Relations*. Oxford: Oxford University Press, 2011.
- Kaufman, Joyce P. *Introduction to International Relations: Theory and Practice*. Plymouth: Rowman and Littlefield, 2013.
- Weber, Cynthia. *International Relations Theory: A Critical Introduction*. London: Routledge, 2005.

IT SKILLS FOR LAWYERS ***(Skill Course 3)***

Objectives of the Course:

Introduction of Information Technology into legal research has revolutionized the way legal research is carried out in the modern world. Now, IT skills are must for lawyers of modern world. These skills are critical to the day-to-day work in legal profession. Lawyers need to know how technological advances continually introduce solutions, challenges, and possibilities to the profession. The present skill course is designed to suit the demand of the legal profession by enhancing the IT skills of students.

Evaluation of the Course:

This is a skill course and will be evaluated out of 50 marks. The assessment pattern for this skill course will be same as followed by the university in all other skill courses. Components for evaluation will be as follows:

- **Continuous Evaluation:** 25 Marks
(Students will be assessed through their performance in exercises, projects, assignments/term papers, class participation and attendance ensuring a holistic evaluation of their advocacy skills and active involvement in the learning process.)
- **End Term Exam:** Written Exam for 25 Marks

Course Contents:

Unit- I: Basic IT Skills for Lawyers

- Online Legal Research: Use of Legal database, Research Engines, Judicial and Legislative Websites; and Legal dictionaries
- Digital Document Management and Automation: Automated Document Review and Organization
- E-discovery and Data Analysis: Gathering, Reviewing, Sorting, and Analyzing Digital Materials
- Digital Communication and Collaboration: Email, Messaging, and Video Conferencing including e-Rooms, and File-sharing

Unit- II: Advanced IT Skills for Lawyers

- Cybersecurity and Data Protection
- AI and Machine Learning
- Blockchain and Smart Contracts
- Essential Legal Tech Tools and Software: Legal Research Databases; Case Management Software; and Contract Analysis Tools

References:

- Mikołaj Barczentewicz, "Teaching Technology to (Future) Lawyers", 1 *ELR*, 2021, available at: <https://repub.eur.nl/pub/137007/ELR-D-21-00003.pdf>
- Lewis S. Eisen, "Computer Training: The Legal Profession", 48 *UNBLJ RD UN-B* 1999, available at: <https://core.ac.uk/download/pdf/288207214.pdf>
- Elena Kuznetsova, Andrey Gafurov, Daniil Loshchakov, and Anastasya Klueva, "Basic Digital Skills of A Newcomer Lawyer", 7(3) *Laplage em Revista (International)*, 2021, pp.416-422, available at: https://www.researchgate.net/publication/354086279_Basic_digital_skills_of_a_newcomer_lawyer
- Fiona Boyle, Deverall Capps, Philip Plowden, and Clare Sandford, *A Practical Guide to Lawyering Skills* (Cavendish Publishing Limited, 2003)
- Canick, Simon, "Infusing Technology Skills into the Law School Curriculum", *Faculty Scholarship* (2014). Available at: https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?params=/context/fac_pubs/article/2572/&path_info=infusing_technology_skills_into_the_law_school_curriculum.pdf
- "Machine Learning & The Future of Law", Technology and the Practice of Law, UCLA Institute for Technology, Law & Policy, available at: <https://itlp.law.ucla.edu/wp-content/uploads/2023/10/Technology-The-Practice-of-Law.pdf>

SEMESTER – VI

COMPULSORY PAPERS

- CONSTITUTIONAL LAW -II
- JURISPRUDENCE
- LAW OF TAXATION

LIBERAL DISCIPLINE PAPER

- PUBLIC POLICY AND ADMINISTRATION

HONOURS LAW PAPERS – (IP GROUP)

- GLOBAL IP LAW AND PRACTICE
- COMPETITION LAW AND POLICY

INTERNATIONAL LAW

- GLOBAL IP LAW AND PRACTICE
- INTERNATIONAL ENVIRONMENT LAW

BUSINESS LAW GROUP

- LAW OF CORPORATE FINANCE AND SECURITIES MARKET REGULATION
- COMPETITION LAW AND POLICY

ENVIRONMENT LAW GROUP

- LAW AND SUSTAINABLE DEVELOPMENT
- INTERNATIONAL ENVIRONMENT LAW

TECHNOLOGY LAW GROUP

- CYBER CRIMES AND INFORMATION TECHNOLOGY LAW
- CYBER SECURITY AND CYBER FORENSICS

SKILL COURSE

- FINANCIAL LITERACY

CONSTITUTIONAL LAW- II

Learning Objectives

The Constitution serves as the fundamental law of the land, defining the powers and limitations of the executive, legislature, and judiciary. No state action is valid unless it aligns with constitutional provisions. Therefore, a clear understanding of its structure and functioning is essential. This course aims to familiarize students with the Constitution, and develop an analytical approach through case law analysis.

Learning outcomes

Upon completing this course, students will be able to:

1. Understand Fundamental Rights and their scope, including the role of the state, judicial interpretation, evolving doctrines, and the Indian perspective on knowledge systems, while developing analytical skills through case law analysis.
2. Evaluate Equality and Protective Discrimination, focusing on the right to equality, reasonable classification, reservations, and special provisions for disadvantaged groups.
3. Understand the fundamental rights under Part III of the Constitution of India, including freedoms, protection against ex post facto laws, double jeopardy, life and personal liberty, protection from exploitation, freedom of religion, and educational rights.
4. Understand the Right to Constitutional Remedies under Article 32, including judicial review, concurrent jurisdiction of High Courts, and principles like res judicata, laches, locus standi, public interest litigation, and alternative remedies.
5. Understand Fundamental Duties, Directive Principles, and their relationship with Fundamental Rights in the Constitution
6. Understand the process, significance, and limitations of amending the Indian Constitution under Article 368, including the concept of the "Basic Structure Doctrine."

Unit 1: Fundamental Rights (General)

- A. 'State' under Article 12; 'Law' under Article 13; Articles 31A, 31B, 31C, 368; Doctrine of Eclipse; Waiver of fundamental rights; Severability; Personal laws

1. Som Prakash v. Union of India (1981) 1 SCC 449
2. Pradeep Kumar Biswas v. Indian Institute of Chemical Biology (2002) 5 SCC 111
3. BCCI v. Cricket Association of Bihar (2015) 3 SCC 251
2. Dr. Janet Jeyapaul v. SRM University (2015) 16 SCC 530
3. Keshavan Madhava Menon v. State of Bombay AIR 1951 SC 128
4. Bhikaji Narain Dhakras v. State of M. P. AIR 1955 SC 781
5. State of Gujarat v. Sri Ambica Mills (1974) 4 SCC 656
6. Basheshwar Nath v. CIT AIR 1959 SC 149
7. State of Bombay v. F.N. Balsara AIR 1951 SC 318
8. RMDC v. Union of India AIR 1957 SC 628
9. Shayara Bano v. Union of India (2017) 9 SCC 1

Unit II: Right to Equality (Articles 14-18)

- A. Equality among Equals; Treating un-equals as equals violates equality clause
B. Classification as such not completely prohibited: Reasonable Classification Permissible
C. Single Person may be treated as a separate class

- D. Establishment of Special Courts
- E. Conferment and/or exercise of discretionary or arbitrary power is antithesis of right to equality
- F. Distribution of state largesse
- G. Special provisions for women and children; requirements relating to residence; requirement of a particular religion being professed by the incumbent of an office related to a religious or denominational institution.
- H. Protective Discrimination - Reservations in appointments and promotions; Special provisions for socially and educationally backward classes of citizens and for Scheduled Castes and Scheduled Tribes
- I. The Rights of Persons with Disabilities Act, 2016
- J. The Central Educational Institutions (Reservation in Admission) Act, 2006
- K. Direct and Indirect Discrimination.

- 10. State of W. B. v. Anwar Ali Sarkar AIR 1952 SC
- 11. Kathi Raning Rawat v. State of Saurashtra AIR 1952 SC 12
- 12. Lt. Col Nitisha v. Union of India 2021 SCC Online SC 26.
- 13. Indra Sawhney v. Union of India AIR 1993 SC 477; 1992 Supp (3) SCC 217
- 14. M. Nagaraj v. Union of India (2006) 8 SCC
- 15. Ashoka Kumar Thakur v. Union of India (2008) 6 SCC 1 138
- 16. Jarnail Singh v. Lachhmi Narain Gupta (2018) 10 SCC 396
- 17. Jarnail Singh II v. Lachmi Narain Gupta 2022 SCC Online SC 96
- 18. BK Pavitra v. Union of India (2017) 4 SCC 620
- 19. BK Pavitra II v. Union of India (2019) 16 SCC 129
- 20. Mukesh Kumar v. State of Uttarakhand (2020) 3 SCC 1
- 21. Dr. Jaishri Laxmanrao Patil v. The Chief Minister, Maharashtra 2021 SCC Online SC 36

Unit III: Fundamental Rights under Part III of the Constitution of India

Right to Freedoms

- A. Right to Freedoms available only to citizens of India; Foreign nationals and artificial persons like bodies corporate (companies) are not citizens either under Part III of the Constitution of India or under the Citizenship Act, 1955
 - 1. Freedom of speech and expression;
 - 2. Freedom to assemble peaceably and without arms;
 - 3. Freedom to form association or unions or cooperative societies;
 - 4. Freedom to move freely throughout the territory of India;
 - 5. Freedom to reside and settle in any part of the territory of India;
 - 6. Freedom to practice any profession, or to carry on any occupation, trade or business.
 - B. Protection in respect of conviction for offences (Article 20) (i) Ex post facto Law (ii) Doctrine of Double Jeopardy (iii) Right against Self Incrimination
 - C. Protection in life and personal liberty, Doctrine of Proportionality (Article 21) Right to education (Article 21 A)
 - D. Protection against arrest and detention (Article 22)
 - E. Right against Exploitation (Articles 23, 24)
 - F. Right to Freedom of Religion (Articles 25-28)
 - G. Educational and Cultural Rights (Articles 29, 30)
- 22. Bennett Coleman & Co. v. Union of India (1972) 2 SCC 788 23
 - 23. Secretary, Ministry of I & B, Govt. of India v. Cricket Association of Bengal (1995) 2 SCC 161
 - 24. Shreya Singhal v. Union of India (2015) 5 SCC 1
 - 25. People's Union for Civil Liberties (PUCL) v. Union of India (1997) 1 SCC 301
 - 26. Anuradha Bhasin v. Union of India (2020) 3 SCC 637
 - 27. Foundation for Media Professionals v. Union Territory of Jammu and Kashmir & Another (2020) 5 SCC 746
 - 28. Maneka Gandhi v. Union of India (1978) 1 SCC 248 266
 - 29. AK Roy v. Union of India (1982) 1 SCC 27
 - 30. National Legal Services Authority v. Union of India (2014) 5 SCC 438
 - 31. Animal Welfare Board v. A. Nagaraja (2014) 7 SCC 547

32. Justice KS Puttaswamy v. Union of India (2017) 10 SCC 1 283
33. Navtej Singh Johar v. Union of India (2018) 1 SCC 791
34. Pramati Educational and Cultural Trusts v. Union of India (2014) 8 SCC 1
35. DK Basu v. State of West Bengal (1997) 1 SCC 416 303
36. Bijoe Emmanuel v. State of Kerala (1986) 3 SCC 615 349
37. Indian Young Lawyers Association v. State of Kerala (2019) 11 SCC 1
38. Kantaru Rajeevaru v. Indian Young Lawyers Association (2020) 9 SCC 121
39. Resham v. State of Karnataka 2022 SCC Online Kar 315
40. T.M.A. Pai Foundation V. State of Karnataka (2002) 8 SCC481
41. P.A. Inamdar v. State of Maharashtra (2005) 6 SCC537

Unit IV Right to Constitutional Remedies (Article 32)

Power of Judicial Review under Article 32 is a basic feature of the Constitution; Concurrent jurisdiction of the High Courts under Article 226 – Res judicata; Laches, Rule of locus standi, Public Interest Litigation; Existence of alternative remedies;

42. State of Uttaranchal v. Balwant Singh Chaufal (2010) 3 SCC 402

Unit V: Fundamental Duties (Article 51 A) Directive Principles of State Policy (Articles 36-51) Relationship between the Fundamental Rights and the Directive Principles of State Policy.

43. Hon'ble Shri Rangnath Mishra v. Union of India 2003 (7) SCC 206

VI: Amendment of the Constitution (Article 368)

44. Kesavananda Bharati v. State of Kerala (1973) 4 SCC225 79
45. Minerva Mills Ltd. & Ors. Vs. Union Of India & Ors. (1981) 1 S.C.R. 206
46. Indira Nehru Gandhi v. Raj Narain 1975 SC 2299
47. Kihoto Hollohon v.Zachillhu 1992 Supp (2) SCC 651
48. I.R. Coelho v. State of Tamil Nadu, (2007) 2 SCC 1 385
49. L. Chandra Kumar v. Union of India (1997) 3 SCC 261

References

1. D.D. Basu, Shorter Constitution of India (16th ed., 2021)
2. H.M. Seervai, Constitutional Law of India (4 th ed., Vol 1 (1991), Vol. 2 (1993), Vol. 3 (2019 Rep.)
3. M.P. Jain, Indian Constitutional Law (9th ed., 2025)
4. M. P. Singh, V. N. Shukla's Constitution of India (14th ed., 2022)
5. S. Choudhary, M Khosla and PB Mehta, The Oxford Handbook of the Indian Constitution (1 st ed. , 2016)
6. Udai Raj Rai, Fundamental Rights and their Enforcement (2011)

JURISPRUDENCE

Learning Objectives:

The significance of the study of Jurisprudence lies in the opportunity for legal professional to bring theory and life into focus as it concerns human thought in relation to society. The objective is not to reach at the right answer but to understand the importance of this never-ending journey of discovering the right answer. Asking the questions: ‘what is law’ and ‘why there is law’ is diagnosis in the context of a society. ‘What may be done with it’ is the treatment part. It may be easily understood by a little careful observation that the functioning of a legal system generally depends on how the society conceptualizes law. This course deals with concepts and theories which are the mainstay of law as a system, its administration and adjudication. Legal concepts recur every day in law, its administration and adjudication. Legal professionals must constantly understand the jurisprudential basis of these concepts which are continuously being dealt with in law in all its manifestations. The study of jurisprudence also enhances critical thinking ability of learners. A debate on justice, rights, state, sovereignty, authority etc. shall be the dominant theme of this course. The students should be able to understand the concept of justice in its various forms and to comment on the justness of state actions. The course also deals with the *Bhartiya Jurisprudence of dharma*, state, justice etc. to comprehend the concepts in Indian context.

Learning Outcomes:

This course aims to provide opportunity to think about the existing societal problems and its solutions based on conceptual understanding. After the completion of this course students are expected to understand the philosophical background of law and legal system and its purpose. The learning outcome includes of the course includes, *inter alia*:

- To understand theoretical basis of law.
- To develop critical understanding law in relation to society.
- To acquainted with the basic ideas and fundamental principles of law.
- To develop philosophical understanding of various legal concepts.
- To develop analytical understanding the circumstance in which legal theory evolved.
- To contextualize study along with application of various school’s philosophy in Indian context.

Course Contents:

Unit- I: General Introduction and Understanding:

- Jurisprudence: Meaning, Purpose, and Importance
- Utility of Study of Jurisprudence in Legal Profession and Methods of Study
- Introduction to *Bhartiya Jurisprudence* and Its Importance
- Evolving Branches of Jurisprudence: Animal Jurisprudence, Sports Jurisprudence etc.

Unit- II: Natural Law Philosophy

- Classical Natural Law, Decline and Revival of Natural Law
- Study of Grudge Informer’s Case, Nuremberg Trials, and London Charter
- The idea of Supra Statutory Law: Gustav Radbruch
- The idea of procedural morality: Lon L. Fuller
- Bhartiya Perspective on Natural Law- *Ritam & Dharma*

Unit- III: Legal Positivism

- Classical Legal Positivism
- Command-Sanction Model of John Austin
- Rule Model of HLA Hart
- Norm Model of Hans Kelsen
- Chankay’s Concept of State and Law

Unit- IV: Various Approaches to Legal Theory

- Realist Approach and rule Skepticism: OW Holmes
- Historical Approach of Von Savigny and Sir Henry Maine
- Sociological Approach of Dean Roscoe Pound
- Kautilya's Arthashastra with special reference to Social Justice
- Integrative Approach of Ronald Dworkin
- Economic Analysis of Richard Posner

Unit- V: Concept of Justice

- Classical Concept of Justice
- Rawls's Concept of Justice
- Nozick's Concept of Justice
- Amartya Sen's Concept of Justice
- Chankay's Concept of Justice

Unit- VI: Legal Concepts

- Concept of Rights, Duties: Co-relations of Right and Duty
- Concept of Liability: Strict and Absolute Liability
- Concept of Personality and Legal Status of Animals, Dead and Unborn Person, and Idol and Mosque
- Concept of Property: Kinds of Property
- Concept of Possession and Ownership: Kant's Theory, and Savigny's Theory

List of Cases:

- *Common Cause v. Union of India* (2018)
- *Maneka Gandhi v. Union of India* (1978)
- *Navtej Singh Johar and others v. Union of India* (2018)
- *S. R. Bommai v. Union of India* (1994)
- *Vishakha and others v. State of Rajasthan* (1997)
- *Vineet Narain and others v. Union of India* (1997)
- *M. Nagaraj and others v. Union of India* (2006)
- *Lily Thomas v. Union of India and others* (2013)
- *Shreya Singhal v. Union of India* (2015)
- *Shayara Bano v. Union of India and others* (2016)
- *Justice K. S. Puttaswamy (Retd.) and another v. Union of India and others* (2017)
- *Keshavananda Bharati Sripadagalvaru v. State of Kerala* (1973)
- *ADM, Jabalpur v. Shivkant Shukla* (1976)
- *Bachan Singh v. State of Punjab* (1980)
- *Minerva Mills Ltd v. Union of India* (1980)
- *M. C. Mehta v. Union of India and others* (1986)
- *Mohini Jain v. State of Karnataka* (1989)
- *Indira Sawhney and others v. Union of India* (1992)
- *Shiromani Gurudwara Prabandhak Committee v. Shri Som Nath Dass & Ors.*, 2000
- *The State Trading Corporation of India Ltd. & Ors. v. The Commercial Tax Officer, Visakhapatnam & Ors*, AIR 1963 SC 1811
- *Indian Young Lawyers Association v. State of Kerala*, 2018 SCC OnLine SC 1690
- *Mohd. Noor v. Mohd. Ibrahim*, AIR 1995 SC 398
- *Rame Gowda v. M. Varadappa Naidu*, AIR 2004 SC 4609
- *Bridges v. Hawkesworth* (1821)
- *Hannab v. Peel* (1945)
- *South Staffordshire Water Co. v. Sharman* (1896)

Prescribed Readings:

Books:

- P.J. Fitzgerald, *Salmond on Jurisprudence* (Universal Law Publication, 2013)
- R.W.M. Dias, *Jurisprudence* (5th ed., 1994)

- John Austin, *The Province of Jurisprudence Determined* (London: Weidenfeld & Nicolson, 1955)
- HLA Hart, *The Concept of Law* (Oxford: Clarendon Press, 1994).
- David P. Derham (ed.), *A Textbook of Jurisprudence* by G.W. Paton (4th ed., 1972)
- Lloyd's *Introduction to Jurisprudence* (7th ed., 2001)
- Raymonds Wacks, *Understanding Jurisprudence- An Introduction to Legal Theory* (Oxford University Press, 2015)
- Edgar Bodenheimer, *Jurisprudence- Philosophy and Method of Law* (Harvard University Press, 1962)
- LL Fuller, *The Morality of Law*, (Yale University Press, 1969)
- Suri Ratnapala, *Jurisprudence* (Cambridge University Press, 2013)
- R. Pound, *Jurisprudence* (West Publishing Ltd., 1959)
- M.D.A. Freeman, *Lloyd's Introduction to Jurisprudence* by (Sweet and Maxwell Ltd. 2001)
- G.W. Paton, *A Textbook of Jurisprudence* (Oxford University Press, 4th edn., 2007)
- W. Friedmann, *Legal Theory* (Universal Law Publishing Co., 2013)
- T.E. Holland, *The Elements of Jurisprudence* (Law and Justice Publishing Co., 2021)
- V.B. Coutinho, *V.D. Mahajan's Jurisprudence and Legal Theory* (Eastern Book Company, 2024)
- S.N. Dhyani, *Fundamentals of Jurisprudence: The Indian Approach* (Central Law Agency, 2019)
- Jose Varghese, *Kautilya Arthashastra; A Lawyer's Point of View* (2021)
- Ganesh, S., *Vedic Concept of Dharma, Purvamimamsa* (2021)

Articles:

- Hans Kelsen, "The Pure Theory of Law: Its Method and Fundamental Concepts", 50 *Law Quarterly Review* 474 (1934).
- J.W. Harris, "When and Why Does the Grundnorm Change?", *Cambridge Law Journal*, 103-133 (1971)
- J.W. Harris, "The Basic Norm and the Basic Law", 24 *Hong Kong Law Journal* 207-230.
- HLA Hart, *Essays on Bentham* (Oxford: Clarendon Press, 1982).
- Stanley L Paulson, "The Neo Kantian Dimension of Kelsen's Pure Theory of Law", 12 *Oxford Journal of Legal Studies* 311-332 (1992).
- Ronald Dworkin, "Hard Cases", 88 *Harvard Law Review* 1057-1109 (1975).
- Scott J Shapiro, "The Hart- Dworkin Debate: A Short Guide for the Perplexed", *Public Law and Legal Theory Working Paper Series* (University of Michigan Law School), Working Paper no. 77 (March 2007)
- E Philip Soper, "Legal Theory and the Obligation of a Judge: The Hart/Dworkin Dispute", 75 *Michigan Law Review* 473-519 (1977)
- Gustav Radbruch, "Statutory Lawlessness and Supra-Statutory Law", 26 *Oxford Journal of Legal Studies* 1-12 (2006)
- HLA Hart, "Positivism and The Separation of Law and Morals" (1958) 71 *Harvard Law Review* 593-629
- LL Fuller, "Positivism and Fidelity to Law – A Response to Professor Hart", 71 *Harvard Law Review* 630-672 (1958)
- Brian Leiter, "Rethinking Legal Realism: Toward a Naturalized Jurisprudence", 76 *Texas Law Review* 267-316 (1997)
- Brian Leiter, "Lagal Realisms, Old and New", 47 *Valparaiso University Law Review* 949-964 (2013)
- Wilfrid E Rumble Jr., "Rule Skepticism and the Role of the Judge: A Study of American Legal Realism", 15 *Journal of Public Law* 251-285 (1966)
- Robert E. Rodes Jr., "On the Historical School of Jurisprudence", 49 *American Journal of Jurisprudence* 165-184 (2004)
- Harold J Berman, "The Historical Foundations of Law", 54 *Emory Law Journal* 13-24 (2005)
- Todd J Zywicki & Anthony B Sanders, "Posner, Hayek, and the Economic Analysis of Law", 93 *Iowa Law Review* 559-604 (2008)
- Chhatrapati Singh, "The Inadequacy of Hohfeld's Scheme: Towards more Fundamental Analysis of Jural Relations", 27 *JILI*. 117 (1985).
- Allen Buchanan, "What is so Special about Rights," *Social Policy & Philosophy*, pp. 61-75 (1984)
- Roscoe Pound, "Property" in *An Introduction to Legal Philosophy*, New Haven, Oxford University Press, pp. 191-235 (1930)

- Jeremy Waldron, “Property and Ownership”, Stanford Encyclopaedia of Philosophy, 2012.
- John Locke, Of Property, Chapter 1 in C. B. Macpherson (ed.) Property: Main- stream and Critical Positions, University of Toronto Press, pp. 15-29 (1978).

Important Note:

- The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
- The students are required to study the legislations as amended up-to-date, recent judgements and consult the latest editions of books.

LAW OF TAXATION (DIRECT TAXATION)

Course Objectives

The aim of this course is to provide students with an understanding of the general principles of income taxation from a multidisciplinary perspective: legal, political, social and economic. The basic objective is to make them understand that tax and development are mutually exclusive. The foremost objective of this course is:

- a) To familiarize the students with the basic concepts of Direct Taxation particularly, Income Tax Laws, along with the procedures.
- b) To acquire the ability to apply the knowledge of the provisions of Income taxation law to various situations in actual practice.

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

- a. Develop an understanding of the basic concepts and definitions of income tax
- b. Appreciate and distinguish between incomes that are taxable and those exempt from taxes
- c. Assess the residential status of an assessee
- d. Understand the heads of income and their chargeability
- e. Understand the tax administrative procedures and compliances

Course Contents

I. Introduction

1.1 Definitions and concepts

- 1.1.1 Tax, Cess and Surcharge
- 1.1.2 Types of taxes; Direct and Indirect
- 1.1.3 Cannons of Taxation
- 1.1.4 Definitions; Person, Assessee, Assessment Year, Previous Year, Income [Section 2(24)]
- 1.1.5 Diversion and Application of Income

1.2 Incomes exempt from tax; Agricultural Income and Tax Treatment

- 1.2.1 Meaning and Concept of Agricultural Income [Section 2(1A), 10(1)]
- 1.2.2 Fully and Partly Agricultural Income

CASES:

1. CIT v. G.R. Karthikeyan, 1993 Supp (3) SCC 222
2. CIT v. Sitaldas Tirathdas (1961) 2 SCR 634
3. C.I.T. v. Sunil J. Kinariwala (2003) 1 SCC 660
4. C.I.T. v. Benoy Kumar Sahas Roy AIR (1957) SC 768
5. V.V.R.N.M. Subbayya Chettiar v. C.I.T. AIR (1951) SC 101
6. K. Lakshman & Co. v. CIT (1999) 239 ITR 596 SC
7. Bacha F. Guzdar v. C.I.T. Bombay AIR (1955) SC 74

II. Residential Status, Total Income and Incidence of Tax

- 2.3.1 Determination of Residential Status of the Assessee (section 6)
- 2.3.2 Total Income (sections 4 and 5)
- 2.3.3 Incidence of Tax
- 2.3.4 Income Received or Deemed to be received
- 2.3.5 Income accrues or arises or deemed to accrue or arise (section 9)

CASES:

8. V.V.R.N.M. Subbayya Chettiar v. C.I.T., AIR 1951 SC 101
9. Ishikawajima-Harima Heavy Industries Ltd, v. Director of I.T(2007) 288 ITR 408 (SC).

10. Vodafone International Holdings B.V. v. UOI (2012) 1 Comp LJ 225 (SC)
- 11 Pradip J. Mehta v. CIT (2008) 300 ITR 231 (SC)

III. Heads of Income -I

- 3.1 Heads of Income (section 14), Rationale; Heads, whether mutually exclusive
- 3.2 Income from salary (Sections 15 to 17)
 - 3.2.1 Meaning and Chargeability of salary income
 - 3.2.2 Allowances
 - 3.2.3 Perquisites
 - 3.2.4 Retirements Benefits
 - 3.2.5 Deductions
- 3.3 Income from house property (Sections 22 to 27)
 - 3.3.1 Meaning and concept of Income from House property
 - 3.3.2 Concept of Ownership
 - 3.3.3 Determination of Annual Value
 - 3.3.4 Deductions

CASES:

12. Ram Pershad v. C.I.T. (1972) 2 SCC 696
13. East India Housing & Land Development Trust Ltd v. CIT (1961) 42 ITR SC
14. R.B. Jodhamal Kuthiala v. C.I.T., AIR 1972 SC 126

IV. Heads of Income -II

- 4.1 Profits and gains of business or profession (Sections 28 to 44)
 - 4.1.1 Meaning and concept of Business & Profession
 - 4.1.2 Computation of Profit with concept of business loss
 - 4.1.3 Deductions; Depreciation, Bad Debts
 - 4.1.4 Business Expenditure – Allowability - Tests of distinctions between Business expenditure and Capital expenditure
- 4.2 Capital gains (Sections 45 to 55)
 - 4.2.1 Capital Asset [section 2(14)], short term and long term capital asset
 - 4.2.2 Basis of Charge
 - 4.2.3 Transfer and Transaction not regarded as transfer
 - 4.2.4 Cost of acquisition & Cost of Improvement
 - 4.2.5 Computation
- 4.3 Income from other sources (Sections 56 to 59)
 - 4.3.1 Chargeability
 - 4.3.2 Taxability of Dividend
 - 4.3.3 Taxability of Gifts

CASES:

15. Bharat Earth Movers v. CIT (2000) 245 ITR 428 (SC)
16. Grace Collis and others v. CIT (2001) 248 ITR 323 (SC)
- 17 CIT v. Madras Auto Services Ltd. (1998) 233 ITR 468 SC
18. CIT v. National Storage (P) Ltd. (1967) 66 ITR 596 (SC)
19. CIT Vs Travencore Sugar & Chemicals Ltd AIR 1973 SC 982
20. ONGC v. CIT AIR 2010 SC 1927
21. Attukal Shopping Complex P. Ltd v. C.I.T. (2003) 259 ITR 567 SC
22. C.I.T. v. Rajendra Prasad Moody (1978) 115 ITR 519 (SC)

V. Income of Other Persons included in Assessee's Total Income

- 5.1 concept of clubbing of income – justifiability and certain instances (Ss. 60-64)

CASES:

23. Philip John Plasket Thomas v. C.I.T., AIR 1964 SC 587
24. Batta Kalyani v. Commissioner of Income Tax (1985) 154 ITR 59
25. J.M. Mokashi v. Commissioner of Income Tax (1994) 207 ITR 252 (Bom)
26. Mohini Thapar v. C.I.T. (1972) 4 SCC 493

VI. Assessment Procedure and Income Tax Authorities (Sections 139, 142, 143, 144, 145(2), 147, 148, 149, 150, 151 and 153)

- 6.1 Filing of Return
 - 6.1.1 General Return
 - 6.1.2 Belated Return
 - 6.1.3 Revised Return
 - 6.1.4 Defective Return
- 6.2 Types of Assessment
 - 6.2.1 Self-Assessment
 - 6.2.2 Summary Return
 - 6.2.3 Scrutiny Return
 - 6.2.4 Best Judgment Assessment
 - 6.2.5 Income escaping Assessment
 - 6.2.6 Search Assessment
- 6.3 Offices under Income Tax Act, 1961
- 6.4 Powers & Functions of Authorities
- 6.5 Penalty & Prosecutions under Income Tax Act, 1961

CASES:

27. D.I.T. v. Diamondstar Exports Ltd.; (2007) 293 I.T.R. 438 SC
28. Manish Maheshwari v. A.C.I.T.; (2007) 289 I.T.R. 341 SC
29. State of Kerala v. C. Velkuty (1966) 60 ITR 239 (SC)
30. C.I.T. v. Burlop Dealers Ltd. (1971) 79 ITR 609 (SC)
31. Gemini Leather Stores v. The Income-tax Officer, AIR 1975 SC 1268
32. The Income Tax Officer v. Lahkmani Mewal Das (1976) 3 SCC 757
33. Srikrishna (P) Ltd. v. Income-Tax Officer (1996) 9 SCC 534
34. ITO v. Seth Bros (1969) 74 ITR 836 SC
35. Sahara India v. CIT (2007) 289 ITR 473 SC

Note: Relevant provisions of The Income Tax Act, 1961 (as amended) are prescribed for all the Units.

Prescribed Books: (Latest Editions)

1. Kanga, Palkiwala Aravind Datar, The Law and Practice of Income Tax, Lexis Nexis Butterworths.
2. Chaturvedi & Pithisaria Income Tax Law Wadhwa & Company.
4. V.K. Singhania, Direct Tax Law & Practice, Professional Edition, Taxmann.
5. Girish Ahuja & Ravi Gupta; Professional Approach to Direct Taxes, Law and Practice, Bharat Publication, New Delhi

Important Note:

- The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
- The students are required to study the legislations as amended up-to-date, recent judgements and consult the latest editions of books.

PUBLIC POLICY AND ADMINISTRATION

Learning Objectives

1. To examine the functions of institutions in our country working in the domain of public policy.
2. To analyse the role of Directive Principles of State Policy in guiding public policies and their impact on governance.
3. To examine the role of key institutions (Legislature, Executive, Judiciary) and non-state actors (NITI Aayog, Media) in policymaking.
4. To evaluate the effectiveness of different administrative theories and leadership models in real-world governance.
5. To assess contemporary public policies in India related to environment, health, employment, and digital governance.

Learning Outcomes

By the end of this course a student will acquire the following knowledge and skills:

1. Understand the concept of public policy and various facets related to it.
2. Critically analyse the policymaking process and identify key challenges in implementation and evaluation.
3. Explain the constitutional significance of DPSP and its influence on socio-economic policies.
4. Will be able to Evaluate the effectiveness of contemporary public policies in addressing national concerns.
5. Students will be able to apply their understanding of public policy to real-world governance challenges and suggest improvements in policymaking processes.

UNIT- I INTRODUCTION TO PUBLIC POLICY

- (a) Meaning, Nature, and Scope of Public Policy
- (b) Process of Policymaking: Policy Formulation, Implementation, and Evaluation
- (c) Role of the Directive Principles of State Policy (DPSP) in Public Policy

UNIT- II INSTITUTIONS AND ACTORS IN POLICY-MAKING

- (a) Institutional Framework for Policymaking: Legislature, Executive, and Judiciary
- (b) Role of NITI Aayog, Civil Society, and Media in Public Policy
- (c) Citizen Participation and Accountability: RTI Act (2005) and the Lokpal and Lokayukta Act (2013)

UNIT- III PUBLIC ADMINISTRATION AND ITS STAKEHOLDERS

- (a) Theoretical Approaches: Weber's Ideal-type Bureaucracy and Taylor's Scientific Management
- (b) Leadership and Motivation in Public Administration: Burns and Bass's Model of Transformational Leadership and Adams's Equity Theory of Motivation
- (c) E-Governance and Legal Technology: Digital India, National E-Governance Plan (NeGP), E-Courts and Online Dispute Resolution (ODR)

UNIT- IV CONTEMPORARY PUBLIC POLICIES IN INDIA

- (a) Environmental: National Green Hydrogen Mission
- (b) Health: National Health Mission
- (c) Employment: National Urban Livelihoods Mission (NULM), 2013

(d) Digital and Technology Policies: Digital Personal Data Protection Act (2023) and the IT Act (2000)

READING LIST

UNIT- I INTRODUCTION TO PUBLIC POLICY

□ Meaning, Nature, and Scope of Public Policy

Dye, T.R. (2004). *Understanding Public Policy*. Englewood Cliffs: Prentice Hall.

□ Process of Policymaking: Policy Formulation, Implementation, and Evaluation

Sapru, R.K. (1996) *Public Policy: Formulation, Implementation and Evaluation*. New Delhi: Sterling.

□ Role of the Directive Principles of State Policy (DPSP) in Public Policy

Austin, G. (1966). *The Indian Constitution: Cornerstone of a Nation*. Oxford University Press.

UNIT- II INSTITUTIONS AND ACTORS IN POLICY-MAKING

□ Institutional Framework for Policymaking: Legislature, Executive, and Judiciary

Chakrabarty, Bidyut & Prakash Chand, (2016), 'Public Policy in India - Concepts, Theories & Practice', Sage, New Delhi.

Maheswari, S. R., (1987), 'Public policy Making in India', Sage New Delhi.

□ Role of NITI Aayog, Civil Society, and Media in Public Policy

NITI Aayog. www.niti.gov.in

World Bank.

<https://documents1.worldbank.org/curated/pt/177921468152375251/pdf/809490WP0WB0Ci020Box03798240PUBLIC0.pdf>

<https://www.ispp.org.in/the-role-of-media-in-public-policy-influence-impact-and-challenges/>

□ RTI Act (2005)

Right to Information Act. <https://rti.gov.in/>

□ Lokpal and Lokayukta Act (2013)

Lokpal and Lokayukta Act.

https://indiacode.nic.in/handle/123456789/2122?view_type=browse

UNIT- III PUBLIC ADMINISTRATION AND ITS STAKEHOLDERS

□ Weber's Ideal-type Bureaucracy

M. Weber (1946), 'Bureaucracy', in C. Mills, and H. Gerth, *From Max Weber: Essays in Sociology* Oxford: Oxford University Press.

□ Taylor's Scientific Management

F. Taylor (2004), 'Scientific Management', in J. Shafritz, and A. Hyde (eds.) *Classics of Public Administration*, 5th Edition. Belmont: Wadsworth.

□ Burns and Bass's Model of Transformational Leadership

Bass, B. M. (1998). *Transformational leadership: Industrial, military, and educational impact*. Mahwah, NJ: Erlbaum.

Burns, J.M. (1978) *Leadership*. New York. Harper & Row.

□ Adams's Equity Theory of Motivation

Adams, J. S. (1963). Toward an understanding of inequity. *Journal of Abnormal and Social Psychology*, 67(5), 422-436.

□ Digital India

Digital India. <https://digitalindia.gov.in/>

□ National E-Governance Plan (NeGP)

National e-Governance Plan (NeGP). <https://egovernance.vikaspedia.in/viewcontent/egovernance/national-e-governance-plan/national-e-governance-plan-negp?lgn=en>

□ E-Courts

E-Courts. <https://ecourts.gov.in/>

□ Online Dispute Resolution (ODR)

NITI Aayog. (2021). *Designing the Future of Dispute Resolution: The ODR Policy Plan for*

India. <https://www.niti.gov.in/sites/default/files/2021-11/odr-report-29-11-2021.pdf>

UNIT- IV CONTEMPORARY PUBLIC POLICIES IN INDIA

□ Environmental: National Green Hydrogen Mission

National Green Hydrogen Mission. <https://mnre.gov.in/en/national-green-hydrogen-mission/>

□ Health: National Health Mission

National Health Mission. <https://nhm.gov.in/>

National Health Mission. <https://mohfw.gov.in/sites/default/files/56987532145632566578.pdf>

□ Employment: National Urban Livelihoods Mission (NULM), 2013

National Urban Livelihoods Mission.

https://nulm.gov.in/PDF/NULM_Mission/NULM_mission_document.pdf

□ Digital Personal Data Protection Act (2023)

Digital Personal Data Protection Act (2023).

<https://www.meity.gov.in/static/uploads/2024/06/2bflf0e9f04e6fb4f8fef35e82c42aa5.pdf>

□ IT Act (2000)

Information Technology Act, 2000. <https://www.meity.gov.in/>

Information Technology Act, 2000. <https://cag.gov.in/uploads/media/CAG-IT-Act-PPT-2021-04-01-V-1-1-20210618113434.pdf>

Honours Papers
Global IP Law and Practice
IP Group

Topic 1: Introduction to Global IP Frameworks

- Evolution and Development of Intellectual Property Rights (IPR)
- Role of IP in International Trade and Business
- Global Institutions Governing IP: World Intellectual Property Organization (WIPO); World Trade Organization (WTO); United Nations (UN) and its Agencies (e.g., WHO, UNESCO)
- Key International Treaties on IP: Paris Convention (1883); Berne Convention (1886); TRIPS Agreement (1995)

Topic 2: Patents and Innovation in the Global Context

- Fundamentals of Patents: Criteria, Rights, and Limitations
- International Patent Systems: Patent Cooperation Treaty (PCT); European Patent Convention (EPC); U.S. Patent System vs. Indian Patent System
- Patent Disputes and Cross-Border Litigation
- Case Studies: High-Profile Patent Battles

Topic 3: Trademarks and Brand Protection

- Definition and Importance of Trademarks in Global Business
- International Treaties Governing Trademarks: Madrid Protocol (1989); Nice Classification
- Comparative Trademark Law: U.S., EU, and India
- Trademark Infringement and Domain Name Disputes

Topic 4: Copyright and Digital Economy

- Scope of Copyright and Related Rights
- International Copyright Treaties: Berne Convention; WIPO Copyright Treaty (WCT); WIPO Performances and Phonograms Treaty (WPPT)
- Copyright Challenges in the Digital Age (Piracy, AI-generated Works, NFTs)
- Case Studies: Copyright Disputes in Music, Film, and Software

Topic 5: Trade Secrets, Geographical Indications (GIs), and Emerging IP Issues

- Trade Secrets Protection under International Law
- TRIPS Provisions on Trade Secrets
- Global Recognition of Geographical Indications (GI): Lisbon Agreement
- Case Studies: Champagne, Darjeeling Tea, Parmesan Cheese
- The Future of IP: Artificial Intelligence, Biotechnology, and Digital Sequence Information (DSI)

Topic 6: IP Commercialization, Licensing, and Dispute Resolution

- IP Valuation and Monetization Strategies
- Licensing Agreements and Technology Transfers
 - Cross-Border IP Dispute Resolution: WTO Dispute Settlement Mechanism; Investor-State Dispute Settlement (ISDS)
- Case Studies: Licensing and Franchise Models of Global Brands

Recommended Readings

1. **International Intellectual Property in an Integrated World Economy** – Frederick M. Abbott, Thomas Cottier, Francis Gurry
2. **Intellectual Property: Patents, Trademarks, and Copyright in a Nutshell** – Arthur R. Miller
3. **The TRIPS Agreement: Drafting History and Analysis** – Daniel Gervais
4. **IP and Business: The Role of Intellectual Property in Global Trade** – WIPO Publications

***Important Note:**

1. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
2. The students are required to study the treaties as amended up-to-date, recent judgements and consult the latest editions of books.

COMPETITION LAW

IP and Business Law Group

Course Objectives

The path of economic reforms in India, particularly since 1991, has been characterized by a well-defined policy and direction. Several path-breaking reform measures have been successfully undertaken during this period. Competition law is a rapidly growing area of law which reflects the free-market economy and increasing world globalization. The huge economic movements which have taken place in recent years increased the attractiveness of this subject, and competition lawyers are now prominent in the biggest law firms and institutions advising in complex transactions. In this backdrop, the course aims to:

- Study the evolution and emergence of competition law globally and in India.
- Understand the key concepts underpinning the competition law in India.
- Critically analyze the role and working of the Indian competition authorities.
- Examine the emerging competition law issues and trends with respect to IPR and Digital markets.

Learning Outcomes:

After the competition of the course, students will:

- a. Acquire an understanding of the emergence and key concepts of competition law.
- b. Be able to appreciate the working and decisional practice of competition authorities.
- c. Develop an understanding of the contemporary trends in competition law

Course Contents

I. INTRODUCTION AND GENERAL OVERVIEW TO COMPETITION LAW

- Basic Concepts of Market (Perfect, Monopolistic, Monopoly, Oligopoly)
- The Constitutional aspect of Elimination of Concentration of Wealth and Distribution of Resources Article 39 (b) (c) Relation between Competition Policy and Competition Law
- Objectives of Competition Law
- History and Development of Competition Law in the USA, EU and India
- Liberalization and Globalization - Raghavan Committee Report, The Monopolies and Restrictive Trade Practices Act, 1969 to The Competition Act 2002
- The salient feature of the Competition Act, 2002, Important Definitions under the Competition Act; Agreement, Cartel, Consumer, Enterprise, Goods, Person, Relevant Market, Services, Turnover.

CASES:

1. Brahm Dutt v. Union of India, AIR 2005 SC 730
2. CCI v. Co-Ordination Committee of Artists and Technicians of W.B. Film and Television, civil appeal no. 6691 of 2014 decided on 7.03.2017 (SC)

II. ANTI – COMPETITIVE AGREEMENTS

- Horizontal Agreements (Cartels) and Vertical agreements
- Rule of Per se and Reason
- Appreciable Adverse Effect on Competition (AAEC) in India, Exemption,

- Prohibition of Anti-competitive agreement, Detecting mechanism (Dawn Raids, Leniency Regulations)

CASES:

3. Rajasthan Cylinders and Containers Ltd v Union of India & Anr Civil Appeal 3546 of 2014, Order dated 1 October 2018.
4. Excel Crop Care Ltd v Competition Commission of India & Ors (2017) 8 SCC 47
5. Builders Association of India v. Cement Manufacturers', Case No. 29/2010, CCI.
6. All India Tyres Dealers Federation v. Tyres Manufacturers, 2013 COMP LR 92 (CCI), Main Order dated October 30, 2012 and Minority Order by Mr. R. Prasad (Member, CCI) dated October 30, 2012.
7. Exclusive Motors Pvt Ltd v. Automobile Lamborghini SPA, Case No. 52/2012, CCI
8. Shamsher Kataria v. Honda Sael Cars India Ltd., 2014 Comp LR 1 (CCI)

III. ABUSE OF DOMINANCE AND COMBINATIONS

- Relevant Market, Relevant Market; Relevant Product and Geographical market
- Dominance in Relevant Market
- Abuses
- Predatory Pricing.
- Penalties – Prevention of Abuse of Dominance under Indian Competition Law.
- Combinations: Merger, Acquisition, Amalgamation and Takeover - Horizontal, Vertical and Conglomerate Mergers - Combinations Regulations
- Penalties, Green Channel

CASES:

9. Google Inc. & Ors v. Competition Commission of India & Anr., [2015] 127 CLA 367 (Delhi)
10. Belaire Apartment Owners' Association v. DLF Ltd & HUDA, 2011 Comp LR 0239 (CCI), Main Order dated August 12, 2011; Supplementary Order by Mr. R Prasad (Member, CCI) dated August 12, 2011 and Supplementary Order dated January 3, 2013 DLF Ltd. v. CCI, 2014 Comp LR 01 (CompAT)
11. Surinder Singh v. Board of Control for Cricket in India, [2013] 113 CLA 579 (CCI), Main Order dated February 8, 2013; Supplementary Order by Mr. R Prasad (Member, CCI) dated February 8, 2013 and Dissenting Order by Mr. M.L. Tayal dated February 8, 2013.
12. MCX Stock Exchange v. National Stock Exchange Ltd., 2011 Comp LR 129 (CCI); National Stock Exchange Ltd. v. MCX Stock Exchange 2014 Comp LR 304 (CompAT).
13. Indian Exhibition Industry Association v. Ministry of Commerce and Industry and Indian Trade Promotion Organisation, 2014 Comp LR 87 (CCI); Indian Trade Promotion Organisation v. CCI & Ors, CompAT Decision.
14. Etihad Airways and Jet Airways Combination Order, CCI, Order dated November 12, 2013.
15. Sun Pharma and Ranbaxy Combination Order, CCI, Orders dated December 5, 2014 and March 17, 2015.
16. PVR and DT Cinemas Combination Order, CCI, Order dated May 4, 2016

IV. ENFORCEMENT MECHANISMS AND EMERGING TRENDS IN COMPETITION LAW

- Enforcement Mechanisms under the Competition Act, 2002 – Competition Commission of India - Constitution of the CCI
- Powers and Functions; Competition Advocacy - Jurisdiction of the CCI - adjudication and appeals
- Director General
- National Company Law Appellate Tribunal (NCLAT)- Jurisdiction and Role

- Competition Commission of India and Sectoral Regulators
- Digital economy and regulation of competition
- Competition law and sustainability

CASES:

17. Haridas Exports v. All India Float Glass Manufacturers Association, (2002) 6 SCC 60016
18. CCI v. Steel Authority of India Ltd. & Anr, (2010)10 SCC 744

19. Competition Commission of India v. Bharti Airtel Ltd, Civil Appeal NO (S). 11843 OF 2018 decided on December 5, 2018

V. COMPETITION LAW AND INTELLECTUAL PROPERTY RIGHTS

- Interface between Competition Law and IPR
- The Competition Act, 2002 and IPR protection
- IPR protection in anti-competitive agreements and abuse of dominance; IPR issues in combinations

CASES:

20. Telefonaktiebolaget LM Ericsson (PUBL) v. Competition Commission of India & Anr., [Writ Petition (Civil) No. 464/2014, Decision dated March 30, 2016]
21. Amir Khan Private Limited v. Union of India, 2010(112) Bom LR3778

Readings:

1. Ramappa, T. (2013) *Competition Law in India- Policy, Issues and Development* Oxford University Press
2. Dugar, S.M. (2019) *Guide to Competition Law* Lexis Nexis
3. Singh, Avtar (2012) *Competition Law* Eastern Book Company
4. Shahi, G & Kumar, S (2021) *Indian Competition Law* Taxmann
5. Whish, R & Bailey, D (2021) *Competition Law* Oxford University Press
6. Sinha Manoj and Mallaya, Susmitha P (2017) *Emerging Competition Law*, Wolters Kluwer

Important Note:

- The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
- The students are required to study the legislations as amended up-to-date, recent judgements and consult the latest editions of books.

Paper Title: International Environmental Law

Course Objectives:

This course aims to educate students about the evolution of international environmental law and the basic principles of environmental governance in the international arena. This course is designed to educate them on the current legal framework, and the challenges that lie ahead especially in context of trans-national environmental disputes. Most importantly, it shall enable them to appreciate that environment knows no boundaries and international environmental law have continuously been aiming to build cooperation amongst states to secure a healthy planet for all keeping in mind the differences in their interests and capabilities.

Learning Outcomes:

- a) The students shall be able to critically analyse the reasoning behind emergence and continuity of basic principles of international environmental law.
- b) They shall learn the objectives, obligations and compliance mechanisms under various multilateral environmental agreements.
- c) They shall be able to comprehend the inter-linkages between international environmental principles, treaty obligations and domestic legal frameworks on environmental protection.
- d) They shall learn about the contemporary environmental challenges facing international community as well as critically assess the effectiveness of existing legal norms in addressing them.

Topic 1: Evolution of International Environmental Law

- The concept of Global Commons
- Environment and Trade, environment and armed conflicts, environment and human rights
- Soft law and hard law approaches in international environmental law making
- Sources of international environmental law
- Early roots and pre-1972 developments
- Significance of the 1972 Stockholm Conference on Human Environment
- Proliferation of multilateral environmental agreements post 1972
 - World Charter for Nature, 1982;
 - Ozone Protection – Montreal Protocol for the Protection of Ozone Layer, 1987 as amended;
 - Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998);
 - Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989;
 - Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal, 1999;
 - Stockholm Convention on Persistent Organic Pollutants, 2001
- U.N. Conference on Environment and Development, 1992
 - Rio Principles;
 - Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 1998 (Aarhus Convention); Johannesburg Conference, 2002;
 - Rio+20-United Nations Conference on Sustainable Development;
 - Sustainable Development Goals
- The Triple Planetary Crisis: climate change, pollution, loss of biological diversity
- Emergence of specialized legal regimes focusing on distinct environmental issues
- The 2030 Agenda for Sustainable Development
- Environmental Dispute Resolution
 - Principle 22 of the Stockholm Declaration, 1972
 - Principle 13 of the Rio Declaration, 1992
 - ICJ and environmental concerns
 - Arbitration in environmental disputes

Topic 2: Principles of International Environmental Law

- Duty not to cause trans-boundary harm
- Common Heritage of Mankind
- Principles of Cooperation and action in good faith
- Principle of Sustainable Development
- Common but Differentiated Responsibilities and Respective Capabilities
- Principle of sovereign rights of nations over their natural resources
- Precautionary Principle
- Polluter Pays Principles
- Inter-generational and intra-generational equity Principle
- Public Participation, inclusion of women, indigenous and local communities in the decision-making process

Topic 3: International Legal Framework on Climate Change

- The establishment of Intergovernmental Panel on Climate Change, 1988
- Overview of the United Nations Framework Convention on Climate Change, 1992
- Strength and weaknesses of the Kyoto Protocol, 1997
- The Paris Agreement: Marking a space for contribution from all
- Post-Paris developments
- The rise in Climate Change Litigation
- Responsibility of states in mitigating Climate Change

Topic 4: International Legal Framework on Forests, Wildlife, Biological Diversity and Water Resources

- Convention on Biological Diversity, 1992
- United Convention to Combat Desertification, 1992
- Forest Principles, 1992
- REDD and REDD+
- UN Strategic Plan for Forests, (2017-2030)
- Kunming-Montreal Global Biodiversity Framework, 2022
- Marine Biodiversity Beyond National Jurisdiction Treaty, 2023
- Indigenous Rights and Environmental Protection
- Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973
- Convention on the Conservation of Migratory Species of Wild Animals, 1979
- Wildlife Trafficking and International Enforcement Mechanisms
- Case Studies: Amazon Rainforest Protection, Tiger Conservation Efforts
- Key principles on Sharing of fresh-water resources
- SDGs 6 and 14
- Transboundary Water Disputes and water sharing agreements

Recommended Readings

1. **International Environmental Law and Policy** – David Hunter, James Salzman, and Durwood Zaelke
2. **Principles of International Environmental Law** – Philippe Sands and Jacqueline Peel
3. **The Oxford Handbook of International Climate Change Law** – Cinnamon P. Carlarne, Kevin R. Gray, Richard Tarasofsky
4. **UNEP Reports and International Agreements on Environment and Climate Change**

Important Note:

1. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
2. The students are required to study the treaties as amended up-to-date, recent judgements and consult the latest editions of books.

**Honours Papers
(Business Law Group)**

Law of Corporate Finance and Securities Market Regulation

Course Objectives

The course aims to:

1. Understand the concept of corporate finance and securities laws & regulation.
2. Study the framework of investment laws applicable to securities market entities and intermediaries in India.
3. Understand the key concepts dealing with securities market
4. Critically analyse the decisions of the regulators, tribunals and courts
5. Examine the emerging securities law issues and trends

Course Outcomes

After the completion of this course, the student will:

1. Acquire an understanding of the framework of investment laws applicable on securities market entities and intermediaries in India.
2. Be able to appreciate the decisional practice of authorities and courts
3. Develop an understanding of the contemporary trends in corporate.

Content:

I. INTRODUCTION TO CORPORATE FINANCE

- Meaning, Importance and Scope of Corporate Finance
- Sources of Corporate Finance – Equity Finance, Debt Finance and Other Sources of Finance - Venture Capital Financing, Angel Investors, Public Financing Institutions

Relevant Laws:

Relevant Provisions in the Companies Act, 2013

Companies Share and Capital and Debenture Rule, 2014

SEBI (Issue of Sweat Equity) Regulations, 2002

SEBI (Share Based Employee Benefits and Sweat Equity) Regulations, 2021

Securities and Exchange Board of India (Alternative Investment Funds) Regulations

II. OVERVIEW OF SECURITIES MARKET REGULATION IN INDIA

- Origin and evolution of securities market
- Evolution of securities law
- Meaning and Kinds of securities- [Sec 2(h) Securities Contracts (Regulation) Act, 1956]
- Corporatization and Demutualization of Stock Exchanges; Recognised Stock Exchanges
- Organisation, Structure, Power & Function of the Securities Exchange Board of India (SEBI)
- Establishment, Jurisdiction, Procedure of Appellate Tribunal (SAT)

Relevant Laws and Cases

Securities Contracts (Regulation) Act, 1956

The Securities and Exchange Board of India Act, 1992

Sahara India Real Estate v. Securities & Exchange Board of India, (2012) 10 SCC 603

Securities and Exchange Board of India v. Ajay Agarwal, (2010) 3 SCC 765

Prakash Gupta v. Securities and Exchange Board of India, AIR 2021 SUPREME COURT 3601 Supreme Court Judgment dated: July 23, 2021

III. REGULATION OF SECURITIES MARKET INTERMEDIARIES

- Depository System - An Overview, Benefits, The Depositories Act, 1996, Governance of Depository, SEBI (Depositories and Participants) Regulations, 1996
- Listing and Delisting of Securities: Benefits of Listing, Compliances under SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015, Corporate Governance under SEBI (LODR), 2015, Common Obligations of listed entities, Business responsibility and sustainability reporting by listed entities
- Securities and Exchange Board of India (Issue of Capital and Disclosure Requirements) Regulations, 2018: Overview; Major Concepts • anchor investor • composite issue • convertible debt instrument, convertible security, Initial Public Offer, Issue of Convertible Debt Instruments and Warrants, Rights Issue, Bonus Issue, Private Placement

Relevant Laws

The Depositories Act, 1996

Securities and Exchange Board of India (Issue of Capital and Disclosure Requirements) Regulations, 2018

SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015

IV. Legal Framework for Investor Protection in India

- Investor Grievance Redressal Mechanism at Stock Exchanges and SEBI
- Investor Education and Protection Fund
- Insider Trading: Overview, Concept and Penalty; Securities and Exchange Board of India (Prohibition of Insider Trading) Regulations, 2015

Major Concepts i. connected person ii. insider iii. unpublished price sensitive information.

Communication or procurement of unpublished price sensitive information.

- Emerging trends in Securities Regulation: Business Responsibility and Sustainability Reporting (BRSR) by Listed Entities; Evolving concept of Environmental-Social-Governance (ESG) Norms; Social Stock Exchanges.

Relevant Laws and Cases

- Securities and Exchange Board of India (Prohibition of Insider Trading) Regulations, 2015
- Rajat Gupta Case study, 2016
- SEBI v. Abhijit Ranjan, Supreme Court Judgment dated: Sept 119, 2022
- Hindustan Lever Ltd. v. SEBI, (1998) 18 SCL 311 MOF

Readings:

1. G.K. Kapoor & Sanjay Dhamija, “Company Law: A Comprehensive Text Book on Companies Act 2013”, 18th Edition, Taxmann Publication, Delhi, 2015
2. E. Gordon & : Capital Market in India; Himalaya Publishing House, Ramdoot,

3. K. Natarajan, Dr. Bhalerao Marg, Girgaon, Mumbai - 400004.
4. Sanjeev Aggarwal: Guide to Indian Capital Market; Bharat Law House, 22, Tarun Enclave, Pitampura, New Delhi – 110 034.
5. V.L. Iyer: SEBI Practice Manual; Taxman Allied Service (P) Ltd., 59/32, New Rohtak Road, New Delhi-110005.
6. M.Y. Khan: Indian Financial Systems; Tata McGraw Hill, 4/12, Asaf Ali Road, New Delhi – 110 002.
7. S. Suryanarayanan & : SEBI – Law, Practice & Procedure; Commercial Law Publishers (India) V. Varadarajan Pvt. Ltd., 151, Rajindra Market, Opp. Tis Hazari Court, Delhi – 110054
8. Mamta Bhargava: Compliances and Procedures under SEBI Law; Shreeji Publishers, 8/ 294, Sunder Vihar, New Delhi – 110 087

Important Note:

- The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
- The students are required to study the legislations as amended up-to-date, recent judgements and consult the latest editions of books.

Honours Course **Environment Law Group**

Law and Sustainable Development

Course Objectives: This course aims at developing the basic understanding of the principle of sustainable development. It shall explore the inter-connectedness between law as a tool in furthering the process of sustainable development and the goal of achieving economic, environmental and social equity. Most importantly, the course aims to move ahead of the anthropocentric understanding of the principle towards developing a holistic and eco-centric understanding of it. The course is structured keeping in mind, the 2030 Agenda for Sustainable Development and India's vision of becoming a developed country by 2047 where the aim is:

- To educate the young minds about historical context, connotation, evolution and present-day understanding of the concept of sustainable development.
- To build an eco-centric understanding of the concept of sustainable development in the young minds.
- To explore the role played by legislature, executive and judiciary in attaining sustainable development keeping in mind the principle of separation of powers.
- To educate young students on the *duty-based* understanding of sustainable development.
- To encourage students to understand the practical implications of sustainable development.
- To critically analyse the legal and policy framework on sustainable development in India.
- To examine the workability of Rights v. Duty based approaches in shaping the discourse and practice of sustainable development
- To encourage students to critically deliberate upon present-day social challenges and develop *ethical* and sustainable solutions through informed analysis taking into account inter-disciplinary perspectives.

Learning Outcomes:

- The students shall understand the practical implications of Sustainable Development through two key perspectives i.e., both as a process and as a goal.
- Their ability to contribute towards strengthening policy frameworks and governance structures vis-à-vis the process of sustainable development shall be enhanced.
- They shall learn to identify and evaluate relevant factors (cultural, economic, environmental, *ethical*, geographical, legal, and social) in real-time scenarios when tasked with making decisions related to sustainable development.
- They shall be able to understand significance of the role of the State as well as its citizens in achieving the goal of sustainable development.
- They shall be able to appreciate their role in the vision of becoming a developed country by 2047 keeping in mind the 2030 Agenda for sustainable development and transition to a post-2030 framework.

Unit 1- Introduction

- Introduction to the concept of sustainable development: Philosophical Foundations and inter-disciplinary perspectives.
- Indigenous and local communities as pioneers of sustainable development across time and space.

Readings:

- *Case Concerning the Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*, International Court of Justice, 25 September 1997 (separate opinion of Justice Weeramantry)
- *The role of Indigenous peoples and local communities in effective and equitable conservation*, published by International Union for Conservation of Nature

Unit 2- International Legal Framework on Sustainable Development

- Concept of sustainable development in international law
- Fundamental principles of environmental protection and Sustainability
- The 2030 Agenda for sustainable development
- Multilateral Environmental Agreements and sustainable development
- International decisions and the principle of sustainable development
- Sustainable Development post 2030: Priorities, challenges and commitments

Readings:

- Sands, Philippe. Principles of International Environmental Law. Cambridge University Press, 2003.

Unit 3- The Indian Legal and Policy Ecosystem on Sustainable Development

- Indian philosophy and sustainable development
- India's commitments at the international level and sustainable development
- Developmental Challenges specific to India
- Article 48-A and sustainable development
- Article 51-A (g), citizens' duty and sustainable development
- India's current legal and policy framework towards attaining SDGs

Readings:

- *SDG INDIA INDEX*, <https://sdgindiaindex.niti.gov.in>
- *M.C. Mehta v. Union of India*, AIR 1997 SC 734

Unit 4- India's Approach to Sustainable Development in Practice

- Strategic Environmental Assessment
 - Key considerations in policy formulation
- The EIA Regime before 2006 (prior to 1994 and 1994-2006)
 - *Narmada Bachao Andolan* case
- The EIA process under the 2006 Notification
- The Supreme Court's role in shaping the EIA framework
- The NGT's Approach on Grant of Environmental Clearance
 - *Ex-post facto environmental clearance*
- The Principle of Continuing EIA

Readings:

- *EIA Notification, 2006*
- *Narmada Bachao Andolan v. Union of India*, AIR 2000 SC 3751
- *Sachidanand Pandey v. State of West Bengal*, AIR 1987 SC 1109
- *The Okhla Bird Sanctuary Case*
- *The Goa Airport Cases*
- *Orissa Mining Corporation v Ministry of Environmetn and Forest*, (2013)6 SCC476
- *University Of Delhi vs Ministry of Environment Forest and Climate Change and Ors* on 31 May, 2022
- *Pahwa Plastics Pvt Ltd. vs Dastak Ngo and others*, Supreme Court, 25 March, 2022

Honours Course

Technology Law Group

Cyber Crimes and Information Technology Law

Learning Objectives

The course on Cyber Crimes and Information Technology Law aims to equip students with a comprehensive understanding of the legal and regulatory framework governing cyberspace. It enables learners to grasp the evolution, scope, and nature of cyber laws in India, with a detailed analysis of the Information Technology Act, 2000 and its key provisions related to offences, penalties, and intermediary responsibilities. The course aims to identify and classify various forms of cyber crimes such as hacking, phishing, identity theft, and cyber terrorism, while understanding their legal implications under both the IT Act and other allied laws like the IPC, CrPC, and the Evidence Act. The course also offers insights into national and international efforts to combat cyber crimes, including conventions like the Budapest Convention, and highlights challenges related to jurisdiction and data protection.

Learning outcomes

This course enables students to:

1. Understand the evolution and legal nature of cyberspace, and comprehend the structure and scope of information technology law in India, including the key provisions of the IT Act, 2000.
2. Identify and classify various cyber crimes, such as hacking, identity theft, cyber bullying, and cyber terrorism, and analyze offences against individuals, property, and the state.
3. Interpret and apply penal provisions under the IT Act, including those dealing with cyber offences, intermediary liability, and cyber terrorism, along with investigation and adjudication mechanisms.
4. Examine the application of traditional laws, such as the The Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita, Bharatiya Sakshya Adhiniyam, and POCSO Act, in cyber crime cases and explore their integration with IT law.
5. Evaluate international legal frameworks, such as the Budapest Convention and comparative cyber laws in jurisdictions like the US, and EU, including issues of jurisdiction and cross-border enforcement.
6. Analyze enforcement mechanisms, regulatory roles, and contemporary challenges in combating cyber crime, including digital evidence handling, legal reforms, and the need for a comprehensive data protection framework in India.

Unit I: Introduction to Cyberspace and Information Technology Law

Evolution and characteristics of cyberspace; Nature and scope of cyber laws; Overview of Information Technology Act, 2000 (as amended); Digital signatures and electronic records; Role of CERT-In and Controller of Certifying Authorities

Unit II: Cyber Crimes – Concepts and Classifications

Definition and nature of cybercrimes; Types of cybercrimes: hacking, phishing, identity theft, cyber stalking, cyber bullying, spoofing, etc.; Offences against individuals, property, and government; Jurisdictional challenges in cyberspace.

1. Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) ALD (Cri) 96; 2005 CriLJ 4314(meaning of computer)
2. Diebold Systems Pvt. Ltd. vs The Commissioner, ILR 2005 KAR 2210

Unit III: Legal Framework under the IT Act, 2000

Penal provisions under IT Act: Sections 43, 66, 66A–F, 67, 67A–C, etc.; Cyber terrorism and Section 66F; Intermediary liability and safe harbour provisions; Investigation, adjudication, and penalties.

3. A. Shankar vs State Rep. By on 13 December, 2010, IN THE HIGH COURT OF JUDICATURE AT MADRAS, 13.12.2010, Cri.O.P No.6628 of 2010.
4. Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) ALD (Cri) 96; 2005 CriLJ 4314 20
5. Sanjay Kumar v State of Haryana P&H CRR No. 66 of 2013 dt 10/01/2013(65, 66) 31 Hacking (s.43(i) read with s.66)
6. State of A.P. through Inspector of Police, Cyber Crimes P.S., CID, Hyderabad v. Prabhakar Sampath, Addl. CMM Hyderabad, decided on 31/03/2015, CC 489 of 2010 available at: www.prashantmali.com/cyber-law-cases 36 Identity Theft and cheating by Personation (ss.66C and 66D) (phishing, email spoofing, password theft etc.)
7. NAASCOM v. Ajay Sood, 119 (2005) DLT 596 (Phishing) 39 Obscenity and Pornography (ss.66E, 67, 67A, 67B, s.292 IPC) v
8. Aveek Sarkar v. State of West Bengal (SC) Criminal Appeal no. 902 of 2004 decided on 3/2/2014 (Obscenity Test) 42 9. State of Tamil Nadu v. SuhasKatti,Decided by CMM, Egmore, decided on Nov. 5, 2004available at <http://www.prashantmali.com/cyber-law-cases>; <http://www.legalserviceindia.com/lawforum/index.php?topic=2238.0>
9. Avinash Bajaj v.State, Delhi HC decided on 29/05/2008 available at <https://indiankanoon.org/doc/309722/> Air Force Bal Bharti School Case
10. The State (Cyber Cell) ...Complainant v. Yogisha @ Yogesh Pandurang Prabhu, Addl. Chief Metropolitan Magistrate, 37th court, Esplanade, Mumbai C.C. No. 3700686/ps/2009 decided on 3/07/2015 available at: <http://www.cyberlawconsulting.com/Yogesh%20Prabhu%20Vs%20State-%20Cyber%20Stalking.pdf> (s.66E. S.67. S. 67A) 55
11. Maqbool Fida Husain v.Raj Kumar Pandey, Delhi HC decided on 8/5/2008 Vaibhav Jain v. Vice Chancellor Devi Ahilya Vishwavidyalaya, decided on 3rd Jan 2002 , available at Indian Kanoon - <http://indiankanoon.org/doc/521882/>

Unit IV: Cyber Crimes and Laws

Application of Bharatiya Nyaya Sanhita to cyber-crimes; Relevant provisions from Bharatiya Nagarik Suraksha Sanhita, Bharatiya Sakshya Adhiniyam, Evidence Act,, and POCSO Act; Data privacy and protection: intersections with cyber law; Relevant case laws and judicial interpretations.

12. Anvar P.V v.P.K.Basheer, Supreme Court, decided on 18 September, 2014, Civil Appeal No. 4226 of 2012, available at <http://indiankanoon.org/doc/187283766/> 79
13. Arjun Pandit Rao Khotkar v. Kailash Kushanrao Gorantyal, 2020 SCC Online SC 571

Unit V: Emerging Trends and International Perspective

International cooperation in combating cyber crime; Budapest Convention on Cyber Crime; Comparative overview: US, UK, EU data protection and cyber laws; Cross-border data transfer and jurisdiction issues

14. *Banyan Tree Holdings (P) Ltd v. A Murali Krishna Reddy*, CS (OS) No. 894/2008, Del(DB), decided on 23/11/2009;
15. *World Wrestling Entertainment v. Reshma Collections*, FAO (OS) 506/2013 in CM Nos. 17627/2013, 18606/2013, Del(DB) decided on 15/10/2014;
16. *Big Tree Entertainment v. Saturday Sunday Media Internet*, CS (COMM) Nos. 53/2015 and 54/2015 (Del) decided on 21/12/2015;
17. *Impressario Entertainment v. S & D Hospitality*, IA nos. 1950/2017 in CS (COMM) 111/2017 (Del) decided on 3rd Jan. 2018;
18. *Super Cassettes Industries Ltd v. Myspace Inc.*, IA No.15781/2008 & IA No. 3085/2009 in CS (OS) No. 2682/2008(Del) decided on 29/07/2011;
19. *P.R. Transport Agency v. Union of India*, AIR 2006 All 23; *Shailabh Jain vs The State of Madhya Pradesh*, (Madhya Pradesh HC) M.Cr.C.No.7894/2013 decided on 01/11/2013;
20. *Driplex Engineering Ltd v. Mukesh Aggarwal*, Adjudicating Officer (Del), decided on 15/10/2010;
21. *Vinod Kaushik v. Madhvika Joshi*, WP(C) 160/2012, Delhi High Court, order dt. 27/01/2012 available at <https://it.maharashtra.gov.in/Site/Upload/ACT/Madhvika%20Vs%20Kaushik-highcourt.PDF>
22. *v. Amit Dilip Patwardhan Rud India Chains Pvt. Ltd.*, Adjudicating Officer, decided on 15/04/2013 complaint no. 1 of 2013 available at <https://it.maharashtra.gov.in/Site/Upload/ACT/AmitPatwardhanVsRudIndiaVipinRao%2015Apr%202013%20Rajesh%20Aggarwal.pdf>

Unit VI: Enforcement, Regulation & Contemporary Challenges

Role of law enforcement agencies and cyber cells; Cyber crime investigation procedure and tools; Challenges in digital evidence collection and admissibility; Legal reforms and the need for a comprehensive data protection regime in India; Recent developments and judicial trends

23. *Justice K.S. Puttaswamy vs. Union of India*, is cited as (2017) 10 SCC Vinod Kaushik v. Madhvika Joshi, WP(C) 160/2012, Delhi High Court, order dt. 27/01/2012 available at 1 <https://it.maharashtra.gov.in/Site/Upload/ACT/Madhvika%20Vs%20Kaushikhighcourt.PDF>
24. *Amit Dilip Patwardhan v. Rud India Chains Pvt. Ltd.*, Adjudicating Officer, decided on 15/04/2013 complaint no. 1 of 2013 available at iv <https://it.maharashtra.gov.in/Site/Upload/ACT/AmitPatwardhanVsRudIndiaVipinRao%2015Apr%202013%20Rajesh%20Aggarwal.pdf> *State Bank of India v. Chander Kalani*, 2019 SCC online Del 7031

Reference

1. Kamath Nandan, *Law Relating to Computers Internet & E-commerce - A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws* 2016
2. Kamlesh K Bajaj, Debjani Nag, *E-commerce: the cutting edge of business*, 2 nd Ed. 2017
3. Vakul Sharma, *Information Technology Law & Practice*, 8 th ed. 2023

4. Karnika Seth, Computers Internet and New Technology Laws, 2nd ed. 2016
5. Apar Gupta Commentary on Information Technology Act, 3rd ed. 2015
6. Alwyn Didar Singh, E-Commerce In India: Assessments And Strategies For The Developing World 2008
7. Chris Reed, Internet Law Text and Materials 2010
8. Aparna Viswanathan, Cyber Law (Indian & International Perspectives on key topics including Data Security, E-commerce, Cloud Computing and Cyber Crimes) 2012
9. Ashwani K. Bansal, Law of Trade Marks in India 2014
10. Lawrence Lessig, Code and Other Laws of Cyberspace 1999, Code version 2.0, Basic Books Publication (2006)
11. Ferrera et al, Cyber Law Text and Cases, South-Western, Cengage Learning, 3 rd Ed. (2012)
12. Prashant Mali, Cyber Law and Cyber Crimes, Snow white Publications 2nd Ed.(2015)
13. Swati Mehta, "Cyber Forensics and admissibility of Digital Evidence", 2012 Practical Lawyer January S-23, available at: vi
http://www.supremecourtcases.com/index2.php?option=com_content&itemid=135&do_pdf=1&id=2821
 2. Sherry L. Xie, "Building Foundations for Digital Records Forensics: A Comparative Study of the Concept of Reproduction in Digital Records Management and Digital Forensics", 74(2) The American Archivist 576-599 (Fall/Winter 2011) available at: <http://www.jstor.org/stable/23079051>

Note: Examination scheme and mode shall be as prescribed by the Examination Branch, University of Delhi, from time to time.

Cyber Security and Cyber Forensics

Credit Distribution, Eligibility and Pre-requisites of the Course

Learning Objectives

This course provides a comprehensive understanding of the fundamental concepts of cyber security, encompassing its nature, scope, and growing significance in the digital age. It examines various cyber threats including malware, phishing, ransomware, and DDoS attacks and their implications for national security and critical infrastructure. The course explores the roles of key regulatory and governmental agencies such as CERT-In and NCIIPC in cyber governance, alongside India's legal and policy frameworks like the Information Technology Act, 2000, and the National Cyber Security Policy. It delves into international cyber norms and their relevance to Indian law, while analyzing complex cyber crimes such as terrorism, warfare, and espionage, as well as corporate responsibilities in mitigating cyber threats. Learners will gain practical insights into cyber forensics, including techniques for identifying, preserving, analyzing, and presenting digital evidence, and differentiate among types of digital evidence and their admissibility in court.

Learning outcomes

This course enables students to:

Upon successful completion of this the, students will be able to:

1. Understand the fundamentals of cyber security, including its scope, types of threats, and the significance of protecting critical infrastructure.
2. Analyze the legal and policy framework governing cyber security in India, including the IT Act, National Cyber Security Policy, data protection laws, and global legal standards.
3. Gain a foundational understanding of cyber forensics, including the nature and types of digital evidence, methods of evidence collection and preservation, and principles of admissibility in legal proceedings.
4. Understand investigative procedures and judicial trends, including the role of enforcement agencies, legal challenges in cybercrime investigation, judicial interpretation of digital evidence, and the need for ongoing legal reform.

Unit I: Introduction to Cyber Security

Definition, nature, and scope of cyber security, Cyber threats: viruses, malware, ransomware, phishing, DDoS attacks, Critical infrastructure and national security, Role of government and regulatory bodies (e.g., CERT-In, NCIIPC)

1. Justice K.S. Puttaswamy vs. Union of India, is cited as (2017) 10 SCC Vinod Kaushik v. Madhika Joshi, WP(C) 160/2012, Delhi High Court, order dt. 27/01/2012 available at 1 <https://it.maharashtra.gov.in/Site/Upload/ACT/Madhika%20Vs%20Kaushikhighcourt.PDF>

Unit II: Legal and Policy Framework for Cyber Security in India

Overview of IT Act, 2000 (with focus on cyber security provisions), National Cyber Security Policy, 2013, Data protection and privacy laws: current status and developments, International norms and cooperation on cyber security. The Digital Personal Data Protection Act (DPDP Act), 2023

2. Shreya Singhal v U.O.I, SC decided on 24/03/2015(s. 66A) 132
3. Ratan Tata v Union of India, Writ Petition (Civil)No. 98 of 2010
4. Sreekanth C. Nair v. Developer of Web-Site, Kerala High Court 28 August 2008, Cr. R.P. No.2900 of 2008available at<https://indiankanoon.org/doc/1915848/>
5. Anuradha Bhasin v. Union of India, (2020) 3 SCC 637;2020 SCC Online SC 25

Unit III: Cyber Crimes and Security Breaches

Cyber terrorism, cyber warfare, cyber espionage, Insider threats and corporate cyber breaches, Case studies of major security breaches (India and global), Legal obligations of corporate entities and service providers

Unit IV: Introduction to Cyber Forensics

Meaning and scope of cyber forensics, Fundamentals of digital evidence: identification, preservation, analysis, and presentation, Types of digital evidence (emails, logs, metadata, etc.), Chain of custody and admissibility in courts

Unit V: Tools and Techniques in Cyber Forensics

Forensic tools and software (e.g., EnCase, FTK, Autopsy), Computer forensics vs. network forensics vs. mobile forensics, Password cracking, data recovery, log analysis, Ethical hacking and penetration testing in forensic investigations

6. Mukesh and Another v. State (NCT of Delhi) and Others (2017) 6 SCC 1
7. Hari Om @ Hero v. State of Uttar Pradesh 2021 SCC OnLine SC 2
8. Rakesh Shetty v. State of Karnataka (2020)WRIT PETITION NO.11169 OF 2020
9. Rakesh Shetty v. State of Karnataka (2020) WRIT PETITION NO.11169 OF 2020 (GM-RES)

Unit VI: Investigation Procedure and Judicial Trends

Investigation of cyber offences: procedural laws and challenges, Role of police, cyber cells, and judiciary, Digital evidence under the Indian Evidence Act, Key case laws and judicial interpretations relating to cyber forensics, Future challenges, and need for legal reform

10. K. Ramajayam @ Appu vs The Inspector of Police on 27 January, 2016, IN THE HIGH COURT OF JUDICATURE AT MADRAS, dated: 27-1-2016, Referred Trial No.1 of 2015, Criminal Appeal No.110 of 2015
- 11.
12. Kent Ro Systems Ltd & Anr Versus Amit Kotak & Ors (EBAY – January 2017). 2017 (69) PTC 551 (Del) Available at <https://indiankanoon.org/doc/163813330/?type=print>

References

1. Bossler, A. M. (2018, May). Policing cybercrime. In *Oxford bibliographies*. Oxford University Press. <https://doi.org/10.1093/OBO/9780195396607-0244>
2. Ebert, H., & Maurer, T. (2017, January). Cyber security. In *Oxford bibliographies*. Oxford University Press. <https://doi.org/10.1093/OBO/9780199743292-0196>

3. Lerner, K. L., & Lerner, B. W. (Eds.). (2005). Computer security and computer crime investigation. In *World of forensic science* (Vol. 1, pp. 164-166). Gale.
4. The Oxford Handbook of Cyber Security Paul Cornish (ed.) 8 December 2021, Print ISBN: 9780198800682. Publisher: Oxford University Press.
5. Maimon, D., & Hunt, D. E. (2020, February). Cybercrime investigations and prosecutions. In *Oxford bibliographies*. Oxford University Press. <https://doi.org/10.1093/OBO/9780195396607-0276>
6. McQuade, S. C. (2009). Research on cybercrime. In S. C. McQuade, III (Ed.), *Encyclopedia of cybercrime* (pp. 158-161). Greenwood Press.
7. Moule, R. K. (2017, February). Criminal use of technology. In *Oxford bibliographies*. Oxford University Press. <https://doi.org/10.1093/OBO/9780195396607-0211>
8. Richards, J. (2018, January). Cyber warfare. In *Oxford bibliographies*. Oxford University Press. <https://doi.org/10.1093/OBO/9780199743292-0076>
9. Rogers, M. K. (2010). Cyber forensics. In J. G. Voeller (Ed.), *Wiley handbook of science and technology for homeland security* (Vol. 2, pp. 1009-1021). Wiley.
10. Kotler, Philip, Keller, Kevin Lane, Koshy, Abraham, & Mithileshwar Jha (2012). *Marketing Management: A South Asian Perspective*. Pearson.
11. Kotler, Philip & Keller, Kevin Lane (2012). *Marketing Management*. Pearson.
12. Ian, Dodson I. (2016). *The Art of Digital Marketing: The Definitive Guide to Creating Strategic, Targeted, and Measurable Online Campaigns*. Wiley.
13. Kotler, P. Kartajaya, H & Setiawan, I. (2017). *Marketing 4.0: Moving from Traditional to Digital*. Wiley.
14. Kumar, S. and Kaur, S. (2023). *Digital Marketing*. Taxmann Publications
15. Gupta, S. (2022). *Digital Marketing*. McGraw Hill

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Financial Literacy **(Skill Course 4)**

Learning Objectives of this course are as follows:

- Familiarity with different aspects of financial literacy such as savings, investment, taxation, and insurance
- Understand the relevance and process of financial planning
- Promote financial well-being

Learning Outcomes of this course are as follows:

- Develop proficiency for personal and family financial planning
- Apply the concept of investment planning
- Ability to analyse banking and insurance products
- Personal tax planning

Unit 1- Introduction, Financial Planning and Budgeting

- Meaning, importance and scope of financial literacy; Prerequisites of financial literacy – level of education, numerical and communication ability; Various financial institutions – banks, insurance companies, post offices, mobile app-based services. Need of availing of financial services from banks, insurance companies and postal services. Concept of economic wants and means for satisfying these needs;
- Balancing between economic wants and resources; Meaning, importance and need for financial planning; Personal budget, family budget, business budget and national budget; Procedure for financial planning and preparing a budget; Budget surplus and budget deficit, Avenues for savings from surplus, Sources for meeting the deficit.

Unit 2- Banking and Digital Payments, Investment Management and Personal Tax Planning

- Banking products and services; Digitisation of financial transactions: Debit Cards {ATM Cards} and Credit Cards. Net banking and UPI, digital wallets, Security and precautions against Ponzi schemes and online frauds
- Investment opportunity and financial products; Insurance Planning: Life and non-life including medical insurance schemes
- Introduction to basic Tax Structure in India for personal taxation; Aspects of Personal tax planning; Exemptions and deductions for individuals; e-filing

Readings

- Introduction to Financial Planning (4th Edition 2017)- Indian Institute of Banking & Finance.
- Bhasham, A.L, Wonder that was India: A Survey of the Culture of the Indian Subcontinent Before the Coming of the Muslims. London, Sidgwick and Jackson, 1954'
- Sinha, Madhu. Financial Planning: A Ready Reckoner July 2017, McGraw Hill.
- Halan, Monika, Lets' Talk Money: You've Worked Hard for It, Now Make It Work for You, July 2018 Harper Business.
- Pandit, Amar The Only Financial Planning Book that You Will Ever Need, Network 18 Publications Ltd.

Evaluation Pattern

Total Marks: 50 marks

Internal Assessment: 25 marks (20 marks for assignment, class test, projects, presentations and field work and 5 marks for attendance). The Internal Assessment for the course may include Class participation, Assignments, Class tests, Projects, Field Work, Presentations, amongst others as decided by the faculty.

End Semester University Exam: 25 marks
